

**MARCH 3, 2022 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

FULL COMMISSION

Location: Hybrid

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.

You are invited to a Zoom webinar.

When: Mar 3, 2022 07:00 PM Central Time (US and Canada)

Topic: Full Commission meeting March 3, 2022

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83642114811?pwd=Z1oyV1lrQTY2YkIwSlF1aVIwNTRzUT09>

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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 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MARCH 3, 2022 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**

- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

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

A. CHANGE OF ZONE APPLICATIONS

1. COZ2021-050 - DELAWARE STORAGE 2 LLC/FIRESIDE FINANCIAL LLC

Synopsis: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District for expansion of Delaware Storage at 1342 North 126th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211376

2. COZ2022-001 - TIM KATES WITH REMCO DEMOLITION LLC

Synopsis: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211377

3. COZ2022-002 - JASON SADLER/HOUSE2HOUSE KC, LLC

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to bring an existing duplex into compliance at 2822 West 43rd Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211378

4. COZ2022-004 - GUNNAR H. HAND, AICP, DIRECTOR OF PLANNING

Synopsis: Change of Zone from MP-2 Planned General Industrial District to R-1 Single Family District for the existing Bennett Lake and park land at 9300 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211379

5. **COZ2022-005 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District for Camping World inventory lot expansion at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 211380

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2021-083 - AURELIO AND MARIA NAVAREZ**

Synopsis: Renewal of a Special Use Permit (SP-2016-79) for live entertainment with a drinking establishment at 6550 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 211374

2. **SP2021-084 - EFRAIN CARRERA**

Synopsis: Renewal of a Special Use Permit (SP-2019-109) for horses at 5124 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211375

3. **SP2022-001 - LUKE OLENICK WITH SUNFLOWER TOW SERVICE, LLC**

Synopsis: Special Use Permit for expanded mechanic's shop to maintain tow vehicles and used car sales at 452 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211381

4. **SP2022-002 - JEFF BAWKER/MJP PROPERTIES & HIGHLAND PARK CEMETERY**

Synopsis: Special Use Permit for grading at 3801R State Avenue, 4100 Ann Avenue, 4315 Ann Avenue and 949 North 41st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211382

5. **SP2022-005 - WIL ANDERSON WITH BHC RHODES**

Synopsis: Renewal of a Special Use Permit (SP-2019-94) for the Temporary Use of Land for an office trailer at 8130 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211383

6. **SP2022-006 - CHRISTI EATON AND KIM MAPLES**

Synopsis: Renewal of a Special Use Permit (SP-2019-90) for a child care facility on the KCKCC campus at 7250 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 211384

7. **SP2022-008 - DAN SPENCER WITH CZ-USA**

Synopsis: Renewal of a Special Use Permit (SP-2019-95) for a shooting range at 3327 North 7th Street Trafficway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 211385

8. **SP2022-012 - TYLER REYNOLDS AND JUSTINE ROBLES**

Synopsis: Special Use Permit for a Short-Term Rental at 527 Tenny Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 211386

9. **SP2022-014 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Special Use Permit for indoor facility and outdoor fields for multi-sport training and tournament games, including food, beverage and liquor sales and related parking at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211387

10. **SP2022-015 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Special Use Permit for site grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211388

C. PLAN REVIEW APPLICATIONS

1. **PR2022-005 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Preliminary and Final Plan Review for Camping World inventory lot expansion at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211389

2. **PR2022-006 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211390

D. MASTER PLAN AMENDMENT APPLICATIONS

1. **MPL2022-001 - TIM KATES WITH REMO DEMOLITION LLC**

Synopsis: Master Plan Amendment from Planned Commercial (Prairie-Delaware-Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211391

2. **MPL2022-003 - GUNNAR H. HAND, AICP, DIRECTOR OF PLANNING**

Synopsis: Master Plan Amendment from Business Park (Prairie-Delaware-Piper Master Plan) to Open Space (Prairie-Delaware-Piper Master Plan) at 9300 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211392

3. **MPL2022-004 - CURTIS PETERSEN WITH POLSINELLI PC**

Synopsis: Master Plan Amendment from Planned Mixed Residential (Prairie-Delaware-Piper Master Plan) to Planned Commercial (Prairie-Delaware-Piper Master Plan) at 9020 State Avenue

Tracking #: 211393

E. ORDINANCE AMENDMENT

1. **MPL2022-005 - CONSIDERATION OF THE UPDATE TO THE 47TH STREET OVERLAY DISTRICT**

Synopsis: An ordinance to remove the requirement for a separate, interjurisdictional review panel comprised of the Unified Government, City of Westwood and City of Roeland Park, and other updates that allow each municipality to independently review their portion of this shared Overlay District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211394

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

1. **AN ORDINANCE** rezoning property at 7331 Holiday Drive (COZ2021-004), from CP-O Planned Nonretail Business and R-1 Single Family Districts to CP-1 Planned Limited Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
2. **AN ORDINANCE** rezoning property at 230 South 65th Street (COZ2021-029), from R-1 Single Family District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
3. **AN ORDINANCE** rezoning property at 4461 Eaton Street (COZ2021-037), from R-1(B) Single Family District to RP-3 Planned Townhouse District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
4. **AN ORDINANCE** rezoning property at 3159 Orville Avenue (COZ2021-039), from R-1(B) Single Family District to TND Traditional Neighborhood Design District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
5. **AN ORDINANCE** rezoning property at 1150 North 38th Street (COZ2021-041), from R-1(B) Single Family District to CP-O Planned Non-Retail Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
6. **AN ORDINANCE** rezoning property at 3817 Lust Drive (COZ2021-053), from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
7. **AN ORDINANCE** authorizing a Special Use Permit (SP2021-059) for no more than 20 chickens at 4621 Swartz Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
8. **AN ORDINANCE** authorizing a Special Use Permit (SP2021-077) for a Short-Term Rental at 3801 Lloyd, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

9. **AN ORDINANCE** authorizing a Special Use Permit (SP2021-086) for continuation of a residential facility for boys at 6261 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
10. **AN ORDINANCE** authorizing a Special Use Permit (SP2021-073) for a drinking establishment with live entertainment at 401 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
11. **AN ORDINANCE** authorizing a Special Use Permit (SP2021-075) for live entertainment at an existing drinking establishment/restaurant at 812 South 12th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
12. **AN ORDINANCE** authorizing a Special Use Permit (SP2021-074) 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)**
13. **AN ORDINANCE** authorizing a Special Use Permit (SP2021-080) for a Short-Term Rental at 3151 West 45th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
14. **AN ORDINANCE** rezoning property at 2416 and 2416A South 51st Street and 5115 and 5126 Gibbs Road (COZ2021-047), from R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to RP-4 Planned Garden Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
15. **AN ORDINANCE** authorizing a Home Occupation Special Use Permit (SP2021-085) for a personal training business at 419 Armstrong Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR MARCH 3, 2022

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

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.

X. MAYOR'S AGENDA

XI. REGULAR CONSENT AGENDA

Item No. 1 - RESOLUTION: PROPOSED REVISIONS TO COUNTY EMERGENCY OPERATIONS PLAN

Synopsis: A resolution adopting proposed revisions to the County Emergency Operations Plan (CEOP), submitted by Matt May, Director of Emergency Management. The Kansas Department of Emergency Management requires the adoption of the CEOP by March 17, 2022.

Tracking #: 211415

Item No. 2 - PLAT: VOGTS HEIGHTS

Synopsis: Plat of Vogts Heights located at Polfer Road and 107th Street, being developed by Derek McCallum, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 211399

Item No. 3 - NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

- Judy Anderson to the Wyandotte County Library Board, 3/3/22 to 12/15/25, submitted by Commissioner Stites
- Dani Gurley to the UG Park Board, 3/3/22 to 12/15/25, submitted by Commissioner Stites
- William Hutton to the Self-Support Municipal Improvement District Advisory Board, 3/3/22 to 12/15/25, submitted by Commissioner Stites
- Joe Peterson to the Advisory Committee on Human Relations & Disability Issues, 3/3/22 to 12/15/25, submitted by Commissioner Stites

Tracking #: 211367

Item No. 4 - MINUTES

Synopsis: Minutes from regular session of December 16, 2021.

Tracking #: MINUTES

Item No. 5 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated February 17, 2022.

Tracking #: WEEKLY BUSINESS MATERIAL

XII. PUBLIC HEARING AGENDA

XIII. STANDING COMMITTEES' AGENDA

Item No. 1 – APPROVAL: MARC GRANTS

Synopsis: Approval to submit MARC grants for the 2025-2026 federal fiscal year, submitted by Jeff Fisher, Director of Public Works. The deadline for participation through the pre-application submittal is April 1, 2022.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on February 28, 2022. It was requested, and approved by the Mayor, to fast track this item to the March 3, 2022, full commission meeting.*

Tracking #: 211366

XIV. ADMINISTRATOR'S AGENDA

Item No. 1 - RESOLUTION: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL #53

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the International Brotherhood of Electrical Workers (IBEW) Local 53, effective January 1, 2022 through December 31, 2023, submitted by Jon Khalil, Assistant Counsel.

Tracking #: 211417

Item No. 2 – RESOLUTION: AUTHORIZING EXECUTION OF TEAMSTERS LOCAL NO. 955 CONTRACT

Synopsis: A resolution authorizing the County Administrator to execute a contract with Teamsters Local No. 955 on behalf of the Unified Government upon ratification of the contract by Teamsters Local No. 955 for the period of January 1, 2022 through December 31, 2024, submitted by J. Renee Ramirez, Director of Human Resources.

Tracking #: 211365

XV. COMMISSIONERS' AGENDA

XVI. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVII. PUBLIC ANNOUNCEMENTS

XVIII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, MARCH 3, 2022**

XIII. STANDING COMMITTEE AGENDA

REVISED ITEM- ADDITIONAL DOCUMENT

ITEM NO. 1 – 211366: APPROVAL: MARC GRANTS

Synopsis: Approval to submit MARC grants for the 2025-2026 federal fiscal year, submitted by Jeff Fisher, Director of Public Works. The deadline for participation through the pre-application submittal is April 1, 2022.

This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on February 28, 2022. It was requested, and approved by the Mayor, to fast track this item to the March 3, 2022, full commission meeting.

- Added list of targeted projects to be considered for MARC grants

NEW ITEM

ITEM NO. 2 – 211349: APPROVAL: NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION GRANT APPLICATION

Synopsis: The Public Works Department is seeking approval for the submittal of an application for a National Oceanic & Atmospheric Administration (NOAA) grant for environmental literacy and climate resiliency, submitted by Jeff Fisher, Director of Public Works. No matching funds are required.

This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on February 28, 2022. It was requested, and approved by the Mayor, to fast track this item to the March 3, 2022, full commission meeting.

- Added 2022 NOAA Environmental Literacy Grant Intro Presentation



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: March 3, 2022
Re: Change of Zone Petition COZ2021-050

GENERAL INFORMATION

Applicant:
Delaware Storage 2, LLC

Status of Applicant:
Representative
Larry Miles with Gray Design Group
9 Sunnen Drive, Suite 110
St. Louis, MO 63143

Requested Actions:
To approve a Change of Zone from
A-G Agriculture (WYCO) and CP-2 Planned
General Business Districts to CP-3 Planned
Commercial District.

Date of Application:
October 29, 2021

Purpose:
To build a 14,650 square foot self-storage
facility.

Property Location:
1342 North 126th Street
Kansas City, KS 66109



Commission Districts:	Commission At Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
Existing Zoning:	A-G Agriculture (WYCO) and CP-2 Planned General Business Districts		
Surrounding Zoning:	North:	CP-3 Planned Commercial District	
	South:	CP-2 Planned General Business District	
	East:	CP-2 Planned General Business District	
	West:	CP-2 Planned General Business District	
Existing Uses:	North:	Self-storage facility	
	South:	Undeveloped land	
	East:	Undeveloped land and a UG pump station	
	West:	Gas station and convenience store	
Total Tract Size:	76.44 acres		
Master Plan Area:	Prairie Delaware Piper Master Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Commercial, which allows full size grocery, pharmacy, and other related retail and service establishments.		
Major Street Plan:	The Master Street Plan classifies State Avenue as a Class A Thoroughfare and North 130 th Street as a Collector Street.		
Required Parking:	Sec. 27-467(e) Uses in this district require paved off-street parking at a ratio of no less than four (4) spaces per 1,000 square feet of floor area in the building. Fifty-seven (57) parking spaces are required. Five (5) spaces are provided. A variance is required.		
Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021, December 6, 2021, January 4, 2022 and February 24, 2022		
Public Hearings:	February 14, 2022 and March 3, 2022		
Public Support:	None to date.		
Public Opposition:	None to date.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, Delaware Storage 2, LLC, wants to change the zoning from A-G Agriculture (WYCO) and CP-2 Planned General

Business Districts to CP-3 Planned Commercial District to build a 14,650 square foot self-storage facility on one (1) acre at 1342 North 126th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of an established residential neighborhood, a mixture of single-family homes, duplexes and townhomes to the west, a self-storage facility to the north, a gas station and convenience store to the southwest and undeveloped land to the east.

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

The zoning and uses of properties nearby is set out above. The proposed use is compatible as this is an expansion of the existing storage facility to the north.

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 suitability of the property for the uses to which it has been restricted is not really feasible because the balance of the parcel is zoned A-G Agriculture (WYCO) District, and the one (1) acre site is not suitable for agricultural related uses.

Removal of the restrictions will not detrimentally affect nearby property because there is undeveloped land to the east, a self-storage facility to the north and Casey's gas station and convenience store to the southwest.

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

The property has been vacant since 2006. Prior to 2006, based on aerial photographs, it appears that there were large agricultural buildings along North 126th Street.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, except for those that will use this self-storage facility.

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

The proposed use will create additional traffic to the site and parking demand because this portion of the property is currently vacant, but it is unlikely to create any hardships.

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

The Master Plan designates this property as Planned Commercial, which allows full size grocery, pharmacy, and other related retail and service establishments. The proposed use complies with the Master Plan, so long as it is designed to comply with the Commercial Design Guidelines.

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

The proposed use will need to protect the creek during construction of the site. Additionally, berms and landscaping will be installed around the perimeter of the property similar to the existing storage facility to improve the aesthetics.

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 West Patrol, District #224.

e. Fire

Fire service is provided by Station #6 located at 98th and State Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property. The closest transit stop is approximately 3.4 miles northeast, located at Plaza at the Speedway, Routes 101, 113, and 116.

g. Schools

Public education is provided by Bonner Springs USD 204.

h. Streets

See item #6 above.

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

The proposed use will have a minimal impact

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

With revisions, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare compared 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, specifically the CP-2 Planned General Business District portion of the property.

PREVIOUS ACTIONS

- 2005 – COZ 2853 (Change of Zone from RP-3 Planned Townhouse District to RP-4 Planned Garden Apartment District)
- 2006 – COZ 2861 (Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District)
- 2006 – Delaware Highlands 2nd Plat (never recorded with the Register of Deeds)
- 2010 – COZ 2992
- 2019 – COZ 3133 (withdrawn)
- 2022 – BOZA2022-002 (parking variance submitted simultaneous with this Change of Zone application)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 29, 2021 by virtual meeting (Zoom).

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Stream Buffer
Commercial Design Guidelines
Parking
Platting
Sidewalks
Landscaping and Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2021-050, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA-2022-002. The following are conditions for BOZA2022-002 and are stated here for reference only, as CPC case is solely for COZ2021-050:**
 - a. **The requested variance has been adjusted from the applicant's original proposal in order to address the parking spaces throughout the entire self-storage facility, not just the expansion at 1342 South 126th Street;**
 - b. **A five (5)-foot sidewalk must be installed along the east side of the North 130th Street right-of-way. The sidewalk must extend to State Avenue in the same dimensions and style as the existing sidewalk to the immediate north of the subject property;**
 - c. **An approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent upon and**

- shall only go into effect upon the approval of Petition COZ2021-050 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
- d. The applicant has filed and maintained a current business occupation tax application;
 - e. 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 buildinginspector@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;
 - f. 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, Sections 8-610 through 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;
 - g. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - h. 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; and,
 - i. 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.
2. Per GeoSpatial Services Department, a deed was filed for one (1) acre, however no plat was filed as part of this application. In 2018, Delaware Highlands 7th Plat was approved, however, never recorded due to the size of the lot area requirements for A-G Agriculture (WYCO) District;
 3. A new preliminary and final plat needed to be filed in conjunction with a Final Development Plan, or the previously approved plat's mylars need to be filed and recorded and the plat boundary and deed's legal description need to match;
 4. Install a crosswalk, adjacent to North 130th Street, along the service drive leading to the pump station between the existing and proposed storage facilities;

5. A five (5) foot sidewalk on the east side of North 130th Street, along the west property line shall be constructed the length of the property line and tie into the existing system, including a new ADA crosswalk across North 130th Street;
6. All lighting, whether mounted on the building or installed on site shall have 90-degree cutoff fixtures. Lighting shall not exceed one (1) footcandle at the property line;
7. This expansion should match the existing self-storage buildings to the north in terms of materials, fencing, landscaping, and buffering;
8. Per the Commercial Design Guidelines, metal paneling may be used as an accent material and may comprise only fifteen percent (15%) of a façade's exterior building material (per façade);
9. 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;
10. Per the Commercial Design Guidelines, Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.
The proposed site is one (1) acre or 43,560 square feet, so $43,560 / 7,000 * 1.75$ equals 10.89 trees, therefore eleven (11) trees are required to be planted. This does not include street trees, which are required to be planted along North 130th Street at a ratio of one (1) tree per thirty (30) feet of frontage, therefore six (6) trees are required to be planted along North 130th Street;
11. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted;
12. All landscaping shall be irrigated;
13. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
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 a parapet;
15. All electrical meter banks, typically on the side of the building shall be screen from public view;
16. BPU transformer pad 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 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;
17. 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 building(s);
18. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 19. Following the Final Development Plan entitlement process, 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;
 20. 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, Sections 8-610 through 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,
 21. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-050** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Conservation District Comments Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 14, 2022	March 3, 2022
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-050** 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 **COZ2021-050**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 1:28:35:

CHANGE OF ZONE APPLICATION COZ2021-050 – DELAWARE STORAGE 2 LLC/FIRESIDE FINANCIAL LLC – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District for expansion of Delaware Storage at 1342 North 126th Street.

Detailed Outline of Requested Action: The applicant, Delaware Storage 2, LLC, wants to change the zoning from A-G Agriculture (WYCO) and CP-2 Planned General Business Districts to CP-3 Planned Commercial District to build a 14,650 square foot self-storage facility on one (1) acre at 1342 North 126th Street.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 14, 2022;
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 earlier 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:

- Ryan Kubert, representing the applicant, Olsson Associates, 7301 West 133rd Street, Overland Park, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:35:40: Planning Director Hand stated that that this application is being hard in conjunction with BOZA2022-002 which was approved by the Board of Zoning Appeals earlier this evening. He further stated that the property is in the Prairie-Delaware-Piper Master Plan area. Staff has received no letters in support nor opposition. There are no Notices of Violation on this property. Staff is requesting a five (5) foot sidewalk be installed along the east side of the North 130th Street right-of-way. Prior to the meeting staff and the applicant clarified the berm and fencing, and the applicant is requesting enhanced landscaping in lieu of a berm. Staff understood that there would be a wrought-iron fence along the 130th Street right-of-way. Along the

south edge, which is undeveloped, if future development occurs at the corner, the fence would be wrought iron. He further stated that the materials for the expansion will match the existing building. Staff recommends approval subject to the conditions in the staff report with the deletion of Condition 9 which removes the berm.

Motion and Vote starts at 1:42:37:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2021-050:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA-2022-002. The following are conditions for BOZA2022-002 and are stated here for reference only, as CPC case is solely for COZ2021-050:**
 - a. The requested variance has been adjusted from the applicant's original proposal in order to address the parking spaces throughout the entire self-storage facility, not just the expansion at 1342 South 126th Street;**
 - b. A five (5)-foot sidewalk must be installed along the east side of the North 130th Street right-of-way. The sidewalk must extend to State Avenue in the same dimensions and style as the existing sidewalk to the immediate north of the subject property;**
 - c. An approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Petition COZ2021-050 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;**
 - d. The applicant has filed and maintained a current business occupation tax application;**
 - e. 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 buildinginspector@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;**

- f. **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, Sections 8-610 through 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;**
 - g. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
 - h. **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; and,**
 - i. **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.**
2. **Per GeoSpatial Services Department, a deed was filed for one (1) acre, however no plat was filed as part of this application. In 2018, Delaware Highlands 7th Plat was approved, however, never recorded due to the size of the lot area requirements for A-G Agriculture (WYCO) District;**
 3. **A new preliminary and final plat needed to be filed in conjunction with a Final Development Plan, or the previously approved plat's mylars need to be filed and recorded and the plat boundary and deed's legal description need to match;**
 4. **Install a crosswalk, adjacent to North 130th Street, along the service drive leading to the pump station between the existing and proposed storage facilities;**
 5. **A five (5) foot sidewalk on the east side of North 130th Street, along the west property line shall be constructed the length of the property line and tie into the existing system, including a new ADA crosswalk across North 130th Street;**
 6. **All lighting, whether mounted on the building or installed on site shall have 90-degree cutoff fixtures. Lighting shall not exceed one (1) footcandle at the property line;**
 7. **This expansion should match the existing self-storage buildings to the north in terms of materials, fencing, landscaping, and buffering;**
 8. **Per the Commercial Design Guidelines, metal paneling may be used as an accent material and may comprise only fifteen percent (15%) of a façade's exterior building material (per façade);**
 9. **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;
10. Per the Commercial Design Guidelines, Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.
The proposed site is one (1) acre or 43,560 square feet, so $43,560/7,000 * 1.75$ equals 10.89 trees, therefore eleven (11) trees are required to be planted. This does not include street trees, which are required to be planted along North 130th Street at a ratio of one (1) tree per thirty (30) feet of frontage, therefore six (6) trees are required to be planted along North 130th Street;
 11. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted;
 12. All landscaping shall be irrigated;
 13. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
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 15. All electrical meter banks, typically on the side of the building shall be screen from public view;
 16. BPU transformer pad 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 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;
 17. 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 building(s);
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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;

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21. 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.



Figure 1. Aerial Map of 1342 North 126th Street as indicated by the blue dot (provided by UG Maps).

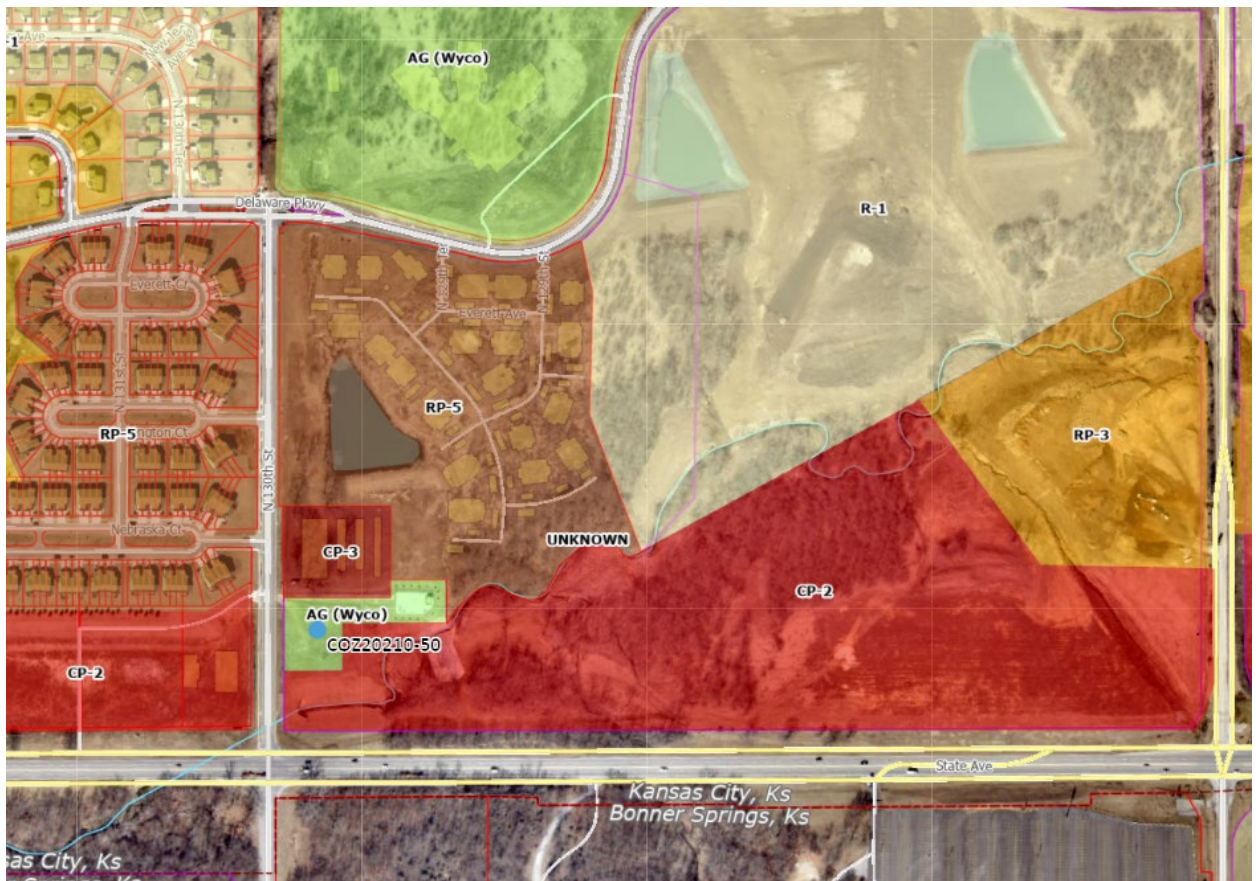


Figure 2. Zoning Map of 1342 North 126th Street as indicated by the blue dot (provided by UG Maps).

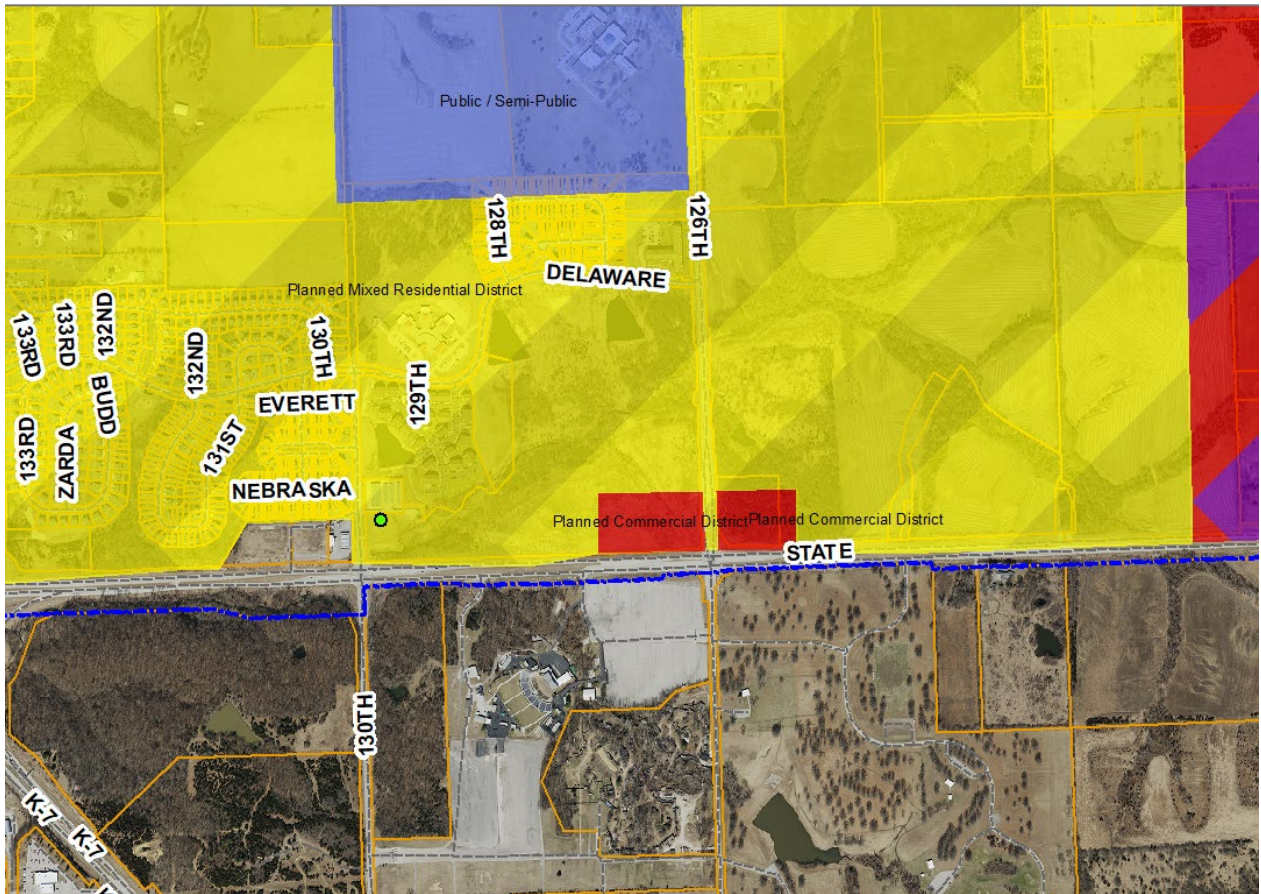


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap). * The Future Land Use Map in the physical book/document designates this property as Planned Commercial, however the GIS Map show the area site as Planned Mixed Residential District.



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: COZ2021-050 Delaware Storage 2 LLC. A-G to CP-3 for expansion of storage at
1342 North 126th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2021-050 Delaware Storage 2 LLC A-G to CP-3 for expansion of storage at 1342
North 126th 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)
Dwelling and Small Commercial Buildings
Soil Features

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

- There are seven major soil types identified: Kennebec silt loam, occasionally flooded, Basehor complex, 5 to 30 percent slopes, Grundy silty clay loam, 1 to 3 percent slopes, Grundy silty clay loam, 3 to 7 percent slopes, Sharpsburg silty clay loam, 1 to 4 percent slopes, Shelby loam, 3 to 7 percent slopes, and Shelby loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- When we received the additional information we realized that only a small area was being used for additional storage development. This area is in the flood plain area. There is going to be additional development in the watershed which will increase runoff into this area.
- Flood protection needs to be considered for this project. The existing storage units have had flooding issues in the past.

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



December 27, 2021

Unified Government
Planning & Urban Design
701 N 7th Street, Room 423
Kansas City, KS 66101

Comment Responses

PROJECT: Delaware Storage 2, LLC
1342 N 126th Street

The following are responses to your Plan Review Comments dated December 13, 2021 made on the project referenced above.

Planning and Urban Design Comments **General Planning Comments**

1. *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.*

RESPONSE: Acknowledged

2. *Per GeoSpatial Services Department, a deed was filed for one (1) acre, however no plat was filed as part of this application. In 2018, Delaware Highlands 7th Plat was approved, however, never recorded due to the size of the lot area requirements for A-G Agriculture (WYCO) District. A new preliminary and final plat needed to be filed in conjunction with a Final Development Plan, or the previously approved plat's mylars need to be filed and recorded and the plat boundary and deed's legal description need to match.*

RESPONSE: Acknowledged. Plat will be filed following successful rezoning.

3. *Staff does not understand the parking ratio proposed on sheet C1, four (4) spaces plus one (1) per 75 storage spaces. The parking ratio as stated previously is (4) spaces per 1,000 square feet of floor area in the building, therefore fifty-seven (57) parking square are required. A variance is required to have less parking than the code requirement.*

RESPONSE: Acknowledged. We request approval of this project with variance to the parking code requirement. The proposed number of spaces is based on experience at the existing self-storage directly adjacent to this site.

7301 W 133rd Street / Suite 200 / Overland Park KS 66213
O 913 381 1170 / olsson.com

Operations require stalls just for opening and closing of units, otherwise users drive directly to their assigned storage unit.

4. *Install a crosswalk, adjacent to North 130th Street, along the service drive leading to the pump station between the existing and proposed storage facilities.*

RESPONSE: Acknowledged. Sidewalk and ADA ramp for crosswalk have been added to the site plan.

5. *A five (5) foot sidewalk on the east side of North 130th Street, along the west property line shall be constructed the length of the property line and tie into the existing system, including a new ADA crosswalk across North 130th street.*

RESPONSE: Acknowledged. Sidewalk and ADA ramp for crosswalk have been added to the site plan.

6. *All lighting, whether mounted on the building or installed on site shall have 90 degree cutoff fixtures. Lighting shall not exceed one (1) footcandle at the property line.*

RESPONSE: Acknowledged. Lighting plan will be provided with Final Development Plan.

Building Architecture

1. *Is the intent to orientate the buildings east and west to minimize the amount of masonry that is required to be added to each storage building? Driving along North 130th Street, the majority of the longest facades will be clearly visible as drivers can look down the drive aisles and see the front and rear facades.*

RESPONSE: Building orientation was selected to optimize site utilization and availability of rental units in each storage building.

2. *This expansion should match the existing self-storage buildings to the north in terms of materials, fencing, landscaping, and buffering.*

RESPONSE: Building elevations at rear, end, and office area walls will utilize a Hardie Panel wall system that will provide a monolithic wall surface that will be painted to match the existing storage buildings to the north and the unit entry facades at each new storage building.

3. *Per the Commercial Design Guidelines, metal paneling may be used as an accent material and may comprise only fifteen percent (15%) or a façade's exterior building material (per façade)*

RESPONSE: Unit Entry Elevations consist of primarily of the 8'-6" x 7'-0" Metal Roll Up Doors at 10' on center framed by the pre-engineered steel structure (beam and column framing) and clad door jamb and header / gutter panels.

Landscaping and Screening

1. *Install a berm along North 130th Street, similar to the existing berm north of the proposed development for the existing self-storage units to screen them from the public right-of-way. The berm must extend past the storage building #4.*

RESPONSE: Existing berm is was not constructed, but buildings were instead cut into a hill. The property line does not leave room for a berm, and utility relocations would be required in Right-of-Way. We will provide landscape screening exceeding UG standards, and a privacy fence per requirements along N. 130th street.

2. *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 on (1) per 7,000 square feet. Per Commercial Guidelines, Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The proposed site is one (1) acre or 43,560 square feet, therefore eleven (11) trees are required to be planted. This does not include street trees which are required to be planted along N 130th Street at a ratio of 1 per 30 feet of frontage, therefore 6 trees are required along N 130th Street.*

RESPONSE: Acknowledged. Landscape plan reflects meeting this standard for street frontage and site trees. Size, caliper, type will meet UG standards.

3. *All overstory and ornamental trees shall be at least 2 inch caliper when planted. All evergreens shall be at least 6 feet in height when planted. All shrubs must be 5 gallons when planted.*

RESPONSE: Acknowledged.

4. *All landscaping shall be irrigated.*

RESPONSE: Acknowledged.

5. *All trash and recycle receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of 6 feet in height on all sides, tall enough to screen the dumpster itself. When possible the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.*

RESPONSE: Acknowledged. Design detail for the trash enclosure will be included with Final Development Plans.

6. *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 a parapet.*

RESPONSE: Acknowledged.

7. *All electrical meter banks, typically on the side of the building shall be screened from public view.*

RESPONSE: Acknowledged.

8. *BPU Transformer pad shall be completely screened on 3 sides with 6 foot junipers setback 3 feet from the pad and ten feet from the door opening. Additionally, if the transformer doors open toward the parking lot, the 10 foot setback is established by the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.*

RESPONSE: Acknowledged.

9. *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 6' evergreens or an architectural wall constructed from the same materials as the buildings.*

RESPONSE: Acknowledged.

Signage

1. *All signage shall comply with sign ordinance*

RESPONSE: Acknowledged. Signage approval will be confirmed in later submittals.

Planning Engineering

RESPONSE: No changes required for resubmittal for rezoning approval per this letter and confirmation by phone call with Patrick Doyle.

COZ2021-050 Neighborhood Meeting

Delaware Storage

11/29/2021 6:00 – 7:00 PM

Attendees:

Ryan Kubert (Olsson), 7301 W. 133rd St, Overland Park, KS 66213

Brian Tempest (Hearth Construction)

Andy Moreland (Hearth Construction)

Larry Milles (Gray Design)

Meeting Notes:

The Zoom meeting that was linked in the notification letter was opened at 5:45 PM, 15 minutes prior to the scheduled start time. No neighbors or other interested parties other than the applicant and applicant team joined the meeting.

No emails or calls were received by the applicant or applicant team with information provided on the notification letter.





gray.

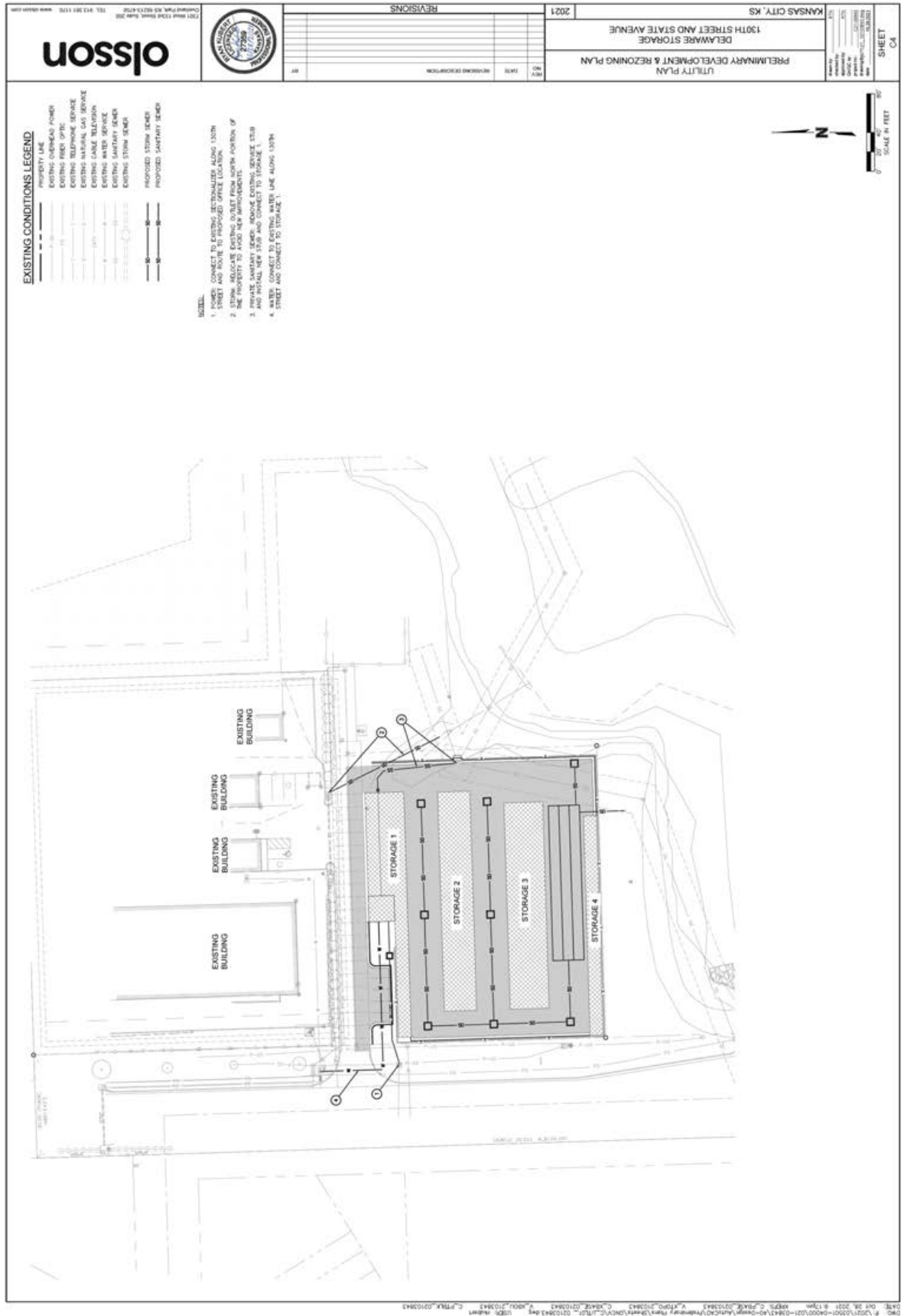
119207.00
10.12.2021

DELAWARE STORAGE

3201 N. 130th Street
Kansas City, Kansas 66109

SITE PLAN

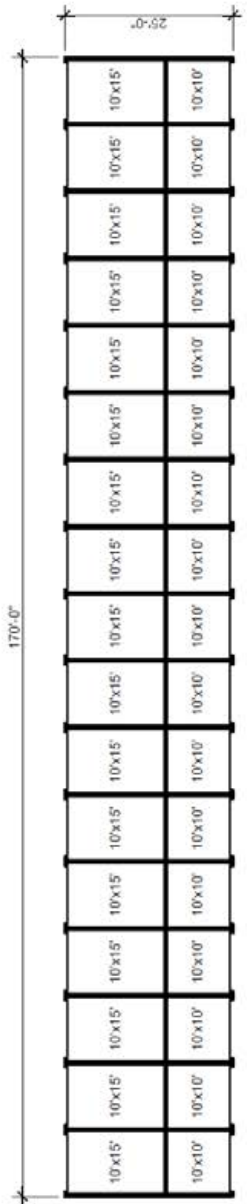
Scale: 1" = 80'-0"







STORAGE 1



STORAGE 2

SITE OVERALL UNIT MIX	
SIZE	PERCENT OF UNITS
10' x 10'	65%
10' x 15'	35%
TOTAL	100%



BUILDING FLOOR PLANS

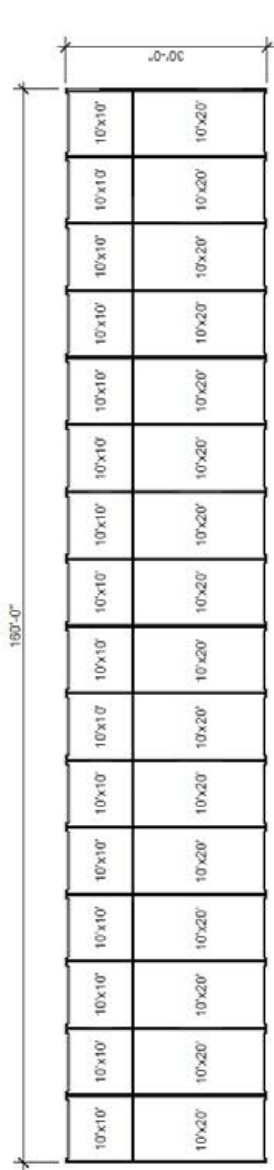
DELAWARE STORAGE

Scale: 1/8" = 1'-0"

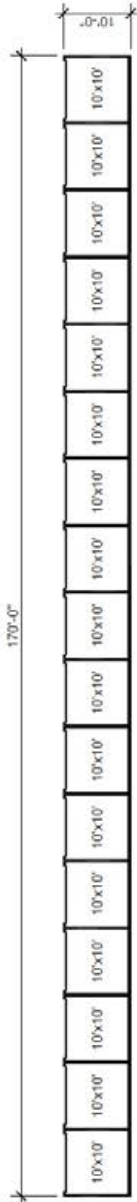
100 N. 1300th Street
Kansas City, Kansas 66109



11/20/2020
10/22/2021



STORAGE 3



STORAGE 4

SITE OVERALL UNIT MIX		
SIZE	NUMBER OF UNITS	PERCENT OF UNITS
10' X 10'	63 UNITS	55%
10' X 10'	17 UNITS	15%
10' X 20'	24 UNITS	22%
TOTAL	104 UNITS	100%



BUILDING FLOOR PLANS

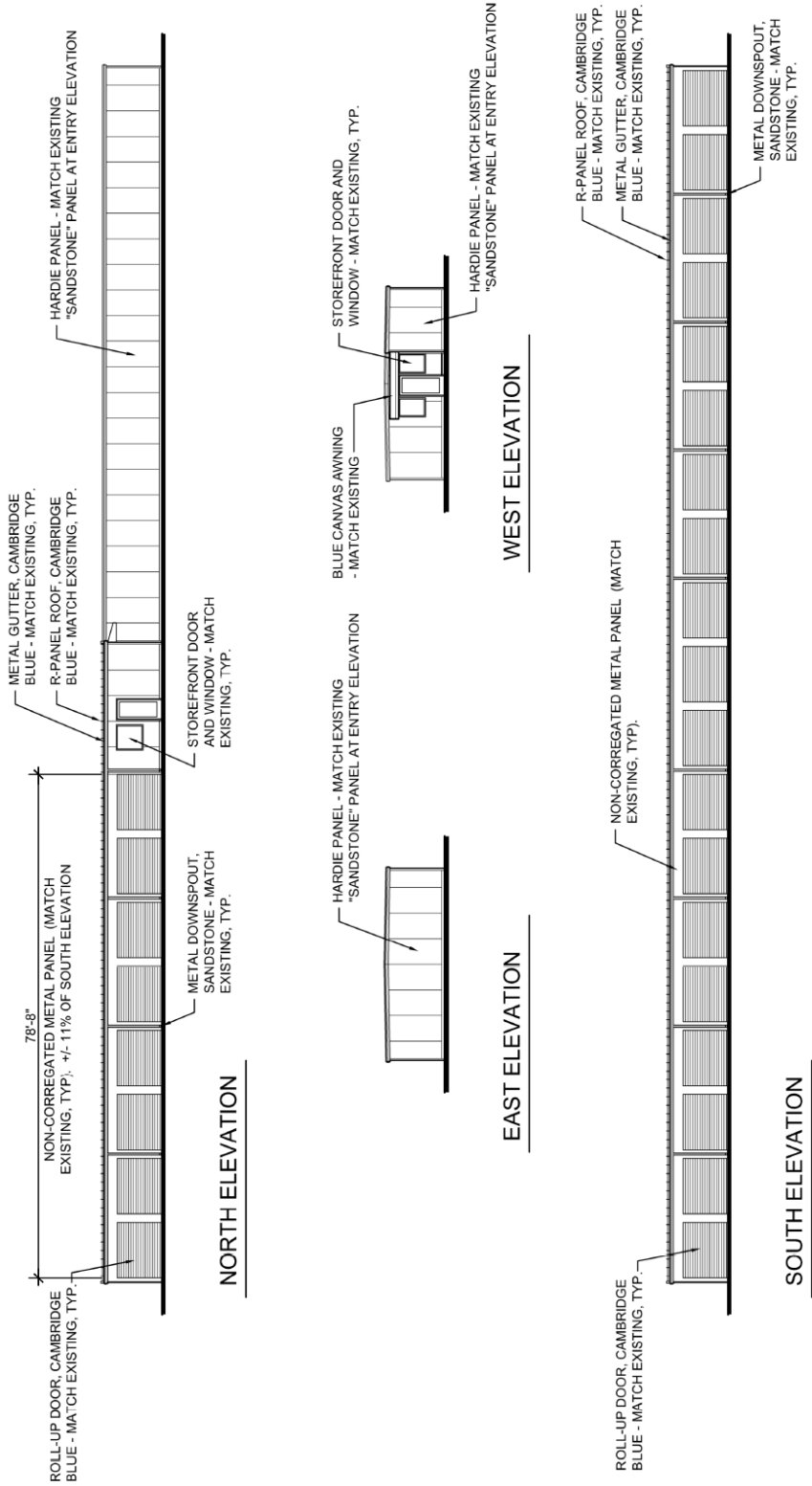
Scale: 1/16" = 1'-0"

DELAWARE STORAGE

1201 N. 132nd Street
Kansas City, Kansas 66109



11/2/2021
12/2/2021

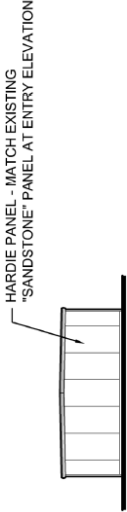


BUILDING ELEVATIONS - STORAGE 1

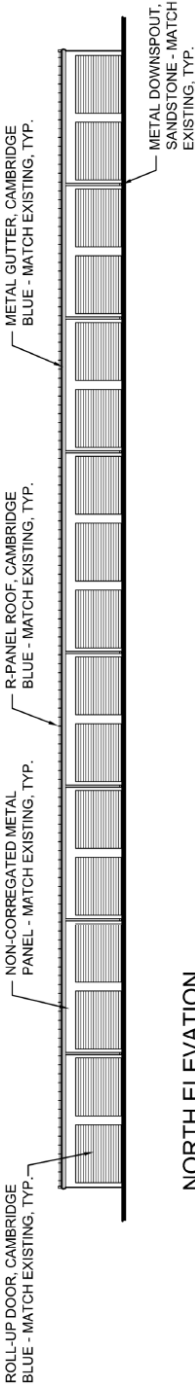
DELAWARE STORAGE

1201 N. 130th Street
Kansas City, Kansas 66109

119897.00
12.21.2021



EAST ELEVATION
WEST ELEVATION SIMILAR



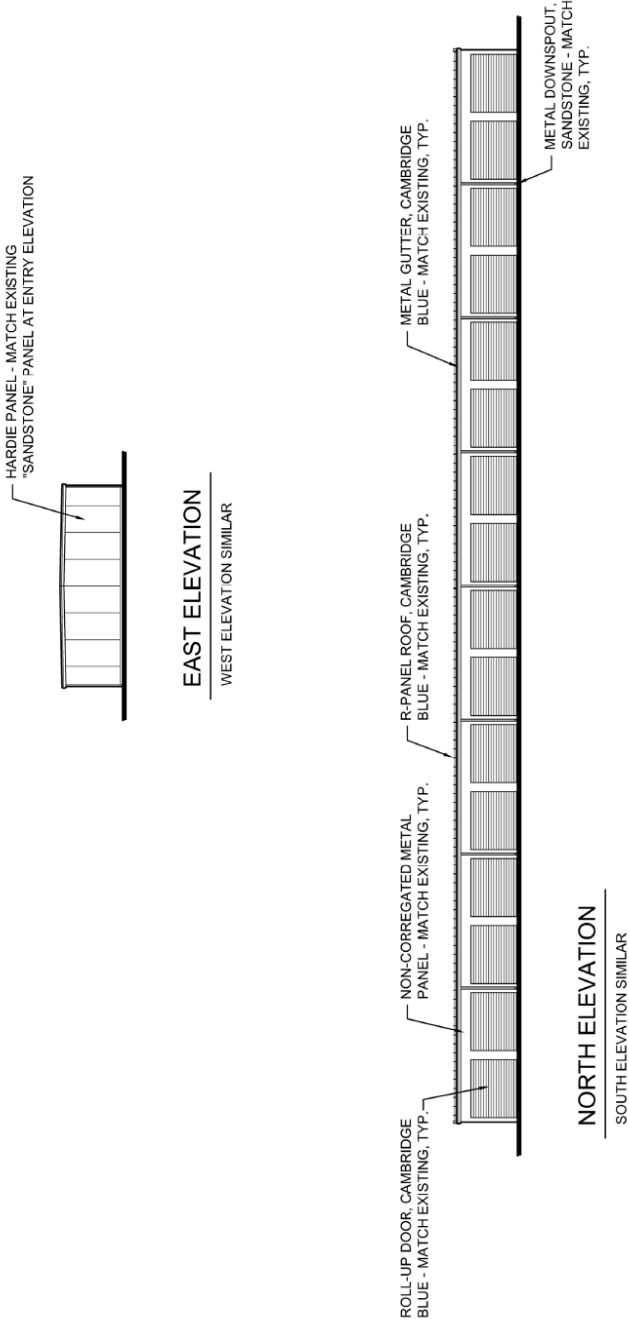
NORTH ELEVATION
SOUTH ELEVATION SIMILAR

BUILDING ELEVATIONS - STORAGE 2

Scale: 1/16" = 1'-0"

DELAWARE STORAGE

1201 N. 13th Street
Kansas City, Kansas 66109



BUILDING ELEVATIONS - STORAGE 3

Scale: 1/16" = 1'-0"

1201 N. 130th Street
Kansas City, Kansas 66109

DELAWARE STORAGE

gray

119597.00
12.21.2021

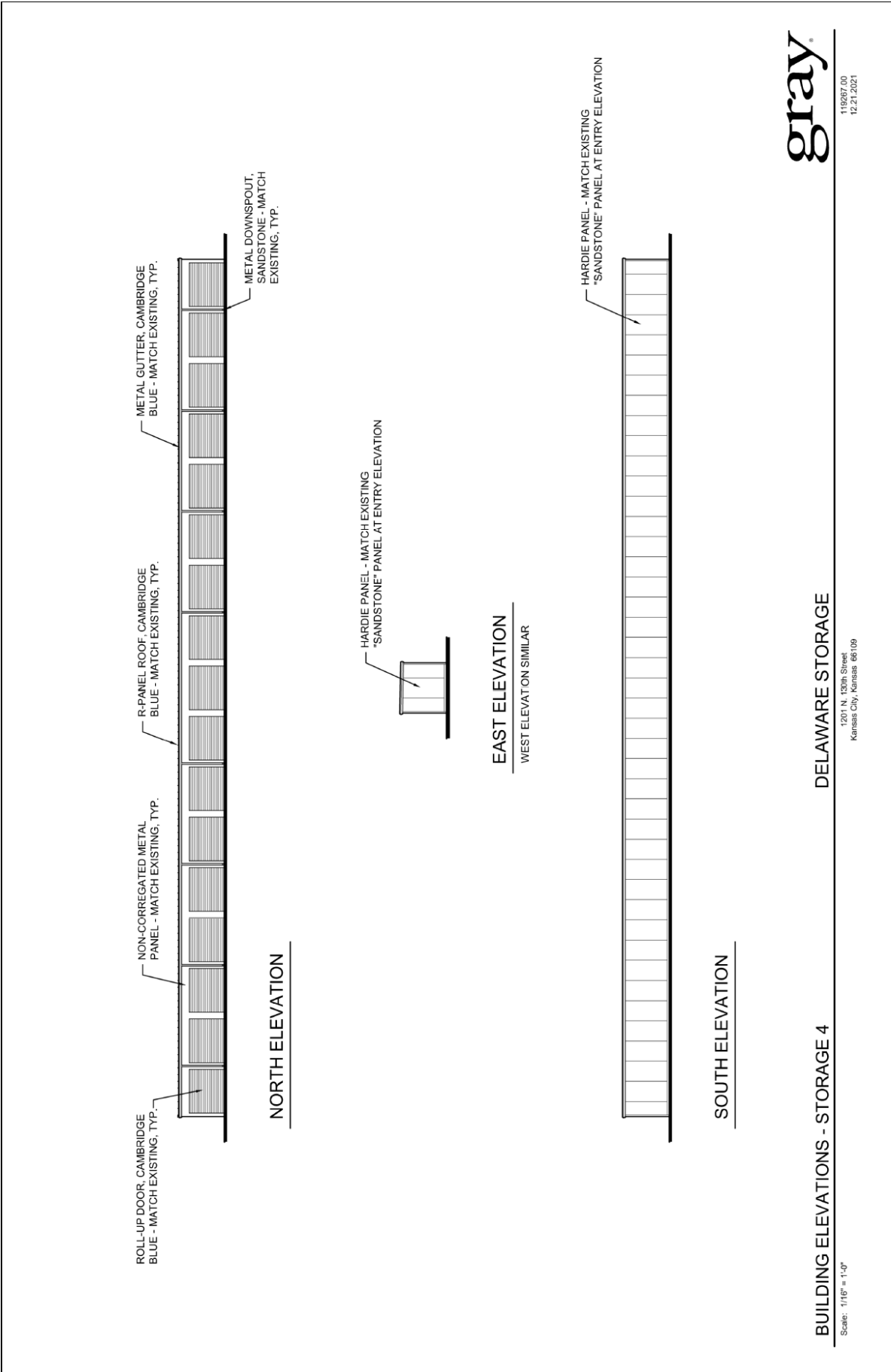




Figure 4. Site Photograph of 1342 North 126th Street looking southeast (provided by Google Maps).



Figure 5. Site Photograph of 1342 North 126th Street looking east (provided by Google Maps).



Figure 6. Site Photograph of 1342 North 126th Street looking northeast (provided by Google Maps).



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: March 3, 2022

Re: **Change of Zone Petition COZ2022-001 and Master Plan Amendment MPL2022-001**

GENERAL INFORMATION

Applicant:

Tim Kates DBA
Remco Demolition

Status of Applicant:

Tenant
24801 N 219th Street
Leavenworth, Kansas 66048

Requested Actions:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:

January 3, 2022

Purpose:

To change the zoning district from CP-3 Planned Commercial District to MP-2 General Industrial District. To amend the Master Plan Land Use designation from Planned Commercial to Industrial.

Property Location:

14140 State Avenue
Kansas City, Kansas 66012

Commission Districts:

Commissioner At Large District #2:
District #7 Commissioner:

Tom Burroughs
Chuck Stites



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: AG (WyCo) Agriculture District South: Bonner Springs, Kansas East: CP-3(WyCo) Planned Commercial District West: Leavenworth County
Adjacent Uses:	North: Single Family Residence South: Medical Engineering and Private RV and Boat Storage Outbuildings East: Vacant Land Automotive Body Repair Shop and HVAC Contractor Storage and Office West: Single Family Farm
Total Tract Size:	6.0718 Acres
Master Plan Area:	The Subject Property is within the Prairie-Delaware-Piper Area Master Plan.
Master Plan Designation:	Existing: The Prairie-Delaware-Piper Area Master Plan designates this property as Planned Commercial. This district has a broad range of subcategories including small, neighborhood, and regional commercial, with respective uses such as non-retail, convenience commercial and grocery, and big box retailers or tourism attractions. Proposed: The proposed Land Use Designation is in the City-Wide Area Master Plan's Industrial land use category. The Industrial Land Use category allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses may include warehousing, distribution, salvage, processing, and outdoor storage.
Major Street Plan:	The City-Wide Master Plan designates State Avenue as a Class A Thoroughfare, although the property is only accessible off Nebraska Avenue, which is classified as a Local Street.
Parking Requirement:	Current Zoning: The CP-3(WyCo) Commercial District requires not less than four (4) off-street parking spaces provided on the premises for each (1,000)

square feet of contributing floor area per Article XVIII(5)(5).

Proposed Zoning: The MP-2 Industrial District as stated in Section 27-469(e) requires that no 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 (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. The subject property currently has multiple buildings with a total square footage of 10,484 square feet, requiring 21 parking spaces. The total amount of parking spaces proposed is 21.

Advertisement:	<u>The Wyandotte Echo</u> – January 14, 2022 Letters to Property Owners – January 15, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	One (1) person appeared at the February 14, 2022 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has no noise or disturbance complaints noted.

Building or Code Enforcement Complaints:

1. The current property owner has no code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has an outstanding residential building permit for the pre-fabricated barn dating from 2002, as the permit appears open and did not obtain passing or approved inspections. Further follow-up with the Building Inspection Department is required.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is rural, agricultural, and industrial in character. Lots to the north of State Avenue range from commercial and industrial parcels between 1-5 acres and agricultural parcels of approximately 80 acres. Streets are concrete and show signs of improvements with gutters, and driveways. Parcels to the south of State Avenue are typically residential lots of one (1) acre and a large agricultural parcel of sixty-two (62) acres. There residential streets are mostly asphalt and driveways are often asphalt approaches with gravel driveways.

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

The subject property is surrounded by vacant land to the north with agriculture activity and similar uses to the east that may be visibly unattractive. Although there are residential uses to the south, the State Avenue Thoroughfare separates the residential developments from these commercial and industrial uses with large setbacks and right of way allowances. The proposed zoning would have a general compatibility of the nearby properties due to their current mix of commercial and industrial 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 current proposed use could affect nearby property through increased traffic on Nebraska Avenue and the increased intensity of use may come with associated noise, dust, or visibility nuisances if not properly screened or maintained. State Avenue bisects the residential properties from the proposed industrial and commercial uses and the increase in intensity of use on the subject property ostensibly would not affect the residential properties. The vacant, adjacent lots are zoned for uses of similar intensity or are intended to remain

vacant, thus the Change of Zone should not detrimentally affect the nearby property if properly maintained.

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

The property is currently vacant, and its time of vacancy is unknown. A private demolition of a commercial outbuilding occurred on the property in 2007.

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 negligible public gain as this is a private enterprise. If maintained properly with adequate screening, the proposed use would not substantially injure the use, quality, or marketability of the nearby property as they are of similar 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 may have a negligible impact on the traffic through Nebraska Avenue. The subject property has a long rural-style drive with several turnarounds within the property to accommodate the trucks and industrial traffic within the property. The proposed use should not impede the capacity of the street for anticipated traffic.

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

The Prairie-Delaware-Piper Master Plan's Commercial Designation does allow for light industrial, however, the presence of more intense industrial uses does not conform. The application to alter the land use designation to City-Wide Industrial has a high degree of conformity, as it is designed for uses that may be considered more hazardous or less visually attractive, such as the proposed lay-down yard and equipment staging area.

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

The applicant is not proposing any new building structures, but there is some environmental harm with the grading and clearing for the lay-down lot area which should be replaced in other areas where former landscape appears to have died or become more sparse. Aside from the initial grading or clearing, there should be little to no long-term negative environmental impact. The subject property has been in use for similar reasons with various tenants since its purchase by the owner in 1994.

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

a. *Water service*

Water Service is within the BPU Service Area. It is unclear if there is current infrastructure to serve the property.

b. *Sanitary sewer service*

Sanitary sewer is not publicly provided. A sanitary sewer system plan must be approved by KDHE before approval.

c. *Storm water control*

Stormwater control is provided at the intersection of Nebraska Avenue and State Avenue.

d. *Police*

Police service is provided by West Patrol, District #224.

e. *Fire*

Fire service is provided by Station #8.

f. *Transit*

There is no public transit service available.

g. *Schools*

Education is provided by Bonner Springs/Edwardsville District #USD204.

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 this is a private development. There is some economic tax gain as this allows another business to begin or expand operations in Wyandotte County in an area that is currently vacant.

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

The subject property has a high degree of conformity with the ordinance requirements once rezoned if adequately maintained, screened, and managed properly.

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 to public health, safety, or welfare if adequately maintained as adjacent lots are similar in use or activity. The current property owner would not be able to sell their vacant property to the applicant if not approved, which could have a degree of hardship due to loss of income. The applicant is the potential buyer and would not be able to operate or expand their business within the county and may also experience financial hardship.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in Person on January 28, 2022.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Structural Compatibility
Zoning
Land Use
Neighborhood Compatibility
Noise, Dust, Visibility, or Illumination
Traffic
Grading and Erosion Control
Landscaping and Screening
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-001** and Master Plan Amendment **MPL2022-001**, subject to:

- 1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.**

2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).
3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.
5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.
6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
8. Existing fencing and gated entrance shall be maintained.
9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
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. 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.

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 **APPROVE** Petitions **COZ2022-001** and **MPL2022-001** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Site Design
Revised Design Plans
Planning Engineering Comment Letters
Neighborhood Meeting Information
Applicant Response Letter
Applicant Stormwater Report
Revised Site Plan – Second Set
Second Applicant Response Letter
Staff Site Photos Dated January 23, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	February 14, 2022 Approval	March 3, 2022
Master Plan	February 14, 2022 Approval	March 3, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-001** 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 **MPL2022-001**, 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.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-001** 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 **COZ2022-001**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 1:43:56:

MASTER PLAN AMENDMENT MPL2022-001 – TIM KATES/REMCO DEMOLITION LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue.

CHANGE OF ZONE APPLICATION COZ2022-001 – TIM KATES/REMCO DEMOLITION LLC - SYNOPSIS: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue.

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

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 February 14, 2022;
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:

- Andrea Weishaubt, Atlas Surveyors, representing the applicant, 2300 Hutton Road, Kansas City, Kansas
- Henry Chamberlain, 12808 Kansas Avenue, Bonner Springs, Kansas and co-owner of the property to the east

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:47:41: Planning Director Hand stated that the Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District and a Master Plan Amendment from Planned Commercial to Industrial is being requested for a lay-down lot and staging area for equipment and contracting materials. He further stated that while outside storage is allowed in the C-3 zoning, heavy machinery storage is not allowed. The site is raised from the street on State Avenue, which allows some natural screening. Staff is requesting additional landscaping and buffering in order to completely screen the use. Staff is also requesting that Condition 1 be amended to state that a deed will be filed with the Register of Deeds that restricts future uses on the property to only those allowed in the CP-3 District. Director Hand stated that staff has received no letters in support nor opposition. There are old Notices of Violation on the property. Another condition of approval is a retro-active building permit must be on the existing outbuildings. If the applicant wants to store hazardous materials in the future, a Special Use Permit will be required. Staff recommends approval subject to the revised conditions.

Motion and Vote starts at 1:51:28:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-001:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas,**

- odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
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 3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
 4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.
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 6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
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 8. Existing fencing and gated entrance shall be maintained.
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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.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2022-001:**

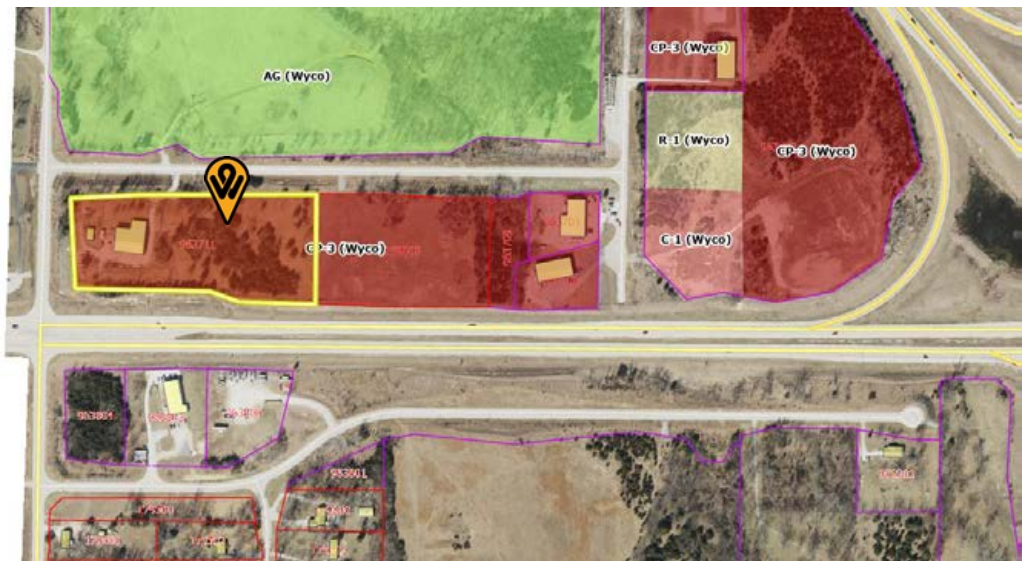
Carson	Chairman
Armstrong	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

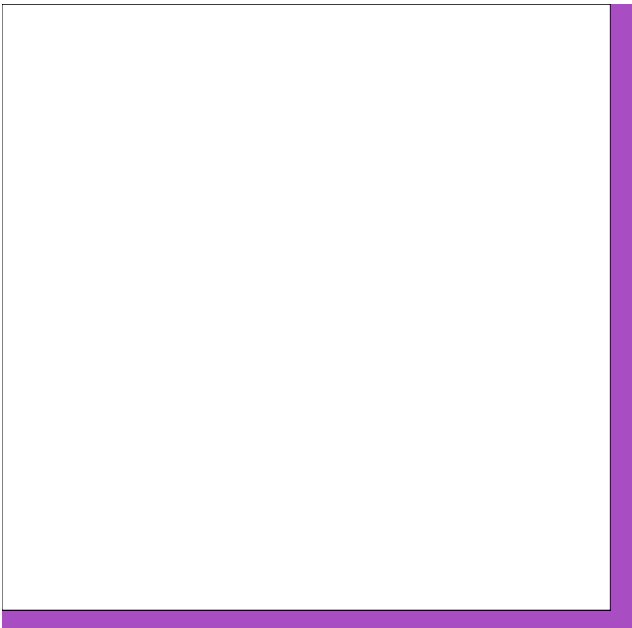
Motion to recommend APPROVAL Passed: 6 to 0

AERIAL MAP

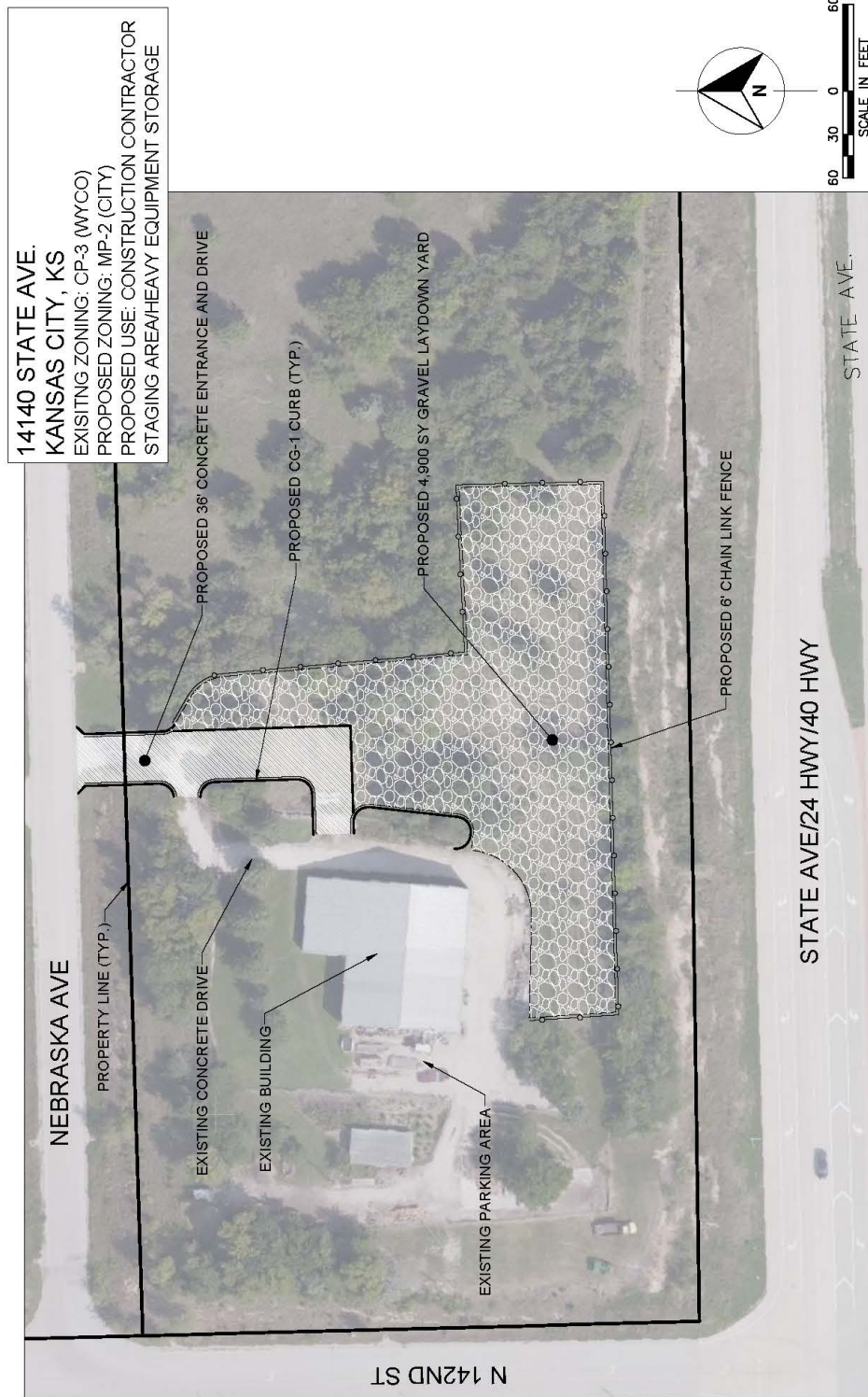


ZONING MAP

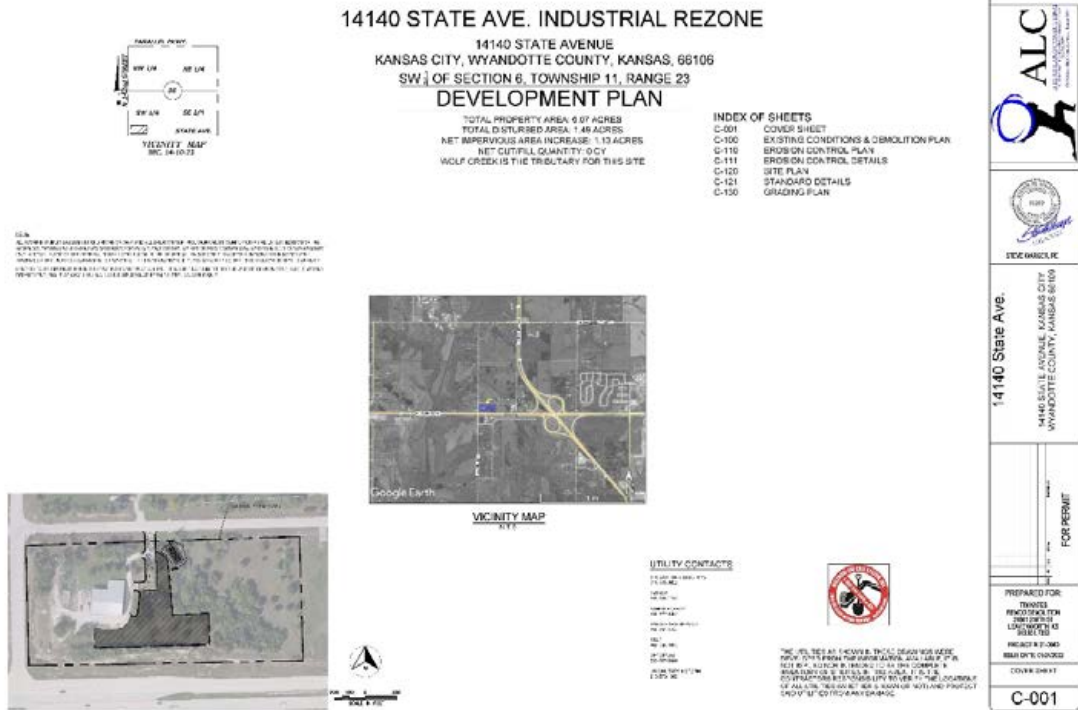




PRELIMINARY SITE DESIGN



REVISED SITE DESIGN PLANS





REVISED SITE DESIGN PLANS



PERMITTING TECHNICAL NOTES

1. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND SURROUNDING AREAS. THE DESIGNER HAS NOT CONDUCTED ANY SUBSURFACE INVESTIGATIONS OR TESTING. THE DESIGNER HAS NOT CONDUCTED ANY TESTING OF THE EXISTING INFRASTRUCTURE. THE DESIGNER HAS NOT CONDUCTED ANY TESTING OF THE EXISTING INFRASTRUCTURE. THE DESIGNER HAS NOT CONDUCTED ANY TESTING OF THE EXISTING INFRASTRUCTURE.



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

14140 State Ave.
14140 STATE AVENUE KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66261

FOR PERMIT

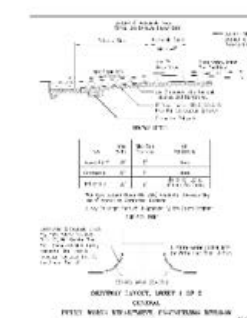
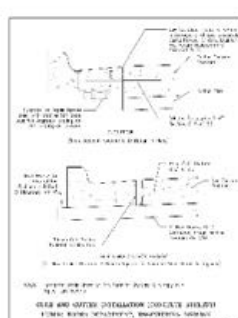
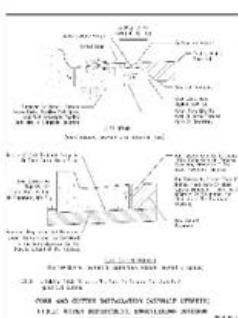
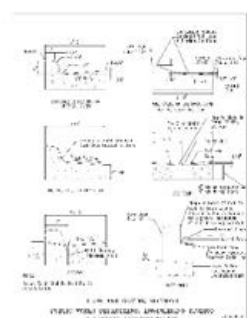
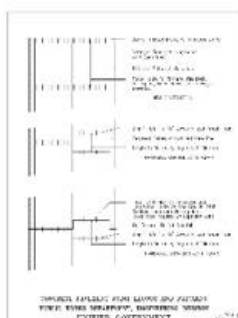
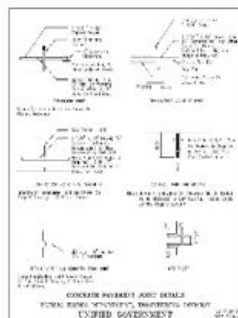
PREPARED FOR:
THOMAS HANCOCKSON
ENGINEER
REGISTERED IN
KANSAS
PROJECT NO. 2021-001
DATE: 03/03/2022

14140 State Ave.
14140 STATE AVENUE KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66261

FOR PERMIT

PREPARED FOR:
THOMAS HANCOCKSON
ENGINEER
REGISTERED IN
KANSAS
PROJECT NO. 2021-001
DATE: 03/03/2022

C-120



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ARCHITECTURAL LANDSCAPE CONSULTANTS

14140 State Ave.
14140 STATE AVENUE KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66261

FOR PERMIT

PREPARED FOR:
THOMAS HANCOCKSON
ENGINEER
REGISTERED IN
KANSAS
PROJECT NO. 2021-001
DATE: 03/03/2022

14140 State Ave.
14140 STATE AVENUE KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66261

FOR PERMIT

PREPARED FOR:
THOMAS HANCOCKSON
ENGINEER
REGISTERED IN
KANSAS
PROJECT NO. 2021-001
DATE: 03/03/2022

C-121

REVISED SITE DESIGN PLANS



ALC
ALC ENGINEERING & ARCHITECTURE, P.C.

STEVE HANSEN, P.E.

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WANDOLFE COUNTY, KANSAS 66103

FOR PERMIT

PREPARED FOR:
THE KANSAS
REVENUE DIVISION
14140 STATE AVENUE
WANDOLFE COUNTY, KANSAS 66103

PROJECT # 21-046
ISSUE DATE: 01/26/2021
DRAWING: PLAN

C-130

SCALE: 1" = 100'



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
Erosion Control Review No. 1 (of the plan received 12/27/2021)

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 Erosion Control 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) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.
- 2) Provide an erosion control plan indicating limits of disturbance.
- 3) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

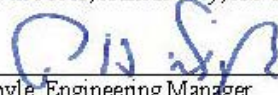
PLANNING ENGINEERING COMMENT LETTERS

- 4) On the erosion control plan, provide erosion control notes and, add the UG standards note as note number 1, which shall read "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
- 5) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example, "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.
- 6) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.
- 7) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."
- 8) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation.
- 9) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.
- 10) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.
- 11) Show locations on the final stabilization plan regarding vegetative cover, i.e., seed and/or sod area(s), designating which type and where. Add reference that the contractor shall replace disturbed areas with seed or sod, as indicated on the plan, and shall be installed within 14 days after paving completion and final topsoil grading. Indicate a thickness for proposed topsoil replacement.

PLANNING ENGINEERING COMMENT LETTERS

- 12) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Reviewer: _____


Patrick Doyle, Engineering Manager

PLANNING ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
General Engineering Review No. 1 (of the plan received 12/27/2021)

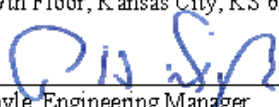
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified 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) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.
- 2) Provide a cover sheet to the plan set which includes but not limited to:
 - a. Project title
 - b. Address
 - c. Vicinity map
 - d. Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)

PLANNING ENGINEERING COMMENT LETTERS

- e. Date
 - f. Sheet index
 - g. 811 note and local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengen or Kirk Roland
 - h. Total parcel/project area (SF or AC), total area of land disturbed (AC), net increase/decrease in impervious area (SF), net cut/fill quantities (CY)
- 3) Include the following note: "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. When general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
 - 4) Add a note for the contractor to obtain all permits necessary including land disturbance, right-of-way, hauling, etc., with Public Works prior to construction.
 - 5) Provide utility information on site plan including node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.
 - 6) Provide increase in impervious area, earthwork cut and fill, and land disturbance area on cover sheet.
 - 7) Driveway entrance within right of way of Nebraska Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail UG 4100-M.
 - 8) Engineered slopes shall not exceed 3H:1V.
 - 9) ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.
 - 10) See Sanitary Sewer review for additional comments.
 - 11) See Storm Drainage review for additional comments.
 - 12) See Stormwater Quality review for additional comments.
 - 13) See Erosion Control review for additional comments.
 - 14) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Reviewer: _____


Patrick Doyle, Engineering Manager

PLANNING ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
Storm Drainage Review No. 1 (of the plan received 12/27/2021)

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 Storm Drainage 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 a storm drainage memo demonstrating plans comply with UG standards and criteria including stormwater quality Best Management Practice (BMP) worksheets, calculations, BMPs drainage area map.
- 2) Demonstrate compliance with MARC BMP Manual (2009) Appendix B.2.11 for "Hot Spots."

Reviewer: _____

Patrick Doyle, Engineering Manager

NEIGHBORHOOD MEETING INFORMATION

January 14, 2022
Atlas Land Consulting
2300 Hutton Road Suite 108
Kansas City, KS 66109

We have filed an application with the Department of Urban Planning and Land Use

COZ2022-001

The purpose of this is for a change of zone at the following address:
14140 State Avenue Kansas City, Kansas 66012

MPL2022-001

The purpose of this is for a master plan amendment at the following address:
14140 State Avenue Kansas City, Kansas 66012

The purpose of this letter is to explain a proposed change of zone located at the address above. The property is currently zoned as **CP-3 "Planned Commercial District"** and with this proposed change of zone the property will be changing to **MP-2 "Planned General Industrial District"**. The purpose of the change of zone is to make the property compliant for use as a contractor staging area and heavy equipment storage for Remco Demolition.

The existing master plan land use designation is "**Planned Commercial (Prairie Delaware Piper)**." The proposed master plan land use will be "**Industrial (City-Wide Master Plan)**." The purpose of the master plan amendment is to make the property compliant for use as a contractor staging area and heavy equipment storage for Remco Demolition.

If you have any questions, comments or concerns please reach out to one of the contacts below.

There will be a neighborhood meeting on **January 28th, 2022 at 5:00 PM** held at Atlas Land Consulting's office at **2300 Hutton Rd. Suite 108, KCK 66109**

Please Contact:

Andrea Weishaubt:
-andrea@alconsult-llc.com or 913-702-5073

Alex Elliott
-alex@alconsult-llc.com or 913-306-4058

We look forward to seeing/hearing from you.

Sincerely,



APPLICANT RESPONSE LETTER



Comment Response Letter

To: Patrick Doyle, UG Engineering Manager
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5750
Email: phdoyle@wycokck.org
Date: January 24, 2022
Project: 14140 State Ave. Industrial Rezoning

Construction Plan Comments:

General Engineering Review

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.

Acknowledged

- 2) Provide a cover sheet to the plan set which includes but not limited to:
- Project title
 - Address
 - Vicinity map
 - Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)
 - Date
 - Sheet index
 - 811 note and local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengen or Kirk Roland
 - Total parcel/project area (SF or AC), total area of land disturbed (AC), net increase/decrease in impervious area (SF), net cut/fill quantities (CY)

Added as indicated

- 3) Include the following note: "All work in public easements and right-of-way and all 2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. When general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."

Note added.

- 4) Add a note for the contractor to obtain all permits necessary including land disturbance, right-of-way, hauling, etc., with Public Works prior to construction.

Note added.

- 5) Provide utility information on site plan including node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.

Information added.

- 6) Provide increase in impervious area, earthwork cut and fill, and land disturbance area on cover sheet.

Added as indicated.

- 7) Driveway entrance within right of way of Nebraska Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail UG 4100-M.

Acknowledged.

- 8) Engineered slopes shall not exceed 3H:1V.

Acknowledged

- 9) ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.

Acknowledged. No ADA parking

- 14) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Acknowledged.

Erosion Control Plan Reivew

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.

Acknowledged.

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

- 2) Provide an erosion control plan indicating limits of disturbance.

Provided.

- 3) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

Added as indicated.

- 4) On the erosion control plan, provide erosion control notes and, add the UG standards note as note number 1, which shall read "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."

Note added.

- 5) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example, "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.

Note added.

- 6) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.

Note added.

- 7) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."

Note added.

- 8) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation.

Note added.

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

9) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.

Note added.

10) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.

Note added.

11) Show locations on the final stabilization plan regarding vegetative cover, i.e., seed and/or sod area(s), designating which type and where. Add reference that the contractor shall replace disturbed areas with seed or sod, as indicated on the plan, and shall be installed within 14 days after paving completion and final topsoil grading. Indicate a thickness for proposed topsoil replacement.

Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Acknowledged, note added.

Sanitary Sewer Review

1) Provide UG Department of Health, (913) 573-6705, permit and inspection for existing private on-site wastewater system (UG Code Article VII, §30-227 et seq).

No changes to the sanitary sewer system are currently proposed.

2) Provide a brief sanitary sewer memorandum describing the existing septic system and proposed load. Septic systems shall comply with KDHS Bulletin 4-2: Minimum Standards for Design and Construction of Onsite Wastewater System:

- a) There shall be no permanent structure (patio, building, driveway, etc.) over the tank, lateral or other part of an onsite wastewater system
- b) Maintain access of trucks and equipment for pumping, maintenance, and repair.
- c) To avoid damage to the system, heavy equipment should not have to cross any portion of the wastewater system when servicing the septic tank.

Building is not currently proposed to be changed; thus, the proposed load will not be different than the existing.

3) On the plans, please illustrate existing sanitary and storm sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535. Show locations of all existing and proposed utilities on the plan, including the existing

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

sanitary sewer and storm sewer utilities. Where existing utilities are not UG utilities, indicate that on the plans by calling them out as private.

Contact was made with the sewer maintenance department. No sanitary sewers exist near the site. The storm sewer along Nebraska Ave. does not appear on the GIS and thus does not have Node numbers or sizes.

4) Private sanitary service line(s) including clean-outs and / or manholes, as applicable shall comply with the applicable uniform plumbing code.

Acknowledged

Storm Drainage Review

1) Provide a storm drainage memo demonstrating plans comply with UG standards and criteria including stormwater quality Best Management Practice (BMP) worksheets, calculations, BMPs drainage area map.

Storm report added.

2) Demonstrate compliance with MARC BMP Manual (2009) Appendix B.2.11 for "Hot Spots."

Added as indicated, see storm report.

Please let me know if there are any questions.

Alex Elliott, EIT
Atlas Land Consulting
alex@alconsult-llc.com
913.306.4058

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT STORMWATER REPORT

Staff Note: Due to the Length of the report, only the stamped cover page is provided here. A full report is available upon request.



606 Jefferson Hills Court
Lawrence, KS 66044

STORM REPORT

For:

14140 State Ave. Industrial

14140 State Avenue
KANSAS CITY, KANSAS, 66109

Prepared for:

Tim Kates
24801 219th Street
Leavenworth, Kansas, 66048
913.951.7353



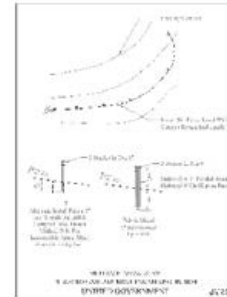
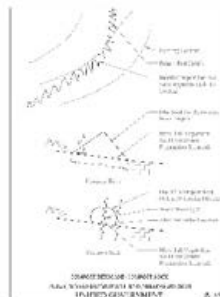
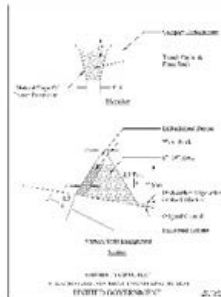
Prepared by:

ATLAS LAND CONSULTING, LLC
606 Jefferson Hills Court
Lawrence, Kansas 66044
913-702-5073

January 24, 2022

Revision	Date	By	Description
1			
2			
3			

35

[illegible]

REVISED SITE PLANS – SECOND SET



NOTE: THE SITE PLAN IS A GENERAL REPRESENTATION OF THE PROPOSED DEVELOPMENT. IT IS NOT A CONTRACT DOCUMENT. THE EXACT LOCATION AND DIMENSIONS OF THE PROPOSED DEVELOPMENT SHALL BE DETERMINED BY THE ENGINEER AND THE OWNER. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SITE PLAN. THE OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ENGINEER. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY ANY OTHER PARTY. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY ANY OTHER PARTY. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY ANY OTHER PARTY.



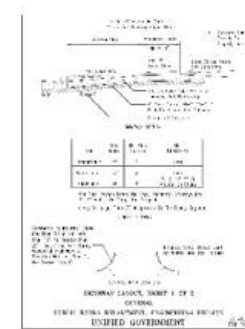
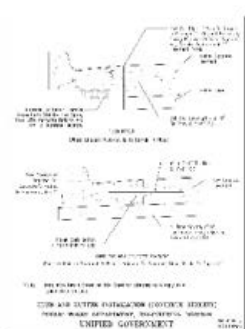
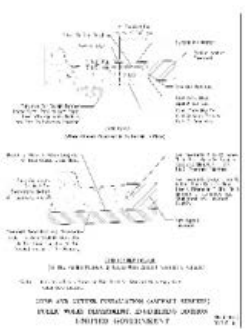
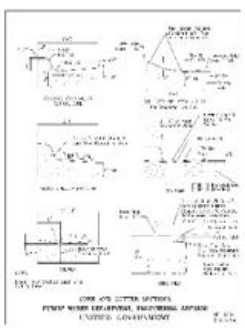
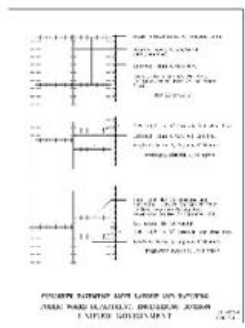
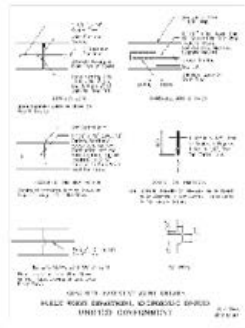
ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66116

FOR PERMIT

PREPARED FOR:
UNIVERSITY OF KANSAS
KANSAS CITY
PROJECT: 2020-001
DATE: 10/15/2020

C-120



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66116

FOR PERMIT

PREPARED FOR:
UNIVERSITY OF KANSAS
KANSAS CITY
PROJECT: 2020-001
DATE: 10/15/2020

C-121

REVISED SITE PLANS – SECOND SET



ADDITIONAL APPLICANT RESPONSE LETTER



Comment Response Letter

To: Kallie McLaughlin
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5758
Email: kdmclaughlin@wycokck.org
Date: January 24, 2022
Project: 14140 State Ave. Industrial Rezoning

Planning and Urban Design Comments:

General

- 1) The existing zoning and land use allows for intense commercial and some light industrial, respectively, but does not encompass the visibility the applicant requires as part of business operations for the proposed use. The proposed zoning and land use better reflect the applicant's desire to operate a demolition company with a visible lay-down material lot.

Apologies for any confusion, applicant is not currently proposing to store any materials on-site, only equipment.

- 2) If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.

Acknowledged.

- 3) If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.

Acknowledged, proposed screening shown.

- 4) Items to achieve approval:
 - a. Supply preliminary civil drawings to detail the proposed water and sewer
2300 Hutton St. Suite 108 Kansas City, KS. 66109

ADDITIONAL APPLICANT RESPONSE LETTER

utility connections in response to Planning Engineering Comment Letters.

Drawings have been provided to Planning Engineering. No comments received yet.

- b. Provide a parking layout on the site plan with space count

Added as indicated

- c. Provide operations details such as the hours of operation in which there may be heavier truck traffic and what types of materials may be stored on the lay-down lot.

Hours of operation are to be 7am-5pm with the heaviest traffic being in the beginning and end of the day. No materials are proposed to be stored on-site.

- d. Provide a plan outlining the landscape improvements to be made after utilities are connected and soil disturbance or grading has occurred.

Landscaping improvements shown in development plan (see sheet C-200).

Standard Conditions

- 1) 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.

Acknowledged.

- 2) 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.

Acknowledged.

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

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ADDITIONAL APPLICANT RESPONSE LETTER

on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

Acknowledged.

- 4) Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.

Acknowledged.

- 5) The apron shall be continuously maintained as an improved surface.

Acknowledged.

- 6) Existing fencing and gated entrance shall be maintained.

Acknowledged.

- 7) Any equipment visible from the ground level or near fencing shall be removed or relocated to where fully concealed from public view.

Acknowledged.

- 8) All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

Acknowledged.

- 9) 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.

Acknowledged.

Please let me know if there are any questions.

Alex Elliott, EIT
Atlas Land Consulting
alex@alconsult-llc.com
913.306.4058

2300 Hutton St. Suite 108 Kansas City, KS. 66109

STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022



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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: March 3, 2022

Re: Change of Zone Petition COZ2022-002

GENERAL INFORMATION

Applicant:

Jason Sadler DBA
House2Home KC, LLC

Status of Applicant:

Property Owner
4507 Francis Street
Kansas City, Kansas 66103

Requested Actions:

Approval of a Change of Zone.

Date of Application:

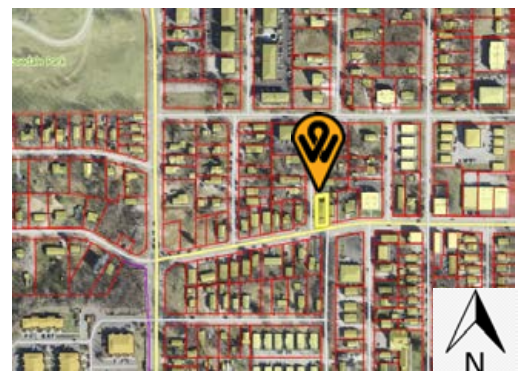
January 3, 2022

Purpose:

The approval of a Change of Zone from R-1(B)
Single-Family District to R-2(B) Two-Family
District.

Property Location:

2822 West 43rd 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 and CP-1 Planned Limited Business District East: R-1(B) Single Family District and RP-5 Apartment District West: R-1 (B) Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence and Laundromat East: Single Family Residence and Garden Style Apartment Building West: Single Family Residence
Total Tract Size:	0.0993 Acre
Master Plan Area:	The Subject Property is within the Rosedale Area Master Plan.
Master Plan Designation:	The Rosedale Area Master Plan designates this Property as General Urban. General Urban is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed on mixed-use corridors.
Major Street Plan:	The City-Wide Master Plan designates 43 rd Avenue as a Class C Throughfare.
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. R-2(B) District (proposed zoning): Section 27-457(d) requires one (1) off-street parking spaces premises for each dwelling. The subject property currently has two dwelling units. The property originally had two (2) off-street parking in an attached garage, which was deemed unsalvageable due to the poor condition of the home and grading prior to renovations. The property has two (2) off-street parking spaces as a result of regrading and leveling the former driveway.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owners – January 21, 2022 and February 24, 2022

Public Hearings: February 14, 2022 and March 3, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Jason Sadler, is requesting a Change of Zone for the subject property at 2822 West 43rd Avenue. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District. The Change of Zone has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single family home with a rear addition and duplex conversion in the mid-1970s. The home was previously zoned as an R-2 Two-family property, but was downzoned in 2003 as part of ordinance O-46-03. The previous owner failed to appropriately contest the downzoning to maintain current conforming status, thus the property became non-conforming. The building was formerly deemed an unfit structure. The Applicant is the new property owner and recently completed a permitted full renovation after years of severe neglect to the property and wishes to obtain a rental license, which requires the zoning to reflect the building's physical condition. As part of the Change of Zone approval, a variance is requested for setbacks of the R-2(B) Two-Family Residential District requirements.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no disturbance complaints. The prior owner received four (4) disturbance complaints for property damage in 2019 ostensibly related to the property's vacancy status.
 - a. 2019: 2019-00049176 – "other"
 - b. 2019: 2019-00049201 – criminal damage
 - c. 2019: 2019-00048870 – check on welfare
 - d. 2019: 2019-00047040 – "other"
 - e. 2016: 2016-00021111 – check on welfare

Building or Code Enforcement Complaints:

1. The subject property received several code enforcement complaints related to abatement, vacancy, and environmental issues. The applicant did receive some violations, although these violations occurred prior to renovations when plans to improve the property and obtain permits were under development.
 - a. 2020: 20225-02375 – trash, weeds (closed)

- b. 2020: 20225-03037 – trash, broken glass, weeds – remedied with new owner (closed)
- c. 2020: 20225-00616 – trash, weeds (closed)
- d. 2019-2021: 19200-05150 – unfit structure – remedied with new owner renovations (closed)
- e. 2019-2021: 192300-00169 – improper vacancy – remedied with new owner renovations (closed)
- f. 2019: 19201-00246 – unfit structure

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits. The applicant is a licensed architect and has recently completed a full remodel with permits.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is urban in character. Lots are average for urban densities and are approximately twenty-five (25) feet to forty (40) feet in width. There streets are mostly concrete, and driveways are often concrete approaches with concrete or asphalt driveways. Roads show signs of significant improvement such as sidewalks, curbs, and gutters. This block of 43rd Avenue is a mix of single-family residences, duplexes, apartments, and neighborhood commercial uses.

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

The zoning uses of the nearby properties are set out above. Other dwellings in the area include single family homes, two (2) family homes, and apartments with neighborhood commercial uses. The proposed zoning would have a high compatibility of the nearby properties due to their mixed uses and densities as part of the neighborhoods character.

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 27-457(a) regarding an R-2(B) district, 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.” and per Section 27-457(b) permitted uses include any use permitted in the R-1(B) district and two-family dwellings. As is, the current zoning does not allow for a two-family (duplex) residence as the building was

converted. Removing the restrictions when converting from R-1(B) to R-2(B) is unlikely to negatively affect the subject property or nearby properties as a two-family dwelling is typical of the neighborhood's mixed residential uses.

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

The property currently has two (2) total units that are vacant and ready for rental licensing. The property has a history of vacancy, with the last known rental license in 2011. Inspection history indicates utilities were terminated in 2016 with squatters occupying 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.*

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, and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring 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 proposed Change of Zone 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 concrete parking pad on the side of the home large enough for two (2) vehicles, meeting the parking requirements.

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

The Rosedale Area Master Plan designates this property's land use as General Urban. The General Urban district is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed on mixed-use corridors. Currently, the subject property is on a mixed-use corridor and conforms to General Urban, and this will not be impacted by the Change of Zone.

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 two-family dwelling typology formerly permitted prior to the 2003 downzoning. There should be little to no long-term negative environmental impact. The subject property has recently completed a full renovation after being deemed unfit and having squatters for several years. This renovation enhanced the environment by

removing blighted features with upgrades and repairs, as well as providing additional housing.

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*

Stormwater control is provided at various points throughout the 43rd Avenue corridor.

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. There is a bus stop on the property's frontage.

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 noticeable, as the subject property was formerly deemed uninhabitable on a popular corridor. The renovations will impact the increase in property tax value and will provide two (2) living units for families to live within Wyandotte County, providing more units to the County's housing stock.

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 zone. The property was previously zoned appropriately but was downzoned without addressing the conformity of the property.

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 some gain and positive to public health, safety, or welfare. The dwelling units are already in existence, but the previous condition of prolonged blight and uninhabitable status made the property unsightly and unsafe, drawing the attention of neighbors as the property sits on a corner lot on a popular corridor. The renovation was permitted and inspected, ensuring the property now meets or exceeds the standard for maintenance and care, removing associated hazards to adjacent neighbors and the neighborhood.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on January 31, 2022.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Structural Compatibility
Parking and Driveway Access
Zoning
Land Use
Utility Easements
Blight Hazards
Unfit Structure
Setback Requirements
Narrow Lot Design Guidelines
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-002**, subject to:

- 1. The existing land use designation for the subject property, General Urban District, is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three story**

apartment buildings, retail, and office uses are allowed on mixed-use corridors. The land use does not change with the change of zone. The change of zone allows for the Applicant to keep two (2) units within the property.

2. If approved, rental licensing shall be obtained prior to any non-owner occupancy.
3. If approved, any use as a short-term rental or non-owner occupancy for a period of less than 30 days shall require a Special Use Permit.
4. 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.
5. 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** Case **COZ2022-002** subject to all comments and suggestions outlined in this staff report, and the recommendation of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Before Renovation Photos
After Renovation Photos
Approved Plans for Permit
Neighborhood Meeting Information
Staff Site Photos Dated January 23, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing		
Rezoning	February 14, 2022	March 3, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-002** 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 **COZ2022-002**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 1:54:10:

CHANGE OF ZONE APPLICATION COZ2022-002 – JASON

SADLER/HOUSE2HOME KC, LLC – SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to bring an existing duplex into compliance at 2822 West 43rd Avenue (in conjunction with BOZA2022-005).

Detailed Outline of Requested Action: The Applicant, Jason Sadler, is requesting a Change of Zone for the subject property at 2822 West 43rd Avenue. The Applicant is requesting a Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District. The Change of Zone has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single family home with a rear addition and duplex conversion in the mid-1970s. The home was previously zoned as an R-2 Two-family property, but was downzoned in 2003 as part of ordinance O-46-03. The previous owner failed to appropriately contest the downzoning

to maintain current conforming status, thus the property became non-conforming. The building was formerly deemed an unfit structure. The Applicant is the new property owner and recently completed a permitted full renovation after years of severe neglect to the property and wishes to obtain a rental license, which requires the zoning to reflect the building's physical condition. As part of the Change of Zone approval, a variance is requested for setbacks of the R-2(B) Two-Family Residential District requirements.

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 February 14, 2022;
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 earlier 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:

- Jason Sadler, applicant, 4507 West 43rd Street, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:57:50: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-005, which was approved by the Board of Zoning Appeals earlier this evening. He stated that the request is from R-1(B) Single Family District to R-2(B) Two Family District. The property was originally zoned R-2 Two Family and was downzoned in 2003. The property was originally constructed as a single-family home with a rear addition constructed sometime in the mid-1970s. This property is in the Rosedale Master Plan area. Staff received no letters in support nor opposition although there were questions from the public at the Board of Zoning Appeals meeting earlier this evening. All Notices of Violation have been rectified by the applicant. Currently the applicant is seeking long-term renters. In the future if the applicant desires to have short-term rentals a Special Use Permit will be required. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:59:18:

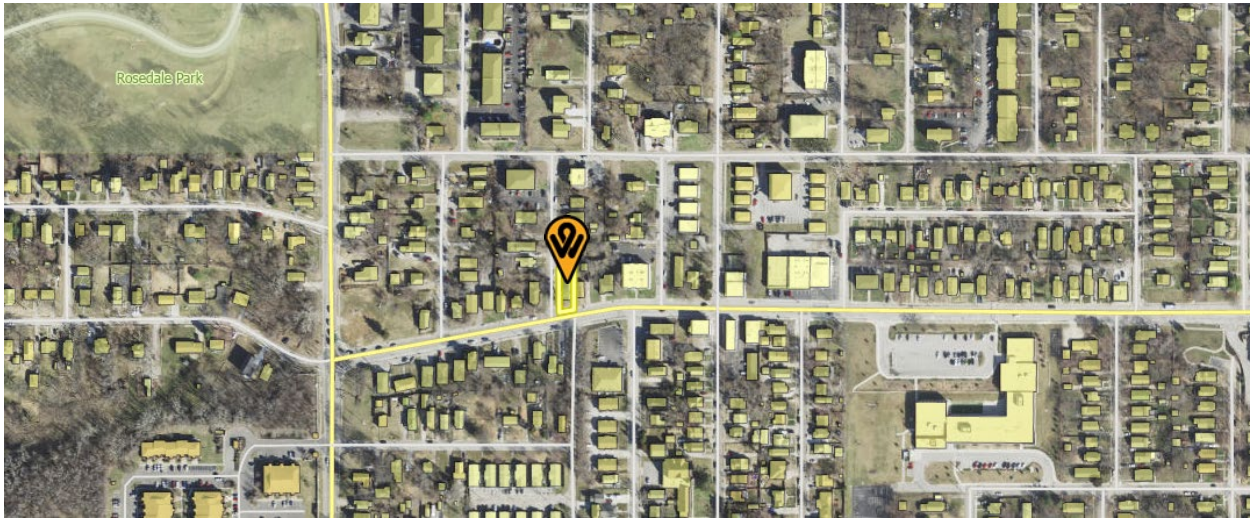
On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-002:**

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

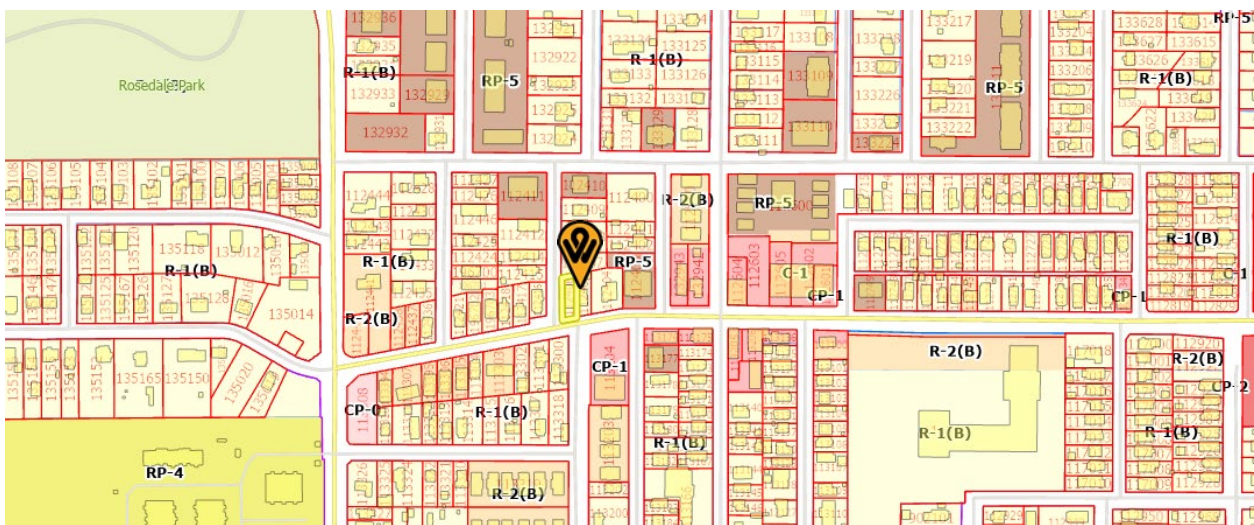
Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

- 1. The existing land use designation for the subject property, General Urban District, is predominantly residential in character with rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed on mixed-use corridors. The land use does not change with the change of zone. The change of zone allows for the Applicant to keep two (2) units within the property.**
- 2. If approved, rental licensing shall be obtained prior to any non-owner occupancy.**
- 3. If approved, any use as a short-term rental or non-owner occupancy for a period of less than 30 days shall require a Special Use Permit.**
- 4. 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.**
- 5. 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.**

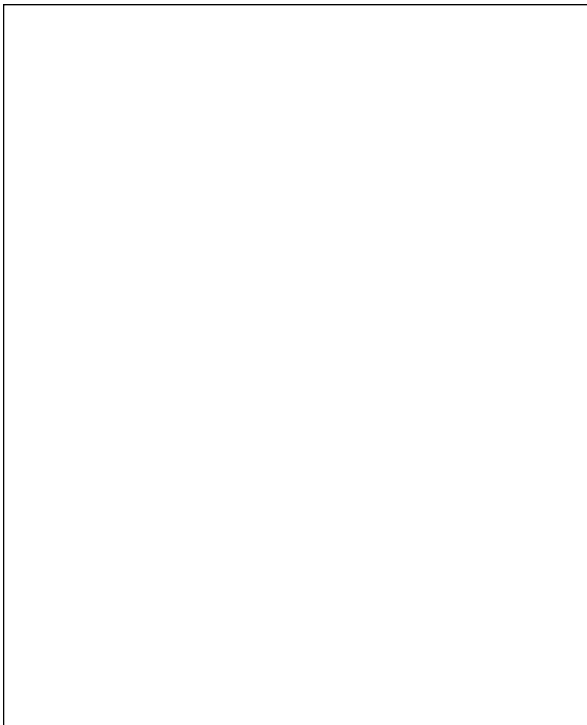
AERIAL MAP



ZONING MAP



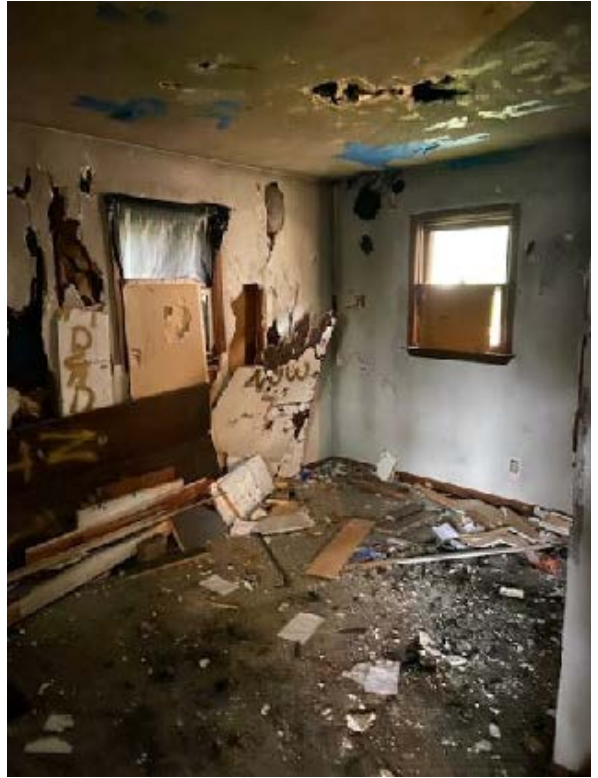
LAND USE MAP



BEFORE RENOVATION PHOTOS



BEFORE RENOVATION PHOTOS



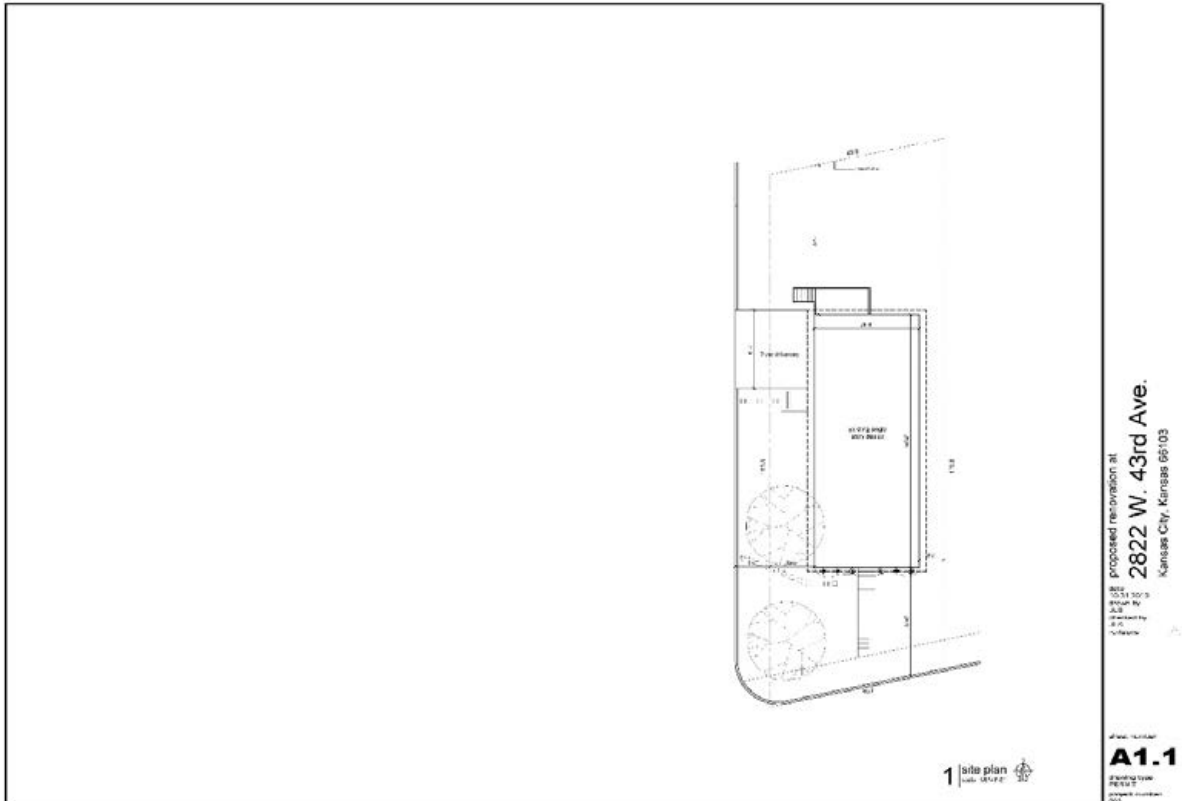
AFTER RENOVATION PHOTOS



AFTER RENOVATION PHOTOS



APPROVED PLANS FOR PERMIT



NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

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

1. That I am the petitioner for Petition # COZ2022-002 / BORA 2022-005
2. That I conducted a neighborhood meeting on 1/31/2022.
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

NEIGHBORHOOD MEETING INFORMATION

BUZA2022-005/ COZ2022-002

Neighborhood Meeting - 01/31/2022

Name

Phone #

Email

Nobody Showed Up

STAFF SITE VISIT PHOTOS DATED JANUAR 23, 2022



STAFF SITE VISIT PHOTOS DATED JANUAR 23, 2022





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: March 3, 2022

Re: **Change of Zone Petition COZ2022-004 and Master Plan Amendment Petition MPL2022-003**

GENERAL INFORMATION

Applicant:

Gunnar Hand, AICP

Status of Applicant:

Representative, UG Planning + Urban Design
701 North 7th Street, Suite 423
Kansas City, KS 66101

Requested Actions:

Change of Zone from MP-2 Planned General Industrial District to R-1 Single-Family District.

