

**AGENDA UPDATE
MAY 26, 2022 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

Location: Hybrid

We invite you to view the meeting in person in the Commission Chambers, Lobby Level, of the Municipal Office Building, 701 N. 7th Street, Kansas City, Kansas, or virtually via a Zoom webinar.

When: May 26, 2022 07:00 PM Central Time (US and Canada)

Topic: Full Commission meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83849121369?pwd=emV6QWoxVE4rVk9SaENtU3BUVldwUT09>

Passcode: 561068

Or One tap mobile :

US: +12532158782,,83849121369# or +13462487799,,83849121369#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

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)

Webinar ID: 838 4912 1369

International numbers available: <https://us02web.zoom.us/j/83849121369?pwd=emV6QWoxVE4rVk9SaENtU3BUVldwUT09>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY COMMISSIONER HAROLD JOHNSON, FAITH
DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MAY 26, 2022 AGENDA**
Blue Sheet revising Consent Agenda Item #1
- 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

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2022-006 - VERNON HOPKINS

Synopsis: Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to operate a sports bar and grill with event space at 2724 North 13th Street (in conjunction with SP2022-018), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**.

Tracking #: 211609

2. COZ2022-007 - MARICELA ZAMORA

Synopsis: Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District for auto repair services at 4639 Parallel Parkway (in conjunction with SP2022-022), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**.

Tracking #: 211612

3. COZ2022-014 - REGINA COMPERNOLLE

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4141 Joyce Drive (in conjunction with SP2022-042 - Renewal of a Special Use Permit - SP-2019-23 - for the Temporary Use of Land for "You Pick Berries", host classes, apprentices and a farm stand), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL)**.

Tracking #: 211614

4. COZ2022-016 - SAM LORING WITH GOULD EVANS

Synopsis: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue (557 River Park Drive; in conjunction with PR2022-019, MPL2022-010, and SP2022-044, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**.

Tracking #: 211616

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-007 - DEAN MICHAEL WITH SHARON LEE FAMILY HEALTH CARE, INC.**

Synopsis: Special Use Permit for health clinic serving uninsured and under-insured people at 2002 South 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**.

Tracking #: 211620

2. **SP2022-018 - VERNON HOPKINS**

Synopsis: Special Use Permit to operate a sports bar and grill with event space at 2724 North 13th Street (in conjunction with COZ2022-006), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**.

Tracking #: 211611

3. **SP2022-021 - MELISSA HERR WITH HERR HUT LLC**

Synopsis: Home Occupation Special Use Permit to sell novelty toy and gift items at 2618 South 48th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**.

Tracking #: 211621

4. **SP2022-022 - MARICELA ZAMORA**

Synopsis: Special Use Permit for auto repair services at 4639 Parallel Parkway (in conjunction with COZ2022-007), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**.

Tracking #: 211613

5. **SP2022-027 - EMMANUEL IGBINOSUN**

Synopsis: Special Use Permit to operate used auto sales business at 5520 Inland Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR DENIAL)**.

Tracking #: 211622

6. **SP2022-035 - BRETT EPP WITH HICKORY UNION MOTO**

Synopsis: Renewal of a Special Use Permit (SP-2019-70 – expired 1/30/2022) for live entertainment at a community motorcycle garage at 10 South James Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**.

Tracking #: 211607

7. **SP2022-038 - MATT BRENTANO WITH TANNERS BAR AND GRILL**

Synopsis: Special Use Permit (SP-2018-71– expired 9/27/2020) to continue live entertainment in conjunction with restaurant/drinking establishment at 3900 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL FOR 2 YEARS).**

Tracking #: 211623

8. **SP2022-039 - MOE THU**

Synopsis: Special Use Permit to keep 40 chickens at 13024 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL FOR 2 YEARS).**

Tracking #: 211624

9. **SP2022-040 - CLIFFORD DALE JR. WITH MASON JAR, INC.**

Synopsis: Renewal of a Special Use Permit (SP-2020-1, expired 1/29/2022) for live entertainment in conjunction with restaurant at 941 North 74th Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS).**

Tracking #: 211608

10. **SP2022-042 - REGINA COMPERNOLLE**

Synopsis: Renewal of Special Use Permit (SP-2019-23, expired 03/28/2021) for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices, and a farm stand at 4141 Joyce Drive (in conjunction with COZ2022-014), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS).**

Tracking #: 211615

11. **SP2022-044 - SAM LORING WITH GOULD EVANS**

Synopsis: Special Use Permit for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive; in conjunction with COZ2022-016, MPL2022-010, and PR2022-019), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL).**

Tracking #: 211617

C. VACATION APPLICATION

1. **VAC2022-002 - JOE MCLAUGHLIN WITH BHC RHODES**

Synopsis: Vacation of right-of-way at 205 North Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL).**

Tracking #: 211626

D. PLAN REVIEW APPLICATIONS

1. PR2022-015 - WENDELL HARKINS

Synopsis: Preliminary Plan Review for construction of a new entrance, truck scale and stormwater facilities at 2140 South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL)**.

Tracking #: 211627

2. PR2022-019 - SAM LORING WITH GOULD EVANS

Synopsis: Preliminary and Final Plan Review for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive; in conjunction with COZ2022-016, SP2022-044, and MPL2022-010), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL)**.

Tracking #: 211618

E. MISCELLANEOUS

1. MPL2022-010 - SAM LORING WITH GOULD EVANS

Synopsis: Master Plan Amendment from Nothing to Regional Commercial, Public/Semi-Public and Park/Open Space (Armourdale Area Master Plan) at 0 Kansas Avenue (557 River Park Drive; in conjunction with COZ2022-016, PR2022-019 and SP2022-044), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211648

2. HD2022-002 - JENNIFER MILLS/PRESIDENT OF HISTORIC WESTHEIGHT

Synopsis: Historic District Designation for Historic Westheight Manor, bounded by Wood Avenue and Everett Avenue on the North, North 18th Street on the East, State Avenue on the South, and North 22nd Street and North 25th Street on the West, listed on the National Register of Historic Places (1975 and District expanded in 1982) and the Register of Historic Kansas Places, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**.

Tracking #: 211650

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

- 1. AN ORDINANCE** rezoning property at approximately 9400 State Avenue, (COZ2022-005) from A-G Agriculture District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL)**.

2. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-036) for an automotive dealership at 401 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**.
3. **AN ORDINANCE** authorizing a Special Use Permit (SP2021-084) to keep horses at 5124 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**.
4. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-001) for heavy automotive/truck repair and used auto sales at 452 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
5. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-006) for continuation of 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)**
6. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-009) for a liquor store/convenience store at 901 Minnesota Avenue, 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 (SP2022-011) for a sports bar/drinking establishment at 403 North 5th Street, 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 (SP2022-020) for a Short-Term Rental at 4309 Rainbow Boulevard, 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 (SP2022-023) for transitional housing for youth/young people at 3535 Wood Avenue, 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 (SP2022-026) to keep a maximum of 25 fowl at 3030 South 63rd 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 (SP2022-031) for heavy automotive/truck service, repair and mechanics at 700 Kindelberger Road, 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 (SP2022-025) for outdoor multi-use baseball/softball field complex, 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 (SP2022-024) for an outdoor multi-field baseball/softball complex and concession sales at 1501 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL).**
14. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-015) 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)**
15. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-014) for an indoor and outdoor multi-use sports complex at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2021-048 - BLAIR TANNER

Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL - 4/2 VOTE).**

Tracking #: 211619

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 - 6/1 VOTE)**

Tracking #: 211584

B. SPECIAL USE PERMIT APPLICATION

1. SP2022-046 - BLAKE LOSTAL

Synopsis: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 322 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 4/1 VOTE).**

Tracking #: 211625

C. MASTER PLAN AMENDMENT

1. MPL2022-001 - TIM KATES WITH 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, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 6/1 VOTE)**

Tracking #: 211585

D. FLOOD PLAIN ANNUAL REPORT

1. 2022 CRS Community Certifications Report, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

Synopsis: Notification of Federal Emergency Management Agency (FEMA) acceptance of the Unified Government's 2022 Community Rating System (CRS) recertification.

Tracking #: 211583

E. PRESENTATIONS

1. COMPLETE STREETS ORDINANCE ANNUAL REPORT

Synopsis: Presentation by Public Health's Infrastructure Action Team (IAT) to provide the ordinance required annual report on city-wide progress implementing the Complete Streets Ordinance.

Tracking #: 211508

2. KANSAS CITY, KANSAS LANDMARKS COMMISSION 2021 ANNUAL REPORT

Synopsis: Presentation by Landmarks Chairman Meditz and Planning + Urban Design Director Hand concerning the activities of the Kansas City, Kansas Landmarks Commission during 2021. This presentation will provide base-line data for future annual reports to the Board of Commissioners.

Tracking #: 211509

TAX STATUS REPORT ***BOARD OF COMMISSIONERS AGENDA FOR MAY 26, 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.

IX. MAYOR'S AGENDA

Item No. 1 - PROCLAMATION: WYANDOTTE COUNTY SHERIFF DEPARTMENT DAY

Synopsis: Proclamation proclaiming May 17, 2022, as Wyandotte County Sheriff Department Day, submitted by Mayor Garner.

Tracking#: 211633

Item No. 2 - PROCLAMATION: THE FIRST BAPTIST CHURCH OF QUINDARO EDUCATIONAL SCHOLARSHIP DAY

Synopsis: Proclamation proclaiming May 21, 2022, as The First Baptist Church of Quindaro Educational Scholarship Day, submitted by Mayor Garner.

Tracking#: 211630

Item No. 3 - PROCLAMATION: NATIONAL GUN VIOLENCE AWARENESS DAY

Synopsis: Proclamation proclaiming June 3, 2022, as National Gun Violence Awareness Day, submitted by Mayor Garner.

Tracking#: 211634

Item No. 4 - PROCLAMATION: MARC 50-FORWARD DAY

Synopsis: Proclamation proclaiming June 10, 2022, as MARC 50-Forward Day, submitted by Mayor Garner.

Tracking#: 211631

Item No. 5 - PROCLAMATION: ROSEDALE FAMILY AND FRIENDS DAY

Synopsis: Proclamation proclaiming the first Saturday in June as Rosedale Family and Friends Day, submitted by Mayor Garner.

Tracking#: 211632

X. REGULAR CONSENT AGENDA

Item No. 1. - APPROVAL: USE OF RESERVE FUNDS FOR TUBERCULOSIS OUTBREAK RESPONSE (REVISED PER BLUE SHEET)

Synopsis: The Health Department requires the use of \$400,000 of its reserves in order to appropriately respond to the Tuberculosis outbreak that is ongoing in Wyandotte County. This will be used for personnel, resources, equipment, and communication needs related to the outbreak response, submitted by Juliann VanLiew, Director of Health.

*On May 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211549

Item No. 2. - APPROVAL: MID-AMERICA REGIONAL COUNCIL PLANNING SUSTAINABLE PLACES GRANT REQUEST

Synopsis: Staff is seeking approval to pursue a MARC PSP Grant for a Traffic Management Plan, High Accident Intersection Study, and Implementation Strategy for a

Complete, Green Rainbow Boulevard Corridor between I-35 and Shawnee Mission Parkway in partnership with the cities of Westwood, Westwood Hills, and Fairway., submitted by Gunnar Hand, AICDP, Director of Planning and Urban Design.

*On May 9, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission*

Tracking #: 211506.

Item No. 3. - REQUEST: STATE HISTORIC PRESERVATION OFFICE (SHPO) HISTORIC PRESERVATION FUND (HPF) GRANT REQUEST

Synopsis: Staff requests approval for authorization to pursue a Historic Preservation Fund Grant for the creation of a City-Wide Historic Preservation Plan with a local match, submitted by Gunnar Hand, AICP, Director of Planning and Urban Design. No matching funds are expected.

*On May 9, 2021, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 211507

Item 4 – MINUTES

Synopsis: Minutes from the regular session of December 2, 2021, and the special session of March 24, 2022.

Tracking#: MINUTES

Item 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 17, 2022.

Tracking#: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - AMENDMENT: CREATION OF NEW BPU PILOT CLASSIFICATIONS

Synopsis: Amending charter ordinances to create a residential BPU PILOT classification, submitted by Kathleen VonAchen, Chief Financial Officer.

*On May 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission with the stipulation that the item be heard on the Standing Committee Agenda.*

Tracking #: 211548

Item No. 2. - AMENDMENT: AMENDING ORDINANCE FOR SENIOR UTILITY TAX REBATE PROGRAM

Synopsis: Amending ordinances applicable to Senior Utility Tax Rebate program. submitted by Kathleen VonAchen, Chief Financial Officer.

*On May 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission with the stipulation that the item be heard on the Standing Committee Agenda.*

Tracking #: 211559

Item No. 3. - ORDINANCE/RESOLUTION: ARPA CAPITAL PROJECTS AND OTHER NEEDS ALLOCATIONS

Synopsis: Approval of Ordinance and Resolution to allocate ARPA funds for various capital, facilities, and park improvements as recommended by the ARPA Subcommittee, submitted by Kathleen VonAchen, Chief Financial Officer.

*On May 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted to approve and forward to full commission.*

Tracking #: 211557

Item No. 4. - ORDINANCES: ADOPTION OF PROPOSED BUILDING AND FIRE CODE UPDATES

Synopsis: A proposal for the adoption of "The 2018 Suite of Codes and Amendments to Chapter 8 -Building and Building Regulations/ Chapter 15 -Fire Prevention and Protection", submitted by Greg Talkin, Director of Neighborhood Resource Center.

*On May 9, 2021, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted to approve and forward to full commission.*

Tracking #: 211346

XIII. ADMINISTRATOR'S AGENDA

Item No. 1. - ORDINANCE: AUTHORIZING SURVEY & DESCRIPTION OF LANDS TO BE CONDEMNED/ORDINANCE

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for the project, and James Bain, Assistant Legal Counsel.

*On December 2, 2021, the **Full Commission** voted unanimously to adopt Resolution No. R-88-21.*

Tracking #: 211581

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1. - LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications , submitted by Jud Knapp, Land Bank Manager

A. New Construction - Single Family Homes

1. Chris Solutions LLC – 2 Homes
3815 Strong Ave – 171504
3813 H Strong Ave – 171503
1302 S 38th St – 170703
2. Chris Solutions LLC – 1 Home
1536 S 49th St – 049690
3. Chris Solutions LLC – 1 Home
741 Shawnee Rd - 155009
4. Monique Smith – 1 Home
4015 Coleman Ct – 062912
5. Richard Dumas – 1 Home
1047 Riverview Ave – 093842

B. New Construction – Multi Family – 34 Units Total

1. Travis Wilson – 9 or 10 unit Townhomes
1305 Ann Ave – 081041
1307 Ann Ave – 081042
1309 H Ann Ave – 081043
1311 Ann Ave – 081044
1315 Ann Ave – 081045
1319 Ann Ave – 081046
1325 Ann Ave – 081048
2. Raj Bhatia – 24 units
2110 N 51st – 917814

C. New Construction – Commercial – 4 Total

1. Chris Solutions LLC – Co-Working Office Space
1604 Minnesota Ave – 907522
2. Chris Solutions LLC - Co-Working Office Space
3510 Strong Ave – 170670
3. Chantelle L Sims - Affordable small eat and boutique center
6116 State Ave – 004421
4. The Dominique Experience Foundation – Community Center
5211 Parallel Pkwy – 917907

Tracking #: 211552

Item No. 2. - LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager

- A. Yard extension – 1 Total
 - 1. Robert Needham
2105 R McDowell Ln – 905541
Currently owns 2105 Mc Dowell Ln – 905542
- B. Property Transfers – 2 Total
 - 1. OCP Neighborhood Association – Park
2517 N 17th St – 115853
2515 N 17th St – 115851
2213 N 17th St – 115850
 - 2. CABA – Pocket Park
727 Central Ave – 120800
- C. Vacation of Right of Way
 - 1. Rachel Bichara
731 H Tenny Ave – 119926

Tracking #: 211553

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, MAY 26, 2022**

X. REGULAR CONSENT AGENDA

REVISED ITEM- REDUCED REQUEST

**ITEM NO. 1 – 211549: APPROVAL: USE OF RESERVE FUNDS FOR
TUBERCULOSIS OUTBREAK RESPONSE**

Synopsis: The Health Department requires the use of \$400,000 of its reserves in order to appropriately respond to the Tuberculosis outbreak that is ongoing in Wyandotte County. This will be used for personnel, resources, equipment, and communication needs related to the outbreak response, submitted by Juliann VanLiew, Director of Health.

*On May 9, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

- Requesting approval of \$100,000 instead of \$400,000.
The Kansas Department of Health and Environment (KDHE) recently amended the Health Department's existing Tuberculosis (TB) Grant with an additional \$300,000. As a result, the Health Department is requesting to reduce their request from the reserves funds from \$400,000 to \$100,000.



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: May 26, 2022

Re: **Change of Zone Petition COZ2022-006 and
Special Use Permit SP2022-018**

GENERAL INFORMATION

Applicant:

Vernon Hopkins

Status of Applicant:

Property Owner
7861 NW Roanridge Road
Kansas City, MO 64151

Requested Actions:

Approval of a Change of Zone.

Approval of a Special Use Permit.

Date of Application:

February 1, 2022

Purpose:

The approval of a Change of Zone from C-1 Limited Business District to C-2 General Business District for the operation of a drinking establishment where it is expected liquor sales will exceed food sales. The Applicant is proposing social gathering events such as weddings and birthday parties with live entertainment.

Property Location:

2724 North 13th Street
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large, District #2: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: C-1 Limited Business District South: C-1 Limited Business and R-1(B) Single-Family Districts East: C-3 Commercial District R-2 Two-Family District West: C-1 Limited Business and R-1(B) Single-Family Districts
Adjacent Uses:	North: Northeast Economic Development Corporation and Convenience Store with Gas and Restaurant with Banquet Dining South: Single Family Residences and Barbershop East: Single Family Residence and Two-Family Residences Small Box Retail West: Single Family Residences
Total Tract Size:	0.0592 Acre
Master Plan Area:	The Subject Property is within the Northeast Area Master Plan.
Master Plan Designation:	The Northeast Area Master Plan designates this Property as Mixed Use. Mixed Use is generally designated along corridors that include a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should be built up to the street for form a consistent street frontage. Allowed building types include single-family houses, townhomes, duplexes, low-rise apartments, small commercial retail and office, mixed-use buildings, and institutional uses.
Major Street Plan:	The City-Wide Master Plan designates North 13 th Street as a Local Street, but the adjacent Quindaro Avenue is designated as a Boulevard or Parkway.
Parking Requirement:	C-2 District (proposed zoning): Section 27-466(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. Special parking needs are expanded in Section 27-668(a) which requires that eating places, restaurants, dining rooms, snack bars shall provide one (1) space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces. The subject property has 2004 square feet, however, it is undetermined how much of the property is used for seating area. Without plans for further review, staff is unable to determine the final number required parking. The property has no parking, so a variance will be required relative to the amount of parking determined to be required.

Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 16, 2022 and March 7, 2022
Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Vernon Hopkins, is requesting a Change of Zone for the subject property at 2724 North 13th Street. The Applicant is requesting a Change of Zone from C-1 Limited Business District to C-2 General Business District. The Change of Zone has been requested so that the applicant can begin operation of a sports bar and grill with special gathering events within a 2004 square foot masonry building. The Applicant is the new property owner and is in the process of renovating the building to include a small kitchen. A Special Use Permit is required for any food service establishment in which alcohol sales is expected to surpass food sales and for live entertainment during events.

This application is being heard in conjunction with BOZA2022-022 for variances pertaining to setbacks and minimum required parking.

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.

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 the current project should alleviate them.
 - a. 2022: STR2022-0119 – improper boarding of building
 - b. 2021: 19201-00652 – damaged masonry, windows, sidewalk, doors, and other exterior structural issues.
 - c. 2019: 19225-04689 – trash, weeds, abatement
 - d. 2014: 14212-01009 – trash, weeds, abatement
 - e. 2013: 13220-00375 – graffiti

Outstanding or Related Permits and Cases:

1. The current property owner has outstanding Building Permits related to the renovation of the kitchen.
2. The current property has filed an additional application for Variances related to setbacks and parking requirements of the proposed zoning district.
 - a. 2022: BOZA2022-022

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is urban in character. The subject property is adjacent to commercial properties on Quindaro Boulevard that are a mix of office, retail, non-retail, and convenience uses. The subject property is the buffer zone between these commercial properties and adjacent residences on narrow lots, with immediate lot sizes of approximately 30 feet. Streets are mostly concrete, and driveways are often in the rear alleyways of properties. Roads show signs of significant improvement such as sidewalks, curbs, and gutters. This block of Quindaro is a mix of single-family residences, duplexes, and neighborhood commercial uses such as a banquet hall.

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-family homes, and neighborhood commercial uses. The proposed zoning would have general compatibility with the nearby properties due to their proximity to commercial 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 is suitable for alcohol consumption and small gatherings because it is an urban, mixed-use area in which neighborhood establishments are popular. There is the possibility for increased parking demand with the additional uses of alcohol consumption although the neighborhood generally favors small, locally owned and easily accessible businesses as a buffer to the more intense commercial uses on Quindaro Boulevard.

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

The property has been vacant since at least 2016, but records indicate that it may have been vacant periodically since 2006 or earlier. The property has changed ownership numerous times during that period, and it is unclear if the building has been open long-term during these periods.

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 proposed business is for private enjoyment, however, there is some benefit from operating a business in a building with long-term vacancy and the associated property and sales tax gains from its operation. The subject property already exists, and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring property if managed appropriately.

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, or safety. There is some possibility of overcrowding related to parking, however, due to the parcel's design and positioning, parking would be a concern no matter the property's use. No parking is available off-site.

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

The Northeast Area Master Plan designates this Property as Mixed Use. Mixed Use is generally designated along corridors that include a mix of single family houses, apartment buildings, small commercial buildings, and mixed-use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should

be built up to the street for form a consistent street frontage. Allowed building types include single-family houses, townhomes, duplexes, low-rise apartments, small commercial retail and office, mixed-use buildings, and institutional uses. Currently, the subject property is situated between more intense commercial uses and the adjacent residences, contributing to the Mixed Uses, and this will not be impacted by the Change of Zone. The size of the building and the parcel's layout will further restrict the higher-intensity uses of the proposed C-2 District but will still allow for the gathering space desired.

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 proposed renovation would allow for the operation of a new business in a building with long-term vacancy. This renovation enhanced the environment with upgrades and repairs, as well as providing a social amenity for neighbors.

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 not evident in the neighborhood.

d. *Police*

Police service is provided by North Patrol, District #113.

e. *Fire*

Fire service is provided by Station #5.

f. *Transit*

The subject property receives bus service via Route #106. There is a bus stop at the intersection of 13th and Quindaro.

g. *Schools*

Public 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 is currently a vacant building on a neighborhood corridor, which buffers the more intense commercial uses. The renovations will impact the increase in property tax value and will allow desirable neighborhood amenity, bringing in sales tax.

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

The subject property can meet zoning ordinances with the exception of parking and setbacks, although that is an issue the parcel would experience in any zone due to its uniquely legal non-conforming design. The applicant will need the approval of variances related to parking and setbacks.

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 to public health, safety, or welfare. The structure is already in existence, but the previous condition of prolonged vacancy and uninhabitable status made the property unsightly and unsafe, drawing the attention of neighbors as the property is positioned near a corner lot on a busy corridor. The kitchen renovation is permitted and with some exterior improvements, the property can meet or exceed the standard for maintenance and care, removing associated hazards to adjacent neighbors and the neighborhood.

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

There is a potential for noise, vibration, and/or illumination to be a problem at this location, as it is a sports bar adjacent to a residential neighborhood, but should be minimal if managed properly.

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

There is no substantial potential for the pollution of the air, land, or soil as it is within a built-out, mixed-use urban neighborhood. If the applicant properly maintains the property, pollution or trash from patrons should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out neighborhood.

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

The consumption of alcohol at a sports bar in and of itself would not be considered to have relative gains to the public health, safety, and welfare. The public would benefit from having another establishment in the neighborhood for socializing and gathering, as opposed to a continuously vacant space without a tenant. Denying the Special Use Permit may cause hardship for the property owner as they would be unable to operate any drinking establishment at this location.

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

The proposed use has the propensity for overcrowding of vehicular traffic due to its legal non-conformance in regard to lot size and lack of off-street parking. The consumption of alcohol is not a determining factor as similar uses in the neighborhood exist under similar conditions. There is a propensity for alcohol consumption to cause undue concentrations of population, however, a certificate of occupancy would provide a limit on populations appropriate for the building's size.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at the subject property on April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Legal Non-Conformance
Structural Compatibility
Parking Access
Zoning
Land Use
Utility Easements
Unfit Structure
Setback Requirements
Trash Management
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-006** and Special Use Permit Application **SP2022-018**, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-022;
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. All entertainment must cease by at least 1:00 AM;
4. No outdoor loitering in alleyways or behind the building;
5. Trash must be maintained at the rear of the building;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f), including:
 - a. 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 when alcohol is served;
 - d. At closing time, all security personnel will move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. If approved, the applicant must file and maintain a current business occupation tax application;
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 buildinginspection@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 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. 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;
14. 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,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Cases **COZ2022-006 and SP2022-018** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map Land Use Map
Floor Plan
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Rezoning	May 9, 2022	May 26, 2022
Special Use	Approval	
Permit	May 9, 2022	May 26, 2022
	Approval	

STAFF CONTACT: Kallie McLaughlin, kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2022-006 and SP2022-018** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2022-006 and SP2022-018**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:20:50:

CHANGE OF ZONE APPLICATION COZ2022-006 – VERNON HOPKINS - SYNOPSIS:

Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to operate a sports bar and grill with event space at 2724 North 13th Street.

SPECIAL USE PRMIT APPLICATION SP2022-018 - VERNON HOPKINS - SYNOPSIS:

Special Use Permit to operate a sports bar and grill with event space at 2724 North 13th Street.

Detailed Outline of Requested Action: The Applicant, Vernon Hopkins, is requesting a Change of Zone for the subject property at 2724 North 13th Street. The Applicant is requesting a Change of Zone from C-1 Limited Business District to C-2 General Business District. The Change of Zone has been requested so that the applicant can begin operation of a sports bar and grill with special gathering events within a 2004 square foot masonry building. The Applicant is the new property owner and is in the process of renovating the building to include a small kitchen. A Special Use Permit is required for any food service establishment in which alcohol sales is expected to surpass food sales and for live entertainment during events. This application is being heard in conjunction with BOZA2022-022 for variances pertaining to setbacks and minimum required parking.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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 from 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:

- Vernon Hopkins, applicant, 7861 NW Roanoke Road, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:23:51: Planning Director Hand stated that this case was heard in conjunction with Board of Zoning Appeals case BOZA2022-022, which was approved earlier this evening. The property is in the Northeast Area Master Plan. Staff has received no letters in support nor opposition. There are some Notices of Violation that

will be resolved with this redevelopment project. Staff has included several conditions of approval. Staff recommends approval of the Change of Zone and Special Use Permit subject to the conditions in the staff report.

Staff Recommendation starts at 4:25:16

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-006:**

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

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

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-022;
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. All entertainment must cease by at least 1:00 AM;
4. No outdoor loitering in alleyways or behind the building;
5. Tash must be maintained at the rear of the building;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f), including:
 - a. 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 when alcohol is served;
 - d. At closing time, all security personnel will move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. If approved, the applicant must file and maintain a current business occupation tax application;
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 buildinginspection@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;

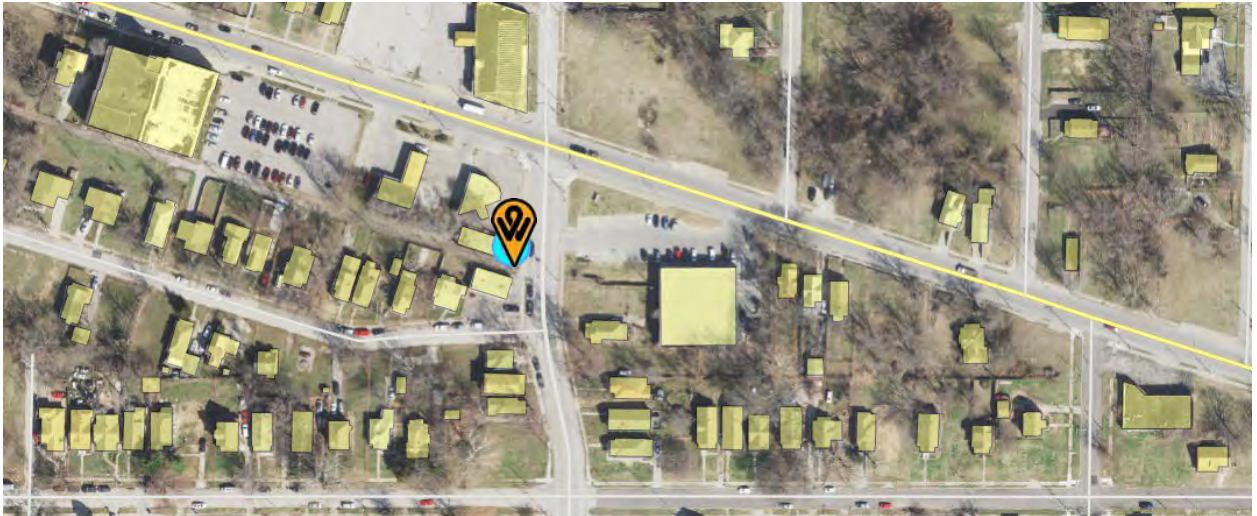
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, 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. 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;
14. 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,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-018:**

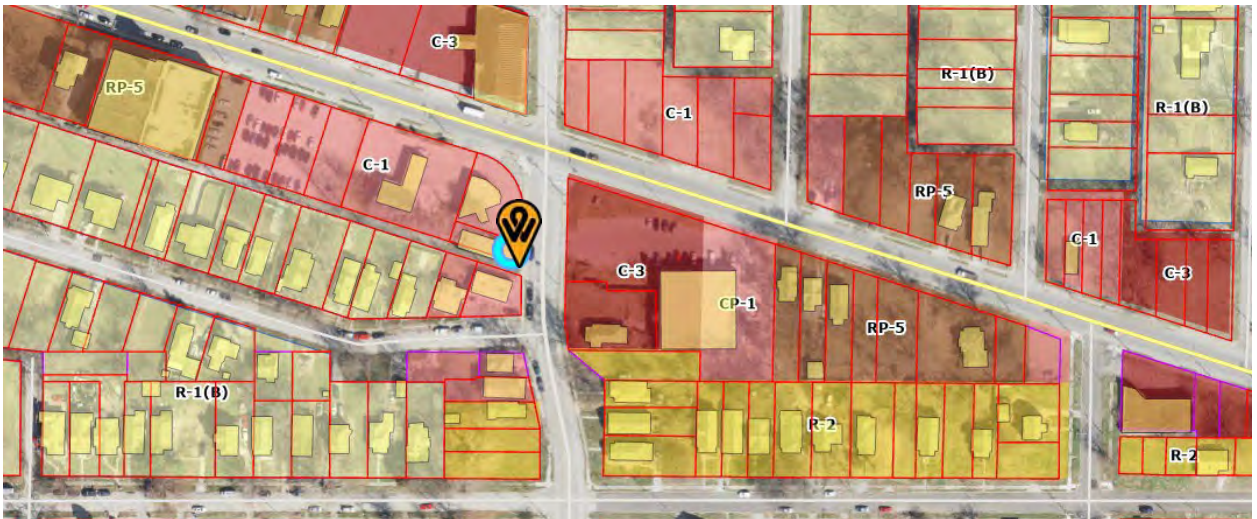
Carson	Chairman
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Pauley	Aye
Straws	Not Present

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

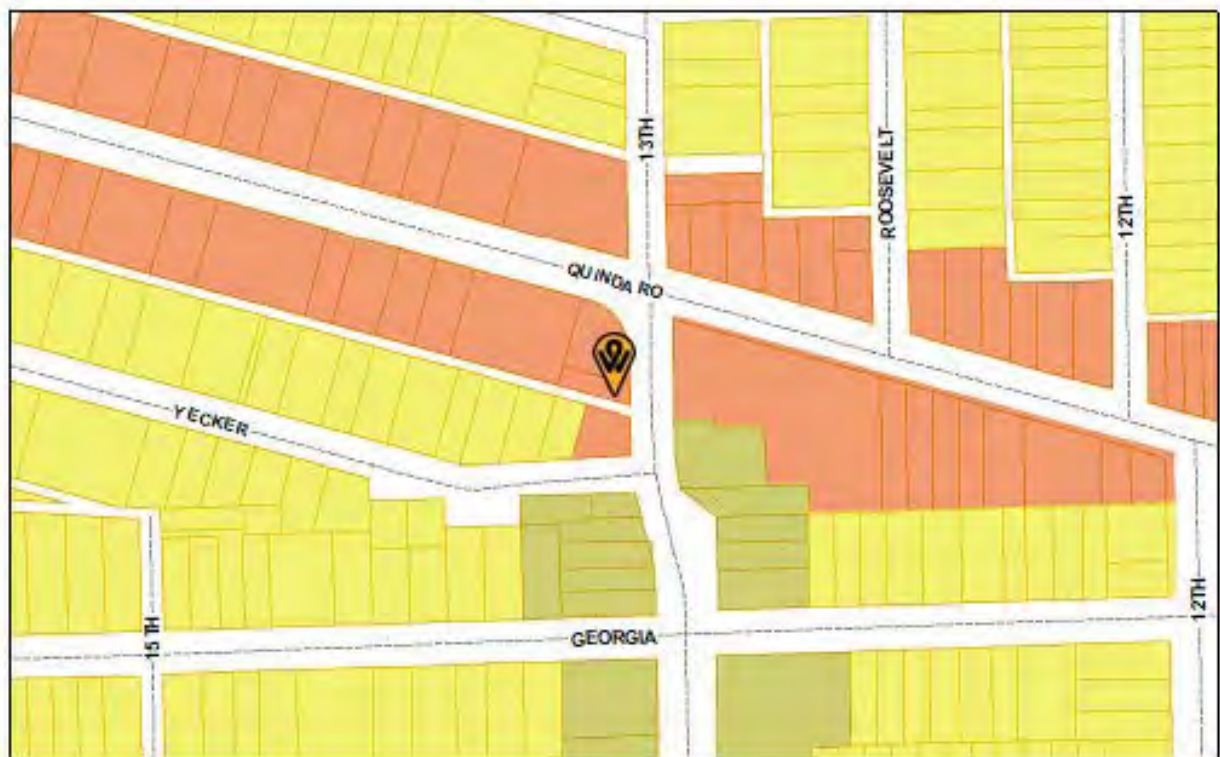
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

NEAMP Future Land Use

Districts

- Neighborhood Mixed Use
- Gateway / Neighborhood Commercial Hub
- Commercial
- Highway Commercial
- Industrial
- Historic and Institutional
- Parks and Open Space
- Single Family
- 1-4 units, house style
- Low rise apartments (3-4 stories)
- Preserve

FLOOR PLAN

MECHANICAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE MECHANICAL CODES, SPECIFICATIONS, AND STANDARDS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) AND THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTION (NBBI).
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE MECHANICAL CODES, SPECIFICATIONS, AND STANDARDS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) AND THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTION (NBBI).
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EXHAUST AND MAKE UP AIR AND DUCT NOTES

1. EXHAUST AND MAKE UP AIR SHALL BE PROVIDED BY A MECHANICAL SYSTEM, INCLUDING EXHAUST FAN, DUCTWORK, AND MAKE UP AIR INTAKE, AS SHOWN ON THE DRAWING.
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EXHAUST FAN SCHEDULE

MARK NO.	MANUFACTURE	MODEL NO.	CFM	QTY	D.P. IN HD.	ELECTRICAL	LOU/SRS	REMARKS
EX-1	CAPTIVE AIR	ND110F-A	1400	1	-5	240	1/2	BACK DRAFT
MLA	CAPTIVE AIR	NRMJLA-A	120	1	-17	240	1/2	NOVE

EXHAUST FAN SCHEDULE
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MECHANICAL PLAN

MECHANICAL PLAN

PROJECT INFORMATION
 Q13 RESTAURANT COOK LINE
 27294 in 13"
 KANSAS CITY, KS

ISSUE INFO

DATE	DESCRIPTION

DRAWN BY: BTH
 CHECKED BY: JTH
 ISSUED TYPE: F0000

SHEET TITLE

MECHANICAL PLAN

SHEET NUMBER

M1

ELECTRICAL PLAN NOTES

1. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE CITY OF KANSAS ELECTRICAL CODE.
2. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KANSAS ELECTRICAL CODE.
3. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KANSAS ELECTRICAL CODE.
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18. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KANSAS ELECTRICAL CODE.
19. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KANSAS ELECTRICAL CODE.
20. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KANSAS ELECTRICAL CODE.

LUMINARIES SCHEDULE

ITEM	QTY	DESCRIPTION	MANUFACTURER	MODEL	WATTAGE	VOLTS	TYPE
1	1	RECESSED HUNTERDOUGLAS	HUNTERDOUGLAS	15000	120	15000	RECESSED

RISER NOTES

1. SEE RISER FOR ALL RISER INFORMATION.
2. SEE RISER FOR ALL RISER INFORMATION.
3. SEE RISER FOR ALL RISER INFORMATION.
4. SEE RISER FOR ALL RISER INFORMATION.
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19. SEE RISER FOR ALL RISER INFORMATION.
20. SEE RISER FOR ALL RISER INFORMATION.

LP1 PANEL SCHEDULE

ITEM	QTY	DESCRIPTION	MANUFACTURER	MODEL	WATTAGE	VOLTS	TYPE
1	1	RECESSED HUNTERDOUGLAS	HUNTERDOUGLAS	15000	120	15000	RECESSED

KITCHEN ELECTRICAL PLAN

PROJECT INFORMATION

Q13 RESTAURANT COOK LINE
2724 m 13TH
KANSAS CITY, KS

ISSUE INFO

NO.	DATE	DESCRIPTION
1	10/10/10	ISSUED FOR PERMIT

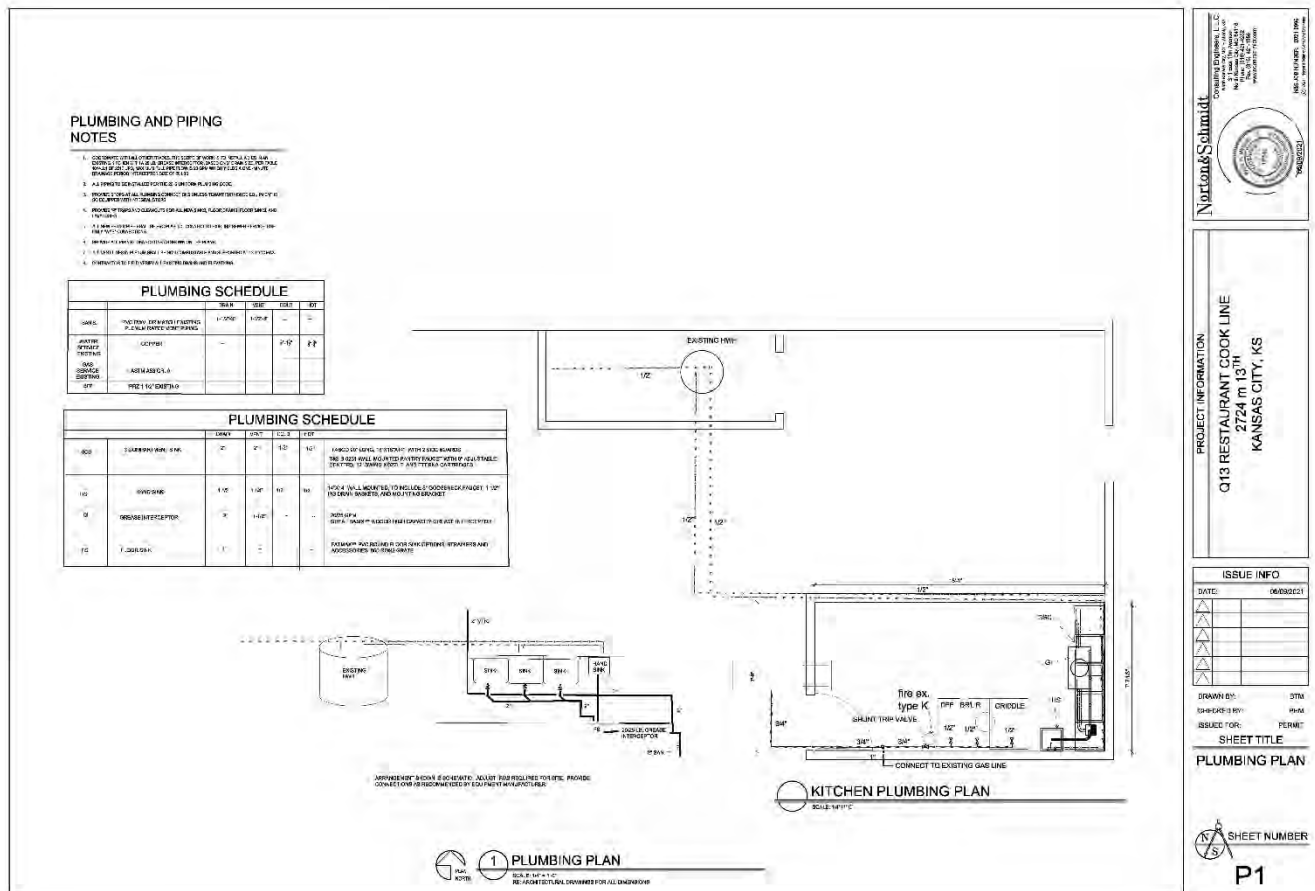
SHEET TITLE

ELECTRICAL POWER PLAN

SHEET NUMBER

E1

FLOOR PLAN



NEIGHBORHOOD MEETING INFORMATION

April 15, 2022

Vernon Hopkins
7861 NW Roanridge Rd. Unit F
Kansas City, MO. 64151

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # COZ2022-006 & SP2022-018. The purpose of this is for a change of zone & special use permit at the following address: 2724 N 13th St. Kansas City, KS. 66104

I/We am having a neighborhood meeting on April 25th at 6 p.m. at the following address 2724 N 13th St Kansas City KS. 66104.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Name and Contact Information
Vernon Hopkins
Vhop71@sbcglobal.net
913-915-7898

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting

Application Number: COZ2022-006, SP2022-018 and BOZA2022-022

Date and Location: April 25, 2022 at 2724 N. 13th St. KC, KS

Meeting called to order at: 6pm

Names of people in attendance: 0

Introductions: 0

The neighborhood meeting was to start promptly at 6pm Monday April 25th and no one showed. I waited until 6:30 and closed the meeting. I received one phone call from a Ms. Doris Jenkins and she informed me that she was no longer president of Organization for Neighborhood Preservation.

Meeting adjourned at: 6:30

Minutes taken by: Vernon Hopkins



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: May 26, 2022

Re: Petitions COZ2022-007 and SP2022-022

GENERAL INFORMATION

Applicant:

Maricela Zamora

Status of Applicant:

Property Owner
Pardo's Automotive
4639 Parallel Parkway
Kansas City, Kansas 66104

Requested Action:

Approval of a Change of Zone.

Approval of a Special Use Permit.

Date of Application:

January 28, 2022

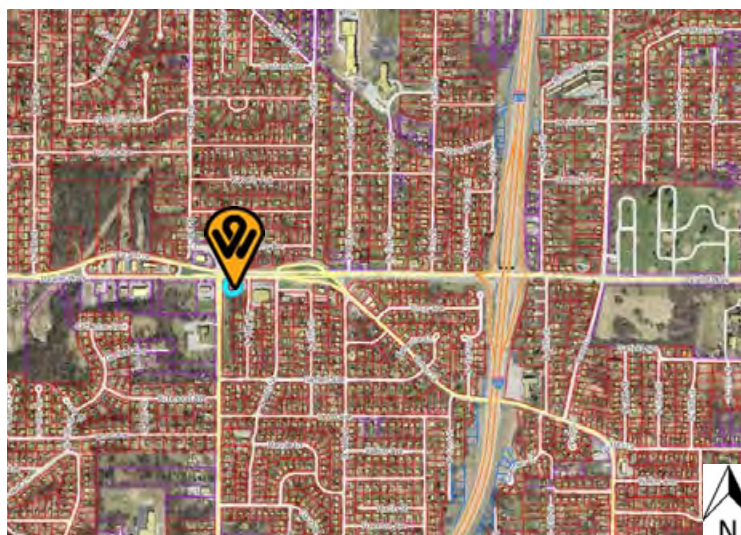
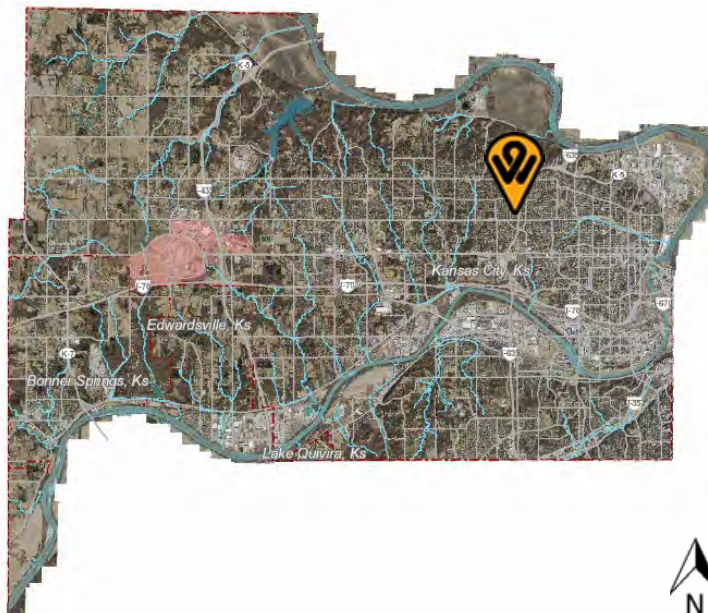
Purpose:

To approve a Change of Zone
from C-1 Limited Business
District to CP-2 Planned General
Business District.

To approve a Special Use Permit
for light automotive service and
maintenance.

Property Location:

4639 Parallel Parkway
Kansas City, Kansas 66104



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #4 Commissioner: Harold Johnson
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: R-1 Single Family District South: R-1(B) Single Family District East: C-1 Limited Business District West: CP-2 Planned General Business District
Adjacent Uses:	North: Undeveloped Landbank property South: Undeveloped Landbank property East: Undeveloped property West: Commercial building
Total Tract Size:	0.26 Acre
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial. The Community Commercial land use district allows for grocery stores; medium-sized (25,000 to 75,000 square feet) box stores, with or without small-scale accessory commercial uses; small-scale commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc.; car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet higher site design standards. Required infrastructure for the Community Commercial land use designation includes a minimum 8-foot sidewalk/trail along arterial roads, and a minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
Major Street Plan:	The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare. The Major Street Plan designates North 47th Street as a Class C Thoroughfare.
Parking Requirement:	C-1 District (current district): Section 27-464(e), paved off-street parking spaces are required at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. The proposed site plan demonstrates a building measuring 2,726 square feet, which requires a minimum of 11 parking spaces. The

proposed site plan provides 11 parking spaces, one (1) of which is ADA-compliant. These parking spaces meet the requirements of Sections 27-464(e) and 27-676(a).

CP-2 District (requested district): Section 27-466(e), paved off-street parking spaces are required at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. The proposed site plan demonstrates a building measuring 2,726 square feet, which requires a minimum of 11 parking spaces. The proposed site plan provides 11 parking spaces, one (1) of which is ADA-compliant. These parking spaces currently meet the requirements of Sections 27-464(e) and 27-676(a). One (1) parking space on the current site plan will be lost to the required pedestrian walkway; if the parking space is not incorporated elsewhere on the subject property, then a variance will be necessary.

Advertisement: The Wyandotte Echo – February 17, 2022; March 17, 2022; and April 14, 2022

Letters to Property Owner – February 17, 2022; March 18, 2022; and April 15, 2022

Public Hearings: May 9, 2022 and May 26, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Maricela Zamora with Pardo Automotive, is requesting a Change of Zone and a subsequent Special Use Permit. The requested Change of Zone is from C-1 Limited Business District to CP-2 Planned General Business District. This district is requested in order to meet the zoning district requirement for a Special Use Permit for light automotive service and maintenance. The subject property has had a light automotive service and maintenance use on the subject property since 2017; this Special Use Permit has been triggered by an expansion of uses on the subject property due to an expansion of the existing building by an additional 1,241 square feet.

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 not received any noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has not received any building or code enforcement complaints. The current property owner has owned the subject property since 2019.
2. The previous two (2) property owners have been cited for multiple violations over a period of ten (10) years, from 2000 to 2009. The previous property owners were cited for a variety of automotive-related violations, including junk vehicles, excessive vehicles parked outside, vehicles parked on unimproved surfaces, vehicles without tags, and automotive repair work being conducted on vehicles outside. The previous property owners have been cited for debris as well—in 2000, 2001, 2002, and 2004—and for a dilapidated structure and building without utilities in 2007 and 2008, respectively.

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

Change of Zone

1. Neighborhood character.

The subject property is within the Coronado Statistical Neighborhood and is within the Wyandotte Village Neighborhood Group. The character of the neighborhood is comprised of commercial properties along Parallel Parkway. To the south of Parallel Parkway, properties are primarily zoned R-1 District and of those parcels the majority are single-family residential properties.

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

The subject property is adjacent to a vacant parcel zoned C-1 District to the east and is across 47th Street from a gas station zoned CP-2 District to the west. The portion of Parallel Parkway that the subject is located on has several automotive-related businesses, including automotive repair shops, gas stations, and auto part stores. The adjacent property to the rear is zoned residential, but landscape screening and buffering should be able to reduce any adverse impacts a light

automotive repair business may have on future residential development. In this way, the proposed use is compatible with the nearby zoning and uses.

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

The light automotive repair and maintenance use already exists on the subject property; the Special Use Permit addresses the expansion of the use via the expansion of the existing building footprint. The proposed use does not appear to have caused any issues with the nearby properties in this time. Additionally, proper landscaping, screening, commercial development design, and other conditions will mitigate any effects the expanded use may have on nearby properties. Therefore, the subject property is suitable for the proposed use.

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

The applicant has been operating at the subject property since 2018, and the subject property has been used for light automotive repair since 2009.

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.*

Automotive repair services are necessary for those in Wyandotte County who own and use a vehicle. There are, however, a great number of automotive repair service businesses, especially along major commercial corridors such as Minnesota Avenue, State Avenue, and Parallel Parkway. While the expansion of a pre-existing automotive repair business may not be absolutely necessary for the convenience and welfare of the public, the portion of Parallel Parkway that the subject is located on has several automotive-related businesses, including automotive repair shops, gas stations, and auto part stores. The adjacent property to the rear is zoned residential, but landscape screening and buffering should be able to reduce any adverse impacts a light automotive repair business may have on future residential development. In this way, the proposed use will 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.*

An expanded building would allow for more vehicles to be accommodated, but as automotive repair is generally an appointment-based service that has a set and defined number of customers who can be assisted at any given time, the concern of an increase in traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems is very unlikely.

Furthermore, the subject property is served by both a Class A and Class C Thoroughfare. Therefore, the proposed use will not likely result in increasing the

amount of vehicular traffic to the point where it either exceeds the capacity of the street network—the Class A and Class C Thoroughfares—to accommodate it or merely adversely affects road capacity, safety or creates parking problems.

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

The City-Wide Master Plan designates this property as Community Commercial. The Community Commercial land use designation allows for grocery stores; medium-sized (25,000 to 75,000 square feet) box stores, with or without small-scale accessory commercial uses; small-scale commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc.; car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet higher site design standards. Required infrastructure for the Community Commercial land use designation includes a minimum 8-foot sidewalk/trail along arterial roads, and a minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare and North 47th Street as a Class C Thoroughfare. Therefore, eight (8)-foot sidewalks must be constructed in their respective rights-of-way along the north and east boundary lines of the subject property, and four (4)-foot pedestrian walkways with proper landscaping and lighting must be installed as a connection between the sidewalks and the front of the building. The proposed use, therefore, conforms with the City-Wide Master Plan but must meet all requirements of the Commercial Community land use designation.

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

Automotive repair includes the changing and disposal of auto parts—including metals, tires, and electronics—as well as fluids. All automotive materials and fluids must be properly disposed of in accordance with local, State, and federal law and in accordance with any additional binding regulations from licensing boards or government agencies. The applicant must provide proof of an oil-water separator installed in the workshop floor.

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

a. *Water service*

Water lines currently serve the property.

b. *Sanitary sewer service*

Sanitary sewer lines run along the east side of the subject property, then cuts across the front of the property and enters the Parallel Parkway at the intersection with North 47th Street. The proposed use and expansion do not require an expansion of the sanitary sewer lines.

c. Storm water control

The subject property is served by storm water lines running along the west side of the parcel on North 47th Street and along Parallel Parkway. There are two (2) storm inlets located at the northwest corner of the parcel, one (1) on the north boundary line and one (1) on the west boundary line.

d. Police

Police service is provided by East Division, District #114.

e. Fire

Fire service is provided by Fire Station #11.

f. Transit

There is a bus stop (eastbound) across North 47th Street from the subject property, and another bus stop (westbound) on the north side of Parallel Parkway and to the west of the North 47th street intersection. The subject property is served by the 116 (West Parallel) bus route.

g. Schools

Public education is provided by Eugene Ware Elementary School, Coronado Middle School, and Schlagle High School, under Kanas City USD 500.

h. Streets

The subject property will be served by Parallel Parkway and North 47th Street. No additional streets will be created.

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

This Change of Zone will, in part, allow an existing business to expand its current uses, including light automotive repair and maintenance. Expansion of the business and services will have a positive economic impact on the community.

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

There are several planning entitlements that will need to be simultaneously acquired in order for the Change of Zone from C-1 District to CP-2 District. In order to operate a light automotive repair and maintenance use, the applicant must receive a Special Use Permit. SP2022-022 has been applied for and will be heard simultaneous to this Change of Zone. Furthermore, the subject property is currently unable to meet several setback requirements of the CP-2 District, and therefore must receive variances from all violating setbacks. The applicant has

applied for BOZA2022-007, which will also be heard simultaneous to this Change of Zone.

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

The expansion of the existing building, which is not directly triggered by the proposed Change of Zone, but which is indirectly influenced by the proposed change to the CP-2 District, will reduce the rear yard setback between the subject property's building and the adjacent residentially zoned property to four (4) feet. This is addressed in the BOZA2022-007 staff report in greater detail. An important factor, however, in the variance request for the rear yard setback, is the ability for the applicant to properly screen the building from the residential property. If the property cannot be properly screened, then the relative gain to the public welfare may be outweighed by the hardship imposed on future residents of the adjacent property.

Special Use Permit

1. The Character of the Neighborhood.

See Change of Zone Review Factor #1.

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

See Change of Zone Review Factor #2

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

See Change of Zone Review Factor #3.

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

See Change of Zone Review Factor #4.

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

See Change of Zone Review Factor #7.

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.

See Change of Zone Review Factor #6.

- 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.***

See Change of Zone Review Factor #5.

- 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.***

Regardless of the factors to consider as part of the Special Use Permit request, Section 27-466(c)(2) states that no use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood. In order to ensure compliance with this zoning district requirement, all repair work or other services must occur fully within the building on site and not outside. Furthermore, all lighting on the subject property, such as for the building or in the parking lot, shall be directed downward at a 90-degree angle in order to keep the light on site as much as possible.

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

The expansion of the existing building will result in the loss of permeable green space, namely in the rear of the property. Some of that loss of permeable land will be regained as part of the landscape buffering between parking spaces on the north side of the parcel and the Parallel Parkway right-of-way.

Automotive repair includes the changing and disposal of auto parts—including metals, tires, and electronics—as well as fluids. All automotive materials and fluids must be properly disposed of in accordance with local, State, and federal law and in accordance with any additional binding regulations from licensing boards or government agencies. The applicant must provide proof of an oil-water separator installed in the workshop floor.

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

Given the existing development of the subject property, mitigation measures are more relevant and feasible than overall design changes to the land. These measures include ensuring the change in permeable surface and the possible change to the retaining wall does not result in a change in stormwater runoff. As mentioned previously, all automotive materials and fluids must be properly disposed of in accordance with local, State, and federal law and in accordance with any additional binding regulations from licensing boards or government agencies. The applicant must provide proof of an oil-water separator installed in the workshop floor.

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

See Change of Zone Review Factor #12.

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

The applicant has sufficiently shown that all parking requirements can be met on site, even with the expansion of the building which results in more parking spaces required with less available land to place the parking spaces on. As there are many restrictions on an inoperable vehicle parked outside, including the amount of time, quantity, location, gross vehicle access weight, and visibility—the applicant should provide an overall site plan and a floor plan of the building demonstrating how and where customer's vehicles will be stored upon intake, during servicing, and while waiting to be picked up. These additional responses will allow Staff to determine with certainty that the proposed use will not result in the overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- BZA-1887 (2008), appeal of director's interpretation
- BOZA2022-007, a simultaneous variance from the rear yard setback and parking lot setback

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 28, 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
Parking Lot Dimensions
Retaining Walls
Stormwater Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-007**, subject to:

- 1) **Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;**
- 2) **Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco,**

- integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
 - 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
 - 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
 - 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
 - 7) Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department;
 - 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
 - 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
 - 10) The applicant has filed and maintained a current business occupation tax application;
 - 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 buildinginspection@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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - 13) 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;
 - 14) 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;
- 15) 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;
 - 16) A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 - 17) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
 - 18) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas; and,
 - 19) 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.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-022**, for **two (2) years**, subject to:

- 1) Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl

- siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
- 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
 - 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
 - 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
 - 7) Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department;
 - 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
 - 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
 - 10) The applicant has filed and maintained a current business occupation tax application;
 - 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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - 13) 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;
 - 14) 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;
 - 15) 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;
- 16) 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;
 - 17) A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 - 18) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
 - 19) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
 - 20) 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;
 - 21) 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;

- 22) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 23) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-007 and SP2022-022**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan of 4639 Parallel Parkway
Parking Lot Plan of 4639 Parallel Parkway
Landscaping Plan of 4639 Parallel Parkway
Building Elevations for Existing Building and Proposed Expansion
Floor Plan for 4639 Parallel Parkway
Site Photographs Submitted by the Applicant
Wyandotte County Conservation District, Dated February 15, 2022
Staff Site Visit Photographs, Dated May 5, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Change of Zone	May 9, 2022	May 26, 2022
	Approval	
Special Use Permit	May 9, 2022	May 26, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2022-007 and SP2022-022**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2022-007 and SP2022-022**, as they are not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:27:00:

CHANGE OF ZONE APPLICATION COZ2022-007 – MARICELA ZAMORA -

SYNOPSIS: Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District for auto repair services at 4639 Parallel Parkway (in conjunction with SP2022-022 and BOZA2022-007).

SPECIAL USE PERMIT APPLICATION SP2022-022 - MARICELA ZAMORA -

SYNOPSIS: Special Use Permit for auto repair services at 4639 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Maricela Zamora with Pardo Automotive, is requesting a Change of Zone and a subsequent Special Use Permit. The requested Change of Zone is from C-1 Limited Business District to CP-2 Planned

General Business District. This district is requested in order to meet the zoning district requirement for a Special Use Permit for light automotive service and maintenance. The subject property has had a light automotive service and maintenance use on the subject property since 2017; this Special Use Permit has been triggered by an expansion of uses on the subject property due to an expansion of the existing building by an additional 1,241 square feet.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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; and,
8. The testimony at the Board of Zoning Appeals 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:

- Juan Pardo, representing his wife, the applicant, 4639 Parallel Parkway, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:29:45: Planning Director Hand stated these applications are being heard in conjunction with BOZA2022-007, which was approved by the Board of Zoning Appeals earlier this evening. The request is to change the zoning from C-1 Limited Business District to CP-2 Planned General Business District for automotive service and maintenance. The property is in the mid-town area in the City-Wide Master Plan. Staff has received no letters in support nor in opposition. The project will be required to follow the Commercial Design Guidelines and the conditions in the staff report including the position of ADA parking stalls. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:30:57:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-007:**

Carson	Chairman
Armstrong	Not Present
Beth	Aye
Connelly	Not Present

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

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

Subject to:

- 1) Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
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- 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
- 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
- 7) Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department;
- 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
- 10) The applicant has filed and maintained a current business occupation tax application;

- 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 buildinginspection@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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) 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;
- 14) 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;
- 15) 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;
- 16) A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
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- 18) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas; and,
- 19) 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. Miller, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-022:**

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

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

Subject to:

- 1) **Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;**
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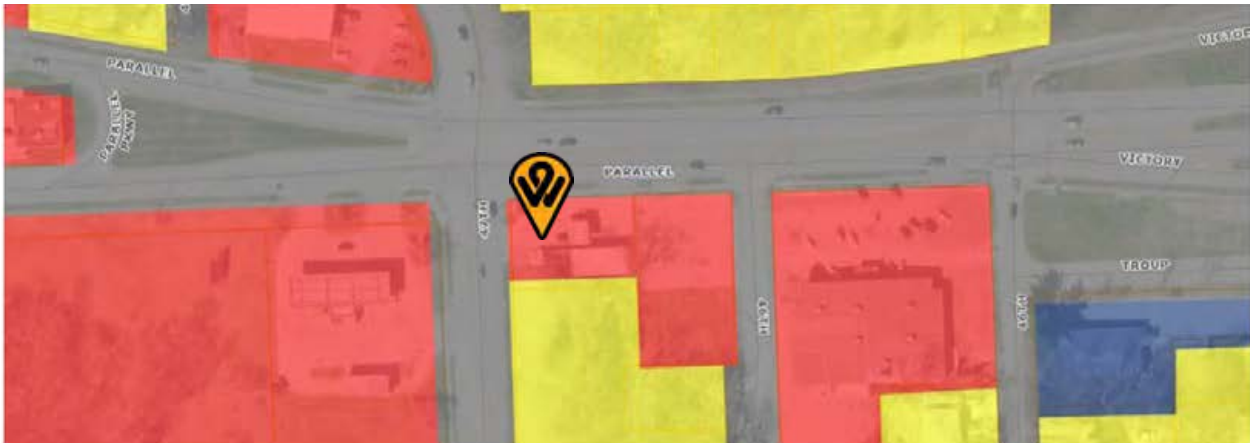
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses

	Utilities
	Right-of-Way
	Urban Density
	Agricultural
	Neighborhood Commercial
	Community Commercial
	Business Park
	Floodway
	Regional Commercial
	Future Residential
	Rural-Density Residential
	Employment
	High-Density Residential
	Medium Density Residential
	Low-Density Residential
	Mixed-Use
	Parks/Open Space
	Public/Semi-Public

Neighborhood minutes meeting

Application number: coz2022-007 / sp2022-022 / boz2022-007

Date and location 02-28-2022

Meeting over the phone (due to pandemic)

Names of people in attendance: none

Introduction: no intro was given due to no one inquired about the neighborhood meeting notice that was mailed out.

Meeting adjourned via phone

Minutes taken : 0 minutes

NEIGHBORHOOD MEETING MATERIALS, CONT.

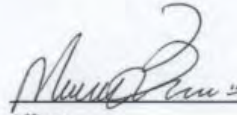
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

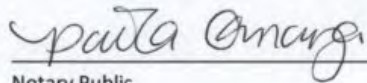
Comes now Maricela Zamora, of lawful age, sound mind and open his/her oath states as follows:

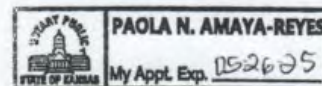
1. That I am the petitioner for Petition # CO22022-007 SP2022-022 BO22022-007
2. That I conducted a neighborhood meeting on 2-28-2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of May, 2022.
My commission expires 25 of May, 2026.


Notary Public



1 | **SITE PLAN**
Scale: 1" = 20'

[illegible]

Site plan for 1405 S. 1st St. showing proposed C2P zoning and building layout.

Proposed C2P Zoning:

- NO CURB
- REMOVE CANOPY
- EXIST. PAVING
- EXIST. GRASS
- NEW RETAINING

Building Footprints:

- NEW ADDITION:** 25' x 33' (1241 SF)
- EXISTING BUILDING:** 27' x 55' (1485 SF)

Setbacks and Dimensions:

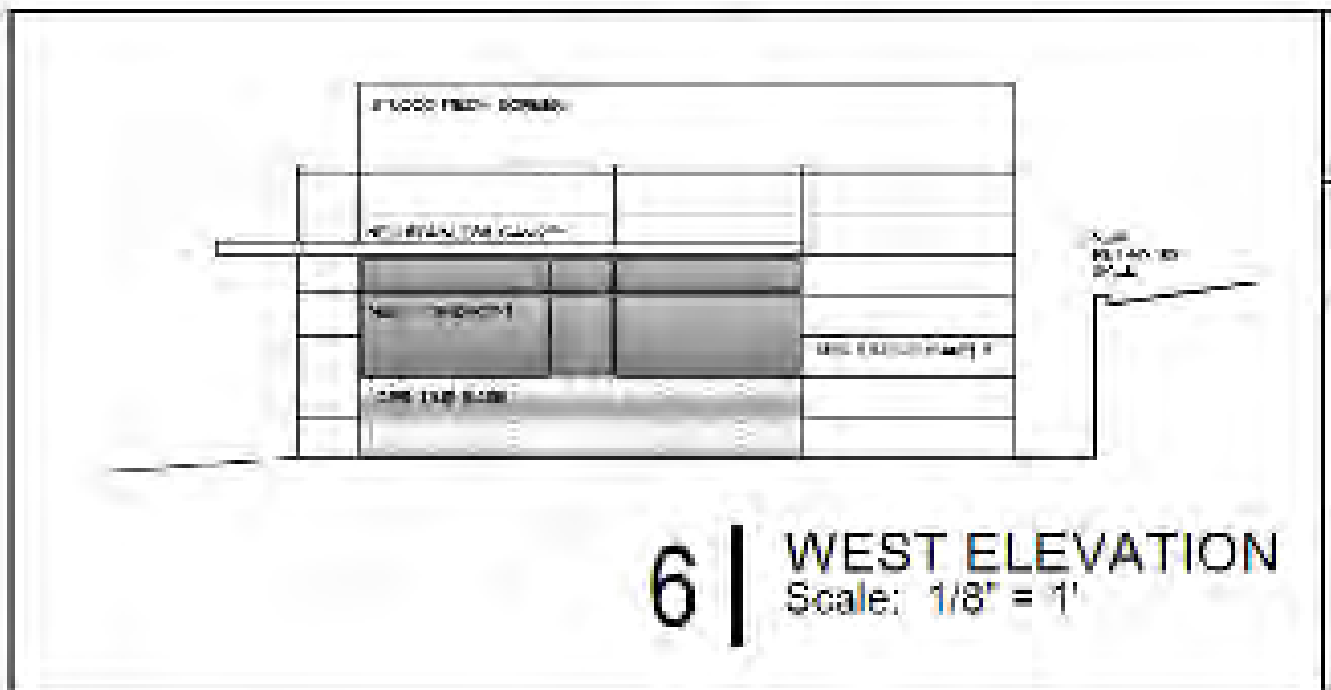
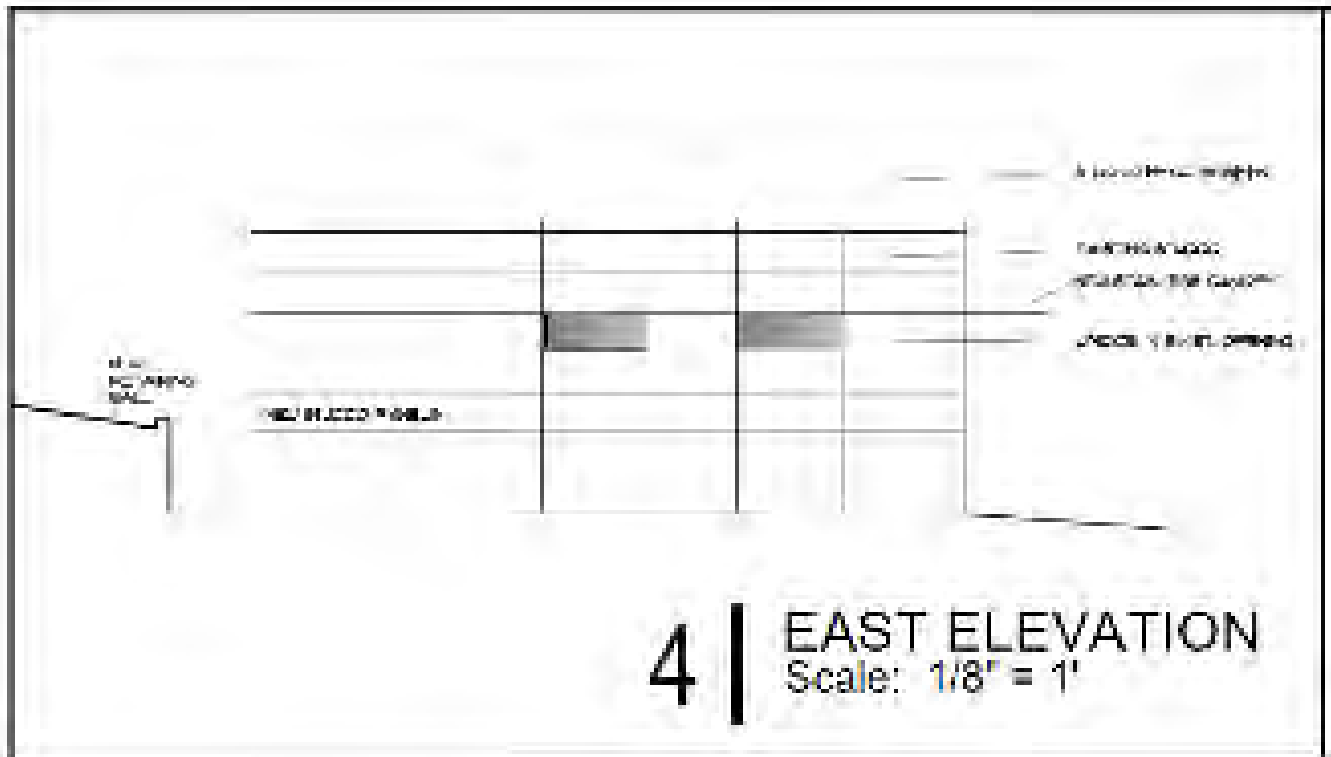
- Front Setback: 25.40'
- Side Setback (Left): 18'-0"
- Side Setback (Right): 18'-0"
- Back Setback: 32'-0"
- Property Line (Left): 25'-0"
- Property Line (Right): 32'-0"
- Property Line (Bottom): 6'-0"

Other Features:

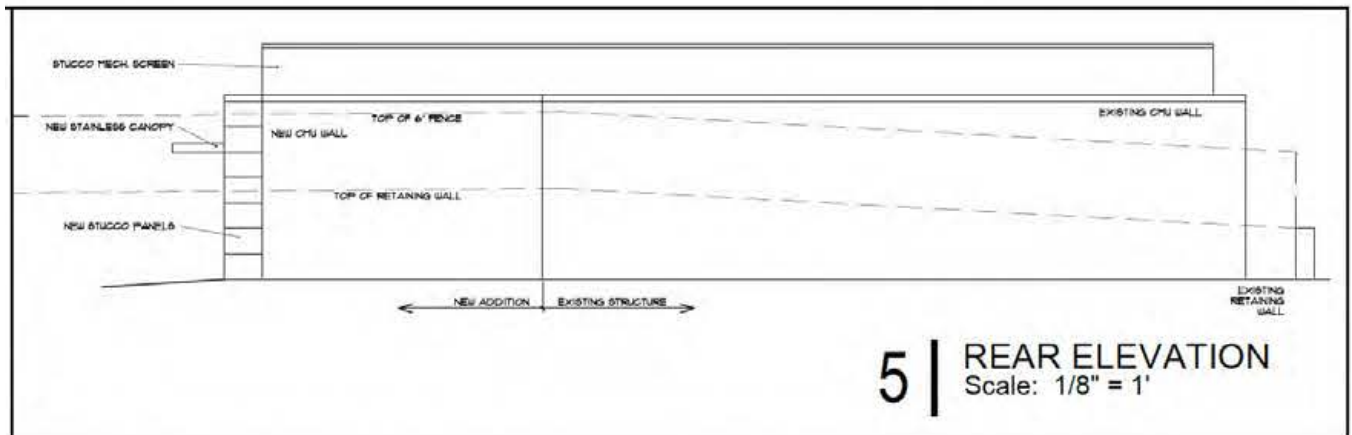
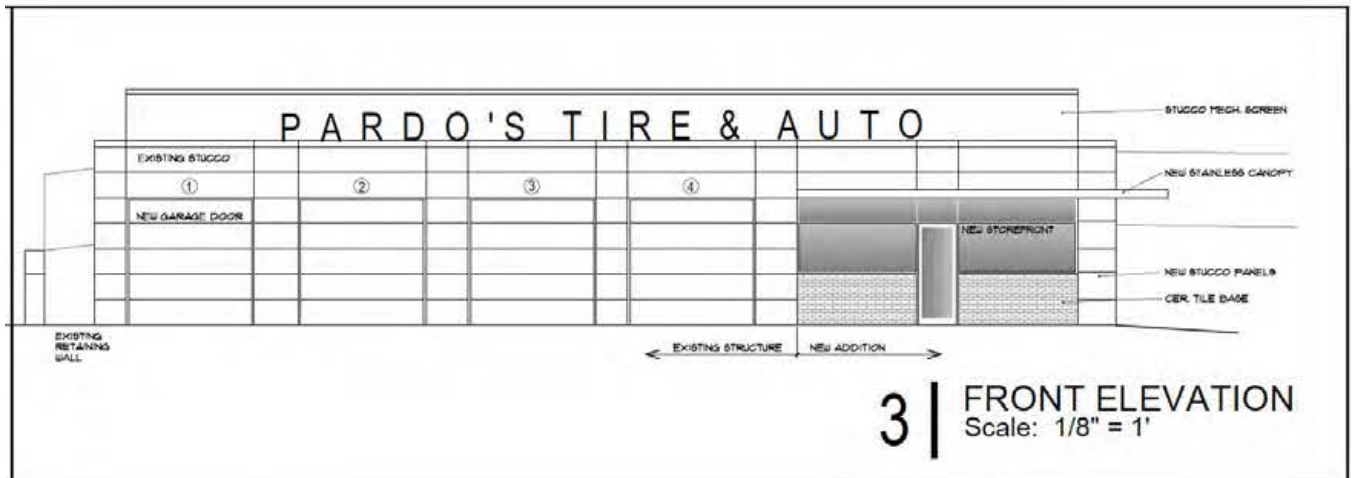
- TRAFFIC LANE
- EXIST. CURB CUT
- NEW 8' SIDEWALK
- 4' HATCH RED CROSSING REFLECTIVE PAINT
- TRASH ENCL.
- 6" SOLID WOOD FENCE

29

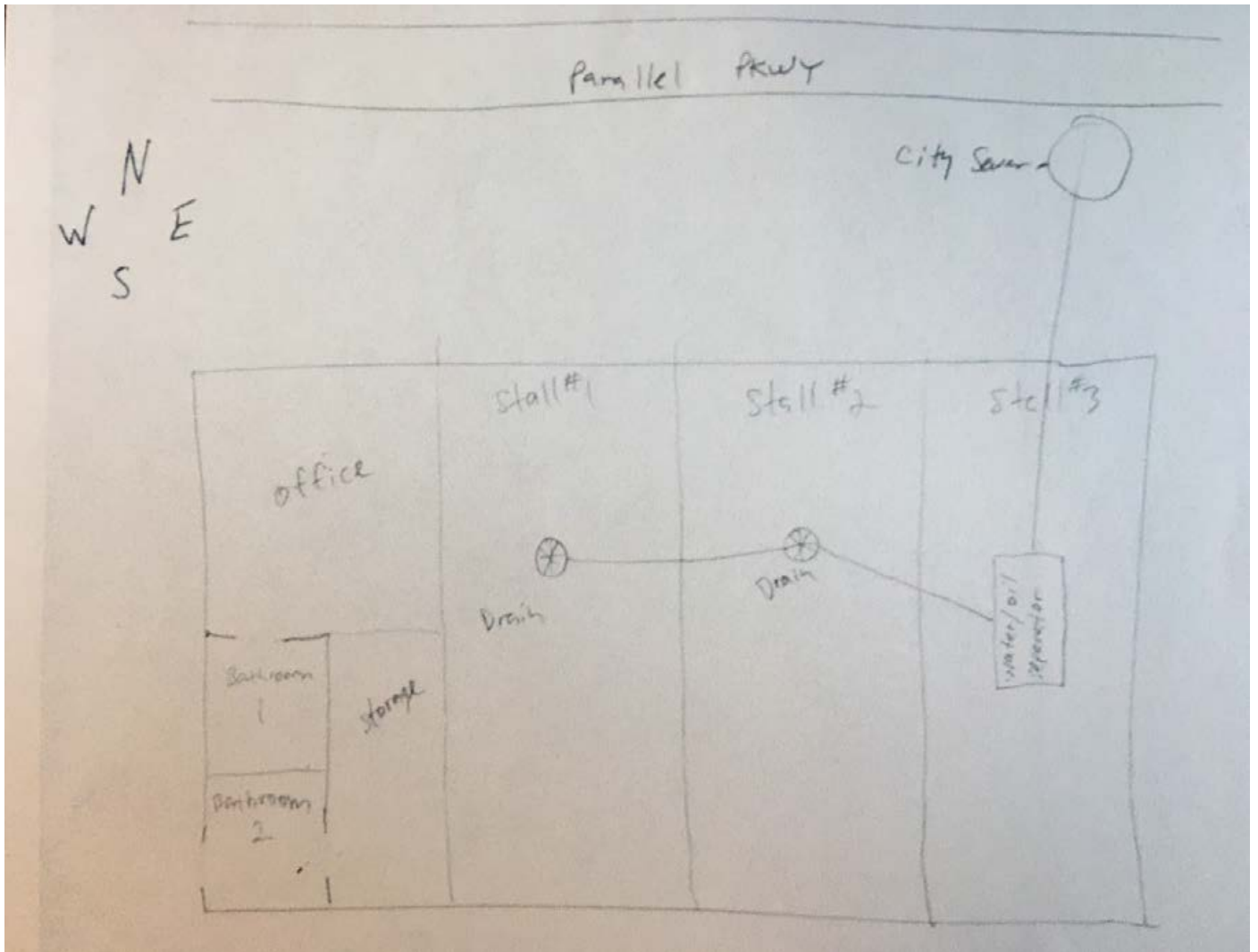
BUILDING ELEVATIONS FOR EXISTING BUILDING AND PROPOSED EXPANSION



BUILDING ELEVATIONS FOR EXISTING BUILDING AND PROPOSED EXPANSION,
CONT.



FLOOR PLAN FOR 4639 PARALLEL PARKWAY



SITE PHOTOGRAPHS SUBMITTED BY THE APPLICANT



Above: Photos of the subject property.

Below: Photos of the existing floor drains.



WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 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

February 15, 2022

RE: COZ2022-007, SP2022-022 and BOZA2022-007 C-1 to CP-3 for auto repair services at 4639 Parallel Parkway

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-007, SP2022-022 and BOZA2022-007 C-1 to CP-3 for auto repair services at 4639 Parallel Parkway.

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 COZ:

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- It appeared to us that surface drainage might be a problem. We could not see any storm drains that might be there. Runoff from the lot to the East and roadway to the North flow into the front of the building, evident by the lifted cement pad.
- The area has been leveled so soils information may need on site determinations for interpretations.

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.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 2022, CONT.

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

STAFF SITE VISIT PHOTOGRAPHS, DATED MAY 5, 2022



Above: View of the front of the existing building from the parking lot.

Right: Additional View of the front of the existing building, facing south.

Below: View of the existing and parking lot, facing east.



STAFF SITE VISIT PHOTOGRAPHS, DATED MAY 5, 2022, CONT.



Upper Left: View of the existing sidewalk along Parallel Parkway, facing west.



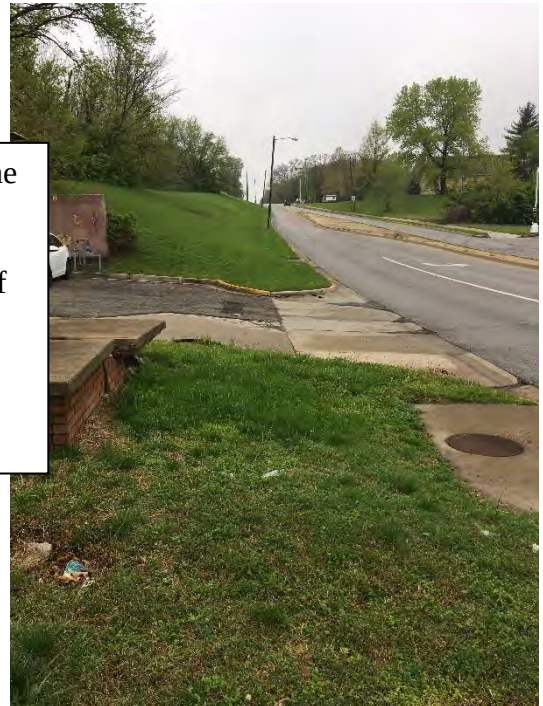
Upper Right: View of the intersection at Parallel Parkway and North 47th Street, facing northwest.

Below: View of the right-of-way along North 47th Street, where an 8-foot sidewalk will need to be installed.



Left: View behind the building.

Lower Left: View of the east side of the building and the retaining wall in the adjacent property.





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: May 26, 2022

Re: COZ2022-014 and SP2022-042

GENERAL INFORMATION

Applicant:

Regina Compennolle
DBA Sacred Earth Arts

Status of Applicant:

Property Owner
4141 Joyce Drive
Kansas City, Kansas 66104

Requested Action:

Approval of Change of Zone.

Approval of a Special Use Permit.

Date of Application:

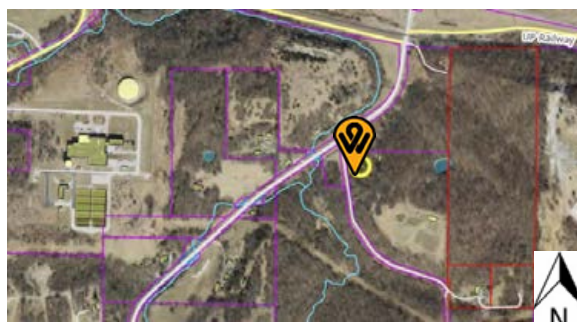
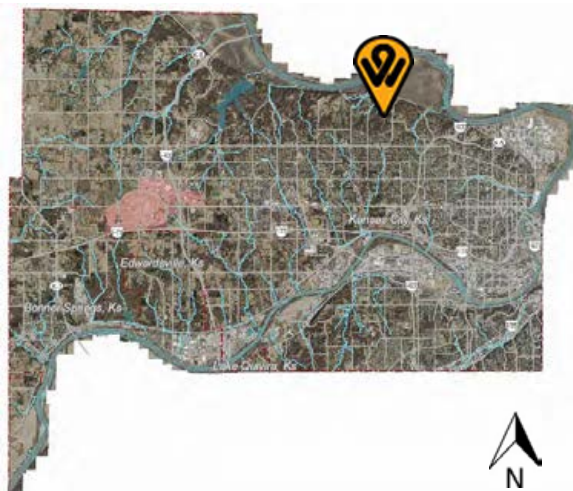
March 25, 2022

Purpose: To change the zoning district from R-1 Single Family District to AG Agriculture District.

To renew a Special Use Permit for Agricultural-related tourism, sales, and education on the owner's property.

Property Location:

4141 Joyce Drive
Kansas City, Kansas 66104



Commission Districts:	Commissioner At-Large District #2: Tom Burroughs District #2 Commissioner: Gayle Townsend	
Existing Zoning:	R-1(B) Single Family District	
Adjacent Zoning:	North:	R-1(B) Single Family District
	South:	R-1(B) Single Family District
	East:	R-1(B) Single Family District
	West:	R-1(B) Single Family and AG Agriculture Districts
Adjacent Uses:	North:	Vacant Treed Space
	South:	Single Family Residence and Vacant Treed Space
	East:	Vacant Treed Space
	West:	Single Family Residence, Agricultural Open Space and Public Utility – BPU Reservoir
Total Tract Size:	14.00 Acres	
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.	
Master Plan Designation:	The City-Wide Master Plan designates this Property as Rural Density Residential. Rural Density Residential includes agriculture, ranches, and large lot residential development, passive parks, and open space. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.	
Major Street Plan:	The City-Wide Master Plan designates Joyce Drive Street as a Local Street.	
Parking Requirement:	R-1 District (current zoning): Section 27-454(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one of which should be a garage or carport.	
	AG District (proposed zoning): Section 27-452(4)(e) requires two (2) off-street parking spaces shall be provided for each dwelling unit, at least one of which shall be in a garage or carport. The current property has a garage space and numerous off-street spaces with an extended driveway, meeting this requirement.	

Additional parking shall be required at the discretion of the Director as a condition of approval for the Special Use Permit, which is discussed in the Factors to be Considered and Conditions of Approval in this report.

Advertisement:

The Wyandotte Echo – April 14, 2022
Letters to Property Owner – April 15, 2022

Public Hearings:

May 9, 2022 and May 26, 2022

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Regina Compennolle OBA Sacred Earth Arts, is requesting a Change of Zone and a renewal of a Special Use Permit for the subject property at 4141 Joyce Drive. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been requested so that the property's agricultural activity can continue. It is unclear if the property was formerly zoned for Agricultural, however the parcel size and rural nature of the properties indicate that there was a possible rezone from Agricultural in the past. The Applicant currently uses the property for a multitude of agriculturally related activities including educational classes on topics such as herbalism, edible plant identification, nature-based spirituality, nature-inspired art, self-pick orchards, the production of farm-goods such as soaps, jellies, salves, oil infusions, incenses, and personal homesteading and would like the zoning to reflect the property's intended use. The property owner maintains a number of agricultural related accessory structures such as high-tunnels and an equipment storage barn. The Special Use Permit has been requested so that the applicant may continue to utilize the commercial activity of the educational classes and you-pick berry sales and the industrial activity of food product production.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There are two (2) police related service calls to the area:
 - a. 2020: 2020-00026888 - traffic stop/ticket
 - b. 2018: 2018-00103764 - stray dog trapped by rescue agency

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.
3. The owner has previous Planning and Zoning Cases:
 - a. SP2019-023 - Special Use Permit - Temporary Use of Land
 - b. SP2017-017 - Special Use Permit - Temporary Use of Land
 - c. SP2014-044 - Special Use Permit - Temporary Use of Land
 - d. SP2012-014 - Special Use Permit - Dog Kennel

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential and rural in character. Lots range in size from five (5) acres to 45 acres, with the average lot size being approximately 15 acres. There streets are mostly asphalt and driveways are often asphalt or gravel. Lots are deep and residences with large setbacks from the street and long winding drives with timber stand buffers.

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

AG Agricultural Zoning Districts that are rural in character with large lots permitting various degrees of agricultural activity. The proposed use is expected to be highly compatible with the adjacent properties.

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

Per Section 27-452, the purpose of the A-G Agriculture District is to provide for those areas on the periphery of the city where agriculture is the predominate land use. It is designed to protect agriculture from premature or disorderly intrusion by urban land uses. There is a single-family residence on the property which is permissible by-right per Section 27-452(b). The applicant's other property uses are agricultural in nature, which are compatible with adjacent property owners who utilize similar activity.

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

The property is not vacant. The Applicant currently resides on the property and has done so since 2008.

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

There is minimal public gain as this is a private residence with private agricultural activity and is not necessarily for the convenience or welfare of the public. There is some gain in the education that class participation gives attendees. It has not been found to injure the appropriate use, visual quality, or marketability of nearby property substantially or permanently.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property has a single-car garage with additional off-street parking spaces. This is adequate for the number of dwellings per the requirements in Section 27-452(d). There is a second driveway that is separate from the residential portion of the site and provides for a separate access into the agricultural and educational portion of the property, and a gravel lot is provided for ample parking. The driveways currently do not meet UG standards as they are not improved surfaces.

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

The City-Wide Master Plan designates this property as Low Density Residential. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences. Current ordinances do not provide a sufficient zoning designation for combined commercial, industrial, and agricultural uses, therefore, a Special Use Permit is required.

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

The applicant is not proposing any new structures. There should be little to no long-term negative environmental impact. Any new structures on the property would be subject to a building permit if over 120 square feet in size.

