

AGENDA UPDATE
JANUARY 6, 2022 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

FULL COMMISSION

You are invited to a Zoom webinar.

When: Jan 6, 2022 07:00 PM Central Time (US and Canada)

Topic: Full Commission Meeting (P/Z)

We invite you to view the meeting in person in the lobby area of City Hall, 701 N. 7th Street, Kansas City, Kansas or virtually via a Zoom webinar.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/86381458884?pwd=cHc5ZWtWWEVhZ3cxUGpkbWZhTmwzQT09>

Passcode: 147566

Description: The Board of Commission has policy-making authority over the County of Wyandotte County and Kansas City, KS. The Commission sets county policies, adopts ordinances, appropriates funds, approves land re-zonings and special exceptions to the zoning ordinance, and carries out other responsibilities set forth by the State Code.

Or One tap mobile:

+12532158782,,86381458884# US (Tacoma)

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Or join by phone:

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US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 863 8145 8884

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JANUARY 6, 2022 AGENDA**

1. BLUE SHEET REVISIONS

IX. MAYOR'S AGENDA- NEW ITEM NO. 1

PROCLAMATION: DR. VERNARD JOHNSON DAY

Synopsis: Proclamation recognizing Dr. Vernard Johnson for 16 years of faithfulness and outstanding leadership in the community as well as his worldwide influence as a preacher of the gospel and renowned musician.

Tracking #: 211230

2. **IX. MAYOR'S AGENDA NEW ITEM NO. 2**

RECOGNITION: PANDARAMA PRE-SCHOOL STREET

Synopsis: On Saturday, December 18th, 2021, Nebraska Avenue between 7th and 8th streets was renamed Pandarama Lane to celebrate the legacy and positive impact of Pandarama Pre-Schools Inc. For over 25 years, the Pandarama Pre-School has served the Kansas City community exemplifying quality childcare and providing preschool-aged children with the level of education they deserve. Pandarama Pre-School Thank you to the Harper and Sipple families for your continued dedication to the children of Wyandotte County, submitted by Mayor Garner.

Tracking #: 211231

3. **IX. MAYOR'S AGENDA - REVISED ITEM NO. 3**

RESOLUTION: APPOINTING INTERIM COUNTY ADMINISTRATOR

Synopsis: A resolution appointing Cheryl Harrison-Lee Interim County Administrator, submitted by Misty Brown, Chief Counsel.

Tracking #: 211232

4. **XIII. ADMINISTRATOR'S AGENDA**

REMOVE ITEM NO. 2- ORDINANCES: STORMWATER AND POTENTIAL RATE STRUCTURES AT REQUEST OF MAYOR GARNER.

VI. CLERK'S STATEMENT

(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

VI. CLERK'S STATEMENT

(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)

VII. PLANNING AND ZONING CONSENT AGENDA

Item No. 1. - RESOLUTION: EXTENSION OF MORATORIUM ON ENFORCEMENT OF MURALS WITHIN RESIDENTIAL ZONING DISTRICTS

Synopsis:

A request for consideration of extending the moratorium on enforcement of pre-existing murals prohibited within certain zoning districts, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The moratorium shall apply to the following districts and their planned equivalents: A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, TND T-1, TND T-2, TND T-3, and TND T-4.

*On December 6, 2021, the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.*

Tracking #: 211197

Item No. 2. - RESOLUTION: EXTENDING CERTAIN SECTIONS OF THE CODE OF ORDINANCES IN CONJUNCTION WITH COVID-19

Synopsis: Consideration of extending the suspension of certain sections of Chapter 27, Planning and Zoning, and Chapter 32 of the Code of Ordinances, in conjunction with the COVID-19 emergency ordinances passed by the Unified Government Board of Commissioners, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

*On December 6, 2021, the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.*

Tracking #: 211198

A. CHANGE OF ZONE APPLICATIONS

1. COZ2021-004 - MARK CROSS WITH CROSSROAD TRUCKING, LLC

Synopsis: Change of Zone from R-1 Single Family and CP-O Planned Non-Retail Business Districts to CP-1 Planned Limited Business District for a single-family residence and accessory structures at 7331 Holliday Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211274

2. **COZ2021-029 - WESTON SPARKS WITH RIDE 4 EVER SKATE PARK**

Synopsis: Change of Zone from R-1 Single Family District to CP-3 Planned Commercial District to convert a warehouse to a skate park/skate school at 230 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211277

3. **COZ2021-037 - ERIC FLETCHER**

Synopsis: Change of Zone from R-1 Single Family District to R-3 Townhouse District to bring the existing non-conforming triplex into compliance at 4461 Eaton Street., submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL TO RP-3 PLANNED TOWNHOUSE DISTRICT)**

Tracking #: 211276

4. **COZ2021-039 - JOE PRENGER WITH A & J FREEDOM PROPERTIES LLC**

Synopsis: Change of Zone from R-1(B) Single Family District to TND Traditional Neighborhood Design District for an existing non-conforming three (3) unit residential building at 3159 Orville Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211281

5. **COZ2021-040 - LORENZO GARCIA**

Synopsis: Change of Zone from R-1(B) Single Family District to A-G Agriculture District for agricultural uses at 3740 North 35th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211283

6. **COZ2021-041 - JON SIMPSON WITH BHC RHODES**

Synopsis: Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District to split office from cemetery property at 1150 North 38th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211284

7. **COZ2021-043 - SHERRIE GAYED WITH FRIENDSHIP INN**

Synopsis: Change of Zone from R-1 Single Family District to R-3 Townhouse District for a 17-unit building for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems at 4403 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211288

8. **COZ2021-045 - GILBERTO GONZALEZ GUERRERO**

Synopsis: Change of Zone from C-1 Limited Business District to C-3 Commercial District to accommodate a used car dealership with light repair and maintenance at 7512 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL TO CP-3 PLANNED COMMERCIAL DISTRICT)**

Tracking #: 211291

9. **COZ2021-046 - MATT ALTRICH WITH JOCO CAPITAL ONE, LLC**

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for two (2) living units at 4108 Adams Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211293

10. **COZ2021-049 - TERESA CHRISTOPHER**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 2000 South 49th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211296

11. **COZ2021-052 - COLE ANDERSON WITH BETTIS ASPHALT & CONSTRUCTION, INC.**

Synopsis: Change of Zone (previously approved to MP-3) to revise the hours of operation condition of approval of COZ2021-018 at 1625 South 86th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211297

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2021-059 - MORTEZA GURABI**

Synopsis: Special Use Permit to keep approximately 50 chickens at 4621 Swartz Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 20 CHICKENS FOR 2 YEARS)**

Tracking #: 211298

2. **SP2021-071 - JESSICA BETTS**

Synopsis: Special Use Permit for a Short-Term Rental at 749 Locust Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 1 YEAR)

Tracking #: 211299

3. **SP2021-073 - DANIEL CASTILLO WITH MANOR RECORDS**

Synopsis: Special Use Permit for a drinking establishment with live entertainment in a record store (Manor records) at 401 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR**

APPROVAL FOR 2 YEARS)

Tracking #: 211300

4. **SP2021-074 - SHERRIE GAYED WITH FRIENDSHIP INN**

Synopsis: Special Use Permit for a 17-unit building for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems at 4403 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211290

5. **SP2021-075 - PEARL A. KING**

Synopsis: Renewal of a Special Use Permit (SP-2019-74 – expired 9/26/2021) for a restaurant/drinking establishment with live entertainment at 812 South 12th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 211301

6. **SP2021-076 - MATT ALTRICH WITH JOCO CAPITAL ONE, LLC**

Synopsis: Special Use Permit for a Short-Term Rental at 4108 Adams Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 1 YEAR)

Tracking #: 211294

7. **SP2021-079 - GILBERTO GONZALEZ GUERRERO**

Synopsis: Special Use Permit to accommodate a used car dealership with light repair and maintenance at 7512 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211292

8. **SP2021-082 - KEVIN BENTLEY WITH CATHOLIC CHARITIES OF NORTHEAST KANSAS**

Synopsis: Special Use Permit for a group home program with gardens/greenhouse for training (Shalom House) and office/gardening space for New Roots program at 2601 Ridge Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211302

C. VACATION APPLICATION

1. **VAC2021-010 - AMY STROTHER**

Synopsis: Vacation of right-of-way at 4600 Parkview Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211303

D. PLAN REVIEW APPLICATION

1. **PR2021-035 - BRANDON SISK WITH UG (BPU)**

Synopsis: Preliminary and Final Plan Review for BPU Water Argentine reservoir reconstruction at 1801 South 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211304

E. MASTER PLAN AMENDMENTS

1. **MPL2021-017 - MARK CROSS WITH CROSSROAD TRUCKING, LLC**

Synopsis: Master Plan Amendment from Low Density Residential to Neighborhood Commercial (City-Wide Master Plan) at 7331 Holliday Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211278

2. **MPL2021-018 - WESTON SPARKS WITH RIDE 4 EVER SKATE PARK**

Synopsis: Master Plan Amendment from Low Density Residential to Community Commercial (City-Wide Master Plan) at 230 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211279

3. **MPL2021-021 - ERIC FLETCHER**

Synopsis: Master Plan Amendment from Single Family Residential to General Urban (Rosedale Area Master Plan) at 4461 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211280

4. **MPL2021-023 - SHERRIE GAYED WITH FRIENDSHIP INN**

Synopsis: Master Plan Amendment from Urban Mixed Use to General Urban (Rosedale Master Plan) at 4403 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211289

5. **MPL2021-027 - MATT ALTRICH WITH JOCO CAPITAL ONE, LLC**

Synopsis: Master Plan Amendment from Single Family to General Urban (Rosedale Area Master Plan) at 4108 Adams Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211295

6. **MPL2021-029 - JON SIMPSON WITH BHC RHODES**

Synopsis: Master Plan Amendment from Public/Semi-Public to Community Commercial at 1150 North 38th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211286

7. **MPL2021-030 - JOHN PRENGER WITH A&J FREEDOM PROPERTIES**

Synopsis: Master Plan Amendment from Urban Density to Mixed Use (Central Area Master Plan) at 3159 Orville Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211282

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

1. **AN ORDINANCE** rezoning property at 3600 Rainbow Boulevard (COZ2021-033) from RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
2. **AN ORDINANCE** rezoning property at 2211 North 13th Street (COZ2021-036), from C-O Nonretail Business District to RP-2 Planned Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

3. **AN ORDINANCE** authorizing a Special Use Permit for liquor sales in conjunction with a convenience store/gas station (SP2021-034) at 8537 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
4. **AN ORDINANCE** authorizing a Special Use Permit for continuation of a dog day care (SP2021-068) at 221 South 22nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR JANUARY 6, 2022

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2019.

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

IX. MAYOR'S AGENDA

1. **RESOLUTION: APPOINTING INTERIM COUNTY ADMINISTRATOR (REVISED PER BLUE SHEET)**

Synopsis: A resolution appointing an Interim County Administrator, submitted by Misty Brown, Chief Counsel.

Tracking #: 211228

X. REGULAR CONSENT AGENDA

1. **NOMINATION: BOARDS AND COMMISSIONS**

Synopsis: Lynn Melton for the Law Enforcement Advisory Board, 1/6/2021 - 12/11/2023, submitted by Commissioner Burroughs

Tracking #: 211311

2. **MINUTES**

Synopsis: Minutes from regular session of September 30, 2021.

Tracking #: MINUTES

3. **WEEKLY BUSINESS MATERIAL**

Synopsis: Weekly business material dated December 10 and 16, 2021.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. APPROVAL: 2022 UNIFIED GOVERNMENT LEGISLATIVE AGENDA

Synopsis: Proposed Unified Government Legislative Agenda for the 2022 State Legislative Session., submitted by Melissa Sieben, Assistant County Administrator.

Tracking #: 211314

2. ORDINANCES: STORMWATER AND POTENTIAL RATE STRUCTURES (REMOVED AT REQUEST OF MAYOR GARNER)

Synopsis: Presentation on two options for stormwater and potential rate structures, submitted by Jeff Fisher, Executive Director of Public Works; and David Reno, Public Works Community Engagement Officer. Two structures have been advanced from Commission direction at the November 18, 2021 special session.

- Tiered rate structure
- Individually calculated rate structure

This item was previously heard at the 12/2/21 Planning & Zoning and Full Commission Meeting and was held over.

Tracking #: 211227

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JANUARY 6, 2022**

IX. MAYOR'S AGENDA

NEW ITEM

ITEM NO. 1 –: PROCLAMATION: DR. VERNARD JOHNSON DAY

Synopsis: Proclamation recognizing Dr. Vernard Johnson for 16 years of faithfulness and outstanding leadership in the community as well as his worldwide influence as a preacher of the gospel and renowned musician.

Tracking #: 211230

**ITEM NO. 2 – RECOGNITION: PANDARAMA PRE-SCHOOL STREET
RENAMING**

Synopsis: Recognition of Nebraska Avenue between 7th and 8th Streets renamed to Pandarama Lane in honor of Pandarama Pre-School.

Tracking #: 211231

REVISED ITEM

**ITEM NO. 3 – RESOLUTION: APPOINTING INTERIM COUNTY
ADMINISTRATOR**

Synopsis: A resolution appointing Cheryl Harrison-Lee Interim County Administrator, submitted by Misty Brown, Chief Counsel.

Tracking #: 211228

XIII. ADMINISTRATOR'S AGENDA

REMOVE ITEM AT REQUEST OF MAYOR GARNER

**ITEM NO. 2 – ORDINANCES: STORMWATER AND POTENTIAL RATE
STRUCTURES**

Synopsis: Presentation on two options for stormwater and potential rate structures, submitted by Jeff Fisher, Executive Director of Public Works; and David Reno, Public Works Community Engagement Officer. Two structures have been advanced from Commission direction at the November 18, 2021 special session.

- Tiered rate structure
- Individually calculated rate structure

This item was previously heard at the 12/2/21 Planning & Zoning and Full Commission Meeting and was held over.

Tracking #: 211227



PROCLAMATION

- WHEREAS,** Dr. Vernard Johnson is an acclaimed and accomplished saxophonist and church leader who was inducted into the International Gospel Music Hall of Fame and received their “Lifetime Achievement Award”; and
- WHEREAS,** Dr. Johnson is the first African American to receive a doctorate degree from Southwestern Theological Seminary – School of Church Music in Fort Worth, Texas; and
- WHEREAS,** Dr. Vernard has performed before over 400 million people in America and foreign countries via his television, radio, and personal appearances; and
- WHEREAS,** Dr. Vernard composes and arranges for Full Symphony Orchestra and is the National Orchestra Director for the Church of God in Christ, worldwide; and
- WHEREAS,** Dr. Vernard is the President of the Vernard Johnson Evangelistic Association and through it he has personally led countless numbers of people into making positive, life-changing decisions for Christ through his concerts; and
- WHEREAS,** Other state legislatures have proclaimed him “Entertainer of the Year” and “The Greatest Gospel Saxophonist in the World”, he is a native of Wyandotte County and the Wyandotte Public School system where his interest in the saxophone was ignited; and
- WHEREAS,** As a Kansas Citian, whose impact has been felt worldwide. Dr. Vernard Johnson has inspired thousands as a preacher of the gospel and a renowned musician, and he will be honored for 16 years of faithfulness and outstanding leadership.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim Thursday December 30, 2021, as:

“Dr. Vernard Johnson Day”

in Wyandotte County/Kansas City, Kansas. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 211231

Full Commission Meeting Date: 1/6/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 01/06/2022	<u>Contact Name:</u> Tayler Wash	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> twash@wycokck.org	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> On Saturday, December 18 th , 2021, Nebraska Avenue between 7 th and 8 th streets was renamed Pandarama Lane to celebrate the legacy and positive impact of Pandarama Pre-Schools Inc. For over 25 years, the Pandarama Pre-School has served the Kansas City community exemplifying quality childcare and providing preschool-aged children with the level of education they deserve. Pandarama Pre-School Thank you to the Harper and Sipple families for your continued dedication to the children of Wyandotte County, submitted by Mayor Garner.				
<u>Action Requested:</u> For Information Only				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 211232

Full Commission Meeting Date: 1/6/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 01/06/2022	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution appointing Cheryl Harrison-Lee Interim County Administrator, submitted by Misty Brown, Chief Counsel.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution authorizing appointment of Interim CA.Final				

RESOLUTION NO. R-_____

A RESOLUTION AUTHORIZING THE APPOINTMENT OF CHERYL HARRISON-LEE AS THE INTERIM COUNTY ADMINISTRATOR OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN EMPLOYMENT AGREEMENT IN CONNECTION WITH THE APPOINTMENT

WHEREAS, on April 1, 1997, the voters of Wyandotte County approved the Consolidation Recommendations of the Wyandotte County/Kansas City, Kansas Consolidation Study Commission, (the “Charter”) consolidating the Board of Commissioners of Wyandotte County, Kansas and the City Council of Kansas City, Kansas, into the Unified Government Board of Commissioners (the “Board of Commissioners”); and

WHEREAS, the Charter provides for the appointment of a County Administrator by the Mayor/CEO with the consent of the Board of Commissioners; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the County Administrator shall be appointed on the basis of executive, managerial, and administrative qualifications, as demonstrated by a verified record of training and experience; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the terms and conditions of employment of the County Administrator shall be reduced to writing; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the County Administrator shall be a resident of the County while in office; and

WHEREAS, the Board of Commissioners has determined that an interim County Administrator shall have a period of 15 months from the date of appointment to establish permanent residency in Wyandotte County, as set forth in Section 2.7 of the Unified Government Human Resources Guide, unless the Mayor/CEO grants an extension of time to the Interim County Administrator; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS:

Section 1. That the Mayor, with the consent of the Unified Government Board of Commissioners, having reviewed the qualifications, training, and experience of Cheryl Harrison-Lee, hereby appoints Cheryl Harrison-Lee as Interim County Administrator of the Unified Government for a term beginning 12:01 am on January 7, 2022, through midnight on April 1, 2023.

Section 2. That the Mayor/CEO is hereby authorized to negotiate an employment agreement and to execute, in the name of the Unified Government, the employment agreement,

and that the Unified Government Clerk is hereby authorized and directed to attest the signature of the Mayor/CEO and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to an employment agreement between the Unified Government and Cheryl Harrison-Lee regarding the terms and conditions of their appointment as Interim County Administrator.

Section 3. All other employees and agents of the Unified Government are authorized to approve all certificates and instruments and take all actions as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 4. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 6TH DAY OF JANUARY 2022.**

Attest:

Unified Government Clerk

Approved as to form:

Chief Counsel

XIII. ADMINISTRATOR'S AGENDA

REMOVE ITEM AT REQUEST OF MAYOR GARNER

ITEM NO. 2 – ORDINANCES: STORMWATER AND POTENTIAL RATE STRUCTURES

Synopsis: Presentation on two options for stormwater and potential rate structures, submitted by Jeff Fisher, Executive Director of Public Works; and David Reno, Public Works Community Engagement Officer. Two structures have been advanced from Commission direction at the November 18, 2021 special session.

- Tiered rate structure
- Individually calculated rate structure

This item was previously heard at the 12/2/21 Planning & Zoning and Full Commission Meeting and was held over.

Tracking #: 211227



Staff Request for Commission Action

Tracking No. 211197

Full Commission Meeting Date: 1/6/2022

Committee: Administration & Human Services

Date of Standing Committee Action: 12/6/2021
(If none, please explain):

Publication Required: No

<u>Date:</u> 12/13/2021	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> Consideration of extending the moratorium on enforcement of pre-existing murals prohibited within certain zoning districts. The moratorium shall apply to the following districts and their planned equivalents: A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, TND T-1, TND T-2, TND T-3, and TND T-4.				
<u>Action Requested:</u> 				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution_Residential Murals Moratorium				

Published in the *Wyandotte Echo* on _____

RESOLUTION NO. _____

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 OR ORDINANCES.

WHEREAS, the purpose of the Zoning Code of the Unified Government of Wyandotte County/Kansas City, Kansas is to ensure the stability and continuity of zoning for all properties; and,

WHEREAS, the purpose of Chapter 27, Article VIII, Division 11 of the Code of Ordinances ("Sign Code") is to accommodate the rights of individuals to freedom of speech; to recognize the business community's need for effective, individualized identity and public awareness; to regulate and reduce what otherwise might be confusing and objectionable clutter; to determine placement consistent with traffic safety, by reducing traffic hazards caused by distractions to motorists and impairment of sight lines; to protect property values by enhancing the harmony between residential and commercial uses; to incorporate new technologies for sign design and display; to complement the character of the zoning districts' land uses; to preserve the residential character of residential neighborhoods; to protect property values; to limit administrative burdens; to avoid the creation of nonconformities; to promote equity between businesses and other typical sign users; to implement the comprehensive plan; and to preserve, protect and promote the public health, safety and general welfare; and,

WHEREAS, the Sign Code was developed after a public process involving community input as to the appropriate characteristics of signs in the Unified Government's various neighborhoods; and,

WHEREAS, the Unified Government in the past has inconsistently enforced the Sign Code, specifically as it pertains to the provision of murals in residential districts.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. From the date of passage of this Resolution, the Unified Government will not enforce the presence of pre-existing murals on properties within the following zoning districts or their planned equivalents: A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, TND T-1, TND T-2, TND T-3, and TND T-4. Pre-existing means fulfilling the requirements of a mural as of the date of the passage of this

Resolution. Setbacks shall continue to be enforced subject to the property line setback as defined by the individual zoning districts.

2. The Unified Government will not allow any applications for murals in districts where murals are not allowed by Table VIII-11-4 through June 30, 2022 at 11:59 PM or once a new or amended Zoning Code goes into effect. Chapter 27, Article VIII, Division 11 of the Unified Government Code of Ordinances will be reviewed to ensure continued compatibility and feasible enforceability. This review will consist of the code comparison with peer and neighboring cities, an analysis of current best practices for sign codes, and engagement with the public.
3. The Board of Zoning Appeals shall not grant variances from the Sign Code to allow new murals in residential districts. After such reviews and public outreach has finished, the Board of Commissioners may make amendments, if needed, to the current Sign Code based on several factors, including the conclusions of said reviews and public outreach.
4. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.
5. This Resolution shall become effective upon passage by the Unified Government Board of Commissioners and will remain effective until June 30, 2022 at 11:59 PM, or until a new or amended Zoning Code becomes effective, or until a superseding resolution or ordinance becomes effective.

ADOPTED BY THE COMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF _____, 2022.

MAYOR/CEO

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL



Staff Request for Commission Action

Tracking No. 211198

Full Commission Meeting Date: 1/6/2022

Committee: Administration & Human Services

Date of Standing Committee Action: 12/6/2021
(If none, please explain):

Publication Required: No

<u>Date:</u> 12/13/2021	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> Consideration of extending the suspension of certain sections of Chapter 27, Planning and Zoning, and Chapter 32 of the Code of Ordinances, in conjunction with the COVID-19 emergency ordinances passed by the Unified Government Board of Commissioners.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Chapters 27 32_Resolutions, Chapter 27_Ordinance Amendments, Chapter 32_Ordinance Amendments				

RESOLUTION NO. _____

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is still facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and economic hardship resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and,

WHEREAS, as a result of the continued potential for local and state orders pertaining to social distancing, many businesses may again face restrictions on the number of people who may be inside the business at any one time; and,

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and,

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life; and,

WHEREAS, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare; and,

WHEREAS, the Unified Government has determined that due to the COVID-19 pandemic, and public health, safety, and welfare concerns associated therewith, that enforcement of certain provisions of the Unified Government Code of Ordinances should be suspended for a limited amount of time.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

1. Due to the COVID-19 pandemic, enforcement of the following ordinances or portions of ordinances under Chapter 27 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on June 30, 2022:

- §27-608(4)a – Farmers’ markets in agriculture districts (*suspend the annual agreement*).
- §27-609(7)a – Mobile market vending for food access in single- and two-family residential districts (*includes suspension of enforcement for all subsections*).
- §27-610(8)a – Mobile market vending for food access in multi-family residential districts (*includes suspension of enforcement for all subsections*).
- §27-611(10)a – Farmers’ markets in non-retail commercial districts (*suspends annual agreement and Special Use Permit requirements*).
- §27-612(6)a – Exterior sales on private property in commercial districts (*suspend the requirement for the business license to be before 2009*).
- §27-612(6)a.8 – Exterior sales on private property in commercial districts (*suspend the requirement for the vending area to be flush with the façade of the building*).
- §27-612(6)a.9 – Exterior sales on private property in commercial districts, sales displays and vending machine (*suspend the limitation of one exterior sales display*).
- §27-612(6)a.11 – Exterior sales on private property in commercial districts, vending areas shall not exceed 24 square feet.
- §27-612(6)b – Exterior sales in on private property commercial districts (*suspend prohibition on exterior sales in the commercial district overlay or in planned districts*).
- §27-612(8)a – Farmers’ market in commercial districts (*suspends annual agreement and Special Use Permit requirements*).
- §27-612(9)a – Food truck and mobile food vending in commercial districts (*includes suspension of enforcement for all subsections*).
- §27-613(9)a – Farmers’ market in industrial districts (*suspends annual agreement and Special Use Permit requirements*).
- §27-612(9)a.8 – Food truck and mobile food vending in commercial districts may not operate within 500 feet of a business offering similar products.
- §27-613(9)a – Farmers’ markets in industrial districts.
- §27-613(10)a – Food truck and mobile food vending in industrial districts (*suspend enforcement of all subsections, including the annual agreements and Special Use Permit requirements*).
- §27-614(2)a – Farmers’ market in traditional neighborhood design (TND) districts (*suspends annual agreement and Special Use Permit requirements*).
- §27-614(3)a – Food truck and mobile market vending in traditional neighborhood design (TND) districts (*suspend enforcement of all subsections, including the annual agreements and Special Use Permit requirements*).

2. Due to the COVID-19 pandemic, enforcement of the following ordinances or portions of ordinances under Chapter 32 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on June 30, 2022:

- §32-93 – Food vending license fee.
- §32-97(w) – Vending vehicle standards: no food or merchandise may be offered or sold to any occupant of any vehicle.
- §32-127(a) – Special events license: application to vend at special event.
- §32-127(c) – Special events license: license fee.
- §32-127(d) – Special events license: license for vending vehicle in a park.
- §32-180 – Duration of sidewalk vending license.
- §32-182 – Pedestrian traffic set aside of 72 inches.
- §32-183 – Fee for sidewalk vending license.

3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

4. This Resolution shall become effective upon passage by the Unified Government Board of Commissioners.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF _____, 2022.

MAYOR/CEO

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of farmers' markets, mobile vending, and mobile markets to sell food, drinks, and merchandise on public rights-of-way and parking lots, renewing portions of **Sections 27-340, 27-609 to 27-614, and 27-617 to 27-621** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and economic hardships resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and,

WHEREAS, as a result of the continued potential for local and state orders pertaining to social distancing, many businesses may again face restrictions on the number of people who may be inside the business at any one time; and,

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and,

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life; and,

WHEREAS, reasonable regulation of vending outdoors and in public rights-of-way is necessary to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 27, Planning and Development, Article VIII, Section 27-340 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended with additional definitions to read as follows:

27-340. - Definitions

Applicant means a person who applies for a permit as provided in this section.

Farmers' market means seasonal ~~an~~ outdoor market where fresh produce, homemade good, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa, and honey. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food establishment means a business where food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales, and cannot be exceeded in annual dollar volume by alcohol. The most common examples of a food establishment include, but are not limited to, sit-down restaurants, fast-food restaurants, delis, smoothie bars, and ice cream parlors.

Mobile vendor vehicle means a self-propelled or motorized vehicle from which any non-food merchandise is sold, given away, displayed, or offered for sale, at retail. Items for sale may include plant products that may be consumable, but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Prepared food vending vehicle means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck. For purposes of this ordinance, "food truck" shall be synonymous with "prepared food vending vehicle".

Public right-of-way means any public street alley, roadway, sidewalk, walkway, highway, bicycle lane ~~right-of-way~~, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Vending vehicle means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

Section 2. That Chapter 27, Planning and Development, Article VIII, Sections 27-608—27-614 and 27-617—27-621 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

27-608. - District AG

In the AG district, accessory uses are as follows:

- (1) Storage of equipment and machinery as necessary to raise crops and livestock.
To carry out the farming business and to maintain the property.
- (2) Sale of products raised on the premises, fruit stands, orchard sales, etc.
- (3) Accessory buildings such as barns, silos, other exclusively agricultural structures, roadside stands, etc., provided that such structures are set back at least 50 feet from any street line.
- (4) *Farmers' markets.*
 - a. See section 27-618 for additional farmers' market regulations.
- (5) *Mobile markets.*
 - a. See section 27-619 for additional mobile market regulations.
- (6) *Mobile vending.*
 - a. See section 27-620 for additional mobile vending regulations.

27-609. - Districts R-1, R-1(B), R-2, R-2(B).

In the single-family (R-1; R-1(B)), two-family (R-2; R-2(B)) districts, accessory uses are as follows:

- (1) *Home occupations.*
- (2) *Accessory buildings (garages, carports, tool sheds, etc.).*
- (3) *Animals.*
- (4) *Hobby activity.*
- (5) *Additional uses.*
- (6) *Storage of equipment, material or vehicle.*
- (7) *Mobile market vending for food access.*

- a. Mobile markets are allowed upon submitting an annual agreement with the department of planning and urban design use in this district.
 1. Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the planning department.
 2. Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted, and the agreement may be revoked at any time without cause or notice.
 3. Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - (i) Vending operation takes place in a designated parking lot at the furthest point from the nearest property line, with sufficient space to accommodate the operation and not reduce any required parking for the permanent tenant(s) at that location.
 - (ii) Vehicle is not parked within 100 feet of a single-family home's property line.
 - (iii) The sales or vending area does not block any sidewalk and sidewalk remains ADA compliant.
 - (iv) There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - (v) Vendor does not install any permanent improvement on the sidewalk.
 - (vi) Vehicle is not parked in a no-parking zone.
 - (vii) Does not occupy parking required for other businesses.
 - (viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - (ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
 - (x) Mobile markets may operate from 9:00 a.m.–5:00 p.m. Sunday, 9:00 a.m.–7:00 p.m. Monday-Thursday, and 9:00 a.m.–8 p.m. Friday and Saturday.
 - (xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).
 - (xii) Mobile markets may not park for more than four hours once a week at any one location.

b. See section 27-619 for additional mobile market regulations.

(8) *Farmers' markets.*

a. See section 27-618 for additional farmers' market regulations.

(9) *Mobile vending.*

a. See section 27-620 for additional mobile vending regulations.

27-610. - Districts R-3, R-4, R-5, R-6 and R-M.

In the townhouse (R-3), garden apartment (R-4), apartment (R-5), high-rise apartment (R-6), and mobile home park (R-M) districts, accessory uses are as follows:

- (1) Those accessory uses permitted in the R-1 district.
- (2) Parking areas.
- (3) Recreation areas including tenant-used swimming pools and minor recreational buildings.
- (4) Trash collection centers.
- (5) Power generators.
- (6) Vending machines for tenant use.
- (7) Necessary offices and maintenance facilities and other similar uses.
- (8) Mobile market vending for food access.
 - a. Mobile markets are allowed up on submitting an annual agreement with the department of planning and urban design in this district.
 - (1) Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the planning department.
 - (2) Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted.
 - (3) Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - (i) The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - (ii) Vehicle is not parked within 100 feet of a single-family home.
 - (iii) There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - (iv) Vendor does not install any permanent improvement on the sidewalk.
 - (v) Vehicle is not parked in a no-parking zone.
 - (vi) Does not occupy parking required for other businesses.
 - (vii) If in a metered spot, meter is paid.
 - (viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - (ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
 - (x) Mobile markets may operate from 9:00 a.m.–7:00 p.m. Sunday-Thursday₁ and 9:00 a.m.–8:00 p.m. Friday and Saturday.

- (xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).
- (xii) Mobile markets may not park for more than four hours at any one location.
- b. Section 27-619 for additional mobile market regulations.
- (9) *Farmers' markets*.
 - a. See section 27-618 for additional farmers' market regulations.
- (10) *Mobile vending*.
 - a. See section 27-620 for additional mobile vending regulations.

27-611. – District C-O.

- (a) In the C-O district, accessory uses are as follows:
 - (1) Parking areas.
 - (2) Food service and vending machines inside a building for tenants only.
 - (3) Private garages for motor vehicles.
 - (4) Apartment for maintenance personnel.
 - (5) Low-level exterior lighting.
 - (6) Radio, television or microwave antennae not exceeding 60 feet in height.
 - (7) Flagpoles.
 - (8) Cooling towers and other similar uses.
 - (9) A pharmacy where in retail sale only of prescription medicines.
 - (10) *Farmers' markets*.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the department of planning and urban design in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
 - (11) *Mobile markets*.
 - a. See section 27-619 for additional mobile market regulations.
 - (12) *Mobile vending*.
 - a. See section 27-620 for additional mobile vending regulations.
- (b) In high-rise office structures in district O-0....
- (c) In the central business district uses as permitted in district O-1 are also permitted as accessory uses.
- (d) The accessory retail uses in district C-O shall be limited to no more than 20 percent of the gross building area.

27-612. – Districts C-0, C-1, C-D, C-2, and C-3.

In the nonretail business (C-0), limited business (C-1), central business (C-D), general business (C-2), and commercial districts (C-3), accessory uses are as follows:

- (1) Those accessory uses permitted in district C-0.
- (2) Parking areas.
- (3) Storage buildings.
- (4) Signs as permitted by this article.
- (5) Floodlighting and other similar uses.
- (6) Exterior sales and vending on private property provided that:
 - a. Commercial uses with a business license (occupation tax receipt) before December 31, 2008.
 1. The exterior sales or vending machines do not block an interior sidewalk.
 2. The exterior sales or vending machines do not block any exterior windows.
 3. The exterior sales or vending machines must be at least five feet away from all public doors.
 4. Exterior sales area and vending machines are only permitted on private property unless it complies with the street vending ordinance.
 5. The exterior sales or vending machines must leave adequate space for vending customers and those using the sidewalk.
 6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
 - i. The site does not have a drive-thru window or drive-up service.
 - ii. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
 - iii. The machine is located so as to not interfere with vehicular traffic.
 - iv. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - v. The area where the device is placed is monitored by a security camera.
 7. Any exterior sales area must remain neatly organized and free of litter.
 8. Any exterior sales or vending area must be flush with the facade of the building.
 9. No more than one exterior sales display or vending machine is permitted per property except as follows:
 - i. If the exterior sales displays and vending machines are located on a side of the building not facing a road or street then the number of allowed exterior sales displays or vending machines shall be increased to three.
 - ii. If the exterior sales display and vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the ~~urban planning department~~ of planning and urban design then the number of allowed exterior sales displays and vending machines shall be increased to three.
 - iii. For every 200 feet that the façade on which the exterior sales display or vending machine is located is set back from the nearest road or street right-of-way then the number of allowable exterior sales displays or vending machines shall be increased by one.
 10. No additional signage that would require a permit is allowed.

11. The area allowed for exterior sales or vending may not exceed 24 square feet.
 12. No more than one propane exchange locker may be allowed per property, unless:
 - i. The site for the propane exchange lockers are located at least 200 feet from the nearest street; and
 - ii. The propane exchange lockers are at least 20 feet away from the nearest public door; and
 - iii. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
 13. No signage is allowed beyond the surface of the vending machine.
 - b. Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:
 1. Products that cannot be sold indoors for safety and regulatory reasons (e.g., propane exchange lockers).
 2. If the facility is a grocery store over 15,000 square feet.
- (7) Collection facilities are permitted for clothing or recycling provided:
- (8) *Farmers' markets.*
- a. Farmers' markets are allowed upon submitting an annual agreement with the department of ~~urban-planning~~ and urban design land use in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
- (9) Food truck and mobile vending.
- a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the department of ~~urban-planning~~ and urban design land use in this district. Food trucks or mobile food vendors that operate outside of the allowed zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 3. Vendor does not install any permanent improvement on the sidewalk.
 4. Vehicle is not parked in a no-parking zone.
 5. Does not occupy parking required for other businesses.
 6. If in a metered spot, meter is paid.
 7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing any trash or recycling on or offsite associated with the operation.
 8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.

9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
- b. See section 27-619 for additional mobile market regulations.
- c. See section 27-620 for additional mobile vending regulations.

27-613. – Districts M-1, M-2, and M-3.

In the light industrial and industrial park (M-1), general industrial (M-2), and heavy industrial districts (M-3), accessory uses are as follows:

- (1) Parking and loading areas.
- (2) Storage facilities.
- (3) Security and screen fencing.
- (4) Radio and microwave towers to heights as set out in this division.
- (5) Gatehouse.
- (6) Loading equipment.
- (7) Employee recreation and other similar uses.
- (8) Power generating wind turbines that do not exceed 100 feet in height to the tip of the tallest turbine blade and where they are set back from the property line at least twice the diameter of the turbine rotors.
- (9) *Farmers' markets.*
 - a. Farmers' markets are allowed upon submitting an annual agreement with the department of urban-planning and urban design ~~land use~~ in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
- (10) Food truck and mobile vending.
 - a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the department of urban-planning and urban design ~~land use~~ in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 3. Vendor does not install any permanent improvement on the sidewalk.
 4. Vehicle is not parked in a no-parking zone.
 5. Does not occupy parking required for other businesses.
 6. If in a metered spot, meter is paid.
 7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.

9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
- b. See section 27-619 for additional mobile market regulations.
- c. See section 27-620 for additional mobile vending regulations.

27-614. – District TND.

In the traditional neighborhood design (TND) district, accessory uses are as follows:

- (1) Those accessory uses permitted in district agricultural (AG) through districts C-1, C- D, C-2, and C-3 districts.
- (2) Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the department of ~~urban~~ planning and urban design ~~land use~~ in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
- (3) Food truck and mobile vending.
 - a. Food trucks and mobile markets are allowed upon submitting an annual agreement with the department of planning and urban design in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 3. Vendor does not install any permanent improvement on the sidewalk.
 4. Vehicle is not parked in a no-parking zone.
 5. Does not occupy parking required for other businesses.
 6. If in a metered spot, meter is paid.
 7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
 9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
 - b. See section 27-619 for additional mobile market regulations.
 - c. See section 27-620 for additional mobile vending regulations.

....

27-617. - Findings, Purpose, Applicability, and Enforcement

(a) Finding and Purpose. It is found and declared that:

- (1) Farmers' markets, mobile markets, and mobile vending may promote the public interest by contributing to an active and attractive outdoor, local, and mobile vending environment. The purpose of accommodating farmers' markets, mobile markets, and mobile vending in all zoning districts is to provide additional space for sales of goods to allow for sound social distancing requirements while contributing to activity, attracting pedestrians, extending their visits, reaching underserved neighborhoods, and enhancing overall community quality of life.
- (2) Reasonable regulation of the sale of food and wares through farmers' markets, mobile markets, and mobile vending is necessary to protect the public health, safety, and welfare.

(b) Applicability and Enforcement

- (1) The amendments in sections 27-608—27-614, and sections 27-618—27-621 in totality, shall be suspended if it is determined under *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the Sstate. This determination may be signaled by returning to the Red Zone of *Restart WyCo*, among other ways. Farmers' markets, mobile markets, and mobile vending are allowed under this ordinance, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation this ordinance shall supersede.
- (2) *Businesses*. Any persons or entity, other than a non-profit organization, operating a farmers' market, mobile market, or other vending vehicle under this ordinance must conduct such operation under a valid and current business license (occupation tax receipt).
- (3) *Non-profits*. All non-profit organizations that operate a farmers' market, mobile market, open-air market, or other vending in the public right-of-way, or other vending vehicle must meet the following conditions:
 - a. Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas; ~~and~~,
 - b. May set up a temporary structure for the purposes of distributing information. A non-profit organization may also take donations on-site;
 - c. Such vending must either occur in front of the non-profit organization's place of business or on the property of another party. A non-profit may not operate vending on a permanent basis at any location other than their registered address or in a mobile vending vehicle subject to the standards of this section. If the vending occurs on the property of another party, it is subject to the following conditions:
 1. The property owner or their representative must grant permission;

2. The vending may occur in an on-street parking space or right-of-way clearance adjacent to the subject property, or in a parking lot of the subject property; and,
3. The vending may occur for no more than seven (7) days.
- d. Such vending does not violate any other requirements in this article, including, but not limited to, spacing, social distancing, hours of operation, and parking spaces.

This section is intended to allow a non-profit organization to temporarily conduct business. Co-locating permanently on a property not associated with the non-profit organization is not allowed.

(4) All right-of-way permits otherwise required for work or activities allowed in this ordinance are waived.

- a. Nothing in this article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in Chapter 6 of the Unified Government Code of Ordinances.
- b. No open flames shall be allowed under any use in the Article, except for any open flame on a vending vehicle allowed by another ordinance.

(5) *Public health.*

a. *Power of local health officer.*

1. The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3, sections 27-608—27-614, and sections 27-617—27-220.
2. This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.
3. This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Health and Environment regarding licensure and inspection of restaurants, street vendors, or food trucks.

(6) *Zoning and code enforcement.*

- a. Any zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this ordinance.
- b. This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.

27-618. - Farmers' markets.

Farmers' markets are allowed accessory uses, subject to the following conditions:

(1) *Applicability.* This section supersedes all other ordinances specifically regulating farmers' markets through ~~December 31, 2020~~ June 30, 2022.

a. *Districts.* Farmers' markets are allowed to operate in any district without a special use permit or annual agreement, under the following conditions:

1. The entirety of the farmers' market infrastructure must take place within the boundaries of a paved parking lot.
2. Hours of operation for the farmers' market begin no earlier than 8:00 a.m. and end no later than 5:00 p.m.

(2) *Administrative Review*

- a. Any persons or entity operating a farmers' market must conduct such operation under a valid and current business license.
- b. In conjunction with the business license application, the applicant must submit an application consisting of a site plan, including the location of vendors' stalls and other temporary structures to be used as part of the farmers' market to the department of ~~urban planning and urban design~~ land use, demonstrating the location of the vending tents, parking spaces, ingress and egress, and the use of physical space to encourage social distance where and when possible.

(3) *Allowed Arrangements:* All sales must occur in a designated, paved parking lot. Businesses may engage in outdoor sales, subject to the following conditions:

- a. The outdoor sale must operate as an open-air market.
- b. Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:
 1. No item(s) for sale or on display obstructs the sidewalk to a degree that a four-foot width cannot be maintained at all times; and
 2. No item(s) for sale or on display hang over the air space of said four-foot width on the sidewalk.
- c. Any retail that is allowed under another section of the Code of Ordinances. subject to all regulations under this ordinance.

(4) *Allowed areas.*

- a. Any parking spaces in a parking lot may be used for a farmers' market subject to the following conditions:
 1. Written permission of the parking and/or property owner(s);_;
 2. All ADA parking spaces and access aisles, and fire lanes, must remain clear and unencumbered by any and all farmers' market activity;_; and,
 3. Any additional regulations to improve traffic flow, as required by engineers in the department of planning and urban design or the department of public works.

- b. No farmers' market stand, structure, or related infrastructure shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law.
- c. No farmers' market stand, structure, or related infrastructure is allowed to take up space or interfere with the operations within a ~~visibly~~-designated loading/unloading zone.

(5) *Social distancing.*

- a. The farmers' market applicant is responsible for ensuring compliance with any and all guidance from *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, and federal restrictions.
- b. In order to baseline level of safety for both vendors and customers alike, all businesses must maintain social distancing in the following ways:
 - 1. Ensure that customers or parties of customers maintain at least six feet from each other while shopping;
 - 2. Ensure that customers or parties of customers maintain at least six feet from each other while queuing to check out; and,
 - 3. Consumption of purchased food on site should not be encouraged.

(6) Temporary structures.

- a. Temporary structures that provide shade for retailers and customers may be erected. Use of umbrellas is encouraged.
 - 1. "Pop up" tents are allowed only in surplus off-street parking spaces.
- b. No temporary structure may be secured in any manner that damages the parking lot, right-of-way, or private property. Weights are encouraged to be used to secure temporary structures.
- c. Temporary structures may be erected in the parking lot up to one hour before the start of hour of operations as allowed in this section (or the start of hours of operation as proposed in the farmers' market application, whichever is later). Temporary structures may be erected in the parking lot up to one hour after the end of hour of operations as allowed in this section (or the end of hours of operation as proposed in the farmers' market application, whichever is earlier).
- d. No temporary structures may be in erected in the right-of-way or used in a manner that violates any other ordinance in the Code.
- e. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - 1. All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 - 2. Signs cannot be attached to public infrastructure.
 - 3. Sandwich boards allowed in all districts, subject to all other sign code regulations.

27-619. – Mobile markets.

Mobile markets are allowed accessory uses, subject to the following conditions:

- (1) Mobile markets are allowed upon in any district upon obtaining a business license.
- (2) Locations must invite the mobile market to park at their lot.
- (3) Business license can be reviewed at any time during the year if complaints of non-compliance are submitted.
- (4) ~~Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible).~~ All vending vehicles mobile markets must comply with the following stipulations:
 - a. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - b. Vehicle is not parked within 100 feet of a property with an occupied single-family home.
 - c. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - d. Vendor does not install any permanent improvement on the sidewalk.
 - e. Vehicle is not parked in a no-parking zone or in a designated ADA-compliant parking space.
 - f. Does not occupy parking required for other businesses.
 - g. If in a metered spot, meter is paid.
 - h. Mobile markets may not park for more than four hours at any one location.
 - i. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - j. No mobile market vehicle may park in the portion of the public right-of-way immediately adjacent to the property of an existing food establishment, unless the vehicle is owned or operated by the food establishment in question.
 - k. Mobile markets may operate from 8:00 a.m.–7:00 p.m. Sunday-Thursday, and 8:00 a.m.–8:00 p.m. Friday and Saturday.
 1. If a mobile market is invited to a permitted block party, hours of operation may be extended until 10:00 p.m., regardless of the day of the week.
 - l. Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of business license at each stop (or on vehicle).

27-620. – Mobile vending.

Mobile vending is allowed accessory uses, subject to the following conditions:

- (1) This section does not govern mobile markets and mobile markets vehicles as defined by sections 27-340 and 27-618.
- (2) Vending vehicles are allowed in this district upon obtaining a business license.
- (3) *Parking.*

- a. A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter while occupying the parking space. However, the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this subsection.
- b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law.
- c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
- d. No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly-designated loading/unloading zone.
- e. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.
- f. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.

(4) *Allowable zoning districts.*

- a. *All districts.*
 - 1. Vending vehicles are allowed to operate under this subsection in any zoning district.
 - 2. Zoning districts allowed for vending vehicles by UG ordinances outside the ordinance from which these sections derive will operate under both sets of ordinances. If there is a conflict in law, this article shall supersede.
- b. *Agriculture zoned districts and residential areas.* Vending vehicles may operate in agriculture zoned districts and residential areas so long as the hours of operation from 9:00 a.m. to 8:00 p.m. and one of the following conditions are met:
 - 1. The vending vehicle must be invited to an event that has successfully received a block party permit from the UG, in which case the vending vehicle may operate solely within the defined area of the block party until 10:00 p.m. or the end of the event, whichever is earlier; or
 - 2. The vending vehicle is operating in the paved parking lot of a church, senior center, community center, or school, subject to all additional parking lot regulations in the UG Code of Ordinances; or
 - 3. On the right-of-way abutting adjacent to a public park, subject to all other parking regulations in this article.
- c. *Commercial and industrial zoned districts.*
 - 1. *Parking.* Vending vehicle may park anywhere on a commercial-zoned district, subject to the following conditions:
 - (i) No vending vehicles may park in an on-street parking space adjacent to the property of an existing food establishment, unless associated with that business.

2. Hours of operation. Hours are from 9:00 a.m. to 10:00 p.m.
- (5) Signage.
- a. Sandwich boards are allowed in all commercial zoned districts. so long as they are placed within five feet of the mobile vending vehicle and do not interfere with the flow of pedestrian or automobile traffic. In not circumstance can a sandwich board be placed more than five feet closer to the street than the mobile vending vehicle.
 - b. Sandwich boards are otherwise subject to all other sign code regulations.

27-621. - Review and sunset.

- (a) The amendments to section 27-340 and sections 27-608—27-614 made effective by the ordinance from which these sections derive, and sections 27-617—27-621 in totality, shall be reviewed by the board of commissioners on or before ~~December 31, 2021~~ June 30, 2022 to determine whether they should be revised, repealed, or whether additional studies are warranted.
- (b) The amendments to section 27-340 and sections 27-608—27-614 made effective by the ordinance from which these sections derive, and sections 27-617—27-621 in totality, shall be repealed and no longer in effect unless renewed by the board of commissioners on or before ~~to December 31, 2020~~ June 30, 2022.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF _____, 2022.

MAYOR/CEO

UNIFED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets, parking lots and parklets, and allowing Open Streets for recreational use, by renewing **Sections 32-100 to 32-104 and 32-185 to 32-186**, Articles III, and **Sections 32-380 to 32-382**, Article VIII, of Chapter 32 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and economic hardships resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and,

WHEREAS, as a result of the continued potential for local and state orders pertaining to social distancing, many businesses may again face restrictions on the number of people who may be inside the business at any one time; and,

WHEREAS, due to the ongoing COVID-19 pandemic more people are in need of safe places to conduct recreational activities. Public health officials recommend that any recreational activities take place outside if possible, and therefore there is a greater need for large outdoor spaces to accommodate these needs; and

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and,

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life; and,

WHEREAS, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare; and,

WHEREAS, the Unified Government desires to provide its citizens with open areas for recreational purposes through the Open Streets program established herein, and reasonable regulation of Open Streets is necessary to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 32, Streets and Sidewalks, Article III, Section 32-62 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended with additional definitions to read as follows:

32-62 – Definitions.

Special event means:

- (1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
 - a. Animal shows. Exhibitions of domestic or large animals for a maximum of seven days.
 - b. Circuses and carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
 - c. Religious assembly. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.
 - d. Open air fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
 - e. Other activities interrupting traffic. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and

festivals. Such activities do not include the use of streets as temporary open areas for recreational purposes as provided for Sections 32-380 and 32-381.

Section 2. That Chapter 32, Streets and Sidewalks, Article III, Sections 32-100 to 32-102 and Sections 32-185 to 32-186 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

32-100 – Findings and Purpose.

It is found and declared that:

- (1) Vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian-oriented commercial areas is to provide additional space for sales of goods to allow for sound social distancing requirements while contributing to activity, attracting pedestrians, extending their visits and enhancing overall community quality of life.
- (2) Reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

32-101- Definitions.

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where words and phrases used in this Section are defined by state law, such definitions shall apply to the use of such words and phrases in this Section and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this Section shall have the meanings set out in this Section.

Alcohol - means any beverage containing more than one-half of one percent (0.5%) of alcohol by volume including alcoholic liquor, wine, and beer.

Building - means any building or permanent structure in which the business in question regularly and primarily operates.

Applicant - a person who applies for a permit as provided in this Section.

Farmers' Market - an outdoor market where fresh produce, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa, and honey. The primary characteristic is that these activities involve a series of sales sufficient in

number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food Establishment- a business where food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales and cannot be exceeded in annual dollar volume by alcohol. The most common examples of a food establishment include, but are not limited to, sit-down restaurants, fast-food restaurants, delis, smoothie bars, and ice cream parlors.

Food Truck - means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise, or product ready for immediate consumption is sold, given away, displayed, or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck.

NACTO Standards - the construction and design standards set forth in "Urban Street Design Guide", published by the National Association of City Transportation Officials.

Non-profit Organization - an entity that is registered as a 501(c) organization with the State of Kansas.

Open-air Market - a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market, and that an open-air market temporarily takes the place in the public right-of-way outside of a brick-and-mortar business.

Parklet - an on-street public parking space converted to be used for public dining or sales purposes or for the expansion of the public realm. A parklet is distinct from the adjacent right-of-way through the use of cones, visible barriers, or other methods of providing reasonable demarcation between the parklet and the sidewalk, additional on-street parking stalls, and especially between the parklet and any street subject to automobile travel.

Parklet Elements - all tables, chairs, fencing, and other materials used for demarcating the parklet from the right-of-way, planters and plants, and any other privately-owned property comprising the parklet, which is approved for use in a parklet by this section.

~~*Prepared Food Vending Vehicle* - means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise, or product ready for immediate consumption is sold, given away, displayed, or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck.~~

Public Right-of Way - means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane ~~right-of-way~~, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart - any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Sidewalk Cafe - an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by

persons sitting or standing at tables in that area. Allowed sidewalk cafes must abide by the requirements and limitations as determined by the Unified Government and the Kansas Department of Revenue Alcoholic Beverage Control.

Sidewalk Cafe Elements - all tables, chairs, fencing, and other materials used for demarcating the sidewalk café or outdoor tavern from the right-of-way, planters and plants, and any other privately-owned property comprising the sidewalk café or outdoor tavern, which is approved for use in a sidewalk café or outdoor tavern by this Ordinance.

Surplus Off-Street Parking - any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Outdoor Tavern - an establishment which sells cereal malt and/or alcoholic beverages for consumption on the premises, but outside of the structure in which the establishment resides; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.

Vending Vehicle - means a pushcart or a prepared food vending vehicle.

Vendor - means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

Walk-up Market - an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off- site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the Unified Government and the Kansas Department of Revenue Alcoholic Beverage Control.

32-102– Applicability and Enforcement.

- (a) The provisions set forth in Section 32-100 to 32-186 shall be suspended if it is determined under *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of *Restart WyCo*, among other ways. Outdoor sales are allowed under this Ordinance, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation this Ordinance shall supersede.
- (b) Businesses. Only businesses that have successfully received an occupation tax number with the Business License office and which remain current and in good standing with all occupation tax payments may operate a sidewalk cafe, walk-up market, or outdoor retail space under this Ordinance. Vending, soliciting, or giving away goods or items without a business license as required is prohibited. Any

persons or entity operating a sidewalk café, walk-up market, open tavern, or sidewalk vending under this Ordinance must conduct such operation in one of the following manners, subject to further regulations from applicable Sections of the Ordinance:

- (1) On the sidewalk, right-of-way, or parklet immediately adjacent to the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates; or
- (2) In the front and/or side yard of the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates; or
- (3) In the designated off-street parking lot or shared off-street parking lot for the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates.

All persons and entities are prohibited from operating a sidewalk café, walk-up market, open tavern, and/or sidewalk vending under this Ordinance in any parcel or on the public right-of-way adjacent to any parcel that is not the parcel on which the business, operated by the same persons or entity, is addressed and consistently operates.

- (c) Non-Profits. A non-profit organization is exempted from the requirement to hold a business license, and may utilize a parklet, a right-of-way clearance, or a parking lot as defined in ~~the Ordinance~~ this article under the following conditions:

- (1) ~~The entity be a registered with the State and whose status as a 501(c)(3)~~
~~organization remains current and in good standing~~ Status as a 501(c)(3)
organization remains current and in good standing with the State of Kansas;
and
- (2) ~~Has permission from the property owner adjacent to the on-street parking,~~
~~right-of-way clearance, or parking lot;~~ May set up a temporary structure for the purposes of distributing information. A non-profit organization may also sell food, subject to all regulations regarding food establishments in this article, or take donations on-site; and,
- (3) ~~May set up a temporary structure for the purposes of distributing information.~~
~~A non-profit organization may also sell food, subject to all regulations~~
~~regarding food establishments in this article, or take donations on-site; and~~
Such vending must either occur in front of the non-profit organization's place
of business or on the property of another party. A non-profit may not operate
vending on a permanent basis at any location other than their registered
address or in a mobile vending vehicle subject to the standards of this
section. If the vending occurs on the property of another party, it is subject to
the following conditions:
 - a. The property owner or their representative must grant permission;

- b. The vending may occur in an on-street parking space or right-of-way clearance adjacent to the subject property, or in a parking lot of the subject property; and,
 - c. The vending may occur for no more than seven days.
- (4) Such vending does ~~Does-not~~ violate any other requirements in this article, including, but not limited to, spacing, social distancing, hours of operation, and parking spaces.

This section is intended to allow a non-profit organization to temporarily conduct business. Co-locating permanently on a property not associated with the non-profit organization is not allowed.

(d) Rights-of-Way

(1) Right-of-Way Permits

- a. Right-of-way permits otherwise required for work or activities allowed in this Ordinance are waived, ~~except for the permits needed to construct a permanent or semi-permanent parklet.~~
- b. Nothing in this Article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in Chapter 6 of the Unified Government Code of Ordinances.
- c. No open flames shall be allowed under any use in the Article, except for any open flame on a vending vehicle allowed by another ordinance.

(2) Damage to the Right-of-Way

- a. Any damage to the right-of-way as a result of uses under this Ordinance, including, but not limited to, the erecting or securing of temporary or semi-permanent structures, placement of a parklet, or activities of employees or customers, shall be the responsibility of the business and property conducting such operations.

(e) Fire Safety

(1) Power of Fire Department

- a. The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).
- b. Any deviation from the State's adopted International Fire Code requirements for these inspections must remain unless the State Fire Marshal specifically waives these requirements.

(2) Inspection of Mobile Vending

- a. Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.

(f) Public Health

(1) Power of Local Health Officer.

- a. The Local Health Officer, Deputy Local Health Officer, Health Department Director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in Sec. 16-2, Sec. 17.3 and Sec. 32- 100 to 32-I 85.
- b. This Subsection may be construed to give the same power and authority to the Local Health Officer, Deputy Local Health Officer and/or their designee(s) than is granted to them under local and State law.
- c. This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Agriculture regarding licensure and inspection of restaurants, street vendors or food trucks.

(g) Zoning and Code Enforcement

- (1) Any Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this ordinance.
- (2) This Subsection may be construed to give the same power and authority to a Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) than is granted to them under local and State law.

(h) Food Establishments, Food Service, and Outdoor Taverns

(1) Applicability

- a. Sidewalk Cafes. For entities that fulfill the following conditions, no permit is required to operate a sidewalk cafe. This ordinance only applies to any business that:
 1. Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and
 2. Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments.
- b. Walk-up Markets. For entities that fulfill the following conditions, no permit is required to operate a walk-up market. This ordinance only applies to entities which fulfill one of the following:
 1. A business which:
 - (i) Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and
 - (ii) Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments; or
 2. An entity that is registered as a 501(c)(3) organization with the State whose status as a 501(c)(3) organization remains current and in good standing, and which has the permission of the property owner.

- c. Outdoor Taverns. For businesses that fulfill the following conditions, a permit is required to serve cereal malt and/or alcoholic beverages outside the building of the designated place of business. This ordinance applies to all businesses that:
1. Sells cereal malt and/or alcoholic beverages for consumption on the premises; and
 2. Sales of food for consumption on the premises do not exceed the sales of cereal malt and alcoholic beverages served.
 - (i) For purposes of this ordinance, sales on the premises may include allowable outdoor sales, which are defined in the Sections 32-102.h.2 and ~~Section 32-102.h.7~~.

(2) Allowed Areas

- a. One or more of the following areas may be utilized for a food establishment or tavern as a sidewalk café or walk-up market and/or outdoor tavern:
1. From the building to the curb of the street ("building-to-curb area"), subject to the following conditions;
 - (i) A clearance—either a sidewalk or designated path if there is no sidewalk—parallel to the street and at least four feet in width must be maintained for use under the ADA;
 - (ii) All sidewalk cafe elements must be at least four feet from street furniture and designated fire lanes; and
 - (iii) No yard abutting an adjacent residentially zoned property may be used as a sidewalk café, walk-up market, and/or outdoor tavern without a Special Use Permit.
 2. A parklet, subject to the following conditions:
 - (i) One of the following is allowed to be used as a parklet by a food establishment:
 - A. One on-street parking space that is both contiguous to the building and more than 20 feet from an intersection or street corner; or
 - B. If there is no such described on-street parking space, one on-street parking space contiguous to the sidewalk contiguous to the building.
 - (ii) Parklets and parklet barriers should be constructed and arranged to NACTO standards.
 - (iii) No ADA parking spaces nor access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by a sidewalk cafe.
 - (iv) Only one parklet is allowed per ~~building property~~, including corner lots. In the case of multiple tenants included in the building, it is the property owner or the owner's designee's prerogative as to whom can occupy this the property's single parklet.
 - (v) No parklet is allowed to take up space or interfere with the operations within a visibly-designated loading/unloading zone.

- (vi) All seating within the parklet must be at least three feet from passing automobile traffic.
- (vii) No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
- 3. Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining activity or its supporting structures or activities.
 - (i) If a business does not have any surplus parking spaces, then the business must first look to use a parklet.
 - (ii) If a parklet cannot be achieved because there is no adjacent on-street parking allowed by this Ordinance or other local regulations, then off-street parking can be used regardless if the business has surplus parking or not. The business may still only use one parking space of non-surplus off-street parking, in the same manner as if it were a parklet.
- b. All sidewalk cafes or outdoor taverns must:
 - 1. Provide designated seating for all customers; and
 - 2. Waitstaff or other employees for food establishment or tavern must serve all food and drink to the customers at their designated seating.
- c. All sidewalk cafes, walk-up markets, and outdoor taverns must comply with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
- d. The business or non-profit organization operating under this Section shall be responsible for maintaining the required four-foot pedestrian walkway, and keeping the walkway free of trash and debris.
- e. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
- f. No sidewalk café, walk-up market, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.
- g. No sidewalk cafe or other area designated for customer dining shall be located within 30 feet of a dumpster nor within 10 feet of a trash receptable. This restriction shall apply whether the dumpster or trash receptable is on the property of the food establishment hosting the sidewalk café, on a neighboring property, or in the public right-of-way.
- (3) Social Distancing and Public Health
 - a. All food establishments and outdoor taverns are responsible for ensuring compliance with any and all guidance from *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, and any other local, state or federal restrictions.

- b. In order to baseline level of safety for both employees and customers alike, all food establishments and outdoor taverns must maintain social distancing in the following ways:
 - 1. Ensure that customers or parties of customers maintain at least six feet from each other while queuing to order food.
 - 2. Ensure that customers or parties of customers maintain at least six feet from each other while eating food or consuming cereal and/or alcoholic beverages. This would involve keeping the closest point of one seating arrangement (table and chairs) at least six feet from the closest point of the next seat arrangement.
 - 3. Ensure that customers or parties of customers maintain at least six feet from another outdoor use in this Section, whether hosted by the same food establishment/outdoor tavern or not.
 - 4. Ensure that customers or parties of customers maintain at least six feet from pedestrians using the public right-of-way.
- c. All food establishments and taverns must maintain and promote clean and sanitary premises, especially the outdoor spaces that the general public may come in contact with. Failure to actively maintain and promote cleanliness and sanitation may result in the prohibition of a food establishment or tavern from operating a sidewalk cafe, walk-up market, or outdoor tavern.
 - 1. The business property, or any public or private area utilized by the business for the purposes of a sidewalk cafe, walk-up market, and/or outdoor tavern, including but not limited to, the building-to-curb area, parklets, on-street parking, or off-street parking, shall be kept free of trash and debris at all times. Confirmed reports of trash blowing off the property into other properties or the public right-of-way shall be prima facie evidence of the business's failure to comply with this ordinance.
 - 2. Public urination by current or recent patrons of a food establishment or tavern, conducted in close proximity of time and distance to such business, may result in a prohibition of any sidewalk cafe, walk-up market, and/or outdoor tavern operated by the business.

(4) Structures

- a. Permanent/semi-permanent structures may be used for parklets that fulfill the requirements for a sidewalk cafe and/or walk-up market.
 - 1. A business may erect a permanent or semi-permanent parklet and designate it as such.
 - 2. Any parklet structure must be built to be level with the sidewalk adjacent to it.
 - 3. Any parklet structure must be built to fit within the dimensions of one parking space.
 - 4. All parklets must comply with NACTO standards.
- b. Permanent/semi-permanent parklet structures may remain in an allowed parking space at all times. Semi-permanent structures may remain in allowed

surplus off-street parking at all times. Temporary Structures may be used for building-to-curb areas, parklets, and/or parking lots.

1. Temporary or semi-permanent structures that provide shade for retailers and customers made be erected. Use of umbrellas encouraged.
 - (i) "Pop up" tents are allowed only in surplus off-street parking spaces or in an area between the building and the curb in which the tent is at least 10 feet from the curb and does not interfere with any building or its functions, including drainage and access to light.
2. No temporary or semi-permanent structure may be secured in any manner that damages the right-of-way or private property. Weighs are encouraged to be used to secure temporary or semi-permanent structures.
3. Outside the hours of operation, as defined in this Section, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code. Permanent/semi-permanent structures, including parklet structures, may remain in an allowed parking space at all times.
4. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - (i) All signs allowed under this Subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 - (ii) Signs cannot be attached to public infrastructure.
 - (iii) Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.
5. Any permanent/semi-permanent structure constructed or erected in the building-to-curb area is subject to an administrative review by the ~~Department of Planning and Urban Design~~ department of planning and urban design.
 - (i) For purposes of this administrative review, a structure is considered permanent or semi-permanent if:
 - A. A foundation is installed; or
 - B. Poles are installed for more than four inches in the ground, whether structural support or to hold up a sign; or
 - C. A hard-sided roof is installed; or
 - D. Construction of the structure would require a building permit outside of this Section.
 - (ii) For an administrative review, applicant must provide the following:
 - A. Site plan of the property, including the permanent/semi-permanent structure; and
 - i. Setbacks and ADA-compliant paths must be marked and measurements provided.
 - ii. For an outdoor tavern, the applicant must prove conformance with ABC regulations and demonstrate a safe and convenient

path from the tavern building to the outdoor tavern if employees must pass through the public right-of-way while serving alcohol.

B. Elevations of the structure, drawn to scale.

(iii) Any permanent/semi-permanent structure constructed or erected in the building-to-curb area may be subject to a review by the Development Review Committee (DRC), per the standards under chapter 8, article XIII.

(5) Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this Section.

(6) Hours of operation

- a. Food establishments shall not operate a sidewalk cafe or walk-up market outside of the business's published hours of operation.
- b. Taverns shall not operate an outdoor tavern outside of the business's published hours of operation. If the business's published hours of operation goes past 10:00 p.m., then the outdoor tavern must cease operations by no later than 10:00 p.m.

(7) Alcohol Sales. Establishments may serve alcohol under the following conditions:

a. Sidewalk cafés.

1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
2. All alcohol must be served to the customer in an open container.
3. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by Section 32-102.h.2. Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
4. Under this ordinance, alcohol sales must total less in daily dollar volume than the sale of food, in addition to maintaining the definition of a food establishment. If the business fails to qualify as a food establishment, then the Subsection regulating outdoor taverns applies.

b. Outdoor Tavern.

1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
2. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by Section 32-102.h.2. Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.

c. No portion of this Subsection may be construed to supersede ABC regulations. If any portion of this ordinance is directly contrary to state law or another ABC policy, state law or the ABC policy supersedes.

(8) *Lighting*. Outdoor lighting may be provided if a business continues to operate outside more than 30 minutes before dusk each day.

- a. Lighting must be facing downward toward the customers and directed away from the right-of-way and the adjacent properties. The lighting scheme should avoid projecting a glare onto other buildings.
- b. Lighting should be arranged in a manner and at an intensity that the light does not exceed one foot-candle as measured from the furthest demarcated edge of the sidewalk cafe, parklet, or parking lot being used for outdoor sales.

(9) Noise Levels and Noise Disturbance.

- a. No music shall be played or produced through external speakers, or played or produced inside the business building to a level that it can be heard off the premises, after hours of operation or 10 PM, whichever time is earlier.
- b. Any food establishment or tavern which exceeds the allowed decibels for the zoning district or is found in violation of the noise disturbance ordinance in Section 22-128 of the Code of Ordinances is subject to loss of use of outdoor space as a sidewalk cafe, walk-up market, and/or outdoor tavern.

(10) Mobile Vending

- a. No permit shall be required for any Mobile Vending. However, mobile vending by a person, person(s), or location may be restricted at the discretion of the ~~Department of Urban Planning and Land Use Staff~~ department of planning and urban design staff.
- b. A mobile vendor or one otherwise engaged in mobile vending must fulfill the following conditions:
 - 1. The sale of alcohol total less in annual dollar volume than the sale of food; and
 - 2. Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments.

(11) Parking

- a. A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter ~~will~~ while occupying the parking space or parklet. However, the time limit on parking meters when used in the manner described in this Subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this Subsection.
- b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law.
- c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
- d. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;
- e. No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;
- f. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle

must be located at least five feet from passing automobile traffic. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.

32-103–Review and Sunset

- (a) The amendments set forth in sections 32-100 through 32-102 of this article shall be reviewed by the board of commissioners on or before ~~December 31, 2020~~ June 30, 2022 to determine whether they should be revise, repealed, or whether additional studies are warranted.
- (b) The amendments set forth in sections 32-100 through 32-102 of this article shall be repealed effective ~~December 31, 2020~~ June 30, 2022 unless renewed by the board of commissioners.

32-185–Retail

- (a) Applicability. For entities that fulfill the following conditions. no permit is required to operate outdoor retail. This ordinance only applies to any business that:
 - (1) Sells items and/or services typically and regularly sold at the establishment; and
 - (2) Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments.
- (b) Allowed Arrangements. Businesses may engage in outdoor sales. subject to the following conditions:
 - (1) The outdoor sale must operate as an open-air market.
 - (2) Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:
 - a. No item(s) for sale or on display obstructs the sidewalk to a degree that a four-foot width cannot be maintained at all times; and
 - b. No item(s) for sale or on display hang over the air space of said four-foot width on the sidewalk.
 - (3) Any retail that is allowed under another Section of the Code of Ordinances, subject to all regulations under this ordinance.
- (c) Types of Retail Allowed. The following items may be sold in an open-air market, subject to the regulations of performance standards in the Code:
 - (1) Food and beverages;
 - a. All food and beverages must be prepackaged before being shipped to the business to be sold. If food and/or beverages are fresh or pre-packaged after

being shipped to the business 's physical location, then the subsection of the ordinance regulating Food Establishments applies.

- (2) Books and other paper goods;
- (3) Potted plants, cut or arranged flowers, or gardening seeds;
- (4) Visual works of art that have been transcribed onto a physical backing such as paper or canvas;
- (5) Jewelry and other wearable accessories;
- (6) Homemade goods and crafts;
- (7) Clothing;
 - a. Changing rooms in an open-market are prohibited.
- (8) Office services;
- (9) No repair work of any kind is allowed in an open-air market.

(d) Allowed Areas.

- (1) One or more of the following areas may be utilized for an allowed business as an open-air market:
 - a. From the building to the curb of the street, subject to the following conditions:
 - 1. A clearance—either a sidewalk or designated path if there is no sidewalk—parallel to the street and at least four feet in width must be maintained for use under the ADA; and,
 - 2. All open-air market elements must be at least four feet from street furniture and designated fire lanes.
 - b. A parklet, subject to the following conditions:
 - 1. One of the following is allowed to be used as a parklet by a food establishment:
 - (i) One on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
 - (ii) If there is no such described on-street parking space, one on-street parking space contiguous to the sidewalk contiguous to the building.
 - 2. Parklets and parklet barriers should be constructed and arranged to NACTO standards.
 - 3. No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by an open-air market.
 - 4. Only one parklet is allowed per building.
 - 5. No parklet is allowed to take up space or interfere with the operations within a visibly-designated loading/unloading zone.
 - 6. All seating within the parklet must be at least three feet from passing automobile traffic.
 - 7. No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
 - g. Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and

unencumbered by the outdoor dining activity or its supporting structures or activities.

1. If a business does not have any surplus parking spaces, then the business must first look to use a parklet.
 2. If a parklet cannot be achieved because there is no adjacent on-street parking allowed due to other local regulations, then off-street parking can be used regardless if business has surplus parking or not.
- (1) The business or non-profit organization operating under this Section shall be responsible for maintaining the required four-foot pedestrian walkway, and keeping the walkway free of trash and debris.
 - (2) No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
 - (3) No outdoor retail space as allowed under this Section shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.

(b) Social Distancing

- (1) All businesses are responsible for ensuring compliance with any and all guidance from *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, and federal restrictions.
- (2) In order to baseline level of safety for both employees and customers alike, all businesses must maintain social distancing in the following ways:
 - a. Ensure that customers or parties of customers maintain at least six feet from each other while shopping.
 - b. Ensure that customers or parties of customers maintain at least six feet from each other while queuing to check out.
 - c. Ensure that customers or parties of customers maintain at least six feet from another outdoor use in this Section, whether hosted by the same business or not.
 - d. Ensure that customers or parties of customers maintain at least six feet from pedestrians using the public right-of-way.

(c) Temporary Structures may be used for sidewalk cafes, parklets and/or parking lots.

- (1) Temporary structures that provide shade for retailers and customers made be erected. Use of umbrellas is encouraged.
 - a. "Pop up" tents are allowed only in surplus off-street parking spaces or in an area between the building and the curb in which the tent is at least 10 feet from the curb and does not interfere with any building or its functions, including drainage and access to light.
- (2) No temporary structure may be secured in any manner that damages the right-of-way or private property. Weighs are encouraged to be used to secure temporary structures.

- (3) Outside the hours of operation, as defined in this Section, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code.
- (4) Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - a. All signs allowed under this Subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 - b. Signs cannot be attached to public infrastructure.
 - c. Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.
- (d) Metering: Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this Section.
- (e) Hours of operation shall be the business' s regular published hours.
- (f) Outdoor retail spaces must follow crime prevention through environmental design (CPTED) best practices.

32-186- Review and Sunset.

- (a) The provisions set forth in section 32-185 shall be reviewed by the board of commissioners on or before ~~December 31, 2021~~ June 30, 2022 to determine whether they should be revised, repealed, or whether additional studies are warranted.
- (b) Section 32-185 shall be repealed effective ~~December 31, 2021~~ June 30, 2022 unless renewed by the board of commissioners.

Section 3. That Chapter 32, Streets and Sidewalks, Article VIII, Sections 32-380 to 32-382 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

ARTICLE VIII. – RECREATIONAL USE OF the RIGHT-OF-WAY

32-380 – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where words and phrases used in this Article are defined by state

law, such definitions shall apply to the use of such words and phrases in this Article and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this Section shall have the meanings set out in this section.

Open street means a residential, local, or neighborhood street with barricades erected to provide a temporary space for recreational use while still allowing reasonable access to resident drivers, delivery trucks, UG and public utility vehicles, and emergency services vehicles.

Open street block captain means the individual serving as the applicant, point of contact, and responsible party for an open street.

Special event means:

- (1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
 - a. *Animal shows*. Exhibitions of domestic or large animals for a maximum of seven days.
 - b. *Circuses and carnivals*. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
 - c. *Religious assembly*. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.
 - d. *Open air fairs*. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
 - e. *Other activities interrupting traffic*. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of a right-of-way as an open street.

32-381– Open Streets.

(a) Applicability

- (1) Any block that qualifies as an open street is allowed to be an applicant for an open street permit.

- a. The street must be designated a residential, local, or neighborhood street that has at least one occupied residential property or occupied commercial business that has a driveway or entrance within the applicant block.
 - b. Any street or right-of-way that is not designated by Section 27-763 or the Major Streets Plan as a highway, freeway, expressway, Class A Thoroughfare, Class B Thoroughfare, Class C Thoroughfare, or collector street.
 - c. An alley cannot be an Open Street.
 - d. A platted and unimproved right-of-way cannot be used as an open street.
- (2) The purpose of an open street is to provide a temporary space for recreational use by the residents, business owners, and the public.
- (3) No language in this Section should be construed to waive enforceability of public nuisances.

(b) Application Process

- (1) Parties Allowed to be an open street block captain
- a. A property owner of a non-vacant property that abuts ~~has an entrance facing~~ the affected block; or
 - b. With written permission by the property owner, a residential or commercial tenant in a property that has an entrance facing the affected block.
- (2) The open street block captain must completely and accurately fill out the entire open street permit application.
- (3) The open street block captain must sign the waiver of responsibility for the street barricades.
- (4) Proper notice must be given to 100 percent of the owners of ~~non-vacant~~ property on the open street permit application before the application is turned in to the public works department.
- a. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and neighborhood business and revitalization organizations (NBR), that serve the affected block; and
 - b. ~~Proper notice includes providing sufficient notice and information to the department of Public Works' Right of Way Manager.~~ If a property is vacant or undeveloped, it should be noted on the open street application. No notification to the property owner of a vacant or undeveloped property is required.
 - c. Proper notice includes providing sufficient notice and information to the department of Public Works' Right of Way Manager.

(c) Duties of the open street block captain.

- (1) The open street block captain must maintain the barricades as follows:
- a. Remove or arrange for and ensure the removal of barricades by sunset every day;
 - b. Ensure the integrity of the barricades before being reposition on the right-of-way after 8:00 a.m. and maintain a reasonable watch on the barricades throughout the day;

- c. Address qualifying damage to the barricades as follows;
1. Qualifying damage to a barricade includes:
 - (i) Inability to stand properly;
 - (ii) Inability to stay upright under reasonable circumstances, including a moderate wind;
 - (iii) Defacement and/or deterioration of the barricade sign to the point which it cannot be read from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
 - (iv) Defacement and/or deterioration to the color of the barricade to the point which it cannot be seen from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
 - (v) Defacement or removal of portions of the barricade to the extent that it cannot be reasonably be recognized for the purposes which it serves.
 2. If a barricade suffers qualifying damage, the open street block captain may first attempt to repair the damage. If the damage cannot be repaired quickly, then all barricades on the block must be removed from the right-of-way while the damaged barricade is repaired. Once the damaged barricade is repaired to the extent that it no longer has qualifying damage, all barricades may resume their position in the right-of-way.

(2) Removal of litter and debris

- a. The open street block captain is responsible for removal of any litter, debris and other materials from the street and around the barricades.
- b. If the open street block captain does not remove litter and debris, the UG will remove it and the cost of the removal will be charged to the open street block captain.

(3) The open street block captain will be subject to all responsibilities enumerated in Section 32-181(c) through ~~December 31, 2020~~ June 30, 2022.

(4) The open street block captain will serve as the point of contact during the open street application process and for the open street permit so long as the permit is in effect.

- a. The open street block captain will continue to provide proper notice and information regarding any contact with the UG regarding the barricades or the open street application or permit. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and NBRs that serve the affected block, and the affected property owners.

(d) Open Street Barriers

(1) Proper barriers for an open street must meet the following requirements:

- a. The barriers must be painted orange; and
- b. Measure at least 48 inches in height; and
- c. Of each set of two barriers at an intersection. the barrier closer to the intersection shall carry a sign.

1. The sign must be made of durable material.
2. Markings on the sign should be legible, easy to see, and resistant to sunlight, precipitation, and wind.
3. The sign shall measure no less than 24 inches in height and 26 inches in length. When the sign is attached to the barricade, the height of the top of the sign may be counted as the height of the barricade.

(2) Arrangement

- a. Four barriers must be used to signify a street block as an open street.
- b. ~~Barrier~~ The barrier must be arranged in the following manner:
 1. The first barricade shall be level with the edge of the crosswalk furthest away from the intersection, so that pedestrians may still cross at the designated crosswalk area. The first barricade will be positioned to the immediate right of the centerline as viewed from the intersection. The first barricade shall contain a sign no smaller than 24 inches by 36 inches that reads "Local Traffic and Deliveries Only" and faces the intersection.
 2. The second barricade shall be 20 feet further away from the intersection, proportionately positioned on the other side of the center line of the middle of the street from the first barricade.
 3. The same arrangement shall be replicated at the other intersection, with the intended effect of creating a barrier that visually and physically demarcates the open street used for temporary recreational purposes, from the intersecting street.
- b. Barricades shall be placed at contiguous intersections (either 3-way or 4-way intersections) to create an effective deterrent to through traffic and provide a safer temporary recreational area for residents and customers.
- c. Maintaining vehicular access.
 1. Access for emergency vehicles is required at all times. Any barricades or obstacles placed in the street a part of the open street must be easily moved to allow emergency and hazard vehicles to enter it in response to an emergency.
 2. Access to residences and businesses on an open street block.
 1. Access must be granted to businesses and residences on the open street block as needed; and,
 2. The open street block captain is responsible for assisting as needed with moving and replacing barricades to allow people to get to businesses and residences on the open street block.

(e) Term of permit.

- (1) Barricades may not be erected on the right-of-way before 8:00 a.m. and after sunset or 10:00 p.m., whichever is earlier.
- (2) Barricades may be erected under the conditions enumerated in Section 32-181(d) every day through ~~December 31, 2020~~ June 30, 2022 unless otherwise prohibited by this ordinance or another allowed action taken by the board of commissioners or any allowed department.

32-382– Review and sunset.

- (a) The amendments set forth in sections 32-380 and 32-381 of this article shall be reviewed by the board of commissioners on or before ~~December 31, 2020~~ June 30, 2022 to determine whether they should be revised, repealed, or whether additional studies are warranted.
- (b) The amendments set forth in sections 32-380 and 32-381 of this article shall be repealed effective ~~December 31, 2020~~ June 30, 2022 unless renewed by the board of commissioners.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF _____, 2022.

MAYOR/CEO

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Petitions COZ2021-004 & MPL2021-017

GENERAL INFORMATION

Applicant:
Mark Cross

Status of Applicant:
Homeowner
7331 Holliday Drive
Kansas City, Kansas 66106

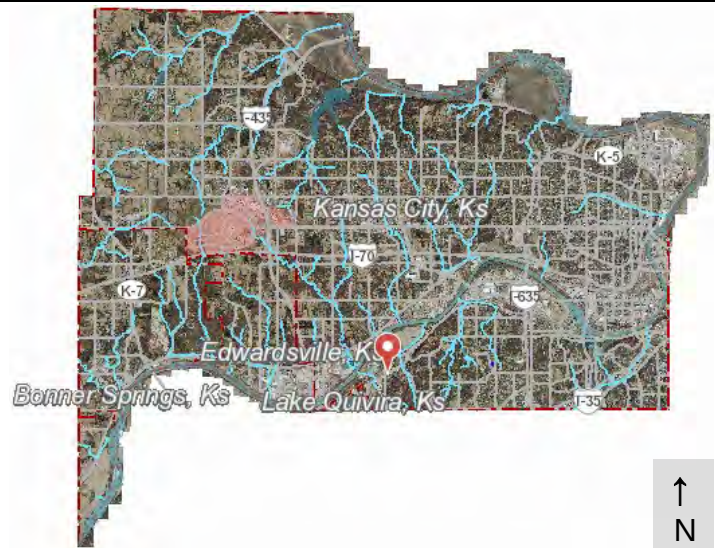
Requested Actions:
Approval of a Change of Zone.

Approval of a Master Plan
Amendment.

Date of Application:
January 20, 2021

Purpose:
To change the zoning district from R-1
Single Family District and CP-0 Planned
Non-Retail Business District to CP-1 Limit
Business District.

To amend the land use designation in the
City-Wide Master Plan from Low-Density
Residential to Neighborhood Commercial.



Property Location:	7331 Holliday Drive Kansas City, Kansas 66106
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	R-1 Single Family and CP-0 Planned Non-Retail Business District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family and CP-1 Planned Limited Business District
Adjacent Uses:	North: Single-family residence South: Single-family residences East: Single-family residences West: Single-family residences and commercial business
Total Tract Size:	2.65 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods. Neighborhood Commercial, the proposed land use designation, allows convenience retail uses such as banks, drug stores, and service stations, local sit-down restaurants, and small-scale professional and office services. Neighborhood Commercial discourages industrial uses, business parks, adult-oriented businesses, night clubs and bars selling only alcohol, drive-through restaurants, and car lots.
Major Street Plan:	The Citywide Master Plan designates Holliday Drive as a Class B Thoroughfare.

Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one of which shall be in a garage or carport. CP-0 District (current zoning): Section 27-463(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. CP-1 District (proposed zoning): Although the applicant is seeking a Change of Zone for the entire parcel to the CP-1 Planned Limited Business District, a single-family residence is subject to the standards of the R-1 District, including parking requirements, per Section 27-464(b)(3)c. Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one of which shall be in a garage or carport. The applicant has both an existing attached garage and is proposing to construct an additional accessory building; between the two (2) structures there is sufficient parking available for more than two (2) vehicles.
Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021 and November 18, 2021 Letters to Property Owners – March 19, 2021; April 16, 2021; May 14, 2021; June 17, 2021; July 16, 2021; August 20, 2021; September 17, 2021; October 15, 2021; November 19, 2021; and December 29, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	None to date.
Public Opposition:	One (1) person appeared at the Board of Zoning Appeals meeting. There was opposition to the original application prior to the applicant revising the zoning districts required and removing the Special Use Permit.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mark Cross, is requesting a Change of Zone and a Master Plan Amendment. The applicant's parcel is presently split-zoned between the CP-0 Planned Nonretail Business District and R-1 Single

Family District; the applicant proposes a Change of Zone for the entire parcel to the CP-1 Planned Limited Business District. The applicant is also proposing a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial. The applicant is simultaneously requesting four (4) variances related to the proposed Change of Zone, due to pre-existing setbacks and the proposed addition of an accessory building.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by the Property Maintenance Compliance Division:

- July 29, 2002- Several Inoperable Vehicles
 - August 8, 2002- Trash*
 - September 5, 2002 – Inoperable Vehicle Without License Plate*
 - December 10, 2003 – Inoperable Vehicles; Trash
 - January 9, 2004 – Inoperable Vehicle Without License Plate*
 - January 12, 2004 – Inoperable Vehicle Without License Plate
 - February 23, 2005 – Primary Residence and Property Unfit; Junk*
 - September 6, 2006 – Weeds Abatement; No Utilities Serving Property*
 - November 24, 2009 – No Visible Address Numbers
- * Cited as the alternative address, 7329 Holliday Drive

FACTORS TO BE CONSIDERED

Change of Zone

1. The character of the neighborhood.

The neighborhood is transitional in nature from the industrial uses on the north side of Holliday Drive to the single-family neighborhood on the south side of Holliday Drive. Among the parcels adjacent to Holliday Drive from the south, the subject property also serves as a transition from the single-family lots to the north/northeast and the commercial buildings and water treatment plant to the south/southwest, including the adjacent commercial building at the corner of Holliday Drive and South 74th Street, which serves as a commercial node.

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

Between Inland Drive and the Kansas City-Lake Quivira municipal border, Holliday Drive features many industrial uses. These uses are most common north of the right-of-way, but non-residential uses such as water treatment and athletic training also border Holliday Drive. Light (or limited) commercial uses can serve as a transition from residential uses to heavier commercial uses, especially if there are similarities in architectural design and the proper use of landscape screening between the properties. Therefore, the proposed use can be considered compatible with the nearby residential properties, especially the residential properties to the east and south.

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

The subject property accesses Holliday Drive, a Class B Thoroughfare. Commercially zoned properties are better suited to be located along major roads than residential properties. Allowing light commercial uses on the subject property, even if the applicant does not express a desire to engage in such commercial activities. The accessory building to be constructed in the future in the north/northeastern portion of the property will be shielded from the view of some of the adjacent neighbors by the steep hill and thick cluster of trees directly to the south that takes up most of the property. Noise, lights, and vibrations may affect some neighbors.

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

The property is not vacant. It is the primary residence of the applicant.

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

The primary residence on the subject property is located within the portion of the parcel zoned CP-0. The CP-0 District does not allow for a primary residence, so a Change of Zone was necessary. The applicant requested a Change of Zone to the CP-1 District instead of the R-1 District because the proposed accessory building had already been purchased before any planning entitlements had been granted, and the applicant desires to conform to the Commercial development Guidelines Overlay District rather than redesign the accessory building to match the design and materials of the primary residence. While there are additional uses allowed in the CP-1 District that are not allowed in the R-1 District, the applicant has stated that there is no intention to conduct commercial business on the property, outside of home occupation uses permitted under Section 27-609(1). Heavy commercial and industrial uses, especially the commercial uses proposed by the applicant initially, can permanently injure the appropriate use, visual quality or marketability of nearby property.

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

Despite the requested Change of Zone to CP-1, the applicant's proposed plans do not involve customers coming to the property. Therefore, there is no concern of increased traffic or parking due to customers.

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

The existing land use designation for the property is Low-Density Residential. A land use designation under the City-Wide Master Plan, Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses and the cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods. A Change of Zone to the CP-1 Planned Limited Business District alone does not conform with the City-Wide Master Plan. Therefore, the applicant is simultaneously requesting a Master Plan Amendment to the Neighborhood Commercial District. The Neighborhood Commercial land use designation allows convenience retail uses such as banks, drug stores, and service stations, local sit-down restaurants, and small-scale professional and office services. Neighborhood Commercial discourages industrial uses, business parks, adult-oriented businesses, night clubs and bars selling only alcohol, drive-through restaurants, and car lots. The proposed uses conform with the Neighborhood Commercial encouraged and discouraged uses.

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

To mitigate risk of air, land, and/or water pollution, the proposed accessory building must ensure that liquids do not leak into the ground and pollute the water supply. Additionally, disposal of old parts must also be done in a manner that is safe, legal, and environmentally considerate, as well as in compliance with all relevant commercial regulations. Lastly, landscaping and other vegetation must be installed and/or planted in conformance with the Commercial Development Guidelines Overlay District.

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

a. *Water service*

There is currently water service to the property.

b. *Sanitary sewer service*

A sanitary sewer line is adjacent to the property to the north, underneath Holliday Drive.

c. *Storm water control*

A storm water line is provided on Holliday Drive.

d. Police

Police service is provided by South District, #334.

e. Fire

Fire service is provided by Fire Station #20.

f. Transit

No public transit serves this property.

g. Schools

Oak Grove Elementary School, Turner Middle School, and Turner High School are provided by Turner USD #202.

h. Streets

The property is accessible by Holiday Drive, running northeast-southwest.

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

The applicant is not establishing a new business. Rather, they are simply attempting to construct a 2,400-square foot accessory building that conforms with the Commercial Development Guidelines Overlay District in order to store personal vehicles. The purposed used has little to no economic benefit to the community.

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

A Change of Zone to CP-1 places the subject property under the Commercial Development Guidelines Overlay District (CDGOD). New additions, which includes the proposed accessory building, are subject to the CDGOD's building and landscaping design regulations. Based on the building elevations that the applicant has provided, the accessory building does not currently meet CDGOD standards. The existing primary residence and accessory buildings do not mee the front yard setbacks, and the proposed addition of a new accessory building exacerbates violations of the maximum number of accessory buildings and the total floor area of accessory buildings.

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

In requesting a Change of Zone from CP-0/R-1 to CP-1, the applicant is proposing a change in the uses allowed on the subject property. There are a host of uses allowed by right in the CP-1 District that are not allowed in the R-1 or CP-0 Districts. Furthermore, there are some uses allowed only by Special Use

Permit in the commercial districts. The addition of such uses, some of which are allowed in the CP-1 District by right and thus neighbors would be given no notice and would have no opportunity to provide input and could create a hardship on nearby residential landowners.

Master Plan Amendment

1. *Neighborhood character.*

See Change of Zone Review Factor #1.

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

See Change of Zone Review Factor #6.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

The subject property has an existing primary residence and accessory buildings, all of which are currently served by utilities and public services. The proposed accessory building must be connected to the existing utilities on the subject property. The utilities and public services that are currently available are adequate to serve the proposed amendment and the extent to which the environment would be impacted

4. *The difference between the existing and proposed Master Plan.*

See Change of Zone Review Factor #7.

5. *Analysis of the impact on surrounding properties.*

See Change of Zone Review Factors #2, 3, and 6.

6. *Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.*

See Change of Zone Review Factor #10.

PREVIOUS ACTIONS

- BOZA2021-034 (four (4) variances from front yard setbacks and accessory building quantity and floor area; heard simultaneously)

NEIGHBORHOOD MEETING

The applicant held an in-person neighborhood meeting at 7331 Holliday Drive on October 25, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the *Attachments* section of this report).

KEY ISSUES

Commercial Development Guidelines Overlay District
Compatibility of Uses
Landscaping Plan
Noise
Site Improvements
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-004** and Master Plan Amendment **MPL2021-017**, subject to:

- 1) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 2) No inoperable vehicles may be stored on the property, which exception to the 24-hour condition as noted above;
- 3) No parking or storage of vehicles is allowed on the street or in the public right-of-way;
- 4) Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates at least three (3) of techniques listed in Section 27-576(c)(2);
- 5) Per Section 27-576(h)(1), windows, windows with awnings, and covered pedestrian walkways for new constructions should total at least 60 percent of the building frontage along public streets. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;
- 6) Any approval by the City Planning Commission of these cases, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2021-034 by the Board of Zoning Appeals and upon any ordinance publications required by law;
- 7) These City Planning Commission cases are being heard in conjunction with BOZA2021-034. The following are conditions for BOZA2021-034 and are stated here for reference only, as COZ2021-004 and MPL2021-017 are

solely for a Change of Zone from CP-0 Planned Nonretail Business District and R-1 Single Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial.

- a. All existing accessory buildings, except for one (1) identified garage, must be demolished;
 - b. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates at least three (3) of techniques listed in Section 27-576(c)(2);
 - c. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;
 - d. A five (5)-foot sidewalk must be installed along the public right-of-way;
 - e. The existing driveway must be paved and curb cuts for the driveway installed;
 - f. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
 - g. No commercial vehicles or vehicles otherwise used for business purposes may be stored on the property;
 - h. No parking or storage of vehicles is allowed on the street or in the public right-of-way;
 - i. Any approval of one (1) or more variances therein are contingent upon and shall only go into effect upon the approval of Petitions COZ2021-004 and MPL2021-017;
 - j. 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;
 - k. A building permit is required;
 - l. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit;
 - m. If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
 - n. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments;
 - o. Site improvements including land disturbance activity on greater than 1 acre of surface area of land require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations; and,
 - p. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Department of Planning and Urban Design.
- 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) A building permit is required. Please contact the Building Inspection Department to begin that process;
 - 10) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
 - 11) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
 - 12) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
 - 13) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 - 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;
 - 15) No current business record is found for applicant. Applicant will need to file and maintain a current occupation tax application; and,
 - 16) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Conservation District Letter, Dated March 16, 2021” in the *Attachments* section of this report.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-004 and MPL2021-017**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Sidewalks and Trail Master Plan
Photos of the Property Provided by Staff, Dated March 20, 2021
Photos of the Property Submitted by the Applicant
Site Plans Provided by the Applicant
Renderings of the Proposed Accessory Building
Elevations and Building Plans of the Proposed Accessory Structure
Landscaping Plans Provided by the Applicant
Conservation District Comment Letter, Dated March 16, 2021
Neighborhood Meeting Materials, Dated October 25, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	December 13, 2021 Approval	January 6, 2022
Master Plan	December 13, 2021 Approval	January 6, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-004 and MPL2021-017**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-004 and MPL2021-017**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:03:40:

MASTER PLAN AMENDMENT MPL2021-017 – MARK CROSS WITH CROSSROAD TRUCKING,, LLC – SYNOPSIS: Master Plan Amendment from Low Density Residential to Neighborhood Commercial (City-Wide Master Plan) at 7331 Holliday Drive.

CHANGE OF ZONE APPLICATION COZ2021-004 – MARK CROSS WITH CROSSROAD TRUCKING, LLC - SYNOPSIS: Change of Zone from R-1 Single Family and CP-O Planned Non-Retail Business District to CP-1 Planned Limited Business District for a single-family residence and accessory structures at 7331 Holliday Drive.

Detailed Outline of Requested Action: The applicant, Mark Cross, is requesting a Change of Zone and a Master Plan Amendment. The applicant's parcel is presently split-zoned between the CP-0 Planned Nonretail Business District and R-1 Single Family District; the applicant proposes a Change of Zone for the entire parcel to the CP-1 Planned Limited Business District. The applicant is also proposing a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial. The applicant is simultaneously requesting four (4) variances related to the proposed Change of Zone, due to pre-existing setbacks and the proposed addition of an accessory building.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by the Property Maintenance Compliance Division:

- July 29, 2002- Several Inoperable Vehicles
 - August 8, 2002- Trash*
 - September 5, 2002 – Inoperable Vehicle Without License Plate*
 - December 10, 2003 – Inoperable Vehicles; Trash
 - January 9, 2004 – Inoperable Vehicle Without License Plate*
 - January 12, 2004 – Inoperable Vehicle Without License Plate
 - February 23, 2005 – Primary Residence and Property Unfit; Junk*
 - September 6, 2006 – Weeds Abatement; No Utilities Serving Property*
 - November 24, 2009 – No Visible Address Numbers
- * Cited as the alternative address, 7329 Holliday Drive

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony tonight at the Board of Zoning Appeals meeting.

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

Present in Support:

- Mark Cross, applicant, 7331 Holliday Drive, Kansas City, Kansas 66106
- Matthew Cross, 12131 West 36th Street, Apartment 817, Overland Park, Kansas 66221

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:08:57: Planning Director Hand stated that these applications are being heard in conjunction with BOZA2021-034, which was approved with conditions by the Board of Zoning Appeals earlier this evening. This property is located in the Morris Neighborhood adjacent to the small commercial node at 74th and Holliday Drive. The purpose of the Change of Zone is to correct the split zoning that was approved for a previous owner, who also converted the home to an office. The applicant has converted the office back to a single-family home. The Board of Zoning Appeals approved the application with the removal of the “historic garage building.” He further stated that there are additional conditions with this application that are outlined in the staff report. There are numerous Notices of Violation prior to Mr. Cross’ ownership of the property. Staff has received no letters in support and there was someone present at the Board of Zoning Appeals meeting in opposition. Staff recommends approval, subject to the conditions in the staff report.

Motion and Vote starts at 2:11:55:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-017:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to APPROVAL Passed: 5 to 0

Subject to:

- 1) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 2) No inoperable vehicles may be stored on the property, which exception to the 24-hour condition as noted above;
- 3) No parking or storage of vehicles is allowed on the street or in the public right-of-way;
- 4) Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates at least three (3) of techniques listed in Section 27-576(c)(2);
- 5) Per Section 27-576(h)(1), windows, windows with awnings, and covered pedestrian walkways for new constructions should total at least 60 percent of the building frontage along public streets. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;
- 6) Any approval by the City Planning Commission of these cases, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2021-034 by the Board of Zoning Appeals and upon any ordinance publications required by law;
- 7) These City Planning Commission cases are being heard in conjunction with BOZA2021-034. The following are conditions for BOZA2021-034 and are stated here for reference only, as COZ2021-004 and MPL2021-017 are solely for a Change of Zone from CP-0 Planned Nonretail Business District and R-1 Single Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial.

- a. All existing accessory buildings, except for one (1) identified garage, must be demolished;
 - b. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates at least three (3) of techniques listed in Section 27-576(c)(2);
 - c. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;
 - d. A five (5)-foot sidewalk must be installed along the public right-of-way;
 - e. The existing driveway must be paved and curb cuts for the driveway installed;
 - f. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
 - g. No commercial vehicles or vehicles otherwise used for business purposes may be stored on the property;
 - h. No parking or storage of vehicles is allowed on the street or in the public right-of-way;
 - i. Any approval of one (1) or more variances therein are contingent upon and shall only go into effect upon the approval of Petitions COZ2021-004 and MPL2021-017;
 - j. 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;
 - k. A building permit is required;
 - l. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit;
 - m. If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
 - n. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments;
 - o. Site improvements including land disturbance activity on greater than 1 acre of surface area of land require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations; and,
 - p. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Department of Planning and Urban Design.
- 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.

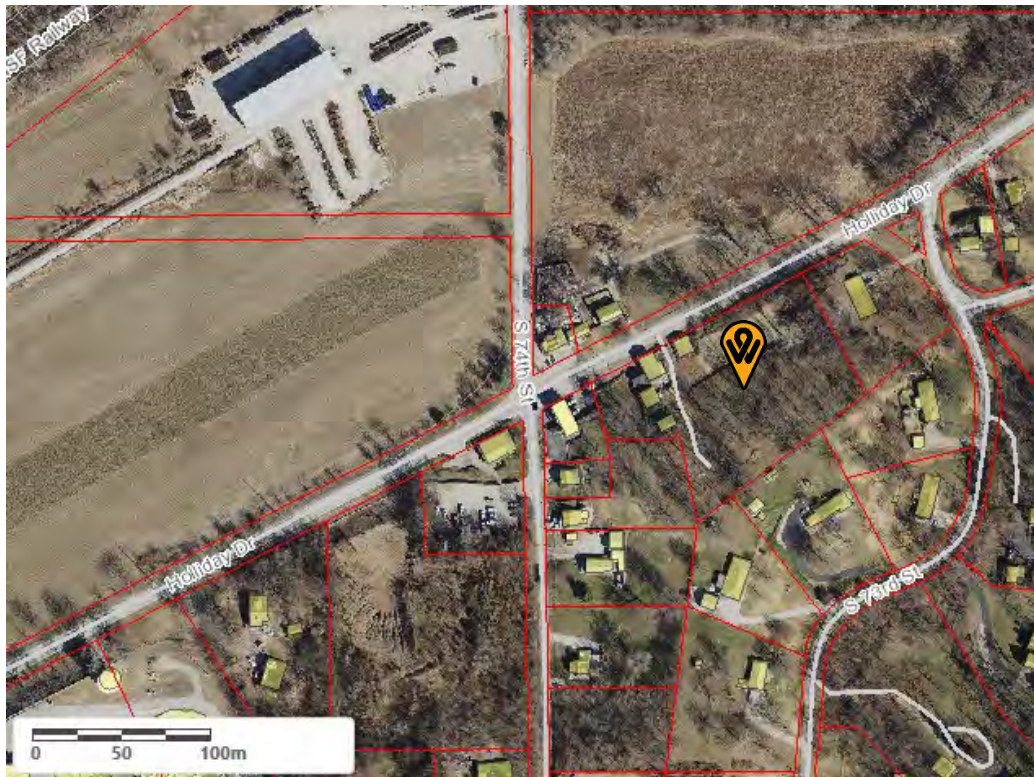
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 11) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 12) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 13) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 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;
- 15) No current business record is found for applicant. Applicant will need to file and maintain a current occupation tax application; and,
- 16) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Conservation District Letter, Dated March 16, 2021” in the *Attachments* section of this report.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-004:**

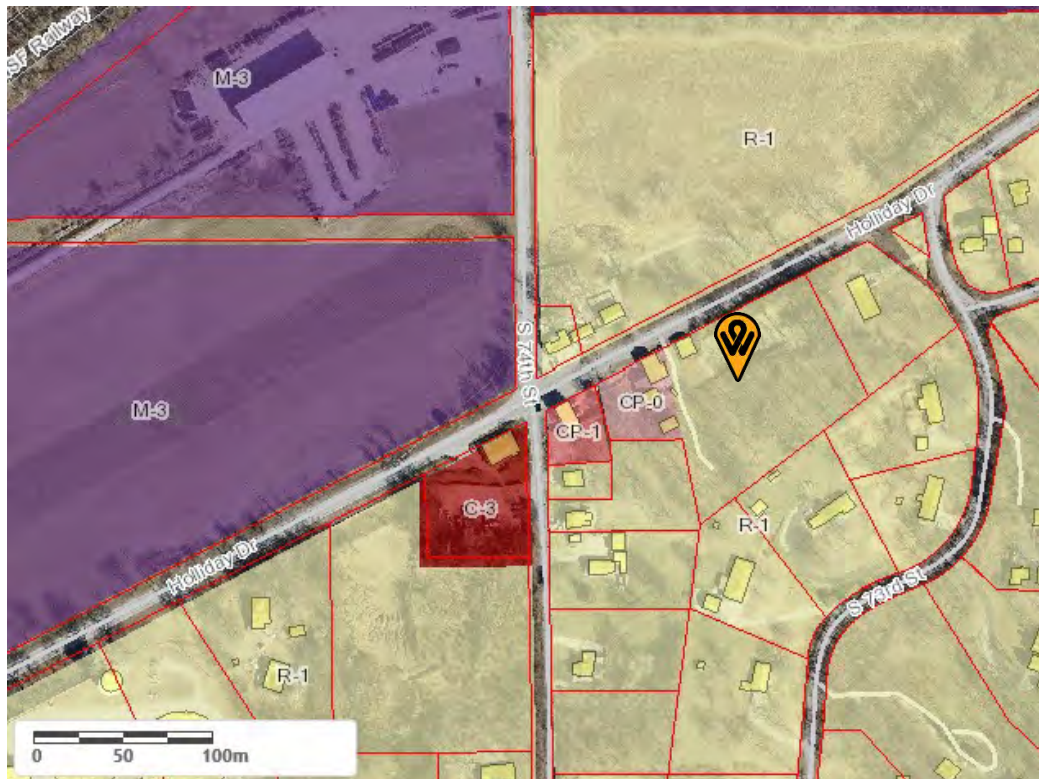
Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye

Jones Aye
Motion to APPROVAL Passed: 5 to 0
Subject to the above conditions

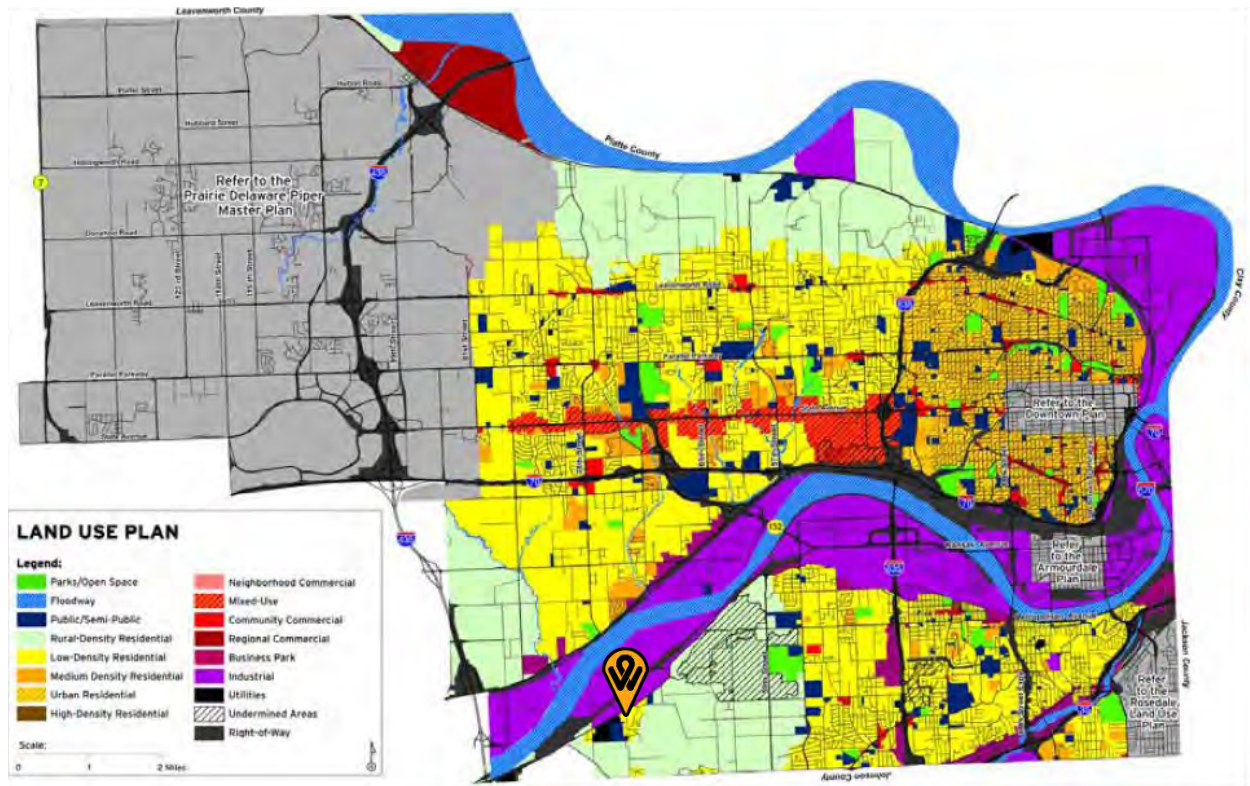
AERIAL MAP



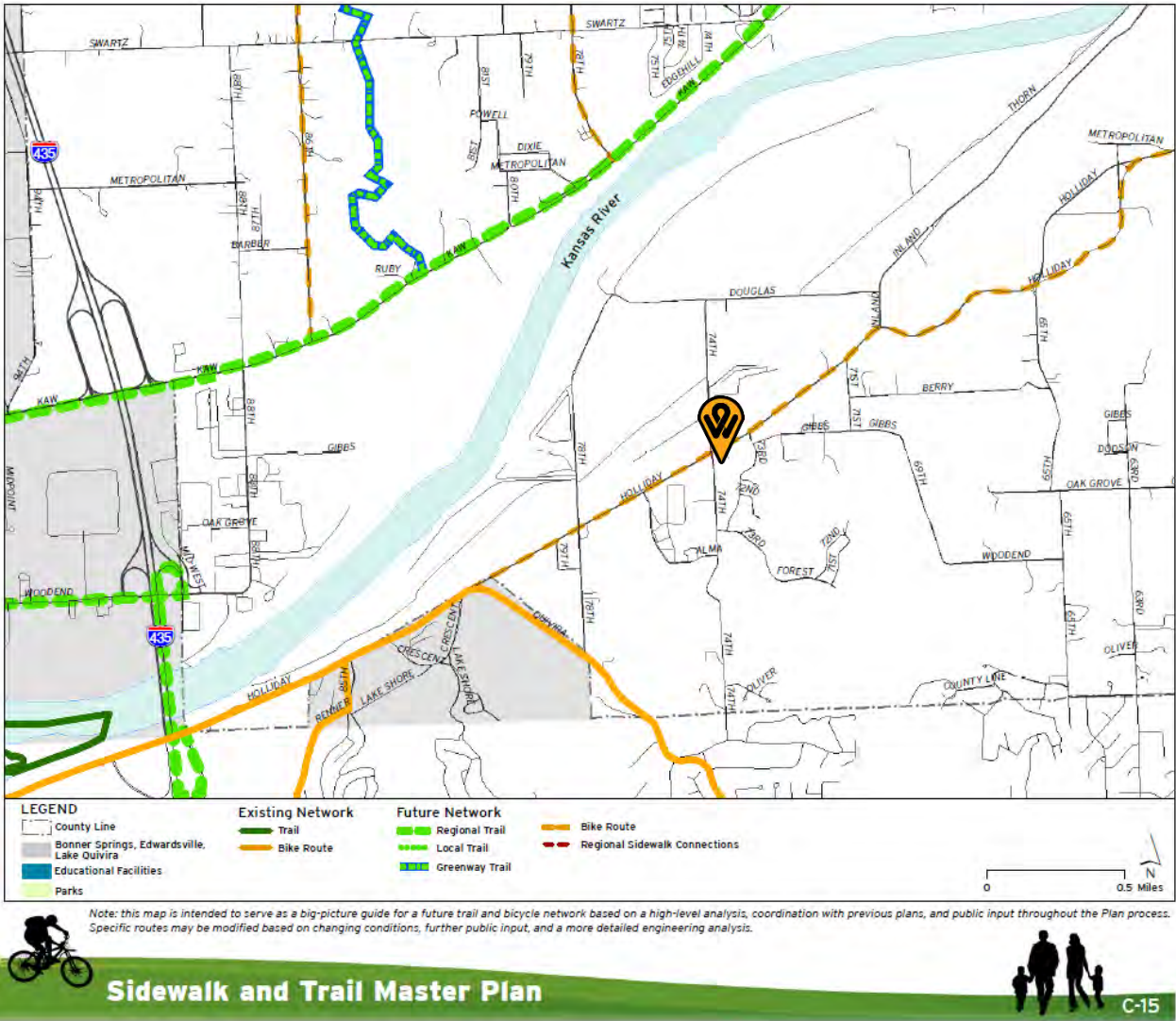
ZONING MAP



LAND USE MAP

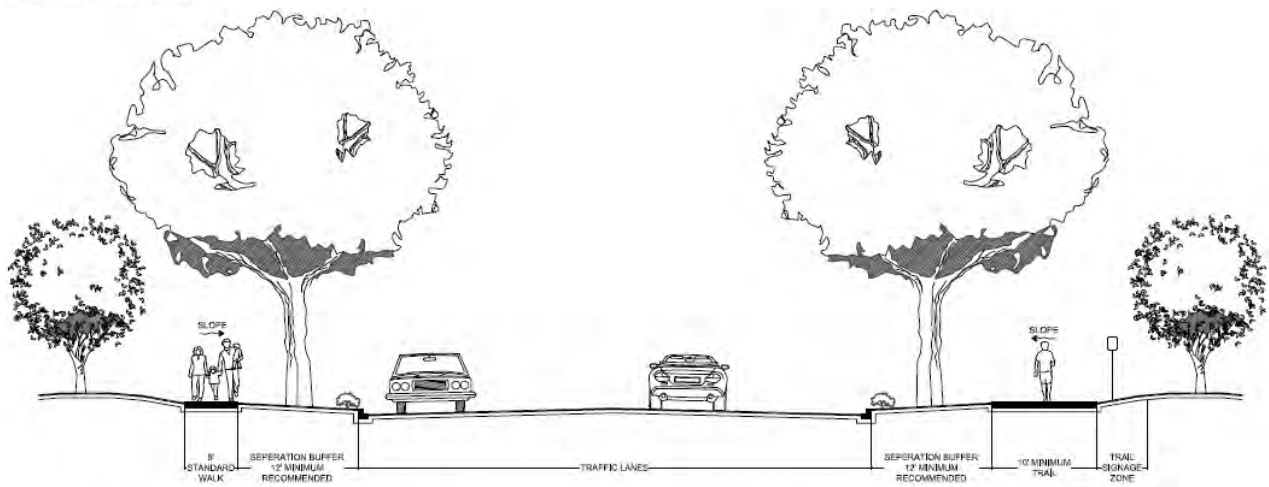


SIDEWALKS AND TRAILS MASTER PLAN



SIDEWALKS AND TRAILS MASTER PLAN, CONT.

Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED MARCH 21, 2021



PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT



- *This has been included in the original application: note photos of the mockup superimposed upon WYCO Unified aerial structure-zone mapping, with emphasis on the yellow rectangular boxes designating existing structure, and the proposed structure designated with a red “X” and a yellow rectangle.*
- *See answer to question (Staff comments and suggestions: 2 (a)) utilizing the WYCO Unified Aerial structure-zone mapping with superimposed mockup of the proposal, delineating exact elevations of pre-existing structures and the proposed accessory structure location.*

RENDERINGS OF THE PROPOSED ACCESSORY BUILDING



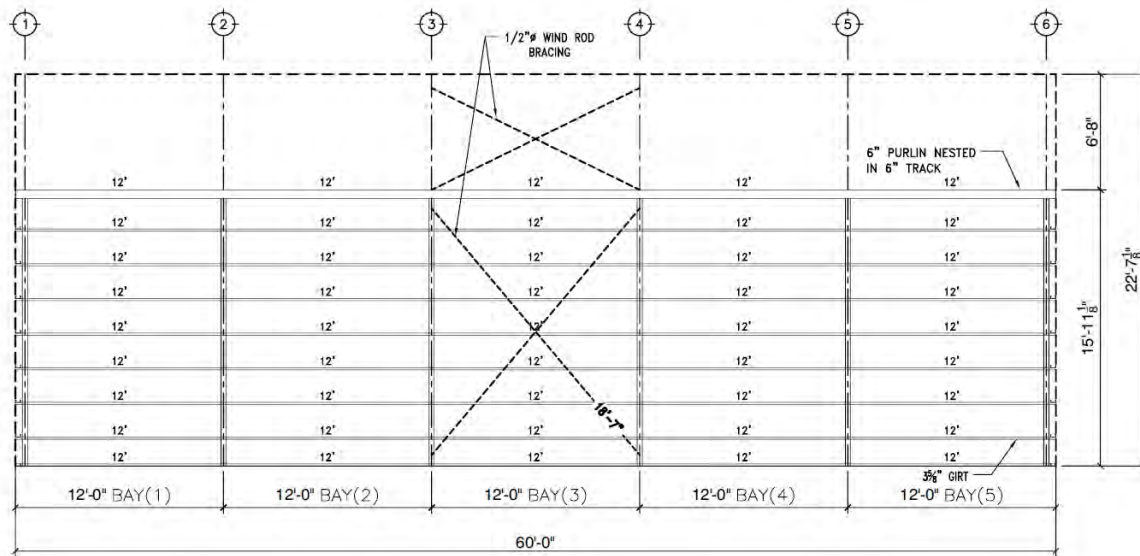
Applicant Note:

- *A mockup of the proposed structure, which will have 40 feet of windows installed into the side of the building, as shown.*
- *Both the color of the structure and design have been matched to the primary residence, as shown here.*
- *Affixed to at least 60% of the façade, the building will have Cementous siding, as shown here in the 3D mockup – anchored the full 9 inches adjacent to the concrete footing.*

Architectural drawing of the front endwall elevation of a building. The drawing shows a gabled roof structure with a total width of 40'-0" and a total height of 22'-7 3/8". The roof pitch is 12/4. The endwall features a central section with a 16'-0" bay (E.2) and two side sections with 4'-0" bays (E.1 and E.4). The roof is supported by a truss system with 13'-2" and 14'-5" members. The endwall is clad with 5" galvanized purlins and 6" track at the ends. The roof is supported by 3 5/8" track at the top of the endwalls, below the purlins. Chord braces and wind rods are shown on the endwall. The drawing includes a north arrow and a scale of 1/4" = 1'-0". A professional engineer's stamp is visible in the bottom right corner.

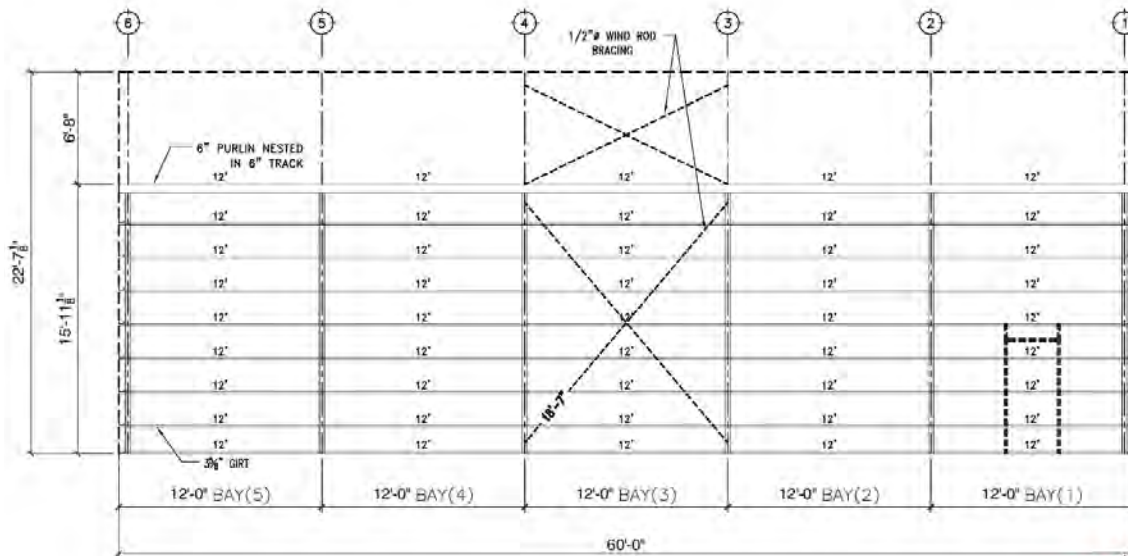


ELEVATIONS AND BUILDING PLANS OF THE PROPOSED ACCESSORY STRUCTURE, CONT.



RIGHT SIDEWALL ELEVATION

Scale 3/16" = 1'-0"

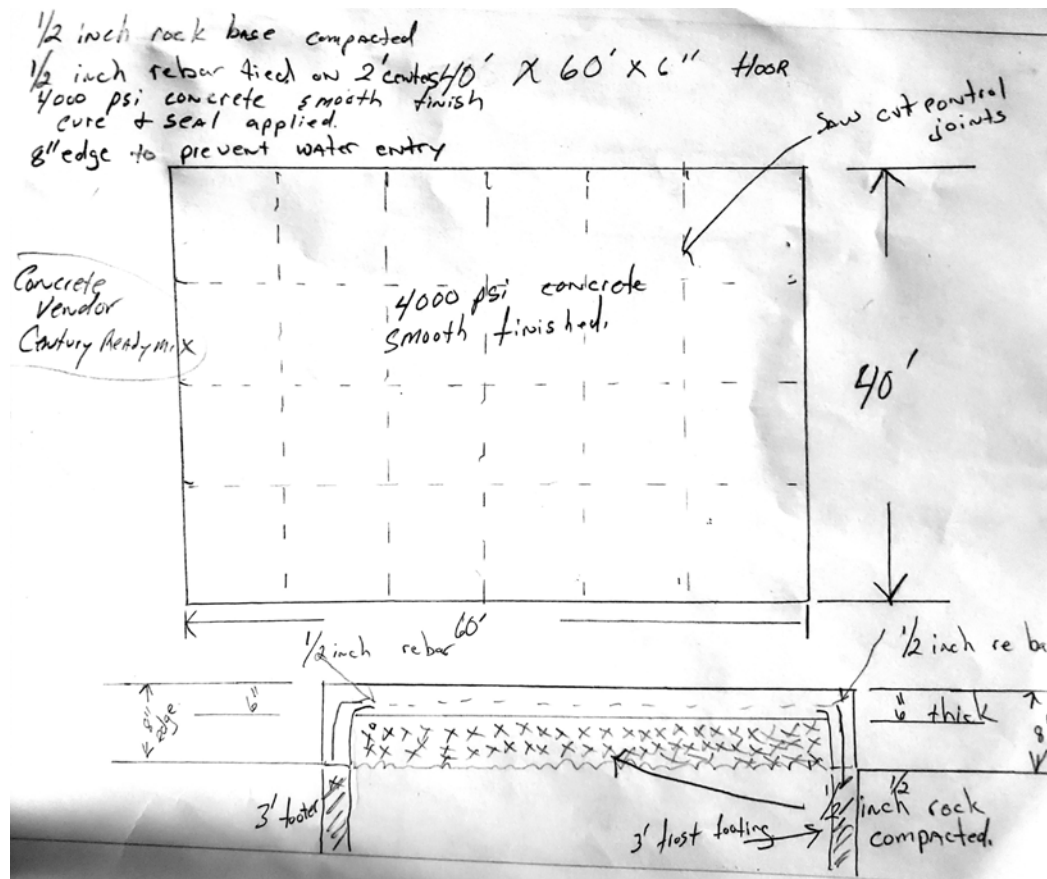
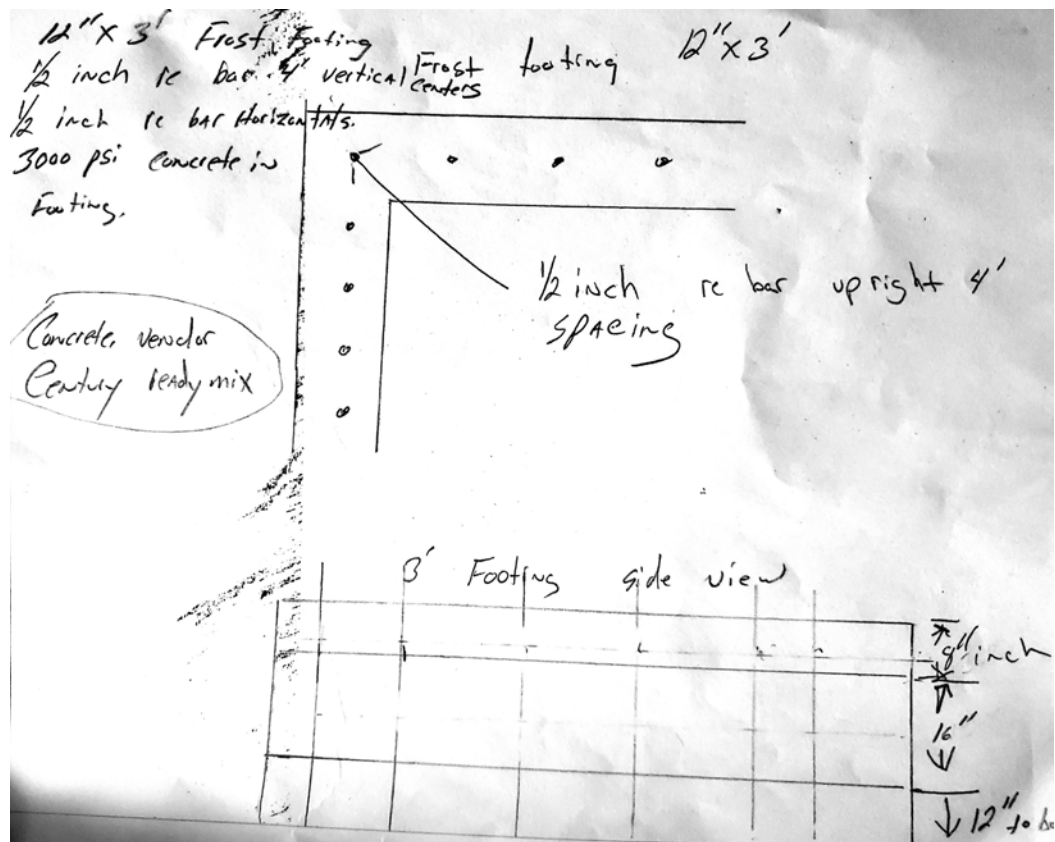


LEFT SIDEWALL ELEVATION

Scale 1/4" = 1'-0"



ELEVATIONS AND BUILDING PLANS OF THE PROPOSED ACCESSORY STRUCTURE, CONT.



LANDSCAPING PLANS PROVIDED BY THE APPLICANT



Applicant Note: This has been included in the original zone-change application: note photos of the mockup superimposed upon WYCO Unified aerial structure-zone mapping, with emphasis on the distance arrows delineating a measure of greater than 25 feet, with 75% cover of ornamental plant material, and the location of where the ornamental foliage and barrier wall is to be built – marked by an elongated yellow rectangle and an “X” directly between the proposed structure location marked with a yellow box and red “X” and the main thoroughfare, Holliday Drive.

LANDSCAPING PLANS PROVIDED BY THE APPLICANT, CONT.



Applicant Note: Property directly to the east is year-round obscured from sight view of all existing structures and any proposed structures as a consequence of main structure being built in an underground grade, with a high berm, and year-round foliage, as pictured.



Applicant Note: The east corner of the property, looking southwest illuminates the existing features of the property that obscures the proposed structure: a 20-foot berm covered in dense foliage.

LANDSCAPING PLANS PROVIDED BY THE APPLICANT, CONT.



Applicant Note: View from the street looking up towards proposed structure through trees. Ornamental foliage and design elements will be integrated into the tree cover seen above to achieve 100% sight-obscuring landscape elements.



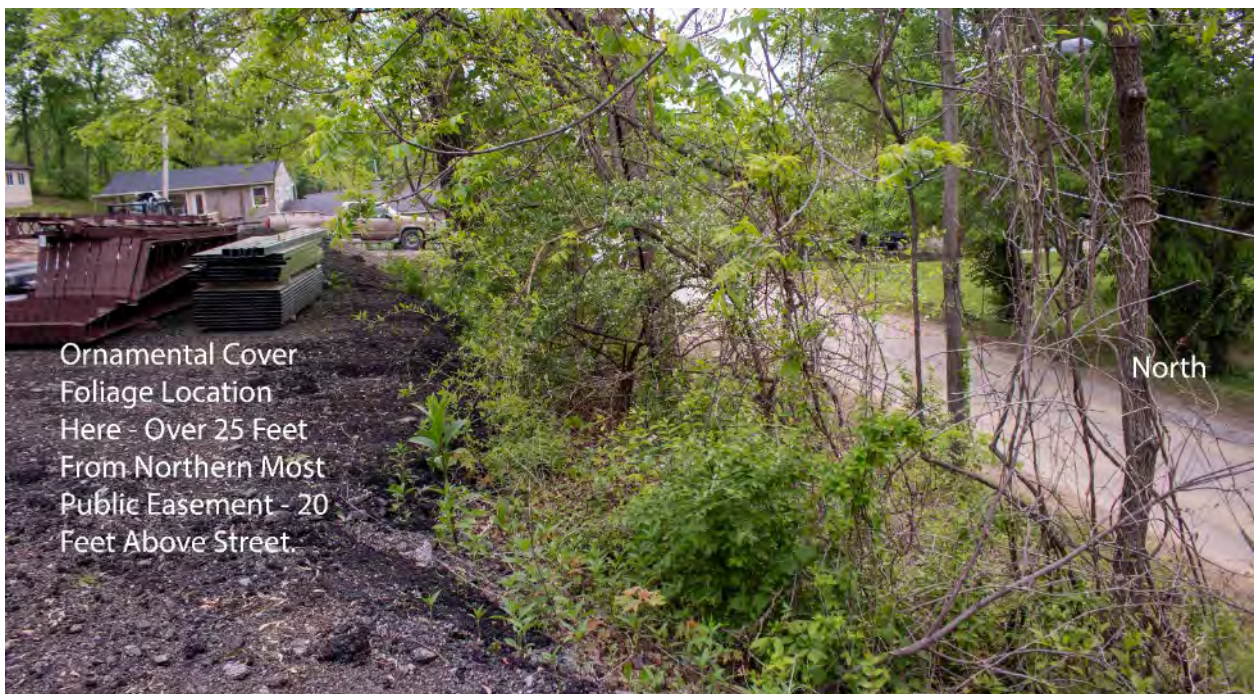
Applicant Note:

- The ornamental wall that will be replicated and expanded upon the top of the berm highlighted in the previous photo addressing question 2(b), between the Holliday [D]rive thoroughfare and the proposed structure.
- Following is the exact design elements and plant material found currently on the west side of the property at 7331 Holliday Drive, Kansas City, KS 66106 that will be replicated between the Holliday drive Main thoroughfare and the proposed accessory garage delineated by a yellow rectangle and red "X" in the previous WYCO Unified aerial structure-zone maps.

LANDSCAPING PLANS PROVIDED BY THE APPLICANT, CONT.



Applicant Note: The large, forested hill totally obscures any structures for the homes to the south of the property at 7331 Holliday drive, and to the west, another hill obscures entirely the structures of 7331 Holliday drive, with emphasis noted on the obscuring ability of the main residence upon the existence of the proposed new accessory garage.



Applicant Note: View from the berm facing down towards the street

LANDSCAPING PLANS PROVIDED BY THE APPLICANT, CONT.



Applicant Note: As noted above, the 75% cover comprised of ornamental plant material is delineated by an elongated yellow rectangle with an "X" inside, placed between the Holliday drive thoroughfare and the site of the proposed structure marked with a yellow rectangle and "X."

CONSERVATION DISTRICT COMMENT LETTER, DATED MARCH 16, 2021



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

March 16, 2021

RE: COZ2021-004 Mark Cross with Crossroad Trucking, LLC. parking and maintenance
7331 Holiday Drive

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-004 Mark Cross with Crossroad Trucking, LLC. parking and maintenance 7331 Holiday Drive.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Bismarckgrove silt loam, occasionally flooded and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- Any chemical spills need to be cleaned up immediately.
- If there will be any major grading work an Erosion Control Plan will be needed.
- The Best Management Practices in this report can be used to develop an erosion control plan if needed.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** – After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences** – Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** – Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

CONSERVATION DISTRICT COMMENT LETTER, DATED MARCH 16, 2021, CONT.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures



Neighborhood Meeting Minutes: Mark Cross at 7331 Holliday Drive

Application Number: SP2021-017; COZ2021-004; BOZA2021-034

Date and Location: 10/25/2021 – 7331 Holliday Drive, Kansas City, KS 66106

Meeting called to order at: 6:00 P.M.

Names of people in attendance:

Denis and Tracey Bailes - (2526 S. 73rd St. Kansas City, KS 66106;
(Phone Number: (913)530-4966))

Introductions: Matthew Cross welcomed the residents in attendance, and Mark Cross iterated the position of the proposed building, explained to Denis and Tracey that the 40 by 60-foot barn was to be used strictly for storage and never for maintenance of heavy equipment. Denis Bailes stipulated that at the last neighborhood meeting, not one of the 10 or so neighbors in attendance opposed the construction of a 40x60-foot accessory structure per se. What they do oppose is the explicit zoning and use of the property for industrial purpose. Mark Cross explained that in order to zone it as an R-1 parcel and construct the new accessory structure, zoning regulation dictates that he would have to destroy an existing 1,400 sqft. Accessory structure to follow more closely with the maximum variance allowance – while still having to request a variance increase to further allow for a 2,400 sqft. Footing for the new building. Mark Cross told Denis and Tracey he'd recently bought the property with all existing structures, and demolition costs for this existing structure would add undue financial hardship to planned improvements. Mark Cross proposed that with his property already partially zoned commercial, in addition to the many proximally located commercially zoned parcels around his property, it would be logical to adhere to CDGOD guidelines, keep all existing structures, and construct the accessory barn on excess acreage.

Denis said that the barn structure has never been the problem, and that the position of the proposal wouldn't be a problem either, but the industrial use zoning designation would bring unwanted noise and banging and hammering. Mark Cross said to Denis that none of that sort of stuff is going to go on, that he would sign a form swearing it wouldn't be used for industrial; that he's not trying to have heavy lights and noise, that he's trying to make a family and live here a long time and invest in his property, and he wants peace and quiet just like Denis, but that he just wants to build his building and have a place for his boat and Chevy truck and storage of stuff without having to destroy a building with potential that he just paid tens of thousands of dollars for so he can build a barn. Mark Cross then proposed the masterplan amendment and C-1 designation be set at the lowest possible designation to disallow industrial uses, so that going forward, the property could go forward with its proposed additions, and the neighbors need not worry the C-1 designation allow for industrial operations. Denis seemed amenable but reiterated the consort consensus of each of the neighbor's concerns regarding any explicit use of the property for industrial means. Mark Cross said, I understand, and I promise, I am not going to be using the property for industrial activity – I just want to erect this barn. Then there was some polite discussion exchanged, some neighborhood history, handshakes and thanks, and the meeting was adjourned.

Meeting adjourned at: 7:05 P.M. 10/25/2021

Minutes taken by: Matthew Cross



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Petitions COZ2021-029 and MPL2021-018

GENERAL INFORMATION

Applicant:
Weston Sparks

Status of Applicant:
Representative
Ride 4Ever Skate Park
230 South 65th Street
Kansas City, Kansas 66111

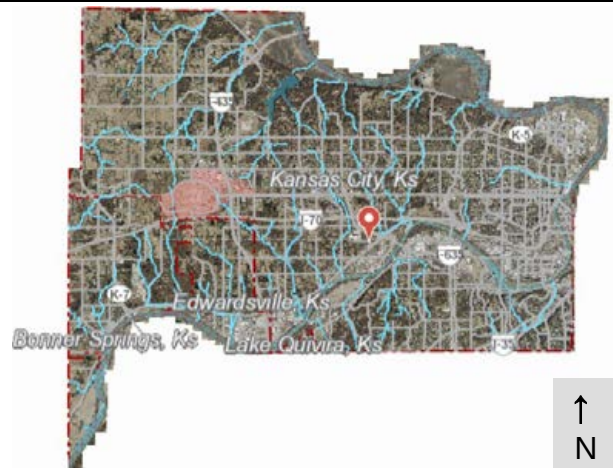
Requested Actions:
Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:
July 24, 2021

Purpose:
To change the zoning district from R-1 Single Family District to C-3 Commercial-District.

To amend the land use designation under the City-Wide Master Plan from Low-Density Residential to Community Commercial.



Property Location:	230 South 65 th Street Kansas City, Kansas 66111
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #8 Commissioner: Jane Philbrook
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: MP-2 Planned General Industrial District East: R-1 Single Family and MP-2 Planned General Industrial Districts West: R-1 Single Family District
Adjacent Uses:	North: Single-family residences South: Industrial business campus East: Single-family residences and an industrial building West: Single-family residence
Total Tract Size:	4.72 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods.
Major Street Plan:	The Citywide Master Plan designates South 65 th Street as a Collector Street.
Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. C-3 District (proposed zoning): Section 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The proposed accessory

structure has a footprint of 17,000 square feet. Therefore, at least 68 parking spaces are required. The applicant has not provided a site plan that demonstrates the number of parking spaces available.

Advertisement:	<u>The Wyandotte Echo</u> – August 19, 2021 Letters to Property Owners – August 20, 2021; September 17, 2021; October 16, 2021; November 19, 2021 and December 28, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	Both a neighbor and a lessor of one (1) of the other properties of the property owner's sent letters of support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Weston Sparks with Ride 4Ever Skate Park, is requesting a Change of Zone and Master Plan Amendment. The applicant is requesting a Change of Zone from R-1 Single-Family District to C-3 Commercial District, and a Master Plan Amendment of the City-Wide Master Plan from Low-Density Residential to Community Commercial. The Master Plan Amendment and Change of Zone have been requested in order to support the Special Use Permit for a skate park and skate school, which was granted by the Board of Commissioners on October 28, 2021.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by Property Maintenance Compliance:

- May 22, 2017- Other Multiple Violations
- May 16, 2017- Weeds & Trash Abatement
- April 10, 2015- Other Multiple Violations
- June 29, 2006- Environmental: Grass & Weeds
- May 12, 2006- Environmental: Grass & Weeds*

*Entry is listed under the subject property's address, but the overgrown weeds were determined to have been in the right-of-way, which is unusually large at the corner.

FACTORS TO BE CONSIDERED

Change of Zone

1. *The character of the neighborhood.*

The subject property is within the Muncie-Stony Point Statistical Neighborhood and is not within a Neighborhood Group. The neighborhood has some clusters of single-family residences but is growing in the number of industrial properties and uses. Most industrial parcels are located along or near Kaw Drive, but properties such as the Amazon warehouse has expanded the range of the industrial area.

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

The subject property has a unique layout, which includes an enclave parcel that holds a single-family residence. This parcel is separate from the subject property and will remain in the R-1 district even if COZ2021-029 is approved. Staff's concern is that some commercial uses allowed by the C-3 District will not be compatible with the continued use of the residence. There are, however, mitigation measures that the applicant can take, such as heavily screening the skate park building and parking lot with trees and shrubs so that it will not be visible from the residence. Through these mitigation measures, a commercial property could be compatible with the existing residence.

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

The adjacent single-family residence was constructed in 1920, but the primary building on the subject property—the building that is undergoing interior renovations to become an indoor skate park—has existed since 1973, when it initially served as a school. Therefore, the enclave parcel has already existed in conjunction with the subject property for 50 years, and for some of that time school buses and cars drove by the residence twice a day, 180 days a year. The C-3 Commercial District allows for a range of uses, many of which rely on in-person visits from customers. Patrons using the subject property's long driveway from South 65th Street to access the primary building does require them to drive by the neighboring property, but again, this amount of traffic is not a new phenomenon to either property. As the applicant is specifically applying to operate a skate park, the concern over traffic—the ancillary use most likely to detrimentally affect the enclaved property—is lessened even further. The skate park's proposed hours of operation are unknown, but even the most optimistic business model does not predict a school's worth of skaters coming to the site every day. Since the traffic will likely be much lower and at more limited hours than it was when the subject property operated as a school, Staff has determined that removal of the restrictions will not detrimentally affect the nearby property, so long as the subject property is used as a skate park and skate school.

By rezoning the subject property to C-3, there would be an increase in the quantity and intensity of uses allowed by right. Such uses allowed in the C-3 Commercial District include: the rental and sale of vehicle and yard/farming equipment; auto and small- and medium-size truck repair and washing; farm machinery repair; adult motion picture theater; adult bookstore or adult video store; entertainment and recreation; general repair and fix-it shop; lawn, tree and garden services; making or assembly of products to be sold at retail on the premises; miniature golf courses and golf driving ranges; self-storage buildings; and general and special trades contractors. The intensity of such uses is greater than that of a skate park, but could be allowed on the property in the future. Therefore, the property, while suitable to be used as a skate park and skate school, is not suitable to be used for any and all uses allowed in the C-3 Commercial District.

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

The subject property is not vacant. The primary building is being used as a skate park and skate school. Additionally, the accessory structure is being rented out to store lawncare and landscaping equipment.

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

Based on a cursory search, it does not appear that there is an indoor skate park in Kansas City. While a skate park is not reasonably necessary for the convenience and welfare of the public, an indoor park does give the Kansas City skating community the opportunity to continue to skate locally when the temperature or inclement weather prevents use of outdoor facilities. Rezoning the subject property to C-3 and using it for a skate park will not harm the appropriate use, visual quality or marketability of the nearby industrial properties. For the adjacent residential properties to the north, a skate park will create a buffer between the industrial uses to the south, and also bring in business that many members of the local community can actually use, instead of a construction company, bulk supplies sales, a warehouse, or a bar.

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

The subject property was once a school, and so has previously experienced heavy traffic for small but predictable times of day. The site is designed to handle a quick influx of traffic, with its large parking lot and long driveway. The deteriorated driveway that once accessed Speaker Road could even be restored and open up a second entry/exit point for the property. But, as the applicant is specifically applying to operate a skate park, the concern over traffic is minimal. The skate park's proposed hours of operation are unknown, but it is unlikely that the 68 required parking spaces will ever be simultaneously filled. The only

measures that the applicant needs to take is to repave and restripe the parking lot, update the driveway apron to South 65th Street, and possibly restore the driveway leading north from the parking lot to Speaker Road.

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

The existing land use designation for the property is Low-Density Residential. A land use designation under the City-Wide Master Plan, Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses and the cultural principles of the Low-Density Residential land use designation state that land use policies are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods. Therefore, the proposed use does not conform with the Master Plan, which is the reason that the applicant is simultaneously requesting a Master Plan Amendment. The proposed Master Plan Amendment is from Low-Density Residential to Community Commercial. The Community Commercial land use designation allows for larger buildings such as grocery stores, medium-sized (25,000 to 75,000 square-foot) big box stores, and commercial centers. At 17,000 square feet, the proposed skate park building is within the range of a grocery store. While a skate park is not explicitly anticipated, the spirit of the use is consistent with the Community Commercial land use designation.

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

Neither the Change of Zone nor any of the other planning entitlements involve additional construction or paving. The increase of impermeable surface areas is highly unlikely. The parking lot and driveway accessing South 65th Street will have to be repaved, but unless the Kansas City, Kansas Fire Department (KCKFD) requires the second driveway accessing Speaker Road to be repaved and useable for fire safety purposes, there will be no increase in impermeable area. A Change of Zone will actually increase the amount of flora on site, as landscaping and screening requirements will result in several more trees being planted. The proposed use will not involve runoff or airborne pollutants.

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

a. *Water service*

There is water service available on the property, serviced by BPU.

b. *Sanitary sewer service*

The subject property is served by a sanitary sewer line along South 65th Street.

c. *Storm water control*

The subject property is served by a storm water line along South 65th Street.

d. *Police*

Police service is provided by Midtown District, #221.

e. *Fire*

Fire service is provided by Fire Station #2, located 1.6 miles from the subject property.

f. *Transit*

Public transportation is not reasonably available to the subject property. The closest bus stop is approximately one-half (0.50) mile to the north, at the Amazon warehouse. The next closest bus stop is at South 65th Street and Carriage Park Lane, approximately 0.3 mile to the south and across Kaw Drive. This bus stop is served by the Kansas Avenue (115) bus route.

g. *Schools*

Oak Grove Elementary School, Turner Middle School, and Turner High School are provided by Turner USD #202.

h. *Streets*

The property is accessible by South 65th Street, with a parking pad and deteriorated driveway accessing Speaker Road.

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

The applicant is bringing a business from Johnson County to Wyandotte County. A skate park operating in on the subject property will bring in both occupation taxes and increased property tax. It is unclear from the applicant's business

model, but additional employees for the skate park may need to be hired. If so, the applicant should consider looking to employ members of the local community, as they will already have a connection to the neighborhood and can help establish connections and credibility for the skate park.

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

The property has the capability to meet all applicable zoning ordinance requirements. A Special Use Permit for an athletic field—the umbrella under which a skate park falls—is required regardless of the zoning district. Change of Zone to C-3 places the subject property under the Commercial Development Guidelines Overlay District (CDGOD). There are property maintenance requirements stemming from the C-3 district and CDGOD ordinances that the site does not currently meet, but Staff is confident that such requirements can be met. The most major of these requirements include repaving the driveway and parking lot, restriping the parking lot, and planting landscaping trees and shrubs.

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

The single-family residence at 234 South 65th Street will face the largest hardship overall, due to the increase in traffic and use of the property. The traffic, however, is not being caused by the Change of Zone, but rather by the Special Use Permit for the skate park. Furthermore, Staff has previously pointed out that the neighboring residences has co-existed with a school at the subject property, and that traffic from a skate park would very likely be less than the traffic that would consistently be at a school, especially during drop-off times in the morning and pick-up times in the afternoons. Furthermore, there are mitigation measures that the applicant can take, such as heavily screening the skate park building and parking lot with trees and shrubs so that it will not be visible from the residence.

Master Plan Amendment

1. *Neighborhood character.*

See Change of Zone Review Factor #1.

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

See Change of Zone Review Factor #6.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

The subject property is a pre-established site and will not involve any new construction or development. Furthermore, the property was previously a school and presumably has adequate utilities to serve a skate park. Unless relevant entities such as BPU or Public Works provide comments otherwise, Staff has no reason to think that additional utilities and public services will need to be brought to the site. Staff will also note that other allowed uses in the C-3 District may need additional utilities and public services to support them.

4. The difference between the existing and proposed Master Plan.

See Change of Zone Review Factor #7.

5. Analysis of the impact on surrounding properties.

See Change of Zone Review Factors #2, 3, and 6.

6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.

See Change of Zone Review Factor #10.

PREVIOUS ACTIONS

- SP2021-067 (Special Use Permit for an athletic facility—a skate park and skate school)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 3:00 PM on August 26, 2021, at 230 South 65th Street. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the “Attachments” section of this report).

KEY ISSUES

Commercial Development Guidelines Overlay District
Compatibility of Uses
Landscaping Plan
Parking Lot
Pedestrian Access
Site Improvements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-029** and Master Plan Amendment **MPL2021-018**, subject to:

- 1) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Case MPL2021-018, a Master Plan amendment from Low-Density Residential to Community Commercial, by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
- 2) Final Plan Review of the landscaping, parking lot, and building façade, per all relevant zoning district, landscaping, and/or Commercial Design Guidelines Overlay District ordinances, must be successfully granted within four (4) months of the approval of COZ2021-029 by the Board of Commissioners;
- 3) A Special Use Permit for temporary use of land for commercial or industrial purposes must be issued, as storage of material and equipment for a separate business and use is not allowed in either the C-3 District. Note that under this Special Use Permit, any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall not be approved for more than two (2) years. This separate Special Use Permit must be granted within four (4) months of the approval of COZ2021-029 by the Board of Commissioners;
- 4) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 5) 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;
- 6) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 7) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 9) Subject to approval, a landscaping plan in conformance with the landscaping requirements below must be submitted to and approved by Staff. The ordinance will not be published in the newspaper until a landscape plan is successfully submitted and approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.,

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-029 and MPL2021-018**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Photos of the Property Provided by Staff, Dated August 31, 2021
Photos of the Property Submitted by the Applicant
Floor Plans of the Primary Building
Preliminary Landscape Plan
Wyandotte County Conservation District Comment Letter, Dated August 17, 2021
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	December 13, 2021	January 6, 2022
	Approval	
Master Plan Amendment	December 13, 2021	January 6, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-029 and MPL2021-018** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-029 and MPL2021-018**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:13:45:

MASTER PLAN AMENDMENT MPL2021-018 – WESTON SPARKS WITH RIDE 4 EVER SKATE PARK – SYNOPSIS: Master Plan Amendment from Low Density Residential to Community Commercial (City-Wide Master Plan) at 230 South 65th Street.

CHANGE OF ZONE APPLICATION COZ2021-029 – WESTON SPARKS WITH RIDE 4 EVER SKATE PARK - SYNOPSIS: Change of Zone from R-1 Single Family District to CP-3 Planned Commercial District to convert warehouse to skate park/skate school at 230 South 65th Street.

Detailed Outline of Requested Action: The applicant, Weston Sparks with Ride 4Ever Skate Park, is requesting a Change of Zone and Master Plan Amendment. The applicant is requesting a Change of Zone from R-1 Single-Family District to C-3 Commercial District, and a Master Plan Amendment of the City-Wide Master Plan from Low-Density Residential to Community Commercial. The Master Plan Amendment and Change of Zone have been requested in order to support the Special Use Permit for a skate park and skate school, which was granted by the Board of Commissioners on October 28, 2021.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by Property Maintenance Compliance:

- May 22, 2017- Other Multiple Violations
- May 16, 2017- Weeds & Trash Abatement
- April 10, 2015- Other Multiple Violations
- June 29, 2006- Environmental: Grass & Weeds
- May 12, 2006- Environmental: Grass & Weeds*

*Entry is listed under the subject property's address, but the overgrown weeds were determined to have been in the right-of-way, which is unusually large at the corner.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- William W. Hutton, attorney representing the owner and applicant, 509 Armstrong Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:17:40: Planning Director Hand stated that Special Use Permit SP2021-067 was approved two (2) months ago for the skate park/school to begin operation. The applicant is requesting approval of a Change of Zone for the property, which Staff feels is a commercial encroachment into the neighborhood. He stated that J. E. Dunn is directly to the north and Staff believes that is further reason not to further encroach into the residential core of this neighborhood. The property is located in the Riverview area. The area is a mix of commercial and industrial primarily along major corridors, with extensive non-residential encroachment in historically residential neighborhoods immediately adjacent to them north of Kaw Drive and the applicant has stated that the one (1) neighbor (pointed out on the map) has no objections. Director Hand further stated that there are Notices of Violations that pre-date this owner. Staff has letters in support and has not received any letters in opposition. Staff recommends denial; however, if the Planning Commission recommends approval, Staff has included conditions of approval in the staff report. He further stated that there is outside storage taking place that is not allowed and would require its own Special Use Permit and/or meet code standards.

The Planning Commission directed questions to Staff.

Motion and Vote starts at 2:27:21:

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-018:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye

Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Case MPL2021-018, a Master Plan amendment from Low-Density Residential to Community Commercial, by the Unified Government Board of Commissioners and upon any ordinance publications required by law;**
- 2) Final Plan Review of the landscaping, parking lot, and building façade, per all relevant zoning district, landscaping, and/or Commercial Design Guidelines Overlay District ordinances, must be successfully granted within four (4) months of the approval of COZ2021-029 by the Board of Commissioners;**
- 3) A Special Use Permit for temporary use of land for commercial or industrial purposes must be issued, as storage of material and equipment for a separate business and use is not allowed in either the C-3 District. Note that under this Special Use Permit, any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall not be approved for more than two (2) years. This separate Special Use Permit must be granted within four (4) months of the approval of COZ2021-029 by the Board of Commissioners;**
- 4) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;**
- 5) 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;**
- 6) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;**
- 7) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;**
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 9) Subject to approval, a landscaping plan in conformance with the landscaping requirements below must be submitted to and approved by**

Staff. The ordinance will not be published in the newspaper until a landscape plan is successfully submitted and approved.

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-029:**

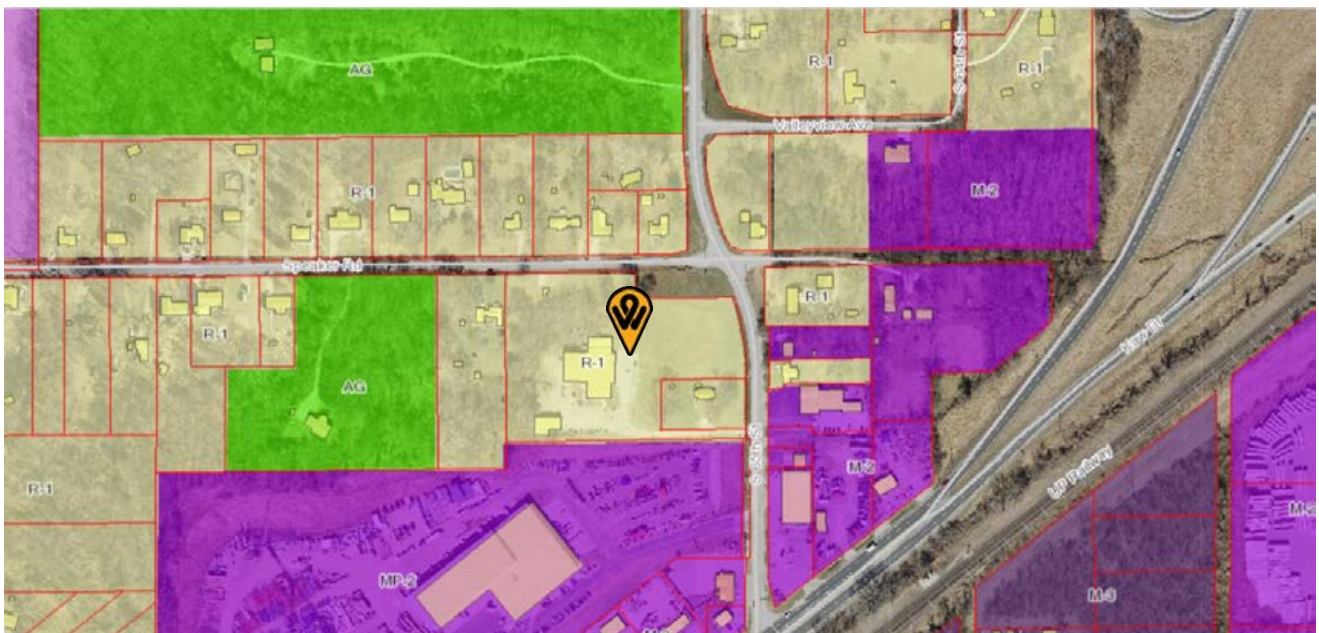
Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

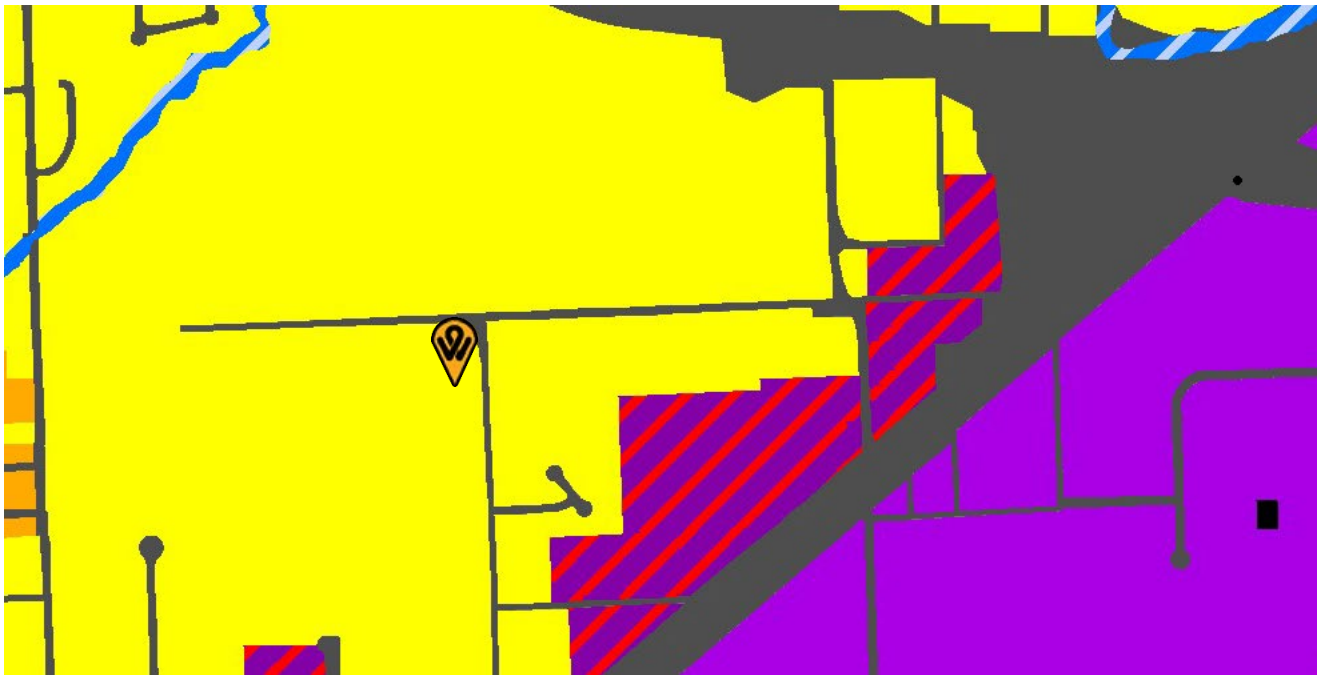
AERIAL MAP



ZONING MAP



LAND USE MAP



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED AUGUST 31, 2021



Upper Left: View of the primary building from the eastern boundary of the property (adjacent to South 65th Street).

Upper Right: Closer view of the primary building, facing west.

Center Left: View of the primary building from the northeast corner of the block, within the public right-of-way.

Center Right: Closer view of the primary building, demonstrating the current façade, from the northeast corner of the parking lot.

Lower Left: View of the property from the parking lot, facing east. South 65th Street is hidden beyond the slope of the hill.

Lower Right: View of the rear yard of 234 South 65th Street, a single-family residence, from the parking lot.



Upper Left: View of the parking lot in front of the primary building, facing north.

Upper Right: View of the driveway accessing South 65th Street.

Lower Left: View of the entrance off Speaker Road, which will be removed and returned to grass.

Lower Right: View of unused driveway accessing Speaker Road. This driveway will be torn up and restored as grass.



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED AUGUST 31, 2021, CONT.



Various views of the
lawncare/landscaping storage area.

PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT



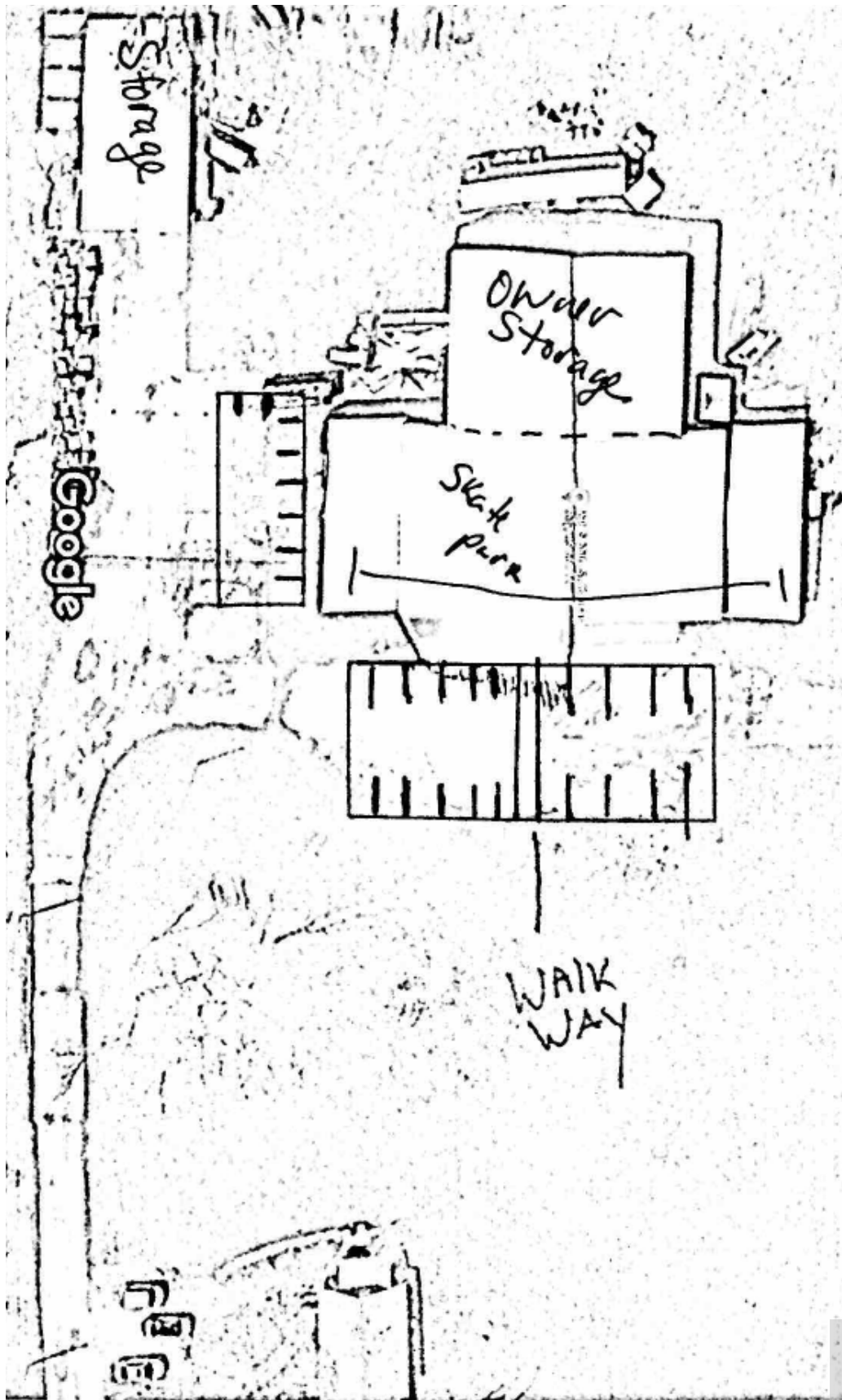
PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT, CONT.

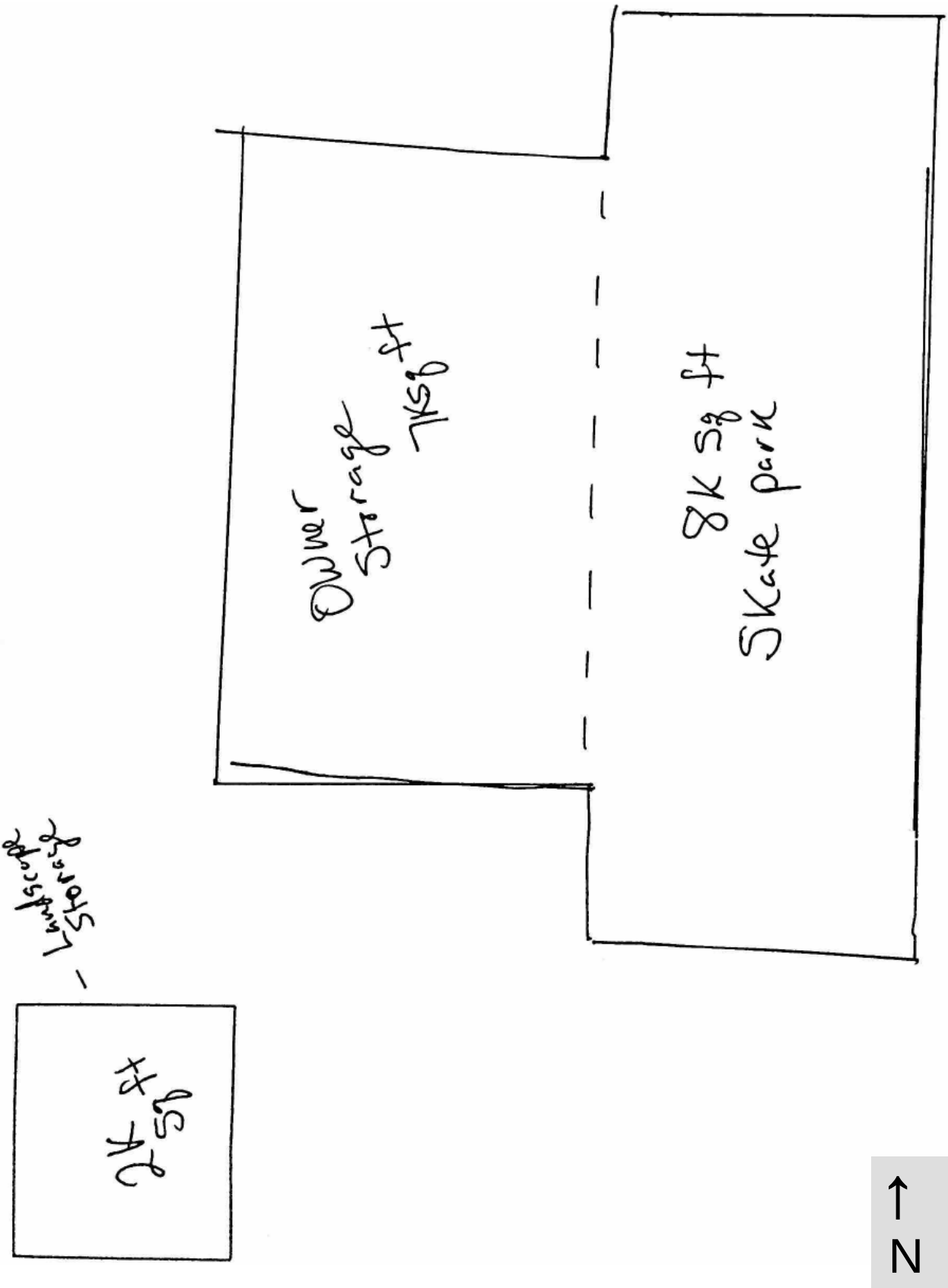


PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT, CONT.



FLOOR PLANS OF THE PRIMARY BUILDING





PRELIMINARY LANDSCAPE PLAN



Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

repair driveway
and stripe parking
as needed

bushes to block parking from house



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservations@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

August 17, 2021

RE: COZ2021-029, SP2021-067 and MPL2021-018 Weston Sparks with Ride 4Ever Skate Park for skate park at 230 South 65th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-029, SP2021-067 and MPL2021-018 Weston Sparks with Ride 4Ever Skate Park for skate park at 230 South 65th Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are three major soil types identified: Falleaf-Grinter soils, 4 to 8 percent slopes, Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This is a positive repurposing for the site.
- Creating an Erosion Control Plan would be necessary if grading is done on the property, such as parking lots, to control the sediment from impacting neighbors to the East and South.
- The Best Management Practices I this report can be used to develop an Erosion Control Plan for this site if needed.

The following Best Management Practices are recommended for this plat:

CONT.

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** – After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences** – Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** – Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological

CONT.

investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

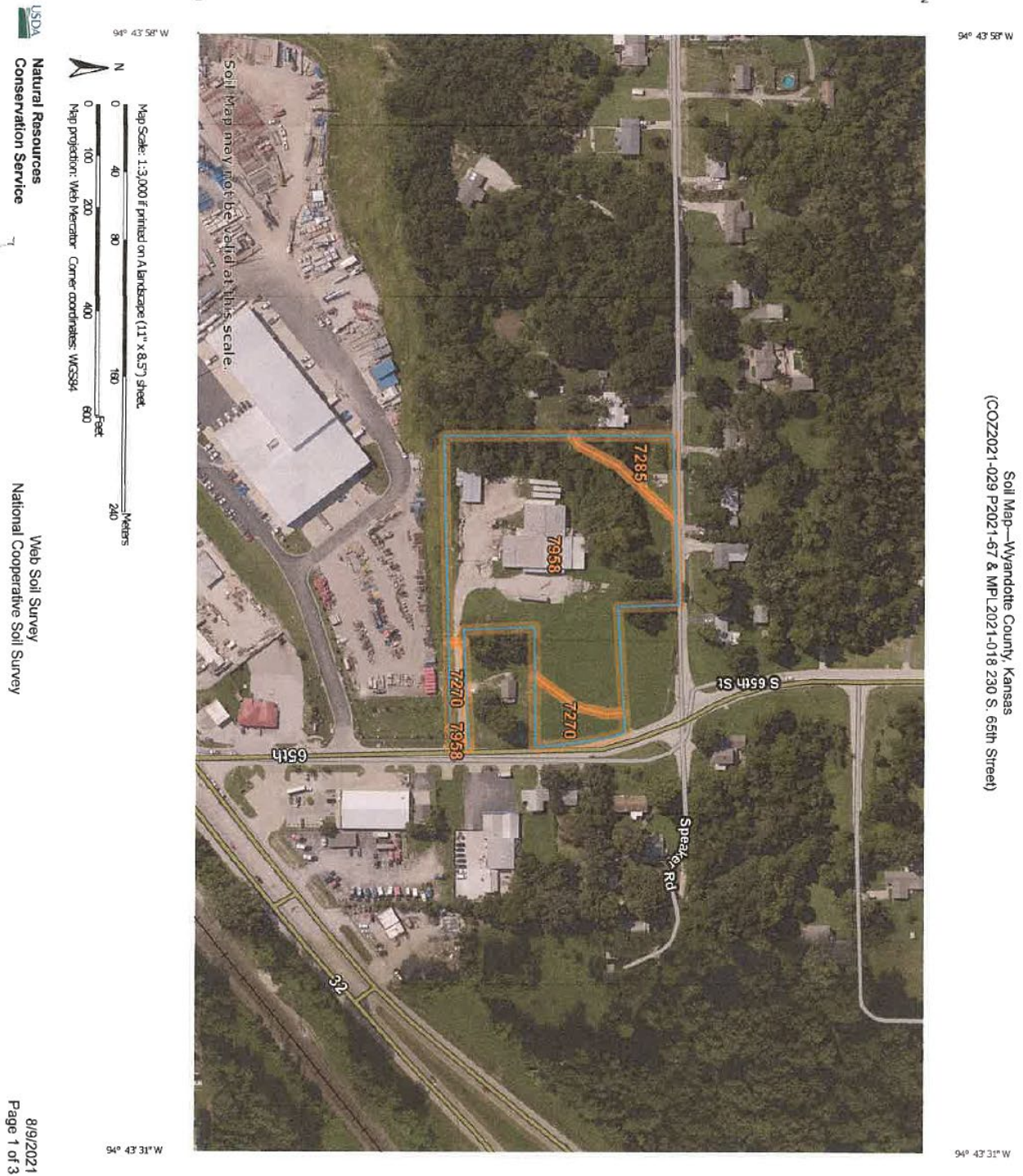
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENT LETTER, DATED AUGUST 17, 2021,
CONT.



NEIGHBORHOOD MEETING MATERIALS

8/12/2021

Ride Fouever
230 S. 65th st
Kansas City, KS 66111

Neighborhood meeting

We have filed an application with the Dept. of Urban planning and land use # COZ2021-029, MPL2021-018 and SP2021-067
The purpose of this is for change of zone from R-1 TO C-3 and special use permit is for a athletic facility at the following address: 230 S. 65th st.

We are having a neighborhood meeting on August 26th at 3pm at the following address:
230 S. 65th St Kansas City, KS 66111

The purpose of this meeting is to explain the proposal and to answer any questions/ concerns you may have. We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Here is a little description of what we are about and what we do. We are an indoor athletic facility open from 12-7pm. We host a skate school for the youth ages 6-15 and offer a place for skateboarders to practice during bad weather. The business formally operated out of All American sports in Lenexa, KS. We were at that location for the past 13 years and now its time to expand and move to KCK.

Weston Sparks
(913) 326-2650
sparksweston@yahoo.com

Dan Janssen
(816) 474-6460
Dan@deluxelightingllc.com

NEIGHBORHOOD MEETING MATERIALS, CONT.

SP2021-067
COZ2021-029
Application Number MPL 2021-018
Date and Location: 8/26/2021 230565th

Meeting called to order at: 3:00

Names of people in attendance:

Weston Sparks
Daniel Janssen

Introductions:

✓

Questions and answers (include the following):

✓

Meeting adjourned at: 3:45

Minutes taken by: Weston Sparks

NEIGHBORHOOD MEETING MATERIALS, CONT.

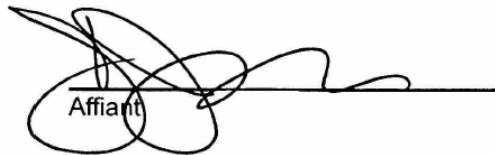
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Daniel Janssen, of lawful age, sound mind and upon his/
her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-029, MPL 2021-018, SP2021-087
2. That I conducted a neighborhood meeting on 8/26/2021 3pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of
_____, 200_.

My commission expires _____ of _____, 200_.

Notary Public



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Change of Zone Petition COZ2021-037 and
Master Plan Amendment MPL2021-021

GENERAL INFORMATION

Applicant:
Eric Fletcher

Status of Applicant:
Property Owner
4461 Eaton Street, Apt. 2
Kansas City, Kansas 66103

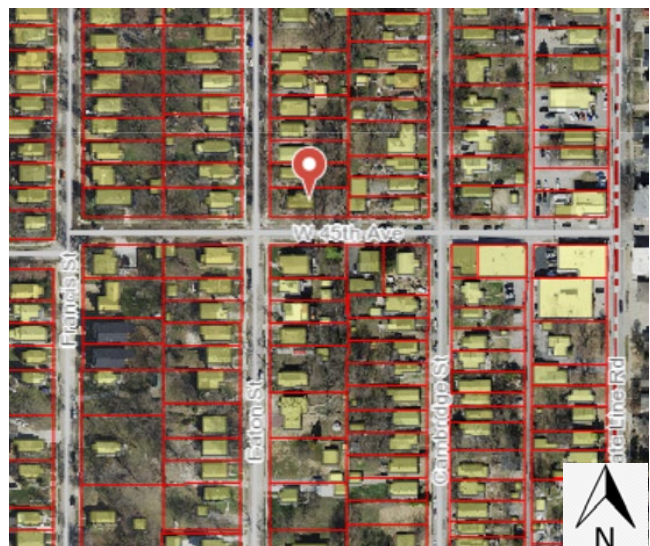
Requested Actions:
Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:
March 26, 2021

Purpose:
To change zoning district from R-1(B)
Single Family District to RP-3
Townhouse District.

To change the Rosedale Master Plan
from Single Family Residential to
General Urban.

Property Location:
4461 Eaton Street
Kansas City, Kansas 66103



Commission Districts:	Commissioner At Large District #2: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Single Family Residence
Total Tract Size:	0.16 Acre
Master Plan Area:	The subject property is within the Rosedale Area Master Plan.
Master Plan Designation:	The Rosedale Master Plan designates this Property as Single Family Residential. This district is designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed amendment is to designate this property's land use as General Urban. This area is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. Three story apartment buildings are also allowed in the University Town special district.
Major Street Plan:	The City-Wide Master Plan designates both Eaton and West 45 th Avenue as local streets.
Parking Requirement:	R-1(B) District (current zoning): Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. RP-3 District (proposed zoning): Section 27-458(d) requires two (2) off-street parking spaces shall be provided for each dwelling unit, at least one of which shall be in a garage or carport. The current property has four (4) uncovered off-street parking spaces on gravel with a side approach which does not meet the

requirement. A variance is requested here and is applied for.

Advertisement:	<u>The Wyandotte Echo</u> – October 14, 2021, and November 18, 2021 Letters to Property Owners – October 16, 2021, November 19, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	The applicant received two (2) supporting correspondences which are attached at the end of this document.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Eric Fletcher, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4461 Eaton Avenue. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-3 Townhome District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a triplex between the years 1950 and 1956. A certificate of legal non-conforming use was issued in 2001 which expired in 2011. The house has been used as a rental since the time of its renovation, and as a licensed rental until 2016. The Applicant is now the new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is residential and urban in character. Lots are average for urban densities and are approximately twenty-five (25) to eighty (80) feet in width with the average lot size being forty (40) feet wide. Streets are mostly asphalt and driveways are often asphalt or concrete. Many roads have visible evidence of neighborhood improvements such as improved curbs and sidewalks. This block of Eaton Avenue is two (2) blocks away from Rainbow Avenue commercial corridor and three (3) blocks from State Line Road corridor.

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

The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts. Although the property has been converted to a triplex, it retains the visual quality and aesthetics of a single-family home. Rezoning the property to R-3 would adequately reflect the building's current use, which has been in effect for over fifty (50) years. Rezoning to RP-3 may be considered spot zoning and was the initial reason for granting the Legal Non-Conforming Use designation rather than a rezone in 2001, however more recent interpretations of spot zoning indicate that under the current circumstances of the property's continued usage, this instance would be considered appropriate considering its use history.

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

Per Section 27-455(a) with regards to the current zoning, the "purpose of the district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of existing buildings and vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents." Section 27-458(a) for the proposed zoning indicates that "the purpose of the RP-3 district is to accommodate single-family attached residences at densities and with designs that bridge the gap between rental apartment units and single-family homes. The term 'townhouse' includes duplexes, side-by-side units separated by a party wall, or units stacked one above the other." As is, the current zoning does not allow for a three-family residence as the building has been in use. Removing the restrictions when converting from R-1(B) to RP-3(B) is unlikely to negatively affect the subject property or nearby properties as its use as a multifamily property has been in use for over fifty (50) years.

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

The Applicant currently resides in one (1) unit of the property which was purchased in 2021. The prior owners had the property for approximately three (3) years during which time it was not a properly registered rental though it appears to have been leased and maintained. It is unclear to what degree the property was vacant between 2017 and 2021.

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

There is minimal public gain as the ability to maintain three (3) housing units would be a benefit. The subject property already exists within the built environment and the request would not substantially or permanently injure the

appropriate use, quality, or marketability of nearby neighboring property. The extensive length of time that this property has remained as a multifamily rental without any issues demonstrates that it has not affected the appropriate use, visual quality, or marketability of surrounding properties.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property has four (4) off-street parking spaces, which is inadequate for the number of dwellings per the requirements in Section 27-458(d). Section 27-458(d) states that there shall be two (2) off-street parking spaces for each dwelling with one (1) of the two (2) shall be a garage or carport. The need to improve the surfaces of the driveway apron and sidewalk and provide an adequate number of spaces and coverage is required.

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

The Rosedale Area Plan designate this property as Single Family Residential Use. The Rosedale Area Plan indicates that this district is designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor which the subject property is not located within. The proposed change of zone is accompanied by the Master Plan Amendment petitioning for a change in usage to General Urban use. The Rosedale Area Plan indicates that the General Urban use is for areas that are “predominantly residential in character with rowhouses, townhomes, and single-family houses.” Although the subject property has three (3) dwellings, the aesthetics and exterior composition resembles a single-family home.

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

The applicant is not proposing any new structures currently, however, the rezone allows for the renovation of the existing structure to maintain its converted composition. There should be little to no long-term negative environmental impact as it is an existing permitted structure. Using a permeable road surface for parking would mitigate increased storm-water runoff.

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

a. *Water service*

Water Service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer is provided by public sewer.

c. Storm water control

There are multiple storm water control points at the front and southwest corner of the property.

d. Police

Police service is provided by South Patrol, District #332.

e. Fire

Fire service is provided by Station #10.

f. Transit

The subject property receives bus service via Route #107 at the intersection of Rainbow Boulevard and 45th Street.

g. Schools

Education is provided by Kansas City, Kansas USD #500.

h. Streets

See item #6 above.

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

The economic impact on the community is negligible, as the subject property is currently in use as a three-family dwelling. The rezone prevents units from being shut down and taken out of the housing stock, eliminating two (2) housing units for families to live within the county.

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

The subject property is currently legal non-conforming. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its structure than it does in its present condition with the condition that parking is upgraded.

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

There is negligible impact or gain to public health, safety, or welfare. The dwelling structure is already in existence. There is some gain in parking renovation in it improves the approach and sidewalk of the neighborhood, improving walkability and safety.

RELATED CASES AND PRIOR ACTIONS

1. This application is being heard in conjunction with BOZA2021-042 for two variances related to parking.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 19th, 2021, by via email and/or phone call. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Structural Compatibility
Parking
Zoning
Land Use
Future Redevelopment
Impervious Pavement
Sidewalks

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-037** and Master Plan Amendment **MPL2021-021**, subject to:

1. Subject to approval, rental licensing shall be obtained;
2. Subject to approval, parking shall be upgraded to an improved surface with repaired curbs, aprons, and approaches as required and approved by the UG Building Inspection Office and Public Works. If no improved surface is installed, an additional variance will be required;
3. Subject to approval, and should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan's Design Standards for single-family properties;
4. Subject to approval, sidewalks and curbs shall be repaired or improved in a manner approved by the UG Public Works and Building Inspection Departments;
5. A right of way permit is required. Please contact the Public Works Department at to begin that process;
6. If repair work is going to be done to the right of way of the property, a site plan will be required;
7. Based on the above comment, the driveway entrances shall be thirty (30) foot max in accordance with UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-G. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required;
8. Regarding the above comment, with the repair of the existing driveway the sidewalk section shall be restored to match the adjacent sidewalk areas;
9. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition; and,
10. **This** Board of Zoning Appeals case is being heard in conjunction with BOZA2021-042.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-037** and **MPL2021-021** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Planning Engineering Comment Letter
Rosedale Area Master Plan Multifamily Guidelines
Neighborhood Comment Letters
Neighborhood Meeting Affidavit
Photos taken by Staff on October 12, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Rezoning	December 13, 2021	January 6, 2022
	Approval	
Master Plan	December 13, 2021	January 6, 2022
	Approval	

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-037 and MPL2021-021**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-037 and MPL2021-021** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:29:01:

MASTER PLAN AMENDMENT APPLICATION MPL2021-021 – ERIC FLETCHER - SYNOPSIS: Master Plan Amendment from Single Family Residential to General Urban (Rosedale Area Master Plan) at 4461 Eaton Street.

CHANGE OF ZONE APPLICATION COZ2021-037 – ERIC FLETCHER - SYNOPSIS: Change of Zone from R-1 Single Family District to R-3 Townhouse District to bring existing non-conforming triplex into compliance at 4461 Eaton Street.

Detailed Outline of Requested Action: The Applicant, Eric Fletcher, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4461 Eaton Avenue. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-3 Townhome District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a triplex between the years 1950 and 1956. A certificate of legal non-conforming use was issued in 2001 which expired in 2011. The house has been used as a rental since the time of its renovation, and as a licensed rental until 2016. The Applicant is now the new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- Eric Fletcher, applicant, 4461 Eaton Street, Apartment 2, Kansas City, Kansas 66103

Present in Opposition:

- Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 2:33:47: Planning Director Hand stated that this case is being heard in conjunction with Board of Zoning Appeals BOZA2021-042, which was approved earlier this evening, subject to the conditions that are carried over to this Change of Zoning and Master Plan Amendment. This is a single-family home that was converted over the years. Should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan's design guidelines for single-family properties. Director Hand stated that Staff is amenable to the condition requested by the Rosedale Development Association that if this use is discontinued, the use would revert back to single-family. Staff is recommending approval to a planned district, which requires further design review by Staff for any future development. Director Hand discussed the conditions of approval in the staff report. There are no Notices of Violation on this property. Staff has received two (2) letters in support and no letters in opposition and recommends approval subject to the conditions in the staff reports.

Motion and Vote starts at 2:36:25:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-021:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. Subject to approval, rental licensing shall be obtained;**
- 2. Subject to approval, parking shall be upgraded to an improved surface with repaired curbs, aprons, and approaches as required and approved by the UG Building Inspection Office and Public Works. If no improved surface is installed, an additional variance will be required;**
- 3. Subject to approval, and should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan's Design Standards for single-family properties;**
- 4. Subject to approval, sidewalks and curbs shall be repaired or improved in a manner approved by the UG Public Works and Building Inspection Departments;**

5. A right of way permit is required. Please contact the Public Works Department at to begin that process;
6. If repair work is going to be done to the right of way of the property, a site plan will be required;
7. Based on the above comment, the driveway entrances shall be thirty (30) foot max in accordance with UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-G. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required;
8. Regarding the above comment, with the repair of the existing driveway the sidewalk section shall be restored to match the adjacent sidewalk areas;
9. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition; and,
10. This Board of Zoning Appeals case is being heard in conjunction with BOZA2021-042.

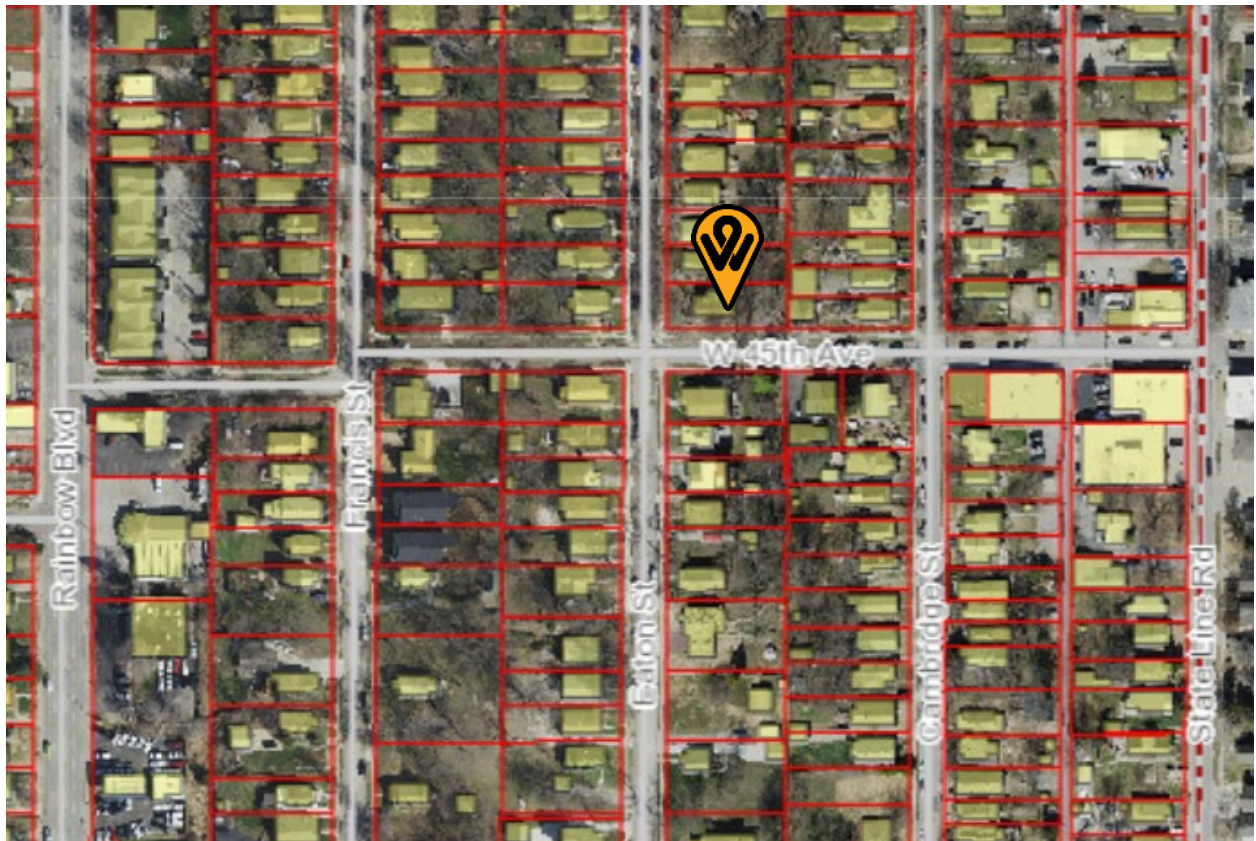
On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-037 to RP-3 Planned Townhouse District:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

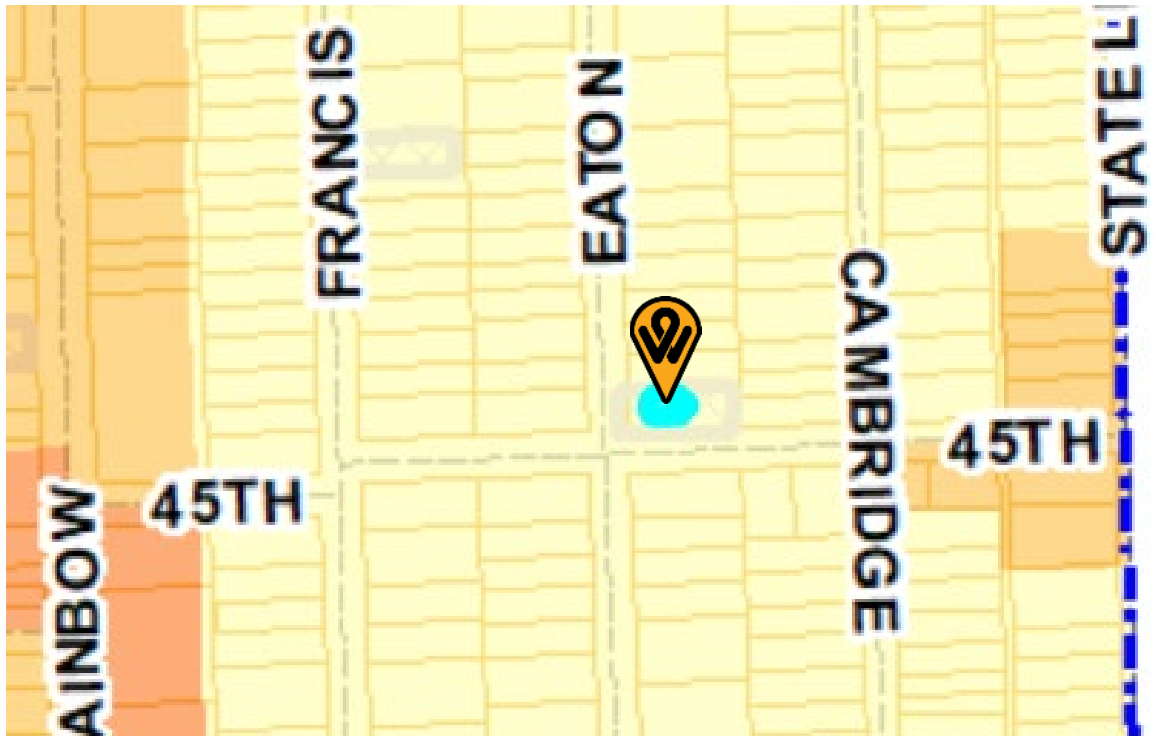


AERIAL MAP



ZONING MAP





PLANNING ENGINEERING COMMENT LETTER



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: October 12, 2021

SUBJECT: Eric Fletcher – (COZ2021-037, MPL2021-021)
4461 Eaton Street
General Engineering Review No. 1 (of the application received 9/24/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wvcokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) Provide more information on the function of the utilities i.e., separate utilities for each unit, condition of the private sanitary service line to the existing building, etc.
- 2) Is there proposed site improvement? It appears the driveway is not in good condition. Also, the parking area to the existing building has gravel over the public sidewalk and broken concrete apron and requires some repair. If repair work is going to be done, a site plan will be required.
- 3) Based on the above comment, the driveway entrances shall be 30' max in accordance with UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-G. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required.
- 4) Regarding the above comment, with the repair of the existing driveway the sidewalk section shall be restored to match the adjacent sidewalk areas.
- 5) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.
- 6) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: c=us, email=Travis.Trumble@unifiedgovernment.org,
ou=Wyandotte County / KCK, ou=Urban Planning and Land Use,
serial=20211012165516-0500
Date: 2021.10.12 16:55:16 -0500

General Engineering Review Comments

1 of 1

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

AMENITIES

Developments greater than 20 units must provide one of the following: Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent
-

Screening of multi-family residential developments is required between:

- Multi-family and commercial uses
- Multi-family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING

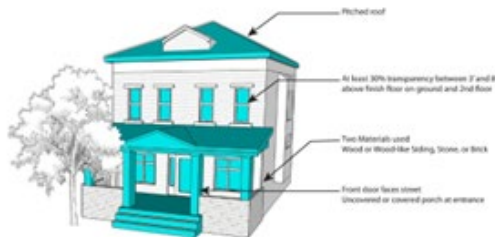
Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.