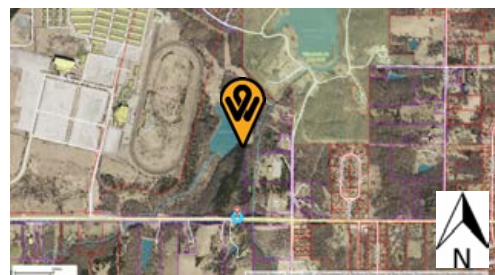
Master Plan Amendment from Planned Business Park to Planned Open Space (Prairie-Delaware Master Plan).

Date of Application(s):

January 3, 2022

Purpose:

To change the zoning and master plan designation to reflect the land use as park space.



Property Location:

9300 Leavenworth Road

Commission Districts:

Commissioner At Large District #1: Melissa Bynum
District #5 Commissioner: Mike Kane

Existing Zoning:

MP-2 Planned General Industrial District

Adjacent Zoning:	North: R-1 Single Family District and AG Agricultural District South: AG Agricultural District East: R-1 Single Family District, CP-2 Planned General Commercial District, and CP-1 Planned Limited Business District West: MP-2 Planned General Industrial District
Adjacent Uses:	North: Wyandotte County Lake Park South: Agricultural Land East: Commercial Building and Vacant Land West: Amazon Fulfillment Center
Total Tract Size:	94.16 Acres
Master Plan Area:	Prairie-Delaware-Piper Master Plan
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates Bennett Lake as Planned Business Park. Planned Business Park identifies employment areas that are for manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity. An amendment has been filed to Planned Open Space, which “identifies existing land use for parks, recreation and open space”.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare.
Parking Requirement:	Sec 27-469(d) requires paved off-street parking at a ratio necessary to serve the employees, visitors, customers, and others who may be on the premises. There shall be no less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Commercial uses shall provide parking as would be required in the C-3 district. For additional standards and information, see division 9 of this article.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owners – January 21, 2022 and February 24, 2022

Public Hearings: February 14, 2022 and March 3, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Gunnar Hand, AICP, representing the Unified Government, is proposing to rezone the property from MP-2 Planned General Industrial District to R-1 Single-Family District and seeks a Master Plan Amendment from Planned Business Park to Planned Open Space to better reflect the land use on the property. This property was deeded over to the Unified Government as part of the adjacent Woodlands redevelopment into an industrial area.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no calls for police service and no disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violations on this property.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of many diverse uses, including industrial warehouses, single-family homes, park land, and agricultural land. There is minimal commercial development along Leavenworth Road.

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 most of the surrounding uses, which include agricultural, park land, and single-family residences. There is the potential for conflict with the

Amazon Fulfillment Center, and other industrial uses that borders the property to the North and West.

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

The removal of restrictions will not detrimentally affect nearby property, as the use of the property will not change. The zoning and master plan designation will change to better reflect the current use of this property and to match that of the adjacent Wyandotte County Lake Park.

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

This property is not vacant, as it is being used as park space managed by the Unified Government.

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 the park space provides a great location for recreation for the public as well as helps preserve the natural resources on the property, such as Bennett Lake.

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

The proposed use will not increase the traffic or parking demand in ways that will adversely affect the road capacity, safety, or create parking problems, as the land use is not changing from its current use, rather the zoning and master plan amendment are changing to better reflect the use of the land as park space.

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

The proposed use will conform to the Master Plan, as the Master Plan is being amended to reflect the current use of the land to Open Space.

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 simply changing the zoning and master plan designation to better match the existing land use. The current use, however, will enhance the environment, as the existing use preserves this open space in perpetuity as park land.

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 West Patrol, District #223

e. Fire

Fire service is provided by Station #12.

f. Transit

KCATA Route #113 – Leavenworth Road.

g. Schools

Public education is provided by Kansas City, Kansas Public Schools, 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 without 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 is minimal. If the application is denied, the property can continue to be used as open space.

PREVIOUS ACTIONS

Approval of a Change of Zone from AG and CP-1 to CP-1 and MP-2 (COZ #3226) in 2020.

Approval of a Master Plan Amendment from Entertainment District to Business Park (MP-2020-5) in 2020.

Approval of a Change of Zone from CP-1 and MP-2 to MP-2 (COZ2021-006) in 2021.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 1, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space

Sidewalks and Trails Master Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-004** and Master Plan Amendment **MPL2022-003**, subject to:

- 1) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process.
- 2) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
- 3) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 4) 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, Sections 8-610 through 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.

- 5) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-004** and **MPL2022-003** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Letter – Dated January 24, 2022
Neighborhood Meeting Minutes – Dated February 2, 2022
Site Photos, Taken by Staff – Dated January 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	February 14, 2022	March 3, 2022
Change of Zone	Approval	
Master Plan	February 14, 2022	March 3, 2022
Amendment	Approval	

STAFF CONTACT: James Molloy
jmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-003** 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 **MPL2022-003**, 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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-004** 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 **COZ2022-004**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:00:20:

MASTER PLAN AMENDMENT APPLICATION MPL2022-003 – GUNNAR HAND, AICP/DIRECTOR OF PLANNING – SYNOPSIS: Master Plan Amendment from Business Park (Prairie Delaware Piper Master Plan) to Open Space (Prairie Delaware Piper Master Plan) at 9300 Leavenworth Road.

CHANGE OF ZONE APPLICATION COZ2022-004 – GUNNAR HAND, AICP/DIRECTOR OF PLANNING – SYNOPSIS: Change of Zone from MP-2 Planned General Industrial District to R-1 Single Family District for the existing Bennett Lake and park land at 9300 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Gunnar Hand, AICP, representing the Unified Government, is proposing to rezone the property from MP-2 Planned General Industrial District to R-1 Single-Family District and seeks a Master Plan Amendment from Planned Business Park to Planned Open Space to better reflect the land use on the property. This property was deeded over to the Unified Government as part of the adjacent Woodlands redevelopment into an industrial area.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 14, 2022;
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:

- Gunnar H. Hand, AICP, applicant, Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:03: Planning Director Hand stated that staff has received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 2:03:45:

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment MPL2022-003:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process.
- 2) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
- 3) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 4) 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, Sections 8-610 through 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.
- 5) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible

from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

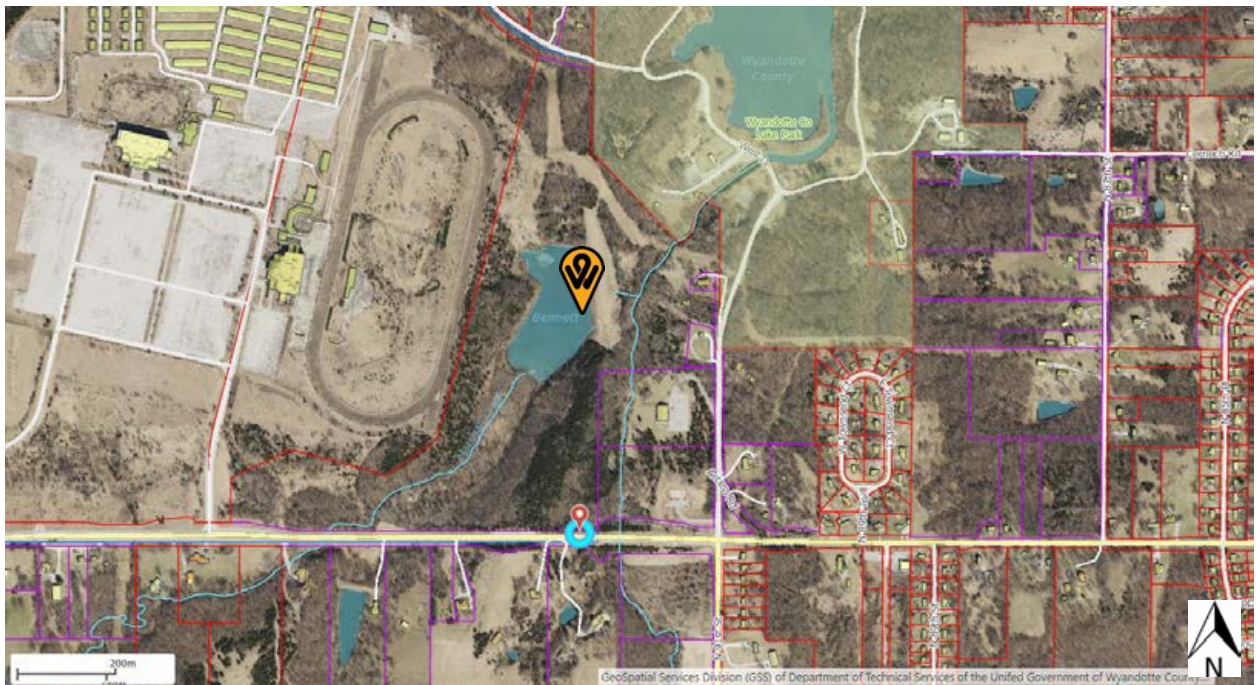
On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-004:**

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

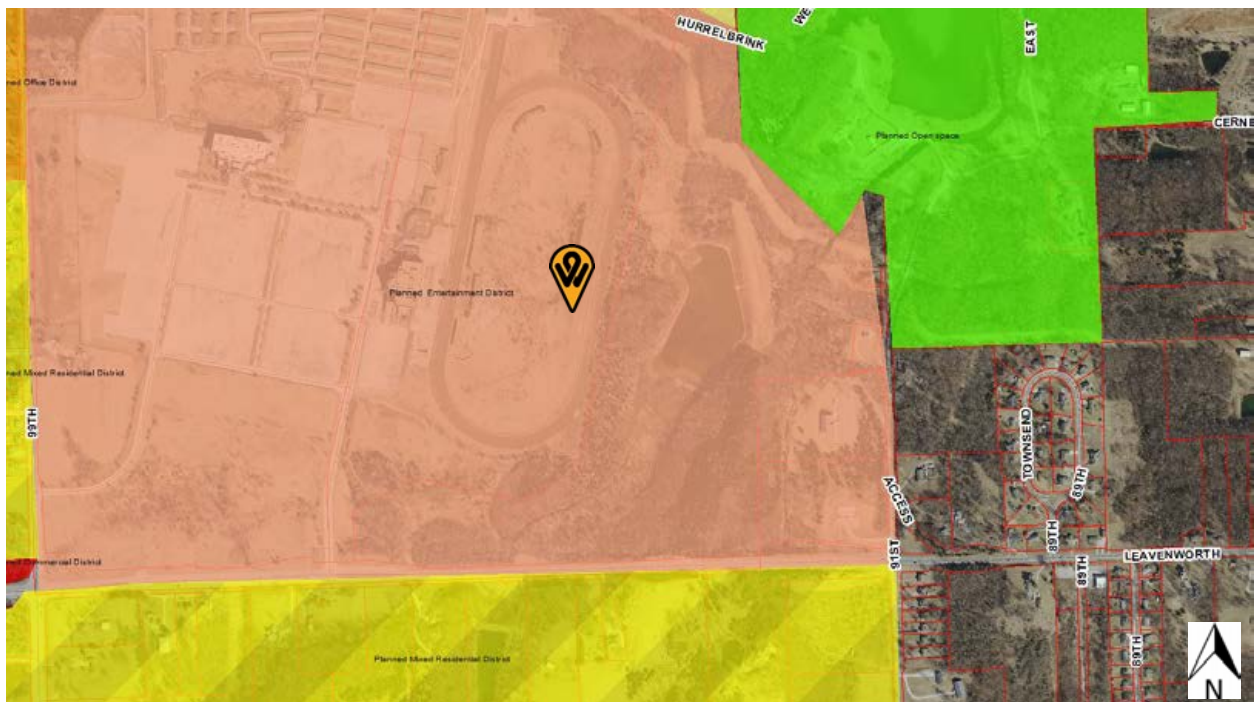
Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

ATTACHMENTS

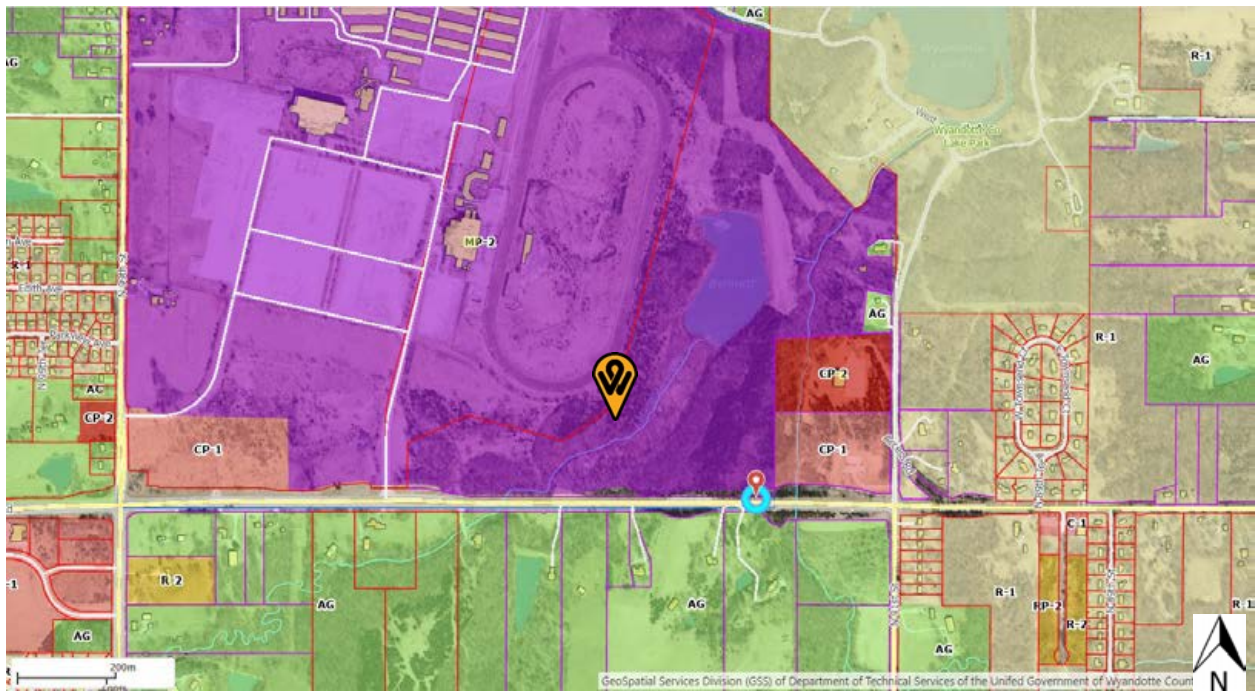
AERIAL IMAGERY



LAND USE MAP



ZONING MAP





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

January 21, 2022

SUBJECT: Synopsis of COZ2022-004 and MPL2022-003

We have filed an application with the Department of Planning and Urban Design for the following applications:

COZ2022-004. Change of Zone from MP-2 Planned General Industrial District to R-1 Single Family District; and,

MPL2022-003. Master Plan Amendment from Business Park to Open Space (Prairie-Delaware-Piper Master Plan),

at 9300 Leavenworth Road.

The purpose of these two (2) applications is to preserve the land as open space, and change both the zoning, and master plan designation to match this land's use as open space. The park and lake are not being developed or changed; these petitions are to preserve the park in perpetuity as open space.

If you have any questions or concerns regarding this petition, or want to know more about this petition, please reach out to The Department of Planning + Urban Design at planninginfo@wycokck.org or at (913) 573-5750 by January 31, 2022. Additionally, you can reach out to the staff planner assigned to this case, Mr. James Molloy at jlmolloy@wycokck.org or (913) 573-5771.

James Molloy
Planning Intern
(913) 573-5771
jlmolloy@wycokck.org



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

February 2, 2022

SUBJECT: Neighborhood Meeting Minutes for **COZ2022-004** and **MPL2022-003**

The Department of Planning and Urban Design sent out letter detailing the two (2) petitions that have been filed for by the Director of the Unified Government Department of Planning and Urban Design Gunnar Hand, as well as providing contact information for those that wanted to respond and provide comments.

The comment period was from January 24, 2022, through February 1, 2022.

No comments or questions were received during this period.

James Molloy
Planning Intern
(913) 573-5771
jlmolloy@wycokck.org

SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022



Trail along the Southern edge of Bennett Lake and Park along Leavenworth Road.

SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022 CONT.



Trail along the Northern edge of Bennett Lake and Park along Hurrelbrink Road.



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: March 3, 2022

Re: Change of Zone Petition COZ2022-005 and PR2022-005

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Actions:
Change of Zone from A-G Agriculture District CP-3 Planned Commercial District.

Preliminary and Final Plan Review for an inventory parking lot expansion for Camping World.

Date of Applications:
January 3, 2022

Purpose: To rezone and create one (1) commercial lot and build an inventory parking lot expansion for Camping World.

Property Location: 9400 State Avenue



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
Existing Zoning:	A-G Agriculture District		
Adjacent Zoning:	North:	A-G Agriculture and CP-0 Planned Nonretail Business Districts	
	South:	CP-3 Planned Commercial District	
	East:	A-G Agriculture District	
	West:	CP-2 Planned General Business District	
Adjacent Uses:	North:	Home improvement store (across State Avenue)	
	South:	Camping World (under construction)	
	East:	Vacate property (formerly Schlitterbahn Vacation Village)	
	West:	Home improvement store (Menards)	
Total Tract Size:	5.49 Acres		
Master Plan Area:	Prairie Delaware Piper Master Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Entertainment / Commercial District, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.		
Major Street Plan:	The Major Street Plan classifies North 98 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 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. 152 parking spaces are required. 119 parking spaces are provided (variance was approved by the Board of Zoning Appeals on August 9, 2021). No new structures are proposed; therefore, no additional parking is required.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – January 20, 2022; Letters to Property Owners – Change of Zone – January 21, 2022 and February 24, 2022; Plat – January 21, 2022; Plan Review – January 21, 2022 and February 24, 2022.		
Public Hearings:	February 14, 2022 and March 3, 2022		
Public Support:	None to date.		

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen wants to rezone from A-G Agriculture District and CP-3 Planned Commercial District, and replat one (1) commercial lot to build an inventory parking lot expansion on 5.49 acres at 9400 State Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. Property Maintenance Compliance Division sited the property on May 21, 2021 for overgrown weeds on the property, which has since been resolved.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group boundary. The subject property is, however, considered within Legends/Kansas Speedway area. The neighborhood is defined by large commercial buildings, business campuses, hotels, sports and entertainment facilities, parking lots, and close proximity to two (2) interstates (I-435 and I-70) and two (2) major roadways (State Avenue and Parallel Parkway).

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

Proper screening, accomplished through both landscaping and fencing, will contribute greatly to ensuring continued compatibility between the uses on the neighboring parcels.

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

The subject is almost five (5) acres and will house RVs within the inventory lot. The size of the parcel compared to the rest of the surrounding properties is smaller, abutting the enclosed outside storage yard for Menards and the rear of Camping World. Beyond the mere distance between the buildings on neighboring parcels, screening will reduce any adverse effects from detrimentally affecting nearby properties.

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

The property has been vacant since 2018.

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 does not fulfill any basic necessities of services to the community, and therefore it is not reasonably necessary for the convenience and welfare of the public. The extent of development proposed on site will greatly increase the amount of impervious surface and visuals along North 98th Street. To address and mitigate these issues, sufficient screening must be provided along the property boundary lines, shades trees must be bound across the parcel to combat heat islands and unappealing visuals, and best practices must be employed for stormwater runoff retention. If all of these site design requirements are implemented, the proposed use may 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.*

While the parking lot is for excess inventory, the intent is to provide customers the opportunity to view more RVs on site than previously intended. The result is the proposed use could result in more traffic, but not in ways that will adversely affect the road capacity or safety.

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

The proposed use conforms to the Master Plan, which is designated as Planned Mixed Entertainment / Commercial District and allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

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 the stormwater runoff is captured before infiltrating the stormwater system. Staff is requesting trees to be planted around the perimeter of the site to the combat heat island affect.

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 #223.

e. *Fire*

Fire service is provided by Fire Station #6.

f. *Transit*

Kansas City ATA provides transit service along State Avenue. The closet transit stop to the site is over one-half (½) mile away at the intersection of State Avenue and North 94th Street. Despite the relative proximity of the subject property, the bus stop is not currently accessible by pedestrians due to a gap in the sidewalk connection along a portion of State Avenue.

g. *Schools*

Public education service provided 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 of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. In response to Staff comments, the applicant has stated that a gross 200 jobs will be utilized during the construction phase of the project, and a gross

total of 60 full- and part-time jobs are estimated to be created once Camping World is open and operating. The applicant has not stated if Camping World has or intends to make efforts to recruit and hire residents from Wyandotte County. The applicant has declined to comment on any predicted sales taxes generated by Camping World's use of the property, citing the corporation's status as a publicly traded company.

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

With additional landscaping and screening, the proposed use is capable of meeting applicable ordinance requirements.

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

The property is currently vacant and previously having been on-site detention for Schlitterbahn Vacation Village. The proposed development will greatly reduce the natural vegetation and terrain while consequently increasing the area of impervious area. Proper mitigation measures and best practices must be employed to ensure such development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, lighting, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

13. 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.

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided documentation regarding grading, erosion control, and stormwater runoff management.

14. 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 additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes. Additionally, the entry/exit access points, parking lots, and drive aisles must be designed in a manner that takes into account pedestrian traffic. Vehicle-pedestrian conflict points should be strictly minimized.

15. 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.

Buildings, lots, blocks, parcels, and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The submitted site plan shows a vast majority of the subject property being paved over, with little regard for the existing terrain. While the applicant has submitted site and grading plans, they do not demonstrate development patterns designed with due regard to topography so that the natural features of the land and vegetation shall be protected and enhanced.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a commercial development and as such does not have the amenities stated above, although staff has made recommendations to improve walkability and non-vehicular transportation.

PREVIOUS ACTIONS

- In 2006, this portion of the property was part of Schlitterbahn Vacation Village on-site stormwater retention. The property is now vacant, having been abandoned in 2018.
- BOZA2022-006 has been filed in conjunction with this Change of Zone, Final Plat and Final Development Plan entitlement.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Circulation
Truck Noise
Lighting / Glare
Landscaping and Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-005** and Preliminary and Final Plan Review **PR2022-005**, subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2022-006**. The following are conditions for **BOZA2022-006** and are stated here for reference only, as **CPC** case is solely for an inventory parking lot expansion for **Camping World**:
 - a. A variance runs with the land, and approval of each or any of the requested variances will allow for any future property owner to meet, but not exceed, the variances granted. These variances are requested due to and are assessed on the specific proposed site of the subject property as submitted by the applicant. Therefore, any change to the design, dimensions, or circumstances of the subject property may void the variance and/or require a new or amended variance to be requested;
 - b. Provide sufficient landscaping and screening along the property boundary lines, especially along the west property line adjacent to the main entrance into the former Schlitterbahn site, in order to reduce the visual impact that collective parking and storage lots could have on the public; and
 - c. A building permit is required for the parking lot expansion. Following this entitlement process, please contact the Building Inspection Department to begin that process.
2. During construction of the proposed **Camping World**, the existing overhead electrical lines located on the subject property will be temporarily relocated within the boundaries of the subject property. As part of the future development phases of the surrounding master development with **STAR Bonds**, the overhead electrical lines on the subject property will be buried below grade;
3. Provide a larger master plan for the entire **Homefield** development, as this was previous a pad site for the entertainment portion of this project. Staff asked for the overall master plan during the initial pre-application meeting. A master plan for the larger site is needed to determine screening and fencing requirements, and if any sidewalk extensions are necessary.

The private drive will extend to the north and either link with **98th Street** to the northwest and/or further development to the east. Either way, the rear of the inventory lot will be highly visible, and the street side fencing shall reflect the same wrought-iron and masonry column treatment as **98th Street**;

4. Work with **Menard's** to add a curb or otherwise close the interior circulation between the stub on **Menard's** property and the northwest corner of the **Camping World** site;

5. **Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;**
6. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
7. **Utility easements shall connect with easements established in adjoining properties;**
8. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
9. **The sidewalk on the west side of the drive between Camping World and the former Schlitterbahn site shall be a minimum of five (5) feet and extend to the north to the inventory lot and will be constructed when the future private road is constructed to Unified Government standards;**
10. **Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be complaint with all applicable local ordinances and screened from view in accordance with all applicable ordinances;**
11. **A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;**
12. **The perimeter fence should be wrought iron with masonry columns along the private drive to the rear of the property terminating at Menard's fence/wall. This expansion will require a redesign of the entire fencing plan so that the future fence facing a public and/or private street includes an architecturally screened fence. Revise and resubmit to show all extents of each fence types;**
13. **Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;**
14. **Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;**
15. **Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, 60 trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines;**
16. **All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted.**

Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);

17. All landscaping shall be irrigated;
18. Shall comply with the sign ordinance with the exception of the flag and pole approved by the BOZA2021-018;
19. 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, Sections 8-610 through 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;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
21. 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 **COZ2022-005** and **PR2022-005** and subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
GeoSpatial Services Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Homefield Master Plan
Final Plat
Site Plan
Grading Plan
Site Lighting
Landscape Plan
Site Photographs taken by Staff on January 12, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	February 14, 2022	March 3, 2022
Rezoning	Approval	
Public Hearing	February 14, 2022	TBD
Preliminary and Final Plat	Approved	
Public Hearing	February 14, 2022	March 3, 2022
P&F Plan	Approval	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-005** 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 **COZ2022-005** 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.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-005** 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 **PR2022-005**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:05:50:

CHANGE OF ZONE APPLICATION COZ2022-005 – CURTIS

PETERSEN/POLSINELLI PC – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District for Camping World inventory lot expansion at 9400 State Avenue.

PLAT2022-002 – CURTIS PETERSEN/POLSINELLII PC – SYNOPSIS: Preliminary and Final Plat for one (1) commercial lot at 9400 State Avenue.

PR2022-005 – CURTIS PETERSEN/POLSINELLII PC – SYNOPSIS: Preliminary and Final Plan Review for Camping World inventory lot expansion at 9400 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen wants to rezone from A-G Agriculture District and CP-3 Planned Commercial District, and replat one (1)

commercial lot to build an inventory parking lot expansion on 5.49 acres at 9400 State Avenue.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 14, 2022;
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:

- Curt Peterson, attorney and applicant, 900 West 48th Street, Kansas City, Missouri
- Amy Grant, Polsinelli LC, 900 West 48th Street, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:10:38: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-006, which was approved with modified conditions earlier this evening. Staff concurs with the revised proposal by the applicant of Conditions 4 and 9, and will leave the request for revision to Conditions 3 and 12 to the determination of the City Planning Commission. If the Commission wants to eliminate the fence, the last sentence of Condition 3 shall be stricken, and Condition 12 must be revised by the Planning Commission as it is a deviation from the Commercial Design Guidelines.

The Commission directed questions to staff.

Motion and Vote starts at 2:16:30:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-005 with the revisions as outlined by the applicant for Conditions 4 and 9:**

Carson	Chairman
Armstrong	Aye
Connelly	Aye
Ernst	Aye

Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-006. The following are conditions for BOZA2022-006 and are stated here for reference only, as CPC case is solely for an inventory parking lot expansion for Camping World:**
 - a. A variance runs with the land, and approval of each or any of the requested variances will allow for any future property owner to meet, but not exceed, the variances granted. These variances are requested due to and are assessed on the specific proposed site of the subject property as submitted by the applicant. Therefore, any change to the design, dimensions, or circumstances of the subject property may void the variance and/or require a new or amended variance to be requested;**
 - b. Provide sufficient landscaping and screening along the property boundary lines, especially along the west property line adjacent to the main entrance into the former Schlitterbahn site, in order to reduce the visual impact that collective parking and storage lots could have on the public; and**
 - c. A building permit is required for the parking lot expansion. Following this entitlement process, please contact the Building Inspection Department to begin that process.**
- 2. During construction of the proposed Camping World, the existing overhead electrical lines located on the subject property will be temporarily relocated within the boundaries of the subject property. As part of the future development phases of the surrounding master development with STAR Bonds, the overhead electrical lines on the subject property will be buried below grade;**
- 3. Provide a larger master plan for the entire Homefield development, as this was previous a pad site for the entertainment portion of this project. Staff asked for the overall master plan during the initial pre-application meeting. A master plan for the larger site is needed to determine screening and fencing requirements, and if any sidewalk extensions are necessary.**

The private drive will extend to the north and either link with 98th Street to the northwest and/or further development to the east. Either way, the rear of the inventory lot will be highly visible, and the street side fencing shall reflect the same wrought-iron and masonry column treatment as 98th Street;

- 4. Work with Menard's to add a curb or otherwise close the interior circulation between the stub on Menard's property and the northwest corner of the Camping World site;**

5. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
7. Utility easements shall connect with easements established in adjoining properties;
8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
9. The sidewalk on the west side of the drive between Camping World and the former Schlitterbahn site shall be a minimum of five (5) feet and extend to the north to the inventory lot and will be constructed when the future private road is constructed to Unified Government standards;
10. Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be compliant with all applicable local ordinances and screened from view in accordance with all applicable ordinances;
11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
12. The perimeter fence should be wrought iron with masonry columns along the private drive to the rear of the property terminating at Menard's fence/wall. This expansion will require a redesign of the entire fencing plan so that the future fence facing a public and/or private street includes an architecturally screened fence. Revise and resubmit to show all extents of each fence types;
13. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
14. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, 60 trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines;
16. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted.

Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);

17. All landscaping shall be irrigated;
18. Shall comply with the sign ordinance with the exception of the flag and pole approved by the BOZA2021-018;
19. 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, Sections 8-610 through 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;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
21. 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. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-002**:

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

Motion to APPROVE Passed: 6 to 0
Subject to the above conditions

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-005**:

Carson	Chairman
Armstrong	Aye
Connelly	Aye
Ernst	Aye

Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions



Figure 1. Aerial photograph of 9400 State Avenue (provided by UG Maps).

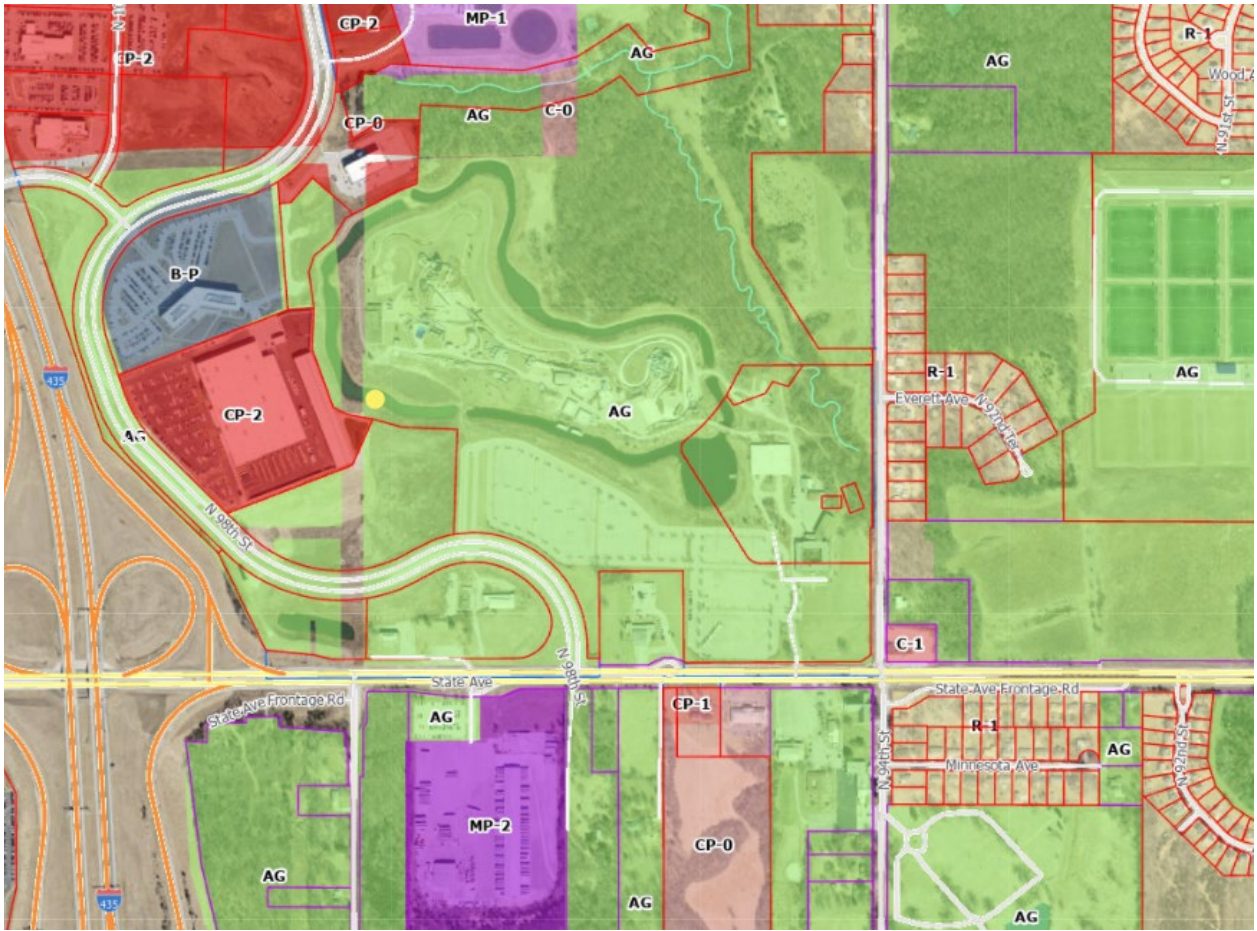


Figure 2. Zoning Map of 9400 State Avenue (provided by UG Maps).

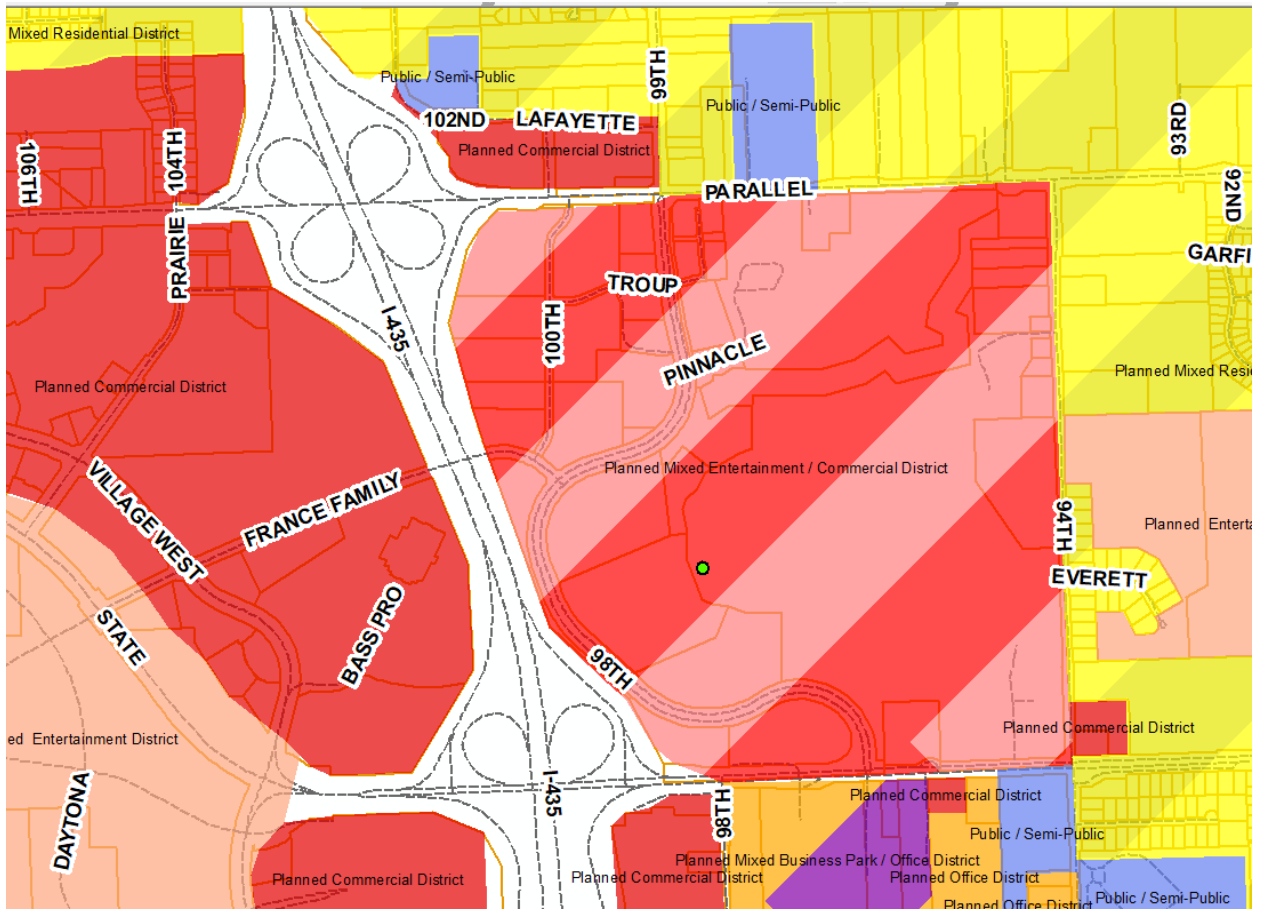


Figure 3. Prairie Delaware Piper Master Plan Land Use Map of 9400 State Avenue (provided by ArcMap).



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: January 13, 2022
RE: **HOMEFIELD CAMPING WORLD SECOND PLAT**

We have researched the official county records for the above plat as submitted to Planning and Urban Design by:
Continental Consulting Engineers

And we have determined the following:

Takes all of CIC-TAS Parcel:

423900

Takes part of CIC-TAS Parcel:

413100

Owners-of-Record:

HFS KCK, LLC

Jurat Signature:

Greg Maday, Manager – HFS KCK, LLC

We find that the plat is: **Presently unacceptable for posting.**
Please note the following comment.

1) Legal Description

The legal description does not need to refer to the Lot Split of Lot 4. The description should be revised to refer to the platted Lot 4, Schlitterbahn Vacation Village Second Plat and the platted Lot 1, Homefield Camping World instead.

NEIGHBORHOOD MEETING

Due to COVID-19, you were notified that the neighborhood meeting can be conducted in one (1) of three (3) ways:

1. In person (with social distancing and masks in place).
2. Virtual Meeting.
3. You can have people contact you via email and/or phone call.

The deadline for the neighborhood meeting is January 31, 2022 and on February 2, 2022 you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email (jparker@wycokck.org) or U.S. mail (Department of Urban Planning and Land Use, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101):

1. List of people who participated in your in-person, Zoom or Skype meeting (if you were able to hold one.)
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
3. Signed affidavit that you held the meeting (it is not required to be notarized because of COVID-19.)

KEY ISSUES

Pedestrian Circulation
Truck Noise
Lighting / Glare
Landscaping and Screening

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

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

RESPONSE: Acknowledged.

2. During construction of the proposed Camping World, the existing overhead electrical lines located on the subject property will be temporarily relocated within the boundaries of the subject property. As part of the future development phases of the surrounding master development with STAR Bonds, the overhead electrical lines on the subject property will be buried below grade.

RESPONSE: Acknowledged.

3. Provide a larger master plan for the entire Homefield development, as this was previous a pad site for the entertainment portion of this project. Staff asked for the overall master plan during the initial pre-application meeting. A master plan for the larger site is needed to determine screening and fencing requirements, and if any sidewalk extensions are necessary.

RESPONSE: *Conceptual master site plan is attached. Circumstances are the same as when the Camping World project was approved. The same fencing and landscape buffering approved for Camping World is proposed here.*

4. Work with Menard's to add a curb between the stub on Menard's property and the northwest corner of Camping World.

RESPONSE: *The requested curb is located on Menard's property. We will bring this to Menard's attention but cannot be held responsible for whether Menard's wishes to add such curb on its property.*

5. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity.

RESPONSE: *Acknowledged.*

6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat.

RESPONSE: *Acknowledged.*

7. Utility easements shall connect with easements established in adjoining properties.

RESPONSE: *Acknowledged.*

8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

RESPONSE: *Acknowledged.*

9. The sidewalk on the west side of the drive between Camping World and the former Schlitterbahn site shall be a minimum of five (5) feet and extend to the north to the inventory lot.

RESPONSE: *Conceptual master site plan depicts private drive that will in the future connect the former Schlitterbahn site to the private drive immediately east of DFA. At such time, a sidewalk connection will be constructed with the private drive.*

10. Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be compliant with all applicable local ordinances and screened from view in accordance with all applicable ordinances.

RESPONSE: *Acknowledged.*

11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620.

RESPONSE: Acknowledged.

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

RESPONSE: Acknowledged.

Landscaping and Screening:

1. The perimeter fence should be wrought iron with masonry columns along the private drive to the rear of the property terminating at Menard's fence/wall. This expansion will require a redesign of the entire fencing plan. Revise and resubmit to show all extents of each fence types.

RESPONSE: Fencing will match the approved Camping World fencing type and design to which this fencing for the expansion area will connect (vinyl coated metal). The landscaping plan includes significant landscaping on the exterior side of the fencing, consistent with the existing, approved Camping World plans.

a. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.

b. RESPONSE: Acknowledged.

2. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

a. RESPONSE: Acknowledged.

3. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, 60 trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines.

a. RESPONSE: Acknowledged.

4. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

a. RESPONSE: Acknowledged.

5. All landscaping shall be irrigated.

a. RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance with the exception of the flag and pole approved by the BOZA2021-018.

RESPONSE: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

RESPONSE: Acknowledged.

- B) Items that are conditions of approval:

- 1) None

- C)

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

- 1) None

01/31/22

CAMPING WORLD INVENTORY LOT - 1201 N. 98th St., Kansas City, KS 66111

NEIGHBORHOOD MEETING MINUTES:

Application Number COZ2022-005

Date and Location: 01/31/22, Meeting held on Zoom Video Conference

Meeting called to order at: 5:30 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Erin Bardon – BnB Architects
4. Brian Lavery – Continental Engineering Consultants
5. Mark Hendrics – Continental Engineering Consultants
6. Barbara Verbenec – Neighbor
7. "DCART" – Neighbor

Introductions: Richard Napper with Homefield (the Developer)

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Camping World Inventory Lot located in Kansas City, Kansas. Richard gave a brief overview of the CW Inventory Lot north of the CW Project currently under construction while we showed Civil Plan Sheet C101 dated 01/03/22 (which remained up on the screen all of the meeting). There were two attendees from the public on the call, we had discussion with Barbara Verbenec and "DCART". The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM Richard officially announced the conclusion of the Neighborhood Meeting and we adjourned.

Questions and answers (include the following):

Barbara Verbenec (Barbiecooper@earthlink.net) 913-788-7454:

1. She lives to the south of the Fire Station

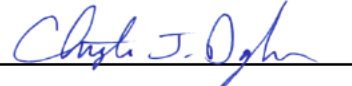
2. Q: Describe the Project. A: Richard described the CW Inventory Lot to the north side of the Camping World Project currently under Construction.
3. Q: What is being done with the current water on site? A: We advised the this portion of the current SVV "Moat" was being filled in with earth.
4. Q: Where the future water detention be. A: We showed her the general area at the north side of the SVV Site where the future water detention is likely to be proposed, but currently the remainder of the "Moat" will remain in tact.
5. Q: What is Camping World? A: Richard advised it is a Retail Dealership for RV's and Campers and related goods.
6. Q: Will there be any people camping on this site? A: No, it is a retail dealership, not a camping ground.
7. Q: Does the Developer have a user for the former SVV property north of this yet? A: The Developer has acquired all of the previous SVV land, and there are many Projects that will be proposed in the future, and many of the neighbors will receive future Neighborhood Meeting invitations like this as those projects get submitted to the Government for approvals. But no Project has been submitted for that land yet.

"DCART" (JCarter8@KC.RR.COM):

1. Q: Can we send her a link to the Homefield Training Center Neighborhood Meeting tonight at 6:15 PM. A: Chris Doyle emailed her the invitation at 5:55 PM.

That concluded all the questions, the meeting adjourned at: 6:00 PM.

Minutes taken by: Chris Doyle at Homefield (the Developer)

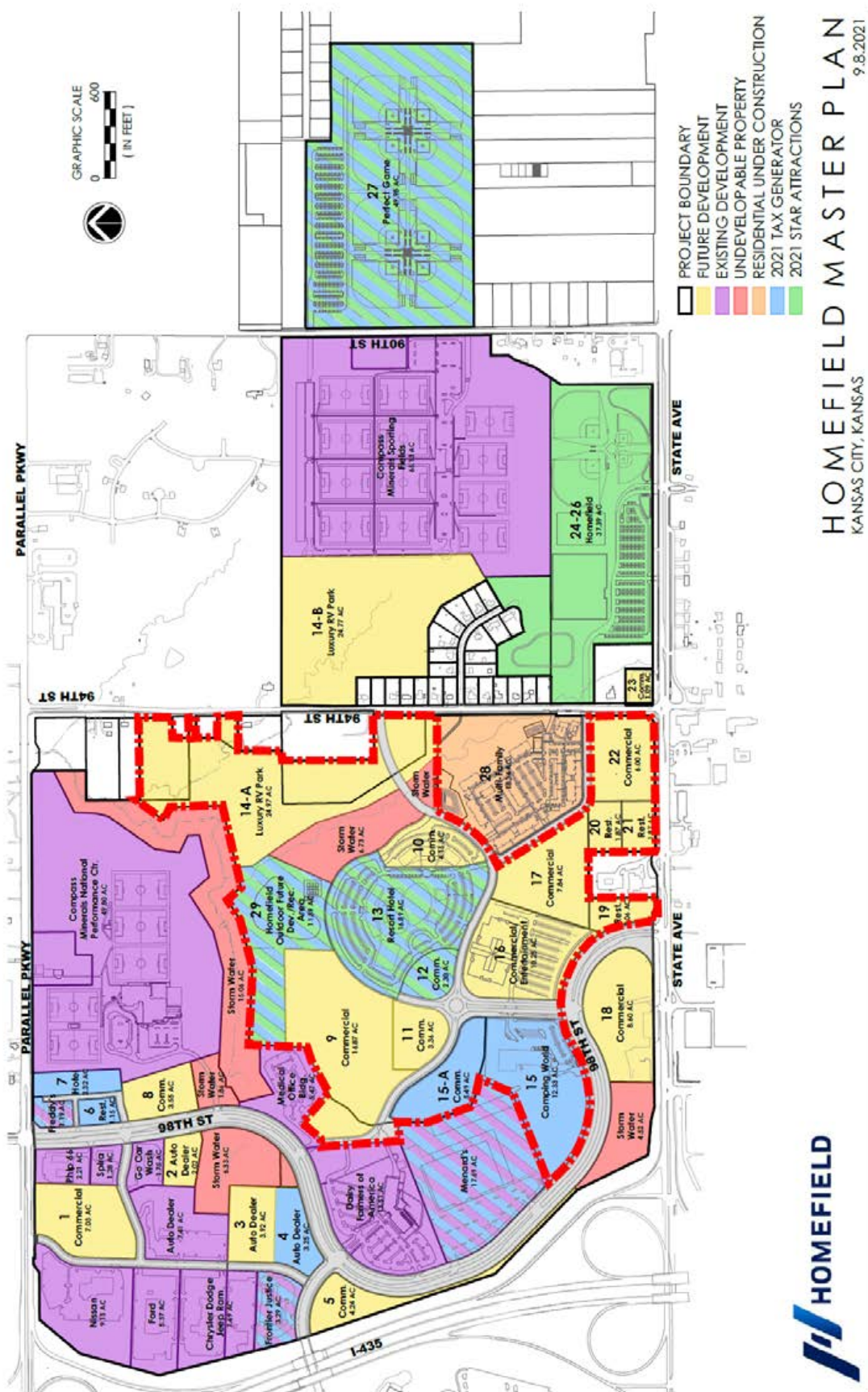
Signed  (Chris Doyle)

CAMPING WORLD INVENTORY LOT COZ 2022-005
NEIGHBORHOOD MEETING – Contact Log

01/22/22 @ 12:24 PM – Roy Jones @ 1426 N 94th: 913-788-3210. Great discussion with Roy, 80 year old iron worker, he set to top piece of the AT&T Building, and he worked on my Ford Body and Assembly Plant Project (the body trussell). He wanted to know what the red lines are (the property lines). Great guy!

01/27/22 @ 9:15 AM – Resident on 94th Street asking for description of what Camping World is, she had heard it was a camp ground for homeless. I advised her what it actually is and she was pleased. She did not want to give me her name.

01/31/22 @ 4:26 PM – Barbie Verbenec called to ask me to email her the zoom link for tonight's Neighborhood Meeting. I asked her which meeting tonight and she requested the link to both of them, which I sent to her at 5:08 PM.











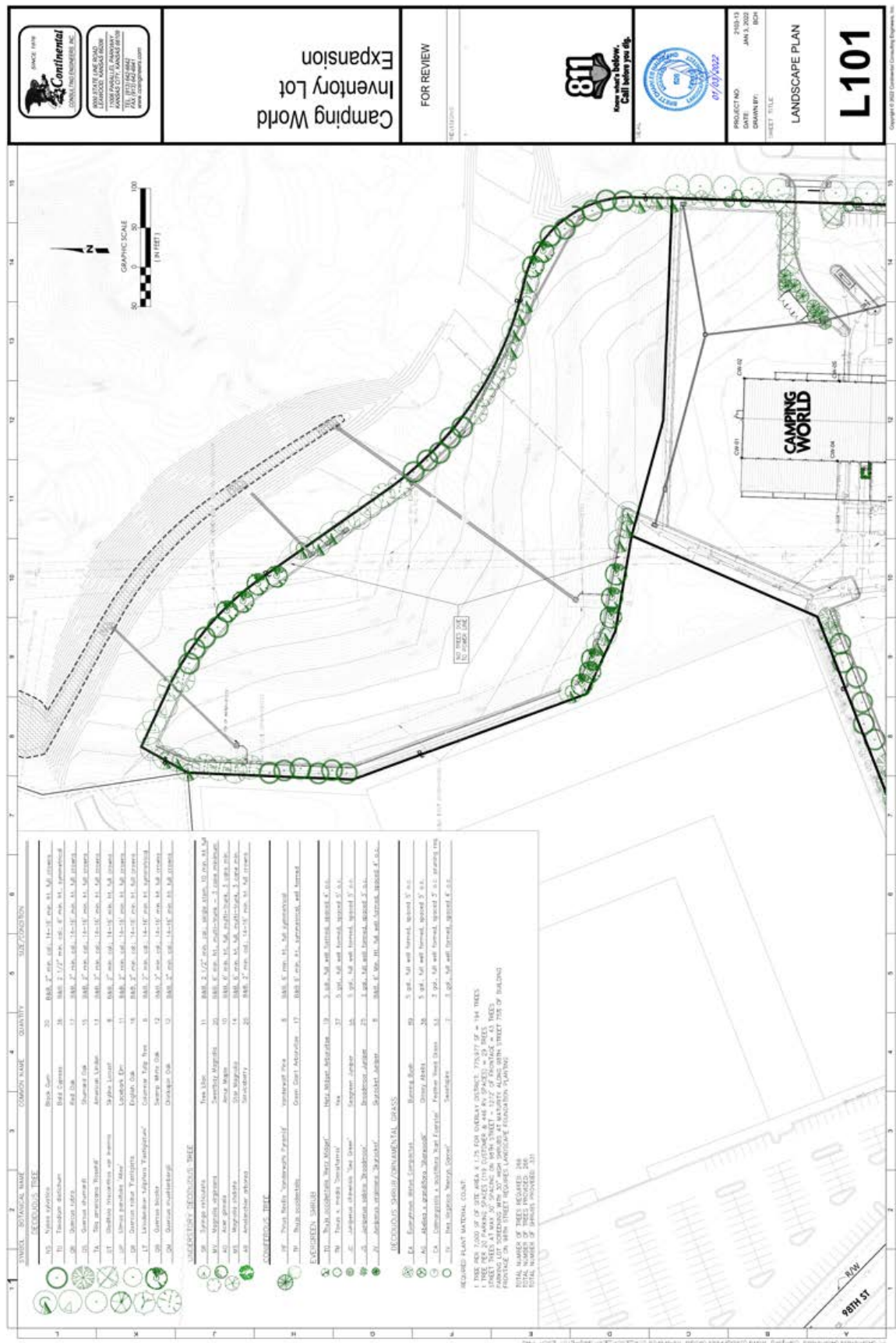




Figure 1. Site photograph looking northwest at 9400 State Avenue.



Figure 2. Site photograph looking west at 9400 State Avenue.



Figure 3. Site photograph looking northwest at 9400 State Avenue.



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: March 3, 2022

Re: **Special Use Permit Petition SP2021-083**

GENERAL INFORMATION

Applicant:

Aurelio & Maria Navarez

Status of Applicant:

Owner

El Parasio Night Club and Restaurant

6550 Kaw Drive

Kansas City, KS 66111

Requested Action:

Renewal of a Special Use Permit.

Date of Application:

November 29, 2021

Purpose:

To renew a Special Use Permit (expired 10/27/2021) to allow live entertainment at an existing drinking establishment and restaurant.

Property Location:

6550 Kaw Drive

Kansas City, KS 66111

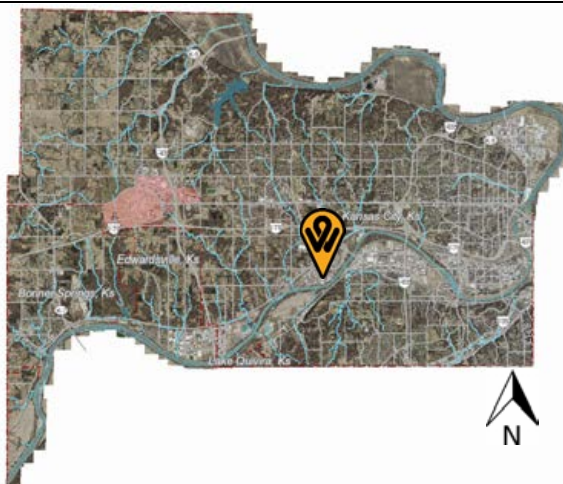
Commission Districts:

Commissioner At-Large #1: Melissa Bynum

District #8 Commissioner: Andrew Davis

Existing Zoning:

M-2 General Industrial District



Adjacent Zoning:	North: M-2 General Industrial District South: M-2 General Industrial and M-3 Heavy Industrial Districts East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Industrial warehouse South: Industrial warehouse and railroad right-of-way East: Commercial strip West: Auto repair and sales
Total Tract Size:	0.89 Acre
Master Plan Designation:	The City-Wide Master Plan designates this property as a Business Park. Business Park allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. Other uses may include business/research parks and medical facilities.
Major Street Plan:	The City-Wide Master Plan classifies Kaw Drive as a Class A thoroughfare.
Parking Requirement:	The M-2 General Industrial District requires commercial uses within the district to use the C-3 District requirements. The C-3 Commercial District requires paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. Section 27-667 of the Code of Ordinances requires drinking establishments with live entertainment to have one (1) space for each 50 square feet of seating or assembly area plus one space for each remaining 200 square feet of total floor area. Overall, El Parasio is responsible for providing 40 parking spaces; There is plenty room on the lot for these spaces, however, no spaces are currently marked.
Advertisement:	<u>The Wyandotte Echo</u> – December 16, 2021 Letters to Property Owner – December 14, 2021, February 10, 2022 and February 24, 2022
Public Hearings:	January 27, 2022, February 14, 2022 and March 3, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Auerlio and Maria Navarez, are requesting a renewal of Special Use Permit (SP-2016-79) for a drinking establishment, restaurant, and live entertainment venue at 6550 Kaw Drive. This property was approved for Special Use Permit (SP-2009-36) to operate a drinking establishment, in 2009 and was renewed in 2012 and 2014 for two (2) years and then again in 2016 for five (5) years.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The applicant has had multiple police service calls since the last renewal of their Special Use Permit. These calls include calls for theft, battery, robbery, and damage.
2. 2021 - Case 2021-00058288 – Aggravated Robbery with bodily harm.
3. 2021 - Case 2021-00023695 – Theft of property or services; Value \$1,500 to \$25,000.
4. 2017 – Case 2017-00124021 – Aggravated Battery.
5. 2016 – Case 2016-00054839 – Criminal Damage.

Building, Zoning, or Code Enforcement Complaints:

1. There are no outstanding Notice of Violations on this property. The property has previously been cited by Code Enforcement twice in 2008 for Graffiti. These citations occurred before Mr. and Mrs. Navarez owned the property.

Outstanding or Related Permits and Cases:

1. The applicant has only received one (1) building permit since purchasing the property; The permit was for the installation for a hot water tank.
2. 2010 – 10390-00440 – The applicant received a permit to install a hot water tank.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of industrial uses and commercial businesses. Kaw Drive is one of the major east/west commercial thoroughfares in the Muncie area. It is a mixed-use, urban neighborhood with commercial and industrial uses along Kaw Drive with residential uses to the north and the Kansas River to the south.

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

The zoning and uses of property are set out above. The continuation of the proposed use is relatively compatible with the surrounding uses considering the nature of the businesses directly adjacent to this establishment. Drinking establishments are permitted in the M-2 District with a Special Use Permit.

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. A drinking establishment is a permitted use per the M-2 General Industrial District with a Special Use Permit, and the establishment is surrounded by many higher-intensity uses.

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

The property is not vacant, it has been an active restaurant and drinking establishment with live entertainment since 2009.

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

The City-Wide Master Plan does not address Special Use Permits. The City-Wide Master Plan designates this property as a Business Park. Business Park allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. Other uses may include business/research parks and medical facilities. The proposed use conforms to the Master Plan with a Special Use Permit.

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

The proposed use should not result in an increase in traffic as this is an existing use. The vehicular traffic created by this existing use is not expected to result in the increase of traffic to the point where it would exceed the capacity of the Class A thoroughfare.

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 affect the quality and marketability of adjoining and surrounding properties due to noise, vibration and illumination from live entertainment. This should not be a concern since the surrounding properties are industrial in nature.

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. While this is not expected to be a concern, since the surrounding uses are industrial in nature, these issues should still be properly managed.

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 building, in a built-out industrial 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 commercial, 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.*

The proposed use should not result in the overcrowding of land if it is properly managed and operates within the required conditions. The parking of cars on site may become an issue if not managed properly. The proposed use should not cause undue concentrations of population so long as the building's capacity limits are met, along with any additional conditions.

PREVIOUS ACTIONS

Approval of a Special Use Permit (#SP-2009-36) in 2009 for two (2) years.
Approval of a Special Use Permit (#SP-2012-39) in 2012 for two (2) years.
Approval of a Special Use Permit (#SP-2014-68) in 2014 for two (2) years.
Approval of a Special Use Permit (#SP-2016-79) in 2016 for five (5) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 27, 2021 at 6550 Kaw Drive.

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

Noise
Vibration
Illumination
Safety
Parking Lot Conditions
Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit **SP2021-083**, subject to:

- 1) The applicant shall build an enclosure around their trash receptacles on the east side of their property;
- 2) The applicant shall either patch their parking lot or repave the parking lot for the parcel in which their reestablishment resides on;
- 3) The applicant shall install parking space striping for the required forty (40) parking spaces in the manner outlined by the Code of Ordinances Section 27-669;
- 4) Per recommendation by Major Raymond Nunez of the Kansas City Kansas Police Department, the applicant shall install two (2) security cameras on the front of the building and one (1) security camera at the exit of the premises;
- 5) Per recommendation by Major Raymond Nunez of the Kansas City Kansas Police Department, anytime the club hosts 30 or more patrons, additional interior security shall be provided, and any time the club hosts more than 80 patrons, the club shall provide both additional interior security and an off-duty police officer to monitor the exterior;
- 6) Per Code of Ordinances Section 27-577(g), if the applicant wishes to complete this work in phases, “the first phase of construction should

- include perimeter landscaping, entry drives, and detention ponds. Future phases must indicate interim landscaping”;
- 7) 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;
 - 8) The applicant shall remove the two (2) signs on the south elevation that show the menu and that read “now open for lunch” and the sign that is mounted to the right of the main entrance on the south elevation, as those signs do not have the proper sign permits, nor do they conform to the sign ordinance Sec 27-720 – Sec 27-739;
 - 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - 10) 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;
 - 11) All entertainment must cease by at least 1:30AM;
 - 12) Doors and windows must stay closed during any entertainment performance;
 - 13) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent uses;
 - 14) 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.
 - 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;
- 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,

16)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.

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 **SP2021-083** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Site Plan
Security Plan
Security Plan Recommendations by Major Raymond Nunez of KCKPD
Applicant Response Letter – Dated December 20, 2021
Neighborhood Meeting Minutes, Sign-In, and Affidavit
Photographs of the Property, taken by Staff – Dated December 13, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-083** 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 **SP2021-083**, 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.

February 14, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2021-083 – AURELIO AND MARIA

NAVAREZ – SYNOPSIS: Renewal of a Special Use Permit (SP-2016-79 – expired 10/27/2021) for live entertainment in conjunction with a drinking establishment at 6550 Kaw Drive.

Detailed Outline of Requested Action: The applicants, Auerlio and Maria Navarez, are requesting a renewal of Special Use Permit (SP-2016-79) for a drinking establishment, restaurant, and live entertainment venue at 6550 Kaw Drive. This property was approved for Special Use Permit (SP-2009-36) to operate a drinking establishment, in 2009 and was renewed in 2012 and 2014 for two (2) years and then again in 2016 for five (5) years.

City Ordinance Requirements: 27-592 through 27-606

NOTE: This application was heard last month by the City Planning Commission and recommended for approval with conditions. The application was referred back to the Planning Commission by the Board of Commissioners to consult with the police department on a security plan, which has been completed, and is part of the staff report.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 14, 2022;
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 publications in The ECHO for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. (No one responded in the affirmative).

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

- 1) The applicant shall build an enclosure around their trash receptacles on the east side of their property;
- 2) The applicant shall either patch their parking lot or repave the parking lot for the parcel in which their reestablishment resides on;
- 3) The applicant shall install parking space striping for the required forty (40) parking spaces in the manner outlined by the Code of Ordinances Section 27-669;
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 - 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - 10) 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;
 - 11) All entertainment must cease by at least 1:30AM;
 - 12) Doors and windows must stay closed during any entertainment performance;
 - 13) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent uses;
 - 14) 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.
 - 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;
- 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,

16)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.

ATTACHMENTS

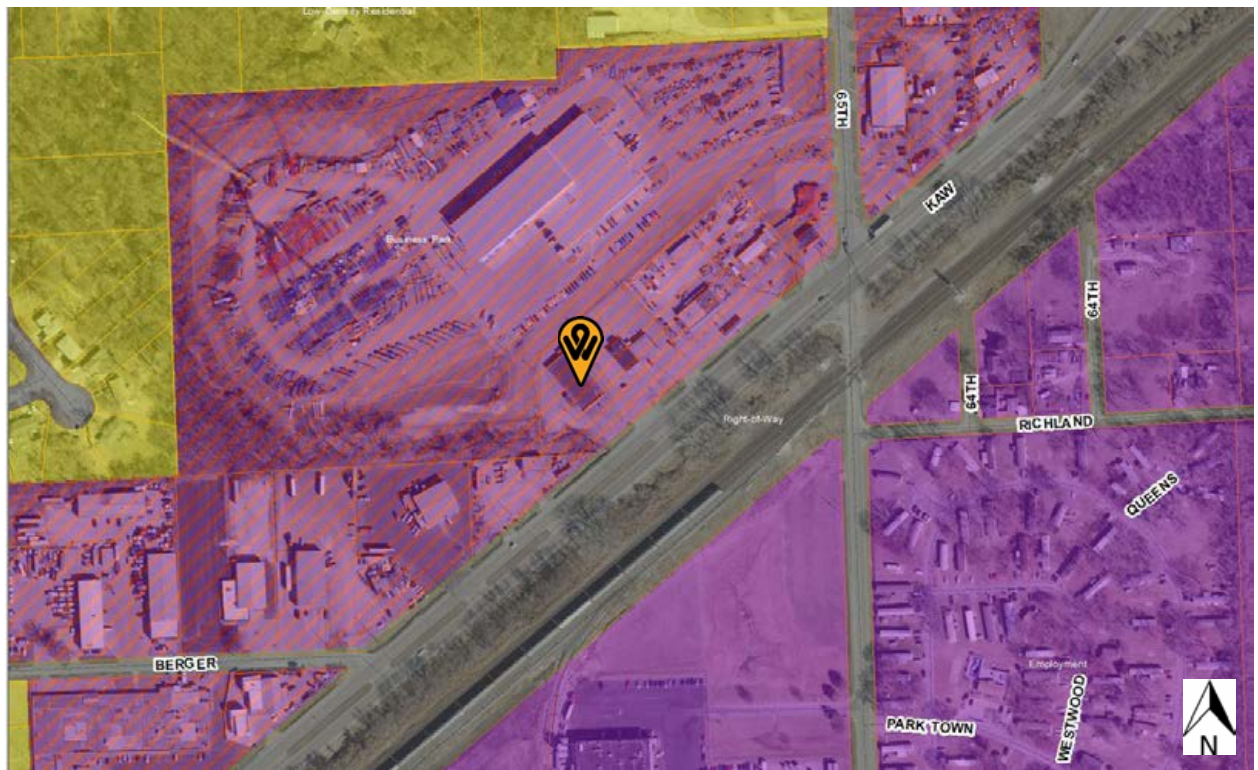
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ZONING MAP

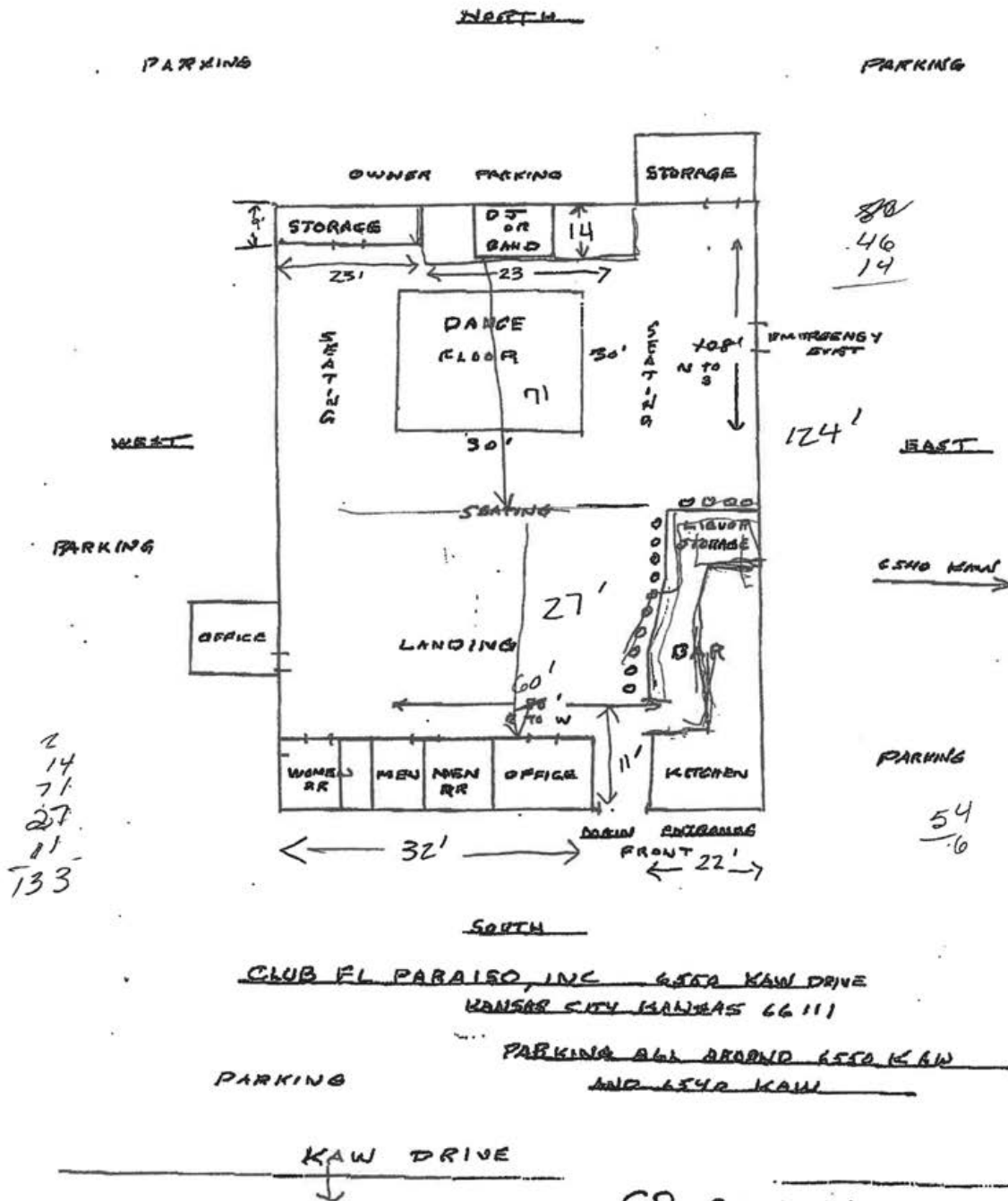


LAND USE MAP



SITE PLAN

8/21/10



Janet Parker
James Molloy
Urban Planning and Land Use Department
Unified Government
701 North 7th Street Room 423
Kansas City, Ks 66101
RE: Aurelio & Maria Nevarez/Club El Paraiso, Inc.
Petition # SP2021-083 for Special Use Permit
Location: 6550 Kaw Drive Kansas City, Ks 66111

January 31, 2022

Dear Janet and Staff:

1. Overall, attendance continues to be significantly below the applicant's expectations. The average attendance varies depending on the day of the week and type of entertainment as shown in the following chart. Mr. Nevarez advised that sometimes they will close early because they have no patrons.

DAY	ENTERTAINMENT	AVG ATTENDANCE
MONDAY	NONE	10 OR LESS
TUESDAY	NONE	10 OR LESS
WEDNESDAY	NONE	10 OR LESS
THURSDAY	NONE	10 OR LESS
FRIDAY	DJ / BAND-SOMETIMES	25
SATURDAY	DJ/ BAND-SOMETIMES	80
SUNDAY	DJ/ KARAOKE	25

2. Aurelio & Maria Nevarez advises that there have been no changes to the security. They continue to have two private duty security officers -one inside and one outside. When they have entertainment that will potentially bring in over 80 customers, they hire off-duty KCKPD through their contact Jesus Casas. For the large attendance events they will have two off-duty officers in addition to their two private duty security.
3. Applicant currently possess all current State and City licensing and will comply with security codes, alcohol ordinances, and all City and State statutes.
4. The requested floor plans are enclosed. They have 6 cameras on site (4 outside and 2 inside) and each has been noted on the floor plans.

SECURITY PLAN RECOMMENDATIONS BY MAJOR RAYMOND NUNEZ OF KCKPD

Good afternoon.

I reviewed the plan and layout of the facility. It appears that they have enough security officers to cover the amount of people they claim to have at one time. I recommend anything over 30 patrons would require additional security staff inside and anything over 80 would require interior security staff plus off-duty police officers to manage the exterior. In the event a situation happens inside the building, off-duty officers can enter to assist interior security staff.

Security cameras:

All the cameras they currently have are in good positions. However, I recommend two ADDITIONAL cameras on the front of the building to monitor patrons coming and going. Plus, one camera at the parking lot exit to capture vehicle license plates. The license plate could potentially be useful if a shooting or robbery occurs.

If you have questions let me know.

Raymond Nuñez

Assistant Chief

Kansas City KS Police Dept.

O: (913)573-6014

C: (913) 229-0871

Draft Response, In-Person 12/20/21

1. Answers and Accounts

2. a Trees

A → will be okay with Planting in front

B → will use the existing brush & trees on the SW corner of property, as well as new trees

C → Cactos next to post office & other business, they sit on a concrete platform to the eas

D → No plans to plant anything else besides required trees for landscaping

3. No calls

4. Saturday or Live Entertain

↳ 2 Guards when more than 100 people

↳ Security at door

↳ no ID scanner right now

↳

5. Pavement is usually Patched as it needs to be

↳ cost is very high to repave considering downturn in business related to the pandemic

Applicant intends to make parking

↳ Applicant will designate space to meet ADA requirements

6. No plans to recycle currently

7. Applicant is willing and able to follow sign Permit Requests

Standard Conditions

5. Applicant would like to remain with existing hours, ending at 1:30 am

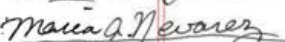
SC: Applicant has noted & understood the Standard Conditions

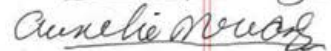
Meeting Date: 12/20/21

Planner Name: James Malloy

Planner Signature: 

Applicant Name(s): Maria R. Nevaréz
Aurelio Nevaréz

Applicant Signatures: 



NEIGHBORHOOD MEETING LETTER – DATED DECEMBER 14, 2021

Neighborhood Meeting Request

December 14, 2021

Club El Parasio Inc.

6550 Kaw Drive

Kansas City, Ks 66111

SUBJECT: Neighborhood Meeting

I/we have filed an application with the Department of Urban Planning and Land Use # SP2021-083.

The purpose of this Special Use Permit is for Live Entertainment at the following address:

6550 Kaw Drive Kansas City, Kansas 66111.

I/We are having a neighborhood meeting on December 27, 2021 at 6pm at the following address:

6550 Kaw Drive Kansas City, Kansas 66111.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I/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.

This will be a socially distanced meeting and masks are required.

Maria & Aurelio Navarez

(773) 817-1107

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wagonette)

Comes now Maria A. Nevez
Aurelia Nevez, of lawful age, sound mind and upon
his/her oath states as follows:

1. That I am the petitioner for Petition # SP2021-083
2. That I conducted a neighborhood meeting on 12-27-21.
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.

Maria A. Nevez
Aurelia Nevez
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

NEIGHBORHOOD MEETING MINUTES – DATED DECEMBER 27, 2021

Minutes for Neighborhood Meeting

Application Number: SP2021-083

December 27, 2021

6550 Kaw Drive

Kansas City, Ks 66111

Meeting called to order at: 6:00 pm

Names of people in attendance:

Number of people in attendance: 0

Introductions:

Presentation by applicant/and or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who Answered the question/comment
- What was the answer given

Meeting Adjourned at: 7:00 pm

Minutes taken by: Maria A. Martinez

NEIGHBORHOOD MEETING SIGN-IN – DATED DECEMBER 27, 2021

SP2021-083

Neighborhood Meeting Request

Attendance List

December 27, 2021 6pm

BARB KILL/ TURNER COMMUNITY CONNECTION _____
5548 PAWNEE DRIVE
KANSAS CITY, KS 66106

COMMISSIONER ANDREW DAVIS _____
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

COMMISSIONER MELISSA BYNUM _____
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

AURELIO & MARIA NEVAREZ *Aurelio Nevarez Maria A. Nevarez*
6550 KAW DRIVE
KANSAS CITY, KS 66111

PROPERTY OWNER _____
6634 KAW DRIVE
KANSAS CITY, KS 66111

DUNN REALTY INC _____
1001 LOCUST ST
KANSAS CITY, MO 64106

KAW DRIVE PROPERTY LLC _____
10027 KNOW DR.
OVERLAND PARK, KS 66212

AURELIO & MARIA NEVAREZ *Aurelio Nevarez Maria A. Nevarez*
7748 SWARTZ RD.
KANSAS CITY, KS 66111

NEXTRAN PROPERTIES, LLC _____
1986 W. BEAVER ST
JACKSONVILLE, FL 32209

REX J. BURNS AND SHIRLEY J BURNS TRUSTS _____
6634 KAW DR.
KANSAS CITY, KS 66111

PHOTOGRAPHS OF THE PROPERTY, PROVIDED BY STAFF – DATED DECEMBER 14, 2021



PHOTOGRAPHS OF THE PROPERTY, PROVIDED BY STAFF – DATED DECEMBER 14, 2021. CONT.





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: March 3, 2022

Re: Petition SP2021-084

GENERAL INFORMATION

Applicant:
Efrain Carrera

Status of Applicant:
Property Owner
5124 Sloan Ave
Kansas City, KS 66104

Requested Action:
Renewal of a Special Use Permit.

Date of Application:
November 29, 2021

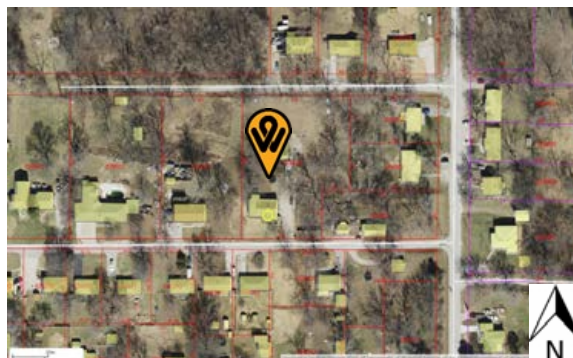
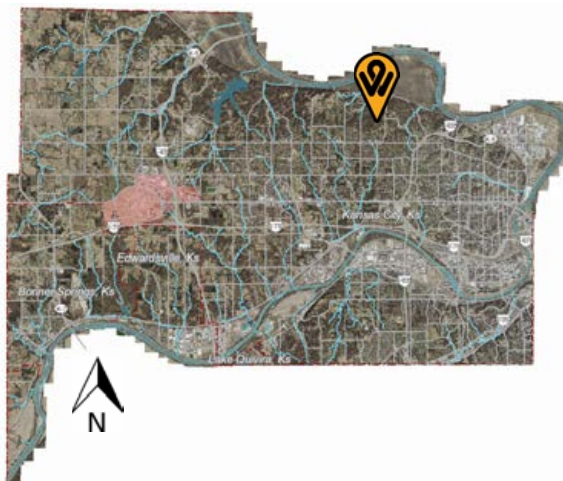
Purpose:
To renew a Special Use Permit (expired 12/05/21) to keep horses on the property.

Property Location:
5124 Sloan Ave
Kansas City, KS 66104

Commission Districts:
Commissioner At-Large #1: Melissa Bynum
District #1 Commissioner: Gayle Townsend

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 Residence South: Single-Family Residence East: Single-Family Residence West: Single-Family Residence
Total Tract Size:	1.16 Acres
Master Plan Designation:	The Citywide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows single-family detached residential development. These uses are intended to meet a majority of the housing needs within the city.
Major Street Plan:	The Major Street Plan designates Sloan Avenue as a Local/Collector Street.
Parking Requirement:	The R-1 Single Family District requires two off-street parking spaces be provided on the premises for each single-family dwelling, one of which in a garage or a carport. Parking Provided: Three (3) Spaces, two (2) outdoor, one (1) in the attached garage. Parking Required: Two (2) Spaces, one (1) in a garage or carport.
Advertisement:	<u>The Wyandotte Echo</u> – December 15, 2021 Letters to Property Owner – December 14, 2021, January 3, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Efrain Carrera, is seeking a renewal of Special Use Permit (SP-2019-109) to keep two (2) horses on the property at 5124 Sloan Avenue. This property was approved for a Special Use Permit (SP-2019-109) in 2019 for two (2) years.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The applicant has not received any complaints due to noise or disturbance.

Building, Zoning, or Code Enforcement Complaints:

1. There are no outstanding violations at the subject property. The subject property has previously been cited by Code Enforcement for weeds, tall grass, vehicles without tags, and having horses without a Special Use Permit.
2. 2019 – 19212-00511 – The applicant was cited for tall grass, junk, a makeshift fence, and having two (2) horses on the property.
3. 2016 – 16208-02115 – The applicant was cited for having an inoperable vehicle on the property.
4. 2015 – 15208 – 00203 – The applicant was cited for having a vehicle in the driveway without tags.

Outstanding or Related Permits and Cases:

1. The applicant had received two (2) Building Permits in 2012 to complete electric and gas work on the structure.
2. 2012 – 12380-01037 - The applicant applied to upgrade service to 100AMP.
3. 2012 – 12381-00629 - The applicant applied to conduct a gas pressure test at the structure.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature; adjacent properties feature wide and deep lots with generous setbacks. The properties to the south feature smaller wide and shallow lots of one to three (1-3) acres with ranch style or split-level homes, while properties to the north contain larger, undeveloped lots of five to ten (5-10) acres.

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

The zoning and uses of the property are set out above. The continuation of the proposed use is relatively compatible with the surrounding uses and is allowed

under the R-1 zoning district with a Special Use Permit for lots under five (5) acres.

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 properly managed and the conditions are adhered to. The R-1 zoning district allows for horses on lots less than five (5) acres if a Special Use Permit is obtained as well as one (1) barn or stable structure as an accessory use.

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

The property is not vacant; The current owners have occupied the premises for 10 years.

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

The Citywide Master Plan does not address Special Use Permits. The Citywide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows single-family detached residential development. These uses are intended to meet a majority of the housing needs within the city. The presence of livestock is in conformance with the Master Plan with a Special Use Permit.

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

The proposed use is not expected to increase traffic or exceed the capacity of the local/collector street. The horses are intended for private use by the owners and relatives of the owners, and is not expected to be operated as a business.

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. This use will be strictly for the benefit and enjoyment of the owners and their relatives. The proposed use should not have an effect on nearby properties so long as the operation is managed properly, and all conditions are adhered to.

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, smell and dust are typical issues of this use and could become a nuisance for nearby properties if not managed properly.

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

The proposed use would not pollute air or land as it is located in an existing low-density residential area. The proposed use does, however, have the potential to pollute the water if not managed properly. There is potential for higher water run-off from the property, which may contain animal waste. This has the potential to cause negative health issues downstream.

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 low-density residential area, and if managed properly.

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. There would be minimal threat to public health, safety and welfare so long as the conditions of approval are met, and if the property is managed properly, and the if conditions of approval are not met, there might be a negative impact on public health due to run-off containing animal waste creating health issues for residents downstream, as well as a negative impact of the health and safety of the horses kept on the property.

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

The proposed use may result in the overcrowding of the land for the horses on the property. The Wyandotte County Conservation District notes that the site is too small for the horses that are there and may result in the horses not having the proper amount of exercise.

PREVIOUS ACTIONS

Approval for a Special Use Permit (#SP-2019-109) for two (2) years.

NEIGHBORHOOD MEETING

The applicant, Efrain Carrera, held a neighborhood meeting on December 21, 2021 via Zoom. 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

Noise
Smell
Dust
Groundcover
Property and Land Maintenance
Water Run-Off

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-084**, subject to:

- 1) The applicant must begin either composting or plan for regular removal of horse manure, as there are concerns regarding the water run-off being contaminated with manure and urine from the horses.
- 2) Per recommendation from the Wyandotte County Conservation District, brome grass shall be planted and maintained.
- 3) A sacrifice lot shall be created to mitigate contaminated run-off. The lot shall be no more than 30' x 30', with a five (5) foot strip of grass left between the pen and the north property line. This lot should be used for the horses to exercise on.
- 4) The hay inside of the barn where the horses are kept shall be replaced regularly and treated the same as the manure, by either being composted, or removed regularly.
- 5) 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.
- 6) 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.
- 7) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior

- to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 8) 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.
 - 9) 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.
 - 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.

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 **SP2021-084** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Wyandotte County Conservation District Letter, Dated December 13, 2021
Wyandotte County Conservation District Plan, Dated February 1, 2022
Neighborhood Meeting Minutes, Sign-In, and Affidavit, Dated December 21, 2021
Photographs of the Property, taken by staff, Dated December 13, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	

STAFF CONTACT: **James Molloy**
 jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-084** 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 **SP2021-084**, 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.

February 14, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2021-084 – EFRAIN CARRERA –

SYNOPSIS: Renewal of a Special Use Permit (SP-2019-109 – expired 12/5/2021) for horses at 5124 Sloan Avenue.

Detailed Outline of Requested Action: The applicant, Efrain Carrera, is seeking a renewal of Special Use Permit (SP-2019-109) to keep two (2) horses on the property at 5124 Sloan Avenue. This property was approved for a Special Use Permit (SP-2019-109) in 2019 for two (2) years.

City Ordinance Requirements: 27-592 through 27-606

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 14, 2022;
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 publications in The ECHO for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda.”

Chairman Carson asked if any member of the Commission, staff or public wished to remove an item from the Consent Agenda. (No one responded in the affirmative).

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

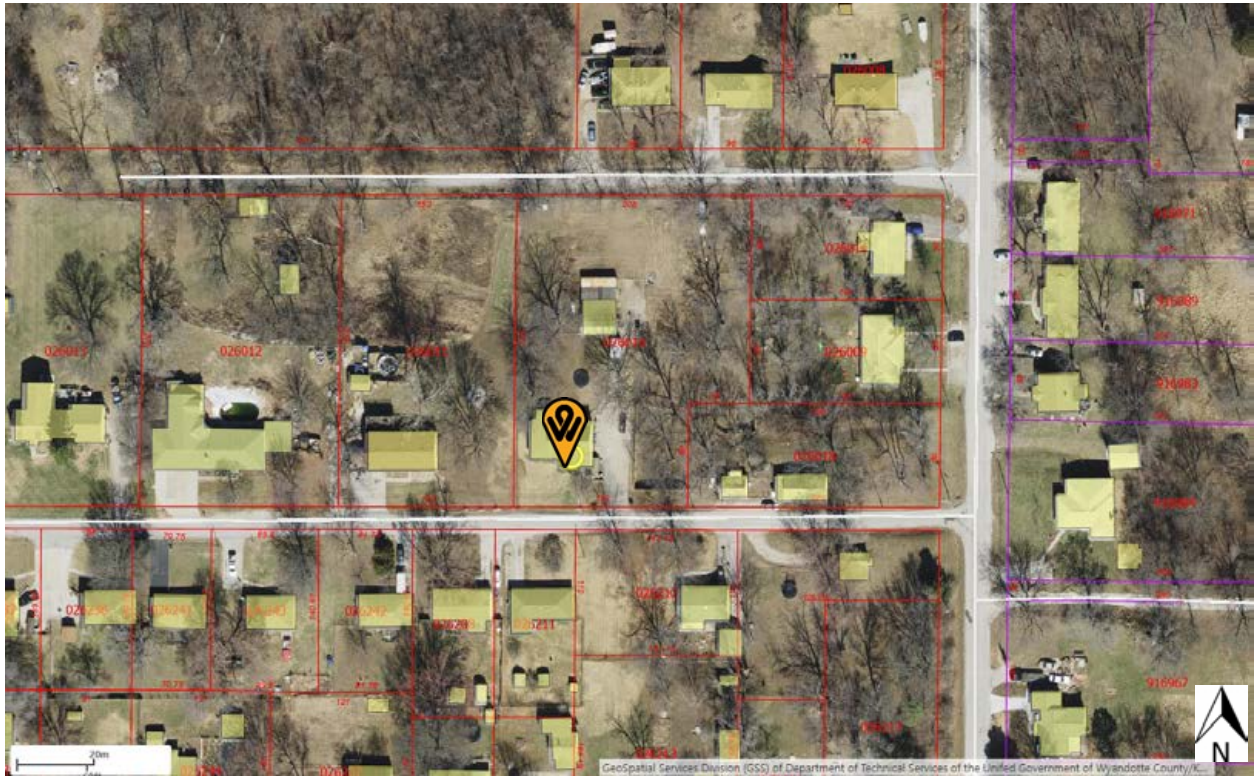
- 1) The applicant must begin either composting or plan for regular removal of horse manure, as there are concerns regarding the water run-off being contaminated with manure and urine from the horses.
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701 North 7th Street, Kansas City, KS 66101, (913) 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.

- 9) 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.
- 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.
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ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP





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

December 14, 2021

RE: SP2021-084 Efrain Carrera for horses at 5124 Sloan Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-084 Efrain Carrera for horses at 5124 Sloan Avenue.

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

MAPS AND REPORTS

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

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

- There are three major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, Knox silt loam, 7 to 12 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.
- The site is not good for the horse's health. The area is too small for the animals that are there. The lots are plowed up and have no grass or vegetation for erosion control.
- The area is steep and runoff is a problem. Animal waste is incorporated into the runoff. This can cause health issues downstream.
- There is technical assistance for ideas on how to better manage the livestock and provided for a healthier program for all concerned.

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

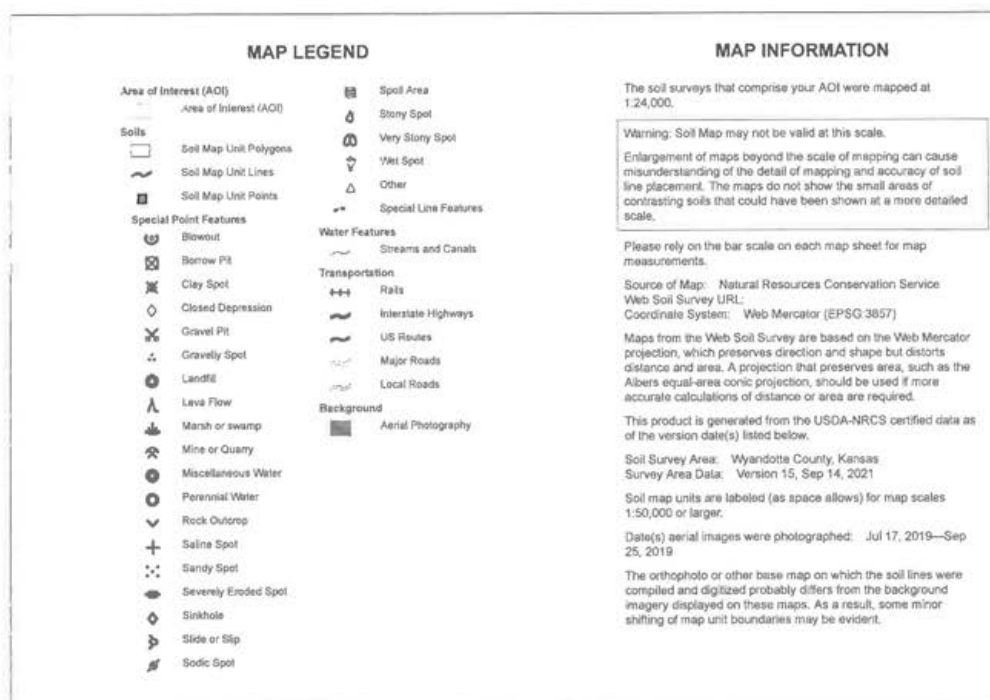
Soil Map—Wyandotte County, Kansas
(SP2021-084 5124 Sloan Ave)



USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/3/2021
Page 1 of 3



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7285	Ladoga silt loam, 3 to 8 percent slopes	0.2	16.7%
7955	Knox silt loam, 7 to 12 percent slopes	0.6	51.8%
7956	Knox silt loam, 12 to 18 percent slopes	0.4	31.6%
Totals for Area of Interest		1.2	100.0%



Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7285—Ladoga silt loam, 3 to 8 percent slopes

Component: Ladoga (80%)

The Ladoga component makes up 80 percent of the map unit. Slopes are 4 to 7 percent. This component is on hillslopes on uplands. The parent material consists of silty and clayey loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (PE 30-37) ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Sharpsburg (10%)

Generated brief soil descriptions are created for major soil components. The Sharpsburg soil is a minor component.

Component: Knox (10%)

Generated brief soil descriptions are created for major soil components. The Knox soil is a minor component.

Map Unit: 7955—Knox silt loam, 7 to 12 percent slopes**Component: Knox (80%)**

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Welda (5%)

Generated brief soil descriptions are created for major soil components. The Welda soil is a minor component.

Component: Armster, eroded (5%)

Generated brief soil descriptions are created for major soil components. The Armster, eroded soil is a minor component.

Component: Ladoga (5%)

Generated brief soil descriptions are created for major soil components. The Ladoga soil is a minor component.

Component: Similar soil (5%)

Generated brief soil descriptions are created for major soil components. The Similar soil is a minor component.

Map Unit: 7956—Knox silt loam, 12 to 18 percent slopes**Component: Knox (90%)**

The Knox component makes up 90 percent of the map unit. Slopes are 12 to 18 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 4e. This soil does not meet hydric criteria.

Component: Similar soil (10%)

Generated brief soil descriptions are created for major soil components. The Similar soil soil is a minor component.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 15, Sep 14, 2021

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7285—Ladoga silt loam, 3 to 8 percent slopes									
Ladoga		—	—		0	—	Moderate	Moderate	Moderate
7955—Knox silt loam, 7 to 12 percent slopes									
Knox		—	—		—	—	High	Moderate	Low
7956—Knox silt loam, 12 to 18 percent slopes									
Knox		—	—		—	—	High	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 15, Sep 14, 2021



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

Efrain Carrera Recommended Plan as of January 2022

Property Overview

The property at 5124 Sloan Ave, during our initial visit in December, we noted the following observations. The site was small, less than the recommended space for a single horse. A sizeable portion of the lot had been compacted, and there was no grass or vegetation for any erosion control. Runoff was an issue due to the slope and lack of ground cover. The amount of animal waste incorporated in the runoff that left the property was an issue of water quality.

On the January visit with the landowner the following observations were noted and discussed:

The horses are exercised by the family during trail rides and are used for some roping events. The existing stable for the horses does provides a good place of protection from the elements for the animals. The animals are feed hay and supplemented with a protein feed. The limited ground cover and heavy compaction of the soil presents a problem for runoff. The runoff is a concern for water quality because it contains manure and urine from the horses. The soil is unable to use the large amount of nutrients produced by the waste. There were manure piles between the pens and in the pens. The horses create more manure than can be spread on the property, therefore a composting plan and removal plan will be needed to handle the waste.

Seeding and Sacrifice lot

The limited amount of good vegetation and ground cover (grass) on the section of the property where the horses are kept was discussed. It was recommended brome grass should be planted. Brome could be frost seeded during this part of the year. If a frost seeding is done covering the seed with clean mulch (no hay or straw which contains waste should be used as mulch) would help protect it from wind and birds until it germinates. In the three pens to the east, which have been heavily compacted by the horses, it might be necessary to add quality topsoil to provide a bed for the seed to grow. Taking a soil test would be beneficial to check the nutrient levels.

The sacrifice lot, an area for horses when the ground is wet or in the winter, should be created with pens on the level area just north of the stable. The sacrifice lot should be no more than 30 feet by 30 feet. A filter strip of grass, at least five feet wide, should be left between the pen and property line to the north. This location will help limit the runoff and provide an outdoor spot for the horses when the ground is wet. The sacrifice lot should be established first and used for the horses to exercise while grass is seeded and established in the east pen areas.

Horse stable

The permanent structure provides good protection for the animals from inclement weather. It should be cleaned out on a regular basis. The hay removed should be treated the same as raw manure. It needs to be composted or removed to another location where it can be properly disposed of. If you want to compost the manure, you could build a structure on a level spot to store and compost the waste.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte) SS:

Comes now Efrain Carrera-Garcia of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP2021-084
2. That I conducted a neighborhood meeting on December 21, 2021 @ 6:30 via zoom
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.

Efrain Carrera
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 20__.

My commission expires _____ of _____, 20__.

Notary Public

Application number: **SP2021-084**

Date and Location: **December 21,2021 , 5124 Sloan Ave Kansas City Kansas 66104 Via Zoom Meeting ID: 799 770 9345**

Meeting called to order at: **5124 Sloan Ave Kansas City Kansas 66104, via Zoom**

Names of order to attendance:

Efrain Carrera

Maria Quinones

Introduction:

Presentation:

Meeting was held at 6:30pm via zoom on December 21, 2021. Host Efrain Carrera and Wife Maria Quinones were both logged in prior to meeting time. Host was logged in for an extended amount of time waiting on attendees to log in for meeting to take place, however had 0 amount of people log in for meeting. In the previous meeting held back in 2019 held at same location in person, only one person attended meeting.

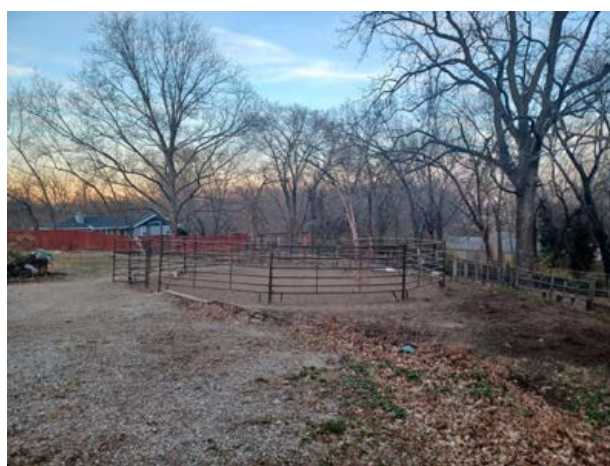
No questions were asked or answered as nobody attended the meeting.

Minutes taken by:

Host logged in for **45min**

Meeting lasted **45 minutes** with no participants involved.

PHOTOGRAPHS OF THE PROPERTY, TAKEN BY STAFF, DATED DECEMBER 13, 2021



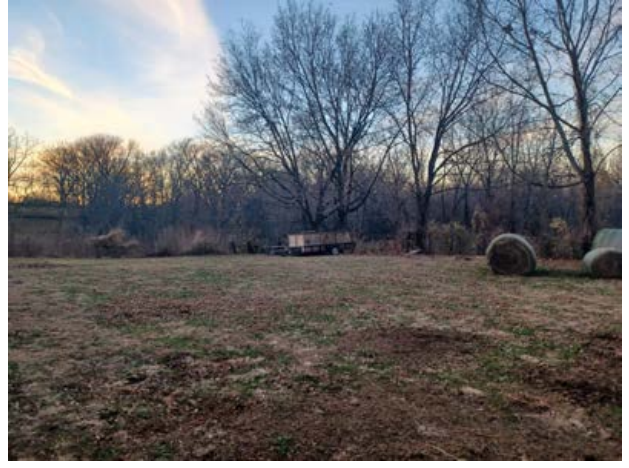
PHOTOGRAPHS OF THE PROPERTY, TAKEN BY STAFF, DATED DECEMBER 13, 2021. CONT.



PHOTOGRAPHS OF THE PROPERTY, TAKEN BY STAFF, DATED DECEMBER 13, 2021. CONT.



PHOTOGRAPHS OF THE PROPERTY, TAKEN BY STAFF, DATED DECEMBER 13, 2021. CONT.





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: March 3, 2022

Re: Petition SP2022-001

GENERAL INFORMATION

Applicant:
Luke Olenick

Status of Applicant:
Representative
Sunflower Tow Service, LLC
452 South 26th Street
Kansas City, Kansas 66105

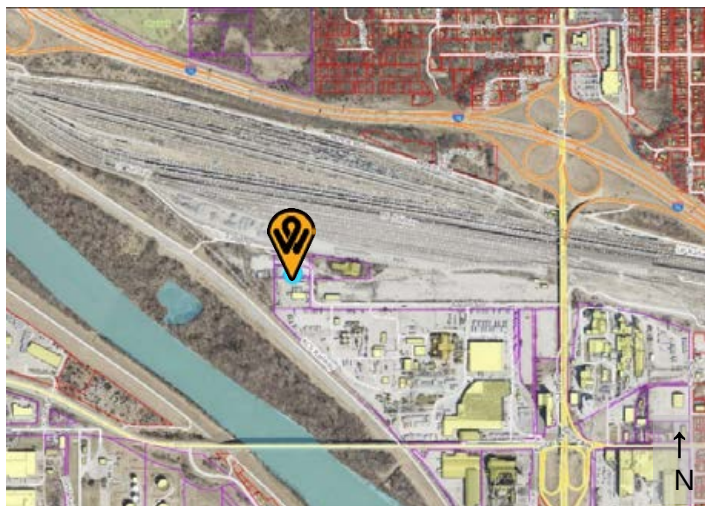
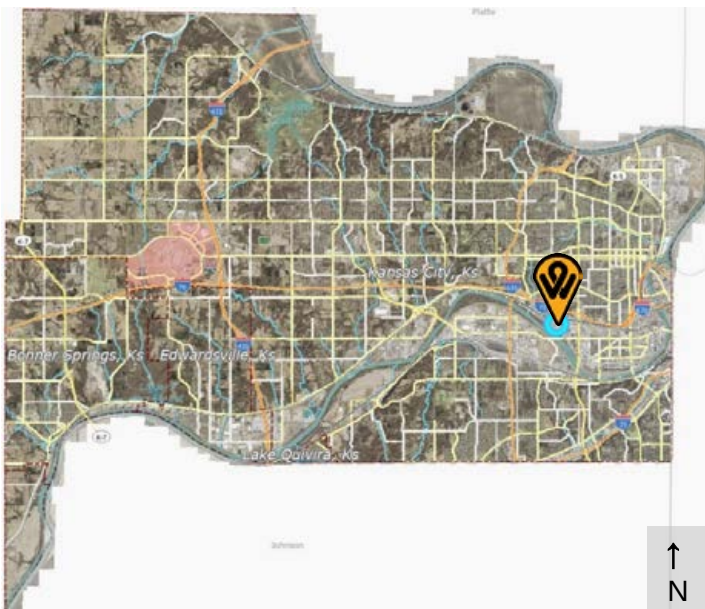
Requested Actions:
Approval of a Special Use Permit.

Date of Application:
January 3, 2022

Purpose:
To approve a Special Use Permit for
heavy automotive/truck repair and
for used auto sales.

Property Location:
452 South 26th Street,
Kansas City, Kansas 66105

Commission Districts:
At-Large Commissioner, District #2:
Tom Burroughs



Commission Districts (cont.):	District Commissioner, District #2: Brian McKiernan
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: Right-of-Way
Adjacent Uses:	North: Industrial railway land South: Freight shipping business East: Industrial property West: Railway right-of-way
Total Tract Size:	1.06 Acres
Master Plan Area:	The subject property is within the Armourdale Area Master Plan.
Master Plan Designation:	The Armourdale Area Master Plan designates this property as Industrial. The Industrial land use designation allows for manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stops, service stations, and convenience stores, and mining/mineral extraction.
Major Street Plan:	The Major Street Plan designates North 26 th Street as a Local/Neighborhood Street.
Required Parking:	Per Section 27-470(f) commercial uses shall provide parking as would be required in the C-3 District. Uses in the C-3 District require paved off-street parking at a ratio of no less than four (4) spaces per 1,000 square feet of floor area in the building. The proposed building has an area of 3,719 square feet, which requires 15 parking spaces. The subject property has 21 parking spaces, one (1) of which is ADA-compliant. These parking spaces meet the requirements of Sections 27-470(f) and 27-676(a).
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owners – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Luke Olenick with Sunflower Tow Service, LLC, is requesting a Special Use Permit for heavy automotive and truck repairs and for used auto sales. The subject property has operated as a towing operation on the subject property since 2017; this Special Use Permit is for an expansion of uses on the subject property.

City Ordinance Requirements: Article VIII, Sections 27-592 – 27-606

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. There had been previous environmental and building code citations issued to previous property owners in 2000 and 2007.
2. Tires, junk cars, gas tanks, and a truck trailer were found on the subject property under a previous owner. A citation was issued to a previous property for improper electrical wiring in 2007.

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.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Armourdale Statistical Neighborhood and is not within a neighborhood group. The entire local neighborhood consists of industrial uses and railroad rights-of-way. Further to the east, in the heart of the Armourdale Area, the industrial uses transition to a variety of commercial uses and single- and two-family residential uses.

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

The zoning and uses of nearby properties are stated above. All adjacent uses are industrial and similar to the subject property. The adjacent properties to the north and south both have paved parking and storage areas for vehicles as well. Therefore, the zoning and uses of properties nearby and the proposed use are expected to be compatible.

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

The subject property is located at the end of a road that terminates at a railroad right-of-way. The surrounding uses are similar to that of the proposed use, as it relates to the coming and going of vehicles and trucks. The removal of the restrictions will not have detrimental effects on the nearby properties.

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

The subject property is not vacant; it is currently a towing service.

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

Special Use Permits are not addressed in the Armourdale Area Master Plan. The Armourdale Area Master Plan designates the property as Industrial. The Industrial land use designation allows for manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stops, service stations, and convenience stores, and mining/mineral extraction. Special Use Permits for heavy truck repair is allowed in the C-3 Commercial District, a zoning district that allows for less intense uses than are allowed under the Industrial land use designation. Therefore, the proposed use is not too intense for even some commercial districts, much less the intensive M-3 Heavy Industrial District and the Industrial land use designation. The proposed use is in conformance with the Armourdale Area Master Plan.

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

The subject property already has traffic related to the towing business; it is unlikely that the additional uses will create increased traffic to the point where it exceeds the capacity of the local/neighborhood street network to accommodate it.

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

Heavy truck repair is a necessary part of operating a vehicle-based business, but its effects on the surrounding property can and should be mitigated by measures such as landscape and architectural screening, proper disposal of fluids and waste, making repairs indoors, and keeping lights directed downward and at the property, not off site. The plans provided show some such mitigation measures proposed; Staff has suggestions for additional measures. With the sum of all measures in place, this proposed use will not substantially or permanently injure 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.*

Heavy vehicle repair is prone to generate noise, vibration, dust, and illumination. All repairs must be conducted inside the proposed building. Furthermore, the exterior lights proposed on the submitted site plan (see "Site Plan of 452 South 26th Street" in the *Attachments* section of this report) must be fitted with covers and face downward at a 90-degree angle, as per Section 27-699(b)(10). All inoperable vehicles must be stored inside unless they are completely screened from view in accordance with all applicable ordinances. All vehicles under heavy service, repairs, or mechanics shall not be placed within a required/paving setback area.

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

While the footprint of the building will increase, the amount of impermeable surface area will not increase. In fact, submitted site plans demonstrate stormwater best management practices being implemented on the west side of the proposed building. As the proposed use includes repairing vehicles, all fluids and parts must be properly disposed of, such as in an oil-water separator and through off-site disposal, respectively.

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

The subject property is currently paved over and adjacent to the Kansas River. The proposed building and site addresses some issues resulting from this impermeability, such as stormwater runoff and retention, shade, and visual and acoustic landscape buffering. As the subject property has already been developed, the use would not damage or destroy an irreplaceable natural resource.

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

While often maligned, vehicle towing services are a necessary part of maintaining public health, safety, and welfare. The location of the subject property is in a highly

industrial area and away from any non-industrial uses. There is a relative gain to the public for such services, in comparison to any potential hardships experienced by the nearby individual landowner(s).

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

A portion of the uses on site is for tow services. This naturally requires a tow truck to leave the subject property frequently to pick up an abandoned or inoperable vehicle and to bring the vehicle back to the subject property. The applicant must clarify how many vehicles come and go from the subject property each day, as well as how many towed vehicles are kept on site, in order for Staff to determine whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- SP-2018-057 (Special Use Permit for temporary use of land for a modular office for two (2) years)
- SP-2020-63 (renewal of a Special Use Permit for temporary use of land for a modular office for two (2) years)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Commercial Development Guidelines Overlay District
Landscaping and Screening
Lighting and Glare
Noise, Dust, and Vibration
Stormwater Runoff

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-001 for two (2) years**, subject to:

- 1) **The site plan and elevations provided herein must comply and/or continue to comply with the Commercial Development Guidelines Overlay District as outlined in the *Staff Comments and Suggestions* section of this report;**
- 2) **All deviations from the Commercial Development Guidelines Overlay District must be approved by the City Planning Commission. Such**

deviations are outlined under #3 of “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” in the *Staff Comments and Suggestions* section of this report. The deviations are deferred until the two (2) year renewal period;

- 3) Parking spaces for employees and customers must be striped, designated as such, and separated from the parking spaces that are striped and designated for used auto sales. Regardless of use or designation, all parking spaces must be striped;
- 4) 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;
- 5) Update all curb cuts and driveways to UG standards. Updates include repaving curb cuts and driveways in need of repair;
- 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) 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;
- 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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards; and,

- 10) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 12) 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,
- 13) 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.

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 **SP2022-001** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan of 452 South 26th Street
Landscaping Manual for 452 South 26th Street

Elevations of the Proposed Building
Statement Letter from the Applicant, Dated December 22, 2021
Erosion Letter, Dated December 22, 2021
Erosion Control Plan for 452 South 26th Street
Wyandotte County Conservation District Letter, Dated January 18, 2022
Staff Site Visit Photographs, Dated January 20, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use	February 14, 2022 Approval	March 3, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-001**, 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 **SP2022-001**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:20:12:

SPECIAL USE PERMIT APPLICATION SP2022-001 – LUKE OLENICK WITH SUNFLOWER TOW SERVICE, LLC - SYNOPSIS: Special Use Permit for expanded mechanic's shop to maintain tow vehicles and used car sales at 452 South 26th Street.

Detailed Outline of Requested Action: The applicant, Luke Olenick with Sunflower Tow Service, LLC, is requesting a Special Use Permit for heavy automotive and truck repairs and for used auto sales. The subject property has operated as a towing operation on the subject property since 2017; this Special Use Permit is for an expansion of uses on the subject property.

City Ordinance Requirements: Article VIII, 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 February 14, 2022;
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 the 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:

- Luke Olenick, applicant, Sunflower Tow Service, LLC.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:24:11: Planning Director Hand stated that there is an existing tow operation on this property and this Special Use Permit is for the expanded use to include automotive repairs and used car sales. The property is located in the Armourdale Area Master Plan. Staff has received no letters in support nor opposition. There are older Notices of Violation on this property and the applicant is going to resolve them through this redevelopment. Staff is requesting the demarcation of the parking between the employees, customers and car sales. The applicant will have a raised, manufactured rain garden on the property. This property is adjacent to the Kansas River and there is a drain adjacent to the property that allows stormwater to go under the levee and into the river. He stated that the summary of conditions did not include the standard \$125.00 ordinance publication fee or two (2) years of approval and

shall be added by mention accordingly. He further stated that the Commission can defer the deviations to the Commercial Design Guidelines to the future, if so desired.

Motion and Vote starts at 2:29:20:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-001 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 6 to 0

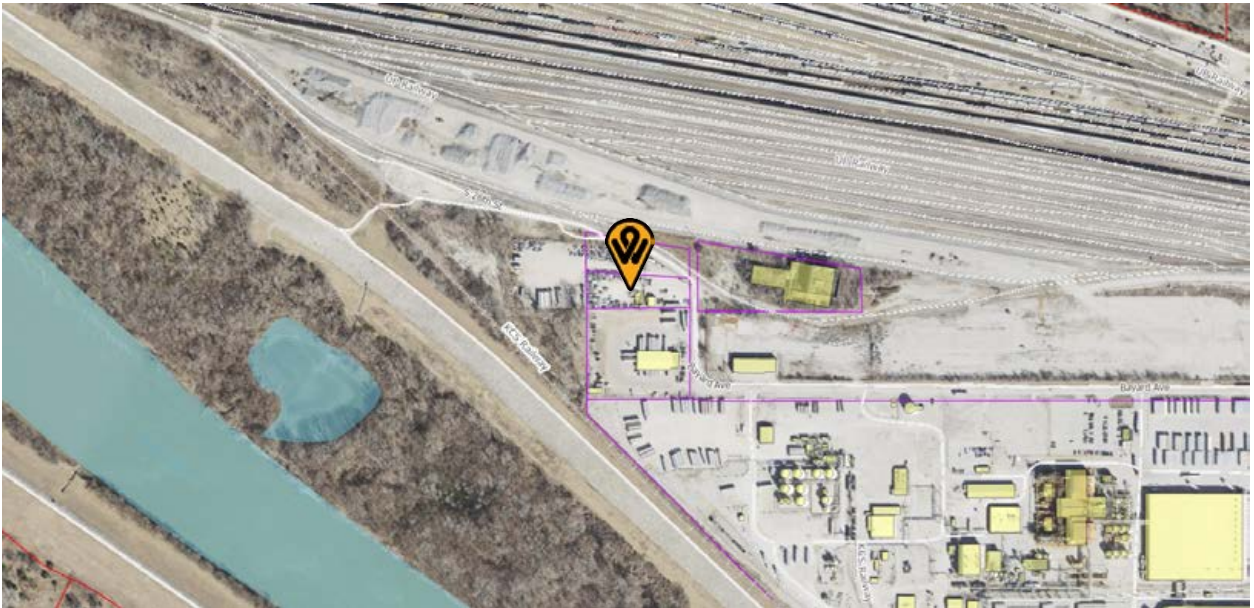
Subject to:

- 1) The site plan and elevations provided herein must comply and/or continue to comply with the Commercial Development Guidelines Overlay District as outlined in the *Staff Comments and Suggestions* section of this report;
- 2) All deviations from the Commercial Development Guidelines Overlay District must be approved by the City Planning Commission. Such deviations are outlined under #3 of "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" in the *Staff Comments and Suggestions* section of this report. The deviations are deferred until the two (2) year renewal period;
- 3) Parking spaces for employees and customers must be striped, designated as such, and separated from the parking spaces that are striped and designated for used auto sales. Regardless of use or designation, all parking spaces must be striped;
- 4) 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;
- 5) Update all curb cuts and driveways to UG standards. Updates include repaving curb cuts and driveways in need of repair;
- 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) 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;
- 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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards; and,
- 10) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 12) 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,
- 13) 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.