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

- a. Water service**

Water Service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer is provided by a septic system on the property.

c. Storm water control

There is a storm water control point on the adjacent street, North 55th Street.

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Station #17.

f. Transit

The subject property is not reasonably accessible by mass transit or bus route.

g. Schools

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

h. Streets

See item #6 above.

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

The economic impact on the community is negligible, as the subject property is a private home. The uses that generate economic benefit are minor relative to a large-scale business and only generate income for the family on the property.

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

The subject property is currently non-conforming due to the number and size of agriculturally related accessory structures. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its use than it does in its present condition.

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

There is negligible impact or gain to public health, safety, or welfare, however,

there is ostensibly no hardship imposed on adjacent property owners. The residences are already in existence and associated activities are already in use. Any produce or food produced for sale or public consumption on the premises should be regulated by adjacent safe food handling licenses and regulations here applicable, and, if appropriately followed, should impose no hardship. The subject property is in a rural and remote area on a large lot with strong screening and buffers.

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

There is little noise, vibration, or illumination to be a problem at this location, as it is on a large lot with heavy tree screening and few neighbors. Dust may be a problem as the driveways are gravel, which is inconsistent with UG Standards. Erosion control and grading should be done with care to minimize dust and the applicant shall continuously work to improve erosion mitigation with the assistance of the Conservation District.

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

There is no substantial potential for the pollution of the air, land, or soil as it is within a built-out, mixed-use urban neighborhood. If the applicant properly maintains the property, pollution or trash from patrons should be minimal and temporary.

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

The proposed uses would not damage or destroy an irreplaceable natural resource as it will operate within existing structures in a rural neighborhood.

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

The presence of agriculturally themed classes have a minimal gain to the public health, safety, and welfare as they contribute to education and offer spirituality components. The public would benefit from having the establishment as they are able to attend classes and there is some economic gain through occupational taxes. Denying the Special Use Permit may cause hardship for the property owners as they would have a loss of income that supplements their retirement.

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

The proposed use will not result in overcrowding as the classes operate within an existing rural parcel. There is the possibility of overcrowding or undue concentrations of population, but this should be considered minimal as class sizes are limited.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 16, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Neighborhood Character
Agricultural Activity
Homemade Goods and Product Sales
Residential Use
Zoning
Driveway Standards
Dust Particles
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **CO2022-014**, subject to:

1. **If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;**
2. **A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;**
3. **The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;**
4. **Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);**
5. **Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;**
6. **If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the**

- Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
 8. All class participants shall continue to park off-street in the designated parking area;
 9. The FSMA Producer Certificate shall be renewed when required;
 10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
 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 buildinginspection@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, 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;
 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. 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,
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.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-023**, for **two (2) years**, subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
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, 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;
 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. 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,
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-014 and SP2022-042**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant's FSMA Certification
Applicant's Site Plan
Applicant Provided Photos Dated March 25, 2022
Neighborhood Meeting Information
Conservation District Letter (unavailable)
Staff Site Visit Photos Dated March 29, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing		
Special Use Permit	May 9, 2022	May 26, 2022
	Approval	
Rezone	May 9, 2022	May 26, 2022
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2022-014 and SP2022-042**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2022-014 and SP2022-042**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:32:40:

CHANGE OF ZONE APPLICATION COZ2022-014 – REGINA COMPERNOLLE -

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4141 Joyce Drive (in conjunction with SP2022-042 - Renewal of a Special Use Permit - SP-2019-23 - for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices and a farm stand).

SPECIAL USE PRMIT APPLICATION SP2022-042 – REGINA COMPERNOLLE -

SYNOPSIS: Renewal of Special Use Permit (SP-2019-23, expired 03/28/2021) for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices, and a farm stand at 4141 Joyce Drive.

Detailed Outline of Requested Action: The Applicant, Regina Compernelle OBA Sacred Earth Arts, is requesting a Change of Zone and a renewal of a Special Use Permit for the subject property at 4141 Joyce Drive. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been requested so that the property's agricultural activity can continue. It is unclear if the property was formerly zoned for Agricultural, however the parcel size and rural nature of the properties indicate that there was a possible rezone from Agricultural in the past. The Applicant currently uses the property for a multitude of agriculturally related activities including educational classes on topics such as herbalism, edible plant identification, nature-based spirituality, nature-inspired art, self-pick orchards, the production of farm-goods such as soaps, jellies, salves, oil infusions, incenses, and personal homesteading and would like the zoning to reflect the property's intended use. The property owner maintains a number of agricultural related accessory structures such as high-tunnels and an equipment storage barn. The Special Use Permit has been requested so that the applicant may continue to utilize the commercial activity of the educational classes and you-pick berry sales and the industrial activity of food product production.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated May 9, 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:

- Rick Mareske, representing the applicant, 4141 Joyce Drive, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:35:50: Planning Director Hand stated that this is the third renewal of the Special Use Permit. Staff is honoring past Temporary Uses of Land Special Use Permits as per the Director's current interpretation of the zoning code that Temporary Use of Land applications are only for two (2) years total. This request is for homesteading classes, berry picking and other agricultural uses on the property. He stated that the Change of Zone will legalize the additional accessory structures on the property and allow for other agricultural uses of the land. Director Hand stated that this property is in the north Midtown area. Staff is requesting that the driveway aprons be built to UG standards and notes that there are several notifications in the conditions of approval as it relates to additional agricultural uses that require a plan from the Conservation District. If that were to happen, it would trigger an updated Special Use Permit. Staff recommends approval of the Change of Zone and Special Use Permit subject to the conditions in the staff report.

Motion starts at 4:37:23:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-014:**

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

Ward Aye
Motion to recommend **APPROVAL** Passed: 6 to 0
Subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
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 buildinginspection@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, 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;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. 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,
 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.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-042:**

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

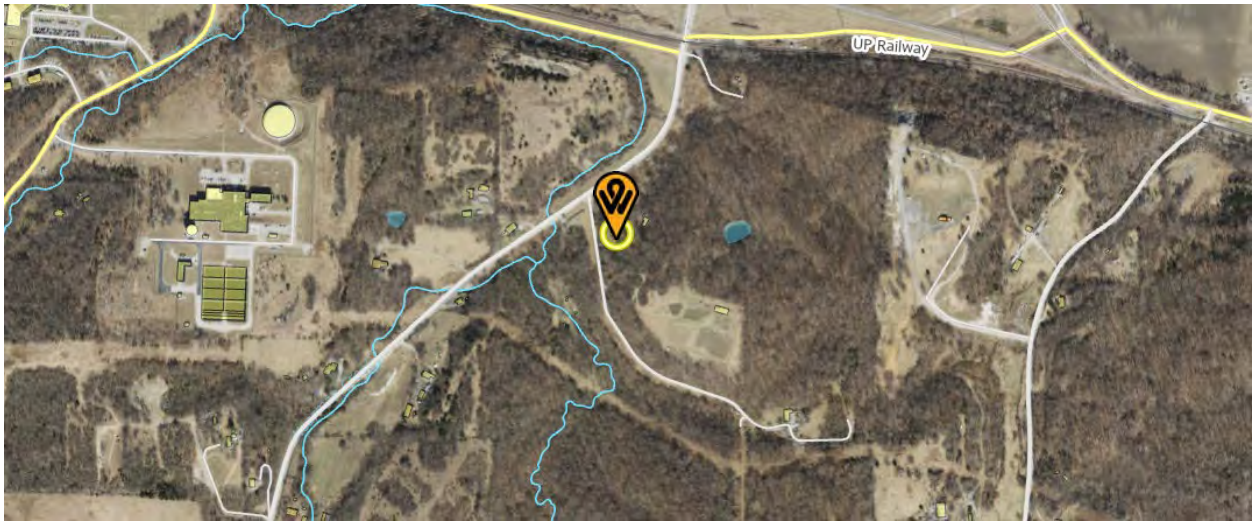
Motion to recommend **APPROVAL** Passed: 6 to 0

Subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
17. Commercial Activity on the property shall be by appointment only with no open picking by the public;
18. All class participants shall continue to park off-street in the designated parking area;
19. The FSMA Producer Certificate shall be renewed when required;
20. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
21. 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;
22. 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;
23. 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;
 24. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
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 26. 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





Certificate of Training

is awarded to

Rick Mareske

in recognition for having successfully completed
the Produce Safety Alliance course:

PSA Grower Training Course

Delivered by PSA Lead Trainers and/or PSA Trainers

Joseph Hannan, Connie Landis Fisk, Calloway Jamerson



ASSOCIATION OF FOOD
& DRUG OFFICIALS
SINCE 1895

Class Number
MO-200109-GR

Grower ID Number
98195

Training Date and Location
1/9/2020–1/9/2020
St. Joseph, MO


Elizabeth A. Bihn, Ph.D.
Produce Safety Alliance Director


Steven Mandernach
Executive Director, AFDO

APPLICANT'S SITE PLAN



NEIGHBORHOOD MEETING INFORMATION

April 10, 2022

SUBJECT: Neighborhood Meeting

I have filed an application renewal with the Department of Urban Planning and Land Use SP-2022-042. The purpose of this special use permit is for an organic You-Pick blueberry operation with small classes on sustainable, regenerative farming and soil building and native plant identification, cultivation and uses 4141 Joyce Drive.

We are also seeking rezoning from Rural Residential to Agricultural.

I am having a neighborhood meeting on Zoom Monday April 18th, 6pm. Here is the link:

<https://jccc.zoom.us/j/91417640430>

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 following address/email/phone number listed below if you have any questions.

Sincerely,

Regina Compemolle

4141 Joyce Drive

Kansas City, KS 66104

816-547-0266

Special Use Permit Neighborhood Meeting Minutes
Petition COZ 2022-14, SUP 2022-42

Meeting held Monday, Apr 18, 2022, 6pm on Zoom.

No one attended the meeting or contacted me with questions.

Regina Compemolle
4141 Joyce Dr.
KCKS 66104
SacredEarthArts@aol.com
816-547-0266

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF PLATTE)

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

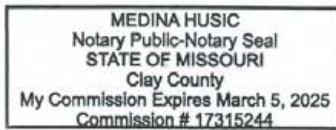
1. That I am the petitioner for Petition # COZ 2022-14
2. That I conducted a neighborhood meeting on SP2022-42 4.18.22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of April, 2022

My commission expires 5th of MARCH, 2025



[Signature]
Notary Public

STAFF SITE VISIT PHOTOS DATED MARCH 29, 2022



STAFF SITE VISIT PHOTOS DATED MARCH 29, 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: May 26, 2022

Re: **Petition COZ2022-016, SP2022-044, PR2022-019 and Master Plan Amendment MPL2022-010**

GENERAL INFORMATION

Applicant:

Sam Loring

Status of Applicant:

Gould Evans
4200 Pennsylvania Avenue
Kansas City, MO 64110

Requested Action:

To approve a Master Plan Amendment from None to Parks/Open Space, Public/Semi-Public and Regional Commercial (Armourdale Area Master Plan).

To approve a Change of Zone from unzoned to CP-2 Planned General Business District to operate restaurants, drinking establishment(s), and other commercial activity on the Rock Island Bridge.

To approve a Special Use Permit for drinking establishment(s), private event space and ancillary uses.

Date of Application:

March 25, 2022



Purpose:	To rezone, develop and operate multiple restaurants, drinking establishment(s), private event space, public trailway, community tenant space and associated parking.
Property Location:	557 River Park Drive and 0 Kansas Avenue (proposed address for the Rock Island Bridge)
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	Unzoned (proposed rezoning to CP-2 Planned General Business District)
Adjacent Zoning:	North: M-3 Heavy Industrial (abutting 557 River Park Drive) and TND Traditional Neighborhood Design Districts (abutting the Rock Island Bridge) South: M-3 Heavy Industrial District (abutting 557 River Park Drive) East: M-3 Heavy Industrial and TND Traditional Neighborhood Design Districts West: M-3 Heavy Industrial District
Adjacent Uses:	North: Warehouse building and the Kansas River South: Warehouse building and the Kansas River East: Future Yard II mixed-use development and Kansas City, Missouri West: Manufacturing building
Total Tract Size:	2.36 Acres
Master Plan Area:	Armourdale Area Master Plan
Master Plan Designation:	The Rock Island Bridge does not have a designation per the Armourdale Master Plan. A Master Plan Amendment has been submitted to Parks/Open Space, Public/Semi-Public, and Regional Commercial. Parks/Open Space allows park buildings, open space, trails. Public/Semi-Public allows schools, public land and buildings, churches and non-profit land and buildings. Regional Commercial allows regional retail "big box" anchors, commercial pad sites with sit-down restaurants, drive-through restaurants, banks,

drug stores, service stations, convenience stores, general services, etc.

Major Street Plan:

The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare and River Park Drive and State Line Road as Local Streets.

Required Parking:

Sec. 27-466(e) states uses in this district require paved off-street parking at a ratio no less than four (4) spaces per 1,000 square feet of floor area in the building. Three (3) parking spaces are required.

Sec. 27-668(a)(5) states restaurants shall provide one (1) space for each 50 square feet of seating area plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply with at least ten (10) off-street parking spaces. Thirty (30) spaces are required.

Sec. 27-668(a)(12) states taverns and event spaces shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Thirty-two (32) parking spaces are required for the tavern and 117 parking spaces are required for the event space.

182 parking spaces are required. 76 parking spaces are proposed. A parking variance has been applied for to be heard by the Board of Zoning Appeals.

Advertisement:

Wyandotte Echo – Change of Zone – April 14, 2022; Special Use Permit – April 14, 2022; Master Plan Amendment – April 14, 2022
Property Owners Letters – Change of Zone – April 14, 2022; Special Use Permit – April 14, 2022; Preliminary and Final Plan Review – April 14, 2022; Master Plan Amendment – April 14, 2022

Public Hearings:

May 9, 2022 and May 26, 2022

Public Support:

One (1) person appeared in support at the May 9, 2022 City Planning Commission meeting.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article XXI Sections 27-502 – 27-709 and Article XXII Section 27-213

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 neighborhood includes properties both in Kansas and in Missouri. While the entire area has been traditionally industrial, heavy commercial, distribution, and stockyards-as dictated by the area's proximity to the downtowns of Kansas City, Kansas and Kansas City, Missouri, regional and national highways, and the Kansas and Missouri Rivers-there has been more recent mixed-use development, mainly multi-family residential and light commercial, on the Missouri side of the Historic West Bottoms District. The subject property lies in between the industrial area of Armourdale to the west and mixed-use commercial and residential development (Yards II) to the east.

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

The zoning and their uses are set out above. The proposed use is not inherently compatible with a majority of the existing uses, but could be so long

as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is ultimately approved for this neighborhood in transition. The east bank of the Kansas River is being redeveloped with levee improvements and the Yards II mixed-use development located northeast of the easternmost bridge abutment.

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

If property is not suitable for the uses for which it has been restricted because Rock Island Bridge does not have an assigned zoning designation. Removal of the restrictions will not detrimentally affect nearby property as the properties on the west side of the Kansas River are industrial in nature and the properties on the east side of the Kansas River are a mixture of industrial and a transition to mixed-use development (light commercial and multi-family residential), which lends itself to about a commercial, entertainment destination.

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

The property has been vacant for decades.

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

The proposed use is reasonably necessary for the welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the Rock Island Bridge is a portion of the Levee Trail network linking the Armourdale Area to the Historic West Bottoms District in addition to activating the waterfront along the Kansas River.

6. *The extent to which the property 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 traffic but not in ways that will adversely affect road capacity and safety because State Line Road/American Royal Way, Kansas Avenue and River Park Drive can accommodate traffic.

The proposed use will increase parking demand, although there is parking lot being constructed on the west side of the bridge at 557 River Park Drive, which is a trailhead on the levee. Secondly, twenty (20) parking spaces at Yards II development are shared with this and there are off-street parking opportunities in Kansas City, MO.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Armourdale Area

Master Plan. A Master Plan Amendment from None to Parks/Open Space, Public/Semi-Public and Regional Commercial is being also being sought accordingly.

These new land use designations allow park buildings, open space, trails schools, public land and buildings, churches and non-profit land and buildings, sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, general services, etc.

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

The proposed use will not cause environmental harm as it is a built out industrial area that is transitioning to mixed-use. Street trees and additional and landscaping will be planted in accordance with the landscaping requirements.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #3 located at South 5th Street and Kansas Avenue.

f. *Transit*

Kansas City ATA provides transit service from Kansas City, Missouri.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a significant economic impact on the community due to the establishment of the levee trail system linking both sides of the Kansas River and commercial and entertainment opportunities that will exist based on the applicant's proposal.

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions and variances.

12. 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 relative gain to the public health as compared to the hardship imposed on the landowners will be substantial because the bridge will be part of the trail network linking the Armourdale area and Historic West Bottoms and activating access to the Kansas River with the levee improvements. This will increase walkability and pedestrian connectivity will enhance the public health of the community.

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

The noise and illumination that is normally associated with event spaces, live entertainment and other commercial entertainment or promotional events/activities will need to cease operation at times that are similar to most entertainment businesses in a brick-and-mortar building, so there should not be a problem for nearby properties. Within the Historic West Bottoms District, restaurants and drinking establishments operate until 1:00 AM.

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

The proposed use will not pollute the water because the sanitary waste will be connected to the Unified Government sanitary sewer system and will not be discharged into the Kansas River.

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

The proposed use will not damage or destroy an irreplaceable natural resource as sanitary waste will be connected to the Unified Government

sanitary sewer system and will not be discharged into the Kansas River.

16. *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 as compared to the hardship imposed on the landowners will be substantial because the bridge will be part of the trail network linking the Armourdale area and Historic West Bottoms and activating access to the Kansas River with the levee improvements. This will increase walkability and pedestrian connectivity will enhance the public health of the community.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population because the KCKFD Fire Marshal will set the maximum occupancy based on the occupant load of the restaurant, drinking establishment, event space and public trail areas.

PREVIOUS ACTIONS

- BOZA2022-023 have been filed in conjunction with this petition and is scheduled to be heard by the Board of Zoning Appeals on May 9, 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on April 25, 2022 at the Rock Island Bridge. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Compliance with the Sidewalk and Trails Master Plan
Bikeshare Hub
Utilities
Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2022-010**, Change of Zone Application **COZ2022-016**, Special Use Permit Application **SP2022-044**, and Plan Review Application **PR2022-019**, subject to:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA. The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
4. Proposed hours are 8:00 AM – 1:00 AM (Friday/Saturday) and 8:00 AM – 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge included event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the “off season”. During the open season – the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
9. 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 facade. Metal paneling and may only account for 15% of the exterior building material per facade on the exterior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. 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 three (3) gallons when planted;
14. 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;
15. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
 16. If applicable, 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;
 17. 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;
 18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
 20. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
 21. 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 buildinginspection@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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23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferable, 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (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 makes the findings contained within the staff report to *Factors to be Considered*, and *Key Issues* and recommends COZ2022-016, SP2022-044, PR2022-019 and MPL2022-010

APPROVAL of Petition **COZ2022-016, SP2022-044, PR2022-019, and MPL2022-010** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map
Armourdale Master Plan Map (unavailable)
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Landscape Plan
Lighting Plan
Building Elevations
Building Rendering

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Rezoning	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Special Use	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Preliminary and Final Plan	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Master Plan	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **MPL2022-010, COZ2022-016, SP2022-044 and PR2022-019**, as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **MPL2022-010, COZ2022-016, SP2022-044 and PR2022-019**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:38:15:

MASTER PLAN AMENDMENT APPLICATION MPL2022-010 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Master Plan Amendment from Nothing to Regional Commercial, Public-Semi-Public and Park/Open Space (Armourdale Area Master Plan) at 0 Kansas Avenue (557 River Park Drive).

CHANGE OF ZONE APPLICATION COZ2022-016 – SAM LORING WITH GOULD EVANS - SYNOPSIS: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue (557 River Park Drive).

SPECIAL USE PERMIT APPLICATION SP2022-044 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Special Use Permit for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive) MPL2022-010, and PR2022-019).

PLAN REVIEW APPLICATION PR2022-019 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Preliminary and Final Plan Review for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive).

Detailed Outline of Requested Action: The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Sam Loring, applicant, Gould Evans, 4200, Kansas City, Missouri
- Sarah White, UG Public Works Engineering
- Mike Ledden, 6513 Barton Circle, Shawnee, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:44:00: Planning Director Hand stated the applicant and developer have been working with the Unified Government for quite some time on this project. The project is located in the Armourdale Area Master Plan. There will be a plat submitted later as part of the conditions of approval for these applications. The proposal is over the Kansas River. Staff has received no letters in support nor in opposition. There are no Notices of Violation. The Final Development Plan will be for the parking to the west which is part of the levee enhancement project. They are working closely in partnership with HNTB and others all jointly and collaboratively on this project. These applications are being heard in conjunction with the Appeal that was heard and approved earlier this evening. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 4:45:46:

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of MPL2022-010:**

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

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

Subject to:

1. **These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the COZ2022-016, SP2022-044, PR2022-019 and MPL2022-010**

overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;

2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA.

The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;

4. Proposed hours are 8:00 AM – 1:00 AM (Friday/Saturday) and 8:00 AM – 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge included event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the “off season”. During the open season – the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
9. 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 facade. Metal paneling and may only account for 15% of the exterior building material per facade on the exterior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. 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 three (3) gallons when planted;

14. 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;
15. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. If applicable, 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;
17. 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;
18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
20. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
21. 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 buildinginspection@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;
22. 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;

23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferable, 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **COZ2022-016**:

Carson	Chairman
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye

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

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

Subject to the above conditions

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-044:**

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

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

Subject to the above conditions

On motion by Mr. Ernst, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-019:**

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

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

Subject to the above conditions

Chairman Carson left the meeting at 10:55 p.m. and Vice Chairman Jones assumed the chairmanship.



Figure 1. Aerial Photograph of 557 River Park Drive and 0 Kansas Avenue (proposed address for Rock Island Bridge) as indicated by the blue dots (provided by UG Maps).



Figure 2. Zoning Map of 557 River Park Drive and 0 Kansas Avenue (proposed address for the Rock Island Bridge) as indicated by the blue dots (provided by UG Maps).

GENERAL PLANNING:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project.
This is correct.
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development.
The parking lot on the west side is being submitted as a separate preliminary development plan by UG/HNTB. See preliminary design sheets attached.
3. Submit a Preliminary and Final Plat following this entitlement process to establish a parcel, dedicate utility easements and raise the Rock Island Bridge out of the FEMA floodplain.
Plat is in process. See correspondence attached from the US Army Corps of Engineers stating that we are not in the flood plain and do not need to raise the bridge.
4. Provide a detailed site plan of the proposed parking lot on the west side of the bridge, known as 557 River Park Drive.
See preliminary site plan design sheets of parking lot on the west bank, by HNTB, attached.
5. What are the proposed hours of operation for the restaurant, bar, and event space?
Proposed hours are 8:00 am – 1:00 am. (Fri/Sat) and 8 am – 9:00 pm Sun-Thursday
6. Regarding the event space:
 - a. Shall comply with Unified Government security ordinances.
Noted. Will comply
 - b. How will security be handled?
Two ways: there will be security cameras covering all of the bridge including event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at each end of bridge which will be kept open during business hours but will be shut and locked nightly.
 - c. How will the space be advertised?
We will have a staff person dedicated to sales of the event space. We will also use social media.
7. How will the public portion of the trail be accessible to beyond private hours of the commercial businesses operating on the bridge?
The crossing will be open daily (365 days per year) from at least dawn till dusk (during the "off season." During the open season – the crossing will be open until the bridge closes for the evening.
8. A building permit is required following this entitlement for the bridge. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
Understood. We will contact the building department and begin the process.
9. How will trash be disposed of on the bridge? The site plan does not depict trash enclosures at the east or west ends of the bridge.
We will have staff that will be removing trash from the bridge on a scheduled basis. We are planning for a location for trash pickup from a commercial company. Location of dumpster will not be on bridge property.
10. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along the west side of the bridge adjacent to the trailhead. 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.
Bikeshare hub will be located on the west bank in the "trailhead amenity zone" as shown on the preliminary design plans attached.
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel

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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.

Understood. Any parking agreements entered will comply.

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 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.

Understood.

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (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.

This fee was paid at the time of permit application.

14. On the east side of the bridge, what off-street parking is available for guests and employees?
 - a. Confirm with KCMO's plan to allow street parking on American Royal Way.

Parking spaces available as follows:

American Royal Drive: 61 (MO)

Public garage 1-min walk north: 975 (MO)

Public parking north of bridge in Flaherty complex: 28 (KS)

15. Are there parking agreements established with property owners either in KCK or KCMO? If so, please provide these agreements.

See response to item 14 above.

16. On the west side of the bridge, the proposed parking lot (to be constructed by others) must be completed before a TCO is issued for the bridge.

Understood.

17. The bikeshare hub should be on the east or west side of the parking lot.

Bikeshare hub will be located on the west bank in the "trailhead amenity zone" as shown on the plans.

18. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way.

Understood. We have had conversations with Jason Waldron at KCMO Transportation to discuss the project and they are aware of our needs.

BUILDING ARCHITECTURE:

1. 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 facade.

Metal paneling and may only account for 15% of the exterior building material per facade on the interior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Due to the unique nature of this project, we would request that this 15% amount of metal paneling be deviated from. Our actual building elements are quite small compared to the overall development area of the bridge. We are providing a corrugated metal cladding which is consistent with the character of neighboring buildings and existing industrial nature of the bridge.

2. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

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The City Planning Commission must give a deviation from the Commercial Design Guidelines for the semi-transparent roofing membrane. Staff will not ask for the deviation.

The transparent cladding will only be on walls, all roofs are to be standing seam metal or TPO.

LANDSCAPING AND SCREENING:

1. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island.
When parking lot development plan is submitted, we will include these.
2. All landscaping must be irrigated.
Understood. Note has been added to drawings indicating such.
3. 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 three (3) gallons when planted.
Understood. Note has been added to drawings indicating such.
4. 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.
Understood. Note has been added to drawings indicating such.
5. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights.
All light fixtures submitted are full cutoff and have no light above 90 degrees.
6. Utility conduits and connections must be painted to match the bridge.
All the new steel on the bridge is exposed, galvanized metal. All the existing steel on the bridge is weathering steel. We would request that we be allowed to keep the galvanized finish on utility conduits and connections to match this steel as well as avoid the ongoing maintenance of trying to repaint these long conduits every few years.
7. If applicable, 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.
Understood. Note has been added to drawings indicating such.

SIGNAGE

1. Shall comply with the sign ordinance.
All site signage will comply with ordinance.

PLANNING ENGINEERING COMMENTS

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

gouldevans

Minutes

Application Number: Change of Zone Petition Number: COZ2022-016, SP2022-044, MPL2022-010, PR2022-019, BOZA2022-024

Date and Location: Monday, April 25th 2022 6-7 pm

No one attended the meeting and we received no comments or questions via email, text, or phone calls.

Flying Truss staff present:

MIKE LADDIN

MIKE ZELLER

Gould Evans staff present:

Sam Loring

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
)SS:
COUNTY OF Johnson)

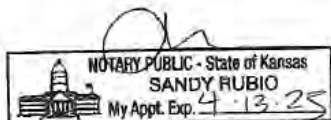
Comes now Michael Laddin (Flying Truss, Gould Evans), of lawful age,
sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2022-016, SP2022-044, MPL2022-010, PR2022-019, BOZA2022-024
2. That I conducted a neighborhood meeting on: Monday, April 25, 2022 from 6:00 pm- 7:00 pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

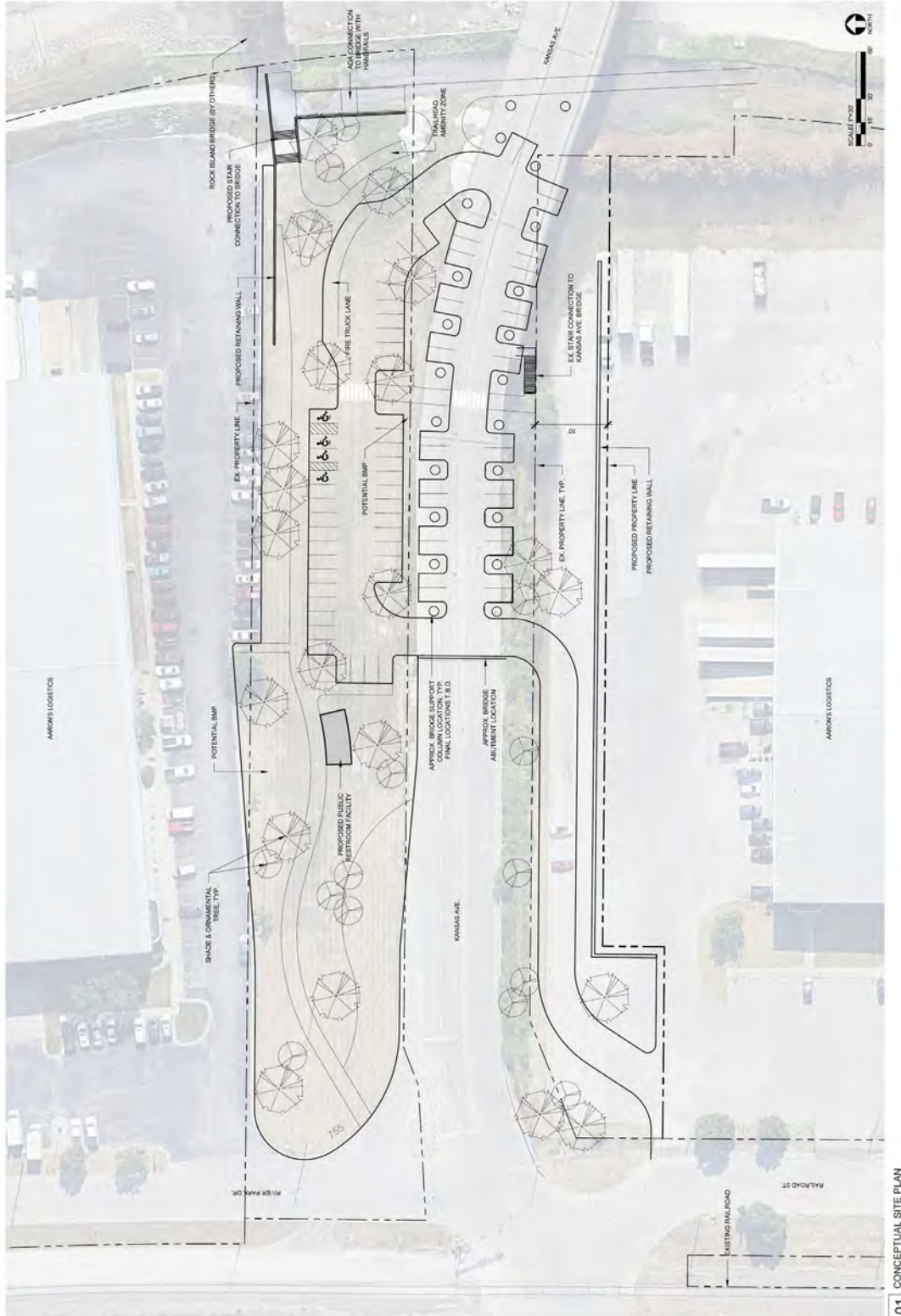
Michael Laddin
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of April, 2022
My commission expires 13th of Apr, 2025



[Signature]
Notary Public

- NOTES:
1. EXISTING SITE CONDITIONS AND PROPOSED DESIGN ARE CONCEPTUAL. SURVEY AND FINAL DESIGN TO BE COMPLETED AT FUTURE DATE.
 2. PROPOSED PARKING: 75 TOTAL STALLS
 15 DISABLED STALLS (ADA COMPLIANT) 4 (D)
 60 PROPOSED ADA STALLS (ADA STALLS) 4 (D)

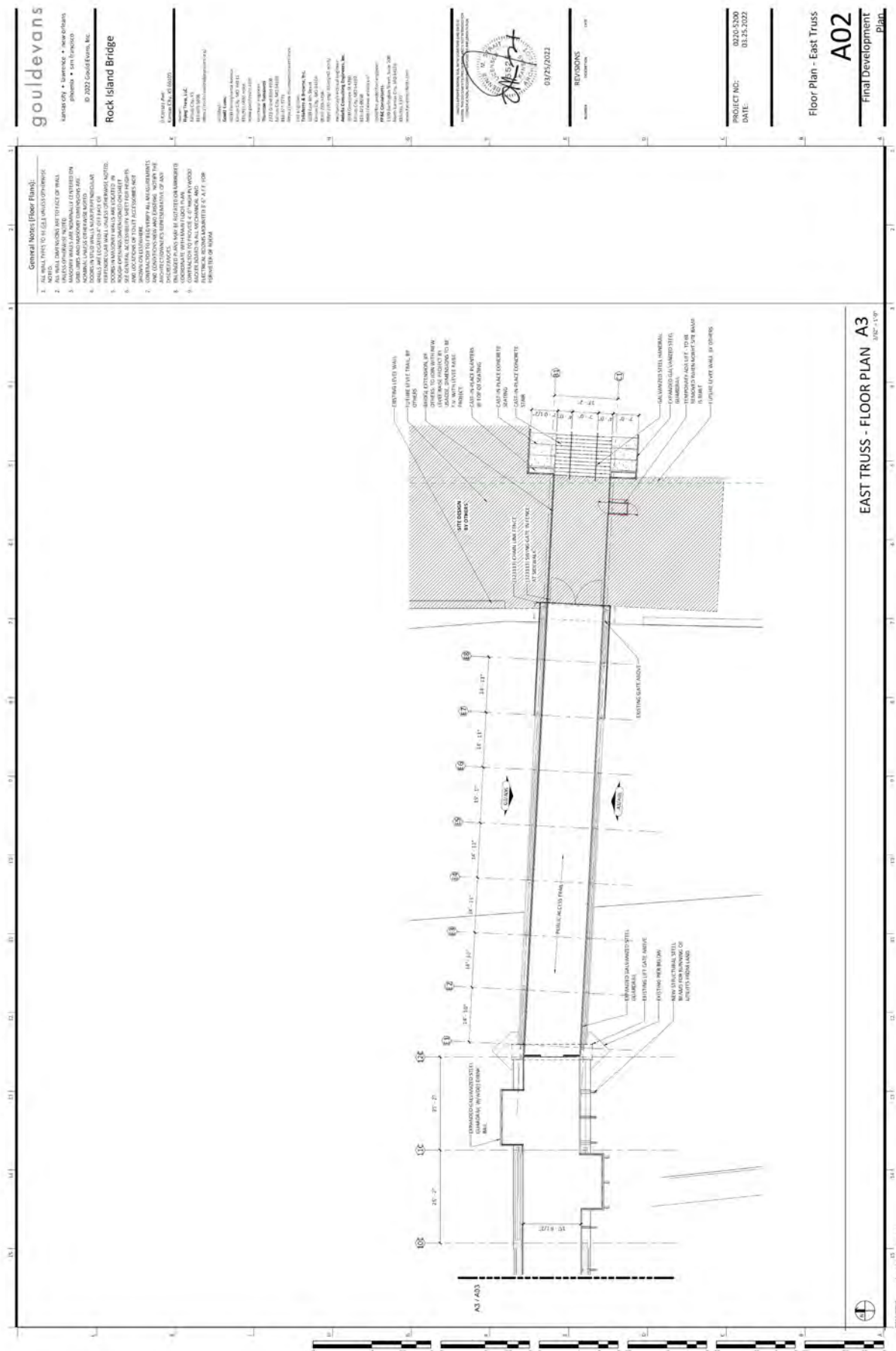


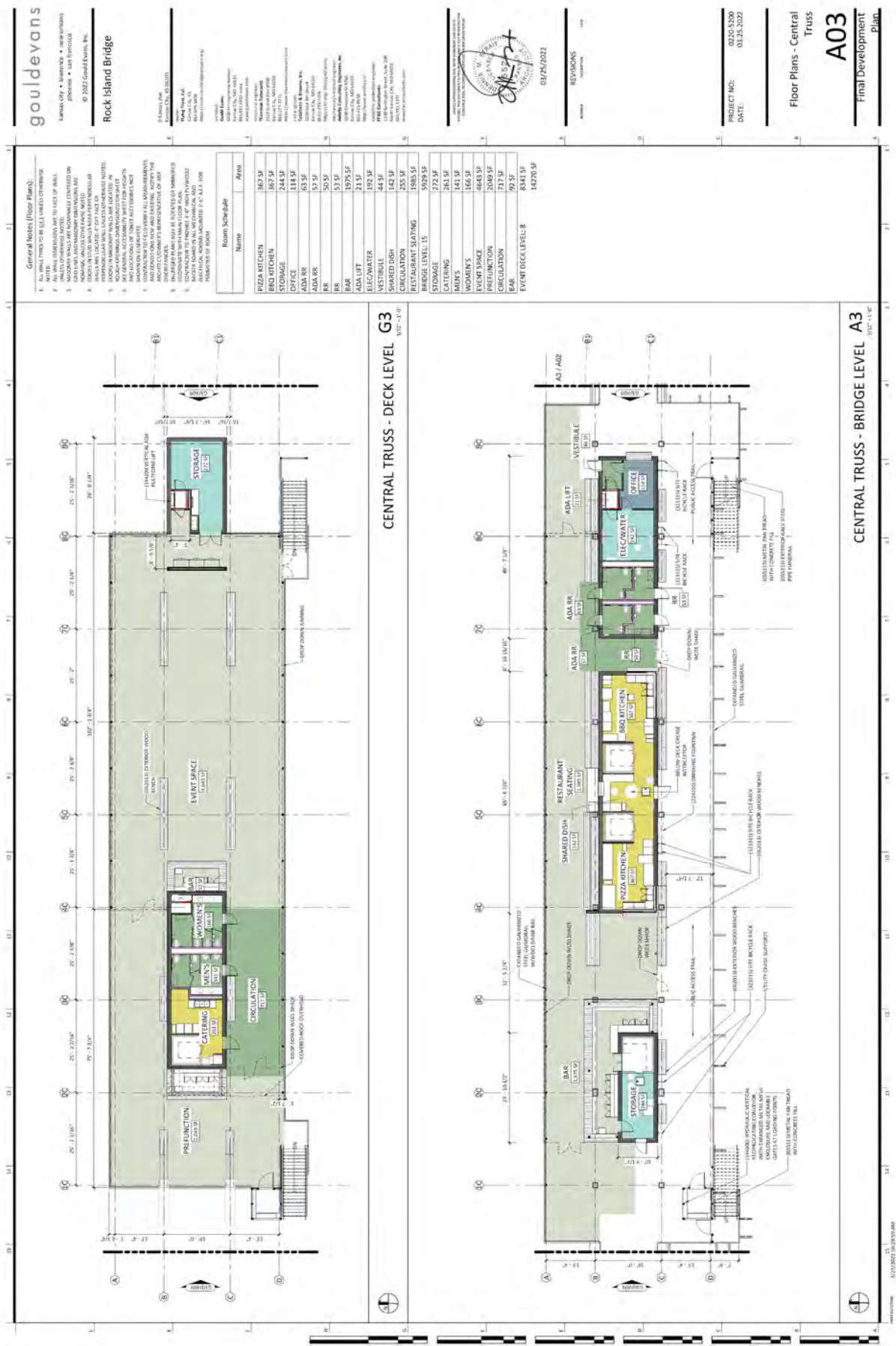
ARMOURDALE TRAILHEAD - FINAL DEVELOPMENT PLAN

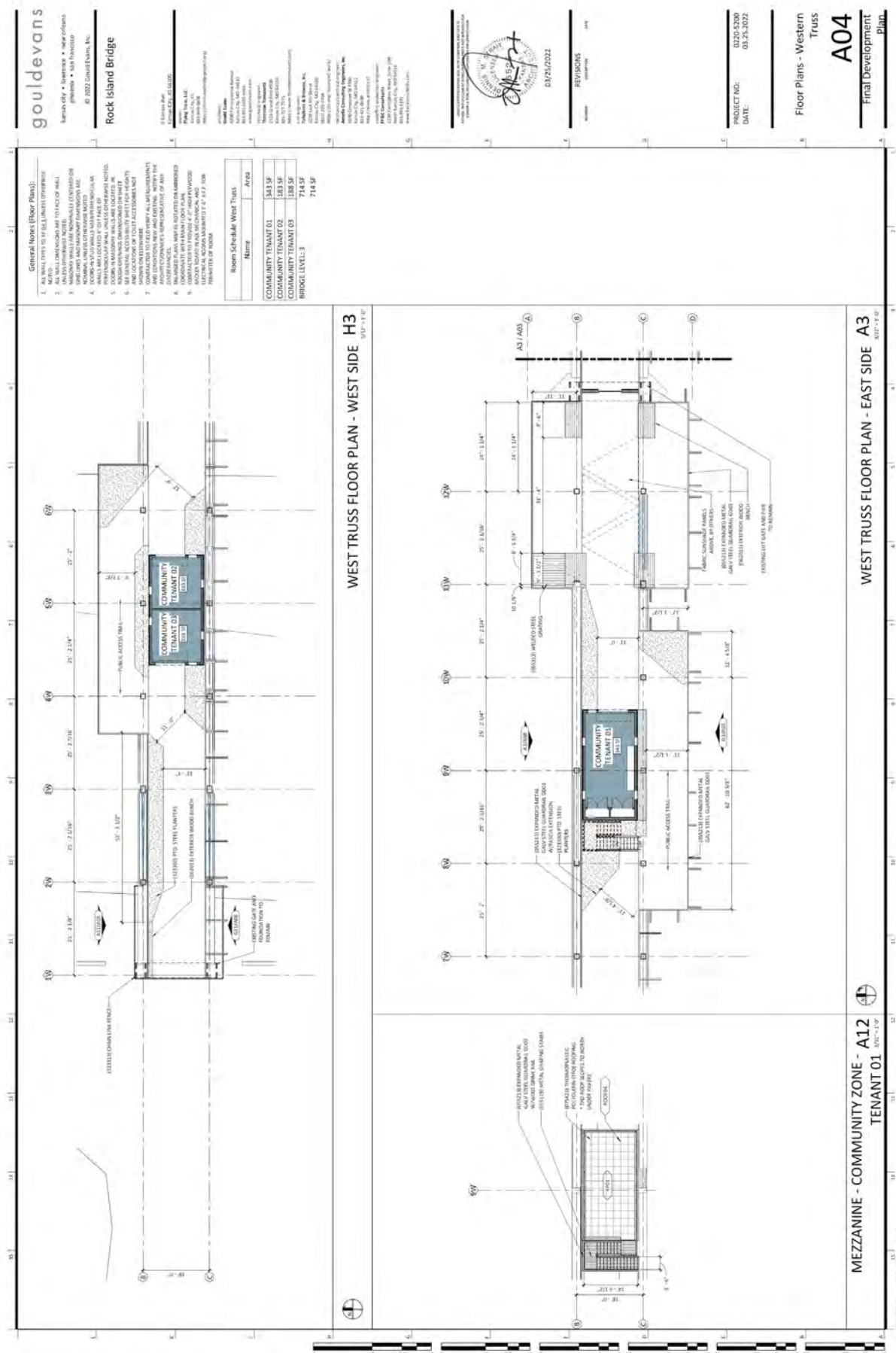
KCK Riverfront | Kansas City, Kansas

HNTB

February 21, 2022







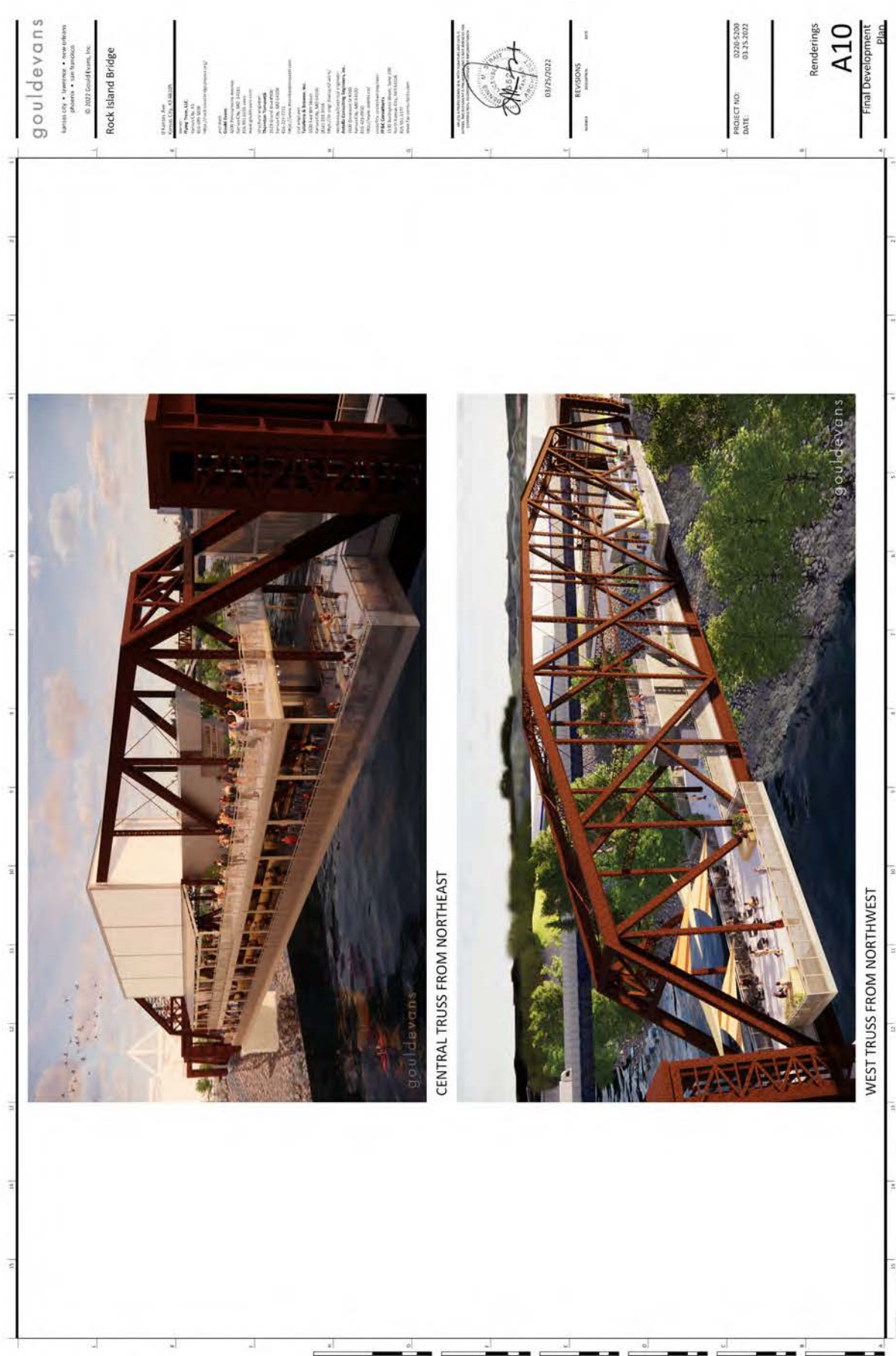




Figure 3. Site Photograph of the Rock Island Bridge looking southeast, north of the Kansas Avenue bridge (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 26, 2022

Re: **Special Use Permit Petition SP2022-007**

GENERAL INFORMATION

Applicant:

Dean Michael
DBA Sharon Lee Family Healthcare,
LLC.

Status of Applicant:

Property Owner
340 Southwest Boulevard
Kansas City, Kansas 66103

Requested Actions:

The Approval of a Special Use Permit
for the operation of a healthcare clinic.

Date of Application:

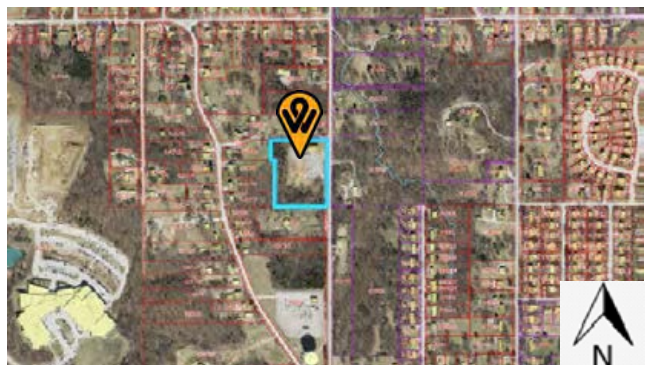
January 3, 2022

Purpose:

To begin operating healthcare clinic for
underserved populations.

Property Location:

2002 South 51st Street
Kansas City, Kansas 66103



Commission Districts:	Commissioner At Large District #2: Tom Burroughs District #6 Commissioner: Angela Markley		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	R-1 Single Family District	
	South:	R-1 Single Family District	
	East:	AG Agriculture 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:	4.1137 Acres		
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.		
Master Plan Designation:	The City-Wide Master Plan designates this Property as Low Density Residential. Low Density Residential allows for single family detached residences, institutional uses such as elementary schools, small churches, libraries, and parks and open spaces. Discouraged uses include business parks, night clubs and bars, industrial uses, and medium and high-density residences.		
Major Street Plan:	The City-Wide Master Plan designates South 51 st Street as a local street.		
Parking Requirement:	R-1 District: Section 27-668(a)(9) requires one space for each 200 square feet of floor area used as a medical and dental clinic. The property currently has a church building with 2800 square feet on the main level and a full walkout basement with 2,800 square feet. The parcel also includes a 2,758 square foot residence. The residence's attached garage has been converted to interior living space, which may require a future variance depending on proposed use. The applicant shall include a site plan indicating the proposed improvements to parking with a parking space count.		
Advertisement:	<u>The Wyandotte Echo</u> – January 20, 2022 Letters to Property Owners – January 22, 2022, February 6, 2022, March 8, 2022 and April 4, 2022		

Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Dean Michael with Sharon Lee Family Healthcare LLC, is seeking approval to operate a health and dental clinic at 2002 South 51st Street. The subject property was a former church and includes a single-family residence utilized for the former pastor. The clinic intends to operate in the basement of the single-story church building and each level of the church has 2,800 square feet. The annex building is a single-family residence of 2,758 square feet. The applicants have recently purchased the property and it has proposed plans for renovation.

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 complaint. Some incidents of police activity were noted for the prior owner, although they did not appear to be of the nature of a public nuisance.

Building or Code Enforcement Complaints:

1. The subject property has numerous previous violations for improper vehicles and busses in 2003 with the prior owner.

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 suburban and residential in character. Lots are average for low densities and are approximately one hundred ten (110) feet in width with areas ranging from 0.3 to 5 acres with 0.3 acres being the average size. There streets are mostly asphalt with driveways of various conditions and

improvements. Adjacent neighborhoods show improvements including sidewalks, gutters, and concrete or asphalt driveways with homes typically ranch or split story style. The subject property is approximately 750 feet from a BPU utility parcel with water tower and electrical substation.

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 and AG Agriculture Districts. The property has been used as a church with a residential dwelling accessory. A health clinic is not a land use typically found in the center of a residential neighborhood, however a non-retail residential use in an existing structure is not specifically incompatible. Operating this property as a health clinic has the potential to create issues related to traffic and parking but these may be minimal if managed appropriately.

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 church or worship center. The property could be suitable for use as a health clinic 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 purchased by the applicant in 2021 with plans to renovate the property for its conversion from the church to the health clinic.

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 this property as Low-Density Residential. Low-Density Residential allows for single-family detached residences and institutional uses and while it does not specifically discourage a neighborhood service, it specifically discourages business parks, industrial uses, and night clubs or bars. As the proposed use does not specifically conform as it is a health clinic, it does have a single-family residence on the property, maintaining a low-density residential character. The residence will be utilized as storage for the time being.

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 health clinic. Health clinics are operated during daytime business hours which will have minimal impact on the adjacent residential neighbors.

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 health services. 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 structure 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, vibration, dust, or illumination are not foreseen to be issues created as the result of operation of a health clinic, as the subject property is an existing structure.

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

The proposed use will not pollute the air, land, or water as the property's structures are existing permitted structures.

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 and church building 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 substantial as it will provide health services to underserved residents in Wyandotte County. If denied, the landowner could not use the property as a church and single-family residence. There is minimal hardship imposed on the nearby residents, as the proposed use resides within a built-out neighborhood and during daytime office hours.

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. Occupancy limits will be established by the building department as part of renovation to prevent overcrowding with its new proposed use.

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 church and single-family residence in a built-out neighborhood and can be used as a health clinic with adjacent permanent residence without any foreseen danger from regular activity. Health clinic operators are subject to additional inspections and licensing requirements to ensure its safety in operation.

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 on-site septic but should be confirmed by the applicant.

c. Storm water control

Stormwater is provided with a discharge control point at the property's frontage.

d. Police

Police service is provided by Central Patrol, District #441.

e. Fire

Fire service is provided by Station #11.

f. Transit

The subject property receives no public transit service.

g. Schools

Education is provided by Turner, Kansas USD #202.

h. Streets

See item #6 above.

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

Neighborhood Character
Parking
Zoning
Land Use
Noise
Land Use Compatibility
Traffic
Business Operation Hours

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-007**, subject to:

1. This application is for zoning clearance only and does not replace the need for any other permits or licensing;
2. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
3. In lieu of a renewal of the Special Use Permit, a Change of Zone and/or Master Plan amendment shall be applied for to achieve higher zoning conformance, as the building is no longer a religious institution with associated accessories, but rather a medical office with storage annex;
4. Renovation work on the property must include a Change of Occupancy for the church building. When the Change of Zone is attempted, the accessory residence being used as storage shall also undergo a change of occupancy from a residential dwelling to a commercial use;
5. Upon the future application of the Change of Zone, the parking lot shall be improved per plan provided;
6. Upon the future application of the Change of Zone, the exterior parking lot lighting and landscaping shall be completed;
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. 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;
9. Per Section 27-723(a), no sign (including the structure or sign surface)

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petition **SP2022-007** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map Land Use Map
Site Plan
Neighborhood Meeting Information
Staff Site Visit Photos Dated May 5, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	May 9, 2022	May 26, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-007** 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 **SP2022-007** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:57:14:

SPECIAL USE PERMIT APPLICATION SP2022-007 – DEAN MICHAEL WITH SHARON LEE FAMILY HEALTH CARE, INC. - SYNOPSIS: Special Use Permit for health clinic serving uninsured and under-insured people at 2002 South 51st Street.

Detailed Outline of Requested Action: The Applicants, Dean Michael with Sharon Lee Family Healthcare LLC, is seeking approval to operate a health and dental clinic at 2002 South 51st Street. The subject property was a former church and includes a single- family residence utilized for the former pastor. The clinic intends to operate in the basement of the single-story church building and each level of the church has 2,800 square feet. The annex building is a single-family residence of 2,758 square feet. The applicants have recently purchased the property and it has proposed plans for renovation.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Dean Michael, COO for Sharon Lee Family Healthcare, LLC
- Lisa Harvey, CEO for Sharon Lee Family Healthcare, LLC
- Shawn Moser, construction manager

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:02:50: Planning Director Hand stated that this request is for a Special Use Permit for a health care clinic in a R-1 District. The property is in the Turner area and is part of the City-Wide Master Plan. Staff received no letters in support nor in opposition. There are some old Notices of Violation and Staff believes this redevelopment will address those violations. There are several conditions of approval in the staff report. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 5:03:32:

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-007:**

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

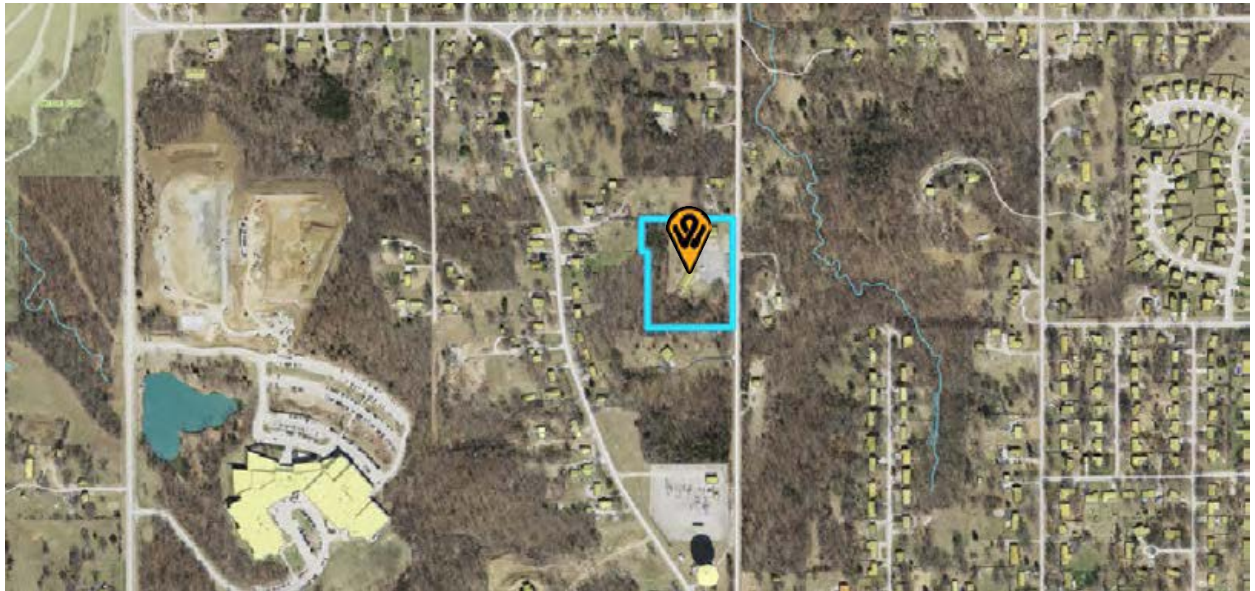
Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

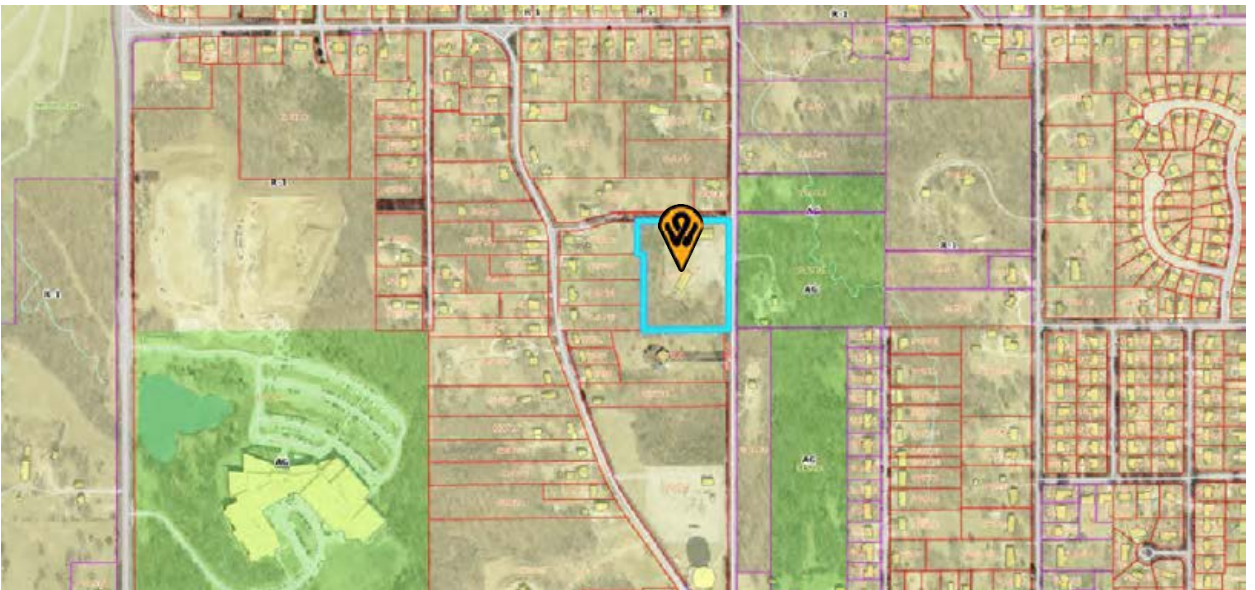
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2. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
3. In lieu of a renewal of the Special Use Permit, a Change of Zone and/or Master Plan amendment shall be applied for to achieve higher zoning conformance, as the building is no longer a religious institution with associated accessories, but rather a medical office with storage annex;
4. Renovation work on the property must include a Change of Occupancy for the church building. When the Change of Zone is attempted, the accessory residence being used as storage shall also undergo a change of occupancy from a residential dwelling to a commercial use;
5. Upon the future application of the Change of Zone, the parking lot shall be improved per plan provided;
6. Upon the future application of the Change of Zone, the exterior parking lot lighting and landscaping shall be completed;
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. 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;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
10. 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 buildinginspection@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;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

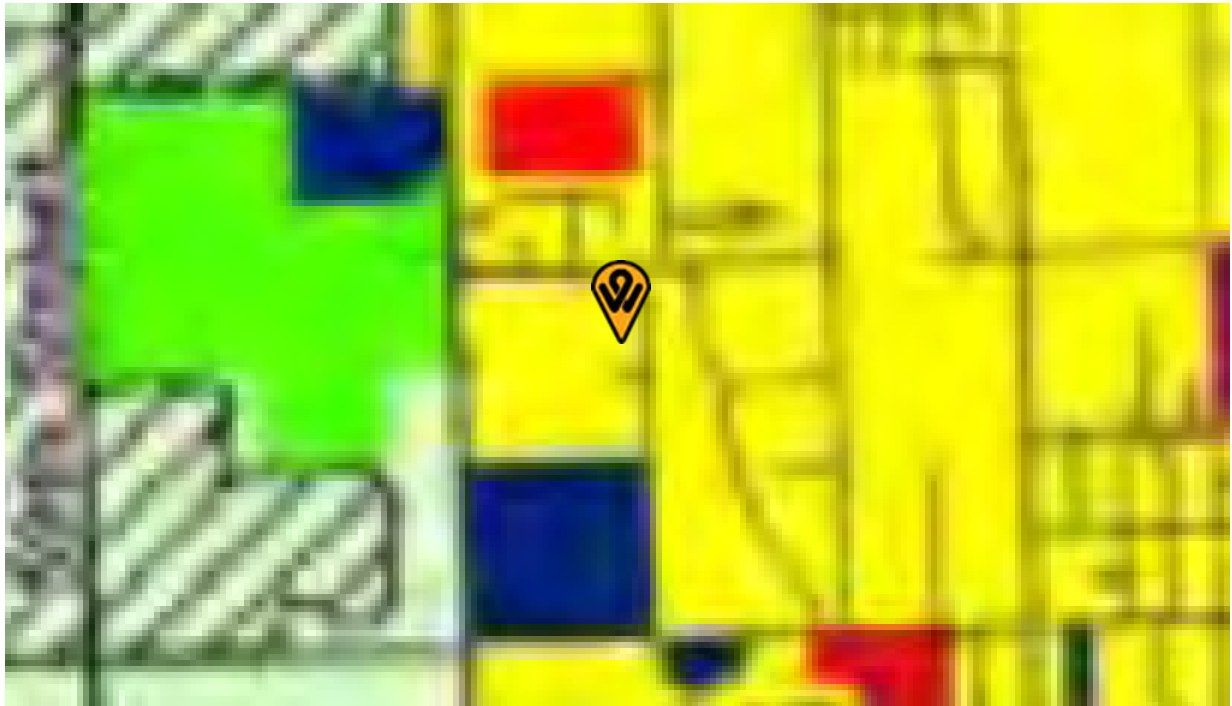
AERIAL MAP



ZONING MAP



LAND USE MAP



LAND USE PLAN

Legend:

Parks/Open Space	Neighborhood Commercial
Floodway	Mixed-Use
Public/Semi-Public	Community Commercial
Rural-Density Residential	Regional Commercial
Low-Density Residential	Business Park
Medium Density Residential	Industrial
Urban Residential	Utilities
High-Density Residential	Undermined Areas
	Right-of-Way

Scale:

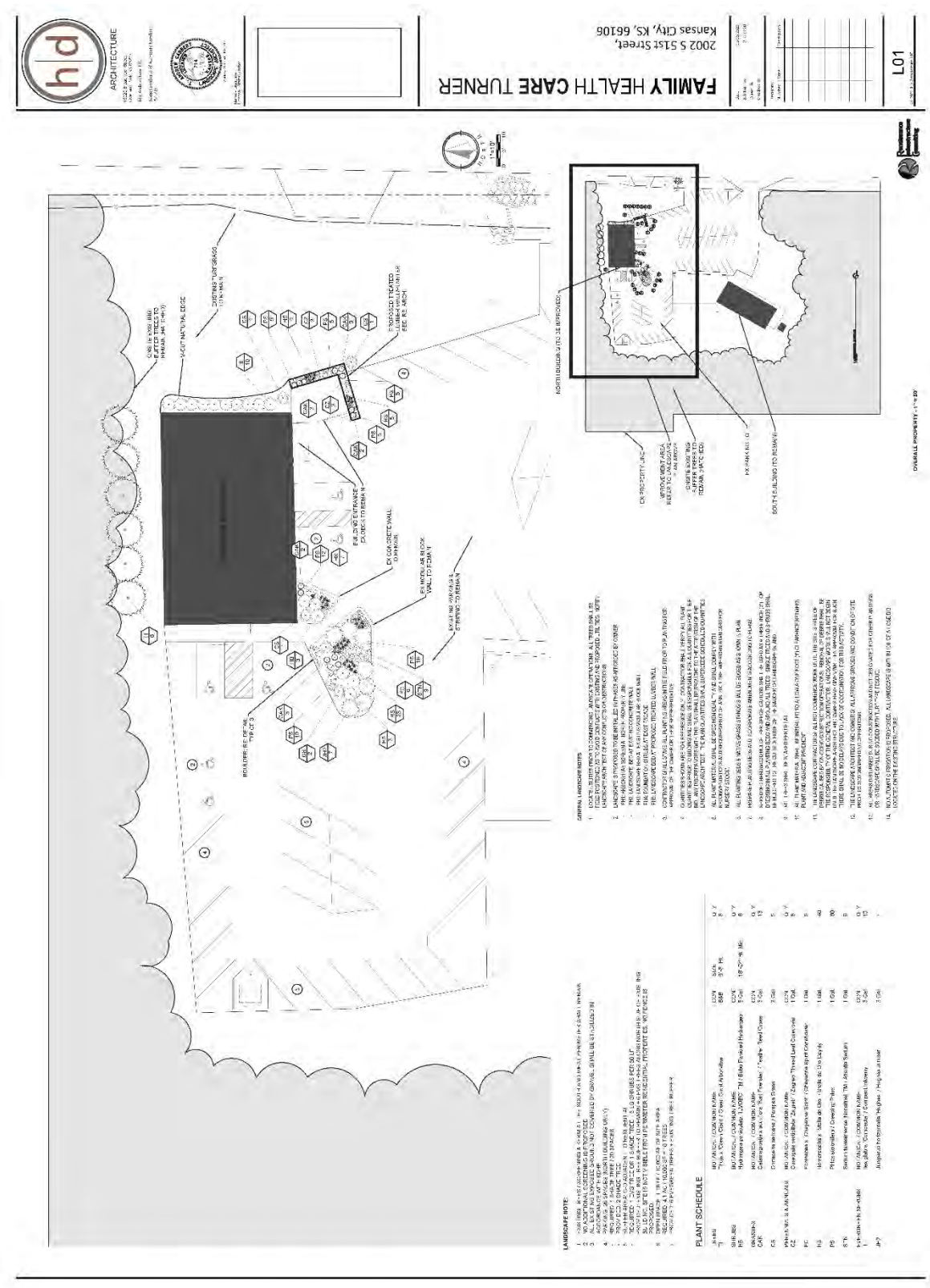
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SITE PLANS

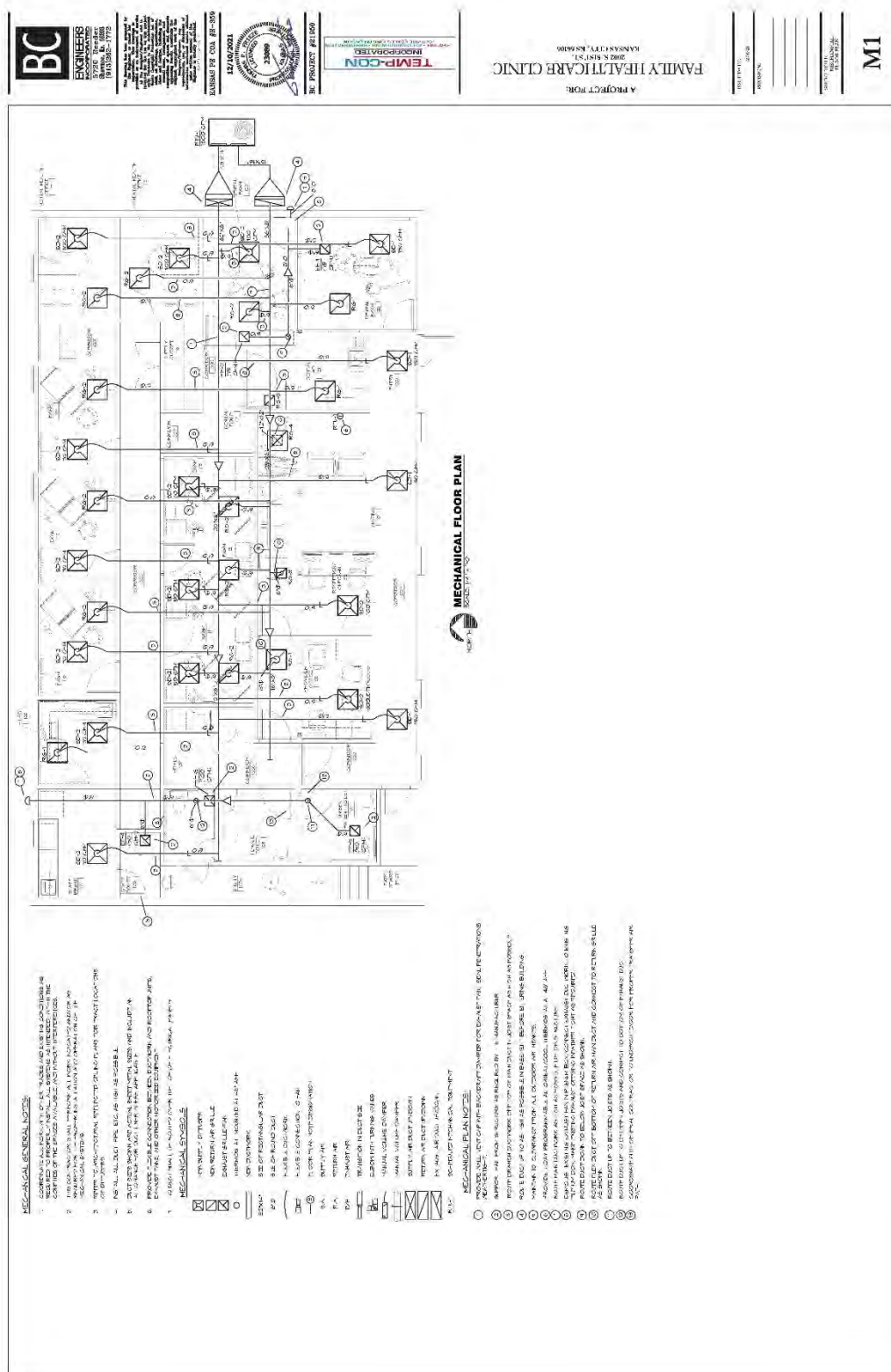
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SITE PLANS



SP2022-007

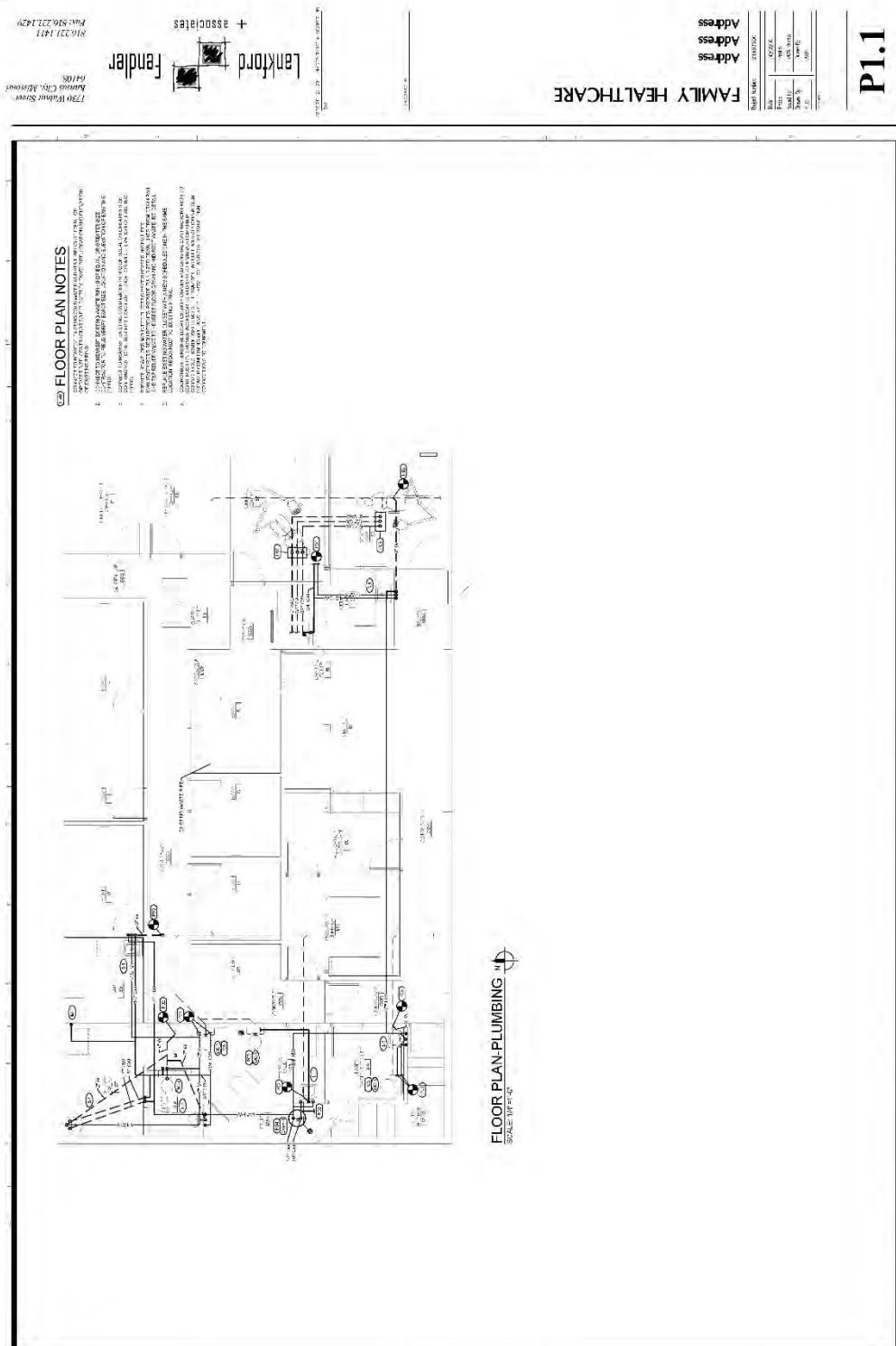
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SP2022-007



NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # SP2022-007
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.

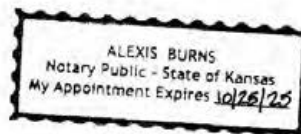
Further affiant saith not.

Dean Michael
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 5 day of May, 2022

My commission expires 22 of Oct, 2025

Alexis R. Burns
Notary Public



NEIGHBORHOOD MEETING INFORMATION



Family Health Care

1/18/2022

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #
The purpose of this special use permit is for Family Health Care at 2002 South 51st Street, Kansas City, KS 66106,

Due to COVID restrictions the city planning commission has suggested that instead of an in-person meeting that we
conduct our neighborhood meeting via ZOOM for safety/health reasons.

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

The meeting will take place on Monday, January 31st at 6 p.m.

To log in to this meeting please go to the following website and follow the prompts:

1. Zoom.com
2. Click on "Join A Meeting" in the upper right corner of the screen
3. Type in Meeting ID 850 5325 5352
4. Fill out First Name, Last Name, and Email Address
5. Click "Register"
6. Click URL to join
7. A new window will pop up. Click either "Join with Video" or "Join without Video"
8. Another window will pop up. Click "Join with Computer Audio"
9. If you are asked for a passcode at any time, use: 631775

If for any reason you are unable to attend, you may contact me directly at the number below on Tuesday, February 1st
between 9 a.m. – 4 p.m.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the
email address/phone number below.

Sincerely,

Dean Michael
Administrator
Family Health Care
340 Southwest Blvd KC, KS 66103
Phone: 913-722-3100 x233
DeanMichael@swbfhcs.org

Family Health Care ♦ 340 SW Blvd. ♦ Kansas City, KS 66103 ♦ Tel: (913) 722-3100 ♦ Fax: (913) 722-2542

NEIGHBORHOOD MEETING INFORMATION

Turner Neighbor Rezoning Meeting

Application Number: SP2022-007

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

Names of people in attendance:

Lisa Harvey, CEO Family Health Care

Dean Michael, COO Family Health Care

John Dudek, h|d Architecture

Shawn Mosher, Project Manager Kelly Construction Group

Minutes:

- No neighbors attended the meeting. Meeting was adjourned at 6:31 p.m.

Meeting Adjourned at: 6:31 p.m.

Minutes taken by: Dean Michael



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
www.wycokck.org/planning

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 26, 2022

Re: **Change of Zone Petition COZ2022-006 and
Special Use Permit SP2022-018**

GENERAL INFORMATION

Applicant:

Vernon Hopkins

Status of Applicant:

Property Owner
7861 NW Roanridge Road
Kansas City, MO 64151

Requested Actions:

Approval of a Change of Zone.

Approval of a Special Use Permit.

Date of Application:

February 1, 2022

Purpose:

The approval of a Change of Zone from C-1 Limited Business District to C-2 General Business District for the operation of a drinking establishment where it is expected liquor sales will exceed food sales. The Applicant is proposing social gathering events such as weddings and birthday parties with live entertainment.

Property Location:

2724 North 13th Street
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large, District #2: Melissa Bynum District #1 Commissioner: Gayle Townsend	
Existing Zoning:	C-1 Limited Business District	
Adjacent Zoning:	North:	C-1 Limited Business District
	South:	C-1 Limited Business and R-1(B) Single-Family Districts
	East:	C-3 Commercial District R-2 Two-Family District
	West:	C-1 Limited Business and R-1(B) Single-Family Districts
Adjacent Uses:	North:	Northeast Economic Development Corporation and Convenience Store with Gas and Restaurant with Banquet Dining
	South:	Single Family Residences and Barbershop
	East:	Single Family Residence and Two-Family Residences Small Box Retail
	West:	Single Family Residences
Total Tract Size:	0.0592 Acre	
Master Plan Area:	The Subject Property is within the Northeast Area Master Plan.	
Master Plan Designation:	The Northeast Area Master Plan designates this Property as Mixed Use. Mixed Use is generally designated along corridors that include a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should be built up to the street for form a consistent street frontage. Allowed building types include single-family houses, townhomes, duplexes, low-rise apartments, small commercial retail and office, mixed-use buildings, and institutional uses.	
Major Street Plan:	The City-Wide Master Plan designates North 13 th Street as a Local Street, but the adjacent Quindaro Avenue is designated as a Boulevard or Parkway.	
Parking Requirement:	C-2 District (proposed zoning): Section 27-466(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. Special parking needs are expanded in Section 27-668(a) which requires that eating places, restaurants, dining rooms, snack bars shall provide one (1) space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces. The subject property has 2004 square feet, however, it is undetermined how much of the property is used for seating area. Without plans for further review, staff is unable to determine the final number required parking. The property has no parking, so a variance will be required relative to the amount of parking determined to be required.

Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 16, 2022 and March 7, 2022
Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Vernon Hopkins, is requesting a Change of Zone for the subject property at 2724 North 13th Street. The Applicant is requesting a Change of Zone from C-1 Limited Business District to C-2 General Business District. The Change of Zone has been requested so that the applicant can begin operation of a sports bar and grill with special gathering events within a 2004 square foot masonry building. The Applicant is the new property owner and is in the process of renovating the building to include a small kitchen. A Special Use Permit is required for any food service establishment in which alcohol sales is expected to surpass food sales and for live entertainment during events.

This application is being heard in conjunction with BOZA2022-022 for variances pertaining to setbacks and minimum required parking.

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.

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 the current project should alleviate them.
 - a. 2022: STR2022-0119 – improper boarding of building
 - b. 2021: 19201-00652 – damaged masonry, windows, sidewalk, doors, and other exterior structural issues.
 - c. 2019: 19225-04689 – trash, weeds, abatement
 - d. 2014: 14212-01009 – trash, weeds, abatement
 - e. 2013: 13220-00375 – graffiti

Outstanding or Related Permits and Cases:

1. The current property owner has outstanding Building Permits related to the renovation of the kitchen.
2. The current property has filed an additional application for Variances related to setbacks and parking requirements of the proposed zoning district.
 - a. 2022: BOZA2022-022

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is urban in character. The subject property is adjacent to commercial properties on Quindaro Boulevard that are a mix of office, retail, non-retail, and convenience uses. The subject property is the buffer zone between these commercial properties and adjacent residences on narrow lots, with immediate lot sizes of approximately 30 feet. Streets are mostly concrete, and driveways are often in the rear alleyways of properties. Roads show signs of significant improvement such as sidewalks, curbs, and gutters. This block of Quindaro is a mix of single-family residences, duplexes, and neighborhood commercial uses such as a banquet hall.

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-family homes, and neighborhood commercial uses. The proposed zoning would have general compatibility with the nearby properties due to their proximity to commercial 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 is suitable for alcohol consumption and small gatherings because it is an urban, mixed-use area in which neighborhood establishments are popular. There is the possibility for increased parking demand with the additional uses of alcohol consumption although the neighborhood generally favors small, locally owned and easily accessible businesses as a buffer to the more intense commercial uses on Quindaro Boulevard.

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

The property has been vacant since at least 2016, but records indicate that it may have been vacant periodically since 2006 or earlier. The property has changed ownership numerous times during that period, and it is unclear if the building has been open long-term during these periods.

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 proposed business is for private enjoyment, however, there is some benefit from operating a business in a building with long-term vacancy and the associated property and sales tax gains from its operation. The subject property already exists, and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring property if managed appropriately.

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, or safety. There is some possibility of overcrowding related to parking, however, due to the parcel's design and positioning, parking would be a concern no matter the property's use. No parking is available off-site.

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

The Northeast Area Master Plan designates this Property as Mixed Use. Mixed Use is generally designated along corridors that include a mix of single family houses, apartment buildings, small commercial buildings, and mixed-use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should

be built up to the street for form a consistent street frontage. Allowed building types include single-family houses, townhomes, duplexes, low-rise apartments, small commercial retail and office, mixed-use buildings, and institutional uses. Currently, the subject property is situated between more intense commercial uses and the adjacent residences, contributing to the Mixed Uses, and this will not be impacted by the Change of Zone. The size of the building and the parcel's layout will further restrict the higher-intensity uses of the proposed C-2 District but will still allow for the gathering space desired.

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 proposed renovation would allow for the operation of a new business in a building with long-term vacancy. This renovation enhanced the environment with upgrades and repairs, as well as providing a social amenity for neighbors.

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 not evident in the neighborhood.

d. *Police*

Police service is provided by North Patrol, District #113.

e. *Fire*

Fire service is provided by Station #5.

f. *Transit*

The subject property receives bus service via Route #106. There is a bus stop at the intersection of 13th and Quindaro.

g. *Schools*

Public 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 is currently a vacant building on a neighborhood corridor, which buffers the more intense commercial uses. The renovations will impact the increase in property tax value and will allow desirable neighborhood amenity, bringing in sales tax.

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

The subject property can meet zoning ordinances with the exception of parking and setbacks, although that is an issue the parcel would experience in any zone due to its uniquely legal non-conforming design. The applicant will need the approval of variances related to parking and setbacks.

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 to public health, safety, or welfare. The structure is already in existence, but the previous condition of prolonged vacancy and uninhabitable status made the property unsightly and unsafe, drawing the attention of neighbors as the property is positioned near a corner lot on a busy corridor. The kitchen renovation is permitted and with some exterior improvements, the property can meet or exceed the standard for maintenance and care, removing associated hazards to adjacent neighbors and the neighborhood.

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

There is a potential for noise, vibration, and/or illumination to be a problem at this location, as it is a sports bar adjacent to a residential neighborhood, but should be minimal if managed properly.

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

There is no substantial potential for the pollution of the air, land, or soil as it is within a built-out, mixed-use urban neighborhood. If the applicant properly maintains the property, pollution or trash from patrons should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out neighborhood.

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

The consumption of alcohol at a sports bar in and of itself would not be considered to have relative gains to the public health, safety, and welfare. The public would benefit from having another establishment in the neighborhood for socializing and gathering, as opposed to a continuously vacant space without a tenant. Denying the Special Use Permit may cause hardship for the property owner as they would be unable to operate any drinking establishment at this location.

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

The proposed use has the propensity for overcrowding of vehicular traffic due to its legal non-conformance in regard to lot size and lack of off-street parking. The consumption of alcohol is not a determining factor as similar uses in the neighborhood exist under similar conditions. There is a propensity for alcohol consumption to cause undue concentrations of population, however, a certificate of occupancy would provide a limit on populations appropriate for the building's size.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at the subject property on April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Legal Non-Conformance
Structural Compatibility
Parking Access
Zoning
Land Use
Utility Easements
Unfit Structure
Setback Requirements
Trash Management
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-006** and Special Use Permit Application **SP2022-018**, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-022;
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. All entertainment must cease by at least 1:00 AM;
4. No outdoor loitering in alleyways or behind the building;
5. Trash must be maintained at the rear of the building;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f), including:
 - a. 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 when alcohol is served;
 - d. At closing time, all security personnel will move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. If approved, the applicant must file and maintain a current business occupation tax application;
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 buildinginspection@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 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. 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;
14. 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,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Cases **COZ2022-006 and SP2022-018** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map Land Use Map
Floor Plan
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Rezoning	May 9, 2022	May 26, 2022
Special Use	Approval	
Permit	May 9, 2022	May 26, 2022
	Approval	

STAFF CONTACT: Kallie McLaughlin, kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2022-006 and SP2022-018** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2022-006 and SP2022-018**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:20:50:

CHANGE OF ZONE APPLICATION COZ2022-006 – VERNON HOPKINS - SYNOPSIS:

Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to operate a sports bar and grill with event space at 2724 North 13th Street.

SPECIAL USE PRMIT APPLICATION SP2022-018 - VERNON HOPKINS - SYNOPSIS:

Special Use Permit to operate a sports bar and grill with event space at 2724 North 13th Street.

Detailed Outline of Requested Action: The Applicant, Vernon Hopkins, is requesting a Change of Zone for the subject property at 2724 North 13th Street. The Applicant is requesting a Change of Zone from C-1 Limited Business District to C-2 General Business District. The Change of Zone has been requested so that the applicant can begin operation of a sports bar and grill with special gathering events within a 2004 square foot masonry building. The Applicant is the new property owner and is in the process of renovating the building to include a small kitchen. A Special Use Permit is required for any food service establishment in which alcohol sales is expected to surpass food sales and for live entertainment during events. This application is being heard in conjunction with BOZA2022-022 for variances pertaining to setbacks and minimum required parking.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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 from 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:

- Vernon Hopkins, applicant, 7861 NW Roanoke Road, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:23:51: Planning Director Hand stated that this case was heard in conjunction with Board of Zoning Appeals case BOZA2022-022, which was approved earlier this evening. The property is in the Northeast Area Master Plan. Staff has received no letters in support nor opposition. There are some Notices of Violation that

will be resolved with this redevelopment project. Staff has included several conditions of approval. Staff recommends approval of the Change of Zone and Special Use Permit subject to the conditions in the staff report.