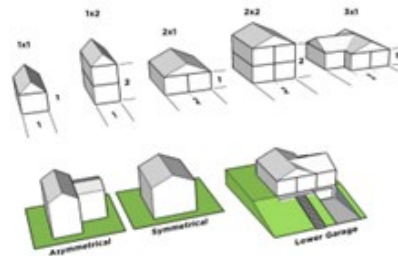
SINGLE FAMILY HOME DESIGN GUIDELINES

Any infill housing must compliment surrounding houses to preserve the charm and congruity of Rosedale's neighborhoods. To better understand Rosedale's housing, a housing typology study was undertaken and 636 Rosedale homes were surveyed. The housing typology study uncovered basic massing and architectural elements of the typical Rosedale house. By utilizing these very fundamental massing and architectural strategies, neighborhood coherence can be fostered regardless of architectural style.

The typical Rosedale house is 2 stories high and has a narrow floor plan that is two rooms wide and 3 or more long. House configuration is the result of narrow lots with garages and alleys in the back. On wider lots, houses can have a similar configuration with side gabled roofs. In many cases, differences in elevations allowed houses to raise above the street level and have basements with garages. Rosedale home elevations are typically symmetrical, and are usually accentuated by a front facing gabled roof. An elevated porch faces the street. Primary materials are wood or wood-like siding with a secondary material of brick or stone. Variations of these basic elements currently exist and are desired for future single family homes.

MASSING

Typical and desirable massings are as follows:

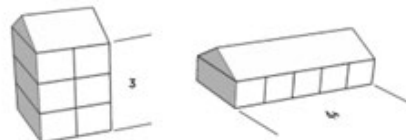


Underlying residential zoning limits homes to 2.5 stories and is recommended for all future single family construction.

Undesirable massing:

Greater than 2.5 Stories

4+ Wide / Ranch



ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

MATERIALS

All new Rosedale single family homes must use at least two types of facade materials. Facade materials are limited to wood or wood-like siding, brick, and stone.

ROOF

Roof types within single family neighborhoods must be pitched. Single family homes recently constructed along major corridors feature flat or shed roofs. These roof types may be constructed upon major corridors.

TRANSPARENCY

Transparency, or the percentage of clear views into and out of a building, is important for both neighborhood aesthetics and safety. Crime Prevention Through Environmental Design (CPTED) emphasizes the importance of transparency through windows that increase active and passive surveillance of the street and neighboring homes. The more exposed a person feels to surveillance, the less likely they are to commit a crime. CPTED further proposes shifts in typical privacy behaviors, and suggests that residents refrain from keeping blinds and curtains constantly closed.

To promote both the aesthetic and safety qualities of windows, all new single family homes must have at least 30% transparency between 3' and 8' above finish floor on both the ground and 2nd level facade.

ORIENTATION & ENTRANCES

All new single family homes must be oriented to the street and have a primary entrance upon the front facade. The front door can also be located on the side of a home, as long as it is within 15' of the front facade and accessible by a side porch (see Side Yard Frontage, Narrow Lot design standards). All front entrances must have a porch with a minimum area of 40 square feet with a minimum dimension of 5 feet in length or depth.

GARAGES, DRIVEWAYS & SITE

In all instances, garage location must conform to UG code standards for narrow lots. Garage doors may not dominate facades, and must be less than 30% of the house's facade width. Garages must be set back at least 15' from the front facade. In Rosedale, driveways one lane wide are most typical and desirable. No additional front yard parking may occur outside of a driveway. Even if a lot's size does not designate it as "Narrow", any new home design should strive to meet narrow lot site design guidelines.

THE LOWER LEVEL GARAGE

Thirteen percent of Rosedale's housing stock overcomes steep topographical changes in grade between sidewalk and a home's ground floor by building homes into hills. Homes that do this typically have garages at sidewalk, or just below sidewalk level. Access to these garages requires typography cuts and retaining walls. Stair cases then connect higher elevation front entrances and porches to the sidewalk. This is the only condition in which a garage door flush with a house's front facade is desirable or acceptable. Examples and guidelines can be found in the "Parking with Topographical Difficulty" section of the Narrow Lot Guidelines.

NEIGHBORHOOD COMMENT LETTERS



Eric <emfletcher01@gmail.com>

4461 Eaton R-1 to R-3

1 message

Brad Handley <bradh@kchome2day.com>
To: "emfletcher01@gmail.com" <emfletcher01@gmail.com>

Sat, Oct 16, 2021 at 8:31 AM

Mr. Fletcher:

Thank you for your letter in reference to the R-1 to R-3 zoning designation change of 4461 Eaton, Kansas City, KS 66103.

I am the managing member of the LLC that manages the rental house 2 North of 4461 Eaton (4457 Eaton). It's a great area, and I have managed the house 2 doors north for about 20 years. I anticipated 4461 Eaton was already zoned R-3, as it has been utilized as a tri-plex for the past 20 years+. In addition to that rental house, I manage about 30 others nearby.

I support your request for change of zoning from R-1 to R-3 of 4461 Eaton, Kansas City, KS 66103.

If you or any of the zoning committee have any questions or concerns, any/all may reach Brad Handley m/m by calling 913-980-4800 or forwarding e-mail to bradh@kchome2day.com (the e-mail address from which this contact has been forwarded).

Please feel free to print this e-mail and/or forward to any of the zoning committee personnel.

Respectfully,

Brad Handley m/m
913-980-4800

NEIGHBORHOOD COMMENT LETTERS

Date: 10/26/2021
Application Numbers: COZ2021-037 and MP2021-021
Address: 4461 Eaton St., Kansas City, KS 66103
Neighborhood Meeting Format: Collected phone and email responses.
Date Letters Mailed: 10/12/2021

Names and responses of people who participated:

Name: Brad Handley, LLC Operator
Address: 4457 Eaton St., Kansas City, KS 66103
Response Date: 10/16/2021
Response: See attached email.

Name: Myra and Eric Coleman
Address: 4520 Eaton St., Kansas City, KS 66103
Response Date: 10/19/2021
Response:

Myra called and let me know that she and her husband previously owned and operated 4461 Eaton St. as a triplex for ~13 years. She said that when they sold 4461 Eaton St. to a lawyer, Robert Stopperan, she and her husband were notified that the property was not zoned correctly (she couldn't recall the sale date but it lined up with the ~2001 sale). She said they went through a public hearing process to correct the zoning issue, and she believed that the zoning issue was resolved permanently. She indicated that she had to provide a certified letter from a neighbor who had lived in the area for ~50 years stating that she had seen numerous parties coming and going through 4461 Eaton at any given point for her entire time in the neighborhood, indicating just how long the property had been an operating triplex. Myra said that if I bought 4461 Eaton St. as a triplex, live in it as a triplex, and operate it as a triplex, she sees no issue and supports the zoning change.

NEIGHBORHOOD MEETING AFFIDAVIT

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Eric Fletcher, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-037 + MPL2021-021
2. That I conducted a neighborhood meeting on 10/12/2021 – 10/25/2021
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

, 10/26/2021
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200__.

My commission expires _____ of _____, 200__.

Notary Public









Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Change of Zone Petition COZ2021-039 and Master Plan Amendment MPL2021-030**

GENERAL INFORMATION

Applicant:
Joe Prenger

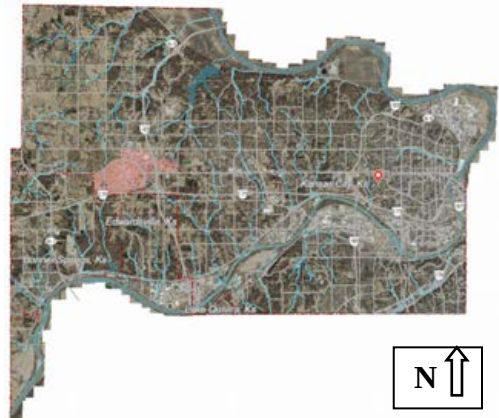
Status of Applicant:
Owner
10809 Northeast 106th Terrace
Kansas City, MO 64157

Requested Actions:
Master Plan Amendment from Urban Density to
Mixed Use (Central Area Master Plan).

Change of Zone from R-1(B) Single
Family District to TND Traditional Neighborhood
Design District.

Date of Application(s):
September 24, 2021

Purpose:
To add a third dwelling unit to an existing mixed-
use building (vacant ground floor storefront and
two (2) dwelling units on the second floor).



Property Location:	3159 Orville Avenue		
Commission Districts:	Commissioner At-Large, District 1: Melissa Bynum District #4 Commissioner: Harold Johnson		
Existing Zoning:	R-1(B) Single Family District		
Adjacent Zoning:	North:	R-1(B) Single Family District	
	South:	R-1(B) Single Family District	
	East:	R-1(B) Single Family District	
	West:	R-2(B) Two Family District	
Adjacent Uses:	North:	Single family home	
	South:	Single family home	
	East:	Single family home	
	West:	Duplex	
Total Tract Size:	0.14 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which detached single-family residences, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, etc., parks, plazas, courtyards, and open space. An amendment has been filed to Mixed Use, which allows restaurants, small and medium commercial, professional and office services, institutional such as schools, churches and libraries, mixed-density residential, and parks, plazas, and open space.		
Major Street Plan:	The Major Street Plan classifies Orville Avenue as a Collector Street and North 32 nd Street as a Local Street.		
Required Parking:	Sec. 27-458(d) states two (2) off-street parking spaces shall be provided for each dwelling unit, at least one (1) of which shall be in a garage or carport. When parking spaces are provided on the premises of each dwelling unit, when no more than two (2) off-street parking spaces are provided for each dwelling unit on the premises, when the lot has less than twenty (20) feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front line of the garage door shall not be less than thirty-six (36) feet and space shall be provided in the drive for parking two (2) passenger cars for each dwelling unit. Six (6) spaces are required. Three (3) spaces are provided.		

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – October 14, 2021 and November 18, 2021 Letters to Property Owners – Change of Zone – October 15, 2021, November 19, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joe Prenger with A&J Freedom Properties, LLC, wants to rezone the property from R-1(B) Single Family District to TND Traditional Neighborhood Design District and seek a Master Plan Amendment from Urban Residential to Mixed Use (Central Area Master Plan) to keep two (2) dwelling units above a vacant storefront and add a third dwelling unit on the ground floor on the property on 0.16 acres at 3159 Orville Avenue.

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

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of a mixture of single-family homes and duplexes, and small multi-family both across the street to the west and east along Orville Avenue.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with them because there is an existing duplex west, across North 32nd Street and existing single-family homes to the north, east and south.

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

The removal of the restrictions will not detrimentally affect nearby property as this building was previously a commercial storefront (ground floor) and two (2)

dwelling units on the second floor, which was accessed off Orville Avenue, but is now accessible in the rear off North 32nd Street.

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

The ground floor storefronts have been vacant for at least fifteen (15) years. The rental license expired for the two (2) second-floor units in 2020.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as housing, specifically attached-single family, otherwise known as duplexes, provide an alternate housing choice for the community, and it will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property. This rezoning is correcting a legal, non-conforming structure and use that has existed since 1920.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the use is existing and there are no changes proposed on the property. There are three (3) or four (4) parking spaces available for tenants.

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

The proposed use conforms to the Master Plan as duplexes, triplexes and fourplexes are allowed in the district.

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

This is not applicable as the proposed use is not changing or expanding, but is simply changing ownership.

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

a. *Water service*

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by East Patrol, District #442.

e. Fire

Fire service is provided by Fire Station #11 located at 32nd Street and Minnesota Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Public education is provided by Kansas City, Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

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

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

The proposed use is capable of meeting applicable ordinance and other requirements with variances.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. If the application is denied, the property can continue to be used as a two (2) dwelling units on the second floor so long as the rental license is renewed within two (2) years of its expiration.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting from October 26, 2021 – November 26, 2021, via e-mail and phone call. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Existing Legal, Non-conforming Use
Pedestrian Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-039** and Master Plan Amendment **MPL2021-030**, subject to:

1. The two (2) story structure was built in 1920 per the Appraiser's Office. From Rental License Division records, a rental license for two (2) units occurred in 1996 to 2020. Between 2020 and now, a third dwelling unit was converted within the structure and a rental license was applied for and denied by Planning and Urban Design because a third dwelling unit was not legally established;
2. Sec. 27-458(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Two (2) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;

3. Install a four (4) foot sidewalk from the parking pad on the east side of the building along Orville Avenue, around the corner to the parking pad on the south side of the building along North 32nd Street;
4. Pave the unimproved surface (asphalt or concrete) and stripe five (5) off-street parking spaces on the along Orville Avenue and North 32nd Street;
5. If approved, confirm with the Building Inspection Department to ensure the third dwelling unit complies with the International Building Code (IBC);
6. If approved, a rental license from the Rental Licensing Division shall be obtained; 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2021-039** and **MPL2021-030** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Floor Plan
Wyandotte County Parks Department Street Tree List
Site Photography provided by the Planning Staff dated October 12, 2021.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government of Board of Commissioners</u>
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	
Master Plan	December 13, 2021	January 6, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-039** and **MPL2021-030**, as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-039** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:40:35:

MASTER PLAN AMENDMENT APPLICATION MPL2021-030 – JOHN PRENGER WITH A&J FREEDOM PROPERTIES, LLC - SYNOPSIS: Master Plan Amendment from Urban Density to Mixed Use (Central Area Master Plan) at 3159 Orville Avenue.

CHANGE OF ZONE APPLICATION COZ2021-039 – JOHN PRENGER WITH A&J FREEDOM PROPERTIES, LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to TND Traditional Neighborhood Design District for an existing non-conforming three (3) unit residential building at 3159 Orville Avenue.

Detailed Outline of Requested Action: The applicant, Joe Prenger with A&J Freedom Properties, LLC, wants to rezone the property from R-1(B) Single Family District to TND Traditional Neighborhood Design District and seek a Master Plan Amendment from Urban Residential to Mixed Use (Central Area Master Plan) to keep two (2) dwelling units above a vacant storefront and add a third dwelling unit on the ground floor on the property on 0.16 acres at 3159 Orville Avenue.

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

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Joe Prenger, applicant, 10809 Northwest 106th Terrace, Kansas City, Missouri 64157

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:44: Planning Director Hand stated that this is a legal non-conforming parcel in the Central Area Master Plan. He stated that the applicant is requesting TND Traditional Neighborhood Design zoning to add a third dwelling unit to an existing mixed-use building. The applicant will provide some additional parking on the parcel to the east, which is above the standards as TND does not require parking. He further stated that this use does meet the character of the neighborhood and Staff requests that they build a 4' sidewalk on Orville Avenue and that all parking on-site be an improved surface of asphalt or concrete. He further stated that there are additional conditions in the staff report. Director Hand stated that there are old Notices of Violation on the property. Staff has not received any letters in support nor opposition, and recommends approval of these applications subject to the conditions in the staff report.

Motion and Vote starts at 2:46:20:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment Application**

MPL2021-030:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. The two (2) story structure was built in 1920 per the Appraiser's Office. From Rental License Division records, a rental license for two (2) units occurred in 1996 to 2020. Between 2020 and now, a third dwelling unit was converted within the structure and a rental license was applied for and**

denied by Planning and Urban Design because a third dwelling unit was not legally established;

2. Sec. 27-458(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Two (2) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;

3. Install a four (4) foot sidewalk from the parking pad on the east side of the building along Orville Avenue, around the corner to the parking pad on the south side of the building along North 32nd Street;
4. Pave the unimproved surface (asphalt or concrete) and stripe five (5) off-street parking spaces on the along Orville Avenue and North 32nd Street;
5. If approved, confirm with the Building Inspection Department to ensure the third dwelling unit complies with the International Building Code (IBC);
6. If approved, a rental license from the Rental Licensing Division shall be obtained; 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.

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-039**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions



Figure 1. Aerial Map of 3159 Orville Avenue (provided by UG Maps).



Figure 2. Zoning Map of 3159 Orville Avenue (provided by UG Maps).



Figure 3. Central Area Master Plan Land Use Map of 3159 Orville Avenue (provided by Arc Map).

Response to: Staff Comments and Suggestions

Planning and Urban Design Comments:

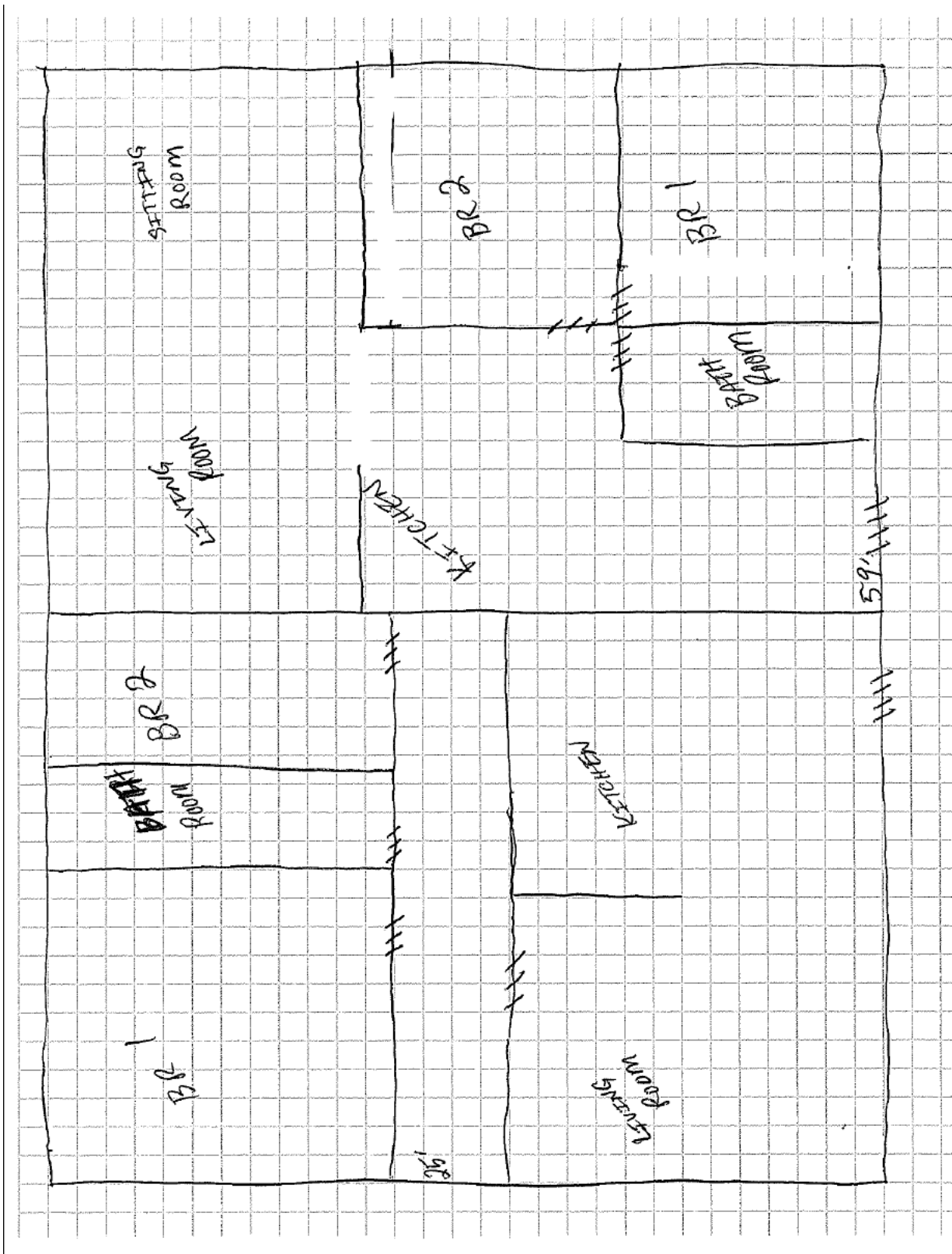
General Planning:

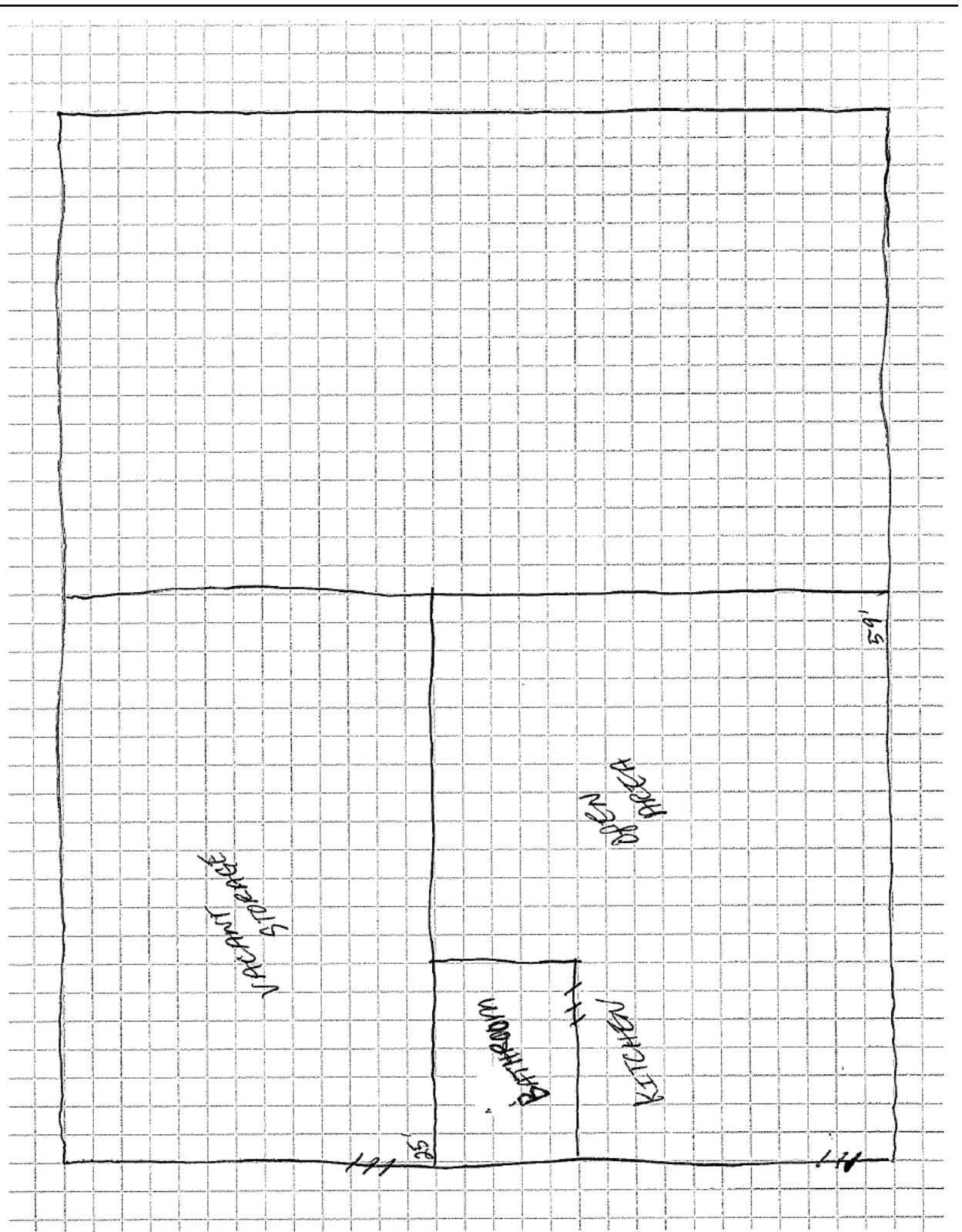
1. A Master Plan Amendment from Urban Density to Mixed Use (Central Area Master Plan) will be submitted. *Change from Urban Density to TND (T5).*
2. Sec. 27-27-458(3)a. No R-3 Townhouse District project shall be constructed on a lot less than one (1) acre. A variance from the Board of Zoning Appeals is required and must precede this rezoning request. *Change to TND (T5) will negate this requirement.*
3. Are all three (3) units on separate utilities – water, power, sanitary sewer, etc.? *All utilities are separately metered except for Gas. Gas is on one meter and is paid for by the landlord.*
4. Provide a scaled and dimensioned floor plan of the ground and second floors. *Scaled floor plan will be sent in as a separate attachment on graph paper.*
5. Sec. 27-458(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. Two (2) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines. *1 tree will be planted on the east side of the east parking pad on the east side of the building to accommodate this requirement. One tree is already in place on the North side of the parking pad on the east side of the building.*
6. *N/A*
7. In approved, a rental license from Rental Licensing shall be obtained. *Rental license will be applied for and obtained once rezoning is complete.*
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. *Check in the amount of \$125 will be mailed to Urban Design Department within 30 days following the Unified Government Board of Commissioners meeting.*
9. Install a four (4) foot sidewalk from the parking pad on the east side of the building along Orville Avenue, around the corner to the parking pad on the south side of the building along North 32nd Street. *Sidewalk will be installed along both the south and west side of the building to UG standards.*



Neighborhood meeting questions and comments:

1. Barbara Bell – 3116 Orville Ave, KCK – 913-522-9479: Barbara had a question about the zoning and what it meant. She asked about the current zoning and what it was going to be changed to. I explained the current dilemma and if the zoning didn't get changed that her neighbor Montel would have to be removed from his home of 4 years. She did not want that to happen. I explained what the zoning was going to be changed to and how that would accommodate the current living situation.





Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis</i> species (spp.)	Eastern and Oklahoma redbud	
8.	<i>Malus</i> spp.	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus</i> species (spp.)	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koeleruteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus colurna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioicus</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimissima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		



Figure 4. Existing Floor Plan of 3159 Orville Avenue looking southwest (provided by Planning Staff).



Figure 5. Site Photograph of 3159 Orville Avenue looking south (provided by the Planning Staff).



Figure 6. Site photograph of 3159 Orville Avenue looking east (provided by the Planning Staff).



Figure 7. Site Photograph of 3159 Orville Avenue looking east (provided by the Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: January 6, 2022
Re: Change of Zone Petition COZ2021-040

GENERAL INFORMATION

Applicant:
Lorenzo Garcia

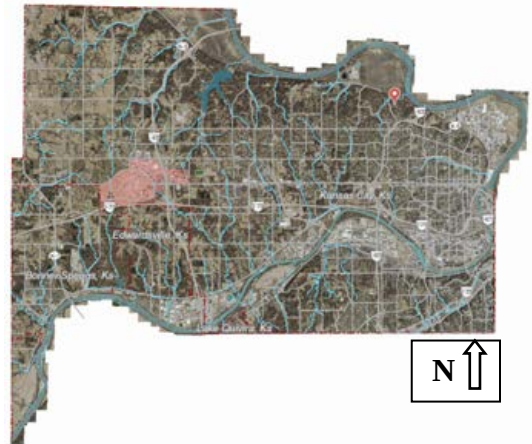
Status of Applicant:
Property Owner
2502 North 34th Street
Kansas City, KS 66101

Requested Actions:
Change of Zone from R-1(B) Single Family
District to A-G Agriculture District.

Date of Application(s):
September 24, 2021

Purpose:
To rezone the property to keep livestock and
accessory structures.

Property Location:
3740 North 35th Street



Commission Districts:	Commissioner At-Large, District 1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Large lot single family home and undeveloped land South: Single family homes East: Large lot single family home West: Undeveloped, wooded land
Total Tract Size:	5.05 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Rural Density Residential, which allows agriculture, ranches, large-lot single-family detached residences, and passive parks and open space.
Major Street Plan:	The Major Street Plan classifies North 35 th Street as a Local Street.
Required Parking:	Sec. 27-452(e) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Two (2) parking spaces are required. Two (2) spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – September 14, 2021 Letters to Property Owners – Change of Zone – September 15, 2021. October 31, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	None to date.
Public Opposition:	Three (3) people appeared at the December 13, 2021 City Planning Commission meeting with concerns/questions.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lorenzo Garcia, wants to rezone the property from R-1(B) Single Family District to A-G Agriculture District at 3740 North

35th Street to keep livestock (a horse, pony, cow, goat, sheep, chickens, and ducks) and accessory structures on 5.05 Acres.

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

Code Enforcement History: There were Code Enforcement citations on the property in 2018 for excess accessory structures, repair/rebuild exterior fence, keeping of fowl, removing junk trash and debris, and keeping a mobile home on the property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is defined by its rural aesthetic, with unpaved roads, large and/or undeveloped lots, and the common keeping of animals such as chickens and horses. Most of the properties, however, are zoned R-1 Single Family District, which has historically led to an incongruity between the allowed uses of the R-1 district and the agricultural uses taking place on the properties.

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

The area around streets such as Bell Crossing and Sortor Drive has a proliferation of agriculture uses, such as ranches and horse stables. The subject property conforms with these uses and has the requisite size (over five (5) acres) to be rezoned and used as an agriculture property. Therefore, the zoning and uses of the subject property will be compatible with properties nearby.

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

While the majority of the area is within the R-1 Single Family District, many of the uses are compatible with or better utilized by the A-G Agriculture District. The lot size and terrain of the subject property will reduce the negative externalities that keeping livestock (horse, pony, chickens, ducks, a cow, goat, and a sheep) could have on nearby properties.

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

The property may be vacant because the owner does not live on the property.

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

The keeping of horses, chickens, goat, sheep, chickens, and ducks is not reasonably necessary for the convenience and welfare of the public. Due to the

location and size of the property, as well as the surrounding uses, rezoning to the A-G District and keeping livestock will likely not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

The applicant has proposed to keep his personal livestock at his primary homestead, and not to commercially stable other horses. This will not cause an increase in traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The existing land use designation for the property is Rural-Density Residential. A land use designation under the City-Wide Master Plan, Rural-Density Residential allows for agriculture, ranches, large-lot single-family residences, and passive parks and open spaces. A Change of Zone to the A-G Agriculture District would allow for such allowed uses, namely agricultural and uses and ranches. Since the applicant is requesting a Change of Zone in order to keep livestock on the property, rezoning and purposed use conform with the Master Plan.

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

Keeping livestock on the property and allowing them to live and graze can have detrimental impacts on the local environment. The exact impact of these changes on surrounding properties cannot be completely known at this time, especially without more detailed development plans. In a letter dated October 12, 2021, the Wyandotte County Conservation District stated that “we did not receive any plans for this operation. Without any plans it is hard to make a determination as to the concerns relating to the operation”, and “we would not recommend any action until we have more information”. Continuous grazing on the property as it currently exists would not only be detrimental to the horses, but also to the ecology and a soil erosion of the property.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG does not provide sanitary sewer service.

c. Storm water control

Stormwater outlets are located on Sortor Drive, to the west of the subject property.

d. Police

Police service is provided by Midtown Patrol, District #443.

e. Fire

Fire service is provided by Fire Station #14 located at 27th Street and Rowland Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Public education is provided by Kansas City, Kansas USD 500.

h. Streets

The property is accessible by North 35th Street, running north-south, and is adjacent to Sortor Drive, running east-west.

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

The applicant is seeking a Change of Zone in order to keep a variety of livestock on their property while remaining in compliance with the zoning district. While this proposed use would be beneficial to the applicant, it will likely not have a direct economic impact on the community.

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

The subject property is 5.05 acres, which exceeds the five (5)-acre minimum required for all new A-G Agriculture District parcels. The applicant will need to submit more specifics about the keeping of horses in order for Staff to determine if all parts of the Unified Government Code of Ordinances, including Animal Services, Conversation District, and Public Health ordinances, can be met.

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

Although convenient and beneficial to the applicant, there is little relative gain to the public health, safety, and welfare by rezoning and keeping horses on the property. There is some concern that horses on the property could impose a

hardship on nearby landowners, including smell, horses on the loose, and animal waste contaminating groundwater and open water sources. The Wyandotte County Conservation District has stated specifically that manure is a concern and must be disposed of properly.

PREVIOUS ACTIONS

The Board of Commissioners approved a street vacation (S-2020-9) on July 30, 2020, to consolidate parcels together in order to rezone the property to A-G Agriculture District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 17, 2021 by in-person at 2502 North 34th Street. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Dust, and Odor
Quantity of livestock on the property
Accessory structures
Conservation District comments
Future Development plans
Conservation Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-040**, subject to:

1. All Conservation District comments, as found in the Conservation District comments (as found in the “Staff Comments and Suggestions” section of this report) and in the Conservation District Letter (found in the “Attachments” section of this report), must be met;
2. The existing accessory structures that can be seen from the road are dilapidated and must be removed and new structures built in their place. A retroactive building permit is required from the Building Inspection Department for any accessory structures that will remain following the Change of Zone request;
3. A building permit is required for a new, permanent structure greater than 120 square feet. Please contact the Building Inspection Department at (913) 573-8620 to begin that process;
4. Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated 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. If approved, shall pave

- driveway apron with concrete in accordance with Public Works Department standards, but will allow for gravel driveway;
5. The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as filing and maintaining a current business occupation tax application with the Business Licensing Department;
 6. 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. 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; and 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;
 7. Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends

APPROVAL of Petition **COZ2021-040** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Letter
Conservation District Comments
Applicant Response Letter
Neighborhood Meeting Minutes
Conservation District Conservation Report
Site Photographs provided by the Applicant
Site Photographs provide by Planning Staff dated October 13, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government of Board of Commissioners
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-040** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-040** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:48:00:

CHANGE OF ZONE APPLICATION COZ2021-040 – LORENZO GARCIA -

SYNOPSIS: Change of Zone from R-1(B) Single Family District to A-G Agriculture District for agricultural uses at 3740 North 35th Street.

Detailed Outline of Requested Action: The applicant, Lorenzo Garcia, wants to rezone the property from R-1(B) Single Family District to A-G Agriculture District at 3740 North 35th Street to keep livestock (a horse, pony, cow, goat, sheep, chickens, and ducks) and accessory structures on 5.05 Acres.

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

Code Enforcement History: There were Code Enforcement citations on the property in 2018 for excess accessory structures, repair/rebuild exterior fence, keeping of fowl, removing junk trash and debris, and keeping a mobile home on the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Lorenzo Garcia, representing his father the applicant, 1420 North 86th Street, Kansas City, Kansas

Present in Opposition/Concerns:

- Elnora Jefferson
- Barry Anderson
- Marvin Robinson

Staff Recommendation starts at 3:01:12: Planning Director Hand stated the request before the Commission is to rezone from R-1(B) Single Family District to A-G Agriculture District and it does meet the five (5) acre minimum requirement. The property is in the Sortor Drive area and is adjacent to the Quindaro Town Site and abuts the Northeast Area Master Plan, but is not in the master plan area. This area has been

a target area for the Unified Government due to code violations. One of the solutions is to consolidate properties into more than five (5) acres for agricultural purposes. Director Hand further stated there is no primary structure on the property, but several small structures that have a Notice of Violation for the property to be cleaned up. He showed the Commission plans that have been submitted by the applicant. Staff has asked that all existing dilapidated structures be removed, or retroactive building permits acquired. The Conservation District developed a conservation plan for this property, which is included in the staff report. Director Hand showed the Commission pictures of the property that were taken by staff. Staff has received no letters in support nor opposition and this property is not within the environs of any historic site/district. The subject property is also outside of the recently established area defined by a Memorandum of Understanding between the UG and community to rehabilitate that Historic site. Staff recommends approval subject to the conditions in the staff report.

The Commission directed questions to Staff.

Motion and Vote starts at 3:06:49:

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-040:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. All Conservation District comments, as found in the Conservation District comments (as found in the “Staff Comments and Suggestions” section of this report) and in the Conservation District Letter (found in the “Attachments” section of this report), must be met;**
- 2. The existing accessory structures that can be seen from the road are dilapidated and must be removed and new structures built in their place. A retroactive building permit is required from the Building Inspection Department for any accessory structures that will remain following the Change of Zone request;**
- 3. A building permit is required for a new, permanent structure greater than 120 square feet. Please contact the Building Inspection Department at (913) 573-8620 to begin that process;**
- 4. Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated 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. If approved, shall pave driveway apron with concrete in accordance with Public Works Department standards, but will allow for gravel driveway;
5. The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as filing and maintaining a current business occupation tax application with the Business Licensing Department;
 6. 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. 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; and 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;
 7. Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

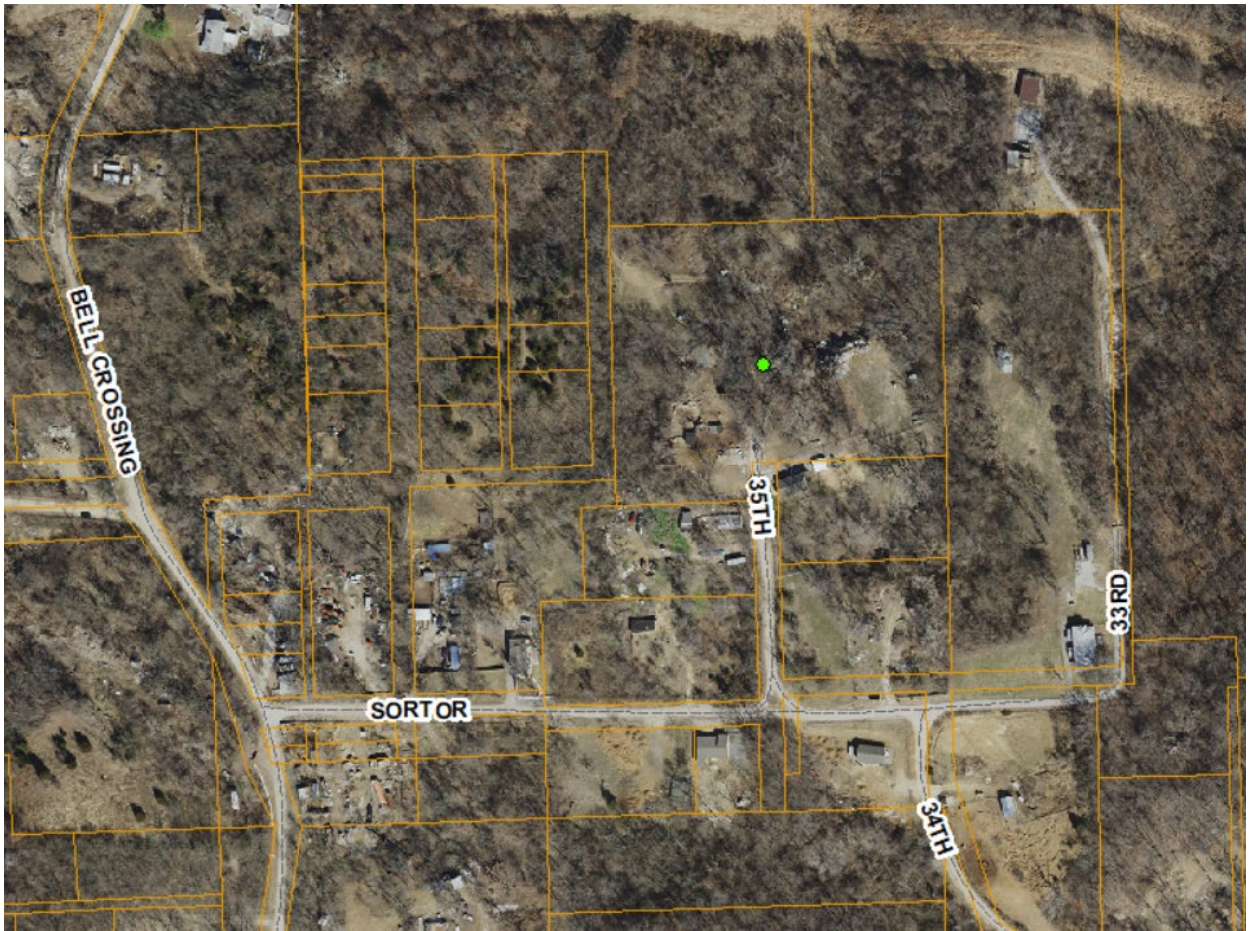


Figure 1. Aerial Map of 3740 North 35th Street (provided by ArcMap).

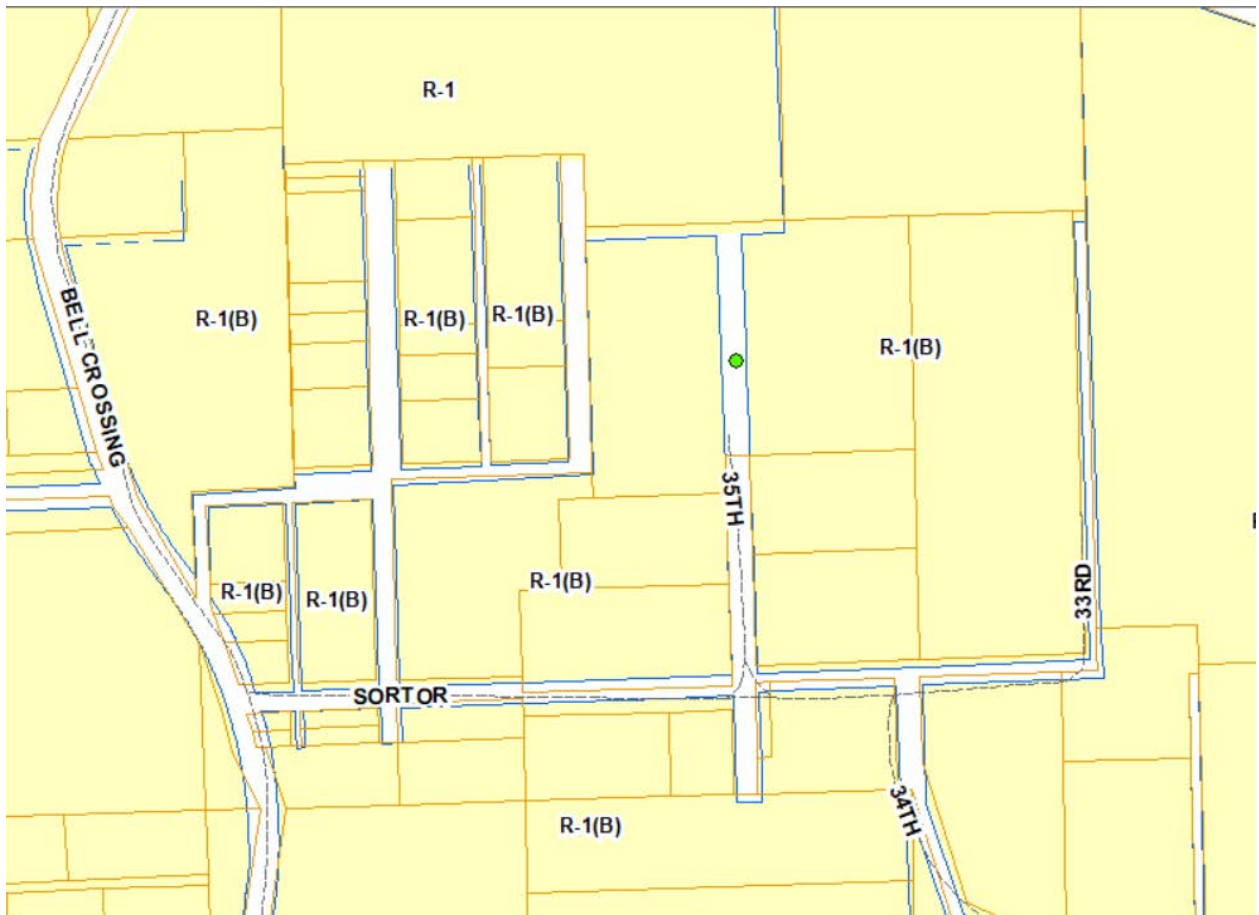


Figure 2. Zoning Map of 3740 North 35th Street (provided by ArcMap).

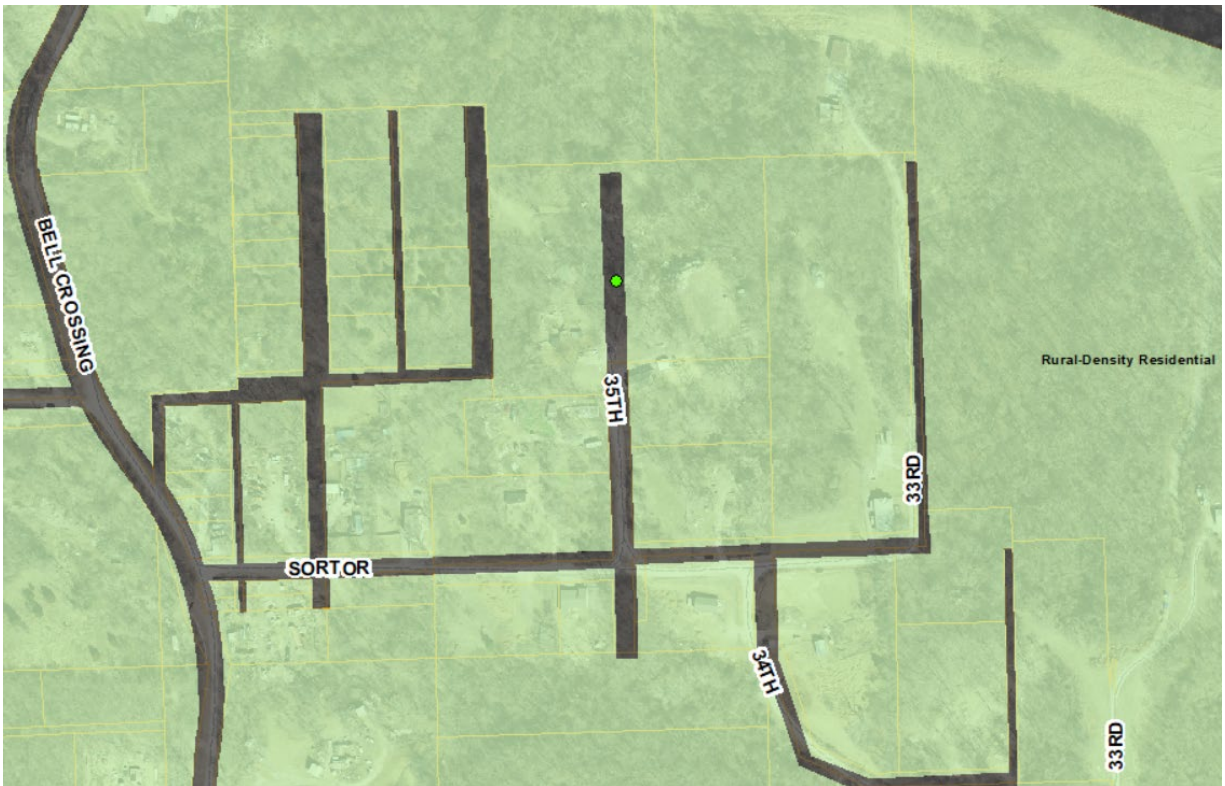


Figure 3. City-Wide Master Plan Land Use Map of 3740 North 35th Street (provided by ArcMap).

September 14, 2021

To Whom it May Concern:

Since 2019 we have been working on a plan to re-zone our area into agricultural as we have some animals on our property. Since we did not have the 5 acres, the city recommended that the acreage be acquired before we could submit the application, this way we would not to apply for special use permit. The plan was to purchase some of the vacant lots that the land bank had and to request a ROW vacation of a street that was between the lots. All of this has been done. You can look the the previous application (ROW) and see the land record where Rob Ringle (GeoSpatial Services Division) was kind enough to connect everything for us and we now have a little over 5 acres.

The vacant lots as you might already know were used for illegal dumping. Since we purchased them we have fenced it and have been cleaning the area. We have taken care of the overgrown weeds and have gotten rid of a lot of trash that people had dumped (pictures attached to clean lots). Our goal is to finish cleaning up the area, filling it, and planting new grass for the animals.

We are requesting to have a Horse, a pony, chickens, ducks, a cow, a goat, and a sheep.

Attached you will also find the images for the structures on the property. Structure 3 is on the process of coming down.

Once re-zoned our final goal will be to knock down all the structures except for #4 (as this is used for hay storage) and build a large barn for the animals with the proper permits.

I have been working with Matt Smith, Chris Slaughter, Commissioner Townsend, and Rob Richardson to come up with a plan that would work for everyone (attached you will find the email conversations that brought us to this final step). Matt Smith in code enforcement has cleared us from the initial compliance issued we had. He could attest that we did everything that he requested us to do, as our goal has always been to be in compliance.

I truly hope that you grant us this request. We have been here for over 10 years and our animals have been with us as well. They are properly taken care of and are a part of our family. We are great neighbors, and we all take care of one another. If there is something that you would like us to do, we are willing to comply with any stipulation you would like to set.

I also wanted to let you know that the reason why there was no check attached is because we are a part of the Sorter Drive Initiative, and we were told that the fees were waived. But if there are any concerns, please free to contact me at 913-231-6647. Thank you for your time,

Sincerely,

Lorenzo and Linda Garcia



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

October 12, 2021

RE: COZ2021-040 Lorenzo Garcia R-1 single family to A-G for farming operation at
3740 North 35th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2021-040 Lorenzo Garcia R-1 single family to A-G for farming operation at 3740
North 35th Street.

In addition to the site review the following reports were generated from the Wyandotte
County Soil Survey to assess the limitations for development and/or natural resources
concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified Knox silt loam, 7 to 12 percent slopes and Knox complex, 18 to 30 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- We did not receive any plans for the operation. Without any plans it is hard to make a determination as to the concerns relating to the operation.
- We would not recommend any action until we have more information.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

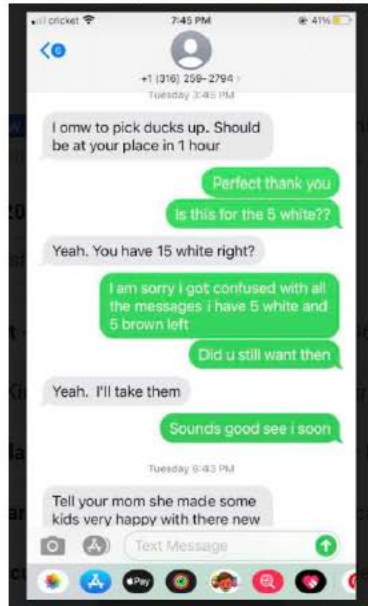
[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7955—Knox silt loam, 7 to 12 percent slopes					
Knox	80	Somewhat limited		Somewhat limited	
		Slope	0.16	Slope	0.16
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 15, Sep 14, 2021

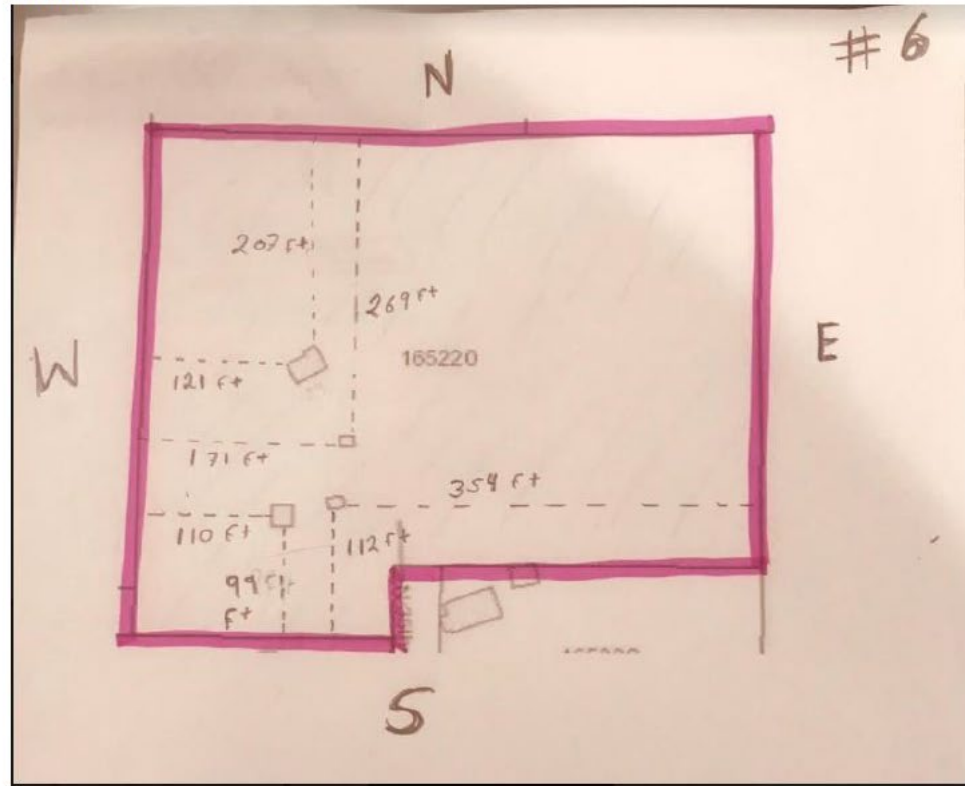
1. We have been trying to reach the conservation district since we first received the draft report with the comments and have not been able to reach them. I have left multiple messages and I am awaiting a return call. Their voice message did say that they would be out of the office until 10/18/2021. I also went to the local office and there is a sign saying that they are open but could be out on field. They had an email address, so we also emailed the request. I am not sure if this is what is causing the delay.
2. We have no plans of building a home on the property at this time.
3. There will be 1 normal size horse, 1 mini pony, 1 cow, 4 ducks, 10 chickens, 1 goat, and 1 sheep. The additional ducks that were seen on the property have been rehomed here are the text messages from the person that came and picked them up. They were supposed to be gone long before the application but the person that was coming from Wichita to pick them up ended up delaying the pickup date. As far as the Cows, we only have one cow. The other 2 cows were on our property because they got out of one of the nearby neighbors home and we put them in there until he was able to pick them up that same afternoon. I could have him contact you if it is necessary so that he could confirm that those 2 other cows that you saw were his and not ours. Their only cow that we have and will be on our property is a black and white cow. Turkeys were also rehomed, there will be no turkeys on the property.



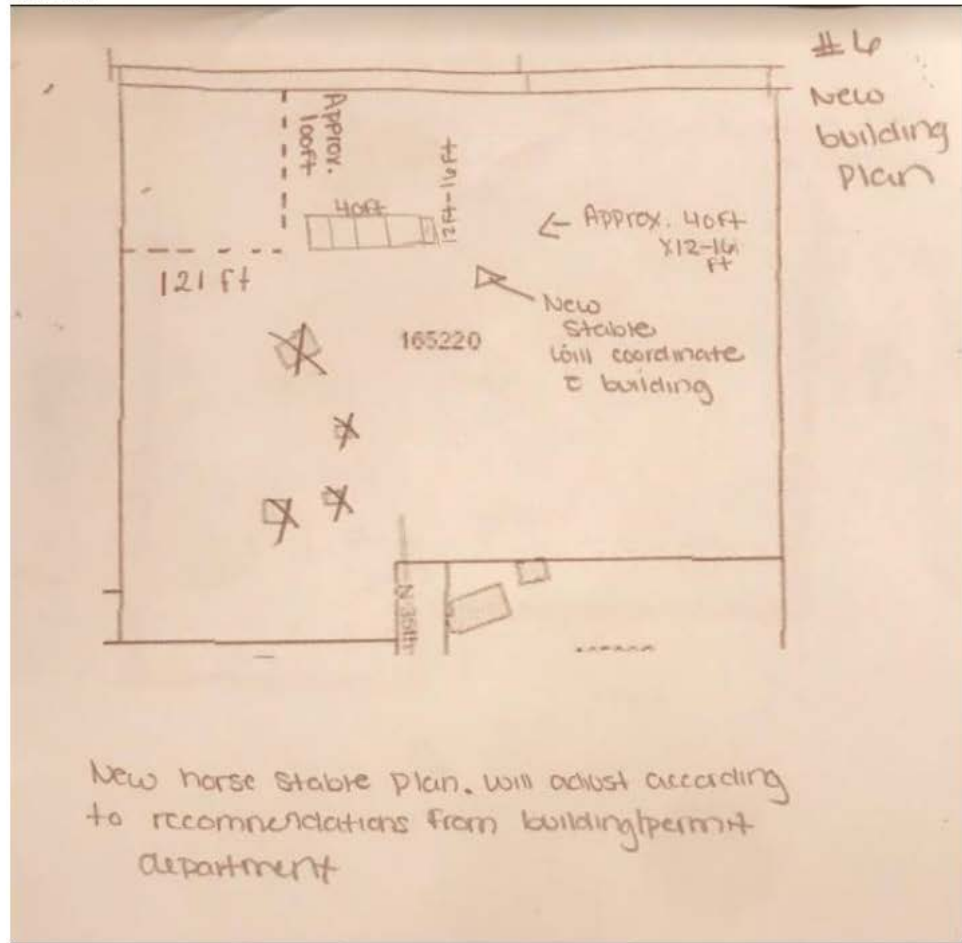
4. Fencing- grazing- stabled area plan. See below.

r

Current:



New Plan:



7. Waiting to get the go ahead that we are going to be approved for agricultural so we can start the process to obtain a permit to build a new stable for the animal. I will be contacting building inspection to get all the details on what is needed.
8. The driveway that is being requested that we pave will be turned into part of the property and will be putting the fence around it so that we can have additional space to grow grass for the animals to graze. We will be adding gravel to the section that has been washed away to the east as requested.
9. We are not planning on running any sort of business on the property. All we it for is to have out animals.
10. We are happy to allow for yearly inspections and register the animals as needed.

r

11. We are not planning of disturbing more than one acre of land.
12. We are happy to pay any fees associated with this.

r

Giving the presentation: Lorenzo Garcia and Linda Garcia

Introductions:

I sent out a letter and requested that you come to this meeting to ask any questions that you may have regarding the change of zone that I am requesting. I am requesting a change of zone in my property at 3740 N 35th St, Kansas City, KS 660104. As you all know I am trying to gain Compliance with the city and I requesting that my area be rezoned to agricultural so that I can have my animals and not have to worry about not being in compliance with the city. My plans are to have me area re-zoned and continue to improve the property as we have been. I am planning on tearing down the current structures and building one barn for the animals. Please let me know if you have any questions:

Questions and answers (include the following):

Ramon Garcia: I am her in support if the city has any questions please have them call me I know how hard you work on your little farm and know how well you take care of your animals. Answer: Thank you

Jose Solis: I am also here in support and know how hard you have worked to be in compliance with the city. If I can help in any way please let me know. Answer: Thank you we appreciate it

Rodolfo Solis: I am also here in support. In all the years that I have known you we have never had any problems with you or your farm. Your animals are always well taken care of and we have never had any noise complaints of any sort from your property. You are also a great neighbor and always willing to help anyone in need. I support what you are trying to do 100%. Answer: Thank you so much.

Meeting adjourned at: 5:00pm

Minutes taken by: Myself

MINUTES: 60 minutes

Application Number CO22021-040

Date and Location: 10/17/2021 at 2502 N 34th St, Kansas City, KS 66104

Meeting called to order at: 4:00pm

Names of people in attendance:

1. Ramon V Garcia
2. Rodolfo Solis
3. Gore M Solis
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112
wyco.conservation@gmail.com

3740 North 35th Street Recommended Livestock Plan as of November 2021

Property overview

When we visited the operation, there were ten chickens, two horses, one goat, one sheep, one cow and four ducks. All livestock looked to be in very good condition. The landowners buy feed supplement and hay for all the animals for nutrient content. The current buildings are not in the best of shape but do provide adequate shelter for the animals. They indicated that a new stable structure was going to be built to replace existing buildings. Very little grass or vegetation currently is growing on property. The lack of ground cover opens the area for run off to occur. Animals are not fenced in small areas when the soils are wet. Allowing all the animals to move and trample the entire area, creates compaction and reduces the possibility of any grass growth.

The property owners and family are in the process of cleaning up trash that was deposited in the area over several years by illegal dumping. Once this is all completed, they are planning on having topsoil brought in and new seeding planted. During discussions they mentioned having a source for topsoil an equipment to spread soil. The area should be seeded with a fescue or brome and some legumes to help establish a pasture area for the animals.

When the new facilities are completed, they plan to remove the old sheds. That area will then need to be rehabbed with topsoil and seeded. Again a mixture of fescue or brome would be good for creating the small lots to rotate the different animals. Due the heavy compaction, this area would also benefit from using a blended cover crop to reduce the compaction and increase nutrient value. Soil testing will be a good idea before seeding to see if fertilizer or other changes are needed.

Livestock

The inventory of livestock the landowners let us know the following. The cow and goat are milked for the family use. Chicken and duck eggs are harvested and eaten. The sheep will be slaughter for meat. The horses are pets.

The chickens and ducks should be put into a fenced in area so that they are not subject to animal attacks. Waste needs to be collected and disposed of in a safe manner. Raking bedding and manure then bagging daily or every other day depending on the number of birds in the coop. Continuing to use the landfill is a good option for this.

The milking cow and milking goat do create an extra concern to be addressed. There needs to be a plan in place of what to do with the calves and kids produced to continue

milking. The resources of the property are currently stressed without the addition of a calf and kids. Some questions to help plan: How long are the offspring kept on the property? Have arrangements already been set up for someone else to take the young? Are the animals artificially inseminated or breed naturally on the property? What is the plan for animals once past breeding age?

Addressing future sustainability of the property, consider not keeping the two horses. They are pets now but as they get older strongly think about not replacing them. Horses full size or mini create major compaction. The manner in which horses bite and eat tears up the ground more than the cattle, goats or sheep. They are the largest contributors to polluting and compacting that you have on your property. Since they are not working animals or show animals they do not provide useable products or services for you other than being a pet. To keep the horses healthy, they need more exercise space. The current lot is limited unless you are taking them to other trails or arenas.

All animals need to be confined to small, fenced areas when the soil is wet. The animals cause the most compaction to the soil when it is wet. They also destroy the vegetation as they walk around. As discussed, keeping the animals in their small, fenced spaces now will be a good start to helping the soil during wet times.

Land Management

After each area of the property has been cleaned off and before the area is ready to be seeded, a soil sample needs to be taken. This will tell you the nutrient needs of the soil. The areas that are seeded will need to be protected (not grazed) until they get established. Included is information about how to take soil samples.

A filter strip of grasses, at least five feet in width, should be planted around the lower parts of the lots to slow down runoff. In some areas a larger width may be needed due to the slope. Here the grasses could include some native prairie species to increase the root mass. Planting the filter strips will help collect the nutrients and the soil particles that are in the runoff.

Small trees and brush need to be removed along the fence lines. Removing the small trees 4-inch diameter or smaller, will allow grass to be planted and to grow. Increasing sunlight that reaches the ground and reducing competition for the grasses will quicken the growth rate. The established grass will slow runoff and help collect nutrients, preventing large amounts from entering the streams and rivers. This will make an impact in a neighborhood which is overwhelmed by years of uncontrolled runoff.

The heavily wooded areas need to be fenced out and not grazed. Grazing these areas destroys the ground cover (Leaf Litter) and opens the area to severe soil erosion. There is very little feed value in this material. All they do is compact the area and cause more runoff.

As far as grasses to plant, fescues or brome grass need to be planted. The new seeding needs to be protected until they are well established.

Once more areas have been cleared and reseeded, we will help you establish a sustainable rotational grazing plan for the livestock.

Creating a sustainable operation is possible but it is going to take time and a great deal of labor to establish quality pasture lands.

Established as a USDA (United States Department of Agriculture) Recognized farm.

Registering your property as a Farm can be done by contacting the Farm Service Agency. There is no size limit for a farm, but you do need to be keeping record of the eggs and milk produced on the property to demonstrate you are harvesting/growing something on your land. Once registered you become eligible for other assistance and programs offered through USDA. When you are ready to register your property, I will help you get it done.

The above items are intended to get you started on the path to building your sustainable farm.



Figure 4. Photograph of an accessory structure at 3740 North 35th Street (provided by the applicant).



Figure 5. Photograph of an accessory structure at 3740 North 35th Street (provided by the applicant).



Figure 6. Photograph of an accessory structure at 3740 North 35th Street (provided by the applicant).



Figure 7. Photograph of an accessory structure at 3740 North 35th Street (provided by the applicant).



Figure 8. Site Photograph of 3740 North 35th Street looking southwest (provided by Planning Staff).



Figure 9. Site Photograph of 3740 North 35th Street looking west (provided by Planning Staff).



Figure 10. Site Photograph of 3740 North 35th Street looking north (provided by Planning Staff).



Figure 11. Site Photograph of 3740 North 35th Street looking northeast (provided by Planning Staff).



Figure 12. Site Photograph of 3740 North 35th Street looking east (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: COZ2021-041 and MPL2021-029

GENERAL INFORMATION

Applicant:
Jon Simpson

Status of Applicant:
Representative
BHC Rhodes
712 State Avenue
Leavenworth, Kansas 66048

Requested Actions:
Approval of a Change of Zone.

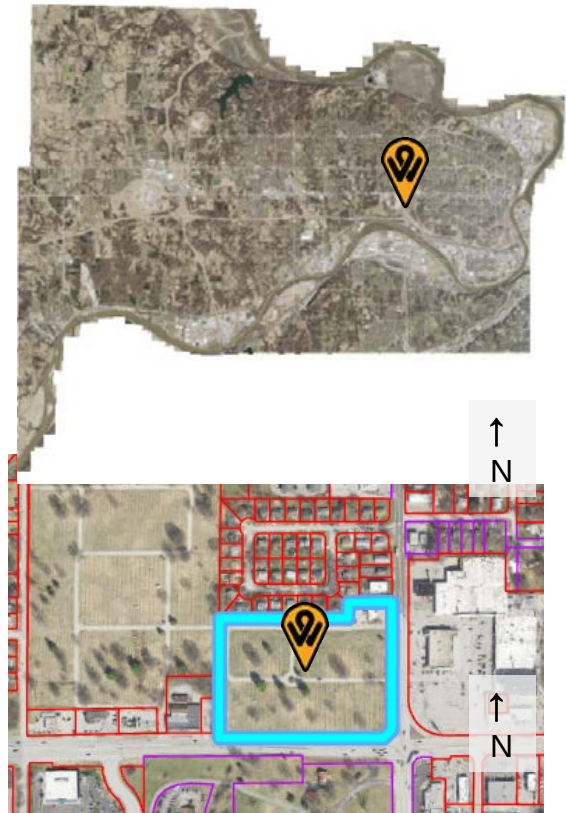
Approval of a Master Plan Amendment.

Date of Application:
September 24, 2021

Purpose:
To change the zoning district from R-1(B)
Single Family Residential District to CP-0
Planned Non-Retail Commercial District for
the Cemetery Office space.

To change the Master Plan Land Use Designation from Public/Semi-Public to
Community Commercial

Property Location: 1150 N 38th Street
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large: Melissa Bynum District #4 Commissioner: Harold Johnson
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family and CP-0 Planned Non-Retail Business Districts South: R-1 Single Family and CP-2 Planned General Business Districts East: CP-2 Planned General Business District West: C-1 Limited Business District
Adjacent Uses:	North: A ~47 Acre Parcel with ponds and a Single-Family Homestead South: Chain Stores and Shopping Strip: Drug Store, Thrift Shop, Fast Casual Restaurants, Automotive Repair East: Single Family Homes, Medical Office, Barber Shop West: Single Family Homes, Vacant Commercial Strip, Gymnastics Instruction, Retail Beauty Store, Auto Insurance, Auto Sales
Total Tract Size:	9.28 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan land use designation is Public/Semi-Public. These spaces are typically regarded as a space or amenity completely open to the public or as a private space in which the public accesses for a specifically defined purpose. Allowed uses include schools, churches, non-profit owned land or buildings, and publicly owned land and buildings. Discouraged uses include adult-oriented businesses and bars or clubs selling alcohol. The proposed City-Wide Master Plan land use designation is Community Commercial. These uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small-scale accessory commercial uses. Uses may also include small-scale commercial centers. Allowed uses include grocery stores, medium-sized box stores, commercial

centers with sit-down restaurants, banks, drug stores, convenience stores and small-scale, locally owned businesses. Discouraged uses include industrial uses and business parks.

Major Street Plan:	The Major Street Plan designates North 38 th Street as a Class C Throughfare Major Street
Required Parking:	CP-0 District (proposed zoning Lots 1-3): Section 27-463(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The office is listed by appraisal records to be of 1,680 square feet, making the required parking eight (8) spaces. The subject plat has 13 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 8, 2021, and November 18, 2021 Letters to Property Owners – September 17, 2021, October 31, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	One (1) person appeared in support at the December 13, 2021 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jon Simpson with BHC Rhodes, has submitted a request for Change of Zone and a Preliminary Plat. The applicant is requesting a Change of Zone from R-1(B) Single-Family Residential District CP-0 Planned Non-Retail Commercial District. The applicant is requesting a Plat separating the current cemetery office from the burial grounds. After the replat, the property owner wishes to change the use of the property to a portion of the property unrelated to the cemetery while keeping the burial grounds intact, and commercial uses are not allowed in the current zoning.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no code enforcement issues. There is a history of police activity that is common among semi-public open space areas of a similar nature however they should not affect the property's usages.

FACTORS TO BE CONSIDERED

Change of Zone

1. *The character of the neighborhood.*

The subject property a semi-public open space along a commercial corridor. It is the buffer between more intense commercial uses on State Avenue and the adjacent neighborhoods. Commercial buildings are of various architectural style and composition, ranging from smaller stand-alone buildings to a shopping center. The residences to the north are typically bungalows or ranches that are modest in scale with mature trees and asphalt streets and driveways with limited sidewalks. It is not uncommon for these residences to be directly adjacent to commercial uses without some buffering.

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

The subject property is bordered on the south and east with properties of varying degrees of commercial intensity with residential uses to the north and west. Agricultural zones. The subject property's office space is on the northeast corner of the property and is offset from the burial grounds. It is adjacent to commercial uses and would not be out of character for the office to rejoin the adjacent commercial uses in lot size, parking accessibility, and zoning compatibility.

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

The adjacent properties are commercial with mid-century architecture of similar style and scale as the subject property. As part of the cemetery, the subject property has been functioning as a commercial use of the cemetery's grounds. Removing it from the cemetery for use as a stand-alone commercial property would ostensibly not change the function of the property from its current uses but could detrimentally change its character if redeveloped.

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

The property is not vacant. It appears to have been a commercial accessory function of the associated cemetery since its construction.

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

This proposed Change of Zone and Plat does not create any new buildings or dissimilar uses from its current usage, and any future change of ownership or usage would be subject to the commercial design guidelines. Should the property be sold to new commercial ownership, the property has potential to add a

neighborhood convenience and would introduce economic gains not currently realized under the subject property's current ownership by a non-profit religious organization. The proposed requests do not appear to harm or permanently injure the visual quality, appropriate use, or marketability of nearby property. Additionally, the Change of Zone to a Planned Commercial District subjects the property to the Commercial Design Guidelines, in which additional sidewalks, curb repairs, improved parking surface repairs, and landscaping has been required as a condition of approval and these conditions would subsequently enhance the appropriate use, quality, and marketability. As a planned district, any future redevelopment would require review to ensure neighborhood conference and character

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

The proposed use should not increase any traffic demand outside of existing conditions. Traffic from State Avenue onto 38th Street is already diverted for the adjacent commercial uses, and the subject property is already operating as a commercial accessory use of the cemetery, so any net increase would be marginal if at all. Parking is determined to be adequate with a front accessible lot and a rear overflow parking for employees or other customers. It has ample accessible parking. An access plan should be maintained for the usage of these lots given the rear lot is blocked by the gate to the burial grounds.

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

The City-Wide Master Plan designates this property's use as Public/Semi-Public. These designations are reserved for properties that are typically publicly owned, non-for-profit owned land and buildings, schools, and churches. The proposed rezone to CP-0 Planned Non-Retail Commercial District does not appropriately align with the current description of the land use but does conform to with the land use petitioned for with the Master Plan Amendment. Section 27-463(b) gives numerous allowed uses including administrative offices, sales offices of non-retail products such as real-estate, and service uses such as photography studios, dental and medical facilities, and other professional uses that would be restricted without a Master Plan Amendment if the future use is not a public entity or not-for-profit organization. The Master Plan Amendment in conjunction with the Change of Zone actualizes the highest and best use of this property once replatted, should it be sold to a future tenant.

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

The Change of Zone or requested Plat does not initiate the construction or alteration of any structure and would not initiate any alteration that would cause environmental harm.

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

a. Water service

Water Service provided by BPU.

b. Sanitary sewer service

Sanitary Lines are provided to the property

c. Storm water control

Storm water control points are at the southeast corner of the property with adjoining French drains.

d. Police

Police service is provided by Midtown Division, #442.

e. Fire

Fire service is provided by Fire Station #6 in District #1.

f. Transit

Two (2) routes directly serve the property with bus stops on the subject property's frontage, Route #107 and Route #106.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

The Plat is currently accessible from North 38th Street with a shared access drive to the adjacent burial ground. A condition of approval is that this access agreement be maintained should transfer of ownership occur to allow continued access.

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

This proposed project will not have any immediate economic impact on the community. Should the property transfer ownership, a new commercial use could be initiated that would add economic value, increase the tax base, and convenience to the neighborhood.

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

The proposal should have a high capability to meet the ordinance requirements. The Change of Zone to a Planned Commercial District subjects the property to the Commercial Design Guideline and some additional conditions of approval have been added to address deficiencies relative to these new guidelines. Any new usage would require a Plans Review as part of the requirements of a Planned District.

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

The subject property will have minimal impact on the public health, safety, or welfare once rezoned except for the improvements required on infrastructure including sidewalk repairs. This will improve pedestrian accessibility to and from adjacent properties and for passengers at the subject property's bus stop.

Staff Note: The plan was revised to incorporate staff comments and additional sidewalk and pedestrian access was added.

Preliminary Plat

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

See Change of Zone Review Factor #9. Although there is a Change of Zone with the plat, the function of this office as a non-retail commercial use are not changing. Public utilities or services are not needing alteration and are considered adequate to the use.

2. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.

There are no known hazards noted.

3. Streets are designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

There will be no public rights-of-way constructed in conjunction with this Preliminary Plat and traffic patterns are expected to not be significantly impacted. There is, however, an existing private drive into the burial grounds that will require an access agreement be recorded as part of the plat should the property be transferred to a different ownership.

4. Assurance that buildings, lots, blocks, parcels, and streets are so arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

The proposal to separate the office space from burial grounds reflects the division of an already built-out space. The burial grounds are non-buildable and as a semi-private entity, will endure negligible impact. The office ostensibly has a higher economic value in its separation from the burial grounds than it does as part of the burial grounds' tract.

- 5. *Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

There is no proposed grading or change in topography with this Plat, as there are no building plans submitted for any future development as this is a built-out parcel. All future development plans are subject to the revision and review of the Unified Government and respective agencies as part of the proposed Change of Zone to a Planned Commercial Development Zoning District. Additional requirements for added landscaping are added as a condition of approval per the Commercial Design Guidelines to further enhance natural features.

- 6. *Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

The plat is planned to be two (2) lots and therefore is not required to have any amenities. The burial grounds retain convenient access and open space for the public as desired.

PREVIOUS ACTIONS

- No Related Previous Actions are associated with this property.

NEIGHBORHOOD MEETING

The Applicant held a neighborhood meeting on October 25, 2021, by mail.

Attached are the meeting minutes, affidavit, minutes, and/or list of attendees at the end of this report.

KEY ISSUES

Commercial Design Guidelines
Cemetery Access
Neighborhood Character
Plat Design and Parcel Arrangement
Land Use
Zoning District
Pedestrian Access
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-041** and Master Plan Amendment **MPL2021-029**, subject to:

1. The applicant, contractors, subcontractors, and any related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable, for any future development. All future development is subject to additional review approval;
2. Curbs, gutters, and drainage shall be repaired to proper UG Standards;
3. The parking lots to the front and rear shall be repaved and restriped to reflect the additional walkway between the connecting sidewalk on North 38th Street, parking spaces, and accessible parking spaces;
4. If approved, additional landscape screening on the north of the property line shall be added to further screen parking from adjacent lots per the Commercial Design Guidelines;
5. An access agreement must be maintained for the private drive access into the burial grounds, so parking remains accessible;
6. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission,

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-041** and **MPL2021-029**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Preliminary Plat Submitted by the Applicant
Neighborhood Meeting Letter
Staff Site Improvement Sketch
Geospatial Comment Letter with Indicated Revisions
Staff Site Visit Photos Dated October 12, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	December 13, 2021 Approval	January 6, 2022
Master Plan Amendment	December 13, 2021 Approval	January 6, 2022

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-041 and MPL2021-029** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-041 and MPL2021-029**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:07:46:

MASTER PLAN AMENDMENT APPLICATION MPL2021-029 – JON SIMPSON WITH BHC RHODES - SYNOPSIS: Master Plan Amendment from Public/Semi-Public to Community Commercial at 1150 North 38th Street.

CHANGE OF ZONE APPLICATION COZ2021-041 – JON SIMPSON WITH BHC RHODES - SYNOPSIS: Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District to split office from cemetery property at 1150 North 38th Street.

PRELIMINARY AND FINAL PLAT APPLICATION PLAT2021-025 – JON SIMPSON WITH BHC RHODES - SYNOPSIS: Preliminary and Final Plat for two (2) commercial lots (Mount Calvary Cemetery Plat) at 1150 North 38th Street.

Detailed Outline of Requested Action: The applicant, Jon Simpson with BHC Rhodes, has submitted a request for Change of Zone and a Preliminary Plat. The applicant is requesting a Change of Zone from R-1(B) Single-Family Residential District CP-0 Planned Non-Retail Commercial District. The applicant is requesting a Plat separating the current cemetery office from the burial grounds. After the replat, the property owner wishes to change the use of the property to a portion of the property unrelated to the cemetery while keeping the burial grounds intact, and commercial uses are not allowed in the current zoning.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no code enforcement issues. There is a history of police activity that is common among semi-public open space areas of a similar nature however they should not affect the property's usages.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Change of Zone and Master Plan Amendment; and,
7. The Notices to property owners.

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

Present in Support:

- Wil Anderson, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101
- Matt Watkins

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:11:25: Planning Director Hand stated that this property is on the edge of the Northeast Area Master Plan at 38th and State Avenue. He showed the Commission on the map the area that is being split out of the existing property with the plat and it does include an access agreement, which is one (1) of the conditions of approval. The two (2) properties would share access of a single, existing driveway, and Staff showed the Commission pictures of the property. Director Hand stated that there are conditions of approval in the staff report. He further stated that there are no Notices of Violation. Staff has received no letters in support nor opposition prior to the meeting. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:13:25:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application**

MPL2021-029:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

1. The applicant, contractors, subcontractors, and any related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable, for any future development. All future development is subject to additional review approval;
2. Curbs, gutters, and drainage shall be repaired to proper UG Standards;

3. The parking lots to the front and rear shall be repaved and restriped to reflect the additional walkway between the connecting sidewalk on North 38th Street, parking spaces, and accessible parking spaces;
4. If approved, additional landscape screening on the north of the property line shall be added to further screen parking from adjacent lots per the Commercial Design Guidelines;
5. An access agreement must be maintained for the private drive access into the burial grounds, so parking remains accessible;
6. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; 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.

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-041**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to the above conditions

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE PLAT2021-025**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

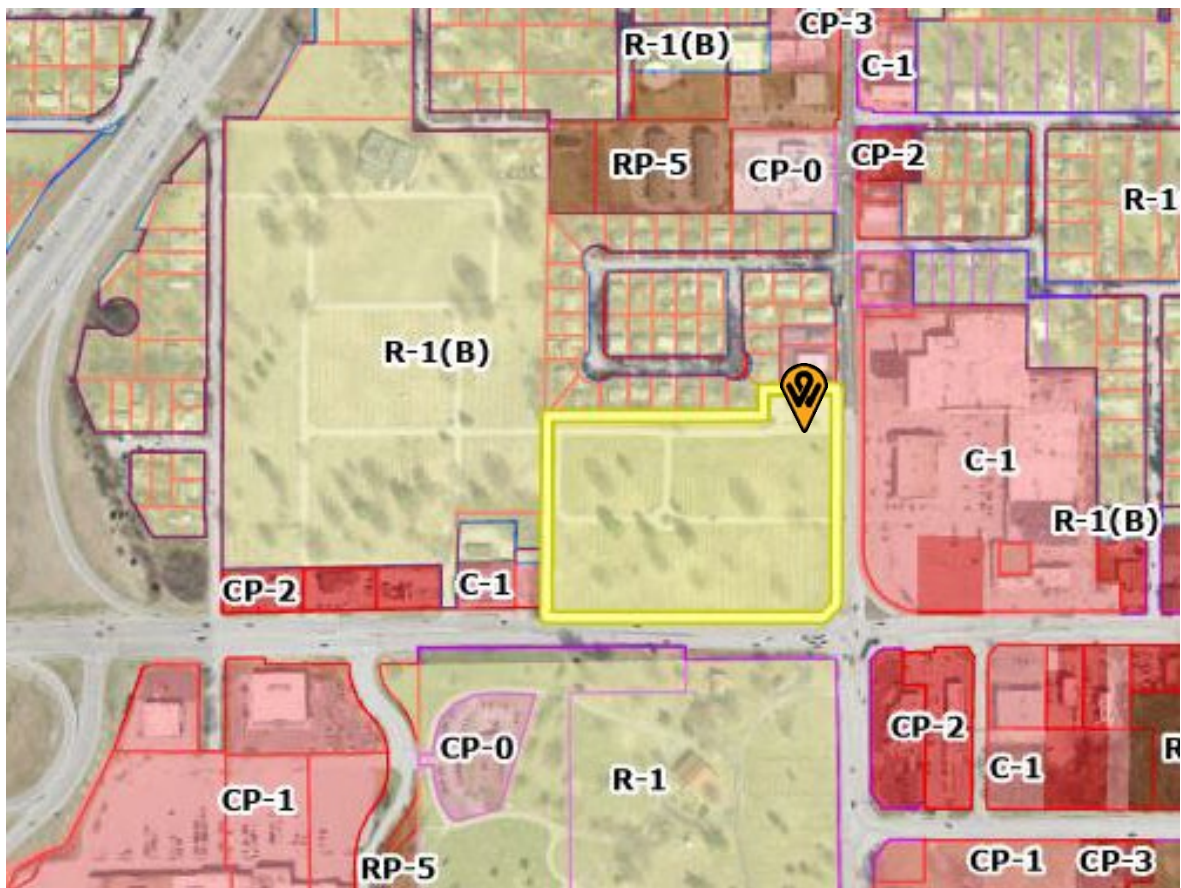
Motion to recommend APPROVAL Passed: 5 to 0

Subject to the above conditions

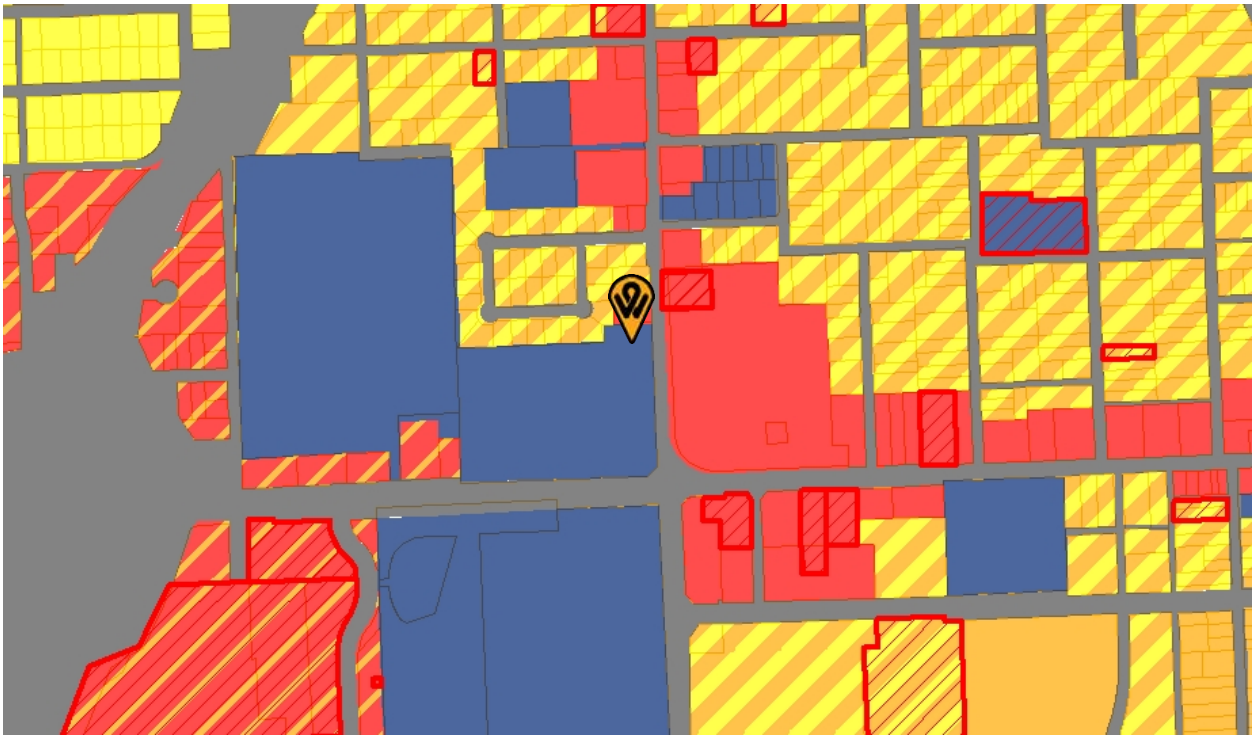
AERIAL MAP



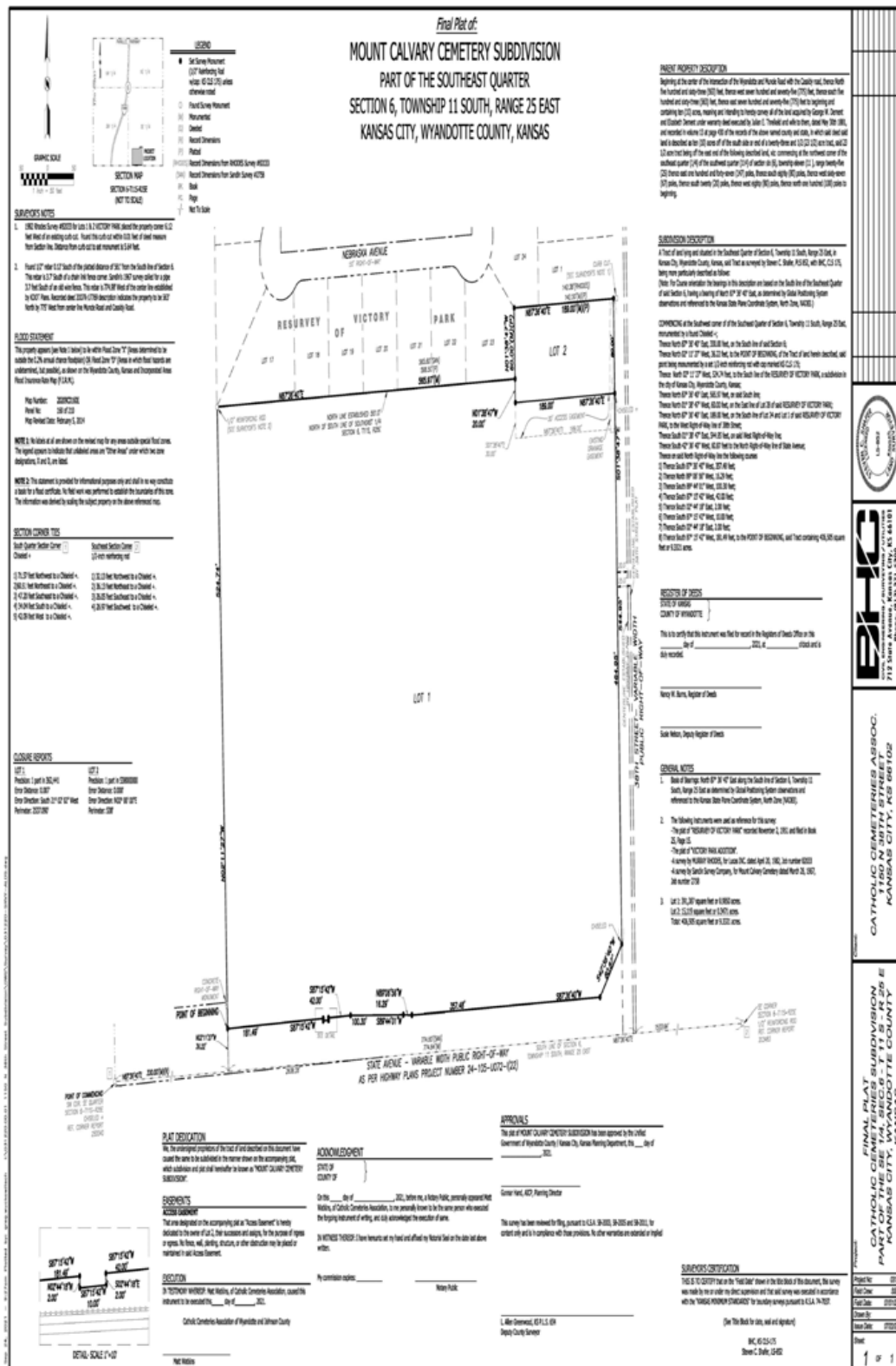
ZONING MAP



LAND USE MAP



16



17

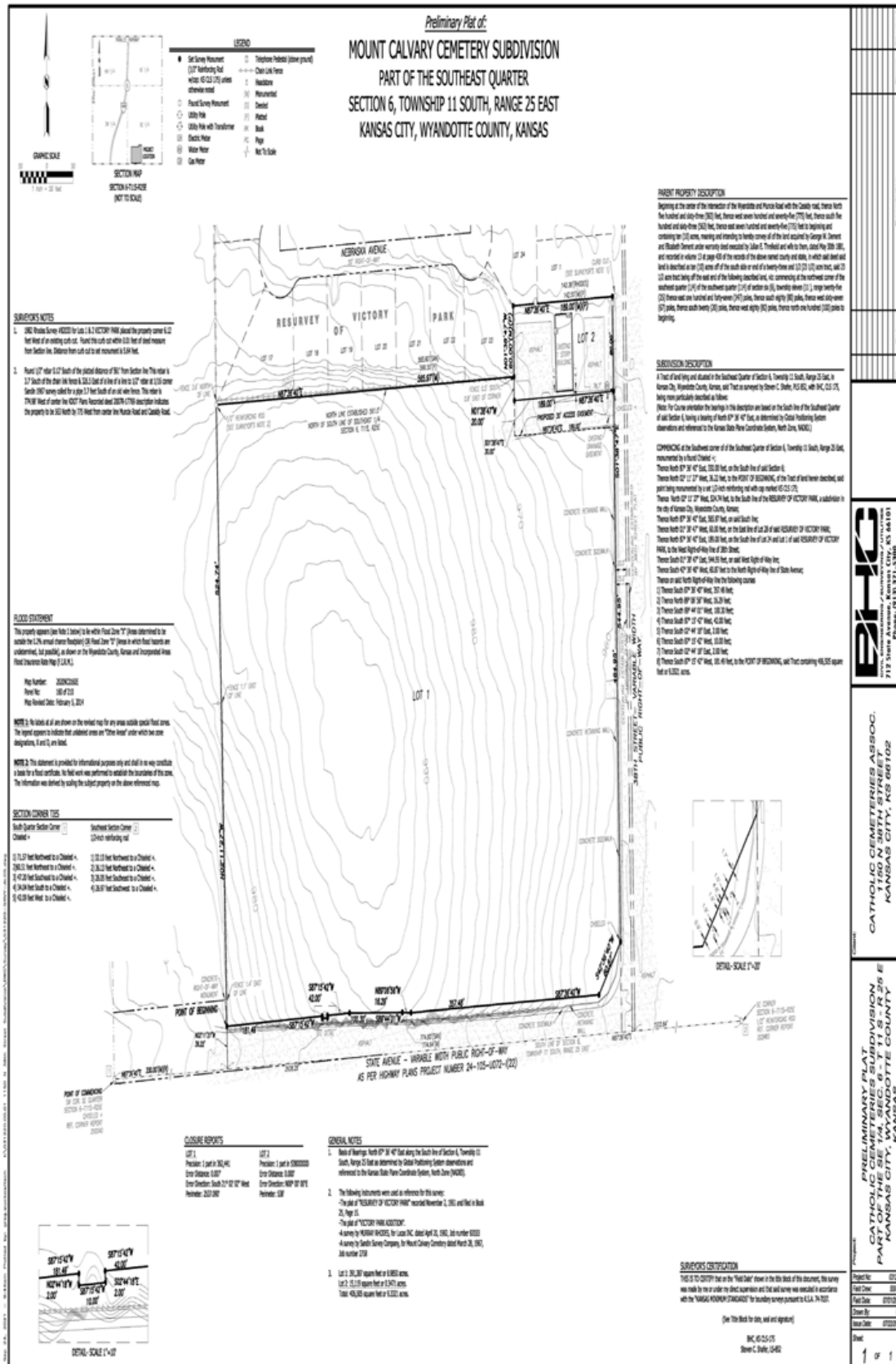




EXHIBIT
REZONING APPLICATION
PART OF THE SOUTHEAST QUARTER
SECTION 6, TOWNSHIP 11 SOUTH, RANGE 25 EAST
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
DESCRIPTION (See Sheet 1 for Map)

A Tract of land lying and situated in the Southeast Quarter of Section 6, Township 11 South, Range 25 East, in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described as follows:

(Note: For Course orientation the bearings in this description are based on the South line of the Southeast Quarter of said Section 6, having a bearing of North 87° 36' 40" East, as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southwest corner of the Southeast Quarter of Section 6, Township 11 South, Range 25 East, monumented by a found Chiseled +;

Thence North 87° 36' 40" East, 330.00 feet, on the South line of said Section 6;

Thence North 02° 11' 27" West, 560.96 feet, to the South line of the RESURVEY OF VICTORY PARK, a subdivision in the city of Kansas City, Wyandotte County, Kansas;

Thence North 87° 36' 40" East, 565.97 feet, on said South line, to the Southeast corner of Lot 23, RESURVEY OF VICTORY PARK, and the POINT OF BEGINNING;

Thence North 01° 38' 47" West, 60.00 feet, on the East line of Lot 28 of said RESURVEY OF VICTORY PARK;

Thence North 87° 36' 40" East, 189.00 feet, on the South line of Lot 24 and Lot 1 of said RESURVEY OF VICTORY PARK, to the West Right-of-Way line of 38th Street;

Thence South 01° 38' 47" East, 80.00 feet, on said West Right-of-Way line;

Thence South 87° 36' 40" West, 189.00 feet;

Thence North 01° 38' 47" West, 20.00 feet, to the POINT OF BEGINNING, said Tract containing 15,119 square feet or 0.3471 acres

Oct 21, 2021 - 1:39pm Plotted by: jon.simpson i:\031220.00.01 1150 N 38th Street Subdivision\DWG\Survey\031220-SRVY-RZNE.dwg

Sheet:	Drawn By:	Project:	Client:	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	GJW	EXHIBIT		
OF	Project No: 031220	REZONING APPLICATION	CATHOLIC CEMETERIES ASSOC	
2	Field Date: 2021/09/15	PART OF SE 1/4, SEC. 6-T11S-R25E	1150 N 38TH STREET	
	Issue Date: 2021/09/24	KANSAS CITY,	KANSAS CITY, KS 66102	
		WYANDOTTE COUNTY, KANSAS		

NEIGHBORHOOD MEETING LETTER



October 15, 2021

Janet Parker
701 North 7th Street, Suite 423
Kansas City, KS 66101

SUBJECT: Neighborhood meeting

We have filed an application with the Department of Urban Planning and Land Use, COZ2021-041, for change of zone from R-1(B), Single Family District, to CP-O, Planned Non-Retail Business District, for property located at 1150 N. 38th Street, Kansas City, KS 66102. This change of zone will support the owner's future usage and enjoyment of the property.

Due to COVID-19, we will not be holding an in-person neighborhood meeting. Instead, we ask that you please contact BHC with any questions or comments, before October 25, 2021:

Wil Anderson, PLS
Vice President
Survey Services Group Leader
Wil.Anderson@ibhc.com
c: (913) 904-4743
o: (913) 905-1573

We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Anderson', is placed above the typed name.

Wil Anderson
BHC
Vice President
Survey Services Group Leader



STAFF SITE IMPROVEMENT SKETCH



GEOSPATIAL SERVICES COMMENT LETTER



710 North 7th Street Suite 200
Kansas City, Kansas 66101

GeoSpatial Services A Division of the Knowledge Office

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: October 7, 2021
RE: **MOUNT CALVARY CEMETERY SUBDIVISION**

We have researched the official county records for the above plat as submitted to
Planning and Urban Design by:
BHC

And we have determined the following:

Takes all of CIC-TAS Parcel:

912927

Owner-of-Record:

Catholic Cemeteries Association of Wyandotte and Johnson Counties

Jurat Signature:

Matt Watkins – Catholic Cemeteries Association

We find that the plat is: **Presently unacceptable for posting.**
Please note the following comments.

1) Legal Description

Call number seven along the south line should be N 2-44-28 W.

Updated call #7 to read "7) Thence North 02° 44' 18" West, 2.00 feet;"

2) Approvals

The Approvals section is missing several names and needs to be revised.

Updated approval section, added designations for Mayor, County Engineer, and UG Clerk

Revisions from County Surveyor Notes

-Updated line 9 to read "Lot 23" instead
of "Lot 28"

Revisions from internal review

-Removed parent property
description
-Updated Road and R/W labels
along State ave and 38th st
-Updated closure report
-Changed Section Corner Ties
description to read "Southwest
Corner, Southeast Quarter"

STAFF SITE PHOTOS DATED OCTOBER 12, 2021



STAFF SITE PHOTOS DATED OCTOBER 12, 2021



STAFF SITE PHOTOS DATED OCTOBER 12, 2021





STAFF SITE PHOTOS DATED OCTOBER 12, 2021



STAFF SITE PHOTOS DATED OCTOBER 12, 2021





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023**

GENERAL INFORMATION

Applicant:
Sherrie Gayed

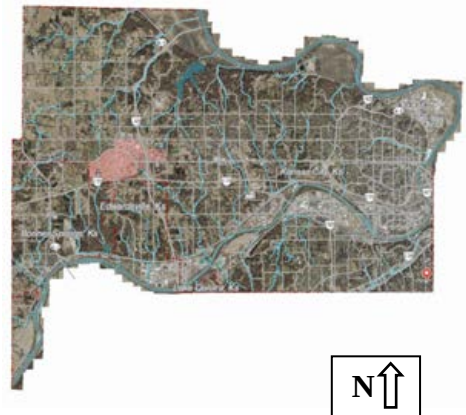
Status of Applicant:
Representative
Matt Schlicht with Engineering Solutions
50 Southeast 30th Street
Lee's Summit, MO 64082

Requested Actions:
To approve a Master Plan Amendment from Urban Mixed Use to General Urban (Rosedale Master Plan).

To approve a Change of Zone from R-1(B) Single Family District to RP-4 Planned Garden Apartment District.

To approve Special Use Permit for a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

Date of Application:
September 24, 2021



Purpose:	To rezone, develop and operate a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.		
Property Location:	4403 Rainbow Boulevard		
Commission Districts:	Commissioner At-Large, District 2: Tom Burroughs District #3 Commissioner: Christian Ramirez		
Existing Zoning:	R-1(B) Single Family District		
Adjacent Zoning:	North:	R-1(B) Single Family District	
	South:	R-1(B) Single Family District	
	East:	R-1(B) Single Family District	
	West:	R-1(B) Single Family and CP-1 Planned Limited Business Districts	
Adjacent Uses:	North:	Single family homes	
	South:	Single family homes	
	East:	Single family homes	
	West:	Strip center retail, commercial storefront, and a single-family home	
Total Tract Size:	0.63 Acres		
Master Plan Area:	Rosedale Master Plan		
Master Plan Designation:	The Rosedale Master Plan designates this property as Urban Mixed Use, which allows small apartment buildings (1-3 stories), multi-family apartments, townhomes, public/institutional uses, offices and services, and retail and entertainment uses and General Urban, which allows which allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. Three (3) story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one (1) story or ten (10) feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood.		
Major Street Plan:	The Major Street Plan classifies Rainbow Boulevard as a Class A Thoroughfare.		
Required Parking:	Sec. 27-459(d) states one and one-half parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more.		

Thirty-four (34) spaces are required. Eighteen (18) spaces are provided. A parking variance has been applied for to be heard by the Board of Zoning Appeals.

Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – October 14, 2021, and November 18, 2021; Special Use Permit – October 14, 2021; Master Plan Amendment – October 14, 2021 Letters to Property Owners – Change of Zone – October 15, 2021, November 19, 2021 and December 27, 2021; Special Use Permit – October 15, 2021, November 19, 2021 and December 27, 2021; Master Plan Amendment – October 15, 2021, November 19, 2021, and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	Staff has received letters of support for this petition.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Matt Schlicht, with Engineering Solutions on behalf of the applicant, Sherrie Gayed, has filed a Change of Zone, Special Use Permit, and Master Plan Amendment for the Friendship Inn, a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

Code Enforcement History: There were Code Enforcement citations on the property between 2000 – 2010 for weeds and expired vehicles parked on the property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes to the north, south and east and a mixture of commercial development and single-family homes to the west, across Rainbow Boulevard.

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

The zoning and their uses are set out above. The proposed use is not inherently compatible with them but could be so long as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is being requested, and that the

proposed development meets the multi-family design guidelines.

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

The Friendship Inn is within proximity to the University of Kansas Medical Center, which offers convenience to the families of patients that are being treated there. This property is suitable for the use, provided the temporary lodging facility is properly managed.

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

The two (2) single-family homes on the property have been vacant since 2019.

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

The proposed use is reasonably necessary for the convenience and welfare of the public for those families that will use this facility because they have family members at University of Kansas Health System. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of nearby property so long as it meets the Master Plan and code requirements.

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

In coordination with Planning Engineering and the Public Works Department, traffic and parking demand will be reviewed to determine if the proposed uses will adversely affect road capacity, safety or create parking problems. No on-street parking is allowed on Rainbow Boulevard, any overflow parking that may occur will be forced into the single-family neighborhoods, which currently struggle with availability of on-street parking for the residents.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Rosedale Master Plan. A Master Plan Amendment from Urban Mixed Use to General Urban is also being sought to rectify a split designation on the parcel.

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

The proposed use will not cause environmental harm as it is a built out urban area. Street trees and additional landscaping will be planted in accordance with the landscaping requirements.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District #332.

e. *Fire*

Fire service is provided by Fire Station #10 located at West 36th Avenue and Rainbow Boulevard.

f. *Transit*

Kansas City ATA provides transit service Rainbow Boulevard, Route #105.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. *Streets*

To be designed to meet Public Works standards.

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

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

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions and variances.

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

The relative gain to the public health, safety, and welfare is likely minimal as it provides the convenience of lodging to a very specific portion of the population. If denied, the hardship imposed on the families who benefit from the services of the Friendship Inn will be minimal as there are other lodging options in the area. If denied, the landowner could not use the property as a temporary lodging facility, but could still use the two (2) single-family homes for long-term rental, infill additional single-family homes on the property, or modify their proposal and reapply.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant initially held a neighborhood meeting on October 25, 2021 by Virtual Meeting and a second neighborhood meeting from November 22, 2021 – November 29, 2021 via e-mail and phone call.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Compliance with the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines
Compliance with the Sidewalk and Trails Master Plan
Pedestrian Circulation, Scale and Connectivity
Bikeshare Hub
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-043**, Special Use Permit Application **SP2021-074** and Master Plan Amendment **MPL2021-023**, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2021-033. The following are conditions for BOZA2021-033 and are stated here for reference only, as COZ2021-043 is solely for a change of zone to build short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System:**
 - a. **This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a**

Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023

historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department.

- b. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
2. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
3. A building permit is required. Please contact the Building Inspection Department to begin that process;
4. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
5. Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between eight (8) feet and ten (10) feet wide. The proper site design, future right-of-way dedications may be needed on the plat;
6. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments.

The bikeshare e-bikes are not for the sole use of the guests staying at Friendship Inn, however, they will have the ability to use an alternate mode of transportation. The UG bikeshare e-bike rack can and will be installed just off the sidewalk along Rainbow Boulevard;

7. Parking visible from any public street must be screened by a fence or shrubbery that matures to three (3) feet or greater and is planted to form a solid visual barrier;
8. The contact information for Kathy Bradley, House Manager shall be provided to the business development organization, adjacent neighborhood groups and property owners;
9. Per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

10. Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below:

- Minimum side yard setback a 10' from property line abutting single family;
- Within 30' of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height; and,
- Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height;

11. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation;

12. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel;

13. Landscape the west side of the site to soften the front of the building;

14. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;

15. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;

16. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;

17. All landscaping must be irrigated;

18. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
19. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
20. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
21. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
22. Per the Rosedale Master Plan, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
23. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
24. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
25. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
26. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
27. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
28. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard;
29. Shall comply with the sign ordinance;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
31. 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;
32. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

- of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
33. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2021-043**, **SP2021-074**, and **MPL2021-021**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Rosedale Master Plan Land Use Designation
Rosedale Master Plan Urban Multi-Family Residential Design Guidelines
Regional Trail Standards and Cross Section (Sidewalk and Trails Master Plan)
UG Bikeshare Detailed Specifications (Bike Hitch, Wayfinding and Installation Diagram)
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Floor Plan
Building Elevations
Letters of Support
Site Photograph taken by Planning Staff on October 12, 2021.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	
Public Hearing	December 13, 2021	January 6, 2022
Special Use	Approval	
Public Hearing		
Master Plan	December 13, 2021	January 6, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-043, SP2021-074 and MPL2021-023** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-043, SP2021-074 and MPL2021-023** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:16:10:

MASTER PLAN AMENDMENT APPLICATION MPL2021-023– SHERRIE GAYED WITH FRIENDSHIP INN - SYNOPSIS: Master Plan Amendment from Urban Mixed Use to General Urban (Rosedale Master Plan) at 4403 Rainbow Boulevard.

CHANGE OF ZONE APPLICATION COZ2021-043 - SYNOPSIS: SHERRIE GAYED WITH FRIENDSHIP INN Change of Zone from R-1 Single Family District to R-3 Townhouse District for a 17-unit building for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems at 4403 Rainbow Boulevard.

SPECIAL USE PERMIT APPLICATION SP2021-074 – SHERRIE GAYED WITH FRIENDSHIP INN - SYNOPSIS: Special Use Permit for a 17-unit building for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems at 4403 Rainbow Boulevard.

Detailed Outline of Requested Action: The representative, Matt Schlicht, with Engineering Solutions on behalf of the applicant, Sherrie Gayed, has filed a Change of Zone, Special Use Permit, and Master Plan Amendment for the Friendship Inn, a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

Code Enforcement History: There were Code Enforcement citations on the property between 2000 – 2010 for weeds and expired vehicles parked on the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- Sherrie Gayed, applicant, 4146 State Line Road, Kansas City, Kansas 66103
- Don Roseman, Roseman and Associates Architects
- Sarah Waggoner, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:25:10: Planning Director Hand stated that this case is being heard in conjunction with Board of Zoning Appeals application BOZA2021-023, which was approved earlier this evening with conditions. This property is in the Rosedale Area Master Plan, and this is a designated neighborhood node in the plan. Staff believes that it complies with the intensity of the Rosedale Area Master Plan, but not the intended mix of uses on the proposed site. He stated that the Rosedale Area Master Plan Design Guidelines and Commercial Design Guidelines have a Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023

materials requirement, and that the use of all brick material does not violate these design guidelines. The applicant is requesting a deviation for covered parking and if that deviation is approved, Staff would request enhanced additional screening from the residential homes on the east. Regarding the bike-shared location, Staff believes this is a perfect location for the bike racks and kiosk. Staff is asking for a concrete pad adjacent to the sidewalk north of their driveway, so it is a shared-bike location. A final development plan is required and the site development plan, etc. will be addressed at that time. There are old Notices of Violations on this property. Staff recommends approval of the Change of Zone and Master Plan Amendment and the Special Use Permit for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at 3:30:35:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2021-023:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2021-033. The following are conditions for BOZA2021-033 and are stated here for reference only, as COZ2021-043 is solely for a change of zone to build short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System:
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 - **Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height;**
- 11. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation;**
- 12. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel;**
- 13. Landscape the west side of the site to soften the front of the building;**
- 14. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 15. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;**
- 16. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;**
- 17. All landscaping must be irrigated;**
- 18. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;**
- 19. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;**
- 20. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;**
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25. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
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27. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
28. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard;
29. Shall comply with the sign ordinance;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
31. 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;
32. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
33. 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.

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-043**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2021-074** for two (2) years:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

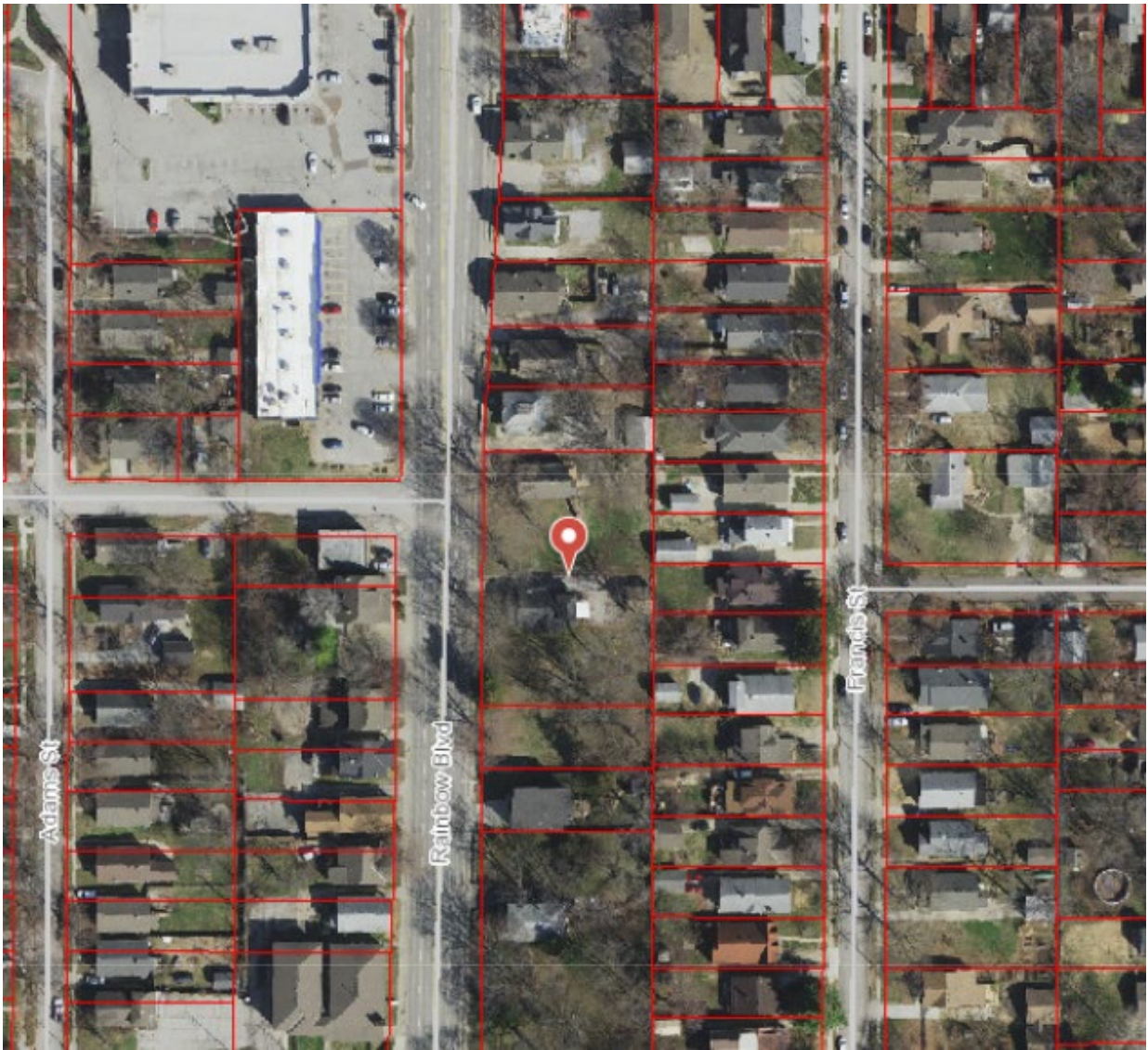


Figure 1. Aerial Map of 4403 Rainbow Boulevard (provided by UG Maps).



Figure 2. Zoning Map of 4403 Rainbow Boulevard (provided by UG Maps).

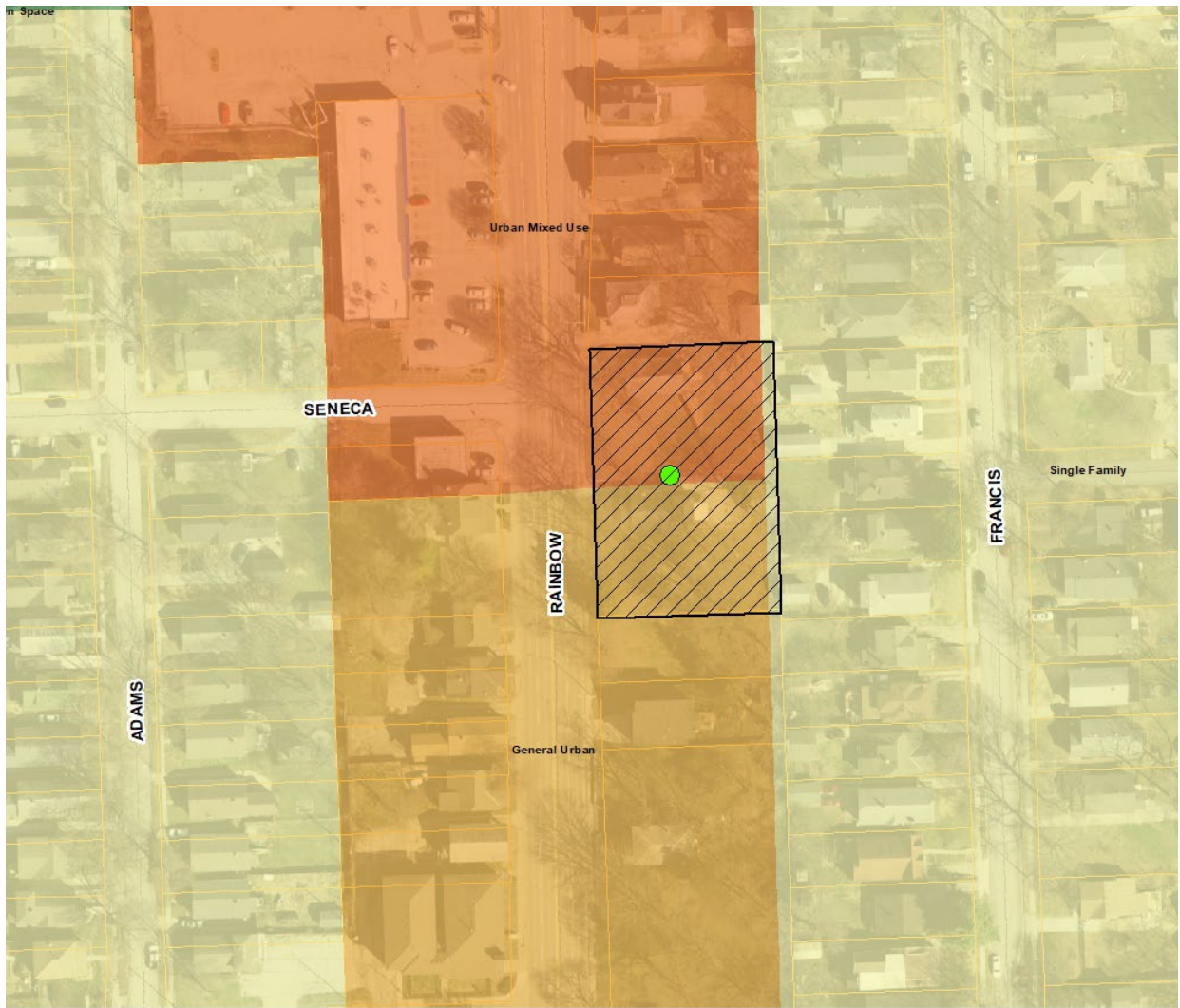


Figure 3. Rosedale Master Plan Land Use Map of 4403 Rainbow Boulevard (provided by ArcMap).

DISTRICTS

URBAN CORE MIXED USE

Urban Core Mixed Use is the most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street. Active uses are encouraged on the first floor. Active uses are defined as retail, office, live/work units, or residential and must include entrances on the first floor and transparent windows.



URBAN MIXED USE

The Urban Mixed Use district is designed to create a vibrant urban character. This is the second most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street.



GENERAL URBAN

This area is predominantly residential in character with rowhouses, townhomes, and single family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed use corridors. Three story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one story or 10 feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood. It will be considered alongside other factors such as how well the overall design of the site and building responds to its surrounding context and the level of community support.



URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

AMENITIES

Developments greater than 20 units must provide one of the following:
Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or Inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent

Screening of multi-family residential developments is required between:

- Multi-Family and commercial uses
- Multi-Family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING

Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.

Trail Design Guidelines

The following guidelines apply for all recommended trails. Although there are several trail types, there are common minimum design standards necessary to ensure a safe and enjoyable experience for all users. These standards were developed based on input received through the Plan process and a review of the latest common practices, most notably the American Association of State Highway and Transportation Officials (AASHTO) Guide for Planning, Design and Operation of Pedestrian Facilities, AASHTO Guide for the Development of Bicycle Facilities, and KC-APWA standards.

1. For ease of maintenance, the preferred surface material for most regional and local trails is concrete. However, to accommodate different user needs and unique physical conditions, trails on unimproved levee roads, parks, greenways, or in other natural areas may utilize asphalt or "soft" surfaces such as limestone screenings, or other material approved by the County engineer.
2. Although the standard width is 10-feet, it is recognized that within the developed urban corridors and/or areas with significant physical and environmental constraints, narrower trail segments may be necessary. Within these areas, upon the recommendation of the County Engineer, a minimum of 8-feet may be accepted.
3. A three-foot minimum clear zone on each side of the trail is desirable. All vertical objects including signage, benches, etc. should be located outside of this zone.
4. Grades steeper than 8.33 percent (1:12 slope) should only be considered for very short segments; cross slopes should not exceed two percent.
5. Overhanging branches or obstructions should be higher than 10-feet.
6. For safety, large trees or tall shrubs should be at least 10-feet from the trail.
7. A buffer zone should be maintained to protect natural systems and ecologically sensitive areas.
8. Visual clutter should be limited in the green space between the road and sidewalk or trail.
9. Crossings on bridges should include a barrier and railing to separate traffic and the pedestrian or cyclist.
10. Trail heads provide places for rest, parking, water fountains, and maps of the trail system. Trail heads should be placed at the appropriate termini or junctions of a trail corridor and any place where a large concentration of users is anticipated. At a minimum, trail heads should include vehicular and bicycle parking as well as a system trail map with the specific location within the system. Other preferred features include but are not limited to benches, trash receptacles, lighting, appropriate cultural or historical interpretive signage, restrooms and drinking fountains. All facilities should be designed according to ADA accessibility guidelines.

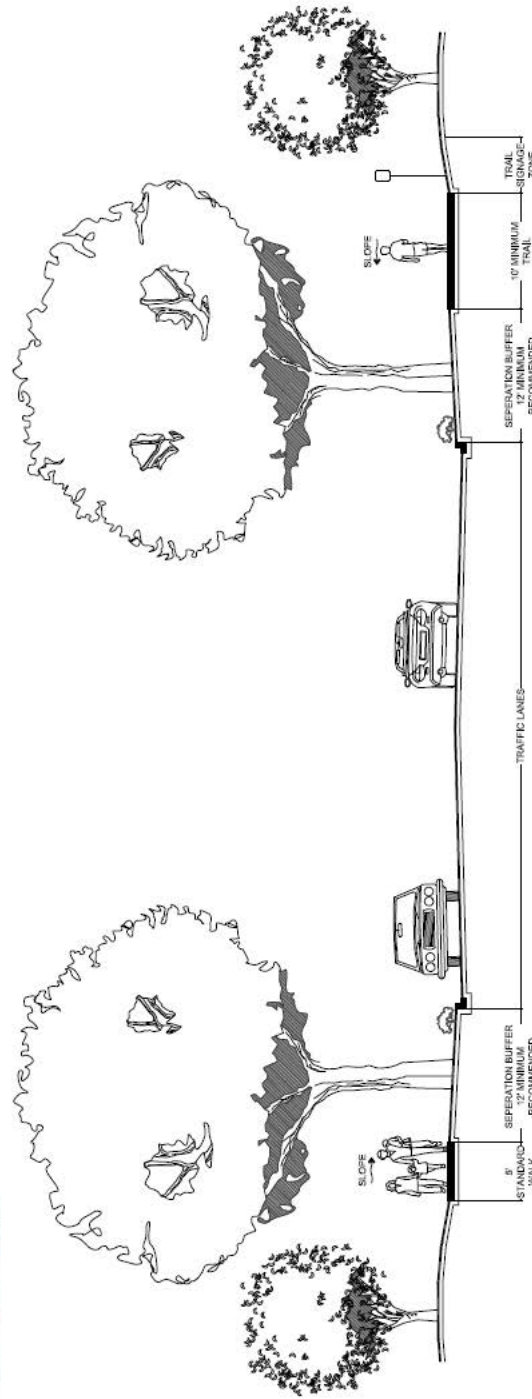


52

Sidewalk and Trail Master Plan



Figure 7.3: Regional Trail
Typical Cross Section

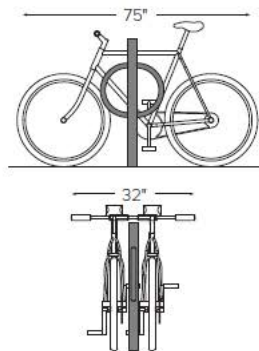
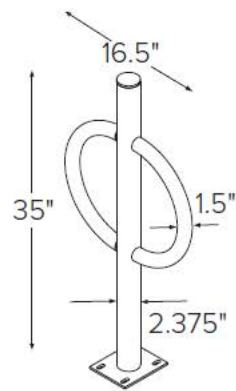


Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



BIKE HITCH

Submittal Sheet



CAPACITY

2 Bikes

MATERIALS

Centerbeam: 2" schedule 40 pipe (2.375" OD)
Ring: 1.5" OD 11 gauge tube

FINISHES

- ☐ **Galvanized**
An after fabrication hot dipped galvanized finish is our standard option.
- ☐ **Powder Coat**
Our powder coat finish assures a high level of adhesion and durability by following these steps:
 1. Sandblast
 2. Epoxy primer electrostatically applied
 3. Final thick TGIC polyester powder coat
- ☐ **PVC Dip**
Black PVC
- ☐ **Stainless**
Stainless Steel: 304 grade stainless steel material finished in either a high polished shine or a satin finish.

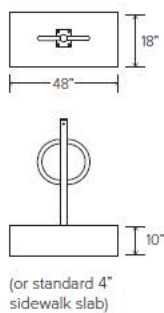
MOUNT OPTIONS

- ☐ **In-ground**
In ground mount is embedded into concrete base. Specify in ground mount for this option.
- ☐ **Surface**
Foot Mount has a 5"x6"x.25" foot with four anchors per foot. Specify foot mount for this option.

IN-GROUND MOUNT



SURFACE MOUNT

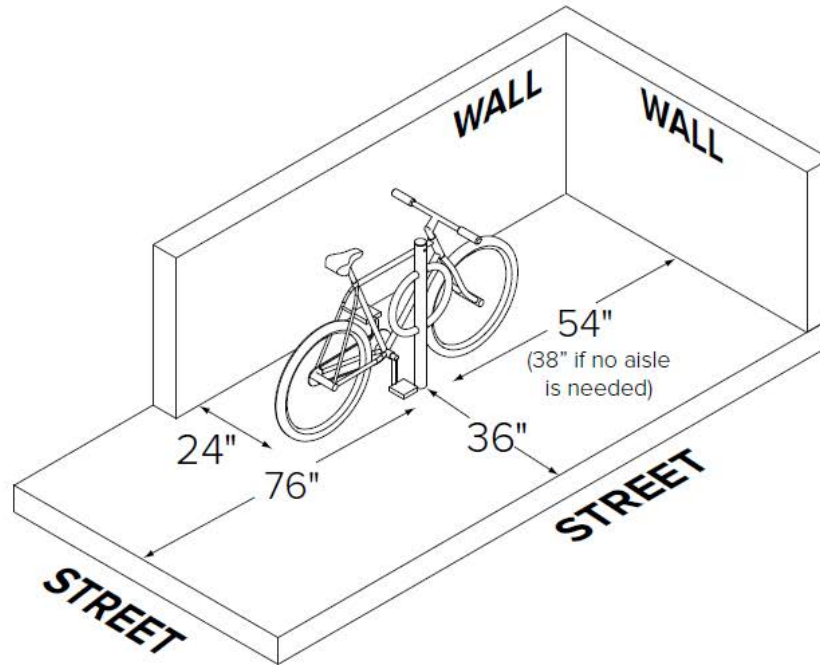


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BIKE HITCH Setbacks



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BIKE HITCH

Installation Instructions – Surface Mount

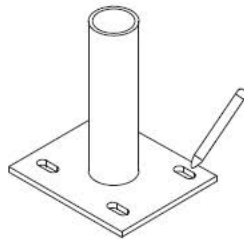
TOOLS NEEDED

Tape Measure
Marker or Pencil
Masonry Drill Bit
Drill (Hammer drill recommended)
Hammer
Wrench 9/16"
Level
Washers (for leveling if necessary)

RECOMMENDED BASE MATERIAL

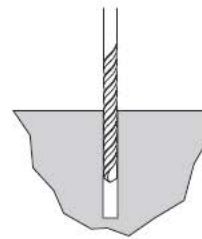
Solid concrete is the best base material for installation. To ensure the proper anchors are shipped with your rack, ask your Dero Rack representative which anchor is appropriate for your application. Be sure nothing is underneath the base material that could be damaged by drilling.

1



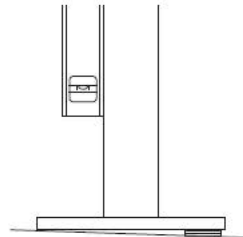
Place the rack in the desired location. Use a marker or pencil to outline the holes of the flange onto the base material.

2



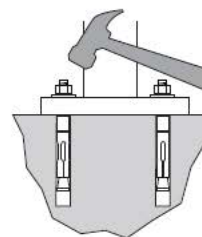
Drill 3/8" diameter holes 3" deep into surface. Make sure the holes are at least 3" away from any cracks in the base material.

3



Place rack (and washers to level rack if necessary) over holes.

4



Thread nuts onto anchors, leaving approximately 1/4" of the anchor protruding, and tap into surface. Tighten nuts down to secure rack.



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BIKE HITCH

Installation Instructions – In Ground Mount

TOOLS NEEDED

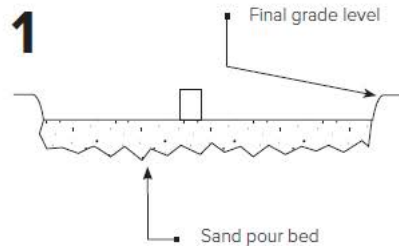
Level
Cement mixing tub
Shovel
Trowel

Hole coring machine with 4" bit
Access to water hose
Materials to build brace (see "Install Tip" at bottom of page)

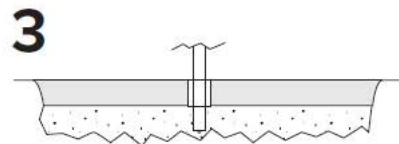
INSTALLING INTO EXISTING SIDEWALK

Core holes no less than 3" diameter (4" recommended) and 10" deep into sidewalk. Fill holes with Por-Rok or epoxy grout. Place rack into holes, making sure the rack is level. 33"-36" of the rack should remain above the surface. If the rack is less than 33" high, it will not support the bike adequately. Make sure the rack is level and held in place until the grout has set.

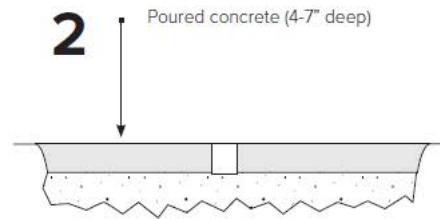
INSTALLING INTO A NEW SIDEWALK



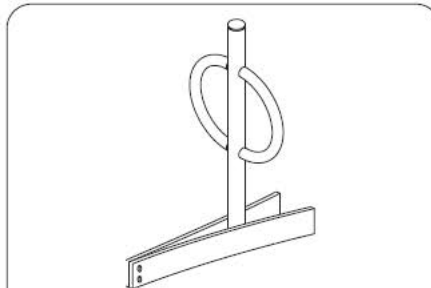
Place corrosion resistant sleeve (min. 3" inside diameter) in sand pour bed in exact location where rack will be installed. Make sure top of sleeve is at same level as desired finished concrete surface. Fill sleeve with sand to keep it in place and prevent it from filling with concrete.



After appropriate cure time, dig out sand from sleeves and insert racks, making sure they are level and at the appropriate height. Pour in Por-Rok or epoxy grout and allow to set.



Pour concrete and allow to cure.



INSTALL TIP

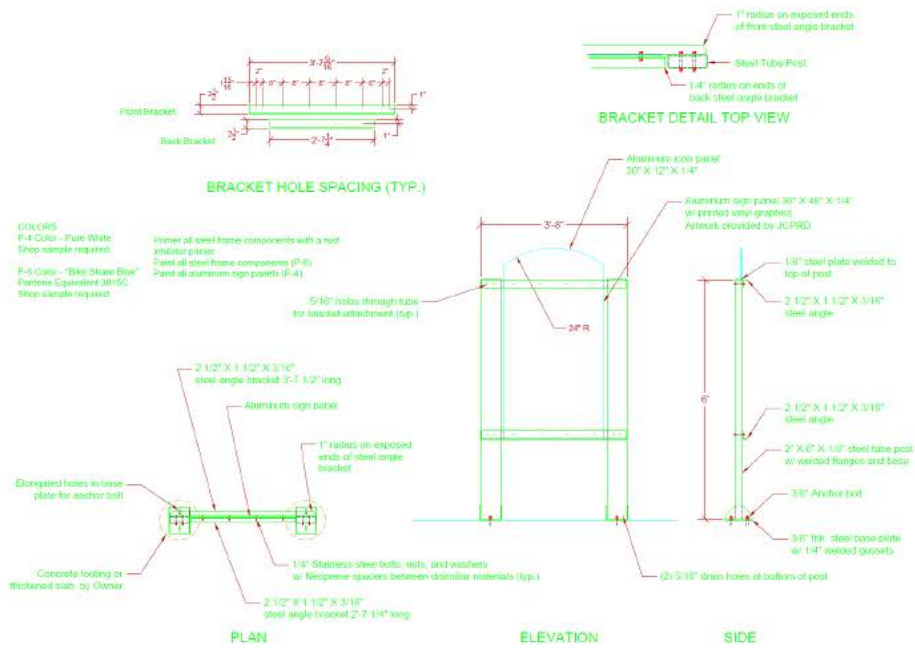
An easy way to brace the rack while the grout sets is to bolt two 1x4" boards together at one end and clamp them onto the rack like a clothes pin.

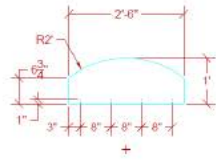


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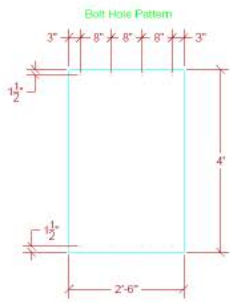
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Aluminum icon panel
30" X 12" X 1/4"



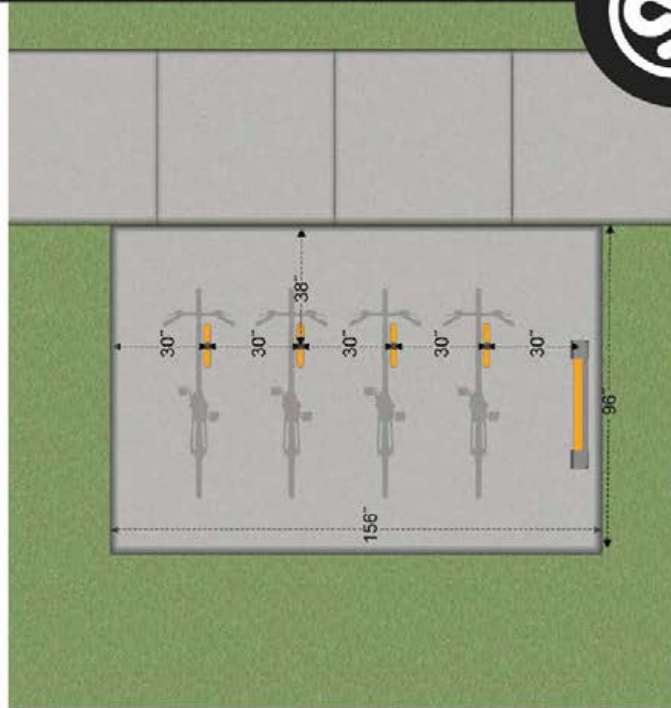
Aluminum sign panel
30" X 48" X 1/4"

Paint all aluminum sign panels color
Pure White (P-4)

Fisher Park, at Lake Avenue and Fisher Street

Destinations and Amenities

- Small public park
- Basketball courts
- Walking trail
- Playground
- Rosedale Memorial Arch
- Rosedale Middle School



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

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Response Letter
November 29, 2021
4403 Rainbow Blvd
Kansas City, KS

Comments related to BOZA2021-033

1. This Board of Zoning Appeals case is being heard in conjunction with COZ2021- 043, which is to rezone the property from R-1(B) Single Family District to RP-4 Planned Garden Apartment District to build seventeen (17) unit building for temporary lodging for families of patients at KUMC on 0.63 acres at 4403 Rainbow Boulevard.

Noted.

2. Redesign the building to fit within the residential context of the neighborhood. Along the west elevation, alternating between projecting and recessing the building to mimic a townhome or rowhome to give the illusion that there are multiple entrances and dwelling units, albeit temporary housing rather than commercial building.

The building was designed to be residential in nature and to not look like a multi-family type of structure. This design was based upon the feedback from the neighbors as well as several pre-design conversations with Rosedale Development Association. The neighbors and RDA have responded very favorably to this design and we believe this is a more appropriate design fit as we are flanked by single family homes and the neighbors would like it to still look like a single-family home from the exterior. However, we will continue to have conversations with staff to make sure we are all on the same page with a design that is welcome to the neighborhood.

3. Covered parking is required to buffer single-family houses to the east per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines.

Per page 84: If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

As this is not a permanent residence for the guests we are requesting a waiver on this requirement. Many of the guests will park their cars at the hospital as they are spending the majority of their days there. The neighbors are also expressed the desire that this not look like something that did not appear to be rentals or a multi-family development that could have short term rentals. Covered parking that will sit mostly vacant will not be aesthetically pleasing and will take away from the single family of the back yard.

Comments related to Change of Zone Petition COZ2021-043, SP2021-074 and MPL2021-023

General Planning:

1. This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department. Landmarks Commission review is set for February 7, 2022.

2. This Change of Zone case is being heard in conjunction with BOZA2021-033, which is seeking a variance in the front yard setback, a reduction in lot area and a reduction in off-street parking to build a seventeen (17) unit building for temporary lodging for families of patients at KUMC on 0.63 acres at 4403 Rainbow Boulevard. Noted.

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3. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time.

Noted.

4. 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.

Noted.

5. 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.

Noted.

6. How often are guests in the residence? **Guests are present in the home mostly at night as they are typically spending most of their time at the Hospital.**

7. Does a staff member live in the facility and if so, how often? **The House Manager resides in the home on a permanent basis.**

8. Who is the designated property manager? Explain the details of this arrangement. What is their contact information, and will you provide their information to the neighbors within the notice area? **Kathy Bradley is the long standing House Manager and her contact information is kbradley@friendshipinnkc.org and will be provided to the neighbors.**

9. How will you communicate with the neighbors if there are any issues? **Kathy will maintain a relationship with the surrounding neighbors and they are able to call the Friendship Inn home or communicate with Kathy via her email address.**

10. How will you advertise the business? **As the demand is so high, advertising is not necessary and most guests come through direct referral from the Hospital.**

11. Describe how you will maintain a safe environment including: a. Working smoke detectors in each bedroom plus each level of the unit/house;
b. GFCI outlets required in bathrooms;
c. Double keyed locks are not allowed;
d. Copper cannot be used for gas supply lines;
e. Windows must be operable, not blocked or boarded;
f. Handrails are required at sets of 4 or more stairs/ risers;
g. Hot water tank and furnace must be vented properly and operational; and,
h. Electric panel and circuits must be safe.
All of the above will be implemented.

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12. A building permit is required. Please contact the Building Inspection Department to begin that process. **Noted.**

13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required. **Safe room is provided**

14. Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between eight (8) feet and ten (10) feet wide. The proper site design, future right-of-way dedications may be needed on the plat. **8' Sidewalk is has been added.**

15. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments. **We do not believe this is an appropriate location for the bike racks. Guests are spending the entirety of their day at the Hospital and returning in the evenings. Typically, there is more than one member of the family staying at the home and in that case they will to drive or walk together to the Hospital. Guests are drained physically and emotionally therefore biking will not be their preferred mode of transportation.**

Building Architecture:

1. Redesign the building to fit within the residential context of the neighborhood. Along the west elevation, alternating between projecting and recessing the building to mimic a townhome or rowhome to give the illusion that there are multiple entrances and dwelling units, albeit temporary housing rather than a commercial building. **The building was designed to be residential in nature and to not look like a multi-family type of structure. This design was based upon the feedback from the neighbors as well as several pre-design conversations with Rosedale Development Association. The neighbors and RDA have responded very favorably to this design and we believe this is a more appropriate design fit as we are flanked by single family homes and the neighbors would like it to still look like a single-family home from the exterior. However, we will continue to have conversations with staff to make sure we are all on the same page with a design that is welcome to the neighborhood.**

Staff understands that having a central access point in the front of the building, like the rear is important for check-in of guests as well as security.

2. There may be concerns from neighborhood groups or adjacent property owners regarding the physical design of the building and its commercial, hotel-like appearance rather than a series of townhomes or rowhomes that are more residential in appearance that fit the existing residential neighborhood. **Feedback from neighbors and RDA has been overwhelmingly positive.**

3. Parking visible from any public street must be screened by a fence or shrubbery that matures to three (3) feet or greater and is planted to form a solid visual barrier. **Landscaping has been provided**

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4. Per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Noted.

5. Per the Urban Multi-Family Residential Design Guidelines covered parking/garage is required to buffer the single-family homes to the east. **As this is not a permanent residence for the guests we are requesting a waiver on this requirement. Many of the guests will park their cars at the hospital as they are spending the majority of their days there. The neighbors are also expressed the desire that this not look like something that did not appear to be rentals or a multi-family development that could have short term rentals. Covered parking that will sit mostly vacant will not be aesthetically pleasing and will take away from the single family of the back yard.**

6. Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below: • Minimum side yard setback a 10' from property line abutting single family; **Noted.**

- Within 30' of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height; and,
- Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

7. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. **Noted.**

8. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel. Is there a way to redesign these grilles either into the building by painting them to match the adjacent exterior building material or have a central HVAC system with thermostats in each unit? **Noted.**

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Landscaping and Screening:

1. Provide a landscape plan. **Plan has been provided.**
2. Landscape the west side of the site to soften the front of the building. **Noted.**
3. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. **Noted.**
4. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required. **Noted.**
5. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage. **Noted.**
6. All landscaping must be irrigated. **Noted.**
7. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted. **Noted.**
8. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Noted.**
9. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line.
10. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed. **Noted.**
11. Per the Rosedale Master Plan, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood. **Lighting will comply to the required guidelines.**
12. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped. **Noted.**
13. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid. **Noted but it is likely all equipment will be ground mounted and screened**
14. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. **Noted.**

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4403 Rainbow Blvd
Kansas City, KS

15. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary. 16. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb. **Noted.**

17. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard. **Added access**

Signage:

1. Shall comply with the sign ordinance. **Noted.**

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval: 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **Noted.**

B) Items that are conditions of approval: 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition. **Noted.**

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: 1) None **Noted.**

Should you have any questions related to this letter please contact Matt Schlicht, Engineering Solutions

Matt Schlicht

50 SE 30th Street Lee's Summit, MO 64082
P: (816) 623-9888 F: (816) 623-9849 www.engineeringsolutionskc.com

Friendship Inn Neighborhood virtual neighborhood meeting 10/25/21 6:30 PM

Attendees:

Chris Steineger (4529 Francis)
Becky Paulsen
Kelly White
Valorie Wells
Jake Hodson
Erin Stryka (RDA)

Board + Dev Team

Shawn Long
Jan Finn
Sherrie Gayed
Jason Glasrud
Don Rosemann
Scott Rosemann

Comments/Questions:

- Chris Steineger
 - What are your funding sources, and what is the total project cost?
 - What other locations did you consider?
 - The proposed multifamily development brought by John Hoffman several years ago was “torn to pieces” by the neighborhood.
- Becky Paulsen
 - Do you plan to tear down the existing homes on the site?
 - The rendering looks beautiful
 - Plan reflects elements of the Rosedale Master Plan
 - The property has some slope, what is your plan for fencing and/or screening?
 - *F.I. needs to provide specifics once available*
 - The previous proposed development was far too big for the site; towered above the neighboring homes and did not have enough parking.
- Valorie Wells
 - Do you intend to keep the current Friendship Inn?
 - Have you received any push-back from the “modern house” to the south?
 - Is the Special Use Permit location-specific?
- Jake Hodson
 - How are you going to ensure the long-term use of the property is for Friendship Inn?
 - Don’t want this property to become a rental property
 - Is the driveway wide enough to fit a fire truck?

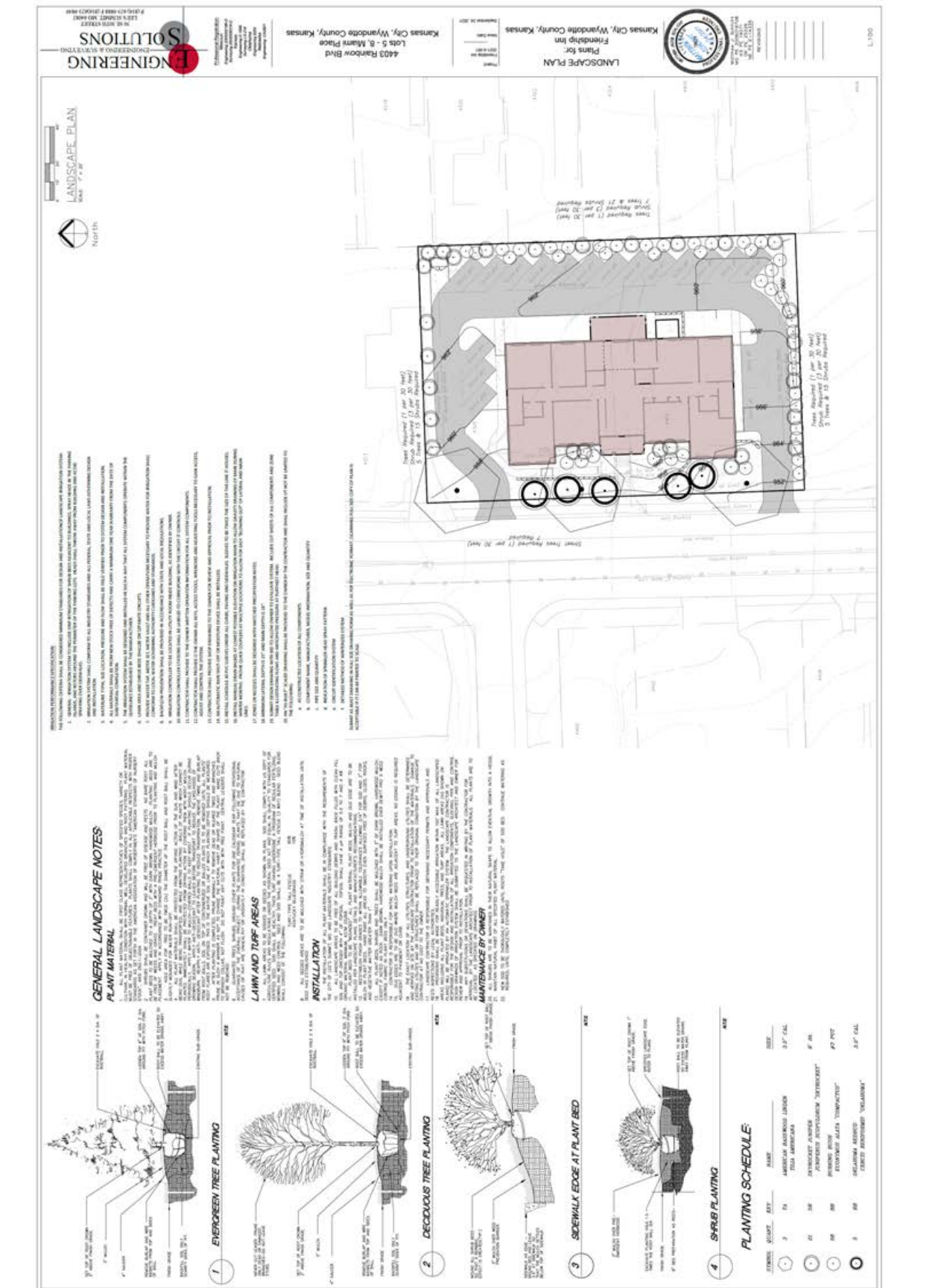
Memo:

Re: Neighborhood comments

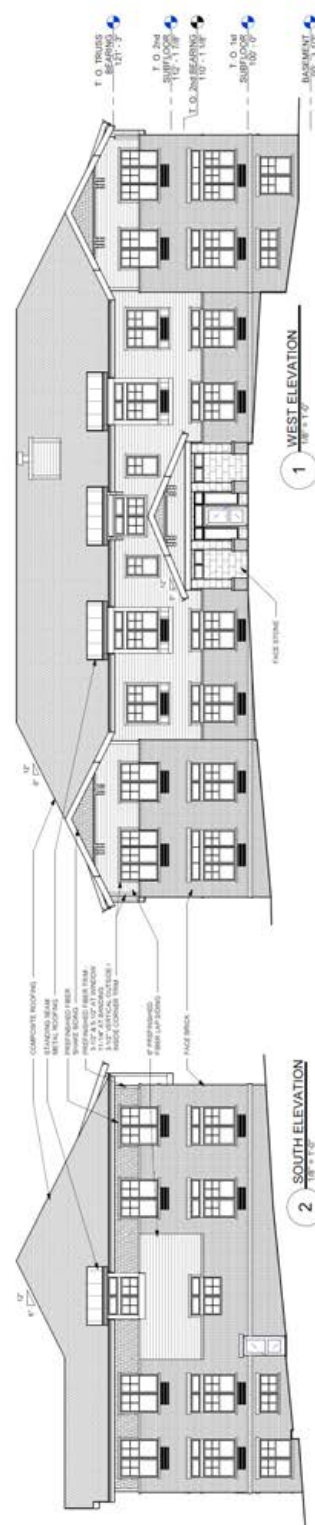
Date: 11/29/2020

A second opportunity for neighbors to weigh in on COZ2021-043, SP2021-074, MPL2021-023, and BOZA2021-033 was conducted. There were zero comments, questions or concerns.

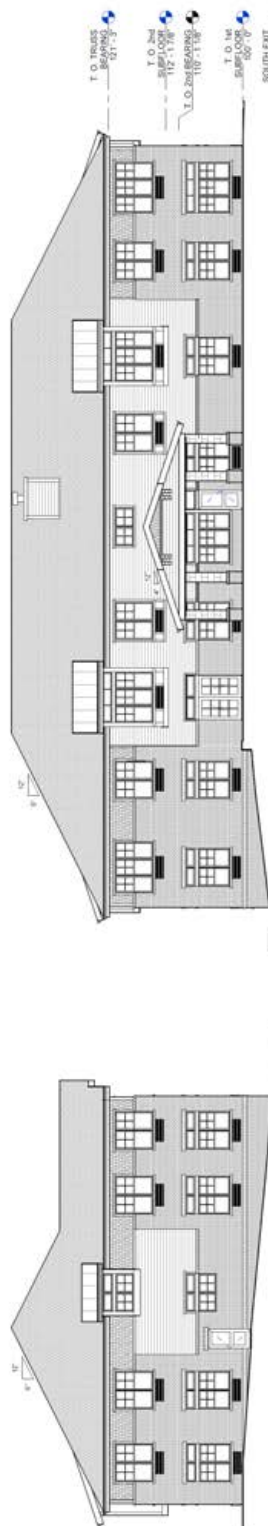
Sherrie M. Gayed



FRIENDSHIP INN
4403 RAINBOW BLVD.
KANSAS CITY, KANSAS



3 EAST ELEVATION



**rosemann
& ASSOCIATES PC**
ARCHITECTURAL
INTERIOR DESIGN
BUSINESS AND
PLANNING
DENVER • KANSAS CITY • ST. LOUIS • ATLANTA

PRINTS ISSUED
SEPTEMBER 24, 1959
REVIEWS

October 26, 2021

The Unified Government of Wyandotte County Commissioners
701 7th St
Kansas City, Kansas 66101

To Whom It May Concern:

I hope this letter finds you doing well. My name is Dante Passantino, and I am the managing partner of Miami Place, LLC which owns the properties located at 4403 and 4325 Rainbow Blvd in our great city. We purchased the properties in 2020 with the intent of rehabilitating the existing homes and activating them while we made plans to redevelop the property by adding new structure to increase density, curb appeal on Rainbow Blvd and value to our partnership and the neighboring property owners. Our intent was to hold the property for quite some time as we had just started working on the existing homes in late 2020.

In the Spring of 2021, I was approached by a group from KU and the Friendship Inn about selling our land and buildings to their NFP that supports and provides housing for patients and families being treated at University of Kansas Hospital. Initially I told the group we were not interested in selling. After a second call and agreeing to meet with them and their benefactor, I learned a lot more about the organization, how their need is underserved and the value that their organization brings to the community, especially those effected by the need to travel to KU for medical care from outside the KC metro area.

That meeting quickly changed my stance as this cause hits really close to home for me and my family. Our youngest son, Leonardo, has been battling stage 4 Neuroblastoma for 4.5 years now. We spent 6 weeks in Seattle, WA in 2019, 6 weeks in Denver, CO in 2020 and we are currently on our second of three 2 weeklong treatments in New York City for our son's cancer treatment. Unfortunately, we have not had the privilege of staying in a facility like what the Friendship Inn offers and once I heard their story and plan, our group was immediately on board to help make this project happen.

Bringing a modern multifamily structure to the 4400 block of Rainbow Blvd has always been our goal. To be able to help bring a product like The Friendship Inn to the site brings more comfort to my heart than any dollar amount ever will. Giving these patients an opportunity to have a nice, modern, clean space to stay while they are in treatment only a few blocks from the Hospital is a true blessing. I speak for myself, my family and our company that Miami Place LLC is 110% behind The Friendship Inn project and have committed both time and resources to help ensure this project comes to fruition.

The Friendship Inn group is doing exactly what we had set out to do when we bought the properties on Rainbow Blvd in 2020, except they are taking it to another level by being a beacon of light for the community and for patients and families to have a safe place to rest

while they try and heal. Please vote to support the zoning change for this property so The Friendship Inn can be in a place they and their guests deserve to rest their heads after a long day of treatment.

Thank you for your time and consideration and feel free to reach out directly with any questions or concerns.

Have a great day,

L. Dante Passantino
Managing Partner
Miami Place, LLC
17790 Rosewood St
Stilwell, KS 66085

October 25, 2021

Unified Government of Wyandotte County Commissioners
701 7th St.
Kansas City, KS 66101

Re: FRIENDSHIP INN – LETTER OF SUPPORT

Dear Commissioners:

I'm writing on behalf of myself and my organization's support of the New Friendship Inn. Our support is centered around the impact the Inn has on the community and families it serves. This past year alone it has provided over 1116 nights of housing to hundreds of families and continues to do this annually. Without an organization like this and their facility, many families would find themselves without housing while they received state of the art healthcare services within the regional. Please consider this letter and move this project forward.

Sincerely,
McCownGordon Construction LLC



Daniel Lacy
Vice President

850 MAIN STREET | KANSAS CITY, MO 64105 | PHONE 816.960.1111 | FAX 816.960.1182

It might sound cliché to say, "the Inn is our home away from home.." But in fact, that is exactly how we felt our first night there some six years ago. We've not bothered looking for any other lodgings because..well, why? We appreciate the sense of community that the Inn provides; it makes us feel less alone in a big city. Over the years have met some interesting individuals, whom - like my husband and I- are coping with some serious health issues. Spending days at KU Med from one appointment to another - its great to have just a block & a 1/2 to get "home" and relax! The individual rooms are clean and comfortable - the decor is muted, not overwhelming.. & I have to mention the cost of the stay - that is a HUGE advantage for us. The cost of decent lodging is much appreciated so as to keep the focus on why we're in need of lodging at all. & Finally - we understand these few words about the importance of Friendship Inn is to reflect the Inn and not be a shout out about the virtues of Kathy Bradley. Without her kindness, humor and thoughtfulness though - the Inn would lack a backbone. Diane is a good one too! I recovered from a liver transplant at the Friendship Inn & wholly believe my wellness then and my continuing improved health had much to do with the positive, gentle atmosphere I was fortunate to recover in. We'll miss the old place on State Line but yall are on to something and we look forward to watching the Inn progress. Just please, keep it simple and kind.

Respectfully,
Robin & Rebecca Hinds
Mulvane, KS 67110

To Whom it May Concern,

Lowell and JoAn Holdorf Fayetteville, Arkansas

We first stayed at The Friendship Inn when Lowell had cancer surgery in 2006 at The University Of Kansas Medical Center. JoAn was not familiar with, nor comfortable with driving in Kansas City and it was such a blessing to stay at the inn and to be able to walk to the hospital from there. In 2015, when JoAn was diagnosed with cancer, she chose to have surgery at KUMed due to the high standard of care that Lowell had received there. We have stayed at The Friendship Inn many times during the past six years for follow-up appointments and more surgeries. We are both forever grateful for The Friendship Inn and the hospitality, security, convenience and the "home away from home" it has offered to us.

Unified Government Commissioners,

My Mom was diagnosed with jaw cancer and came to KU Med for a jaw resection and reconstruction surgery. She was expected to be hospitalized for 7 nights after the surgery. My adult brother and I are very close to our parents and arranged to have the week off. We weren't sure how much we would be at the hospital due to COVID restrictions, but still wanted to be around to support our parents. Head and neck surgery is serious stuff. One difficult aspect is that she had a tracheostomy tube and therefore had difficulty speaking freely. We ended up taking shifts around the clock between the three of us to help keep her comfortable and read her non-verbal cues. I do not think any of us could have foreseen how exhausting and hard that week was going to be. The Friendship Inn was a godsend. We had the comforts of home 3 blocks away from Mom. We could sleep when we needed to, have living space to wait our time until our next shift, could eat and reheat the mounds of food friends and family kept sending, and it was financially accessible. Medical bills pile up easily enough. Then if you factor in costs of travel, costs of being away from home and/or cost of taking time off work, you or a loved one having a serious illness suddenly revolves as much around financial decisions as it does medical ones. Mom happily had clear scans in June and is doing great. I will never forget my stay at Friendship Inn and am sure my story is one of the many where the opportunity of Friendship Inn made a formidable task a very doable one.

I really don't know what we would have done that week without FI

-Maggie, Springfield, MO

Unified Government of Wyandotte County Commissioners,

I have been the Program Manager at the Friendship Inn since Dec. 1, 2013. We serve patients and guests of patients who live at least 30 miles from the University of Kansas Health System with housing needed during their hospitalization. Folks use the Inn for early morning surgery arrival, long term hospital stays post transplant and emergency arrivals via helicopter or ambulance. Most come from rural communities where their nearest hospital does not deal with complicated cases that an amazing teaching hospital can provide. Due to the location of the hospital in the heart of Kansas City, hotels are often full, too expensive and can't provide the cooking, laundry and large families that often come due to the critical nature of their loved ones' disease. Families are relieved to not navigate freeways, parking, directions, with the ability to prepare meals, wash clothes, and relax away from the hospital after "camping" in the waiting room, hospital room, or even the parking garage overnight!

When the primary caregiver, financial provider and driver for the family is the one in the hospital; being able to walk back and forth, knowing you are not alone in the evening and getting help with food and emotional support is so crucial for the family to maintain their own health and sanity! Economically, illness can devastate a family and being able to provide free or lost cost housing, eases at least one of the burdens during such traumatic times. Guests are grateful beyond measure and have filled guests books of gratitude. So many come from rural communities with one stoplight and Kansas City is completely foreign to them, compounding the anxiety for their loved one.

During COVID-19, we can only serve one family unit at a time to properly social distance and deal with vaccination issues. It has become no longer an option to not have an Inn without individual private bathrooms. With four stairs to enter the Inn and a 13 step staircase to the shower and bedrooms, the Inn is not ADA compliant. We desperately need more individually private rooms as we now navigate in these changing and growing times of our world and the University of Kansas Health System to better and more safely serve the expanding community of needs.

Kathy Bradley, Program Manager of the Friendship Inn

Dear Wyandotte County Commissioners,

Please accept this letter as my strong support for the Friendship Inn. The Roasterie has supported Friendship Inn for many years and a couple of years ago I was honored to be asked to join the board.

The needs in the community are great and it is very important to us to be able to do everything that we can to support those in need of housing assistance while their loved ones are receiving treatment at KU MED. The new house will help us offer a higher level of quality and to better serve those who need it most.

Thank you very much,
Danny O'Neill
Founder
The Roasterie, inc.

October 22, 2021

Unified Government of Wyandotte County Commissioners
701 7th St.
Kansas City, KS 66101

Dear Commissioners,

My name is Rebecca Moburg and I am the Director of Patient Experience for The University of Kansas Health System. I have the pleasure of serving on the Board of Directors for The Friendship Inn, Kansas City (FIKC), and I appreciate the opportunity to share with you a bit of my passion for the organization. I have supported FIKC through donation of my own time, talent and treasure for the past five years, and consider this to be an extraordinarily worthwhile cause. The personal, comfortable and home-like environment fostered at FIKC cannot be found in a hotel setting, and the demand for more space is undeniable as the demand for services has far exceeded our capacity for quite some time. As our health system grows, so do the demands for accommodations, and FIKC is an important supporter of our growth. Patients are sicker than they have ever been before, and many of them require hospital stays that span days and even weeks. In my professional role, I encounter people amidst tragedy and strife on a daily basis. They are afraid, ill and often far from home. FIKC provides our patients and their families an option to secure short or longer-term lodging that can reduce so many of the burdens they face while receiving care and treatment.

I have seen FIKC's impact on both a personal level as well. When a dear friend from Springfield, MO had to endure weeks of radiation treatments for her head and neck cancer, FIKC gave her, her husband and their two children a safe, affordable and convenient lodging option for several weeks as she underwent daily therapy. They were able to remain close to hospital services and maintain their family unit during what has been the most difficult time in their lives.

The Mission of The University of Kansas Health System is the lead the nation in caring, healing, teaching and discovering. We know this requires community support and strong partnerships, and we consider FIKC to be an invaluable partner in accommodating our patients and their families during their most critical times. I humbly ask for your support as we pursue the opportunity to build a new house and thank you for your service.

Sincerely,

Rebecca Moburg, MSN, RN, NE-BC
Director of Patient Experience
The University of Kansas Health System
4000 Cambridge St.
Kansas City, KS 66160

4000 Cambridge St. | Kansas City, KS 66160 | Phone 913-588-1290 | Fax 913-945-5600 | kansashealthsystem.com

PULSE+ DESIGN GROUP

October 25, 2021

To whom it may concern
Unified Government of Wyandotte County Commissioners

Dear Sirs / Madams,

I am writing in support of the proposed new location along Rainbow Boulevard for Friendship Inn. Being a board member for the past four years has opened my eyes to the urgent need for low-cost housing for family members whose loved ones are being treated at The University of Kansas Health System (TUKHS). Hearing the stories of how much these patients and family members appreciate being near their point of care never gets old. Friendship Inn provides one less worry for families who are already burdened with the high cost of healthcare.

Sincerely,



Michael E. Andrascsek

u:\16 letter.docx

4622 Pennsylvania Ave Suite 1050 Kansas City Missouri 64112 +913 438 9095 p +913 438 2660 f pulsedesigngroup.com



Figure 4. Site photograph looking east at 4403 Rainbow Boulevard (provided by Planning Staff).



Figure 5. Site photograph looking southeast at 4403 Rainbow Boulevard (provided by Planning Staff).



Figure 6. Site photograph looking east at 4403 Rainbow Boulevard (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: January 6, 2022
Re: Petitions COZ2021-045 and SP2021-079

GENERAL INFORMATION

Applicant:
Gilberto Gonzalez Guerrero

Status of Applicant:
Owner
3003 North 34th Street
Kansas City, KS 66104

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

To approve a Special Use Permit for a used
automotive dealership and perform services on
inventory.

Date of Application:
October 29, 2021



Purpose:	To rezone and convert an existing car wash and operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work and tire changing).		
Property Location:	7512 Leavenworth Road		
Commission Districts:	Commissioner At-Large, District 1: Melissa Bynum District #8 Commissioner: Dr. Jane Philbrook		
Existing Zoning:	C-1 Limited Business District		
Adjacent Zoning:	North:	R-1(B) Single Family District	
	South:	C-1 Limited Business District	
	East:	C-1 Limited Business District	
	West:	C-3 Commercial District	
Adjacent Uses:	North:	Telecommunication tower	
	South:	Single family homes	
	East:	Vacant	
	West:	Strip center retail, commercial storefront, and a single-family home	
Total Tract Size:	0.71 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial, which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc., car lots, auto body and repair shops, and other auto-oriented uses are allowed but will be required to meet higher design standards.		
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.		
Required Parking:	Sec. 27-467(e) states uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Ten (10) spaces are required. Seven (7) spaces are provided. Three (3) spaces must be moved from the rear to the front to comply with the code.		
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – November 18, 2021 and Special Use Permit – November 18, 2021		

Letters to Property Owners – Change of Zone – November 19, 2021 and December 27, 2021 and Special Use Permit – November 19, 2021 and December 27, 2021

Public Hearings: December 13, 2021 and January 6, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Gilberto Gonzalez Guerrero has filed a Change of Zone and Special Use Permit to rezone the property from C-1 Limited Business District to CP-3 Planned Commercial District in order to modify an existing car wash to operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work, and tire changing at 7512 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

Code Enforcement History: There were Code Enforcement citations on the property between 2010 – 2021 for graffiti, weeds, a damaged parking lot and damaged concrete in the wash bays.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of commercial businesses along these two (2) blocks of Leavenworth Road. On the edge of this area are single family homes to the west and south and Washington High School to the east.

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

The zoning and their uses are set out above. The proposed use is compatible with the surrounding commercial uses along the corridor as there are two (2) used automotive dealerships and repair shops to the southwest towards North 77th Street.

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

This property is suitable for the uses, provided the site and outside storage is properly maintained. Removing the restricts will not detrimentally affect nearby property as this block of Leavenworth Road is commercial in nature.

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

The property has been vacant since 2016. Prior to 2016 it operated as a self-car wash business.

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

The proposed use is reasonably necessary for the convenience and welfare of the public for those that intend to purchase a used automobile, however, there is concern that the use will permanently injure the visual quality of the Leavenworth Road corridor.

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

There shall be no more parking problems so long as the inventory and customer parking are separated and managed properly.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning complies with the City-Wide Master Plan, which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc., car lots, auto body and repair shops, and other auto-oriented uses are allowed, but will be required to meet higher design standards.

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

The proposed use will not cause environmental harm if fluids and tires are properly disposed of in an orderly and timely manner. Additional landscaping and street trees are required to be planted and will enhance the environment.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #222.

e. Fire

Fire service is provided by Fire Station #4 located at North 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service along Leavenworth Road, Route #113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

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

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions.

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

The relative gain to the public health, safety, and welfare is likely minimal as there are existing used car dealerships and repair shops in the vicinity. If denied, the hardship imposed on the property owner is minimal as the site can still be used for C-1 uses, such as sale of auto accessories, but no installation can occur.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 17 – November 27, 2021 via email and/or phone call.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking

Compliance with the Commercial Design Guidelines

Compliance with the Sidewalk and Trails Master Plan

Disposal of fluids and tires

Screening fence and outside storage

Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-045** and Special Use Permit Application **SP2021-079**, subject to:

1. **Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at that time;**
2. **Per the Sidewalk and Trails Master Plan, this portion of Leavenworth Road is classified as a Regional Trail. Install a ten (10) foot sidewalk on the north side of the street. Refer to the cross-section diagram in the attachments;**
3. **Based on the 2,372 square feet of the building, ten (10) spaces are required for customers. Only seven (7) spaces are shown in front of the building, three (3) more spaces are required to comply with the code. Revise and resubmit the site plan;**
4. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
5. **The parking lot needs to be resurfaced and restriped;**
6. **All parking spaces where there are no curbs shall have wheel stops installed in front of each space;**
7. **Maintain the open space behind the proposed inventory and employee enclosure, as this area is not to be encroached upon for additional storage or ancillary uses. Revise and resubmit the site plan;**
8. **No storage or warehousing of salvage or wrecked automobile parts is allowed on the property;**
9. **Close one of the curb cuts along Leavenworth Road and install a new curb and landscaping in the median. This will allow better circulation through the front parking lot;**
10. **All lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**

11. If approved, the applicant will need to file and maintain the occupation tax application with our office for the business activity;
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
13. 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;
14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Sec. 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one (1) per 7,000 square feet of site area.
 - a. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

Therefore, eight (8) trees are required to be planted on-site. This total is no inclusive of parking lot island trees or street trees along Leavenworth Road;

17. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or

- common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
- a. One (1) tree with a minimum caliper of two (2) inches (ornamentals). Evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
19. Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard. Only 474.4 square feet may be used for outside storage. For example, a vehicle that is going to be serviced and sold on the lot, while servicing, it must be in the rear enclosure;
20. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be within the enclosure;
21. No inventory repair or servicing is allowed outside or in public view;
22. The inventory lot fence shall be constructed of wood or solid metal paneling, six (6) feet in height with masonry columns every 32 feet running;
23. Street trees are required along a Major Street, which Leavenworth Road is classified as a Class B Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;
24. All landscaping must be irrigated;
25. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
26. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
27. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
28. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
29. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is

- established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
32. Shall comply with the sign ordinance;
 33. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
 34. 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;
 35. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 36. 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;
 37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 38. 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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2021-045** and **SP2021-079** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Requirements for Special Use Permit for automotive related uses
Sidewalk and Trails Master Plan Regional Trail Cross Section
Wyandotte County Conservation District Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Existing Site Plan
Proposed Site Plan
Grading Plan
Floor Plan
Site Photograph taken by Planning Staff on November 16, 2021.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	
Public Hearing	December 13, 2021	January 6, 2022
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-045 and SP2021-079** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-045 and SP2021-079** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:34:15:

CHANGE OF ZONE APPLICATION COZ2021-045 – GILBERTO GONZALEZ GUERRERO - SYNOPSIS: Change of Zone from C-1 Limited Business District to C-3 Commercial District to accommodate a used car dealership with light repair and maintenance at 7512 Leavenworth Road.

SPECIAL USE PERMIT APPLICATION SP2021-079 – GILBERTO GONZALEZ GUERRERO - SYNOPSIS: Special Use Permit to accommodate a used car dealership with light repair and maintenance at 7512 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Gilberto Gonzalez Guerrero has filed a Change of Zone and Special Use Permit to rezone the property from C-1 Limited Business District to CP-3 Planned Commercial District in order to modify an existing car wash to operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work, and tire changing at 7512 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and *Article XXI Sections 27-502 – 27-709*

Code Enforcement History: There were Code Enforcement citations on the property between 2010 – 2021 for graffiti, weeds, a damaged parking lot and damaged concrete in the wash bays.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Gilberto Gonzalez Guerrero, applicant, 7512 Leavenworth Road, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:36:51: Planning Director Hand stated that a Change of Zone is required as auto dealerships and light repair are not allowed in a C-1 zoning district and that the proposal also requires a Special Use Permit. This is the site of a former car wash and some improvements have already been made to the site. He further stated that Staff is working through the parking plan, including the addition of wheel stops with the applicant, and it will be resolved at building permit stage. Some of the Commercial Design Guidelines requirements have already been completed on the property. Staff has additional such conditions of approval in the staff report. Staff is requesting that one (1) of the two (2) access points onto Leavenworth road be closed. There are some old Notices of Violation that do not relate to this application. Staff has received no letters in support nor opposition and recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:39:40:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-045 to CP-3 Planned Commercial District:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at that time;**
- 2. Per the Sidewalk and Trails Master Plan, this portion of Leavenworth Road is classified as a Regional Trail. Install a ten (10) foot sidewalk on the north side of the street. Refer to the cross-section diagram in the attachments;**
- 3. Based on the 2,372 square feet of the building, ten (10) spaces are required for customers. Only seven (7) spaces are shown in front of the building, three (3) more spaces are required to comply with the code. Revise and resubmit the site plan;**
- 4. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
- 5. The parking lot needs to be resurfaced and restriped;**
- 6. All parking spaces where there are no curbs shall have wheel stops installed in front of each space;**
- 7. Maintain the open space behind the proposed inventory and employee enclosure, as this area is not to be encroached upon for additional storage or ancillary uses. Revise and resubmit the site plan;**
- 8. No storage or warehousing of salvage or wrecked automobile parts is allowed on the property;**
- 9. Close one of the curb cuts along Leavenworth Road and install a new curb and landscaping in the median. This will allow better circulation through the front parking lot;**
- 10. All lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**
- 11. If approved, the applicant will need to file and maintain the occupation tax application with our office for the business activity;**
- 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
- 13. 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;**
- 14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676].**

- Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Sec. 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one (1) per 7,000 square feet of site area.
- a. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

Therefore, eight (8) trees are required to be planted on-site. This total is no inclusive of parking lot island trees or street trees along Leavenworth Road;

17. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
- a. One (1) tree with a minimum caliper of two (2) inches (ornamentals). Evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
- b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
19. Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard. Only 474.4 square feet may be used for outside storage. For example, a vehicle that is going to be serviced and sold on the lot, while servicing, it must be in the rear enclosure;

20. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be within the enclosure;
21. No inventory repair or servicing is allowed outside or in public view;
22. The inventory lot fence shall be constructed of wood or solid metal paneling, six (6) feet in height with masonry columns every 32 feet running;
23. Street trees are required along a Major Street, which Leavenworth Road is classified as a Class B Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;
24. All landscaping must be irrigated;
25. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
26. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
27. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
28. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
29. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
32. Shall comply with the sign ordinance;
33. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
34. 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;
35. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land

parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

36. 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;
37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
38. 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

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2021-079** for two (2) years:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

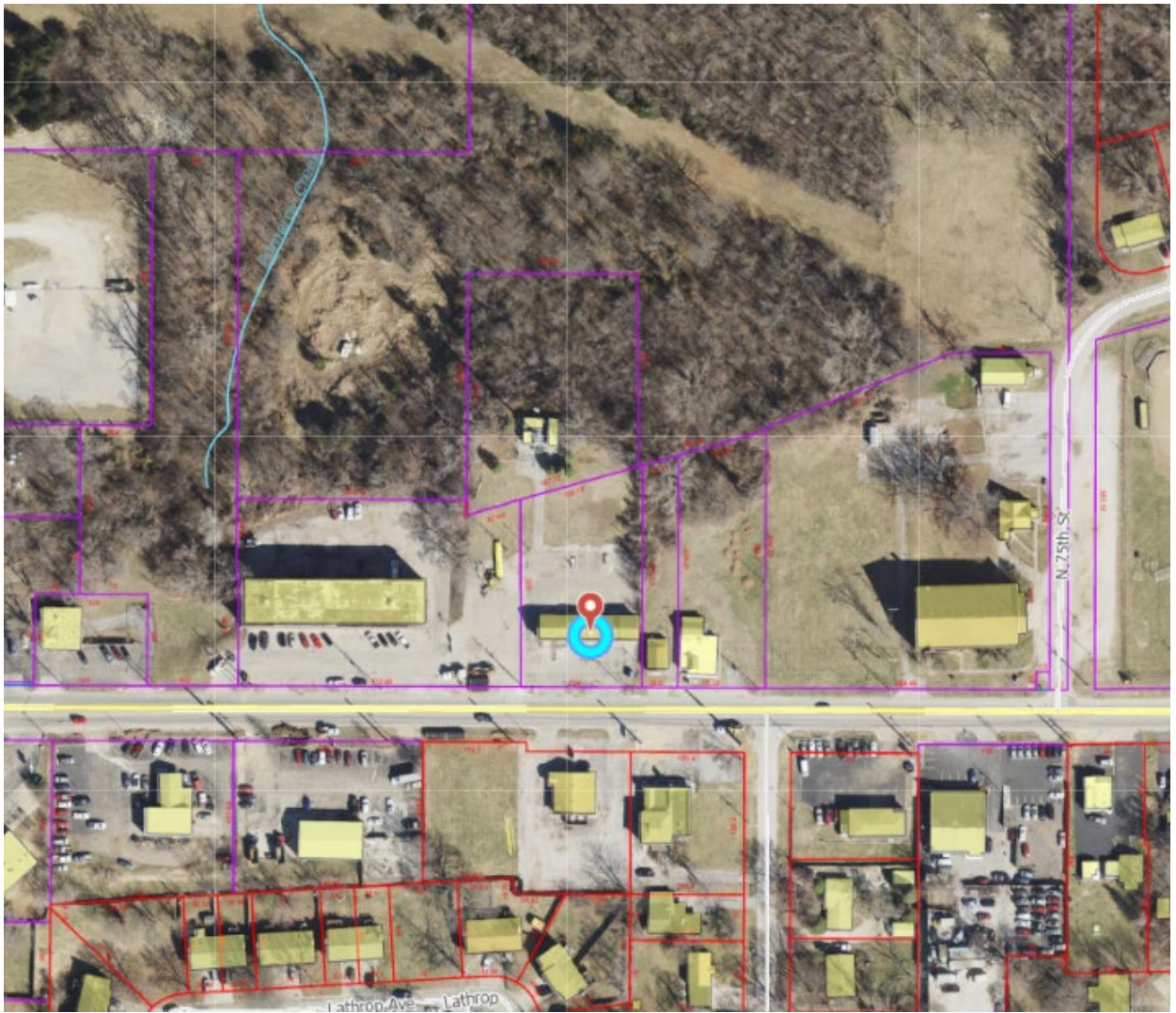


Figure 1. Aerial Map of 7512 Leavenworth Road (provided by UG Maps).

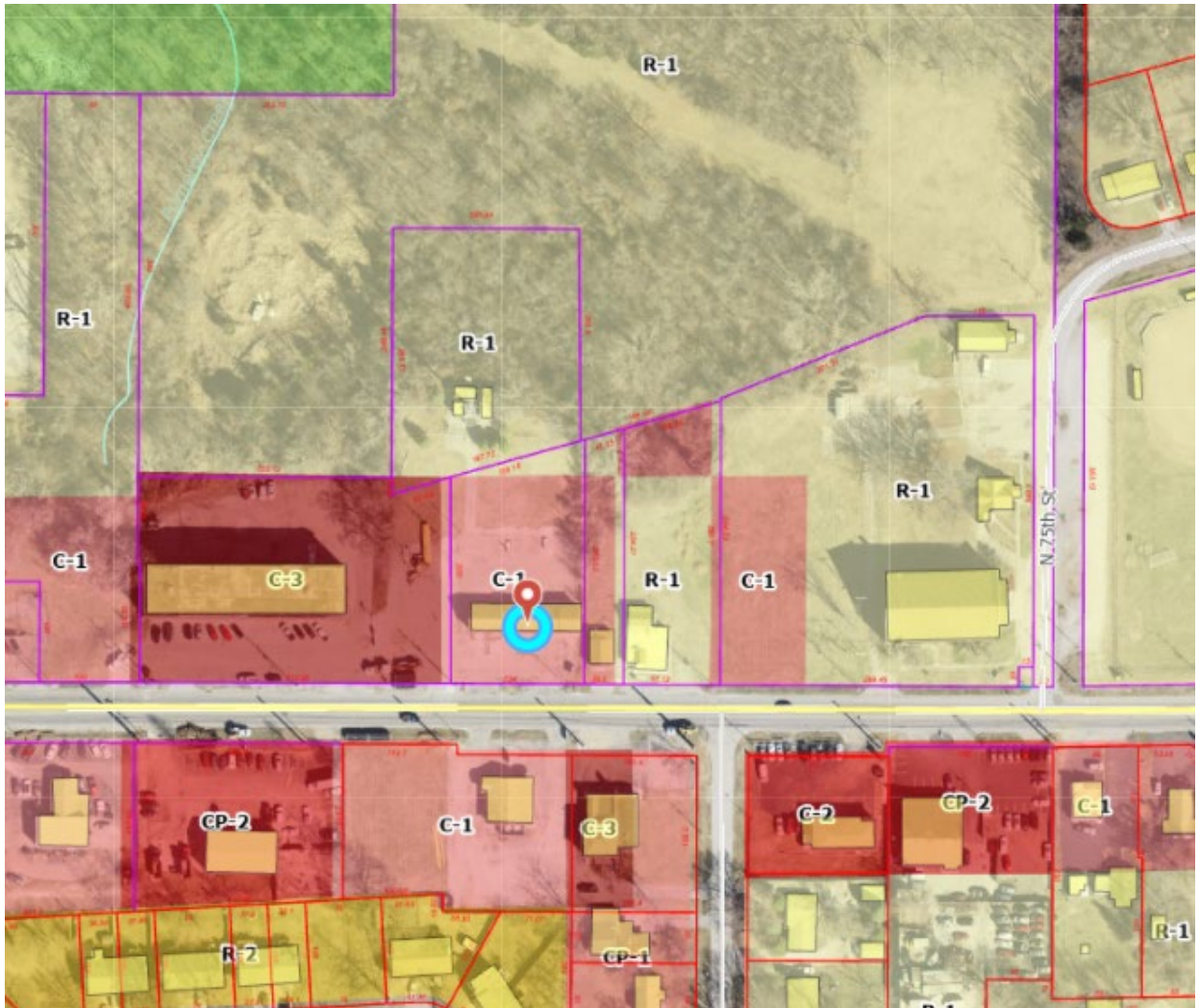


Figure 2. Zoning Map of 7512 Leavenworth Road (provided by UG Maps).

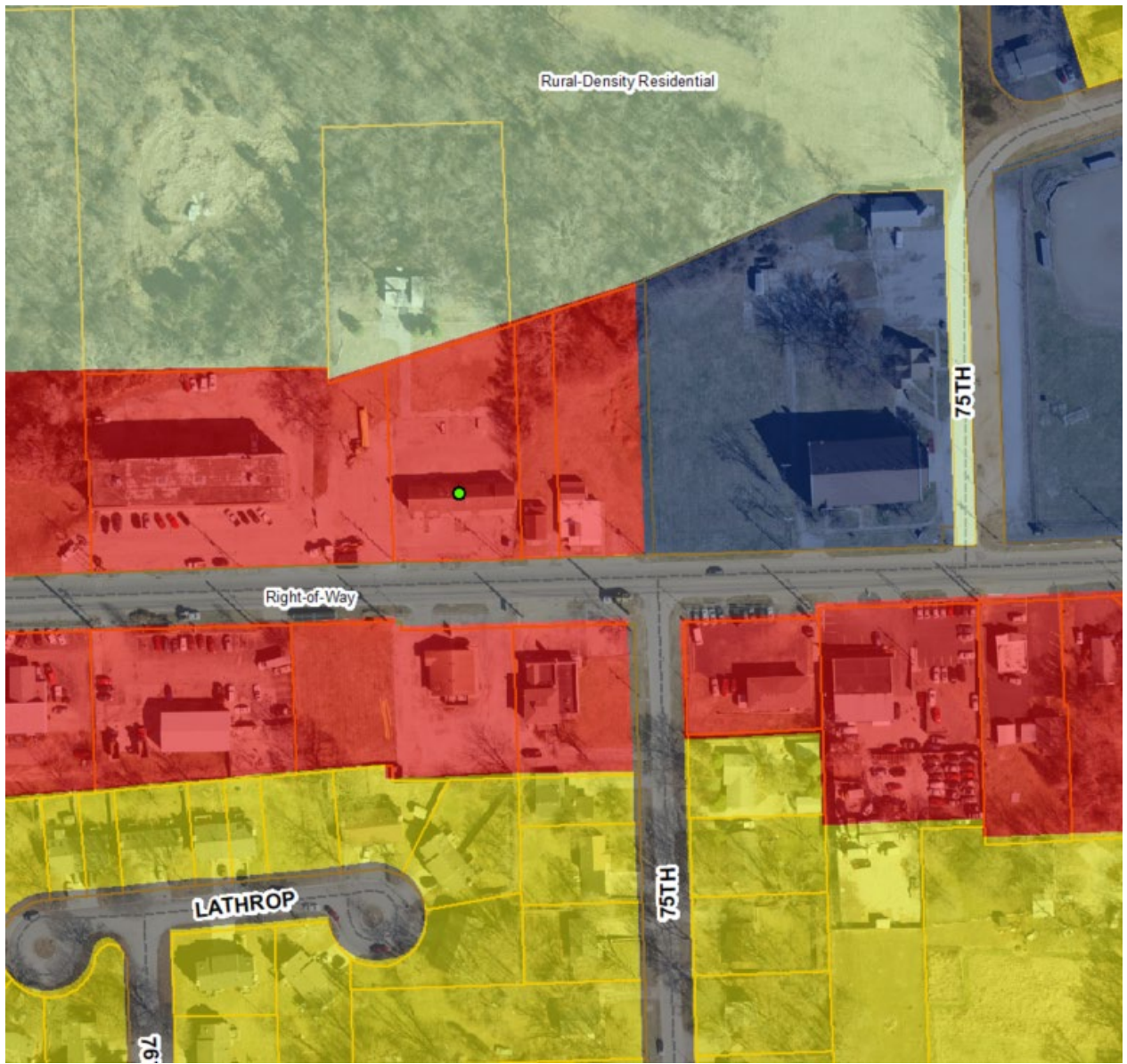


Figure 3. City-Wide Master Plan Land Use Map (provided by Arc Map).

- (19) Used car/truck lots and light automotive service and maintenance only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:
- a. *Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.*
 - 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 - 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
 - b. *Signage.*
 - 1. Following all permanent sign requirements under section 27-727.
 - 2. Following all special event display requirements under section 27-734.
 - 3. No display on sidewalks.
 - c. *Façade, landscaping, and screening.*
 - 1. For new buildings:
 - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
 - 2. For existing structures:
 - i. Such modifications as:
 - A. Restoring original brick.
 - B. Any necessary repair of the facade.
 - C. New doors or windows if existing fixtures are in disrepair.

https://library.municode.com/ks/wyandotte_county_-_unified_government/codes/code_of_... 1/29/2018

- D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
- E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- d. *Condition of automobiles/trucks.*
 - 1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked.
- e. *Parking.*
 - 1. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
 - 2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 - 3. Each automobile shall be in a striped, designated parking space.
- f. *Install/repair sidewalks per Code.*
- (20) Heavy automotive/truck service, repair, and mechanics only in C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:
 - a. *Repurposing of structure(s) for heavy automotive/truck service, repair, and mechanics.*
 - 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 - 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
 - b. *Signage.*
 - 1. Following all permanent sign requirements under section 27-727.
 - 2. Following all special event display requirements under section

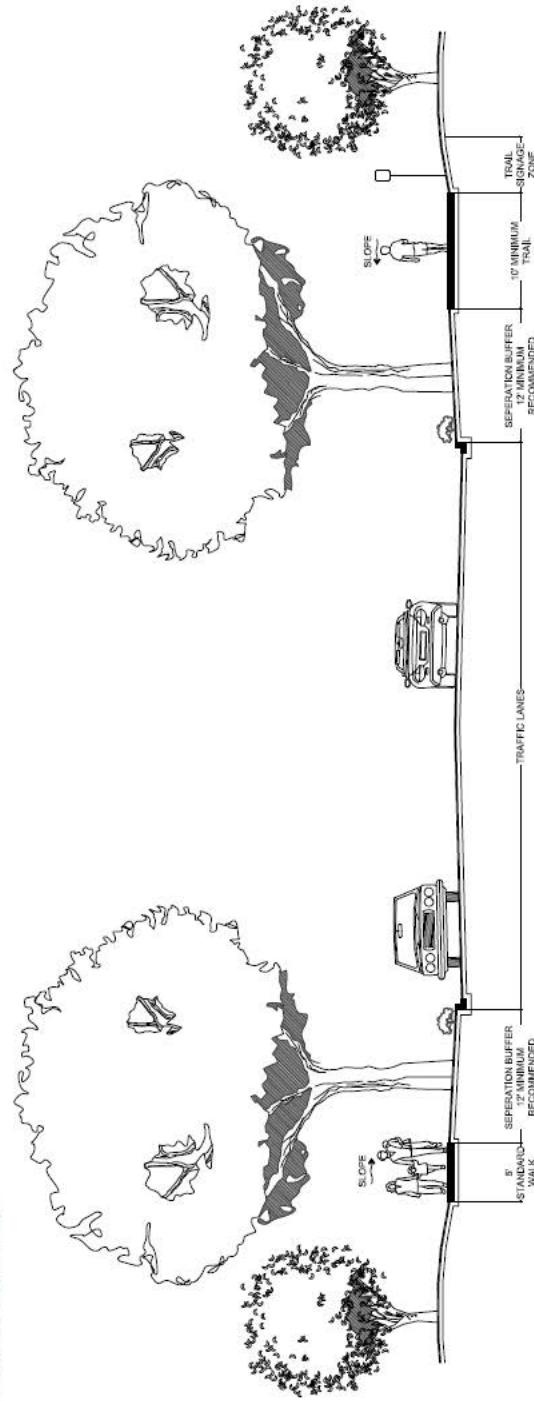
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27-734.

3. No displays on sidewalks.
- c. *Façade, landscaping, and screening.*
 1. For new buildings:
 - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
 2. For existing structures:
 - i. Such modifications as:
 - A. Restoring original brick.
 - B. Any necessary repair of the facade.
 - 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.
 - E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- d. *Parking.*
 1. 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 by sections 27-466 through 27-470.
 2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 3. Each automobile shall be in a striped, designated parking space.
- e. *Install/repair sidewalks per Code.*

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Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.





Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

November 16, 2021

RE: COZ2021-045 and SP2021-079 Gilberto Gonzalez Guerrero C-1 to C-3 for used car dealership and light repairs at 7512 Leavenworth Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-045 and SP2021-079 Gilberto Gonzalez Guerrero C-1 to C-3 for used car dealership and light repairs at 7512 Leavenworth Road.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Any chemical spills need to be cleaned up immediately.
- There should not be any erosion problems with is property unless there is going to be a lot of grading work done. If the existing area is going to be used in its current condition, there should not be any problems of additional runoff.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is

ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Staff comments and suggestions

I will do all the requirement that were comment by the urban planning and Land use for the approval.

The faux stone and stucco was add in May 2021 after the building was purchase.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Gilberto Gonzalez Guerrero of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-045 SP2021-079
2. That I conducted a neighborhood meeting on Nov. 17 - Nov 27, 2021
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

I didnt recieved any email or phone calls from the people
I mailed letters.