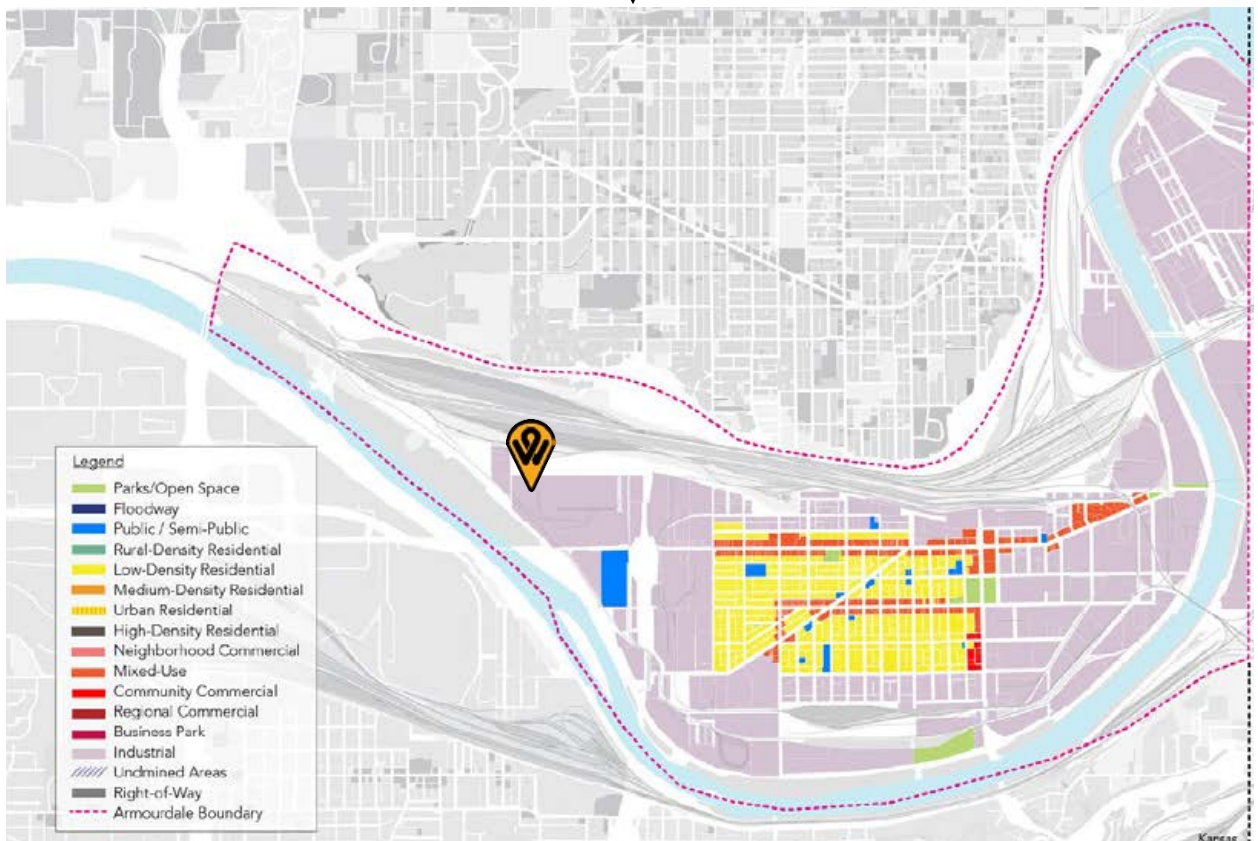
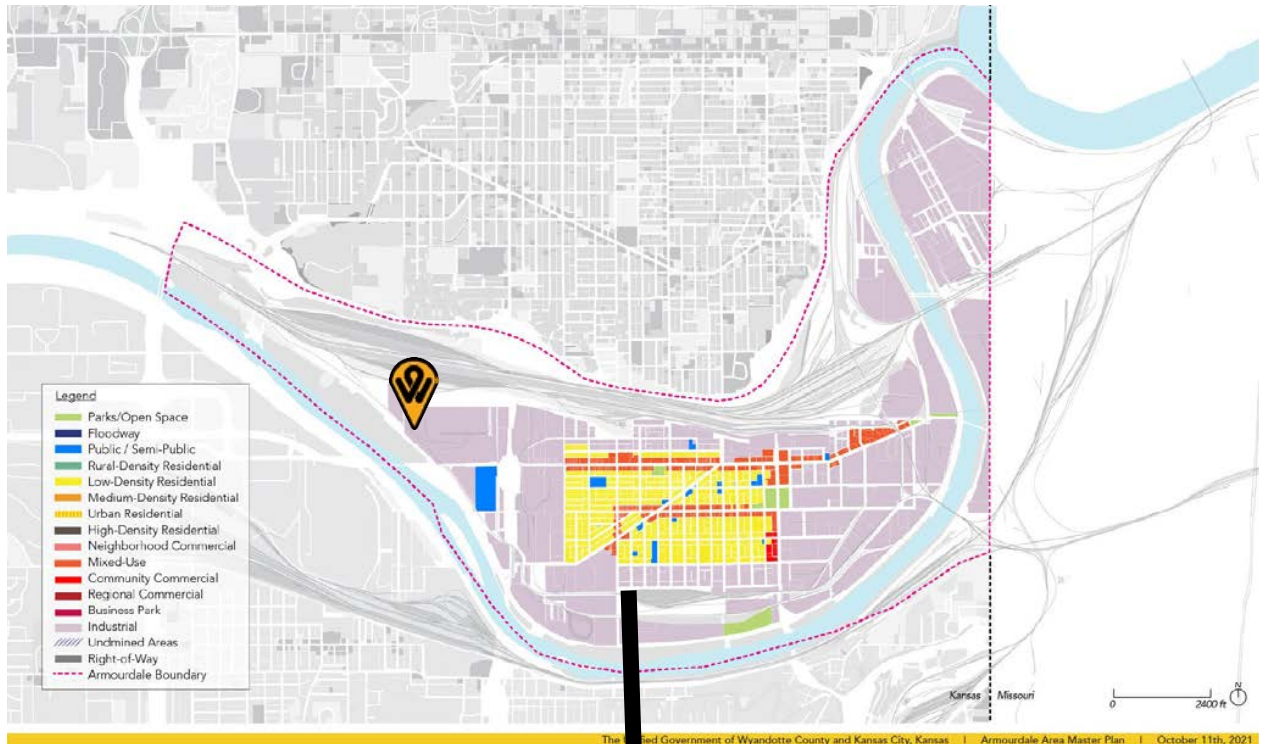
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

January 14, 2022

Commissioner Brian McKiernan
701 North 7th Street, 9th Floor
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # **SP2022-001**. The purpose of this special use permit is for a mechanic's shop to maintain tow trucks and used car sales, at 452 S. 26th Street, Kansas City, KS 66105.

I am having a neighborhood meeting on January 31, 2022 at 4p.m. online via Zoom.

Meeting ID: 265 446 6247
Passcode: q5Wf4h

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. When you call, if I am not immediately available please leave a message with my secretary. Thank you for your time!

Sincerely,

Lucas Olenick
Owner, Sunflower Tow Service LLC
913-777-9300

SP2022-001 MINUTES:

Sunflower Tow Service LLC

Application Number SP2022-001

Date and Location: 01/31/2022 via ZOOM meeting at 4pm

Zoom meeting: 265 446 6247 Passcode: q5Wf4h

Meeting called to order at: 4:00pm

Names of people in attendance:

Luke Olenick – Applicant with Sunflower Tow Service

Lauren Rocha – General Manager, Sunflower Tow Service recording minutes

Introductions: Luke introduced himself as owner of Sunflower Tow Service

Lauren introduced herself as GM of Sunflower Tow Service and indicated she would be recording minutes.

Presentation by applicant and/or team: Luke gave a brief synopsis of the scope of the special use permit, explaining the basic layout of the proposed new building, and the need for a special use permit for a used car lot license. Luke explained the rain garden for collecting runoff from the building.

Questions and answers (include the following):

Lauren asked if the proposed new building would have a mens and a womens restroom. Luke answered that it would.

No other questions were asked.

Meeting adjourned at: 4:35pm

Minutes taken by: Lauren Rocha


1/31/2022

NEIGHBORHOOD MEETING MATERIALS, CONT.

SP2022-001

Neighborhood meeting sign in sheet:

1. Luke Olenick – VIA ZOOM
2. Lauren Rocha – VIA ZOOM
3. .
4. .
5. .
6. .
7. .
8. .
9. .
10. NO OTHER ATTENDEES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Luke Olenick, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-001.
2. That I conducted a neighborhood meeting on January 31 2022.
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.

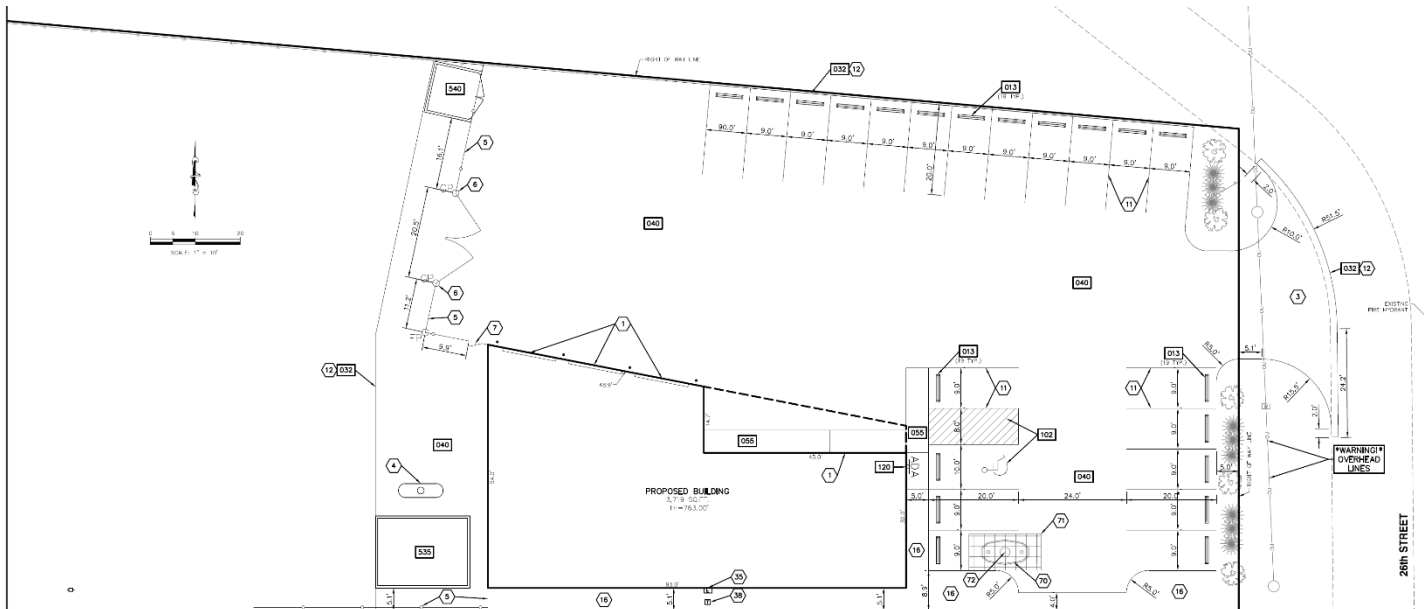
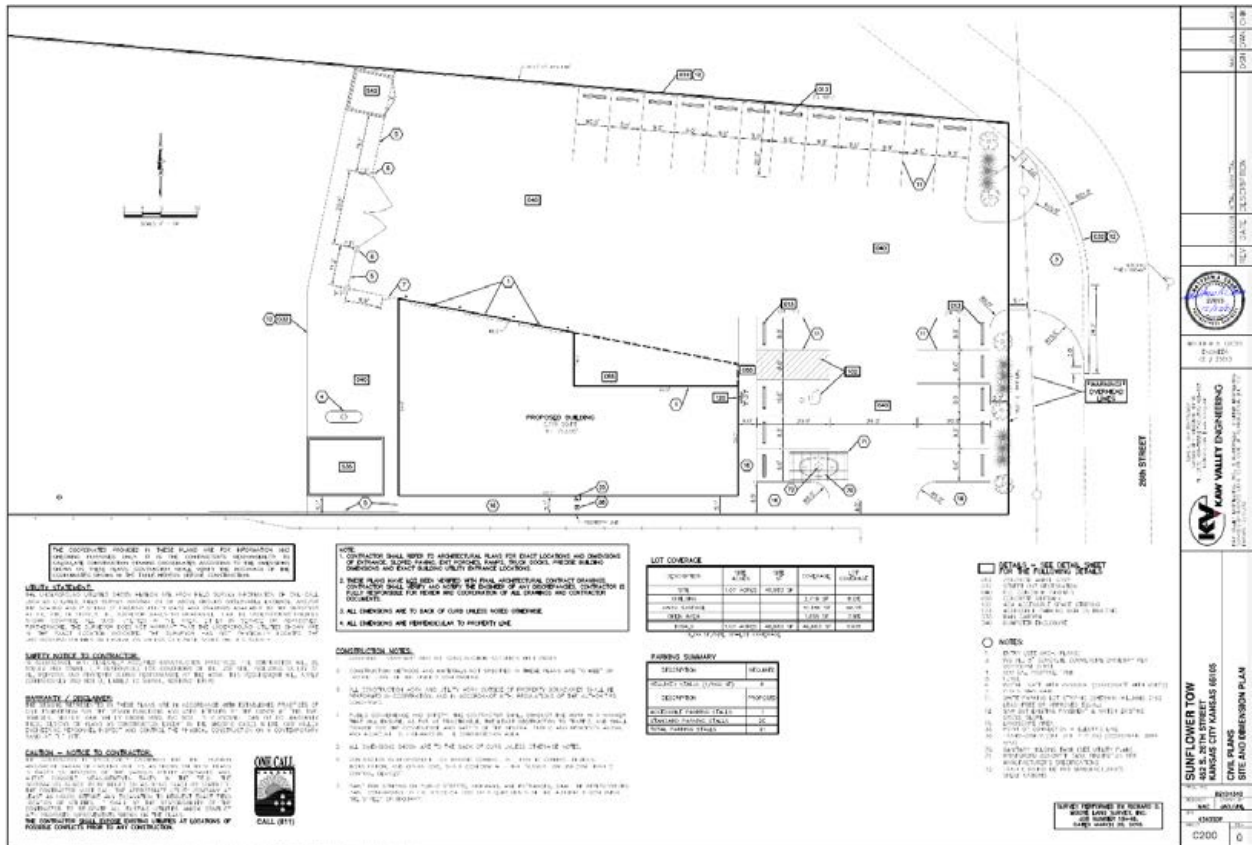

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 20__.

My commission expires _____ of _____, 20__.

Notary Public

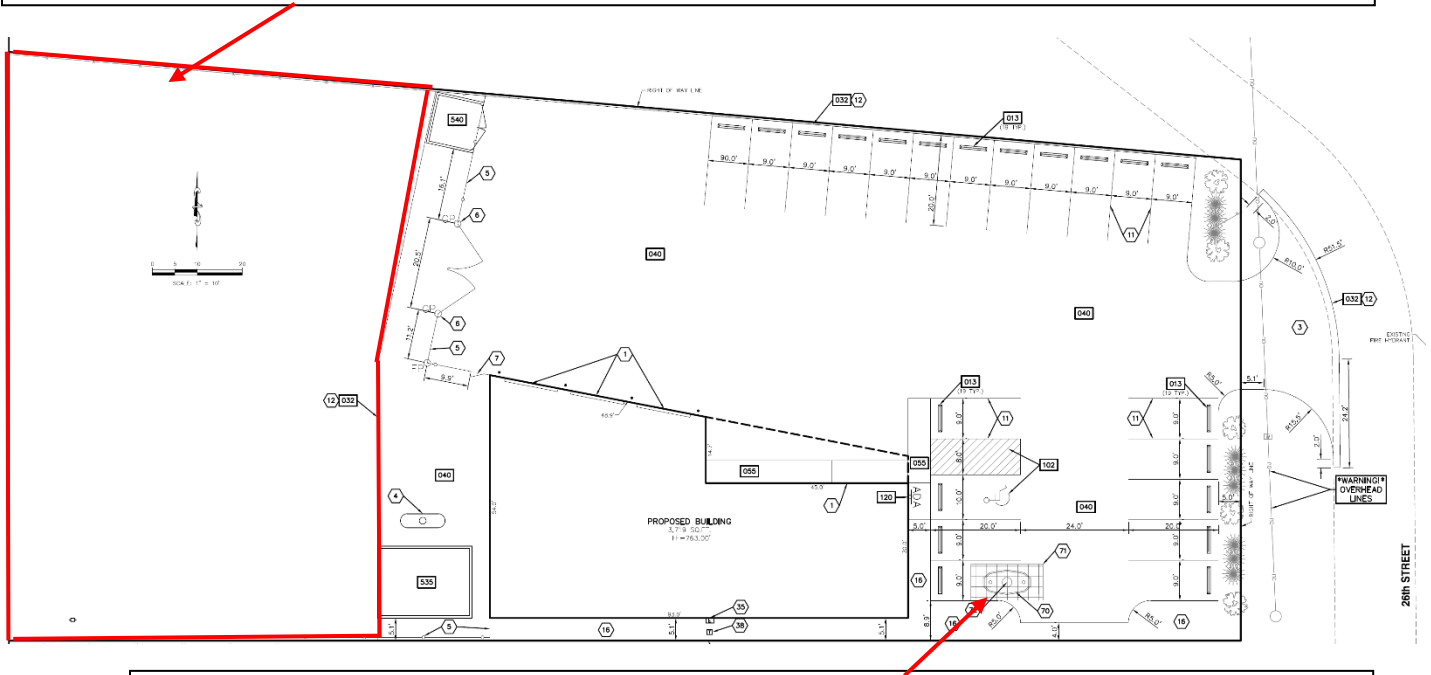
SITE PLAN OF 452 SOUTH 26TH STREET



SITE PLAN OF 452 SOUTH 26TH STREET, CONT.

What is the fence type for this rear area? Even though it is being leased to a third party, it is still part of the subject property and therefore must be screened in compliance with the district, Special Use Permit, and Commercial Development Guidelines Overlay District. For areas that screen inoperable vehicles, any fencing may be up to eight (8) feet in height.

Applicant Response: [This] depicts the tow lots existing operating storage yard. No changes are proposed to this area. Notes 5,6&7 on C200 call out the chain link fence, auto and ma[i]n gates which we can note as 8'.



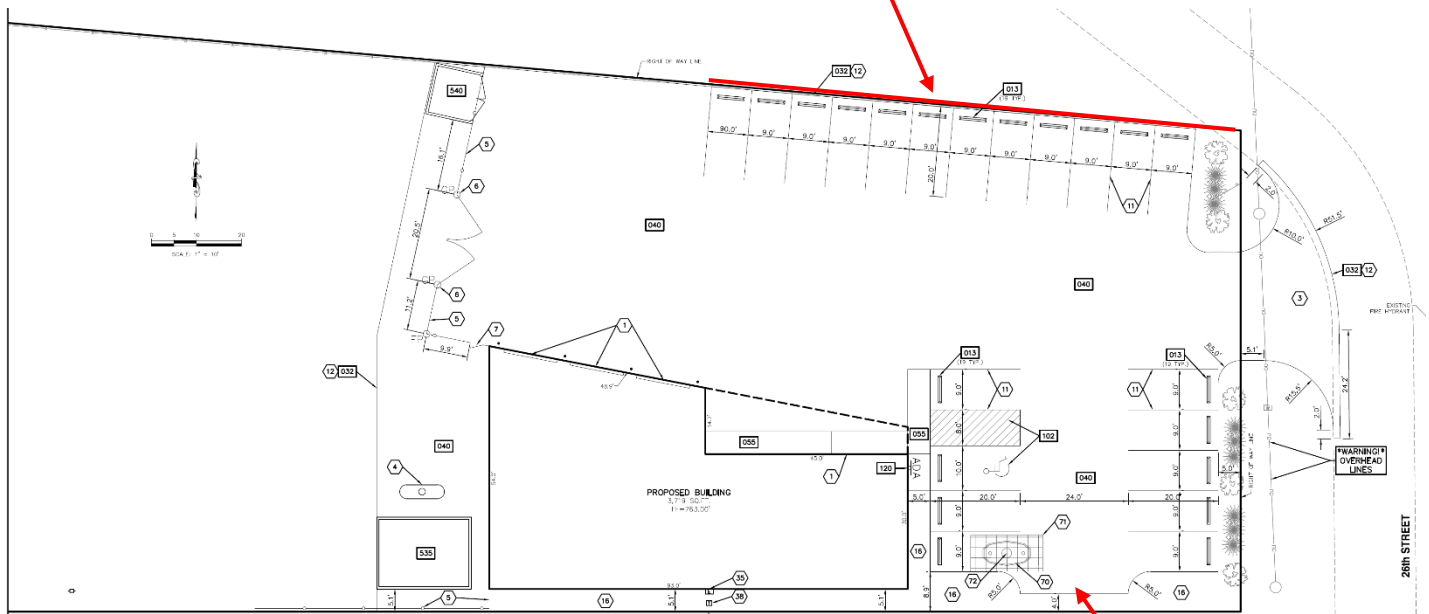
What is this?

Applicant Response: We would refer you to C200 notes 70,71 & 72 depicting a reinforced top 1,000-gallon concrete sanitary holding tank and lid. The area does not have sanitary sewers. Therefore, as previously approved we plan to connect to the existing holding tank that was upgraded and installed for the mobile office.

SITE PLAN OF 452 SOUTH 26TH STREET, CONT.

Provide the type of fencing.

Applicant Response: Page 17 on the site plan diagram ask us to call out fencing north of the improved northeast parking stalls. C500 calls out silt fencing at this location. No other fencing is proposed. The property to the north is the railroads. It is our understanding that no permanent fence is required unless we abut a residential property. 26th street stops at our property. The rail spur drive continues north and west.



Provide more landscaping along the southern property boundary line.

Applicant Response: Page 17 also ask about landscaping. Please see landscape plan L01. This shows 7 of the 31 medium height Karl Forester grasses. We can double this to 14 bringing the total number to 38 along with the other taller plant elements and trees to the front of the site. We would like to point out that we are trying to keep a visual sight line from the manager and owner's office towards the bend in the road where 26th street commences.

LANDSCAPING MANUAL FOR 452 SOUTH 26TH STREET

Rain Garden Description:

A rain garden is an infiltration device consisting of a small excavated area that is covered with a mulch layer and planted with a diversity of woody and herbaceous vegetation. Storm water directed to the device percolates through the mulch and into the native soil, where it is treated by a variety of physical, chemical and biological processes. Generally, a rain garden is a small depression planted with native wetland and prairie vegetation (rather than a turfgrass lawn) where stormwater runoff collects and infiltrates. Runoff can be from sheetflow or from direct discharge from rain spouts, swales, or directed drainage from impervious areas on a property. Rain gardens function similar to larger-scale bioretention areas, providing collection and infiltration of rainwater, reducing runoff into the common stormwater system. Rain gardens can provide effective contributions to stormwater runoff reduction if they are sufficient in number and common throughout an area. Individual gardens also aid in controlling the volume of runoff from individual lots that would otherwise combine with and contribute to runoff from other properties into the stormwater sewer system.

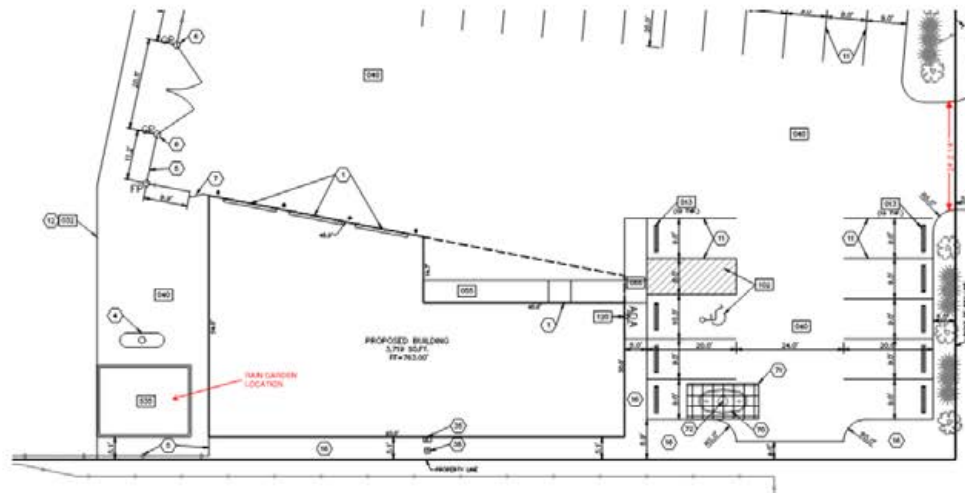
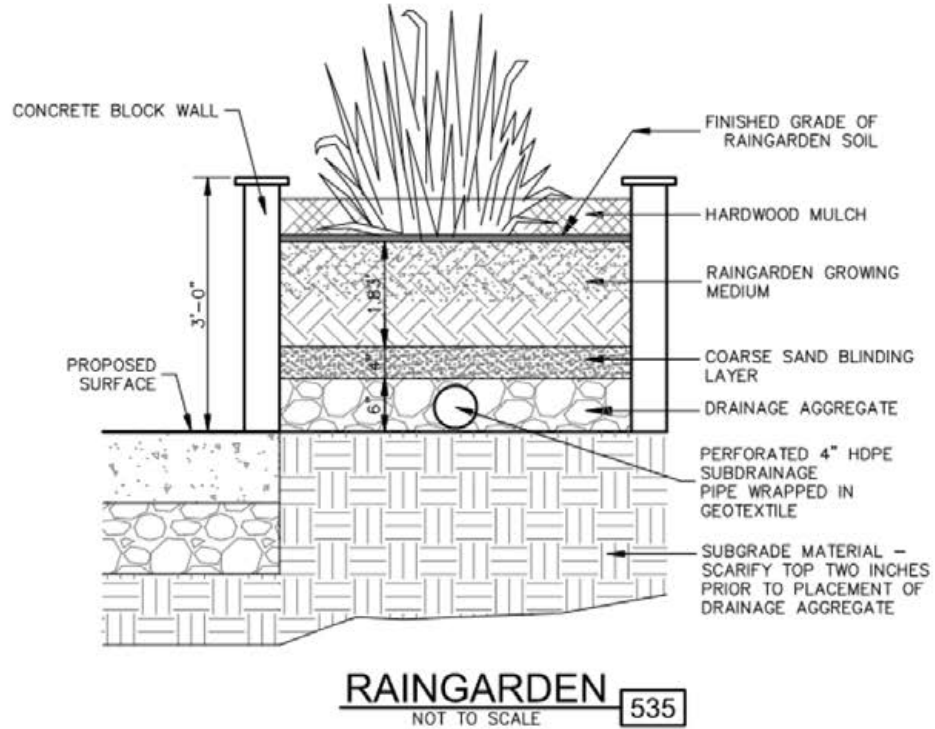
Maintenance & Inspections:

Rain gardens should be weeded weekly until native plants are established. Surface mulch will aid in reducing the growth of unwanted vegetation. Fertilizer applications should be avoided and minimized near the rain garden. After the rain garden is established, dead vegetation should be removed each spring by mowing or burning (if allowed). Allowing vegetation that goes dormant in the fall or winter to remain provides food for birds through the winter. After the rain garden is established, periodic maintenance to remove non-native invasive or un-desired plants, or to cut back excessive growth is appropriate. The following table provides general maintenance guidance:

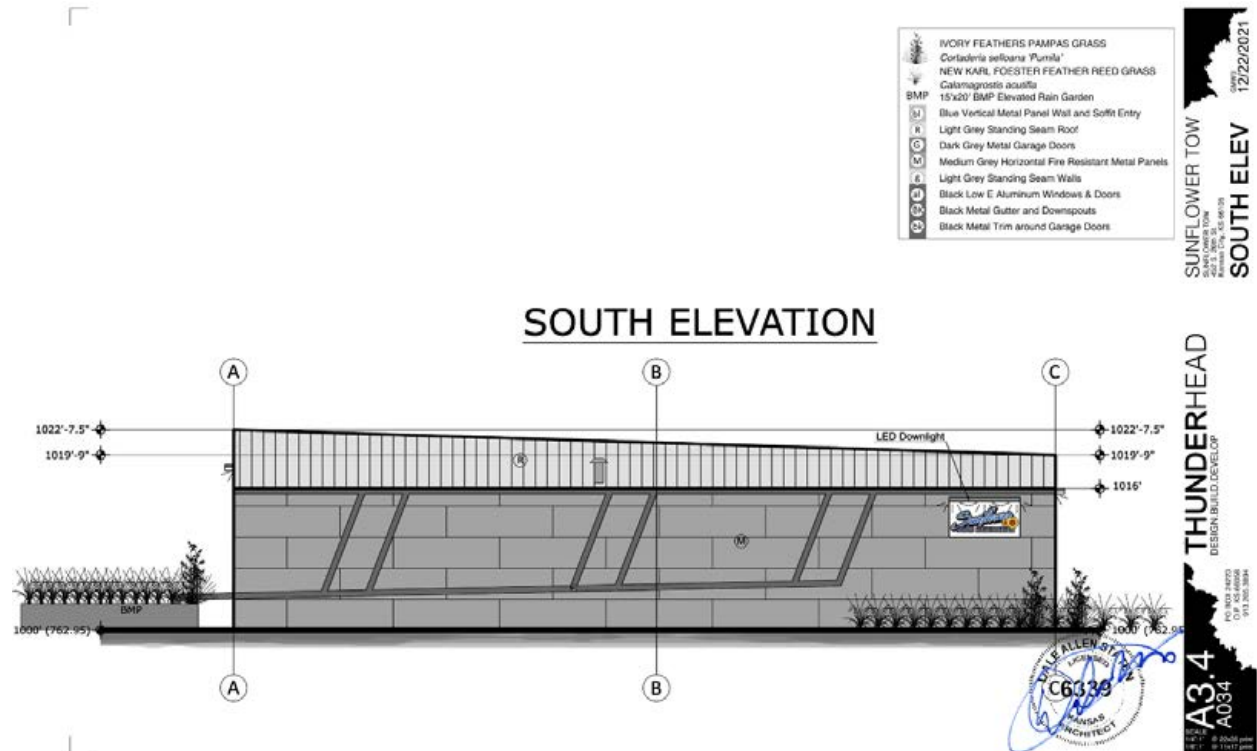
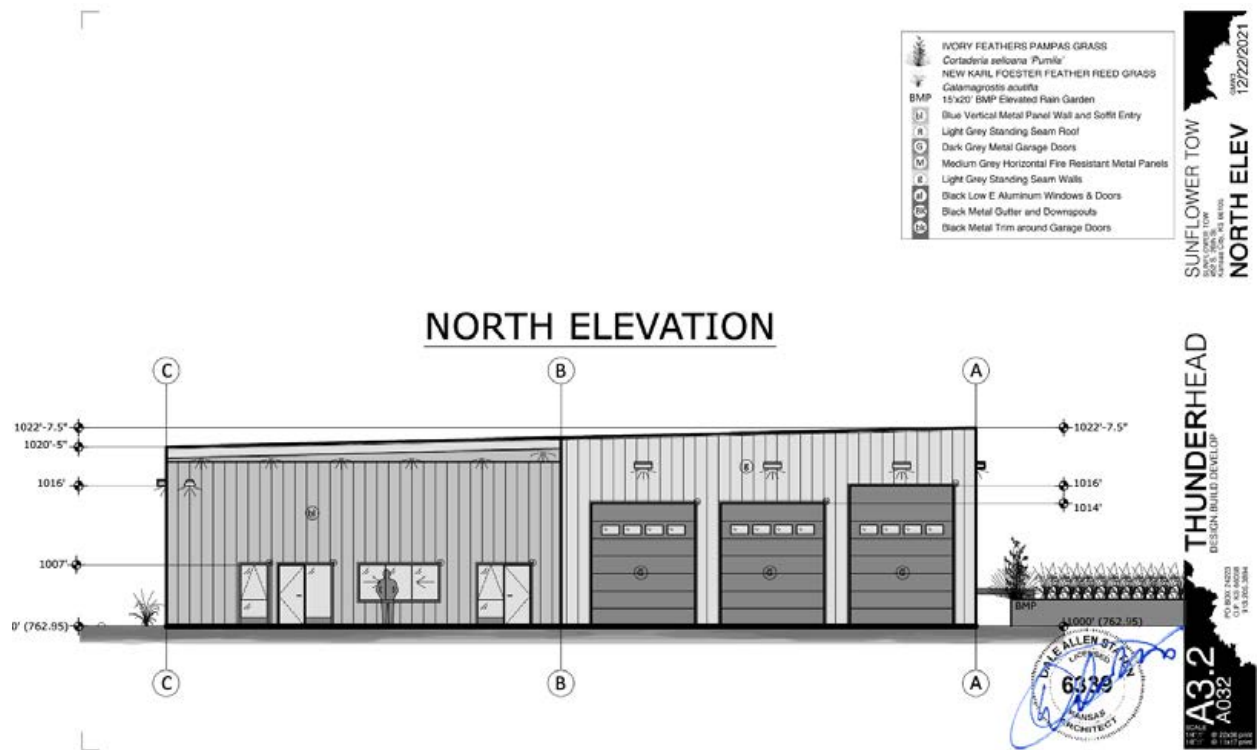
TABLE 8.2 Rain Garden Typical Maintenance Activities		
Activity		Frequency
Establishment (1-3 yrs)		
Watering plants (needed areas up to 8 weeks, plugs in drought)		1" per week as needed
Weed control (flail mow, string-trim, selective/spot-spray herbicides)		Monthly
Remove litter and debris (trash, leaves, sand, mower discharge)		Monthly
Monitor & repair erosion (stabilize soil, replace plants, secure edging)		Monthly
Check for standing water (longer than design, any puddles, saturated soil)		Monthly
Add mulch (mulch & weed control, 3" or less)		Annually
Inspect drainage area (looking for treeholes, open dumpsters, etc.)		Annually
Replace dead plants (use design species/type, overseed, install deep root plugs)		Annually, as needed
Maintenance (3+ yrs, establishment activities may carry over, as needed)		
Vegetation cleanup (string-trim, spot spray, prescribed burn, prune)		Annually, spring or fall
Evaluate plant composition (woody invasion, grass/flower ratio, "right plant in right place")		Annually
Sediment removal (pretreatment structures, funnel, sash)		Annually
Address animal damage (Canidae pests, muskrats, deer rubs)		Annually
Verify structural component function (inlet, valve or gate tube, underdrain, overflow)		Annually

Typical maintenance activities are outlined to provide a basis for scheduling and planning work, but should not be considered wholly comprehensive or definitive. Activities and frequencies will vary depending on site conditions and expectations related to adjacent land use. Some activities shown may continue through establishment and maintenance phases. It's important to use adaptive management based on the goals of the practice and to integrate evaluation and assessment into a long-term maintenance plan.

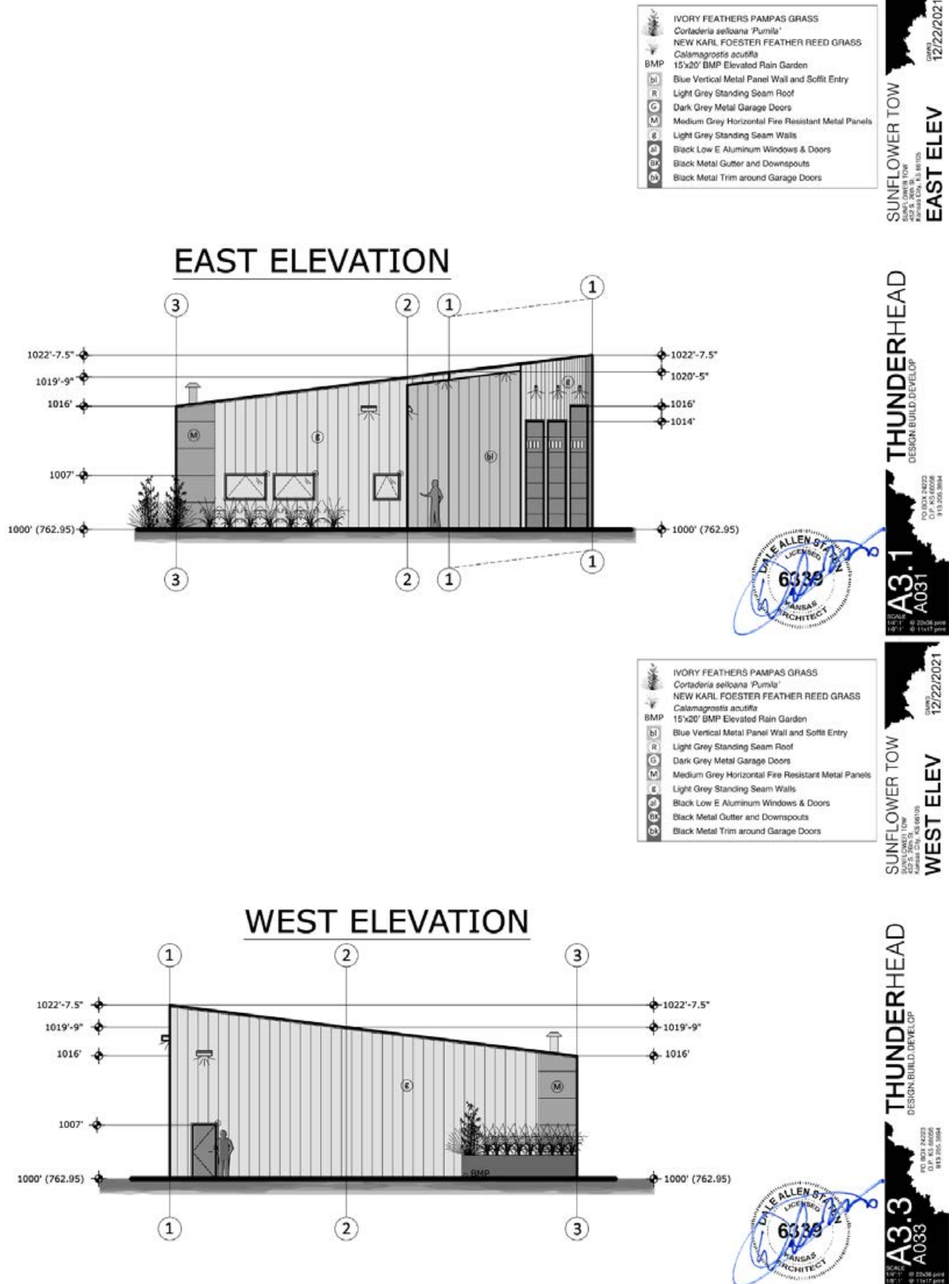
LANDSCAPING MANUAL FOR 452 SOUTH 26TH STREET, CONT.



ELEVATIONS OF THE PROPOSED BUILDING



ELEVATIONS OF THE PROPOSED BUILDING, CONT.



STATEMENT LETTER FROM THE APPLICANT, DATED DECEMBER 22, 2021



THUNDERHEAD

DESIGN.BUILD.DEVELOP



THUNDERhead PLC
PO Box 24223
OP Ks, 66283
913.205.3894

Dec 22, 2021

Dear Members of the Board & Staff,

The Sunflower Tow site plan has been a tow lot for over 50 years. The location is heavy industrial and very vehicle oriented. Sunflower's site, uses and architecture are therefore appropriately located. The site is well removed from residential or visible high traffic commercial location. The owner's continuing investment takes into account its unique context, while drastically improving the site, street frontage and neighborhood via this proposed development.

The 2 Special Use Permits (SUPs) are to support the financial, productive and sustainable operation of this tow lot. The first SUP is for an expanded mechanic's shop to maintain its tow vehicles. The second SUP is for used car sales to sell and cycle the vehicles they haul through the lot. (These sales include vehicles hauled in short or long transit from other dealers to other dealers or to individuals, interstate transactions, and the liquidation of abandoned vehicles.)

The area is appropriately zoned M3; a Heavy Industrial District. The tow lot and office are allowed this by right. The location is behind the Proctor & Gamble factory, just to the north off Kansas Ave. Sunflower is adjacent to the Rail Yard to its north and backs almost to the Kansas River Levy to the west, separated by a small section of Rail Road land. The land across the street to the east and north-east is vacant, abandoned and/or condemned, and there is only one other business on the 26th St block; a semi trucking company hub.

To access the site one must drive under the 18th expressway, on 18th street, and down along the back semi-truck receiving yard (Bayard) of Proctor & Gamble and the Rail Road. This is a truly vehicle and trucking oriented location, well removed from all other commercial, convenience storefront locations.

The board previously granted a SUP for a mobile trailer office for Sunflower Tow. With that special use, Sunflower Tow expressed intent to build a permanent building in the future as finances made this possible. This new SUP reflects the owner's honoring of the good faith expressed in that intent.

The Commercial Design Guidelines (CDGs) apply to - all mechanics garages and used car sales SUP requests - regardless of area. Further to that effect, many of these guidelines are oriented toward retail locations which are more commercially visible. The guidelines suggest, "considering the relationship between site design and the existing environment." The guidelines also point out this type of use should be "consistent with, and be appropriate for, many of the existing conditions of the site."

This site is secluded, removed from the busy travel corridors, and, due to Sunflower's location and use, has some heightened security concerns. Therefore, special attention is being paid to create a sense of arrival to the office. The reception/dispatch interface of the office will



THUNDERHEAD

DESIGN.BUILD.DEVELOP



become the hub of user experiences and the key security monitoring location. The design intent is to make this, very vehicle-oriented location, identifiable and safe for all visitors, vendors and staff.

The building communicates a fresh, welcoming, clean approachable aesthetic, with a single slope roof accentuating the motion and flow of vehicles. The roof cantilevers out as much as 15', creating a carved-out front porch to protect the office and staff area.

The trapezoidal footprint accommodates larger vehicles to the back, maintaining a more pedestrian scale to the front of the site, encouraging and considering safety. The footprint not only funnels traffic, but also addresses site lines from the manager's office - to the street entrance, to the gate, and even to the garage bays.

The site is very flat, with no storm sewers. Surface draining storm water from the NE to SW is improved by repaving the front half of the site. The finished floor elevation is raised slightly, easily staying ADA compliant. The overall impervious surface is reduced, and hardy, medium-to-tall year-round landscape grasses have been added, around the paving, to filter run off. Since the building's mass is expressively modern, water is captured from the roof, and celebrated in the downspout geometry which carries the water to an elevated rain garden. This BMP is both educational and functional, as it slows and filters runoff through nature's perfect media, plant material.

The significance of Sunflower Tow's investment in this proposed, new public interface in this blighted, backwater location goes beyond the financial. Both the on-site mechanics shop and the used car sales ability SUPs are necessary to make this large investment possible. These improvements will quietly serve the community in an appropriate location for years to come, and we thank you for your consideration.

Sincerely,

Dale Staten - Architect

EROSION LETTER, DATED DECEMBER 22, 2021



KAW VALLEY ENGINEERING, INC.

Office: 816.468.5858

Fax: 816.468.6651

Web: www.kveng.com

Address: 8040 N. Oak Trafficway
Kansas City, MO 64118

December 22, 2021

B21D4340

Unified Government of Wyandotte County
Planning Engineering
701 N 7th Street, Suite 423
Kansas City, KS 66101

**Re: Sunflower Tow
452 S. 26th Street
Kansas City, Wyandotte County, KS**

To Whom It May Concern:

Kaw Valley Engineering, Inc. on behalf of our client, Thunderhead, LLC, has prepared this letter to evaluate the stormwater runoff impact of proposed improvements at 452 S. 26th Street in Kansas City, Wyandotte County, Kansas. The site is in an industrial area with little to no greenspace or stormwater infrastructure.

To evaluate the impacts, KVE has reviewed the requirements laid out in the Unified Government of Wyandotte County, Kansas City, Kansas Storm Drainage Criteria. According to this document, "Special provisions are included for minor developments. A minor development is one that cannot be planned as part of a large property conglomeration and meets any of the following conditions.....Project is a redevelopment or addition to an improved site and increases the impervious area by 6,000 square feet or less regardless of total area of development."

As a sign of good faith, we have incorporated some measures that are known to decrease runoff quantity and to increase runoff quality. Prior to the issuance of the special use permit under which Sunflower Tow is currently operating, the site had no pervious surface. To receive the current permit, landscaping was added at the entrance, which provided just over 800 square feet of pervious surface to the lot. To further help mitigate runoff, additional landscaping will be provided along the southern property line from the front of the property to the fenced lot. Our total pervious surface will increase to 1,818 square feet. Because there is no stormwater infrastructure within the area, providing BMPs is very difficult. However, all roof drains will be routed to a raised raingarden which will filter and then release the treated water at grade, providing a measure of water quality that is typically unheard of in these conditions. Also, per the MARC BMP Manual, it is suggested that Hot Spots are surfaced with concrete, which we

Office Locations: Junction City, KS / Kansas City, MO / Lenexa, KS / Salina, KS / Emporia, KS / Wichita, KS

EROSION LETTER, DATED DECEMBER 22, 2021, CONT.

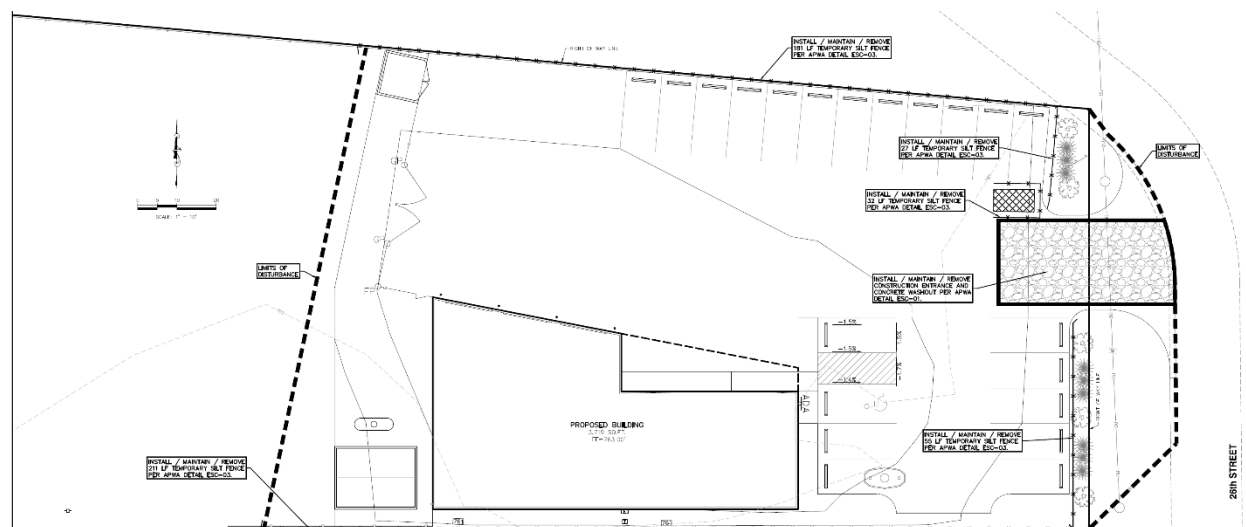
have provided throughout the improved area. These voluntary improvements will decrease runoff from a site which recently provided no stormwater treatments.

This letter addresses the storm water impacts related to proposed site improvements. Existing drainage patterns will be maintained and improvements have positive impacts to both runoff quantity and quality. The site meets the definition of a minor development according to the Unified Government Storm Drainage Design Criteria and does not require additional stormwater mitigation.

Respectfully Submitted,
Kaw Valley Engineering, Inc.

Matt Cross, PE
Project Manager





WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022



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

January 18, 2022

RE: SP2022-001 Luke Olenick for expanded mechanic shop to maintain tow vehicles and used car sales at 452 South 26th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2022-001 Luke Olenick for expanded mechanic shop to maintain tow vehicles and used car sales at 452 South 26th 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: Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 12 to 18 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
- The soil type is subject to wind erosion. Care needs to be taken that soil doesn't leave the property.
- Any bare soil needs to be seeded and mulched.
- Any chemical spills or leaks need to be cleaned up immediately to protect the area and the river.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022, CONT.

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

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022, CONT.



STAFF SITE VISIT PHOTOGRAPHS, DATED JANUARY 20, 2022



STAFF SITE VISIT PHOTOGRAPHS, DATED JANUARY 20, 2022, CONT.





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: March 3, 2022

Re: Petition SP2022-002

GENERAL INFORMATION

Applicant:
Jeff Bawker

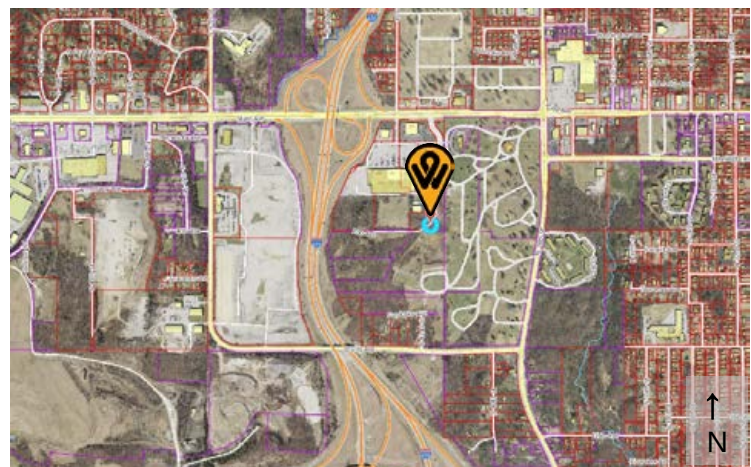
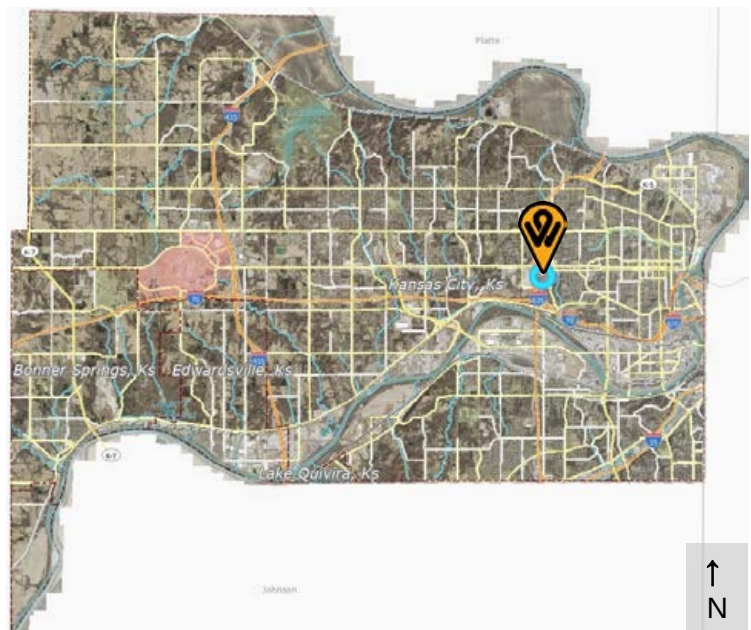
Status of Applicant:
Representative
Highland Park Cemetery
4101 State Avenue
Kansas City, Kansas 66102

Requested Actions:
Approval of a Special Use Permit.

Date of Application:
January 3, 2022

Purpose:
To approve a Special Use Permit
for on-site grading.

Property Location:
4100 and 4315 Ann Avenue, 949
North 41st Street, and 3801 R
State Avenue,
Kansas City, Kansas 66102



Commission Districts:	At-Large Commissioner, District #2: Tom Burroughs District Commissioner, District #3: Christian Ramirez
Existing Zoning:	R-1 Single-Family District (4100 Ann Avenue; 3801 R State Avenue) R-2 Two-Single District (4315 Ann Avenue) RP-5 Planned Apartment District (949 North 41 st Street)
Adjacent Zoning:	North: CP-0 Planned Nonretail Business and C-1 Limited Business Districts South: R-1 Single-Family District East: R-1 Single Family, CP-1 Planned Limited Business, and CP-2 Planned General Business Districts West: Right-of-Way
Adjacent Uses:	North: Shopping mall; Cemetery office South: Undeveloped property East: Cemetery; Commercial properties West: Interstate-635 right-of-way
Total Tract Size:	41.81 Acres (Total parcels) 17.28 Acres (4100 Ann Avenue) 5.74 Acres (4315 Ann Avenue) 17.16 Acres (3801 R State Avenue) 1.62 Acres (949 North 41 st Street)
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates the three (3) parcels addressed 4100 Ann Avenue, 949 North 41st Street, and 3801 R State Avenue as Public/Semi-Public. The Public/Semi-Public land use designation allows for schools, publicly-owned land and buildings, places of worship, and other non-for-profit-owned land and buildings. The City-Wide Master Plan Planned Commercial designates the parcel addressed 4315 Ann Avenue as Mixed-Use. The Mixed-Use land use designation allows for specialty retail; sit-down restaurants; convenience retail uses such as banks and drug stores; professional and office services; institutional uses such as churches, schools, and libraries; parks, plazas, and open space; and mixed-density residential uses.

Major Street Plan:	The Major Street Plan designates State Avenue as a Class C Thoroughfare. The Major Street Plan designates Ann Avenue as a Local/Neighborhood Street. The Major Street Plan designates North 41 st Street as a Local/Neighborhood Street.
Required Parking:	R-1 District: Per Section 27-454(e), two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The subject property does not have a dwelling unit. Per Section 27-668(B), any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. The subject property does provide 72 paved parking spaces, as well as temporary parking along the interior roads that serve the cemetery plots.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owners – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jeff Bawker with Highland Park Cemetery, is requesting a Special Use Permit for a grading permit at the parcels addressed 4100 Ann Avenue, 4315 Ann Avenue, 949 North 41st Street, and 3801 R State Avenue. The applicant has stated that the proposed grading project is not in anticipation of cemetery expansion, but rather to clear the wooded areas with steep terrain and create gentler slopes with planted grass and other groundcover vegetation.

City Ordinance Requirements: Article VIII, Sections 27-592 – 27-606

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 of 949 North 41st Street has received one (1) environmental code enforcement complaint in 2020.
2. There has been a building code citation issued to the previous property owner of Parcel #914502 (4315 Ann Avenue) in 2009. There have been multiple citations issued to both the current property owner of Parcel #914505 (949 North 41st Street) in 2020 and the previous owner(s) in 2001 and 2002.
3. A building code citation was issued in 2009 to the previous property owner of Parcel #914502 (4315 Ann Avenue) for an abandoned structure. The structure was later demolished.

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.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Kensington Statistical Neighborhood and is not within a neighborhood group. The neighborhood is bordered by Interstate-635 to the west and State Avenue to the north. The Highland Park Cemetery is a major property in the neighborhood, which also consists of large parcels zoned for and containing multi-family and commercial uses. There is a large amount of open space in the neighborhood, which comes from the cemetery, larger setbacks for multi-family and commercial buildings, and undeveloped parcels.

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

While the nearby zoning may not necessarily be compatible or incompatible with a grading project, the size of the subject property and the distance between neighboring buildings and properties does allow for a variety of uses to occur without interference from the uses of other 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?

Grading terrain always presents the risk of releasing dust into the air and changing the flow of stormwater internally and on to other parcels. Proper grading plans, dust mitigation measures, landscaping plans, and erosion control must be in place in order to keep the use suitable for the subject property.

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

The subject property is currently used as a cemetery.

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. The City-Wide Master Plan designates the majority of the property as Public/Semi-Public. The Public/Semi-Public land use designation allows for schools, publicly-owned land and buildings, places of worship, and other non-for-profit-owned land and buildings. City-Wide Master Plan Planned Commercial designates the minority of the subject property as Mixed-Use. The Mixed-Use land use designation allows for specialty retail; sit-down restaurants; convenience retail uses such as banks and drug stores; professional and office services; institutional uses such as churches, schools, and libraries; parks, plazas, and open space; and mixed-density residential uses. A grading project for an existing cemetery is consistent with the improvement of a non-for-profit-owned land and the undeveloped land adjacent to the cemetery. Therefore, the proposed use conforms 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.*

The applicant has stated that an average of 26 trucks will come to and from the subject property on a daily basis. The applicant has stated that on heavy traffic days, up to 60 trucks may come to and from the subject property. The applicant has provided a haul route for the trucks. While a daily average of 26 trucks will not exceed the capacity of the street, having 60 trucks, hauling up to 12 cubic yards of earth material per trip, utilizing the local streets gets close to exceeding such capacity. Therefore, no more than 60 truck trips should be taken in one (1) day throughout the length of the project.

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 on the subject property is to improve the undeveloped portions of the subject property. The undeveloped areas are linked to the Highland Park Cemetery, and the grading project will smooth the terrain in order to address erosion issues and create a more practical flow to the landscape. Therefore, 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.

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

Any work trucks and other vehicles driving on and off the subject property and moving earthen materials will certainly cause noise, vibration, and/or illumination issues. Depending on the time of day the trucks are operating, this could be considered a problem for nearby properties. A grading project site also has dust issues, especially if not properly wetted.

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

The applicant has indicated that the grading project is intended to address current erosion issues caused by the undeveloped land. The grading project must ensure that the flow of stormwater runoff to the adjacent properties does not change.

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

In any grading project there is a risk that natural resources will be destroyed. The applicant has stated that the goal of the grading project is to prevent further erosion of the undeveloped land, which the applicant describes as steep and rocky, which makes the current terrain prone to soil erosion from stormwater.

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

Creating an aesthetic and geographical transition from the outside properties to the surrounding land associated with the cemetery to the cemetery itself is beneficial not only to Highland Park Cemetery, but to the surrounding community. The only concern is that a change in the terrain from the natural geography to an altered, albeit gentler, slope could in turn alter the amount of stormwater runoff that flows on to adjacent properties. The applicant has not indicated that the grading project is in anticipation of an expansion of the current cemetery area, but rather has stated that the project is intended to provide an aesthetic transition from the surrounding land adjacent to the cemetery itself and to address current erosion issues caused by the undeveloped land. As there is no intended expansion of the cemetery use or services, the proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the local/neighborhood streets and Class C Thoroughfare to accommodate it.

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

As there is no intended expansion of the cemetery use or services, the proposed use would not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- SP-2006-37 (Special Use Permit for a crematory)
- SP-2008-39 (renewal of a Special Use Permit for a crematory)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Earthen Material
Erosion Control
Haul Route
Hours of Operation
Landscaping Plan
Noise, Dust, Vibration, and Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-002 for two (2) years**, subject to:

- 1) **Landscaping must occur in compliance with the landscaping plan provided by the applicant and contained herein;**
- 2) **If fill material is from borrow site within Wyandotte County, the borrow site will require a Special Use Permit, if a Special Use Permit is not already valid and effective;**
- 3) **The driving routes used by work trucks hauling earthen materials (i.e., haul routes) comply with the haul route provided by the applicant and contained herein;**
- 4) **Hours of operation shall be from 7:00 AM to 5:00 PM on Monday through Friday. Work may also occur from 9 AM to 5 PM on no more than one (1) Saturday per calendar month;**
- 5) **There may an average of 26 daily trips per day for the duration of the project, and at no point shall there be more than 60 truck trips in one (1) day;**
- 6) **Install rumble strips at the entrances/exits and other mitigation measures to keep debris out of the public right-of-way;**
- 7) **Upon completion of the project, any damage to the public right-of-way on Ann Avenue and/or North 41st Street is to be repaired;**
- 8) **The shall be full compliance with the comments from the Wyandotte County Conservation District contained herein;**
- 9) **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage,**

Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

- 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) 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;**
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 13) 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,**
- 14) 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.**

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 **SP2022-002** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Minutes
Grading Plan for the Subject Property
Erosion Control Plan for the Subject Property
Landscaping Plan for the Subject Property
Project Haul Route
Wyandotte County Conservation District Letter, Dated January 18, 2022
Staff Site Visit Photographs, Dated January 20, 2022
Site Photographs Submitted by the Applicant

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	February 14, 2022 Approval	March 3, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-002**, 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 **SP2022-002**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:32:32:

SPECIAL USE PERMIT APPLICATION SP2022-002 – JEFF BAWKER WITH MJP PROPERTIES AND HIGHLAND PARK CEMMETERY - SYNOPSIS: Special Use Permit for grading at 3801R State Avenue, 4100 Ann Avenue, 4315 Ann Avenue and 949 North 41st Street.

Detailed Outline of Requested Action: The applicant, Jeff Bawker with Highland Park Cemetery, is requesting a Special Use Permit for a grading permit at the parcels addressed 4100 Ann Avenue, 4315 Ann Avenue, 949 North 41st Street, and 3801 R State Avenue. The applicant has stated that the proposed grading project is not in anticipation of cemetery expansion, but rather to clear the wooded areas with steep terrain and create gentler slopes with planted grass and other groundcover vegetation.

City Ordinance Requirements: Article VIII, 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 February 14, 2022;
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 the 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:

- Eric Vossman, contractor representing the applicant, 15320 Midland Drive, Shawnee, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:35:20: Planning Director Hand stated that this proposal is for a Special Use Permit for grading on the cemetery property. This property is just outside the Central Area Master Plan and is in the City-Wide Master Plan. Staff has received no letters in support nor opposition. There are numerous older Notices of Violation for illegal dumping , and one (1) outstanding violation related to the grading work that was started prior to acquiring this Special Use Permit. Hours of operation are proposed to be from 7:00 a.m. to 5:00 p.m., Monday through Friday and the applicant will work one (1) Saturday per month from 9:00 a.m. to 5:00 p.m. Director Hand stated that the standard conditions of approval have been included in the staff recommendation. The applicant anticipates 26 daily trips. He stated that the route to be used is State Avenue via North 41st Street to I-635. Staff has also included landscaping requirements as part of the conditions of approval, as well as a condition requiring repair to any damage in the public right-of-way, and uses dust and debris tracking mitigation measures. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at 2:37:10:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-002 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 6 to 0

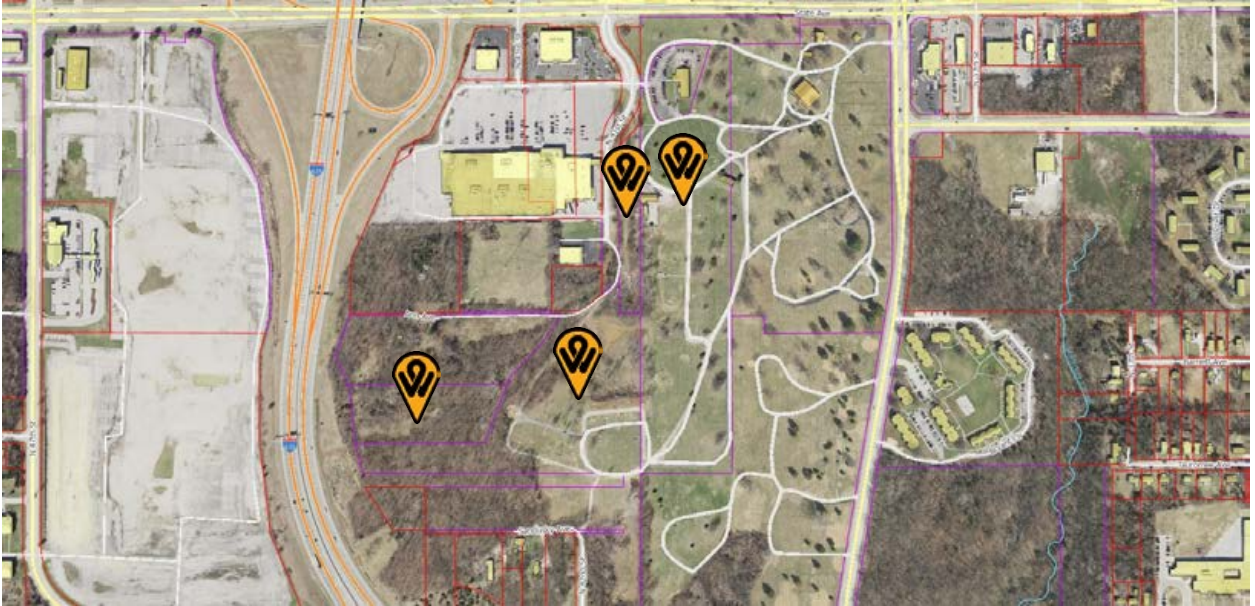
Subject to:

- 1) Landscaping must occur in compliance with the landscaping plan provided by the applicant and contained herein;**
- 2) If fill material is from borrow site within Wyandotte County, the borrow site will require a Special Use Permit, if a Special Use Permit is not already valid and effective;**
- 3) The driving routes used by work trucks hauling earthen materials (i.e., haul routes) comply with the haul route provided by the applicant and contained herein;**
- 4) Hours of operation shall be from 7:00 AM to 5:00 PM on Monday through Friday. Work may also occur from 9 AM to 5 PM on no more than one (1) Saturday per calendar month;**
- 5) There may an average of 26 daily trips per day for the duration of the project, and at no point shall there be more than 60 truck trips in one (1) day;**

- 6) Install rumble strips at the entrances/exits and other mitigation measures to keep debris out of the public right-of-way;**
- 7) Upon completion of the project, any damage to the public right-of-way on Ann Avenue and/or North 41st Street is to be repaired;**
- 8) The shall be full compliance with the comments from the Wyandotte County Conservation District contained herein;**
- 9) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 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) 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;**
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 13) 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,**
- 14) 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.

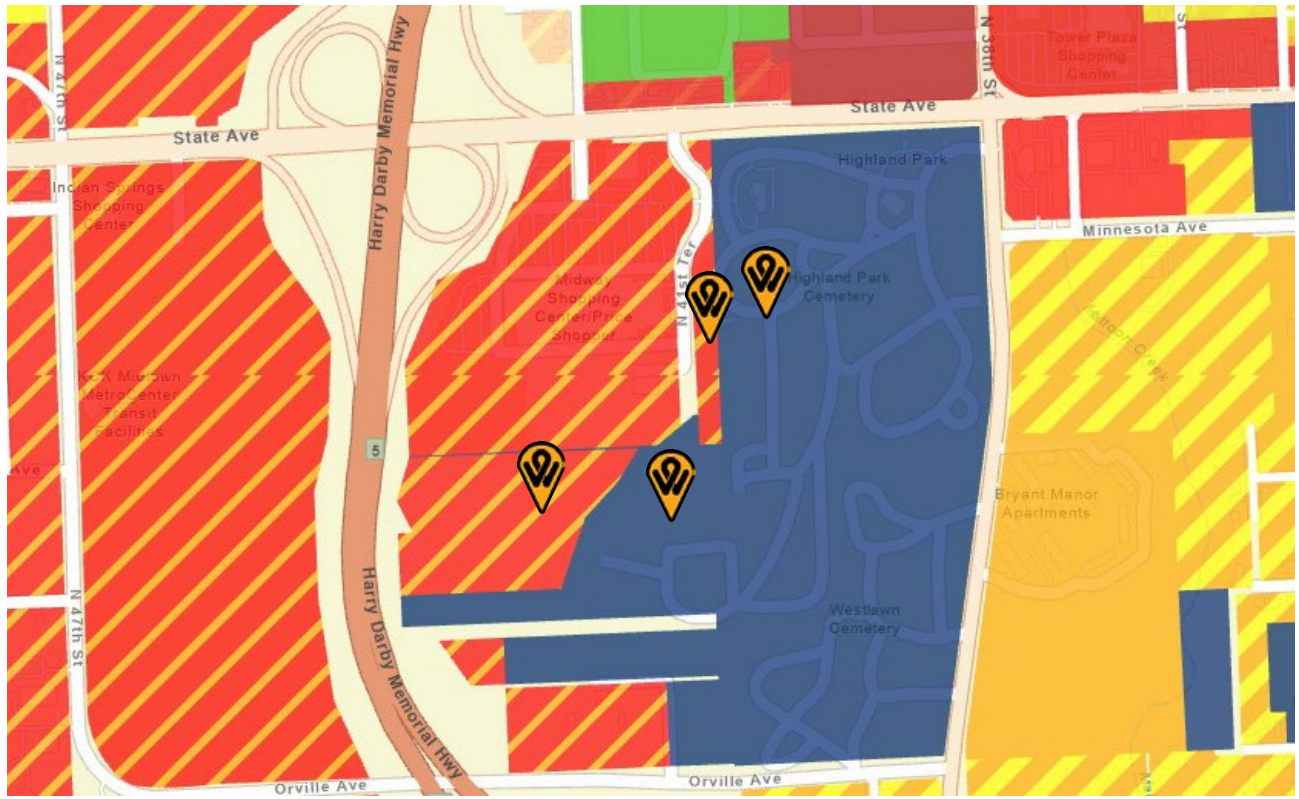
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MINUTES



31 January 2022
6 PM

Petition: SP2022-22

Special Use Permit for grading at 3801R Stave Avenue, 4100 Anne Avenue, 4315 Ann Avenue and 949 North 41st Street

Attendees:

Eric Vossman, McAnany Construction
Michael Moore, Schlagel Engineering
Ahmad Noory, Nieghbor

Minutes taken by: Michael Moore

Meeting began via Zoom @ 6PM

Mr. Noory asked for synopsis of project
Eric described project showed grading plan.

Mr. Noory said he owns 4 acres of site, asked for location in relation to his property
Eric showed location of project on aerial and approximate location of Noory property

Mr. Noory asked is access will be provided to his property
Eric asked where existing address is

Mr. Noory stated he doesn't know where access is but there used to be a home there
Eric informed him there is a gravel drive but on private property, there isn't a public road through there
and Eric said he would follow up with Mr Noory via email to discuss.

Meeting concluded @ 6:30PM

o (913) 631-5440
15320 Midland Drive
Shawnee, KS 66217
mcananyconstruction.com
SINCE 1954

NEIGHBORHOOD MEETING MINUTES, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Scherson)

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

1. That I am the petitioner for Petition # SP2002-22
2. That I conducted a neighborhood meeting on 1/21/22.
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.



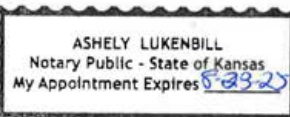
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of February, 2022

My commission expires 23rd of August, 2025



Notary Public



[illegible]

[illegible]

[illegible]

21

[illegible]

PROJECT HAUL ROUTE



WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022



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

January 18, 2022

RE: SP2022-002 Jeff Bawker with Highland Park Cemetery for grading at 3801R State Avenue, 4100 Ann Avenue, 4315 Ann Avenue and 949 North 41st Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2022-002 Jeff Bawker with Highland Park Cemetery for grading at 3801R State Avenue, 4100 Ann Avenue, 4315 Ann Avenue and 949 North 41st 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 five major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, Welda silt loam, 8 to 15 percent slopes, Knox silt loam, 7 to 12 percent slopes, Knox silt loam, 18 to 30 percent slopes and Made land. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- The amount of fill is a concern for this project. The time frame is also a concern. Two years is a long time to have a fill operation on going.
- The moving of the stream can cause major erosion of the fill material. The new channel needs to be stabilized so it does wash out.
- There is a large area of bare soil now which needs to be covered. Any fill that is left more than fifteen days needs to be stabilized with seed and mulch or on steeper areas with erosion control mat.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022, CONT.

- It is recommended that a sediment basin be installed at the lower end of the project in the drainage way. This will need to be designed to control the drainage area. If 25 percent of the capacity is lost, it will need to be cleaned out.
- The following Best Management Practices can be used to solve any erosion control problems that might come up.

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.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022, CONT.

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.

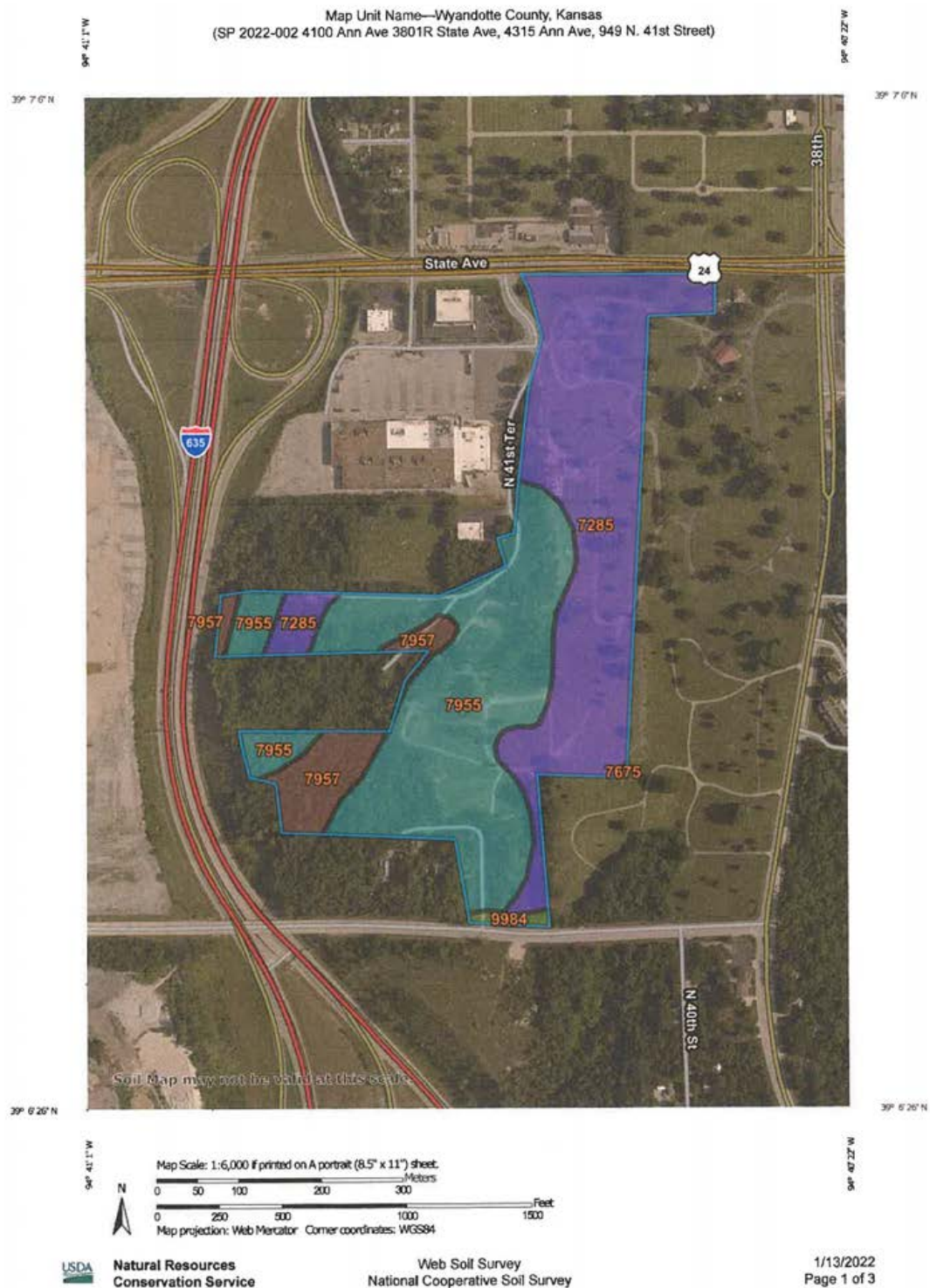
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED JANUARY 18, 2022, CONT.



STAFF SITE VISIT PHOTOGRAPHS, DATED JANUARY 20, 2022



STAFF SITE VISIT PHOTOGRAPHS, DATED JANUARY 20, 2022, CONT.



Pictured is four (4) images of apparent grading and heavy machinery on a parcel within the named subject property.

SITE PHOTOGRAPHS SUBMITTED BY THE APPLICANT





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: March 3, 2022

Re: Special Use Petition SP2022-005

GENERAL INFORMATION

Applicant:
Wil Anderson

Status of Applicant:
BHC
712 State Avenue
Kansas City, KS 66101

Requested Action:
Renewal of a Special Use Permit.

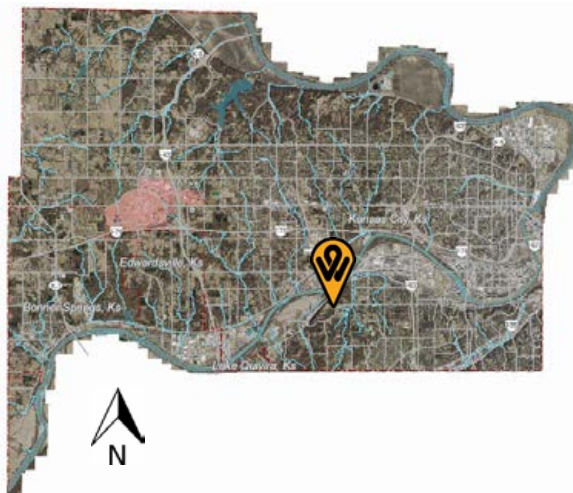
Date of Application:
January 3, 2022

Purpose:
To renew a Special Use Permit (expired 08/29/2021) to continue to use a temporary trailer as a security office.

Property Location:
8130 Kaw Drive

Commission Districts:
Commissioner At-Large District #2: Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning: MP-2 Planned General Industrial District



Adjacent Zoning:	North: MP-2 Planned General Industrial District South: MP-1 Planned Light Industrial District East: MP-2 Planned General Industrial District and R-1 Single-Family District West: AG Agricultural District
Adjacent Uses:	North: Industrial junk-yard South: Construction supply storage East: Single-Family Residence West: Vacant lot
Total Tract Size:	5.9 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as a Business Park. Business Park allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). Light industries are small-scale and non-polluting. Other uses may include business/research parks and medical facilities.
Major Street Plan:	The Major Street Plan designates Kaw Drive as a Class A Thoroughfare.
Parking Requirement:	Sec 27-469 (e) states uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers, and others who may be on the premises. In this case, four (4) spaces per 1,000 square feet of floor space is required, with one (1) space being designated to meet ADA requirements. The property currently has six (6) spaces with one (1) ADA space. Parking Required: Five (5) spaces. Parking Provided: Six (6) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owner – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson, representing Frank Perry of Transport Truck, is requesting to renew a Special Use Permit to continue to use a temporary trailer as a security office for their truck storage lot. The property has been approved for a Special Use Permit (SP-2017-31) in 2017, which was renewed in 2019 (SP-2019-94).

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no police calls for service or noise complaints on the property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violations on the property.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is comprised mostly of industrial businesses such as warehouses or storage facilities, though there is low-density residential to the north and west of the property.

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

The surrounding properties zoning and their uses are set out above. The proposed use is compatible with the surrounding zoning and uses, as there is a junkyard to the north and construction equipment storage directly to the south. There could be conflict with the residential and agricultural zoning to the north and west of the property if not managed and screened properly.

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

The removal of the restrictions will not detrimentally affect nearby properties if the conditions are adhered to. As noted above, the property directly north of the subject property are of similar uses to the subject property.

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

This property has been in use as tractor trailer storage by its current owner since 2008.

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

The City-Wide Master Plan does not address Special Use Permits. The Land use is Business Park and allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). This use is in conformance with the Master Plan with a Special Use Permit.

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

The proposed use should not result in an increase in traffic as this is an existing use. The vehicular traffic created by this existing use is not expected to result in the increase of traffic to the point where it would exceed the capacity of Kaw Drive, a Class A Thoroughfare.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, however, since this is an existing use and is compatible with the surrounding uses, the proposed use will not substantially or permanently injure the appropriate use, quality, or marketability of adjoining property.

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

Noise and illumination could potentially be an issue with this use, as trucks will be entering and exiting the property, however, it is not expected to be at a frequency or duration that it would cause problems for nearby properties. Light from the temporary trailer should be hooded and directed downward.

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

The proposed use will not pollute the air, land, or water if all of the conditions are adhered to, as it is located in an existing trailer and storage lot.

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 if all of the conditions are adhered as it is located in an existing, built-out industrial 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 relative gain to the public health, safety, and welfare as compared to the hardship on the landowner is minimal. If the application is denied, the applicant will need to find a new location to for temporary trailer office.

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

The proposed use will not result in the overcrowding of the land or population as long as the property is managed properly, and conditions are met and adhered to.

PREVIOUS ACTIONS

Preliminary Plat and Plan Review (08300-01490) for truck sales facility in 2008.
Approval of a Plan Review (17405-00023) for the security trailer in 2017.
Approval of a Special Use Permit (SP-2017-31) for two years, expired in 2019.
Approval of a Special Use Permit (SP-2019-94) for two years, expired in 2021.

NEIGHBORHOOD MEETING

The applicant, Wil Anderson, held a neighborhood comment period from January 18, 2022 – January 31, 2022 via email.

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
Usage of trailer
Waste receptacle location
Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-005**, subject to:

- 1) The trash receptacle and porta-potty must be moved to the north side of the trailer out of the public view. The new placement however should not replace any existing parking spaces;
- 2) The owner shall plant new landscaping along the south edge of the property to replace the currently dying landscaping;
- 3) The owner shall extend the new landscaping to fill in a hole in the landscape on the southwestern corner of the property where there is no landscaping currently;
- 4) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 5) 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;
- 6) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 7) 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;
- 8) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 9) 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;
- 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; and,
- 11) 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.

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 **SP2022-005** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Statement from Applicant, Detailing Current and Feature Plans – Dated January 3, 2022
Response to Draft Report – Dated February 1, 2022
Neighborhood Meeting Minutes, Sign-In, and Affidavit – Dated February 2, 2022
Site Plan
Site Photographs, Taken by Applicant – Dated January 3, 2022
Site Photographs, Taken by Staff – Dated January 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-005** 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 **SP2022-005**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:38:07:

SPECIAL USE PERMIT APPLICATION SP2022-005 – WIL ANDERSON WITH BHC RHODES - SYNOPSIS: Renewal of a Special Use Permit (SP-2019-94 – expired 8/27/2021) for the Temporary Use of Land for an office trailer at 8130 Kaw Drive.

Detailed Outline of Requested Action: The applicant, Wil Anderson, representing Frank Perry of Transport Truck, is requesting to renew a Special Use Permit to continue to use a temporary trailer as a security office for their truck storage lot. The property has been approved for a Special Use Permit (SP-2017-31) in 2017, which was renewed in 2019 (SP-2019-94).

City Ordinance Requirements: 27-592 through 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 February 14, 2022;
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 Notice in the Wyandotte Echo; and,
7. The notices to the 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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:41:04: Planning Director Hand stated that this request is for the renewal of a Special Use Permit for the Temporary Use of Land for a trailer as a security office. He further stated that when he joined the Unified Government two (2) years ago and reviewed the ordinance, it was clear that a Temporary Use of Land Special Use Permit could only be approved once for a maximum of two (2) years. It is intended to be used as a bridge for the applicant to find a permanent solution during those two (2) years. The request tonight would be the second renewal of this permit. He further stated that staff agreed that they would honor any existing Temporary Use of Land Special Use Permit in perpetuity while still encouraging a permanent solution. That interpretation is effectively being phased out. Staff has received no letters in support nor opposition. There are no Notices of Violation. He stated that the Special Use Permit is only for the security trailer that is on the property for the business. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at 2:44:45:

On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-005 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 6 to 0

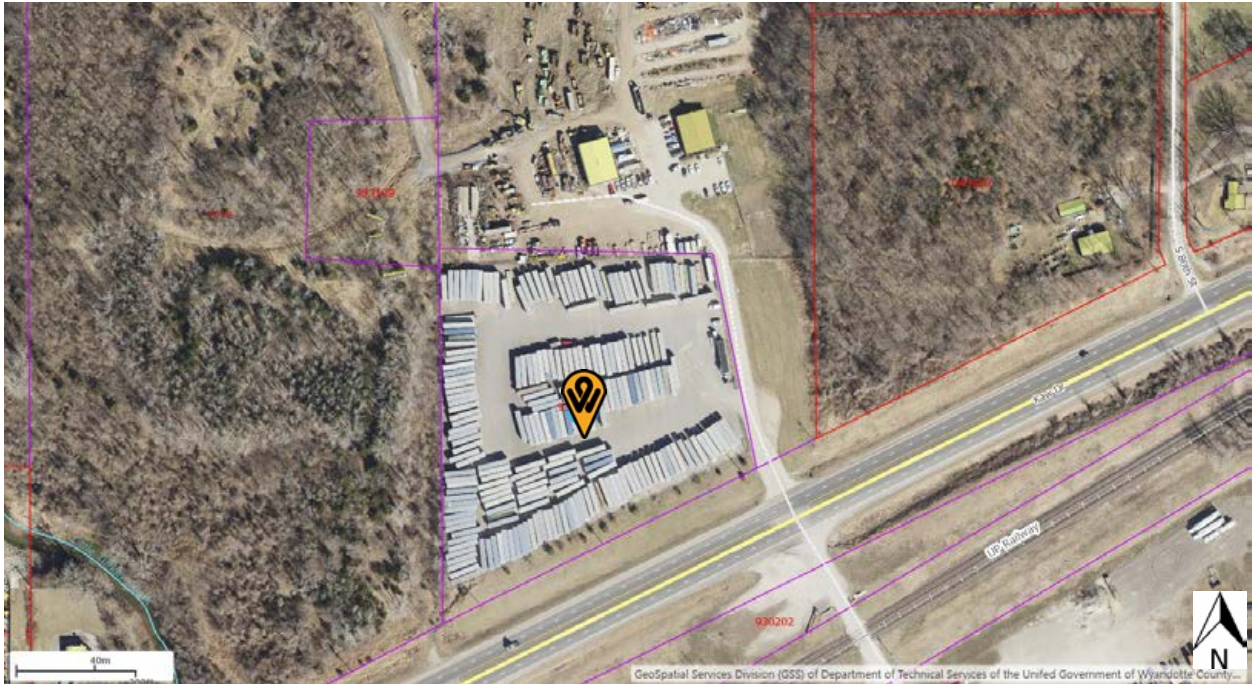
Subject to:

- 1) The trash receptacle and porta-potty must be moved to the north side of the trailer out of the public view. The new placement however should not replace any existing parking spaces;**
- 2) The owner shall plant new landscaping along the south edge of the property to replace the currently dying landscaping;**
- 3) The owner shall extend the new landscaping to fill in a hole in the landscape on the southwestern corner of the property where there is no landscaping currently;**

- 4) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 5) 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;
- 6) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 7) 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;
- 8) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 9) 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;
- 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; and,
- 11) 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.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP





Photos for SUP Renewal Application
January 3, 2022



Entry to Site looking North



Entry off Kaw Drive





Frontage along Kaw Drive



Frontage along Kaw Drive

913.371.5300

ibhc.com

712 State Avenue
Kansas City, KS 66101

BHC is a Trademark of Brungard Honnisch & Company, P.A.



Site with Security Trailer looking North



East side of Site looking West



Southeast corner of site looking Northerly



Responses to Draft Staff Comments re SP2022-005

Item 1. There are no proposed Changes to the Trailer on Site.

Item 2 / 3. The Trailer is on its own septic Tank system.

Understood there is a Porta Potty on site.

Porta Potty and Trash receptacle will be shifted to a less conspicuous position.

Item 4. See the attached.

Item 5. There are no additional plans for Landscaping on the site. We will establish some new trees where there has been die out.

Item 6. The owner continues to keep on eye property development and as soon as there is a development opportunity he will take it.

Item 7. It is intended for the Trailer to remain on the property. The site itself is well kept and tidy

Item 8. The request is to continue to allow the Special Use Permit to continue.

Wil Anderson, PS

Vice President,

Survey Group Director

Licensed in: KS.

BHC | Civil Engineering | Surveying | Utilities

712 State Avenue

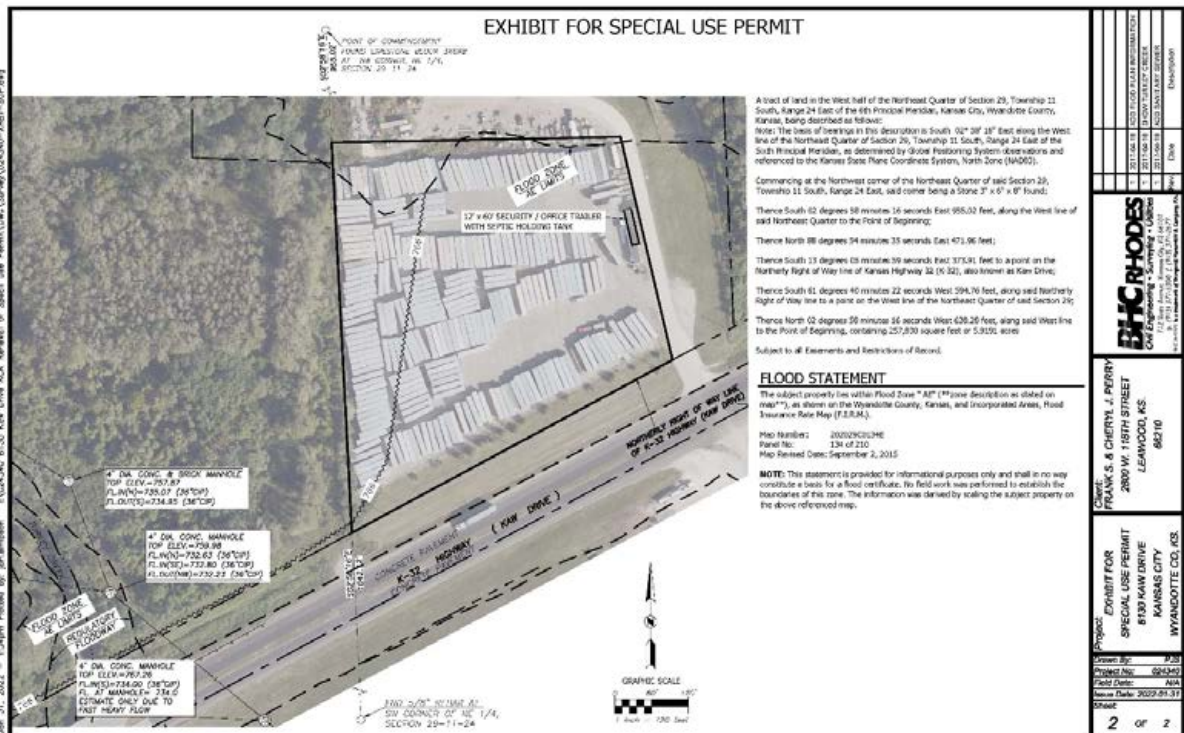
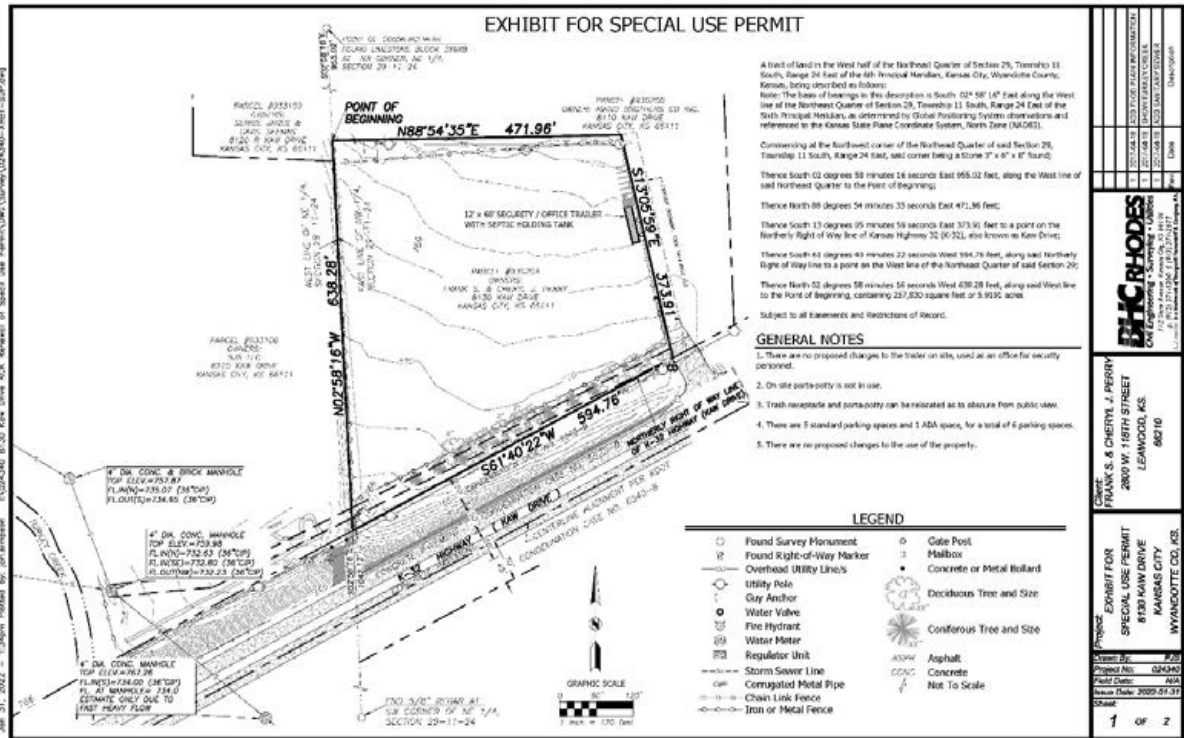
Kansas City, KS 66101

c. (913) 904 4743

o. (913) 371-5300



SITE PLAN



NEIGHBORHOOD MEETING MINUTES, SIGN-IN, AND AFFIDAVIT – DATED FEBRUARY 2, 2022



February 2, 2022

Neighborhood Meeting for Application SP2022-005 – Renewal of Special Use Permit for 8130 Kaw Drive.

Letters including exhibit were sent to each of the Contacts Names and Addresses provided.

Advice was given that there was to be no face-to-face Neighborhood Meeting but the Applicant would respond to any emails or phone calls regarding the application.

No emails or phones calls were received.

Wil Anderson, PS
Vice President,
Survey Group Director
Licensed in: KS.

A handwritten signature in blue ink, appearing to read 'W. Anderson', followed by a date '2/2'.

BHC | Civil Engineering | Surveying | Utilities
712 State Avenue
Kansas City, KS 66101
c. (913) 904 4743
o. (913) 371-5300

BHC
Connect Online
#NoProblemPlace





Contacts Names and Addresses

for Petition: SP2022-005

/

8130 KAW DR, KANSAS CITY, KS 66111

The proposed changes are as follows:

SYNOPSIS: Renewal of a Special Use Permit (SP-2019-94 – expired 8/27/2021) for the Temporary Use of Land for an office trailer at 8130 Kaw Drive.

Contacts

Other Interested Party

COMMISSIONER ANGELA MARKLEY
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

Other Interested Party

COMMISSIONER TOM BURROUGHS
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

Petitioner

WIL ANDERSON / BHIC
712 STATE AVE
KANSAS CITY, KS 66101

Within 200 Feet of Property(B)

AMINO BROTHERS CO INC
PO BOX 11277
KANSAS CITY, KS 66111

Within 200 Feet of Property(B)

COLLIER, ROBERT E III
1725 SOUTHWEST BLVD
KANSAS CITY, KS 66103

Within 200 Feet of Property(B)

JANES, DENISE
8110 KAW DR
KANSAS CITY, KS 66111

Within 200 Feet of Property(B)

KAW VALLEY DEVELOPMENT INC
PO BOX 2304
KANSAS CITY, KS 66110

Within 200 Feet of Property(B)

PERRY, CHERYL J
2800 W 118TH ST
LEAWOOD, KS 66210

Within 200 Feet of Property(B)

PERRY, FRANK S
2800 W 118TH ST
LEAWOOD, KS 66210

Within 200 Feet of Property(B)

SEEMAN, DAVID
8110 KAW DR
KANSAS CITY, KS 66111

Within 200 Feet of Property(B)

SJS LLC
PO BOX 11277
KANSAS CITY, KS 66111

Number of contacts: 11

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) SS:

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

1. That I am the petitioner for Petition # SP 2022-005
2. That I conducted a neighborhood meeting on BY EMAIL.
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.

W.A. Angerson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of February, 2022

My commission expires 10th of July, 2024

JONATHAN D. SIMPSON
Notary Public - State of Kansas
My Appt. Expires 7-10-2024

Jonathan D Simpson
Notary Public

SITE PHOTOS, PROVIDED BY STAFF – DATED JANUARY 14, 2022



SITE PHOTOS, PROVIDED BY STAFF – DATED JANUARY 14, 2022 CONT.



SITE PHOTOS, PROVIDED BY STAFF – DATED JANUARY 14, 2022 CONT.







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: March 3, 2022

Re: Special Use Petition SP2022-006

GENERAL INFORMATION

Applicant:

Christi Eaton and Kim Maples

Status of Applicant:

Owners

Little Leaders of KCK, Inc
26121 West Valley Parkway
Olathe, Kansas 66061

Requested Action:

Renewal of a Special Use Permit.

Date of Application:

January 3, 2022

Purpose:

To renew a Special Use Permit (expired 08/29/2021) to continue to operate a child education center in a building on the campus of Kansas City, Kansas Community College (KCKCC).

Property Location:

7250 State Avenue



Commission Districts:

Commissioner At-Large District #1: Melissa Bynum
District #8 Commissioner: Andrew Davis

Existing Zoning:

R-1 Single-Family District

Adjacent Zoning:	North: R-1 Single-Family District (off-campus) and RP-5 Planned Apartment District South: CP-1 Planned Limited Business District (off-campus), CP-2 Planned General Business District (off-campus, and CP-3 Planned Commercial District (off-campus) East: CP-1 Planned Limited Business District and R-1 Single-Family District (off-campus) West: RP-5 Planned Apartment District and R-1 Single-Family District (off-campus)
Adjacent Uses:	North: Single-Family Residence and Apartment Complex South: Self-Storage and Light Retail East: Vacant Lots and Commercial Retail West: Apartment Complexes, Light Retail, and Single-Family Residences.
Total Tract Size:	120.74 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property Public/Semi-Public. Public/Semi-Public areas include publicly owned or non-profit property. When these uses are sold, the City should carefully consider alternative uses for redevelopment.
Major Street Plan:	The Major Street Plan designates State Avenue and College Parkway as Class A Thoroughfares.
Parking Requirement:	The R-1 Single-Family District requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. This use however, as it is not a residential use, requires four (4) spaces per 1,000 square feet of building space. The building is 5,150 square feet approximately and would require 21 spaces with one (1) ADA compliant space. The building uses a shared parking lot with another campus building, which provides an abundance of parking for the daycare.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owner – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Kim Maples and Christi Eaton, are requesting a renewal of a Special Use Permit (SP-2019-90) to operate a child educational center in a building on the campus of Kansas City, Kansas Community College (KCKCC).

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. While the property itself has had several police calls for service, it is unknown whether any of the calls for service were for the Little Leaders Daycare, or the KCKCC campus.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violations on this property.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related building permits or cases on this property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The childcare center will be located on the KCKCC campus. Surrounding the campus is a mix of single- and multi-family residential, with a mix of various commercial uses along State Avenue.

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

The zoning and uses of property are set out above. The childcare center is located within the KCKCC campus. A childcare center is compatible with an educational institution, especially a community college that provides education that fit the needs of the students and their families.

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. The building that the applicants will be using on the KCKCC campus is permanently designated as the childcare center. The building had undergone renovations in 2019 to make the property more suitable for a childcare facility.

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

The property has been utilized as a childcare facility since the initial Special Use Permit was granted in 2019. Prior to that, the site was used for other KCKCC purposes.

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

The City-Wide Master Plan does not address Special Use Permits. As a for-profit business, Little Leaders of KCK does not fully conform with the intended non-profit uses of Public/Semi-Public land. Having a childcare center on campus available to students and professors at KCKCC, however, does support higher education, which is an allowed use. Moreover, the childcare center itself is a form of child nurturing and education, which is in the spirit of the allowed uses.

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

The proposed use should not result in an increase in traffic as this is an existing use. The vehicular traffic created by this existing use is not expected to result in the increase of traffic to the point where it would exceed the capacity of State Avenue or College Boulevard, both of which are Class A thoroughfares. As it has been stated, this use is on the campus of KCKCC, and is expected to be utilized primarily by students, professors, and faculty of KCKCC. Traffic within the KCKCC campus, particularly around the daycare facility could become an issue if not managed properly.

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

The proposed use would be a great benefit for the convenience and welfare of the public. An active childcare center on campus would be a great asset for the KCKCC community, as well as others in the community. The land use of the campus is consistent with and supportive of the addition of a childcare center.

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 a typical issue with this type of use. The only noise expected is the normal outdoor noises that children make when playing outside. The childcare

center is far enough away from other buildings, especially academic buildings, that the noise from children playing would likely go unnoticed.

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 building, on a built-out college campus.

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 commercial 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 significant. A denial of this application would create a hardship on students, faculty, and professors at KCKCC, as they would lose an on-site childcare facility, as well as force the business owners to find a new location for this childcare facility.

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

The childcare center has previously been used as a daycare, and it is expected that most clients would be parents who are already attending classes, teaching, or working at KCKCC. No overcrowding of land will occur in parking is managed properly and no undue concentrations of people will occur as long as occupancy limits are adhered to.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP-2019-90) for two (2) years. Expired 08/29/2021.

NEIGHBORHOOD MEETING

The applicant, Kim Maples, held a neighborhood comment period from January 19, 2022 – January 31, 2022 via email and phone.

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

Noise
Parking
Licensed Caretakers
Landscaping
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-006** for five (5) years, subject to:

- 1) 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;
- 2) The applicant shall plant two (2) trees, two (2) hedges, or four (4) foot tall shrubs along within five (5) feet of the fence that borders the playground along the north, east, and south sides of the fence line to provide additional screening for noise and mitigate the effects of the urban heat island affect, due to the prevalence of concrete surrounding the playground to the west;
- 3) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 4) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 5) 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.
- 6) 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;

- 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) 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 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.

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 **SP2022-006** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Statement from Applicant, Detailing Current and Feature Plans – Dated January 3, 2022
Applicant Response to Draft Report – Dated January 24, 2022
Neighborhood Meeting Letter, Minutes, and Affidavit – Dated February 2, 2022
Site Plan
Site Photographs, Taken by Applicant – Dated January 28, 2022
Site Photographs, Taken by Staff – Dated January 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-006** 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 **SP2022-006**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:44:33:

SPECIAL USE PERMIT APPLICATION SP2022-006 – CHRISTI EATON AND KIM MAPLES - SYNOPSIS: Renewal of a Special Use Permit (SP-2019-90 – expired 8/27/2021) for a child care facility on the KCKCC campus at 7250 State Avenue.

Detailed Outline of Requested Action: The applicants, Kim Maples and Christi Eaton, are requesting a renewal of a Special Use Permit (SP-2019-90) to operate a child educational center in a building on the campus of Kansas City, Kansas Community College (KCKCC).

City Ordinance Requirements: 27-592 through 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 February 14, 2022;
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 the 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:

- Kim Maples, applicant

Present in Opposition:

- No one appeared

Planning Commissioner Ernst stated if they receive approval of this renewal for five (5) years, will they renew the petition in a timely manner. Ms. Maples stated yes, they did not realize they had to renew the permit in two (2) years and when they were notified, they immediately filed the application.

Staff Recommendation starts at 2:48:20: Planning Director Hand stated that this is the first renewal of this Special Use Permit. The permit is in the Mid-Town Area on the site of the Kansas City, Kansas Community College. Staff has received no letters in support nor opposition. There are no Notices of Violation related to this use. Staff has requested landscaping be added around the play area to provide shade. Staff has also requested that the trash dumpsters be enclosed. Staff recommends approval for two (2) years subject to the conditions in the staff report. He further stated that the request is eligible for five (5) years if so moved by the Planning Commission.

Motion and Vote starts at 2:50:21:

On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-006 for five (5) years:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1) 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;
- 2) The applicant shall plant two (2) trees, two (2) hedges, or four (4) foot tall shrubs along within five (5) feet of the fence that borders the playground along the north, east, and south sides of the fence line to provide additional screening for noise and mitigate the effects of the urban heat island affect, due to the prevalence of concrete surrounding the playground to the west;
- 3) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 4) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 5) 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.
- 6) 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;
- 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) 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,

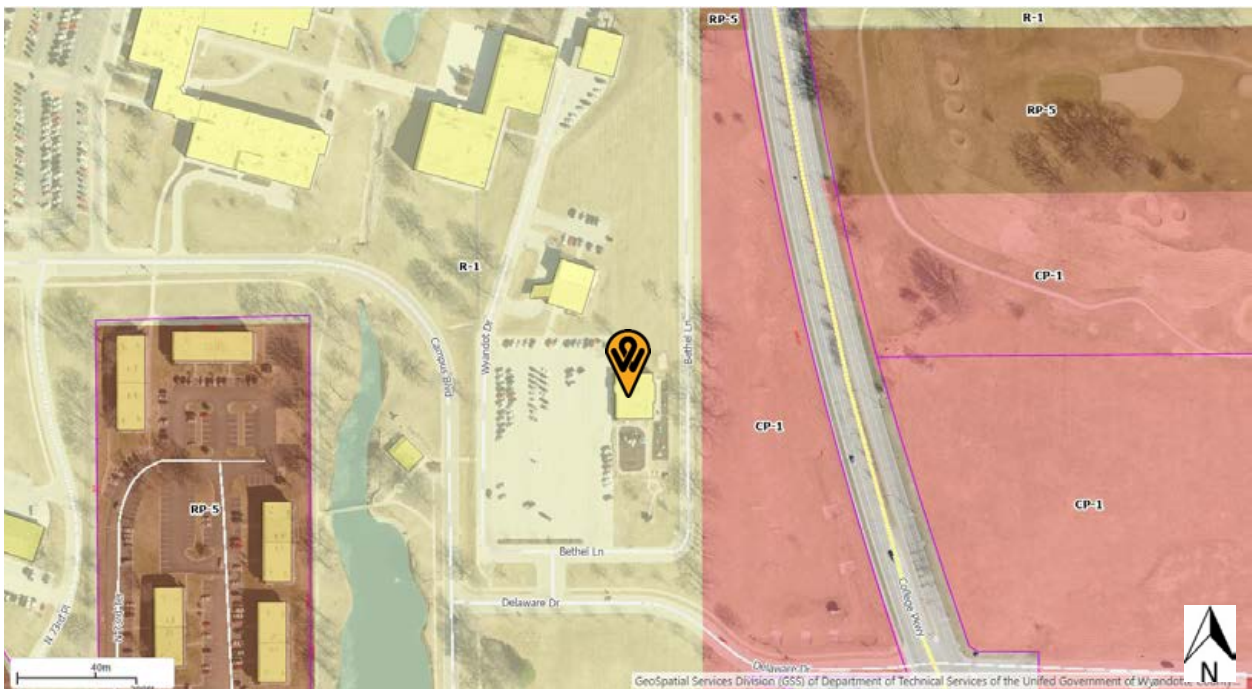
- 9) **The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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.**

ATTACHMENTS

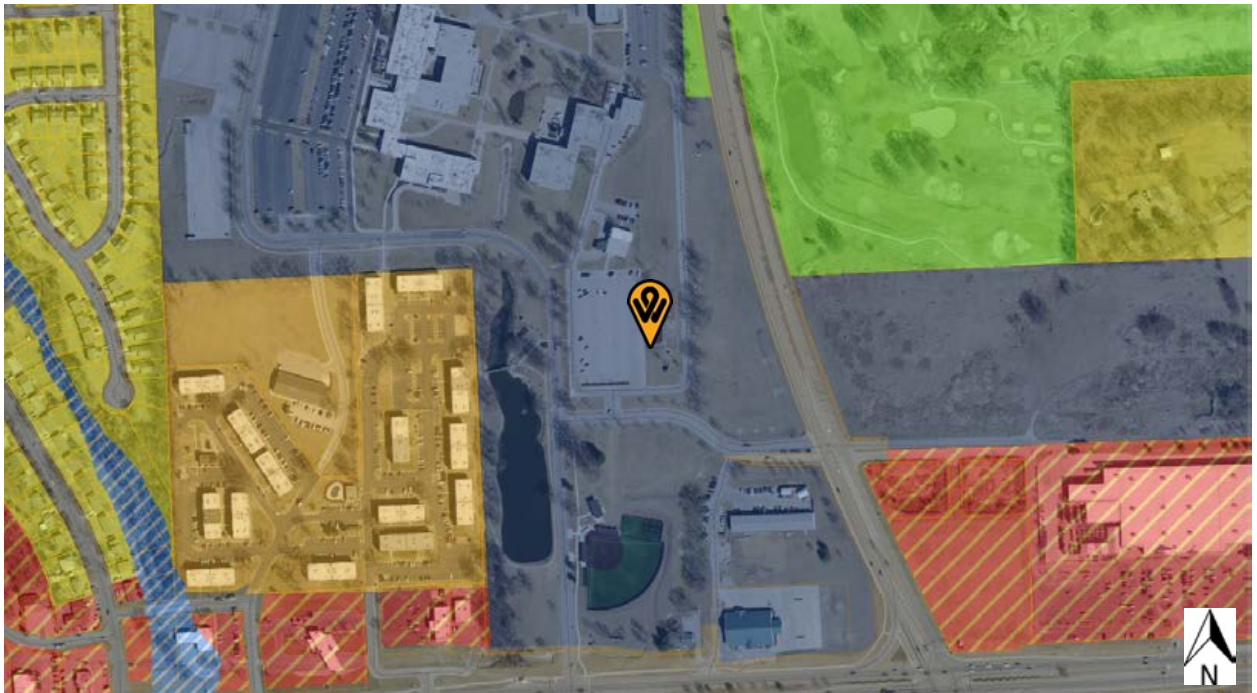
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



Little Leaders of KCK

Learning, Caring, Growing

To Whom It May Concern:

This letter is a request to renew our current Special Usage Permit (SP-2019-90). This letter will detail our current operation, our future plans, and share that to our knowledge there have been no neighborhood complaints or calls for service.

Current Operation:

Little Leaders is independently owned and operated by Christi Eaton and Kim Maples who have been working in Early Childhood Education since 2006 with the vision to help every child in their care not just be *ready* for kindergarten, but *ready to shine*. This vision has developed into a program that emphasizes literacy development and mathematic foundations while remembering that children learn best through fun and engaging activities. At every stage of development, from toddlers to pre-K, our teachers are dedicated to making sure each little leader is *Ready for Tomorrow™*.

Christi Eaton serves as our Executive Director and has been in the education profession for 23 years. She has worked with preschool children and school-age children through fifth grade. Christi graduated from the University of Missouri in 1998 with a dual degree in Elementary Education and Early Childhood Education. She also holds a Master's Degree in Teaching and Leadership as well as a Reading Specialist Certification. In addition, Christi received her National Board Certification in 2006. Christi is also a Professional Development Specialist. This allows her to positively influence the next generation of Early Childhood educators as they work to obtain their CDA.

Kim Maples serves as our Executive Operating Director and has been in education for 27 years. In that time, she has had the opportunity to teach preschool through fifth grade. She graduated from the University of Kansas in 1993 with a degree in elementary education and completed the teacher certification program in 1994. Kim has a Master's Degree in Curriculum and Instruction and received her Reading Specialist Certification from KU in 2000. Kim is also currently completing coursework to obtain an additional degree in Early Childhood Education.

Christi and Kim were Reading Specialists together at Starside Elementary in De Soto, Kansas and enjoyed helping students who were struggling to improve as readers. Through this experience, they learned what early skills children need before beginning kindergarten. They love teaching preschool and especially enjoy providing on-going training for their staff to ensure they are always guiding children through developmentally appropriate experiences that will prepare them for a successful start in elementary school.

Our Director, Mesha Klotz, is dedicated to the children, staff, and parents at Little Leaders. She holds a degree in Elementary Education from Kansas State University and has worked with children in early childhood for over 14 years. She has been a lead teacher, Assistant Director, and now Director. She has experience in all areas of our program and is committed to ensuring uncompromising quality in the care and education of every little leader.