Staff Recommendation starts at 4:25:16

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-006:**

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

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

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-022;
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. All entertainment must cease by at least 1:00 AM;
4. No outdoor loitering in alleyways or behind the building;
5. Tash must be maintained at the rear of the building;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f), including:
 - a. 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 when alcohol is served;
 - d. At closing time, all security personnel will move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. If approved, the applicant must file and maintain a current business occupation tax application;
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 buildinginspection@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;

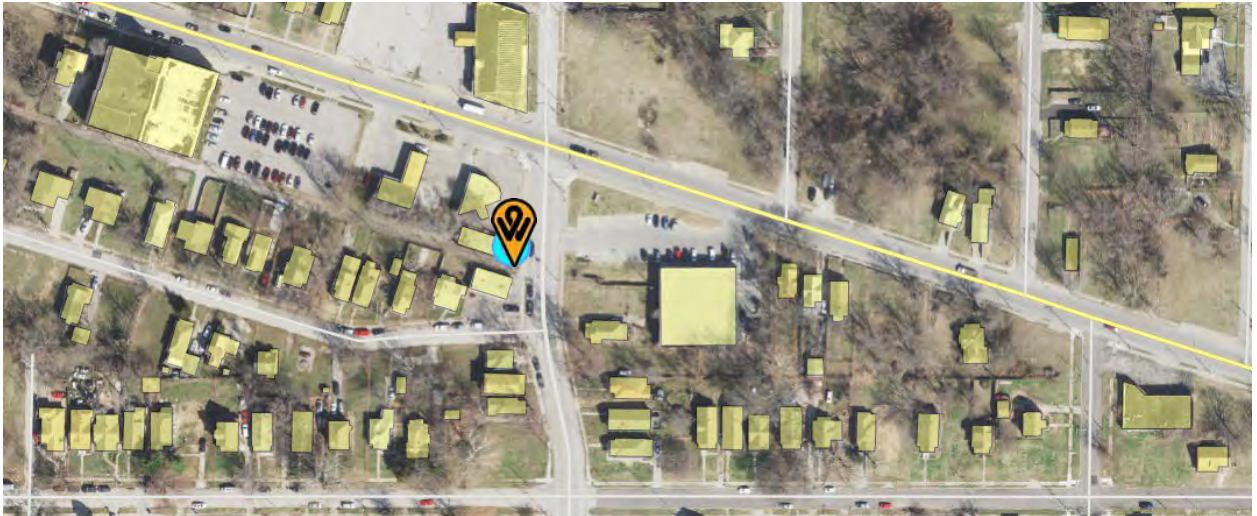
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, 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. 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;
14. 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,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-018:**

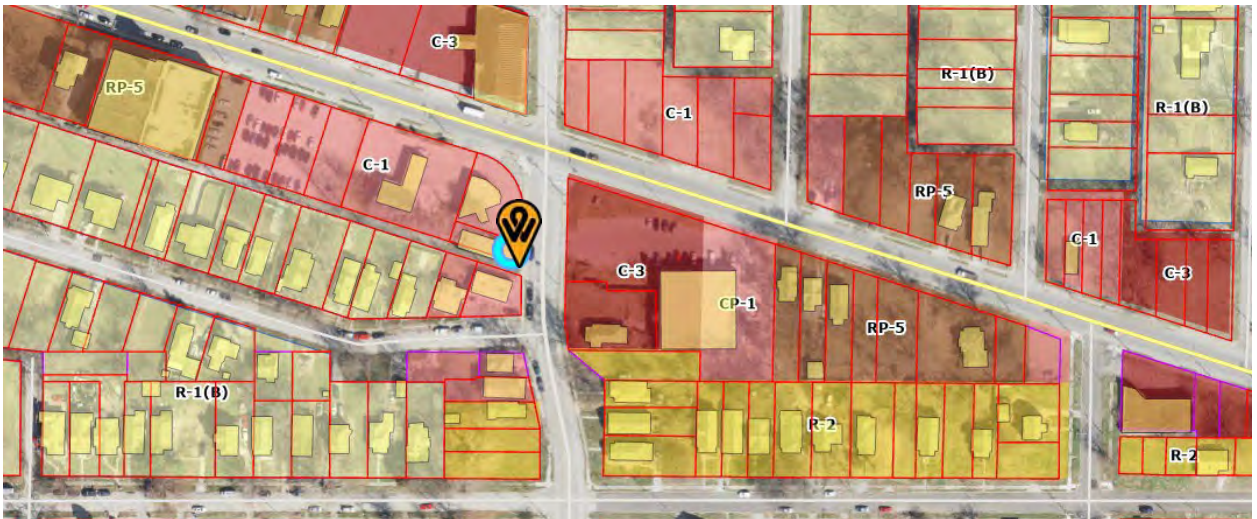
Carson	Chairman
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Pauley	Aye
Straws	Not Present

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

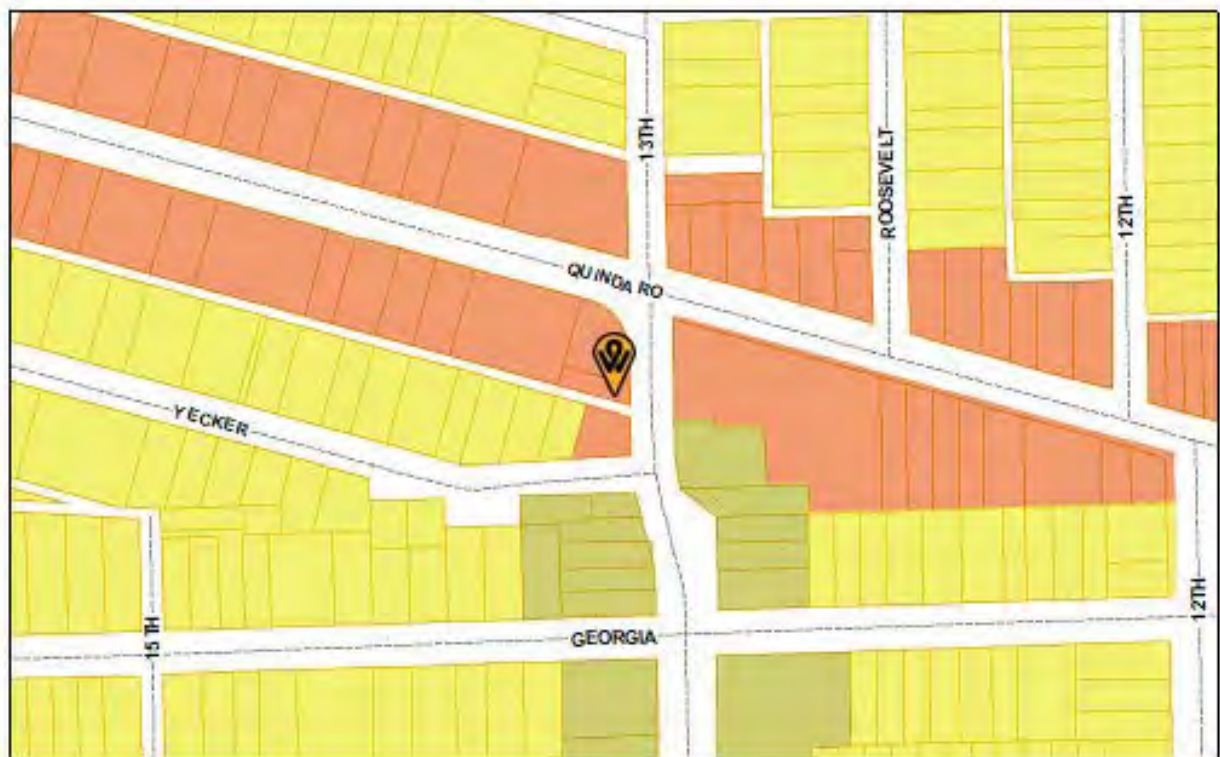
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

NEAMP Future Land Use

Districts

- Neighborhood Mixed Use
- Gateway / Neighborhood Commercial Hub
- Commercial
- Highway Commercial
- Industrial
- Historic and Institutional
- Parks and Open Space
- Single Family
- 1-4 units, house style
- Low rise apartments (3-4 stories)
- Preserve

FLOOR PLAN

[illegible]

ELECTRICAL PLAN NOTES

1. REFER TO ALL OTHER ELECTRICAL SCHEDULES FOR EQUIPMENT SCHEDULES AND NOTES.
2. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE (NEC).
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LUMINARIES SCHEDULE

TYPE	MANUFACTURER	MODEL	WATTAGE	VOLTS	PHASE	NOTES
A	GE	RECESSED	40	120	1	12" DIA. 12" DEEP

RISER NOTES

1. SEE RISER FOR ALL ELECTRICAL WORK.
2. SEE RISER FOR ALL ELECTRICAL WORK.
3. SEE RISER FOR ALL ELECTRICAL WORK.
4. SEE RISER FOR ALL ELECTRICAL WORK.
5. SEE RISER FOR ALL ELECTRICAL WORK.
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9. SEE RISER FOR ALL ELECTRICAL WORK.
10. SEE RISER FOR ALL ELECTRICAL WORK.
11. SEE RISER FOR ALL ELECTRICAL WORK.
12. SEE RISER FOR ALL ELECTRICAL WORK.

LP1 PANEL SCHEDULE

DESCRIPTION	MANUFACTURER	MODEL	WATTAGE	VOLTS	PHASE	NOTES
1	GE	RECESSED	40	120	1	12" DIA. 12" DEEP

KITCHEN ELECTRICAL PLAN

PROJECT INFORMATION

Q13 RESTAURANT COOK LINE
KANSAS CITY, KS

ISSUE INFO

NO.	DATE	DESCRIPTION
1	10/10/07	ISSUED FOR PERMIT

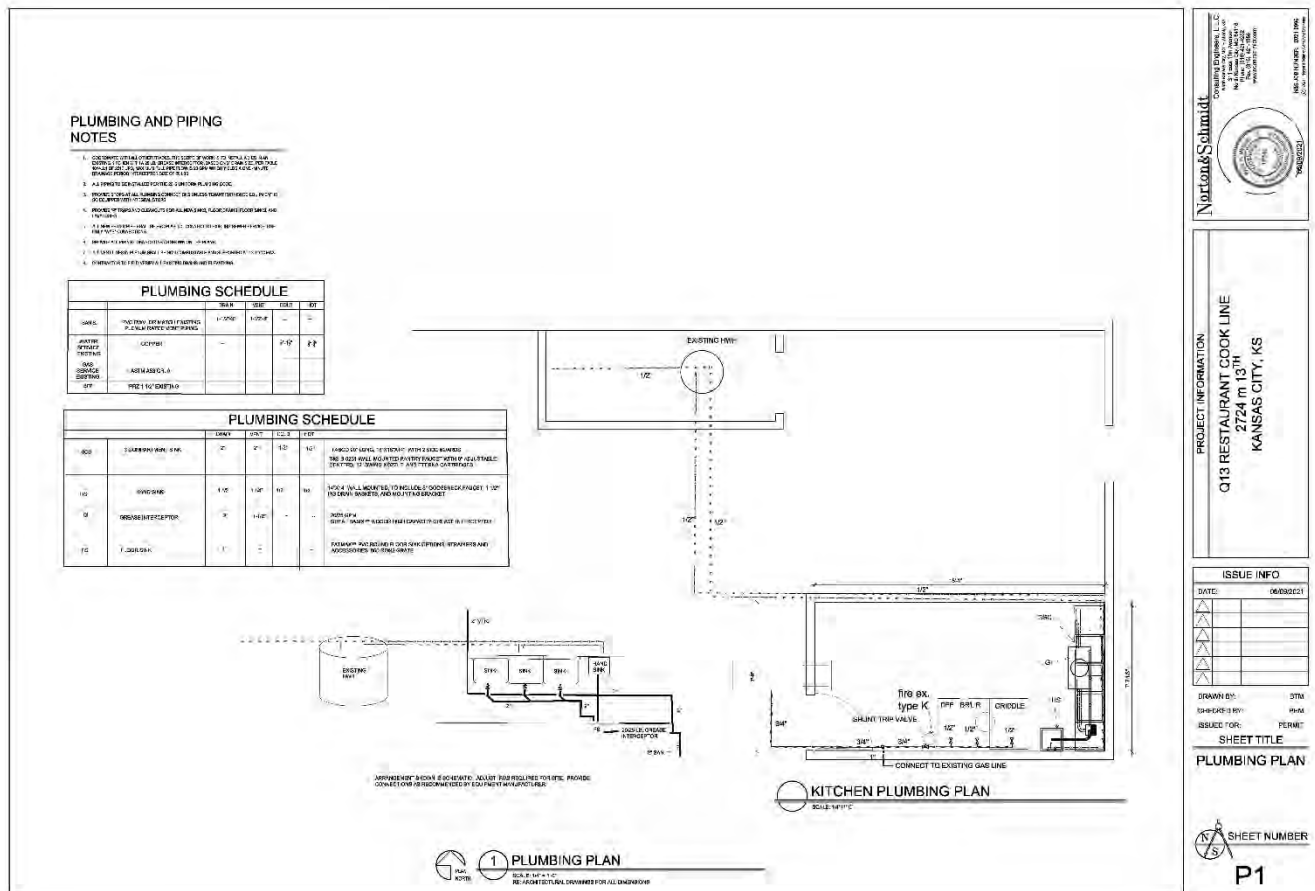
SHEET TITLE

ELECTRICAL POWER PLAN

SHEET NUMBER

E1

FLOOR PLAN



NEIGHBORHOOD MEETING INFORMATION

April 15, 2022

Vernon Hopkins
7861 NW Roanridge Rd. Unit F
Kansas City, MO. 64151

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # COZ2022-006 & SP2022-018. The purpose of this is for a change of zone & special use permit at the following address: 2724 N 13th St. Kansas City, KS. 66104

I/We am having a neighborhood meeting on April 25th at 6 p.m. at the following address 2724 N 13th St Kansas City KS. 66104.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Name and Contact Information
Vernon Hopkins
Vhop71@sbcglobal.net
913-915-7898

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting

Application Number: COZ2022-006, SP2022-018 and BOZA2022-022

Date and Location: April 25, 2022 at 2724 N. 13th St. KC, KS

Meeting called to order at: 6pm

Names of people in attendance: 0

Introductions: 0

The neighborhood meeting was to start promptly at 6pm Monday April 25th and no one showed. I waited until 6:30 and closed the meeting. I received one phone call from a Ms. Doris Jenkins and she informed me that she was no longer president of Organization for Neighborhood Preservation.

Meeting adjourned at: 6:30

Minutes taken by: Vernon Hopkins



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: May 26, 2022

Re: Special Use Permit Petition SP2022-021

GENERAL INFORMATION

Applicant:

Melissa Herr DBA Herr Hut

Status of Applicant:

Property Owner
2618 South 48th Terrace
Kansas City, Kansas 66106

Requested Actions:

The Approval of a Special Use Permit
for a Home Occupation.

Date of Application:

January 28, 2022

Purpose:

To begin operating as toy and gift
merchandise sales shop in the
Applicant's home.

Property Location:

2618 South 48th Terrace
Kansas City, Kansas 66106

Commission Districts:

Commissioner At Large, District #2:
Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: R-1 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:	0.1734 Acre
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this Property as Low Density Residential. Low Density Residential allows for single-family residences, parks, open space, and institutional uses such as schools, and churches. Discouraged uses include industrial uses, business parks, and medium and high-density residences.
Major Street Plan:	The City-Wide Master Plan designates South 48 th Terrace as a Local Street.
Parking Requirement:	R-1 District: Section 27-454(d) requires two (2) off-street parking spaces premises for each single-family dwelling, one (1) of which must be a garage or carport. The property currently has a detached garage and driveway, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owners – February 18, 2022, March 8, 2022 and April 5, 2022
Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	Applicant received one email of support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Melissa Herr of Herr Hutt LLC, is seeking approval to operate a home occupation out of their property at 2618 South 48th Terrace. The applicant plans to sell toys, gifts, and similar merchandise and deliver the orders which are placed virtually. The applicant plans on keeping a small amount of inventory on the property but does not plan on having any on-site sales or visiting customers. The Applicant wishes to use the sales proceeds as an investment to fund a future restaurant business.

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 previous abatement violations as late as 2006, however, they are prior to the applicant's purchase.

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 residential in character. Lots are average for residential densities and are approximately 60 feet in width. There streets are concrete, and driveways are often concrete approaches with concrete or asphalt driveways. Lots have mature trees, but do not show signs of improvement such as sidewalks or storm drainage.

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 Single Family Zoning District. The property has been owner occupied since 2021 and appears to have been maintained in the Applicant's family since 2006. Commercial uses of are not traditionally compatible with single-family properties although if managed appropriately and without obvious indicators that there is a home occupation at the property, general compatibility

would be maintained.

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 gift delivery service if managed appropriately by keeping all inventory discreetly stored inside the home and by prohibiting customers from visiting on site. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as overcrowding if inventory is kept outside the confines of the building,

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

The property is not currently vacant. The property is owner occupied.

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 this Property as Low Density Residential. Low Density Residential allows for single-family residences, parks, open space, and institutional uses such as schools, and churches. Discouraged uses include industrial uses, business parks, and medium and high-density residences. The usage of a single-family home for the commercial purpose of a gift or merchandise delivery service is an allowed commercial use 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 should not exceed the capacity of the Local Street to accommodate it if managed properly as all customer interactions are off-site.

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 does not provide a use considered reasonably necessary for the convenience and welfare of the public as it is a private service. 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.*

There have not been any noise complaints to date with the current applicant, as this is a new application. Noise, vibration, dust, or illumination are not issues typically related to the use of a residential property as a delivery gift and merchandise service if properly managed.

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 delivery to private customers or consumers. If denied, the landowner could not use the property as a home occupation but may still use the property as 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. Customers are not proposed to visit the site, therefore, 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 merchandise delivery service without any foreseen adversity if operated properly

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 control is provided at various point throughout the Rainbow Boulevard corridor

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Station #10.

f. Transit

There is no accessible public transit to the property.

g. Schools

Education is provided by Turner, Kansas USD #202.

h. Streets

See item #6 above.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at the property on April 19, 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
Traffic
Hours of Operation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit **SP2022-021**, for **two (2) years**, subject to:

1. If approved, the driveway and apron shall be upgraded to an improved surface such as asphalt or concrete. The amount of improved surface in the front yard shall not exceed 30% of the open space;
2. If approved, the applicant shall perform repairs to remove the fallen rear tree and repair the rear corner soffit;
3. If approved, the applicant must file and maintain a current business occupation tax application with this office;
4. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
5. 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 buildinginspection@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;
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking 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 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,

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.

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 **SP2022-021** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map Land Use Map
Sample Merchandise Photo
Applicant Photos Dated January 2, 2022
Letter of Support

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Special Use Permit	May 9, 2022 Approval	May 26, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-021** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-021** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 5:11:52:

SPECIAL USE PRMIT APPLICATION SP2022-021 – MELISSA HERR WITH HERR HUT LLC - SYNOPSIS: Home Occupation Special Use Permit to sell novelty toy and gift items at 2618 South 48th Terrace.

Detailed Outline of Requested Action: The Applicant, Melissa Herr of Herr Hutt LLC, is seeking approval to operate a home occupation out of their property at 2618 South 48th Terrace. The applicant plans to sell toys, gifts, and similar merchandise and deliver the orders which are placed virtually. The applicant plans on keeping a small amount of inventory on the property but does not plan on having any on-site sales or visiting customers. The Applicant wishes to use the sales proceeds as an investment to fund a future restaurant business.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Melissa Herr, applicant/owner 2618 South 48th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:14:35: Planning Director Hand stated that the request is for a Home Occupation Special Use Permit for internet sales. The property is located in the Turner area and is part of the City-Wide Master Plan. Staff has received one (1) letter in support and no letters in opposition. There are some old Notices of Violation, along with other code violations Staff observed on their site visit, that Staff is requesting be rectified as conditions of approval. There will be no on-site sales; the applicant will deliver or mail to their customers. Staff is also requesting that they upgrade their driveway to UG standards. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 5:15:33:

On motion by Ms. Pauley, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-021:**

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

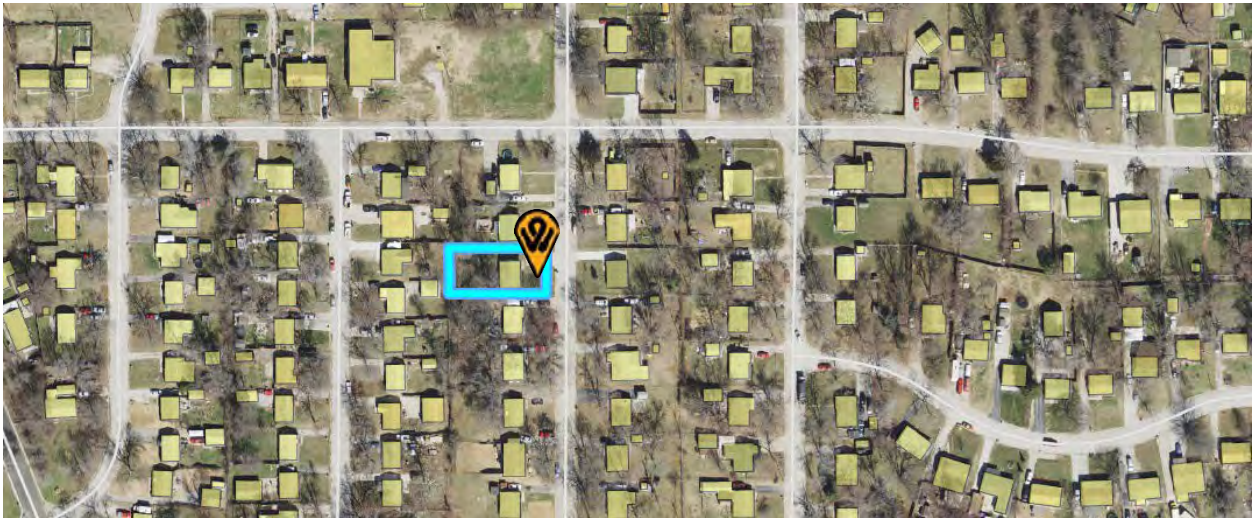
Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

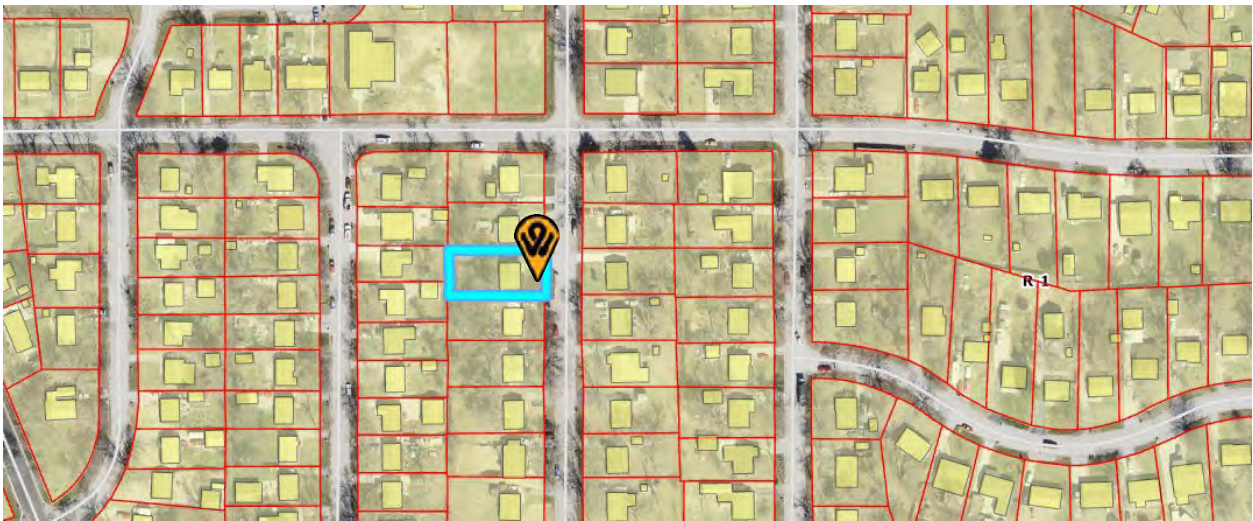
1. If approved, the driveway and apron shall be upgraded to an improved surface such as asphalt or concrete. The amount of improved surface in the front yard shall not exceed 30% of the open space;
2. If approved, the applicant shall perform repairs to remove the fallen rear tree and repair the rear corner soffit;
3. If approved, the applicant must file and maintain a current business occupation tax application with this office;
4. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
5. 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 buildinginspection@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;
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking 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 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,
 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.

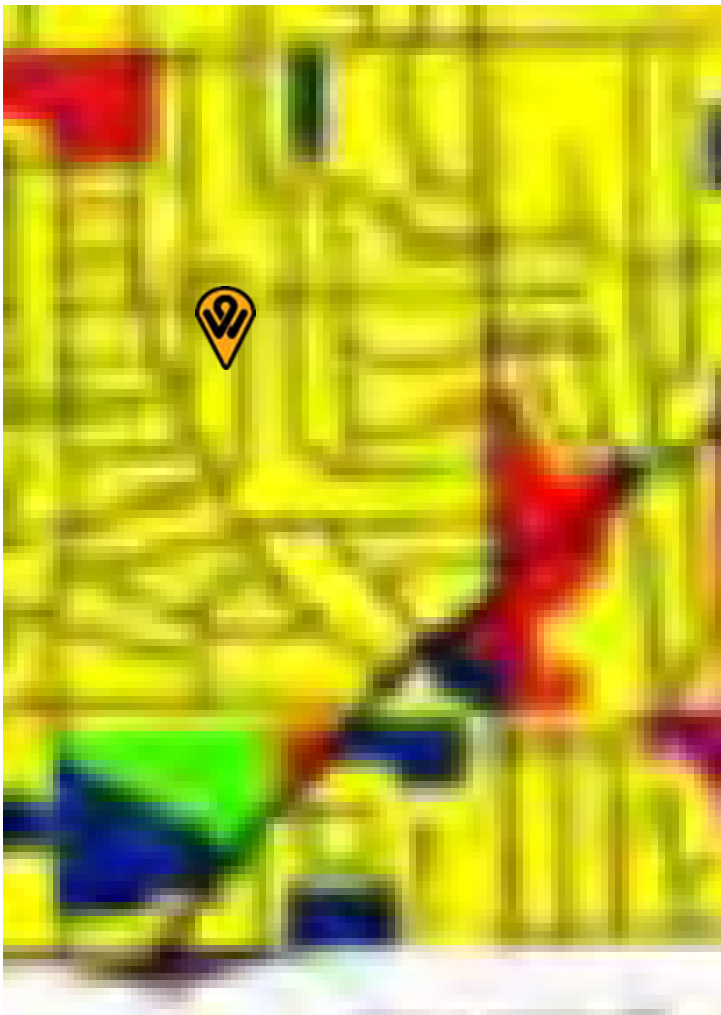
AERIAL MAP



ZONING MAP



LAND USE MAP



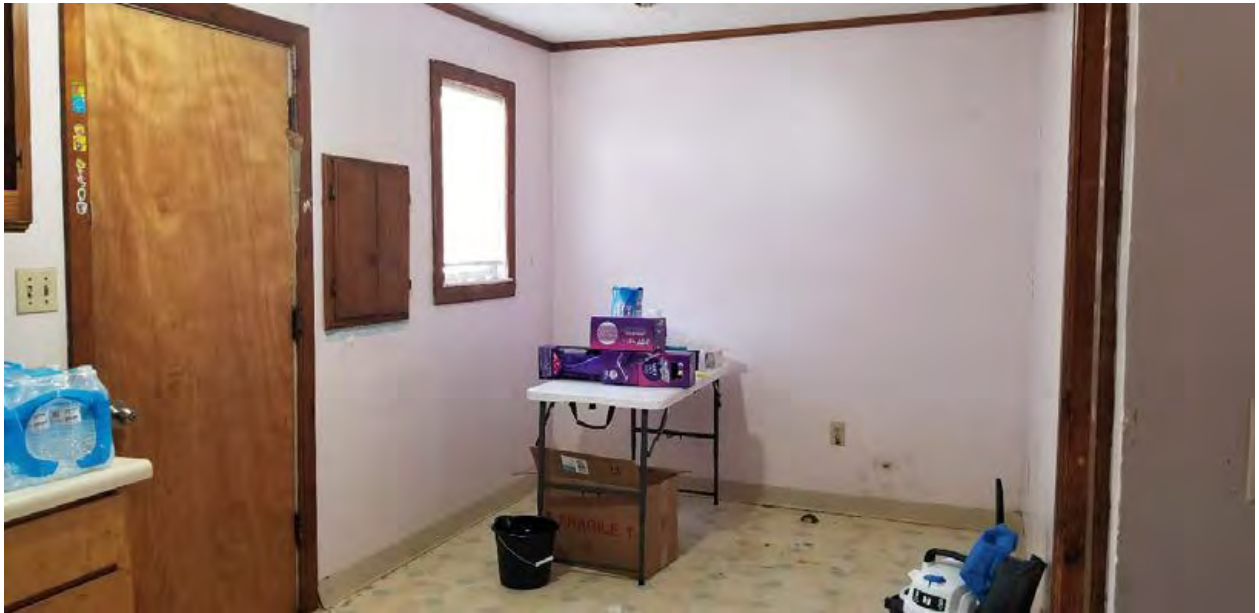
SAMPLE MERCHANDISE PHOTO



APPLICANT SUPPLIED PHOTOS DATED FEBRUARY 2, 2022



APPLICANT SUPPLIED PHOTOS DATED FEBRUARY 2, 2022



APPLICANT SUPPLIED PHOTOS DATED FEBRUARY 2, 2022



APPLICANT SUPPLIED PHOTOS DATED FEBRUARY 2, 2022



LETTER OF SUPPORT

Affordable Rental Property LLC
1850 N, MO-7
Blue Springs, MO 64014

April 4th, 2022

Department of Planning and Urban Design
701 North 7th Street
Room 423
Kansas City, Kansas 66101

Dear Department of Planning and Urban Design Bureaucrats,

My name is Sepehr Bekam and I am the LLC Managing member for Affordable Rental Property LLC. My company owns several rental properties within Kansas City, KS/MO.

My company received a letter from your department advising of a petition for a special permit by HERR HUT LLC. The Special Permit Petition number is SP2022-021.

The purpose of this letter is to express my company's support to Melissa Herr and Herr Hut, LLC in obtaining their permit for 2618 South 48th Terrace.

90% of small businesses fail within the first 5 years of startup. The last thing Melissa needs during the startup process is burdensome regulations and a tedious zoning process.

Neither we or our tenants care about what Herr Hut, LLC does within 2618 S 48th Ter so long as no one is being harmed and nothing is being stolen.

Please do not waste any more time or tax payer dollars in delaying Herr Hut's application process. We support Herr Hut, LLC's special permit petition.

Thank you,



Sepehr Bekam
LLC Managing Member
Affordable Rental Property LLC
Sep@BekamInvest.com
(949)639-9537



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: May 26, 2022

Re: Petitions COZ2022-007 and SP2022-022

GENERAL INFORMATION

Applicant:

Maricela Zamora

Status of Applicant:

Property Owner
Pardo's Automotive
4639 Parallel Parkway
Kansas City, Kansas 66104

Requested Action:

Approval of a Change of Zone.

Approval of a Special Use Permit.

Date of Application:

January 28, 2022

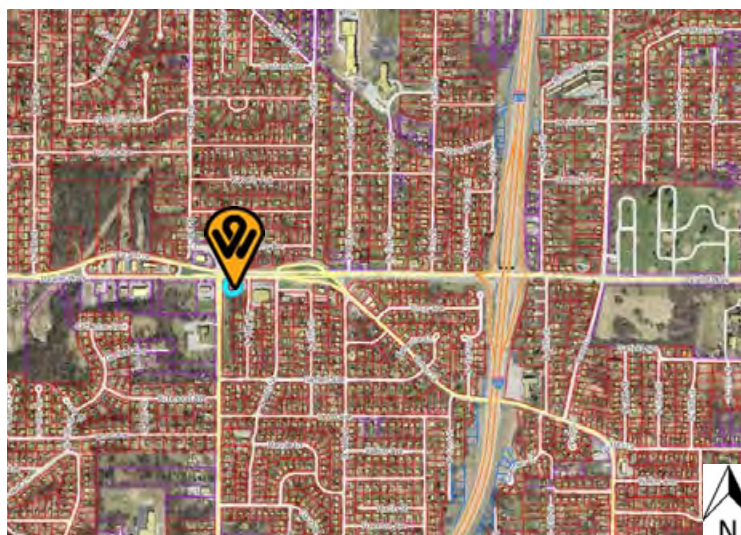
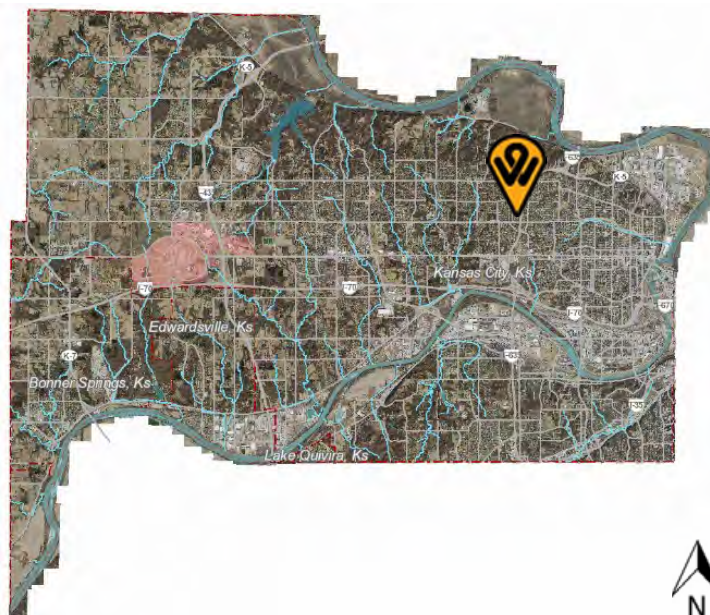
Purpose:

To approve a Change of Zone
from C-1 Limited Business
District to CP-2 Planned General
Business District.

To approve a Special Use Permit
for light automotive service and
maintenance.

Property Location:

4639 Parallel Parkway
Kansas City, Kansas 66104



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #4 Commissioner: Harold Johnson
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: R-1 Single Family District South: R-1(B) Single Family District East: C-1 Limited Business District West: CP-2 Planned General Business District
Adjacent Uses:	North: Undeveloped Landbank property South: Undeveloped Landbank property East: Undeveloped property West: Commercial building
Total Tract Size:	0.26 Acre
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial. The Community Commercial land use district allows for grocery stores; medium-sized (25,000 to 75,000 square feet) box stores, with or without small-scale accessory commercial uses; small-scale commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc.; car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet higher site design standards. Required infrastructure for the Community Commercial land use designation includes a minimum 8-foot sidewalk/trail along arterial roads, and a minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
Major Street Plan:	The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare. The Major Street Plan designates North 47th Street as a Class C Thoroughfare.
Parking Requirement:	C-1 District (current district): Section 27-464(e), paved off-street parking spaces are required at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. The proposed site plan demonstrates a building measuring 2,726 square feet, which requires a minimum of 11 parking spaces. The

proposed site plan provides 11 parking spaces, one (1) of which is ADA-compliant. These parking spaces meet the requirements of Sections 27-464(e) and 27-676(a).

CP-2 District (requested district): Section 27-466(e), paved off-street parking spaces are required at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. The proposed site plan demonstrates a building measuring 2,726 square feet, which requires a minimum of 11 parking spaces. The proposed site plan provides 11 parking spaces, one (1) of which is ADA-compliant. These parking spaces currently meet the requirements of Sections 27-464(e) and 27-676(a). One (1) parking space on the current site plan will be lost to the required pedestrian walkway; if the parking space is not incorporated elsewhere on the subject property, then a variance will be necessary.

Advertisement: The Wyandotte Echo – February 17, 2022; March 17, 2022; and April 14, 2022

Letters to Property Owner – February 17, 2022; March 18, 2022; and April 15, 2022

Public Hearings: May 9, 2022 and May 26, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Maricela Zamora with Pardo Automotive, is requesting a Change of Zone and a subsequent Special Use Permit. The requested Change of Zone is from C-1 Limited Business District to CP-2 Planned General Business District. This district is requested in order to meet the zoning district requirement for a Special Use Permit for light automotive service and maintenance. The subject property has had a light automotive service and maintenance use on the subject property since 2017; this Special Use Permit has been triggered by an expansion of uses on the subject property due to an expansion of the existing building by an additional 1,241 square feet.

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 not received any noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has not received any building or code enforcement complaints. The current property owner has owned the subject property since 2019.
2. The previous two (2) property owners have been cited for multiple violations over a period of ten (10) years, from 2000 to 2009. The previous property owners were cited for a variety of automotive-related violations, including junk vehicles, excessive vehicles parked outside, vehicles parked on unimproved surfaces, vehicles without tags, and automotive repair work being conducted on vehicles outside. The previous property owners have been cited for debris as well—in 2000, 2001, 2002, and 2004—and for a dilapidated structure and building without utilities in 2007 and 2008, respectively.

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

Change of Zone

1. Neighborhood character.

The subject property is within the Coronado Statistical Neighborhood and is within the Wyandotte Village Neighborhood Group. The character of the neighborhood is comprised of commercial properties along Parallel Parkway. To the south of Parallel Parkway, properties are primarily zoned R-1 District and of those parcels the majority are single-family residential properties.

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

The subject property is adjacent to a vacant parcel zoned C-1 District to the east and is across 47th Street from a gas station zoned CP-2 District to the west. The portion of Parallel Parkway that the subject is located on has several automotive-related businesses, including automotive repair shops, gas stations, and auto part stores. The adjacent property to the rear is zoned residential, but landscape screening and buffering should be able to reduce any adverse impacts a light

automotive repair business may have on future residential development. In this way, the proposed use is compatible with the nearby zoning and uses.

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

The light automotive repair and maintenance use already exists on the subject property; the Special Use Permit addresses the expansion of the use via the expansion of the existing building footprint. The proposed use does not appear to have caused any issues with the nearby properties in this time. Additionally, proper landscaping, screening, commercial development design, and other conditions will mitigate any effects the expanded use may have on nearby properties. Therefore, the subject property is suitable for the proposed use.

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

The applicant has been operating at the subject property since 2018, and the subject property has been used for light automotive repair since 2009.

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.*

Automotive repair services are necessary for those in Wyandotte County who own and use a vehicle. There are, however, a great number of automotive repair service businesses, especially along major commercial corridors such as Minnesota Avenue, State Avenue, and Parallel Parkway. While the expansion of a pre-existing automotive repair business may not be absolutely necessary for the convenience and welfare of the public, the portion of Parallel Parkway that the subject is located on has several automotive-related businesses, including automotive repair shops, gas stations, and auto part stores. The adjacent property to the rear is zoned residential, but landscape screening and buffering should be able to reduce any adverse impacts a light automotive repair business may have on future residential development. In this way, the proposed use will 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.*

An expanded building would allow for more vehicles to be accommodated, but as automotive repair is generally an appointment-based service that has a set and defined number of customers who can be assisted at any given time, the concern of an increase in traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems is very unlikely.

Furthermore, the subject property is served by both a Class A and Class C Thoroughfare. Therefore, the proposed use will not likely result in increasing the

amount of vehicular traffic to the point where it either exceeds the capacity of the street network—the Class A and Class C Thoroughfares—to accommodate it or merely adversely affects road capacity, safety or creates parking problems.

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

The City-Wide Master Plan designates this property as Community Commercial. The Community Commercial land use designation allows for grocery stores; medium-sized (25,000 to 75,000 square feet) box stores, with or without small-scale accessory commercial uses; small-scale commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc.; car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet higher site design standards. Required infrastructure for the Community Commercial land use designation includes a minimum 8-foot sidewalk/trail along arterial roads, and a minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare and North 47th Street as a Class C Thoroughfare. Therefore, eight (8)-foot sidewalks must be constructed in their respective rights-of-way along the north and east boundary lines of the subject property, and four (4)-foot pedestrian walkways with proper landscaping and lighting must be installed as a connection between the sidewalks and the front of the building. The proposed use, therefore, conforms with the City-Wide Master Plan but must meet all requirements of the Commercial Community land use designation.

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

Automotive repair includes the changing and disposal of auto parts—including metals, tires, and electronics—as well as fluids. All automotive materials and fluids must be properly disposed of in accordance with local, State, and federal law and in accordance with any additional binding regulations from licensing boards or government agencies. The applicant must provide proof of an oil-water separator installed in the workshop floor.

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

a. *Water service*

Water lines currently serve the property.

b. *Sanitary sewer service*

Sanitary sewer lines run along the east side of the subject property, then cuts across the front of the property and enters the Parallel Parkway at the intersection with North 47th Street. The proposed use and expansion do not require an expansion of the sanitary sewer lines.

c. Storm water control

The subject property is served by storm water lines running along the west side of the parcel on North 47th Street and along Parallel Parkway. There are two (2) storm inlets located at the northwest corner of the parcel, one (1) on the north boundary line and one (1) on the west boundary line.

d. Police

Police service is provided by East Division, District #114.

e. Fire

Fire service is provided by Fire Station #11.

f. Transit

There is a bus stop (eastbound) across North 47th Street from the subject property, and another bus stop (westbound) on the north side of Parallel Parkway and to the west of the North 47th street intersection. The subject property is served by the 116 (West Parallel) bus route.

g. Schools

Public education is provided by Eugene Ware Elementary School, Coronado Middle School, and Schlagle High School, under Kanas City USD 500.

h. Streets

The subject property will be served by Parallel Parkway and North 47th Street. No additional streets will be created.

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

This Change of Zone will, in part, allow an existing business to expand its current uses, including light automotive repair and maintenance. Expansion of the business and services will have a positive economic impact on the community.

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

There are several planning entitlements that will need to be simultaneously acquired in order for the Change of Zone from C-1 District to CP-2 District. In order to operate a light automotive repair and maintenance use, the applicant must receive a Special Use Permit. SP2022-022 has been applied for and will be heard simultaneous to this Change of Zone. Furthermore, the subject property is currently unable to meet several setback requirements of the CP-2 District, and therefore must receive variances from all violating setbacks. The applicant has

applied for BOZA2022-007, which will also be heard simultaneous to this Change of Zone.

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

The expansion of the existing building, which is not directly triggered by the proposed Change of Zone, but which is indirectly influenced by the proposed change to the CP-2 District, will reduce the rear yard setback between the subject property's building and the adjacent residentially zoned property to four (4) feet. This is addressed in the BOZA2022-007 staff report in greater detail. An important factor, however, in the variance request for the rear yard setback, is the ability for the applicant to properly screen the building from the residential property. If the property cannot be properly screened, then the relative gain to the public welfare may be outweighed by the hardship imposed on future residents of the adjacent property.

Special Use Permit

1. The Character of the Neighborhood.

See Change of Zone Review Factor #1.

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

See Change of Zone Review Factor #2

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

See Change of Zone Review Factor #3.

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

See Change of Zone Review Factor #4.

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

See Change of Zone Review Factor #7.

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.

See Change of Zone Review Factor #6.

- 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.***

See Change of Zone Review Factor #5.

- 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.***

Regardless of the factors to consider as part of the Special Use Permit request, Section 27-466(c)(2) states that no use, occupant, equipment or operation shall produce noise that is of higher pitch or volume than that which normally prevails in the surrounding neighborhood. In order to ensure compliance with this zoning district requirement, all repair work or other services must occur fully within the building on site and not outside. Furthermore, all lighting on the subject property, such as for the building or in the parking lot, shall be directed downward at a 90-degree angle in order to keep the light on site as much as possible.

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

The expansion of the existing building will result in the loss of permeable green space, namely in the rear of the property. Some of that loss of permeable land will be regained as part of the landscape buffering between parking spaces on the north side of the parcel and the Parallel Parkway right-of-way.

Automotive repair includes the changing and disposal of auto parts—including metals, tires, and electronics—as well as fluids. All automotive materials and fluids must be properly disposed of in accordance with local, State, and federal law and in accordance with any additional binding regulations from licensing boards or government agencies. The applicant must provide proof of an oil-water separator installed in the workshop floor.

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

Given the existing development of the subject property, mitigation measures are more relevant and feasible than overall design changes to the land. These measures include ensuring the change in permeable surface and the possible change to the retaining wall does not result in a change in stormwater runoff. As mentioned previously, all automotive materials and fluids must be properly disposed of in accordance with local, State, and federal law and in accordance with any additional binding regulations from licensing boards or government agencies. The applicant must provide proof of an oil-water separator installed in the workshop floor.

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

See Change of Zone Review Factor #12.

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

The applicant has sufficiently shown that all parking requirements can be met on site, even with the expansion of the building which results in more parking spaces required with less available land to place the parking spaces on. As there are many restrictions on an inoperable vehicle parked outside, including the amount of time, quantity, location, gross vehicle access weight, and visibility—the applicant should provide an overall site plan and a floor plan of the building demonstrating how and where customer's vehicles will be stored upon intake, during servicing, and while waiting to be picked up. These additional responses will allow Staff to determine with certainty that the proposed use will not result in the overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- BZA-1887 (2008), appeal of director's interpretation
- BOZA2022-007, a simultaneous variance from the rear yard setback and parking lot setback

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 28, 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
Parking Lot Dimensions
Retaining Walls
Stormwater Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-007**, subject to:

- 1) **Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;**
- 2) **Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco,**

- integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
 - 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
 - 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
 - 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
 - 7) Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department;
 - 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
 - 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
 - 10) The applicant has filed and maintained a current business occupation tax application;
 - 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 buildinginspection@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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - 13) 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;
 - 14) 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;
- 15) 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;
 - 16) A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 - 17) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
 - 18) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas; and,
 - 19) 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.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-022**, for **two (2) years**, subject to:

- 1) Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl

- siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
- 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
 - 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
 - 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
 - 7) Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department;
 - 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
 - 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
 - 10) The applicant has filed and maintained a current business occupation tax application;
 - 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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - 13) 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;
 - 14) 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;
 - 15) 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;
- 16) 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;
 - 17) A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 - 18) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
 - 19) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
 - 20) 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;
 - 21) 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;

- 22) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 23) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-007 and SP2022-022**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan of 4639 Parallel Parkway
Parking Lot Plan of 4639 Parallel Parkway
Landscaping Plan of 4639 Parallel Parkway
Building Elevations for Existing Building and Proposed Expansion
Floor Plan for 4639 Parallel Parkway
Site Photographs Submitted by the Applicant
Wyandotte County Conservation District, Dated February 15, 2022
Staff Site Visit Photographs, Dated May 5, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Change of Zone	May 9, 2022	May 26, 2022
	Approval	
Special Use Permit	May 9, 2022	May 26, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2022-007 and SP2022-022**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2022-007 and SP2022-022**, as they are not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:27:00:

CHANGE OF ZONE APPLICATION COZ2022-007 – MARICELA ZAMORA -

SYNOPSIS: Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District for auto repair services at 4639 Parallel Parkway (in conjunction with SP2022-022 and BOZA2022-007).

SPECIAL USE PERMIT APPLICATION SP2022-022 - MARICELA ZAMORA -

SYNOPSIS: Special Use Permit for auto repair services at 4639 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Maricela Zamora with Pardo Automotive, is requesting a Change of Zone and a subsequent Special Use Permit. The requested Change of Zone is from C-1 Limited Business District to CP-2 Planned

General Business District. This district is requested in order to meet the zoning district requirement for a Special Use Permit for light automotive service and maintenance. The subject property has had a light automotive service and maintenance use on the subject property since 2017; this Special Use Permit has been triggered by an expansion of uses on the subject property due to an expansion of the existing building by an additional 1,241 square feet.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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; and,
8. The testimony at the Board of Zoning Appeals 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:

- Juan Pardo, representing his wife, the applicant, 4639 Parallel Parkway, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:29:45: Planning Director Hand stated these applications are being heard in conjunction with BOZA2022-007, which was approved by the Board of Zoning Appeals earlier this evening. The request is to change the zoning from C-1 Limited Business District to CP-2 Planned General Business District for automotive service and maintenance. The property is in the mid-town area in the City-Wide Master Plan. Staff has received no letters in support nor in opposition. The project will be required to follow the Commercial Design Guidelines and the conditions in the staff report including the position of ADA parking stalls. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:30:57:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-007:**

Carson	Chairman
Armstrong	Not Present
Beth	Aye
Connelly	Not Present

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

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

Subject to:

- 1) Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
- 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
- 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
- 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
- 7) Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department;
- 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
- 10) The applicant has filed and maintained a current business occupation tax application;

- 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 buildinginspection@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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) 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;
- 14) 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;
- 15) 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;
- 16) A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 17) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
- 18) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas; and,
- 19) 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. Miller, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-022:**

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

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

Subject to:

- 1) **Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;**
- 2) **Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;**
- 3) **Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;**
- 4) **Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;**
- 5) **Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;**
- 6) **Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;**
- 7) **Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department;**
- 8) **Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**

- 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
- 10) The applicant has filed and maintained a current business occupation tax application;
- 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) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) 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;
- 14) 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;
- 15) 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;
- 16) 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;
- 17) A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to

- confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 18) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
 - 19) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
 - 20) 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;
 - 21) 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;
 - 22) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 - 23) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the 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.

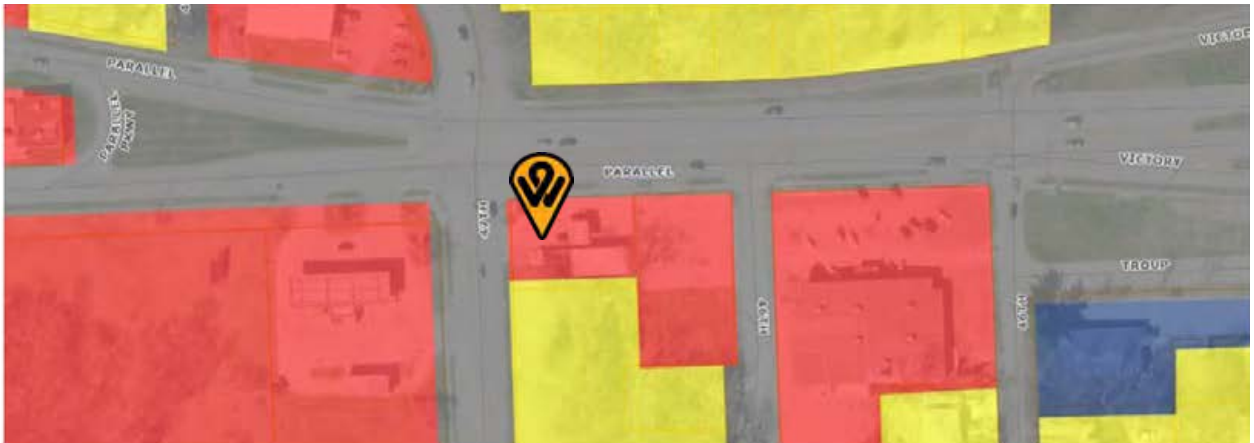
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses

	Utilities
	Right-of-Way
	Urban Density
	Agricultural
	Neighborhood Commercial
	Community Commercial
	Business Park
	Floodway
	Regional Commercial
	Future Residential
	Rural-Density Residential
	Employment
	High-Density Residential
	Medium Density Residential
	Low-Density Residential
	Mixed-Use
	Parks/Open Space
	Public/Semi-Public

Neighborhood minutes meeting

Application number: coz2022-007 / sp2022-022 / boz2022-007

Date and location 02-28-2022

Meeting over the phone (due to pandemic)

Names of people in attendance: none

Introduction: no intro was given due to no one inquired about the neighborhood meeting notice that was mailed out.

Meeting adjourned via phone

Minutes taken : 0 minutes

NEIGHBORHOOD MEETING MATERIALS, CONT.

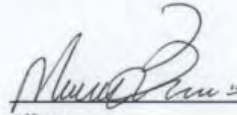
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

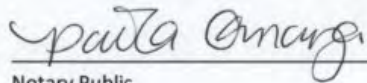
Comes now Maricela Zamora, of lawful age, sound mind and open his/her oath states as follows:

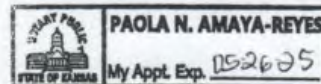
1. That I am the petitioner for Petition # CO22022-007 SP2022-022 BO22022-007
2. That I conducted a neighborhood meeting on 2-28-2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of May, 2022.
My commission expires 25 of May, 2026.


Notary Public



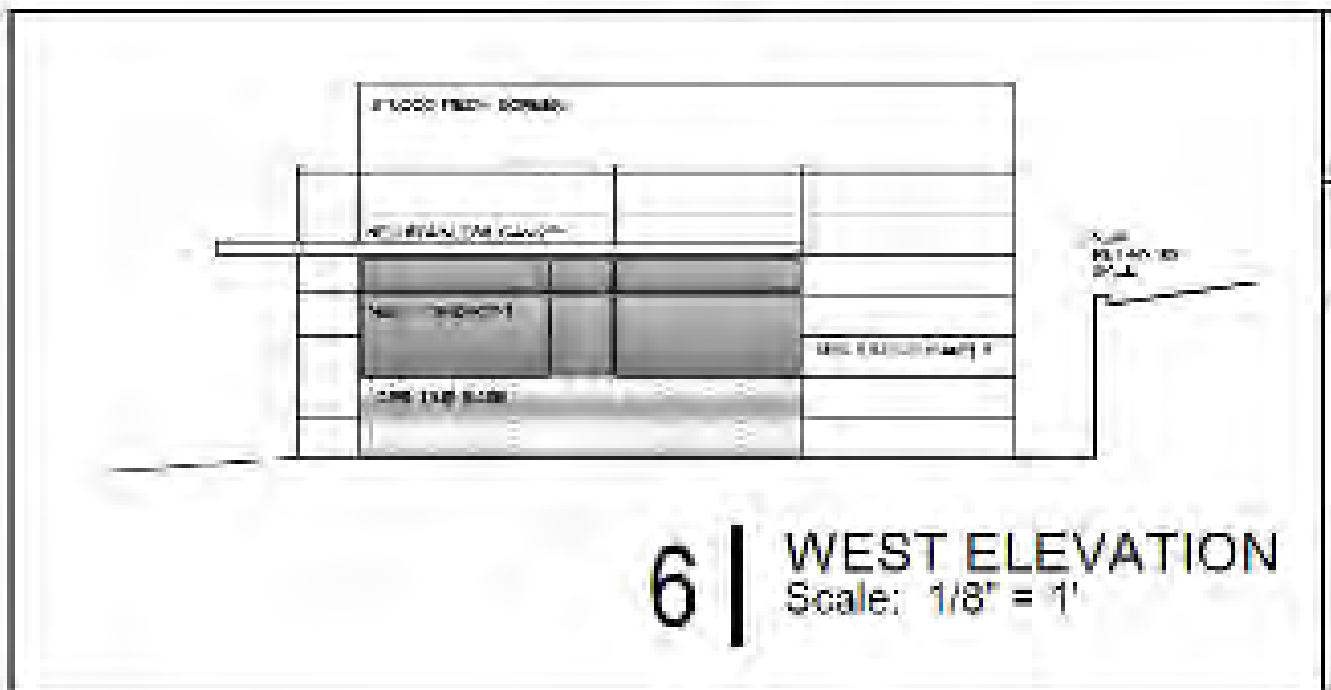
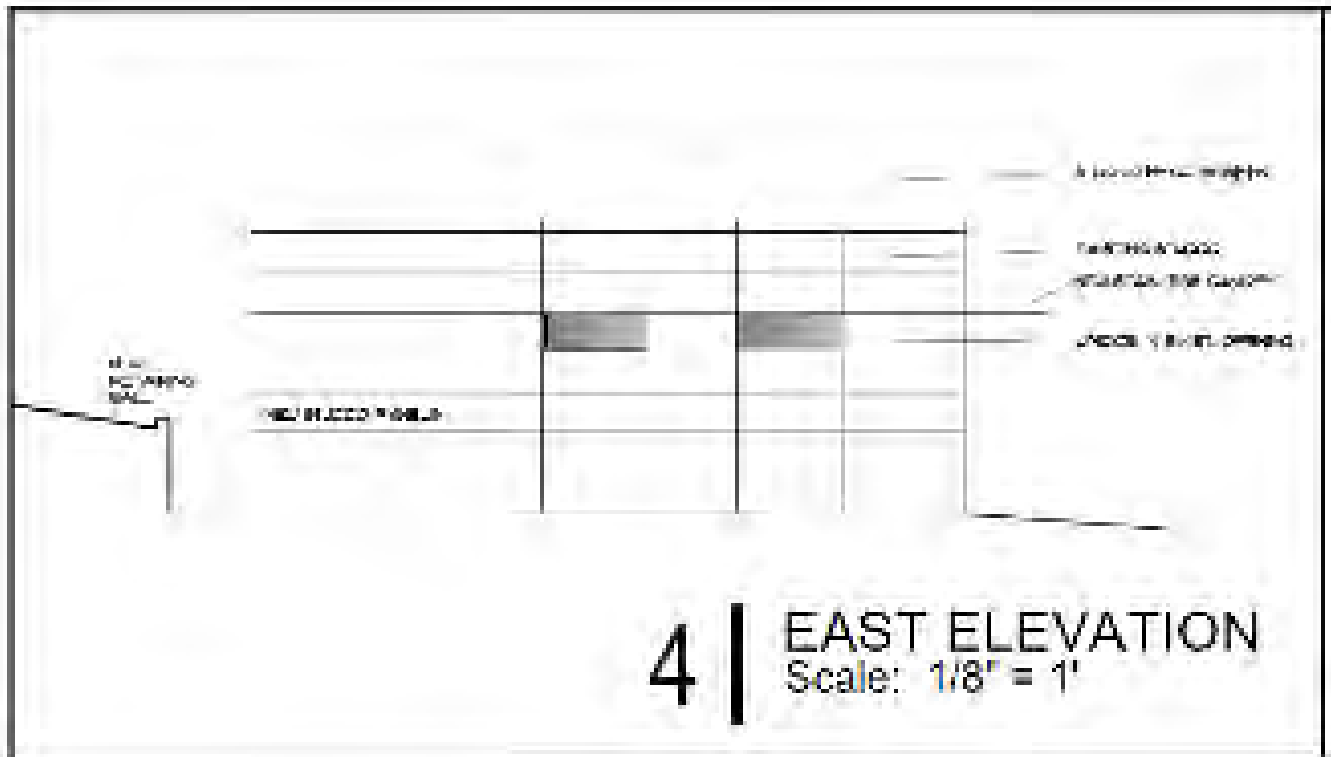
1 | SITE PLAN
Scale: 1" = 20'

The site plan for 1405 S. 1st St. shows a property with several key features and dimensions:

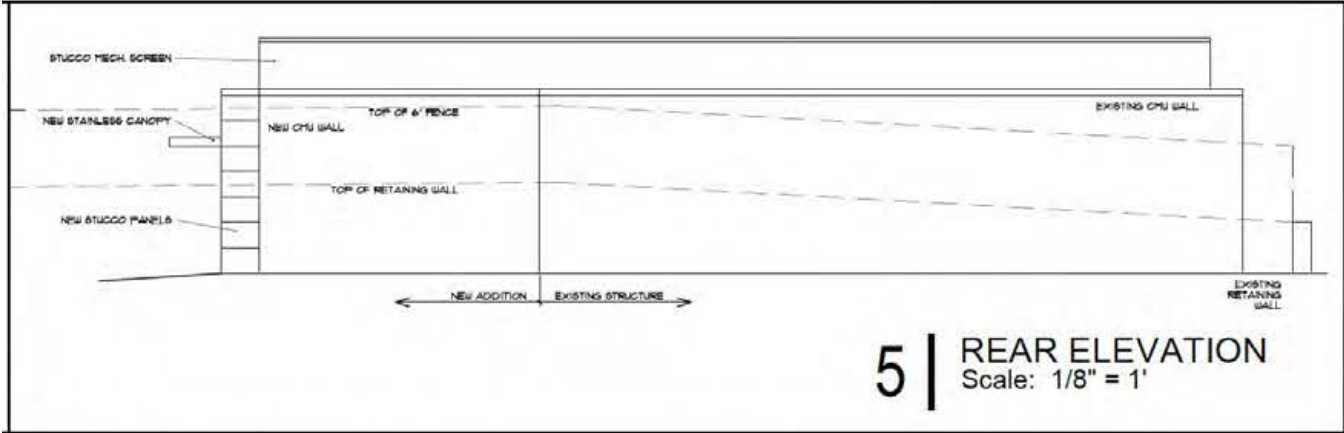
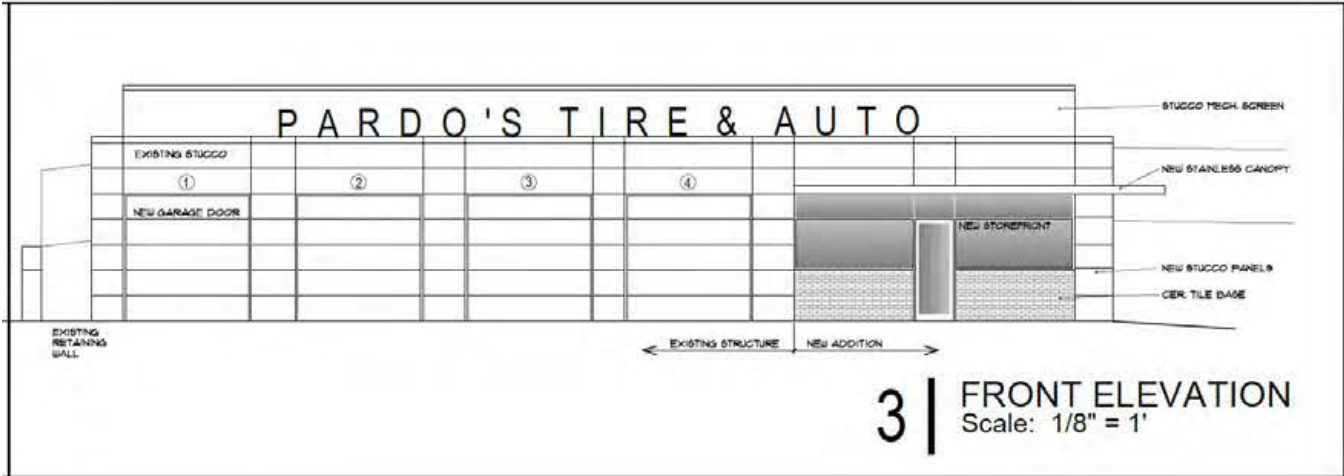
- Property Dimensions:** The lot is 125.40' wide and 91.70' deep.
- Proposed C2P Zoning:** The zoning is proposed as C2P, with a note to "REMOVE CANOPY" and "NO CURB".
- Building Footprints:**
 - Existing Building:** 27' x 55', 1,485 SF.
 - New Addition:** 25' x 33', 1,241 SF.
- Setbacks and Easements:**
 - Front Setback:** 18'-0" (from existing curb) and 28'-0" (from new curb).
 - Side Setback:** 18'-0" (from existing curb) and 28'-0" (from new curb).
 - Back Setback:** 32'-0" (from existing curb cut).
 - Left Side:** 25'-0" (from existing curb) and 31'-5" (from existing paving).
 - Right Side:** 32'-0" (from existing curb cut).
- Other Features:**
 - 8 STALLS @ 9' = 72':** A parking area with 8 stalls, each 9' wide.
 - NEW 8' SIDEWALK:** A new sidewalk is proposed along the front property line.
 - EXIST. CURB CUT:** An existing curb cut is located at the front of the property.
 - NEW CURB:** A new curb is proposed along the front property line.
 - 4' HATCH PED CROSSING REFLECTIVE PAINT:** A 4' hatch pedestrian crossing with reflective paint is proposed.
 - TRASH ENCL:** A trash enclosure is located on the right side of the property.
 - EXIST. GRASS:** Existing grass is located on the left side of the property.
 - NEW RETAINING:** A new retaining wall is proposed along the bottom property line.
 - 6' SOLID WOOD FENCE:** A 6' solid wood fence is proposed along the bottom property line.
 - TRAFFIC LANE:** A traffic lane is located on the left side of the property.
 - EXIST. RASS:** Existing railroad tracks are located on the left side of the property.
 - PROPERTY LINE:** The property line is shown on all four sides of the lot.

29

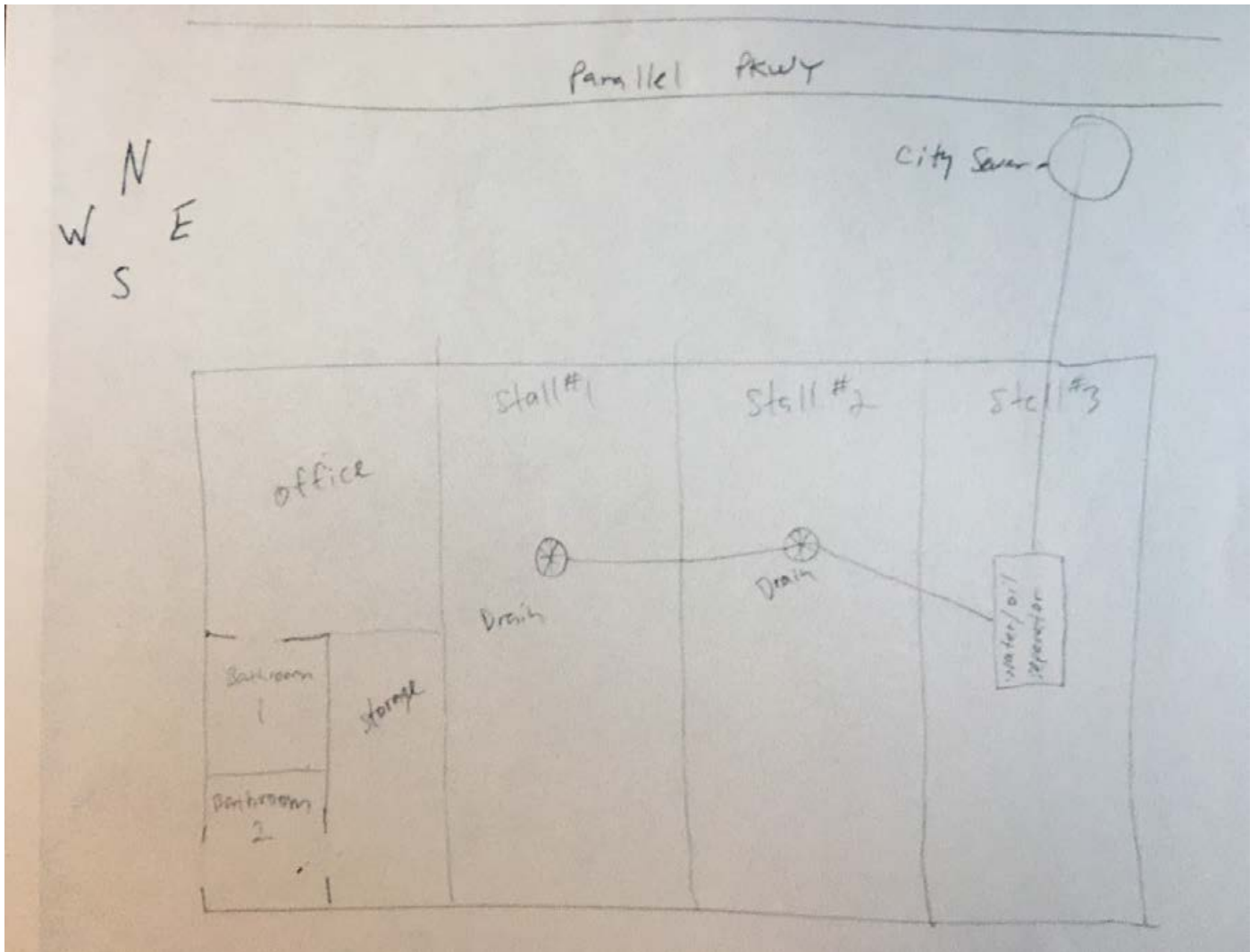
BUILDING ELEVATIONS FOR EXISTING BUILDING AND PROPOSED EXPANSION



BUILDING ELEVATIONS FOR EXISTING BUILDING AND PROPOSED EXPANSION,
CONT.



FLOOR PLAN FOR 4639 PARALLEL PARKWAY



SITE PHOTOGRAPHS SUBMITTED BY THE APPLICANT



Above: Photos of the subject property.

Below: Photos of the existing floor drains.



WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 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

February 15, 2022

RE: COZ2022-007, SP2022-022 and BOZA2022-007 C-1 to CP-3 for auto repair services at 4639 Parallel Parkway

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-007, SP2022-022 and BOZA2022-007 C-1 to CP-3 for auto repair services at 4639 Parallel Parkway.

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 COZ:

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- It appeared to us that surface drainage might be a problem. We could not see any storm drains that might be there. Runoff from the lot to the East and roadway to the North flow into the front of the building, evident by the lifted cement pad.
- The area has been leveled so soils information may need on site determinations for interpretations.

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.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 2022, CONT.

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

STAFF SITE VISIT PHOTOGRAPHS, DATED MAY 5, 2022



Above: View of the front of the existing building from the parking lot.

Right: Additional View of the front of the existing building, facing south.

Below: View of the existing and parking lot, facing east.



STAFF SITE VISIT PHOTOGRAPHS, DATED MAY 5, 2022, CONT.



Upper Left: View of the existing sidewalk along Parallel Parkway, facing west.



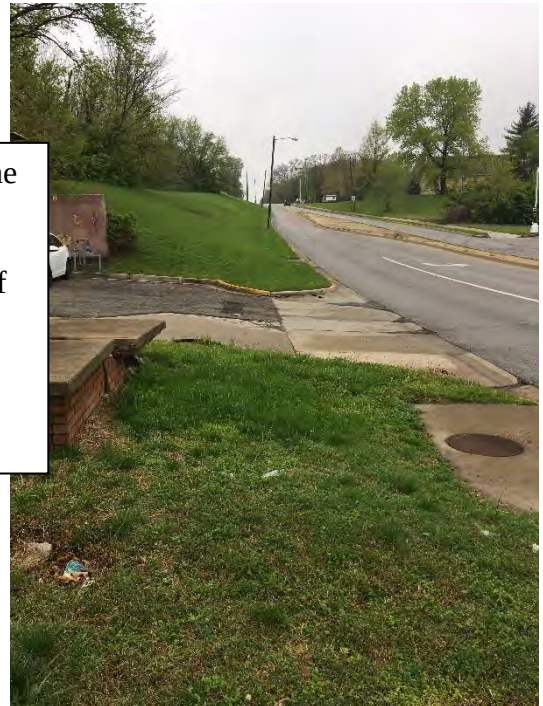
Upper Right: View of the intersection at Parallel Parkway and North 47th Street, facing northwest.

Below: View of the right-of-way along North 47th Street, where an 8-foot sidewalk will need to be installed.



Left: View behind the building.

Lower Left: View of the east side of the building and the retaining wall in the adjacent property.





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: May 26, 2022

Re: Petition SP2022-027

GENERAL INFORMATION

Applicant:

Emmanuel Igbinosun

Status of Applicant:

Business Owner
5520 Inland Drive
Kansas City, Kansas 66106

Requested Action:

Approval of a Special Use Permit.

Date of Application:

January 28, 2022

Purpose:

To approve a Special Use Permit
for used auto sales.

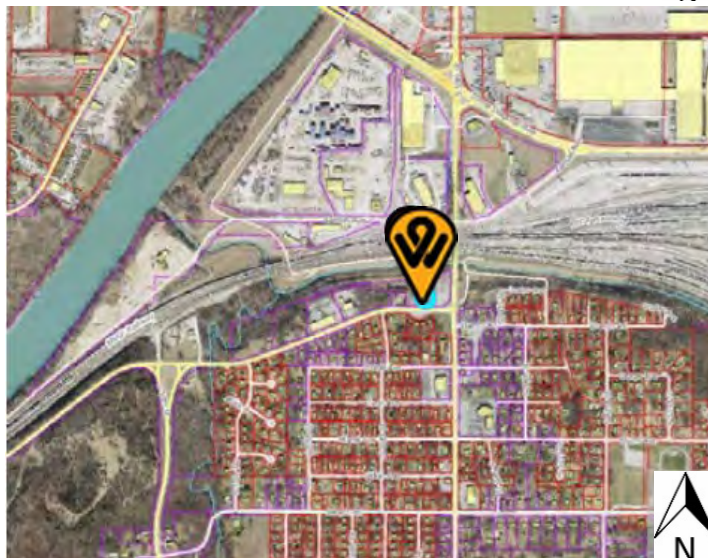
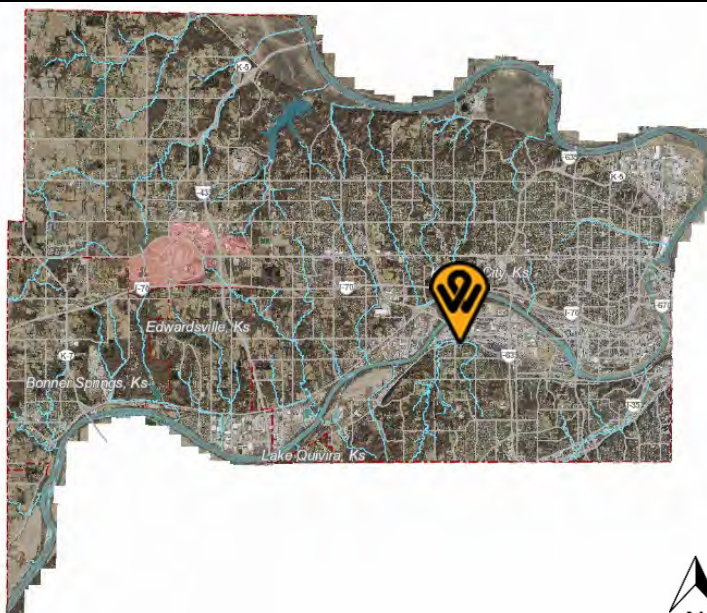
Property Location:

5520 Inland Drive
Kansas City, Kansas 66106

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs

District #6 Commissioner: Angela
Markley



Existing Zoning:	MP-1 Planned Light Industrial & Industrial Park and M-3 Heavy Industrial Districts	
Adjacent Zoning:	North:	Right-of-Way
	South:	R-1 Single Family and M-2 General Industrial Districts
	East:	C-1 Limited Business and M-3 Heavy Industrial Districts
	West:	M-2 General Industrial District
Adjacent Uses:	North:	BNSF Railway
	South:	Single-family residences and industrial uses
	East:	Vacant commercial/industrial property
	West:	Industrial uses
Total Tract Size:	2.44 Acres	
Master Plan Area:	The subject property is within the City-Wide Master Plan.	
Master Plan Designation:	The City-Wide Master Plan designates this property as Business Park. The Business Park land use designation allows light industrial uses such as warehousing (non-hazardous materials), distribution (of non-hazardous materials), 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 Business Park land use designation discourages heavy industrial uses and single-family residences.	
Major Street Plan:	The Major Street Plan designates Inland Drive as a Class B Thoroughfare. The Major Street Plan designates South 55 th Street as a Class B Thoroughfare.	
Parking Requirement:	MP-1 District: Section 27-468(e) requires commercial uses to provide parking as would be required in the C-1 district. Per Section 27-464(e), uses in this district require paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The submitted site plan demonstrates a building measuring 3,420 square feet, which requires a minimum of 14 parking spaces. The proposed site plan provides 13 parking spaces, one (1) of which is ADA-compliant. These parking spaces fail to meet the requirements Section 27-464(e), but	

do meet the ADA-compliance requirements of 27-676(a). A parking variance may be required if the site plan is not revised to meet this standard.

M-3 District: Section 27-470(f) requires 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. The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building 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. 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. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the City Planning Commission. Commercial uses shall provide parking as would be required in the C-3 district. There is no building within the portion of the subject property zoned M-3; therefore, no parking is required.

Advertisement:	<u>The Wyandotte Echo</u> – February 17, 2022 Letters to Property Owner – February 17, 2022; March 18, 2022; and April 15, 2022
Public Hearings:	March 14, 2022; May 9, 2022 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Emmanuel Igbinosun with ESI Group, LLC, is requesting a Special Use Permit. The applicant will be using the subject property as an office for the used auto online sales business; there will be no inventory kept, stored, or maintained on site. Additionally, there will be no automotive repair or maintenance use associated with 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, Zoning, or Code Enforcement Complaints:

1. The current property owner has received one (1) code enforcement complaint. In 2014 the subject property was cited for not having address numbers visible and for parking a car on an unimproved surface.
2. The previous property owner has been issued violations in 2007 for trash and debris, in 2008 for the improper storage and parking of trailers and vehicles, in 2009 for illegal dumping and improperly screened trailers, and in 2010 for overgrown weeds.

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 Turner Statistical Neighborhood and is not within a neighborhood group. The intersection of Inland Drive and South 55th Street is a gateway into the Turner neighborhood. While the properties around the subject property north of Inland Drive are primarily zoned industrial, the properties across Inland Drive are zoned residential. Along South 55th Street the properties are primarily single-family residences, with some light commercial located on corner lots. The BNSF railroad lines run to the north of the subject property, effectively serving as the northern boundary of the general Turner neighborhood.

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

Along the north side of Inland Drive, the properties are zoned industrial, while across the street the properties are all zoned for single-family residential use. A small office for online used auto sales does not have any impact on the nearby residential properties; it is the potential shift to on-site used auto sales that could have a negative effect on those residential properties. Under the limited scope of a Special Use Permit for online auto sales, the proposed use can be considered compatible with the nearby zoning and uses.

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

The subject property is 2.44 acres, most of which is located away from the public right-of-way, behind other separate parcels and adjacent to the railroad right-of-way. While most of the property is not properly developed and paved, future updates could allow for expansion of on-site uses, including on-site used auto sales.

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

The subject property is currently occupied by Jim's Custom Welding, LLC, although it is not clear how long the business has been associated with the subject property in particular.

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

The City-Wide Master Plan designates this property as Business Park. The Business Park land use designation allows light industrial uses such as warehousing (non-hazardous materials), distribution (of non-hazardous materials), 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 is for an office for online used auto sales. An office for used auto sales conforms with the allowed and intended uses of the Business Park land use designation, even while on-site sales may not conform to the Business Park.

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.*

As the office will be handling online sales, rather than on-site sales, there will be less traffic to the subject property than expected for a used auto dealership. On-site sales in the future, however, must be anticipated. Both Inland Drive and South 55th Street are designated Class B Thoroughfares by the Major Street Plan and will be able to adequately handle a small increase in traffic to the subject property.

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

An office that only handles online sales can, in practicality, be located in almost any zoning district and in proximity to almost any use. The location of the proposed use across the street from a residential neighborhood is not a reasonable convenience for that neighborhood nor other nearby neighborhoods. Online sales, by definition, do not need to have an office close to the customer to be effective. The location of the proposed use in an industrially zoned property across the street from a residential neighborhood, however, may be a better use

than most uses allowed in said district. Therefore, an office for online used auto sales—and not the used vehicle inventory associated with on-site sales—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.*

Automotive-related uses typically have generated concerns related to noise, vibration, and illumination. As all sales will be conducted online and no inventory will be stored at the subject property, the noise, vibration, dust, or illumination that would normally be associated with such use is non-existent and is not a concern.

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

The footprint of the existing building will not increase, and vehicle inventory will not be stored on the subject property. Therefore, the only potential concern is that the increased paved area required will affect permeability and stormwater flow on site. In this regard, there is little concern that the proposed use will pollute the air, land or water.

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

The footprint of the existing building will not increase, and vehicle inventory will not be stored on the subject property. Therefore, the only potential concern is that the increased paved area required will affect permeability and stormwater flow on site. 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.*

An office-only arrangement should impose no hardship on the individual landowners. As previously stated, the location of the proposed use in an industrially zoned property across the street from a residential neighborhood, and may be a better use than most uses allowed in said district. Therefore, an office for online used auto sales—and not the used vehicle inventory associated with on-site sales—will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

As the office will be handling online sales, rather than on-site sales, there will be less traffic to the subject property than expected for a used auto dealership. On-site sales in the future must be anticipated, however, and so the subject property

must be designed, landscaped, and updated in a manner that ensures any future shift from online to on-site auto sales will not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 28, 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
Split Zoning
Parking
Stormwater Runoff

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2022-027**, **due to failure of the applicant to comply with Staff requirements.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

General

1. **Update, May 6, 2022:** SP2022-027 was heard by the City Planning Commission on March 14, 2022. Due to the several unanswered responses to Staff questions and requests for information (found below in “Planning and Urban Design Comments” under the *Staff Comments and Suggestions* section of this report), Staff made a recommendation to hold over SP2022-027. The applicant and/or any representatives failed to appear before the City Planning Commission on March 14th. The following are the relevant City Planning Commission meeting minutes for March 14, 2022:

“Hearing starts at Tape 2 – 2:06:20:

SPECIAL USE PERMIT APPLICATION SP2022-027 – EMMANUEL IGBINOSUN – SYNOPSIS:

Special Use Permit to operate used auto sales business at 5520 Inland Drive.

Detailed Outline of Requested Action: The applicant, Emmanuel Igbinosun, is requesting a Special Use Permit for used auto sales. The applicant will be using the subject property as an office for the used auto online sales business; there will be no inventory kept, stored, or maintained on site. Additionally, there will be no automotive repair or maintenance use associated with 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 March 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.

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at Tape 2 – 2:07:25: Planning Director Hand stated that staff intended to remove this item from the agenda and recommends a hold over until the April 11, 2022 City Planning Commission meeting.

Motion and Vote starts at Tape 2 – 2:07:58:

On motion by Mrs. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to **HOLD OVER Special Use Permit SP2022-027 until the April 11, 2022 meeting:**

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

Motion to HOLD OVER Passed: 6 to 0"

2. The applicant is requesting a Special Use Permit for online used auto sales. Any additional uses not included in this Special Use Permit SP2022-022 and not otherwise allowed by the Zoning Code in the MP-1 District (for uses occurring in the MP-1 District portion of the parcel) or M-3 District (for uses occurring in the M-3 District portion of the parcel) must receive a separate Special Use Permit.

Applicant Response: *The intent is that the application is for an on-line business for used auto sales. The vehicles being dealt do not come to 5520 Inland Drive.*

They are purchased by the On-Line Sales side and transported directly from the auction site to the end buyer.

3. What is the name of the applicant's business, as filed with the Business Licensing Division?

Applicant Response: *The business is called ESI Group LLC.*

4. Occupation tax records show that Jim's Custom Welding, LLC is operating at 5520 Inland Drive. Is there a second business operating on the subject property?

Applicant Response: *Jim's Custom Welding, LLC does operate out of 5520 Inland Drive. The On-Line Used Auto-Sales business would share office component of the building.*

Staff Response: The applicant must receive a separate, distinct address for the business, in order to differentiate it from Jim's Custom Welding, LLC.

5. How many vehicles does the applicant expect to sell in a month?

Staff Response: The applicant did not respond to this question.

6. Where will the vehicles be inventoried?

Applicant Response: *Reminder the vehicles in effect are not inventoried at this location. They go directly from auction purchase to a buyer. They do not come to 5520 Inland Drive.*

Staff Response: In a previous conversation with the applicant, there was no contingency plan established for situations, such as transportation or storage shortages, when vehicles owned by the applicant have nowhere else to go. As there is a point where the applicant has constructive possession of the used vehicles, it must be assumed that that applicant may also need to have actual possession of said vehicles. Therefore, the subject property must be assessed for its ability to take an influx of vehicles in the same manner that all other used automotive dealerships must.

7. The applicant must comply or continue to comply with all relevant requirements of Section 27-675(a), including the following:
- All parking, loading and maneuvering areas shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government engineer shall determine acceptable alternatives.
 - All parking spaces shall be clearly marked.
 - All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic.
 - All off-street parking, loading and maneuvering areas shall be physically restricted to paved areas through the use of wheel stops or curbing, unless, in

the opinion of the Unified Government engineer, wheel stops would create drainage problems. In such cases continuous curbing shall be provided to restrict traffic. Curbing and wheel stops shall be designed and installed as approved by the Unified Government engineer.

- e. Failure to keep such areas in satisfactory condition that is free from holes, clearly delineated, etc. shall constitute a violation of this article.

Applicant Response: *Reminder the vehicles in effect are not inventoried at 5520 Inland Drive. You could make a stipulation regarding the vehicles. Would this be better being handled through a Variance?*

Staff Response: As previously stated, as there is a point where the applicant has constructive possession of the used vehicles, it must be assumed that that applicant may also need to have actual possession of said vehicles. Therefore, the subject property must meet the same standards as all other newly created used automotive dealerships.

- 8. Any storage container kept on the subject property must either be removed or be allowed by a separate Special Use Permit.

Staff Response: The applicant did not respond to this question.

- 9. Provide a landscape plan for the subject property that demonstrates conformance with all relevant landscaping regulations, including Sections 27-468(g), 27-577, 27-593(b)(19)a.2, and 27-696 – 27-703.

- 10. **Staff Response:** Tract 2A, the administrative tract within Parcel #919607, measures no less than 32,868 square feet. Per Section 27-468(g), trees are required to be provided at not less than one (1) per 10,000 square feet of site area; within the Commercial Development Overlay District Guidelines, Section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. Therefore, the minimum number of trees required to be planted on the subject property is six (6) (calculated as $(32,868/10,000)*1.75 = 5.7519$, rounded up to 6). The applicant has provided a revised site plan that only demonstrates one (1) tree on the property. While a deviation from the 75-percent multiplier can be requested to the City Planning Commission, the underlying tree requirement found in Section 27-468(g) requires a variances if it cannot be demonstrably met.

- 11. As SP2022-022 is a Special Use Permit for used automotive sales, the subject property is subject to the following requirements, per Section 27-593(b)(19):
 - a. Any original brick that has been painted, damaged, or removed must be restored. Brick structures must be cleaned, removed of paint, and tuck pointed;
 - b. Any damage to the façade must be repaired;
 - c. If any existing windows or doors are in disrepair, they must be replaced with new doors or windows;
 - d. Automobiles/trucks available on site for sale, rent, or lease must not be inoperable, ruined, dismantled, or wrecked;

- e. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470;
- f. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening;
- g. Each automobile shall be in a striped, designated parking space;
- h. Install/repair sidewalks per Code. New sidewalks should be at least five (5) feet in width and run for the frontage of the subject property that is adjacent to the Inland Drive right-of-way.

Staff Response: The applicant did not respond to this question.

12. Provide elevations of the existing building demonstrating the proposed updates as required by Section 27-593(b)(19)c.2.i.A-E.

Staff Response: The applicant did not respond to this question.

13. Staff has provided additional comments specific to the site plan provided. Please see and respond to all Staff comments found under "Site Plan of 5520 Inland Drive" in the *Attachments* section of this report. Such comments include:
 - a. What is the width of the concrete drive aisle between the grass and the ramp?
 - b. Required parking cannot be inaccessible behind a fence.

Staff Response: The applicant did not respond to this question.

14. Per Section 27-593(b)(19), parking of the vehicles for sale shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by Sections 27-468; parking shall be upgraded to current standards and regulations including medians, landscaping, and screening; and each automobile shall be in a striped, designated parking space.
15. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height.

Commercial Development Guidelines Overlay District

1. The subject property is requesting a Special Use Permit for a commercial use. Per Section 27-574(a), the property is subject to the Commercial Development Guidelines Overlay District regulations.
2. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - a. Per section 27-575(d)(5), the number of external entrances should be consistent with existing or anticipated design of adjacent streets;

- b. Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
 - c. Per Section 27-576(e)(2), exterior building materials shall not include the following:
 - i. Split shakes, rough sawn, or board and batten wood;
 - ii. Vinyl siding;
 - iii. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
 - iv. Field painted or prefinished corrugated metal siding;
 - v. Standard single-tee or double-tee concrete systems; or
 - v. EIFS at the ground level or comprising more than 15 percent of any façade;
 - d. Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
 - e. Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement; and,
 - f. Per Section 27-576(f)(3), intense, bright, black, or fluorescent colors shall be used sparingly and only as accents.
3. The following requirements of the Commercial Development Guidelines Overlay District have not been met. Provide revised plans and elevations, other supporting documentation, or statements to demonstrate compliance with the following requirements:
- a. Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block;
 - b. Per Section 27-575(d)(9), to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;
 - c. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
 - d. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - i. Six-inch vertical curb;
 - ii. Trellis;
 - iii. Special railing;
 - iv. Bollards;
 - v. Special paving;
 - vi. Low seat wall or other architectural features;
 - vii. Pedestrian scale lighting; and,
 - viii. Traffic calming devices.