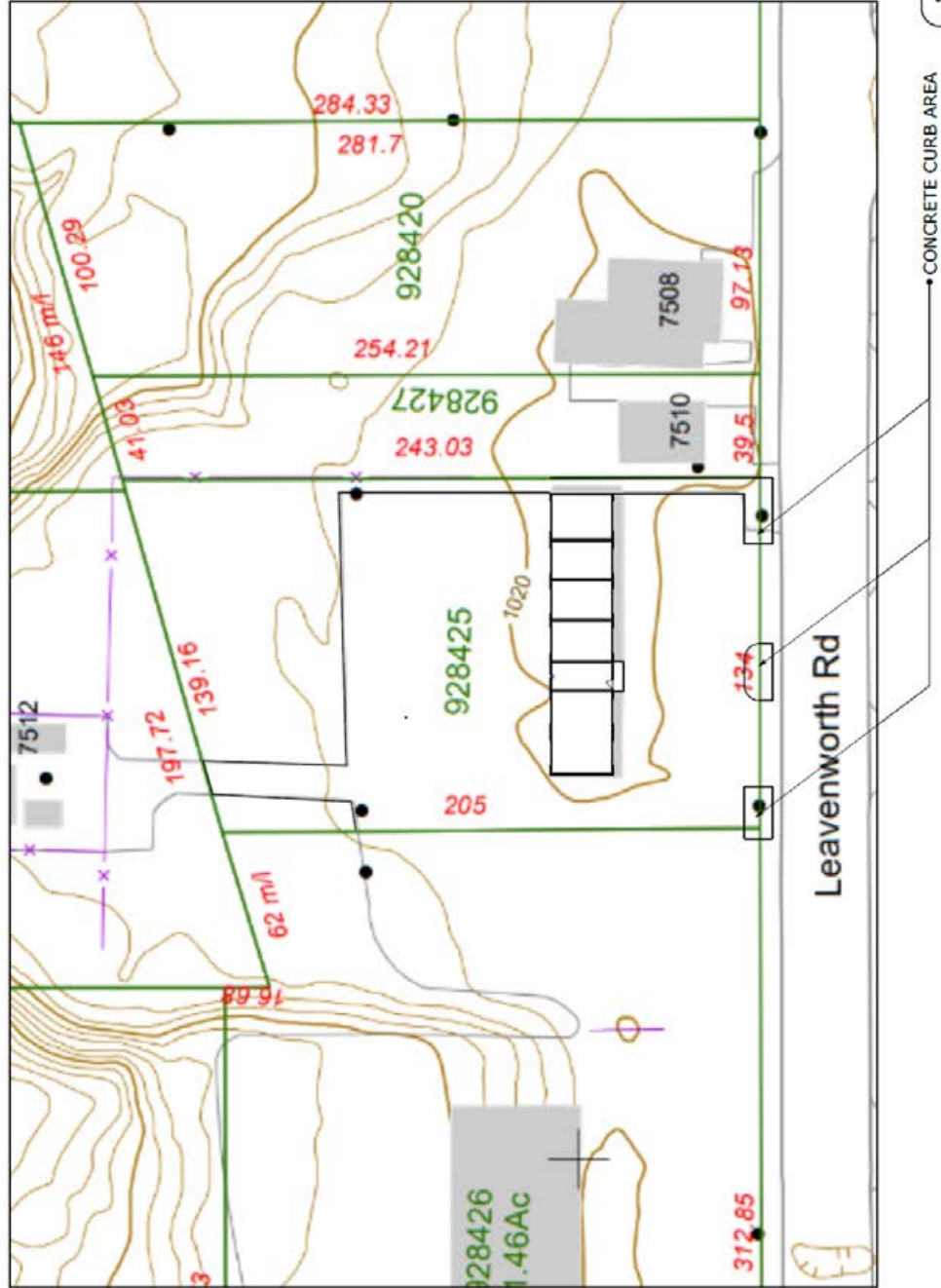

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public

PARCEL 928425
 *EXISTING SITE PLAN - EXISTING STRUCTURE (2372 SQFT) TO REMAIN UNCHANGED





REI

PROJECT ADDRESS
 7512 Leavenworth Rd,
 Kansas City, KS 66109

PROJECT START
 2021-09-24

REVISION DATE
 2021-11-25

DRAFT VERSION
 v1.2

CONTRACTOR
 N/A

DRAWN BY
 Drew Westhaus

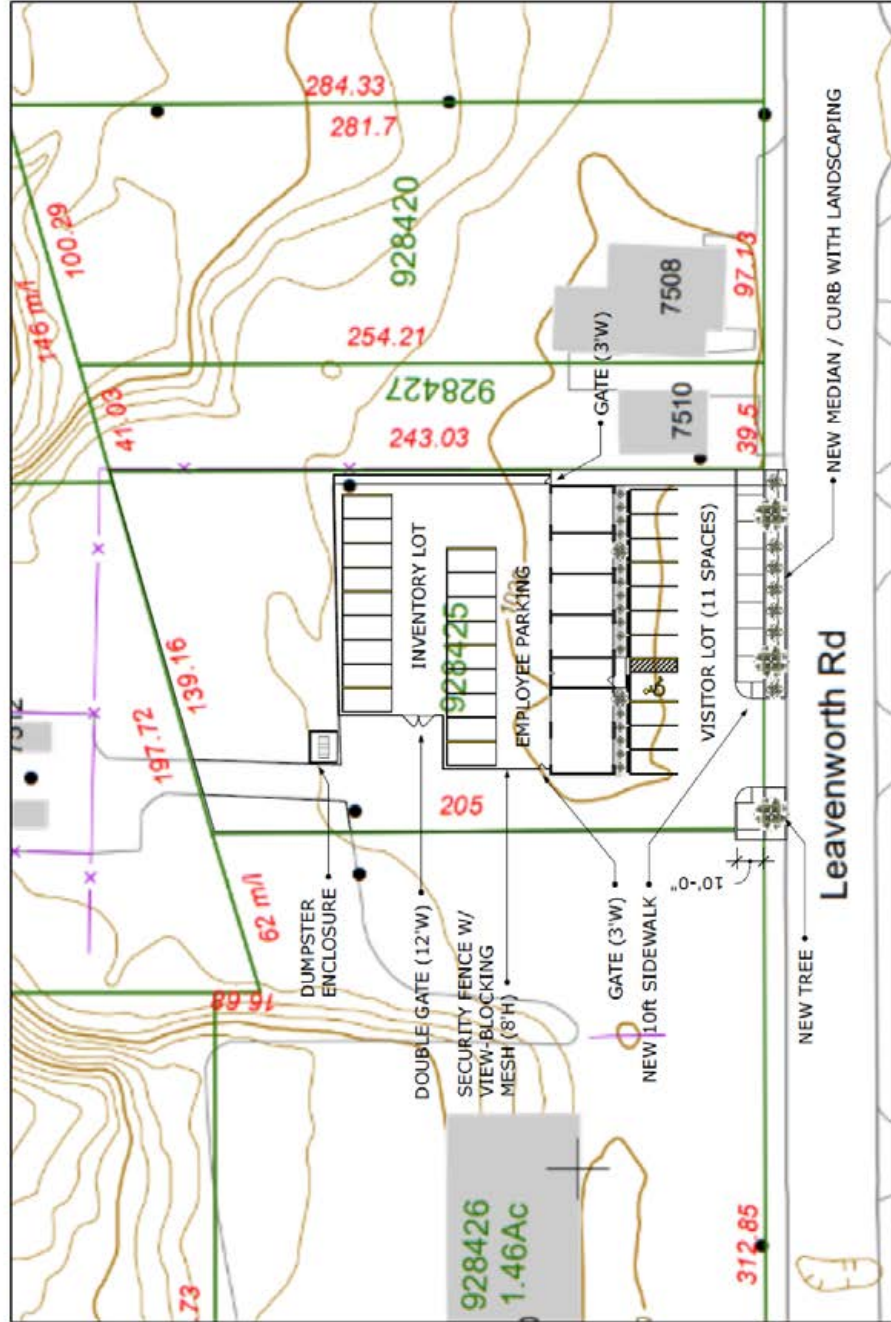
DESCRIPTION
 Site Plan

S1

01

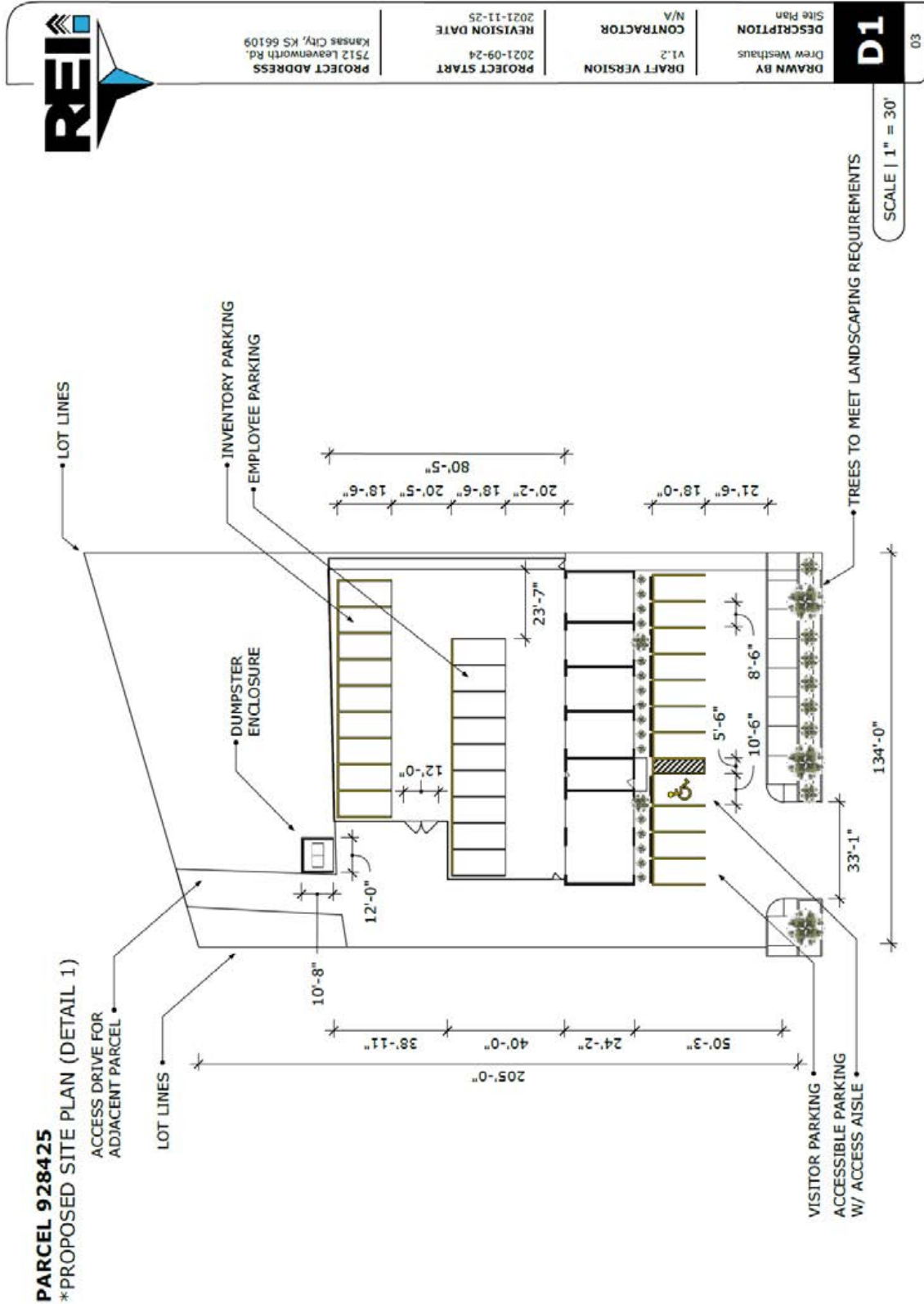
SCALE | 1" = 40'

PARCEL 928425
***PROPOSED SITE PLAN (GENERAL)**



* SIDEWALK TO COMPLY WITH TRAIL SIGNAGE AND SIZE REQUIREMENTS

	PROJECT ADDRESS 7512 Leavenworth Rd. Kansas City, KS 66109	PROJECT START 2021-09-24	REVISION DATE 2021-11-25	CONTRACTOR N/A	DRAFT VERSION V1.2	DRAWN BY Drew Westhaus	DESCRIPTION Site Plan
	S2						
	SCALE 1" = 40'						
	02						



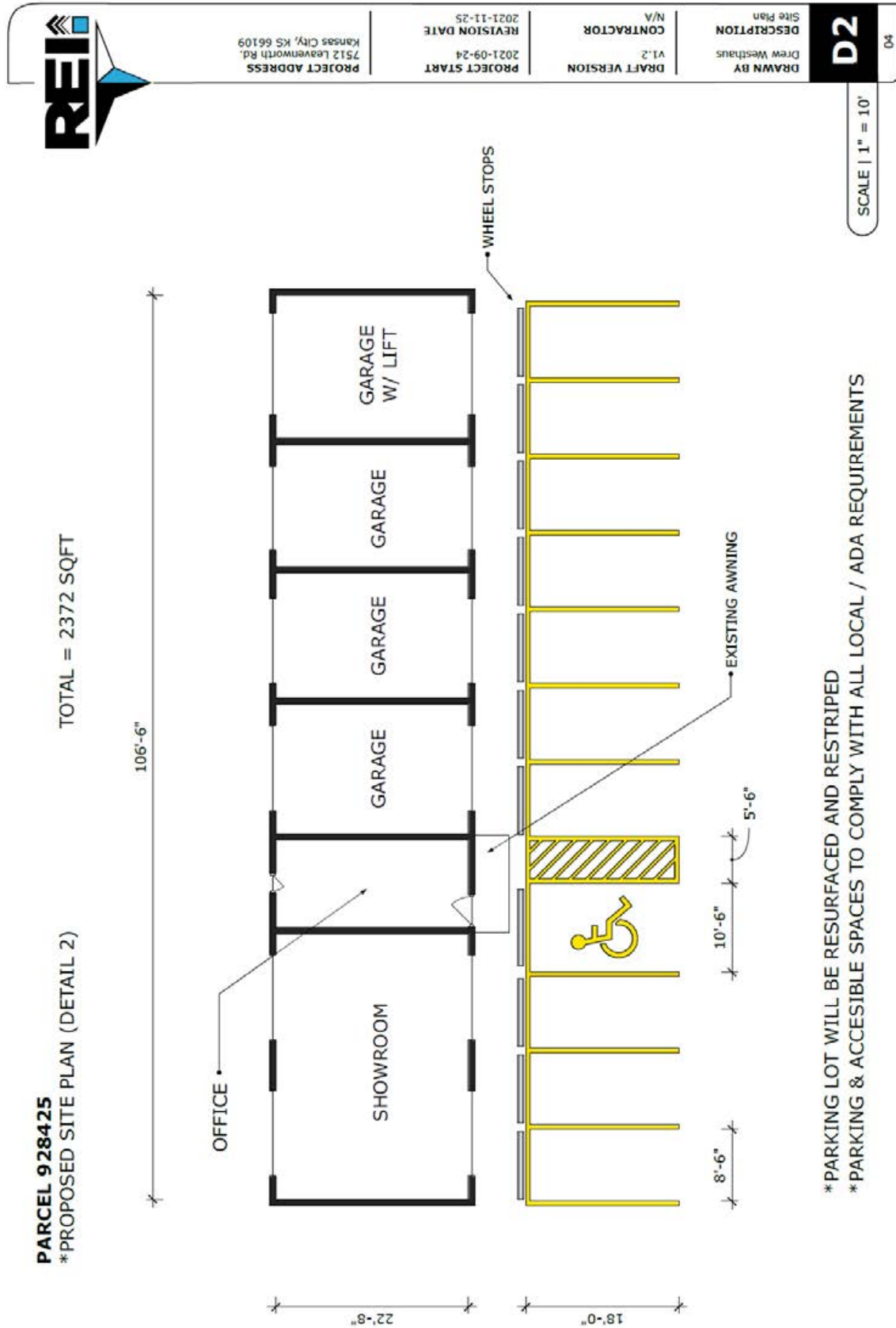




Figure 4. Site photograph looking northwest at 7512 Leavenworth Road (provided by Planning Staff).



Figure 5. Site photograph looking southeast at 7512 Leavenworth Road (provided by Planning Staff).



Figure 6. Site photograph looking east at 7512 Leavenworth Road (provided by Planning Staff).



Figure 7. Site photograph looking northeast at 7512 Leavenworth Road (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
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To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Change of Zone Petition COZ2021-046**
Master Plan Amendment MPL2021-027 and
Special Use Permit SP2021-076

GENERAL INFORMATION

Applicant:
Matt Altrich

Status of Applicant:
Property Owner
21500 W. 99th Street
Lenexa, Kansas 66220

Requested Actions:
Approval of a Change of Zone,
Master Plan Amendment, and a Special
Use Permit for a Short-Term Rental.

Date of Application:
October 28, 2021

Purpose:
To change zoning district from R-1(B) Single
Family District to RP-2(B) Two Family
District.

To change the Rosedale Master Plan from
Single Family Residential to General Urban.

Application for a Special Use Permit for a
Short-Term Rental.



Property Location:	4108 Adams Street Kansas City, Kansas 66103
Commission Districts:	Commissioner At Large District #2: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family and RP-5 Apartment Districts West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence, Apartment Building West: Single Family Residence
Total Tract Size:	0.15 Acres
Master Plan Area:	The Subject Property is within the Rosedale Area Master Plan.
Master Plan Designation:	The Rosedale Master Plan designates this Property as Single Family Residential. This district is designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed amendment is to designate this property's land use as General Urban. This area is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.
Major Street Plan:	The City-Wide Master Plan designates Adams Street as a Local Street.
Parking Requirement:	R-1(B) District (current zoning): Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. RP-2(B) District (proposed zoning): Section 27-454(d) requires one (1) off-street parking spaces shall be

provided for each dwelling unit. The current property has a two (2) car garage and four (4) uncovered off-street parking spaces on a concrete drive with a concrete approach for a total of six (6) parking spaces and exceeds the requirement.

Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021 and December 27, 2021
Public Hearings	December 13, 2021 and January 6, 2022
Public Support:	One letter of support for the Change of Zone and Master Plan Amendment with partial support of the Short-Term Rental Application and an additional letter indicating they are in support if it remains a residentially zoned property and the unit is properly managed. There was one (1) person present in support at the December 13, 2021 City Planning Commission meeting.
Public Opposition:	The applicant received several letters of opposition. However, it should be noted that the majority of the letters do not object to this applicant specifically, but to the growing number of short-term rentals in the Rosedale neighborhood. Upon further discussion, some authors of the opposition letters became supporters of the Short-Term Rental application process, with the support of applicants choosing to license legally as opposed to those who are choosing to avoid compliance and may be operating unsafely. There were no letters in opposition to the Change of Zone or Master Plan Amendment. Erin Stryka of RDA was present at the December 13, 2021 City Planning Commission meeting. Staff also received a document from Ms. Stryka and Gil Pintar (attached).

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Matt Altrich, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4108 Adams Street. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-2(B) Two Family District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a duplex in the mid-1970s for the original owner's mother. A certificate of legal non-conforming use was issued in 2008 which expired in 2018. The house has been used as a licensed rental since at least 2000. The Applicant is now the

new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition. The upstairs unit was previously not formally leased and inhabited by the prior owners' children who did not pay rent according to County Records.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is residential and urban in character. Lots are average for urban densities and are approximately thirty (30) to fifty (50) feet in width with the average lot size being fifty (50) feet wide. The streets are mostly paved concrete and driveways are generally concrete approaches with concrete or gravel driveways. Many roads have visible evidence of neighborhood improvements such as improved curbs and sidewalks. This block of Adams Street is one (1) block away from the Rainbow Avenue commercial corridor and two (2) blocks from KU Medical Center.

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

The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts with an apartment complex directly across the street. Although the property has been converted to a duplex, it retains the visual quality and aesthetics of a single-family home. The entrance to the upstairs unit is through a deck and stairs in the rear of the property and it is not obvious from the street that it has been converted. Rezoning the property to RP-2(B) would adequately reflect the building's current physical condition, in which has been in effect approximately forty-five (45) years. It has been used as a rental for more than twenty-one (21) years. Rezoning to RP-2(B) is not necessarily in the neighborhood's zoning character. It may be considered spot zoning and was the initial reason for granting the Legal Non-Conforming Use, however, more recent interpretations of spot zoning indicate that under the current circumstances of the property's continued usage, this instance would be considered a valid form of rezoning should the Change of Zone petition be approved. Continuing use as a rental, either short or long term, is consistent with other nearby properties near the nearby university, mixed-use corridor, and neighborhood corridor.

The proposed use as a short-term rental compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

Per Section 27-455(a) with regards to the current zoning, the “purpose of the district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of existing buildings and vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents.” Section 27-457(a) for the proposed zoning continues with the same language as Section 27-455(a) for the R-1(B) Single Family District but continues to add that, “Conversion of residential buildings constructed as single-family dwellings shall be permitted only when parking, land, floor area and life safety requirements are fully met.” As is, the current zoning does not allow for a two-family residence as the building has been in use. Removing the restrictions when converting from R-1(B) to RP-2(B) is unlikely to negatively affect the subject property or nearby properties as it has been in use as a multi-family property for over fifty (50) years.

The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The Applicant currently rents out the lower unit of the property, which was purchased in 2019. The upper unit has remained vacant. The prior owners had the property for nineteen (19) years during which time it was a registered rental although it had been improperly listed as a one (1) unit property rather than a two (2) unit property. It was improperly listed as a one (1) unit property as the owner’s children lived in the upstairs unit and did not pay rent. Both the upstairs and downstairs units have retained occupants of some type since its conversion.

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

There is minimal public gain as the ability to add two (2) living units would add to the housing stock. The subject property already exists within the built-out neighborhood and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring property. The extensive length of time that this property has remained as a two-family duplex property without any issues demonstrates that it has not affected the appropriate use, visual quality, or marketability of surrounding properties.

The proposed use as a short-term rental provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as it the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. Section 27-454(d) states that there shall be one (1) off-street parking space for each dwelling unit for a total of two (2) off-street parking spaces. The subject property has two (2) garage spaces and four (4) off-street parking spaces, which is adequate for the number of dwellings per the requirements in this Section. The approach, apron, and driveway has been recently updated and are in good condition.

The proposed use as a short-term rental has the potential to increase vehicular traffic but should not exceed the capacity of the current conditions to accommodate it if managed properly. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The Rosedale Area Plan designate this property as Single Family Residential Use. The Rosedale Area Plan indicates that this district is designed for single family, detached houses which does not reflect the building's current state as a two (2) family or duplex home. The proposed change of zone is accompanied by the Master Plan Amendment petitioning for a change in usage to General Urban use. The Rosedale Area Plan indicates that the General Urban use is for areas that are "predominantly residential in character with rowhouses, townhomes, and single-family houses." Although the subject property has two (2) dwellings, the aesthetics and exterior composition resembles a single-family home.

Special Use Permits are not addressed in the Rosedale Area Master Plan. The Rosedale Area Master Plan designates this property as Single-Family Residential. Single Family Residential and the proposed Master Plan Land Use of General Urban both allow a short-term rental but requires a Special Use Permit to operate as it is a business.

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

The applicant is not proposing any new structures currently, however, the rezone allows for the renovation of the existing structure to maintain its converted composition. There should be little to no long-term negative environmental impact.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant nor is there a history of noise complaints on the property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permanent residence. The subject property is in an existing built-out neighborhood.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

a. Water service

Water Service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer is provided by public sewer.

c. Storm water control

There are multiple storm water control points at the front and southwest corner of the property.

d. Police

Police service is provided by South Patrol, District #332.

e. Fire

Fire service is provided by Station #10.

f. Transit

The subject property receives bus service via Route #107 on Rainbow Boulevard between West 41st and West 42nd Avenue.

g. Schools

Education is provided by Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

13. The economic impact of the proposed use on the community.

The economic impact on the community is negligible, as the subject property is currently in use as a two-family dwelling. The rezone prevents units from being removed from the County's current housing stock.

Short-term rentals are generally used by tourists and can generate lodging tax and sales tax from the tourism activity.

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

The subject property is currently legal non-conforming. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its structure than it does in its present condition. The short-term rental will meet the requirements of the ordinance if managed appropriately.

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

There is negligible impact or gain to public health, safety, or welfare. The dwelling structure is already in existence and has been in its current state for approximately forty-five (45) years as such. There is gain to the public by providing an additional dwelling unit in an area near businesses near the Rainbow Corridor and near the hospital campus.

The relative gain or loss to the public health, safety, and welfare as a short-term rental is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests allowed in the upstairs unit is two (2) at a time and four (4) in the lower unit. The maximum number of vehicles is four (4). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

RELATED CASES AND PREVIOUS ACTIONS

A Certificate of Non-Conforming use was issued in 2008 and expired in 2018.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits. Previous building permits were issued for renovations to the rear stairwell leading to the upper unit and to upgrade the electrical service in 2020.
2. The current property owner has no outstanding Code Inspection Cases.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 29, 2021, by in-person meeting. Attached is the list of persons, minutes, affidavit, and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Structural Compatibility
Parking
Spot Zoning
Land Use
Future Redevelopment
Noise
Safety
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-046**, Special Use Permit Application **SP2021-076** and Master Plan Amendment **MPL2021-027**, subject to:

1. **The Short-Term Rental permit shall be limited to the top unit;**
2. **Remaining Repairs of the stairwell and window screens shall be completed;**

3. Additional landscaping shall be coordinated with the adjacent neighbor to provide shade or screening per the Narrow Lot Design Guidelines;
4. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be two (2);
5. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);
6. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be four (4);
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
9. 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;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
11. Subject to approval and should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan Design Guidelines for a two-family property;
12. The designation of RP-2(B), i.e., a planned district, will require a future review of the property for any redevelopment. Future redevelopment should conform to the appearance of a single-family home as it is in the mid-block of a single-family side of the block;
13. If approved, rental licensing shall be obtained to include both units;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the

ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.



STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petitions **COZ2021-046, MPL2021-027 and SP2021-076** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.



ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Rosedale Area Master Plan Design Guidelines
Short Term Rental Compliance Map
Property Inspection Report Highlights
Liability Insurance Policy
Site Plan
Interior Floor Plan
Neighborhood Correspondence
Applicant Photos of Property Dated November 15, 2021
Staff Site Photos Dated November 22, 2021
Information from RDA

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	December 13, 2021 Approval	January 6, 2022
Public Hearing Special Use Permit	December 13, 2021 Approval	January 6, 2022
Public Hearing Master Plan	December 13, 2021 Approval	January 6, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-046, SP2021-076 and MPL2021-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-046, SP2021-076 and MPL2021-027**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:41:25:

MASTER PLAN AMENDMENT APPLICATION MPL2021-027 – MATT ALTRICH WITH JOCO CAPITAL ONE, LLC - SYNOPSIS: Master Plan Amendment from Single Family to General Urban (Rosedale Area Master Plan) at 4108 Adams Street.

CHANGE OF ZONE APPLICATION COZ2021-046 – MATT ALTRICH WITH JOCO CAPITAL ONE LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for two (2) living units at 4108 Adams Street.

SPECIAL USE PERMIT APPLICATION SP2021-076 – MATT ALTRICH WITH JOCO CAPITAL ONE LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 4108 Adams Street.

Detailed Outline of Requested Action: The Applicant, Matt Altrich, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4108 Adams Street. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-2(B) Two Family District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a duplex in the mid-1970s for the original owner's mother. A certificate of legal non-conforming use was issued in 2008 which expired in 2018. The house has been used as a licensed rental since at least 2000. The Applicant is now the new owner and desires the rezone to complete to obtain a rental license, which requires

the zoning to reflect the building's physical condition. The upstairs unit was previously not formally leased and inhabited by the prior owners' children who did not pay rent according to County Records.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The information forwarded to the Commission from Erin Stryka

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

Present in Support:

- Matt Altrich, applicant, 21500 West 99th Street, Lenexa, Kansas 66220
- Devin Teren, 4112 Adams, Kansas City, Kansas 66103

Present in Support/Concerns:

- Erin Stryka, Executive Director, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 3:50:33: Planning Director Hand stated that this is a legal, non-conforming structure that Staff believes added a granny flat to the property in the 1950s. The only option currently available to resolve its non-conformity for an attached structure of this type is through a Change of Zone. The property has the appearance of a single-family residence and is located in the Rosedale Area Master Plan. If the application is held over, the applicant could not rent the second unit until such time that the Planning Commission and Board of Commissioners make their final determination for this case. Staff is advertising for an Ordinance Specialist who will review these types of issues; however, the Director does not have the timeline for the hiring of that position. He further stated that Short-Term Rentals are a high priority for the Department. Staff has a company that tracks Short-Term Rentals and Staff is aware of the ones that have received Special Use Permits and those that have not, which is being addressed. Staff is requiring some additional landscaping. Staff has received no letters in support nor opposition and recommends approval of the Change of Zone and Master Plan Amendment and a one (1) year approval for the Special Use Permit as there is no on-site manager.

Mr. Altrich stated that the upstairs unit will only be rented for one (1) person with a single car. He stated that the intent is to advertise for 90 days for rental. Director Hand stated that Staff would recommend approval for two (2) persons and a maximum number of two (2) cars for the Short-Term Rental.

Motion and Vote starts at 3:57:45:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment Application**

MPL2021-027:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. The Short-Term Rental permit shall be limited to the top unit;**
- 2. Remaining Repairs of the stairwell and window screens shall be completed;**
- 3. Additional landscaping shall be coordinated with the adjacent neighbor to provide shade or screening per the Narrow Lot Design Guidelines;**
- 4. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be two (2);**
- 5. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);**
- 6. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be four (4);**
- 7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 8. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 9. 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;**

10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
11. Subject to approval and should the property be completely demolished, the future use of this property’s reconstruction must follow the Rosedale Master Plan Design Guidelines for a two-family property;
12. The designation of RP-2(B), i.e., a planned district, will require a future review of the property for any redevelopment. Future redevelopment should conform to the appearance of a single-family home as it is in the mid-block of a single-family side of the block;
13. If approved, rental licensing shall be obtained to include both units;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-046**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions.

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2021-076 for one (1) year**:

Carson	Chairman
Miller	Aye
Mohler	Aye

Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions.

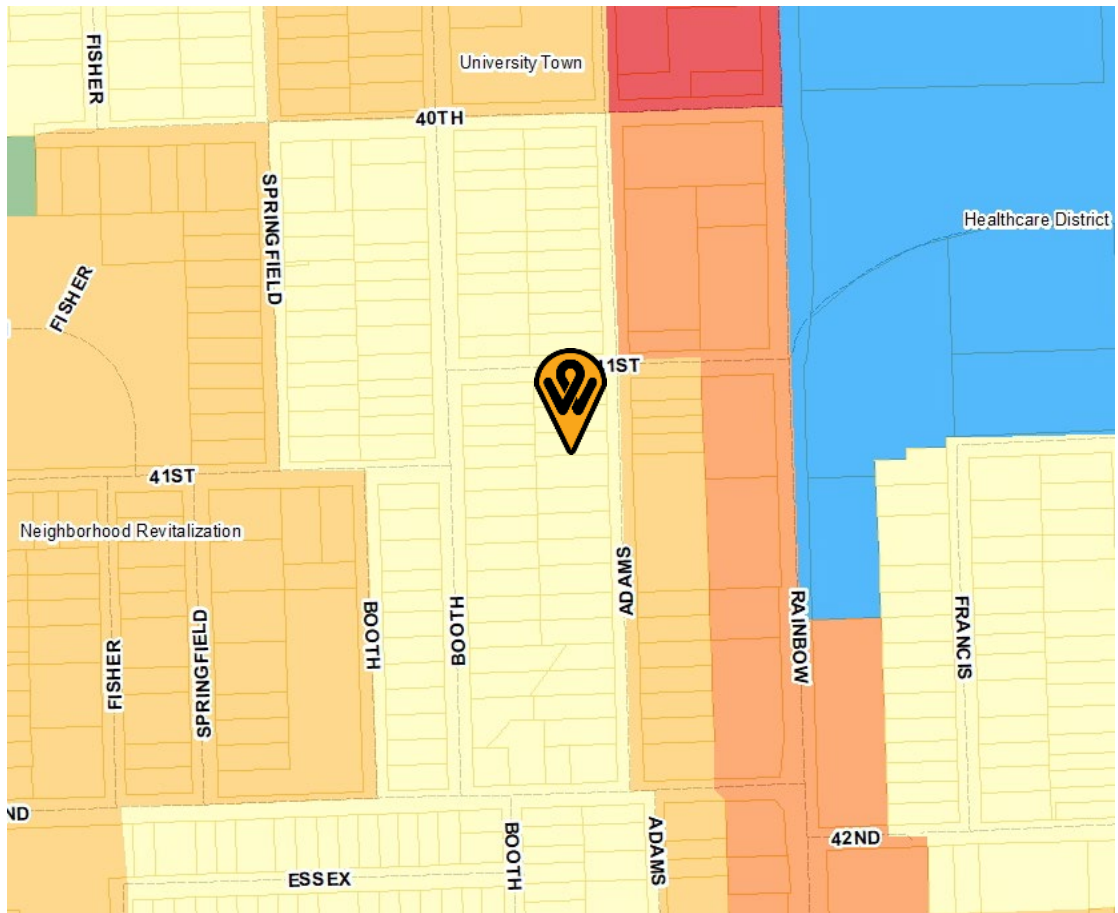
AERIAL MAP



ZONING MAP



LAND USE MAP



ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

AMENITIES

Developments greater than 20 units must provide one of the following: Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent
-

Screening of multi-family residential developments is required between:

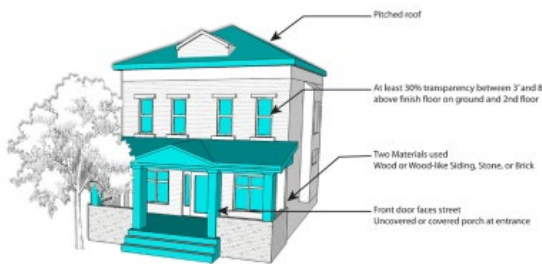
- Multi-family and commercial uses
- Multi-family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.



SINGLE FAMILY HOME DESIGN GUIDELINES

Any infill housing must compliment surrounding houses to preserve the charm and congruity of Rosedale's neighborhoods. To better understand Rosedale's housing, a housing typology study was undertaken and 636 Rosedale homes were surveyed. The housing typology study uncovered basic massing and architectural elements of the typical Rosedale house. By utilizing these very fundamental massing and architectural strategies, neighborhood coherence can be fostered regardless of architectural style.

The typical Rosedale house is 2 stories high and has a narrow floor plan that is two rooms wide and 3 or more long. House configuration is the result of narrow lots with garages and alleys in the back. On wider lots, houses can have a similar configuration with side gabled roofs. In many cases, differences in elevations allowed houses to raise above the street level and have basements with garages. Rosedale home elevations are typically symmetrical, and are usually accentuated by a front facing gabled roof. An elevated porch faces the street. Primary materials are wood or wood-like siding with a secondary material of brick or stone. Variations of these basic elements currently exist and are desired for future single family homes.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING

Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

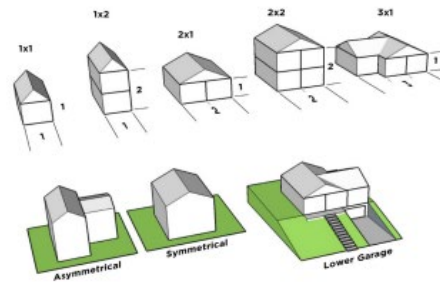
Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.

MASSING

Typical and desirable massings are as follows:

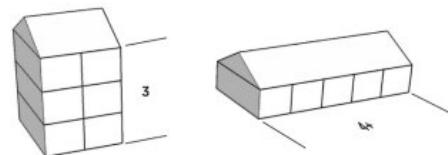


Underlying residential zoning limits homes to 2.5 stories and is recommended for all future single family construction.

Undesirable massing:

Greater than 2.5 Stories

4+ Wide / Ranch



ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

MATERIALS

All new Rosedale single family homes must use at least two types of facade materials. Facade materials are limited to wood or wood-like siding, brick, and stone.

ROOF

Roof types within single family neighborhoods must be pitched. Single family homes recently constructed along major corridors feature flat or shed roofs. These roof types may be constructed upon major corridors.

TRANSPARENCY

Transparency, or the percentage of clear views into and out of a building, is important for both neighborhood aesthetics and safety. Crime Prevention Through Environmental Design (CPTED) emphasizes the importance of transparency through windows that increase active and passive surveillance of the street and neighboring homes. The more exposed a person feels to surveillance, the less likely they are to commit a crime. CPTED further proposes shifts in typical privacy behaviors, and suggests that residents refrain from keeping blinds and curtains constantly closed.

To promote both the aesthetic and safety qualities of windows, all new single family homes must have at least 30% transparency between 3' and 8' above finish floor on both the ground and 2nd level facade.

ORIENTATION & ENTRANCES

All new single family homes must be oriented to the street and have a primary entrance upon the front facade. The front door can also be located on the side of a home, as long as it is within 15' of the front facade and accessible by a side porch (see Side Yard Frontage, Narrow Lot design standards). All front entrances must have a porch with a minimum area of 40 square feet with a minimum dimension of 5 feet in length or depth.

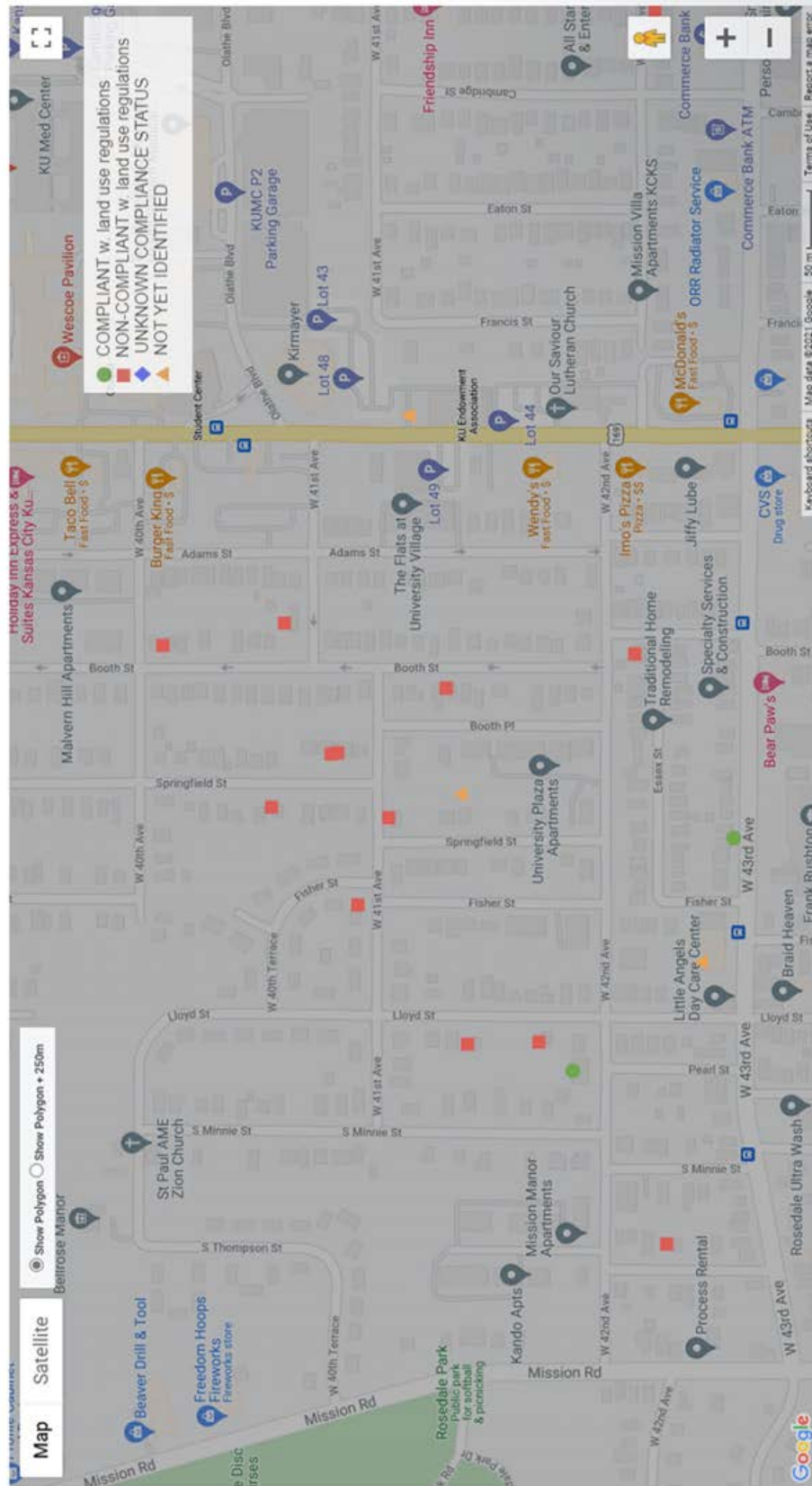
GARAGES, DRIVEWAYS & SITE

In all instances, garage location must conform to UG code standards for narrow lots. Garage doors may not dominate facades, and must be less than 30% of the house's facade width. Garages must be set back at least 15' from the front facade. In Rosedale, driveways one lane wide are most typical and desirable. No additional front yard parking may occur outside of a driveway. Even if a lot's size does not designate it as "Narrow", any new home design should strive to meet narrow lot site design guidelines.

THE LOWER LEVEL GARAGE

Thirteen percent of Rosedale's housing stock overcomes steep topographical changes in grade between sidewalk and a home's ground floor by building homes into hills. Homes that do this typically have garages at sidewalk, or just below sidewalk level. Access to these garages requires typography cuts and retaining walls. Stair cases then connect higher elevation front entrances and porches to the sidewalk. This is the only condition in which a garage door flush with a house's front facade is desirable or acceptable. Examples and guidelines can be found in the "Parking with Topographical Difficulty" section of the Narrow Lot Guidelines.

SHORT TERM RENTAL COMPLIANCE MAP



PROPERTY INSPECTION REPORT HIGHLIGHTS

Interior - Stairs

STAIR RAILS

SVC s-79: Loose railings are noted at the basement stairway, which is an essential safety feature that should be serviced.

Bathroom(s) - 1st Floor Bathroom

SINK FAUCET VALVES & CONNECTORS TRAP & DRAIN

SVC s-150: The mechanical sink stopper is incomplete and should be serviced.

SHUT-OFF VALVE AND WATER CONNECTORS

49: The shut-off valve and water connectors on the water heater appear to be functional. The water shut-off valve is visually inspected but we do not physically exercise this component.

PRESSURE RELEASE VALVE AND DISCHARGE PIPE

50: The water heater is equipped with a mandated pressure-temperature relief valve, which we do not operate.

ELECTRICAL

76: The interior outlets that were tested are functional.

SMOKE DETECTORS

77: The smoke detectors are present and functional. The accessible detectors are tested by the push button only and should be tested on a monthly basis. This method only verifies battery and horn function, but does not test the sensor in the unit. After occupancy, and regularly thereafter, we advise testing with real or simulated smoke. Smoke detector should be replaced every ten years. We would also recommend both photoelectric and ionizing type smoke detectors be installed.

CARBON MONOXIDE DETECTORS

78: Carbon Monoxide detectors were present and appear to be functional. The detectors were tested by the test button only and should be tested on a monthly basis. Detectors that are removable were not inspected.

DOORS

MON 73: The doors need typical adjustments and repairs to function properly. We do not attempt to list every defect or location of these concerns. We would suggest a qualified contractor evaluate and repair as desired.

PROPERTY INSPECTION REPORT HIGHLIGHTS

SCREENS

21: A few of the window and/or door screens are missing or damaged. Screens are often removed for aesthetic reasons, but you may wish to have them installed or repaired as desired.

ELECTRICAL

66: The electrical components that are visible within the basement appear to be in acceptable condition.

SERVICE ENTRANCE

91: The service entrance, weatherhead, and mast have no visible deficiencies. It will be important to keep tree limbs and other items away from these lines.

WIRING

97: The wiring in the main electrical panel has no visible deficiencies.

CIRCUIT BREAKERS

98: There are no visible deficiencies with the circuit breakers in the main electrical panel.

GROUNDING

99: The main electrical panel is double-grounded to a driven rod and to a water pipe.

INTERIOR COVER PANEL

100: The interior cover for the main electrical panel appears to be in acceptable condition.

GAS PIPES

142: The visible portions of the gas pipes appear to be in acceptable condition.
of leakage. Areas that are concealed were not inspected.

GAS VALVE AND CONNECTOR

33: The gas valve and connector appear to be in acceptable condition.

OUTLETS

155: The bathroom outlets are functional and include ground-fault protection.

OUTLETS

108: The outlets in the kitchen that were tested are functional and include ground-fault protection.

LIABILITY INSURANCE POLICY



Policy Summary

Landlord Dwelling Policy

Named Insured and Mailing Address

MATTHEW ALTRICH
MICHELLE ALTRICH
21500 W 99TH ST
LENEXA, KS 66220-2677

Your Agency's Name and Address

CAPITOL AGENCY
9500 NALL AVE
OVERLAND PARK, KS 66207

Residence Premises

4108 ADAMS ST
KANSAS CITY, KS 66103-3107

Mortgagee Name and Address

1. US BANK N.A.
ISAOA C/O US BANK HOME MORTGAG
PO BOX 961045
FORT WORTH, TX 76161
LOAN NUMBER: 2200999761

Additional Insured Name and Address

1. JOCO CAPITAL ONE LLC
21500 W 99TH ST
LENEXA, KS 66220

Policy Information

Your Policy Number	605607282 653 1	For Policy Service	1.913.652.2231
Your Account Number	605607282	For Claim Service	1.800.252.4633
Your Insurer:	TRAVELERS PERSONAL INSURANCE COMPANY a subsidiary or affiliate of The Travelers Indemnity Company One Tower Square, Hartford, CT 06183		

The policy period is from December 2, 2020 at 12:01 A.M. STANDARD TIME to December 2, 2021 at 12:01 A.M. STANDARD TIME at the residence premises.

Total Premium for this Policy:	\$1,079.00
This is not a bill. The mortgagee will be billed separately for this policy.	

Discounts

The following discounts reduced your premium:

Multi-Policy	Loss Free	Good Payer
Fire Protective Device		

Savings Reflected in Your Total Premium:	\$389.00
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Coverages and Limits of Liability

Property Coverage Section	Limit
Coverage A – Dwelling	\$341,000
Coverage B – Other Structures	\$34,100
Coverage C – Household Furnishings	\$5,149
Coverage D – Loss of Use	\$34,100

LIABILITY INSURANCE POLICY



Liability Coverage Section

Coverage E – Premises Liability (each occurrence)	Limit \$500,000
Coverage F – Medical Payments to Others (each person)	\$5,000

Deductibles

Peril Deductible

Property Coverage Deductible (All Other Perils)	Deductible \$1,000
Windstorm or Hail Deductible	\$2,500

In case of loss under the Property Coverage Section, only that part of the loss over the applicable deductible will be paid (up to the coverage limit that applies).

Additional Coverages

The limit shown for each of the Additional Coverages is the total limit for each loss in that category.

Property – Additional Coverages

Debris Removal (Additional % of damaged covered property limit)	Limit 5%
Trees, Shrubs and Other Plants (5% of Coverage A - Dwelling Limit)	Per Tree \$500 Per Loss \$17,050
Fire Department Service Charge	\$500
Loss Assessment	\$1,000
Ordinance or Law (10% of Coverage A - Dwelling Limit)	\$34,100
Limited Fungi or Other Microbes Remediation	\$5,000

The applicable policy deductible applies unless otherwise noted.

Liability – Additional Coverages

Loss Assessment	Limit \$1,000
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Please review your policy for other Personal Property Special Limits of Liability and Additional Coverages that may apply.

Optional Coverages

Optional Coverages	Endorsement	Limit	Premium
Special Coverage	HQ-003 CW (05-18)		Included*
Windstorm or Hail Deductible	HQ-313 CW (05-17)		Included*
Additional Replacement Cost Protection Coverage 25% of Coverage A - Dwelling Limit	HQ-420 CW (11-18)	\$85,250	Included*
Household Furnishings Replacement Cost Loss Settlement Landlord	HQ-859 CW (11-18)		Included*

***Note:** The additional cost or premium reduction for any optional coverage or package shown as "Included" is contained in the Total Policy Premium Amount.

LIABILITY INSURANCE POLICY



Named Insured MATTHEW ALTRICH
MICHELLE ALTRICH

Policy Number 605607282 653 1

Policy Period December 2, 2020 to December 2, 2021

Issued On Date March 29, 2021

Required Forms and Endorsements Included in Your Policy:

Form: 653

Policy Quick Reference	HQ-T88 CW (05-17)
Agreement, Definitions & Policy Conditions	HQ-D88 CW (05-17)
Property Coverage Section	HQ-P53 CW (11-18)
Liability Coverage Section	HQ-L88 CW (05-17)
Signature Page	HQ-S99 CW (05-17)
Special Provisions - Kansas	HQ-300 KS (08-19)
Additional Benefits	HQ-860 CW (08-18)

The Declarations along with the Optional Coverages, Optional Packages and Required Forms and Endorsements listed above form your Landlord Dwelling Insurance Policy.
Please keep these documents for reference.

Information About Your Property

There are many factors that determine the premium on your policy, some of which are displayed below. If you would like a policy review, please contact your agent or Travelers Representative.

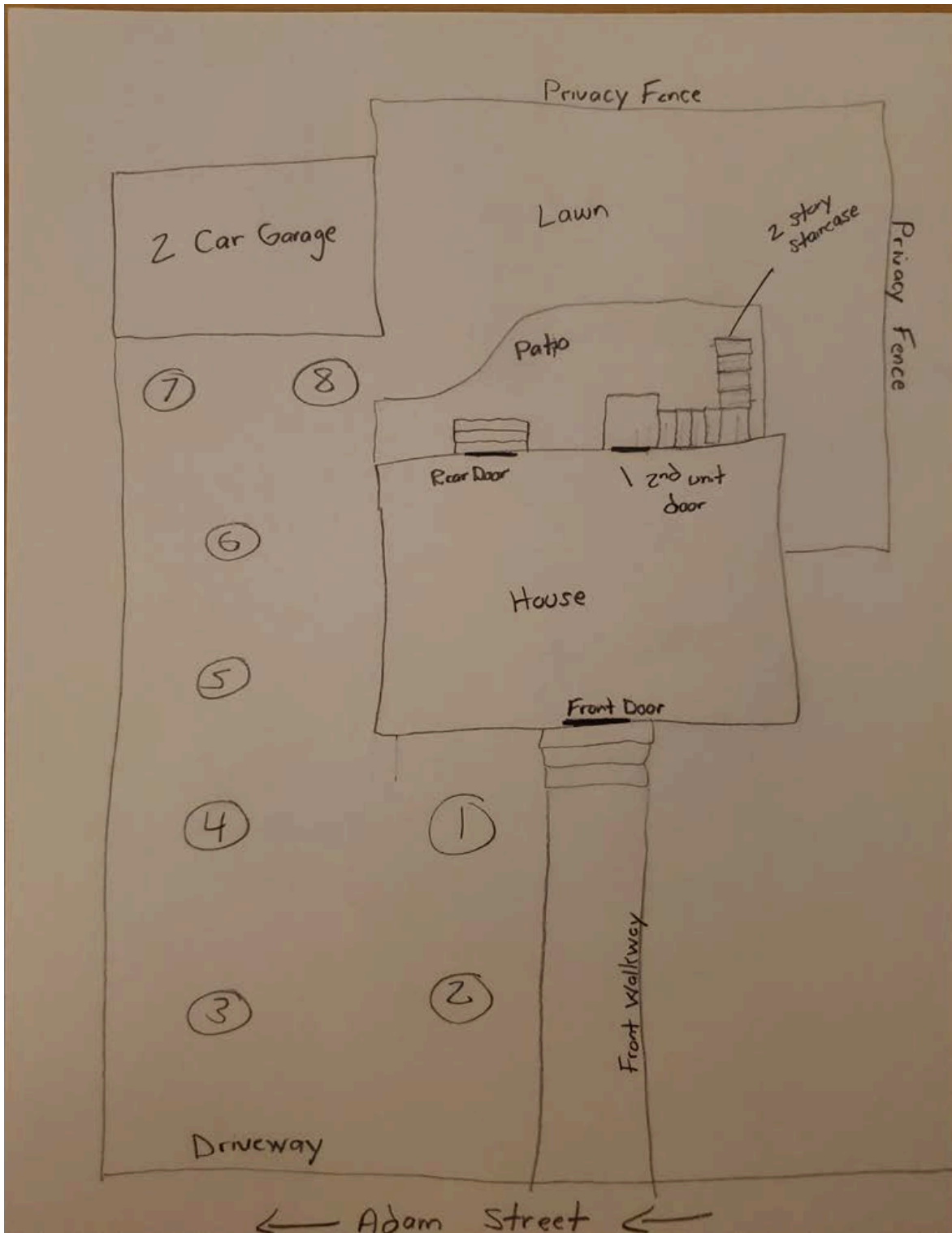
# of Families: 1 Family	Year Built: 1926	Construction Type: Frame
# of Stories: 1.5	Square Footage: 1741	Siding Type: Brick/Masonry Veneer
# of Bathrooms: 2	Age of Roof: 11	Roof Material Type: Asphalt-Fiberglass
Garage - Number of Cars: 2	Garage Type: Detached	Foundation Type: Basement
# of Employees:		Finished Basement: 00

Online Policy Summary as of March 29, 2021

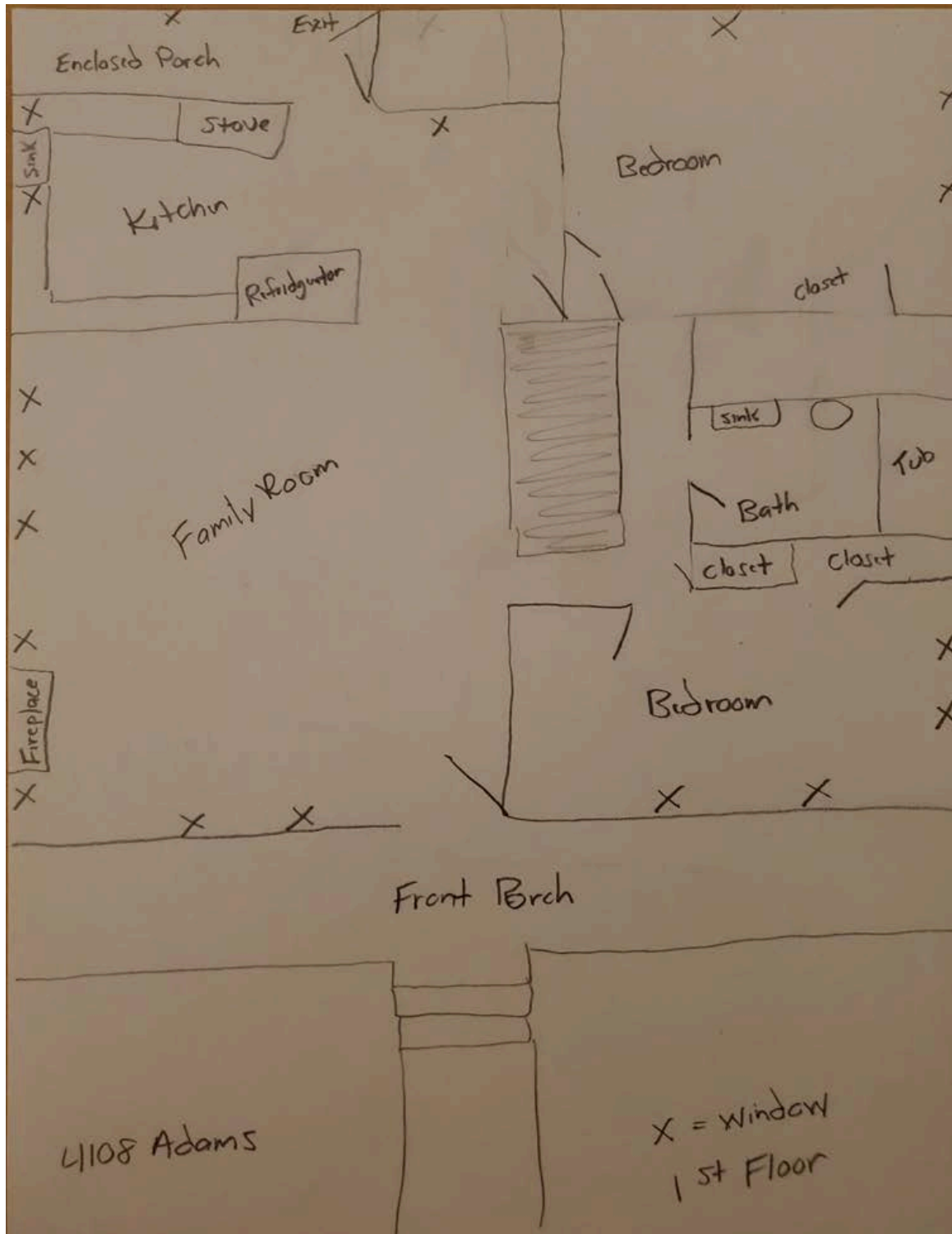
PL-50355 KS (05-17)
422/0CDY55

Page D-3

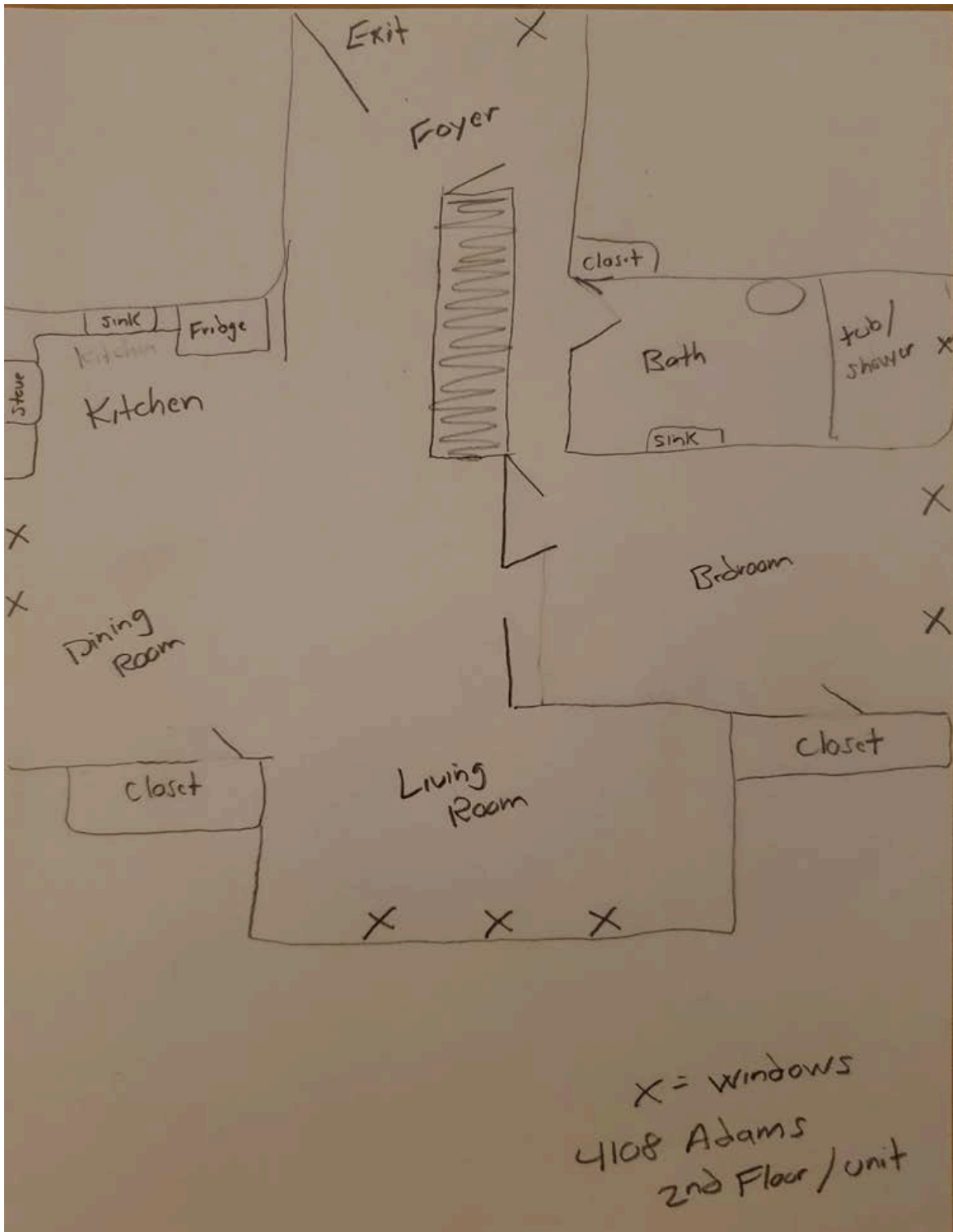
SITE PLAN



INTERIOR FLOOR PLAN



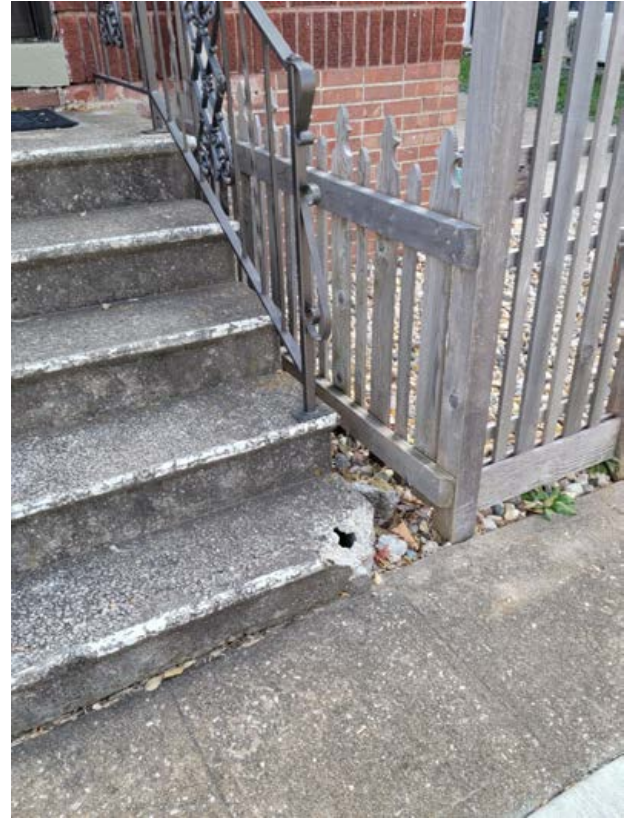
INTERIOR FLOOR PLAN



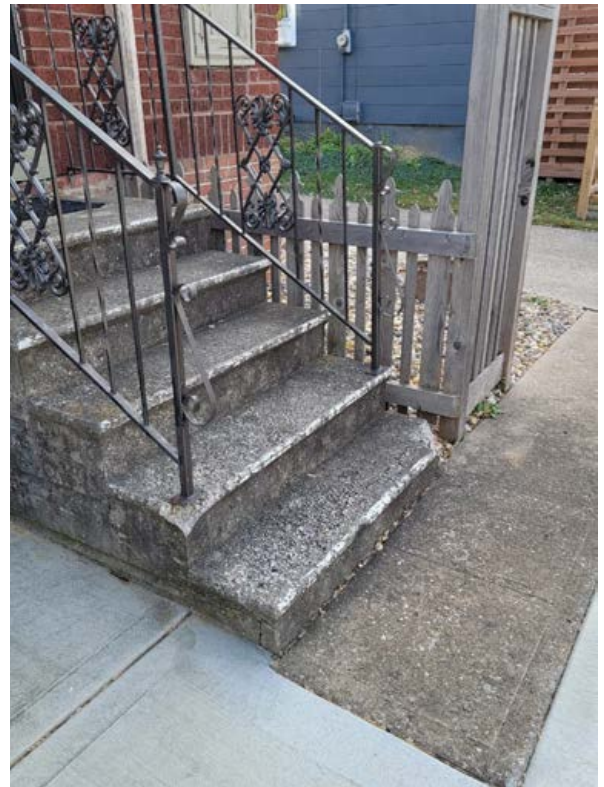
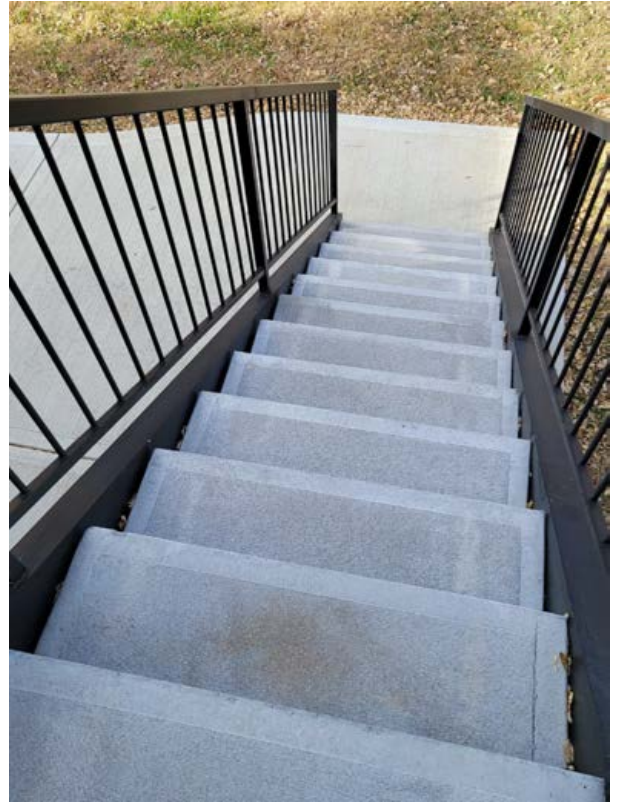
STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021





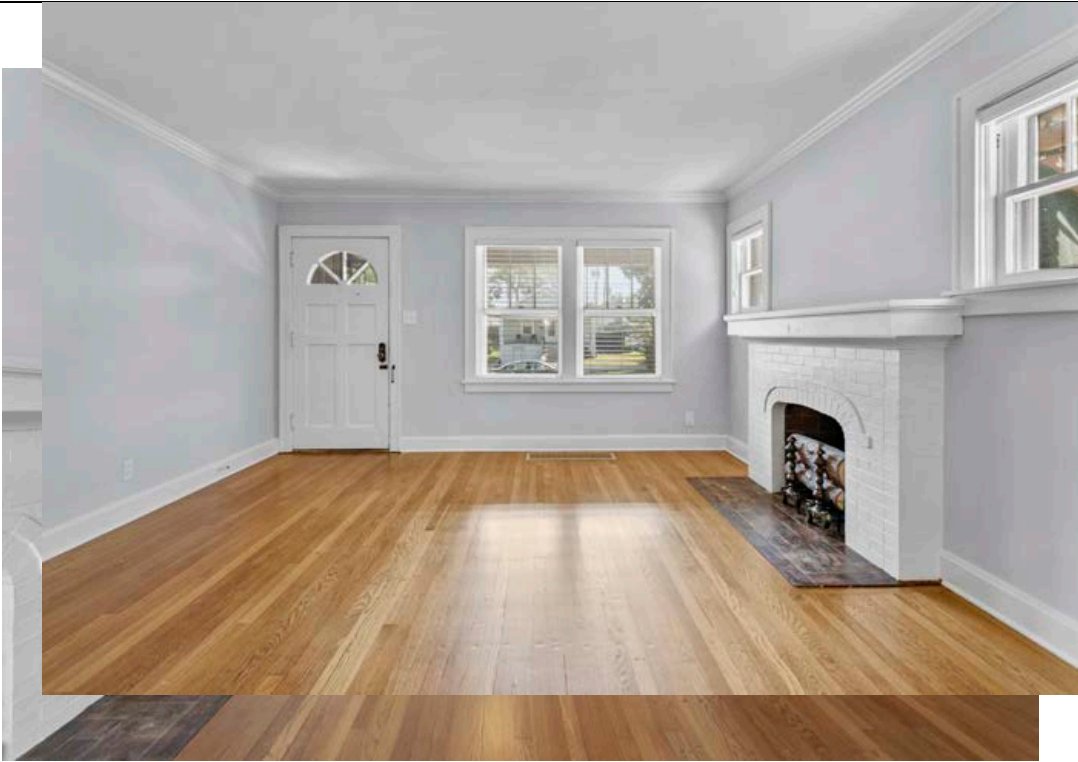
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



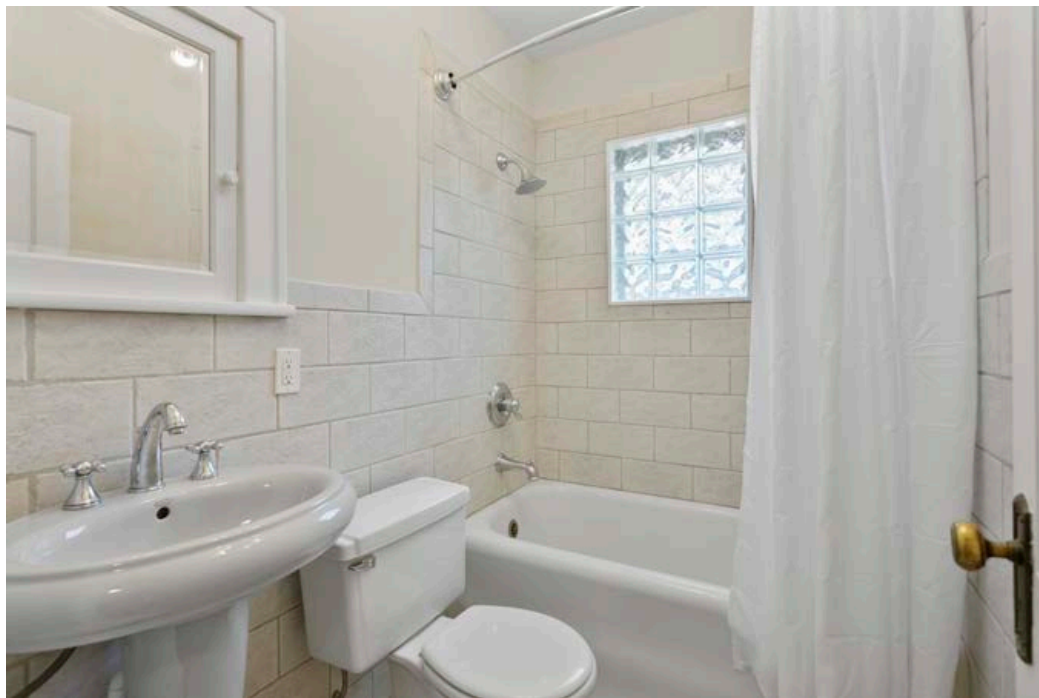
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



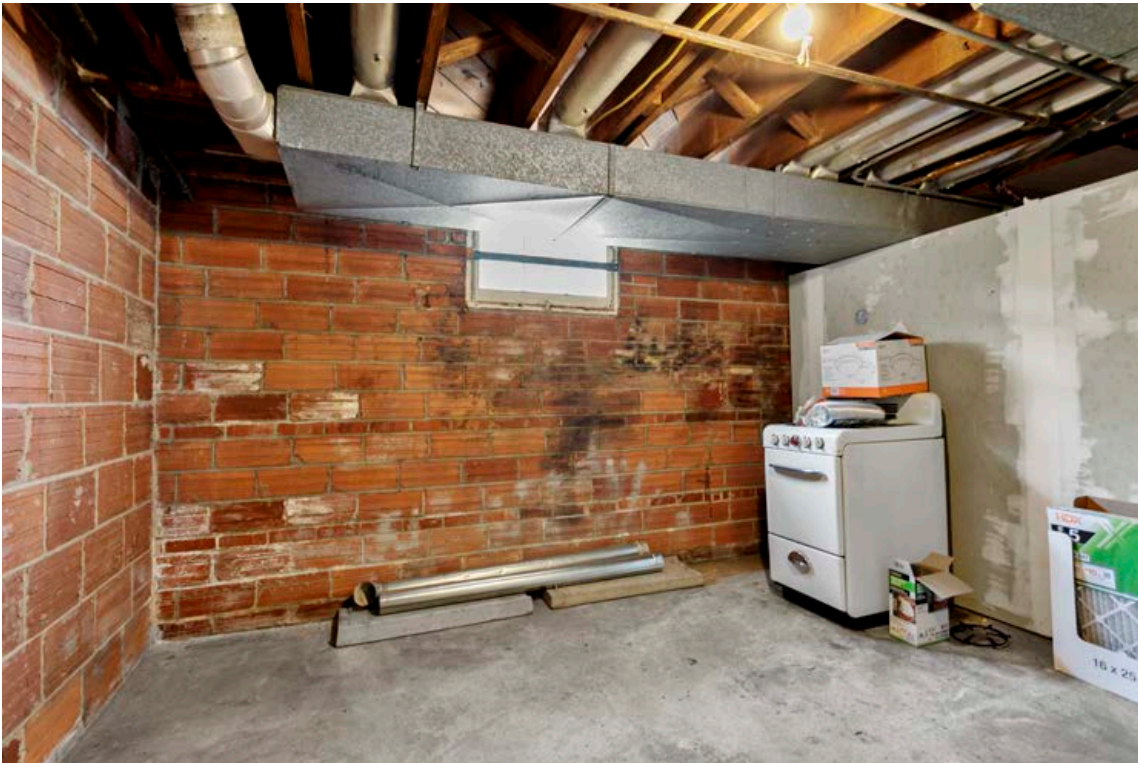
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



NEIGHBORHOOD CORRESPONDENCE

November 16, 2021

Matt Altrich
21500 W 99 Street
Lenexa, KS 66220

Subject: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # COZ2021-46 & SP2021-076. The purpose of this includes a change of zoning and special use permit at 4108 Adams Street, Kansas City, KS 66103.

I am having a neighborhood meeting on Monday, November 29th at 6PM via zoom (details listed below).

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Matthew Altrich
21500 W 99 Street
Lenexa, KS 66220
913.522.4938

Topic: 4108 Adams Zoning/SUP Meeting
Time: Nov 29, 2021 06:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://us04web.zoom.us/j/75625722770?pwd=SitNVGhuWmUyT0hzSzl2Q0ZqR3hvdz09>

Meeting ID: 756 2572 2770
Passcode: 49K0u5

NEIGHBORHOOD CORRESPONDENCE

From: Devon Toran
To: McLaughlin, Kallie
Cc: PlanningInfo
Subject: Re: Neighbor Opposition to Rezoning for 4108 Adams
Date: Wednesday, December 1, 2021 9:16:00 AM
Attachments: Image002.png

This all makes sense.

I think we are ready to support Matt continuing with his application. We are also ready to consider shorter term rentals than 30 days, but want to slow the transition to that. We support 30 day rentals, and potentially moving to the shorter term rentals after a period of making sure it works. We'd rather it be him than someone else who doesn't take care of their property or maintain the neighborhood values and norms.

He sent me some more information after our last meeting that made us feel more confident that he wants to do right by the neighborhood for the long term.

I'm thinking of the two tenets from Strongtowns:

1. No neighborhood can be exempt from change.
2. No neighborhood should experience sudden, radical change.

Moving straight to short term rentals of less than 30 days seems to violate the second tenet, but we also know it may be inevitable. I believe that there will be a solution to meet both needs.

It is also true that long-term residents generally oppose short term rentals. Much of this is because of the negligent history of landlords in our neighborhood. At the same time, fighting market forces is almost always a losing battle. I think I speak for both my family and our larger neighborhood when I write that we want to make it clear that we fear what short term rentals will bring. We do not want our community to continue it's trend towards transient residents who do not invest in the community (Investment as more than money, but thinking as Time, Talent, Treasure).

We need the city to do a better job enforcing code violations and holding both landlords and residents accountable. We also need the city to be prepared to do a more effective job of ensuring that development benefits the residents of our community, not just property owners.

I am encouraged by your work specifically: your thoughtfulness and your deep understanding of the complexity.

I am prepared to speak at the hearing that we support Matt's application if the commission is also ready to commit to proactive zoning solutions, accountability and enforcement.

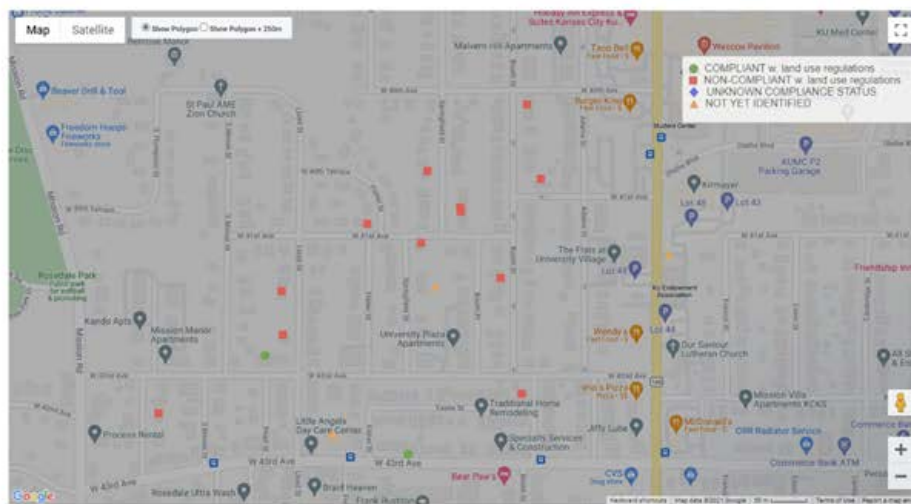
On Tue, Nov 30, 2021 at 4:33 PM McLaughlin, Kallie <kdmclaughlin@wycokck.org> wrote:

Devon,

That is very much a concern – others may try more diligently now to circumvent the system if they see how much opposition is being generated, as the economic incentive to run an STR isn't alleviating anytime soon – so I would say your wife is correct, that the idea to where it is “better to see if we get caught and ask forgiveness than to ask permission because we have made the process too difficult” is what we are already seeing, which is why I mentioned to hit the lower hanging fruit of those who are knowingly non-compliant STRs and who don't intend in becoming compliant – versus those who are going through all the extra hoops were are requiring to maintain a compliant status.

Take a look at the map below to see how many are and aren't compliant in your neighborhood. It may not be 100% accurate, but this is a very close monitor on how many are “actually” in compliance versus how many aren't. As I mentioned, I have a background in construction and as an analogy, licensed contractors are usually outpriced by “handymen” who often times perform half-way work, making it difficult for the licensed professionals to be competitive, but in the end it presents two issues – a cheapened product that is perhaps unsafe, and a lack of participation in the democratic process that benefits the community (permitting/taxation/funding)....And this is a parallel example – It is perhaps more beneficial for the community members to work together with the licensed owners/operators to target those who are operating unsafe or unlicensed (thus not participating in the democratic/neighbor process). Those persons who are not legally operating a short term rental not only hurt the community but those who are operating in a safe, community focused, and professional mannerism... so there may be more benefit in working together with cooperating proper owners/operators rather than blocking everybody, including those who are willing to do the work.

NEIGHBORHOOD CORRESPONDENCE



Thanks,

Kallie McLaughlin 913.873.5762
Planner kdmclaughlin@wycokeck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

From: Devon Teran <devoteran@gmail.com>
Sent: Tuesday, November 30, 2021 4:17 PM
To: McLaughlin, Kallie <kdmclaughlin@wycokeck.org>
Cc: PlanningInfo <PlanningInfo@wycokeck.org>
Subject: Re: Neighbor Opposition to Rezoning for 4108 Adams

Thanks Kallie. I am encouraged both by your comments yesterday as well as the meeting that Matt facilitated last night.

I know you're doing your best to do right by the community. I'm not blanket opposed to development and think that largely this is the right direction. I wanted to make sure comments were registered as part of the public record on making sure that we use the master plan as our guiding document.

Again, I really, really appreciate your approach to this. I am encouraged by your leadership in this role.

Erica, my wife, is wanting to know whether it is better to allow this one to go through fully to ensure that other less responsible short term rentals are not approved. Is there anything to make sure we consider that way? Her concern is that if Matt's application is denied, that other absent landlords might be able to run airbnbs without taking care of the property.

Thanks!

On Tue, Nov 30, 2021 at 2:58 PM McLaughlin, Kallie <kdmclaughlin@wycokeck.org> wrote:

Hi Devon,

Thanks for your email.

I have noted your opposition emails as well as those of your neighboring associates and will indicate those on the plan.

NEIGHBORHOOD CORRESPONDENCE

Additionally, I appreciate your feedback on the change of zone application. As discussed, we have really thought through this as a department, which is why the "planned" indication of R"P"-2 rather than simply R-2 is added in, as an additional safeguard to make the rezoning a thoughtful process as possible and to keep in mind the future use and development of this property. Keep in mind that there are additional stipulations that Mr. Aldridge will have to comply with – as well as any future owners of the said property – that will prevent from decreasing the character of the neighborhood or without changing the spirit of the zoning ordinance or land use's intent. Additionally, there is no legal way to support the upstairs usage of that unit without the change of zone – so without the change of zone, you would be working against your desire to add more affordable housing units, rather than add to it.

I want to ensure you that this process exists with thoughtful consideration, and that your concerns were heard and noted both in this email and our extensive conversation yesterday. This is a case where it is the exception rather than the rule and we are drawing the line between balancing the existing structure's condition, past use, future use, and with the applicant's hardship should it be denied.

Lastly, I did address the landscaping with the applicant, and he is agreeable to add additional landscaping in the spring to replace the trees. He was advised by a third party to have them removed (if I recall, his insurance agent indicated they were a potential property damage hazard) which is why he removed them, but he isn't sure that any new ones will survive winter. He hopes to be addressing as many as your concerns as possible.

Thank you,

Kallie McLaughlin
Planner
913.873.5762
kdmclaughlin@wycockck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

From: Devon Teran <devonteran@gmail.com>
Sent: Tuesday, November 30, 2021 2:44 PM
To: PlanningInfo <Planninginfo@wycockck.org>; McLaughlin, Kallie <kdmclaughlin@wycockck.org>
Subject: Neighbor Opposition to Rezoning for 4108 Adams

Hello,

I live at 4112 Adams St, Kansas City, KS 66103 with my wife, and two daughters, aged seven and three.

I am writing to express my specific concerns about the rezoning and special use of 4108 Adams.

While I support allowing 4108 Adams to be rented as two separate units, I am concerned about the process for rezoning and the precedent it sets for our neighborhood. I support that the apartment on the top floor should be available to rent separately from the downstairs unit, but I do not support rezoning in any way that would create a precedent for widespread rezoning that is not in the spirit of the Rosedale Master Plan. Mr. Aldrich agreed to read the Rosedale Master plan and ensure that his property met the spirit of the plan. It is also important that planning and development ensure that the plan is enforced and that we do not take shortcuts that undermine the long term viability of the master plan.

I also strongly oppose the special usage of short term rentals less than 30 days. I understand the need for short term housing opportunities within our community that are less than one year, or even 9 months. It is not in the interest of our community to allow short term rentals of less than 30 days. I am confident that this is an appropriate compromise to maximize availability, flexibility and stability in a way that meets the needs of both the landlord and the community.

It is our primary interest to ensure that the block is a safe place for us to raise our children, and accessible for other families to raise theirs. For that reason, it is important that we have stability within our neighborhood and have enough time to know and form community with any neighbors that move in next to us. It is also important that we ensure that housing is available to families by releasing some of the pressure on the housing market with special uses like this upstairs apartment. It is also important to ensure that families with children have opportunity to access and potentially rent the property.

Finally, it is important to us that Mr. Aldrich ensure that the property is maintained in excellent condition, as he has done his best so far to do. Ensuring that the maintenance of the home as well as the landscaping remain in the spirit of the neighborhood's design and intent is important to us.

Case Numbers:
SP 2021-076
MPL 2021-027
COZ 2021-046

Devon Teran

NEIGHBORHOOD CORRESPONDENCE

From: [Matt Altrich](#)
To: [McLaughlin, Kallie](#)
Subject: Fwd: 4108 Adams Street
Date: Wednesday, December 1, 2021 7:54:54 AM

See below.

----- Forwarded message -----

From: Erica Teran <ericagrace@gmail.com>
Date: Wed, Dec 1, 2021 at 7:46 AM
Subject: Re: 4108 Adams Street
To: Matt Altrich <matt.altrich@gmail.com>

Hey Matt, I think you should still pursue the SUP. It took me a bit to come around to it but I like your intentions with it and don't anticipate it being a problem.
Thanks,
Erica

On Thu, Nov 18, 2021 at 6:31 AM Erica Teran <ericagrace@gmail.com> wrote:

Thank you for the update.
Erica

On Wed, Nov 17, 2021 at 9:13 PM Matt Altrich <matt.altrich@gmail.com> wrote:
Devon and Erica,

I wanted to reach out to let you know that I have filed to correct the zoning for 4108 Adams since the home has two units. Furthermore, I have applied for a special use permit (SUP) to lease the second unit for short-term stays with a maximum occupancy of 2 (1 vehicle). I will continue to lease the second unit to traveling healthcare workers (typically single individuals on 90 day contracts) but wanted the option to lease the unit shorter term if someone was coming to town for a conference, meeting, etc. I do not want shorter stays so there is stability for my tenants on the first floor. The lower unit will remain on yearly leases.

I have mailed letters to local residents informing them of the proposed correction to zoning. I will be hosting a zoom meeting to answer any questions / concerns (details in your letter). You should be receiving this in the next few days.

Please do not hesitate to contact me if you have any questions or concerns.

Kind Regards,
Matt Altrich
913.522.4938
[21500 W 99 Street](#)
[Lenexa, KS 66220](#)

NEIGHBORHOOD CORRESPONDENCE

Matt Altrich

21500 W 99 Street

Lenexa, KS 66220

913-522-4938

Application Number: COZ2021-46 & SP2021-076

Date & Location: November 29, 2021 / 6PM via ZOOM (Meeting ID 756 2572 2770)

Meeting Called to Order at: 6:00PM

Names of People in Attendance:

Erin Stryka

Erica Teran

Devon Teran

Gil Pintar

Billy Brame

Introduction of Matt Altrich (applicant) and those in attendance.

Applicant reviewed the history, ownership, and condition of the property and how the property is currently zoned incorrectly for a multi-dwelling home. Applicant spoke to how rezoning was the right course of action and would contribute to the master plan by adding diverse and affordable housing options. The impact on the neighborhood would be negligible as the unit would only utilize one off-street parking spot. Applicant explained how he was applying for a STR license for flexibility in leasing the home between long-term leases. Applicant stated STR was not the business model and would only expect to use the STR license once or twice a year as the home is not advertised on AirBNB. Applicant emphasized the rezoning of this property was the correct course of action and would benefit Rosedale, Kansas City, and the master plan as we face a quality and affordable housing crisis.

Gil Pintar: How many properties do you own?

Matt Altrich: I own a handful in Kansas City and Johnson County.

Gil Pintar: Are you a nursing professional and a smattering of real estate?

Matt Altrich: I have a Masters Degree in Nursing and an MBA but no longer practice nursing. I am full-time real estate and own a tree business. I'm meticulous with my properties and manage them myself.

NEIGHBORHOOD CORRESPONDENCE

Gil Pintar: Did any of the planning staff dissuade you or tell you it's not supportable for the master plan and suggest you talk to RDA based on 6 months of planning?

Matt Altrich: No one dissuaded me.

Devon Teran: How long is short term permit effective?

Matt Altrich: A yearly business license. It is not my intent to lease this short-term as I am seeking 90 day contracts for health care professionals. It would be nice to have the option and flexibility to lease it short-term if I have gaps in my lease or a physician or professor was coming to town for a conference.

Erin Stryka: Are you open to dropping the short-term aspect?

Matt Altrich: Yes.

Billy Brame: If it doesn't rezone, will you sell?

Matt Altrich: No, I keep my homes forever and will pass it to my children.

Meeting Adjourned at: 7:09PM

Minutes Taken By: Matt Altrich

NEIGHBORHOOD CORRESPONDENCE

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Matthew W. Altrich, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-46/SP2021-076
2. That I conducted a neighborhood meeting on Nov 29, 2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Matthew Altrich
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of November, 200^{TLV}₂₀₂₁
My commission expires 09 of November, 200^{TLV}₂₀₂₅.

THOMAS L. VANSEL
Notary Public-State of Kansas
My Appt. Expires 1/09-25

Thomas L. Vansell
Notary Public

NEIGHBORHOOD CORRESPONDENCE

Billy and Melissa Brame
3925 Fisher St.
Kansas City, KS 66103
913-206-3527

To Whom It May Concern:

I was made aware of the potential changes in front of the Urban Planning and Land Use #COZ2021-46 and SP2021-076 for the property on 4106 Adams St.

As a homeowner and neighbor I am opposed to this change. I do not want to have commercial property alongside residential as it changes the characteristic of the neighborhood.

I especially oppose changing to commercial property to go around the short term rental process, as I understand the intended use of this business is to run an AirBnb. I think it should stay zoned residential and only if the process is followed and approved should it be allowed to do short term rentals.

This is what I think is best for my family and the whole neighborhood.

Sincerely,
Billy Brame

From: [Janelle Hager](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 9:01:49 AM

Hello, I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046. These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

--

Janelle E. Hager

816.595.2027 Phone

Financial Aid Advisor

816.576.3231 Fax

Concorde Career College

JHager@concorde.edu

Kansas City

NEIGHBORHOOD CORRESPONDENCE

McLaughlin, Kallie

From: LISA Hayes <outlook_40246319E9612C50@outlook.com>
Sent: Monday, November 29, 2021 2:22 PM
To: PlanningInfo
Subject: Rezoning for 4108 Adams St.

I am Lisa Hayes, I own 4131 Adams St. I oppose the rezoning of 4108 Adams St. to an Airbnb. I have owned my home for almost 28 years. This area is not set up for Airbnb's. One home owner tried several years back to convert his home to an Airbnb. To my knowledge it was not legal. We had terrible problems with people showing up all hours of the night, loud parties and major problems with parking on the street. These people come in and trash the neighborhood because they could and didn't care about our area. I personally have work very hard to improve this neighborhood.

I have worked with KCK police and the Board of Commissioners on several occasions to shutdown problems homes and stop the drug dealing on the streets.

We have a very nice quiet neighborhood now do to all the home owners sticking together and talking about our properties. Please don't allow one person to ruin it for the whole neighborhood.

Case Numbers:
SP 2021-076
MPL 2021-027
COZ2021-046

Sent from [Mail](#) for Windows

McLaughlin, Kallie

From: Mark Corbett <mcor88@gmail.com>
Sent: Monday, November 29, 2021 10:00 PM
To: PlanningInfo
Subject: Rezoning of property at 4108 Adams from Residential to General Urban

We are homeowners at 4143 Adams..and are very much opposed to this proposal.

We want a neighborhood based on home ownership, knowing our neighbors, and a sense of community.

This would open the door to a whole different reality.

Thanks for your consideration...

Mark and Susan Corbett

From: [Rose Shriver](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 4:07:44 PM

Hello, I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046. These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

Thank you,
Rose shriver
Sent from my iPhone

NEIGHBORHOOD CORRESPONDENCE

From: [Craig Skinner](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 9:52:58 PM

Hello,

I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046.

These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

Sent from my iPhone

From: [Nathan Dismang](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Tuesday, November 30, 2021 7:39:34 AM

Hello,

We are writing to express our opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046.

These changes will not add value to our community and will make housing less affordable for long-term residents in our community. We do not want more short-term rentals of less than 30 days in our neighborhood. Thank you for your consideration.

Sincerely,
Nathan and Christina Dismang
4103 Adams St. Kansas City, KS 66103

Sent from my iPhone

GOALS

The goals support the vision statement and describe the desired future of Rosedale in greater detail. The goals are used to evaluate the plan recommendations and should guide the decision making process for the future of Rosedale.

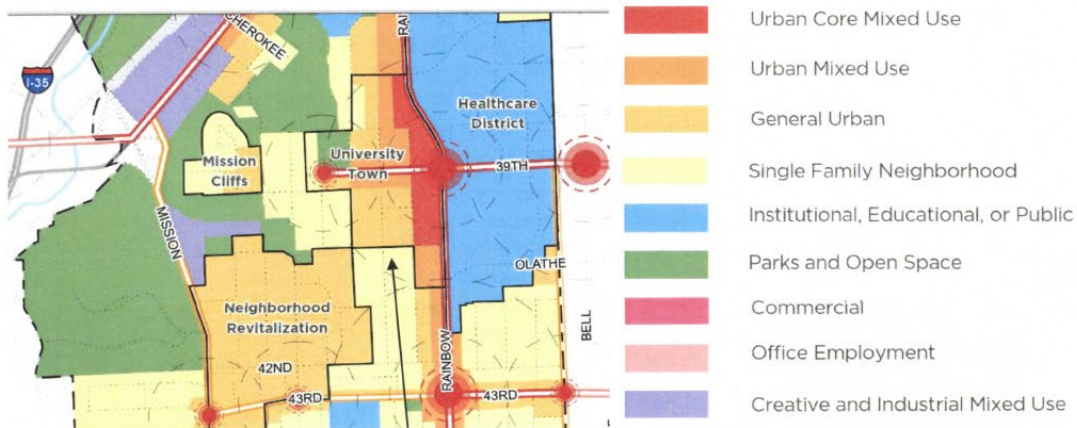
HOUSING & NEIGHBORHOODS

Protect historic and single-family neighborhoods with strong home-ownership while increasing housing options and density with quality, well-designed apartments and town houses on major streets and redevelopment districts. Maintain affordability, inclusion, diversity, and neighborhood stability. Provide housing opportunities for all incomes and include housing in Rosedale for seniors, students, area employees, and families.

FRAMEWORK PLAN

Future Land Use Plan

The land use plan ensures that every project contributes to advancing the community's vision and goals for the Rosedale area. The land use plan includes future land use districts, centers, corridors, and special districts. The intent of the future land use district is to provide an overarching framework to inform development decisions and allow Rosedale to grow in a planned, sensible manner.

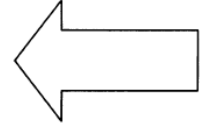


4108 ADAMS

2. MARKET CONTEXT AND EXISTING CONDITION LOCATION

Key Findings

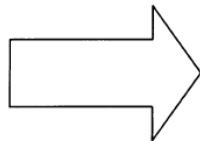
- The main constraint to capitalizing on any increased demand in Rosedale is land availability. Growing the housing stock, commercial and retail opportunities, and employment opportunities will require a focus on infill development of any remaining vacant land, and redevelopment of underdeveloped or obsolete properties. The arterial roads in Rosedale are the most likely locations for redevelopment, which protects and preserves the single family neighborhoods. Recent projects, particularly the 39Rainbow project, indicate that if appropriate land can be assembled, development can succeed.



Summary of Findings

5. *Rosedale is an established urban neighborhood that is largely built out. Capturing housing (population) and business growth opportunities depends on the availability of sites for redevelopment.*

There are few vacant sites in Rosedale other than small infill housing lots. In order to add population and economic activity, low density sites and obsolete buildings will need to be redeveloped into higher density projects; the increase in density is needed to cover land acquisition and other redevelopment costs. The arterial roadway corridors are likely the most appropriate locations for adding density, as is the 39th and Rainbow area which is closest to the two main economic engines. Focusing on the arterial roadway corridors preserves the single family neighborhoods to the rear while enhancing the visual and economic appeal of these corridors.



Increasing the population density in Rosedale will help to support additional retail and service businesses. These businesses will also be an amenity to hospital and medical school workers, and increase the overall appeal of Rosedale to small businesses and additional population in a self-reinforcing cycle. Higher densities will also generate more local tax revenue that can be used to pay for services and infrastructure.

INCREASE DIVERSE HOUSING OPTIONS

CHAMPIONS: Private Developers, RDA, UG, Neighborhood Associations

PRIORITY



Lower

Higher

COST

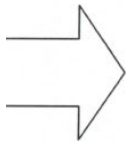
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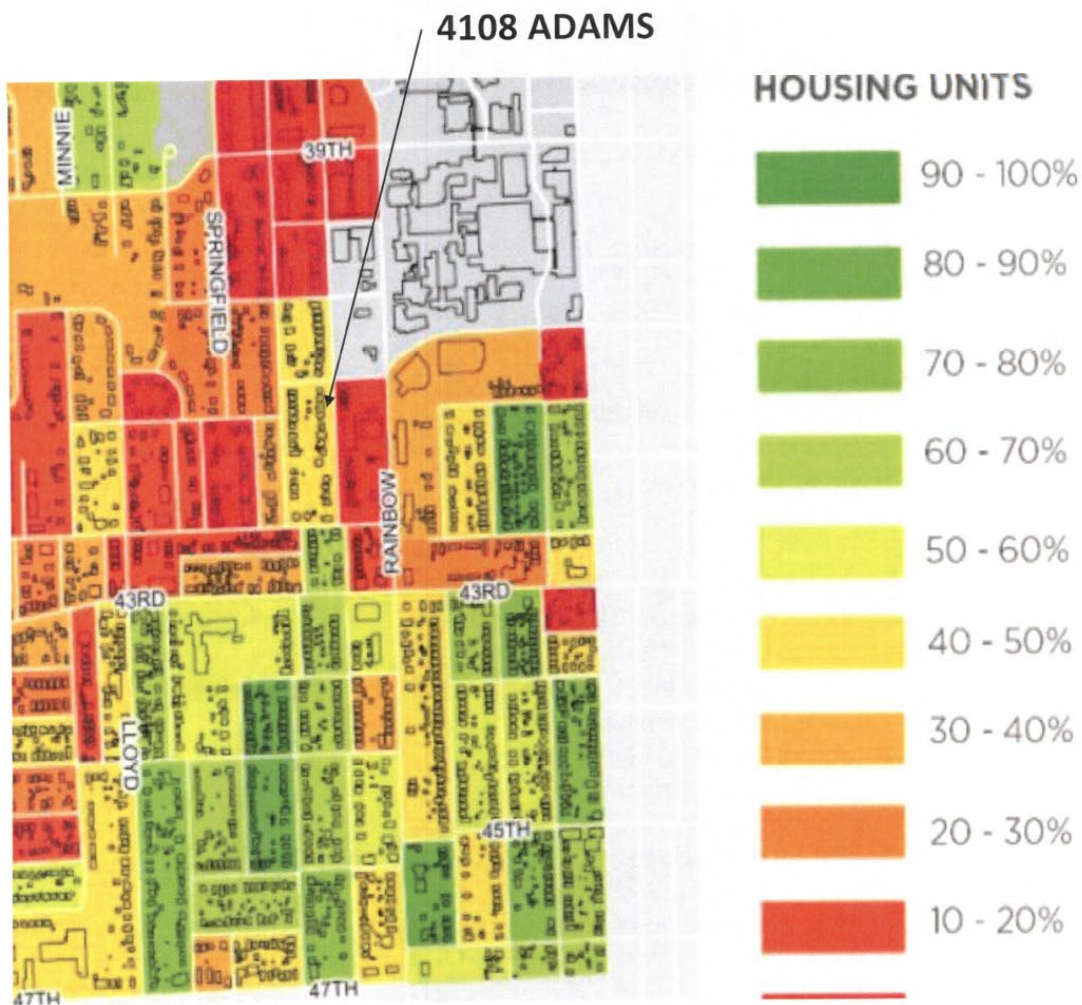
DESCRIPTION

Create housing opportunities for the diverse housing demands in Rosedale including senior housing, student housing, housing for young professionals, empty nesters, and families.

TASKS

- Revise UG Low-Income Housing Tax Credit and housing policies to incentivize a mix of 75-90% market rate housing with 10-25% affordable units
- Promote and incentivize the adaptive reuse of older commercial buildings as multi-family housing
- Attract senior living providers interested in creating various levels of senior housing alternatives, as well as tiered elder living facilities (such as assisted living and nursing homes)
- Amend zoning code to allow accessory dwellings ("granny flats") on narrow, small area lots
- Promote infill housing by marketing single family lots within KU professional circles

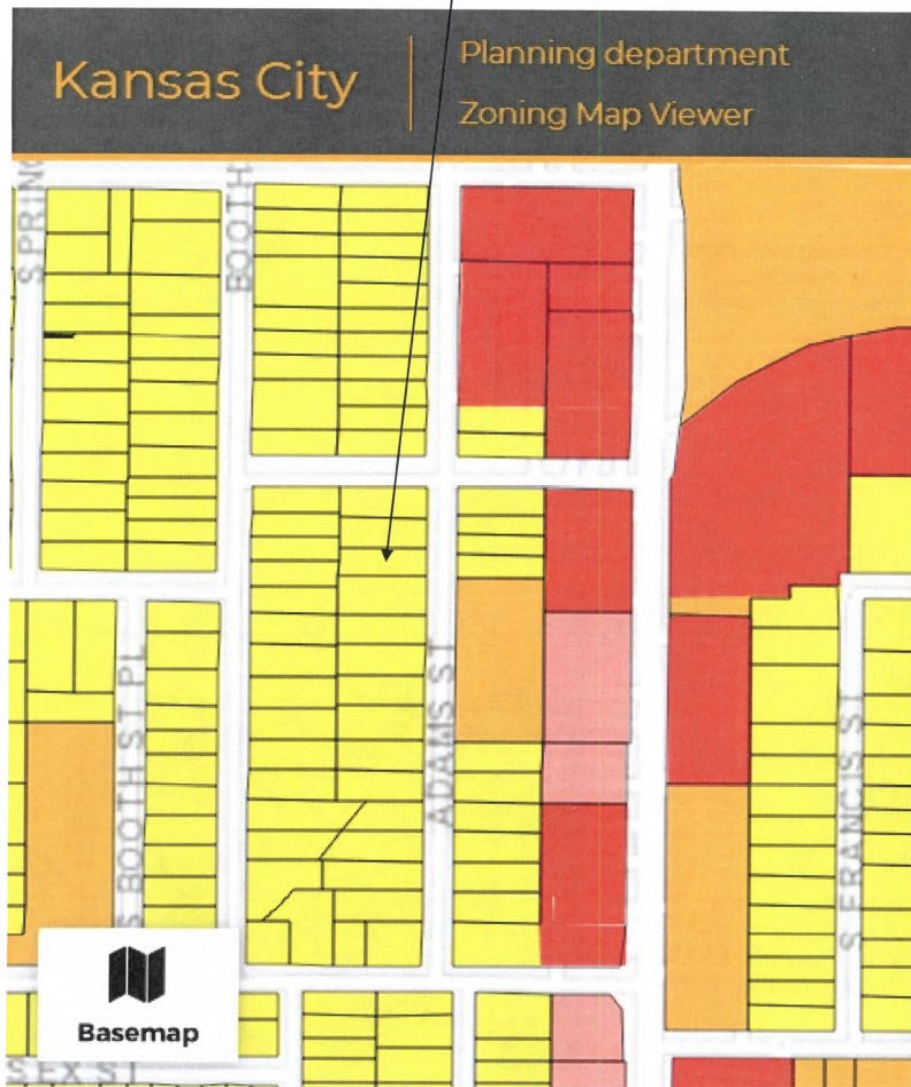




HOUSING: OWNERSHIP RATES
SOURCE: 2010 DECENNIAL CENSUS

Rosedale has a mixture of owner occupied and rental housing. Areas in Rosedale with a high proportion of home owners should be protected as stable neighborhoods. Areas with high rentals provide an opportunity to provide more housing options in Rosedale and to promote dense, walkable neighborhoods, and improve the image and character of Rosedale.

4108 ADAMS



CURRENT ZONING MAP



Urban Planning and Land Use

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

Phone: (913) 573-5750
Fax: (913) 573-5798
www.wyckok.org/planning

To: City Planning Commission
From: City Staff
Date: December 10, 2018
Re: Change of Zone Petition #3173

GENERAL INFORMATION

Applicant:
Andres Alfaro

Status of Applicant:
Property Owner
1910 West 41st Avenue
Kansas City, KS 66103

Requested Actions:
Change of Zone from
R-1(B) Single Family District to R-
2(B) Two Family District

Date of Application:
October 24, 2018

Purpose:
To convert existing detached
garage into a mother-in-law suite

Property Location:
1910 West 41st Avenue

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



#3173

December 10, 2018

1

the future, the residence could be converted to a duplex and possibly begin to change the fabric of the historic single-family neighborhood.

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

The garage is currently dilapidated. The property owner is planning on rebuilding the structure in similar size, shape, and building materials.

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

The property is not vacant.

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

The renovation would remove an eyesore from the back yard and turn it into a functional space for the family.

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

This is not expected to be an issue.

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

This proposed zoning does not conform to the Master Plan.

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

This is not expected to be an issue.

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

a. Water service

Existing

b. Sanitary sewer service

Existing

c. Storm water control



December 6, 2018

Rob Richardson
Planning Department
Kansas City, KS 66101

Re: **Change of Zone - 3173**
1910 West 41st Street
Historic Hanover Heights

Dear Mr. Richardson:

We have met with the applicants of the above rezoning application and have expressed our concerns with the precedent being set by their request for R2 zoning. There is currently no R2 zoning within the Hanover Heights Historic District neighborhood. We have also discussed with you the current zoning code limitations with what are commonly viewed as accessory uses called mother-in-law living quarters or granny flats. You have advised us that the new comprehensive zoning code rewrite will address this specific land use further but in the meantime R2 zoning is the only way to currently permit this use in your viewpoint. The applicants do not wish to wait over a year for this to be more detailed in the new code as they prefer to demolish their current garage and rebuild it next spring along with the granny flat.

We have reached agreement with the homeowners Sarah and Andre Alfaro and will support this change of zone and view it as a short-term way to allow their granny flat proposal. They have no desire to add an additional rental dwelling unit to their property. Additionally, the neighborhood and adjacent property owners have agreed to enter into a private legal restrictive covenant with the applicants to make clear this is not a new occupancy for rental or separate ownership. This covenant is a legal document between the property owners that will run with the land and will not involve the City. The covenant will also clarify that the restriction could be lifted or modified should the City's new zoning code address other ways to allow this use in the future so as to permit a rezoning back to R1 single family.

Sincerely,

A handwritten signature in black ink that reads "Gilbert A. Pintar".

Gilbert A. Pintar, President Hanover Heights

cc. Sarah Masalskis, smasalskis512@gmail.com
Andres Alfaro, andres.a.alfaro12@gmail.com



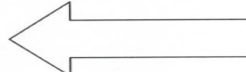
Gilbert Pintar <geebearkc@gmail.com>

GrannyFlat

Richardson, Rob <RRichardson@wycokck.org>
To: Gilbert Pintar <geebearkc@gmail.com>

Thu, Nov 1, 2018 at 3:58 PM

We are working on more liberal use of granny flats in the new code..





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Change of Zone Petition **COZ2021-049**

GENERAL INFORMATION

Applicant:

Teresa Christopher

Status of Applicant:

Property Owner
2000 S. 49th Street
Kansas City, Kansas 66106

Requested Actions:

Approval of a Change of Zone

Date of Application:

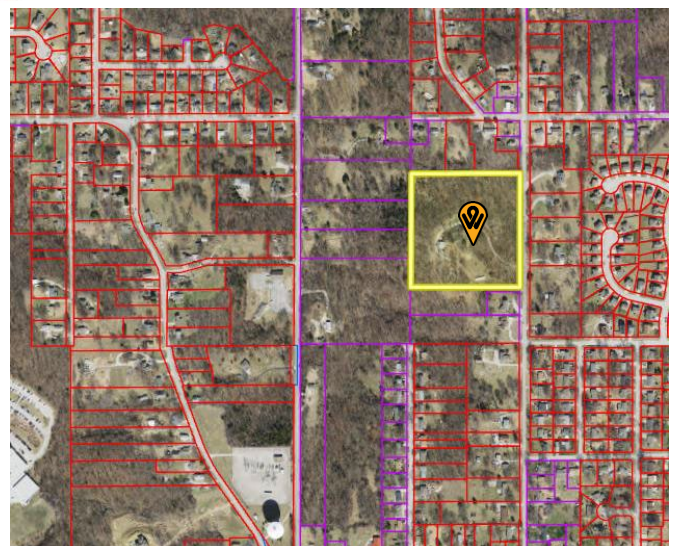
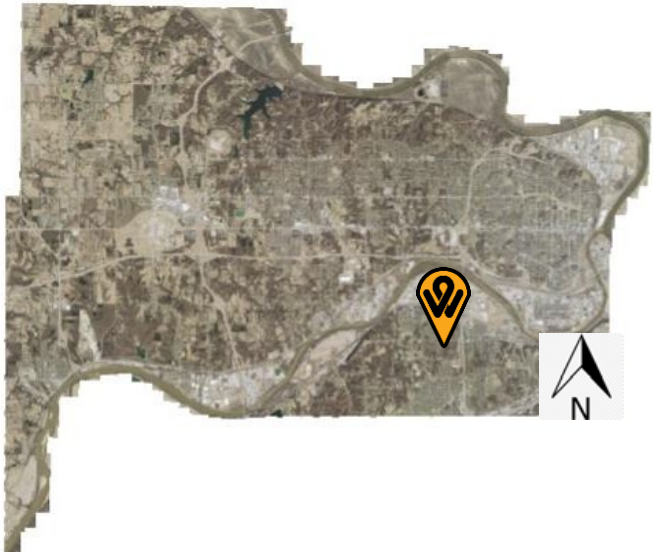
October 26, 2021

Purpose:

To change zoning district from R-1
Single Family District to AG Agriculture
District.

Property Location:

2000 South 49th Street
Kansas City, Kansas 66106



Commission Districts:	Commissioner At Large District 2: Tom Burroughs District #6 Commissioner: Angela Markley		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	R-1(B) Single Family District	
	South:	R-1(B) Single Family District	
	East:	R-1(B) Single Family District	
	West:	R-1(B) Single Family and AG Agriculture Districts	
Adjacent Uses:	North:	Single Family Residence	
	South:	Single Family Residence and Vacant Open Space	
	East:	Single Family Residence	
	West:	Single Family Residence Agricultural Open Space	
Total Tract Size:	9.72 Acres		
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.		
Master Plan Designation:	The City-Wide Master Plan designates this Property as Low Density Residential. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.		
Major Street Plan:	The City-Wide Master Plan designates South 49 th Street as a local street.		
Parking Requirement:	R-1 District (current zoning): Section 27-454(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one of which should be a garage or carport. AG District (proposed zoning): Section 27-452(4)(e) requires two (2) off-street parking spaces shall be provided for each dwelling unit, at least one of which shall be in a garage or carport. The current property has a two (2) garage spaces and numerous off-street spaces with an extended driveway, meeting this requirement.		

Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	The Applicant received one (1) phone call in support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Teresa Christopher, is requesting a Change of Zone for the subject property at 2000 South 49th Street. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been requested so that the property's agricultural activity can continue. The subject property was zoned for agricultural use but was downzoned, resulting in conflicting uses. The Applicant currently uses the property for a multitude of agricultural activity and would like the zoning to reflect the property's original use. The applicant is interested in the prospect of selling produce or homemade goods made on the property as supplementary income and hobby activity.

City Ordinance Requirements: Chapter 27, Section VIII

Code Enforcement History: The subject property currently has no outstanding code violations. In 2016, an addition was cited for failure to get permits, however permits were retroactively obtained, and the addition completed.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is residential and rural in character. Lots range in size from 0.25 acres to 10 acres, with the average lot size being approximately one (1) acre. There streets are mostly asphalt and driveways are often asphalt, or concrete with the occasional gravel drive. Lots are deep and residences are located deep from the street with long winding drives and timber stand buffers.

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

The subject property is surrounded primarily by R-1 Single Family Zoning and AG Agricultural Zoning Districts that are rural in character with large lots permitting various degrees of agricultural activity. The proposed use is expected to be highly compatible with the adjacent properties.

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

Per Section 27-452, the purpose of the A-G Agriculture District is to provide for those areas on the periphery of the city where agriculture is the predominate land use. It is designed to protect agriculture from premature or disorderly intrusion by urban land uses. There is a single-family residence on the property which is permissible by-right per Section 27-452(b) and the applicant's other property uses are agricultural in nature which are compatible with adjacent property owners who utilize similar activity.

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

The Applicant currently resides on the property and has done so since 1979. The applicant purchased their home from family members and the property has been a family property since it was built.

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

There is minimal public gain as this is a private residence with private agricultural activity and is not necessary for the convenience or welfare of the public nor would it injure the appropriate use, visual quality, or marketability of nearby property. The surrounding properties are rural in character with similar agricultural uses.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property has a two (2) car garage with additional off-street parking spaces. This is adequate for the number of dwellings per the requirements in Section 27-452(d). The long driveway currently does not meet UG standards as it is not an improved surface.

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

The City-Wide Master Plan designates this property as Low Density Residential Use. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences. The proposed Change of Zone would not change the land use of the Master Plan.

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

The applicant is not proposing any new structures. There should be little to no long-term negative environmental impact.

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

a. *Water service*

Water Service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer is provided by a septic system on the property.

c. *Storm water control*

There is a storm water discharge point on the property's frontage.

d. *Police*

Police service is provided by South Patrol, District #334.

e. *Fire*

Fire service is provided by Station #17.

f. *Transit*

The subject property is not reasonably accessible by mass transit or bus route.

g. *Schools*

Education is provided by Kansas City, Kansas USD 500.

h. *Streets*

See item #6 above.

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

The economic impact on the community is negligible, as the subject property is a private home. If a farm stand is built in the future, there is minimal economic impact as this is a private residential property.

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

The subject property is currently non-conforming. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its use than it does in its present condition.

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

There is negligible impact or gain to public health, safety, or welfare, however, there is ostensibly no hardship imposed on adjacent property owners. The dwelling structure is already in existence and associated activities are already in use. Any produce or food produced for sale or public consumption on the property should be regulated by adjacent safe food handling license and regulations and if appropriately followed, should impose no hardship.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There are several service calls to the area, but it was determined those were a result of the property owner's address used when making calls reporting on other neighborhood issues, not because of the owner's actions directly.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 29, 2021, by letter correspondence.

Attached is the list of persons, minutes, affidavit, and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Agricultural Activity
Homemade Goods and Produce Sales
Residential Use
Zoning
Land Use
Driveway Standards

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-049**, subject to:

1. If approved, the drive apron shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. If any produce or homemade goods are sold from the property, the applicant will need to file and maintain a current business occupation tax application with this office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by vendors, the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See [Farmers' Market and Similar Food Sales \(ks.gov\)](#) and [MF3138 Foods Sold Direct to Consumers in Kansas \(Farmers Markets\): Regulations and Food Safety Best Practices \(ksu.edu\)](#) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Please confirm if there is proposed site improvements e.g., driveway area. If repair work is going to be done, a site plan will be required;
8. Based on the above comment, the driveway entrance shall be in accordance with the UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-L. Further discussion with staff may be required;
9. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition;

10. 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, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petition **COZ2021-049** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.



ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant's Statement of Purpose
Planning Engineering Comment Letter
Conservation District Comment Letter
Applicant Provided Photos Dated October 26, 2021
Neighborhood Meeting Letter
Neighborhood Meeting Affidavit
Neighborhood Comments
Staff Site Visit Photos Dated November 22, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Rezoning	December 13, 2021 Approval	January 6, 2022

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-049** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-049**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 4:09:04:

CHANGE OF ZONE APPLICATION COZ2021-049 – TERESA CHRISTOPHER - SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 2000 South 49th Street.

Detailed Outline of Requested Action: The Applicant, Teresa Christopher, is requesting a Change of Zone for the subject property at 2000 South 49th Street. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been requested so that the property's agricultural activity can continue. The subject property was zoned for agricultural use but was downzoned, resulting in conflicting uses. The Applicant currently uses the property for a multitude of agricultural activity and would like the zoning to reflect the property's original use. The

applicant is interested in the prospect of selling produce or homemade goods made on the property as supplementary income and hobby activity.

City Ordinance Requirements: Chapter 27, Section VIII

Code Enforcement History: The subject property currently has no outstanding code violations. In 2016, an addition was cited for failure to get permits, however permits were retroactively obtained, and the addition completed.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Teresa Christopher, applicant, 2000 South 49th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:12:29: Planning Director Hand stated that this Change of Zone is from R-1 Single Family District to A-G Agriculture District and is just under 10 acres, which meets the requirements for agricultural zoning. The property is located in the Turner area and is a larger parcel with smaller single-family properties adjacent to it. Staff is requesting that the driveway apron meet the current A-G standards. He stated that some of the uses in the agricultural zoning district may require a Special Use Permit, which is outlined in the conditions of approval. Director Hand further stated that there are some small Notices of Violation. Staff received one (1) letter in support and no letters in opposition. Staff recommends approval subject to the conditions in the staff report.

Applicant requested clarification concerning the concrete apron for the driveway and Director Hand stated that Byron Toy from Staff will follow up with her accordingly.

Motion and Vote starts at 4:15:30:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-049:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

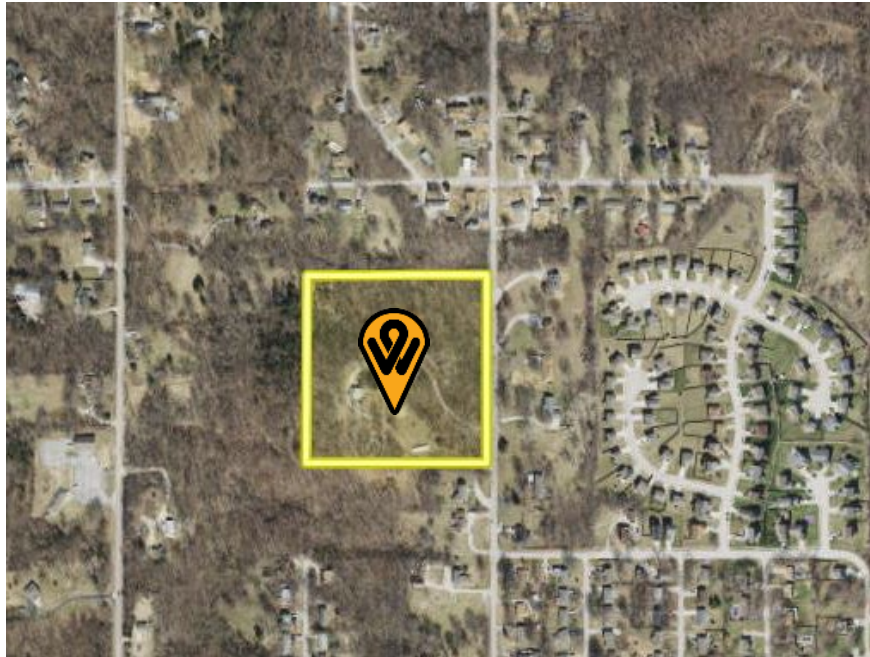
Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

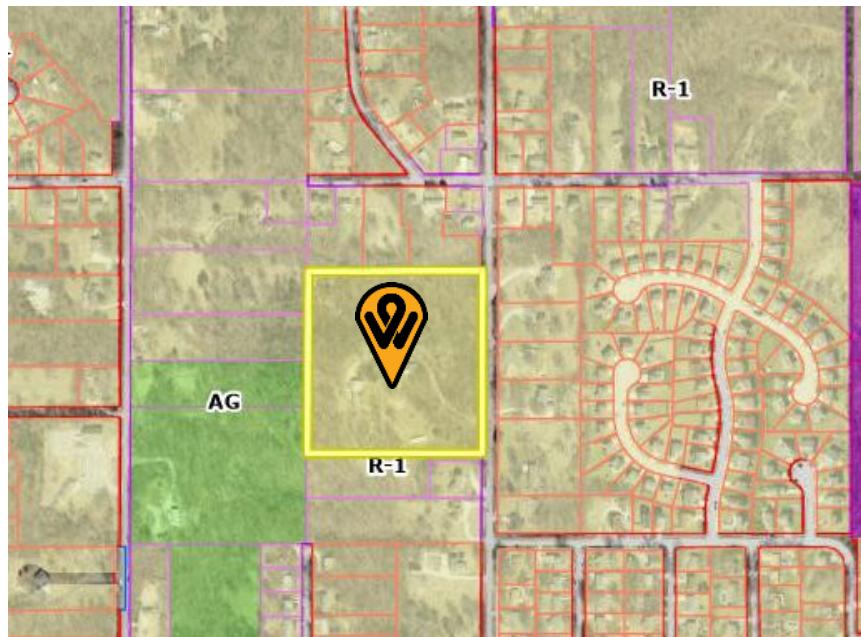
1. If approved, the drive apron shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. If any produce or homemade goods are sold from the property, the applicant will need to file and maintain a current business occupation tax application with this office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by vendors, the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See [Farmers' Market and Similar Food Sales \(ks.gov\)](#) and [MF3138 Foods Sold Direct to Consumers in Kansas \(Farmers Markets\): Regulations and Food Safety Best Practices \(ksu.edu\)](#) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Please confirm if there is proposed site improvements e.g., driveway area. If repair work is going to be done, a site plan will be required;
8. Based on the above comment, the driveway entrance shall be in accordance with the UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-L. Further discussion with staff may be required;
9. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition;

- 10. 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, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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; and,**
- 11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

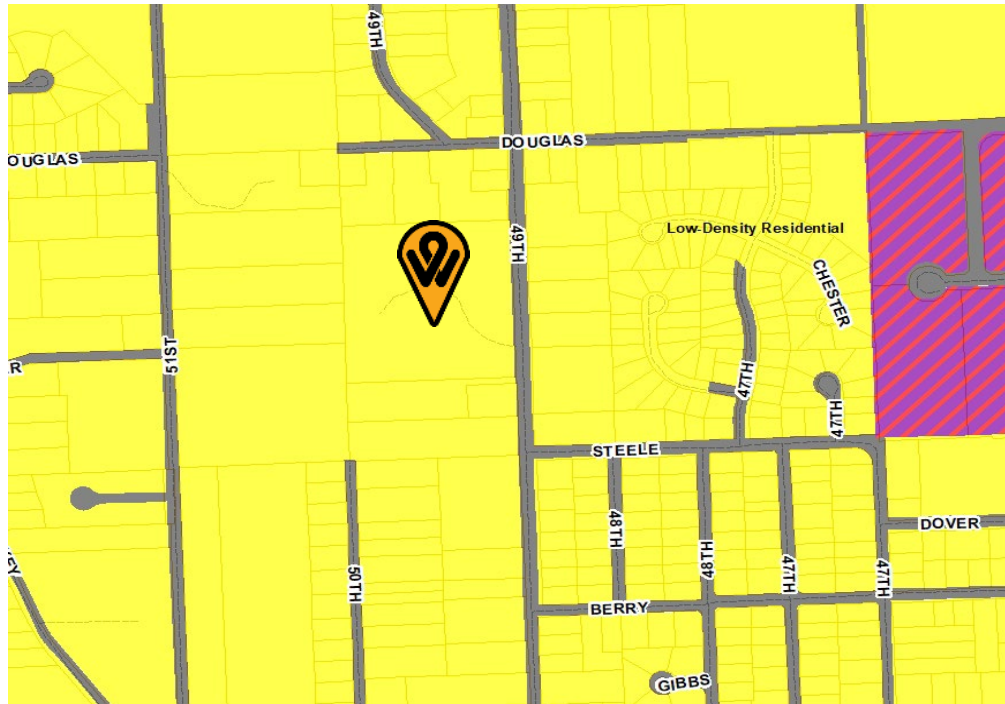
AERIAL MAP



ZONING MAP



LAND USE MAP



APPLICANT'S STATEMENT OF PURPOSE

#7. State why, in your opinion, the requested action(s) is justified.

Change of Zone from Residential to Agricultural

We originally owned a small tract of land in the center of the 9.72 acres where our house is located. We purchased the house from my mother and father in 1985(Fred & Rose Chapman). We purchased the rest of the property in October 2018, from my parent's estate. Our intention was to finish what dad had started and make the property profitable. Since we purchased the land 3 years ago, we have worked very hard to clear away weeds and amend the soil. We have planted 20 fruit trees, created a raised bed garden, and experimented and researched plant care and best plants for our area. This year we added drip irrigation for the raised beds and fruit trees/bushes.

We have worked on propagating plants to see which we can grow easily. So far, we have grown and propagated hostas, lilies, iris, marigolds, evergreen boxwood, thornless blackberries, and strawberry plants.

Dad planted grape vines years ago. We built a grape arbor on which to train the vines and planted a couple more grape vines. Dad's grape vines are producing well and are just beautiful growing over the arbor! I included a picture of the vines growing on the arbor from last year before the weather changed. The newer plants have not yet produced, but I'm confident that they will.

Most of the property is forest, gully, and uneven terrain. We planted the fruit trees and the vegetable garden in the flat sunny area on the south side of the property. That is also where we installed a solar grid (32 panels) in order to provide clean energy to the property. In the shaded area closer to the house, we are growing hostas and shade plants that can be divided yearly and sold locally. We want to leave most of the trees in order to prevent soil erosion. Grass and other ground cover also prevent erosion and are used in our compost piles when we mow.

Jalapeno jelly has been a big hit with our family, so I'll be making more from the jalapeno's grown in our garden. When our fruit trees are mature and we have a good fruit harvest, I will make and sell fresh fruit, and canned fruit or fruit jellies, along with jalapeno jelly.

This property was called "Flat Rock Acres" by John Edwards, the man who owned the land and built the house in 1955. It's easy to see why. Large limestone slabs cover most of the area around the barn, almost like huge pavers. Inside the barn, we have room to start plants from seed indoors, early in the season, to be transplanted after the last frost. The barn is also useful as a place to propagate plants even through the winter months.

Short Term Rental:

Our home has 4 bedrooms. Our children are grown and just the 2 of us live here now. As we will retire in the next year or so, we would like to supplement our Social Security income with agricultural product sales and short-term rental income from the 2 upstairs bedrooms. We enjoy meeting people and sharing our home, so this seems a great way to help make the land productive and finish what my dad started.

Teresa Christopher

Staff Note: The Applicant has decided against a short-term rental at this time and withdrew their application.

PLANNING ENGINEERING COMMENT LETTER



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: October 12, 2021

SUBJECT: Eric Fletcher – (COZ2021-037, MPL2021-021)
4461 Eaton Street
General Engineering Review No. 1 (of the application received 9/24/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) Provide more information on the function of the utilities i.e., separate utilities for each unit, condition of the private sanitary service line to the existing building, etc.
- 2) Is there proposed site improvement? It appears the driveway is not in good condition. Also, the parking area to the existing building has gravel over the public sidewalk and broken concrete apron and requires some repair. If repair work is going to be done, a site plan will be required.
- 3) Based on the above comment, the driveway entrances shall be 30' max in accordance with UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-G. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required.
- 4) Regarding the above comment, with the repair of the existing driveway the sidewalk section shall be restored to match the adjacent sidewalk areas.
- 5) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.
- 6) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, ou=Unified Government of
Wyandotte County / HCK, ou=Urban Planning and Land Use,
email=trumble@wycokck.org, c=US
Date: 2021.10.12 16:55:16 -0500

General Engineering Review Comments

1 of 1

CONSERVATION DISTRICT COMMENT LETTER



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservations@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

November 16, 2021

RE: COZ2021-049 and SP2021-081 Teresa Christopher R-1 to A-G for agricultural uses
and short term rentals at South 49th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2021-049 and SP2021-081 Teresa Christopher R-1 to A-G for agricultural uses
and short term rentals at South 49th Street.

In addition to the site review the following reports were generated from the Wyandotte
County Soil Survey to assess the limitations for development and/or natural resources
concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 18 to 30 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- We did not receive any plans for the farming operation, what are the goals for turning the property to agricultural.
- There are high quality forests that need to have timber stand improvements made. The amount of tree and shrub cover does limit other agricultural practices without clearing and stabilizing the ground.
- Timber Stand Improvement is a practice that can receive cost share through NRCS EQIP to make improvements on the stand.
- If the plan is for other practices such as animals or specialty crops, care is needed to protect the slopes and highly erodible soils.
- There is technical help available through this office if there is interest.

CONSERVATION DISTRICT COMMENT LETTER

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures









NEIGHBORHOOD MEETING LETTER

Date: November 18, 2021

To: Our Neighbors

From: Paul and Teresa Christopher
2000 S. 49th St.
K.C., KS 66106

SUBJECT: Neighborhood e-Meeting

Hello, Neighbor,

We are sending this letter to you to let you know that we have filed an application with the Department of Urban Planning and Land Use # COZ2021-049 - 2000 South 49th Street. The purpose of this is for a change of zone to A-G Agricultural District at the following address:

2000 S. 49th Street, Kansas City, Kansas 66106.

We are sending this letter to all our neighbors so that you have an opportunity to ask questions and to express any concerns you may have. We invite your comments, as well.

On the south side of our property we have planted fruit trees, grapes, blackberries, and perennial plants. We also have a raised bed garden surrounded by fencing to keep deer out. Once the trees/plants are mature enough to bear good fruit, our intention is to sell fruit, jelly, and plants locally. The topography of our land is varied and mostly wooded gully and hillside. We do not plan to clear the wooded areas. The woods serve as home to a lot of wildlife and the trees and undergrowth serve to minimize soil erosion.

Because of concerns regarding COVID we will not meet in person. However, if you have questions or concerns, or would like more information, please contact me via email (or by phone) between now and Monday, November 29, at 7:00 pm. I look forward to hearing from you.

Blessings,



Teresa Christopher

email: tchristopherodcs@gmail.com
Phone: 913-742-2157 (between 5- 9 pm.)

NEIGHBORHOOD MEETING AFFADAVIT

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

Comes now, Teresa Christopher, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-049-2000 S. 49th Street.
2. That I conducted a neighborhood meeting via letter mailed to property owners on November 19, 2021, inviting responses via email and phone.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Teresa Christopher
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of November, 2021.

My commission expires 26th of Dec., 2023.



Patricia A. Lieneke
Notary Public

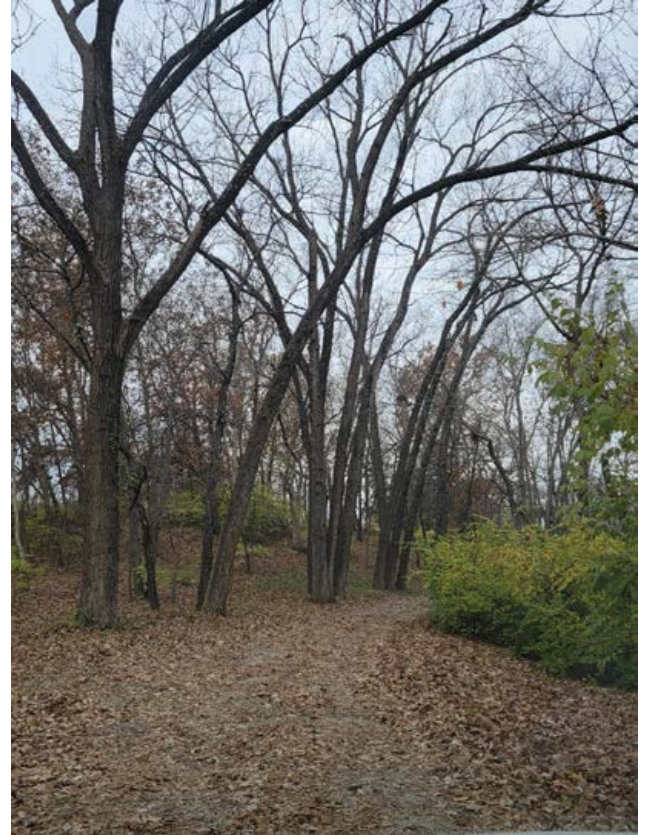
NEIGHBORHOOD COMMENTS

We received only one response to our "Hello, neighbor" letter:

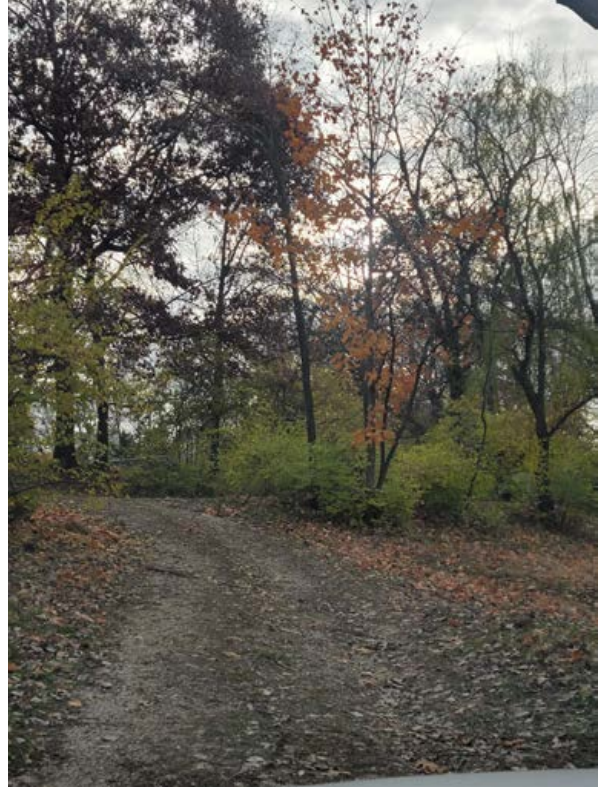
On Monday, November 22, 6:45 pm, we received a call from Greg Soptic, (913-208-2665) our 2nd neighbor to the south at 2038 S. 49th St., Both my husband, Paul, and I spoke with Greg. Greg called to say that he received the letter and that he loved all the things we have planned and that he is excited for us. He is in agreement that Ag is a great use for the property. He was glad that we are not planning to clear the land of trees, as there has been a lot of erosion in the property between his house and ours after many trees were cut down in the recent past. He wished us well. His wife, Linda, asked if we are planning to raise chickens. She was raised on a farm and would love to hear a rooster in the morning. We responded that we aren't planning on chickens at this time. Also, Greg asked about getting a good neighbor discount when we roll out the jams and jellies. I told him that he would definitely get the good neighbor discount.

Minutes taken by Teresa Christopher

STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT



PHOTOS DATED NOVEMBER 22, 2021





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: January 6, 2022
Re: Change of Zone Petition COZ2021-052

GENERAL INFORMATION

Applicant:
Cole Andersen

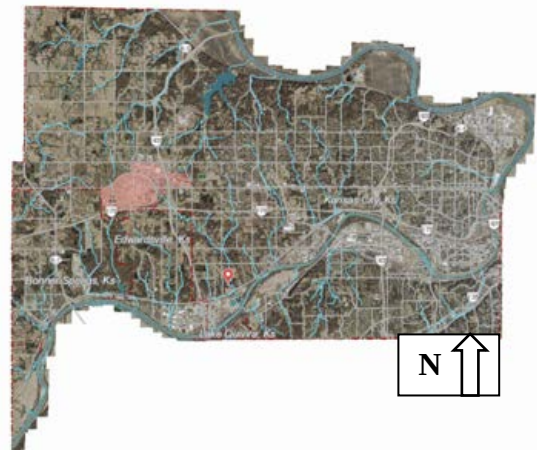
Status of Applicant:
Bettis Asphalt & Construction
1800 NW Brickyard Road
Topeka, KS 66618

Requested Actions:
To approve a change of Zone from MP-1
Planned Light Industrial and Industrial Park
District to MP-3 Heavy Industrial District.

Date of Application(s):
October 29, 2021

Purpose:
To amend a condition of approval restricting the
hours of operation from 7:00 AM to 5:00 PM
from COZ2021-018.

Property Location:
1625 South 86th Street



Commission Districts:	Commissioner At-Large District 2: Tom Burroughs District #6 Commissioner: Angela Markley		
Existing Zoning:	A-G Agriculture and MP-1 Planned Light Industrial and Industrial Park Districts (approved to MP-3 Planned Industrial District)		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	A-G Agriculture and MP-3 Planned Heavy Industrial Districts	
	East:	MP-2 Planned General Industrial and A-G Agriculture Districts	
	West:	R-1 Single Family District	
Adjacent Uses:	North:	Undeveloped land	
	South:	Single family home and outside vehicle storage	
	East:	Industrial businesses	
	West:	Single family home and undeveloped lots	
Total Tract Size:	20.14 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Industrial, which allows manufacturing, processing, warehousing, distribution, outdoor storage, salvage, industrial-related office and limited related commercial and service uses such as truck stops, service stations, convenience stores, etc., and mining/mineral extraction.		
Major Street Plan:	The Major Street Plan classifies South 86 th Street as a Class C Thoroughfare and Berger Avenue as a Local Street.		
Required Parking:	Sec. 27-469(f) In no case, however, shall less than one (1) space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Eighteen (18) parking spaces are required. Eighteen (18) parking spaces are provided.		
Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021 and December 27, 2021		
Public Hearings:	December 13, 2021 and January 6, 2022		

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cole Andersen with Bettis Asphalt & Construction, wants to amend a condition of approval from Change of Zone Petition COZ2021-018 restricting the hours of operation from 7:00 AM to 5:00 PM in order to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street.

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

Code Enforcement History: There is no history of violations on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is a mixture of agricultural, rural residential and light industrial uses along the north side of K-32 Highway (Kaw Drive) between the Grinter Heights subdivision at South 80th Street on the east and I-435 on the west. The heavier 88th and Woodend Avenue industrial area lies to the south, across K-32 Highway and the Union Pacific Railroad main line.

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

The zoning and uses of properties nearby are set out above. The property is already industrially zoned; however, an asphalt batch plant requires a change of zone to accommodate the use. Removing the landscape buffer from the development is not compatible with the adjacent properties. Visible and noise buffering/mitigation measures must be taken on this site from the adjacent residential uses or the public street.

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

The removal of the restrictions may negatively impact the neighbors. The screening requirements, which include fencing and landscaping may offset these impacts.

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

It appears that based on aerial photography, this site has operated as an earthen removal site over the last 15 years.

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

The proposed use is reasonably necessary for the convenience and welfare of the public. The use is convenient for the owner because they can maintain their own equipment and have a permanent facility to operate seasonally. The expansion of the industrial use may permanently injure adjacent properties. What is not debatable is the potential auditory and odorous impact the batch plant will have on the quality of life of the adjacent neighbors unless different techniques are used rather than traditional methods of mixing products to create asphalt on site.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because Ruby Avenue is a relatively low trafficked street with three (3) existing industrial businesses adjacent to Kaw Drive. Public Works Department may have additional comments – possibly asking for trip generation totals or a traffic study.

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

The proposed use conforms to the Master Plan, as a Master Plan Amendment was approved from Business Park to Industrial (City-Wide Master Plan) in conjunction with COZ2021-018.

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

Significant landscaping will be planted around the site to comply with the district's requirement. Berm and slopes will be protected and the existing 200-foot landscape buffer on Lot 2 and south side of the property (Lot 1) will be preserved.

There is concern of the environmental impacts an asphalt batch plant will have on air quality and groundwater.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #221.

e. Fire

Fire service is provided by Fire Station #20 located at 78th Street and Kansas Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Public education is provided by Turner USD 202.

h. Streets

To be designed to meet Public Works standards.

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

If the proposal is approved, the City will receive additional property tax revenue because of the improvements made to the property.

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

The proposed use is capable of meeting applicable ordinance and other requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they are currently proposing.

There must be a balance between the adjacent and nearby residential property owners' quality of life and a business that is wanting to relocate.

PREVIOUS ACTIONS

COZ2021-018 was approved by the Unified Government Board of Commissioners on September 30, 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 15, 2021 – November 29, 2021 via e-mail and phone call.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Hours of Operation
Traffic
Landscape Buffer and Screening
Noise, Odor and Visual Impacts
Stormwater Runoff
Groundwater Contamination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-052**, subject to:

1. On the Final Plat, include a plat restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;
2. Shall comply with Sec. 27-470(d)(1) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution).

- b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 85dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
- 3. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
- 4. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM with the understanding that some contracts (i.e., Kansas Department of Transportation) require work to be performed at night;
- 5. Parking lot shall be paved with asphalt or concrete, striped and ADA complaint;
- 6. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. 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. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;

7. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
8. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;
9. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west the single-family residences;
10. The office portion of the building shall match in scale and style to the industrial buildings within this small business park, and must comply with Commercial Design Guidelines.

These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding;

11. Add wainscoting around the perimeter of the building, including the south, west, and east facades;
12. On the final plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
13. Keep existing full growth trees on South 86th Street and along Kaw Drive;
14. All screening is to be maintained to minimize impacts of conflicting uses;
15. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
16. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
17. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;
18. 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 landscaped buffer area is to be provided alongside and 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.

The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;

19. 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;
20. Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be

- watered regularly with a watering plan which shall be provided as part of the Final Development Plan;
21. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
 22. Trash enclosure shall match building materials;
 23. BPU transformer pad shall be completely screened on three (3) sides with six (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;
 24. 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);
 25. 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;
 26. 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.

All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;

27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
28. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
29. 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, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
31. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-052** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Sight Line Study
Building Elevations
Site Photographs provided by Staff dated August 17, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-052** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-052** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 4:16:25:

CHANGE OF ZONE APPLICATION COZ2021-052 – COLE ANDERSON WITH BETTIS ASPHALT & CONSTRUCTION, INC. - SYNOPSIS: Change of Zone (previously approved to MP-3) to revise the hours of operation condition of approval of COZ2021-018 at 1625 South 86th Street.

Detailed Outline of Requested Action: The applicant, Cole Andersen with Bettis Asphalt & Construction, wants to amend a condition of approval from Change of Zone Petition COZ2021-018 restricting the hours of operation from 7:00 AM to 5:00 PM in order to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street.

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

Code Enforcement History: There is no history of violations on this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;

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

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

Present in Support:

- Rich Eckert, General Counsel for the applicant, 1800 NW Brickyard, Topeka, Kansas 66118
- Cole Anderson, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:22:00: Planning Director Hand stated that the applicant is seeking to amend a previous condition of approval restricting the hours of operation from 7:00 a.m. to 5:00 p.m. The applicant is requesting approval for any night work that may arise with 24-hour notice required for the surrounding property owners. This property is in the Riverview area off Kaw Drive. Additional landscaping and screening has also been added to further buffer the property to the Southwest. Staff has included all the conditions of the prior approval as nothing has changed since the initial approval. No letters of support nor opposition have been received and there are no Notices of Violation on the property. Staff recommends approval subject to the original conditions with the amendment to the hours of operation.

Motion and Vote starts at 4:23:40:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-052:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

1. **On the Final Plat, include a plat restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and**

- property owners for potential noxious uses that are permitted in the district;
2. Shall comply with Sec. 27-470(d)(1) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution).
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 85dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
 3. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
 4. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM with the understanding that some contracts (i.e., Kansas Department of Transportation) require work to be performed at night;
 5. Parking lot shall be paved with asphalt or concrete, striped and ADA complaint;
 6. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. 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. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

- The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;
7. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
 8. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;
 9. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west the single-family residences;
 10. The office portion of the building shall match in scale and style to the industrial buildings within this small business park, and must comply with Commercial Design Guidelines.

- These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding;
11. Add wainscoting around the perimeter of the building, including the south, west, and east facades;
 12. On the final plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
 13. Keep existing full growth trees on South 86th Street and along Kaw Drive;
 14. All screening is to be maintained to minimize impacts of conflicting uses;
 15. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
 16. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
 17. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;
 18. 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 landscaped buffer area is to be provided alongside and 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.

- The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;
19. 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;
20. Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be watered regularly with a watering plan which shall be provided as part of the Final Development Plan;
 21. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
 22. Trash enclosure shall match building materials;
 23. BPU transformer pad shall be completely screened on three (3) sides with six (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;
 24. 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);
 25. 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;
 26. 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.

All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;

27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
28. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
29. 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, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable

- Public Works permits can be obtained from the Public Works Department, 701 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;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
 31. 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.

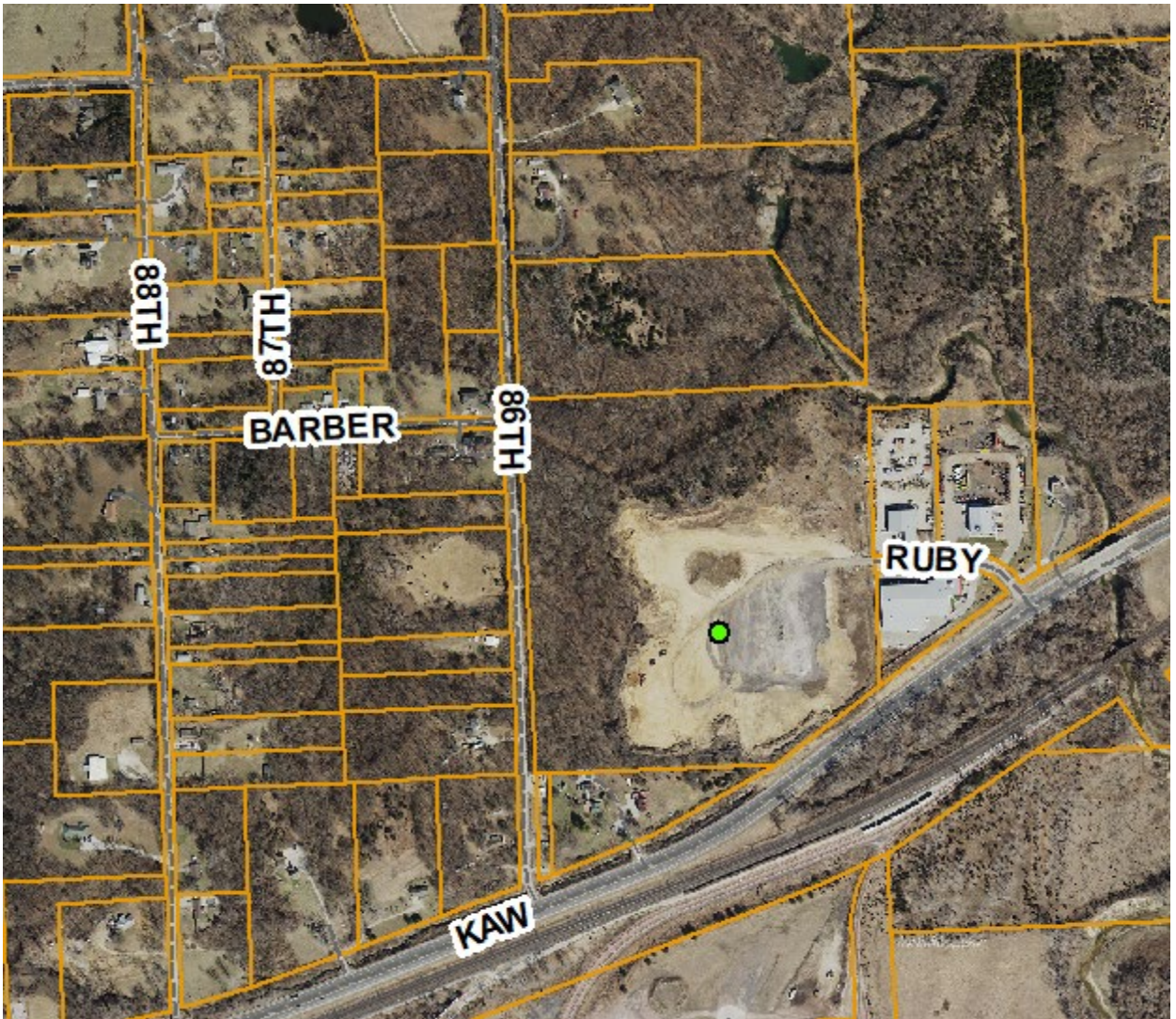


Figure 1. Aerial Map of 1625 South 86th Street (provided by ArcMap).

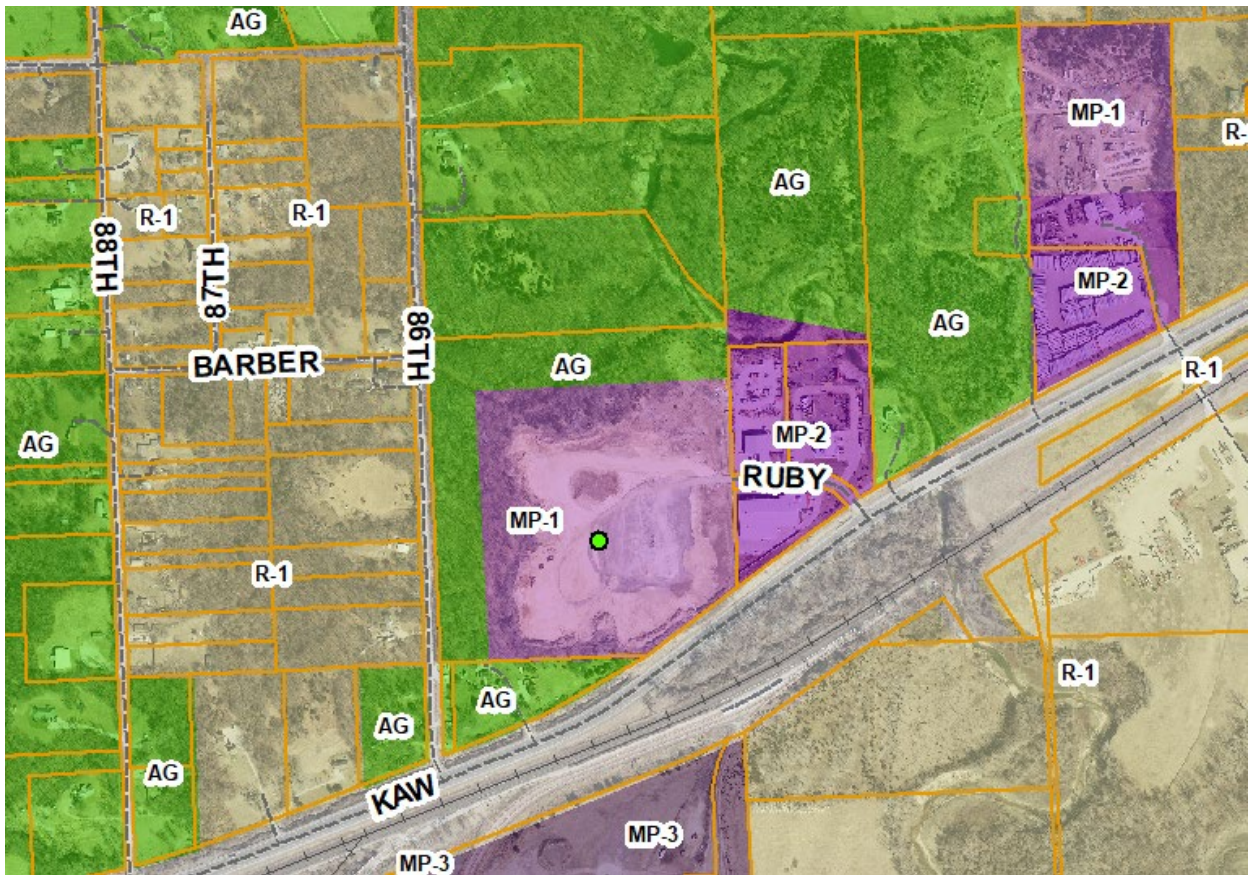


Figure 2. Zoning Map of 1625 South 86th Street (provided by ArcMap).

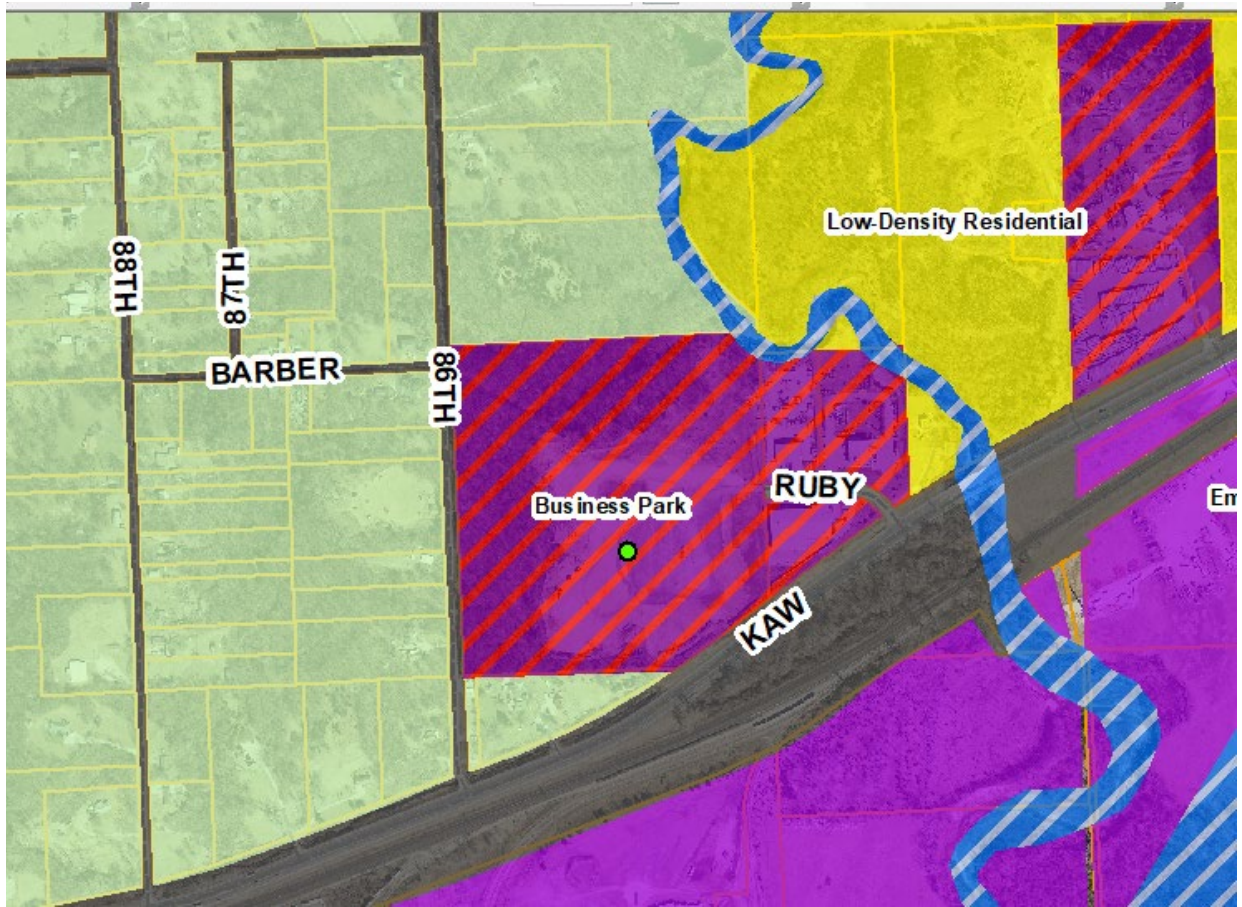


Figure 3. City-Wide Master Plan Land Use Map of 1625 South 65th Street (provided by ArcMap).

Planning and Urban Design Comments:

General Planning:

1. The applicant, Cole Anderson, with Bettis Asphalt seeks to amend a condition of approval by the Unified Government Board of Commissioners for Change of Zone Petition COZ2021-018 restricting the hours of operation from 7:00 AM to 5:00 PM. Staff suggests due to the proximity of the residence across South 86th Street, the neighborhood group and the surrounding residences should be contacted at least 24 hours in advance of performing work after 5:00 PM.
 - a. **RESPONSE: Acknowledged**
2. 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.
 - a. **RESPONSE: Acknowledged**
3. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning districts, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district.
 - a. **RESPONSE: Acknowledged**
4. Provide a comprehensive list of dust mitigation measures:
 - a. Will not track dirt and debris onto Ruby Avenue.
 - b. Enclose stockpiles of materials.
 - c. To minimize dust, dig down into the site below the height of the berm and grades, building in a hole rather than on top where dust can be carried with the wind.
 - d. Remediate old fill location.
 - **RESPONSE: Same Response as previous application**
5. Describe in detail how Bettis Asphalt will operate on a day-to-day basis.
 - **RESPONSE: Same Response as previous application**
6. Existing or shall be paved with asphalt or concrete, striped and ADA compliant.

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- **RESPONSE: Same Response as previous application**
- 7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.
 - **RESPONSE: Same Response as previous application**

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. 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. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt.

- a. **RESPONSE: Acknowledged**
- 8. The cul-de-sac and extension of Ruby Avenue and all accompanying public improvements shall be constructed by the applicant concurrently with the building permit associated with this development.
 - a. **RESPONSE: Acknowledged**
- 9. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application.
 - b. **RESPONSE: Acknowledged**
- 10. 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, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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.
 - a. **RESPONSE: Acknowledged**

Building Architecture:

- 1. Flip the orientation so the front entrance faces Ruby Avenue to comply with the design guidelines.
 - **RESPONSE: Acknowledged, building will be flipped with the Final Design**
- 2. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west the single-family residences.
 - **RESPONSE: Acknowledged**
- 3. The office portion of the building shall match is scale and style to the industrial buildings within this small business park, and must comply with Commercial Design Guidelines.
 - **RESPONSE: Acknowledged**

These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding.

Change of Zone Petition COZ2021-052 **RESPONSE: Acknowledged**

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December 13, 2021

4. Add wainscoting around the perimeter of the building, including the south, west and east facades.
 - **RESPONSE: Acknowledged, building will be modified accordingly with Final Design**

Landscaping and Screening:

1. Rededicate and preserve the area west of the paved batch plant as open space in perpetuity. The dedication can be listed on the plat in the CCRs or a deed restriction filed separately with the Register of Deeds.
 - a. **RESPONSE: Acknowledged**
2. Provide an updated sight line study that includes a cross section from that takes into account the enhanced landscape buffer along the south property line.
 - a. **RESPONSE: Site Line study provided with previous submittal**
3. Keep existing full growth trees on South 86th Street and along Kaw Drive.
 - a. **RESPONSE: Full growth trees are intended to remain**
4. All screening is to be maintained to minimize impacts of conflicting uses.
 - a. **RESPONSE: Acknowledged**
5. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from the public street.
 - a. **RESPONSE: Provided as part of the previous application**
6. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district.
 - a. **RESPONSE: Provided as part of the previous application**
7. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises.
 - a. **RESPONSE: Acknowledged**
8. 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 landscaped buffer area is to be provided alongside and 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.
 - a. **RESPONSE: Provided as part of the previous application**

The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties.

- a. **RESPONSE: Provided as part of the previous application**
9. 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.
 - a. **RESPONSE: Acknowledged**
10. Landscaping around the building and office shall be irrigated.
 - a. **RESPONSE: Acknowledged**
11. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained.
 - a. **RESPONSE: Acknowledged**

Change of Zone Petition COZ2021-052

December 13, 2021

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12. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.

- RESPONSE: Acknowledged

b. 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.

- RESPONSE: Acknowledged

13. BPU transformer pad shall be completely screened on three (3) sides with six (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.

a. RESPONSE: Acknowledged

14. 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).

a. RESPONSE: Acknowledged

15. 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.

a. RESPONSE: Acknowledged

16. 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.

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

a. RESPONSE: Acknowledged

Signage:

1. Shall comply with the sign code.

a. RESPONSE: Acknowledged

Planning Engineering Comments:

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

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

2) RESPONSE: Acknowledged

B) Items that are conditions of approval:

Change of Zone Petition COZ2021-052

None RESPONSE: Acknowledged

December 13, 2021

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

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now T. Andrew Gabbert, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-052.
2. That I conducted a neighborhood meeting on 11/15-11/29.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



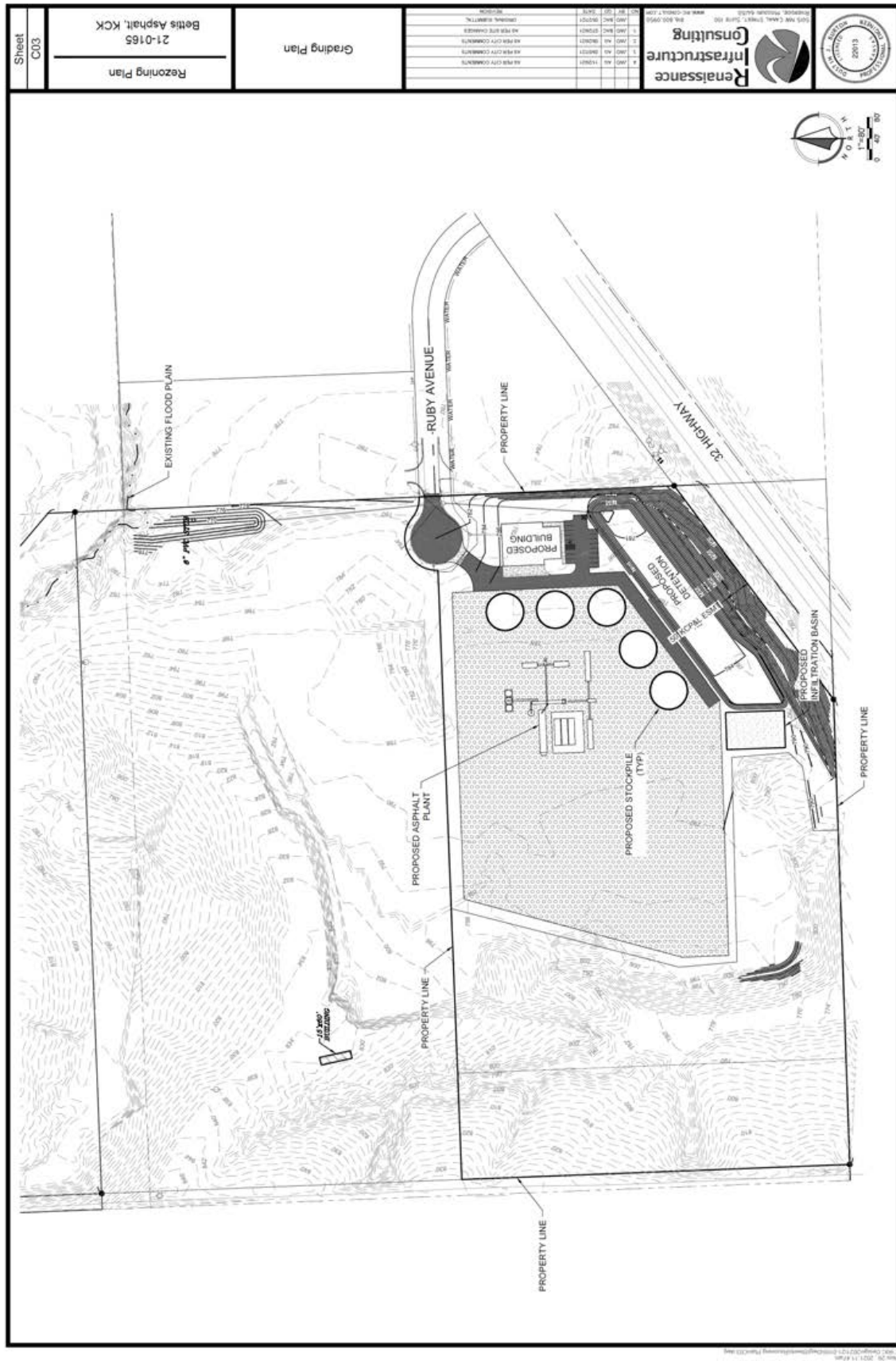
Affiant

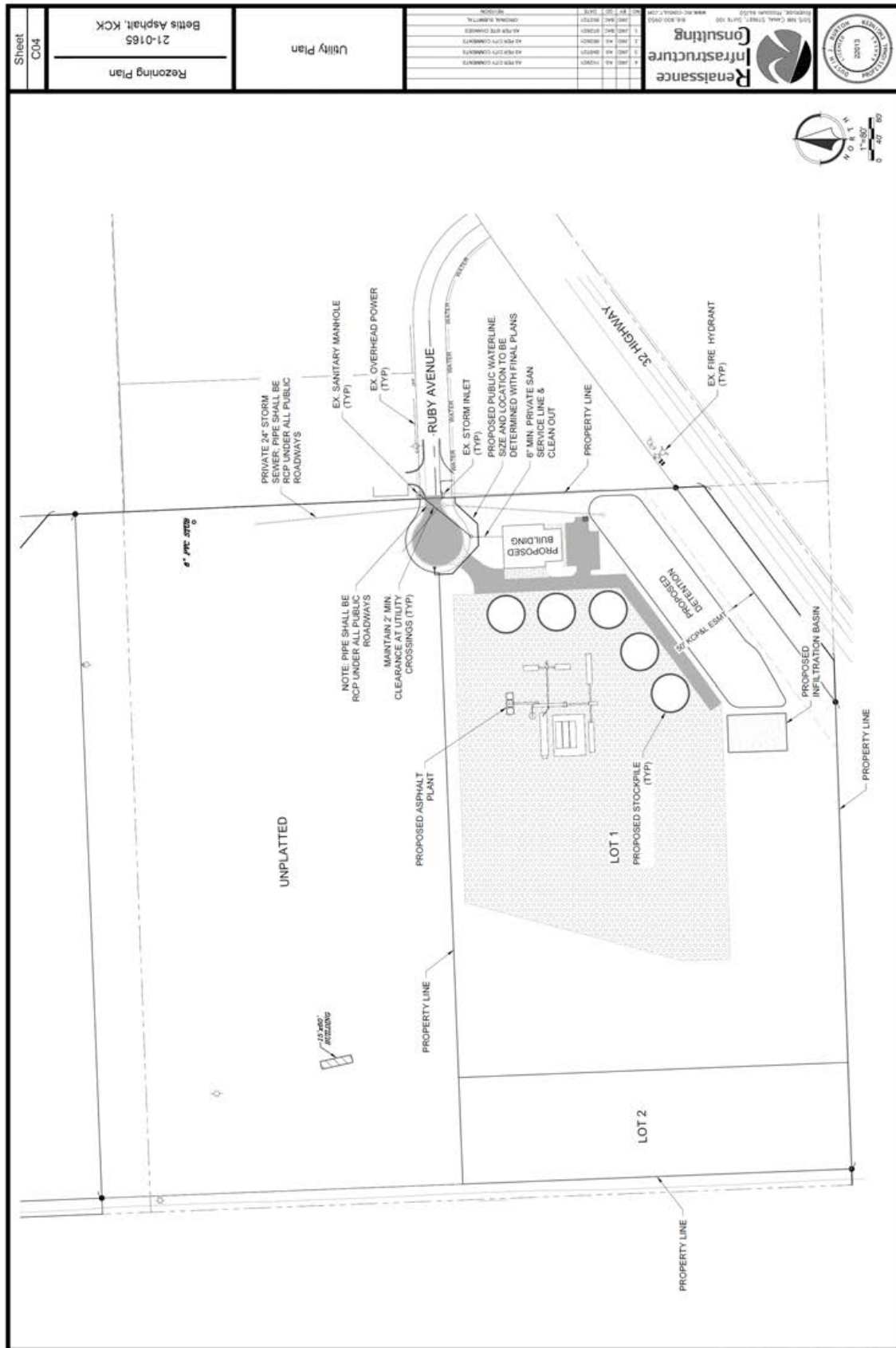
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

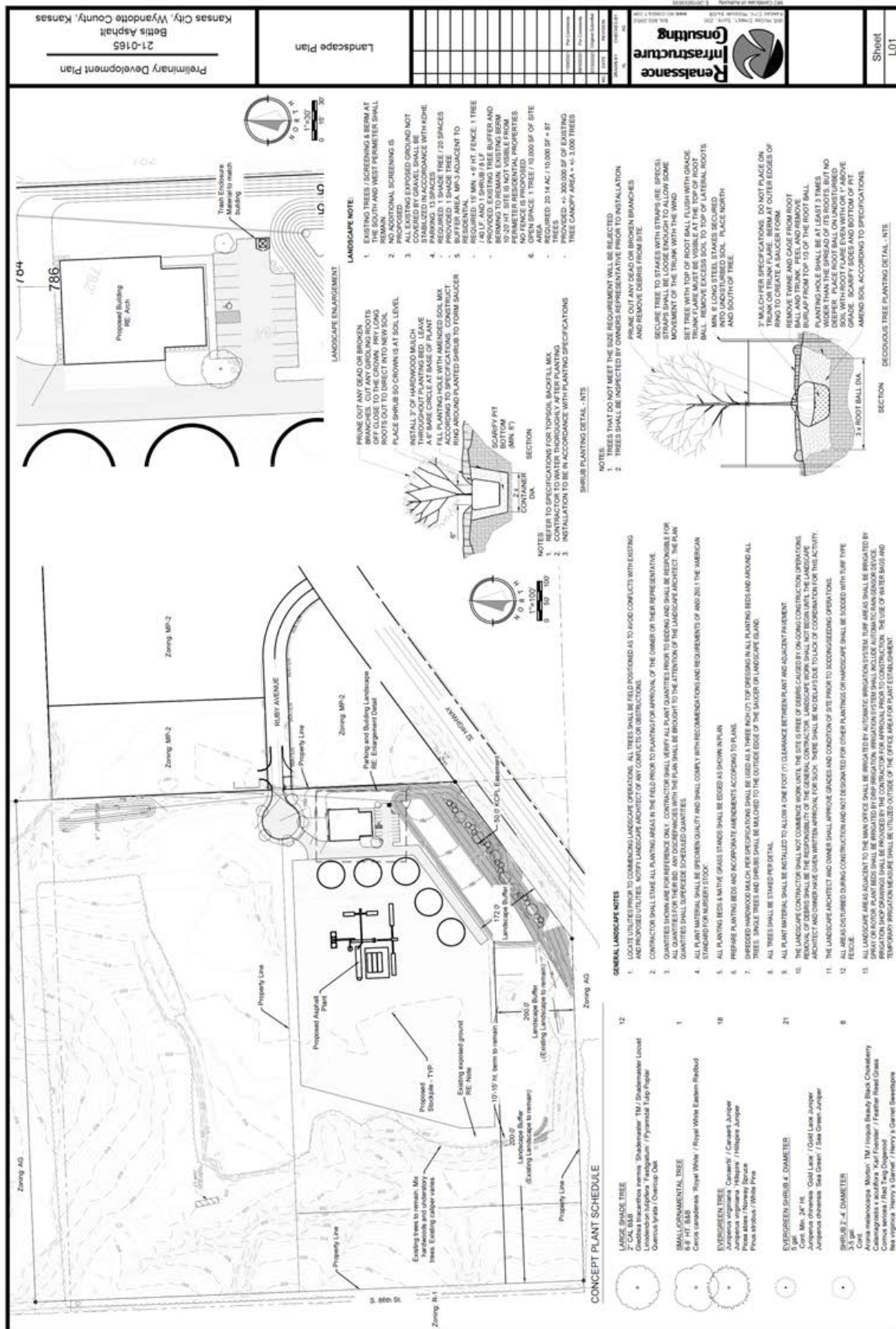
My commission expires _____ of _____, 200_.

Notary Public









Preliminary Development Plan
21-0165
Bettis Asphalt
Kansas City, Wyandotte County, Kansas

Landscape Plan



Sheet
LOT

LANDSCAPE ENHANCEMENT

- LANDSCAPE NOTE:**
- EXISTING TREES / SCREENING & BERM AT THE SOUTH AND WEST PERIMETER SHALL REMAIN.
 - NO ADDITIONAL SCREENING IS PROPOSED.
 - EXISTING EXPOSED GROUND NOT COVERED BY GRAVEL SHALL BE STABILIZED IN ACCORDANCE WITH CODE.
 - EXISTING EXPOSED GROUND SHALL BE COVERED BY GRAVEL.
 - PROVIDE 1 SHADE TREE / 20 SPACES REQUIRED. 1 SHADE TREE / 20 SPACES REQUIRED. 1 SHADE TREE / 20 SPACES REQUIRED.
 - PROVIDE 15 MIN. + 9 FT. FENCE. 1 TREE / 10,000 SF OF SITE.
 - REQUIRED: 20.14 AC / 10,000 SF + 87
 - PROVIDED: 11,300,000 SF OF EXISTING TREE CANOPY AREA + 4,300 TREES



SHRUB PLANTING DETAIL - NTS

NOTES:

- TREES THAT DO NOT MEET THE SIZE REQUIREMENT WILL BE REJECTED.
- TREES SHALL BE INSPECTED BY OWNERS REPRESENTATIVE PRIOR TO INSTALLATION.
- PRUNE OUT ANY DEAD OR BROKEN BRANCHES AND REMOVE EXPOSED WOUND SITE.
- SECURE TREE TO STAKES WITH STRAPS (RE: SPEC). DO NOT USE CABLES OR ROPES TO SECURE TREE. MOVEMENT OF THE TRUNK WITH THE WIND SHALL BE ALLOWED.
- SET TREE WITH TOP OF ROOT BALL FLUSH WITH GRADE. TRUNK FLARE MUST BE VISIBLE AT THE TOP OF ROOT BALL. DO NOT CUT OR TRIM TOP OF ROOT BALL. MAKE LONG STEEP SLOPE PLANT NORTH AND SOUTH OF TREE.
- 3" MULCH-FEE SPECIFICATIONS. DO NOT PLACE ON TRUNK OR TRUNK FLARE. BERM AT OUTER EDGES OF PLANTING AREA SHALL BE MAINTAINED. DO NOT BURN PLANT FROM TOP OF THE ROOT BALL. PLANTING HOLE SHALL BE AT LEAST 3 TIMES DEEPER. PLACE ROOT BALL ON UNDISTURBED SOIL WITH ROOT FLARE EVEN WITH OR 1" ABOVE SOIL WITH UNDISTURBED SOIL. AMEND SOIL ACCORDING TO SPECIFICATIONS.

DECIDUOUS TREE PLANTING DETAIL - NTS



GENERAL LANDSCAPE NOTES

- ALL PLANTING SHALL BE IN ACCORDANCE WITH THE LANDSCAPE ARCHITECT'S RECOMMENDATIONS. ALL TREES SHALL BE FIELD SPECIFIED AS TO AVOID CONFLICTS WITH EXISTING UTILITIES. NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS PRIOR TO INSTALLATION.
- CONTRACTOR SHALL OBTAIN ALL PLANTING MATERIALS IN THE FIELD PRIOR TO PLANTING FOR APPROVAL OF THE OWNER OR THEIR REPRESENTATIVE. QUANTITIES SHOWN ARE FOR REFERENCE ONLY. CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES AND SPECIFICATIONS AND SHALL BE RESPONSIBLE FOR ALL QUANTITIES FOR THEIR BID. ALL QUANTITIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. THE LANDSCAPE ARCHITECT SHALL SPECIFY SPECIES, SIZES, AND QUANTITIES.
- ALL PLANT MATERIAL SHALL BE SPECIMEN QUALITY AND SHALL COMPLY WITH RECOMMENDATIONS AND REQUIREMENTS OF AND 2011 THE AMERICAN STANDARD FOR NURSERY STOCK.
- ALL PLANTING BEDS IN THE GRASS STANDS SHALL BE ERODED AS SHOWN IN PLAN.
- PREPARE PLANTING BEDS AND INCORPORATE AMENDMENTS ACCORDING TO PLAN.
- SHRUBS, TREES AND SHRUBS SHALL BE MAINTAINED TO THE OUTSIDE EDGE OF THE SLOPE OR LANDSCAPE ISLAND.
- ALL TREES SHALL BE STAKED PER DETAIL.
- ALL PLANT MATERIAL SHALL BE INSTALLED TO ALLOW A ONE FOOT (1') CLEARANCE BETWEEN PLANT AND ADJACENT PAVEMENT.
- THE LANDSCAPE CONTRACTOR SHALL NOT COMMENCE WORK UNTIL THE SITE IS FREE OF OBSTACLES CAUSED BY ONGOING CONSTRUCTION OPERATIONS. REMOVAL OF OBSTACLES SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. LANDSCAPE WORK SHALL NOT BEGIN UNTIL THE LANDSCAPE ARCHITECT AND OWNER HAVE GIVEN WRITTEN APPROVAL FOR WORK. THERE SHALL BE NO DELAYS DUE TO LACK OF COORDINATION FOR THIS ACTIVITY.
- THE LANDSCAPE ARCHITECT AND OWNER SHALL APPROVE GRASSES AND CONDITION OF SITE PRIOR TO BEGINNING OPERATIONS.
- ALL AREAS DISTURBED DURING CONSTRUCTION AND NOT DESIGNATED FOR OTHER PLANTINGS OR HARDSCAPE SHALL BE SOOED WITH TURF TYPE FESCUE.
- LANDSCAPE AREAS ADJACENT TO THE MAIN OFFICE SHALL BE SOOED BY A GRASS SPECIES. SOOING SHALL BE COMPLETED BY THE LANDSCAPE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. SOOING SHALL BE COMPLETED BY THE LANDSCAPE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. THE USE OF WATER BARS AND TEMPORARY EROSION CONTROL MEASURES SHALL BE UTILIZED OUTSIDE OF THE OFFICE AREA FOR PLANT ESTABLISHMENT.

CONCEPT PLANT SCHEDULE

12	LARGE SHADE TREE	1
1	SMALL CONSPICUOUS TREE	1
18	EVERGREEN TREE	1
21	EVERGREEN SHRUB 4" DIAMETER	1
8	SHRUB 2" 4" DIAMETER	1

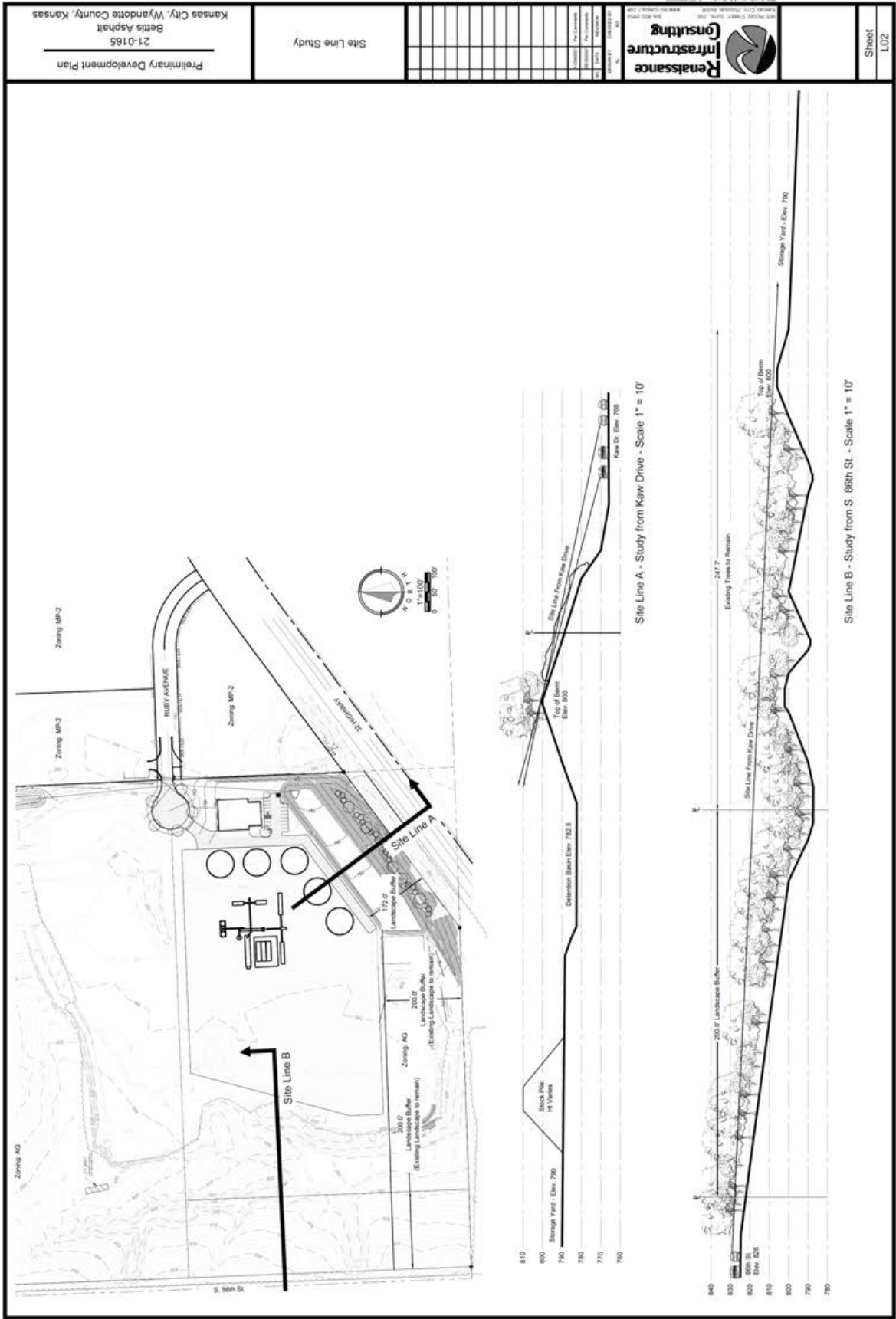
Large Shade Tree: 12' - 18' Ht. 4" - 6" DBH. Species: 'Shademaster' TM / 'Shademaster' Local. 'Linderothia Lophura' / 'Fragrantum' / 'Pyramidal' Tupa Nigra. 'Ginkgo biloba' / 'Ginkgo biloba'.

Small Conspicuous Tree: 6' - 8' Ht. 1" - 2" DBH. Species: 'Cercis canadensis' / 'Royal White' / 'Royal White Eastern Redbud'.

Evergreen Tree: 6' - 8' Ht. 1" - 2" DBH. Species: 'Juniperus horizontalis' / 'Compacta' / 'Juniperus horizontalis' / 'Compacta' / 'Juniperus horizontalis' / 'Compacta'.

Evergreen Shrub 4" Diameter: 4' - 6' Ht. 1" - 2" DBH. Species: 'Juniperus horizontalis' / 'Compacta' / 'Juniperus horizontalis' / 'Compacta' / 'Juniperus horizontalis' / 'Compacta'.

Shrub 2" 4" Diameter: 2' - 4' Ht. 1" - 2" DBH. Species: 'Juniperus horizontalis' / 'Compacta' / 'Juniperus horizontalis' / 'Compacta' / 'Juniperus horizontalis' / 'Compacta'.



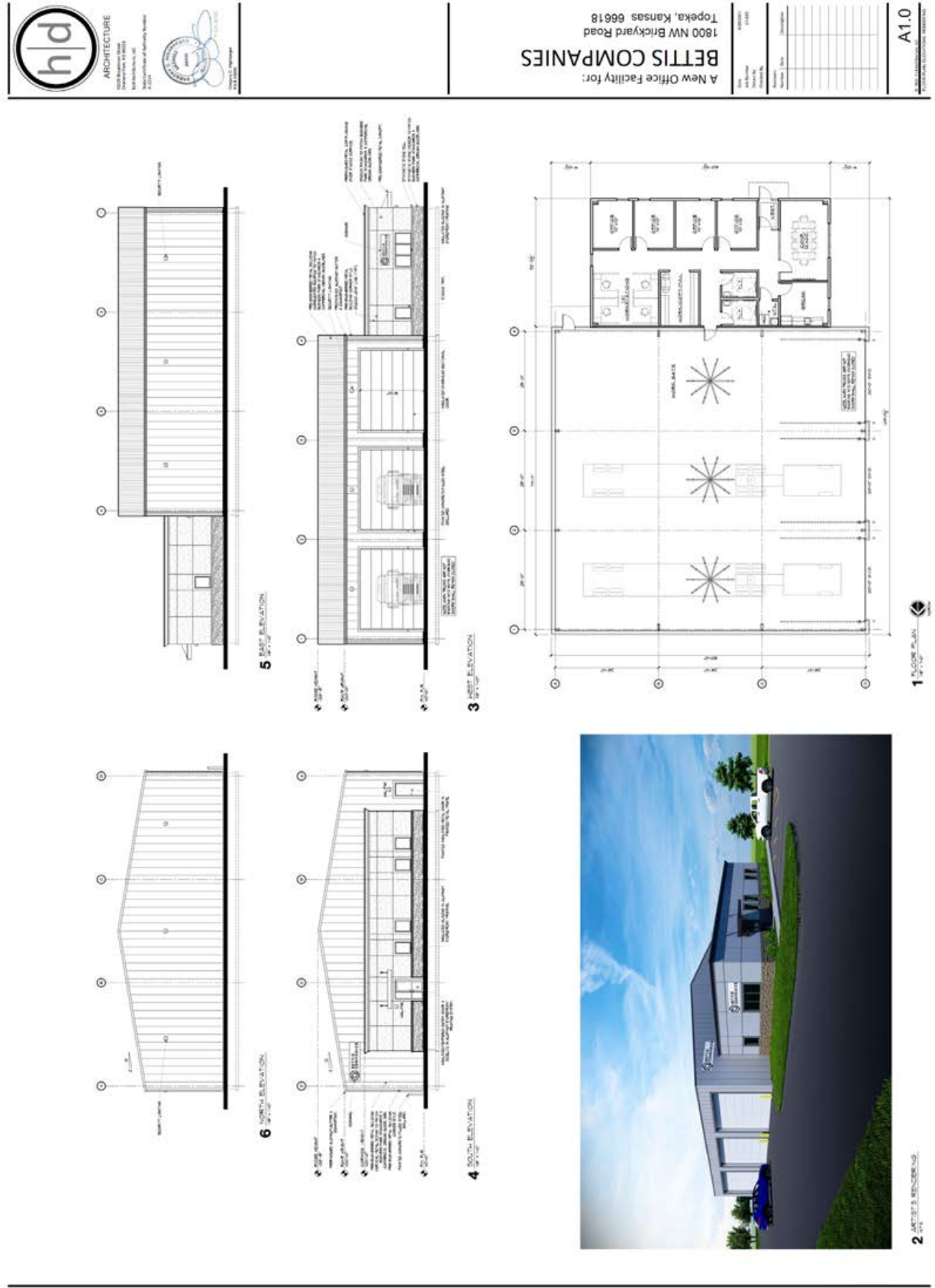




Figure 4. Site Photograph of 1625 South 86th Street looking east (provided by Planning Staff).



Figure 5. Figure 4. Site Photograph of 1625 South 86th Street looking southeast (provided by Planning Staff).



Figure 6. Figure 4. Site Photograph of 1625 South 86th Street looking south (provided by Planning Staff).



Figure 7. Figure 4. Site Photograph of 1625 South 86th Street looking southwest (provided by Planning Staff).



Figure 8. Figure 4. Site Photograph of 1625 South 86th Street looking west (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: SP2021-059

GENERAL INFORMATION

Applicant:
Morteza Gurabi

Status of Applicant:
Property Owner
4621 Swartz Road
Kansas City, Kansas 66106

Requested Action:
Approval of a Special Use Permit.

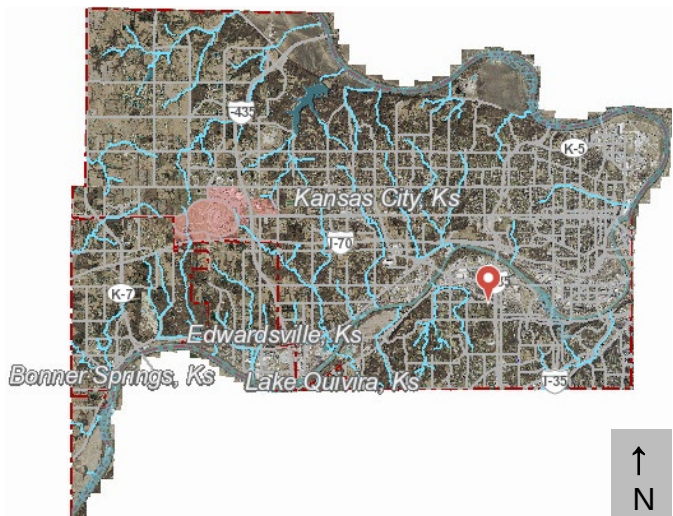
Date of Application:
May 26, 2021

Purpose:
Special Use Permit for keeping more than six (6) chickens.

Property Location:
4621 Swartz Road
Kansas City, Kansas 66106

Commission District:
Commissioner At Large: Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning: R-1 Single Family District



Adjacent Zoning:	North: Public Right-of-Way South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Railroad right-of-way South: Single-family residence; Undeveloped lot East: Undeveloped lot West: Single-family residences
Total Tract Size:	7.89 Acres
Master Area Plan:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences on lots between one-third (1/3) and three (3) acres.
Major Street Plan:	The Major Street Plan classifies Swartz Road as a Collector Street.
Required Parking:	Section 27-454(e) requires two (2) parking spaces for each single-family residence, at least one (1) of which must be in a garage or carport. The property has at least one (1) parking space in an attached garage and at least four (4) parking spaces available on the driveway.
Advertisement:	<u>The Wyandotte Echo</u> – June 17, 2021 Letters to Property Owners – June 17, 2021, July 6, 2021, September 7, 2021, October 4, 2021, November 2, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Morteza Gurabi, is requesting a Special Use Permit to keep chickens on a residential property. A Special Use Permit is required for more than six (6) chickens on a residential property. The Applicant initially requested fifty (50) chickens, but after further discussion and a best practices management plan was developed with staff, it was determined fewer chickens are

appropriate as the applicant is a newer chicken farmer. The Applicant is agreeable to a lesser number of chickens, being twenty (20).

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

Code Enforcement History: There is one (1) outstanding violation recorded at the property. The subject property was cited on May 13, 2021 for keeping more than six (6) fowl on a residential property, as well as keeping an inoperable vehicle with no tags on the property. The subject property has been previously cited by Code Enforcement:

March 31, 2021- Weeds

September 11, 2020- 14-Day Abatement: Weeds

March 11, 2019- Unlicensed Vehicle; Multiple Vehicles Parked on Unimproved Surfaces

February 1, 2019- Untagged Vehicles on the Property

September 10, 2018- 14-Day Abatement: Weeds

July 23, 2018- Other Multiple Violations

July 23, 2018- 14-Day Abatement: Weeds

October 9, 2017- 14-Day Abatement: Weeds

April 17, 2017- Weeds

March 24, 2015- Other Multiple Violations

February 21, 2014- Other Multiple Violations

September 27, 2013- Weeds

March 28, 2013- Other Multiple Violations

September 13, 2012- Weeds

May 2, 2011- Other Multiple Violations

June 26, 2009- Other Multiple Violations

July 29, 2005- Trash and Debris

February 2, 2004- Vehicle Parked on Unimproved Surface

July 18, 2003- Vehicle Parked on Unimproved Surface

October 16, 2002- Trash; Junk; Cars; Weeds

April 19, 2002- Mess and Debris

December 24, 2001- Trash; Old Vehicles

July 27, 2001- Weeds; Trash; Vehicles

June 11, 2001- Trash; Junk Vehicles

April 23, 2001- Weeds; Junk Vehicles

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Turner Statistical Neighborhood and is not within any Neighborhood Group boundary. The land pattern of the local neighborhood consists of long, narrow lots. Some of these lots, such as the subject property, remain as such. Other lots, however, were subdivided and feature single-family residences clustered around a long neighborhood street with a dead end. The boundaries of the neighborhood to the north and east are rights-of-way, with the BNSF Railway to the north and Interstate-635 to the east.

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

The nearby properties to the west are single-family residences; all other three (3) sides are large plots of land or rights-of-way. While 50 chickens may not typically be suitable for a property adjacent to several residential parcels, the subject property is almost eight (8) acres. The chickens can be kept well away from any of the neighbors. Keeping 50 chickens responsibly, in the rear yard and in a coop, is compatible with the surrounding zoning and uses.

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

The subject property is suitable for 50 chickens, if managed properly. It is possible that variance for a second accessory structure may be necessary if a second coop is needed to provide adequate shelter. If all requisite distances and setbacks are met, the property will be suitable for keeping 50 chickens.

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

The subject property is the applicant's primary residence.

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

Special Use Permits are not addressed in the City-Wide Master Plan. According to the City-Wide Master Plan, the Low-Density Residential land use designation encourages rural or very low residential density developments in the very northern part of the planning area, because of existing conditions and land capacity constraints. The low density of the area makes it suitable to have 50 chickens kept on the subject property, because the spacing between residences and the amount of space within a parcel help mitigate any potential negative externalities. The proposed uses conform with the City-Wide Master Plan.

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

Keeping chickens for personal purposes will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it. The only traffic issue that may arise would be if the applicant were to sell chicken eggs from the property. This is outside the scope of SP2021-059, however, because if the applicant were to conduct sales, then they would need a separate Special Use Permit to conduct covered commercial activity on a residentially zoned property.

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

It is reasonably necessary to raise chickens for personal consumption, or even as pets. The applicant states that they use the eggs for personal consumption for their larger family as well as for compost for their trees. Mitigation measures, such as the coop's requisite location at least 10 feet from the property boundary, at least 25 feet from any neighboring habitable structure, and other buffering/landscaping/screening, help keep such use from substantially or permanently injuring the appropriate use, visual quality, or marketability of adjoining properties.

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

While hens may make subtle clucks and coos and rustle their feathers, so long as there is no rooster on the property—which is prohibited by Section 7-175(a)(2)—there is no significant concern about noise, dust, or illumination. The applicant has stated that there will be illumination for the coop, but that it will be downward facing.

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

Chickens, or rather the waste produced by chickens, has the potential to pollute the air, land, and water through smell and biological contamination. The large pond in the southern portion of the subject property is cause for concern, as poorly maintained chickens or improperly disposed chicken waste can readily contaminate such a large open water source. The Wyandotte County Conservation District stated this concern as well, recommending that the applicant clean up the property and the chicken coop, create a suitable animal waste plan, and prevent contaminated water from reaching open water sources and flowing into the river. Therefore, the use as currently proposed will likely pollute the air, land or water. The first Since the initial recommendations from the Conservation District, the applicant has met with additional Planning Department Staff on techniques to better manage the property. Upon a final site visit, Staff was able to verify significant property improvements including debris removal, improved coop with a fenced in run, hazardous contaminates, and overgrown vegetation removed. The fenced in chicken run now contains the chickens to a confined area and their waste is in designated compost piles

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

The Wyandotte County Conservation District has recommended that no chickens be kept on the subject property, for a variety of reasons, including the impact chicken waste can have on the land and the water system. These reasons are noted in *Wyandotte County Conservation District Letter, Dated June 15, 2021* in the "Attachments" section of this report. Since that initial report, the Applicant addressed the Conservation District Comments and has followed staff recommendations for better confinement, property clean-up, composting, and hazard clean-up of the property. Staff is recommending the Applicant be allowed

a reduced number of chickens than initially applied for under the conditions that the applicant continuously improve the property and maintain the composting system as indicated by the Conservation District Comments.