Little Leaders' Operating Information and Program Descriptions

Little Leaders is currently licensed to provide care for 80 children at one time. Child care will be available Monday through Friday from 7:00 a.m. to 6:00 p.m. Our program is built on a full day model with half of the day focused on early academics and half of the day focused on arts/crafts, science/social studies and music/movement. Enrolling children all day ensures our students benefit from the full program. Five programs are offered at Little Leaders to ensure that all children are engaged in activities that are developmentally appropriate and specifically designed for them. Our "waddler" program is for children ages 12 months to 2 years and our toddler program is for children 2 to 3-years-old. Our transitional preschool program is for children 2 ½ to 3 ½ years. For our older children, we have two programs. Our preschool program is for 3 and 4-year-olds and our pre-K program is for 4 and 5-year-olds who will be going to kindergarten the following year. With these programs, we can find the perfect placement for every little leader. We offer a year-round program and operate an academic school year from August to the end of May and a summer session from June to August. These two sessions allow us to transition children to new classrooms in June and August as our older children graduate and go to kindergarten.

Future Plans:

Little Leaders of KCK intends to maintain the current operations as described above to continue to meet the need of providing high-quality child care in this area.

Neighborhood Complaints:

To our knowledge there have been no neighborhood complaints or calls for service.

If any additional information is needed for this request to renew Special Usage Permit SP-2019-90, please feel free to contact Kim Maples at 785-766-3464 or kim@littleleaderskck.com.

Sincerely,

Kim Maples
Executive Operating Director
Little Leaders of KCK

Little Leaders of KCK

Learning, Caring, Growing

January 19, 2022

SUBJECT: Neighborhood Meeting Notice

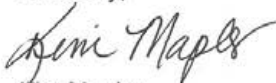
We have filed an application with the Urban Planning and Land Use Department to renew Special Use Permit #SP-2019-90, to allow us the continued operation of Little Leaders of KCK, a Child Care Facility on the KCKCC Campus at 7250 State Avenue, Kansas City, KS 66112 under Special Use Permit #SP2022-006.

We are having a neighborhood meeting with the purpose of answering any questions and/or concerns you may have. Out of an abundance of caution due to COVID-19, this neighborhood meeting will be conducted through email and/or by phone, as allowed by the Urban Planning and Land Use Department.

If you have questions and/or concerns to share as part of the neighborhood meeting, please email info@littleleaderskck.com or call Kim 785-766-3464 before 6:00 p.m. on January 31, 2022.

We look forward to hearing from you for this neighborhood meeting.

Sincerely,



Kim Maples
Executive Operating Director
Little Leaders of KCK
7250 State Avenue
Kansas City, KS 66112
785-766-3464

Little Leaders of KCK

Learning, Caring, Growing

Neighborhood Meeting

Date: January 31, 2022

Location: email/phone

Topic: Special Use Permit #SP2022-006

Attendees:

Kim Maples

Christi Eaton

Comments/Questions:

None

Supporting Documents:

Little Leaders of KCK Neighborhood Meeting Notice Letter

Signed Neighborhood Meeting Affidavit

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2022-006.
2. That I conducted a neighborhood meeting on January 31, 2022.
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.

Kim Maples
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

Little Leaders of KCK

Learning, Caring, Growing

Thank you for providing SP2022-006 Draft Staff Report. We will submit minutes from the neighborhood meeting as required. In addition, below are answers to the questions presented in the report. Please notify us if additional information was needed and not provided.

Planning and Urban Design Comments:

1. Please submit a site plan that demonstrates the following a. Parking area for pick-up and drop-off, employee parking, visitor parking, ADA parking. b. Landscaping on and around the daycare facility, including trees, shrubs, etc.; and, c. Location of the trash enclosure or on-site waste receptacles. (These photos appear to be provided in the draft staff report.)

2. How many children are expected to attend the daycare? Little Leaders of KCK is licensed for 80 children. No more than 80 children will attend any time. What is the age? Little Leaders of KCK is licensed for children 12 months through school age. Children attending Little Leaders of KCK are under nine years old.

3. How many trained and licensed staff will be working during business hours? Little Leaders of KCK employs 17 staff members and all staff meet health department training requirements.

4. What are the hours and days of operation? Little Leaders of KCK is open 7:00 a.m. – 6:00 p.m.

5. If approved, the following previous conditions of approval remain;

a. Applicant must be licensed by the State of Kansas and approved by the SP2022-006 February 14, 2022 7 Wyandotte County Health Department. Little Leaders of KCK holds and will maintain current license #78618.

b. Parking must be in designated areas to minimize potential traffic issues. There are designated parking spaces for Little Leaders of KCK.

6. Does the applicant plan to do any additional landscaping on or around the site? Additional landscaping is not planned. In the spring and fall, the children will plant flower and vegetable gardens during their "Growing Time" with the help and guidance of our Events and Compliance Director. These gardens will be planted in designated garden beds on the fenced-in playground.

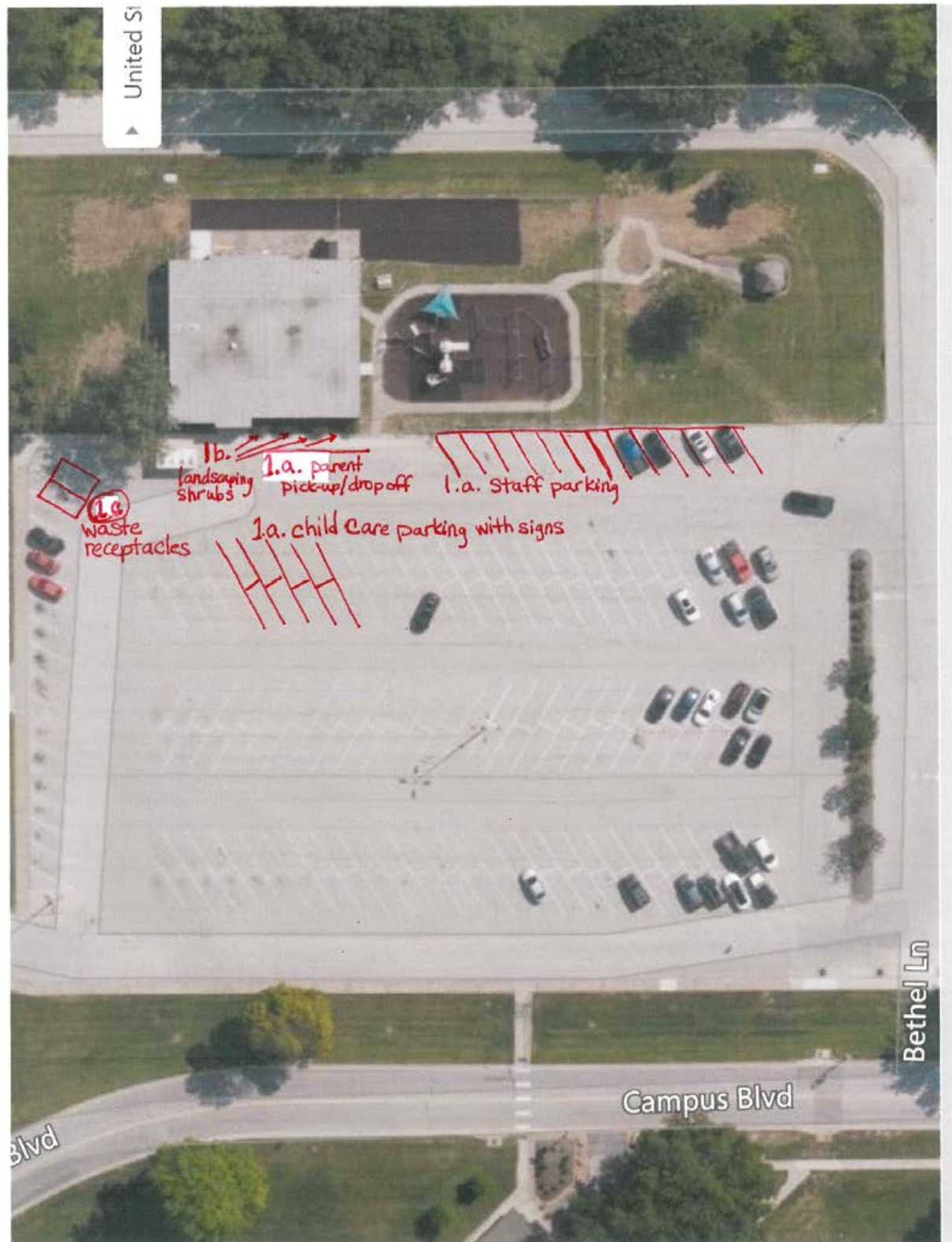
If appropriate at this time, we would like to respectfully request a five-year approval for our Special Use Permit.

Please contact kim@littleleaderskck.com if additional information is needed.

Sincerely,

Kim Maples
Executive Operating Director
785-766-3464

SITE PLAN



SITE PHOTOS, PROVIDED BY APPLICANT (WITH STAFF PHOTOS) – DATED JANUARY 28, 2022

1a. Parking area for pick-up and drop-off, employee parking, visitor parking, ADA parking (sign in front of building). Please see labeled site map attachment for details.



SITE PHOTOS, PROVIDED BY STAFF – DATED JANUARY 14, 2022



SITE PHOTOS, PROVIDED BY STAFF – DATED JANUARY 14, 2022 CONT.



SITE PHOTOS, PROVIDED BY STAFF – DATED JANUARY 14, 2022 CONT.



SITE PHOTOS, PROVIDED BY STAFF – DATED JANUARY 14, 2022 CONT.





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: March 3, 2022

Re: Special Use Petition SP2022-008

GENERAL INFORMATION

Applicant:
Dan Spencer

Status of Applicant:
Representative
CZ-USA
3341 North 7th Street Trafficway
Kansas City, Kansas 66115

Requested Action:
Renewal of a Special Use Permit.

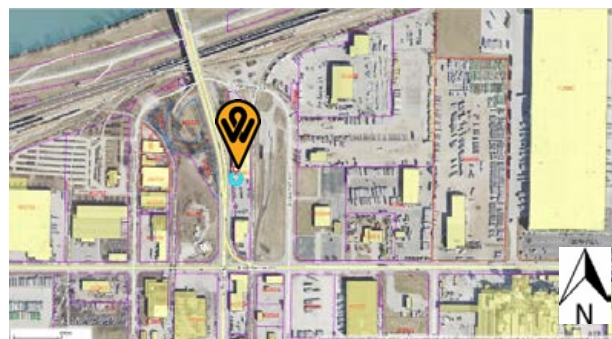
Date of Application:
January 3, 2022

Purpose:
To renew a Special Use Permit (expired 09/26/2021) to continue to operate a private indoor firearm shooting range.

Property Location:
3327 North 7th Street Trafficway

Commission Districts:
Commissioner At-Large District #1: Melissa Bynum
District #1 Commissioner: Gayle Townsend

Existing Zoning: M-3 Heavy Industrial District



Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Union Pacific Railway South: Industrial Warehouse East: Industrial Warehouse West: Industrial Warehouse
Total Tract Size:	3.14 Acres
Master Plan Designation:	The Northeast Area Master Plan designates this property as Industrial. Industrial use allows for such uses as manufacturing and shipping and should generally, be located apart from residential neighborhoods. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails. Industrial uses should have an attractive campus to attract and retain talent.
Major Street Plan:	The Major Street Plan designates 7 th Street Trafficway as a Class A Thoroughfare.
Parking Requirement:	Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. In no case, however, shall less than one space for each 500 square feet of building 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. Parking Requirement: 26 spaces Parking Provided: 37 spaces
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owner – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Dan Spencer, is requesting to renew a Special Use Permit (SP-2019-95) to continue to operate an indoor, private firearm shooting range at 3341 North 7th Street Trafficway. The shooting range has been in operation since 2017 and there is no stated intent to change the current operation. The property was approved for a Special Use Permit in 2017 (SP-2017-53), which was renewed in 2019 (SP-2019-95).

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been seven (7) police calls for service since the property has been granted a Special Use Permit; Below is listed the most recent calls for service, most of which consist of theft and criminal damage.
2. 2021 – 2021-079824 – Theft of Property or Services
3. 2021 – 2021-028717 – Theft or Property or Services and Criminal Damage
4. 2021 – 2021-008525 – Theft
5. 2020 – 2021-126927 – Theft and Assault
6. 2019 – 2019-141044 - Theft

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violation on the property.

Outstanding or Related Permits and Cases:

1. The property has undergone work to add an ADA ramp to the property and complete interior renovations.
2. 2021- DRC21-0054 – Attached Addition / Enlarge Footprint
3. 2021 – COM21-0173 – Interior Remodel / Misc. Improvements

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The Fairfax neighborhood is a heavy industrial district, with no surrounding residences and limited commercial businesses.

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 majority of the nearby uses are industrial or manufacturing in nature. If this operation adheres to the conditions and is managed and secured properly, this use is expected to be compatible with surrounding 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 removal of restrictions will not detrimentally affect nearby properties if stipulations are adhered to. The surrounding properties are used for industrial warehouses with no residential or commercial uses surrounding the property. An indoor private shooting range is only allowed with a Special Use Permit, and a built-out industrial warehouse district is the most reasonable choice for a use such as a firing range.

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

The property has been in operation as a private indoor shooting range since its initial Special Use Permit approval in 2017.

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

The Northeast Area Master Plan, nor the City-Wide Master Plan address Special Use Permits, or firing ranges. The Northeast Area Master Plan designates this property as Industrial, which allows for uses such as manufacturing and shipping and should generally, be located apart from residential neighborhoods. The proposed use is in conformance with the master plan with a Special Use Permit.

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

The proposed use should not result in an increase in traffic as this is an existing business. The vehicular traffic created by this existing use is not expected to result in the increase of traffic to the point where it would exceed the capacity of 7th Street Trafficway, a Class A Thoroughfare.

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. It should not have an effect on nearby properties so long as the operation is conducted in a safe and secure manner.

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 expected from a firing range. The surrounding area is industrial in nature. Noise from this range should not be an issue as it is operated entirely indoors, and assuming the hours of operation are typical business hours.

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

The proposed use will not pollute the air, land or water as this is an existing building, and so long as all lead casings are properly disposed of, and air is properly filtered.

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 industrial 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 relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal. Assuming proper security measures are in place, this operation should not cause a public safety threat.

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

The proposed used should not result in the overcrowding of land or undue concentrations of population, so long as occupancy requirements are met, and all conditions are adhered to.

PREVIOUS ACTIONS

Approval of a Special Use Permit for two (2) years in 2017.

Approval of a Special Use Permit (SP-2019-95) for two (2) years in 2019.

NEIGHBORHOOD MEETING

The applicant, Dan Spencer, sent out a letter to nearby property owners on January 17, 2022, detailing the scope of the petitions with opportunity for public comment.

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

Noise

Security

Hours of Operation

Site Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit **SP2022-006 for five (5) years**, subject to:

- 1) The business shall install screening for the parking and waste receptacle along the northwestern and southwestern edge of the property in the form of shrubs or trees as required by the Northeast Master Plan.
- 2) 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;
- 3) 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.
- 4) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 5) 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;
- 6) 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;
 - 7) 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,
 - 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 **SP2022-008** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Parking and Site Plan
Landscape Plan
Applicant Response to Draft Report – Dated January 24, 2022
Neighborhood Meeting Minutes, Affidavit, and Sign-In – Dated January 31, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-008** 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 **SP2022-008**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:51:53:

SPECIAL USE PERMIT APPLICATION SP2022-008 – DAN SPENCER WITH CZ-USA
- **SYNOPSIS:** Renewal of a Special Use Permit (SP-2019-95 – expired 9/26/2021) for a shooting range at 3327 North 7th Street Trafficway.

Detailed Outline of Requested Action: The applicant, Dan Spencer, is requesting to renew a Special Use Permit (SP-2019-95) to continue to operate an indoor, private firearm shooting range at 3341 North 7th Street Trafficway. The shooting range has been in operation since 2017 and there is no stated intent to change the current

operation. The property was approved for a Special Use Permit in 2017 (SP-2017-53), which was renewed in 2019 (SP-2019-95).

City Ordinance Requirements: 27-592 through 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 February 14, 2022;
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 the 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:

- Dan Spencer, General Counsel/Applicant, CZ-USA, 3327 and 3341 North 7th Street Trafficway, Kansas City, Kansas 66115

Planning Commissioner Ernst asked the applicant about the high number of calls for service to this property. Mr. Spencer stated he believes the theft items on the list are due to the documents they have to file with law enforcement whenever one (1) of their firearms does not reach its location. It is a requirement of the ATF; most of the thefts occurred outside Kansas City, Kansas. The damage was when some cars were broken into that were left on the property overnight. He does not know about the assault issue; if it was on company time, he would have been aware of it.

Planning Commissioner Jones asked why they are late in renewing their Special Use Permit. Mr. Spencer stated that he does not have a good reason except that he did not have it on the calendar.

Director Hand stated that staff had conditions of approval pertaining to the security. There was an application returned to the Planning Commission for approval of a lesser timeframe and for the police to review the security plan and he is sure that he will receive the same questions on this application. He asked the applicant if there are security cameras on the property. Mr. Spencer stated yes, there are 36 cameras and 10 of the cameras are pointed towards the parking lot. The Planning Commission suggested that the list of calls for service be clarified in the staff report.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:02: Planning Director Hand stated that this Special Use Permit is for the continuation of a private indoor firearms shooting range. This

would be the second renewal of this use. This property is located in the Northeast Area Master Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval for five (5) years subject to the conditions in the staff report.

Motion and Vote starts at 3:00:58:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-008 for five (5) years:**

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

Motion to recommend APPROVAL Passed: 6 to 0

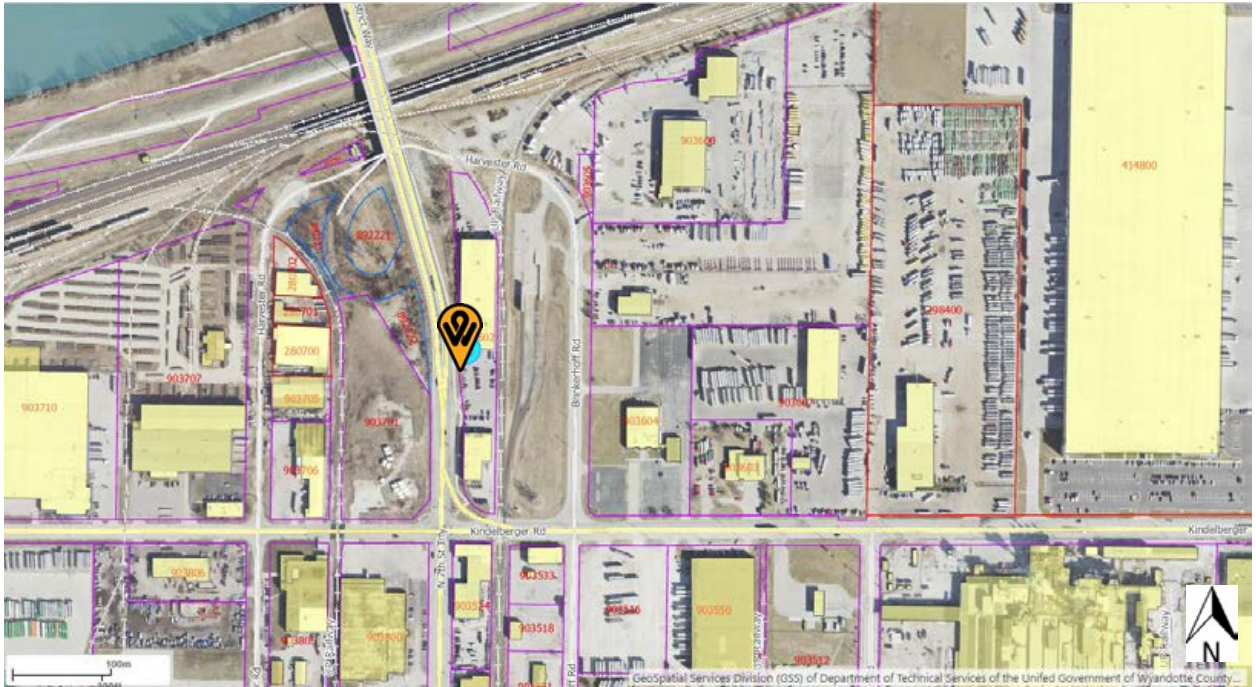
Subject to:

- 1) The business shall install screening for the parking and waste receptacle along the northwestern and southwestern edge of the property in the form of shrubs or trees as required by the Northeast Master Plan.**
- 2) 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;**
- 3) 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.**
- 4) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;**
- 5) 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;**
- 6) 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**

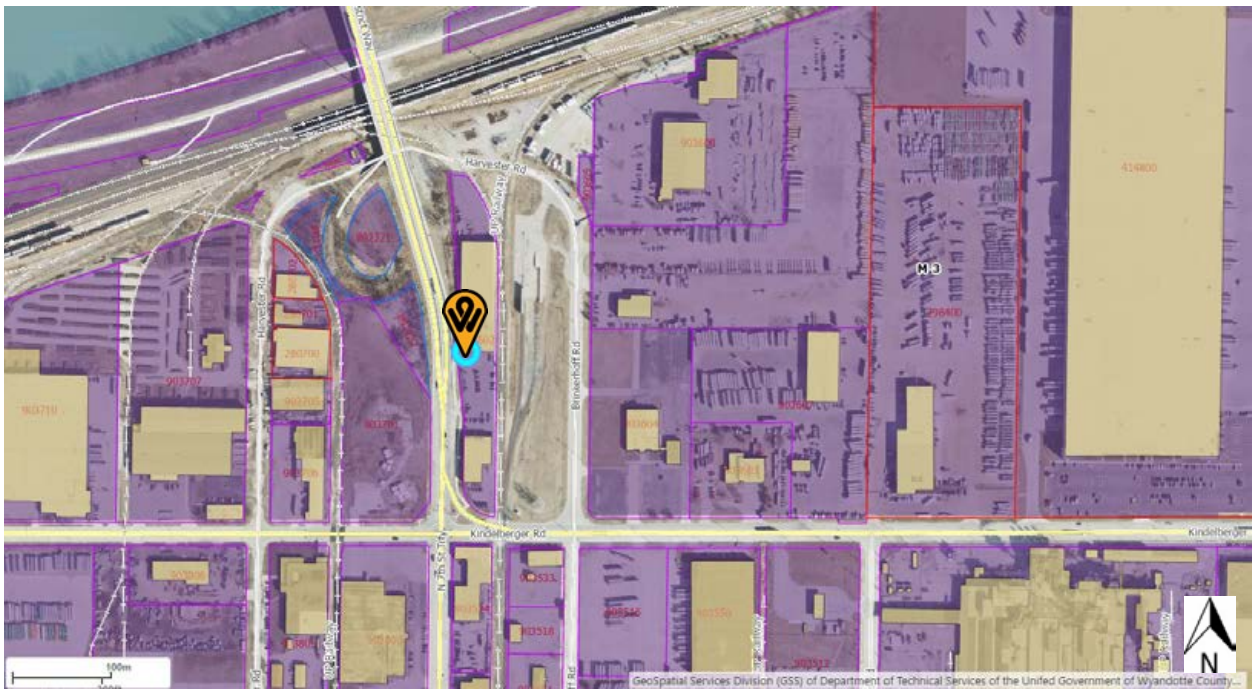
- that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 7) 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,
 - 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.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



LANDSCAPE PLAN



Red ovals indicate the location of trees and ground cover.

SITE PLAN



Red boxes indicate employee parking.

Blue boxes indicate mixed employee and visitor parking.

Orange box indicates the location of the waste receptacle.

APPLICANT RESPONSE TO DRAFT REPORT – DATED JANUARY 24, 2022

From: [Parker, Janet](#)
To: [Molloy, James](#)
Subject: FW: SP2022-008
Date: Monday, January 24, 2022 4:41:49 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Landscape Plan.pdf](#)
[Parking and Waste Receptacle Plan.pdf](#)

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

From: Dan Spencer <dan@cz-usa.com>
Sent: Monday, January 24, 2022 3:27 PM
To: EDR <EDR@wycokck.org>
Cc: Parker, Janet <jparker@wycokck.org>
Subject: SP2022-008

Hello,

Please find attached and below information responsive to the staff's comments and suggestions.

Thank you,

Dan Spencer

1. **Site Plan showing parking and waste receptacle**
 - a. See attached.
2. **Landscape Plan showing location of trees, shrubs, other greenery**
 - a. See attached.
3. **Will this operation remain closed to the general public?**
 - a. Yes, it will remain closed to the general public. The facility is not a public range. It is only accessible to certain employees and only for business purposes.
4. **What security measures is this operation taking?**

- a. The facility has 36 security cameras, located inside and outside, which are monitored by staff.
- b. The inside of the facility also has motion detectors.
- c. The facility is alarmed.
- d. All access points to the facility are accessible by electronic keys only.
- e. All employees and visitors must wear a visible identification badge.
- f. All visitors must be escorted by an employee while on premises, and must be signed in and out.

5. **What are the hours of operation?**

- a. Hours of operation are typically between 7:00 a.m. and 6:00 p.m., although there is occasionally some variance.

Dan Spencer

General Counsel & CHRO

CZ-USA | Colt's Manufacturing Co. LLC

913-413-1795 | Fax 913-215-5003

dan@cz-usa.com





January 27, 2022

Summary of Security Measures for 3327 N 7th St. Trafficway

1. CZ-USA is a member of Customs and Border Patrols "Customs Trade Partnership Against Terrorism" ("CTPAT") which requires specific security measures be in place, and regular inspections to ensure continued compliance.
2. The facility is constructed of solid concrete, and the only windows are those at the front entrance.
3. The facility has 36 security cameras, located inside and outside, which are monitored by staff.
4. The facility is alarmed and monitored by an intrusion detection system which is monitored by a third party 24 hours a day , 7 days a week, 365 days a year.
5. All doors to the facility are only accessible by the use of assigned electronic keys.
6. All employees and visitors must wear a visible identification badge.
7. Employees are trained to challenge individuals within the facility who are not wearing a badge.
8. A large portion of the employees working in this facility have military, law enforcement, or other security backgrounds which gives them an improved degree of situational awareness.
9. All visitors must be escorted by an employee while on premises, and must be signed in and out by an employee.



P.O. Box 171073, Kansas City, KS 66117-0073 T 800-955-4486 P 913-321-1811 F 913-321-2251 E info@cz-usa.com | cz-usa.com

NEIGHBORHOOD MEETING, AFFIDAVIT AND LETTER TO PROPERTY OWNERS – DATED JANUARY
31, 2022

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now DAN SPENCER of lawful age, sound mind and upon his oath states as follows:

1. That I am the petitioner for Petition # SP2022-008
2. That I conducted a neighborhood meeting by soliciting questions and comments between January 17th and January 28th.
3. Attached is a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.
4. I did not receive any questions or comments between January 17th and January 28th.

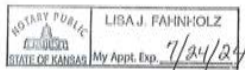
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of
January, 2022.

My commission expires July 24, 2024





Notary Public

January 17, 2022

RACHEL JEFFERSON/NE MIDTOWN ASSOCIATION
PO BOX 172403
KANSAS CITY, KS 66117

RE: Request for Questions and Comments in Lieu of Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use for a special use permit SP202-008. The purpose of this special use permit is for the operation of a private firearms testing firing range at 3327 N 7th St. Trafficway, Kansas City KS 66115. The range is not open to the public. It is only accessible by employees of our company and only for business purposes.

Due to the COVID-19 pandemic, the Unified Government is permitting us to solicit questions via email and phone in lieu of a neighborhood meeting. As such, please contact me directly with any questions, comments, or concerns you may have at dan@cz-usa.com or by phone at 913-413-1795

I look forward to hearing from you.

Sincerely,



Dan Spencer
General Counsel, CZ-USA

dan@cz-usa.com
913-413-1795



P.O. Box 171073, Kansas City, KS 66117-0073 T 800-955-4486 P 913-321-1811 F 913-321-2251 E info@cz-usa.com | cz-usa.com

SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022



SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022 CONT.



SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022 CONT.





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: March 3, 2022

Re: **Special Use Permit Petition SP2022-012**

GENERAL INFORMATION

Applicant:

Tyler Reynolds and Justine Robles

Status of Applicant:

Property Owner
536 Tauromee
Kansas City, Kansas 66101

Requested Actions:

The Approval of a Special Use Permit
for a Short-Term Rental.

Date of Application:

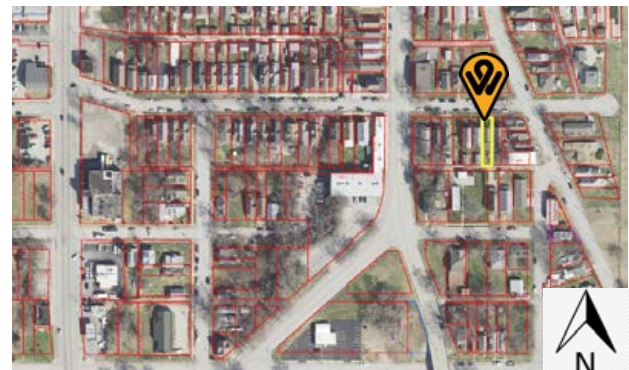
January 3, 2022

Purpose:

To begin operating as a short-term
rental. This is not the applicants' primary
address.

Property Location:

527 Tenny Avenue
Kansas City, Kansas 66101



Commission Districts: Commissioner At Large District #2: Tom Burroughs
District #2 Commissioner: Brian McKiernan

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 and
R-2(B) Two-Family District
West: R-1 (B) Single Family District

Adjacent Uses:
North: Vacant Lot
South: Single Family Residence
East: Single Family Residence
Two-Family Residence
West: Single Family Residence
Single Family Residence

Total Tract Size: 0.0673 Acre

Master Plan Area: The Subject Property is within the Central Area Master Plan.

Master Plan Designation: The Central Area Master Plan designates this Property as Urban Density. Urban Density allows for a mix of attached and detached residential including single family homes, duplexes, triplexes, etc., and institutional uses such as churches, schools, and libraries.

Major Street Plan: The City-Wide Master Plan designates Tenny Avenue as a Local Street.

Parking Requirement: R-1(B) District: Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. The property currently has two (2) off-street parking spaces, meeting this requirement.

Advertisement: The Wyandotte Echo – January 20, 2022
Letters to Property Owners – January 22, 2022 and
February 24, 2022

Public Hearings: February 14, 2022 and March 3, 2022

Public Support: The applicant received one (1) email in support.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Tyler Reynolds and Justine Robles, are seeking approval to operate a short-term rental at 527 Tenny Avenue. The subject property is two (2) blocks from the 7th Street Trafficway corridor. The applicants have recently purchased the property and it has been recently renovated. The subject property has been used as a rental periodically since 2001 or earlier.

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

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 subject property has numerous previous violations as late as 2020, however they are prior to the applicant's purchase and renovations.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is urban in character. Lots are average for urban densities and are approximately twenty-five (25) feet in width. There streets are mostly asphalt and there are no driveways or garages in the front of properties. Rear detached garages and parking is common. Roads typically have curbs or gutters, and sidewalks only exist on both sides of the street and are often brick. This block of Tenny Avenue is adjacent to 6th Street with a mix of uses.

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 subject property is surrounded primarily by R-1(B) Single Family Zoning Districts. The property has been non-owner occupied since at least 2001 when records indicate it has been used as a rental. Continuing use as a rental, either short or long term, is consistent with

other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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.*

The property is recently vacant and was vacant prior to purchase while the home underwent renovations. Prior to renovation, it was used as a rental since at least 2001.

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

Special Use Permits are not addressed in the Central Area Master Plan. The Central Area Master Plan designates this property as Urban Density which allows single family homes. The proposed use conforms to the master plan if approved with a Special Use Permit.

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 dwelling in 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.*

Noise is an issue that is related to short-term rentals. There have not been

any noise complaints to date with the current applicant, as this is a new application. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby 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 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 urban 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 at one time is eight (8). The maximum number of vehicles is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

13. *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.*

The subject property is a permitted single-family residence in a built-out neighborhood and can be used as a short-term rental, long-term rental, or permanent residence without any foreseen danger from regular activity. Short-term rental operators are required to carry liability policies and undergo home inspections and make repairs to ensure the reasonable safety of guests and the property. Noise is an issue often associated with short-term rentals, however, if operated properly there should ostensibly be no significant issue with noise or disturbances.

14. 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

Stormwater is still joined with the Sanitary Sewer, and a Sewer inlet is located directly in front of the subject property.

d. Police

Police service is provided by East Patrol, District #114.

e. Fire

Fire service is provided by Station #9.

f. Transit

The subject property receives bus service via Route #107 at the intersection of Tenny Avenue and 7th Street Trafficway.

g. Schools

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

h. Streets

See item #6 above.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of January 31, 2022.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Parking
Zoning
Land Use
Noise
Required Open Space
Traffic
Occupancy Limits

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-012** for one (1) year, subject to:

1. Applicant shall obtain and/or maintain a business license from the Wyandotte County Business License office.
2. Applicant shall post a Lead-Based Paint Notice and Asbestos Notice (if necessary) in the guest book or tenant guide.
3. Applicant shall ensure that the contact information for the Management/Operator is included in the guest book or tenant guide.
4. Applicant shall provide evidence or receipt of repairs for the following inspection items:
 - a. Confirm the handrail up to the front of the property is stable.
 - b. Repair or replace the inoperable window – Inspection Item 7.4.1
 - c. Adjust the toilet – Inspection Item 9.8.1
 - d. Add expansion tank to water heater – Inspection Item 9.4.1
 - e. Repair the ductwork as shown – Inspection Item 11.6.1
 - f. Repair electrical conduit – Inspection Item 12.1.1
 - g. Repair reverse polarity outlets – Inspection Item 12.3.1
 - h. Add in CO2 and Smoke Detectors where missing – Inspection Item 12.7.1
5. The gravel lot in the rear must be replaced with a driveway consisting of two (2) concrete strips, allowing for adequate green space while continuing to provide two (2) off-street parking spaces.
6. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight (8) adults
7. Guest parking must be provided off-street. Maximum number of guest vehicles shall be two (2).
8. Parking must take place off-street.
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. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 11. 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;
 12. 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;
 13. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
 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.

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 **SP2022-012** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Property Inspection Report
Applicant Photos Dated January 3, 2022
Liability Insurance
Floor Plan
Site Plan
Welcome Packet and Rules
Neighborhood Meeting Information
Neighbor Support Email
Electrical Re-inspection Letter
Applicant Repair Photos Dated January 26, 2022
Photos Taken by Staff Dated January 23, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	February 14, 2022	March 3, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-012** 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 **SP2022-012** 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 3:02:10:

SPECIAL USE PERMIT APPLICATION SP2022-012 – TYLER REYNOLDS AND JUSTINE ROBLES - SYNOPSIS: Special Use Permit for a Short-Term Rental at 527 Tenny Avenue.

Detailed Outline of Requested Action: The Applicants, Tyler Reynolds and Justine Robles, are seeking approval to operate a short-term rental at 527 Tenny Avenue. The subject property is two (2) blocks from the 7th Street Trafficway corridor. The applicants have recently purchased the property and it has been recently renovated. The subject property has been used as a rental periodically since 2001 or earlier.

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 February 14, 2022;
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 the 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:

- Justine Robles, applicant, 536 Tauromee, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:04:50: Planning Director Hand stated that the request is for a Special Use Permit for a short-term rental. The property is located in the Central Area Master Plan. Staff has received no letters in support nor opposition. There have been numerous Notices of Violation that have been resolved through this redevelopment. The applicant had filed a variance regarding open space and gravel parking. The applicant subsequently worked with staff to provide concrete strips, so the variance is not needed and has been withdrawn. If the owner does not live on-site or a

manager on-site, staff recommends approval for one (1) year. When the applicant reapplies for renewal, if no issues have occurred in that time, then staff recommends approval for two (2) years.

Motion and Vote starts at 3:07:55:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-012 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 6 to 0

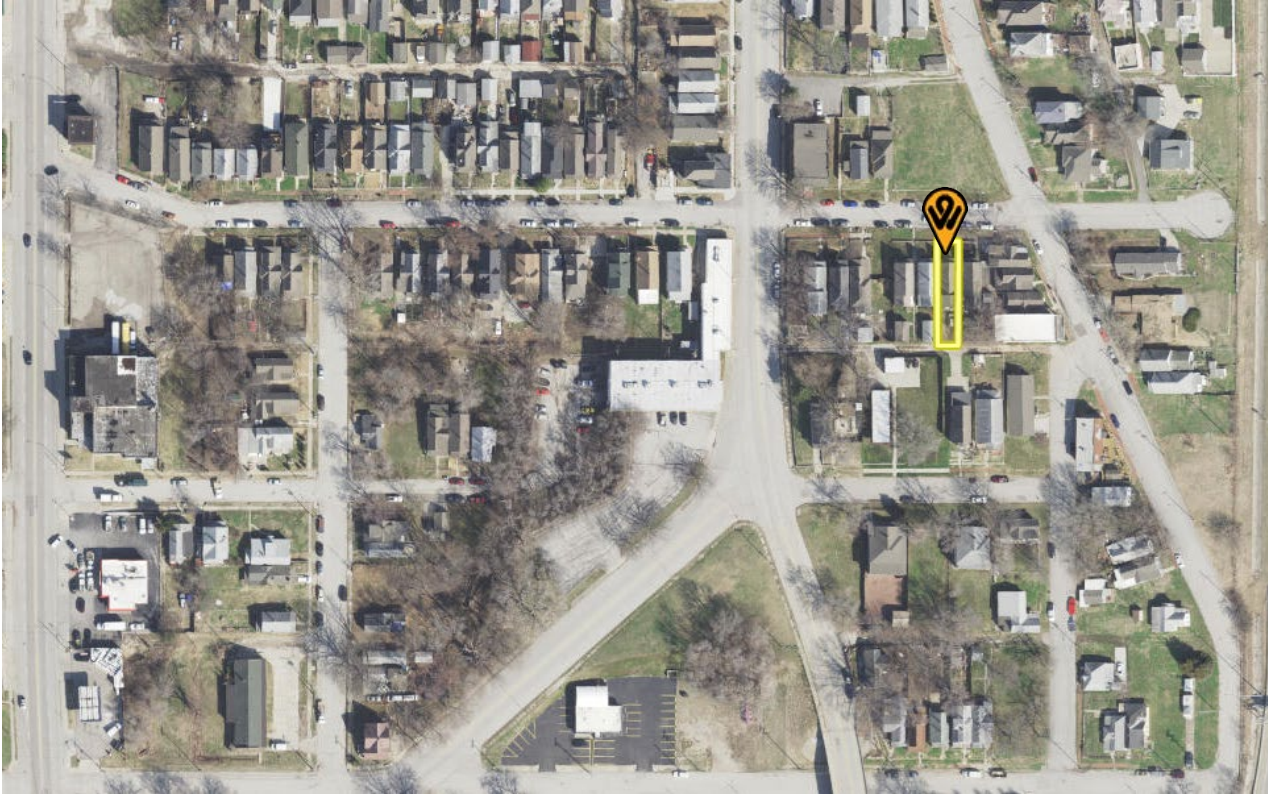
Subject to:

- 1. Applicant shall obtain and/or maintain a business license from the Wyandotte County Business License office.**
- 2. Applicant shall post a Lead-Based Paint Notice and Asbestos Notice (if necessary) in the guest book or tenant guide.**
- 3. Applicant shall ensure that the contact information for the Management/Operator is included in the guest book or tenant guide.**
- 4. Applicant shall provide evidence or receipt of repairs for the following inspection items:**
 - a. Confirm the handrail up to the front of the property is stable.**
 - b. Repair or replace the inoperable window – Inspection Item 7.4.1**
 - c. Adjust the toilet – Inspection Item 9.8.1**
 - d. Add expansion tank to water heater – Inspection Item 9.4.1**
 - e. Repair the ductwork as shown – Inspection Item 11.6.1**
 - f. Repair electrical conduit – Inspection Item 12.1.1**
 - g. Repair reverse polarity outlets – Inspection Item 12.3.1**
 - h. Add in CO2 and Smoke Detectors where missing – Inspection Item 12.7.1**
- 5. The gravel lot in the rear must be replaced with a driveway consisting of two (2) concrete strips, allowing for adequate green space while continuing to provide two (2) off-street parking spaces.**
- 6. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight (8) adults**
- 7. Guest parking must be provided off-street. Maximum number of guest vehicles shall be two (2).**
- 8. Parking must take place off-street.**
- 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**

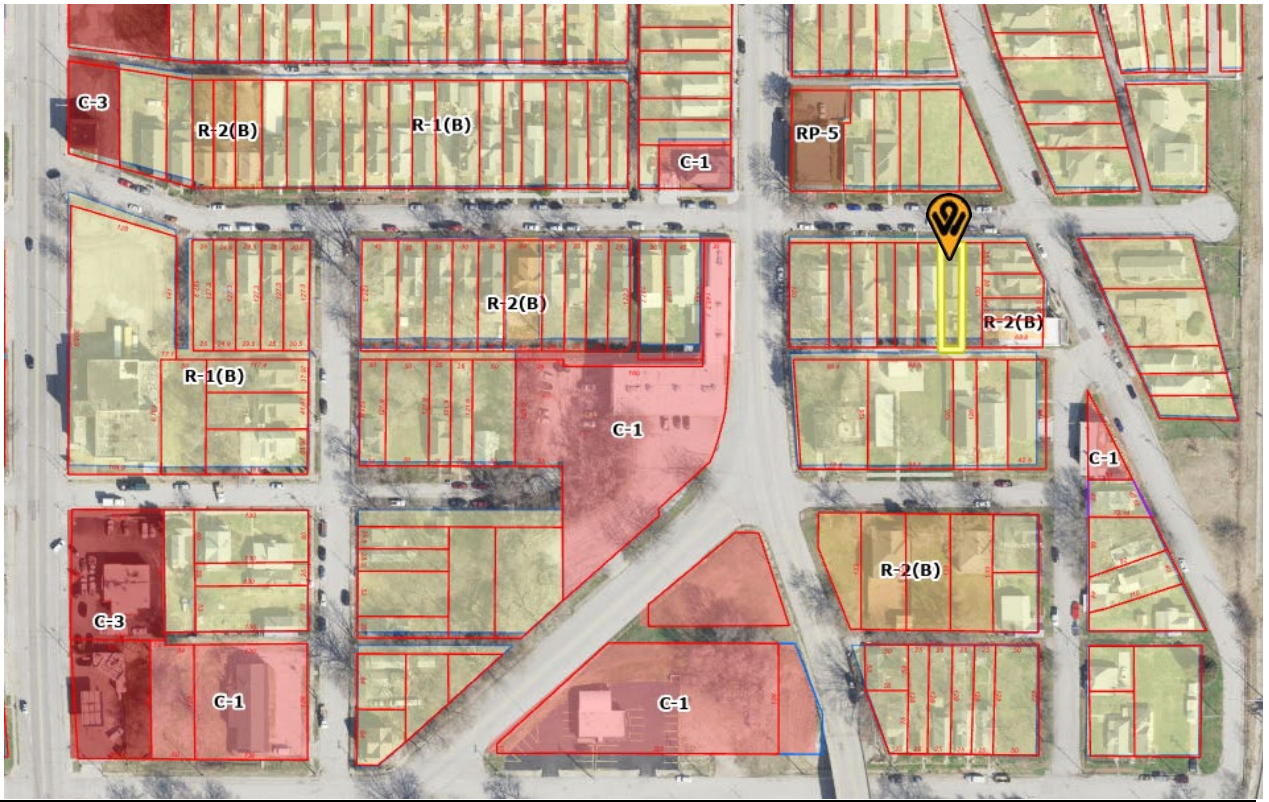
responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

10. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
11. 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;
12. 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;
13. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
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.

AERIAL MAP

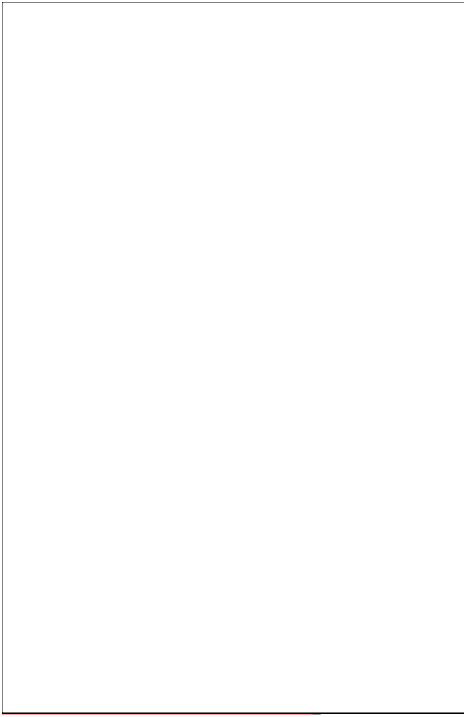


ZONING MAP



LAND USE MAP





PROPERTY INSPECTION REPORT HIGHLIGHTS

5.9.1 Stairs/Hand Rails

UNEVEN STAIRS

The stairs are not a consistent height. There should be no more than a 3/8" difference in the stair heights or the potential for tripping increases. Recommend repair.

Recommendation

Contact a qualified professional.

 Safety Hazard



Front

7.4.1 Windows

INOPERABLE WINDOW

Noted window(s) that did not open during the inspection. These window(s) may be painted shut or the hardware may be inoperable. Recommend repair as needed.

Recommendation

Contact a qualified professional.

 Notable Repair/Major Concern



Living Room

9.4.1 Water Heater

NO EXPANSION TANK

No expansion tank was present. Expansion tanks allow for the thermal expansion of water in the pipes. These are required in certain areas for new installs. Recommend a qualified plumber evaluate and install.

Recommendation

Contact a qualified plumbing contractor.

 Notable Repair/Major Concern



9.8.1 Main Floor Bathroom

TOILET - LOOSE BOWL

Observed a loose toilet. Recommend that toilet base be tightly secured.

Recommendation

Contact a handyman or DIY project

 Notable Repair/Major Concern



Main Floor Bathroom

PROPERTY INSPECTION REPORT HIGHLIGHTS

11.6.1 Supply/Return Air
Ductwork



Maintenance/Minor Repair/ Monitor

OPENINGS IN DUCTWORK

Loose fitting joints and/or openings in the ductwork should be repaired by a qualified technician.

Recommendation

Contact a qualified heating and cooling contractor



12.1.1 Service Entrance



Safety Hazard

LOOSE/ MISSING/ DAMAGED CONDUIT

The electric entrance conduit has slipped or is missing or is damaged and some of the line into the home has been exposed. All electric wires on the exterior are to be protected by rigid conduit to protect from damage. Recommend repair.

Recommendation

Contact a qualified electrical contractor.



Back

12.3.1 Outlets



Safety Hazard

REVERSE POLARITY

One or more receptacles have been wired with reverse polarity. This can create a shock hazard. Recommend licensed electrician evaluate & repair.

Recommendation

Contact a qualified electrical contractor.



Bedroom 1

12.7.1 Smoke/ CO Detectors



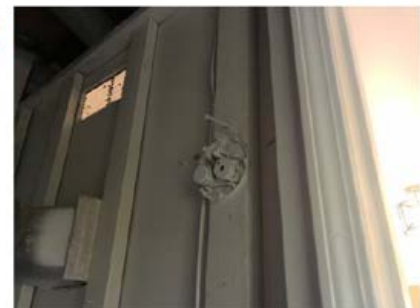
Safety Hazard

SMOKE DETECTOR REMOVED

Observed an area where there appears to have been a smoke detector installed in the past. Recommend repair/replacement as needed.

Recommendation

Recommended DIY Project



Utility Room











LIABILITY INSURANCE



State Farm Fire and Casualty Company
A Stock Company With Home Offices in Bloomington, Illinois
Po Box 853907
Richardson, TX 75085-3907

Named Insured

H-26-236D-FB12 R F

REYNOLDS, TYLER & ROBLES,
JUSTINE & JOE & DONABEL
536 TAURUMEE AVE
KANSAS CITY KS 66101-2954

DECLARATIONS PAGE

Policy Number 91-BY-Z352-3

Policy Period	Effective Date	Expiration Date
12 Months	NOV 23 2021	NOV 23 2022
The policy period begins and ends at 12:01 am standard time at the residence premises.		

Loan # 7110510337
Mortgagee

FAIRWAY INDEPENDENT MORTGAGE
CORPORATION
ISAQA ATIMA
4201 MARSH LN
CARROLLTON TX 75007-1720

RENTAL DWELLING POLICY- SPECIAL FORM 3

Automatic Renewal - If the policy period is shown as 12 months, this policy will be renewed automatically subject to the premiums, rules and forms in effect for each succeeding policy period. If this policy is terminated, we will give you and the Mortgagee/Lienholder written notice in compliance with the policy provisions or as required by law.

Location of Premises
527 TENNY AVE
KANSAS CITY KS 66101-3343

Named Insured: Individual

Coverages & Property		Limits of Liability	Inflation Coverage Index: 311.9
Section I			Deductibles - Section I
A Dwelling		\$ 170,000	Basic 2% \$ 3,400
Dwelling Extension		\$ 17,000	
B Personal Property		\$ 8,500	
C Loss of Rents		Actual Loss	
Section II			
L Business Liability		\$ 500,000	In case of loss under this policy, the deductibles will be applied per occurrence and will be deducted from the amount of the loss. Other deductibles may apply - refer to policy.
(Each Occurrence)		\$ 1,000,000	
M Medical Payments		\$ 1,000	
(Each Person)			
Forms, Options, & Endorsements			Policy Premium \$ 1,101.00
Special Form 3		FP-8103.3	Discount Applied:
Rental Dwelling Endorsement		FP-5610	Home Alert
Amendatory Endorsement		FP-8216.3	
Extra Replacement Cost Cov		FP-8702	
Fungus (Including Mold) Excl		FP-5722	
Actual Cash Value Roof Cov		FP-5612	
Terrorism Insurance Cov Notice		FP-6999.3	
Debris Removal Endorsement		FP-7540	
Actual Cash Value Endorsement		FP-3650	
Mandatory Reporting Endorsement		FP-5801	

Other limits and exclusions may apply - refer to your policy

Your policy consists of this page, any endorsements and the policy form. Please keep these together.

FP-8001.3C

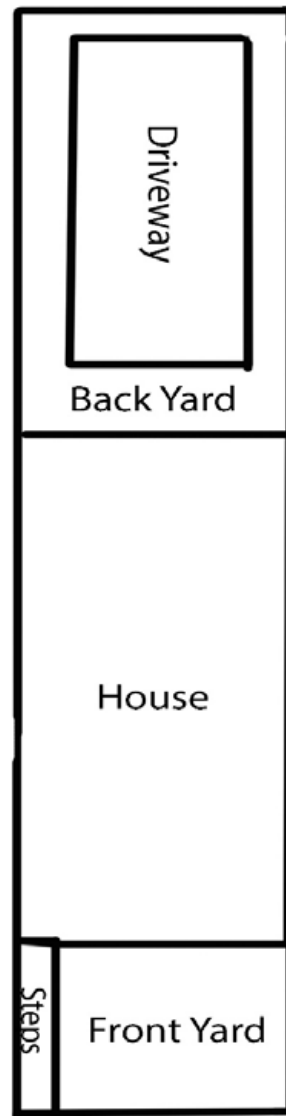
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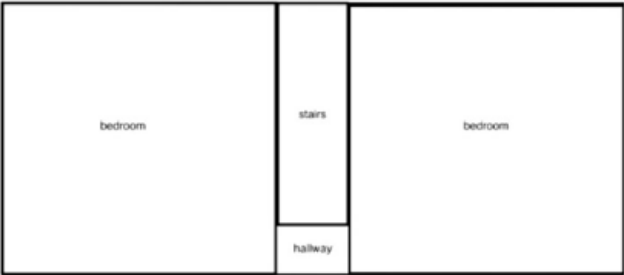
PECK INSURANCE AGENCY, INC
816-759-8236

555-7020.1 Rev. 10-2002 (a110396c)

**527 Tenny
Site Plan**



FLOOR PLANS



2nd floor

WELCOME PACKET AND RULES

Welcome guests!

Location:

527 Tenny Ave, Kansas City, KS 66101

Owner Contact:

Justine Leah Robles (213) 400 9202

Tyler Reynolds (913) 375 6338

Max Number of Guests: 8

Welcome:

As your host, it's our goal to make your stay as comfortable as it can possibly be. Our mission is to help our guests create beautiful memories with our cozy home. For an optimal experience for us both, we've spelled out some house rules. Thank you in advance. We truly appreciate your cooperation. .

Check in & Check out

Check in:

Anytime after 3 pm

Please let us know if you are arriving earlier so we could try and accommodate you. Also please notify us if you're arriving after midnight.

Key Code XXXX. This is the code to use for the front door. If you are having any problems using it give us a call and we would be able to help you out.

You will find a towel for each guest on the beds.

WiFi Code

Network name: XXXXXXXX

Password: XXXXXXXX

Check out:

Check out is before 11am. Please let us know in advance if you wish to check out late and we will see if we can accommodate you.

House Rules:

- No parties or events (this is enforced by local government)
- Only the guests noted in the booking are allowed to stay overnight otherwise an extra \$15 will be added
- Please remove shoes indoors
- Do not use the premise for any illegal activities

WELCOME PACKET AND RULES

- No smoking inside the home
- Damages exceeding the deposit amount will be billed to the guest and reported to Airbnb
- No pets
- Quiet hours after 10:00 pm
- Please put used dishes in dishwasher and start it before check out
- Please park in provided driveway in rear of house
- Host Compliance information: 913-246-5133, www.hostcompliance/tips

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Tyler Rernoles, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition #SP2022-012
2. That I conducted a neighborhood meeting on Questions/Comments, 1-31-22
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__.

My commission expires _____ of _____, 20__.

Notary Public

NEIGHBORHOOD MEETING INFORMATION

NAME
ADDRESS

SUBJECT: Neighborhood Meeting

Hello Neighbor,

We have filed an application with the Department of Urban Planning and Land Use #SP2022-012 . The purpose of this special use permit is for a short term rental at the following address: 527 Tenny Ave Kansas City, Kansas 66101. It will be operating as a 3 bedroom Airbnb with a maximum of 6 guests and off street parking provided. There will be a strict no party policy, we will be managing the property ourselves and live just a few blocks away to easily keep an eye on things. Our goal with the short term rental is to welcome travelers and tourists to our beautiful historic neighborhood while bringing money to local businesses. Due to Covid-19 we will not be holding a neighborhood meeting. However if you have any questions or comments please reach out to us via email or phone call. We would love to hear your feedback. Please have questions or comments sent to us by January 31, 2022.

Sincerely,

Tyler Reynolds
Cell phone: (913) 375- 6338
Email: 30treynolds30@gmail.com

Justine Leah Robles
Cell Phone: (213) 400-9202
Email: justineleah95@gmail.com

NEIGHBOR SUPPORT EMAIL



ELECTRIAL RE-INSPECTION LETTER

A. Gittens Electrical Solutions Inc.

Daniel Grant

2017 Angelique st.
St. Joseph MO
(813)-728-9974
a.g.electrickc@gmail.com

01/26/2022

527 Tenny ave
Kansas City,KS

Electrical Inspection

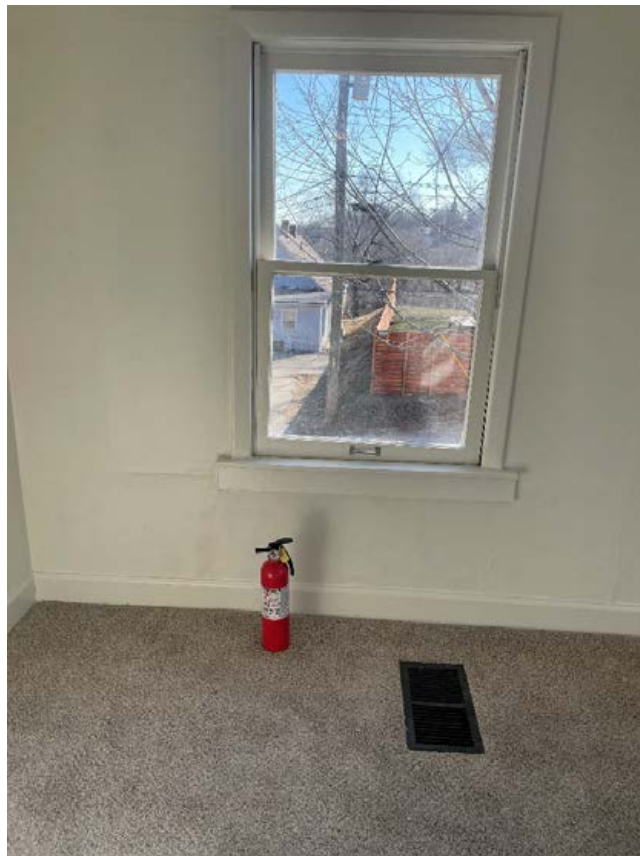
Upon inspection of the electrical meter and service riser no issues were found. The primary service feeder cable is a copper sheathed service entry cable, from the power company pole installed overhead, attached and supported to the home and installed directly into the meter can. The primary services feeder are not modern, however appear to be free of damage and are currently safely operating. I see no immediate need to make alterations to the electrical service.

Daniel Grant

813-728-9974

Owner operator

APPLICANT REPAIR PHOTOS DATED JANUARY 26, 2022



PHOTOS TAKEN BY STAFF DATED JANUARY 23, 2022





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: March 3, 2022

Re: **Petition SP2022-14, Petition PR2022-006 and Master Plan Amendment MPL2022-004**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve a Special Use Permit for an indoor and outdoor multi-use sports complex.

Preliminary Plan Review for indoor and outdoor multi-use sports complex.

Master Plan Amendment from Planned Mixed Residential to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications:
January 3, 2022

Purpose: To plat two (2) lots and amend the master plan to build and operate a 162,065 square foot indoor/outdoor multi-use sports complex and training center and future athletic fields.



Property Location:	9020 State Avenue
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and R-1 Single Family Districts East: A-G Agriculture and CP-1 Planned Limited Business Districts West: A-G Agriculture and RP-5 Planned Apartment Districts (across North 94 th Street)
Adjacent Uses:	North: Compass Minerals Soccer Complex and single-family homes South: Single family homes and undeveloped land East: Dental office and single-family homes West: Single family homes
Total Tract Size:	23.51 Acres
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential, which allows patio (zero lot line) homes, townhomes, condominiums, garden apartments, housing for seniors, and other multifamily uses. (An amendment to Planned Commercial Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area).
Major Street Plan:	The City-Wide Master Plan classifies State Avenue as a Class A Thoroughfare.
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – January 20, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – January 20, 2022 Letters to Property Owner – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed a Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into two (2) lots to build a 162,065 square foot indoor/outdoor multi-use sports complex, training center and parking on 23.51 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is composed of soccer fields and a small single-family neighborhood to the north, single family homes to the south, a dental office and single-family homes to the east and apartments to the west (across North 94th Street).

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

The zoning and uses of nearby property are identified above. An indoor multi-use sports complex, primarily, with an outside multi-sport field and future baseball/softball fields can be compatible with the surrounding residential area.

3. 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 the West Patrol, District #225

e. Fire

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. Transit

Kansas City ATA provides transit service along State Avenue, Route #101. The nearest transit stop is in front of this property.

g. Schools

Public education is approved by Kansas City Kansas USD 500.

4. 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 on the property will not detrimentally affect nearby property as the majority of the visitors will be inside the building, although the increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, however, the property was used as a driveway to the parcel in the rear, which was removed between 2014 and 2016.

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

Special Use Permits are not addressed in the Master Plan, however, the Prairie Delaware Piper Master Plan Mixed Residential designation allows a mixture of single-family homes, townhomes, and multi-family apartments. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

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

The proposed use will result in a significant increase in the amount of vehicular traffic to the property. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

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.*

There will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly.

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

The proposed use will not damage or destroy an irreplaceable natural resource, however, the existing tree stands should be preserved to act as a buffer between the residences and the development.

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 an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly. It will cause significant concentrations of populations.

14. 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.

The 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 if properly designed and managed by the owner and operator.

15. 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.

With coordination from the Public Works Department, streets will be 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.

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.

Lots and buildings appear to be 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 issue related to this is:

- A. Secondary access for emergency services if State Avenue access is restricted.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

Development will be designed with regard to topography, so that the dense tree stands will be preserved on the northwest and east ends of the property.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a private development for a multi-purpose sports facility, and there will not be public amenities for residents provided. The project will provide public accommodation to their facilities.

18. 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 increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

19. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Lighting and Glare
Location of building
Location of parking
Traffic
Pedestrian Access
Transit Access
Screening and Buffering
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-014**, Preliminary Plan Review **PR2022-006** and Master Plan Amendment **MPL2022-004**, subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**
- 2. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future;**
- 3. After talking with the Public Works Department, the applicant does not need to improve the North 92nd Terrace cul-de-sac and dedicating right-of-way is acceptable. Additionally, improving the cul-de-sac would remove an**

- established stand of trees that will screen the development from public view. KCKFD may require future improvements;
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
 5. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 6. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
 - a. A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, UG Transit at (913) 573-6798 or jwelker@wycokck.org.
 - b. The enhanced bus shelter along State Avenue should be constructed to connect with the pedestrian route through the surface parking lot.

This is a major transit corridor with a transit blade sign currently along the sidewalk on State Avenue. The transit shelter (similar to Urban Outfitters) and pedestrian access sidewalk/median should connect to the front door of the building. The approximate placement will be determined at the Final Development Plan;

7. Align the pedestrian walkway with the pedestrian route in the surface parking lot to establish a throughway connection to State Avenue.

The pedestrian walkway/median through the parking lot shall connect to State Avenue as a throughway connection. The trail will be omitted from this portion of the development at this time, however, trail connections with the future development to the east will be discussed when that development plan is submitted;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers shall be oriented away from the residences;
12. The outdoor scoreboard shall comply with the Performance Standards for Lighting.
13. There are lighting and glare issues that were raised in the past with the soccer fields directly north of this site. We want to make the applicant aware of these issues and want to ensure that the exterior lighting

- (parking lot lights or field lights) adhere to the one (1) footcandle at the property line. This includes light that is cast vertically and horizontally;
14. 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 downspouts and integrated into the building. Overflow drains shall be at grade and hidden by vegetation. The scuppers will be address at the final plan review;
 15. All concrete shall be integrally-colored – no paint;
 16. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 1 – 146 trees;
 - b. Lot 2 – 83 trees;
 17. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
 18. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
 19. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
 20. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
 21. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
 22. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 94th Street.
The area in question shall have trees shall be planted along the southwest ridge line of the detention basin arcing south to State Avenue between the agriculturally zoned property (residential home) and the western access drive. Illustrate on the FDP landscape plan, the area west of the North 92nd Street cul-de-sac as green space;
 23. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
 24. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. See the landscape exhibit;
 25. All landscaping must be irrigated. The exhibit submitted addresses this comment and will be reviewed at final plan review;
 26. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;

27. 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;
28. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;
29. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
30. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
31. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
32. 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;
33. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
34. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
35. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
36. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
37. 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, Sections 8-610 through 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;
38. 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;
39. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferrable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,
40. 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 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 **SP2022-014**, Petition **PR2022-006** and **MPL2022-004** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
KCKFD Comments
Preliminary Plat
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	
Preliminary	February 14, 2022	TBD
Plat	Approved	
Preliminary		
Plan	February 14, 2022	March 3, 2022
Master Plan	Approval	
Amendment	February 14, 2022	March 3, 2022
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-004** 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 **MPL2022-004** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-014** 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 **SP2022-014**, 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.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-006** 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 **PR2022-006**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 3:16:35:

MASTER PLAN AMENDMENT MPL2022-004 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Master Plan Amendment from Planned Mixed Residential (Prairie Delaware Piper Master Plan) to Planned Commercial (Prairie Delaware Piper Master Plan) at 9020 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-014 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Special Use Permit for indoor facility and outdoor fields for multi-sport training and tournament games, including food, beverages and liquor sales and related parking at 9020 State Avenue.

PLAT2022-003 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS:

Preliminary Plat for two (2) lots (Homefield Training Center) at 9020 State Avenue.

PLAN REVIEW APPLICATION PR2022-006 – CURTIS PETERSEN WITH

POLSINELLI PC – SYNOPSIS: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed a Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into two (2) lots to build a 162,065 square foot indoor/outdoor multi-use sports complex, training center and parking on 23.51 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

SPECIAL USE PERMIT APPLICATION SP2022-015 – CURTIS PETERSEN WITH

POLSINELLI PC - SYNOPSIS: Special Use Permit for grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, wants to rough grade the overall site prior to the development of the Homefield project to balance the earthwork and eliminate the need to borrow or haul off material on 13.88 acres located at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 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 February 14, 2022;
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 Notice in the Wyandotte Echo; and,
7. The notices to the 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:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:55:20: Planning Director Hand stated that he is going to address the requested changes that the applicant discussed during his presentation as the applicant explained the proposal in detail. Staff has worked closely with all the applicants on their proposals. Staff worked very closely with Mr. Petersen and his team on this project since it was first proposed on the former Schlitterbahn site and now moved to this location. Director Hand stated that the applicant is asking for an indefinite Special Use Permit. There are not many indefinite Special Use Permits in the UG and one (1) of those is for signage at The Legends. He further stated that the project is a significant investment and staff believes an indefinite Special Use Permit is appropriate. Director Hand stated that he understands why Mr. Petersen and the developers want to be very meticulous, so conditions of approval are not left to interpretation. He stated that there will be Temporary Certificates of Approval issued through the process and if conditions are left to interpretation when it is time for the Final Certificate of Occupancy and the developer wants to change a condition of approval, they will need to go back through the Planning Commission/Board of Commissioners process. Director Hand stated that the only points of contention are the deviations. As has been discussed, the Commercial Design Guidelines are dated, and the Planning Commission has approved modern materials deviations. The intent of this guideline was to not have corrugated metal. Staff agrees with this deviation. The other deviation concerns building orientation. The guidelines say that parking should be on the side or rear and the plan shows parking in the front. It would not be easy to re-orient the building. The applicant has worked with staff to enhance transit connectivity for this site. Director Hand addressed the following conditions in the staff report brought up by the applicant.

Condition 1 addresses the building orientation and if the Planning Commission wishes to grant this deviation, the condition should be deleted.

Conditions 7 and 8 address transit and pedestrian connectivity, which was also addressed in Condition 1. He stated that he would request that the language be modified to defer the transit enhancement to Justus Welker, UG Transit.

Condition 13 regarding the outdoor scoreboard orientation can be addressed at final plan review. He thinks that it should be revised to say that the outdoor scoreboard orientation shall meet the performance standard for lighting.

Condition 15 is related to materiality of the building, and if the deviation is granted, this condition would be eliminated.

Condition 16 does not need to be changed as the scuppers can be clarified at the final development plan.

Condition 26 states the trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and maintain those trees lost over time. Director Hand stated that the applicant submitted an exhibit showing the trees, which can be tied to this condition. Staff made a change to the exhibit that says all the existing tree stands shall remain, which effectively creates an open space buffer in perpetuity.

Condition 27 states that all landscaping must be irrigated, and can be tied to the exhibit provided by the applicant. He stated that staff would like to review the exhibit to make sure that everything is on the plan and that can be addressed at the final plan review.

Director Hand stated that Special Use Permit SP2022-015 is for the grading of the site. He stated that the trucks will only work on site and then removed when they have completed the grading. It is a balanced site. The trucks will not move on and off the site during the grading impact. The mitigation they are doing is therefore only for dust on-site.

Condition 1 – Director Hand agrees with the requested change and recommends that the last sentence be removed from the condition – “Maintain a 100-foot buffer, protecting the tree stands from the single-family homes.” He further stated that the exhibit shows where the tree stands will and will not be located. When the ballfields are submitted, the exhibit will be expanded, and staff will review at that time.

Condition 3 - Director Hand agrees with the requested change of adding “as necessary”.

Condition 5 – Director Hand stated that this standard condition to contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend was developed for the Woodlands project. He stated that he would suggest that the condition be amended to provide all communication and notification up front, and a contact number be provided to the site if there are any neighborhood issues.

Staff recommends approval of SP2022-015 for two (2) years subject to the revised conditions.

Motion and Vote starts at 4:12:25:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-004 subject to the conditions in the staff report including the deletion of Conditions 1 and 15 and the revision to Conditions 7, 8, 13, 16, 26 and 27:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**

2. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future;
3. After talking with the Public Works Department, the applicant does not need to improve the North 92nd Terrace cul-de-sac and dedicating right-of-way is acceptable. Additionally, improving the cul-de-sac would remove an established stand of trees that will screen the development from public view. KCKFD may require future improvements;
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
5. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
6. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
 - a. A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, UG Transit at (913) 573-6798 or jwelker@wycokck.org.
 - b. The enhanced bus shelter along State Avenue should be constructed to connect with the pedestrian route through the surface parking lot.

This is a major transit corridor with a transit blade sign currently along the sidewalk on State Avenue. The transit shelter (similar to Urban Outfitters) and pedestrian access sidewalk/median should connect to the front door of the building. The approximate placement will be determined at the Final Development Plan;

7. Align the pedestrian walkway with the pedestrian route in the surface parking lot to establish a throughway connection to State Avenue.

The pedestrian walkway/median through the parking lot shall connect to State Avenue as a throughway connection. The trail will be omitted from this portion of the development at this time, however, trail connections with the future development to the east will be discussed when that development plan is submitted;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers shall be oriented away from the residences;

12. The outdoor scoreboard shall comply with the Performance Standards for Lighting.
13. There are lighting and glare issues that were raised in the past with the soccer fields directly north of this site. We want to make the applicant aware of these issues and want to ensure that the exterior lighting (parking lot lights or field lights) adhere to the one (1) footcandle at the property line. This includes light that is cast vertically and horizontally;
14. 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 downspouts shall be integrated into the building. Overflow drains shall be at grade and hidden by vegetation. The scuppers will be addressed at the final plan review;
15. All concrete shall be integrally-colored – no paint;
16. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - c. Lot 1 – 146 trees;
 - d. Lot 2 – 83 trees;
17. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
18. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
19. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) spaces must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
20. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
21. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
22. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 94th Street.

The area in question shall have trees shall be planted along the southwest ridge line of the detention basin arcing south to State Avenue between the agriculturally zoned property (residential home) and the western access drive. Illustrate on the FDP landscape plan, the area west of the North 92nd Street cul-de-sac as green space;
23. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
24. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. See the landscape exhibit;

25. All landscaping must be irrigated. The exhibit submitted addresses this comment and will be reviewed at final plan review;
26. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
27. 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;
28. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;
29. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
30. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
31. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
32. 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;
33. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
34. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
35. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
36. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
37. 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, Sections 8-610 through 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;
38. 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;
39. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferrable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,
40. 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. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-014:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions

NOTE: The first recording was full, and a second recording started when this application was being considered.

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE PLAT2022-003:**

Carson	Chairman
Armstrong	Aye
Connelly	Aye

Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

Motion to APPROVE Passed: 6 to 0
Subject to the above conditions

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-006:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-015 for two (2) years with the conditions in the staff report with the removal of the last sentence in Condition 1, adding “as necessary” at the end of Condition 3 and a contact number be provided to someone on-site that the neighbors can contact if there are issues in Condition 5:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

1. The properties to the west (towards 92nd Terrance) and east (towards 90th Street) shall be protected from erosion, ensuring the relocation of earthen material does not remove the existing trees stands that buffer the single-family homes from the open undeveloped land;
2. When the rough grading has concluded and a development plan has not been submitted for Lot 2, the site shall be seeded until ground cover is established;

3. Water trucks shall be used daily to minimize dust from becoming airborne affecting air quality and adjacent residents, as necessary;
4. As part of the Land Disturbance and Grading Permit, submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required;
5. The hours of operation shall be 7:00 AM to 7:00 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences in advance of performing work. Provide a contact number for someone on-site that the neighbors can contact if there are issues in Condition 5;
6. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line;
7. Conformance with Appendix J, of the 2012 International Building and an agreement that a report by the professional engineer responsible for supervising the dirt removal be submitted at the end of the approval period indicating that the removal does not comply with Appendix J and other conditions;
8. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit;
9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. The Special Use Permit shall be valid for 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

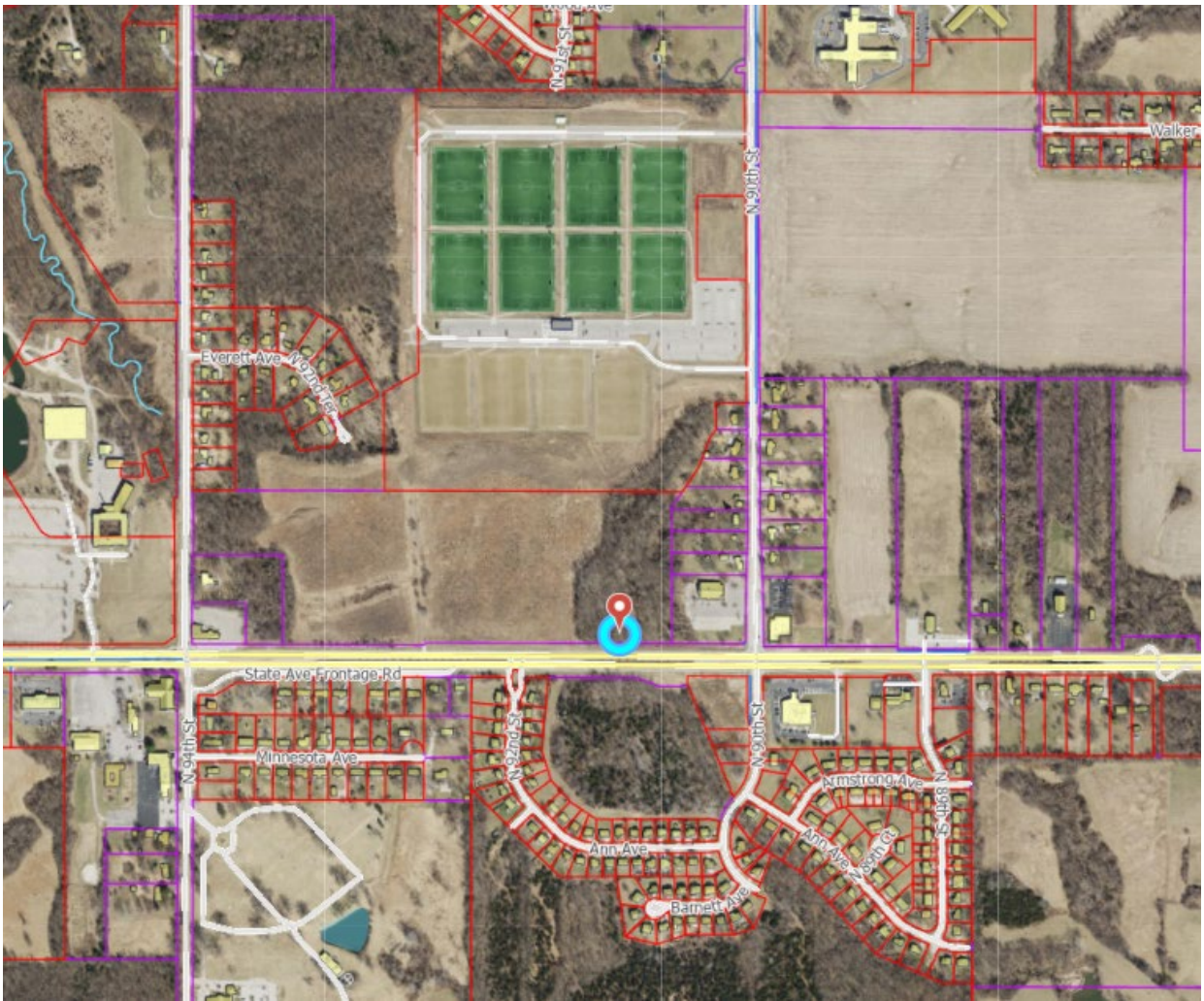


Figure 1. Aerial photograph of 9020 State Avenue (provided by UG Maps).

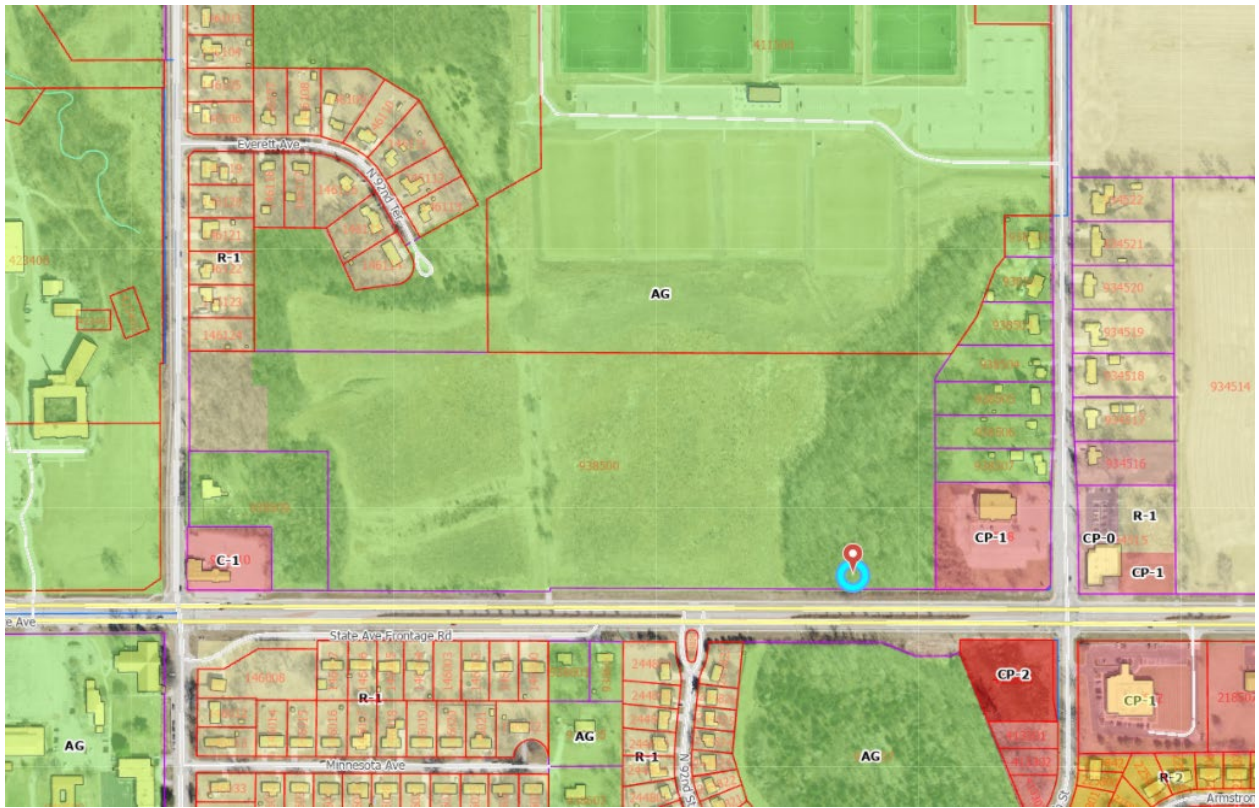


Figure 2. Zoning Map of 9020 State Avenue (provided by UG Maps).

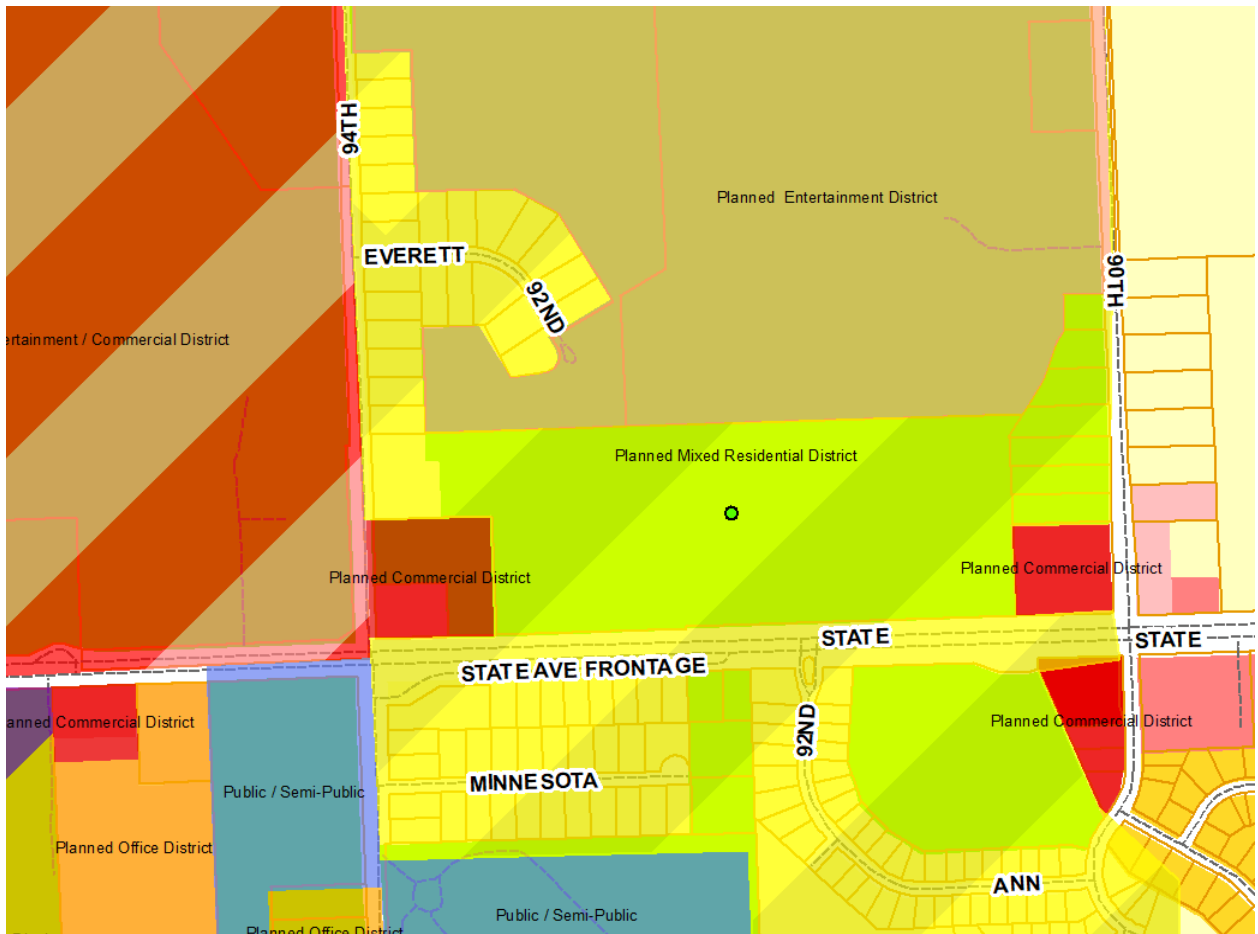
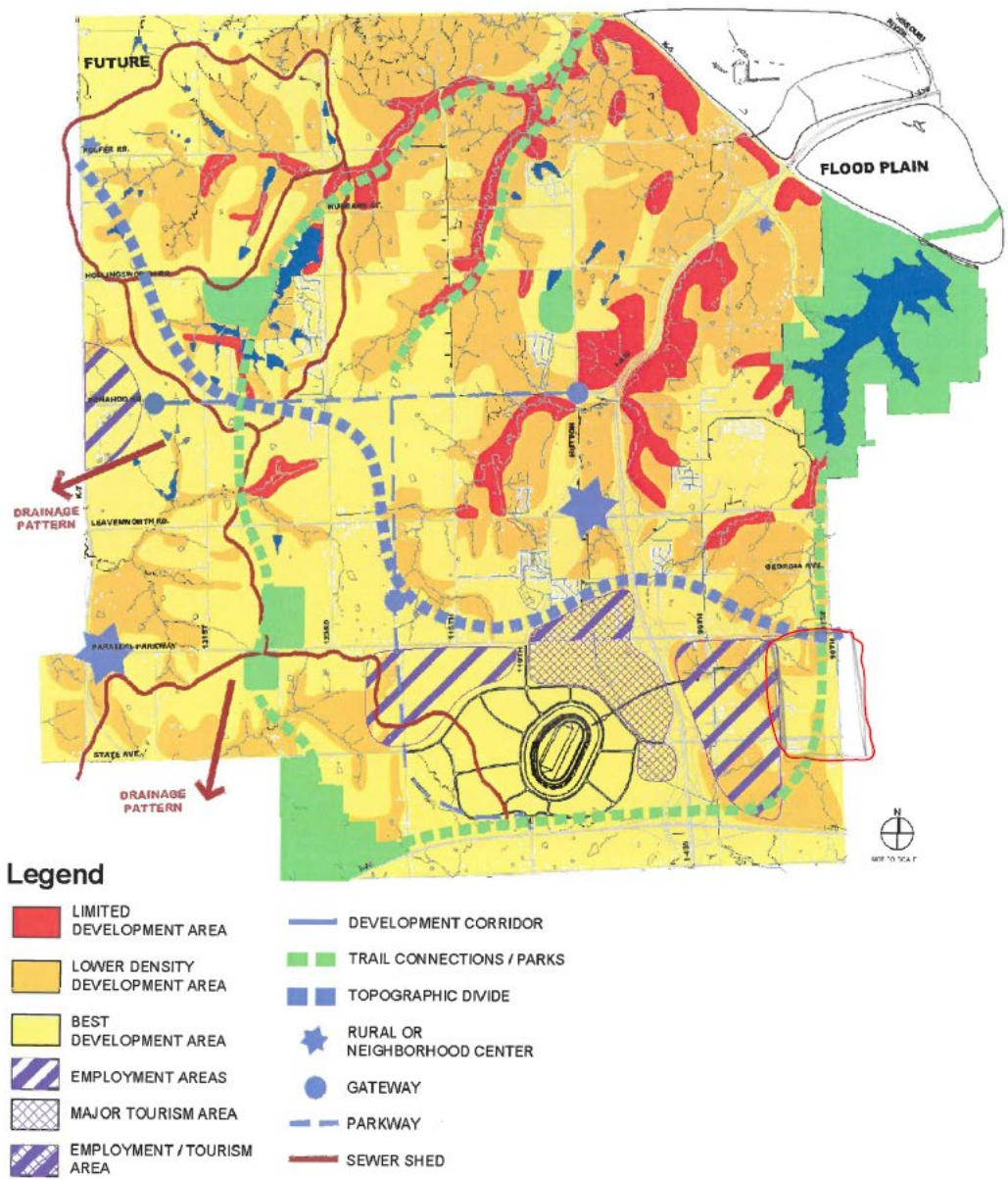
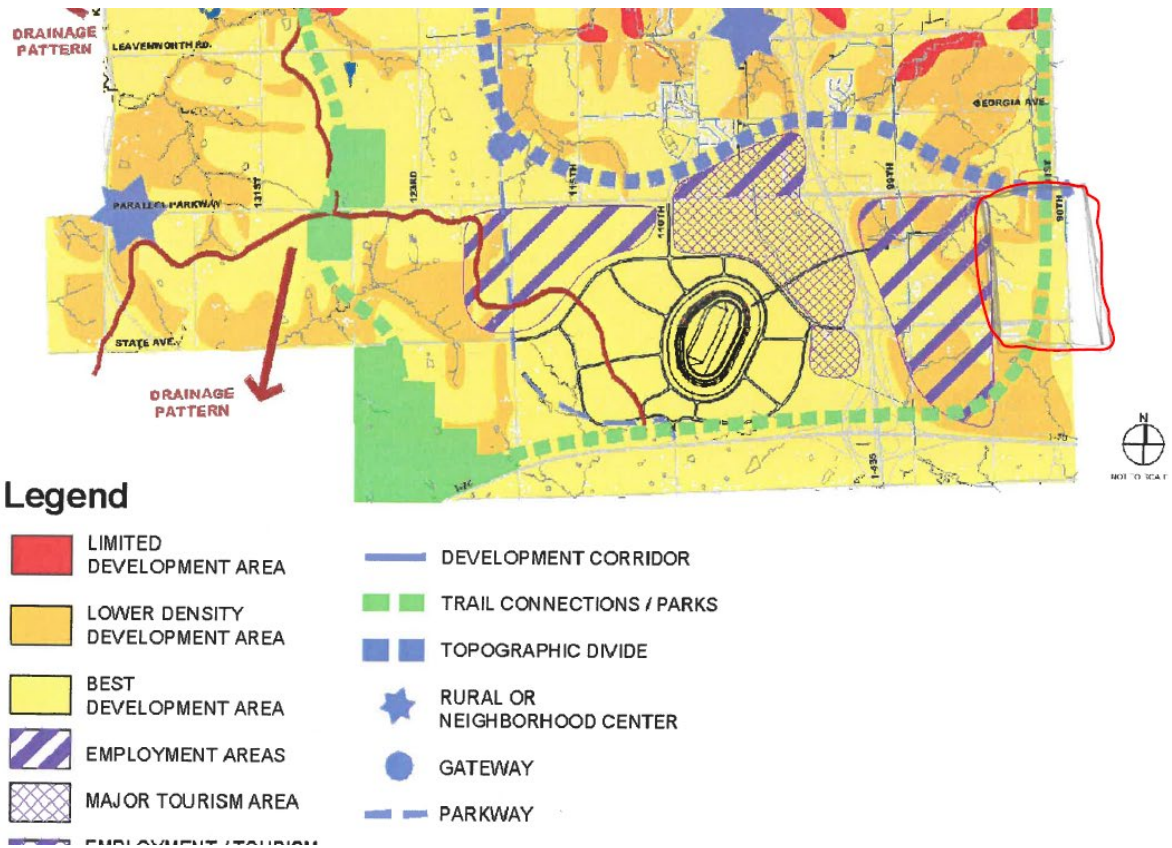


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

Map 10: Development Opportunities





DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.

Kansas City, Kansas 66101

(913) 573-5550

(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PR2022-006 Address: 9020 State Ave
Development Name: Curtis Petersen-Homefield Description: Training Center
STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

****Any open burning of cleared vegetation must be permitted by the Fire Marshal and Air Quality offices**

****Use of explosives requires application and approval from the City Fire Marshal.**

****Provide a truck turning display based on the following data:**

Length- 40'	Inside turn radius- 28 ft
Wheel base- 272.5 in.	Wall to wall radius- 52.5 ft
Front overhang- 131.3 in	Curb to curb radius- 46 ft
Width- 84 in	Inside Cramp Angle- 40deg

***Provide required emergency water (fire hydrants) per Sec.507, 2012 IFC**

***Provide required emergency vehicle access per Sec.503, 2012 IFC**

***Provide emergency gate access per Sec.503.6, 2012 IFC**

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields II Digitally signed by Harvey Fields II
Date: 2022.01.14 15:26:05 -06'00'

1/14/2022

Attending DRC Member:

Date

I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

KEY ISSUES

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board 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.
Response: Acknowledged.
2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
Response: Acknowledged.
3. A building permit is required. Please contact the Building Inspection Department to begin that process.
Response: Acknowledged.
4. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block.

Sec. 27-575(f)3) Buildings should be oriented primarily to the street.

As this building will be a focal point along State Avenue, which is one of the major commercial corridors in the city, the Homefield Training Center and Homefield Training Field must be rotated 90 degrees counterclockwise and orientated closer to State Avenue, shifting guest parking to the west and east of the site in accordance with the Commercial Design Guidelines because this is a commercial building.

The plaza located in the southwest corner of the building can be rotated and moved to the southeast corner.

Response: The main entrance to the building is currently oriented to the State Avenue. The applicant would like to discuss this further with planning staff as we do not currently agree with this design approach.

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5. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future.
Response: The design criteria manual is included with this resubmittal.
6. Build the North 92nd Terrace cul-de-sac for residential turnaround to UG standards.
Response: The applicant is dedicating additional right-of-way to the UG. The applicant does not believe this project should be responsible for reconstruction of an existing cul-de-sac that does not serve this project.
7. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.
Response: Please confirm this comment only applies to the project's frontage along State Avenue? State Avenue currently has an existing 8' sidewalk in place.
8. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
Response: Acknowledged and shown on current plans.
9. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
- a. A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, Kansas City ATA at (913) 573-6798 or jwelker@wycokck.org.
 - b. The enhanced bus shelter along State Avenue should be constructed to align with the pedestrian walkway with the pedestrian route in the surface parking lot.
- Response: The sidewalk from the existing transit stop to the building is already shown on the plans. The applicant does not agree that the Developer should be responsible for constructing a transit shelter in this area.*
10. Due to the proximity of an adjacent soccer complex to the north, a trail needs to be established to connect the two developments together.
Response: The applicant would like to discuss this further with City staff. It appears a trail would primarily be located on the soccer complex property.

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11. Establish a mid-block trail connection and pedestrian crossing to the trailhead at the Homefield multi-family apartments across the street at 94th and State Avenue. The eight (8) foot trail must be asphalt or concrete.

The trail should meander east through 9020 State Avenue, connecting to the on-site sidewalks and to the trail system on State Avenue in addition to the proposed trail to 1500 North 90th Street.

Response: The applicant would like to discuss this further with planning staff. The City's Master Trail Plan does not indicate a trail connection in this area. In addition, a trail in this area would likely require significant tree removal, a creek crossing, and possible USACE 404 permits.

12. Align the pedestrian walkway with the pedestrian route in the surface parking lot to establish a throughway connection from State Avenue to the trail that connects the soccer fields to the north.

Response: The applicant would like to discuss this further with planning staff but does not believe this is feasible or necessary.

13. Over the road trucks shall not be parked on the property overnight.

Response: Acknowledged.

14. Where will buses and larger vehicles park within the parking lot?

Response: The applicant would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.

15. Install a publicly accessible bicycle rack for bicyclists in the plaza area.

Response: Acknowledged.

16. Will outdoor speakers be installed on the soccer field?

Response: Yes.

17. Will there be an outdoor scoreboard on the soccer field?

Response: Yes.

18. What are the proposed hours of operation?

Response: Multi-sport athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

Building Architecture:

1. What will the residences see of this development from the west, south and east? Provide a site line drawing with night and day renderings to show glare.

Response: The applicant would like to discuss this further with planning staff to better understand what is being asked. The applicant is not familiar with site line drawings that are able to show "glare".

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2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

- f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling and may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Response: The proposed project does not include any EIFS material. The applicant would like to further discuss the use of metal paneling for this project.

3. 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.

Response: The applicant would like to discuss this item further with planning staff. Similar to other recent projects in the UG, the training center building will not have any downspouts visible on the main entrance/south façade. All of the downspouts and scuppers are integrated into the building façade and will help break up the façade of the building.

4. All concrete shall be integrally-colored – no paint.

Response: Acknowledged.

Landscaping and Screening:

1. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):

- a. Lot 1 – 146 trees.
 - b. Lot 2 – 83 trees.

Response: Acknowledged.

2. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue.

Response: Acknowledged.

3. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

Response: Acknowledged.

4. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

Response: Acknowledged.

4. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces.

Response: Acknowledged.

-
5. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

Response: Acknowledged.

6. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 94th Street.

Response: The applicant would like to discuss this further with planning staff to better understand the location of the ridge line and need for this landscaping. The proposed landscape plan currently meets or exceeds the City's requirements.

7. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

Response: See revised Landscape Plan.

8. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development.

Response: The applicant does not believe this is necessary as the proposed landscape plan meets or exceeds the City's requirements.

9. All landscaping must be irrigated.

Response: See Sheet L1-2 showing the extent of the landscaping areas that will be irrigated.

10. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

Response: Acknowledged.

11. 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.

Response: Acknowledged.

12. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

Response: Acknowledged.

13. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Response: Acknowledged.

14. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

Response: Acknowledged.

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15. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid.

Response: Acknowledged.

16. 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.

Response: Acknowledged.

17. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

Response: Acknowledged.

18. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

Response: Acknowledged.

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01/31/22

HOMEFIELD TRAINING CENTER
9020 State Avenue, Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-014 & SP2022-015

Date and Location: 01/31/22, Meeting held on Zoom Video Conference

Meeting called to order at: 6:15 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Mitchell Brown - Populous
4. Brian Lavery – Continental Engineering Consultants
5. Victoria Porter – Neighbor
6. Barbara Verbenec – Neighbor
7. “DCART” – Neighbor
8. Linda Houston - Neighbor

Introductions: Richard Napper with Homefield (the Developer)

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Homefield Training Center Project located in Kansas City, Kansas. Richard gave a brief overview of the Project while we showed the Homefield – Master Plan overlay on aerial dated 01/31/22. He pointed out the locations of the 150,000 SF Homefield indoor training Building, the outdoor Multi-sport Field, the parking lot, and the detention pond. We had discussions with three attendees at the meeting. DCART did not speak or have questions. The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM Richard officially announced the conclusion of the Neighborhood Meeting and we adjourned.

Questions and answers (include the following): For clarity, each neighbor's Q's & A's have been grouped together.

Victoria Porter, 1212 N. 90th Street:

1. Q: There is already substantial traffic and noise in the neighborhood with the Soccer Complex, won't this add more. A: There is not a drive proposed from the site to 90th street, but there will be some additional traffic in the neighborhood in general, and with it some additional noise.
2. Q: Is this adding just one additional outdoor Field? A: Yes, this current Project is adding just one Multi-sport Field.
3. Q: She expressed her concern and disappointment stating that this Project will reduce enjoyment of her backyard. Richard stated that he understood.
4. Q: What will the building occupancy be? A: Richard responded that with 14 volleyball courts x +20 per team, the normal occupancy will be more than 400 people.
5. Q: Will the building do anything more than sports related stuff? A: Homefield core business is sports practice and game play.
6. Q: Are we building a stage inside the Building? A: No
7. Q: Can the HF Project be moved to the former SVV site west of 94th Street? A: That land is being considered for different use currently.
8. Q: Does the Developer want to purchase my home? A: Richard advised he would advise Homefield's owners to see if there is interest in that.

Linda Houston (lindakayhs@yahoo.com) 1133 N. 94th St.:

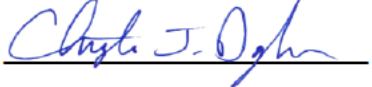
1. Q: What is the blue area on the Plan? A: That is the Detention Pond.
2. Q: She advised that currently the entire Homefield Property drains to and through her property. What is our intent regarding future drainage. A: We will perform design and construction in accordance with the applicable Codes and Ordinances.
3. Q: Where does Victoria live? A: Due east of the Property. Victoria answered north of the Dentist Office on 90th St.
4. Q: What is the HF Building used for? A: Amateur and youth sports of all kinds.
5. Q: What is the Field used for? A: It is an outdoor multi-sport turf field.

Barbara Verbenec (Barbiecooper@earthlink.net) 913-788-7454:

1. Q: Will the wooded area east of the Project be cleared. A: We are currently focusing on the Projects that are being presented to the Planning Commission now, there are other developments coming in the area, it would not be proper to talk about any of those projects as those Plans may change before being submitted.

That concluded all the questions, the meeting adjourned at: 6:45 PM.

Minutes taken by: Chris Doyle at Homefield (the Developer)

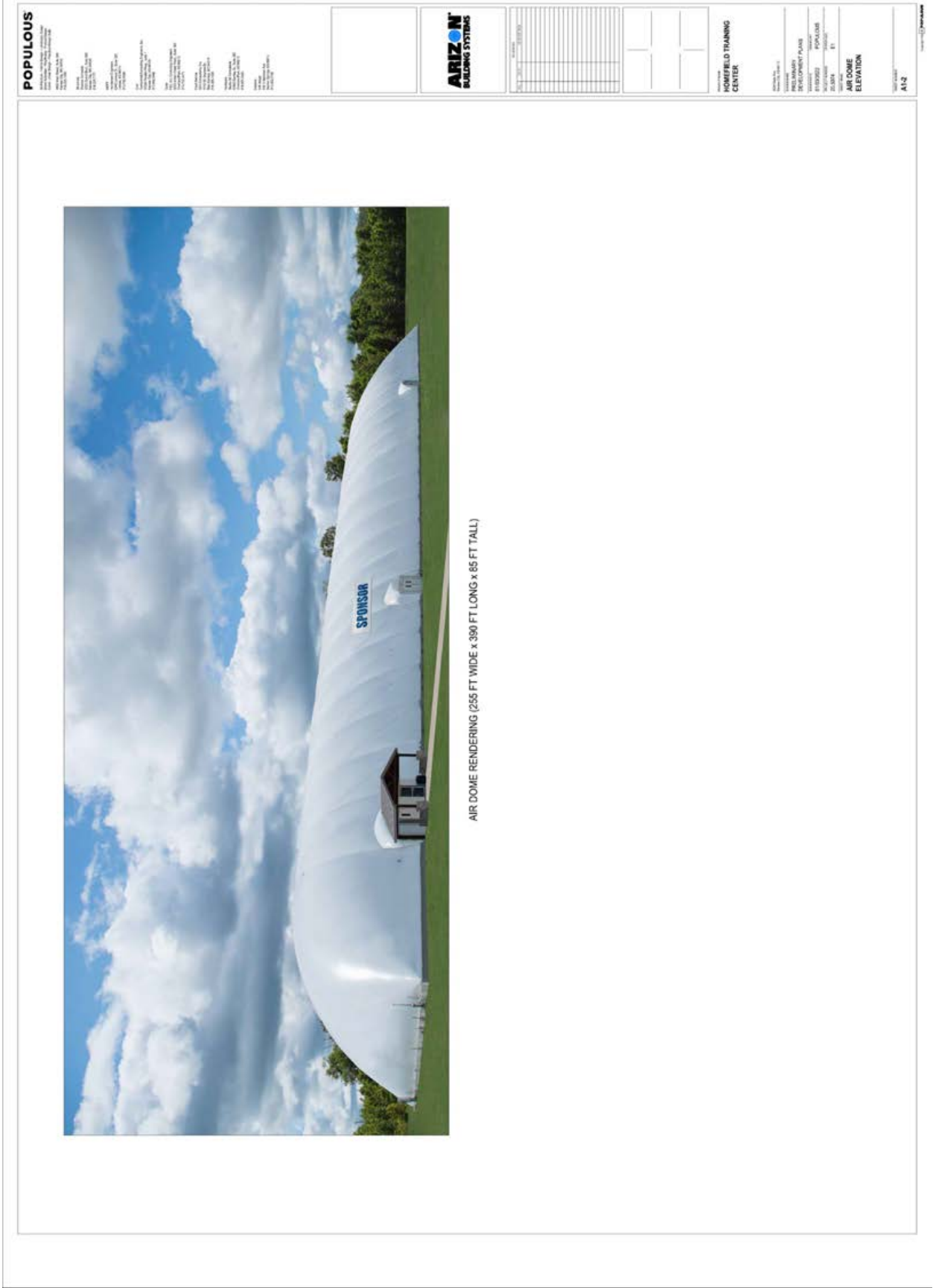
Signed  (Chris Doyle)











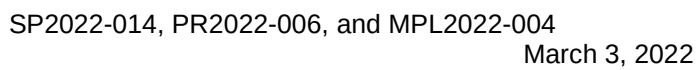




Figure 4. Site photograph looking west on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 5. Site photograph looking east on State Avenue at 9020 State Avenue taken on January 12, 2022.

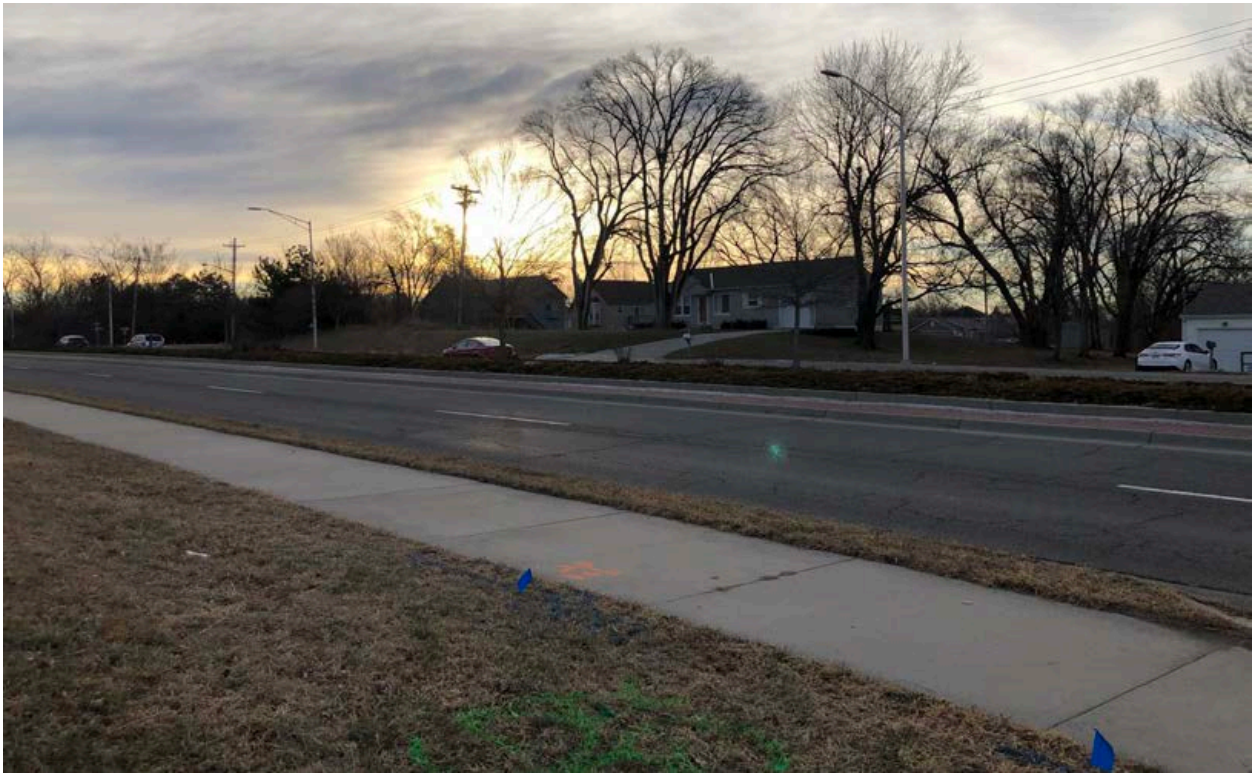


Figure 6. Site photograph looking southeast on 9020 State Avenue at State Avenue.



Figure 7. Site photograph looking southwest on 9020 State Avenue at State Avenue.



Figure 8. Site photograph looking northwest at 9020 State Avenue taken on January 12, 2022.



Figure 9. Site photograph looking north at 9020 State Avenue taken on January 12, 2022.



Figure 10. Site photograph looking northeast at 9020 State Avenue taken on January 12, 2022.



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: March 3, 2022
Re: **Petition SP2022-015**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve a Special Use Permit.

Date of Application:
January 3, 2022

Purpose:
To balance earthwork and eliminate borrow and haul off of earthen material for future use.

Property Location:
9020 State Avenue



Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and R-1 Single Family Districts East: A-G Agriculture and CP-1 Planned Limited Business Districts West: A-G Agriculture and RP-5 Planned Apartment Districts (across North 94 th Street)
Adjacent Uses:	North: Compass Minerals Soccer Complex and single family homes South: Single family homes and undeveloped land East: Dental office and single-family homes West: Single family homes
Total Tract Size:	13.88 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential, which allows patio (zero lot line) homes, townhomes, condominiums, garden apartments, housing for seniors, and other multifamily uses. (An amendment to Planned Commercial Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area).
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare.
Required Parking:	Sec. 27-668(a)(2) Athletic fields, stadiums, miniature golf courses, gymnasiums, indoor athletic fields. Spaces for these uses shall be determined by the Planning Commission. Homefield proposes 457 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owner – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, wants to rough grade the overall site prior to the development of the Homefield project to balance the earthwork and eliminate the need to borrow or haul off material on 13.88 acres located at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is composed of soccer fields and a small single-family neighborhood to the north, single family homes to the south, a dental office and single-family homes to the east and apartments to the west (across North 94th Street).

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

The zoning and uses of nearby property are identified above. A dirt removal operation at this scale would not normally be considered to be compatible with established residential 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 property owner intends to rough grade the site for future uses, which is not part of this entitlement process. Removal of the restrictions should not detrimentally affect nearby property because the length of time that is needed to

grade the remainder of the site not associated with the Homefield Entertainment building will be minimal.

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

The property has been vacant for an undetermined period of time; however, the property was used as a driveway to the parcel in the rear, which was removed between 2014 and 2016.

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

Special Use Permits are not addressed in the Master Plan; however, the Prairie Delaware Piper Master Plan Mixed Residential designation allows a mixture of single-family homes, townhomes, and multi-family apartments. An amendment to Planned Commercial Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

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

If the truck traffic remains restricted to State Avenue, it should not exceed the capacity of the street network to accommodate it.

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

The proposed use could be considered reasonably necessary for the convenience and welfare of the public considering the owner is looking to balance the site, which will drastically reduce the number of truck trips to and from the property; and due to the relatively short-term nature of the operation, the proposed use should not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Given the scale of the dirt balancing on site, it is possible that noise, vibration, and dust could be of such duration and intensity as to create problems for nearby property.

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

There is potential for air pollution if the dust generated by the moving of earthen material is not adequately monitored and mitigated.

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

Erosion control is required to minimize erosion on the property. Tree lines and ridges adjacent to the single-family homes should be preserved.

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

Provided that adequate controls and reasonable time limits are placed on the operation, the hardship imposed by denial would probably exceed the gain to the public health, safety and welfare.

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

Depending on the approximate location of the staging areas and concentration of construction activities, there is a potential for overcrowding of land that will need be mitigated through the duration of this permit.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with the land disturbance ordinance.

Compliance with Appendix J, 2012, International Building Code.

Duration and size of dirt removal project(s) to minimize all disturbances.

Ability to mitigate noise, dirt, dust, mud, and any negative impacts on the public roads.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-015**, subject to:

- 1. The properties to the west (towards 92nd Terrance) and east (towards 90th Street) shall be protected from erosion, ensuring the relocation of earthen material does not remove the existing trees stands that buffer the single-family homes from the open undeveloped land;**

2. When the rough grading has concluded and a development plan has not been submitted for Lot 2, the site shall be seeded until ground cover is established;
3. Water trucks shall be used daily to minimize dust from becoming airborne affecting air quality and adjacent residents, as necessary;
4. As part of the Land Disturbance and Grading Permit, submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required;
5. The hours of operation shall be 7:00 AM to 7:00 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences in advance of performing work. Provide a contact number for someone on-site that the neighbors can contact if there are issues in Condition 5:
6. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line;
7. Conformance with Appendix J, of the 2012 International Building and an agreement that a report by the professional engineer responsible for supervising the dirt removal be submitted at the end of the approval period indicating that the removal does not comply with Appendix J and other conditions;
8. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit;
9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

13. The Special Use Permit shall be valid for 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2021-015** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Overall Site Plan
Grading Plan
Erosion Control Plan
Site Photographs Provided by Staff on January 12, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-015** 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 **SP2022-015** 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 3:16:35:

MASTER PLAN AMENDMENT MPL2022-004 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Master Plan Amendment from Planned Mixed Residential (Prairie Delaware Piper Master Plan) to Planned Commercial (Prairie Delaware Piper Master Plan) at 9020 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-014 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Special Use Permit for indoor facility and outdoor fields for multi-sport training and tournament games, including food, beverages and liquor sales and related parking at 9020 State Avenue.

PLAT2022-003 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Preliminary Plat for two (2) lots (Homefield Training Center) at 9020 State Avenue.

PLAN REVIEW APPLICATION PR2022-006 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed a Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into two (2) lots to build a 162,065 square foot indoor/outdoor multi-use sports complex, training center and parking on 23.51 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

SPECIAL USE PERMIT APPLICATION SP2022-015 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Special Use Permit for grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, wants to rough grade the overall site prior to the development of the Homefield project to balance the earthwork and eliminate the need to borrow or haul off material on 13.88 acres located at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 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 February 14, 2022;
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 Notice in the Wyandotte Echo; and,
7. The notices to the 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:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:55:20: Planning Director Hand stated that he is going to address the requested changes that the applicant discussed during his presentation as the applicant explained the proposal in detail. Staff has worked closely with all the applicants on their proposals. Staff worked very closely with Mr. Petersen and his team on this project since it was first proposed on the former Schlitterbahn site

and now moved to this location. Director Hand stated that the applicant is asking for an indefinite Special Use Permit. There are not many indefinite Special Use Permits in the UG and one (1) of those is for signage at The Legends. He further stated that the project is a significant investment and staff believes an indefinite Special Use Permit is appropriate. Director Hand stated that he understands why Mr. Petersen and the developers want to be very meticulous, so conditions of approval are not left to interpretation. He stated that there will be Temporary Certificates of Approval issued through the process and if conditions are left to interpretation when it is time for the Final Certificate of Occupancy and the developer wants to change a condition of approval, they will need to go back through the Planning Commission/Board of Commissioners process. Director Hand stated that the only points of contention are the deviations. As has been discussed, the Commercial Design Guidelines are dated, and the Planning Commission has approved modern materials deviations. The intent of this guideline was to not have corrugated metal. Staff agrees with this deviation. The other deviation concerns building orientation. The guidelines say that parking should be on the side or rear and the plan shows parking in the front. It would not be easy to re-orient the building. The applicant has worked with staff to enhance transit connectivity for this site. Director Hand addressed the following conditions in the staff report brought up by the applicant.