- e. Per Section 27-575(d)(14), sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle);
- f. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block;
- g. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision;
- h. Per Section 27-575(e)(3), parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;
- i. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- j. Per Section 27-575(e)(5), parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles;
- k. Per Section 27-575(e)(6), accessible parking must be provided according to unified government requirements;
- l. Per Section 27-575(f)(1), there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots;
- m. Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
- n. Per Section 27-577(b)(3), in general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - i. One (1) tree with a minimum caliper of two (2) inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
 - ii. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
- o. Per Section 27-577(c)(3), the choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade;
- p. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;
- q. Per Section 27-577(d)(1), at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
- r. Per Section 27-577(e)(1), parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles; and,

- s. Per Section 27-577(e)(2), parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of driving aisles, and pedestrian walkways leading through parking lots.
4. It is unclear if the following requirements of the Commercial Development Guidelines Overlay District have not been met. The applicant must provide revised plans and elevations, statements, or other supporting documentation, or statements to further explain or demonstrate compliance with the following:
- a. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
 - b. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
 - c. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six 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;
 - d. Per Section 27-576(d)(8), accessory structures must incorporate matching design and materials of the primary building;
 - e. Per Section 27-576(e)(1)a, building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls;
 - f. Per Section 27-576(e)(1)b, highly tinted glass or glass tinted in unnatural colors should be avoided;
 - g. Per Section 27-576(f)(1), color should be used to tie building elements together;
 - h. Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
 - i. Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted;
 - j. Per Section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent;
 - k. Per Section 27-577(c)(1), unity of design should be achieved by repetition of certain plant varieties and other materials and by coordination with other landscaping where appropriate;
 - l. Per Section 27-577(c)(2), plant selection should be appropriate to planting zone, hydrozone, specific site conditions, and ability to provide year-round ornamental value;
 - m. Per Section 27-577(c)(5), landscape and streetscape design should be used to enhance the frontage of primary roadways;
 - n. Per Section 27-577(e)(5), the primary landscaping material used in parking lots must be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping; and,
 - o. Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four (4) months.

Wyandotte County Conservation District Comments:

1. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated February 15, 2022” in the *Attachments* section of this report.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2022-027** subject to all comments and suggestions outlined in this staff report, and summarized by the following:

- 1) The applicant has failed to provide Staff with an estimate of the number of used vehicles that the applicant’s business will sell each month;
- 2) The applicant has provided a site plan that demonstrates 13 parking spaces, a violation of one (1) parking space per Section 27-464(e). Additionally, the submitted plan shows four (4) of the required parking spaces within a fenced-in yard that is inaccessible to a driver. Finally, the applicant has failed to submit a subsequent application for a variance from the minimum parking requirement;
- 3) The applicant has failed to provide a response as how they plan to address the un-permitted storage containers located on the subject property;
- 4) The applicant has provided a landscaping plan that demonstrates one (1) tree, a total violation of five (5) trees per applicable landscaping requirements under Sections 27-468(g) and 27-577(a)(5);
- 5) The applicant has failed to provide a response addressing the requirements of Section 27-593(b)(19), which are the site requirements for all Special Use Permits for used auto sales;
- 6) The applicant has failed to provide elevation drawings of the proposed updates to the existing building, as required by Section 27-593(b)(19)c.2.i.A-E;
- 7) The applicant has failed to provide the width of the concrete drive aisle between the grass and the ramp; and,
- 8) The applicant has failed to address a number of requirements of the Commercial Development Guidelines Overlay District, as outlined in Staff Comments #2 and #3 under “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” within the *Staff Comments and Suggestions* section of this report.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan of 5520 Inland Drive
Wyandotte County Conservation District Letter, Dated February 15, 2022
Staff Site Visit Photographs, Dated March 2, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Special Use Permit	March 14, 2022 (held over) May 9, 2022 Denial	May 26, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-027** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 5:16:45:

SPECIAL USE PRMIT APPLICATION SP2022-027 – EMMANUEL IGBINOSUN -

SYNOPSIS: Special Use Permit to operate used auto sales business at 5520 Inland Drive.

Detailed Outline of Requested Action: The applicant, Emmanuel Igbinosun with ESI Group, LLC, is requesting a Special Use Permit. The applicant will be using the subject property as an office for the used auto online sales business; there will be no inventory kept, stored, or maintained on site. Additionally, there will be no automotive repair or maintenance use associated with the subject property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:18:03: Planning Director Hand stated that Staff is recommending denial of this application. This application was continued from last month's meeting. The applicant is requesting to provide only on-line automobile sales at this location; no storage of vehicles. The property is located in the Turner area and is part of the City-Wide Mater Plan. It co-locates with a contractor business. Staff has not received any communication in months from the applicant and he was not in attendance at the previous meeting. The Commission held over the application for Staff to contact the applicant, which Staff was unable to do. Staff has received no letters in support nor opposition. There are some Notices of Violation on the property. Staff recommends denial due to inactivity on the part of the applicant.

Motion starts at 5:19:22:

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL of SP2022-027 due to failure of the applicant to comply with Staff requirements:**

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

Motion to recommend **DENIAL** Passed: 5 to 0

AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses



NEIGHBORHOOD MEETING MATERIALS



February 15, 2022

Barb Kill/Turner Community Connection
5548 Pawnee Drive
Kansas City, KS 66106

SUBJECT: Neighborhood meeting

We have filed an application with the Department of Urban Planning and Land Use, #SP2022-027, asking for a special use permit for property located at 5520 Inland Drive. The property owner and a tenant are seeking to utilize a portion of the existing building, currently being used as warehouse, storage, and machine repair as office space to operate a used auto sales business.

(Due to COVID-19, we will not be holding an in-person neighborhood meeting. Instead, we ask that you please contact BHC with any questions or comments, before February 28, 2022:)

Wil Anderson, PLS
Vice President
Survey Services Group Leader
Wil.Anderson@ibhc.com
c: (913) 904-4743
o: (913) 905-1573

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Anderson', is written over a horizontal line.

Wil Anderson
BHC
Vice President
Survey Services Group Leader



NEIGHBORHOOD MEETING MATERIALS, CONT.

Neighborhood Meeting Minutes:

Application Number: SP2022-027

Date and Location: February 15, 2022 through February 28, 2022 (provided contact information and asked for neighbors to contact us via email or phone call).

Names of people in attendance:

Received one phone call from a neighbor:

Roy Wilson
705 S 56th Street
Kansas City, KS 66106

Roy was interested in what was happening, explained to him what the letter and the purpose of the special use permit. He had no concerns.

Revised:

Barbara Kill, Co-Director of Turner Community Connection, Inc.
bkill@kc.rr.com
816-804-9868

Received an email and had a telephone conversation with Barb, who expressed that that the Board and other members of Turner Community Connects does not want a car lot at this location. I explained that the application was not for the empty lot to the East of 5520 Inland Drive. I also noted that the applicant is seeking to use the building as an office space as part of a requirement to have a business license and that the nature of the business is on-line and that no physical inventory will be brought to or stored on the property. Barbara said that she intends to follow up with Planning and Zoning.

I also had a conversation with Patrick Soptic, the property owner.

Minutes taken by Wil Anderson

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP2022-027.
2. That I conducted a neighborhood meeting by having neighbors contact me via email and/or phone call.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

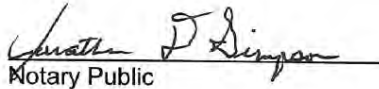
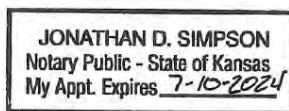
Further affiant saith not.



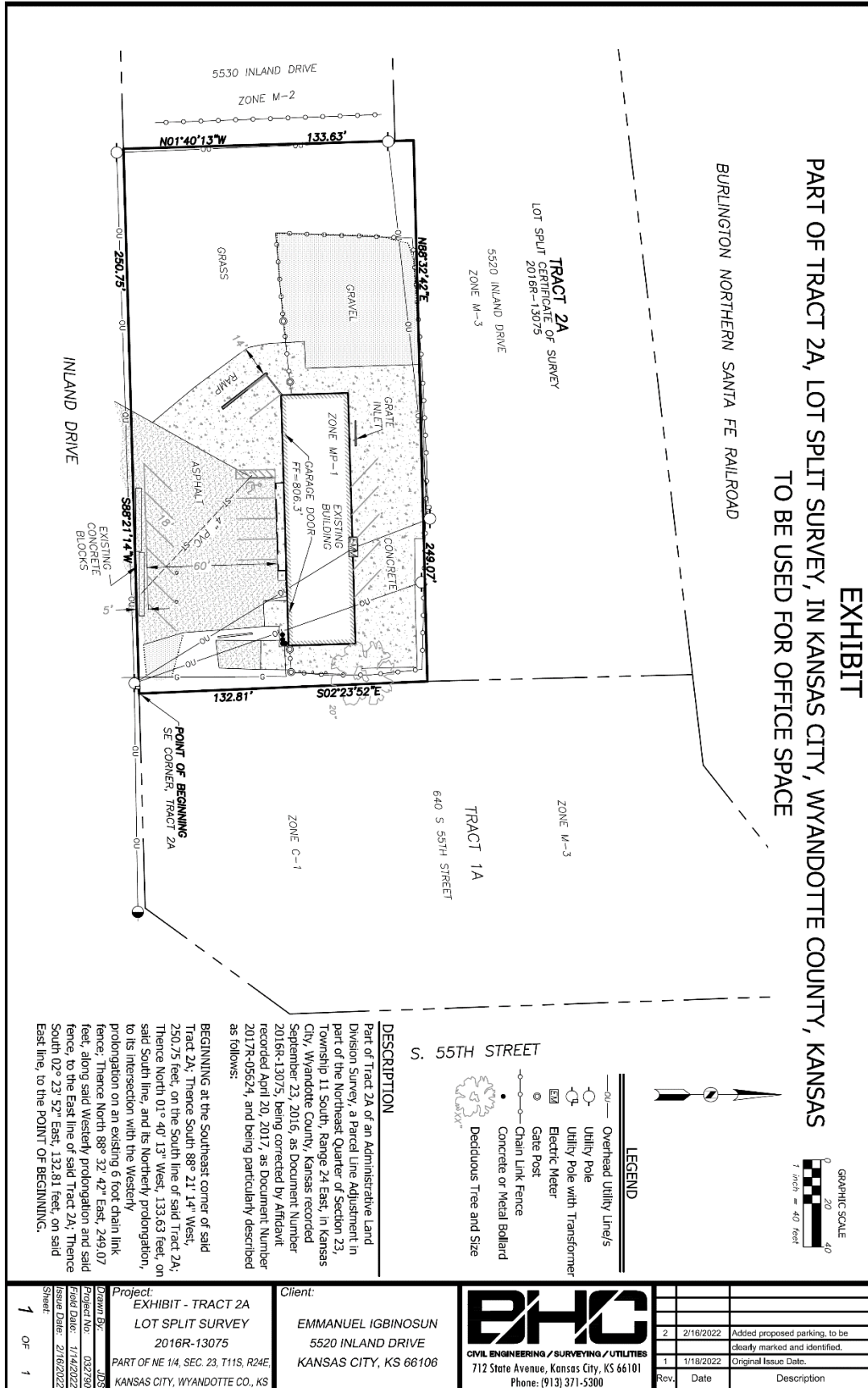
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of February, 2021.

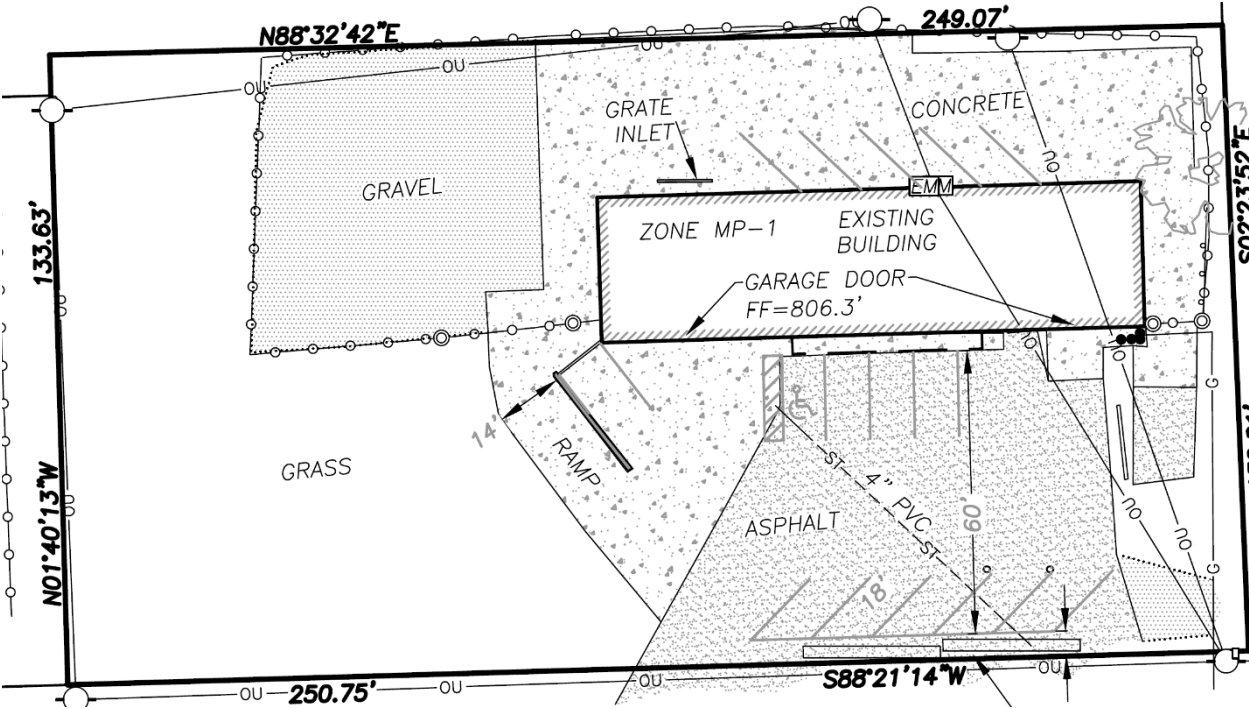
My commission expires 10th of July, 202 4.


Notary Public

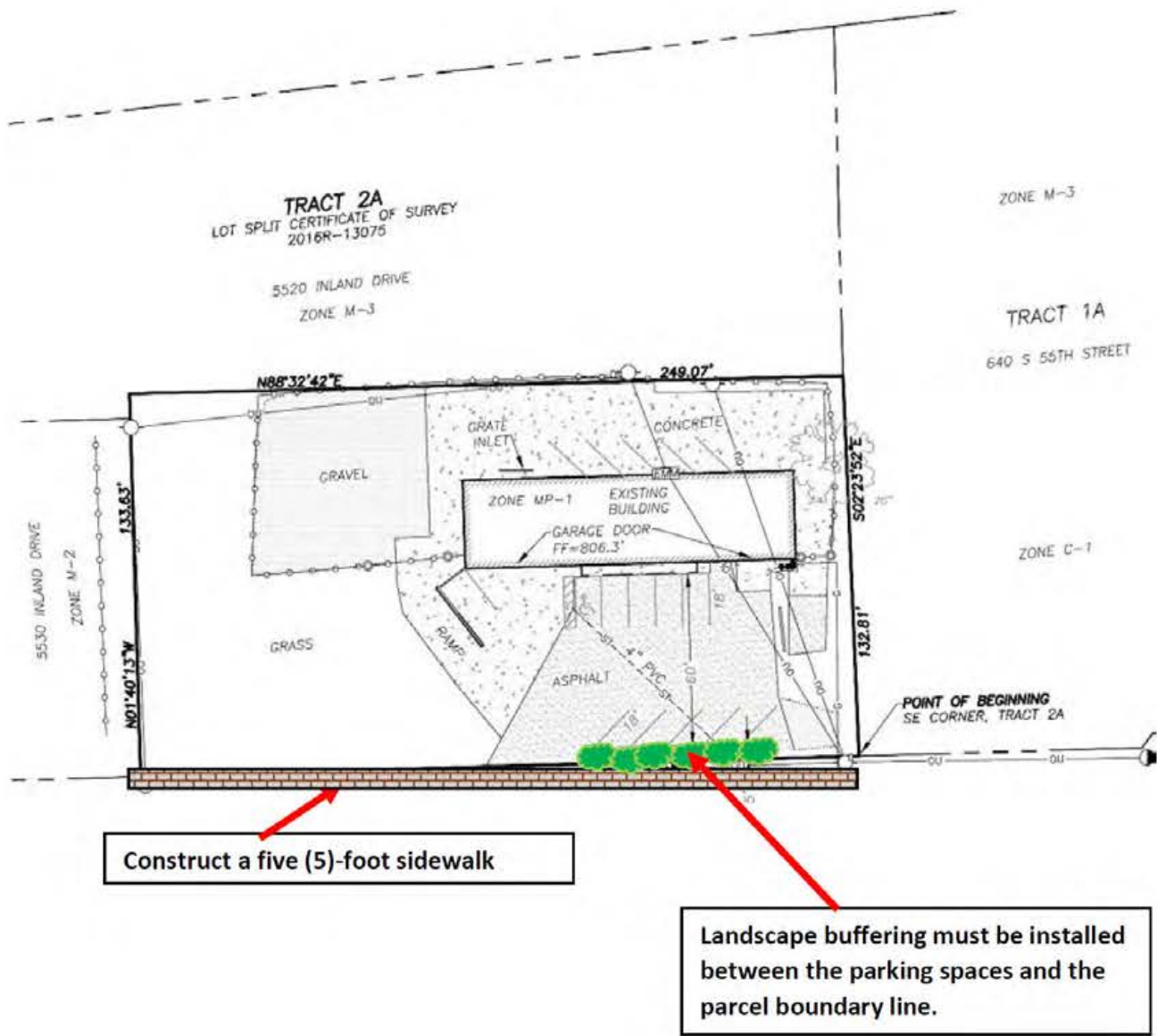
SITE PLAN OF 5520 INLAND DRIVE



SITE PLAN OF 5520 INLAND DRIVE, CONT.



SITE PLAN OF 5520 INLAND DRIVE, CONT.



WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 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

February 15, 2022

RE: SP2022-027 Emmanuel Igbinosun, for used auto sales at 5520 Inland Drive

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2022-027 Emmanuel Igbinosun, for used auto sales at 5520 Inland Drive.

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

MAPS AND REPORTS

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

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

- There are two major soil type identified: Bremer silty clay loam, rarely flooded and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- The land around the building is mostly paved, so erosion should not be a problem.
- If there is a chemical or fluid spill, it needs to be cleaned up immediately due to the slopes of the property. The runoff could easily effect neighboring business and homes.

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.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED FEBRUARY 15, 2022, CONT.

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022



STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022, CONT.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
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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: May 26, 2022

Re: Special Use Permit SP2022-035

GENERAL INFORMATION

Applicant:
Brett Epp
DBA Hickory Union Moto

Status of Applicant:
Tenant
279 Orchard Street
Kansas City, KS 66101

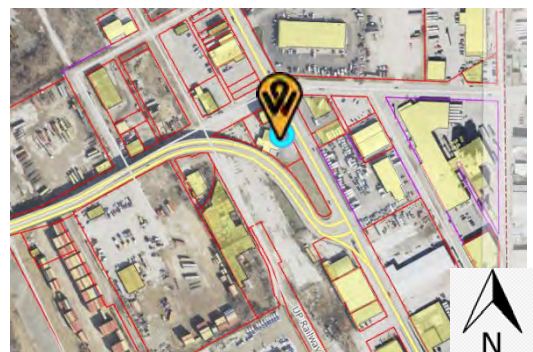
Requested Action:
Approval of a Special Use Permit

Date of Application:
February 28, 2022

Purpose:
The renewal of a Special Use Permit for Live Entertainment.

The renewal of a Special Use Permit for operation of a community motorcycle repair garage. The prior Special Use Permit expired in January 2022.

Property Location:
10 South James Street
Kansas City, KS 66118



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District Commissioner #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: M-3 Heavy Industrial District
Adjacent Uses:	North: Parking lot and Vacant Railway Warehouse South: Vacant lot East: Parking lot West: Parking lot and Central Avenue Viaduct
Total Tract Size:	0.56 Acre
Master Plan Designation:	The City-Wide Master Plan designates this property as Industrial. Allowed industrial uses include industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses, and outdoor storage. Discouraged uses include all residential usages.
Major Street Plan:	The Major Street Plan designates South James as a Class B Throughfare.
Parking Requirement:	Sec. 27-467(e) states that 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. The subject property's square footage requires a minimum of 22 parking spaces, while only eight (8) are provided. Sec. 27-668(a)(12) Taverns or private clubs serving alcoholic or cereal malt beverages, bingo parlors, discotheques, dance halls must provide 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. The subject property requires 42 stalls, while only eight (8) are provided. The Applicant received a Variance for Required Parking in 2020 of 34 Spaces, thus meeting this requirement.

Advertisement:	<u>The Wyandotte Echo</u> – March 17, 2022 Letters to Property Owners – March 18, 2022 and April 5, 2022
Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Brett Epp with Hickory Union Moto, is seeking the renewal of a Special Use Permit for the subject property at 10 South James Street. The Applicant is requesting the Renewal of Special Use Permit which expired January 30, 2022 so that they may continue to have community events that feature live entertainment and alcohol consumption and to continue to operate a community motorcycle repair garage. Community garage members receive educational guidance on motorcycle repair and are provided with shared-use spaces to repair and build their personal motorcycles, similarly to a trade or craft guild. The garage's community members gather periodically for events to showcase their work to other members or the public and have smaller, less-public events such as barbeques or watch parties throughout the year to foster the sense of community among members. The prior Special Use Permit was for two (2) years and the Applicant is seeking a five (5) year renewal term.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no disturbance complaints. There are several complaints registered to the property, although these complaints are not a result of the business's operation, but are complaints made by the owner due to the frequency of hazards under the Central Avenue Bridge and Railroad right of way. Both properties have no legal address. The Applicant frequently reports abandoned vehicles, dumping, vagrancy, and other similar concerns relative to vacant property in an industrial area. The Applicant has been working with SOAR, Public Works, and Community Policing to reduce dumping and illegal activity on or near the property.

Building or Code Enforcement Complaints:

1. The subject property received several code enforcement complaints related to abatement, vacancy, and environmental issues. These were prior to the

Applicant's lease. There have been no violations since the applicant's lease on the property.

- a. 2013: 13220-00225 – graffiti
- b. 2003: HIS03-0487 – abatement

Outstanding or Related Permits and Cases:

1. The applicant has two (2) prior Planning Cases:
 - a. 2019: SP-2019-70 – Special Use Permit for Live Entertainment with Alcohol Consumption at a Community Motorcycle Repair Garage
 - b. 2019: BOZA 2364 – Variance for required minimum parking

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is primarily industrial in nature, with a mixture of parking lots and trucking related businesses along James Street. The Central Avenue Bridge connects to James Street adjacent to this property's frontage. Buildings in this area are a mix of masonry and metal. The subject property's building is a former fire station.

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 uses in the area include trucking companies, diesel repair, firework sales, roofing companies, and a lounge-style bar. A community motorcycle repair garage is highly compatible.

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

The property is suitable for small gatherings serving club members because it is an industrial area where automotive establishments are popular. The current zoning allows for uses considered the most adverse, including animal processing, hazardous chemicals, salvage yards, railyards, and heavy manufacturing, thus the occasional live entertainment with alcohol consumption will not be adversely affect nearby property.

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

The subject property is not vacant, and Hickory Union Moto has been at the location since 2015.

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

Special Use Permits are not addressed in the Master Plan. The current Master Plan Designation of Industrial includes industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses, and outdoor storage. Commercial and service usages are encouraged as supplemental neighborhood conveniences. Discouraged uses include all residential usages. A community motorcycle repair garage's operation is considered highly compatible to the Master Plan. The addition of live entertainment may not be directly compatible with an industrial use, however, it would be less impactful to a district already known for uses including noise or hazards than it would be a residential or other commercial district, when combined with motorcycle repair. The proposed use is conforming 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 use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class B 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 those who benefit will be those who patronize the shop and its members. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property given the industrial nature of surrounding uses.

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, dust, and illumination are issues that may be associated with the operation of a motorcycle repair garage or with live entertainment, although nearby properties operate in a similar manner with heavy traffic and noise during day and night hours during the weekdays and weekends.

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

The applicant is not proposing any new structures currently, however, the proposed renovation would allow for the operation of an automotive-related business that may include automotive chemicals such as oil and tire storage. The applicant has utilized free oil recycling at a local automotive retailer and stores

tires for periodic disposal and recycling. There is no foreseen pollution of air, land, or water as proper disposal methods are being utilized.

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

The subject property is within a built-out industrial area and its continued operation would not damage or destroy an irreplaceable natural resource. The Kansas River is west of the property but would see no impact as long as proper disposal methods for tires, trash, and oil disposal are properly utilized. The applicant has previously stated they take their tires to a tire recycling facility on a quarterly basis and recycle their oil chemicals at a local Automotive Retailer.

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 public gain is negligible, as the operation of a community motorcycle garage is not considered reasonably necessary for the health, safety, or welfare of the public. If approved, the impact on adjacent landowners is negligible as the surrounding uses are more intense. Should the Special Use Permit not be approved, the owner and community members would lose the ability to operate a hobby activity in an area with minimal negative impact on surrounding property owners and there would be a vacant building in the neighborhood, which may be difficult to lease otherwise due to its unique former use as a fire station.

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

When evaluating concentrations of population, places of assembly are a concern if not properly managed, however, the majority of floor space is used for bike space and tools rather than general floor space for large groups of people. When live events do occur, they are typically in the outdoor spaces such as the front parking lot. The Applicant is currently under negotiations with Union Pacific Railway to lease the vacant but paved parking lot to the rear of the property, which provides ample parking for the subject property and surrounding neighbors.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on-site on April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Automotive Use
Parking and Traffic
Overcrowding
Hazard Disposal
Landscaping
Live Entertainment
Noise, Vibration, Dust, and Illumination
District Compatibility

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-035**, for **five (5) years**, subject to:

1. **Hours of operation are to remain consistent with previously stated operational use;**
2. **All entertainment must cease by 1:30 AM;**
3. **Alcohol consumption must remain on the subject property and not continue onto overflow parking;**
4. **Security and staffing during events must follow the ratios outlined in Section 4-104(f);**
5. **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;**
6. **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;**
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
9. The Special Use Permit 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-035** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map Land Use Map
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 9, 2022	May 26, 2022
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-035** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-035**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been met.

May 9, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2022-035 – BRETT EPP WITH HICKORY UNION MOTO - SYNOPSIS: Renewal of a Special Use Permit (SP-2019-70 – expired 1/30/2022) for live entertainment at a community motorcycle garage at 10 South James Street.

Detailed Outline of Requested Action: The Applicant, Brett Epp with Hickory Union Moto, is seeking the renewal of a Special Use Permit for the subject property at 10 South James Street. The Applicant is requesting the Renewal of Special Use Permit which expired January 30, 2022 so that they may continue to have community events that feature live entertainment and alcohol consumption and to continue to operate a community motorcycle repair garage. Community garage members receive educational guidance on motorcycle repair and are provided with shared-use spaces to repair and build their personal motorcycles, similarly to a trade or craft guild. The garage's community members gather periodically for events to showcase their work to other members or the public and have smaller, less-public events such as barbeques or watch parties throughout the year to foster the sense of community among members. The prior Special Use Permit was for two (2) years and the Applicant is seeking a five (5) year renewal term.

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 May 9, 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. Planning Director Hand requested that SP2022-040 be removed from the Consent Agenda. Planning Commissioner Miller requested that PLAT2022-010 be removed from the Consent Agenda.

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

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

Motion to **APPROVE** Passed: 6 to 0
Subject to:

SP2022-035:

1. Hours of operation are to remain consistent with previously stated operational use;
2. All entertainment must cease by 1:30 AM;
3. Alcohol consumption must remain on the subject property and not continue onto overflow parking;
4. Security and staffing during events must follow the ratios outlined in Section 4-104(f);
5. 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;
6. 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;
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle

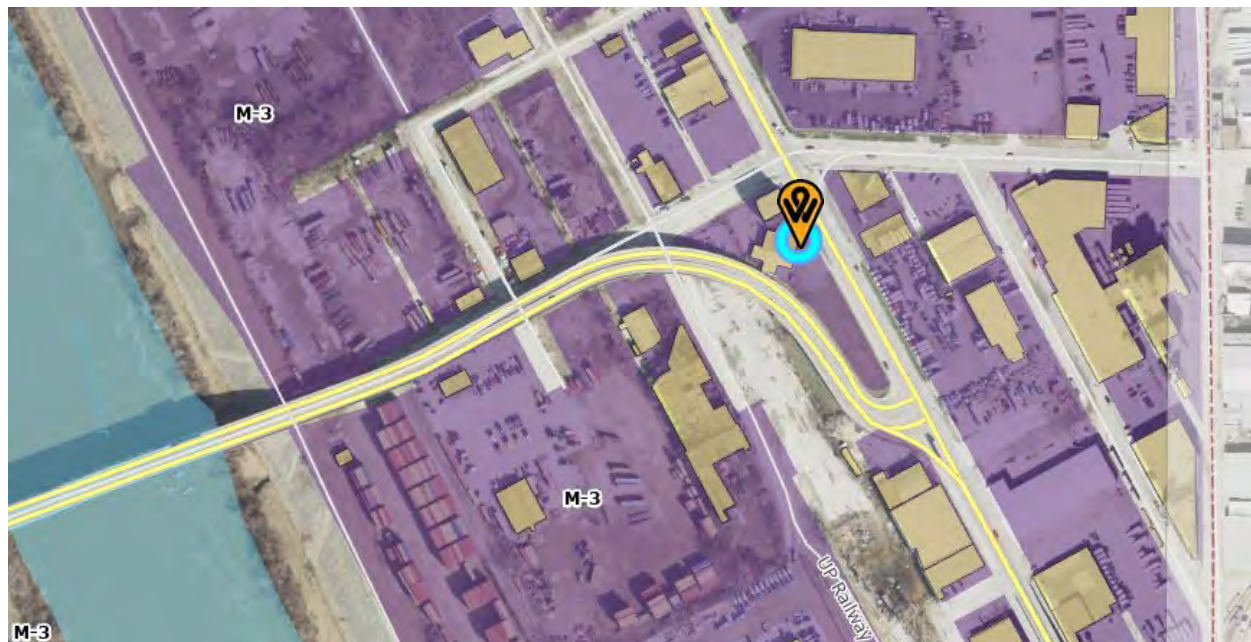
storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

9. The Special Use Permit 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

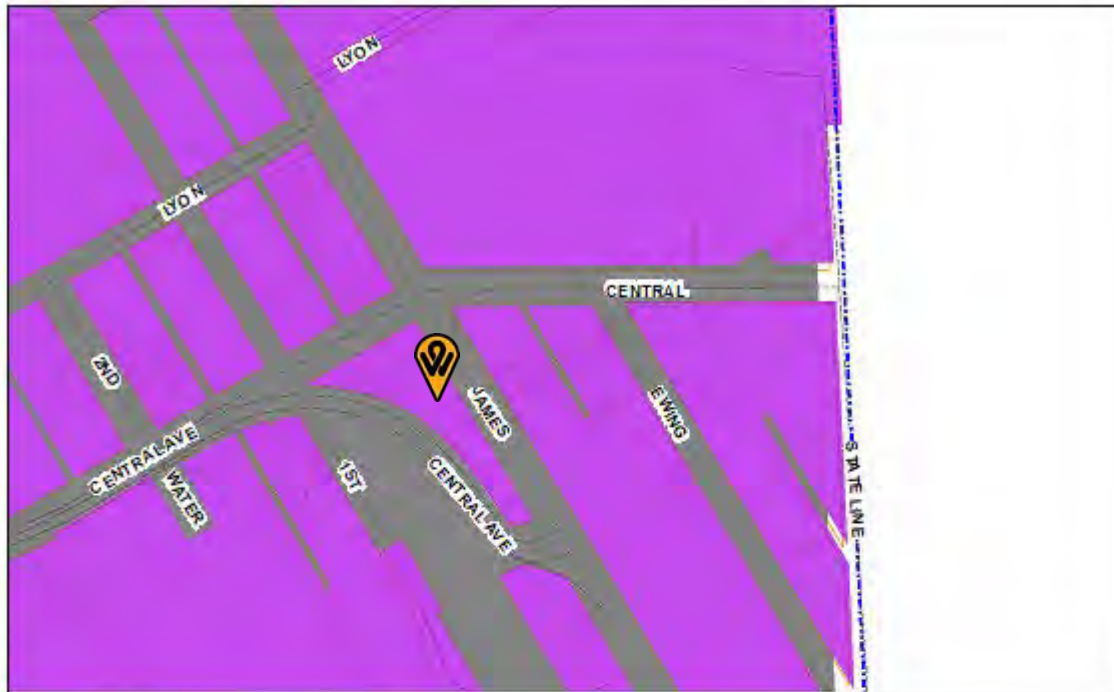
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

City-Wide Master Plan

<all other values>

FUTURE_LAN

-  Utilities
-  Right-of-Way
-  Urban Density
-  Agricultural
-  Neighborhood Commercial
-  Community Commercial
-  Business Park
-  Floodway
-  Regional Commercial
-  Future Residential
-  Rural-Density Residential
-  Employment
-  High-Density Residential
-  Medium Density Residential
-  Low-Density Residential
-  Mixed-Use
-  Parks/Open Space
-  Public/Semi-Public

NEIGHBORHOOD MEETING INFORMATION

HUM, LLC Neighborhood meeting minutes:

Application Number: SP2022-035

Date and Location: 4/25/2022

Meeting called to order at: 6:00 PM

Names of people in attendance: None, aside from applicant, counsel and employees.

No one from public attended meeting. Applicant waited 35 minutes from start of meeting before leaving.

Meeting adjourned at: 6:35 PM

Minutes taken by: Ross Henry Stewart

NEIGHBORHOOD MEETING INFORMATION

[illegible]

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

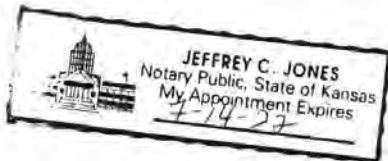
1. That I am the petitioner for Petition # 582022-35.
2. That I conducted a neighborhood meeting on 4/25/22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Brett Epp
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of April, 2022.

My commission expires JULY 14 of 2022.



Jeffrey C. Jones
Notary Public



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 26, 2022

Re: Special Use Petition SP2022-038

GENERAL INFORMATION

Applicant:
Matt Brentano

Status of Applicant:
Representative
Tanner's Bar and Grill
12822 Larsen Street
Overland Park, Kansas

Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 17, 2022

Purpose:
To approve a Special Use Permit to allow live entertainment at an existing drinking establishment and restaurant.

Property Location:
3900 Rainbow Boulevard
Kansas City, Kansas 66103

Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

Existing Zoning:
TND Traditional Neighborhood Design District



Adjacent Zoning:	North: C-1 Limited Business and RP-5 Planned Apartment District South: CP-2 Planned General Business District East: RP-5 Planned Apartment District West: R-1(B) Single-Family District
Adjacent Uses:	North: Commercial and Multi-Family Apartments South: Mixed-Use Commercial East: University of Kansas Medical Center West: Single-Family Residential
Total Tract Size:	2.31 Acres
Master Plan Designation:	The Rosedale Master Plan designates this property as Urban Core Mixed-Use, which is the densest land use district in the Rosedale Master Plan area and allows for active uses such as retail, office, live/work units, or residential, with buildings built up to the street with entrances on the first floor.
Major Street Plan:	The Major Street Plan designates Rainbow Boulevard as a Class A Thoroughfare and West 39 th Avenue as a Local/Neighborhood Street (east of Rainbow Boulevard).
Parking Requirements:	The TND Traditional Neighborhood Design District does not have a parking requirement, as the purpose of the designation is to promote walkable, dense development. However, there are a total of 372 parking spaces, including 214 surface spaces, 87 garage spaces, and 13 curb side spaces.
Advertisement:	<u>The Wyandotte Echo</u> – April 14, 2022 Letters to Property Owner – April 14, 2022
Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Matt Brentano, is requesting a Special Use Permit for a drinking establishment, restaurant, and live entertainment venue at 3900 Rainbow Boulevard. This property was approved for a Special Use

Permit for two (2) years in 2018 (SP-2018-71), however, did not renew upon expiration of the permit. As such, a new Special Use Permit is required.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2021- Case 114476 – Property Theft
2. 2021 – Case 75890 – Domestic Battery
3. 2021 – Case 3875 – Battery and Theft
4. 2020 – Case 1488 – Battery
5. 2019 – Case 127305 – Theft

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notice of Violations on the subject property.

Outstanding or Related Permits and Cases:

1. There are no related permits or cases on this property,

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is mixed-use in character, with the primary use being The University of Kansas Medical Center. The remainder of the neighborhood is comprised of mixed- use commercial, medium and low-density residential.

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 continuation of the proposed use is compatible with the surrounding uses, as this is a mixed-use commercial and residential neighborhood. Additionally, this property is surrounded by many higher-intensity uses, including The University of Kansas Medical Center. There is also a buffer of medium-density residential uses between the proposed use and the lower-density residential neighborhood to the 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 properties if the conditions of approval are adhered to. A drinking establishment with live entertainment is allowed with a Special Use Permit in TND Traditional Neighborhood Design District zoning.

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

This property is not vacant. The drinking establishment is part of a larger, mixed-use property and has been a tenant since 2018.

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

The Rosedale Master Plan does not address Special Use Permits. The Rosedale Master Plan designates this property as Urban Core Mixed-Use, which is the densest land use district in the Rosedale Master Plan area and allows for active uses such as retail, office, live/work units, or residential.

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 an increase of traffic to the point where it would exceed the capacity of the Class A thoroughfare Rainbow Boulevard, or the Local Street West 39th Avenue.

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 any live entertainment, however, this should not be a major concern, as the property is directly adjacent to The University of Kansas Medical Center, which is a high-intensity use and generates a lot of noise and traffic.

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 property is adjacent to The University of Kansas Medical Center, these issues should still be properly managed.

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 located in an existing, permitted, built out mixed-use commercial and residential area.

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 located in an existing, permitted, built out mixed-use 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 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 proposed use should not cause undue concentrations of population so long as the building's capacity limits are met, along with any additional conditions regarding live entertainment.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP-2018-71) in 2018 for two (2) years (expired 9/27/2020).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Vibration
Illumination
Safety and Security
Hours for Live Entertainment
Parking
Sign Ordinance Violations
Trash Receptacle

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-038**, for **two (2) years**, subject to:

1. All entertainment must cease by at least 1:00AM;
2. Doors and windows must stay closed during any live entertainment performance;
3. 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.
4. No amplified speakers or entertainment is allowed in outdoor spaces;
5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. The applicant must file and maintain a current business occupation tax application;
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. Any 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;

11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-038** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes

Aerial Map

Zoning Map

Rosedale Master Plan (unavailable)

Floor Plan

Parking Agreement

Neighborhood Meeting Minutes, Affidavit, Letter, provided by applicant, Dated April 22, 2022

Site Photographs Provided by Staff, Dated April 10, 2022

REVIEW OF INFORMATION AND SCHEDULE55

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 9, 2022	May 26, 2022
Special Use	Approval	

STAFF CONTACT: James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-038** 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 **SP2022-038**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 5:20:30:

SPECIAL USE PERMIT APPLICATION SP2022-038 – MATT BRENTANO WITH TANNERS BAR AND GRILL - SYNOPSIS: Special Use Permit (SP-2018-71– expired 9/27/2020) to continue live entertainment in conjunction with restaurant/drinking establishment at 3900 Rainbow Boulevard.

Detailed Outline of Requested Action: The applicant, Matt Brentano, is requesting a Special Use Permit for a drinking establishment, restaurant, and live entertainment venue at 3900 Rainbow Boulevard. This property was approved for a Special Use Permit for two (2) years in 2018 (SP-2018-71), however, did not renew upon expiration of the permit. As such, a new Special Use Permit is required.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated May 9, 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:

- Matt Brentano, applicant, 3900 Rainbow Boulevard, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:22:50: Planning Director Hand stated that this request is for live entertainment and not a drinking establishment as they serve food at Tanner's restaurant. This property is in the Rosedale Area Master Plan. Staff has received no letters in support nor in opposition. There have been a couple of police calls and Staff reviewed this application with the Kansas City, Kansas Police Department accordingly. There are no additional conditions above and beyond Staff's standard security conditions. One of the conditions of approval is that live entertainment end at 1:00 a.m. Another condition is that there is no outdoor live entertainment. Staff recommends approval subject to the conditions in the staff report.

Commissioner Ernst asked if this is a new Special Use Permit (as the previous permit had expired.) Director Hand stated yes.

Motion starts at 5:24:34:

On motion by Ms. Pauley, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-038:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

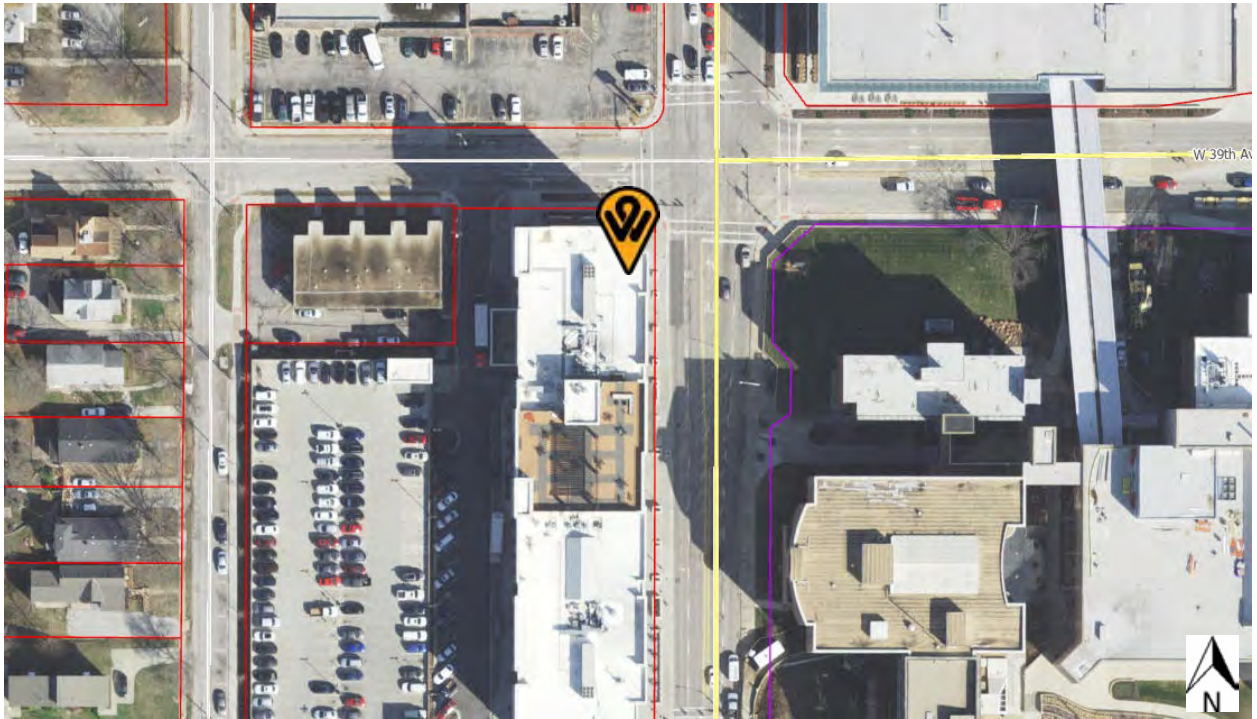
1. All entertainment must cease by at least 1:00AM;

2. Doors and windows must stay closed during any live entertainment performance;
3. 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.
4. No amplified speakers or entertainment is allowed in outdoor spaces;
5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. The applicant must file and maintain a current business occupation tax application;
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. Any 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;
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

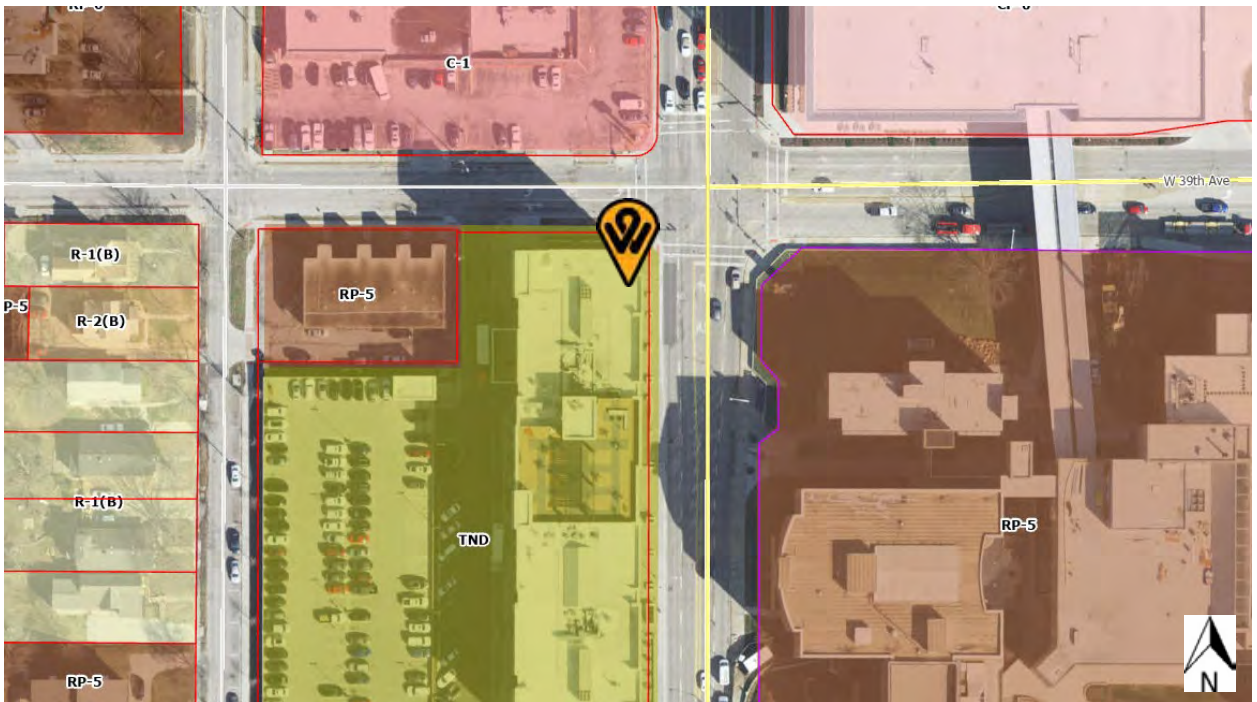
- within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

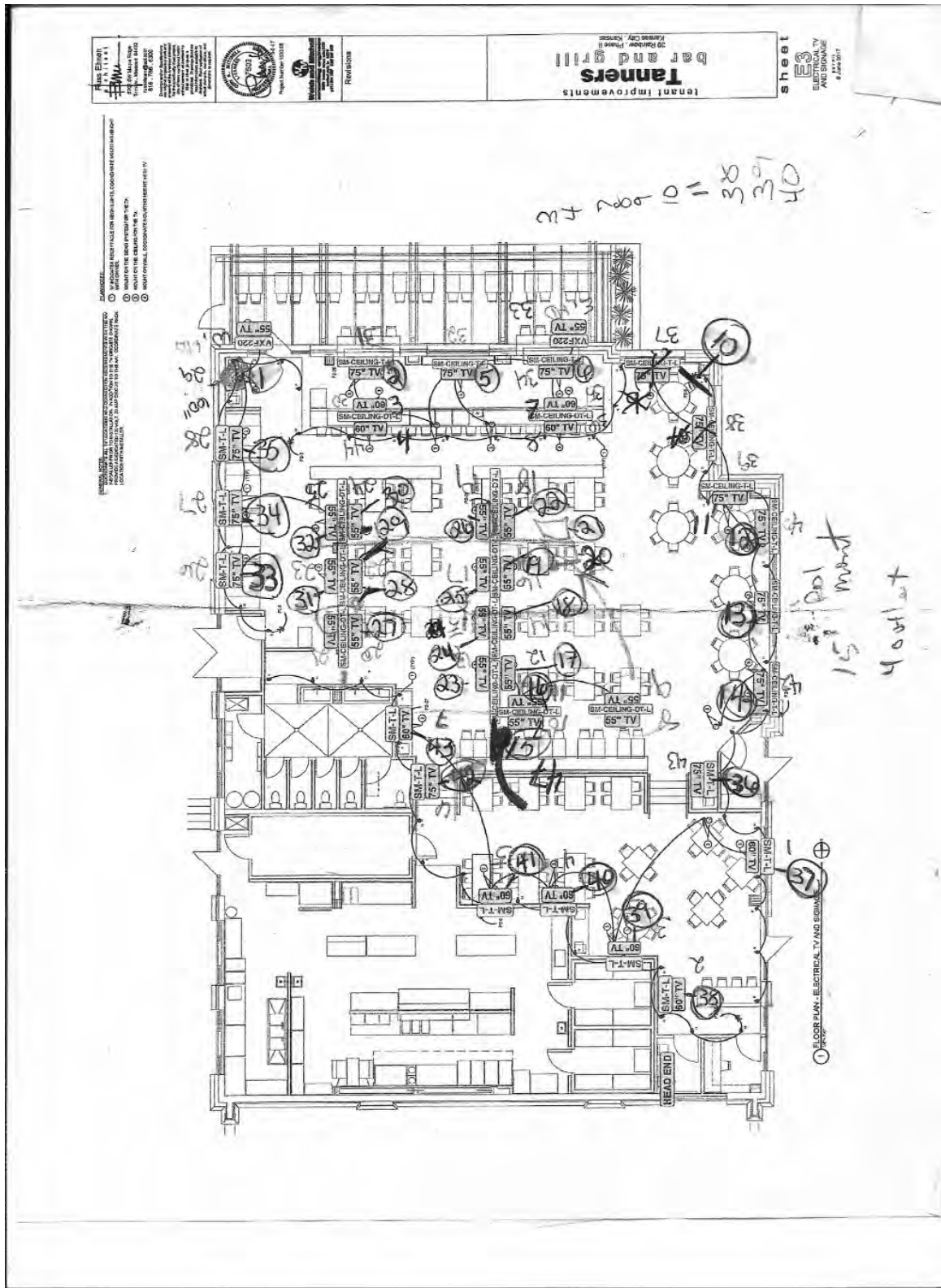
AERIAL IMAGERY



ZONING MAP



FLOOR PLAN



PARKING AGREEMENT

ARTICLE 37: PARKING

Tenant and its employees and invitees shall have a non-exclusive right to park in the Common Area parking lots. However, Landlord shall specify, and use best efforts to enforce, that employees of the tenants in the project park in designated areas which will not include the covered parking garage adjacent to Tenant's space so that this area will be maximized for guests, customers and invitees of the project only. Tenant also shall furnish to Landlord or its designated agent the state automobile license numbers assigned to Tenant's vehicles and those of all its employees. Following at least one (1) prior written notice of violation, Tenant shall pay Landlord or its designated agent, when billed, a fee of Ten Dollars (\$10.00) per day per vehicle parked in violation of this Section. If, following at least three (3) prior written notices to Tenant, Tenant or any officer, agent, employee, contractor, licensee or concessionaire of Tenant shall park his or her car other than in the designated parking areas, Landlord shall have the right and privilege, without further notice, to have any such car towed away at Tenant's expense.

EXHIBIT A

PREMISES



NEIGHBORHOOD MEETING MINUTES, AFFIDAVIT, LETTER, PROVIDED BY APPLICANT, DATED
APRIL 22, 2022

Meeting Notes:

Neighborhood Meeting: 4/22/2022

Application Number: Special Use Petition SP2022-038

Date and Location: 3900 Rainbow Blvd, Kansas City, KS 66103

Meeting called to order at: 2pm

Names of people in attendance: 0

Introductions: 0

Unfortunately, no one attended the zoom meeting.

Meeting adjourned at: 2:20pm

Minutes taken by: Tina Caruso

However, I was contacted previous to the meeting by email, from two individuals both from KU campus:

1. Michael R. Teska, MBA-Director of Real Estate

Mr. Teska was concerned the zoom meeting had been cancelled. I returned this email and instructed Mr. Teska it was not cancelled and to please contact me with any questions, I never got a response.

2. Gary Anderson-Director of Economic Development

Mr. Anderson wanted to know if this was just a renewal for our previous permit and I responded and let him know this would be for the same purposes as the SUP we had before. No response from Mr. Anderson was sent.

Neighborhood Meeting Notice

Dear Resident,

Prior to submittal of a development application, KCK requires a meeting between the applicant and neighbors. This is your notice to meet and review our application for a Special Use Permit. The Special Use Permit address is: 3900 Rainbow Blvd. Kansas City, KS 66103

This is not a public hearing, and public officials will not be present. If you have questions regarding meeting requirements, please contact The City of Wyandotte Planning & Development Services Department.

When/Where:

This meeting will be by zoom link, web address and information below:

www.zoom.us

Topic: Special Use Permit KCK

Time: **Apr 22, 2022 02:00 PM** Central Time

Join Zoom Meeting: https://us04web.zoom.us/j/77939971102?pwd=o4XeqcxKJqIMZ82puggSh-0q-M_lvp.1

Meeting ID: 779 3997 1102

Passcode: HTXiV2

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

If you have questions about the meeting or proposed Special Use Permit, please contact Tina Caruso by email at Christina@tannersbarandgrill.com.

Sincerely,

Tina Caruso

General Manager

Christina@tannersbarandgrill.com

3900 Rainbow Blvd | Kansas City, KS 66103

☎ 913.283.7367 | [Tanners 39th](#)

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Ng-cd) SS:

Comes now Lina Caputo - Towns 37m St., of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-038
2. That I conducted a neighborhood meeting on 4/22/22.
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.

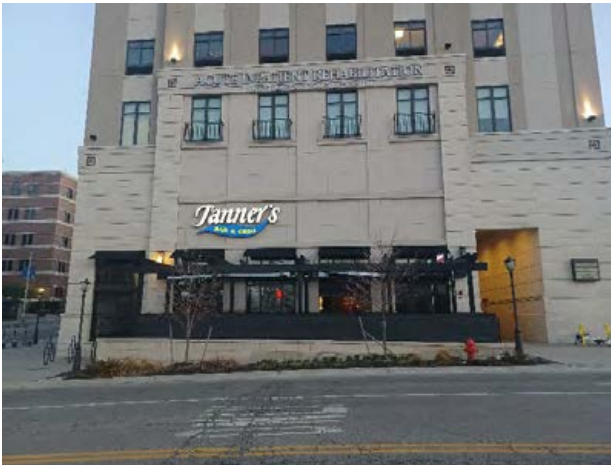
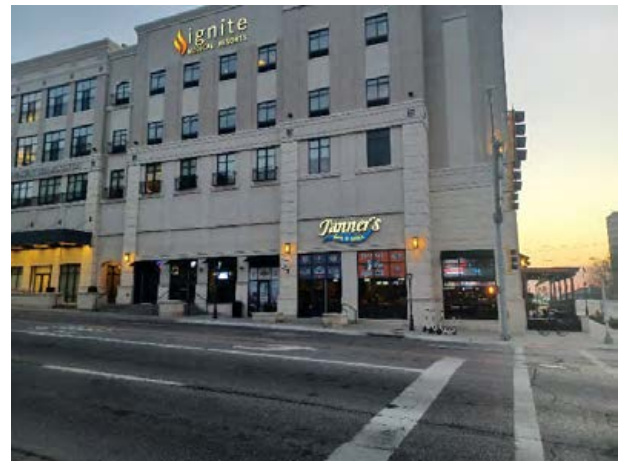
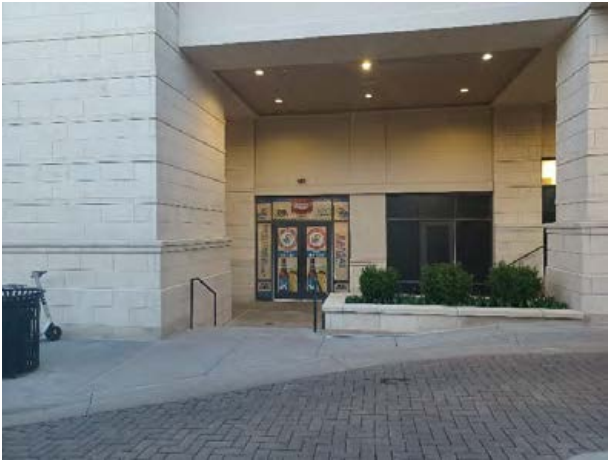
[Signature]
Affiant

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

My commission expires _____ of _____, 200__.

Notary Public

SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 10, 2022



SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 10, 2022 CONTINUED





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: May 26, 2022

Re: Special Use Petition SP2022-039

GENERAL INFORMATION

Applicant:
Moe Thu

Status of Applicant:
Property Owner
13024 Leavenworth Road Kansas City,
Kansas 66109

Requested Actions:
The Approval of a Special Use Permit for
additional fowl.

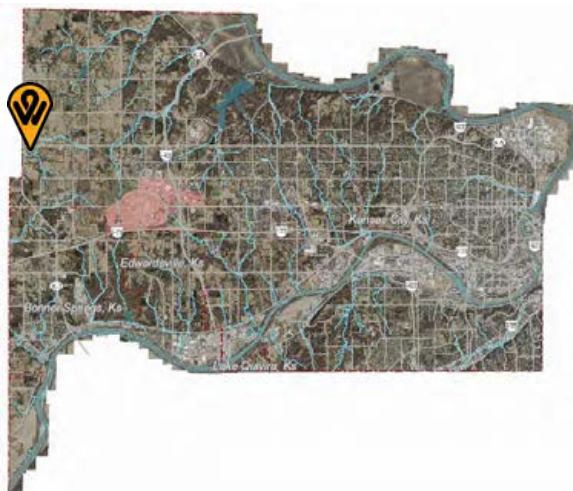
Date of Application:
March 25, 2022

Purpose:
To expand the number of permitted fowl from
six (6) to forty (40).

Property Location:
13024 Leavenworth Road
Kansas City, Kansas 66109

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

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



Adjacent Zoning:	North: AG (Wyco) Agriculture District South: AG (Wyco) Agriculture District East: AG (Wyco) Agriculture District West: R (Wyco) Rural Residential District
Adjacent Uses:	North: Single Family Homestead South: Piper Creek Elementary School East: Single Family Homestead West: Single Family Residence
Total Tract Size:	1.1575 Acres
Master Plan Area:	The Subject Property is within the Prairie Delaware Piper Master Plan.
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this Property as Suburban Residential. Suburban Residential was established to accommodate the bulk of single-family detached residential units as a buffer between the mixed-use village center and motor speedway. It does not appear that suburban development has been fully realized in this area and the area retains the characteristics of a Low-Density Residential designation.
Major Street Plan:	The City-Wide Master Plan designates this tract of Leavenworth Road as a Class B Throughfare.
Parking Requirement:	R-1 (Wyco) District: The Piper Area Annex Zoning Article VII Section 4 States that two (2) spaces per dwelling unit shall be provided. The property currently has a double-car garage and long driveway, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – April 14, 2022 Letters to Property Owner – April 14, 2022
Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Moe Thu, is seeking approval to own 40 chickens. The Applicants currently own six (6) chickens and four (4) ducks, but wish to expand the amount they own beyond this number, requiring a Special Use Permit. The applicant keeps the chickens and ducks for egg and meat production and some entertainment and education for their children. The Applicant is a graduate of the New Roots for Refugees program through the non-profit Cultivate KC and has worked extensively with the organization to participate in agriculturally based commercial growing and urban farming. A portion of the products may be sold at farmer's markets throughout the Kansas City metropolitan region. The applicants have extended family and wish to increase their food supply, respectfully. The applicants recently purchased the property and are making substantial agricultural improvements.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. The applicant has received a recent code enforcement complaint, which is attached at the end of this report. Planning Staff and Code Enforcement is working with the Applicant and their Representative to provide the Applicant with knowledge of local codes and to overcome cultural and language barriers.
 - a. 2022: ENV22-0830 - inoperable vehicle on grass, improperly stored building materials.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
 - a. 2009: 09390-00711 - Plumbing - Installation of New Water heater (Completed)
2. The current property owner has no outstanding Zoning Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is rural and agricultural in character. Lots are average for rural densities and range from one (1) to 20 acres, with the majority of lots being one (1) or five (5) acres. There streets are mostly asphalt and driveways are often

asphalt or gravel drive and no sidewalks. Lots show minimal improvements and large mature trees and dense timber stand buffers, retaining a rural feel.

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 Single Family Zoning and AG Agricultural Zoning Districts. Neighbors have large lots and also benefit from the enjoyment of agricultural activity. The keeping of foul is consistent with the rural and agricultural uses of other nearby properties. 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 in a rural or agricultural setting. The property could be suitable for the care or keeping of large numbers of foul if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as odor, noise, pests, or soil contamination.

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

The property is not vacant. The property was damaged during a fire in 2011 and was rebuilt during 2011 and 2012, in which the property remained a rental. The applicant is the new owner of the property as of 2021.

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 this property as Rural Density, which allows agricultural uses and single-family homes on large lots. 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 no potential to increase vehicular traffic, as there are no proposed retail sales or increases in expected building occupancy.

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 reasonably necessary for the public, as it provides an additional means of purchasing food products. If managed properly, the continued care and keeping of foul on the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of

adjoining property as the proposed activity is similar in nature to neighboring properties in an already built-out neighborhood.

8. *Whether 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 the care or keeping of fowl. There have not been any noise complaints to date with the current applicant, as they currently own the permitted number of chickens. Vibration, dust, or illumination are not issues typically related to the care and keeping of fowl and are 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 if properly managed. The applicant has proposed a 3-step composting system to incorporate proper waste management and soil preservation techniques.

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

The proposed use will not damage or destroy an irreplaceable natural resource if properly managed.

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 negligible as the fowl are for private consumption. If denied, the landowner could not expand the number of chickens allowed on the property, requiring additional grocery purchasing and the loss of the ability to expand homestead activity and sales. Additionally, the Applicant would have to reduce the number of fowl to six (6) which is not enough to steadily feed their family.

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

The proposed use will not cause undue concentrations of population as it operates on a private property without on-site retail use or any increase in occupancy within the residence. There will not be overcrowding as coop will meet all accessory structure standards for the zoning category and it is a large lot in a suburban neighborhood in which agricultural uses are common.

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 suburban neighborhood without any foreseen danger from regular activity. Noise

or odors are issues often associated with the keeping of foul, however, kept and cared for properly there should ostensibly be no significant adversities.

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 a septic system on the property.

c. Storm water control

There is a storm water control point on the adjacent street, North 55th Street.

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Station #17.

f. Transit

The subject property is not reasonably accessible by mass transit or bus route.

g. Schools

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

h. Streets

See item #6 above.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters, emails, or phone calls through the date of April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conservation Plan
Neighborhood Character
Agricultural Activity
Homemade Goods and Product Sales
Noise, Odor
Waste Disposal
Agricultural Activity
Accessory Structure Materials
Setbacks

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-039**, for **two (2) years**, subject to:

1. **Building modifications over 120 square feet require a building permit. The modified chicken coop is proposed to be 144 square feet, therefore, the chicken coop must be modified to be 120 square feet or less or a building permit must be acquired. Staff does not conclude the run is an accessory;**
2. **No roosters of crowing age shall be kept on the property. Once a male chicken (cockerel) gains the ability to crow, it must be culled, harvested, or relocated;**
3. **The applicant must continue to communicate with code enforcement on property progress and if materials on-site have a homesteading purpose;**
4. **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;**
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. **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 buildinginspection@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;

7. 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;
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. 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;
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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2022-039** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Information
Site Plan
Conservation District Letter
Staff Site Visit Photos (unavailable)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use Permit	May 9, 2022 Approval	May 26, 2022

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-039** 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 **SP2022-039**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 5:25:19:

SPECIAL USE PERMIT APPLICATION SP2022-039 – MOE THU - SYNOPSIS:

Special Use Permit to keep 40 chickens at 13024 Leavenworth Road.

Detailed Outline of Requested Action: The Applicant, Moe Thu, is seeking approval to own 40 chickens. The Applicants currently own six (6) chickens and four (4) ducks, but wish to expand the amount they own beyond this number, requiring a Special Use Permit. The applicant keeps the chickens and ducks for egg and meat production and some entertainment and education for their children. The Applicant is a graduate of the New Roots for Refugees program through the non-profit Cultivate KC and has worked extensively with the organization to participate in agriculturally based commercial growing and urban farming. A portion of the products may be sold at farmer's markets throughout the Kansas City metropolitan region. The applicants have extended family and wish to increase their food supply, respectfully. The applicants recently purchased the property and are making substantial agricultural improvements.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Amanda Lindell, representing the applicant
- Moe Thu, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:28:15: Planning Director Hand stated that this Special Use Permit is for 40 fowl. This application is in the Prairie Delaware Piper Master Plan. Staff has received no letters in support nor in opposition. There is one (1) Notice of Violation for parking in the lawn and Staff has been working with the applicant to rectify this issue. There is a condition of approval for the fowl/chicken coop as it will need to meet the setback requirements from the property line and adjacent buildings, as well as match the materials of the primary structure. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 5:29:20:

On motion by Mr. Miller, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-039:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

1. **Building modifications over 120 square feet require a building permit. The modified chicken coop is proposed to be 144 square feet, therefore, the chicken coop must be modified to be 120 square feet or less or a building permit must be acquired. Staff does not conclude the run is an accessory;**
2. **No roosters of crowing age shall be kept on the property. Once a male chicken (cockerel) gains the ability to crow, it must be culled, harvested, or relocated;**
3. **The applicant must continue to communicate with code enforcement on property progress and if materials on-site have a homesteading purpose;**
4. **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;**
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. 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 buildinginspection@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;
 7. 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;
 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. 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;
 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 to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease

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

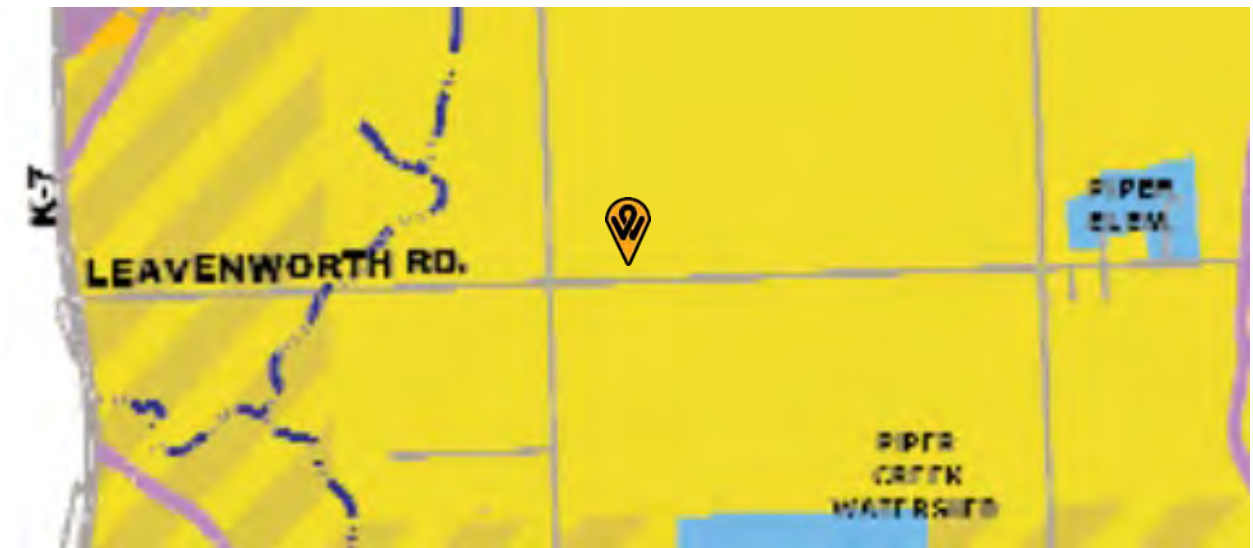
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

	LOW DENSITY RESIDENTIAL		OPEN SPACE
	SUBURBAN RESIDENTIAL		ENTERTAINMENT
	MIXED RESIDENTIAL		SMALL COMMERCIAL
	OFFICE		POTENTIAL OPEN SPACE
	BUSINESS PARK		PARKWAY
	PLANNED COMMERCIAL		CREEK
	PUBLIC / SEMI-PUBLIC		WATERSHED

NEIGHBORHOOD MEETING INFORMATION

April 14, 2022

Commissioner Melissa Bynum
701 North 7th St. 9th Floor
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP2022-039. The purpose of this:

- special use permit

is to keep up to 40 chickens at the following address: 13024 Leavenworth Rd. KC, KS 66109. Currently city code restricts backyard chickens to 6 hens and we'd like to keep more than that for egg production. This requires us to apply for a special use permit. We do have more than 1 acre of a fenced backyard and we feel it is large enough to keep more chickens without them being a nuisance to others. The chickens also contribute valuable fertilizer for our vegetable production and we feel they are an important part of our family's self-sufficiency.

Instead of a traditional in-person neighborhood meeting, we welcome your feedback and questions via email or telephone. Due to our limited English language skills, we invite you to contact our advocate, Amanda Lindahl, with Cultivate KC. She can be contacted at: amanda@cultivatekc.org or by phone at 913-602-1181. She will be able to relay the message with interpretation to us.

We are new to the area and our family looks forward to being a good neighbor to you. If you have any questions about this application, please contact us by April 25th so we can complete the required paperwork with the Unified Government.

Sincerely,

Your Neighbors: Moe Thu and ~~Eom~~ Chin

Letter composed by Amanda Lindahl, Cultivate KC advocate,
on behalf of Moe Thu & ~~Eom~~ Chin
amanda@cultivatekc.org, 913-602-1181

NEIGHBORHOOD MEETING INFORMATION

Application Number: SP2022-039 - 13024 LEAVENWORTH ROAD

Date and Location: Letters mailed via USPS on 4/14/22 to the required list of neighbors. The "meeting" was held via email and telephone with Amanda Lindahl, Cultivate KC farmer advocate on behalf of Moe Thu.

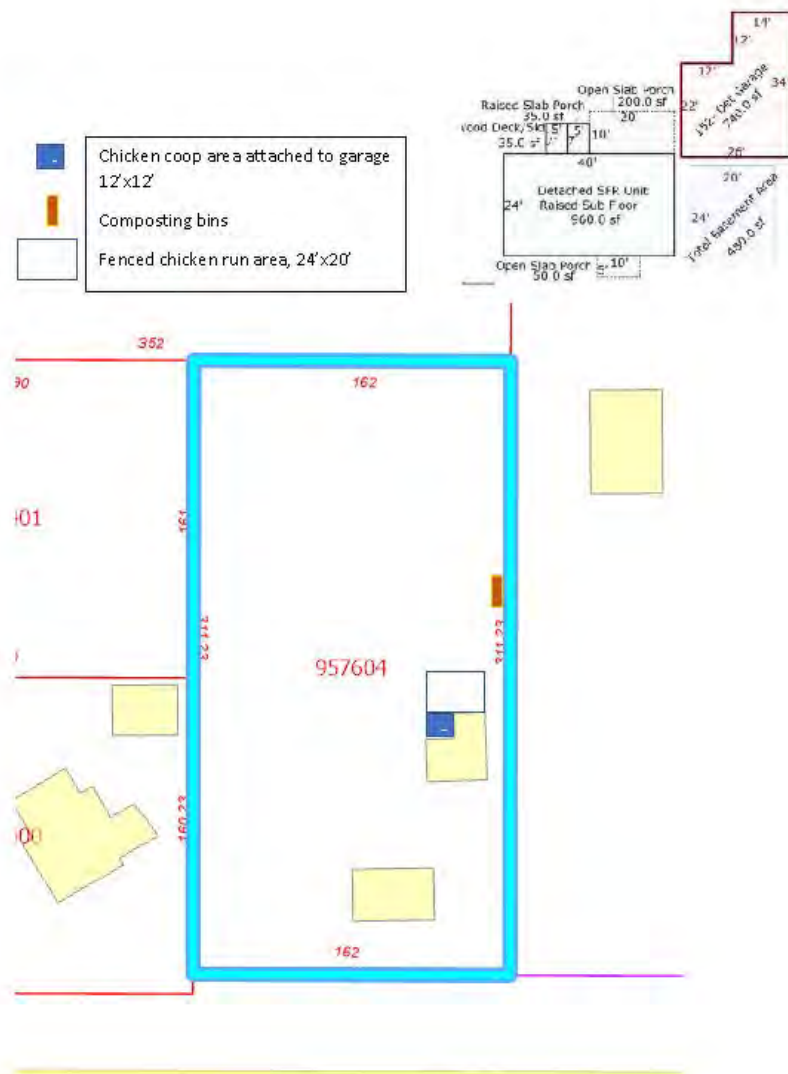
Communication received:

1. 4/19/22 – Phone call from neighbor Millie Kolich, "We don't have any problem with the chickens. The yard is secure and there shouldn't be any problem."

Meeting adjourned on 4/26/22.

Minutes taken by: Amanda Lindahl

SITE PLAN



STAFF SITE VISIT PHOTOS DATED APRIL 11, 2022



STAFF SITE VISIT PHOTOS DATED APRIL 11, 2022



STAFF SITE VISIT PHOTOS DATED APRIL 11, 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: May 26, 2022

Re: Special Use Petition SP2022-040

GENERAL INFORMATION

Applicant:
Clifford Dale

Status of Applicant:
Representative Mason Jar, LLC
941 North 74th Drive
Kansas City, KS 66112

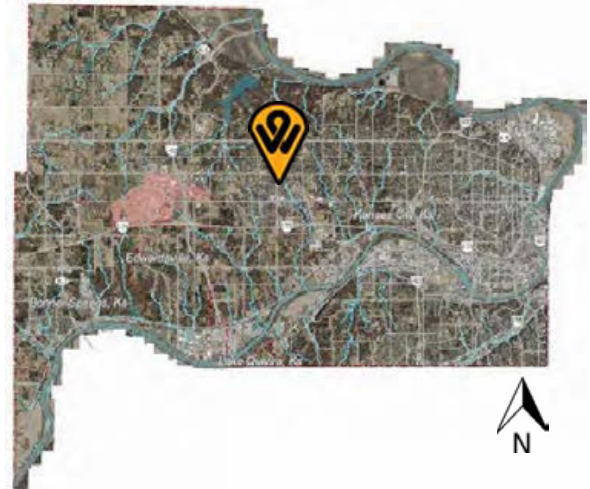
Requested Action:
Renewal for Special Use Permit (expired 1/29/2022) for live entertainment in conjunction with an existing restaurant.

Date of Application:
January 27, 2022

Purpose:
To continue to operate live entertainment in conjunction with an existing restaurant.

Property Location:
941 North 74th Drive
Kansas City, Kansas 66112

Commission Districts:
Commissioner At-Large District #1: Melissa Bynum
District #8 Commissioner: Andrew Davis



Existing Zoning:	C-1 Limited Commercial District
Adjacent Zoning:	North: CP-1 Planned Limited Business District South: R-1 Single-Family District East: CP-2 Planned General Business and CP-3 Planned Commercial Districts West: C-1 Limited Business District
Adjacent Uses:	North: Security National Bank and Restaurant South: Delaware Park East: Used car lot West: Used car lot and self-storage facility
Total Tract Size:	4.86 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Mixed Use. Mixed-Use is located at major arterial intersections and within traditional neighborhood design (TND) developments, these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.
Major Street Plan:	The Major Street Plan classifies North 74th Drive as a Class C Thoroughfare.
Parking Requirement:	Sec.27-668(a)(5) Eating places, restaurants, dining rooms, snack bars. One space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten off-street parking spaces. Sec.27-668(a)(12) Taverns or private clubs serving alcoholic or cereal malt beverages, bingo parlors, discotheques, dance halls. One (1) space for each 50 square feet of seating or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Due to unavailable information a variance may be needed to meet parking requirements.
Advertisement:	<u>The Wyandotte Echo</u> – April 14,2022 Letters to Property Owner – April 14,2022
Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Clifford Dale Jr. with Mason Jar LLC, requests renewal of a Special Use Permit, SP2020-1 (expired on 1/29/2022), in order to continue to conduct live entertainment events, specifically outside within the fenced area on the east side of the building in conjunction with a restaurant at 941 North 74th Drive.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. No noise or Disturbance Complaints found.

Building, Zoning, or Code Enforcement Complaints:

1. 2016-15395-00111 Case Stop Work Worder
2. 2014 -14200-00694 Case Code Environment Fence & Sign Damage
3. 2013-13212-01395 Case Code Environment Tall Grass

Outstanding or Related Permits and Cases:

1. 2019-19217-00048 Case Zoning
2. 2015-15201-00143 Case Demolition without Building Permit.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood offers a diversity of uses, including single-family homes to the south, a mix of predominantly commercial uses to the north, east and west. State Avenue is a major east/west throughfare through Kansas City, Kansas comprised both Commercial Uses and Residential Uses.

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

The zoning and adjacent uses are set out above. The proposed use is compatible and allowed in the C-1 limited Business 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 property if the conditions are adhered to. A drinking establishment is a permitted use per the C-1 Limited Business District with a Special Use Permit, and the establishment is surrounded by commercial uses. If the proposed live entertainment is not managed properly, it can become a nuisance to the residential properties as it relates to parking and noise.

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

The property is not vacant. The property is currently operating as a restaurant.

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 designated this property as Mixed- use. Mix Use is located at major arterial intersections and within traditional neighborhood design (TND) development s, these areas are ideal for integrating complimentary land uses such as retail, offices, local business, and mixed-use residential use.

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

The proposed use should not result in an increase in traffic to the point where it exceeds the capacity of State Avenue, a class A Thoroughfare, which is designed to handle traffic from such commercial use. 74th Drive is classified as Local Thoroughfare design to handle less traffic than State Avenue.

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 does not serve as 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 if is not managed properly.

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 that would normally be associated with live entertainment and could become a nuisance for nearby properties if not

managed properly. Dust may be an issue as the used is proposed for an area not on an improved surface.

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, mostly built out residential and commercial area. This use could be a potential cause of contamination to Mill Creek as the east of the property is located in the floodway, however, if all conditions are adhered to and the site managed properly, this should not be an issue.

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

The proposed use could potentially have negative effects on the Mill Creek in the rear (east) side of the property if the property and proposed use is not maintained and managed properly and conditions are not adhered to.

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 public health, safety, and welfare would be minimal. A denial of this application would cause the business owner to have to not allow live entertainment but could continue their restaurant.

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

The proposed use would not result in overcrowding of land or cause undue concentrations of population. The proposed use has a large parcel with parking to support customers. The property is in a built out commercial and residential area.

PREVIOUS ACTIONS

SP2017-11, which expired March 30, 2019
SP2020-1, which expired January 29, 2022

NEIGHBORHOOD MEETING

The applicant held a neighborhood in-person meeting on April 14, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise Concerns
Illumination
Parking
Safety and Security
Floodway/ Floodplain

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-040**, for two (2) years, subject to:

1. All entertainment must cease by at least 1:30AM. As a C-1 zone, per code Section 27-464 (c)(9) “Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day”;
2. Doors and windows must stay closed during any entertainment performance;
3. All entertainment must cease by at least 1:30AM Doors and windows must stay closed during any entertainment performance; Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - 1) 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;
 - 2) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - 3) An I.D. scanner will be used at all times; and,
 - 4) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - 5) No amplified speakers or entertainment is allowed in outdoor spaces; and, any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
4. Must comply with Unified Government Security Ordinance (Chapter 4, Article III, Division 1, Sec 4-104, f) Including: Number of security officers. The number of licensed security officers that shall be required are as follows:
 - A. For any number of persons present within the building numbering from one to 125, none.
 - B. For any number of persons present within the building numbering from 125 to 250, two security officers.
 - C. For gatherings or groups of persons in excess of 250, two additional security officers for each 100 persons.

The number of security officers required may be modified by the order of the business license and occupation tax division or the chief of

police when there are reasonable grounds to believe that a larger or smaller number of officers shall be needed to protect the public health and/or safety. This subsection shall have application only to those permits issued on a per theme basis;

5. No amplified speakers or entertainment is allowed in outdoor spaces except for live entertainment events;
6. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license;
9. 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 buildinginspection@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;
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. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. 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;

14. Applicant address the items required to close the original building permit.
15. 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,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-040** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes

Aerial Map

Zoning Map

City-Wide Master Plan Land Use Designation Map

Planning Engineering Comments

Attached Floor Plan, & Site Photos provided by Applicant

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant Dated April 27, 2022

Attached Response to Staff Comments, provided by Applicant Dated April 27, 2022

Site Photos, taken by Staff – Dated April 3, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action
Public Hearing
SUP

Planning Commission
May 9, 2022
Approval

Unified Government Board of Commissioners
May 26, 2022

STAFF CONTACT: **Marlene Torres Pardo**
 mpardo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-040** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-040** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

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 May 9, 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. Planning Director Hand requested that SP2022-040 be removed from the Consent Agenda. Planning Commissioner Miller requested that PLAT2022-010 be removed from the Consent Agenda.

SPECIAL USE PERMIT APPLICATION SP2022-040 – CLIFFORD DALE JR. WITH MASON JAR, INC. - SYNOPSIS: Renewal of a Special Use Permit (SP-2020-1, expired 1/29/2022) for live entertainment in conjunction with restaurant at 941 North 74th Drive.

Planning Director Hand stated that staff removed this item from the Consent Agenda to add an additional condition of approval for this application:

1. Applicant address the items required to close the original building permit.

Present in Support:

Adriane Dale, representing the applicant

Present in Opposition:

No one appeared

Staff Recommendation: Director Hand stated staff recommends approval with the additional condition.

On motion by Mr. Miller, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL:**

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

Motion to **APPROVE** Passed: 6 to 0
Subject to:

1. **All entertainment must cease by at least 1:30AM. As a C-1 zone, per code Section 27-464 (c)(9) “Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day”;**

2. Doors and windows must stay closed during any entertainment performance;
3. All entertainment must cease by at least 1:30AM Doors and windows must stay closed during any entertainment performance; Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - 1) 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;
 - 2) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - 3) An I.D. scanner will be used at all times; and,
 - 4) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - 5) No amplified speakers or entertainment is allowed in outdoor spaces; and, any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
4. Must comply with Unified Government Security Ordinance (Chapter 4, Article III, Division 1, Sec 4-104, f) Including: Number of security officers. The number of licensed security officers that shall be required are as follows:
 - A. For any number of persons present within the building numbering from one to 125, none.
 - B. For any number of persons present within the building numbering from 125 to 250, two security officers.
 - C. For gatherings or groups of persons in excess of 250, two additional security officers for each 100 persons.

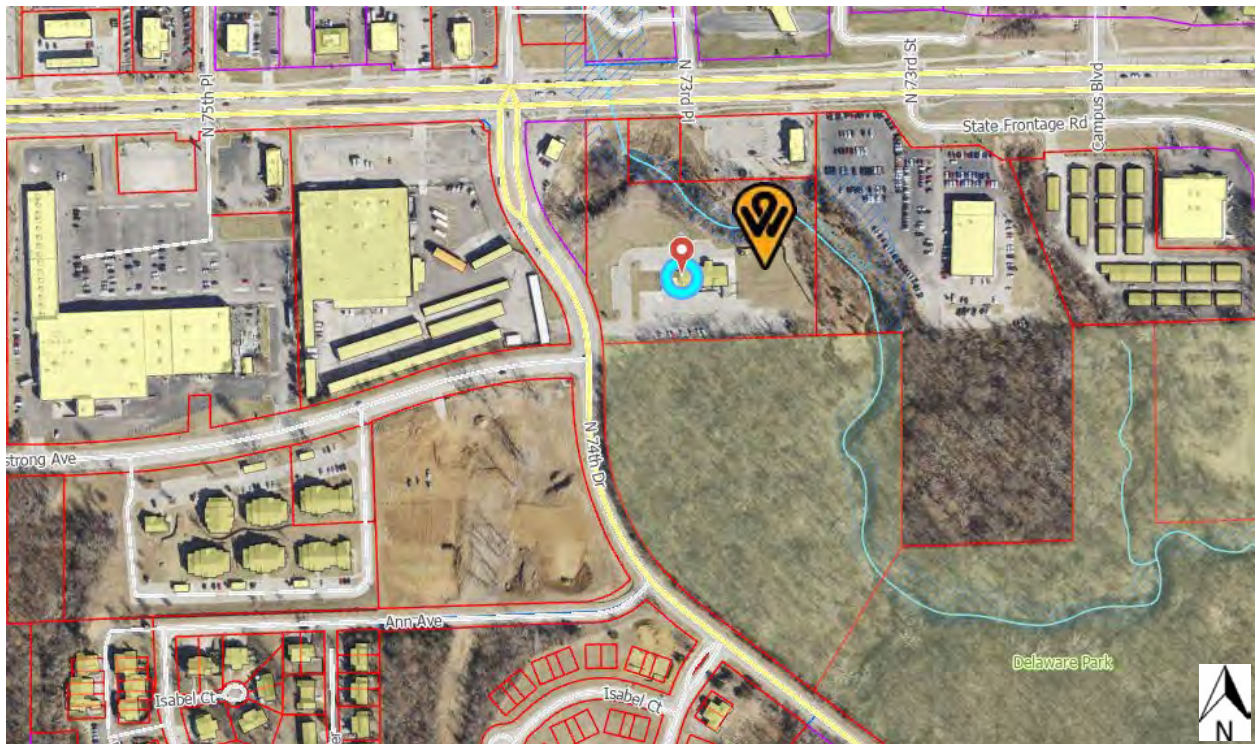
The number of security officers required may be modified by the order of the business license and occupation tax division or the chief of police when there are reasonable grounds to believe that a larger or smaller number of officers shall be needed to protect the public health and/or safety. This subsection shall have application only to those permits issued on a per theme basis;

5. No amplified speakers or entertainment is allowed in outdoor spaces except for live entertainment events;
6. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license;
9. 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 buildinginspection@wycokck.org to confirm if they need a

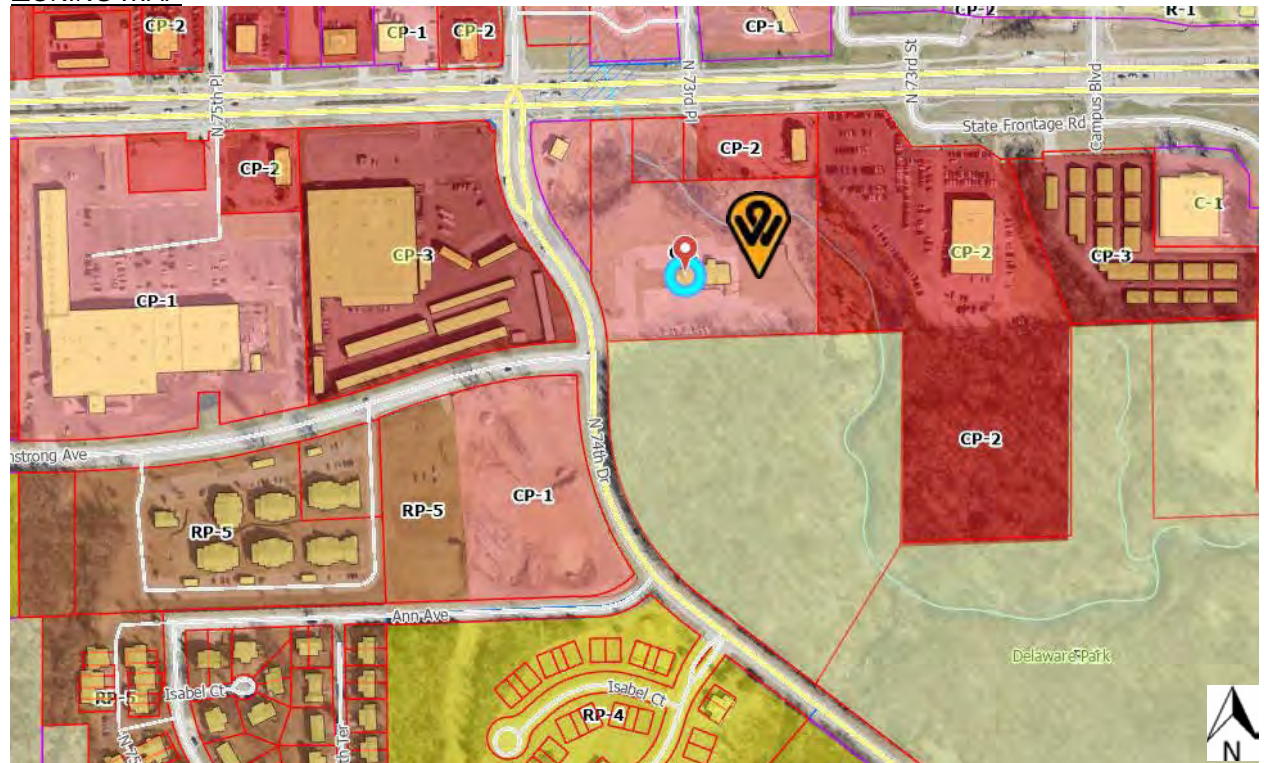
- building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 11. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 13. 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;
 14. Applicant address the items required to close the original building permit.
 15. 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,
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

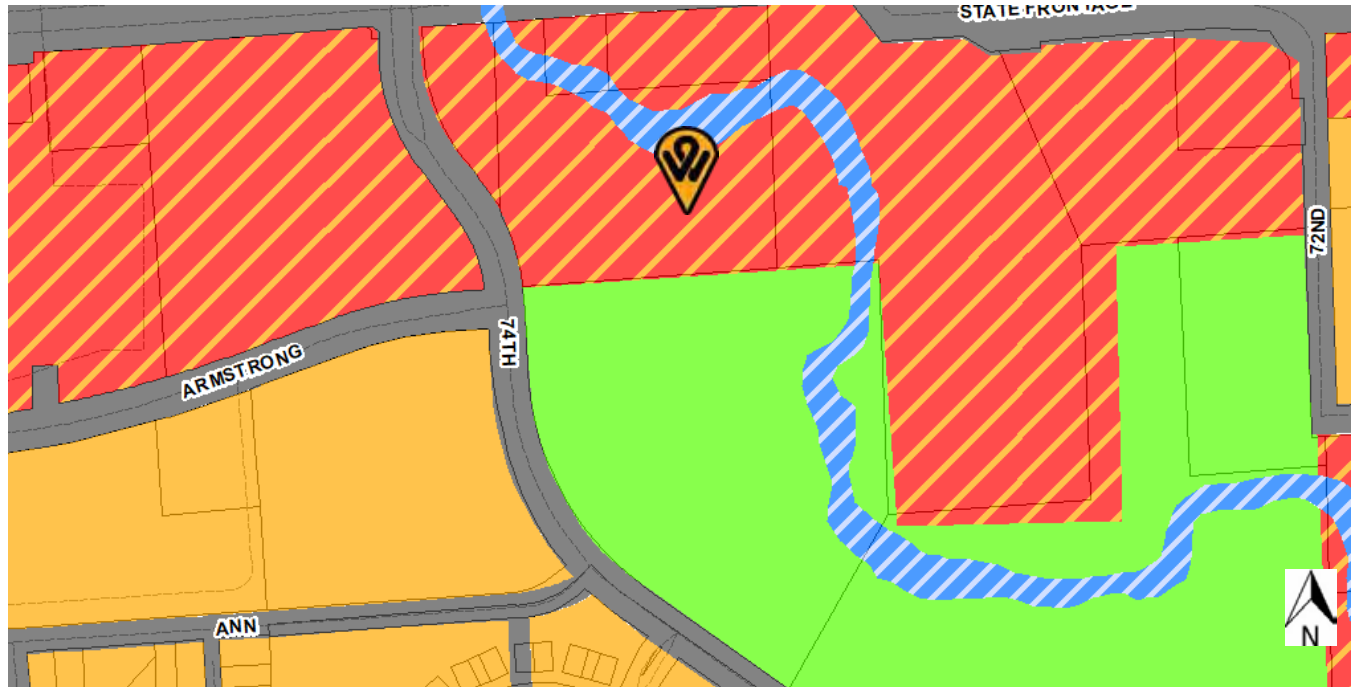
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Use





Site Photos Taken by Applicant Dated April 27, 2022



Site Photos Taken by Applicant Dated April 27, 2022



Neighborhood Minutes Submitted by Applicant – Dated April 12,2022

Nobody attended the in-person meeting. We had one response via email, which was positive! I attached that document with the staff report response. I have reattached it here.