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

While the applicant would personally benefit from keeping chickens, the relative gain to the public health, safety, and welfare may be outweighed by the hardships imposed on the individual landowner or landowners if the chickens are not properly cared for or their waste properly utilized or confined. Any issues created by chickens are scaled by magnitudes when there are 50 chickens in question, however these issues are better managed when the number is reduced. Staff will also take this moment to remind the applicant, public, and all recommending and deciding bodies that a Special Use Permit can be revoked at any time if conditions of approval are not satisfied.

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

The applicant's initial proposal to have 50 chickens in a fenced in area and in one (1) coop. Initially, the chickens were free-range inside an open-fenced area with a half-way constructed coop. After discussions with staff and a care and management plan was implemented, the applicant has retained the fenced off "agriculture" area for the care of chickens and storage of chicken supplies and the coop. The coop itself was improved from the initial visit to include a fully confined, fenced in run with additional watering and feed containment. Composting piles at the end of the free-range run were established to allocate for waste management and composting for the orchard. While there is ostensibly massive acreage to where fifty (50) or more chickens should be appropriate, it would be considered an undue population due to the ability for the applicant to appropriately care for the quantity of chickens initially requested.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

Applicant held a neighborhood meeting by accepting letters and calls through July 9th, 2021. Applicant stated during staff site visit that they received no correspondence.

KEY ISSUES

Distance from the Property Line
Groundwater Contamination
History of Property Violations
Noise
Screening and Buffering
Smell
Waste Disposal Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-059**, subject to:

- 1) The number of chickens allowed on the property shall remain at twenty (20).
- 2) Any cockerels must be culled when crowing beings and they mature to roosters.
- 3) The applicant continues to use a multi-step composting process in lieu of direct composting
- 4) Chickens must be contained within the run or free-range fence while cleaning the run.
- 5) Feed must be properly contained to prevent pests and predator attraction.
- 6) Property must continue show signs of improvement on debris, trash, and other violations.
- 7) Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot.
- 8) No eggs or chickens may be commercially sold, whether on site or off site.
- 9) 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.
- 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 the property owner is collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

- 11) Any 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. 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; and 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.
- 12) 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-059** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Additional Information Provided by the Applicant
Wyandotte County Conservation District Letter, Dated June 15, 2021
Photographs of the Property Submitted by Staff, Dated June 20, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing		
Special Use	December 13, 2021 Approval	January 6, 2022

STAFF CONTACT: Kallie McLaughlin
Kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-059** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-059**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 4:24:31:

SPECIAL USE PERMIT APPLICATION SP2021-059 – MORTEEZA GURABI –

SYNOPSIS: Special Use Permit to keep approximately 50 chickens at 4621 Swartz Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Morteza Gurabi, applicant, 4621 Swartz Road, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:27:07: Planning Director Hand stated that this application is to keep more than the allowed six (6) fowl on the property. The applicant originally requested 50 chickens and Staff has done an intensive review of the property and worked extensively with the applicant. The Conservation District reinspected the property after Staff noticed an improvement to the property since submitting their application. The Conservation District has recommended a maximum of 20 chickens be allowed on the property. There are Notices of Violation on this property that the applicant is making progress addressing. Staff has received no letters in support nor opposition. Director Hand stated that roosters are not allowed on the property. Staff recommends approval subject to the conditions in the staff report for two (2) years.

Motion and Vote starts at 4:30:30 :

On motion by Mr. Mohler, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2021-059 for twenty (20) chicken for two (2) years:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

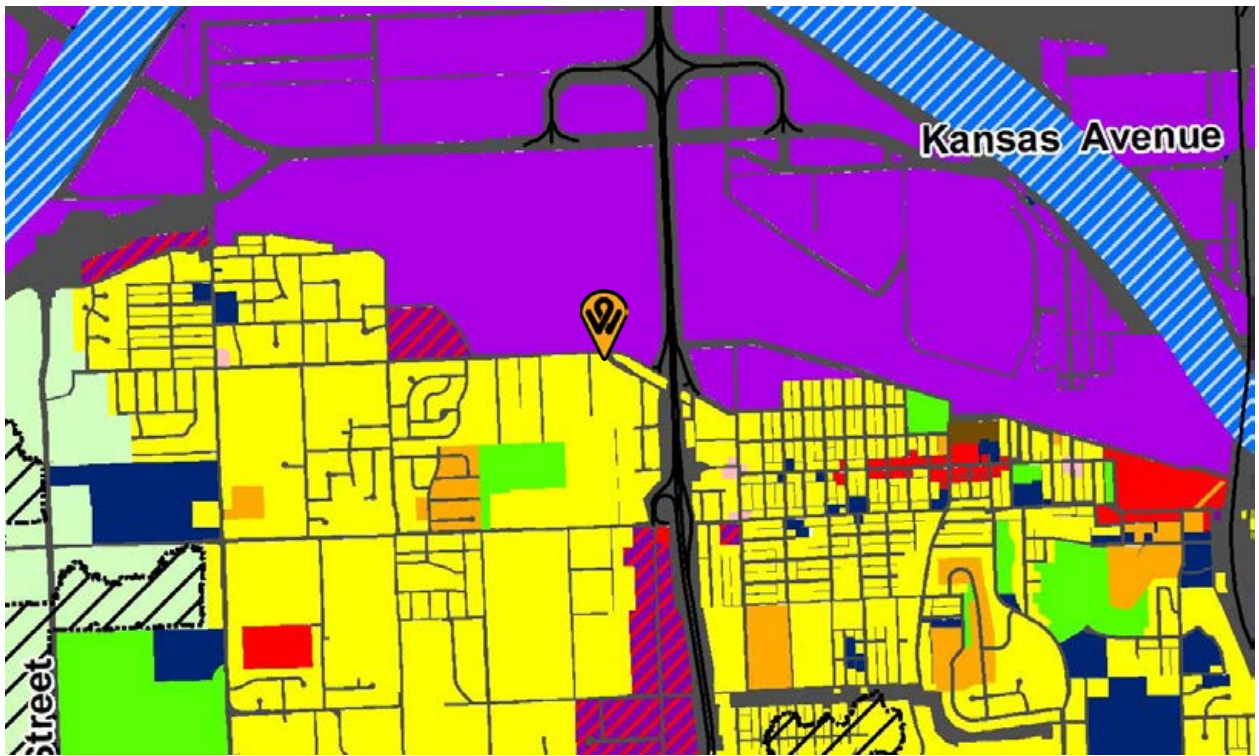
Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

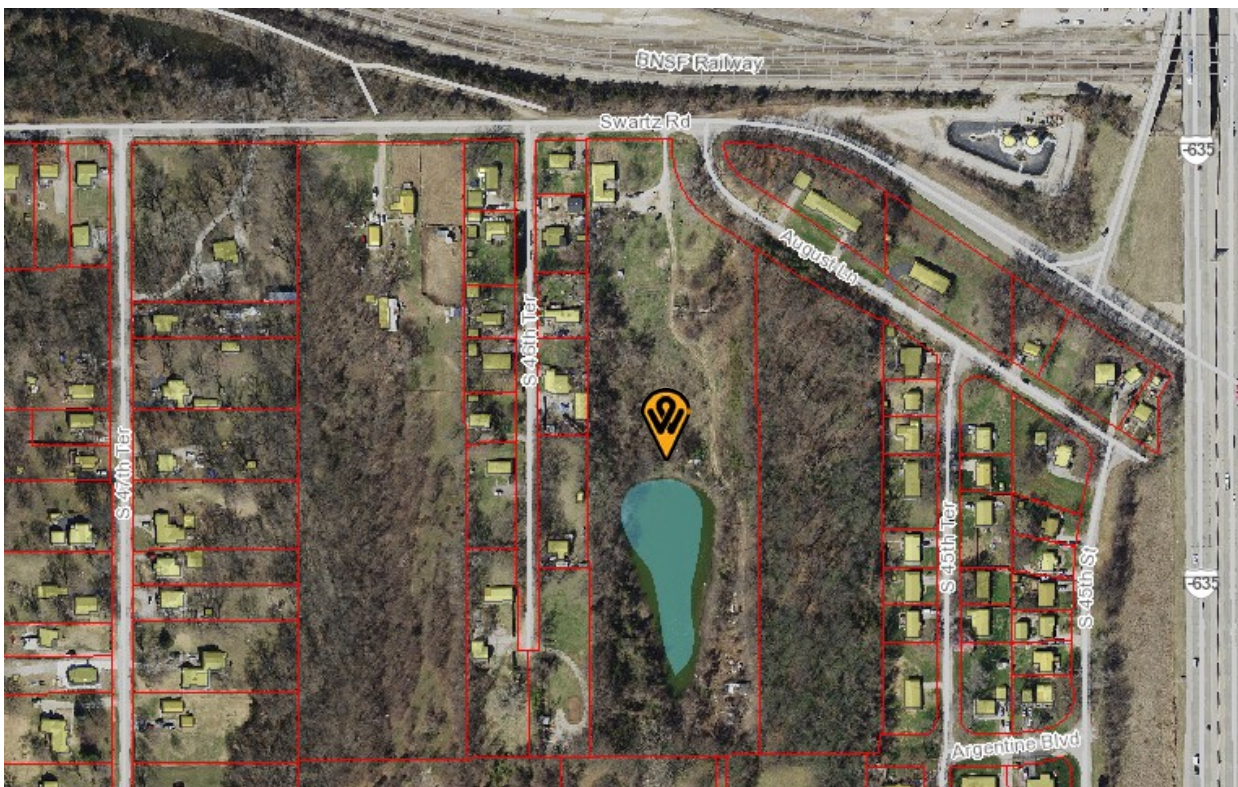
- 1) The number of chickens allowed on the property shall remain at twenty (20).**
- 2) Any cockerels must be culled when crowing beings and they mature to roosters.**
- 3) The applicant continues to use a multi-step composting process in lieu of direct composting**
- 4) Chickens must be contained within the run or free-range fence while cleaning the run.**
- 5) Feed must be properly contained to prevent pests and predator attraction.**
- 6) Property must continue show signs of improvement on debris, trash, and other violations.**

- 7) Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot.
- 8) No eggs or chickens may be commercially sold, whether on site or off site.
- 9) 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.
- 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 the property owner is collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
- 11) Any 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. 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; and 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.
- 12) 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.

LAND USE MAP



AERIAL MAP



ZONING MAP



ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

9. Additional Information Please note any additional information that may assist staff in reviewing this request. +

*I have a spacial Area which is fenced and have Chicken
coup and they have especial Place to eat and drink water*



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservations@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

June 15, 2021

RE: SP2021-059 Morteza Gurabi 50 chickens at 4621 Swartz Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-059 Morteza Gurabi 50 chickens at 4621 Swartz Road.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Agricultural Disposal of Manure
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There is one major soil type identified: Knox silt loam, 18 to 30 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- **This request for chickens is not recommended until the following items or incorporated:**
- This site has a lot of cleaning up and maintenance to do. There is not a good building to put the chickens in.
- There needs to be an animal waste plan to get rid of the chicken waste in a safe manner.
- The contaminated water can flow into the drainage way and into the river.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

PHOTOGRAPHS OF THE PROPERTY SUBMITTED BY STAFF, DATED JUNE 20, 2021



PHOTOGRAPHS OF THE PROPERTY SUBMITTED BY STAFF, DATED DECEMBER 4, 2021



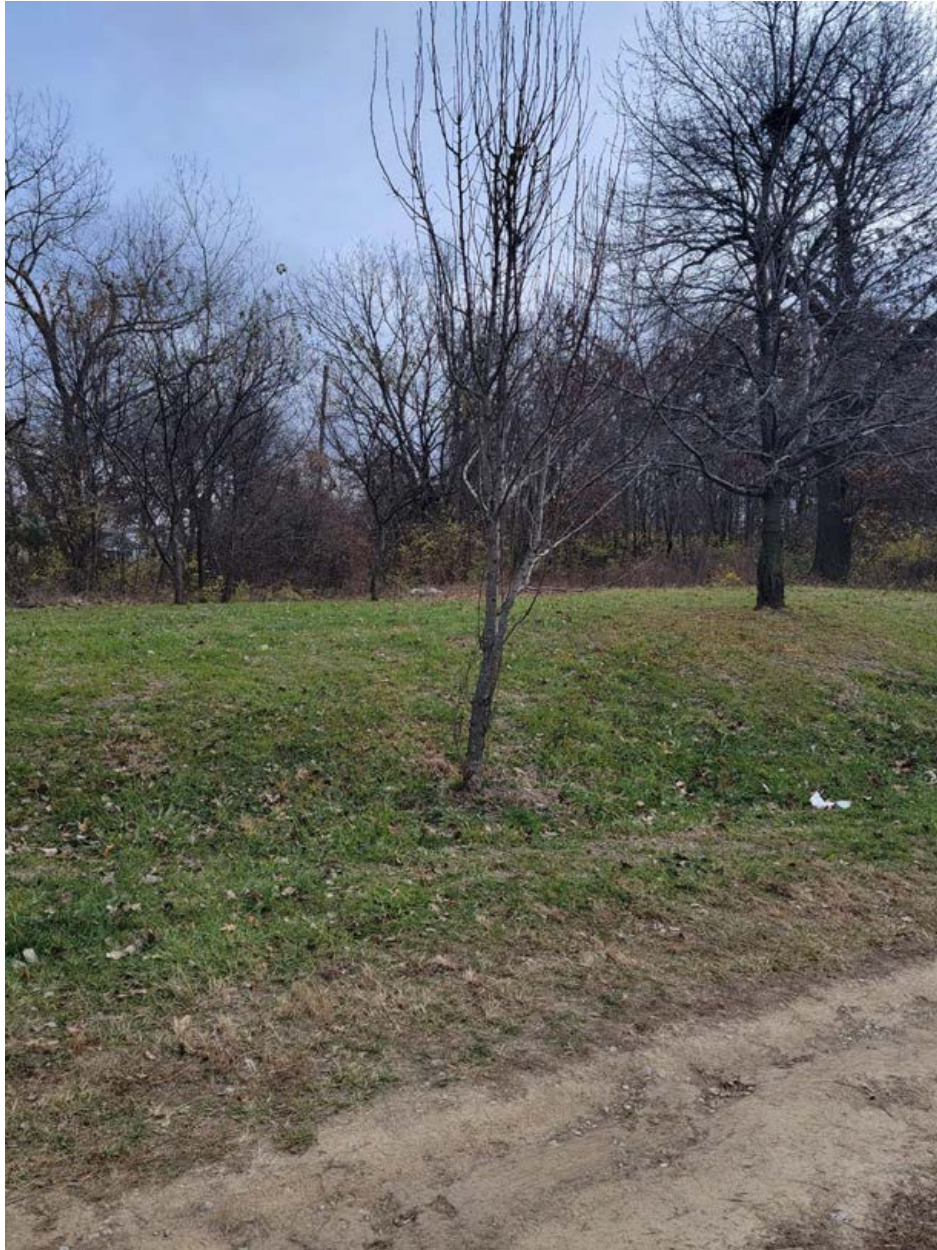


PHOTOGRAPHS OF THE PROPERTY SUBMITTED BY STAFF, DATED DECEMBER 4, 2021



PHOTOGRAPHS OF THE PROPERTY SUBMITTED BY STAFF, DATED DECEMBER 4, 2021









Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Petition SP2021-071

GENERAL INFORMATION

Applicant:
Jessica Betts

Status of Applicant:
Property Owner
749 Locust Avenue
Kansas City, Kansas 66103

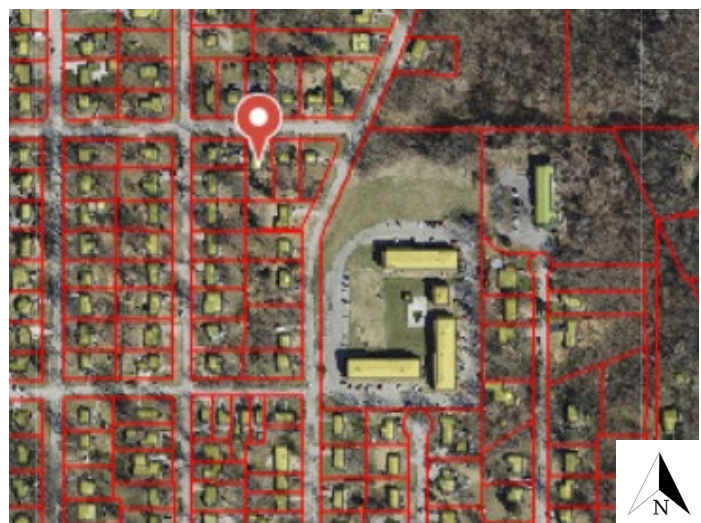
Requested Action:
Approval of a Special Use Permit for a Short-Term Rental.

Date of Application:
September 9, 2021

Purpose:
To begin operating a short-term Rental. This is not the applicant's primary residence.

Property Location:
749 Locust Avenue
Kansas City, Kansas 66103

Commission Districts:
Commissioner At Large District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Home South: Single Family Home East: Single Family Home West: Single Family Home
Total Tract Size:	0.23 Acre
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this area as Low-Density Residential
Major Street Plan:	The Major Street Plan classifies Locust Avenue as a Local Street.
Parking Requirements:	Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage. The subject property has a one (1) car garage and extended driveway for three (3) parking spaces for a total of four (4) off-street parking spaces which is adequate for requirement.
Advertisement:	<u>The Wyandotte Echo</u> – October 14, 2021 Letters to Property Owner – October 15 2021, October 31, 2021 and December 27, 2021
Public Hearing:	December 13, 2021 and January 6, 2022
Public Support:	One (1) person appeared at the December 13, 2021 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jessica Betts, is seeking approval for the operation of a short-term rental at 749 Locust Avenue. This is currently the applicant's primary residence, but the applicant is relocating to Texas. The Applicant purchased the home in 2020 from their father, who purchased the home in 2019. The applicant recently renovated the property within the last two (2) years and plans to outsource the operations to a third party while utilizing AirBnB to market the rental. The

owner is in the process of obtaining their rental license and obtained inspections as part of permitting and to supplement this application.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes. There is an apartment complex nearby comprised of two (2) and three (3) story garden-style buildings with vast open space.

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

The zoning and uses are set out above. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding. There is one (1) short term rental approximately 1050 feet away.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

This property is not vacant. It is an existing single-family residence, and the applicant has recently undergone a renovation. The Applicant will continue to reside in the home while waiting on approval of the Special Use Permit before relocating.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as a Low-Density Residential. Low-Density Residential allows a short-term rental but requires a Special Use Permit to operate.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Local Street to accommodate it if managed properly

while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing single-family residence.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant at this property

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted single family residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental, but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests allowed at one time is six (6) adults with the max number of vehicles being three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

RELATED CASES AND PREVIOUS ACTIONS

1. There are no related planning cases on this property

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. February 25, 2020 - 20205-00162/2835537 – Environment Violation – Applicant left trash cans outside too long.
2. March 10, 2020 – 2835538/2840237 – Old sofa left on curb near property from someone else, was disposed of.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits. Previous building permits were previously issued for a renovation in 2019.
2. The current property owner has no outstanding Code Inspection Cases.
3. A rental inspection has been requested by the applicant, RLI-005895.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 8, 2021, by via email and/or phone call and virtual meeting.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Noise
Parking
Occupant Safety
Neighborhood Character
Trash

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-071**, subject to:

1. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be six (6);
2. Guest parking must be provided off-street. Maximum number of guest parking shall be three (3);
3. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be three (3);
4. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
5. 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. 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; and,
8. The driveway and apron shall be upgraded to an improved surface per UG Standards.;
9. A Right of Way Permit is Required. Please contact Public Works to begin that process;
10. 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, 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.



STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-071** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.



ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Letter
Neighborhood Meeting Minutes
Neighborhood Meeting Affidavit
Liability Insurance Quote Highlight
Guest Book and Rules
Property Inspection Report Highlights
Building Blocks Property Report Snippets
Property Floor Plan
Property Site Plan Aerial View
Photos from Applicant Dated October 25, 2021
Staff Site Visit Photos Dated November 12, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 13, 2021	January 6, 2022
Special Use	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-71** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-71** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 4:31:35:

SPECIAL USE PERMIT APPLICATION SP2021-071 – JESSICA BETTS – SYNOPSIS: Special Use Permit for a Short-Term Rental at 749 Locust Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Jessica Betts, applicant 749 Locust Avenue, Kansas City, Kansas 66103
- Alexander Repsholdt
- Keith Reece, 768 Locust Avenue, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:40:00: Planning Director Hand stated that this request is for a short-term rental and is located in the Rosedale area, but not in the Rosedale Area Master Plan. He further stated that there are conditions of approval in the staff report, including a maximum of six (6) guests with a total of three (3) off-street parking spaces. Staff is requesting that the driveway entrance apron be improved to UG standards which requires concrete. There are old Notices of Violation not related to this case. Staff received no letters in support nor opposition to this application. Staff recommends approval, for one (1) year subject to the conditions in the staff report.

Motion and Vote starts at 4:41:30:

On motion by Mr. Mohler, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2021-071 for one (1) year:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

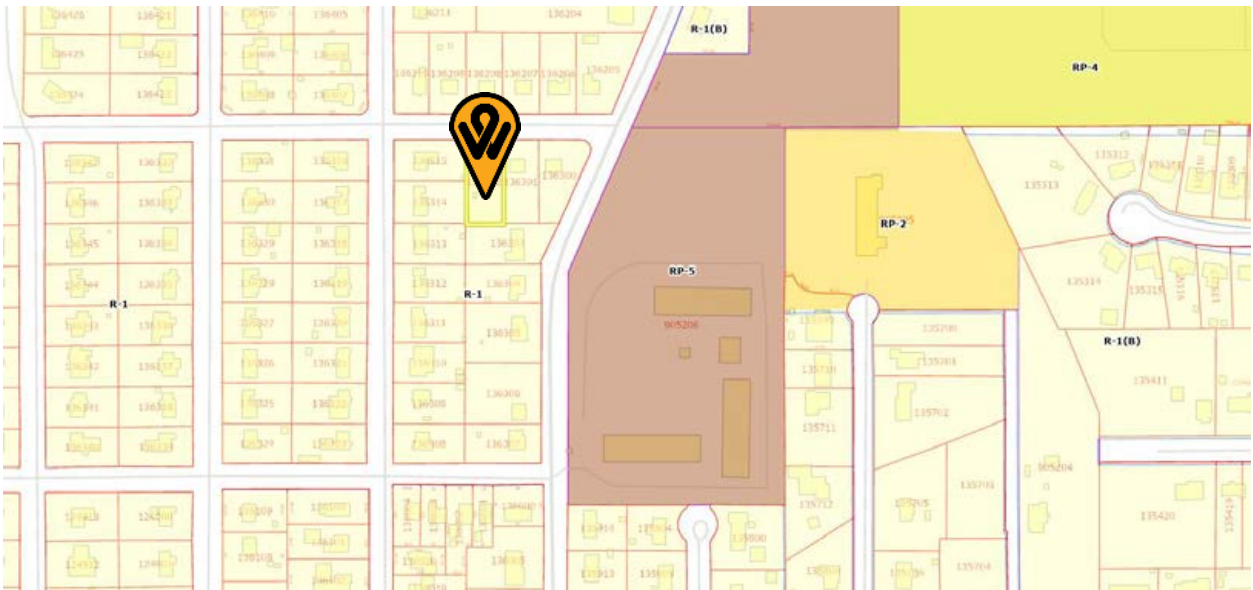
- 1. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be six (6);**
- 2. Guest parking must be provided off-street. Maximum number of guest parking shall be three (3);**
- 3. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be three (3);**
- 4. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 5. 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. 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 ;and,
8. The driveway and apron shall be upgraded to an improved surface per UG Standards.;
9. A Right of Way Permit is Required. Please contact Public Works to begin that process;
10. 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,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

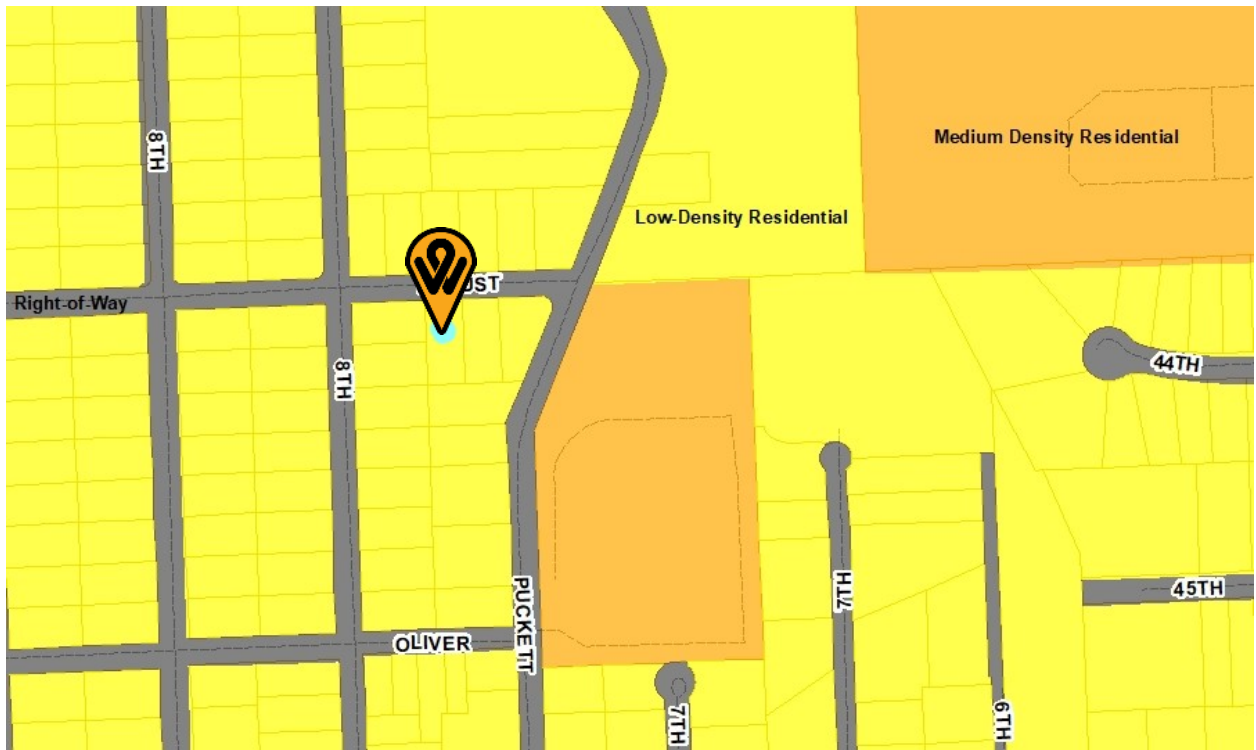
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING LETTER

Date: 10/28/21

Jessica Betts
749 Locust Street
Kansas City, KS 66103

Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # SP2021-071 - 749. The purpose of this:

- ☐ change of zone
- ☒ special use permit
- ☐ preliminary plan review

is for a short term rental at 749 Locust Street.

I am having a neighborhood meeting on November 8th at 4 p.m. via Zoom. Please use the following meeting ID and password to join.

Meeting ID: 873 0414 3487
Password: C8ZtAz

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Jess Betts
620-217-5105
jbettsrealestate@gmail.com

NEIGHBORHOOD MEETING MINUTES

Application Number: SP2021-071

Date and Location: 11/8/21 on zoom.com

Meeting called to order at: 4:00pm

Names of people in attendance: Alex Repshodtz and Jessica Betts
(property manager and property owner)

Introductions:

4:00 pm -- We started the meeting and began recording.

- Alex immediately does an intro and we wait for people to join for a couple of minutes.

Presentation:

4:02 - 4:07 pm -- Alex introduces himself as my property manager and goes through his proposal by covering the following:

- Where the property is located.
- His company's two years of experience managing short term rentals.
- Photos of the property.
- Reasons why we decided to go with a short term rental.
- Ways in which we will prevent unruly guests (noise monitoring equipment, state of the art surveillance, 24 hour security, government ID, etc).

4:07 - 4:30pm -- Alex and I wait for any neighbors to join us, but unfortunately - we did not have anyone in attendance.

Meeting adjourned at: 4:30pm

Minutes taken by: Jessica Betts

NEIGHBORHOOD MEETING AFFIDAVIT

dotloop signature verification: <http://www.kuOymKPF8>

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Jessica Betts, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2021-071
2. That I conducted a neighborhood meeting on 11/08/2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Jessica L Betts
Affiant

dotloop verified
11/08/21 5:54 PM
CST
QCYT-V4P9-RJ9-F92F

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 8th day of
November, 2021.

My commission expires _____ of _____, 200__.

Alex Repsholtz
Witness

dotloop verified
11/09/21 7:23 AM CST
PSXY-357R-FKQZ-Q2GQ

LIABILITY INSURANCE QUOTE HIGHLIGHTS



Proper Insurance Services, LLC
 Phone: 888-631-6680
 Fax: 888-331-9299
 Mail: 14 W Patrick St, Suite 201
 Frederick, MD 21701
 Web: www.properinsure.com

Policy Proposal:	Vacation Rental Insurance Program	Click Here To Purchase Policy
Underwriter:	Lloyds of London	
Named Insured:	Jessica Betts	
Premise Address(s):	749 Locust Street, Kansas City, KS 66103	
Proposal Date: Valid 30 Days	09/10/2021	
Policy Features & Highlights	▪ Commercial Package Policy: coverage for building(s), contents, liability, and income ▪ Building(s): special cause of loss with replacement cost valuation ▪ Contents: special cause of loss with replacement cost valuation ▪ Liability: \$1,000,000/\$2,000,000 in commercial general liability coverage ▪ Income: actual loss sustained business income coverage with no time limit ▪ \$2,000,000/\$3,000,000 commercial general liability limits available ▪ Additional \$1,000,000 in personal liability when rental “doubles” as primary residence ▪ Bed Bug extermination and business income available ▪ Squatters coverage for eviction expenses and business income available ▪ Enhanced coverage for damage to your buildings caused by a guest ▪ Enhanced coverage for damage to your contents caused by a guest ▪ Enhanced coverage for theft and animal/pet liability ▪ No vacancy or standard occupancy restrictions ▪ Liability continued over amenities such as pools, bicycles, small watercraft and fishing ▪ Enhanced ordinance or law available	
This Policy is designed to replace your dwelling or landlord policy	This policy is not supplemental coverage above and beyond what you currently carry. It was custom-penned for the unique risks of vacation rental properties. It offers premier coverage for your building and contents, while adding commercial general liability and business income coverage.	

GUEST BOOK AND RULES

★ ★ GENERAL RULES ★ ★

Do not disrespect Neighbors.

Please follow check-in and out instructions.

Do not wash dishes in the bathroom sink.

Do not remove makeup with white towels in the unit. There are dark towels in the bathroom cabinet under the sink for this.

Do not burn candles, incense, or any other open flames.

Lock the door AT ALL TIMES. We want you and your things to be safe.

No smoking, vaping, or use of marijuana at any time anywhere on the property. Smoking of any kind will result in an additional charge (listed below).

No parties, events, birthdays, bachelor or bachelorette stays, get-togethers, hangouts and the like.

Do not have more guests (regardless of age) than stated in your reservation and no unapproved visitors. Any overnight visitors not on the reservation will be considered an additional guest for the reservation and will result in an additional guest fee (listed below).

No loud music or disturbances, especially noise past 10pm.

All Guests are expected to clean up after themselves prior to departure: If you open it, close it; if you borrow it, return it; if you turn it on, turn it off; if you break it, fix it; if you use it, take care of it; if you make a mess, clean it up; if you move it, put it back.

All Guests are expected to wash their own dishes prior to departure.

We are not responsible or liable for any accidents, injuries, or illness that occurs while on the premises. We are not responsible for the loss of personal belongings or valuables during your stay. We cannot be responsible for any items left behind. Shipping items that have been left behind will result in an additional handling charge (listed below). Items may be donated or disposed of at our discretion 2 days after your scheduled departure.

★★You agree to forfeit your right to leave a review if you break any of our house rules at any point.
★★

★★If we make a mistake you may be entitled to a partial or full refund depending on the extent of the mistake. We DO NOT refund AirBNB service fees or taxes. ★★

GUEST BOOK AND RULES (CONT'D)

★★If you accept a refund, whether it be a partial or full refund, you willingly forfeit your right to leave a review. If we fail service, you don't get to leave a bad review and receive a refund, you get to

choose one or the other, not both. All refunds will be paid on the 14th day after check-out, after the review period has closed. We agree to not leave a review as well. ★★

★ ★ FEES ★ ★

★★FEES, if incurred, must be paid within 1 hour of submission or reservation will be subject to termination with no refund. ★★

FEES: A \$50 handling fee must be paid prior to any request for our staff to return a lost item left in the unit.

FEES: Lost TV remote control will result in a \$25 Charge.

FEES: Unapproved Late Check Out fees: \$75 for every 30 minutes past check-out.

FEES: Smoking of any kind will result in a \$250 deodorization fee.

FEES: Tampering of any kind to the security systems, smoke detectors, noise monitoring device, exterior cameras or any other permanent electronic device in the effort to disable, damage, unplug or degrade the use of these systems will result in an immediate \$250 charge.

★ ★ PET RULES ★ ★

Pets must be approved prior to booking. Dogs allowed. NO CATS, BIRDS, HAMPSTERS, MICE, OR ANY OTHER PETS.

Pets must be added onto reservation as an additional guests and guests must pay an additional fee (listed below).

Pets are not allowed on beds or furniture at any time during stay.

Pets must be taken out to do their business and not go inside the home or patio. You MUST pick up after your pet.

Pet cannot mark indoors.

Pet cannot be washed or showered in tubs or sinks.

★ ★ PET FEES ★ ★

FEES: Pet Rent is \$50 for each pet or \$10 per pet/per night, whichever is greater.

FEES: Unauthorized Pets will result in an additional \$250 charge per pet on top of pet rent.

FEES: Pet urinating inside will result in a \$100 floor disinfecting charge.

GUEST BOOK AND RULES (CONT'D)

FEES: Pet showered in tub or sinks will result in a \$200 Charge.

FEES: Pet hairs found on sheets or furniture will result in \$60 Charge.

PROPERTY INSPECTION REPORT HIGHLIGHTS

Description of Electrical

- Size of Electrical Service: 120/240 Volt Main Service - Service Size: 100 Amps
- Service Drop: Overhead
- Service Entrance Conductors: Aluminum
- Service Equipment & Main Disconnects: Main Service Rating 100 Amps | Breakers
- Service Grounding: Aluminum-Bare
- Service Panel & Overcurrent Protection: Panel Rating: 100 Amps
- Distribution Wiring: Copper
- Wiring Method: Non-Metallic Cable "Romex"
- Switches and Receptacles: Grounded
- Ground Fault Circuit Interrupters: Bathroom(s), Exterior, Garage, Kitchen
- Smoke Detectors: Present

Positive Attributes

Positive Attributes

The size of the electrical service appears to be sufficient for typical single family needs. Generally speaking, the electrical system appears to be in good order.

General Comments

Inspection of the electrical system did not reveal the need for improvement.

Positive Attributes

The exterior siding that has been installed on the house is relatively low maintenance
The wood window frames are in generally good condition
The driveway and walkways are in good condition
The soffits and fascia are a low-maintenance feature on the exterior of the home
The wood siding is in generally good condition.

Positive Attributes

The heating system is in generally good condition. Heat distribution within the home is adequate.
The heating system should have several years of useful life remaining.

General Comments

The heating system shows no visible evidence of major defects

Cooling/Heat Pumps

Description of Cooling/Heat Pumps

- Energy Source: Electricity | 240 Volt Power Supply
- Central System Type: Air Cooled Central Air Conditioning. Manufacturer: Tran Date:NA

General Comments

The system shows no visible evidence of major defects

Plumbing

Description of Plumbing

- Water Supply Source: Public Water Supply
- Service Pipe to House: Copper
- Main Water Valve Location: Front Wall of Basement
- Interior Supply Piping: Copper
- Interior Supply Piping: Copper | PEX
- Drain, Waste, & Vent Piping: Plastic | Cast Iron
- Water Heater: Gas 40gal. Manufacturer:Whirlpool. Manufacture Date:2012

Positive Attributes

The plumbing system shows no visible evidence of defects . The plumbing system is in generally good condition. The water pressure supplied to the fixtures is above average

General Comments

The plumbing system requires some typical minor repairs.

Water Heater

- Deferred Cost: As is not uncommon for homes of this age and location, the water heater is old. Most water heaters have an expected lifetime of between 8-12 years. This water heater (Manufactured) has exceeded its expected useful lifetime. It may require a slightly higher level of maintenance, and may be more prone to major component breakdown. Predicting the frequency or time frame for repairs on any mechanical device is virtually impossible.

Positive Attributes

All appliances that were tested responded satisfactorily.. The kitchen and laundry facilities are well organized

BUILDING BLOCKS PROPERTY REPORT SNIPPETS

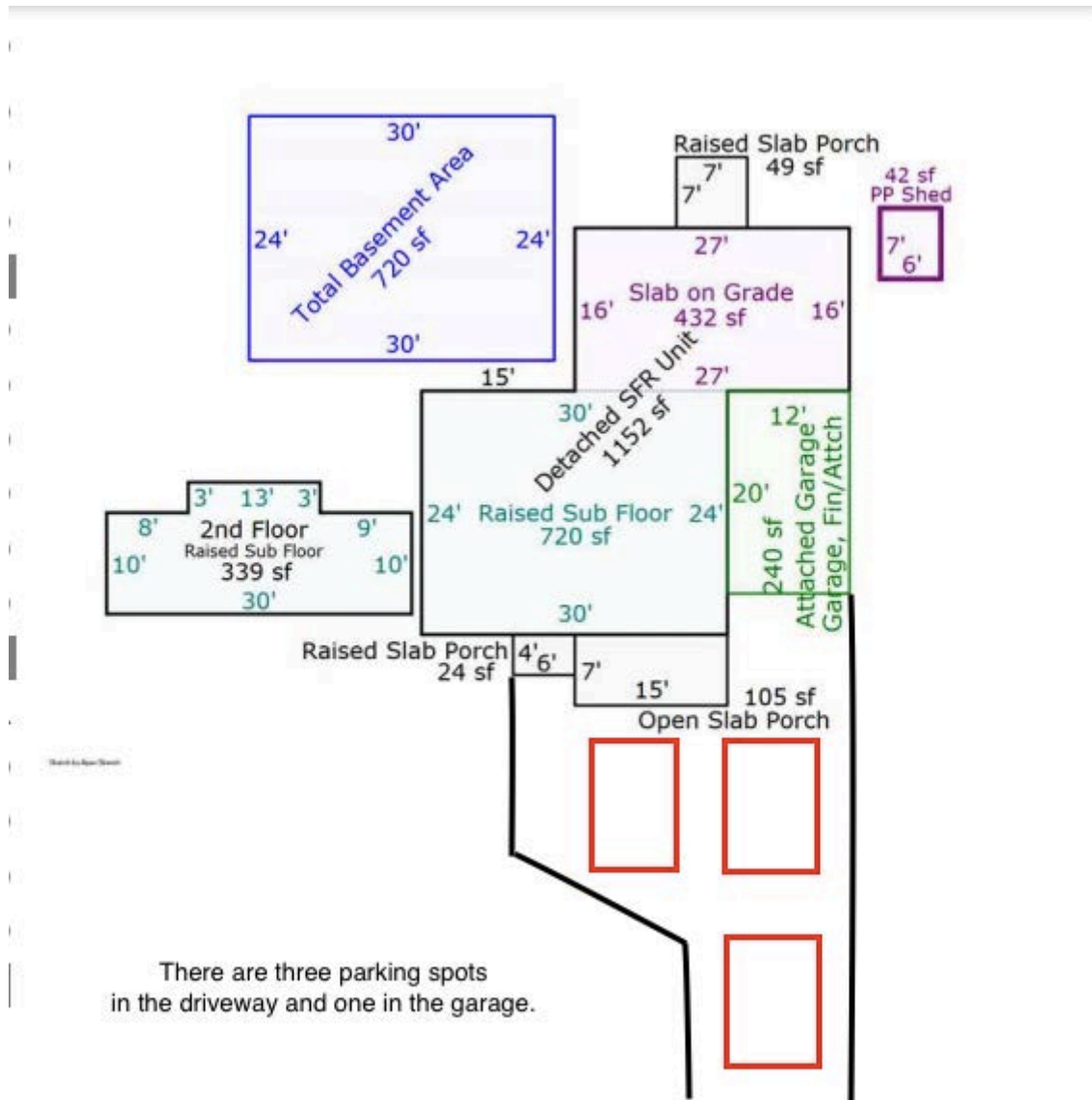
Code Enforcement Case (2)

	Case No	Date	Status	Type
 	20205-00162	02/25/2020	Closed	Code-Environment

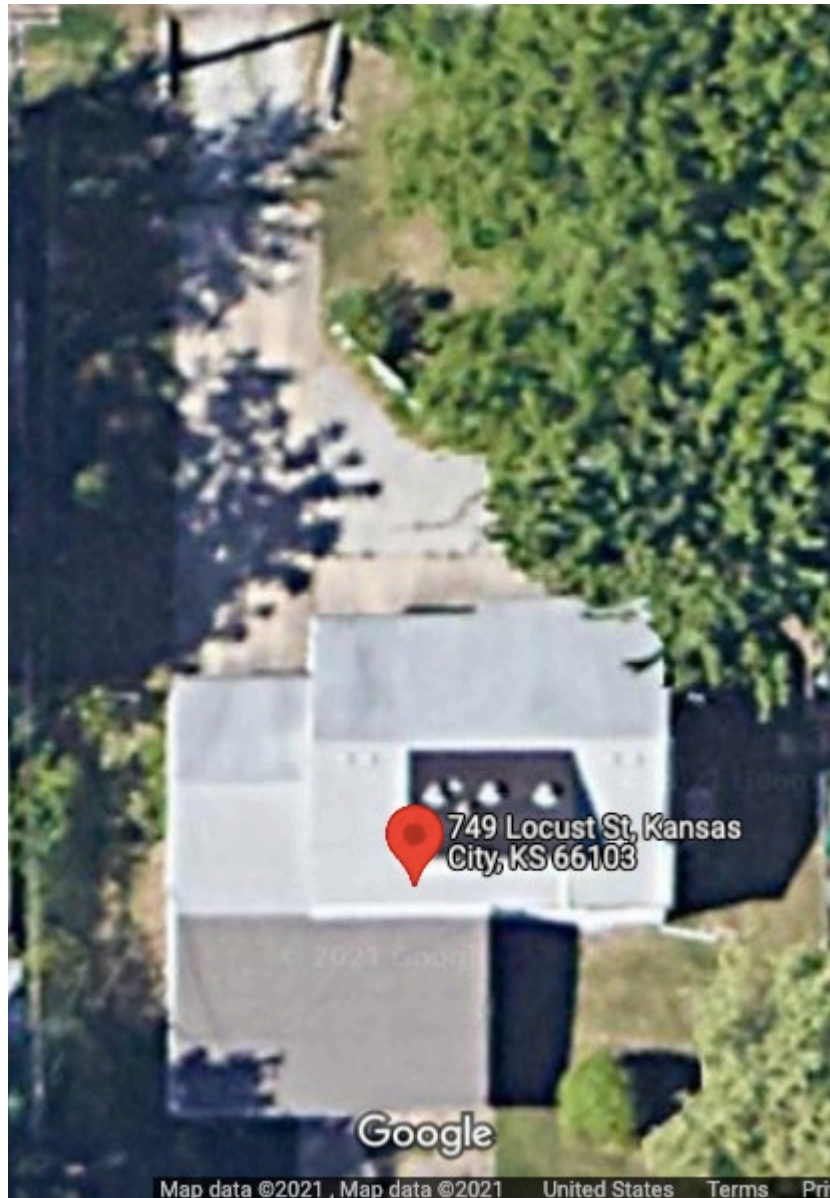
Code Enforcement Inspections (3)

	ID	Date	Details	Status	Type
	2840237	03/27/2020	Violations Corrected Completed Date: 2020-03-31	Insp Completed- Violations Corrected	Re- Inspection
	2835538	03/10/2020	Violations Exist Completed Date: 2020-03-13	Insp Completed- Violations Exist	Re- Inspection
	2835537	02/25/2020	Violations Exist Completed Date: 2020-02-24	Insp Completed- Violations Exist	Initial Inspection

PROPERTY FLOOR PLAN



PROPERTY SITE PLAN AERIAL VIEW



PHOTOS FROM APPLICANT DATED OCTOBER 25, 2021

Staff Note: The applicant has provided a substantial number of photos to document the property and verify its condition. Only selected photos were added to this report.



PHOTOS FROM APPLICANT DATED OCTOBER 25, 2021



PHOTOS FROM APPLICANT DATED OCTOBER 25, 2021



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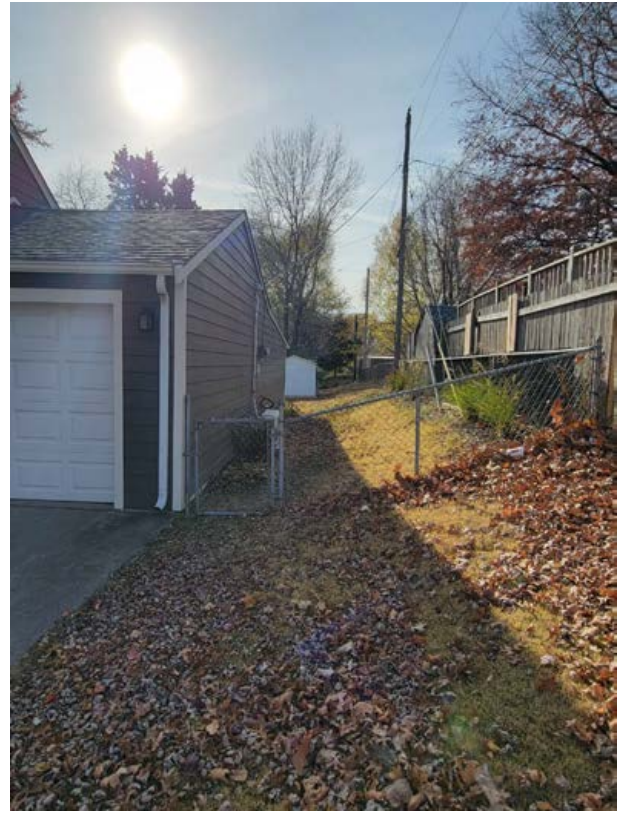
PHOTOS FROM APPLICANT DATED OCTOBER 25, 2021



PHOTOS FROM APPLICANT DATED OCTOBER 25, 2021



STAFF SITE PHOTOS DATED NOVEMBER 22, 2021





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Petition SP2021-73**

GENERAL INFORMATION

Applicant:

Daniel Castillo DBA Manor Records

Status of Applicant:

Business Owner
401 North 6th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

September 27, 2021

Purpose:

Approval of a Special Use Permit to serve alcohol at a not-for-profit recording studio and bar with live entertainment.

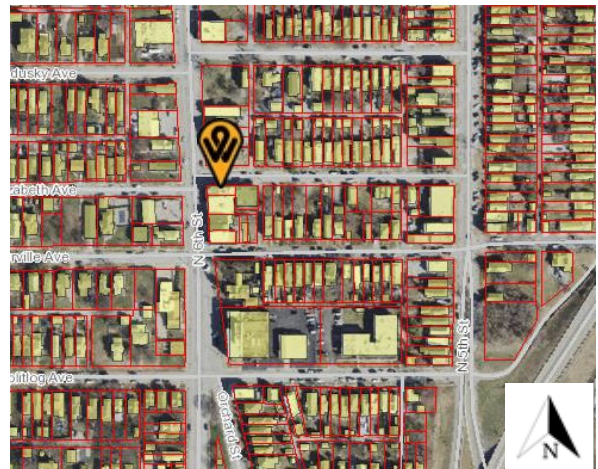
Property Location:

401 North 6th Street
Kansas City, Kansas 66101

Commission Districts:

Commissioner At Large District 2:
Tom Burroughs
District #2 Commissioner: Brian McKiernan

Existing Zoning: TND Traditional Neighborhood Design District



Adjacent Zoning:	North:	TND Traditional Neighborhood Design District
	South:	R-1(B) Single Family District
	East:	TND Traditional Neighborhood Design District
	West:	TND Traditional Neighborhood Design District
Adjacent Uses:	North:	Various Commercial Uses
	South:	Single Family Residence
	East:	Vacant Lot, Single Family Residence
	West:	Two-Family Residence, Multi-Family Residence
Total Tract Size:		0.05 Acres
Master Plan Designation:		The Downtown Area Master Plan designates this property as Neighborhood Mixed Use.
Major Street Plan:		The Major Street Plan designates 6 th Street as a Local Street.
Advertisement:		<u>The Wyandotte Echo</u> – October 14, 2021 and November 18, 2021 Letters to Property Owner – October 15, 2021, November 2, 2021 and December 27, 2021
Public Hearings:		December 13, 2021 and January 6, 2022
Public Support:		None to date.
Public Opposition:		None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Daniel Castillo, has applied for a new Special Use Permit for the liquor sales at 401 North 6th Street. The subject property was recently renovated and has a vacant commercial space on the ground level and apartment on the upstairs level. The applicant is combining their former bar and their partner's not-for-profit record label and recording studio to create the new business requesting the permit.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606, 27-593, and Chapter 7.

Code Enforcement History: There is a history of various abatement and graffiti citations prior to the building's recent renovation while the building was vacant. There have been no violations since the building's renovation.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Buildings along this street typically are composed of brick masonry or natural stone. The neighborhood lacks sufficient parking but is generally walkable with traffic access.

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

The zoning and uses of properties nearby are set out above. The surrounding properties vary in usage, from a funeral home, bars, apartment building, tax office, automotive repair, and spiritual consultant. The mixed nature of these uses and current presence of alcohol-serving establishments indicates the proposed usage of a recording studio with bar would be compatible.

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

The property is suitable for alcohol consumption because it is a downtown urban commercial area in which neighborhood establishments are popular. There is the possibility for increased traffic with the additional uses of alcohol consumption, however, the removal of restrictions would likely not increase traffic or increase parking issues more so than expected due to the permitted commercial use of the recording studio.

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

The property has recently been remodeled. It appears that the upstairs rental has remained occupied while the downstairs commercial tenant space in which the proposed entity is occupying has been vacant as long as ten (10) years or more.

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

Special Use Permits are not addressed in the Master Plan. The Downtown Master Plan classifies the subject property as Neighborhood Mixed Use. The Neighborhood Mixed Use designation is identified as commercial/retail and/or office uses at street level with residential and or office uses above. Access to residential uses is allowed at street level. Live/work units with workspace on the first floor and living space above are allowed. Buildings are typically had one (1) to three (3) stories with multi-story buildings preferred. The proposed use has a high degree of conformance to the master plan's definition of Neighborhood Mixed Use.

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

The current design of the neighborhood does not provide exorbitant or sufficient parking for multiple mixed-use buildings. Alcohol consumption at this property should not be considered an aggregate factor for insufficient parking more so than the parking would be for any other non-alcohol related used or establishment that would be permissible. This property would be visited ostensibly by locals who would value its proximity to residences and its walkability, as it is on a corner lot with ample sidewalk and pedestrian connectivity.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, although it could be seen as desirable to have a tenant space in a building that has been extensively vacant. It is not concluded that the use of alcohol at this space would injure the appropriate use, visual quality, or marketability of any adjoining property.

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

There is a potential for noise to be a problem in this scenario, as it is a recording studio, but that use is outside the scope of this report. The consumption of alcohol in and of itself is not seen to be the primary factor for noise, vibration, dust, or illumination.

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

There is no substantial potential for the pollution of the air, land, or soil. If the tenant properly maintains the property, pollution or trash from patrons should be minimal and temporary.

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

This is not applicable as it is an existing structure in a built-out lot in an underdeveloped neighborhood.

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

The consumption of alcohol in and of itself would not be considered to have relative gains to the public health, safety, and welfare. The public would benefit

from having another establishment in the neighborhood for socializing and gathering, as opposed to a continuously vacant space without a tenant. Additionally, the Applicant's intentions to operate as a not-for-profit entity does also benefit the public health, safety, and welfare, as revenues from the entity's operation will be directed towards improvements in the Strawberry Hill Neighborhood. Denying the Special Use Permit may cause hardship for the property owner as the two businesses need to relocate to continue operation and any potential revenues used towards improvements would also be lost. The applicant has held several fund raisers for the project.

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

The proposed use will not result in overcrowding as the recording studio use is already permitted. The consumption of alcohol is not a determining factor as similar uses in the neighborhood exist under similar conditions. There is a propensity for alcohol consumption to cause crowds, however a certificate of occupancy would provide a limit on populations appropriate for building size.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The Applicant held a neighborhood meeting on October 25, 2021, via in person and virtual meeting.

Attached is the list of persons, minutes, affidavit, and/or submitted comments to the applicant.

KEY ISSUES

Waste
Noise
Traffic
Hours of Operation
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-073**, subject to:

- 1. A comprehensive waste plan between neighboring tenants is enacted by the landlord;**
- 2. Sidewalks must remain clean and clear of trash and debris;**

3. Construction plans should include soundproofing and consideration for the upstairs resident and adjoining neighbors;
4. If food is to be served, appropriate food handling licensing shall be obtained;
5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;
7. **All** entertainment must cease by at least 1:00AM;
8. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
9. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
12. 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 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-073** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Comment Letter
Neighborhood Meeting Information
Staff Photos Dated October 12, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 13, 2021	January 6, 2022
Special Use	Approval	

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-073**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-073**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 4:40:32:

SPECIAL USE PERMIT APPLICATION SP2021-073 – DANIEL CASTILLO WITH MANOR RECORDS – SYNOPSIS: Special Use Permit for a drinking establishment with live entertainment in a record store (Manor records) at 401 North 6th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

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

Present in Support:

- Daniel Castillo, applicant, 204 Orchard Street, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:44:56: Planning Director Hand stated that this request is for a drinking establishment with live entertainment, which is located in the Central Area Master Plan. He stated all the standard conditions for such a proposed use are included, and that the applicant will have to work with the businesses on the block to address trash and recycling as alley access and outdoor space is limited. He stated that there are no Notices of Violation and no letters in support nor opposition have been received. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 4:51:45:

On motion by Mr. Miller, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2021-073 for a drinking establishment with live entertainment for two (2) years:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

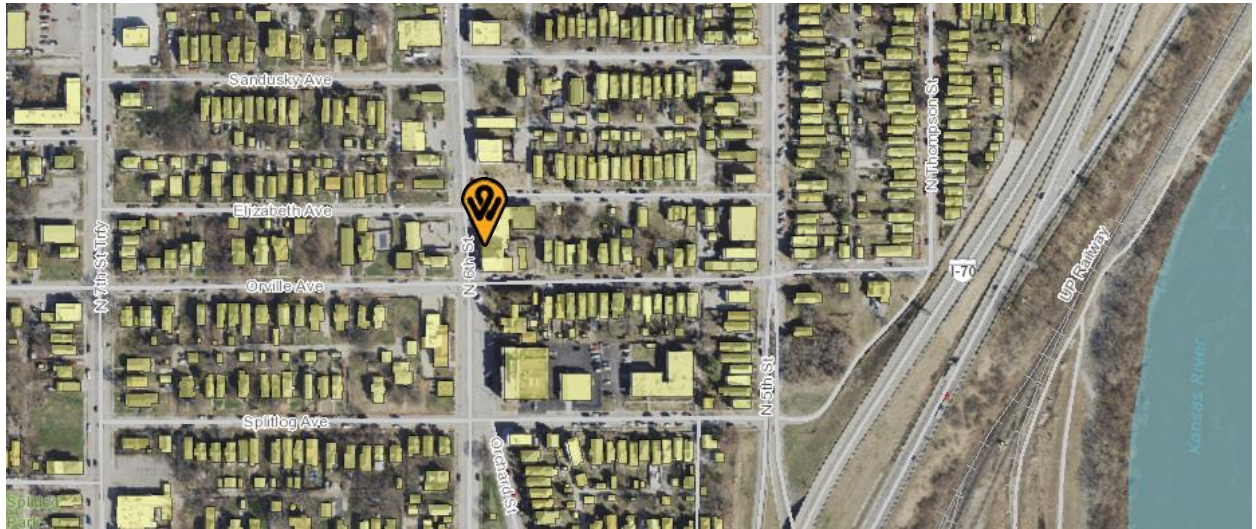
Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

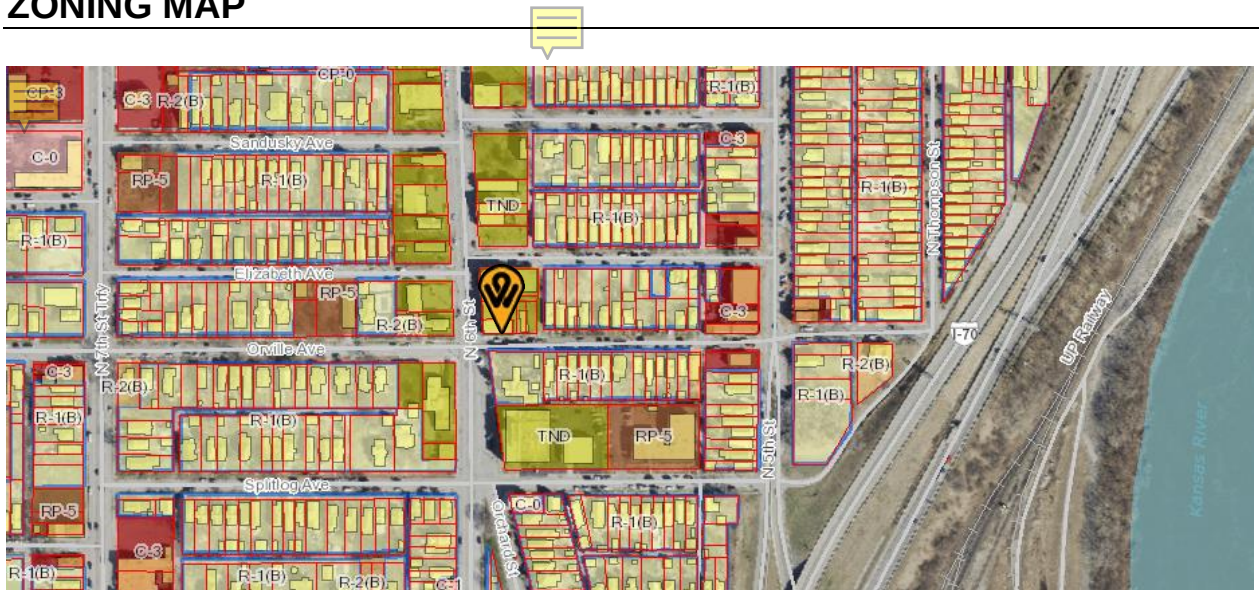
1. A comprehensive waste plan between neighboring tenants is enacted by the landlord;
2. Sidewalks must remain clean and clear of trash and debris;
3. Construction plans should include soundproofing and consideration for the upstairs resident and adjoining neighbors;
4. If food is to be served, appropriate food handling licensing shall be obtained;
5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;
7. All entertainment must cease by at least 1:00AM;
8. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
9. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.**
- 12. 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 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.**

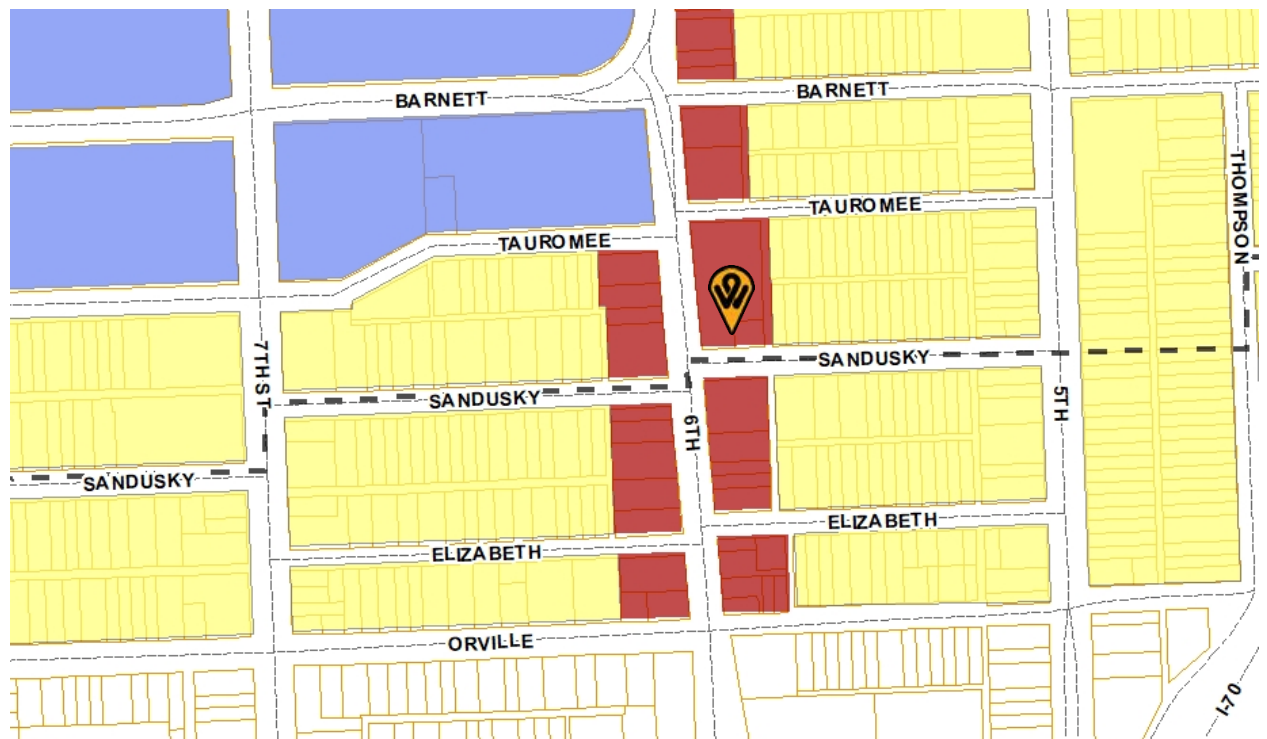
AERIAL MAP



ZONING MAP



LAND USE MAP



APPLICANT RESPONSE COMMENT LETTER

Urban Planning and Land Use Comments:

1. What hours do you intend to serve alcohol? What hours do you intend to have the recording studio open?

We intend to have the option to purchase alcohol available at open (10am) and until close. 10pm on the weekdays and 12am on Fridays and Saturdays. As a record label we will be promoting bands, booking bands at venues and producing vinyl records and cassette tapes, but we will not be recording or producing any of their music. We will not be recording music at this space.

2. How do you plan to manage waste on the property? Do you have an access agreement regarding the alleyway with the adjacent tenant? Public right of ways may not be blocked by trash enclosures.

We plan on placing a dumpster behind the building. If the size of the dumpster obstructs the alleyway, our landlord Matt Tomasic owns the small empty lot just east of our building and has given us permission to place it there.

3. Sidewalks must remain clean and clear of debris and trash.

We will maintain the sidewalks.

4. Is there currently a residential rental in the upstairs unit H? If so, a residential license must be obtained by the landlord.



There is currently a residential rental upstairs and Matt Tomasic believes he has a license for that but has not given a definitive answer.

5. Do you plan on serving food?

We do not plan on cooking food but have thought about selling pastries from other local businesses.

6. Do you plan on having live entertainment?

We plan on having small acoustic shows periodically to showcase our bands.

NEIGHBORHOOD MEETING INFORMATION

Manor Records
401 N 6th St
Kansas City, KS 66101

October 5, 2021

Hello Neighbors,

We, Manor Records, applied for a special use permit and we will be opening soon. We know you have questions about our business and what we will bring to the community.

If interested, please attend our zoom meeting on October 25th at 6:00 pm via zoom or, you can come by The Mockingbird Lounge at 204 Orchard St, Kansas City, Kansas 66101.

Zoom details:

Meeting ID: 160 736 4461

Passcode: Yc7B+p\$2

Hope to meet you soon.

Manor Records

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting for Manor Records

October 25, 2021

In attendance: Daniel Castillo, Shaun Crowley and Rebekah Suminski

Facilitator: Daniel

Secretary for meeting: Rebekah

Opened meeting at 6:00 pm at the physical location and on zoom at 6:00 pm.

Waited for attendees. No one logged on or arrived at the physical location.

Meeting adjourned at 6:30 pm









Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023**

GENERAL INFORMATION

Applicant:
Sherrie Gayed

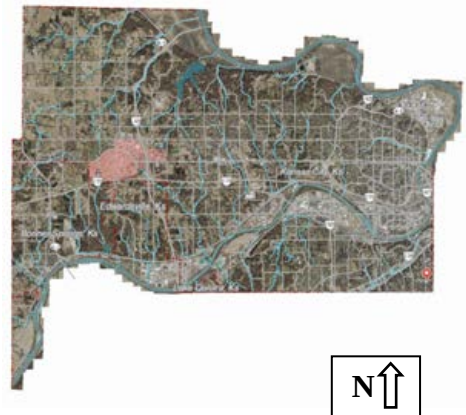
Status of Applicant:
Representative
Matt Schlicht with Engineering Solutions
50 Southeast 30th Street
Lee's Summit, MO 64082

Requested Actions:
To approve a Master Plan Amendment from Urban Mixed Use to General Urban (Rosedale Master Plan).

To approve a Change of Zone from R-1(B) Single Family District to RP-4 Planned Garden Apartment District.

To approve Special Use Permit for a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

Date of Application:
September 24, 2021



Purpose:	To rezone, develop and operate a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.		
Property Location:	4403 Rainbow Boulevard		
Commission Districts:	Commissioner At-Large, District 2: Tom Burroughs District #3 Commissioner: Christian Ramirez		
Existing Zoning:	R-1(B) Single Family District		
Adjacent Zoning:	North:	R-1(B) Single Family District	
	South:	R-1(B) Single Family District	
	East:	R-1(B) Single Family District	
	West:	R-1(B) Single Family and CP-1 Planned Limited Business Districts	
Adjacent Uses:	North:	Single family homes	
	South:	Single family homes	
	East:	Single family homes	
	West:	Strip center retail, commercial storefront, and a single-family home	
Total Tract Size:	0.63 Acres		
Master Plan Area:	Rosedale Master Plan		
Master Plan Designation:	The Rosedale Master Plan designates this property as Urban Mixed Use, which allows small apartment buildings (1-3 stories), multi-family apartments, townhomes, public/institutional uses, offices and services, and retail and entertainment uses and General Urban, which allows which allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. Three (3) story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one (1) story or ten (10) feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood.		
Major Street Plan:	The Major Street Plan classifies Rainbow Boulevard as a Class A Thoroughfare.		
Required Parking:	Sec. 27-459(d) states one and one-half parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more.		

Thirty-four (34) spaces are required. Eighteen (18) spaces are provided. A parking variance has been applied for to be heard by the Board of Zoning Appeals.

Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – October 14, 2021, and November 18, 2021; Special Use Permit – October 14, 2021; Master Plan Amendment – October 14, 2021 Letters to Property Owners – Change of Zone – October 15, 2021, November 19, 2021 and December 27, 2021; Special Use Permit – October 15, 2021, November 19, 2021 and December 27, 2021; Master Plan Amendment – October 15, 2021, November 19, 2021, and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	Staff has received letters of support for this petition.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Matt Schlicht, with Engineering Solutions on behalf of the applicant, Sherrie Gayed, has filed a Change of Zone, Special Use Permit, and Master Plan Amendment for the Friendship Inn, a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

Code Enforcement History: There were Code Enforcement citations on the property between 2000 – 2010 for weeds and expired vehicles parked on the property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes to the north, south and east and a mixture of commercial development and single-family homes to the west, across Rainbow Boulevard.

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

The zoning and their uses are set out above. The proposed use is not inherently compatible with them but could be so long as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is being requested, and that the

proposed development meets the multi-family design guidelines.

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

The Friendship Inn is within proximity to the University of Kansas Medical Center, which offers convenience to the families of patients that are being treated there. This property is suitable for the use, provided the temporary lodging facility is properly managed.

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

The two (2) single-family homes on the property have been vacant since 2019.

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

The proposed use is reasonably necessary for the convenience and welfare of the public for those families that will use this facility because they have family members at University of Kansas Health System. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of nearby property so long as it meets the Master Plan and code requirements.

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

In coordination with Planning Engineering and the Public Works Department, traffic and parking demand will be reviewed to determine if the proposed uses will adversely affect road capacity, safety or create parking problems. No on-street parking is allowed on Rainbow Boulevard, any overflow parking that may occur will be forced into the single-family neighborhoods, which currently struggle with availability of on-street parking for the residents.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Rosedale Master Plan. A Master Plan Amendment from Urban Mixed Use to General Urban is also being sought to rectify a split designation on the parcel.

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

The proposed use will not cause environmental harm as it is a built out urban area. Street trees and additional landscaping will be planted in accordance with the landscaping requirements.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District #332.

e. *Fire*

Fire service is provided by Fire Station #10 located at West 36th Avenue and Rainbow Boulevard.

f. *Transit*

Kansas City ATA provides transit service Rainbow Boulevard, Route #105.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. *Streets*

To be designed to meet Public Works standards.

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

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

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions and variances.

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

The relative gain to the public health, safety, and welfare is likely minimal as it provides the convenience of lodging to a very specific portion of the population. If denied, the hardship imposed on the families who benefit from the services of the Friendship Inn will be minimal as there are other lodging options in the area. If denied, the landowner could not use the property as a temporary lodging facility, but could still use the two (2) single-family homes for long-term rental, infill additional single-family homes on the property, or modify their proposal and reapply.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant initially held a neighborhood meeting on October 25, 2021 by Virtual Meeting and a second neighborhood meeting from November 22, 2021 – November 29, 2021 via e-mail and phone call.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Compliance with the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines
Compliance with the Sidewalk and Trails Master Plan
Pedestrian Circulation, Scale and Connectivity
Bikeshare Hub
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-043**, Special Use Permit Application **SP2021-074** and Master Plan Amendment **MPL2021-023**, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2021-033. The following are conditions for BOZA2021-033 and are stated here for reference only, as COZ2021-043 is solely for a change of zone to build short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System:**
 - a. **This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a**

Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023

historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department.

- b. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
2. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
3. A building permit is required. Please contact the Building Inspection Department to begin that process;
4. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
5. Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between eight (8) feet and ten (10) feet wide. The proper site design, future right-of-way dedications may be needed on the plat;
6. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments.

The bikeshare e-bikes are not for the sole use of the guests staying at Friendship Inn, however, they will have the ability to use an alternate mode of transportation. The UG bikeshare e-bike rack can and will be installed just off the sidewalk along Rainbow Boulevard;

7. Parking visible from any public street must be screened by a fence or shrubbery that matures to three (3) feet or greater and is planted to form a solid visual barrier;
8. The contact information for Kathy Bradley, House Manager shall be provided to the business development organization, adjacent neighborhood groups and property owners;
9. Per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

10. Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below:

- Minimum side yard setback a 10' from property line abutting single family;
- Within 30' of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height; and,
- Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height;

11. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation;

12. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel;

13. Landscape the west side of the site to soften the front of the building;

14. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;

15. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;

16. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;

17. All landscaping must be irrigated;

18. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
19. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
20. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
21. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
22. Per the Rosedale Master Plan, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
23. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
24. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
25. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
26. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
27. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
28. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard;
29. Shall comply with the sign ordinance;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
31. 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;
32. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

- of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
33. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2021-043**, **SP2021-074**, and **MPL2021-021**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Rosedale Master Plan Land Use Designation
Rosedale Master Plan Urban Multi-Family Residential Design Guidelines
Regional Trail Standards and Cross Section (Sidewalk and Trails Master Plan)
UG Bikeshare Detailed Specifications (Bike Hitch, Wayfinding and Installation Diagram)
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Floor Plan
Building Elevations
Letters of Support
Site Photograph taken by Planning Staff on October 12, 2021.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	
Public Hearing	December 13, 2021	January 6, 2022
Special Use	Approval	
Public Hearing		
Master Plan	December 13, 2021	January 6, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-043, SP2021-074 and MPL2021-023** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-043, SP2021-074 and MPL2021-023** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:16:10:

MASTER PLAN AMENDMENT APPLICATION MPL2021-023– SHERRIE GAYED WITH FRIENDSHIP INN - SYNOPSIS: Master Plan Amendment from Urban Mixed Use to General Urban (Rosedale Master Plan) at 4403 Rainbow Boulevard.

CHANGE OF ZONE APPLICATION COZ2021-043 - SYNOPSIS: SHERRIE GAYED WITH FRIENDSHIP INN Change of Zone from R-1 Single Family District to R-3 Townhouse District for a 17-unit building for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems at 4403 Rainbow Boulevard.

SPECIAL USE PERMIT APPLICATION SP2021-074 – SHERRIE GAYED WITH FRIENDSHIP INN - SYNOPSIS: Special Use Permit for a 17-unit building for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems at 4403 Rainbow Boulevard.

Detailed Outline of Requested Action: The representative, Matt Schlicht, with Engineering Solutions on behalf of the applicant, Sherrie Gayed, has filed a Change of Zone, Special Use Permit, and Master Plan Amendment for the Friendship Inn, a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

Code Enforcement History: There were Code Enforcement citations on the property between 2000 – 2010 for weeds and expired vehicles parked on the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- Sherrie Gayed, applicant, 4146 State Line Road, Kansas City, Kansas 66103
- Don Roseman, Roseman and Associates Architects
- Sarah Waggoner, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:25:10: Planning Director Hand stated that this case is being heard in conjunction with Board of Zoning Appeals application BOZA2021-023, which was approved earlier this evening with conditions. This property is in the Rosedale Area Master Plan, and this is a designated neighborhood node in the plan. Staff believes that it complies with the intensity of the Rosedale Area Master Plan, but not the intended mix of uses on the proposed site. He stated that the Rosedale Area Master Plan Design Guidelines and Commercial Design Guidelines have a Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023

materials requirement, and that the use of all brick material does not violate these design guidelines. The applicant is requesting a deviation for covered parking and if that deviation is approved, Staff would request enhanced additional screening from the residential homes on the east. Regarding the bike-shared location, Staff believes this is a perfect location for the bike racks and kiosk. Staff is asking for a concrete pad adjacent to the sidewalk north of their driveway, so it is a shared-bike location. A final development plan is required and the site development plan, etc. will be addressed at that time. There are old Notices of Violations on this property. Staff recommends approval of the Change of Zone and Master Plan Amendment and the Special Use Permit for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at 3:30:35:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2021-023:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2021-033. The following are conditions for BOZA2021-033 and are stated here for reference only, as COZ2021-043 is solely for a change of zone to build short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System:
 - a. This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department.
 - b. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
2. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural

and civil drawings, retaining wall calculations are required to be submitted at such time;

3. A building permit is required. Please contact the Building Inspection Department to begin that process;
4. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
5. Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between eight (8) feet and ten (10) feet wide. The proper site design, future right-of-way dedications may be needed on the plat;
6. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments.

The bikeshare e-bikes are not for the sole use of the guests staying at Friendship Inn, however, they will have the ability to use an alternate mode of transportation. The UG bikeshare e-bike rack can and will be installed just off the sidewalk along Rainbow Boulevard;

7. Parking visible from any public street must be screened by a fence or shrubbery that matures to three (3) feet or greater and is planted to form a solid visual barrier;
8. The contact information for Kathy Bradley, House Manager shall be provided to the business development organization, adjacent neighborhood groups and property owners;
9. Per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

- 10. Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below:**
- **Minimum side yard setback a 10' from property line abutting single family;**
 - **Within 30' of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height; and,**
 - **Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height;**
- 11. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation;**
- 12. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel;**
- 13. Landscape the west side of the site to soften the front of the building;**
- 14. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 15. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;**
- 16. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;**
- 17. All landscaping must be irrigated;**
- 18. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;**
- 19. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;**
- 20. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;**
- 21. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;**

22. Per the Rosedale Master Plan, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
23. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
24. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
25. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
26. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
27. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
28. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard;
29. Shall comply with the sign ordinance;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
31. 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;
32. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
33. 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.

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-043**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2021-074** for two (2) years:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

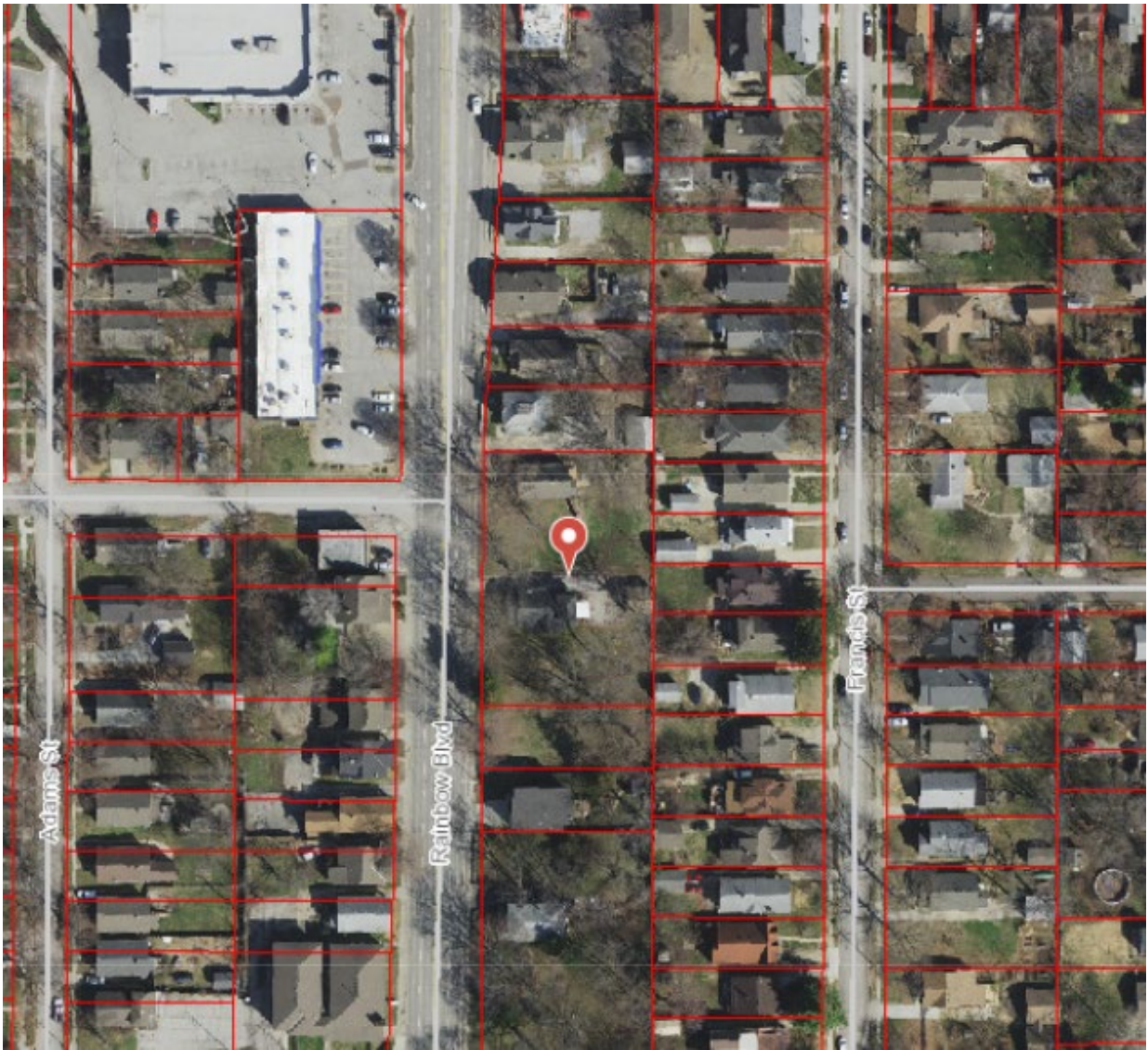


Figure 1. Aerial Map of 4403 Rainbow Boulevard (provided by UG Maps).



Figure 2. Zoning Map of 4403 Rainbow Boulevard (provided by UG Maps).

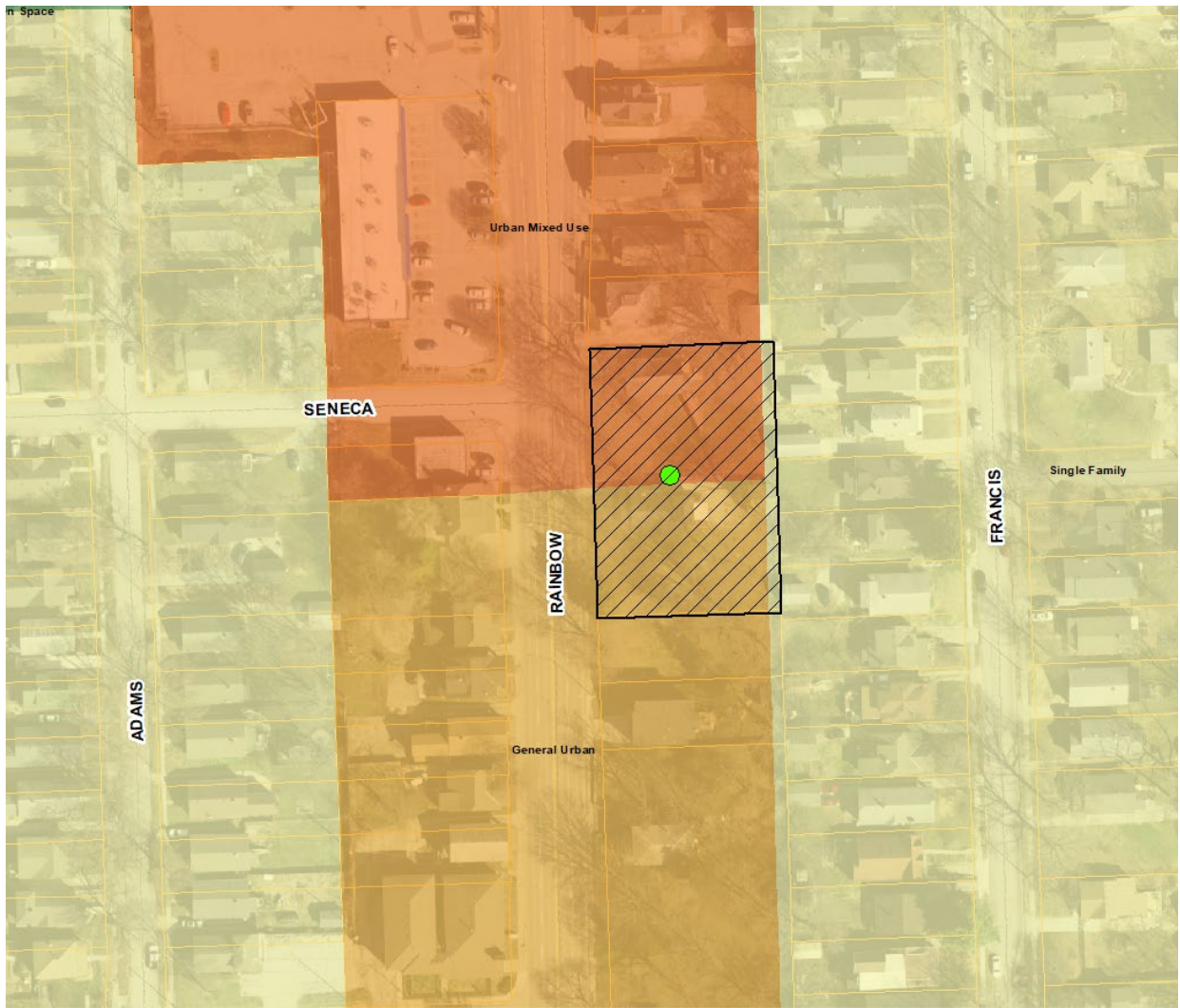


Figure 3. Rosedale Master Plan Land Use Map of 4403 Rainbow Boulevard (provided by ArcMap).

DISTRICTS

URBAN CORE MIXED USE

Urban Core Mixed Use is the most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street. Active uses are encouraged on the first floor. Active uses are defined as retail, office, live/work units, or residential and must include entrances on the first floor and transparent windows.



URBAN MIXED USE

The Urban Mixed Use district is designed to create a vibrant urban character. This is the second most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street.



GENERAL URBAN

This area is predominantly residential in character with rowhouses, townhomes, and single family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed use corridors. Three story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one story or 10 feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood. It will be considered alongside other factors such as how well the overall design of the site and building responds to its surrounding context and the level of community support.



URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

AMENITIES

Developments greater than 20 units must provide one of the following:
Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or Inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent

Screening of multi-family residential developments is required between:

- Multi-Family and commercial uses
- Multi-Family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING

Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.

Trail Design Guidelines

The following guidelines apply for all recommended trails. Although there are several trail types, there are common minimum design standards necessary to ensure a safe and enjoyable experience for all users. These standards were developed based on input received through the Plan process and a review of the latest common practices, most notably the American Association of State Highway and Transportation Officials (AASHTO) Guide for Planning, Design and Operation of Pedestrian Facilities, AASHTO Guide for the Development of Bicycle Facilities, and KC-APWA standards.

1. For ease of maintenance, the preferred surface material for most regional and local trails is concrete. However, to accommodate different user needs and unique physical conditions, trails on unimproved levee roads, parks, greenways, or in other natural areas may utilize asphalt or "soft" surfaces such as limestone screenings, or other material approved by the County engineer.
2. Although the standard width is 10-feet, it is recognized that within the developed urban corridors and/or areas with significant physical and environmental constraints, narrower trail segments may be necessary. Within these areas, upon the recommendation of the County Engineer, a minimum of 8-feet may be accepted.
3. A three-foot minimum clear zone on each side of the trail is desirable. All vertical objects including signage, benches, etc. should be located outside of this zone.
4. Grades steeper than 8.33 percent (1:12 slope) should only be considered for very short segments; cross slopes should not exceed two percent.
5. Overhanging branches or obstructions should be higher than 10-feet.
6. For safety, large trees or tall shrubs should be at least 10-feet from the trail.
7. A buffer zone should be maintained to protect natural systems and ecologically sensitive areas.
8. Visual clutter should be limited in the green space between the road and sidewalk or trail.
9. Crossings on bridges should include a barrier and railing to separate traffic and the pedestrian or cyclist.
10. Trail heads provide places for rest, parking, water fountains, and maps of the trail system. Trail heads should be placed at the appropriate termini or junctions of a trail corridor and any place where a large concentration of users is anticipated. At a minimum, trail heads should include vehicular and bicycle parking as well as a system trail map with the specific location within the system. Other preferred features include but are not limited to benches, trash receptacles, lighting, appropriate cultural or historical interpretive signage, restrooms and drinking fountains. All facilities should be designed according to ADA accessibility guidelines.

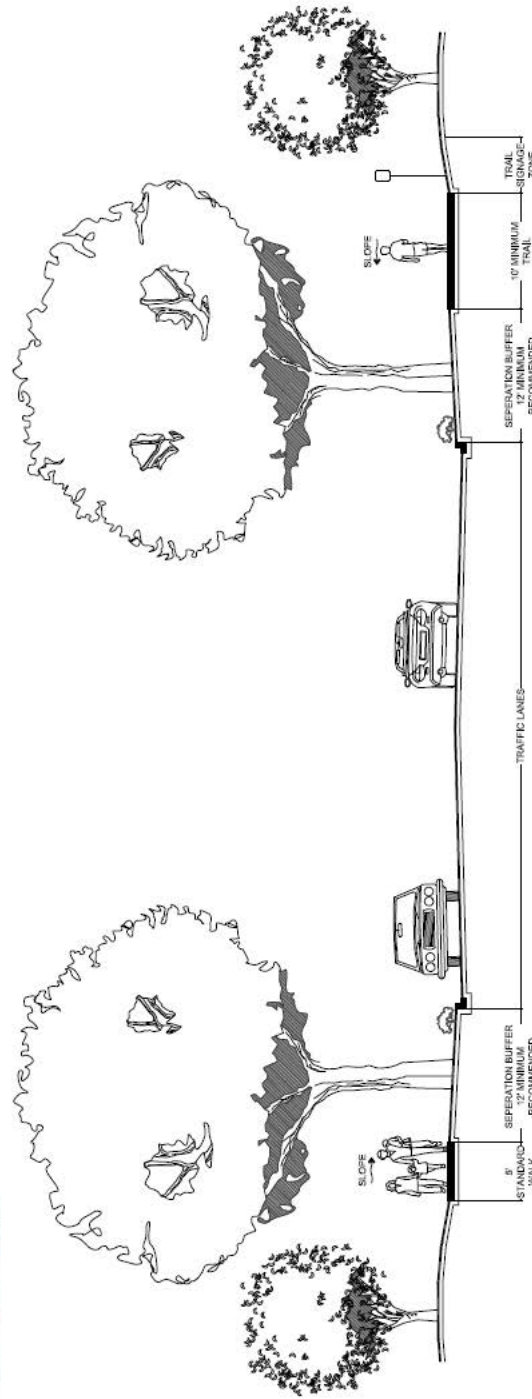


52

Sidewalk and Trail Master Plan



Figure 7.3: Regional Trail
Typical Cross Section

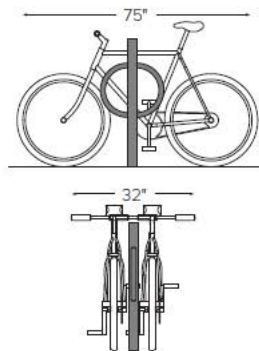
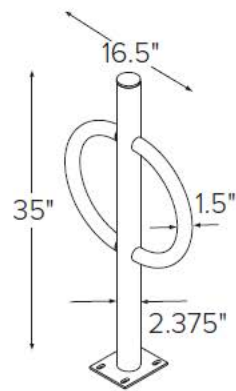


Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



BIKE HITCH

Submittal Sheet



CAPACITY

2 Bikes

MATERIALS

Centerbeam: 2" schedule 40 pipe (2.375" OD)
Ring: 1.5" OD 11 gauge tube

FINISHES

- ☐ **Galvanized**
An after fabrication hot dipped galvanized finish is our standard option.
- ☐ **Powder Coat**
Our powder coat finish assures a high level of adhesion and durability by following these steps:
 1. Sandblast
 2. Epoxy primer electrostatically applied
 3. Final thick TGIC polyester powder coat
- ☐ **PVC Dip**
Black PVC
- ☐ **Stainless**
Stainless Steel: 304 grade stainless steel material finished in either a high polished shine or a satin finish.

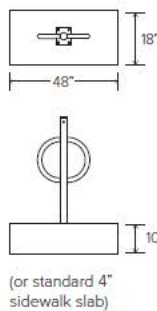
MOUNT OPTIONS

- ☐ **In-ground**
In ground mount is embedded into concrete base. Specify in ground mount for this option.
- ☐ **Surface**
Foot Mount has a 5"x6"x.25" foot with four anchors per foot. Specify foot mount for this option.

IN-GROUND MOUNT



SURFACE MOUNT

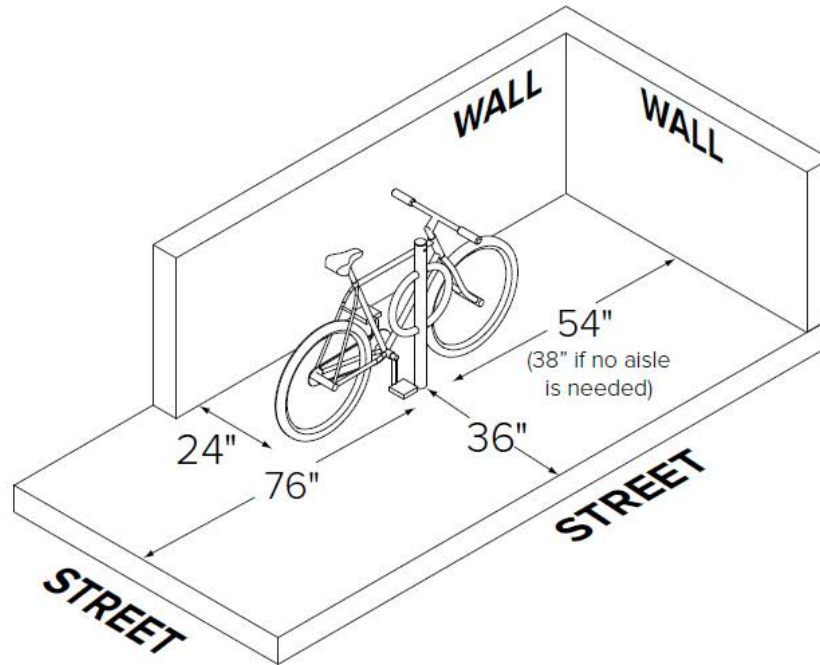


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BIKE HITCH Setbacks



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BIKE HITCH

Installation Instructions – Surface Mount

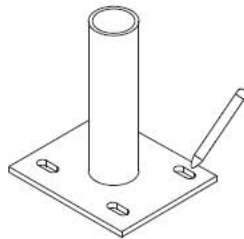
TOOLS NEEDED

Tape Measure
Marker or Pencil
Masonry Drill Bit
Drill (Hammer drill recommended)
Hammer
Wrench 9/16"
Level
Washers (for leveling if necessary)

RECOMMENDED BASE MATERIAL

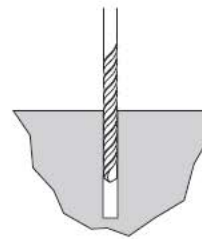
Solid concrete is the best base material for installation. To ensure the proper anchors are shipped with your rack, ask your Dero Rack representative which anchor is appropriate for your application. Be sure nothing is underneath the base material that could be damaged by drilling.

1



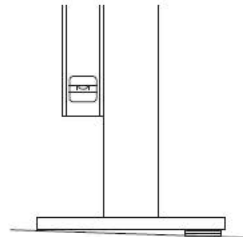
Place the rack in the desired location. Use a marker or pencil to outline the holes of the flange onto the base material.

2



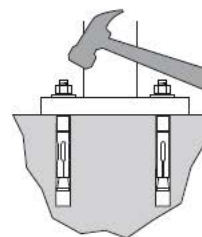
Drill 3/8" diameter holes 3" deep into surface. Make sure the holes are at least 3" away from any cracks in the base material.

3



Place rack (and washers to level rack if necessary) over holes.

4



Thread nuts onto anchors, leaving approximately 1/4" of the anchor protruding, and tap into surface. Tighten nuts down to secure rack.



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BIKE HITCH

Installation Instructions – In Ground Mount

TOOLS NEEDED

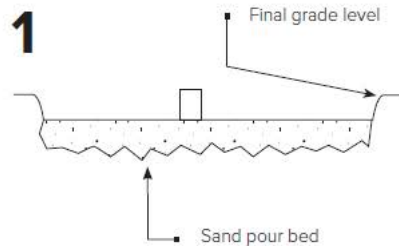
Level
Cement mixing tub
Shovel
Trowel

Hole coring machine with 4" bit
Access to water hose
Materials to build brace (see "Install Tip" at bottom of page)

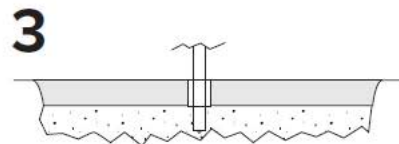
INSTALLING INTO EXISTING SIDEWALK

Core holes no less than 3" diameter (4" recommended) and 10" deep into sidewalk. Fill holes with Por-Rok or epoxy grout. Place rack into holes, making sure the rack is level. 33"-36" of the rack should remain above the surface. If the rack is less than 33" high, it will not support the bike adequately. Make sure the rack is level and held in place until the grout has set.

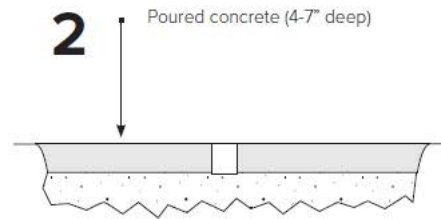
INSTALLING INTO A NEW SIDEWALK



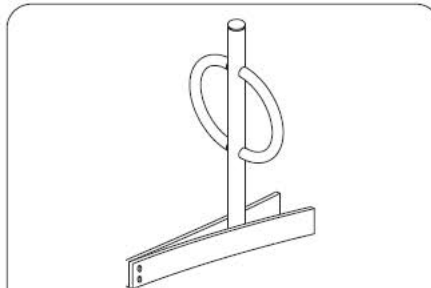
Place corrosion resistant sleeve (min. 3" inside diameter) in sand pour bed in exact location where rack will be installed. Make sure top of sleeve is at same level as desired finished concrete surface. Fill sleeve with sand to keep it in place and prevent it from filling with concrete.



After appropriate cure time, dig out sand from sleeves and insert racks, making sure they are level and at the appropriate height. Pour in Por-Rok or epoxy grout and allow to set.



Pour concrete and allow to cure.



INSTALL TIP

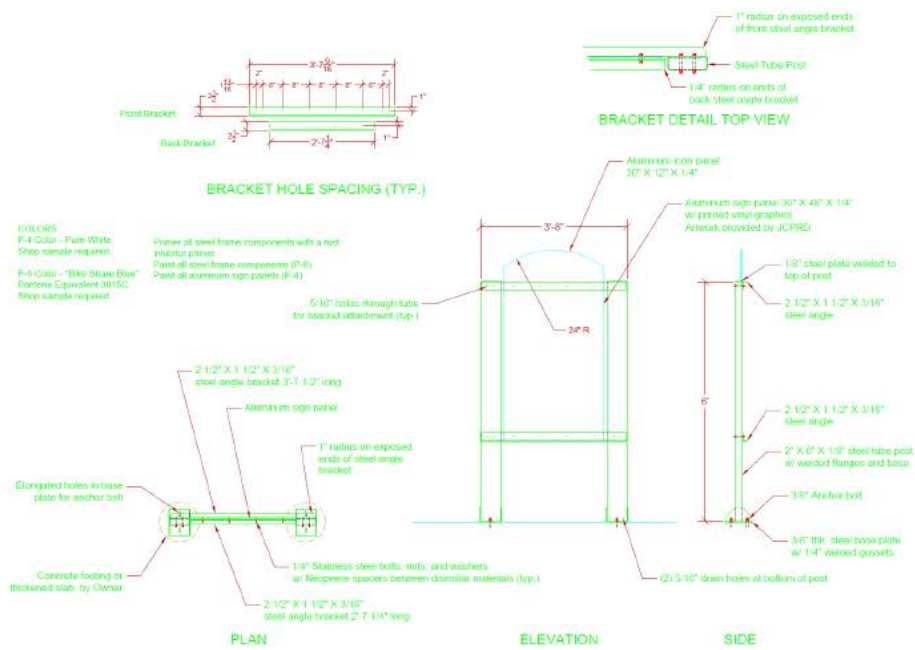
An easy way to brace the rack while the grout sets is to bolt two 1x4" boards together at one end and clamp them onto the rack like a clothes pin.

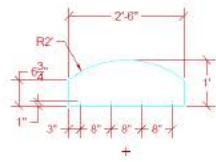


DERO
A PLAYCORE company

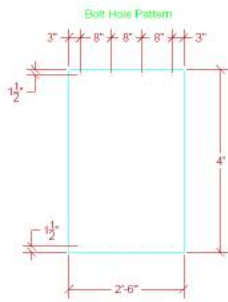
www.dero.com | 1-888-337-6729

© 2020 Dero





Aluminum icon panel
30" X 12" X 1/4"



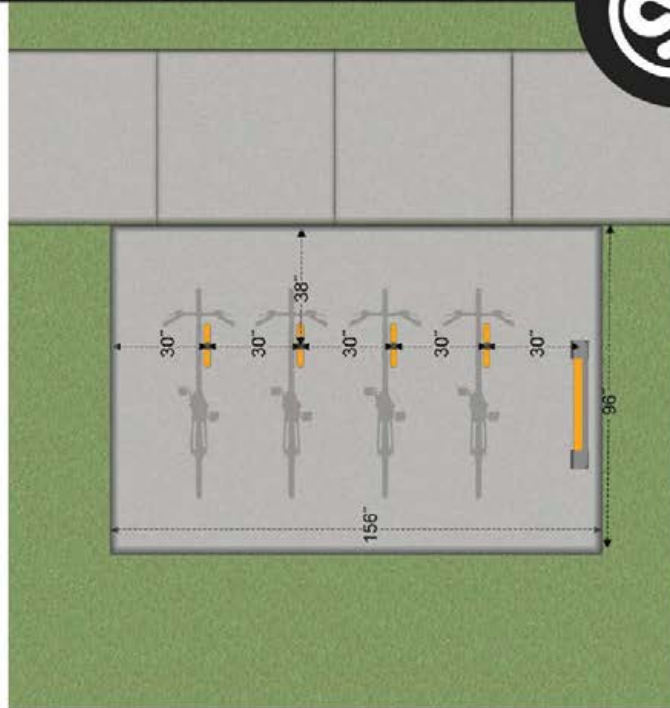
Aluminum sign panel
30" X 48" X 1/4"

Paint all aluminum sign panels color
Pure White (P-4)

Fisher Park, at Lake Avenue and Fisher Street

Destinations and Amenities

- Small public park
- Basketball courts
- Walking trail
- Playground
- Rosedale Memorial Arch
- Rosedale Middle School



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

Fisher Park, at Lake Avenue and Fisher Street

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



Response Letter
November 29, 2021
4403 Rainbow Blvd
Kansas City, KS

Comments related to BOZA2021-033

1. This Board of Zoning Appeals case is being heard in conjunction with COZ2021- 043, which is to rezone the property from R-1(B) Single Family District to RP-4 Planned Garden Apartment District to build seventeen (17) unit building for temporary lodging for families of patients at KUMC on 0.63 acres at 4403 Rainbow Boulevard.

Noted.

2. Redesign the building to fit within the residential context of the neighborhood. Along the west elevation, alternating between projecting and recessing the building to mimic a townhome or rowhome to give the illusion that there are multiple entrances and dwelling units, albeit temporary housing rather than commercial building.

The building was designed to be residential in nature and to not look like a multi-family type of structure. This design was based upon the feedback from the neighbors as well as several pre-design conversations with Rosedale Development Association. The neighbors and RDA have responded very favorably to this design and we believe this is a more appropriate design fit as we are flanked by single family homes and the neighbors would like it to still look like a single-family home from the exterior. However, we will continue to have conversations with staff to make sure we are all on the same page with a design that is welcome to the neighborhood.

3. Covered parking is required to buffer single-family houses to the east per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines.

Per page 84: If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

As this is not a permanent residence for the guests we are requesting a waiver on this requirement. Many of the guests will park their cars at the hospital as they are spending the majority of their days there. The neighbors are also expressed the desire that this not look like something that did not appear to be rentals or a multi-family development that could have short term rentals. Covered parking that will sit mostly vacant will not be aesthetically pleasing and will take away from the single family of the back yard.

Comments related to Change of Zone Petition COZ2021-043, SP2021-074 and MPL2021-023

General Planning:

1. This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department. Landmarks Commission review is set for February 7, 2022.

2. This Change of Zone case is being heard in conjunction with BOZA2021-033, which is seeking a variance in the front yard setback, a reduction in lot area and a reduction in off-street parking to build a seventeen (17) unit building for temporary lodging for families of patients at KUMC on 0.63 acres at 4403 Rainbow Boulevard. Noted.

50 SE 30th Street Lee's Summit, MO 64082

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Response Letter
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3. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time.

Noted.

4. 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.

Noted.

5. 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.

Noted.

6. How often are guests in the residence? **Guests are present in the home mostly at night as they are typically spending most of their time at the Hospital.**

7. Does a staff member live in the facility and if so, how often? **The House Manager resides in the home on a permanent basis.**

8. Who is the designated property manager? Explain the details of this arrangement. What is their contact information, and will you provide their information to the neighbors within the notice area? **Kathy Bradley is the long standing House Manager and her contact information is kbradley@friendshipinnkc.org and will be provided to the neighbors.**

9. How will you communicate with the neighbors if there are any issues? **Kathy will maintain a relationship with the surrounding neighbors and they are able to call the Friendship Inn home or communicate with Kathy via her email address.**

10. How will you advertise the business? **As the demand is so high, advertising is not necessary and most guests come through direct referral from the Hospital.**

11. Describe how you will maintain a safe environment including: a. Working smoke detectors in each bedroom plus each level of the unit/house;
b. GFCI outlets required in bathrooms;
c. Double keyed locks are not allowed;
d. Copper cannot be used for gas supply lines;
e. Windows must be operable, not blocked or boarded;
f. Handrails are required at sets of 4 or more stairs/ risers;
g. Hot water tank and furnace must be vented properly and operational; and,
h. Electric panel and circuits must be safe.
All of the above will be implemented.

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12. A building permit is required. Please contact the Building Inspection Department to begin that process. **Noted.**

13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required. **Safe room is provided**

14. Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between eight (8) feet and ten (10) feet wide. The proper site design, future right-of-way dedications may be needed on the plat. **8' Sidewalk is has been added.**

15. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments. **We do not believe this is an appropriate location for the bike racks. Guests are spending the entirety of their day at the Hospital and returning in the evenings. Typically, there is more than one member of the family staying at the home and in that case they will to drive or walk together to the Hospital. Guests are drained physically and emotionally therefore biking will not be their preferred mode of transportation.**

Building Architecture:

1. Redesign the building to fit within the residential context of the neighborhood. Along the west elevation, alternating between projecting and recessing the building to mimic a townhome or rowhome to give the illusion that there are multiple entrances and dwelling units, albeit temporary housing rather than a commercial building. **The building was designed to be residential in nature and to not look like a multi-family type of structure. This design was based upon the feedback from the neighbors as well as several pre-design conversations with Rosedale Development Association. The neighbors and RDA have responded very favorably to this design and we believe this is a more appropriate design fit as we are flanked by single family homes and the neighbors would like it to still look like a single-family home from the exterior. However, we will continue to have conversations with staff to make sure we are all on the same page with a design that is welcome to the neighborhood.**

Staff understands that having a central access point in the front of the building, like the rear is important for check-in of guests as well as security.

2. There may be concerns from neighborhood groups or adjacent property owners regarding the physical design of the building and its commercial, hotel-like appearance rather than a series of townhomes or rowhomes that are more residential in appearance that fit the existing residential neighborhood. **Feedback from neighbors and RDA has been overwhelmingly positive.**

3. Parking visible from any public street must be screened by a fence or shrubbery that matures to three (3) feet or greater and is planted to form a solid visual barrier. **Landscaping has been provided**

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4. Per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Noted.

5. Per the Urban Multi-Family Residential Design Guidelines covered parking/garage is required to buffer the single-family homes to the east. As this is not a permanent residence for the guests we are requesting a waiver on this requirement. Many of the guests will park their cars at the hospital as they are spending the majority of their days there. The neighbors are also expressed the desire that this not look like something that did not appear to be rentals or a multi-family development that could have short term rentals. Covered parking that will sit mostly vacant will not be aesthetically pleasing and will take away from the single family of the back yard.

6. Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below: • Minimum side yard setback a 10' from property line abutting single family; Noted.

- Within 30' of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height; and,
- Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

7. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. Noted.

8. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel. Is there a way to redesign these grilles either into the building by painting them to match the adjacent exterior building material or have a central HVAC system with thermostats in each unit? Noted.

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Kansas City, KS

Landscaping and Screening:

1. Provide a landscape plan. **Plan has been provided.**
2. Landscape the west side of the site to soften the front of the building. **Noted.**
3. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. **Noted.**
4. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required. **Noted.**
5. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage. **Noted.**
6. All landscaping must be irrigated. **Noted.**
7. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted. **Noted.**
8. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Noted.**
9. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line.
10. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed. **Noted.**
11. Per the Rosedale Master Plan, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood. **Lighting will comply to the required guidelines.**
12. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped. **Noted.**
13. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid. **Noted but it is likely all equipment will be ground mounted and screened**
14. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. **Noted.**

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November 29, 2021
4403 Rainbow Blvd
Kansas City, KS

15. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary. 16. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb. **Noted.**

17. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard. **Added access**

Signage:

1. Shall comply with the sign ordinance. **Noted.**

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval: 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **Noted.**

B) Items that are conditions of approval: 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition. **Noted.**

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: 1) None **Noted.**

Should you have any questions related to this letter please contact Matt Schlicht, Engineering Solutions

Matt Schlicht

50 SE 30th Street Lee's Summit, MO 64082
P: (816) 623-9888 F: (816) 623-9849 www.engineeringsolutionskc.com

Friendship Inn Neighborhood virtual neighborhood meeting 10/25/21 6:30 PM

Attendees:

Chris Steineger (4529 Francis)
Becky Paulsen
Kelly White
Valorie Wells
Jake Hodson
Erin Stryka (RDA)

Board + Dev Team

Shawn Long
Jan Finn
Sherrie Gayed
Jason Glasrud
Don Rosemann
Scott Rosemann

Comments/Questions:

- Chris Steineger
 - What are your funding sources, and what is the total project cost?
 - What other locations did you consider?
 - The proposed multifamily development brought by John Hoffman several years ago was “torn to pieces” by the neighborhood.
- Becky Paulsen
 - Do you plan to tear down the existing homes on the site?
 - The rendering looks beautiful
 - Plan reflects elements of the Rosedale Master Plan
 - The property has some slope, what is your plan for fencing and/or screening?
 - *F.I. needs to provide specifics once available*
 - The previous proposed development was far too big for the site; towered above the neighboring homes and did not have enough parking.
- Valorie Wells
 - Do you intend to keep the current Friendship Inn?
 - Have you received any push-back from the “modern house” to the south?
 - Is the Special Use Permit location-specific?
- Jake Hodson
 - How are you going to ensure the long-term use of the property is for Friendship Inn?
 - Don’t want this property to become a rental property
 - Is the driveway wide enough to fit a fire truck?

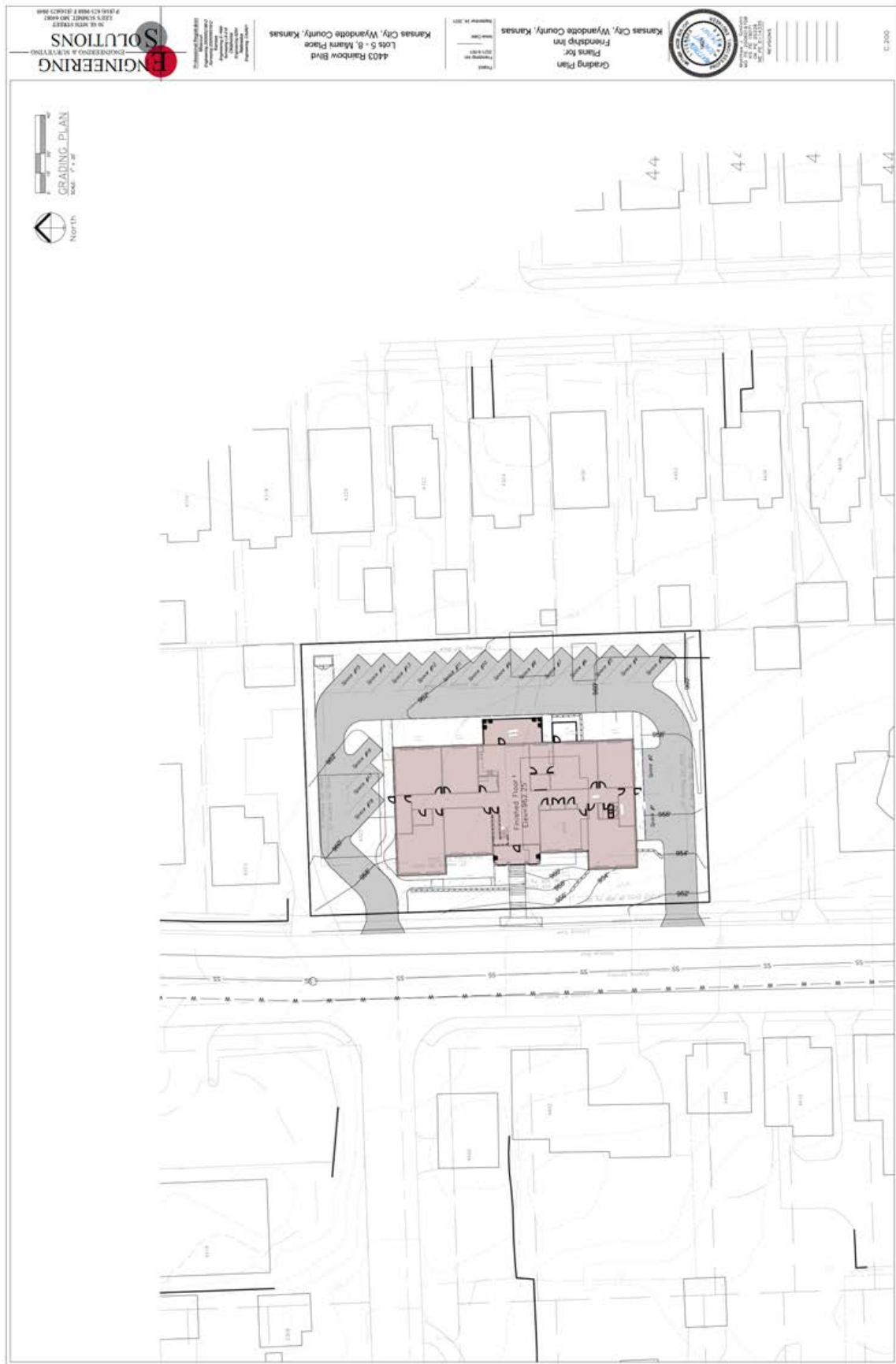
Memo:

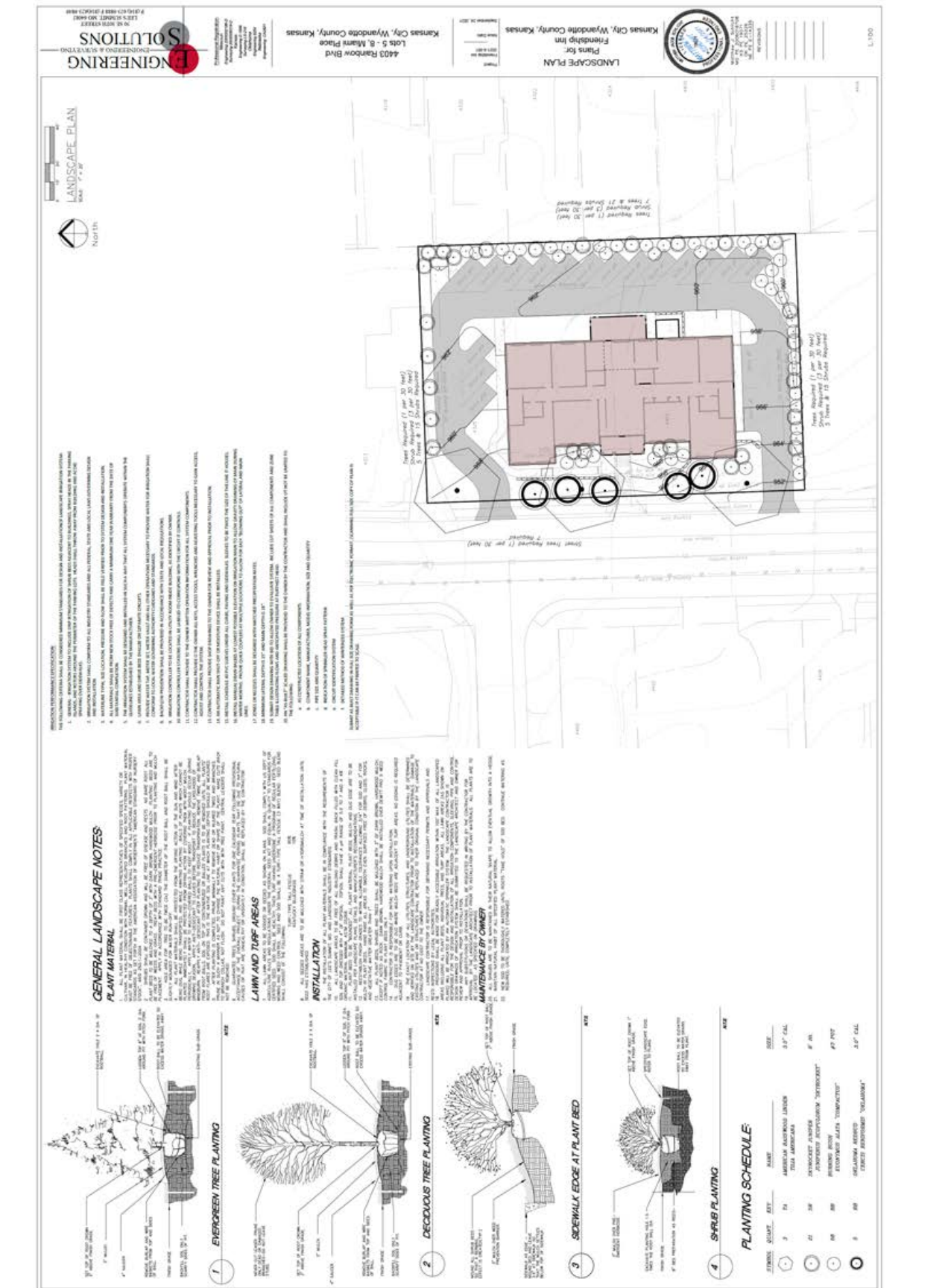
Re: Neighborhood comments

Date: 11/29/2020

A second opportunity for neighbors to weigh in on COZ2021-043, SP2021-074, MPL2021-023, and BOZA2021-033 was conducted. There were zero comments, questions or concerns.

Sherrie M. Gayed





PROPOSED
SCHEDULE 1A UNIT
REVISIONS

rosemann & associates llc
ARCHITECTS
1208 Olive Boulevard
Kansas City, MO 64108-1406
P: 816.472.1448
F: 816.472.1449
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DESIGNER: KANSAS CITY • ST. LOUIS • KANSAS
PLANNING

FRIENDSHIP INN
4403 RAINBOW BLVD.
KANSAS CITY, KANSAS

SHEET TITLE
FLOOR PLAN
PROJECT NUMBER: 20017
SHEET NUMBER

A-101



2 SECOND FLOOR PLAN
16'-0" x 112'-0"

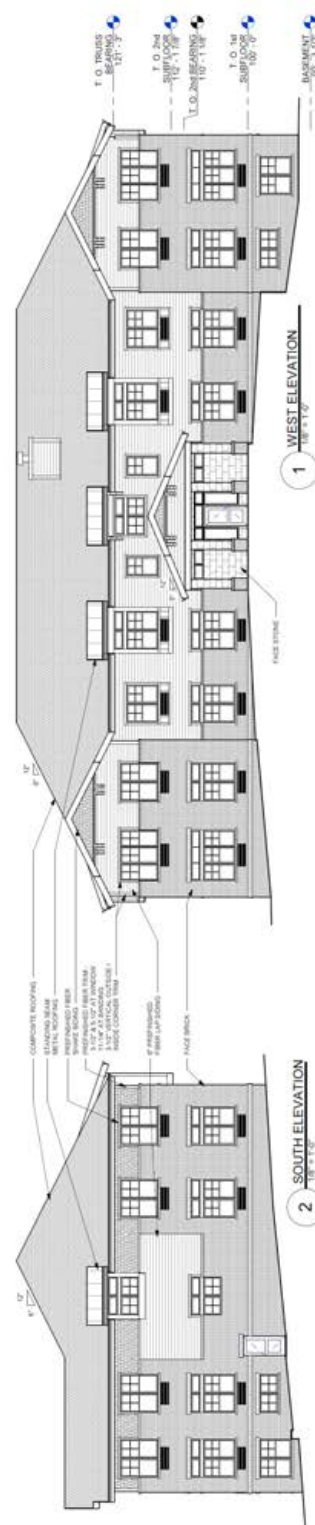


1 FIRST FLOOR PLAN
16'-0" x 112'-0"

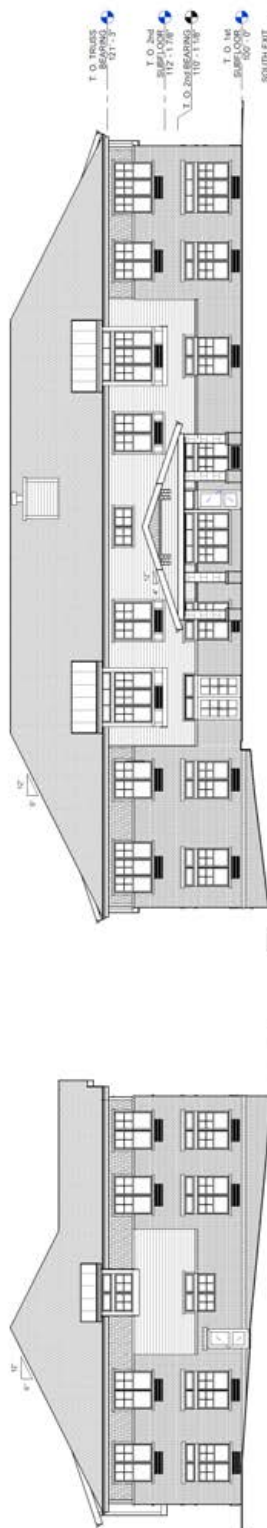


3 BASEMENT
16'-0" x 112'-0"

FRIENDSHIP INN
4403 RAINBOW BLVD.
KANSAS CITY, KANSAS



EAST ELEVATION



**rosemann
& ASSOCIATES PC**
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PRINTS ISSUED
SEPTEMBER 24, 1959
REVIEWS

October 26, 2021

The Unified Government of Wyandotte County Commissioners
701 7th St
Kansas City, Kansas 66101

To Whom It May Concern:

I hope this letter finds you doing well. My name is Dante Passantino, and I am the managing partner of Miami Place, LLC which owns the properties located at 4403 and 4325 Rainbow Blvd in our great city. We purchased the properties in 2020 with the intent of rehabilitating the existing homes and activating them while we made plans to redevelop the property by adding new structure to increase density, curb appeal on Rainbow Blvd and value to our partnership and the neighboring property owners. Our intent was to hold the property for quite some time as we had just started working on the existing homes in late 2020.

In the Spring of 2021, I was approached by a group from KU and the Friendship Inn about selling our land and buildings to their NFP that supports and provides housing for patients and families being treated at University of Kansas Hospital. Initially I told the group we were not interested in selling. After a second call and agreeing to meet with them and their benefactor, I learned a lot more about the organization, how their need is underserved and the value that their organization brings to the community, especially those effected by the need to travel to KU for medical care from outside the KC metro area.

That meeting quickly changed my stance as this cause hits really close to home for me and my family. Our youngest son, Leonardo, has been battling stage 4 Neuroblastoma for 4.5 years now. We spent 6 weeks in Seattle, WA in 2019, 6 weeks in Denver, CO in 2020 and we are currently on our second of three 2 weeklong treatments in New York City for our son's cancer treatment. Unfortunately, we have not had the privilege of staying in a facility like what the Friendship Inn offers and once I heard their story and plan, our group was immediately on board to help make this project happen.

Bringing a modern multifamily structure to the 4400 block of Rainbow Blvd has always been our goal. To be able to help bring a product like The Friendship Inn to the site brings more comfort to my heart than any dollar amount ever will. Giving these patients an opportunity to have a nice, modern, clean space to stay while they are in treatment only a few blocks from the Hospital is a true blessing. I speak for myself, my family and our company that Miami Place LLC is 110% behind The Friendship Inn project and have committed both time and resources to help ensure this project comes to fruition.

The Friendship Inn group is doing exactly what we had set out to do when we bought the properties on Rainbow Blvd in 2020, except they are taking it to another level by being a beacon of light for the community and for patients and families to have a safe place to rest

while they try and heal. Please vote to support the zoning change for this property so The Friendship Inn can be in a place they and their guests deserve to rest their heads after a long day of treatment.

Thank you for your time and consideration and feel free to reach out directly with any questions or concerns.

Have a great day,

L. Dante Passantino
Managing Partner
Miami Place, LLC
17790 Rosewood St
Stilwell, KS 66085

October 25, 2021

Unified Government of Wyandotte County Commissioners
701 7th St.
Kansas City, KS 66101

Re: FRIENDSHIP INN – LETTER OF SUPPORT

Dear Commissioners:

I'm writing on behalf of myself and my organization's support of the New Friendship Inn. Our support is centered around the impact the Inn has on the community and families it serves. This past year alone it has provided over 1116 nights of housing to hundreds of families and continues to do this annually. Without an organization like this and their facility, many families would find themselves without housing while they received state of the art healthcare services within the regional. Please consider this letter and move this project forward.

Sincerely,
McCownGordon Construction LLC



Daniel Lacy
Vice President

850 MAIN STREET | KANSAS CITY, MO 64105 | PHONE 816.960.1111 | FAX 816.960.1182

It might sound cliché to say, "the Inn is our home away from home.." But in fact, that is exactly how we felt our first night there some six years ago. We've not bothered looking for any other lodgings because..well, why? We appreciate the sense of community that the Inn provides; it makes us feel less alone in a big city. Over the years have met some interesting individuals, whom - like my husband and I- are coping with some serious health issues. Spending days at KU Med from one appointment to another - its great to have just a block & a 1/2 to get "home" and relax! The individual rooms are clean and comfortable - the decor is muted, not overwhelming.. & I have to mention the cost of the stay - that is a HUGE advantage for us. The cost of decent lodging is much appreciated so as to keep the focus on why we're in need of lodging at all. & Finally - we understand these few words about the importance of Friendship Inn is to reflect the Inn and not be a shout out about the virtues of Kathy Bradley. Without her kindness, humor and thoughtfulness though - the Inn would lack a backbone. Diane is a good one too! I recovered from a liver transplant at the Friendship Inn & wholly believe my wellness then and my continuing improved health had much to do with the positive, gentle atmosphere I was fortunate to recover in. We'll miss the old place on State Line but yall are on to something and we look forward to watching the Inn progress. Just please, keep it simple and kind.

Respectfully,
Robin & Rebecca Hinds
Mulvane, KS 67110

To Whom it May Concern,

Lowell and JoAn Holdorf Fayetteville, Arkansas

We first stayed at The Friendship Inn when Lowell had cancer surgery in 2006 at The University Of Kansas Medical Center. JoAn was not familiar with, nor comfortable with driving in Kansas City and it was such a blessing to stay at the inn and to be able to walk to the hospital from there. In 2015, when JoAn was diagnosed with cancer, she chose to have surgery at KUMed due to the high standard of care that Lowell had received there. We have stayed at The Friendship Inn many times during the past six years for follow-up appointments and more surgeries. We are both forever grateful for The Friendship Inn and the hospitality, security, convenience and the "home away from home" it has offered to us.

Unified Government Commissioners,

My Mom was diagnosed with jaw cancer and came to KU Med for a jaw resection and reconstruction surgery. She was expected to be hospitalized for 7 nights after the surgery. My adult brother and I are very close to our parents and arranged to have the week off. We weren't sure how much we would be at the hospital due to COVID restrictions, but still wanted to be around to support our parents. Head and neck surgery is serious stuff. One difficult aspect is that she had a tracheostomy tube and therefore had difficulty speaking freely. We ended up taking shifts around the clock between the three of us to help keep her comfortable and read her non-verbal cues. I do not think any of us could have foreseen how exhausting and hard that week was going to be. The Friendship Inn was a godsend. We had the comforts of home 3 blocks away from Mom. We could sleep when we needed to, have living space to wait our time until our next shift, could eat and reheat the mounds of food friends and family kept sending, and it was financially accessible. Medical bills pile up easily enough. Then if you factor in costs of travel, costs of being away from home and/or cost of taking time off work, you or a loved one having a serious illness suddenly revolves as much around financial decisions as it does medical ones. Mom happily had clear scans in June and is doing great. I will never forget my stay at Friendship Inn and am sure my story is one of the many where the opportunity of Friendship Inn made a formidable task a very doable one.

I really don't know what we would have done that week without FI

-Maggie, Springfield, MO

Unified Government of Wyandotte County Commissioners,

I have been the Program Manager at the Friendship Inn since Dec. 1, 2013. We serve patients and guests of patients who live at least 30 miles from the University of Kansas Health System with housing needed during their hospitalization. Folks use the Inn for early morning surgery arrival, long term hospital stays post transplant and emergency arrivals via helicopter or ambulance. Most come from rural communities where their nearest hospital does not deal with complicated cases that an amazing teaching hospital can provide. Due to the location of the hospital in the heart of Kansas City, hotels are often full, too expensive and can't provide the cooking, laundry and large families that often come due to the critical nature of their loved ones' disease. Families are relieved to not navigate freeways, parking, directions, with the ability to prepare meals, wash clothes, and relax away from the hospital after "camping" in the waiting room, hospital room, or even the parking garage overnight!

When the primary caregiver, financial provider and driver for the family is the one in the hospital; being able to walk back and forth, knowing you are not alone in the evening and getting help with food and emotional support is so crucial for the family to maintain their own health and sanity! Economically, illness can devastate a family and being able to provide free or lost cost housing, eases at least one of the burdens during such traumatic times. Guests are grateful beyond measure and have filled guests books of gratitude. So many come from rural communities with one stoplight and Kansas City is completely foreign to them, compounding the anxiety for their loved one.

During COVID-19, we can only serve one family unit at a time to properly social distance and deal with vaccination issues. It has become no longer an option to not have an Inn without individual private bathrooms. With four stairs to enter the Inn and a 13 step staircase to the shower and bedrooms, the Inn is not ADA compliant. We desperately need more individually private rooms as we now navigate in these changing and growing times of our world and the University of Kansas Health System to better and more safely serve the expanding community of needs.

Kathy Bradley, Program Manager of the Friendship Inn

Dear Wyandotte County Commissioners,

Please accept this letter as my strong support for the Friendship Inn. The Roasterie has supported Friendship Inn for many years and a couple of years ago I was honored to be asked to join the board.

The needs in the community are great and it is very important to us to be able to do everything that we can to support those in need of housing assistance while their loved ones are receiving treatment at KU MED. The new house will help us offer a higher level of quality and to better serve those who need it most.

Thank you very much,
Danny O'Neill
Founder
The Roasterie, inc.

October 22, 2021

Unified Government of Wyandotte County Commissioners
701 7th St.
Kansas City, KS 66101

Dear Commissioners,

My name is Rebecca Moburg and I am the Director of Patient Experience for The University of Kansas Health System. I have the pleasure of serving on the Board of Directors for The Friendship Inn, Kansas City (FIKC), and I appreciate the opportunity to share with you a bit of my passion for the organization. I have supported FIKC through donation of my own time, talent and treasure for the past five years, and consider this to be an extraordinarily worthwhile cause. The personal, comfortable and home-like environment fostered at FIKC cannot be found in a hotel setting, and the demand for more space is undeniable as the demand for services has far exceeded our capacity for quite some time. As our health system grows, so do the demands for accommodations, and FIKC is an important supporter of our growth. Patients are sicker than they have ever been before, and many of them require hospital stays that span days and even weeks. In my professional role, I encounter people amidst tragedy and strife on a daily basis. They are afraid, ill and often far from home. FIKC provides our patients and their families an option to secure short or longer-term lodging that can reduce so many of the burdens they face while receiving care and treatment.

I have seen FIKC's impact on both a personal level as well. When a dear friend from Springfield, MO had to endure weeks of radiation treatments for her head and neck cancer, FIKC gave her, her husband and their two children a safe, affordable and convenient lodging option for several weeks as she underwent daily therapy. They were able to remain close to hospital services and maintain their family unit during what has been the most difficult time in their lives.

The Mission of The University of Kansas Health System is the lead the nation in caring, healing, teaching and discovering. We know this requires community support and strong partnerships, and we consider FIKC to be an invaluable partner in accommodating our patients and their families during their most critical times. I humbly ask for your support as we pursue the opportunity to build a new house and thank you for your service.

Sincerely,

Rebecca Moburg, MSN, RN, NE-BC
Director of Patient Experience
The University of Kansas Health System
4000 Cambridge St.
Kansas City, KS 66160

4000 Cambridge St. | Kansas City, KS 66160 | Phone 913-588-1290 | Fax 913-945-5600 | kansashealthsystem.com

PULSE+ DESIGN GROUP

October 25, 2021

To whom it may concern
Unified Government of Wyandotte County Commissioners

Dear Sirs / Madams,

I am writing in support of the proposed new location along Rainbow Boulevard for Friendship Inn. Being a board member for the past four years has opened my eyes to the urgent need for low-cost housing for family members whose loved ones are being treated at The University of Kansas Health System (TUKHS). Hearing the stories of how much these patients and family members appreciate being near their point of care never gets old. Friendship Inn provides one less worry for families who are already burdened with the high cost of healthcare.

Sincerely,



Michael E. Andrascsek

u:\16 letter.docx

4622 Pennsylvania Ave Suite 1050 Kansas City Missouri 64112 +913 438 9095 p +913 438 2660 f pulsedesigngroup.com



Figure 4. Site photograph looking east at 4403 Rainbow Boulevard (provided by Planning Staff).



Figure 5. Site photograph looking southeast at 4403 Rainbow Boulevard (provided by Planning Staff).



Figure 6. Site photograph looking east at 4403 Rainbow Boulevard (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning & Urban Design Staff
Date: January 6, 2022
Re: Petition SP2021-075

GENERAL INFORMATION

Applicant:
Pearl King

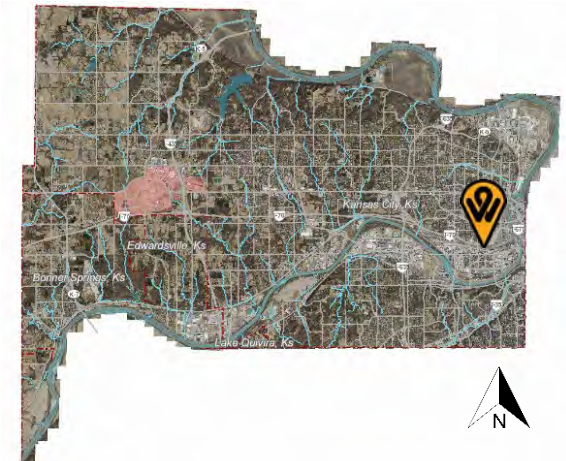
Status of Applicant:
Representative
Manhattan Bar and Grill, LLC
812 South 12th Street
Kansas City, KS 66105

Requested Action:
Renewal of a Special Use Permit.

Date of Application:
October 27, 2021

Purpose:
To renew a Special Use Permit to allow live entertainment at an existing drinking establishment and restaurant.

Property Location:
812 South 12th Street,
Kansas City, KS 66102



Commission Districts	Commissioner At-Large: Tom Burroughs District #2 Commissioner: Brain McKiernan
Existing Zoning:	C-3: Commercial District
Adjacent Zoning:	North: C-3: Commercial District South: C-3: Commercial and RP-5 Apartment Districts East: C-3: Commercial District West: C-3: Commercial District
Adjacent Uses:	North: Commercial Building South: Single-Family Residence East: Commercial Building and Vacant Lot West: Two-Family Residential Duplex
Total Tract Size:	0.14 Acre
Master Plan Area:	Armourdale Area Master Plan
Master Plan Designation:	The Armourdale Area Master Plan designates this property as Community Commercial. Community Commercial allows investment in the commercial corridors to enhance business opportunities along each corridor, create dense development that is walkable and scaled appropriately to the neighborhood, and increase the amount, quality, and performance of public space along each corridor.
Major Street Plan:	The Major Street Plan designates 12 th Street as a Class C Throughfare.
Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owner – November 19, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	None to date.
Public Opposition:	There was one (1) person present in opposition at the December 13, 2021 City Planning Commission meeting. He also submitted information concerning the site (attached).

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ms. Pearl King, is requesting a renewal of Special Use Permit (SP-2019-74) for a drinking establishment, restaurant, and live entertainment venue at 812 South 12th Street. This property was approved for a parking variance (#2223) on November 14, 2016, and a Special Use Permit (SP-2016-73) to operate a drinking establishment, which was renewed in 2018.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There are no Notice of Violations on this property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The Armourdale neighborhood is comprised of industrial uses and commercial businesses and residential uses. 12th Street is a Class C thoroughfare in the Armourdale area that is accessed primarily from the north by Kansas Avenue, a class B thoroughfare and from Argentine Boulevard, a Class B thoroughfare. It is a horizontal mixed-use, inner-urban neighborhood with residential, commercial, and industrial uses.

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

South 12th Street is one of the more significant streets in Armourdale, and currently has a mix of commercial and residential uses. The property is currently zoned C-3 for higher-intensity commercial uses. The proposed use is compatible with the zoning and uses directly adjacent to the property, however, the proposed use may create compatibility issues with the duplexes that neighbor the property on the west due to noise, vibration and illumination if conditions are not met.

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

The removal of the restrictions will not detrimentally affect nearby properties if the conditions are adhered to. It should be noted however, that the conditions regarding screening from adjacent properties had not been after SP-2019-74 had been approval.

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

The property is not vacant, it has been active as a restaurant and drinking establishment since 2016.

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

The Armourdale Area Master Plan does not address Special Use Permits. The Armourdale Area Master Plan designates this property as Community Commercial. Community Commercial allows investment in the commercial corridors to enhance business opportunities along each corridor, create dense development that is walkable and scaled appropriately to the neighborhood, and increase the amount, quality, and performance of public space along each corridor.

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

The property has received a variance (BZA-2223) due to the limited parking availability, providing only 5 of the required 40 parking spaces off-street parking spaces. It is possible that adjacent property owners may see an adverse effect if a parking shortage condition occurs, and overflow parking becomes a nuisance. The abundance of on-street parking mitigates this concern to some extent.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is not a public good. The proposed use also has the possibility to effect the quality and marketability of adjoining and surrounding properties due to noise, vibration and illumination from live-entertainment and the potential for overflow parking.

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

Noise, Vibration, and illumination are typical issues for this type of use. And could become a nuisance for nearby properties.

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

The proposed use would not pollute air, land, or water as it is located in an existing, built-out mixed-use industrial and residential area.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out mixed-use industrial and residential area.

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

The gain to the public health, safety and welfare would be minimal. A denial of this application would cause the business owner to have to find a new location for their business.

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

This property has received a variance for parking in the past, as the unique lot size does not allow for the property to provide the proper amount of on-site parking. The parking concerns could become an issue if not managed properly.

PREVIOUS ACTIONS

Approved for parking variance (#2223) in November 2016.

Approved for Special Use Permit (#SP-2016-73) in December 2016 (Expired in 2018)

Approved for Special Use Permit (#SP-2018-62) in July 2018

Approved for Special Use Permit (#SP-2019-74) in July 2019 (Expired 9/26/2021)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting 5:00PM on November 29, 2021, at 812 South 12th Street. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the "Attachments" section of this report).

KEY ISSUES

Parking

Noise

Vibration

Illumination

Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-075**, subject to:

- 1) Building facade must be kept in good repair. Windows and doors must be kept in good repair;**
- 2) Per Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees or other design elements;**
- 3) 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 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;

- 4) Two trees are required to meet landscaping requirements. The applicant for #SP-2016-73 planted two trees to meet this requirement. Trees must remain and be healthy or replaced;
- 5) The business shall install screening for the parking for the property directly adjacent to the west, in the form of shrubs, trees, fencing, or a screening wall;
- 6) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 7) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 8) The applicant must file and maintain a current business occupation tax applicant and entertainment license;
- 9) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 10) All entertainment must cease by 1:30 AM;
- 11) Doors and windows must stay closed during any entertainment performance;
- 12) Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
- 13) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 14) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 15) 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,
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends **APPROVAL** of **SP2021-075**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Response Statement from Applicant on Draft Staff Report
Neighborhood Meeting Minutes, Sign-In, and Affidavit
Site Plan
Photographs of the Property, taken by the Applicant – Dated October 2021
Photographs of the Property, taken by Staff – Dated November 15, 2021
Information in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 13, 2021	January 6, 2022
Special Use	Approval	

STAFF CONTACT: **James Molloy**
 jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-075** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-075** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 4:52:45:

SPECIAL USE PERMIT APPLICATION SP2021-075 – PEARL A. KING – SYNOPSIS:

Renewal of a Special Use Permit (SP-2019-74 – expired 9/26/2021) for a restaurant/drinking establishment with live entertainment at 812 South 12th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. Email and photographs from Larry Sprang.

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

Present in Support:

- Pearl King, 10004 NW 71st Street, Kansas City, Missouri
- Mr. Medina, Manhattan Bar & Grill, 812 South 12th Street, Kansas City, Kansas

Present in Opposition:

- Larry Sprang, 1111 Pennsylvania, Kansas City, Missouri

Staff Recommendation starts at 5:10:44: Planning Director Hand stated that there is a parking variance on file for this application. He further stated that the applicant is requesting their second renewal. The last approval conditioned parking must be screened. Staff would be agreeable to changing the live entertainment ending time from 1:00 a.m. to 1:30 a.m. as suggested by the applicant in their opening remarks. Director Hand discussed the standard conditions of approval in the staff report. It is a code requirement to keep the property clean from trash. There have been no Notices of Violation nor any letters in support or opposition prior to the meeting. Staff recommends approval subject to the amended conditions of approval.

Motion and Vote starts at 5:13:55:

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2021-075 for five (5) years:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1) Building facade must be kept in good repair. Windows and doors must be kept in good repair;**
- 2) Per Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees or other design elements;**
- 3) 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 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;**
- 4) Two trees are required to meet landscaping requirements. The applicant for #SP-2016-73 planted two trees to meet this requirement. Trees must remain and be healthy or replaced;**

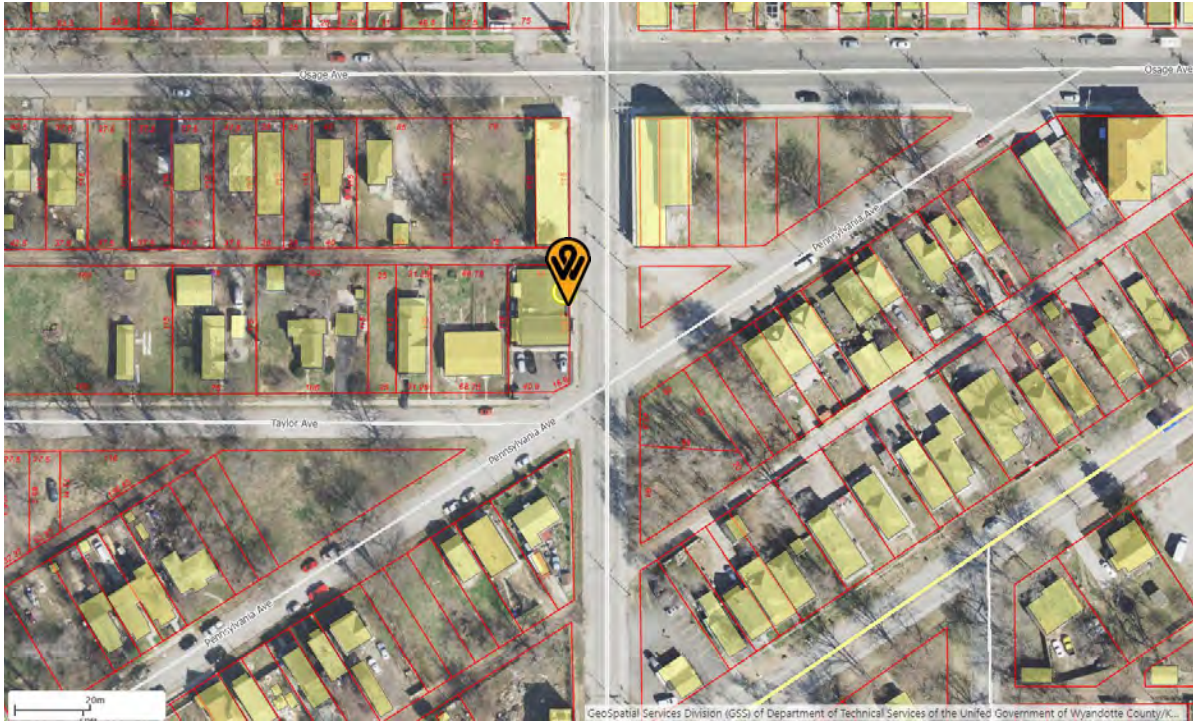
- 5) The business shall install screening for the parking for the property directly adjacent to the west, in the form of shrubs, trees, fencing, or a screening wall;
- 6) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 7) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 8) The applicant must file and maintain a current business occupation tax applicant and entertainment license;
- 9) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 10) All entertainment must cease by 1:30 AM;
- 11) Doors and windows must stay closed during any entertainment performance;
- 12) Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
- 13) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 14) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 15) 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,

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

ATTACHMENTS

AERIAL IMAGERY



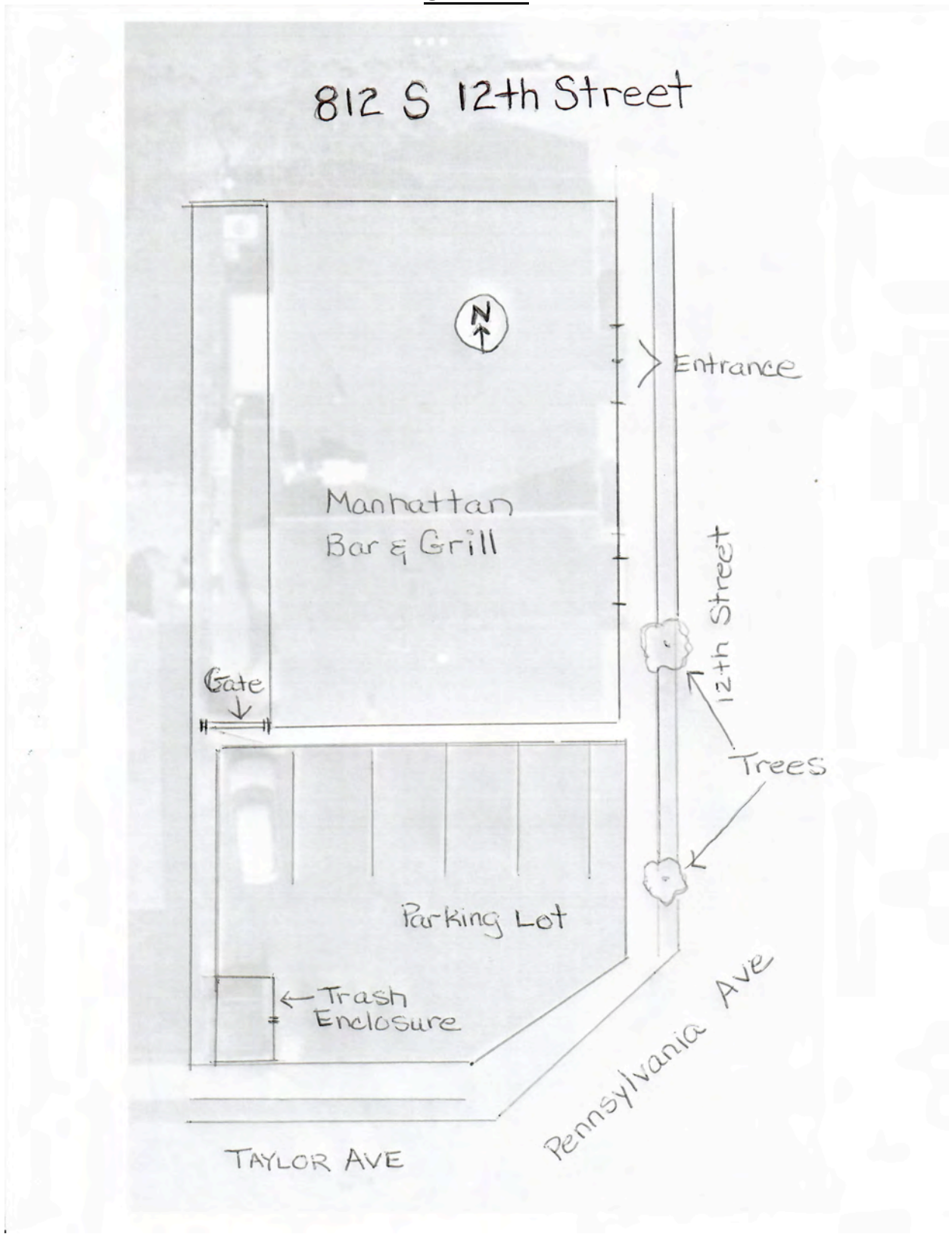
ZONING MAP



LAND USE MAP



SITE PLAN





PEARL A. KING

Administrative Support Services

10004 NW 71st Street, Kansas City, MO 64152
(913) 948-0401 – pearl@kc.rr.com

To: Staff, Planning and Urban Design
From: Pearl King for Manhattan Bar & Grill LLC
Date: November 29, 2021
Re: Special Use Permit SP2021-075

First, just for clarification on the actions referenced under sections titled “Proposal,” “Factors to Be Considered” paragraph 4, and “Previous Actions” – the applicant purchased the property in May 2018 and the previous owner was the applicant for Special Use Permit (#SP-2016-73). Manhattan Bar & Grill’s first special use permit application (SP-2018-62) was approved for one year; application for renewal (SP-2019-74) was approved for two years. This would be applicant’s second renewal.

Second, in the section “Factors to be Considered” paragraph 3 mentions conditions regarding screening from adjacent properties. It is unclear to the applicant if there is additional screening required.

The applicant submits the following in response to Staff’s “draft” report:

Planning and Urban Design Comments

- 1) Photos of the exterior (and interior) of the building were uploaded concurrently with filing the application online and are also attached. The photos of the property provided by staff accurately depict the property (and honestly, I don’t think we could provide better photos).
- 2) A current site plan is attached.
- 3) The police were called to the business, by the applicant, on one occasion. The disruptive patron had left the premises prior to the arrival of the police officers.
- 4) The applicant is unaware of any issues regarding parking. As noted in staff’s report, there is an abundance of on-street parking that helps. In addition, the applicant has been proactive with monitoring and communication with patrons.
- 5) Safety and Security
 - a) Security Plan – The applicant contracts Ward Guard (a licensed security company) to provide two (2) security officers on the premises every evening there is entertainment. On Friday (or when they anticipate a larger crowd) the applicant also contracts through Deputy Daniel Anderson (Wyandotte County Sheriff) for two (2) additional security

November 29, 2021

Page 2

officers (off-duty law enforcement officers). At least one (1) security officer is stationed at the door and an ID scanner is always used. Security personnel coordinate with staff to ensure the premises is vacated safely well in advance of closing time. The parking lot and surrounding areas are monitored to ensure patrons do not loiter, litter, or disturb the peace. The business has a zero tolerance for violence and drugs and the police will be called if anyone is belligerent and refusing to leave. The security provided by applicant exceeds the ordinance requirements.

- 6) Previous Conditions. The applicant has complied with the previous conditions and understands those conditions will still be applicable.

Standard Conditions

- 1) The applicant will contact Marlene Pardo to obtain the required sign permit.
- 2) Noted and understood.
- 3) Noted and understood.
- 4) Noted and understood.
- 5) The previously approved permits allowed entertainment to end at 1:30 am. The applicant has been consistent in providing this information during each application process. Has there been a change in the ordinances or regulations?
- 6) Noted and understood.
- 7) Noted and understood.
- 8) Noted. Please refer to Planning and Urban Design Comments paragraph 5.
- 9) Noted and understood.
- 10) This is a duplicate of paragraph 4.
- 11) Noted and understood.

Manhattan Bar & Grill, LLC

812 South 12th Street
Kansas City, Kansas 66105

November 19, 2021

NOTICE OF NEIGHBORHOOD MEETING

We have filed an application with the Department of Urban Planning and Land Use # SP-2021-075. The purpose of this special use permit is for live entertainment (i.e., karaoke, DJ, live band) at 812 South 12th Street, Kansas City, Kansas 66105, the location of Manhattan Bar & Grill.

We will hold a neighborhood meeting at the above location on Monday, November 29, 2021, at 5:00 p.m. The purpose of this meeting is to explain the application and to answer any questions or concerns you may have.

The business is open from 11:00 a.m. to 2:00 a.m. every day except Tuesday when the business is closed. Entertainment is provided on Friday, Saturday, and Sunday from 9:00 pm to 1:30 am. Occasionally we have entertainment on a different night of the week for a holiday or special celebration. Our first special use permit application (SP-2018-62) was approved 07/26/2018 for one year and our application for renewal (SP-2019-74) was approved on 07/25/2019 for two years. We are asking for approval for two years.

If you are unable to attend and would like to discuss the application and express your concerns, please contact me at the email or phone number listed below.

We appreciate your support and look forward to your questions and comments.

Sincerely,

Pearl King

Pearl King
Agent for the applicant
Manhattan Bar & Grill
(913) 948-0401
pearl@kc.rr.com

MANHATTAN BAR & GRILL LLC

MINUTES OF NEIGHBORHOOD MEETING

Application Number: SP2021-075
Date and Location: November 29, 2021 / 812 South 12th Street

The undersigned, as representative for Manhattan Bar & Grill, held a Neighborhood Meeting on November 29, 2021, at 5:00 pm. The purpose of the meeting was to explain the application of the business for a special use permit to continue to have live entertainment (i.e. DJ/karaoke/band) at the licensed drinking establishment.

I arrived at 4:50 pm and met with the owner, Marta Medina, and her son. I waited until 6:00 pm and no one else showed up for the meeting.



Pearl A. King

Dated: November 30, 2021

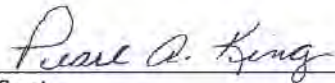
AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) ss:

Comes now Pearl A. King, of lawful age, sound mind and upon her oath states as follows:

1. I am the representative for Manhattan Bar & Grill LLC, the applicant for Special Use Permit Application No. SP-2021-075.
2. I conducted a neighborhood meeting on November 29, 2021, at 5:00 pm.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____
day of _____, 20_____.

Notary Public

My appointment expires:

PHOTOGRAPHS OF THE PROPERTY, PROVIDED BY APPLICANT – DATED OCTOBER 2021



PHOTOGRAPHS OF THE PROPERTY, PROVIDED BY STAFF – DATED NOVEMBER 15, 2021



Larry Sprang per SP2021-075
1111 Pennsylvania
KCK 66105

A few year ago, the council approved this business to open under the guide that is was something new and a restaurant. This was opposed by many residents of the area for several reasons

- 1) Parking
- 2) trash
- 3) Noise
- 4) Just the fact we already have 3 other bars within 2 blocks of this

First Parking

This business could not meet the current codes for parking based on the occupancy, The council decided to still allow them to open and ignore the code, Now we deal with parking in front of driveways on a regular basis and the rest of the patron park in a Grass, unpaved vacant lot across the street that has become a hang out and drinking spot . we report the illegal parking to 311 several times with no help. If they are to be allowed to park there it should have to meet code and be paved, and it would be nice to require lighting and security, so it does not continue to be an outdoor party spot full of broken glass and trash

2) Trash

Every week we deal with broken beer bottles and beer cans all over the streets , lot and sidewalks

3) Noise

They already have live DJ playing on many nights and it and be heard for blocks, Especially every time the door opens.

4) This was sold to the council as something new and a restaurant, It is just a nightclub as we all said it would be, many days not even open until evening.

I would ask that the council please solve the parking, trash and security issues before allowing







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Change of Zone Petition COZ2021-046**
Master Plan Amendment MPL2021-027 and
Special Use Permit SP2021-076

GENERAL INFORMATION

Applicant:
Matt Altrich

Status of Applicant:
Property Owner
21500 W. 99th Street
Lenexa, Kansas 66220

Requested Actions:
Approval of a Change of Zone,
Master Plan Amendment, and a Special
Use Permit for a Short-Term Rental.

Date of Application:
October 28, 2021

Purpose:
To change zoning district from R-1(B) Single
Family District to RP-2(B) Two Family
District.

To change the Rosedale Master Plan from
Single Family Residential to General Urban.

Application for a Special Use Permit for a
Short-Term Rental.



Property Location:	4108 Adams Street Kansas City, Kansas 66103
Commission Districts:	Commissioner At Large District #2: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family and RP-5 Apartment Districts West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence, Apartment Building West: Single Family Residence
Total Tract Size:	0.15 Acres
Master Plan Area:	The Subject Property is within the Rosedale Area Master Plan.
Master Plan Designation:	The Rosedale Master Plan designates this Property as Single Family Residential. This district is designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed amendment is to designate this property's land use as General Urban. This area is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.
Major Street Plan:	The City-Wide Master Plan designates Adams Street as a Local Street.
Parking Requirement:	R-1(B) District (current zoning): Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. RP-2(B) District (proposed zoning): Section 27-454(d) requires one (1) off-street parking spaces shall be

provided for each dwelling unit. The current property has a two (2) car garage and four (4) uncovered off-street parking spaces on a concrete drive with a concrete approach for a total of six (6) parking spaces and exceeds the requirement.

Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021 and December 27, 2021
Public Hearings	December 13, 2021 and January 6, 2022
Public Support:	One letter of support for the Change of Zone and Master Plan Amendment with partial support of the Short-Term Rental Application and an additional letter indicating they are in support if it remains a residentially zoned property and the unit is properly managed. There was one (1) person present in support at the December 13, 2021 City Planning Commission meeting.
Public Opposition:	The applicant received several letters of opposition. However, it should be noted that the majority of the letters do not object to this applicant specifically, but to the growing number of short-term rentals in the Rosedale neighborhood. Upon further discussion, some authors of the opposition letters became supporters of the Short-Term Rental application process, with the support of applicants choosing to license legally as opposed to those who are choosing to avoid compliance and may be operating unsafely. There were no letters in opposition to the Change of Zone or Master Plan Amendment. Erin Stryka of RDA was present at the December 13, 2021 City Planning Commission meeting. Staff also received a document from Ms. Stryka and Gil Pintar (attached).

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Matt Altrich, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4108 Adams Street. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-2(B) Two Family District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a duplex in the mid-1970s for the original owner's mother. A certificate of legal non-conforming use was issued in 2008 which expired in 2018. The house has been used as a licensed rental since at least 2000. The Applicant is now the

new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition. The upstairs unit was previously not formally leased and inhabited by the prior owners' children who did not pay rent according to County Records.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is residential and urban in character. Lots are average for urban densities and are approximately thirty (30) to fifty (50) feet in width with the average lot size being fifty (50) feet wide. There streets are mostly paved concrete and driveways are generally concrete approaches with concrete or gravel driveways. Many roads have visible evidence of neighborhood improvements such as improved curbs and sidewalks. This block of Adams Street is one (1) block away from the Rainbow Avenue commercial corridor and two (2) blocks from KU Medical Center.

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

The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts with an apartment complex directly across the street. Although the property has been converted to a duplex, it retains the visual quality and aesthetics of a single-family home. The entrance to the upstairs unit is through a deck and stairs in the rear of the property and it is not obvious from the street that it has been converted. Rezoning the property to RP-2(B) would adequately reflect the building's current physical condition, in which has been in effect approximately forty-five (45) years. It has been used as a rental for more than twenty-one (21) years. Rezoning to RP-2(B) is not necessarily in the neighborhood's zoning character. It may be considered spot zoning and was the initial reason for granting the Legal Non-Conforming Use, however, more recent interpretations of spot zoning indicate that under the current circumstances of the property's continued usage, this instance would be considered a valid form of rezoning should the Change of Zone petition be approved. Continuing use as a rental, either short or long term, is consistent with other nearby properties near the nearby university, mixed-use corridor, and neighborhood corridor.

The proposed use as a short-term rental compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

Per Section 27-455(a) with regards to the current zoning, the “purpose of the district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of existing buildings and vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents.” Section 27-457(a) for the proposed zoning continues with the same language as Section 27-455(a) for the R-1(B) Single Family District but continues to add that, “Conversion of residential buildings constructed as single-family dwellings shall be permitted only when parking, land, floor area and life safety requirements are fully met.” As is, the current zoning does not allow for a two-family residence as the building has been in use. Removing the restrictions when converting from R-1(B) to RP-2(B) is unlikely to negatively affect the subject property or nearby properties as it has been in use as a multi-family property for over fifty (50) years.

The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The Applicant currently rents out the lower unit of the property, which was purchased in 2019. The upper unit has remained vacant. The prior owners had the property for nineteen (19) years during which time it was a registered rental although it had been improperly listed as a one (1) unit property rather than a two (2) unit property. It was improperly listed as a one (1) unit property as the owner’s children lived in the upstairs unit and did not pay rent. Both the upstairs and downstairs units have retained occupants of some type since its conversion.

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

There is minimal public gain as the ability to add two (2) living units would add to the housing stock. The subject property already exists within the built-out neighborhood and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring property. The extensive length of time that this property has remained as a two-family duplex property without any issues demonstrates that it has not affected the appropriate use, visual quality, or marketability of surrounding properties.

The proposed use as a short-term rental provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as it the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. Section 27-454(d) states that there shall be one (1) off-street parking space for each dwelling unit for a total of two (2) off-street parking spaces. The subject property has two (2) garage spaces and four (4) off-street parking spaces, which is adequate for the number of dwellings per the requirements in this Section. The approach, apron, and driveway has been recently updated and are in good condition.

The proposed use as a short-term rental has the potential to increase vehicular traffic but should not exceed the capacity of the current conditions to accommodate it if managed properly. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The Rosedale Area Plan designate this property as Single Family Residential Use. The Rosedale Area Plan indicates that this district is designed for single family, detached houses which does not reflect the building's current state as a two (2) family or duplex home. The proposed change of zone is accompanied by the Master Plan Amendment petitioning for a change in usage to General Urban use. The Rosedale Area Plan indicates that the General Urban use is for areas that are "predominantly residential in character with rowhouses, townhomes, and single-family houses." Although the subject property has two (2) dwellings, the aesthetics and exterior composition resembles a single-family home.

Special Use Permits are not addressed in the Rosedale Area Master Plan. The Rosedale Area Master Plan designates this property as Single-Family Residential. Single Family Residential and the proposed Master Plan Land Use of General Urban both allow a short-term rental but requires a Special Use Permit to operate as it is a business.

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

The applicant is not proposing any new structures currently, however, the rezone allows for the renovation of the existing structure to maintain its converted composition. There should be little to no long-term negative environmental impact.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant nor is there a history of noise complaints on the property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permanent residence. The subject property is in an existing built-out neighborhood.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

a. Water service

Water Service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer is provided by public sewer.

c. Storm water control

There are multiple storm water control points at the front and southwest corner of the property.

d. Police

Police service is provided by South Patrol, District #332.

e. Fire

Fire service is provided by Station #10.

f. Transit

The subject property receives bus service via Route #107 on Rainbow Boulevard between West 41st and West 42nd Avenue.

g. Schools

Education is provided by Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

13. The economic impact of the proposed use on the community.

The economic impact on the community is negligible, as the subject property is currently in use as a two-family dwelling. The rezone prevents units from being removed from the County's current housing stock.

Short-term rentals are generally used by tourists and can generate lodging tax and sales tax from the tourism activity.

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

The subject property is currently legal non-conforming. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its structure than it does in its present condition. The short-term rental will meet the requirements of the ordinance if managed appropriately.

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

There is negligible impact or gain to public health, safety, or welfare. The dwelling structure is already in existence and has been in its current state for approximately forty-five (45) years as such. There is gain to the public by providing an additional dwelling unit in an area near businesses near the Rainbow Corridor and near the hospital campus.

The relative gain or loss to the public health, safety, and welfare as a short-term rental is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests allowed in the upstairs unit is two (2) at a time and four (4) in the lower unit. The maximum number of vehicles is four (4). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

RELATED CASES AND PREVIOUS ACTIONS

A Certificate of Non-Conforming use was issued in 2008 and expired in 2018.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits. Previous building permits were issued for renovations to the rear stairwell leading to the upper unit and to upgrade the electrical service in 2020.
2. The current property owner has no outstanding Code Inspection Cases.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 29, 2021, by in-person meeting. Attached is the list of persons, minutes, affidavit, and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Structural Compatibility
Parking
Spot Zoning
Land Use
Future Redevelopment
Noise
Safety
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-046**, Special Use Permit Application **SP2021-076** and Master Plan Amendment **MPL2021-027**, subject to:

1. **The Short-Term Rental permit shall be limited to the top unit;**
2. **Remaining Repairs of the stairwell and window screens shall be completed;**

3. Additional landscaping shall be coordinated with the adjacent neighbor to provide shade or screening per the Narrow Lot Design Guidelines;
4. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be two (2);
5. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);
6. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be four (4);
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
9. 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;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
11. Subject to approval and should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan Design Guidelines for a two-family property;
12. The designation of RP-2(B), i.e., a planned district, will require a future review of the property for any redevelopment. Future redevelopment should conform to the appearance of a single-family home as it is in the mid-block of a single-family side of the block;
13. If approved, rental licensing shall be obtained to include both units;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the

ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.



STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petitions **COZ2021-046, MPL2021-027 and SP2021-076** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.



ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Rosedale Area Master Plan Design Guidelines
Short Term Rental Compliance Map
Property Inspection Report Highlights
Liability Insurance Policy
Site Plan
Interior Floor Plan
Neighborhood Correspondence
Applicant Photos of Property Dated November 15, 2021
Staff Site Photos Dated November 22, 2021
Information from RDA

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	December 13, 2021 Approval	January 6, 2022
Public Hearing Special Use Permit	December 13, 2021 Approval	January 6, 2022
Public Hearing Master Plan	December 13, 2021 Approval	January 6, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-046, SP2021-076 and MPL2021-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-046, SP2021-076 and MPL2021-027**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:41:25:

MASTER PLAN AMENDMENT APPLICATION MPL2021-027 – MATT ALTRICH WITH JOCO CAPITAL ONE, LLC - SYNOPSIS: Master Plan Amendment from Single Family to General Urban (Rosedale Area Master Plan) at 4108 Adams Street.

CHANGE OF ZONE APPLICATION COZ2021-046 – MATT ALTRICH WITH JOCO CAPITAL ONE LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for two (2) living units at 4108 Adams Street.

SPECIAL USE PERMIT APPLICATION SP2021-076 – MATT ALTRICH WITH JOCO CAPITAL ONE LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 4108 Adams Street.

Detailed Outline of Requested Action: The Applicant, Matt Altrich, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4108 Adams Street. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-2(B) Two Family District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a duplex in the mid-1970s for the original owner's mother. A certificate of legal non-conforming use was issued in 2008 which expired in 2018. The house has been used as a licensed rental since at least 2000. The Applicant is now the new owner and desires the rezone to complete to obtain a rental license, which requires

the zoning to reflect the building's physical condition. The upstairs unit was previously not formally leased and inhabited by the prior owners' children who did not pay rent according to County Records.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The information forwarded to the Commission from Erin Stryka

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

Present in Support:

- Matt Altrich, applicant, 21500 West 99th Street, Lenexa, Kansas 66220
- Devin Teren, 4112 Adams, Kansas City, Kansas 66103

Present in Support/Concerns:

- Erin Stryka, Executive Director, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 3:50:33: Planning Director Hand stated that this is a legal, non-conforming structure that Staff believes added a granny flat to the property in the 1950s. The only option currently available to resolve its non-conformity for an attached structure of this type is through a Change of Zone. The property has the appearance of a single-family residence and is located in the Rosedale Area Master Plan. If the application is held over, the applicant could not rent the second unit until such time that the Planning Commission and Board of Commissioners make their final determination for this case. Staff is advertising for an Ordinance Specialist who will review these types of issues; however, the Director does not have the timeline for the hiring of that position. He further stated that Short-Term Rentals are a high priority for the Department. Staff has a company that tracks Short-Term Rentals and Staff is aware of the ones that have received Special Use Permits and those that have not, which is being addressed. Staff is requiring some additional landscaping. Staff has received no letters in support nor opposition and recommends approval of the Change of Zone and Master Plan Amendment and a one (1) year approval for the Special Use Permit as there is no on-site manager.

Mr. Altrich stated that the upstairs unit will only be rented for one (1) person with a single car. He stated that the intent is to advertise for 90 days for rental. Director Hand stated that Staff would recommend approval for two (2) persons and a maximum number of two (2) cars for the Short-Term Rental.

Motion and Vote starts at 3:57:45:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment Application**

MPL2021-027:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. The Short-Term Rental permit shall be limited to the top unit;**
- 2. Remaining Repairs of the stairwell and window screens shall be completed;**
- 3. Additional landscaping shall be coordinated with the adjacent neighbor to provide shade or screening per the Narrow Lot Design Guidelines;**
- 4. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be two (2);**
- 5. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);**
- 6. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be four (4);**
- 7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 8. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 9. 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;**

10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
11. Subject to approval and should the property be completely demolished, the future use of this property’s reconstruction must follow the Rosedale Master Plan Design Guidelines for a two-family property;
12. The designation of RP-2(B), i.e., a planned district, will require a future review of the property for any redevelopment. Future redevelopment should conform to the appearance of a single-family home as it is in the mid-block of a single-family side of the block;
13. If approved, rental licensing shall be obtained to include both units;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-046**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions.

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2021-076 for one (1) year**:

Carson	Chairman
Miller	Aye
Mohler	Aye

Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions.

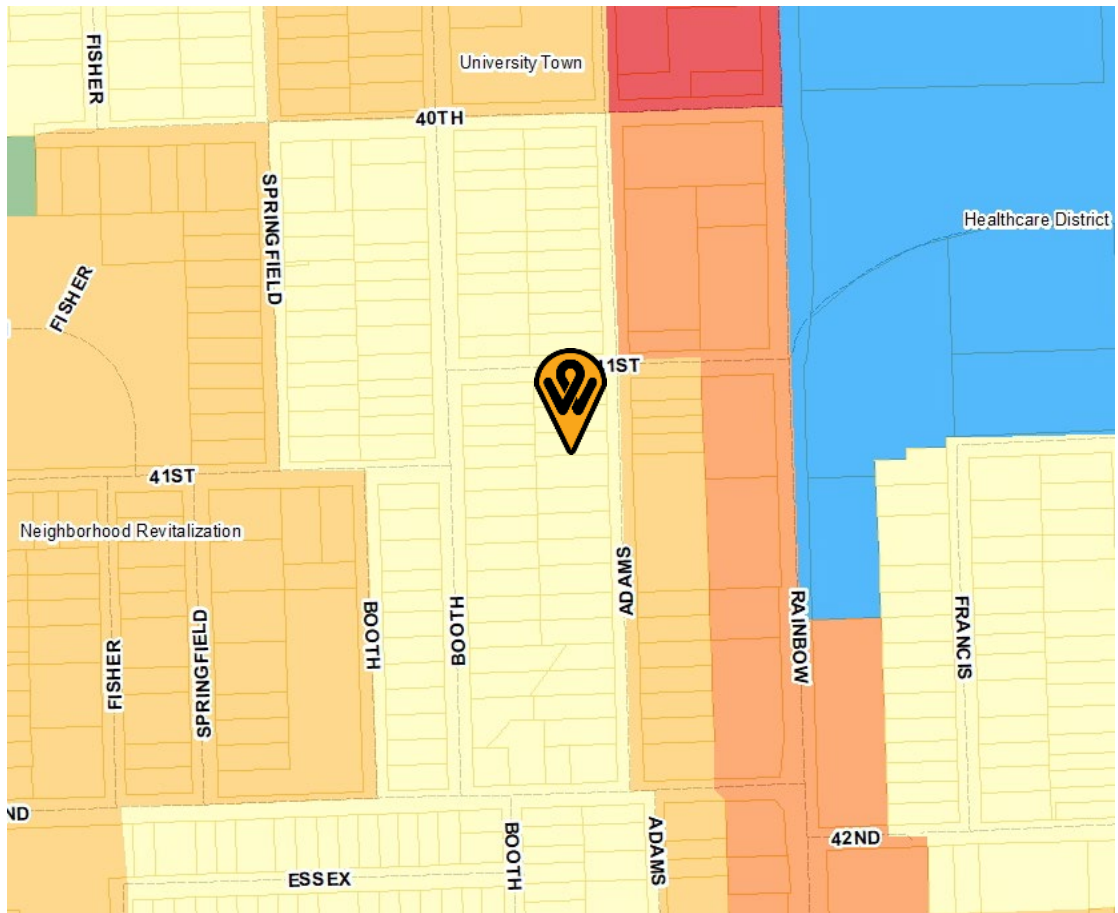
AERIAL MAP



ZONING MAP



LAND USE MAP



ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

AMENITIES

Developments greater than 20 units must provide one of the following: Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent
-

Screening of multi-family residential developments is required between:

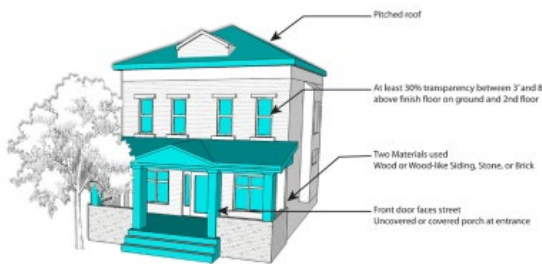
- Multi-family and commercial uses
- Multi-family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.



SINGLE FAMILY HOME DESIGN GUIDELINES

Any infill housing must compliment surrounding houses to preserve the charm and congruity of Rosedale's neighborhoods. To better understand Rosedale's housing, a housing typology study was undertaken and 636 Rosedale homes were surveyed. The housing typology study uncovered basic massing and architectural elements of the typical Rosedale house. By utilizing these very fundamental massing and architectural strategies, neighborhood coherence can be fostered regardless of architectural style.

The typical Rosedale house is 2 stories high and has a narrow floor plan that is two rooms wide and 3 or more long. House configuration is the result of narrow lots with garages and alleys in the back. On wider lots, houses can have a similar configuration with side gabled roofs. In many cases, differences in elevations allowed houses to raise above the street level and have basements with garages. Rosedale home elevations are typically symmetrical, and are usually accentuated by a front facing gabled roof. An elevated porch faces the street. Primary materials are wood or wood-like siding with a secondary material of brick or stone. Variations of these basic elements currently exist and are desired for future single family homes.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING

Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

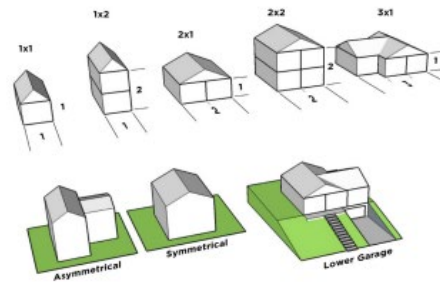
Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.

MASSING

Typical and desirable massings are as follows:

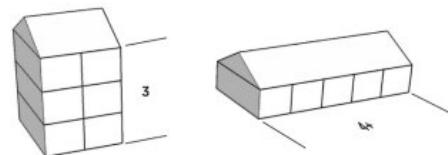


Underlying residential zoning limits homes to 2.5 stories and is recommended for all future single family construction.

Undesirable massing:

Greater than 2.5 Stories

4+ Wide / Ranch



ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

MATERIALS

All new Rosedale single family homes must use at least two types of facade materials. Facade materials are limited to wood or wood-like siding, brick, and stone.

ROOF

Roof types within single family neighborhoods must be pitched. Single family homes recently constructed along major corridors feature flat or shed roofs. These roof types may be constructed upon major corridors.

TRANSPARENCY

Transparency, or the percentage of clear views into and out of a building, is important for both neighborhood aesthetics and safety. Crime Prevention Through Environmental Design (CPTED) emphasizes the importance of transparency through windows that increase active and passive surveillance of the street and neighboring homes. The more exposed a person feels to surveillance, the less likely they are to commit a crime. CPTED further proposes shifts in typical privacy behaviors, and suggests that residents refrain from keeping blinds and curtains constantly closed.

To promote both the aesthetic and safety qualities of windows, all new single family homes must have at least 30% transparency between 3' and 8' above finish floor on both the ground and 2nd level facade.

ORIENTATION & ENTRANCES

All new single family homes must be oriented to the street and have a primary entrance upon the front facade. The front door can also be located on the side of a home, as long as it is within 15' of the front facade and accessible by a side porch (see Side Yard Frontage, Narrow Lot design standards). All front entrances must have a porch with a minimum area of 40 square feet with a minimum dimension of 5 feet in length or depth.

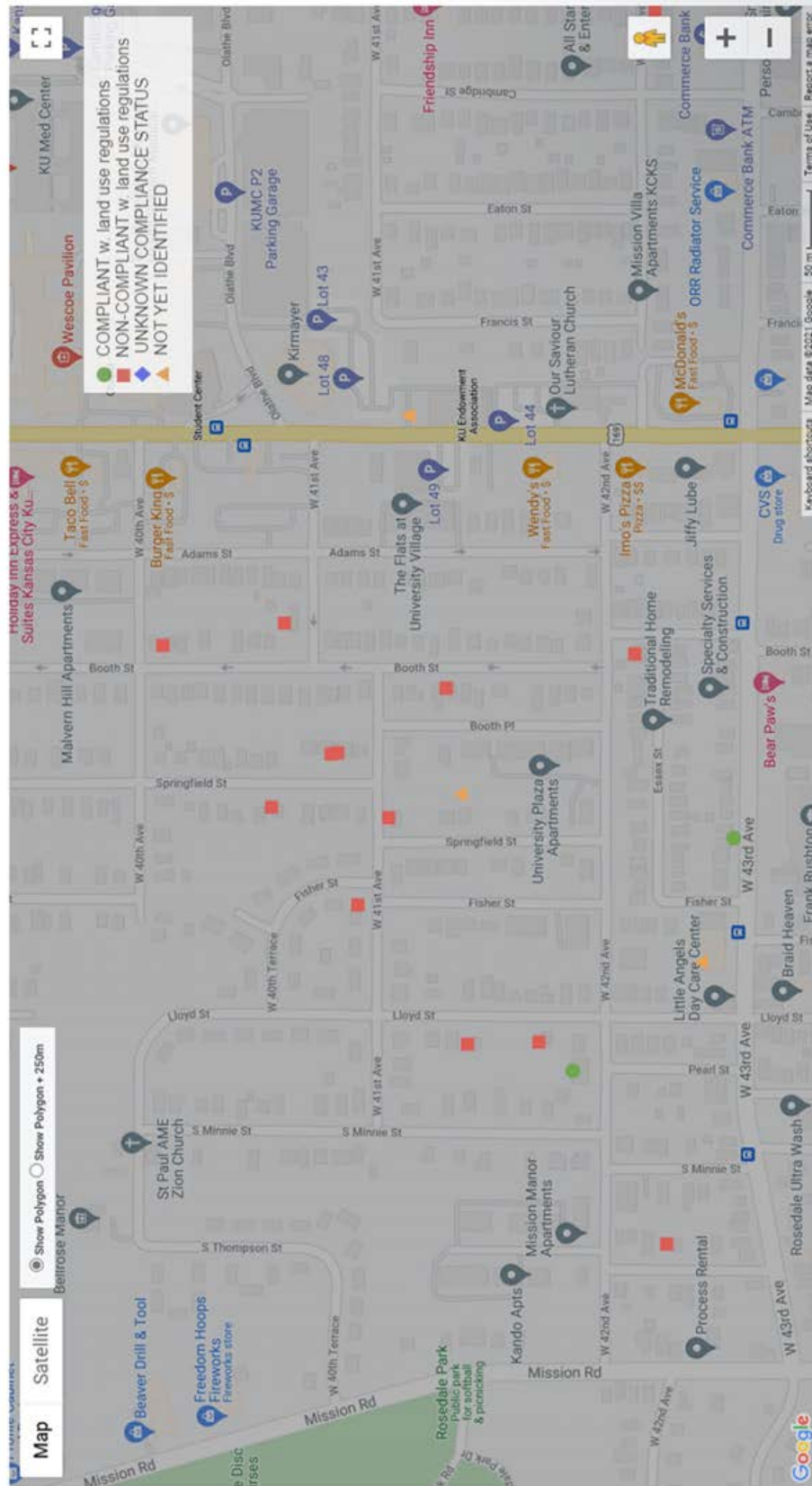
GARAGES, DRIVEWAYS & SITE

In all instances, garage location must conform to UG code standards for narrow lots. Garage doors may not dominate facades, and must be less than 30% of the house's facade width. Garages must be set back at least 15' from the front facade. In Rosedale, driveways one lane wide are most typical and desirable. No additional front yard parking may occur outside of a driveway. Even if a lot's size does not designate it as "Narrow", any new home design should strive to meet narrow lot site design guidelines.

THE LOWER LEVEL GARAGE

Thirteen percent of Rosedale's housing stock overcomes steep topographical changes in grade between sidewalk and a home's ground floor by building homes into hills. Homes that do this typically have garages at sidewalk, or just below sidewalk level. Access to these garages requires typography cuts and retaining walls. Stair cases then connect higher elevation front entrances and porches to the sidewalk. This is the only condition in which a garage door flush with a house's front facade is desirable or acceptable. Examples and guidelines can be found in the "Parking with Topographical Difficulty" section of the Narrow Lot Guidelines.

SHORT TERM RENTAL COMPLIANCE MAP



PROPERTY INSPECTION REPORT HIGHLIGHTS

Interior - Stairs

STAIR RAILS

SVC s-79: Loose railings are noted at the basement stairway, which is an essential safety feature that should be serviced.

Bathroom(s) - 1st Floor Bathroom

SINK FAUCET VALVES & CONNECTORS TRAP & DRAIN

SVC s-150: The mechanical sink stopper is incomplete and should be serviced.

SHUT-OFF VALVE AND WATER CONNECTORS

49: The shut-off valve and water connectors on the water heater appear to be functional. The water shut-off valve is visually inspected but we do not physically exercise this component.

PRESSURE RELEASE VALVE AND DISCHARGE PIPE

50: The water heater is equipped with a mandated pressure-temperature relief valve, which we do not operate.

ELECTRICAL

76: The interior outlets that were tested are functional.

SMOKE DETECTORS

77: The smoke detectors are present and functional. The accessible detectors are tested by the push button only and should be tested on a monthly basis. This method only verifies battery and horn function, but does not test the sensor in the unit. After occupancy, and regularly thereafter, we advise testing with real or simulated smoke. Smoke detector should be replaced every ten years. We would also recommend both photoelectric and ionizing type smoke detectors be installed.

CARBON MONOXIDE DETECTORS

78: Carbon Monoxide detectors were present and appear to be functional. The detectors were tested by the test button only and should be tested on a monthly basis. Detectors that are removable were not inspected.

DOORS

MON 73: The doors need typical adjustments and repairs to function properly. We do not attempt to list every defect or location of these concerns. We would suggest a qualified contractor evaluate and repair as desired.

PROPERTY INSPECTION REPORT HIGHLIGHTS

SCREENS

21: A few of the window and/or door screens are missing or damaged. Screens are often removed for aesthetic reasons, but you may wish to have them installed or repaired as desired.

ELECTRICAL

66: The electrical components that are visible within the basement appear to be in acceptable condition.

SERVICE ENTRANCE

91: The service entrance, weatherhead, and mast have no visible deficiencies. It will be important to keep tree limbs and other items away from these lines.

WIRING

97: The wiring in the main electrical panel has no visible deficiencies.

CIRCUIT BREAKERS

98: There are no visible deficiencies with the circuit breakers in the main electrical panel.

GROUNDING

99: The main electrical panel is double-grounded to a driven rod and to a water pipe.

INTERIOR COVER PANEL

100: The interior cover for the main electrical panel appears to be in acceptable condition.

GAS PIPES

142: The visible portions of the gas pipes appear to be in acceptable condition.
of leakage. Areas that are concealed were not inspected.

GAS VALVE AND CONNECTOR

33: The gas valve and connector appear to be in acceptable condition.

OUTLETS

155: The bathroom outlets are functional and include ground-fault protection.

OUTLETS

108: The outlets in the kitchen that were tested are functional and include ground-fault protection.

LIABILITY INSURANCE POLICY



Policy Summary

Landlord Dwelling Policy

Named Insured and Mailing Address

MATTHEW ALTRICH
MICHELLE ALTRICH
21500 W 99TH ST
LENEXA, KS 66220-2677

Your Agency's Name and Address

CAPITOL AGENCY
9500 NALL AVE
OVERLAND PARK, KS 66207

Residence Premises

4108 ADAMS ST
KANSAS CITY, KS 66103-3107

Mortgagee Name and Address

1. US BANK N.A.
ISAOA C/O US BANK HOME MORTGAG
PO BOX 961045
FORT WORTH, TX 76161
LOAN NUMBER: 2200999761

Additional Insured Name and Address

1. JOCO CAPITAL ONE LLC
21500 W 99TH ST
LENEXA, KS 66220

Policy Information

Your Policy Number	605607282 653 1	For Policy Service	1.913.652.2231
Your Account Number	605607282	For Claim Service	1.800.252.4633
Your Insurer:	TRAVELERS PERSONAL INSURANCE COMPANY a subsidiary or affiliate of The Travelers Indemnity Company One Tower Square, Hartford, CT 06183		

The policy period is from December 2, 2020 at 12:01 A.M. STANDARD TIME to December 2, 2021 at 12:01 A.M. STANDARD TIME at the residence premises.

Total Premium for this Policy:	\$1,079.00
This is not a bill. The mortgagee will be billed separately for this policy.	

Discounts

The following discounts reduced your premium:

Multi-Policy	Loss Free	Good Payer
Fire Protective Device		

Savings Reflected in Your Total Premium:	\$389.00
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Coverages and Limits of Liability

Property Coverage Section	Limit
Coverage A – Dwelling	\$341,000
Coverage B – Other Structures	\$34,100
Coverage C – Household Furnishings	\$5,149
Coverage D – Loss of Use	\$34,100

LIABILITY INSURANCE POLICY



Liability Coverage Section

Coverage E – Premises Liability (each occurrence)	Limit \$500,000
Coverage F – Medical Payments to Others (each person)	\$5,000

Deductibles

Peril Deductible

Property Coverage Deductible (All Other Perils)	Deductible \$1,000
Windstorm or Hail Deductible	\$2,500

In case of loss under the Property Coverage Section, only that part of the loss over the applicable deductible will be paid (up to the coverage limit that applies).

Additional Coverages

The limit shown for each of the Additional Coverages is the total limit for each loss in that category.

Property – Additional Coverages

Debris Removal (Additional % of damaged covered property limit)	Limit 5%
Trees, Shrubs and Other Plants (5% of Coverage A - Dwelling Limit)	Per Tree \$500 Per Loss \$17,050
Fire Department Service Charge	\$500
Loss Assessment	\$1,000
Ordinance or Law (10% of Coverage A - Dwelling Limit)	\$34,100
Limited Fungi or Other Microbes Remediation	\$5,000

The applicable policy deductible applies unless otherwise noted.

Liability – Additional Coverages

Loss Assessment	Limit \$1,000
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Please review your policy for other Personal Property Special Limits of Liability and Additional Coverages that may apply.

Optional Coverages

Optional Coverages	Endorsement	Limit	Premium
Special Coverage	HQ-003 CW (05-18)		Included*
Windstorm or Hail Deductible	HQ-313 CW (05-17)		Included*
Additional Replacement Cost Protection Coverage 25% of Coverage A - Dwelling Limit	HQ-420 CW (11-18)	\$85,250	Included*
Household Furnishings Replacement Cost Loss Settlement Landlord	HQ-859 CW (11-18)		Included*

***Note:** The additional cost or premium reduction for any optional coverage or package shown as "Included" is contained in the Total Policy Premium Amount.

LIABILITY INSURANCE POLICY



Named Insured MATTHEW ALTRICH
MICHELLE ALTRICH

Policy Number 605607282 653 1

Policy Period December 2, 2020 to December 2, 2021

Issued On Date March 29, 2021

Required Forms and Endorsements Included in Your Policy:

Form: 653

Policy Quick Reference	HQ-T88 CW (05-17)
Agreement, Definitions & Policy Conditions	HQ-D88 CW (05-17)
Property Coverage Section	HQ-P53 CW (11-18)
Liability Coverage Section	HQ-L88 CW (05-17)
Signature Page	HQ-S99 CW (05-17)
Special Provisions - Kansas	HQ-300 KS (08-19)
Additional Benefits	HQ-860 CW (08-18)

The Declarations along with the Optional Coverages, Optional Packages and Required Forms and Endorsements listed above form your Landlord Dwelling Insurance Policy.
Please keep these documents for reference.

Information About Your Property

There are many factors that determine the premium on your policy, some of which are displayed below. If you would like a policy review, please contact your agent or Travelers Representative.