Condition 1 addresses the building orientation and if the Planning Commission wishes to grant this deviation, the condition should be deleted.

Conditions 7 and 8 address transit and pedestrian connectivity, which was also addressed in Condition 1. He stated that he would request that the language be modified to defer the transit enhancement to Justus Welker, UG Transit.

Condition 13 regarding the outdoor scoreboard orientation can be addressed at final plan review. He thinks that it should be revised to say that the outdoor scoreboard orientation shall meet the performance standard for lighting.

Condition 15 is related to materiality of the building, and if the deviation is granted, this condition would be eliminated.

Condition 16 does not need to be changed as the scuppers can be clarified at the final development plan.

Condition 26 states the trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and maintain those trees lost over time. Director Hand stated that the applicant submitted an exhibit showing the trees, which can be tied to this condition. Staff made a change to the exhibit that says all the existing tree stands shall remain, which effectively creates an open space buffer in perpetuity.

Condition 27 states that all landscaping must be irrigated, and can be tied to the exhibit provided by the applicant. He stated that staff would like to review the exhibit to make sure that everything is on the plan and that can be addressed at the final plan review.

Director Hand stated that Special Use Permit SP2022-015 is for the grading of the site. He stated that the trucks will only work on site and then removed when they have completed the grading. It is a balanced site. The trucks will not move on and off the site during the grading impact. The mitigation they are doing is therefore only for dust on-site.

Condition 1 – Director Hand agrees with the requested change and recommends that the last sentence be removed from the condition – “Maintain a 100-foot buffer, protecting the tree stands from the single-family homes.” He further stated that the exhibit shows where the tree stands will and will not be located. When the ballfields are submitted, the exhibit will be expanded, and staff will review at that time.

Condition 3 - Director Hand agrees with the requested change of adding “as necessary”.

Condition 5 – Director Hand stated that this standard condition to contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend was developed for the Woodlands project. He stated that he would suggest that the condition be amended to provide all communication and notification up front, and a contact number be provided to the site if there are any neighborhood issues.

Staff recommends approval of SP2022-015 for two (2) years subject to the revised conditions.

Motion and Vote starts at 4:12:25:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-004 subject to the conditions in the staff report including the deletion of Conditions 1 and 15 and the revision to Conditions 7, 8, 13, 16, 26 and 27:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**
- 2. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future;**
- 3. After talking with the Public Works Department, the applicant does not need to improve the North 92nd Terrace cul-de-sac and dedicating right-of-way is acceptable. Additionally, improving the cul-de-sac would remove an**

- established stand of trees that will screen the development from public view. KCKFD may require future improvements;
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
 5. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 6. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
 - a. A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, UG Transit at (913) 573-6798 or jwelker@wycokck.org.
 - b. The enhanced bus shelter along State Avenue should be constructed to connect with the pedestrian route through the surface parking lot.

This is a major transit corridor with a transit blade sign currently along the sidewalk on State Avenue. The transit shelter (similar to Urban Outfitters) and pedestrian access sidewalk/median should connect to the front door of the building. The approximate placement will be determined at the Final Development Plan;

7. Align the pedestrian walkway with the pedestrian route in the surface parking lot to establish a throughway connection to State Avenue.

The pedestrian walkway/median through the parking lot shall connect to State Avenue as a throughway connection. The trail will be omitted from this portion of the development at this time, however, trail connections with the future development to the east will be discussed when that development plan is submitted;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers shall be oriented away from the residences;
12. The outdoor scoreboard shall comply with the Performance Standards for Lighting.
13. There are lighting and glare issues that were raised in the past with the soccer fields directly north of this site. We want to make the applicant aware of these issues and want to ensure that the exterior lighting

- (parking lot lights or field lights) adhere to the one (1) footcandle at the property line. This includes light that is cast vertically and horizontally;
14. 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 downspouts and integrated into the building. Overflow drains shall be at grade and hidden by vegetation. The scuppers will be address at the final plan review;
 15. All concrete shall be integrally-colored – no paint;
 16. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 1 – 146 trees;
 - b. Lot 2 – 83 trees;
 17. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
 18. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
 19. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
 20. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
 21. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
 22. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 94th Street.
The area in question shall have trees shall be planted along the southwest ridge line of the detention basin arcing south to State Avenue between the agriculturally zoned property (residential home) and the western access drive. Illustrate on the FDP landscape plan, the area west of the North 92nd Street cul-de-sac as green space;
 23. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
 24. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. See the landscape exhibit;
 25. All landscaping must be irrigated. The exhibit submitted addresses this comment and will be reviewed at final plan review;
 26. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;

27. 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;
28. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;
29. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
30. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
31. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
32. 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;
33. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
34. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
35. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
36. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
37. 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, Sections 8-610 through 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;

38. 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;
39. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferrable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,
40. 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. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-014:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions

NOTE: The first recording was full, and a second recording started when this application was being considered.

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE PLAT2022-003:**

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

Straws Aye
Motion to APPROVE Passed: 6 to 0
Subject to the above conditions

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-006:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-015 for two (2) years with the conditions in the staff report with the removal of the last sentence in Condition 1, adding “as necessary” at the end of Condition 3 and a contact number be provided to someone on-site that the neighbors can contact if there are issues in Condition 5:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

- 1. The properties to the west (towards 92nd Terrance) and east (towards 90th Street) shall be protected from erosion, ensuring the relocation of earthen material does not remove the existing trees stands that buffer the single-family homes from the open undeveloped land;**
- 2. When the rough grading has concluded and a development plan has not been submitted for Lot 2, the site shall be seeded until ground cover is established;**
- 3. Water trucks shall be used daily to minimize dust from becoming airborne affecting air quality and adjacent residents, as necessary;**
- 4. As part of the Land Disturbance and Grading Permit, submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required;**

5. The hours of operation shall be 7:00 AM to 7:00 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences in advance of performing work. Provide a contact number for someone on-site that the neighbors can contact if there are issues in Condition 5;
6. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line;
7. Conformance with Appendix J, of the 2012 International Building and an agreement that a report by the professional engineer responsible for supervising the dirt removal be submitted at the end of the approval period indicating that the removal does not comply with Appendix J and other conditions;
8. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit;
9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. The Special Use Permit shall be valid for 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

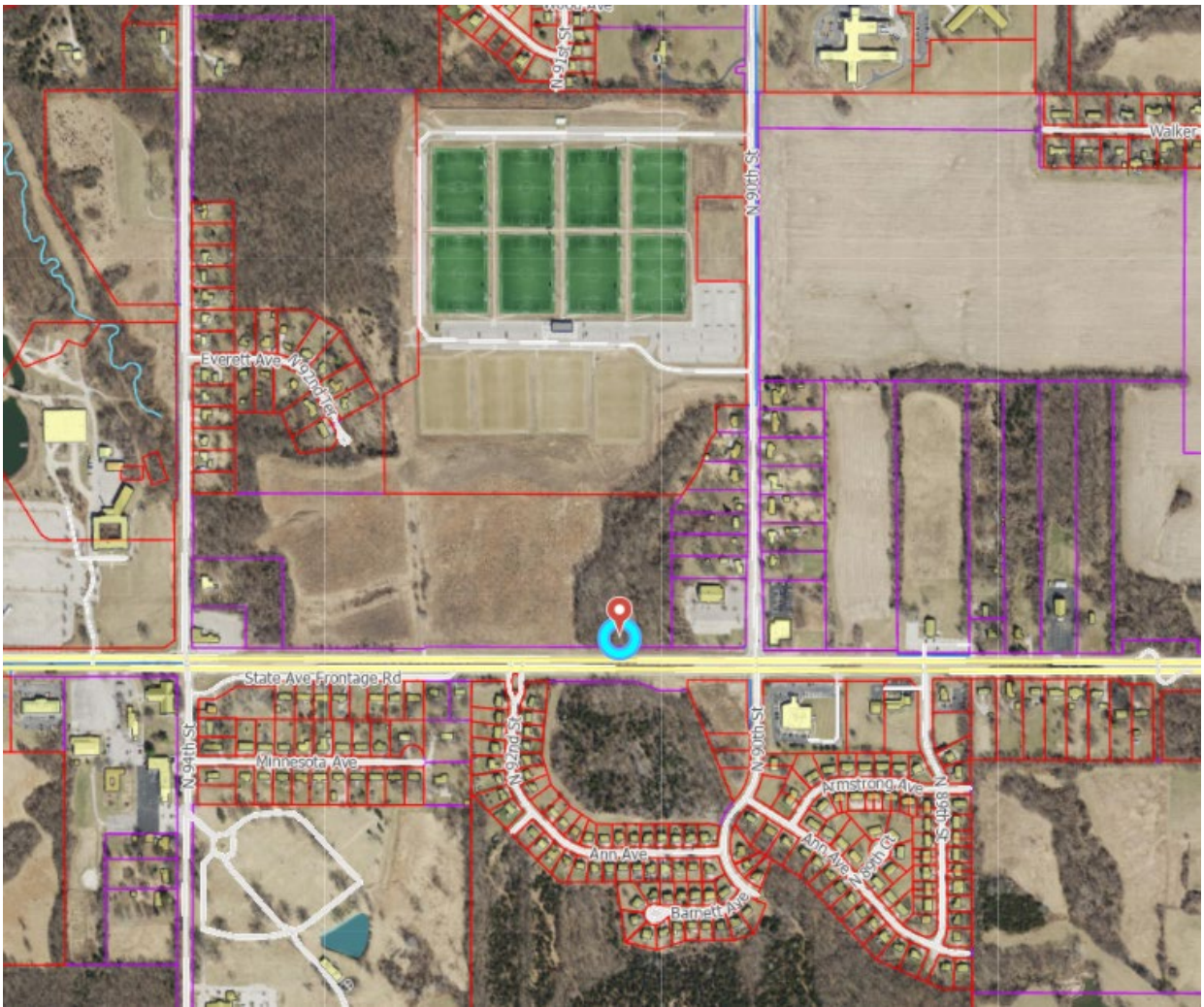


Figure 1. Aerial photograph of 9020 State Avenue (provided by UG Maps).



Figure 2. Zoning Map of 9020 State Avenue (provided by UG Maps).

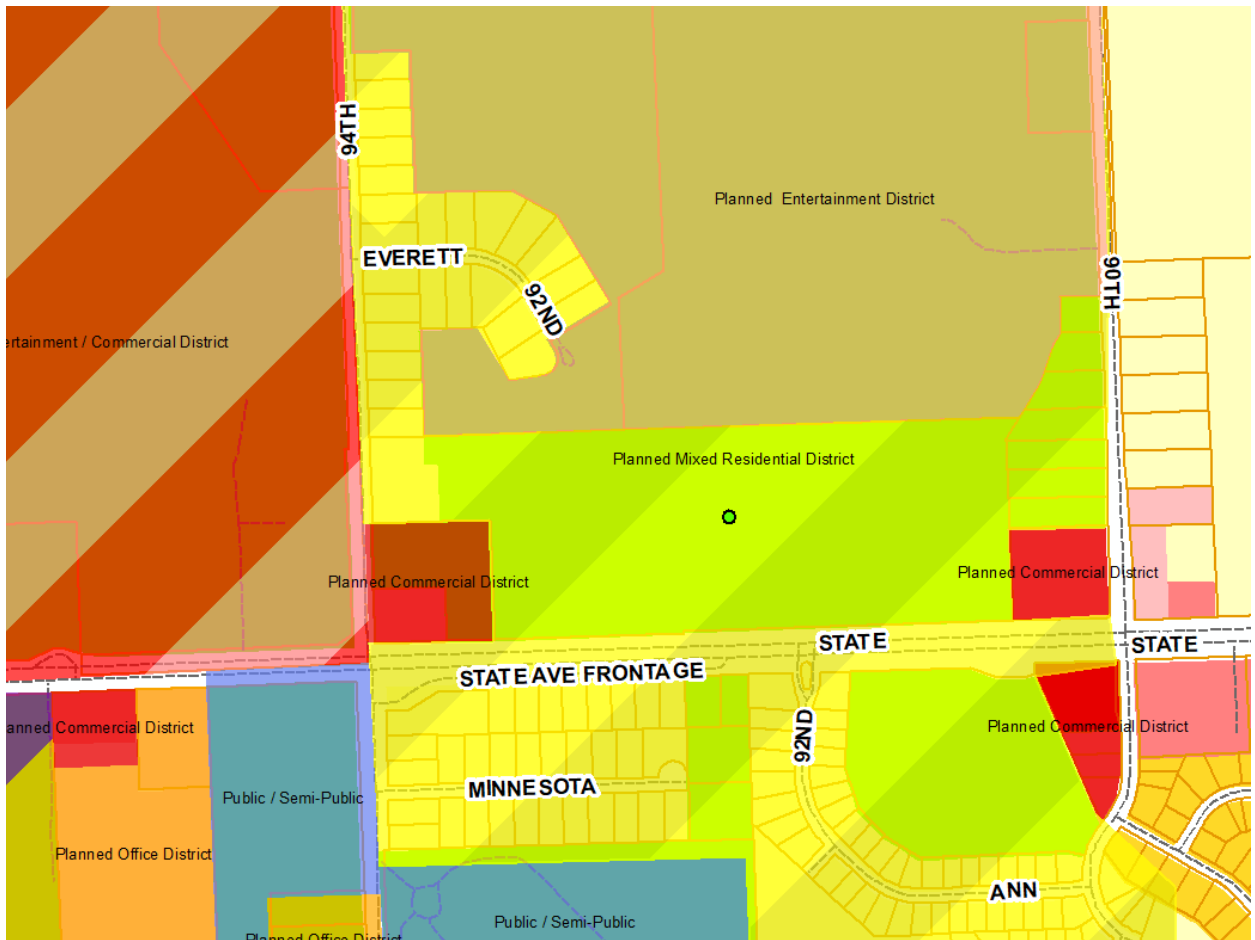


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

Compliance with Appendix J, 2012, International Building Code.
Duration and size of dirt removal project(s) to minimize all disturbances.
Ability to mitigate noise, dirt, dust, mud, and any negative impacts on the public roads.

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

1. ~~Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.~~
Response: Acknowledged.
2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
Response: Acknowledged.
3. 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.
Response: Acknowledged.
4. The properties to the west (towards 92nd Terrance) and east (towards 90th Street) shall be protected from erosion, ensuring the relocation of earthen material does not remove the existing trees stands that buffer the single family homes from the open undeveloped land. Maintain a 100-foot buffer, protecting the tree stands from the single-family homes.
Response: Erosion control elements have been provided on the plans to protect all downstream properties and waterways including sediment traps, sediment basins, linear control measures and buffers. The large majority of existing trees to the north and west of the main area of the site are to remain undisturbed, see sheet L1-1.
5. When the rough grading has concluded and a development plan has not been submitted for Lot 2, the site shall be seeded until ground cover is established.
Response: Acknowledged.

6. How many daily truck trips are anticipated to and from this site?
Response: No dirt is to be hauled into or from the site, it is the intent of these plans that the site earthwork balances. There will be sporadic truck trips during earthwork operations to service and deliver heavy equipment, supply riprap, supply erosion control products, and install seed, fertilizer, mulch.
7. While State Avenue is classified as a Class A Thoroughfare, what is the proposed hauling route into and out of the site?
Response: No dirt is to be hauled into or from the site, it is the intent of these plans that the site earthwork balances.
8. How long do you believe it will take to achieve the final grades necessary to close the permit?
Response: 24 months.
9. What dust mitigation measures are being used on site to reduce plumes of dust that will inevitably arise during warm and windy days.
Response: Typically water trucks will be used to keep dust from becoming airborne. Oils and other petroleum based or toxic liquids are not allowed as noted on the erosion control plans
10. What mitigation measures are being used on site to prevent dirt and mud from tracking onto State Avenue?
Response: Construction entrance detail per UG-1400-A, diversion berms, linear controls per detail UG-1400-D and UG-1400-E.
11. Submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required.
Response: This agreement is part of the permit issued to the grading contractor by the Unified Government (Land Disturbance/Site Development Application Permit) from the Public Works Engineering Division.
12. The hours of operation shall be 7:00 AM to 7:00 PM, Monday through Friday.
Response: Some weekend work may be necessary due to schedule and/or weather. Weekend work would be 7A-7P.
13. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line.
Response: The large majority of existing trees to the north and west of the main area of the site are to remain undisturbed, see sheet L1-1.
14. Conformance with Appendix J, of the 2012 International Building and an agreement that a report by the professional engineer responsible for supervising the dirt removal be submitted at the end of the approval period indicating that the removal does not comply with Appendix J and other conditions.
Response: Acknowledged.
15. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit.
Response: Acknowledged.
16. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval.
Response: Acknowledged.

Planning Engineering Comments:

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

- 1) None
- B) Items that are conditions of approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
Response: Acknowledged.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

01/31/22

HOMEFIELD TRAINING CENTER
9020 State Avenue, Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-014 & SP2022-015

Date and Location: 01/31/22, Meeting held on Zoom Video Conference

Meeting called to order at: 6:15 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Mitchell Brown - Populous
4. Brian Lavery – Continental Engineering Consultants
5. Victoria Porter – Neighbor
6. Barbara Verbenec – Neighbor
7. “DCART” – Neighbor
8. Linda Houston - Neighbor

Introductions: Richard Napper with Homefield (the Developer)

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Homefield Training Center Project located in Kansas City, Kansas. Richard gave a brief overview of the Project while we showed the Homefield – Master Plan overlay on aerial dated 01/31/22. He pointed out the locations of the 150,000 SF Homefield indoor training Building, the outdoor Multi-sport Field, the parking lot, and the detention pond. We had discussions with three attendees at the meeting. DCART did not speak or have questions. The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM Richard officially announced the conclusion of the Neighborhood Meeting and we adjourned.

Questions and answers (include the following): For clarity, each neighbor's Q's & A's have been grouped together.

Victoria Porter, 1212 N. 90th Street:

1. Q: There is already substantial traffic and noise in the neighborhood with the Soccer Complex, won't this add more. A: There is not a drive proposed from the site to 90th street, but there will be some additional traffic in the neighborhood in general, and with it some additional noise.
2. Q: Is this adding just one additional outdoor Field? A: Yes, this current Project is adding just one Multi-sport Field.
3. Q: She expressed her concern and disappointment stating that this Project will reduce enjoyment of her backyard. Richard stated that he understood.
4. Q: What will the building occupancy be? A: Richard responded that with 14 volleyball courts x +20 per team, the normal occupancy will be more than 400 people.
5. Q: Will the building do anything more than sports related stuff? A: Homefield core business is sports practice and game play.
6. Q: Are we building a stage inside the Building? A: No
7. Q: Can the HF Project be moved to the former SVV site west of 94th Street? A: That land is being considered for different use currently.
8. Q: Does the Developer want to purchase my home? A: Richard advised he would advise Homefield's owners to see if there is interest in that.

Linda Houston (lindakayhs@yahoo.com) 1133 N. 94th St.:

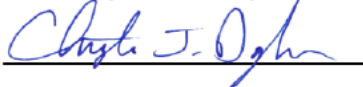
1. Q: What is the blue area on the Plan? A: That is the Detention Pond.
2. Q: She advised that currently the entire Homefield Property drains to and through her property. What is our intent regarding future drainage. A: We will perform design and construction in accordance with the applicable Codes and Ordinances.
3. Q: Where does Victoria live? A: Due east of the Property. Victoria answered north of the Dentist Office on 90th St.
4. Q: What is the HF Building used for? A: Amateur and youth sports of all kinds.
5. Q: What is the Field used for? A: It is an outdoor multi-sport turf field.

Barbara Verbenec (Barbiecooper@earthlink.net) 913-788-7454:

1. Q: Will the wooded area east of the Project be cleared. A: We are currently focusing on the Projects that are being presented to the Planning Commission now, there are other developments coming in the area, it would not be proper to talk about any of those projects as those Plans may change before being submitted.

That concluded all the questions, the meeting adjourned at: 6:45 PM.

Minutes taken by: Chris Doyle at Homefield (the Developer)

Signed  (Chris Doyle)

**HOMEFIELD KCKS
NEIGHBORHOOD MEETING – SP2022-014 & SP2022-015
CONTACT LOG**

01/22/22 – Linda Houston Foundation email. Surface drainage water concern. Sent to Brian Lavery for evaluation. See emails.

01/31/22 @ 4:26 PM – Barbie Verbenec called to ask me to email here the zoom link for tonight's Neighborhood Meeting. I asked her which meeting tonight and she requested the link to both of them, which I sent to her at 5:08 PM.

02/01/22 @ 9:00 AM – Linda Houston requested a copy of the rendered Site Plan of the Homefield Training Center Site that we showed yesterday in the Neighborhood Meeting. I agreed and passed the request to Richard Napper since he has been speaking with her.



Chris Doyle | HomeField
Construction Manager
Phone: (816) 985-7770
Email: CDoyle@HomeFieldKC.com
Olathe: 2115 E Kansas City Rd. Olathe, 66061
Kansas City: 5000 Bannister Rd. Kansas City, MO 64137

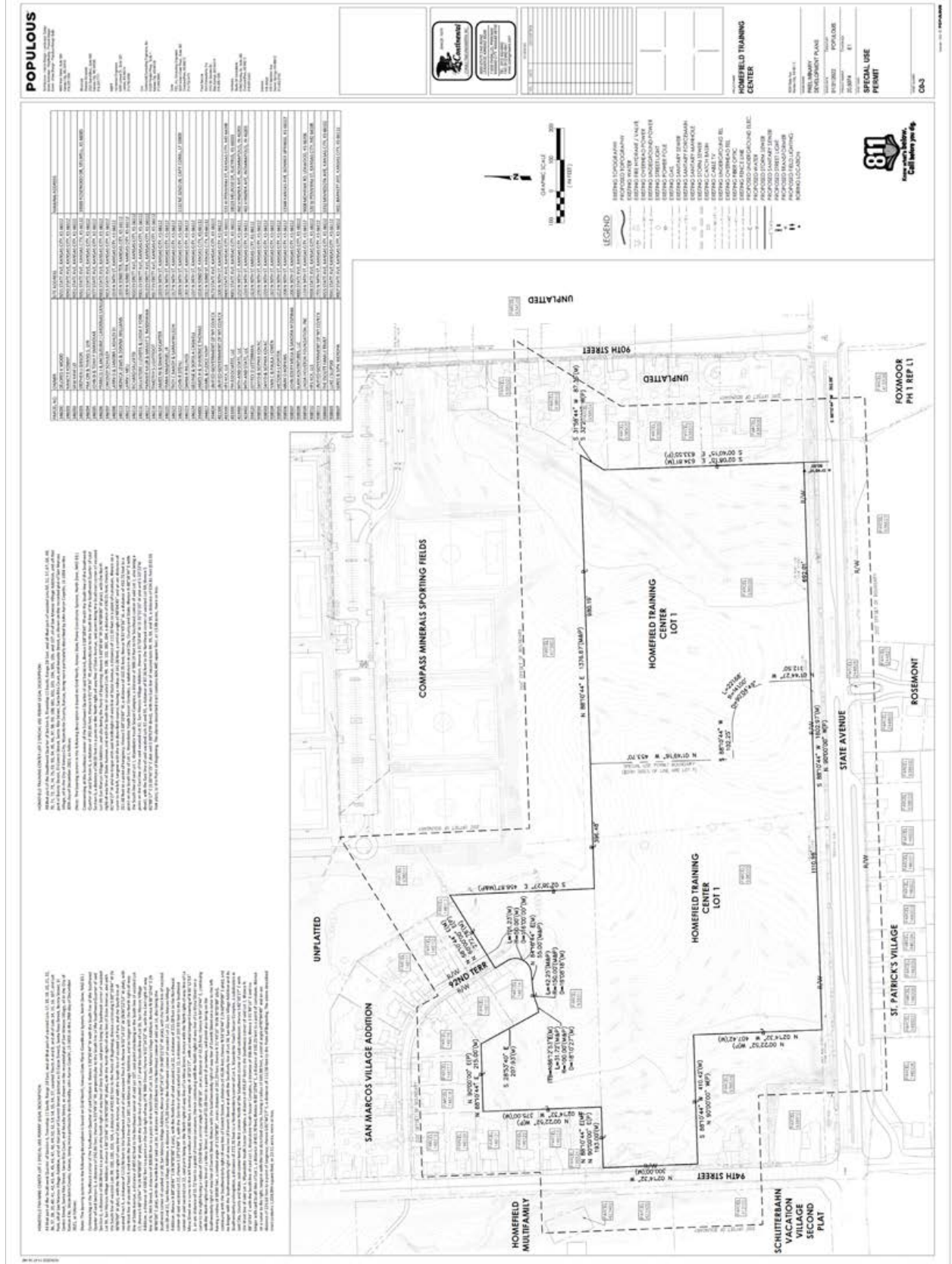






Figure 4. Site photograph looking west on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 5. Site photograph looking east on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 6. Site photograph looking southeast on 9020 State Avenue at State Avenue.



Figure 7. Site photograph looking southwest on 9020 State Avenue at State Avenue.



Figure 8. Site photograph looking northwest at 9020 State Avenue taken on January 12, 2022.



Figure 9. Site photograph looking north at 9020 State Avenue taken on January 12, 2022.



Figure 10. Site photograph looking northeast at 9020 State Avenue taken on January 12, 2022.



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: March 3, 2022

Re: Change of Zone Petition COZ2022-005 and PR2022-005

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Actions:
Change of Zone from A-G Agriculture District CP-3 Planned Commercial District.

Preliminary and Final Plan Review for an inventory parking lot expansion for Camping World.

Date of Applications:
January 3, 2022

Purpose: To rezone and create one (1) commercial lot and build an inventory parking lot expansion for Camping World.

Property Location: 9400 State Avenue



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
Existing Zoning:	A-G Agriculture District		
Adjacent Zoning:	North:	A-G Agriculture and CP-0 Planned Nonretail Business Districts	
	South:	CP-3 Planned Commercial District	
	East:	A-G Agriculture District	
	West:	CP-2 Planned General Business District	
Adjacent Uses:	North:	Home improvement store (across State Avenue)	
	South:	Camping World (under construction)	
	East:	Vacate property (formerly Schlitterbahn Vacation Village)	
	West:	Home improvement store (Menards)	
Total Tract Size:	5.49 Acres		
Master Plan Area:	Prairie Delaware Piper Master Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Entertainment / Commercial District, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.		
Major Street Plan:	The Major Street Plan classifies North 98 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 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. 152 parking spaces are required. 119 parking spaces are provided (variance was approved by the Board of Zoning Appeals on August 9, 2021). No new structures are proposed; therefore, no additional parking is required.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – January 20, 2022; Letters to Property Owners – Change of Zone – January 21, 2022 and February 24, 2022; Plat – January 21, 2022; Plan Review – January 21, 2022 and February 24, 2022.		
Public Hearings:	February 14, 2022 and March 3, 2022		
Public Support:	None to date.		

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen wants to rezone from A-G Agriculture District and CP-3 Planned Commercial District, and replat one (1) commercial lot to build an inventory parking lot expansion on 5.49 acres at 9400 State Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. Property Maintenance Compliance Division sited the property on May 21, 2021 for overgrown weeds on the property, which has since been resolved.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group boundary. The subject property is, however, considered within Legends/Kansas Speedway area. The neighborhood is defined by large commercial buildings, business campuses, hotels, sports and entertainment facilities, parking lots, and close proximity to two (2) interstates (I-435 and I-70) and two (2) major roadways (State Avenue and Parallel Parkway).

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

Proper screening, accomplished through both landscaping and fencing, will contribute greatly to ensuring continued compatibility between the uses on the neighboring parcels.

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

The subject is almost five (5) acres and will house RVs within the inventory lot. The size of the parcel compared to the rest of the surrounding properties is smaller, abutting the enclosed outside storage yard for Menards and the rear of Camping World. Beyond the mere distance between the buildings on neighboring parcels, screening will reduce any adverse effects from detrimentally affecting nearby properties.

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

The property has been vacant since 2018.

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 does not fulfill any basic necessities of services to the community, and therefore it is not reasonably necessary for the convenience and welfare of the public. The extent of development proposed on site will greatly increase the amount of impervious surface and visuals along North 98th Street. To address and mitigate these issues, sufficient screening must be provided along the property boundary lines, shades trees must be bound across the parcel to combat heat islands and unappealing visuals, and best practices must be employed for stormwater runoff retention. If all of these site design requirements are implemented, the proposed use may 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.*

While the parking lot is for excess inventory, the intent is to provide customers the opportunity to view more RVs on site than previously intended. The result is the proposed use could result in more traffic, but not in ways that will adversely affect the road capacity or safety.

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

The proposed use conforms to the Master Plan, which is designated as Planned Mixed Entertainment / Commercial District and allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

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 the stormwater runoff is captured before infiltrating the stormwater system. Staff is requesting trees to be planted around the perimeter of the site to the combat heat island affect.

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 #223.

e. *Fire*

Fire service is provided by Fire Station #6.

f. *Transit*

Kansas City ATA provides transit service along State Avenue. The closet transit stop to the site is over one-half (½) mile away at the intersection of State Avenue and North 94th Street. Despite the relative proximity of the subject property, the bus stop is not currently accessible by pedestrians due to a gap in the sidewalk connection along a portion of State Avenue.

g. *Schools*

Public education service provided 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 of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. In response to Staff comments, the applicant has stated that a gross 200 jobs will be utilized during the construction phase of the project, and a gross

total of 60 full- and part-time jobs are estimated to be created once Camping World is open and operating. The applicant has not stated if Camping World has or intends to make efforts to recruit and hire residents from Wyandotte County. The applicant has declined to comment on any predicted sales taxes generated by Camping World's use of the property, citing the corporation's status as a publicly traded company.

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

With additional landscaping and screening, the proposed use is capable of meeting applicable ordinance requirements.

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

The property is currently vacant and previously having been on-site detention for Schlitterbahn Vacation Village. The proposed development will greatly reduce the natural vegetation and terrain while consequently increasing the area of impervious area. Proper mitigation measures and best practices must be employed to ensure such development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, lighting, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

13. 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.

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided documentation regarding grading, erosion control, and stormwater runoff management.

14. 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 additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes. Additionally, the entry/exit access points, parking lots, and drive aisles must be designed in a manner that takes into account pedestrian traffic. Vehicle-pedestrian conflict points should be strictly minimized.

15. 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.

Buildings, lots, blocks, parcels, and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The submitted site plan shows a vast majority of the subject property being paved over, with little regard for the existing terrain. While the applicant has submitted site and grading plans, they do not demonstrate development patterns designed with due regard to topography so that the natural features of the land and vegetation shall be protected and enhanced.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a commercial development and as such does not have the amenities stated above, although staff has made recommendations to improve walkability and non-vehicular transportation.

PREVIOUS ACTIONS

- In 2006, this portion of the property was part of Schlitterbahn Vacation Village on-site stormwater retention. The property is now vacant, having been abandoned in 2018.
- BOZA2022-006 has been filed in conjunction with this Change of Zone, Final Plat and Final Development Plan entitlement.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Circulation
Truck Noise
Lighting / Glare
Landscaping and Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-005** and Preliminary and Final Plan Review **PR2022-005**, subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2022-006**. The following are conditions for **BOZA2022-006** and are stated here for reference only, as **CPC** case is solely for an inventory parking lot expansion for **Camping World**:
 - a. A variance runs with the land, and approval of each or any of the requested variances will allow for any future property owner to meet, but not exceed, the variances granted. These variances are requested due to and are assessed on the specific proposed site of the subject property as submitted by the applicant. Therefore, any change to the design, dimensions, or circumstances of the subject property may void the variance and/or require a new or amended variance to be requested;
 - b. Provide sufficient landscaping and screening along the property boundary lines, especially along the west property line adjacent to the main entrance into the former Schlitterbahn site, in order to reduce the visual impact that collective parking and storage lots could have on the public; and
 - c. A building permit is required for the parking lot expansion. Following this entitlement process, please contact the Building Inspection Department to begin that process.
2. During construction of the proposed **Camping World**, the existing overhead electrical lines located on the subject property will be temporarily relocated within the boundaries of the subject property. As part of the future development phases of the surrounding master development with **STAR Bonds**, the overhead electrical lines on the subject property will be buried below grade;
3. Provide a larger master plan for the entire **Homefield** development, as this was previous a pad site for the entertainment portion of this project. Staff asked for the overall master plan during the initial pre-application meeting. A master plan for the larger site is needed to determine screening and fencing requirements, and if any sidewalk extensions are necessary.

The private drive will extend to the north and either link with **98th Street** to the northwest and/or further development to the east. Either way, the rear of the inventory lot will be highly visible, and the street side fencing shall reflect the same wrought-iron and masonry column treatment as **98th Street**;

4. Work with **Menard's** to add a curb or otherwise close the interior circulation between the stub on **Menard's** property and the northwest corner of the **Camping World** site;

5. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
7. Utility easements shall connect with easements established in adjoining properties;
8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
9. The sidewalk on the west side of the drive between Camping World and the former Schlitterbahn site shall be a minimum of five (5) feet and extend to the north to the inventory lot and will be constructed when the future private road is constructed to Unified Government standards;
10. Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be compliant with all applicable local ordinances and screened from view in accordance with all applicable ordinances;
11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
12. The perimeter fence should be wrought iron with masonry columns along the private drive to the rear of the property terminating at Menard's fence/wall. This expansion will require a redesign of the entire fencing plan so that the future fence facing a public and/or private street includes an architecturally screened fence. Revise and resubmit to show all extents of each fence types;
13. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
14. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, 60 trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines;
16. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted.

Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);

17. All landscaping shall be irrigated;
18. Shall comply with the sign ordinance with the exception of the flag and pole approved by the BOZA2021-018;
19. 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, Sections 8-610 through 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;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
21. 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 **COZ2022-005** and **PR2022-005** and subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
GeoSpatial Services Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Homefield Master Plan
Final Plat
Site Plan
Grading Plan
Site Lighting
Landscape Plan
Site Photographs taken by Staff on January 12, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	February 14, 2022	March 3, 2022
Rezoning	Approval	
Public Hearing	February 14, 2022	TBD
Preliminary and Final Plat	Approved	
Public Hearing	February 14, 2022	March 3, 2022
P&F Plan	Approval	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-005** 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 **COZ2022-005** 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.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-005** 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 **PR2022-005**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:05:50:

CHANGE OF ZONE APPLICATION COZ2022-005 – CURTIS

PETERSEN/POLSINELLI PC – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District for Camping World inventory lot expansion at 9400 State Avenue.

PLAT2022-002 – CURTIS PETERSEN/POLSINELLII PC – SYNOPSIS: Preliminary and Final Plat for one (1) commercial lot at 9400 State Avenue.

PR2022-005 – CURTIS PETERSEN/POLSINELLII PC – SYNOPSIS: Preliminary and Final Plan Review for Camping World inventory lot expansion at 9400 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen wants to rezone from A-G Agriculture District and CP-3 Planned Commercial District, and replat one (1)

commercial lot to build an inventory parking lot expansion on 5.49 acres at 9400 State Avenue.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 14, 2022;
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:

- Curt Peterson, attorney and applicant, 900 West 48th Street, Kansas City, Missouri
- Amy Grant, Polsinelli LC, 900 West 48th Street, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:10:38: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-006, which was approved with modified conditions earlier this evening. Staff concurs with the revised proposal by the applicant of Conditions 4 and 9, and will leave the request for revision to Conditions 3 and 12 to the determination of the City Planning Commission. If the Commission wants to eliminate the fence, the last sentence of Condition 3 shall be stricken, and Condition 12 must be revised by the Planning Commission as it is a deviation from the Commercial Design Guidelines.

The Commission directed questions to staff.

Motion and Vote starts at 2:16:30:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-005 with the revisions as outlined by the applicant for Conditions 4 and 9:**

Carson	Chairman
Armstrong	Aye
Connelly	Aye
Ernst	Aye

Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-006. The following are conditions for BOZA2022-006 and are stated here for reference only, as CPC case is solely for an inventory parking lot expansion for Camping World:**
 - a. A variance runs with the land, and approval of each or any of the requested variances will allow for any future property owner to meet, but not exceed, the variances granted. These variances are requested due to and are assessed on the specific proposed site of the subject property as submitted by the applicant. Therefore, any change to the design, dimensions, or circumstances of the subject property may void the variance and/or require a new or amended variance to be requested;**
 - b. Provide sufficient landscaping and screening along the property boundary lines, especially along the west property line adjacent to the main entrance into the former Schlitterbahn site, in order to reduce the visual impact that collective parking and storage lots could have on the public; and**
 - c. A building permit is required for the parking lot expansion. Following this entitlement process, please contact the Building Inspection Department to begin that process.**
- 2. During construction of the proposed Camping World, the existing overhead electrical lines located on the subject property will be temporarily relocated within the boundaries of the subject property. As part of the future development phases of the surrounding master development with STAR Bonds, the overhead electrical lines on the subject property will be buried below grade;**
- 3. Provide a larger master plan for the entire Homefield development, as this was previous a pad site for the entertainment portion of this project. Staff asked for the overall master plan during the initial pre-application meeting. A master plan for the larger site is needed to determine screening and fencing requirements, and if any sidewalk extensions are necessary.**

The private drive will extend to the north and either link with 98th Street to the northwest and/or further development to the east. Either way, the rear of the inventory lot will be highly visible, and the street side fencing shall reflect the same wrought-iron and masonry column treatment as 98th Street;

- 4. Work with Menard's to add a curb or otherwise close the interior circulation between the stub on Menard's property and the northwest corner of the Camping World site;**

5. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
7. Utility easements shall connect with easements established in adjoining properties;
8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
9. The sidewalk on the west side of the drive between Camping World and the former Schlitterbahn site shall be a minimum of five (5) feet and extend to the north to the inventory lot and will be constructed when the future private road is constructed to Unified Government standards;
10. Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be compliant with all applicable local ordinances and screened from view in accordance with all applicable ordinances;
11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
12. The perimeter fence should be wrought iron with masonry columns along the private drive to the rear of the property terminating at Menard's fence/wall. This expansion will require a redesign of the entire fencing plan so that the future fence facing a public and/or private street includes an architecturally screened fence. Revise and resubmit to show all extents of each fence types;
13. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
14. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, 60 trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines;
16. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted.

Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);

17. All landscaping shall be irrigated;
18. Shall comply with the sign ordinance with the exception of the flag and pole approved by the BOZA2021-018;
19. 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, Sections 8-610 through 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;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
21. 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. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-002**:

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

Motion to APPROVE Passed: 6 to 0
Subject to the above conditions

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-005**:

Carson	Chairman
Armstrong	Aye
Connelly	Aye
Ernst	Aye

Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions



Figure 1. Aerial photograph of 9400 State Avenue (provided by UG Maps).

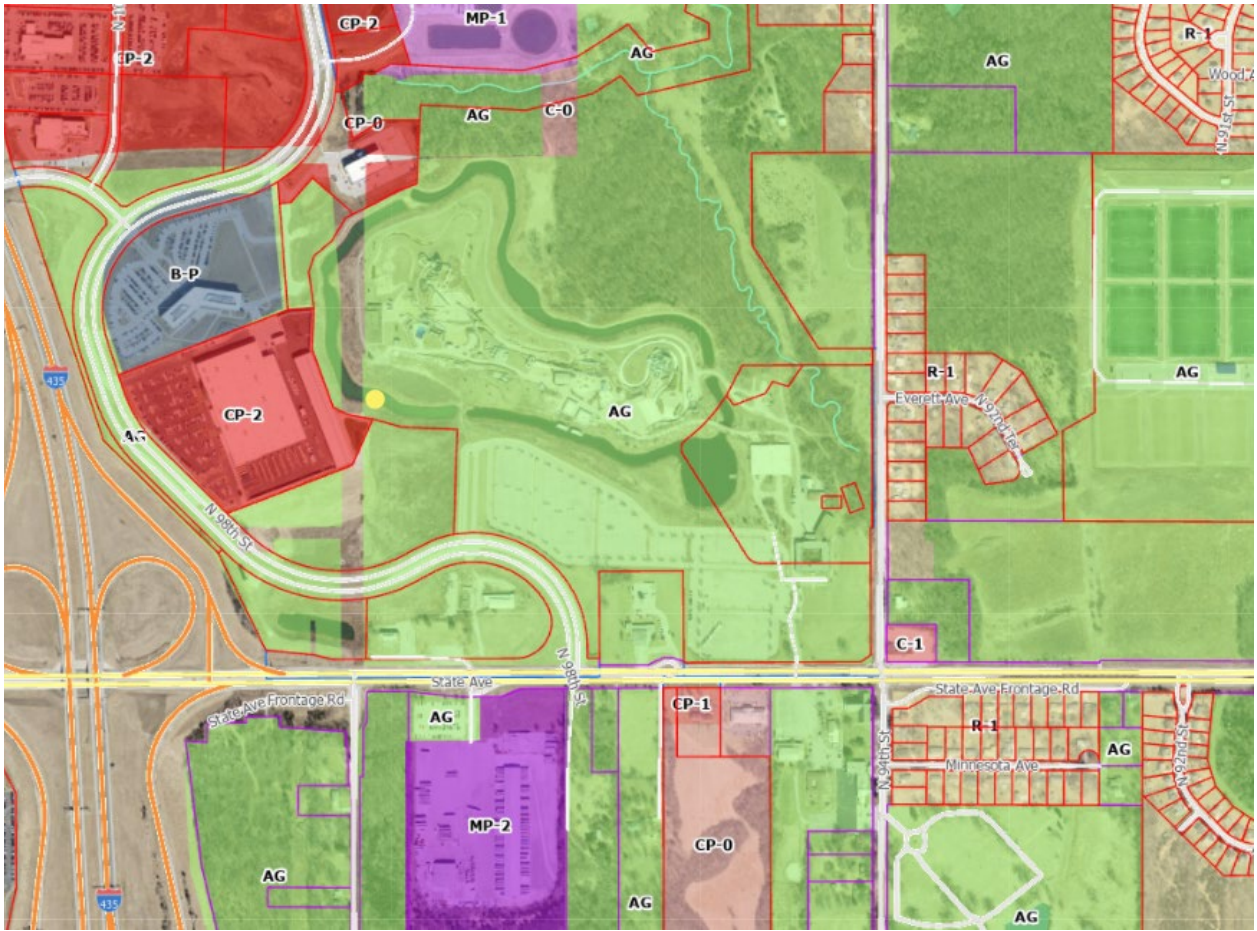


Figure 2. Zoning Map of 9400 State Avenue (provided by UG Maps).

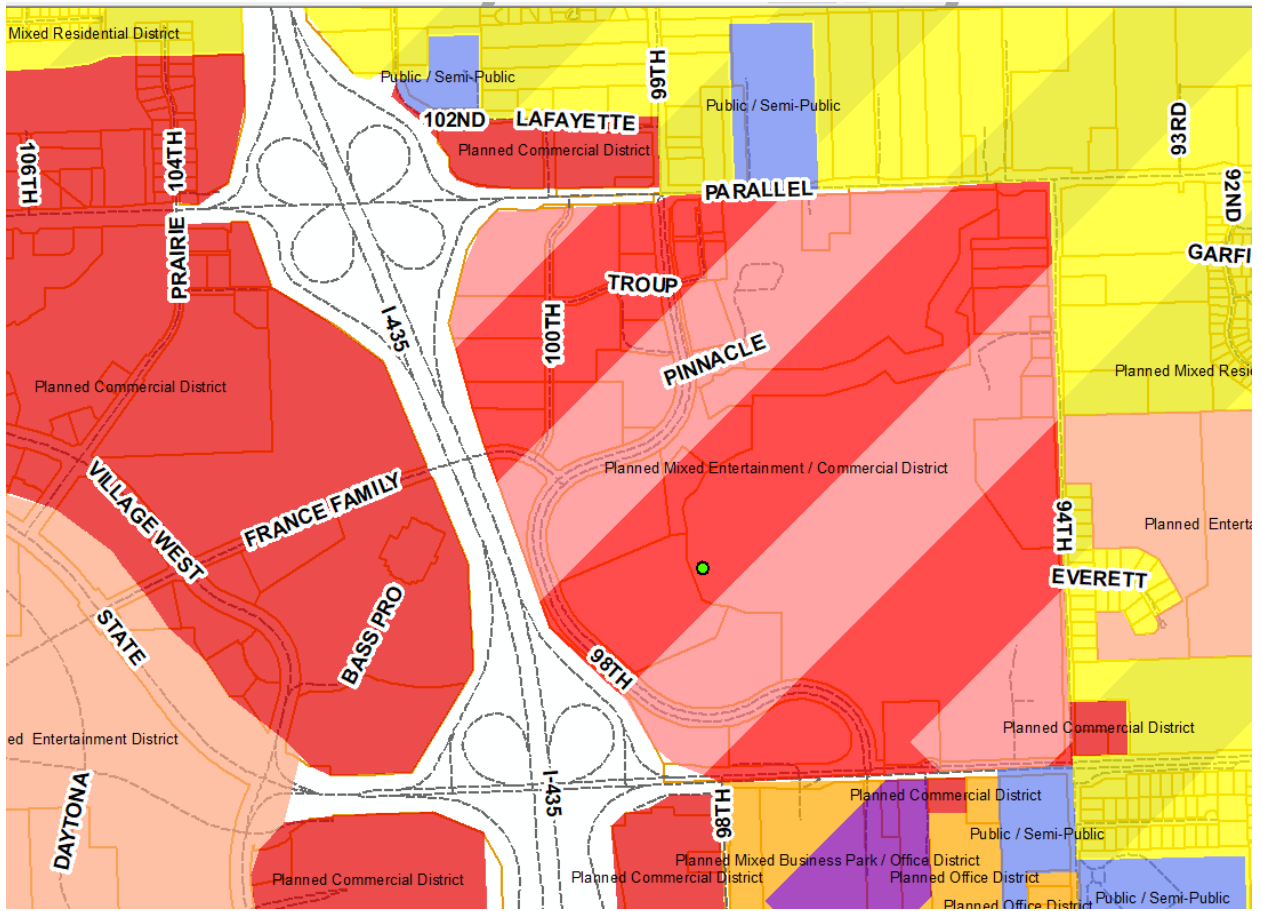


Figure 3. Prairie Delaware Piper Master Plan Land Use Map of 9400 State Avenue (provided by ArcMap).



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: January 13, 2022
RE: **HOMEFIELD CAMPING WORLD SECOND PLAT**

We have researched the official county records for the above plat as submitted to Planning and Urban Design by:
Continental Consulting Engineers

And we have determined the following:

Takes all of CIC-TAS Parcel:

423900

Takes part of CIC-TAS Parcel:

413100

Owners-of-Record:

HFS KCK, LLC

Jurat Signature:

Greg Maday, Manager – HFS KCK, LLC

We find that the plat is: **Presently unacceptable for posting.**
Please note the following comment.

1) Legal Description

The legal description does not need to refer to the Lot Split of Lot 4. The description should be revised to refer to the platted Lot 4, Schlitterbahn Vacation Village Second Plat and the platted Lot 1, Homefield Camping World instead.

NEIGHBORHOOD MEETING

Due to COVID-19, you were notified that the neighborhood meeting can be conducted in one (1) of three (3) ways:

1. In person (with social distancing and masks in place).
2. Virtual Meeting.
3. You can have people contact you via email and/or phone call.

The deadline for the neighborhood meeting is January 31, 2022 and on February 2, 2022 you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email (jparker@wycokck.org) or U.S. mail (Department of Urban Planning and Land Use, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101):

1. List of people who participated in your in-person, Zoom or Skype meeting (if you were able to hold one.)
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
3. Signed affidavit that you held the meeting (it is not required to be notarized because of COVID-19.)

KEY ISSUES

Pedestrian Circulation
Truck Noise
Lighting / Glare
Landscaping and Screening

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

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

RESPONSE: Acknowledged.

2. During construction of the proposed Camping World, the existing overhead electrical lines located on the subject property will be temporarily relocated within the boundaries of the subject property. As part of the future development phases of the surrounding master development with STAR Bonds, the overhead electrical lines on the subject property will be buried below grade.

RESPONSE: Acknowledged.

3. Provide a larger master plan for the entire Homefield development, as this was previous a pad site for the entertainment portion of this project. Staff asked for the overall master plan during the initial pre-application meeting. A master plan for the larger site is needed to determine screening and fencing requirements, and if any sidewalk extensions are necessary.

RESPONSE: *Conceptual master site plan is attached. Circumstances are the same as when the Camping World project was approved. The same fencing and landscape buffering approved for Camping World is proposed here.*

4. Work with Menard's to add a curb between the stub on Menard's property and the northwest corner of Camping World.

RESPONSE: *The requested curb is located on Menard's property. We will bring this to Menard's attention but cannot be held responsible for whether Menard's wishes to add such curb on its property.*

5. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity.

RESPONSE: *Acknowledged.*

6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat.

RESPONSE: *Acknowledged.*

7. Utility easements shall connect with easements established in adjoining properties.

RESPONSE: *Acknowledged.*

8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

RESPONSE: *Acknowledged.*

9. The sidewalk on the west side of the drive between Camping World and the former Schlitterbahn site shall be a minimum of five (5) feet and extend to the north to the inventory lot.

RESPONSE: *Conceptual master site plan depicts private drive that will in the future connect the former Schlitterbahn site to the private drive immediately east of DFA. At such time, a sidewalk connection will be constructed with the private drive.*

10. Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be compliant with all applicable local ordinances and screened from view in accordance with all applicable ordinances.

RESPONSE: *Acknowledged.*

11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620.

RESPONSE: Acknowledged.

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

RESPONSE: Acknowledged.

Landscaping and Screening:

1. The perimeter fence should be wrought iron with masonry columns along the private drive to the rear of the property terminating at Menard's fence/wall. This expansion will require a redesign of the entire fencing plan. Revise and resubmit to show all extents of each fence types.

RESPONSE: Fencing will match the approved Camping World fencing type and design to which this fencing for the expansion area will connect (vinyl coated metal). The landscaping plan includes significant landscaping on the exterior side of the fencing, consistent with the existing, approved Camping World plans.

a. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.

b. RESPONSE: Acknowledged.

2. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

a. RESPONSE: Acknowledged.

3. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, 60 trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines.

a. RESPONSE: Acknowledged.

4. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

a. RESPONSE: Acknowledged.

5. All landscaping shall be irrigated.

a. RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance with the exception of the flag and pole approved by the BOZA2021-018.

RESPONSE: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

RESPONSE: Acknowledged.

- B) Items that are conditions of approval:

- 1) None

- C)

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

- 1) None

01/31/22

CAMPING WORLD INVENTORY LOT - 1201 N. 98th St., Kansas City, KS 66111

NEIGHBORHOOD MEETING MINUTES:

Application Number COZ2022-005

Date and Location: 01/31/22, Meeting held on Zoom Video Conference

Meeting called to order at: 5:30 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Erin Bardon – BnB Architects
4. Brian Lavery – Continental Engineering Consultants
5. Mark Hendrics – Continental Engineering Consultants
6. Barbara Verbenec – Neighbor
7. "DCART" – Neighbor

Introductions: Richard Napper with Homefield (the Developer)

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Camping World Inventory Lot located in Kansas City, Kansas. Richard gave a brief overview of the CW Inventory Lot north of the CW Project currently under construction while we showed Civil Plan Sheet C101 dated 01/03/22 (which remained up on the screen all of the meeting). There were two attendees from the public on the call, we had discussion with Barbara Verbenec and "DCART". The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM Richard officially announced the conclusion of the Neighborhood Meeting and we adjourned.

Questions and answers (include the following):

Barbara Verbenec (Barbiecooper@earthlink.net) 913-788-7454:

1. She lives to the south of the Fire Station

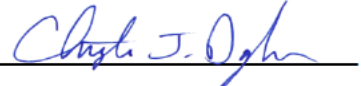
2. Q: Describe the Project. A: Richard described the CW Inventory Lot to the north side of the Camping World Project currently under Construction.
3. Q: What is being done with the current water on site? A: We advised the this portion of the current SVV "Moat" was being filled in with earth.
4. Q: Where the future water detention be. A: We showed her the general area at the north side of the SVV Site where the future water detention is likely to be proposed, but currently the remainder of the "Moat" will remain in tact.
5. Q: What is Camping World? A: Richard advised it is a Retail Dealership for RV's and Campers and related goods.
6. Q: Will there be any people camping on this site? A: No, it is a retail dealership, not a camping ground.
7. Q: Does the Developer have a user for the former SVV property north of this yet? A: The Developer has acquired all of the previous SVV land, and there are many Projects that will be proposed in the future, and many of the neighbors will receive future Neighborhood Meeting invitations like this as those projects get submitted to the Government for approvals. But no Project has been submitted for that land yet.

"DCART" (JCarter8@KC.RR.COM):

1. Q: Can we send her a link to the Homefield Training Center Neighborhood Meeting tonight at 6:15 PM. A: Chris Doyle emailed her the invitation at 5:55 PM.

That concluded all the questions, the meeting adjourned at: 6:00 PM.

Minutes taken by: Chris Doyle at Homefield (the Developer)

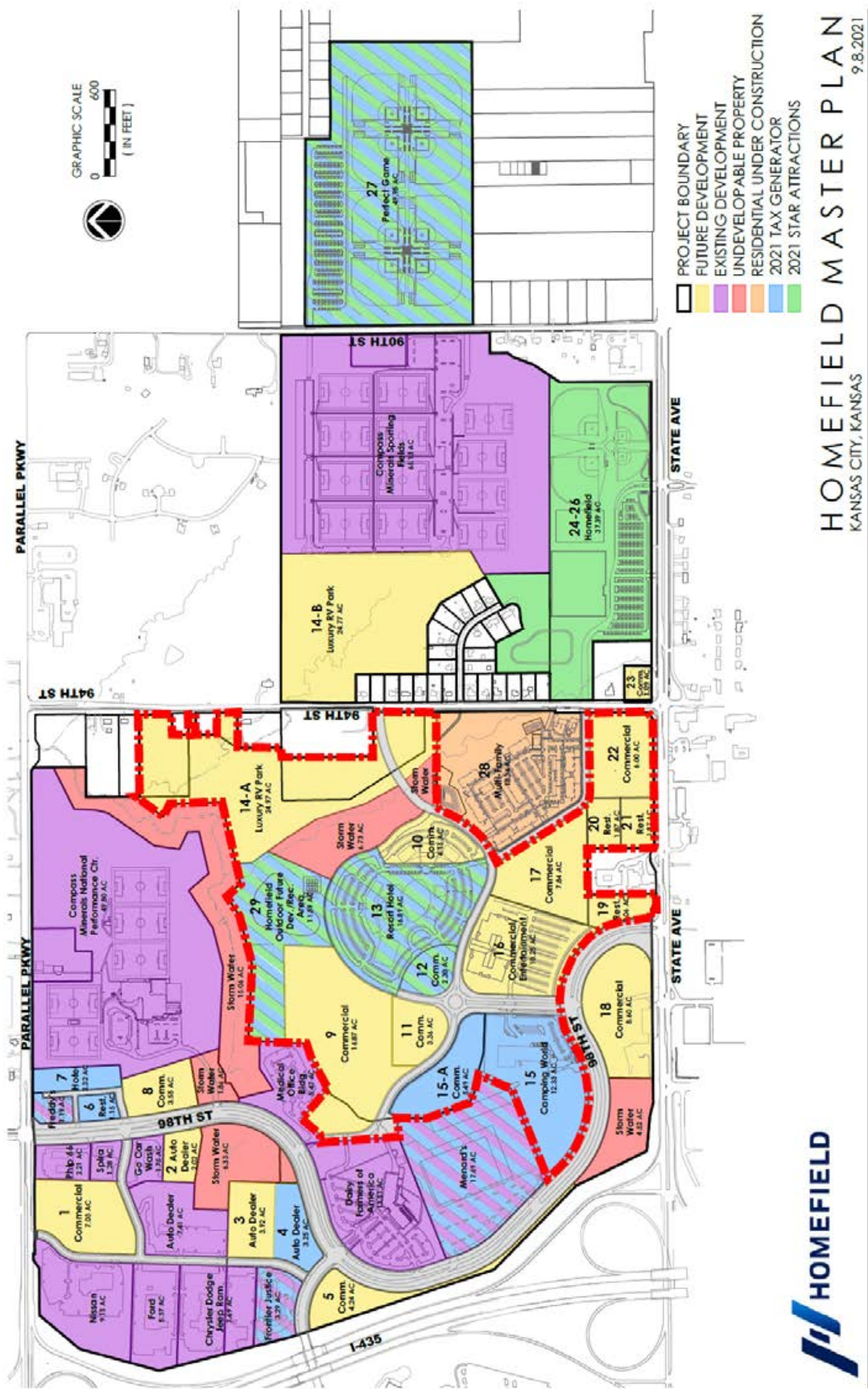
Signed  (Chris Doyle)

CAMPING WORLD INVENTORY LOT COZ 2022-005
NEIGHBORHOOD MEETING – Contact Log

01/22/22 @ 12:24 PM – Roy Jones @ 1426 N 94th: 913-788-3210. Great discussion with Roy, 80 year old iron worker, he set to top piece of the AT&T Building, and he worked on my Ford Body and Assembly Plant Project (the body trussell). He wanted to know what the red lines are (the property lines). Great guy!

01/27/22 @ 9:15 AM – Resident on 94th Street asking for description of what Camping World is, she had heard it was a camp ground for homeless. I advised her what it actually is and she was pleased. She did not want to give me her name.

01/31/22 @ 4:26 PM – Barbie Verbenec called to ask me to email her the zoom link for tonight's Neighborhood Meeting. I asked her which meeting tonight and she requested the link to both of them, which I sent to her at 5:08 PM.



HOMEFIELD MASTER PLAN

KANSAS CITY, KANSAS

9.8.2021

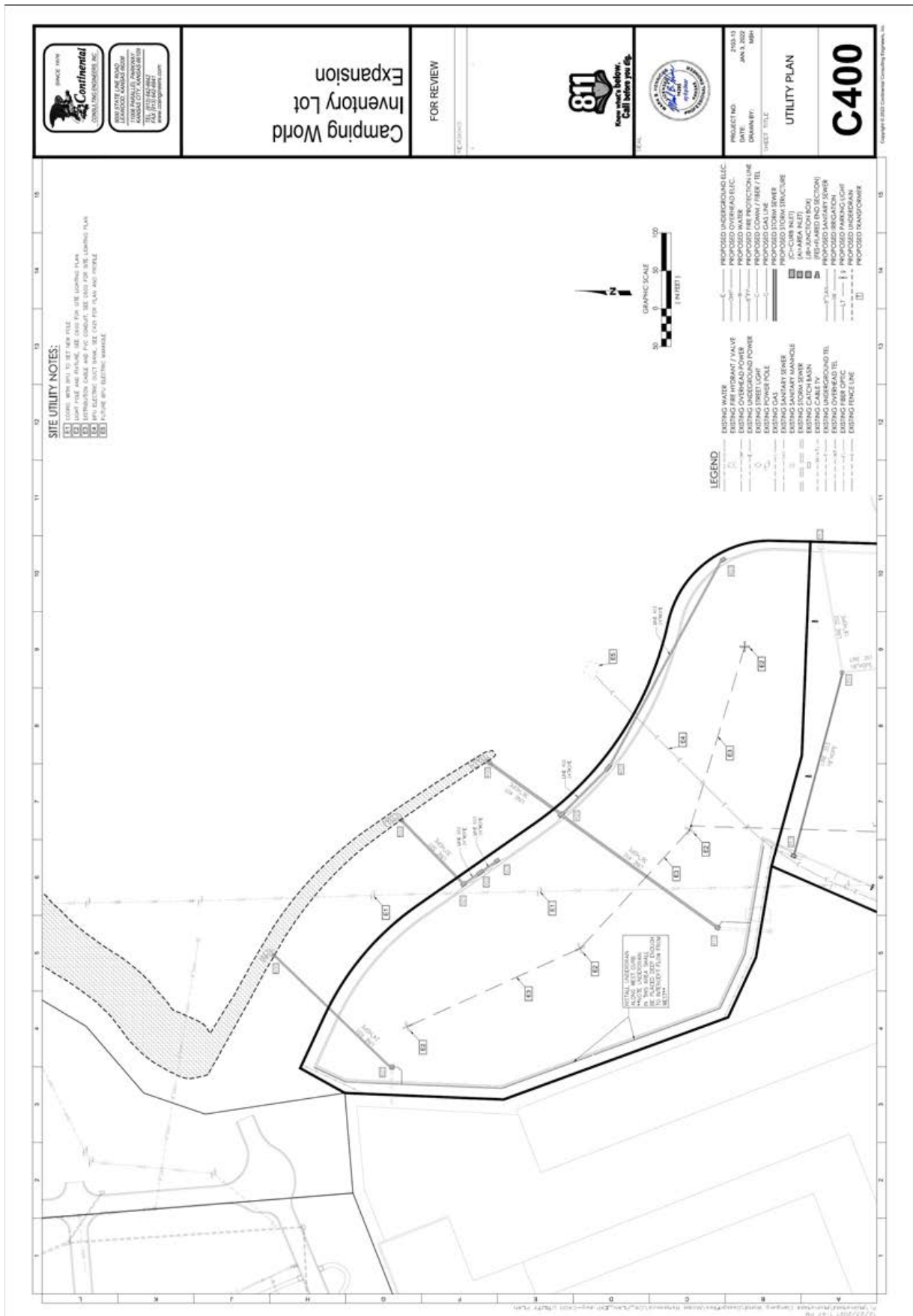






Figure 1. Site photograph looking northwest at 9400 State Avenue.



Figure 2. Site photograph looking west at 9400 State Avenue.



Figure 3. Site photograph looking northwest at 9400 State Avenue.



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: March 3, 2022

Re: **Petition SP2022-14, Petition PR2022-006 and Master Plan Amendment MPL2022-004**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve a Special Use Permit for an indoor and outdoor multi-use sports complex.

Preliminary Plan Review for indoor and outdoor multi-use sports complex.

Master Plan Amendment from Planned Mixed Residential to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications:
January 3, 2022

Purpose: To plat two (2) lots and amend the master plan to build and operate a 162,065 square foot indoor/outdoor multi-use sports complex and training center and future athletic fields.



Property Location:	9020 State Avenue
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and R-1 Single Family Districts East: A-G Agriculture and CP-1 Planned Limited Business Districts West: A-G Agriculture and RP-5 Planned Apartment Districts (across North 94 th Street)
Adjacent Uses:	North: Compass Minerals Soccer Complex and single-family homes South: Single family homes and undeveloped land East: Dental office and single-family homes West: Single family homes
Total Tract Size:	23.51 Acres
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential, which allows patio (zero lot line) homes, townhomes, condominiums, garden apartments, housing for seniors, and other multifamily uses. (An amendment to Planned Commercial Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area).
Major Street Plan:	The City-Wide Master Plan classifies State Avenue as a Class A Thoroughfare.
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – January 20, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – January 20, 2022 Letters to Property Owner – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed a Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into two (2) lots to build a 162,065 square foot indoor/outdoor multi-use sports complex, training center and parking on 23.51 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is composed of soccer fields and a small single-family neighborhood to the north, single family homes to the south, a dental office and single-family homes to the east and apartments to the west (across North 94th Street).

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

The zoning and uses of nearby property are identified above. An indoor multi-use sports complex, primarily, with an outside multi-sport field and future baseball/softball fields can be compatible with the surrounding residential area.

3. 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 the West Patrol, District #225

e. Fire

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. Transit

Kansas City ATA provides transit service along State Avenue, Route #101. The nearest transit stop is in front of this property.

g. Schools

Public education is approved by Kansas City Kansas USD 500.

4. 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 on the property will not detrimentally affect nearby property as the majority of the visitors will be inside the building, although the increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, however, the property was used as a driveway to the parcel in the rear, which was removed between 2014 and 2016.

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

Special Use Permits are not addressed in the Master Plan, however, the Prairie Delaware Piper Master Plan Mixed Residential designation allows a mixture of single-family homes, townhomes, and multi-family apartments. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

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

The proposed use will result in a significant increase in the amount of vehicular traffic to the property. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

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.*

There will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly.

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

The proposed use will not damage or destroy an irreplaceable natural resource, however, the existing tree stands should be preserved to act as a buffer between the residences and the development.

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 an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly. It will cause significant concentrations of populations.

14. 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.

The 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 if properly designed and managed by the owner and operator.

15. 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.

With coordination from the Public Works Department, streets will be 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.

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.

Lots and buildings appear to be 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 issue related to this is:

- A. Secondary access for emergency services if State Avenue access is restricted.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

Development will be designed with regard to topography, so that the dense tree stands will be preserved on the northwest and east ends of the property.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a private development for a multi-purpose sports facility, and there will not be public amenities for residents provided. The project will provide public accommodation to their facilities.

18. 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 increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

19. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Lighting and Glare
Location of building
Location of parking
Traffic
Pedestrian Access
Transit Access
Screening and Buffering
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-014**, Preliminary Plan Review **PR2022-006** and Master Plan Amendment **MPL2022-004**, subject to:

1. **A building permit is required. Please contact the Building Inspection Department to begin that process;**
2. **Submit a design criteria manual for the overall development, as there could be expansions or additions in the future;**
3. **After talking with the Public Works Department, the applicant does not need to improve the North 92nd Terrace cul-de-sac and dedicating right-of-way is acceptable. Additionally, improving the cul-de-sac would remove an**

- established stand of trees that will screen the development from public view. KCKFD may require future improvements;
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
 5. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 6. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
 - a. A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, UG Transit at (913) 573-6798 or jwelker@wycokck.org.
 - b. The enhanced bus shelter along State Avenue should be constructed to connect with the pedestrian route through the surface parking lot.

This is a major transit corridor with a transit blade sign currently along the sidewalk on State Avenue. The transit shelter (similar to Urban Outfitters) and pedestrian access sidewalk/median should connect to the front door of the building. The approximate placement will be determined at the Final Development Plan;

7. Align the pedestrian walkway with the pedestrian route in the surface parking lot to establish a throughway connection to State Avenue.

The pedestrian walkway/median through the parking lot shall connect to State Avenue as a throughway connection. The trail will be omitted from this portion of the development at this time, however, trail connections with the future development to the east will be discussed when that development plan is submitted;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers shall be oriented away from the residences;
12. The outdoor scoreboard shall comply with the Performance Standards for Lighting.
13. There are lighting and glare issues that were raised in the past with the soccer fields directly north of this site. We want to make the applicant aware of these issues and want to ensure that the exterior lighting

- (parking lot lights or field lights) adhere to the one (1) footcandle at the property line. This includes light that is cast vertically and horizontally;
14. 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 downspouts and integrated into the building. Overflow drains shall be at grade and hidden by vegetation. The scuppers will be address at the final plan review;
 15. All concrete shall be integrally-colored – no paint;
 16. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 1 – 146 trees;
 - b. Lot 2 – 83 trees;
 17. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
 18. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
 19. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
 20. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
 21. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
 22. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 94th Street.
The area in question shall have trees shall be planted along the southwest ridge line of the detention basin arcing south to State Avenue between the agriculturally zoned property (residential home) and the western access drive. Illustrate on the FDP landscape plan, the area west of the North 92nd Street cul-de-sac as green space;
 23. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
 24. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. See the landscape exhibit;
 25. All landscaping must be irrigated. The exhibit submitted addresses this comment and will be reviewed at final plan review;
 26. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;

27. 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;
28. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;
29. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
30. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
31. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
32. 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;
33. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
34. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
35. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
36. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
37. 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, Sections 8-610 through 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;
38. 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;
39. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferrable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,
40. 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 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 **SP2022-014**, Petition **PR2022-006** and **MPL2022-004** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
KCKFD Comments
Preliminary Plat
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	
Preliminary	February 14, 2022	TBD
Plat	Approved	
Preliminary		
Plan	February 14, 2022	March 3, 2022
Master Plan	Approval	
Amendment	February 14, 2022	March 3, 2022
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-004** 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 **MPL2022-004** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-014** 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 **SP2022-014**, 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.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-006** 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 **PR2022-006**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 3:16:35:

MASTER PLAN AMENDMENT MPL2022-004 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Master Plan Amendment from Planned Mixed Residential (Prairie Delaware Piper Master Plan) to Planned Commercial (Prairie Delaware Piper Master Plan) at 9020 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-014 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Special Use Permit for indoor facility and outdoor fields for multi-sport training and tournament games, including food, beverages and liquor sales and related parking at 9020 State Avenue.

PLAT2022-003 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS:
Preliminary Plat for two (2) lots (Homefield Training Center) at 9020 State Avenue.

PLAN REVIEW APPLICATION PR2022-006 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed a Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into two (2) lots to build a 162,065 square foot indoor/outdoor multi-use sports complex, training center and parking on 23.51 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

SPECIAL USE PERMIT APPLICATION SP2022-015 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Special Use Permit for grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, wants to rough grade the overall site prior to the development of the Homefield project to balance the earthwork and eliminate the need to borrow or haul off material on 13.88 acres located at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 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 February 14, 2022;
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 Notice in the Wyandotte Echo; and,
7. The notices to the 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:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:55:20: Planning Director Hand stated that he is going to address the requested changes that the applicant discussed during his presentation as the applicant explained the proposal in detail. Staff has worked closely with all the applicants on their proposals. Staff worked very closely with Mr. Petersen and his team on this project since it was first proposed on the former Schlitterbahn site and now moved to this location. Director Hand stated that the applicant is asking for an indefinite Special Use Permit. There are not many indefinite Special Use Permits in the UG and one (1) of those is for signage at The Legends. He further stated that the project is a significant investment and staff believes an indefinite Special Use Permit is appropriate. Director Hand stated that he understands why Mr. Petersen and the developers want to be very meticulous, so conditions of approval are not left to interpretation. He stated that there will be Temporary Certificates of Approval issued through the process and if conditions are left to interpretation when it is time for the Final Certificate of Occupancy and the developer wants to change a condition of approval, they will need to go back through the Planning Commission/Board of Commissioners process. Director Hand stated that the only points of contention are the deviations. As has been discussed, the Commercial Design Guidelines are dated, and the Planning Commission has approved modern materials deviations. The intent of this guideline was to not have corrugated metal. Staff agrees with this deviation. The other deviation concerns building orientation. The guidelines say that parking should be on the side or rear and the plan shows parking in the front. It would not be easy to re-orient the building. The applicant has worked with staff to enhance transit connectivity for this site. Director Hand addressed the following conditions in the staff report brought up by the applicant.

Condition 1 addresses the building orientation and if the Planning Commission wishes to grant this deviation, the condition should be deleted.

Conditions 7 and 8 address transit and pedestrian connectivity, which was also addressed in Condition 1. He stated that he would request that the language be modified to defer the transit enhancement to Justus Welker, UG Transit.

Condition 13 regarding the outdoor scoreboard orientation can be addressed at final plan review. He thinks that it should be revised to say that the outdoor scoreboard orientation shall meet the performance standard for lighting.

Condition 15 is related to materiality of the building, and if the deviation is granted, this condition would be eliminated.

Condition 16 does not need to be changed as the scuppers can be clarified at the final development plan.

Condition 26 states the trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and maintain those trees lost over time. Director Hand stated that the applicant submitted an exhibit showing the trees, which can be tied to this condition. Staff made a change to the exhibit that says all the existing tree stands shall remain, which effectively creates an open space buffer in perpetuity.

Condition 27 states that all landscaping must be irrigated, and can be tied to the exhibit provided by the applicant. He stated that staff would like to review the exhibit to make sure that everything is on the plan and that can be addressed at the final plan review.

Director Hand stated that Special Use Permit SP2022-015 is for the grading of the site. He stated that the trucks will only work on site and then removed when they have completed the grading. It is a balanced site. The trucks will not move on and off the site during the grading impact. The mitigation they are doing is therefore only for dust on-site.

Condition 1 – Director Hand agrees with the requested change and recommends that the last sentence be removed from the condition – “Maintain a 100-foot buffer, protecting the tree stands from the single-family homes.” He further stated that the exhibit shows where the tree stands will and will not be located. When the ballfields are submitted, the exhibit will be expanded, and staff will review at that time.

Condition 3 - Director Hand agrees with the requested change of adding “as necessary”.

Condition 5 – Director Hand stated that this standard condition to contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend was developed for the Woodlands project. He stated that he would suggest that the condition be amended to provide all communication and notification up front, and a contact number be provided to the site if there are any neighborhood issues.

Staff recommends approval of SP2022-015 for two (2) years subject to the revised conditions.

Motion and Vote starts at 4:12:25:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-004 subject to the conditions in the staff report including the deletion of Conditions 1 and 15 and the revision to Conditions 7, 8, 13, 16, 26 and 27:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**

2. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future;
3. After talking with the Public Works Department, the applicant does not need to improve the North 92nd Terrace cul-de-sac and dedicating right-of-way is acceptable. Additionally, improving the cul-de-sac would remove an established stand of trees that will screen the development from public view. KCKFD may require future improvements;
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
5. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
6. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
 - a. A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, UG Transit at (913) 573-6798 or jwelker@wycokck.org.
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This is a major transit corridor with a transit blade sign currently along the sidewalk on State Avenue. The transit shelter (similar to Urban Outfitters) and pedestrian access sidewalk/median should connect to the front door of the building. The approximate placement will be determined at the Final Development Plan;

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The pedestrian walkway/median through the parking lot shall connect to State Avenue as a throughway connection. The trail will be omitted from this portion of the development at this time, however, trail connections with the future development to the east will be discussed when that development plan is submitted;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers shall be oriented away from the residences;

12. The outdoor scoreboard shall comply with the Performance Standards for Lighting.
13. There are lighting and glare issues that were raised in the past with the soccer fields directly north of this site. We want to make the applicant aware of these issues and want to ensure that the exterior lighting (parking lot lights or field lights) adhere to the one (1) footcandle at the property line. This includes light that is cast vertically and horizontally;
14. 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 downspouts shall be integrated into the building. Overflow drains shall be at grade and hidden by vegetation. The scuppers will be addressed at the final plan review;
15. All concrete shall be integrally-colored – no paint;
16. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
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20. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
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The area in question shall have trees shall be planted along the southwest ridge line of the detention basin arcing south to State Avenue between the agriculturally zoned property (residential home) and the western access drive. Illustrate on the FDP landscape plan, the area west of the North 92nd Street cul-de-sac as green space;
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25. All landscaping must be irrigated. The exhibit submitted addresses this comment and will be reviewed at final plan review;
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31. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
32. 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;
33. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
34. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
35. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
36. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
37. 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, Sections 8-610 through 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;
38. 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;
39. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferrable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,
40. 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. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-014:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions

NOTE: The first recording was full, and a second recording started when this application was being considered.

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE PLAT2022-003:**

Carson	Chairman
Armstrong	Aye
Connelly	Aye

Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

Motion to APPROVE Passed: 6 to 0
Subject to the above conditions

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-006:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-015 for two (2) years with the conditions in the staff report with the removal of the last sentence in Condition 1, adding “as necessary” at the end of Condition 3 and a contact number be provided to someone on-site that the neighbors can contact if there are issues in Condition 5:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

1. The properties to the west (towards 92nd Terrance) and east (towards 90th Street) shall be protected from erosion, ensuring the relocation of earthen material does not remove the existing trees stands that buffer the single-family homes from the open undeveloped land;
2. When the rough grading has concluded and a development plan has not been submitted for Lot 2, the site shall be seeded until ground cover is established;

3. Water trucks shall be used daily to minimize dust from becoming airborne affecting air quality and adjacent residents, as necessary;
4. As part of the Land Disturbance and Grading Permit, submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required;
5. The hours of operation shall be 7:00 AM to 7:00 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences in advance of performing work. Provide a contact number for someone on-site that the neighbors can contact if there are issues in Condition 5;
6. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line;
7. Conformance with Appendix J, of the 2012 International Building and an agreement that a report by the professional engineer responsible for supervising the dirt removal be submitted at the end of the approval period indicating that the removal does not comply with Appendix J and other conditions;
8. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit;
9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. The Special Use Permit shall be valid for 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

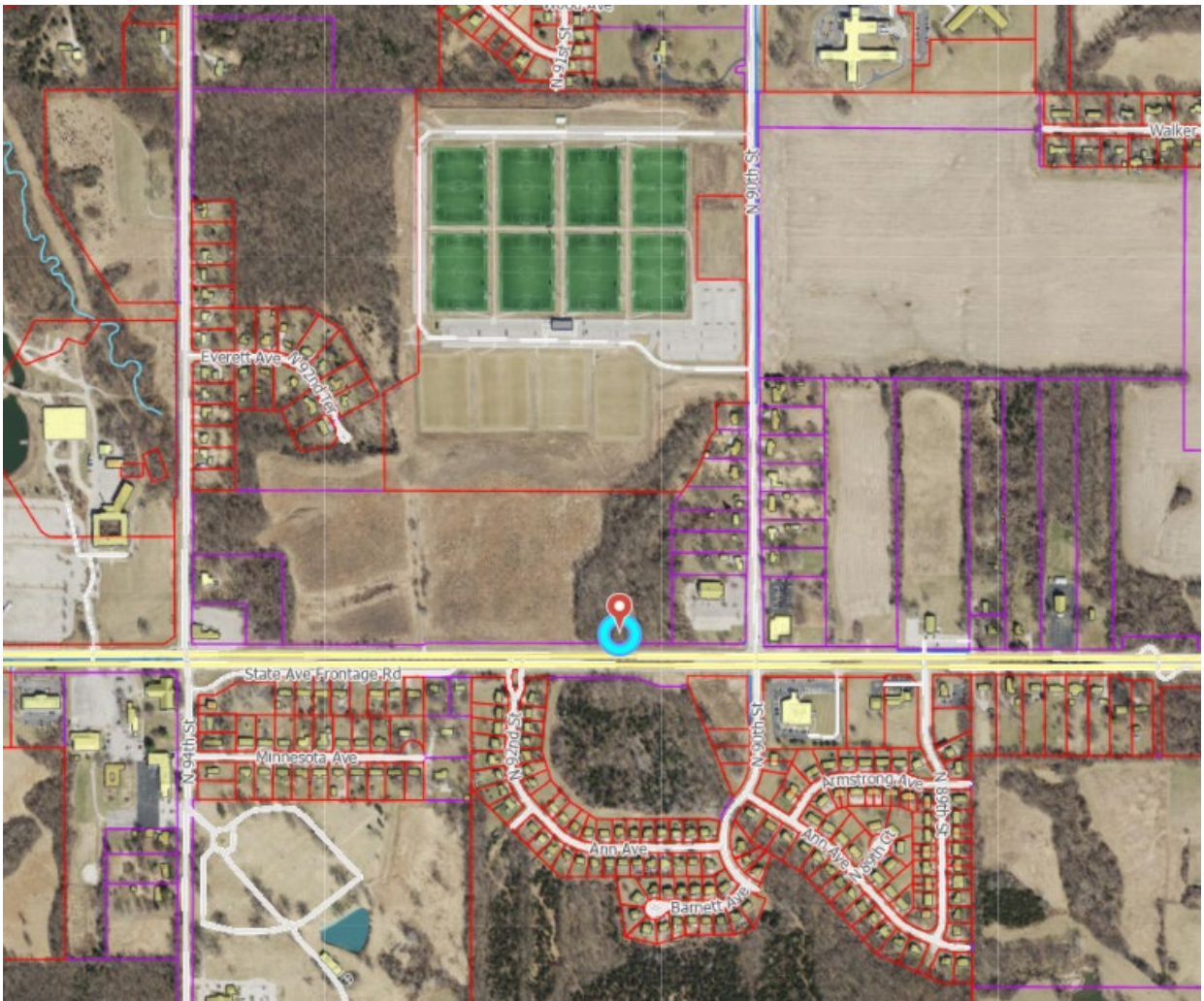


Figure 1. Aerial photograph of 9020 State Avenue (provided by UG Maps).

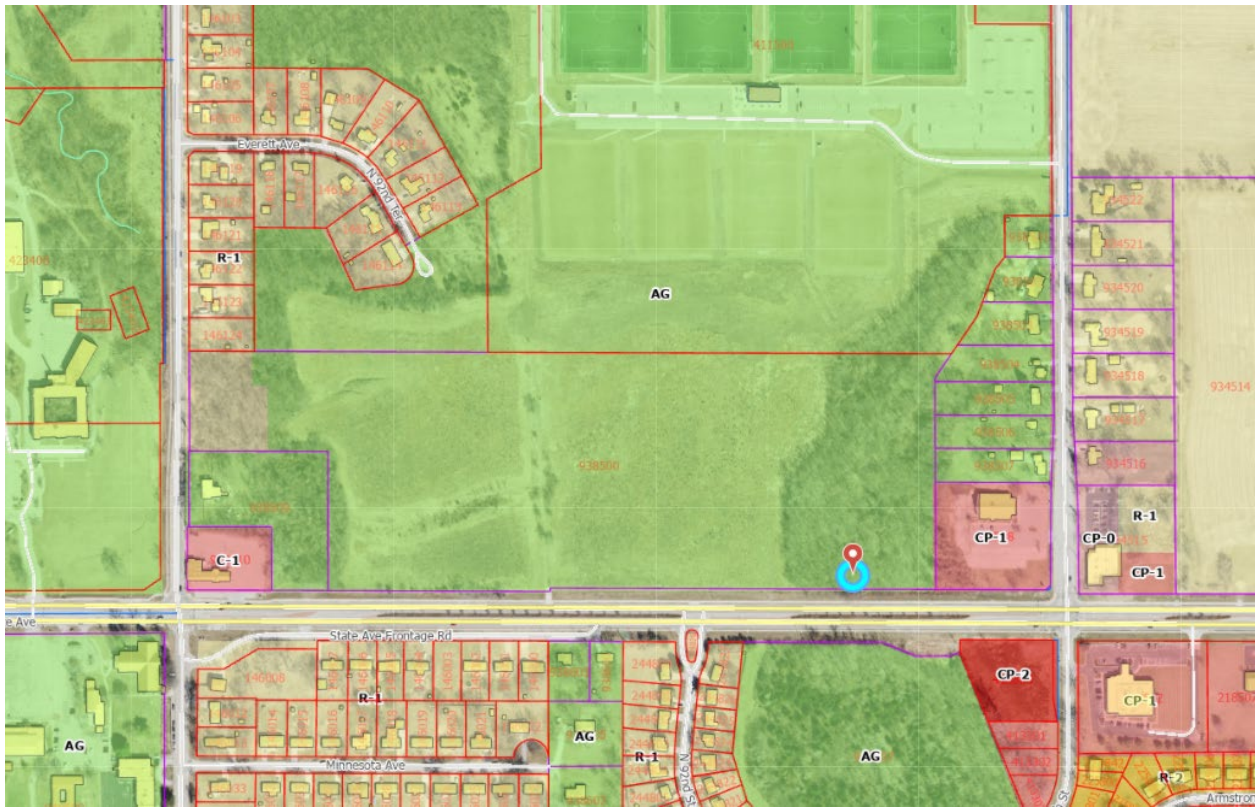


Figure 2. Zoning Map of 9020 State Avenue (provided by UG Maps).

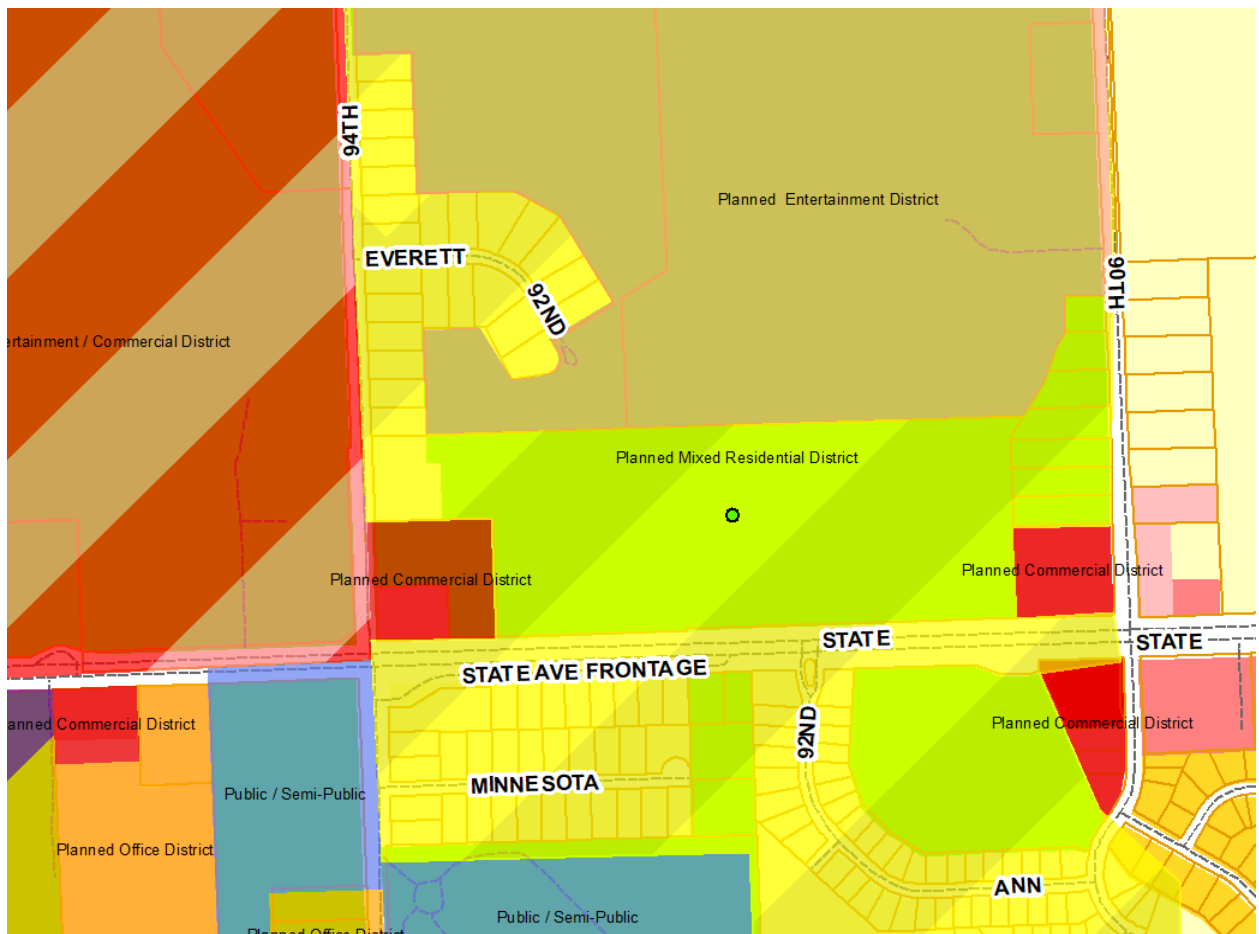
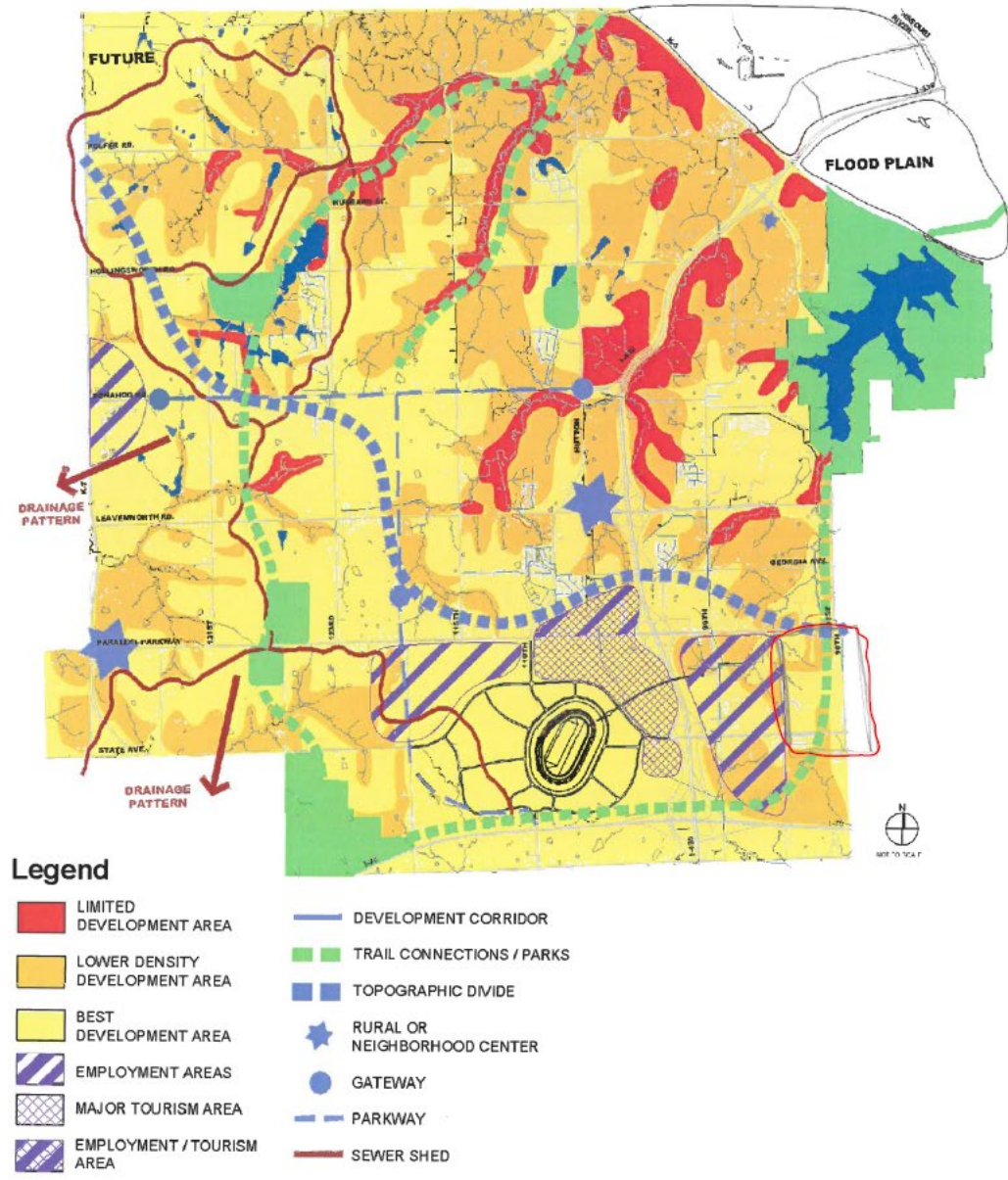
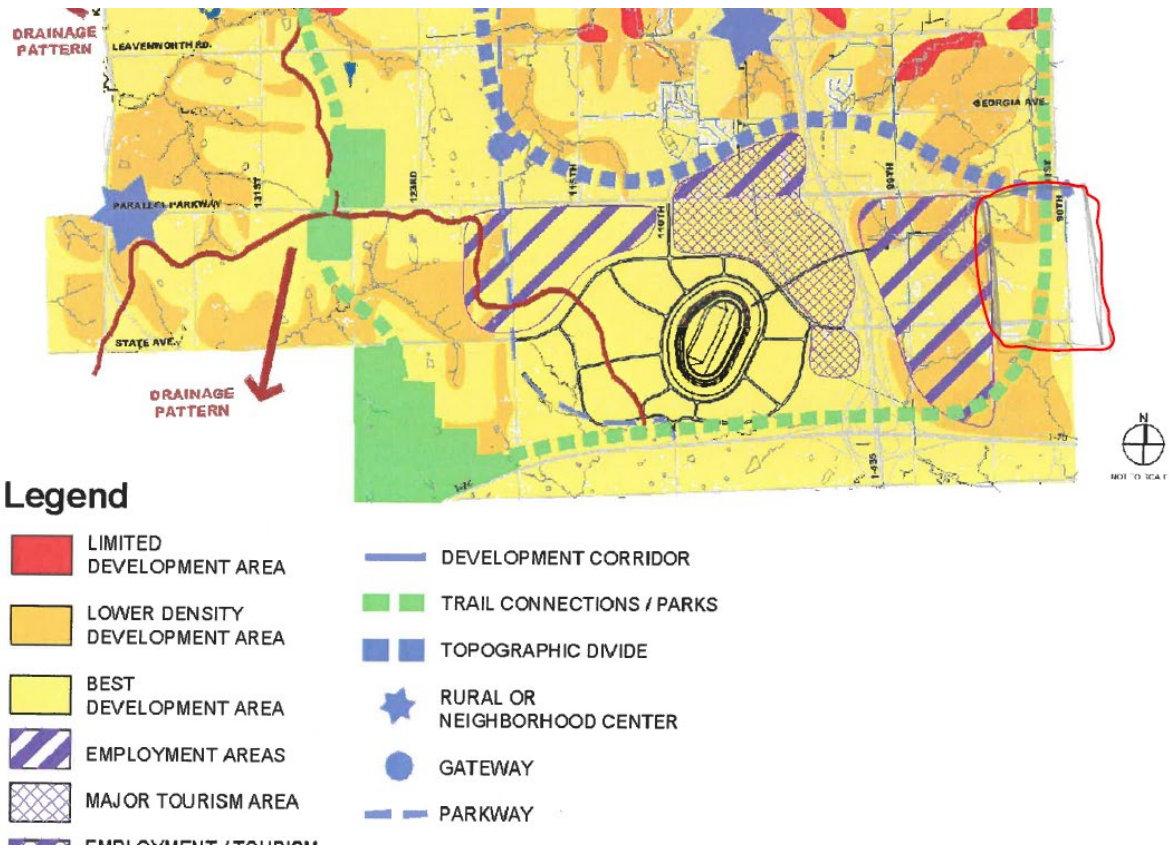


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

Map 10: Development Opportunities





DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.

Kansas City, Kansas 66101

(913) 573-5550

(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PR2022-006 Address: 9020 State Ave
Development Name: Curtis Petersen-Homefield Description: Training Center
STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

****Any open burning of cleared vegetation must be permitted by the Fire Marshal and Air Quality offices**

****Use of explosives requires application and approval from the City Fire Marshal.**

****Provide a truck turning display based on the following data:**

Length- 40'	Inside turn radius- 28 ft
Wheel base- 272.5 in.	Wall to wall radius- 52.5 ft
Front overhang- 131.3 in	Curb to curb radius- 46 ft
Width- 84 in	Inside Cramp Angle- 40deg

***Provide required emergency water (fire hydrants) per Sec.507, 2012 IFC**

***Provide required emergency vehicle access per Sec.503, 2012 IFC**

***Provide emergency gate access per Sec.503.6, 2012 IFC**

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields II

Digitally signed by Harvey Fields II
Date: 2022.01.14 15:26:05 -06'00'

1/14/2022

Attending DRC Member:

Date

I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

KEY ISSUES

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board 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.
Response: Acknowledged.
2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
Response: Acknowledged.
3. A building permit is required. Please contact the Building Inspection Department to begin that process.
Response: Acknowledged.
4. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block.

Sec. 27-575(f)3) Buildings should be oriented primarily to the street.

As this building will be a focal point along State Avenue, which is one of the major commercial corridors in the city, the Homefield Training Center and Homefield Training Field must be rotated 90 degrees counterclockwise and orientated closer to State Avenue, shifting guest parking to the west and east of the site in accordance with the Commercial Design Guidelines because this is a commercial building.

The plaza located in the southwest corner of the building can be rotated and moved to the southeast corner.

Response: The main entrance to the building is currently oriented to the State Avenue. The applicant would like to discuss this further with planning staff as we do not currently agree with this design approach.

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5. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future.
Response: The design criteria manual is included with this resubmittal.
6. Build the North 92nd Terrace cul-de-sac for residential turnaround to UG standards.
Response: The applicant is dedicating additional right-of-way to the UG. The applicant does not believe this project should be responsible for reconstruction of an existing cul-de-sac that does not serve this project.
7. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.
Response: Please confirm this comment only applies to the project's frontage along State Avenue? State Avenue currently has an existing 8' sidewalk in place.
8. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
Response: Acknowledged and shown on current plans.
9. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
- A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, Kansas City ATA at (913) 573-6798 or jwelker@wycokck.org.
 - The enhanced bus shelter along State Avenue should be constructed to align with the pedestrian walkway with the pedestrian route in the surface parking lot.
- Response: The sidewalk from the existing transit stop to the building is already shown on the plans. The applicant does not agree that the Developer should be responsible for constructing a transit shelter in this area.*
10. Due to the proximity of an adjacent soccer complex to the north, a trail needs to be established to connect the two developments together.
Response: The applicant would like to discuss this further with City staff. It appears a trail would primarily be located on the soccer complex property.

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11. Establish a mid-block trail connection and pedestrian crossing to the trailhead at the Homefield multi-family apartments across the street at 94th and State Avenue. The eight (8) foot trail must be asphalt or concrete.

The trail should meander east through 9020 State Avenue, connecting to the on-site sidewalks and to the trail system on State Avenue in addition to the proposed trail to 1500 North 90th Street.

Response: The applicant would like to discuss this further with planning staff. The City's Master Trail Plan does not indicate a trail connection in this area. In addition, a trail in this area would likely require significant tree removal, a creek crossing, and possible USACE 404 permits.

12. Align the pedestrian walkway with the pedestrian route in the surface parking lot to establish a throughway connection from State Avenue to the trail that connects the soccer fields to the north.

Response: The applicant would like to discuss this further with planning staff but does not believe this is feasible or necessary.

13. Over the road trucks shall not be parked on the property overnight.

Response: Acknowledged.

14. Where will buses and larger vehicles park within the parking lot?

Response: The applicant would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.

15. Install a publicly accessible bicycle rack for bicyclists in the plaza area.

Response: Acknowledged.

16. Will outdoor speakers be installed on the soccer field?

Response: Yes.

17. Will there be an outdoor scoreboard on the soccer field?

Response: Yes.

18. What are the proposed hours of operation?

Response: Multi-sport athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

Building Architecture:

1. What will the residences see of this development from the west, south and east? Provide a site line drawing with night and day renderings to show glare.

Response: The applicant would like to discuss this further with planning staff to better understand what is being asked. The applicant is not familiar with site line drawings that are able to show "glare".

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2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

- f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling and may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Response: The proposed project does not include any EIFS material. The applicant would like to further discuss the use of metal paneling for this project.

3. 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.

Response: The applicant would like to discuss this item further with planning staff. Similar to other recent projects in the UG, the training center building will not have any downspouts visible on the main entrance/south façade. All of the downspouts and scuppers are integrated into the building façade and will help break up the façade of the building.

4. All concrete shall be integrally-colored – no paint.

Response: Acknowledged.

Landscaping and Screening:

1. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):

- a. Lot 1 – 146 trees.
 - b. Lot 2 – 83 trees.

Response: Acknowledged.

2. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue.

Response: Acknowledged.

3. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

Response: Acknowledged.

4. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

Response: Acknowledged.

4. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces.

Response: Acknowledged.

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5. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

Response: Acknowledged.

6. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 94th Street.

Response: The applicant would like to discuss this further with planning staff to better understand the location of the ridge line and need for this landscaping. The proposed landscape plan currently meets or exceeds the City's requirements.

7. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

Response: See revised Landscape Plan.

8. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development.

Response: The applicant does not believe this is necessary as the proposed landscape plan meets or exceeds the City's requirements.

9. All landscaping must be irrigated.

Response: See Sheet L1-2 showing the extent of the landscaping areas that will be irrigated.

10. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

Response: Acknowledged.

11. 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.

Response: Acknowledged.

12. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

Response: Acknowledged.

13. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Response: Acknowledged.

14. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

Response: Acknowledged.

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15. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid.

Response: Acknowledged.

16. 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.

Response: Acknowledged.

17. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

Response: Acknowledged.

18. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

Response: Acknowledged.

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01/31/22

HOMEFIELD TRAINING CENTER
9020 State Avenue, Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-014 & SP2022-015

Date and Location: 01/31/22, Meeting held on Zoom Video Conference

Meeting called to order at: 6:15 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Mitchell Brown - Populous
4. Brian Lavery – Continental Engineering Consultants
5. Victoria Porter – Neighbor
6. Barbara Verbenec – Neighbor
7. “DCART” – Neighbor
8. Linda Houston - Neighbor

Introductions: Richard Napper with Homefield (the Developer)

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Homefield Training Center Project located in Kansas City, Kansas. Richard gave a brief overview of the Project while we showed the Homefield – Master Plan overlay on aerial dated 01/31/22. He pointed out the locations of the 150,000 SF Homefield indoor training Building, the outdoor Multi-sport Field, the parking lot, and the detention pond. We had discussions with three attendees at the meeting. DCART did not speak or have questions. The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM Richard officially announced the conclusion of the Neighborhood Meeting and we adjourned.

Questions and answers (include the following): For clarity, each neighbor's Q's & A's have been grouped together.

Victoria Porter, 1212 N. 90th Street:

1. Q: There is already substantial traffic and noise in the neighborhood with the Soccer Complex, won't this add more. A: There is not a drive proposed from the site to 90th street, but there will be some additional traffic in the neighborhood in general, and with it some additional noise.
2. Q: Is this adding just one additional outdoor Field? A: Yes, this current Project is adding just one Multi-sport Field.
3. Q: She expressed her concern and disappointment stating that this Project will reduce enjoyment of her backyard. Richard stated that he understood.
4. Q: What will the building occupancy be? A: Richard responded that with 14 volleyball courts x +20 per team, the normal occupancy will be more than 400 people.
5. Q: Will the building do anything more than sports related stuff? A: Homefield core business is sports practice and game play.
6. Q: Are we building a stage inside the Building? A: No
7. Q: Can the HF Project be moved to the former SVV site west of 94th Street? A: That land is being considered for different use currently.
8. Q: Does the Developer want to purchase my home? A: Richard advised he would advise Homefield's owners to see if there is interest in that.

Linda Houston (lindakayhs@yahoo.com) 1133 N. 94th St.:

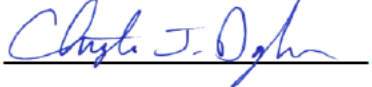
1. Q: What is the blue area on the Plan? A: That is the Detention Pond.
2. Q: She advised that currently the entire Homefield Property drains to and through her property. What is our intent regarding future drainage. A: We will perform design and construction in accordance with the applicable Codes and Ordinances.
3. Q: Where does Victoria live? A: Due east of the Property. Victoria answered north of the Dentist Office on 90th St.
4. Q: What is the HF Building used for? A: Amateur and youth sports of all kinds.
5. Q: What is the Field used for? A: It is an outdoor multi-sport turf field.

Barbara Verbenec (Barbiecooper@earthlink.net) 913-788-7454:

1. Q: Will the wooded area east of the Project be cleared. A: We are currently focusing on the Projects that are being presented to the Planning Commission now, there are other developments coming in the area, it would not be proper to talk about any of those projects as those Plans may change before being submitted.

That concluded all the questions, the meeting adjourned at: 6:45 PM.

Minutes taken by: Chris Doyle at Homefield (the Developer)

Signed  (Chris Doyle)









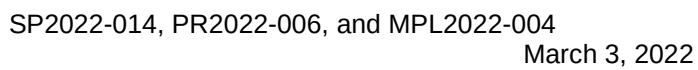




Figure 4. Site photograph looking west on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 5. Site photograph looking east on State Avenue at 9020 State Avenue taken on January 12, 2022.

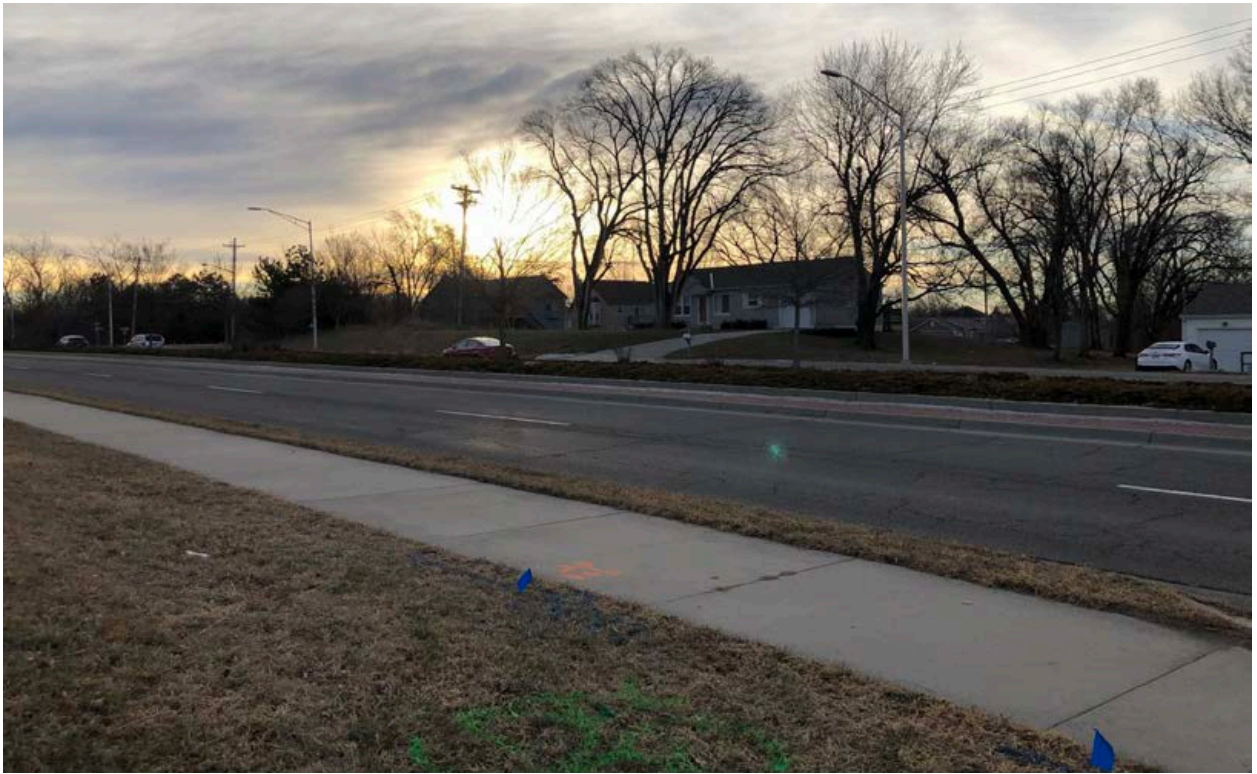


Figure 6. Site photograph looking southeast on 9020 State Avenue at State Avenue.



Figure 7. Site photograph looking southwest on 9020 State Avenue at State Avenue.



Figure 8. Site photograph looking northwest at 9020 State Avenue taken on January 12, 2022.



Figure 9. Site photograph looking north at 9020 State Avenue taken on January 12, 2022.



Figure 10. Site photograph looking northeast at 9020 State Avenue taken on January 12, 2022.



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: March 3, 2022

Re: **Change of Zone Petition COZ2022-001 and Master Plan Amendment MPL2022-001**

GENERAL INFORMATION

Applicant:

Tim Kates DBA
Remco Demolition

Status of Applicant:

Tenant
24801 N 219th Street
Leavenworth, Kansas 66048

Requested Actions:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:

January 3, 2022

Purpose:

To change the zoning district from CP-3 Planned Commercial District to MP-2 General Industrial District. To amend the Master Plan Land Use designation from Planned Commercial to Industrial.

Property Location:

14140 State Avenue
Kansas City, Kansas 66012



Commission Districts:

Commissioner At Large District #2:
District #7 Commissioner:

Tom Burroughs
Chuck Stites

Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: AG (WyCo) Agriculture District South: Bonner Springs, Kansas East: CP-3(WyCo) Planned Commercial District West: Leavenworth County
Adjacent Uses:	North: Single Family Residence South: Medical Engineering and Private RV and Boat Storage Outbuildings East: Vacant Land Automotive Body Repair Shop and HVAC Contractor Storage and Office West: Single Family Farm
Total Tract Size:	6.0718 Acres
Master Plan Area:	The Subject Property is within the Prairie-Delaware-Piper Area Master Plan.
Master Plan Designation:	Existing: The Prairie-Delaware-Piper Area Master Plan designates this property as Planned Commercial. This district has a broad range of subcategories including small, neighborhood, and regional commercial, with respective uses such as non-retail, convenience commercial and grocery, and big box retailers or tourism attractions. Proposed: The proposed Land Use Designation is in the City-Wide Area Master Plan's Industrial land use category. The Industrial Land Use category allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses may include warehousing, distribution, salvage, processing, and outdoor storage.
Major Street Plan:	The City-Wide Master Plan designates State Avenue as a Class A Thoroughfare, although the property is only accessible off Nebraska Avenue, which is classified as a Local Street.
Parking Requirement:	Current Zoning: The CP-3(WyCo) Commercial District requires not less than four (4) off-street parking spaces provided on the premises for each (1,000)

square feet of contributing floor area per Article XVIII(5)(5).

Proposed Zoning: The MP-2 Industrial District as stated in Section 27-469(e) requires that no 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 (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. The subject property currently has multiple buildings with a total square footage of 10,484 square feet, requiring 21 parking spaces. The total amount of parking spaces proposed is 21.

Advertisement:	<u>The Wyandotte Echo</u> – January 14, 2022 Letters to Property Owners – January 15, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	One (1) person appeared at the February 14, 2022 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has no noise or disturbance complaints noted.

Building or Code Enforcement Complaints:

1. The current property owner has no code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has an outstanding residential building permit for the pre-fabricated barn dating from 2002, as the permit appears open and did not obtain passing or approved inspections. Further follow-up with the Building Inspection Department is required.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is rural, agricultural, and industrial in character. Lots to the north of State Avenue range from commercial and industrial parcels between 1-5 acres and agricultural parcels of approximately 80 acres. Streets are concrete and show signs of improvements with gutters, and driveways. Parcels to the south of State Avenue are typically residential lots of one (1) acre and a large agricultural parcel of sixty-two (62) acres. There residential streets are mostly asphalt and driveways are often asphalt approaches with gravel driveways.

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

The subject property is surrounded by vacant land to the north with agriculture activity and similar uses to the east that may be visibly unattractive. Although there are residential uses to the south, the State Avenue Thoroughfare separates the residential developments from these commercial and industrial uses with large setbacks and right of way allowances. The proposed zoning would have a general compatibility of the nearby properties due to their current mix of commercial and industrial 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 current proposed use could affect nearby property through increased traffic on Nebraska Avenue and the increased intensity of use may come with associated noise, dust, or visibility nuisances if not properly screened or maintained. State Avenue bisects the residential properties from the proposed industrial and commercial uses and the increase in intensity of use on the subject property ostensibly would not affect the residential properties. The vacant, adjacent lots are zoned for uses of similar intensity or are intended to remain

vacant, thus the Change of Zone should not detrimentally affect the nearby property if properly maintained.

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

The property is currently vacant, and its time of vacancy is unknown. A private demolition of a commercial outbuilding occurred on the property in 2007.

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 negligible public gain as this is a private enterprise. If maintained properly with adequate screening, the proposed use would not substantially injure the use, quality, or marketability of the nearby property as they are of similar 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 may have a negligible impact on the traffic through Nebraska Avenue. The subject property has a long rural-style drive with several turnarounds within the property to accommodate the trucks and industrial traffic within the property. The proposed use should not impede the capacity of the street for anticipated traffic.

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

The Prairie-Delaware-Piper Master Plan's Commercial Designation does allow for light industrial, however, the presence of more intense industrial uses does not conform. The application to alter the land use designation to City-Wide Industrial has a high degree of conformity, as it is designed for uses that may be considered more hazardous or less visually attractive, such as the proposed lay-down yard and equipment staging area.

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

The applicant is not proposing any new building structures, but there is some environmental harm with the grading and clearing for the lay-down lot area which should be replaced in other areas where former landscape appears to have died or become more sparse. Aside from the initial grading or clearing, there should be little to no long-term negative environmental impact. The subject property has been in use for similar reasons with various tenants since its purchase by the owner in 1994.

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

a. *Water service*

Water Service is within the BPU Service Area. It is unclear if there is current infrastructure to serve the property.

b. *Sanitary sewer service*

Sanitary sewer is not publicly provided. A sanitary sewer system plan must be approved by KDHE before approval.

c. *Storm water control*

Stormwater control is provided at the intersection of Nebraska Avenue and State Avenue.

d. *Police*

Police service is provided by West Patrol, District #224.

e. *Fire*

Fire service is provided by Station #8.

f. *Transit*

There is no public transit service available.

g. *Schools*

Education is provided by Bonner Springs/Edwardsville District #USD204.

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 this is a private development. There is some economic tax gain as this allows another business to begin or expand operations in Wyandotte County in an area that is currently vacant.