Thank you,
Adriana Dale

Neighborhood Letter Submitted by Applicant – Dated April 12,2022

 Document7.docx

Aa

To whom this may concern,

We are renewing our special use permit at the Mason Jar in Kansas City. Our special use permit is used for entertainment purposes, such as live bands. We typically have live bands 1-4 times a month, both inside and outside of the direct restaurant. Our goal is to bring our community together! Our bands run typically from 6-8 PM on the nights we have them. We love bringing local bands from the community in! In the past we have worked with creators like Chris Stewart (country music), the Kansas City Community College Jazz Band and many more.

We host these events for the community whether to just have a night of fun, for special events, or for fundraisers. If you have never had the chance to visit, we sit in a divot on 74th Dr and State Ave! We do have dense trees in the surrounding of our properties, and have never had any issues with noise or disturbance complaints.

We will be hosting the neighborhood meeting on April 14th, at 5 PM, at the Mason Jar in Kansas City. Located at 941 N 74th Dr, KCK, 66112 or email me at adriana@dalekc.com for any comments or questions regarding our renewal!

Thank you,

Adriana Dale

Neighborhood Affidavit Submitted by Applicant – Dated April 12, 2022

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandott } SS:

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

1. That I am the petitioner for Petition # _____
2. That I conducted a neighborhood meeting on 4/14/2022
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.

Adriana Dalt
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21st day of April, 2022

My commission expires 20th of June, 2025

Stuart Ehlers
Notary Public



Public Commentary Submitted by Applicant – Dated April 12, 2022

Adriana:

I received your letter this morning. I just want you to know that we would have no objection to your special use permit. Bringing a positive activity to the area is something we think is a good thing. It has never been an issue in the past and we do not foresee it being so in the future. Should it ever be of any concern, we would address it with you in person. You are a good neighbor and we look forward to many more years of working together.

Thomas J. Davies
Executive Vice President
Chief Retail Officer
701 Minnesota Avenue
Kansas City, KS 66101
tdavies@securitybankkc.com
Tel. (913)279-7902
Fax. (913)279-7939



SPU – 040, The Mason Jar Staff Report Response

1. We have hosted country music artists, the KCKCC Jazz Band, cover bands, local jazz music artist and plan to stick within this genre.
2. Typically, we have around 75-100 in attendance at most.
3. We do plan to have both indoor and outdoor music, all depending upon weather. Typically, most of our live music is done inside. We only run live music outside in the summer months if weather is nice. Our stage is currently on our property's grass in front of our patio.
4. Our hours of operations are 11-9 Sunday-Thursday and 11-11 Friday and Saturday. Live music runs either 5PM-7PM or 6PM-8PM, we have never run live music past 10PM. We closed during all restricted hours, and do not plan to have live music past 10PM.
5. We do not meet the minimum requirement for a security guard. Our inside only hosts 204 max, our patio hosts 35. Total seating is 239, so we do not meet the requirement for a security guard.
6. We sit in partly in ground and out patio sits below a small mound. Between our building it two parking lots, then we are surrounded by thick woods on all sides. We keep our noise level moderate to low. Our goal is for customers to have some music to listen to as they enjoy their lunch or dinner. We have never had any noise complaints. With our one response given for our neighborhood meeting, from Security Bank they stated they have never had any noise or issues with live music in the past. We never want to cause any disturbance and are always mindful of noise. We also do not have any illumination. We only have small lights along our building for staff and customers to see tables and walkways. We do not have any amplified speakers kept on side. Small speakers may be brought by artists playing. However, most of our artists do not need them as their space is close enough to all listeners it is not necessary.
7. I have attached photos of both parking lots. We meet all parking space requirements for square footage of restaurant.
8. We have not had any issue with littering. We keep trashcans outside for any trash, plus staff makes sure to clean up any trash. We also make sure to go out often and pick up trash from tree line and on property. Our goal is to always make sure out outside and inside look nice and clean.

Site Photos. taken by staff – Dated April 3, 2022



Site Photos, taken by staff – Dated April 3, 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: May 26, 2022

Re: COZ2022-014 and SP2022-042

GENERAL INFORMATION

Applicant:

Regina Compennolle
DBA Sacred Earth Arts

Status of Applicant:

Property Owner
4141 Joyce Drive
Kansas City, Kansas 66104

Requested Action:

Approval of Change of Zone.

Approval of a Special Use Permit.

Date of Application:

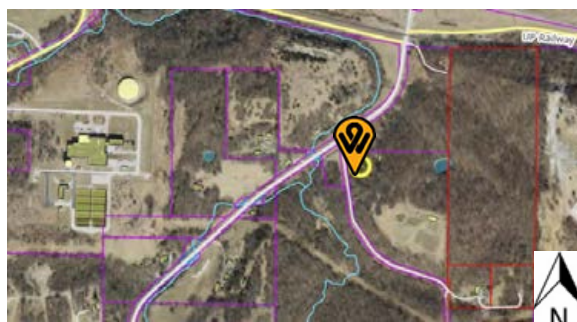
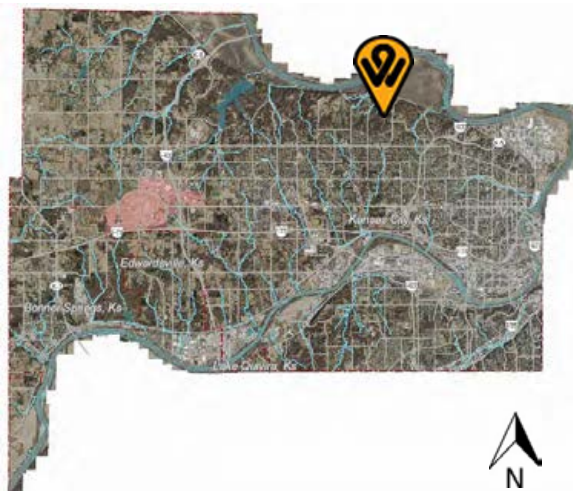
March 25, 2022

Purpose: To change the zoning district from R-1 Single Family District to AG Agriculture District.

To renew a Special Use Permit for Agricultural-related tourism, sales, and education on the owner's property.

Property Location:

4141 Joyce Drive
Kansas City, Kansas 66104



Commission Districts:	Commissioner At-Large District #2: Tom Burroughs District #2 Commissioner: Gayle Townsend	
Existing Zoning:	R-1(B) Single Family District	
Adjacent Zoning:	North:	R-1(B) Single Family District
	South:	R-1(B) Single Family District
	East:	R-1(B) Single Family District
	West:	R-1(B) Single Family and AG Agriculture Districts
Adjacent Uses:	North:	Vacant Treed Space
	South:	Single Family Residence and Vacant Treed Space
	East:	Vacant Treed Space
	West:	Single Family Residence, Agricultural Open Space and Public Utility – BPU Reservoir
Total Tract Size:	14.00 Acres	
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.	
Master Plan Designation:	The City-Wide Master Plan designates this Property as Rural Density Residential. Rural Density Residential includes agriculture, ranches, and large lot residential development, passive parks, and open space. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.	
Major Street Plan:	The City-Wide Master Plan designates Joyce Drive Street as a Local Street.	
Parking Requirement:	R-1 District (current zoning): Section 27-454(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one of which should be a garage or carport.	
	AG District (proposed zoning): Section 27-452(4)(e) requires two (2) off-street parking spaces shall be provided for each dwelling unit, at least one of which shall be in a garage or carport. The current property has a garage space and numerous off-street spaces with an extended driveway, meeting this requirement.	

Additional parking shall be required at the discretion of the Director as a condition of approval for the Special Use Permit, which is discussed in the Factors to be Considered and Conditions of Approval in this report.

Advertisement:

The Wyandotte Echo – April 14, 2022
Letters to Property Owner – April 15, 2022

Public Hearings:

May 9, 2022 and May 26, 2022

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Regina Compennolle OBA Sacred Earth Arts, is requesting a Change of Zone and a renewal of a Special Use Permit for the subject property at 4141 Joyce Drive. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been requested so that the property's agricultural activity can continue. It is unclear if the property was formerly zoned for Agricultural, however the parcel size and rural nature of the properties indicate that there was a possible rezone from Agricultural in the past. The Applicant currently uses the property for a multitude of agriculturally related activities including educational classes on topics such as herbalism, edible plant identification, nature-based spirituality, nature-inspired art, self-pick orchards, the production of farm-goods such as soaps, jellies, salves, oil infusions, incenses, and personal homesteading and would like the zoning to reflect the property's intended use. The property owner maintains a number of agricultural related accessory structures such as high-tunnels and an equipment storage barn. The Special Use Permit has been requested so that the applicant may continue to utilize the commercial activity of the educational classes and you-pick berry sales and the industrial activity of food product production.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There are two (2) police related service calls to the area:
 - a. 2020: 2020-00026888 - traffic stop/ticket
 - b. 2018: 2018-00103764 - stray dog trapped by rescue agency

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.
3. The owner has previous Planning and Zoning Cases:
 - a. SP2019-023 - Special Use Permit - Temporary Use of Land
 - b. SP2017-017 - Special Use Permit - Temporary Use of Land
 - c. SP2014-044 - Special Use Permit - Temporary Use of Land
 - d. SP2012-014 - Special Use Permit - Dog Kennel

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential and rural in character. Lots range in size from five (5) acres to 45 acres, with the average lot size being approximately 15 acres. There streets are mostly asphalt and driveways are often asphalt or gravel. Lots are deep and residences with large setbacks from the street and long winding drives with timber stand buffers.

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

AG Agricultural Zoning Districts that are rural in character with large lots permitting various degrees of agricultural activity. The proposed use is expected to be highly compatible with the adjacent properties.

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

Per Section 27-452, the purpose of the A-G Agriculture District is to provide for those areas on the periphery of the city where agriculture is the predominate land use. It is designed to protect agriculture from premature or disorderly intrusion by urban land uses. There is a single-family residence on the property which is permissible by-right per Section 27-452(b). The applicant's other property uses are agricultural in nature, which are compatible with adjacent property owners who utilize similar activity.

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

The property is not vacant. The Applicant currently resides on the property and has done so since 2008.

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

There is minimal public gain as this is a private residence with private agricultural activity and is not necessarily for the convenience or welfare of the public. There is some gain in the education that class participation gives attendees. It has not been found to injure the appropriate use, visual quality, or marketability of nearby property substantially or permanently.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property has a single-car garage with additional off-street parking spaces. This is adequate for the number of dwellings per the requirements in Section 27-452(d). There is a second driveway that is separate from the residential portion of the site and provides for a separate access into the agricultural and educational portion of the property, and a gravel lot is provided for ample parking. The driveways currently do not meet UG standards as they are not improved surfaces.

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

The City-Wide Master Plan designates this property as Low Density Residential. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences. Current ordinances do not provide a sufficient zoning designation for combined commercial, industrial, and agricultural uses, therefore, a Special Use Permit is required.

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

The applicant is not proposing any new structures. There should be little to no long-term negative environmental impact. Any new structures on the property would be subject to a building permit if over 120 square feet in size.

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

a. Water service

Water Service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer is provided by a septic system on the property.

c. Storm water control

There is a storm water control point on the adjacent street, North 55th Street.

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Station #17.

f. Transit

The subject property is not reasonably accessible by mass transit or bus route.

g. Schools

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

h. Streets

See item #6 above.

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

The economic impact on the community is negligible, as the subject property is a private home. The uses that generate economic benefit are minor relative to a large-scale business and only generate income for the family on the property.

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

The subject property is currently non-conforming due to the number and size of agriculturally related accessory structures. The subject property has a higher capability to conform to the zoning ordinance requirements once rezoned to match its use than it does in its present condition.

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

There is negligible impact or gain to public health, safety, or welfare, however,

there is ostensibly no hardship imposed on adjacent property owners. The residences are already in existence and associated activities are already in use. Any produce or food produced for sale or public consumption on the premises should be regulated by adjacent safe food handling licenses and regulations here applicable, and, if appropriately followed, should impose no hardship. The subject property is in a rural and remote area on a large lot with strong screening and buffers.

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

There is little noise, vibration, or illumination to be a problem at this location, as it is on a large lot with heavy tree screening and few neighbors. Dust may be a problem as the driveways are gravel, which is inconsistent with UG Standards. Erosion control and grading should be done with care to minimize dust and the applicant shall continuously work to improve erosion mitigation with the assistance of the Conservation District.

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

There is no substantial potential for the pollution of the air, land, or soil as it is within a built-out, mixed-use urban neighborhood. If the applicant properly maintains the property, pollution or trash from patrons should be minimal and temporary.

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

The proposed uses would not damage or destroy an irreplaceable natural resource as it will operate within existing structures in a rural neighborhood.

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

The presence of agriculturally themed classes have a minimal gain to the public health, safety, and welfare as they contribute to education and offer spirituality components. The public would benefit from having the establishment as they are able to attend classes and there is some economic gain through occupational taxes. Denying the Special Use Permit may cause hardship for the property owners as they would have a loss of income that supplements their retirement.

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

The proposed use will not result in overcrowding as the classes operate within an existing rural parcel. There is the possibility of overcrowding or undue concentrations of population, but this should be considered minimal as class sizes are limited.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 16, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Neighborhood Character
Agricultural Activity
Homemade Goods and Product Sales
Residential Use
Zoning
Driveway Standards
Dust Particles
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **CO2022-014**, subject to:

1. **If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;**
2. **A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;**
3. **The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;**
4. **Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);**
5. **Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;**
6. **If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the**

- Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
 8. All class participants shall continue to park off-street in the designated parking area;
 9. The FSMA Producer Certificate shall be renewed when required;
 10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
 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 buildinginspection@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, 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;
 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. 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,
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.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-023**, for **two (2) years**, subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
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, 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;
 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. 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,
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-014 and SP2022-042**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant's FSMA Certification
Applicant's Site Plan
Applicant Provided Photos Dated March 25, 2022
Neighborhood Meeting Information
Conservation District Letter (unavailable)
Staff Site Visit Photos Dated March 29, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing		
Special Use Permit	May 9, 2022	May 26, 2022
	Approval	
Rezone	May 9, 2022	May 26, 2022
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2022-014 and SP2022-042**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **COZ2022-014 and SP2022-042**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:32:40:

CHANGE OF ZONE APPLICATION COZ2022-014 – REGINA COMPERNOLLE -

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4141 Joyce Drive (in conjunction with SP2022-042 - Renewal of a Special Use Permit - SP-2019-23 - for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices and a farm stand).

SPECIAL USE PRMIT APPLICATION SP2022-042 – REGINA COMPERNOLLE -

SYNOPSIS: Renewal of Special Use Permit (SP-2019-23, expired 03/28/2021) for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices, and a farm stand at 4141 Joyce Drive.

Detailed Outline of Requested Action: The Applicant, Regina Compernelle OBA Sacred Earth Arts, is requesting a Change of Zone and a renewal of a Special Use Permit for the subject property at 4141 Joyce Drive. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been requested so that the property's agricultural activity can continue. It is unclear if the property was formerly zoned for Agricultural, however the parcel size and rural nature of the properties indicate that there was a possible rezone from Agricultural in the past. The Applicant currently uses the property for a multitude of agriculturally related activities including educational classes on topics such as herbalism, edible plant identification, nature-based spirituality, nature-inspired art, self-pick orchards, the production of farm-goods such as soaps, jellies, salves, oil infusions, incenses, and personal homesteading and would like the zoning to reflect the property's intended use. The property owner maintains a number of agricultural related accessory structures such as high-tunnels and an equipment storage barn. The Special Use Permit has been requested so that the applicant may continue to utilize the commercial activity of the educational classes and you-pick berry sales and the industrial activity of food product production.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated May 9, 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:

- Rick Mareske, representing the applicant, 4141 Joyce Drive, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:35:50: Planning Director Hand stated that this is the third renewal of the Special Use Permit. Staff is honoring past Temporary Uses of Land Special Use Permits as per the Director's current interpretation of the zoning code that Temporary Use of Land applications are only for two (2) years total. This request is for homesteading classes, berry picking and other agricultural uses on the property. He stated that the Change of Zone will legalize the additional accessory structures on the property and allow for other agricultural uses of the land. Director Hand stated that this property is in the north Midtown area. Staff is requesting that the driveway aprons be built to UG standards and notes that there are several notifications in the conditions of approval as it relates to additional agricultural uses that require a plan from the Conservation District. If that were to happen, it would trigger an updated Special Use Permit. Staff recommends approval of the Change of Zone and Special Use Permit subject to the conditions in the staff report.

Motion starts at 4:37:23:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-014:**

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

Ward Aye
Motion to recommend **APPROVAL** Passed: 6 to 0
Subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
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 buildinginspection@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, 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;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. 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,
 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.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-042:**

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

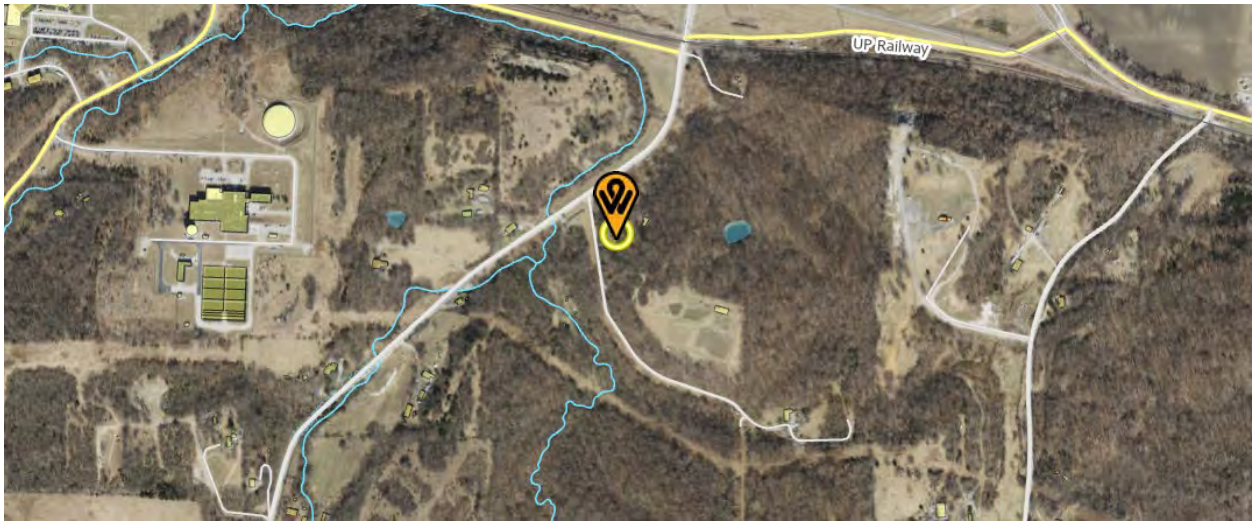
Motion to recommend **APPROVAL** Passed: 6 to 0

Subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right of way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
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5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
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17. Commercial Activity on the property shall be by appointment only with no open picking by the public;
18. All class participants shall continue to park off-street in the designated parking area;
19. The FSMA Producer Certificate shall be renewed when required;
20. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
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22. 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;
23. 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;
 24. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 25. 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,
 26. 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





Certificate of Training

is awarded to

Rick Mareske

in recognition for having successfully completed
the Produce Safety Alliance course:

PSA Grower Training Course

Delivered by PSA Lead Trainers and/or PSA Trainers

Joseph Hannan, Connie Landis Fisk, Calloway Jamerson



ASSOCIATION OF FOOD
& DRUG OFFICIALS
SINCE 1895

Class Number
MO-200109-GR

Grower ID Number
98195

Training Date and Location
1/9/2020–1/9/2020
St. Joseph, MO

Elizabeth A. Bihn, Ph.D.
Produce Safety Alliance Director

Steven Mandernach
Executive Director, AFDO

APPLICANT'S SITE PLAN



NEIGHBORHOOD MEETING INFORMATION

April 10, 2022

SUBJECT: Neighborhood Meeting

I have filed an application renewal with the Department of Urban Planning and Land Use SP-2022-042. The purpose of this special use permit is for an organic You-Pick blueberry operation with small classes on sustainable, regenerative farming and soil building and native plant identification, cultivation and uses 4141 Joyce Drive.

We are also seeking rezoning from Rural Residential to Agricultural.

I am having a neighborhood meeting on Zoom Monday April 18th, 6pm. Here is the link:

<https://jccc.zoom.us/j/91417640430>

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 following address/email/phone number listed below if you have any questions.

Sincerely,

Regina Compemolle

4141 Joyce Drive

Kansas City, KS 66104

816-547-0266

Special Use Permit Neighborhood Meeting Minutes
Petition COZ 2022-14, SUP 2022-42

Meeting held Monday, Apr 18, 2022, 6pm on Zoom.

No one attended the meeting or contacted me with questions.

Regina Compemolle
4141 Joyce Dr.
KCKS 66104
SacredEarthArts@aol.com
816-547-0266

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF PLATTE)

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

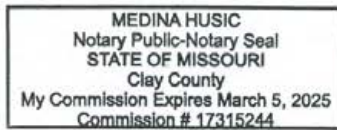
1. That I am the petitioner for Petition # COZ 2022-14
2. That I conducted a neighborhood meeting on SP2022-42 4.18.22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of April, 2022

My commission expires 5th of MARCH, 2025



[Signature]
Notary Public

STAFF SITE VISIT PHOTOS DATED MARCH 29, 2022



STAFF SITE VISIT PHOTOS DATED MARCH 29, 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: May 26, 2022

Re: **Petition COZ2022-016, SP2022-044, PR2022-019 and Master Plan Amendment MPL2022-010**

GENERAL INFORMATION

Applicant:

Sam Loring

Status of Applicant:

Gould Evans
4200 Pennsylvania Avenue
Kansas City, MO 64110

Requested Action:

To approve a Master Plan Amendment from None to Parks/Open Space, Public/Semi-Public and Regional Commercial (Armourdale Area Master Plan).

To approve a Change of Zone from unzoned to CP-2 Planned General Business District to operate restaurants, drinking establishment(s), and other commercial activity on the Rock Island Bridge.

To approve a Special Use Permit for drinking establishment(s), private event space and ancillary uses.

Date of Application:

March 25, 2022



Purpose:	To rezone, develop and operate multiple restaurants, drinking establishment(s), private event space, public trailway, community tenant space and associated parking.
Property Location:	557 River Park Drive and 0 Kansas Avenue (proposed address for the Rock Island Bridge)
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	Unzoned (proposed rezoning to CP-2 Planned General Business District)
Adjacent Zoning:	North: M-3 Heavy Industrial (abutting 557 River Park Drive) and TND Traditional Neighborhood Design Districts (abutting the Rock Island Bridge) South: M-3 Heavy Industrial District (abutting 557 River Park Drive) East: M-3 Heavy Industrial and TND Traditional Neighborhood Design Districts West: M-3 Heavy Industrial District
Adjacent Uses:	North: Warehouse building and the Kansas River South: Warehouse building and the Kansas River East: Future Yard II mixed-use development and Kansas City, Missouri West: Manufacturing building
Total Tract Size:	2.36 Acres
Master Plan Area:	Armourdale Area Master Plan
Master Plan Designation:	The Rock Island Bridge does not have a designation per the Armourdale Master Plan. A Master Plan Amendment has been submitted to Parks/Open Space, Public/Semi-Public, and Regional Commercial. Parks/Open Space allows park buildings, open space, trails. Public/Semi-Public allows schools, public land and buildings, churches and non-profit land and buildings. Regional Commercial allows regional retail "big box" anchors, commercial pad sites with sit-down restaurants, drive-through restaurants, banks,

drug stores, service stations, convenience stores, general services, etc.

Major Street Plan:

The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare and River Park Drive and State Line Road as Local Streets.

Required Parking:

Sec. 27-466(e) states uses in this district require paved off-street parking at a ratio no less than four (4) spaces per 1,000 square feet of floor area in the building. Three (3) parking spaces are required.

Sec. 27-668(a)(5) states restaurants shall provide one (1) space for each 50 square feet of seating area plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply with at least ten (10) off-street parking spaces. Thirty (30) spaces are required.

Sec. 27-668(a)(12) states taverns and event spaces shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Thirty-two (32) parking spaces are required for the tavern and 117 parking spaces are required for the event space.

182 parking spaces are required. 76 parking spaces are proposed. A parking variance has been applied for to be heard by the Board of Zoning Appeals.

Advertisement:

Wyandotte Echo – Change of Zone – April 14, 2022; Special Use Permit – April 14, 2022; Master Plan Amendment – April 14, 2022
Property Owners Letters – Change of Zone – April 14, 2022; Special Use Permit – April 14, 2022; Preliminary and Final Plan Review – April 14, 2022; Master Plan Amendment – April 14, 2022

Public Hearings:

May 9, 2022 and May 26, 2022

Public Support:

One (1) person appeared in support at the May 9, 2022 City Planning Commission meeting.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge.

City Ordinance Requirements: *Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article XXI Sections 27-502 – 27-709 and Article XXII Section 27-213*

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 neighborhood includes properties both in Kansas and in Missouri. While the entire area has been traditionally industrial, heavy commercial, distribution, and stockyards-as dictated by the area's proximity to the downtowns of Kansas City, Kansas and Kansas City, Missouri, regional and national highways, and the Kansas and Missouri Rivers-there has been more recent mixed-use development, mainly multi-family residential and light commercial, on the Missouri side of the Historic West Bottoms District. The subject property lies in between the industrial area of Armourdale to the west and mixed-use commercial and residential development (Yards II) to the east.

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

The zoning and their uses are set out above. The proposed use is not inherently compatible with a majority of the existing uses, but could be so long

as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is ultimately approved for this neighborhood in transition. The east bank of the Kansas River is being redeveloped with levee improvements and the Yards II mixed-use development located northeast of the easternmost bridge abutment.

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

If property is not suitable for the uses for which it has been restricted because Rock Island Bridge does not have an assigned zoning designation. Removal of the restrictions will not detrimentally affect nearby property as the properties on the west side of the Kansas River are industrial in nature and the properties on the east side of the Kansas River are a mixture of industrial and a transition to mixed-use development (light commercial and multi-family residential), which lends itself to about a commercial, entertainment destination.

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

The property has been vacant for decades.

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

The proposed use is reasonably necessary for the welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the Rock Island Bridge is a portion of the Levee Trail network linking the Armourdale Area to the Historic West Bottoms District in addition to activating the waterfront along the Kansas River.

6. *The extent to which the property 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 traffic but not in ways that will adversely affect road capacity and safety because State Line Road/American Royal Way, Kansas Avenue and River Park Drive can accommodate traffic.

The proposed use will increase parking demand, although there is parking lot being constructed on the west side of the bridge at 557 River Park Drive, which is a trailhead on the levee. Secondly, twenty (20) parking spaces at Yards II development are shared with this and there are off-street parking opportunities in Kansas City, MO.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Armourdale Area

Master Plan. A Master Plan Amendment from None to Parks/Open Space, Public/Semi-Public and Regional Commercial is being also being sought accordingly.

These new land use designations allow park buildings, open space, trails schools, public land and buildings, churches and non-profit land and buildings, sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, general services, etc.

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

The proposed use will not cause environmental harm as it is a built out industrial area that is transitioning to mixed-use. Street trees and additional and landscaping will be planted in accordance with the landscaping requirements.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #3 located at South 5th Street and Kansas Avenue.

f. *Transit*

Kansas City ATA provides transit service from Kansas City, Missouri.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a significant economic impact on the community due to the establishment of the levee trail system linking both sides of the Kansas River and commercial and entertainment opportunities that will exist based on the applicant's proposal.

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions and variances.

12. 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 relative gain to the public health as compared to the hardship imposed on the landowners will be substantial because the bridge will be part of the trail network linking the Armourdale area and Historic West Bottoms and activating access to the Kansas River with the levee improvements. This will increase walkability and pedestrian connectivity will enhance the public health of the community.

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

The noise and illumination that is normally associated with event spaces, live entertainment and other commercial entertainment or promotional events/activities will need to cease operation at times that are similar to most entertainment businesses in a brick-and-mortar building, so there should not be a problem for nearby properties. Within the Historic West Bottoms District, restaurants and drinking establishments operate until 1:00 AM.

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

The proposed use will not pollute the water because the sanitary waste will be connected to the Unified Government sanitary sewer system and will not be discharged into the Kansas River.

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

The proposed use will not damage or destroy an irreplaceable natural resource as sanitary waste will be connected to the Unified Government

sanitary sewer system and will not be discharged into the Kansas River.

16. *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 as compared to the hardship imposed on the landowners will be substantial because the bridge will be part of the trail network linking the Armourdale area and Historic West Bottoms and activating access to the Kansas River with the levee improvements. This will increase walkability and pedestrian connectivity will enhance the public health of the community.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population because the KCKFD Fire Marshal will set the maximum occupancy based on the occupant load of the restaurant, drinking establishment, event space and public trail areas.

PREVIOUS ACTIONS

- BOZA2022-023 have been filed in conjunction with this petition and is scheduled to be heard by the Board of Zoning Appeals on May 9, 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on April 25, 2022 at the Rock Island Bridge. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Compliance with the Sidewalk and Trails Master Plan
Bikeshare Hub
Utilities
Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2022-010**, Change of Zone Application **COZ2022-016**, Special Use Permit Application **SP2022-044**, and Plan Review Application **PR2022-019**, subject to:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA. The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
4. Proposed hours are 8:00 AM – 1:00 AM (Friday/Saturday) and 8:00 AM – 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge included event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the “off season”. During the open season – the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
9. 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 facade. Metal paneling and may only account for 15% of the exterior building material per facade on the exterior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. 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 three (3) gallons when planted;
14. 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;
15. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
 16. If applicable, 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;
 17. 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;
 18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
 20. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
 21. 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 buildinginspection@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;
 22. 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;

23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferable, 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (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 makes the findings contained within the staff report to *Factors to be Considered*, and *Key Issues* and recommends COZ2022-016, SP2022-044, PR2022-019 and MPL2022-010

APPROVAL of Petition **COZ2022-016, SP2022-044, PR2022-019, and MPL2022-010** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map
Armourdale Master Plan Map (unavailable)
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Landscape Plan
Lighting Plan
Building Elevations
Building Rendering

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Rezoning	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Special Use	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Preliminary and Final Plan	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Master Plan	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **MPL2022-010, COZ2022-016, SP2022-044 and PR2022-019**, as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **MPL2022-010, COZ2022-016, SP2022-044 and PR2022-019**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:38:15:

MASTER PLAN AMENDMENT APPLICATION MPL2022-010 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Master Plan Amendment from Nothing to Regional Commercial, Public-Semi-Public and Park/Open Space (Armourdale Area Master Plan) at 0 Kansas Avenue (557 River Park Drive).

CHANGE OF ZONE APPLICATION COZ2022-016 – SAM LORING WITH GOULD EVANS - SYNOPSIS: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue (557 River Park Drive).

SPECIAL USE PERMIT APPLICATION SP2022-044 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Special Use Permit for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive) MPL2022-010, and PR2022-019).

PLAN REVIEW APPLICATION PR2022-019 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Preliminary and Final Plan Review for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive).

Detailed Outline of Requested Action: The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Sam Loring, applicant, Gould Evans, 4200, Kansas City, Missouri
- Sarah White, UG Public Works Engineering
- Mike Ledden, 6513 Barton Circle, Shawnee, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:44:00: Planning Director Hand stated the applicant and developer have been working with the Unified Government for quite some time on this project. The project is located in the Armourdale Area Master Plan. There will be a plat submitted later as part of the conditions of approval for these applications. The proposal is over the Kansas River. Staff has received no letters in support nor in opposition. There are no Notices of Violation. The Final Development Plan will be for the parking to the west which is part of the levee enhancement project. They are working closely in partnership with HNTB and others all jointly and collaboratively on this project. These applications are being heard in conjunction with the Appeal that was heard and approved earlier this evening. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 4:45:46:

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of MPL2022-010:**

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

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

Subject to:

1. **These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the COZ2022-016, SP2022-044, PR2022-019 and MPL2022-010**

overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;

2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA.

The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;

4. Proposed hours are 8:00 AM – 1:00 AM (Friday/Saturday) and 8:00 AM – 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge included event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the “off season”. During the open season – the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
9. 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 facade. Metal paneling and may only account for 15% of the exterior building material per facade on the exterior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. 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 three (3) gallons when planted;

14. 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;
15. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. If applicable, 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;
17. 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;
18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
20. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
21. 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 buildinginspection@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;
22. 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;

23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferable, 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **CO2022-016**:

Carson	Chairman
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye

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

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

Subject to the above conditions

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-044:**

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

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

Subject to the above conditions

On motion by Mr. Ernst, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-019:**

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

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

Subject to the above conditions

Chairman Carson left the meeting at 10:55 p.m. and Vice Chairman Jones assumed the chairmanship.



Figure 1. Aerial Photograph of 557 River Park Drive and 0 Kansas Avenue (proposed address for Rock Island Bridge) as indicated by the blue dots (provided by UG Maps).



Figure 2. Zoning Map of 557 River Park Drive and 0 Kansas Avenue (proposed address for the Rock Island Bridge) as indicated by the blue dots (provided by UG Maps).

GENERAL PLANNING:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project.
This is correct.
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development.
The parking lot on the west side is being submitted as a separate preliminary development plan by UG/HNTB. See preliminary design sheets attached.
3. Submit a Preliminary and Final Plat following this entitlement process to establish a parcel, dedicate utility easements and raise the Rock Island Bridge out of the FEMA floodplain.
Plat is in process. See correspondence attached from the US Army Corps of Engineers stating that we are not in the flood plain and do not need to raise the bridge.
4. Provide a detailed site plan of the proposed parking lot on the west side of the bridge, known as 557 River Park Drive.
See preliminary site plan design sheets of parking lot on the west bank, by HNTB, attached.
5. What are the proposed hours of operation for the restaurant, bar, and event space?
Proposed hours are 8:00 am – 1:00 am. (Fri/Sat) and 8 am – 9:00 pm Sun-Thursday
6. Regarding the event space:
 - a. Shall comply with Unified Government security ordinances.
Noted. Will comply
 - b. How will security be handled?
Two ways: there will be security cameras covering all of the bridge including event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at each end of bridge which will be kept open during business hours but will be shut and locked nightly.
 - c. How will the space be advertised?
We will have a staff person dedicated to sales of the event space. We will also use social media.
7. How will the public portion of the trail be accessible to beyond private hours of the commercial businesses operating on the bridge?
The crossing will be open daily (365 days per year) from at least dawn till dusk (during the "off season." During the open season – the crossing will be open until the bridge closes for the evening.
8. A building permit is required following this entitlement for the bridge. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
Understood. We will contact the building department and begin the process.
9. How will trash be disposed of on the bridge? The site plan does not depict trash enclosures at the east or west ends of the bridge.
We will have staff that will be removing trash from the bridge on a scheduled basis. We are planning for a location for trash pickup from a commercial company. Location of dumpster will not be on bridge property.
10. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along the west side of the bridge adjacent to the trailhead. 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.
Bikeshare hub will be located on the west bank in the "trailhead amenity zone" as shown on the preliminary design plans attached.
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel

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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.

Understood. Any parking agreements entered will comply.

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 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.

Understood.

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (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.

This fee was paid at the time of permit application.

14. On the east side of the bridge, what off-street parking is available for guests and employees?
 - a. Confirm with KCMO's plan to allow street parking on American Royal Way.

Parking spaces available as follows:

American Royal Drive: 61 (MO)

Public garage 1-min walk north: 975 (MO)

Public parking north of bridge in Flaherty complex: 28 (KS)

15. Are there parking agreements established with property owners either in KCK or KCMO? If so, please provide these agreements.

See response to item 14 above.

16. On the west side of the bridge, the proposed parking lot (to be constructed by others) must be completed before a TCO is issued for the bridge.

Understood.

17. The bikeshare hub should be on the east or west side of the parking lot.

Bikeshare hub will be located on the west bank in the "trailhead amenity zone" as shown on the plans.

18. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way.

Understood. We have had conversations with Jason Waldron at KCMO Transportation to discuss the project and they are aware of our needs.

BUILDING ARCHITECTURE:

1. 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 facade.

Metal paneling and may only account for 15% of the exterior building material per facade on the interior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Due to the unique nature of this project, we would request that this 15% amount of metal paneling be deviated from. Our actual building elements are quite small compared to the overall development area of the bridge. We are providing a corrugated metal cladding which is consistent with the character of neighboring buildings and existing industrial nature of the bridge.

2. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

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The City Planning Commission must give a deviation from the Commercial Design Guidelines for the semi-transparent roofing membrane. Staff will not ask for the deviation.

The transparent cladding will only be on walls, all roofs are to be standing seam metal or TPO.

LANDSCAPING AND SCREENING:

1. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island.
When parking lot development plan is submitted, we will include these.
2. All landscaping must be irrigated.
Understood. Note has been added to drawings indicating such.
3. 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 three (3) gallons when planted.
Understood. Note has been added to drawings indicating such.
4. 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.
Understood. Note has been added to drawings indicating such.
5. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights.
All light fixtures submitted are full cutoff and have no light above 90 degrees.
6. Utility conduits and connections must be painted to match the bridge.
All the new steel on the bridge is exposed, galvanized metal. All the existing steel on the bridge is weathering steel. We would request that we be allowed to keep the galvanized finish on utility conduits and connections to match this steel as well as avoid the ongoing maintenance of trying to repaint these long conduits every few years.
7. If applicable, 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.
Understood. Note has been added to drawings indicating such.

SIGNAGE

1. Shall comply with the sign ordinance.
All site signage will comply with ordinance.

PLANNING ENGINEERING COMMENTS

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

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Minutes

Application Number: Change of Zone Petition Number: COZ2022-016, SP2022-044, MPL2022-010, PR2022-019, BOZA2022-024

Date and Location: Monday, April 25th 2022 6-7 pm

No one attended the meeting and we received no comments or questions via email, text, or phone calls.

Flying Truss staff present:

MIKE LADDIN

MIKE ZELLER

Gould Evans staff present:

Sam Loring

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

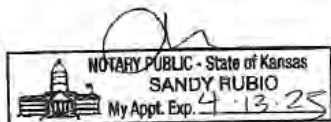
Comes now Michael Laddin (Flying Truss, Gould Evans), of lawful age,
sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2022-016, SP2022-044, MPL2022-010, PR2022-019, BOZA2022-024
2. That I conducted a neighborhood meeting on: Monday, April 25, 2022 from 6:00 pm- 7:00 pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

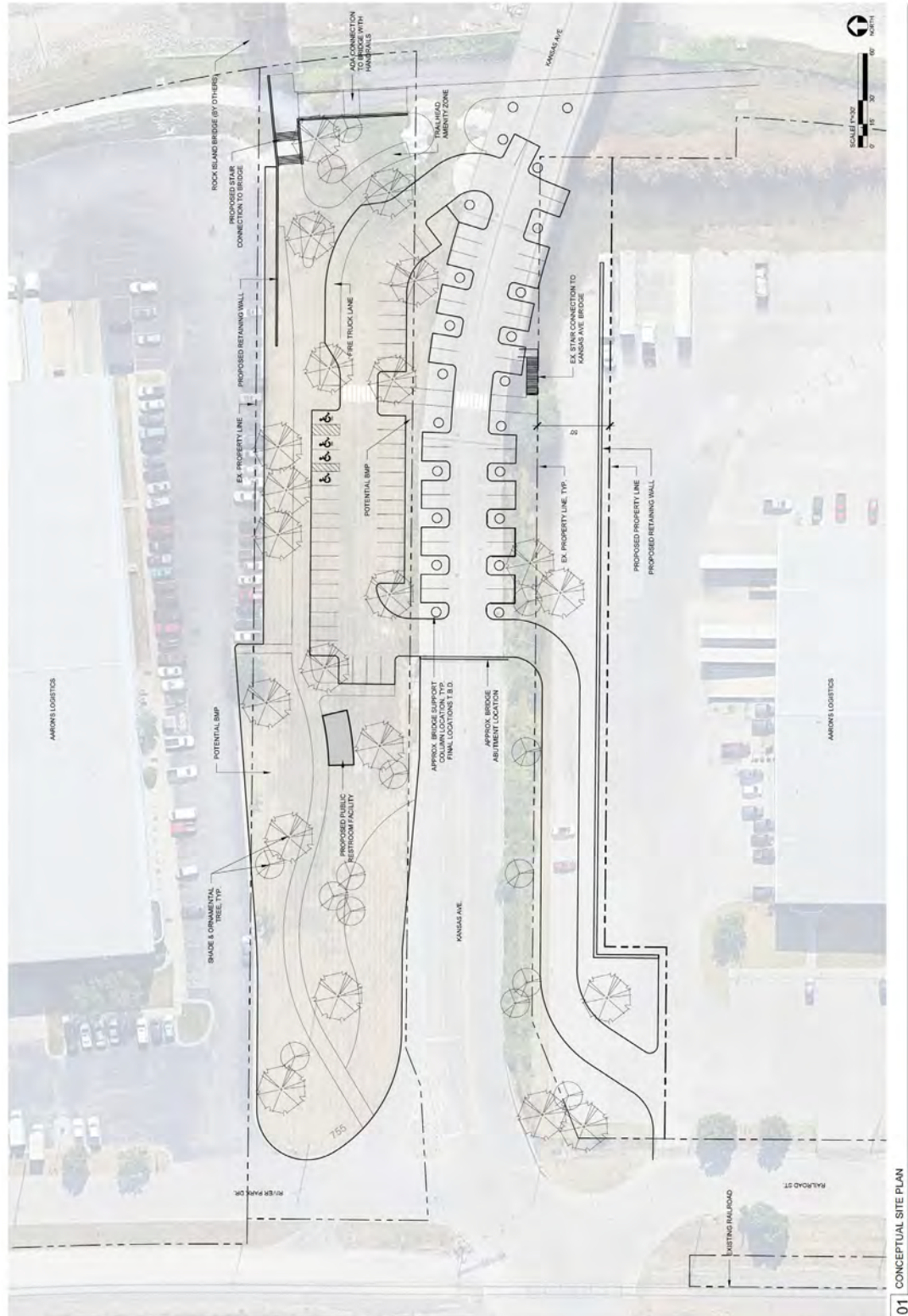
Michael Laddin
Affiant

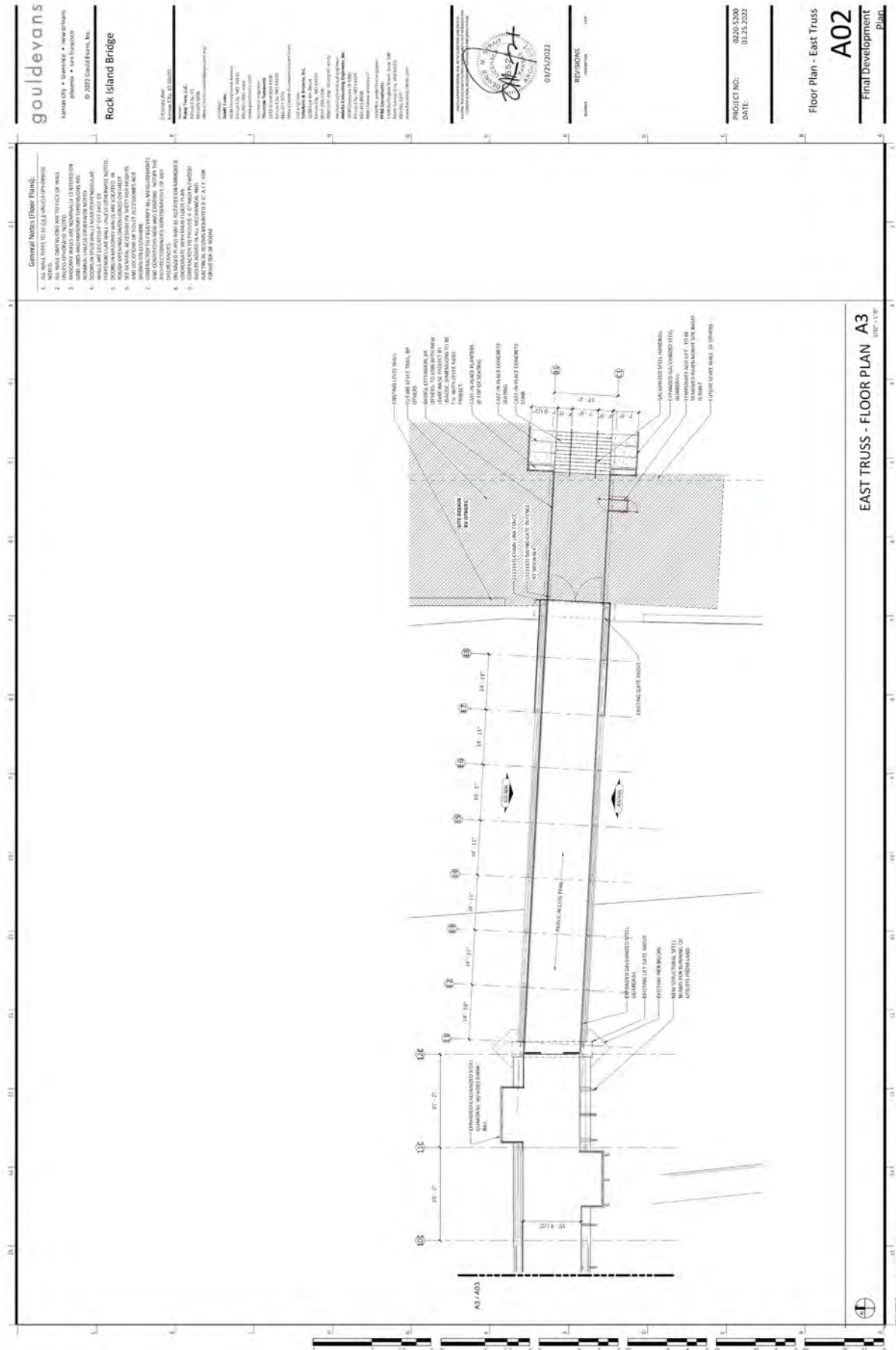
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of April, 2022
My commission expires 13th of Apr, 2025



[Signature]
Notary Public

- NOTES:**
1. EXISTING SITE CONDITIONS AND PROPOSED DESIGN ARE CONCEPTUAL. SURVEY AND FINAL DESIGN TO BE COMPLETED AT A FUTURE DATE.
 2. PARKING REQUIREMENTS:
PROPOSED PARKING: 78 TOTAL STALLS
REQUIRED ADA STALLS (VAN STALLS): 4 (1)
PROVIDED ADA STALLS (VAN STALLS): 4 (2)





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ARCHITECTS • ENGINEERS • INTERIORS
PHOTOGRAPHY • LANDSCAPE ARCHITECTURE

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Rock Island Bridge

PROJECT NO. 2022-044

DATE: 03/23/2022

PROJECT NAME: Rock Island Bridge

PROJECT LOCATION: Rock Island, NY

PROJECT OWNER: New York State Thruway Authority

PROJECT DESCRIPTION: Bridge Rehabilitation

PROJECT STATUS: Final Development

PROJECT PHASE: Final Development

PROJECT DATE: 03/23/2022

PROJECT SCALE: 1/8" = 1'-0"

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PROJECT CHECKED BY: [Signature]

PROJECT APPROVED BY: [Signature]

PROJECT DATE: 03/23/2022

PROJECT SCALE: 1/8" = 1'-0"

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PROJECT DATE: 03/23/2022

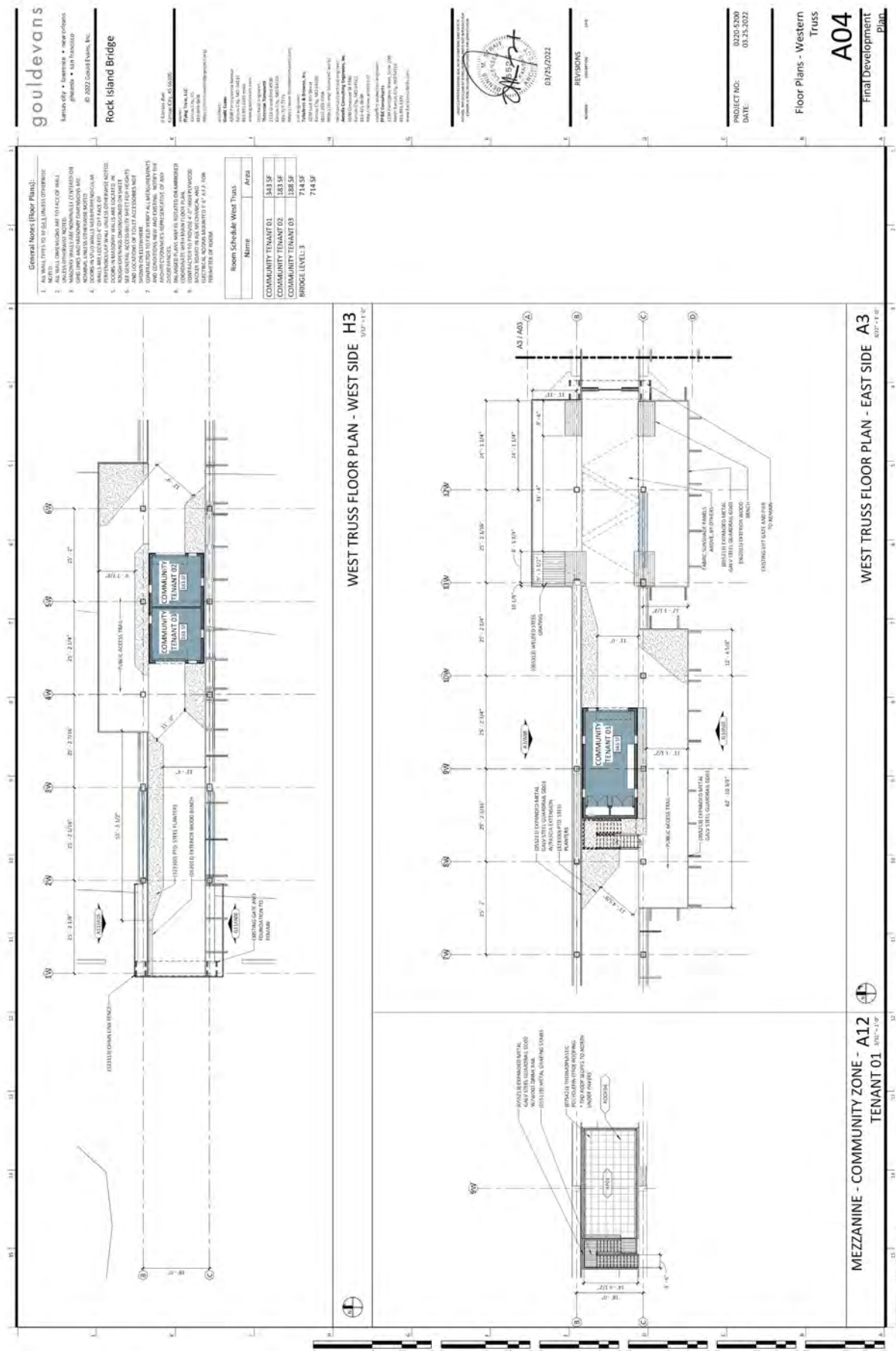
PROJECT SCALE: 1/8" = 1'-0"

Floor Plan - East Truss

A02

Final Development

Plan



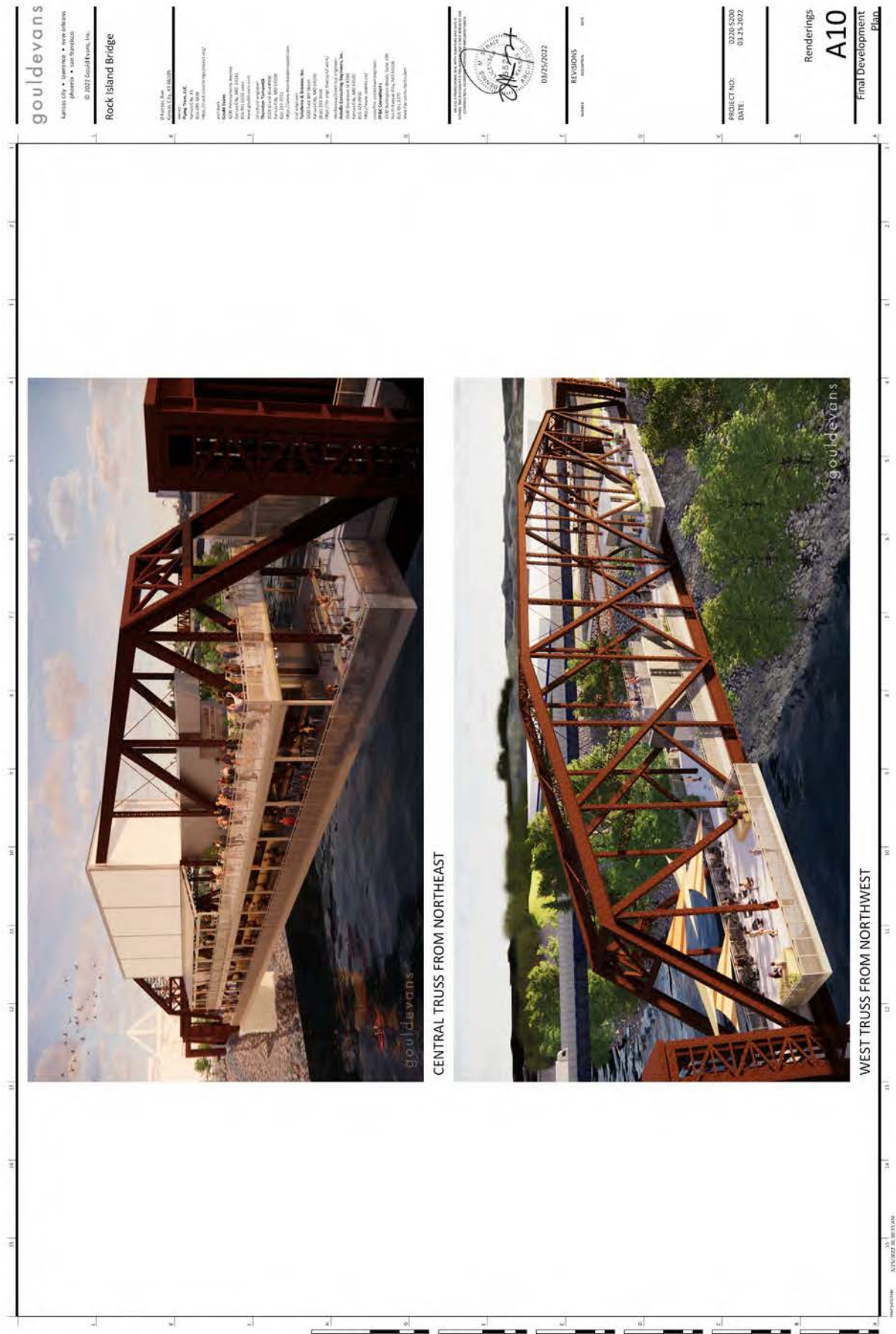




Figure 3. Site Photograph of the Rock Island Bridge looking southeast, north of the Kansas Avenue bridge (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 26, 2022

Re: Vacation Petition VAC2022-002

GENERAL INFORMATION

Applicant: Joe McLaughlin
BHC Rhodes

Status of Applicant:
Surveying Consultant
712 State Avenue
Kansas City, Kansas 66101

Requested Action:
The approval of a Vacation Application for an increased frontage and acreage.

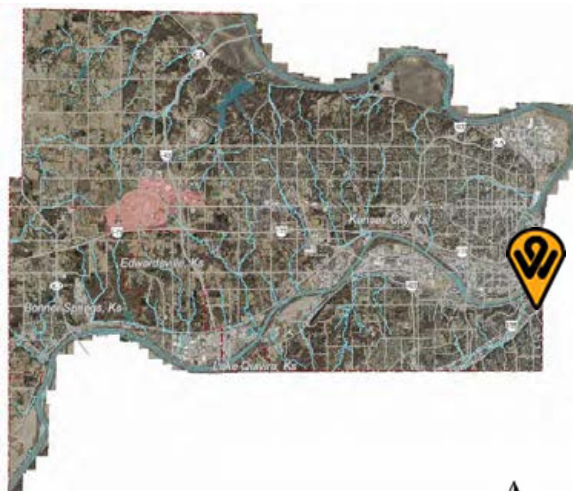
Date of Application:
March 28, 2022

Purpose:
To vacate the right of way adjacent to the property in order to provide the property with increased yardage and acreage to build a single-family residence.

Property Location:
205 North Orchard Street
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 and C-1 Limited Business District East: Interstate I-70 Right of Way West: R-1(B) Single Family District and R-2(B) Two-Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence and Neighborhood Lounge West: Single Family Residence
Total Tract Size:	0.0583 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 uses include single family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan designates Orchard Street as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – April 14, 2022 Letters to Property Owner – April 15, 2022
Parking Requirement:	R-1 (B) District: Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. The subject property is currently a vacant lot with a new home proposed on the property. The property's future building permit will include a site plan for off-street parking sufficient to meet the requirements of the district. Due to the property's positioning adjacent to a Right of Way, a variance for off-street parking may be required of the applicant depending on the eventual site design.
Public Hearing:	May 9, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Joe McLaughlin with BHC Rhodes, is seeking approval for the vacation of the Right-of-Way at 205 Orchard Street. The subject property is a vacant lot with a proposal of a new home site. The Vacation has been requested to increase the lot size of the future property on its frontage and side yards. The applicant represents a group of students and instructors in the KU Architecture Program, in which students undertake a development process and execute building plans for a home that will be for sale.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has received one code enforcement complaint:
 - a. 2019: 19300-02200 - Abatement - Closed

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits. A building permit will be issued upon approval of architectural plans currently in progress.
2. The current property owner has no outstanding Code Inspection Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential and urban in character. Lots are average for urban densities and the average lot size between 25 and 50 feet wide, with some parcels being irregularly shaped. There streets are mostly paved concrete and have visible evidence of neighborhood improvements such as improved curbs and sidewalks, generally of concrete or the original brick. This block of Orchard Street converges with Reynolds Street.

2. 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.

The subject property is at the end of a short street in a built-out neighborhood. The street rounds off at an angle and terminates as it converges with Reynold Avenue. There will be no change to the design of the street with this vacation. The vacation is of a platted alleyway for an arterial street grid and block that has been mostly used for the construction of the I-70 freeway.

- 3. 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.**

There will be no change in the arrangement of buildings, parcels, streets, or otherwise with this vacation that would affect adequate light, open space or air, to facilitate fire protection, or long-term sustained real estate values as currently designed.

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

There will be no change to the development pattern, natural features, vegetation, or topography with the vacation requests to extend an existing vacant lot at the end of an angled street.

- 5. 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.**

There will be no change in accessibility for schools, parks, playgrounds, or other community services as this is an existing built-out neighborhood.

- 6. Vacation will not create utility conflicts.**

The side driveway was originally created for future utility access and the ability to access utilities will not be diminished in the granting of this vacation as the property will retain easements and a right to re-enter.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required for a vacation petition.

KEY ISSUES

Neighborhood Character
Parking
Zoning
Land Use
Noise
Driveway Apron
Traffic
Site Access
Utility Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Vacation Application **VAC2022-002**, subject to:

1. **A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;**
2. **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 buildinginspection@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;**
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. **The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,**
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 make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **VAC2022-002** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Survey Exhibits
Staff Site Visit Photos Dated May 4, 2022 (unavailable)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use	May 9, 2022	May 26, 2022
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2022-002** 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 **VAC2022-002**, 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.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 6:13:57:

VACATION APPLICATION VAC2022-002 – JOE MCLAUGHLIN WITH BHC RHODES - SYNOPSIS: Vacation of right-of-way at 205 North Orchard Street.

Detailed Outline of Requested Action: The Applicant, Joe McLaughlin with BHC Rhodes, is seeking approval for the vacation of the Right-of-Way at 205 Orchard Street. The subject property is a vacant lot with a proposal of a new home site. The Vacation has been requested to increase the lot size of the future property on its frontage and side yards. The applicant represents a group of students and instructors in the KU Architecture Program, in which students undertake a development process and execute building plans for a home that will be for sale.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Joe McLaughlin, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:16:48: Planning Director Hand stated that the request is to vacate right-of-way to make a larger lot. The property is in the Central Area Master Plan in the Strawberry Hill neighborhood. Staff has received no letters in support nor in opposition. There are no Notices of Violation. When KDOT built the highway, they acquired a larger amount of right-of-way than needed, and the applicant is asking for a small portion to be vacated so a single-family home can be built. Director Hand stated that KDOT was contacted and has no objections. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 6:17:56:

On motion by Mr. Ward, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of VAC2022-002:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

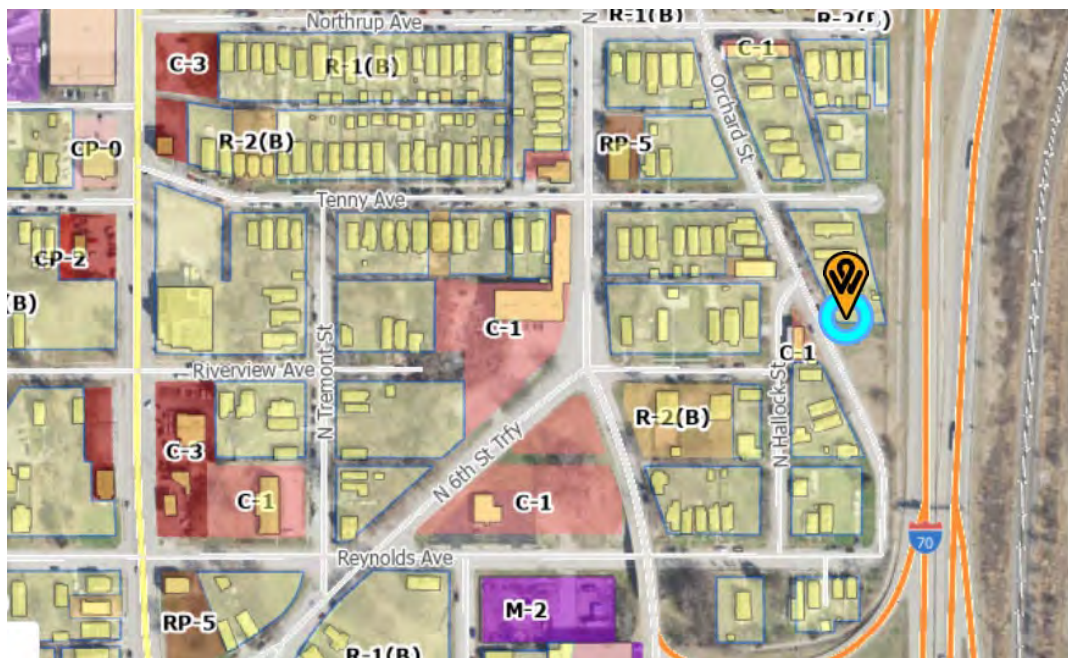
Subject to:

1. **A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;**
2. **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 buildinginspection@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;**
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. **The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,**
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

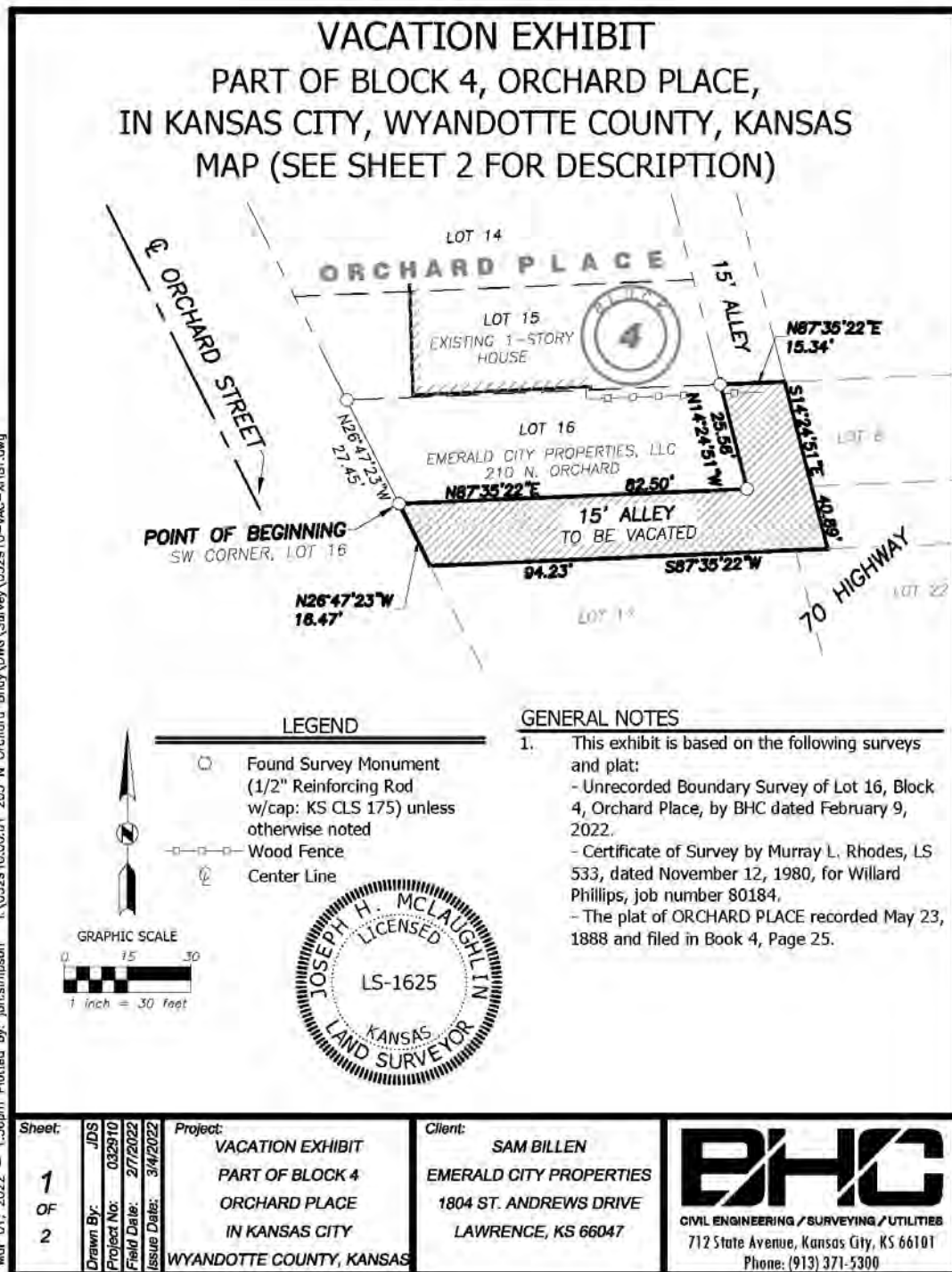


BOUNDARY
RAIL CORRIDOR
HYDROLOGY
WOODED AREA

URBAN DENSITY
MEDIUM-DENSITY RESIDENTIAL
HIGH-DENSITY RESIDENTIAL

NEIGHBORHOOD COMMERCIAL
COMMUNITY COMMERCIAL
MIXED-USE
PARKS/OPEN SPACE

PUBLIC/SEMI-PUBLIC
RIGHT-OF-WAY
UTILITY



**VACATION EXHIBIT
PART OF BLOCK 4, ORCHARD PLACE,
IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS
DESCRIPTION (SEE SHEET 1 FOR MAP)**

All that part of a 15 foot wide alley adjoining Lot 16, in Block 4, ORCHARD PLACE, a subdivision of land recorded May 23, 1888, in Plat Book 4, Page 25, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PS 1625, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 16 having a bearing North 87° 35' 22" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of Lot 16, Block 4, of said ORCHARD PLACE, monumented by a found 1/2-inch reinforcing rod with a cap marked CLS 175;

Thence North 87° 35' 22" East, 82.50 feet, on the South line of said Lot 16, to the Southeast corner of said Lot 16;

Thence North 14° 24' 51" West, 25.56 feet, on the East line of said Lot 16, to the Northeast corner of said Lot 16;

Thence North 87° 35' 22" East, 15.34 feet, to the Northwest corner of Lot 8, of said Block 4;

Thence South 14° 24' 51" East, 40.89 feet, on the West line of said Lot 8, and its Southerly prolongation, to the North line of Lot 22, of said Block 4;

Thence South 87° 35' 22" West, 94.23 feet, on the North line of said Lot 22 and Lot 17, of said Block 4, to the Northwest corner of said Lot 17;

Thence North 26° 47' 23" West, 16.47 feet, to the POINT OF BEGINNING, said Tract containing 1,824 square feet or 0.0419 acres.

APPROVED BY _____

L. Allen Greenwood, PLS 654
Deputy County Surveyor,
Unified Government of Wyandotte County



Mar 01, 2022 - 1:36pm Plotted by: jen.simpson I:\032910.00.01 205 N Orchard Bndy\DWG\Survey\032910-VAC-XHBT.dwg

Sheet:	JDS	Project:	SAM BILLEN	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	032910	VACATION EXHIBIT	EMERALD CITY PROPERTIES	
OF	Project No:	PART OF BLOCK 4	1804 ST. ANDREWS DRIVE	
2	Field Date: 2/7/2022	ORCHARD PLACE	LAWRENCE, KS 66047	
	Issue Date: 3/4/2022	IN KANSAS CITY		
		WYANDOTTE COUNTY, KANSAS		



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: May 26, 2022

Re: Plan Review Petition PR2022-015

GENERAL INFORMATION

Applicant: Wendell Harkins
DBA Fuchs Lubricants Co.

Status of Applicant:
Project Manager
17050 Lathrop Avenue
Harvey, Illinois, 60426

Requested Action:
Approval of a Preliminary Development Plan.

Date of Application:
March 25, 2022

Purpose:
The approval of a Preliminary Development Plan for the construction of a new entrance, truck scale, and stormwater facility.

Property Location:
2140 South 88th Street
Kansas City, Kansas 66111

Commission District:
Commissioner At Large, District #2: Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning:
M-3 Heavy Industrial District



Adjacent Zoning:	North: MP-1 Planned Light Industrial, A-G Agriculture, and R-1 Single Family Residential Districts South: R-1 Single Family Residential and M-3 Heavy Industrial Districts East: MP-3 Planned Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Union Pacific Right-of-Way; Vacant Treed Lot and Single Family Residences (across Kaw Drive) South: Concrete Materials Plant East: Paper Product Manufacturing Company, Heavy Truck Repair Facility West: Landfill Transfer Station
Total Tract Size:	18.6981 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use.
Major Street Plan:	The City-Wide Master Plan designates this tract of Kaw Drive as Class A Thoroughfare and this tract of South 88th Street as a Class C Thoroughfare.
Required Parking:	Section 27-470(f) states that parking requirements for this district varies with no less than one (1) space for each 500 square feet of building proposed. The subject property has several buildings and structures; however, the total square footage of each building is not provided, nor is the number of provided parking spaces, therefore staff is unable to determine if the parking requirement has been met. The subject property has approximately eight (8) acres of undeveloped site for additional parking to be added if necessary.

Advertisement:	<u>The Wyandotte Echo</u> – Not Required Letters to Property Owners – April 15, 2022
Public Hearings:	May 9, 2021 and May 26, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wendell Harkins DBA Fuchs Lubricants Company, is requesting a Preliminary Plan Review for the upgrade of an industrial lubricant manufacturing site. The subject property is one (1) stand-alone office building with a large manufacturing and distribution facility with various outbuildings such a maintenance shop and storage canopies. There are various shipping containers and box trucks for shipment of materials with a large flow of truck traffic to and from the site. This is a renovation of the existing gated entrance and fencing which is outdated both in function and aesthetic. The weigh scale is being upgraded for improved technology and due to overall age of equipment. The existing manufacturing plant site footprint is generally not expanding beyond the current site with the exception of an expanded fence line for greater maneuverability for trucks on site.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The applicant has had no noise or disturbance complaints at the subject property. There were multiple calls for police assistance to perform security business checks on the property through the past five (5) years.

Building, Zoning, or Code Enforcement Complaints:

1. The applicant has one (1) enforcement case:
 - a. 2013: 13212-01521 – Tall grass on the vacant part of the property (closed)
 - b. 2002: 02202-00000-00024 – Fire Damage from
2. The applicant has two (2) mandatory reporting cases
 - a. 2018: 18202-00044 – Fire Damage from Old Boiler
 - b. 2002: 02202-00000-00024 – Fire Damage from Solvent Spill

Outstanding or Related Permits and Cases:

1. The applicant has no outstanding or related building permits or planning cases at the subject property. There are several recent permits related to various repairs around the facility for fire damage repair and general maintenance.
 - a. 2020: ELE20-0021 – Electrical – New Transformer – Expired
 - b. 2020: DRC 20300-00471 – DRC Review - Electrical – New 300 Amp Service Panel - Expired
 - c. 2020: 20380-00313 – Electrical – New Gear and Convenience Lighting – Expired
 - d. 2020: 20385-00313 – Mechanical – New Ductwork and HVAC System – Issued
 - e. 2020: 20365-00004 – Fire Suppression – New Sprinkler System in Maintenance Shop
 - f. 2019: 19390-00855 – Plumbing – Under slab Plumbing to Electrical Room – Expired
 - g. 2019: 19300-00159 – DRC Review – New Maintenance and Repair Shop
 - h. 2018: 18380-00914 – Electrical – Boiler Room Repair – Issued
 - i. 2017: 17300-00660 – DRC Review – Addition of 2 Overhead Canopies

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is transitional in nature from the industrial uses and residences on the north and south of Kaw Drive. The subject property is surrounded by uses that are of similar industrial nature and used for industrial purposes, with a large-scale industrial and rural feel. Residences across Kaw Drive are large lots with deep setbacks and are typically greater than two (2) acres.

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

There is little to no increase of traffic or parking demand from its current use, as the same usage is proposed. The new gate, fence, and scale facilities would ostensibly improve traffic flow in and out of the facility with better turning for trucks and less wait time at the gate onto the property. The proposed development should be not impacting the Class C Thoroughfare's ability to accommodate it as the same type of vehicles will be used for the operation.

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

The City-Wide Master Plan designates the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed

uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use. The subject property is currently a heavy industrial use, and its land use is not changing with this plans review, therefore the subject property maintains a high degree of conformance to the Master Plan.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

A sanitary sewer line is not shown directly on the property, but ostensibly exists to service the office area connecting into Holliday Drive.

c. *Storm water control*

The property has storm water control points at the south corner of the property.

d. *Police*

Police service is provided by South Division, District #334.

e. *Fire*

Fire service is provided by Fire Station #20, which is 1.9 miles from the subject property.

f. *Transit*

The subject property is not served by any methods of public transportation.

g. *Schools*

Public education is provided by Turner USD 202.

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

The proposed use is the same as the current use and, if operated responsibly, the Applicant shall easily meet the requirements of the district. The Applicant has provided additional documents supporting proper operation, such as Stormwater Pollution Prevention Plan and Spill Prevention Plans.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Dust and Noxious
Staff Traffic Increase
Building Materials
Fencing
Flood Plain Hazards
Erosion and Construction Control

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Plan Review Application **PR022-015**, subject to:

1. The proposed Preliminary Development Plan may require civil drawings to be submitted, which may result in submitting additional revisions as part of Final Development Plan.
2. The following items are necessary to achieve compliance on a Final Development Plan:
 - a. The square footage of all structures and buildings shall be indicated on the site plan
 - b. Parking spaces shall be added to the site plan to demonstrate an accurate number of spaces are maintained.
 - c. Traffic control striping and/or directional arrows shall be provided for increased safety on site
 - d. No additional gravel can be added to the site
 - e. All material must be stored in approved storage areas
 - f. Debris along the fence and property lines shall be remedied
 - g. Fencing on the South 88th Street Frontage shall be upgraded to match the black iron fencing near the office gate. Barbed wire shall be adjusted to be directed inward
 - h. Asphalt and Concrete surfaces, curbs, gutters, and/or drains shall be repaired in various areas on the site as necessary.
 - i. Additional landscaping and/or screening shall be required where the industrial zone is adjacent to any residential zone or where shipping containers or box trucks or similar storage faces the South 88th Street Frontage.
 - j. An updated inventory of structures and their status with flood zone or floodway exemptions shall be provided.
 - k. Please provide copies of the geotechnical reports when obtained for grading and erosion.
3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620.
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified

- government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
 6. 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.
 7. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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.
 8. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
 9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
 10. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit.
 11. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is

required to be signed and sealed by and Kansas licensed surveyor or engineer.

12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:

- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Construction with materials resistant to flood damage;
- c. Utilization of methods and practices that minimize flood damages;
- d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that
- g. All such proposals are consistent with the need to minimize flood damage;
- h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
- i. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
- j. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

14. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:

- a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
- b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO).

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 **PR2022-015** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Flood Hazard Map
Plan Set
Draft Staff Report Responses
Planning Engineering Comment Letters
Site Visit Photos

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Preliminary Plan Review	May 9, 2022 Approval	May 26, 2022

STAFF CONTACT: Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-015** 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 **PR2022-015**, 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.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 6:18:45:

PLAN REVIEW APPLICATION PR2022-015 – WENDELL HARKINS - SYNOPSIS:

Preliminary Plan Review for construction of a new entrance, truck scale and stormwater facilities at 2140 South 88th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Wendell Harkins, applicant, Fuchs Lubricants

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:33:31: Planning Director Hand stated that the application is a preliminary plan review for site improvements. A final plan review will be required. The property is not zoned as a planned district, but there is a section in the code that requires a plan review for facilities that contain or utilize hazardous materials. The property is in the City-Wide Master Plan in the Riverview neighborhood. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff has included conditions of approval, which are included in the proposed project plans and details. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 6:23:45:

On motion by Mr. Ward, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-015:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

1. The proposed Preliminary Development Plan may require civil drawings to be submitted, which may result in submitting additional revisions as part of Final Development Plan.
2. The following items are necessary to achieve compliance on a Final Development Plan:
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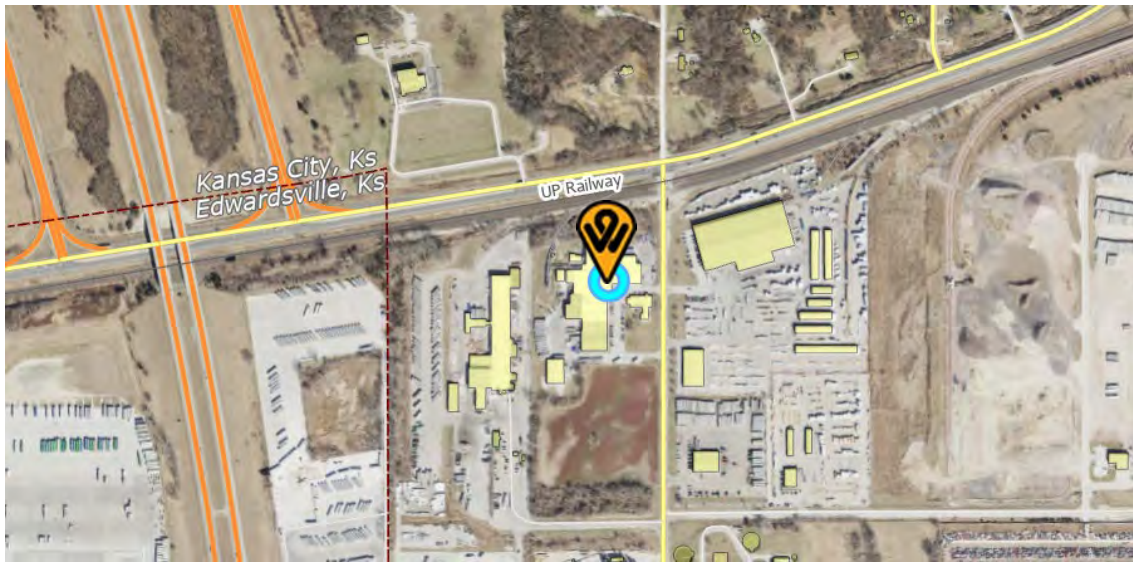
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- b. Construction with materials resistant to flood damage;
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- d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
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- g. All such proposals are consistent with the need to minimize flood damage;
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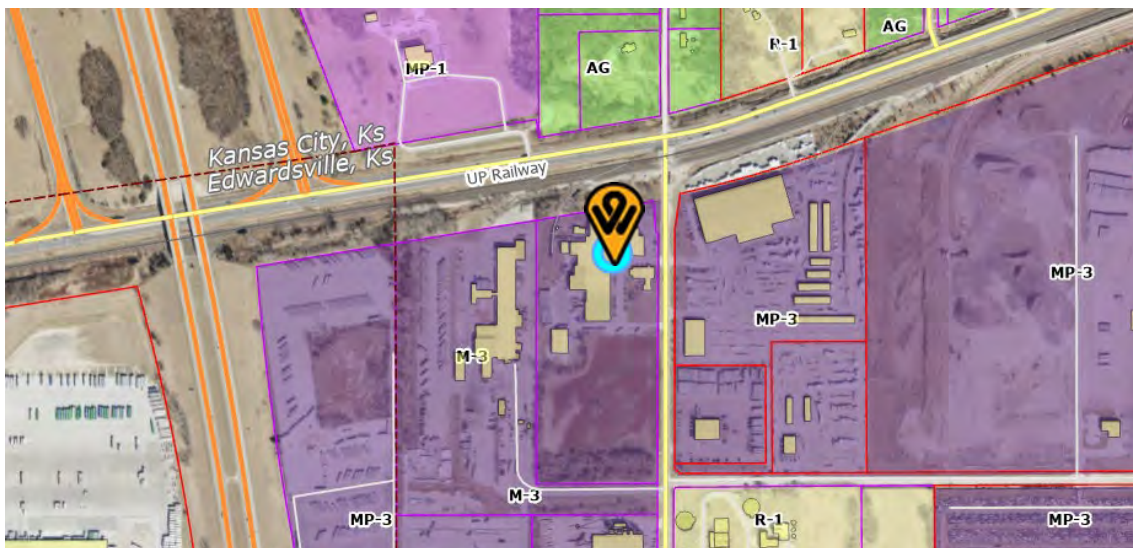
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AERIAL MAP



ZONING MAP



LAND USE MAP



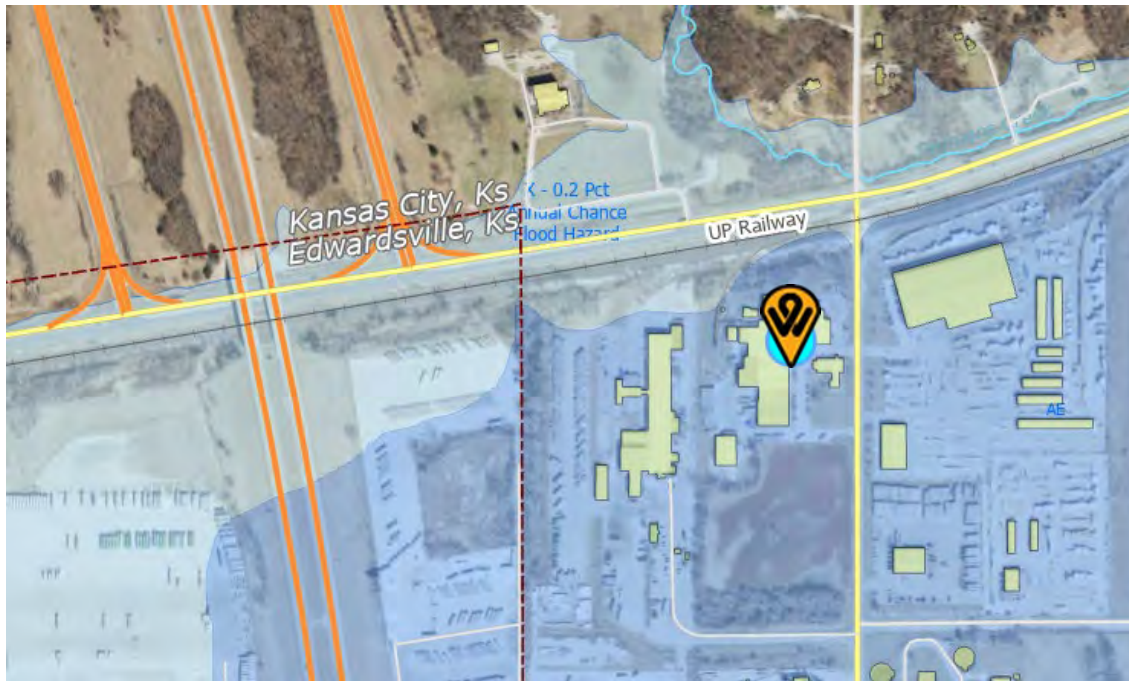
LAND USE PLAN

Legend:

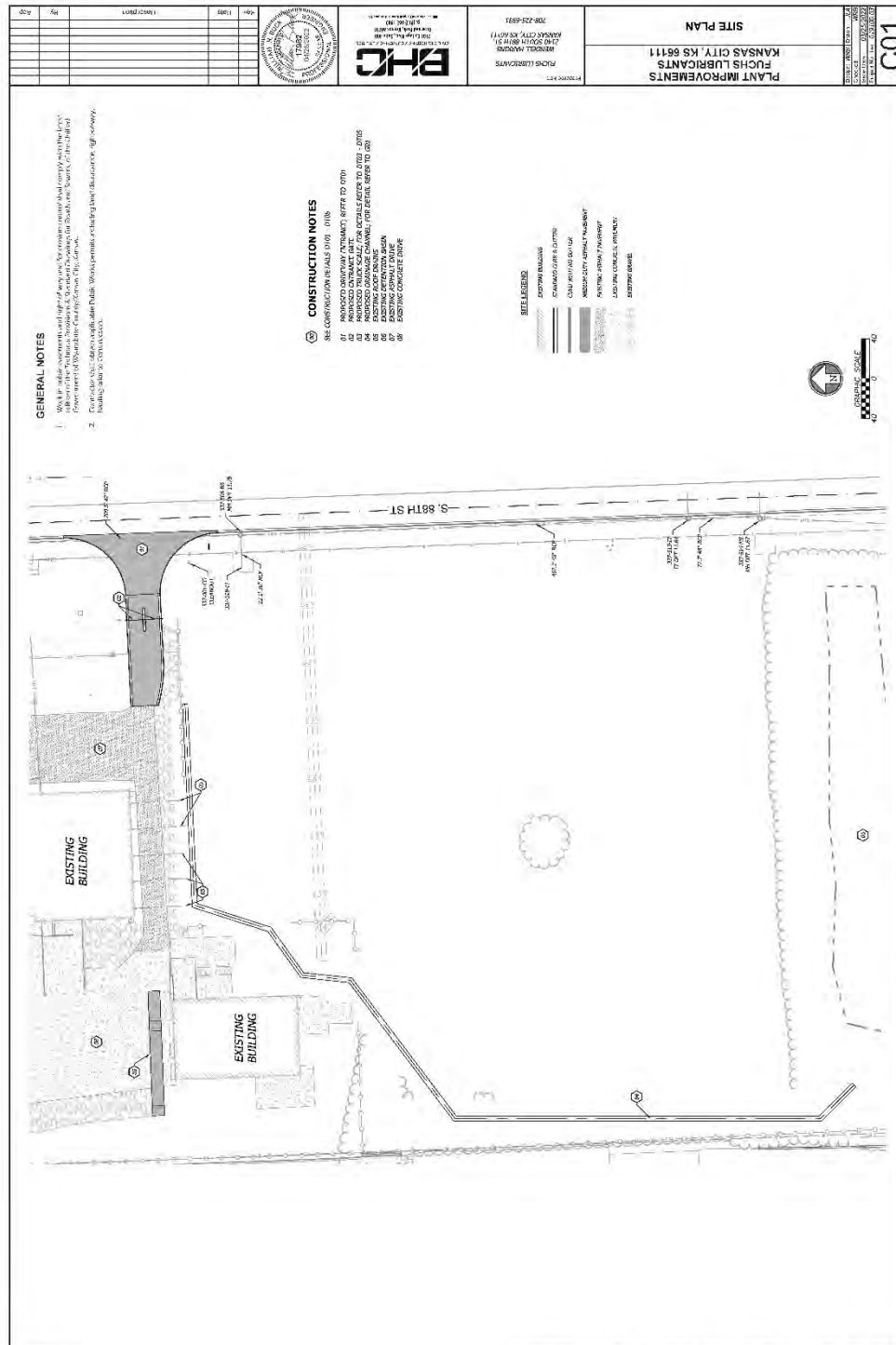
 Parks/Open Space	 Neighborhood Commercial
 Floodway	 Mixed-Use
 Public/Semi-Public	 Community Commercial
 Rural-Density Residential	 Regional Commercial
 Low-Density Residential	 Business Park
 Medium Density Residential	 Industrial
 Urban Residential	 Utilities
 High-Density Residential	 Undermined Areas
	 Right-of-Way

Scale:

FLOOD HAZARD MAP



Staff Note: Only the Site Plan has been provided here. A full set of plans is available as an additional attachment.