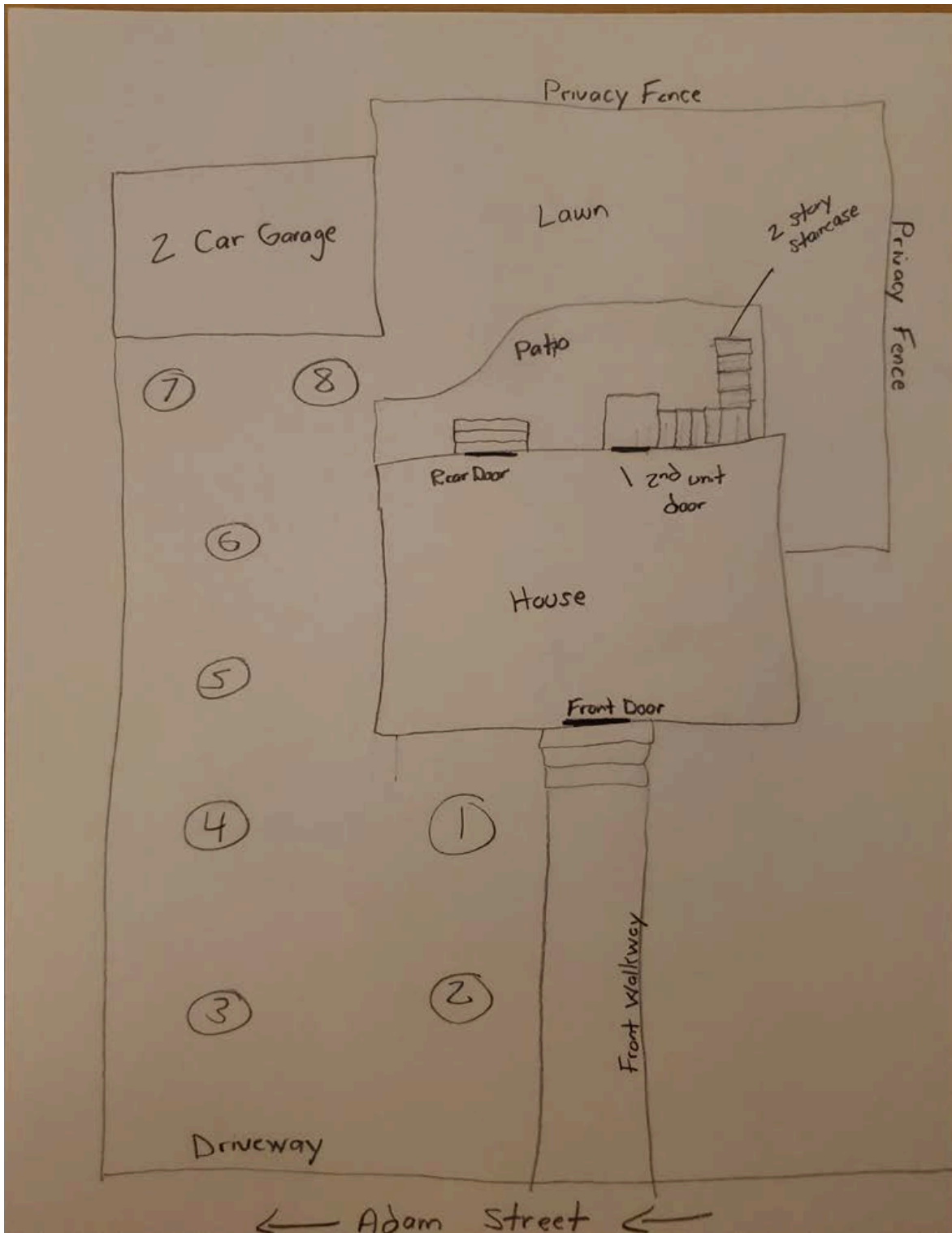
# of Families: 1 Family	Year Built: 1926	Construction Type: Frame
# of Stories: 1.5	Square Footage: 1741	Siding Type: Brick/Masonry Veneer
# of Bathrooms: 2	Age of Roof: 11	Roof Material Type: Asphalt-Fiberglass
Garage - Number of Cars: 2	Garage Type: Detached	Foundation Type: Basement
# of Employees:		Finished Basement: 00

Online Policy Summary as of March 29, 2021

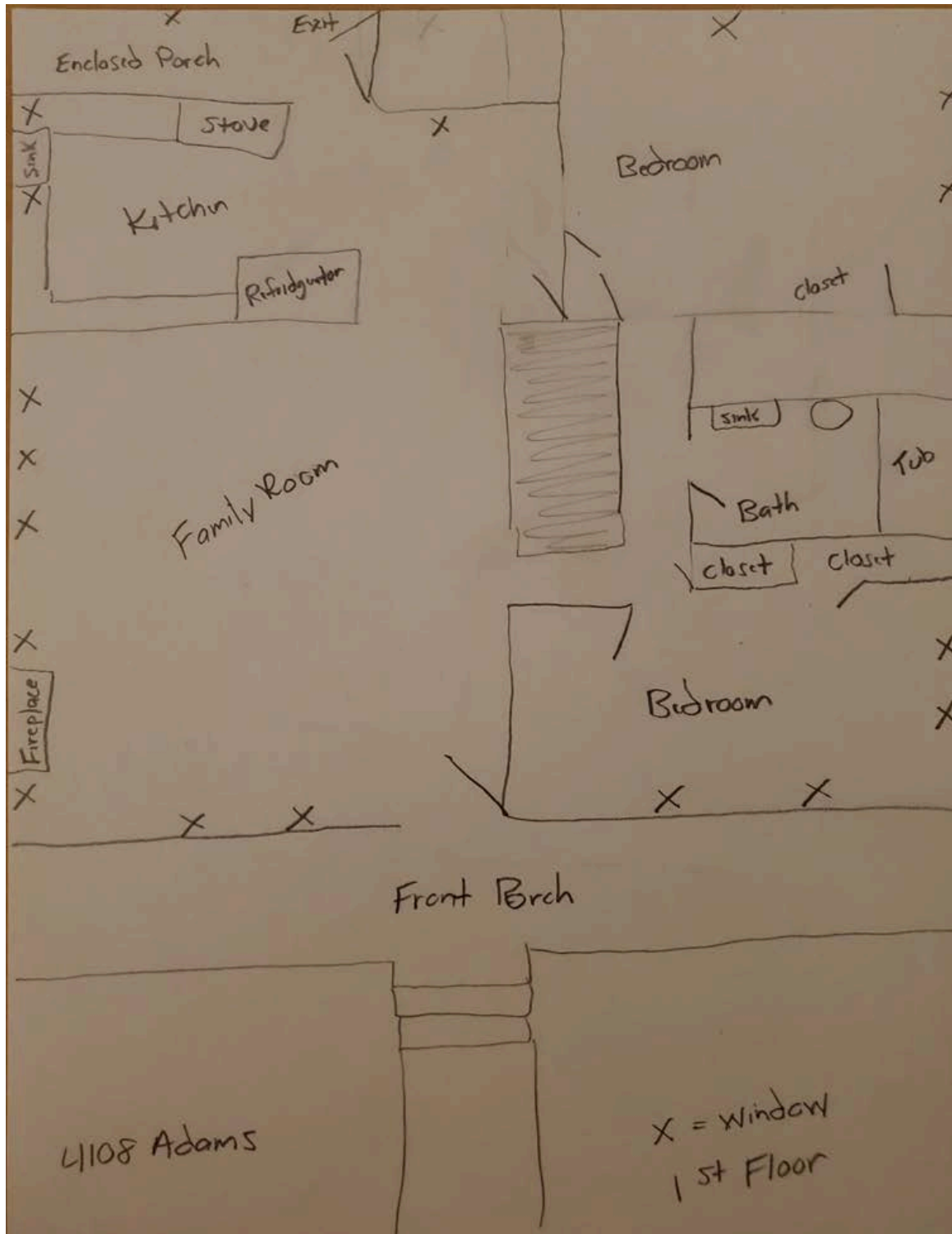
PL-50355 KS (05-17)
422/0CDY55

Page D-3

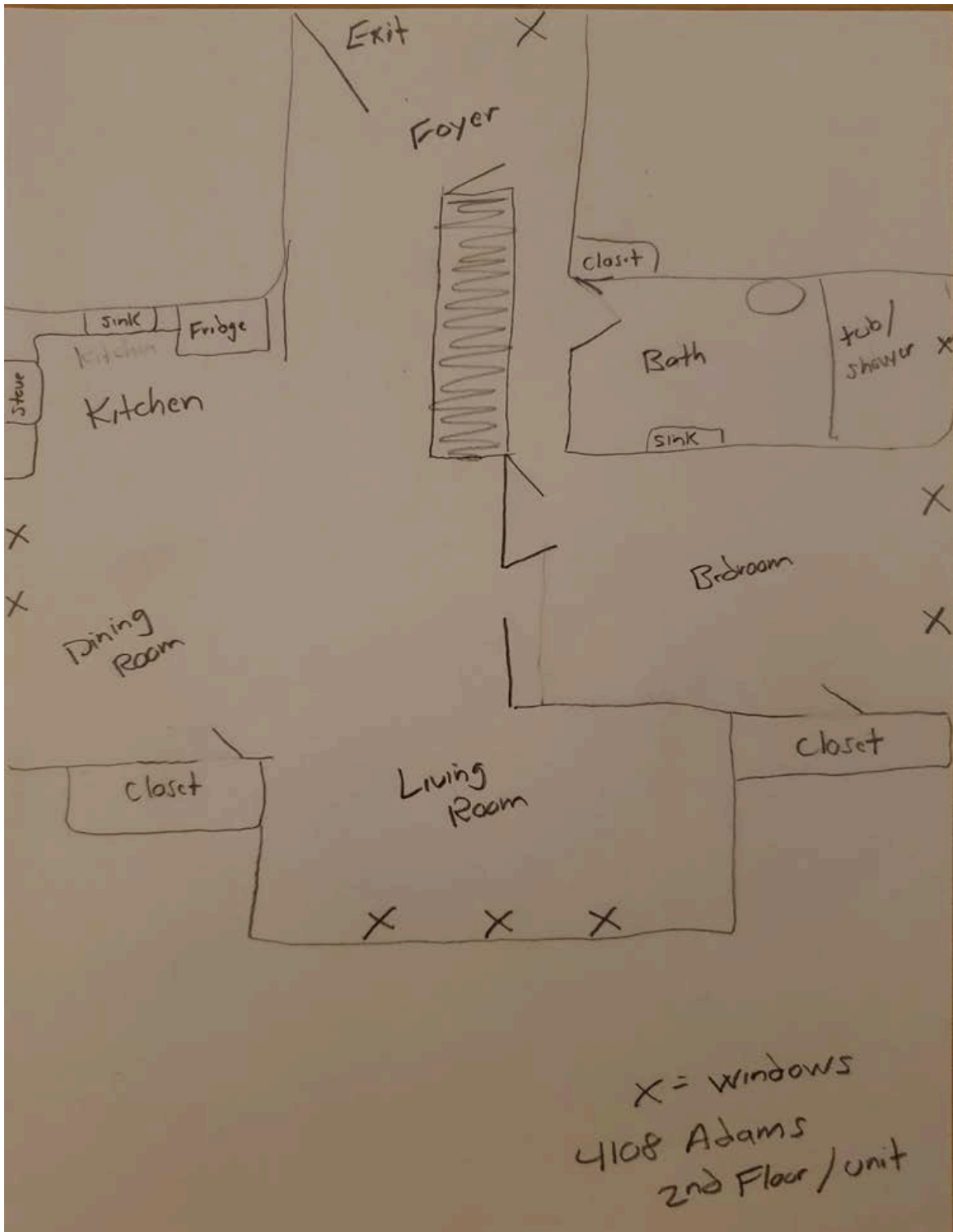
SITE PLAN



INTERIOR FLOOR PLAN



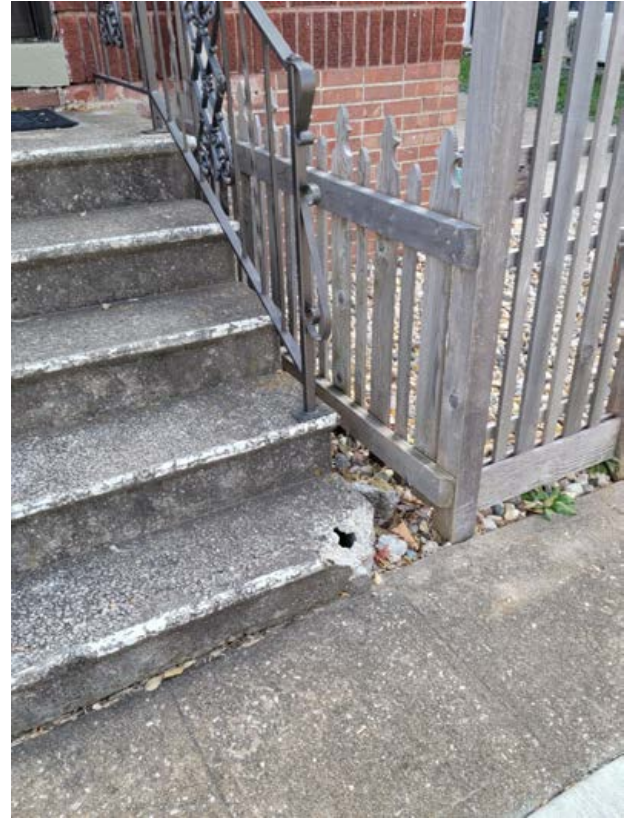
INTERIOR FLOOR PLAN



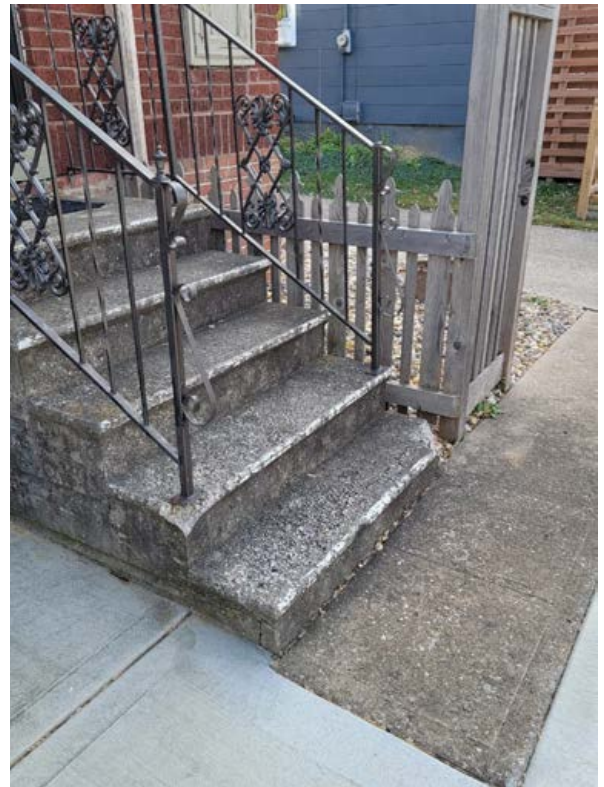
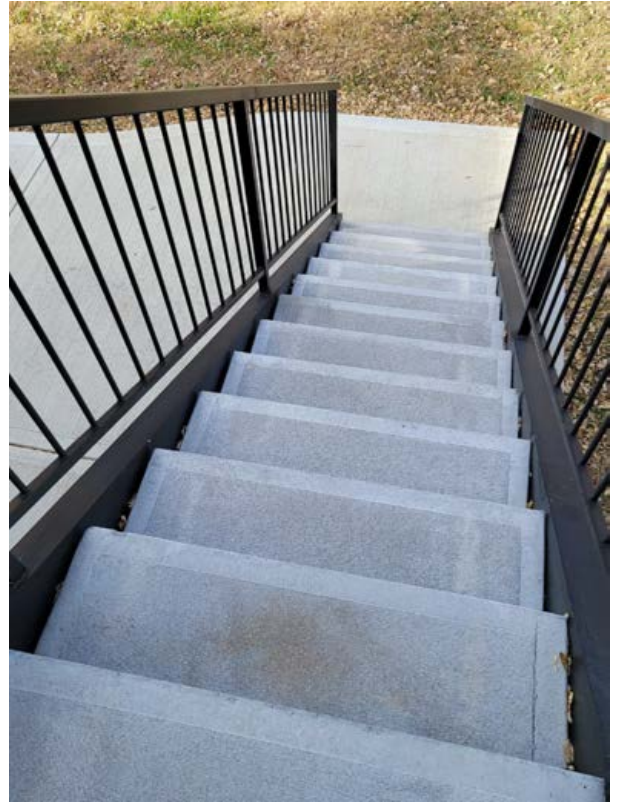
STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021





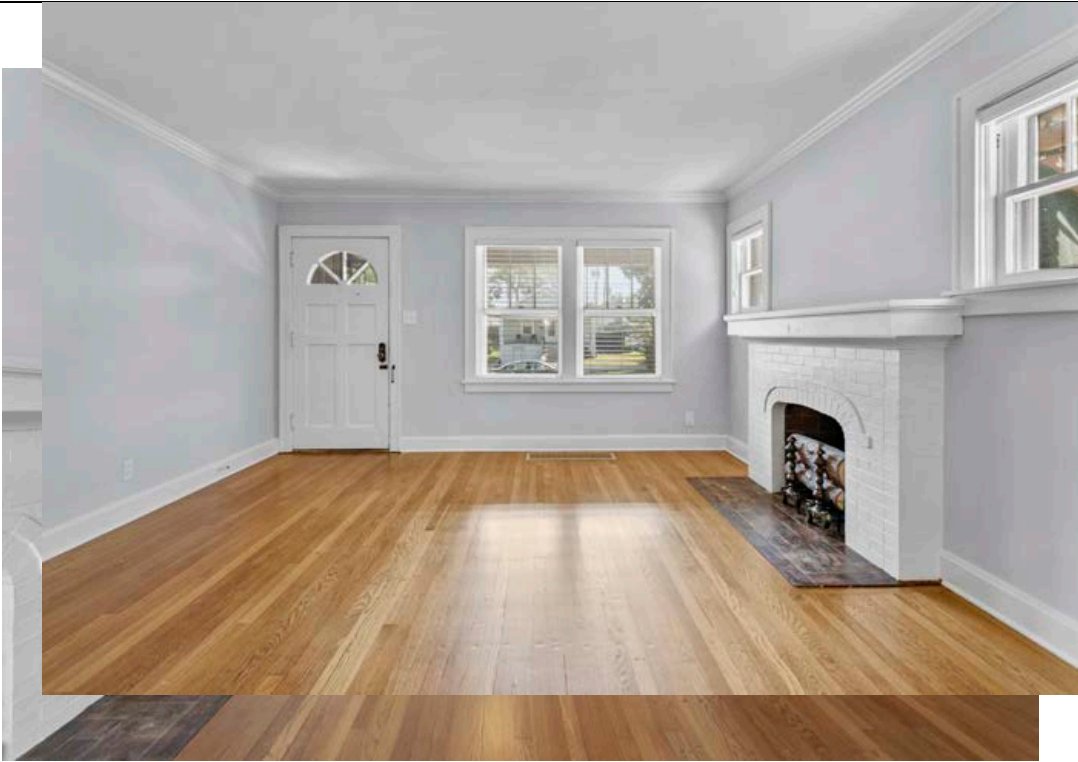
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



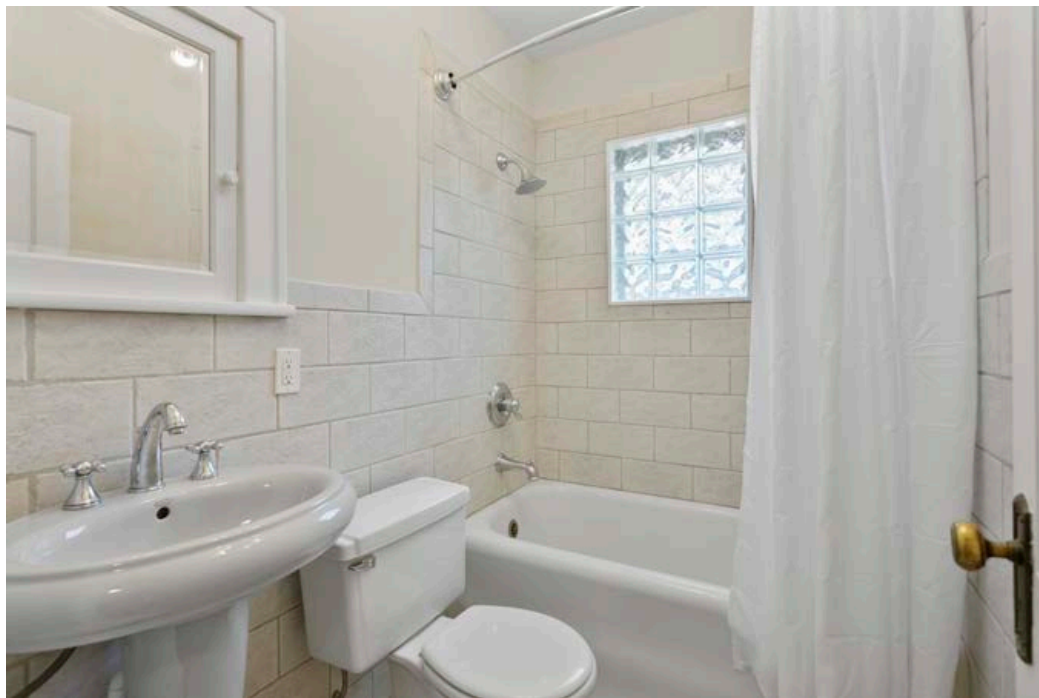
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



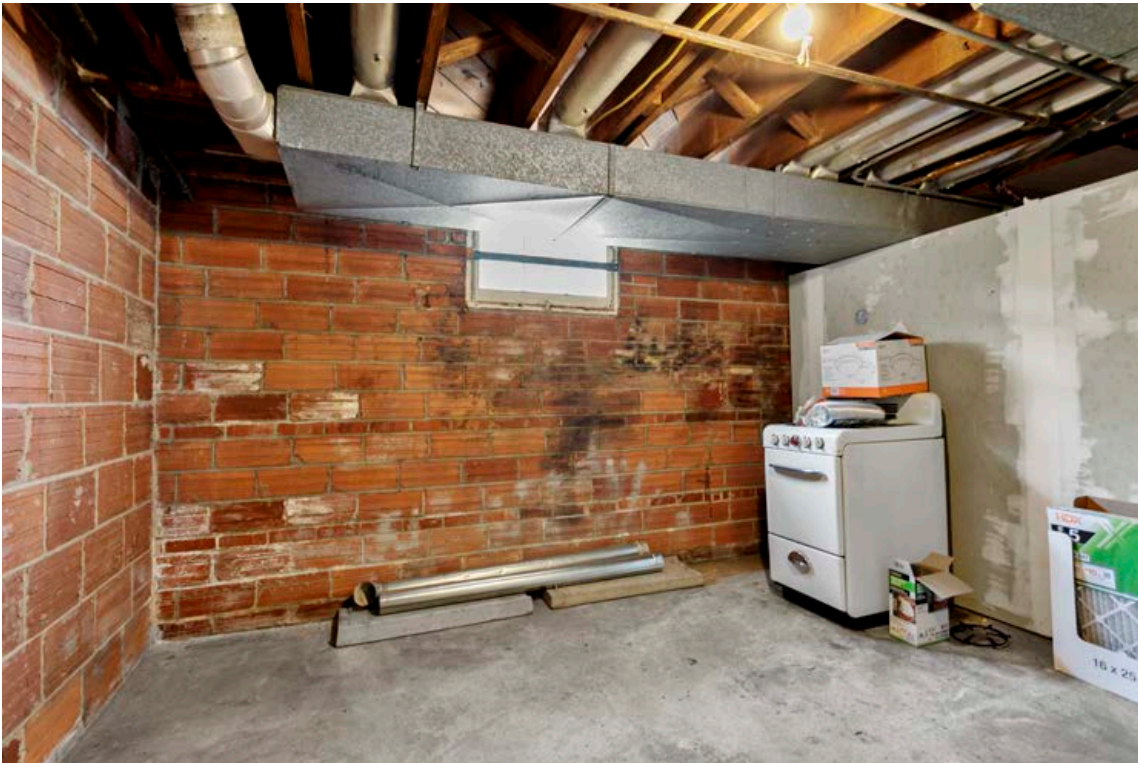
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



NEIGHBORHOOD CORRESPONDENCE

November 16, 2021

Matt Altrich
21500 W 99 Street
Lenexa, KS 66220

Subject: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # COZ2021-46 & SP2021-076. The purpose of this includes a change of zoning and special use permit at 4108 Adams Street, Kansas City, KS 66103.

I am having a neighborhood meeting on Monday, November 29th at 6PM via zoom (details listed below).

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Matthew Altrich
21500 W 99 Street
Lenexa, KS 66220
913.522.4938

Topic: 4108 Adams Zoning/SUP Meeting
Time: Nov 29, 2021 06:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://us04web.zoom.us/j/75625722770?pwd=SitNVGhuWmUyT0hzSzl2Q0ZqR3hvdz09>

Meeting ID: 756 2572 2770
Passcode: 49K0u5

NEIGHBORHOOD CORRESPONDENCE

From: Devon Toran
To: McLaughlin, Kallie
Cc: PlanningInfo
Subject: Re: Neighbor Opposition to Rezoning for 4108 Adams
Date: Wednesday, December 1, 2021 9:16:00 AM
Attachments: Image002.png

This all makes sense.

I think we are ready to support Matt continuing with his application. We are also ready to consider shorter term rentals than 30 days, but want to slow the transition to that. We support 30 day rentals, and potentially moving to the shorter term rentals after a period of making sure it works. We'd rather it be him than someone else who doesn't take care of their property or maintain the neighborhood values and norms.

He sent me some more information after our last meeting that made us feel more confident that he wants to do right by the neighborhood for the long term.

I'm thinking of the two tenets from Strongtowns:

1. No neighborhood can be exempt from change.
2. No neighborhood should experience sudden, radical change.

Moving straight to short term rentals of less than 30 days seems to violate the second tenet, but we also know it may be inevitable. I believe that there will be a solution to meet both needs.

It is also true that long-term residents generally oppose short term rentals. Much of this is because of the negligent history of landlords in our neighborhood. At the same time, fighting market forces is almost always a losing battle. I think I speak for both my family and our larger neighborhood when I write that we want to make it clear that we fear what short term rentals will bring. We do not want our community to continue it's trend towards transient residents who do not invest in the community (Investment as more than money, but thinking as Time, Talent, Treasure).

We need the city to do a better job enforcing code violations and holding both landlords and residents accountable. We also need the city to be prepared to do a more effective job of ensuring that development benefits the residents of our community, not just property owners.

I am encouraged by your work specifically: your thoughtfulness and your deep understanding of the complexity.

I am prepared to speak at the hearing that we support Matt's application if the commission is also ready to commit to proactive zoning solutions, accountability and enforcement.

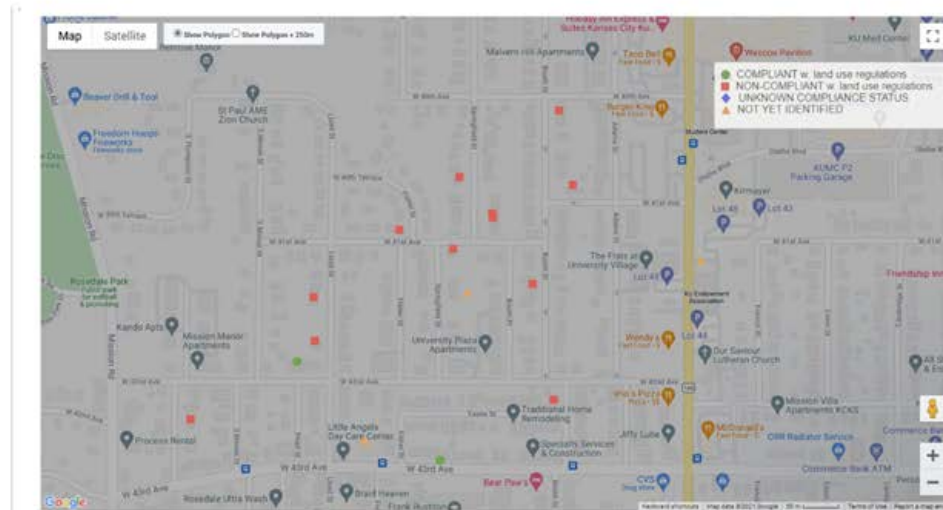
On Tue, Nov 30, 2021 at 4:33 PM McLaughlin, Kallie <kdmclaughlin@wycokck.org> wrote:

Devon,

That is very much a concern – others may try more diligently now to circumvent the system if they see how much opposition is being generated, as the economic incentive to run an STR isn't alleviating anytime soon – so I would say your wife is correct, that the idea to where it is “better to see if we get caught and ask forgiveness than to ask permission because we have made the process too difficult” is what we are already seeing, which is why I mentioned to hit the lower hanging fruit of those who are knowingly non-compliant STRs and who don't intend in becoming compliant – versus those who are going through all the extra hoops were are requiring to maintain a compliant status.

Take a look at the map below to see how many are and aren't compliant in your neighborhood. It may not be 100% accurate, but this is a very close monitor on how many are “actually” in compliance versus how many aren't. As I mentioned, I have a background in construction and as an analogy, licensed contractors are usually outpriced by “handymen” who often times perform half-way work, making it difficult for the licensed professionals to be competitive, but in the end it presents two issues – a cheapened product that is perhaps unsafe, and a lack of participation in the democratic process that benefits the community (permitting/taxation/funding)....And this is a parallel example – It is perhaps more beneficial for the community members to work together with the licensed owners/operators to target those who are operating unsafe or unlicensed (thus not participating in the democratic/neighbor process). Those persons who are not legally operating a short term rental not only hurt the community but those who are operating in a safe, community focused, and professional mannerism... so there may be more benefit in working together with cooperating proper owners/operators rather than blocking everybody, including those who are willing to do the work.

NEIGHBORHOOD CORRESPONDENCE



Thanks,

Kallie McLaughlin 913.873.5762
Planner kdmclaughlin@wycokeck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

From: Devon Teran <devconteran@gmail.com>
Sent: Tuesday, November 30, 2021 4:17 PM
To: McLaughlin, Kallie <kdmclaughlin@wycokeck.org>
Cc: PlanningInfo <Planninginfo@wycokeck.org>
Subject: Re: Neighbor Opposition to Rezoning for 4108 Adams

Thanks Kallie. I am encouraged both by your comments yesterday as well as the meeting that Matt facilitated last night.

I know you're doing your best to do right by the community. I'm not blanket opposed to development and think that largely this is the right direction. I wanted to make sure comments were registered as part of the public record on making sure that we use the master plan as our guiding document.

Again, I really, really appreciate your approach to this. I am encouraged by your leadership in this role.

Erica, my wife, is wanting to know whether it is better to allow this one to go through fully to ensure that other less responsible short term rentals are not approved. Is there anything to make sure we consider that way? Her concern is that if Matt's application is denied, that other absent landlords might be able to run airbnbs without taking care of the property.

Thanks!

On Tue, Nov 30, 2021 at 2:58 PM McLaughlin, Kallie <kdmclaughlin@wycokeck.org> wrote:

Hi Devon,

Thanks for your email.

I have noted your opposition emails as well as those of your neighboring associates and will indicate those on the plan.

NEIGHBORHOOD CORRESPONDENCE

Additionally, I appreciate your feedback on the change of zone application. As discussed, we have really thought through this as a department, which is why the "planned" indication of R"P"-2 rather than simply R-2 is added in, as an additional safeguard to make the rezoning a thoughtful process as possible and to keep in mind the future use and development of this property. Keep in mind that there are additional stipulations that Mr. Aldridge will have to comply with – as well as any future owners of the said property – that will prevent from decreasing the character of the neighborhood or without changing the spirit of the zoning ordinance or land use's intent. Additionally, there is no legal way to support the upstairs usage of that unit without the change of zone – so without the change of zone, you would be working against your desire to add more affordable housing units, rather than add to it.

I want to ensure you that this process exists with thoughtful consideration, and that your concerns were heard and noted both in this email and our extensive conversation yesterday. This is a case where it is the exception rather than the rule and we are drawing the line between balancing the existing structure's condition, past use, future use, and with the applicant's hardship should it be denied.

Lastly, I did address the landscaping with the applicant, and he is agreeable to add additional landscaping in the spring to replace the trees. He was advised by a third party to have them removed (if I recall, his insurance agent indicated they were a potential property damage hazard) which is why he removed them, but he isn't sure that any new ones will survive winter. He hopes to be addressing as many as your concerns as possible.

Thank you,

Kallie McLaughlin
Planner
913.873.5762
kdmclaughlin@wycockck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

From: Devon Teran <devconteran@gmail.com>
Sent: Tuesday, November 30, 2021 2:44 PM
To: PlanningInfo <Planninginfo@wycockck.org>; McLaughlin, Kallie <kdmclaughlin@wycockck.org>
Subject: Neighbor Opposition to Rezoning for 4108 Adams

Hello,

I live at 4112 Adams St, Kansas City, KS 66103 with my wife, and two daughters, aged seven and three.

I am writing to express my specific concerns about the rezoning and special use of 4108 Adams.

While I support allowing 4108 Adams to be rented as two separate units, I am concerned about the process for rezoning and the precedent it sets for our neighborhood. I support that the apartment on the top floor should be available to rent separately from the downstairs unit, but I do not support rezoning in any way that would create a precedent for widespread rezoning that is not in the spirit of the Rosedale Master Plan. Mr. Aldrich agreed to read the Rosedale Master plan and ensure that his property met the spirit of the plan. It is also important that planning and development ensure that the plan is enforced and that we do not take shortcuts that undermine the long term viability of the master plan.

I also strongly oppose the special usage of short term rentals less than 30 days. I understand the need for short term housing opportunities within our community that are less than one year, or even 9 months. It is not in the interest of our community to allow short term rentals of less than 30 days. I am confident that this is an appropriate compromise to maximize availability, flexibility and stability in a way that meets the needs of both the landlord and the community.

It is our primary interest to ensure that the block is a safe place for us to raise our children, and accessible for other families to raise theirs. For that reason, it is important that we have stability within our neighborhood and have enough time to know and form community with any neighbors that move in next to us. It is also important that we ensure that housing is available to families by releasing some of the pressure on the housing market with special uses like this upstairs apartment. It is also important to ensure that families with children have opportunity to access and potentially rent the property.

Finally, it is important to us that Mr. Aldrich ensure that the property is maintained in excellent condition, as he has done his best so far to do. Ensuring that the maintenance of the home as well as the landscaping remain in the spirit of the neighborhood's design and intent is important to us.

Case Numbers:
SP 2021-076
MPL 2021-027
COZ 2021-046

Devon Teran

NEIGHBORHOOD CORRESPONDENCE

From: [Matt Altrich](#)
To: [McLaughlin, Kallie](#)
Subject: Fwd: 4108 Adams Street
Date: Wednesday, December 1, 2021 7:54:54 AM

See below.

----- Forwarded message -----

From: Erica Teran <ericagrace@gmail.com>
Date: Wed, Dec 1, 2021 at 7:46 AM
Subject: Re: 4108 Adams Street
To: Matt Altrich <matt.altrich@gmail.com>

Hey Matt, I think you should still pursue the SUP. It took me a bit to come around to it but I like your intentions with it and don't anticipate it being a problem.
Thanks,
Erica

On Thu, Nov 18, 2021 at 6:31 AM Erica Teran <ericagrace@gmail.com> wrote:

Thank you for the update.
Erica

On Wed, Nov 17, 2021 at 9:13 PM Matt Altrich <matt.altrich@gmail.com> wrote:
Devon and Erica,

I wanted to reach out to let you know that I have filed to correct the zoning for 4108 Adams since the home has two units. Furthermore, I have applied for a special use permit (SUP) to lease the second unit for short-term stays with a maximum occupancy of 2 (1 vehicle). I will continue to lease the second unit to traveling healthcare workers (typically single individuals on 90 day contracts) but wanted the option to lease the unit shorter term if someone was coming to town for a conference, meeting, etc. I do not want shorter stays so there is stability for my tenants on the first floor. The lower unit will remain on yearly leases.

I have mailed letters to local residents informing them of the proposed correction to zoning. I will be hosting a zoom meeting to answer any questions / concerns (details in your letter). You should be receiving this in the next few days.

Please do not hesitate to contact me if you have any questions or concerns.

Kind Regards,
Matt Altrich
913.522.4938
[21500 W 99 Street](#)
[Lenexa, KS 66220](#)

NEIGHBORHOOD CORRESPONDENCE

Matt Altrich

21500 W 99 Street

Lenexa, KS 66220

913-522-4938

Application Number: COZ2021-46 & SP2021-076

Date & Location: November 29, 2021 / 6PM via ZOOM (Meeting ID 756 2572 2770)

Meeting Called to Order at: 6:00PM

Names of People in Attendance:

Erin Stryka

Erica Teran

Devon Teran

Gil Pintar

Billy Brame

Introduction of Matt Altrich (applicant) and those in attendance.

Applicant reviewed the history, ownership, and condition of the property and how the property is currently zoned incorrectly for a multi-dwelling home. Applicant spoke to how rezoning was the right course of action and would contribute to the master plan by adding diverse and affordable housing options. The impact on the neighborhood would be negligible as the unit would only utilize one off-street parking spot. Applicant explained how he was applying for a STR license for flexibility in leasing the home between long-term leases. Applicant stated STR was not the business model and would only expect to use the STR license once or twice a year as the home is not advertised on AirBNB. Applicant emphasized the rezoning of this property was the correct course of action and would benefit Rosedale, Kansas City, and the master plan as we face a quality and affordable housing crisis.

Gil Pintar: How many properties do you own?

Matt Altrich: I own a handful in Kansas City and Johnson County.

Gil Pintar: Are you a nursing professional and a smattering of real estate?

Matt Altrich: I have a Masters Degree in Nursing and an MBA but no longer practice nursing. I am full-time real estate and own a tree business. I'm meticulous with my properties and manage them myself.

NEIGHBORHOOD CORRESPONDENCE

Gil Pintar: Did any of the planning staff dissuade you or tell you it's not supportable for the master plan and suggest you talk to RDA based on 6 months of planning?

Matt Altrich: No one dissuaded me.

Devon Teran: How long is short term permit effective?

Matt Altrich: A yearly business license. It is not my intent to lease this short-term as I am seeking 90 day contracts for health care professionals. It would be nice to have the option and flexibility to lease it short-term if I have gaps in my lease or a physician or professor was coming to town for a conference.

Erin Stryka: Are you open to dropping the short-term aspect?

Matt Altrich: Yes.

Billy Brame: If it doesn't rezone, will you sell?

Matt Altrich: No, I keep my homes forever and will pass it to my children.

Meeting Adjourned at: 7:09PM

Minutes Taken By: Matt Altrich

NEIGHBORHOOD CORRESPONDENCE

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Matthew W. Altrich, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-46/SP2021-076
2. That I conducted a neighborhood meeting on Nov 29, 2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Matthew Altrich
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of November, 200^{TLV}₂₀₂₁
My commission expires 09 of November, 200^{TLV}₂₀₂₅.

THOMAS L. VANSEL
Notary Public-State of Kansas
My Appt. Expires 1/09-25

Thomas L. Vansell
Notary Public

NEIGHBORHOOD CORRESPONDENCE

Billy and Melissa Brame
3925 Fisher St.
Kansas City, KS 66103
913-206-3527

To Whom It May Concern:

I was made aware of the potential changes in front of the Urban Planning and Land Use #COZ2021-46 and SP2021-076 for the property on 4106 Adams St.

As a homeowner and neighbor I am opposed to this change. I do not want to have commercial property alongside residential as it changes the characteristic of the neighborhood.

I especially oppose changing to commercial property to go around the short term rental process, as I understand the intended use of this business is to run an AirBnb. I think it should stay zoned residential and only if the process is followed and approved should it be allowed to do short term rentals.

This is what I think is best for my family and the whole neighborhood.

Sincerely,
Billy Brame

From: [Janelle Hager](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 9:01:49 AM

Hello, I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046. These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

--

Janelle E. Hager

816.595.2027 Phone

Financial Aid Advisor

816.576.3231 Fax

Concorde Career College

JHager@concorde.edu

Kansas City

NEIGHBORHOOD CORRESPONDENCE

McLaughlin, Kallie

From: LISA Hayes <outlook_40246319E9612C50@outlook.com>
Sent: Monday, November 29, 2021 2:22 PM
To: PlanningInfo
Subject: Rezoning for 4108 Adams St.

I am Lisa Hayes, I own 4131 Adams St. I oppose the rezoning of 4108 Adams St. to an Airbnb. I have owned my home for almost 28 years. This area is not set up for Airbnb's. One home owner tried several years back to convert his home to an Airbnb. To my knowledge it was not legal. We had terrible problems with people showing up all hours of the night, loud parties and major problems with parking on the street. These people come in and trash the neighborhood because they could and didn't care about our area. I personally have work very hard to improve this neighborhood.

I have worked with KCK police and the Board of Commissioners on several occasions to shutdown problems homes and stop the drug dealing on the streets.

We have a very nice quiet neighborhood now do to all the home owners sticking together and talking about our properties. Please don't allow one person to ruin it for the whole neighborhood.

Case Numbers:
SP 2021-076
MPL 2021-027
COZ2021-046

Sent from [Mail](#) for Windows

McLaughlin, Kallie

From: Mark Corbett <mcor88@gmail.com>
Sent: Monday, November 29, 2021 10:00 PM
To: PlanningInfo
Subject: Rezoning of property at 4108 Adams from Residential to General Urban

We are homeowners at 4143 Adams..and are very much opposed to this proposal.

We want a neighborhood based on home ownership, knowing our neighbors, and a sense of community.

This would open the door to a whole different reality.

Thanks for your consideration...

Mark and Susan Corbett

From: [Rose Shriver](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 4:07:44 PM

Hello, I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046. These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

Thank you,
Rose shriver
Sent from my iPhone

NEIGHBORHOOD CORRESPONDENCE

From: [Craig Skinner](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 9:52:58 PM

Hello,

I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046.

These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

Sent from my iPhone

From: [Nathan Dismang](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Tuesday, November 30, 2021 7:39:34 AM

Hello,

We are writing to express our opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046.

These changes will not add value to our community and will make housing less affordable for long-term residents in our community. We do not want more short-term rentals of less than 30 days in our neighborhood. Thank you for your consideration.

Sincerely,
Nathan and Christina Dismang
4103 Adams St. Kansas City, KS 66103

Sent from my iPhone

GOALS

The goals support the vision statement and describe the desired future of Rosedale in greater detail. The goals are used to evaluate the plan recommendations and should guide the decision making process for the future of Rosedale.

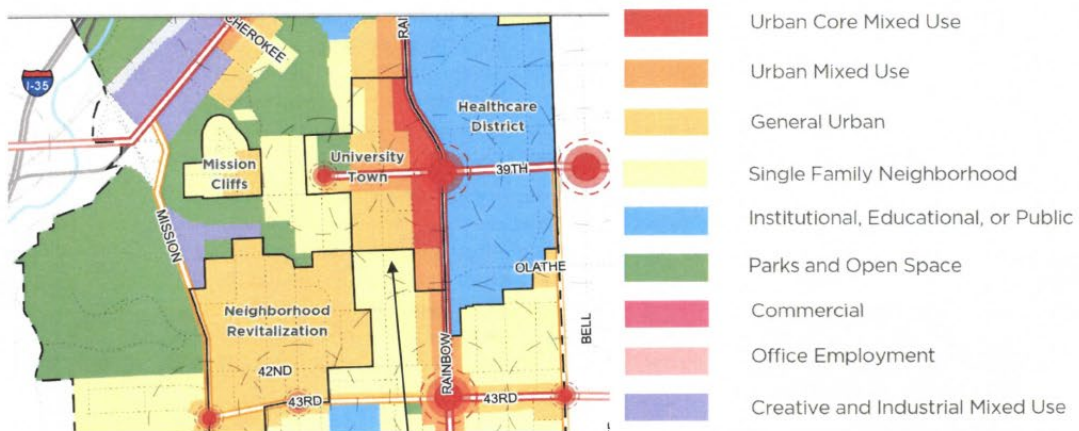
HOUSING & NEIGHBORHOODS

Protect historic and single-family neighborhoods with strong home-ownership while increasing housing options and density with quality, well-designed apartments and town houses on major streets and redevelopment districts. Maintain affordability, inclusion, diversity, and neighborhood stability. Provide housing opportunities for all incomes and include housing in Rosedale for seniors, students, area employees, and families.

FRAMEWORK PLAN

Future Land Use Plan

The land use plan ensures that every project contributes to advancing the community's vision and goals for the Rosedale area. The land use plan includes future land use districts, centers, corridors, and special districts. The intent of the future land use district is to provide an overarching framework to inform development decisions and allow Rosedale to grow in a planned, sensible manner.

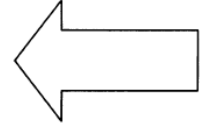


4108 ADAMS

2. MARKET CONTEXT AND EXISTING CONDITION LOCATION

Key Findings

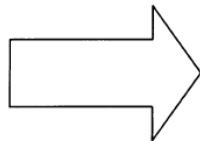
- The main constraint to capitalizing on any increased demand in Rosedale is land availability. Growing the housing stock, commercial and retail opportunities, and employment opportunities will require a focus on infill development of any remaining vacant land, and redevelopment of underdeveloped or obsolete properties. The arterial roads in Rosedale are the most likely locations for redevelopment, which protects and preserves the single family neighborhoods. Recent projects, particularly the 39Rainbow project, indicate that if appropriate land can be assembled, development can succeed.



Summary of Findings

5. *Rosedale is an established urban neighborhood that is largely built out. Capturing housing (population) and business growth opportunities depends on the availability of sites for redevelopment.*

There are few vacant sites in Rosedale other than small infill housing lots. In order to add population and economic activity, low density sites and obsolete buildings will need to be redeveloped into higher density projects; the increase in density is needed to cover land acquisition and other redevelopment costs. The arterial roadway corridors are likely the most appropriate locations for adding density, as is the 39th and Rainbow area which is closest to the two main economic engines. Focusing on the arterial roadway corridors preserves the single family neighborhoods to the rear while enhancing the visual and economic appeal of these corridors.



Increasing the population density in Rosedale will help to support additional retail and service businesses. These businesses will also be an amenity to hospital and medical school workers, and increase the overall appeal of Rosedale to small businesses and additional population in a self-reinforcing cycle. Higher densities will also generate more local tax revenue that can be used to pay for services and infrastructure.

INCREASE DIVERSE HOUSING OPTIONS

CHAMPIONS: Private Developers, RDA, UG, Neighborhood Associations

PRIORITY



Lower

Higher

COST

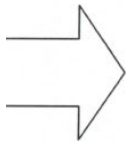
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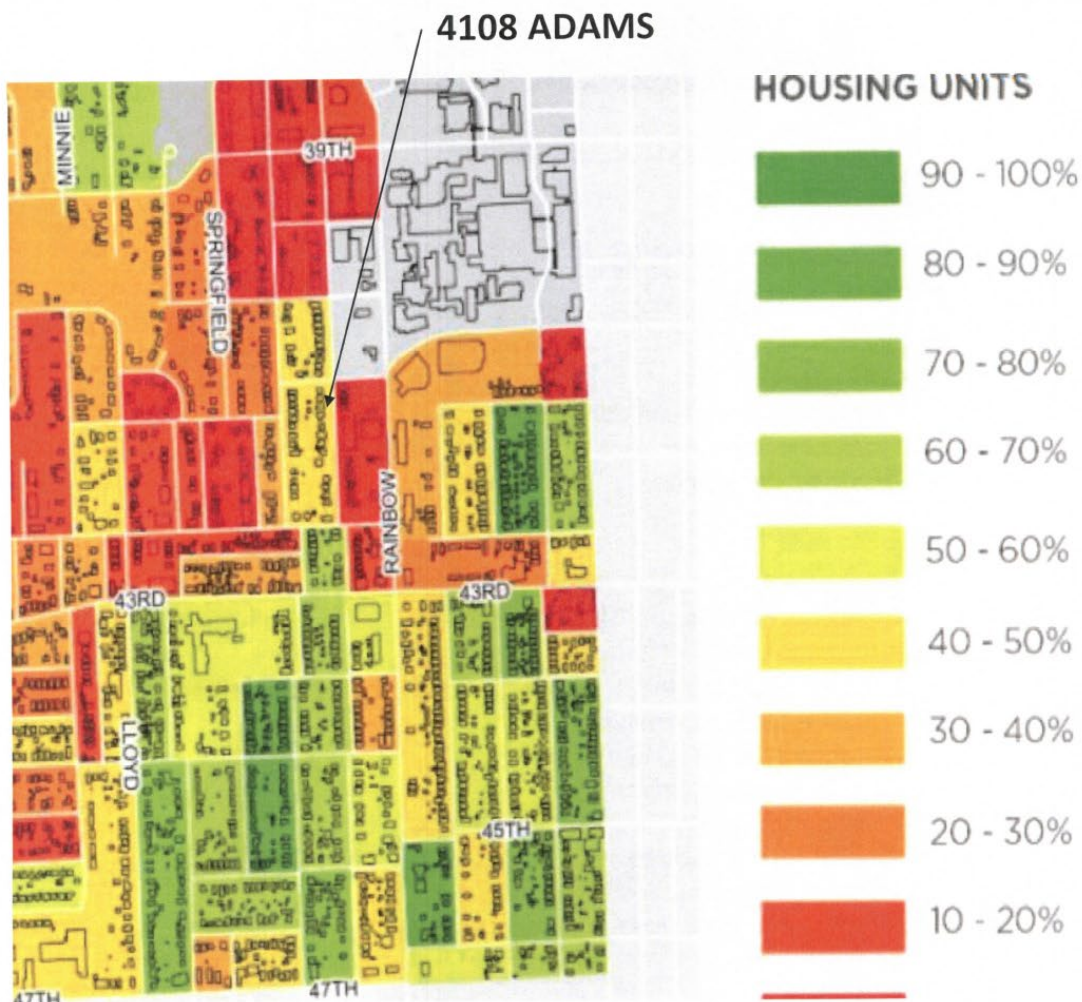
DESCRIPTION

Create housing opportunities for the diverse housing demands in Rosedale including senior housing, student housing, housing for young professionals, empty nesters, and families.

TASKS

- Revise UG Low-Income Housing Tax Credit and housing policies to incentivize a mix of 75-90% market rate housing with 10-25% affordable units
- Promote and incentivize the adaptive reuse of older commercial buildings as multi-family housing
- Attract senior living providers interested in creating various levels of senior housing alternatives, as well as tiered elder living facilities (such as assisted living and nursing homes)
- Amend zoning code to allow accessory dwellings ("granny flats") on narrow, small area lots
- Promote infill housing by marketing single family lots within KU professional circles

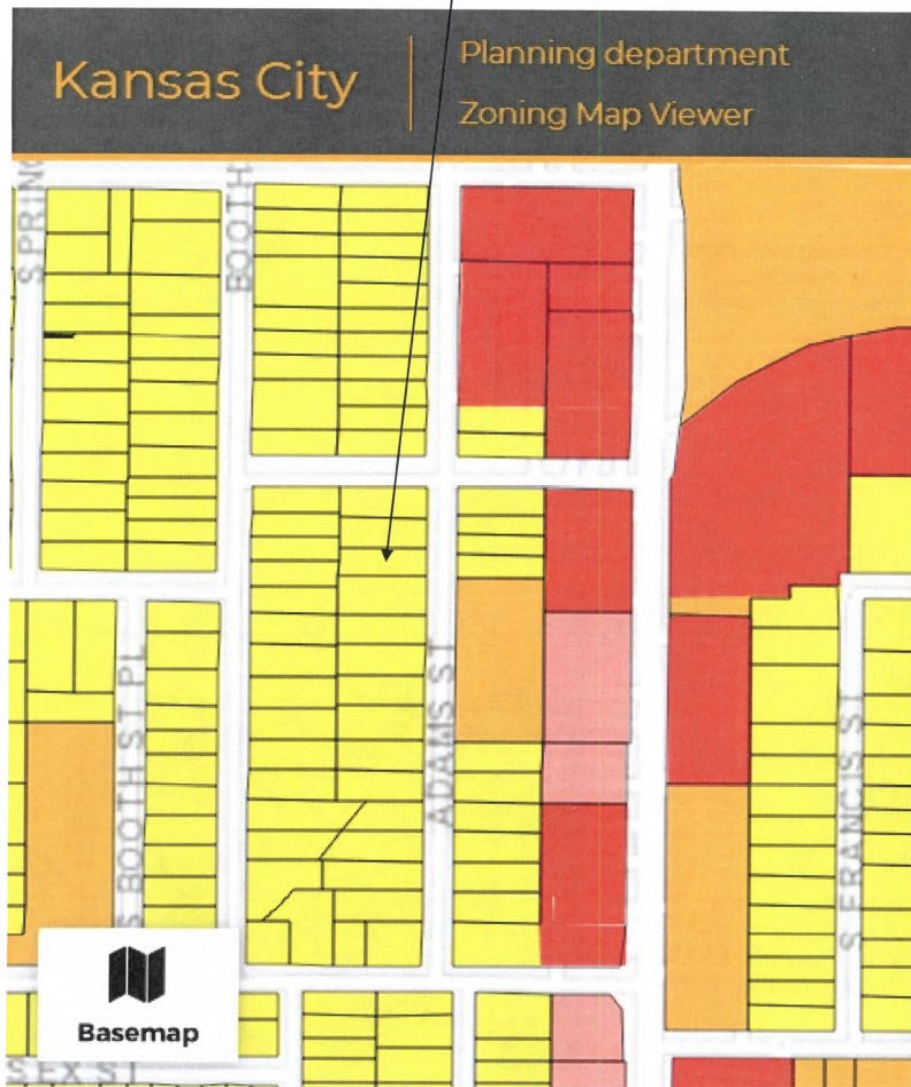




HOUSING: OWNERSHIP RATES
SOURCE: 2010 DECENNIAL CENSUS

Rosedale has a mixture of owner occupied and rental housing. Areas in Rosedale with a high proportion of home owners should be protected as stable neighborhoods. Areas with high rentals provide an opportunity to provide more housing options in Rosedale and to promote dense, walkable neighborhoods, and improve the image and character of Rosedale.

4108 ADAMS



CURRENT ZONING MAP



Urban Planning and Land Use

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

Phone: (913) 573-5750
Fax: (913) 573-5798
www.wyckok.org/planning

To: City Planning Commission
From: City Staff
Date: December 10, 2018
Re: Change of Zone Petition #3173

GENERAL INFORMATION

Applicant:
Andres Alfaro

Status of Applicant:
Property Owner
1910 West 41st Avenue
Kansas City, KS 66103

Requested Actions:
Change of Zone from
R-1(B) Single Family District to R-
2(B) Two Family District

Date of Application:
October 24, 2018

Purpose:
To convert existing detached
garage into a mother-in-law suite

Property Location:
1910 West 41st Avenue

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



#3173

December 10, 2018

1

Surrounding Zoning:

North:	R-2(B) Two Family, R-1(B) Single Family and C-1 Limited Business Districts
South:	R-1(B) Single Family District
East:	R-1(B) Single Family District
West:	R-1(B) Single Family District

Existing Uses:

North:	Multi-family dwelling, apartment building, KU Medical Center
South:	Single family dwelling units
East:	Single family dwelling units
West:	Single family dwelling units, State Line

Total Tract Size: 0.209 acre

Master Plan Designation: The Rosedale Master Plan

Major Street Plan: The Major Street Plan classifies West 41st Avenue is a local street

Advertisement: The Wyandotte Echo – November 15, 2018
Letters to Property Owners – November 14, 2018

Public Hearing: December 10, 2018

Public Opposition: None to date

PROPOSAL

Detailed Outline of Requested Action: The property owner, Andres Alfaro, would like to change the zoning on his property from R-1(B) to R-2(B) in order to convert an existing garage in the back of the property into a small dwelling unit for his mother.

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

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The neighborhood is an established, historic single-family district. The southern boundary of the KU Med campus adjacent to the property.

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

The property on the northern border is also zoned R-2(B), however there is not an active rental license on the property. If this property is changed from R-1(B) to R-2(B), the proposed renovation will not initially change the appearance or function of the existing property to the extent of concern for nearby properties, however in

the future, the residence could be converted to a duplex and possibly begin to change the fabric of the historic single-family neighborhood.

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

The garage is currently dilapidated. The property owner is planning on rebuilding the structure in similar size, shape, and building materials.

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

The property is not vacant.

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

The renovation would remove an eyesore from the back yard and turn it into a functional space for the family.

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

This is not expected to be an issue.

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

This proposed zoning does not conform to the Master Plan.

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

This is not expected to be an issue.

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

a. Water service

Existing

b. Sanitary sewer service

Existing

c. Storm water control



December 6, 2018

Rob Richardson
Planning Department
Kansas City, KS 66101

Re: **Change of Zone - 3173**
1910 West 41st Street
Historic Hanover Heights

Dear Mr. Richardson:

We have met with the applicants of the above rezoning application and have expressed our concerns with the precedent being set by their request for R2 zoning. There is currently no R2 zoning within the Hanover Heights Historic District neighborhood. We have also discussed with you the current zoning code limitations with what are commonly viewed as accessory uses called mother-in-law living quarters or granny flats. You have advised us that the new comprehensive zoning code rewrite will address this specific land use further but in the meantime R2 zoning is the only way to currently permit this use in your viewpoint. The applicants do not wish to wait over a year for this to be more detailed in the new code as they prefer to demolish their current garage and rebuild it next spring along with the granny flat.

We have reached agreement with the homeowners Sarah and Andre Alfaro and will support this change of zone and view it as a short-term way to allow their granny flat proposal. They have no desire to add an additional rental dwelling unit to their property. Additionally, the neighborhood and adjacent property owners have agreed to enter into a private legal restrictive covenant with the applicants to make clear this is not a new occupancy for rental or separate ownership. This covenant is a legal document between the property owners that will run with the land and will not involve the City. The covenant will also clarify that the restriction could be lifted or modified should the City's new zoning code address other ways to allow this use in the future so as to permit a rezoning back to R1 single family.

Sincerely,

A handwritten signature in black ink that reads "Gilbert A. Pintar".

Gilbert A. Pintar, President Hanover Heights

cc. Sarah Masalskis, smasalskis512@gmail.com
Andres Alfaro, andres.a.alfaro12@gmail.com



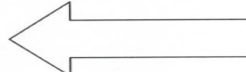
Gilbert Pintar <geebearkc@gmail.com>

GrannyFlat

Richardson, Rob <RRichardson@wycokck.org>
To: Gilbert Pintar <geebearkc@gmail.com>

Thu, Nov 1, 2018 at 3:58 PM

We are working on more liberal use of granny flats in the new code..





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: January 6, 2022
Re: Petitions COZ2021-045 and SP2021-079

GENERAL INFORMATION

Applicant:
Gilberto Gonzalez Guerrero

Status of Applicant:
Owner
3003 North 34th Street
Kansas City, KS 66104

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

To approve a Special Use Permit for a used
automotive dealership and perform services on
inventory.

Date of Application:
October 29, 2021



Purpose:	To rezone and convert an existing car wash and operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work and tire changing).		
Property Location:	7512 Leavenworth Road		
Commission Districts:	Commissioner At-Large, District 1: Melissa Bynum District #8 Commissioner: Dr. Jane Philbrook		
Existing Zoning:	C-1 Limited Business District		
Adjacent Zoning:	North:	R-1(B) Single Family District	
	South:	C-1 Limited Business District	
	East:	C-1 Limited Business District	
	West:	C-3 Commercial District	
Adjacent Uses:	North:	Telecommunication tower	
	South:	Single family homes	
	East:	Vacant	
	West:	Strip center retail, commercial storefront, and a single-family home	
Total Tract Size:	0.71 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial, which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc., car lots, auto body and repair shops, and other auto-oriented uses are allowed but will be required to meet higher design standards.		
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.		
Required Parking:	Sec. 27-467(e) states uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Ten (10) spaces are required. Seven (7) spaces are provided. Three (3) spaces must be moved from the rear to the front to comply with the code.		
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – November 18, 2021 and Special Use Permit – November 18, 2021		

Letters to Property Owners – Change of Zone – November 19, 2021 and December 27, 2021 and Special Use Permit – November 19, 2021 and December 27, 2021

Public Hearings: December 13, 2021 and January 6, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Gilberto Gonzalez Guerrero has filed a Change of Zone and Special Use Permit to rezone the property from C-1 Limited Business District to CP-3 Planned Commercial District in order to modify an existing car wash to operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work, and tire changing at 7512 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

Code Enforcement History: There were Code Enforcement citations on the property between 2010 – 2021 for graffiti, weeds, a damaged parking lot and damaged concrete in the wash bays.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of commercial businesses along these two (2) blocks of Leavenworth Road. On the edge of this area are single family homes to the west and south and Washington High School to the east.

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

The zoning and their uses are set out above. The proposed use is compatible with the surrounding commercial uses along the corridor as there are two (2) used automotive dealerships and repair shops to the southwest towards North 77th Street.

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

This property is suitable for the uses, provided the site and outside storage is properly maintained. Removing the restricts will not detrimentally affect nearby property as this block of Leavenworth Road is commercial in nature.

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

The property has been vacant since 2016. Prior to 2016 it operated as a self-car wash business.

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

The proposed use is reasonably necessary for the convenience and welfare of the public for those that intend to purchase a used automobile, however, there is concern that the use will permanently injure the visual quality of the Leavenworth Road corridor.

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

There shall be no more parking problems so long as the inventory and customer parking are separated and managed properly.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning complies with the City-Wide Master Plan, which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc., car lots, auto body and repair shops, and other auto-oriented uses are allowed, but will be required to meet higher design standards.

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

The proposed use will not cause environmental harm if fluids and tires are properly disposed of in an orderly and timely manner. Additional landscaping and street trees are required to be planted and will enhance the environment.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #222.

e. Fire

Fire service is provided by Fire Station #4 located at North 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service along Leavenworth Road, Route #113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

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

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions.

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

The relative gain to the public health, safety, and welfare is likely minimal as there are existing used car dealerships and repair shops in the vicinity. If denied, the hardship imposed on the property owner is minimal as the site can still be used for C-1 uses, such as sale of auto accessories, but no installation can occur.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 17 – November 27, 2021 via email and/or phone call.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking

Compliance with the Commercial Design Guidelines

Compliance with the Sidewalk and Trails Master Plan

Disposal of fluids and tires

Screening fence and outside storage

Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-045** and Special Use Permit Application **SP2021-079**, subject to:

1. **Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at that time;**
2. **Per the Sidewalk and Trails Master Plan, this portion of Leavenworth Road is classified as a Regional Trail. Install a ten (10) foot sidewalk on the north side of the street. Refer to the cross-section diagram in the attachments;**
3. **Based on the 2,372 square feet of the building, ten (10) spaces are required for customers. Only seven (7) spaces are shown in front of the building, three (3) more spaces are required to comply with the code. Revise and resubmit the site plan;**
4. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
5. **The parking lot needs to be resurfaced and restriped;**
6. **All parking spaces where there are no curbs shall have wheel stops installed in front of each space;**
7. **Maintain the open space behind the proposed inventory and employee enclosure, as this area is not to be encroached upon for additional storage or ancillary uses. Revise and resubmit the site plan;**
8. **No storage or warehousing of salvage or wrecked automobile parts is allowed on the property;**
9. **Close one of the curb cuts along Leavenworth Road and install a new curb and landscaping in the median. This will allow better circulation through the front parking lot;**
10. **All lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**

11. If approved, the applicant will need to file and maintain the occupation tax application with our office for the business activity;
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
13. 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;
14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Sec. 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one (1) per 7,000 square feet of site area.
 - a. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

Therefore, eight (8) trees are required to be planted on-site. This total is no inclusive of parking lot island trees or street trees along Leavenworth Road;

17. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or

- common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
- a. One (1) tree with a minimum caliper of two (2) inches (ornamentals). Evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
19. Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard. Only 474.4 square feet may be used for outside storage. For example, a vehicle that is going to be serviced and sold on the lot, while servicing, it must be in the rear enclosure;
20. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be within the enclosure;
21. No inventory repair or servicing is allowed outside or in public view;
22. The inventory lot fence shall be constructed of wood or solid metal paneling, six (6) feet in height with masonry columns every 32 feet running;
23. Street trees are required along a Major Street, which Leavenworth Road is classified as a Class B Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;
24. All landscaping must be irrigated;
25. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
26. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
27. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
28. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
29. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is

- established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
32. Shall comply with the sign ordinance;
 33. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
 34. 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;
 35. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 36. 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;
 37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 38. 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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2021-045** and **SP2021-079** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Requirements for Special Use Permit for automotive related uses
Sidewalk and Trails Master Plan Regional Trail Cross Section
Wyandotte County Conservation District Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Existing Site Plan
Proposed Site Plan
Grading Plan
Floor Plan
Site Photograph taken by Planning Staff on November 16, 2021.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	
Public Hearing	December 13, 2021	January 6, 2022
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-045 and SP2021-079** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-045 and SP2021-079** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:34:15:

CHANGE OF ZONE APPLICATION COZ2021-045 – GILBERTO GONZALEZ GUERRERO - SYNOPSIS: Change of Zone from C-1 Limited Business District to C-3 Commercial District to accommodate a used car dealership with light repair and maintenance at 7512 Leavenworth Road.

SPECIAL USE PERMIT APPLICATION SP2021-079 – GILBERTO GONZALEZ GUERRERO - SYNOPSIS: Special Use Permit to accommodate a used car dealership with light repair and maintenance at 7512 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Gilberto Gonzalez Guerrero has filed a Change of Zone and Special Use Permit to rezone the property from C-1 Limited Business District to CP-3 Planned Commercial District in order to modify an existing car wash to operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work, and tire changing at 7512 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and *Article XXI Sections 27-502 – 27-709*

Code Enforcement History: There were Code Enforcement citations on the property between 2010 – 2021 for graffiti, weeds, a damaged parking lot and damaged concrete in the wash bays.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Gilberto Gonzalez Guerrero, applicant, 7512 Leavenworth Road, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:36:51: Planning Director Hand stated that a Change of Zone is required as auto dealerships and light repair are not allowed in a C-1 zoning district and that the proposal also requires a Special Use Permit. This is the site of a former car wash and some improvements have already been made to the site. He further stated that Staff is working through the parking plan, including the addition of wheel stops with the applicant, and it will be resolved at building permit stage. Some of the Commercial Design Guidelines requirements have already been completed on the property. Staff has additional such conditions of approval in the staff report. Staff is requesting that one (1) of the two (2) access points onto Leavenworth road be closed. There are some old Notices of Violation that do not relate to this application. Staff has received no letters in support nor opposition and recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:39:40:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-045 to CP-3 Planned Commercial District:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at that time;**
- 2. Per the Sidewalk and Trails Master Plan, this portion of Leavenworth Road is classified as a Regional Trail. Install a ten (10) foot sidewalk on the north side of the street. Refer to the cross-section diagram in the attachments;**
- 3. Based on the 2,372 square feet of the building, ten (10) spaces are required for customers. Only seven (7) spaces are shown in front of the building, three (3) more spaces are required to comply with the code. Revise and resubmit the site plan;**
- 4. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
- 5. The parking lot needs to be resurfaced and restriped;**
- 6. All parking spaces where there are no curbs shall have wheel stops installed in front of each space;**
- 7. Maintain the open space behind the proposed inventory and employee enclosure, as this area is not to be encroached upon for additional storage or ancillary uses. Revise and resubmit the site plan;**
- 8. No storage or warehousing of salvage or wrecked automobile parts is allowed on the property;**
- 9. Close one of the curb cuts along Leavenworth Road and install a new curb and landscaping in the median. This will allow better circulation through the front parking lot;**
- 10. All lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**
- 11. If approved, the applicant will need to file and maintain the occupation tax application with our office for the business activity;**
- 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
- 13. 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;**
- 14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676].**

- Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Sec. 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one (1) per 7,000 square feet of site area.
- a. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

Therefore, eight (8) trees are required to be planted on-site. This total is no inclusive of parking lot island trees or street trees along Leavenworth Road;

17. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
- a. One (1) tree with a minimum caliper of two (2) inches (ornamentals). Evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
- b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
19. Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard. Only 474.4 square feet may be used for outside storage. For example, a vehicle that is going to be serviced and sold on the lot, while servicing, it must be in the rear enclosure;

20. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be within the enclosure;
21. No inventory repair or servicing is allowed outside or in public view;
22. The inventory lot fence shall be constructed of wood or solid metal paneling, six (6) feet in height with masonry columns every 32 feet running;
23. Street trees are required along a Major Street, which Leavenworth Road is classified as a Class B Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;
24. All landscaping must be irrigated;
25. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
26. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
27. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
28. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
29. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
32. Shall comply with the sign ordinance;
33. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
34. 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;
35. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land

parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

36. 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;
37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
38. 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

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2021-079** for two (2) years:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

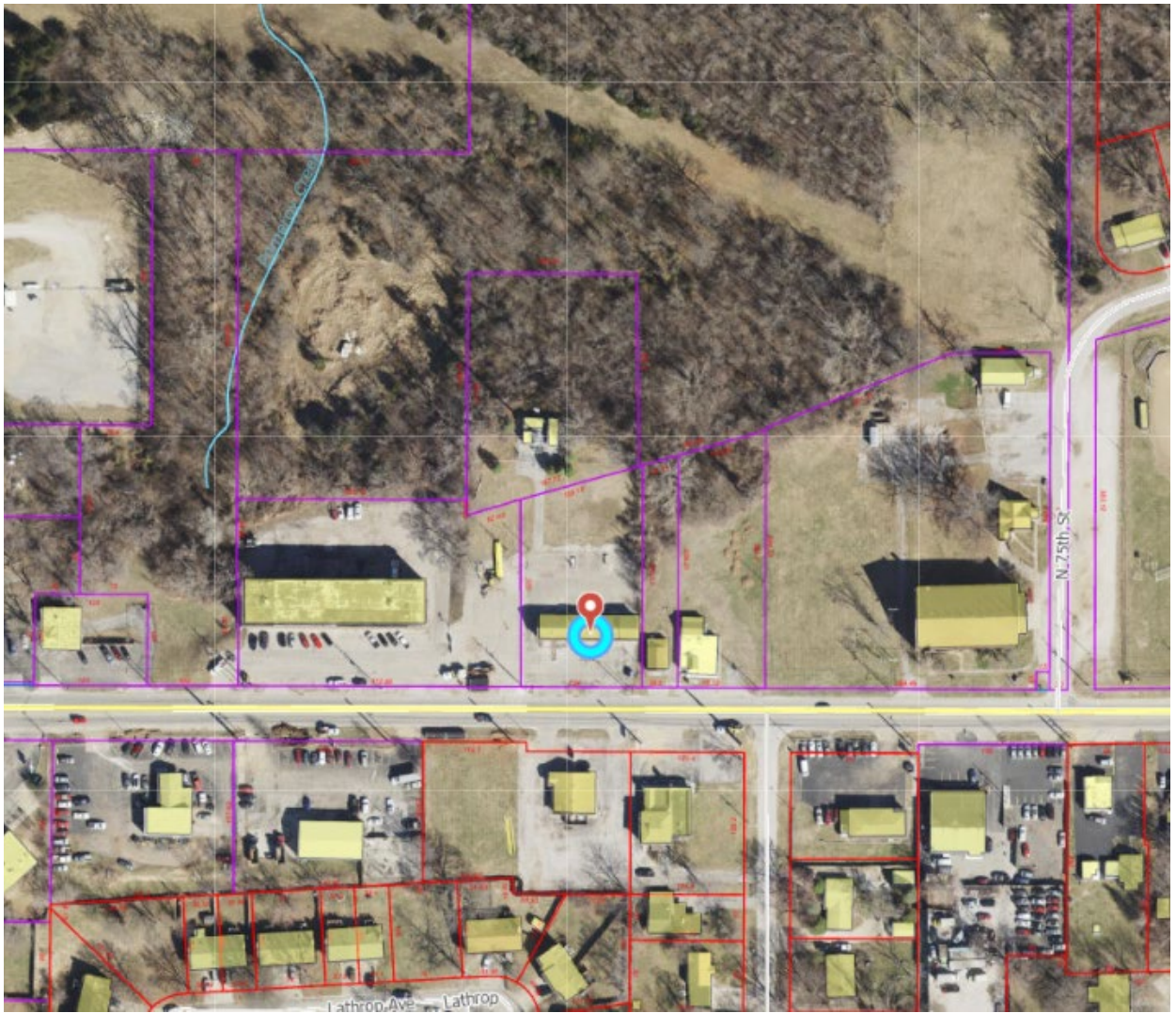


Figure 1. Aerial Map of 7512 Leavenworth Road (provided by UG Maps).

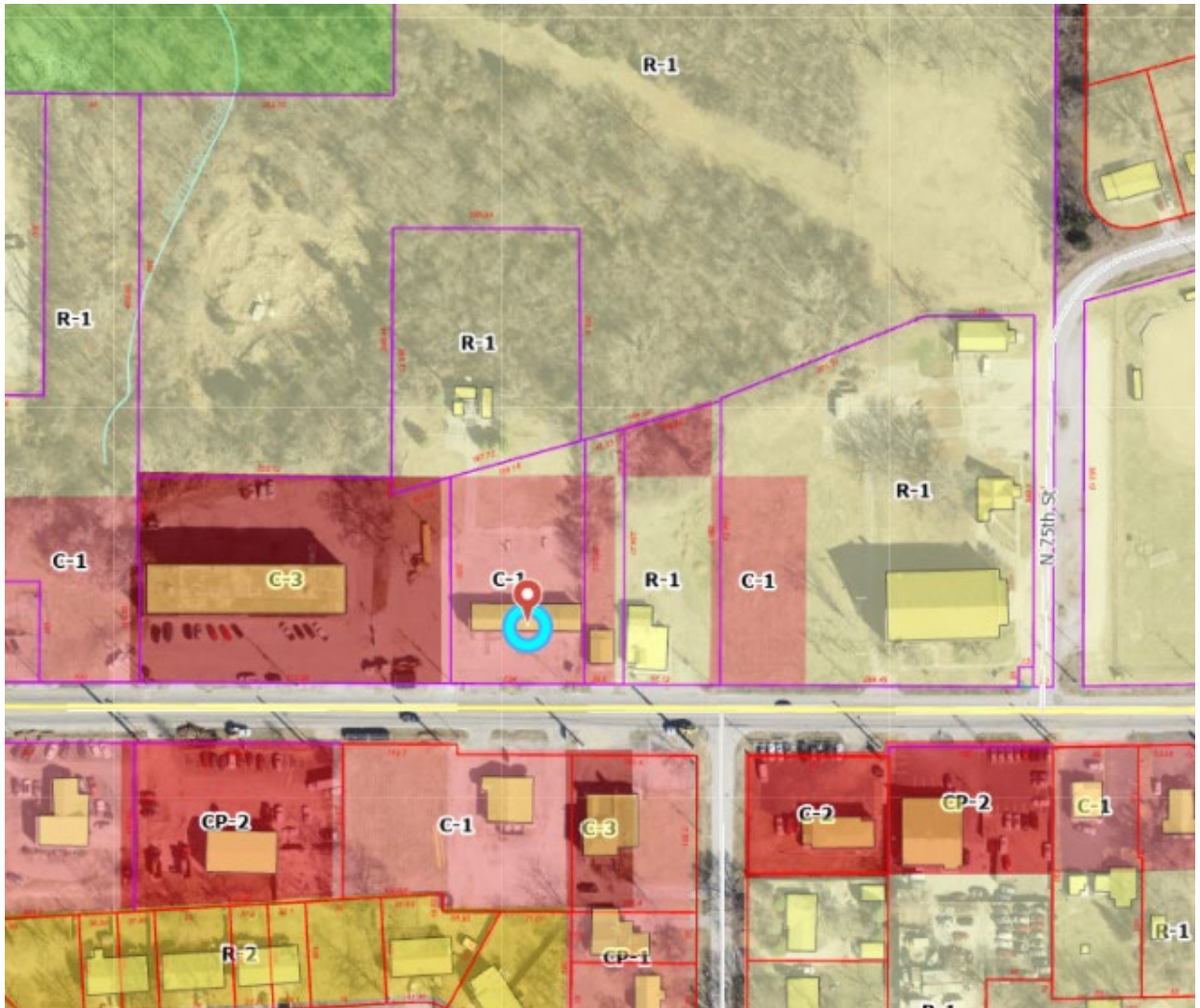


Figure 2. Zoning Map of 7512 Leavenworth Road (provided by UG Maps).

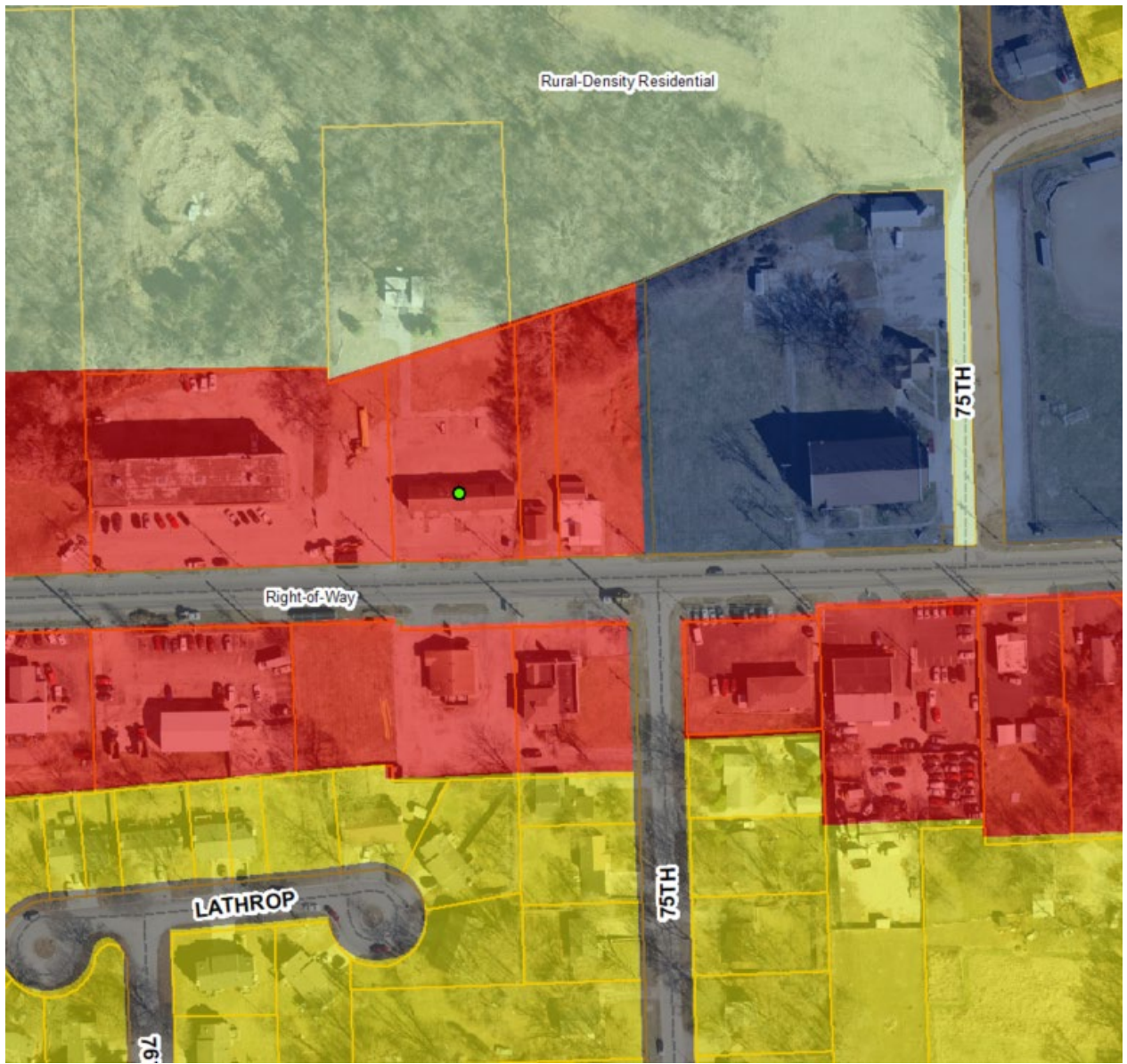


Figure 3. City-Wide Master Plan Land Use Map (provided by Arc Map).

- (19) Used car/truck lots and light automotive service and maintenance only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:
- a. *Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.*
 - 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 - 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
 - b. *Signage.*
 - 1. Following all permanent sign requirements under section 27-727.
 - 2. Following all special event display requirements under section 27-734.
 - 3. No display on sidewalks.
 - c. *Façade, landscaping, and screening.*
 - 1. For new buildings:
 - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
 - 2. For existing structures:
 - i. Such modifications as:
 - A. Restoring original brick.
 - B. Any necessary repair of the facade.
 - 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.
- E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- d. *Condition of automobiles/trucks.*
 - 1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked.
- e. *Parking.*
 - 1. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
 - 2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 - 3. Each automobile shall be in a striped, designated parking space.
- f. *Install/repair sidewalks per Code.*
- (20) Heavy automotive/truck service, repair, and mechanics only in C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:
 - a. *Repurposing of structure(s) for heavy automotive/truck service, repair, and mechanics.*
 - 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 - 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
 - b. *Signage.*
 - 1. Following all permanent sign requirements under section 27-727.
 - 2. Following all special event display requirements under section

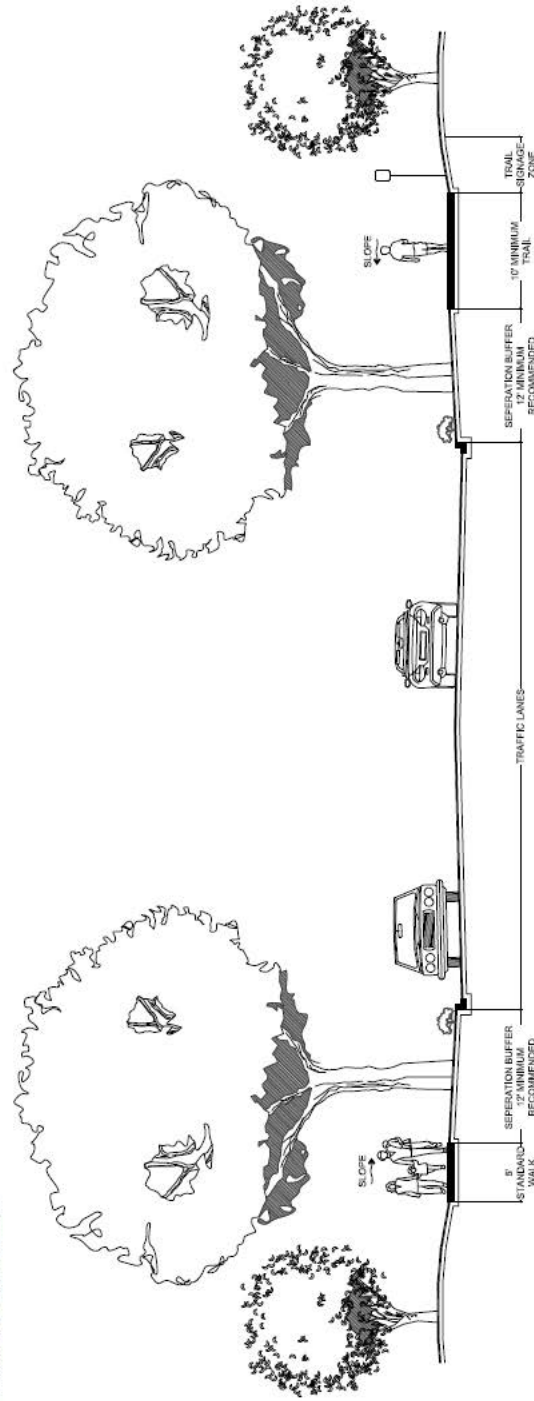
[https://library.municode.com/ks/wyandotte county - unified government/codes/code of ...](https://library.municode.com/ks/wyandotte%20county%20-%20unified%20government/codes/code%20of%20ordinances) 1/29/2018

27-734.

3. No displays on sidewalks.
- c. *Façade, landscaping, and screening.*
 1. For new buildings:
 - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
 2. For existing structures:
 - i. Such modifications as:
 - A. Restoring original brick.
 - B. Any necessary repair of the facade.
 - 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.
 - E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- d. *Parking.*
 1. 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 by sections 27-466 through 27-470.
 2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 3. Each automobile shall be in a striped, designated parking space.
- e. *Install/repair sidewalks per Code.*

https://library.municode.com/ks/wyandotte_county_-_unified_government/codes/code_of_... 1/29/2018

Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.





Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

November 16, 2021

RE: COZ2021-045 and SP2021-079 Gilberto Gonzalez Guerrero C-1 to C-3 for used car dealership and light repairs at 7512 Leavenworth Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-045 and SP2021-079 Gilberto Gonzalez Guerrero C-1 to C-3 for used car dealership and light repairs at 7512 Leavenworth Road.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Any chemical spills need to be cleaned up immediately.
- There should not be any erosion problems with is property unless there is going to be a lot of grading work done. If the existing area is going to be used in its current condition, there should not be any problems of additional runoff.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is

ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Staff comments and suggestions

I will do all the requirement that were comment by the urban planning and Land use for the approval.

The faux stone and stucco was add in May 2021 after the building was purchase.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Gilberto Gonzalez Guerrero of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-045 SP2021-079
2. That I conducted a neighborhood meeting on Nov. 17 - Nov 27, 2021
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

I didnt recieved any email or phone calls from the people
I mailed letters.

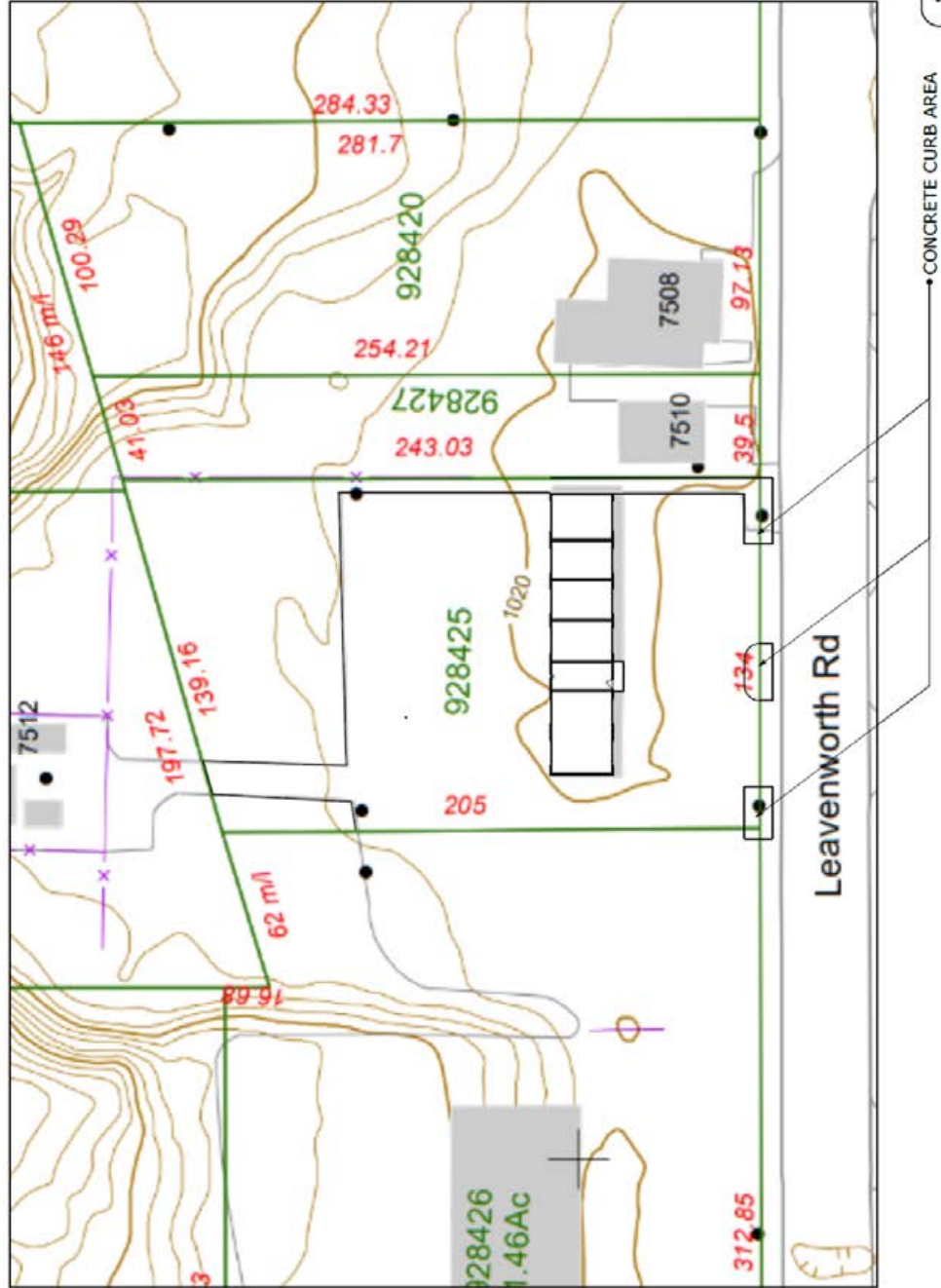

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public

PARCEL 928425
 *EXISTING SITE PLAN - EXISTING STRUCTURE (2372 SQFT) TO REMAIN UNCHANGED





REI

PROJECT ADDRESS
 7512 Leavenworth Rd,
 Kansas City, KS 66109

PROJECT START
 2021-09-24

REVISION DATE
 2021-11-25

DRAFT VERSION
 V1.2

CONTRACTOR
 N/A

DRAWN BY
 Drew Westhaus

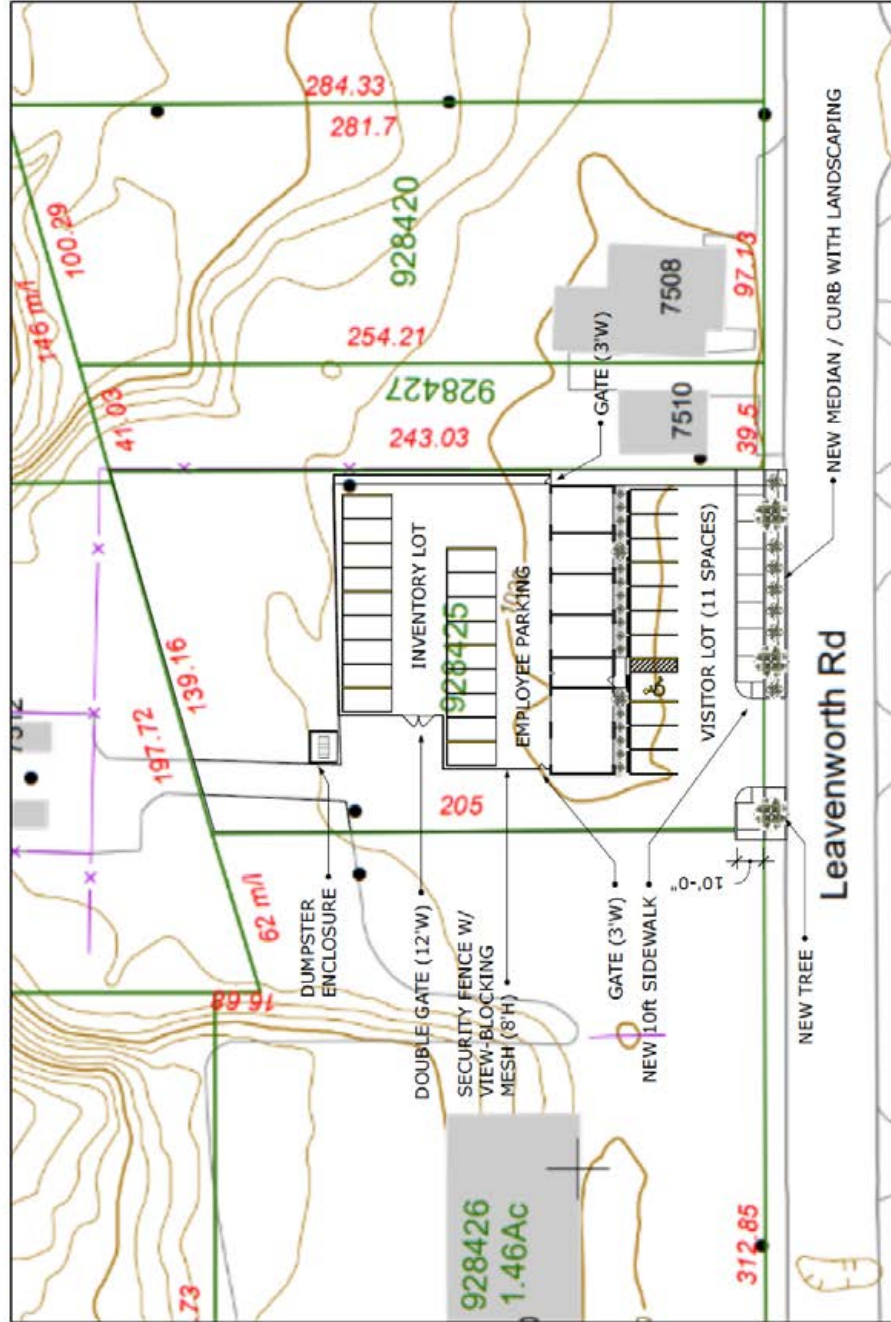
DESCRIPTION
 Site Plan

S1

01

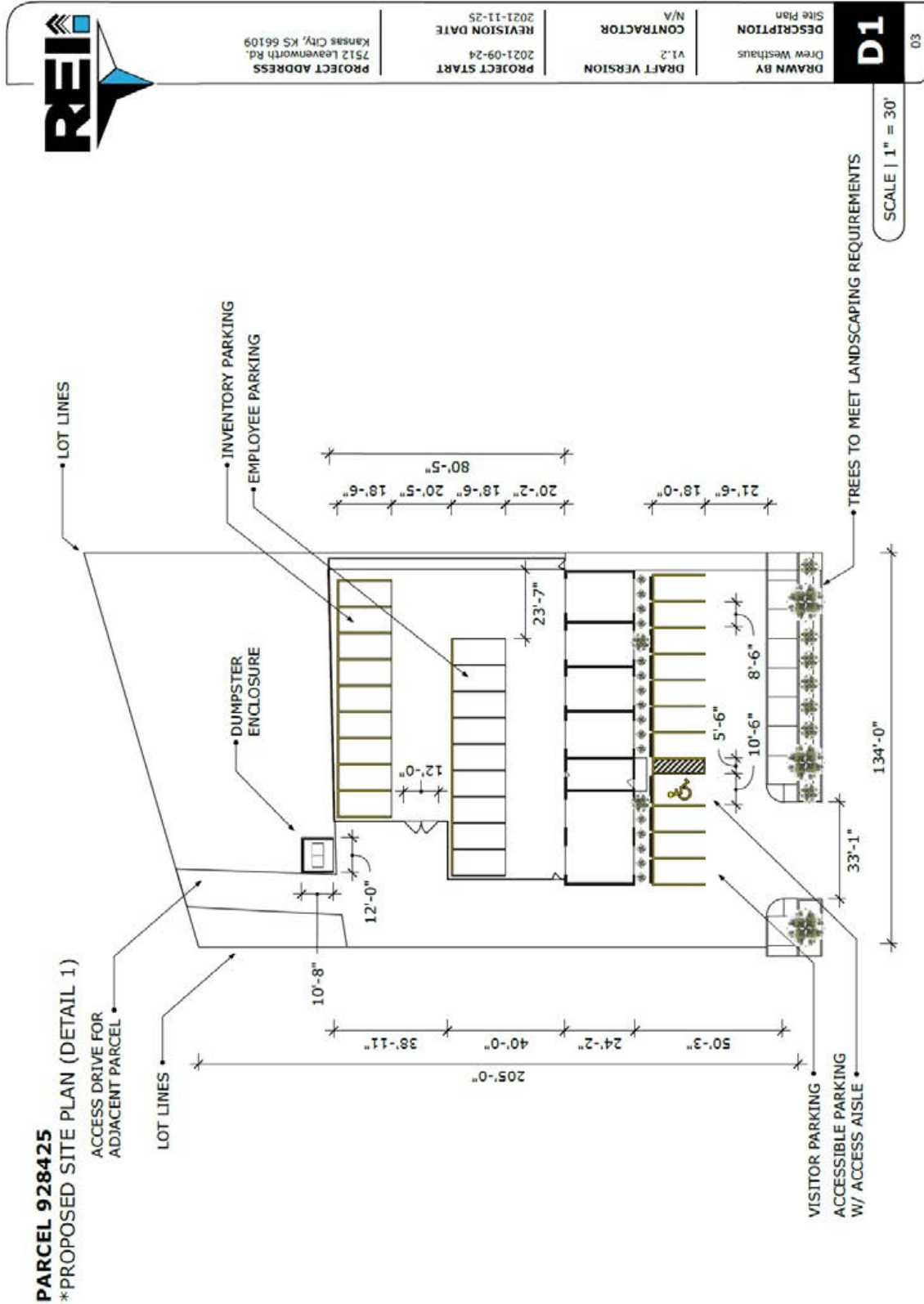
SCALE | 1" = 40'

PARCEL 928425
***PROPOSED SITE PLAN (GENERAL)**



* SIDEWALK TO COMPLY WITH TRAIL SIGNAGE AND SIZE REQUIREMENTS

	PROJECT ADDRESS 7512 Leavenworth Rd. Kansas City, KS 66109	PROJECT START 2021-09-24 REVISION DATE 2021-11-25	DRAFT VERSION V1.2 CONTRACTOR N/A	DRAWN BY Drew Westhaus DESCRIPTION Site Plan	S2 SCALE 1" = 40' 02
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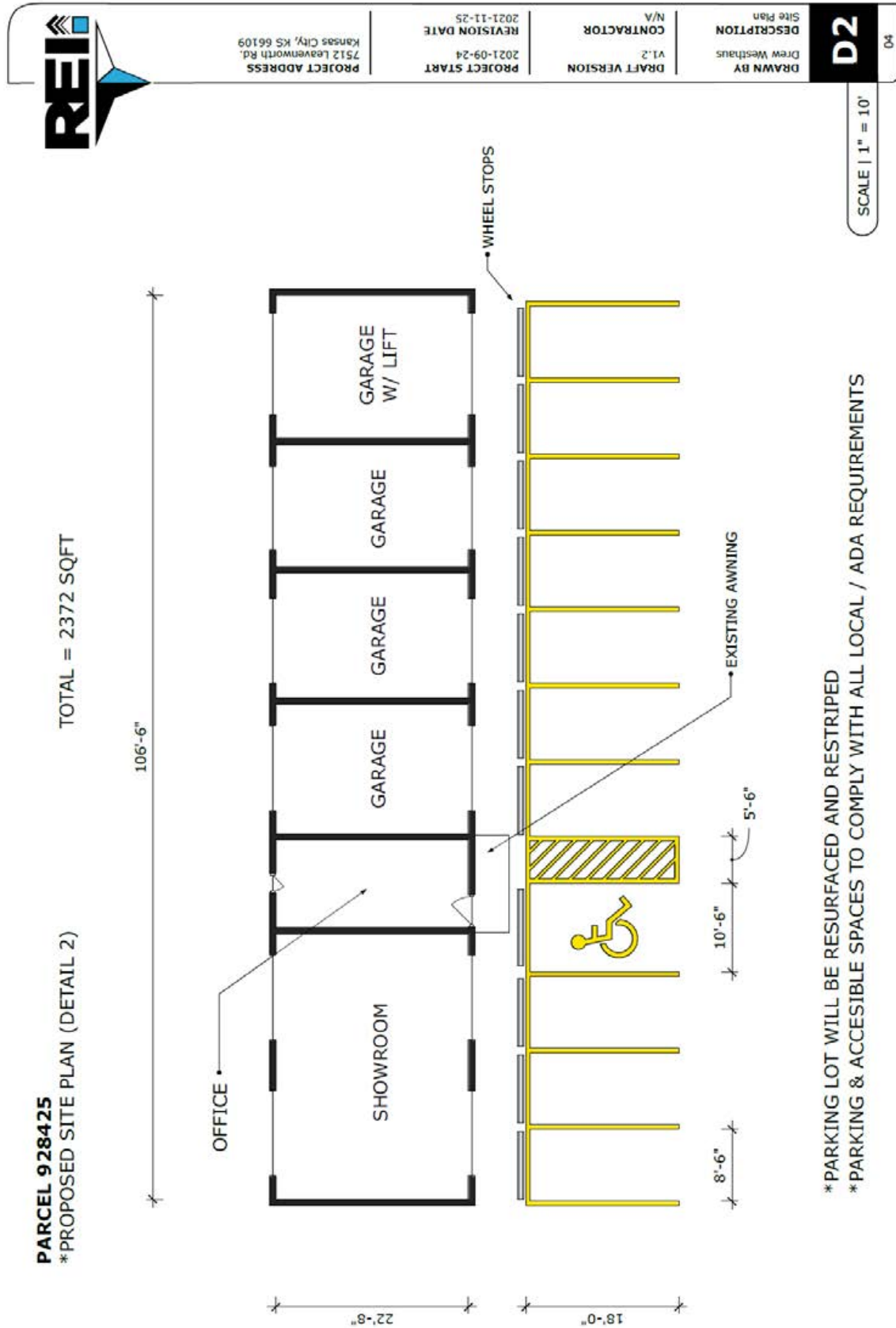




Figure 4. Site photograph looking northwest at 7512 Leavenworth Road (provided by Planning Staff).



Figure 5. Site photograph looking southeast at 7512 Leavenworth Road (provided by Planning Staff).



Figure 6. Site photograph looking east at 7512 Leavenworth Road (provided by Planning Staff).



Figure 7. Site photograph looking northeast at 7512 Leavenworth Road (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Special Use Permit **SP2021-082**

GENERAL INFORMATION

Applicant:
Kevin Bentley

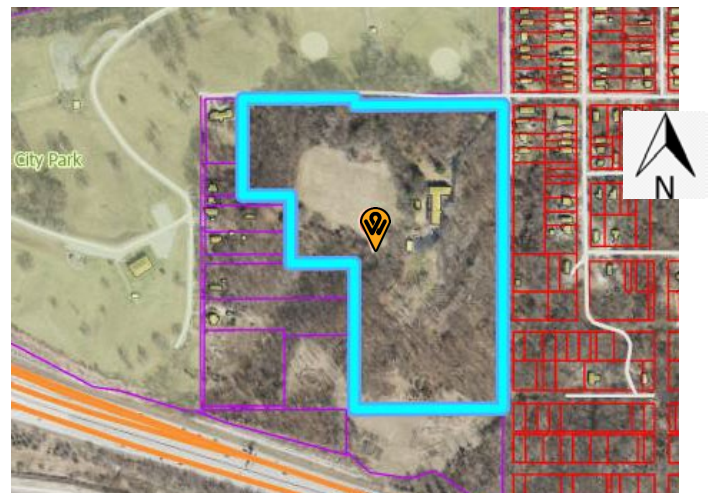
Status of Applicant:
Representative
Catholic Charities of NE Kansas
9720 West 87th Street
Overland Park, Kansas 66212

Requested Actions:
Approval of a Special Use Permit for
the operation of a group home.

Date of Application:
November 3, 2021

Purpose:
Approval of a Special Use Permit for
the operation of a group home.

Property Location:
2901 Ridge Avenue
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large District #1: Melissa Bynum District #4 Commissioner: Harold Johnson
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: City Park South: Single Family Residence Vacant Land East: Single Family Residence Vacant Land West: City Park
Total Tract Size:	25.036 Acres
Master Plan Area:	The Subject Property is within the Central Area Master Plan.
Master Plan Designation:	The Central Area Plan designates this Property as Public/Semi-Public. Allowed uses in this land designation include publicly owned or non-profit property and encouraged uses include schools, public land and buildings, churches, non-profits.
Major Street Plan:	The City-Wide Master Plan designates Ridge Avenue as a local street.
Neighborhood Character:	The neighborhood is residential in character. Lots are average for urban densities and are approximately fifty (50) feet in width on the east and one hundred fifty (150) feet wide on the west. There streets are mostly asphalt and driveways are often gravel or asphalt. The neighborhoods lack curbs, sidewalks, and concrete. This block of Ridge Avenue is one block south of Park Drive near City Park.
Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	The Applicant has received several letters in support from community organizations and some neighbors voiced their support during the neighborhood meeting.

There were six (6) people present at the December 13, 2021 City Planning Commission meeting.

Public Opposition:

One (1) person appeared at the neighborhood meeting in opposition. One (1) person appeared in opposition at the December 13, 2021 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Kevin Bentley, is requesting to operate a group home at the subject property at 2901 Ridge Avenue. The subject property has retained various uses since its construction including a mental health asylum, tuberculosis sanitarium, elder care facility, and more recently, a prayer center. The applicant would like to use the subject property as the new location for Shalom House, a transitional group home with housing and life services in operation since 1973.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood

The neighborhood is residential in character. Lots are average for urban densities and are approximately fifty (50) feet in width on the east and one hundred fifty (150) feet wide on the west. The streets are mostly asphalt and driveways are often gravel or asphalt. The neighborhoods lack curbs, sidewalks, and concrete. This block of Ridge Avenue is one block south of Park Drive near City Park.

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

The subject property is surrounded by single family residences and vast open park space. The extensive screening and available open space of the property would allow for the operation of the group home in a way that is not incompatible to other adjacent property owners or to the surrounding open park space.

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

The operation of a group home would not detrimentally affect nearby property, as the property is surrounded by a dense woodland buffer, screening it from any nearby properties.

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

The property is only recently vacant within the last month. It is the former site of The Sanctuary of Hope and has been vacated to prepare for an upcoming renovation as it has now been purchased by the Applicant. One staff member from Sanctuary of Hope remains on the property as a caretaker during this time.

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

The Central Area Plan designates this property of Public/Semi-Public and is designated for non-profit use. The property will retain its non-profit status and continue usage in a similar manner as the prior owner.

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

The street has a private entry with a long driveway and ample parking. The group home programming accommodates a limited number of participants and traffic should not exceed capacity for the site. The nature of the group home programming ostensibly indicates that only staff will have vehicles.

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

The proposed use of the group home is for rehabilitation, shelter, and is considered reasonably necessary for the welfare of the public, as the program provides transitional housing and rehabilitation services. It would not ostensibly injure the surrounding property due to its dense screening and wooded lots within a built-out neighborhood.

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

The proposed use would not create noise, vibration, dust, or illumination that would create a problem for nearby property owners as the subject property is heavily screened and buffered in a built-out neighborhood.

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

The proposed use would not create pollution to air, land, or water as the subject property is heavily screened and buffered in a built-out neighborhood.

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

The proposed use would not damage or destroy an irreplaceable natural resource as the subject property is an existing development in a built-out neighborhood.

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

The proposed use would be of relative gain to the public health, safety, and welfare as it provides a transitional housing and rehabilitation for vulnerable populations in Wyandotte County. Not granting the permit would displace persons experiencing homelessness and end the associated services such as employment assistance and medical care referrals.

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

The proposed use would not create land overcrowding as the site has several acres of open space and wooded, screened property. The number of program participants is limited in number and would ostensibly not cause an undue concentration of population at the facility.

RELATED ACTIONS

This subject property has an additional application, #BOZA2021-045, for variances related to the number and size of existing and proposed accessory use buildings to facilitate the relocation of the New Roots for Refugees program to the subject property from its current location at Juniper Gardens.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits. A retro-active building permit shall be obtained on the gazebo as a condition of approval.
2. The current property owner has no outstanding Code Inspection Cases.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 29, 2021, by in-person meeting.

Attached is the list of persons, minutes, affidavit, and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Structural Compatibility
Zoning
Land Use
Accessory Usage
Parking
Screening and Buffering
Safety

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-082**, subject to:

1. Screening shall be maintained surrounding the property;
2. The following site improvements are required:
 - a. Trash Enclosures shall be updated to Brick Masonry to match the building;
 - b. Debris Piles shall be removed;
 - c. Tire pile shall be removed;
 - d. Truck bed trailer in side parking shall be removed;
 - e. Parking lot needs re-striping and shall be included in building permit plans;
 - f. Wheel stops or a guard rail shall be installed on the edge of the parking lot with steep drop;
 - g. Replacement of the safety railing at the Jesus statue overlooking City Park;
3. Any new signage needs permitted by a licensed sign installation agency;
4. Trails shall be maintained and/or updated for safety and to mitigate overgrowth as part of a maintenance schedule on the property;
5. A safety plan shall be provided and provide protocols for access management and tenant management;
6. Any accessory buildings not approved in BOZA2021-045 shall be demolished before the renewal of this Special Use Permit;

7. The approval of this Special Use Permit does not take the place of any additional required Variances, Building Permits, Licensing, or any other Authority Having Jurisdiction requirements;
8. A building permit is required for the construction or modification of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
9. 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,
10. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petition **SP2021-082** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Planning Engineering Comment Letter
Community Support Letters
Site Plan
Applicant Security Plan
Neighborhood Meeting Information
Applicant Supplied Photos Dated November 3, 2021
Staff Site Photos Dated November 22, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Special Use Permit	December 13, 2021 Approval	January 6, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-082** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-082**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 5:17:

SPECIAL USE PERMIT APPLICATION SP2021-082 – KEVIN BENTLEY WITH CATHOLIC CHARITIES OF NORTHEAST KANSAS – SYNOPSIS: Special Use Permit for a group home program with gardens/greenhouse for training (Shalom House) and office/gardening space for New Roots program at 2601 Ridge Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Commissioner Miller stated that he received communication from Sister Theresa Bazert in support of this application.

Present in Support:

- Kevin Bentley, applicant, Catholic Charities of NE Kansas
- Matt Watkins, 4023 North 111th Street, Kansas City, Kansas
- Note: The recording ended at 5:25:09 and a new recording began. Recording Two (2) restarted with John Schnieders, 14928 West 82nd Terrace, Lenexa, Kansas 66215 speaking at .00.05
- Donna Crosswhite, Board Member of Catholic Charities, 12908 Farley, Overland Park, Kansas
- Megan Painter, 1303 Central Avenue, Kansas City, Kansas 66102
- Chris Ruder, 8112 Longview, Lenexa, Kansas
- Sister Therese Bangert, 424 North 15th Street, Kansas City, Kansas 66102

Present in Opposition:

- Paul Soptick, 65 South 24th Street, Kansas City, Kansas 66102

Staff Recommendation starts at Recording 2 - 10:38: Planning Director Hand stated this is a Special Use Permit for a group home located in the Central Area Master Plan. This property has been used for similar uses in the past. He further stated that Staff has worked with the applicant during this process on the current code violations, and the applicant is working towards compliance. Some of the piles of debris are from the prior owner and the enclosure for the trash dumpster needs to be repaired. There are

no other Notices of Violation, and Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Recording 2 - 11:55:

On motion by Ms. Armstrong, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2021-082 for two (2) years:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. Screening shall be maintained surrounding the property;**
- 2. The following site improvements are required:**
 - a. Trash Enclosures shall be updated to Brick Masonry to match the building;**
 - b. Debris Piles shall be removed;**
 - c. Tire pile shall be removed;**
 - d. Truck bed trailer in side parking shall be removed;**
 - e. Parking lot needs re-striping and shall be included in building permit plans;**
 - f. Wheel stops or a guard rail shall be installed on the edge of the parking lot with steep drop;**
 - g. Replacement of the safety railing at the Jesus statue overlooking City Park;**
- 3. Any new signage needs permitted by a licensed sign installation agency;**
- 4. Trails shall be maintained and/or updated for safety and to mitigate overgrowth as part of a maintenance schedule on the property;**
- 5. A safety plan shall be provided and provide protocols for access management and tenant management;**
- 6. Any accessory buildings not approved in BOZA2021-045 shall be demolished before the renewal of this Special Use Permit;**
- 7. The approval of this Special Use Permit does not take the place of any additional required Variances, Building Permits, Licensing, or any other Authority Having Jurisdiction requirements;**
- 8. A building permit is required for the construction or modification of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is**

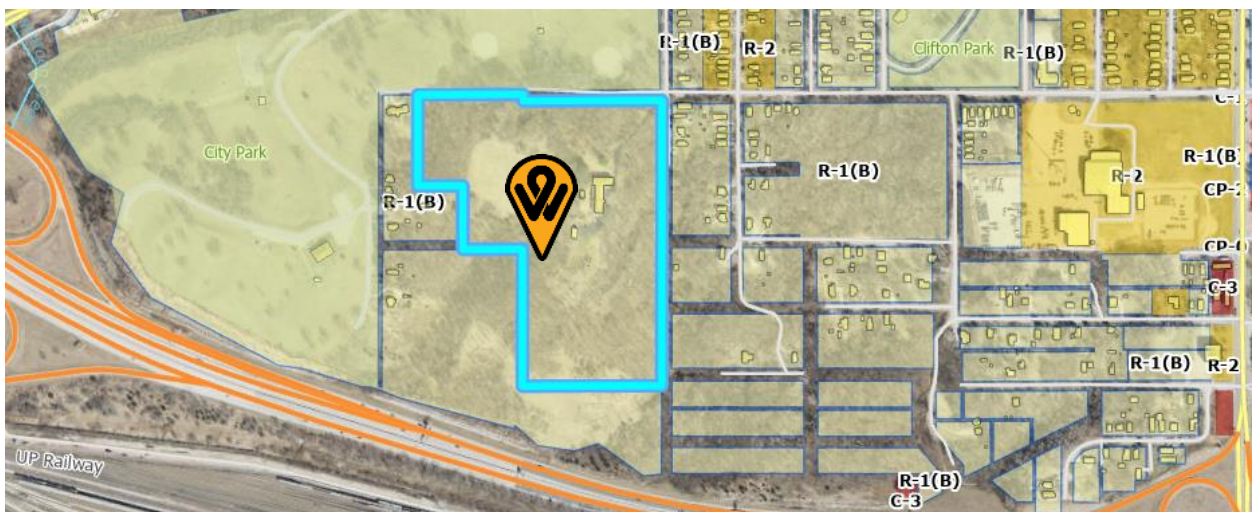
required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;

9. 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,
10. 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.

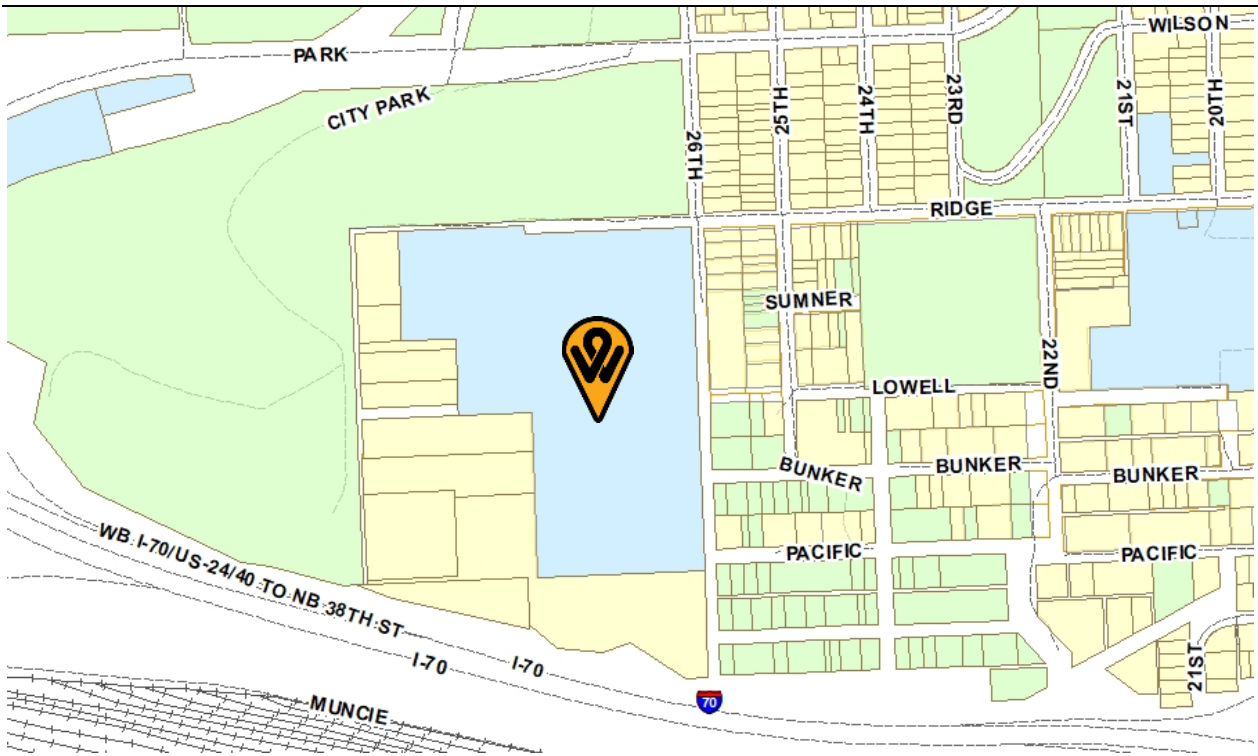
AERIAL MAP



ZONING MAP



LAND USE MAP



PLANNING ENGINEERING COMMENT LETTER



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: November 15, 2021

SUBJECT: Kevin Bentley – (SP2021-082, BOZA2021-045)
2601 Ridge Avenue
General Engineering Review No. 1 (of the application received 10/29/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) Please confirm if there are any proposed site improvements. If so, the site plan shall be required and illustrate these areas.
- 2) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.
- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County / KCK, ou=Urban Planning and
Land Use, email=trumble@wycokck.org, c=US
Date: 2021.11.15 15:39:50 -06'00'

COMMUNITY SUPPORT LETTERS

United Way of Greater Kansas City

801 West 47th Street, Suite 500
Kansas City, MO 64112
tel (816) 472-4289

www.unitedwaygkc.org



October 27, 2021

Re: Letter of Support for Catholic Charities of Northeast Kansas' Shalom House

To whom it may concern:

United Way of Greater Kansas City gladly offers this letter of support endorsing the efforts and mission of Catholic Charities of Northeast Kansas (CCNEKS) and the Shalom House Ministry. Catholic Charities has operated Shalom House in Kansas City, KS since 2008 and has answered the call to serve homeless men in the community with the utmost dignity and respect. United Way has been a long-time funder of CCNEKS and Shalom House because the facility helps to address essential but unmet basic needs in our community.

With Shalom House, Catholic Charities of Northeast Kansas can meet the emergent needs of the men served and provide services to transition them into permanent living situations, integrating them into the Kansas City, KS community.

There are limited resources in the Kansas City, KS community for homeless men and an expansion of Shalom House would bring much needed services to the homeless population and for the advancement of the community.

We continue to support Catholic Charities and the Shalom House program and efforts.

Sincerely,

A handwritten signature in black ink that reads "Todd Jordan".

Todd Jordan, PhD
Chief Community Engagement Officer
United Way of Greater Kansas City
Todd.Jordan@uwgkc.org | 913-371-3675 |

COMMUNITY SUPPORT LETTERS

736 Shawnee Avenue
Kansas City, Kansas 66105



Phone: 913-281-3388
Fax: 913-300-9428
www.cross-lines.org

10/21/2021

To Whom It May Concern:

On behalf of Cross-Lines Community Outreach, I am writing to express my enthusiastic support for the efforts and mission of Catholic Charities of Northeast Kansas and the Shalom House Ministry. Catholic Charities has operated Shalom House in Kansas City, KS since 2008 and has answered the call to serve men experiencing homelessness in the community with the utmost dignity and respect.

Catholic Charities of Northeast Kansas is able to meet the extensive needs of the men served and provide services to transition them into permanent living situations, integrating them into the Kansas City, KS community. There are very limited resources in the Kansas City, KS community for men experiencing homelessness. An expansion of Shalom House would bring much needed services to the homeless population and strengthen the community.

At Cross-Lines, we work with people experiencing homelessness every day. There is an extreme lack of shelters and housing options, especially for men. I know that this project will help fill a significant gap in services and will make a true difference in the lives of the people they serve.

Shalom House provides shelter, safety, and support to men that need it the most. We continue to support Catholic Charities and the Shalom House program and efforts.

Sincerely,

Susila Jones
Executive Director

A Kansas Not-For-Profit Corporation qualified under Section 501(c)(3) of the Internal Revenue Code

COMMUNITY SUPPORT LETTERS



2 South 14th Street
Kansas City, KS 66102
Office: 913 342 7580 Fax: 913 342 7581
www.chwckd.org

October 22, 2021

To whom it may concern,

BOARD OF DIRECTORS

Joe Keller
Board Chair
Ben McAnany
Board Vice Chair
RJ Gildea*
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Finance
Secretary
Fund Development
Brennan Crawford
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Sandra Olivas
Sr. Therese Bangert
Tim Quigley*
Project Development

Advisory Council

Craig Gaffney
Joe Reardon
John Tiszka
Msgr. Tom Tank
Susan Carroll
William Hutton

*Committee Moderators

On behalf of Community Housing of Wyandotte County (CHWC), I gladly offer this letter of support endorsing the work of Catholic Charities of Northeast Kansas, including the expansion of their Shalom House ministry. Catholic Charities plays an important role in the health of Kansas City, Kansas communities by supporting men experiencing houselessness with dignity and respect. Catholic Charities has successfully operated Shalom House in Kansas City, Kansas since 2008, supporting men experiencing houselessness by meeting their essential needs, coordinating physical and mental health resources, and providing employment and skills training opportunities as they transition into permanent living situations.

As evidenced by the 2019-2020 Executive Summary by The Greater Kansas City Coalition to End Homelessness, there are very limited housing resources in the Kansas City, Kansas community for men experiencing houselessness. This is a multi-faceted problem with complex solutions that requires many partners in our community working and planning together along a continuum of housing supports. As CHWC furthers one component of this solution by providing high-quality homes affordable to people with a variety of incomes and supporting families in pursuing financial stability and homeownership, an expansion of Catholic Charities' Shalom House would provide key supports to the houseless community and bring significant awareness to the need for services that promote a solution.

CHWC is committed to supporting Catholic Charities and other partners in solving this complex and long-standing problem in Kansas City, Kansas, and we believe that the expansion of the Shalom Center will be an important part of that solution. We invite you to join us in supporting this project as one step towards ending houselessness in our community.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Crawford'.

Brennan Crawford
Executive Director & CEO
Community Housing of Wyandotte County (CHWC)



COMMUNITY SUPPORT LETTERS



THE ARCHDIOCESE
OF KANSAS CITY IN KANSAS

Office of the Archbishop

October 28, 2021

Unified Government Commission
701 N. 7th Street,
Kansas City, KS 66101

To Whom It May Concern,

I gladly offer this letter of support endorsing the efforts and mission of Catholic Charities of Northeast Kansas and the expansion of their Shalom House ministry. Catholic Charities has successfully operated Shalom House in Kansas City, Kansas since 2008 and has answered the call to serve men experiencing homelessness with dignity, respect and a steadfast reputation of life-changing ministries.

Catholic Charities of Northeast Kansas is able to meet the immediate needs of the men served and more importantly, change their circumstances through the coordination of physical and mental health resources, employment and skills training opportunities, as they transition into permanent living situations; integrating them back into the Kansas City, Kansas community. As evidenced by the 2019-2020 Executive Summary by The Greater Kansas City Coalition to End Homelessness, there are very limited housing resources in the Kansas City, Kansas community for men experiencing homelessness.

An expansion of Shalom House would bring significant awareness of the need and services towards a systemic solution to a very long-standing, complex challenge in Kansas City, Kansas. Inspired by Catholic Charities historical success and willingness to play an even more robust role towards a solution, I ask that you join me in supporting this strategic move to end homelessness in our community.

Sincerely yours in Jesus, the Lord of Life,

A handwritten signature in blue ink, appearing to read "Joseph F. Naumann".

Archbishop Joseph F. Naumann

12615 Parallel Parkway ▪ Kansas City, Kansas 66109 ▪ 913.721.1570

COMMUNITY SUPPORT LETTERS

Matt Watkins
4023 N 111th Street
Kansas City, KS 66109
watkinsmatt@gmail.com
913-908-9447

October 22, 2021

Board of Commissioners
701 N 7th Street
Kansas City, KS 66101

RE: Shalom House and Catholic Charities

Dear Commissioners,

I write to you on this occasion from my *personal capacity* as a resident of Wyandotte County and an advocate for the work that Catholic Charities does in our community. My background and activity of working with non-profits and social service agencies spans close to 20 years producing a role as current Chairman of the Greater Kansas City Homeless Coalition and Chair of the Kansas City, Kansas Housing Authority.

We all know of the many needs we face here in Kansas City, Kansas when it comes to serving the Unhoused populations as well as the daily grind of meeting the needs of our many community members who are at a disadvantage economically. Catholic Charities of Northeast Kansas has stepped up time and again to fill this need and serve this population directly since 2008 with the Shalom House.

I first encountered the Shalom House at 13th and Parallel Parkway almost 11 years ago when a private developer was looking to transform that corner of the city. I reached out to Catholic Charities and the Shalom House to discuss a possible relocation at the time and found an amazing resource right in our back yard. That project did not get off the ground.

The work performed at the Shalom House creates a place of respite and nourishment both physically and spiritually for the men who were able to be served at this location. Ever since the time I engaged them, I pass the corner often and see the meticulously clean property with a white building as a place of solace for men seeking a roof over their heads. I know they have served countless numbers through those doors and the need is ever growing. I believe the new location will be even better with its seclusion and general beauty which will benefit the community in multiple ways.

The Shalom House is one of the most successful programs we have in our city at managing homelessness for single adults and if I could waive a magic wand to expand and design a better opportunity for this program – it would mirror what they are proposing with this project. The opportunity to transform an underutilized property and expand services of a successful program is *no different* than wanting to expand the success of any of our business partners across the city and should be looked at similarly through your lens.

COMMUNITY SUPPORT LETTERS

Matt Watkins
4023 N 111th Street
Kansas City, KS 66109
watkinsmatt@gmail.com
913-908-9447

The capacity Catholic Charities brings this type of expansion and mission is something we need dearly in our community's social service safety net. We need to embrace this opportunity to support Catholic Charities but also help the most vulnerable in our community as we try to manage the constant need presented at all levels of our Unhoused population.

I ask you to join me in supporting this strategic move to help end homelessness in our community and lifting-up an agency doing great work. If we support this type of leadership and accountability here, I believe it will inspire others in our non-profit and faith-based community to reach out and help address this need *like never before*.

This is truly a step in the right direction, and it paves the way to helping us find solutions to this challenge across our community. Please feel free to contact me with questions or further information regarding my support for the Shalom House and Catholic Charities.

Best Regards,

A handwritten signature in blue ink that reads "Matt Watkins". The signature is written in a cursive, flowing style.

Matt Watkins

COMMUNITY SUPPORT LETTERS

I, Dawn Grabs, gladly offer this letter of support endorsing the efforts and mission of Catholic Charities of Northeast Kansas and the expansion of their Shalom House ministry.

Catholic Charities has successfully operated Shalom House in Kansas City, Kansas since 2008 and has answered the call to serve men experiencing homelessness with dignity, respect and a steadfast reputation of life-changing ministries.

Catholic Charities of Northeast Kansas is able to meet the immediate needs of the men served and more importantly, change their circumstances through the coordination of physical and mental health resources, employment and skills training opportunities, as they transition into permanent living situations; integrating them back into the Kansas City, Kansas community.

As evidenced by the 2019-2020 Executive Summary by The Greater Kansas City Coalition to End Homelessness, there are very limited housing resources in the Kansas City, Kansas community for men experiencing homelessness. An expansion of Shalom House would bring significant awareness of the need and services towards a systemic solution to a very long-standing, complex challenge in Kansas City, Kansas.

Inspired by Catholic Charities historical success and willingness to play an even more robust role towards a solution, I ask that you join me in supporting this strategic move to end homelessness in our community.

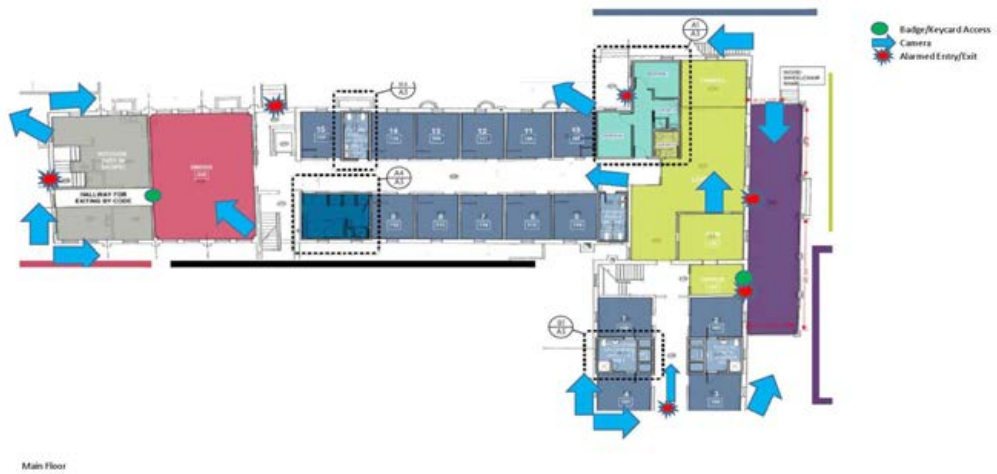
In Christ,

Dawn Grabs
Sanctuary of Hope Board Member
Former Shalom House Staff

SITE PLAN

Proposed Location for Greenhouse 

APPLICANT SECURITY PLAN



NEIGHBORHOOD MEETING INFORMATION

Sanctuary of Hope/Shalom House Community Land Use Meeting

Application Number: SP2021-082.

Date and Location: November 29, 2021, Sanctuary of Hope – 2601 Ridge Ave, Kansas City, KS 66102

Meeting called to order at: 6:03pm

Names of people in attendance: Kevin Bentley (applicant, CCNEK), Tenesha Williams (CCNEK), Nelson Vowels (CCNEK). Neighbors and community attendees include (sign-in sheet attached): Susan Washick and Mary (grandchild), Joe Arce, Clarence Annett, Paul and Rita Soptick, Dan and Caroline Batson, Paula Saunders, not legible but appears as Louis Martin, Rose M. Vasquez, Jorge Vasquez, Deana Bracken, Ronald Bracken, Sister Therese Bangert, Albert Nelson, Janelle Smith, Matt Watkins, Jose Jurado, Soledad Jurado, Elmy Hurtado.

Introductions:

Kevin opens with a prayer, then proceeds to introduce himself as applicant along with CCNEK staff, Tenesha Williams and Nelson Vowels, and the purpose of the meeting.

Presentation by applicant and team:

Kevin shares history of Shalom House dating back to the 1970s as a Catholic Worker House, and the long tenure at previous facility on 13th Street and Lafayette. Kevin shares that during the time at previous facility there were never any issues with neighbors, and the presence of Shalom House did not create any problems for the community. Kevin describes limitations of previous facility and the need of a more adequate space to carry out holistic transitional living program, as well as the need for Sanctuary of Hope to transfer and repurpose the space for a purpose that will continue the property's legacy of serving people's needs and benefiting the community.

Tenesha describes intake and assessment process for new residents, program structure, participation requirements for residents, and daily activities.

Questions and answers:

- Q Clarence: If resident violates rules what will happen to them?
- A Tenesha: They will be relocated to an appropriate facility.
- Q Albert: Will this raise or decrease property values?
- A Matt (attendee): I am a commercial real estate agent and my opinion is that this will not affect your property values.
- Q Rose: Where are these men coming from?
- A Tenesha: They are referred from different agencies.
- Q Rose: Will there be 24/7 staff and security?
- A Kevin: Yes, there will be 24/7 wake staff, not live-in staff, and a heavy investment in security.
- Q Albert: Will there be security patrolling our neighborhood?

NEIGHBORHOOD MEETING INFORMATION

- A Kevin: No, we will have security measures in place on this property.
- Q James: If someone is kicked out of another facility will they be relocated here?
- A Tenesha: We will do an intensive intake process on every new arrival.
- Q James: If someone leaves here, my house is the first house next door. I'll need to put security in place to protect my property, and I will protect my property with my gun. Will taxpayer dollars fund this place?
- A Kevin: No, this is completely funded by Catholic Charities of Northeast Kansas.
- Q Paul: Besides Hillcrest, what other transitional facilities are there in Wyandotte County?
- A Kevin: Hillcrest has two facilities, one for women and children and the other for youth. There is another of which I'm aware but can't recall the name.
- Q Paul: Your application includes two other out facilities. As you grow, what will the resident population grow to?
- A Kevin: Those were included on an application for variance because one was an additional existing structure on the property beyond what was allowed and the other planned for the greenhouse for the farm training. We are moving the variance application for structures to the WYCO/KCK January agenda on their recommendations. We have no plans to expand the resident population here.
- Note- This is in reference to BOZA2021-045, informing attendees that the UG approved moving the variances to their January agenda in order for the special use permit process to move forward.
- Q Rose: What is the age range of the men? Is there a curfew?
- A Tenesha: The minimum age is 18, and for example, at our previous facility no one could enter or leave the facility after 10:00 pm.
- Nelson: I hear your concerns and the overarching theme about safety and understand those. What we need to keep in mind is that having a high-quality transitional living program reduces the number of people living on the street, camping out, walking through the neighborhood. This will make the neighborhood safer.
- Q Rose: If the police are repeatedly called will you be shut down?
- A Tenesha: That would be up to the Unified Government.
- Q Janelle: If residents are on the sex offender registry will they show up at this address on the website?
- A Kevin: They would if they report this as their address.
- Q Janelle: Will this serve homeless men in all the Archdiocese or just Wyandotte County?

NEIGHBORHOOD MEETING INFORMATION

- A Kevin: The Shalom service area is not tied to the Archdiocese's geography; it will serve mostly men from Wyandotte County.
- A Matt: There are 10 agencies that have HUD-funded programs in Wyandotte County, and approximately 150 beds for unhoused individuals.
- Q Rose: When someone is successful and ready to move out, do you have housing for them? Is it here?
- A Tenesha: Part of the individual case management process includes finding stable, dignified housing for each resident.
- Q Paul: You have 32 acres here?
- A Kevin: We have 25 acres here.
- Elmy: I own a house next to this property. I don't have any problems with this. I believe in second chances, I'm a Christian. We came here 25 years ago hopeless as refugees, and someone opened the door for my husband, me, and my child. I'm okay with this.
- Q Paul: You mentioned the police department. Will you be working with the police department on some of these cases? Like for example when homeless camps are being cleared?
- A Tenesha: I do homeless outreach with Cross-Lines and other agencies, and some of those cases might not meet the requirements for this program. They might need a psychiatric facility, which is a step down from transitional living.
- Q George: The main concern of the neighbors here is safety. You have 25 acres here, and room to expand.
- A Matt: The special use permit only applies to this building for this use tonight.
- Q Luis: What does the rigorous intake process include?
- A Tenesha: It's an individual assessment case-by-case. It includes mental and physical screenings.
- Ron: I want you all to know that I do not think this is a good match for our neighborhood. As a property owner within 1/8 mile, I am concerned for me and my neighbors about this facility with people we don't know who aren't from the community being here.
- Q Albert: Will this property pay taxes?
- A Kevin: We are a tax-exempt 501c3.
- Matt: This will generate a net positive economic impact for the community, it will create jobs which generates more tax revenue, and help connect program participants to stable employment, allowing them more full economic participation.
- Q Rita: There will be a security card to enter the building?
- A Kevin: There is security card access, cameras, and 24/7 staff.
- Q Rita: If someone does not arrive by 10:00pm, will they be out on the street?

NEIGHBORHOOD MEETING INFORMATION

- A Tenesha: Every resident has an individual case management plan. If someone is not going to arrive by curfew, they need to have a plan as to where they'll stay overnight.
- Q George: You mentioned different programs available to residents, will those be open to other people who don't live here?
- A Tenesha: No, programming will only be for residents.
- Q Clarence: Can you clarify if you will or will not admit active alcohol users, or active narcotics users?
- A Tenesha: We do use drug and alcohol screenings as-needed, we can use random screenings, and we will disqualify someone who abuses. Every case differs and me and the case manager will review each case individually. I'm also always thinking about my own safety as well as my staff's safety, and I won't put anyone in danger.
- Rose: You have to understand we're concerned, we pay a lot of taxes here, we're not talking about just one house, we're talking about a lot of people here.
- Q George: Did I hear correctly that you're going to do refugee training? That's a lot different than serving the homeless population.
- A Kevin: Yes, we do refugee farm training in Kansas City, Kansas through our New Roots for Refugees program. It's an entrepreneurial training program and does not house refugees, they are already established with housing when they enter the program.
- Q Rita: Will you ever admit a child sex offender at this facility near the park?
- A Tenesha: Kansas does not have a law in place that prohibits proximity to schools or parks for sex offenders. We will review each case on a case-by-case basis.
- A Nelson: As part of that intake screening we review whether or not someone represents a threat.
- A Tenesha: Cases may vary, offenses could be very old, or could be against an elder, or child, that is reviewed in the screening process.
- Elmy: Maybe you can bring a company to do maintenance on the woods on the side by my property, it's very woody.
- Q Janelle: What is the next step?
- A Kevin: The UG zoning application process for this building will move forward before the City Planning Commission during their December 13th meeting at 6:30pm. The other variances for the outdoor structures will be pushed to the City Planning Commission meeting on January 10, 2022.

Meeting adjourned at: 7:45 pm

Minutes taken by: Nelson Vowels, CCNEK

NEIGHBORHOOD MEETING INFORMATION

Attendance SP2021-082

Susan Washick (Mary Williams) (previous staff-nurse Aid)

Joe Arce - KC Hispanic News
CLARENCE ARNETT - CATHEDRAL NEIGHBORHOOD

Paul & Rita Sopotick 655 24th St KCK

Don & Caroline Batson

Paula Swenson

Jan Martin

Rose M. Vasquez

JORCE VASQUEZ

~~Deanna~~ Deanna Bracken

Ronald Bracken

Sister Therese Barget

Albert Nelson

Janelle Smith

Matt Watkins

Jose Jurado

Soledad Jurado

Elmy Hurtado 913 707 4157

NEIGHBORHOOD MEETING INFORMATION



Date: 11/15/2021

Kevin Bentley
Catholic Charities of Northeast Kansas
9720 W 87th St
Overland Park, KS 66212-4563

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP2021-082. The purpose of this:

- ☐ change of zone
- ☒ special use permit
- ☐ preliminary plan review

is for a group home to be used as a transitional living quarters for participants in Catholic Charities' Shalom House program. This is to be located at the following address: 2601 Ridge Avenue, Kansas City, KS 66102, which is currently known as Sanctuary of Hope.

We are having a neighborhood meeting on Monday, November 29, 2021 at 6:00 p.m. at the following address: 2601 Ridge Avenue, Kansas City, KS 66102.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Bentley". The signature is written in a cursive style with a large, stylized "K" and "B".

Kevin Bentley
Chief Operating Officer, Catholic Charities of Northeast Kansas
9720 W. 87th Street
Overland Park, KS
kbentley@catholiccharitiesks.org
(913) 433-2085

Catholic Charities of Northeast Kansas | catholiccharitiesks.org | 913.433.2100 | 9720 W 87th St., Overland Park, KS 66212

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) ss:

Comes now Kevin Bentley of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2021-082
2. That I conducted a neighborhood meeting on 11/29/2021
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Kevin Bentley
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of November, 2021

My commission expires 156 of June, 20024



Sheryl A. Benjamin
Notary Public
6-15-2024

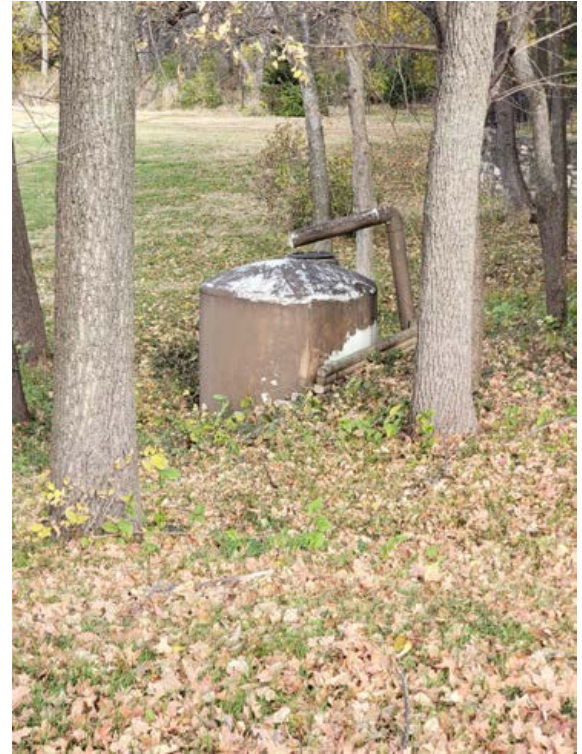
APPLICANT SUPPLIED PHOTOS DATED NOVEMBER 3, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



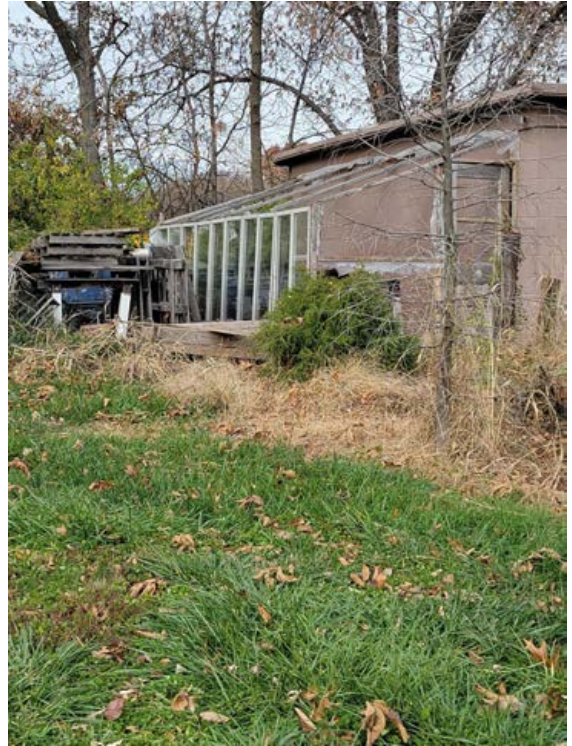
STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



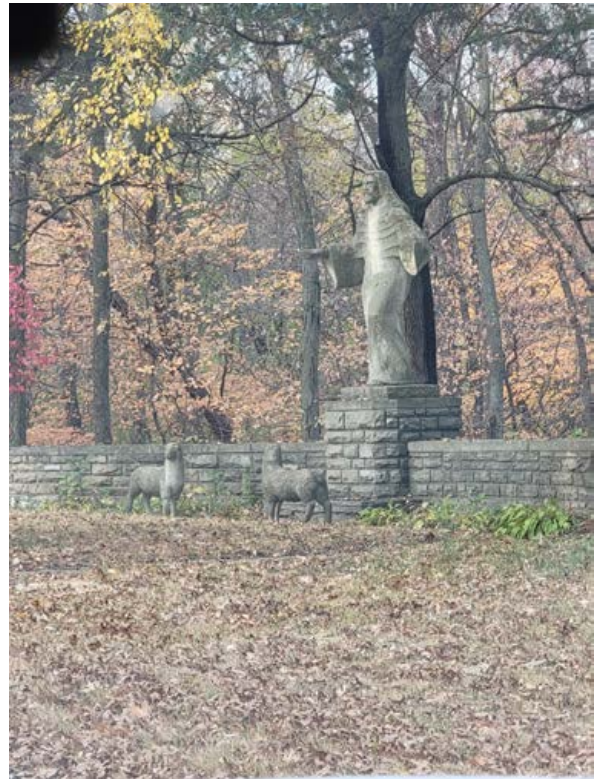
STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



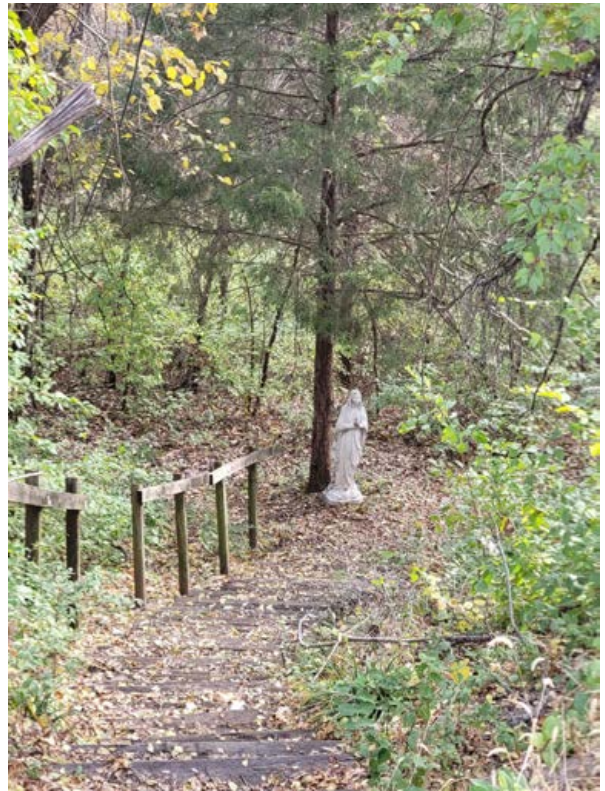
STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021





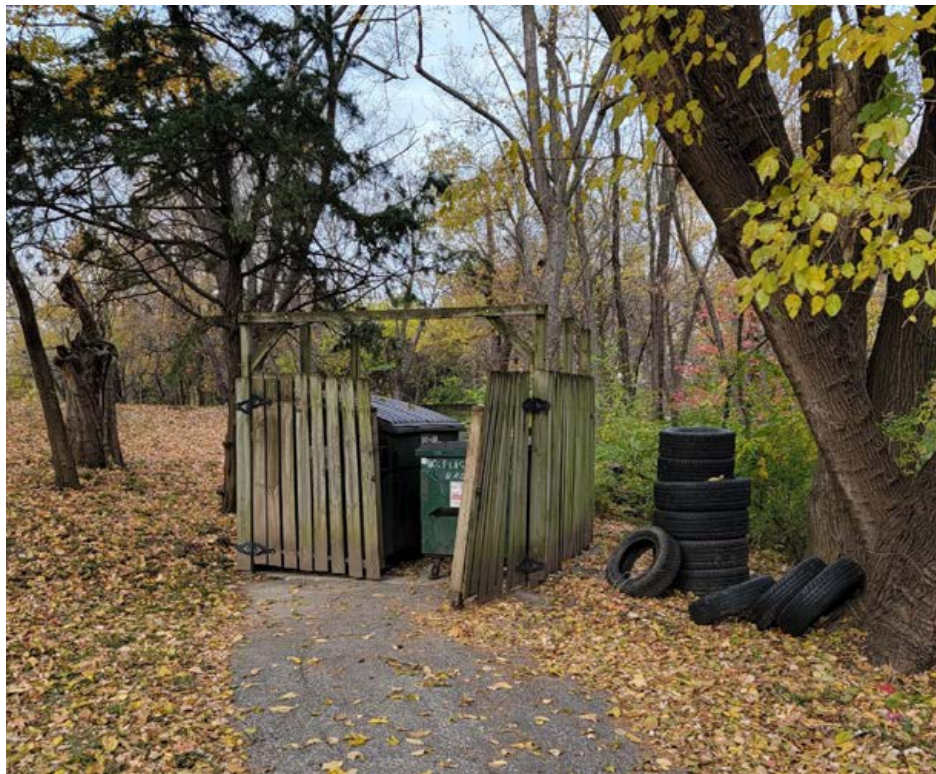
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STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE VISIT PHOTOS DATED NOVEMBER 22, 2021





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Vacation Petition VAC2021-010

GENERAL INFORMATION

Applicant:
Amy Strother

Status of Applicant:
Owner
3116 Delavan Avenue
Kansas City, KS 66104

Requested Action:
To approve a right-of-way vacation.

Date of Application:
October 29, 2021

Purpose:
To align the driveway and build a retaining wall for the equestrian sanctuary.

Property Location:
4600 Parkview Avenue



Commission District:	Commissioner At Large District 1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: R-1(B) Single Family South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single family homes and undeveloped land South: Single family homes East: Single family homes West: Undeveloped land
Neighborhood Characteristics:	The character of the neighborhood is largely comprised of undeveloped, vacant land bordering the perimeter of these properties and single-family homes to the south along Parkview Avenue and east along Sortor Drive.
Total Tract Size:	0.33 Acre
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates these properties as Rural Residential and Low Density Residential. Rural Residential allows agriculture, ranches, large-lot single-family detached residences, passive parks, and open space. Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, and open space.
Major Street Plan:	The Major Street Plan classifies North 47 th Street as a Local Street.
Required Parking:	Not applicable.
Advertisement:	<u>Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	None to date.

Public Opposition:

One (1) person appeared at the December 13, 2021 City Planning Commission meeting with questions and concerns.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amy Strother wants to vacate a portion of right-of-way along Parkview Avenue east of North 47th Street and incorporate a portion of the vacate right-of-way into her driveway approach for better alignment of Parkview Avenue and North 47th Street intersection, west of Parkview Avenue for the applicant's equestrian sanctuary.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

Code Enforcement History: There were Code Enforcement citations on the property in 2006 at 3334 North 44th Terrace for dumping of debris and tires and in 2006 and 2018 at 3319 North 44th Terrace for tall grass and junk in the yard.

FACTORS TO BE CONSIDERED

1. ***Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity because the portion of right-of-way along Parkview Avenue that the applicant wants for her driveway into the site will better align with the existing right-of-way west of the property on North 47th Street.

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

- a. ***Water service***

Water service is provided by BPU.

- b. ***Sanitary sewer service***

Sanitary sewer service is provided by the UG.

- c. ***Storm water control***

To be designed to meet City Code.

d. Police

Police service provided by Midtown Patrol, District #443.

e. Fire

Fire service provided by Station #18 located at North 55th Street and Leavenworth Road.

f. Transit

Kansas City ATA does not provide transit service near these properties. The closest transit stop is at the intersection of North 47th Street and Leavenworth Road, approximately one-quarter ($\frac{1}{4}$) mile south of the site, Route #113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

- 3. *Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

North 47th Street has been designed so as to provide a safe, convenient, and functional system for vehicular traffic, however, north of Parkview Avenue, the street narrows and becomes more rural in nature and the width of the road may have to be widened to accommodate future development.

- 4. *Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.***

The proposed equestrian sanctuary building is designed, and the streets are arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

- 5. *Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

This portion of Parkview Avenue is not buildable due to topography and the need for retaining walls on the north side of the existing right-of-way. The proposed development is being designed with due regard to topography, so the natural feature of the land is being preserved except where horse trails will be created through the property.

6. ***Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

The proposed equestrian sanctuary that will benefit from the right-of-way vacation will provide a community service for public, particularly veterans to seek therapy through horseback riding.

7. ***Vacation will not create utility conflicts.***

The proposed vacation will not create utility conflicts as there are no utilities in the existing right-of-way.

KEY ISSUES

Traffic
Site Access
Public Works Department Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Vacation Application **VAC2021-010**, subject to:

1. **The Parkview Avenue right-of-way due to topography is not intended to be connected between North 46th Street and North 47th Street. The staggered intersection does not comply with Public Works' standards;**
2. **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;**
3. **Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
4. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2021-010** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Site Plan
Site Photographs taken by Staff

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 13, 2021	January 6, 2022
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2020-010**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2020-010**, as they are not in compliance with the City Ordinances and as it will not promote the

public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at Recording 2 - 12:55:

VACATION APPLICATION VAC2021-010 – AMY STROTHER – SYNOPSIS:

Vacation of right-of-way at 4600 Parkview Avenue.

PLAN REVIEW APPLICATION PR2021-034 – AMY ANDERSON-STROTHER –

SYNOPSIS: Final Plan Review for Phase 1 of a two-phase development for an equestrian development (includes a 2,622 square foot building, 4,032 square foot horse stable, associated parking and amenities) at 4600 Parkview Avenue, 4551 Sloan Avenue and 3334 North 44th Terrace.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Vacation application;
7. The Notices to property owners.

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

Present in Support:

- Amy Strother, applicant, 3116 Delavan Avenue, Kansas City, Kansas 66104
- Tate Williams, 513 Olive Street, Kansas City, Missouri 64114

Present in Opposition:

- Dr. Linda, 3231 North 47th Street, Kansas City, Kansas 66104

Staff Recommendation starts at Recording 2 – 29:27: Planning Director Hand stated that there are two (2) applications before the Commission this evening: a vacation application and final plan review. Change of Zone COZ2021-026 was approved several months ago and rezoned the property to agricultural. He further stated that this right-of-way is in the Sortor Drive area. He stated that the area to be vacated does not have any use and the property will be divided between the two (2) property owners directly to its north and south. If Parkview Avenue at this point were to be improved, it would not meet UG standards due to its currently platted alignment along North 47th Street. He showed the Commission the site plan and the wooded area screening this property. Staff has applied the standard conditions for the vacation

application and has conditioned for the plan review preserving as many of the tree stands as possible. If substantial grading is done, a grading permit will be required beforehand. Staff has received no letters in support nor opposition and there are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Recording 2 – 33:50:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2021-010:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. The Parkview Avenue right-of-way due to topography is not intended to be connected between North 46th Street and North 47th Street. The staggered intersection does not comply with Public Works' standards;**
- 2. 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;**
- 3. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,**
- 4. 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.**

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2021-034:**

Carson	Chairman
Miller	Aye
Mohler	Aye

Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to APPROVE Passed: 5 to 0

Subject to:

1. As discussed during the pre-application meeting and the rezoning process, in the future, renting out bedrooms for short-term rentals requires a Special Use Permit;
2. Per Sec. 27-452(b)(12) Riding stables, fishing lakes and picnic groves, provided no concession on retail sales shall be provided.

Sec. 27-340 Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire sale.

This is a private riding stable, similar to private horse stables on Donahoo Road that offer private lessons to individuals in addition to boarding horses with large barns and riding arenas. There are loading/unloading areas on these properties for vehicle and horse trailers parking;

3. Subsequent Phase 2 will require its own Change of Zone and Final Development Plan, specifically 4249 Sortor Drive, which is not included as part of this petition;
4. Hours of operation shall be seasonally from dawn to dusk;
5. The proposed gravel is acceptable for horses to maneuver as they enter and exit the paddock, but the surface upon which vehicles and trailers load and unload horses must be paved with asphalt or concrete;
6. Finalize a conservation plan (attached herein) with the Wyandotte County Conservation District (913) 334-6329 to manage on-site grazing and animal waste throughout the year;
7. The parking lot shall be paved with an improved surface, striped accordingly and comply with ADA requirements. Permeable pavers are encouraged;
8. Obtain a right-of-way permit from Public Works Department to build a driveway apron. The driveway apron shall be concrete and meet Public Works Department standards;
9. If approved and should livestock or change of agricultural use or activity be introduced to the property, the applicant shall contact the Conservation District for technical assistance to update their Conservation District Plan for approval accordingly;
10. Any property owner or business owner that is obtaining entitlements 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. 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, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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;
 12. Maintain all tree stands to the greatest extent possible to create a buffer to adjacent residential uses, and screen the parking lot from public view;
 13. To keep with the rural character of the neighborhood, no signage shall be displayed along 47th Street;
 14. Shall comply with the sign ordinance; and,
 15. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable.



Figure 1. Zoning Map for 4600 Parkview Avenue – zoning has been published to A-G Agriculture District (provided by UG Maps).



Figure 2. City-Wide Master Plan Land Use Map of 4600 Parkview Avenue (provided by ArcMap).

RESPONSES TO VACATION PETITION VAC2021-010

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Provide an exhibit of the proposed right-of-way vacation. See below and attached.



2. The Parkview Avenue right-of-way due to topography is not intended to be connected between North 46th Street and North 47th Street. The staggered intersection does not comply with Public Works' standards. Is this a comment to acknowledged, call to action to extend to 46th St, or other?
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. Paid. See attached.
4. 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. Acknowledged.

Amy Strother
Email: amystrother1@yahoo.com
Phone: 913-526-7075

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



Figure 3. Site Photograph of 4600 Parkview Avenue looking north (provided by Planning Staff).



Figure 4. Site Photograph of 4600 Parkview Avenue looking southeast (provided by the Planning Staff).



Figure 5. Site Photograph of 4600 Parkview Avenue looking east (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Petition PR2021-035**

GENERAL INFORMATION

Applicant:
Brandon Sisk

Status of Applicant:
Representative
Erik Rasmussen with Black & Veatch
8400 Ward Parkway
Kansas City, MO 64114

Requested Action:
Approval of a Preliminary and Final Development
Plan.

Date of Application:
October 29, 2021

Purpose:
To build a seven (7) million-gallon reservoir for
Board of Public Utilities – Water Division.

Property Location:
1801 South 14th Street
Kansas City, KS 66103



Commission District:	Commissioner At Large District 2: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single family homes South: Single family homes East: Single family homes West: Single family homes
Total Tract Size:	9.84 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Utilities which allows water and sanitary sewer lines, natural gas lines, electric power substations, electric power lines, cellular phone towers and other utilities.
Major Street Plan:	The Major Street Plan classifies South 14 th Street and Valley Street as Local Streets.
Parking Requirement:	Sec. 27-668(b) states any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. The site plan does not indicate how many parking spaces are provided for BPU personnel.
Advertisement:	Property Owner Letters – November 19, 2021 and December 27, 2021 <u>Wyandotte Echo</u> – Not Required
Public Hearings:	December 13, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brandon Sisk with the Board of Public Utilities (BPU) Water Division, wants to demolish an old, twelve (12) million-gallon reservoir and build a seven (7) million-gallon reservoir on 9.84 acres on 1801 South 14th Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Code Enforcement History: None to date.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of single-family homes encompassing this BPU Water facility. The substation is nestled in between 14th Street, Lawrence Avenue and Valley Street.

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

The proposed use will not increase traffic or parking demand in ways that will adversely affect road capacity, safety or create parking problems because the site is infrequently visited by BPU personnel or other contractors.

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

The Master Plan designates this property as Utilities and the proposed use conforms to the Master Plan as this is a municipal facility.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is not provided by the UG.

c. Storm water control

Designed to meet City Code.

d. Police

Police service is provided by the South Patrol, District #335.

e. Fire

Fire service is provided by Station #7, located at South 28th Street and Strong Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property. The closest transit stop is at South 14th Street and Ruby Avenue, approximately one-half (½) mile north, Route #104.

g. Schools

Public education is provided by Kansas City, Kansas USD 500.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions, the proposed use is capable of meeting applicable ordinance and other requirements.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 29, 2021 by a Virtual Meeting (Microsoft Teams).

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Sidewalk and stairs
Landscaping and Screening
Catastrophic failure
Fencing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Preliminary and Final Plan Review Application **PR2021-035**, subject to:

1. Trees shall be planted along the berm to screen the tank from the existing residences along Lawrence Avenue, Valley Street, and South 13th Street;
2. Trees shall be at least two (2) inch caliper (shade or ornamental) or six (6) feet in height (evergreens) when planted;
3. The tank shall be painted a complimentary color that blends in with the surrounding topography and vegetation;
4. While it is not intended to be in BPU's scope of work, there are substantial improvements being made to the property, which should include continued maintenance (repair) of existing infrastructure. As stated previously, the existing sidewalk along South Valley Street should either be repair or removed;
5. Maneuvering on grass is not permitted per the Parking and Loading Code, therefore parking, loading and maneuvering areas shall be on an improved surface. As part of the building permit submittal, an improved surface shall be depicted on the site plan for vehicle parking;
6. All lighting shall have 90-degree cutoff fixtures;
7. Because barbed wire fencing is not permitted in the residential zoning district, unless enclosing open farmland greater than five (5) acres, or where farm animals are otherwise permitted, if the existing barbed wire fence is removed, it may be replaced with a six (6) foot wrought-iron style fence with a pointed tip facing inward towards the facility, similar to the fencing around the BPU Electric substations in residential districts; and,
8. 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, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2021-035** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Conservation District Comment Letter
Applicant Response Letter
Site Grading Plan
Piping Plan
Landscape Plan
Tank Elevations
Site Line Elevations
Site Photographs provided by the applicant
Site Photographs provided by Staff dated November 16, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	December 13, 2021	January 6, 2022
Preliminary and Approval		
Final Plan		

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2021-035**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2021-035**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at Recording 2 – 40:03:

PLAN REVIEW APPLICATION PR2021-035 – BRANDON SISK WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS (BPU) –

SYNOPSIS: Preliminary and Final Plan Review for BPU Water Argentine reservoir reconstruction at 1801 South 14th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Erik Rasmussen, representing the applicant Brandon Sisk with the Unified Government, Black & Veatch, 8400 Ward Parkway, Kansas City, Missouri 64114

Present in Opposition:

- No one appeared

Staff Recommendation starts at Recording 2 – 42:42: Planning Director Hand stated this Preliminary and Final Plan Review is for a BPU water reservoir reconstruction in the Argentine area. Staff has been working with the applicant and they have enhanced the landscaping plan, and Staff has asked the applicant to paint the reservoir a matching color to provide further screening. Staff has also asked the applicant to remove the barbed wire from the fence as the property is in a R-1 zoning district. The sidewalk on South Valley Street is also in a state of disrepair. The applicant needs to either remove the sidewalk or bring it up to Unified Government standards. There are no Notices of Violation on the property. Staff received no letters in support nor opposition. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at Recording 2 – 44:51:

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2021-035:**

Carson	Chairman
Miller	Aye

Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

1. Trees shall be planted along the berm to screen the tank from the existing residences along Lawrence Avenue, Valley Street, and South 13th Street;
2. Trees shall be at least two (2) inch caliper (shade or ornamental) or six (6) feet in height (evergreens) when planted;
3. The tank shall be painted a complimentary color that blends in with the surrounding topography and vegetation;
4. While it is not intended to be in BPU's scope of work, there are substantial improvements being made to the property, which should include continued maintenance (repair) of existing infrastructure. As stated previously, the existing sidewalk along South Valley Street should either be repair or removed;
5. Maneuvering on grass is not permitted per the Parking and Loading Code, therefore parking, loading and maneuvering areas shall be on an improved surface. As part of the building permit submittal, an improved surface shall be depicted on the site plan for vehicle parking;
6. All lighting shall have 90-degree cutoff fixtures;
7. Because barbed wire fencing is not permitted in the residential zoning district, unless enclosing open farmland greater than five (5) acres, or where farm animals are otherwise permitted, if the existing barbed wire fence is removed, it may be replaced with a six (6) foot wrought-iron style fence with a pointed tip facing inward towards the facility, similar to the fencing around the BPU Electric substations in residential districts; and,
8. 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, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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.

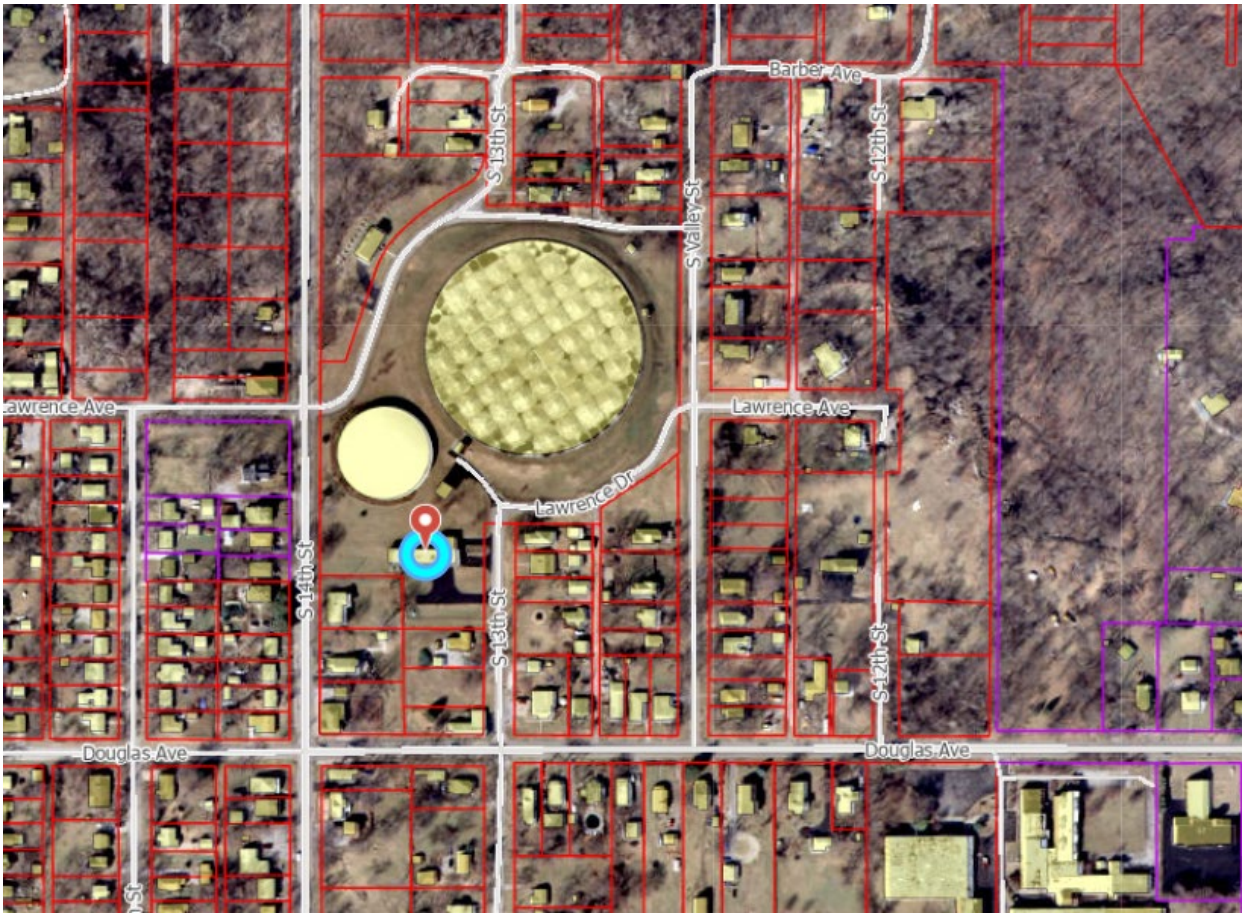


Figure 1. Aerial Photograph for 1801 South 14th Street (provided by UG Maps).

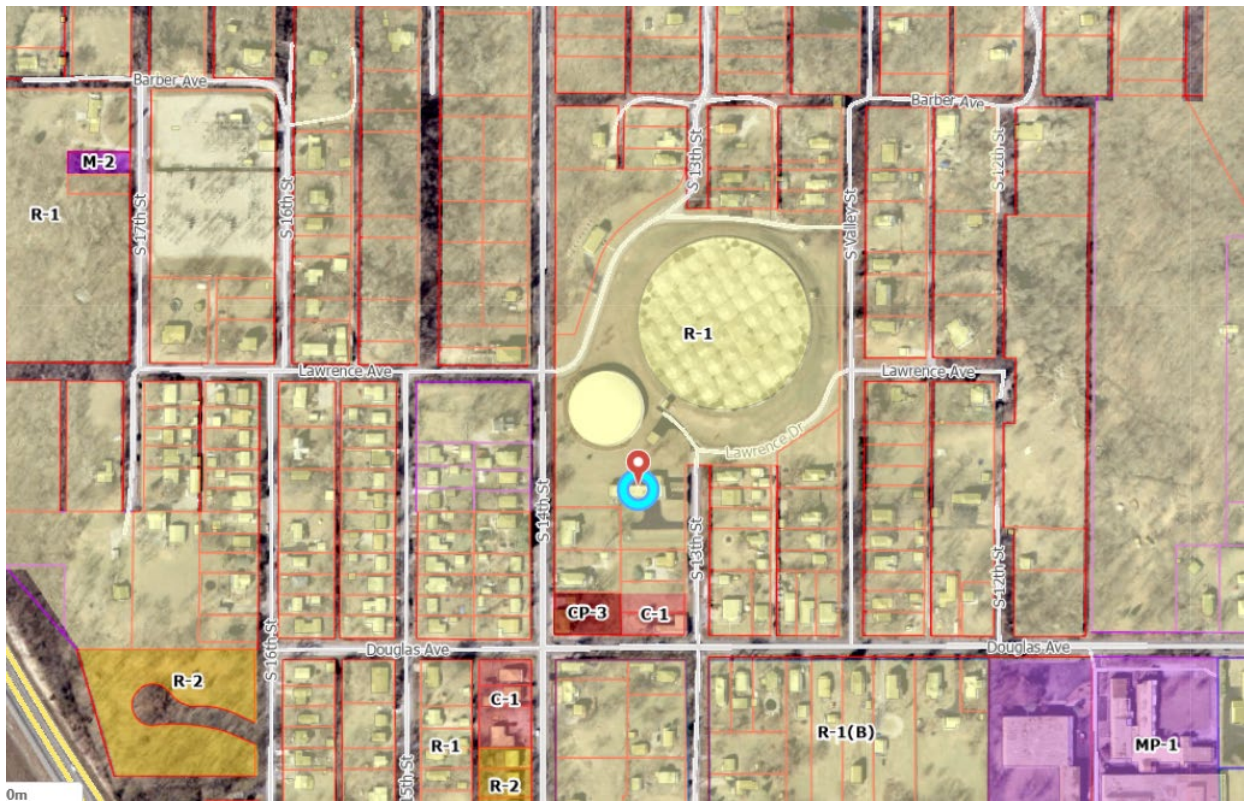


Figure 2. Zoning Map of 1801 South 14th Street (provided by UG Maps).



Figure 3. City-Wide Master Plan Land Use Map as indicated by the green dot (provided by ArcMap).



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

November 16, 2021

RE: PR021-035 Brandon Sisk with Board of Public Utilities For water Reservoir at 1801 South 14th Street

Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: PR021-035 Brandon Sisk with Board of Public Utilities For Water Reservoir at 1801 South 14th Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There is one major soil type identified: Ladoga silt loam, 3 to 8 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The Erosion Control Plan looks very good for controlling any runoff from the site during demolition and construction.
- The erosion control items need to be checked once each week and after a rain event.
- The Best Management Practices in this report can be used to solve any erosion problems for this site.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures



November 23, 2021

Subject: Application PR2021-035 – BPU Argentine Reservoir and Yard Piping: Responses to “draft” comments from Planning and Urban Design staff.

We have filed an application with the Department of Urban Planning and Land Use [#PR2021-035](#).

A summary of “draft” comments from Planning and Urban Design staff is shown below with Applicant responses in **RED** text.

1. Provide a sight line cross sections along Lawrence Avenue and Valley Street.
Applicant Response: See attachment titled “BPU ARGENTINE RESERVOIR APPROXIMATE RENDERING” showing approximate rendering of tank from Lawrence Ave and Valley Street.
2. Provide a landscape plan.
Applicant Response: See attachment titled “dwg C3 – Site Grading, Erosion Control and Landscaping Plan_DRAFT” showing draft landscaping plan. Final landscaping plan to be provided as soon as possible.
3. Trees should be planted along the berm to screen the tank from the existing residences along Lawrence Avenue, Valley Street, and South 13th Street.
Applicant Response: Trees will be planted as requested. See attachment titled “dwg C3 – Site Grading, Erosion Control and Landscaping Plan_DRAFT” showing draft landscaping plan. Final landscaping plan to be provided as soon as possible.
4. The tank shall be painted a complimentary color that blends in with the surrounding topography and vegetation.
Applicant Response: The tank exterior will be as shown in the attached approximate rendering - the pattern is shown on drawing MP1 and color is specified in Section 07 24 13.
5. Repair or remove the existing sidewalk along South Valley Street.
Applicant Response: Demolition of the stairs outside of the existing fence is not in the scope of this project. Existing sidewalk outside of existing fence also not in project scope.
6. Construct a paved parking pad for employees to park their vehicles when servicing the tank.
Applicant Response: Around the exterior of the tank, there will be a 6-foot-wide sidewalk/mow strip. Beyond that, there will be a 10-foot-wide flat grassy area before sloping away from the tank begins. This will provide sufficient vehicle access around the tank.
7. All lighting shall have 90-degree cutoff fixtures.
Applicant Response: Full cut-off fixtures will be specified for all lighting as requested.
8. Sec. 8-250(2) Barbed wire may be used at the top of fences in M-1 light industrial, M-2 general industrial, and M-3 heavy industrial districts, provided the same are carried on

brackets that the barbed wire shall be placed inside the fence line. The property is residentially zoned, so when was the current fence with barbed wire constructed?

Applicant Response: It is unclear exactly when the current fence with barbed wire was constructed, but it was installed before at least 1950.

9. 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, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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.

Applicant Response: Noted. A Land Disturbance Permit for this project will be obtained.

Feel free to contact Erik Rasmussen or Brandon Sisk with any follow-up questions or comments.

Sincerely,



Erik Rasmussen – Engineering Manager
Black & Veatch Corporation
8400 Ward Parkway, Kansas City, MO 64114
(913) 458-3696
RasmussenET@bv.com

Brandon Sisk – Project Engineer
Kansas City Board of Public Utilities
300 North 65th St. Kansas City, KS 66102
(913) 573-9842
bsisk@bpu.com

Neighborhood Meeting Minutes

Application Number: PR2021-035

Date and Location: Virtual (Microsoft Teams)

Meeting called to order at: 6:30 PM

Names of people in attendance:

Erik Rasmussen (Black & Veatch)

Chris Ramsey (Black & Veatch)

Andrew Hansen (Black & Veatch)

Brandon Sisk (BPU)

Wilhelmina Ferguson

Sarah Waggoner

Introductions

Presentation by team:

- This project will be at the Argentine Pump Station site, which serves the Argentine area of KCK along with the University of Kansas Medical Center.
- The scope involves demolition of an existing 12 million gallon (MG) water storage reservoir that was constructed over 100 years ago and has been out of operation since 2010.
- A new 7 MG water storage reservoir will be constructed in-place of the existing 12 MG reservoir and will provide additional water storage and improved water quality.
- Since the 7 MG reservoir will be smaller than the existing 12 MG reservoir, there will be a reduction in impervious area, so it will be a net benefit in terms of storm water runoff for the site.
- The new 7 MG reservoir will be the same height as the existing 4 MG reservoir.
- The exterior finish of the new 7 MG reservoir will match that of a water storage reservoir at the BPU Nearman Water Treatment Plant (a photo and approximate rendering was shared on the screen)
- The project schedule was shared:
 - Bid advertisement – December 2021
 - Bids due – January 2022
 - Notice to Proceed – February 2022
 - Existing Reservoir Demolition – February 2022
 - New Reservoir in Service – March 2023

Questions and answers:

1. Question (by Wilhelmina Ferguson) – How will the demolition be done?

Answer (by Erik Rasmussen) – Demolition of the existing 12 MG tank will be done by the Contractor's means and methods, but generally mechanical demolition. No blasting will be permitted.

2. Question (by Wilhelmina Ferguson) – Will there be any road closures?

Answer (by Erik Rasmussen) – The demolition debris will be hauled from the site via S 13th Street. No road closures are anticipated.

3. Question (by Wilhelmina Ferguson) – Will the existing fence remain in place?

Answer (by Erik Rasmussen) – Yes, the existing fence around the site will remain.

Meeting adjourned at: 6:45 PM

Minutes taken by: Erik Rasmussen (Black & Veatch)

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

Comes now Erik Rasmussen, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # PR2021-035.
2. That I conducted a neighborhood meeting on November 29th, 2021 at 6:30 PM.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

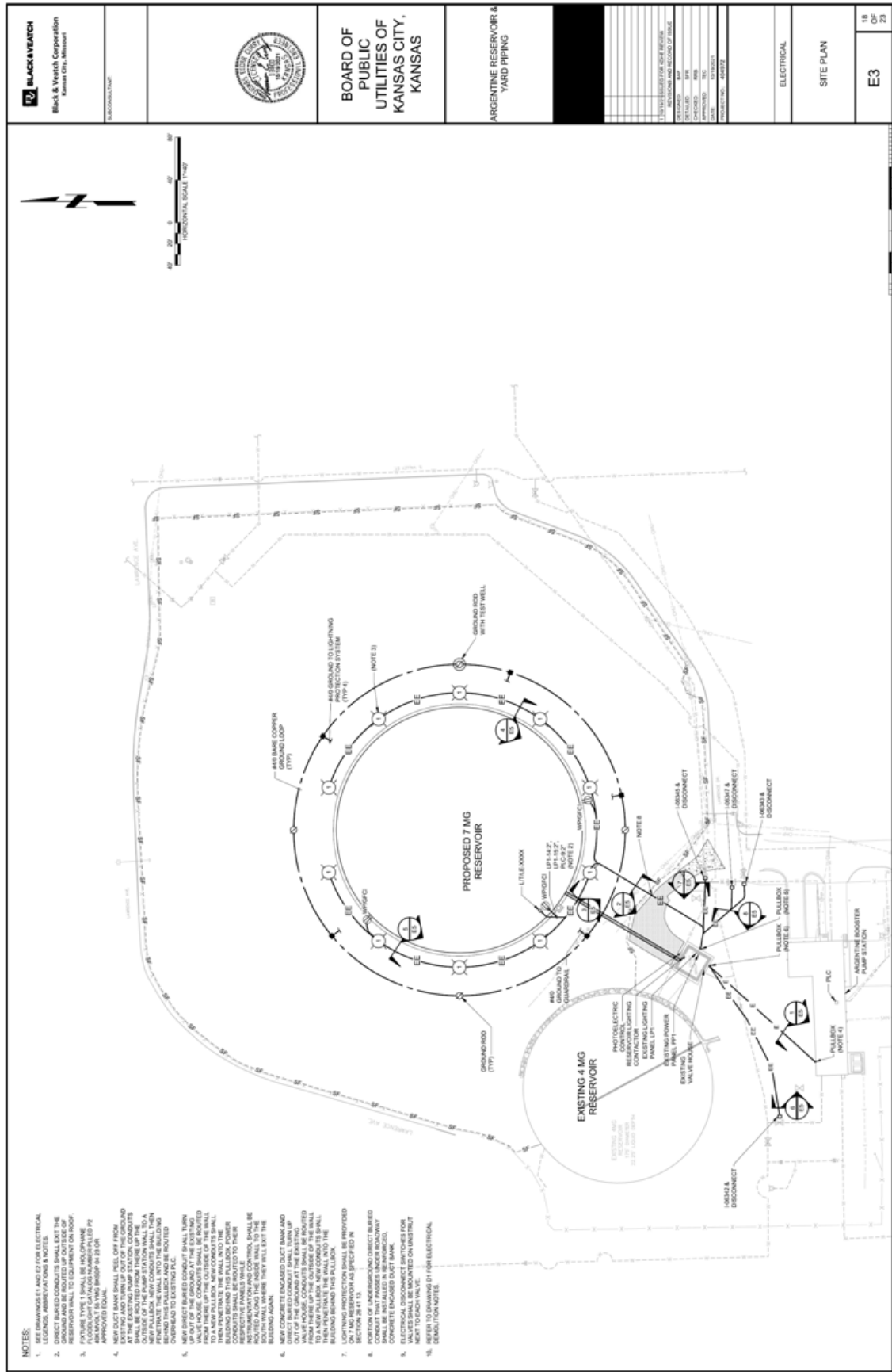


Affiant

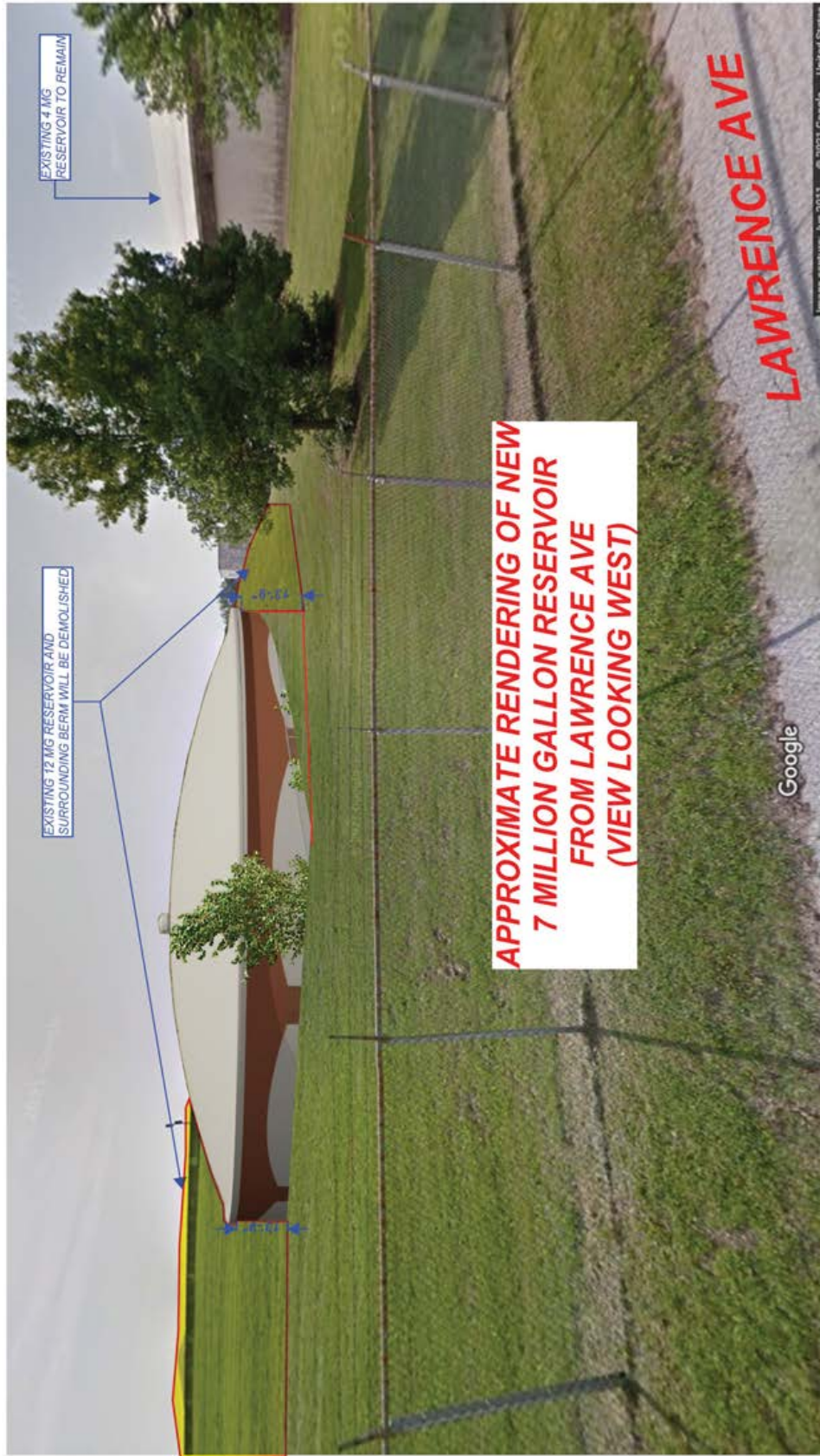
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

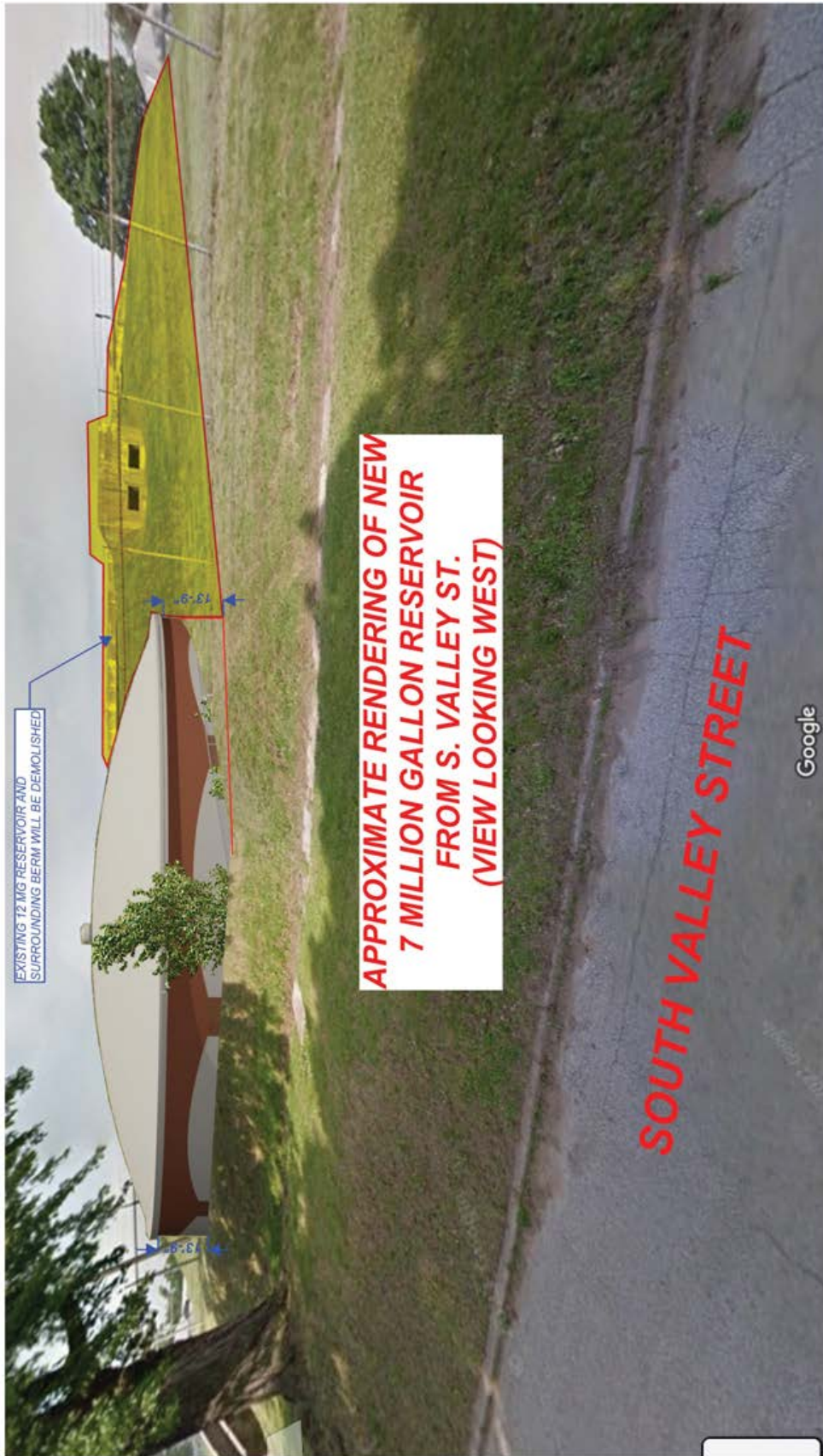
My commission expires _____ of _____, 200_.

Notary Public









EXISTING 12 MG RESERVOIR AND
SURROUNDING BERM WILL BE DEMOLISHED

APPROXIMATE RENDERING OF NEW
7 MILLION GALLON RESERVOIR
FROM S. VALLEY ST.
(VIEW LOOKING WEST)

SOUTH VALLEY STREET

Google

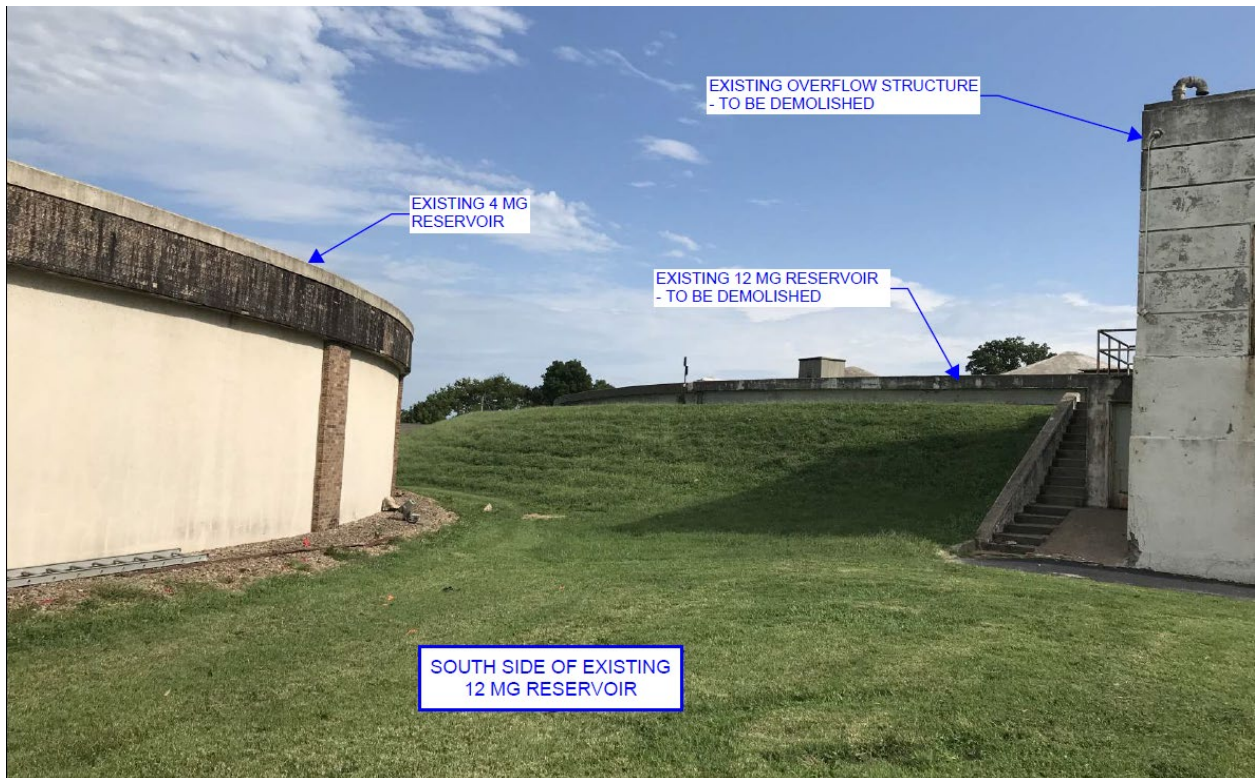


Figure 4. Photograph of 1801 South 14th Street (provided by the applicant).



Figure 5. Photograph of 1801 South 14th Street (provided by the applicant).



Figure 6. Photograph of 1801 South 14th Street (provided by the applicant).



Figure 7. Photograph of 1801 South 14th Street (provided by the applicant).



Figure 8. Site Photograph of 1801 South 14th Street looking west from South Valley Street (provided by Staff).



Figure 9. Site Photograph of 1801 South 14th Street looking east from Lawrence Avenue (provided by Staff).



Figure 10. Site Photograph of 1801 South 14th Street looking southeast from Lawrence Avenue (provided by Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Petitions COZ2021-004 & MPL2021-017

GENERAL INFORMATION

Applicant:
Mark Cross

Status of Applicant:
Homeowner
7331 Holliday Drive
Kansas City, Kansas 66106

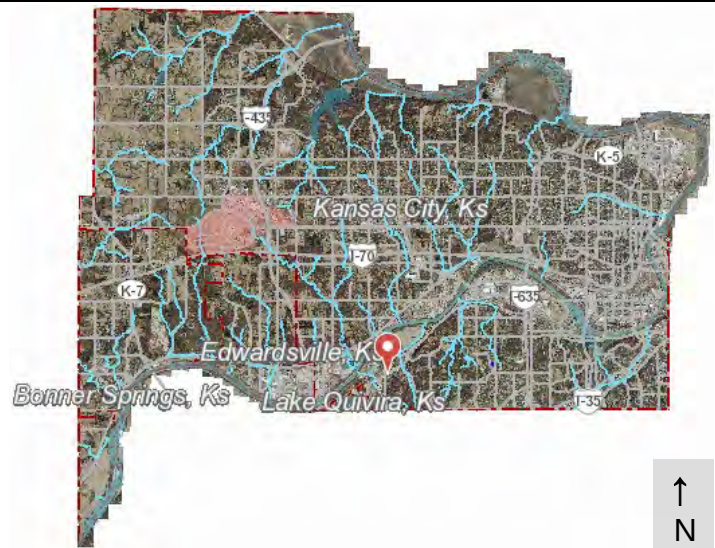
Requested Actions:
Approval of a Change of Zone.

Approval of a Master Plan
Amendment.

Date of Application:
January 20, 2021

Purpose:
To change the zoning district from R-1
Single Family District and CP-0 Planned
Non-Retail Business District to CP-1 Limit
Business District.

To amend the land use designation in the
City-Wide Master Plan from Low-Density
Residential to Neighborhood Commercial.



Property Location:	7331 Holliday Drive Kansas City, Kansas 66106
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	R-1 Single Family and CP-0 Planned Non-Retail Business District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family and CP-1 Planned Limited Business District
Adjacent Uses:	North: Single-family residence South: Single-family residences East: Single-family residences West: Single-family residences and commercial business
Total Tract Size:	2.65 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods. Neighborhood Commercial, the proposed land use designation, allows convenience retail uses such as banks, drug stores, and service stations, local sit-down restaurants, and small-scale professional and office services. Neighborhood Commercial discourages industrial uses, business parks, adult-oriented businesses, night clubs and bars selling only alcohol, drive-through restaurants, and car lots.
Major Street Plan:	The Citywide Master Plan designates Holliday Drive as a Class B Thoroughfare.

Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one of which shall be in a garage or carport. CP-0 District (current zoning): Section 27-463(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. CP-1 District (proposed zoning): Although the applicant is seeking a Change of Zone for the entire parcel to the CP-1 Planned Limited Business District, a single-family residence is subject to the standards of the R-1 District, including parking requirements, per Section 27-464(b)(3)c. Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one of which shall be in a garage or carport. The applicant has both an existing attached garage and is proposing to construct an additional accessory building; between the two (2) structures there is sufficient parking available for more than two (2) vehicles.
Advertisement:	<u>The Wyandotte Echo</u> – March 18, 2021 and November 18, 2021 Letters to Property Owners – March 19, 2021; April 16, 2021; May 14, 2021; June 17, 2021; July 16, 2021; August 20, 2021; September 17, 2021; October 15, 2021; November 19, 2021; and December 29, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	None to date.
Public Opposition:	One (1) person appeared at the Board of Zoning Appeals meeting. There was opposition to the original application prior to the applicant revising the zoning districts required and removing the Special Use Permit.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mark Cross, is requesting a Change of Zone and a Master Plan Amendment. The applicant's parcel is presently split-zoned between the CP-0 Planned Nonretail Business District and R-1 Single

Family District; the applicant proposes a Change of Zone for the entire parcel to the CP-1 Planned Limited Business District. The applicant is also proposing a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial. The applicant is simultaneously requesting four (4) variances related to the proposed Change of Zone, due to pre-existing setbacks and the proposed addition of an accessory building.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by the Property Maintenance Compliance Division:

- July 29, 2002- Several Inoperable Vehicles
 - August 8, 2002- Trash*
 - September 5, 2002 – Inoperable Vehicle Without License Plate*
 - December 10, 2003 – Inoperable Vehicles; Trash
 - January 9, 2004 – Inoperable Vehicle Without License Plate*
 - January 12, 2004 – Inoperable Vehicle Without License Plate
 - February 23, 2005 – Primary Residence and Property Unfit; Junk*
 - September 6, 2006 – Weeds Abatement; No Utilities Serving Property*
 - November 24, 2009 – No Visible Address Numbers
- * Cited as the alternative address, 7329 Holliday Drive

FACTORS TO BE CONSIDERED

Change of Zone

1. The character of the neighborhood.

The neighborhood is transitional in nature from the industrial uses on the north side of Holliday Drive to the single-family neighborhood on the south side of Holliday Drive. Among the parcels adjacent to Holliday Drive from the south, the subject property also serves as a transition from the single-family lots to the north/northeast and the commercial buildings and water treatment plant to the south/southwest, including the adjacent commercial building at the corner of Holliday Drive and South 74th Street, which serves as a commercial node.

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

Between Inland Drive and the Kansas City-Lake Quivira municipal border, Holliday Drive features many industrial uses. These uses are most common north of the right-of-way, but non-residential uses such as water treatment and athletic training also border Holliday Drive. Light (or limited) commercial uses can serve as a transition from residential uses to heavier commercial uses, especially if there are similarities in architectural design and the proper use of landscape screening between the properties. Therefore, the proposed use can be considered compatible with the nearby residential properties, especially the residential properties to the east and south.

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

The subject property accesses Holliday Drive, a Class B Thoroughfare. Commercially zoned properties are better suited to be located along major roads than residential properties. Allowing light commercial uses on the subject property, even if the applicant does not express a desire to engage in such commercial activities. The accessory building to be constructed in the future in the north/northeastern portion of the property will be shielded from the view of some of the adjacent neighbors by the steep hill and thick cluster of trees directly to the south that takes up most of the property. Noise, lights, and vibrations may affect some neighbors.

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

The property is not vacant. It is the primary residence of the applicant.

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

The primary residence on the subject property is located within the portion of the parcel zoned CP-0. The CP-0 District does not allow for a primary residence, so a Change of Zone was necessary. The applicant requested a Change of Zone to the CP-1 District instead of the R-1 District because the proposed accessory building had already been purchased before any planning entitlements had been granted, and the applicant desires to conform to the Commercial development Guidelines Overlay District rather than redesign the accessory building to match the design and materials of the primary residence. While there are additional uses allowed in the CP-1 District that are not allowed in the R-1 District, the applicant has stated that there is no intention to conduct commercial business on the property, outside of home occupation uses permitted under Section 27-609(1). Heavy commercial and industrial uses, especially the commercial uses proposed by the applicant initially, can permanently injure the appropriate use, visual quality or marketability of nearby property.

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

Despite the requested Change of Zone to CP-1, the applicant's proposed plans do not involve customers coming to the property. Therefore, there is no concern of increased traffic or parking due to customers.

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

The existing land use designation for the property is Low-Density Residential. A land use designation under the City-Wide Master Plan, Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses and the cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods. A Change of Zone to the CP-1 Planned Limited Business District alone does not conform with the City-Wide Master Plan. Therefore, the applicant is simultaneously requesting a Master Plan Amendment to the Neighborhood Commercial District. The Neighborhood Commercial land use designation allows convenience retail uses such as banks, drug stores, and service stations, local sit-down restaurants, and small-scale professional and office services. Neighborhood Commercial discourages industrial uses, business parks, adult-oriented businesses, night clubs and bars selling only alcohol, drive-through restaurants, and car lots. The proposed uses conform with the Neighborhood Commercial encouraged and discouraged uses.

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

To mitigate risk of air, land, and/or water pollution, the proposed accessory building must ensure that liquids do not leak into the ground and pollute the water supply. Additionally, disposal of old parts must also be done in a manner that is safe, legal, and environmentally considerate, as well as in compliance with all relevant commercial regulations. Lastly, landscaping and other vegetation must be installed and/or planted in conformance with the Commercial Development Guidelines Overlay District.

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

a. *Water service*

There is currently water service to the property.

b. *Sanitary sewer service*

A sanitary sewer line is adjacent to the property to the north, underneath Holliday Drive.

c. *Storm water control*

A storm water line is provided on Holliday Drive.

d. Police

Police service is provided by South District, #334.

e. Fire

Fire service is provided by Fire Station #20.

f. Transit

No public transit serves this property.

g. Schools

Oak Grove Elementary School, Turner Middle School, and Turner High School are provided by Turner USD #202.

h. Streets

The property is accessible by Holiday Drive, running northeast-southwest.

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

The applicant is not establishing a new business. Rather, they are simply attempting to construct a 2,400-square foot accessory building that conforms with the Commercial Development Guidelines Overlay District in order to store personal vehicles. The purposed used has little to no economic benefit to the community.

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

A Change of Zone to CP-1 places the subject property under the Commercial Development Guidelines Overlay District (CDGOD). New additions, which includes the proposed accessory building, are subject to the CDGOD's building and landscaping design regulations. Based on the building elevations that the applicant has provided, the accessory building does not currently meet CDGOD standards. The existing primary residence and accessory buildings do not mee the front yard setbacks, and the proposed addition of a new accessory building exacerbates violations of the maximum number of accessory buildings and the total floor area of accessory buildings.

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

In requesting a Change of Zone from CP-0/R-1 to CP-1, the applicant is proposing a change in the uses allowed on the subject property. There are a host of uses allowed by right in the CP-1 District that are not allowed in the R-1 or CP-0 Districts. Furthermore, there are some uses allowed only by Special Use

Permit in the commercial districts. The addition of such uses, some of which are allowed in the CP-1 District by right and thus neighbors would be given no notice and would have no opportunity to provide input and could create a hardship on nearby residential landowners.

Master Plan Amendment

1. *Neighborhood character.*

See Change of Zone Review Factor #1.

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

See Change of Zone Review Factor #6.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

The subject property has an existing primary residence and accessory buildings, all of which are currently served by utilities and public services. The proposed accessory building must be connected to the existing utilities on the subject property. The utilities and public services that are currently available are adequate to serve the proposed amendment and the extent to which the environment would be impacted

4. *The difference between the existing and proposed Master Plan.*

See Change of Zone Review Factor #7.

5. *Analysis of the impact on surrounding properties.*

See Change of Zone Review Factors #2, 3, and 6.

6. *Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.*

See Change of Zone Review Factor #10.

PREVIOUS ACTIONS

- BOZA2021-034 (four (4) variances from front yard setbacks and accessory building quantity and floor area; heard simultaneously)

NEIGHBORHOOD MEETING

The applicant held an in-person neighborhood meeting at 7331 Holliday Drive on October 25, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the *Attachments* section of this report).

KEY ISSUES

Commercial Development Guidelines Overlay District
Compatibility of Uses
Landscaping Plan
Noise
Site Improvements
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-004** and Master Plan Amendment **MPL2021-017**, subject to:

- 1) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 2) No inoperable vehicles may be stored on the property, which exception to the 24-hour condition as noted above;
- 3) No parking or storage of vehicles is allowed on the street or in the public right-of-way;
- 4) Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates at least three (3) of techniques listed in Section 27-576(c)(2);
- 5) Per Section 27-576(h)(1), windows, windows with awnings, and covered pedestrian walkways for new constructions should total at least 60 percent of the building frontage along public streets. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;
- 6) Any approval by the City Planning Commission of these cases, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2021-034 by the Board of Zoning Appeals and upon any ordinance publications required by law;
- 7) These City Planning Commission cases are being heard in conjunction with BOZA2021-034. The following are conditions for BOZA2021-034 and are stated here for reference only, as COZ2021-004 and MPL2021-017 are

solely for a Change of Zone from CP-0 Planned Nonretail Business District and R-1 Single Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial.

- a. All existing accessory buildings, except for one (1) identified garage, must be demolished;
 - b. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates at least three (3) of techniques listed in Section 27-576(c)(2);
 - c. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;
 - d. A five (5)-foot sidewalk must be installed along the public right-of-way;
 - e. The existing driveway must be paved and curb cuts for the driveway installed;
 - f. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
 - g. No commercial vehicles or vehicles otherwise used for business purposes may be stored on the property;
 - h. No parking or storage of vehicles is allowed on the street or in the public right-of-way;
 - i. Any approval of one (1) or more variances therein are contingent upon and shall only go into effect upon the approval of Petitions COZ2021-004 and MPL2021-017;
 - j. 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;
 - k. A building permit is required;
 - l. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit;
 - m. If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
 - n. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments;
 - o. Site improvements including land disturbance activity on greater than 1 acre of surface area of land require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations; and,
 - p. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Department of Planning and Urban Design.
- 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) A building permit is required. Please contact the Building Inspection Department to begin that process;
 - 10) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
 - 11) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
 - 12) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
 - 13) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 - 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;
 - 15) No current business record is found for applicant. Applicant will need to file and maintain a current occupation tax application; and,
 - 16) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Conservation District Letter, Dated March 16, 2021” in the *Attachments* section of this report.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-004 and MPL2021-017**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Sidewalks and Trail Master Plan
Photos of the Property Provided by Staff, Dated March 20, 2021
Photos of the Property Submitted by the Applicant
Site Plans Provided by the Applicant
Renderings of the Proposed Accessory Building
Elevations and Building Plans of the Proposed Accessory Structure
Landscaping Plans Provided by the Applicant
Conservation District Comment Letter, Dated March 16, 2021
Neighborhood Meeting Materials, Dated October 25, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	December 13, 2021 Approval	January 6, 2022
Master Plan	December 13, 2021 Approval	January 6, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-004 and MPL2021-017**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-004 and MPL2021-017**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:03:40:

MASTER PLAN AMENDMENT MPL2021-017 – MARK CROSS WITH CROSSROAD TRUCKING,, LLC – SYNOPSIS: Master Plan Amendment from Low Density Residential to Neighborhood Commercial (City-Wide Master Plan) at 7331 Holliday Drive.

CHANGE OF ZONE APPLICATION COZ2021-004 – MARK CROSS WITH CROSSROAD TRUCKING, LLC - SYNOPSIS: Change of Zone from R-1 Single Family and CP-O Planned Non-Retail Business District to CP-1 Planned Limited Business District for a single-family residence and accessory structures at 7331 Holliday Drive.

Detailed Outline of Requested Action: The applicant, Mark Cross, is requesting a Change of Zone and a Master Plan Amendment. The applicant's parcel is presently split-zoned between the CP-0 Planned Nonretail Business District and R-1 Single Family District; the applicant proposes a Change of Zone for the entire parcel to the CP-1 Planned Limited Business District. The applicant is also proposing a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial. The applicant is simultaneously requesting four (4) variances related to the proposed Change of Zone, due to pre-existing setbacks and the proposed addition of an accessory building.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by the Property Maintenance Compliance Division:

- July 29, 2002- Several Inoperable Vehicles
 - August 8, 2002- Trash*
 - September 5, 2002 – Inoperable Vehicle Without License Plate*
 - December 10, 2003 – Inoperable Vehicles; Trash
 - January 9, 2004 – Inoperable Vehicle Without License Plate*
 - January 12, 2004 – Inoperable Vehicle Without License Plate
 - February 23, 2005 – Primary Residence and Property Unfit; Junk*
 - September 6, 2006 – Weeds Abatement; No Utilities Serving Property*
 - November 24, 2009 – No Visible Address Numbers
- * Cited as the alternative address, 7329 Holliday Drive

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony tonight at the Board of Zoning Appeals meeting.

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

Present in Support:

- Mark Cross, applicant, 7331 Holliday Drive, Kansas City, Kansas 66106
- Matthew Cross, 12131 West 36th Street, Apartment 817, Overland Park, Kansas 66221

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:08:57: Planning Director Hand stated that these applications are being heard in conjunction with BOZA2021-034, which was approved with conditions by the Board of Zoning Appeals earlier this evening. This property is located in the Morris Neighborhood adjacent to the small commercial node at 74th and Holliday Drive. The purpose of the Change of Zone is to correct the split zoning that was approved for a previous owner, who also converted the home to an office. The applicant has converted the office back to a single-family home. The Board of Zoning Appeals approved the application with the removal of the “historic garage building.” He further stated that there are additional conditions with this application that are outlined in the staff report. There are numerous Notices of Violation prior to Mr. Cross’ ownership of the property. Staff has received no letters in support and there was someone present at the Board of Zoning Appeals meeting in opposition. Staff recommends approval, subject to the conditions in the staff report.

Motion and Vote starts at 2:11:55:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-017:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to APPROVAL Passed: 5 to 0

Subject to:

- 1) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 2) No inoperable vehicles may be stored on the property, which exception to the 24-hour condition as noted above;**
- 3) No parking or storage of vehicles is allowed on the street or in the public right-of-way;**
- 4) Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates at least three (3) of techniques listed in Section 27-576(c)(2);**
- 5) Per Section 27-576(h)(1), windows, windows with awnings, and covered pedestrian walkways for new constructions should total at least 60 percent of the building frontage along public streets. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;**
- 6) Any approval by the City Planning Commission of these cases, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2021-034 by the Board of Zoning Appeals and upon any ordinance publications required by law;**
- 7) These City Planning Commission cases are being heard in conjunction with BOZA2021-034. The following are conditions for BOZA2021-034 and are stated here for reference only, as COZ2021-004 and MPL2021-017 are solely for a Change of Zone from CP-0 Planned Nonretail Business District and R-1 Single Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial.**

- a. All existing accessory buildings, except for one (1) identified garage, must be demolished;
 - b. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates at least three (3) of techniques listed in Section 27-576(c)(2);
 - c. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;
 - d. A five (5)-foot sidewalk must be installed along the public right-of-way;
 - e. The existing driveway must be paved and curb cuts for the driveway installed;
 - f. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
 - g. No commercial vehicles or vehicles otherwise used for business purposes may be stored on the property;
 - h. No parking or storage of vehicles is allowed on the street or in the public right-of-way;
 - i. Any approval of one (1) or more variances therein are contingent upon and shall only go into effect upon the approval of Petitions COZ2021-004 and MPL2021-017;
 - j. 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;
 - k. A building permit is required;
 - l. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit;
 - m. If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
 - n. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments;
 - o. Site improvements including land disturbance activity on greater than 1 acre of surface area of land require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations; and,
 - p. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Department of Planning and Urban Design.
- 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.

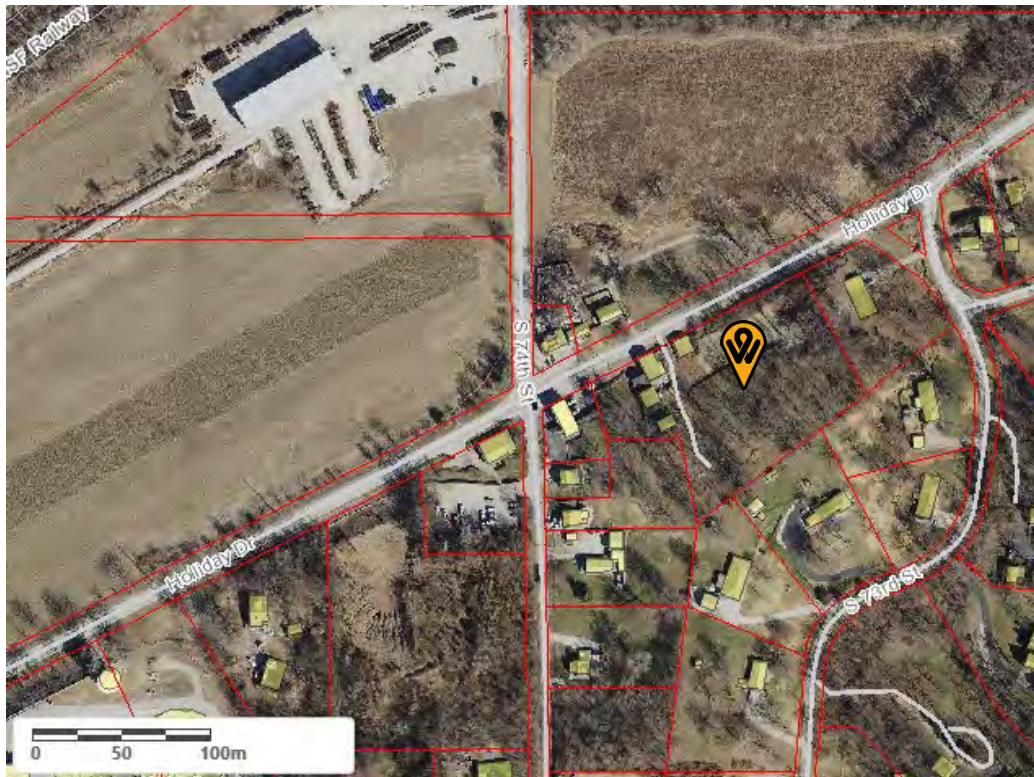
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
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- 12) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 13) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 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;
- 15) No current business record is found for applicant. Applicant will need to file and maintain a current occupation tax application; and,
- 16) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the "Conservation District Letter, Dated March 16, 2021" in the *Attachments* section of this report.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-004:**

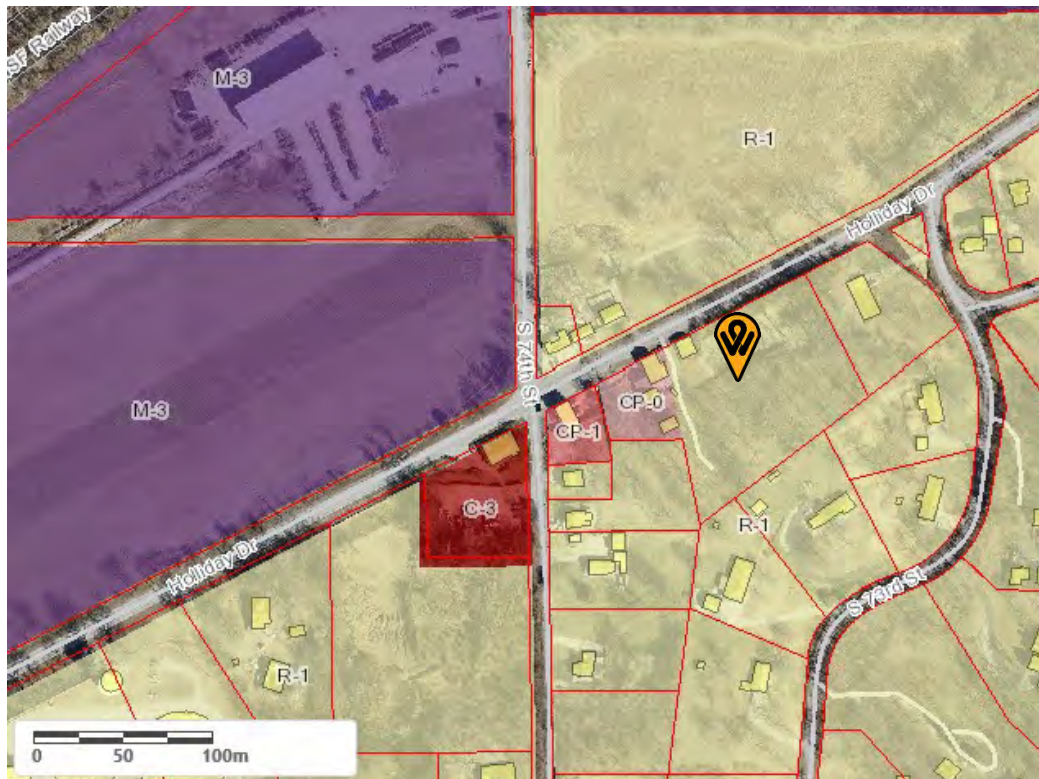
Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye

Jones Aye
Motion to APPROVAL Passed: 5 to 0
Subject to the above conditions

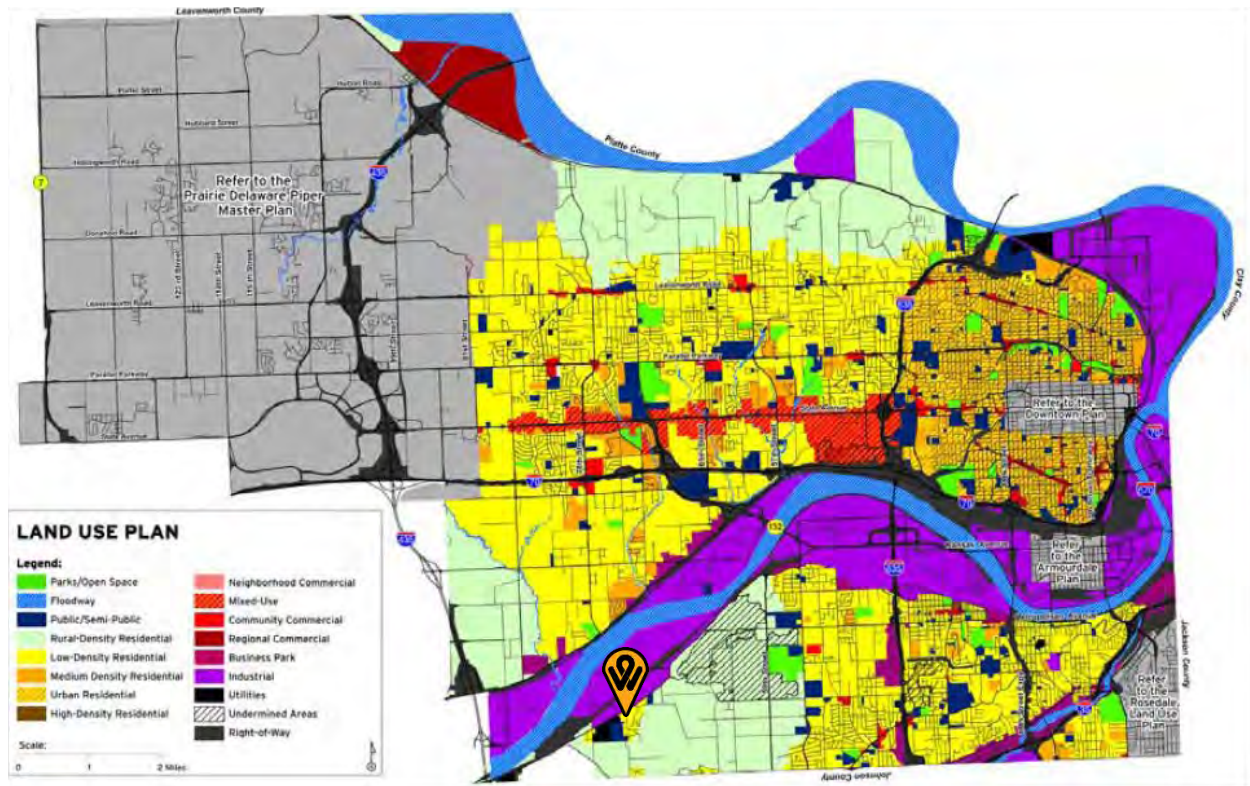
AERIAL MAP



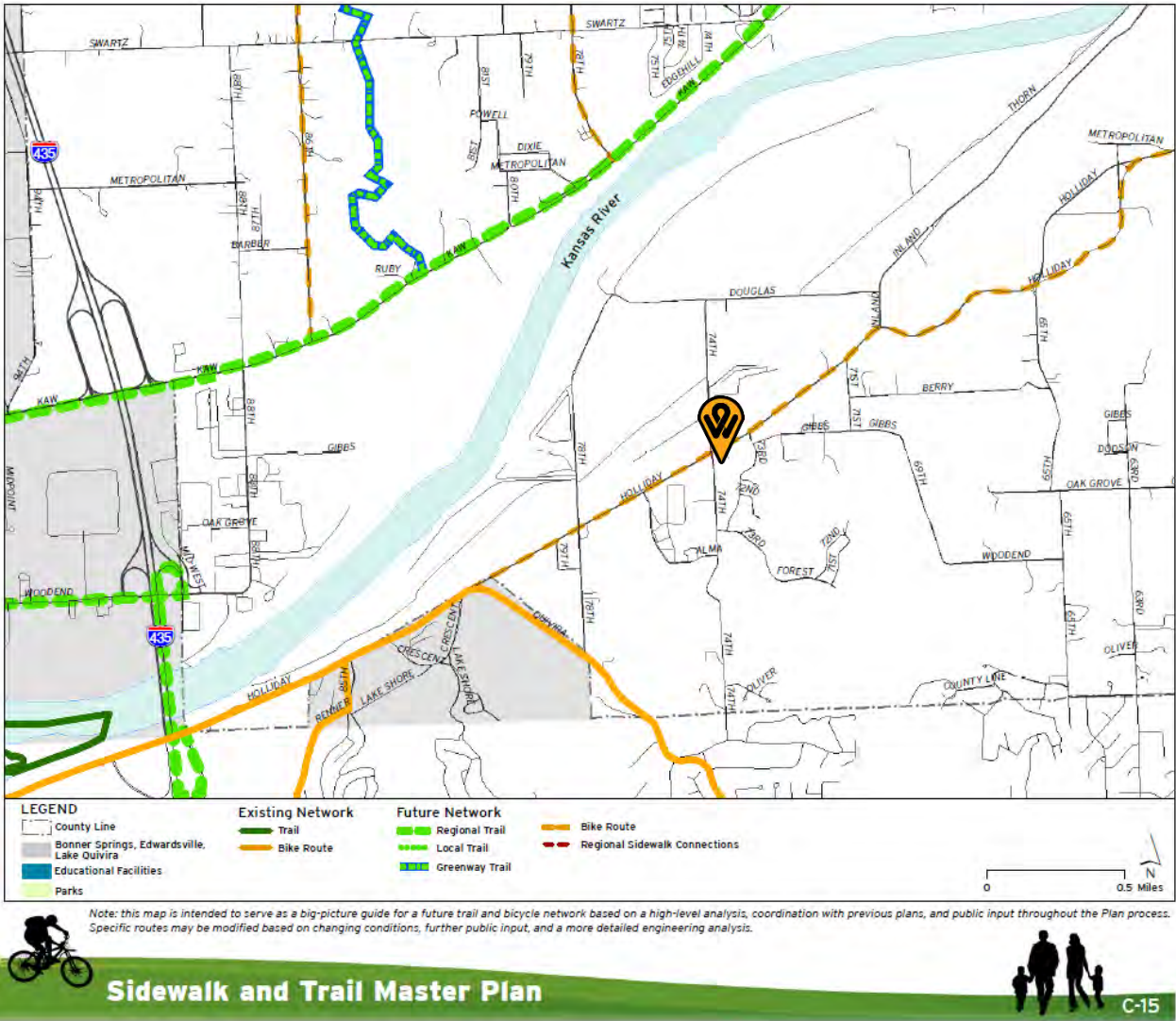
ZONING MAP



LAND USE MAP

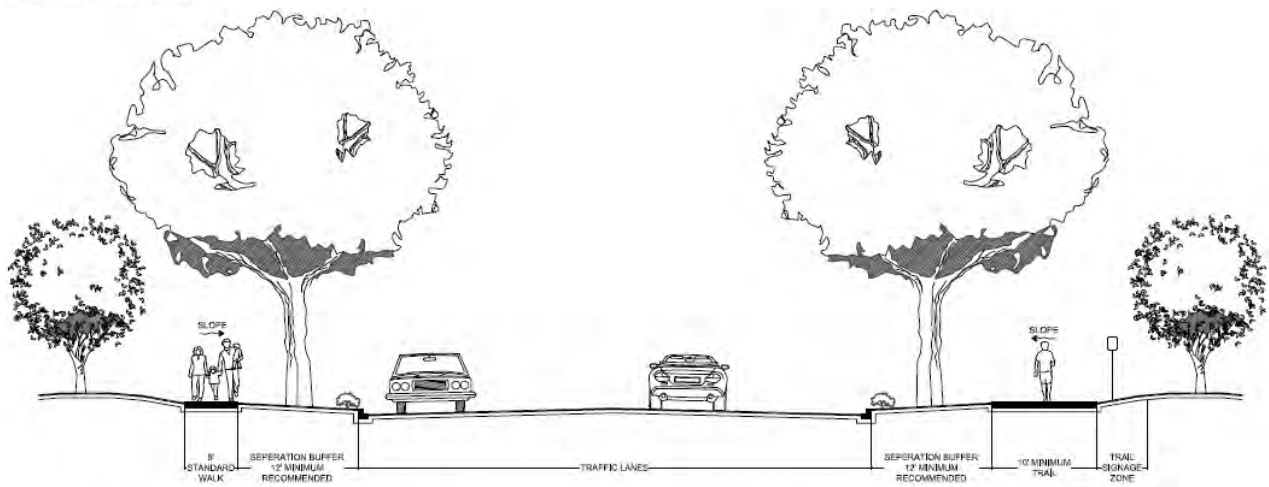


SIDEWALKS AND TRAILS MASTER PLAN



SIDEWALKS AND TRAILS MASTER PLAN, CONT.

Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED MARCH 21, 2021



PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT



- *This has been included in the original application: note photos of the mockup superimposed upon WYCO Unified aerial structure-zone mapping, with emphasis on the yellow rectangular boxes designating existing structure, and the proposed structure designated with a red “X” and a yellow rectangle.*
- *See answer to question (Staff comments and suggestions: 2 (a)) utilizing the WYCO Unified Aerial structure-zone mapping with superimposed mockup of the proposal, delineating exact elevations of pre-existing structures and the proposed accessory structure location.*

RENDERINGS OF THE PROPOSED ACCESSORY BUILDING



Applicant Note:

- *A mockup of the proposed structure, which will have 40 feet of windows installed into the side of the building, as shown.*
- *Both the color of the structure and design have been matched to the primary residence, as shown here.*
- *Affixed to at least 60% of the façade, the building will have Cementous siding, as shown here in the 3D mockup – anchored the full 9 inches adjacent to the concrete footing.*

Architectural drawing of the front endwall elevation of a building. The drawing shows a gabled structure with a total width of 40'-0" and a total height of 22'-7 3/8". The roof pitch is 12/4. The endwall features a central section with two large windows, each 16'-0" wide and 20'-11" high, separated by a 2'-0" wall. The side walls are 4'-0" wide. The roof is supported by a truss system with 5" galvanized purlins and 6" track at the ends. Chord braces and wind rods are shown on the side walls. The drawing includes a north arrow and a scale of 1/4" = 1'-0". A red stamp in the bottom right corner reads "PHILIP J. ASKEW, INC. 9190 1-26-21 KANSAS PROFESSIONAL ENGINEER".



1 2 3 4 5 6

12' 12' 12' 12' 12'

12" 12" 12" 12" 12" 12" 12" 12" 12" 12"

12'-0" BAY(1) 12'-0" BAY(2) 12'-0" BAY(3) 12'-0" BAY(4) 12'-0" BAY(5)

60'-0"

6'-8"

15'-11 1/8"

22'-7 1/8"

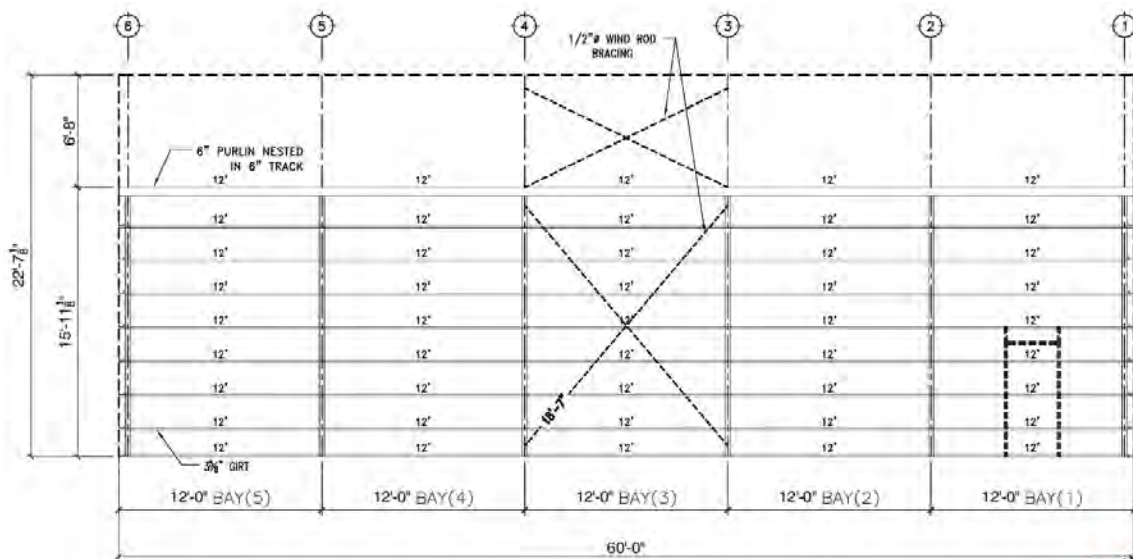
1/2" Ø WIND ROD BRACING

6" PURLIN NESTED IN 6" TRACK

5/8" GIRT

12'-7"

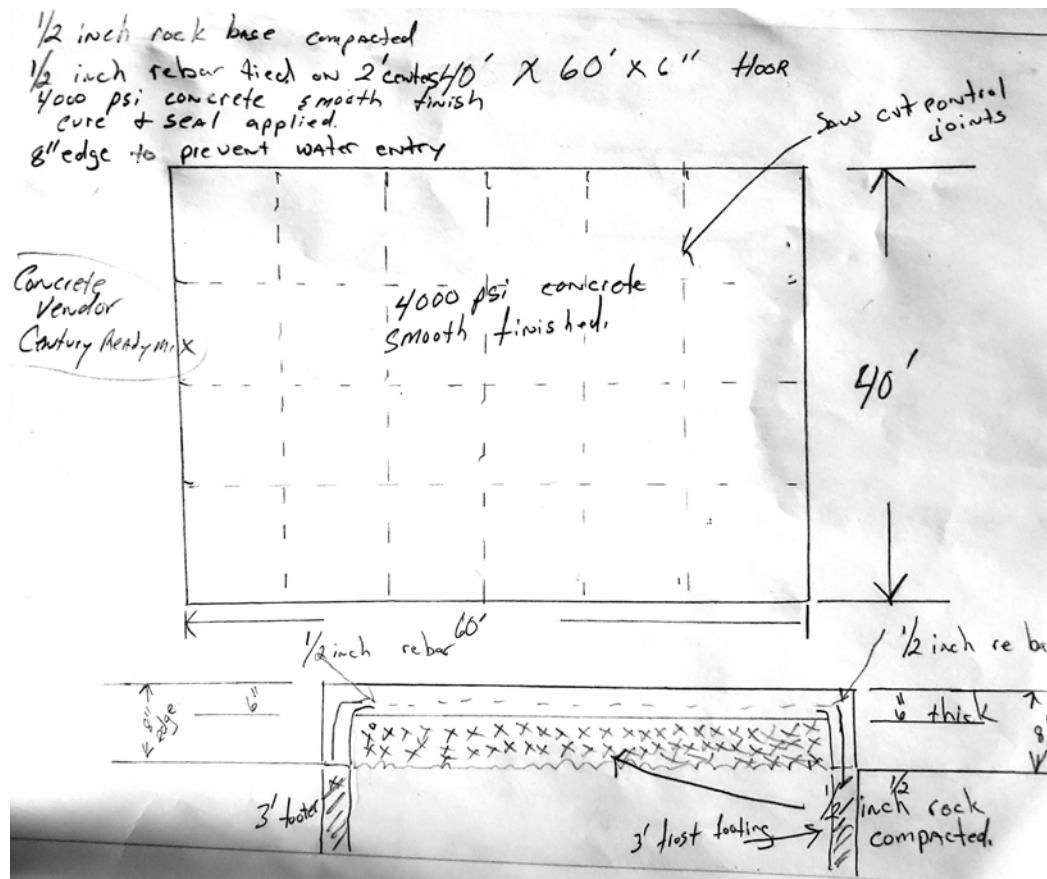
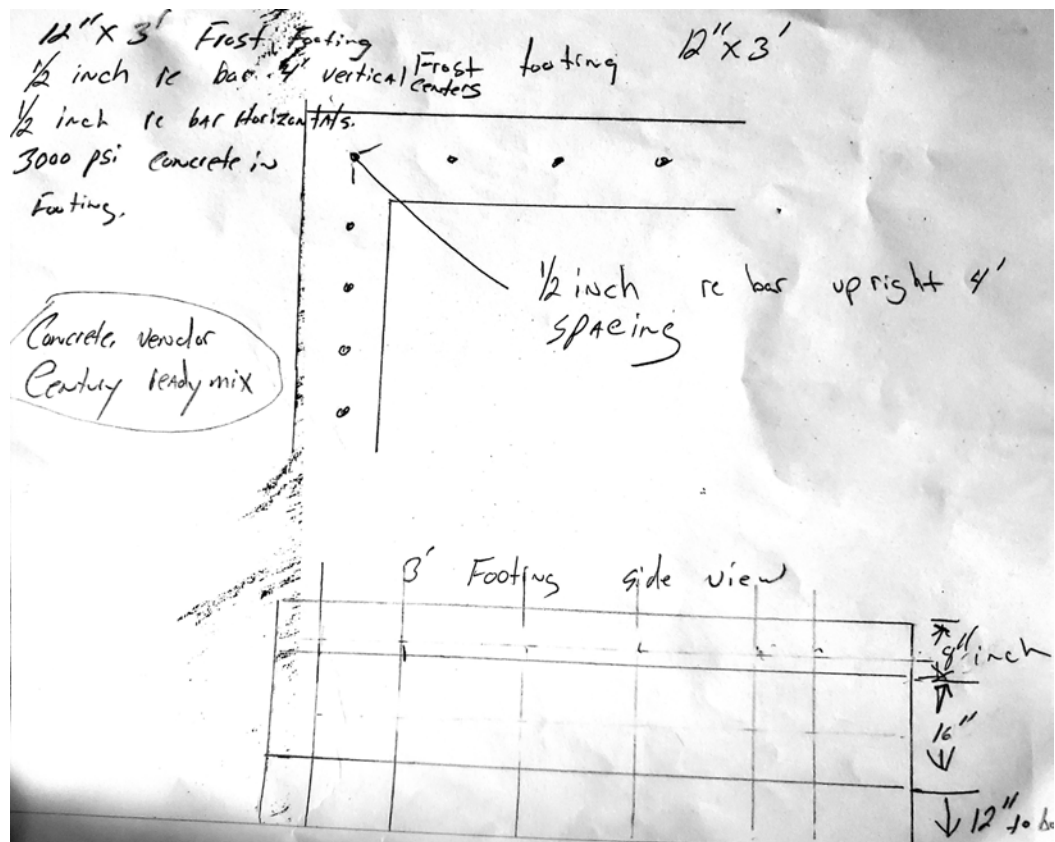
Scale 3/16"=1'-0"



Scale 1/4" = 1'-0"



ELEVATIONS AND BUILDING PLANS OF THE PROPOSED ACCESSORY STRUCTURE, CONT.



LANDSCAPING PLANS PROVIDED BY THE APPLICANT



Applicant Note: This has been included in the original zone-change application: note photos of the mockup superimposed upon WYCO Unified aerial structure-zone mapping, with emphasis on the distance arrows delineating a measure of greater than 25 feet, with 75% cover of ornamental plant material, and the location of where the ornamental foliage and barrier wall is to be built – marked by an elongated yellow rectangle and an “X” directly between the proposed structure location marked with a yellow box and red “X” and the main thoroughfare, Holliday Drive.

LANDSCAPING PLANS PROVIDED BY THE APPLICANT, CONT.



Applicant Note: Property directly to the east is year-round obscured from sight view of all existing structures and any proposed structures as a consequence of main structure being built in an underground grade, with a high berm, and year-round foliage, as pictured.



Applicant Note: The east corner of the property, looking southwest illuminates the existing features of the property that obscures the proposed structure: a 20-foot berm covered in dense foliage.

LANDSCAPING PLANS PROVIDED BY THE APPLICANT, CONT.



Applicant Note: View from the street looking up towards proposed structure through trees. Ornamental foliage and design elements will be integrated into the tree cover seen above to achieve 100% sight-obscuring landscape elements.



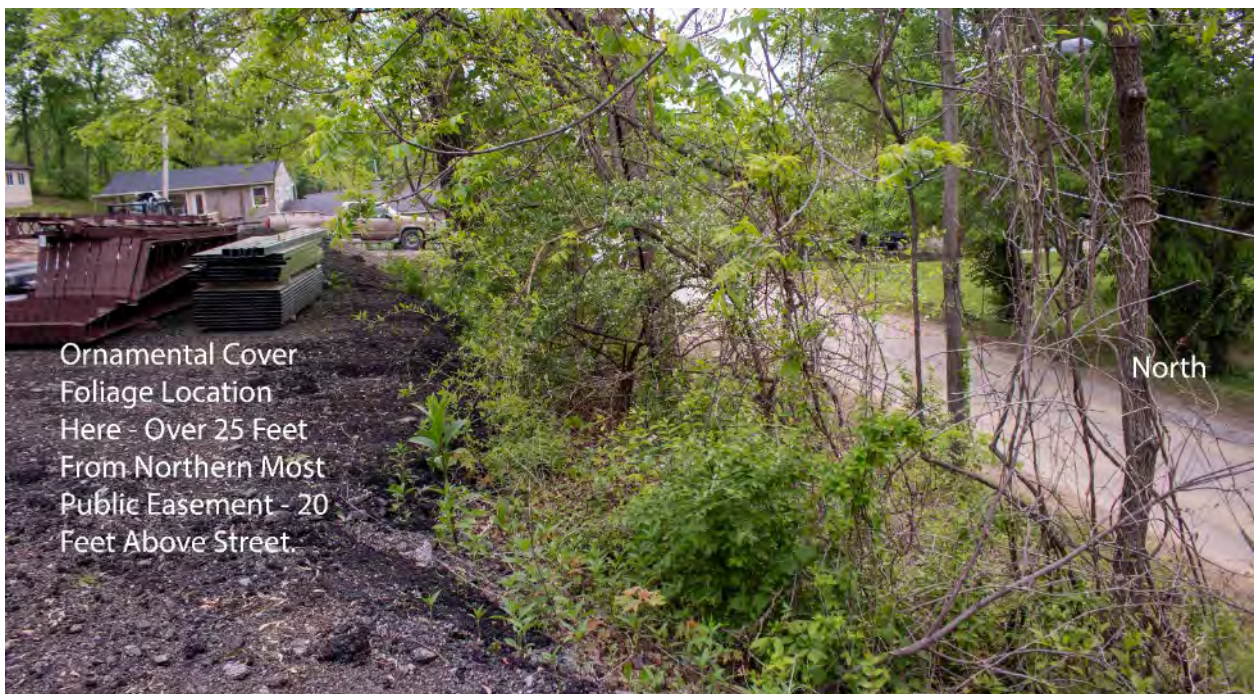
Applicant Note:

- The ornamental wall that will be replicated and expanded upon the top of the berm highlighted in the previous photo addressing question 2(b), between the Holliday [D]rive thoroughfare and the proposed structure.
- Following is the exact design elements and plant material found currently on the west side of the property at 7331 Holliday Drive, Kansas City, KS 66106 that will be replicated between the Holliday drive Main thoroughfare and the proposed accessory garage delineated by a yellow rectangle and red "X" in the previous WYCO Unified aerial structure-zone maps.

LANDSCAPING PLANS PROVIDED BY THE APPLICANT, CONT.



Applicant Note: The large, forested hill totally obscures any structures for the homes to the south of the property at 7331 Holliday drive, and to the west, another hill obscures entirely the structures of 7331 Holliday drive, with emphasis noted on the obscuring ability of the main residence upon the existence of the proposed new accessory garage.



Applicant Note: View from the berm facing down towards the street

LANDSCAPING PLANS PROVIDED BY THE APPLICANT, CONT.



Applicant Note: As noted above, the 75% cover comprised of ornamental plant material is delineated by an elongated yellow rectangle with an "X" inside, placed between the Holliday drive thoroughfare and the site of the proposed structure marked with a yellow rectangle and "X."

CONSERVATION DISTRICT COMMENT LETTER, DATED MARCH 16, 2021



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

March 16, 2021

RE: COZ2021-004 Mark Cross with Crossroad Trucking, LLC. parking and maintenance
7331 Holiday Drive

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-004 Mark Cross with Crossroad Trucking, LLC. parking and maintenance 7331 Holiday Drive.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Bismarckgrove silt loam, occasionally flooded and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- Any chemical spills need to be cleaned up immediately.
- If there will be any major grading work an Erosion Control Plan will be needed.
- The Best Management Practices in this report can be used to develop an erosion control plan if needed.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**– Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

CONSERVATION DISTRICT COMMENT LETTER, DATED MARCH 16, 2021, CONT.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures



Neighborhood Meeting Minutes: Mark Cross at 7331 Holliday Drive

Application Number: SP2021-017; COZ2021-004; BOZA2021-034

Date and Location: 10/25/2021 – 7331 Holliday Drive, Kansas City, KS 66106

Meeting called to order at: 6:00 P.M.

Names of people in attendance:

Denis and Tracey Bailes - (2526 S. 73rd St. Kansas City, KS 66106;
(Phone Number: (913)530-4966))

Introductions: Matthew Cross welcomed the residents in attendance, and Mark Cross iterated the position of the proposed building, explained to Denis and Tracey that the 40 by 60-foot barn was to be used strictly for storage and never for maintenance of heavy equipment. Denis Bailes stipulated that at the last neighborhood meeting, not one of the 10 or so neighbors in attendance opposed the construction of a 40x60-foot accessory structure per se. What they do oppose is the explicit zoning and use of the property for industrial purpose. Mark Cross explained that in order to zone it as an R-1 parcel and construct the new accessory structure, zoning regulation dictates that he would have to destroy an existing 1,400 sqft. Accessory structure to follow more closely with the maximum variance allowance – while still having to request a variance increase to further allow for a 2,400 sqft. Footing for the new building. Mark Cross told Denis and Tracey he'd recently bought the property with all existing structures, and demolition costs for this existing structure would add undue financial hardship to planned improvements. Mark Cross proposed that with his property already partially zoned commercial, in addition to the many proximally located commercially zoned parcels around his property, it would be logical to adhere to CDGOD guidelines, keep all existing structures, and construct the accessory barn on excess acreage.

Denis said that the barn structure has never been the problem, and that the position of the proposal wouldn't be a problem either, but the industrial use zoning designation would bring unwanted noise and banging and hammering. Mark Cross said to Denis that none of that sort of stuff is going to go on, that he would sign a form swearing it wouldn't be used for industrial; that he's not trying to have heavy lights and noise, that he's trying to make a family and live here a long time and invest in his property, and he wants peace and quiet just like Denis, but that he just wants to build his building and have a place for his boat and Chevy truck and storage of stuff without having to destroy a building with potential that he just paid tens of thousands of dollars for so he can build a barn. Mark Cross then proposed the masterplan amendment and C-1 designation be set at the lowest possible designation to disallow industrial uses, so that going forward, the property could go forward with its proposed additions, and the neighbors need not worry the C-1 designation allow for industrial operations. Denis seemed amenable but reiterated the consort consensus of each of the neighbor's concerns regarding any explicit use of the property for industrial means. Mark Cross said, I understand, and I promise, I am not going to be using the property for industrial activity – I just want to erect this barn. Then there was some polite discussion exchanged, some neighborhood history, handshakes and thanks, and the meeting was adjourned.

Meeting adjourned at: 7:05 P.M. 10/25/2021

Minutes taken by: Matthew Cross



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Petitions COZ2021-029 and MPL2021-018

GENERAL INFORMATION

Applicant:
Weston Sparks

Status of Applicant:
Representative
Ride 4Ever Skate Park
230 South 65th Street
Kansas City, Kansas 66111

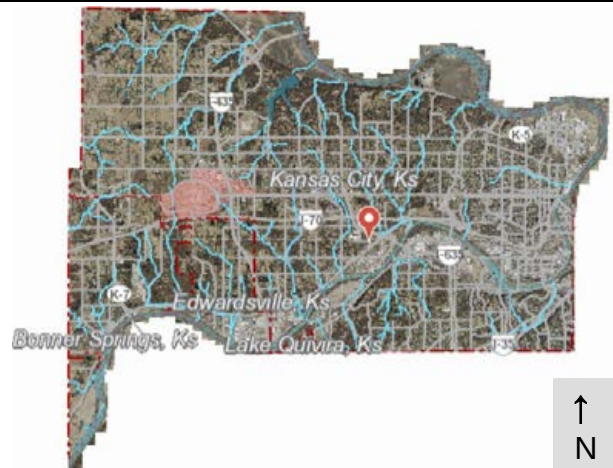
Requested Actions:
Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:
July 24, 2021

Purpose:
To change the zoning district from R-1 Single Family District to C-3 Commercial-District.

To amend the land use designation under the City-Wide Master Plan from Low-Density Residential to Community Commercial.



Property Location:	230 South 65 th Street Kansas City, Kansas 66111		
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #8 Commissioner: Jane Philbrook		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	R-1 Single Family District	
	South:	MP-2 Planned General Industrial District	
	East:	R-1 Single Family and MP-2 Planned General Industrial Districts	
	West:	R-1 Single Family District	
Adjacent Uses:	North:	Single-family residences	
	South:	Industrial business campus	
	East:	Single-family residences and an industrial building	
	West:	Single-family residence	
Total Tract Size:	4.72 Acres		
Master Plan Area:	The subject property is within the City-Wide Master Plan.		
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods.		
Major Street Plan:	The Citywide Master Plan designates South 65 th Street as a Collector Street.		
Required Parking:	R-1 District (current zoning): Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport.		
	C-3 District (proposed zoning): Section 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The proposed accessory		

structure has a footprint of 17,000 square feet. Therefore, at least 68 parking spaces are required. The applicant has not provided a site plan that demonstrates the number of parking spaces available.

Advertisement:	<u>The Wyandotte Echo</u> – August 19, 2021 Letters to Property Owners – August 20, 2021; September 17, 2021; October 16, 2021; November 19, 2021 and December 28, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	Both a neighbor and a lessor of one (1) of the other properties of the property owner's sent letters of support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Weston Sparks with Ride 4Ever Skate Park, is requesting a Change of Zone and Master Plan Amendment. The applicant is requesting a Change of Zone from R-1 Single-Family District to C-3 Commercial District, and a Master Plan Amendment of the City-Wide Master Plan from Low-Density Residential to Community Commercial. The Master Plan Amendment and Change of Zone have been requested in order to support the Special Use Permit for a skate park and skate school, which was granted by the Board of Commissioners on October 28, 2021.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by Property Maintenance Compliance:

- May 22, 2017- Other Multiple Violations
- May 16, 2017- Weeds & Trash Abatement
- April 10, 2015- Other Multiple Violations
- June 29, 2006- Environmental: Grass & Weeds
- May 12, 2006- Environmental: Grass & Weeds*

*Entry is listed under the subject property's address, but the overgrown weeds were determined to have been in the right-of-way, which is unusually large at the corner.

FACTORS TO BE CONSIDERED

Change of Zone

1. *The character of the neighborhood.*

The subject property is within the Muncie-Stony Point Statistical Neighborhood and is not within a Neighborhood Group. The neighborhood has some clusters of single-family residences but is growing in the number of industrial properties and uses. Most industrial parcels are located along or near Kaw Drive, but properties such as the Amazon warehouse has expanded the range of the industrial area.

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

The subject property has a unique layout, which includes an enclave parcel that holds a single-family residence. This parcel is separate from the subject property and will remain in the R-1 district even if COZ2021-029 is approved. Staff's concern is that some commercial uses allowed by the C-3 District will not be compatible with the continued use of the residence. There are, however, mitigation measures that the applicant can take, such as heavily screening the skate park building and parking lot with trees and shrubs so that it will not be visible from the residence. Through these mitigation measures, a commercial property could be compatible with the existing residence.

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

The adjacent single-family residence was constructed in 1920, but the primary building on the subject property—the building that is undergoing interior renovations to become an indoor skate park—has existed since 1973, when it initially served as a school. Therefore, the enclave parcel has already existed in conjunction with the subject property for 50 years, and for some of that time school buses and cars drove by the residence twice a day, 180 days a year. The C-3 Commercial District allows for a range of uses, many of which rely on in-person visits from customers. Patrons using the subject property's long driveway from South 65th Street to access the primary building does require them to drive by the neighboring property, but again, this amount of traffic is not a new phenomenon to either property. As the applicant is specifically applying to operate a skate park, the concern over traffic—the ancillary use most likely to detrimentally affect the enclaved property—is lessened even further. The skate park's proposed hours of operation are unknown, but even the most optimistic business model does not predict a school's worth of skaters coming to the site every day. Since the traffic will likely be much lower and at more limited hours than it was when the subject property operated as a school, Staff has determined that removal of the restrictions will not detrimentally affect the nearby property, so long as the subject property is used as a skate park and skate school.

By rezoning the subject property to C-3, there would be an increase in the quantity and intensity of uses allowed by right. Such uses allowed in the C-3 Commercial District include: the rental and sale of vehicle and yard/farming equipment; auto and small- and medium-size truck repair and washing; farm machinery repair; adult motion picture theater; adult bookstore or adult video store; entertainment and recreation; general repair and fix-it shop; lawn, tree and garden services; making or assembly of products to be sold at retail on the premises; miniature golf courses and golf driving ranges; self-storage buildings; and general and special trades contractors. The intensity of such uses is greater than that of a skate park, but could be allowed on the property in the future. Therefore, the property, while suitable to be used as a skate park and skate school, is not suitable to be used for any and all uses allowed in the C-3 Commercial District.

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

The subject property is not vacant. The primary building is being used as a skate park and skate school. Additionally, the accessory structure is being rented out to store lawncare and landscaping equipment.

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

Based on a cursory search, it does not appear that there is an indoor skate park in Kansas City. While a skate park is not reasonably necessary for the convenience and welfare of the public, an indoor park does give the Kansas City skating community the opportunity to continue to skate locally when the temperature or inclement weather prevents use of outdoor facilities. Rezoning the subject property to C-3 and using it for a skate park will not harm the appropriate use, visual quality or marketability of the nearby industrial properties. For the adjacent residential properties to the north, a skate park will create a buffer between the industrial uses to the south, and also bring in business that many members of the local community can actually use, instead of a construction company, bulk supplies sales, a warehouse, or a bar.

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

The subject property was once a school, and so has previously experienced heavy traffic for small but predictable times of day. The site is designed to handle a quick influx of traffic, with its large parking lot and long driveway. The deteriorated driveway that once accessed Speaker Road could even be restored and open up a second entry/exit point for the property. But, as the applicant is specifically applying to operate a skate park, the concern over traffic is minimal. The skate park's proposed hours of operation are unknown, but it is unlikely that the 68 required parking spaces will ever be simultaneously filled. The only

measures that the applicant needs to take is to repave and restripe the parking lot, update the driveway apron to South 65th Street, and possibly restore the driveway leading north from the parking lot to Speaker Road.

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

The existing land use designation for the property is Low-Density Residential. A land use designation under the City-Wide Master Plan, Low-Density Residential allows for single-family residences and institutions such as elementary and middle schools, libraries, and small places of worship. Low-Density Residential discourages all industrial uses and the cultural principles of the Low-Density Residential land use designation state that land use policies are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods. Therefore, the proposed use does not conform with the Master Plan, which is the reason that the applicant is simultaneously requesting a Master Plan Amendment. The proposed Master Plan Amendment is from Low-Density Residential to Community Commercial. The Community Commercial land use designation allows for larger buildings such as grocery stores, medium-sized (25,000 to 75,000 square-foot) big box stores, and commercial centers. At 17,000 square feet, the proposed skate park building is within the range of a grocery store. While a skate park is not explicitly anticipated, the spirit of the use is consistent with the Community Commercial land use designation.

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

Neither the Change of Zone nor any of the other planning entitlements involve additional construction or paving. The increase of impermeable surface areas is highly unlikely. The parking lot and driveway accessing South 65th Street will have to be repaved, but unless the Kansas City, Kansas Fire Department (KCKFD) requires the second driveway accessing Speaker Road to be repaved and useable for fire safety purposes, there will be no increase in impermeable area. A Change of Zone will actually increase the amount of flora on site, as landscaping and screening requirements will result in several more trees being planted. The proposed use will not involve runoff or airborne pollutants.

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

a. *Water service*

There is water service available on the property, serviced by BPU.

b. *Sanitary sewer service*

The subject property is served by a sanitary sewer line along South 65th Street.

c. *Storm water control*

The subject property is served by a storm water line along South 65th Street.

d. *Police*

Police service is provided by Midtown District, #221.

e. *Fire*

Fire service is provided by Fire Station #2, located 1.6 miles from the subject property.

f. *Transit*

Public transportation is not reasonably available to the subject property. The closest bus stop is approximately one-half (0.50) mile to the north, at the Amazon warehouse. The next closest bus stop is at South 65th Street and Carriage Park Lane, approximately 0.3 mile to the south and across Kaw Drive. This bus stop is served by the Kansas Avenue (115) bus route.

g. *Schools*

Oak Grove Elementary School, Turner Middle School, and Turner High School are provided by Turner USD #202.

h. *Streets*

The property is accessible by South 65th Street, with a parking pad and deteriorated driveway accessing Speaker Road.

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

The applicant is bringing a business from Johnson County to Wyandotte County. A skate park operating in on the subject property will bring in both occupation taxes and increased property tax. It is unclear from the applicant's business

model, but additional employees for the skate park may need to be hired. If so, the applicant should consider looking to employ members of the local community, as they will already have a connection to the neighborhood and can help establish connections and credibility for the skate park.

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

The property has the capability to meet all applicable zoning ordinance requirements. A Special Use Permit for an athletic field—the umbrella under which a skate park falls—is required regardless of the zoning district. Change of Zone to C-3 places the subject property under the Commercial Development Guidelines Overlay District (CDGOD). There are property maintenance requirements stemming from the C-3 district and CDGOD ordinances that the site does not currently meet, but Staff is confident that such requirements can be met. The most major of these requirements include repaving the driveway and parking lot, restriping the parking lot, and planting landscaping trees and shrubs.

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

The single-family residence at 234 South 65th Street will face the largest hardship overall, due to the increase in traffic and use of the property. The traffic, however, is not being caused by the Change of Zone, but rather by the Special Use Permit for the skate park. Furthermore, Staff has previously pointed out that the neighboring residences has co-existed with a school at the subject property, and that traffic from a skate park would very likely be less than the traffic that would consistently be at a school, especially during drop-off times in the morning and pick-up times in the afternoons. Furthermore, there are mitigation measures that the applicant can take, such as heavily screening the skate park building and parking lot with trees and shrubs so that it will not be visible from the residence.

Master Plan Amendment

1. *Neighborhood character.*

See Change of Zone Review Factor #1.

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

See Change of Zone Review Factor #6.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

The subject property is a pre-established site and will not involve any new construction or development. Furthermore, the property was previously a school and presumably has adequate utilities to serve a skate park. Unless relevant entities such as BPU or Public Works provide comments otherwise, Staff has no reason to think that additional utilities and public services will need to be brought to the site. Staff will also note that other allowed uses in the C-3 District may need additional utilities and public services to support them.

4. The difference between the existing and proposed Master Plan.

See Change of Zone Review Factor #7.

5. Analysis of the impact on surrounding properties.

See Change of Zone Review Factors #2, 3, and 6.

6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.

See Change of Zone Review Factor #10.

PREVIOUS ACTIONS

- SP2021-067 (Special Use Permit for an athletic facility—a skate park and skate school)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 3:00 PM on August 26, 2021, at 230 South 65th Street. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the “Attachments” section of this report).

KEY ISSUES

Commercial Development Guidelines Overlay District
Compatibility of Uses
Landscaping Plan
Parking Lot
Pedestrian Access
Site Improvements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-029** and Master Plan Amendment **MPL2021-018**, subject to:

- 1) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Case MPL2021-018, a Master Plan amendment from Low-Density Residential to Community Commercial, by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
- 2) Final Plan Review of the landscaping, parking lot, and building façade, per all relevant zoning district, landscaping, and/or Commercial Design Guidelines Overlay District ordinances, must be successfully granted within four (4) months of the approval of COZ2021-029 by the Board of Commissioners;
- 3) A Special Use Permit for temporary use of land for commercial or industrial purposes must be issued, as storage of material and equipment for a separate business and use is not allowed in either the C-3 District. Note that under this Special Use Permit, any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall not be approved for more than two (2) years. This separate Special Use Permit must be granted within four (4) months of the approval of COZ2021-029 by the Board of Commissioners;
- 4) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 5) 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;
- 6) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 7) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 9) Subject to approval, a landscaping plan in conformance with the landscaping requirements below must be submitted to and approved by Staff. The ordinance will not be published in the newspaper until a landscape plan is successfully submitted and approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.,

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-029 and MPL2021-018**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Photos of the Property Provided by Staff, Dated August 31, 2021
Photos of the Property Submitted by the Applicant
Floor Plans of the Primary Building
Preliminary Landscape Plan
Wyandotte County Conservation District Comment Letter, Dated August 17, 2021
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	December 13, 2021	January 6, 2022
	Approval	
Master Plan Amendment	December 13, 2021	January 6, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-029 and MPL2021-018** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-029 and MPL2021-018**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:13:45:

MASTER PLAN AMENDMENT MPL2021-018 – WESTON SPARKS WITH RIDE 4 EVER SKATE PARK – SYNOPSIS: Master Plan Amendment from Low Density Residential to Community Commercial (City-Wide Master Plan) at 230 South 65th Street.

CHANGE OF ZONE APPLICATION COZ2021-029 – WESTON SPARKS WITH RIDE 4 EVER SKATE PARK - SYNOPSIS: Change of Zone from R-1 Single Family District to CP-3 Planned Commercial District to convert warehouse to skate park/skate school at 230 South 65th Street.

Detailed Outline of Requested Action: The applicant, Weston Sparks with Ride 4Ever Skate Park, is requesting a Change of Zone and Master Plan Amendment. The applicant is requesting a Change of Zone from R-1 Single-Family District to C-3 Commercial District, and a Master Plan Amendment of the City-Wide Master Plan from Low-Density Residential to Community Commercial. The Master Plan Amendment and Change of Zone have been requested in order to support the Special Use Permit for a skate park and skate school, which was granted by the Board of Commissioners on October 28, 2021.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no outstanding violations recorded at this property. The subject property has been previously cited by Property Maintenance Compliance:

- May 22, 2017- Other Multiple Violations
- May 16, 2017- Weeds & Trash Abatement
- April 10, 2015- Other Multiple Violations
- June 29, 2006- Environmental: Grass & Weeds
- May 12, 2006- Environmental: Grass & Weeds*

*Entry is listed under the subject property's address, but the overgrown weeds were determined to have been in the right-of-way, which is unusually large at the corner.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- William W. Hutton, attorney representing the owner and applicant, 509 Armstrong Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:17:40: Planning Director Hand stated that Special Use Permit SP2021-067 was approved two (2) months ago for the skate park/school to begin operation. The applicant is requesting approval of a Change of Zone for the property, which Staff feels is a commercial encroachment into the neighborhood. He stated that J. E. Dunn is directly to the north and Staff believes that is further reason not to further encroach into the residential core of this neighborhood. The property is located in the Riverview area. The area is a mix of commercial and industrial primarily along major corridors, with extensive non-residential encroachment in historically residential neighborhoods immediately adjacent to them north of Kaw Drive and the applicant has stated that the one (1) neighbor (pointed out on the map) has no objections. Director Hand further stated that there are Notices of Violations that pre-date this owner. Staff has letters in support and has not received any letters in opposition. Staff recommends denial; however, if the Planning Commission recommends approval, Staff has included conditions of approval in the staff report. He further stated that there is outside storage taking place that is not allowed and would require its own Special Use Permit and/or meet code standards.

The Planning Commission directed questions to Staff.

Motion and Vote starts at 2:27:21:

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-018:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye

Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Case MPL2021-018, a Master Plan amendment from Low-Density Residential to Community Commercial, by the Unified Government Board of Commissioners and upon any ordinance publications required by law;**
- 2) Final Plan Review of the landscaping, parking lot, and building façade, per all relevant zoning district, landscaping, and/or Commercial Design Guidelines Overlay District ordinances, must be successfully granted within four (4) months of the approval of COZ2021-029 by the Board of Commissioners;**
- 3) A Special Use Permit for temporary use of land for commercial or industrial purposes must be issued, as storage of material and equipment for a separate business and use is not allowed in either the C-3 District. Note that under this Special Use Permit, any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall not be approved for more than two (2) years. This separate Special Use Permit must be granted within four (4) months of the approval of COZ2021-029 by the Board of Commissioners;**
- 4) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;**
- 5) 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;**
- 6) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;**
- 7) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;**
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 9) Subject to approval, a landscaping plan in conformance with the landscaping requirements below must be submitted to and approved by**

Staff. The ordinance will not be published in the newspaper until a landscape plan is successfully submitted and approved.

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-029:**

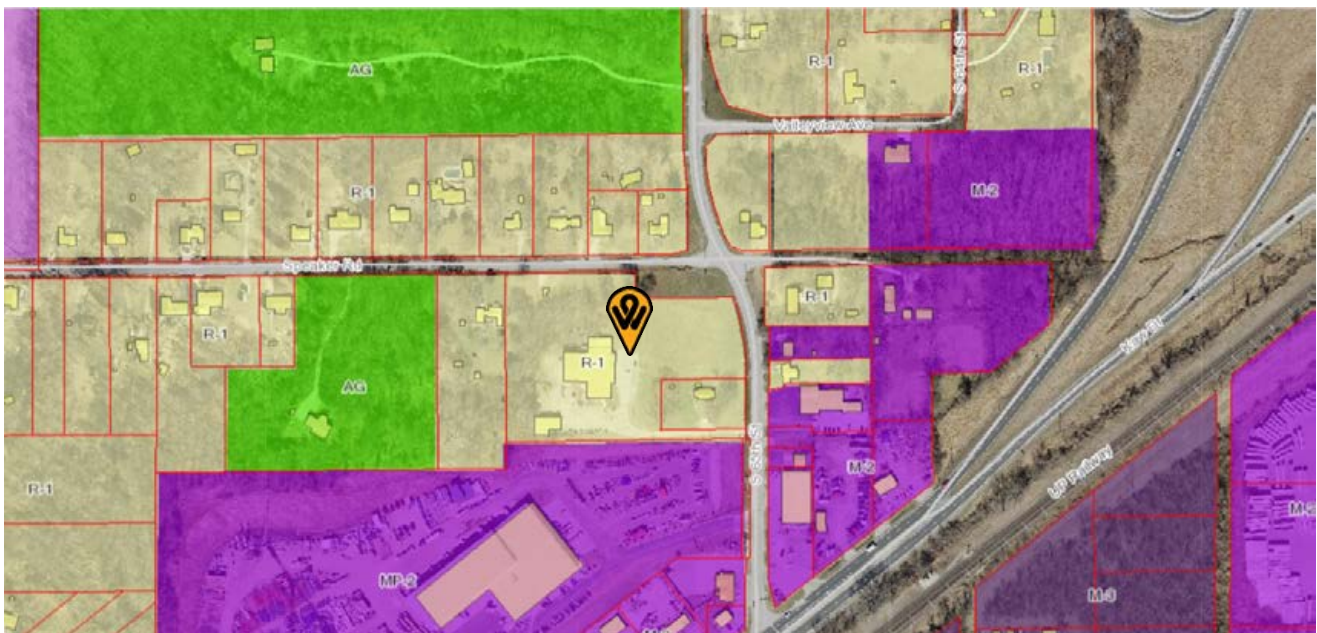
Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

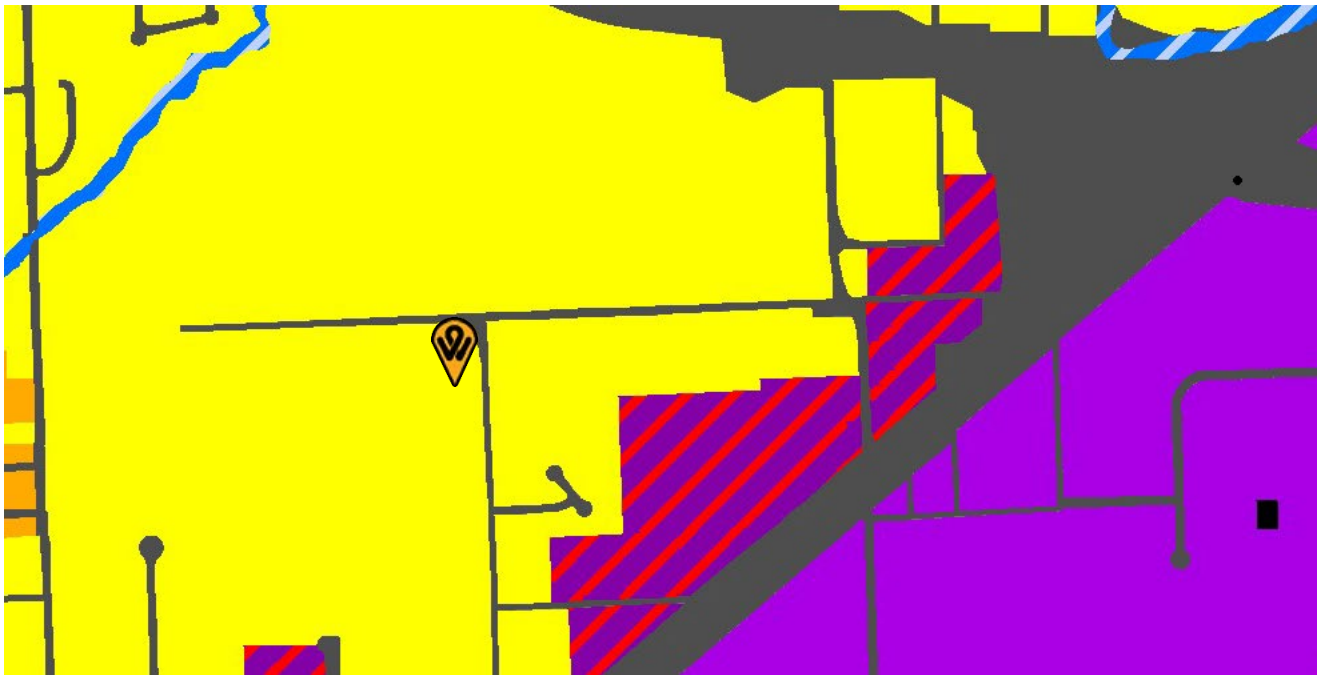
AERIAL MAP



ZONING MAP



LAND USE MAP



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED AUGUST 31, 2021



Upper Left: View of the primary building from the eastern boundary of the property (adjacent to South 65th Street).

Upper Right: Closer view of the primary building, facing west.

Center Left: View of the primary building from the northeast corner of the block, within the public right-of-way.

Center Right: Closer view of the primary building, demonstrating the current façade, from the northeast corner of the parking lot.

Lower Left: View of the property from the parking lot, facing east. South 65th Street is hidden beyond the slope of the hill.

Lower Right: View of the rear yard of 234 South 65th Street, a single-family residence, from the parking lot.



Upper Left: View of the parking lot in front of the primary building, facing north.

Upper Right: View of the driveway accessing South 65th Street.

Lower Left: View of the entrance off Speaker Road, which will be removed and returned to grass.

Lower Right: View of unused driveway accessing Speaker Road. This driveway will be torn up and restored as grass.



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED AUGUST 31, 2021, CONT.



Various views of the
lawncare/landscaping storage area.

PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT



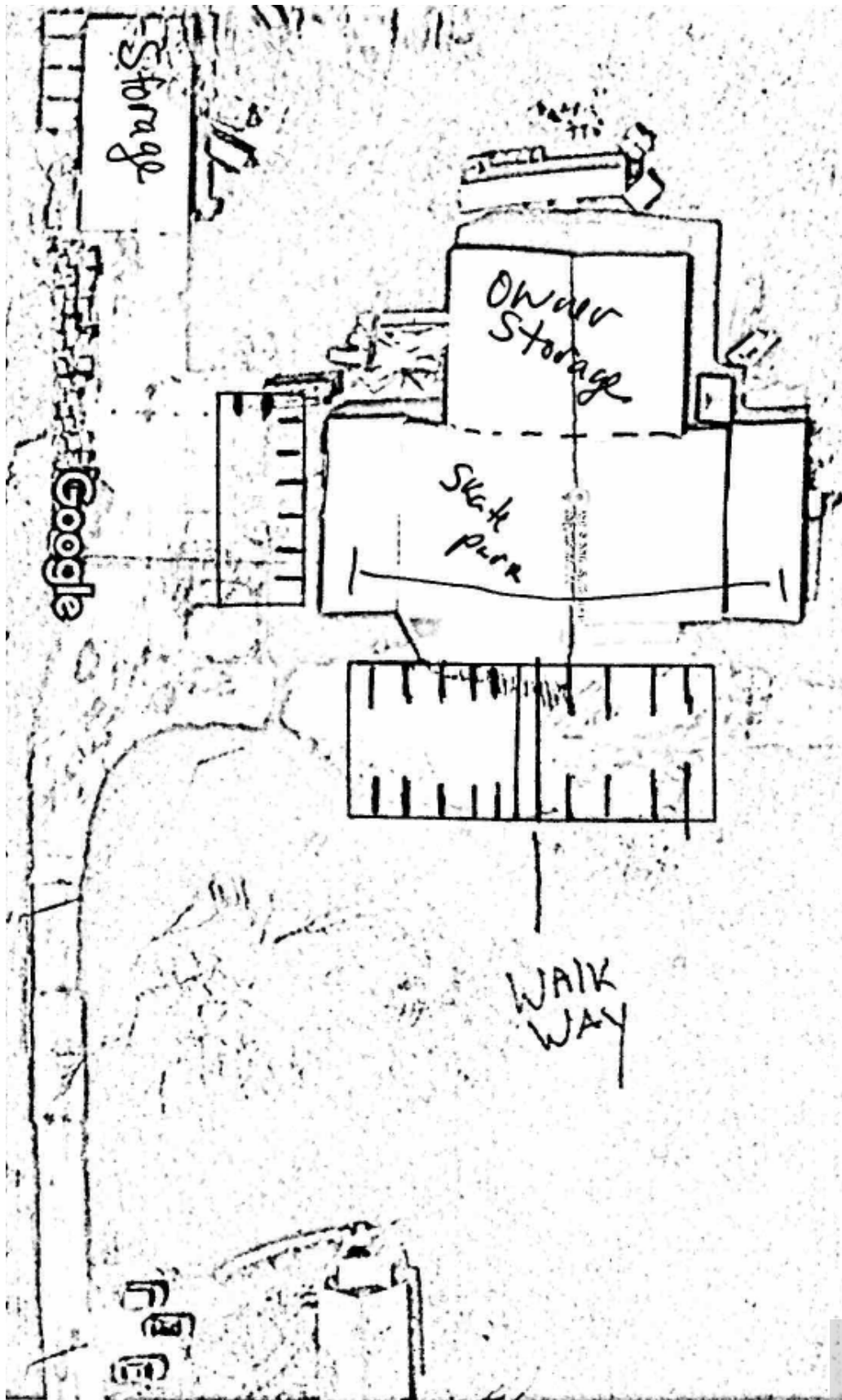
PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT, CONT.

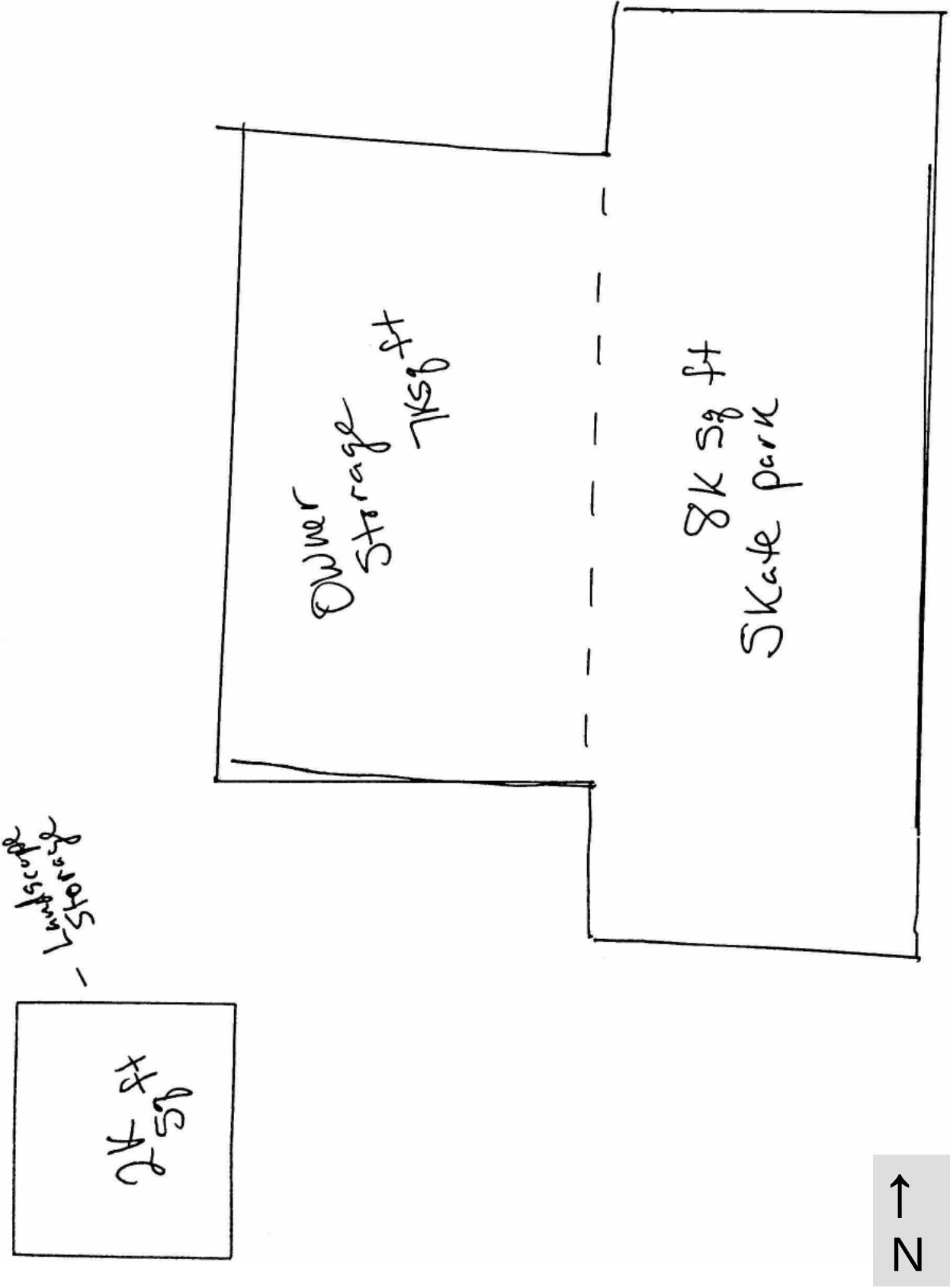


PHOTOS OF THE PROPERTY SUBMITTED BY THE APPLICANT, CONT.



FLOOR PLANS OF THE PRIMARY BUILDING





PRELIMINARY LANDSCAPE PLAN



Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

repair driveway
and stripe parking
as needed

bushes to block parking from house



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservations@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

August 17, 2021

RE: COZ2021-029, SP2021-067 and MPL2021-018 Weston Sparks with Ride 4Ever Skate Park for skate park at 230 South 65th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-029, SP2021-067 and MPL2021-018 Weston Sparks with Ride 4Ever Skate Park for skate park at 230 South 65th Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are three major soil types identified: Falleaf-Grinter soils, 4 to 8 percent slopes, Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This is a positive repurposing for the site.
- Creating an Erosion Control Plan would be necessary if grading is done on the property, such as parking lots, to control the sediment from impacting neighbors to the East and South.
- The Best Management Practices I this report can be used to develop an Erosion Control Plan for this site if needed.

The following Best Management Practices are recommended for this plat:

CONT.

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** – After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences** – Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** – Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological

CONT.

investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

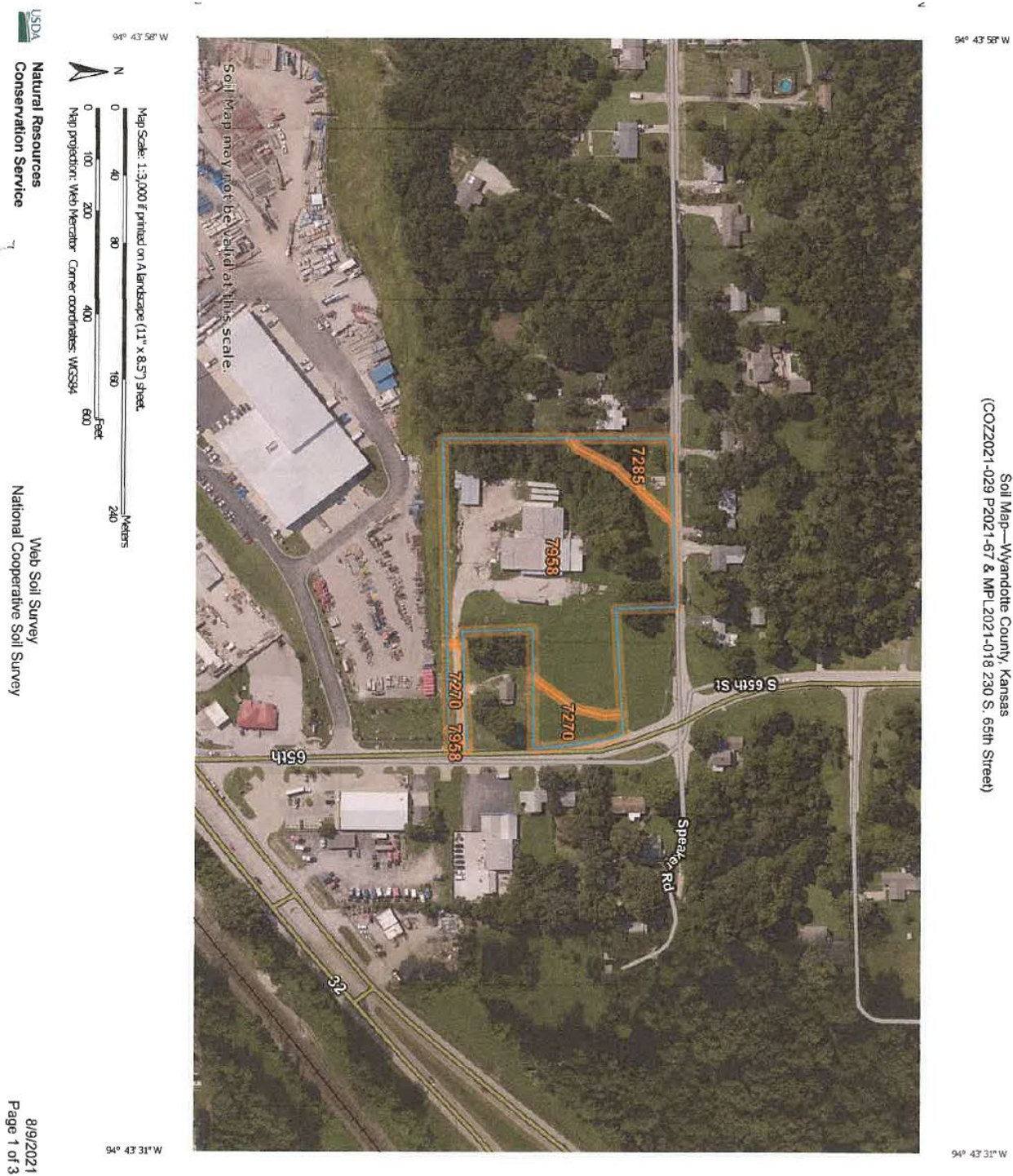
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

CONT.



NEIGHBORHOOD MEETING MATERIALS

8/12/2021

Ride Fouever
230 S. 65th st
Kansas City, KS 66111

Neighborhood meeting

We have filed an application with the Dept. of Urban planning and land use # COZ2021-029, MPL2021-018 and SP2021-067
The purpose of this is for change of zone from R-1 TO C-3 and special use permit is for a athletic facility at the following address: 230 S. 65th st.

We are having a neighborhood meeting on August 26th at 3pm at the following address:
230 S. 65th St Kansas City, KS 66111

The purpose of this meeting is to explain the proposal and to answer any questions/ concerns you may have. We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Here is a little description of what we are about and what we do. We are an indoor athletic facility open from 12-7pm. We host a skate school for the youth ages 6-15 and offer a place for skateboarders to practice during bad weather. The business formally operated out of All American sports in Lenexa, KS. We were at that location for the past 13 years and now its time to expand and move to KCK.

Weston Sparks
(913) 326-2650
sparksweston@yahoo.com

Dan Janssen
(816) 474-6460
Dan@deluxelightingllc.com

NEIGHBORHOOD MEETING MATERIALS, CONT.

SP2021-067
COZ2021-029
Application Number MPL 2021-018
Date and Location: 8/26/2021 230565th

Meeting called to order at: 3:00

Names of people in attendance:

Weston Sparks
Daniel Janssen

Introductions:

✓

Questions and answers (include the following):

✓

Meeting adjourned at: 3:45

Minutes taken by: Weston Sparks

NEIGHBORHOOD MEETING MATERIALS, CONT.

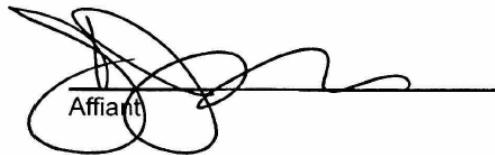
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Daniel Janssen, of lawful age, sound mind and upon his/
her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-029, MPL 2021-018,
2. That I conducted a neighborhood meeting on 8/26/2021 3pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of
_____, 200_.

My commission expires _____ of _____, 200_.

Notary Public



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: Change of Zone Petition COZ2021-037 and
Master Plan Amendment MPL2021-021

GENERAL INFORMATION

Applicant:
Eric Fletcher

Status of Applicant:
Property Owner
4461 Eaton Street, Apt. 2
Kansas City, Kansas 66103

Requested Actions:
Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:
March 26, 2021

Purpose:
To change zoning district from R-1(B)
Single Family District to RP-3
Townhouse District.

To change the Rosedale Master Plan
from Single Family Residential to
General Urban.

Property Location:
4461 Eaton Street
Kansas City, Kansas 66103



Commission Districts:	Commissioner At Large District #2: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Single Family Residence
Total Tract Size:	0.16 Acre
Master Plan Area:	The subject property is within the Rosedale Area Master Plan.
Master Plan Designation:	The Rosedale Master Plan designates this Property as Single Family Residential. This district is designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed amendment is to designate this property's land use as General Urban. This area is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. Three story apartment buildings are also allowed in the University Town special district.
Major Street Plan:	The City-Wide Master Plan designates both Eaton and West 45 th Avenue as local streets.
Parking Requirement:	R-1(B) District (current zoning): Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. RP-3 District (proposed zoning): Section 27-458(d) requires two (2) off-street parking spaces shall be provided for each dwelling unit, at least one of which shall be in a garage or carport. The current property has four (4) uncovered off-street parking spaces on gravel with a side approach which does not meet the

requirement. A variance is requested here and is applied for.

Advertisement:	<u>The Wyandotte Echo</u> – October 14, 2021, and November 18, 2021 Letters to Property Owners – October 16, 2021, November 19, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	The applicant received two (2) supporting correspondences which are attached at the end of this document.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Eric Fletcher, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4461 Eaton Avenue. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-3 Townhome District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a triplex between the years 1950 and 1956. A certificate of legal non-conforming use was issued in 2001 which expired in 2011. The house has been used as a rental since the time of its renovation, and as a licensed rental until 2016. The Applicant is now the new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is residential and urban in character. Lots are average for urban densities and are approximately twenty-five (25) to eighty (80) feet in width with the average lot size being forty (40) feet wide. Streets are mostly asphalt and driveways are often asphalt or concrete. Many roads have visible evidence of neighborhood improvements such as improved curbs and sidewalks. This block of Eaton Avenue is two (2) blocks away from Rainbow Avenue commercial corridor and three (3) blocks from State Line Road corridor.

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

The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts. Although the property has been converted to a triplex, it retains the visual quality and aesthetics of a single-family home. Rezoning the property to R-3 would adequately reflect the building's current use, which has been in effect for over fifty (50) years. Rezoning to RP-3 may be considered spot zoning and was the initial reason for granting the Legal Non-Conforming Use designation rather than a rezone in 2001, however more recent interpretations of spot zoning indicate that under the current circumstances of the property's continued usage, this instance would be considered appropriate considering its use history.

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

Per Section 27-455(a) with regards to the current zoning, the "purpose of the district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of existing buildings and vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents." Section 27-458(a) for the proposed zoning indicates that "the purpose of the RP-3 district is to accommodate single-family attached residences at densities and with designs that bridge the gap between rental apartment units and single-family homes. The term 'townhouse' includes duplexes, side-by-side units separated by a party wall, or units stacked one above the other." As is, the current zoning does not allow for a three-family residence as the building has been in use. Removing the restrictions when converting from R-1(B) to RP-3(B) is unlikely to negatively affect the subject property or nearby properties as its use as a multifamily property has been in use for over fifty (50) years.

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

The Applicant currently resides in one (1) unit of the property which was purchased in 2021. The prior owners had the property for approximately three (3) years during which time it was not a properly registered rental though it appears to have been leased and maintained. It is unclear to what degree the property was vacant between 2017 and 2021.

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

There is minimal public gain as the ability to maintain three (3) housing units would be a benefit. The subject property already exists within the built environment and the request would not substantially or permanently injure the

appropriate use, quality, or marketability of nearby neighboring property. The extensive length of time that this property has remained as a multifamily rental without any issues demonstrates that it has not affected the appropriate use, visual quality, or marketability of surrounding properties.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property has four (4) off-street parking spaces, which is inadequate for the number of dwellings per the requirements in Section 27-458(d). Section 27-458(d) states that there shall be two (2) off-street parking spaces for each dwelling with one (1) of the two (2) shall be a garage or carport. The need to improve the surfaces of the driveway apron and sidewalk and provide an adequate number of spaces and coverage is required.

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

The Rosedale Area Plan designate this property as Single Family Residential Use. The Rosedale Area Plan indicates that this district is designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor which the subject property is not located within. The proposed change of zone is accompanied by the Master Plan Amendment petitioning for a change in usage to General Urban use. The Rosedale Area Plan indicates that the General Urban use is for areas that are “predominantly residential in character with rowhouses, townhomes, and single-family houses.” Although the subject property has three (3) dwellings, the aesthetics and exterior composition resembles a single-family home.

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

The applicant is not proposing any new structures currently, however, the rezone allows for the renovation of the existing structure to maintain its converted composition. There should be little to no long-term negative environmental impact as it is an existing permitted structure. Using a permeable road surface for parking would mitigate increased storm-water runoff.

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

a. *Water service*

Water Service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer is provided by public sewer.

c. Storm water control

There are multiple storm water control points at the front and southwest corner of the property.

d. Police

Police service is provided by South Patrol, District #332.

e. Fire

Fire service is provided by Station #10.

f. Transit

The subject property receives bus service via Route #107 at the intersection of Rainbow Boulevard and 45th Street.

g. Schools

Education is provided by Kansas City, Kansas USD #500.

h. Streets

See item #6 above.

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

The economic impact on the community is negligible, as the subject property is currently in use as a three-family dwelling. The rezone prevents units from being shut down and taken out of the housing stock, eliminating two (2) housing units for families to live within the county.

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

The subject property is currently legal non-conforming. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its structure than it does in its present condition with the condition that parking is upgraded.

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

There is negligible impact or gain to public health, safety, or welfare. The dwelling structure is already in existence. There is some gain in parking renovation in it improves the approach and sidewalk of the neighborhood, improving walkability and safety.

RELATED CASES AND PRIOR ACTIONS

1. This application is being heard in conjunction with BOZA2021-042 for two variances related to parking.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 19th, 2021, by via email and/or phone call. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Structural Compatibility
Parking
Zoning
Land Use
Future Redevelopment
Impervious Pavement
Sidewalks

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-037** and Master Plan Amendment **MPL2021-021**, subject to:

1. Subject to approval, rental licensing shall be obtained;
2. Subject to approval, parking shall be upgraded to an improved surface with repaired curbs, aprons, and approaches as required and approved by the UG Building Inspection Office and Public Works. If no improved surface is installed, an additional variance will be required;
3. Subject to approval, and should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan's Design Standards for single-family properties;
4. Subject to approval, sidewalks and curbs shall be repaired or improved in a manner approved by the UG Public Works and Building Inspection Departments;
5. A right of way permit is required. Please contact the Public Works Department at to begin that process;
6. If repair work is going to be done to the right of way of the property, a site plan will be required;
7. Based on the above comment, the driveway entrances shall be thirty (30) foot max in accordance with UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-G. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required;
8. Regarding the above comment, with the repair of the existing driveway the sidewalk section shall be restored to match the adjacent sidewalk areas;
9. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition; and,
10. **This** Board of Zoning Appeals case is being heard in conjunction with BOZA2021-042.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-037** and **MPL2021-021** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Planning Engineering Comment Letter
Rosedale Area Master Plan Multifamily Guidelines
Neighborhood Comment Letters
Neighborhood Meeting Affidavit
Photos taken by Staff on October 12, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Rezoning	December 13, 2021	January 6, 2022
	Approval	
Master Plan	December 13, 2021	January 6, 2022
	Approval	

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-037 and MPL2021-021**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-037 and MPL2021-021** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:29:01:

MASTER PLAN AMENDMENT APPLICATION MPL2021-021 – ERIC FLETCHER - SYNOPSIS: Master Plan Amendment from Single Family Residential to General Urban (Rosedale Area Master Plan) at 4461 Eaton Street.

CHANGE OF ZONE APPLICATION COZ2021-037 – ERIC FLETCHER - SYNOPSIS: Change of Zone from R-1 Single Family District to R-3 Townhouse District to bring existing non-conforming triplex into compliance at 4461 Eaton Street.

Detailed Outline of Requested Action: The Applicant, Eric Fletcher, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4461 Eaton Avenue. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-3 Townhome District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a triplex between the years 1950 and 1956. A certificate of legal non-conforming use was issued in 2001 which expired in 2011. The house has been used as a rental since the time of its renovation, and as a licensed rental until 2016. The Applicant is now the new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- Eric Fletcher, applicant, 4461 Eaton Street, Apartment 2, Kansas City, Kansas 66103

Present in Opposition:

- Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 2:33:47: Planning Director Hand stated that this case is being heard in conjunction with Board of Zoning Appeals BOZA2021-042, which was approved earlier this evening, subject to the conditions that are carried over to this Change of Zoning and Master Plan Amendment. This is a single-family home that was converted over the years. Should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan's design guidelines for single-family properties. Director Hand stated that Staff is amenable to the condition requested by the Rosedale Development Association that if this use is discontinued, the use would revert back to single-family. Staff is recommending approval to a planned district, which requires further design review by Staff for any future development. Director Hand discussed the conditions of approval in the staff report. There are no Notices of Violation on this property. Staff has received two (2) letters in support and no letters in opposition and recommends approval subject to the conditions in the staff reports.

Motion and Vote starts at 2:36:25:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2021-021:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. Subject to approval, rental licensing shall be obtained;**
- 2. Subject to approval, parking shall be upgraded to an improved surface with repaired curbs, aprons, and approaches as required and approved by the UG Building Inspection Office and Public Works. If no improved surface is installed, an additional variance will be required;**
- 3. Subject to approval, and should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan's Design Standards for single-family properties;**
- 4. Subject to approval, sidewalks and curbs shall be repaired or improved in a manner approved by the UG Public Works and Building Inspection Departments;**

5. A right of way permit is required. Please contact the Public Works Department at to begin that process;
6. If repair work is going to be done to the right of way of the property, a site plan will be required;
7. Based on the above comment, the driveway entrances shall be thirty (30) foot max in accordance with UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-G. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required;
8. Regarding the above comment, with the repair of the existing driveway the sidewalk section shall be restored to match the adjacent sidewalk areas;
9. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition; and,
10. This Board of Zoning Appeals case is being heard in conjunction with BOZA2021-042.

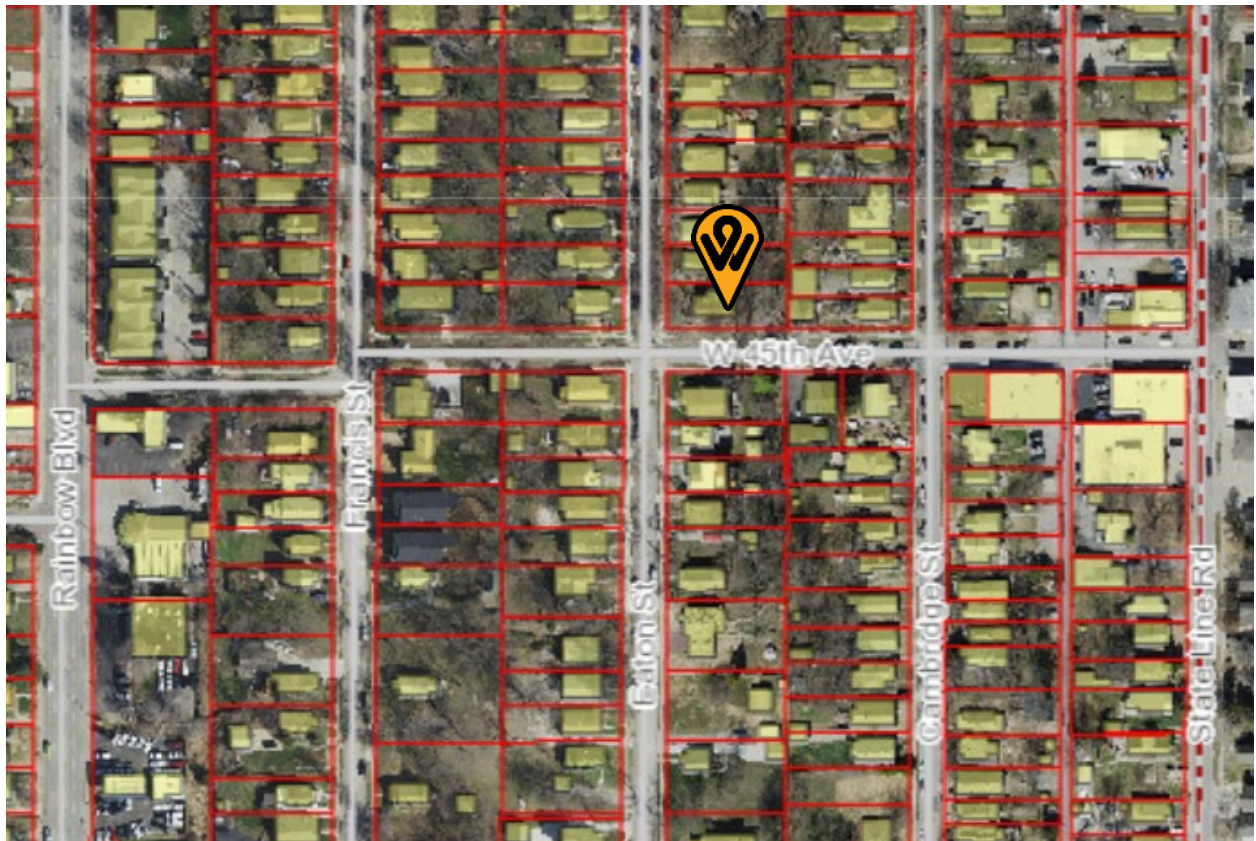
On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-037 to RP-3 Planned Townhouse District:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

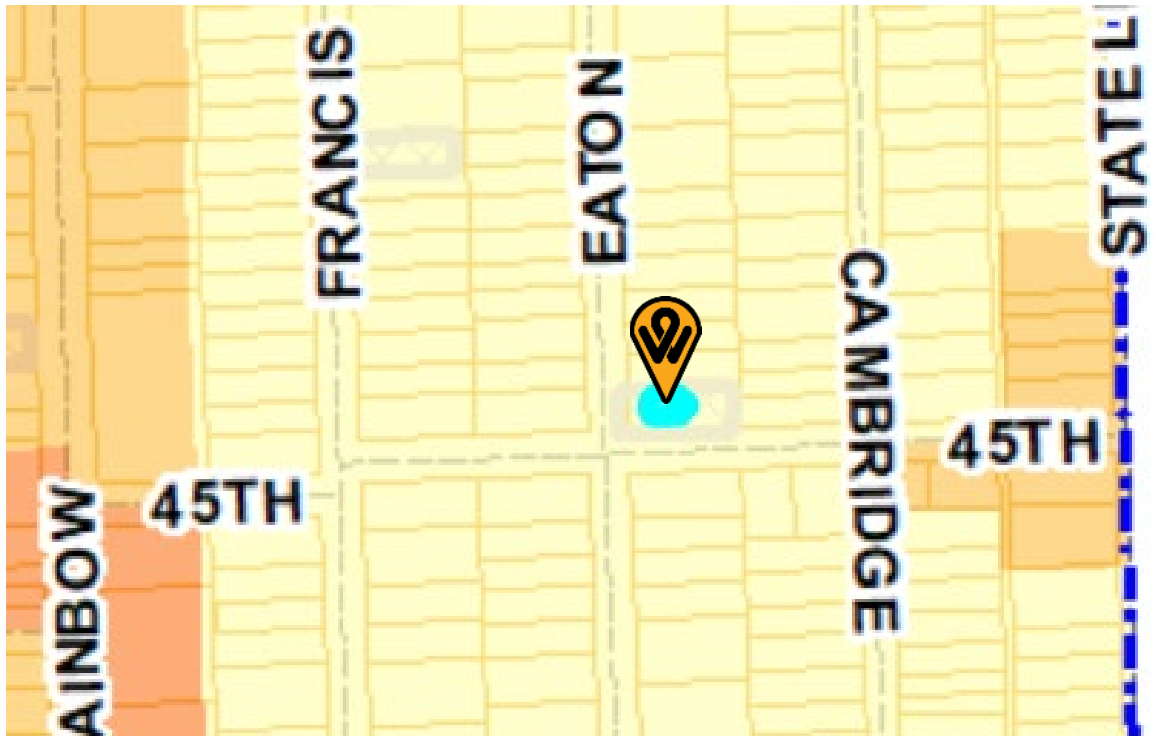


AERIAL MAP



ZONING MAP





PLANNING ENGINEERING COMMENT LETTER



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: October 12, 2021

SUBJECT: Eric Fletcher – (COZ2021-037, MPL2021-021)
4461 Eaton Street
General Engineering Review No. 1 (of the application received 9/24/2021)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wvcokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) Provide more information on the function of the utilities i.e., separate utilities for each unit, condition of the private sanitary service line to the existing building, etc.
- 2) Is there proposed site improvement? It appears the driveway is not in good condition. Also, the parking area to the existing building has gravel over the public sidewalk and broken concrete apron and requires some repair. If repair work is going to be done, a site plan will be required.
- 3) Based on the above comment, the driveway entrances shall be 30' max in accordance with UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-G. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required.
- 4) Regarding the above comment, with the repair of the existing driveway the sidewalk section shall be restored to match the adjacent sidewalk areas.
- 5) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.
- 6) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: c=us, o=Unified Government of
Wyandotte County / KCK, ou=Urban Planning and Land Use,
email=trumble@wvcokck.org, c=us
Date: 2021.10.12 16:55:16 -0500

General Engineering Review Comments

1 of 1

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

AMENITIES

Developments greater than 20 units must provide one of the following: Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent
-

Screening of multi-family residential developments is required between:

- Multi-family and commercial uses
- Multi-family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING

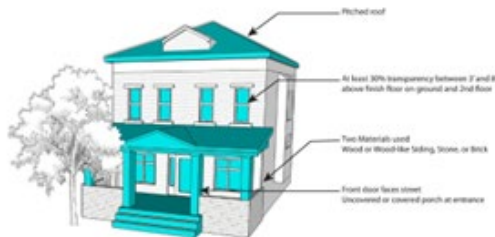
Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.



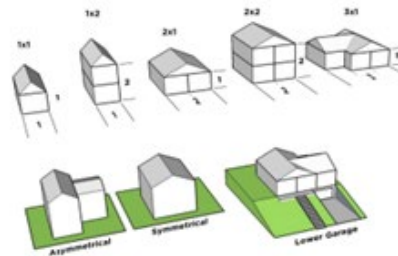
SINGLE FAMILY HOME DESIGN GUIDELINES

Any infill housing must compliment surrounding houses to preserve the charm and congruity of Rosedale's neighborhoods. To better understand Rosedale's housing, a housing typology study was undertaken and 636 Rosedale homes were surveyed. The housing typology study uncovered basic massing and architectural elements of the typical Rosedale house. By utilizing these very fundamental massing and architectural strategies, neighborhood coherence can be fostered regardless of architectural style.

The typical Rosedale house is 2 stories high and has a narrow floor plan that is two rooms wide and 3 or more long. House configuration is the result of narrow lots with garages and alleys in the back. On wider lots, houses can have a similar configuration with side gabled roofs. In many cases, differences in elevations allowed houses to raise above the street level and have basements with garages. Rosedale home elevations are typically symmetrical, and are usually accentuated by a front facing gabled roof. An elevated porch faces the street. Primary materials are wood or wood-like siding with a secondary material of brick or stone. Variations of these basic elements currently exist and are desired for future single family homes.

MASSING

Typical and desirable massings are as follows:

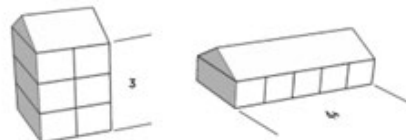


Underlying residential zoning limits homes to 2.5 stories and is recommended for all future single family construction.

Undesirable massing:

Greater than 2.5 Stories

4+ Wide / Ranch



ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

MATERIALS

All new Rosedale single family homes must use at least two types of facade materials. Facade materials are limited to wood or wood-like siding, brick, and stone.

ROOF

Roof types within single family neighborhoods must be pitched. Single family homes recently constructed along major corridors feature flat or shed roofs. These roof types may be constructed upon major corridors.

TRANSPARENCY

Transparency, or the percentage of clear views into and out of a building, is important for both neighborhood aesthetics and safety. Crime Prevention Through Environmental Design (CPTED) emphasizes the importance of transparency through windows that increase active and passive surveillance of the street and neighboring homes. The more exposed a person feels to surveillance, the less likely they are to commit a crime. CPTED further proposes shifts in typical privacy behaviors, and suggests that residents refrain from keeping blinds and curtains constantly closed.

To promote both the aesthetic and safety qualities of windows, all new single family homes must have at least 30% transparency between 3' and 8' above finish floor on both the ground and 2nd level facade.

ORIENTATION & ENTRANCES

All new single family homes must be oriented to the street and have a primary entrance upon the front facade. The front door can also be located on the side of a home, as long as it is within 15' of the front facade and accessible by a side porch (see Side Yard Frontage, Narrow Lot design standards). All front entrances must have a porch with a minimum area of 40 square feet with a minimum dimension of 5 feet in length or depth.

GARAGES, DRIVEWAYS & SITE

In all instances, garage location must conform to UG code standards for narrow lots. Garage doors may not dominate facades, and must be less than 30% of the house's facade width. Garages must be set back at least 15' from the front facade. In Rosedale, driveways one lane wide are most typical and desirable. No additional front yard parking may occur outside of a driveway. Even if a lot's size does not designate it as "Narrow", any new home design should strive to meet narrow lot site design guidelines.

THE LOWER LEVEL GARAGE

Thirteen percent of Rosedale's housing stock overcomes steep topographical changes in grade between sidewalk and a home's ground floor by building homes into hills. Homes that do this typically have garages at sidewalk, or just below sidewalk level. Access to these garages requires typography cuts and retaining walls. Stair cases then connect higher elevation front entrances and porches to the sidewalk. This is the only condition in which a garage door flush with a house's front facade is desirable or acceptable. Examples and guidelines can be found in the "Parking with Topographical Difficulty" section of the Narrow Lot Guidelines.

NEIGHBORHOOD COMMENT LETTERS



Eric <emfletcher01@gmail.com>

4461 Eaton R-1 to R-3

1 message

Brad Handley <bradh@kchome2day.com>
To: "emfletcher01@gmail.com" <emfletcher01@gmail.com>

Sat, Oct 16, 2021 at 8:31 AM

Mr. Fletcher:

Thank you for your letter in reference to the R-1 to R-3 zoning designation change of 4461 Eaton, Kansas City, KS 66103.

I am the managing member of the LLC that manages the rental house 2 North of 4461 Eaton (4457 Eaton). It's a great area, and I have managed the house 2 doors north for about 20 years. I anticipated 4461 Eaton was already zoned R-3, as it has been utilized as a tri-plex for the past 20 years+. In addition to that rental house, I manage about 30 others nearby.

I support your request for change of zoning from R-1 to R-3 of 4461 Eaton, Kansas City, KS 66103.

If you or any of the zoning committee have any questions or concerns, any/all may reach Brad Handley m/m by calling 913-980-4800 or forwarding e-mail to bradh@kchome2day.com (the e-mail address from which this contact has been forwarded).

Please feel free to print this e-mail and/or forward to any of the zoning committee personnel.

Respectfully,

Brad Handley m/m
913-980-4800

NEIGHBORHOOD COMMENT LETTERS

Date: 10/26/2021
Application Numbers: COZ2021-037 and MP2021-021
Address: 4461 Eaton St., Kansas City, KS 66103
Neighborhood Meeting Format: Collected phone and email responses.
Date Letters Mailed: 10/12/2021

Names and responses of people who participated:

Name: Brad Handley, LLC Operator
Address: 4457 Eaton St., Kansas City, KS 66103
Response Date: 10/16/2021
Response: See attached email.

Name: Myra and Eric Coleman
Address: 4520 Eaton St., Kansas City, KS 66103
Response Date: 10/19/2021
Response:

Myra called and let me know that she and her husband previously owned and operated 4461 Eaton St. as a triplex for ~13 years. She said that when they sold 4461 Eaton St. to a lawyer, Robert Stopperan, she and her husband were notified that the property was not zoned correctly (she couldn't recall the sale date but it lined up with the ~2001 sale). She said they went through a public hearing process to correct the zoning issue, and she believed that the zoning issue was resolved permanently. She indicated that she had to provide a certified letter from a neighbor who had lived in the area for ~50 years stating that she had seen numerous parties coming and going through 4461 Eaton at any given point for her entire time in the neighborhood, indicating just how long the property had been an operating triplex. Myra said that if I bought 4461 Eaton St. as a triplex, live in it as a triplex, and operate it as a triplex, she sees no issue and supports the zoning change.

NEIGHBORHOOD MEETING AFFIDAVIT

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Eric Fletcher, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-037 + MPL2021-021
2. That I conducted a neighborhood meeting on 10/12/2021 – 10/25/2021
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Eric Fletcher, 10/26/2021
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200__.

My commission expires _____ of _____, 200__.

Notary Public









Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023**

GENERAL INFORMATION

Applicant:
Sherrie Gayed

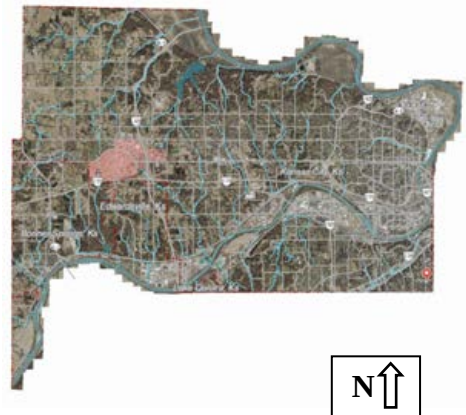
Status of Applicant:
Representative
Matt Schlicht with Engineering Solutions
50 Southeast 30th Street
Lee's Summit, MO 64082

Requested Actions:
To approve a Master Plan Amendment from Urban Mixed Use to General Urban (Rosedale Master Plan).

To approve a Change of Zone from R-1(B) Single Family District to RP-4 Planned Garden Apartment District.

To approve Special Use Permit for a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

Date of Application:
September 24, 2021



Purpose:	To rezone, develop and operate a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.		
Property Location:	4403 Rainbow Boulevard		
Commission Districts:	Commissioner At-Large, District 2: Tom Burroughs District #3 Commissioner: Christian Ramirez		
Existing Zoning:	R-1(B) Single Family District		
Adjacent Zoning:	North:	R-1(B) Single Family District	
	South:	R-1(B) Single Family District	
	East:	R-1(B) Single Family District	
	West:	R-1(B) Single Family and CP-1 Planned Limited Business Districts	
Adjacent Uses:	North:	Single family homes	
	South:	Single family homes	
	East:	Single family homes	
	West:	Strip center retail, commercial storefront, and a single-family home	
Total Tract Size:	0.63 Acres		
Master Plan Area:	Rosedale Master Plan		
Master Plan Designation:	The Rosedale Master Plan designates this property as Urban Mixed Use, which allows small apartment buildings (1-3 stories), multi-family apartments, townhomes, public/institutional uses, offices and services, and retail and entertainment uses and General Urban, which allows which allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. Three (3) story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one (1) story or ten (10) feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood.		
Major Street Plan:	The Major Street Plan classifies Rainbow Boulevard as a Class A Thoroughfare.		
Required Parking:	Sec. 27-459(d) states one and one-half parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more.		

Thirty-four (34) spaces are required. Eighteen (18) spaces are provided. A parking variance has been applied for to be heard by the Board of Zoning Appeals.

Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – October 14, 202, and November 18, 2021; Special Use Permit – October 14, 2021; Master Plan Amendment – October 14, 2021 Letters to Property Owners – Change of Zone – October 15, 2021, November 19, 2021 and December 27, 2021; Special Use Permit – October 15, 2021, November 19, 2021 and December 27, 2021; Master Plan Amendment – October 15, 2021, November 19, 2021, and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	Staff has received letters of support for this petition.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Matt Schlicht, with Engineering Solutions on behalf of the applicant, Sherrie Gayed, has filed a Change of Zone, Special Use Permit, and Master Plan Amendment for the Friendship Inn, a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

Code Enforcement History: There were Code Enforcement citations on the property between 2000 – 2010 for weeds and expired vehicles parked on the property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes to the north, south and east and a mixture of commercial development and single-family homes to the west, across Rainbow Boulevard.

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

The zoning and their uses are set out above. The proposed use is not inherently compatible with them but could be so long as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is being requested, and that the

proposed development meets the multi-family design guidelines.

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

The Friendship Inn is within proximity to the University of Kansas Medical Center, which offers convenience to the families of patients that are being treated there. This property is suitable for the use, provided the temporary lodging facility is properly managed.

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

The two (2) single-family homes on the property have been vacant since 2019.

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

The proposed use is reasonably necessary for the convenience and welfare of the public for those families that will use this facility because they have family members at University of Kansas Health System. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of nearby property so long as it meets the Master Plan and code requirements.

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

In coordination with Planning Engineering and the Public Works Department, traffic and parking demand will be reviewed to determine if the proposed uses will adversely affect road capacity, safety or create parking problems. No on-street parking is allowed on Rainbow Boulevard, any overflow parking that may occur will be forced into the single-family neighborhoods, which currently struggle with availability of on-street parking for the residents.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Rosedale Master Plan. A Master Plan Amendment from Urban Mixed Use to General Urban is also being sought to rectify a split designation on the parcel.

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

The proposed use will not cause environmental harm as it is a built out urban area. Street trees and additional landscaping will be planted in accordance with the landscaping requirements.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District #332.

e. *Fire*

Fire service is provided by Fire Station #10 located at West 36th Avenue and Rainbow Boulevard.

f. *Transit*

Kansas City ATA provides transit service Rainbow Boulevard, Route #105.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. *Streets*

To be designed to meet Public Works standards.

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

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

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions and variances.

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

The relative gain to the public health, safety, and welfare is likely minimal as it provides the convenience of lodging to a very specific portion of the population. If denied, the hardship imposed on the families who benefit from the services of the Friendship Inn will be minimal as there are other lodging options in the area. If denied, the landowner could not use the property as a temporary lodging facility, but could still use the two (2) single-family homes for long-term rental, infill additional single-family homes on the property, or modify their proposal and reapply.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant initially held a neighborhood meeting on October 25, 2021 by Virtual Meeting and a second neighborhood meeting from November 22, 2021 – November 29, 2021 via e-mail and phone call.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Compliance with the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines
Compliance with the Sidewalk and Trails Master Plan
Pedestrian Circulation, Scale and Connectivity
Bikeshare Hub
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-043**, Special Use Permit Application **SP2021-074** and Master Plan Amendment **MPL2021-023**, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2021-033. The following are conditions for BOZA2021-033 and are stated here for reference only, as COZ2021-043 is solely for a change of zone to build short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System:**
 - a. **This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a**

Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023

historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department.

- b. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
2. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
3. A building permit is required. Please contact the Building Inspection Department to begin that process;
4. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
5. Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between eight (8) feet and ten (10) feet wide. The proper site design, future right-of-way dedications may be needed on the plat;
6. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments.

The bikeshare e-bikes are not for the sole use of the guests staying at Friendship Inn, however, they will have the ability to use an alternate mode of transportation. The UG bikeshare e-bike rack can and will be installed just off the sidewalk along Rainbow Boulevard;

7. Parking visible from any public street must be screened by a fence or shrubbery that matures to three (3) feet or greater and is planted to form a solid visual barrier;
8. The contact information for Kathy Bradley, House Manager shall be provided to the business development organization, adjacent neighborhood groups and property owners;
9. Per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

10. Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below:

- Minimum side yard setback a 10' from property line abutting single family;
- Within 30' of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height; and,
- Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height;

11. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation;

12. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel;

13. Landscape the west side of the site to soften the front of the building;

14. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;

15. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;

16. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;

17. All landscaping must be irrigated;

18. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
19. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
20. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
21. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
22. Per the Rosedale Master Plan, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
23. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
24. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
25. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
26. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
27. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
28. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard;
29. Shall comply with the sign ordinance;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
31. 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;
32. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

- of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
33. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2021-043**, **SP2021-074**, and **MPL2021-021**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Rosedale Master Plan Land Use Designation
Rosedale Master Plan Urban Multi-Family Residential Design Guidelines
Regional Trail Standards and Cross Section (Sidewalk and Trails Master Plan)
UG Bikeshare Detailed Specifications (Bike Hitch, Wayfinding and Installation Diagram)
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Floor Plan
Building Elevations
Letters of Support
Site Photograph taken by Planning Staff on October 12, 2021.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	
Public Hearing	December 13, 2021	January 6, 2022
Special Use	Approval	
Public Hearing		
Master Plan	December 13, 2021	January 6, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-043, SP2021-074 and MPL2021-023** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-043, SP2021-074 and MPL2021-023** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:16:10:

MASTER PLAN AMENDMENT APPLICATION MPL2021-023– SHERRIE GAYED WITH FRIENDSHIP INN - SYNOPSIS: Master Plan Amendment from Urban Mixed Use to General Urban (Rosedale Master Plan) at 4403 Rainbow Boulevard.

CHANGE OF ZONE APPLICATION COZ2021-043 - SYNOPSIS: SHERRIE GAYED WITH FRIENDSHIP INN Change of Zone from R-1 Single Family District to R-3 Townhouse District for a 17-unit building for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems at 4403 Rainbow Boulevard.

SPECIAL USE PERMIT APPLICATION SP2021-074 – SHERRIE GAYED WITH FRIENDSHIP INN - SYNOPSIS: Special Use Permit for a 17-unit building for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems at 4403 Rainbow Boulevard.

Detailed Outline of Requested Action: The representative, Matt Schlicht, with Engineering Solutions on behalf of the applicant, Sherrie Gayed, has filed a Change of Zone, Special Use Permit, and Master Plan Amendment for the Friendship Inn, a seventeen (17) short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

Code Enforcement History: There were Code Enforcement citations on the property between 2000 – 2010 for weeds and expired vehicles parked on the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- Sherrie Gayed, applicant, 4146 State Line Road, Kansas City, Kansas 66103
- Don Roseman, Roseman and Associates Architects
- Sarah Waggoner, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:25:10: Planning Director Hand stated that this case is being heard in conjunction with Board of Zoning Appeals application BOZA2021-023, which was approved earlier this evening with conditions. This property is in the Rosedale Area Master Plan, and this is a designated neighborhood node in the plan. Staff believes that it complies with the intensity of the Rosedale Area Master Plan, but not the intended mix of uses on the proposed site. He stated that the Rosedale Area Master Plan Design Guidelines and Commercial Design Guidelines have a Change of Zone Petition COZ2021-043, SP2021-074, and MPL2021-023

materials requirement, and that the use of all brick material does not violate these design guidelines. The applicant is requesting a deviation for covered parking and if that deviation is approved, Staff would request enhanced additional screening from the residential homes on the east. Regarding the bike-shared location, Staff believes this is a perfect location for the bike racks and kiosk. Staff is asking for a concrete pad adjacent to the sidewalk north of their driveway, so it is a shared-bike location. A final development plan is required and the site development plan, etc. will be addressed at that time. There are old Notices of Violations on this property. Staff recommends approval of the Change of Zone and Master Plan Amendment and the Special Use Permit for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at 3:30:35:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2021-023:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2021-033. The following are conditions for BOZA2021-033 and are stated here for reference only, as COZ2021-043 is solely for a change of zone to build short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System:
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 - **Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height;**
- 11. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation;**
- 12. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel;**
- 13. Landscape the west side of the site to soften the front of the building;**
- 14. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 15. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;**
- 16. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage;**
- 17. All landscaping must be irrigated;**
- 18. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;**
- 19. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;**
- 20. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;**
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23. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
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25. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
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27. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
28. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard;
29. Shall comply with the sign ordinance;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
31. 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;
32. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
33. 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.

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-043**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2021-074** for two (2) years:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions

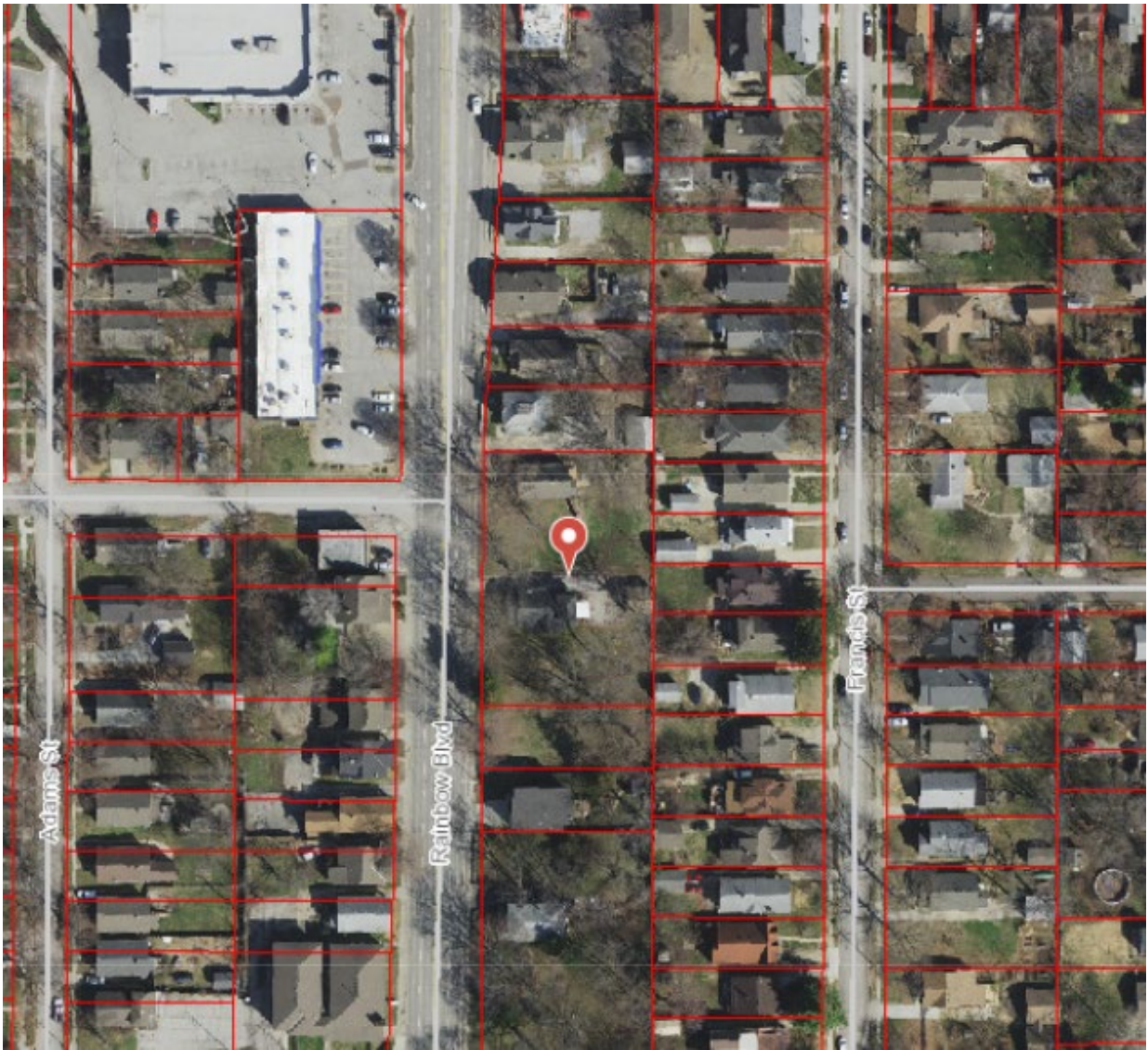


Figure 1. Aerial Map of 4403 Rainbow Boulevard (provided by UG Maps).



Figure 2. Zoning Map of 4403 Rainbow Boulevard (provided by UG Maps).

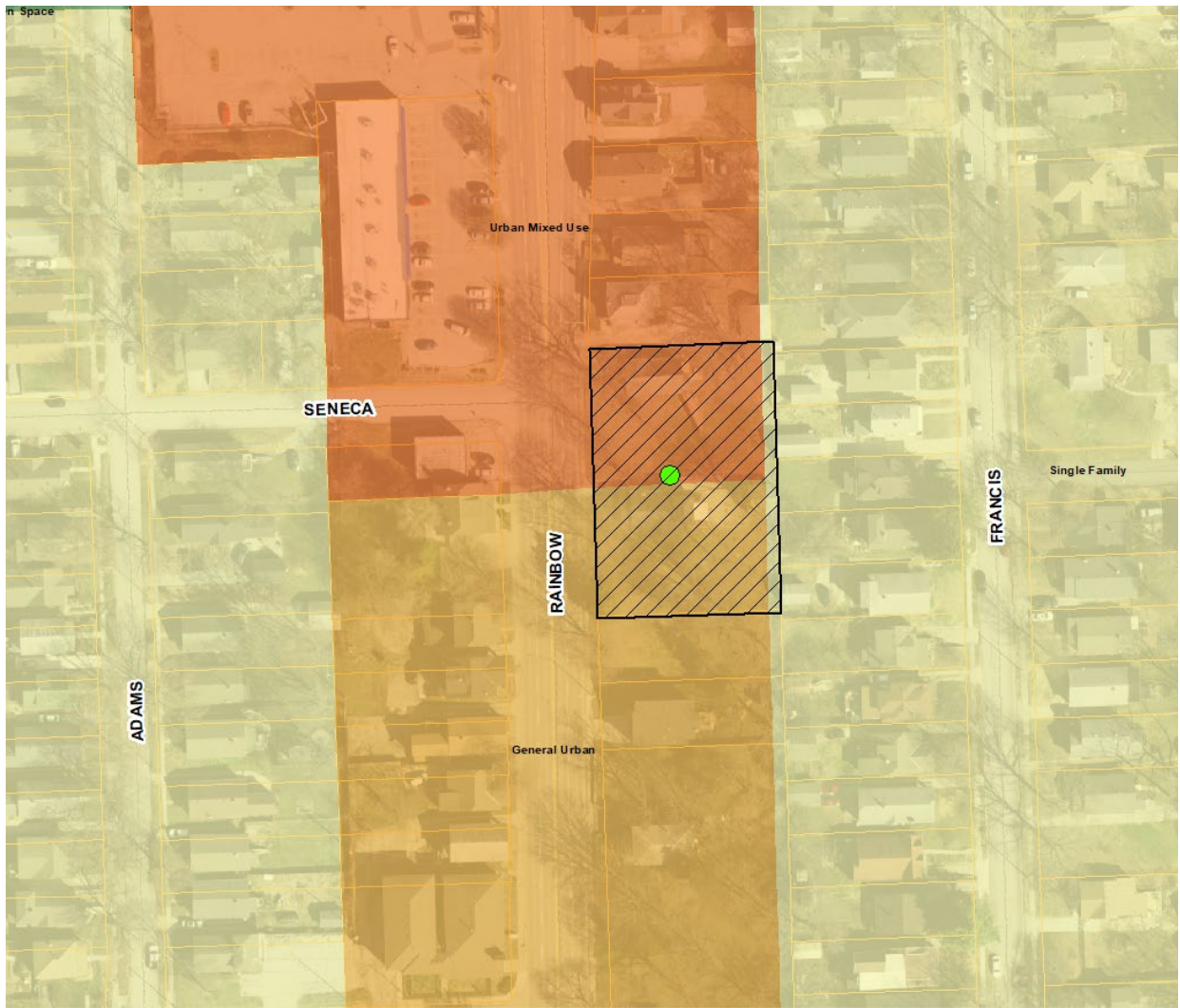


Figure 3. Rosedale Master Plan Land Use Map of 4403 Rainbow Boulevard (provided by ArcMap).

DISTRICTS

URBAN CORE MIXED USE

Urban Core Mixed Use is the most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street. Active uses are encouraged on the first floor. Active uses are defined as retail, office, live/work units, or residential and must include entrances on the first floor and transparent windows.



URBAN MIXED USE

The Urban Mixed Use district is designed to create a vibrant urban character. This is the second most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street.



GENERAL URBAN

This area is predominantly residential in character with rowhouses, townhomes, and single family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed use corridors. Three story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one story or 10 feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood. It will be considered alongside other factors such as how well the overall design of the site and building responds to its surrounding context and the level of community support.



URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

AMENITIES

Developments greater than 20 units must provide one of the following:
Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or Inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent

Screening of multi-family residential developments is required between:

- Multi-Family and commercial uses
- Multi-Family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING

Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.

Trail Design Guidelines

The following guidelines apply for all recommended trails. Although there are several trail types, there are common minimum design standards necessary to ensure a safe and enjoyable experience for all users. These standards were developed based on input received through the Plan process and a review of the latest common practices, most notably the American Association of State Highway and Transportation Officials (AASHTO) Guide for Planning, Design and Operation of Pedestrian Facilities, AASHTO Guide for the Development of Bicycle Facilities, and KC-APWA standards.

1. For ease of maintenance, the preferred surface material for most regional and local trails is concrete. However, to accommodate different user needs and unique physical conditions, trails on unimproved levee roads, parks, greenways, or in other natural areas may utilize asphalt or "soft" surfaces such as limestone screenings, or other material approved by the County engineer.
2. Although the standard width is 10-feet, it is recognized that within the developed urban corridors and/or areas with significant physical and environmental constraints, narrower trail segments may be necessary. Within these areas, upon the recommendation of the County Engineer, a minimum of 8-feet may be accepted.
3. A three-foot minimum clear zone on each side of the trail is desirable. All vertical objects including signage, benches, etc. should be located outside of this zone.
4. Grades steeper than 8.33 percent (1:12 slope) should only be considered for very short segments; cross slopes should not exceed two percent.
5. Overhanging branches or obstructions should be higher than 10-feet.
6. For safety, large trees or tall shrubs should be at least 10-feet from the trail.
7. A buffer zone should be maintained to protect natural systems and ecologically sensitive areas.
8. Visual clutter should be limited in the green space between the road and sidewalk or trail.
9. Crossings on bridges should include a barrier and railing to separate traffic and the pedestrian or cyclist.
10. Trail heads provide places for rest, parking, water fountains, and maps of the trail system. Trail heads should be placed at the appropriate termini or junctions of a trail corridor and any place where a large concentration of users is anticipated. At a minimum, trail heads should include vehicular and bicycle parking as well as a system trail map with the specific location within the system. Other preferred features include but are not limited to benches, trash receptacles, lighting, appropriate cultural or historical interpretive signage, restrooms and drinking fountains. All facilities should be designed according to ADA accessibility guidelines.

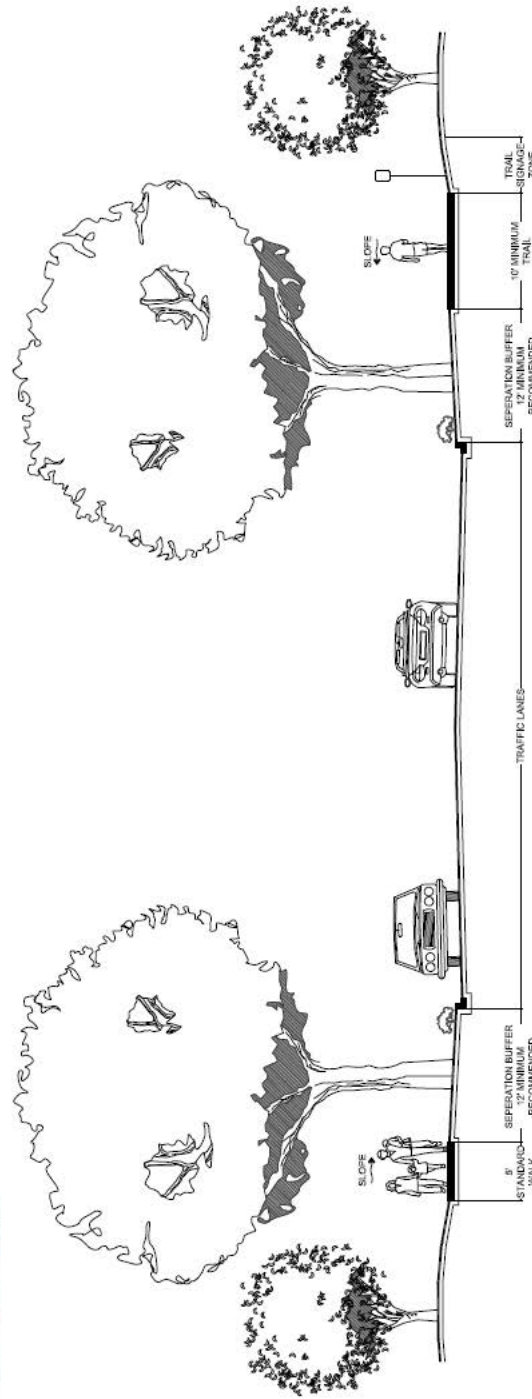


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Sidewalk and Trail Master Plan



Figure 7.3: Regional Trail
Typical Cross Section

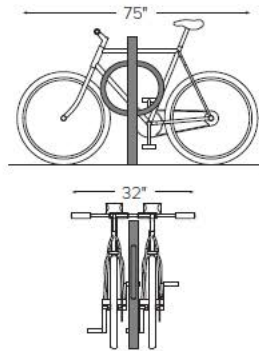
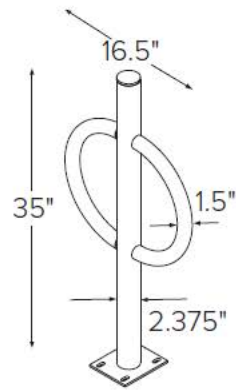


Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



BIKE HITCH

Submittal Sheet



CAPACITY

2 Bikes

MATERIALS

Centerbeam: 2" schedule 40 pipe (2.375" OD)
Ring: 1.5" OD 11 gauge tube

FINISHES

- ☐ **Galvanized**
An after fabrication hot dipped galvanized finish is our standard option.
- ☐ **Powder Coat**
Our powder coat finish assures a high level of adhesion and durability by following these steps:
 1. Sandblast
 2. Epoxy primer electrostatically applied
 3. Final thick TGIC polyester powder coat
- ☐ **PVC Dip**
Black PVC
- ☐ **Stainless**
Stainless Steel: 304 grade stainless steel material finished in either a high polished shine or a satin finish.

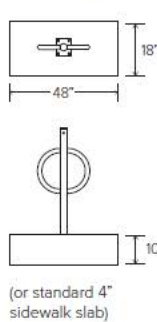
MOUNT OPTIONS

- ☐ **In-ground**
In ground mount is embedded into concrete base. Specify in ground mount for this option.
- ☐ **Surface**
Foot Mount has a 5"x6"x.25" foot with four anchors per foot. Specify foot mount for this option.

IN-GROUND MOUNT



SURFACE MOUNT

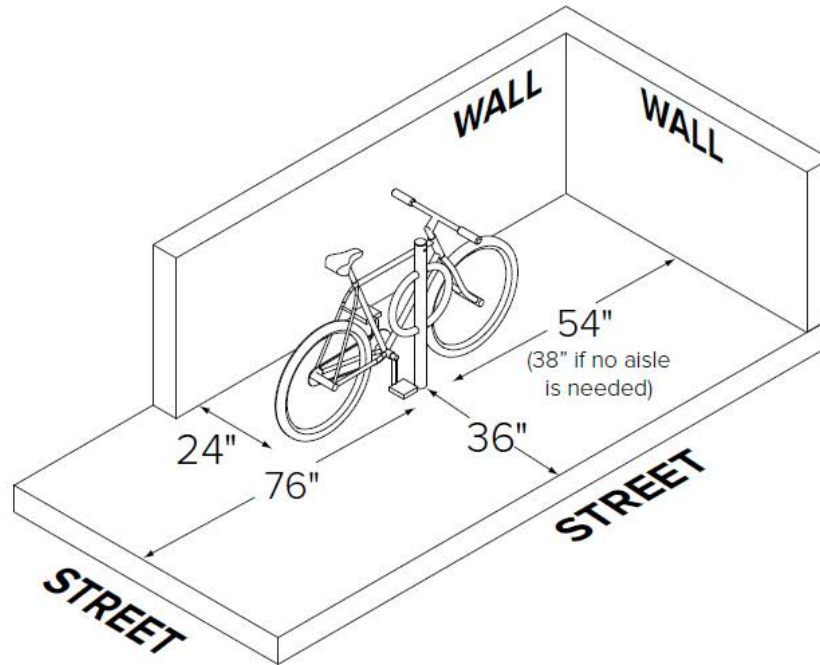


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BIKE HITCH Setbacks



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BIKE HITCH

Installation Instructions – Surface Mount

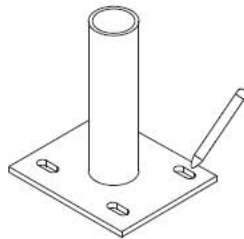
TOOLS NEEDED

Tape Measure
Marker or Pencil
Masonry Drill Bit
Drill (Hammer drill recommended)
Hammer
Wrench 9/16"
Level
Washers (for leveling if necessary)

RECOMMENDED BASE MATERIAL

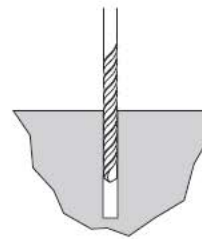
Solid concrete is the best base material for installation. To ensure the proper anchors are shipped with your rack, ask your Dero Rack representative which anchor is appropriate for your application. Be sure nothing is underneath the base material that could be damaged by drilling.

1



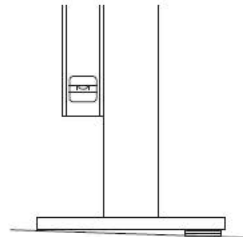
Place the rack in the desired location. Use a marker or pencil to outline the holes of the flange onto the base material.

2



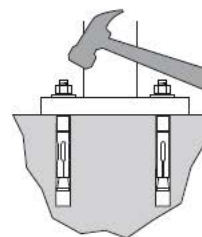
Drill 3/8" diameter holes 3" deep into surface. Make sure the holes are at least 3" away from any cracks in the base material.

3



Place rack (and washers to level rack if necessary) over holes.

4



Thread nuts onto anchors, leaving approximately 1/4" of the anchor protruding, and tap into surface. Tighten nuts down to secure rack.



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BIKE HITCH

Installation Instructions – In Ground Mount

TOOLS NEEDED

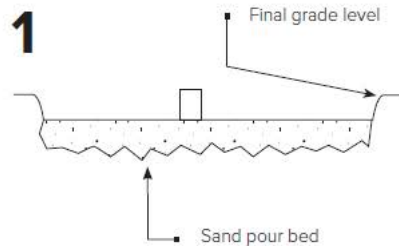
Level
Cement mixing tub
Shovel
Trowel

Hole coring machine with 4" bit
Access to water hose
Materials to build brace (see "Install Tip" at bottom of page)

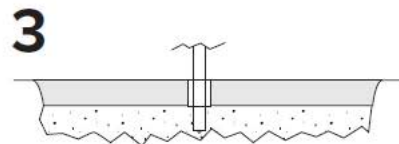
INSTALLING INTO EXISTING SIDEWALK

Core holes no less than 3" diameter (4" recommended) and 10" deep into sidewalk. Fill holes with Por-Rok or epoxy grout. Place rack into holes, making sure the rack is level. 33"-36" of the rack should remain above the surface. If the rack is less than 33" high, it will not support the bike adequately. Make sure the rack is level and held in place until the grout has set.

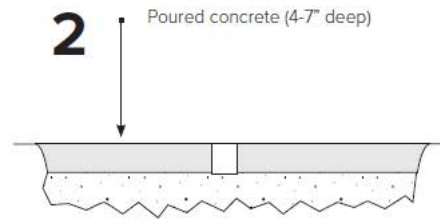
INSTALLING INTO A NEW SIDEWALK



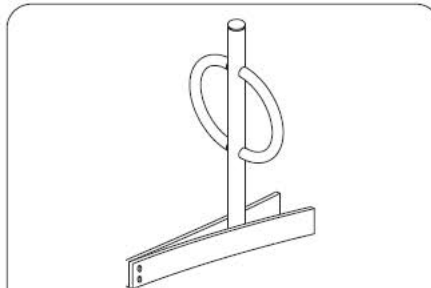
Place corrosion resistant sleeve (min. 3" inside diameter) in sand pour bed in exact location where rack will be installed. Make sure top of sleeve is at same level as desired finished concrete surface. Fill sleeve with sand to keep it in place and prevent it from filling with concrete.



After appropriate cure time, dig out sand from sleeves and insert racks, making sure they are level and at the appropriate height. Pour in Por-Rok or epoxy grout and allow to set.



Pour concrete and allow to cure.



INSTALL TIP

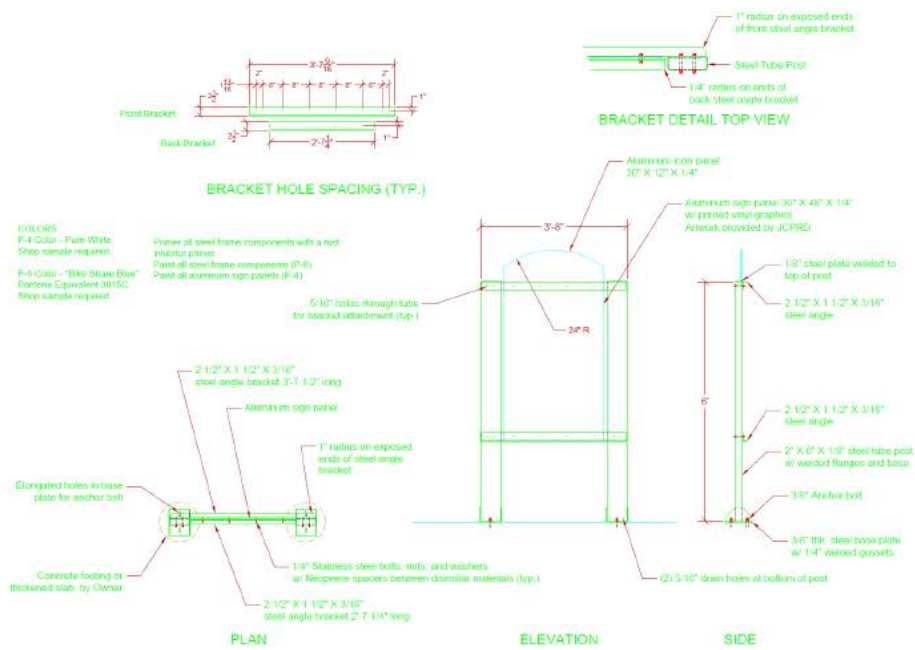
An easy way to brace the rack while the grout sets is to bolt two 1x4" boards together at one end and clamp them onto the rack like a clothes pin.

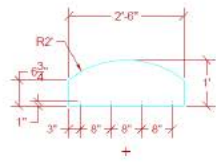


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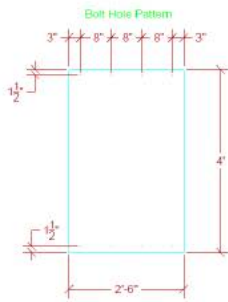
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Aluminum icon panel
30" X 12" X 1/4"



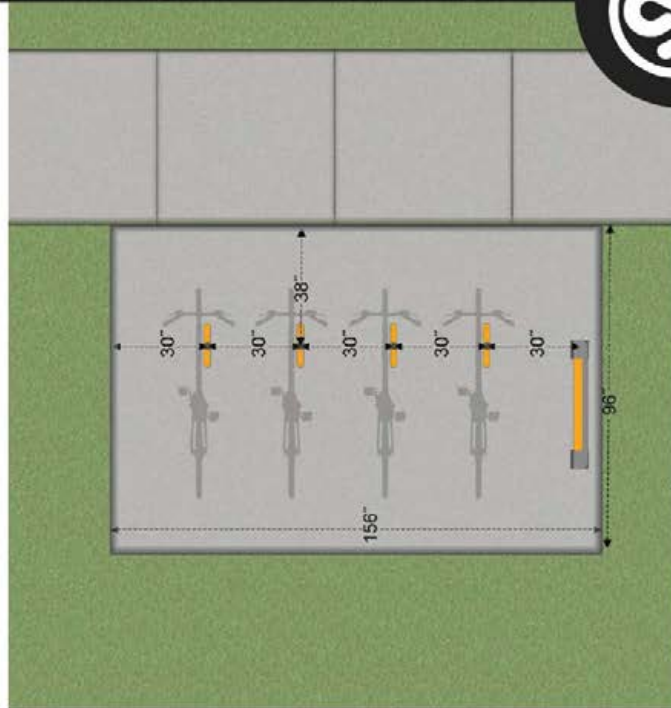
Aluminum sign panel
30" X 48" X 1/4"

Paint all aluminum sign panels color
Pure White (P-4)

Fisher Park, at Lake Avenue and Fisher Street

Destinations and Amenities

- Small public park
- Basketball courts
- Walking trail
- Playground
- Rosedale Memorial Arch
- Rosedale Middle School



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

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Response Letter
November 29, 2021
4403 Rainbow Blvd
Kansas City, KS

Comments related to BOZA2021-033

1. This Board of Zoning Appeals case is being heard in conjunction with COZ2021- 043, which is to rezone the property from R-1(B) Single Family District to RP-4 Planned Garden Apartment District to build seventeen (17) unit building for temporary lodging for families of patients at KUMC on 0.63 acres at 4403 Rainbow Boulevard.

Noted.

2. Redesign the building to fit within the residential context of the neighborhood. Along the west elevation, alternating between projecting and recessing the building to mimic a townhome or rowhome to give the illusion that there are multiple entrances and dwelling units, albeit temporary housing rather than commercial building.

The building was designed to be residential in nature and to not look like a multi-family type of structure. This design was based upon the feedback from the neighbors as well as several pre-design conversations with Rosedale Development Association. The neighbors and RDA have responded very favorably to this design and we believe this is a more appropriate design fit as we are flanked by single family homes and the neighbors would like it to still look like a single-family home from the exterior. However, we will continue to have conversations with staff to make sure we are all on the same page with a design that is welcome to the neighborhood.

3. Covered parking is required to buffer single-family houses to the east per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines.

Per page 84: If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

As this is not a permanent residence for the guests we are requesting a waiver on this requirement. Many of the guests will park their cars at the hospital as they are spending the majority of their days there. The neighbors are also expressed the desire that this not look like something that did not appear to be rentals or a multi-family development that could have short term rentals. Covered parking that will sit mostly vacant will not be aesthetically pleasing and will take away from the single family of the back yard.

Comments related to Change of Zone Petition COZ2021-043, SP2021-074 and MPL2021-023

General Planning:

1. This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department. Landmarks Commission review is set for February 7, 2022.

2. This Change of Zone case is being heard in conjunction with BOZA2021-033, which is seeking a variance in the front yard setback, a reduction in lot area and a reduction in off-street parking to build a seventeen (17) unit building for temporary lodging for families of patients at KUMC on 0.63 acres at 4403 Rainbow Boulevard. Noted.

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3. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time.

Noted.

4. 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.

Noted.

5. 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.

Noted.

6. How often are guests in the residence? **Guests are present in the home mostly at night as they are typically spending most of their time at the Hospital.**

7. Does a staff member live in the facility and if so, how often? **The House Manager resides in the home on a permanent basis.**

8. Who is the designated property manager? Explain the details of this arrangement. What is their contact information, and will you provide their information to the neighbors within the notice area? **Kathy Bradley is the long standing House Manager and her contact information is kbradley@friendshipinnkc.org and will be provided to the neighbors.**

9. How will you communicate with the neighbors if there are any issues? **Kathy will maintain a relationship with the surrounding neighbors and they are able to call the Friendship Inn home or communicate with Kathy via her email address.**

10. How will you advertise the business? **As the demand is so high, advertising is not necessary and most guests come through direct referral from the Hospital.**

11. Describe how you will maintain a safe environment including: a. Working smoke detectors in each bedroom plus each level of the unit/house;
b. GFCI outlets required in bathrooms;
c. Double keyed locks are not allowed;
d. Copper cannot be used for gas supply lines;
e. Windows must be operable, not blocked or boarded;
f. Handrails are required at sets of 4 or more stairs/ risers;
g. Hot water tank and furnace must be vented properly and operational; and,
h. Electric panel and circuits must be safe.
All of the above will be implemented.

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12. A building permit is required. Please contact the Building Inspection Department to begin that process. **Noted.**

13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required. **Safe room is provided**

14. Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between eight (8) feet and ten (10) feet wide. The proper site design, future right-of-way dedications may be needed on the plat. **8' Sidewalk is has been added.**

15. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments. **We do not believe this is an appropriate location for the bike racks. Guests are spending the entirety of their day at the Hospital and returning in the evenings. Typically, there is more than one member of the family staying at the home and in that case they will to drive or walk together to the Hospital. Guests are drained physically and emotionally therefore biking will not be their preferred mode of transportation.**

Building Architecture:

1. Redesign the building to fit within the residential context of the neighborhood. Along the west elevation, alternating between projecting and recessing the building to mimic a townhome or rowhome to give the illusion that there are multiple entrances and dwelling units, albeit temporary housing rather than a commercial building. **The building was designed to be residential in nature and to not look like a multi-family type of structure. This design was based upon the feedback from the neighbors as well as several pre-design conversations with Rosedale Development Association. The neighbors and RDA have responded very favorably to this design and we believe this is a more appropriate design fit as we are flanked by single family homes and the neighbors would like it to still look like a single-family home from the exterior. However, we will continue to have conversations with staff to make sure we are all on the same page with a design that is welcome to the neighborhood.**

Staff understands that having a central access point in the front of the building, like the rear is important for check-in of guests as well as security.

2. There may be concerns from neighborhood groups or adjacent property owners regarding the physical design of the building and its commercial, hotel-like appearance rather than a series of townhomes or rowhomes that are more residential in appearance that fit the existing residential neighborhood. **Feedback from neighbors and RDA has been overwhelmingly positive.**

3. Parking visible from any public street must be screened by a fence or shrubbery that matures to three (3) feet or greater and is planted to form a solid visual barrier. **Landscaping has been provided**

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4. Per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Noted.

5. Per the Urban Multi-Family Residential Design Guidelines covered parking/garage is required to buffer the single-family homes to the east. As this is not a permanent residence for the guests we are requesting a waiver on this requirement. Many of the guests will park their cars at the hospital as they are spending the majority of their days there. The neighbors are also expressed the desire that this not look like something that did not appear to be rentals or a multi-family development that could have short term rentals. Covered parking that will sit mostly vacant will not be aesthetically pleasing and will take away from the single family of the back yard.

6. Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below: • Minimum side yard setback a 10' from property line abutting single family; Noted.

- Within 30' of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height; and,
- Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

7. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation. Noted.

8. PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel. Is there a way to redesign these grilles either into the building by painting them to match the adjacent exterior building material or have a central HVAC system with thermostats in each unit? Noted.

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Landscaping and Screening:

1. Provide a landscape plan. **Plan has been provided.**
2. Landscape the west side of the site to soften the front of the building. **Noted.**
3. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. **Noted.**
4. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required. **Noted.**
5. Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One (1) tree is required per thirty (30) feet of frontage. **Noted.**
6. All landscaping must be irrigated. **Noted.**
7. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted. **Noted.**
8. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Noted.**
9. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line.
10. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed. **Noted.**
11. Per the Rosedale Master Plan, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood. **Lighting will comply to the required guidelines.**
12. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped. **Noted.**
13. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid. **Noted but it is likely all equipment will be ground mounted and screened**
14. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. **Noted.**

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4403 Rainbow Blvd
Kansas City, KS

15. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary. 16. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb. **Noted.**

17. Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard. **Added access**

Signage:

1. Shall comply with the sign ordinance. **Noted.**

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval: 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **Noted.**

B) Items that are conditions of approval: 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition. **Noted.**

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: 1) None **Noted.**

Should you have any questions related to this letter please contact Matt Schlicht, Engineering Solutions

Matt Schlicht

50 SE 30th Street Lee's Summit, MO 64082
P: (816) 623-9888 F: (816) 623-9849 www.engineeringsolutionskc.com

Friendship Inn Neighborhood virtual neighborhood meeting 10/25/21 6:30 PM

Attendees:

Chris Steineger (4529 Francis)
Becky Paulsen
Kelly White
Valorie Wells
Jake Hodson
Erin Stryka (RDA)

Board + Dev Team

Shawn Long
Jan Finn
Sherrie Gayed
Jason Glasrud
Don Rosemann
Scott Rosemann

Comments/Questions:

- Chris Steineger
 - What are your funding sources, and what is the total project cost?
 - What other locations did you consider?
 - The proposed multifamily development brought by John Hoffman several years ago was “torn to pieces” by the neighborhood.
- Becky Paulsen
 - Do you plan to tear down the existing homes on the site?
 - The rendering looks beautiful
 - Plan reflects elements of the Rosedale Master Plan
 - The property has some slope, what is your plan for fencing and/or screening?
 - *F.I. needs to provide specifics once available*
 - The previous proposed development was far too big for the site; towered above the neighboring homes and did not have enough parking.
- Valorie Wells
 - Do you intend to keep the current Friendship Inn?
 - Have you received any push-back from the “modern house” to the south?
 - Is the Special Use Permit location-specific?
- Jake Hodson
 - How are you going to ensure the long-term use of the property is for Friendship Inn?
 - Don’t want this property to become a rental property
 - Is the driveway wide enough to fit a fire truck?

Memo:

Re: Neighborhood comments

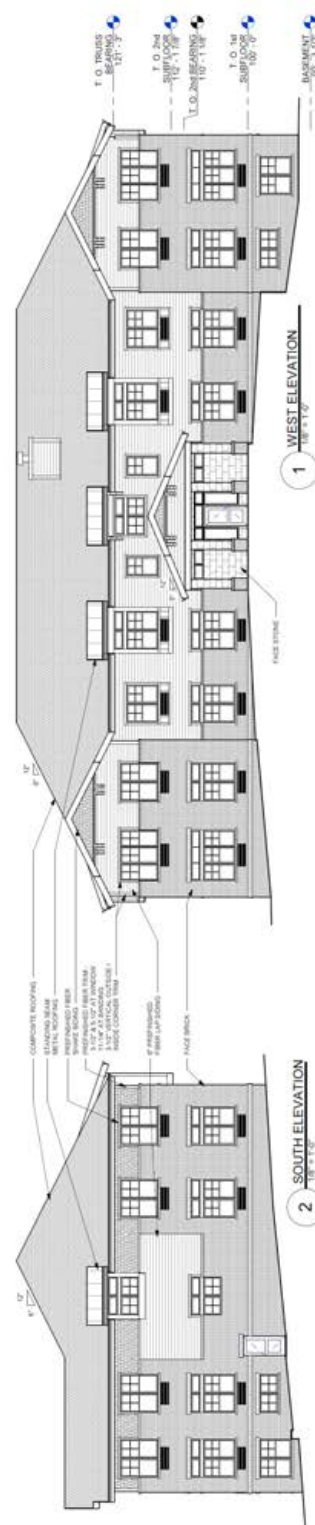
Date: 11/29/2020

A second opportunity for neighbors to weigh in on COZ2021-043, SP2021-074, MPL2021-023, and BOZA2021-033 was conducted. There were zero comments, questions or concerns.

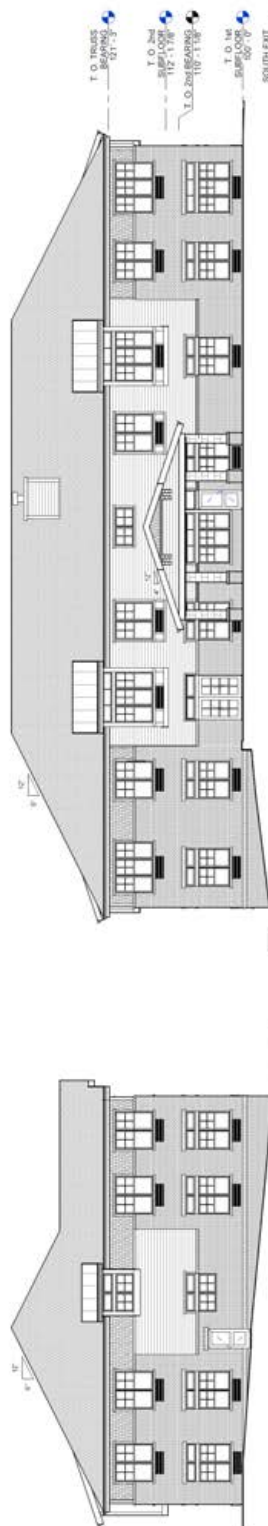
Sherrie M. Gayed



FRIENDSHIP INN
4403 RAINBOW BLVD.
KANSAS CITY, KANSAS



3 EAST ELEVATION



**rosemann
& ASSOCIATES PC**
ARCHITECTURAL
INTERIOR DESIGN
BUSINESS AND
PLANNING
DENVER • KANSAS CITY • ST. LOUIS • ATLANTA

PRINTS ISSUED
SEPTEMBER 24, 1959
REVIEWS

October 26, 2021

The Unified Government of Wyandotte County Commissioners
701 7th St
Kansas City, Kansas 66101

To Whom It May Concern:

I hope this letter finds you doing well. My name is Dante Passantino, and I am the managing partner of Miami Place, LLC which owns the properties located at 4403 and 4325 Rainbow Blvd in our great city. We purchased the properties in 2020 with the intent of rehabilitating the existing homes and activating them while we made plans to redevelop the property by adding new structure to increase density, curb appeal on Rainbow Blvd and value to our partnership and the neighboring property owners. Our intent was to hold the property for quite some time as we had just started working on the existing homes in late 2020.

In the Spring of 2021, I was approached by a group from KU and the Friendship Inn about selling our land and buildings to their NFP that supports and provides housing for patients and families being treated at University of Kansas Hospital. Initially I told the group we were not interested in selling. After a second call and agreeing to meet with them and their benefactor, I learned a lot more about the organization, how their need is underserved and the value that their organization brings to the community, especially those effected by the need to travel to KU for medical care from outside the KC metro area.

That meeting quickly changed my stance as this cause hits really close to home for me and my family. Our youngest son, Leonardo, has been battling stage 4 Neuroblastoma for 4.5 years now. We spent 6 weeks in Seattle, WA in 2019, 6 weeks in Denver, CO in 2020 and we are currently on our second of three 2 weeklong treatments in New York City for our son's cancer treatment. Unfortunately, we have not had the privilege of staying in a facility like what the Friendship Inn offers and once I heard their story and plan, our group was immediately on board to help make this project happen.

Bringing a modern multifamily structure to the 4400 block of Rainbow Blvd has always been our goal. To be able to help bring a product like The Friendship Inn to the site brings more comfort to my heart than any dollar amount ever will. Giving these patients an opportunity to have a nice, modern, clean space to stay while they are in treatment only a few blocks from the Hospital is a true blessing. I speak for myself, my family and our company that Miami Place LLC is 110% behind The Friendship Inn project and have committed both time and resources to help ensure this project comes to fruition.

The Friendship Inn group is doing exactly what we had set out to do when we bought the properties on Rainbow Blvd in 2020, except they are taking it to another level by being a beacon of light for the community and for patients and families to have a safe place to rest

while they try and heal. Please vote to support the zoning change for this property so The Friendship Inn can be in a place they and their guests deserve to rest their heads after a long day of treatment.

Thank you for your time and consideration and feel free to reach out directly with any questions or concerns.

Have a great day,

L. Dante Passantino
Managing Partner
Miami Place, LLC
17790 Rosewood St
Stilwell, KS 66085

October 25, 2021

Unified Government of Wyandotte County Commissioners
701 7th St.
Kansas City, KS 66101

Re: FRIENDSHIP INN – LETTER OF SUPPORT

Dear Commissioners:

I'm writing on behalf of myself and my organization's support of the New Friendship Inn. Our support is centered around the impact the Inn has on the community and families it serves. This past year alone it has provided over 1116 nights of housing to hundreds of families and continues to do this annually. Without an organization like this and their facility, many families would find themselves without housing while they received state of the art healthcare services within the regional. Please consider this letter and move this project forward.

Sincerely,
McCownGordon Construction LLC



Daniel Lacy
Vice President

850 MAIN STREET | KANSAS CITY, MO 64105 | PHONE 816.960.1111 | FAX 816.960.1182

It might sound cliché to say, "the Inn is our home away from home.." But in fact, that is exactly how we felt our first night there some six years ago. We've not bothered looking for any other lodgings because..well, why? We appreciate the sense of community that the Inn provides; it makes us feel less alone in a big city. Over the years have met some interesting individuals, whom - like my husband and I- are coping with some serious health issues. Spending days at KU Med from one appointment to another - its great to have just a block & a 1/2 to get "home" and relax! The individual rooms are clean and comfortable - the decor is muted, not overwhelming.. & I have to mention the cost of the stay - that is a HUGE advantage for us. The cost of decent lodging is much appreciated so as to keep the focus on why we're in need of lodging at all. & Finally - we understand these few words about the importance of Friendship Inn is to reflect the Inn and not be a shout out about the virtues of Kathy Bradley. Without her kindness, humor and thoughtfulness though - the Inn would lack a backbone. Diane is a good one too! I recovered from a liver transplant at the Friendship Inn & wholly believe my wellness then and my continuing improved health had much to do with the positive, gentle atmosphere I was fortunate to recover in. We'll miss the old place on State Line but yall are on to something and we look forward to watching the Inn progress. Just please, keep it simple and kind.

Respectfully,
Robin & Rebecca Hinds
Mulvane, KS 67110

To Whom it May Concern,

Lowell and JoAn Holdorf Fayetteville, Arkansas

We first stayed at The Friendship Inn when Lowell had cancer surgery in 2006 at The University Of Kansas Medical Center. JoAn was not familiar with, nor comfortable with driving in Kansas City and it was such a blessing to stay at the inn and to be able to walk to the hospital from there. In 2015, when JoAn was diagnosed with cancer, she chose to have surgery at KUMed due to the high standard of care that Lowell had received there. We have stayed at The Friendship Inn many times during the past six years for follow-up appointments and more surgeries. We are both forever grateful for The Friendship Inn and the hospitality, security, convenience and the "home away from home" it has offered to us.

Unified Government Commissioners,

My Mom was diagnosed with jaw cancer and came to KU Med for a jaw resection and reconstruction surgery. She was expected to be hospitalized for 7 nights after the surgery. My adult brother and I are very close to our parents and arranged to have the week off. We weren't sure how much we would be at the hospital due to COVID restrictions, but still wanted to be around to support our parents. Head and neck surgery is serious stuff. One difficult aspect is that she had a tracheostomy tube and therefore had difficulty speaking freely. We ended up taking shifts around the clock between the three of us to help keep her comfortable and read her non-verbal cues. I do not think any of us could have foreseen how exhausting and hard that week was going to be. The Friendship Inn was a godsend. We had the comforts of home 3 blocks away from Mom. We could sleep when we needed to, have living space to wait our time until our next shift, could eat and reheat the mounds of food friends and family kept sending, and it was financially accessible. Medical bills pile up easily enough. Then if you factor in costs of travel, costs of being away from home and/or cost of taking time off work, you or a loved one having a serious illness suddenly revolves as much around financial decisions as it does medical ones. Mom happily had clear scans in June and is doing great. I will never forget my stay at Friendship Inn and am sure my story is one of the many where the opportunity of Friendship Inn made a formidable task a very doable one.

I really don't know what we would have done that week without FI

-Maggie, Springfield, MO

Unified Government of Wyandotte County Commissioners,

I have been the Program Manager at the Friendship Inn since Dec. 1, 2013. We serve patients and guests of patients who live at least 30 miles from the University of Kansas Health System with housing needed during their hospitalization. Folks use the Inn for early morning surgery arrival, long term hospital stays post transplant and emergency arrivals via helicopter or ambulance. Most come from rural communities where their nearest hospital does not deal with complicated cases that an amazing teaching hospital can provide. Due to the location of the hospital in the heart of Kansas City, hotels are often full, too expensive and can't provide the cooking, laundry and large families that often come due to the critical nature of their loved ones' disease. Families are relieved to not navigate freeways, parking, directions, with the ability to prepare meals, wash clothes, and relax away from the hospital after "camping" in the waiting room, hospital room, or even the parking garage overnight!

When the primary caregiver, financial provider and driver for the family is the one in the hospital; being able to walk back and forth, knowing you are not alone in the evening and getting help with food and emotional support is so crucial for the family to maintain their own health and sanity! Economically, illness can devastate a family and being able to provide free or lost cost housing, eases at least one of the burdens during such traumatic times. Guests are grateful beyond measure and have filled guests books of gratitude. So many come from rural communities with one stoplight and Kansas City is completely foreign to them, compounding the anxiety for their loved one.

During COVID-19, we can only serve one family unit at a time to properly social distance and deal with vaccination issues. It has become no longer an option to not have an Inn without individual private bathrooms. With four stairs to enter the Inn and a 13 step staircase to the shower and bedrooms, the Inn is not ADA compliant. We desperately need more individually private rooms as we now navigate in these changing and growing times of our world and the University of Kansas Health System to better and more safely serve the expanding community of needs.

Kathy Bradley, Program Manager of the Friendship Inn

Dear Wyandotte County Commissioners,

Please accept this letter as my strong support for the Friendship Inn. The Roasterie has supported Friendship Inn for many years and a couple of years ago I was honored to be asked to join the board.

The needs in the community are great and it is very important to us to be able to do everything that we can to support those in need of housing assistance while their loved ones are receiving treatment at KU MED. The new house will help us offer a higher level of quality and to better serve those who need it most.

Thank you very much,
Danny O'Neill
Founder
The Roasterie, inc.

October 22, 2021

Unified Government of Wyandotte County Commissioners
701 7th St.
Kansas City, KS 66101

Dear Commissioners,

My name is Rebecca Moburg and I am the Director of Patient Experience for The University of Kansas Health System. I have the pleasure of serving on the Board of Directors for The Friendship Inn, Kansas City (FIKC), and I appreciate the opportunity to share with you a bit of my passion for the organization. I have supported FIKC through donation of my own time, talent and treasure for the past five years, and consider this to be an extraordinarily worthwhile cause. The personal, comfortable and home-like environment fostered at FIKC cannot be found in a hotel setting, and the demand for more space is undeniable as the demand for services has far exceeded our capacity for quite some time. As our health system grows, so do the demands for accommodations, and FIKC is an important supporter of our growth. Patients are sicker than they have ever been before, and many of them require hospital stays that span days and even weeks. In my professional role, I encounter people amidst tragedy and strife on a daily basis. They are afraid, ill and often far from home. FIKC provides our patients and their families an option to secure short or longer-term lodging that can reduce so many of the burdens they face while receiving care and treatment.

I have seen FIKC's impact on both a personal level as well. When a dear friend from Springfield, MO had to endure weeks of radiation treatments for her head and neck cancer, FIKC gave her, her husband and their two children a safe, affordable and convenient lodging option for several weeks as she underwent daily therapy. They were able to remain close to hospital services and maintain their family unit during what has been the most difficult time in their lives.

The Mission of The University of Kansas Health System is the lead the nation in caring, healing, teaching and discovering. We know this requires community support and strong partnerships, and we consider FIKC to be an invaluable partner in accommodating our patients and their families during their most critical times. I humbly ask for your support as we pursue the opportunity to build a new house and thank you for your service.

Sincerely,

Rebecca Moburg, MSN, RN, NE-BC
Director of Patient Experience
The University of Kansas Health System
4000 Cambridge St.
Kansas City, KS 66160

4000 Cambridge St. | Kansas City, KS 66160 | Phone 913-588-1290 | Fax 913-945-5600 | kansashealthsystem.com

PULSE+ DESIGN GROUP

October 25, 2021

To whom it may concern
Unified Government of Wyandotte County Commissioners

Dear Sirs / Madams,

I am writing in support of the proposed new location along Rainbow Boulevard for Friendship Inn. Being a board member for the past four years has opened my eyes to the urgent need for low-cost housing for family members whose loved ones are being treated at The University of Kansas Health System (TUKHS). Hearing the stories of how much these patients and family members appreciate being near their point of care never gets old. Friendship Inn provides one less worry for families who are already burdened with the high cost of healthcare.

Sincerely,



Michael E. Andrascsek

u:\16 letter.docx

4622 Pennsylvania Ave Suite 1050 Kansas City Missouri 64112 +913 438 9095 p +913 438 2660 f pulsedesigngroup.com



Figure 4. Site photograph looking east at 4403 Rainbow Boulevard (provided by Planning Staff).



Figure 5. Site photograph looking southeast at 4403 Rainbow Boulevard (provided by Planning Staff).



Figure 6. Site photograph looking east at 4403 Rainbow Boulevard (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Change of Zone Petition COZ2021-046**
Master Plan Amendment MPL2021-027 and
Special Use Permit SP2021-076

GENERAL INFORMATION

Applicant:
Matt Altrich

Status of Applicant:
Property Owner
21500 W. 99th Street
Lenexa, Kansas 66220

Requested Actions:
Approval of a Change of Zone,
Master Plan Amendment, and a Special
Use Permit for a Short-Term Rental.

Date of Application:
October 28, 2021

Purpose:
To change zoning district from R-1(B) Single
Family District to RP-2(B) Two Family
District.

To change the Rosedale Master Plan from
Single Family Residential to General Urban.

Application for a Special Use Permit for a
Short-Term Rental.



Property Location:	4108 Adams Street Kansas City, Kansas 66103
Commission Districts:	Commissioner At Large District #2: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family and RP-5 Apartment Districts West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence, Apartment Building West: Single Family Residence
Total Tract Size:	0.15 Acres
Master Plan Area:	The Subject Property is within the Rosedale Area Master Plan.
Master Plan Designation:	The Rosedale Master Plan designates this Property as Single Family Residential. This district is designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed amendment is to designate this property's land use as General Urban. This area is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.
Major Street Plan:	The City-Wide Master Plan designates Adams Street as a Local Street.
Parking Requirement:	R-1(B) District (current zoning): Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. RP-2(B) District (proposed zoning): Section 27-454(d) requires one (1) off-street parking spaces shall be

provided for each dwelling unit. The current property has a two (2) car garage and four (4) uncovered off-street parking spaces on a concrete drive with a concrete approach for a total of six (6) parking spaces and exceeds the requirement.

Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021 and December 27, 2021
Public Hearings	December 13, 2021 and January 6, 2022
Public Support:	One letter of support for the Change of Zone and Master Plan Amendment with partial support of the Short-Term Rental Application and an additional letter indicating they are in support if it remains a residentially zoned property and the unit is properly managed. There was one (1) person present in support at the December 13, 2021 City Planning Commission meeting.
Public Opposition:	The applicant received several letters of opposition. However, it should be noted that the majority of the letters do not object to this applicant specifically, but to the growing number of short-term rentals in the Rosedale neighborhood. Upon further discussion, some authors of the opposition letters became supporters of the Short-Term Rental application process, with the support of applicants choosing to license legally as opposed to those who are choosing to avoid compliance and may be operating unsafely. There were no letters in opposition to the Change of Zone or Master Plan Amendment. Erin Stryka of RDA was present at the December 13, 2021 City Planning Commission meeting. Staff also received a document from Ms. Stryka and Gil Pintar (attached).

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Matt Altrich, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4108 Adams Street. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-2(B) Two Family District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a duplex in the mid-1970s for the original owner's mother. A certificate of legal non-conforming use was issued in 2008 which expired in 2018. The house has been used as a licensed rental since at least 2000. The Applicant is now the

new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition. The upstairs unit was previously not formally leased and inhabited by the prior owners' children who did not pay rent according to County Records.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is residential and urban in character. Lots are average for urban densities and are approximately thirty (30) to fifty (50) feet in width with the average lot size being fifty (50) feet wide. The streets are mostly paved concrete and driveways are generally concrete approaches with concrete or gravel driveways. Many roads have visible evidence of neighborhood improvements such as improved curbs and sidewalks. This block of Adams Street is one (1) block away from the Rainbow Avenue commercial corridor and two (2) blocks from KU Medical Center.

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

The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts with an apartment complex directly across the street. Although the property has been converted to a duplex, it retains the visual quality and aesthetics of a single-family home. The entrance to the upstairs unit is through a deck and stairs in the rear of the property and it is not obvious from the street that it has been converted. Rezoning the property to RP-2(B) would adequately reflect the building's current physical condition, in which has been in effect approximately forty-five (45) years. It has been used as a rental for more than twenty-one (21) years. Rezoning to RP-2(B) is not necessarily in the neighborhood's zoning character. It may be considered spot zoning and was the initial reason for granting the Legal Non-Conforming Use, however, more recent interpretations of spot zoning indicate that under the current circumstances of the property's continued usage, this instance would be considered a valid form of rezoning should the Change of Zone petition be approved. Continuing use as a rental, either short or long term, is consistent with other nearby properties near the nearby university, mixed-use corridor, and neighborhood corridor.

The proposed use as a short-term rental compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

Per Section 27-455(a) with regards to the current zoning, the “purpose of the district is to provide for new and infill residential development in those older areas of the city where the existing development was substantially completed prior to World War II. It is designed to allow compatibility with the existing residential development and an efficient reuse of existing buildings and vacant parcels, while establishing a minimum standard to protect the health, safety and general welfare of the residents.” Section 27-457(a) for the proposed zoning continues with the same language as Section 27-455(a) for the R-1(B) Single Family District but continues to add that, “Conversion of residential buildings constructed as single-family dwellings shall be permitted only when parking, land, floor area and life safety requirements are fully met.” As is, the current zoning does not allow for a two-family residence as the building has been in use. Removing the restrictions when converting from R-1(B) to RP-2(B) is unlikely to negatively affect the subject property or nearby properties as it has been in use as a multi-family property for over fifty (50) years.

The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The Applicant currently rents out the lower unit of the property, which was purchased in 2019. The upper unit has remained vacant. The prior owners had the property for nineteen (19) years during which time it was a registered rental although it had been improperly listed as a one (1) unit property rather than a two (2) unit property. It was improperly listed as a one (1) unit property as the owner’s children lived in the upstairs unit and did not pay rent. Both the upstairs and downstairs units have retained occupants of some type since its conversion.

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

There is minimal public gain as the ability to add two (2) living units would add to the housing stock. The subject property already exists within the built-out neighborhood and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring property. The extensive length of time that this property has remained as a two-family duplex property without any issues demonstrates that it has not affected the appropriate use, visual quality, or marketability of surrounding properties.

The proposed use as a short-term rental provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as it the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. Section 27-454(d) states that there shall be one (1) off-street parking space for each dwelling unit for a total of two (2) off-street parking spaces. The subject property has two (2) garage spaces and four (4) off-street parking spaces, which is adequate for the number of dwellings per the requirements in this Section. The approach, apron, and driveway has been recently updated and are in good condition.

The proposed use as a short-term rental has the potential to increase vehicular traffic but should not exceed the capacity of the current conditions to accommodate it if managed properly. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The Rosedale Area Plan designate this property as Single Family Residential Use. The Rosedale Area Plan indicates that this district is designed for single family, detached houses which does not reflect the building's current state as a two (2) family or duplex home. The proposed change of zone is accompanied by the Master Plan Amendment petitioning for a change in usage to General Urban use. The Rosedale Area Plan indicates that the General Urban use is for areas that are "predominantly residential in character with rowhouses, townhomes, and single-family houses." Although the subject property has two (2) dwellings, the aesthetics and exterior composition resembles a single-family home.

Special Use Permits are not addressed in the Rosedale Area Master Plan. The Rosedale Area Master Plan designates this property as Single-Family Residential. Single Family Residential and the proposed Master Plan Land Use of General Urban both allow a short-term rental but requires a Special Use Permit to operate as it is a business.

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

The applicant is not proposing any new structures currently, however, the rezone allows for the renovation of the existing structure to maintain its converted composition. There should be little to no long-term negative environmental impact.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant nor is there a history of noise complaints on the property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permanent residence. The subject property is in an existing built-out neighborhood.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

a. Water service

Water Service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer is provided by public sewer.

c. Storm water control

There are multiple storm water control points at the front and southwest corner of the property.

d. Police

Police service is provided by South Patrol, District #332.

e. Fire

Fire service is provided by Station #10.

f. Transit

The subject property receives bus service via Route #107 on Rainbow Boulevard between West 41st and West 42nd Avenue.

g. Schools

Education is provided by Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

13. The economic impact of the proposed use on the community.

The economic impact on the community is negligible, as the subject property is currently in use as a two-family dwelling. The rezone prevents units from being removed from the County's current housing stock.

Short-term rentals are generally used by tourists and can generate lodging tax and sales tax from the tourism activity.

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

The subject property is currently legal non-conforming. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its structure than it does in its present condition. The short-term rental will meet the requirements of the ordinance if managed appropriately.

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

There is negligible impact or gain to public health, safety, or welfare. The dwelling structure is already in existence and has been in its current state for approximately forty-five (45) years as such. There is gain to the public by providing an additional dwelling unit in an area near businesses near the Rainbow Corridor and near the hospital campus.

The relative gain or loss to the public health, safety, and welfare as a short-term rental is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests allowed in the upstairs unit is two (2) at a time and four (4) in the lower unit. The maximum number of vehicles is four (4). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

RELATED CASES AND PREVIOUS ACTIONS

A Certificate of Non-Conforming use was issued in 2008 and expired in 2018.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits. Previous building permits were issued for renovations to the rear stairwell leading to the upper unit and to upgrade the electrical service in 2020.
2. The current property owner has no outstanding Code Inspection Cases.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 29, 2021, by in-person meeting. Attached is the list of persons, minutes, affidavit, and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Structural Compatibility
Parking
Spot Zoning
Land Use
Future Redevelopment
Noise
Safety
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-046**, Special Use Permit Application **SP2021-076** and Master Plan Amendment **MPL2021-027**, subject to:

1. **The Short-Term Rental permit shall be limited to the top unit;**
2. **Remaining Repairs of the stairwell and window screens shall be completed;**

3. Additional landscaping shall be coordinated with the adjacent neighbor to provide shade or screening per the Narrow Lot Design Guidelines;
4. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be two (2);
5. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);
6. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be four (4);
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
9. 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;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
11. Subject to approval and should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan Design Guidelines for a two-family property;
12. The designation of RP-2(B), i.e., a planned district, will require a future review of the property for any redevelopment. Future redevelopment should conform to the appearance of a single-family home as it is in the mid-block of a single-family side of the block;
13. If approved, rental licensing shall be obtained to include both units;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the

ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.



STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petitions **COZ2021-046, MPL2021-027 and SP2021-076** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.



ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Rosedale Area Master Plan Design Guidelines
Short Term Rental Compliance Map
Property Inspection Report Highlights
Liability Insurance Policy
Site Plan
Interior Floor Plan
Neighborhood Correspondence
Applicant Photos of Property Dated November 15, 2021
Staff Site Photos Dated November 22, 2021
Information from RDA

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	December 13, 2021 Approval	January 6, 2022
Public Hearing Special Use Permit	December 13, 2021 Approval	January 6, 2022
Public Hearing Master Plan	December 13, 2021 Approval	January 6, 2022

STAFF CONTACT: **Kallie McLaughlin**
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-046, SP2021-076 and MPL2021-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-046, SP2021-076 and MPL2021-027**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:41:25:

MASTER PLAN AMENDMENT APPLICATION MPL2021-027 – MATT ALTRICH WITH JOCO CAPITAL ONE, LLC - SYNOPSIS: Master Plan Amendment from Single Family to General Urban (Rosedale Area Master Plan) at 4108 Adams Street.

CHANGE OF ZONE APPLICATION COZ2021-046 – MATT ALTRICH WITH JOCO CAPITAL ONE LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for two (2) living units at 4108 Adams Street.

SPECIAL USE PERMIT APPLICATION SP2021-076 – MATT ALTRICH WITH JOCO CAPITAL ONE LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 4108 Adams Street.

Detailed Outline of Requested Action: The Applicant, Matt Altrich, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4108 Adams Street. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-2(B) Two Family District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a duplex in the mid-1970s for the original owner's mother. A certificate of legal non-conforming use was issued in 2008 which expired in 2018. The house has been used as a licensed rental since at least 2000. The Applicant is now the new owner and desires the rezone to complete to obtain a rental license, which requires

the zoning to reflect the building's physical condition. The upstairs unit was previously not formally leased and inhabited by the prior owners' children who did not pay rent according to County Records.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The information forwarded to the Commission from Erin Stryka

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

Present in Support:

- Matt Altrich, applicant, 21500 West 99th Street, Lenexa, Kansas 66220
- Devin Teren, 4112 Adams, Kansas City, Kansas 66103

Present in Support/Concerns:

- Erin Stryka, Executive Director, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 3:50:33: Planning Director Hand stated that this is a legal, non-conforming structure that Staff believes added a granny flat to the property in the 1950s. The only option currently available to resolve its non-conformity for an attached structure of this type is through a Change of Zone. The property has the appearance of a single-family residence and is located in the Rosedale Area Master Plan. If the application is held over, the applicant could not rent the second unit until such time that the Planning Commission and Board of Commissioners make their final determination for this case. Staff is advertising for an Ordinance Specialist who will review these types of issues; however, the Director does not have the timeline for the hiring of that position. He further stated that Short-Term Rentals are a high priority for the Department. Staff has a company that tracks Short-Term Rentals and Staff is aware of the ones that have received Special Use Permits and those that have not, which is being addressed. Staff is requiring some additional landscaping. Staff has received no letters in support nor opposition and recommends approval of the Change of Zone and Master Plan Amendment and a one (1) year approval for the Special Use Permit as there is no on-site manager.

Mr. Altrich stated that the upstairs unit will only be rented for one (1) person with a single car. He stated that the intent is to advertise for 90 days for rental. Director Hand stated that Staff would recommend approval for two (2) persons and a maximum number of two (2) cars for the Short-Term Rental.

Motion and Vote starts at 3:57:45:

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment Application**

MPL2021-027:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. The Short-Term Rental permit shall be limited to the top unit;**
- 2. Remaining Repairs of the stairwell and window screens shall be completed;**
- 3. Additional landscaping shall be coordinated with the adjacent neighbor to provide shade or screening per the Narrow Lot Design Guidelines;**
- 4. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be two (2);**
- 5. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);**
- 6. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be four (4);**
- 7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 8. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 9. 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;**

10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
11. Subject to approval and should the property be completely demolished, the future use of this property’s reconstruction must follow the Rosedale Master Plan Design Guidelines for a two-family property;
12. The designation of RP-2(B), i.e., a planned district, will require a future review of the property for any redevelopment. Future redevelopment should conform to the appearance of a single-family home as it is in the mid-block of a single-family side of the block;
13. If approved, rental licensing shall be obtained to include both units;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-046**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions.

On motion by Mr. Mohler, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2021-076 for one (1) year**:

Carson	Chairman
Miller	Aye
Mohler	Aye

Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions.

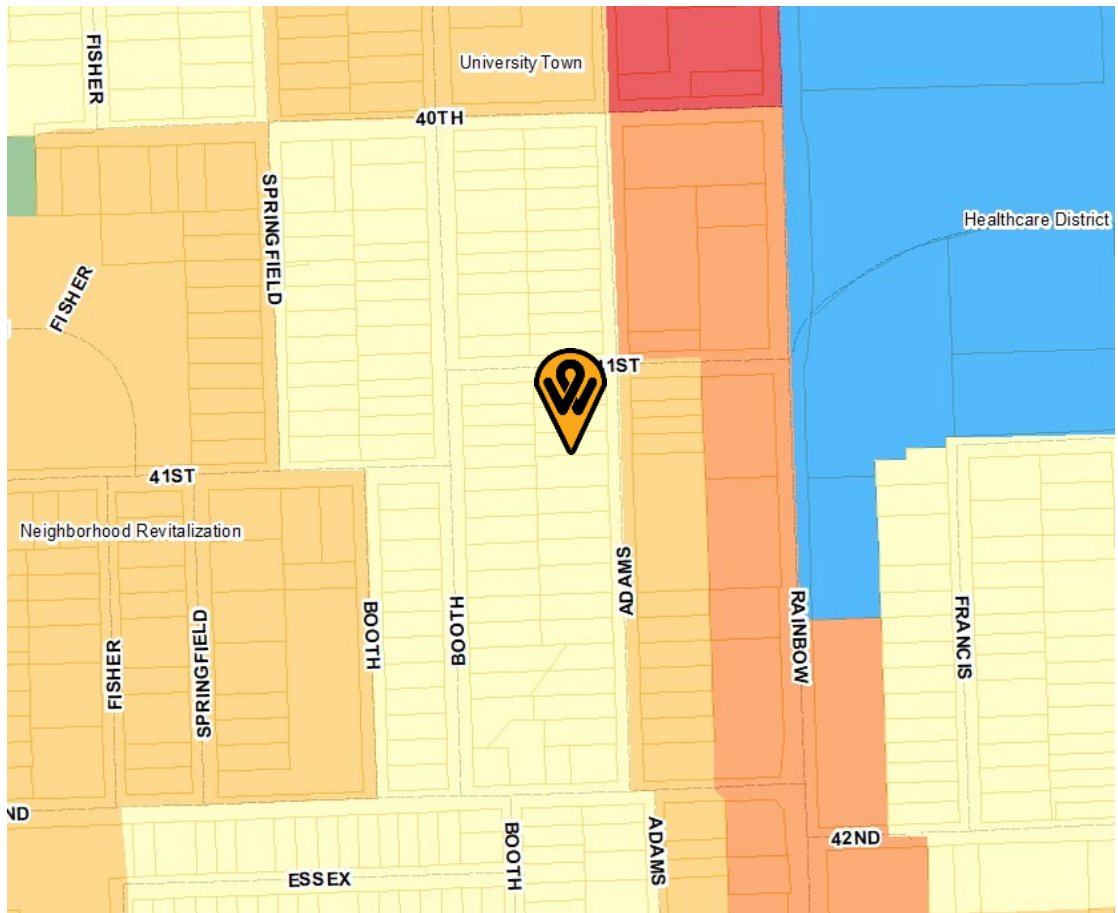
AERIAL MAP



ZONING MAP



LAND USE MAP



ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall abut the back property line. Landscaping is not required where garage is built.

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

AMENITIES

Developments greater than 20 units must provide one of the following: Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

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ROSEDALE MASTER PLAN AND TRAFFIC STUDY

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent
-

Screening of multi-family residential developments is required between:

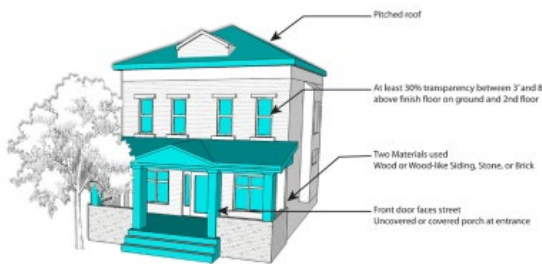
- Multi-family and commercial uses
- Multi-family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.



SINGLE FAMILY HOME DESIGN GUIDELINES

Any infill housing must compliment surrounding houses to preserve the charm and congruity of Rosedale's neighborhoods. To better understand Rosedale's housing, a housing typology study was undertaken and 636 Rosedale homes were surveyed. The housing typology study uncovered basic massing and architectural elements of the typical Rosedale house. By utilizing these very fundamental massing and architectural strategies, neighborhood coherence can be fostered regardless of architectural style.

The typical Rosedale house is 2 stories high and has a narrow floor plan that is two rooms wide and 3 or more long. House configuration is the result of narrow lots with garages and alleys in the back. On wider lots, houses can have a similar configuration with side gabled roofs. In many cases, differences in elevations allowed houses to raise above the street level and have basements with garages. Rosedale home elevations are typically symmetrical, and are usually accentuated by a front facing gabled roof. An elevated porch faces the street. Primary materials are wood or wood-like siding with a secondary material of brick or stone. Variations of these basic elements currently exist and are desired for future single family homes.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

PARKING SCREENING

Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

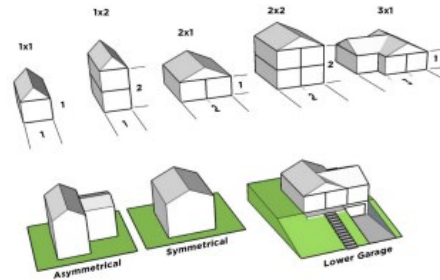
Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants.