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

The subject property has a high degree of conformity with the ordinance requirements once rezoned if adequately maintained, screened, and managed properly.

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 to public health, safety, or welfare if adequately maintained as adjacent lots are similar in use or activity. The current property owner would not be able to sell their vacant property to the applicant if not approved, which could have a degree of hardship due to loss of income. The applicant is the potential buyer and would not be able to operate or expand their business within the county and may also experience financial hardship.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in Person on January 28, 2022.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Structural Compatibility
Zoning
Land Use
Neighborhood Compatibility
Noise, Dust, Visibility, or Illumination
Traffic
Grading and Erosion Control
Landscaping and Screening
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-001** and Master Plan Amendment **MPL2022-001**, subject to:

- 1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.**

2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).
3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.
5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.
6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
8. Existing fencing and gated entrance shall be maintained.
9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
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. 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.

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 **APPROVE** Petitions **COZ2022-001** and **MPL2022-001** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Site Design
Revised Design Plans
Planning Engineering Comment Letters
Neighborhood Meeting Information
Applicant Response Letter
Applicant Stormwater Report
Revised Site Plan – Second Set
Second Applicant Response Letter
Staff Site Photos Dated January 23, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	February 14, 2022 Approval	March 3, 2022
Master Plan	February 14, 2022 Approval	March 3, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-001** 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 **MPL2022-001**, 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.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-001** 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 **COZ2022-001**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 1:43:56:

MASTER PLAN AMENDMENT MPL2022-001 – TIM KATES/REMCO DEMOLITION LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue.

CHANGE OF ZONE APPLICATION COZ2022-001 – TIM KATES/REMCO DEMOLITION LLC - SYNOPSIS: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue.

Detailed Outline of Requested Action: The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial.

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 February 14, 2022;
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:

- Andrea Weishaubt, Atlas Surveyors, representing the applicant, 2300 Hutton Road, Kansas City, Kansas
- Henry Chamberlain, 12808 Kansas Avenue, Bonner Springs, Kansas and co-owner of the property to the east

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:47:41: Planning Director Hand stated that the Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District and a Master Plan Amendment from Planned Commercial to Industrial is being requested for a lay-down lot and staging area for equipment and contracting materials. He further stated that while outside storage is allowed in the C-3 zoning, heavy machinery storage is not allowed. The site is raised from the street on State Avenue, which allows some natural screening. Staff is requesting additional landscaping and buffering in order to completely screen the use. Staff is also requesting that Condition 1 be amended to state that a deed will be filed with the Register of Deeds that restricts future uses on the property to only those allowed in the CP-3 District. Director Hand stated that staff has received no letters in support nor opposition. There are old Notices of Violation on the property. Another condition of approval is a retro-active building permit must be on the existing outbuildings. If the applicant wants to store hazardous materials in the future, a Special Use Permit will be required. Staff recommends approval subject to the revised conditions.

Motion and Vote starts at 1:51:28:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-001:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas,**

- odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
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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.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2022-001:**

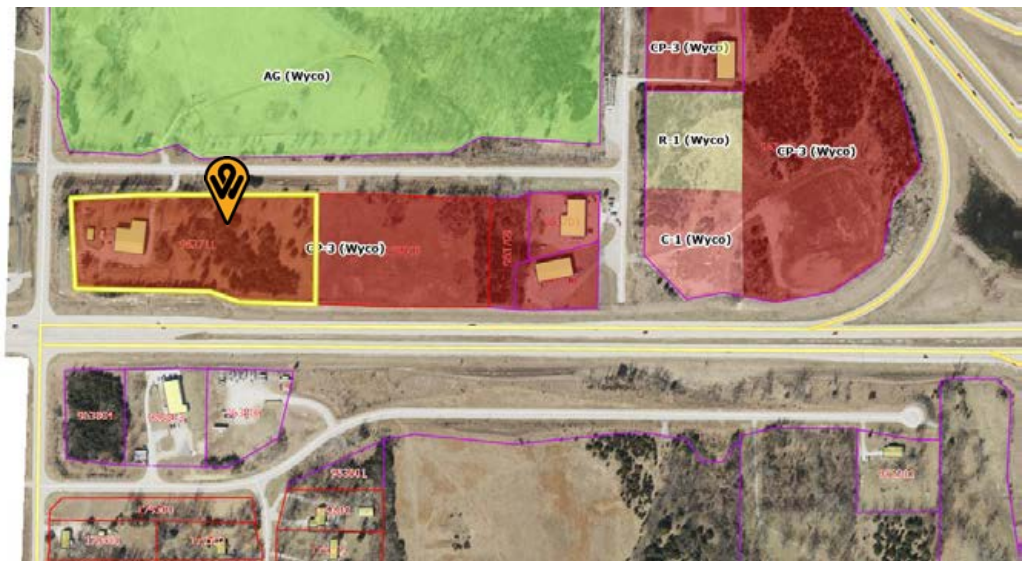
Carson	Chairman
Armstrong	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

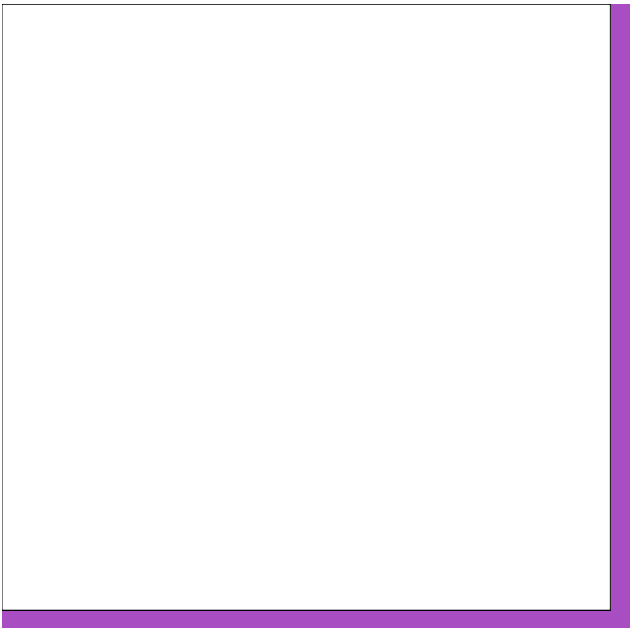
Motion to recommend APPROVAL Passed: 6 to 0

AERIAL MAP

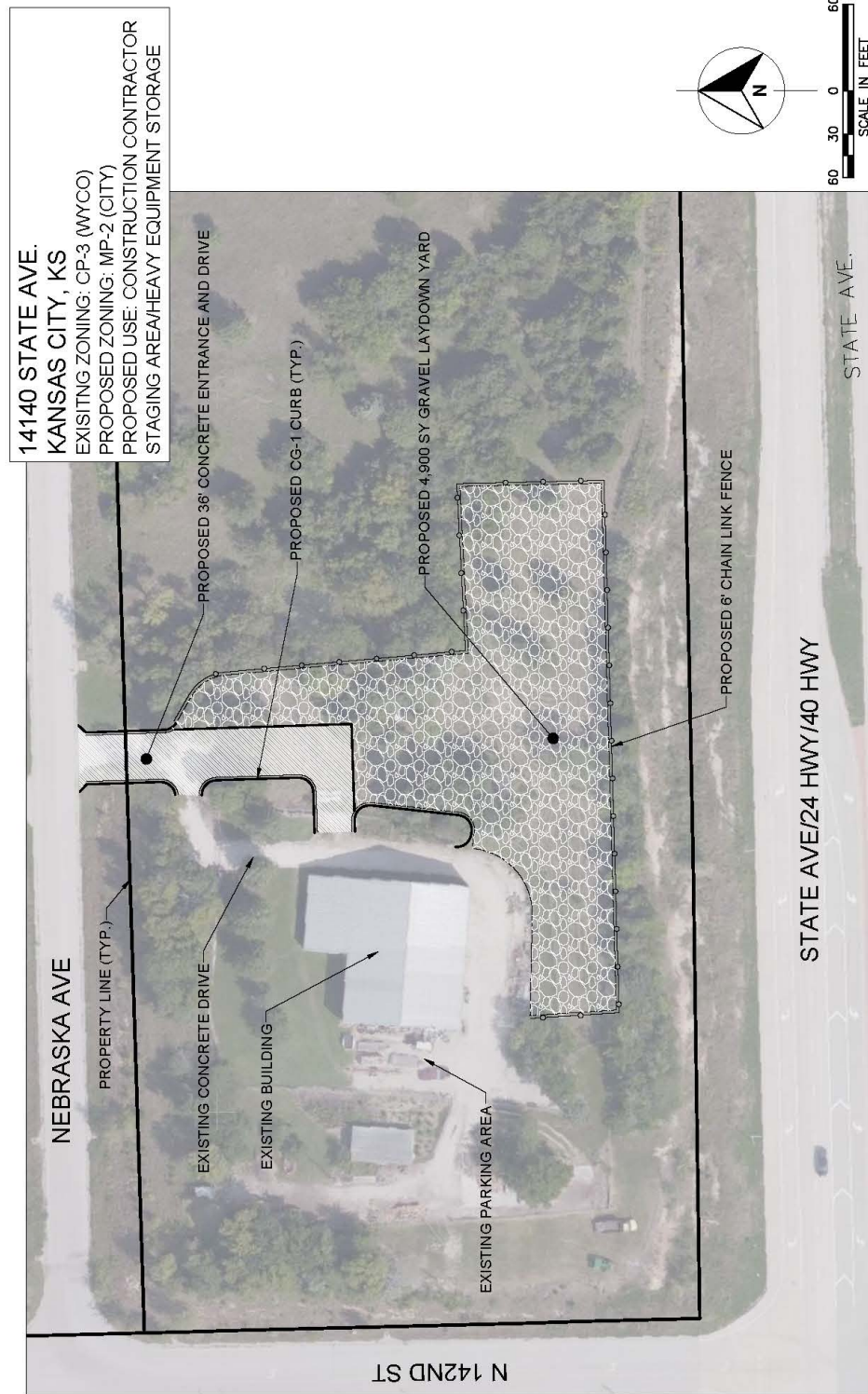


ZONING MAP





PRELIMINARY SITE DESIGN





REVISED SITE DESIGN PLANS



PERMITTING TECHNICAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CONSTRUCTION CODE, KCC, AND THE KANSAS PLUMBING CODE, KPC.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS ELECTRICAL CODE, KEC, AND THE KANSAS MECHANICAL CODE, KMC.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS FIRE CODE, KFC, AND THE KANSAS SAFETY CODE, KSC.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS ENVIRONMENTAL CODE, KEC, AND THE KANSAS WASTE CODE, KWC.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS LAND USE CODE, KLC, AND THE KANSAS ZONING CODE, KZC.



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

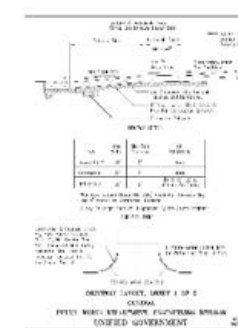
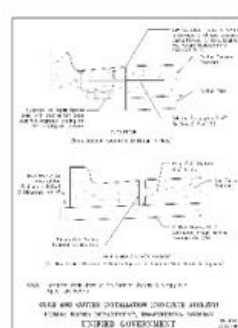
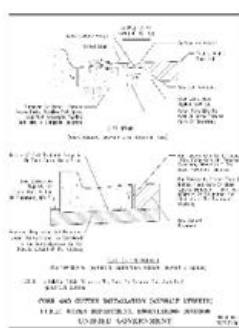
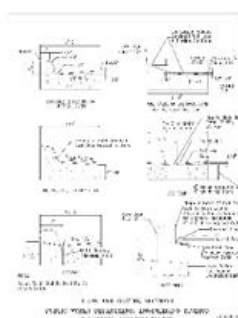
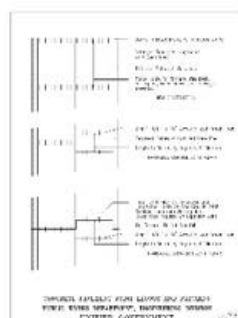
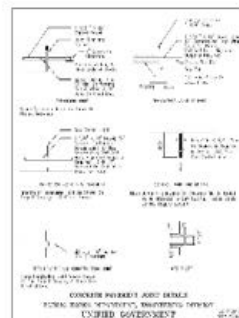
14140 State Ave.
14140 STATE AVENUE KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66205

FOR PERMIT

PREPARED FOR:
THOMAS HANCOCKSON
ENGINEER
REGISTERED IN
KANSAS

PROJECT NAME:
SITE PLAN

C-120



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

14140 State Ave.
14140 STATE AVENUE KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66205

FOR PERMIT

PREPARED FOR:
THOMAS HANCOCKSON
ENGINEER
REGISTERED IN
KANSAS

PROJECT NAME:
SITE PLAN

C-121

REVISED SITE DESIGN PLANS



ALC
ALC ENGINEERING & ARCHITECTURE, P.C.

STEVE HANSEN, P.E.

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WANDOLFE COUNTY, KANSAS 66103

FOR PERMIT

PREPARED FOR:
THE KANSAS
REVENUE DEPARTMENT
PROJECT # 21-040
ISSUE DATE: 01/20/21
DRAWING: PLAN

C-130

SCALE: 1" = 100'



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
Erosion Control Review No. 1 (of the plan received 12/27/2021)

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 Erosion Control 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) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.
- 2) Provide an erosion control plan indicating limits of disturbance.
- 3) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

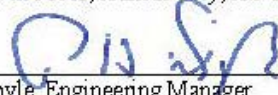
PLANNING ENGINEERING COMMENT LETTERS

- 4) On the erosion control plan, provide erosion control notes and, add the UG standards note as note number 1, which shall read "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
- 5) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example, "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.
- 6) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.
- 7) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."
- 8) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation.
- 9) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.
- 10) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.
- 11) Show locations on the final stabilization plan regarding vegetative cover, i.e., seed and/or sod area(s), designating which type and where. Add reference that the contractor shall replace disturbed areas with seed or sod, as indicated on the plan, and shall be installed within 14 days after paving completion and final topsoil grading. Indicate a thickness for proposed topsoil replacement.

PLANNING ENGINEERING COMMENT LETTERS

- 12) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Reviewer: _____


Patrick Doyle, Engineering Manager



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
General Engineering Review No. 1 (of the plan received 12/27/2021)

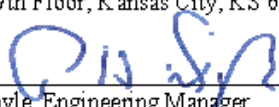
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified 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) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.
- 2) Provide a cover sheet to the plan set which includes but not limited to:
 - a. Project title
 - b. Address
 - c. Vicinity map
 - d. Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)

PLANNING ENGINEERING COMMENT LETTERS

- e. Date
 - f. Sheet index
 - g. 811 note and local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengen or Kirk Roland
 - h. Total parcel/project area (SF or AC), total area of land disturbed (AC), net increase/decrease in impervious area (SF), net cut/fill quantities (CY)
- 3) Include the following note: "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. When general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
 - 4) Add a note for the contractor to obtain all permits necessary including land disturbance, right-of-way, hauling, etc., with Public Works prior to construction.
 - 5) Provide utility information on site plan including node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.
 - 6) Provide increase in impervious area, earthwork cut and fill, and land disturbance area on cover sheet.
 - 7) Driveway entrance within right of way of Nebraska Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail UG 4100-M.
 - 8) Engineered slopes shall not exceed 3H:1V.
 - 9) ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.
 - 10) See Sanitary Sewer review for additional comments.
 - 11) See Storm Drainage review for additional comments.
 - 12) See Stormwater Quality review for additional comments.
 - 13) See Erosion Control review for additional comments.
 - 14) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Reviewer: _____


Patrick Doyle, Engineering Manager

PLANNING ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

Phone: (913) 573-5750
Fax: (913) 573-5796

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Principal Planner

FROM: Patrick Doyle, Engineering Manager

DATE: January 13, 2022

SUBJECT: Tim Kates (COZ2022-001, MPL2022-001)
14140 State Avenue
Storm Drainage Review No. 1 (of the plan received 12/27/2021)

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 Storm Drainage 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 a storm drainage memo demonstrating plans comply with UG standards and criteria including stormwater quality Best Management Practice (BMP) worksheets, calculations, BMPs drainage area map.
- 2) Demonstrate compliance with MARC BMP Manual (2009) Appendix B.2.11 for "Hot Spots."

Reviewer: _____

Patrick Doyle, Engineering Manager

NEIGHBORHOOD MEETING INFORMATION

January 14, 2022
Atlas Land Consulting
2300 Hutton Road Suite 108
Kansas City, KS 66109

We have filed an application with the Department of Urban Planning and Land Use

COZ2022-001

The purpose of this is for a change of zone at the following address:
14140 State Avenue Kansas City, Kansas 66012

MPL2022-001

The purpose of this is for a master plan amendment at the following address:
14140 State Avenue Kansas City, Kansas 66012

The purpose of this letter is to explain a proposed change of zone located at the address above. The property is currently zoned as **CP-3 "Planned Commercial District"** and with this proposed change of zone the property will be changing to **MP-2 "Planned General Industrial District"**. The purpose of the change of zone is to make the property compliant for use as a contractor staging area and heavy equipment storage for Remco Demolition.

The existing master plan land use designation is "**Planned Commercial (Prairie Delaware Piper)**." The proposed master plan land use will be "**Industrial (City-Wide Master Plan)**." The purpose of the master plan amendment is to make the property compliant for use as a contractor staging area and heavy equipment storage for Remco Demolition.

If you have any questions, comments or concerns please reach out to one of the contacts below.

There will be a neighborhood meeting on **January 28th, 2022 at 5:00 PM** held at Atlas Land Consulting's office at **2300 Hutton Rd. Suite 108, KCK 66109**

Please Contact:

Andrea Weishaubt:
-andrea@alconsult-llc.com or 913-702-5073

Alex Elliott
-alex@alconsult-llc.com or 913-306-4058

We look forward to seeing/hearing from you.

Sincerely,



APPLICANT RESPONSE LETTER



Comment Response Letter

To: Patrick Doyle, UG Engineering Manager
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5750
Email: phdoyle@wycokck.org
Date: January 24, 2022
Project: 14140 State Ave. Industrial Rezoning

Construction Plan Comments:

General Engineering Review

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.

Acknowledged

- 2) Provide a cover sheet to the plan set which includes but not limited to:
- Project title
 - Address
 - Vicinity map
 - Contact information (for the landowner, developer, engineer, surveyor, contractor, etc.)
 - Date
 - Sheet index
 - 811 note and local utility contact information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengen or Kirk Roland
 - Total parcel/project area (SF or AC), total area of land disturbed (AC), net increase/decrease in impervious area (SF), net cut/fill quantities (CY)

Added as indicated

- 3) Include the following note: "All work in public easements and right-of-way and all 2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. When general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."

Note added.

- 4) Add a note for the contractor to obtain all permits necessary including land disturbance, right-of-way, hauling, etc., with Public Works prior to construction.

Note added.

- 5) Provide utility information on site plan including node numbers for existing storm and sanitary sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535.

Information added.

- 6) Provide increase in impervious area, earthwork cut and fill, and land disturbance area on cover sheet.

Added as indicated.

- 7) Driveway entrance within right of way of Nebraska Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail UG 4100-M.

Acknowledged.

- 8) Engineered slopes shall not exceed 3H:1V.

Acknowledged

- 9) ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.

Acknowledged. No ADA parking

- 14) Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Acknowledged.

Erosion Control Plan Reivew

- 1) All engineering plans and reports shall be signed and sealed by a Professional Engineer registered in the State of Kansas.

Acknowledged.

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

- 2) Provide an erosion control plan indicating limits of disturbance.

Provided.

- 3) On the erosion control plan, indicate location of temporary material stockpile or onsite waste area(s) in the case that excavated material, or topsoil needs to be temporarily stored or wasted on site, and provide downstream erosion control protection.

Added as indicated.

- 4) On the erosion control plan, provide erosion control notes and, add the UG standards note as note number 1, which shall read "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."

Note added.

- 5) Add a note regarding clean streets, and SWPPP (if applicable), etc. For example, "The contractor shall provide all materials, tools, equipment, and labor as necessary to install and maintain adequate erosion control, keep the streets clean of mud and debris, and prevent soil from leaving the project site. The contractor's erosion control measures shall conform to the Unified Government of Wyandotte County, Kansas City, KS Technical Provisions specifications, and the project's Stormwater Pollution Prevention Plan, a copy of which shall be maintained and updated on site at all times.

Note added.

- 6) Add a note regarding the contractor shall install erosion control devices before starting any construction activity. The note could indicate which types of devices shall be installed, or reference the pre-construction plan, i.e., construction entrance, silt fence perimeter control, inlet protection, etc.

Note added.

- 7) Add a "good housekeeping" note, i.e., "Good housekeeping, including spill response shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standard Specifications, Section 2150."

Note added.

- 8) Add a note regarding additional measures, i.e., The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation.

Note added.

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

9) Add a note regarding temporary seeding, i.e., The Contractor shall temporarily seed, mulch, or otherwise stabilize any disturbed area where the land disturbance activity has ceased for a period of fourteen (14) calendar days.

Note added.

10) Add a note regarding 70% vegetation, i.e., The contractor shall be responsible for maintaining erosion control devices and removing sediment until a minimum of 70% of permanent vegetation has become stabilized and established. Erosion control devices shall remain in place until the 70% established vegetation is met, or the duration of the project, whichever is the later date.

Note added.

11) Show locations on the final stabilization plan regarding vegetative cover, i.e., seed and/or sod area(s), designating which type and where. Add reference that the contractor shall replace disturbed areas with seed or sod, as indicated on the plan, and shall be installed within 14 days after paving completion and final topsoil grading. Indicate a thickness for proposed topsoil replacement.

Sites disturbing greater than 1 acre of land are required to obtain a Land Disturbance Permit from Public Works (701 N 7th Street, 7th Floor, Kansas City, KS 66101).

Acknowledged, note added.

Sanitary Sewer Review

1) Provide UG Department of Health, (913) 573-6705, permit and inspection for existing private on-site wastewater system (UG Code Article VII, §30-227 et seq).

No changes to the sanitary sewer system are currently proposed.

2) Provide a brief sanitary sewer memorandum describing the existing septic system and proposed load. Septic systems shall comply with KDHS Bulletin 4-2: Minimum Standards for Design and Construction of Onsite Wastewater System:

- a) There shall be no permanent structure (patio, building, driveway, etc.) over the tank, lateral or other part of an onsite wastewater system
- b) Maintain access of trucks and equipment for pumping, maintenance, and repair.
- c) To avoid damage to the system, heavy equipment should not have to cross any portion of the wastewater system when servicing the septic tank.

Building is not currently proposed to be changed; thus, the proposed load will not be different than the existing.

3) On the plans, please illustrate existing sanitary and storm sewer structures and line sizes, which may be obtained from the Sewer Maintenance Department at (913) 573-5535. Show locations of all existing and proposed utilities on the plan, including the existing

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT RESPONSE LETTER

sanitary sewer and storm sewer utilities. Where existing utilities are not UG utilities, indicate that on the plans by calling them out as private.

Contact was made with the sewer maintenance department. No sanitary sewers exist near the site. The storm sewer along Nebraska Ave. does not appear on the GIS and thus does not have Node numbers or sizes.

4) Private sanitary service line(s) including clean-outs and / or manholes, as applicable shall comply with the applicable uniform plumbing code.

Acknowledged

Storm Drainage Review

1) Provide a storm drainage memo demonstrating plans comply with UG standards and criteria including stormwater quality Best Management Practice (BMP) worksheets, calculations, BMPs drainage area map.

Storm report added.

2) Demonstrate compliance with MARC BMP Manual (2009) Appendix B.2.11 for "Hot Spots."

Added as indicated, see storm report.

Please let me know if there are any questions.

Alex Elliott, EIT
Atlas Land Consulting
alex@alconsult-llc.com
913.306.4058

2300 Hutton St. Suite 108 Kansas City, KS. 66109

APPLICANT STORMWATER REPORT

Staff Note: Due to the Length of the report, only the stamped cover page is provided here. A full report is available upon request.



606 Jefferson Hills Court
Lawrence, KS 66044

STORM REPORT

For:

14140 State Ave. Industrial

14140 State Avenue
KANSAS CITY, KANSAS, 66109

Prepared for:

Tim Kates
24801 219th Street
Leavenworth, Kansas, 66048
913.951.7353



Prepared by:

ATLAS LAND CONSULTING, LLC
606 Jefferson Hills Court
Lawrence, Kansas 66044
913-702-5073

January 24, 2022

Revision	Date	By	Description
1			
2			
3			

35

[illegible]

EXISTING CONCRETE ENTRANCE TO BE USED AS CONSTRUCTION ENTRANCE

NEBRASKA AVE

INSTALL INLET PROTECTION ON CURB INLET AND END SECTION

PROPOSED SEDIMENT TRAP (TYPICAL IN TRAP LOCATION)

EXISTING 5-FT CONTOUR (TYP.)

LIMITS OF DISTURBANCE (TYP.)

INSTALL ROCK CHECK

INSTALL SILT FENCE OR COMPOST BERM (TYP.)

LIMITS OF DISTURBANCE (TYP.)

TEMPORARY MATERIAL STOCKPILE AREA

PROPOSED 5-FT CONTOUR (TYP.)

SLOPED UNIMPAVED AREAS THAT ARE NOT TO BE PAVED (TYP.)

INSTALL SILT FENCE OR COMPOST BERM (TYP.)

PROPERTY LINE (TYP.)

STATE AVENUE HIGHWAY

N 1/2ND S.W.

LEGEND

1. EXISTING CONCRETE ENTRANCE TO BE USED AS CONSTRUCTION ENTRANCE

2. EXISTING 5-FT CONTOUR (TYP.)

3. LIMITS OF DISTURBANCE (TYP.)

4. TEMPORARY MATERIAL STOCKPILE AREA

5. PROPOSED 5-FT CONTOUR (TYP.)

6. SLOPED UNIMPAVED AREAS THAT ARE NOT TO BE PAVED (TYP.)

7. INSTALL SILT FENCE OR COMPOST BERM (TYP.)

8. PROPERTY LINE (TYP.)

9. STATE AVENUE HIGHWAY

10. N 1/2ND S.W.

11. EXISTING CONCRETE ENTRANCE TO BE USED AS CONSTRUCTION ENTRANCE

12. EXISTING 5-FT CONTOUR (TYP.)

13. LIMITS OF DISTURBANCE (TYP.)

14. TEMPORARY MATERIAL STOCKPILE AREA

15. PROPOSED 5-FT CONTOUR (TYP.)

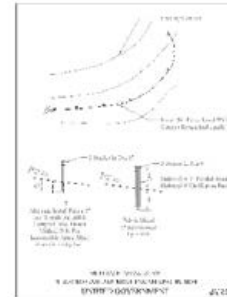
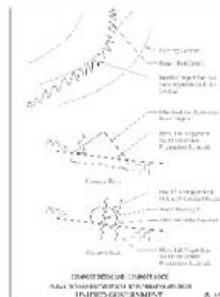
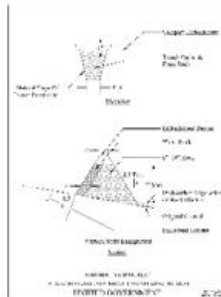
16. SLOPED UNIMPAVED AREAS THAT ARE NOT TO BE PAVED (TYP.)

17. INSTALL SILT FENCE OR COMPOST BERM (TYP.)

18. PROPERTY LINE (TYP.)

19. STATE AVENUE HIGHWAY

20. N 1/2ND S.W.



REVISED SITE PLANS – SECOND SET



NOTE: THE SITE PLAN IS A GENERAL REPRESENTATION OF THE PROPOSED DEVELOPMENT. IT IS NOT A CONTRACT DOCUMENT. THE FINAL DESIGN SHALL BE DETERMINED BY THE ENGINEER AND THE CITY OF WYOMING. THE CITY OF WYOMING SHALL BE RESPONSIBLE FOR THE FINAL DESIGN AND THE CITY OF WYOMING SHALL BE RESPONSIBLE FOR THE FINAL DESIGN.



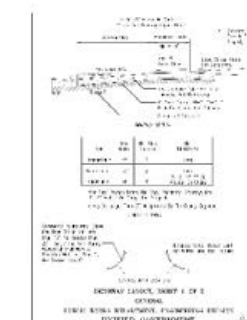
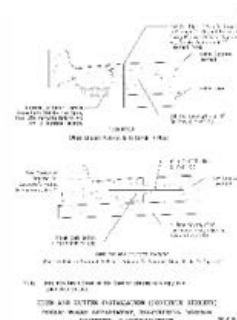
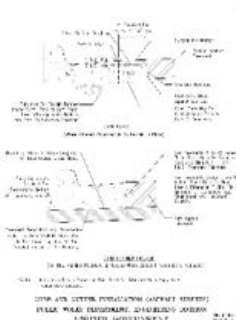
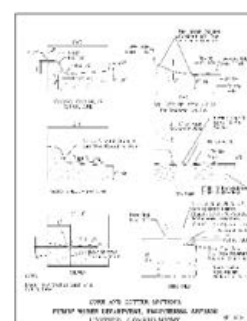
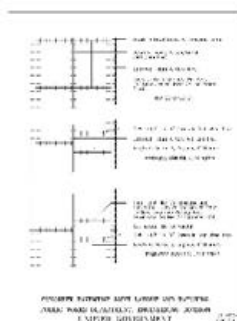
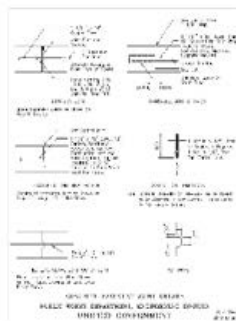
ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66116

FOR PERMIT

PREPARED FOR:
THE CITY OF WYOMING
KANSAS CITY, MISSOURI
PROJECT # 2-18-002
SHEET # 1-179

C-120



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS

14140 State Ave.
14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66116

FOR PERMIT

PREPARED FOR:
THE CITY OF WYOMING
KANSAS CITY, MISSOURI
PROJECT # 2-18-002
SHEET # 1-179

C-121

REVISED SITE PLANS – SECOND SET



ADDITIONAL APPLICANT RESPONSE LETTER



Comment Response Letter

To: Kallie McLaughlin
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5758
Email: kdmclaughlin@wycokck.org
Date: January 24, 2022
Project: 14140 State Ave. Industrial Rezoning

Planning and Urban Design Comments:

General

- 1) The existing zoning and land use allows for intense commercial and some light industrial, respectively, but does not encompass the visibility the applicant requires as part of business operations for the proposed use. The proposed zoning and land use better reflect the applicant's desire to operate a demolition company with a visible lay-down material lot.

Apologies for any confusion, applicant is not currently proposing to store any materials on-site, only equipment.

- 2) If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.

Acknowledged.

- 3) If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.

Acknowledged, proposed screening shown.

- 4) Items to achieve approval:
 - a. Supply preliminary civil drawings to detail the proposed water and sewer
2300 Hutton St. Suite 108 Kansas City, KS. 66109

ADDITIONAL APPLICANT RESPONSE LETTER

utility connections in response to Planning Engineering Comment Letters.

Drawings have been provided to Planning Engineering. No comments received yet.

- b. Provide a parking layout on the site plan with space count

Added as indicated

- c. Provide operations details such as the hours of operation in which there may be heavier truck traffic and what types of materials may be stored on the lay-down lot.

Hours of operation are to be 7am-5pm with the heaviest traffic being in the beginning and end of the day. No materials are proposed to be stored on-site.

- d. Provide a plan outlining the landscape improvements to be made after utilities are connected and soil disturbance or grading has occurred.

Landscaping improvements shown in development plan (see sheet C-200).

Standard Conditions

- 1) 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.

Acknowledged.

- 2) 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.

Acknowledged.

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

2300 Hutton St. Suite 108 Kansas City, KS. 66109

ADDITIONAL APPLICANT RESPONSE LETTER

on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

Acknowledged.

- 4) Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.

Acknowledged.

- 5) The apron shall be continuously maintained as an improved surface.

Acknowledged.

- 6) Existing fencing and gated entrance shall be maintained.

Acknowledged.

- 7) Any equipment visible from the ground level or near fencing shall be removed or relocated to where fully concealed from public view.

Acknowledged.

- 8) All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

Acknowledged.

- 9) 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.

Acknowledged.

Please let me know if there are any questions.

Alex Elliott, EIT
Atlas Land Consulting
alex@alconsult-llc.com
913.306.4058

2300 Hutton St. Suite 108 Kansas City, KS. 66109

STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022



STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022



STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022



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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: March 3, 2022

Re: **Change of Zone Petition COZ2022-004 and Master Plan Amendment Petition MPL2022-003**

GENERAL INFORMATION

Applicant:

Gunnar Hand, AICP

Status of Applicant:

Representative, UG Planning + Urban Design
701 North 7th Street, Suite 423
Kansas City, KS 66101

Requested Actions:

Change of Zone from MP-2 Planned General Industrial District to R-1 Single-Family District.

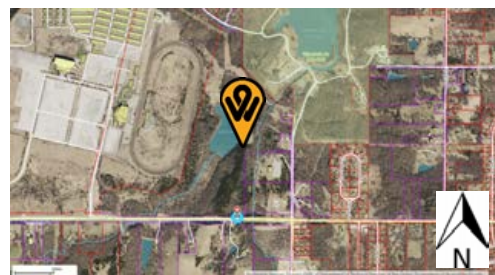
Master Plan Amendment from Planned Business Park to Planned Open Space (Prairie-Delaware Master Plan).

Date of Application(s):

January 3, 2022

Purpose:

To change the zoning and master plan designation to reflect the land use as park space.



Property Location:

9300 Leavenworth Road

Commission Districts:

Commissioner At Large District #1: Melissa Bynum
District #5 Commissioner: Mike Kane

Existing Zoning:

MP-2 Planned General Industrial District

Adjacent Zoning:	North: R-1 Single Family District and AG Agricultural District South: AG Agricultural District East: R-1 Single Family District, CP-2 Planned General Commercial District, and CP-1 Planned Limited Business District West: MP-2 Planned General Industrial District
Adjacent Uses:	North: Wyandotte County Lake Park South: Agricultural Land East: Commercial Building and Vacant Land West: Amazon Fulfillment Center
Total Tract Size:	94.16 Acres
Master Plan Area:	Prairie-Delaware-Piper Master Plan
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates Bennett Lake as Planned Business Park. Planned Business Park identifies employment areas that are for manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity. An amendment has been filed to Planned Open Space, which “identifies existing land use for parks, recreation and open space”.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare.
Parking Requirement:	Sec 27-469(d) requires paved off-street parking at a ratio necessary to serve the employees, visitors, customers, and others who may be on the premises. There shall be no less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Commercial uses shall provide parking as would be required in the C-3 district. For additional standards and information, see division 9 of this article.
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owners – January 21, 2022 and February 24, 2022

Public Hearings: February 14, 2022 and March 3, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Gunnar Hand, AICP, representing the Unified Government, is proposing to rezone the property from MP-2 Planned General Industrial District to R-1 Single-Family District and seeks a Master Plan Amendment from Planned Business Park to Planned Open Space to better reflect the land use on the property. This property was deeded over to the Unified Government as part of the adjacent Woodlands redevelopment into an industrial area.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no calls for police service and no disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violations on this property.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of many diverse uses, including industrial warehouses, single-family homes, park land, and agricultural land. There is minimal commercial development along Leavenworth Road.

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 most of the surrounding uses, which include agricultural, park land, and single-family residences. There is the potential for conflict with the

Amazon Fulfillment Center, and other industrial uses that borders the property to the North and West.

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

The removal of restrictions will not detrimentally affect nearby property, as the use of the property will not change. The zoning and master plan designation will change to better reflect the current use of this property and to match that of the adjacent Wyandotte County Lake Park.

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

This property is not vacant, as it is being used as park space managed by the Unified Government.

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 the park space provides a great location for recreation for the public as well as helps preserve the natural resources on the property, such as Bennett Lake.

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

The proposed use will not increase the traffic or parking demand in ways that will adversely affect the road capacity, safety, or create parking problems, as the land use is not changing from its current use, rather the zoning and master plan amendment are changing to better reflect the use of the land as park space.

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

The proposed use will conform to the Master Plan, as the Master Plan is being amended to reflect the current use of the land to Open Space.

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 simply changing the zoning and master plan designation to better match the existing land use. The current use, however, will enhance the environment, as the existing use preserves this open space in perpetuity as park land.

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 West Patrol, District #223

e. Fire

Fire service is provided by Station #12.

f. Transit

KCATA Route #113 – Leavenworth Road.

g. Schools

Public education is provided by Kansas City, Kansas Public Schools, 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 without 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 is minimal. If the application is denied, the property can continue to be used as open space.

PREVIOUS ACTIONS

Approval of a Change of Zone from AG and CP-1 to CP-1 and MP-2 (COZ #3226) in 2020.

Approval of a Master Plan Amendment from Entertainment District to Business Park (MP-2020-5) in 2020.

Approval of a Change of Zone from CP-1 and MP-2 to MP-2 (COZ2021-006) in 2021.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 1, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space

Sidewalks and Trails Master Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-004** and Master Plan Amendment **MPL2022-003**, subject to:

- 1) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process.
- 2) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
- 3) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 4) 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, Sections 8-610 through 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.

- 5) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-004** and **MPL2022-003** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Letter – Dated January 24, 2022
Neighborhood Meeting Minutes – Dated February 2, 2022
Site Photos, Taken by Staff – Dated January 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	February 14, 2022	March 3, 2022
Change of Zone	Approval	
Master Plan	February 14, 2022	March 3, 2022
Amendment	Approval	

STAFF CONTACT: James Molloy
jmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-003** 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 **MPL2022-003**, 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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-004** 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 **COZ2022-004**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:00:20:

MASTER PLAN AMENDMENT APPLICATION MPL2022-003 – GUNNAR HAND, AICP/DIRECTOR OF PLANNING – SYNOPSIS: Master Plan Amendment from Business Park (Prairie Delaware Piper Master Plan) to Open Space (Prairie Delaware Piper Master Plan) at 9300 Leavenworth Road.

CHANGE OF ZONE APPLICATION COZ2022-004 – GUNNAR HAND, AICP/DIRECTOR OF PLANNING – SYNOPSIS: Change of Zone from MP-2 Planned General Industrial District to R-1 Single Family District for the existing Bennett Lake and park land at 9300 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Gunnar Hand, AICP, representing the Unified Government, is proposing to rezone the property from MP-2 Planned General Industrial District to R-1 Single-Family District and seeks a Master Plan Amendment from Planned Business Park to Planned Open Space to better reflect the land use on the property. This property was deeded over to the Unified Government as part of the adjacent Woodlands redevelopment into an industrial area.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 14, 2022;
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:

- Gunnar H. Hand, AICP, applicant, Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:03: Planning Director Hand stated that staff has received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 2:03:45:

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment MPL2022-003:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process.
- 2) 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
- 3) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 4) 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, Sections 8-610 through 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.
- 5) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible

from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

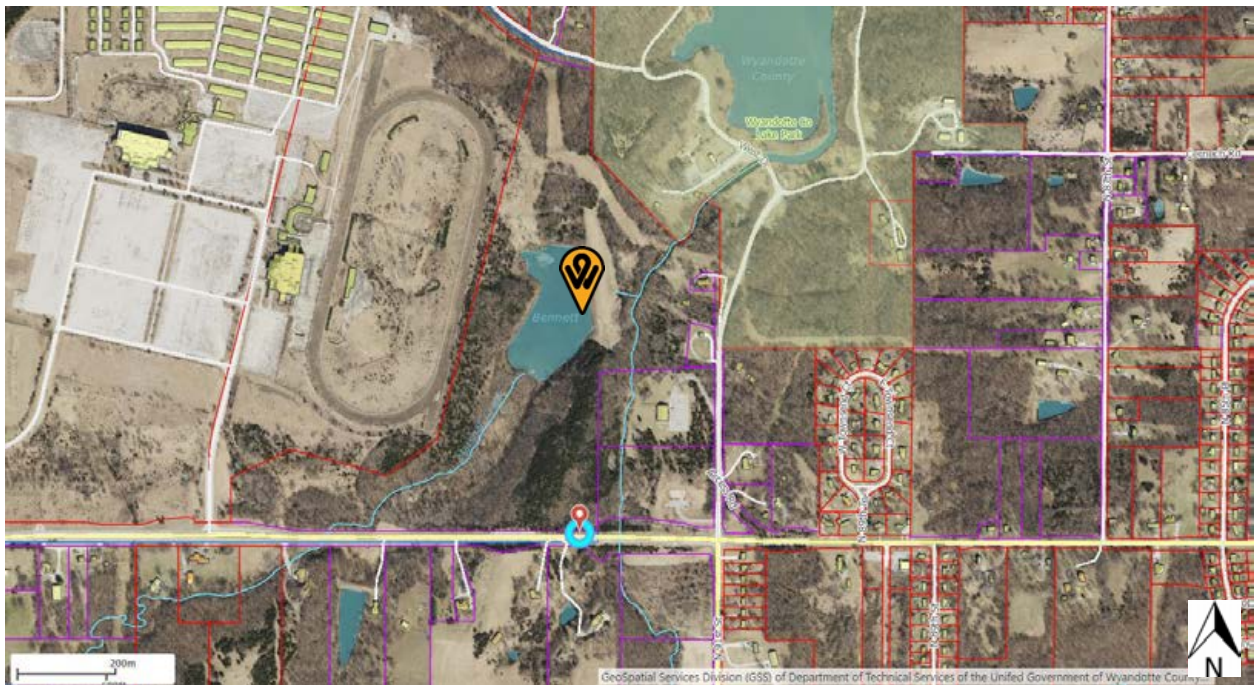
On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-004:**

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

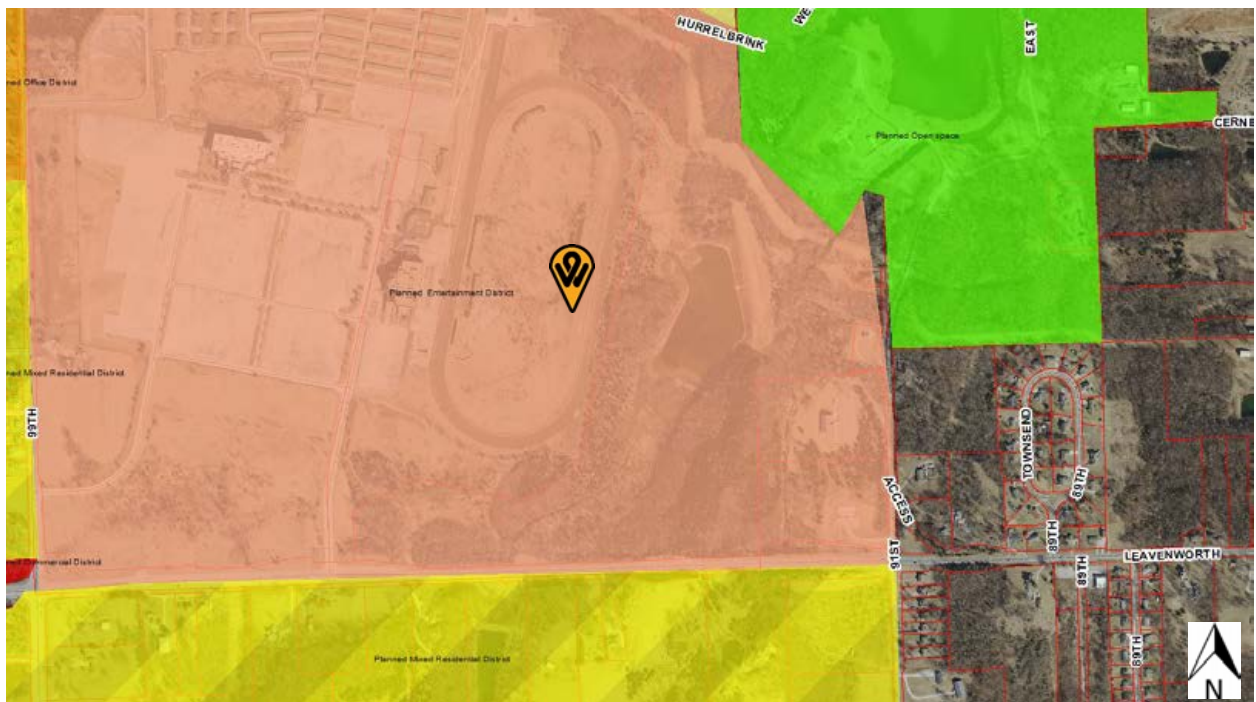
Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

ATTACHMENTS

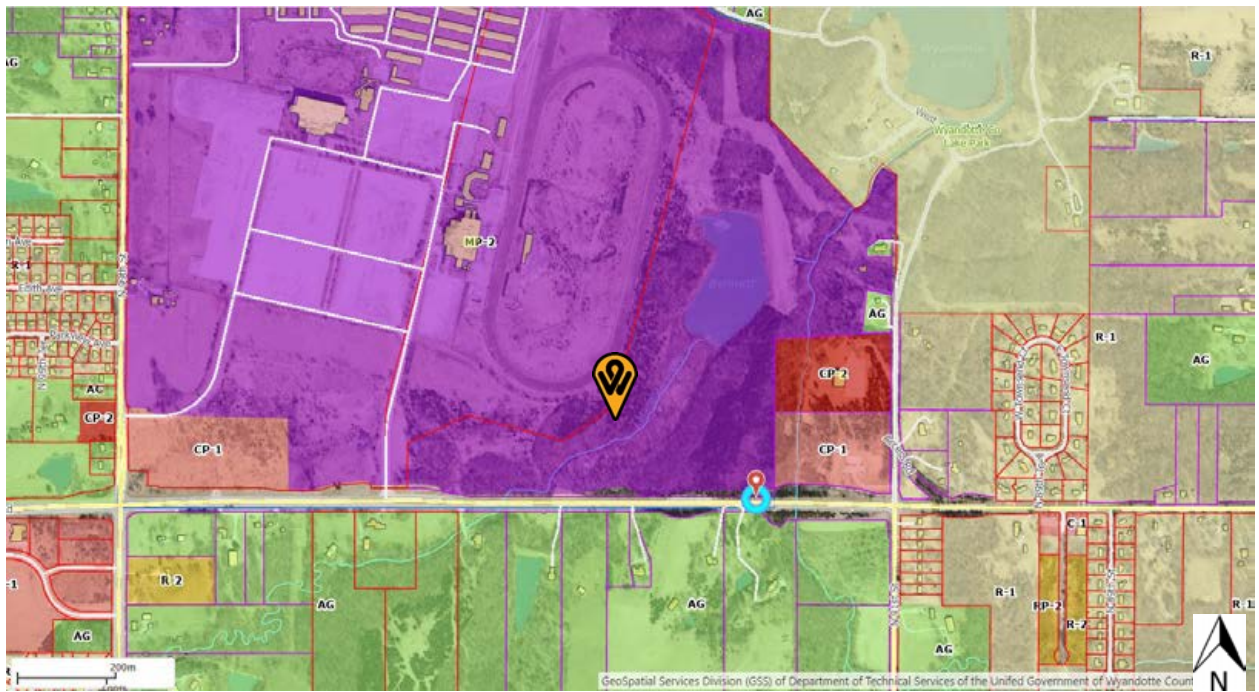
AERIAL IMAGERY



LAND USE MAP



ZONING MAP





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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January 21, 2022

SUBJECT: Synopsis of COZ2022-004 and MPL2022-003

We have filed an application with the Department of Planning and Urban Design for the following applications:

COZ2022-004. Change of Zone from MP-2 Planned General Industrial District to R-1 Single Family District; and,

MPL2022-003. Master Plan Amendment from Business Park to Open Space (Prairie-Delaware-Piper Master Plan),

at 9300 Leavenworth Road.

The purpose of these two (2) applications is to preserve the land as open space, and change both the zoning, and master plan designation to match this land's use as open space. The park and lake are not being developed or changed; these petitions are to preserve the park in perpetuity as open space.

If you have any questions or concerns regarding this petition, or want to know more about this petition, please reach out to The Department of Planning + Urban Design at planninginfo@wycokck.org or at (913) 573-5750 by January 31, 2022. Additionally, you can reach out to the staff planner assigned to this case, Mr. James Molloy at jlmolloy@wycokck.org or (913) 573-5771.

James Molloy
Planning Intern
(913) 573-5771
jlmolloy@wycokck.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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February 2, 2022

SUBJECT: Neighborhood Meeting Minutes for **COZ2022-004** and **MPL2022-003**

The Department of Planning and Urban Design sent out letter detailing the two (2) petitions that have been filed for by the Director of the Unified Government Department of Planning and Urban Design Gunnar Hand, as well as providing contact information for those that wanted to respond and provide comments.

The comment period was from January 24, 2022, through February 1, 2022.

No comments or questions were received during this period.

James Molloy
Planning Intern
(913) 573-5771
jlmolloy@wycokck.org

SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022



Trail along the Southern edge of Bennett Lake and Park along Leavenworth Road.

SITE PHOTOS, TAKEN BY STAFF – DATED JANUARY 14, 2022 CONT.



Trail along the Northern edge of Bennett Lake and Park along Hurrelbrink Road.



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: March 3, 2022

Re: **Petition SP2022-14, Petition PR2022-006 and Master Plan Amendment MPL2022-004**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approve a Special Use Permit for an indoor and outdoor multi-use sports complex.

Preliminary Plan Review for indoor and outdoor multi-use sports complex.

Master Plan Amendment from Planned Mixed Residential to Planned Entertainment (Prairie Delaware Piper Master Plan).

Date of Applications:
January 3, 2022

Purpose: To plat two (2) lots and amend the master plan to build and operate a 162,065 square foot indoor/outdoor multi-use sports complex and training center and future athletic fields.



Property Location:	9020 State Avenue
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and R-1 Single Family Districts East: A-G Agriculture and CP-1 Planned Limited Business Districts West: A-G Agriculture and RP-5 Planned Apartment Districts (across North 94 th Street)
Adjacent Uses:	North: Compass Minerals Soccer Complex and single-family homes South: Single family homes and undeveloped land East: Dental office and single-family homes West: Single family homes
Total Tract Size:	23.51 Acres
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential, which allows patio (zero lot line) homes, townhomes, condominiums, garden apartments, housing for seniors, and other multifamily uses. (An amendment to Planned Commercial Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area).
Major Street Plan:	The City-Wide Master Plan classifies State Avenue as a Class A Thoroughfare.
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – January 20, 2022, Plat – None, Plan Review – None, and Master Plan Amendment – January 20, 2022 Letters to Property Owner – January 21, 2022 and February 24, 2022
Public Hearings:	February 14, 2022 and March 3, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed a Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into two (2) lots to build a 162,065 square foot indoor/outdoor multi-use sports complex, training center and parking on 23.51 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is composed of soccer fields and a small single-family neighborhood to the north, single family homes to the south, a dental office and single-family homes to the east and apartments to the west (across North 94th Street).

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

The zoning and uses of nearby property are identified above. An indoor multi-use sports complex, primarily, with an outside multi-sport field and future baseball/softball fields can be compatible with the surrounding residential area.

3. 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 the West Patrol, District #225

e. Fire

Fire service provided by Fire Station #6 located near 95th and State Avenue.

f. Transit

Kansas City ATA provides transit service along State Avenue, Route #101. The nearest transit stop is in front of this property.

g. Schools

Public education is approved by Kansas City Kansas USD 500.

4. 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 on the property will not detrimentally affect nearby property as the majority of the visitors will be inside the building, although the increase in lighting of the sports fields, noise from outdoor fields and traffic as expected will significantly change the impact this parcel has on the surrounding area.

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

The property has been vacant for an undetermined period, however, the property was used as a driveway to the parcel in the rear, which was removed between 2014 and 2016.

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

Special Use Permits are not addressed in the Master Plan, however, the Prairie Delaware Piper Master Plan Mixed Residential designation allows a mixture of single-family homes, townhomes, and multi-family apartments. A Master Plan Amendment to Planned Entertainment is being sought, which allows significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

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

The proposed use will result in a significant increase in the amount of vehicular traffic to the property. With the coordination of Planning Engineering and Public Works Department, the traffic study will be reviewed and commented separately.

8. *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 reasonably necessary for the convenience of those that will use this service, particularly young families in the metro area. It could have an impact on both the residential properties nearby, as well as the future potential for adjacent undeveloped parcels.

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.*

There will be a significant change in the illumination, noise, and activity on site, particularly on weekends when the site will be most heavily visited. Buffering shall be in place from the beginning to limit the impact on nearby residents and property owners.

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

The proposed use will not pollute the air, land or water provided on-site waste is disposed of properly.

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

The proposed use will not damage or destroy an irreplaceable natural resource, however, the existing tree stands should be preserved to act as a buffer between the residences and the development.

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 an expected gain to the public health with the addition of recreational facilities in the area.

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

The proposed use is not expected to result in overcrowding of land if designed properly. It will cause significant concentrations of populations.

14. 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.

The 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 if properly designed and managed by the owner and operator.

15. 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.

With coordination from the Public Works Department, streets will be 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.

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.

Lots and buildings appear to be 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 issue related to this is:

- A. Secondary access for emergency services if State Avenue access is restricted.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

Development will be designed with regard to topography, so that the dense tree stands will be preserved on the northwest and east ends of the property.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is a private development for a multi-purpose sports facility, and there will not be public amenities for residents provided. The project will provide public accommodation to their facilities.

18. 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 increase the traffic and parking demand in ways that could adversely affect road capacity, safety, and create parking problems. With coordination from Planning Engineering and the Public Works Department, the traffic study will be reviewed and commented on separately.

19. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with the appropriate revisions.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Lighting and Glare
Location of building
Location of parking
Traffic
Pedestrian Access
Transit Access
Screening and Buffering
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-014**, Preliminary Plan Review **PR2022-006** and Master Plan Amendment **MPL2022-004**, subject to:

1. **A building permit is required. Please contact the Building Inspection Department to begin that process;**
2. **Submit a design criteria manual for the overall development, as there could be expansions or additions in the future;**
3. **After talking with the Public Works Department, the applicant does not need to improve the North 92nd Terrace cul-de-sac and dedicating right-of-way is acceptable. Additionally, improving the cul-de-sac would remove an**

- established stand of trees that will screen the development from public view. KCKFD may require future improvements;
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
 5. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 6. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
 - a. A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, UG Transit at (913) 573-6798 or jwelker@wycokck.org.
 - b. The enhanced bus shelter along State Avenue should be constructed to connect with the pedestrian route through the surface parking lot.

This is a major transit corridor with a transit blade sign currently along the sidewalk on State Avenue. The transit shelter (similar to Urban Outfitters) and pedestrian access sidewalk/median should connect to the front door of the building. The approximate placement will be determined at the Final Development Plan;

7. Align the pedestrian walkway with the pedestrian route in the surface parking lot to establish a throughway connection to State Avenue.

The pedestrian walkway/median through the parking lot shall connect to State Avenue as a throughway connection. The trail will be omitted from this portion of the development at this time, however, trail connections with the future development to the east will be discussed when that development plan is submitted;

8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers shall be oriented away from the residences;
12. The outdoor scoreboard shall comply with the Performance Standards for Lighting.
13. There are lighting and glare issues that were raised in the past with the soccer fields directly north of this site. We want to make the applicant aware of these issues and want to ensure that the exterior lighting

- (parking lot lights or field lights) adhere to the one (1) footcandle at the property line. This includes light that is cast vertically and horizontally;
14. 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 downspouts and integrated into the building. Overflow drains shall be at grade and hidden by vegetation. The scuppers will be address at the final plan review;
 15. All concrete shall be integrally-colored – no paint;
 16. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
 - a. Lot 1 – 146 trees;
 - b. Lot 2 – 83 trees;
 17. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
 18. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
 19. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
 20. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces;
 21. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
 22. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 94th Street.
The area in question shall have trees shall be planted along the southwest ridge line of the detention basin arcing south to State Avenue between the agriculturally zoned property (residential home) and the western access drive. Illustrate on the FDP landscape plan, the area west of the North 92nd Street cul-de-sac as green space;
 23. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
 24. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. See the landscape exhibit;
 25. All landscaping must be irrigated. The exhibit submitted addresses this comment and will be reviewed at final plan review;
 26. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;

27. 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;
28. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line;
29. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
30. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
31. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
32. 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;
33. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary;
34. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
35. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
36. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
37. 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, Sections 8-610 through 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;
38. 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;
39. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferrable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,
40. 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 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 **SP2022-014**, Petition **PR2022-006** and **MPL2022-004** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Development Opportunities Map
KCKFD Comments
Preliminary Plat
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 14, 2022	March 3, 2022
Special Use	Approval	
Preliminary	February 14, 2022	TBD
Plat	Approved	
Preliminary		
Plan	February 14, 2022	March 3, 2022
Master Plan	Approval	
Amendment	February 14, 2022	March 3, 2022
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-004** 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 **MPL2022-004** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-014** 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 **SP2022-014**, 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.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-006** 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 **PR2022-006**, 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.

February 14, 2022 City Planning Commission Minutes:

Hearing starts at 3:16:35:

MASTER PLAN AMENDMENT MPL2022-004 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Master Plan Amendment from Planned Mixed Residential (Prairie Delaware Piper Master Plan) to Planned Commercial (Prairie Delaware Piper Master Plan) at 9020 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-014 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Special Use Permit for indoor facility and outdoor fields for multi-sport training and tournament games, including food, beverages and liquor sales and related parking at 9020 State Avenue.

PLAT2022-003 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS:
Preliminary Plat for two (2) lots (Homefield Training Center) at 9020 State Avenue.

PLAN REVIEW APPLICATION PR2022-006 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Preliminary Plan Review for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed a Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into two (2) lots to build a 162,065 square foot indoor/outdoor multi-use sports complex, training center and parking on 23.51 acres at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 27-606, Article XXI Sections 27-502 – 27-709 and Article VIII Sections 27-340 – 27-765.

SPECIAL USE PERMIT APPLICATION SP2022-015 – CURTIS PETERSEN WITH POLSINELLI PC - SYNOPSIS: Special Use Permit for grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, wants to rough grade the overall site prior to the development of the Homefield project to balance the earthwork and eliminate the need to borrow or haul off material on 13.88 acres located at 9020 State Avenue.

City Ordinance Requirements: 27-592 through 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 February 14, 2022;
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 Notice in the Wyandotte Echo; and,
7. The notices to the 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:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:55:20: Planning Director Hand stated that he is going to address the requested changes that the applicant discussed during his presentation as the applicant explained the proposal in detail. Staff has worked closely with all the applicants on their proposals. Staff worked very closely with Mr. Petersen and his team on this project since it was first proposed on the former Schlitterbahn site and now moved to this location. Director Hand stated that the applicant is asking for an indefinite Special Use Permit. There are not many indefinite Special Use Permits in the UG and one (1) of those is for signage at The Legends. He further stated that the project is a significant investment and staff believes an indefinite Special Use Permit is appropriate. Director Hand stated that he understands why Mr. Petersen and the developers want to be very meticulous, so conditions of approval are not left to interpretation. He stated that there will be Temporary Certificates of Approval issued through the process and if conditions are left to interpretation when it is time for the Final Certificate of Occupancy and the developer wants to change a condition of approval, they will need to go back through the Planning Commission/Board of Commissioners process. Director Hand stated that the only points of contention are the deviations. As has been discussed, the Commercial Design Guidelines are dated, and the Planning Commission has approved modern materials deviations. The intent of this guideline was to not have corrugated metal. Staff agrees with this deviation. The other deviation concerns building orientation. The guidelines say that parking should be on the side or rear and the plan shows parking in the front. It would not be easy to re-orient the building. The applicant has worked with staff to enhance transit connectivity for this site. Director Hand addressed the following conditions in the staff report brought up by the applicant.

Condition 1 addresses the building orientation and if the Planning Commission wishes to grant this deviation, the condition should be deleted.

Conditions 7 and 8 address transit and pedestrian connectivity, which was also addressed in Condition 1. He stated that he would request that the language be modified to defer the transit enhancement to Justus Welker, UG Transit.

Condition 13 regarding the outdoor scoreboard orientation can be addressed at final plan review. He thinks that it should be revised to say that the outdoor scoreboard orientation shall meet the performance standard for lighting.

Condition 15 is related to materiality of the building, and if the deviation is granted, this condition would be eliminated.

Condition 16 does not need to be changed as the scuppers can be clarified at the final development plan.

Condition 26 states the trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and maintain those trees lost over time. Director Hand stated that the applicant submitted an exhibit showing the trees, which can be tied to this condition. Staff made a change to the exhibit that says all the existing tree stands shall remain, which effectively creates an open space buffer in perpetuity.

Condition 27 states that all landscaping must be irrigated, and can be tied to the exhibit provided by the applicant. He stated that staff would like to review the exhibit to make sure that everything is on the plan and that can be addressed at the final plan review.

Director Hand stated that Special Use Permit SP2022-015 is for the grading of the site. He stated that the trucks will only work on site and then removed when they have completed the grading. It is a balanced site. The trucks will not move on and off the site during the grading impact. The mitigation they are doing is therefore only for dust on-site.

Condition 1 – Director Hand agrees with the requested change and recommends that the last sentence be removed from the condition – “Maintain a 100-foot buffer, protecting the tree stands from the single-family homes.” He further stated that the exhibit shows where the tree stands will and will not be located. When the ballfields are submitted, the exhibit will be expanded, and staff will review at that time.

Condition 3 - Director Hand agrees with the requested change of adding “as necessary”.

Condition 5 – Director Hand stated that this standard condition to contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend was developed for the Woodlands project. He stated that he would suggest that the condition be amended to provide all communication and notification up front, and a contact number be provided to the site if there are any neighborhood issues.

Staff recommends approval of SP2022-015 for two (2) years subject to the revised conditions.

Motion and Vote starts at 4:12:25:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-004 subject to the conditions in the staff report including the deletion of Conditions 1 and 15 and the revision to Conditions 7, 8, 13, 16, 26 and 27:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process;**

2. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future;
3. After talking with the Public Works Department, the applicant does not need to improve the North 92nd Terrace cul-de-sac and dedicating right-of-way is acceptable. Additionally, improving the cul-de-sac would remove an established stand of trees that will screen the development from public view. KCKFD may require future improvements;
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
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8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
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11. Outdoor speakers shall be oriented away from the residences;

12. The outdoor scoreboard shall comply with the Performance Standards for Lighting.
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- 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;
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39. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferrable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,
40. 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. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-014:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions

NOTE: The first recording was full, and a second recording started when this application was being considered.

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE PLAT2022-003:**

Carson	Chairman
Armstrong	Aye
Connelly	Aye

Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye

Motion to APPROVE Passed: 6 to 0
Subject to the above conditions

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-006:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-015 for two (2) years with the conditions in the staff report with the removal of the last sentence in Condition 1, adding “as necessary” at the end of Condition 3 and a contact number be provided to someone on-site that the neighbors can contact if there are issues in Condition 5:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to:

1. The properties to the west (towards 92nd Terrance) and east (towards 90th Street) shall be protected from erosion, ensuring the relocation of earthen material does not remove the existing trees stands that buffer the single-family homes from the open undeveloped land;
2. When the rough grading has concluded and a development plan has not been submitted for Lot 2, the site shall be seeded until ground cover is established;

3. Water trucks shall be used daily to minimize dust from becoming airborne affecting air quality and adjacent residents, as necessary;
4. As part of the Land Disturbance and Grading Permit, submit an agreement to remedy, repair, or clean up any damage to adjacent property owners or streets or utilities occasioned by the washing of silt or earthen material upon adjacent properties. A bond is likely to be required;
5. The hours of operation shall be 7:00 AM to 7:00 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences in advance of performing work. Provide a contact number for someone on-site that the neighbors can contact if there are issues in Condition 5;
6. The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line;
7. Conformance with Appendix J, of the 2012 International Building and an agreement that a report by the professional engineer responsible for supervising the dirt removal be submitted at the end of the approval period indicating that the removal does not comply with Appendix J and other conditions;
8. Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit;
9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. The Special Use Permit shall be valid for 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

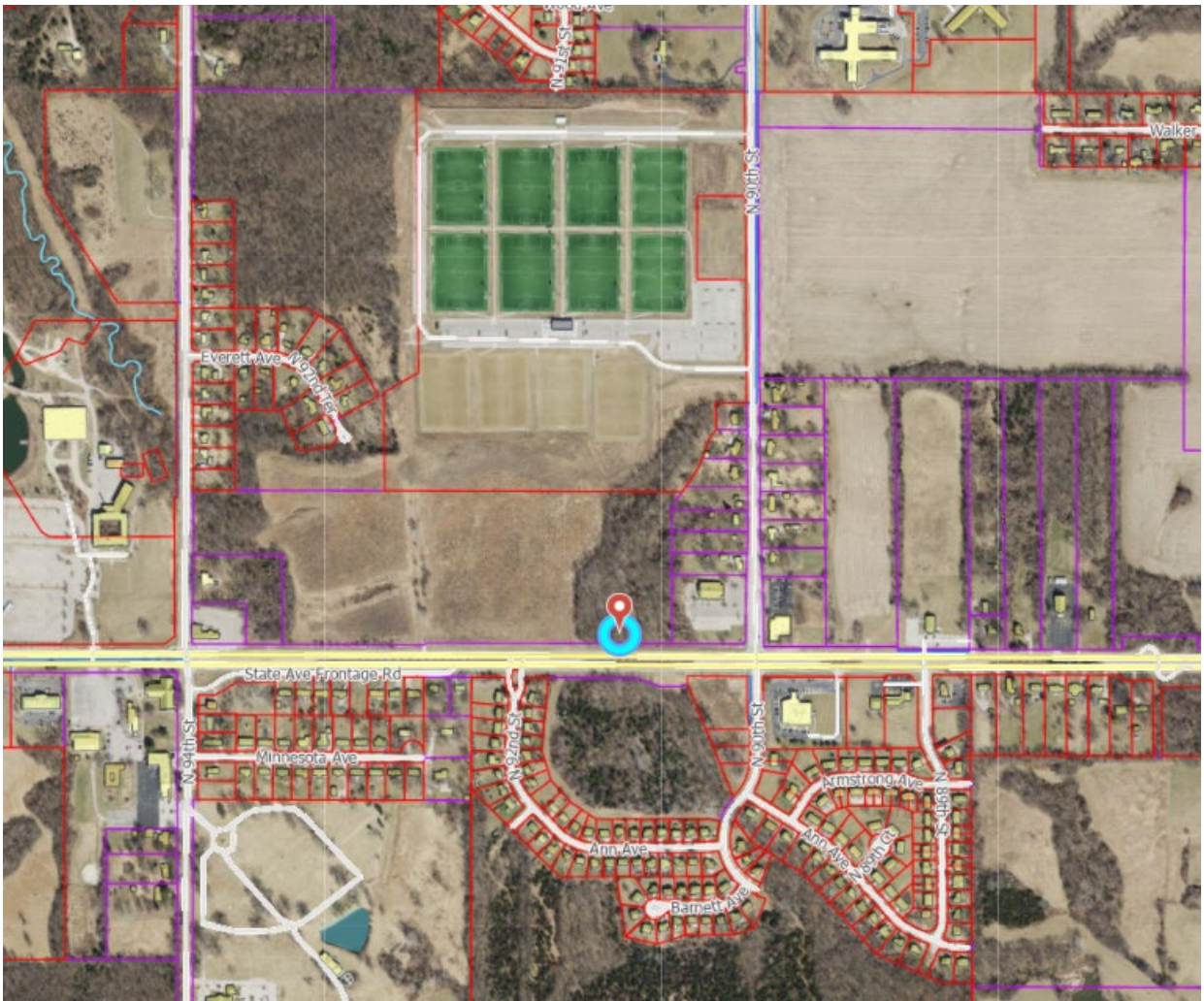


Figure 1. Aerial photograph of 9020 State Avenue (provided by UG Maps).

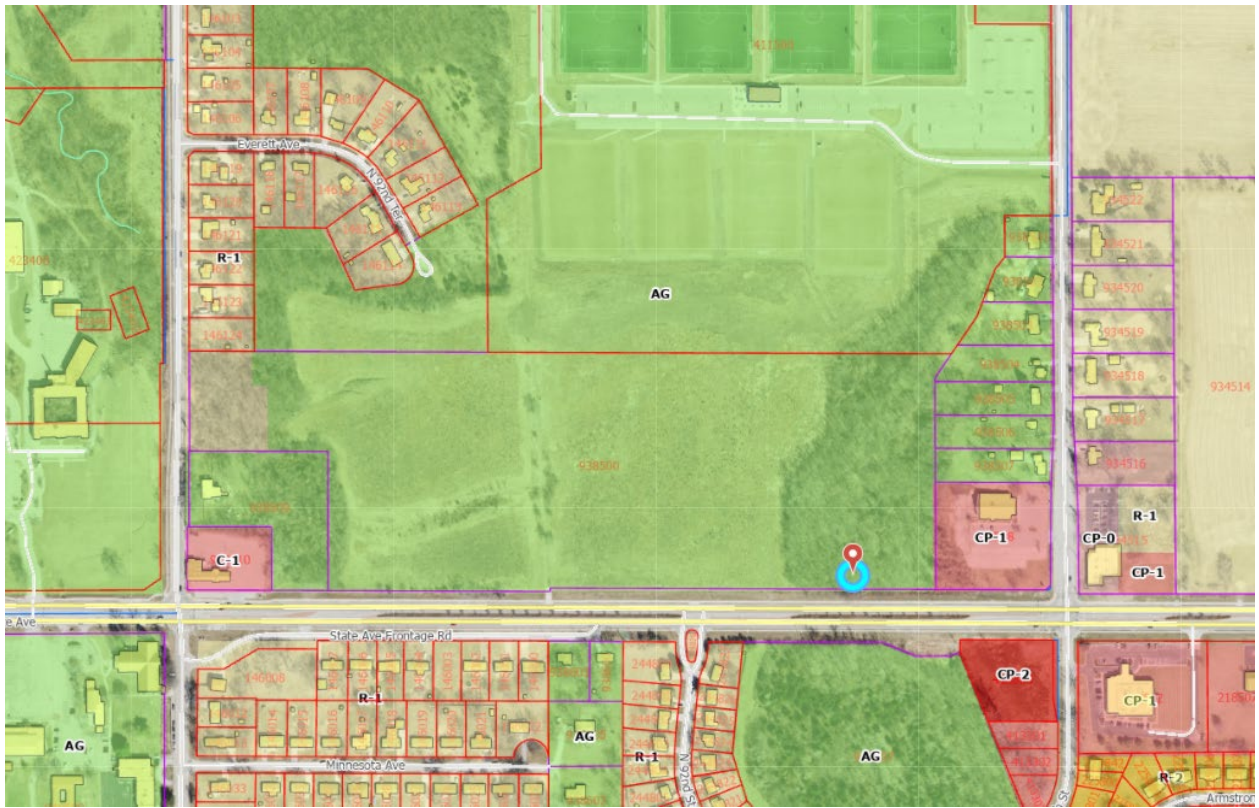


Figure 2. Zoning Map of 9020 State Avenue (provided by UG Maps).

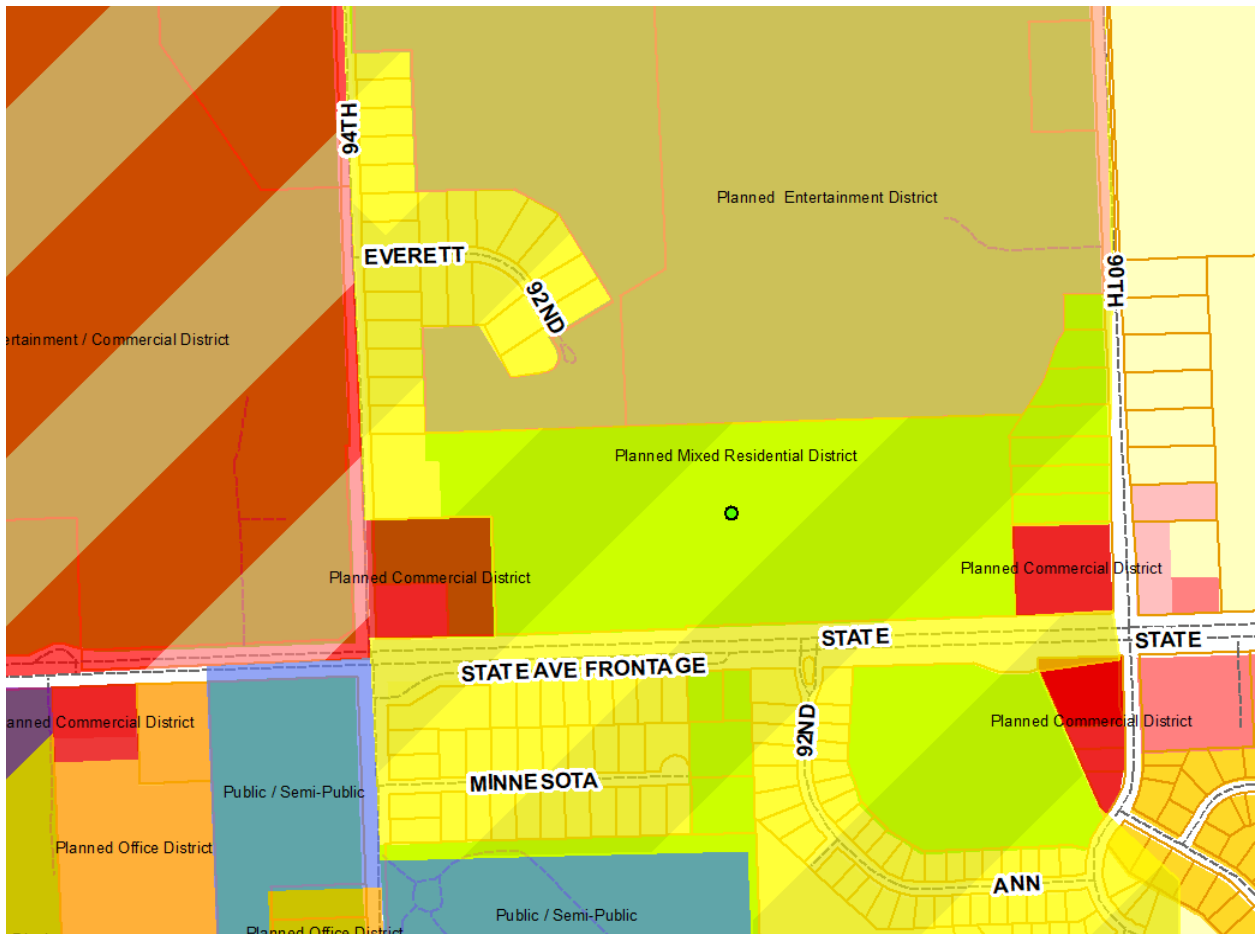
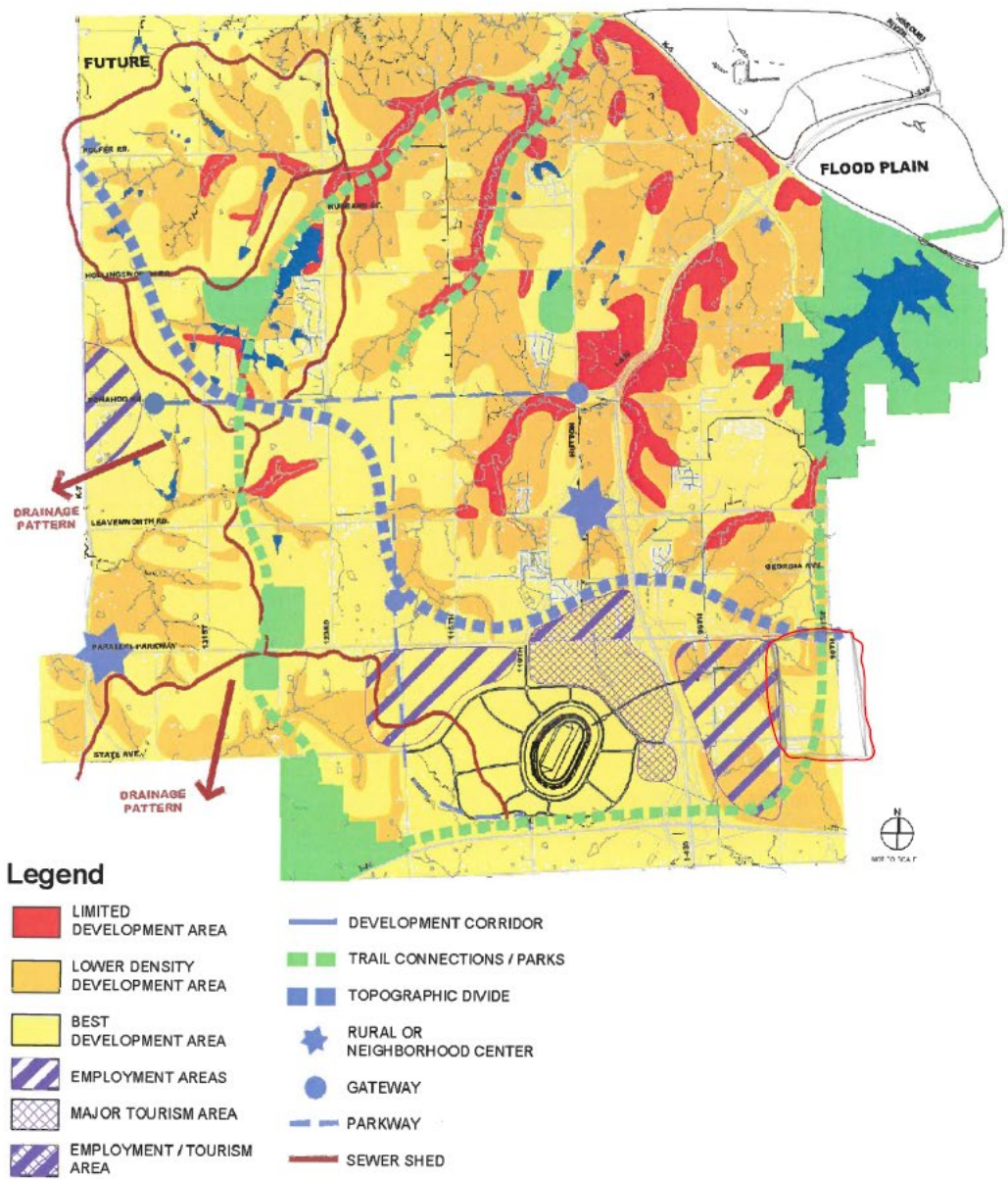
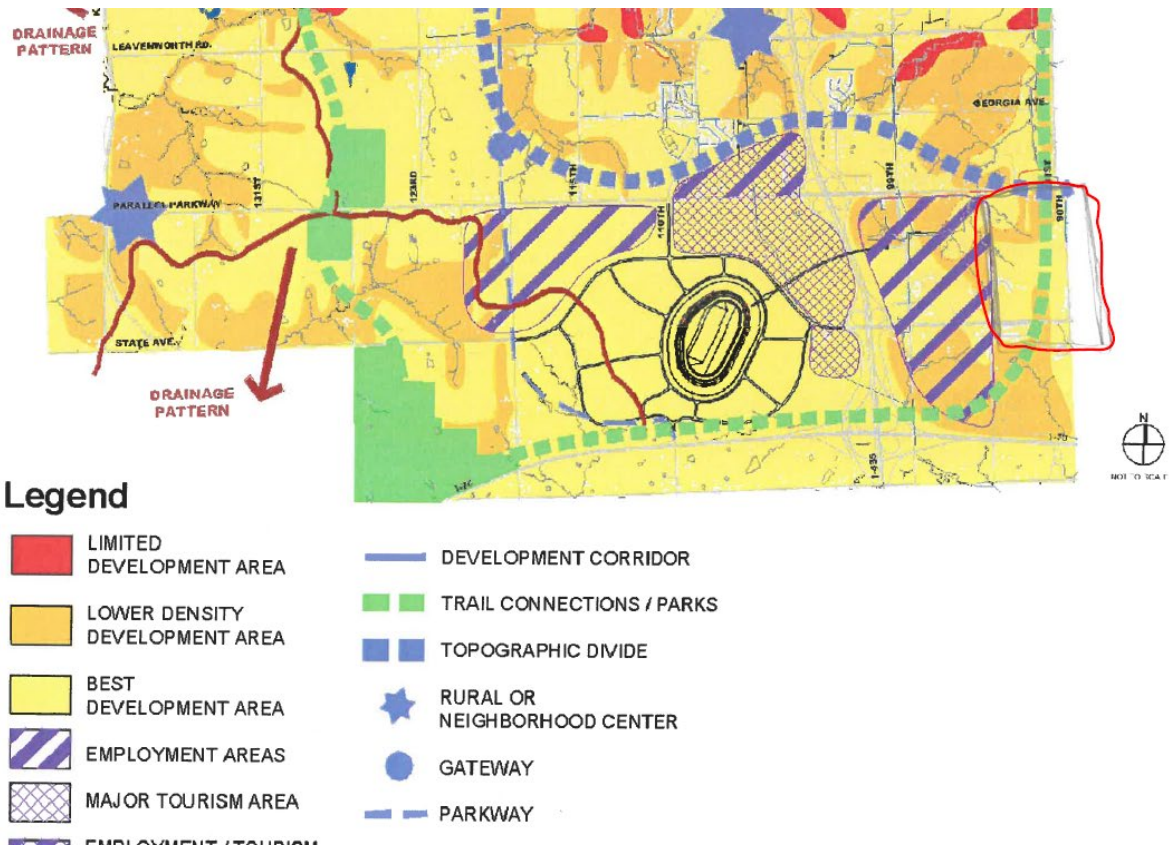


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

Map 10: Development Opportunities





DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.

Kansas City, Kansas 66101

(913) 573-5550

(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PR2022-006 Address: 9020 State Ave
Development Name: Curtis Petersen-Homefield Description: Training Center
STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

****Any open burning of cleared vegetation must be permitted by the Fire Marshal and Air Quality offices**

****Use of explosives requires application and approval from the City Fire Marshal.**

****Provide a truck turning display based on the following data:**

Length- 40'	Inside turn radius- 28 ft
Wheel base- 272.5 in.	Wall to wall radius- 52.5 ft
Front overhang- 131.3 in	Curb to curb radius- 46 ft
Width- 84 in	Inside Cramp Angle- 40deg

***Provide required emergency water (fire hydrants) per Sec.507, 2012 IFC**

***Provide required emergency vehicle access per Sec.503, 2012 IFC**

***Provide emergency gate access per Sec.503.6, 2012 IFC**

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields II

Digitally signed by Harvey Fields II
Date: 2022.01.14 15:26:05 -06'00'

1/14/2022

Attending DRC Member:

Date

I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

KEY ISSUES

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board 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.
Response: Acknowledged.
2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
Response: Acknowledged.
3. A building permit is required. Please contact the Building Inspection Department to begin that process.
Response: Acknowledged.
4. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block.

Sec. 27-575(f)3) Buildings should be oriented primarily to the street.

As this building will be a focal point along State Avenue, which is one of the major commercial corridors in the city, the Homefield Training Center and Homefield Training Field must be rotated 90 degrees counterclockwise and orientated closer to State Avenue, shifting guest parking to the west and east of the site in accordance with the Commercial Design Guidelines because this is a commercial building.

The plaza located in the southwest corner of the building can be rotated and moved to the southeast corner.

Response: The main entrance to the building is currently oriented to the State Avenue. The applicant would like to discuss this further with planning staff as we do not currently agree with this design approach.

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5. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future.
Response: The design criteria manual is included with this resubmittal.
6. Build the North 92nd Terrace cul-de-sac for residential turnaround to UG standards.
Response: The applicant is dedicating additional right-of-way to the UG. The applicant does not believe this project should be responsible for reconstruction of an existing cul-de-sac that does not serve this project.
7. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.
Response: Please confirm this comment only applies to the project's frontage along State Avenue? State Avenue currently has an existing 8' sidewalk in place.
8. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
Response: Acknowledged and shown on current plans.
9. Indicate the approximate location of the Kansas City ATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.
- A transit shelter should be constructed, similar to Urban Outfitters. Contact Justus Welker, Kansas City ATA at (913) 573-6798 or jwelker@wycokck.org.
 - The enhanced bus shelter along State Avenue should be constructed to align with the pedestrian walkway with the pedestrian route in the surface parking lot.
- Response: The sidewalk from the existing transit stop to the building is already shown on the plans. The applicant does not agree that the Developer should be responsible for constructing a transit shelter in this area.*
10. Due to the proximity of an adjacent soccer complex to the north, a trail needs to be established to connect the two developments together.
Response: The applicant would like to discuss this further with City staff. It appears a trail would primarily be located on the soccer complex property.

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11. Establish a mid-block trail connection and pedestrian crossing to the trailhead at the Homefield multi-family apartments across the street at 94th and State Avenue. The eight (8) foot trail must be asphalt or concrete.

The trail should meander east through 9020 State Avenue, connecting to the on-site sidewalks and to the trail system on State Avenue in addition to the proposed trail to 1500 North 90th Street.

Response: The applicant would like to discuss this further with planning staff. The City's Master Trail Plan does not indicate a trail connection in this area. In addition, a trail in this area would likely require significant tree removal, a creek crossing, and possible USACE 404 permits.

12. Align the pedestrian walkway with the pedestrian route in the surface parking lot to establish a throughway connection from State Avenue to the trail that connects the soccer fields to the north.

Response: The applicant would like to discuss this further with planning staff but does not believe this is feasible or necessary.

13. Over the road trucks shall not be parked on the property overnight.

Response: Acknowledged.

14. Where will buses and larger vehicles park within the parking lot?

Response: The applicant would like to discuss this further with planning staff as we are not aware of any requirement to address parking for buses and larger vehicles. If an issue were to arise with whether these types of vehicles park the operator would address the issue directly.

15. Install a publicly accessible bicycle rack for bicyclists in the plaza area.

Response: Acknowledged.

16. Will outdoor speakers be installed on the soccer field?

Response: Yes.

17. Will there be an outdoor scoreboard on the soccer field?

Response: Yes.

18. What are the proposed hours of operation?

Response: Multi-sport athletic fields do not typically have set hours of operation given the multitude of factors that can impact when sporting events are played outdoors.

Building Architecture:

1. What will the residences see of this development from the west, south and east? Provide a site line drawing with night and day renderings to show glare.

Response: The applicant would like to discuss this further with planning staff to better understand what is being asked. The applicant is not familiar with site line drawings that are able to show "glare".

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2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade.

Metal paneling and may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Response: The proposed project does not include any EIFS material. The applicant would like to further discuss the use of metal paneling for this project.

3. 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.

Response: The applicant would like to discuss this item further with planning staff. Similar to other recent projects in the UG, the training center building will not have any downspouts visible on the main entrance/south façade. All of the downspouts and scuppers are integrated into the building façade and will help break up the façade of the building.

4. All concrete shall be integrally-colored – no paint.

Response: Acknowledged.

Landscaping and Screening:

1. Based on the landscaping requirements in the A-G Agriculture District (one (1) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):

- a. Lot 1 – 146 trees.
- b. Lot 2 – 83 trees.

Response: Acknowledged.

2. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue.

Response: Acknowledged.

3. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots.

Response: Acknowledged.

4. Sec. 27-576(e)(3) Groups of parking of between forty (40) and fifty (50) space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median.

Response: Acknowledged.

4. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty (20) spaces.

Response: Acknowledged.

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5. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

Response: Acknowledged.

6. With the existing heavily forested area, staff does not want to see a site with sparsely planted two (2) inch caliper trees. Trees must be planted on top of the existing ridge line; trees shall be infilled on the downward slope to increase the screening along North 94th Street.

Response: The applicant would like to discuss this further with planning staff to better understand the location of the ridge line and need for this landscaping. The proposed landscape plan currently meets or exceeds the City's requirements.

7. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development.

Response: See revised Landscape Plan.

8. Trees shall densely wrap around the perimeter of all detention basin slopes, be planted at the top and on slopes, and always seek to replant those trees lost due to the development.

Response: The applicant does not believe this is necessary as the proposed landscape plan meets or exceeds the City's requirements.

9. All landscaping must be irrigated.

Response: See Sheet L1-2 showing the extent of the landscaping areas that will be irrigated.

10. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted.

Response: Acknowledged.

11. 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.

Response: Acknowledged.

12. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

Response: Acknowledged.

13. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Response: Acknowledged.

14. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped.

Response: Acknowledged.

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15. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid.

Response: Acknowledged.

16. 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.

Response: Acknowledged.

17. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 3 feet from the pad and 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. If this cannot be accomplished, relocation of the transformer may be necessary.

Response: Acknowledged.

18. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way.

Response: Acknowledged.

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01/31/22

HOMEFIELD TRAINING CENTER
9020 State Avenue, Kansas City, KS
NEIGHBORHOOD MEETING MINUTES:

Application Number SP2022-014 & SP2022-015

Date and Location: 01/31/22, Meeting held on Zoom Video Conference

Meeting called to order at: 6:15 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Mitchell Brown - Populous
4. Brian Lavery – Continental Engineering Consultants
5. Victoria Porter – Neighbor
6. Barbara Verbenec – Neighbor
7. “DCART” – Neighbor
8. Linda Houston - Neighbor

Introductions: Richard Napper with Homefield (the Developer)

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Homefield Training Center Project located in Kansas City, Kansas. Richard gave a brief overview of the Project while we showed the Homefield – Master Plan overlay on aerial dated 01/31/22. He pointed out the locations of the 150,000 SF Homefield indoor training Building, the outdoor Multi-sport Field, the parking lot, and the detention pond. We had discussions with three attendees at the meeting. DCART did not speak or have questions. The meeting lasted the entire 30 minute period, all questions were answered, at 6:00 PM Richard officially announced the conclusion of the Neighborhood Meeting and we adjourned.

Questions and answers (include the following): For clarity, each neighbor's Q's & A's have been grouped together.

Victoria Porter, 1212 N. 90th Street:

1. Q: There is already substantial traffic and noise in the neighborhood with the Soccer Complex, won't this add more. A: There is not a drive proposed from the site to 90th street, but there will be some additional traffic in the neighborhood in general, and with it some additional noise.
2. Q: Is this adding just one additional outdoor Field? A: Yes, this current Project is adding just one Multi-sport Field.
3. Q: She expressed her concern and disappointment stating that this Project will reduce enjoyment of her backyard. Richard stated that he understood.
4. Q: What will the building occupancy be? A: Richard responded that with 14 volleyball courts x +20 per team, the normal occupancy will be more than 400 people.
5. Q: Will the building do anything more than sports related stuff? A: Homefield core business is sports practice and game play.
6. Q: Are we building a stage inside the Building? A: No
7. Q: Can the HF Project be moved to the former SVV site west of 94th Street? A: That land is being considered for different use currently.
8. Q: Does the Developer want to purchase my home? A: Richard advised he would advise Homefield's owners to see if there is interest in that.

Linda Houston (lindakayhs@yahoo.com) 1133 N. 94th St.:

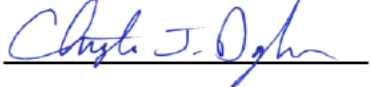
1. Q: What is the blue area on the Plan? A: That is the Detention Pond.
2. Q: She advised that currently the entire Homefield Property drains to and through her property. What is our intent regarding future drainage. A: We will perform design and construction in accordance with the applicable Codes and Ordinances.
3. Q: Where does Victoria live? A: Due east of the Property. Victoria answered north of the Dentist Office on 90th St.
4. Q: What is the HF Building used for? A: Amateur and youth sports of all kinds.
5. Q: What is the Field used for? A: It is an outdoor multi-sport turf field.

Barbara Verbenec (Barbiecooper@earthlink.net) 913-788-7454:

1. Q: Will the wooded area east of the Project be cleared. A: We are currently focusing on the Projects that are being presented to the Planning Commission now, there are other developments coming in the area, it would not be proper to talk about any of those projects as those Plans may change before being submitted.

That concluded all the questions, the meeting adjourned at: 6:45 PM.

Minutes taken by: Chris Doyle at Homefield (the Developer)

Signed  (Chris Doyle)









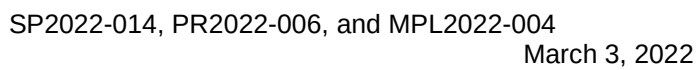




Figure 4. Site photograph looking west on State Avenue at 9020 State Avenue taken on January 12, 2022.



Figure 5. Site photograph looking east on State Avenue at 9020 State Avenue taken on January 12, 2022.

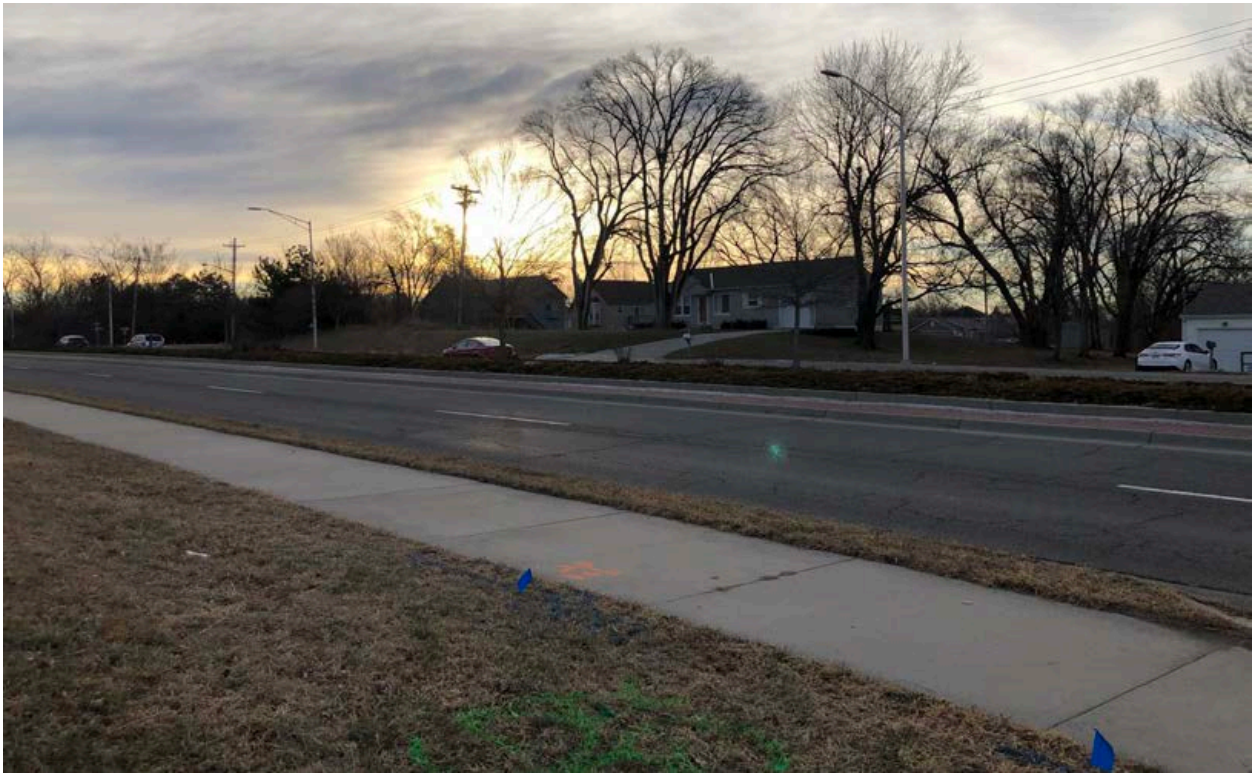


Figure 6. Site photograph looking southeast on 9020 State Avenue at State Avenue.



Figure 7. Site photograph looking southwest on 9020 State Avenue at State Avenue.



Figure 8. Site photograph looking northwest at 9020 State Avenue taken on January 12, 2022.



Figure 9. Site photograph looking north at 9020 State Avenue taken on January 12, 2022.



Figure 10. Site photograph looking northeast at 9020 State Avenue taken on January 12, 2022.

(Published in the *Wyandotte Echo* on __, 2022)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 27, Article VIII, Division 5, amending sections 520, 521, 522, 524, 525, and 527, repealing sections 523 and 526, and adding section 526 of the Mission Road Area Design Review Overlay District.

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

Section 1. That Sections 27-520, 27-521, 27-522, 27-524, 27-525, and 27-527 are hereby amended to read as follows and Sections 27-523 and 27-526 are hereby repealed.

Sec. 27-520. – Purpose and authority.

The 47th and Mission Road area design review overlay district is established by this part, enacted to implement the goals and policies of the 47th and Mission Road Area Concept Plan, adopted by the cities of Westwood, Roeland Park, and the unified government. The 47th and Mission Road Area Concept Plan was drafted pursuant to the Interlocal Cooperation Act, K.S.A. 12-2901—12-2909 and 12-744(c), and the interlocal agreement between the Cities of Roeland Park, Westwood, and the unified government (collectively "jurisdictions"). This subdivisions translates the relevant portion of the plan within the boundaries of the unified government into the zoning ordinance, in addition to all current regulations. This subdivision will accompany a similar ordinance adopted by each jurisdiction to ensure consistent implementation of the 47th and Mission Road Area Concept Plan, as shown in section 27-526. ~~In addition, this subdivision establishes the 47th and Mission Road area development and management committee as a multijurisdictional body to assist in implementation of the plan.~~

(Code 1988, § 27-1203; Ord. No. O-49-02, § 1, 6-27-2002)

Sec. 27-521. – Purpose and authority

(a) Property.

- (1) This subdivision shall apply to all property within the unified government and within the 47th and Mission Road area design review overlay district, as described shown in section 27-526 as the "Suggested District Boundary", which hereby replaces the "Original District Boundary" as shown-exhibit A attached to Ord. No. O-49-02. The official zoning map of the unified government is hereby amended to reflect the updated 47th and Mission Road area design review overlay district.
- (2) The standards in this part shall apply to all property currently or subsequently zoned for commercial or multifamily use within this overlay district.
- (3) Any property zoned for single-family residential use is included within this overlay

district to indicate neighborhood areas to be protected by buffers and design enhancements established in this part for commercial or multifamily use. In addition, to further protect existing neighborhoods, any property currently zoned for single-family residential use within this overlay district which that is subsequently rezoned to multifamily or commercial uses, must satisfy all design standards in this part subdivision.

(4) Any legal nonconforming structure or use cannot increase its level of nonconformity without complying with this subdivision.

- (b) Type of development. These standards shall be applied to new development, redevelopment, or exterior modifications that ~~significantly alters~~ the appearance of a building or site within the overlay district including, but not limited to, building additions, facade improvements, or landscaping improvements. Only those standards required by this subdivision and directly related to proposed development, redevelopment, or exterior modification shall be applied.
- (c) Other regulations. Within the overlay district, all the unified government ordinances, policies, regulations, and plans shall apply. Where conflicts occur regarding development standards in this subdivision, the standards established in this subdivision shall supersede those in the conflicting ordinance, policy, regulation, or plan.

(Code 1988, § 27-1204; Ord. No. O-49-02, § 1, 6-27-2002)

Sec. 27-522. – Definitions.

For the purposes of this subdivision, the following terms and phrases shall have the meaning given in this section. All other terms and phrases shall use definitions given in unified government ordinances or other codes, unless context indicates that a standard dictionary definition is more appropriate. Terms and phrases not defined in this section or by any unified government code shall have the standard dictionary definition.

Adjacent lot means a lot having a common ~~border~~ border or endpoint with subject lot, or lots that would have a common ~~border~~ border or endpoint in the absence of an existing right-of-way.

Development means the construction of manmade ~~structures~~ site elements on an improved or unimproved parcel of land.

Distinctly different hours of operation means uses with hours of operation where 50 percent or more of one use's hours of operation, including peak hours or operation based on a parking demand study, are mutually exclusive of the hours of operation of the other uses which it proposes to share parking.

Distinctly different peak hours of operation means the peak hours of operation, based on a parking demand study, of uses proposing to share parking are mutually exclusive.

~~*Established existing building line* means a line created by three or more consecutive buildings that are licensed for occupancy and oriented in a consistently similar pattern in relation to the right-of-way. Deviations in the orientation of the buildings of 20 percent or less shall be rectified by averaging the distances. Deviations~~

of more than 20 percent shall not be considered consistent.

Exterior modification means any maintenance, improvement, construction, or reconstruction, of a structure or site, or any portion of a structure or site, that will result in an apparent change visible from the right-of-way or adjacent property.

Redevelopment means the reconstruction, enlargement, conversion, relocation of a manmade structure involving structural modifications.

Significantly alter means any change to a structure or site that may potentially result in a comprehensive perceptible difference in the appearance of a specific physical element of a site, or the entire site. However, a proposed change that replaces site or structure elements consistent with the existing appearance will not prevent the change from being considered a significant alteration.

(Code 1988, § 27-1205; Ord. No. O-49-02, § 1, 6-27-2002)

Sec. 27-523.— Establishment of the committee

~~(a) Established. The 47th and Mission Road area development and management committee ("committee") is hereby established, effective upon the passage of a similar ordinance by each jurisdiction. The committee is established for the following purposes:~~

- ~~(1) Implement objectives of 47th and Mission Road Area Concept Plan ("concept plan"), as adopted and amended by the jurisdictions;~~
- ~~(2) Review development applications within the 47th and Mission Road area, as authorized by the jurisdictions through ordinances;~~
- ~~(3) Make recommendations as to whether development applications are in compliance with the concept plan and all ordinances adopted by the jurisdictions to implement the plan;~~
- ~~(4) Coordinate efforts for cooperation among the jurisdictions in planning and construction of public improvements within the 47th and Mission Road area to ensure that public improvements are in compliance with the concept plan and consistent among the jurisdictions;~~
- ~~(5) Promote development within the 47th and Mission Road area corridor that is in compliance with the concept plan and all ordinances adopted by the jurisdictions to implement the plan, including business recruitment and business retention and redevelopment;~~
- ~~(6) Coordinate with business owners for special events and promotions;~~
- ~~(7) Work with neighborhood associations to achieve longterm goals of the concept plan;~~
- ~~(8) Pursue grants to help with public funding and implementation of the concept plan.~~

~~(b) Appointment and terms.~~

- ~~(1) The committee shall consist of nine members, three of which shall be appointed by each jurisdiction.~~
- ~~(2) The mayor shall appoint three members to the committee, with the advice and consent of the unified government board of commissioners.~~

- ~~(3) Of the three initial appointments, one shall be for one year, one shall be for two years, and one shall be for three years.~~
- ~~(4) Upon the expiration of any initial appointment, successor appointments shall all be for a period of three years.~~
- ~~(5) Committee members shall serve their full term, or until a successor is appointed.~~
- ~~(6) Committee members may be appointed to more than one successive term.~~
- ~~(7) Vacancies, by resignation, incapacitation, dismissal, or otherwise, shall be filled in the same manner as an initial term, and shall be for the duration of the vacated committee member's term.~~
- ~~(8) Committee members may be dismissed for cause after a hearing before the unified government board of commissioners.~~

~~(c) Qualifications.~~

- ~~(1) All committee members appointed by the mayor shall be residents of the county or a business owners or landowners in the unified government's portion of the 47th and Mission Road area at all times during the committee members' terms.~~
- ~~(2) Committee members may serve in any other elected or appointed position.~~
- ~~(3) Committee members should have some demonstrated special qualifications that will enable them to fulfill the purposes of this subdivision. Such qualifications may include any of the following:~~
 - ~~a. Professional experience in a development profession such as planning, architecture, real estate development, or engineering;~~
 - ~~b. Business owner within the 47th and Mission Road area;~~
 - ~~c. Experience in other elected or appointed municipal positions dealing with planning, zoning, or community development;~~
 - ~~d. Membership on a neighborhood association or committee within the 47th and Mission Road area; or~~
 - ~~e. Any other demonstrated civic involvement that will enable the committee member to understand and enhance the implementation of the 47th and Mission Road Area Concept Plan.~~

~~(d) Organization and procedures.~~

- ~~(1) The committee is authorized to adopt bylaws for conducting its business, consistent with the purposes and authority granted by this part.~~
- ~~(2) All applicants for development approvals within the unified government's portion of the 47th and Mission Road area shall submit two additional sets of applications to unified government or other designated contact. The planning department or other designated contact shall forward these additional applications to the secretary of the committee for review.~~
- ~~(3) All applications received by the secretary prior to two weeks in advance of the next regularly scheduled committee meetings, shall be placed on the committee's agenda for discussion. Any applicant who submits applications more than one month prior to the next regular committee meeting may make a request to the chairperson of the committee that a special meeting be called to hear the application.~~
- ~~(4) Applications placed on the committee agenda shall be discussed for compliance with the 47th and Mission Road Area Concept Plan, and the standards of this part.~~

- ~~(5) The applicant may appear, or otherwise be represented at the committee meeting, and shall be given the opportunity to discuss the application before the committee.~~
- ~~(6) After discussion of an application, the committee shall make a recommendation to the planning commission, or board of zoning appeals, as the case may be, on the application's compliance with the 47th and Mission Road Area Concept Plan, and the standards of this part.~~
- ~~(7) The committee may continue an application once after discussion if the committee feels it has received incomplete information or it needs more information to make a recommendation. However, any such continuance must be reheard before the committee within one month, whether at a special meeting or regular meeting, unless the applicant agrees on the record to a greater duration. Additionally, the applicant may elect to proceed to the planning commission or board of zoning appeals, as the case may be, upon the understanding that the application will automatically carry a "recommendation to deny due to incomplete application" from the committee. If an application continued by the committee is not reheard before the committee within one month of the original hearing, and the applicant has not agreed on the record to a greater duration, the application shall be deemed to have a recommendation of approval from the committee, and shall proceed to the planning commission or board of zoning appeals.~~
- ~~(8) To assist the committee in its duties, the planning department, other staff, or appointed consultants shall prepare a staff report on each application within the 47th and Mission Road area specifically addressing the application's compliance with the 47th and Mission Road Area Concept Plan, and the standards of this part. The staff report shall be submitted to the secretary of the committee at least five business days before the scheduled committee meeting.~~
- ~~(9) The committee may use funds designated by any jurisdiction or awarded by any local, state, or federal grant, to retain staff members or consultants to review applications or otherwise assist in implementing the 47th and Mission Road Area Concept Plan.~~
- ~~(10) All committee meetings shall be open to the public, with notice published and records kept in accordance with the laws of the state. The secretary of the committee shall be the custodian of records for the committee.~~

(Code 1988, § 27-1206; Ord. No. O-49-02, § 1, 6-27-2002)

Sec. 27-5243. – Uses.

- (a) Underlying zoning uses. The uses allowed in the 47th and Mission Road Area Design Review Overlay District shall be those uses allowed by the current or any future underlying zoning classification, provided that all future development and redevelopment meets the standards established in this part. Any future rezoning shall be to a use district consistent with the 47th and Mission Road Area Concept Plan.

- (b) Overlay uses. In addition to those uses allowed by the underlying zoning, all property zoned for commercial use within the 47th and Mission Road ~~Village area, as described in the attached exhibit A, Area Design Review Overlay District~~ shall be allowed residential uses as a supplemental use, subject to the following:
- (1) No property with an underlying zone for commercial use may have residential uses on the ground floor or at street level.
 - (2) No structures with supplemental residential uses may exceed 40 feet in height or 3½ stories, whichever is less.
 - (3) All structures with supplemental residential uses, whether new or existing at the time of adoption of this part, must comply with all other standards established in this part, in order to be eligible for supplemental residential uses.

(Code 1988, § 27-1208; Ord. No. O-49-02, § 1, 6-27-2002)

Sec. 27-5254. – Commercial site design standards.

Commercial site design in the 47th and Mission Road ~~area~~ Area Design Review Overlay District shall conform to the principles outlined in the 47th and Mission Road Concept Plan. The following design standards implement and shall be interpreted consistent with the plan. Site design in the 47th and Mission Road Area shall conform to the following design standards.

- (1) Building placement. The provisions of this section shall apply to new development.
 - a. Front setback. All new buildings shall be built to the right-of-way line, ~~except as provided in subsection (1)g of this section unless an additional setback is required to meet the minimum sidewalk width and buffer requirements in (2)a of this section.~~
 - b. Side setbacks. The minimum side setbacks shall be:
 1. Zero feet, ~~provided each sidewall of all buildings on the zero-foot side are constructed with a fire wall;~~
 2. Five feet, ~~if a firewall is not provided;~~ Property abutting residential districts shall have a side setback equivalent to that of the abutting residential district. In this case, the side setback area shall be used to provide a buffer according to subsection (5)a of this section.
 3. ~~Property abutting residential districts, shall have a side setback equivalent to that of the abutting residential district. In this case, the side setback area shall be used to provide a buffer according to subsection (5) of this section.~~
 - c. Rear setback. Minimum rear setbacks shall be 15 feet ~~except that property with a rear lot line abutting a residential district shall have a setback equivalent to the residential district. In such case, the rear setback shall be used to provide a buffer according to subsection (5) of this section as defined by the zoning regulations of the municipality that the property is located in, unless the property is abutting a residential zoned property on its rear yard~~

property line. If abutting a residential zoned property, the setback shall be equal to the residential property's rear yard setback requirements.

- d. Continuous building frontage. Building facades on the street frontage should be maximized to provide continuous corridors within the overlay district. All lot frontages should be occupied by building frontages except for entrance drives or alleys to rear parking, courtyards or patios, or any side parking. In the case of courtyards and patios, or side parking, the appearance of a continuous building frontage shall be maintained by a 2½ to four-foot fence or wall constructed out of the same material as the building facade, or by a continuous landscape element ~~impenetrable by pedestrians. In all cases, at least 60 percent of the lot frontage shall be occupied by a building facade.~~
- e. Main entrance. The main entrance of all buildings shall be oriented to the street. In the case of corner lots, a building may have one entrance on each street or may have one corner entrance facing the intersection at a 45-degree angle.
- f. ~~Building area. In addition to meeting all site requirements for landscaping, parking, and building setbacks, no building shall occupy more than 75 percent of the total lot area.~~
- g. ~~Exception. Buildings on commercial lots outside the village area described in the attached exhibit A may be set back from the right-of-way line. In no case shall a front building setback exceed 80 feet. Any parking facilities in front of buildings shall be setback a minimum of ten feet from the right-of-way line.~~

(2) Site access.

- a. Pedestrian access. All buildings shall have a continuous sidewalk along the frontage of the lot. The sidewalk shall be a minimum of ~~ten-seven~~ feet wide, except as provided in subsection (2)d of this section. All sidewalks shall be buffered from vehicular traffic with a minimum three-foot buffer zone that includes landscaping, street trees, street furniture, pedestrian lighting, bicycle facilities, or other amenities that provide physical separation from vehicular traffic.
 - 1. Sidewalks outside the Village Area, (as defined in Exhibit A), may be a minimum five feet in width, but the three-foot buffer zone must be maintained.
 - 2. Where unique site characteristics prevent a seven-foot sidewalk and three-foot buffer zone from being achievable in the Village Area, sidewalk widths shall be maximized on that site.
- b. Vehicle access. Curb cuts in the 47th and Mission Road area should be minimized. Wherever possible, adjacent properties ~~should~~ are encouraged to minimize curb cuts by use of shared parking or shared access to separate parking lots.
- c. Connections. Continuous pedestrian connections shall be provided through all parking lots and between parking lots and store front sidewalks. These pedestrian connections shall primarily be pedestrian-only sidewalks, but may include crosswalks across parking lot drive aisles and driveways where necessary. The following design elements shall be used to maintain pedestrian connections and minimize conflicts with vehicles:

1. Alleys, driveways, and parking lot drive aisles shall not exceed 24 feet for two-way access or 12 feet for one-way access.
2. "Bulb outs" for pedestrian-only travel should be used to minimize the distance of pedestrian walkways across driveways, alleys, parking lots, or other vehicle accessways.
3. All pedestrian walkways across driveways, alleys, parking lots, or other vehicle accessways shall be distinguished from the vehicle accessway by a visually identifiable path or distinctly textured surface.
- d. ~~Exception. Pedestrian access on commercial lots outside the village area in the attached exhibit A may be provided by smaller sidewalks, but shall meet the minimum accessibility standards of the Americans with Disabilities Act across the front of all lots. Additional pedestrian access may be provided as the site allows or may be provided on private property. If the building is setback from the right-of-way line, an additional pedestrian sidewalk, at least eight feet wide, shall be provided across the front of the building and connected to the sidewalk at the lot frontage as provided in subsection (2)c of this section.~~

(3) Parking.