DRAFT STAFF REPORT RESPONSES



April 25, 2022

Re: Public Works Review Response Letter
Wendell Harkins – Fuchs Lubricants – (PR2022-015)
2140 South 88th Street, KCK 66111
General Engineering Review No. 1 (of plans dated 03/25/2020)

To: Kallie McLaughlin – Principal Planner
Tony Sabljak – DRC Coordinator
Patrick Doyle – Engineering Manager

Ladies & Gentlemen,

This transmittal letter is to provide details specifying how the UG staff review comments dated April 13, 2022, for the above referenced project are addressed with this resubmittal. A copy of the review comments is attached to this letter for reference. The responses to the review comments are provided below:

Review Comment Responses:

1) All plan sheets and reports are signed and sealed by a professional engineer registered in Kansas except for the structural and electrical plan sheets for the truck scale. These sheets are included for information purposes only and will be signed and sealed once the site plan is approved and construction plans are submitted for review and approval. The Traffic Memo is signed & sealed as well.

2a) A vicinity map has been added to the cover sheet.

2b) A North Arrow & Scale has been added to the cover sheet.

2c) Zoning classification (M-3 Heavy Industrial) has been added to the cover sheet.

2d) Utility contacts information has been included on the cover, including for UG Sanitary and Storm, Sewer Maintenance for Kevin Swearengin, and Kirk Roland.

2e) Total Parcel Area, Total Disturbed Area, Net Increase in Impervious, and Cut/Fill values have been added to the cover sheet in table format labeled "Lot Information".

3a & 3b) These two notes have been added to all civil sheets except details & landscaping.

4) UG node numbers have been added to all relevant sheets.



DRAFT STAFF REPORT RESPONSES

5) No easements are required. Fuchs owns all the property (excluding public right-of-way) on which the improvements are proposed.

6) An additional plan sheet to the set has been added showing fire truck access movements.

7) The proposed project complies with the 2012 MARC BMP Manual Appendix A for “hot spots” as follows:

Section B.2.4 Fuel Dispensing

Fuchs does not refuel vehicles, equipment, or tanks on-site. Fuchs does not have fuel dispensing facilities, tanks, or pumps.

Section B.2.5 Aboveground Storage of Liquid Materials

Fuchs does not store permanently or temporarily in aboveground containers. Any containers temporarily stored outside are empty.

Section B.2.6 Solid Waste Storage Areas, Containers, and Trash Compactors

Fuchs does not store any solid wastes or solid waste containers outside, nor operates any compactors, dumpsters, or garbage bins outdoors.

Section B.2.7 Exterior Storage of Bulk Materials

Fuchs does not stockpile or store erodible materials or bulk materials outdoors or in outdoor containers.

Section B.2.8 Material Transfer Areas and Loading Docks

“The recommendations in this section apply to all developments proposing to install new or structural alternatives to existing material transfer areas (such as access ramp regrading or leveler installations)” Fuchs proposed improvements do not propose to install *new* loading dock facilities nor to make any modifications to an *existing* loading dock facility.

Section B.2.9 Equipment and Vehicle Washing Facilities

Fuchs does not have or provide any designated equipment, vehicle washing, or steam cleaning area or facilities.

Section B.2.10 Covered Vehicle Parking Areas

Fuchs does not have any covered vehicle parking areas, nor does the proposed improvements include adding any such covered parking facilities.

Section B.2.11 High-Use Vehicle and Equipment Traffic, Parking, and Vehicle Storage Areas

Fuchs does not store wrecked or impounded vehicles, nor is Fuchs a site with a high likelihood of oil or grease releases such as a fast-food restaurant, vehicle repair shop, vehicle sales establishment or vehicle-fueling service areas.

Dog Kennels, Doggie Day Care, and Veterinary Clinics

Fuchs is not a dog kennel, dog day care, or veterinary clinic



DRAFT STAFF REPORT RESPONSES

8) Construction Notes on C01 have been updated to show the proper sheet references to the details.

9) It is understood that the construction plan shall meet UG standards and criteria.

As you review the revised plans, please feel free to let us know if you have any questions or need additional information. We want to make sure we provide what you need.

Sincerely,



William R. Buck, P.E.
Project Manager

CC: File 019100.01.03



913.663.1900



ibhc.com



7701 College Blvd., Ste. 400
Overland Park, KS 66210

ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

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

MEMORANDUM

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

FROM: Patrick Doyle, Engineering Manager

DATE: April 13, 2022

SUBJECT: Wendell Harkins - Fuchs Lubricants – (PR2022-015)
2140 South 88th Street
General Engineering Review No. 1 (of the plans dated 3/25/2022, received 3/25/2022)

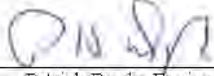
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified 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) Add to cover sheet:
 - a) Vicinity map
 - b) North arrow and scale
 - c) Zoning Classifications
 - d) Utility information including UG Sanitary and Storm, Sewer Maintenance, (913) 573-1360, Kevin Swearengin or Kirk Roland

ENGINEERING COMMENT LETTERS

- e) Total parcel/project area (square feet or acres), total area of land disturbed, net increase/decrease in impervious area, net cut/fill quantities (cubic yards).
- 3) On the cover sheet and other sheets where applicable, include the following notes:
 - a) "Work in public easements and right-of-way and for erosion control shall 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."
 - b) "Contractor shall obtain applicable Public Works permits including land disturbance, right-of-way, hauling prior to Construction."
- 4) Provide UG 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.
- 5) Provide any easements as required including temporary construction, drainage, sanitary sewer, and cross-access.
- 6) Demonstrate fire access including turning templates.
- 7) Demonstrate compliance with the 2012 MARC BMP Manual Appendix A: Pollution Control for "Hot Spots" including material and vehicles (§B.2.8 and B.2.11).
- 8) C01: Update Construction Notes.
- 9) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

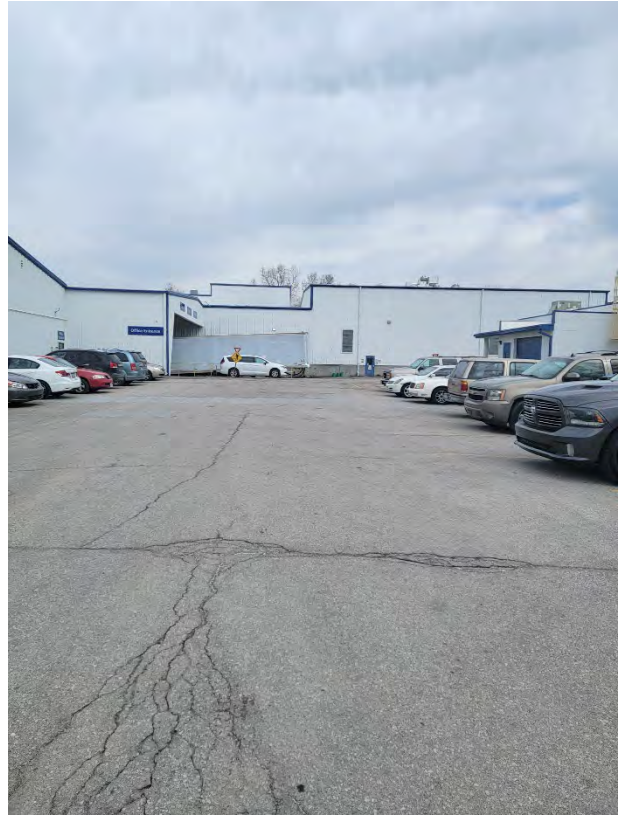
Reviewer: _____


Patrick Doyle, Engineering Manager

STAFF SITE VISIT PHOTOS DATED MARCH 29, 2022



STAFF SITE VISIT PHOTOS DATED MARCH 29, 2022



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STAFF SITE VISIT PHOTOS DATED MARCH 29, 2022



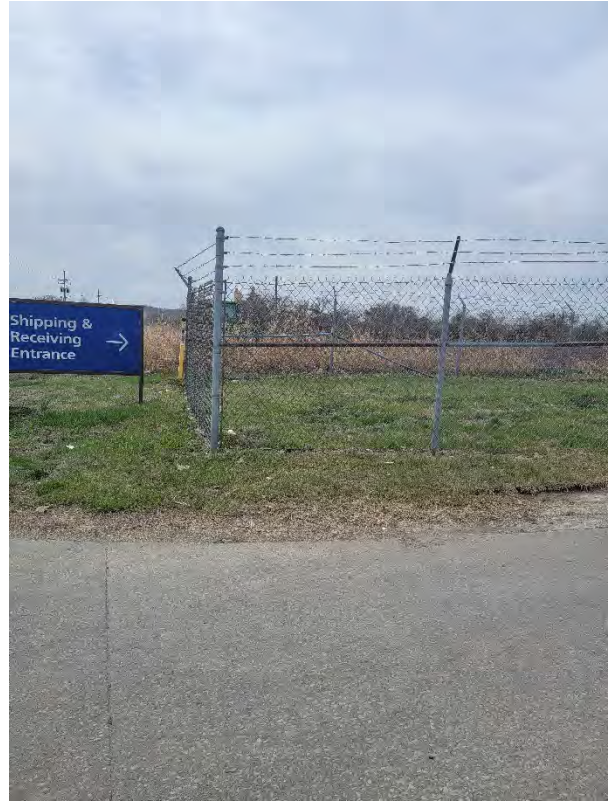
STAFF SITE VISIT PHOTOS DATED MARCH 29, 2022



STAFF SITE VISIT PHOTOS DATED MARCH 29, 2022



STAFF SITE VISIT PHOTOS DATED MARCH 29, 2022





Planning and Urban Design

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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: May 26, 2022

Re: **Petition COZ2022-016, SP2022-044, PR2022-019 and Master Plan Amendment MPL2022-010**

GENERAL INFORMATION

Applicant:

Sam Loring

Status of Applicant:

Gould Evans
4200 Pennsylvania Avenue
Kansas City, MO 64110

Requested Action:

To approve a Master Plan Amendment from None to Parks/Open Space, Public/Semi-Public and Regional Commercial (Armourdale Area Master Plan).

To approve a Change of Zone from unzoned to CP-2 Planned General Business District to operate restaurants, drinking establishment(s), and other commercial activity on the Rock Island Bridge.

To approve a Special Use Permit for drinking establishment(s), private event space and ancillary uses.

Date of Application:

March 25, 2022



Purpose:	To rezone, develop and operate multiple restaurants, drinking establishment(s), private event space, public trailway, community tenant space and associated parking.
Property Location:	557 River Park Drive and 0 Kansas Avenue (proposed address for the Rock Island Bridge)
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	Unzoned (proposed rezoning to CP-2 Planned General Business District)
Adjacent Zoning:	North: M-3 Heavy Industrial (abutting 557 River Park Drive) and TND Traditional Neighborhood Design Districts (abutting the Rock Island Bridge) South: M-3 Heavy Industrial District (abutting 557 River Park Drive) East: M-3 Heavy Industrial and TND Traditional Neighborhood Design Districts West: M-3 Heavy Industrial District
Adjacent Uses:	North: Warehouse building and the Kansas River South: Warehouse building and the Kansas River East: Future Yard II mixed-use development and Kansas City, Missouri West: Manufacturing building
Total Tract Size:	2.36 Acres
Master Plan Area:	Armourdale Area Master Plan
Master Plan Designation:	The Rock Island Bridge does not have a designation per the Armourdale Master Plan. A Master Plan Amendment has been submitted to Parks/Open Space, Public/Semi-Public, and Regional Commercial. Parks/Open Space allows park buildings, open space, trails. Public/Semi-Public allows schools, public land and buildings, churches and non-profit land and buildings. Regional Commercial allows regional retail "big box" anchors, commercial pad sites with sit-down restaurants, drive-through restaurants, banks,

drug stores, service stations, convenience stores, general services, etc.

Major Street Plan:

The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare and River Park Drive and State Line Road as Local Streets.

Required Parking:

Sec. 27-466(e) states uses in this district require paved off-street parking at a ratio no less than four (4) spaces per 1,000 square feet of floor area in the building. Three (3) parking spaces are required.

Sec. 27-668(a)(5) states restaurants shall provide one (1) space for each 50 square feet of seating area plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply with at least ten (10) off-street parking spaces. Thirty (30) spaces are required.

Sec. 27-668(a)(12) states taverns and event spaces shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Thirty-two (32) parking spaces are required for the tavern and 117 parking spaces are required for the event space.

182 parking spaces are required. 76 parking spaces are proposed. A parking variance has been applied for to be heard by the Board of Zoning Appeals.

Advertisement:

Wyandotte Echo – Change of Zone – April 14, 2022; Special Use Permit – April 14, 2022; Master Plan Amendment – April 14, 2022
Property Owners Letters – Change of Zone – April 14, 2022; Special Use Permit – April 14, 2022; Preliminary and Final Plan Review – April 14, 2022; Master Plan Amendment – April 14, 2022

Public Hearings:

May 9, 2022 and May 26, 2022

Public Support:

One (1) person appeared in support at the May 9, 2022 City Planning Commission meeting.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge.

City Ordinance Requirements: *Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article XXI Sections 27-502 – 27-709 and Article XXII Section 27-213*

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 neighborhood includes properties both in Kansas and in Missouri. While the entire area has been traditionally industrial, heavy commercial, distribution, and stockyards-as dictated by the area's proximity to the downtowns of Kansas City, Kansas and Kansas City, Missouri, regional and national highways, and the Kansas and Missouri Rivers-there has been more recent mixed-use development, mainly multi-family residential and light commercial, on the Missouri side of the Historic West Bottoms District. The subject property lies in between the industrial area of Armourdale to the west and mixed-use commercial and residential development (Yards II) to the east.

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

The zoning and their uses are set out above. The proposed use is not inherently compatible with a majority of the existing uses, but could be so long

as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is ultimately approved for this neighborhood in transition. The east bank of the Kansas River is being redeveloped with levee improvements and the Yards II mixed-use development located northeast of the easternmost bridge abutment.

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

If property is not suitable for the uses for which it has been restricted because Rock Island Bridge does not have an assigned zoning designation. Removal of the restrictions will not detrimentally affect nearby property as the properties on the west side of the Kansas River are industrial in nature and the properties on the east side of the Kansas River are a mixture of industrial and a transition to mixed-use development (light commercial and multi-family residential), which lends itself to about a commercial, entertainment destination.

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

The property has been vacant for decades.

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

The proposed use is reasonably necessary for the welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the Rock Island Bridge is a portion of the Levee Trail network linking the Armourdale Area to the Historic West Bottoms District in addition to activating the waterfront along the Kansas River.

6. *The extent to which the property 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 traffic but not in ways that will adversely affect road capacity and safety because State Line Road/American Royal Way, Kansas Avenue and River Park Drive can accommodate traffic.

The proposed use will increase parking demand, although there is parking lot being constructed on the west side of the bridge at 557 River Park Drive, which is a trailhead on the levee. Secondly, twenty (20) parking spaces at Yards II development are shared with this and there are off-street parking opportunities in Kansas City, MO.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Armourdale Area

Master Plan. A Master Plan Amendment from None to Parks/Open Space, Public/Semi-Public and Regional Commercial is being also being sought accordingly.

These new land use designations allow park buildings, open space, trails schools, public land and buildings, churches and non-profit land and buildings, sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, general services, etc.

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

The proposed use will not cause environmental harm as it is a built out industrial area that is transitioning to mixed-use. Street trees and additional and landscaping will be planted in accordance with the landscaping requirements.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #3 located at South 5th Street and Kansas Avenue.

f. *Transit*

Kansas City ATA provides transit service from Kansas City, Missouri.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a significant economic impact on the community due to the establishment of the levee trail system linking both sides of the Kansas River and commercial and entertainment opportunities that will exist based on the applicant's proposal.

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions and variances.

12. 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 relative gain to the public health as compared to the hardship imposed on the landowners will be substantial because the bridge will be part of the trail network linking the Armourdale area and Historic West Bottoms and activating access to the Kansas River with the levee improvements. This will increase walkability and pedestrian connectivity will enhance the public health of the community.

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

The noise and illumination that is normally associated with event spaces, live entertainment and other commercial entertainment or promotional events/activities will need to cease operation at times that are similar to most entertainment businesses in a brick-and-mortar building, so there should not be a problem for nearby properties. Within the Historic West Bottoms District, restaurants and drinking establishments operate until 1:00 AM.

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

The proposed use will not pollute the water because the sanitary waste will be connected to the Unified Government sanitary sewer system and will not be discharged into the Kansas River.

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

The proposed use will not damage or destroy an irreplaceable natural resource as sanitary waste will be connected to the Unified Government

sanitary sewer system and will not be discharged into the Kansas River.

16. *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 as compared to the hardship imposed on the landowners will be substantial because the bridge will be part of the trail network linking the Armourdale area and Historic West Bottoms and activating access to the Kansas River with the levee improvements. This will increase walkability and pedestrian connectivity will enhance the public health of the community.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population because the KCKFD Fire Marshal will set the maximum occupancy based on the occupant load of the restaurant, drinking establishment, event space and public trail areas.

PREVIOUS ACTIONS

- BOZA2022-023 have been filed in conjunction with this petition and is scheduled to be heard by the Board of Zoning Appeals on May 9, 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on April 25, 2022 at the Rock Island Bridge. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Compliance with the Sidewalk and Trails Master Plan
Bikeshare Hub
Utilities
Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2022-010**, Change of Zone Application **COZ2022-016**, Special Use Permit Application **SP2022-044**, and Plan Review Application **PR2022-019**, subject to:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA. The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
4. Proposed hours are 8:00 AM – 1:00 AM (Friday/Saturday) and 8:00 AM – 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge included event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the “off season”. During the open season – the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
9. 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 facade. Metal paneling and may only account for 15% of the exterior building material per facade on the exterior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. 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 three (3) gallons when planted;
14. 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;
15. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
 16. If applicable, 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;
 17. 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;
 18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
 20. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
 21. 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 buildinginspection@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;
 22. 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;

23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferable, 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (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 makes the findings contained within the staff report to *Factors to be Considered*, and *Key Issues* and recommends COZ2022-016, SP2022-044, PR2022-019 and MPL2022-010

APPROVAL of Petition **COZ2022-016, SP2022-044, PR2022-019, and MPL2022-010** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map
Armourdale Master Plan Map (unavailable)
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Landscape Plan
Lighting Plan
Building Elevations
Building Rendering

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Rezoning	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Special Use	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Preliminary and Final Plan	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Master Plan	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **MPL2022-010, COZ2022-016, SP2022-044 and PR2022-019**, as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **MPL2022-010, COZ2022-016, SP2022-044 and PR2022-019**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:38:15:

MASTER PLAN AMENDMENT APPLICATION MPL2022-010 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Master Plan Amendment from Nothing to Regional Commercial, Public-Semi-Public and Park/Open Space (Armourdale Area Master Plan) at 0 Kansas Avenue (557 River Park Drive).

CHANGE OF ZONE APPLICATION COZ2022-016 – SAM LORING WITH GOULD EVANS - SYNOPSIS: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue (557 River Park Drive).

SPECIAL USE PERMIT APPLICATION SP2022-044 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Special Use Permit for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive) MPL2022-010, and PR2022-019).

PLAN REVIEW APPLICATION PR2022-019 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Preliminary and Final Plan Review for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive).

Detailed Outline of Requested Action: The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Sam Loring, applicant, Gould Evans, 4200, Kansas City, Missouri
- Sarah White, UG Public Works Engineering
- Mike Ledden, 6513 Barton Circle, Shawnee, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:44:00: Planning Director Hand stated the applicant and developer have been working with the Unified Government for quite some time on this project. The project is located in the Armourdale Area Master Plan. There will be a plat submitted later as part of the conditions of approval for these applications. The proposal is over the Kansas River. Staff has received no letters in support nor in opposition. There are no Notices of Violation. The Final Development Plan will be for the parking to the west which is part of the levee enhancement project. They are working closely in partnership with HNTB and others all jointly and collaboratively on this project. These applications are being heard in conjunction with the Appeal that was heard and approved earlier this evening. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 4:45:46:

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of MPL2022-010:**

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

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

Subject to:

1. **These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the COZ2022-016, SP2022-044, PR2022-019 and MPL2022-010**

overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;

2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA.

The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;

4. Proposed hours are 8:00 AM – 1:00 AM (Friday/Saturday) and 8:00 AM – 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge included event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the “off season”. During the open season – the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
9. 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 facade. Metal paneling and may only account for 15% of the exterior building material per facade on the exterior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. 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 three (3) gallons when planted;

14. 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;
15. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. If applicable, 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;
17. 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;
18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
20. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
21. 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 buildinginspection@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;
22. 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;

23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferable, 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **CO2022-016**:

Carson	Chairman
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye

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

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

Subject to the above conditions

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-044:**

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

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

Subject to the above conditions

On motion by Mr. Ernst, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-019:**

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

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

Subject to the above conditions

Chairman Carson left the meeting at 10:55 p.m. and Vice Chairman Jones assumed the chairmanship.



Figure 1. Aerial Photograph of 557 River Park Drive and 0 Kansas Avenue (proposed address for Rock Island Bridge) as indicated by the blue dots (provided by UG Maps).



Figure 2. Zoning Map of 557 River Park Drive and 0 Kansas Avenue (proposed address for the Rock Island Bridge) as indicated by the blue dots (provided by UG Maps).

GENERAL PLANNING:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project.
This is correct.
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development.
The parking lot on the west side is being submitted as a separate preliminary development plan by UG/HNTB. See preliminary design sheets attached.
3. Submit a Preliminary and Final Plat following this entitlement process to establish a parcel, dedicate utility easements and raise the Rock Island Bridge out of the FEMA floodplain.
Plat is in process. See correspondence attached from the US Army Corps of Engineers stating that we are not in the flood plain and do not need to raise the bridge.
4. Provide a detailed site plan of the proposed parking lot on the west side of the bridge, known as 557 River Park Drive.
See preliminary site plan design sheets of parking lot on the west bank, by HNTB, attached.
5. What are the proposed hours of operation for the restaurant, bar, and event space?
Proposed hours are 8:00 am – 1:00 am. (Fri/Sat) and 8 am – 9:00 pm Sun-Thursday
6. Regarding the event space:
 - a. Shall comply with Unified Government security ordinances.
Noted. Will comply
 - b. How will security be handled?
Two ways: there will be security cameras covering all of the bridge including event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at each end of bridge which will be kept open during business hours but will be shut and locked nightly.
 - c. How will the space be advertised?
We will have a staff person dedicated to sales of the event space. We will also use social media.
7. How will the public portion of the trail be accessible to beyond private hours of the commercial businesses operating on the bridge?
The crossing will be open daily (365 days per year) from at least dawn till dusk (during the "off season." During the open season – the crossing will be open until the bridge closes for the evening.
8. A building permit is required following this entitlement for the bridge. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
Understood. We will contact the building department and begin the process.
9. How will trash be disposed of on the bridge? The site plan does not depict trash enclosures at the east or west ends of the bridge.
We will have staff that will be removing trash from the bridge on a scheduled basis. We are planning for a location for trash pickup from a commercial company. Location of dumpster will not be on bridge property.
10. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along the west side of the bridge adjacent to the trailhead. 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.
Bikeshare hub will be located on the west bank in the "trailhead amenity zone" as shown on the preliminary design plans attached.
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel

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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.

Understood. Any parking agreements entered will comply.

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 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.

Understood.

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (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.

This fee was paid at the time of permit application.

14. On the east side of the bridge, what off-street parking is available for guests and employees?
 - a. Confirm with KCMO's plan to allow street parking on American Royal Way.

Parking spaces available as follows:

American Royal Drive: 61 (MO)

Public garage 1-min walk north: 975 (MO)

Public parking north of bridge in Flaherty complex: 28 (KS)

15. Are there parking agreements established with property owners either in KCK or KCMO? If so, please provide these agreements.

See response to item 14 above.

16. On the west side of the bridge, the proposed parking lot (to be constructed by others) must be completed before a TCO is issued for the bridge.

Understood.

17. The bikeshare hub should be on the east or west side of the parking lot.

Bikeshare hub will be located on the west bank in the "trailhead amenity zone" as shown on the plans.

18. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way.

Understood. We have had conversations with Jason Waldron at KCMO Transportation to discuss the project and they are aware of our needs.

BUILDING ARCHITECTURE:

1. 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 facade.

Metal paneling and may only account for 15% of the exterior building material per facade on the interior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Due to the unique nature of this project, we would request that this 15% amount of metal paneling be deviated from. Our actual building elements are quite small compared to the overall development area of the bridge. We are providing a corrugated metal cladding which is consistent with the character of neighboring buildings and existing industrial nature of the bridge.

2. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

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The City Planning Commission must give a deviation from the Commercial Design Guidelines for the semi-transparent roofing membrane. Staff will not ask for the deviation.

The transparent cladding will only be on walls, all roofs are to be standing seam metal or TPO.

LANDSCAPING AND SCREENING:

1. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island.
When parking lot development plan is submitted, we will include these.
2. All landscaping must be irrigated.
Understood. Note has been added to drawings indicating such.
3. 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 three (3) gallons when planted.
Understood. Note has been added to drawings indicating such.
4. 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.
Understood. Note has been added to drawings indicating such.
5. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights.
All light fixtures submitted are full cutoff and have no light above 90 degrees.
6. Utility conduits and connections must be painted to match the bridge.
All the new steel on the bridge is exposed, galvanized metal. All the existing steel on the bridge is weathering steel. We would request that we be allowed to keep the galvanized finish on utility conduits and connections to match this steel as well as avoid the ongoing maintenance of trying to repaint these long conduits every few years.
7. If applicable, 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.
Understood. Note has been added to drawings indicating such.

SIGNAGE

1. Shall comply with the sign ordinance.
All site signage will comply with ordinance.

PLANNING ENGINEERING COMMENTS

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

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Minutes

Application Number: Change of Zone Petition Number: COZ2022-016, SP2022-044, MPL2022-010, PR2022-019, BOZA2022-024

Date and Location: Monday, April 25th 2022 6-7 pm

No one attended the meeting and we received no comments or questions via email, text, or phone calls.

Flying Truss staff present:

MIKE LADDIN

MIKE ZELLER

Gould Evans staff present:

Sam Loring

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
)SS:
COUNTY OF Johnson)

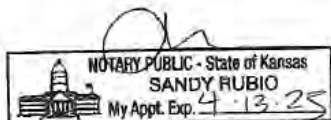
Comes now Michael Laddin (Flying Truss, Gould Evans), of lawful age,
sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2022-016, SP2022-044, MPL2022-010, PR2022-019, BOZA2022-024
2. That I conducted a neighborhood meeting on: Monday, April 25, 2022 from 6:00 pm- 7:00 pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

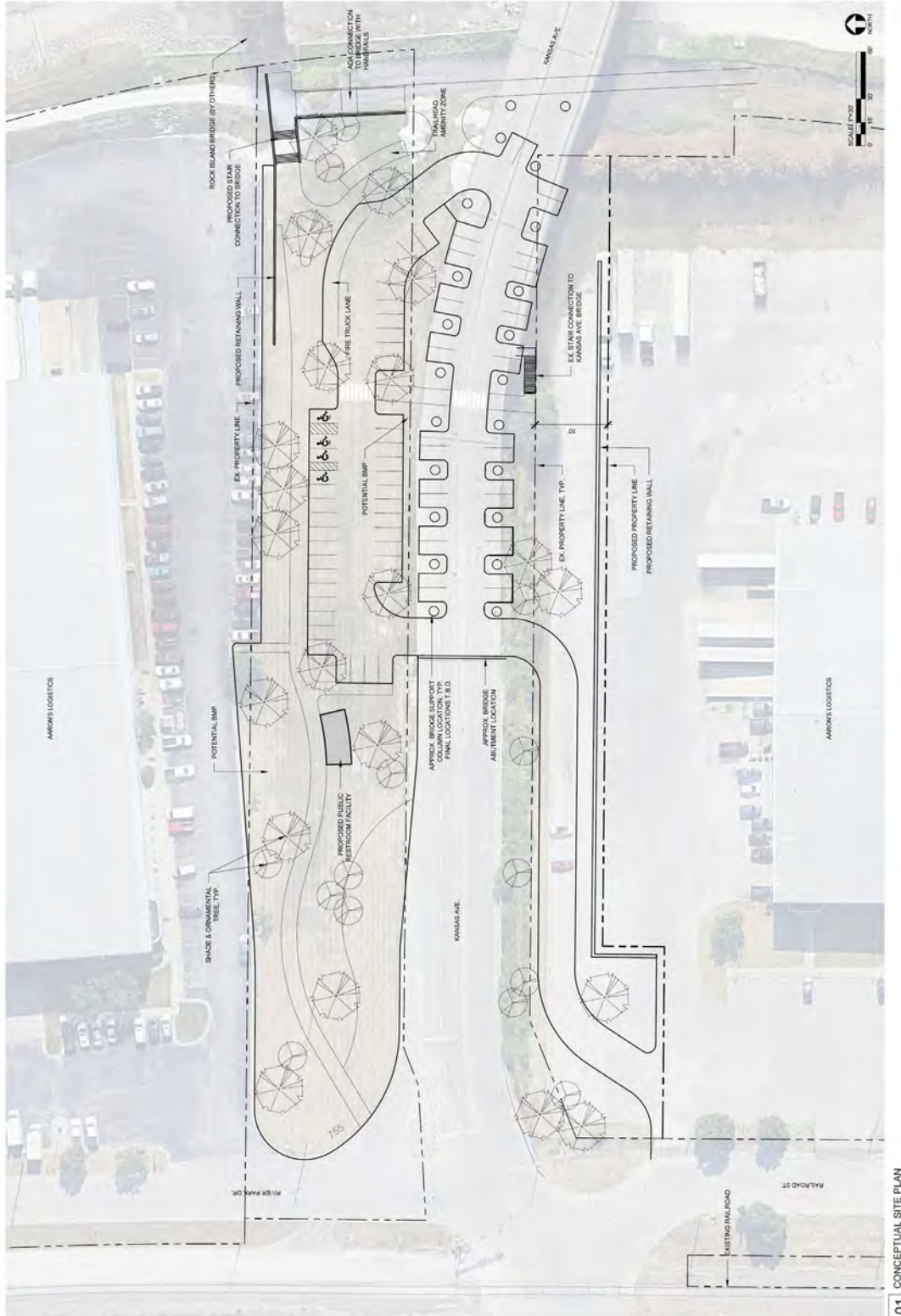
Michael Laddin
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of April, 2022
My commission expires 13th of Apr, 2025



[Signature]
Notary Public

- NOTES:
1. EXISTING SITE CONDITIONS AND PROPOSED DESIGN ARE CONCEPTUAL. SURVEY AND FINAL DESIGN TO BE COMPLETED AT FUTURE DATE.
 2. PROPOSED PARKING IS TOTAL STALLS: 100 (40 TRUCK STALLS, 60 CAR STALLS) AND 40 TRUCK STALLS (40) PROVIDED ADA STALLS (ADA STALLS) 4 (2)



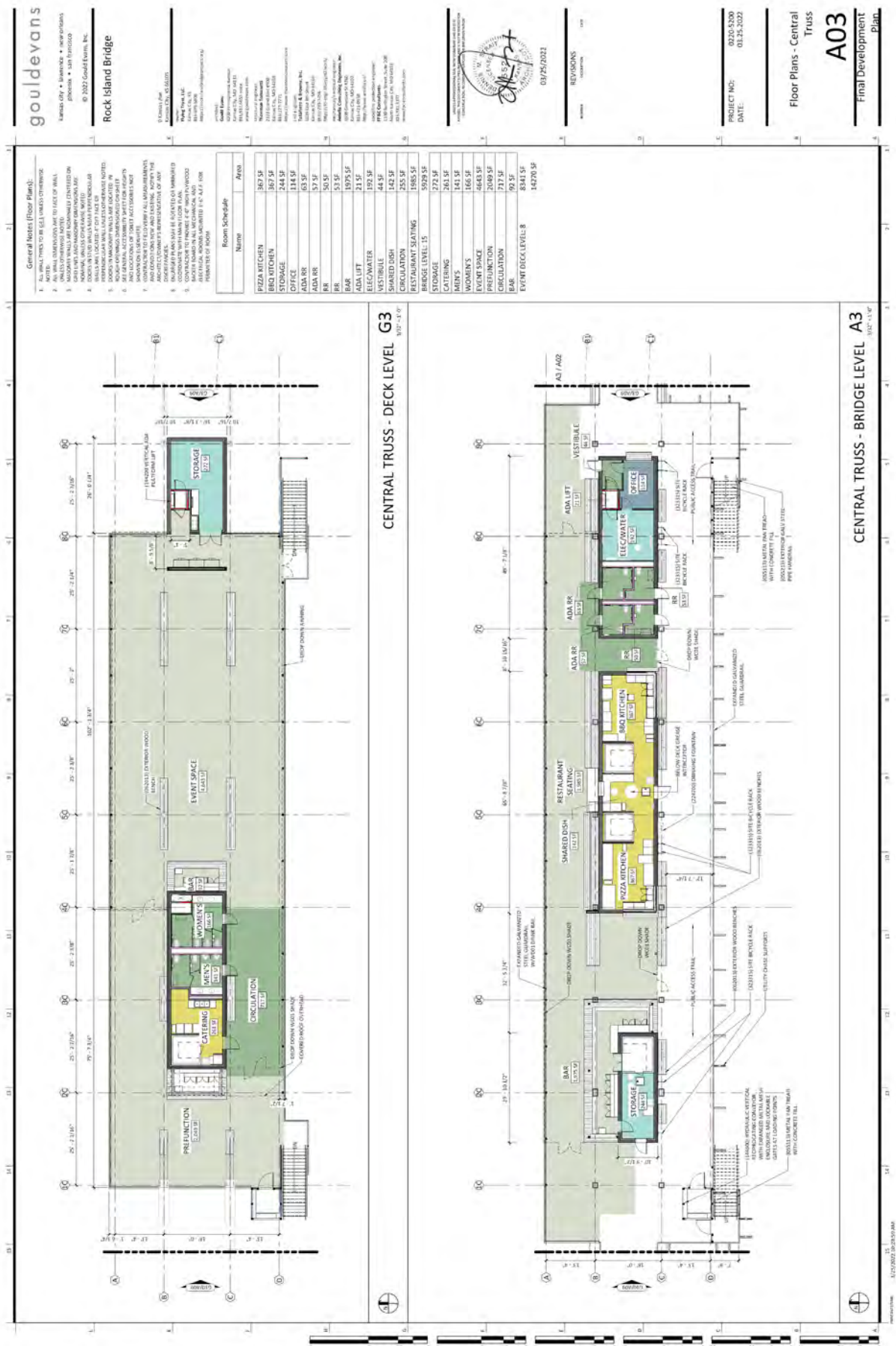
ARMOURDALE TRAILHEAD - FINAL DEVELOPMENT PLAN

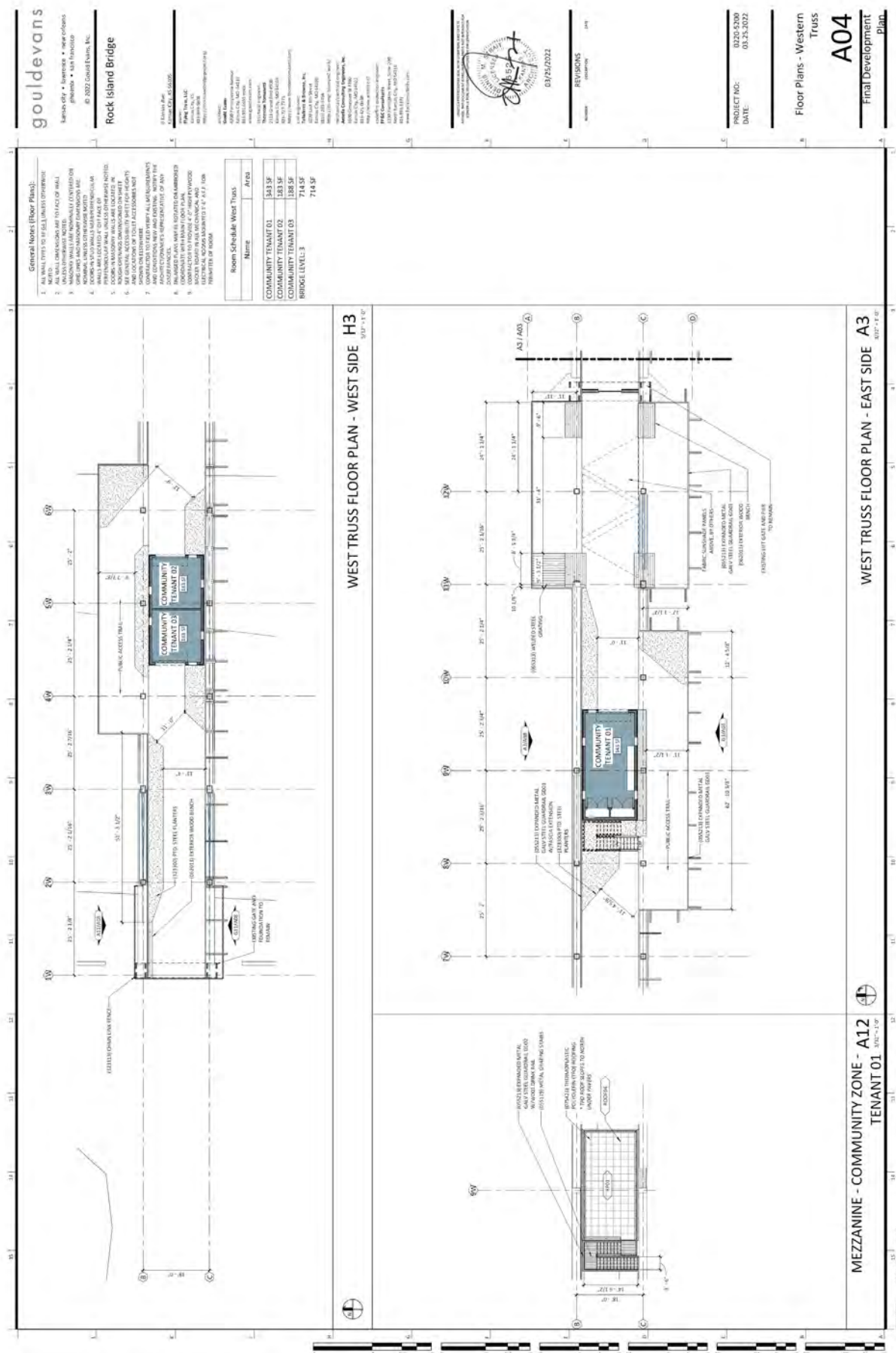
KCK Riverfront | Kansas City, Kansas

HNTB

February 21, 2022







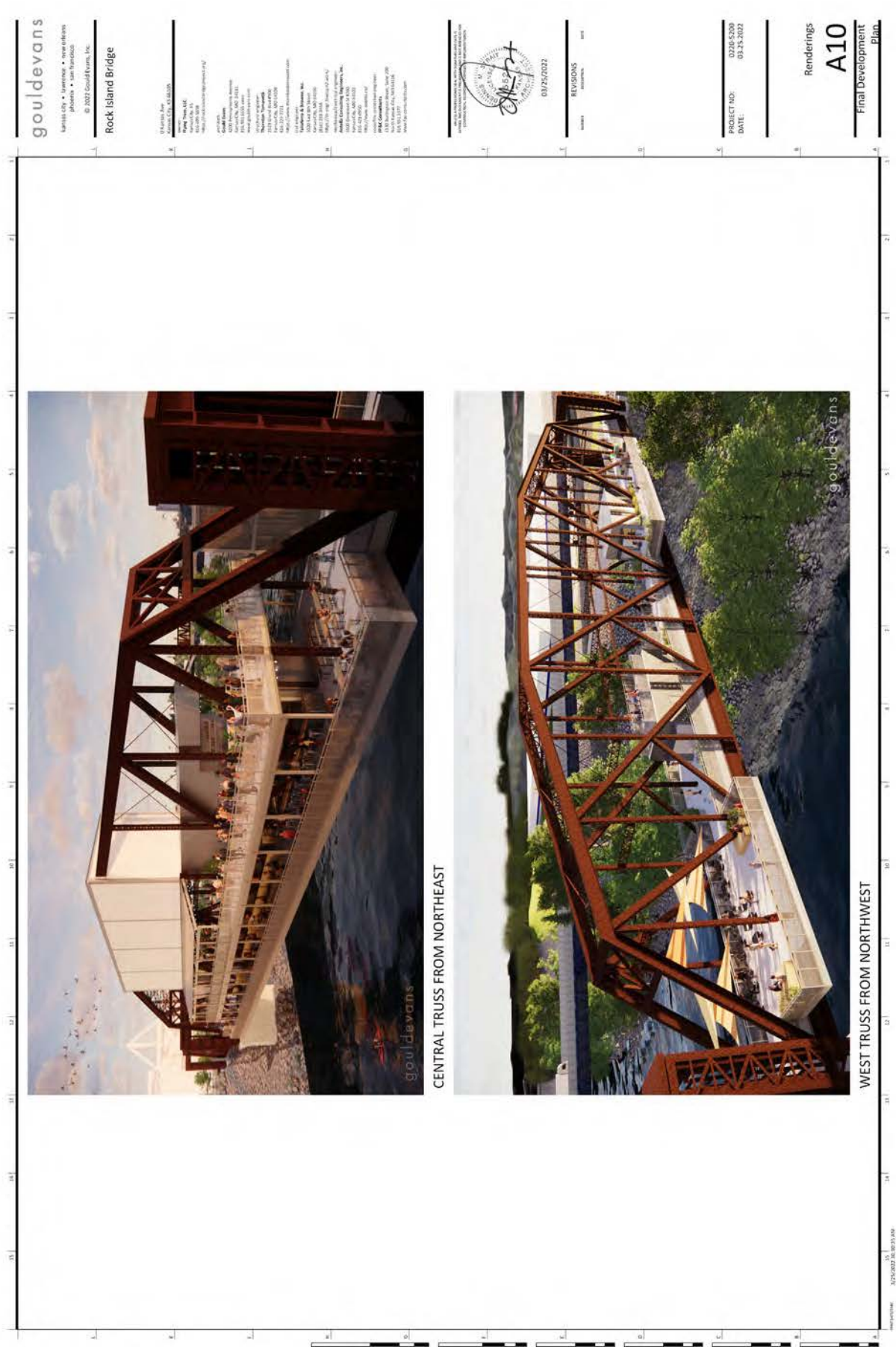




Figure 3. Site Photograph of the Rock Island Bridge looking southeast, north of the Kansas Avenue bridge (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 26, 2022

Re: **Petition COZ2022-016, SP2022-044, PR2022-019 and Master Plan Amendment MPL2022-010**

GENERAL INFORMATION

Applicant:

Sam Loring

Status of Applicant:

Gould Evans
4200 Pennsylvania Avenue
Kansas City, MO 64110

Requested Action:

To approve a Master Plan Amendment from None to Parks/Open Space, Public/Semi-Public and Regional Commercial (Armourdale Area Master Plan).

To approve a Change of Zone from unzoned to CP-2 Planned General Business District to operate restaurants, drinking establishment(s), and other commercial activity on the Rock Island Bridge.

To approve a Special Use Permit for drinking establishment(s), private event space and ancillary uses.

Date of Application:

March 25, 2022



Purpose:	To rezone, develop and operate multiple restaurants, drinking establishment(s), private event space, public trailway, community tenant space and associated parking.
Property Location:	557 River Park Drive and 0 Kansas Avenue (proposed address for the Rock Island Bridge)
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	Unzoned (proposed rezoning to CP-2 Planned General Business District)
Adjacent Zoning:	North: M-3 Heavy Industrial (abutting 557 River Park Drive) and TND Traditional Neighborhood Design Districts (abutting the Rock Island Bridge) South: M-3 Heavy Industrial District (abutting 557 River Park Drive) East: M-3 Heavy Industrial and TND Traditional Neighborhood Design Districts West: M-3 Heavy Industrial District
Adjacent Uses:	North: Warehouse building and the Kansas River South: Warehouse building and the Kansas River East: Future Yard II mixed-use development and Kansas City, Missouri West: Manufacturing building
Total Tract Size:	2.36 Acres
Master Plan Area:	Armourdale Area Master Plan
Master Plan Designation:	The Rock Island Bridge does not have a designation per the Armourdale Master Plan. A Master Plan Amendment has been submitted to Parks/Open Space, Public/Semi-Public, and Regional Commercial. Parks/Open Space allows park buildings, open space, trails. Public/Semi-Public allows schools, public land and buildings, churches and non-profit land and buildings. Regional Commercial allows regional retail "big box" anchors, commercial pad sites with sit-down restaurants, drive-through restaurants, banks,

drug stores, service stations, convenience stores, general services, etc.

Major Street Plan:

The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare and River Park Drive and State Line Road as Local Streets.

Required Parking:

Sec. 27-466(e) states uses in this district require paved off-street parking at a ratio no less than four (4) spaces per 1,000 square feet of floor area in the building. Three (3) parking spaces are required.

Sec. 27-668(a)(5) states restaurants shall provide one (1) space for each 50 square feet of seating area plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply with at least ten (10) off-street parking spaces. Thirty (30) spaces are required.

Sec. 27-668(a)(12) states taverns and event spaces shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Thirty-two (32) parking spaces are required for the tavern and 117 parking spaces are required for the event space.

182 parking spaces are required. 76 parking spaces are proposed. A parking variance has been applied for to be heard by the Board of Zoning Appeals.

Advertisement:

Wyandotte Echo – Change of Zone – April 14, 2022; Special Use Permit – April 14, 2022; Master Plan Amendment – April 14, 2022
Property Owners Letters – Change of Zone – April 14, 2022; Special Use Permit – April 14, 2022; Preliminary and Final Plan Review – April 14, 2022; Master Plan Amendment – April 14, 2022

Public Hearings:

May 9, 2022 and May 26, 2022

Public Support:

One (1) person appeared in support at the May 9, 2022 City Planning Commission meeting.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge.

City Ordinance Requirements: *Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article XXI Sections 27-502 – 27-709 and Article XXII Section 27-213*

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 neighborhood includes properties both in Kansas and in Missouri. While the entire area has been traditionally industrial, heavy commercial, distribution, and stockyards-as dictated by the area's proximity to the downtowns of Kansas City, Kansas and Kansas City, Missouri, regional and national highways, and the Kansas and Missouri Rivers-there has been more recent mixed-use development, mainly multi-family residential and light commercial, on the Missouri side of the Historic West Bottoms District. The subject property lies in between the industrial area of Armourdale to the west and mixed-use commercial and residential development (Yards II) to the east.

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

The zoning and their uses are set out above. The proposed use is not inherently compatible with a majority of the existing uses, but could be so long

as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is ultimately approved for this neighborhood in transition. The east bank of the Kansas River is being redeveloped with levee improvements and the Yards II mixed-use development located northeast of the easternmost bridge abutment.

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

If property is not suitable for the uses for which it has been restricted because Rock Island Bridge does not have an assigned zoning designation. Removal of the restrictions will not detrimentally affect nearby property as the properties on the west side of the Kansas River are industrial in nature and the properties on the east side of the Kansas River are a mixture of industrial and a transition to mixed-use development (light commercial and multi-family residential), which lends itself to about a commercial, entertainment destination.

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

The property has been vacant for decades.

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

The proposed use is reasonably necessary for the welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the Rock Island Bridge is a portion of the Levee Trail network linking the Armourdale Area to the Historic West Bottoms District in addition to activating the waterfront along the Kansas River.

6. *The extent to which the property 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 traffic but not in ways that will adversely affect road capacity and safety because State Line Road/American Royal Way, Kansas Avenue and River Park Drive can accommodate traffic.

The proposed use will increase parking demand, although there is parking lot being constructed on the west side of the bridge at 557 River Park Drive, which is a trailhead on the levee. Secondly, twenty (20) parking spaces at Yards II development are shared with this and there are off-street parking opportunities in Kansas City, MO.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Armourdale Area

Master Plan. A Master Plan Amendment from None to Parks/Open Space, Public/Semi-Public and Regional Commercial is being also being sought accordingly.

These new land use designations allow park buildings, open space, trails schools, public land and buildings, churches and non-profit land and buildings, sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, general services, etc.

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

The proposed use will not cause environmental harm as it is a built out industrial area that is transitioning to mixed-use. Street trees and additional and landscaping will be planted in accordance with the landscaping requirements.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #3 located at South 5th Street and Kansas Avenue.

f. *Transit*

Kansas City ATA provides transit service from Kansas City, Missouri.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a significant economic impact on the community due to the establishment of the levee trail system linking both sides of the Kansas River and commercial and entertainment opportunities that will exist based on the applicant's proposal.

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

The proposed uses are capable of meeting applicable ordinance requirements with revisions and variances.

12. 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 relative gain to the public health as compared to the hardship imposed on the landowners will be substantial because the bridge will be part of the trail network linking the Armourdale area and Historic West Bottoms and activating access to the Kansas River with the levee improvements. This will increase walkability and pedestrian connectivity will enhance the public health of the community.

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

The noise and illumination that is normally associated with event spaces, live entertainment and other commercial entertainment or promotional events/activities will need to cease operation at times that are similar to most entertainment businesses in a brick-and-mortar building, so there should not be a problem for nearby properties. Within the Historic West Bottoms District, restaurants and drinking establishments operate until 1:00 AM.

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

The proposed use will not pollute the water because the sanitary waste will be connected to the Unified Government sanitary sewer system and will not be discharged into the Kansas River.

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

The proposed use will not damage or destroy an irreplaceable natural resource as sanitary waste will be connected to the Unified Government

sanitary sewer system and will not be discharged into the Kansas River.

16. *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 as compared to the hardship imposed on the landowners will be substantial because the bridge will be part of the trail network linking the Armourdale area and Historic West Bottoms and activating access to the Kansas River with the levee improvements. This will increase walkability and pedestrian connectivity will enhance the public health of the community.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population because the KCKFD Fire Marshal will set the maximum occupancy based on the occupant load of the restaurant, drinking establishment, event space and public trail areas.

PREVIOUS ACTIONS

- BOZA2022-023 have been filed in conjunction with this petition and is scheduled to be heard by the Board of Zoning Appeals on May 9, 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on April 25, 2022 at the Rock Island Bridge. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Parking
Compliance with the Sidewalk and Trails Master Plan
Bikeshare Hub
Utilities
Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2022-010**, Change of Zone Application **COZ2022-016**, Special Use Permit Application **SP2022-044**, and Plan Review Application **PR2022-019**, subject to:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA. The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
4. Proposed hours are 8:00 AM – 1:00 AM (Friday/Saturday) and 8:00 AM – 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge included event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the “off season”. During the open season – the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
9. 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 facade. Metal paneling and may only account for 15% of the exterior building material per facade on the exterior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. 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 three (3) gallons when planted;
14. 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;
15. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
 16. If applicable, 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;
 17. 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;
 18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
 20. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
 21. 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 buildinginspection@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;
 22. 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;

23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferable, 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (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 makes the findings contained within the staff report to *Factors to be Considered*, and *Key Issues* and recommends COZ2022-016, SP2022-044, PR2022-019 and MPL2022-010

APPROVAL of Petition **COZ2022-016, SP2022-044, PR2022-019, and MPL2022-010** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Zoning Map
Armourdale Master Plan Map (unavailable)
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Landscape Plan
Lighting Plan
Building Elevations
Building Rendering

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Rezoning	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Special Use	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Preliminary and Final Plan	Approval	
<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 9, 2022	May 26, 2022
Master Plan	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **MPL2022-010, COZ2022-016, SP2022-044 and PR2022-019**, as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **MPL2022-010, COZ2022-016, SP2022-044 and PR2022-019**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 4:38:15:

MASTER PLAN AMENDMENT APPLICATION MPL2022-010 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Master Plan Amendment from Nothing to Regional Commercial, Public-Semi-Public and Park/Open Space (Armourdale Area Master Plan) at 0 Kansas Avenue (557 River Park Drive).

CHANGE OF ZONE APPLICATION COZ2022-016 – SAM LORING WITH GOULD EVANS - SYNOPSIS: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue (557 River Park Drive).

SPECIAL USE PERMIT APPLICATION SP2022-044 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Special Use Permit for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive) MPL2022-010, and PR2022-019).

PLAN REVIEW APPLICATION PR2022-019 - SAM LORING WITH GOULD EVANS - SYNOPSIS: Preliminary and Final Plan Review for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive).

Detailed Outline of Requested Action: The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Sam Loring, applicant, Gould Evans, 4200, Kansas City, Missouri
- Sarah White, UG Public Works Engineering
- Mike Ledden, 6513 Barton Circle, Shawnee, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:44:00: Planning Director Hand stated the applicant and developer have been working with the Unified Government for quite some time on this project. The project is located in the Armourdale Area Master Plan. There will be a plat submitted later as part of the conditions of approval for these applications. The proposal is over the Kansas River. Staff has received no letters in support nor in opposition. There are no Notices of Violation. The Final Development Plan will be for the parking to the west which is part of the levee enhancement project. They are working closely in partnership with HNTB and others all jointly and collaboratively on this project. These applications are being heard in conjunction with the Appeal that was heard and approved earlier this evening. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 4:45:46:

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of MPL2022-010:**

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

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

Subject to:

1. **These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the COZ2022-016, SP2022-044, PR2022-019 and MPL2022-010**

overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;

2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA.

The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;

4. Proposed hours are 8:00 AM – 1:00 AM (Friday/Saturday) and 8:00 AM – 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge included event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the “off season”. During the open season – the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
9. 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 facade. Metal paneling and may only account for 15% of the exterior building material per facade on the exterior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. 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 three (3) gallons when planted;

14. 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;
15. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. If applicable, 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;
17. 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;
18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
20. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
21. 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 buildinginspection@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;
22. 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;

23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance. Special Use Permits are non-transferable, 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **CO2022-016**:

Carson	Chairman
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye

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

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

Subject to the above conditions

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-044:**

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

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

Subject to the above conditions

On motion by Mr. Ernst, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-019:**

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

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

Subject to the above conditions

Chairman Carson left the meeting at 10:55 p.m. and Vice Chairman Jones assumed the chairmanship.



Figure 1. Aerial Photograph of 557 River Park Drive and 0 Kansas Avenue (proposed address for Rock Island Bridge) as indicated by the blue dots (provided by UG Maps).



Figure 2. Zoning Map of 557 River Park Drive and 0 Kansas Avenue (proposed address for the Rock Island Bridge) as indicated by the blue dots (provided by UG Maps).

GENERAL PLANNING:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project.
This is correct.
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development.
The parking lot on the west side is being submitted as a separate preliminary development plan by UG/HNTB. See preliminary design sheets attached.
3. Submit a Preliminary and Final Plat following this entitlement process to establish a parcel, dedicate utility easements and raise the Rock Island Bridge out of the FEMA floodplain.
Plat is in process. See correspondence attached from the US Army Corps of Engineers stating that we are not in the flood plain and do not need to raise the bridge.
4. Provide a detailed site plan of the proposed parking lot on the west side of the bridge, known as 557 River Park Drive.
See preliminary site plan design sheets of parking lot on the west bank, by HNTB, attached.
5. What are the proposed hours of operation for the restaurant, bar, and event space?
Proposed hours are 8:00 am – 1:00 am. (Fri/Sat) and 8 am – 9:00 pm Sun-Thursday
6. Regarding the event space:
 - a. Shall comply with Unified Government security ordinances.
Noted. Will comply
 - b. How will security be handled?
Two ways: there will be security cameras covering all of the bridge including event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at each end of bridge which will be kept open during business hours but will be shut and locked nightly.
 - c. How will the space be advertised?
We will have a staff person dedicated to sales of the event space. We will also use social media.
7. How will the public portion of the trail be accessible to beyond private hours of the commercial businesses operating on the bridge?
The crossing will be open daily (365 days per year) from at least dawn till dusk (during the "off season." During the open season – the crossing will be open until the bridge closes for the evening.
8. A building permit is required following this entitlement for the bridge. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.
Understood. We will contact the building department and begin the process.
9. How will trash be disposed of on the bridge? The site plan does not depict trash enclosures at the east or west ends of the bridge.
We will have staff that will be removing trash from the bridge on a scheduled basis. We are planning for a location for trash pickup from a commercial company. Location of dumpster will not be on bridge property.
10. This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along the west side of the bridge adjacent to the trailhead. 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.
Bikeshare hub will be located on the west bank in the "trailhead amenity zone" as shown on the preliminary design plans attached.
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel

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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.

Understood. Any parking agreements entered will comply.

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 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.

Understood.

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Departments (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.

This fee was paid at the time of permit application.

14. On the east side of the bridge, what off-street parking is available for guests and employees?
 - a. Confirm with KCMO's plan to allow street parking on American Royal Way.

Parking spaces available as follows:

American Royal Drive: 61 (MO)

Public garage 1-min walk north: 975 (MO)

Public parking north of bridge in Flaherty complex: 28 (KS)

15. Are there parking agreements established with property owners either in KCK or KCMO? If so, please provide these agreements.

See response to item 14 above.

16. On the west side of the bridge, the proposed parking lot (to be constructed by others) must be completed before a TCO is issued for the bridge.

Understood.

17. The bikeshare hub should be on the east or west side of the parking lot.

Bikeshare hub will be located on the west bank in the "trailhead amenity zone" as shown on the plans.

18. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way.

Understood. We have had conversations with Jason Waldron at KCMO Transportation to discuss the project and they are aware of our needs.

BUILDING ARCHITECTURE:

1. 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 facade.

Metal paneling and may only account for 15% of the exterior building material per facade on the interior buildings. The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Due to the unique nature of this project, we would request that this 15% amount of metal paneling be deviated from. Our actual building elements are quite small compared to the overall development area of the bridge. We are providing a corrugated metal cladding which is consistent with the character of neighboring buildings and existing industrial nature of the bridge.

2. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

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The City Planning Commission must give a deviation from the Commercial Design Guidelines for the semi-transparent roofing membrane. Staff will not ask for the deviation.

The transparent cladding will only be on walls, all roofs are to be standing seam metal or TPO.

LANDSCAPING AND SCREENING:

1. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island.
When parking lot development plan is submitted, we will include these.
2. All landscaping must be irrigated.
Understood. Note has been added to drawings indicating such.
3. 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 three (3) gallons when planted.
Understood. Note has been added to drawings indicating such.
4. 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.
Understood. Note has been added to drawings indicating such.
5. All lighting, whether installed in the parking lot on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights.
All light fixtures submitted are full cutoff and have no light above 90 degrees.
6. Utility conduits and connections must be painted to match the bridge.
All the new steel on the bridge is exposed, galvanized metal. All the existing steel on the bridge is weathering steel. We would request that we be allowed to keep the galvanized finish on utility conduits and connections to match this steel as well as avoid the ongoing maintenance of trying to repaint these long conduits every few years.
7. If applicable, 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.
Understood. Note has been added to drawings indicating such.

SIGNAGE

1. Shall comply with the sign ordinance.
All site signage will comply with ordinance.

PLANNING ENGINEERING COMMENTS

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

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Minutes

Application Number: Change of Zone Petition Number: COZ2022-016, SP2022-044, MPL2022-010, PR2022-019, BOZA2022-024

Date and Location: Monday, April 25th 2022 6-7 pm

No one attended the meeting and we received no comments or questions via email, text, or phone calls.

Flying Truss staff present:

MIKE LADDIN

MIKE ZELLER

Gould Evans staff present:

Sam Loring

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

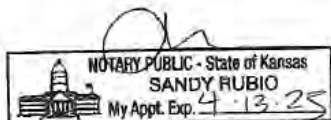
Comes now Michael Laddin (Flying Truss, Gould Evans), of lawful age,
sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2022-016, SP2022-044, MPL2022-010, PR2022-019, BOZA2022-024
2. That I conducted a neighborhood meeting on: Monday, April 25, 2022 from 6:00 pm- 7:00 pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

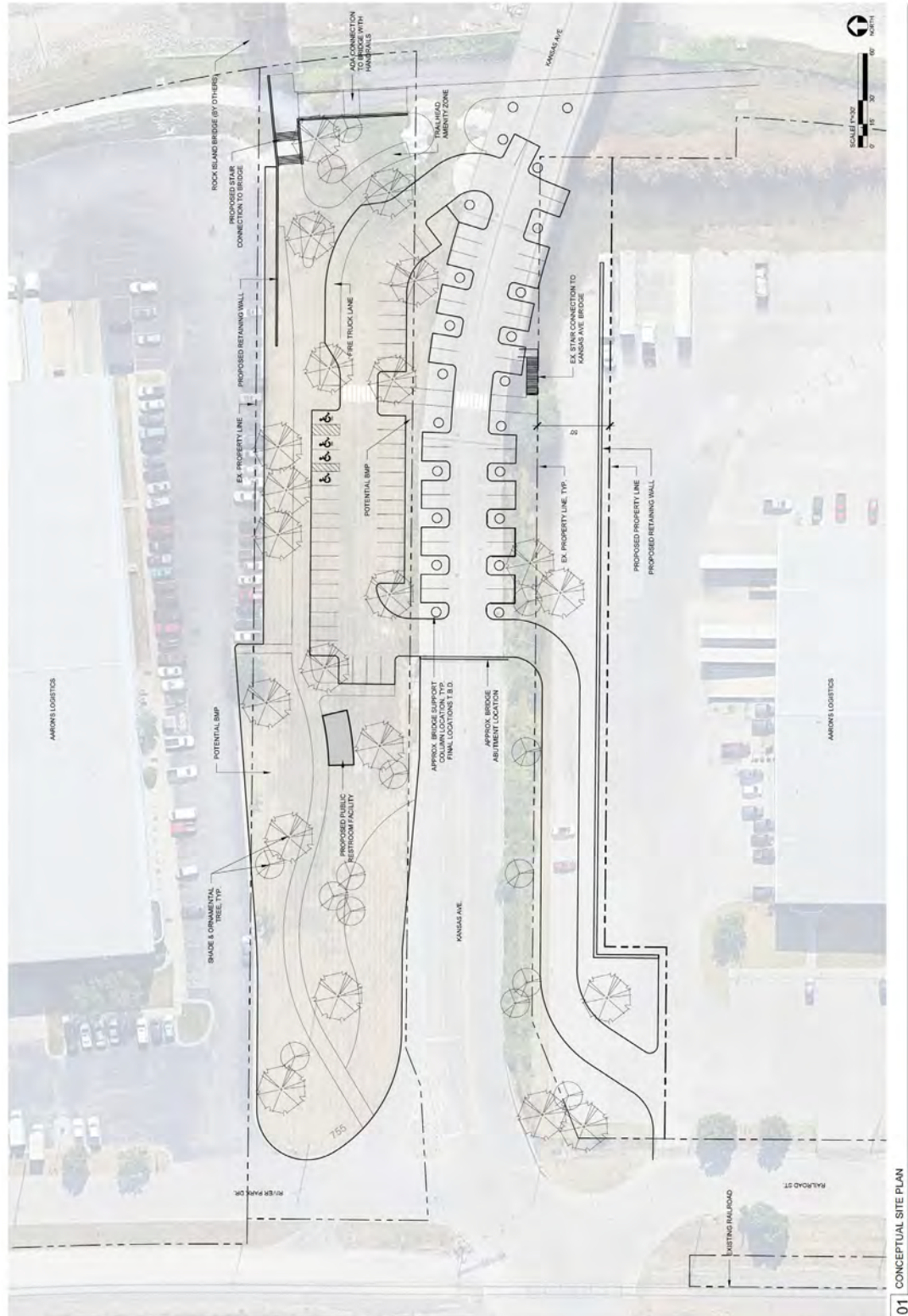
Michael Laddin
Affiant

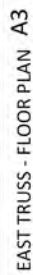
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of April, 2022
My commission expires 13th of Apr, 2025

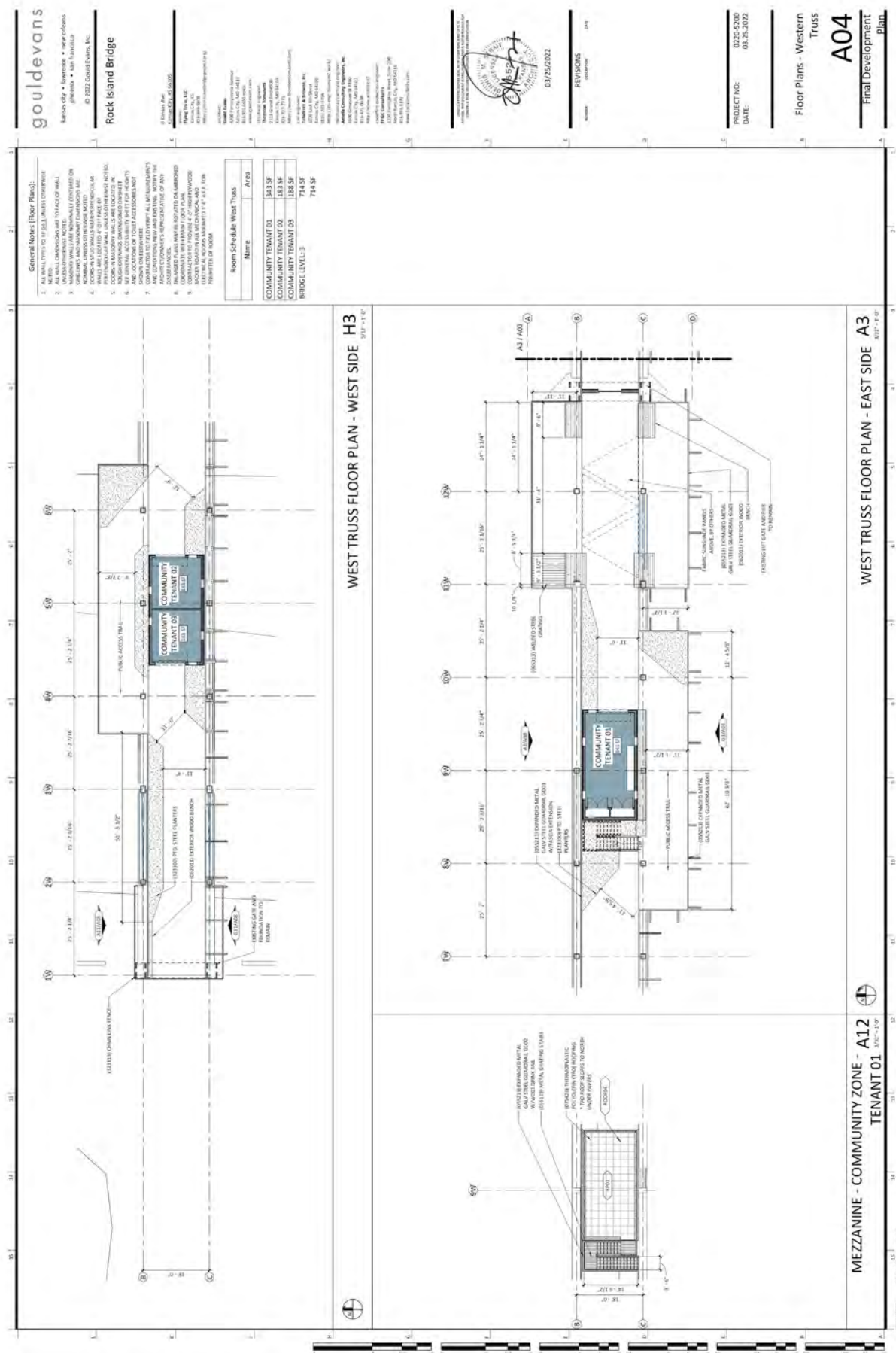


[Signature]
Notary Public

- NOTES:**
1. EXISTING SITE CONDITIONS AND PROPOSED DESIGN ARE CONCEPTUAL. SURVEY AND FINAL DESIGN TO BE COMPLETED AT A FUTURE DATE.
 2. PARKING REQUIREMENTS:
PROPOSED PARKING: 78 TOTAL STALLS
REQUIRED ADA STALLS (VAN STALLS): 4 (1)
PROVIDED ADA STALLS (VAN STALLS): 4 (2)







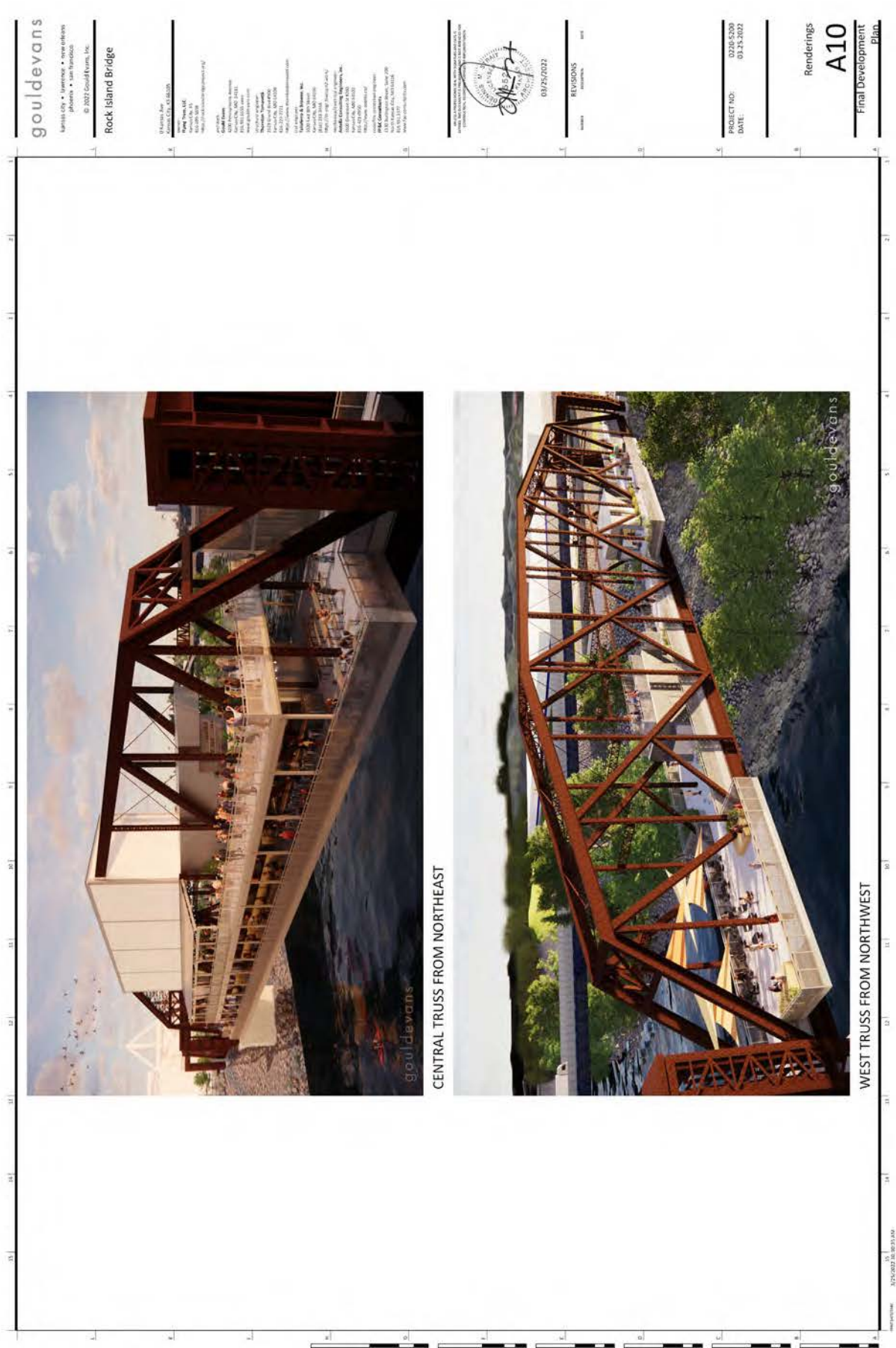




Figure 3. Site Photograph of the Rock Island Bridge looking southeast, north of the Kansas Avenue bridge (provided by Planning Staff).



Planning and Urban Design

Landmarks Commission Staff Report

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: May 26, 2022

Re: HD2022-002, Westheight Manor

GENERAL INFORMATION

Applicant:
Jennifer Mills

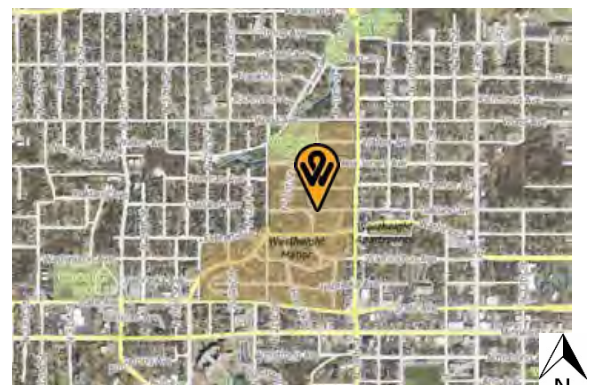
Status of Applicant:
President of Historic Westheight
1508 North 21st Street
Kansas City, KS 66102

Requested Action:
Designation of an Historic District.

Date of Application:
March 11, 2022

Property Boundaries:
North: Wood Avenue and Everett Avenue
East: North 18th Street
South: State Avenue
West: North 22nd Street and North 25th Street

Historic Property Name:
Westheight Manor



May 26, 2022

HD2022-002

Commission District:	Commissioner At-Large: Melissa Bynum District #4 Commissioner: Harold L. Johnson, Jr.		
Existing Zoning:	R-1 Single Family District R-2 Two Family District CP-0 Planned Nonretail Business		
Adjacent Zoning:	North:	R-2 Two Family District C-3 Commercial District	
	South:	R-2 Two Family District C-1 Limited Business District	
	East:	C-1 Limited Business District C-0 Nonretail Business District	
	West:	R-2 Two Family District R-1(B) Single Family District R-1 Single Family District	
Adjacent Uses:	North:	Single-Family Residential	
	South:	Single-Family Residential, Public/Semi-Public	
	East:	Single-Family Residential	
	West:	Public/Semi-Public	
Total Tract Size:	93.9 Acres		
Master Plan Designation:	The Northeast Area Master Plan designates areas of this district as Single-Family, Parks and Open Space, Historic Institutional, and Highway Commercial. Single-Family use allows single family homes, Parks and Open Space allows open spaces and institutional buildings, Historic Institutional allows institutional buildings, and Highway Commercial allows small, medium, and large commercial buildings and gas stations and convenience stores.		
Major Street Plan:	The Major Street Plan designates State Avenue as a Class A Throughfare and 18 th Street as a Class C Throughfare. Wood Avenue, North 21 st Street, North 20 th Street, Everett Avenue, Washington Avenue, North 19 th Street, Nebraska Avenue, 25 th Avenue, New Jersey Avenue, Walker Avenue, Freeman Avenue, and Oakland Avenue are designated Local/Neighborhood Streets.		
Advertisement:	<u>The Wyandotte Echo</u> – April 11, 2022 Letters to Property Owners – April 12, 2022		
Public Hearings:	May 2, 2022 and May 26, 2022		
Public Support:	None to date.		

May 26, 2022

Public Opposition:
on

Jennifer Brock, April 23, 2022: I am unable to attend the meeting May 2, 2022 but would still like to submit commentary. I have lived at 2401 Washington Blvd. since October of 2014. I am in the legal arena. I have contributed extra to the non-profit HOA for yearly dues that would well surpass anything owed yearly to date. In all my years here, they have never provided reports in the newsletter of how the money is spent and there are no voting proxies if you cannot attend the meeting. They have taken grants to fix things and now almost two years in the making there is no sign of progress on anything. There has also been no line item grant balance communicated and no supporting financial tax data supplied to paying HOA members in regard to these grants. Given the recent behaviors and strange activity of long standing members of this community over recent months/years, sadly I wonder if they spent the grants on themselves. I think the designation should be stricken until we can see legally where government grant money and/or our dues are going! We don't legally have to attend any meeting for this data and if they are taking grants out we should all be able to vote on what it is used for and see progress as law abiding tax paying citizens of KC, KS. It is a shame! Please make sure my voice is heard and taken into consideration in regard to reinstating any designation for a community that does t deserve it anymore.
Jennifer Brock 8162136517

HISTORIC BACKGROUND OF PROPOSED DISTRICT

The Westheight Manor Historic District has a history stretching to the beginnings of Kansas City, Kansas with the arrival of the Wyandot Nation from Ohio. The land was originally owned by John Sarahess, Jacob Whitecrow, and John Bearskin until Hanford N. Kerr arrived in the 1860s and began buying land in the area. Kerr bought and traded land through 1887 when he owned 380 ½ acres in the Westheight/Chelsea Park area. This land was largely spilt between his children and the rest sold to outside investors, including Jesse A. Hoel.

Jesse A. Hoel established the Hoel Realty Company in 1912 where he sold parcels of land in the Westheight Manor area for residential building. The layout and design of Westheight was largely created by the firm Hare and Hare founded by Sid Hare. Westheight was originally advertised as a “restricted” development, which affected deed restrictions, including uniform setbacks for property lines and limitations on use of property. Other restrictions included racial covenants to deny access to people of color from living in the district.

Several architects designed buildings in the Westheight Manor District, including Louis S. Curtiss, Fred S. Wilson, and Victor J. DeFoe. The houses in the district were largely influenced by the Arts and Crafts Movement with elements of the Renaissance and Colonial Revival styles.

While the development of the area started slow, growth accelerated rapidly following a successful ad campaign in 1921. Members of the public who wanted to live in Westheight could mail in to buy a section of land and build a house on the plat for as low as \$1500.

May 26, 2022

For a detailed history on Westheight Manor and the people involved, see the 1989 historic survey on the Department of Planning and Urban Design's website (link: https://www.wycokck.org/files/assets/public/planning-amp-urban-design/documents/1989-historic-inventory-phase-3-survey_westheight-manor.pdf).

Westheight Manor Historic District is on the east side of I-635 and north of I-70. The district is in the shape of a boot with the toe to the west. It is approximately bound to the north by Wood Avenue and Everett Avenue, to the east by 18th Street, to the south by State Avenue, and to the west by North 22nd Street and North 25th Street. The boundaries proposed for the local designation of Westheight Manor Historic District are coterminous with both the state and nationally designated boundaries.

Westheight Manor boasts a wide variety of housing styles, including Arts and Crafts, Prairie, Vernacular, Colonial Revival, Tudor, Airplane Bungalow and Bungalow, and Spanish Eclectic, among others.

For a detailed physical description of Westheight Manor and estimates of the number of houses that fall into specific categories, see the 1989 historic survey on the Department of Planning and Urban Design's website (link: https://www.wycokck.org/files/assets/public/planning-amp-urban-design/documents/1989-4-30_historic-inventory-phase-3-survey_westheight-manor.pdf).

FACTORS TO BE CONSIDERED

In making a recommendation concerning designation or in designating a historic landmark or historic district, the landmarks commission and the unified government board of commissioners, respectively, shall determine that the proposed landmark or district meets one or more of the following criteria:

- 1. Prior designation on lists of historic sites, including, but not limited to, the National Register of Historic Places and the Register of Historic Kansas Places.**

Westheight Manor Historic District was originally listed on the National Register of Historic Places in 1975. The district was expanded in 1982, and the district with the amendment was relisted on both the National Register of Historic Places and the Register of Historic Kansas Places at that time.

- 2. Character, interest or value as part of the development, heritage or culture of the city, the state or the United States.**

Westheight Manor is of value to the Kansas City, Kansas (KCK) region in terms of character because the area was largely developed with a naturalistic landscape design in mind at the height of the City Beautiful Movement, which was a stark contrast to other areas of KCK. The City Beautiful Movement was largely pushed by George Kessler, a German landscape architect, in the Kansas City Metropolitan Region. This movement focused on creating and maintaining parks and open spaces to beautify the city. City Beautiful also focused on the economic benefits to the city and stormwater management leaving natural areas for flooding and preserving natural topography. This movement came to Kansas City, Kansas

through several landscape architects, especially Sid Hare, which influenced the parks and boulevards of Westheight Manor.

3. Location as the site of a significant historic event.

While Westheight Manor was not a site of a significant historic event, it was a compelling example of the use of advertising in newspapers to reach potential buyers. The Hoel Real Estate Agency published a series of newspaper advertisements in 1921 pushing the idea of exclusivity, safety, and elegant yet affordable housing to the people living in the Kansas City metropolitan region (see attached newspaper articles for some examples of the advertising series).

4. Identification with a person or persons who significantly contributed to the culture and development of the city.

Westheight Manor is associated with multiple people who significantly contributed to the culture and development of KCK. Hanford N. Kerr, who purchased the Westheight Manor land from the Wyandots, was very active in local politics, assisted in the organization of the First National Bank, and gave \$60,000 to aid the establishment of a college in the area, likely Kansas City University according to the Architectural and Historical Survey of Westheight Manor completed by Cydney Millstein in 1989.

Jesse A. Hoel was an influential real estate agent that advertised and sold Westheight properties. The landscape architect Sid J. Hare, a student of George E. Kessler, largely developed the land in the naturalistic tradition, which gave the layout of streets with gentle curves, houses that sat higher than the street, and generous setbacks for the houses. Louis Curtiss and Victor J. DeFoe contributed architectural plans for many houses in the district. These architects had a profound influence in the housing stock, landscape, and real estate of Westheight Manor as well as the larger region of the Kansas Metropolitan area.

5. Exemplification of the cultural, economic, social or historical heritage of the city.

Westheight Manor was one of the first districts developed and heavily marketed to people in the KC region, focusing specifically on being a “restricted” district. The houses were fairly affordable starting around \$1500, which is approximately \$23,775 today. This gave the option of home ownership in a more exclusive area.

6. Portrayal of the environment of a group of people in an era of history characterized by distinctive architectural style or sequence of styles.

There are many different styles of houses in the Westheight Manor District, including Arts and Crafts, Prairie, Vernacular, Colonial Revival, Tudor, Airplane Bungalow and Bungalow, and Spanish Eclectic, among others. These were popular architectural styles in the early to mid-twentieth century.

A full outline of the various architectural style and number of houses that fit into each style can be found in the 1989 survey:

https://www.wycokck.org/files/assets/public/planning-amp-urban-design/documents/1989-4-30_historic-inventory-phase-3-survey_westheight-manor.pdf.

7. Embodiment of distinguishing characteristics of an architectural type or specimen.

Most houses in this district embody the distinguishing characteristics of at least one architectural type listed in question #6. This could include houses with craftsmen elements like hipped dormers on the front of the house and pillars enclosing the porch, airplane bungalows with the second-floor jutting above a largely one story house, or vernacular elements that pull from available materials in the area.

8. Identification as the work of an architect or master builder whose individual work has influenced the development of the city.

Westheight Manor is associated with several influential architects that developed aspects of KCK and Kansas City, Missouri. Sid J. Hare, a student of Park and Boulevard landscape architect George E. Kessler, greatly influenced the layout of the roads and sidewalks throughout the district, creating a less rigid street grid and instead developed curved features that fit in with the existing landscape.

Louis S. Curtiss was at one time Kansas City's most prominent architect, and designed several houses in the Westheight Manor district. Curtiss also designed the first curtain wall building that still stands in Downtown Kansas City, MO. Victor J. Defoe was another prominent architect in the Kansas City area and is responsible for at least 20 homes in the district.

9. Embodiment of elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.

The houses within Westheight Manor are not necessarily significant for any aspect of innovation. The houses typically follow the popular designs of the time.

10. Relationships to other distinctive buildings, sites or areas that are eligible for preservation according to a plan based on historic, cultural or architectural motif.

Many houses in the Westheight District share common themes with the housing in surrounding neighborhoods. This includes the focus on the Arts and Crafts and Vernacular movements. Westheight Manor's boundaries should be expanded in a future survey to include houses surrounding the district. The designation of a local district would include the creation of environs, a 200 foot buffer around each local landmark and district as per the UG's Historic Landmarks and Historic Districts Ordinance (https://library.municode.com/ks/wyandotte_county_-_unified_government/codes/code_of_ordinances?nodeId=CH27PLDE_ARTIVHILA_HIDI).

11. Unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city.

Plans for the community began as early as 1914. It was originally marketed as a “restricted” community, which meant property owners would have certain deed restrictions that they would adhere to when living in the district. These included landscaping requirements like housing setbacks, but also clauses that kept people of color from purchasing land or buying houses in the area.

The lead landscape architect Sid Hare designed the district to be in unison with nature, which included gradual, rounded corners, the inclusion of trees and other foliage, and the houses being farther setback from the road.

12. Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning and Urban Design Department at 913-573-5750 and /or planninginfo@wycokck.org for assistance.

13. Value as an aspect of community sentiment or public pride.

Westheight Manor is valued as a prominent neighborhood in KCK. One aspect of public pride was the inclusion of the district on the National Register in 1975, then expanded and included on the Register of Historic Kansas Places in 1982.

14. Properties that have achieved significance within the past 50 years shall not be considered eligible for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if the property is determined to be of exceptional importance. (Code 1964, § 2-26(6)(D); Code 1988, § 27-114; Ord. No. 49004, § 2, 9-1-1970; Ord. No. 63524, § 1, 11-12-1981; Ord. No. 64598, § 1, 2-2-1984)

The Westheight Manor District has reached the necessary 50 year threshold for determination of significance.