MASSING

Typical and desirable massings are as follows:

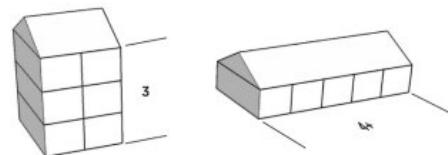


Underlying residential zoning limits homes to 2.5 stories and is recommended for all future single family construction.

Undesirable massing:

Greater than 2.5 Stories

4+ Wide / Ranch



ROSEDALE AREA MASTER PLAN DESIGN GUIDELINES

MATERIALS

All new Rosedale single family homes must use at least two types of facade materials. Facade materials are limited to wood or wood-like siding, brick, and stone.

ROOF

Roof types within single family neighborhoods must be pitched. Single family homes recently constructed along major corridors feature flat or shed roofs. These roof types may be constructed upon major corridors.

TRANSPARENCY

Transparency, or the percentage of clear views into and out of a building, is important for both neighborhood aesthetics and safety. Crime Prevention Through Environmental Design (CPTED) emphasizes the importance of transparency through windows that increase active and passive surveillance of the street and neighboring homes. The more exposed a person feels to surveillance, the less likely they are to commit a crime. CPTED further proposes shifts in typical privacy behaviors, and suggests that residents refrain from keeping blinds and curtains constantly closed.

To promote both the aesthetic and safety qualities of windows, all new single family homes must have at least 30% transparency between 3' and 8' above finish floor on both the ground and 2nd level facade.

ORIENTATION & ENTRANCES

All new single family homes must be oriented to the street and have a primary entrance upon the front facade. The front door can also be located on the side of a home, as long as it is within 15' of the front facade and accessible by a side porch (see Side Yard Frontage, Narrow Lot design standards). All front entrances must have a porch with a minimum area of 40 square feet with a minimum dimension of 5 feet in length or depth.

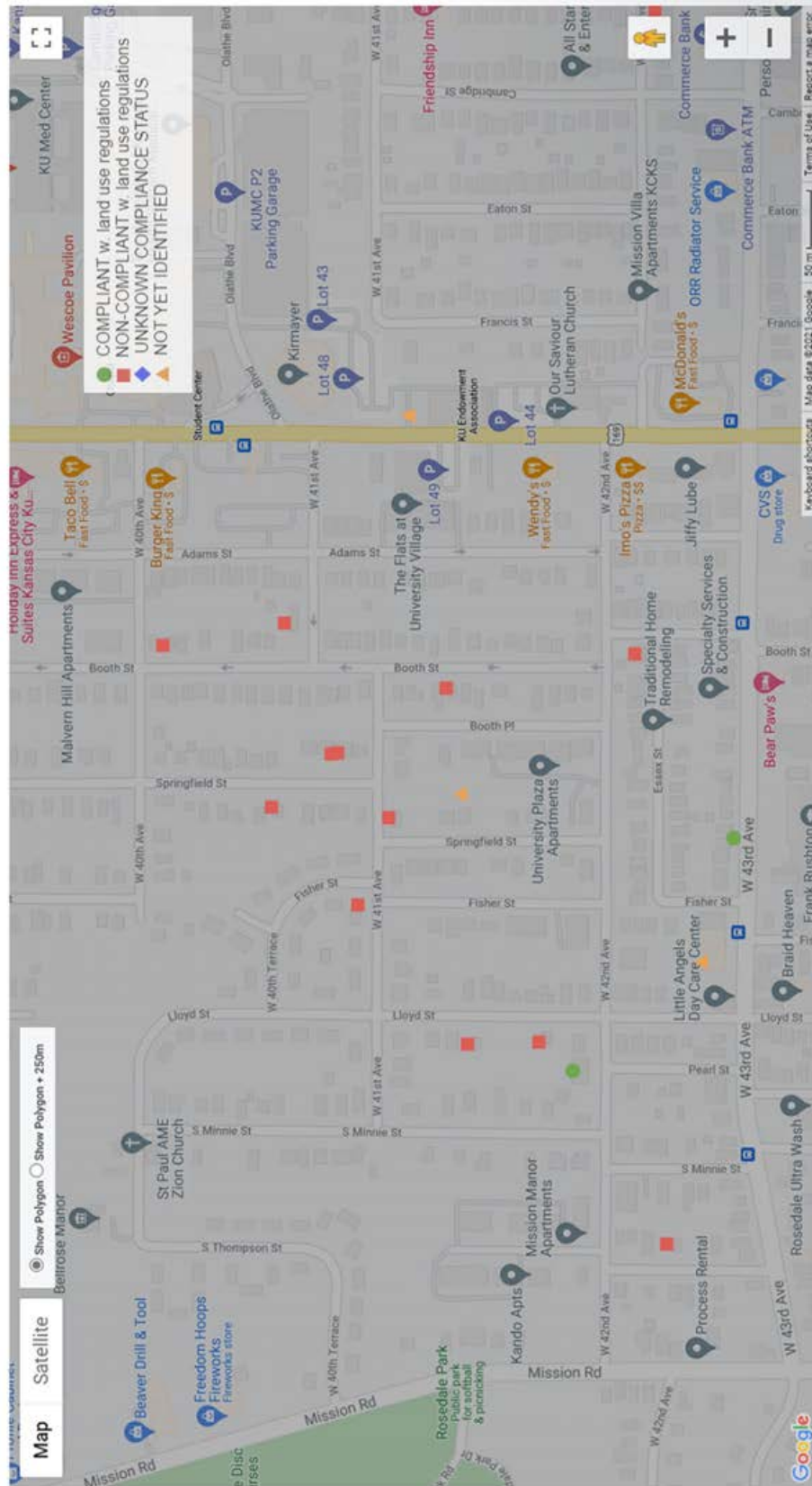
GARAGES, DRIVEWAYS & SITE

In all instances, garage location must conform to UG code standards for narrow lots. Garage doors may not dominate facades, and must be less than 30% of the house's facade width. Garages must be set back at least 15' from the front facade. In Rosedale, driveways one lane wide are most typical and desirable. No additional front yard parking may occur outside of a driveway. Even if a lot's size does not designate it as "Narrow", any new home design should strive to meet narrow lot site design guidelines.

THE LOWER LEVEL GARAGE

Thirteen percent of Rosedale's housing stock overcomes steep topographical changes in grade between sidewalk and a home's ground floor by building homes into hills. Homes that do this typically have garages at sidewalk, or just below sidewalk level. Access to these garages requires typography cuts and retaining walls. Stair cases then connect higher elevation front entrances and porches to the sidewalk. This is the only condition in which a garage door flush with a house's front facade is desirable or acceptable. Examples and guidelines can be found in the "Parking with Topographical Difficulty" section of the Narrow Lot Guidelines.

SHORT TERM RENTAL COMPLIANCE MAP



PROPERTY INSPECTION REPORT HIGHLIGHTS

Interior - Stairs

STAIR RAILS

SVC s-79: Loose railings are noted at the basement stairway, which is an essential safety feature that should be serviced.

Bathroom(s) - 1st Floor Bathroom

SINK FAUCET VALVES & CONNECTORS TRAP & DRAIN

SVC s-150: The mechanical sink stopper is incomplete and should be serviced.

SHUT-OFF VALVE AND WATER CONNECTORS

49: The shut-off valve and water connectors on the water heater appear to be functional. The water shut-off valve is visually inspected but we do not physically exercise this component.

PRESSURE RELEASE VALVE AND DISCHARGE PIPE

50: The water heater is equipped with a mandated pressure-temperature relief valve, which we do not operate.

ELECTRICAL

76: The interior outlets that were tested are functional.

SMOKE DETECTORS

77: The smoke detectors are present and functional. The accessible detectors are tested by the push button only and should be tested on a monthly basis. This method only verifies battery and horn function, but does not test the sensor in the unit. After occupancy, and regularly thereafter, we advise testing with real or simulated smoke. Smoke detector should be replaced every ten years. We would also recommend both photoelectric and ionizing type smoke detectors be installed.

CARBON MONOXIDE DETECTORS

78: Carbon Monoxide detectors were present and appear to be functional. The detectors were tested by the test button only and should be tested on a monthly basis. Detectors that are removable were not inspected.

DOORS

MON 73: The doors need typical adjustments and repairs to function properly. We do not attempt to list every defect or location of these concerns. We would suggest a qualified contractor evaluate and repair as desired.

PROPERTY INSPECTION REPORT HIGHLIGHTS

SCREENS

21: A few of the window and/or door screens are missing or damaged. Screens are often removed for aesthetic reasons, but you may wish to have them installed or repaired as desired.

ELECTRICAL

66: The electrical components that are visible within the basement appear to be in acceptable condition.

SERVICE ENTRANCE

91: The service entrance, weatherhead, and mast have no visible deficiencies. It will be important to keep tree limbs and other items away from these lines.

WIRING

97: The wiring in the main electrical panel has no visible deficiencies.

CIRCUIT BREAKERS

98: There are no visible deficiencies with the circuit breakers in the main electrical panel.

GROUNDING

99: The main electrical panel is double-grounded to a driven rod and to a water pipe.

INTERIOR COVER PANEL

100: The interior cover for the main electrical panel appears to be in acceptable condition.

GAS PIPES

142: The visible portions of the gas pipes appear to be in acceptable condition.
of leakage. Areas that are concealed were not inspected.

GAS VALVE AND CONNECTOR

33: The gas valve and connector appear to be in acceptable condition.

OUTLETS

155: The bathroom outlets are functional and include ground-fault protection.

OUTLETS

108: The outlets in the kitchen that were tested are functional and include ground-fault protection.

LIABILITY INSURANCE POLICY



Policy Summary

Landlord Dwelling Policy

Named Insured and Mailing Address

MATTHEW ALTRICH
MICHELLE ALTRICH
21500 W 99TH ST
LENEXA, KS 66220-2677

Your Agency's Name and Address

CAPITOL AGENCY
9500 NALL AVE
OVERLAND PARK, KS 66207

Residence Premises

4108 ADAMS ST
KANSAS CITY, KS 66103-3107

Mortgagee Name and Address

1. US BANK N.A.
ISAOA C/O US BANK HOME MORTGAG
PO BOX 961045
FORT WORTH, TX 76161
LOAN NUMBER: 2200999761

Additional Insured Name and Address

1. JOCO CAPITAL ONE LLC
21500 W 99TH ST
LENEXA, KS 66220

Policy Information

Your Policy Number	605607282 653 1	For Policy Service	1.913.652.2231
Your Account Number	605607282	For Claim Service	1.800.252.4633
Your Insurer:	TRAVELERS PERSONAL INSURANCE COMPANY a subsidiary or affiliate of The Travelers Indemnity Company One Tower Square, Hartford, CT 06183		

The policy period is from December 2, 2020 at 12:01 A.M. STANDARD TIME to December 2, 2021 at 12:01 A.M. STANDARD TIME at the residence premises.

Total Premium for this Policy:	\$1,079.00
This is not a bill. The mortgagee will be billed separately for this policy.	

Discounts

The following discounts reduced your premium:

Multi-Policy	Loss Free	Good Payer
Fire Protective Device		

Savings Reflected in Your Total Premium:	\$389.00
---	-----------------

Coverages and Limits of Liability

Property Coverage Section	Limit
Coverage A – Dwelling	\$341,000
Coverage B – Other Structures	\$34,100
Coverage C – Household Furnishings	\$5,149
Coverage D – Loss of Use	\$34,100

LIABILITY INSURANCE POLICY



Liability Coverage Section

	Limit
Coverage E – Premises Liability (each occurrence)	\$500,000
Coverage F – Medical Payments to Others (each person)	\$5,000

Deductibles

Peril Deductible

	Deductible
Property Coverage Deductible (All Other Perils)	\$1,000
Windstorm or Hail Deductible	\$2,500

In case of loss under the Property Coverage Section, only that part of the loss over the applicable deductible will be paid (up to the coverage limit that applies).

Additional Coverages

The limit shown for each of the Additional Coverages is the total limit for each loss in that category.

Property – Additional Coverages

	Limit
Debris Removal (Additional % of damaged covered property limit)	5%
Trees, Shrubs and Other Plants (5% of Coverage A - Dwelling Limit)	Per Tree \$500 Per Loss \$17,050
Fire Department Service Charge	\$500
Loss Assessment	\$1,000
Ordinance or Law (10% of Coverage A - Dwelling Limit)	\$34,100
Limited Fungi or Other Microbes Remediation	\$5,000

The applicable policy deductible applies unless otherwise noted.

Liability – Additional Coverages

	Limit
Loss Assessment	\$1,000

Please review your policy for other Personal Property Special Limits of Liability and Additional Coverages that may apply.

Optional Coverages

Optional Coverages	Endorsement	Limit	Premium
Special Coverage	HQ-003 CW (05-18)		Included*
Windstorm or Hail Deductible	HQ-313 CW (05-17)		Included*
Additional Replacement Cost Protection Coverage 25% of Coverage A - Dwelling Limit	HQ-420 CW (11-18)	\$85,250	Included*
Household Furnishings Replacement Cost Loss Settlement Landlord	HQ-859 CW (11-18)		Included*

***Note:** The additional cost or premium reduction for any optional coverage or package shown as "Included" is contained in the Total Policy Premium Amount.

LIABILITY INSURANCE POLICY



Named Insured MATTHEW ALTRICH
MICHELLE ALTRICH

Policy Number 605607282 653 1

Policy Period December 2, 2020 to December 2, 2021

Issued On Date March 29, 2021

Required Forms and Endorsements Included in Your Policy:

Form: 653

Policy Quick Reference	HQ-T88 CW (05-17)
Agreement, Definitions & Policy Conditions	HQ-D88 CW (05-17)
Property Coverage Section	HQ-P53 CW (11-18)
Liability Coverage Section	HQ-L88 CW (05-17)
Signature Page	HQ-S99 CW (05-17)
Special Provisions - Kansas	HQ-300 KS (08-19)
Additional Benefits	HQ-860 CW (08-18)

The Declarations along with the Optional Coverages, Optional Packages and Required Forms and Endorsements listed above form your Landlord Dwelling Insurance Policy.
Please keep these documents for reference.

Information About Your Property

There are many factors that determine the premium on your policy, some of which are displayed below. If you would like a policy review, please contact your agent or Travelers Representative.

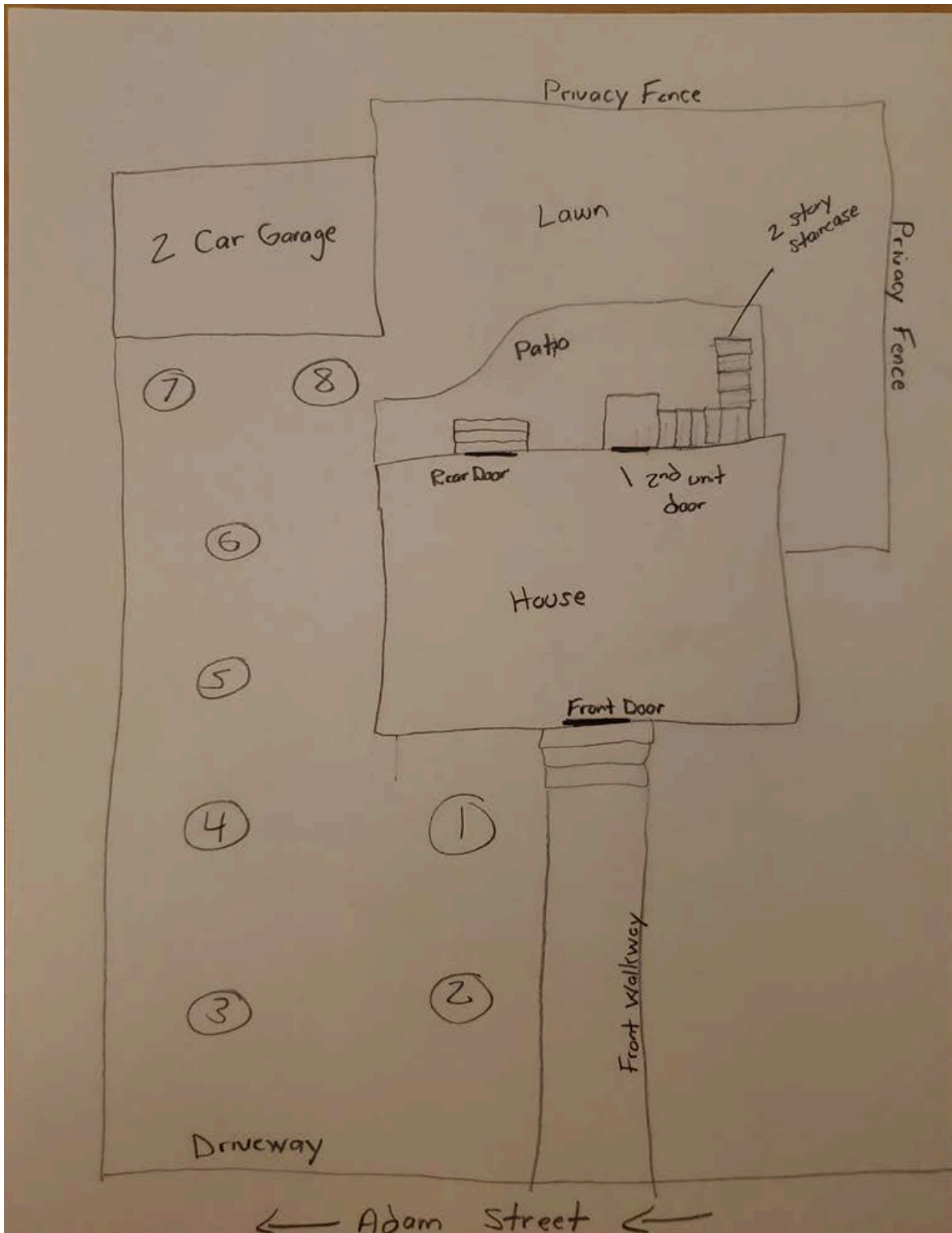
# of Families: 1 Family	Year Built: 1926	Construction Type: Frame
# of Stories: 1.5	Square Footage: 1741	Siding Type: Brick/Masonry Veneer
# of Bathrooms: 2	Age of Roof: 11	Roof Material Type: Asphalt-Fiberglass
Garage - Number of Cars: 2	Garage Type: Detached	Foundation Type: Basement
# of Employees:		Finished Basement: 00

Online Policy Summary as of March 29, 2021

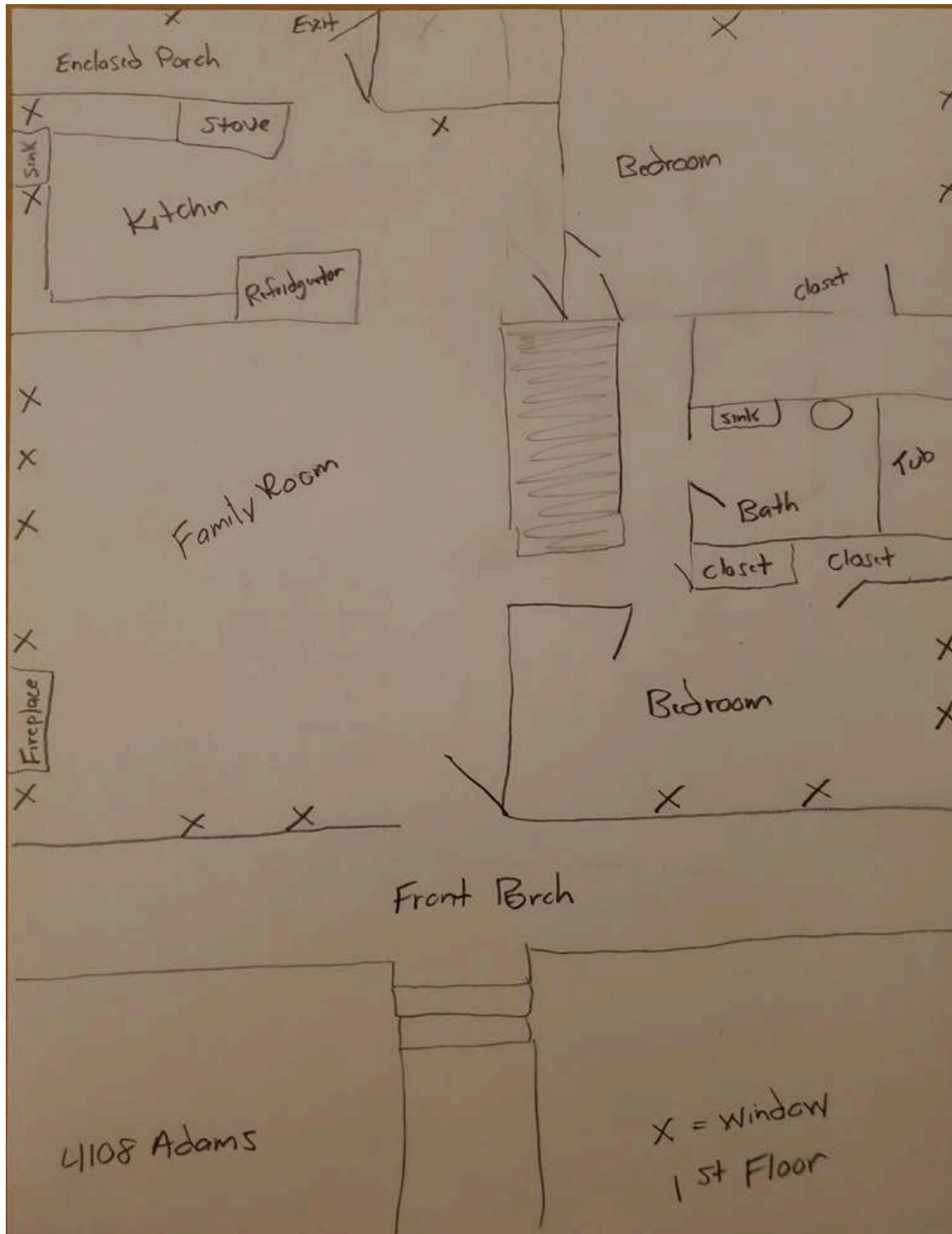
PL-50355 KS (05-17)
422/0CDY55

Page D-3

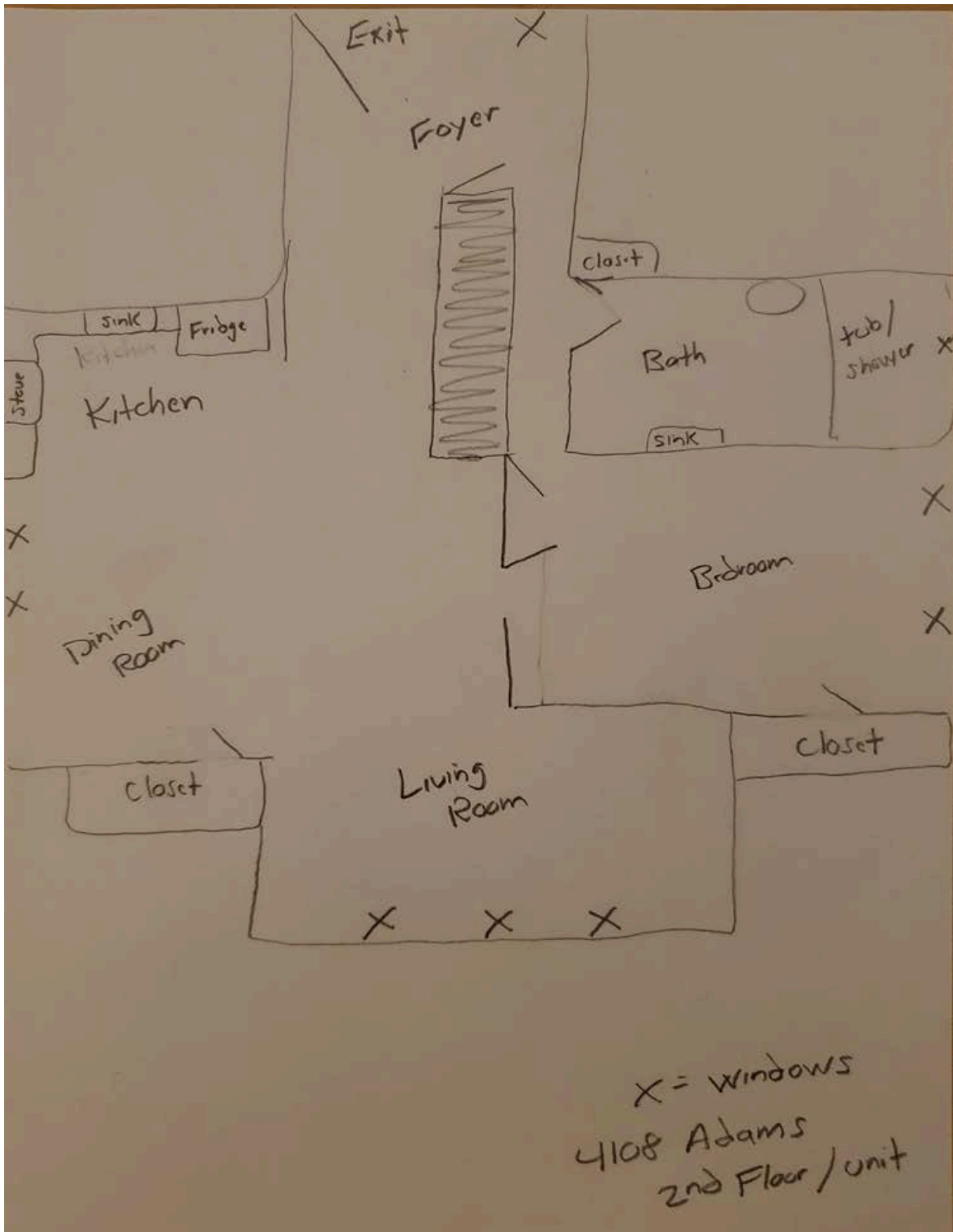
SITE PLAN



INTERIOR FLOOR PLAN



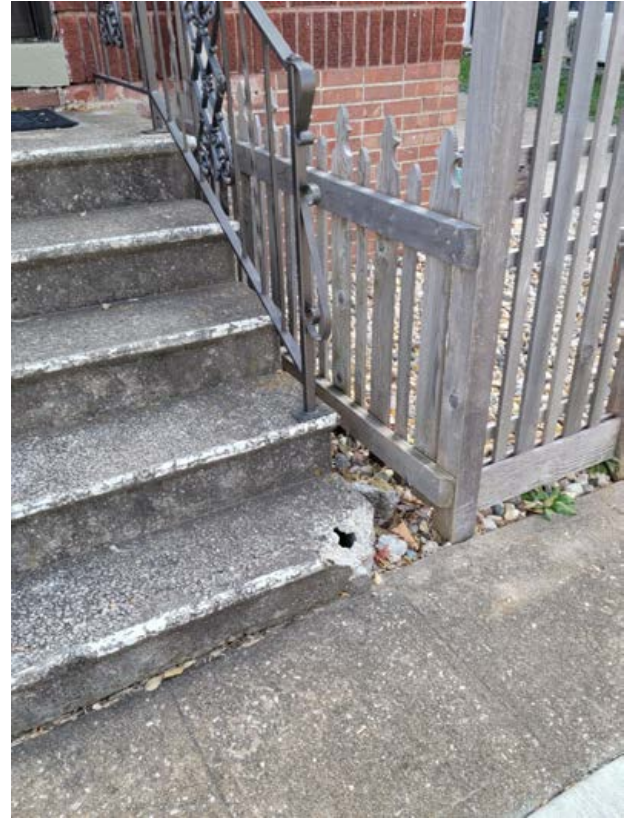
INTERIOR FLOOR PLAN



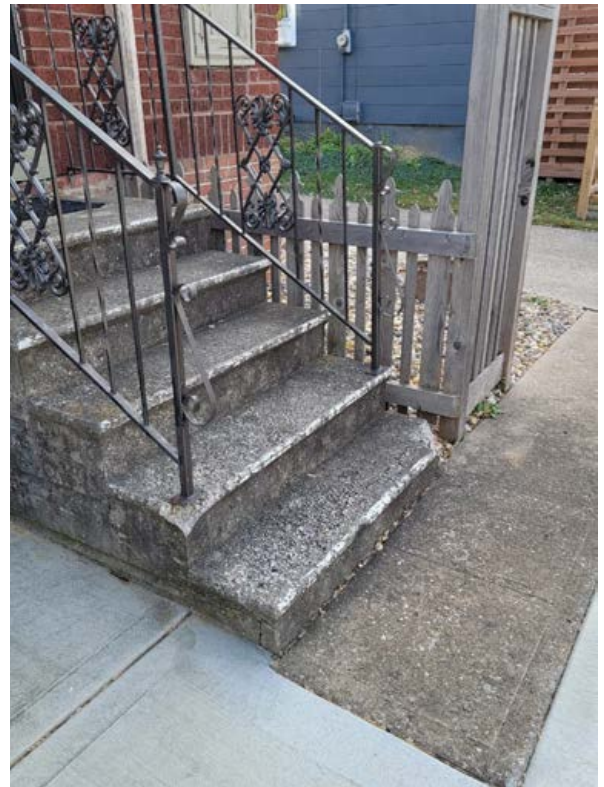
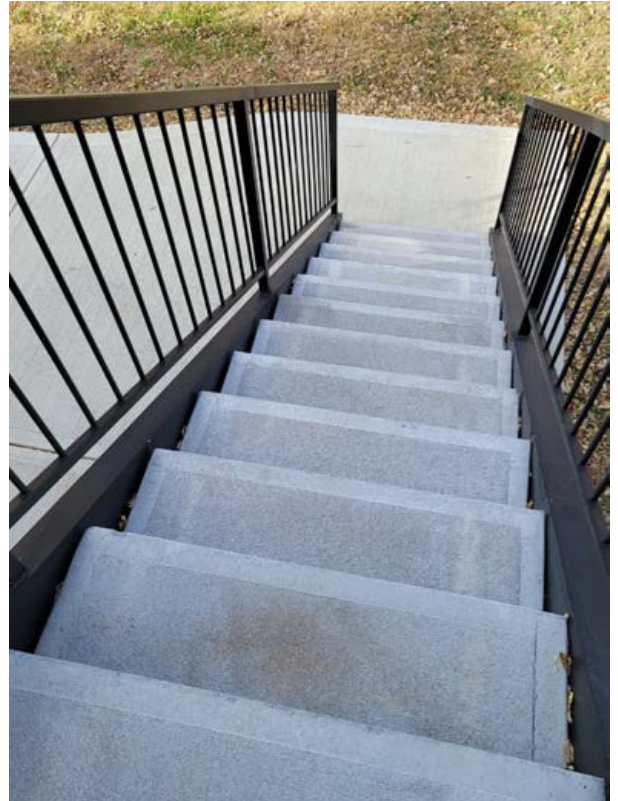
STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



STAFF SITE PHOTOS DATED NOVEMBER 22, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021





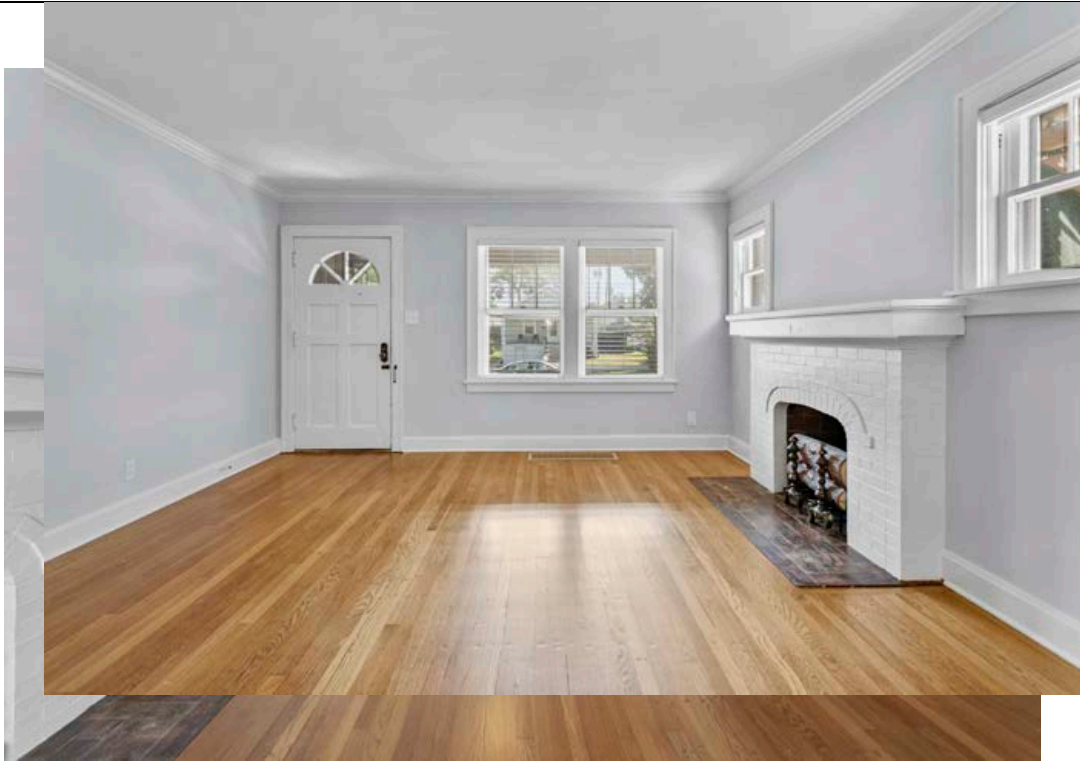
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



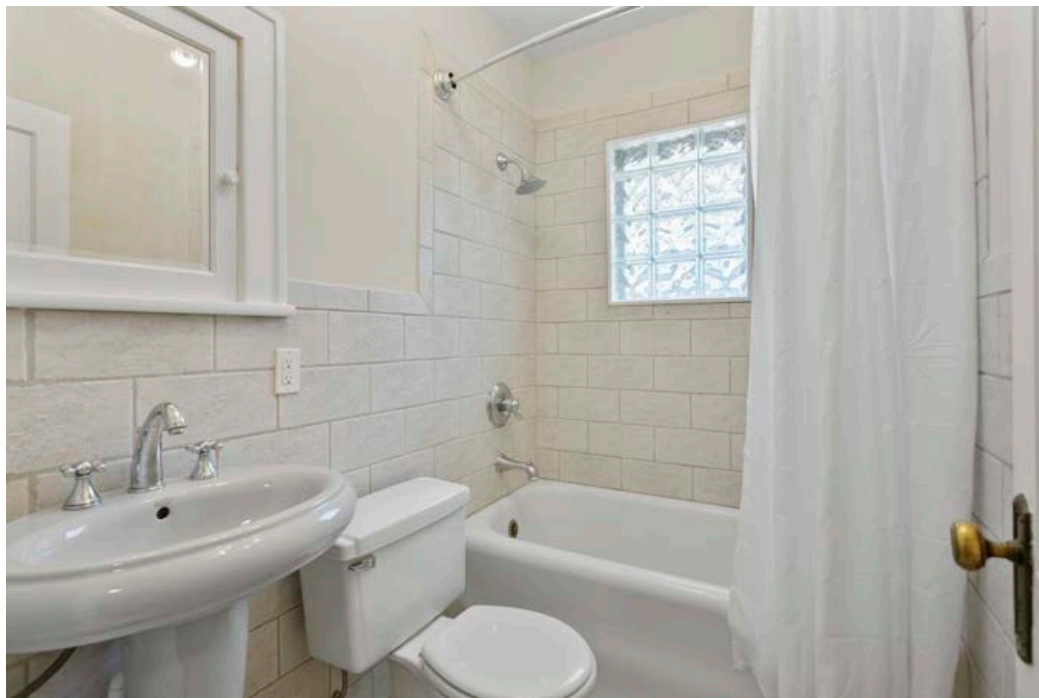
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



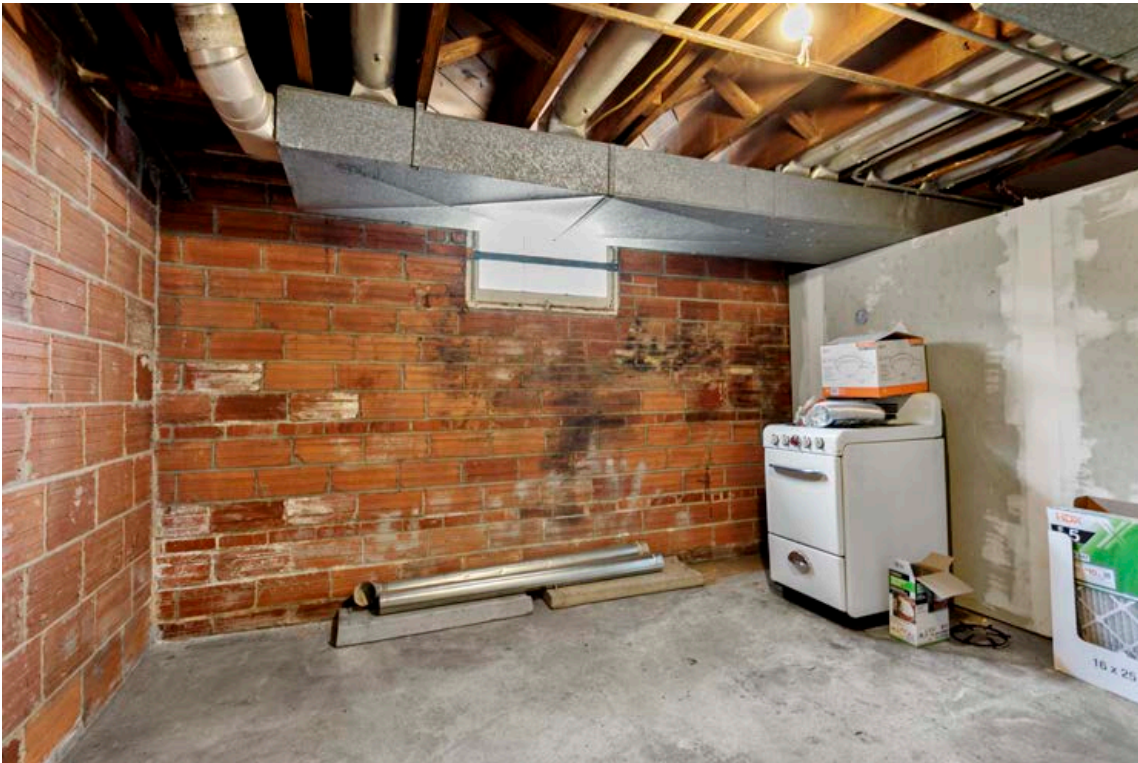
APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



APPLICANT PHOTOS DATED NOVEMBER 15, 2021



NEIGHBORHOOD CORRESPONDENCE

November 16, 2021

Matt Altrich
21500 W 99 Street
Lenexa, KS 66220

Subject: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # COZ2021-46 & SP2021-076. The purpose of this includes a change of zoning and special use permit at 4108 Adams Street, Kansas City, KS 66103.

I am having a neighborhood meeting on Monday, November 29th at 6PM via zoom (details listed below).

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Matthew Altrich
21500 W 99 Street
Lenexa, KS 66220
913.522.4938

Topic: 4108 Adams Zoning/SUP Meeting
Time: Nov 29, 2021 06:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://us04web.zoom.us/j/75625722770?pwd=SitNVGhuWmUyT0hzSzl2Q0ZqR3hvdz09>

Meeting ID: 756 2572 2770
Passcode: 49K0u5

NEIGHBORHOOD CORRESPONDENCE

From: Devon Toran
To: McLaughlin, Kallie
Cc: PlanningInfo
Subject: Re: Neighbor Opposition to Rezoning for 4108 Adams
Date: Wednesday, December 1, 2021 9:16:00 AM
Attachments: Image002.png

This all makes sense.

I think we are ready to support Matt continuing with his application. We are also ready to consider shorter term rentals than 30 days, but want to slow the transition to that. We support 30 day rentals, and potentially moving to the shorter term rentals after a period of making sure it works. We'd rather it be him than someone else who doesn't take care of their property or maintain the neighborhood values and norms.

He sent me some more information after our last meeting that made us feel more confident that he wants to do right by the neighborhood for the long term.

I'm thinking of the two tenets from Strongtowns:

1. No neighborhood can be exempt from change.
2. No neighborhood should experience sudden, radical change.

Moving straight to short term rentals of less than 30 days seems to violate the second tenet, but we also know it may be inevitable. I believe that there will be a solution to meet both needs.

It is also true that long-term residents generally oppose short term rentals. Much of this is because of the negligent history of landlords in our neighborhood. At the same time, fighting market forces is almost always a losing battle. I think I speak for both my family and our larger neighborhood when I write that we want to make it clear that we fear what short term rentals will bring. We do not want our community to continue it's trend towards transient residents who do not invest in the community (Investment as more than money, but thinking as Time, Talent, Treasure).

We need the city to do a better job enforcing code violations and holding both landlords and residents accountable. We also need the city to be prepared to do a more effective job of ensuring that development benefits the residents of our community, not just property owners.

I am encouraged by your work specifically: your thoughtfulness and your deep understanding of the complexity.

I am prepared to speak at the hearing that we support Matt's application if the commission is also ready to commit to proactive zoning solutions, accountability and enforcement.

On Tue, Nov 30, 2021 at 4:33 PM McLaughlin, Kallie <kdmclaughlin@wycokck.org> wrote:

Devon,

That is very much a concern – others may try more diligently now to circumvent the system if they see how much opposition is being generated, as the economic incentive to run an STR isn't alleviating anytime soon – so I would say your wife is correct, that the idea to where it is “better to see if we get caught and ask forgiveness than to ask permission because we have made the process too difficult” is what we are already seeing, which is why I mentioned to hit the lower hanging fruit of those who are knowingly non-compliant STRs and who don't intend in becoming compliant – versus those who are going through all the extra hoops were are requiring to maintain a compliant status.

Take a look at the map below to see how many are and aren't compliant in your neighborhood. It may not be 100% accurate, but this is a very close monitor on how many are “actually” in compliance versus how many aren't. As I mentioned, I have a background in construction and as an analogy, licensed contractors are usually outpriced by “handymen” who often times perform half-way work, making it difficult for the licensed professionals to be competitive, but in the end it presents two issues – a cheapened product that is perhaps unsafe, and a lack of participation in the democratic process that benefits the community (permitting/taxation/funding)....And this is a parallel example – It is perhaps more beneficial for the community members to work together with the licensed owners/operators to target those who are operating unsafe or unlicensed (thus not participating in the democratic/neighbor process). Those persons who are not legally operating a short term rental not only hurt the community but those who are operating in a safe, community focused, and professional mannerism... so there may be more benefit in working together with cooperating proper owners/operators rather than blocking everybody, including those who are willing to do the work.

SP2021-076, COZ2021-046, & MPL2021-027 January 6, 2022



Kallie McLaughlin 913.873.5762
Planner kdmclaughlin@wycock.org

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

Thanks Kallie, I am encouraged both by your comments yesterday as well as the meeting that Matt facilitated last night.

Again, I really, really appreciate your approach to this. I am encouraged by your leadership in this role

Thanks!

On Tue, Nov 30, 2021 at 2:58 PM McLaughlin, Kallie <kdmclaughlin@wycock.org> wrote:

Hi Devon,

Thanks for your email.

I have noted your opposition emails as well as those of your neighboring associates and will indicate those on the plan

NEIGHBORHOOD CORRESPONDENCE

Additionally, I appreciate your feedback on the change of zone application. As discussed, we have really thought through this as a department, which is why the "planned" indication of R"P"-2 rather than simply R-2 is added in, as an additional safeguard to make the rezoning a thoughtful process as possible and to keep in mind the future use and development of this property. Keep in mind that there are additional stipulations that Mr. Aldridge will have to comply with – as well as any future owners of the said property – that will prevent from decreasing the character of the neighborhood or without changing the spirit of the zoning ordinance or land use's intent. Additionally, there is no legal way to support the upstairs usage of that unit without the change of zone – so without the change of zone, you would be working against your desire to add more affordable housing units, rather than add to it.

I want to ensure you that this process exists with thoughtful consideration, and that your concerns were heard and noted both in this email and our extensive conversation yesterday. This is a case where it is the exception rather than the rule and we are drawing the line between balancing the existing structure's condition, past use, future use, and with the applicant's hardship should it be denied.

Lastly, I did address the landscaping with the applicant, and he is agreeable to add additional landscaping in the spring to replace the trees. He was advised by a third party to have them removed (if I recall, his insurance agent indicated they were a potential property damage hazard) which is why he removed them, but he isn't sure that any new ones will survive winter. He hopes to be addressing as many as your concerns as possible.

Thank you,

Kallie McLaughlin
Planner
913.873.5762
kdmclaughlin@wycockck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

From: Devon Teran <devonteran@gmail.com>
Sent: Tuesday, November 30, 2021 2:44 PM
To: PlanningInfo <Planninginfo@wycockck.org>; McLaughlin, Kallie <kdmclaughlin@wycockck.org>
Subject: Neighbor Opposition to Rezoning for 4108 Adams

Hello,

I live at 4112 Adams St, Kansas City, KS 66103 with my wife, and two daughters, aged seven and three.

I am writing to express my specific concerns about the rezoning and special use of 4108 Adams.

While I support allowing 4108 Adams to be rented as two separate units, I am concerned about the process for rezoning and the precedent it sets for our neighborhood. I support that the apartment on the top floor should be available to rent separately from the downstairs unit, but I do not support rezoning in any way that would create a precedent for widespread rezoning that is not in the spirit of the Rosedale Master Plan. Mr. Aldrich agreed to read the Rosedale Master plan and ensure that his property met the spirit of the plan. It is also important that planning and development ensure that the plan is enforced and that we do not take shortcuts that undermine the long term viability of the master plan.

I also strongly oppose the special usage of short term rentals less than 30 days. I understand the need for short term housing opportunities within our community that are less than one year, or even 9 months. It is not in the interest of our community to allow short term rentals of less than 30 days. I am confident that this is an appropriate compromise to maximize availability, flexibility and stability in a way that meets the needs of both the landlord and the community.

It is our primary interest to ensure that the block is a safe place for us to raise our children, and accessible for other families to raise theirs. For that reason, it is important that we have stability within our neighborhood and have enough time to know and form community with any neighbors that move in next to us. It is also important that we ensure that housing is available to families by releasing some of the pressure on the housing market with special uses like this upstairs apartment. It is also important to ensure that families with children have opportunity to access and potentially rent the property.

Finally, it is important to us that Mr. Aldrich ensure that the property is maintained in excellent condition, as he has done his best so far to do. Ensuring that the maintenance of the home as well as the landscaping remain in the spirit of the neighborhood's design and intent is important to us.

Case Numbers:
SP 2021-076
MPL 2021-027
COZ 2021-046

Devon Teran

NEIGHBORHOOD CORRESPONDENCE

From: [Matt Altrich](#)
To: [McLaughlin, Kallie](#)
Subject: Fwd: 4108 Adams Street
Date: Wednesday, December 1, 2021 7:54:54 AM

See below.

----- Forwarded message -----

From: Erica Teran <ericagrace@gmail.com>
Date: Wed, Dec 1, 2021 at 7:46 AM
Subject: Re: 4108 Adams Street
To: Matt Altrich <matt.altrich@gmail.com>

Hey Matt, I think you should still pursue the SUP. It took me a bit to come around to it but I like your intentions with it and don't anticipate it being a problem.
Thanks,
Erica

On Thu, Nov 18, 2021 at 6:31 AM Erica Teran <ericagrace@gmail.com> wrote:

Thank you for the update.
Erica

On Wed, Nov 17, 2021 at 9:13 PM Matt Altrich <matt.altrich@gmail.com> wrote:
Devon and Erica,

I wanted to reach out to let you know that I have filed to correct the zoning for 4108 Adams since the home has two units. Furthermore, I have applied for a special use permit (SUP) to lease the second unit for short-term stays with a maximum occupancy of 2 (1 vehicle). I will continue to lease the second unit to traveling healthcare workers (typically single individuals on 90 day contracts) but wanted the option to lease the unit shorter term if someone was coming to town for a conference, meeting, etc. I do not want shorter stays so there is stability for my tenants on the first floor. The lower unit will remain on yearly leases.

I have mailed letters to local residents informing them of the proposed correction to zoning. I will be hosting a zoom meeting to answer any questions / concerns (details in your letter). You should be receiving this in the next few days.

Please do not hesitate to contact me if you have any questions or concerns.

Kind Regards,
Matt Altrich
913.522.4938
[21500 W 99 Street](#)
[Lenexa, KS 66220](#)

NEIGHBORHOOD CORRESPONDENCE

Matt Altrich

21500 W 99 Street

Lenexa, KS 66220

913-522-4938

Application Number: COZ2021-46 & SP2021-076

Date & Location: November 29, 2021 / 6PM via ZOOM (Meeting ID 756 2572 2770)

Meeting Called to Order at: 6:00PM

Names of People in Attendance:

Erin Stryka

Erica Teran

Devon Teran

Gil Pintar

Billy Brame

Introduction of Matt Altrich (applicant) and those in attendance.

Applicant reviewed the history, ownership, and condition of the property and how the property is currently zoned incorrectly for a multi-dwelling home. Applicant spoke to how rezoning was the right course of action and would contribute to the master plan by adding diverse and affordable housing options. The impact on the neighborhood would be negligible as the unit would only utilize one off-street parking spot. Applicant explained how he was applying for a STR license for flexibility in leasing the home between long-term leases. Applicant stated STR was not the business model and would only expect to use the STR license once or twice a year as the home is not advertised on AirBNB. Applicant emphasized the rezoning of this property was the correct course of action and would benefit Rosedale, Kansas City, and the master plan as we face a quality and affordable housing crisis.

Gil Pintar: How many properties do you own?

Matt Altrich: I own a handful in Kansas City and Johnson County.

Gil Pintar: Are you a nursing professional and a smattering of real estate?

Matt Altrich: I have a Masters Degree in Nursing and an MBA but no longer practice nursing. I am full-time real estate and own a tree business. I'm meticulous with my properties and manage them myself.

NEIGHBORHOOD CORRESPONDENCE

Gil Pintar: Did any of the planning staff dissuade you or tell you it's not supportable for the master plan and suggest you talk to RDA based on 6 months of planning?

Matt Altrich: No one dissuaded me.

Devon Teran: How long is short term permit effective?

Matt Altrich: A yearly business license. It is not my intent to lease this short-term as I am seeking 90 day contracts for health care professionals. It would be nice to have the option and flexibility to lease it short-term if I have gaps in my lease or a physician or professor was coming to town for a conference.

Erin Stryka: Are you open to dropping the short-term aspect?

Matt Altrich: Yes.

Billy Brame: If it doesn't rezone, will you sell?

Matt Altrich: No, I keep my homes forever and will pass it to my children.

Meeting Adjourned at: 7:09PM

Minutes Taken By: Matt Altrich

NEIGHBORHOOD CORRESPONDENCE

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Matthew W. Altrich, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2021-46/SP2021-076
2. That I conducted a neighborhood meeting on Nov 29, 2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Matthew Altrich
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of November, 200^{TLV}₂₀₂₁
My commission expires 09 of November, 200^{TLV}₂₀₂₅.

THOMAS L. VANSEL
Notary Public-State of Kansas
My Appt. Expires 1/09-25

Thomas L. Vansell
Notary Public

NEIGHBORHOOD CORRESPONDENCE

Billy and Melissa Brame
3925 Fisher St.
Kansas City, KS 66103
913-206-3527

To Whom It May Concern:

I was made aware of the potential changes in front of the Urban Planning and Land Use #COZ2021-46 and SP2021-076 for the property on 4106 Adams St.

As a homeowner and neighbor I am opposed to this change. I do not want to have commercial property alongside residential as it changes the characteristic of the neighborhood.

I especially oppose changing to commercial property to go around the short term rental process, as I understand the intended use of this business is to run an AirBnb. I think it should stay zoned residential and only if the process is followed and approved should it be allowed to do short term rentals.

This is what I think is best for my family and the whole neighborhood.

Sincerely,
Billy Brame

From: [Janelle Hager](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 9:01:49 AM

Hello, I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046. These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

--

Janelle E. Hager

816.595.2027 Phone

Financial Aid Advisor

816.576.3231 Fax

Concorde Career College

JHager@concorde.edu

Kansas City

NEIGHBORHOOD CORRESPONDENCE

McLaughlin, Kallie

From: LISA Hayes <outlook_40246319E9612C50@outlook.com>
Sent: Monday, November 29, 2021 2:22 PM
To: PlanningInfo
Subject: Rezoning for 4108 Adams St.

I am Lisa Hayes, I own 4131 Adams St. I oppose the rezoning of 4108 Adams St. to an Airbnb. I have owned my home for almost 28 years. This area is not set up for Airbnb's. One home owner tried several years back to convert his home to an Airbnb. To my knowledge it was not legal. We had terrible problems with people showing up all hours of the night, loud parties and major problems with parking on the street. These people come in and trash the neighborhood because they could and didn't care about our area. I personally have work very hard to improve this neighborhood.

I have worked with KCK police and the Board of Commissioners on several occasions to shutdown problems homes and stop the drug dealing on the streets.

We have a very nice quiet neighborhood now do to all the home owners sticking together and talking about our properties. Please don't allow one person to ruin it for the whole neighborhood.

Case Numbers:
SP 2021-076
MPL 2021-027
COZ2021-046

Sent from [Mail](#) for Windows

McLaughlin, Kallie

From: Mark Corbett <mcor88@gmail.com>
Sent: Monday, November 29, 2021 10:00 PM
To: PlanningInfo
Subject: Rezoning of property at 4108 Adams from Residential to General Urban

We are homeowners at 4143 Adams..and are very much opposed to this proposal.

We want a neighborhood based on home ownership, knowing our neighbors, and a sense of community.

This would open the door to a whole different reality.

Thanks for your consideration...

Mark and Susan Corbett

From: [Rose Shriver](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 4:07:44 PM

Hello, I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046. These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

Thank you,
Rose shriver
Sent from my iPhone

NEIGHBORHOOD CORRESPONDENCE

From: [Craig Skinner](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Monday, November 29, 2021 9:52:58 PM

Hello,

I am sending you this message to express my opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046.

These changes will not add value to our community. These changes will make housing less affordable for long-term resident in our community. I do not want more short-term rentals of less than 30 days in my neighborhood.

Sent from my iPhone

From: [Nathan Dismang](#)
To: [PlanningInfo](#)
Subject: Opposition to Pending Land Use Action 4108 Adams St.
Date: Tuesday, November 30, 2021 7:39:34 AM

Hello,

We are writing to express our opposition to the Land Use Action at 4108 Adams St. for case numbers: SP 2021-076, MPL 2021-027 and COZ 2021-046.

These changes will not add value to our community and will make housing less affordable for long-term residents in our community. We do not want more short-term rentals of less than 30 days in our neighborhood. Thank you for your consideration.

Sincerely,
Nathan and Christina Dismang
4103 Adams St. Kansas City, KS 66103

Sent from my iPhone

GOALS

The goals support the vision statement and describe the desired future of Rosedale in greater detail. The goals are used to evaluate the plan recommendations and should guide the decision making process for the future of Rosedale.

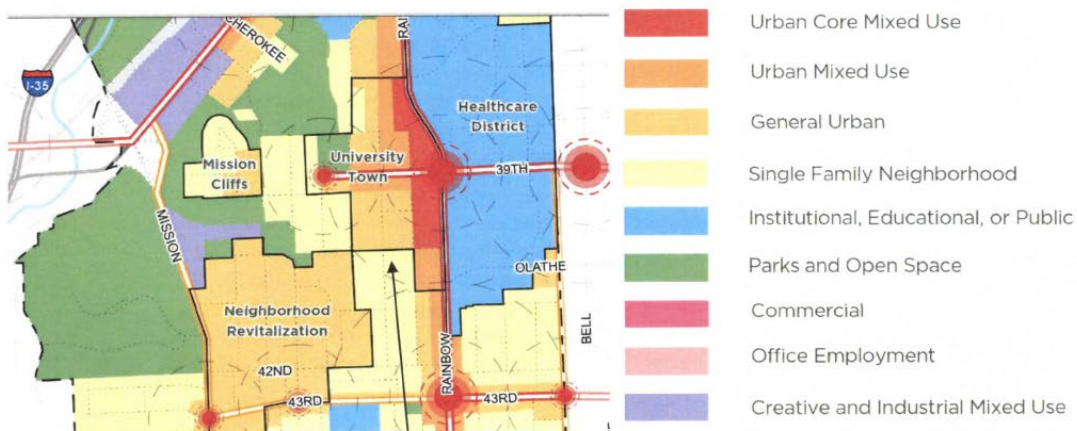
HOUSING & NEIGHBORHOODS

Protect historic and single-family neighborhoods with strong home-ownership while increasing housing options and density with quality, well-designed apartments and town houses on major streets and redevelopment districts. Maintain affordability, inclusion, diversity, and neighborhood stability. Provide housing opportunities for all incomes and include housing in Rosedale for seniors, students, area employees, and families.

FRAMEWORK PLAN

Future Land Use Plan

The land use plan ensures that every project contributes to advancing the community's vision and goals for the Rosedale area. The land use plan includes future land use districts, centers, corridors, and special districts. The intent of the future land use district is to provide an overarching framework to inform development decisions and allow Rosedale to grow in a planned, sensible manner.

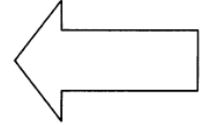


4108 ADAMS

2. MARKET CONTEXT AND EXISTING CONDITION LOCATION

Key Findings

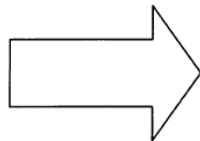
- The main constraint to capitalizing on any increased demand in Rosedale is land availability. Growing the housing stock, commercial and retail opportunities, and employment opportunities will require a focus on infill development of any remaining vacant land, and redevelopment of underdeveloped or obsolete properties. The arterial roads in Rosedale are the most likely locations for redevelopment, which protects and preserves the single family neighborhoods. Recent projects, particularly the 39Rainbow project, indicate that if appropriate land can be assembled, development can succeed.



Summary of Findings

5. *Rosedale is an established urban neighborhood that is largely built out. Capturing housing (population) and business growth opportunities depends on the availability of sites for redevelopment.*

There are few vacant sites in Rosedale other than small infill housing lots. In order to add population and economic activity, low density sites and obsolete buildings will need to be redeveloped into higher density projects; the increase in density is needed to cover land acquisition and other redevelopment costs. The arterial roadway corridors are likely the most appropriate locations for adding density, as is the 39th and Rainbow area which is closest to the two main economic engines. Focusing on the arterial roadway corridors preserves the single family neighborhoods to the rear while enhancing the visual and economic appeal of these corridors.



Increasing the population density in Rosedale will help to support additional retail and service businesses. These businesses will also be an amenity to hospital and medical school workers, and increase the overall appeal of Rosedale to small businesses and additional population in a self-reinforcing cycle. Higher densities will also generate more local tax revenue that can be used to pay for services and infrastructure.

INCREASE DIVERSE HOUSING OPTIONS

CHAMPIONS: Private Developers, RDA, UG, Neighborhood Associations

PRIORITY



Lower

Higher

COST

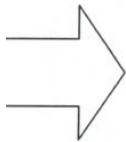
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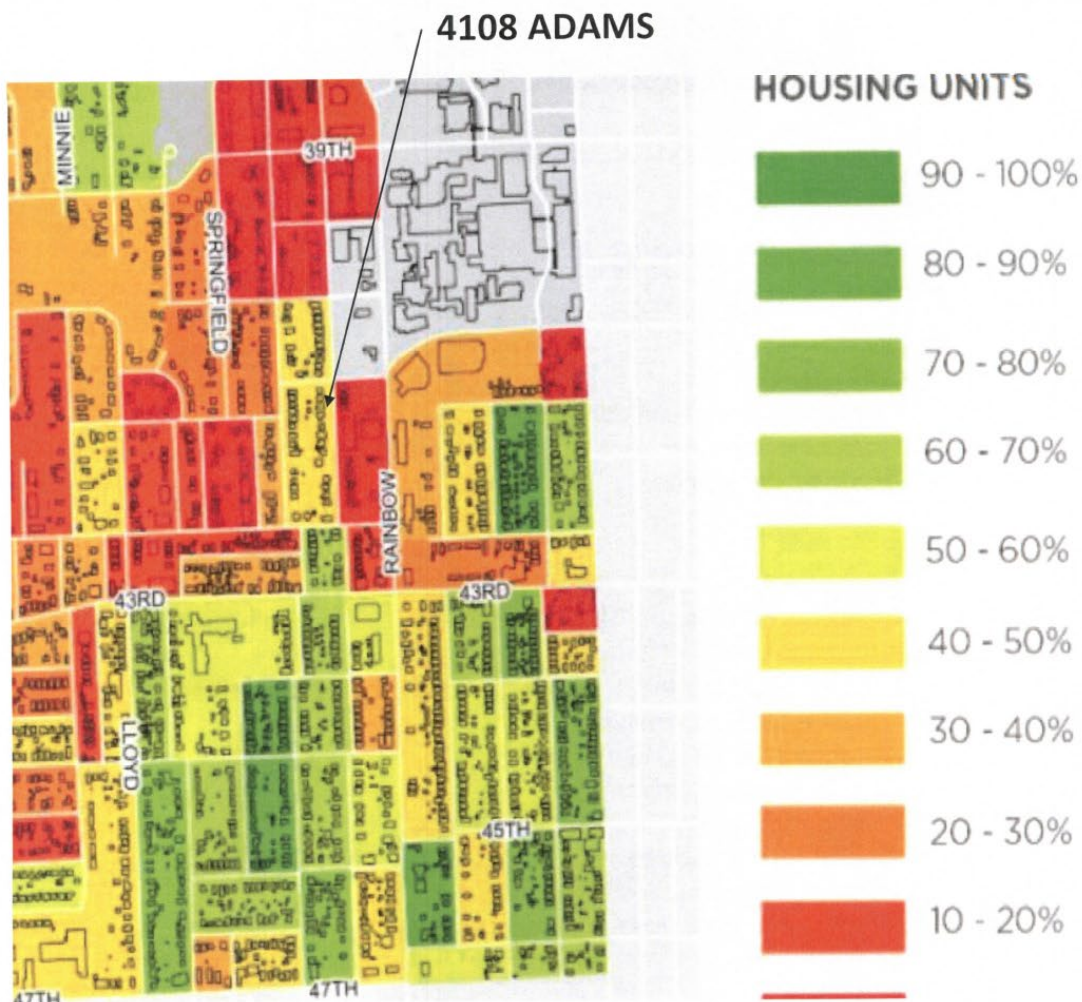
DESCRIPTION

Create housing opportunities for the diverse housing demands in Rosedale including senior housing, student housing, housing for young professionals, empty nesters, and families.

TASKS

- Revise UG Low-Income Housing Tax Credit and housing policies to incentivize a mix of 75-90% market rate housing with 10-25% affordable units
- Promote and incentivize the adaptive reuse of older commercial buildings as multi-family housing
- Attract senior living providers interested in creating various levels of senior housing alternatives, as well as tiered elder living facilities (such as assisted living and nursing homes)
- Amend zoning code to allow accessory dwellings ("granny flats") on narrow, small area lots
- Promote infill housing by marketing single family lots within KU professional circles

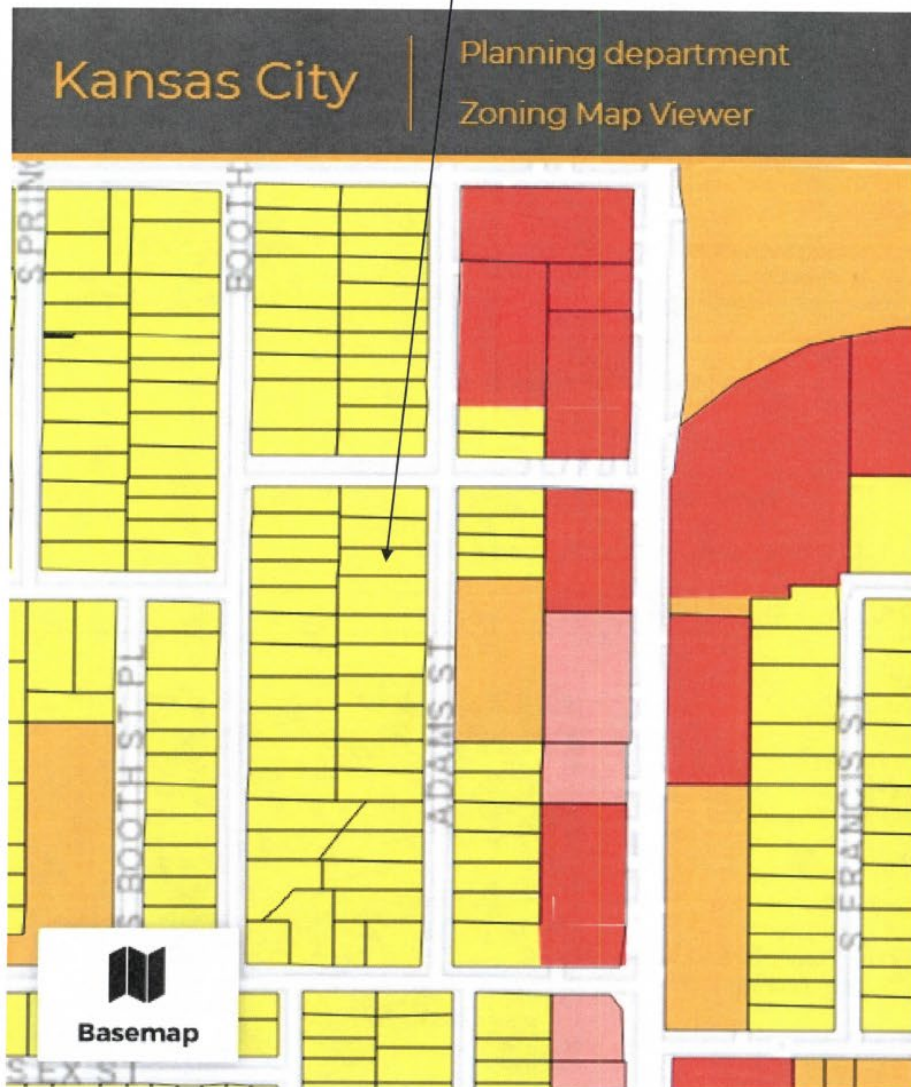




HOUSING: OWNERSHIP RATES
SOURCE: 2010 DECENNIAL CENSUS

Rosedale has a mixture of owner occupied and rental housing. Areas in Rosedale with a high proportion of home owners should be protected as stable neighborhoods. Areas with high rentals provide an opportunity to provide more housing options in Rosedale and to promote dense, walkable neighborhoods, and improve the image and character of Rosedale.

4108 ADAMS



CURRENT ZONING MAP



Urban Planning and Land Use

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

Phone: (913) 573-5750
Fax: (913) 573-5798
www.wyckok.org/planning

To: City Planning Commission
From: City Staff
Date: December 10, 2018
Re: Change of Zone Petition #3173

GENERAL INFORMATION

Applicant:
Andres Alfaro

Status of Applicant:
Property Owner
1910 West 41st Avenue
Kansas City, KS 66103

Requested Actions:
Change of Zone from
R-1(B) Single Family District to R-
2(B) Two Family District

Date of Application:
October 24, 2018

Purpose:
To convert existing detached
garage into a mother-in-law suite

Property Location:
1910 West 41st Avenue

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



#3173

December 10, 2018

1

Surrounding Zoning:

North:	R-2(B) Two Family, R-1(B) Single Family and C-1 Limited Business Districts
South:	R-1(B) Single Family District
East:	R-1(B) Single Family District
West:	R-1(B) Single Family District

Existing Uses:

North:	Multi-family dwelling, apartment building, KU Medical Center
South:	Single family dwelling units
East:	Single family dwelling units
West:	Single family dwelling units, State Line

Total Tract Size: 0.209 acre

Master Plan Designation: The Rosedale Master Plan

Major Street Plan: The Major Street Plan classifies West 41st Avenue is a local street

Advertisement: The Wyandotte Echo – November 15, 2018
Letters to Property Owners – November 14, 2018

Public Hearing: December 10, 2018

Public Opposition: None to date

PROPOSAL

Detailed Outline of Requested Action: The property owner, Andres Alfaro, would like to change the zoning on his property from R-1(B) to R-2(B) in order to convert an existing garage in the back of the property into a small dwelling unit for his mother.

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

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The neighborhood is an established, historic single-family district. The southern boundary of the KU Med campus adjacent to the property.

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

The property on the northern border is also zoned R-2(B), however there is not an active rental license on the property. If this property is changed from R-1(B) to R-2(B), the proposed renovation will not initially change the appearance or function of the existing property to the extent of concern for nearby properties, however in

the future, the residence could be converted to a duplex and possibly begin to change the fabric of the historic single-family neighborhood.

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

The garage is currently dilapidated. The property owner is planning on rebuilding the structure in similar size, shape, and building materials.

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

The property is not vacant.

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

The renovation would remove an eyesore from the back yard and turn it into a functional space for the family.

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

This is not expected to be an issue.

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

This proposed zoning does not conform to the Master Plan.

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

This is not expected to be an issue.

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

a. Water service

Existing

b. Sanitary sewer service

Existing

c. Storm water control



December 6, 2018

Rob Richardson
Planning Department
Kansas City, KS 66101

Re: **Change of Zone - 3173**
1910 West 41st Street
Historic Hanover Heights

Dear Mr. Richardson:

We have met with the applicants of the above rezoning application and have expressed our concerns with the precedent being set by their request for R2 zoning. There is currently no R2 zoning within the Hanover Heights Historic District neighborhood. We have also discussed with you the current zoning code limitations with what are commonly viewed as accessory uses called mother-in-law living quarters or granny flats. You have advised us that the new comprehensive zoning code rewrite will address this specific land use further but in the meantime R2 zoning is the only way to currently permit this use in your viewpoint. The applicants do not wish to wait over a year for this to be more detailed in the new code as they prefer to demolish their current garage and rebuild it next spring along with the granny flat.

We have reached agreement with the homeowners Sarah and Andre Alfaro and will support this change of zone and view it as a short-term way to allow their granny flat proposal. They have no desire to add an additional rental dwelling unit to their property. Additionally, the neighborhood and adjacent property owners have agreed to enter into a private legal restrictive covenant with the applicants to make clear this is not a new occupancy for rental or separate ownership. This covenant is a legal document between the property owners that will run with the land and will not involve the City. The covenant will also clarify that the restriction could be lifted or modified should the City's new zoning code address other ways to allow this use in the future so as to permit a rezoning back to R1 single family.

Sincerely,

A handwritten signature in black ink that reads "Gilbert A. Pintar".

Gilbert A. Pintar, President Hanover Heights

cc. Sarah Masalskis, smasalskis512@gmail.com
Andres Alfaro, andres.a.alfaro12@gmail.com



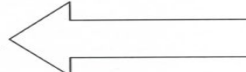
Gilbert Pintar <geebearkc@gmail.com>

GrannyFlat

Richardson, Rob <RRichardson@wycokck.org>
To: Gilbert Pintar <geebearkc@gmail.com>

Thu, Nov 1, 2018 at 3:58 PM

We are working on more liberal use of granny flats in the new code..





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: COZ2021-041 and MPL2021-029

GENERAL INFORMATION

Applicant:
Jon Simpson

Status of Applicant:
Representative
BHC Rhodes
712 State Avenue
Leavenworth, Kansas 66048

Requested Actions:
Approval of a Change of Zone.

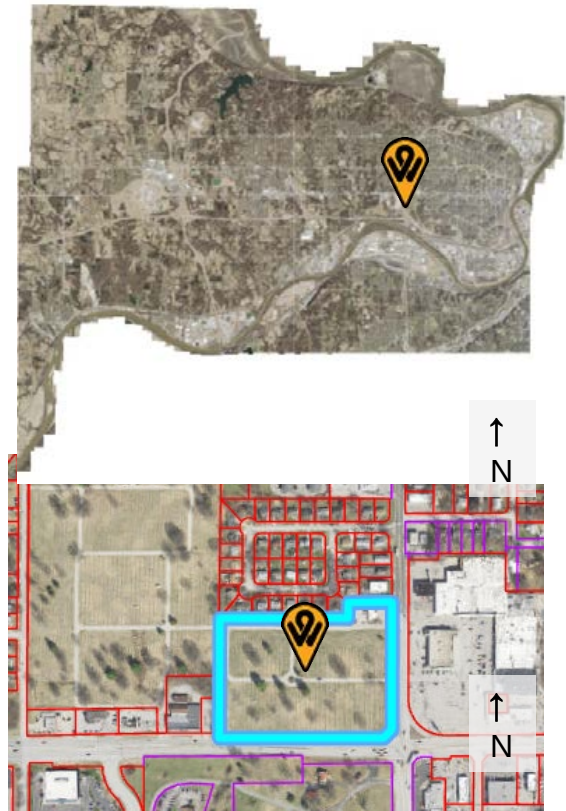
Approval of a Master Plan Amendment.

Date of Application:
September 24, 2021

Purpose:
To change the zoning district from R-1(B)
Single Family Residential District to CP-0
Planned Non-Retail Commercial District for
the Cemetery Office space.

To change the Master Plan Land Use Designation from Public/Semi-Public to
Community Commercial

Property Location: 1150 N 38th Street
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large: Melissa Bynum District #4 Commissioner: Harold Johnson
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family and CP-0 Planned Non-Retail Business Districts South: R-1 Single Family and CP-2 Planned General Business Districts East: CP-2 Planned General Business District West: C-1 Limited Business District
Adjacent Uses:	North: A ~47 Acre Parcel with ponds and a Single-Family Homestead South: Chain Stores and Shopping Strip: Drug Store, Thrift Shop, Fast Casual Restaurants, Automotive Repair East: Single Family Homes, Medical Office, Barber Shop West: Single Family Homes, Vacant Commercial Strip Gymnastics Instruction, Retail Beauty Store, Auto Insurance, Auto Sales
Total Tract Size:	9.28 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan land use designation is Public/Semi-Public. These spaces are typically regarded as a space or amenity completely open to the public or as a private space in which the public accesses for a specifically defined purpose. Allowed uses include schools, churches, non-profit owned land or buildings, and publicly owned land and buildings. Discouraged uses include adult-oriented businesses and bars or clubs selling alcohol. The proposed City-Wide Master Plan land use designation is Community Commercial. These uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small-scale accessory commercial uses. Uses may also include small-scale commercial centers. Allowed uses include grocery stores, medium-sized box stores, commercial

centers with sit-down restaurants, banks, drug stores, convenience stores and small-scale, locally owned businesses. Discouraged uses include industrial uses and business parks.

Major Street Plan:	The Major Street Plan designates North 38 th Street as a Class C Throughfare Major Street
Required Parking:	CP-0 District (proposed zoning Lots 1-3): Section 27-463(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The office is listed by appraisal records to be of 1,680 square feet, making the required parking eight (8) spaces. The subject plat has 13 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 8, 2021, and November 18, 2021 Letters to Property Owners – September 17, 2021, October 31, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	One (1) person appeared in support at the December 13, 2021 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jon Simpson with BHC Rhodes, has submitted a request for Change of Zone and a Preliminary Plat. The applicant is requesting a Change of Zone from R-1(B) Single-Family Residential District CP-0 Planned Non-Retail Commercial District. The applicant is requesting a Plat separating the current cemetery office from the burial grounds. After the replat, the property owner wishes to change the use of the property to a portion of the property unrelated to the cemetery while keeping the burial grounds intact, and commercial uses are not allowed in the current zoning.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no code enforcement issues. There is a history of police activity that is common among semi-public open space areas of a similar nature however they should not affect the property's usages.

FACTORS TO BE CONSIDERED

Change of Zone

1. *The character of the neighborhood.*

The subject property a semi-public open space along a commercial corridor. It is the buffer between more intense commercial uses on State Avenue and the adjacent neighborhoods. Commercial buildings are of various architectural style and composition, ranging from smaller stand-alone buildings to a shopping center. The residences to the north are typically bungalows or ranches that are modest in scale with mature trees and asphalt streets and driveways with limited sidewalks. It is not uncommon for these residences to be directly adjacent to commercial uses without some buffering.

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

The subject property is bordered on the south and east with properties of varying degrees of commercial intensity with residential uses to the north and west. Agricultural zones. The subject property's office space is on the northeast corner of the property and is offset from the burial grounds. It is adjacent to commercial uses and would not be out of character for the office to rejoin the adjacent commercial uses in lot size, parking accessibility, and zoning compatibility.

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

The adjacent properties are commercial with mid-century architecture of similar style and scale as the subject property. As part of the cemetery, the subject property has been functioning as a commercial use of the cemetery's grounds. Removing it from the cemetery for use as a stand-alone commercial property would ostensibly not change the function of the property from its current uses but could detrimentally change its character if redeveloped.

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

The property is not vacant. It appears to have been a commercial accessory function of the associated cemetery since its construction.

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

This proposed Change of Zone and Plat does not create any new buildings or dissimilar uses from its current usage, and any future change of ownership or usage would be subject to the commercial design guidelines. Should the property be sold to new commercial ownership, the property has potential to add a

neighborhood convenience and would introduce economic gains not currently realized under the subject property's current ownership by a non-profit religious organization. The proposed requests do not appear to harm or permanently injure the visual quality, appropriate use, or marketability of nearby property. Additionally, the Change of Zone to a Planned Commercial District subjects the property to the Commercial Design Guidelines, in which additional sidewalks, curb repairs, improved parking surface repairs, and landscaping has been required as a condition of approval and these conditions would subsequently enhance the appropriate use, quality, and marketability. As a planned district, any future redevelopment would require review to ensure neighborhood conference and character

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

The proposed use should not increase any traffic demand outside of existing conditions. Traffic from State Avenue onto 38th Street is already diverted for the adjacent commercial uses, and the subject property is already operating as a commercial accessory use of the cemetery, so any net increase would be marginal if at all. Parking is determined to be adequate with a front accessible lot and a rear overflow parking for employees or other customers. It has ample accessible parking. An access plan should be maintained for the usage of these lots given the rear lot is blocked by the gate to the burial grounds.

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

The City-Wide Master Plan designates this property's use as Public/Semi-Public. These designations are reserved for properties that are typically publicly owned, non-for-profit owned land and buildings, schools, and churches. The proposed rezone to CP-0 Planned Non-Retail Commercial District does not appropriately align with the current description of the land use but does conform to with the land use petitioned for with the Master Plan Amendment. Section 27-463(b) gives numerous allowed uses including administrative offices, sales offices of non-retail products such as real-estate, and service uses such as photography studios, dental and medical facilities, and other professional uses that would be restricted without a Master Plan Amendment if the future use is not a public entity or not-for-profit organization. The Master Plan Amendment in conjunction with the Change of Zone actualizes the highest and best use of this property once replatted, should it be sold to a future tenant.

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

The Change of Zone or requested Plat does not initiate the construction or alteration of any structure and would not initiate any alteration that would cause environmental harm.

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

a. Water service

Water Service provided by BPU.

b. Sanitary sewer service

Sanitary Lines are provided to the property

c. Storm water control

Storm water control points are at the southeast corner of the property with adjoining French drains.

d. Police

Police service is provided by Midtown Division, #442.

e. Fire

Fire service is provided by Fire Station #6 in District #1.

f. Transit

Two (2) routes directly serve the property with bus stops on the subject property's frontage, Route #107 and Route #106.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

The Plat is currently accessible from North 38th Street with a shared access drive to the adjacent burial ground. A condition of approval is that this access agreement be maintained should transfer of ownership occur to allow continued access.

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

This proposed project will not have any immediate economic impact on the community. Should the property transfer ownership, a new commercial use could be initiated that would add economic value, increase the tax base, and convenience to the neighborhood.

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

The proposal should have a high capability to meet the ordinance requirements. The Change of Zone to a Planned Commercial District subjects the property to the Commercial Design Guideline and some additional conditions of approval have been added to address deficiencies relative to these new guidelines. Any new usage would require a Plans Review as part of the requirements of a Planned District.

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

The subject property will have minimal impact on the public health, safety, or welfare once rezoned except for the improvements required on infrastructure including sidewalk repairs. This will improve pedestrian accessibility to and from adjacent properties and for passengers at the subject property's bus stop.

Staff Note: The plan was revised to incorporate staff comments and additional sidewalk and pedestrian access was added.

Preliminary Plat

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

See Change of Zone Review Factor #9. Although there is a Change of Zone with the plat, the function of this office as a non-retail commercial use are not changing. Public utilities or services are not needing alteration and are considered adequate to the use.

2. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.

There are no known hazards noted.

3. Streets are designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

There will be no public rights-of-way constructed in conjunction with this Preliminary Plat and traffic patterns are expected to not be significantly impacted. There is, however, an existing private drive into the burial grounds that will require an access agreement be recorded as part of the plat should the property be transferred to a different ownership.

4. Assurance that buildings, lots, blocks, parcels, and streets are so arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

The proposal to separate the office space from burial grounds reflects the division of an already built-out space. The burial grounds are non-buildable and as a semi-private entity, will endure negligible impact. The office ostensibly has a higher economic value in its separation from the burial grounds than it does as part of the burial grounds' tract.

- 5. *Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

There is no proposed grading or change in topography with this Plat, as there are no building plans submitted for any future development as this is a built-out parcel. All future development plans are subject to the revision and review of the Unified Government and respective agencies as part of the proposed Change of Zone to a Planned Commercial Development Zoning District. Additional requirements for added landscaping are added as a condition of approval per the Commercial Design Guidelines to further enhance natural features.

- 6. *Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

The plat is planned to be two (2) lots and therefore is not required to have any amenities. The burial grounds retain convenient access and open space for the public as desired.

PREVIOUS ACTIONS

- No Related Previous Actions are associated with this property.

NEIGHBORHOOD MEETING

The Applicant held a neighborhood meeting on October 25, 2021, by mail.

Attached are the meeting minutes, affidavit, minutes, and/or list of attendees at the end of this report.

KEY ISSUES

Commercial Design Guidelines
Cemetery Access
Neighborhood Character
Plat Design and Parcel Arrangement
Land Use
Zoning District
Pedestrian Access
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-041** and Master Plan Amendment **MPL2021-029**, subject to:

1. The applicant, contractors, subcontractors, and any related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable, for any future development. All future development is subject to additional review approval;
2. Curbs, gutters, and drainage shall be repaired to proper UG Standards;
3. The parking lots to the front and rear shall be repaved and restriped to reflect the additional walkway between the connecting sidewalk on North 38th Street, parking spaces, and accessible parking spaces;
4. If approved, additional landscape screening on the north of the property line shall be added to further screen parking from adjacent lots per the Commercial Design Guidelines;
5. An access agreement must be maintained for the private drive access into the burial grounds, so parking remains accessible;
6. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission,

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-041** and **MPL2021-029**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Preliminary Plat Submitted by the Applicant
Neighborhood Meeting Letter
Staff Site Improvement Sketch
Geospatial Comment Letter with Indicated Revisions
Staff Site Visit Photos Dated October 12, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	December 13, 2021 Approval	January 6, 2022
Master Plan Amendment	December 13, 2021 Approval	January 6, 2022

STAFF CONTACT: **Kallie McLaughlin**
 kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-041 and MPL2021-029** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report, and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-041 and MPL2021-029**, as they are not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 3:07:46:

MASTER PLAN AMENDMENT APPLICATION MPL2021-029 – JON SIMPSON WITH BHC RHODES - SYNOPSIS: Master Plan Amendment from Public/Semi-Public to Community Commercial at 1150 North 38th Street.

CHANGE OF ZONE APPLICATION COZ2021-041 – JON SIMPSON WITH BHC RHODES - SYNOPSIS: Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District to split office from cemetery property at 1150 North 38th Street.

PRELIMINARY AND FINAL PLAT APPLICATION PLAT2021-025 – JON SIMPSON WITH BHC RHODES - SYNOPSIS: Preliminary and Final Plat for two (2) commercial lots (Mount Calvary Cemetery Plat) at 1150 North 38th Street.

Detailed Outline of Requested Action: The applicant, Jon Simpson with BHC Rhodes, has submitted a request for Change of Zone and a Preliminary Plat. The applicant is requesting a Change of Zone from R-1(B) Single-Family Residential District CP-0 Planned Non-Retail Commercial District. The applicant is requesting a Plat separating the current cemetery office from the burial grounds. After the replat, the property owner wishes to change the use of the property to a portion of the property unrelated to the cemetery while keeping the burial grounds intact, and commercial uses are not allowed in the current zoning.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Code Enforcement History: There are no code enforcement issues. There is a history of police activity that is common among semi-public open space areas of a similar nature however they should not affect the property's usages.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Change of Zone and Master Plan Amendment; and,
7. The Notices to property owners.

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

Present in Support:

- Wil Anderson, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101
- Matt Watkins

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:11:25: Planning Director Hand stated that this property is on the edge of the Northeast Area Master Plan at 38th and State Avenue. He showed the Commission on the map the area that is being split out of the existing property with the plat and it does include an access agreement, which is one (1) of the conditions of approval. The two (2) properties would share access of a single, existing driveway, and Staff showed the Commission pictures of the property. Director Hand stated that there are conditions of approval in the staff report. He further stated that there are no Notices of Violation. Staff has received no letters in support nor opposition prior to the meeting. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:13:25:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application**

MPL2021-029:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

1. The applicant, contractors, subcontractors, and any related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable, for any future development. All future development is subject to additional review approval;
2. Curbs, gutters, and drainage shall be repaired to proper UG Standards;

3. The parking lots to the front and rear shall be repaved and restriped to reflect the additional walkway between the connecting sidewalk on North 38th Street, parking spaces, and accessible parking spaces;
4. If approved, additional landscape screening on the north of the property line shall be added to further screen parking from adjacent lots per the Commercial Design Guidelines;
5. An access agreement must be maintained for the private drive access into the burial grounds, so parking remains accessible;
6. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; 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.

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-041**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to the above conditions

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE PLAT2021-025**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

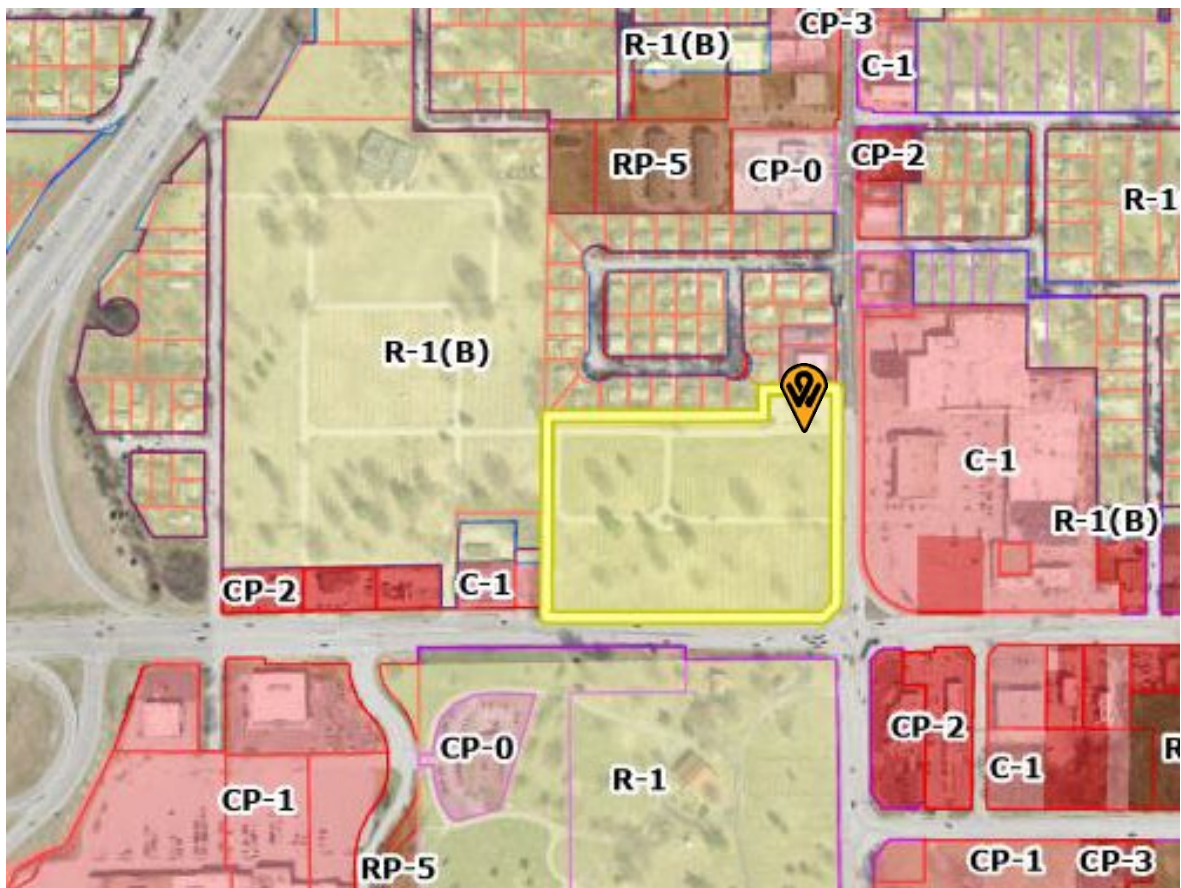
Motion to recommend APPROVAL Passed: 5 to 0

Subject to the above conditions

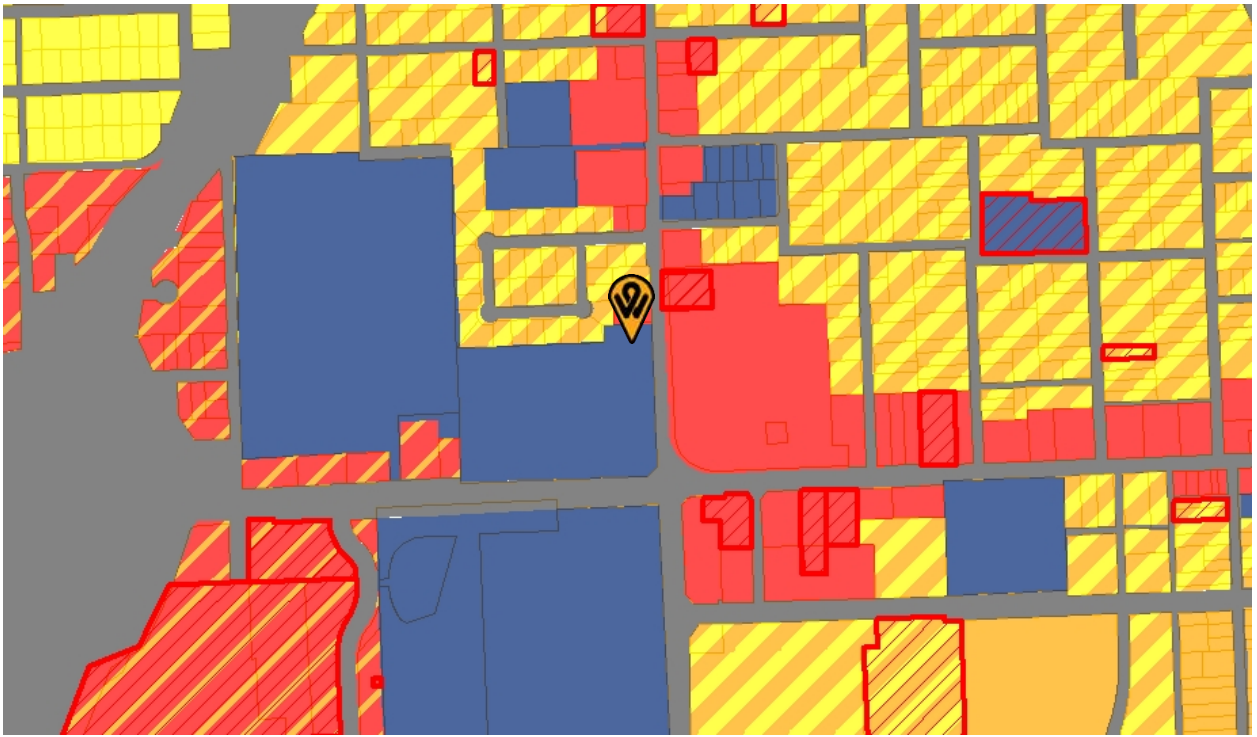
AERIAL MAP



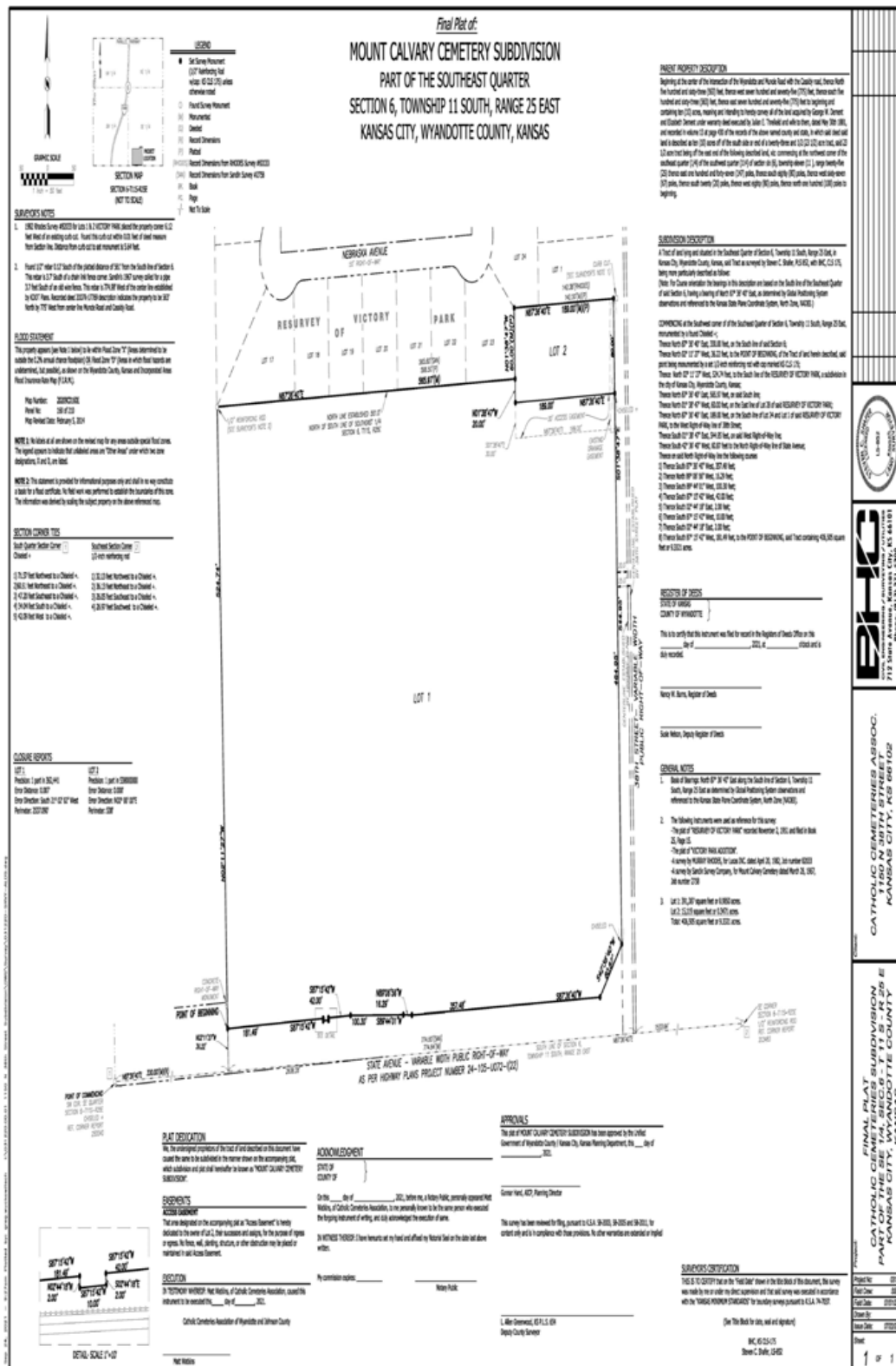
ZONING MAP



LAND USE MAP



16



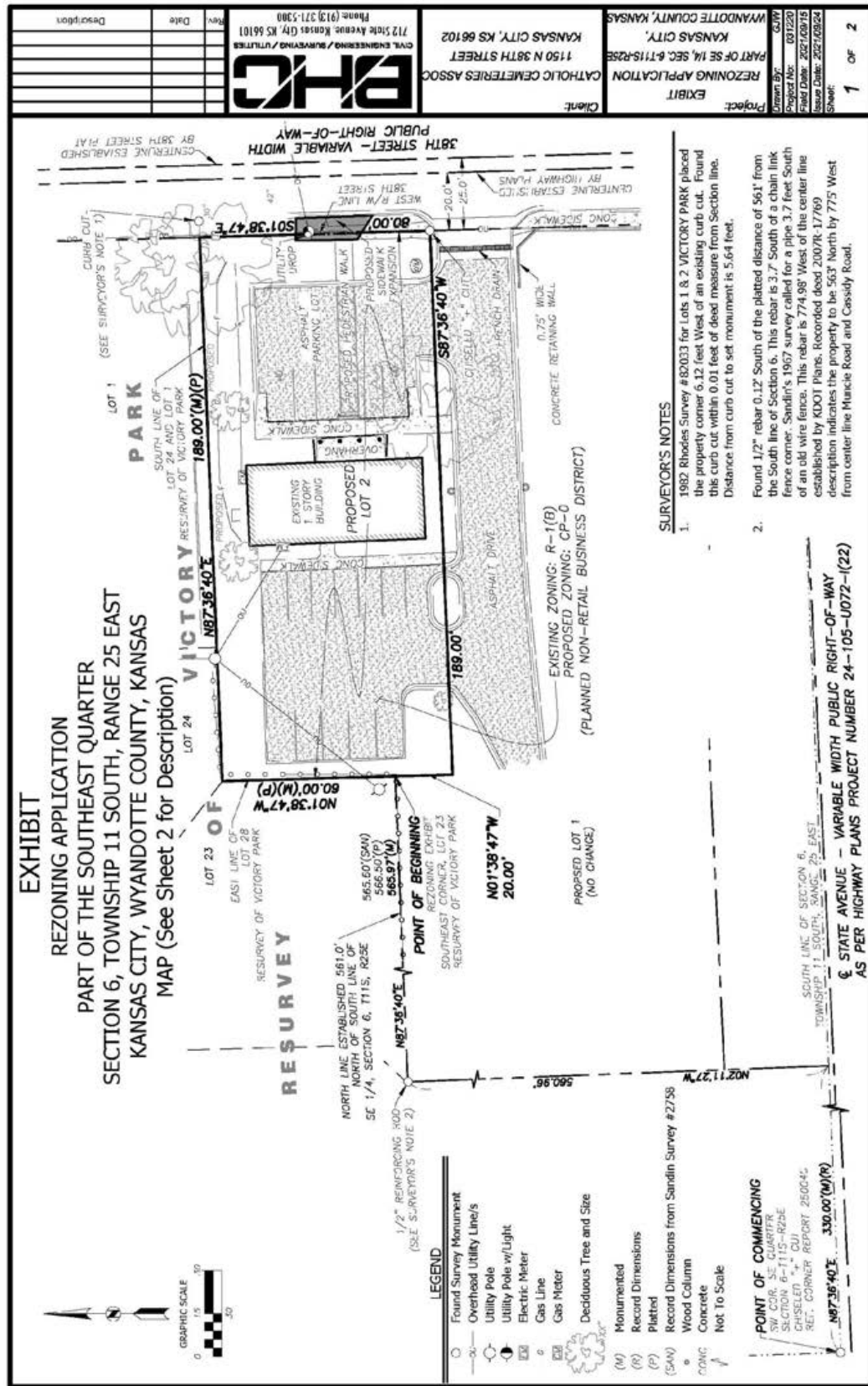


EXHIBIT
REZONING APPLICATION
PART OF THE SOUTHEAST QUARTER
SECTION 6, TOWNSHIP 11 SOUTH, RANGE 25 EAST
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
DESCRIPTION (See Sheet 1 for Map)

A Tract of land lying and situated in the Southeast Quarter of Section 6, Township 11 South, Range 25 East, in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described as follows:

(Note: For Course orientation the bearings in this description are based on the South line of the Southeast Quarter of said Section 6, having a bearing of North 87° 36' 40" East, as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southwest corner of the Southeast Quarter of Section 6, Township 11 South, Range 25 East, monumented by a found Chiseled +;

Thence North 87° 36' 40" East, 330.00 feet, on the South line of said Section 6;

Thence North 02° 11' 27" West, 560.96 feet, to the South line of the RESURVEY OF VICTORY PARK, a subdivision in the city of Kansas City, Wyandotte County, Kansas;

Thence North 87° 36' 40" East, 565.97 feet, on said South line, to the Southeast corner of Lot 23, RESURVEY OF VICTORY PARK, and the POINT OF BEGINNING;

Thence North 01° 38' 47" West, 60.00 feet, on the East line of Lot 28 of said RESURVEY OF VICTORY PARK;

Thence North 87° 36' 40" East, 189.00 feet, on the South line of Lot 24 and Lot 1 of said RESURVEY OF VICTORY PARK, to the West Right-of-Way line of 38th Street;

Thence South 01° 38' 47" East, 80.00 feet, on said West Right-of-Way line;

Thence South 87° 36' 40" West, 189.00 feet;

Thence North 01° 38' 47" West, 20.00 feet, to the POINT OF BEGINNING, said Tract containing 15,119 square feet or 0.3471 acres

Oct 21, 2021 - 1:39pm Plotted by: jon.simpson i:\031220.00.01 1150 N 38th Street Subdivision\DWG\Survey\031220-SRVY-RZNE.dwg

Sheet:	Drawn By:	Project No:	Field Date:	Issue Date:	Project:	Client:	 BHC CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	GJW	031220	2021/09/15	2021/09/24	EXHIBIT		
OF					REZONING APPLICATION	CATHOLIC CEMETERIES ASSOC	
2					PART OF SE 1/4, SEC. 6-T11S-R25E	1150 N 38TH STREET	
					KANSAS CITY,	KANSAS CITY, KS 66102	
					WYANDOTTE COUNTY, KANSAS		

NEIGHBORHOOD MEETING LETTER



October 15, 2021

Janet Parker
701 North 7th Street, Suite 423
Kansas City, KS 66101

SUBJECT: Neighborhood meeting

We have filed an application with the Department of Urban Planning and Land Use, COZ2021-041, for change of zone from R-1(B), Single Family District, to CP-O, Planned Non-Retail Business District, for property located at 1150 N. 38th Street, Kansas City, KS 66102. This change of zone will support the owner's future usage and enjoyment of the property.

Due to COVID-19, we will not be holding an in-person neighborhood meeting. Instead, we ask that you please contact BHC with any questions or comments, before October 25, 2021:

Wil Anderson, PLS
Vice President
Survey Services Group Leader
Wil.Anderson@ibhc.com
c: (913) 904-4743
o: (913) 905-1573

We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Anderson', is placed above the typed name.

Wil Anderson
BHC
Vice President
Survey Services Group Leader



STAFF SITE IMPROVEMENT SKETCH



GEOSPATIAL SERVICES COMMENT LETTER



710 North 7th Street Suite 200
Kansas City, Kansas 66101

GeoSpatial Services A Division of the Knowledge Office

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: October 7, 2021
RE: **MOUNT CALVARY CEMETERY SUBDIVISION**

We have researched the official county records for the above plat as submitted to
Planning and Urban Design by:
BHC

And we have determined the following:

Takes all of CIC-TAS Parcel:

912927

Owner-of-Record:

Catholic Cemeteries Association of Wyandotte and Johnson Counties

Jurat Signature:

Matt Watkins – Catholic Cemeteries Association

We find that the plat is: **Presently unacceptable for posting.**
Please note the following comments.

1) Legal Description

Call number seven along the south line should be N 2-44-28 W.

Updated call #7 to read "7) Thence North 02° 44' 18" West, 2.00 feet;"

2) Approvals

The Approvals section is missing several names and needs to be revised.

Updated approval section, added designations for Mayor, County Engineer, and UG Clerk

Revisions from County Surveyor Notes

-Updated line 9 to read "Lot 23" instead
of "Lot 28"

Revisions from internal review

-Removed parent property
description
-Updated Road and R/W labels
along State ave and 38th st
-Updated closure report
-Changed Section Corner Ties
description to read "Southwest
Corner, Southeast Quarter"

STAFF SITE PHOTOS DATED OCTOBER 12, 2021



STAFF SITE PHOTOS DATED OCTOBER 12, 2021



STAFF SITE PHOTOS DATED OCTOBER 12, 2021





STAFF SITE PHOTOS DATED OCTOBER 12, 2021



STAFF SITE PHOTOS DATED OCTOBER 12, 2021





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 6, 2022

Re: **Change of Zone Petition COZ2021-039 and Master Plan Amendment MPL2021-030**

GENERAL INFORMATION

Applicant:
Joe Prenger

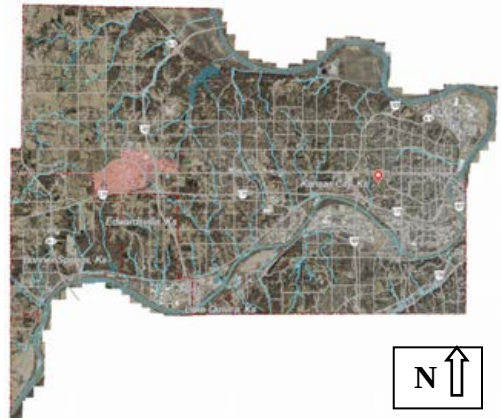
Status of Applicant:
Owner
10809 Northeast 106th Terrace
Kansas City, MO 64157

Requested Actions:
Master Plan Amendment from Urban Density to
Mixed Use (Central Area Master Plan).

Change of Zone from R-1(B) Single
Family District to TND Traditional Neighborhood
Design District.

Date of Application(s):
September 24, 2021

Purpose:
To add a third dwelling unit to an existing mixed-
use building (vacant ground floor storefront and
two (2) dwelling units on the second floor).



Property Location:	3159 Orville Avenue
Commission Districts:	Commissioner At-Large, District 1: Melissa Bynum District #4 Commissioner: Harold Johnson
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-2(B) Two Family District
Adjacent Uses:	North: Single family home South: Single family home East: Single family home West: Duplex
Total Tract Size:	0.14 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which detached single-family residences, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, etc., parks, plazas, courtyards, and open space. An amendment has been filed to Mixed Use, which allows restaurants, small and medium commercial, professional and office services, institutional such as schools, churches and libraries, mixed-density residential, and parks, plazas, and open space.
Major Street Plan:	The Major Street Plan classifies Orville Avenue as a Collector Street and North 32 nd Street as a Local Street.
Required Parking:	Sec. 27-458(d) states two (2) off-street parking spaces shall be provided for each dwelling unit, at least one (1) of which shall be in a garage or carport. When parking spaces are provided on the premises of each dwelling unit, when no more than two (2) off-street parking spaces are provided for each dwelling unit on the premises, when the lot has less than twenty (20) feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front line of the garage door shall not be less than thirty-six (36) feet and space shall be provided in the drive for parking two (2) passenger cars for each dwelling unit. Six (6) spaces are required. Three (3) spaces are provided.

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – October 14, 2021 and November 18, 2021 Letters to Property Owners – Change of Zone – October 15, 2021, November 19, 2021 and December 27, 2021
Public Hearings:	December 13, 2021 and January 6, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joe Prenger with A&J Freedom Properties, LLC, wants to rezone the property from R-1(B) Single Family District to TND Traditional Neighborhood Design District and seek a Master Plan Amendment from Urban Residential to Mixed Use (Central Area Master Plan) to keep two (2) dwelling units above a vacant storefront and add a third dwelling unit on the ground floor on the property on 0.16 acres at 3159 Orville Avenue.

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

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of a mixture of single-family homes and duplexes, and small multi-family both across the street to the west and east along Orville Avenue.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with them because there is an existing duplex west, across North 32nd Street and existing single-family homes to the north, east and south.

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

The removal of the restrictions will not detrimentally affect nearby property as this building was previously a commercial storefront (ground floor) and two (2)

dwelling units on the second floor, which was accessed off Orville Avenue, but is now accessible in the rear off North 32nd Street.

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

The ground floor storefronts have been vacant for at least fifteen (15) years. The rental license expired for the two (2) second-floor units in 2020.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as housing, specifically attached-single family, otherwise known as duplexes, provide an alternate housing choice for the community, and it will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property. This rezoning is correcting a legal, non-conforming structure and use that has existed since 1920.

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

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the use is existing and there are no changes proposed on the property. There are three (3) or four (4) parking spaces available for tenants.

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

The proposed use conforms to the Master Plan as duplexes, triplexes and fourplexes are allowed in the district.

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

This is not applicable as the proposed use is not changing or expanding, but is simply changing ownership.

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

a. *Water service*

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by East Patrol, District #442.

e. Fire

Fire service is provided by Fire Station #11 located at 32nd Street and Minnesota Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Public education is provided by Kansas City, Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

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

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

The proposed use is capable of meeting applicable ordinance and other requirements with variances.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. If the application is denied, the property can continue to be used as a two (2) dwelling units on the second floor so long as the rental license is renewed within two (2) years of its expiration.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting from October 26, 2021 – November 26, 2021, via e-mail and phone call. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Existing Legal, Non-conforming Use
Pedestrian Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2021-039** and Master Plan Amendment **MPL2021-030**, subject to:

1. The two (2) story structure was built in 1920 per the Appraiser's Office. From Rental License Division records, a rental license for two (2) units occurred in 1996 to 2020. Between 2020 and now, a third dwelling unit was converted within the structure and a rental license was applied for and denied by Planning and Urban Design because a third dwelling unit was not legally established;
2. Sec. 27-458(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Two (2) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;

3. Install a four (4) foot sidewalk from the parking pad on the east side of the building along Orville Avenue, around the corner to the parking pad on the south side of the building along North 32nd Street;
4. Pave the unimproved surface (asphalt or concrete) and stripe five (5) off-street parking spaces on the along Orville Avenue and North 32nd Street;
5. If approved, confirm with the Building Inspection Department to ensure the third dwelling unit complies with the International Building Code (IBC);
6. If approved, a rental license from the Rental Licensing Division shall be obtained; 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2021-039** and **MPL2021-030** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 13, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Floor Plan
Wyandotte County Parks Department Street Tree List
Site Photography provided by the Planning Staff dated October 12, 2021.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government of Board of Commissioners</u>
Public Hearing	December 13, 2021	January 6, 2022
Rezoning	Approval	
Master Plan	December 13, 2021	January 6, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2021-039** and **MPL2021-030**, as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2021-039** as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 13, 2021 City Planning Commission Minutes:

Hearing starts at 2:40:35:

MASTER PLAN AMENDMENT APPLICATION MPL2021-030 – JOHN PRENGER WITH A&J FREEDOM PROPERTIES, LLC - SYNOPSIS: Master Plan Amendment from Urban Density to Mixed Use (Central Area Master Plan) at 3159 Orville Avenue.

CHANGE OF ZONE APPLICATION COZ2021-039 – JOHN PRENGER WITH A&J FREEDOM PROPERTIES, LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to TND Traditional Neighborhood Design District for an existing non-conforming three (3) unit residential building at 3159 Orville Avenue.

Detailed Outline of Requested Action: The applicant, Joe Prenger with A&J Freedom Properties, LLC, wants to rezone the property from R-1(B) Single Family District to TND Traditional Neighborhood Design District and seek a Master Plan Amendment from Urban Residential to Mixed Use (Central Area Master Plan) to keep two (2) dwelling units above a vacant storefront and add a third dwelling unit on the ground floor on the property on 0.16 acres at 3159 Orville Avenue.

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

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 13, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Joe Prenger, applicant, 10809 Northwest 106th Terrace, Kansas City, Missouri 64157

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:44: Planning Director Hand stated that this is a legal non-conforming parcel in the Central Area Master Plan. He stated that the applicant is requesting TND Traditional Neighborhood Design zoning to add a third dwelling unit to an existing mixed-use building. The applicant will provide some additional parking on the parcel to the east, which is above the standards as TND does not require parking. He further stated that this use does meet the character of the neighborhood and Staff requests that they build a 4' sidewalk on Orville Avenue and that all parking on-site be an improved surface of asphalt or concrete. He further stated that there are additional conditions in the staff report. Director Hand stated that there are old Notices of Violation on the property. Staff has not received any letters in support nor opposition, and recommends approval of these applications subject to the conditions in the staff report.

Motion and Vote starts at 2:46:20:

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment Application**

MPL2021-030:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. The two (2) story structure was built in 1920 per the Appraiser's Office. From Rental License Division records, a rental license for two (2) units occurred in 1996 to 2020. Between 2020 and now, a third dwelling unit was converted within the structure and a rental license was applied for and**

denied by Planning and Urban Design because a third dwelling unit was not legally established;

2. Sec. 27-458(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Two (2) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;

3. Install a four (4) foot sidewalk from the parking pad on the east side of the building along Orville Avenue, around the corner to the parking pad on the south side of the building along North 32nd Street;
4. Pave the unimproved surface (asphalt or concrete) and stripe five (5) off-street parking spaces on the along Orville Avenue and North 32nd Street;
5. If approved, confirm with the Building Inspection Department to ensure the third dwelling unit complies with the International Building Code (IBC);
6. If approved, a rental license from the Rental Licensing Division shall be obtained; 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.

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2021-039**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Armstrong	Aye
Connelly	Not Present
Ernst	Not Present
Hill	Not Present
Huey	Aye
Jones	Aye

Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions



Figure 1. Aerial Map of 3159 Orville Avenue (provided by UG Maps).



Figure 2. Zoning Map of 3159 Orville Avenue (provided by UG Maps).



Figure 3. Central Area Master Plan Land Use Map of 3159 Orville Avenue (provided by Arc Map).

Response to: Staff Comments and Suggestions

Planning and Urban Design Comments:

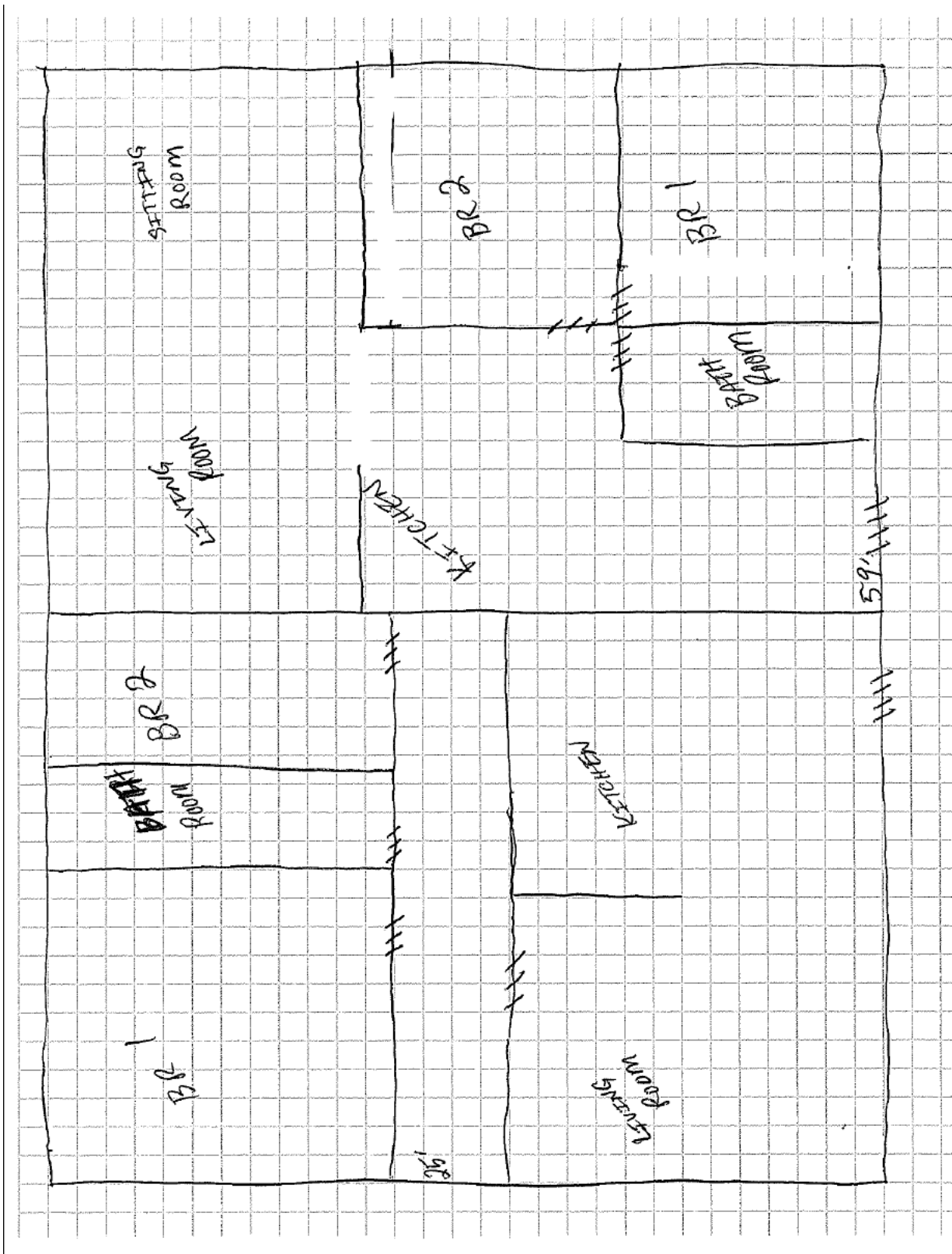
General Planning:

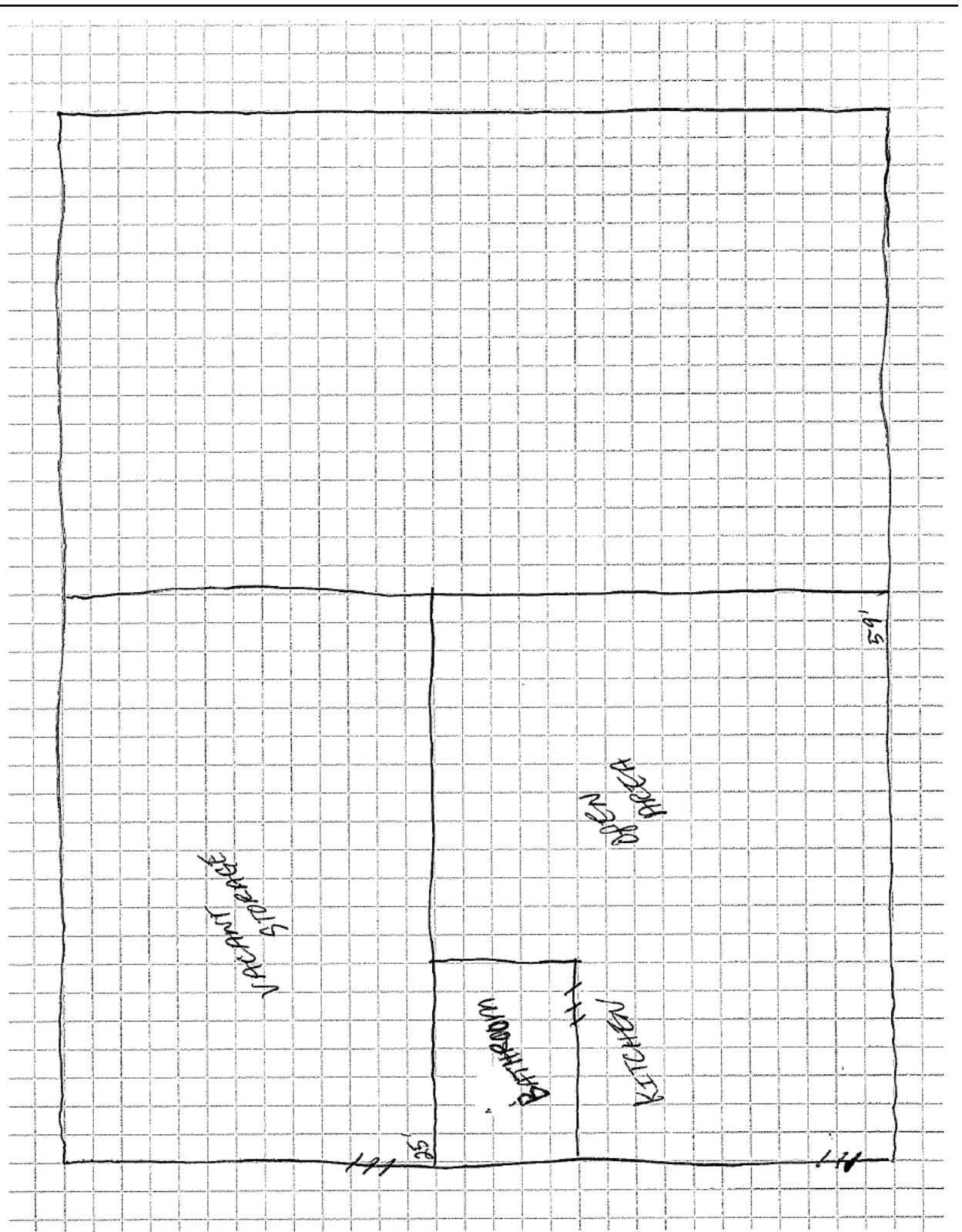
1. A Master Plan Amendment from Urban Density to Mixed Use (Central Area Master Plan) will be submitted. *Change from Urban Density to TND (T5).*
2. Sec. 27-27-458(3)a. No R-3 Townhouse District project shall be constructed on a lot less than one (1) acre. A variance from the Board of Zoning Appeals is required and must precede this rezoning request. *Change to TND (T5) will negate this requirement.*
3. Are all three (3) units on separate utilities – water, power, sanitary sewer, etc.? *All utilities are separately metered except for Gas. Gas is on one meter and is paid for by the landlord.*
4. Provide a scaled and dimensioned floor plan of the ground and second floors. *Scaled floor plan will be sent in as a separate attachment on graph paper.*
5. Sec. 27-458(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. Two (2) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines. *1 tree will be planted on the east side of the east parking pad on the east side of the building to accommodate this requirement. One tree is already in place on the North side of the parking pad on the east side of the building.*
6. *N/A*
7. In approved, a rental license from Rental Licensing shall be obtained. *Rental license will be applied for and obtained once rezoning is complete.*
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. *Check in the amount of \$125 will be mailed to Urban Design Department within 30 days following the Unified Government Board of Commissioners meeting.*
9. Install a four (4) foot sidewalk from the parking pad on the east side of the building along Orville Avenue, around the corner to the parking pad on the south side of the building along North 32nd Street. *Sidewalk will be installed along both the south and west side of the building to UG standards.*



Neighborhood meeting questions and comments:

1. Barbara Bell – 3116 Orville Ave, KCK – 913-522-9479: Barbara had a question about the zoning and what it meant. She asked about the current zoning and what it was going to be changed to. I explained the current dilemma and if the zoning didn't get changed that her neighbor Montel would have to be removed from his home of 4 years. She did not want that to happen. I explained what the zoning was going to be changed to and how that would accommodate the current living situation.





Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis</i> species (spp.)	Eastern and Oklahoma redbud	
8.	<i>Malus</i> spp.	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus</i> species (spp.)	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koeleruteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus colurna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioicus</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimissima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		



Figure 4. Existing Floor Plan of 3159 Orville Avenue looking southwest (provided by Planning Staff).



Figure 5. Site Photograph of 3159 Orville Avenue looking south (provided by the Planning Staff).



Figure 6. Site photograph of 3159 Orville Avenue looking east (provided by the Planning Staff).



Figure 7. Site Photograph of 3159 Orville Avenue looking east (provided by the Planning Staff).

(First published _____)

COZ2021-033

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3600 Rainbow Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 27, 2021, by the owners of property to have the zoning of said property changed from its present zoning of RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All that part of Lot 19, 20, 21 and 22 of the Unrecorded Plat of University-Rosedale 3rd Addition, lying in the Southeast Quarter of Section 27, Township 11 South, Range 25 East, described as follows: BEGINNING at the Northeast corner of Lot 3 of Johnson Addition, a subdivision in Kansas City, Wyandotte County, Kansas; thence South 88 degrees 05 minutes 15 seconds West, on the North line of said Lot 3 and on the South line of Lot 21 of the Unrecorded Plat of University-Rosedale 3rd Addition, and on their Westerly extensions, a distance of 163.00 feet to a point; thence North 01 degree 57 minutes 38 seconds West, departing said Westerly extensions, a distance of 385.00 feet to a point; thence North 88 degrees 05 minutes 15 seconds East a distance of 291.00 feet to a point on the West right of way line of Rainbow Boulevard, as now established; thence South 01 degree 57 minutes 38 seconds East, on said West line, a distance of 410.00 feet to a point; thence South 88 degrees 05 minutes 15 seconds West, departing said West line, a distance of 54.56 feet to a point; thence South 01 degree 54 minutes 45 seconds East a distance of

64.50 feet to a point; thence South 88 degrees 05 minutes 15 seconds West a distance of 31.00 feet to a point; thence North 01 degree 54 minutes 45 seconds West a distance of 64.50 feet to a point; thence South 88 degrees 05 minutes 15 seconds West a distance of 42.44 feet to a point on the East line of said Lot 3; thence North 01 degree 57 minutes 38 seconds West, on said East line, a distance of 25.00 feet to the POINT OF BEGINNING, containing 117,234 Square Feet or 2.6913 Acres, more or less, Located at approximately 3600 Rainbow Boulevard, Kansas City, Kansas,

be changed from its present zoning of RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-470, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-6 Planned High-Rise Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONNE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-036

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2211 North 13th Street, in Kansas City, Kansas, by changing the same from its present zoning of C-O Nonretail Business District to RP-2 Planned Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 30, 2021, by the owners of property to have the zoning of said property changed from its present zoning of C-O Nonretail Business District to RP-2 Planned Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

B20 N ½ L15, ALL L16 TO L17, WESTERN HIGHLANDS B18-21, A
SUBDIVISION OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS,
Located at approximately 2211 North 13th Street, Kansas City, Kansas,

be changed from its present zoning of C-O Nonretail Business District to RP-2 Planned Two Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-456, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-2 Planned Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONNE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-034, commonly known as 8537 State Avenue, Kansas City, Kansas, legally described as:

Section 8, Township 11, Range 24, PT NW ¼, Tract Split, Tract 1, located at approximately 8537 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for **liquor sales in conjunction with convenience store/gas station.**

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021 that addresses the following:**
 - a. **Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or**

- unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.
- b. Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.
 - c. Per Section 27-577(c):
 - i. The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.
 - ii. Landscape and streetscape design should be used to enhance the frontage of primary roadways.
 - d. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
 - e. Per Section 27-577(d):
 - i. At least 75 percent (%) of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - ii. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
 - f. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, all parking areas and service entries must be screened. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas.
 - g. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet. Two (2) additional trees need to be demonstrated in a revised landscape plan;
 - h. Per section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet. $(33,541/7,000)*1.75 = 8.4$; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;

- 2) Per the Commercial Development Guidelines Overlay District, the following regulations must be either met or a deviation from such regulations must be approved by the City Planning Commission:**
- a. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings;**
 - b. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;**
 - c. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;**
 - d. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices;**
 - e. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;**
 - f. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;**
 - g. Per Section 27-575(e)(3), parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;**
 - a. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;**
 - b. Per Section 27-575(f)(1), there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots;**
 - c. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;**
 - d. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;**
 - e. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible;**
 - f. Per Section 27-575(g)(3), 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;**

- 3) **Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;**
- 4) **There appears to a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:**
 - a. **The facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow.**
 - b. **Does not create a significant lack of parking.**
 - c. **Dumpster style recycling facilities must be screened on three sides.**
 - d. **Overflow dumping around the facility is not allowed.**
 - e. **Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted;**
- 5) **The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to the residentially zoned property must be completely screened by planted or existing trees;**
- 6) **In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;**
- 7) **Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 8) **The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:**
 - a. **Per the Mixed-Use Design Guidelines of the City-Wide Master Plan, commercial uses shall be permitted one (1) wall sign and one (1) monument sign;**
 - b. **Freestanding pole/pylon signs are not permitted;**
 - c. **Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted;**
 - d. **The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit;**
- 9) **The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;**
- 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;

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; and,

12) 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONNE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2021-068

ORDINANCE NO. _____

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.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-068, commonly known as 221 South 22nd Street, Kansas City, Kansas, legally described as:

All of Block 8 Lot 28 through Lot 36, PROSPECT PARK, a subdivision in the city of Kansas City, Wyandotte County, Kansas, located at 221 South 22nd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for **continuation of a dog day care.**

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- a. **Applicant maintains proof of Kansas Boarding License and Business License and continuously maintains the licenses through the life of the permit (if approved);**
- b. **Adhere to the Standards Above regarding animal keeping;**

- c. Ensure the property maintains sound maintenance, waste disposal, and fencing conditions;**
- d. No more than thirty (30) dogs at any time on the property associated with the doggy daycare;**
- e. Business Hours shall remain 9:00 a.m. to 5:00 p.m.**
- f. If approved, the applicant will need to file and maintain a current business occupation tax application with the Business Licensing Division;**
- g. 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;**
- h. 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;**
- i. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- j. The Special Use Permit shall be valid for ten (10) 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

TYRONNE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Staff Request for Commission Action

Tracking No. 211228

Full Commission Meeting Date: 1/6/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 01/03/2022	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution appointing an Interim County Administrator, submitted by Misty Brown, Chief Counsel.				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution authorizing appointment of Interim CA.Final				

RESOLUTION NO. R-_____

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF _____ AS
THE INTERIM COUNTY ADMINISTRATOR OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND AUTHORIZING THE
NEGOTIATION AND EXECUTION OF AN EMPLOYMENT AGREEMENT IN
CONNECTION WITH THE APPOINTMENT**

WHEREAS, on April 1, 1997, the voters of Wyandotte County approved the Consolidation Recommendations of the Wyandotte County/Kansas City, Kansas Consolidation Study Commission, (the “Charter”) consolidating the Board of Commissioners of Wyandotte County, Kansas and the City Council of Kansas City, Kansas, into the Unified Government Board of Commissioners (the “Board of Commissioners”); and

WHEREAS, the Charter provides for the appointment of a County Administrator by the Mayor/CEO with the consent of the Board of Commissioners; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the County Administrator shall be appointed on the basis of executive, managerial, and administrative qualifications, as demonstrated by a verified record of training and experience; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the terms and conditions of employment of the County Administrator shall be reduced to writing; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the County Administrator shall be a resident of the County while in office; and

WHEREAS, the Board of Commissioners has determined that an interim County Administrator shall have a period of 15 months from the date of appointment to establish permanent residency in Wyandotte County, as set forth in Section 2.7 of the Unified Government Human Resources Guide, unless the Mayor/CEO grants an extension of time to the Interim County Administrator; and

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS:**

Section 1. That the Mayor, with the consent of the Unified Government Board of Commissioners, having reviewed the qualifications, training, and experience of _____, hereby appoints _____ as Interim County Administrator of the Unified Government for a term beginning 12:01 am on January 7, 2022, through midnight on April 1, 2023.

Section 2. That the Mayor/CEO is hereby authorized to negotiate an employment agreement and to execute, in the name of the Unified Government, the employment agreement,

and that the Unified Government Clerk is hereby authorized and directed to attest the signature of the Mayor/CEO and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to an employment agreement between the Unified Government and _____ regarding the terms and conditions of their appointment as Interim County Administrator.

Section 3. All other employees and agents of the Unified Government are authorized to approve all certificates and instruments and take all actions as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 4. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 6TH DAY OF JANUARY, 2022.**

Attest:

Unified Government Clerk

Approved as to form:

Chief Counsel



County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: December 2, 2021

BOARD POSITION: Law Enforcement Advisory Board

INCUMBENT REPLACED: Kevin Steele

ADDRESS:

TERM EXPIRATION DATE: 6-30-2020

APPOINTING COMMISSIONER: Tom Burroughs

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Lynn Melton

ADDRESS:

CELL NUMBER AND EMAIL ADDRESS:

TERM OF OFFICE: 1/6/2021-12/11/2023

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.

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

**PLANNING & ZONING AND
REGULAR SESSION
SEPTEMBER 30, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 30, 2021, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Markley, Commissioner Sixth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Carol Godsil, Deputy UG Clerk; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Administrative Assistant; Alley Porter, Commission Liaison, Renee Ramirez, Human Resources Director; Shakeva Christian, HR Manager; and Dave Wimberly, Risk Manager.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, many people are attending remotely via Zoom or by phone. 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 and those comments are included in the record of the meeting. The public also has an opportunity to provide brief comments from the lobby of the Municipal Office Building.

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

Roll call: Ramirez, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Alvey. (Commissioner Johnson was present but muted and did not acknowledge his presence.)

Mayor Alvey provided the invocation.

Mayor Alvey asked, are there any revisions to tonight's agenda? **Carol Godsil, Deputy UG Clerk**, said there are no revisions.

Mayor Alvey said we have two parts to our meeting. The Planning and Zoning is handled first followed by the Regular Commission. 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

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

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

Commissioner McKiernan said I've had contact with proponents of SP2021-052 and contact with proponents of SP2021-062. **Commissioner Bynum** said I've heard from proponents of SP2021-52 and opponents of SP2021-52. **Commissioner Johnson** said proponents of SP2021-052. **Commissioner Burroughs** said proponents of 2021-018, 2021-062, proponents; and proponents for MPL2021-006. **Commissioner Kane** said proponents for 2021-052 and SP062, both from proponents. **Commissioner Ramirez** said from proponents SP2021-052. **Commissioner Philbrook** said proponents of SP2021-052. **Mayor Alvey** said I've had contact with SP2021-052 and opponents of SP2021-052. **Commissioner Burroughs** said I did miss 052 also, proponents.

Ms. Godsil read the items on the Planning & Zoning Consent Agenda.

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

Have we received any requests from the public to set aside any item? **Ms. Godsil** said no request has been received. **Mayor Alvey** asked, does any member of the Commission or Administrator wish to set aside any item? Seeing none, is there anybody present or on the call?

Mayor Alvey asked, Mr. Hand, you had mention that there might be someone who wanted to pull an item. **Gunnar Hand, Director of Planning and Urban Development**, said I did just notice that someone raised their hand and lowered their hand. It's a local citizen. I'm not sure who that is. **Corrina West** said I am with Special Permit Application 2021-052, on record, naming myself as a pro se party here. **Mayor Alvey** asked, are you asking to remove this from the Consent Agenda? **Ms. West** said yes.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve all items, except the set aside item.** Roll call was taken and there were nine "Ayes," Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 211036...CHANGE OF ZONE APPLICATION COZ2021-005 – JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Change of Zone from R-1 Single Family District to CP-O Planned Non-Retail Business District for additional parking and buildings for Providence Medical Center at 8741 Parallel Parkway,

and

MASTER PLAN AMENDMENT ITEM NO. 1 – 211050...MPL2021-013 – JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Master Plan Amendment from Low-Density Residential to Public/Semi-Public (City-Wide Master Plan) at 8741 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Joe McLaughlin with BHC Rhodes, is requesting a Change of Zone from R-1 Single Family District to CP-0 Planned NonRetail Business District for Lot 2 of the Providence Medical Center 2nd Plat. The Change of Zone is being requested in order to allow for future expansion of the Providence Medical Center campus. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2021-005 and Master Plan Amendment MP2021-013, subject to:

- 1) This staff report is for COZ2021-005, a Change of Zone (as well as for MPL2021013, a Master Plan Amendment). Per Section 27-211(e)(2), a Change of Zone to a planned district requires a Preliminary Plan Review as part of the rezoning process. As such, a Final Plan Review will subsequently be required for the subject property. All conditions of approval passed with COZ2021-005 must be reflected in the submitted plans and conditions of approval for the future Final Plan Review. Changes in the Final Plan Review from the approved Change of Zone/Preliminary Plan Review must not be considered significant, pursuant to Section 27-211(h)(1)a-l. If any changes to the approved Change of Zone/Preliminary Plan Review are deemed significant, the applicant must resubmit a revised Preliminary Plan Review for approval by the City Planning Commission and the Board of Commissioners. The following changes between the Change of Zone/Preliminary Plan Review and Final Plan Review are considered significant:
 - a. Any changes that exceed the provisions of subsection (f) of this section or other terms specified by the Planning Commission and/or Unified Government Board of Commissioners;
 - b. Increases in density or intensity of residential uses by more than five percent (5%);
 - c. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent (5%) or 5,000 square feet, whichever is less;
 - d. Increases of lot coverage by more than five percent (5%);
 - e. Changes of architectural style that will make the project less compatible with surrounding uses;
 - f. Changes in ownership patterns or stages of construction that will lead to a different development concept;
 - g. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities;
 - h. Decreases of any peripheral setback of more than five percent (5%);
 - i. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas;
 - j. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries;
 - k. Modification or removal of conditions or stipulations to the preliminary development plan approval; or
 - l. Modifications that change, amend, or violate the terms of the comprehensive plan;
- 2) Future development must connect to Parallel Parkway and all existing campus transportation nodes and provide pedestrian access;

- 3) All future on-site development will be subject to the regulations of the CP-0 Planned Non-Retail Business District and the Commercial Development Guidelines Overlay District;
- 4) Per Section 27-463(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Trees are required at not less than one per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property;
- 5) Per Section 27-463(g), one (1) tree is required for every 7,000 square feet of site area. The subject property's site area is 205,986 square feet, which requires 30 trees. The current landscape plan only demonstrates 26 trees, which is four (4) trees fewer than required. The applicant must submit a revised landscape plan, in conjunction with the requisite Final Plan Review, that demonstrates at least 30 trees;
- 6) Per Section 27-700(b)(1), buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Buffer plantings will be in addition to required trees. In the C-0/CP-0 District, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property;
- 7) Future development requires a Final Plan Review;
- 8) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 9) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 10) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8- 610—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan to approve Change of Zone Application COZ2021-005 and Master Plan Amendment MPL2021-013, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211037...CHANGE OF ZONE APPLICATION COZ2021-012, RAY SAWYER

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for horses at 3726 North 47th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ray Sawyer, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District. The Change of Zone is being requested in order to allow the applicant to keep four (4) horses, six (6) steers, and 10 chickens on his property. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2021-012, subject to:

- 1) No more than four (4) horses may be stabled on the property;
- 2) The six (6) identified steers may be stabled on the property until they are sold;
- 3) Per the Conservation Plan for the subject property, the following conditions must be met:
 - a. The horse stable on Lot One (1) must be repaired by November 1, 2021, in order for there to be adequate shelter for the on-site horses throughout the winter;
 - b. The asphalt material in Lot Two (2) must be removed in preparation for topsoil to be installed on the lot. The asphalt must be removed before, and the topsoil installed on, September 11, 2021. Six (6) to eight (8) inches of topsoil must be applied to Lot Two (2), and the lot must be seeded and mulched as soon as the topsoil is applied;
 - c. The existing corral and steer shed must be moved to Lot Three (3) in order to be fully within the subject property. The six (6) steers must be kept on the subject property;
 - d. The illegal fill material—such as concrete, asphalt, and other unauthorized fill—on Lot Four (4) must be leveled out and buried. Topsoil must be installed on Lot Four (4), along with proper mulching and seeding. The size of the fill material shall comply with Appendix J of the International Building Code (IBC);
 - e. All other requirements of the Conservation Plan, including the plan of care in the general livestock husbandry notes, must be met and followed;
- 4) Any outstanding code violations found on the property will be addressed and rectified through the Notice of Violation process;
- 5) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division (913-573-8620) to begin the process;
- 6) All Conservation District comments, as found in the Conservation District comments (as found in the “Staff Comments and Suggestions” section of this report) and in the Conservation District Letter (found in the “Attachments” section of this report), must be met;

- 7) Driveways must be constructed and/or updated to comply with Section 27- 575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated 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;
- 8) The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as filing and maintaining a current business occupation tax application with the Business Licensing Department;
- 9) 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. 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; and 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;
- 10) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8- 610—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 11) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2021-012, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211039...CHANGE OF ZONE APPLICATION COZ2021-026 – MARTY T. ARLING WITH KAW VALLEY ENGINEERING

Synopsis: Change of Zone from R-1(B) Single Family District to A-G Agriculture District for a 31-acre urban equestrian sanctuary for both horses and residents who reside and traverse there at 4600 Parkview Avenue and 4551 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Martin Arling with Kaw Valley Engineering, on behalf of Amy Strother, property owner, wants to rezone a heavily wooded and undeveloped area to create an urban equestrian sanctuary with a therapeutic barn, club house, trail, and parking lot. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2021-026, subject to:

1. Subject to approval, a Final Development Plan shall be submitted for this project;
2. In the future, in order to vacate a portion of Parkview Avenue to better align the driveway with Parkview Avenue to the west, across North 47th Street, the applicant shall submit a vacation application or subdivision application (preliminary and final plat);
3. In the future, renting out bedrooms for short-term rentals requires a Special Use Permit;
4. Sec. 27-340 Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for renumeration, hire sale. This is a private riding stable, similar to private horse stables on Donahoo Road that offer private lessons to individuals in addition to boarding horses with large barns and riding arenas. There are loading/unloading areas on these properties for vehicle and horse trailers parking;
5. Subsequent Phase 2 will require its own Change of Zone and Final Development Plan, specifically 4249 Sortor Drive, which is not included a part of this petition;
6. Either file a replat to combine the 4600 Parkview Avenue, 4551 Sloan Avenue or consolidate these two parcels together via lot combination with the GeoSpatial Services Department so 4551 Sloan Avenue (0.97 acres) is incorporated into a parcel that is over five (5) acres for A-G Agriculture District. Otherwise, you may require a variance;
7. The hours of operation shall be seasonally from dawn to dusk;
8. As part of the Final Development Plan, finish the conservation plan that specifically addresses managing on-site grazing an animal waste throughout the year with Cheri Miller, Wyandotte County Conservation District at (913) 334-6329;
9. The proposed gravel is acceptable for horses to maneuver as they enter and exit the paddock, but the surface upon which vehicles and trailers load and unload horses must be paved with asphalt or concrete;
10. The parking lot shall be paved with asphalt or concrete, striped accordingly and comply with the ADA requirements;
11. Obtain a right-of-way permit from Public Works Department to build an apron;
12. To keep with the rural character of the neighborhood, no signage shall be displayed along 47th Street;
13. Maintain all tree stands to create a buffer to adjacent residential uses;

14. 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, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 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;
15. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2021-026, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 211040...SPECIAL USE PERMIT APPLICATION SP2021-029 – NADIA GRIFFITT WITH LATIN QUARTERS, INC.

Synopsis: Special Use Permit for a drinking establishment with live entertainment at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Nadia Griffitt, is requesting the approval of a Special Use Permit. This business was previously allowed to operate as a drinking establishment with live entertainment under Special Use Permit SP-2016-70, which expired on January 26, 2019. This Special Use Permit allowed for the operation of a restaurant, bar, catering business, and live entertainment at 508 Kansas Avenue. Because of the time that has lapsed since this Special Use Permit expired, this application cannot be considered a renewal. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-029 for one (1) year, subject to:

- 1) The applicant must comply with all Fire Department comments, including the comments stemming from the July 9, 2021 Inspection Report;
- 2) The hours of operation are as follows: Monday-Thursday, 5:00 pm – 11:00 pm; Friday and Saturday, 5:00 pm – 2:00 am.; Sunday, occasionally (the applicant must provide hours of operation for Sundays, even if the space is only open occasionally)
- 3) Live entertainment shall be limited to Fridays and Saturdays, as well as occasionally on holidays as scheduled.
- 4) The noise level shall be kept under 85 decibels per the M-3 Heavy Industrial District performance standard Sec. 27-470(d)(1) c.
- 5) Attendance is limited to 289, the legal occupancy of the building.
- 6) Live entertainment events must comply with the following requirements:
 - a. All entertainment must cease by at least 1:00 am;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 7) Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups.
- 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 Unified Government Board of Commissioners for revocation; Total public area has been established by the applicant as 4,000 square feet— 2,600 square feet on the first floor and 1,600 square feet on the second floor.
- 9) The proposed parking plan submitted by the applicant demonstrates 32 parking spaces, two (2) of which are ADA-compliant. The parking lot must be striped, any potholes or cracks in the pavement must be repaired, ADA-compliant parking proximate to the entrance must be installed, per the submitted parking plan;
- 10) Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the East and Kansas Avenue on the western edges of the property;
- 11) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 12) An owner must always be present on-site during hours of operation;
- 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) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 15) 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,
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-029 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211041...SPECIAL USE PERMIT APPLICATION SP2021-034 – ATTIF ABBAS WITH ZAYN COMMERCIAL, LLC

Synopsis: Special Use Permit for liquor sales in conjunction with existing convenience store/gas station at 8537 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Attif Abbas with Zayn Commercial, LLC, is requesting a Special Use Permit for the sale of liquor at a convenience store and gas station. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-0034, for two (2) years, subject to:

- 1) The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021, that addresses the following:
 - a. Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

- b. Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.
 - c. Per Section 27-577(c):
 - i. The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.
 - ii. Landscape and streetscape design should be used to enhance the frontage of primary roadways.
 - d. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscurer year-round buffer using plant material or a combination of fence, berm and plant material.
 - e. Per Section 27-577(d):
 - i. At least 75 percent (%) of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - ii. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
 - f. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, all parking areas and service entries must be screened. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas.
 - g. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet. Two (2) additional trees need to be demonstrated in a revised landscape plan;
 - h. Per Section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet. $(33,541/7,000) * 1.75 = 8.4$; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;
- 2) Per the Commercial Development Guidelines Overlay District, the following regulations must be either met or a deviation from such regulations must be approved by the City Planning Commission:
- a. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings;
 - b. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
 - c. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
 - d. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices;
 - e. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a

- block. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;
- f. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;
 - g. Per Section 27-575(e)(3), parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;
 - a. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
 - b. Per Section 27-575(f)(1), there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots;
 - c. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
 - d. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
 - e. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible;
 - f. Per Section 27-575(g)(3), 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;
- 3) Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;
 - 4) There appears to a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:
 - a. The facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow.
 - b. Does not create a significant lack of parking.
 - c. Dumpster style recycling facilities must be screened on three sides.
 - d. Overflow dumping around the facility is not allowed.
 - e. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted;
 - 5) The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to the residentially zoned property must be completely screened by planted or existing trees;
 - 6) In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;
 - 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - 8) The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:
 - a. Per the Mixed-Use Design Guidelines of the City-Wide Master Plan, commercial uses shall be permitted one (1) wall sign and one (1) monument sign;

- b. Freestanding pole/pylon signs are not permitted;
 - c. Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted;
 - d. The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit;
- 9) The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;
 - 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;
 - 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; and,
 - 12) 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 McKiernan, to approve Special Use Permit Application SP2021-034 for two years, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211042...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, James Sullivan with Sullivan Palmer Architects, is requesting a Special Use Permit to allow auto maintenance and auto storage at 1037 South 26th Street. A paved driveway apron will

allow vehicles to access the building from South 26th Street. The site plan proposes a building measuring 80' x 50', a total of 4,000 square feet. There is a pre-existing building in the southeast corner of the subject property, measuring 3,321 square feet. Both buildings are collectively served by 20 parking spaces, two (2) of which are ADA-compliant. The Planning Commission voted 8 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 20 total parking spaces in two (2) separate parking lots on site, which exceeds the M-3 zoning district parking minimum. Two (2) of these parking spaces are ADA-compliant, one (1) at each grouping of parking spaces. 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) The site landscaping is required to meet the Commercial Design Guidelines Overlay District per Sec. 27-593(b)(20) a.2. The total quantity of trees is exclusive of the street tree requirement and buffering/screening requirements. This can and will be resolved during building permitting with the Development Review Committee; 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 September 22, 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 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit SP2021-045 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 211043...SPECIAL USE PERMIT APPLICATION SP2021-052 – CORINNA WEST

Synopsis: Special Use Permit to keep 12 breeding adult ducks at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Corinna West, is requesting a Special Use Permit to keep 12 breeding ducks and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to continue keeping ducks at their primary residence. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-052 for two (2) years for eight (8) adult ducks, subject to:

- 1) Per the conservation plan, up to eight (8) mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those eight (8) ducks;
- 2) Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;

- 3) Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;
- 4) Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to eight (8) ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
- 5) Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;
- 6) Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions:
 - a) Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
 - b) Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming compacted and no longer slow water movement; and,
 - c) Most to the above can be completed by repurposing materials on the property;
- 7) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;
- 8) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 9) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 10) Any 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. 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; and 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; 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.

Case	
SP2021-052	
Petitioner	Address
Corinna West	1921 Nebraska Avenue, Kansas City, Kansas 66106
Synopsis	
The applicant, Corinna West, is requesting a Special Use Permit to keep 12 breeding ducks and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to continue keeping ducks at their primary residence	
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Gunnar Hand, Director of Planning and Urban Development, said Special Use Permit 2021-052 is for the keeping of more than 6 fowl as per the zoning ordinance. The applicant had requested 12 ducks.



This is in the Northeast Area Master Plan area,



specifically, in the Westheight Historic District along Nebraska Avenue.



The applicant had a review with the Conservation District. The Conservation District did visit the site and provide



feedback to staff regarding their recommendations. Staff included those as conditions of approval. There are multiple conditions as they relate to the maintenance of the yard

Public Opposition	Public Support
None to date	None to date

Staff Recommendation

Approval

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as well as a recommendation for only 8 adult ducks. The number of ducklings—I believe Ms. West raises ducklings and sells them, but the keeping of ducklings is not enumerated, so she can have as many ducklings but they cannot grow to maturity. She's limited to, as per these conditions, 8 breeding pairs.

Staff recommends approval with 8 ducks, and the remainder of the Conservation District's conditions, for two years.

Mayor Alvey said, Gunnar, the special use permit to keep 12 breeding adult ducks. **Mr. Hand** said that was the request. The conditions of approval, based on our reviewing agency of the Conservation District, limited that to 8 so staff went along with the Conservation District's recommendation for 8, which still requires a SUP. **Mayor Alvey** said thank you. I did not see the next note.

Conditions of Approval

1. Per the conservation plan, up to eight (8) mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those eight (8) ducks.
2. Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest.
3. Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth.
4. Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to eight (8) ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard.
5. Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients, is published in the newspaper.

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Mr. Hand said I would also just mention, I did hear some, regarding this case, proponents and opponents. Up until this point, staff has received no letters of support/opposition. There are some old NOV's, but very old ones. The outstanding NOV on the property is in relation to the number of ducks on the property without a special use permit, which is the corrective action that we hear tonight.

Corinna West, US Olympic Team

Fighting for Justice for 4 ducks



Corrina West, 1921 Nebraska Ave., said there's only 9 of the living Cayugas in the state of Kansas, and I am one of them. I'm going to fight to the death here as a gladiator for 4 ducks.

Fighting for 4 ducks

**Cayugas are very rare - only domesticated
duck breed native to North America**



These ducks are very rare. Cayugas are the only domesticated duck breed native to North America. If you can see them, part of the fact is that you can't see them, which is why they're good against predators. In this picture, there's actually 1 brown duck, 2 blue ducks, and 5 black ducks. Trying to keep black, brown and blue together is why this is—in fact, we just got awarded today some money from a department in Kansas who's helping us to preserve the genetics.

Progress of Special Permit to date:

conversation shortened for clarity:

City: We only recommend 8 ducks not 12 since you don't have enough Hydric plants on site.

Corinna: Um, I have a lot of hydric plants. Like 1,200 of them. Please change the recommendation to 12 ducks.

Commissioners: We are going to side with the staff.

Today's request: Please change the recommendation to 12 ducks. Everything is fine and good at my farm.

The progress of the special permit today—this is a shortening of a conversation for clarity. The city said 8 ducks and not 12 since we don't have enough hydric plants on site. So today's request is let's go to 12 ducks and not 8, and everything is all and good around here.

Hydric Plants: Cattail, Grass, Sunflower



This is a hydric plant right here. If you can see my pointer, this is a cattail. This is two of the brown. This is also a hydric plant. A hydric plant is one that is defined as tolerating dirty water and wet, wet feet so the roots can be wet. This is a cattail. This is a Russian Sunflower. This is grass back here. All of that is alive in dirty water so, therefore, by definition, it's a hydric plant.

Hydric Plants: Mulberry, Burdock, Cherry



There are three more hydric plants in this photo: cherry, burdock, and there's lower age trees growing up in this.

Hydric Plants: Grapes, Persimmon

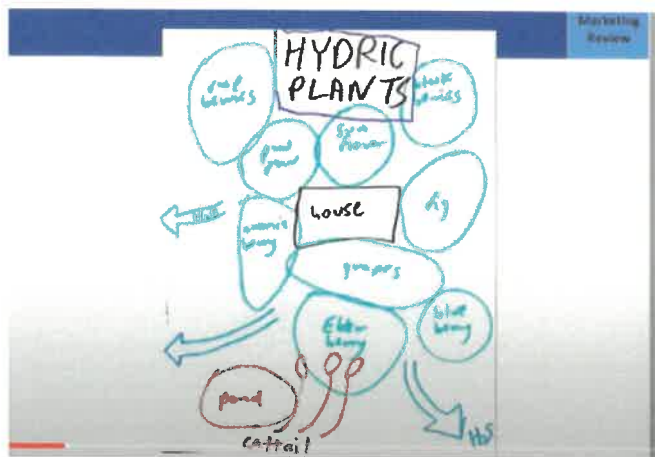


There's two more hydric plants on site: grapes, persimmon. These are a branch of a Persimmon tree.

Hydric Plants: Asparagus, Locust, Mulberry



This is another—there's 3 more hydric plants on site and some nice ducks. This is locust. I'm not sure if it's honey locust or black locust, again, mulberry and these are purple passion, asparagus.



This is a map of the hydric plants around my house with a rough estimate of the square footage that they take up. The drainage goes this way or this way, according to my choice.



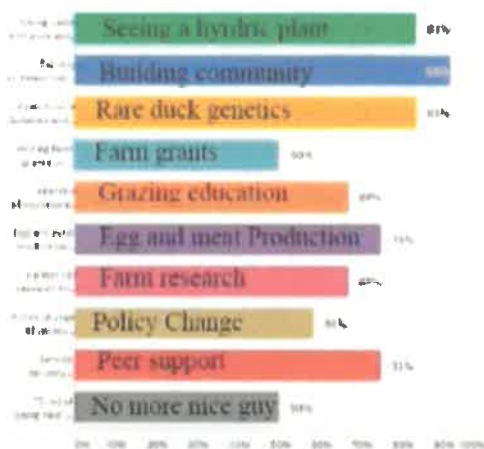
There's quite a few hydric plants. What I mean by my choice is that diversion of drainage is a best practice in stormwater management. If you want to soak up the most water, then you use a best practice in stormwater management. We have swales, porous concrete, native plants. Here are plans for native plants, a pond, and then the diversion showing that the water can go either way.

SP 2021 – 052 Comments received

- “You have done this for years. I don't have any problem with it.”
- “The ducks aren't any kind of problem.”
- Two house up to west: “This is fine as long as you keep the flying ducks out of my swimming pool.”
- Across the street: “I don't know why the city keeps sending me mail about this.”
- It doesn't seem like a big deal at all. I barely even know you have ducks.”

So, we have received positive comments. They have come in orally as I went around and talked to my neighbors. Most of my neighbors didn't know I had ducks. Ducks are quiet. Drakes, the boys, are almost silent

What ideas do you like about our farm?



This is a survey monkey we did of people connected with our farm. What ideas do they like, 83% of them had never seen wetlands in action, building community, rare ducks. Most people don't know about grazing education because my farm is only a quarter of an acre, you can see all of it all at once.

September 30, 2021

Venture Problem KCR
FAB
2021

USA Duck Team Overview:
Personal Duck Flock, Hatchery, Network of Farmers

Level #1 (microentrepreneur): Personal Duck Flock maintained at 1921 Nebraska Avenue KCK 66102

Level #2 (small business): Hatchery located at commercial space at 1854 Minnesota Avenue KCK. Currently 5 Employees.

Level #3 (Large business): A network of 70 Hatchery supply farmers in Kansas and Missouri. Projected for 130 Employees and Microentrepreneurs within 3 years.

Olympians try harder, another reason to approve this. Level one on micro-entrepreneurship so basically all your unemployed folks in Wyandotte County started micro-entrepreneurship: lawnmowers, because I'm a good entrepreneur. I moved it up into a small business where I have 5 employees. I have already created 106 jobs defined in 1099s that I have issued in the last 10 years.

SP 2021-052 Marketing
Review

Olympians Try Harder:
Corinna West, MS, CPS

2020 Kansas Agricultural \$100K startup innovated
2019 Healthcare Messaging Federal Contractor \$1.3 million delivered
2018 Kauffman Foundation KC Connector \$10K collaborated
2017 UMKC Entrepreneurial-Scholars \$270K raised
US Olympic Team, Proven Outcomes,
106 Jobs Created
I am the job creator, for I am an entrepreneur.

When I project 130 jobs in 3 years, that's proven outcome.

Current Partners Helping Us Develop Approach:

Heartland Consumer Network, Agrability, MU Extension



This is me proving outcomes.

Previous Collaborators, Partners, Customers, and Funders (in green) All-time list for Duck Team USA founder			
Revenue Stream	National Partners	Statewide Partners	Regional Partners
Peer Support Recruitment, Business Development	Federal SAMHSA, CDC Federal BRSS-TACS program, SCRA	Kansas Consumer Advisory Council, Missouri Federation of Advocates	UMKC E-Scholars, KCVLAA, Prime Health Foundation
Peer Support Implementation, Advocacy, Research Partners	National Empowerment Center, Consumer Clearinghouse, The Scattergood Foundation	Kansas Mental Health Coalition, NAMI-KS, Kansas Health Foundation, Consensus KC, CCSR Wichita	Mental Health America of the Heartland, Truman Medical Center, ReDiscover, Creating Community Solutions
Farm Development	MU Extension for sustainable farming	Kansas 4H, Heartland Consumer Network	KU School of Public Health, Arts KC, Health Forward Foundation

These are current partners helping us develop our approach. This is funders, the entities that I control and receive. I'll tell you; I've worked with federal governments for 10 years and this local government is a lot harder than all these other state and government entities that have funded me and my business in the past.

Operations Cost Summary					
	Year 1	Year 2	Year 3	Year 4	Year 5
Total labor costs in direct costs					
Total contracting labor amount	\$891,250	\$1,142,100	\$2,500,000	\$5,180,000	\$10,450,000
Total number of contractors supervised	500	1000	210	380	500
Total labor costs in house but already included in direct costs (to market and supervise contractors)	\$273,500	\$427,350	\$653,100	\$1,018,000	\$2,030,400
Total FTE of supervisors	8.66	12.97	18.30	27.48	55.15
Other labor costs not in direct costs					
Management FTE labor needed to supervise supervisors (assuming 6 managers per supervisor)	1.44	2.10	3.00	4.50	9.00
Management cost (assuming \$40k salary) with founder filling role in first year	\$-	\$86,058	\$137,700	\$204,000	\$413,838
Director labor needed to supervise managers (assuming 3 advisors per manager)	.40	.70	1.00	1.50	3.00
Director cost (assuming \$20k salary) with founder filling role in first year	\$-	\$41,029	\$61,200	\$91,200	\$183,879
Accounting and HR FTE's	.40	.70	1.00	1.50	3.00
Accounting and HR costs (assuming \$40k salary)	\$16,240	\$28,238	\$40,800	\$61,200	\$122,228
Web development FTE's	.50	.40	1.00	1.50	3.00
Web developer costs (assuming \$40k salary)	\$20,000	\$16,000	\$40,800	\$61,200	\$122,228
In House Labor Costs not in Direct Costs	\$36,240	\$162,770	\$300,918	\$446,750	\$699,836
Total Number of In House Staff FTE	15.17	36.87	74.40	100.03	173.42

If you're interested in business plans—

Marketing Review



Our Innovation: We are on track for creation of 100+ jobs for microentrepreneurs.

Bottom line: Many microentrepreneurs start in arts, farming, cooking or other tasks they know. If this city does not support us another one will.

so bottom line, micro-entrepreneurs in Kansas City start in arts, farming, and cooking. If it's hard for me as a tiny little business to fight for 12 ducks, it's going to be hard for everyone else in this city that needs to start a business and get employed, and transition into the new workforce that we have. We're opening up our venture accelerator. As soon as our landlord gets it fixed up—and that's at Hoel Parkway and Minnesota and we have slots already for 2 micro-entrepreneurs to move in. That's called the hatchery. That's my presentation on 8 versus 12 ducks.

Mayor Alvey said, I will now open the public hearing and ask the Clerk if she received any notification from the public who wished to express comments in favor of this item. **Ms. Godsil** said no communications were received.

Mayor Alvey asked, is there anyone present who would like to speak in favor? Nobody in the lobby? **Ms. Godsil** said no one in the lobby.

Mayor Alvey asked, is there anyone who would like to speak in opposition? Have we received any notification from the public in opposition? **Ms. Godsil** said no notifications of opposition were received.

Mayor Alvey closed the public hearing. Commission, questions or comments?

Commissioner Johnson said I think I've finally gotten over my audio challenges tonight. Ms. West, thank you for this application and for the work that you're doing in terms of breeding ducks. I appreciate you as a neighbor of the Westheight Neighborhood Association.

I am not an expert in this particular area, but just as a matter of practical contemplation on this matter, I'm actually—I was actually pleased somewhat, I guess, that the Planning and Zoning Department would consider increasing the number of ducks allowed at all. Certainly from 6 to 8, I was not one to get into the debate of how many, but I was actually—when I saw the increase or the approval of an increase, and that it was unanimously approved by the Planning and Zoning Commission that we would increase it, I actually looked at that as a good compromise.

From my perspective, I'd like to see how this goes over the next two years. We can always make application for more at a later date if, in fact, we don't have any problems with that.

There also have not been any opposition that were submitted directly and formally through the process that we have. I have been made aware of some opposition to this as well as some of my fellow commissioners. With that, I certainly am appreciative of the recommendation from staff and what has been approved by our Planning and Zoning Commission and support that as well.

Mayor Alvey asked, is that a motion? **Commissioner Johnson** said I will make it a motion, yes. I know we have another person—a couple of others that have their hands raised as well.

Action: **Commissioner Johnson made a motion to approve for 8 ducks.**

Commissioner Philbrook said I appreciate our Planning and Zoning folks actually paying attention to recommendations from Conservation folks because in the past, sometimes they've been ignored. Did I hear Commissioner Johnson say that he had not received any opposition to the ducks? **Commissioner Johnson** said I have not formally, but I am aware of the opposition, I'm sorry. **Commissioner Philbrook** said you are aware of the opposition. Well, I'm not really aware of the opposition. Is it people that are close by this location or just in general? **Commissioner Johnson** asked, Mayor, is it appropriate for me to respond? **Mayor Alvey** said sure. **Commissioner Johnson** said yes, it is, Commissioner. **Commissioner Philbrook** asked, so it is people close by? **Commissioner Johnson** said, yes, Commissioner. **Commissioner Philbrook** said, well, we have to take those into consideration. That's why we have codes, doggonit.

I agree with you, Commissioner Johnson, that yes, we need to go ahead and limit that. I'm happy to see that it went to 8 and I think we need to revisit it in a year or two to see how things are going and to see if all of these changes have been made and how things are looking.

I wish you the best of luck in your future endeavor, so thank you for being an entrepreneur.

Mayor Alvey asked, is that a second, Commissioner Philbrook? **Commissioner Philbrook** said, sure. Yes, boss; we'll call that a second.

Action: **Commissioner Philbrook** seconded **Commissioner Johnson's** motion to approve for 8 ducks.

Mayor Alvey said I see that—Ms. West, I cannot accommodate you to make any more comments, unfortunately. I would direct a question, Ms. West. No I will not. I take that back. Sorry. We have a motion and a second. Roll call, please.

Roll call was taken on the motion to approve SP2021-052 for 8 ducks, subject to the stipulations, and there were nine "Ayes," Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 211044...SPECIAL USE PERMIT APPLICATION SP2021-065 – ADRIENNE BORTZ WITH BORTZ PROPERTY INVESTMENT, LLC

Synopsis: Special Use Permit for a Short-Term Rental/Airbnb at 4138 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Adrienne & Randy Bortz DBA Bortz Property Investment, LLC, is seeking approval for the operation of a short-term rental at 4138 Lloyd Avenue. This is not the applicant's primary residence. The applicant owns the LLC in which the property is titled and has been in business since 2019. The applicant and her husband will co-manage the property. The applicant will not be living at the property and will operate the property through an off-site office. The owner has registered the property with the rental office and obtained an inspection at the time of purchase. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-065 for one (1) year, subject to:

1. The maximum number of guests, which has been deemed appropriate for the available accommodations shall be four (4);
2. Guest parking must be provided off-street. Maximum number of guest parking shall be two (2);
3. Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be two (2);
4. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
5. 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. 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;
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
9. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit SP2021-065 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 211046...SPECIAL USE PERMIT APPLICATION SP2021-066 – OSCAR FLORES-URRITIA

Synopsis: Special Use Permit for a kennel/doggie day care and boarding operation at 4001 North 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Oscar Flores-Urritia, has applied for a Special Use Permit (Home Occupation) to begin the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area. The property was previously used for the same purpose with similar operations by a different business before the business relocated out of town. The applicant has stated that pet owners are responsible for pet transportation during daycare hours. The applicant stated that between 8 and 10 dogs will be dropped off during daycare hours and then play from 11:00am to 3:00pm on their acreage, before owners will return to pick the dogs back up. The applicant also expressed that they would board dogs overnight and the number boarded at any one time varies. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-066 for two (2) years, subject to:

1. Applicant maintains proof of Kansas Boarding License and continuously maintain the license through the life of the permit (if approved).
2. Adhere to the Standards in Section 11 above regarding animal keeping.
3. Commit to a daily waste disposal per conservation comments below.
4. Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance.
5. If approved, applicant will need to register and file the occupation tax application with the business license office.
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

7. The Special Use Permit shall be valid for two (2) 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit SP2021-066 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT APPLICATIONS

ITEM NO. 1 – 211049...MASTER PLAN AMENDMENT MPL2021-013 – JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Master Plan Amendment from Low-Density Residential to Public/Semi-Public (City-Wide Master Plan) at 8741 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Petition COZ2021-005.

ITEM NO. 2 – 211050...MASTER PLAN AMENDMENT MPL2021-014 – RON WU

Synopsis: Master Plan Amendment from Low-Density Residential to Medium-Density Residential (City-Wide Master Plan) at 609 and 611 South 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2021-014, subject to:

1. Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,
2. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Master Plan Amendment MPL2021-014, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211051...MASTER PLAN AMENDMENT MPL2021-015 – RON WU

Synopsis: Master Plan Amendment from Low-Density Residential to Medium-Density Residential (City-Wide Master Plan) at 617 and 619. The applicant, Ron Wu wants to amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 617 – 619 South 75th Street to purchase the property. This is a follow-up and condition of approval for the recently approved COZ2021-014 South 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Planning Commission voted 8 to 0 to recommend approval of Master Plan Amendment MPL2021-015, subject to:

1. Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities; and,
2. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Master Plan Amendment MPL2021-015, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ORDINANCE AMENDMENT

ITEM NO. 1 – 211047...AN AMENDMENT

Synopsis: Amendment to modify Section 27, Division 5, Subdivision 3 of the Floodplain District to allow after the fact permitting of structures within the floodplain that conformed to the ordinance at the time they were built, submitted by Gunnar Hand, Director of Planning and Urban Development.

Action: **ORDINANCE NO. O-136-21**, “An ordinance amending language to address retroactive the issuance of permits for construction within the floodplain in Section 27-552, Chapter 27, Article VIII, Division 5, Subdivision III of the 2008 Code of

Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 211056...ORDINANCE

Synopsis: An ordinance rezoning property at 725 North 74th Drive (COZ2021-020) from R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-125-21,** “An ordinance rezoning property hereinafter described located at approximately 725 North 74th Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family, RP-4 Planned Garden Apartment and RP-5 Planned Apartment Districts to MP-2 Planned General Industrial District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211057...ORDINANCE

Synopsis: An ordinance rezoning property at 900 North 69th Street (COZ2021-021) from R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-126-21,** “An ordinance rezoning property hereinafter described located at approximately 900 North 69th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family and C-1 Limited Business Districts to MP-2 Planned General Industrial District.” **Commissioner**

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

ITEM NO. 3 – 211059...ORDINANCE

Synopsis: An ordinance rezoning property at 1201 North 98th Street (COZ2021-022) from A-G Agriculture District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design,

Action: **ORDINANCE NO. O-127-21**, “An ordinance rezoning property hereinafter described located at approximately 1201 North 98th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture Districts to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 211061...ORDINANCE

Synopsis: An ordinance rezoning property at 609 and 611 South 75th Street (COZ2021-0024) from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design,

Action: **ORDINANCE NO. O-128-21**, “An ordinance rezoning property hereinafter described located at approximately 609 and 611 South 75th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 211062...ORDINANCE

Synopsis: An ordinance rezoning property at 617 and 619 South 75th Street (COZ2021-025) from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design,

Action: **ORDINANCE NO. O-129-21**, “An ordinance rezoning property hereinafter described located at approximately 617 and 619 South 75th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 211066...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 204 Orchard Street (SP2021-015) for continuation of a drinking establishment and live entertainment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-130-21**, “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 drinking establishment and live entertainment at 204 Orchard Street.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – 211067...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 7852 Leavenworth Road (SP2021-026) for continuation of Temporary Use of Land to park salt plow trucks, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-131-21**, “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 temporary use of land to park salt plow trucks at 7852 Leavenworth Road.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 8 – 211068...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 1327 Minnesota Avenue (SP2021-050) for continuation of a parking lot, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-132-21**, “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 parking lot at 1327 Minnesota Avenue.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 9 – 211069...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 2003 1/2 - 2005 North 5th Street (SP2021-061) for continuation of live entertainment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-133-21**, “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 2003 ½ to 2005 North 5th Street.” **Commissioner Kane**

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

ITEM NO. 10 – 211064...ORDINANCE

Synopsis: An ordinance vacating an easement (VAC2021-009) at 5917 North 123rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-134-21,** “An ordinance vacating a Ten foot Electrical Easement over a Tract of land lying and situated in Lot 11 of HANSEN HILLS, a subdivision in the City of Kansas City, Wyandotte County, Kansas, as surveyed by Steven C. Shafer, LS-852 of BHC, and being more particularly described by metes and bounds as follows: (Note: For course orientation, the bearings in this description are based on the West line of the Northwest Quarter, Section 9, Township 10 South, Range 23 East of the Sixth Principal Meridian, having a bearing of North 01° 31' 28" West as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) COMMENCING at the Northwest corner of Lot 11, said HANSEN HILLS subdivision; Thence North 87° 51' 07" East, platted North 89° 50' 54" East, 576.63 feet, on the North line of said Lot 11, to the POINT OF BEGINNING of said Tract herein described; Thence North 87° 51' 07" East, platted North 89° 50' 54" East, 10.20 feet, continuing on said North line; Thence South 13° 35' 33" East, 206.03 feet, to the South line of said Lot 11; Thence South 88° 01' 45" West, platted South 89° 58' 28" West, 10.21 feet, on said South line; Thence North 13° 35' 33" West, 206.00 feet, to the POINT OF BEGINNING, said Tract containing 2,060 square feet or 0.0473 acres, located at approximately 5917 North 123rd Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 11 – 211070...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit at 1930 South 74th Street (SP2021-057) for an earthen fill, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design,

Action: **ORDINANCE NO. O-135-21**, “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 an earthen fill at 1930 South 74th Street.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA**CHANGE OF ZONE APPLICATION****ITEM NO. 1 – 211038...CHANGE OF ZONE APPLICATION COZ2021-018 – COLE ANDERSEN**

Synopsis: Change of Zone from MP-1 Planned Light Industrial and Industrial Park and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District for a permanent asphalt plant at 1625 South 86th Street,
and

MASTER PLAN AMENDMENT ITEM NO. 1 – 211048...MPL2021-006 – COLE ANDERSEN

Synopsis: Master Plan Amendment from Business Park to Industrial at 1625 South 86th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Cole Andersen with Bettis Asphalt & Construction wants to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application COZ2021-018 and Master Plan Amendment MPL2021-006, subject to:

1. Sec. 27-212(c)(2) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;
2. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;
3. Shall comply with Sec. 27-470(d)(1) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution).
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 85dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
4. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
5. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM;
6. Parking lot shall be paved with asphalt or concrete, striped and ADA complaint;
7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. 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. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering. The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;
8. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
9. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;

10. When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west of the single-family residences;
11. The office portion of the building shall match in scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines. These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split face CMU block, glass and Cementitious siding;
12. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
13. Keep existing full growth trees on South 86th Street and along Kaw Drive;
14. All screening is to be maintained to minimize impacts of conflicting uses;
15. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
16. Plant Street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
17. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;
18. 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 landscaped buffer area is to be provided alongside and 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. The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;
19. 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;
20. Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be watered regularly with a watering plan which shall be provided as part of the Final Development Plan;
21. Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
22. Trash enclosure shall match building materials;
23. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers set back three (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;
24. All utility connections, this includes green electrical boxes and freestanding 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);
25. 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;

26. 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. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
28. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
29. 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, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
31. 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.

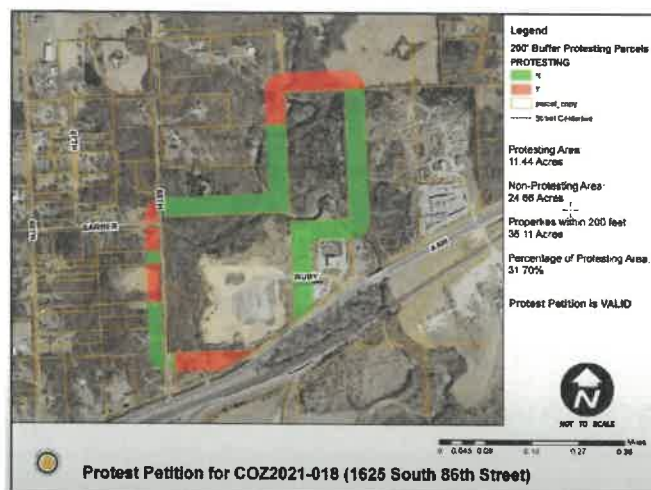
Mayor Alvey said staff did receive a valid protest petition against this change of zone. Again, Misty, we would need nine votes, correct? **Misty Brown, Chief Counsel**, said that's correct, Mayor. In order to approve this application, it would take a super majority of nine.

Case	
COZ2021-018 & MPL2021-006	
Petitioner	Address
Cole Anderson	1625 South 86 th Street Kansas City, KS 66111
Synopsis	
To build an 8,920 square foot building for office and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres.	
Introduction	County Context
Local Context	Exhibits
Recommendation	Summary

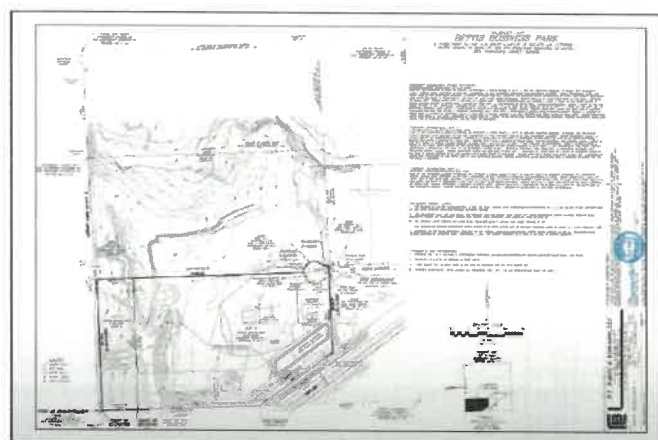
Gunnar Hand, Director of Planning and Urban Design, said the proposal in front of you is for an asphalt batch plant in the Riverside area.



It is at the location of a former asphalt batch plant that was only approved for two years in an SUP that ended around two years ago, approximately.



Staff has reviewed the case and has a multiple—this is the protest petition and the valid protest petition.



Staff has reviewed the case and has multiple conditions of approval, including hours of operation from 7 to 5 PM. The applicant, who I believe will speak after me, will review additional hours of operation that will obviously—an asphalt batch plant will not operate in the winter. We applied additional dust mitigation measures related to this site. I would note that the City Planning Commission also approved a plat. You can see that right here. That maintains an existing 200' buffer to the properties and railways to the west. It also maintains an existing buffer to the north. After the plat, there's a second property that will be created to the north. That also has a buffer to residential and agriculturally zoned properties to the north. Specifically, because this is a change of zone from MP-1 to MP-3, we did add a deed restriction. As you know, MP-3 is our most intensive industrial use, so we didn't want this potential batch plant to end operations and another

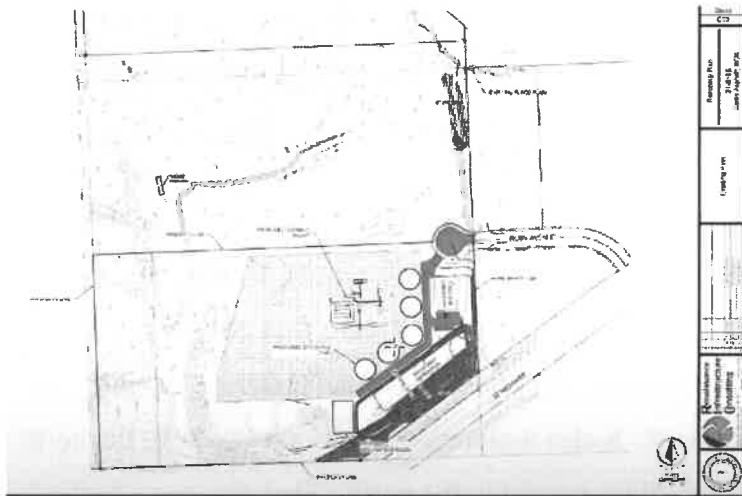
heavy industrial use to come in. We wanted this specifically restricted to this very specific use now and in the future.

I mentioned the landscape buffers to the north and south. There's sort of an existing buffer just by the change of the grade to the south and east along Kaw Drive. Another condition of approval is to create and maintain that existing buffer as some existing trees stand to provide screening. There will be additional landscaping to provide further buffering on Kaw Drive. This is sort of at the end of what's kind of turned into its own little, small industrial park. There are two other industrial businesses on Ruby Avenue. This would be the terminus of Ruby Avenue via the cul-de-sac that the applicant would build.

They decided to move forward with more than just a batch plant. This would include full-time office space for the company. As such, staff has conditioned that the office building would meet all commercial design guidelines for the offices of said company. It would also match the similar pedestrian access and landscape that currently exist for the existing two businesses along Ruby Avenue.

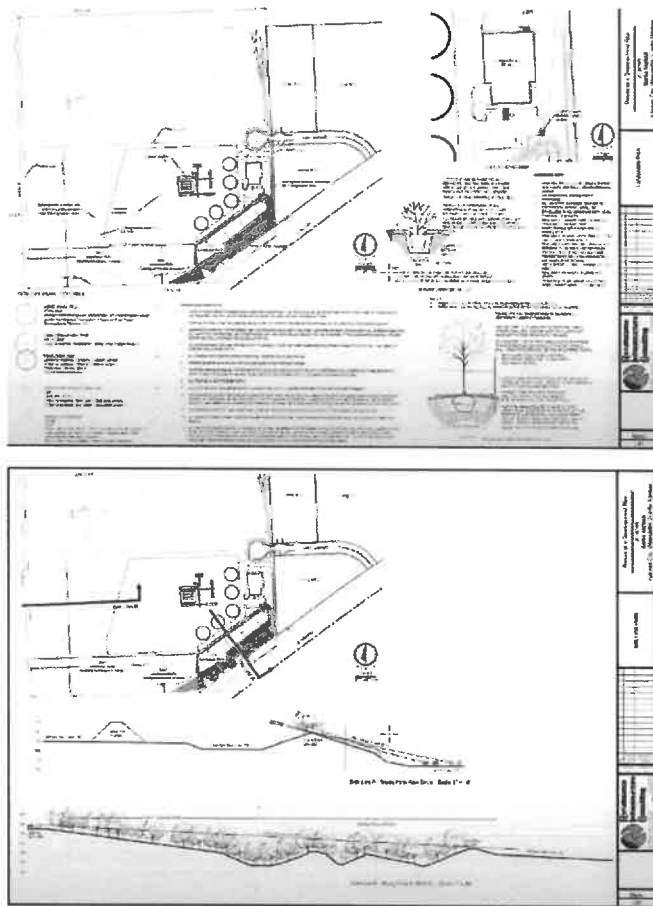
We did mention the protest petition. We received no letters of support. There were a couple of folks who attended the City Planning Commission to express opposition.

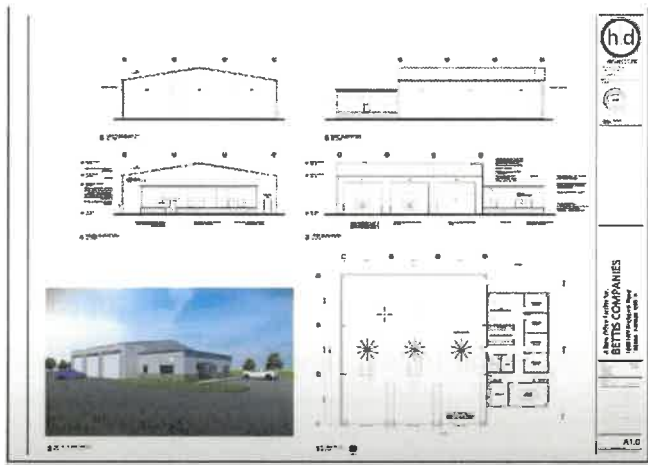
Staff recommends approval.



Mayor Alvey said, Gunnar, I cannot tell from this—on the north side, there seems to be quite a bit of change in elevation. Is that accurate, the north side of where the batch plant would be? **Mr. Hand** said when this was a temporary batch plant—or before it was a temporary batch plant a few years ago, it was essentially a donation site for an earthen fill. Over time, they basically graded a

hole, if you will. So, yes, it is lower to the west and to the east. Essentially, the plat will cut this large parcel in half. We're only talking about the development of the new southern parcel that was created through the City Planning Commission action. Again, it maintains what is an existing buffer of 200' on the west along S. 86th St. as well as to the north of the property, which is the second property now after the lot split—or excuse me, after the plat to the north. So, yes, it does sit in a bowl, if you will. There's quite a bit of distance between it and the adjacent properties. We additionally asked for the maintaining of this tree stand to the south and some additional buffering, the 200' buffering here on the south side.





September 30, 2021



You can see that probably a little bit better through some of these other plans.

Public Opposition	Public Support
None to date	None to date
Staff Recommendation Approval Introduction County Context Local Context Exhibits Recommendation Summary	

Cole Andersen, Bettis Asphalt Construction, residency: 5925 Marion St., Shawnee, KS, said I am here with Andy Gabbert, who is also trying to raise his hand to talk. We've been working with the staff for several months on this trying to get recommendation for approval. As you guys know, this site was an existing asphalt plant for a project we did on K-32. We had no complaints. We plan on using this site on and off to be able to come and go kind of as we please as we bid work. There is a season for asphalt. The plant will not be operating in the winter. We will be operating only in the summer months. We have been working with—we held two local meetings. We did get some questions about some dust and we addressed all the dust issues, I felt. We're here to answer any questions.

Mayor Alvey opened the public hearing and asked the Clerk if we received any notification from the public who wished to express comments in favor of this item. **Ms. Godsil** said no comments were received. **Mayor Alvey** asked, is there anyone present from the public who would like to

speak in favor of this? Seeing no one in the lobby. **Ms. Cobbins** said, not seeing anyone with their hands raised in the lobby, Mayor.

Mayor Alvey asked, any notification from the public who wished to express their comments in opposition? **Ms. Godsil** said no comments in opposition were received.

Mayor Alvey asked, Gunnar, would the protest petition, does it qualify as comments in opposition? **Mr. Hand** said effectively yes, Mr. Mayor. Again, we did have public comment at the city Planning Commission which carries over in the minutes as well.

Mayor Alvey asked, is there anyone present either virtually or in the lobby who would like to speak in opposition? **Ms. Godsil** said there are no hands raised.

Mayor Alvey closed the public hearing. Would the petitioner like to make any closing comments? (No comments were made.)

Conditions of Approval

1. Sec. 27-212(c) A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;
2. On the Final Plat, include a deed restriction that only allows an asphalt plant within the MP-3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;
3. Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
4. Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM;
5. The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;

Conditions of Approval

(Continued) MPL2021-006 & COZ2021-018:

6. Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
7. The office portion of the building shall match in scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines.
 These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally-colored split-face CMU block, glass and cementitious siding;
8. On the preliminary plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
9. Keep existing full growth trees on South 86th Street and along Kaw Drive; and,
10. Relandscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street.

*See staff report for full list of conditions

Mayor Alvey asked, Commission, questions or comments?

Commissioner Bynum asked, Gunnar, could you put up the screen that I think showed the boundaries of the properties that did or did not sign the protest petition? I wanted to understand

that better. The green is support or non-support? **Mr. Hand** said non-support. **Commissioner Bynum** said green is non-support. **Mr. Hand** said green is as in non-support of the protest petition, so all the Ys are people who said that they are against it. **Commissioner Bynum** said okay, so the red are those who signed the protest petition, but it is valid. It covers enough of the required area. **Mr. Hand** said that's right. It's based on area, not number of parcels or number of property owners. That threshold is 20%. **Commissioner Bynum** said okay. Thank you. Mayor, that was my only question.

Mayor Alvey said seeing no more questions, I'd entertain a motion. Is there a motion for Change of Zone COZ2021-018?

Commissioner Townsend said I just had one question about one of the stipulations. It's stipulation #5. They were talking about hours of operation would be between 7 and 5; however, it seems to leave the possibility open that there could be work after 5 PM. I'd be curious as to how often that might happen and what limitation would there be on how long work could continue after 5 PM.

Mr. Hand said we wrote this condition to reflect sort of a standard condition we developed after the Woodlands development project. We felt it was appropriate if they were to go over 5 PM, that they would have to notify the neighbors. Again, I think it's a condition that makes it easier for us to enforce moving forward.

Commissioner Townsend said I like the notice aspect of it. I was wondering if there's a limitation, though, on if they're working after 5, how long they could work. I don't know if this is the kind of venture that produces a lot of noise, but inside, they make reference to a residence I guess not far from it. So, I was wondering if there's any limitation on how long after 5 they could work. I don't know. That's really the question I had.

Mr. Hand said as it's written, there is no limitation. That would be up to the notification. We could amend it if you felt that was inappropriate and leave it at 7 to 5. We added the condition 7 to 5 because that is what the applicant said that their hours of operation would be. So, we could be more restrictive if you wanted to change it. You're already requiring a super majority to move forward if you so choose.

Commissioner Townsend said I see Commissioner Kane has his hand up. He may have some input on this. It just seems odd that they leave it open to work after 5 with no end time. That's the thing that seems strange to me.

Commissioner Kane said first of all, his comment about asphalt is only open during the summer is inaccurate. We're out there now in my area putting the asphalt down. We have several asphalt crews that work for us. When asphalt is getting laid down, they're working 10-12 hours a day, 6 and 7 days a week to get their projects done. There's no way they can say they'd be done by 5:00 because it kind of depends on how much they have to do, how much stuff that they get, how many people are on the crew that day, so it would be impossible to follow those guidelines. Just the fact that he said it would only be done during the summer, leaves a bad taste in my mouth.

Mr. Hand said staff would be amenable to strike that second sentence and limit it to just 7 to 5 PM period. **Commissioner Kane** said you cannot limit—when asphalt crews are out there, there's no way these guys can ask those guys—people who work for them—to stop at 5:00. They have so much to do. They try to get as much done as they can and they try to start before 7 when it's hot during the summer. That would be physically impossible for them to live up there or any other asphalt place.

Commissioner Townsend said Commissioner Kane raises another question for me. Is this about just being able to have this company have a plant there or is it about them doing work laying asphalt as Commissioner Kane was talking about? Based on the information Commissioner Kane was talking about, maybe it might be advisable to change the hours and put some kind of restriction on it so it's not open. I don't know. That's really for the neighbors. Since there was a note in stipulation 5 about a resident across the street, that's what raised the question in my mind.

Mr. Hand said to specifically answer your question, Commissioner Townsend, the plant is simply the batch plant where they produce the asphalt, load it on trucks, and then take it to a job site. They're not going to be laying down any asphalt on the property beside from the asphalt they're going to build into the actual project to get it started from the get-go.

Again, part of this is to build a cul-de-sac. That cul-de-sac will probably be asphalt. But, no, they're not going to be actively laying down asphalt on the site from 7 to 5. They're going to be actively producing this asphalt, loading it on trucks, and taking it to job sites around the region.

Again, I think based on this conversation, my recommendation would be to amend condition #5. It looks like #4 on my screen, but that's just because this is a summarized list of all the conditions of approval, not the full list of conditions. We could change #5. I would recommend we change #5 to limit it to just 7 to 5 PM.

Commissioner Townsend said thank you for that clarification.

Commissioner Burroughs asked, Gunnar, do we have other asphalt companies in our community and if we do, what are their hours of operation? **Mr. Hand** said I am not one hundred percent sure if we have additional asphalt batch plants in our county. I know that we have approved previous SUPs for typically mini-batch plants. Sometimes if the project is large enough or if there's a multitude of projects happening at the same time, a construction site will set up a mini-batch plant. Those mini-batch plants are allowed on construction sites without SUPs, but sometimes they last longer and we've approved SUPs in the past for not just that construction site, but for other off-site uses as well. This is a full-scale batch plant.

Commissioner Burroughs said thank you. Gunnar, if I remember correctly, this business had a temporary site there in the past. Were there any violations, any complaints from the neighbors or community in reference to how they operated; any citations or anything like that issued during the time they were here?

Mr. Hand said there are no historical NOV's on this property. You're correct, this business did have a temporary batch plant on site a few years ago. They only operated it for two years. This dispatch plant also reflects a long-term investment of the company in the county as they are going to move their offices and have employees there year-round.

Action: **Commissioner Walters made a motion for approval.**

Misty Brown, Chief Counsel, said if I may, Mayor, may I confirm if Commissioner Walters—are you moving for approval with limiting condition 5 to limit the hours from 7 to 5? **Commissioner Walters** said I was not.

Mayor Alvey said we have a motion for the original resolution. Is there a second? **Commissioner McKiernan** seconded the motion.

Commissioner Kane asked, does the protest in play here or no? **Mayor Alvey** said yes. **Commissioner Kane** said all right, so it takes 9 to make it pass? **Mayor Alvey** said yes.

Roll call was taken on the motion and there were seven “Ayes,” Ramirez, Johnson, Walters, Philbrook, Bynum, Burroughs, McKiernan; and two “Nos,” Kane, Townsend. (Motion failed)

Mayor Alvey said the question I would have, a motion for the master plan amendment, is that necessary at this point, Gunnar? **Mr. Hand** said the staff report ties them together, so I think one can’t pass without the other.

Commissioner Townsend said the question I had, I was prepared to make a motion recognizing the amendment made orally by Mr. Hand, if that can be done.