- a. Required parking. The parking required for uses in the overlay district shall be established by the applicable standards for the underlying zoning ordinance district. ~~However, parking shall not cover more than 50 percent of the lot area.~~
- b. Location. Parking shall be provided primarily behind buildings in the village area, ~~however up to 50 percent of the required parking may be provided to the side of a building. No off-street parking shall be provided in front of the building line in the village area.~~ Parking on commercial lots outside the village area should be located primarily behind the building, but may be located on the side ~~or in front of the building.~~
- c. Shared parking. Parking requirements in the overlay district may be met through shared parking according to the following conditions and standards:
 1. A written agreement for the joint use of parking facilities shall be executed by the parties, approved by the unified government and recorded with the register of deeds for any county in which property subject to the agreement is situated. The agreement shall include any necessary cross access easements among property owners. Must meet all other shared parking standards of the said jurisdiction.
 2. Parking requirements are cumulative except that parking may be shared based on uses either on the same site or on other sites that meet the requirements of this subsection (3)c, at the sole discretion of the unified government according to the following standards:
 - (i) ~~When two or more uses located on the same or adjacent lot have~~ distinctly different hours of operation (e.g., commercial office and residential, or church and school), 100 percent of the required parking may be shared. Required parking shall be based on the use that demands the greatest amount of parking per the underlying ordinance requirement.
 - (ii) ~~When two or more uses located on the same or adjacent lot have~~

distinctly different peak hours of operation (e.g., office and restaurant/entertainment), 50 percent of the required parking spaces may be shared among the uses.

- (iii) Shared parking shall ~~not be allowed~~ meet jurisdiction standards, if the parking spaces are more than ~~700~~ 800 feet from the main entrance of the building.
- 3. Direct pedestrian access, meeting the requirements of subsection ~~(2)c~~ (3)c.2.(iii) of this section, ~~is required~~ shall be provided between any shared parking and the main entrance of any building proposing to share parking.
- 4. Applicant's for shared parking shall submit a statement indicating the ability of the proposed shared parking arrangement to meet the demands of all uses involved. The statement shall include hours of operation, hours of peak operation, forecasted demand, and other data indicating the appropriateness of shared parking.
- 5. Any change of use or other change causing violation of the shared parking agreement or these standards shall invalidate the shared parking eligibility and the parking requirements of the underlying zoning ordinance shall be met. A plan for meeting the parking requirements of this ordinance if the shared agreement is invalidated must be submitted with the proposed agreement.
- d. On-street parking. Any on-street parking, authorized by the unified government and within 300 feet of the lot, may be credited towards the on-site parking requirements ~~at a rate of one on-site parking space credit for every four on-street parking spaces.~~ A maximum of ~~50~~ ten percent of the required parking may be satisfied by on-street parking credits. On-street parking spaces may be counted by more than one user in meeting this requirement.
- e. Bicycle parking. Bicycle parking facilities are ~~encouraged~~ required at a rate of one bicycle for every 15 required vehicle parking spaces, with a minimum of two bicycle parking spaces. Bicycle parking facilities may be counted by more than one property in meeting this requirement, so long as the facility is within 150 feet of the entrance and the total required parking is met for each property. Any bicycle parking spaces provided within 100 feet of the main entrance of a building may be credited towards the on-site parking requirements at a rate of one parking credit for every five bicycle parking spaces. A maximum of ten percent of the required parking may be satisfied by the bicycle parking credit.
- f. Landscape elements. Parking lots larger than 20 spaces shall incorporate at least one internal landscape island into the lot design. Landscape islands shall be at least ten percent of the parking lot area. Each required landscape island shall be a minimum of 20 square feet and a maximum of 500 square feet. Landscape islands shall maintain a minimum five-foot width at all times. Landscape islands shall be planted with landscape elements consistent with subsection (5) of this section. Landscape elements along the perimeter of a parking lot shall not count towards the landscape island requirement. Where a parking lot incorporates internal rows of parking, each row shall be terminated with a landscape element.

- g. Lighting. Exterior lighting on commercial properties shall be designed ~~and maintained as to not cast obtrusive glare onto sidewalks, streets, or property used for single-family residences~~ to have minimal light trespass onto adjacent residential properties.
 - h. All exterior lighting on the building must be full cut-off with non-adjustable heads to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.
 - i. 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 full cut-off with non-adjustable heads to direct light 90 degrees downward. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.
 - j. Any light or combination of lights that casts light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed 0.5 foot-candles (meter reading) as measured from that property line.
 - k. Applicants shall be required to submit a base meter reading as part of their application materials.
- (4) Architecture features.
- a. Enhanced entrances. All main entrances shall be enhanced by architectural details. Such details may include, but are not limited to, ~~recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.~~
 - b. Windows. All buildings shall be predominantly transparent at the street level with a minimum of 40 percent and a maximum of 80 percent of the facade occupied by windows. Upper levels may be less transparent with a minimum of 25 percent of the facade occupied by windows.
 - c. ~~Building materials. The preferred building material in the overlay district is masonry, including brick or stone. Commercial grade materials should only be incorporated into the building as accent features.~~
 - d. ~~Colors. Primary building colors should be earth tones. Trim or other specialty features should compliment the material and color of the building. Brighter or more dramatic color applications may be provided on doors, windows, awnings, and signs.~~
 - c. e. Awnings and canopies. Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal to the 47th and Mission Road ~~area~~ Area Design Overlay District. Awnings and canopies may project into the building setback or right-of-way provided they are a minimum of ~~7½~~ seven and one-half feet above grade. Any awnings provided shall be fabric and shall not be back-lit. Permanent canopies may be constructed if designed as an integral part of the structure. All awnings or canopies on a single block shall be hung at the same height ~~above finished grade~~ floor elevation of the building it is associated with.

- ~~d.~~ f. Facade lighting. Facade lighting is encouraged within the overlay district. Facade lighting may be used to highlight architectural features of a building, provide secondary light to the pedestrian zone, or to enhance visibility of signs. Facade lighting shall be shielded so that the light source is applied to the building and does not provide any direct light or glare on sidewalks or streets.
- ~~g.~~ Proportion. Deviations in building heights of greater than one story or 15 feet, whichever is less, shall be prohibited between adjacent buildings. Three-story buildings or buildings between 35 and 40 feet shall only be allowed at the intersections of streets, unless the entire block is constructed of buildings of the same height. No buildings shall exceed 40 feet in height.
- ~~e.~~ h. Roofs. Flat and pitched roofs are allowed. Flat roofs shall incorporate a roof-screening element such as a parapet or pediment as part of the building design. Pitched roofs shall not have a reflective finish and shall have a color be complementary to the building color and design. All mechanical equipment shall be screened from view, preferably mounted to the roof and behind a parapet.

(5) Landscape requirements and screening.

- a. Residential buffers. All commercial and multi-family residential uses shall provide a landscape buffer from any single-family uses. The landscape buffer shall be of a density to provide an all-season visual screen from the single-family property. Treatments may include any combination of earth-berms, masonry walls or privacy fences approved by the jurisdiction having authority, and tree, bush and shrub plantings. The buffer zone shall be a minimum of ten feet in width.
- b. Screening. Specialty equipment such as antennas, satellite dishes, trash and recycling containers, meter and utility boxes and HVAC equipment shall be screened from direct view from streets, sidewalks, and other areas of regular public access. Ground-mounted equipment and trash enclosures shall be screened from view with year-round landscape coverage or masonry wall enclosure consistent with the main building material. Roof-mounted equipment shall be placed far enough from the roof edge, or shall be screened with architectural elements, such as parapets, incorporated into the design of the building, so as to not be seen from the sidewalk across any adjacent street.
- ~~b.~~ Landscape materials. All private landscape materials shall be consistent with the standards for public landscape improvements in the 47th and Mission Road area, and be consistent with the 47th and Mission Road Area Concept Plan.
- ~~c.~~ Screening. Specialty equipment such as antennas, satellite dishes, trash and recycling containers, meter and utility boxes and HVAC equipment shall be screened from direct view from streets, sidewalks, and other areas of regular public access. Ground-mounted equipment shall be screened from view with year-round landscape coverage or masonry wall enclosure consistent with the main building material. Roof-mounted equipment shall be placed far enough from the roof edge, or shall be screened with architectural elements

~~incorporated into the design of the building, so as to not be seen from the sidewalk across any adjacent street.~~

(6) Signs. The following signs are allowed in the overlay district:

- a. Facade sign. One facade sign shall be allowed per building tenant, identifying the business or tenant. ~~However, no more than ten percent of a building facade may be occupied by facade signs.~~ A facade sign shall be allowed on each facade fronting a street utilized for pedestrian or vehicular access, except no such sign should face a local street.
- b. Pedestrian signs. One pedestrian sign shall be allowed per building tenant, identifying the business of the tenant. Pedestrian signs may be suspended from canopies or awnings, or affixed perpendicular to a building. Pedestrian signs shall not be lower than seven feet, six inches from grade level and shall not exceed ten square feet. Building-affixed pedestrian signs shall not protrude more than three feet from the building surface.
- c. ~~Monuments signs. Each building shall be allowed one monument sign no greater than four feet in height and no larger than 40 square feet in area. Where a building has multiple tenants, only one monument sign shall be allowed which may identify the multiple tenants. No monument sign shall obscure any vehicle or pedestrian sight lines or obstruct pedestrian and vehicle movement. Monument signs shall be constructed of the same material as the primary building material, or with materials consistent with the public streetscape elements. Illumination of all signs should only be by external illumination. Internal sign illumination and back-lit signs are strongly discouraged.~~ Murals. Murals are allowed in the overlay district.
 1. Definition. A "mural" is a hand-produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic, generally for the purpose of decoration or artistic expression, including but not limited to, painting, fresco or mosaic.
 2. Standards.
 - (i) Murals are not permitted on the primary facade. A primary facade is defined, for purposes of this section, as a building elevation that faces the adjacent street right-of-way and is the primary customer entrance. Buildings located on a block corner with the primary customer entrance located diagonally at the building corner to both intersecting streets has two primary facades.
 - (ii) On lots that share a property line with a residential zoning district, murals are not allowed on building walls that face a residential zoning district.
 - (iii) Up to 20 percent of a mural may include text or commercial copy. No more than five items of information (as defined in section 27-724(d)) may be included in the area used for text or commercial copy. However, murals should not include any textural reference to the associated business or shall be considered a sign.

- (iv) The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the director and incorporated into the sign permit. A mural is in a state of disrepair when 10 percent or more of the display surface area contains peeling, faded or flaking paint, or is otherwise not preserved in the manner in which it was originally created.
- (v) The display surface shall be kept clean, neatly painted, and free from corrosion.
- (vi) Murals shall be subject to the jurisdiction ordinances and requirements.

(Code 1988, § 27-1208; Ord. No. O-49-02, § 1, 6-27-2002)

~~Sec. 27-526. — Multifamily site design standards~~

~~All multifamily site design shall conform to the principles outlined in the 47th and Mission Road Concept Plan. All new freestanding multifamily development within the zoning overlay shall consist of townhouses or senior housing and include the following development standards. Multifamily residential units are allowed as mixed-use development in the village area described in the attached exhibit A, according to section 27-524(b).~~

~~(1) Building placement.~~

- ~~a. Front setback. All new buildings shall have a minimum front setback of ten feet and a maximum front setback of 20 feet from the right-of-way line. However, in the event that an established existing building line on an adjacent lot on the same side of a block, in no case shall the front setback be more than ten feet closer to the right-of-way line, than the established existing building line. Covered front porches or uncovered stoops may encroach up to five feet into the minimum front setback.~~
- ~~b. Side setbacks. The minimum side setbacks shall be:~~
 - ~~1. Zero feet, provided each sidewall of all buildings on the zero-foot side are constructed with a fire wall. No more than six side by side units may be constructed without a separation between buildings.~~
 - ~~2. Otherwise, a minimum ten-foot side setback or a minimum 20-foot building separation is required.~~
 - ~~3. Property abutting single-family residential districts, shall have a side setback equivalent to that of the abutting single-family residential district. In this case, the side setback area shall be used to provide a buffer according to subsection (5) of this section.~~
- ~~c. Rear setback. Minimum rear setbacks shall be 20 feet except that property with a rear lot line abutting a single-family residential district shall have a setback equivalent to the single-family residential district. In such case, the rear setback shall be used to provide a buffer according to subsection (5) of this section.~~
- ~~d. Main entrance. The main entrance of all buildings shall be oriented to the street. This requirement may be satisfied by a main entrance of each unit opening onto the street, or a common entrance of each unit opening onto the~~

~~street. All main entrances shall be directly connected to the sidewalk with pedestrian access. All individual dwelling units shall have frontage on the street, whether through windows, balconies, or a direct entrance into the units.~~

- ~~e. Density. Residential density shall be established by the underlying zoning ordinance.~~
- ~~f. Building area. In addition to meeting all site requirements for landscaping, parking, and building setbacks, no building shall occupy more than 60 percent of the total lot area.~~
- ~~g. Building height. Buildings are limited to 3½ stories or 40 feet, whichever is less.~~

~~(2) Site access.~~

- ~~a. Pedestrian access. All buildings shall have a continuous sidewalk along the frontage of the lot. The sidewalk shall be a minimum of five feet wide.~~
- ~~b. Vehicle access. Curb cuts in the 47th and Mission Road area should be minimized. Wherever possible, multifamily residential lots should be accessed by a rear alley.~~

~~(3) Parking. Parking requirements shall be according to the underlying zoning ordinance. However, no parking or vehicle storage entrances shall be provided on the front of any building. In addition, no more than 25 percent of a lot area shall be dedicated to surface parking.~~

~~(4) Architectural features.~~

- ~~a. Enhanced entrances. All main entrances shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.~~
- ~~b. Building materials. The preferred building material in the overlay district is masonry, including brick or stone. Commercial grade materials should only be incorporated into the building as accent features.~~
- ~~c. Colors. Primary building colors should be earth tones. Trim or other specialty features should compliment the material and color of the building. Brighter or more dramatic color applications may be provided on doors, windows, awnings, and signs.~~
- ~~d. Roofs. Pitched roofs are required, which shall not have a reflective finish and shall have a color complementary to the building color and design.~~

~~(5) Landscape and screening.~~

- ~~a. Residential buffers. All multifamily uses shall provide a landscape buffer from any single-family uses. The landscape buffer shall be of a density to provide an all-season visual screen from the single-family property. Treatments may include a combination of earth berms, masonry walls or privacy fences, and tree, bush and shrub plantings. The buffer shall be a minimum of ten feet in width.~~
- ~~b. Landscape materials. All private landscape materials shall be consistent with the standards for public landscape improvements in the 47th and Mission Road Area, and be consistent with the 47th and Mission Road Area Concept Plan.~~

- c. ~~Screening. Specialty equipment such as antennas, satellite dishes, trash and recycling containers, meter and utility boxes and HVAC equipment shall be screened from direct view from streets, sidewalks, and other areas of regular public access. Ground-mounted equipment shall be screened from view with year-round landscape coverage or masonry wall enclosure consistent with the main building material. Roof-mounted equipment shall be placed far enough from the roof edge or shall be screened with architectural elements incorporated into the design of the building so as to not be seen from the sidewalk across any adjacent street.~~

(Code 1988, § 27-1209; Ord. No. O-49-02, § 1, 6-27-2002)

Sec. 27-5275. – Public improvements and notification.

- (a) Prior to placement of any public improvements on the capital improvements program, or construction of public improvements within the 47th and Mission Road Area Design Review Overlay District, the unified government shall send notice of the intent to construct public improvements to ~~the secretary of the committee, and to~~ each jurisdiction. ~~Notice to the jurisdictions shall be sent in the same manner as an application for development within the district for that jurisdiction.~~ This notice shall provide the opportunity for ~~the committee and~~ the jurisdictions to coordinate for construction of public improvements consistent with the 47th and Mission Road Area Concept Plan and Streetscape Design Concept Plans.
- (b) For any proposed development, re-zoning, variance, or other action within the overlay district that would require a public hearing and notification to neighbors, notification will also be sent to the other jurisdictions.

(Code 1988, § 27-1210; Code 1988, § 27-1209; Ord. No. O-49-02, § 1, 6-27-2002)

Sec. 27-526. – Depiction of 47th and Mission Road Area Design Review Overlay District and 47th and Mission Road Area Concept Plan

- (a) The 47th and Mission Road Area Design Review Overlay District is hereby amended such that the overlay district shall consist of that area identified below as the “Suggested District Boundary”. The Village Area, as used in this overlay district ordinance, shall mean that area identified below as the “Suggested Village Boundary”.

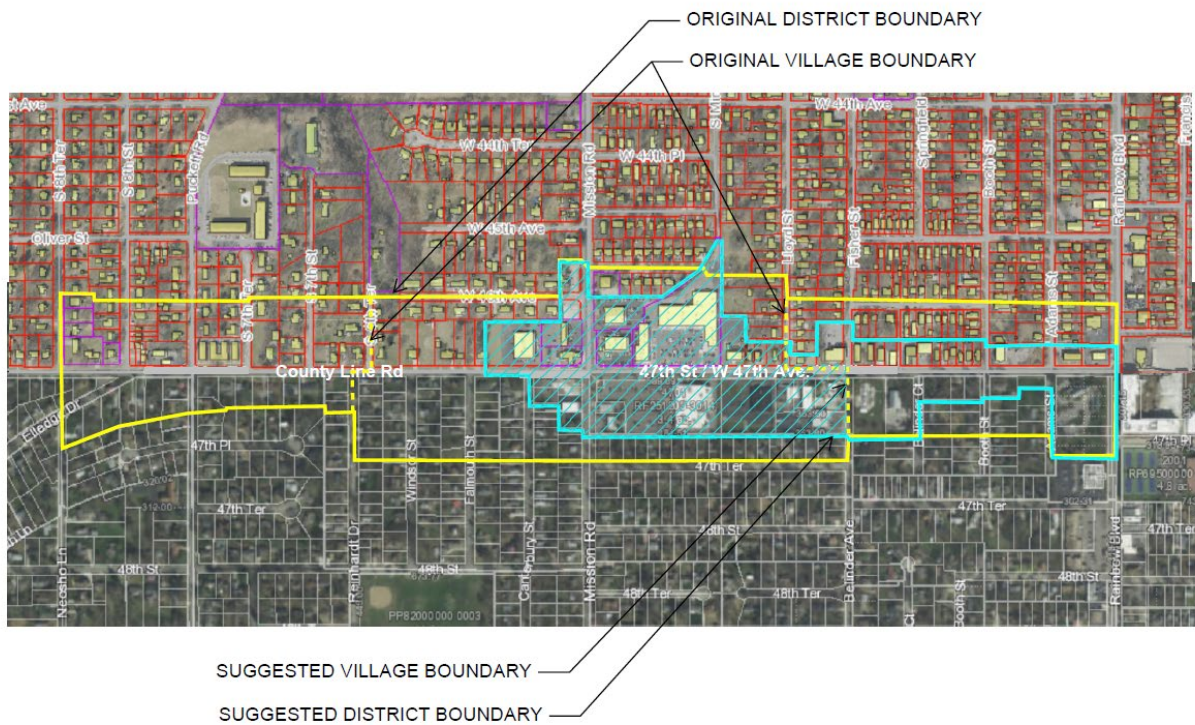
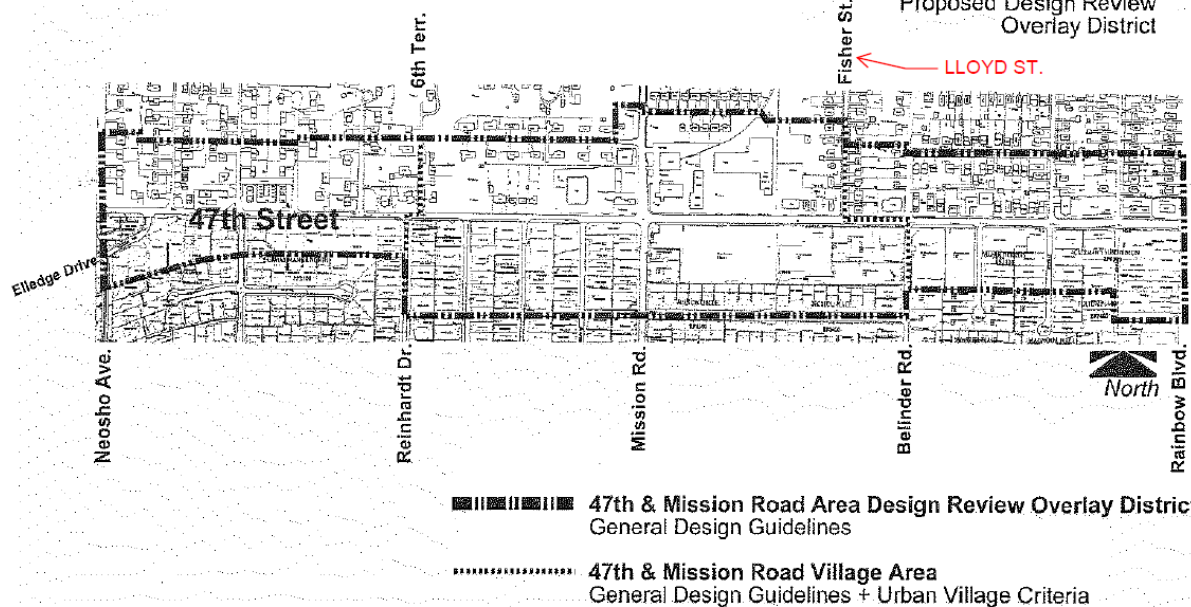


Exhibit A: Development and Management Committee Zoning Overlay Recommendation



47th & Mission Road Area Concept Plan

Proposed Design Review
Overlay District



Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

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

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

(First published _____)

COZ2021-004

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 7331 Holiday Drive, in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Nonretail Business and R-1 Single Family Districts to CP-1 Planned Limited Business District.

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

Section 1. It is hereby found and determined that a petition was filed on January 20, 2021, by the owners of property to have the zoning of said property changed from its present zoning of CP-O Planned Nonretail Business and R-1 Single Family Districts to CP-1 Planned Limited Business 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:

Tract I

All of Lots 3 and 5, Block 1, HILLSIDE SUBDIVISION, a subdivision in Wyandotte County, Kansas.

Tract II

PART OF LOT 7, BLOCK 1, HILLSIDE SUBDIVISION, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 63 DEGREES 25 MINUTES 47 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 7, 75.00 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE CONTINUING SOUTH 63 DEGREES 25 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 71.86 FEET SOUTH, 11 DEGREES 48 MINUTES 29 SECONDS EAST,

267.41 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 7, SAID POINT ALSO BEING 135 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 10 DEGREES 06 MINUTES 27 SECONDS WEST, 161.2 FEET; THENCE EAST 60.00 FEET; THENCE NORTH 9 DEGREES 18 MINUTES 32 SECONDS WEST, 136.99 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.

Located at approximately 7331 Holliday Drive, Kansas City, Kansas,

be changed from its present zoning of CP-O Planned Nonretail Business and R-1 Single Family Districts to CP-1 Planned Limited Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-464, 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 CP-1 Planned Limited Business 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: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-029

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 230 South 65th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-3 Planned Commercial District.

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

Section 1. It is hereby found and determined that a petition was filed on July 24, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to CP-3 Planned Commercial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Beginning at a point 1185 feet east and 20 feet south of the northwest corner of the southeast quarter of section 15, township 11, range 24: thence south 70 feet: thence west 322 feet: thence north 70feet: thence east 322 feet to the point of beginning in Wyandotte County Kansas

Also,

Beginning at a point 90 poles east and 90 feet south of the northwest corner of the southeast corner of section 15 township 11 range 24, in Wyandotte County Kansas thence south 350 feet thence west 622 feet thence north 350 feet thence east 622 feet to the point of beginning, except that part thereof taken or used for public roadway

Also, except the following: Beginning at 873 ft east of the Northwest corner of the southwest quarter of section 15 township 11 south, range 24 east in Kansas City Wyandotte County Kansas thence south 1 degree 02

minutes 33 seconds west, 90 ft thence east 190 feet thence north 1 degree 02 minutes 33 seconds east 90 feet, thence west 190 feet to the point of beginning, except the north 20 feet in Speaker Road

Also, except the following: Beginning at the northwest corner of the southeast quarter of section 15, township 11 south, range 24 east of the sixth PM in Kansas City Wyandotte County, Kansas, thence north 88 degrees 42 minutes 20 seconds east, 1485.00 feet along the north line of said southeast quarter, thence south 290.00 feet to the true point of the beginning of the tract of land hereinafter described thence containing south 125 feet thence south 88 degrees 42 minutes 20 seconds east, 225.00 feet parallel to said north line, thence north 125 feet thence north 88 degrees 42 minutes 20 seconds east, 225 ft parallel to said north line to the true point of beginning

Tract 2

Beginning at a point 873.90 feet east of the northwest corner of the southeast quarter of section 15, township 11 south , range 24 east in Kansas City Wyandotte County Kansas thence south 1 degree 02 minutes 33 seconds west 90 feet thence east 190.00 feet thence north 1 degree 02 minutes 33 seconds east 90 feet thence west 190 feet to the point of beginning except the north 20.00 feet in Speaker Road

Located at approximately 230 South 65th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to CP-3 Planned Commercial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the 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 CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-037

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4461 Eaton Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-3 Planned Townhouse 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 March 26, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to RP-3 Planned Townhouse 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:

Lot 125, SPRING VALLEY ADDITION, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas. Located at approximately 4461 Eaton Street, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to RP-3 Planned Townhouse District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-458, 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-3 Planned Townhouse 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: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-039

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3159 Orville Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to TND Traditional Neighborhood Design 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 September 24, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to TND Traditional Neighborhood Design 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:

Lots 59 and 60, Block 2, Grandview Annex, a subdivision in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.
Located at approximately 3159 Orville Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to TND Traditional Neighborhood Design District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-471, 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 TND Traditional Neighborhood Design 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: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-041

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1150 North 38th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to CP-O Planned Non-Retail Business 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 September 24, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to CP-O Planned Non-Retail Business 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:

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 as surveyed by Steven C. Shafer, PLS 852, with BHC, CLS 175, 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 degrees 36' 40" West, 189.00 feet; Thence North 01 degrees 38' 47" West, 20.00 feet, to the POINT OF BEGINNING, said Tract containing 15,119 square feet or 0.3471 acres. Located at approximately 1150 North 38th Street, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to CP-O Planned Non-Retail Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-463, 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 CP-O Planned Non-Retail Business 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: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-053

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3817 Lust Drive, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture 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 November 27, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture 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:

LUST ESTATES, A SUBDIVISION OF LAND IN KANSAS CITY,
WYANDOTTE COUNTY, KANSAS, LOT 7, Located at approximately
3817 Lust Drive, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. 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 A-G Agriculture 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 4. 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: _____
TYRONE 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 SP2021-059, commonly known as 4621 Swartz Road, Kansas City, Kansas, legally described as:

L3A SWLY OF AUGUST LA LS N 30FT, located at approximately 4621 Swartz Road, Kansas City, Kansas,

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for no more than 20 chickens.

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 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.

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.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2021-077

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 SP2021-077, commonly known as 3801 Lloyd Street, Kansas City, Kansas, legally described as:

Rosedale Park & 1327, Section 34 Township 11, Range 25, located at approximately 3801 Lloyd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

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 must show proof of the following repairs before occupancy:**
 - a. **Replace the gas line to the hot water heater.**
 - b. **Repair the gas line to clothes dryer.**
 - c. **Install handrails on both sides of stairwell leading to second floor as required by code.**
 - d. **Provide exterior door or coverage to crawl space to reduce possibility of pest or intrusion;**

2. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be six (6) adults;
3. Guest parking must be provided off-street. Maximum number of guest vehicles shall be two (2);
4. 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);
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;
6. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. 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;
8. 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 ;
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; 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.

Commented [SS1]: Whatever is applicable.

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.

TYRONE GARNER
MAYOR/CEO

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 SP2021-086, commonly known as 6261 Leavenworth Road, Kansas City, Kansas, legally described as:

BRUNE, CHRISTINE ESTATES SUB, S34, T10, R24, ACRES 0.830000, W 190FT OF N 262.4FT OF L1 CONTG 1.14 ACRES M/L

AND

BRUNE, CHRISTINE ESTATES SUB, S34, T10, R24, ACRES 0.850000, PART OF L1: BEG 190FT E OF NW COR NE 1/4 34-10-24; E 158.48FT, S 262.4FT, W 158.48FT, N 262.4FT TO BEG. CONTG .95 ACRES M/L, located at approximately 6261 Leavenworth Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a residential facility for boys 10 to 18 years old (Avery's Village).

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) Since no one staff member permanently resides in the building, there shall be continuous 24 hours, 7 days a week coverage by staff;
- 2) The applicant shall build an enclosure around their trash container that matches the materials from the primary structure;
- 3) The applicant shall restore the existing retaining wall;
- 4) The applicant shall replace the existing privacy fence with height limit of 6 feet;
- 5) No more than forty-five (45) children/youth residing on the property;
- 6) Per Business Licensing Division: The applicant has filed and maintained a current business occupation tax application;
- 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) 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 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.

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.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2021-073

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 SP2021-073, commonly known as 401 North 6th Street, Kansas City, Kansas, legally described as:

Morris and Early's Addition, an addition of land in Kansas City, Wyandotte County, Kansas, Block 2, PTS Lot 26 to Lot 27, beginning at the Southwest Corner of Lot 27, East 68.3 feet along the South Line of Lot 27, North 23 feet, N21W-11.9 feet, S88W-65.44 feet, to the West Line, Southerly 32.1 feet to the point of beginning, located at approximately 401 North 6th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a drinking establishment with live entertainment.

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. 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,

Commented [HG1]: THIS MAY CHANGE BASED ON THE BUSINESSES STATED HOURS OF OPERATION, BUT NO LATER THAN THIS

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.

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.

TYRONE GARNER
MAYOR/CEO

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 SP2021-075, commonly known as 812 South 12th Street, Kansas City, Kansas, legally described as:

LOTS 49 AND 50, BLOCK 1, KIRBY'S ADDITION TO ARMOURDALE, NOW IN AND A PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 812 South 12th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment at an existing drinking establishment/restaurant.

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) **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.

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.

TYRONE GARNER
MAYOR/CEO

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 SP2021-074, commonly known as 4403 Rainbow Boulevard, Kansas City, Kansas, legally described as:

Miami Place, a subdivision of land in Kansas City, Wyandotte County, Kansas, Lots 5 to 8, less the West 10 feet; also beginning at the Northeast Corner of Lot 5; East 15.59 feet, South 200 feet, West 15.91 feet to the Southeast Corner of Lot 8, North 200 feet to the point of beginning, Located at approximately 4403 Rainbow Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for Friendship Inn for family members/guests of patients at The University of Kansas Health Systems.

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. 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.

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.

TYRONE GARNER
MAYOR/CEO

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 SP2021-80, commonly known as 3151 West 45th Avenue, Kansas City, Kansas, legally described as:

RHINEHARTS SUB, S34, T11, R25, ACRES 0.230000, W ½ L 13, located at approximately 3151 West 45th Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

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. **Maximum number of guests, which has been deemed appropriate for the available accommodations shall be six (6);**
- b. **Guest parking must be provided off-street. Maximum number of guest parking shall be two (2) vehicles;**
- c. **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);**

- d. If approved, the outstanding permits shall be updated to “Completed” status.
- e. 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;
- f. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- g. 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;
- h. 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;
- i. 913-246-5133 www.hostcompliance.com/tips;
- j. 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,
- k. 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.

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.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-047

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2416 and 2416A South 51st Street and 5115 and 5126 Gibbs Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to RP-4 Planned Garden 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 October 27, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to RP-4 Planned Garden 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:

A Tract of land lying and situated in the North Half of Section 36, Township 11 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract as surveyed by Joseph H. McLaughlin, PLS 1625, with BHC RHODES, CLS 175, being more particularly described by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on the North line of the Northwest Quarter of said Section 36 having a bearing of South 87° 47' 37" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) COMMENCING at the North Quarter corner of Section 36, Township 11 South, Range 24 East, monumented by a 2-inch aluminum disk found in a monument box; Thence South 02° 14' 50" East, 140.00 feet, on the East line of the Northwest Quarter of said Section 36, to a found 3/8-inch reinforcing rod, and the POINT OF

BEGINNING of said Tract herein described; Thence continuing South 02° 14' 50" East, 85.00 feet, on said East line, to its intersection with the North line of Lot 3, Block 1, HIGHLAND CREST, a subdivision of land in Kansas City, recorded in Plat Book 25, Pages 25 and 26, said Lot 3 being vacated as described in Book 1405, Page 402; Thence North 87° 33' 48" East, 119.99 feet, on the North line of said Lot 3, to its intersection with the West Right-of-Way line of 51st Street, being established by a line parallel with and 120.00 feet East of the West line of the Northeast Quarter of said Section 36; Thence South 02° 14' 50" East, 55.00 feet, on said West Right-of-Way line; Thence South 87° 33' 48" West, 119.99 feet, to said East line of the Northwest Quarter; Thence South 02° 14' 50" East, 106.82 feet, on said East line, to its intersection with the North line of the RESURVEY OF RESURVEY OF THE FIRST ADDITION TO HIGHLAND CREST, a subdivision of land in Kansas City, recorded in Plat Book 25 at Page 73; Thence South 87° 47' 37" West, 396.00 feet, on the North line of said RESURVEY OF RESURVEY OF THE FIRST ADDITION TO HIGHLAND CREST, to the Southwest corner of a parcel of land described in a Special Warranty Deed recorded September 11, 2006, as Document Number 2006R-22260, in Book 5267 at Page 555; Thence North 02° 14' 50" West, 317.54 feet, on the East line of said Special Warranty Deed, to the Northeast corner of said Special Warranty Deed, monumented by a found 1/2-inch reinforcing rod; Thence Northeasterly on the South Right-of-Way line of Gibbs Road, as described in an appraiser's report recorded as Document Number 2005R-01297, and in a permanent Right-of-Way easement recorded as Document Number 2004R-18227, on a curve concave to the South, with a radius of 1,160.00 feet, an arc length of 249.38 feet, said curve having a chord bearing North 78° 59' 57" East, and a chord distance of 248.90 feet, to the Southeast corner of said permanent Right-of-Way easement; Thence South 02° 14' 50" East, 108.77 feet, parallel with and 150.00 feet West of the aforesaid East line of the Northwest Quarter; Thence North 87° 47' 37" East, 150.00 feet, parallel with and 140.00 feet South of the North line of said Northwest Quarter, to the POINT OF BEGINNING, said Tract containing 127,529 square feet or 2.9277 acres. Located at approximately 2416 and 2416A South 51st Street, 5115 Gibbs Road and 5125 Gibbs Road, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to RP-4 Planned Garden Apartment District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-459, 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-4 Planned Garden 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: _____
TYRONE 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 SP2021-085, commonly known as 419 Armstrong, Kansas City, Kansas, legally described as:

Wyandotte City, a subdivision of land in Kansas City, Wyandotte County, Kansas, B135 L10, L11 & 4FT VAC ST ADJ, located at approximately 419 Armstrong Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for a personal training business.

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 shall meet the R-1(B) setbacks and lot area regulations;**
- 2) Due to the size of the property, the location of the proposed garage and the tandem parking space, the applicant must operate by appointment only. This will limit double stacking in the alley and/or along Armstrong Avenue;**

- 3) Since the applicant stated that only one (1) client will be on the property at a time, training is restricted to one (1) client at a time in the garage;
- 4) Per the applicant, clients will train from 6:00 AM to 12:00 PM;
- 5) If approved, the applicant will need to file and maintain a current business occupation tax application with the Business Licensing Division. Please contact their office at (913) 573-8780 to begin that process. The garage cannot take up more than 40% of the rear yard and must be setback three (3) feet off the side of the rear property lines;
- 6) The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed, unless the walls of the building are painted the exact color of the primary structure;
- 7) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
- 8) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 9) 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,
- 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 expiration date will be considered a new application with the associated application fee and approval term. If the new 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.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Staff Request for Commission Action

Tracking No. 211415

Full Commission Meeting Date: 3/3/22

Committee: Full Commission

Date of Standing Committee Action: 1/24/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/24/2022	<u>Contact Name:</u> Matt May	<u>Contact Phone:</u> x6337	<u>Contact Email:</u> mmay@wycokck.org	<u>Department/Division:</u> Emergency Management
<u>Item Description:</u> A resolution adopting proposed revisions to the County Emergency Operations Plan (CEOP). The revisions were approved by the Public Works and Safety standing committee on January 24, 2022, and the revisions were approved on the consent calendar by the full commission on February 10, 2022. The Kansas Department of Emergency Management requires the adoption of the CEOP by March 17, 2022.				
<u>Action Requested:</u> To approve.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> CEOP Resolution 2022				

RESOLUTION NO. _____

**A RESOLUTION ADOPTING REVISIONS TO THE LOCAL EMERGENCY
OPERATIONS PLAN**

WHEREAS, K.S.A. 48-929 requires cities and counties to develop and promulgate an emergency operations plan to help save lives and protect property in the event of a major emergency or disaster; and

WHEREAS, this planning includes: mitigation to reduce the probability of occurrences and minimize the effects of unavoidable incidents; preparedness to respond to emergency/disaster situations; response actions during emergency/disaster; and recovery operations that will ensure the orderly return to normal and improved level following an emergency/disaster;

WHEREAS, the Wyandotte County Emergency Operations Plan (EOP) has been developed to establish the policies, guidance and procedures that will provide the elected and appointed officials, administration personnel, various governmental departments, and private and volunteer agencies with information require to function in a coordinated and integrated fashion and to ensure a timely and organized management of consequences arising from emergencies/disasters;

WHEREAS, Resolution No. R-8-18 was adopted on February 8, 2018 by the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas which resolution ratified the EOP that was presented to and approved by the Board of Commissioners on December 7, 2017;

WHEREAS, the Emergency Management Department of the Unified Government annually reviews the Wyandotte County Emergency Operations Plan and proposes any necessary revisions to the Board of Commissioners;

WHEREAS, on January 24, 2022, the Emergency Management Department of the Unified Government presented the proposed revisions to the EOP to the Public Works and Safety standing committee, the standing committee approved the proposed revisions, and the item was placed on the consent calendar for the full commission; and

WHEREAS, on February 10, 2022, the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas voted to approve the proposed revisions to the EOP, a copy of which was presented to the Board of Commissioners at the February 10, 2022 meeting, and is available for inspection at the Unified Government Clerk's Office.

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

Section 1. The Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas hereby adopts and endorses the Wyandotte County Emergency Operations Plan, with the proposed revisions, as presented and approved on February 10, 2022.

Section 2. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

Section 3. The County Administrator and Unified Government employees are directed to take any required action necessary to employ the Wyandotte County Emergency Operations Plan.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____
DAY OF _____, 20__.**

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

February 22, 2022

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **VOGTS HEIGHTS**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of VOGTS HEIGHTS located at Polfer Road and 107th Street and being developed by Derek McCallum.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

 Date:
2022.02.22
09:03:15-06'00'

Brent E. Thompson, P.S.
County Surveyor



Digitally signed by Troy Shaw
Date: 2022.02.22 13:43:11
-06'00'

Troy Shaw, P.E.
County Engineer

Attachments

The undersigned representatives for the owners of the land described hereon has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "REPLAT OF LOTS 10 & 11, VOGTS HEIGHTS."

IN TESTIMONY WHEREOF: Keith L. Vogts and Theresa M. Vogts, husband and wife, has caused this instrument to be executed this ____ day of _____, 2022.

By: _____

STATE OF KANSAS }
COUNTY OF WYANDOTTE }

On this ____ day of _____, 2022, before me, a Notary Public, personally appeared Keith L. Vogts and Theresa M. Vogts, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notorial Seal on the date last above written.

Notary Public: _____

IN TESTIMONY WHEREOF: Derek & Kassa McCallum, husband and wife, has caused this instrument to be executed this ____ day of _____, 2022.

By: _____

STATE OF KANSAS
COUNTY OF WYANDOTTE

On this ____ day of _____, 2022, before me, a Notary Public, personally appeared Derek and Kassa McCallum, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notorial Seal on the date last above written.

Notary Public: _____

This plat of "REPLAT OF LOTS 10 & 11, VOGTS HEIGHTS" has been submitted to and approved by the Planning Commission for the Unified Government of Wyandotte County / Kansas City, Kansas this _____ day of _____, 2022.

Planning Commission for the Unified Government of Wyandotte County, Kansas City, Kansas

Jeff Carson, Chairman

Gunnar Hand, AICP, Secretary

The dedications shown hereon are accepted by the Commissioners of the Unified Government of Wyandotte County / Kansas City, Kansas, this _____ day of _____, 2022.

Tyrone Garner, Mayor / CEO

Brett Deichler, Unified Government Clerk

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005 and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

L. Allen Greenwood, PLS-654
Deputy County Surveyor

Recommended for approval by the County Engineer, this _____ day of _____, 2022

Troy Shaw P.E., Wyandotte County Engineer

STATE OF KANSAS }
COUNTY OF WYANDOTTE }

This is to certify that this instrument was filed for record in the Register of Deeds Office on this _____ day of _____, 2022, at _____ o'clock and is duly recorded.

Nancy Burns, Register of Deeds

Susie Nelson, Deputy Register of Deeds

Phone: (913) 371-5300

DEREK MCCALLUM
9407 N FLORA AVENUE
KANSAS CITY, MO 64155

REPLAT OF LOTS 10 & 11
VOGT'S HEIGHTS
A SUBDIVISION IN THE CITY OF
KANSAS CITY, WYANDOTTE COUNTY,
KANSAS

Project: REPLAT OF LOTS 10 & 11 VOGT'S HEIGHTS A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS	Client: DEREK MCCALLUM 9407 N FLORA AVENUE KANSAS CITY, MO 64155	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300 BHC is a trademark of Hengsheng, Household & Company P.A.		Project No:	031960																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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Jan 25, 2022 - 12:51pm Plotted by: jon.simpson I:\031960.00.01 5621 N 107th Street Boundary Survey\DWG\Survey\031960-SRY-PLAT.dwg



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator
701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101

NOTICE OF PENDING APPOINTMENT

DATE: March 3, 2022

BOARD POSITION: Wyandotte County Library Board

INCUMBENT: Judy Anderson

APPOINTING COMMISSIONER: Chuck Stites

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Re-Appointment

TERM OF OFFICE: 3/3/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator
701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101

NOTICE OF PENDING APPOINTMENT

DATE: March 3, 2022

BOARD POSITION: Advisory Committee on Human Relations & Disability Issues

INCUMBENT REPLACED: VACANT

APPOINTING COMMISSIONER: Chuck Stites

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Joe Peterson

TERM OF OFFICE: 3/3/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator
701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101

NOTICE OF PENDING APPOINTMENT

DATE: March 3, 2022

BOARD POSITION: UG Park Board

INCUMBENT: John "Tiny" McTaggart

APPOINTING COMMISSIONER: Chuck Stites

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Dani Gurley

TERM OF OFFICE: 3/3/2022-12/15/2025



County Administrator's Office
Cheryl Harrison-Lee, Interim County
Administrator
701 North Seventh Street, Ste. 945
Kansas City, Kansas 66101

NOTICE OF PENDING APPOINTMENT

DATE: March 3, 2022

BOARD POSITION: Self-Supported Municipal Improvement
District Advisory Board

INCUMBENT: Gregg Ottinger

APPOINTING COMMISSIONER: Chuck Stites

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: William Hutton

TERM OF OFFICE: 3/3/2022-12/15/2025

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

REGULAR SESSION
DECEMBER 16, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 16, 2021, with eleven members present via Zoom and on-site: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District, and Garner, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Emerick Cross, and Alan Howze, Assistant County Administrators; Misty Brown, Chief Counsel; Henry Couchman, Senior Counsel; James Bain, Assistant Counsel; Jeff Conway, Assistant Counsel; Carol Godsil, Deputy Unified Government Clerk; Renee Ramirez, Director of Human Resources; Shakeva Christian, Manager in Human Resources; Courtney Sachen, Human Resources; Dr. Mildred Edwards, Chief of Staff, Mayor's Office; Taylor Wash, Executive Assistant in Mayor's Office; Juliann VanLiew, Director of Health Department; Dr. Erin Corriveau, Deputy Local Health Officer; Dr. Allen Greiner, Local Health Officer; and Ashley Hand, Director of Strategic Communication.

Mayor Garner said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending remotely or on-site. All participants joining by the phone should mute their phones and not speak to avoid background noise.

During the meeting, please make sure to 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 are allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments are included in the record of the meeting. The public also has the opportunity to provide brief comments from the lobby of the Municipal Office Building. I'd ask the Clerk to please call the meeting to order and call roll.

Roll call: Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Garner.

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

Mayor Garner said Clerk, any revisions to tonight's agenda? **Carol Godsil, Deputy UG Clerk,** said we do have two changes under the Mayor's Agenda for Item No. 2, it is requested that Commissioner Ramirez be appointed as the voting delegate and Bridgette Cobbins as alternate for the Kansas Association of County Special Election. We have added a new item which is Item No. 3 to extend the mask mandate only through today, which is December 16, 2021. Under the Standing Committee Agenda, we have a revised proposed policy to the Human Resources guide on Paid Childbirth and Parental Leave. That completes the changes to our regular meeting for this evening.

MAYOR'S AGENDA

Item No. 1 – 211250...APPOINTMENT: OLIVER SINGLETON TO HOUSING AUTHORITY

Synopsis: Appointment of Oliver Singleton to the Housing Authority to represent Wyandotte County, submitted by former Mayor David Alvey. Charles Wilson's term ended October 31, 2020, and no one was appointed due to COVID until now.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve as submitted.** Roll call was taken and there were ten "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 2 – 211247...APPOINTMENT: VOTING DELEGATES FOR KAC

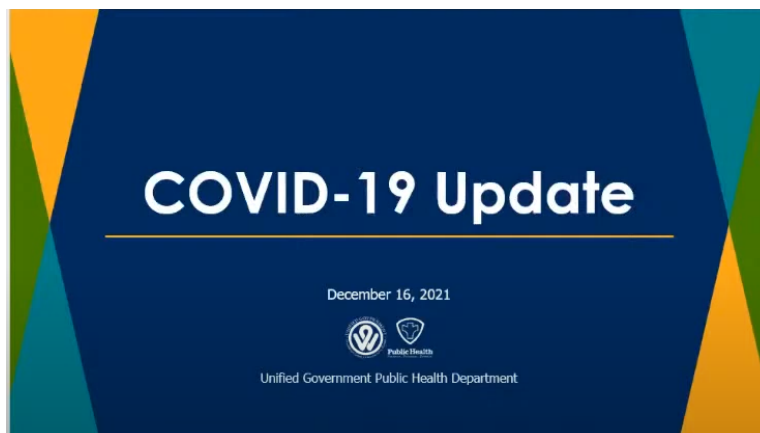
Synopsis: Appointment of Commissioner Christian Ramirez as the voting delegate and Bridgette Cobbins as alternate for the Kansas Association of Counties Special Election be held virtually on January 5, 2022.

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

Item No. 3 – 211252: RESOLUTION: MASK MANDATE

Synopsis: A resolution amending LHO 8/05/21 to extend the mask mandate only through December 16, 2021, regarding the Coronavirus (COVID-19) epidemic in Wyandotte County, Kansas.

Doug Bach, County Administrator, said this item comes before us tonight as we’ve been requested and the Mayor decided to put this on the agenda. Our current mask mandate runs through January 6th. In reviewing this, we have asked our Health Department to prepare an update as to where our community is regarding COVID activities and such. I will recognize Juliann VanLiew, our Director of the Health Department.



Juliann VanLiew, Director of Health Department, said this evening I have with me our Health Officer Dr. Allen Greiner and our Deputy Health Officer Dr. Erin Corriveau. We came before you four weeks ago from tonight on the same topic.

7 Day Rolling Average: COVID cases

Cases are on a dramatic rise.



85



On that night we were averaging about 30 cases per day, unfortunately as of today, we are now averaging 85. We are seeing a dramatic rise in cases, not just in Wyandotte County, but across the metro. We are concerned, we are once again ramping up testing, vaccinations, and contact tracing. We are currently 300 cases behind on contact tracing because cases are rising so quickly.

Wyandotte
continues
to experience
uncontrolled
community spread
(deemed "HIGH"
by CDC)



As I mentioned, Wyandotte County is not alone, CDC has deemed us high, uncontrolled spread, as it has for many, many counties that surround us. We are experiencing a surge throughout the Midwest as the rest of the United States is.

December 16, 2021

Vaccine Data Summary

- Many Wyandotte residents remain unvaccinated
- Our data includes residents vaccinated anywhere in the state of Kansas
 - It does not include data from those vaccinated out of state (including Missouri) or administered federally (i.e. VA)

	Number	Percent
Wyandotte Residents with at least One Dose	92,825	56.1%
Wyandotte Residents with Completed Vaccine Series	78,458	47.4%



As a reminder, part of the reason why we're seeing these numbers continue to be our low vaccination rate. We have residents with at least one dose at only 56%, and folks who have completed a vaccine series at less, that 50%, only 47% of our folks have a complete vaccine series, which of course leaves many in our community vulnerable to catching COVID. To give us a summary of the situation with the hospitals here in Wyandotte County and the metro, I'm going to hand it over to Deputy Health Officer, Dr. Erin Corriveau.

COVID hospitalizations are increasing in Wyandotte County



Dr. Corriveau, Deputy Local Health Officer, said just to give an overview of our hospital situation, what you're looking at here is a graph provided by our Mid-America Regional Council dashboard, which is very helpful to look at our hospitalization data here in Wyandotte County and in the surrounding metro area. As you can see here, for Wyandotte County specifically, looking towards the right of the graph, you can see that we have a trend line that is trending very quickly up. You can also see that previously back just before October when we really spiked, we didn't go back down as low as we would hope after that surge, and so again, this is extremely concerning.

COVID hospitalizations are increasing sharply across the entire MARC region.

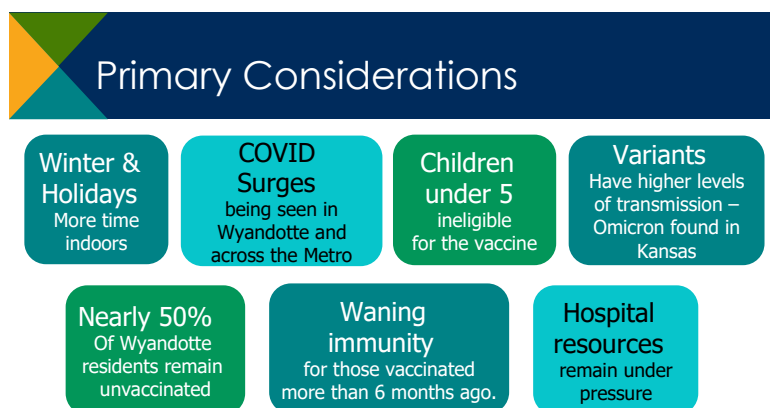


We're seeing also hospitalizations across the metro area with an even steeper rise. I will remind all of you the news today came out that we do have the Omicron variant here in Kansas. The CDC believes that at this point in time about 3% of our cases in the area are likely to be that variant. Otherwise, we're seeing Delta variants still really surging in our community as Juliann alluded to, likely because of our low vaccination rates. I had an occasion to speak with Dr. Steven Stites today, who is the Chief Medical Officer of KU Hospital, where I practice and where Dr. Greiner practices as well. He encouraged all of you to tune in to the meeting tomorrow morning, which will be held 8:00 in the morning which is a review of hospital data in the area and some news from our chief medical officers in the metro. He also, because we're talking about this tonight, he wanted me to give a message to you all and so he made a statement that I would like to read to you now. Again, this is from Dr. Steven Stites, the Chief Medical Officer for KU hospital, and I quote:

“As Chief Medical Officer, I can advise you on the state of our hospital. Our hospital is nearing capacity and we are concerned. We are treating all sorts of patients and our volume of COVID-19 positive in patients continues to climb and to climb rapidly throughout our community at a rate faster than we have seen during this pandemic previously. We are concerned because without masks to help mitigate the spread of COVID, coupled with the low rate of vaccinations in our community and the oncoming rise of Omicron, we are at risk of our facility becoming overwhelmed with demand for healthcare services. I imagine other hospitals in Kansas City share this concern. When we reach our capacity, that limits our ability to admit and treat new patients who present to us, even those with time critical diagnoses like strokes and heart attacks. There are already reports of surgical cases being

canceled in our region because there are not enough resources to take care of post-surgical patients, in addition to the patients already in hospital beds. Public health measures such as masking and vaccination can help keep our hospitals in a position to take care of all patients, COVID and non-COVID alike. Seeing increased rates of new cases, decreased masking, low vaccination rates, and lower booster rates in many communities and some of the highest hospital census numbers we've ever seen in many hospitals across our community. We are entering a season of gathering. All of these factors mean our community is at-risk if we don't each individually do what we can to keep ourselves, our families and one another safe. We are at a very critical point and wearing masks and getting vaccinated and boosted can help us avert a public health crisis.”

Dr. Corriveau said I was really affected by that, and I think to myself is this really the time to stop wearing masks and I think that answer is absolutely not. We know that Omicron spreads twice as quickly as any variant we've seen thus far in this pandemic, which is of great concern. We also know that even people who are being fully vaccinated have two vaccines, the Omicron can affect them, and so being boosted is absolutely necessary. We do have one thing in our arsenal that can keep everyone safe. It can keep us safe; it can keep your neighbors safe and that is wearing masks in public, a small request if you ask me. I'm going to turn this over to Dr. Allen Greiner who will finish up our presentation.



Dr. Greiner, Local Health Officer, said Dr. Corriveau has laid it out nicely, we've got a few considerations and we know things are going to get worse. Things are on the upsurge already.

We've got holidays happening, it's going to get colder, people are going to be inside, we're already seeing a surge; we don't have the ability to vaccinate children under five. I had a patient that is nine-months old that just came back positive today and is now keeping her parents out of work. These variants keep coming, which is a concern. Less than that 50% of our population has been fully immunized and right now we're worried that unless you're boosted, you're not protected against Omicron. It's even more significant than not having that 50% fully vaccinated. We know that people who have been infected previously, their immunity wanes, so every week that goes by we have more vulnerable people in our community that may think they're protected because they had COVID last year or nine months ago, but they're not. They're the ones that are getting infected now and the hospitals are in trouble.

Recommendation to Commission

The UGPHD recommends that the Unified Government Board of Commissioners maintain the current health order requiring mask wearing through at least January 6th.



This is where we stand, it's our job as a Public Health Department, it's our job as physicians, Dr. Corriveau and I to talk about what makes sense? I know that we live in a world where people make a lot of arguments and the people parse things in different ways and come at them with their different conflicts of interest, but if you smoke, it's our job to tell you smoking is bad for you. If you run red lights and run stop signs, it is our job to tell you that that's not good for you. If you drive 95 miles an hour down the highway, it's our job to tell you that that's not smart. If you're in the meeting right now and you're not wearing a mask, it's our job to tell you that not only is that not smart, that's like running a red light, because the Commission—we didn't put the ordinance in place like we used to be able to. We were told that we were unelected officials, and we don't do that anymore. If the rule of law applies, it applies based on what the Commission does. We think it makes sense, just like it wouldn't make sense right now to let every bar and restaurant in Wyandotte County to start allowing indoor smoking again, like 20 years ago. It doesn't make

sense to get rid of this mask mandate right now, but of course that's up to you. This county has led the COVID fight with science, we've led the metro region, we have nurses working for the Health Department right now; someday I hope some of you can meet some of these nurses that are working for the Health Department right now; they came to Wyandotte County to fight with us because they saw the cutting edge progressive stuff we were doing with our mass vaccinations sites, with our drive-through clinics, with our church parking lot activities. I think it's pretty amazing that we have this little tiny county has been the one to show the rest of the metropolitan region how to do this properly and if you're new to this fight and you don't want to be a leader for the metro, that's fine, but some of us are proud of what has happened, and I think we've saved a lot of lives and I hope we can keep doing that, not just with COVID, but with whatever the next health issue is, because we are the least healthy county – most of the time in the State of Kansas. Right now, we're ranked 19th in county rankings for the State of Kansas. We are way better in terms of what we've done with way less resources than what typically happens. Our recommendation is to keep this going and I know there's going to be comments, so I'll send you back to Juliann and we'll go from there.

Ms. VanLiew said I'll send it back to you Mayor to lead the conversation moving forward.

Mayor Garner said at this time I will open the matter for public comment and ask the Clerk, have you received any notification from the public who wish to express the comments in favor of removing the mask mandate. **Carol Godsil, Deputy UG Clerk**, said we did receive one comment in favor, and it comes from Kelly Seume from Kansas City, KS. She writes, "Please end the mask mandate. As a medical professional the masks are not stopping the spread of aerosol respiratory virus. At best the mask stop egregious drops of particles like spitting, but the efficacy on this is still quite low. When these masks have little to nothing to mitigate the spread of an airborne virus, wearing a mask becomes a personal choice at best, not a mandate for all. Please end the mandate tonight. This is how we get back to normal. Thank you for considering my comment." That is the only comment we did receive for lifting the mask mandate.

Mayor Garner said is there anyone present who would like to speak in favor of removing the mask mandate? If so, please raise your hand, to be recognized. Once you have been acknowledged, we ask that you provide your name and city of residency for the record. You will be given up to two minutes to state your comment.

Bridgette Cobbins, Assistant County Administrator, said I'm not seeing any hands raised on Zoom. That's for the lobby. We're doing Zoom first.

Mayor Garner said is there anyone in the lobby who would like to speak in favor of removing the mask mandate? If so, staff will call your name to come to the podium. Once you have been acknowledged, we ask that you provide you name and city of residency for the record. You'll be given up to two minutes to state your comments.

David Haley said I'm registered through P.O. Box 171110, here in Kansas City, KS 66117. I'm removing my mask now momentarily only to urge this Commission, Mayor Garner, and commissioners, certainly this is a timely issue for many people, not only here in the Unified Government, but throughout the State of Kansas. I work on behalf of many of our citizens in Topeka and serving there even today, I noted sadly how there are too many in our statehouse who are not wearing masks. The protocols that have been established for the Coronavirus, now a year and a half of which many people are weary of seem to bear out what Dr. Greiner and the other physician just said. The more we vaccinate, the more we ventilate or have a breathing space independent of the particles that are traveling, first from the original variant, the Coronavirus and then going to the Delta and now the Omicron and maybe even another variant, are spreading. Having a filter would be, in lieu of not having ventilation, the best possible argumentation to vaccination and not having ventilation. I urge our progressive Commission, our Mayor and our commissioners, to continue to lead the charge, as Dr. Greiner and the presentation had said, in helping Wyandotte County to be at the forefront within the State of showing how we should protect ourselves and citizens.

Carolyn Wyatt, 359 Troup, said I think that the masks need to stay on. I think that we have too many people who have already died from this, and I think that we got young people, we got all the kids in schools, we got the holidays coming up, and I think the mask is necessary for the safety of Wyandotte County, Kansas City, KS, and the families. I'm hoping that the commissioners will take a look at this and know that we need keep the masks on a little longer and see the outcome.

Monica Sparks, Clerk's Office, said there is no one else in the lobby that wishes to speak. **Ms. Cobbins** said we do have two that have raised their hands on Zoom. I'll allow them to speak the first is M. Hart, you have two minutes.

Margaret Hart, 7065 Gibbs Road, said I'm a lifelong Kansas City, KS resident. First, I want to thank the Health Department for everything they have done. They have done a fabulous job. I am very much in favor of keeping the mask mandate. As Dr. Greiner said, that is a very small ask to wear a mask. I would hope that we will keep that up as long as we need to, it's incumbent upon us. If we're the ones who leave the Kansas City area, fine; I know there's a lot of other stuff going on and I would very much ask the UG Board of Commissioners to vote in favor of keeping the mask mandate and extending it if we need to.

Sandra Martin, 12532 Prestwick Drive, Kansas City, KS 66109, said I am not (inaudible) in (inaudible) businesses. If asked they're welcome to wear a mask. **Ms. Cobbins** said you are breaking up. We're taking our businesses elsewhere because we don't want to have to go into businesses with a mask; it's hard to breathe and we're tired of it. If you want to wear it you can (inaudible) we mask, so I'm just taking my business elsewhere and I know other businesses are facing the same thing, not getting people in their businesses. I ask you to rescind the mask mandate and let people that want to wear, wear it, and that people who don't, not to wear it.

Mr. Sonna said I've been a resident for more than 20 years now. I live at 9001 Barnett Avenue, Kansas City, KS 66112. I am a member of the Health Equity Task Force and I've been following vaccinations and wearing masks for over one year now. I'm in favor of wearing masks, mandating masks as long as we can. I feel like we have experts in different fields and this is the field for

Health Department or doctors and nurses field and I feel like we should not overstep our boundaries and listen to them. I'm in favor of extending the mask mandate in Wyandotte County.

Mayor Garner said there seems to be confusion on those in favor as far as the order and those that were opposed, but is there anyone else that has any comments? I would like to thank the public for all the comments. I will ask if any commissioners have questions or staff for comments.

Action: **Commissioner Stites made a motion, seconded by Commissioner Kane, to approve.**

Commissioner Ramirez said as always Juliann, Dr. Greiner and Dr. Corriveau, thank you for all that you have done and continue to do. Thank you as well to the Health Department workers, thank you for everything you have done and continue to do and just our health care workers in general, thank you. To say I'm conflicted is a complete understatement. I think tonight I can't vote to rescind this. I can't in good faith as when I have the number one employer, one of the number one employer in my district who has been fighting this since day one, me voting to rescind this mask tonight, I feel like I'm turning my back on the health workers of the KU medical hospital. I can't vote against their mental and psychological abilities. When they are doing everything they can to help and to keep us safe. I am going to vote no on this because they are the ones that are fighting this, not us. They are the ones on the front line. What we do as; I don't remember if it was Drs. Greiner, Corriveau or Juliann said that it is a small ask, a small task compared to what our doctors, nurses, nurse-practitioners are looking at and experiencing every single day.

Commissioner Davis said do we have folks from the Health Department that are still online? I just have some questions. My first question is this: do we have any data on the impact of our neighbors getting rid of the mask mandate and us keeping the mask mandate? I see on here we have these two graphs, it's kind of hard to see the latest month. The latest month I see is October and we're in December, do we have anything for perhaps November or some early data for this month comparing Wyandotte County, us who kept the mask mandate for the last six weeks or so, and our neighbors who did not?

Dr. Greiner said I know we don't have clear data showing a comparison between different counties and how that's influenced mask mandates. The best data we have from this fall is the data from the State of Kansas looking at school districts that have had mask requirements versus mask recommendations, versus no mask requirements or recommendations, and it's really, really clear that in that environment the masks are making a big difference on the total case numbers, on the numbers of outbreaks in classrooms. The science is clear, you can get online and find anything you want these days, but again, if you go to a doctor and try to get their opinion on whether your chest pain is a heart attack, they're going to make that decision based on the best science they have and the best science we have is that these masks work. They're lowering transmission, they're going to save some lives, and I realize there's controversy around it and it's become politicized, but the science is pretty clear.

Dr. Corriveau said I also want to mention that I believe the hospital data bears out, that it would show that when we take our masks off, we do have a little bit of a lag time but there is about a 3–4-week lag and then hospitalizations start to kick up and so I believe our neighbors certainly have seen that and I think you could ask any of the chief medical officers in the surrounding counties will tell you the same thing.

Commissioner Townsend said it was barely a month ago that this body took up the same issue. I believe it made the correct decision to institute the order that is currently in place. The significant thing that's happened since that time is the onslaught of the present variant, the Omicron virus. I believe when this Commission took the same issue up a month ago, nobody had heard of the Omicron virus. We were thankfully ahead of the curve and clearly what's going on across the country and we've seen it in Wyandotte County from the evidence presented tonight by our Health Department and medical staff, show that this thing is going to increase the number of cases, not decrease. With less than 50% of our population fully vaccinated, we need to continue to take whatever steps are already in place that are proven effective to stem the impact of the Coronavirus in any of its variants. Who knows what the next one will be within another month, and we are right in a period of time when people are more likely to be indoors and gathering and revert to post-COVID, just by instinct? The hug, the kiss, but heavens knows what else may be

inadvertently being transmitted with that, so I would urge my fellow commissioners to maintain the mask order that is in effect.

Commissioner McKiernan said you all get to see my Gemini personality come out here. I did not vote to extend the mask mandate a few weeks ago, and I'll be honest, in light of the presented data tonight, the statement from Dr. Stites, I don't know how I'm going to vote tonight. I'm still 'Gemining' my way to that decision. It's not that we shouldn't extend the mask mandate, it's that I've frankly given up hope in the face of some big obstacles and 'you ain't the boss of me.' It was observed a month ago, a moment ago that we're entering a season of gathering, that's very true. As I said last time and, as Commissioner Townsend just alluded to, the most common place of gathering in the holiday season is private homes, where we hope that people will pay attention to our guidelines, but where we have no jurisdiction. It seems to me, as I said last time, that the second most common place of gathering is bars and restaurants, where we allow masks to be removed when people are actively eating or drinking, which is the majority of the time spent in that facility.

Having noted that we have limited jurisdiction in the most common gathering places I think it's a certainty that Delta, Omicron and other yet to be mutated variants will continue to plague us for months. In an interview that was published this week, former secretary of the Kansas Department of Health and Environment, Dr. Lee Norman said, "That if the pandemic were a ball game, this past summer was halftime." Now, he says, "We're kind of a few minutes into the third quarter of this pandemic and it's going to be a struggle through the remainder." If that turns out to be the case, then we in Wyandotte County are in very serious trouble with only about 50% of the population fully vaccinated against COVID-19 based on the data that was just presented today. If the ball game analogy is correct, then we have 18-24 months of fight remaining ahead of us. We may be getting tired, but the virus is not remotely tired.

Having said that until and unless we as a Unified Government have a much more robust enforcement capacity and we're willing to use it relentlessly, then a large portion of the population will continue to completely ignore the mandate. Until and unless the seven counties of the greater Kansas City metro area get even close to being on the same page with regard to COVID precautions, like masks, a large portion of our population will continue to completely ignore the

mandate because state lines and county lines are only visible on a map. When neighboring jurisdictions disagree about things like mask mandates, the average citizen frankly throws up his/her hands and gives up trying to figure out what the rule is in the place where they happen to be. Until and unless the unvaccinated citizens of Wyandotte County do their part and get vaccinated for the benefit of themselves and others, each new mutant variant will wreak havoc on the health of our community.

Now you'll see the Gemini side. As I prepare to take this vote, I fear a very real possibility that I or a member of my family might be denied urgent or emergency care simply because the number of COVID patients has overwhelmed our local hospitals and there are literally no medical resources remaining. Those are my thoughts and I'm still contemplating my vote.

Commissioner Kane said the Chamber had an event over in Memorial Hall the other day. There are all kinds of pictures everywhere and not one mask, right across the street. We've said this all along, that we're doing it because the rest of the community's doing it. Now the rest of the community's not doing it and we're the only ones that are. When I comment about what you said about the doctors from your district, remember when they came here and raised the smoking age? We were on the ninth floor, I looked outside and three of them smoking cigarettes. And they just said that we need to tell you that it's dangerous, we need to tell you that it's this, we need to tell you that it's that, and yet they came in here and convinced, they didn't convince me, but convinced everyone you had to be 21 years old to buy cigarettes, but yet these folks are sitting outside smoking cigarettes. Most of the people that are there from the doctor's office, they're not in Kansas City, KS, they can go home, and they can do whatever they want.

People are tired of being told I have to wear a mask; when you answered the question, you didn't really answer it. Just look at the overall situation, he either has it or he didn't, and he didn't have it. When we look around, who is really doing it, who's performing? Who is wearing a mask like their supposed to? And just like they said with the bar, you walk into a bar, you got the mask on, you sit down and take the mask off. We don't even have a program to follow-up to do something about it even if we want to, we don't have the manpower to do it. Yet, we tell people we're going to wear a mask. I don't know about you, but I went to Danny's today to talk to those folks out there. And he said he used to enforce it and right now you can't.

I don't see any way since nobody else around us is doing it why we should continue to do it. It's frustrating because I want everyone to be healthy, but I don't know how many people were over at the Chamber thing, I was not there, but that's unlike anything else, no matter where you go people are not wearing their masks. Then we tell them because we know more than they do in Wyandotte County that we're going to make you wear that mask. Multiple people that I talk to say their family is not coming Kansas City, Kansas because they have to wear a mask, the people are out-of-state. We done it long enough, they have no real documentation to say this is or isn't working; I want everyone to get the shots too. I don't think we need to let this linger on anymore, we need to stop it now, right now, I'm not talking about midnight, I'm talking about right now because we've made people and businesses suffer long enough and in my mind at this stage of the game, it's the wrong thing to do.

Commissioner Johnson said this is an issue that is worth us taking time to consider. Tomorrow at 8:00 a.m., there will be a regional healthcare update when the chief medical officers and colleagues from around our region will be addressing this issue. It's going to be happening on Facebook and I'm happy to share the information with anyone who would like to have that information. Having to bury persons that have died from COVID-19 because they refuse to wear a mask is a sobering experience and it has an effect on my psychology more than any of the data that we see. The stories of not only individuals but their families who are struggling to figure out how to navigate their life now that their loved one is gone. I think all of us who are around this table's minds, well maybe the exception Commissioner McKiernan, minds are probably made up. But for me it's very simple. I am concerned about my family; I'm concerned about my own health. There are citizens that are in my district that have reached out to me specifically and said I want you to continue to hold fast to the mask mandate. I can definitely appreciate my colleagues' statement, I can appreciate hearing from our constituents in other areas that feel differently, but when I look at it from the perspective of personal stories, and people that I know that are no longer here. Everywhere I turn there are persons that I know, either directly or indirectly, whose lives are affected by this, it makes it a very simple decision for me at this particular time.

Commissioner Townsend said just a few more comments. I know that wearing a mask is inconvenient at times and I know we may all be suffering from mask-fatigue. But that is not a reason to drop the mask mandate. Illness or death would be the ultimate arbiter whether you need one and we don't want to see any of our citizens, friends, family members have to go that route when wearing the mask would be so much simpler, and especially when we know from the numbers that at least 50% of the people in Wyandotte County have not taken advantage of the free opportunities to become vaccinated. That's their choice, wish they would make another. This would be a mechanism by which if people want to gather in private homes and private facilities and take the chance of not wearing a mask, not knowing who's been vaccinated, who's not, they would be free to do so. But this would be a mechanism that we can use publicly to curb the spread of this virus. We do have enforcement mechanisms, maybe we need to step up on them. I understand people are tired, but now is not the time with the onslaught of a variant that, as I said before, nobody could call its name a month ago. Now is not the time to give up. We need to keep the mask mandate in place right now. I surely hope that 2022 doesn't look like our March of 2020 and it's because people will not do the things that our medical professionals have said, and it's been proven that are effective to fight this virus.

Commissioner Davis said where I'm at on this is not about the data, it's not about the science, it is not about any of those things. I'm fully vaccinated, I got boosted last week. I encourage everyone who has made public statements; there is no confusion on where I stand on this issue and what I want for my district. But, considering I think a very valid argument made by Commissioner McKiernan, we have to consider the logistics. We have to have a logistical conversation about this, not just a moral one, not just a data one, or a scientific one, but a logistical conversation. We have to have a political will conversation. We have lost political will in our community; other jurisdictions have lost political will in our community and it's for that reason that I do not see the point of continuing this mandate knowing all of those variables that we cannot control. I was not satisfied to be quite honest, regarding my question on the data of the response about school districts. It's apples and oranges as far as a comparison because you can control what is happening in that school, not in a way that you can control what's happening out in our city and out in our community. This does not mean that my opinion or my vote on this will not change in the future,

but I'm just not in favor of keeping. It's not a scientific one, this is not scientific for me at all. This has a lot to do with logistics.

Commissioner Bynum said I have a couple of questions and comments. My questions really are for legal counsel. Number one, if we didn't have a mask mandate, our local governments such as our school districts currently, churches, non-profit businesses; if I chose at the Shepherd's Center of Kansas City, Kansas to say, in order to attend our program, you need to wear a mask, would that be allowable if there were no mandate in place? Would all these entities be allowed to choose masking? I don't know who is helping with the legal aspect of this situation. That's question one.

The second question is, as I recall all along, the penalty for violating is actually quite severe and I'm not sure that we've actually enacted that penalty against anyone and yet we see as has been pointed out by several commissioners that many, many people are simply ignoring the mandate knowing full well that there is actually no consequence for them. Those are a couple of legal questions.

Misty Brown, Chief Counsel, said I'm going to recognize James Bain, our Attorney, as he has worked this issue for the last two years.

James Bain, Assistant Counsel, said to answer your first question, private businesses, organizations are still able to make their own decisions on inside their facilities on their own property. The second question about enforcement, we have not written any tickets for the crime of violating a health order. The thought was to educate businesses and individuals and not hammer with a criminal penalty.

Commissioner Bynum said I appreciate that, I felt like that was the answer and again I feel like the penalty is quite severe as its written in our law. Yet we have chosen not to enforce it. I don't know if I stated this, a couple of weeks ago when we took this up, but everywhere I go, whether it's in Wyandotte County or outside of Wyandotte County, people are not masking. I very much care about our health leaders and the data and information that they've brought us. It's disturbing that even with our mandate, our numbers are up. I personally think that's because people are not paying attention to the mandate anymore.

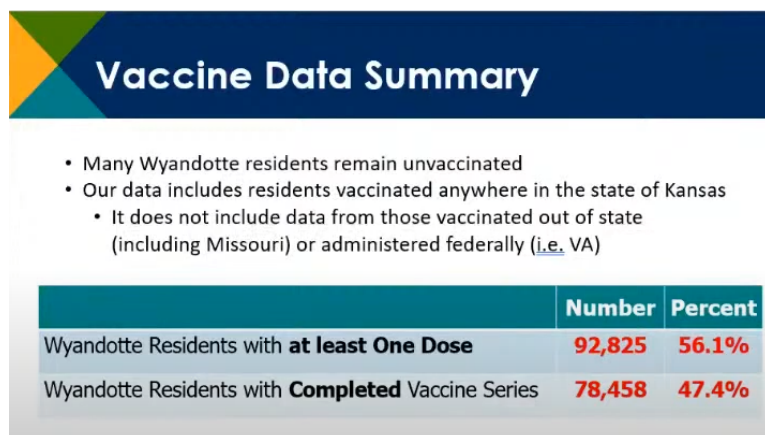
I applaud KCK schools specifically because again with the authority that they have to choose masking or not, they have chosen masking and a number of other protocols, and KCK schools believes that through that they actually have kept the virus under control within the school district, and I'm very proud of that. I think they have taken their job very seriously as the other school districts have as well. I just think it's very sad that tomorrow morning the health leaders are going to gather and talk to us about all of the updates, the strains on the health system, the rising numbers, etc., and yet no jurisdiction anywhere near us is going to alter a mask mandate. They've already turned it down, several of them this week. We have State-elected leaders actively choosing to encourage no masking, which is ridiculous toward the other end of the pendulum. I've heard from people today, via email that our for and against keeping the mandate. I'm thinking that it's probably shaking out about 50/50.

The Chamber sent out a survey this afternoon, I asked if we could have results of that and the answers was, 60% in favor of eliminating and 40% in favor of keeping. We have that information from our Chamber partners. I think ultimately, it's sadly time to stop mandating the mask-wearing. I have a mask on, I'm going to wear this mask, I going to do everything I can to protect my family and those that are around me. I'm going to wear this mask in Johnson County, Leavenworth County, in Riverside, Missouri, in Wyandotte County and I'm going to hope and pray that people will get vaccinated.

Commissioner Stites said I'm not sure what the date was that we entered this Core 4 arrangement, but I remember it being; I was on the Edwardsville City Council at the time, and I remember it being sold as we're going to enter this together and we'll get out together. That hasn't happened. Here we are, the only ones left standing, the only ones wearing a mask, the only ones that is affecting our businesses, effecting people going to other cities to do their shopping, to eat. It was mentioned tonight that it's not the time to make the change, I'd like to know when is that time? It's been a moving target from day one, when we heard that if we get, I don't remember the exact number, what it was, but when we get 20% of folks vaccinated that's the number we need to get to. Now we're at 50, that's still not good enough. It's going to move; it's going to continue to move, and people are tired of it.

My wife and I walked into to Jose Peppers a couple of nights ago, we both wore a mask when we walked in, and I counted how many steps it took until I got to my table, and it was five. I'm short-legged, I'm going to give the benefit of the doubt that I can step three feet. Fifteen feet I was able to sit down at the table, my water got there, my mask is off; we sat there for 47 minutes, we ate and thank goodness that virus waited until my wife and I got through eating because it didn't attack us. As we walked outside, we put on our masks as we walked out. It's crazy to think that we can go inside of a restaurant, walk 15 feet, take it off and sit there for an hour in a public gathering and we still need to wear our masks. Don't understand it. Sixty/fifty was the survey, like Commissioner Bynum said, to eliminate the mask mandate. If we're not going to listen to the people of our community, our citizens, our constituents, they just told you, we're not going to listen to them, don't take the surveys, don't put them out there if we're not going to pay attention to them. Bonner Springs and Edwardsville, where I'm the commissioner, we have no mask mandate. I'm thankful that this body decided to let Bonner Springs and Edwardsville decide themselves, their elected body decides what they want to do, and we did not have a mask mandate. The cases have not risen. I'm absolutely for people getting vaccinated if that's what you want to do. I'm all for people wearing their masks, continue to wear your masks. I don't want anybody to take it off if you feel like you want to wear your mask, like Commissioner Bynum said, to Johnson County, to Leavenworth County, to Tucsuncari, do it. I applaud you for doing that. You're taking care of yourself. Let me worry about myself. I'm in favor of lifting the mask mandate, not even at 11:59, I'd like to see it lifted at 7:59. That's all.

Mayor Garner said I have a question for Ms. VanLiew. You can pull up the slide about the vaccinations, rates in Wyandotte County. Share that with the public one more time.



If you could talk briefly about access that is provided to the public to get vaccinations. I think that's really important when you talk about vaccination rates. What the Unified Government is doing to try and get people vaccinated, at least provide the opportunity for that, and if you could speak to that and the value of vaccinations.

Ms. VanLiew said we continue to provide vaccinations free of charge at our K-Mart site out at 78th and State, Wednesday-Friday, currently. We don't have a ton of people coming through for first and second doses. We are serving a lot of folks with boosters right now. A few of our pediatric folks are coming through but not nearly as many as we'd like. That is, of course, free of charge, it is every week. In January we will be moving that to just one day a week, due to the demands decreasing unfortunately, and our need to reserve resources. We will continue to provide vaccinations free of charge into 2022. Does that fully answer your question? I apologize if I missed a piece there.

Mayor Garner said from a medical perspective the importance of getting vaccinated; how that relates to just the benefit to our community. **Ms. VanLiew** said I'm going to throw that to one of the medical doctors just so that I stay in my lane.

Dr. Corriveau said I think getting vaccinated is extremely important because really what it's doing is teaching your immune system how to respond if it were to come in contact with the virus. Without that, you stand the chance of your body being overwhelmed, you stand the chance of getting extremely ill, being hospitalized, and even death as we've seen and heard a lot about

tonight. Unfortunately, most of the people in the hospital right now, and I believe all those in our counties' hospitals who are on ventilators in the ICU have not received any vaccination. We do see that it's of great benefit especially with the Omicron variant and the variants to come, we feel like this is really our best chance of being able to survive especially for those people who have other health conditions that would put them at a far greater risk of getting very, very ill from this virus. We see that younger and younger people have been getting the virus and have been getting very sick from COVID, of course very young folks, especially in their 20s and 30s, are still least likely to be vaccinated, or I should say our children are given that there is a lag time in having vaccines available for them, but it's really important that we get all people and those young people as well vaccinated. The other thing that vaccines do is that it decreases the time that someone is actually infectious toward others. We really want to get everybody vaccinated so if they were to get the virus that they would have less of a chance of passing that on. They would be infectious to others for less of an amount of time. We try to decrease the rate of spread in that way as well. I hope that answered your question adequately.

Mayor Garner said I think it's really important with that information that was just provided by our medical professionals, is that the public would just take note of that and take into consideration the value the vaccines offer to help stop the spread or mitigate the effects of COVID-19. With about 20 days left in this mandate, I think that should be taken into consideration as well by our elected body. We do have a motion on the floor and a second.

Action: **RESOLUTION NO. R-101-21**, "A resolution amending LHO 8/05/21 to extend the mask mandate only through December 16, 2021, regarding the Coronavirus (COVID-19) epidemic in Wyandotte County, Kansas." Roll call was taken and there were six "Ayes," Stites, Davis, Bynum, Burroughs, McKiernan, Kane; and four "no's," Markley, Townsend, Ramirez, Johnson.

Mayor Garner said that concludes the Mayor's Agenda and takes us to the Consent Agenda. Does any member of the Commission or the County Administrator wish to set aside any item on

the Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

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

CONSENT AGENDA

Item No. 1 – 211249...RESOLUTION: SETTING THE TWO-YEAR MEETING CALENDAR

Synopsis: A resolution setting the two-year meeting calendar for the Unified Government Commission and for the standing committees of the Unified Government Commission from February 2022 through January 2024, submitted by Brett Deichler, Unified Government Clerk.

Action: **RESOLUTION NO. R-102-21**, “A resolution setting the schedules of meeting times for the Unified Government Commission and for the Standing Committees’ of the Unified Government Commission from February 2022 through January 2024.” Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were ten “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 2 – 211236...RESOLUTION: CASH AND INVESTMENT POLICY

Synopsis: A resolution adopting the Unified Government's Cash and Investment Policy with no changes, submitted by Andrea Parra, Interim County Treasurer. On November 29, 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-103-21**, “A resolution adopting the Unified Government’s Cash Management Policy for 2022.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 3 – 211184...SALE RESOLUTION: 2022-A BONDS AND 2022-B TEMPORARY NOTES

Synopsis: A resolution authorizing the offering for sale of municipal temporary notes and general obligation bonds of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Debbie Jonscher, Deputy Chief Finance Officer. On November 29, 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-104-21**, “A resolution authorizing the offering for sale of Municipal Temporary Notes and General Obligation Bonds of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 4 – 211191...RESOLUTION: VISIT KANSAS CITY, KANSAS DOCUMENTS

Synopsis: A resolution approving the 2022 Budget, Marketing Plan, and new Five-Year Agreement between the Unified Government and Visit Kansas City, Kansas, submitted by Kathleen VonAchen, Chief Financial Officer. On November 29, 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-105-21**, “A resolution approving the 2022 Budget, Marketing Plan and new Five-Year Agreement between the Unified Government

of Wyandotte County/Kansas City, Kansas and Visit Kansas City, Kansas.”
Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were ten “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 5 – 211096...RESOLUTION: AMENDED POLICY ON DONATED SICK LEAVE

Synopsis: A resolution adopting amendments to the Human Resources Guide relating to donated sick leave, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner. On December 6, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve, and forward to Full Commission.

Action: **RESOLUTION NO. R-106-21**, “A resolution amending Section 5.1 of the Human Resources Guide of the Unified Government regarding sick leave, to reorganize and clarify the donated Sick Leave Policy.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Item No. 6 – MINUTES

Synopsis: Minutes of regular session of November 4, 2021, and special sessions of November 18 and December 2, 2021.

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

Item No. 7 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 2, 2021.

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

STANDING COMMITTEES’ AGENDA

REVISED ITEM

Item No. 1 – 211223...PRESENTATION/RESOLUTION: NEW POLICY ON CHILDBIRTH AND PARENTAL LEAVE

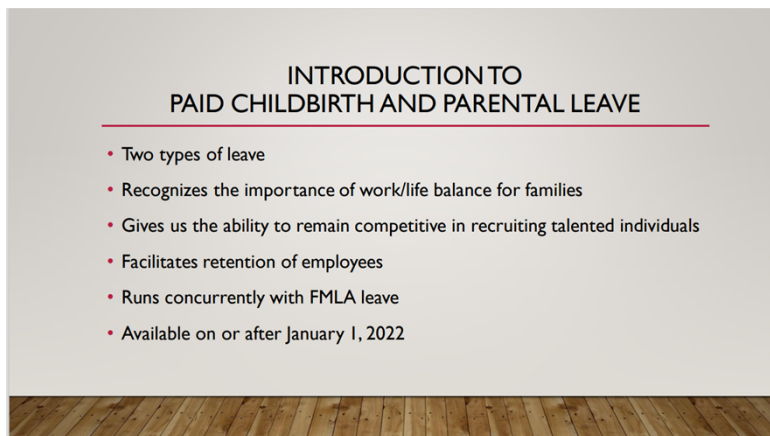
Synopsis: Revision to the proposed new policy to the Human Resources Guide on paid childbirth and parental leave.

Mayor Garner said Standing Committee’s Agenda, Item No. 1 is a presentation and a resolution to implement a new Human Resource Policy on paid childbirth and parental leave. Commissioners should have received the revised policy yesterday as noted in the blue sheet. This item was presented to the Administration Human Services Standing Committee on December 6, 2021. The committee voted unanimously to approve and forward to the full commission. It is being placed on the Standing Committee Agenda due to some modifications. I’ll ask Commissioner Markley, who chaired the meeting, if she had anything to add to that.

Commissioner Markley said I would just say that the committee was overwhelmingly supportive of the additional paid childbirth and parental leave. The only reason it is on the agenda for a separate vote is because we did make a modification, and that modification was around a timing requirement. There’s a requirement for that leave to be used within a certain time period, but the committee recognized that there could be medical circumstances that prevented either the mother or the child from being able to leave the hospital within that time limit. The edit was to allow the Administrator’s Office to make exceptions for medical circumstances where the leave couldn’t be used within that time period. I’ll let staff talk about it, but just so know, the committee overwhelmingly supported it and just wanted to make sure we were providing appropriate exceptions where medically necessary for staff to use this benefit.



Renee Ramirez, Director of Human Resources, said this evening with me I have two members of the Human Resources staff. Shakeva Christian, HR Manager and Courtney Sachen, HR Partner as well as our senior legal advisor, Henry Couchman. This evening I'm bringing forward a new policy for consideration. This new policy is Paid Childbirth and Parental Leave.



This is two types of leave. The policy recognizes the importance of work/life balance for families and gives us the ability to remain competitive in the market for recruiting talented individuals. Equally important, it facilitates retention of employees, boosts employee morale, and supports the mental health and wellbeing of parents. This leave will run concurrently with FMLA leave. This would be available on or before January 1st of 2022.

PAID CHILDBIRTH LEAVE

- Available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work
- Amount of leave
 - Full-time employees - 240 hours
 - Part-time A employees - 120 hours
- Leave is continuous.

First, I'll speak about the paid childbirth leave. This leave is available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work. The amount of leave that's available under this portion for fulltime employees is 240 hours, and for part-time A employees, it's 120 hours. This leave will be taken on a continuous basis.

PAID PARENTAL LEAVE

- Available to eligible employees to care for and bond with their child or children after birth or placement with the employee for adoption or foster care
- Amount of leave
 - Full-time employees - 160 hours per qualifying event
 - Part-time A employees - 80 hours per qualifying event
- Leave may be taken continuously, intermittently, or on reduced schedule basis.
- Runs concurrently with FMLA leave

The paid parental leave portion of this policy is available to eligible employees to care for and to bond with their child or children after birth, it's also available for the placement with the employee for adoption or for foster care. The amount of leave for this portion of the policy is slightly different than the childbirth leave. For fulltime employees it's 160 hours for a qualified event and part-time A employees, it's 80 hours for a qualified event. This leave may be taken continuously, intermittently, or on a reduced schedule. Again, this leave would run concurrently with FMLA leave.

LIMITATIONS ON PAID PARENTAL LEAVE

- May be taken for only one qualifying event in a 12-month period
- Must be used within 16 weeks
- The County Administrator may extend the time to use the leave in extenuating circumstances.
- Runs concurrently with FMLA leave

We have placed some limitations on the paid parental leave portion of this policy. This leave can only be taken for one qualifying event in a 12-month period, and it must be used within 16 weeks of that qualifying event. This portion of the policy, the County Administrator may extend the time to use the leave in extenuating circumstances. This leave also runs concurrently with FMLA.

OUR WORKFORCE TODAY

- Traditional Generation – born pre-1945 - 31 employees
- Baby Boomers – 1946 to 1964 – 410 employees
- Generation X – 1965 to 1980 – 766 employees
- Generation Y – 1981 to 1995 – 807 employees
- Generation Z – born after 1996 – 133 employees

I wanted to share some statistics with you about our workforce today. We have five generations that make up our workforce today here at the Unified Government. We have the traditional generation born pre-1945, we have 31 employees. We have baby-boomers which are 410 employees; Generation X, 766 employees; Generation Y, 807 employees, and Generation Z, 133 employees.

ADDITIONAL INFORMATION

- Approximately 2300 employees
 - Males – 1409
 - Females – 740
- Average of 50 births a year on health plan
- Estimated annual cost – \$250,000 to \$500,000

Additional information regarding the makeup of the UG workforce, we have approximately 2,300 employees, but that number does fluctuate depending on the number of separations that occur and new hires that occur. However, today we have 1,409 males in our workforce and 740 females in our workforce. We average about 50 births a year on our health plan and the estimated cost of this would be approximately \$250K-\$500K.

COMPARISON OF OTHER GOVERNMENTAL ENTITIES

City/County/State	Offers Paid Parental Leave
Johnson County	160 hours for full-time employees; no waiting period
Jackson County	12 weeks (480 hours) for birth or adoption of child
Kansas City, MO	6 weeks (240 hours) for birth or adoption child; employee must be FMLA eligible
Lawrence	12 weeks (480 hours) for birth or adoption of child or placement of a foster child
Prairie Village	8 weeks (320 hours) for birth or adoption of child
Shawnee	6 weeks (240 hours) for employee who gives birth and 3 weeks (120 hours) for other parent
State of Kansas	8 weeks (320 hours) for primary caregiver and 4 weeks (160 hours) for secondary caregiver; eligible after 180 days of employment

In preparing this policy we did some comparisons with other organizations to see what they were doing who were offering the same type of leave. We checked several governmental entities, Johnson County; and you will in this chart here it does have a variation of the types of leave that other organizations provide. Johnson County has; they provide 160 hours for fulltime employees with no waiting period. Jackson County has 12 weeks, which is 480 hours for birth or adoption of a child. Kansas City, Missouri, 6 weeks or 240 hours for the birth or adoption of a child, however, the employee must be eligible for FMLA in order to take that leave. Lawrence is 12 weeks, 480 hours for birth or adoption or placement for foster care. Prairie Village is 8 weeks for the birth or

adoption of a child. Shawnee, 6 weeks, and the State of Kansas, 8 weeks for primary caregiver and 4 weeks for the secondary caregiver, and eligible for 180 days; they're only eligible for this after 180 days of employment. In closing this policy shows our commitment to our workforce on how we value the work life balance that so many of our employees face today. I'd like to thank you for considering this as one of our policies in the Human Resources Guide.

Commissioner Ramirez said I'm very happy that we're doing this. This is something that at the federal level they've been trying three years to do for everybody. My questions are on the comparison table. Is Johnson County out of this table the only entity that differentiates between fulltime and part-time employees? It seems that the rest of these entities means that; like Jackson County, 480 hours, it looks like it means for all employees, fulltime and part-time. There's no difference. Is Johnson County the only one?

Ms. Ramirez said many of the organizations actually did have different comparisons for fulltime versus part-time. Johnson County, in particular, does have fulltime, part-time and two different types of part-times that have benefits. So, that policy would differentiate. There are different variations within those policies.

Commissioner Ramirez said these other entities do as well, or no? **Response was Inaudible.**

Commissioner Ramirez said it seems in our metro area, Johnson County is the only one that differentiates between fulltime and part-time. What's our rationale differentiating between 240 hours for part-time for paid leave and then 120 for part-time. What's our reasoning?

Ms. Ramirez said the reasoning for that is because our fulltime employees actually accrue higher benefits than a part-time A employee accrues. A fulltime employee will earn a little bit more time, like sick time or vacations time, holiday pay while a part-time A employees earn half of that number than a fulltime employee. That the difference between a fulltime employee and a part-time employee.

Commissioner Ramirez said second question is we have now different ways of looking at types of what a family looks like. We may have a same sex couple. Where would they fall in line if

they; would it be under the pay parental leave if they were to adopt a child? **Ms. Ramirez** said that is correct. **Commissioner Ramirez** said I think that is all the questions I have at the moment.

Mayor Garner said Mr. Bach, would you like to make any comments?

Mr. Bach said no, I believe staff has done an excellent job in working through this matter, they've vetted it through for several months, and come through with, I think, a good program for our organization that we are putting forth for recommendation for approval tonight.

Mayor Garner said are there are more comments or questions from the Commission?

Commissioner Stites said first off, I want to say thank you for bringing this to us. At the time that we're in right now where it's hard to get employees, and this is just another tool for us as an elected body, employee retention. Things that we can throw out to keep our employees happy, I'm fully in favor of it and I thank you very much and I wish you had it when I spent my many, many years as a UG employee.

Commissioner Davis said thank you all very much for bringing this policy forward. I think it's very progressive and forward-thinking. There is one thing that I think we should consider, we are having retention and recruiting issues, I would honestly like to see us extend this opportunity to our part-time employees just for retention and recruiting purposes. If we were to do that, could you speak to the impact of that, let's say they did not work to accrue those hours, what would be the overall impact of still allowing part-time employees to take advantage of the 240 hours?

Ms. Ramirez said if I'm understanding your question, we have two types of part-time employees. We have part-time A that actually gets Unified Government benefits and then we have part-time B that are not eligible for UG benefits. Part-time employees, those that fall within the part-time A are eligible for this, but again, they just accrue the leave at a smaller rate or half the portion of a fulltime employee because they're working less hours. Their minimum work hours are 20 hours per week and that could fluctuate from week-to-week a maximum of 39 hours. They don't

consistently have to work a 39-hour work week like a fulltime employee works 40 hours. If I understood that correctly.

Commissioner Garner said are there any other questions from the Commission?

Action: **RESOLUTION NO. R-107-21**, “Revision to the proposed policy to the Human Resources Guide on paid childbirth and parental leave.” **Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

Mayor Garner said that concludes the portion of our regular meeting and it is adjourned in that capacity. I call us back to order as the Land Bank Board of Trustees. Any member of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda?

COMMISSIONERS’ AGENDA

LAND BANK BOARD OF TRUSTEES’ CONSENT AGENDA

Item No. 1 – 211188...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager. On November 29, 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’.

A. New Construction - Single Family Homes — 5 Homes

1. Mike Payne — 1 home
3306 N. 33rd St. - 165213
2. Jonathan Wilde — 1 home
2806 S. 8th St. - 137043
3. Lorena Vega — 1 home
8545 Kansas Ave. - 932900

4. Dr. Barbara Ann Woods — 2 homes
 2712 Garfield Ave. – 195633
 1876 N. 28th St. - 195449

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

Item No. 2 – 211189...LAND BANK PROPERTY TRANSFER

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager. On November 29, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve, and forward to Full Commission.

Yard Extension
 Shawn Simmons
 2641 R N. 22nd St. - 160159

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

Mayor Garner said that concludes the Land Bank Board of Trustees agenda and we are adjourned in that capacity. I’ll call us back to order as the Board of Commissioners. I’ll entertain a motion to go into Executive Session to discuss matters related to a personnel matter.

8:22 p.m.

Commissioner Ramirez made a motion, seconded by Commissioner Markley, to go into Executive Session until 9:22 p.m. to allow the Commission to discuss employment contracts, a private personnel matter related to a specific non-elected employee, as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and that we reconvene in open session at 9:22 p.m.

here in the 5th floor conference room. Roll call was taken on the motion and there were eight “Ayes,” Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Kane; and two “no’s,” Townsend and Johnson.

Present for the Executive Session: 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; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO presiding. **Staff present:** Doug Bach, County Administrator; Misty Brown, Chief Legal Counsel, and Henry Couchman, Senior Attorney.

MAYOR GARNER ADJOURNED

THE MEETING AT 9:22 p.m.

Brett A. Deichler, PMP/CPM
Unified Government Clerk

am

December 16, 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: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: February 17, 2022

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.

af

Attachment

Weekly Business Material for February 17, 2022

1. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 15, 2022:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Hayden J Erickson	Police	2/3/22	Patrolman I
Jimmy L Orent III	Sheriff	2/17/22	Deputy

Section II -Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Anthony E Johnson Jr	Police	2/10/22	Sr Patrolman	Police Sergeant
David R Thaxton	Sheriff	2/3/22	Major	LTC Warden Commander

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Leroy L Cowhick	Police/Asset	3/8/22	Security Officer, Unarmed
Rose L Elmore	Parking Control	2/1/22	School Crossing Guard
Courtney L Keegan	Fire	1/28/22	Firefighter I
Gary R Snow	Fire	1/27/22	Firefighter/Paramedic

Section IV – Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Bret J Charboneau	NRC	1/10/22	2/9/22

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Joni S Cole	Legal	2/3/22	Attorney II
Adelina Tabora	Del Rev	1/29/22	Admin Supt Spec
Andrew J Taylor	DA's Office	2/3/22	Info Sys Analyst

Section VIII – Other Requests

Name	Department/Division	Action requested and explanation
Sandra Escarsega	Health	ACD code change efft. 2/3/22
Christina Vancleave	Health	ACD code change to [172-461-0150] efft. 2/3/22

Action: Received and filed. Copy previously forwarded to Payroll.

2. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 17, 2022:

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Kaitlyn D Carter	Police	2/10/22	Patrolman I	Police Sergeant
Richard J Harris	Police	2/10/22	Police Captain	Major
George E Sims Jr	Police	2/10/22	Police Major	Deputy Chief/Colonel
Erick T Verser	Municipal Court	2/3/22	Fiscal Supt Spec	Prof Fiscal Asst

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Alayna R Hernandez	PW/WPC	2/18/22	Lab Tech
Mikel O Lovin	Comm Corr	2/9/22	ISO

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Mackenzie L Barnes	Fire	1/28/22	Firefighter/Paramedic
Dorothy J Brown	Parking Control	3/3/22	School Crossing Guard
Johnnie L Brown	Parking Control	3/3/22	School Crossing Guard
Carl L Campbell	Parking Control	3/3/22	School Crossing Guard
Daisy M Davis	Parking Control	3/3/22	School Crossing Guard
Jerry L Davis	Parking Control	3/3/22	School Crossing Guard
Karl R Dombrowski	Parking Control	3/3/22	School Crossing Guard
Ida B Garrett	Parking Control	3/3/22	School Crossing Guard
Charles A Green	Parking Control	3/3/22	School Crossing Guard
Seth C Harris Sr	Parking Control	3/3/22	School Crossing Guard
Thomas E Harris	Parking Control	3/3/22	School Crossing Guard
Louis C Hughes	Parking Control	3/3/22	School Crossing Guard
Ida B Jefferson	Parking Control	3/3/22	School Crossing Guard
Kenyatta P Kennedy	Finance/Treasury	2/14/22	Fiscal Supt Asst
Tanner C Lynn	Fire	1/28/22	Firefighter/Paramedic
Janet D Mitchell	Parking Control	3/3/22	School Crossing Guard
Consuelo Montoya-Pacheco	Parking Control	3/3/22	School Crossing Guard
Willie L Roby	Parking Control	3/3/22	School Crossing Guard
Zeldon T Stevenson	Parking Control	3/3/22	School Crossing Guard
Thomas H Tate	Parking Control	3/3/22	School Crossing Guard
Mary A Tripp	Parking Control	3/3/22	School Crossing Guard
Kathryn M White	Parking Control	3/3/22	School Crossing Guard
Annie M Wilson	Parking Control	3/3/22	School Crossing Guard

Section VIII – Other Requests

Name	Department/Division	Action Requested and Explanation
Cory V Kraft	PW/WPC	Certification pay efft. 1/21/22
Alexander W Taylor	PW/WPC	Certification pay efft. 1/21/22

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIMS FOR DAMAGES:

Theodore Aguirre, 37 S. 9th St., alleging damage to power lines due to storm on December 15, 2021.

May Akins, 2951 N. 67th St., represented by House Packard McElderry LLC, alleging injuries to ribs, nose, and skin due to altercation on April 27, 2021.

Jeremy Pena, 6528 Cleveland Ave., seeking compensation for car being towed.

Action: Received and filed. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

Bridgette Cobbins, County Administrator's Office, travel to Phoenix, AZ, March 2 – 4, 2022, to attend Cities & Counties for Fine & Fee Bootcamp.

April Friedl, DOTS, travel to Palm Springs, CA, March 6 – 11, 2022, to attend ESRI Developer Summit, Employee Training & Travel.

Ryan Heim, David Sunderman, Brandon Rogers, & Cameron Hopper, Fire Department, travel to Columbia, MO, February 4 – 6, 2022, to attend Winter Fire School, Employee Training and Travel.

Brandelyn Nichols-Brajkovic, Municipal Court, travel to Phoenix, AZ, March 2 – 5, 2022, to attend Fines and Fees Reform Bootcamp.

Shakila Stewart, Rene Rodriguez, & Katie McCullough, Community Corrections, no travel, February 28 – March 8, 2022, to attend Crossroads Curriculum Certification, JISP Training.

Carinda Trowbridge, Fire Department, travel to St. Paul, MN, July 19 – 23, 2022, to attend Image Trend Connect, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

5. CERTIFICATES OF LIABILITY INSURANCE:

Alex Tree Service
American Homeland Security
Lopez Landscaping & Tree Services
Popusas 503 LLC
Ryan Lawn & Tree, Inc

Action: Referred to License.

6. BUSINESS BONDS:

Electrical Contractor's Bonds:

Anthony PHCE
Electrical Corporation of America, Inc
Empire Electric Services & Technologies LLC
Facility Solutions Group, Inc
Interstate Electrical Construction
Jason Wright Inc d/b/a Jason Wright Electric
P1 Construction, LLC
P1 Service, LLC

HVAC Contractor's Bonds:

Everest Heating and Cooling, LLC
K B Plumbing, Heating & Cooling, Inc

Mechanical Contractor's Bonds:

ALTA Refrigeration, Inc

MMC Contractor's National, Inc
P1 Construction, LLC
P1 Service, LLC
Rand Construction Company

Plumber's Bonds:

Anthony Ficara Quick Relief Plumbing
Everest Heating and Cooling, LLC
K. B. Complete, Inc. Plumbing, Heating, and Cooling
Kris Tressin KMZC Plumbing, Inc
MMC Contractor's National, Inc
P1 Construction, LLC
P1 Service, LLC
Rand Construction Company

Action: Referred to License.

7. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:

Advanced Services DS, LLC
Al's Electrical Maintenance
Max Electric, Inc.
Morse Electric, LLC
Rodina Company, Inc

Mechanical Contractor's Bonds:

Rodina Company, Inc
Sheet Metal Contractors, Inc

Miscellaneous Contractor's Bonds:

Heart of America Serv Co LLC
Madden Rentals LLC

Plumber's Bonds:

Advanced Services DS, LLC
All-N-One Investments LLC d/b/a All-N-Once Plumbing & Drain
Arnaldo Electric, LLC
Lutz Plumbing, Inc
Master's Touch Construction, Inc
Rodina Company, Inc
Taylor Mechanical, Inc

Sign Hanger Bond:

Tri-City Sign Company

Action: Referred to License.

8. CANCELLATION NOTICES:

Electrical Contractor's Bonds:

Crown Electrical Services, LLC
Hemingway Construction Services, LLC
HES, LLC
KC Wireman Inc
Kendrek Electrical, Inc
Santa Fe Air Conditioning & Refrigeration, Inc

Mechanical/HVAC Contractor's Bonds:

Air Care Heating & Cooling Inc
Dave Maxwell's Heating & Cooling LLC
Epic Heating & AC, LLC

Plumber Contractor's Bonds:

Axiom Plumbing LLC
David Bolek

Action: Referred to License.

9. APPLICATION FOR PRIVATE CLUB CLASS B:

Mark Robinson d/b/a April's Firelight Lounge, 2046 N. 18th St.

Action: Referred to License.

10. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Metro Public Safety and Investigations d/b/a Metro Public Safety and Investigations, 6060 N. Oak Trfwy. Suite 104, Gladstone, MO

Saffirian Security Solutions d/b/a Saffirian Security Solutions, 1109 N.W. Heatherwood Dr., Blue Springs, MO

Twin City Security, Inc. d/b/a Twin City Security, Inc., 6340 Glenwood St. Suite 109, Overland Park, KS

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 211366

Full Commission Meeting Date: 3/3/22

Committee: Public Works & Safety

Date of Standing Committee Action: 2/28/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 02/28/2022	<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> Federal funding is routinely (every two years) distributed to metro area jurisdictions through the Mid-America Regional Council (MARC). Each jurisdiction is required to participate in the application process for projects to be considered for funding opportunity through the assessment process, which includes evaluation, scoring, and ranking of projects within the region. The current process is for the funding cycle of the 2025-2026 federal fiscal year. The UG has a long waiting list of needs, most of which have been scored and ranked in the CMIP process. These scored and ranked projects will be considered for application based on the scopes of the various programs managed by MARC (not all projects will be eligible for this funding opportunity). The deadline for participation through the pre-application submittal is April 1, 2022.				
<u>Action Requested:</u> To approve.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Targeted MARC Projects				

Project Name	UG CMIP Score (Local Match)	Total Project Cost	Local Match Needed (40% of Total Cost)	Local Area Master Plan (Y/N)	Projected MARC Grant Rating (High/ Med/ Low)	Scalable (Y/N)
6th Street Improvements: Central Ave to Minnesota AND Armstrong 6th to 4th	4.87	\$ 5,000,000.00	\$ -	Y	High	Y
Leavenworth Rd. I 435 to 128th, Complete Streets Reconstruction	4.38	\$ 17,500,000.00	\$ -	Y	High	Y
Strawberry Hill Complete Streets Project	4.28	\$ 1,500,000.00	\$ 600,000	Y	High	N
55th St, Douglas Ave to Inland Drive, Complete Streets Reconstructon	4.05	\$ 7,000,000.00	\$ 2,800,000	Y	High	Y
Quindaro: Front Street to I 635, Complete Streets Reconstruction	4.01	\$ 23,000,000.00	\$ 9,200,000	Y	High	Y
Shawnee Dr/East Turner Sidewalk Improvements	3.98	\$ 1,000,000.00	\$ 400,000	Y	Medium	Y
SRTS Leavenworth Rd 119th to 123rd	3.80	\$ 850,000.00	\$ 340,000	Y	High	N



Staff Request for Commission Action

Tracking No. 211349

Full Commission Meeting Date: 3/3/22

Committee: Public Works & Safety

Date of Standing Committee Action: 2/28/22
(If none, please explain):

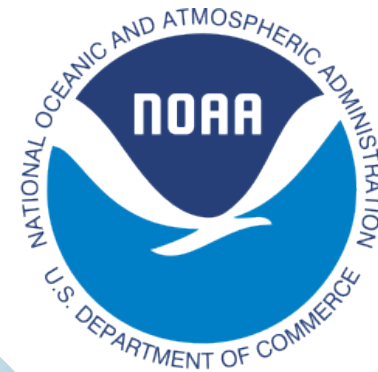
Publication Required: No

<u>Date:</u> 03/02/2022	<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> The Public Works Department is seeking approval for submittal of an application for a National Oceanic & Atmospheric Administration (NOAA) grant for environmental literacy and climate resiliency. This would support baseline greenhouse gas inventories and development of a climate action plan, updated curriculum in local schools, and training and funding for an education and outreach coordinator for the United Governments Solid Waste Division for two years. The application deadline is March 17, 2022.				
<u>Action Requested:</u> Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 2022 NOAA Environmental Literacy Grant Intro Presentation				

2022 NOAA Environmental Literacy Grant



February 28, 2022



GRANT HIGHLIGHTS

- ▶ **Title:** Harnessing the Power of Students to Build a Culture of Climate Resilience in an Underserved Community
- ▶ **Funding amount:** Up to \$500,000 (no match requirements)
- ▶ **Preapplication submitted to NOAA approved January 2022**
 - 135 preapplications received, 57 selected to move on, anticipate to fund 7-12 projects
- ▶ **Full application due March 17, 2022**
- ▶ **All recipients are eligible to reapply in 2024**
- ▶ **Partners:**
 - Wyandotte County School District (Pilot) Update
 - EcoRise
 - Burns & McDonnell
 - Climate Action KC

GRANT COMPONANTS

- ▶ Funding for UG staff person – two years
 - Grant management
 - Education and outreach utilizing Ecorise curriculum – schools, HOAs, churches, etc.
- ▶ Stakeholder Engagement
 - Advisory committee with UG staff, students, school staff, parents
 - School-wide surveys
- ▶ Sustainability Plan Development
 - Greenhouse Gas Inventory of existing facilities
 - Goal setting
 - Evaluations of options for implementation to meet goals
- ▶ EcoRise
 - Sustainability curriculum, programming, teacher training, mentorship, and student project grant opportunities
 - Pilot through environmental science program

DESIRED GRANT OUTCOMES

- ▶ Recommendations to design, construct, and operate high-performance educational facilities to reduce energy usage, water usage, pollution and waste
- ▶ Encourage and support efforts of students, teachers, and staff to implement environmental stewardship behaviors
- ▶ Prepare students for upcoming career opportunities in environmental science and climate resilience
- ▶ Empower UG staff to support and create partnerships with local schools, and community groups to enable sustainable consciousness

NOAA Environmental Literacy Program:

<https://www.noaa.gov/office-education/elp/grants/apply>

Questions?



Staff Request for Commission Action

Tracking No. 211417

Full Commission Meeting Date: 3/3/22

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 02/25/2022	<u>Contact Name:</u> Jon Khalil	<u>Contact Phone:</u> x5085	<u>Contact Email:</u> mjkhil@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the International Brotherhood of Electrical Workers (IBEW) Local 53, effective January 1, 2022 through December 31, 2023.				
<u>Action Requested:</u> To approve.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 22 02 07 IBEW 53 Resolution , 22 01 01- 23 12 31 IBEW 53 Contract				

RESOLUTION NO. _____

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

That the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the International Brotherhood of Electrical Workers Local #53 for the period from January 1, 2022 through December 31, 2023.

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

Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

**Misty S. Brown
Chief Counsel**

MEMORANDUM OF AGREEMENT

Between

THE UNIFIED GOVERNEMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Local # 53

JANUARY 1, 2022 - DECEMBER 31, 2023

WATER POLLUTION CONTROL DIVISION

IBEW, LOCAL #53

MEMORANDUM

2022-2023

TABLE OF CONTENTS

	<u>Page</u>
DEFINITIONS	
TYPES OF EMPLOYMENT	
ARTICLE 1	PREAMBLE 1
ARTICLE 2	RECOGNITION – UNION DUES 1
	2.1 Recognition..... 1
	2.2 Payroll Deduction of Dues..... 1
ARTICLE 3	NON-DISCRIMINATION 1
	3.1 Discrimination Prohibited..... 1
	3.2 Union Membership or Activity 1
ARTICLE 4	UNION COOPERATION - MANAGEMENT RIGHTS 1
	4.1 Union - UG Cooperation..... 1
	4.2 Management Rights 2
ARTICLE 5	PROBATIONARY PERIOD 2
	5.1 New Hires 2
	5.2 New Hires Required to Become Certified 2
	5.3 Promotions and Transfers 3
ARTICLE 6	SENIORITY 3
	6.1 City Seniority..... 3
	6.2 Division Seniority..... 3
	6.3 Bargaining Unit Seniority..... 3
	6.4 Seniority Lists..... 3
ARTICLE 7	PROMOTIONS AND BIDDING 4
	7.1 General..... 4
	7.2 Permanent Vacancies..... 4
	7.3 Filling Positions from Sources Other Than the Division 4
	7.4 Professional Development Committee..... 5
ARTICLE 8	LAYOFFS AND RECALL 5
	8.1 Layoff 5
	8.2 Recall Rights..... 5
ARTICLE 9	WORK PERIODS 5
	9.1 General..... 5
	9.2 Standard Work Week..... 6
	9.3 Standard Workday 6
	9.4 Rest Breaks 6
	9.5 Field Personnel - Inclement Weather..... 6
ARTICLE 10	OVERTIME..... 6

	10.1 Time and Half Pay	6
	10.2 Overtime Call-In	7
	10.3 Overtime Distribution	7
	10.4 Duty to Perform	8
	10.5 Overtime Credits	8
	10.6 Overtime Meal Periods	8
	10.7 Payment for Overtime	8
ARTICLE 11	DISCIPLINE	8
	11.1 General	8
	11.2 Immediate Termination	9
	11.3 Effectuation of Suspensions	9
	11.4 Discipline	9
	11.5 Disciplinary Action Forms	10
	11.6 Forfeiture of Benefits and Rights	10
	11.7 On-the-Job-Injury	10
	11.8 Termination	10
	11.9 Tardiness/Failure to Punch Timecard	10
ARTICLE 12	GRIEVANCE PROCEDURE	11
	12.1 Grievances	11
	12.2 Informal Grievance Procedure	11
	12.3 Grievance Procedure	11
ARTICLE 13	STRIKE AND LOCKOUTS	13
ARTICLE 14	UNION STEWARDS	14
ARTICLE 15	LEAVES OF ABSENCES	14
	15.1 Leaves of Absence	14
	15.2 General Leaves of Absence	14
	15.3 Maternity Leave	14
	15.4 Military Leave	14
	15.5 Death in Family	15
	15.6 Jury Duty	15
	15.7 Sick Leave	15
	15.8 Personal Leave	17
	15.9 Sick Leave Buy Back	17
ARTICLE 16	VACATIONS	18
	16.1 General	18
	16.2 Holidays and Scheduling	18
	16.3 Exception	18
	16.4 Pro-Rated Vacation	18
	16.5 Vacation Buy-Out	19
	16.6 Scheduling	19
ARTICLE 17	HOLIDAYS	19
	17.1 Designated Holidays	19
	17.2 Holiday - Regular Day Off	19
ARTICLE 18	MEDICAL PLAN	19
ARTICLE 19	RETIREMENT AND PENSION PLAN	21
ARTICLE 20	WORKER'S COMPENSATION	21

ARTICLE 21	UNIFORMS.....	21
	21.1 Uniforms Issued.....	21
	21.2 Preference of Short or Long-Sleeved Shirts.....	21
	21.3 Turning in Uniforms and Cleaning	21
	21.4 Wearing of Uniforms	21
ARTICLE 22	UNION/MANAGEMENT SAFETY COMMITTEE	22
	22.1 Committee Created	22
	22.2 Committee Composition, Meeting, Etc.....	22
	22.3 Safety Rules and Regulations	22
ARTICLE 23	COMPENSATION	22
	23.1 Rates of Pay	22
	23.2 Longevity/Incentive Pay	22
	23.3 Shift Differential.....	23
	23.4 Gain Sharing Incentives.....	23
	23.5 Underpayment of Regular Pay.....	23
ARTICLE 24	ENTIRE MEMORANDUM OF AGREEMENT.....	23
ARTICLE 25	SAVINGS CLAUSE.....	24
ARTICLE 26	WORKING RULES	24
	26.1 Payday.....	24
	26.2 Personal Vehicle	24
	26.3 UG Equipment - Traffic Violations	24
	26.4 Drinking Water	24
	26.5 Safety Equipment.....	25
	26.6 Job Descriptions.....	25
	26.7 Temporary Assignments	25
	26.8 Step-Up Pay	25
	26.9 Drivers License.....	25
	26.10 Training and Educational Opportunities	26
ARTICLE 27	ALCOHOL AND DRUG-FREE WORKPLACE & TESTING	26
	27.1 General.....	26
ARTICLE 28	SMOKE-FREE WORKPLACE.....	26
	28.1 General.....	26
ARTICLE 29	EFFECT OF THE TRAIN BLOCKING ENTRANCE AND EXIT OF THE KAW POINT FACILITIES	26
ARTICLE 30	DURATION	27
PAY GRID		
LETTER OF UNDERSTANDING - Effect of the Train Blocking Entrance.....		1

MEMORANDUM OF AGREEMENT

ARTICLE 1 - PREAMBLE

• 1.1 PREAMBLE

This Memorandum of Agreement is entered by and between the Unified Government of Wyandotte County/Kansas City, Kansas hereinafter referred to as "UG" and Local No. 53, International Brotherhood of Electrical Workers, hereinafter referred to as the "Union". It is the purpose of this Memorandum to achieve and maintain harmonious relations between UG and the Union; to provide for equitable and peaceful adjustment of differences that may arise, and to establish proper standards of wages, hours and other conditions of employment.