LANDMARKS COMMISSION RECOMMENDATION

The Kansas City, Kansas Landmarks Commission voted unanimously to recommend **APPROVAL** of **HD2022-002**.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report and recommends **APPROVAL** of **HD2022-002** to become a Kansas City, Kansas Historic District.

May 26, 2022

ATTACHMENTS LIST

Aerial Imagery
Westheight Historic District with Environs
Land Use Map
Zoning Map
National Register of Historic Places and Register of Historic Kansas Places District Map
Historic Maps
Maps Included in the 1982 Westheight Manor Expansion
Narrative Provided by Applicant
Newspaper Articles
KHRI Profile: Westheight Manor Historic District
Link: <https://khri.kansasgis.org/index.cfm?in=209-2820-00021>
KHRI Profile: Westheight Manor Entry Markers
Link: <https://khri.kansasgis.org/index.cfm?in=209-2820-01542>
KHRI Profile: Joseph H. McDowell House
Link: <https://khri.kansasgis.org/index.cfm?in=209-2820-01561>
1989 Historical and Architectural Survey of Westheight Manor
Link: https://www.wycokck.org/files/assets/public/planning-amp-urban-design/documents/1989-4-30_historic-inventory-phase-3-survey_westheight-manor.pdf
List of Properties in Westheight Manor
Link: <https://www.wycokck.org/files/assets/public/planning-amp-urban-design/documents/historic-preservation/ug-landmarks-and-districts-bt.xlsx>

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Landmarks Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Historic Designation	May 2, 2022 - Approval	May 26, 2022

STAFF CONTACT: **Emma Dambek**
edambek@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **HD2022-002** 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 Urban Planning and Land Use Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
 2. _____; And
 3. _____.
- May 26, 2022

ATTACHMENTS

Aerial Imagery



Westheight Historic District with Environs

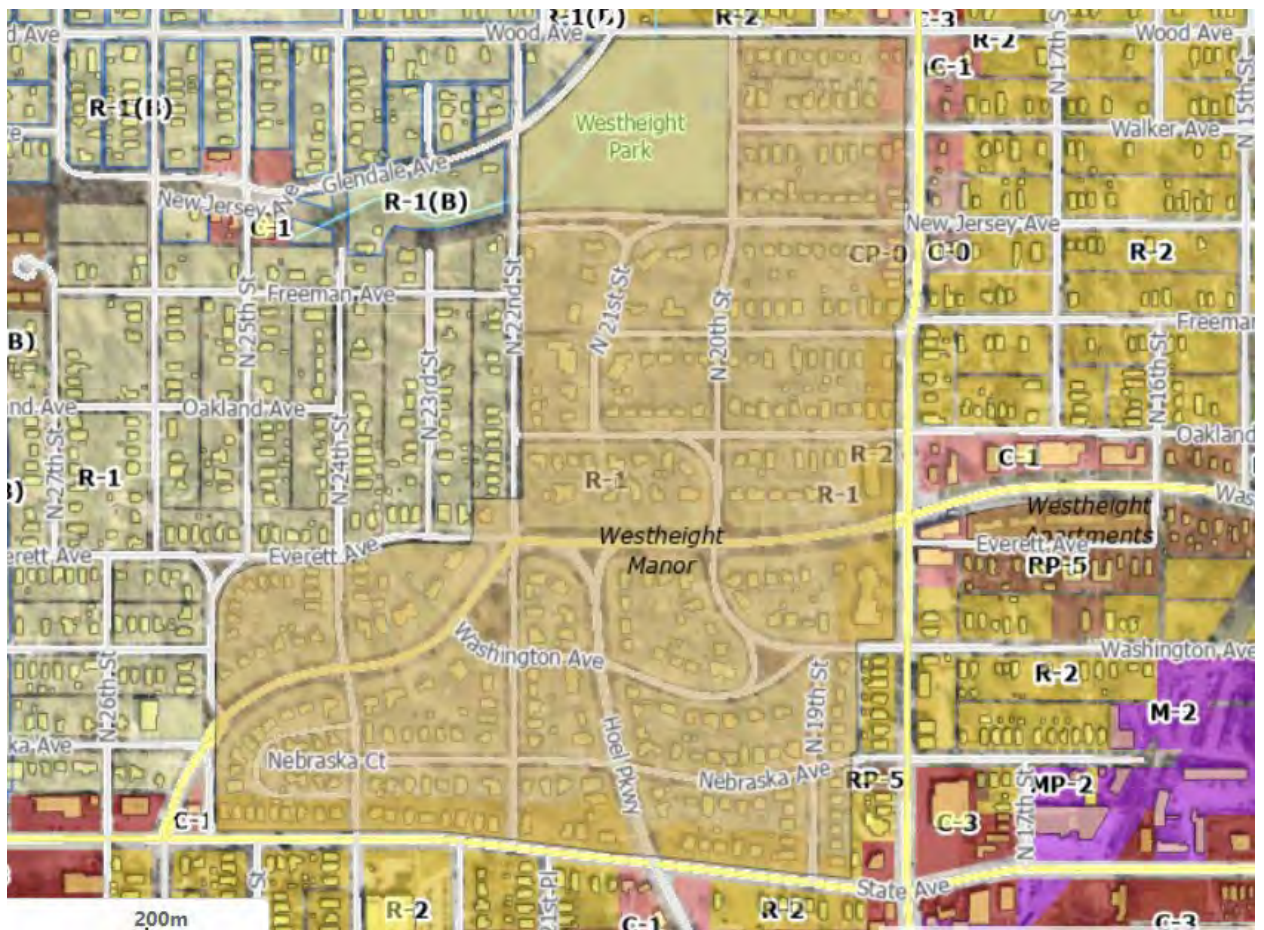


May 26, 2022

Land Use

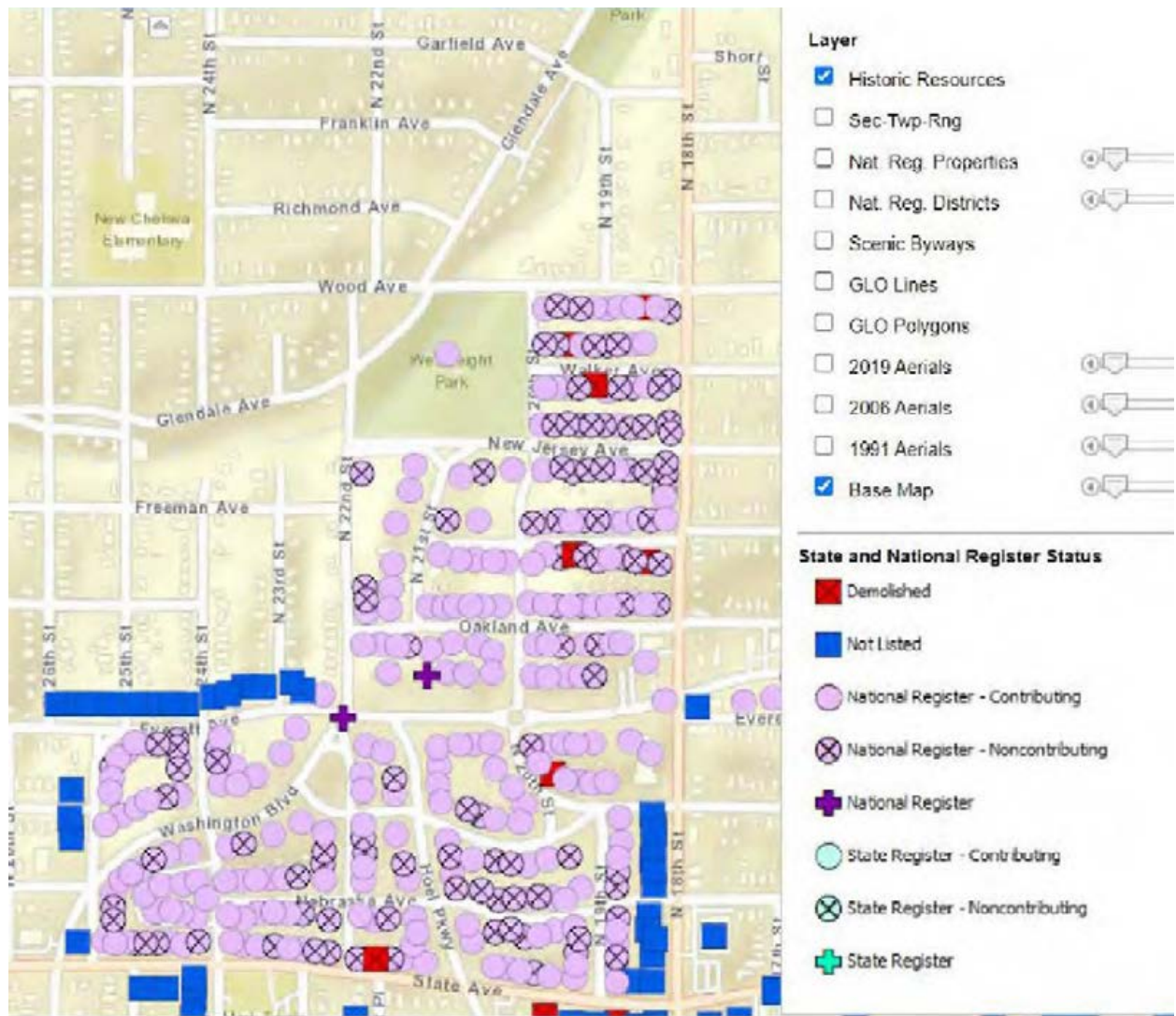


Zoning Map



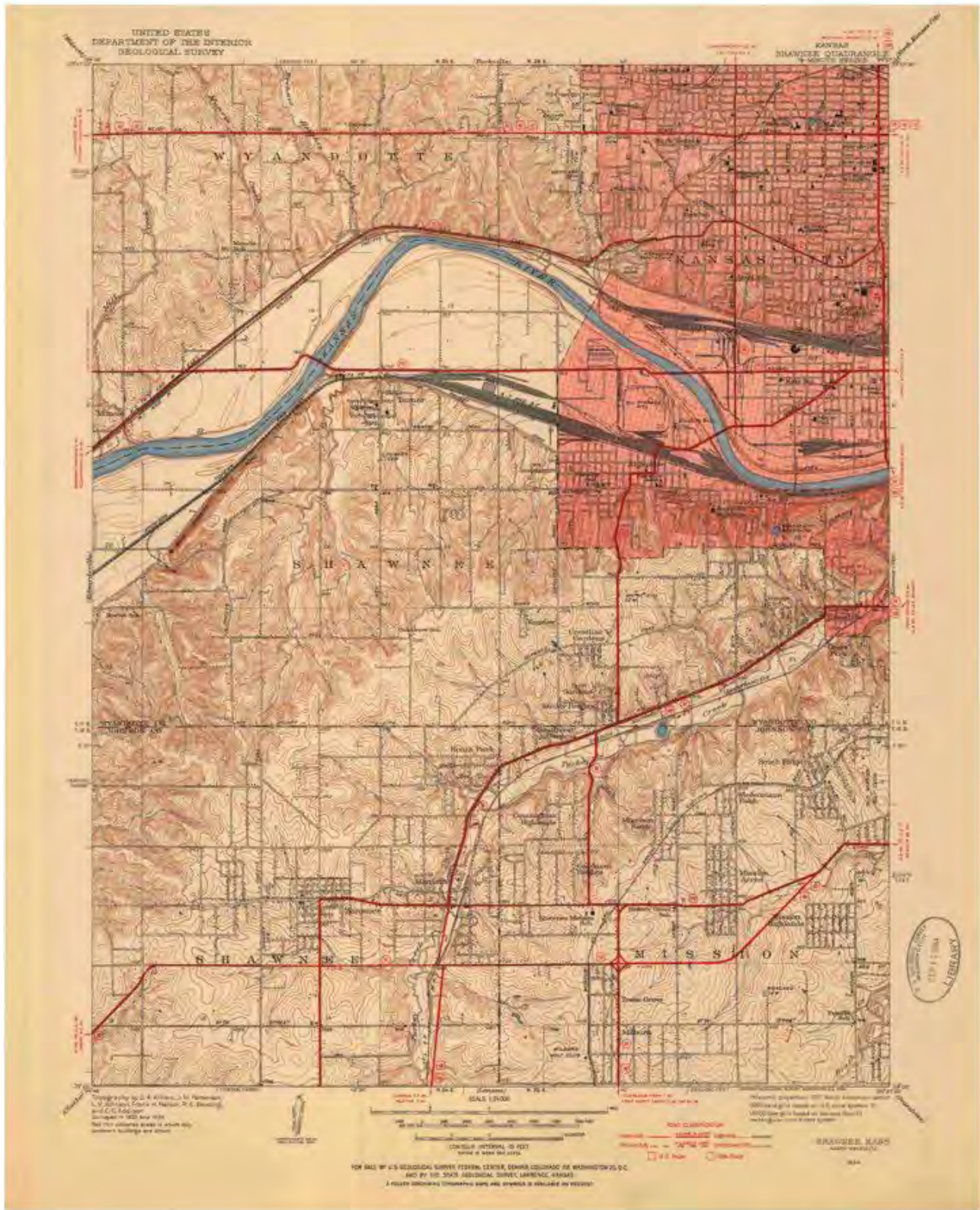
May 26, 2022

National Register of Historic Places and Register of Historic Kansas Places District Map



May 26, 2022

Historic Maps



May 26, 2022

Maps Included in the 1982 Westheight Manor Expansion





May 26, 2022

WESTHEIGHT'S DESIGNATION AS A LOCAL KCK HISTORIC DISTRICT

As most everyone knows, all of Westheight has had the honor since the 1980s of being designated on the National Register of Historic Places and the Register of Historic Kansas Places as the "Westheight Manor Historic District." That state and national designation has not only brought us wide recognition but also has offered many property owners access to historic grants and historic tax credits.

Westheight has also been able through the Unified Government to have certain protections of our historic status. Unfortunately, those local protections had to be removed a few months ago due to a state wide administrative ruling. It will be relatively easy to get these local protections reinstated however. Our board of directors met and made formal application to become a LOCALLY-designated historic district. That will enable the UG to continue to monitor building permits and code inspection as applicable to a historic district. Adding local historic designation to the national designation we already have will NOT affect your property assessment or your property taxes.

Part of the 3-month process to become locally-designated includes a mailing by the UG Planning Department on behalf of our local Landmarks Commission to each property owner in Westheight. The gist of the mailing will be that Westheight has applied to be a local historic district, and that public hearings will be held in that regard. Currently the schedule for those hearings is as follows, but these may end up shifting later in the calendar by one month. The hearing for approval and recommendation of a district before the Landmarks Commission currently is scheduled for 6pm Monday May 2, 2022. Then a "ratification" hearing by the UG Board of Commissioners will occur during its 7pm Thursday May 26, 2022, meeting. More specifics will be available closer to those dates, as well as at wycokck.org, the UG's website.

Note that the boundaries of the Westheight Manor Historic District are State Avenue on the south, 18th Street on the east, and Wood Avenue on the north. The west boundary more or less zig-zags down 22nd Street, west on Everett Avenue, and south again on 25th Street.

If you have questions or comments at this time, email board@historicwestheight.org and we'll do our best to respond a timely fashion.

Newspaper Articles

Kansas Historical Open Content

The Kansas City Kansan (Kansas City, Kansas) · 11 Jun 1917, Mon · Page 1

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Wed, Apr 6, 2022

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May 26, 2022

HD2022-002

16

Hoel to Build Fine Homes.

One hundred new residence buildings, built at a cost of almost \$650,000 in a restricted residence district of Kansas City, Kas., is the plan of J. A. Hoel, president of the Hoel Realty Company, 610 Minnesota avenue. Acting in accord with the "Build Now" slogan, construction on the new addition will start in the immediate future. The new district will be the only restricted residence district in Kansas City, Kas.

The district will be built on a tract of ground known as Westheight Manor, a plot of more than 125 acres adjoining Eighteenth street and Minnesota avenue, with Washington boulevard as an encircling thoroughfare. Almost everyone of the new dwellings will have a frontage to a boulevard system. The addition will be built entirely upon the restricted plan. The construction will be personally supervised by Mr. Hoel.

The Hoel residence, which is considered one of the most artistic in architectural construction in Kansas City, Kas., is located in the center of the district.



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For years the matter of street paving has been much like the manufacture of automobiles. It has been a tryout. The best paving like the best car wins out. When J. A. Hoel laid out Westheights Manor he traveled all over the country to find out what sort of paving has proved to be most satisfactory. He visited 45 cities and towns in the middle west and found in favor of the fibre brick block, with what is called an asphalt or squeegee top. In Norfolk, Nebraska, Mr. Hoel said he found paving of this sort that had been down 20 years and was still in first class condition. The up keep, he says, will not often exceed \$25 a mile a year.



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Wed, Apr 6, 2022

The third Westheight Manor addition to the city was approved today by the commissioners. Its boundaries are Eighteenth and Twenty-second streets and Washington boulevard and Wood avenue. The city planning commission already had approved the plot of the addition.



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Thu, Apr 7, 2022



Save Money by Acting NOW—

Like many others you want to live in Westheight Manor—You can buy splendid lots now at \$15 to \$30 a Foot.

Your Kansas Manor, EXCLUSIVE RIGHT TO BUY—

There are many people who want to live in Westheight Manor, but they do not know where to go to buy. The only place to buy is at the Westheight Manor, and the only way to buy is by acting now. The lots are selling fast, and the price is going up. Do not wait until it is too late. Buy now, while the price is low. The lots are selling for \$15 to \$30 a foot. This is a great opportunity for you to own a piece of the Westheight Manor. The lots are selling fast, and the price is going up. Do not wait until it is too late. Buy now, while the price is low. The lots are selling for \$15 to \$30 a foot. This is a great opportunity for you to own a piece of the Westheight Manor.

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See our representatives on the grounds at Westheight Manor or Call

DREXEL 1148

WESTHEIGHT MANOR
Restricted Residence District
HOEL REALTY COMPANY
 613 MINNISTERS AVENUE
 KANSAS CITY, KANSAS

21 May 1922 KC Kansan



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Wed, Apr 6, 2022

PLANS FOR \$50,000 STRUCTURE ARE
ANNOUNCED BY BOARD.

**The District Wins a 2-Year Campaign
for a Building Which Will Save
Its Elementary Pupils a
Long Walk.**

A 2-year fight for a grade school to serve the Westheight district of Kansas City, Kas., was won today when the board of education announced plans for a building between Twenty-second and Twenty-third streets on Minnesota avenue. Tentative plans call for a \$50,000 structure.

Westheight is one of the newest resident districts here. The residents largely are business men, and the property is valuable. The nearest grade school is Chelsea, at Twenty-fifth street and Wood avenue. Pupils from Westheight now attend six schools. Some are forced to walk more than a mile.

The Westinghouse Improvement Association led the fight for the school. Members of the association say they are not satisfied with only a \$50,000 building, but under present conditions must accept it temporarily.

The building program here is behind more than two years, M. E. Pearson, superintendent of schools, said. The board is making an effort to relieve congested schools, and has appropriated money for building several schools.

Plans have not been drawn for the Westheight school. Work probably will not start on it before winter, Lee Judy, member of the board, said. It will be ready for use next September.

CITATION: TURBAN, STYLISH

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 DOI: 10.1111/j.1365-2691.2006.01601.x
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JESSE A. HOEL IS DEAD

HE WAS ASSOCIATED WITH SON
IN REAL ESTATE FIRM HERE.

Previously Owner of Kansas City,
Kansas, Company, the Realtor
Lived in Area Forty-
Six Years.

Jesse A. Hoel, 71 years old, 638 East Meyer boulevard, died last night at the Bethany hospital, Kansas City, Kansas, where he had been a patient since Sunday.

For the last three years, Mr. Hoel was associated with a son, Robert C. Hoel, 3457 Holmes street, in the Hoel Realty company, 4101 Main street. Before entering this partnership, he owned and operated the Hoel Realty company in Kansas City, Kansas.

In addition to developing several smaller housing areas, Mr. Hoel was instrumental in developing Westheight Manor in 1921. He later served one term as president of the Kansas State Real Estate board, of which he was a member at the time of his death.

Mr. Hoel also was a member of the Elks lodge and was the exalted ruler at one time.

He was born in Coles County, Ill., and had lived in the Kansas City area forty-six years. He attended the University of Kansas law school two years before opening a real estate office on Minnesota avenue, Kansas City, Kansas.

Mr. Hoel also leaves his wife, Mrs. Besse Fife Hoel of the home; three other sons, J. Adrian Hoel, jr., 2708 Quincy avenue; John F. Hoel, 608 West Thirty-ninth street, and Raleigh K. Hoel, 3931 South Benton; three sisters, Mrs. John E. Boyle, Washington; Mrs. Everett E. Cummings and Mrs. Orla Farris, both of New Rochelle, N. Y.; a brother, Earl Hoel, Colony, Kas., and four grandchildren.

(STATISTICAL BUREAU 2742)

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Kansas Historic Resources Inventory			
Printed: 04/08/2022			
209-2820-00021 Westheight Manor Historic District Westheight Manor Subdivisions 1 & 2 Kansas City			

Stories:
Condition: Fair
Principal Material:
Condition Remarks:
Architect/Designer/Builder: Hare & Hare (landscape architect)
Year of Construction:
Certainty:
Date Notes: Late 19th & early 20th centuries.
General Remarks:
Ancillary Structures: Garage/Carriage House
Ancillary Structure Remarks:

REGISTER STATUS:

Listed in State Register: Yes
Date of State Listing: 02/19/1982
Listed in National Register: Yes
Date of National Listing: 02/19/1982
Historic District: Westheight Manor Historic District
Demolished:
Date Demolished (if applicable):
Potentially Eligible for National Register:
Register Status Remarks: The original Westheight Manor Historic District was listed in the NR 03/26/1975.
Thematic Nomination (MPDF):
National Historic Landmark:

SURVEY INFORMATION:

There is no survey information for this record.

IMAGES & DOCUMENTS



Westheights Manor Park. 20th & New Jersey. Looking south from Wood Ave. 12/30/2013. KSHS/Loughlin.



Westheight Manor. Historic traffic island at Washinton Blvd & Hoel Pkwy. 12/30/2013. KSHS/Loughlin.



Westheight Manor. Non-historic roundabout at Washington Blvd & 20th. 12/30/2013. KSHS/Loughlin.



Westheight Manor. Westminster Court gate, Nebraska & 24th.



Westheight Manor. Block 10, 22nd & Washington Blvd & Ave. 12/30/2013. KSHS/Loughlin.



Westheight Manor. East side Hoel Pkwy at Washington Ave, looking

12/30/2013. KSHS/Loughlin.



Westheight Manor. East side Hoel Pkwy at Nebraska Ave. looking SE.
12/30/2013. KSHS/Loughlin.



Westheight Manor. Historic traffic island at 20th & Washington Ave.
12/30/2013. KSHS/Loughlin.

NE. 12/30/2013. KSHS/Loughlin.



Westheight Manor.
Historic District. National Register
Nomination amendment. 1982.

Kansas Historic Resources Inventory		 Official Seal
Printed: 04/22/2022		
209-2820-01542 Westheight Manor Entry Markers -- WASHINGTON BLVD Kansas City		
LOCATION:		
County: Wyandotte Address: -- WASHINGTON BLVD Address Remarks: NW & SW corners of WASHINGTON BLVD & N 18TH ST City: Kansas City Zip: 66102 - 2755 Parcel ID: Legal Description: Legal Description Remarks: Latitude, Longitude 1: 39.119618 -94.649263 Latitude, Longitude 2: Latitude, Longitude 3: Latitude, Longitude 4: Datum: WGS84		
DESCRIPTION:		
Historic Name: Westheight Manor Entry Markers Alternate Name: Historic Function: Landscape Subcategory: Street Furniture/Object Historic Function Remarks: Presumably created by the Hoel Realty Company, these markers have strong stylistic ties to the Jesse A. Hoel residence. Hence the tentative attribution to Curtiss. Additional, less elaborate entry markers are found at the northwest corner of 18th and Nebraska (see 1200 North 18th) and the northeast and northwest corners of State and Hoel Parkway. Present Function: Landscape Subcategory: Street Furniture/Object Present Function Remarks: Residential/Commercial/Religious Style: Rustic Secondary Style: Barn Type: Not Applicable Bridge Type: Not Applicable Landscape Type:		

Physical Description/Remarks: These entry markers feature four rusticated field stone piers, buttressed at the base, topped by Classically-inspired entablatures which support two intersecting wooden arches. At the intersection of the wooden arches is a light fixture; between the piers are trellised planters. Lettering is possibly a later addition.

Plan Form: Square

Commercial Building Type: Not Applicable

Roof Form: Not Applicable

Stories: 1

Condition: Good

Principal Material: Stone

Condition Remarks:

Architect/Designer/Builder: Curtis, Louis S. (attr.)

Year of Construction: 1916

Certainty: Estimated

Date Notes:

General Remarks:

Auxiliary Structures: None

Auxiliary Structure Remarks:

REGISTER STATUS:

Listed in State Register: Contributing

Date of State Listing: 07/01/1977

Listed in National Register: Contributing

Date of National Listing: 04/03/1975

Historic District: Westheight Manor Historic District

Demolished:

Date Demolished (if applicable):

Potentially Eligible for National Register:

Register Status Remarks: The two markers are each contributing to the district. Included as part of the original Westheight Manor Historic District.

Thematic Nomination (MPDF):

National Historic Landmark:

SURVEY INFORMATION:

Survey 1

Survey Project Name: Kansas City - CLG Survey III (1989)

Sequence Number:

Surveyed By: Millstein, Cydney

Survey Date: 01/01/1989

IMAGES & DOCUMENTS



18th and Washington Blvd, 1974.

Kansas Historic Resources Inventory			
Printed: 04/12/2022			
209-2820-01561 McDowell, Joseph H., House 2100 WASHINGTON BLVD Kansas City		 	
LOCATION:			
County: Wyandotte			
Address: 2100 WASHINGTON BLVD			
Address Remarks:			
City: Kansas City			
Zip: 66102 - 2759			
Parcel ID: 063-05-0-40-18-010.00-0			
Legal Description:			
Legal Description Remarks: westheight manor no. 3 replat blk 17 e 5' lot 16 all lot 17 w 30' lot 18			
Latitude, Longitude 1: 39.119873 -94.652861			
Latitude, Longitude 2:			
Latitude, Longitude 3:			
Latitude, Longitude 4:			
Datum: WGS84			
DESCRIPTION:			
Historic Name: McDowell, Joseph H., House			
Alternate Name:			
Historic Function: Domestic			
Subcategory: Single Dwelling			
Historic Function Remarks: The first resident was Joseph H. McDowell, an attorney with Rice, Miller and McDowell and Kansas state senator. He later served as mayor of Kansas City, Kansas (1964-1971).			
Present Function: Domestic			
Subcategory: Single Dwelling			
Present Function Remarks:			
Residential/Commercial/Religious Style: Colonial Revival			
Secondary Style:			
Barn Type: Not Applicable			
Bridge Type: Not Applicable			
Landscape Type:			
Physical Description/Remarks: This almost full, two-story home features an asymmetrically placed inset entry, south elevation. Fenestration is multipaned casement-type and double-hung, sash-type with wooden surrounds. Sunroom with large fixed window featuring wide mullions, west end of south elevation. Prominent continuous gabled dormer straddles center of roof line. Multipaned oculi, south elevation, second-story. Stone buttressing. No chimney visible.			

Plan Form: Irregular
Commercial Building Type: Not Applicable
Roof Form: Side-Gable
Stories: 2
Condition: Good
Principal Material: Wood
Condition Remarks: House has stone veneer and wood siding.
Architect/Designer/Builder: Unknown
Year of Construction: 1947
Certainty: Documented
Date Notes: Building permit.
General Remarks:
Ancillary Structures: Garage/Carriage House
Ancillary Structure Remarks:

REGISTER STATUS:

Listed in State Register: Contributing
Date of State Listing: 07/01/1977
Listed in National Register: Yes
Date of National Listing: 04/03/1975
Historic District: Westheight Manor Historic District
Demolished:
Date Demolished (if applicable):
Potentially Eligible for National Register:
Register Status Remarks: Included as part of the original Westheight Manor Historic District.
Contributing as vinyl siding was removed April 2019.
Thematic Nomination (MPDF):
National Historic Landmark:

SURVEY INFORMATION:

Survey 1
Survey Project Name: Kansas City - CLG Survey III (1989)
Sequence Number:
Surveyed By: Millstein, Cydney
Survey Date: 01/01/1989

IMAGES & DOCUMENTS



2100 Washington Blvd. South
elevation. 12/30/2013.
KSHS/Loughlin.



2100 Washington Blvd 10/31/1988
Hancks, Larry K.



2100 Washington Blvd. South
elevation. 4/2019. Tax Credit
Application.

List of Properties in Westheight Manor

	A	B	C	D	E	F	G	H	I	J
1	Name of Place	Year Constructed	Address	Architect/Builder	Demolished	Contributing	Kansas City, Kansas Historic	Register of Historic Kansas Places	National Register of Historic Places	KHRI Resource Inventory URL
2		1930	1646 N 18th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01607
3		1922	1648 N 18th Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01608
4		1913	1650 N 18th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01609
5		1922	1654 N 18th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01610
6		1913	1702 N 18th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01612
7		1913	1720 N 18th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01613
8		1921	1111 N 19th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01618
9		1919	1112 N 19th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01619
10		1923	1219 N 19th Street	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01629
11		1950	1612 N 21st Street,	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01640
12		1917	1307 N 22nd Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01651
13		1945	1501 N 22nd Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01652
14		1945	1505 N 22nd Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01653
15		1945	1509 N 22nd Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01654
16		1926	1315 N 24th Street	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01656
17		1926	1316 N 24th Street	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01657
18		1926	1319 N 24th Street	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01658
19		1926	1320 N 24th Street	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01659
20		1926	1323 N 24th Street	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01660
21		1926	1324 N 24th Street	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01661
22		1928	1301 N 25th Street	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01664
23		1929	1305 N 25th Street	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01665
24		1929	1309 N 25th Street	C.H. Luce	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01666
25		1946	1801 Freeman Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01342
26		1925	1809 Freeman Avenue	J.H. Yoakum	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01345
27		1926	1819 Freeman Avenue	C. Meyers	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01351
28		1923	1109 Hoel Parkway	Jacob Hedgecock	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine209-2820-01375

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Name of Place	Year Constructed	Address	Architect/Builder	Demolished	Contributing	Kansas City, Kansas Historic	Register of Historic Kansas Places	National Register of Historic Places	KHRI Resource Inventory URL
	1924	1307 Hoel Parkway	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01388
	1925	2119 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01407
	1923	2215 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01411
	1931	2220 Nebraska Avenue	Otto Richmond	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01414
	1930	2224 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01669
	1941	1815 New Jersey Avenue	Frank Rollheiser	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01431
	1924	1818 New Jersey Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01432
	1941	1819 New Jersey Avenue	Frank Rollheiser	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01433
	1924	1822 New Jersey Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01434
	1941	1823 New Jersey Avenue	Frank Rollheiser	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01435
	1924	1826 New Jersey Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01436
	1947	1830 New Jersey Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01438
	1947	1834 New Jersey Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01440
	1926	1806 Oakland Avenue	J.H. Yoakum	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01450
	1923	1808 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01451
	1952	1810 Oakland Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01452
	1923	1812 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01453
	1815	1815 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01456
	1921	1829 Oakland Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01458
	1927	2004 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01463
	1927	2008 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01470
	1927	2012 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01472
	1927	2016 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01473
	1925	2021 Oakland Avenue	Todd Brothers	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01475
	1921	1910 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01483
	1961	2100 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01488
	1919	2116 State Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01490

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Name of Place	Year Constructed	Address	Architect/Builder	Demolished	Contributing	Kansas City, Kansas Historic	Register of Historic Kansas Places	National Register of Historic Places	KHRI Resource Inventory URL
	1921	2204 State Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01434
	1921	2208 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01435
	1923	2210 State Avenue	Marvin A. Mills	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01436
	1928	2220 State Avenue	Ervin E. Grube	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01438
	1924	2400-2402 State Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01501
	1926	2410 State Avenue	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01503
	1923	2414 State Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01504
	1926	2418 State Avenue	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01505
	1926	2422 State Avenue	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01506
	1926	2426 State Avenue	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01507
	1926	2430 State Avenue	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01508
	1926	2432 State Avenue	Ervin E. Grube	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01509
	1923	1807 Walker Avenue	J.H. Yoakum	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01510
	1923	1814 Walker Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01513
	1926	1819 Walker Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01517
	1923	1824 Walker Avenue	Dafoe & Carroll	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01519
	1922	1827 Walker Avenue	Unknown	Y	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01520
	1923	1831 Walker Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01522
	1922	1834 Walker Avenue	J.H. Yoakum	Y	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01523
	1960	1842 Walker Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01527
	1930	2400 Washington Boulevard	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01574
	1948	2415 Washington Boulevard	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01580
	1928	2425 Washington Boulevard	Ervin E. Grube	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01583
	1928	2426 Washington Boulevard	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01584
	1926	2429 Washington Boulevard	Ervin E. Grube	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01585
	1926	2433 Washington Boulevard	Ervin E. Grube	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01586
	1926	1908 Washington Avenue	Ervin E. Grube	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01531
Abner B. Smith	1921	Avenue	Victor J. Defoe	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01531

Name of Place	Year Constructed	Address	Architect/Builder	Demolished	Contributing	Kansas City, Kansas Historic	Register of Historic Kansas Places	National Register of Historic Places	KHRI Resource Inventory URL
Abner B. Smith House	1922	2115 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01406
Albert C. Bale House	1925	1313 Hoel Parkway	Charles E. Keyser, Architect; F.S. Clark, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01391
Albert G. Becker House	1939	2010 Washington Avenue	Frank Rollheiser	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01539
Albert Gibson House	1924	1838 Freeman Avenue	George Belles	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01356
Alex Withers House	1919	2200 State Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01493
Alf T. Pearson House	1938	1316 N 20th Street	E.F. Henderson	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01634
Allen Swanson Duplex	1923	1302 Hoel Parkway	Victor J. Defoe	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01386
Alta D. Rice House	1923	2230 Nebraska Ave	Lee Thornton	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01419
Amos B. Hoshaw House	1923	1209 N 19th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01626
A.P. Lane House	1925	1307 N 20th Street	J.G. Braecklein, Architect; C.F. Chastin, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01630
Arthur Guy House	1935	1848 Oakland Avenue	Raymond Buschusen	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01464
Arthur Hammond House	1924	1816 Washington Boulevard	Bret McClure	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01545
Arthur J. Melott House	1930	1840 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01460
Arthur E. Strickland House	1924	1825 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01549
A.T. Mosimann House	1923	2221 Nebraska Avenue	J. T. Haulj	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01415
Becker House	1924	1836 Freeman Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01354
B. Frank Tarpley House	1923	1926 Nebraska Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01403
Burdette B. Nance Garage	1921	1106 Hoel Parkway	John G. Braecklein	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01374
Carl M. Falsgrath House	1926	1929 Nebraska Avenue	Charles L. Edwards	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01404
Central Christian Church	1941	1800 Washington Boulevard	Felt and Kriehn; A. F. Wicks	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01543
C. Elton Leinbach House	1934	1311 N 20th Street	David B. Peterson, Architect; R.C. Patton, Builder	Y	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01382
Charles E. Bean House	1926	1822 Freeman Avenue	J.H. Yoakum	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01352
Charles Bloomquist House	1925	1920 Nebraska Avenue	John G. Braecklein, Architect; P.J. Bares, Builder	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01399
Charles T. Donegan House	1924	1109 N 19th Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01617
C.H. Haren House	1924	2103 Washington Boulevard	Victor J. Defoe	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ins=209-2820-01563
			Charles E. Keyser,						

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Charles L. Davies House	1925	2401 Washington Boulevard	Charles E. Keyser, Architect; O.W. Breidenthal, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01575
Charles H. Hatfield House	1922	2224 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01439
Charles E. Keyser House	1929	2421 Washington Boulevard	Charles E. Keyser, Architect; Ervin E. Grube, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01582
Charles E. Kinsey House	1926	1818 Walker Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01516
Charles A. Lowder House	1929	2406 Washington Boulevard	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01576
Charles I. Maule House	1926	1117 N 25th Street	Charles L. Edwards	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01663
Charles A. Patterson House	1924	1830 Walker Avenue	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01521
Charles H. Patterson House	1921	1842 Oakland Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01461
Charles F. Peterson House	1923	1208 N 22nd Street	Arthur F. Hall	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01644
Charles F. Peterson House	1920	1212 N 22nd Street	I.I. Groff	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01646
Chester C. Dunbar House	1926	2111 Nebraska Avenue	Chester C. Dunbar	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01405
Christian Kopp House	1924	1201 Hoel Parkway	Victor J. Defoe	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01380
Dr. C.J. Sihler House	1923	2000 Washington Boulevard	Victor J. Defoe	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01555
C. K. Wells House	1924	2101 Washington Boulevard	Victor J. Defoe	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01562
Clarence E. Elliott House	1925	1818 Oakland Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01457
Clarence E. Falconer House	1951	2007 New Jersey Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01446
Clarence A. Huff House	1924	2011 Oakland Avenue	Otto Richmond	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01471
Clarence H. Waring House	1925	1215 N 22nd Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01647
Clyde C. Glandon House	1924	1916 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01398
Cohen & Christy Duplex	1926	1101 N 19th Street	Charles L. Edwards	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01614
Courtney H. Nason House	1960	2011 Freeman Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01366
Cyril Scott House	1936	1845 New Jersey Avenue	Frank Rollheiser	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01444
Dale M. Benedict House	1925	1823 Wood Avenue	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01532
David Graham House	1930	2417 Everett Avenue	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01372
David S. Ostrum House	1924	1810 New Jersey Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01429
Daniel Scherer		2314 Washington	Joseph W. Radotinsky, Architect; Daniel						https://khri.kansasgis.org/index.cfm?ine=209-2820-01429

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Donald Brown House	1928	2016 W Washington Avenue	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01541
Dr. Douglass A. Meredith House	1919	1211 N 19th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01624
D.S. Van Cleave House	1928	2100 Oakland Avenue	Todd Brothers	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01481
Earl C. Ewer House	1929	1806 Freeman Avenue	Otto Richmond	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01344
Earl H. Oberholtz House	1937	2145 New Jersey Avenue	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01448
Edward H. Allen House	1926	1111 N 25th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01662
Edward Boddington House	1824	1830 Washington Boulevard	Victor J. Defoe	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01553
Edward R. Callender House	1919	1301 N 22nd Street	Westheight Manor Building Co.	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01650
Edward Powers, Jr. House	1971	2231 W Washington Boulevard	Robert Sista	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01568
Edward O. Morris House	1920	1200 Hoel Parkway	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01379
E.J. Goin House	1921	1900 Washington Boulevard	Victor J. Defoe	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01529
Elmer E. Gladish House	1929	2009 W Washington Avenue	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01538
Elmer E. Herron House	1930	1843 W Walker Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01528
Elmer Payne House	1923	1831 Wood Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01594
Emma & David Taylor House	1889	2024 W Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01560
Ernest L. Betton House	1919	1220 N 22nd Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01649
Ernest P. Maurin House	1930	1322 N 20th Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01635
Ernest H. Stewart House	1926	1841 Freeman Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01358
Ernest H. Stewart House	1926	1845 Freeman Avenue	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01360
Ervin E. Grube House	1925	2406 State Avenue	Ervin E. Grube	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01502
Everett E. Cummings House	1924	1827 W Wood Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01593
Fay Wickham House	1944	2001 Freeman Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01363
Floyd F. Taylor House	1921	1115 N 19th Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01621
Frank F. Beauchamp House	1921	1814 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01455
Frank W. Dickson House	1922	1833 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01459
Frank Jennings House	1923	1600 N 21st Street	Victor J. Defoe, Architect; Bert McClure, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01638
Frank Zimmer House	1949	1906 Nebraska Avenue	L.F. Garlinghouse Company (Design)	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01393

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Frank Zimmer House	1949	1906 Nebraska Avenue	L.F. Garlinghouse Company (Design)	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01393
Fred A. Earnheart House	1926	1810 Walker Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01511
Fred B. Gille House	1927	2001 Oakland Avenue	T.S. Clark	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01468
Fred H. Meyer House	1949	2027 Freeman Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01369
Fred Rickman House	1927	1805 Freeman Avenue	J.H. Yoakum	Y	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01343
Fred Robertson House	1923	2219 Washington Boulevard	Victor J. DeFoe and Maurice Carroll	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01566
Fred F. Smith House	1929	1317 N 25th Street	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01668
Fred Stevens House	1932	1810 Freeman Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01346
Fred T. Wyatt House	1950	2037 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01480
Fremont Rodgers House	1919	1201 N 22nd Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01642
George R. Allen, Jr. House	1933	2008 Washington Avenue	Burt Miller	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01537
George Anthony House	1923	1813 Oakland Avenue	S.J. Conklin	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01454
Dr. George M. Gray House	1924	1305 Hoel Parkway	John R. Rand	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01387
George H. Gray House	1924	1210 Hoel Parkway	Charles A. Smith, Architect; E.D. Shuck, Builder	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01382
George E. Hoch House	1924	1120 Hoel Parkway	Charles E. Keyser, Architect; Erwin E. Grube, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01378
George W. Palmer Duplex	1923	1104 N 19th Street	Victor J. DeFoe, Architect; Todd Bros., Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01615
George C. Stein House	1935	1508 N 21st Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01636
George E. Wallace House	1940	2414 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01558
Gerald Little House	1929	2414 Washington Boulevard	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01579
Gladish House	1921	1909 Washington Avenue	Victor J. DeFoe (1921) & David B. Peterson (1928)	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01532
H. Barth Avends House	1936	1851 Oakland Avenue	A.J. Bucher	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01465
Hanford L. Kerr House	1886	2310 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01571
Hanford L. Kerr Carriage House	1886	2310 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01572
Harley S. Grant House	1929	2410 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01578
Harold M. Franklin		1829 Washington	Rose, Ridgway & Wilson, Architects; Wyatt & Barcus,						https://khri.kansasgis.org/index.cfm?ine=209-2820-01578

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Dr. Harold J. Lind House	1949	1827 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01550
Harrison R. Lynn House	1924	1843 Wood Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01537
Harry D. Abrams House	1940	1852 Oakland Avenue	Cecil E. Cooper, Architect; W.J. Klassen, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01466
Harry E. Knittel House	1923	1815 Walker Avenue	J.H. Yoakum	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01514
Dr. Harry S. McKenzie House	1922	2202 Everett Avenue	Victor J. Defoe	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01370
Harry G. Miller, Sr. House	1921	2204 Washington Boulevard	Louis S. Curtiss	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01564
Harry Tibbs House	1950	1608 N 21st Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01639
Harry M. Winkler House	1921	1915 Washington Avenue	Louis S. Curtiss	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01533
Hartman Williams House	1945	2005 Freeman Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01365
Harvey W. Zimmerman House	1922	1219 N 22nd Street	A.B. Anderson, Architect; J.H. Yoakum, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01648
Henry E. Dengel House	1924	1820 Washington Boulevard	Bret McClure	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01546
Henry S. Gille, Sr. House	1927	2015 Washington Avenue	Rose & Ridgway, Architects; W.L. Elson, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01540
Henry A. Shondell House	1949	2002 Freeman Avenue	James F. Terney	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01364
Herman W. Henderson House	1924	1814 New Jersey Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01430
Horace J. Clark House	1919	2122 State Avenue	Unknown	Y	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01431
Hugh T. Caywood House	1924	2031 Oakland Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01477
I. Harry Darby, Jr. House	1925	1220 Hoel Parkway	Todd Brothers	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01385
Isaac Scott House	1922	1835 Wood Avenue	J.H. Yoakum	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01535
The Ideal House/Guy Stanley Residence	1926	2335 Washington Boulevard	Charles E. Keyser, Architect; Fred S. Clark, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01563
Dr. J.J. Gowney House	1919	1117 N 19th Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01622
Jack Torbert House	1929	1311 N 25th Street	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01667
Jacob P. Augle House	1940	2035 Oakland Avenue	Frank Rollheiser	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01479
James B. Carter House	1922	1835 Walker Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01524
Dr. James Fulton House	1923	1110 Hoel Parkway	Charles E. Keyser (attr.), Jones & Apake, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01376
James D. Howell House	1948	1824 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01548

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Name of Place	Year Constructed	Address	Architect/Builder	Demolished	Contributing	Kansas City, Kansas Historic	Register of Historic Kansas Places	National Register of Historic Places	KHRI Resource Inventory URL
James M. Keefer House	1930	1120 N 19th Street	Joseph A. Ridgway, Architect; A.D. Todd, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01623
James W. Pheney House	1922	1114 N 19th Street	W.D. Peters	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01620
James Stewart House	1930	2005 Washington Boulevard	Charles E. Keyser, Architect; E.D. Shuck, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01567
J. Edwin Westfall House	1919	2130 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01432
Jeff W. Mitchell House	1936	1904 Washington Avenue	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01530
Jesse A. Hoel House	1916	2108 Washington Boulevard	Louis S. Curtiss	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-00018
J.G. Walton House	1928	1818 Freeman Avenue	J.G. Walton	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01350
Jo A. Jackson House	1922	1837 Freeman Avenue	J.H. Yoakum	Y	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01355
John E. Carlson House	1929	2420 Washington Boulevard	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01581
John Collins House	1927	1825 Freeman Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01353
John C. Lyndon House	1922	1838 Walker Avenue	J.H. Yoakum	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01526
Dr. John J. Luke House	1937	1309 Hoel Parkway	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01389
John W. Oyer House	1923	1211 N 22nd Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01645
John F. Ryan House	1951	2015 New Jersey Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01447
John L. Sartin House	1939	2225 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01416
Joseph W. Brown House	1922	1800 Oakland Avenue	Joseph W. Brown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01449
Joseph Burger House	1944	1803 Wood Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01588
Joseph Cohen House	1938	2208 Washington Boulevard	Leo F. Brady	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01565
Joseph Huber House	1921	1912 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01396
Joseph H. McDowell House	1947	2100 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01561
Julius Pearson House	1921	1201 N 19th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01625
Dr. Julius H. Rabin House	1926	2219 Nebraska Avenue	Frank Shalinsky	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01413
Kenneth Chambers House	1947	1847 Freeman Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01361
Kenneth L. Browne, Jr. House	1931	1211 Hoel Parkway	Archer & Radontinsky, Architects; Harry L.	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01383
Kerr Building	1916	1700 N 18th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01611
Kersey C. Cosley House	1936	1844 New Jersey Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01443

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Knowlton Parker House	1930	2020 Oakland Avenue	Charles E. Keyser, Architect; A.J. Bucher, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01474
Latas-King Duplex	1957	2214-2216 State Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01497
Dr. Laverne B. Spake House	1923	2000 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01467
Lee Vaughn House	1954	1310 Hoel Parkway	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01390
Lefranz S. Bell House	1922	2211 Nebraska Avenue	Victor J. Defoe	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01409
Leslie M. King House	1920	2005 Washington Avenue	Westheight Manor Building Co.	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01536
Levion Barnett House	1925	1817 Freeman Avenue	J.H. Yoakum	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01349
Lloyd Smith House	1924	1207 Hoel Parkway	W.A. Eldridge	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01381
Louis Dreier House	1947	2027 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01476
Dr. Louis B. Gloyne House	1936	1310 N 20th Street	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01631
Margaret Phenev House	1921	1911 Nebraska Avenue	R.E. Brown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01395
Max Wendt House	1946	1811 Walker Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01512
Michael Jimenez House	1925	1815 Freeman Avenue	Walter May	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01347
McCough House	1925	1840 Freeman Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01357
Medden Jones House	1922	1839 Wood Avenue	J.H. Yoakum	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01596
Melvin Stiefel House	1944	1809 Wood Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01590
Dr. Merle G. Parrish Residence	1938	1823 Washington Boulevard	Cecil E. Cooper	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01547
Mildred Robbins House	1928	1805 Wood Avenue	Unknown	Y	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01589
Mina B. Prestly House	1925	1838 New Jersey Avenue	Charles L. Edwards	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01442
M. Ray Gregory House	1923	2221 Nebraska Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01410
Newton House	1927	1844 Freeman Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01359
Norman Sortor House	1949	2415 Everett Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01371
Norvel E. Smith House	1949	1514 N 21st Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01637
Dr. Oscar Davidson House	1929	2421 Everett Avenue	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01373
Ora Richardson Duplex	1961	1926 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01486
Otto Isenburg House	1921	2112 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01489
Paul R. Oviatt House	1922	1847 Oakland Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01463

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Paul R. Oviatt House	1920	2001 Washington Avenue	Westheight Manor Building Co.	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01535
Peter A. Johnson House	1928	1800 Freeman Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01341
Peter J. Osienski House	1921	1916 State Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01484
Philp C. Gibson House	1925	1915 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01397
Ralph A. Fulton House	1938	1831 Washington Boulevard	Walter J. Klassen	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01554
Ramey W. Van Peyma House	1924	1207 N 22nd Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01643
Reagin Kerr House	1930	2216 Nebraska Avenue	Howard W. Swan	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01412
Richard P. Glanville House	1935	1200 N 22nd Street	Howard W. Swan	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01641
Robert E. Brown House	1922	1211 N 19th Street	Robert E. Brown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01627
Robert D. Campbell House	1925	1820 Walker Avenue	Harry L. Oldfather	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01518
Robert A. Stevenson House	1921	1644 N 18th Street	Manuel P. Nestlerode	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01606
Robinson Edward House	1906	1801 Wood Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01587
Roy V. Barcus House	1946	2001 New Jersey Avenue	L.G. Barcus & Sons (attr. Builder)	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01445
Samuel Gorelick House	1938	1115 Hoel Parkways	Leo F. Brady	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01377
Sol Movitz House	1927	2201 Nebraska Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01408
Rev. Samuel J. Heaton House	1925	1928 State Avenue	Charles L. Edwards	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01487
Samuel Libershon House	1924	1923 Nebraska Avenue	R.P. Maule	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01401
Samuel A. McLain House	1922	1924 Nebraska Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01402
Samuel Wells House	1950	1315 N 20th Street	B.A. Larch	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01633
Shopmaker House	1926	1312 N 24th Street	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01655
Sidney Sammis House	1946	2230 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01500
Stanley Richardson House	1924	1828 Washington Boulevard	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01551
Steve Edgerson House	1924	1816 Freeman Avenue	J.L. Sarter	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01348
S. Franklin Butler House	1924	1845 Oakland Avenue	George Belles	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01462
St. Paul's Protestant Episcopal Church	1925-27 and 1954-56	1300 North 18th Street	A. K. Mosley (Troy, N. Y.), Architect (first phase) David Mackie, Architect (second phase) Rose & Ridgeway,	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01605

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St. Paul's Rectory	1928	1811 Washington Boulevard	Rose & Ridgeway, Architects; Harry L. Oldfather, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01544
Theodore G. Edwards House	1950	2229 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01418
Thomas B. Lovell House	1941	1827 New Jersey Avenue	Frank Rollheiser	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01437
Thomas M. Torson House	1919	1900 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01392
Thomas M. Torson House	1923	2300 Washington Boulevard	Victor J. DeFoe/DeFoe and Carroll	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01570
Thomas M. Can Cleave House	1932	2225 Washington Boulevard	Harry L. Wagner & Charles E. Keyser, Architects; Frank Faerber, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01567
Tobias A. Dahlgren House	1921	1108 N 19th Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01616
Violetta Garrett House	1940	2033 Oakland Avenue	Frank Rollheiser	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01478
W. Edward Kennedy House	1921	1921 Nebraska Avenue	Unknown	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01400
Walter Merritt House	1944	1811 Wood Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01531
Walter H. Nelson House	1921	1910 Nebraska Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01394
Walter F. Smith House	1923	1817 Walker Avenue	Fred S. Clark	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01515
Walter Timmerman House	1923	2017 Freeman Avenue	John C. Braecklein, Architect; Otto Junker, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01367
Westheight Manor Entry Markers	ca. 1916	North 18th Street and Washington Boulevard	Louis S. Curtiss (attr.)	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01542
Westheight Manor Park	1915	2000 New Jersey Avenue	Hare & Hare (Landscape Architect, attr.)	N	Y	Y	Y	Y	https://khri.kansasgis.org/index.cfm?ine=209-2820-01521
Westminster Court Duplex	1924	2411 Nebraska Avenue	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01425
Westminster Court Duplex	1924	2413 Nebraska Avenue	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2439
Westminster Court Duplex	1924	2414-2418 Nebraska Avenue (2414 Nebraska Avenue, 2416 Nebraska Avenue, 2417 Nebraska Avenue, 2418 Nebraska Avenue)	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather, Builder	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01426

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Westminster Court House	1924	2402 Nebraska Avenue	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather,	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01421
Westminster Court House	1924	2403 Nebraska Avenue	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather,	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01422
Westminster Court House	1924	2407 Nebraska Avenue	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather,	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01423
Westminster Court House	1924	2410 Nebraska Avenue	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather,	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01424
Westminster Court House	1924	2424 Nebraska Avenue	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather,	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01427
Westminster Court Entry Gate	1924	Nebraska Avenue	Courtland Van Brunt and Edward Buehler Delk, Architects; Harry L. Oldfather,	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01420
Wilbur E. Hoover House	1925	2228 Nebraska Avenue	Charles L. Edwards	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01417
William L. Eggen House	1920	1924 State Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01435
William Marlin House	1927	1848 Freeman Avenue	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01362
William T. Maunder House	1930	2010 Washington Boulevard	C.H. Luce	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01559
William H. McHale House	1925	1837 Walker Avenue	Harry L. Oldfather	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01525
William G. Lee House	1937	1837 New Jersey Avenue	A.J. Bucher	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01441
William F. Pagel House	1934	2407 Washington Boulevard	J.F. Fouch	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01577
William Pheney House	1921	1215 N 19th Street	Unknown	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01628
William C. Rickel House	1919	2000 Washington Avenue	Louis S. Curtiss	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01534
William W. Rose House	1922	2001 Washington Boulevard	Rose & Peterson	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01556
William H. Rudy House	1924	1215 Hoel Parkway	Fred S. Clark	N	Y	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01384
W. Harry Sappenfield House	1937	1831 New Jersey Avenue	A.J. Bucher	N	N	N	N	N	https://khri.kansasgis.org/index.cfm?ine=209-2820-01439

(First published _____)

COZ2022-005

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 9400 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to CP-3 Planned Commercial District.

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

Section 1. It is hereby found and determined that a petition was filed on January 3, 2022, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to CP-3 Planned Commercial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All that part of Lot 1, Schlitterbahn Vacation Village Second Plat, a subdivision in the City of Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 16th day of December 2021, as follows: (Note: The bearing system in the following description is based on Grid North, Kansas Regional Coordinate System, Zone 11, NAD 83.) Beginning at the Northeast corner of Lot 1, Homefield Camping World; thence N 87°42'00" W, with the northerly line of said Lot 1, Homefield Camping World, a distance of 282.08 feet; thence N 74°40'10" W, continuing with said Northerly line of Lot 1, Homefield Camping World, a distance of 151.12 feet to the Northeast corner of Lot 4A, Lot Split Lot 4, Schlitterbahn Vacation Village Second Plat; thence N 80°20'57" W with the Northerly line of said Lot 4A, Lot Split Lot 4, Schlitterbahn Vacation Village Second Plat, a distance of 122.37 feet; thence N 65°08'46" W continuing with said Northerly line of Lot 4A, Lot Split Lot 4, Schlitterbahn Vacation Village Second Plat, a distance of 86.98

feet; thence N 20°08'46" W continuing with the Easterly line of said Lot 4A, Lot Split Lot 4, Schlitterbahn Vacation Village Second Plat, a distance of 315.29 feet; thence N 02°21'14" E continuing with said Easterly line of Lot 4A, Lot Split Lot 4, Schlitterbahn Vacation Village Second Plat, a distance of 209.30 feet to the Southeast corner of Lot 5, Schlitterbahn Vacation Village Second Plat; thence N 29°07'39" E, a distance of 67.42 feet; thence S 65°07'32" E, a distance of 75.90 feet; thence Easterly and Southerly on a curve to the right, tangent to the last described course, having a radius of 365.00 feet, a central angle of 30°06'46", an arc distance of 191.83 feet; thence S 35°00'46" E, tangent to the last described curve, a distance of 190.09 feet; thence Southerly and Easterly on a curve to the left, tangent to the last described course, having a radius of 435.00 feet, a central angle of 42°46'10", an arc distance of 324.71 feet to a point of reverse curvature; thence Easterly and Southerly on a curve to the right, tangent to the last described curve, having a radius of 137.00 feet, a central angle of 80°10'15", an arc distance of 191.70 feet; thence S 01°18'58" W, tangent to the last described curve, a distance of 47.88 feet to the Point of Beginning. The above described tract contains 238,999 square feet, or 5.49 acres, more or less. Located at approximately 9400 State Avenue, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture District to CP-3 Planned Commercial 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 CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-467 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

(Published _____)

SP2022-036

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 SP2022-036, commonly known as 401 Kansas Avenue, Kansas City, Kansas, legally described as:

ARMOURDALE B1-9 & 0733, S15, T11, R25, ACRES 0.21, B7 L7 TO L9,
located at 401 Kansas Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an automotive dealership.

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. **Applicant shall make the following site improvements:**
 - a. **The brickwork must be reverted to original condition free of paint.**
 - b. **The sidewalk and landscaping must be installed per UG standards, including a minimum of one (1) tree.**
 - c. **Sidewalk completion requires a Right of Way Permit from the Public Works Department.**
 - d. **The mailbox and building numbers shall be properly installed.**

- e. Remove any debris from the rear of the building
 - f. Exterior Lighting shall be updated for downward facing lights per the Commercial Design Guidelines.
 - g. The front and side fence shall be removed and replaced with a wrought-iron style fence with masonry columns per the Commercial Design Guidelines. The front fence should be moved six (6) feet from the front sidewalk to provide a six (6) foot landscape buffer.
 - h. Barbed wire shall be modified to project inward at the rear of the property.
2. 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;
 3. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
 4. 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.
 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.

6. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
7. The applicant is requesting a Special Use Permit for a property zoned M-2 General Industrial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-036. All listed requirements that are identified as "have not been met" or "unclear if met" must be revised to be made compliant.
8. The following requirements of the Commercial Development Guidelines Overlay District have not been met:
 - a. The brickwork must be reverted to original condition free of paint.
 - b. The sidewalk and landscaping must be installed per UG standards, including a minimum of one (1) tree.
 - c. Sidewalk completion requires a Right of Way Permit from the Public Works Department.
 - d. The mailbox and building numbers shall be properly installed.
 - e. Remove any debris from the rear of the building
 - f. Exterior Lighting shall be updated for downward facing lights per the Commercial Design Guidelines.
9. 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.
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. 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,
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.

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 _____)

SP2021-084

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 SP2021-084, commonly known as 5124 Sloan Avenue, Kansas City, Kansas, legally described as:

W 53FT OF N 180FT L1, ALL L2, CRESTVIEW, A SUBDIVISION OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 5124 Sloan Avenue.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to keep horses on the property.

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 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.**

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 _____)

SP2022-001

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 SP2022-001, commonly known as 452 South 26th Street, Kansas City, Kansas, legally described as:

Commencing at a point 214.3 feet South of the South line of the South alley in Block 5, McAlpine as platted in the record in Wyandotte County, Kansas, and 30 feet West of the North and South centerline of Section 17, Township 11, Range 25; thence West 378 feet; thence North and parallel with the North and South centerline of Section 17, 140 feet; thence South 85 degrees 00 minutes 24 seconds East, 379.44 feet; thence South along the West line of 26th Street and being 30 feet West and parallel to the North and South centerline of Section 17, a distance of 107 feet to the Point of Beginning, in Kansas City, Wyandotte County, Kansas. Subject to any easements, restrictions, or reservation of record or fact, located at 452 South 26th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for heavy automotive/truck repair and used auto sales.

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 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.

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 _____)

SP2022-006

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 SP2022-006, commonly known as 7250 State Avenue, Kansas City, Kansas, legally described as:

487-B1 A TR OF LAND WEST ½ SE ¼ BEG AT CENTER TH N 88 DEG 07 MIN
58 SEC E ALG E AND W CENTER LI OF SEC 363.66 FT MEASURES 365,
Located at approximately 7250 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to continue a child care facility on the KCKCC campus.

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) **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 a

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 _____)

SP2022-009

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 SP2022-009, commonly known as 901 Minnesota Avenue, Kansas City, Kansas, legally described as:

B128 L1 TO L4, WYANDOTTE CITY, A SUBDIVISION OF WYANDOTTE COUNTY, KANSAS CITY, KS, located at 901 Minnesota Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a liquor store/convenience store.

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 case was heard in conjunction with BOZA2022-013. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-013 by the Unified Government Board of Zoning Appeals and upon any ordinance**

- publications required by law;
2. **Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;**
 3. **Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 12,300 square feet, requiring one (1) tree be provided on the site plan.;**
 4. **Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;**
 5. **The property's frontage on North 9th Street shall be updated to include greenspace as indicated in the photo in the attachments at the end of this report;**
 6. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
 7. **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 bybuildinginspecton@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;**
 8. **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.

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

AND applicant completing the landscaping, curb and median within six (6) months of approval

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 _____)

SP2022-011

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 SP2022-011, commonly known as 403 North 5th Street, Kansas City, Kansas, legally described as:

Lots 69 and 70, except the East 47 feet thereof, in Block 5, CONNELLY ADDITION OF WYANDOTTE CITY, now in and part of Kansas City, Wyandotte County, Kansas, located at approximately 403 North 5th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a sports bar/drinking establishment.

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 case was heard in conjunction with BOZA2022-003. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-003 by the Unified**

Government Board of Zoning Appeals and upon any ordinance publications required by law;

- 2. Should any live entertainment be desired, a Special Use Permit is required.**
- 3. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;**
- 4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
- 5. 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;**
- 6. If approved, the Applicant shall install bike racks on the property. Contact the Public Works Department to determine appropriate placement.**
- 7. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;**
- 8. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation;**
- 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 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 as both the property owner and the business owner that they 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. 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;

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.

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 _____)

SP2022-020

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 SP2022-020, commonly known as 4309 Rainbow Boulevard, Kansas City, Kansas, legally described as:

9020, S35, T11, R25, 10751 SQUARE FEET, 262B BEG 552.76FT S & 44FT E OF NW COR SW1/4; E 121.5FT, S 81.2FT, W 124.57FT, N03E- 56.28FT, N 25FT TO POB CONTG 0.23AC M/L, located at approximately 4309 Rainbow Boulevard, 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and**

- duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
2. Applicant shall provide the following documents and/or information:
 - a) Applicant shall post a Lead-Based Paint Notice and Asbestos Notice (if necessary) in the guest book or tenant guide.
 - b) Applicant shall provide a copy of the site plan indicating parking and common areas
 - c) Applicant shall provide a floor plan.
 - d) Applicant shall provide a copy of liability insurance.
 - e) Applicant shall provide a Welcome Packet or Guest Book stating rules and regulations;
 3. If Approved, Applicant shall obtain and/or maintain a business license from the Wyandotte County Business License office;
 4. Applicant shall remove any debris piles in the rear yard;
 5. Applicant shall improve the parking in the rear to ensure no more than 30% of the rear yard is utilized for parking;
 6. The trash enclosure shall be screened from street view via gated enclosure;
 7. Exterior repairs need approval from the Landmarks Commission, as the parcel is within the Environs of a Historical Landmark, "Old Fire Station No. 12." Please contact the Department of Planning & Urban Design for this information;
 8. Should a second dwelling unit in the property, including a basement conversion to a dwelling unit, a Change of Zone is required. The Special Use Permit must be amended to reflect the additional dwelling unit. A home inspection may be required upon the completion of a significant renovation of change in the property's use of occupancy;
 9. 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 bybuildinginspecton@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;
 10. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight (8) adults;
 11. Guest parking must be provided off-street. Maximum number of guest

- vehicles shall be three (3);
12. **Parking must take place off-street;**
 13. **Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
 14. **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;**
 15. **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 ;**
 16. **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;**
 17. **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;**
 18. **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

(Published _____)

SP2022-023

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 SP2022-023, commonly known as 3535 Wood Avenue, Kansas City, Kansas, legally described as:

Lots 58, 59, and 60, WEST RIDGE, a subdivision in Kansas City, Wyandotte County, Kansas according to the recorded plat thereof, located at approximately 3535 Wood Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for transitional housing for youth/young adults.

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) **Outside guests are not permitted to randomly visit the property without prior authorization by Avenue of Life. The residents of Avenue of Life are allowed visitors that are cleared by the resident's case manager;**
- 2) **The building shall be staffed by Avenue of Life 24 hours a day, seven (7) days a week;**

- 3) **Maximum number of guests shall not exceed thirty (30) at any point. The average total number of guests range between six (6) and eight (8);**
- 4) **Avenue of Life shall install ADA compliant curbing, sidewalks, and signage;**
- 5) **The parking in-front of the Avenue of Life facility shall be oriented as parallel parking, rather than diagonal pull in parking, as the space provided current does not meet the Code of Ordinances Section 27-669(a)(5-6) for the 45-degree parking space dimension. The spaces marked for parallel parking should include one (1) ADA parking space and shall by 9' x 23' to meet Section 27-669 (7);**
- 6) **The applicant shall flatten and/or remove the tips of the fence surrounding the site, as they are prohibited per the Code of Ordinances Section 8-225;**
- 7) **A Right-of-Way Permit is Required. The applicant is required to contact Andrew Roddy with the Public Works Department at (913) 573-5310 or by email at aroddy@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
- 8) **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;**
- 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. No flood lights are allowed;**
- 10) **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;**
- 11) **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;**
- 12) **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;
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 14) 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,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 _____)

SP2022-026

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 SP2022-026, commonly known as 3030 South 63rd Street, Kansas City, Kansas, legally described as:

BEG 779.8FT N & 200FT E OF SW COR E1/4 SE1/4; N 237.2FT, E 230FT, S 177FT, SWLY TO POB CONTG 1AC M/L, located at approximately 3030 South 63rd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to keep a maximum of 25 fowl.

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 case was heard in conjunction with BOZA2022-010. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-010 by the Unified Government Board of Zoning Appeals and upon any ordinance**

- publications required by law;
2. No eggs, meat, feathers, or produce shall be sold on or off-site without the approval of a Special Use Permit for Home Occupation;
 3. No roosters may be kept on site. Any cockerel must be culled or relocated when it reaches crowing capability and its sex is determined;
 4. Composting and site preservation methods shall be utilized to minimize any nuisance;
 5. Driveway and Parking shall be upgraded to an improved surface. If the Applicant continues with the home addition, it shall be made a part of their building permit. If the renovation is not commenced, the Applicant shall complete the improvements to the driveway and parking prior to permit renewal;
 6. 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;
 7. 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;
 8. 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;
 9. 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;

- 10. If approved, the driveway, apron, and approach shall be upgraded to an improved surface of asphalt or concrete;**
- 11. A Right of Way permit is required. Please contact the Department of Public Works to begin that process;**
- 12. 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;**
- 13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 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 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,**

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

(Published _____)

SP2022-031

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 SP2022-031, commonly known as 700 Kindelberger Road, Kansas City, Kansas, legally described as:

A tract of land in the Northeast Quarter of Section 28, Township 10 South, Range 25 East of the 6th Principal Meridian, in Kansas City, Wyandotte County, Kansas, said tract being more particularly described by Steven C. Shafer, PS 852, with BHC, CLS 175, by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on the South line of the Northeast Quarter of Section 28 having a bearing of South 87° 49' 19" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) Commencing at the Southeast corner of the Northeast Quarter of said Section 28, monumented by an existing 3/4 inch reinforcing rod; Thence South 87° 49' 19" West 99.45 feet, on the South line of said Northeast Quarter of Section 28; Thence North 02° 10' 41" West 40.00 feet, to a point on the North Right of Way line of Kindelberger Road as now established, and the Point of Beginning of the tract herein described; Thence South 87° 49' 19" West 240.03 feet, on said North Right-of-Way line, 40.00 feet North of and parallel with the South Line of said Northeast Quarter Section 28, to a point 21.5 feet East of the center line of Spur Track No. V-460; Thence North 01° 23' 40" West 595.35 feet, parallel with and 21.5 feet East of said Spur Track, to the beginning of a tangent curve, concave to the Southwest, having a radius of 477.15 feet. Thence Northerly and Northwesterly 154.89 feet on said curve to the left, having a chord bearing of North 10° 41' 39" West and a chord distance of 154.21 feet, to a point on the existing Right-of Way line established and described in Document 2015R-01016,

Report of Appraisers Tract 1A; Thence North 77° 03' 36" East 101.93 feet, on said existing Right of Way line; Thence South 34° 18' 45" East 337.15 feet, on said existing Right of Way line, to a point on the East line of the property as described in a Warranty Deed recorded in Book 1248 at Page 169; Thence South 02° 36' 11" East 332.83 feet, on said deed line; Thence South 28° 30' 45" East 76.42 feet, on said deed line, to a point 40.00 feet West of the East line of said Northeast Quarter of Section 28 and the West Right of Way line of 7th Street Trafficway; Thence South 01° 22' 48" East 10.74 feet, on said West Right of Way line, 40.00 feet West of and Parallel with the East line of said Northeast Quarter of Section 28; Thence South 39° 09' 49" West 92.29 feet, on the Northwestern Right of Way line as established in Book 983 at Page 384, to the point of beginning of the tract herein described. Containing 176,726 square feet or 4.057 acres more or less. Subject to all easements and restrictions of record, located at approximately 700 Kindelberger Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for heavy automotive/truck service, repair, and mechanics.

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 is requesting a Special Use Permit for heavy vehicle/truck service, repair, and maintenance. Any additional uses not included in this Special Use Permit SP2022-031 and not otherwise allowed by the Zoning Code in the M-3 District must receive a separate Special Use Permit;
- 2) A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 3) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
- 4) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight

- (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
- 5) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
 - 6) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four (4) months;
 - 7) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the Staff Comments and Suggestions section of this report;
 - 8) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the Staff Comments and Suggestions section of this report;
 - 9) It is unclear if some of the requirements of the Commercial Development Guidelines Overlay District have been met or not. In the Final Plan Review, the applicant should provide further explanation or demonstration for the requirements listed under Comment #4 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the Staff Comments and Suggestions section of this report;
 - 10) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the "Wyandotte County Conservation District Letter, Dated February 20, 2022" in the Attachments section of this report;
 - 11) If approved, the applicant must file and maintain a current business occupation tax application with this office;
 - 12) 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;
 - 13) 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;
- 14) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 - 15) 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;
 - 16) 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;
 - 17) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
 - 18) 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;
 - 19) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 - 20) Any business 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;
- 21) 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;
 - 22) 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;
 - 23) 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;
 - 24) 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,
- 25) 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

(Published _____)

SP2022-025

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 SP2022-025, commonly known as 9020 State Avenue, Kansas City, Kansas, legally described as:

East Tract Boundary Description (Sports Training):

All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 50, 51, 57, 67, 68, 69, 70, 71, 72, 73, 74, 75, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107, all of San Marcos Village Addition, and all that part of Bonita Street, El Centro Street, Santa Rita Street, Santa Rita Court, and Arcadia Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 30th day of December 2021, as follows: (Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.) Commencing at the Southeast corner of the Southwest Quarter of said Section 6, thence S 88°10'44" W with the South line of the Southwest Quarter of said Section 6, a distance of 392.86 feet; thence N 01°49'16" W, perpendicular to the South line of the Southwest Quarter of said Section 6, a distance of 80.00 feet to a point on the North right-of-way line of State Avenue, said point being the Southeast corner of vacated Lot 99, San Marcos Village Addition, and also being the Point of Beginning; thence S 88°10'44" W (N 90°00'00" W plat), with the North right-of-way line of State Avenue, and with the South line of vacated Lots 99, 100, 102, 103, 104, a distance of 692.01 feet; thence N 01°44'27" W and no longer with said North right-of-way line of State Avenue, a distance of 112.50 feet to a point of

curvature; thence on a curve to the left, tangent with the last described course, having a radius of 141.00 feet, a central angle of 90°04'49" and an arc distance of 221.68 feet to a point of tangency; thence S 88°10'44" W, a distance of 102.25 feet; thence N 01°49'16" W, a distance of 453.70 feet to a point on the South line of Lot 1, Wyandotte Youth Soccer Complex, a subdivision in said City, County and State; thence N 88°10'44" E with the South line of said Lot 1, Wyandotte Youth Soccer Complex, a distance of 980.19 feet to the Southeast corner of said Lot 1, also being a point on the East line of the said vacated Lot 92, San Marcos Village Addition; thence S 31°58'44" W (S 32°22'20" W plat and S 33°22'W deed), with the East line of said vacated Lots 92 and 93, a distance of 87.36 feet to the Northeast corner of vacated Lot 94; thence S 02°08'17" E (S 00°40'15" E plat and S 00°02'W deed), with the East line of vacated Lots 94, 95, 98, and 99, a distance of 634.81 feet (633.55 feet plat), to the Point of Beginning. The above described tract contains 604,445 square feet, or 13.88 acres, more or less. Located at approximately 9020 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for outdoor multi-use baseball/softball field complex.

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 building permit is required. Please contact the Building Inspection Department to begin that process;**
2. **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. The City Planning Commission granted this deviation request by the applicant;**
3. **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;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
 5. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields;
 6. Over the road trucks shall not be parked on the property overnight;
 7. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
 8. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
 9. Outdoor speakers should be oriented away from the single family residences;
 10. The outdoor scoreboard lumens shall be oriented away from the single family residences;
 11. 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 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. The City Planning Commission granted this deviation request by the applicant;
 12. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
 13. 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. Overflow drains shall be at grade and hidden by vegetation;
 14. All concrete shall be integrally-colored – no paint;
 15. 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 2 – 83 trees;
16. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
17. 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;
18. 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;
19. 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;
20. 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.
21. Trees shall be preserved around the perimeter of the site as shown on Sheet L1.00;
22. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
23. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
24. 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;
25. 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;
26. 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. This includes light that is cast vertically and horizontally;

27. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
28. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
29. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot Junipers setback 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;
32. 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;
33. 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;
34. 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;
35. 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;

36. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
37. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance; and,
38. 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

(Published _____)

SP2022-024

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 SP2022-024, commonly known as 1501 North 90th Street, Kansas City, Kansas, legally described as:

All that part of the Southeast Quarter of Fractional Section 6, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 27th day of January 2022, as follows: Commencing at the Southwest corner of said Southeast Quarter of Fractional Section 6; Thence N 02°08'17" W (N 00°18'36" E= Deed), this and all subsequent references to deed measurements are referring to Kansas Warranty Deed recorded in Book 4667 at Page 635 at the Register of Deeds office for said County and State, with the West line of said Southeast Quarter of Fractional Section 6, a distance of 1320.08 feet (1320.00'= Deed); Thence N 88°10'48" E (S 89°22'23" E= Deed) and no longer with said West line of the Southeast Quarter of Fractional Section 6, a distance of 30.00 feet to a point in the East right-of-way line of 90th Street, as said street is now established by easement recorded in Book 2498 at Page 154, at the Register of Deeds office for said County and State, said point also being the Point of Beginning of the tract to be described herein; Thence N 02°08'17" W (North= Deed), a distance of 1165.27 feet, along said west line, to a point N 88°16'32" E (S 89°16'39" E= Deed), a distance of 30.00 feet East of a point 169.30 feet (169.57'= Deed) South of the Northwest corner of the Southeast Quarter of said Fractional Section 6 as measured on said Section Line; Thence N 88°16'32" E (S 89°16'39" E= Deed), a distance of 1282.17 feet, along a line parallel with the North line of the Southeast Quarter of said Fractional Section 6, to a point on the west line of "Everhart's Addition", a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof and the center line of Walker Avenue, as said avenue is now established; Thence S 02°09'57" E (S

00°22'24" W= Deed) with said centerline of Walker Avenue, said West line of Everhart's Addition and its Southerly prolongation, a distance of 218.08 feet; Thence N 87°55'22" E with a line 39.00 feet South of and parallel with the South line of said Everhart's Addition, a distance of 672.22 feet; Thence S 02°06'58" E (S 00°19'23" W= Deed) with a line parallel with the East line of the Southeast Quarter of said Fractional Section 6, a distance of 948.08 feet to a point 1320.00 feet North of the South line of the Southeast Quarter of said Fractional Section 6; Thence S 88°10'48" W (N 89°22'23" W= Deed), with a line parallel with the South line of the Southeast Quarter of said Fractional Section 6, a distance of 1954.14 feet to the Point of Beginning. The above described tract containing 2,128,924 square feet or 48.87 acres, more or less. Located at approximately 1501 North 90th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an outdoor multi-field baseball/softball complex with concession sales.

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 building permit is required. Please contact the Building Inspection Department to begin that process;**
2. **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. The City Planning Commission granted the deviation requested by the applicant;**
3. **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;

- 4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;**
- 5. Wherever the mid-block crossing is located there is a pedestrian throughway to connect into the internal circulation of this site;**
- 6. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network;**
- 7. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street.**

The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street.

Staff would like to continue to work with the applicant and development team to see if a mid-block crossing is possible between Perfect Game and Compass Minerals Soccer Complex;

- 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 should be oriented away from the single family residences;**
- 12. The outdoor scoreboard lumens shall be oriented away from the single family residences;**
- 13. 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 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. The City Planning Commission granted the deviation requested by the applicant;**
- 14. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;**
- 15. 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. Overflow drains shall be at grade and hidden by vegetation;

16. All concrete shall be integrally-colored – no paint;
17. What will the residences see of this development from the north, south and east? For the FDP, provide sight line cross sections illustrating what the residents will see from their properties;
18. A six (6) foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties
19. 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. Overall site – 308 trees.
 - b. Street trees – 39 trees.
 - c. Parking lot islands – 35 trees.
20. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line.

The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street;

21. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
22. 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;
23. 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;
24. 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;
25. 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;

- 26. Junipers and other coniferous trees should be planted throughout the site. Specifically, around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;**
- 27. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;**
- 28. 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;**
- 29. 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;**
- 30. 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. This includes light that is cast vertically and horizontally;**
- 31. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;**
- 32. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;**
- 33. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid;**
- 34. 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;**
- 35. 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;
36. 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;
 37. 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;
 38. 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;
 39. 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;
 40. 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;
 41. The Special Use Permit shall be valid indefinitely 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. Special Use Permits are nontransferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,

42. 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

(Published _____)

SP2022-015

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 SP2022-015, commonly known as 9020 State Avenue, Kansas City, Kansas, legally described as:

Overall Boundary Description (Sports Training):

All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 17, 18, 19, 20, 21, 22, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 67, 68, 69, 70, 71, 72, 73, 74, 75, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and vacated Tracts A and B, and all of Lots 14, 15, 16, and 107, and Lot Park, all of San Marcos Village Addition, and all that part of Everett Street (platted as El Cajon Street), Santa Rosa Street, Bonita Street, El Centro Street, Santa Rita Street, Santa Rita Court, and Arcadia Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 29th day of December 2021, as follows: (Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.) Commencing at the Southeast corner of the Southwest Quarter of said Section 6, thence S 88°10'44" W with the South line of the Southwest Quarter of said Section 6, a distance of 392.86 feet; thence N 01°49'16" W, perpendicular to the South line of the Southwest Quarter of said Section 6, a distance of 80.00 feet to a point on the North right-of-way line of State Avenue, said point being the Southeast corner of vacated Lot 99, San Marcos Village Addition, and also being the Point of Beginning; thence S 88°10'44" W (N 90°00'00" W plat), with the North right-of-way line of State

Avenue, and with the South line of vacated Lots 99, 100, 102, 103, 104, Lot Park, and the South line of vacated Tract A, a distance of 1802.97 feet to the Southwest corner of said vacated Tract A; thence N 02°14'32" W (N 00°22'52" W plat), with the West line of vacated Tract A and with the West line of Lot 107, San Marcos Village Addition, and no longer with the North right-of-way line of State Avenue, a distance of 407.42 feet to the Northwest corner of said Lot 107, said point also being on the South line of vacated Lot 17; thence S 88°10'44" W (N 90°00'00" W plat), with the South line of vacated Lot 17 and the South line of Lot 16, San Marcos Village Addition, a distance of 410.42 feet to a point on the East right-of-way of N. 94th Street; thence N 02°14'32" W, with the East right-of-way line of N. 94th Street, a distance of 300.00 feet to a point on the North line of Lot 14, San Marcos Village Addition; thence N 88°10'44" E (N 90°00'00" E plat), with the North line of said Lot 14, a distance of 193.00 feet to the Northeast corner of said Lot 14, also being the Southwest corner of vacated Lot 20, San Marcos Village Addition; thence N 02°14'32" W (N 00°22'52" W plat), with the West line of vacated Lots 20 and 21, San Marcos Village Addition, a distance of 375.00 feet to the Northwest corner of vacated Lot 22, San Marcos Village Addition; thence N 88°10'44" E (N 90°00'00" E plat), with the North line of said vacated Lot 22, a distance of 215.00 feet to the Northeast corner of said vacated Lot 22; thence S 28°53'40" E, with the East line of said vacated Lot 22, a distance of 207.93 feet to the Southeast corner of said vacated Lot 22, said point being on the North right-of-way line of La Mesa Street; thence with the North right-of-way line of La Mesa Street on a curve to the left having a radius of 100.00 feet, a central angle of 18°10'27", with an initial tangent bearing of N 86°12'53" E, an arc distance of 31.72 feet to a point of reverse curvature; thence continuing with the North right-of-way line of La Mesa Street on a curve to the right having a radius of 150.00 feet, a central angle of 18°08'18", an arc distance of 42.25 feet; thence N 84°10'44" E, continuing with the North right-of-way line of La Mesa Street, a distance of 55.00 feet to a point of curvature, said point also being on the Southwesterly right-of-way line of Everett Street; thence with the Southwesterly right-of-way line of Everett Street on a curve to the left having a radius of 50.00 feet, a central angle of 116°00'00", an arc distance of 101.23 feet; thence N 31°49'16" W (N 30°00'00" plat), continuing with the Southwesterly right-of-way line of Everett Street, a distance of 45.06 feet; thence N 58°10'44" E (N 60°00'00" E plat), and no longer with the Southwesterly right-of-way line of Everett Street and with the Southerly line of Lot 34, San Marcos Village Addition and its Southwesterly prolongation, a distance of 272.78 feet to a Northwesterly corner of Lot 1, Wyandotte Youth Soccer Complex, a subdivision in said City, County and State, said corner being the first corner North of the Southwest corner of said subdivision; thence S 02°38'27" E with the West line of said Lot 1, Wyandotte

Youth Soccer Complex, a distance of 458.87 feet to the Southwest corner of said Lot 1; thence N 88°10'44" E with the South line of said Lot 1, Wyandotte Youth Soccer Complex, a distance of 1376.67 feet to the Southeast corner of said Lot 1, also being a point on the East line of the said vacated Lot 92, San Marcos Village Addition; thence S 31°58'44" W (S 32°22'20" W plat and S 33°22'W deed), with the East line of said vacated Lots 92 and 93, a distance of 87.36 feet to the Northeast corner of vacated Lot 94; thence S 02°08'17" E (S 00°40'15" E plat and S 00°02'W deed), with the East line of vacated Lots 94, 95, 98, and 99, a distance of 634.81 feet (633.55 feet plat), to the Point of Beginning. The above described tract contains 1,628,539 square feet, or 37.39 acres, more or less.

East Tract Boundary Description (Sports Training):

All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 50, 51, 57, 67, 68, 69, 70, 71, 72, 73, 74, 75, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107, all of San Marcos Village Addition, and all that part of Bonita Street, El Centro Street, Santa Rita Street, Santa Rita Court, and Arcadia Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 30th day of December 2021, as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the Southeast corner of the Southwest Quarter of said Section 6, thence S 88°10'44" W with the South line of the Southwest Quarter of said Section 6, a distance of 392.86 feet; thence N 01°49'16" W, perpendicular to the South line of the Southwest Quarter of said Section 6, a distance of 80.00 feet to a point on the North right-of-way line of State Avenue, said point being the Southeast corner of vacated Lot 99, San Marcos Village Addition, and also being the Point of Beginning; thence S 88°10'44" W (N 90°00'00" W plat), with the North right-of-way line of State Avenue, and with the South line of vacated Lots 99, 100, 102, 103, 104, a distance of 692.01 feet; thence N 01°44'27" W and no longer with said North right-of-way line of State Avenue, a distance of 112.50 feet to a point of curvature; thence on a curve to the left, tangent with the last described course, having a radius of 141.00 feet, a central angle of 90°04'49" and an arc distance of 221.68 feet to a point of tangency; thence S 88°10'44" W, a distance of 102.25 feet; thence N 01°49'16" W, a distance of 453.70 feet to a point on the South line of Lot 1, Wyandotte Youth Soccer Complex, a subdivision in said City, County and State; thence N 88°10'44" E with the South line of said Lot 1, Wyandotte Youth Soccer Complex, a distance of 980.19 feet to the Southeast corner of said Lot 1, also being a point on the East line of the said

vacated Lot 92, San Marcos Village Addition; thence S 31°58'44" W (S 32°22'20" W plat and S 33°22'W deed), with the East line of said vacated Lots 92 and 93, a distance of 87.36 feet to the Northeast corner of vacated Lot 94; thence S 02°08'17" E (S 00°40'15" E plat and S 00°02'W deed), with the East line of vacated Lots 94, 95, 98, and 99, a distance of 634.81 feet (633.55 feet plat), to the Point of Beginning. The above described tract contains 604,445 square feet, or 13.88 acres, more or less.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for site grading for future parking and baseball fields for Homefield Training Center.

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 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.

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 _____)

SP2022-014

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 SP2022-014, commonly known as 9020 State Avenue, Kansas City, Kansas, legally described as:

Overall Boundary Description (Sports Training):

All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 17, 18, 19, 20, 21, 22, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 67, 68, 69, 70, 71, 72, 73, 74, 75, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and vacated Tracts A and B, and all of Lots 14, 15, 16, and 107, and Lot Park, all of San Marcos Village Addition, and all that part of Everett Street (platted as El Cajon Street), Santa Rosa Street, Bonita Street, El Centro Street, Santa Rita Street, Santa Rita Court, and Arcadia Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 29th day of December 2021, as follows: (Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.) Commencing at the Southeast corner of the Southwest Quarter of said Section 6, thence S 88°10'44" W with the South line of the Southwest Quarter of said Section 6, a distance of 392.86 feet; thence N 01°49'16" W, perpendicular to the South line of the Southwest Quarter of said Section 6, a distance of 80.00 feet to a point on the North right-of-way line of State Avenue, said point being the Southeast corner of vacated Lot 99, San Marcos Village Addition, and also being the Point of Beginning; thence S 88°10'44" W (N 90°00'00" W plat), with the North right-of-way line of State Avenue, and with the South line of vacated Lots 99, 100, 102, 103, 104, Lot Park, and the South line of vacated Tract A, a distance of 1802.97 feet to the Southwest corner of said vacated Tract A; thence N 02°14'32" W (N 00°22'52" W

plat), with the West line of vacated Tract A and with the West line of Lot 107, San Marcos Village Addition, and no longer with the North right-of-way line of State Avenue, a distance of 407.42 feet to the Northwest corner of said Lot 107, said point also being on the South line of vacated Lot 17; thence S 88°10'44" W (N 90°00'00" W plat), with the South line of vacated Lot 17 and the South line of Lot 16, San Marcos Village Addition, a distance of 410.42 feet to a point on the East right-of-way of N. 94th Street; thence N 02°14'32" W, with the East right-of-way line of N. 94th Street, a distance of 300.00 feet to a point on the North line of Lot 14, San Marcos Village Addition; thence N 88°10'44" E (N 90°00'00" E plat), with the North line of said Lot 14, a distance of 193.00 feet to the Northeast corner of said Lot 14, also being the Southwest corner of vacated Lot 20, San Marcos Village Addition; thence N 02°14'32" W (N 00°22'52" W plat), with the West line of vacated Lots 20 and 21, San Marcos Village Addition, a distance of 375.00 feet to the Northwest corner of vacated Lot 22, San Marcos Village Addition; thence N 88°10'44" E (N 90°00'00" E plat), with the North line of said vacated Lot 22, a distance of 215.00 feet to the Northeast corner of said vacated Lot 22; thence S 28°53'40" E, with the East line of said vacated Lot 22, a distance of 207.93 feet to the Southeast corner of said vacated Lot 22, said point being on the North right-of-way line of La Mesa Street; thence with the North right-of-way line of La Mesa Street on a curve to the left having a radius of 100.00 feet, a central angle of 18°10'27", with an initial tangent bearing of N 86°12'53" E, an arc distance of 31.72 feet to a point of reverse curvature; thence continuing with the North right-of-way line of La Mesa Street on a curve to the right having a radius of 150.00 feet, a central angle of 18°08'18", an arc distance of 42.25 feet; thence N 84°10'44" E, continuing with the North right-of-way line of La Mesa Street, a distance of 55.00 feet to a point of curvature, said point also being on the Southwesterly right-of-way line of Everett Street; thence with the Southwesterly right-of-way line of Everett Street on a curve to the left having a radius of 50.00 feet, a central angle of 116°00'00", an arc distance of 101.23 feet; thence N 31°49'16" W (N 30°00'00" plat), continuing with the Southwesterly right-of-way line of Everett Street, a distance of 45.06 feet; thence N 58°10'44" E (N 60°00'00" E plat), and no longer with the Southwesterly right-of-way line of Everett Street and with the Southerly line of Lot 34, San Marcos Village Addition and its Southwesterly prolongation, a distance of 272.78 feet to a Northwesterly corner of Lot 1, Wyandotte Youth Soccer Complex, a subdivision in said City, County and State, said corner being the first corner North of the Southwest corner of said subdivision; thence S 02°38'27" E with the West line of said Lot 1, Wyandotte Youth Soccer Complex, a distance of 458.87 feet to the Southwest corner of said Lot 1; thence N 88°10'44" E with the South line of said Lot 1, Wyandotte Youth Soccer Complex, a distance of 1376.67 feet to the Southeast corner of said Lot 1, also being a point on the East line of the said vacated Lot 92, San Marcos Village Addition; thence S 31°58'44" W (S 32°22'20" W plat and S 33°22'W deed), with the East line of said vacated Lots 92 and 93, a distance of 87.36 feet to the Northeast corner of vacated Lot 94; thence S 02°08'17" E (S 00°40'15" E plat and S 00°02'W deed), with the East line of vacated Lots 94, 95, 98, and 99, a distance of 634.81 feet (633.55 feet plat), to the Point of Beginning. The above

described tract contains 1,628,539 square feet, or 37.39 acres, more or less.