Ms. Brown said you have a motion and a vote that failed. You could entertain another motion that’s different than the first on the item.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Bynum, to approve Change of Zone Petition COZ2021-018, subject to the stipulations and the amendment made by Mr. Hand to limit the hours of operation from 7 AM to 5 PM.** Roll call was taken and there were nine “Ayes,” Ramirez, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Alvey. (Commissioner Johnson was not available for the roll call.)

Action: **Commissioner Walters made a motion, seconded by Commissioner Bynum, to approve Master Plan Amendment MPL2021-006, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Ramirez, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Alvey.

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 211045...SPECIAL USE PERMIT APPLICATION SP2021-062 – GORDON ARTHUR SCHOLES III WITH CLUB 403

Synopsis: Special Use Permit for a drinking establishment/neighborhood bar with live entertainment at 614 Reynolds Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Gordon Arthur Scholes III with Club 403 Enterprises LLC, wants to operate live entertainment at an existing drinking establishment/neighborhood bar (403 Club) at 614 Reynolds Avenue. The Planning Commission voted 5 to 4 to recommend approval of Special Use Permit Application SP2021-062 for two (2) years, subject to:

1. This is an existing drinking establishment/bar with less than the code required off-street parking. Adding live entertainment does not change that parking ratio, as taverns serving alcohol or CMB and dance halls (which has been categorized as live entertainment) use the same parking calculation;
2. The parking lot of the 403 Club is approximately 70 feet from a single-family residence, across Reynolds Avenue to the south, therefore the drinking establishment must close by 1:00 AM;
3. Live entertainment must stop by 1:00 AM;
4. The maximum number of occupants is seventy-five (75);
5. Must comply with the Unified Government security ordinance per Sec. 4- 104 and future amendments therein:
 - a. The applicant must follow their self-described security plan;
6. The windows and doors shall remain closed during any live entertainment events that increase the noise level above normal bar operation volumes;
7. An I.D. scanner will be used at all times;
8. Any illumination that results from a live entertainment event;
9. Respond and resolve any issues brought to the attention of the operator by residents, property owners and/or neighborhood groups.
 - a. 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;
10. The dumpster in the northeast corner of the improved parking lot must be kept within a code complaint trash enclosure;
11. If the unimproved portion of the parcel to the east is not in use, restrict that area from any use by installing a barrier along south property line, such as a bollard and chain system or wheel stops to prevent illegal parking and overseed the lot. Again, if the intent is not to use eastern portion of the property, relocate the Ripple Glass recycling dumpster adjacent to the existing trash enclosure in the northeast corner of the paved parking lot and comply with Sec. 27-612(7). Otherwise, obtain a right-of-way permit and construct a driveway apron on Reynolds Avenue and improve the unimproved surface with concrete or asphalt, leading to the recycling dumpster and comply with Sec. 27-612(7), or construct a parking lot with asphalt or concrete and comply with the parking code;
12. As the applicant has described this as a neighborhood drinking establishment, connecting the bar to the surrounding neighborhood via the sidewalk is of the utmost importance. Creating a

pedestrian connection by completing the sidewalk along 614 Reynolds will connect to the Strawberry Hill neighborhood. Complete the sidewalk along Reynolds Avenue between the improved parking lot and the North 6th Street right-of-way;

13. Clean the sidewalk of debris and weeds along North 6th Street Trafficway;
14. If the intent is to host events outside and there are performances on the patio, in addition to the fence that is being reconstructed around the patio, plant landscaping along the top of the slope adjacent to North 6th Street to mitigate noise and green and red lighting that illuminates the canopy;
15. Maintain the existing tree stand to screen the proposed use from residences;
16. Per 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;
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; and,
18. Subject to approval, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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 Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case	
SP2021-062	
Petitioner	Address
Gordon Scholes III	614 Reynolds Avenue Kansas City, KS 66101
Synopsis	
To operate live entertainment (karaoke, stand-up comedy and live musicians) at an existing drinking establishment/neighborhood bar (403 Club).	

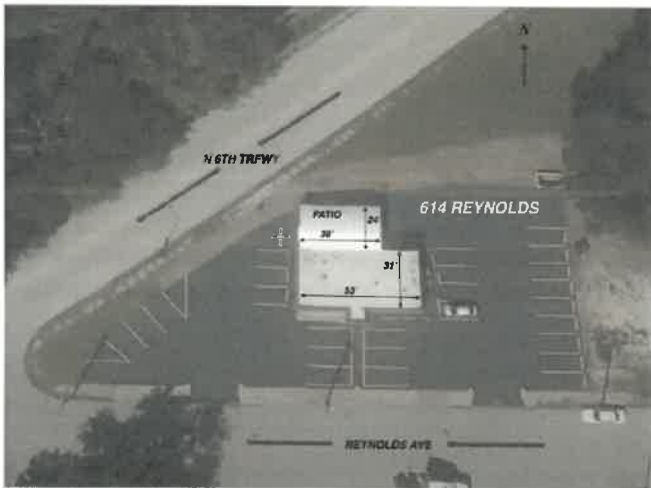
Gunnar Hand, Direct of Planning and Urban Design, said the application before you is a special use permit for live entertainment for an existing bar.



It's the 403 Club in the Central Area Master Plan



right off 6th St.



The staff did have several conditions of approval related to this case,



namely that the dumpster that the applicant has on their property be housed in their location behind the fence in an enclosure, as per city ordinance. We also ask that the applicant repair some of the overgrown sidewalks in the area. The applicant has since done that. The City Planning Commission recommended approval.

September 30, 2021



Additional conditions of approval are related to some standard conditions we've created regarding illumination from any potential live entertainment at the location. We do ask that the entertainment end no later than 1 AM. There were multiple neighbors and groups at the City Planning Commission that expressed support for the SUP. We received no letters in opposition. There are no NOV's on the property.



Public Opposition	Public Support
None to date	Staff received letters of support from BetterDolte and the Strawberry Hill Neighborhood Association.
Staff Recommendation	
Approval	

Staff recommends approval with those conditions for two years.

(Continued) SP2021-062:

6. Clean the sidewalk of debris and weeds along North 6th Street Trafficway;
7. If the Intent is to host events outside and there are performances on the patio, in addition to the fence that is being reconstructed around the patio, plant landscaping along the top of the slope adjacent to North 6th Street is mitigate noise and green and red lighting that illuminates the canopy; and,
8. Maintain the existing tree stand to screen the proposed use from residences.

*See staff report for full list of conditions

*See staff report for full list of conditions.

Public Opposition	Public Support
None to date.	Staff received letters of support from BetterDodge and the Strawberry Hill Neighborhood Association
Staff Recommendation Approval	

I am willing to enclose it where it sits if that's okay with the Commission. I made that concession, although I would like to state that it would be nice if it was unilaterally enforced that

dumpsters need to be in enclosures. It scares me a little bit that it's going to make it a canvass for graffiti, which we have a problem within the neighborhood at times, which will just cause extra and ongoing maintenance, but I'm willing to do that. Again, it would be nice if there was some unilateral enforcement in other areas where there's dumpsters on sidewalks and stuff that aren't, to me, as bad as the one that's sitting on the back of the gravel lot next to my bar. But, again, I will be happy to enclose that dumpster.

The other ones I had a problem with were the sidewalks around the area. I'm trying to make an extra few hundred dollars a week by maybe having a DJ or some karaoke and not spend several thousand dollars to redo sidewalks. I did clean, and I'm still in the process of cleaning that sidewalk along N. 6th Twfy., which does look a lot better. I can tell you that decay there is 25 years in the making. It's not just the 7 years that I've been there, but I am working to rectify that problem.

#14, the extra landscaping on top of the hill there behind my patio, I don't intend to have any live music on my patio first off. Like the other stipulations say, it will be indoors. The doors will be closed and the windows will be closed. I only have four small windows anyway, so I don't know why anything would illuminate from inside the closed building. I would like that stipulation removed as well, if possible.

Everything else, I think we've seen eye-to-eye on and can move forward if the Commission sees fit.

Mayor Alvey opened the public hearing. Have we received any notification from the public who wish to express their comments in favor of this item? **Ms. Godsil** said no public comments were received. **Mayor Alvey** asked, is there anyone else from the public who would like to speak in favor of this special use permit? If you are present virtually, please raise your hand to be acknowledged.

Pearl King, 10004 NW 71st St., Kansas City, MO, said I appreciate you taking the time to be here this evening and for the work you do for our city. I've been retired since January of last year, but I've been working with bars and restaurants and specializing in liquor licensing for both the state and the city. For about the last 15 years, I've done 6 or 7 at least businesses for special use permits just like this one in the last dozen years.

When Artie decided that he wanted to go for an annual entertainment license, he knew from hearing me talk about it before, that the special use process was pretty involved, but I told him that yours should be a slam dunk of all the ones I've done. I'll stand by here and help you with it as much as I can. I have to tell you that when I saw the draft staff report on this, I about fell out. Typically, you always see on key issues, it's always going to be security, parking, noise. Those are the top three. I've seen always at least one of those, typically two, often three, but never, ever have I seen seven. All but three of them, I believe are totally unrelated to what the spirit of a special use permit of this type is actually about.

I would ask that—and I'm not going to go into a lot of specifics because I know it's late and I know you're tired, but this is very important. I would ask that this be approved after the removal of stipulation numbers 2, 11, 12, and 14. (Ms. Cobbins said you have one minute.)

Ms. King said we've really got to look at the ordinances under 2 about keeping places open. Closing them one hour early, I don't understand the purpose of this and how one hour difference mitigates any possible damage, even pass this, that's an ordinance that really needs to be looked at. Also, the recycling dumpsters, that should be a whole other issue that I thought was resolved years ago.

I appreciate your time, your consideration. This needs to move forward, but without those other stipulations.

Mayor Alvey asked, is there anyone else present who would like to speak in favor of this special use permit? **Ms. Godsil** said I see no other hands raised.

Mayor Alvey asked, have we received any notification from the public who wish to express comments in opposition? **Ms. Godsil** said no opposition from the public was received. **Mayor Alvey** asked, is there anyone present who would like to speak in opposition? **Ms. Cobbins** said no one is present.

Mayor Alvey closed the public hearing. Would the petitioner like to make any closing comments?

Mr. Scholes said yes. I would just like to say, again, thank you for taking the time to listen to all this. I would appreciate a vote in my favor. I do lots of community events and would like to keep

doing this. I bought a business in the neighborhood. I live up the street in the neighborhood. I'm fully a KCK guy all the way. Thank you for your time.

Mayor Alvey asked, any comments or comments from the Commission?

Commissioner McKiernan said I have known Mr. Scholes for as long as he has owned this bar. I am in favor of granting this special use permit; however, I do believe that some of the stipulations should be struck before we grant the special use permit. The document that came forward from the Planning Commission has 19 total stipulations on it, as I'll explain in a minute. I propose that Mr. Scholes only be required to comply with 14 of those 19 stipulations. I do believe that stipulations 2, 8, 11, 12, and 14 should be struck before approval, and if you'll indulge me, I'll comment briefly on each of those to give you my rationale for striking them.

Stipulation 2 would set the closing time for Mr. Scholes' establishment at a time that is inconsistent with similar establishments across Wyandotte County. Mr. Scholes understands that at some point in the future, the UG may enforce a consistent closing time across all similar establishments, but at this time, I believe that we should strike that stipulation in the interest of consistency of enforcement.

Stipulation #8 is an incomplete sentence. It ends in a semicolon, so I simply ask that we strike that on procedural grounds.

Stipulation 11 regards the ripple glass recycling container that Mr. Scholes has on the property. As is the case with Stipulation 2, this stipulation would set up an uneven enforcement of regulations for ripple glass containers across all locations in Wyandotte County. Mr. Scholes understands again that at some point in the future, the UG may uniformly enforce regulations for similar recycling containers and that he would need to be compliant at that time, but I propose to strike that stipulation now.

Stipulation 12 asks that Mr. Scholes complete the sidewalk along Reynolds Ave. Installation of a new sidewalk along Reynolds I'm going to estimate would cost several tens of thousands of dollars. If Mr. Scholes were contemplating any sort of external improvements to his property, or if the special use permit were to apply outdoors, then I'd be more inclined to support installing the sidewalk, but I can't see imposing tens of thousands of dollars of expense on a small businessowner who's requesting an indoor permit as a way to try to recover from the pandemic.

I believe Mr. Scholes has been a very responsible property owner, and he's made periodic improvements to his property like repaving and restriping his parking lot, repainting and cleaning up the exterior of his building. In the future, he may decide that an additional sidewalk would be of benefit to his business, but I do not believe that we should compel that now as a function of this special use permit.

Finally, stipulation 14 asks Mr. Scholes to landscape to the north of his patio to mitigate any negative effects of the lights under his patio canopy. First of all, Mr. Scholes is requesting a special use permit for indoor activities. Additionally, he's had the same lights on his patio under the same canopy for all the years he's owned the establishment. I'm not aware in those 7 or 8 years that those lights have caused any problems with traffic on 6th St. Twfy. or on any surrounding buildings and there are many that are very close. His patio is kind of built in a bit of a hole. The ground really slopes up to the backside to the north of his patio. I do believe that serves as a natural barrier and I don't believe that additional landscaping would have any additive screening value.

With all of that said, thank you for indulging me in explaining my rationale.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit and strike stipulations 2, 8, 11, 12 and 14.**

Commissioner Ramirez said I shouldn't have my hand up because everything I was going to ask or say was said by Commissioner McKiernan. I will drop off.

Mayor Alvey said we have a motion and a second. Any additional comments or questions from the Commission? **Mr. Hand** asked, can I make a clarification on condition #8? **Mayor Alvey** said yes. **Mr. Hand** said condition #8 is a typo by staff. I apologize for that. It should read, any illumination that results from an entertainment event shall not be seen or otherwise impact additional residential uses. I think that's in line with all the comments tonight. I would ask that be maintained and simply be corrected. Again, I apologize for our typo.

Action: **Commissioner McKiernan** said I would agree with that clarification and would agree to keep stipulation #8 in place. **Commissioner Kane** seconded the motion.

Roll call was taken on the motion and there were eight “Ayes,” Ramirez, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan. (Commissioner Johnson was not available to vote.)

MISCELLANEOUS

ITEM NO. 1 – 211048.... ARMOURDALE AREA MASTER PLAN UPDATE

Synopsis: Armourdale Area Master Plan update, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Gunnar Hand, Director of Planning and Urban Design, said I’d like to defer to my lead advance planner, Kim Portillo, to introduce the consultant who will give a brief presentation on the Armourdale Area Master Plan.

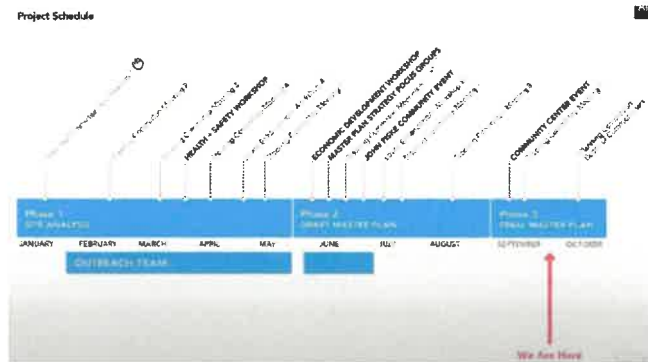
Kim Portillo, Lead Advance Planner, said as you probably know, the Unified Government Planning team, along with our consulting team, PORT, the Armourdale Renewal Association, and the Citizens of Armourdale have been working several months on the Armourdale Area Master Plan.

We have a presentation for you guys tonight that is informational only, but we do have the draft of the plan created, so we ask that you review our presentation tonight. We’re not asking for any action tonight, but we would like you to take a look at the full draft of the plan, which can be found on armourdalestrong.com and give us any comments or feedback through that way by October 4th and then we’ll hope to see you guys next month as well.

With that, I’ll pass it over to Andrew Moddrell, who is our consultant from PORT.



Andrew Moddrell, PORT, said thanks for sharing a few minutes of your evening. I am pleased to share our progress on about nine months of active work on the Armourdale Area Master Plan. This process has been really engaged and several commissioners here have been heavily involved in the steering committee and beyond as we've worked through this process.



We just issued the draft master plan I guess about a week and a half ago for review and comment. This is also in conjunction with a community open house at the Armourdale Community Center and a launch of the draft on our website that Kim mentioned armourdalestrong.com.

As I mentioned, we've been meeting once a month with a steering committee comprised of UG staff across numerous departments, several commissioners including Bynum, Burroughs, McKiernan, and community groups such as Crossline and Armourdale Renewal Association, and then we've also been working with an outreach team to host a series of events and engage the Armourdale neighborhood and a number of conversations, surveys, and outreach efforts.

I just want to quickly—this is a really in-depth process and report that we just issued. I just want to hit the high points pretty quickly here and then also highlight a few of the recommendations and priorities that have emerged pretty recently from all of the work that we've been synthesizing as part of what's becoming the final master plan for any kind of reaction, questions, or comments also.

Upcoming Schedule

Monday, Sept. 13th: Informational Presentation to the Neighborhood and Community Development Standing Committee

Monday, Sept. 13th: Informational Presentation to the Planning Commission

Thursday, September 21st: Community Center Open House

Friday, Sept. 24th: Steering Committee Draft Master Plan Review

Thursday, Sept. 30th: Informational Presentation to the Board of Commissioners

Monday, October 11th: Final Planning Commission Presentation for Recommendation

Thursday, October 28th: Final Board of Commissioners Presentation for Approval / Adoption

Just to give you a sense of the last, I guess this isn't very long, the last few weeks. We had our informational presentation to the Neighborhood and Community Development Standing Committee, which some of you saw. We had an informational presentation to the Planning Commission. We had the community center open house. We presented also this whole—on just Friday, to the whole steering committee, a kind of culmination of what, again, has been a long and engaged process. Here we are with a presentation to the Board of Commissioners and then we have a couple of more Planning Commission and Board of Commissioners meetings coming up.

Report Outline

Master Plan Report (armourdalestrong.com)

- 1. Armourdale Overview + Vision**
- 2. Community Outreach and Process Overview**
- 3. Five Focus Areas + Actions**
- 4. Appendix**

Task 1 Site Analysis Report (150-pages)

UG Existing Conditions Report

Clean Air Now Report / Submission

As Kim said, it's still an open comment period and we're collecting feedback on all the work to date.

That work is quite extensive. We're really proud of the effort that we've carried out and it's for a pretty amazing and deserving place. We have kind of thrown a lot of hours and time and effort toward it. I think that will come through in the report.

The main report, we have an Armourdale overview envision. We have an overview of the community outreach process. These five focus areas that have emerged through this process that

were targeting specific strategies and actions. I'm just going to go through those in a very high level. Attached to the document on the armourdalestrong website is also about 150 pages of analysis, surveys, community engagements, a lot more in-depth about essentially the history of Armourdale, which in many ways mirrors the history of Kansas City. It's a really very interesting place and that's all catalogued and documents it there. I'd like you to look through that.

Existing Conditions + Site Analysis



As I've said, we started at the very beginning looking at the origin of Armourdale, the history of Armourdale and its evolution over the last approximately 150 years, if you will.

Industry + Labor History



This includes significant stories about the history of industry and labor in Kansas City and in the Midwest.



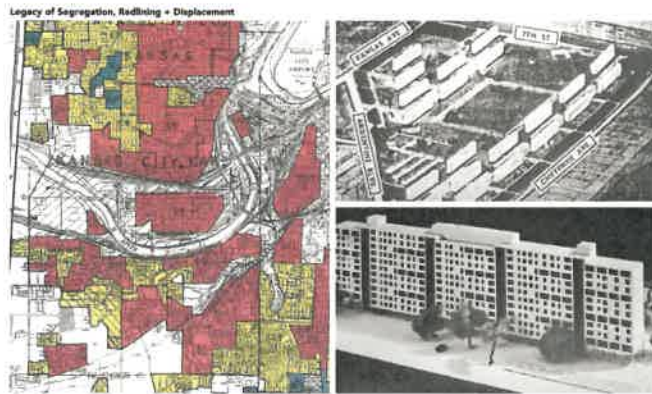
Also, the Hispanic heritage and the origin of strong Hispanic legacy and identify that continues to thrive in Armourdale today.



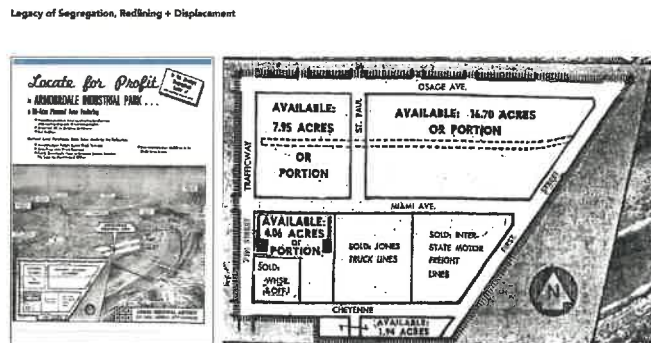
Also, the unique challenges of essentially the only neighborhood in Kansas City that is entirely in a floodplain. That is an incredibly unique characteristic of Armourdale.



We're all well aware of the history of the flooding and what that's meant to this neighborhood.

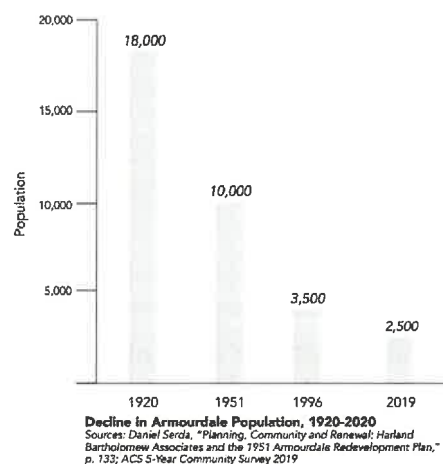


Not only flooding, but essentially a cycle of racial segregation, neglect, redlining attempts that you see on the right of Urban Renewal projects that wiped out large areas in the neighborhoods and replaced with high-rise housing.



Those ultimately failed, but there still were east of 7th St., large sections of the neighborhood that were replaced with industrial uses in the 1960s.

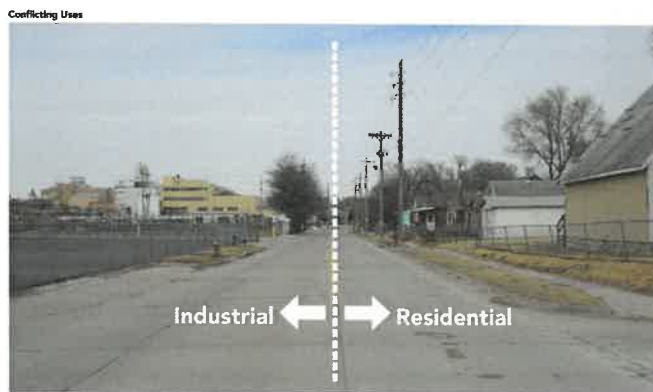
Population Decline



Essentially, a place that declined by about 15,000 people from its original population only a hundred years ago



due to mostly this encroachment of the industrial properties all around the neighborhood core of Armourdale. What you see in yellow is the industry that, again, you see very little east of 7th that is kind of a neighborhood or commercial scale, but large industrial properties.



This is kind of a point of conflict in the neighborhood where you often see the relationship between these small residential homes adjacent to active industry.



Much of the encroachment, though, has been by not very high value industrial uses. Here you see there's—Armourdale has a pretty extensive collection of piles of things, whether those are train axles, wooden pallets, huge truck tires, fire extinguishers you can see on Kansas Ave. There's a lot of low value industrial storage uses that, again, kind of



consumed the periphery of the neighborhood and essentially continued to degrade its value and also just the quality of life in the neighborhood.

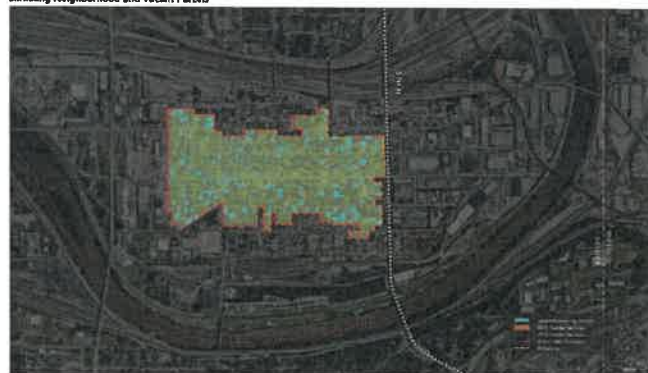
This is an example of, throughout Armourdale, poor maintenance of or existence of sidewalks or sidewalks that have been historically not maintained or grown over.

Armourdale Housing Stock

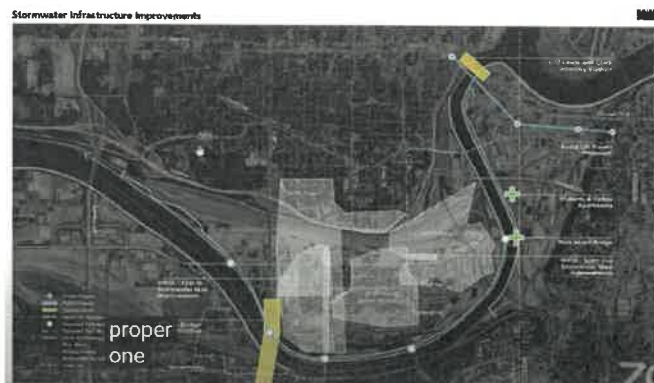


There's a housing stock that I think there's been maybe one new house built per year over the last 25 years on average in the whole neighborhood. It's about 50% renter occupied.

Shrinking Neighborhood and Vacant Parcels



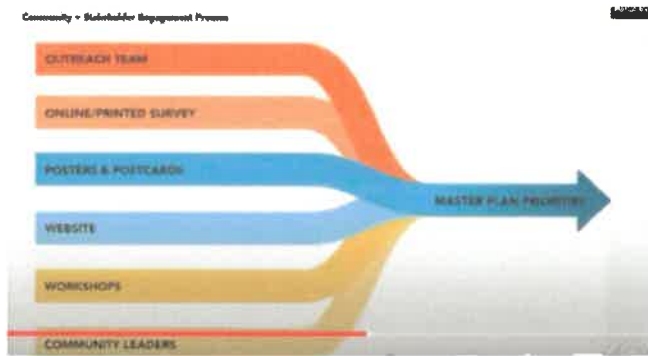
What you see here are the vacant residential parcels in the neighborhood. What you see in the outside, the kind of dashed redline, that was the residential area of Armourdale before the 1951 Flood. What you see now highlighted in green is the current residential boundary. You can really see that kind of jagged edge where parcels that have been kind of claimed from the neighborhood for industrial use. The blue dots are actual vacant lots in the neighborhood where homes have been torn down or washed away over the years.



One thing we are mindful of, and is a good alignment for the work that we're doing, is the upcoming grants to repair sewer and stormwater, or introduce sewer and stormwater in certain areas of the neighborhood as well as reinvestments in bridge repair, a new bridge, and the levee raise project are going to have a number of—and betterment projects carried out in conjunction with the levee raise that will also serve to enhance the Armourdale community and access to the river for Armourdale residents and beyond.



All of that research and cataloging of Armourdale's current condition, having not seen a master plan since 1979, we really called out and have verified with the community and the steering committee this kind of awareness of this downward cycle of what comes from the isolation and vulnerability, the legacy of segregation, neglect, deterioration, disinvestment. The attempt of this master plan is to try to propose actionable strategies that ideally pause and ultimately reverse this downward cycle toward an Armourdale that has made it this far and now is kind of commanding the attention and resources and investments that it deserves for having essentially weathered the storm, if you will, to a place that deserves investments that make it attractive, included, empowered, safe, accessible, and stimulated. That's really the core of this Armourdale Strong idea.



This, again, this idea and how we've been listening and engaging in the community throughout this process has been kind of a multifaceted effort that includes hiring an outreach team of neighborhood residents so, essentially paying them for their time to participate in the planning process, to disseminate online and printed surveys to their neighbors and friends, to hang posters and distribute postcards at local businesses, to direct people to the website to fill out surveys and leave comments, to drive 10 minutes and participate in community workshops, and then, of course, community leaders have also been part of the steering committee, UG staff, and so on. All of this has kind of homed in on what our master plan priorities are.

Neighborhood Resident Focus Group June 14th, 2021 John Fiske Elementary School



Here's a few examples. A focus group that we hosted at John Fiske Elementary School,

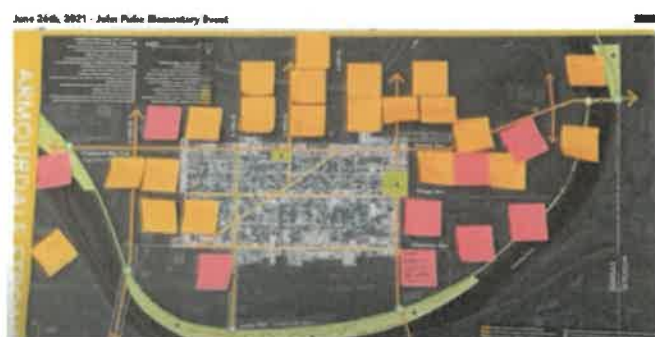
June 26th John Fiske Elementary Event



September 30, 2021



a block party at John Fiske Elementary School this summer



where we're, again, engaging conversations with residents and taking notes of stories and priorities throughout that process.



This is an image of last week's master plan review and planning and empowerment open house at the Armourdale Community Center

Master Plan Review + Planning Department Open House - September 23rd, 2021



where there were big boards that essentially had all of these five focus areas and strategies for review, comment, and conversation to, again, there's a lot of strategies here and we're, at this moment, trying to pull out the ones that we can really prioritize to push to start really soon on pushing the master plan—the outcome of the master plan into real effective change.

Five Focus Areas + Actions



Here are the five focus areas, focus on the neighborhood core, the corridors that link to and through Armourdale, the industrial ring that surrounds the neighborhood core and around to the river and the rail, the Kansas River itself and the West Bottoms, which is part of Armourdale what we know as the Central Industrial District.

Five Focus Areas + Actions



September 30, 2021

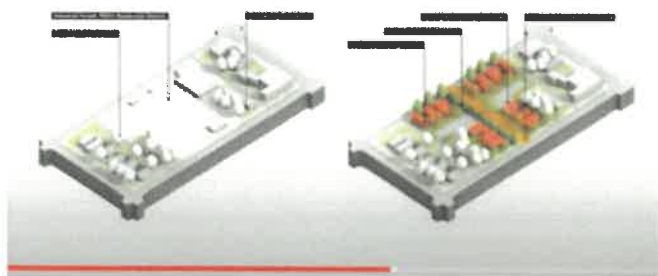
Here you see the plan of these five color-coded areas. Green, river. You see the neighborhood core in orange, the darker red are the corridors linking to and through the neighborhood, and you see the West Bottoms in blue. Essentially, throughout this process, we've been targeting these strategies and action items, again, for these areas.

Focus Area: Neighborhood Core Action Example



You can go through the report. I think there's something like 14 or 15 strategies alone and I think that list even expanded a little bit with the most recent steering committee meeting and some of the feedback we've been gathering. But, a strategy, for instance, could be support in-fill housing to think about the vacant lots and creating new homes in Armourdale. In the report, we tried to outline these goals, the context, the targets, the steps to get there, and the partners that can be involved in the process.

Focus Area: Neighborhood Core Action Example



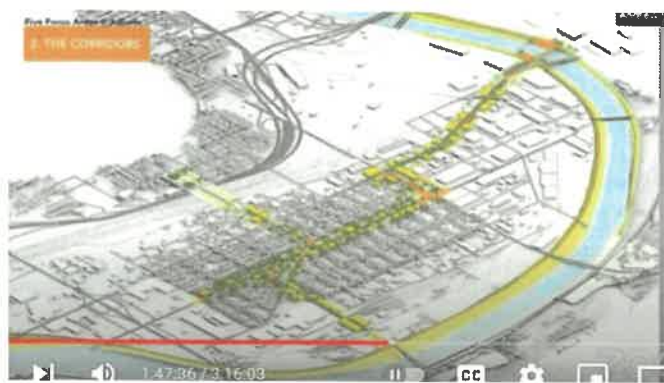
We obviously don't have the time in this format to go into that in detail, but we really tried to provide a lustral examples of what an impact that—Habitat for Humanity or Housing First projects, for instance, could have on a neighborhood core to fill in some of these vacant spaces.



Just to summarize. In blue here, coming out of the community workshop and the most recent steering committee meeting, projects from this list of 15, the ones that really kind of garner the most conversation or comments toward prioritizing were Housing First projects, essentially demonstrating investment in Armourdale as a way to promote more investment in Armourdale to really start on the ground by making a direct impact, investing in Armourdale-based community organizations like BARA to increase their resources for expanding access to legal aid or other tenant services potentially, as well as advocating for access to fresh food, whether that's trying to draw a grocery store or a Dotte mobile grocer or other food trucks, as well as establishing a community mural program. There's a resident, E. Chavez, or a former resident, who is really advocating for participation in this mural program. I'm trying to move quickly here. A lot of this is in the report and will be in the next issue of the report with these priorities, but these are the ones that really came to the surface for residential.



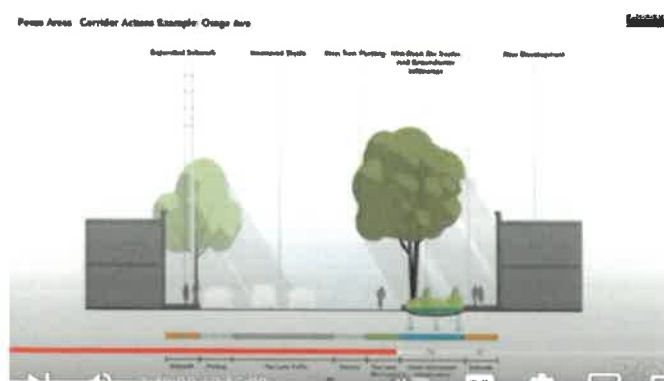
There is a lot of overlap with the corridor category



for the fact that it does essentially cut through the residential core but also raises other connectivity opportunities with Kansas City and beyond, Kansas Ave. heading east toward the West Bottoms, 12th St. Bridge heading south to Argentine.



We've done a number of studies that look at the existing cross-section of the roads and the conditions of the roadways and essentially their large scale that works great for large trucks but not so great for neighborhood safety.

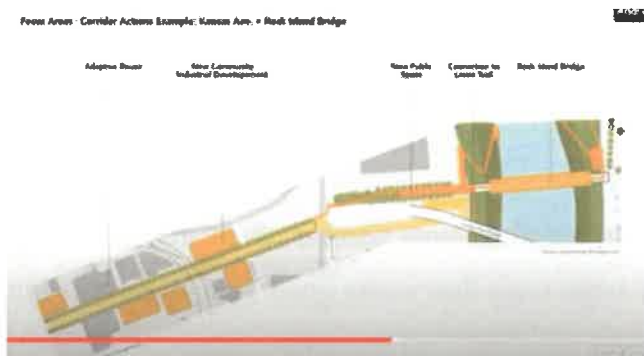


It's been proposing in conjunction with the WIFIA grants and stormwater and sewer infrastructure and how we can introduce best practices for containing water, producing green space, shade space.

Here you see a couple. An example is Osage Ave., for instance, a street that runs through the very center of Armourdale and has a potential to be a really pedestrian-oriented and small business-oriented kind of retail street.



We've illustrated those both as you saw in the section but also in 3-dimension to kind of see what we mean by introducing bike lanes and trees and how that can really have a strong impact on the community.



There's also several drawings here where you'll see this is connected to the Rock Island Bridge and the Levee Betterment Project; trying to make those connections between the plan and those projects that are underway.



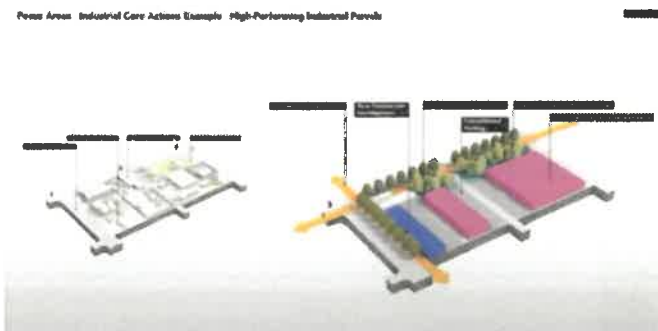
For the corridors, what we heard, especially recently, were yes, this idea of installing green stormwater infrastructure in some cases, stormwater infrastructure at all. Connecting as many opportunities as we can to the river and making those connections explicit, and for the community to embrace the river as this resource in their backyard and invite Kansas City to come to Armourdale to access the river and really celebrate the legacy of the river and the westward expansion of what the river has meant historically to Kansas City.



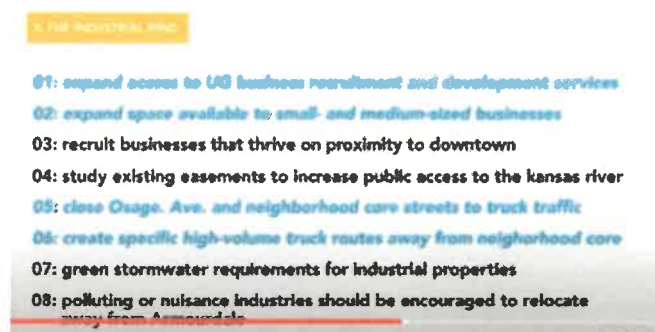
The industrial ring you see here, the area of most concern is this really dark ring right around the neighborhood core. Again, trying to strengthen the neighborhood and limit that encroachment for these kind of low value uses that are right in the backyard of many Armourdale residents,

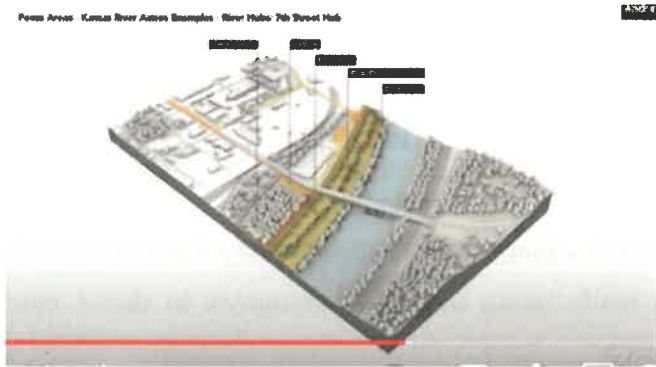


as well as optimize the area in yellow in the sense that large trucks might not need to drive down through Osage to the very geographic center of Armourdale, for instance, to get onto I-35, I-70. The industrial businesses that are in Armourdale are very happy because of their connectivity to Kansas City and the region, and that is a real strength that Armourdale provides to these businesses; however, 18-wheelers through residential neighborhoods can easily be avoided given the existing infrastructure.



So we're trying to look at strategies for optimizing truck routes, limiting the use of some of these low value, again, industrial uses adjacent to the neighborhoods, and trying to orient future development away from the box in the middle of an asphalt parking lot to something that's more internalized and landscaped and is stormwater efficient, energy efficient

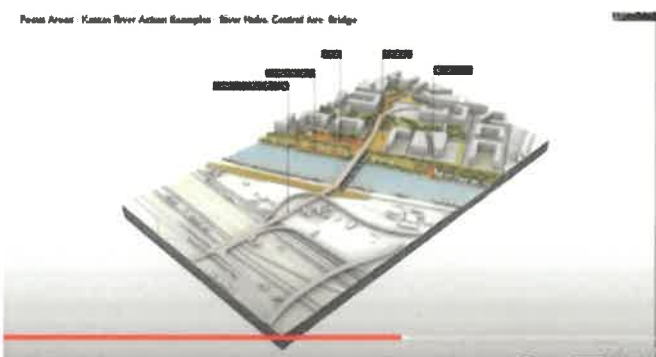




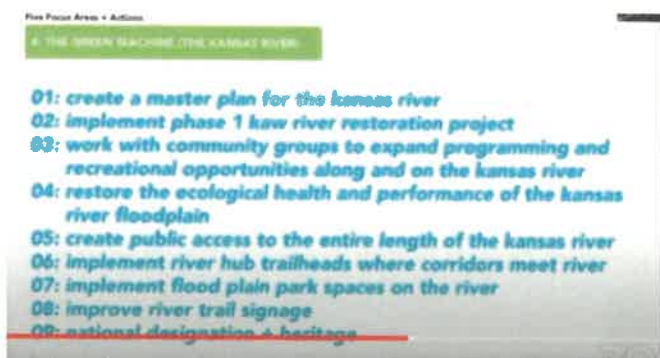
where bridges or streets meet the river and try to illustrate specifically where there's areas for parking and trailheads or other amenities that start to activate the river and what we're calling these river hubs kind of all along its length.



So, again not to get into a ton of details here, but obviously a big one will be the Rock Island Bridge, so trying to, again, show how Kansas Ave. links to that, where parking will be, how you might exit a boat and get to the bridge,



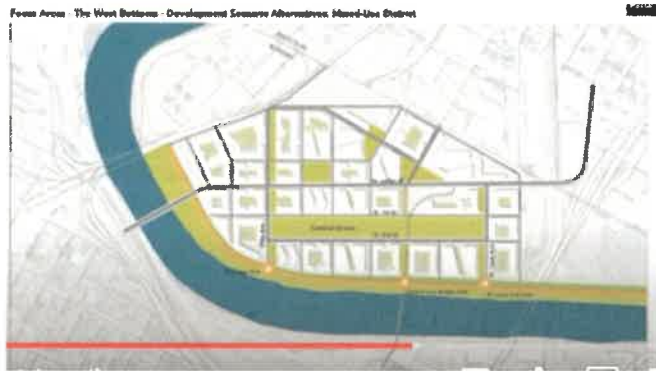
but others that are more community oriented like 12th St. or reusing the Central Ave. Bridge or bicycle and pedestrian infrastructure linking across to the West Bottoms but also accessing the river.



So, I tried to only highlight a couple here, but essentially with the river, everyone—all of these strategies kind of overlap with one another and go along to support river trail, signage, access, historic designations, celebrating the heritage of the river, implementing restoration projects to improve the ecological health of the riverbanks, promoting a master plan for the Kansas River to prioritize and implement a lot of these hubs and spaces, work with community groups to expand programming and recreational opportunities, restore the health of the river and access and so on. Generally, a lot of kind of universal support for facing the river and accessing the river and really trying to leverage the river into an amazing asset for Kansas City and Armourdale.



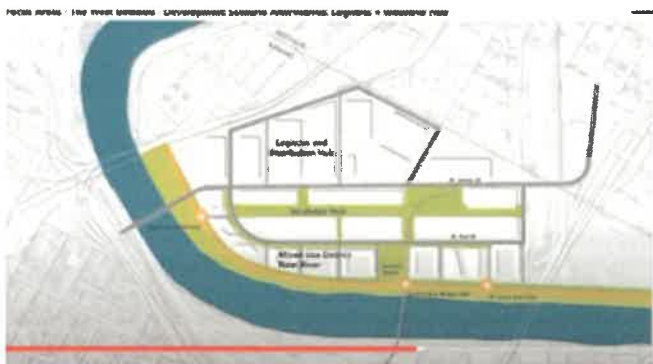
Finally, the West Bottoms, which again, is this blue little slither along the state line and straddling both sides of the river in blue here.



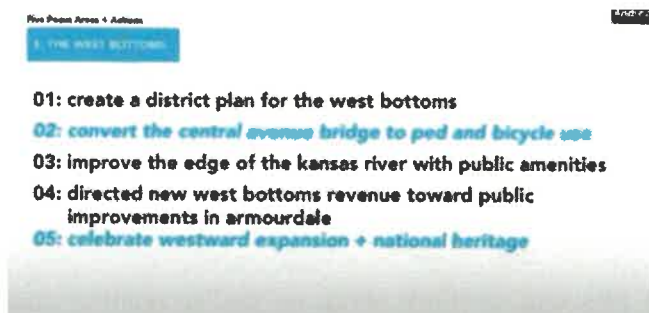
We didn't propose a single plan. This whole district kind of demands its own master plan in the future. We essentially tried to visualize and test out the pros and cons of a few different scenarios, whether that's a mixed-use residential district that really ties closely to the development of the stockyards district and the West Bottoms



or whether it's a riverfront destination that is more of a could be oriented really toward the river with the riverfront park and larger, kind of a civic, I guess, larger civic buildings or convention buildings



or an incubator hub where it is more of a next generation logistics and industrial infrastructure, somewhat similar to the uses in the floodplain but maybe an example of the future of those models.



There was support for re-thinking the Central Avenue Bridge as its decommissioned, celebrating the westward expansion and national heritage with this area and, this again, begins the confluent of Kansas and Missouri, and again, continue to explore a district plan for the West Bottoms, in general, that really flushes out and the feasibility some of these different potential tracts.



That is a big summary of everything. I tried to move quickly. This is, again, a very in-depth project where we can spend a lot of time and we have talked about each of these topics. Thank you for your attention and time this evening.

Mr. Hand said if I may, before we open this up, there's a couple of things that I wanted to add just as you are reviewing the draft and providing comments. There's a couple of really big moves here that are transformative for this neighborhood that we wanted to make front and center.

First and foremost, Mr. Modrell, misspoke earlier. We are well aware that there's a fire station in Armourdale on Kansas Ave. east of 7th St. Secondly, this process was done entirely bilingually. You saw it in some of our outreach photos there that's both Spanish and English. We had multiple Spanish only conversations as a part of this planning process. While we will not do

it until after the adoption of the master plan, like the Central Area Master Plan, we will fully translate the document in Spanish as well moving forward.

I think some of you might have asked the question, why is the historic West Bottoms included in the Armourdale Area Master Plan. There's two reasons, well, there's three reasons primarily. It was never incorporated into the Central Area or the Downtown Master Plan. Like Armourdale, the historic West Bottoms is both very industrial in nature and very much attached to the Kansas River, so it was natural for us to expand the Armourdale planning area outside of the traditional neighborhood of Armourdale.

But, to get to the two main things I'd like you to think about as you're reading and reviewing the document and moving forward, ideally with the approval process in October, is that for about a century, there has been an air of ambiguity for Armourdale from redlining to urban renewal, even up to the 1979 plan where it continued to pose the question, should the residential neighborhood of Armourdale be wiped off the map and replaced by industrial development? That was never answered in the 1979 plan. This plan very affirmatively says that the residential neighborhood is here to stay and obviously provides additional strategies to move it forward. We believe that certainty is what will drive additional private investment in the Armourdale neighborhood. Antidotally, we've even started to see that with some of the Land Bank projects that have come online in the last month.

I would also just want to note the other big thing here is obviously re-thinking the Kansas River. We have historically turned our back on this river. It has always been industrial in nature. With everything else that was already going on, this master plan and codifying it, this is our opportunity starting even before Mr. Modrell and his team started, we were working with the Kansas City Design Center to start to re-think the Kansas River as an asset and opportunity and a driver of growth moving forward. The connection to the Kansas River, again, things were already working on but how to better connect our community, how to better connect the development that's already happening because of those connections, specifically around the Rock Island Bridge, into the neighborhood of Armourdale to encourage that investment to be equitable is another big thing that we've been moving forward. I just wanted to add those two main thoughts as you kind of review the plan.

We're happy to take any questions, comments, thoughts you might have thus far.

Mr. Modrell said quickly, in the neighborhood core is what I meant to say, Gunnar. Thank you regarding the fire station. I know there's one at Kansas Ave.

Mayor Alvey said before I ask for Commission comments, unless you have some questions, I would like to move to the public hearing if there's anyone. There's time for Commission discussion after. Have we received any notification from the public who wish to express their comments in favor of this item? **Ms. Godsil** said no public comments were received.

Mayor Alvey asked, is there anyone present who would like to speak in favor?

Oscar Flores-Urritia said sorry. This might not be the time and I know this is according to something else, but I'm lost. My special use permit, I think we're far along and I lost track and I was having some technical difficulties. I've been trying to raise my hand at different points. I'm so sorry if this is not the time.

Mayor Alvey said no, it is not. Reach out to Mr. Hand. **Mr. Hand** said, Mr. Flores, your project was approved by the Consent Agenda. **Mr. Flores** said thank you. I'm so sorry for interrupting.

Mayor Alvey asked, anyone present who would like to speak in opposition? **Ms. Godsil** said I see no hands raised. **Mayor Alvey** asked, did we have any notification from the public in opposition? **Ms. Godsil** said no notifications received.

Mayor Alvey closed the public hearing.

Commissioner Bynum said I think this is a first glimpse of our new Armourdale Master Plan. It's my understanding we aren't going to vote on this tonight, but I wanted to say to the team that number one, it's a fascinating plan. I am amazed at how you managed to take all of the input that I participated in plus the communications from the community at-large and create this document. It's really impressive. I just really appreciate participating, even if I mostly am a listener to these master planning processes, but most importantly, the way that you engage with the community. It's going to be a very valuable plan and I really think it has workable components, which I think is the most important part.

Gunnar and Mr. Modrell and everyone really, lots of work and effort. Thank you so much.

Commissioner McKiernan said I will do my best to be brief as well. Mr. Modrell and everybody from PORT, Gunnar, Kim, everybody from Urban Planning, I thank you very much for the hard work that you put in on this. I will say this is one of the most robust, illustrative, and guiding master plans that I've seen. Now granted, our challenge is still to execute this thing, but you have given us so many actionable strategies in each of the five component areas, but I do believe we have a very clear road map on first steps, second steps, third steps and so I want to tell you just how much I appreciate the in-depth nature of this report and the fact that you have given us paths forward.

I do think, as you pointed out, that residential and commercial can co-exist in the Armourdale area. If there's one thing that I know for all these years is that the residents, those folks who live in Armourdale, are fiercely proud of their neighborhoods. I do believe that we can work with those residents for the continued improvement of those neighborhoods.

I will say, 50% rental is actually I don't think that's too out of line with other urban areas, although we would love to have more homeownership to have that many rentals as long as they are good rentals, I don't think is necessarily a negative. I will echo what Gunnar said before that already we just got a preview of our next Land Bank agenda and there are several applications for options on properties on which new single-family homes will be build, and that is really exciting to see since we haven't even closed this process yet, there is already interest in building.

With that, I will just say once again, thanks to all for your work. Our job now is to pull this off.

Commissioner Burroughs said the two former speakers really laid it out. I just want to say how unique I think in forward thinking this plan was to tie in the Central Avenue Bridge to bring two communities together collectively as one, giving them both ownership in a plan. I think that's a very unique process. The fact that we haven't given Armourdale the consideration and the respect for over 50 years, I think it's very telling in what we were able to listen to and find out. There's a lot of low-hanging fruit and opportunities for Armourdale. I would hope that as we move forward with the master plan, that we identify those early and show the citizens that we're serious about the master plan.

Mr. Hand said, again, thank you all for your time. If you have any comments, please let us know. We can take them online, you can call us, you can send us letters, we can come visit you. We're happy to do what we need to take your comments and move this forward. Again, I think one of the things that we were proud of specifically was it wasn't just a Planning and Urban Design effort, we brought all of the UG departments onboard on this process. We all have buy-in as a UG family in Armourdale. Again, I've hit this a couple of times with you all. This is not my plan; this is the UG's plan.

Action: For information only.

REGULAR AGENDA

MAYOR'S AGENDA

ITEM NO. 1 – 211052...APPOINTMENT: VOTING DELEGATE FOR KAC

Synopsis: Appoint Commissioner Jane Philbrook as the voting delegate and Bridgette Cobbins as alternate for the Kansas Association of Counties 46th Annual Conference & Exhibition.

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

REGULAR CONSENT AGENDA

Mayor Alvey said next we have the Regular Consent Agenda. Does any member of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

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

ITEM NO. 1 – 211015...RESOLUTION: FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III

Synopsis: A resolution adopting the First Amendment to Village West Apartments III Development Agreement, modifying the completion dates and PILOT schedule, submitted by Katherine Carttar, Director of Economic Development. On September 13, 2021, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-69-21**, “A resolution adopting the First Amendment to Development Agreement for Village West Apartments III.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 211016...RESOLUTION: FIRST AMENDMENT TO KAW RIVER BRIDGE COOPERATIVE AND DEVELOPMENT AGREEMENT

Synopsis: A resolution adopting the First Amendment to the Kaw River Bridge Cooperative and Development Agreement, modifying the conditions required to be met for developer to access pre-development funding, submitted by Katherine Carttar, Director of Economic Development;

Action: **RESOLUTION NO. R-70-21**, “A resolution adopting the First Amendment to the Kaw Bridge Cooperative and Development Agreement with Flying Truss, LLC.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 211053...PLAT: PRECISION

Synopsis: Plat of Precision located at 47th and Douglas, being developed by Precision Cutting and Coring, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 4 – 211054...PLAT: HOMEFIELD MULTIFAMILY

Synopsis: Plat of Homefield Multifamily located at 94th and State Ave., being developed by 94th and State, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 5 – 211072...PLAT: TURNER LOGISTICS CENTER FIFTH PLAT

Synopsis: Plat of Turner Logistics Center Fifth Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 6 – 211073...PLAT: TURNER LOGISTICS CENTER SIXTH PLAT

Synopsis: Plat of Turner Logistics Center Sixth Plat located at College Parkway and Orville Avenue, being developed by NP Turner Industrial, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 7 – MINUTES

Synopsis: Minutes from Regular Session of July 29, 2021; special meeting of September 7, 2021; and special sessions of September 2 and 9, 2021.

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

ITEM NO. 8 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 9, 16, and 23, 2021.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

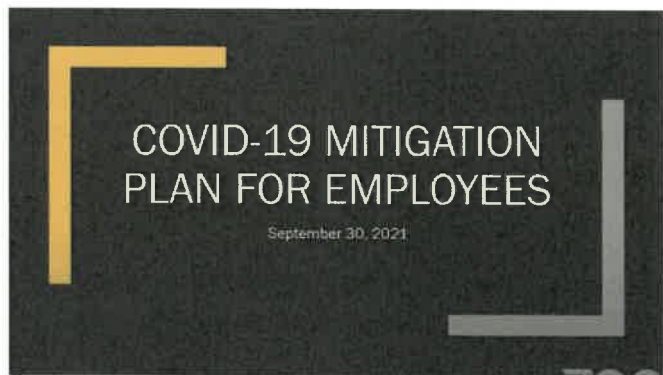
ITEM NO. 1 – 211031...RESOLUTION: UNIFIED GOVERNMENT MITIGATION PLAN FOR STAFF RELATED TO COVID-19 AND ARPA ALLOCATION

Synopsis: A resolution approving the Unified Government Mitigation Plan for Staff related to COVID-19 and the allocation of American Rescue Plan Act (ARPA) funds, submitted by J. Renee Ramirez, Director of Human Resources. This item was scheduled to appear before

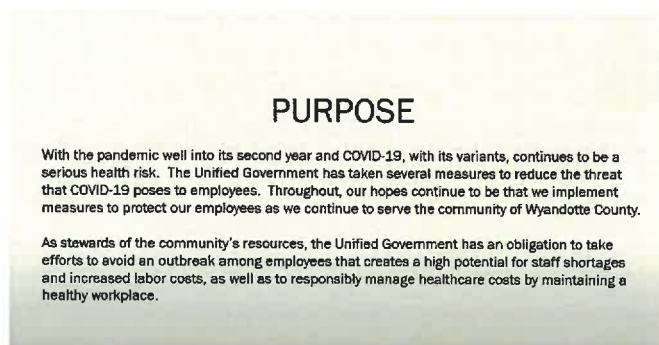
the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, on September 27, 2021. It was requested, and approved by the Mayor, to fast track this item to the September 30, 2021, full commission meeting.

Mayor Alvey asked, Commissioner Bynum, who chaired the meeting, if she has anything to add and then I'll open it up for presentation and Commission discussion.

Commissioner Bynum said the only thing I would add is that I think we did have consensus that we needed to have a full commission discussion of what was presented, and I believe we are going to see that presentation.



Renee Ramirez, Human Resources Director, said with me this evening I have two members from the HR team, Shakeva Christian, HR Manager; and Dave Wimberly, Risk Manager.



As you know, we are well into our second year of dealing with COVID-19 and the threat this variant has caused our health and well-being as stewards of the community's resources, we have an obligation to put forth measures that protect our employees and avoid any chance of outbreaks that could cause staff shortages, increased labor costs, and increased health care costs. Our goal

is to always strive to provide a safe and healthy workplace for our number one asset, which are the employees of the Unified Government.

This evening, we come before you with a mitigation plan for staff for consideration.

MEASURES IMPLEMENTED TO REDUCE THE \$

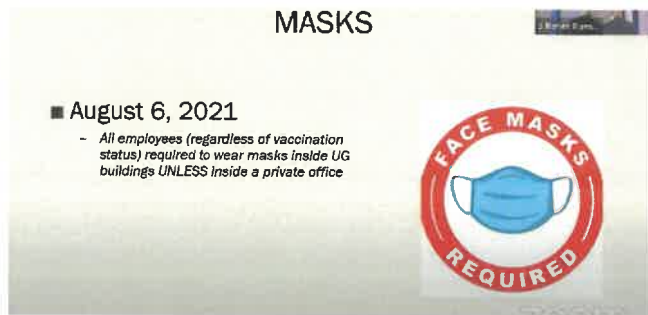
- Social distancing in the workplace
- Close public facing offices and services
- Permitting employees to work from home
- Mandatory mask mandate for all employees
- Modifying workspaces with protection barriers
- Requiring masks in UG vehicles and common areas
- Provided limited COVID-19 leave for partially and fully vaccinated employees (commenced September 7, 2021)

Early on when COVID-19 hit, we implemented many measures to reduce the spread amongst our workforce. We continue to social distance, limit capacity in elevators, modified workspaces with protection barriers, and many others as I've listed on this slide. In addition, previously we provided special COVID leave for employees as outlined in the Family's First Coronavirus Response Act and continue to provide this leave after the original expiration date in December 2020. We also made it available even after that to May 31, 2021. Again, we introduced it another time which it had a limited COVID leave that we made effective September 7, 2021, for partially and fully vaccinated employees that will sunset on December 31, 2021.

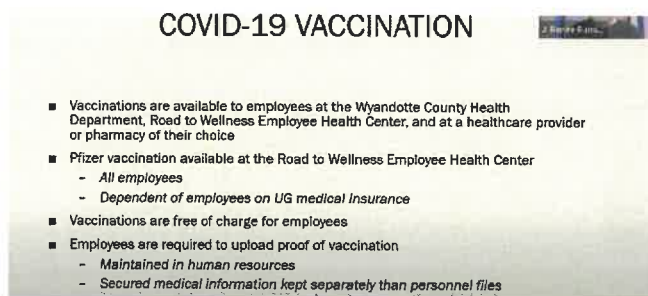
WHO IS COVERED UNDER THE MITIGATION PLAN

- Full-time employees
- Part-time employees
- Temporary/Seasonal employees
- Temp agency employees place at the Unified Government
- Contractors
- Volunteers

Listed on this next slide, these are the employee types that make up the workforce that will be covered under this mitigation plan.

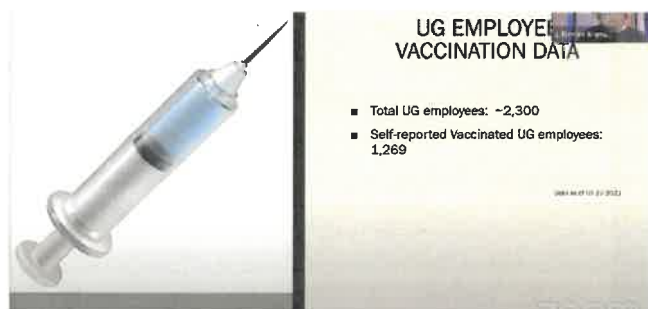


Earlier this summer, the mask mandate was lifted for a short period of time. Because of the rise of COVID cases in our community, we had to reintroduce this to our workforce for employee safety on August 6, 2021, regardless of their vaccination status.

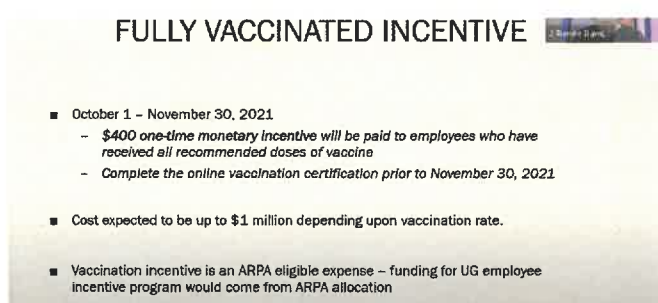


We continue to communicate with our employees on a weekly basis where they can go and get COVID vaccinations for free. Vaccinations continue to be available at the Wyandotte County Health Department, at any healthcare provider, or any pharmacy, and we've also made them available at our employee wellness center. The Road to Wellness Employee Health Center has the Pfizer vaccine available for those employees who chose to use that location. Dependents of Unified Government employees, who are on our medical insurance, can also get vaccinated at the Road to Wellness Employee Health Center.

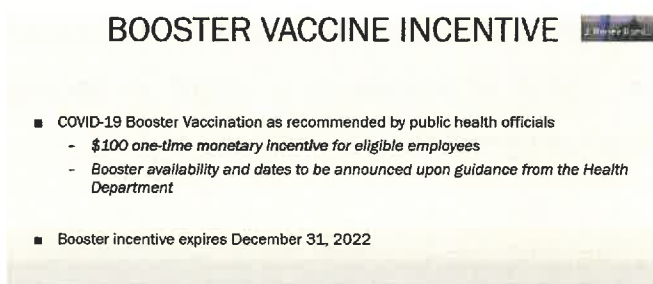
Employees who have been vaccinated can upload their proof of vaccination to a secured site which is maintained by Human Resources. Proof of vaccination is treated as medical information and kept separately from any employee's personnel file.



I am pleased to announce this evening that as of September 27, 2021, we have 1,269 employees, out of approximately 2,300 employees, who are vaccinated.

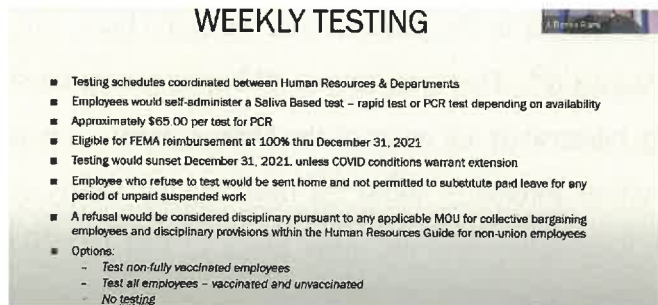


As we continue to work through ways to provide a safe workplace for our employees, we drafted a mitigation plan for consideration. We start off with an incentive for employees who are fully vaccinated and offering them a one-time \$400 monetary incentive who have received all recommended doses of the COVID vaccination. This incentive does come with a cost of approximately \$1M if all 2,300 employees are fully vaccinated, meaning two doses of the Pfizer or Moderna and one dose of the Johnson & Johnson. The monetary incentive is an ARPA-eligible expense.



This next slide introduces a one-time monetary incentive of \$100 for the booster vaccination. We would, of course, follow the recommended guidance by our public health officials for the booster.

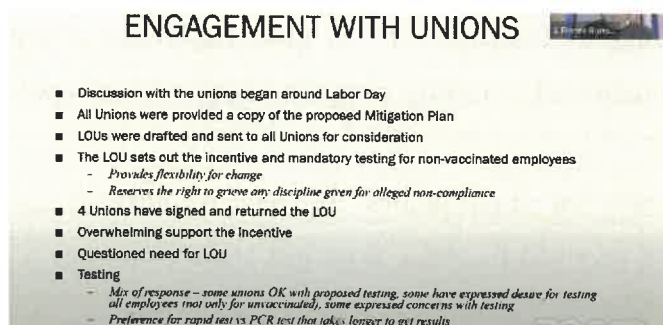
Human Resources is already receiving certifications from employees who have received their third dose. The incentive for the booster would have a sunset date of December 31, 2022.



This next slide presents options to consider for mandatory weekly testing for non-fully vaccinated employees. We could also modify this option to test all Unified Government employees regardless of their vaccination status. If testing is implemented, employees could self-administer a saliva-based PCR test or possibly a rapid test, depending on the availability. The estimated cost per employee is approximately \$55 per test for the PCR version. This expense is eligible for FEMA reimbursement at 100% through December 31, 2021. Weekly testing would include procedures that would incur if an employee refuses to test. An employee who takes this position would be sent home and not permitted to substitute paid leave for any period of unpaid suspended work. The refusal would be considered a disciplinary action pursuant to applicant memorandum of understanding for collective bargaining unit employees and disciplinary provisions within the Human Resources Guide for non-union employees.

Lastly, we have listed testing options for consideration. The first is test non-fully vaccinated employees. We could test all employees regardless of their vaccination status, or we could maintain a status quo and have no testing.

I will now turn the presentation over to Ryan Denk, Outside Counsel.



Ryan Denk, Outside Counsel representing the UG, said I did want to talk about what we've done to engage with our 13 different labor unions relating to this subject. What I wanted to first start with is maybe provide a little context as to when this whole policy or the concept for this policy was originally rolled out. As Renee noted, earlier in the presentation, we came back with the mask mandate at the beginning of August, August 6th. That was, as you all know, precipitated by a substantial increase in cases, predominately because of the onset of the Delta variant. It was about at that time that we began having discussions internally about the need for the ability to engage in a policy to, again, try to encourage vaccination and the other piece of that COVID prevention tool, was testing.

We began talking about what kind of mitigation plan we wanted to put together. The first part of August, the original program that we put together did not have a monetary incentive attached to the vaccination. It was proposed—we were originally proposing to start testing in September and then we had the Special COVID 80 leave.

I will say that I don't think any of you are foreign to the concept, if you've been around for the last year and a half that reacting to COVID and what's going on with COVID in the community and in the workplace, you've got to be fairly nimble. Over the course of the pandemic, we've had many different types of COVID employee benefits such as the COVID Special 80 leave. The Health Department has employee protocols such as vaccination, quarantine, mandatory testing at various times, and all of that's been done. All of that was done without negotiation because we're under a state of emergency and we were reacting very quickly.

We did, in this circumstance, we did ultimately engage with the unions. First communication with some of the unions was during the week of August 16th. We engaged with some of the unions and received some feedback on our proposed policy. Based upon that feedback from some of the unions, we shifted in what we were proposing to put out in policy. That's when we moved to the monetary incentive, and that was based upon feedback from the unions. We pushed back the implementation of the testing to December 1st to give employees every opportunity to get vaccinated before we implemented a testing program, again, based upon feedback from the unions.

We continue to have discussions with every one of our unions. We have reached out and communicated with every one of the unions and received feedback from just about every one of them.

When we shifted to the new policy, we ultimately communicated. Internally, we finalized that policy on September 17th and what that would look like that you have in your packets. That was pushed out to the unions the very same day. Every single one of them got it and we requested feedback and comment.

Four days later on the 21st, I put together just a very kind of rudimentary letter of understanding. Basically, all the letter of understanding said was yes, we agree to be bound by the terms of the testing policy. It also preserved their right to grieve any discipline that was laid—that may be given under the policy. Every union is going to want that under their just cause standards, so we included that.

Then we had a provision in there that allowed us to shift if the saliva-based testing became unavailable or impractical to shift to other FDA type approved testing. So, that was really not much substantive in that LOU, but that was pushed out to them on the 21st. Again, with the invitation to provide feedback.

We have received feedback from almost all of our unions. We've had meetings with all of them. I can report to you what that feedback has been. LiUNA 1290 basically said—and this was a discussion that we had with them, not just with them, but with all the unions—are these subjects even things that we are required under state law to negotiate with unions over. I think out of an abundance of caution, because we're talking about paying them more money, we did engage or we have engaged in these discussions.

LiUNA looked at it and said, you know what, we don't think it's something that we need to negotiate or have an LOU in place, but we support it and please move forward with the program.

We conferred with—we've had a couple of meetings with IAFF over the topic. The most recent meeting was yesterday. Their feedback was they want to see testing. They generally support the program, but they want to see testing because they're living in a firehouse with other firefighters and you could have asymptomatic vaccinated people carrying the virus. They want to see testing of everybody whether you're vaccinated or not. We told them that we would bring that request back to the Commission.

Fraternal Order of Police, Lodge #4, they have, in essence, said that if the Commission approved the program, they would put it to a vote of their membership to see what the membership wanted to do.

Other unions. We've got several signed LOUs from several of our trade unions, our other unions, including IBEW, AFSCME, UFCW, who represents our police dispatchers. Very good discussions. They haven't provided any comments back. I think they're waiting to see what comes out of this meeting, but I would anticipate that ultimately they would be supportive of it.

That's what our interaction has been with the unions. Like I said, we've tried to engage, take their feedback, we modified the program based upon their feedback, which is the way negotiations is supposed to work, and so that's where we sit right now.

ITEMS FOR CONSIDERATION	
■ Resolution was prepared:	
- Adopts a Covid Mitigation Plan	
- Approves an ARPA allocation of \$1,000,000 to fund the Plan	
■ Potential Plan amendments	
- Incentives	
- Proposed amendment to the Mitigation Plan	
■ Mandatory testing	
■ Mandatory testing for all or just unvaccinated	
■ Requirement of a Letter of Understanding (LOU)	
■ If testing is required - will members of the bargaining unit receive an Incentive if an LOU is not signed?	

Misty Brown, Chief Counsel, said where we have—we are coming to the end of the presentation, and items that we have for consideration tonight, which we're hoping to get some feedback from the Commission, is that we have a resolution that has been prepared and is in the packet, which essentially adopts a COVID Mitigation Plan and approves an ARPA allocation up to \$1M to fund the incentive. Items tonight that I can anticipate being discussed is whether or not the Commission even wishes to have an incentive and if there's any proposed amendments to the plan, particularly regarding testing, and the requirements for an LOU.

An item, as we are going through the LOU that keeps coming up, is there's a pending question out there if we are deciding to do testing and a union decides not to sign the LOU, is it the commissioners' wish that members of that bargaining unit would still receive the incentive or would they not receive the incentive if an LOU is not signed and testing was mandated?

POTENTIAL OPTIONS

Incentive Plan	Incentive + Testing	Incentive + Testing all	Maintain Status Quo
Approve Incentive	Approve Incentive	Approve Incentive	No incentive
Allocate ARPA funds	Allocate ARPA funds	Allocate ARPA funds	No allocation
No testing	Mandate testing for unvaccinated employees	Mandate testing for all employees	No testing

We've outlined here some potential options, and there's probably some options that aren't on this table. If you look at it, we're looking at one option is to adopt an incentive plan and approve an ARPA allocation and have no testing. You could have incentive plus testing for all unvaccinated employees. You could have an incentive plan plus testing for all employees. One other option is simply to maintain the status quo, have no incentive, no allocations of ARPA fundings, and no testing.

With that, I will turn this back to our County Administrator if he has anything else to add.

Mr. Bach said as we started to move through this, I think it's been outlined. For me, the incentive was, what can we do to protect our employees? What can we do to put them in a better position to combat COVID to keep, one, them healthy themselves? It also puts them in a position to better serve the public. As we all know, through the course of last year, our employees continued to serve throughout the year. We didn't have the option of not being out there and responding to calls or responding to activities that we need to do within our city to meet the needs of our citizens. Also, I think it also protects us from spreading it additionally against the public. With that and getting the feedback from our employee groups, fully led me to push forward to say, okay, let's go after this or something that is a true incentive for our employees. It makes a difference to motivate more of them to get the COVID vaccine and that's why we brought this program forward to the governing body. I really hope—I know it's one in talking to hundreds of employees throughout the course of this last week, it is something that employees are looking forward to. They would like to see more of the other employees vaccinated and hope the Commission will consider advancing this with funding this evening.

That concludes our presentation.

Mayor Alvey said, Mr. Bach, I appreciate the comments you made at the end, which is really the basic rationale for doing this; the reasons why people are even considering a plan for incentivizing vaccinations, mandatory testing's, those kinds of things. I think that kind of pulls this together and helps us to understand perhaps the urgency of it. Again, there's going to be opposition, but I find it interesting that the Chief of the Armed Services, as they're contemplating mandatory vaccinations for all armed service personnel, the rationale is that they are called to serve. They work to serve, to protect, and defend and they do that every day, but they have to be available to

do that. Historically, in battles, it's actually better to wound your opponent than it is to kill them because the opposing army has to exhaust their resources caring for the wounded, removing and caring for them. Actually, weapons are designed more to maim than to kill, many of them are. That's a fairly dire comparison, but I do think that our responsibility as UG employees is to be available and to take every measure we can to be available. Testing and vaccinations to protect one another from the disease is really important.

Commissioner Kane said the union—the way we—try not to get excited here. LiUNA does not support this. I work for LiUNA. Alan Howze called me today and they listened. They didn't sign anything. They didn't do anything. They understand what you're trying to do, but they didn't agree with it. So, that is an inaccurate statement to the point of a lie. We stand there and you say you've got four unions that agree to it. How many unions do we have total? I got a response from one of the unions, not sure how I would ever sign an LOU with so many lines about the employer unilaterally changing things. This decision was put out. The unions were notified by mail. Nobody ever sat down with them until after the fact to discuss what's going on because this is a negotiated item they should be talking about.

Let me back up a second. I fully believe everyone should be vaccinated, but not dictated to on how they should do it, whether they're union employees or not. We're standing there and if this was General Motors, where I've worked, a lot of these employees would go on strike because they don't like being dictated to. My frustration is we're saying LiUNA agreed to it and they don't. So, how many other unions have Mr. Denk talked about that he says they agreed to and they didn't? Staff, not Mr. Bach, staff needs to go back to the local unions and say what is it going to take to make this work? I am positive some of them will work to make this work. I also know there will be bumps in the road as we go, but I don't want to hear somebody say LiUNA agreed to it when they didn't, which really scares the hell out of me because now you're saying how many other unions did he say would agree with it?

Unions are there for a reason. They are to be negotiated with, not dictated to. When you send something out that says, management has the right to do something, the union also has the right to challenge it. I know Ryan says, yep, they can write those grievances.

I've been a union rep since 1983 and I've never heard what I heard tonight about LiUNA said they agreed to that when no way in hell did they agree with that, but here we are. So, how do

we make a decision on something that I know for a fact isn't going to work; didn't work? We need to involve all the unions; not just unions, all the employees. We are going to lose people, not just in the unions, clear across the board for trying to do something like this. Why do we have to rush into this? We've done all the mask mandates. We know that we're going to have another report in December. Why all of a sudden do we have to hurry up and make this decision and try to make some of these people's lives miserable?

I'm very disappointed that we didn't sit down with them before we put something out. Instead of putting something out and calling them and say, well, here's what we're going to do. We have an obligation to sit down with our union membership to discuss these issues and to make sure they agree.

Mr. Denk, I'm extremely disappointed in you.

Mr. Denk said if I may, Commissioner, I said that LiUNA said that they did not sign the LOU; that they took the position that an LOU was not required, but that they supported our program. Every employee who was sitting at that table said yes, tell us about when we're going to get paid our \$400. They were excited about it. You weren't in the room. They were excited.

Commissioner Kane said, Ryan, you already done something during negotiations you should have done and here you are.

Mr. Denk said, Mike, I was there. That's exactly what happened.

Commissioner Kane said I don't work for you. I went in there and they said they did not sign it. They understood what you were showing them, but they did not sign it. **Mr. Denk** said I never said they signed it. **Commissioner Kane** said I understand—and let me finish—they understand what you showed them, but they didn't sign it. There's a huge difference.

Commissioner Ramirez said I'm going to make the two statements that I did on Monday night. The first one that we've been throwing around the acronym for a while, the LOU. Why weren't we given a copy for review? If we are the ones—we see their contracts, the union contracts. Why weren't we given an option to review or in our agenda packet seeing the letter that was given to the unions? So, that is my first question to staff. Why weren't we given a copy to review?

Mr. Bach said I guess we can move to that. I don't know that we have ever issued out copies of LOUs to the commissioners in advance of final documents that have come forth for signature. So, that would be a change in process; not that we couldn't do it, but that is not a common practice that we've done for the past 30 some years that I've been around.

Commissioner Ramirez said I understand it's not a common practice, but with something this contentious, I think it's something necessary that should have happened especially—we all know since last year, COVID has been a very contentious, political issue, not for just us, but around the country and around the world. I think it would have been helpful for us to see what the unions saw and what they were reading so that maybe we could see why they're upset about it and for the reasoning. That's the only reason why I ask—I had that question of why we weren't given a copy.

Commissioner Ramirez said my other question; not really a question, but more of a statement and a request that I made to Misty altogether is we have approximately 2,300 employees, but yet, only 1,002—please correct me if I wrote this number wrong—1,269 employees who are vaccinated. That's about 55%, approximate. That's not a definitive number of how many employees we have, but yet you are asking for \$1M, which is based off the 2,300. Only 55% of that, which is \$550,000, would be used currently. So, the request I asked was, at the very end of this incentive program, that the remainder of the ARPA money go back to its original account. We might not think that it's necessary, but this is precious money and we need to make sure we account for every dollar of that. That was something I made a request to Misty about.

Ms. Brown said, Commissioner, if I may. You did make the request and after we had our discussion on Monday, we talked about the financial piece of how it would work. It's my understanding that the money would not be taken out of the ARPA account until it was needed to actually pay an incentive. So, it would stay in this account and be drawn down so it wouldn't be moved out and go into another account. It would stay there. We would know by the end of the year how much money was actually necessary for the incentives, and only that amount would be taken out of the ARPA allocation.

I would just say, too, on the 2,300, I believe that's an approximate number because it is always kind of ebbing and flowing a little bit from week to week on the exact number of employees that we have and temp employees.

Commissioner Ramirez said thank you for the explanation about how the money was going to flow. Thank you for that explanation. I just wanted to make sure, as I said, this is precious money and I just want to make sure we account for every dollar that goes out of that account.

Commissioner Walters said I support an incentive. I would like some information on how we came up with the \$400 figure. It seems like it's significantly higher than any other incentive program that I have heard of. I guess, consistent with some of the other comments, I'm kind of surprised that we've already floated the idea of the \$400 incentive to our employees before the Commission even approved it. It kind of puts the Commission in a very awkward position if we want to make any changes to that. It kind of boxes us into a corner. It seems like that process isn't the best if you're sitting in a commissioner's chair. I would like to understand how we came up with \$400.

Mr. Bach said I'll try to address both of your points. One, the floating of the idea out to the employees on a general nature came after we had moved forward and placed the item on the agenda. It was in public discussion. At that point, many of our employees had already understood it so while I was doing meetings during Employee Appreciation Week, the question would come about employees had heard something. Many times they don't have the understanding of what is being proposed, so I would go through that with them to make sure and explain it.

The other side of the equation is the one where we started over a month ago having discussions with the union leaders about potential ways to work through this with them and what they found to be different input, which really did modify things in the way we advanced what's in front of you today.

As far as the dollar figure, yes, I will agree. It is a number that is on the higher end of what I'm seeing for incentives that are out there. There are a few other public entities and some private that are up there in the \$400 - \$500 range. Most of the other entities that we're seeing are doing either like \$50 from that or they're doing paid days off. We'll see some that are—or hours off, that they're giving employees off. If they're vaccinated, they give them half a day off work or a day off work or something like that, that they're doing on that side of the equation.

I think in coming up with this number and looking around and seeing, I guess, I felt like what our employees have done, the work they've done over the past year in dealing with COVID, that being on the upper end of this is something that they deserve. If we could do this and make it

a payment that is one of the higher ones, based on the fact that they—also looking back, hadn't had raises in the last year or two—not that this was meant to be a raise; it's meant to be an incentive, but it should be enough to be meaningful to make a difference to employees that have really been through a lot over the course of the last year and a half. That's why I'm really promoting this to come forward. I think our employees should get this incentive, those that have stepped up and received the vaccine should get that money. If this can entice a higher percentage of those, I would like to see our organization get to 80% and really demonstrate out to rest of our community, as residents here, that this is the number we should be at. That's where we ended up landing on the \$400 for the incentive and then the \$100 for the booster.

Commissioner Townsend said thank you, Administrator, for your explanation. I had a question similar to the one Commissioner Walters raised about the amount of the money. I would anticipate getting questions maybe from members of the public where the incentives are on the lower end, the \$50 gift cards and that type of thing, to encourage people to get vaccinated. It might be a bit of a challenge to explain why the proposal here is \$400. I did hear your explanation. I'd be curious as to what it might cost the UG overall if you did something like \$100 and several hours off maybe would amount to the same amount of money. But, as Commissioner Ramirez mentioned also, that's a lot of money from ARPA.

We just had a discussion tonight about goals for ARPA money. I'm giving this a lot of thought about the amount. I appreciate what our employees have done. As you said, to be in a position to serve the public. One consideration is that they may be exposed more than the average citizen in the course of just trying to serve the public, so that is something to consider as well. That is the misgiving that I just had about the amount.

With regard to the unions, are the LOUs basically the same language that is in the packets that we have reviewed tonight with just some other preparatory language that's always in LOUs? Is this really the same thing that was presented to the unions?

Mr. Bach said I'm going to start with the first question, then I'll ask Mr. Denk to answer the question about the LOUs. So, if you change this amount to \$100 and a total, you'd be talking about around \$200,000 probably in cash coming out at once. Then a comparable, if we were to do, let's say about half a day off, the approximate out-of-pocket that we would have in terms of typical overtime—and that's always a difficult one to measure for our employees. If we don't pay

overtime, that will just be a shift in work to what they're doing. But knowing what it does when we do a day off, this would be about a \$250,000 figure, just estimating based on knowing what it is if we were to issue a day away for our employees. I know that costs us over half a million dollars. So, we're about \$300,000 - \$350,000 approximately is what we would end up paying. The 200 would be eligible for ARPA. I don't know what the days off would be or the hours off.

Mr. Denk, would you answer the question on the LOI?

Mr. Denk said there are, in essence, five substantive paragraphs. Paragraph 1 says that the COVID plan we put together is applicable to the bargaining unit.

Paragraph 2 is what I alluded to earlier that the union reserves the right to grieve any discipline given to any member of the bargaining unit for alleged non-compliance with the COVID plan.

Paragraph 3, this is what has been in place since the beginning of the pandemic. It's says the isolation and quarantine provisions of the plan may be unilaterally changed by the Unified Government based upon the direction from the Health Department. Since the beginning of the pandemic, the Health Department has provided direction on that.

Paragraph 4, the Unified Government may unilaterally elect to temporarily or permanently cease the testing provisions of the plan at any time for any reason including, but not limited to, the availability of testing, the course of the COVID-19 pandemic, or the availability of funding. So, for example, if we get to a place where we were this summer and national COVID cases are down to 5,000, we wanted to reserve the right not to have to expend a bunch of money on testing and be bound by what's in the testing policy if the demographics and the data show that it's no longer necessary. Of course, if we no longer get reimbursement from FEMA, that is something that we wanted the opportunity to pull back on, on the testing.

This last one actually is something that came at the request of some of the unions. We added a provision that the Unified Government could change the COVID-19 test that was being administered provided that the substitute test must have received authorization from the USDA. We do, and we added this piece in response to comments from the union. The unions wanted to see a confirmatory test, specifically FOP and Lodge 40 brought that up that if an employee believes that they have a false positive, that they would have an opportunity to go get a confirmatory test,

so we rolled that into the policy based upon their feedback. The LOU says if we're going to do the confirmatory test, then it would be done by the Health Department through a nasal swab.

That is, in essence, what the LOU says. On that last point, #5, we just met with Fire yesterday. They wanted us to explore these rapid tests. That Paragraph 5 would, in essence, if rapid tests become widely available—right now, their availability is very limited. My understanding is KDHE sent their supply to school districts. If we get take-home tests, rapid tests, we want the ability to transition to those to make it easier for the employee and for everybody involved. So, those are the basic terms of the LOU.

Mr. Bach asked, Mr. Denk, the same LOU was issued out to all the different unions to start with, right? **Mr. Denk** said correct.

Commissioner Ramirez said I just want to make—Commissioner Walters brought up a very, very good point. Going through and hearing all of this conversation and thinking about everything, our hands are kind of tied because now the employees know the number and the amount of the incentive. We can't change that. We can't take that away because employees already know about it.

The process should have been instead of—because I know, Mr. Bach, you called me in and you presented the incentive package to me, but that should have been to us as a whole before anything was told to the employees. We should have had that discussion as a governing body to decide what and how much that amount should have been and what that COVID mitigation should have looked like because, now, again, I feel our hands are tied. If we take the incentive package out, we look like the bad guy. If we lower the incentive, we look like the bad guy. So, moving forward, before there's any employee incentive pertaining to COVID or anything, come to us as a governing body as a whole, not individually.

Mr. Denk said if I may, Commissioner, this might add some additional framework, at least around the unionized discussions. We have communicated to the bargaining units that whatever we negotiate—it's a tough position we're in because Commissioner Kane wants us to go negotiate with the unions and come back with full agreements to the Commission, right, and that the unions don't want to be surprised. Some of you don't want us talking to the employees without receiving

prior approval, but to get full approval from the Commission, we would have had to roll out a plan without approaching any of the unions prior. We did preference our discussions with the unions that hey, this is what we're proposing, but we do ultimately have to get Commission approval for it. We were just trying to walk that tightrope.

Commissioner Ramirez said, Mr. Denk, I didn't say for staff to get approval; I asked for guidance. That's what we provide is guidance; not approval. That's what I meant, so I ask that you not take my words out of account.

Commissioner Burroughs said listening to the discussion seems like a number of us have difference of opinions on what we want to do here. It seems like the employee portion, as well as the bargaining committee portions, are much a question. I guess my question is, why did we feel we had to fast track this, this evening when we had an opportunity to continue to work through this? I might suggest that—the message is out there, the communication is out there, the limit is out there, that we might consider postponing this until the next full meeting.

Mr. Bach said our timing to move forward at this time is based on where we are with the spread of COVID. I think we're starting to see some improvement in our numbers. I will say as we went through last summer, and I think that you will hear that from the Health Department and our medical officers, that in June of last summer, we started to see numbers drop. We let off the pedal a little bit and look what happened across the whole county, we started to see the spread. You all took action in August to put masks back on everyone and then a few weeks later, we started to see some drop-off from that.

As we see that start to go down and we look ahead to the winter months with the potential flu coming in, the confusion of whether people have flu or COVID coming about, we thought to be aggressive about an approach like this to come out and give employees an encouragement to go forward and get a vaccine now within the next 60 days could be something to really motivate them, make an impact, and kind of put a finite date to it and say okay, if we move forward by this timeframe, we can get this many people vaccinated.

Also, the timing of the incentive to come out in late November to December, also seems like an enticement to help encourage employees to move forward with it. But really the timing of that to get the vaccine in the arms and start making a difference before we hit the winter months now. Maybe the federal government will come forward with something that forces our hands in

regard to the vaccination and in the way the President has released things and that could change or how it's dealt. But, I believe now, this is the time that we can use the carrot to encourage our employees to get vaccinated and that's why I'm rolling it out this way.

Action: **Commissioner Bynum said I want to state my support for the incentive program at the current level proposed. I would like to eliminate the testing component. Incentives for employees to get vaccinated and no testing would be what I can support. Commissioner Kane said I think that's a great idea and I would second that motion.**

Commissioner Townsend said for clarity again, Mr. Administrator, if we were going to look and say \$200 cash incentive, I do support an incentive—again, I was just struck by the amount—and say four hours off for employees. What would that run? I guess I'm looking at under the current proposed monetary incentive, I think I heard the number was \$1M. If we gave, as an incentive, offered \$200 and say four hours off, are we going to be under \$1M with that type of incentive?

Mr. Bach said your four hours off over the time, and that could vary based on when someone takes that time off, so it would be spread over different years, but the four hours off is going to be somewhere in the neighborhood of around \$250,000 in offsetting overtime based on the number I know it is if we were to just award a day off, which I think I believe that number is around \$535,000 if I remember correctly it was our estimated overtime pay. So, we go back. We break that down in the areas where we think that cost is at so I'm going to give you a rough estimate of around \$200,000 - \$250,000 in overtime costs. Then a \$200 direct award is going to be somewhere in the neighborhood of, well, it's going to be about \$400,000 - \$450,000, I believe would be the number, so you're probably looking at an out-of-pocket somewhere through this of around \$650,000 if you went that way.

Commissioner Townsend asked, with the combination of a monetary incentive and four hours off, that would be about \$650,000? **Mr. Bach** said I believe that's correct. **Commissioner Townsend** said is the ballpark. **Mr. Bach** said I'm doing this number on the fly, Commissioner. I think I'm coming in fairly close to where the numbers would be. You often think the four hours off don't really equate to much and we'd be able to spread those over time, but time off, when it

comes in blocks like that, typically requires overtime to come back over a certain number of our employee areas.

Commissioner Townsend said I do support a testing component. People have the right to decide if they're going to get the vaccine or not. I would hope that they would, but again, this whole plan is to promote safety of our employees and the public, so I would support a testing component.

Commissioner McKiernan said I agree with Commissioner Bynum. I definitely support the incentive to get vaccinated. I think it should be a robust incentive so that we get the maximum participation out of our employee base as we can. I am okay with—I wish that we had a testing component, but I am fine with not having one as long as we have a robust incentive for vaccination.

I would just say that while its enticing to think about a lower monetary incentive and some other aspect like time off, that comes with administrative overhead, it comes with potential overtime, overhead, so it is definitely potentially even more costly to us as an organization. Since this is an ARPA reimbursable expense, I support the incentive as proposed and am fine with no testing.

Mayor Alvey said we do have a motion and a second. Let's be clear about what the motion is.

Commissioner Bynum said my motion is \$400 incentive for vaccination and no testing as our COVID-19 Mitigation Plan. **Mr. Bach** asked, may I clarify, Commissioner? Does that also include the booster or is that not part of it? **Commissioner Bynum** said yes, absolutely, include the incentive for the booster. **Commissioner Kane** said second again.

Action: **RESOLUTION NO. R-72-21**, "A resolution approving the COVID-19 Mitigation Plan for Unified Government staff and the allocation and approval of local fiscal recovery funds to be used to fund the mitigation plan as part of the American Rescue Plan Act." **Commissioner Bynum made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were eight "Ayes," Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, McKiernan; and one "No," Townsend.

ITEM NO. 2 – 211071...RESOLUTION: THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS WEST LAWN

Synopsis: A resolution approving the Third Amendment to Legends West Lawn Development Agreement, submitted by Katherine Carttar, Director of Economic Development. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Bynum, on September 27, 2021. It was requested, and approved by the Mayor, to fast track this item to the September 30, 2021, full commission meeting.

Mayor Alvey said the committee voted unanimously to approve and fast track to tonight's commission meeting. I'd ask Commissioner Bynum, who chaired the meeting, to add anything. **Commissioner Bynum** said we did unanimously approve it and move it forward; however, it was in a committee where it would not normally be due to timing, so I do appreciate if we can have the full commission discuss.

Doug Bach, County Administrator, said the item coming before you this evening is one that's done in relationship to a project that's been over time. What we have is a community improvement district that was done over at the Legends area some years ago. With that, there was a provision that required the redevelopment or the improvement of the space to the north of the baseball stadium. That has not been done. By that, within the terms of the agreement, it requires us to hold or put the developer in default, which by holding him in default, we held back on some of the CID payments. The developer has come forward to ask that we allow them to move forward. We put an amended agreement in front of the Commission that says the developer will get in excess of another year, basically through 2022 and through the end of November, I believe, of next year, or December. They'll be able to either redevelop the property, or start redevelopment on their property, or they would improve it as a parking space. If they're not able to do that, then there is a \$500,000 penalty which the developer would have to pay.

I have both Patrick Waters and Todd LaSala here who can speak to this point in greater detail. I would ask either of you if you'd like to clarify any points that I may have skipped over in that quick summary that I just did.

Patrick Waters, Deputy Chief Counsel, said I think you've covered everything from our end. I'll let Todd speak.

Todd LaSala, Outside Counsel, said I would only say a quick word. Just a quick word or two about why we're kind of in this spot tonight. The bond documents really require us to release the CID money that the trustee is holding. They can only sit in the trustee's account for a certain amount of time. Frankly, we have to make a decision right now about what's going to happen with that money by the end of the week. We would otherwise be happy to continue to hold that CID money and wait for this paving obligation to get taken care of or something different to happen with this lot, but our bond documents really say that by the end of this week, we have to decide one way or another. You either disburse that money to the developer or it gets swept from the bond account and used to redeem bonds early.

Consequently, the solution we've come to here is that we will disburse that bond money to the developer now and we're going to extend the deadline on the paving obligation until next November and, frankly, letting go of that money we've been holding hostage. The developer is offering a contractual commitment that if he doesn't do one of two things by November '22, he owes us \$500,000 in liquidated damages. The two choices by November of next year are either pave this lot or come up with a redevelopment plan that you, the Commission, would approve by November '22.

Mayor Alvey said I guess I want to add to this that there are already two opportunities for development of that lot that really the developer is asking not to pave the lot at this time because it makes no sense to pave the lot, have someone purchase it and redevelop it differently, and have to rip that lot out. There's a very practical reason why this request was being made. As Todd explained, there are some fallbacks for us on this or protection for us on this, but, again, the idea is let's not pave the lot and then there are two real potential developers for that particular lot that would preclude the need of a lot in the first place.

Mr. Bach said, Mayor, I would add that Mr. Lowe is on the call and he could explain some of those potential developments if you would like the Commission to hear this.

Dan Lowe, 4717 Central St., Kansas City, MO, said I did want to mention, as the Mayor indicated, when the Brandmeyer family purchased the ball team, they came to us and asked very early in their ownership of the team if we would be willing to work with them to develop this outfield area into an entertainment district. I think some on the Commission have perhaps seen those plans. I know there is certainly an intention of sharing these plans with the entire Commission in the very near future.

They asked, because they are not selling out games in a manner that would require the use of this area for parking, that we not pave that area simply because it would require them to remove the paving when they develop the lot. At the same time, we have a new sit-down restaurant that intends to work with the Brandmeyer's to incorporate into that entertainment district that is prepared to proceed with the development of their area, that parcel as well.

We just felt that spending the money to pave the parcel when it would only be ripped out to be redeveloped didn't make common sense. We appreciate the Mayor, Doug, and Todd's willingness to work with us here to holdoff on the pavement of that lot. We very willingly accept the liquidated damages provision of the new amendment because we're very confident that both parties intend to develop well before next November.

Commissioner Bynum said I failed to communicate earlier that the standing committee was enthusiastic about the opportunity to see a potential redevelopment of the lot and I should have shared that earlier.

Commissioner Burroughs said the question I would have—the amount of money in the CID that we're releasing, do we have a total of how much that is? **Mr. LaSala** said, Commissioner, I believe that number is just north of \$700,000, a little more than \$700,000.

Commissioner Burroughs asked, do we have to distribute that all in one lump sum? **Mr. LaSala** said yes, Commissioner. That's correct. All of that money needs to leave that account by the end of this week. By the way, Mr. Lowe, the developer, has spent that money on the West Lawn project and submitted cost certifications. We've looked at those costs; confirmed those costs, so they're expenses that matched that amount of money that we would be releasing.

Commissioner Burroughs said thank you for that and I think it's transparent that the public hear that so that they understand that the CID is not rewarding a developer for not being able to complete a project because of agreements with another owner.

I guess my comment would be, we're sure that the \$500,000 would be available; the potential to pay that \$500,000 would come from either the sale of the property to, I'm assuming, Brandmeyer or to another developer.

Mr. LaSala said really, Commissioner, we have a claim against Mr. Lowe. He has contractually agreed to pay that money as liquidated damages. We've also included provisions in the agreement about interest payments. If we demanded that money—if for some reason he doesn't meet his obligations by the deadline, we demand that money and he doesn't pay us immediately—it's a very short timeframe—we can start collecting interest on that \$500,000 until he does pay. There is the possibility we would have to chase him for it, but if and to the extent it took time to recover it, the contract says that we get interest while we're waiting for it.

Mr. Lowe said I might also note, Commissioner, that we've spent over \$5M redeveloping the west end of the Legends when we removed T-Rex and we replaced the concrete with grass, fixed all of the rust on the undercarriage of the Dave & Buster's walkway. Our expenses exceeded \$5M. CID didn't cover the whole expense.

Commissioner Burroughs said thank you for that explanation, Mr. Lowe.

Commissioner McKiernan said, Mr. Lowe, I said this to your representative at the standing committee meeting and I'll say it to you, I think the redevelopment of the West Lawn area has been spectacular. When I go out to shop at the Legends, I have no problem releasing this money from the CID for the purpose of reimbursing that bit of the construction. I am confident that we will have a development on the currently unfinished space next to Legends field before the deadline comes and goes.

Mr. Lowe said I really appreciate that and I'll pass that along to the team.

Mayor Alvey said I would entertain a motion.

Action: **RESOLUTION NO. R-71-21**, “A resolution adopting the Third Amendment to Legends West Lawn Development Agreement with W-LD Legends Owner, LLC,”
Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ADMINISTRATOR’S AGENDA

No items

COMMISSIONERS’ AGENDA

No items

Mayor Alvey said that concludes the portion of our regular meeting. We are adjourned in that capacity. I’ll now call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

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

ITEM NO. 1 – 211017...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager. On September 13, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

A. New Construction - Single Family Homes

1. Ryan Barr – 1 home
611 Douglas Ave. – 155069
2. Habitat for Humanity of Kansas City – 1 home
2735 Roswell – 099219
3. Derek Covington – 4 homes

2608 Hallock St. – 292403

2604 Hallock St. – 292401

2526 N. 6th St. – 292423

2529 N. 6th St. – 292424

4. Chris Solutions Construction LLC – 1 home

1735 S. 22nd St. – 161100

B. New Construction – Multi Family

Bryan and Michelle Williams 10 – 15 units

922 N. 47th Ter. – 051400

C. New Construction - Commercial

1. City Oil Co. Inc.

2080 Darby Ave. – 154058

2074 Darby Ave. – 166404

2. Argentine Neighborhood Development Association

3119 Strong Ave. – 166441 – building

1419 S. 32nd St. – 166404 – parking

3. Centro De Avivamiento Casa De Dios

1001 Minnesota Ave. – 080414

1005 Minnesota Ave. – 081400

1007 Minnesota Ave. – 080415

4. Jaime Ruiz

1129 Osage Ave. – 072531

1130 Pennsylvania Ave. – 072532

On September 13, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

ITEM NO. 2 – 211018...LAND BANK PROPERTY TRANSFERS AND YARD EXTENSIONS

Synopsis: Request consideration of the following Land Bank extensions and yard extensions, submitted by Jud Knapp, Interim Land Bank Manager. On September 13, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

A. Property Transfers

1. CHWC
 - 822 Everett Ave. – 081898
 - 824 Everett Ave. – 081897
 - 836 Everett Ave. – 081896
 - 840 Everett Ave. – 081895
 - 842 Everett Ave. – 081894
 - 844 H Everett Ave. – 081893
 - 846 Everett Ave. – 081892
 - 825 Oakland Ave. – 081877
 - 831 Oakland Ave. – 081879
 - 833 Oakland Ave. – 081880
2. USD 500
 - 823 New Jersey Ave. – 082318
 - 820 Freeman Ave. – 082347
3. Unified Government
 - 2450 S. 14th St. – 130000
 - 2441 S. 14th St. – 129528
- B. Yard Extensions
 1. Walter Linares
 - 4414 Parallel Pkwy.
 2. Alex & Laura Sanchez
 - 3451 R N. 39th St. – 167037
 3. David Patton
 - 2523 N. 38th St. – 105140
 4. Blank
 - 1030 Quindaro Blvd. – 106259

On September 13, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY
ADJOURNED THE MEETING AT 10:07 P.M.
September 30, 2021

cg

Brett A. Deichler
Interim Unified Government Clerk

September 30, 2021



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
UG Clerk

Date: December 10, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tk

Attachment

Weekly Business Material for December 10, 2021

1. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 7, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Sherese D Matthews	Transit	12/9/21	Dispatcher II
Nicholas R Quiorz	PW/Fleet	12/9/21	Fleet Maint Tech II-L
Elizabeth M Scrimsher	Parks/Rec	12/9/21	Admin Supt Specialist

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Jonathan J Cortes	Sheriff	11/18/21	Deputy	Sergeant
Glen C Fernandes	PW/Street	11/25/21	General Laborer	Equipment Operator I
Seth C Harris	Parking Control	11/25/21	School Crossing Guard	School Crossing Guard
Cory V Kraft	Pw/WPC	11/25/21	Construction Worker I	Construction Worker II
Racheal D Ontiveros	Police	12/2/21	Public Safety Dispatcher	Prof Progs Assistant

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Sherry R. Simpson	Sheriff	12/22/21	Sheriff investigator

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jared S Gambrel	Sheriff	12/7/21	Deputy

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Allison Williamson	DA's Office	12/9/21	ADA II	ADA III

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Jeanette M Hendrix	Municipal Court	AMEND PAC 11/23/21 to reflect change in effective date of separation to 11/24/21
Tyszu D Woolridge	DA's Office	Amend PAC 10/12/21 to reflect change in rg/stp efft. 9/2/21

Action: Received and filed. Copy previously forwarded to Payroll.

2. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 9, 2021

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Donald E Ash	Sheriff	12/12/21	Sheriff
Brandon AS Byers	Parks/Rec	11/27/21	Rec Specialist

Chad A Cowher	Police	12/15/21	Sr Master Patrolman II
Cristal Crews	Police/Comm	11/23/21	Public Safety Dispatcher
Johnell D Daniels	Police	12/16/21	Sr Master Patrolman
Kenneth F Garrett	Police	12/15/21	Sr Master Patrolman
Robert P Gunja	Sheriff	12/23/21	Undersheriff
Stephanie L Hanson	Sheriff	12/15/21	Programs Specialist
Gail D Jones	Procurement	12/22/21	Prof Assistant
Darren L Koberlein	Police	12/15/21	Master Detective
Audra K Moore	Police	12/15/21	Sr Master Patrolman
Carlos Rodriguez	Police	12/16/21	Sr Master Patrolman
Peggy F Ryan	Finance/Accounting	12/23/21	Fiscal Officer
Dilynn M Scheets	Sheriff	12/1/21	Deputy
Daniel W Soptic	Sheriff	12/12/21	Sheriff Warden Commander
Mark A Wilcox	Police	12/15/21	St Master Patrolman

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Daniel J Anderson	Emer Mgt	ACD code change effective 12/23/21
Kimberly Daugherty	Comm Corr	Out of class pay efft. 1/2/22
Anthony A McDaniel	Parking Control	Out of class pay efft 11/23/21

Action: Received and filed. Copy previously forwarded to Payroll.

3. NOTICE OF CLAIM:

Nubia Rodriguez, 309 Walker Ave., through counsel James D. Meyers, 2001 Wyandotte, KCMO, alleging injuries as a result of a motor vehicle accident caused by a UG emergency vehicle on December 17, 2019.

Action: Received and filed. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

Jack Andrade, Fire Department, travel to Islamorada, FL, 1/9/22 to 1/12/22, to attend the 2022 Chiefs Summit for Fire Chiefs, Employee Training and Travel.

Mark Heath, Fire Department, travel to Salina, KS, 1/23/22 to 1/27/22, to attend sUAS Commercial Remote Pilot Training, Employee Training and Travel.

Alan Korosec, Fire Department, travel to Oklahoma City, OK, 2/12/22 to 2/19/22, to attend Ambulance Service Manager Program, Employee Training and Travel.

Alan Korosec, Fire Department, travel to Oklahoma City, OK, 4/2/22 to 4/9/22, to attend Ambulance Service Manager Program 2nd half, Employee Training and Travel.

Action: Approved by County Administrator's Office and received and filed.

5. APPLICATIONS FOR CMB LICENSE (PKG):

AZH LLC/Danny Richardson DBA Greenlight 838, 838 S. 7th Street
ITI LLC/Ramakrishna Chava DBA In and Out, 2100 Park Drive
KCK Food Mart LLC/Rick Rehorn DBA KCK Food Mart, 51 N. 7th St.
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8600, 8101 State Avenue
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8603, 3750 State Avenue
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8919, 4300 Rainbow
Khan Petroleum/Christopher Melton DBA Phillips 66, 1233 Merriam Ln.
Pakam Petroleum/Kerry Mercer DBA Short Stop 305 BP, 7647 Leavenworth Rd.
Prabhrit Corp/William W. Hutton DBA 7-Eleven, 2924 S. 47th St.
Shikra 786 LLC/Mohammad Cheema DBA Fill N Shop, 756 County Line Rd.
Three Star Company Inc./William W. Hutton DBA 7-Eleven #13245, 2500 Central Avenue
Vilesme LLC/William W. Hutton DBA Vilesme LLC, 1519 Minesota Avenue

Action: Referred to License.

6. APPLICATIONS FOR CATERER/DRINKING ESTABLISHMENT/PUBLIC VENUE:

Adrian Jasper DBA Elevate Bar & Grill, 7543 State Avenue
Michael Damron DBA Coach Lite Club, 2103 S. 34th St.

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
UG Clerk

Date: December 16, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tk

Attachment

Weekly Business Material for December 16, 2021

1. PUBLIC NOTICE:

Alandon Tow Service, 6224 Kansas Ave., held a public auto auction on December 7, 2021.

Action: Received and filed.

2. PROCLAMATION:

State of local disaster emergency for the county of Wyandotte, KS, dated 12/16/21.

Action: Received and filed.

3. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant#</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for Void</u>
899596	Yes	10/1/2021	\$ 15.29	1601210001521	Davis, Wayne #DO493	Stale dated
899569	Yes	4/30/2021	\$ 261.38	212210001525	Chartrand, Nancy #87631	Stale dated
899427	No	12/17/2021	\$ 471.00	11011500015381	Staples Business Advantage #29522	Issued in error
			\$ 471.00	11011500015381	Staples Business Advantage #29522	Issued in error

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 14, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Shonetta M Hall	Sheriff	12/9/21	Juv Care Worker I
Crystal L Henson	Legal	12/9/21	Prosecutor
Marika J Logan	Health	12/9/21	Admin Supt Specialist

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Keith D Charlton	PW/WPC	12/22/21	Instrument Tech
Carol A Godsil	Clerk's Office	12/22/21	Manager
Stephanie J Grady	Election	12/1/21	Admin Supt Specialist
Marcia E Griffin	Sheriff	12/22/21	Juv Care Worker I
Steve J Lemonds	PW/WPC	12/23/21	Eng Sup Supervisor
James M Letcher	Fire	12/15/21	Asst Fire Chief
Michael R Moeschler	Fire	12/19/21	Sr Firefighter/Paramedic
Robert K Ragland	PW/WPC	12/22/21	Oper Gen Superintendent
Mark A Smith	Fire	12/15/21	Battalion Chief
Robert J Stimac Jr	Fire	12/15/21	Master Firefighter
Samuel P Sybrant	Sheriff	12/22/21	Correctional Specialist
James M Zeeb	Fire	12/15/21	Asst Fire Chief

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Kelly L Fitzpatrick	Sheriff	12/6/21	1/4/22	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Nicole S Douglas-Price	PW/WPC	11/30/21	Admin Coordinator
Emma E Fonseca	Dept of Aging	12/9/21	Prog Specialist
Mary H Reyes	DA's Office	8/19/21	Admin Supt Specialist
Zeljko S Zeljeznjak	Sheriff	11/25/21	Fac Maint Specialist

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	Election	12/23/21	Admin Supt Specialist	Admin Coordinator

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Cristal Crews	Police/Comm	Amend PAC 12/9/21 to reflect change in vac hrs efft 11/23/21
Peggy F. Ryan	Finance/Accounting	Amend PAC 12/13/21 to reflect change in efft date to 12/22/21

Action: Received and filed. Copy previously forwarded to Payroll.

5. COMMUNICATIONS:

Brett Deichler, UG Clerk, listing bids received on December 15, 2021, for:
AB-3 Gravel and 6-Inch Ditch Liner
Project ID #0120 – 6th Street and State Avenue Traffic Signal Replacement
Project ID-B-2019-02-Bridge Removal Project
Project ID#6320 – FY2021 Storm & Stream Maintenance Project
Project ID #5303-2021 Storm Sewer R & R

Action: Received and filed. Copies previously forwarded to County Administrator, Legislative Auditor and Public Works.

6. CLAIMS FOR DAMAGES:

Jeff Blomendahl, 14500 West 141st Drive, Olathe, KS, alleging damage to tire due to cutout in the street.
Henry Brown, 6240 Leavenworth Rd., alleging high BPU water bills due to a water leak caused by construction along Leavenworth Rd.

Action: Received and filed. Copies previously forwarded to Legal.

7. TRAVEL REQUESTS:

William Blackwell, Fire Department, travel to Lawrence, KS, 1/4/22 to 1/6/22, to attend Burning OZ, Employee Training and Travel.

Osvaldo B. Navarro, Police Department, travel to Hutchinson, KS, 1/9/22 to 11/4/22, to attend LELA Command School, Employee Training and Travel.

Kayla Roehler, District Attorney's Office, travel to New Orleans, LA, 12/5/21 to 12/9/21, to attend the NDAA 2020 Evidence Training, Employee Training and Travel.

Action: Approved by County Administrator's Office and received and filed.

8. BUSINESS BONDS:

Electrical Contractor's Bonds:

Fisher Benjamin DBA Better Choice Electric

Simmons Electrical

True North Management Services, LLC

United Electric Co., LLC.

HVAC Bond:

Beebe Heating and Cooling LLC

Mechanical/HVAC Bonds:

Joe Lowery HVAC LLC

The Fagan Company

Plumber's Bonds:

Joe Lowrey HVAC LLC

Terry's Plumbing Inc.

The Fagan Company

Billy Teegarden DBA T & R Plumbing and Drains

Action: Referred to License.

9. CANCELLATION NOTICES:

Contractor's License Bond:

Empire Solar Group, LLC

Electrical Contractor's Bond:

Blue Springs Electrical Service, Inc.

Second Hand & Junk Dealer's Bond:

ABC, Inc.

Action: Referred to License.

10. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:

Fred Roberts II, Inc. dba Suburban Electric
Pro Electric, LLC

HVAC Contractor's Bonds:

B.L. Air, Inc.
Complete Home Heating and Air Conditioning LLC

Mechanical Contractor's Bonds:

McCarty Mechanical Inc.
Town & Country Heating and Air Conditioning Company LLC

Plumber's Bonds:

Five Star Mechanical Contractors, Inc.
Plumbing Plus, Inc.
Tracy Petersen DBA Petersen Plumbing
W. Vielhauer Plumbing LLC

Action: Referred to License.

11. APPLICATIONS FOR CMB LICENSE (PKG):

Alonso Villasenor DBA Mi Pueblito Meat Market, 1311 Minnesota Avenue
Central Fuel LLC/Maria Whittfield DBA QuikShop, 7808 Splitlog Avenue
F & A LLC/Frederic Ntakirutimana DBA One Stop N Shop, 901 Minnesota Avenue
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8584, 950 Minnesota Avenue
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8608, 4645 Shawnee Drive
La Bendicion 2 Inc/Sara Rodridguez-Valerio DBA la Bendicion 2, 2701 S. 47th St.
786 Enterprises Inc./Khalid Hussain DBA Rapido Mart #1, 748 Washington Blvd.
TAJ 1 LLC/William Hutton DBA TAJ 1 LLC, 6433 State Avenue

Action: Referred to License.

12. APPLICATIONS FOR CMB LICENSE (OP):

Alonso Villasenor DBA Mi Pueblito Meat Market, 1311 Minnesota Avenue
El Rinconcito Salvadareno de Kansas City LLC/Rosa Cardoza-Galvez DBA El Rinconcito Salvadareno de Kansas City, 4741 Parallel Parkway
Josefina Saenz/W. Frederick Zimmerman DBA El Pirata, 1031 Central Avenue
Julie A. Schneller/Matthew Palcher DBA Holy Family Social Club, 513 Ohio Avenue
Soccer Nation KC LLC/Raul Villegas-Rodriguez DBA Soccer Nation Club, 520 S. 55th Street

Action: Referred to License.

13. APPLICATION FOR PRIVATE CLUB CLASS A:

Terry Mast DBA Loyal Order of Moose 1999, 6621 Turner Drive

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 211314

Full Commission Meeting Date: 1/6/22

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 12/30/2021	<u>Contact Name:</u> Melissa Sieben	<u>Contact Phone:</u> x5017	<u>Contact Email:</u> msieben@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

Proposed Unified Government Legislative Agenda for the 2022 State Legislative Session. The governing body reviewed the proposed language on 12/16/21. The changes to the document are submitted in two ways 1) with track changes from the 12/16/21 Commission Special Session and 2) is copy without track changes that can be approved if the governing body agrees with the changes. Added items for the 2022 Legislative Agenda can be added one at a time as well.

Action Requested:

- 1) Approve the 2022 State Legislative Agenda as submitted with changes.
- or
- 2) Approve the 2022 State Legislative Agenda with amendments.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2022 UG State Legislative Program _Tracked_Change, 2022 UG State Legislative Program _Changes_without_tracking

2022



Unified Government State Legislative Program

Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street
Kansas City, Kansas 66101

About This Legislative Program

This Legislative Program is based on the principle that State and Local Governments are all partners in the effort to make Kansas and its communities great places for people to live, work and play.

The Home Rule Amendment of the Kansas Constitution is the foundation of local government, the bedrock of our belief in independence and the benchmark of the right to determine our own destiny. The Unified Government urges the Kansas Legislature to defend and protect the Home Rule Rights and authority guaranteed in the Kansas Constitution to citizens and their local governments.

The Kansas Legislature should resist efforts to dictate policies and impose laws on cities, counties, and schools because locally elected city, county and school leaders are best equipped to address issues and problems in their own communities. Local control allows citizens, working with the local officials they've elected, to decide what laws work best for their children and families.

The Kansas Legislature should renew a partnership and cooperative spirit with city, county, and school leaders to address the issue of increasing property taxes caused by the shifting of costs from state government to local governments and schools. The Kansas Legislature should not continue solving its budget shortfalls by taking revenues belonging to or legally obligated to city and county governments and should reject placing more of the burden for funding education on local taxpayers.

Tax and Finance

1. Motor Vehicle Taxes

The Unified Government supports changes in the tax formula used to assess motor vehicles to equalize motor vehicle taxes from county to county.

2. Protecting Local Government Revenues

The Kansas Legislature should not solve its budget shortfalls by taking revenues belonging to or legally obligated to city and county governments and should reject placing more of the burden for funding vital services on local taxpayers.

3. Property Appraisal and Valuation

The Unified Government supports a fair and expedient appeals process for county classification and valuation disputes. This includes policies which encourage timely payment by taxpayers. The Unified Government supports property appraisals based on fair market value and opposes caps on property valuations as inequitable and unconstitutional.

4. Property Tax Appraisals

The Unified Government favors procedural changes to the tax appeals process that are balanced and sensible for both the taxpayer and local governments. State law should require the Board of Tax Appeals to adhere to the same rules, guidelines and accepted practices County Appraisers are required to follow. County governments should be allowed to appeal property tax decisions to District Court, the same as the taxpayer is allowed. The Senate is encouraged to work with the Governor to approve BOTA appointments.

5. Property Tax Transparency

The Unified Government would like that all property taxing authorities, including cities, counties, the State of Kansas, school districts, special districts, and community colleges be treated equally related to transparency. All entities should have to abide by the same limitations, restrictions, and requirements. Any additional transparency measures should not be burdensome or costly. We encourage the state and local governments to work on making government more efficient and recognize the need to work together on innovative approaches to reduce reliance on property taxes.

Commented [SM1]: Revised LKM language

6. Tax/Spending Lid

The Unified Government opposes any state-imposed limits on the taxing and spending authority of cities. Local spending and taxing decisions are best left to locally elected officials and the residents they serve.

7. KPERS

Changes to the KPERS system should not reduce benefits promised to public employees nor impact the ability of a city/county to hire and retain qualified public employees while keeping costs reasonable for local governments. We should encourage the KPERS Board to adopt changes to their policy allowing for inflationary increases for retiree pension payments.

Commented [MS2]: This would be new language – submitted by Finance.

8. City-County Highway Funds

The City-County Highway Fund is essential to maintaining local roads and bridges and should be fully funded and not be diverted for other purposes. Such funding should include the transfer of fees from the registration of out-of state commercial vehicles, as directed by K.S.A. 9-3425i. The proceeds from any increases to the motor fuel tax rates should be allocated in accordance with current statutory provisions.

Commented [SM3]: Revised language from LKM

9. Unfunded Mandates

The Kansas Legislature should oppose reducing the State budget by shifting work to local governments without adequate funding to pay for those increased duties. The Legislature should also not impose

mandated functions, activities, or regulations on local governments without providing financial resources to meet the costs of carrying out those mandates.

10. Local Ad Valorem Tax Reduction Fund

The Unified Government urges the Legislature to restore its commitment to reducing city and county property taxes by following state law and honoring previously made commitments. This should include reinstating the Local Ad Valorem Tax Reduction (LAVTR) program and use of casino gaming revenues to reduce property taxes. This partnership is a far better way to influence property tax rates than artificial and arbitrary controls such as caps on assessed valuations or tax and spending lids on local governments.

11. Property Tax Exemptions

We support a broad tax base and believe the existing property tax base should be protected. We encourage the legislature to resist any proposal to further exempt any specific property classification from taxation, including industry-specific exemptions. We support current statutory definition of machinery and equipment, and the exemption should not be expanded. The legislature should actively review existing exemptions to determine if they should continue or be repealed.

Commented [SM4]: Added LKM language

12. Countywide Sales and Use Taxes

Since 1977, Kansas has successfully used a city-council revenue sharing formula for the benefit of all. The existing formula benefits both city and county taxpayers and ensure there is a fair method to distribute funds that are generated primarily in cities.

Commented [SM5]: Added LKM language

13. Alternative Revenue Sources

Cities should be authorized to approve alternative revenue sources to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.

Commented [SM6]: Added LKM language

14. Federal Loan Programs

We support changes to allow local governments to participate directly in federal loan programs.

Commented [SM7]: Added LKM language

15. Golden Years Property Tax

The Unified Government could potentially establishment of golden years homestead property tax program. This program would freeze property tax amounts for those of a certain age and financial capacity. It would need to be structured in a way to prevent the foreseeable abuses. If it cannot be done in such a manner it has the potential to significantly erode the tax base that local government rely on to provide necessary services that people in their golden years need.

Commented [SM8]: New UG language for discussion

Commented [MS9R8]: Commission should consider revised language as underlined and work with new lobbyist in 2022 on possible language revisions

Commented [MS10R8]:

Community and Economic Development

1. Prevailing Wage

The Unified Government supports paying prevailing wage on public works projects and economic development projects where tax incentives are given. The Unified Government strongly urges the Kansas Legislature to repeal the law banning the use of prevailing wage on public works and economic development projects.

2. Food Sales Tax

The Unified Government supports the elimination of the State portion of the sales tax on groceries but needs to protect its local authority for economic development projects.

Commented [SM11]: Revised language

3. Eminent Domain

The Unified Government supports the use of eminent domain for economic development projects which eliminate blight and allow revitalization and rebirth in urban areas.

4. Public Right-of-Way

Cities must maintain their ability to regulate the public right-of-way and recover reasonable compensation for use of the right-of-way. Kansas policy should not be dictated by overreaching federal mandates. The Unified Government opposes efforts to codify in State law Federal Communications Commission directives limiting the power of cities.

5. Abandoned Housing

The Unified Government supports legislation which streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance and foreclosed properties to protect the rights and property values of surrounding property owners.

6. Rental Inspections and Vacant Structure Registries

The Unified Government supports giving cities the authority to require inspections of rental housing for the safety of tenants and to protect the rights and property values of surrounding property owners. The Unified Government supports the ability of cities to establish and operate registries for vacant structures.

7. Public Education

Quality schools are the foundation for the future economic success of Kansas. A public education and Community College system which helps create a well-educated and trained workforce is crucial to successful communities. The Unified Government supports a funding formula for Community Colleges that gives full funding without increasing or placing an undue burden on local property taxes.

8. Immigration

The Unified Government opposes State immigration enforcement measures because they place unreasonable and expensive burdens on local government.

9. Tourism

Wyandotte County offers destination attractions which draw millions of visitors a year to Kansas. The Unified Government urges the State of Kansas to enact a comprehensive tourism plan and increase funding of tourism promotion and marketing.

10. Public Transit

The Unified Government supports increased state funding of public transit. The Unified Government also supports regional partnerships to improve and expand public transit options for Kansas City area residents. The Kansas Legislature should help, not hinder, efforts to fund regional public transit in the

metropolitan Kansas City area.

11. STAR Bonds and Economic Development

STAR Bonds have proven to be one of the most effective economic development and job creation tools in the State of Kansas. The Unified Government encourages the Kansas Legislature to continue a workable STAR Bond policy with maximum flexibility and without unnecessary restrictions. The Unified Government encourages the Kansas Legislature to work with local governments in developing innovative economic development tools.

12. Connecting Links

The State should maintain KDOT's funding for connecting link programs at the FY 2020 level for cities to provide for the maintenance of state highways within city limits. We support full funding of the City Connecting Link Improvement Program (CCLIP).

Commented [SM12]: Added LKM language

13. Comprehensive Transportation Program

We support full funding of the Eisenhower Legacy Transportation Program. We oppose any use of these funds to balance the state's General Fund budget. Any reduction in funding jeopardizes existing programs.

Commented [SM13]: Added LKM language

14. Transportation Safety

The State should work in cooperation with local governments to continue to provide safe roads and bridges within Kansas. The State should focus on all users of the transportation systems and recognize that a system that is designed for use by pedestrians, bicycles, and vehicles is safer and more economically prosperous for all Kansans.

Commented [SM14]: Added LKM language

15. Transportation Development Districts

We support the continued ability of cities to establish transportation development districts to meet the economic development and transportation infrastructure needs in the community.

Commented [SM15]: Added LKM language

16. Recreational Trails

We support the development of recreational trails, including rails to trails, aquatic trails, and hike-and-bike on levee trails projects, and oppose any legislation that would make such development more burdensome or costly.

Commented [SM16]: Added LKM language

17. Housing

The lack of quality housing across the state creates an impediment to growth and economic development. The legislature should support programs that encourage access to quality housing, including but not limited to, the recommendations of the as Housing Study.

Commented [MS17]: Added LKM language. New 2022

Public Safety

1. Municipal Courts

The Unified Government supports local control of municipal courts and the judicial authority of municipal court judges to determine the best procedures for operating the court. Municipal courts must not be limited or restricted in bonding decisions. All fines and fees collected by the court should be retained by the local government, except for restitution payable to another party and state assessments under current state law. Municipalities should be allowed to set appropriate fees and fines.

2. Law Enforcement Discretion

Local government must have discretion in establishing law enforcement vehicle pursuit policies and the ability of law enforcement officers to use discretion in determining when to make an arrest.

3. Medical Charges

The Unified Government believes the first person responsible for the payment of medical costs should be the individuals in custody. The entity charging the crime should be responsible in the event those costs cannot be recovered from the person charged with the crime. The UG supports the pooling of resources between all State and Local law enforcement agencies.

4. Asset Forfeiture

The Unified Government and KCK Police Department support the use of asset forfeiture as an important component in reducing the financial gains from criminal acts while providing civil due process. All assets forfeited, or the proceeds of the from the sale of assets, should remain with the local government that seizes the property.

5. Emergency 911 Services

Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications. The Unified Government supports legislation providing flexibility for local governments to utilize these funds to provide emergency services.

6. Juvenile Justice

The Unified Government supports changes in the way the system deals with juvenile offenders, however, the financial responsibility and burden for these changes cannot be passed down to local units of government.

7. Community Corrections

The Unified Government supports full funding for community-corrections programs and grants, including programs for behavioral-health initiatives. Community corrections programs for adults reduce community risk and offender recidivism, which decreases taxpayer expense.

8. Local Control and Police Powers

The Unified Government opposes all legislation which restricts the regulatory authority of cities to protect the health, safety and welfare of the public.

9. Alcohol & CMB Regulation

We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverages retailers and establishments.

Commented [SM18]: Added LKM language

10. Cybersecurity

Organizations of every size constantly face cyber-related incidents. We encourage the State to provide collaborative discussions, training programs, and feasibility studies for the impact of cyber-attacks on cities. Cities will use information provided by the state government to determine best practices and policies for municipal implementation.

Commented [SM19]: Added LKM language

11. Scrap Metal

Cities are currently preempted from regulating scrap metal. We support a narrowing of this preemption so that cities can address issues at the local level.

Commented [SM20]: Added LKM language

12. Kansas Emergency Management Act

The Unified Government is requesting that the State of Kansas Legislature restore the Act to its prior version. When Senate Bill 40 enacted in 2021 it removed almost all of the powers of the State of Kansas Executive Branch for emergency and recovery. This is critical for local units of government to be able to request resources from the State of Kansas and the Federal Government.

Commented [SM21]: Request from UG Emergency Management

Commented [MS22R21]: New in 2022

13. Youth Fatality Review Board

The Unified Government supports continued refinement of state statute 22a-243 to include confidentiality protection for and guidelines related to the administration of local review boards.

Commented [SM23]: From Health Department

Commented [MS24R23]: New in 2022

14. "Automated Expungement"

The Unified Government supports the automated expungement of qualifying criminal records from public view. A criminal record reduces a job seeker's chance of getting a callback or job offer by nearly 50%. Nationally, \$87 billion in gross domestic product is lost due to dismissing workers with criminal records from the labor market. Individuals are 11% more likely to be employed and earn 22% higher wages one year after a record has been cleared. In Kansas, expungement of a record requires a petition filed through the court and payment of fees. Once certified, this process may take an additional 2-4 weeks to process vs. Automated expungement uses technology to streamline the process.

Commented [SM25]: From Health Department

Commented [MS26R25]: New 2022

Local Government Operations

1. Protecting Home Rule and Local Control

The Unified Government supports the ability of local elected officials to make decisions for their communities, particularly local tax and revenue decisions, as called for by the Home Rule Amendment of the Kansas Constitution approved by voters in 1960. The Unified Government urges the Kansas Legislature to respect the philosophy of local control and honor the Home Rule Amendment of the Kansas Constitution.

2. Municipal Utilities

The Unified Government supports the ability of cities to operate municipal electric, water, sewer, storm water, solid waste, telecommunications, and broadband services. We further support the ability of cities to set and control the rates of municipal utilities. The Unified Government supports continued local control over power supply decisions.

3. Public Property and Rights-of-Way

Local government and the citizens they represent should be allowed to control and manage public lands and right-of-way as they see fit. This includes collecting franchise fees and other revenues from private companies and individuals which use public lands for personal benefit or profit.

4. City Elections

City elections should remain non-partisan and separate from state and national elections. The filing location for city elections should return to the City Clerk's Office.

5. Legislative Advocacy

The Unified Government supports current law allowing the use of state and local tax dollars to provide information and advocate on behalf of our community and its citizens.

6. Alternative Revenue Sources

Locally elected officials and the citizens they represent should be allowed authority to structure and implement taxes and revenues which best suit the individual community without prohibitions and restrictions imposed by the Kansas Legislature. This includes local earnings/income taxes, development excise taxes, and other local taxes and fees now prohibited by state law.

7. Unfunded Mandates

The Unified Government believes the State Legislature should not impose mandated functions, activities, or regulations on local governments without providing financial resources to meet the costs of carrying out those mandates.

8. Publications and Notices

The undeniable right of the public to be informed about the actions of its government should not be compromised. At the same time, government officials have a responsibility to ensure the tax money required to keep citizens informed through legal notices and publications is spent in an effective and efficient way.

9. Open Meetings and Open Records

The Unified Government believes openness in government is essential to building public confidence. Open meetings and records laws should balance the public's right to know with the necessity of protecting private individuals and the ability of public agencies to conduct the essential business of the public. All levels of government should be subject to the same open meetings and open records requirements.

10. Alternate Construction Delivery

The Unified Government supports changes in State law which allow local governments to use design build and construction manager at risk techniques for public construction projects. These techniques have saved Wyandotte County taxpayers millions of dollars on several major public construction projects but are difficult to use under current State laws.

11. Broadband

Access to reliable broadband service is increasingly important to the economic health of Kansas cities. We support the establishment of the Broadband Deployment Grant to facilitate broadband expansion in Kansas. Guidance for the grant program and broadband-related statutes must recognize the important role local governments play in such expansion and not remove important planning and right of way authority from local governments.

Commented [SM27]: Added LKM language

12. Public Water Supply Supervision Program

We support changes to the statutory language increasing the funding stability for the Kansas Department of Health and Environment's Public Water Supply Supervision program. These changes must balance municipal cost concerns and recognize the state has a responsibility to contribute to these important public health matters. In addition, we recognize a need to update standards to meet federal clean drinking water standards.

Commented [SM28]: Added LKM language

13. Building Codes

We oppose any measures to preempt local building energy codes with respect to prohibiting the incentivization or requirement of net zero or net-zero ready building requirements.

Commented [SM29]: Added LKM language

14. Small Cell 5G Installations

The Unified Government encourages the State of Kansas to develop enabling language that would allow local governments to apply additional design and performance standards to small cell 5G installations. These new poles will be shorter and more ubiquitous across our neighborhoods (i.e. co-locating and/or replacing street and traffic lights). Ability to regulate the design standards is important to health and safety as well as appearance of a community.

Commented [SM30]: From Urban Planning and Design

Commented [MS31R30]: New 2022

Public Health and Environment

1. Local Health Department Funding

The Unified Government supports increased investment in public health funding to protect the health of Wyandotte County residents. The State of Kansas ranks near the bottom nationally for public health funding. A 2020 report by America's Health Rankings ranks Kansas 40th for per capita public health expenditures. A 2021 report by the Trust for American's Health provides detail on the ranking. The low ranking is part inadequate CDC funding (Kansas ranked 38th in per capita CDC Program Funding to States in FY2020) and part underinvestment in State dollars (Kansas ranked 47th in per capita expenditures on public health in FY 2019-2020). State aid to local health departments has remained unchanged since 1995.

Commented [SM32]: Added language from the Health Department

2. Medicaid Expansion

The Unified Government supports expansion of the Kansas Medicaid program which will improve access to care for those most vulnerable in Wyandotte County. It is estimated that expansion would provide insurance for 8,736 currently uninsured Wyandotte County residents, bring \$58,452,576 in new annual healthcare spending to Wyandotte County and create hundreds of new healthcare jobs.

3. Mental Health and Jails

The Unified Government supports allocating additional resources for behavioral health programs. Funds should be allocated for community mental health centers and additional bed space for psychiatric patients to reduce the number of people with behavioral or substance abuse issues who are inappropriately incarcerated in county jails.

4. T21 Policy

The Unified Government supports raising the age of legal access for the sale of tobacco products to persons 21 years of age and older across the State of Kansas. While all cities in Wyandotte County now have T21 ordinances, the passing of a statewide T21 law would allow for greater coordination and strengthening of enforcement.

5. Expedited Partner Therapy

The Unified Government supports legislation explicitly allowing and providing guidelines for Expedited Partner Therapy in the case of sexually transmitted infections. EPT is the clinical practice of treating sex partners of patients diagnosed with chlamydia by providing prescriptions or medications to the patient to take to their partner without a health care provider first examining the partner. Kansas is one of only six states which do not explicitly allow EPT.

6. Serving Senior Populations and Area Agency on Aging Issues

The Unified Government supports legislation to provide improved support for aging populations in local communities, including full funding of Home and Community Based Services for the Frail Elderly waiver; funding Access to Core Services; and legislation to allow unused prescription drugs from nursing homes, hospice, and other health care agencies to be distributed for use by medically indigent seniors.

7. Energy Efficiency

The Unified Government supports energy efficiency and the development of a statewide energy policy which enables local governments to act individually or in cooperation with others to address energy efficiency. Funding for the Efficiency Kansas program which assists homeowners in improving their homes should be restored.

8. Energy and Environmental Mandates

The Unified Government opposes federal and state mandates which regulate the operations of municipal electric, water, solid waste, storm water, telecommunications and broadband utility services which do not come with adequate funding to address the mandate.

9. Stormwater Management

The Unified Government endorses regional and cooperative solutions to stormwater quality and quantity challenges and encourages the Kansas Department of Health and Environment and the Environmental Protection Agency to work with cities and provide technical support in the implementation of reasonable regulations related to stormwater management.

10. Infrastructure Funding

We support increased federal and state funding to assist local communities with their water, wastewater, stormwater, levee and dam infrastructure and associated security needs. In addition, we call for longer loan terms up to 40 years when the useable lifespan of an improvement exceeds the life of the loan.

Commented [SM33]: Added LKM language

11. Stormwater Management

We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution. We further endorse state measures to incentivize and enable investment in green infrastructure (e.g., street trees, use of native plants, etc.) to support sustainable communities.

12. Hazardous Waste

We support a comprehensive state-local approach to aid in identifying hazardous wastes and to develop programs to monitor and dispose of such wastes. We encourage state agencies to work cooperatively with local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Further, appropriate education and training should be provided prior to the implementation of such programs.

13. Clean Air

We support air quality controls and a state-developed air quality plan that protects the health and safety of Kansans while balancing municipal cost concerns.

14. Energy Spikes

We support federal review and investigation of the extraordinary energy price spikes seen throughout the Midwest in Winter 2021. The UG will coordinate with BPU to encourage Congress and federal, regional, and state agencies to make appropriate changes in laws and regulations governing natural gas and electricity production and sales to promote stability in energy prices.

Commented [SM34]: Should we have something related to this for the State, since it does set rates and could advocate at the federal level for change

Commented [MS35R34]: New 2022. Added BPU language per Commission request.

15. Water Quantity

Government at all levels should aggressively pursue the conservation, protection and development of current and future municipal water supplies. We support cost-effective efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address over appropriated surface and groundwater resources while respecting priority of water rights. The water rights management tools that have been developed in recent years should be modified or expanded so that they provide the same type of flexibility and authority to any water rights holder regardless of class.

Commented [SM36]: Suggested add from LKM Legislative Agenda

Commented [MS37R36]: New 2022

16. Water Planning

We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state Water Plan Fund; and a re-evaluation of the process for adopting the annual state Water Plan Fund budget.

Commented [SM38]: Suggested add from LKM Legislative Agenda

Commented [MS39R38]: New 2022

Additional Policy Items for Consideration

Kansas Emergency Management Act

The Unified Government is requesting that the State of Kansas Legislature restore the Act to its prior version. When Senate Bill 40 enacted in 2021 it removed almost all of the powers of the State of Kansas Executive Branch for emergency and recovery. This is critical for local units of government to be able to request resources from the State of Kansas and the Federal Government.

Commented [SM40]: Request from UG Emergency Management

Commented [MS41R40]: Moved to Public Safety

Energy Spikes

We support federal review and investigation of the extraordinary energy price spikes seen throughout the Midwest in Winter 2021. Based on the information gathered, we encourage Congress and federal, regional, and state agencies to make appropriate changes in laws and regulations governing natural gas and electricity production and sales to promote stability in energy prices.

Commented [SM42]: Should we have something related to this for the State, since it does set rates and could advocate at the federal level for change

Commented [MS43R42]: Moved to Public Health and Environment

Youth Fatality Review Board

The Unified Government supports continued refinement of state statute 22a-243 to include confidentiality protection for and guidelines related to the administration of local review boards.

Commented [SM44]: From Health Department

Commented [MS45R44]: Moved to Public Safety

"Automated Expungement"

The Unified Government supports the automated expungement of qualifying criminal records from public view. A criminal record reduces a job seeker's chance of getting a callback or job offer by nearly 50%. Nationally, \$87 billion in gross domestic product is lost due to dismissing workers with criminal records from the labor market. Individuals are 11% more likely to be employed and earn 22% higher wages one year after a record has been cleared. In Kansas, expungement of a record requires a petition filed through the court and payment of fees. Once certified, this process may take an additional 2-4 weeks to process vs. Automated expungement uses technology to streamline the process.

Commented [SM46]: From Health Department

Commented [MS47R46]: Moved to Public Safety

Mental Health and Jails

The Unified Government supports full state funding for community mental health services and policies that promote treatment over incarceration of the mentally ill in county jails. The Unified Government also supports State funding when the State used County facilities. Currently the KACP leadership regarding KDADS plans on addressing the Hospital Issue.

Commented [SM48]: From Sheriff Don Ash

Commented [MS49R48]: This item was not addressed with the Commission on 12/16/21. It was not added.

Medical Marijuana

The legislature should carefully weigh the impact of medical marijuana on law enforcement and human resources. In addition, medical marijuana should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. Also, cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and should not allow residential grow operations of any sort.

Commented [SM50]: Suggested add from LKM Legislative Agenda

Commented [MS51R50]: Not added to agenda, Commission noted they wanted to discuss this with the Legislative Delegation on 1/6/22

Preserving the Authority of Local Health Officers during Public Health Emergencies

The Unified Government opposes portions of HB 2016, passed June 2020, and changes made to Senate Bill 40, passed March 2021, which limit the authority of local health officers to act during times of public health emergency. HB 2016 allows for local health orders related to remediation of infectious disease to be reviewed and revoked by county commissioners. Amendments to SB 40 went farther, shifting responsibility for enacting emergency health orders entirely to county commissioners, and giving school boards sole discretion over school operations during times of public health emergency. The bill also allows businesses or individuals aggrieved by emergency-related order to request a court hearing, in which the governmental entity issuing the order is required to prove it had protected public health by the least restrictive means possible. This court hearing must be held within 72 hours, and the court must issue an order in seven days, or by default the health order is nullified. The Unified Government believes that public health emergencies like pandemics are rare events with quickly evolving dangers, which require health officers to unilaterally enact health orders to protect public health and safety. These unilateral powers can be confined within reasonable statutory limits set forth by the legislature, which balance public safety with other needs. House Bill 2016 and Senate Bill 40 did not achieve this balance. By shifting authority to county commissioners and school boards which often lack medical expertise, and by placing undue burdens on local courts to respond to citizen complaints, it severely limited local governments' abilities to preserve public safety during pandemics.

Commented [MS52]: From Health Department

Commented [MS53R52]: Not added to the agenda, Commission should follow up with new lobbyist in 2022, and discuss possible language for 2023

"Removing active consent from school surveys" (HB 2361)

The Unified Government supports legislation to remove active consent requirements for surveys conducted in schools (including the Kansas Communities that Care Survey). The Kansas Community That Cares (KCTC) survey, Youth Risk Behavior Survey, and others, provides valuable health-related behavior data that contribute to the leading causes of death and disability among youth. This data is used to inform the work of the UGPHD, the Community Health Improvement Plan (CHIP), and our community partners. The change to active consent a few years ago has made it more challenging to obtain higher levels of participation to ensure a good sample and reliable data to be used to strengthen public health in Wyandotte County.

Commented [MS54]: From Health Department

Commented [MS55R54]: Not added to the agenda, Commission should follow up with new lobbyist in 2022, and discuss possible language for 2023

"Tobacco Tax"

"Tobacco Tax": The Unified Government supports increasing the state tax on cigarettes and other tobacco products by \$1.50/pack. Cigarettes are currently taxed at \$1.29/pack, ranking Kansas as 33rd in the U.S. Studies have also shown that smoking is a risk factor for the progression of COVID-19. Diagnosis is seven times more likely among ever-dual-users of e-cigarette and traditional cigarettes. In addition, Wyandotte County experiences higher smoking rates of 21.8% compared to the state's 17.4%. Every 10 percent increase in cigarette prices reduces youth smoking by about seven percent and total cigarette consumption by about four percent. Tobacco Tax increases are one of the most effective ways to reduce smoking and other tobacco use in both youth and adults.

Commented [SM56]: From Health Department

Commented [MS57R56]: Commission direction was not given on 12/16/21

Government Competition

The Unified Government recognizes that free markets, under normal circumstances, are the best vehicle for allocating goods and services. However, there are circumstances where the free market either does not efficiently allocate goods and services, creates externalities that endanger public safety and welfare, or simply does not provide a service, so it falls to government to respond to the will of the people to provide the good or service.

Commented [SM58]: Suggested add from LKM Legislative Agenda

Commented [MS59R58]: Not added to the agenda based on Commission input.

Local governments should continue to retain local control over the services that they provide for their residents. In addition, local governments provide services for the sole benefit of the residents and should continue to receive tax benefits to allow those services at a low cost.

Golden Years Property Tax

The Unified Government could potentially establishment of golden years homestead property tax program. This program would freeze property tax amounts for those of a certain age and financial capacity. It would need to be structured in a way to prevent the foreseeable abuses. If it cannot be done in such a manner it has the potential to significantly erode the tax base that local government rely on to provide necessary services that people in their golden years need.

Commented [SM60]: New UG language for discussion

Commented [MS61R60]: Commission should consider revised language as underlined and work with new lobbyist in 2022 on possible language revisions

Commented [MS62R60]: Moved to Tax and Finance

Housing

The lack of quality housing across the state creates an impediment to growth and economic development. The legislature should support programs that encourage access to quality housing, including but not limited to, the recommendations of the as Housing Study.

Commented [MS63]: New LKM language based on State Housing Study

Commented [MS64R63]: Moved to Community and Economic Development

Small Cell 5G Installations

The Unified Government encourages the State of Kansas to develop enabling language that would allow local governments to apply additional design and performance standards to small cell 5G installations. These new poles will be shorter and more ubiquitous across our neighborhoods (i.e. co-locating and/or replacing street and traffic lights). Ability to regulate the design standards is important to health and safety as well as appearance of a community.

Commented [SM65]: From Urban Planning and Design

Water Quantity

Government at all levels should aggressively pursue the conservation, protection and development of current and future municipal water supplies. We support cost-effective efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address over appropriated surface and groundwater resources while respecting priority of water rights. The water rights management tools that have been developed in recent years should be modified or expanded so that they provide the same type of flexibility and authority to any water rights holder regardless of class.

Commented [SM66]: Suggested add from LKM Legislative Agenda

Commented [MS67R66]: Moved to Public Health and Environment

Water Planning

We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state Water Plan Fund; and a re-evaluation of the process for adopting the annual state Water Plan Fund budget.

Commented [SM68]: Suggested add from LKM Legislative Agenda

Commented [MS69R68]: Moved to Public Health and Environment

2022



Unified Government State Legislative Program

Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street
Kansas City, Kansas 66101

About This Legislative Program

This Legislative Program is based on the principle that State and Local Governments are all partners in the effort to make Kansas and its communities great places for people to live, work and play.

The Home Rule Amendment of the Kansas Constitution is the foundation of local government, the bedrock of our belief in independence and the benchmark of the right to determine our own destiny. The Unified Government urges the Kansas Legislature to defend and protect the Home Rule Rights and authority guaranteed in the Kansas Constitution to citizens and their local governments.

The Kansas Legislature should resist efforts to dictate policies and impose laws on cities, counties, and schools because locally elected city, county and school leaders are best equipped to address issues and problems in their own communities. Local control allows citizens, working with the local officials they've elected, to decide what laws work best for their children and families.

The Kansas Legislature should renew a partnership and cooperative spirit with city, county, and school leaders to address the issue of increasing property taxes caused by the shifting of costs from state government to local governments and schools. The Kansas Legislature should not continue solving its budget shortfalls by taking revenues belonging to or legally obligated to city and county governments and should reject placing more of the burden for funding education on local taxpayers.

Tax and Finance

1. Motor Vehicle Taxes

The Unified Government supports changes in the tax formula used to assess motor vehicles to equalize motor vehicle taxes from county to county.

2. Protecting Local Government Revenues

The Kansas Legislature should not solve its budget shortfalls by taking revenues belonging to or legally obligated to city and county governments and should reject placing more of the burden for funding vital services on local taxpayers.

3. Property Appraisal and Valuation

The Unified Government supports a fair and expedient appeals process for county classification and valuation disputes. This includes policies which encourage timely payment by taxpayers. The Unified Government supports property appraisals based on fair market value and opposes caps on property valuations as inequitable and unconstitutional.

4. Property Tax Appraisals

The Unified Government favors procedural changes to the tax appeals process that are balanced and sensible for both the taxpayer and local governments. State law should require the Board of Tax Appeals to adhere to the same rules, guidelines and accepted practices County Appraisers are required to follow. County governments should be allowed to appeal property tax decisions to District Court, the same as the taxpayer is allowed. The Senate is encouraged to work with the Governor to approve BOTA appointments.

5. Property Tax Transparency

The Unified Government would like that all property taxing authorities, including cities, counties, the State of Kansas, school districts, special districts, and community colleges be treated equally related to transparency. All entities should have to abide by the same limitations, restrictions, and requirements. Any additional transparency measures should not be burdensome or costly. We encourage the state and local governments to work on making government more efficient and recognize the need to work together on innovative approaches to reduce reliance on property taxes.

6. Tax/Spending Lid

The Unified Government opposes any state-imposed limits on the taxing and spending authority of cities. Local spending and taxing decisions are best left to locally elected officials and the residents they serve.

7. KPERS

Changes to the KPERS system should not reduce benefits promised to public employees nor impact the ability of a city/county to hire and retain qualified public employees while keeping costs reasonable for local governments. We should encourage the KPERS Board to adopt changes to their policy allowing for inflationary increases for retiree pension payments.

8. City-County Highway Funds

The City-County Highway Fund is essential to maintaining local roads and bridges and should be fully funded and not be diverted for other purposes. Such funding should include the transfer of fees from the registration of out of state commercial vehicles, as directed by K.S.A. 9-3425i. The proceeds from any increases to the motor fuel tax rates should be allocated in accordance with current statutory provisions.

9. Unfunded Mandates

The Kansas Legislature should oppose reducing the State budget by shifting work to local governments without adequate funding to pay for those increased duties. The Legislature should also not impose

mandated functions, activities, or regulations on local governments without providing financial resources to meet the costs of carrying out those mandates.

10. Local Ad Valorem Tax Reduction Fund

The Unified Government urges the Legislature to restore its commitment to reducing city and county property taxes by following state law and honoring previously made commitments. This should include reinstating the Local Ad Valorem Tax Reduction (LAVTR) program and use of casino gaming revenues to reduce property taxes. This partnership is a far better way to influence property tax rates than artificial and arbitrary controls such as caps on assessed valuations or tax and spending lids on local governments.

11. Property Tax Exemptions

We support a broad tax base and believe the existing property tax base should be protected. We encourage the legislature to resist any proposal to further exempt any specific property classification from taxation., including industry-specific exemptions. We support current statutory definition of machinery and equipment, and the exemption should not be expanded. The legislature should actively review exiting exemptions to determine if they should continue or be repealed.

12. Countywide Sales and Use Taxes

Since 1977, Kansas has successfully used a city-council revenue sharing formula for the benefit of all. The existing formula benefits both city and county taxpayers and ensure there is a fair method to distribute funds that are generated primarily in cities.

13. Alternative Revenue Sources

Cities should be authorized to approve alternative revenue sources to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.

14. Federal Loan Programs

We support changes to allow local governments to participate directly in federal loan programs.

15. Golden Years Property Tax

The Unified Government could potentially establishment of golden years homestead property tax program. This program would freeze property tax amounts for those of a certain age and financial capacity. It would need to be structured in a way to prevent the foreseeable abuses. If it cannot be done in such a manner it has the potential to significantly erode the tax base that local government rely on to provide necessary services that people in their golden years need.

Community and Economic Development

1. Prevailing Wage

The Unified Government supports paying prevailing wage on public works projects and economic development projects where tax incentives are given. The Unified Government strongly urges the Kansas Legislature to repeal the law banning the use of prevailing wage on public works and economic development projects.

2. Food Sales Tax

The Unified Government supports the elimination of the State portion of the sales tax on groceries but needs to protect its local authority for economic development projects.

3. Eminent Domain

The Unified Government supports the use of eminent domain for economic development projects which eliminate blight and allow revitalization and rebirth in urban areas.

4. Public Right-of-Way

Cities must maintain their ability to regulate the public right-of-way and recover reasonable compensation for use of the right-of-way. Kansas policy should not be dictated by overreaching federal mandates. The Unified Government opposes efforts to codify in State law Federal Communications Commission directives limiting the power of cities.

5. Abandoned Housing

The Unified Government supports legislation which streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance and foreclosed properties to protect the rights and property values of surrounding property owners.

6. Rental Inspections and Vacant Structure Registries

The Unified Government supports giving cities the authority to require inspections of rental housing for the safety of tenants and to protect the rights and property values of surrounding property owners. The Unified Government supports the ability of cities to establish and operate registries for vacant structures.

7. Public Education

Quality schools are the foundation for the future economic success of Kansas. A public education and Community College system which helps create a well-educated and trained workforce is crucial to successful communities. The Unified Government supports a funding formula for Community Colleges that gives full funding without increasing or placing an undue burden on local property taxes.

8. Immigration

The Unified Government opposes State immigration enforcement measures because they place unreasonable and expensive burdens on local government.

9. Tourism

Wyandotte County offers destination attractions which draw millions of visitors a year to Kansas. The Unified Government urges the State of Kansas to enact a comprehensive tourism plan and increase funding of tourism promotion and marketing.

10. Public Transit

The Unified Government supports increased state funding of public transit. The Unified Government also supports regional partnerships to improve and expand public transit options for Kansas City area residents. The Kansas Legislature should help, not hinder, efforts to fund regional public transit in the

metropolitan Kansas City area.

11. STAR Bonds and Economic Development

STAR Bonds have proven to be one of the most effective economic development and job creation tools in the State of Kansas. The Unified Government encourages the Kansas Legislature to continue a workable STAR Bond policy with maximum flexibility and without unnecessary restrictions. The Unified Government encourages the Kansas Legislature to work with local governments in developing innovative economic development tools.

12. Connecting Links

The State should maintain KDOT's funding for connecting link programs at the FY 2020 level for cities to provide for the maintenance of state highways within city limits. We support full funding of the City Connecting Link Improvement Program (CCLIP).

13. Comprehensive Transportation Program

We support full funding of the Eisenhower Legacy Transportation Program. We oppose any use of these funds to balance the state's General Fund budget. Any reduction in funding jeopardizes existing programs.

14. Transportation Safety

The State should work in cooperation with local governments to continue to provide safe roads and bridges within Kansas. The State should focus on all users of the transportation systems and recognize that a system that is designed for use by pedestrians, bicycles, and vehicles is safer and more economically prosperous for all Kansans.

15. Transportation Development Districts

We support the continued ability of cities to establish transportation development districts to meet the economic development and transportation infrastructure needs in the community.

16. Recreational Trails

We support the development of recreational trails, including rails to trails, aquatic trails, and hike-and-bike on levee trails projects, and oppose any legislation that would make such development more burdensome or costly.

17. Housing

The lack of quality housing across the state creates an impediment to growth and economic development. The legislature should support programs that encourage access to quality housing, including but not limited to, the recommendations of the as Housing Study.

Public Safety

1. Municipal Courts

The Unified Government supports local control of municipal courts and the judicial authority of municipal court judges to determine the best procedures for operating the court. Municipal courts must not be limited or restricted in bonding decisions. All fines and fees collected by the court should be retained by the local government, except for restitution payable to another party and state assessments under current state law. Municipalities should be allowed to set appropriate fees and fines.

2. Law Enforcement Discretion

Local government must have discretion in establishing law enforcement vehicle pursuit policies and the ability of law enforcement officers to use discretion in determining when to make an arrest.

3. Medical Charges

The Unified Government believes the first person responsible for the payment of medical costs should be the individuals in custody. The entity charging the crime should be responsible in the event those costs cannot be recovered from the person charged with the crime. The UG supports the pooling of resources between all State and Local law enforcement agencies.

4. Asset Forfeiture

The Unified Government and KCK Police Department support the use of asset forfeiture as an important component in reducing the financial gains from criminal acts while providing civil due process. All assets forfeited, or the proceeds of the from the sale of assets, should remain with the local government that seizes the property.

5. Emergency 911 Services

Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications. The Unified Government supports legislation providing flexibility for local governments to utilize these funds to provide emergency services.

6. Juvenile Justice

The Unified Government supports changes in the way the system deals with juvenile offenders, however, the financial responsibility and burden for these changes cannot be passed down to local units of government.

7. Community Corrections

The Unified Government supports full funding for community-corrections programs and grants, including programs for behavioral-health initiatives. Community corrections programs for adults reduce community risk and offender recidivism, which decreases taxpayer expense.

8. Local Control and Police Powers

The Unified Government opposes all legislation which restricts the regulatory authority of cities to protect the health, safety and welfare of the public.

9. Alcohol & CMB Regulation

We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverages retailers and establishments.

10. Cybersecurity

Organizations of every size constantly face cyber-related incidents. We encourage the State to provide collaborative discussions, training programs, and feasibility studies for the impact of cyber-attacks on cities. Cities will use information provided by the state government to determine best practices and policies for municipal implementation.

11. Scrap Metal

Cities are currently preempted from regulating scrap metal. We support a narrowing of this preemption so that cities can address issues at the local level.

12. Kansas Emergency Management Act

The Unified Government is requesting that the State of Kansas Legislature restore the Act to its prior version. When Senate Bill 40 enacted in 2021 it removed almost all of the powers of the State of Kansas Executive Branch for emergency and recovery. This is critical for local units of government to be able to request resources from the State of Kansas and the Federal Government.

13. Youth Fatality Review Board

The Unified Government supports continued refinement of state statute 22a-243 to include confidentiality protection for and guidelines related to the administration of local review boards.

14. “Automated Expungement”

The Unified Government supports the automated expungement of qualifying criminal records from public view. A criminal record reduces a job seeker’s chance of getting a callback or job offer by nearly 50%. Nationally, \$87 billion in gross domestic product is lost due to dismissing workers with criminal records from the labor market. Individuals are 11% more likely to be employed and earn 22% higher wages one year after a record has been cleared. In Kansas, expungement of a record requires a petition filed through the court and payment of fees. Once certified, this process may take an additional 2-4 weeks to process vs. Automated expungement uses technology to streamline the process.

Local Government Operations

1. Protecting Home Rule and Local Control

The Unified Government supports the ability of local elected officials to make decisions for their communities, particularly local tax and revenue decisions, as called for by the Home Rule Amendment of the Kansas Constitution approved by voters in 1960. The Unified Government urges the Kansas Legislature to respect the philosophy of local control and honor the Home Rule Amendment of the Kansas Constitution.

2. Municipal Utilities

The Unified Government supports the ability of cities to operate municipal electric, water, sewer, storm water, solid waste, telecommunications, and broadband services. We further support the ability of cities to set and control the rates of municipal utilities. The Unified Government supports continued local control over power supply decisions.

3. Public Property and Rights-of-Way

Local government and the citizens they represent should be allowed to control and manage public lands and right-of-way as they see fit. This includes collecting franchise fees and other revenues from private companies and individuals which use public lands for personal benefit or profit.

4. City Elections

City elections should remain non-partisan and separate from state and national elections. The filing location for city elections should return to the City Clerk's Office.

5. Legislative Advocacy

The Unified Government supports current law allowing the use of state and local tax dollars to provide information and advocate on behalf of our community and its citizens.

6. Alternative Revenue Sources

Locally elected officials and the citizens they represent should be allowed authority to structure and implement taxes and revenues which best suit the individual community without prohibitions and restrictions imposed by the Kansas Legislature. This includes local earnings/income taxes, development excise taxes, and other local taxes and fees now prohibited by state law.

7. Unfunded Mandates

The Unified Government believes the State Legislature should not impose mandated functions, activities, or regulations on local governments without providing financial resources to meet the costs of carrying out those mandates.

8. Publications and Notices

The undeniable right of the public to be informed about the actions of its government should not be compromised. At the same time, government officials have a responsibility to ensure the tax money required to keep citizens informed through legal notices and publications is spent in an effective and efficient way.

9. Open Meetings and Open Records

The Unified Government believes openness in government is essential to building public confidence. Open meetings and records laws should balance the public's right to know with the necessity of protecting private individuals and the ability of public agencies to conduct the essential business of the public. All levels of government should be subject to the same open meetings and open records requirements.

10. Alternate Construction Delivery

The Unified Government supports changes in State law which allow local governments to use design build and construction manager at risk techniques for public construction projects. These techniques have saved Wyandotte County taxpayers millions of dollars on several major public construction projects but are difficult to use under current State laws.

11. Broadband

Access to reliable broadband service is increasingly important to the economic health of Kansas cities. We support the establishment of the Broadband Deployment Grant to facilitate broadband expansion in Kansas. Guidance for the grant program and broadband-related statutes must recognize the important role local governments play in such expansion and not remove important planning and right of way authority from local governments.

12. Public Water Supply Supervision Program

We support changes to the statutory language increasing the funding stability for the Kansas Department of Health and Environment's Public Water Supply Supervision program. These changes must balance municipal cost concerns and recognize the state has a responsibility to contribute to these important public health matters. In addition, we recognize a need to update standards to meet federal clean drinking water standards.

13. Building Codes

We oppose any measures to preempt local building energy codes with respect to prohibiting the incentivization or requirement of net zero or net-zero ready building requirements.

14. Small Cell 5G Installations

The Unified Government encourages the State of Kansas to develop enabling language that would allow local governments to apply additional design and performance standards to small cell 5G installations. These new poles will be shorter and more ubiquitous across our neighborhoods (i.e. co-locating and/or replacing street and traffic lights). Ability to regulate the design standards is important to health and safety as well as appearance of a community.

Public Health and Environment

1. Local Health Department Funding

The Unified Government supports increased investment in public health funding to protect the health of Wyandotte County residents. The State of Kansas ranks near the bottom nationally for public health funding. A 2020 report by America's Health Rankings ranks Kansas 40th for per capita public health expenditures. A 2021 report by the Trust for American's Health provides detail on the ranking. The low ranking is part inadequate CDC funding (Kansas ranked 38th in per capita CDC Program Funding to States in FY2020) and part underinvestment in State dollars (Kansas ranked 47th in per capita expenditures on public health in FY 2019-2020). State aid to local health departments has remained unchanged since 1995.

2. Medicaid Expansion

The Unified Government supports expansion of the Kansas Medicaid program which will improve access to care for those most vulnerable in Wyandotte County. It is estimated that expansion would provide insurance for 8,736 currently uninsured Wyandotte October 2021 County residents, bring \$58,452,576 in new annual healthcare spending to Wyandotte County and create hundreds of new healthcare jobs.

3. Mental Health and Jails

The Unified Government supports allocating additional resources for behavioral health programs. Funds should be allocated for community mental health centers and additional bed space for psychiatric patients to reduce the number of people with behavioral or substance abuse issues who are inappropriately incarcerated in county jails.

4. T21 Policy

The Unified Government supports raising the age of legal access for the sale of tobacco products to persons 21 years of age and older across the State of Kansas. While all cities in Wyandotte County now have T21 ordinances, the passing of a statewide T21 law would allow for greater coordination and strengthening of enforcement.

5. Expedited Partner Therapy

The Unified Government supports legislation explicitly allowing and providing guidelines for Expedited Partner Therapy in the case of sexually transmitted infections. EPT is the clinical practice of treating sex partners of patients diagnosed with chlamydia by providing prescriptions or medications to the patient to take to their partner without a health care provider first examining the partner. Kansas is one of only six states which do not explicitly allow EPT.

6. Serving Senior Populations and Area Agency on Aging Issues

The Unified Government supports legislation to provide improved support for aging populations in local communities, including full funding of Home and Community Based Services for the Frail Elderly waiver; funding Access to Core Services; and legislation to allow unused prescription drugs from nursing homes, hospice, and other health care agencies to be distributed for use by medically indigent seniors.

7. Energy Efficiency

The Unified Government supports energy efficiency and the development of a statewide energy policy which enables local governments to act individually or in cooperation with others to address energy efficiency. Funding for the Efficiency Kansas program which assists homeowners in improving their homes should be restored.

8. Energy and Environmental Mandates

The Unified Government opposes federal and state mandates which regulate the operations of municipal electric, water, solid waste, storm water, telecommunications and broadband utility services which do not come with adequate funding to address the mandate.

9. Stormwater Management

The Unified Government endorses regional and cooperative solutions to stormwater quality and quantity challenges and encourages the Kansas Department of Health and Environment and the Environmental Protection Agency to work with cities and provide technical support in the implementation of reasonable regulations related to stormwater management.

10. Infrastructure Funding

We support increased federal and state funding to assist local communities with their water, wastewater, stormwater, levee and dam infrastructure and associated security needs. In addition, we call for longer loan terms up to 40 years when the useable lifespan of an improvement exceeds the life of the loan.

11. Stormwater Management

We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution. We further endorse state measures to incentivize and enable investment in green infrastructure (e.g., street trees, use of native plants, etc.) to support sustainable communities.

12. Hazardous Waste

We support a comprehensive state-local approach to aid in identifying hazardous wastes and to develop programs to monitor and dispose of such wastes. We encourage state agencies to work cooperatively with local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Further, appropriate education and training should be provided prior to the implementation of such programs.

13. Clean Air

We support air quality controls and a state-developed air quality plan that protects the health and safety of Kansans while balancing municipal cost concerns.

14. Energy Spikes

We support federal review and investigation of the extraordinary energy price spikes seen throughout the Midwest in Winter 2021. The UG will coordinate with BPU to encourage Congress and federal, regional, and state agencies to make appropriate changes in laws and regulations governing natural gas and electricity production and sales to promote stability in energy prices.

15. Water Quantity

Government at all levels should aggressively pursue the conservation, protection and development of current and future municipal water supplies. We support cost-effective efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address over appropriated surface and groundwater resources while respecting priority of water rights. The water rights management tools that have been developed in recent years should be modified or expanded so that they provide the same type of flexibility and authority to any water rights holder regardless of class.

16. Water Planning

We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state Water Plan Fund; and a re-evaluation of the process for adopting the annual state Water Plan Fund budget.



Staff Request for Commission Action

Tracking No. 211227

Full Commission Meeting Date: 12/2/21

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: Yes 12/9/2021

<u>Date:</u> 01/03/2022	<u>Contact Name:</u> Jeff Fisher	<u>Contact Phone:</u> x5415	<u>Contact Email:</u> jfisher@wycokck.org	<u>Department/Division:</u> Public Works
<u>Item Description:</u> Presentation on two options for stormwater and potential rate structures. Two structures have been advanced from Commission direction at the November 18, 2021 special session. - Tiered rate structure - Individually calculated rate structure				
<u>Action Requested:</u> Approve two ordinances				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Individually Calculated Chapter 30 Revisions clean copy for Commission, Individually Calculated Chapter 30 Revisions redline for Commission, Individually Calculated Rate Ordinance for Commission, Tier Chapter 30 Revisions clean copy for Commission, Tier Chapter 30 Revisions redline for Commission, Tier Rate Ordinance for the Commission				

(Summary Ordinance Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to a Storm and Surface Water Utility fee; amending Section 30-324, 30-229, and 30-330 of Article VIII of Chapter 30 of the 1988 Code of Ordinances City of Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 30-324 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-324. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Base Charge” means the charge established by an ordinance setting or amending the Storm and Surface Water Utility fee that will be charged to every property.

"Bonds" means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

“BPU” means the Board of Public Utilities, an administrative agency of the Unified Government.

"Certificate of occupancy" means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

“City” means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

"Costs of capital improvement" means costs incurred in providing capital improvements to the storm and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the storm and surface water utility and other start-up costs of the storm and surface water utility; costs related to

the National Pollution Discharge Elimination System permit and any studies associated therewith as mandated by federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

"Debt service" means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on such bonds during such Fiscal Year.

"Director" means the person appointed by the county administrator to be the director of the storm and surface water utility.

"Dwelling unit" means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

"Exempt property" means public rights-of-way, public streets, public alleys and public sidewalks.

"Extension and replacement" means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the storm and surface water management system, or land acquisition and relocation costs for the storm and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

"Fiscal year" means a twelve-month period commencing on the first day of January of any year.

"Impervious area" or "hard surface area" means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating Storm Water Utility fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

"Impervious Area Charge" means the monthly impervious area charge, calculated per the impervious area rate established by an ordinance setting or amending the Storm and Surface Water Utility fee.

"In lieu of franchise fee" means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the Unified Government Commission and that is paid to the city for use of public streets, alleys, sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights of way pursuant to K.S.A. 12-2001 et seq.

"Non-Residential Property" means any Property other than Single-Family Residential Property.

"Non-residential storm water customer" means a customer whose electric utility account with BPU is classified as non-residential.

"Operating budget" means the annual storm and surface water utility operating budget adopted by the Unified Government for the succeeding fiscal year.

"Operations and maintenance" means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

"Property" means land, buildings, and other improvements together considered as a parcel as identified by the tax parcel established by the County Appraiser.

"Revenues" means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the storm and surface water utility in connection with the ownership, management and operation of the storm and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

"Residential storm water customer" means a customer whose electric utility account with BPU is classified as residential.

"Service Area" means all of the area which is contained within the boundaries of the municipal limits of the city of Kansas City, Kansas except for the area contained within the boundaries of the Fairfax Drainage District.

"Single-Family Residential Property" means a property with up to four dwelling units.

"Storm and surface water management system," "sewer system" or "system" means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with storm or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of storm or surface water and pollutants born or carried in such waters.

"Storm and surface water utility" or "utility" means the utility created by this chapter to operate, regulate, maintain and improve the storm and surface water management system and for such other purposes as are set forth in this chapter.

"Storm Water Utility fee" or "storm water user fees" means a service fee authorized by Charter Ordinance CO-04-08, this chapter and as set forth in an ordinance adopted or amended by the Unified Government Commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the storm and surface water management system.

"Storm Water Customer" means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, and/or owns, benefits from property and to whom Storm Water Utility fees are billed as provided herein.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Unified Government Commission” means the governing body of the Unified Government.

(Ord. No. 0-56-08, § 1(30-324), 7-31-2008)

Section 2. That Section 30-329 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-329. Storm Water Utility fee.

- (a) Fee Established. Subject to the provisions of this chapter, there is imposed on each and every single family residential property and non-residential property in the City Service Area, a service fee to be known as a storm water utility fee. (Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009; Ord. No. O-45-10, § 1, 7-29-2010)
- (b) Each and every Property’s Impervious Area shall be measured in square feet. Each Property shall pay a Stormwater Utility Fee calculated as the sum of a Monthly Base Charge and a Monthly Impervious Area Charge. The Monthly Impervious Area Charge shall be determined by multiplying every five hundred square feet of Impervious Area by the impervious area rate.
- (c) Based upon the projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the monthly base charge and monthly impervious area rate. The unified government board of commissioners shall establish by ordinance the monthly base charge and monthly impervious area rate to ensure that the sewer system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation. Changes to the rate ordinance shall be published in the official unified government newspaper.
- (d) Storm Water Utility fee credit. The Administrator may adopt regulations and procedures that establish credits and/or incentives that reduce the Storm Water Utility fee that would otherwise be assessed against properties. If adopted, all procedures pertaining to credits shall be per the Unified Governments Stormwater Credits and Appeals Manual. In no event shall a Storm Water Utility fee credit exceed 75% of the property’s Impervious Area Charge. Storm Water Utility fee credits are applicable to only Non-residential property.

Section 3. That Section 30-330 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-330. Appeal procedure.

- (a) Any persons disagreeing with their monthly Storm Water Utility fee, and/or disagreeing with whether their property is served by the Storm Water Utility may appeal to the director. Any owner

of a property for which a Storm Water Utility fee has been assessed may appeal the Storm Water Utility fee for that property for the following reasons: (i) designation of property classification and/or ownership, (ii) calculations of the Storm Water Utility fee, (iii) designation of impervious area square feet, and (iv) determination of Storm Water Utility fee credit.

(b) Appeals must be in writing to the director. The director or their designee shall thereafter hold an informal hearing. The director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing dwelling units, total property area, and impervious area as appropriate, if such information is deemed to be material by the director or designee. The director or designee may consider any relevant evidence. Based on information provided, the director or designee shall make a determination as to whether the Storm Water Utility fee should be adjusted for such property. The director or designee shall notify parties in writing of the decision.

(c) Right to appeal; appeal board; appeal hearing.

(1) A person shall have the right to appeal the decision of the director to the storm and surface water utility appeals board. Such appeal shall be made within twenty days of the date the director notifies the person of the director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The storm and surface water utility appeals board shall consist of the following members: County Administrator or designee, County Engineer or designee, Director of Public Works or designee.

(3) A hearing on such appeal shall be held within thirty days from the date the notice of appeal is received, and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the Stormwater Utility fee for the property in question and the director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The storm and surface water utility appeals board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the storm and surface water utility appeals board shall be final, and any further appeal of such decision shall be to the Judicial District Court of the State of Kansas by way of the provisions of K.S.A. 60-2101(d). (Ord. No. O-56-08, § 1(30-330), 7-31-2008) (Ord. No. O-56-08, § 1(30-330), 7-31-2008)

Section 4. This ordinance shall take effect and be in fully force after its passage, approval and publication of the Summary Ordinance in the official Unified Government Newspaper.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF _____, 2021.

APPROVED:

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown, Chief Counsel

(Summary Ordinance Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to a Storm and Surface Water Utility fee; amending Section 30-324, 30-229, and 30-330 of Article VIII of Chapter 30 of the 1988 Code of Ordinances City of Kansas City, Kansas.

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Section 30-324. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Base Charge” means the charge established by an ordinance setting or amending the Storm and Surface Water Utility fee that will be charged to every property.

"Bonds" means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

“BPU” means the Board of Public Utilities, an administrative agency of the Unified Government.

"Certificate of occupancy" means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

“City” means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

"Costs of capital improvement" means costs incurred in providing capital improvements to the storm and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the storm and surface water utility and other start-up costs of the storm and surface water utility; costs related to the National Pollution Discharge Elimination System permit and any studies associated therewith as mandated by federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

"Debt service" means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on such bonds during such Fiscal Year.

"Director" means the person appointed by the county administrator to be the director of the storm and surface water utility.

"Dwelling unit" means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

"Exempt property" means public rights-of-way, public streets, public alleys and public sidewalks.

"Extension and replacement" means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the storm and surface water management system, or land acquisition and relocation costs for the storm and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

"Fiscal year" means a twelve-month period commencing on the first day of January of any year.

"Impervious area" or "hard surface area" means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating Storm Water Utility fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

"Impervious Area Charge" means the monthly impervious area charge, calculated per the impervious area rate established by an ordinance setting or amending the Storm and Surface Water Utility fee.

"In lieu of franchise fee" means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the Unified Government Commission and that is paid to the city for use of public

streets, alleys, sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights of way pursuant to K.S.A. 12-2001 et seq.

“Non-Residential Property” means any Property other than Single-Family Residential Property.

“Non-residential storm water customer” means a customer whose electric utility account with BPU is classified as non-residential.

~~Minimum Charge” means the charge established by an ordinance setting or amending the Storm and Surface Water Utility fee.~~

"Operating budget" means the annual storm and surface water utility operating budget adopted by the Unified Government for the succeeding fiscal year.

"Operations and maintenance" means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

“Property” means land, buildings, and other improvements together considered as a parcel as identified by the tax parcel established by the County Appraiser.

"Revenues" means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the storm and surface water utility in connection with the ownership, management and operation of the storm and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

“Residential storm water customer” means a customer whose electric utility account with BPU is classified as residential.

“Service Area” means all of the area which is contained within the boundaries of the municipal limits of the city of Kansas City, Kansas except for the area contained within the boundaries of the Fairfax Drainage District.

“Single-Family Residential Property” means a property with up to four dwelling units.

"Storm and surface water management system," "sewer system" or "system" means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with storm or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of storm or surface water and pollutants born or carried in such waters.

"Storm and surface water utility" or "utility" means the utility created by this chapter to operate, regulate, maintain and improve the storm and surface water management system and for such other purposes as are set forth in this chapter.

"Storm Water Utility fee" or "storm water user fees" means a service fee authorized by Charter Ordinance CO-04-08, this chapter and as set forth in an ordinance adopted or amended by the Unified Government Commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the storm and surface water management system.

"Storm Water Customer" means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, and/or owns, benefits from property and to whom Storm Water Utility fees are billed as provided herein. ~~Storm Water Customers shall be divided into two classes: residential and non-residential.~~

"Unified Government" means the Unified Government of Wyandotte County/Kansas City, Kansas.

"Unified Government Commission" means the governing body of the Unified Government.

(Ord. No. 0-56-08, § 1(30-324), 7-31-2008)

Section 2. That Section 30-329 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-329. Storm Water Utility fee.

- (a) Fee Established. Subject to the provisions of this chapter, there is imposed on each and every single family residential property and non-residential ~~Storm Water Customer property~~ in the City Service Area, a service fee to be known as a storm water utility fee. (Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009; Ord. No. O-45-10, § 1, 7-29-2010)
- (b) ~~Each and every Property's Impervious Area shall be measured in square feet. Each Property shall pay a Stormwater Utility Fee calculated as the sum of a Monthly Base Charge and a Monthly Impervious Area Charge. The Monthly Impervious Area Charge shall be determined by multiplying every five hundred square feet of Impervious Area by the impervious area rate.~~
- (c) ~~Based upon the projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the monthly base charge and monthly impervious area rate. The unified government board of commissioners shall establish by ordinance the monthly base charge and monthly impervious area rate to ensure that the sewer system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation. Changes to the rate ordinance shall be published in the official unified government newspaper.~~

(d) Storm Water Utility fee credit. The Administrator may adopt regulations and procedures that establish credits and/or incentives that reduce the Storm Water Utility fee that would otherwise be assessed against properties. If adopted, all procedures pertaining to credits shall be per the Unified Governments Stormwater Credits and Appeals Manual. In no event shall a Storm Water Utility fee credit exceed 75% of the property's Impervious Area Charge. Storm Water Utility fee credits are applicable to only Non-residential property.

Section 3. That Section 30-330 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-330. Appeal procedure.

(a) Any persons disagreeing with their monthly Storm Water Utility fee, and/or disagreeing with whether their property is served by the Storm Water Utility may appeal to the director. Any owner of a property for which a Storm Water Utility fee has been assessed may appeal the Storm Water Utility fee for that property for the following reason: (i) identification of customer classification reasons: (i) designation of property classification and/or ownership, (ii) calculations of the Storm Water Utility fee, (iii) designation of impervious area square feet, and (iv) determination of Storm Water Utility fee credit.

(b) Appeals must be in writing to the director. The director or their designee shall thereafter hold an informal hearing. ~~The director or their designee will coordinate with BPU to address the appeal. The director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing dwelling units, total property area, and impervious area as appropriate, if such information is deemed to be material by the director or designee. The director or designee may consider any relevant evidence. Based on information provided, the director or designee shall make a determination as to whether the Storm Water Utility fee should be adjusted for such property.~~ The director or designee shall notify parties in writing of the decision.

(c) Right to appeal; appeal board; appeal hearing.

(1) A person shall have the right to appeal the decision of the director to the storm and surface water utility appeals board. Such appeal shall be made within twenty days of the date the director notifies the person of the director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The storm and surface water utility appeals board shall consist of the following members: County Administrator or his designee, County Engineer or his designee, Director of Public Works or his designee.

(3) A hearing on such appeal shall be held within thirty days from the date the notice of appeal is received, and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the drainage Stormwater Utility fee for the property in question and the director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The storm and surface

water utility appeals board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the storm and surface water utility appeals board shall be final, and any further appeal of such decision shall be to the Judicial District Court of the State of Kansas by way of the provisions of K.S.A. 60-2101(d). (Ord. No. O-56-08, § 1(30-330), 7-31-2008) (Ord. No. O-56-08, § 1(30-330), 7-31-2008)

Section 4. This ordinance shall take effect and be in fully force after its passage, approval and publication of the Summary Ordinance in the official Unified Government Newspaper.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF _____, 2021.

APPROVED:

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown, Chief Counsel

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE amending the Storm and Surface Water Utility fee and providing an effective date.

WHEREAS, the Board of Commissioners for the Unified Government of Wyandotte County/Kansas City has under consideration an amendment to the Storm and Surface Water Utility fee ordinance which requires the Board of Commissioners to amend the Storm and Surface Water Utility fee; and

WHEREAS, the County Administrator has recommended rates as set forth herein based upon input by City staff; and

WHEREAS, the Board of Commissioners have evaluated the recommendations and have determined that the fees set forth herein below are reasonable and necessary and are in accordance with the provisions of Ordinance No.CO-04-08; and

WHEREAS, the Board of Commissioners have determined it to be appropriate to implement the stormwater utility fee set forth herein as of the effective date of this resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Stormwater Utility Fee Established. Each and every Property in the City Service Area shall be assessed a monthly Storm Water Utility Fee as per the provisions of this ordinance.

Section 2. This Ordinance shall become effective upon its adoption and after January 1, 2024. Each and every Property within the City Service Area shall begin paying the established monthly stormwater utility fee on January 1, 2024 according to the below schedule.

Section 3. Each and every Property's Impervious Area shall be measured in square feet. Each Property shall pay a Stormwater Utility Fee calculated as the sum of a Monthly Base Charge and a Monthly Impervious Area Charge. The Monthly Impervious Area Charge shall be determined by multiplying every five hundred square feet of Impervious Area rate.

	2024	2025	2026
Monthly Base Charge	\$4.08	\$4.35	\$4.65
Monthly Impervious Area Rate per 500 square feet	\$0.80	\$0.85	\$0.91

Section 4. The rates for 2025 will become effective January 1, 2025 and the rates for 2026 will become effective January 1, 2026.

Section 5. The Unified Government, the Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown, Deputy Chief Counsel

(Summary Ordinance Published _____)

ORDINANCE NO.

AN ORDINANCE relating to a Storm and Surface Water Utility fee; amending Section 30-324, 30-327, 30-229, and 30-330 of Article VIII of Chapter 30 of the 1988 Code of Ordinances City of Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 30-324 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-324. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Bonds" means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

"BPU" means the Board of Public Utilities, an administrative agency of the Unified Government.

"Certificate of occupancy" means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

"City" means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

"Costs of capital improvement" means costs incurred in providing capital improvements to the storm and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the storm and surface water utility and other start-up costs of the storm and surface water utility; costs related to the National Pollution Discharge Elimination System permit and any studies associated therewith as mandated by federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

"Debt service" means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on such bonds during such Fiscal Year.

"Director" means the person appointed by the county administrator to be the director of the storm and surface water utility.

"Dwelling unit" means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

"Exempt property" means public rights-of-way, public streets, public alleys and public sidewalks.

"Extension and replacement" means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the storm and surface water management system, or land acquisition and relocation costs for the storm and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

"Fiscal year" means a twelve-month period commencing on the first day of January of any year.

"Impervious area" or "hard surface area" means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating Storm Water Utility fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

"Impervious Area Tiers" means the square footage of impervious area defined for the five tiers as stated in the Stormwater Utility fee ordinance.

"In lieu of franchise fee" means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the Unified Government Commission and that is paid to the city for use of public streets, alleys, sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights of way pursuant to K.S.A. 12-2001 et seq.

"Non-Residential Property" means any Property other than Single-Family Residential Property.

"Non-residential storm water customer" means a customer whose electric utility account with BPU is classified as non-residential.

"Minimum Charge" means the charge established by an ordinance setting or amending the Storm and Surface Water Utility fee.

"Operating budget" means the annual storm and surface water utility operating budget adopted by the Unified Government for the succeeding fiscal year.

"Operations and maintenance" means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

"Property" means land, buildings, and other improvements together considered as a parcel as identified by the tax parcel established by the County Appraiser.

"Revenues" means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the storm and surface water utility in connection with the ownership, management and operation of the storm and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

"Residential storm water customer" means a customer whose electric utility account with BPU is classified as residential.

"Service Area" means all of the area which is contained within the boundaries of the municipal limits of the city of Kansas City, Kansas except for the area contained within the boundaries of the Fairfax Drainage District.

"Single-Family Residential Property" means a property with up to four dwelling units.

"Storm and surface water management system," "sewer system" or "system" means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with storm or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of storm or surface water and pollutants born or carried in such waters.

"Storm and surface water utility" or "utility" means the utility created by this chapter to operate, regulate, maintain and improve the storm and surface water management system and for such other purposes as are set forth in this chapter.

"Storm Water Utility fee" or "storm water user fees" means a service fee authorized by Charter Ordinance CO-04-08, this chapter and as set forth in an ordinance adopted or amended by the Unified Government Commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the storm and surface water management system.

"Storm Water Customer" means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, and/or owns, benefits from property and to whom Storm Water Utility fees are billed as provided herein.

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Unified Government Commission” means the governing body of the Unified Government.

(Ord. No. 0-56-08, § 1(30-324), 7-31-2008)

Section 2. That Section 30-329 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-329. Storm Water Utility fee.

- (a) Fee Established. Subject to the provisions of this chapter, there is imposed on each and every single-family residential property and non-residential property in the City Service Area, a service fee to be known as a storm water utility fee.
- (b) Each and every Non-Residential Property within the City Service Area shall be categorized into one of five tiers based on the impervious surface area of the property. Each Non-Residential Property shall pay a set rate based on its tier category. Residential properties shall all pay the same rate.
- (c) Based upon the projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the rate for each of the five tiers and for residential properties. The unified government board of commissioners shall establish by ordinance the rate for each of the five tiers and for residential properties to ensure that the sewer system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation. Changes to the rate ordinance shall be published in the official unified government newspaper.

(Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009; Ord. No. O-45-10, § 1, 7-29-2010)

Section 3. That Section 30-330 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-330. Appeal procedure.

- (a) Any persons disagreeing with their monthly Storm Water Utility fee, and/or disagreeing with whether their property is served by the Storm Water Utility may appeal to the director. Any owner of a property for which a Storm Water Utility fee has been assessed may appeal the Storm Water Utility fee for that property for the following reasons: (i) designation of property classification, (ii) calculations of the Storm Water Utility fee, and (iii) designation of impervious area tier.

(b) Appeals must be in writing to the director. The director or their designee shall thereafter hold an informal hearing. The director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing dwelling units, total property area, and impervious area as appropriate, if such information is deemed to be material by the director or designee. The director or designee may consider any relevant evidence. Based on information provided, the director or designee shall make a determination as to whether the Storm Water Utility fee should be adjusted for such property. The director or designee shall notify parties in writing of the decision.

(c) Right to appeal; appeal board; appeal hearing.

(1) A person shall have the right to appeal the decision of the director to the storm and surface water utility appeals board. Such appeal shall be made within twenty days of the date the director notifies the person of the director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The storm and surface water utility appeals board shall consist of the following members: County Administrator or his designee, County Engineer or designee, Director of Public Works or designee.

(3) A hearing on such appeal shall be held within thirty days from the date the notice of appeal is received, and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the Stormwater Utility fee for the property in question and the director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The storm and surface water utility appeals board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the storm and surface water utility appeals board shall be final, and any further appeal of such decision shall be to the Judicial District Court of the State of Kansas by way of the provisions of K.S.A. 60-2101(d).

(Ord. No. O-56-08, § 1(30-330), 7-31-2008)

Section 4. This ordinance shall take effect and be in fully force after its passage, approval and publication of the Summary Ordinance in the official Unified Government Newspaper.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF _____, 2021.

APPROVED:

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown, Chief Counsel

(Summary Ordinance Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to a Storm and Surface Water Utility fee; amending Section 30-324, 30-327, 30-229, and 30-330 of Article VIII of Chapter 30 of the 1988 Code of Ordinances City of Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 30-324 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-324. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Bonds" means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

"BPU" means the Board of Public Utilities, an administrative agency of the Unified Government.

"Certificate of occupancy" means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

"City" means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

"Costs of capital improvement" means costs incurred in providing capital improvements to the storm and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the storm and surface water utility and other start-up costs of the storm and surface water utility; costs related to the National Pollution Discharge Elimination System permit and any studies associated therewith as mandated by federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

"Debt service" means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on such bonds during such Fiscal Year.

"Director" means the person appointed by the county administrator to be the director of the storm and surface water utility.

"Dwelling unit" means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

"Exempt property" means public rights-of-way, public streets, public alleys and public sidewalks.

"Extension and replacement" means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the storm and surface water management system, or land acquisition and relocation costs for the storm and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

"Fiscal year" means a twelve-month period commencing on the first day of January of any year.

"Impervious area" or "hard surface area" means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating Storm Water Utility fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

"Impervious Area Tiers" means the square footage of impervious area defined for the five tiers as stated in the Stormwater Utility fee ordinance.

"In lieu of franchise fee" means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the Unified Government Commission and that is paid to the city for use of public streets, alleys, sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights of way pursuant to K.S.A. 12-2001 et seq.

"Non-Residential Property" means any Property other than Single-Family Residential Property.

"Non-residential storm water customer" means a customer whose electric utility account with BPU is classified as non-residential.

"Minimum Charge" means the charge established by an ordinance setting or amending the Storm and Surface Water Utility fee.

"Operating budget" means the annual storm and surface water utility operating budget adopted by the Unified Government for the succeeding fiscal year.

"Operations and maintenance" means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

"Property" means land, buildings, and other improvements together considered as a parcel as identified by the tax parcel established by the County Appraiser.

"Revenues" means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the storm and surface water utility in connection with the ownership, management and operation of the storm and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

"Residential storm water customer" means a customer whose electric utility account with BPU is classified as residential.

"Service Area" means all of the area which is contained within the boundaries of the municipal limits of the city of Kansas City, Kansas except for the area contained within the boundaries of the Fairfax Drainage District.

"Single-Family Residential Property" means a property with up to four dwelling units.

"Storm and surface water management system," "sewer system" or "system" means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with storm or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of storm or surface water and pollutants born or carried in such waters.

"Storm and surface water utility" or "utility" means the utility created by this chapter to operate, regulate, maintain and improve the storm and surface water management system and for such other purposes as are set forth in this chapter.

"Storm Water Utility fee" or "storm water user fees" means a service fee authorized by Charter Ordinance CO-04-08, this chapter and as set forth in an ordinance adopted or amended by the Unified Government Commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the storm and surface water management system.

"Storm Water Customer" means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, and/or owns, benefits from property and to whom Storm Water

Utility fees are billed as provided herein. ~~Storm Water Customers shall be divided into two classes: residential and non-residential.~~

“Unified Government” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Unified Government Commission” means the governing body of the Unified Government.

(Ord. No. 0-56-08, § 1(30-324), 7-31-2008)

Section 2. That Section 30-329 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-329. Storm Water Utility fee.

- (a) Fee Established. Subject to the provisions of this chapter, there is imposed on each and every single-family residential property and non-residential ~~Storm Water Customer property~~ in the City Service Area, a service fee to be known as a storm water utility fee. (Ord. No. O-56-08, § 1(30-329), 7-31-2008; Ord. No. O-57-08, § 1, 7-31-2008; Ord. No. O-59-09, § 1, 7-30-2009; Ord. No. O-45-10, § 1, 7-29-2010)
- (b) ~~Each and every Non-Residential Property within the City Service Area shall be categorized into one of five tiers based on the impervious surface area of the property. Each Non-Residential Property shall pay a set rate based on its tier category. Residential properties shall all pay the same rate.~~
- (c) ~~Based upon the projected annual budget adopted by the unified government board of commissioners, the county administrator shall each year recommend to the unified government board of commissioners the rate for each of the five tiers and for residential properties. The unified government board of commissioners shall establish by ordinance the rate for each of the five tiers and for residential properties to ensure that the sewer system generates adequate annual revenues to pay the annual costs of operation and maintenance including replacement of the unified government's sewer system, to satisfy costs associated with any obligations and to provide for costs associated with the unified government capital improvement plan and the expenses of the annual operation. Changes to the rate ordinance shall be published in the official unified government newspaper.~~

Section 3. That Section 30-330 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-330. Appeal procedure.

- (a) Any persons disagreeing with their monthly Storm Water Utility fee, and/or disagreeing with whether their property is served by the Storm Water Utility may appeal to the director. Any owner of a property for which a Storm Water Utility fee has been assessed may appeal the Storm Water

Utility fee for that property for the following ~~reason~~ reasons: (i) ~~identification~~ designation of ~~customer property~~ classification, (ii) calculations of the Storm Water Utility fee, and (iii) designation of impervious area tier.

(b) Appeals must be in writing to the director. The director or their designee shall thereafter hold an informal hearing. The director or ~~their~~ designee ~~will coordinate with BPU, prior to address such hearing, may request that~~ the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing dwelling units, total property area, and impervious area as appropriate, if such information is deemed to be material by the director or designee. The director or designee may consider any relevant evidence. Based on information provided, the director or designee shall make a determination as to whether the Storm Water Utility fee should be adjusted for such property. The director or designee shall notify parties in writing of the decision.

(c) Right to appeal; appeal board; appeal hearing.

(1) A person shall have the right to appeal the decision of the director to the storm and surface water utility appeals board. Such appeal shall be made within twenty days of the date the director notifies the person of the director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The storm and surface water utility appeals board shall consist of the following members: County Administrator or his designee, County Engineer or his designee, Director of Public Works or his designee.

(3) A hearing on such appeal shall be held within thirty days from the date the notice of appeal is received, and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the ~~drainage~~ Stormwater Utility fee for the property in question and the director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The storm and surface water utility appeals board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the storm and surface water utility appeals board shall be final, and any further appeal of such decision shall be to the Judicial District Court of the State of Kansas by way of the provisions of K.S.A. 60-2101(d). (Ord. No. O-56-08, § 1(30-330), 7-31-2008)

(Ord. No. O-56-08, § 1(30-330), 7-31-2008)

Section 4. This ordinance shall take effect and be in fully force after its passage, approval and publication of the Summary Ordinance in the official Unified Government Newspaper.

**PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF _____, 2021.**

APPROVED:

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown, Chief Counsel

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE amending the Storm and Surface Water Utility fee and providing an effective date.

WHEREAS, the Board of Commissioners for the Unified Government of Wyandotte County/Kansas City has under consideration an amendment to the Storm and Surface Water Utility fee ordinance which requires the Board of Commissioners to amend the Storm and Surface Water Utility fee; and

WHEREAS, the County Administrator has recommended rates as set forth herein based upon input by City staff; and

WHEREAS, the Board of Commissioners have evaluated the recommendations and have determined that the fees set forth herein below are reasonable and necessary and are in accordance with the provisions of Ordinance No.CO-04-08; and

WHEREAS, the Board of Commissioners have determined it to be appropriate to implement the stormwater utility fee set forth herein as of the effective date of this resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Storm Water Utility Fee Established. Each and every Property in the City Service Area shall be assessed a monthly Storm Water Utility Fee as per the provisions of this ordinance.

Section 2. This Ordinance shall become effective upon its adoption and after July 1, 2023. Each and every Property within the City Service Area shall begin paying the established monthly stormwater utility fee on July 1, 2023 according to the below schedule.

Section 3. Each and every Non-Residential Property within the City Service Area shall be categorized into a tier based on the impervious surface area of the property. The Impervious Area tiers shall be assigned as follows:

Impervious Area Tiers	Impervious Area in square feet
1	0-5,000
2	5,001-8,000
3	8,001-20,000
4	20,001-50,000
5	Over 50,000

Residential Property

	2023	2024	2025
All residential property	\$7.50	\$7.50	\$7.75

Non-Residential Property

	2023	2024	2025
Tier 1	\$15	\$15	\$16
Tier 2	\$25	\$25	\$26
Tier 3	\$60	\$60	\$62
Tier 4	\$150	\$150	\$154
Tier 5	\$400	\$400	\$410

Section 4. The rates for 2025 shall be effective January 1, 2025.

Section 5. The Unified Government, the Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown, Chief Counsel