ARTICLE 2 - RECOGNITION - UNION DUES

• 2.1 RECOGNITION

UG recognizes the Union as the exclusive bargaining representative for all employees of the UG Water Pollution Control Division of the Public Services Department as set forth in Kansas Public Employee-Employer Relations Board in Unit Determination Case No. 75 UDC 11986 dated May 8, 1986.

• 2.2 PAYROLL DEDUCTION OF DUES

UG agrees to deduct, once each month, dues in an amount certified by the Union and authorized in writing by the employee who individually requests in writing (Dues Deduction Authorization Form), that such deductions be made. Employees may revoke the authorization at the end of any year by giving thirty (30) days written notice to UG and the Union of such termination. The total amount of deductions shall be remitted each month by UG to the Treasurer of the Union.

• 2.3 CONFERENCE WITH NEW BARGAINING UNIT MEMBERS

If a new employee within his or her first thirty (30) days of employment expresses interest to his or her supervisor in meeting with a union steward or his or her designee, then upon supervisory approval, the new employee and the union steward shall be allowed thirty (30) minutes without loss of pay to allow for such meeting.

• 2.4 Union Membership Negotiations Team Pay

The Union may designate up to five (5) employees as members of the union MOA negotiating committee who shall be paid by the UG for their actual attendance and participation in successor MOA negotiation sessions with the management negotiating team if the negotiation session is scheduled during regular work hours and the session is at a UG facility or a location mutually agreeable to the parties.

ARTICLE 3 - NON-DISCRIMINATION

• 3.1 DISCRIMINATION PROHIBITED

Neither UG nor the Union shall discriminate against any employee covered by this Memorandum in a manner which would violate any applicable laws because of race, creed, color, national origin, age, sex, religion or disability.

• 3.2 UNION MEMBERSHIP OR ACTIVITY

Neither UG nor the Union shall interfere with the right of employees covered by this Agreement to become or not become members of the Union, and there shall be no discrimination against any such employees because of lawful Union membership or non-membership.

ARTICLE 4 - UNION COOPERATION - MANAGEMENT RIGHTS

• 4.1 UNION –UG COOPERATION

The Union and UG have entered this Memorandum for the purpose of facilitating the peaceful adjustments of differences that may arise from time to time and to promote harmony and efficiency and to the end that the employees and the UG and the general public may mutually benefit. Consistent with this general purpose, the Union and UG recognize that an obligation rests upon each employee to render honest, efficient and courteous service to UG and its citizens. The Union and UG agree to cooperate in efforts to strengthen the good will between the Division and the general public.

The Union and UG recognize the need for improved methods in providing services to the citizens of Wyandotte County and agree to cooperate in the installation of such methods, in suggesting improved methods in the education of its members and employees and the necessity for such changes and improvements.

• 4.2 MANAGEMENT RIGHTS

It is the intention of the parties hereto that UG retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations thereon.

The exclusive rights of UG shall include, but are not limited to, its right to determine the qualifications of its employees; to establish or continue policies, practices and procedures for the conduct of the Division and to change or abolish such policies, practices or procedures; for the conduct of the Division and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities; to discontinue processes or operations or to discontinue their performance by employees; to select, determine and schedule the number and type of employees required, to assign work to such employees in accordance with the requirements determined by the Division; to establish and change work schedules; to determine the facts of lack of work; to direct the work of its employees; to hire, promote, demote, transfer, assign and retain employees in positions within the public agency; to discipline, suspend or discharge employees for just cause; to maintain the efficiency of the governmental operations; to lay off employees; to take actions as may be necessary to carry out the mission of the Division in emergencies; to determine the methods, means and personnel by which operations are to be carried on; to unilaterally develop Standard Operating Procedures, Rules of Discipline and Rules and Regulations not in conflict with this Memorandum, to establish and maintain reasonable standards for wearing apparel and personal grooming; and all other prerogatives and responsibilities normally inherent in management of the UG or Division which are not in conflict with the specific provisions of this Memorandum.

All management rights, power, authority and functions other than those relinquished by the UG in this Memorandum shall remain vested exclusively in UG.

ARTICLE 5 - PROBATIONARY PERIOD

There are two classifications of probationary periods for employees. The first is applicable to new hires to the Division and the other is employees who have been promoted to or transferred to higher paid classification within the Division.

• 5.1 NEW HIRES

New Employees shall be considered Probationary Employees for the first six (6) months of their employment unless extended by mutual written agreement of the parties. Any interruption of employment (leave, sickness, etc.) during the probationary period in excess of five (5) working days, except time lost because of duty related injury, shall not be counted as part of the probationary period. Probationary Employees may be discharged or disciplined at the sole discretion of the Division, without recourse to the provisions of this Memorandum. Probationary Employees shall not accrue seniority until the completion of their probationary period. Upon the completion of the probationary period, the employee's seniority date will be measured from their date of hire as provided in Article 6. New hire Probationary Employees shall receive uniforms as provided in Article 21 within a reasonable amount of time following their date of employment.

- **5.2 NEW HIRES REQUIRED TO BECOME CERTIFIED.**

New Employees hired after September 1, 2019, shall be required to become certified (Class I at a minimum) by KDHE and/or KWEA in either wastewater or collections within three (3) years after their date of hire. If an employee fails to become so certified by KDHE and/or KWEA, then their employment status shall be returned back to the status of a Probationary Employee under Section 5.1 with the same rights as a Probationary Employee for a period of six (6) months. The position of Custodian/Messenger will be exempt from this certification requirement.

- **5.3 PROMOTIONS AND TRANSFERS**

An employee who receives a promotion or transfer to a higher classification shall serve a probationary period of ninety (90) calendar days in such higher classification, unless extended by mutual written agreement between the Division and the Union, before such appointment becomes permanent. An employee who does not perform his new duties satisfactorily may be returned to his former position at any time within the ninety (90) calendar day period at the discretion of the Director. If an employee is dissatisfied with his new position he may request to return and shall be allowed to return to his last previous position within the Division within thirty (30) calendar days of his promotion.

ARTICLE 6 - SENIORITY

- **6.1 CITY SENIORITY**

UG seniority shall be measured by continuous service as an employee of the City, County and/or UG. This service shall be measured from the date of last hire. Seniority shall be broken by discharge for just cause, resignation, retirement, layoff in excess of eighteen (18) months, permanent disability, or if the employee is called back to work from layoff and does not report for work within fourteen (14) calendar days. In case of disputes concerning seniority, UG's records shall govern this measurement. In event seniority is the same, the senior employee shall be determined alphabetically by the last name of the employee. Temporary or part-time employees shall not accumulate nor exercise any seniority rights. UG seniority will be utilized in scheduling vacations.

- **6.2 DIVISION SENIORITY**

Division seniority shall be measured by continuous service as an employee of the City and UG with the Water Pollution Control Division. This service shall be measured from the date of last hire in the Division. Seniority shall be broken as provided in Sec. 6.1 and additionally if any employee transfers from the Division to another UG department, Division, Section or Unit, then his Division seniority shall be broken. In case of disputes concerning Division seniority, the employer's records shall govern this measurement. In the event Division seniority is the same, the senior employee shall be determined alphabetically by the last name of the employee. Temporary or part-time employees shall not accumulate nor exercise any Division seniority rights. Division seniority will be utilized in promotions and bidding as provided in Article 7 for the bargaining unit positions of Building Custodian/Messenger, General Maintenance Worker, Lab Sample Collector, and any other entry level position in existence or which is created.

- **6.3 BARGAINING UNIT SENIORITY**

Bargaining unit seniority shall be measured by the total continuous service as an employee of the City, County and/or UG with the Water Pollution Control Division in a position(s) represented by the Union within this bargaining unit beginning with the date of recognition of the Union as the exclusive collective bargaining representative of members of the unit by UG (May 8, 1986). This seniority shall be broken as provided in Sec. 6.1 and 6.2 and additionally if an employee is promoted to or transfers to a position not represented by the Union in this bargaining unit. In the event that bargaining unit seniority is the same, then the senior employee shall be determined by the employee's Division seniority. Temporary or part-time employees shall not accumulate nor exercise any

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bargaining unit seniority rights. Bargaining unit seniority shall be used solely for promotions and bidding for all bargaining unit positions not covered in Section 6.2 and for all recall as provided in Article 8.

- **6.4 SENIORITY LISTS**

UG, Division and bargaining unit seniority lists shall be furnished to the Union and posted on employee bulletin boards two (2) times per year.

ARTICLE 7 - PROMOTIONS AND BIDDING

- **7.1 GENERAL**

- A. It is understood and agreed that it is the responsibility of the employer to determine the size of the work force, to declare job opportunities available and to determine the relative qualifications of bidding employees, which are relevant to the vacant position.
- B. In order to qualify for a permanent promotion, an employee must be able to immediately perform the job and must be properly tested or certified where required by State or Federal Law for the posted job description.

- **7.2 PERMANENT VACANCIES**

- A. Posting Vacancies: When any permanent job vacancy exists in a bargaining unit position within the Division, UG shall determine within forty-five (45) days from the declaration of the vacancy by the Director, whether such position shall be filled. If it is determined that the position is to be filled it shall be posted within forty-five (45) working days from the determination to fill it or within a reasonable time thereafter. However, the employer expressly has the right at any later time to determine that such position should be permanently filled and may then post the same for bid.
- B. Posting Procedures: If the employer determines that a position is to be permanently filled, the following procedure shall govern:
 - 1. Such job vacancies shall be posted for five (5) working days along with the information relating to the qualifications and wages, shift, location and days off of the position.
 - 2. Employees desiring to apply for a job vacancy may do so by being qualified and by completing and signing a job bid form within the posting period. The failure of an employee to provide all information requested on the job bid form shall result in the rejection of that employee's bid.
 - 3. If the relative qualifications of the employee candidates for the vacant job are equal, then seniority shall control in selection of the employee to fill the job vacancy, as long as such selection does not contravene any affirmative legal responsibility placed upon UG.
- C. An employee may not bid successfully to a classification with an equal or lower wage scale more than one (1) time in a six (6) month period. This shall in no way limit the number of times an employee may bid for classifications with higher wage scales, except as provided in Section 7.2D.
- D. Should an employee refuse a position awarded to him upon which he has bid, then he shall not be eligible to bid again for six (6) months. Anyone wishing to withdraw his bid must do so prior to the conclusion of the interview. If an employee requests and receives a return to his previous job, he shall not be eligible to bid again for six (6) months. If an employee of the Division is absent from work during any entire – five (5) workday job posting period, he will be considered an applicant for the posted position, provided that he is physically able to immediately perform the duties of the job. The absent employee must be present for the interview for the position, or he shall be disqualified from further consideration.

- **7.3 FILLING POSITIONS FROM SOURCES OTHER THAN THE DIVISION**

Nothing herein shall prohibit UG from advertising for applicants for permanent full-time bargaining unit positions within the Division, which positions have been posted and remain unfilled due to lack of bidders or lack of qualified bidders.

- **7.4 PROFESSIONAL DEVELOPMENT COMMITTEE.**

A committee consisting of equal members of management and the union will be formed to develop career and professional development including, but not limited to, education, certification, testing and training and to make recommendations to the parties relating to these areas.

ARTICLE 8 - LAYOFFS AND RECALL

- **8.1 LAYOFF**

- A. Layoffs or job displacement due to reduction in force shall be made from job classifications according to Bargaining Unit seniority.
- B. Any employee laid off or displaced from his job, due to reduction in force, shall be permitted to displace a junior employee in any position for which he has Bargaining Unit Seniority and qualifications. An employee shall have not to exceed ten (10) workdays to demonstrate his qualifications and ability to properly perform the duties of the job at the determination of the immediate supervisor.
- C. The UG reserves the right to enter into any contracts or subcontracts it deems necessary or advisable for the operation, maintenance, repair or extension of the water pollution control system. The UG agrees, however, that it will not contract any work which is customarily done by a bargaining unit member(s) if as a result thereof such contract it would be necessary to lay off bargaining unit member(s) without first meeting and conferring with the Union relating to such lay off(s).

- **8.2 RECALL RIGHTS**

- A. The order of recall shall be governed by the employee's Bargaining Unit Seniority and his qualifications within the classification in which the vacancy exists.
- B. Notification of recall shall be given by UG, by certified mail to the recalled employee at his last address furnished to UG. A copy of the notice shall be sent to the Union.
- C. Within four (4) days after such notice is postmarked, the employee must advise the Personnel Department whether he accepts such reinstatement. Any recalled employee who fails to notify the Personnel Department within four (4) days, as outlined above, shall forfeit all seniority rights and opportunities for future recall. The next qualified employee on the appropriate Bargaining Unit seniority list may be notified of the opening and the above procedure shall be repeated until the vacancy is filled. If no qualified employee remains on the appropriate Bargaining Unit seniority list to fill the vacancy, then the vacancy may be filled by new hires. An employee recalled shall report to work within ten (10) working days after indicating his willingness to accept reinstatement. If the employee fails to report within such time, he shall forfeit all seniority rights and all future recall rights.

ARTICLE 9 - WORK PERIODS

- **9.1 GENERAL**

- A. There may be six (6) basic fixed work shifts, (Day – 1st shift, Afternoon – 2nd shift, Night – 3rd shift, Swing A – Swing B -Relief) within the Division. The hours of these shifts shall be established and may be

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modified by UG. The UG shall provide thirty (30) days' notice to the union prior to changing the shift times.

- B. When reasonable, employees shall be given at least four (4) working days' notice when they are temporarily assigned to a different fixed shift. If such notice is not given, the reassigned employee shall receive one and one-half (1 ½) times his regular pay for the first day worked on the new fixed shift. For purposes of this section, "temporarily" shall mean forty-five (45) days or less. Provided that the parties have entered into an agreement dated December 20, 1993, which contains certain exceptions to the notice requirements wherein the parties agree to be bound by the memorandum attached or agreed alterations thereof.
- C. Except in cases of an emergency as declared by the Director, employees shall not be required to work in excess of sixteen (16) consecutive hours. If an employee works in excess of sixteen (16) hours, then they shall be given a minimum of eight (8) hours off before returning to duty.

- **9.2 STANDARD WORK WEEK**

- A. The standard work week shall be forty (40) hours, except during shift or job change periods and shall consist of five (5) calendar days of work with two (2) consecutive days off except where alternative work schedules exist, or operational needs require otherwise. The work week shall commence at 12:00 a.m. Thursday through 11:59 p.m. on the following Wednesday.
- B. UG and the Union may agree to alter the standard work week in extenuating circumstances as declared by the Director. The standard work week may be altered and modified on a temporary basis, but not to exceed forty-five (45) calendar working days. Permanent alterations (more than forty-five (45) calendar working days) of the standard work week shall be discussed between UG and the Union prior to implementation. If the modifications cannot be agreed upon, then the matter shall be advanced to arbitration forthwith.

- **9.3 STANDARD WORKDAY**

- A. The standard workday for all employees, except where alternative schedules have been assigned, shall be eight (8) consecutive hours except for a one-half (1/2) hour unpaid intermission for lunch. Employees shall be allowed a thirty (30) minute unpaid meal period per workday worked. Employees assigned to Swing A & B working a 12-hour operations shift at Kaw Point are permitted to take a thirty (30) minute paid lunch.
- B. To the extent allowed by the work assignment, employees will be provided up to fifteen (15) minutes at the end of the shift to clean up.

- **9.4 REST BREAKS**

Employees will be allowed not to exceed two (2) fifteen (15) minute rest breaks per normal working day. Rest breaks shall be limited to the job site. Designation of rest break times shall be within the discretion of the supervisor.

- **9.5 REST PERIOD**

If an employee has worked in excess of 16 hours in the 24-hour period immediately preceding their shift, they shall be entitled to an eight (8) hour rest period in a paid status.

- **9.6 FIELD PERSONNEL - INCLEMENT WEATHER**

Employees who are unable to perform the regularly assigned field duties due to inclement weather shall be assigned and shall work other duties as designated by their supervisors. When a heat or cold alert is issued by the National Weather Service, UG shall take the necessary action as recommend by the National Weather Service to protect exposed employees from the risk of heat stroke or frostbite. Crews will not be dispatched to perform normal

or non-emergency flusher work when the temperature results in the freezing of water in or around the equipment being used.

ARTICLE 10 - OVERTIME

• 10.1 TIME AND HALF PAY

All authorized overtime worked outside an employee's regularly scheduled work hours shall be paid at one and one-half (1 ½) times the employee's straight time rate. Employees who are classified as excessive users of sick leave and who have no accrued sick leave on the books at the time of commencement of the overtime work shall receive overtime pay only after working more than forty (40) hours in that work week..

Compensatory time may be paid in lieu of overtime at the accrual rate of one and one half compensatory hours for each hour of overtime worked if the employee is their discretion, so elects. Employees are permitted to accrue up to a maximum of twenty-four (24) hours of compensatory time. Use of compensatory time is subject to staffing needs as determined by management.

• 10.2 OVERTIME CALL-IN

- A. Vacation period, holidays or regularly scheduled days off: When an employee is called in to work during a vacation period (Article 16), a holiday (Article 17) or one of the employee's regularly scheduled days off, then he shall receive a minimum of four (4) hours pay at one and one-half times (1 ½) his regular straight time rate from the time he arrives at his work.
- B. Regularly scheduled workday: When an employee is called in to work, either before or after his regularly scheduled hours of his regularly scheduled workday, then he shall receive a minimum of two (2) hours pay at one and one-half times (1 ½) his regular straight time rate from the time he arrives at his work.

• 10.3 OVERTIME DISTRIBUTION

A. General:

1. All employees within the appropriate classification, by location, shall be listed on overtime lists. Employees shall be offered overtime work from the list for the classification and at the location where the overtime exists. These lists shall be posted monthly. The latest overtime list shall govern the employees to be called. Employees who are on vacation are ineligible for overtime from the end of their shift on the last day worked until the beginning of their shift on the day they return to work. Prior to going on vacation, an employee may voluntarily notify his/her supervisor, in writing, that he/she is willing to accept call-ins for overtime while on vacation, however such employees shall not be called for overtime unless the appropriate overtime list has been exhausted. Except, in cases of emergencies as declared by the Director, employees shall not be forced to work overtime more than twice in a given work week.
2. Overtime credit shall be calculated on straight time hours.
3. In the event a crew or person is working on a job, and it is necessary to work overtime to complete the job, the same crew or person, if available, will be used regardless of the overtime status of the employees involved. This provision shall apply even if the overtime necessary to complete the job is not continuous. Provided, when a television crew has been working on a street overlay project during the regular work week, Monday through Friday and it is necessary that this work continue on the weekend, the Sewer Maintenance Worker II employee working on that project during the week must continue on the job on the weekend, but the General Maintenance Worker and Sewer Maintenance Worker I positions shall be filled from the overtime distribution list.

4. It is within the sole discretion of UG to determine when employees working overtime should be released from work or replaced by other employees.
5. Employees being placed on an overtime list for the first time, or after changing jobs or classifications will be placed at the bottom of the appropriate overtime list. Employees returning from extended absences, other than vacations, of thirty (30) days or more will be placed at the bottom of the appropriate overtime list.
6. Overtime List Rotation – The overtime list will be re-ordered after every overtime event. The employee who works the overtime event is moved to the bottom of the overtime list. If no employee on the overtime list voluntarily accepts an overtime event, then the employee at the top of the overtime list shall be forced to work. The overtime list shall be reset on January 1st of each year by seniority.
7. For overtime work which requires special qualifications outside regular working hours, the appropriate and qualified employees on the overtime list will be given first preference.
8. When the appropriate employee on the overtime list is not called through the fault of the UG, the missed employee shall be compensated at the appropriate overtime rate for the number of hours worked by the employee(s) who were erroneously called.

B. Operations Unscheduled Overtime

When an unscheduled overtime situation occurs, UG shall request employees in the job classification (e.g., Operator I, Lead Operator, etc.) where the overtime arises, who is working the preceding shift to hold over for four (4) hours and request the employee scheduled on the succeeding shift in that classification to report four (4) hours early. Within the Treatment section, the Department shall be required to exhaust the appropriate operators overtime list, provided that the on-duty operator must remain on duty until his replacement reports for work.

• 10.4 DUTY TO PERFORM

Employees are required to work reasonable amounts of overtime when requested by the employer. In cases of emergency, as determined by the Director, employees are required to work overtime as requested and are subject to discipline for any refusal to so work. Employees may request of the Director or his designee to be excused from this work under extenuating circumstances and such request may be granted at the Director's or his designee's discretion.

• 10.5 OVERTIME CREDITS

Employees shall receive overtime credits in one-quarter (1/4) hour increments. Any time an employee is assigned and works at least eight (8) minutes of a worked quarter-hour (1/4) of overtime, he shall be credited with one-fourth (1/4) hour at the appropriate overtime rate.

• 10.6 OVERTIME MEAL PERIODS

When an employee is required to work four (4) hours or more of overtime immediately before or immediately after regularly scheduled working hours, he shall be allowed a meal period of thirty (30) minutes every four (4) hours that such employee is required to continuously work overtime. Provided that, operators will not be allowed a thirty (30) minute meal period, but the employer will make provisions for the operator to obtain a meal, if he so desires, at the operator's expense.

• 10.7 PAYMENT FOR OVERTIME

Pay for all worked overtime will be paid during the pay period in which the overtime was worked. In the event an employee fails to receive overtime payment during that pay period and if that overtime pay exceeds one hundred fifty dollars (\$150.00), the employee shall be issued a separate check for that overtime payment within

three (3) working days of the pay period and notification of the error. If the amount is less than one hundred fifty dollars (\$150.00), then the sum shall be paid in the employee's next regular paycheck.

ARTICLE 11 - DISCIPLINE

• 11.1 GENERAL

The Union recognizes that the Director has the responsibility for maintaining discipline and the efficient and orderly operation of the Division. Accordingly, the authority to discipline employees is vested exclusively in the Director. However, the Director may from time-to-time delegate this authority to subordinate supervisors. Employees, excluding probationary employees, shall only be disciplined or discharged for just cause. Discipline or discharge for just cause shall include, but shall not be limited to, discipline or discharge for violation of Rules and Regulations.

• 11.2 IMMEDIATE TERMINATION

The following reasons, by themselves, shall be considered justification for immediate termination of employees covered by the Memorandum of Agreement:

- a) Reporting for duty while under the influence of alcohol, cereal malt beverages, drugs of other controlled substance not specifically prescribed by a licensed, registered physician.
- b) Any use of or possession on an employee's person, or being under the influence of any intoxicating beverage, cereal malt beverage or controlled substance while on UG time.
- c) Being in taverns, private clubs or liquor stores during any and all working hours, including lunch break.
- d) Any theft or conversion of public property.
- e) Assault and/or battery upon a supervisor or another employee.

In the event that a discipline grievance involving conduct identified in this Section 11.2 proceeds to arbitration, the arbitrator's sole authority and jurisdiction shall be to determine whether the employer has met its burden of proof in establishing that the employee engaged in the identified conduct. The arbitrator shall have no authority or jurisdiction to adjust the amount of discipline given.

• 11.3 EFFECTUATION OF SUSPENSIONS

Except as provided herein, suspensions shall not be effectuated until after the second step grievance hearing has been held or within ten (10) workdays from the date of the filing of the grievance, whichever occurs first.

• 11.4 DISCIPLINE

Upon violation of one or more of the reasons referenced below, the employee shall receive a first warning, which may be oral or written. Upon a second (2) violation of the same nature the employee shall receive a written warning which is to be signed by the employee and placed in his personnel file. A third (3) violation of the same nature shall be followed by a written warning and a one (1) day suspension, without pay. In addition, the employee shall be required to appear before the division head or his designee for counseling and discussion of the violations and their consequences. A fourth (4) violation of the same nature shall be followed by a written warning and a five (5) days suspension, without pay. In addition, the employee shall be required to appear before the division head or his designee for counseling and discussion of the violations and their consequences. A fifth (5) violation of the same nature within any consecutive twelve (12) month period, shall result in the termination of the employee.

If the Director feels that an offense is flagrant and/or damaging to UG or the Division, the Director shall have the right to impose the appropriate discipline regardless of the number of offenses.

Violations pertinent to Section 11.4 shall include but not be limited to:

- (a) Insubordination.
- (b) Failure to obey safety rules and regulations.
- (c) Misconduct during and working hours, including lunch break.
- (d) Appearance and cleanliness.
- (e) Sleeping on the job.
- (f) Failure to report unsafe equipment to the foreman or superintendent.
- (g) Using equipment unsafely or working carelessly.
- (h) Chronic absenteeism, tardiness and/or abuse of sick leave.
- (i) Absence from an assigned work site without permission.
- (j) Unauthorized use of any UG vehicle or equipment.
- (k) Unauthorized use of uniforms.
- (l) Violation of Department Rules and Regulations.

• **11.5 DISCIPLINARY ACTION FORMS**

Disciplinary action forms shall be issued within twenty-four (24) calendar days of the date of the infraction or the date that the Director knew or should reasonably have known of such infraction, whichever date is later. The Director or his or her designee shall provide the business representative of the Union a copy of such forms within five (5) business days of the date that the form is issued to the employee. Service to the business representative by hand delivery, regular mail or e-mail shall be deemed sufficient.

• **11.6 FORFEITURE OF BENEFITS AND RIGHTS**

Employees who are terminated for just cause shall forfeit all employment benefits and rights except accumulated vacation days, compensatory days, retirement benefits in accordance with applicable law and any accrued wages.

• **11.7 ON THE JOB INJURY**

Employees are required to report to their supervisor any on-the-job injury within 24 working hours from the occurrence of the injury.

• **11.8 TERMINATION**

Upon termination of employment with UG, all safety equipment, hard hats, uniforms, vests, gloves protective eye wear or other equipment provided the employee by UG shall be returned. Failure to do so shall result in the employee's final paycheck(s) being withheld until all missing items are returned or replaced by the employee as permitted by K.S.A. 44-319(b)(3), provided that such withholding does not reduce the employee's compensation paid, less the withholding, to below the minimum wage under either State or Federal law.

• **11.9 TARDINESS/FAILURE TO PUNCH TIMECARD**

A. Employees reporting late for work or failing to punch their timecard will be disciplined according to the following schedule:

- Less than 5 minutes late - No penalty, except as provided in paragraph (B) herein.
- 5 to 29 minutes late - Penalty of ½ hour's pay.
- 30 to 59 minutes late - Penalty of 1 hour's pay.
- Over 60 minutes late - Dock for time missed, until he can report to the job site.

(1) When employees are notified that they are subject to discipline for failure to punch-out on their timecard at the conclusion of their work shift they may discuss such notification with their immediate supervisor and if that supervisor agrees, in writing, that the employee worked the time in dispute, the discipline shall not be imposed.

B. Employees who are tardy or fail to punch their timecard three (3) times over the course of a rolling year shall be given a written warning upon their third tardiness or failure to punch timecard and upon being tardy or failing to punch their timecard on any additional occasions within that same rolling year shall be subject to the following discipline:

Fourth offense: 1 day suspension without pay.

Fifth offense: 3-day suspension without pay.

Sixth offense: Termination.

ARTICLE 12 - GRIEVANCE PROCEDURE

• 12.1 GRIEVANCES

The term "grievance" as used in this Memorandum shall mean any dispute, disagreement, or difference between one or more employees and UG as to the meaning of any terms and provisions of this Memorandum and as to the manner in which these provisions are applied. Any impasse in any negotiations for any Memorandum of Understanding shall not constitute a grievance. Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of the Public Employee Relations Board, the employee involved may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The employee's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy.

• 12.2 INFORMAL GRIEVANCE PROCEDURE

The establishment of this procedure for the formal handling of grievances shall not prohibit or discourage discussion between an employee and his immediate supervisor on any matter arising out of the employee's relationship with the employer and shall not prohibit or discourage the friendly solution of such matters without recourse to the formal grievance procedure.

• 12.3 GRIEVANCE PROCEDURE

Grievances by an employee or a group of employees shall be handled in the following manner:

1. Time Limits: Management and Union representatives agree to make every effort to meet and settle grievances within the prescribed time limits. Any failure to comply with the time limits specified herein shall result in the grievance being disposed of in favor of the party not in default, i.e., if the employee and/or Union fail to meet the grievance procedure time limits, the employee's grievance is dropped in the UG's favor and if the UG fails to meet the grievance procedure time limits the grievance shall be found in the employee's favor. Provided, the parties may extend any and/or all the time limits prescribed herein by mutual agreement.
2. Stewards: It is agreed that stewards will be given reasonable time for grievance investigation with reasonable advance notice and approval of supervision.
3. Filing: This grievance procedure must be started by the filing of a written grievance within twenty-four (24) days from the time the grievance occurred or became known, or reasonably should have been known, otherwise it need not be considered. If a grievance is not settled at any step as herein outlined, the decision may be appealed to the next higher step in the grievance procedure.
4. Appeals: All appeals must be in writing on a regular grievance form. All written answers to grievances shall be given to the Union Steward. All appeals by employees shall be delivered to the Director with a copy to the Director of Personnel.

5. Responses: Answers and appeals may be delivered by hand, fax, e-mail, or by mail, and if delivered by mail, shall be considered delivered on the date of the postmark, if mailed to the proper party at his regular office address. If a grievance cannot be answered within a specified time in any step because of circumstances beyond the UG's control, a time extension may be granted by mutual agreement.
6. The steps in the grievance procedure are as follows:

Step 1:

All employees' grievances, except those relating to discipline or discharge, first shall be stated in writing and delivered to the appropriate supervisor as designated by the Director within twenty-four (24) days from the time the grievance occurred or became known or reasonably should have been known. The grievance shall set forth the place, date, time and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

Grievances shall be discussed as soon as possible following their filing at a meeting at which the employer will be represented by the appropriate supervisor as designated by the Director and the employee or employees will be represented by a steward of the Union. A written answer must be given within ten (10) working days of the meeting at Step 1.

Step 2:

If a mutually satisfactory settlement of the grievance is not reached in the first step, an appeal may be taken to the second step. In such appeal the grievance shall be stated in writing and shall be delivered to the Director and Personnel Director and/or his designee within ten (10) working days after the conclusion of the first step. The appeal shall set forth the place, date, time and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

Grievances appealed to the second step shall be discussed within ten (10) working days of the appeal (or issuance of the disciplinary letter). At such meeting the employer will be represented by the Director and/or his designee and the employee or employees will be represented by a representative of the Union and the appropriate Steward. All employee grievances relating to discipline, except discharge, of an employee will originate at the second step.

The employer will answer the grievance in writing after the second step meeting within ten (10) working days.

Step 3:

If a mutually satisfactory settlement of the grievance is not reached in the second step, an appeal may be taken to the third step. In such appeal the grievance shall be stated in writing and shall be served upon the County Administrator or his designee within ten (10) working days after the conclusion of the second step. The appeal shall set forth the place, date, time and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted.

Grievances appealed to the third step shall be discussed within fifteen (15) working days of the appeal (or issuance of the disciplinary action). At such meeting the employer will be represented by the Director, or his designee and the employee or employees will be represented by a representative of the Union and the appropriate Steward. All employee grievances relating to discharge will originate at the third step.

The employer will answer the grievance in writing within fifteen (15) working days following the Step 3 discussion.

Step 4 - Arbitration:

If the grievant is dissatisfied with the Administrator's decision he may request that the matter be arbitrated. Such request must be made as follows:

- (a) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within ten (10) working days of the Administrator's decision. The notice shall set forth the place, date, time and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted. If notice of intent to arbitrate is not delivered within ten (10) working days of the Administrator's decision, the issue shall be deemed abandoned.
- (b) Within ten (10) calendar days after the above notice is delivered, the parties will submit a request to obtain a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service, and the parties will alternately and independently strike unacceptable arbitrators from a list with the last remaining arbitrator being selected.
- (c) Employees shall not be paid for time spent in attending arbitration proceedings other than as a witness on behalf of the UG.
- (d) The Jurisdiction and authority of the Arbitrator shall be governed by the following:
 1. The Arbitrator shall have the authority to determine the procedural rules of arbitration and shall have the authority to make such binding orders as are necessary to enable him to act effectively. He shall observe the rules of evidence and his decision shall be final and binding on both parties, except as provided in Step 5.
 2. The Arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.
 3. In the resolution of disputes between the parties to this Memorandum, the Arbitrator shall give no weight or consideration to any matter except the specific language of this Memorandum and is specifically prohibited from considering or basing his award on any alleged past practices of the UG or Division or the Union, prior to the effective date of this agreement.
 4. The Arbitrator shall have no authority to substitute his judgment for that of the management of the UG, Division or Administrator, nor shall he have authority to usurp, subtract from, modify or exercise any management right of UG or the division, except that he shall have discretion to reduce or raise discipline imposed.
 5. The cost of the Arbitrator shall be divided equally between the union and the employer.
 6. The Arbitrator shall tape record the proceedings and make a copy of the tape available to both the UG and the Union.

Step 5-District Court

If either party is dissatisfied with the decision of the Arbitrator, then the aggrieved party may appeal the Arbitrator's decision to the District Court of Wyandotte County within thirty (30) calendar days of the date of the Arbitrator's decision. The Court shall only determine whether the Arbitrator's decision was arbitrary, capricious and/or unreasonable.

ARTICLE 13 - STRIKE AND LOCKOUTS

The Union, on behalf of its membership, recognizes that the protection of life, health and property is of paramount importance to itself and the UG. Therefore, during the life of this Memorandum, the Union will not condone, nor encourage, nor instigate any work slow-down, stoppage or strike, or any action that is detrimental to the operation of the Division. The UG agrees that it shall take no action that could be defined as a lockout.

Any violation of this Article may be the subject of disciplinary action, including discharge.

The Union shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein or prohibited by law, take all reasonable affirmative action to terminate such conduct.

ARTICLE 14 - UNION STEWARDS

The Union shall select not to exceed seven (7) stewards and seven (7) alternates. The Union shall notify the Division in writing, during the first quarter of each year, of the names of said stewards and shall notify them any time a change occurs in such positions. There may not be more than one (1) steward and one alternate per physical location within the Division. The stewards may be permitted, upon request to the Director, reasonable time to investigate, process and present grievances on behalf of members of the bargaining unit, provided that enough personnel remain on duty to provide the Division's required services. Time spent in handling grievances outside of the steward's normal work hours shall not be considered time spent in the employ of the UG. Stewards shall not absent themselves from their work assignments without permission of their supervisor.

The stewards have no authority to encourage, incite or condone work action against the UG or any other action interfering with the Division's operation. In the event of such action by the stewards, they shall be subject to immediate discipline.

ARTICLE 15 - LEAVES OF ABSENCE

• 15.1 LEAVES OF ABSENCE

Leaves of absence shall be without pay unless specifically stated that they are to be with pay.

• 15.2 GENERAL LEAVES OF ABSENCE

Any general leave of absence that may be granted is the decision of the Administrator. The maximum general leave of absence shall be thirty (30) calendar days. Any employee desiring a general leave of absence shall submit a written request to the Director setting forth the reasons for the request at least seven (7) calendar days prior to the commencement of the requested leave, except in cases of emergency. An employee on general leave of absence shall not be entitled to receipt of any benefits under this Memorandum or under law.

• 15.3 MATERNITY LEAVE

A leave of absence shall be granted for maternity upon an eligible employee making written request for such. Such written request must be presented to the employee's immediate supervisor accompanied by a statement of the employee's physician which sets forth a date such leave is to begin and a projection as to its termination, as soon as those dates can be determined by the employee or her physician. Return to work shall be as soon as reasonable after delivery as permitted by a signed release by the employee's physician.

Said leave shall be charged against the employee's accumulated sick leave.

• 15.4 MILITARY LEAVE

- A. Any employee who voluntarily or involuntarily enters active duty in any Branch of the Military Service, including all guard and Reserve units of the Armed Forces of the United States, may be placed on military leave of absence without pay. Any employee who is a member of the National Guard or any other component of the Military Reserve may be granted a leave of absence without pay to meet his military obligation in accordance with federal law. Military obligation means required summer camps and meetings, and may or may not, in accordance with federal law, include camps and training sessions attended voluntarily. In either case, such employee shall comply with existing federal law and regulation and shall comply with UG procedure in requesting such leave and upon his separation from the service he shall be entitled to such benefits accruing to him under existing federal laws and regulations. An employee on military leave shall report for duty with the Division within ninety (90) days of his separation from service on his initial tour of duty or he will be considered as having voluntarily resigned. Neither sick leave nor vacation time shall accrue during military leave.
- B. Employees required to attend annual two-week training sessions will be paid the difference between the straight time rate of their regular appointment and the military pay received if less than their regular straight time earning for a maximum of two (2) weeks in anyone (1) fiscal year.

- **15.5 DEATH IN FAMILY**

- a) General: Each employee shall have, in the event of a death in his/her immediate family, three (3) consecutive working days off with pay, commencing with the day of death, the day after the death or the day before the funeral. The employee may be granted one (1) additional day off with pay, chargeable to sick leave, for verified travel of each 500 miles he/she must travel by ground transportation, but not to exceed three (3) such additional days. If travel is by air, such additional days shall be limited to one (1). The term "immediate family" shall include the employee's spouse, children, grandchildren, parents, stepparents, grandparents, brother, sister, parents of the spouse, grandparents of current spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchildren or a relative living in the employee's home. The employee shall provide some proof of death.
- b) Substitution for Vacation: In the event that a death in the immediate family occurs while the employee is on a scheduled vacation of five (5) consecutive days or more, such paid leave shall be substituted with death in family leave but not to exceed the limits set out above. The canceled vacation days will be rescheduled in accordance with the needs of the Division. If the canceled vacation days are not used during that calendar year, then those days may carry over into the next year, subject to provisions under 16.6.

- **15.6 JURY DUTY**

If an employee is absent from work because of jury service, he shall be paid his regular rate of pay less jury pay.

- **15.7 SICK LEAVE**

- a. Entitlement

- 1) All permanent employees shall be allowed leave with pay on account of sickness or non-duty related injury at the rate of one and one-fourth (1 ¼) calendar day 10 (ten equivalent hours) for each calendar month of full service by such employees.
- 2) Sick leaves shall not accumulate during general leaves of absence, extended military leave, suspension or layoff.
- 3) Employees must actually work or be credited with working at least twelve (12) days per month in order to accumulate the sick leave entitlement.

- b. Limitation of Accumulation

There shall be no limit on the number of sick days that the employee may accrue.

c. Termination and Retirement

All accumulated sick leave is abolished when the employee is separated from employment. However, if at retirement (or upon death while employed), the employee has sick leave on the books, he/she will receive a bonus: three (3) months' pay is given as a reward to the employee who has at least ninety (90) working days of sick leave on the books; the reward for less than ninety (90) working days of sick leave is given by exchanging one (1) working day for one (1) calendar day, and prorating at one-thirtieth (1/30) monthly compensation for each calendar day.

d. Use Provisions

The payment to an employee of paid sick leave shall be subject to the following rules:

1. Sick leave may only be used for the purpose for which it was intended, that being to provide an employee with protection against a loss of pay due to a bona fide illness or injury. Sick leave may be utilized for maternity leave, or physical or mental illness.
2. If the UG has reasonable grounds to believe sick leave is being abused, it may at its discretion require any employee requesting paid sick leave to furnish substantiating evidence or a statement from their attending physician or licensed nurse practitioner certifying that absence from work was required due to a bona fide illness or non-duty related injury. If the employee does not furnish substantiating evidence or a physician's or licensed nurse practitioner's statement, the employee may be subject to discipline.
3. Employees who use sick leave for an absence which lasts more for more than two (2) workdays must provide a doctor, or licensed nurse practitioner's excuse upon their return to work or the employee may be subject to discipline.
4. The granting of sick leave shall be at the determination of the Director or his designee.
5. The employee shall not be entitled to receive paid sick leave unless he shall notify his immediate supervisor of his illness before such paid sick leave is due to begin, unless the delay of such notification can be shown to be unavoidable.
 6. The UG shall have the right, at its discretion, to verify the report of the attending physician concerning the illness or disability of an employee, and to require the employee to be examined, at the UG's expense, by a physician selected by the UG to determine the nature and extent of the illness or disability.
 7. If an employee within any twelve (12) consecutive month period uses five (5) or more sick leaves immediately before or immediately after his regular days off vacation days or holidays, she shall be classified as an "excessive user of sick leave." The employee shall be notified in writing when he is placed in this category. When an employee is so classified, he shall be subject to the following rules concerning the use of sick leave:
 - a. After an employee has been notified in writing that he has been classified as an excessive user of sick leave, on the next sick leave he shall furnish a statement from a physician to the Director or his designee. The statement shall contain the physician's report as to the cause for the employee's absence, the probable length of time of the necessary sick leave and the physician's statement that the employee was unable to work the day(s) he was absent.
 - b. If the employee does not furnish a physician's statement as provided, he shall be subject to the following discipline:

1. 1st Offense- Five (5) workdays suspension without pay.
2. 2nd Offense- Ten (10) workdays without pay.
3. 3rd Offense- Termination.

7. Restrictive Sick leave

- a. When an employee uses sick leave on nine (9) or more occasions in any 12-month period, he shall be notified by the Director or his designee that he is placed on restrictive sick leave for the next twelve (12) months period. When an employee uses sick leave on nine (9) or more occasions during this second twelve (12) month period he may be subject to termination.
 - b. Sick leave use for prearranged physicians, dentists, or oral surgeons' appointments, when the employee is absent from work for four (4) hours or less, shall not be considered a use of sick leave for purposes of this paragraph or the preceding paragraph, provided that the employee provides satisfactory verification that he has actually attended said appointment.
8. Dual Employment Prohibition: Employees on sick leave are prohibited from being gainfully employed by any employer other than the UG.
 9. Holiday Pay: Holiday pay will be applied in lieu of sick leave credit for an employee absent on a holiday because of illness, provided the employee has sick leave credits available.
 10. Return to Work Release: After any extended illness an employee shall be required to provide a release from a hospital or physician that the employee is able to return to duty.

e. Sick Leave Donation

1. Bargaining unit members may donate up to 40 hours per calendar year of sick leave to other eligible bargaining unit members who have a catastrophic or life-threatening illness and have exhausted all paid leave time. The donating employee must have at least 100 hours of sick leave accrual remaining after the donation. The donating employee may specifically designate to whom the donated hours may be given.
2. Donated sick leave will not be converted into any other compensation and will not be paid out upon separation.
3. Employees on workers' compensation leave or receiving disability payments from a UG sponsored disability policy are not eligible for donated sick leave. Employees disciplined for violation of the sick leave policy set forth in this contract during the previous twelve (12) months are not eligible to receive donated sick leave. Employee must have successfully completed their probationary period in order to be eligible to receive donated sick leave.
4. Donations and requests for donations should be made on forms and turned into Human Resources. Human Resources staff will administer the program and determine eligibility based upon criteria stated in this policy. Human Resources staff will consult with employee's department head regarding the request and grant the number of hours needed each payroll to those eligible employees so long as sufficient hours have been donated by bargaining unit members.

• **15.8 PERSONAL LEAVE**

Employees may, with immediate Supervisor's and the Director's written permission, take a personal leave with pay. This personal leave shall not exceed three (3) days and will be charged to the individual employee's accumulated sick leave. No employee shall be entitled to more than three (3) days (or twenty-four equivalent hours) of personal leave in a calendar year. Employees must make written application to their supervisor to use personal leave at least 24 hours in advance of the usage except in emergency situations when such prior notice is not possible. Personal leave that is taken on a call in or unscheduled basis must be used in eight (8) hour increments. Supervisors may, on an emergency basis, grant personal

leave to bargaining unit employees. However, no employee may be granted emergency personal leave more than once per calendar year. Personal Leave may be used in not less than one (1) hour increments.

- **15.9 SICK LEAVE BUY BACK**

Beginning November 1, 2008 and each November thereafter, regular employees who have a minimum of two hundred and forty (240) hours of accrued and unused sick leave may, on an annual basis, elect to convert sick time to payment on a one-to-one conversion rate, at the employee's regular base rate of pay, based on the employee's utilization of sick leave since December 1 of the prior year.

The maximum conversion rates are listed below:

Maximum Number of Sick Days	Maximum Number of Hours	
Sick Leave Hours Used	for Conversion	to convert
0-7.9	5	40
8.0-15.9	4	32
16.0-23.9	3	24
24.0-31.9	2	16
32.0-39.9	1	8
40 or more	Not Eligible	0

ARTICLE 16 - VACATIONS

- **16.1 GENERAL**

Employees hired after January 1, 2019, shall accrue vacation monthly after completing six (6) months of service with the accrual rate being prorated in months 7-12 of the employee's first year of employment at the rate of 11 working days per year.

All employees shall accrue vacation monthly based off of years of service and Tier I and Tier II accrual schedule.

	Tier I	Tier II (New employees after 1/1/22)
Complete Years	Vacation	Vacation
1 through 4	88	80
5 through 8	136	128
9 through 13	160	152
14 through 19	200	192
19 +	240	216

- **16.2 HOLIDAYS AND SCHEDULING**

When an employee is on vacation and one of the holidays recognized by this Memorandum falls during that period, the employee shall receive one (1) additional day (eight equivalent hours) off with pay. The vacation period and schedule of vacations of each qualified employee shall be set by seniority within job classifications and duty assignments and desire and preference of the employee, consistent with the efficient operation of the Division. Seniority may only be exercised by the individual employee on his first choice for a vacation period.

- **16.3 EXCEPTION**

Employees shall not accrue vacation time while on leave of absence, lay-off, suspension or while absent due to an injury or illness unless they are on approved sick leave. In the event an employee is absent from work on an authorized leave of absence, or on lay-off status or due to a non-work-related illness or injury for which he is not on approved sick leave, his vacation pay shall be reduced pro rata to the portion of the year he earned and was eligible for vacation privileges.

- **16.4 PRO-RATED VACATION**

For the purpose of computing vacation pay, an employee shall earn one-twelfth (1/12) of his vacation credit for each month of service during the twelve-month period preceding January 1 of each year. Each month in which an employee works twelve (12) days (96 equivalent hours) shall be considered a month of service.

- **16.5 VACATION BUY-OUT**

Employees shall be entitled to be paid in cash at the time of retirement from the UG for accrued unused vacation pay standing to his credit at the time of his retirement. In the case of death in service of any employee, such payment shall be paid to the person or persons designated as that employee's beneficiary or beneficiaries under the Kansas Public Employees Retirement System.

- **16.6 SCHEDULING**

Employees shall be required to take their vacation at a minimum of four (4) hours at a time. Employees must make written application to their supervisor to use vacation days at least twenty-four hours in advance of the usage. Unified Government may grant or deny the request depending upon the manpower and the needs of the Department. Employees may be entitled to use up to three (3) emergency vacation days with at least one (1) hour notice before the beginning of the assigned shift, schedule permitting, when the request is approved by the Director or his designee. Emergency vacation days must be taken at a minimum of one (1) full day at a time. Starting January 1, 2023 Employees may carry over up to one (1) time their current annual accrual. Any carried over vacation must be used in the succeeding year.

ARTICLE 17 - HOLIDAYS

- **17.1 DESIGNATED HOLIDAYS**

Employees shall receive one (1) day (eight equivalent hours) off with pay in compensation for the following holidays as designated by the UG:

New Year's Day
Martin Luther King Day
President's Day
Good Friday
Juneteenth
Memorial Day
Independence Day
Veterans Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

And all other holidays declared to be official UG holidays by the UG Commission.

- **17.2 HOLIDAY - REGULAR DAY OFF**

When a holiday, as set forth in Section 17.1, occurs on an employee's regular day off, that employee shall receive an additional day's pay (eight equivalent hours) at his regular rate.

ARTICLE 18 - MEDICAL PLAN

During the term of this Memorandum, UG agrees to offer the employees of the Department the same medical, dental or other similar welfare benefit plans which are made available to UG's employees generally. For these purposes, "medical plan" includes medical, dental and vision coverage.

A. Employee Premium.

Each covered employee shall make monthly medical plan premium payments for either single or family coverage elected according to the following schedule, provided that beginning in 2019 the below amounts shall be annually adjusted at the same percentage increase or decrease as would be applicable to any adjustment to the dependent coverage premium for Family coverage during any plan year:

Annual Base Pay	Monthly Premium Contribution
\$30,000 or less	\$10.00 per month
\$30,001 - \$60,000	\$20.00 per month
\$60,001 or more	\$30.00 per month

For purposes of the foregoing schedule, "Base Pay" is calculated solely upon an employee's then applicable hourly rate of pay or monthly salary as projected over the course of a year assuming full time employment. "Base Pay" shall not include any overtime, out of class, longevity or interpreter's pay. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium that is also adjusted annually on an equal percentage as for employee premiums for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

B. Family Premium.

Employees electing to obtain dependent coverage under a Family coverage election under the medical plan(s) will pay 25% of the premium cost of the dependent portion of Family coverage in addition to any applicable employee premium cost discussed in subsection A above, and the Unified Government shall pay the remaining contribution cost for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

C. Election of More Expensive Plans.

Should UG offer a more expensive medical plan and an employee(s) should select to be covered by the same, then the employee shall be responsible to pay any and all additional premiums, if any and his portion of the premium therefore shall be deducted from the employee's payroll.

D. Unusual Increase in Annual UG Premium Costs.

The cost of the premium paid by the UG for individual and dependent coverage for these employees shall not increase more than fourteen percent (14%) from year to the next. If the cost of the medical plan, dental or other similar welfare benefit plan is projected, based on a review of actual plan experience and historical utilization data as well as applicable industry survey and medical trend documentation, to increase by more than fourteen percent (14%) from the preceding budget year, then insurance plans, insurance carriers or other claims administrators, contribution formula and/or benefits must be changed under the medical, dental or other similar welfare benefit plan in order to decrease the overall projected cost increase to fourteen percent or less. The UG Employee Health Benefit

Committee (EHBC) shall meet and confer in an attempt to make recommendations to the UG Administrator for modifying the policy(ies), carrier(s), administrator(s), plan design(s), benefits, contribution formula or other variables to reduce the projected cost increase to fourteen percent (14%) or less for the next budget year. The Union shall have one voting member on the EHBC. The EHBC shall be at least an equal number of voting members from representatives of bargaining units of the UG as members from unrepresented groups, administrative staff and retirees. If the EHBC recommendation is deadlocked, then the UG Administrator shall make the determination and the Union (Local 53) has the right to submit the matter to expedited arbitration. When the EHBC determines what its recommendations are to be to the UG Administrator, the UG Administrator shall then determine whether he or she agrees with those recommendations or not. If the UG Administrator agrees, the recommendation modifications shall be immediately adopted. If the UG Administrator disagrees with the EHBC recommendations, the UG Administrator shall notify the EHBC of such determination. If the UG Administrator and the EHBC cannot immediately resolve their differences, the matter shall be submitted to expedited arbitration. The arbitrator only has jurisdiction to determine if the UG Administrator's or the EHBC's recommendations are correct in determination of the method of modifications of carrier(s), plan(s), benefits, etc. in order to keep the UG's projected cost for the medical, dental or other similar welfare benefit plans for each year from exceeding the preceding year(s) by fourteen percent (14%). The factors used to determine costs for any one year of this Memorandum shall be as follows:

1. Plan experience during year. (On a claims paid, not claims made basis)
2. Administrative expenses to administer the plan during the year.
3. Sufficient funds to create and/or preserve a "premium stabilization" reserve fund of at least five percent (5%) of the previous year's total premium costs amount.

ARTICLE 19 - RETIREMENT AND PENSION FUND

All employees shall come under the Kansas Public Employees Retirement System as set forth by the UG in effective Charter Ordinance and as set forth in applicable Kansas State statutes.

ARTICLE 20 - WORKERS' COMPENSATION

An employee who sustains injuries arising out of and in the course of his employment shall be covered by the provisions of the Worker's Compensation Act of the State of Kansas. If the employee is temporarily totally disabled as defined by the Worker's Compensation Act because of such injuries, he shall receive the difference between his regular base pay and the Worker's Compensation benefits he received for the time period that his total disability continues but not to exceed the first twelve (12) weeks of any such injury. Compensation following the first twelve (12) weeks of any employee's injury shall be governed solely by the Kansas Worker's Compensation Act. No employee will receive more income as a result of receiving the benefits of this section than he would have received had he been working and receiving his base pay during this time period. Employees on temporary total disability are prohibited from being gainfully employed by an employer other than the UG or from being self-employed.

ARTICLE 21 - UNIFORMS

• 21.1 UNIFORMS ISSUED

All regular employees who have completed their probationary periods shall have previously been provided or will be provided uniforms at the employer's expense as set forth below:

- (2) jackets (lined)
- (12) shirts
- (12) pants
- Rain gear – 1 set – jacket and pants or bibs

• 21.2 PREFERENCE OF SHORT OR LONG-SLEEVED SHIRTS

Employees may state their preference as to short or long sleeves, provided that the requested shirt (short or long sleeve in the employee's size) is immediately available, such request shall be honored.

- **21.3 TURNING IN UNIFORMS AND CLEANING**

Employees are required to turn in uniforms following use and the UG shall have the same cleaned. When employment is terminated for any reason, the employee is required to return the issued items and the UG may withhold a reasonable amount of the employee's funds to compensate the UG for uniforms or equipment not so returned as provided in Section 11.8 herein.

- **21.4 WEARING OF UNIFORMS**

Employees are required to be in full uniform at all times while on duty. Employees reporting for duty, either fully or partially out of uniform, shall be off the clock until they report in full uniform. Employees are not allowed to wear the issued items listed herein or use UG issued equipment at any time except when they are actively engaged in performing duties of their employment with the UG. Employees who violate this provision are subject to discipline.

ARTICLE 22 - UNION/MANAGEMENT SAFETY COMMITTEE

- **22.1 COMMITTEE CREATED**

It is the express policy of the UG and the Union to cooperate in an effort to continue to improve health and safety matters. The parties agree that it is in the best interest of the UG, the Union, employees and citizens of Wyandotte County and Kansas City, Kansas that equipment should be operated properly and safely and that all reasonable safety precautions and devices should be utilized. In the furtherance of this policy, a joint Union-Management safety committee is established.

- **22.2 COMMITTEE COMPOSITION, MEETING, ETC.**

The Joint Union/Management Safety Committee, hereinafter called "Safety Committee," shall meet regularly, as necessary, and shall be comprised of equal numbers of management and bargaining unit member representatives. Management shall appoint management representatives and the Union shall appoint the Union's representatives. Other employees of the U.G. or outside consultants may from time to time be invited to and/or consulted by the committee. This safety committee shall consider health and safety matters relating to all bargaining unit employees in the Water Pollution Control Division. The Safety Committee shall have the responsibility of reporting to the Director health and safety problems and the Director may, at his sole discretion, initiate such action as necessary to see that these items are corrected.

- **22.3 SAFETY RULES AND REGULATIONS**

Safety rules and regulations may be recommended by the Safety Committee to the Director or his designee, and the Director shall have the right to adopt, reject or revise said rules and regulations. There shall not be any rules or regulations promulgated until said rules and regulations are adopted by the Director. Employees who violate safety rules shall be subject to discipline.

ARTICLE 23 - COMPENSATION

- **23.1 RATES OF PAY**

The rate of pay for employees within the bargaining unit shall be as set forth in Appendix I attached hereto. Negotiated pay scale - January 1, 2022; 3% - January 1, 2023.

- **23.2 LONGEVITY/INCENTIVE PAY**

Effective December 31, 2019, monthly longevity pay is eliminated. Longevity pay will be paid as a supplement to the employee's hourly rate of pay to those employees who have the following tenure as of December

31, 2019. Employees who have not achieved the below noted years of service as of December 31, 2019, shall not thereafter accrue years of service or tenure for purposes of accruing additional supplemental pay.

Longevity Supplemental Pay

<u>Continuous Completed Years Of Service as of 12/31/19</u>	<u>Supplemental Hourly Pay</u>
5	\$0.11538
10	\$0.17308
15	\$0.63462
20	\$0.80769
25	\$0.92308
30	\$1.00962

Classification Supplemental Pay.

Employees who have achieved the below noted State certification levels will be entitled to the following certification pay. The Position of Custodian/Messenger will be exempt from certification requirement and thus is ineligible for such certification pay.

<u>Classification or Certification</u>	<u>Monthly Compensation</u>	<u>Supplemental Hourly Pay</u>
I	\$175	\$1.00962
II	\$200	\$1.15385
III	\$250	\$1.44231
IV	\$300	\$1.73077

The foregoing Supplemental Hourly Longevity and Classification Pay rates shall be applied to the employee's base rate of pay following adjustment for cost of living as provided for within Section 23.1. Longevity and Classification pay shall not be adjusted through cost-of-living adjustments to an employee's base rate of pay.

Employees who qualify shall receive the higher of certification or longevity pay but shall not receive both.

• 23.3 SHIFT DIFFERENTIAL

A. Fixed Evening and Midnight Shift

Shift workers working on the evening and midnight shifts and employees who successfully bid upon or who are assigned to an evening or midnight shift shall receive shift differential pay on a per hour basis for those hours actually worked in the following amounts:

- evenings (2nd shift) and KAW PT Swing B - eighty cents (\$0.80)
- nights (3rd shift) and KAW PT Swing A - one dollar (\$1.00).

Employees who work weekend shifts (Saturday and Sunday, Swing A & B in Operations) shall receive shift differential pay for the entire shift.

B. Overtime - Shift Differential

Shift differential pay is applicable to overtime work performed by shift workers after the conclusion of or prior to commencement of their regular shift which work occurs during the evening or midnight shift but is not to be compounded.

• 23.4 GAIN SHARING INCENTIVES

The UG and Union have established a labor/management committee which has discussed and provided recommendations to the Director concerning cost savings initiatives within the Water Pollution Control Division. The County Administrator or his designee's must approve the incentive program and any amendments thereto. All

employees, including supervisors, of the Division during the duration of this Agreement shall share Fifty percent (50%) of the identified and realized savings.

- **23.5 UNDERPAYMENT OF REGULAR PAY**

If an employee's regular pay is short in an amount that exceeds one hundred fifty dollars (\$150.00), the employee shall be issued a separate check or direct deposit for that regular pay within three (3) working days of the pay period and notification of the error. If the amount is less than one hundred fifty dollars (\$150.00), then the sum shall be paid in the employee's next regular payroll.

ARTICLE 24 - ENTIRE MEMORANDUM OF AGREEMENT

This Memorandum of Agreement supersedes all previous agreements between the UG and members of the bargaining unit and constitutes the entire Memorandum between the parties, except as to those areas of employment not covered herein which are subject to UG ordinances or resolutions existing at the date of this Memorandum. Agreements between the parties following the effective date of this Memorandum are not prohibited by this Article.

Any conflict which may exist between existing or future UG ordinances or resolutions and provisions of this Memorandum of Agreement shall be determined in favor of this Memorandum of Agreement. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto.

The parties further acknowledge that during the negotiations which resulted in this Memorandum each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring and that the understandings and agreements arrived at by the parties are the exercise of that right and opportunity are set forth in this Memorandum.

Therefore, the UG and the Union for the life of this Memorandum agree that the other shall not be obligated to negotiate collectively, but may if mutually agreeable, with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 25 - SAVINGS CLAUSE

Should any term or provision of this Memorandum be in conflict with any State or Federal Statute or other applicable law or regulation binding upon the UG, except Kansas City, Kansas ordinances, Wyandotte County resolutions or UG ordinances or resolutions such law or regulation shall prevail. In such event, however, the remaining terms and provisions of this Memorandum will continue in full force and effect.

If any article or section of this Memorandum shall be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section shall be restrained by such tribunal, the remainder of this Memorandum shall not be affected thereby, and the parties shall enter into immediate collective negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or section.

ARTICLE 26 - WORKING RULES

- **26.1 PAYDAY**

Employees paid on a biweekly basis shall be paid on Friday by direct deposit which shall be sent out by the U.G. by noon. When paydays fall on holidays (Article 17), payment shall be made the preceding workday.

- **26.2 PERSONAL VEHICLE**

Employees are not required to use their personal vehicles in connection with their employment except to attend training or educational courses. Employees who do use their personal vehicles in the regular course of their

employment may do so only after receiving permission of their immediate supervisor to do so. Employees who are required to use their personal vehicles shall be paid at the appropriate rate per mile.

- **26.3 UG EQUIPMENT - TRAFFIC VIOLATIONS**

The Division shall be responsible for any fine, court cost or attorney's fees resulting from a traffic violation while the employee was acting within the scope of his employment and operating UG owned equipment, only if such violation was a result of faulty UG equipment or a defect the UG knew of, and the employee should not have remedied the fault before operating same.

- **26.4 DRINKING WATER**

The Division shall furnish clean, fresh drinking water and ice daily for field crews at work starting time or just as soon as possible thereafter, on all jobs during the summer months or when necessary.

- **26.5 SAFETY EQUIPMENT**

The Employer shall furnish each crew and/or employee with the necessary health and safety equipment to perform the work in a safe manner in accordance with the safety rules and regulations.

- **26.6 JOB DESCRIPTIONS**

Employees shall not be required to perform work not contained within their job descriptions except in an emergency or when there is no available work within their job description, or when inclement weather prohibits performance of their work.

The UG shall notify the Union when it substantially modifies any bargaining unit job description and/or when it creates new job classifications. The Union may give their comments concerning the proposed changes or newly created positions to the employer which comments shall be considered. Wage rates for the substantially changed or newly created classifications shall be negotiated. If the parties cannot agree on such wage rate, the issue shall be submitted to an arbitrator pursuant to Article 12.

- **26.7 TEMPORARY ASSIGNMENTS**

An employee temporarily assigned (forty-five [45] days or less) to a different classification, piece of equipment or shift, must first be qualified to perform the job and then shall be selected in accordance with his Bargaining Unit seniority. Therefore, the senior qualified employee shall be offered the assignment first. If no qualified employee accepts the assignment, the least senior qualified employee will be assigned the position. Any temporary assignment in excess of 45 days, when the position has been approved as a permanent position, shall be filled according to 7.2.

- **26.8 STEP - UP PAY**

An employee who is temporarily assigned to a Bargaining Unit job, except for training purposes and such job is paid at a higher rate than the employee's regular job and the employee works at such job for two (2) hours or more, that employee will be paid at the higher rate above his regular rate of pay, for the time actually so worked. The employee with the most Bargaining Unit seniority on the crew and/or at the location shall receive the step-up assignment. Any existing bargaining unit position which is filled on a step-up basis, except for illness, vacation, or other approved leave of absence or injury, for sixty (60) workdays or more in a given year, unless extended by mutual written agreement, shall be posted for bid. Preferences for step-up work may be given to employees within one of the below lines of progression:

<u>Lower Classification</u>	<u>Higher Classification</u>	<u>Higher Classification</u>
Sewer Maintenance Worker I	Sewer Maintenance Worker II	Sewer Maintenance Worker III
Construction Worker I	Construction Worker II	Construction Worker III
Plant Operator I	Plant Operator II	Plant Operator III
Utility Maintenance Mechanic I	Utility Maintenance Mechanic II	Utility Maintenance Mechanic III
Instrumentation Helper/ Electrical Helper	Maintenance Electrician and/or Instrument Technician	

• **26.9 DRIVERS LICENSE**

The Division shall reimburse any employee, upon written request, who is required by his position with the Division to obtain and possess a commercial driver's license which license exceeds a normal Kansas driver's license, the difference in the license fee paid to the State of Kansas between the normal license fee and the fee for the required license. Verification of such payment by the employee shall be provided to the Division.

• **26.10 TRAINING AND EDUCATIONAL OPPORTUNITES**

A. Training and Certification Testing.

An employee's attendance at wastewater treatment and collections training ("Training") shall be subject to supervisory approval. Training courses offered on the job site or within a sixty (60) mile radius of the U.G. shall be at the U.G.'s cost. Employees attending such Training shall be in a paid status while attending courses. Payment for any Training and compensation for attendance at Training outside of sixty (60) miles is subject to supervisory approval. Travel time to off-site training courses is non-compensable. Mileage reimbursement shall be provided to an approved off-site Training course provided that a U.G. vehicle is not available for travel to the Training course site. Employees shall be reimbursed for the costs of certification testing provided that they pass the examination.

B. College or Vocational Tuition Reimbursement.

Each college or vocational training, excluding vocational training referenced in Sub-paragraph A. above, course taken must be job-related to be eligible for reimbursement. Such course work must be approved as job-related prior to enrollment by the submission of a written description of the course to the Director. Employees will not be relieved from duty to attend these courses. Reimbursement for tuition shall be made when the employee satisfactorily completes a course and presents an official certificate or its equivalent and a receipt of payment or copy of the unpaid bill from the institution confirming completion of the approved course to the Director. Reimbursement will include books for classes taken. No reimbursement shall be made for paper, supplies, transportation, meals, or any other expense except for the cost of the course. The maximum limit for which an employee may be reimbursed during a calendar year is two thousand Twenty five hundred dollars (\$2,500.00). If the employee separates from service with the UG or Division prior to the completion of the course, the employee is not eligible for tuition reimbursement. Employees who receive tuition reimbursement are required to remain in the UG's employment for eighteen (18) months.

ARTICLE 27 - ALCOHOL AND DRUG FREE WORKPLACE TESTING

• **27.1 GENERAL**

All employees shall be subject to the provisions of the Drug-Free Workplace Act of 1988, as amended, and subject to the UG of Wyandotte County/Kansas City, Kansas Statement and Policy on Substance Abuse and Drug and Alcohol Testing. Any changes to this policy will not be implemented during the term of this agreement without the mutual consent of the parties, unless such changes are required by law.

ARTICLE 28 - SMOKE-FREE WORKPLACE

• 28.1 GENERAL

The Union and UG agree to be governed by UG's policies and procedures concerning the Smoke-Free Workplace.

ARTICLE 29 – EFFECT OF THE TRAIN BLOCKING ENTRANCE AND EXIT OF THE KAW POINT FACILITIES.

It is understood by the above parties that the following provisions shall apply in circumstances in which a train blocks the employee's entrance or exit from the Kaw Point facilities:

- 1) If a train prevents employees from entering the facilities at the start of their shift, no discipline under Article 11, Section 11.9 Tardiness/failure to punch timecard will be issued to such employees
- 2) If a train blocks an employee's entrance to the facilities at the end of his shift for fifteen (15) minutes or less, such employee will not be eligible for overtime compensation.
- 3) If a train blocks an employee's entrance to the facilities at the end of his shift for more than fifteen (15) minutes, such employee will be eligible for overtime compensation for the total time delayed.
- 4) All time clocks will be set to the accurate Central Standard Time.

ARTICLE 30 - DURATION

This Agreement shall become effective on January 1, 2022, and shall terminate at the close of business on December 31, 2023. This Agreement, and any written amendments made and annexed hereto, shall continue in full force and effect until midnight, December 31, 2023, and unless written notice is given at least ninety (90) days prior to the expiration of the agreement by either party requesting a change or termination of the same, then shall automatically continue in effect from year to year until such notice is given at least ninety (90) days prior to the expiration of any year thereafter.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals below.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

Cheryl Harrison-Lee
Interim County Administrator

Renee Ramirez
Director of Human Resources

ATTEST:

Unified Government Clerk

Approved as to form:


Misty Brown, Chief Counsel

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL #53

 2/25/22
Eric Williams
Business Manager

 2/25/22
Allen Dixon
Business Representative



Staff Request for Commission Action

Tracking No. 211365

Full Commission Meeting Date: 3/3/22

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 02/28/2022	<u>Contact Name:</u> J. Renee Ramirez	<u>Contact Phone:</u> x5665	<u>Contact Email:</u> rramirez@wycokck.org	<u>Department/Division:</u> Human Resources
<u>Item Description:</u> A resolution authorizing the County Administrator to execute a contract with Teamsters Local No. 955 on behalf of the Unified Government upon ratification of the contract by Teamsters Local No. 955 for the period of January 1, 2022 through December 31, 2024, submitted by J. Renee Ramirez, Director of Human Resources.				
<u>Action Requested:</u> To approve.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 2022 Authorizing Resolution Teamsters MOU, MOU for signature 22 02 28				

RESOLUTION NO. _____

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

That the County Administrator of the Unified Government of Wyandotte
County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of
the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified
Government Clerk is hereby authorized and directed to attest the signature of said County
Administrator and to attach the seal of the Unified Government thereto as the voluntary
act of the Unified Government to the following:

- (1) Memorandum of Understanding between the Unified Government of Wyandotte
County/Kansas City, Kansas, and the Teamsters Local No. 955 for the period
January 1, 2022 through December 31, 2024.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2022.**

Tyrone Garner
Mayor/CEO

ATTEST:

Unified Government Clerk

MEMORANDUM OF UNDERSTANDING

BETWEEN

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/

KANSAS CITY, KANSAS

THE WYANDOTTE COUNTY SHERIFF'S DEPARTMENT

AND

TEAMSTERS LOCAL NO. 955

January 1, 2022 - December 31, 2024

TABLE OF CONTENTS

	Page
DEFINITIONS	iii
ARTICLE 1 Recognition	1
ARTICLE 2 Payroll Deduction of Union Dues	1
ARTICLE 3 Union Stewards	2
ARTICLE 4 Union Cooperation – Management Rights	2
ARTICLE 5 Probationary Employees	3
ARTICLE 6 Seniority	3
ARTICLE 7 Work Periods	4
ARTICLE 8 Overtime	5
ARTICLE 9 Discipline	6
ARTICLE 10 Grievance Procedure	7
ARTICLE 11 Strikes	10
ARTICLE 12 Vacations – Holidays – Personal Days-Funeral Leave – Military Leave – Jury Duty – Leave Of Absence – Sick Leave – Maternity Leave – Family Medical Leave	10
ARTICLE 13 Safety	11
ARTICLE 14 Layoff/Recall	11
ARTICLE 15 Promotions and Bidding	12
ARTICLE 16 Medical Insurance	13
ARTICLE 17 Compensation	14
ARTICLE 18 Alcohol and Drug Free Workplace Testing	15
ARTICLE 19 Smoke – Free Workplace	15
ARTICLE 20 Clothing	15

ARTICLE 21 Entire Memorandum of Understanding	16
ARTICLE 22 Savings Clause	16
ARTICLE 23 Duration	17
Clothing	15
Compensation	14
Definitions	iii
Discipline	6
Duration	17
Entire Memorandum of Understanding	16
Grievance Procedure	7
Layoff/Recall	11
Medical Insurance	13
Overtime	5
Payroll Deduction of Union Dues	1
Probationary Employees	3
Promotions and Bidding	12
Recognition	1
Savings Clause	16
Seniority	3
Strikes	10
Union Cooperation – Management Rights	2
Union Stewards	2
Vacations – Holidays – Personal Days – Funeral Leave – Military Leave – Jury Duty – Leave of Absence – Sick Leave – Maternity Leave – Family Medical Leave	10
Work Periods	4

DEFINITIONS

Administrator	Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas
County	The County of Wyandotte County, Kansas
Department	The Wyandotte County Sheriff's Department
Gender	The male shall include the female and the female shall include the male
Immediate Supervisor	The person directly above the employee in supervision
Memorandum	The Memorandum of Understanding
Sheriff	Sheriff of Wyandotte County, Kansas
Employee	An employee of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Sheriff's Department within the bargaining unit
Employer	Wyandotte County Sheriff's Department and/or the Unified Government of Wyandotte County/Kansas City, Kansas
Unified Government ("UG")	The Unified Government of Wyandotte County/Kansas City, Kansas
Union	Teamsters Local No. 955

MEMORANDUM OF UNDERSTANDING

WHEREAS, the parties hereto desire to maintain a harmonious relationship, to advance mutual interests in the provision of services to the public and to preserve public safety, law and order, to promote standards and conditions of employment for all employees of the Wyandotte County, Kansas Sheriff's Department employed within the bargaining unit, as set forth herein; to achieve harmonious and peaceful adjustment of differences which may arise; and to establish standards of wages, hours, benefits and other conditions of employment.

NOW, THEREFORE, in consideration of mutual covenants and agreements hereinafter contained, the County, the Department and the Union hereby agree as follows:

ARTICLE 1: RECOGNITION

The Unified Government of Wyandotte County/Kansas City, Kansas (hereinafter the "UG") and the Sheriff's Department of the County (hereinafter the "Department") recognize and acknowledge the Teamsters Local No. 955 (hereinafter the "Union") as the exclusive bargaining representative for all Wyandotte County Sheriff's employees as set forth in Kansas Public Employer-Employee Relations Board Unit Determination Case No. 75-UDC-3-1992, dated February 7, 1994, as amended, or as otherwise agreed by the parties, employed by the Department for the purpose of negotiating collectively with the UG and Department pursuant to the Public Employer-Employee Relations Act of the State of Kansas, with respect to conditions of employment, as defined by that Act. The recognition herein afforded extends only to those classifications of Classification Clerk, Clerk, Mail Clerk, Receptionist, Records Clerk, Senior Utility Clerk, Mortgage Foreclosure Clerk, Transportation Clerk, Programs Clerk, Civil Clerk, Offender Registrations Clerk and Warrants Clerk. Excluded from the representation herein afforded are the Administrative Assistant to the Sheriff, Administrative Assistant to the Jail Administrator, Purchasing Agent, the Programs Coordinator, Administrative Assistant to the Office of Professional Standards, the Planning and Research Coordinator and all confidential and supervisory employees and all other UG or Department employees not listed.

ARTICLE 2: PAYROLL DEDUCTION OF UNION DUES

The UG agrees to deduct, once each month, dues in an amount certified by the Union and authorized in writing by the employees who individually request (Dues Deduction Authorization Form), that such deductions be made. Employees may revoke the authorization by giving thirty (30) days written notice of such termination or revocation. The total amount of such authorized deductions shall be remitted by the Employer to the Treasurer of the Union.

ARTICLE 3: UNION STEWARDS

Section 3.1 Union Stewards. Employees selected by the Union to act as employee representatives shall be known as “Stewards.” The names of employees selected as Stewards who may represent employees shall be provided to the UG and the Department every six (6) months (January 1 and July 1) by the Union. The UG and the Department shall be notified, in writing, of any changes in the above names that may occur.

Section 3.2 Number of Stewards. There may not be more than one (1) Steward and one alternate Steward.

Section 3.3 Prohibited Conduct of Union Officers or Stewards. The Stewards have no authority to encourage, incite, or condone work action against the Department or UG. In the event of such action by any Steward, he/she shall be subject to immediate discipline.

Section 3.4 Union Business Leave. Bargaining unit members designed by the Union may be entitled, in accordance with the provisions herein stated, to draw upon a bank of fifty (50) work hours with pay, per calendar year, for the purpose of conducting business of the Union, including representation of members during the grievance procedure, including mediation and arbitration hearings when held during regular scheduled working hours, but not including time spent in formal negotiations for revisions to this Memorandum of Understanding.

The Department must have adequate manpower to provide the services of the affected employees’ division, department or unit in their absence in order to allow the employees to be absent for this purpose. The approval of the Sheriff shall not be unreasonably withheld.

ARTICLE 4: UNION COOPERATION – MANAGEMENT RIGHTS

Section 4.1 Union Cooperation. The Union, UG and the Department have entered into this Memorandum for the purpose of facilitating the peaceful adjustments of differences that may arise from time to time and to promote harmony and efficiency and to the end that the bargaining unit employees, UG, the Department and the general public may mutually benefit. Consistent with this general purpose, the Union recognizes that an obligation rests upon each bargaining unit employee to render honest, efficient and courteous service to UG and its citizens. The Union agrees to cooperate with UG in its efforts to strengthen the good will between the Sheriff’s Department, UG, and the general public.

The Union recognizes the need for improved methods in providing law enforcement services to the citizens of UG and agrees to cooperate with UG and Department in the installation of such methods, in suggesting improved methods, in the education of its members and the necessity for such changes and improvements.

Section 4.2 Management Rights. It is the intention of the parties hereto that the Employer retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations for full time clerks. Excluded are temporary and part time employees.

The exclusive rights of the Employer shall include, but are not limited to its right to determine the qualifications of its employees: to establish or continue policies, practices and procedures for the conduct of the Employer and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities, to discontinue processes or operations or to discontinue their performance by employees; to select, determine and schedule the number and type of employees required; to assign work to such employees in accordance with the requirements determined by the Employer; to establish and change work schedules; to determine the facts of lack of work; to direct the work of its employees; to hire, promote, demote, transfer, assign and retain employees in positions within the public agency; to discipline, suspend or discharge employees for just cause; to maintain the efficiency of the governmental operation; to lay off or furlough employees; to take actions as may be necessary to carry out the mission of the Employer in emergencies; to determine the methods, means and personnel by which operations are to be carried on; to develop Standard Operating Procedures, Rules of Discipline and Rules and Regulations not in conflict with this Memorandum; to establish and maintain reasonable gender appropriate standards for wearing apparel and personal grooming and all other prerogatives and responsibilities normally inherent in management of the Employer which are not in conflict with the specific provisions of this Memorandum.

All management rights, powers, authority and functions other than those relinquished by the Employer in this Memorandum shall remain vested exclusively in the Employer.

ARTICLE 5: PROBATIONARY EMPLOYEES

New bargaining unit employees shall be considered Probationary Employees for the first six (6) months of their employment. Any interruption of employment (leave, sickness, injury, etc.) during the probationary period in excess of five (5) working days shall not be counted as part of such probationary period. Probationary Employees may be discharged or disciplined at the sole discretion of the Employer without recourse to the provisions of this Memorandum.

Probationary Employees shall not accrue seniority until the completion of their probationary period. Upon the completion of the probationary period, the employees' seniority date will be measured from their date of hire as provided in Article 6.

ARTICLE 6: SENIORITY

Section 6.1 General. Seniority shall be measured by continuous service as an employee of the Wyandotte County Sheriff's Department in the bargaining unit represented by Teamsters Local

955 from the date of last hire, unbroken by other than vacation, military leave or other authorized leaves of absence of not to exceed ninety (90) days, and lay-off not in excess of two (2) years. Seniority shall be broken by discharge, resignation, retirement, lay-off in excess of two (2) years, permanent disability, or if the employee is called back to work from layoff and does not report for work within fourteen (14) calendar days of receipt of written notice by certified mail. In cases of disputes concerning seniority, the Department's records shall govern. Temporary or part-time employees shall not accumulate nor exercise any seniority rights. Department seniority shall be utilized as indicated in this Memorandum.

Section 6.2 Seniority Roster. The Employer will maintain an up-to-date seniority roster containing names and length of service of employees. Such rosters will be available to the Union Stewards and notice will be given when new hires are added.

Section 6.3 Senior Utility Clerk.

a. If the Unified Government elects to fill the position of Senior Utility Clerk, the position shall be filled in accordance with the existing terms and conditions of this Memorandum of Understanding.

b. The Senior Utility Clerk shall be responsible for supporting all clerical positions within the bargaining unit including civil clerks, warrant clerks, tax sale clerk, mailroom clerks and any similar position. The Senior Utility Clerk shall be responsible for and have knowledge of the duties and functions of each position and have capacity to fill that position as directed when vacated permanently or temporarily for any reason as directed by the Sheriff or his designated supervisor. The Senior Utility Clerk shall be available to work varying hours, shifts and days when a need exists for coverage outside the regular schedule for this position on Monday through Friday from 8:00 a.m. through 5:00 p.m. The Senior Utility Clerk shall receive such benefits the same as other members of the bargaining unit as provided in this Memorandum of Understanding.

c. Compensation for the position shall be as provided within this Memorandum of Understanding.

ARTICLE 7: WORK PERIODS

Section 7.1 General. The Employer has the management right to change the hours of work shifts or work periods and to institute new work shifts or periods or discontinue existing work shifts or periods. The employer shall give reasonable notice, not less than five (5) working days, in advance of permanent modifications of employees work shifts or work periods. The employer shall make all reasonable efforts to give employees notice of permanent modifications as soon as practicable after determining that such modifications are necessary.

Section 7.2 Standard Work Week. The standard work week shall be forty (40) hours, except during shift or job change periods, and normally consist of five (5) consecutive days of work with two (2) consecutive days off. Employees will not be forced to work more than nine (9) consecutive calendar days without being offered a day off. Employees' standard work week may consist of four (4) consecutive ten (10) hour work days, with three (3) consecutive days off, or other variations, but still containing forty (40) hours. The standard work week and work day for a Senior Utility Clerk includes varying hours, shifts and days when a need exists for coverage outside the regular schedule for this position on Monday through Friday from 8:00 a.m. through 5:00 p.m.

Section 7.3 Standard Work Day. Except during shift or job change periods, a standard work day shall consist of eight (8) consecutive hours in a twenty-four (24) hour period, or may consist of ten (10) consecutive hours in a twenty-four (24) hours period, except for an intermission for lunch as provided in Sec. 7.4.

Section 7.4 Communications Outside of Work Day. When an Employee is contacted by a Supervisor outside of their Standard Work Day and has a telephone conversation related to the Employee's job duties and responsibilities, the Employee shall be compensated a minimum of fifteen (15) minutes for such conversation. If the conversation last longer than 15 minutes, then the Employee shall be compensated for their time actually worked in 15 minute increments as may be rounded up or down.

Section 7.5 Meal Period. Each employee shall be entitled to a thirty (30) minute meal period or sixty (60) minute meal period at a time during his regular work day designated by the employee's work schedule and the needs of the Department. If an employee is required to work through their meal period, they shall be compensated for such meal period.

Section 7.6 Breaks. Each employee working eight (8) consecutive hours shall be entitled to two (2) fifteen (15) minute breaks. Employees working ten (10) consecutive hours shall be entitled to three (3) fifteen (15) minute breaks. Breaks may occur during the employee's regular work day and designated by the employee's supervisor.

ARTICLE 8: OVERTIME

Section 8.1 Overtime. All employees shall receive one and one-half (1 ½) times their actual hourly rate of pay or compensatory time, up to a maximum of two hundred forty (240) accumulated compensatory hours, for work performed in excess of forty (40) hours in a given work week. (Provided, that, no employee shall have accumulated more compensatory hours on the books than that allowed by Federal law and/or regulation which hours have been accumulated subsequent to April 15, 1986). Compensatory time may be earned in lieu of overtime payment if the employee so elects. For purposes of overtime calculations, the hours taken by an employee as a holiday, vacation, compensatory time, unspecified paid leave

described in Article 16.2 and jury duty, shall be considered as hours worked. An employee shall be given a fifteen (15) minutes paid break period for every four (4) hours worked after eight (8) hours in any workday.

Section 8.2 Duty to Perform. Employees are required to work reasonable amounts of overtime when requested by the employer. In cases of emergency, as determined by the Sheriff, Undersheriff, Jail Administrator, or UG Administrator, employees are required to work overtime as requested and are subject to discipline for any refusal to so work. Bargaining unit members may volunteer for additional overtime.

There shall be no limits on voluntary or forced overtime.

Section 8.3 Overtime Distribution. When the employer determines that overtime work is necessary then the overtime shall be offered in the following fashion:

Offered first to qualified employees within the Division where the overtime works occurs by seniority as set forth in Article 6. Any Employee called to work voluntary overtime by seniority who does not answer the overtime call has five (5) minutes to return the call and accept the offered overtime before it is offered to next in seniority employee.

If there are not enough qualified employees who accept the overtime work requests by seniority within the Division where the work occurs, then the overtime work shall be offered to qualified Bargaining Unit employees outside the Division by seniority as set forth in Article 6.

If there are not enough qualified employees who accept the overtime work requests, as set forth in paragraphs (a) and (b) above, then the Unified Government may force the least senior qualified employees within the Division where the overtime work occurs to work that overtime.

Any regular full-time employee who reports to work overtime as scheduled shall be guaranteed two (2) hours paid work for such day.

Section 8.4 Holidays. When an employee is required to work on a designated holiday (See Article XII), at the direction of the employee's supervisor and such holiday is not a regularly scheduled work day for that employee, the employee shall be paid at one and one-half (1 ½) times his regular hourly base rate for the hours actually worked. These overtime hours shall not be pyramided for pay purposes.

ARTICLE 9: DISCIPLINE

Section 9.1 Authority to Discipline. The Union recognizes that the Employer has the responsibility for maintaining discipline and the efficient and orderly operation of the Department. Accordingly, the authority to discipline employees is vested exclusively in the 6SO5395.DOC

Employer or its designees. Employees, excluding probationary employees, shall only be disciplined or discharged for just cause. Discipline or discharge for just cause shall include, but not be limited to, discipline or discharge for violation of the Department's or UG's Rules and Regulations, General and Special Orders, and Standard Operating Procedures. The Department's or UG's Rules and Regulations, General and Special Orders, and Standard Operating Procedures may be modified from time to time by the Department unilaterally.

Section 9.2 Imposing Discipline. The severity of the discipline imposed shall be consistent with the offense committed. Discipline may be preceded by counseling or warning. Discipline may include the following:

1. Verbal Warning
2. Written Warning
3. Suspension
4. Discharge

Whenever it is recommended that an employee is to receive a formal counseling, disciplinary suspension or is to be discharged, that employee shall be provided notice of such recommendation and shall be provided an opportunity to show cause why they should not be disciplined. The employee may be entitled to a union representative at the show cause stage. As a result of the show cause proceeding, a recommendation to issue or not issue discipline shall be made to the appropriate supervisor. If a disciplinary suspension or discharge is issued, then the disciplined or discharged employee shall have the right, within fourteen (14) calendar days of the issuance of the discipline, to grieve the discipline commencing the process at step two of the grievance procedure set forth in Article Ten (10) herein.

Section 9.3 Forfeiture of Benefits and Rights. Employees who are terminated for just cause shall forfeit all employment benefits and rights, except accumulated compensatory time, vacation days, sick days as provided in UG Human Resources Guide, retirement benefits in accordance with applicable law and any accrued wages. UG shall provide a copy of the UG Human Resources Guide to the Union's business representative.

Section 9.4 On-the-Job Injury. An employee who fails to report to his superior any on-the-job injury within forty-eight (48) hours of knowledge of such injury may be disciplined. On the job injuries shall be governed by the Human Resources Guide concerning workers compensation policies and benefits.

Section 9.5 Separation from Employment. Upon separation from employment within the Unified Government, the Department, all Unified Government and Department equipment or materials provided the employee by the Unified Government or Department shall be returned. Failure to do so shall result in the employee's final paycheck(s) being reduced by the amount of seventy-five percent (75%) of the replacement cost of all missing items which have not been returned or replaced by the employee. Such withholding shall not be in violation of federal or

state law and shall in no event reduce the employee's earnings to a pay rate under either the State or Federal minimum wage.

ARTICLE 10: GRIEVANCE PROCEDURE

Section 10.1 General. The term "grievances" as used in this Memorandum shall be any dispute, disagreement, or difference between one or more employees and the Employer as to the meaning of any terms and provisions of this Memorandum. Any impasse in any negotiations for any Memorandum of Understanding or Agreement shall not constitute a grievance. Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of Public Employer-Employee Relations Board, the employee involved may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employer-Employee Relations Board. If a grievance is processed beyond Step 2 of the grievance procedure, the employee(s) and the Union shall be deemed to have waived any action or right to file or proceed with such action before Public Employer-Employee Relations Board.

Section 10.2 Grievance Procedure. Grievances by an employee or a group of employees shall be handled in the following manner:

- A. Time Limits. Management and Union representatives agree to make every effort to meet and settle grievances within the prescribed time limits. Any failure to comply with the time limits specified herein shall result in the grievance being disposed of in favor of the party not in default, i.e. if the employee and/or Union fail to meet the grievance procedure time limits, the employee's grievance is dropped in the Employer's favor and if the Employer fails to meet the grievance procedure time limits, the grievance shall be found in the employee's favor. Provided, the parties may extend any and/or all of the time limits prescribed herein by mutual written agreement.
- B. Commencing Grievance Procedure. This grievance procedure must be commenced within fourteen (14) calendar days from the time that the event giving rise to the grievance occurred or became known, or reasonably should have been known. Otherwise, it need not be considered.
- C. Appeals and Responses.
 - 1) If a grievance is not settled at any step as herein outlined, the decision may be appealed to the next higher step in the grievance procedure.
 - 2) All appeals must be in writing, either on a regular grievance form or otherwise suitably and clearly stated.

- 3) All written answers on grievances shall be given to the employee and the appropriate Union Steward.
- 4) All appeals by employees shall be delivered by hand or by mail; and if delivered by mail, shall be considered delivered on the date of the postmark, if mailed to the proper party at his regular office address.
- 5) Answers and appeals may be delivered by hand or by mail; and if delivered by mail, shall be considered delivered on the date of the postmark, if mailed to the proper party at his regular office address.
- 6) If a grievance cannot be answered within a specified time in any step because of circumstances beyond the Employer's or the Union's control, a time extension may be granted by mutual agreement.

D. Grievance Procedure Steps. The steps in the grievance procedure are as follows:

Step 1: All employee grievances, except those relating to discipline or discharge, first shall be presented in writing by the employee or employees concerned to the immediate supervisor within the time limits set forth in Section 10.2(B) of this Article. The supervisor shall give his answer in writing to the employee or employees not later than the fourteenth (14th) calendar day after the day on which the grievance was so presented.

Step 2: If a mutually satisfactory settlement of the grievance is not reached in the first step, an appeal may be taken to the second step. In such appeal, the grievance shall be stated in writing and shall be delivered to the Undersheriff or his designee within fourteen (14) calendar days after the supervisor's response to Step 1. The appeal shall set forth the place, date, time and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum it is alleged were violated or misinterpreted or the discipline being grieved.

Grievances appealed to the second step shall be discussed within fourteen (14) calendar days of the appeal. At such meeting, the Employer will be represented by the Undersheriff and/or his designee and the employee or employees will be represented by the appropriate Union Representative and Union Steward and the grievant. All employee grievances relating to discipline and discharge of an employee will originate at the second step. The Employer will answer the grievance in writing after the second step within fourteen (14) calendar days, unless such time is extended.

Step 3:

Arbitration: If no settlement is reached by the procedure outlined, through Step 2, either party may request arbitration. Any request for arbitration must be made as follows:

- (1) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fourteen (14) calendar days of the Undersheriff's decision. The notice shall set forth the place, date, time and nature of the occurrence upon which the grievance is based and shall set out the particular portions of the Memorandum which it is alleged were violated or misinterpreted or the discipline being grieved. If notice of intent to arbitrate is not delivered within fourteen (14) calendar days of the Undersheriff's decision, the issue shall be deemed abandoned.
- (2) Within fourteen (14) calendar days after the above notice is delivered, the parties will mutually agree upon an arbitrator or jointly obtain a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service, and the parties will alternately and independently strike unacceptable arbitrators from a list with the last remaining arbitrator being selected.
- (3) Employees shall not be paid for time spent in attending arbitration proceedings other than as a witness on behalf of the Employer.
- (4) The jurisdiction and authority of the arbitrator shall be governed by the following:
 - (a) The arbitrator shall have authority to determine the procedural rules or arbitration and shall have the authority to make such binding orders as are necessary to enable him to act effectively. He shall observe the rules of evidence and his decision shall be final and binding on both parties.
 - (b) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.
 - (c) In the resolution of disputes between the parties to this Memorandum, the arbitrator shall give no weight or consideration to any matter except the specific language of this Memorandum.
 - (d) The cost of the arbitrator shall be shared equally by both parties.
 - (e) The arbitrator shall tape record the proceedings and make a copy of the tape available to both the Employer and the Union, upon request.

ARTICLE 11: STRIKES

The Union, on behalf of its membership, recognizes that the protection of the public health, safety and welfare are of paramount importance to itself and the Employer. Therefore, during the life of this Memorandum, the Union will not condone nor encourage nor instigate any work slowdowns, stoppages or strikes, or any actions that are detrimental to the operations of the Employer.

Any violation of this Article may be the subject of disciplinary action, including discharge. The Union shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein, take all reasonable affirmative action to terminate such conduct.

**ARTICLE 12: VACATIONS – HOLIDAYS – PERSONAL DAYS –
FUNERAL LEAVE – MILITARY LEAVE – JURY DUTY –
LEAVE OF ABSENCE – SICK LEAVE – MATERNITY LEAVE –
FAMILY MEDICAL LEAVE**

Each employee shall be entitled to vacations, holidays, personal days, funeral leave, military leave and jury duty leave, leave of absences, sick leave, maternity leave and family medical leave in accordance with the Human Resources Guide of UG, as amended from time to time. Provided that, the applicable benefits provided in the Human Resources Guide may not be diminished without discussions and written agreement with the Union. For purposes of determination of employees' rights with respect to vacation and sick leave under the Human Resources Guide, bargaining unit employees hired before January 1, 2016 shall be deemed to be "Category 1" employees and employees hired on or after January 1, 2016 shall be deemed to be "Category 2" employees. Each employee shall be entitled to five (5) personal days. Category 1 and Category 2 employees shall accrue vacation on a monthly basis provided they work the required minimum month (96 hours full-time employees and 48 hours for part-time employees). The employee's bank will be credited on the first of the month following the month vacation has been earned.

Section 12.1 – Sick Leave. Employees' sick leave allowances and restrictions upon use shall be as provided within the Human Resources Guide of the UG except as modified herein:

1. An Employee calling in sick is required to notify his or her supervisor at least one (1) hour prior to the commencement of the Employee's shift.

Section 12.2—Sick Leave Donation Bank. Employees may donate to and use the sick leave bank as provided within the Human Resources Guide of the UG.

ARTICLE 13: SAFETY

The Sheriff, Union and Unified Government support implementing such reasonable measures as to protect the safety and health of the employee. Without precluding or limiting the rights of management, the Sheriff agrees that employees desiring a telephone headset may have one for use in their job upon written request. The Unified Government agrees to provide adequate parking spaces near or adjacent to the primary jail entrance of the parking facility for employees of the bargaining unit that work between the hours of 3:00 p.m. and 7:00 a.m. Nothing herein shall constitute a guarantee by the Sheriff or the Unified Government of the safety or benefits to any employee beyond or in addition to that required by State or Federal law

or this Memorandum. The parties agree to meet and confer about issues of safety as may be needed from time-to-time. Bargaining unit members shall not be required or permitted to escort prisoners. The Unified Government shall provide safety training to employees who are in direct contact with prisoners.

ARTICLE 14: LAYOFF / RECALL

Section 14.1 Layoffs. Layoffs are involuntary separations made because of lack of work or reduction in force. Layoffs shall be made in the inverse order of seniority within the Department.

An employee shall maintain his recall rights for two (2) years from the date of his layoff. When employees are recalled, they must be recalled in the order of seniority, i.e. the most senior laid off employee must be recalled first.

Section 14.2 Recall. The term recall shall apply only to employees who were separated from Unified Government employment by layoff. Re-employment after resignation, discharge or two (2) years after the layoff date shall not be considered a recall.

The Human Resources Department shall have the prime responsibility for administering the recall policy. The Department shall have the responsibility for maintaining its recall file.

Accepting any Department position within two (2) years constitutes a recall and automatically removes the laid-off employee's name from the recall file.

If the Department calls employees back, the call back shall be in the inverse order of the layoff. An employee recalled to a Department position shall report to work within fourteen (14) calendar days of notice of his recall or he shall forfeit all seniority rights and all future recall rights. Notice of recall shall be provided by certified mail, return receipt requested, to the employee's last address furnished to the Employer.

Section 14.3 Furloughs. If management determines that furloughs are necessary, the parties shall meet and confer regarding implementation of such furloughs.

ARTICLE 15: PROMOTIONS AND BIDDING

Section 15.1 General.

- A. It is understood and agreed that it is the responsibility of the employer to determine the size of the work force, to declare job opportunities available and to determine relative qualifications, including ability, education, experience, and performance of bidding employees for a vacant position.

- B. In order to qualify for a permanent promotion, an employee must be able to perform the job and must have been properly tested or certified where necessary.
- C. Any change in the job description of any bargaining unit position shall be in writing and notice given to the Union Stewards and the person or persons holding the job.

Section 15.2 Permanent Vacancies.

- A. When any permanent job vacancy exists in a bargaining unit position, the Employer may determine within ninety (90) days from the declaration of the vacancy by the Employer, whether such position shall be filled. If it is determined that the position is to be filled, it shall be posted within sixty (60) working days from the determination to fill it or within a reasonable time thereafter. However, even if the Employer initially determines not to fill a position, the Employer expressly reserves the right, at any later time, to determine that such position should be permanently filled and may then post the same for bid.
- B. If the Employer determines that a position is to be permanently filled, the following procedure shall govern:
 - 1) Such job vacancies shall be posted internally not less than seven (7) calendar days along with information relating to the qualifications required for the position. The Department is not required to internally post entry level records clerk vacancies before soliciting applicants for such positions who are not then employed by the Unified Government.
 - 2) Employees desiring to apply for a job vacancy may do so by being qualified and/or certified and by submitting a letter of interest with any supporting documentation as required by the Employer and submitting same to the Undersheriff within the job posting period. No employee shall be required to submit an application for employment as required for new employees.
 - 3) Such vacancies shall be awarded to the best qualified applicant considering the applicant's training, education, experience, performance and ability as long as such selection does not contravene any affirmative legal responsibility placed upon the Employer, and if all qualifications are equal, then Department seniority shall control in selection of the employee to fill the job vacancy.

Section 15.3 Filling Vacancies. Nothing herein shall prohibit the Employer from advertising for applicants for bargaining unit positions, which positions, within the Employer's determination, require special education, training, ability, experience or certification, or for

positions which have been posted and remain unfilled due to lack of bidders or lack of qualified bidders.

ARTICLE 16: MEDICAL INSURANCE

During the term of this Memorandum, the UG agrees to offer the employees of the bargaining unit the same medical plans which are made available to the UG's employees generally. For these purposes, "medical plan" includes medical, dental and vision coverage.

A. Employee Premium.

Each covered employee shall make monthly medical plan premium payments for either Single or Family coverage elected according to the following schedule, provided that in 2019 the following monthly premium contribution amounts shall be annually adjusted at the same percentage increase or decrease as would be applicable to any adjustment to the dependent coverage premium for Family coverage during any plan year:

Annual Base Pay	Monthly Premium Contribution
\$30,000 or less	\$10.00 per month
\$30,001 - \$60,000	\$20.00 per month
\$60,001 or more	\$30.00 per month

For purposes of the foregoing schedule, "Base Pay" is calculated solely upon an employee's then applicable hourly rate of pay or monthly salary as projected over the course of a year assuming full time employment. "Base Pay" shall not include any overtime, out of class, longevity or interpreter's pay. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium that is also adjusted annually based on an equal percentage as for employee premiums for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

B. Family Premium.

Employees electing to obtain dependent coverage under a Family coverage election under the medical plan(s) will pay 25% of the premium cost of the dependent portion of Family coverage in addition to any applicable employee premium cost discussed in subsection A above, and the Unified Government shall pay the remaining contribution cost for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

C. Election of More Expensive Plans.

Should the UG offer a more expensive medical plan and an employee(s) should select to be covered by the same, then the employee shall be responsible to pay any and all additional premiums.

D. Plan Modification.

The plan and coverage may be modified by the Unified Government in order to keep costs of the medical plan lower.

ARTICLE 17: COMPENSATION

Section 17.1 Wages. Employees shall be entitled to receive the compensation as set forth in in the tables below for the calendar years 2022, 2023, and 2024.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS
Monthly and Annual Base Scales for Teamsters #955

Effective through January 1, 2022 through December 31, 2022:

		Union Code 63					
		Step 1	Step 2	Step 3	Step 4	Step 5	
		Entry	5 years	10 years	15 years	20 years	
RANGE 01							
011 5	Clerk	\$18.50	\$18.87	\$19.24	\$20.70	\$22.96	Hourly
		\$3,206.61	\$3,270.74	\$3,334.87	\$3,587.93	\$3,979.66	Monthl y
		\$38,480.0 0	\$39,249.6 0	\$40,019.2 0	\$43,056.0 0	\$47,756.8 0	Annual
RANGE 02							
140 2	Program Assistant	\$18.74	\$19.72	\$20.02	\$21.47	\$23.84	Hourly
		\$3,248.20	\$3,418.07	\$3,470.07	\$3,721.40	\$4,132.19	Monthl y
		\$38,979.2 0	\$41,017.6 0	\$41,641.6 0	\$44,657.6 0	\$49,587.2 0	Annual
RANGE 03							
530 7	Classification Tech	\$19.21	\$20.20	\$20.50	\$21.92	\$24.34	Hourly
011 4	Warrants Clerk	\$3,329.67	\$3,501.27	\$3,553.27	\$3,799.39	\$4,218.85	Monthl y
		\$39,956.8 0	\$42,016.0 0	\$42,640.0 0	\$45,593.6 0	\$50,627.2 0	Annual
RANGE 04							
011 6	Senior Utility Clerk	\$20.50	\$21.25	\$21.71	\$23.79	\$26.40	Hourly
		\$3,553.27	\$3,683.26	\$3,762.99	\$4,123.52	\$4,575.91	Monthl y
		\$42,640.0	\$44,200.0	\$45,156.8	\$49,483.2	\$54,912.0	Annual

		0	0	0	0	0	
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Effective January 1, 2023 through December 31, 2023:

		Union Code 63					
		Step 1	Step 2	Step 3	Step 4	Step 5	
		Entry	5 years	10 years	15 years	20 years	
	RANGE 01						
0115	Clerk	\$19.06	\$19.44	\$19.82	\$21.32	\$23.65	Hourly
		\$3,303.67	\$3,369.54	\$3,435.40	\$3,695.40	\$4,099.25	Monthl y
		\$39,644.80	\$40,435.20	\$41,225.60	\$44,345.60	\$49,192.00	Annual
	RANGE 02						
1402	Program Assistant	\$19.30	\$20.31	\$20.62	\$22.11	\$24.56	Hourly
		\$3,345.27	\$3,520.33	\$3,574.06	\$3,832.33	\$4,256.98	Monthl y
		\$40,144.00	\$42,244.80	\$42,889.60	\$45,988.80	\$51,084.80	Annual
	RANGE 03						
5307	Classification Tech	\$19.79	\$20.81	\$21.12	\$22.58	\$25.07	Hourly
0114	Warrants Clerk	\$3,430.20	\$3,607.00	\$3,660.73	\$3,913.79	\$4,345.38	Monthl y
		\$41,163.20	\$43,284.80	\$43,929.60	\$46,966.40	\$52,145.60	Annual
	RANGE 04						
0116	Senior Utility Clerk	\$21.12	\$21.89	\$22.36	\$24.50	\$27.19	Hourly
		\$3,660.73	\$3,794.19	\$3,875.66	\$4,246.59	\$4,712.84	Monthl y
		\$43,929.60	\$45,531.20	\$46,508.80	\$50,960.00	\$56,555.20	Annual

Effective January 1, 2024 through December 31, 2024:

		Union Code 63					
		Step 1	Step 2	Step 3	Step 4	Step 5	
		Entry	5 years	10 years	15 years	20 years	
	RANGE 01						
0115	Clerk	\$19.63	\$20.02	\$20.41	\$21.96	\$24.36	Hourly
		\$3,402.47	\$3,470.07	\$3,537.67	\$3,806.33	\$4,222.32	Monthl y
		\$40,830.40	\$41,641.60	\$42,452.80	\$45,676.80	\$50,668.80	Annual
	RANGE 02						
140	Program Assistant	\$19.88	\$20.92	\$21.24	\$22.77	\$25.30	Hourly

2							
		\$3,445.80	\$3,626.06	\$3,681.53	\$3,946.72	\$4,385.25	Monthly
		\$41,350.40	\$43,513.60	\$44,179.20	\$47,361.60	\$52,624.00	Annual
	RANGE 03						
5307	Classification Tech	\$20.38	\$21.43	\$21.75	\$23.26	\$25.82	Hourly
0114	Warrants Clerk	\$3,532.47	\$3,714.46	\$3,769.93	\$4,031.66	\$4,475.38	Monthly
		\$42,390.40	\$44,574.40	\$45,240.00	\$48,380.80	\$53,705.60	Annual
	RANGE 04						
0116	Senior Utility Clerk	\$21.75	\$22.55	\$23.03	\$25.24	\$28.01	Hourly
		\$3,769.93	\$3,908.59	\$3,991.79	\$4,374.85	\$4,854.97	Monthly
		\$45,240.00	\$46,904.00	\$47,902.40	\$52,499.20	\$58,260.80	Annual

Section 17.2 Step increases shall accrue to bargaining unit members on the fifth (5th), tenth (10th), fifteenth (15th) and twentieth (20th) year anniversaries of the employee's date of hire as provided in Appendix "A." No employee shall receive any additional compensation including longevity pay, except as provided herein.

Section 17.3 Bilingual Employee Certification. Employees may be selected to serve as Certified Bilingual Employees by the Sheriff. There shall be six (6) Certified Bilingual Employees from the bargaining unit who will receive a monthly special duty pay of one hundred dollars (\$100.00) per month for the full year. The Department shall choose the specific language it determines is needed and number of needed employees for each language that is chosen. The Department shall reimburse employees a one-time certification fee upon proof of the successful completion of the certification process and confirmation by the Kansas City Kansas Community College, up to a maximum one-hundred twenty-five dollars (\$125.00). Although the Department shall pay those employees selected as Certified Bilingual Employees, any use of Certified Bilingual Employees will be at the discretion of the Department. If a Certified Bilingual Employee declines a request to assist, then that employee may be removed from eligibility as a Certified Bilingual Employee and shall not be paid or allowed to be on any Department list as such. If the Department determines that an off duty Certified Bilingual Employee is needed for duty, Certified Bilingual Employees shall be offered the assignment in the order of their seniority. If insufficient off duty employees are obtained, the Department may force an employee for the specific language needed, in reverse order of seniority. This list shall not be affected by employees who were first assigned for such use on duty. If an off duty, paid, Certified Bilingual Employee, not on an approved leave, declines to be called in for duty three (3) or more times in any consecutive twelve (12) month period, not including approved leave

periods, then that employee may be removed from eligibility as a Certified Bilingual Employee for a period of time not to exceed twelve (12) months.

Section 17.4 Shift 3 Shift Differential Pay. Employees working on Shift 3 (with hours currently set at 10 p.m. to 8 a.m. however subject to change) who have at least two (2) years of bargaining unit experience who expresses a preference to work and are actually assigned to work Shift 3 shall receive an additional \$1.50 per hour in shift differential pay.

Section 17.5 Underpayment of Payroll. If an employee's regular pay is short in an amount that exceeds one hundred fifty dollars (\$150.00), the employee shall be issued a separate check or direct deposit for that regular pay within three (3) working days of the pay period and notification of the error. If the amount is less than one hundred fifty dollars (\$150.00) then the sum shall be paid in the employee's next regular payroll.

ARTICLE 18 – ALCOHOL AND DRUG FREE WORKPLACE TESTING

18.1 General. "All employees" shall be subject to the provisions of the Drug-Free Workplace Act of 1988, as amended, and subject to the Unified Government Human Resources Guide on Substance Abuse and Drug and Alcohol Testing as amended from time to time.

ARTICLE 19 – SMOKE-FREE WORKPLACE

19.1 General. The Union and UG agree to be governed by policies and procedures concerning the Smoke-Free Workplace. Smoking by employees upon the Department's or UG's premises or in a Department or UG owned, operated and controlled vehicle is prohibited, except in listed designated smoking areas. Any violations may subject employees to discipline.

ARTICLE 20 – CLOTHING

20.1 General. The Department will provide all non-probationary employees with a Visa gift card for the following years and in the following amounts:

2022	\$500
2023	\$500
2024	\$500

These gift cards are to be used solely for the purchase of clothing to be worn by the employee to whom the card is issued while working as an employee of the Sheriff's Office. Clothing purchased using these gift cards must comply with the attire requirements established by General Order 40.7. Slacks and shirts must be solid Navy, Khaki, Gray or Black in color. In addition, employees may use these gift cards to purchase sweaters or indoor jackets to wear while working as an employee of the Sheriff's Office, provided, however, that the sweater or indoor jacket is

solid Navy, Khaki, Gray or Black in color. Employees that successfully complete the probationary period during any contract year will be provided a Legends Outlet Mall gift card for the purposes set forth herein, prorated in amount to reflect only those months that the employee will be non-probationary for that contract year.

ARTICLE 21: ENTIRE MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding supersedes and cancels all previous agreements and all existing unwritten practices between UG or Department and the members of the bargaining unit and constitutes the entire Memorandum between the parties, except as to those areas of employment not covered herein which are subject to UG Policies or Resolutions. The parties expressly acknowledge that this contract supersedes and cancels the prior Memorandum of Understanding entered into by the parties. Any conflict which may exist between existing or future UG Policies or Resolutions and provisions of this Memorandum of Understanding shall be determined in favor of this Memorandum of Understanding. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto. The parties further acknowledge that during the negotiations which resulted in this Memorandum each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Therefore, UG, Department and the Union for the life of this Memorandum, agree that the other shall not be obligated to negotiate collectively, but may, if mutually agreeable with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 22: SAVINGS CLAUSE

Should any term or provision of this Memorandum be in conflict with any State or Federal statute or other applicable law or regulation binding upon UG or the Wyandotte County Sheriff, except UG Ordinances and Resolutions, such law or regulation shall prevail. In such event, however, the remaining terms and provisions of this Memorandum will continue in full force and effect.

If any article or section of this Memorandum shall be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section shall be restrained by such tribunal, the remainder of the Memorandum shall not be affected thereby. The parties shall then enter into immediate collective negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or section.

ARTICLE 23: DURATION AND REOPENER

This agreement shall become effective on January 1, 2022 and shall terminate at the close of business on December 31, 2024. The UG and the Union agree they will attempt to begin discussions on or about October 1, 2024 to attempt to arrive at a new Memorandum of agreement to be effective January 1, 2025.

This agreement, and any written amendments made and annexed hereto, shall continue in full force and effect until midnight, December 31, 2024.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals below.

FOR THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS

FOR THE TEAMSTERS
LOCAL NO. 955

FOR THE SHERIFF OF WYANDOTTE COUNTY

Director of Human Resources

Approved as to form:

Misty Brown, Chief Counsel

ATTEST:

Unified Government Clerk