East Tract Boundary Description (Sports Training):

All that part of the Southwest Quarter of Section 6, Township 11 South, Range 24 East, and all that part of vacated Lots 50, 51, 57, 67, 68, 69, 70, 71, 72, 73, 74, 75, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107, all of San Marcos Village Addition, and all that part of Bonita Street, El Centro Street, Santa Rita Street, Santa Rita Court, and Arcadia Street, as shown on the recorded plat of San Marcos Village, all in the City of Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 30th day of December 2021, as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the Southeast corner of the Southwest Quarter of said Section 6, thence S 88°10'44" W with the South line of the Southwest Quarter of said Section 6, a distance of 392.86 feet; thence N 01°49'16" W, perpendicular to the South line of the Southwest Quarter of said Section 6, a distance of 80.00 feet to a point on the North right-of-way line of State Avenue, said point being the Southeast corner of vacated Lot 99, San Marcos Village Addition, and also being the Point of Beginning; thence S 88°10'44" W (N 90°00'00" W plat), with the North right-of-way line of State Avenue, and with the South line of vacated Lots 99, 100, 102, 103, 104, a distance of 692.01 feet; thence N 01°44'27" W and no longer with said North right-of-way line of State Avenue, a distance of 112.50 feet to a point of curvature; thence on a curve to the left, tangent with the last described course, having a radius of 141.00 feet, a central angle of 90°04'49" and an arc distance of 221.68 feet to a point of tangency; thence S 88°10'44" W, a distance of 102.25 feet; thence N 01°49'16" W, a distance of 453.70 feet to a point on the South line of Lot 1, Wyandotte Youth Soccer Complex, a subdivision in said City, County and State; thence N 88°10'44" E with the South line of said Lot 1, Wyandotte Youth Soccer Complex, a distance of 980.19 feet to the Southeast corner of said Lot 1, also being a point on the East line of the said vacated Lot 92, San Marcos Village Addition; thence S 31°58'44" W (S 32°22'20" W plat and S 33°22'W deed), with the East line of said vacated Lots 92 and 93, a distance of 87.36 feet to the Northeast corner of vacated Lot 94; thence S 02°08'17" E (S 00°40'15" E plat and S 00°02'W deed), with the East line of vacated Lots 94, 95, 98, and 99, a distance of 634.81 feet (633.55 feet plat), to the Point of Beginning. The above described tract contains 604,445 square feet, or 13.88 acres, more or less, at 9020 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an indoor and outdoor multi-use sports complex.

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 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 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):**
 - 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.

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



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: May 26, 2022
Re: Change of Zone Petition COZ2021-048

GENERAL INFORMATION

Applicant:
Blair Tanner

Status of Applicant:
Tanner & White Properties, Inc.
1545 Stone Canyon Road
Los Angeles, CA 90077

Requested Actions:
To approve a change of zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District.

Date of Application:
October 29, 2021

Purpose:
To rezone to build a seven (7) story 171-unit apartment building.

Property Location:
4601 Rainbow Boulevard



Commission District:	Commissioner At Large, District #2: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	C-1 Limited Business and R-1(B) Single Family Districts
Adjacent Zoning:	North: C-3 Commercial and R-1(B) Single Family Districts South: None (City of Westwood, Kansas) East: R-1(B) Single Family District West: C-1 Limited Business District
Adjacent Uses:	North: Office building and single-family homes South: Mixed-use apartments and Woodside Racquet Club East: Single family homes and vacant lots West: A small office building and car wash
Total Tract Size:	1.89 Acres
Master Plan Area:	Rosedale Master Plan
Master Plan Designation:	The Rosedale Master Plan designates this property as Urban Mixed Use which allows townhomes, small apartment buildings (1-3 stories), multi-family apartments (taller than 3 stories), public/institutional uses, offices and services, and retail and entertainment uses.
Major Street Plan:	The Major Street Plan classifies Rainbow Boulevard as a Class A Thoroughfare and West 46 th Avenue as a Local Street.
Required Parking:	Sec. 27-461(d) One (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three (3) dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission. 223 parking spaces are required. 227 parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – November 18, 2021 Letters to Property Owners – Change of Zone – November 19, 2021, December 6, 2021, January 3, 2022, and February 7, 2022

Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	Staff has received letters of support. There was one (1) person that appeared at the May 9, 2022 City Planning Commission meeting.
Public Opposition:	Staff has received letters in opposition. There were nine (9) persons that appeared at the May 9, 2022 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 171-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

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 commercial business along Rainbow Boulevard, Westwood City Hall is located southwest of the subject property and to the north and east is an established single-family neighborhood. Immediately to the south is a mixed-use development in the City of Westwood connected to Woodside Racquet Club. Rainbow Boulevard corridor is one of the major commercial corridors in Rosedale.

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 the existing development to the south, along Rainbow Boulevard, but the scale and size of this project is imposing to the single-family neighborhood north of West 46th Avenue.

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

The removal of the restrictions might detrimentally affect nearby property the majority of the development fronts West 46th Avenue, which is across the street from three (3) single-family homes in addition to the Spring Valley residential neighborhood. The portion of the development that is sited along Rainbow Boulevard will not detrimentally affect nearby property because there is a mixed-use development abutting this development to the south and commercial to the west.

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

The property is not vacant. The parking lot is used for overflow parking for Woodside Racquet Club and a commercial business.

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

The proposed development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. Furthermore, with the University of Kansas Medical Center offices and campus to the north, those employees may be seeking a place to live that is in close proximity to their school and/or employer. The proposed use may substantially injure the visual quality or marketability of nearby property because the longest portion of the building will be oriented on West 46th Avenue, which is adjacent to an established single-family neighborhood.

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

The proposed development with 167 units will increase traffic along West 46th Avenue. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity, but the proposed parking total exceeds the district requirement. A primary entrance and exit to the parking garage on West 46th Avenue and additional on-street parking could create additional traffic and safety issues.

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

The proposed use conforms to the Rosedale Master Plan, which is Urban Mixed Use which allows townhomes, small apartment buildings (1-3 stories), multi-family apartments (taller than 3 stories), public/institutional uses, offices and services, and retail and entertainment use, so long as it complies with the multi-family design guidelines.

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

The proposed use should not cause environmental harm through runoff because the proposed development is covering the footprint of an existing commercial building, asphalt paving and concrete parking lot, and storm water runoff will be captured into the storm sewer system along Rainbow Boulevard and West 46th Avenue.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #10 located off West 36th Avenue.

f. *Transit*

Kansas City ATA provides transit service along Rainbow Boulevard, Route #107. The stop is in front of the development at West 46th Avenue and Rainbow Boulevard.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. Streets

Rainbow Boulevard is a Class A Thoroughfare and West 46th Avenue is a Local Street. The traffic study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between studio, one, two and three bedrooms) within the complex will promote a diverse population to make use of the nearby employment center, shopping, and entertainment, and transit.

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 as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they originally sought to develop it as.

PREVIOUS ACTIONS

This petition is in conjunction with Appeal BOZA2022-023 (denied by the Board of Zoning Appeals).

NEIGHBORHOOD MEETING

The applicant held two (2) neighborhood meetings in-person at Westwood City Hall on November 16, 2021 and April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Massing
Compliance with the Rosedale Urban Multi-Family Residential Design Guidelines
Pedestrian Connectivity
View Corridors
Neighborhood Compatibility
Traffic

Transit (Bikeshare and KCATA)
Fire Access
Landscaping
Buffering/Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 4 to 2 to recommend **DENIAL** of Change of Zone Application **COZ2021-048**, **due to the Factors to be Considered 1 through 6 and 12** (pages 3 through 6 of this report).

STAFF COMMENTS AND SUGGESTIONS

Staff **does not** concur with the Planning Commission's recommendation.

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 (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.

Applicant Response: Acknowledged.

2. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line.

Applicant Response: Acknowledged.

3. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space.

Additionally, paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard.

4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.

Applicant Response: The site provides 41% nonvehicular open space and a north/south crosswalk across West 46th Avenue has been provided on the west side of Francis Street.

The plan has been revised to remove four (4) parking stalls from West 46th Avenue, as well as removal of the garage the garage entry/exit from 46th Avenue. Additionally, the Owner has offered entry to the Woodside Club employee parking lot through the Woodside Village North garage; reducing the traffic impact on Eaton Street.

5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than fifty (50) units must provide two (2) of the following:
- Enclosed dog yard with seating area and shade trees;
 - Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
 - 400 square foot play area with play structure;
 - Resident garden area with water access (must be in active use);
 - Swimming pool;
 - Rooftop patio; or
 - Five (5) square feet or greater balconies for all units.

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

Applicant Response: Enclosed and landscaped courtyard, and five (5) square feet of balconies for all units provided.

6. All amenities shall be built within the first phase of the development.

Applicant Response: Acknowledged.

7. 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.

Applicant Response: Acknowledged.

8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Applicant Response: Acknowledged.

9. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, 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.

Applicant Response: Acknowledged.

10. Provide floor plans of the building, including, but not limited to the garage, rooftop patio and terrace.

Applicant Response: The project is not proposing a public rooftop patio. Floor plans, including the garage and terrace, have been provided.

11. Limit or restrict access of the garage for exit only onto westbound West 46th Avenue, as the amount of traffic of a side, local street such as West 46th Avenue will become burdensome on the neighborhood.

West 46th Avenue garage should be for emergency access enter/exit only.

Applicant Response: The project has been revised to remove garage entry on 46th Avenue entirely.

12. Due to excess parking per the parking code, change the angled parking along West 46th Avenue to parallel parking with bulb-outs to increase the open space buffer. Create a linear park (parklet) or buffer than parking adjacent to the residential neighborhood.

Applicant Response: The project is providing a pocket park for community use at the intersection of 46th Avenue and Francis Street. The angled-in parking along West 46th Avenue remains.

13. Rather than West 46th Avenue, the pull off for deliveries should be restricted to Rainbow Boulevard, if allowed by UG standards. Delivery vehicles will not have to travel through the neighborhood to go back onto Rainbow Boulevard to continue their delivery route or to their facility. There is a sign posted on West 46th Avenue restricting trucks over 12,000 lbs. from traveling on the street.

Applicant Response: The design team advises against a Rainbow Boulevard drop off due to traffic safety, as well as proximity to signal at Rainbow Boulevard and West 47th Terrace.

14. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments.

Applicant Response: The plans have been revised to show a bikeshare hub at the corner of West 46th Avenue and Rainbow Boulevard.

15. A transit stop is currently on the north side of West 46th Avenue at the Rainbow Boulevard intersection. A more prominent stop and shelter shall be relocated in front of this development. Coordination with Justus Welker, Kansas City Area Transit Authority is necessary.

Applicant Response: Upon further discussion with Planning Staff, it was determined that a bikeshare location at this corner would be preferred over a more prominent transit stop.

Building Architecture:

1. Provide an example of the proposed decorative metal screen on the east side of

the garage, as the crosshatch does not provide any detail. Staff suggests a live green vegetation wall.

Applicant Response: The design team has moved the garage westward, to face the courtyard. The east façade is now dwelling units with fenestration matching the north façade.

2. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings.

Applicant Response: The vehicular entrance for this building is now internalized within the existing Woodside Village North Garage.

3. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, multi-family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies below:
 - Minimum side yard setback of ten (10) feet from property line abutting single family.
 - Within thirty (30) feet of the property line abutting the single-family residence, a multi-family building may not exceed a half ($\frac{1}{2}$) story height greater than adjacent residence's roof height.
 - Within fifty (50) feet of the property line abutting a single-family residence, a multi-family building may not exceed a one (1) story height greater than adjacent residence's roof height.

The northeast corner needs to be stepped back to comply with Rosedale Master Plan.

Applicant Response: The design team will be pursuing a deviation in regard to this.

4. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, all façades oriented towards a street or courtyard accessed from a street must have forty (40) percent transparency between three (3) and eight (8) feet above the finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Applicant Response: 45% transparency is being provided.

5. Per the Rosedale Master Plan, all developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:
 - Masonry stoop with cheek walls;
 - Covered or uncovered porch (minimum area of 35 square feet);
 - Projecting or inset portico (minimum area of 18 square feet); or,
 - Patio or yard enclosed by three (3) masonry and decorative iron fence.

At least one (1) decorative light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat storm doors or patio doors are prohibited for primary street-oriented first floor entrances.

Applicant Response: Main entrance provided at the corner of Rainbow Boulevard and West 46th Avenue is under a portico.

6. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than thirty (30) feet and must be broken via setbacks or offsets.

Applicant Response: The developer is seeking a deviation for the length of the building. The design team has provided outset balconies every thirty (30) feet that incorporate a change in material as well as plane.

7. If a building is three (3) stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two (2) of the following are required:
- Horizontal change in building materials (shirtwaist);
 - Notable horizontal change in building material pattern or scale or color;
 - Upper story setback a minimum of 16”;
 - Cornice or banding of contrasting color;
 - Roofline (typically of a porch) spanning across 60% of facade width; or
 - Other.

Applicant Response: Horizontal change in building material, and notable change in material pattern and color provided.

8. Where is the main entrance along Rainbow Boulevard?

Applicant Response: At the corner of Rainbow Boulevard and 46th Avenue.

9. The pedestrian scale on the south façade, currently depicted as fiber cement board should be a mural or green wall.

Applicant Response: There is no pedestrian access along the south façade.

10. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed masonry.

Applicant Response: The plans have been revised to include this information.

11. The proposed garage doors shall match the adjacent exterior building façade color.

Applicant Response: Acknowledged.

12. Downspouts shall be internalized.

Applicant Response: All roof drains will be internalized.

13. Greater emphasis needs to be put upon the ground floor uses and its proximity to Rainbow Boulevard. Need to activate all ground floor lobby, reading lounge and parking.

Applicant Response: The lobby space is activated – it is the major amenity space for the project.

Landscaping and Screening:

1. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every thirty (30) feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable.

Applicant Response: A five (5) to six (6) foot tall fence (material as required) will be installed along the eastern property line, abutting the single-family residences. This frontage will also include evergreen trees spaces thirty (30) feet minimum.

2. Sec. 27-461(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.

Sec. 27-700(b)(1) 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.

The site is 1.89 acres, which requires eighteen (18) trees, twenty-one (21) additional shade trees and 167 shrubs per the zoning district.

Applicant Response: A minimum of 39 trees and 167 shrubs will be provided on the site. This total does not include the required residential buffer along the east property line.

3. Street trees are to be provided at one (1) tree for every thirty (30) feet of frontage along a major street.

Applicant Response: One (1) tree per thirty (30) linear feet of street frontage will be provided.

4. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: All plant material sizes will meet this minimum standard.

5. All landscaping shall be irrigated.

Applicant Response: All landscape areas will include an automatic irrigation system.

6. If provided, all trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Additional landscaping is necessary to screen the loading dock area from Rainbow Boulevard. This can occur in conjunction with screening the BPU transformer in the southeast corner of the site.

The trash and recycling collection is located on the north side of the building. Is the intent to roll out the dumpster on a weekly basis?

Applicant Response: Not applicable. Trash enclosure is internal to the parking garage. There is no loading dock associated within the project site, nor is there a BPU transformer at the southeast corner of the site. Yes, the dumpster will be rolled out on a weekly basis.

7. Provide a sight line study from Francis Street and Eaton Street south towards the apartment building on West 46th Avenue. This height of the building will be an imposing structure in the neighborhood. What will residents see when they look south, down the hill towards this development?

The view down Francis Street should be a landmark, not a wall façade. As designed, the façade will create a visual wall at six (6) stories at the end of Francis Street. Incorporate different row of materials, move vertical stack (stair penthouse), change the massing, windows, or some other urban design strategy accordingly.

Applicant Response: The building elevation will have a material change in this view corridor to breakup with the south elevation. A pocket park will be located at the apex of this view along the building frontage to help break up this elevation.

8. Provide a light shadow study, taking into account the north elevation of the building and the residences on the north side of West 46th Avenue.

Applicant Response: The developer is analyzing shading and would like to discuss further with Planning Staff as to what kind of study is requested.

9. 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 the parapet.

This specifically refers to the stair penthouse and elevator overruns.

Applicant Response: All site utility boxes, wall mounted utilities and rooftop mechanical equipment will be screened as required.

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

Applicant Response: All electrical meter banks will be screened from public view as required.

11. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

Siting the transformer in the right-of-way along West 46th Avenue is not the best location and is impossible to screen from public view as required. The transformer must be relocated.

Applicant Response: BPU transformer will be screened as required. The design team placed it here due to accessibility for power company as well as economy of the project.

13. 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.

Applicant Response: The two (2) foot minimum green strip is factored in the current design. Along Rainbow Boulevard, the green strip is between eleven (11) feet and thirteen (13) feet wide.

14. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.

Applicant Response: Acknowledged.

15. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.

Applicant Response: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

Applicant 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) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-048**, subject to all comments and suggestions outlined in this staff report summarized by the following conditions:

1. **A Final Development Plan is required to complete this entitlement process;**
2. **Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
3. **Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;**
4. **Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;**
5. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than fifty (50) units must provide two (2) of the following:**
 - **Enclosed dog yard with seating area and shade trees;**
 - **Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;**
 - **400 square foot play area with play structure;**
 - **Resident garden area with water access (must be in active use);**
 - **Swimming pool;**
 - **Rooftop patio; or**
 - **Five (5) square feet or greater balconies for all units.**

All buildings must provide enclosed and ground level storage for resident bicycles;

6. 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;
7. Only decorative lighting can be used on the exterior of the building(s);
8. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, 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;
9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;
10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, multi-family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies below:
 - Minimum side yard setback of ten (10) feet from property line abutting single family.
 - Within thirty (30) feet of the property line abutting the single-family residence, a multi-family building may not exceed a half ($\frac{1}{2}$) story height greater than adjacent residence's roof height.
 - Within fifty (50) feet of the property line abutting a single-family residence, a multi-family building may not exceed a one (1) story height greater than adjacent residence's roof height.

The northeast corner needs to be stepped back to comply with Rosedale Master Plan.

The applicant has requested a variance from the Board of Zoning Appeal for the side yard, interior setback. The applicant must ask for a deviation from the City Planning Commission for a deviation in the Rosedale Master Plan because while the applicant has removed a story from the east side of the building, abutting the single-family residence, the proposed building exceeds the one (1) story transition adjacent to residence's roof height **(Variance was denied)**;

11. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than thirty (30) feet and must be broken via setbacks or offsets. The applicant must ask for a deviation from the City Planning Commission for a deviation in the Rosedale Master Plan;
12. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every thirty (30) feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;

13. Sec. 27-461(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.

Sec. 27-700(b)(1) 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.

The site is 1.89 acres, which requires eighteen (18) trees, twenty-one (21) additional shade trees and 167 shrubs per the zoning district;

14. Street trees are to be provided at one (1) tree for every thirty (30) feet of frontage along a major street;
15. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
16. All landscaping shall be irrigated;
17. 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 the parapet;
18. All electrical meter banks, typically on the side of the building shall be screened from public view;
19. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
20. 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;
21. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
22. The trash enclosure shall be internalized in the garage;
23. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
24. 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;

25. 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 buildinginspection@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;
26. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
27. 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;
28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
29. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
30. 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,
31. 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.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Map Land Use Map Zoning Map
Rosedale Master Plan Map (unavailable)
Rosedale Master Plan Land Use Regulations
Rosedale Master Plan Multi-Family Residential Design Guidelines
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan/Utility Plan
Landscape Plan
Floor Plans
Site Line Section
Building Elevations
Site Photographs taken by Staff on November 16, 2021
Letters of Support
Letters of Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 9, 2022	May 26, 2022
Rezoning	Denial	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-048** 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 **COZ2021-048**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 2:40:00:

CHANGE OF ZONE APPLICATION COZ2021-048 – BLAIR TANNER - SYNOPSIS:

Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard. *Detailed Outline of Requested Action:* The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 171-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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.

Secretary Parker stated that the following letters/emails were submitted today in support:

1. Topher Philgreen, Topher Enterprises, LLC
2. Mike King, President/CEO of Youthfront
3. Jason Grill, JGrill Consulting

Present in Support:

- Bob Johnson, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Amy Grant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Aaron Mesmer, Block Real Estate Services
- Matthew Hufft, owner and operator of Hufft Architects
- Blair Tanner, Tanner and White Properties, Inc.
- Greg Kindle, President of Wyandotte Economic Development Council

At 9:10 p.m. the applicant was given an additional 5 minutes to speak by the Planning Commission.

Present in Opposition:

- Mr. Baker, 2400 block of Rainbow Boulevard, Kansas City, Kansas 66103
- Dr. Shelly Cooper, 4526 Francis, Kansas City, Kansas 66103
- Valerie Wells Fenton, 4430 State Line Road, Kansas City, Kansas 66103
- Kellie White, 4410 Francis, Kansas City, Kansas 66103
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103
- Becky Paulsen, 4418 Francis, Kansas City, Kansas 66103
- Rose Eilts, 506 North 4th Street, Kansas City, Kansas 66102
- Chris Steineger, 4529 Francis, Kansas City, Kansas 66103
- Sheri Wilson, 4529 Francis, Kansas City, Kansas 66103

Staff Recommendation starts at 3:53:35: Planning Director Hand stated that this application was heard in conjunction with BOZA2022-016, which was denied earlier this evening. This request is for a change of zoning from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District for a seven (7) story, 171-unit apartment building on 1.89 acres. The applicant has requested multiple deviations from the Multi-Family Guidelines and the Rosedale Area Master Plan. If this application is approved, the applicant will need to submit a final development plan for review and consideration. Staff has received letters in support and more letters in opposition. There are no Notices of Violation on this property. Applicant has worked with Staff through the process and taken into account the comments of the community regarding height and massing. There are several conditions of approval. One condition is that a FEMA standard safe room will need to be provided. Director Hand stated that he would like to address some of the concerns of those in opposition this evening. The traffic study was reviewed by the County Engineer and a third-party engineering consultant as the UG does not currently have a Traffic Engineer on staff. They found no adverse impact related to this project. They tiered off of the traffic study that was originally done when this property was proposed to be developed as an office building, which is standard practice. Commercial developments produce more traffic than multi-family developments. Director Hand stated regarding massing of the project, adding density and height, is the best practice for urban design. Regarding traffic calming and 46th Avenue, this project does not change the width of 46th Avenue. Adding the street parking will serve as a buffer for the sidewalk that is being added as a public amenity on the South side of 46th Avenue. He stated that the bump out and other public realm enhancements closes the pedestrian gap on Francis Street. This application does not seek a Master Plan Amendment, so Staff believes it complies with the Rosedale Master Plan with the exception of the deviations being requested. The Master Plan does speak to creating mixed-income community and affordability. Staff recommends approval subject to the conditions in the staff report.

Chairman Carson allowed the applicant to address the questions/comments raised by the opposition.

Legal Counsel Waters stated that since the City does not have a City-Wide Affordably Housing Policy, that should not be considered as a factor during deliberations on this application.

Director Hand stated that if approved, the project proposed tonight cannot be the one that will come forward at the final plan review as the variance was denied this evening. It will require a redesign of the project.

Motion starts at 4:12:50:

On motion by Mr. Miller, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of COZ2021-048 due to the Factors to be Considered 1 through 6 and 12:**

Carson	Chairman – left at 9:55 p.m. and resumed chair at 10:03
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	No – Took over as Chairman at 9:55 p.m. and relinquished the chair at 10:03 p.m.
Miller	Aye
Mohler	Not Present
Pauley	No
Straws	Not Present
Ward	Aye

Motion to recommend **DENIAL** Passed: 4 to 2



Figure 1. Aerial Photograph of 4601 Rainbow Boulevard (provided by UG Maps).



Figure 2. Zoning Map of 4601 Rainbow Boulevard (provided by UG Maps).

DISTRICTS

URBAN CORE MIXED USE

Urban Core Mixed Use is the most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street. Active uses are encouraged on the first floor. Active uses are defined as retail, office, live/work units, or residential and must include entrances on the first floor and transparent windows.



URBAN MIXED USE

The Urban Mixed Use district is designed to create a vibrant urban character. This is the second most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street.



GENERAL URBAN

This area is predominantly residential in character with rowhouses, townhomes, and single family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed use corridors. Three story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one story or 10 feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood. It will be considered alongside other factors such as how well the overall design of the site and building responds to its surrounding context and the level of community support.



URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

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

SITE CIRCULATION

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

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

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

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

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

SITE CONFIGURATION

Setbacks

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

Frontage

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

TRANSITION OF HEIGHT

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

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

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

AMENITIES

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

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

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

MATERIALS

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

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

Prohibited materials include:

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

Roof materials must have a 35 year warranty

ENTRANCES

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

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

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

ARCHITECTURAL ARTICULATION

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

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

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

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

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

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

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

TRANSPARENCY

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

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

Exterior bars or shutters may not cover windows.

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

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

ROOFS

Buildings 2 stories and less must have sloping roofs.

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

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other.

Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

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

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

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

EXTERIOR LIGHTING

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

FENCING, SCREENING, LANDSCAPING

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

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

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

Screening of multi-family residential developments is required between:

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

Pedestrian access points between various land uses are encouraged

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

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

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

TRASH SCREENING

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

PARKING SCREENING

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

UTILITIES SCREENING

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

FEMA SHELTER

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

KEY ISSUES

Massing
Compliance with the Rosedale Urban Multi-Family Residential Design Guidelines
Pedestrian Connectivity
View Corridors
Neighborhood Compatibility
Traffic Transit (Bikeshare and KCATA)
Fire Access
Landscaping
Buffering/Screening

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 (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.

Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line. **RESPONSE: Acknowledged.**

2. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space.

Additionally, paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard. **RESPONSE: The site provides 41% nonvehicular open space and a north/south crosswalk across W. 46th Avenue has been provided on the west side of Francis Street.**

In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians. **RESPONSE: The plan has been revised to remove four parking stalls from 46th Avenue, as well as removal the garage entry / exit from 46th Avenue. Additionally, the Owner has offered entry to the Woodside Club employee parking lot through the Woodside Village North garage; reducing the traffic impact on Eaton street.**

3. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than fifty (50) units must provide two (2) of the following:

- Enclosed dog yard with seating area and shade trees;
- Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
- 400 square foot play area with play structure;
- Resident garden area with water access (must be in active use);
- Swimming pool;
- Rooftop patio; or
- Five (5) square feet or greater balconies for all units.

All buildings must provide enclosed and ground level storage for resident bicycles. **RESPONSE: Enclosed and landscaped courtyard, and 5 square feet of balconies for all units provided.**

4. All amenities shall be built within the first phase of the development. **RESPONSE: Acknowledged.**

5. 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. **RESPONSE: Acknowledged.**

6. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed. **RESPONSE: Acknowledged.**

7. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, 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. **RESPONSE: Acknowledged.**

8. Provide floor plans of the building, including, but not limited to the garage, rooftop patio and terrace. **RESPONSE: The project is not proposing a public rooftop patio. Floor plans, including garage and terrace, have been provided.**

9. Limit or restrict access of the garage for exit only onto westbound West 46th Avenue, as the amount of traffic of a side, local street such as West 46th Avenue will become burdensome on the neighborhood.

West 46th Avenue garage should be for emergency access enter/exit only. **RESPONSE: The project has been revised to remove garage entry on 46th Avenue entirely.**

-
10. Due to excess parking per the parking code, change the angled parking along West 46th Avenue to parallel parking with bulb-outs to increase the open space buffer. Create a linear park (parklet) or buffer than parking adjacent to the residential neighborhood. **RESPONSE: The project is providing a pocket park for community use at the intersection of 46th Avenue and Francis Street. The angled-in parking along W. 46th Avenue remains.**
 11. Rather than West 46th Avenue, the pull off for deliveries should be restricted to Rainbow Boulevard, if allowed by UG standards. Delivery vehicles will not have to travel through the neighborhood to go back onto Rainbow Boulevard to continue their delivery route or to their facility. There is a sign posted on West 36th Avenue restricting trucks over 12,000 lbs. from traveling on the street. **RESPONSE: The design team advises against a Rainbow Boulevard drop off due to traffic safety, as well as proximity to signal at Rainbow Boulevard and West 47th Terrace.**
 12. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments. **RESPONSE: The plans have been revised to show a bikeshare space at the corner of W. 46th Avenue and Rainbow Boulevard.**
 13. A transit stop is currently on the north side of West 46th Avenue at the Rainbow Boulevard intersection. A more prominent stop and shelter shall be relocated in front of this development. Coordination with Justus Welker, Kansas City Area Transit Authority is necessary. **RESPONSE: Upon further discussion with planning staff, it was determined that a bikeshare location at this corner would be preferred over a more prominent transit stop.**

Building Architecture:

1. Provide an example of the proposed decorative metal screen on the east side of the garage, as the crosshatch does not provide any detail. Staff suggests a live green vegetation wall. **RESPONSE: The design team has moved the garage westward, to face the Courtyard. The east façade is now dwelling units with fenestration matching the north façade.**

Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of

buildings. **RESPONSE: The vehicular entrance for this building is now internalized within the existing Woodside Village North Garage.**

2. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, multi-family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies below:
 - Minimum side yard setback of ten (10) feet from property line abutting single family.
 - Within thirty (30) feet of the property line abutting the single-family residence, a multi-family building may not exceed a half ($\frac{1}{2}$) story height greater than adjacent residence's roof height.
 - Within fifty (50) feet of the property line abutting a single-family residence, a multi-family building may not exceed a one (1) story height greater than adjacent residence's roof height.

The northeast corner needs to be stepped back to comply with Rosedale Master Plan. **RESPONSE: The design team will be pursuing a deviation in regard to this.**

3. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, all façades oriented towards a street or courtyard accessed from a street must have forty (40) percent transparency between three (3) and eight (8) feet above the finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass. **RESPONSE: 45% transparency is being provided.**
4. Per the Rosedale Master Plan, all developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:
 - Masonry stoop with cheek walls;
 - Covered or uncovered porch (minimum area of 35 square feet);
 - Projecting or inset portico (minimum area of 18 square feet); or,
 - Patio or yard enclosed by three (3) masonry and decorative iron fence.

At least one (1) decorative light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat storm doors or patio doors are prohibited for primary street-oriented first floor entrances. **RESPONSE: Main entrance provided at the corner of Rainbow Boulevard & West 46th Avenue under a portico.**

5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than thirty (30) feet and must be broken

via setbacks or offsets. **RESPONSE: The Developer is seeking a deviation for the length of the building. The design team has provided outset balconies every 30 feet that incorporate a change in material as well as plane.**

6. If a building is three (3) stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two (2) of the following are required:

- Horizontal change in building materials (shirtwaist);
- Notable horizontal change in building material pattern or scale or color;
- Upper story setback a minimum of 16”;
- Cornice or banding of contrasting color;
- Roofline (typically of a porch) spanning across 60% of facade width; or
- Other.

RESPONSE: Horizontal change in building material, and notable change in material pattern and color provided.

7. Where is the main entrance along Rainbow Boulevard? **RESPONSE: At the corner of Rainbow Boulevard and 46th Avenue.**
8. The pedestrian scale on the south façade, currently depicted as fiber cement board should be a mural or green wall. **RESPONSE: There is no pedestrian access along the south façade.**
9. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed masonry. **RESPONSE: The plans have been revised to include this information.**
10. The proposed garage doors shall match the adjacent exterior building façade color. **RESPONSE: Acknowledged.**
11. Downspouts shall be internalized. **RESPONSE: All roof drains to be internalized.**
12. Greater emphasis needs to be put upon the ground floor uses and its proximity to Rainbow Boulevard. Need to activate all ground floor lobby, reading lounge and parking. **RESPONSE: The lobby space is activated – it is the major internal amenity space for the project.**

Landscaping and Screening:

1. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses

must include a five (5) to six (6) foot tall fence preferably with evergreens placed every thirty (30) feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable. **RESPONSE: RESPONSE: 5'-6' tall fence (material as required) will be installed along the eastern property line, abutting the single family residences. This frontage will also include evergreen trees spaced 30' min.**

2. Sec. 27-461(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.

Sec. 27-700(b)(1) 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.

The site is 1.89 acres, which requires eighteen (18) trees, twenty-one (21) additional shade trees and 167 shrubs per the zoning district.

RESPONSE: A minimum of 39 trees and 167 shrubs will be provided on the site. This total does not include the required residential buffer along the east property line.

3. Street trees are to be provided at one (1) tree for every thirty (30) feet of frontage along a major street. **RESPONSE: 1 tree per 30lf of street frontage will be provided.**
4. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted. **RESPONSE: All plant material sizes will meet this minimum required.**
5. All landscaping shall be irrigated. **RESPONSE: All landscape areas will include an automatic irrigation system.**
6. If provided, all trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times. **RESPONSE: N/A. Trash enclosure is internal to the parking garage.**

Additional landscaping is necessary to screen the loading dock area from Rainbow Boulevard. This can occur in conjunction with screening the BPU transformer in the southeast corner of the site. **RESPONSE: There is no loading dock associated within the project site, nor is there a BPU transformer at the southeast corner of the site.**

The trash and recycling collection is located on the north side of the building. Is the intent to roll out the dumpster on a weekly basis? **RESPONSE: Yes, that is correct.**

7. Provide a sight line study from Francis Street and Eaton Street south towards the apartment building on West 46th Avenue. This height of the building will be an imposing structure in the neighborhood. What will residents see when they look south, down the hill towards this development?

The view down Francis Street should be a landmark, not a wall façade. As designed, the façade will create a visual wall at six (6) stories at the end of Francis Street. Incorporate different row of materials, move vertical stack (stair penthouse), change the massing, windows, or some other urban design strategy accordingly.

RESPONSE: The building elevation will have a material change in this view corridor to breakup with the south elevation. A pocket park will be located at the apex of this view along the building frontage to help break up this elevation.

8. Provide a light shadow study, taking into account the north elevation of the building and the residences on the north side of West 46th Avenue. **RESPONSE: The Developer is analyzing shading and would like to discuss further with planning staff as to what kind of study is being requested.**

9. 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 the parapet.

This specifically refers to the stair penthouse and elevator overruns. **RESPONSE: All site utilities boxes, wall mounted utilities and rooftop mechanical units will be screened as required.**

10. All electrical meter banks, typically on the side of the building shall be screened from public view. **RESPONSE: All electrical meter banks will be screened from public view as required.**

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11. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
RESPONSE: BPU transformer will be screened as required.
- Siting the transformer in the right-of-way along West 46th Avenue is not the best location and is impossible to screen from public view as required. The transformer must be relocated. **RESPONSE: The design team placed it here due to accessibility for power company as well as economy of project.**
12. 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. **RESPONSE: The 2' min green strip is factored in the current design. Along Rainbow, this green strip is 11'-13' wide.**
13. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building. **RESPONSE: Acknowledged.**
14. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.
RESPONSE: Acknowledged.

Signage:

15. Shall comply with the sign ordinance. **RESPONSE: Acknowledged.**

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- B) Items that are conditions of approval:
- 1) None

MEETING SIGN-IN SHEET

Project: Woodside Village Rosedale Meet Date: November 16, 2021
 Facilitator: Tanner White Properties and Polsinelli PC Place/Room: Westwood City Hall, Community Room
 Application #: COZ2021-048

Name	Address	Email Address
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Marissa Botter	"	"

MEETING SIGN-IN SHEET

Project: Woodside Village Rosedale	Meet Date: November 16, 2021
Facilitator: Tanner White Properties and Polsinelli PC	Place/Room: Westwood City Hall, Community Room
Application #: CO2021-048	

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11/16/2021 Westwood Village Rosedale Neighborhood Meeting

Attendance:

Bob Johnson/Amy Grant, Polsinelli PC
Blair Tanner, Tanner White Properties
Aaron Mesmer, Block Real Estate Services
Matthew Hufft, Hufft Architects
Approximately 45 attendees. See attached sign-in sheet.

The meeting began at 6:00 p.m. Bob Johnson introduced the project team and gave a brief outline of the meeting presentation.

Blair Tanner and Matthew Hufft presented the vision for the project and referenced several site plans and renderings to explain the proposed project.

- Information about the Tanner and White Properties entity and that they have owned this property for approximately 7 years.
- Joint Venture with Block Real Estate Services on this project.
- Developer has studied various uses for this site including office, commercial, retail and multi-family.
- The Developer is seeking approval of a rezoning, preliminary development plan, and master plan amendment at this time. The overall presentation included plans and explanation as to site layout, number of units and parking spaces, building architecture, landscaping, access points, and traffic.
- Developer had created a website for the project: woodsidevillage.com/rosedale.

Question and Answer:

Q: How many parking spaces are in garage? How many parking spaces are being provide per unit?

A: There are a total of 247 parking spaces for this project. There are 227 spaces in the parking garage and 20 surface parking spaces along the north building façade. Our goal is to provide 1 parking space per unit.

Q: How many feet are you expanding W. 46th Avenue – actual pavement?

A: The existing street is approximately 22-feet in width, which shrinks down to about 16-feet when cars are parked on the street. We are proposing to widen the street by approximately 4-feet in width, going from 22-feet to 26-feet. We are also providing new angled parking stalls that are intended to be used for guest parking but will not be restricted so that the general public may use them as well. We believe these angled parking spaces will alleviate the issue of the street being narrow when cars are parked along the existing curb line.

Q: When cars leave the angled parking spaces they will have to head east through our neighborhood. This will create more traffic in our neighborhood and we already struggle with traffic conditions today. This is not an improvement and does not solve anything in my opinion. This project will make the traffic even worse.

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A: Any cars currently parking along the south curb of W. 46th Avenue have to head east through the neighborhood, so we did not see the new angled parking as an issue. If anything, we believe we are helping alleviate the issues because when cars are parking on W. 46th Avenue today it leaves you with only 16-feet of pavement, which is essentially a one-way drive. The angled parking will get those cars off of the street and will allow for the 26-feet of pavement to be used for two-way traffic. We agree and understand that this project as designed will create some additional traffic in this area.

Comment: The existing issue of cars being parked on W. 46th Avenue can be fixed today without your project being built. For the most part, the cars parking on W. 46th Avenue are employees of the Woodside Club and the new Woodside Village North project. We were promised that no-one would be allowed to park on W. 46th Avenue existing road. You can fix the issue by not allowing your people to park on the street.

A: Mr. Tanner indicated that this is the first time he had heard of this employee parking issue and will work to address it.

Q: How many balconies are on the W. 46th Street side? I would like to see W. 46th Avenue closed just west of the dentist office building. All of the beautiful pictures you have shown us tonight do not really show the impact of this project to our single-family homes across the street. The proposed massing is not good for us. I think that brownstones are nice but does not work here. How many stories in the building and how many balconies?

A: The site plan showing the north façade and location of balconies was shown. The building is seven stories in height near Rainbow and then steps down to six stories in height as the grade slopes to the east.

Q: Will you have mechanical units on rooftop that are not shown in these pictures?

A: Yes, we will have units on top of the building, but they will be screened with a parapet.

Q: This project will require deviations from the Rosedale Master Plan. Please explain those.

A: We will need a deviation for the height of the proposed building adjacent to the single-family home to the east. The site plan was referenced to show approximately how much of the proposed building would be impacted by the height restrictions listed in the master plan.

Q: Do you know the exact number of feet you are taller than allowed? What is the height relative to the setback?

A: We do not have that exact information with us tonight, but we will provide that information to Kelly White.

Q: I own a house directly across the street from the 6-story portion of the building and this new building will feel like a skyscraper to me. I will feel buried. There is just too much of a difference in height here. It is overwhelming from a standpoint of negative impacts to sunshine and bad weather.

A: Our project team has been very mindful of the transitions to the north. We believe that the architectural design, landscaping, and street widening that are proposed help to soften the transition.

Q: I want to clarify that there are single-family residences to both the north and east of this proposed project. How will you address delivery trucks and waste management trucks?

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A: All deliveries will utilize the dedicated delivery drop-off area at the northwest corner of the project - area was shown on the site plan. This will also include moving trucks. The trash containers will be located within the building and will be rolled out to the trash trucks when they arrive.

Comment: Have you ever lived in a neighborhood where trash trucks pick up dumpsters for large buildings like this? They are very loud between the dumpsters hitting the truck when they are overturned and the beeping noise when they back up. This will be a negative impact on our residential neighborhood. Your tenants will be shielded from this due to the location you chose. Please rethink and address this to lessen the impact.

Q: Why does there need to be entrance and exit on W. 46th Avenue? We are concerned about the traffic impact.

A: This secondary entrance/exit was suggested by our parking consultant with a focus on the residents of the building. We hear what you are saying and are taking this seriously. I am hearing what you say. We are taking this seriously and will look at this again to see if anything can be done to address this concern.

Q: I recently installed solar panels on my home and am worried that maybe shadows of the new building will impact my home. Do you have shadow study? I will be upset if my house and yard end up being shaded more than it already is and do not want my solar panels to be affected.

A: Yes, we will study shadows and will provide that information at our next meeting.

Q: What are you doing to address drainage? I moved here before the dentist office was built. After it was built, we have had flooding in my home that has caused thousands of dollars in repairs to my basement.

A: The proposed project is actually adding more green space than what exists today. The project will not alter the existing drainage patterns.

Q: Do you have plan for native plants to help absorb storm water.

A: Yes.

Q: How many parking spaces per unit?

A: We are providing one stall per bedroom for the one-bedroom units and two stalls for the two bedroom units.

Q: What happens if two or three people live in a unit, where do they park?

A: We are utilizing the same parking ratio for the project that we have a Woodside South and will have a similar ratio of units. We have found that it tends to average out and works that all residents can park in garage. They do have to register their vehicles with us and park in garage.

Q: This product is for rent?

A: Yes.

Q: Have you done a traffic study yet? What does it cover? Have you done studied Rainbow traffic?

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A: Yes, we did a trip generation study at the City's request. The report looks at the trips generated by this project and how those trips are distributed. The report reflects that 65% of trips will use Rainbow Boulevard.

Q: The intersection of 47th and Rainbow is already challenging – what will this traffic do to the intersection?

A: The UG staff will review and study. It is our understanding that the City has acknowledged that Rainbow Boulevard has capacity to handle this additional traffic generated by this project.

Q: When will the shadow study be submitted?

A: It should be done within the next month.

Q: Will you be asking for incentives for this project?

A: We have not yet decided that. It is still being considered.

Q: Why aren't you building this on the Johnson County side of line? Why here?

A: Woodside Village south does have a Phase 2 that is slated to be built but it is tied to the renovation of the Club facilities. The Club is still financially recovering from the effects of COVID, and the expansion work cannot be done now.

Q: I understand that the price range of these units will be \$2,100 and up. Is there any negotiation room to allow for some affordability of apartments?

A: These will be market rate apartment and will not provide median income designations. There will be units in this project with a rent less than \$2,100.

Comment: You will also need a deviation for the length of building as it can't be more than 200 feet in length.

A: That is correct. The approximate length of this being is 400+ feet.

Q: Have you considered environmentally sustainable aspects for the project?

A: Yes, we plan to do as much as we can in that regard. We are looking at LEED accreditations. We are working to find the balance of this being a for-profit development with sustainable practices.

Q: Is it possible to do green roof?

A: No. We have learned from prior experiences that it is too expensive.

Q: If you have 167 units, how many toilets does that require? Have you studied sewage?

A: We need to follow certain laws and City regulations regarding sewage. We will submit those plans to the City, and they will review and enforce those regulations.

Comment: So, to confirm, you will need deviations from the Rosedale Master Plan for building height and building length? Any other deviations? Do you need a variance for the traffic?

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A: Those are the departures from the Master Plan and Code that we are aware of. City staff is in the process of reviewing our application and will let us know if there are others needed. No, we do not need a variance for the traffic.

Comment: I have not heard how you will try to make this project more compatible with the existing neighborhood. It does not look like you have made accommodations here. The McDonald's and CVS projects made accommodations on their building heights and provided pocket parks.

A: We will take a look at those to better understand what they did and see if we can apply anything for this project. We do believe that our approach to the streetscape and landscape design is an accommodation that has been made for this project.

Q: It is possible that your delivery area may allow people to do a quick turn-around to head west on W. 46th Avenue. This could impact the dentist office and us. I believe you are making this area even more dangerous.

A: We respectfully disagree. The designated drop off area is being provided off of the street and the street is being widened.

Q: You are still adding a greater amount of people to the area that will use W. 46th Avenue. Can you relocate the drop off location to the south side of the building?

A: W. 47th Avenue is existing in its current configuration and cannot be modified to accommodate a delivery area. There are also grade issues on that side of the property.

Q: Have you asked the City if you can close W. 46th Avenue? We want it closed.

A: This is a public street and not within our control. We are not aware of City contemplating the closing of the street.

Comment: This has happened with other projects. It happened with the McDonald's and CVS projects.

A: We will evaluate those to better understand those situations. We encourage you to contact the City directly if you want the street closed.

Q: The entrance to the garage is directly across from an existing single-family home. Can it be moved toward Francis street?

A: We will take a look at that.

Q: When you widen street do you widen from south?

A: Yes, all additional property needs for the widening will come from our property.

Q: is it possible to extend W. 47th avenue to the east?

A: No.

Q: We are well-aware of problems with construction and mold issues that you had with Woodside Village North. What lessons were learned and how will you avoid those issues with this project.

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A: We are still in active litigation over that issue so we cannot comment much in that regard. We finished that site in 2016 and in 2017 realized we had some construction defects in the building. As the owner we corrected those issues as quickly as possible.

Q: What is occupancy rate now at Woodside Village North?

A: We are 100% leased.

Q: Is Uncorked going to open soon?

A: Yes, they should be done with their improvements soon and hope to open January/February.

Q: Can Eaton Street be closed?

A: No. Eaton Street is an important service entry to the Club. We did address some issues a while back and now have our larger deliveries on 47th Place and have deliveries come through the front door.

Comment: I am concerned about light and noise pollution. The lighting should not be a big deal but the noise from pool in summer is bad. The acoustics from the hill are incredible. We are hearing everything, and it is annoying. Please think about the acoustics for your events.

Q: What is your next step in the process?

A: The project is currently scheduled to be heard by the City Planning Commission on 12/13.

Q: Where will your construction staging be located? We do not want trucks using W. 46th Avenue.

A: We are still analyzing that. We will share our construction logistics plan with you when it is ready. We are looking at that now and will park on site.

Commissioner Ramirez: The concern over traffic has been brought up several times tonight and appears to be an issue. The intersection is currently heavy with traffic, especially during the rush hour, and now you are proposing to add these units and more traffic. I am also concerned about the project needing variances from the master plan. I have been vocal on other projects not being allowed to deviate from master plans. The plans were created for a reason and I generally do not support deviations unless they make sense. The two variances need for this project heavily deviate from the goals of the master plan. We are also seeing high rents on both this project and the Hudson project. Some have mentioned that we are creating a precedent of high-priced multi-family developments when we also need affordable housing all throughout the County. I personally feel that there is enough vocal opposition tonight regarding traffic and the need for a shadow study that I would ask you to consider delaying the project to allow more time to communicate with the community. As of right now, I am unable to support the project based on what I have heard tonight.

A: We have been listening tonight and have heard some good ideas. Our job is to now take all of this information and discuss it with our design team and see what, if anything, can be done to address the comments we heard tonight. The presentation we showed tonight is not the final version.

Q: I live behind the Rainbow Car Wash property. Has there been any discussion about putting a traffic light at W. 47th Avenue and Rainbow to get better address traffic?

A: Our study does not show that the proposed project would require a new signal at this location.

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Q: I know that you had drillers out in the parking lot doing core samples recently. I spoke with them about the depth of the bedrock. How much do you intend to excavate from this site – how much deeper will you go?

A: The project has not been fully engineered yet and we have not received a full report from on the core samples that were taken. Our goal is to follow the existing grade as much as much as possible.

Q: I believe Phase I has 91 units and now you are wanting another 167 units on this site. Why so big? Why so many units? It seems excessive.

A: A project needs a certain amount of scale in order to provide the quality being proposed.

Comment: My gut tells me you were not aware that this neighborhood has been looking at traffic control issues well before you constructed Phase I. We want traffic calming measures and have done our own traffic studies to address that. This traffic issue goes back at least 7-8 years and is the biggest problem in this area. I took a tape measure and show that there is only 20-feet of pavement on W. 46 Avenue in front of my home so the pavement width might vary. We have semitrucks, dump trucks and other large vehicles use W. 46th Avenue that should not be so that is also a problem. We do not want you to improve the street so that traffic is a “free flow”. We want traffic calming measures installed and/or we want W. 46th Avenue closed. I believe that Eaton Street access is still an issue with truck deliveries and employee parking.

Comment: I spoke with Gunnar Hand about his interpretation of the master plan and that adjacent property only applies to east and not to homes across the street. The size of this building is just too big.

Comment: You should have all of your traffic use W. 47th Avenue and not have access to W. 46th Avenue. You can't destroy our neighborhood by trying to make this project work. We do not want the dumpster/trash pick-up along 46th Avenue either.

Commissioner Ramirez: We do need to look at calming efforts as there is a continued effort between the UG and the City of Westwood to make Rainbow Boulevard more pedestrian friendly. Has your team spoken with the City of Westwood about how the proposed project might impact this issue?

A: We actively work with the City of Westwood on their plans for Rainbow Boulevard and support those plans. We will need to visit with City staff about potential traffic calming measures.

Next, there was a bit of discussion about comments related to financial viability of the Club, why Phase II of Woodside Village cannot be built right now, and whether or not the proposed project will seek incentives. Blair Tanner explained that Phase II cannot begin until the Club improvements are made and that the Club improvements cannot be made right now because the Club is still recovering from the effects of COVID and is not in a financial position to make those improvements right now. Blair Tanner offered to meet and discuss the issue further for those who are interested in doing so.

Q: Will people who rent units in this new project get to be a part of the Club?

A: Yes, every unit comes with one free membership to the club.

Q: If approved, how long will construction take?

A: Approximately 16-18 month from the time we break ground to finishing the project.

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Commissioner Ramirez: Are you able to share what incentives you may be seeking? I agree with comments made by others that I do not like the idea of the UG giving incentives to build this project so that the Club can benefit by having additional members.

Comment: Please explore options so that some of the units have rents that can be subsidized, especially if you are asking for incentive. We want diversity in our neighborhood.

Comment: The Rosedale master plan speaks to height, length, and affordability. These are all part of master plan that must be addressed.

Comment: Having a bus stop is also an important part of Rosedale plan. You also need to provide bike racks for the public and not just for tenants.

A: We will work with KC bike exchange on this project and have incorporate public bike racks on the patio at the northwest corner.

Q: If this project does not get approved, is there a possibility that you would reign things in and take care of Club issues first and then do apartments later?

A: No.

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MEETING SIGN-IN SHEET

Project: Woodside Village Rosedale Meet Date: April 25, 2022
 Facilitator: Tanner White Properties Place/Room: Westwood City Hall,
 and Polsinelli PC Community Room
 Application #: COZ2021-048 & BOZA 2022-023

Name	Address	Email Address
DARRIN GOTHAM	4320 Eaton	DG-GOTHAM@OUTLOOK.COM
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Jennifer Tatum		
Theresa Duke		
Erin Struck	RDA	es.n@rosedale.org
Shari L. Wilson		
David Mulholland		
Natalie Papp		
Robert Graham	4525 Eaton St	graham.robertk@gmail.com
Leslie Hernandez	4700 RAINBOW BLVD.	
David E. Waters	4720 Rainbow	
Sarah Waggoner	RDA	sarah@rosedale.org
Valorie & Kenny Fenton	4430 State Line	
Amanda Brissio	4522 Francis St.	ambrissio@abrissoadesign@gmail.com
Gayle Bergman	4520 Francis St.	gayle.bergman@yahoo.com
Joe Holley	4314 Eaton	
Deb Wald	4415 Francis	mdwaldpottery@gmail.com
PETER WETZEL	4405 BOOTH	JPCWETZEL@GMAIL.COM
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Deb Pinter	4128 Cambridge	KC KS deb.pinter92@gmail.com
Gil Pinter		geepinter@gmail.com

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MEETING SIGN-IN SHEET

Project: Woodside Village Rosedale

Meet Date: April 25, 2022

Facilitator: Tanner White Properties
and Polsinelli PC

Place/Room: Westwood City Hall,
Community Room

Application #: COZ2021-048 & BOZA 2022-023

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4/25/2022 – 2nd Westwood Village Rosedale Neighborhood Meeting

Attendance:

Bob Johnson/Amy Grant, Polsinelli PC
Blair Tanner, Tanner White Properties
Aaron Mesmer, Block Real Estate Services
Jeff Kloch and Mike Schwaller, Hufft Architects
Approximately 30 attendees. See attached sign-in sheet.

The meeting began at 6:00 p.m. Bob Johnson introduced the project team and gave a brief outline of the meeting presentation.

Blair Tanner and Aaron Mesmer presented the revisions that have been made to the development plan. A brief summary of changes include:

- Removed garage entrance from W. 46th Avenue – vehicular access moved to 47th Avenue from Rainbow boulevard.
- Created new entrance for Woodside Club Employee Parking Lot to reduce use of Eaton Street.
- Created community pocket park at W. 46th Avenue and Francis Street.
- Proposed speed table for traffic calming measures.
- Wrapped east side of parking garage with residential units.
- Relocated trash pick-up to the west, closer to commercial activity.
- Provide a bike kc share station
- Removed a portion of the top two stories to align the tallest part of the building better with commercial activity.
- Pulled back entire top floor an additional 5 feet to reduce scale and changed building material.
- Created recesses in the building that are stepped back and treated with different materials to break up façade. Also strengthened vertical balconies to create texture and visual change of warm materials.

Question and Answer:

Comment/Questions: The Master Plan states that the development should match the scale of the existing neighborhood and not encroach into single-family neighbors like this project is doing. How many parking stalls are along W. 46th Avenue?

A: Only the height in the northeast corner of the proposed building does not meet the height suggested in the Master Plan. We are proposing 16 angled parking spaces along W. 46th Avenue.

Q: Are you still proposing deliveries along W. 46th Avenue? This will still increase traffic to our neighborhood. The angled parking at the Club created a safety issue with larger trucks that create an overhang.

A: Yes, the deliveries will still occur along W. 46th Avenue and will add some additional traffic but will also overlap deliveries already coming to the neighborhood. It is our understanding that Amazon, Fed Ex and other delivery companies coordinate their deliveries for the day so typically only 1-2 trucks a day will deliver packages to the building.

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Comment: We recently had an issue where a fire truck had issues with turning onto Francis from W. 46th Avenue. The proposed pocket park and street parking will contribute to this issue.

Q: How many units are you proposing and how many parking spaces?

A: The project has 171 units with 227 parking spaces in the garage. This equates to about 1.32 parking spaces per unit.

Q: Where will people park if your 1.32 spaces per unit is not adequate? Will visitors use the angled street parking?

A: We have quite bit of experience with multi-family projects and are finding that 1 space per bedroom is adequate for the project. We also require that each unit comes with a garage parking space to help ensure that people don't choose to park elsewhere when they are paying for a parking space in the garage.

Q: Will the angled parking spaces be reserved? It seems like you have enough parking over at the Club property and shouldn't need to add parking along W. 46th Avenue.

A: The angled parking will not be reserved. It will be available for use by the public. We provide these spaces for visitor parking.

Q: Would you consider restricting the parking on W. 46th Avenue to compact cars to avoid the large truck overhang issue?

A: Yes, we are willing to consider that if it becomes an issue.

Q: Did you do a traffic study? Have you published it somewhere?

A: A traffic study was done in 2011 with the original development of Woodside Village North. With this application, City staff requested that we provide an updated Trip Generation Study and that study was prepared and submitted to the City. We also understand that the City has independently studied this area recently to consider the neighbors request to close W. 46th Avenue.

Q: Will the height of this building be similar to Woodside Village North building?

A: Yes, we are few feet taller but very similar in height.

Q: Did the revisions create a reduction of units? How many parking spaces are you providing for bedrooms? What is the mixture of units?

A: The total number of units is roughly the same. We provide approximately one parking stall for studio and one bedroom units and two parking stalls for two and three bedroom units.

Q: How many stories is the building near the parking garage? Are you providing any e-charging stations/recycling?

A: The building has 6 levels of units near the parking garage. Yes, we are providing e-charging stations and recycling.

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Q: I live directly across the street at the northwest corner of W. 46th Avenue and Francis. Did you do a shadow study and will Spring Valley Residents have access to the Woodside Club similar to the Westwood Residents?

A: Yes, we did study shadows. We found that three out of the four seasons of the year there will be little or no impact of shadows for homes across W. 46th Avenue. In the winter months, there will be some additional shadow with the proposed building and the fact that sun sits lower on the horizon during the day. Spring Valley residents are able to join the Woodside Club just like anyone from the general public.

Q: You indicated one of the goals of the project is to provide diversity in the neighborhood. How are you doing that?

A: We were referring to housing diversity in the area.

Q: Do you still plan on seeking incentives? If so, what kind?

A: Yes, we still plan on seeking incentives for this project but have not done anything more in that regard as we have been focused on the plan revisions these past few months.

Q: This area currently has an issue with traffic for cars heading southbound on Rainbow Boulevard at 47th Avenue and this project is going to make it even worse.

A: The City determines if any traffic improvements need to be made and it is our understanding that the City has reviewed the proposed project and has determined the existing roadway capacity is sufficient for both existing traffic and new traffic created by this project.

Q: Will you please provide us with a list of outstanding issues that you have not yet resolved with City planning staff? Will you provide cross-sections for multiple areas so that people throughout the neighborhood can better understand the comparison of building heights and setbacks? I believe your 16 angled parking spaces will create issues and be problematic and would prefer parallel spaces.

A: The City will need to approve the following: (a) the length of the building; (b) the height of the building at the northeast corner as previously discussed; (c) the building setback along the southern property line and along Rainbow Boulevard; and (d) the use of nichiha material. Yes, we will work to prepare cross-sections and will provide those to RDA and Kelly White for distribution to the neighbors.

Q: What is the setback of the balconies?

A: The building wall is setback 25 feet from W. 46th Avenue and the balconies are at approximately 23 feet.

Comment: You said you are asking for an incentive but I do not see the benefit to the public if this project is built with incentives.

Comment: I will support what the community wants here. I agree with the traffic concerns expressed for Rainbow Boulevard. I will not support incentives for this project or any other project for the remainder of the year. The City needs more diversity based on income of residents.

Q: Where are you at in the process?

A: We are currently scheduled for the May 9th Planning Commission meeting.

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Q: How many parking spaces are located on the current parking lot? We don't see any impact from those vehicles today.

A: We do not know how many spaces there but can get that answer. The parking lot is currently used by UKHA to shuttle employees to and from other locations.

Comments: In my opinion, your desire to provide the vertical parking garage and amenities as opposed to spreading the parking garage along the entire first floor of the building is what is creating the massing issue. You are wasting space with ramps in the garage. Also, I don't think you need another trash location. You should just use the trash area at the Woodside North.

Comment: I will not support the plan because of the angled parking and the trash location. We do not want you to use W. 46th Avenue for parking or deliveries.

Q: Will you be paying for the speed-table or will the City?

A: If the City approved the speed-table we would pay to construct it.

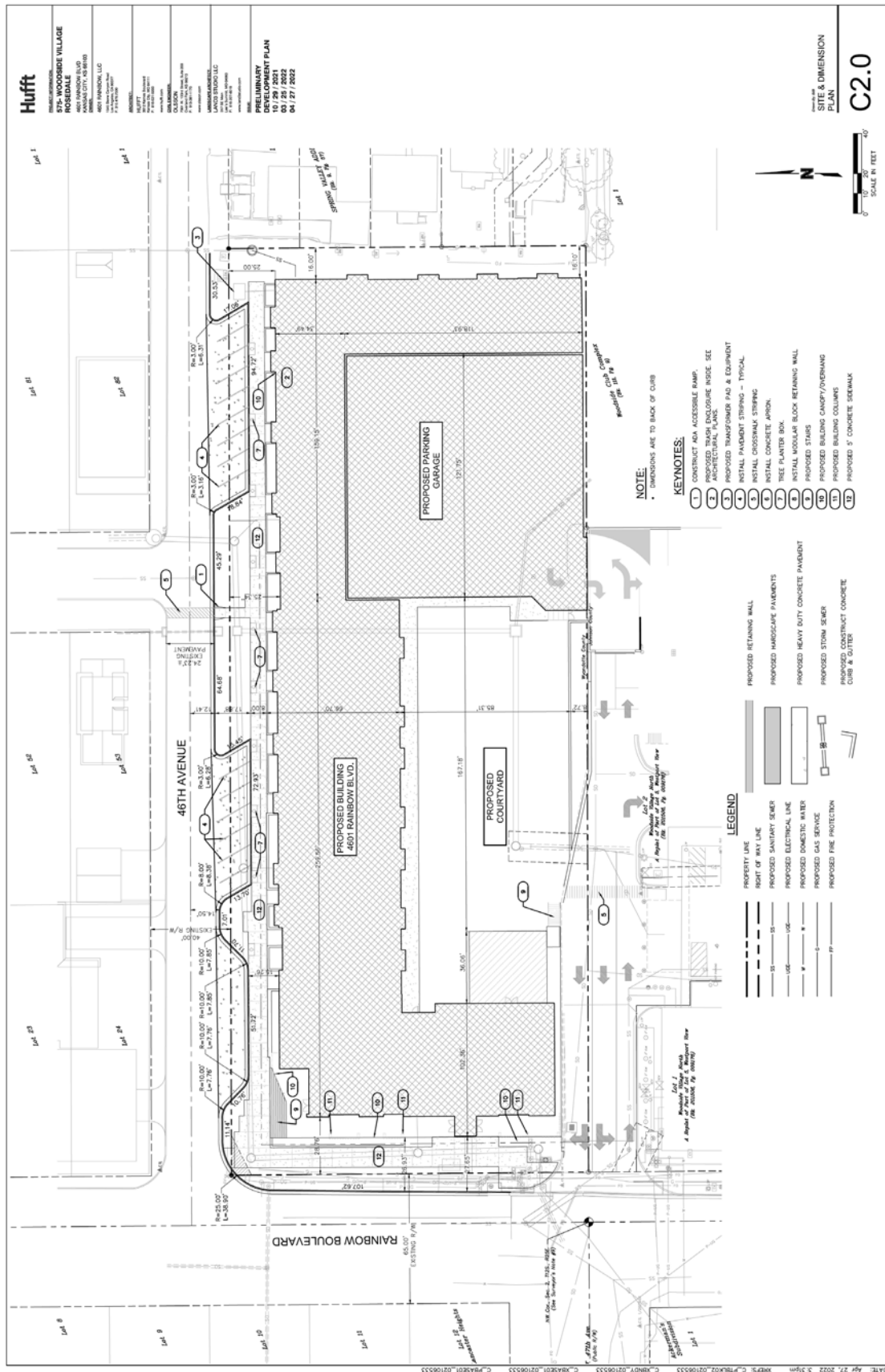
Q: Please tell me what the rents will be here?

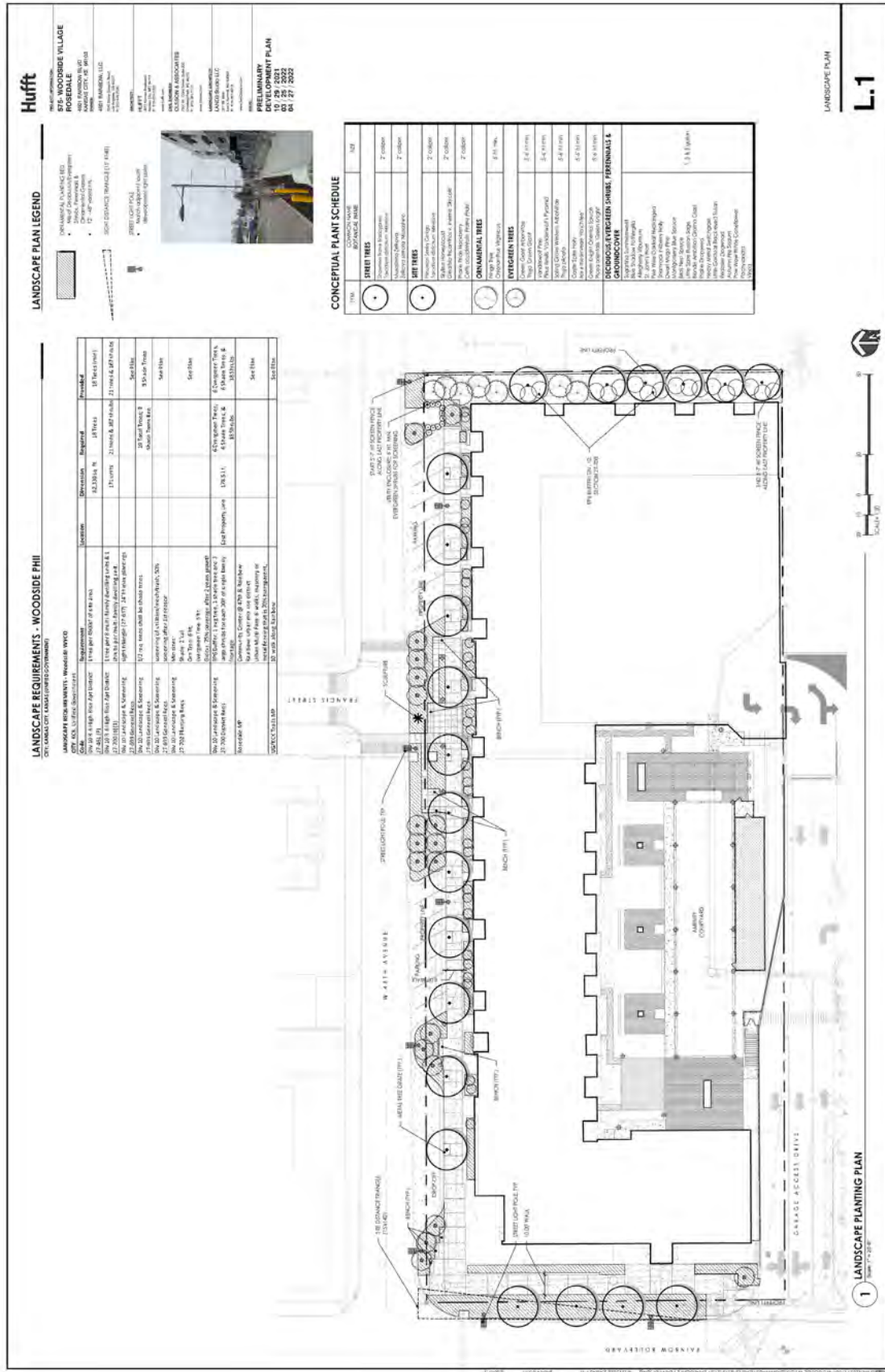
A: These will be market rate apartments.

Comment: The City recently placed no parking signs along W. 46th Avenue and adding 16 angled parking spaces is not an improvement. People using the parking lot today are not using W. 46th Avenue. The project is too big and looms over the homes on the north side of W. 46th Avenue. I am concerned about shadows as I like to garden. I do not support the project.

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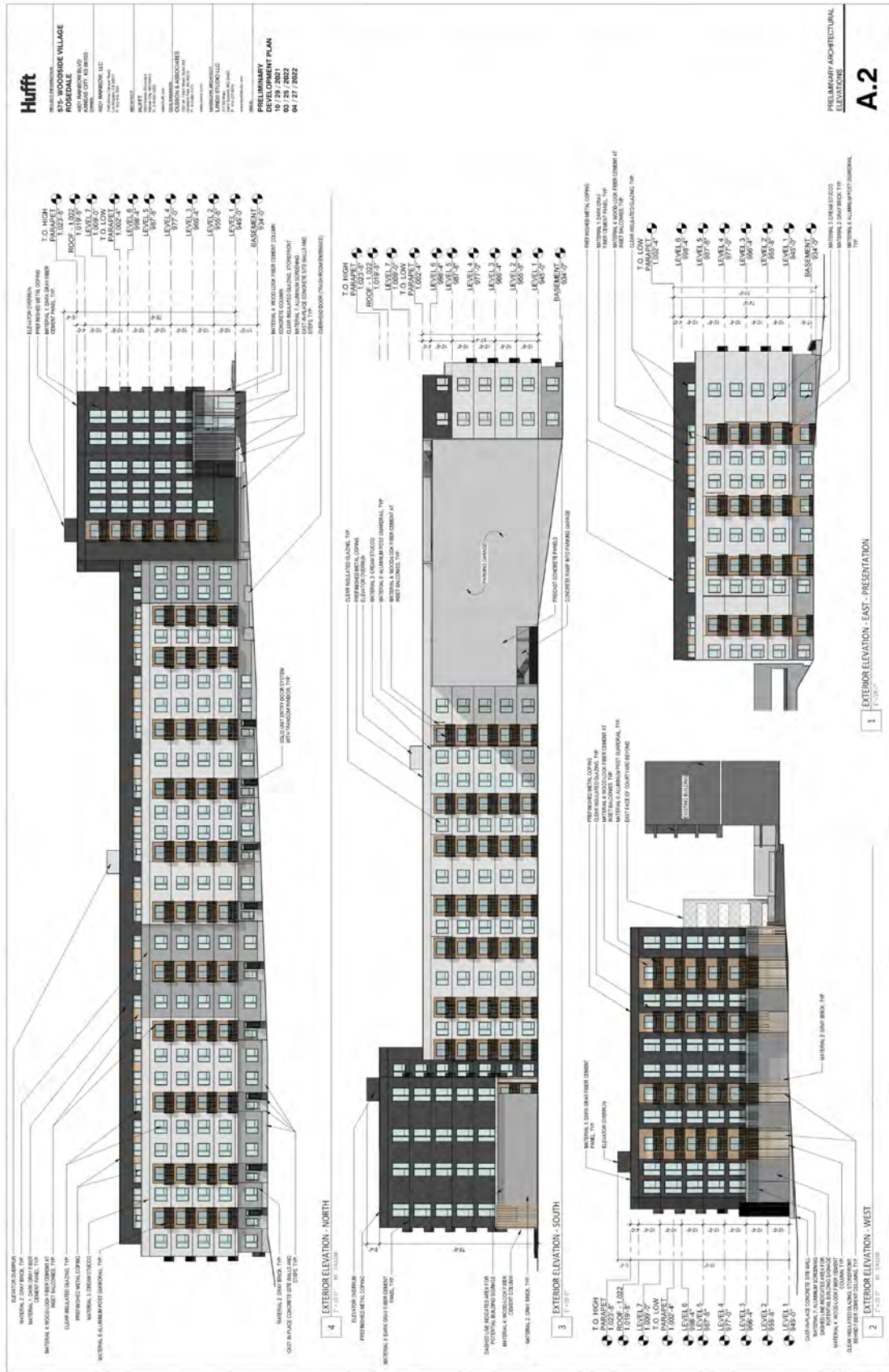




Figure 3. Site Photograph of 4601 Rainbow Boulevard looking northeast from West 47th Avenue (provided by Planning Staff).



Figure 4. Site Photograph of 4601 Rainbow Boulevard looking east from West 46th Avenue (provided by Planning Staff).



Figure 5. Site photograph looking south on Eaton Street towards West 46th Avenue (provided by Planning Staff).



Figure 6. Site photograph looking south on Eaton Street towards West 46th Avenue (provided by Planning Staff).

Toy, Byron

From: PlanningInfo
Sent: Thursday, April 28, 2022 9:23 PM
To: Toy, Byron
Subject: FW: Woodside Village Rosedale Project

Janet L. Parker, CSC/APC

Executive Assistant to Gunnar Hand, AICP

913.573.5758

jparker@wycokck.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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From: Dan Thompson <det66207@gmail.com>
Sent: Sunday, April 3, 2022 7:20 PM
To: PlanningInfo <PlanningInfo@wycokck.org>; Board of Commissioner's Office <Commissioner@wycokck.org>; Ramirez, Christian <cramirez@wycokck.org>
Subject: Woodside Village Rosedale Project

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. I live down the street at 4514 Francis St, Kansas City, KS 66103. I can see the new development area from my front porch. I believe this project will benefit the neighborhood in several ways. Woodside development/improvements over the last years has helped Spring Valley property values increase and help keep the neighborhood moving upwards in the quality of our living/housing.

Blair Tanner and his team listened to the neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in our area.

Please let me know if you have any questions about my view on the project..

Sincerely,
Dan thompson

Dan Thompson
Owner- Thompson Enterprise Group, LLC
913-579-2263
DanThompsonKC@gmail.com

Toy, Byron

From: Jason Sadler <jasonlsadler@gmail.com>
Sent: Friday, April 29, 2022 9:21 AM
To: Parker, Janet; Toy, Byron
Subject: Support of COZ2021-048 - 4601 Rainbow Blvd.

Dear Planning Committee and Commissioners,

I am writing you today in support of the new Woodside Village Rosedale Project. This area is greatly in need of more housing, which this project will bring.

I live at 4507 Francis St. and also own 4506 Francis St., which is currently being totally renovated, and own 4523 Francis also, which will be torn down, and 2 new houses will be constructed. When we decided to tear down the blighted house and build 4507 Francis and 4509 Francis, one of the biggest things that drew us to this area was the development and future development of the Woodside Village properties.

I think the design of the new Woodside Village Rosedale project is the best in the City, and does a tremendous job providing a buffer transitioning from single family to multifamily. I would much rather see the beautifully landscaped buffer zone, and then the building, than a large parking lot, and then a building. It will help give the neighborhood a more intimate feeling when entering on 46th Ave. I do not see a problem with the angle in parking or loading zones, because overall that street will become much wider and be able to accept the current amount of traffic much easier. All the on street parking that is there now is a major safety hazard. During emergencies (which unfortunately we have had) firetrucks were not able to enter on 46th ave and make the turn onto Francis.

Perhaps the best part of this design that excites me the most, is finally being able to have a safe path to the woodside village shops and restaurants, and all of the other restaurants down 47th street. Currently there is no sidewalk on 46th ave. so making the turn onto Rainbow in the street, is extremely dangerous, because cars turning onto 46th ave. can not see us pushing a stroller in the street.

I can not think of a better use of that corner property, and I hope that you too support and vote YES for the Woodside Village Rosedale project. It is essential for this wonderful area of KCK to keep expanding and growing!

Thanks!
Jason Sadler
816-309-0945

Toy, Byron

From: PlanningInfo
Sent: Thursday, April 28, 2022 9:25 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Woodside Village Rosedale Project

Janet L. Parker, CSC/APC

Executive Assistant to Gunnar Hand, AICP

913.573.5758

jparker@wycokck.org



Department of Planning + Urban Design

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From: Megan Lovelace <meganlovelace@hotmail.com>
Sent: Monday, April 11, 2022 8:29 PM
To: PlanningInfo <Planninginfo@wycokck.org>; Board of Commissioner's Office <Commissioner@wycokck.org>
Subject: Woodside Village Rosedale Project

Dear Planning Committee and Commissioners,

I'm writing you today in support of the Woodside Village Rosedale project. The new Woodside project offers housing options our community needs. I see this to be an extremely positive development and will help our community grow in the right direction.

I just moved to the Rosedale/Spring Valley neighborhood two and half years ago (4458 Francis St). I love seeing this area evolve! I've been a member of Woodside Tennis Club for nearly eight years. I've seen first hand the changes made to better the community and it's surrounding neighborhood. I strongly believe the ownership has what it takes to accomplish its dream of a new apartment structure.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping excite me very much!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this are crucial!

Thank you for your public service and consideration.

Sincerely,
Megan Lovelace
meganlovelace@hotmail.com

Toy, Byron

From: Parker, Janet
Sent: Friday, April 29, 2022 10:23 AM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: COZ2021-048 4601 Rainbow Blvd Proposed development

FYI

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org



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From: Natalie F <nf6868@gmail.com>
Sent: Friday, April 29, 2022 10:03 AM
To: Parker, Janet <jparker@wycokck.org>
Subject: COZ2021-048 4601 Rainbow Blvd Proposed development

I regrettably oppose the Woodside Phase two project at 46th and Rainbow Blvd. After attending the meetings with Woodside and the developer, I find 2 main areas completely objectionable.

First, use of 46th St. and Eaton St (hill). We (the neighborhood) have consistently expressed our opposition to the use of 46th street as well as Eaton St. for use by this project. The most current iteration of this project's plan, which I oppose is:

- Dumpster/Trash pick up for the entire 171 apartments on 46th street. This means the garbage truck will come several times a week with a lot of noise, possibly early in the morning several times a week to pick up trash.
- Drop off Zone for deliveries to this apartment complex. This means FedEx/UPS etc. trucks will be using 46th street multiple times a day to drop off and pick up packages using our neighborhood to enter and exit for apartments.
- Angle in parking for residents and overflow from workers, patrons, etc. This is terrible parking and dangerous in terms of being able to see. The road is currently not very wide and this increases traffic and hazards. This is born out by my experiences with the angle in parking at Woodside Village (on a much wider road) It is very hard to see to back out. I often have my passenger stand outside the vehicle and help me back out b/c of the sightlines. In addition, vehicles that

are too large (pickup trucks & large SUVs) consistently park at the angle in parking and their rear ends stick out into the road. This causes drivers to have to veer into the oncoming traffic lane to get around them. The road is much wider than 46th and it is a problem there.

- There is not enough parking slotted for this project its tenants, employees, and visitors to Woodside village. For example, the employees at Woodside Tennis and Racquet currently park in the gravel lot at the top of the Eaton St. Hill which will no longer be available once construction starts. Already, these workers park in our neighborhood when they are unable to ascend the Eaton st hill to park during inclement weather. Where will they park once construction starts?

Second, the mass and height of the structure will cause several houses in our neighborhood to be in a permanent shadow in the winter months. There is no need to create this in our neighborhood when the solution is to scale the building back to a reasonable size much like the original apartments (91 units as opposed to the proposed 171). Blair Tanner has the ability to build a bigger more massive building on property he owns to the south of the current Woodside village which is a much more appropriate place for something of that size. Not only do I oppose the mass and height of this project because it is detrimental to our neighborhood and the quality of the neighborhood, but it also goes against the Rosedale master plan.

Solutions:

- Completely close 46th street after the Dentist's offices driveway (like Hanover Heights by McDonald's)
- Permanently close the Eaton St. Hill beyond Shanda and Matthew Shoaf's driveway
- Eliminate apartments front doors on 46th street - thus eliminating any need for parking on 46th street
- All traffic using the new apartments must access from Rainbow using the existing large driveway which aligns with 47th. This would include delivery trucks, garbage trucks, etc.
- Eliminate the trash door, trash pick up and deliveries from 46th street altogether.
- All parking for employees, patrons, and tenants would be in any of the already established and owned by Blair Tanner parking lots on either side of 47th Place.
- Scale the building size to fit the Rosedale Masterplan and be an addition to our neighborhood and not a detriment.

One additional note, I want the UG to insist that when and if construction begins that no construction workers, their vehicles, construction equipment, etc. be parked in our neighborhood or used as a "storage place". We must insist that the Spring Valley Neighborhood and its residents be respected.

Finally, I am not opposed to this developer and the development of this area. However, we the Spring Valley neighborhood residents and homeowners must be partnered with and listened to. I hope the planning commission supports us and helps us partner with this developer in a way that supports our established, growing, and active neighborhood.

Sincerely,
Natalie L Fox
4525 Eaton St
KC KS 66103

Toy, Byron

From: Parker, Janet
Sent: Thursday, April 28, 2022 7:50 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Woodside Rosedale Project

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org



NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning&UrbanDesign)

From: Valorie J Wells PhD <valoriejwells@gmail.com>
Sent: Wednesday, April 27, 2022 12:08 PM
To: Parker, Janet <jparker@wycokck.org>
Subject: Fwd: Woodside Rosedale Project

Please add my comments to next UG Planning Commission regarding the Woodside Rosedale Development proposal. Thank you.

Valorie J Wells Fenton
Sent from my iPhone

Begin forwarded message:

From: Valorie Wells Fenton <valoriejwells@gmail.com>
Date: April 25, 2022 at 8:44:33 PM PDT
To: cramirez@wycokck.org
Cc: Erin Stryka <erin@rosedale.org>, mbynum@wycokck.org, Kelly White <kwjco@hotmail.com>
Subject: Woodside Rosedale Project

Dear Commissioner Ramirez,

Please accept this message as our protest against the Tanner & White proposal to build the Woodside Rosedale Project in Wyandotte County.

Our concerns are:

16 diagonal parking spots on 46th Ave...where there is currently No Parking.

Code variances to Rosedale Master Plan specific to height, length and neighborhood integrity

TIF allowances for building in Wyandotte County to fund expansion in Johnson County

And worst of all, all these “allowances” will only provide housing for people who can afford an average of \$2,400./month in Wyandotte County

None of this is in keeping with the Rosedale Master Plan which our neighbors worked on for a long time.

We agree that multi-family housing is needed in Rosedale and, as you pointed out at the meeting, we need to provide affordable housing, as well as luxury apartments. We would like to see a new proposal to build a two or three story complex in the same area with a more equitable mixed use.

If Tanner & White will not modify their proposal, we ask that the UG Planning Commission deny their requested code variances and certainly do not allow them a TIF.

Kenneth & Valorie Fenton

Toy, Byron

From: Kelly White <kwjco@hotmail.com>
Sent: Friday, April 29, 2022 1:23 PM
To: Parker, Janet; Toy, Byron
Subject: Comments for COZ2021-048

Below is my statement of opposition to the change of zone request, COZ2021-048, located at 4601 Rainbow Blvd. Please include my comments to the file for staff review for the May meeting.

It is evident when you read the 2016 Rosedale Master Plan an extensive amount of research, planning, and community engagement was put into creating a blueprint for Rosedale. It clearly defines why planning is necessary for a city, what is important to Rosedale residents, where our weaknesses are, and where we have opportunities to improve. The project being proposed by developer, Tanner & White Properties, is in many ways a complete contrast to the Rosedale Master Plan.

The developer has submitted an "update" to a traffic study that was completed in **2011**. It cannot be overstated how much the surrounding area of 47th and Rainbow has changed in the past 11 years. For example, the developer's current apartment complex and retail units located at 47th and Rainbow was not even constructed until 2015. There are three neighborhoods that will be directly impacted by an increase in traffic these apartments will create. They are Spring Valley, Westwood, and Frank Rushton. For the sake of safety to these residents and others passing through here, a new and complete traffic analysis should be conducted before 171 units and over 200 parking spots should ever be considered.

Not only does the Master Plan provide us with information on our weaknesses and opportunities, it also defines areas of threat to our community. One of those threats is decreasing affordability in housing. The developer is planning an apartment building with an average rent around \$2,100.00 per month for studio and 1-bedroom apartments and 2 or 3 bedrooms going as high as \$2,400.00 per month. That is by no means affordable housing.

It was stated on their change of zone application "the complex will promote a diverse population to make use of the nearby employment center, shopping, entertainment and transit." The cost of rent at this complex will promote the opposite of a diverse population. What the complex will do is "indirectly drive business to their club and retail area so they can then build the third apartment complex next to the club." What makes that statement, made by their representative, even more egregious is the developer can request, and most likely receive, incentives to create unaffordable housing. While this is of course is the current policy and they have every right to request some sort of abatement, there are areas throughout Wyandotte County where incentive money could be put to much better use than to be given to Tanner & White Properties to build luxury apartments.

Another threat to the adjacent neighborhood, Spring Valley, is the encroachment of parking along 46th ave. The addition of 16-20 parking spaces along there will add to cars pulling in and out throughout the day. There will be more traffic along 46th Ave. even if the garage access to the complex is removed from this street. This street will be a popular shortcut for residents and visitors of the complex to use to avoid the already heavily congested Rainbow Blvd.

Finally, the height and length of this project is just too large and allowing it to be constructed will set a precedent that may not be in the best interest of the neighborhoods directly impacted by such density.

It is safe to say most Spring Valley residents are strongly opposed to this project as are some residents of nearby neighborhoods. I respectfully request this project be denied for all the reasons I have outlined and for reasons other residents will bring to your attention.

Sincerely,

Kelly White
President, Spring Valley Neighborhood

I regrettably oppose the Woodside phase two project at 46th & Rainbow Blvd.

The two main problems are: **TRAFFIC** and **MASS/ HEIGHT**

1. TRAFFIC: I oppose any usage of 46th St by the project. NO parking, No dumpster.

*46th St is a narrow 22ft wide, and already is used as a "commuter/ connector" street with lots of cars passing through during rush hours, and also dump trucks, cement trucks and occasional semi-trucks.

*The developer wants to add "angle-in" parking which is the worst form, as its difficult to see when a car is coming.

*Developer wants a "drop-off zone" on 46th which means all the UPS/ Fed Ex trucks then using our neighborhood as their exit.

*Developer wants the main dumpster site for 171 apts to be on 46th st, which means the garbage dumpster truck comes several times/week with a lot of noise.

*the Dental office at 46th & Rainbow currently uses 46th for guest and employee parking.

Woodside project will use up all their parking...

*developer has made no improvement to existing inadequate delivery access a

***Employee parking:** The "Eaton Street hill" access to north side (back side) "loading dock"/ gravel parking lot of Woodside Club **must be closed**. The new project MUST INCLUDE access from Rainbow to backside of the Club and also parking for employees of Club and the retail tenants of existing development. The existing big driveway from Rainbow must be extended to backside of the club. Currently, some Club employees use the gravel lot, and the retail/ restaurant employees use the front area of 4601 Rainbow..... but these will be lost with the new construction. Where will the employees now park ? The Eaton St hill is notoriously steep and unuseable in snow/ ice conditions..... Owner needs access to backside of the Club and there is room for limited employee parking. **Eaton st. hill must be closed permanently.**

SUMMARY: 46th st. is much too small to handle increased parking, delivery trucks, etc. The neighborhood gathered signatures and prefers that 46th st be closed permanently at Rainbow

SOLUTIONS:

1.) ALL TRAFFIC using the new apartments MUST **access from Rainbow** using the existing big driveway which aligns with 47th. This to include delivery trucks, dumpster trucks. The existing BIG driveway is more than adequate to handle the traffic. No use of 46th st at all for parking, deliveries, dumpsters, etc. And, No further access via **Eaton st.** No apartment front doors onto 46th !

2.) 47th Place in Westwood can be widened to accommodate parking 47th Place already is MUCH WIDER than 46th, AND has double the amount width of right of way, AND Blair Tanner controls all the property along both sides. 47th Place. We suggest he increase parking on the Westwood side of the development. City of Westwood is currently considering to redo 47th, so timing is appropriate.

MASS/ HEIGHT:

Its too large. The existing Woodside phase one is only 91 units and on a smaller parcel.

Phase two at 173 units, stacked six or even four stories creates a canyon effect for the homes along 46th. Developer acknowledged in our neighborhood meeting that several homes will be in permanent shadow during winter months, when we need the sun the most !

The 4601 Rainbow parcel is much larger, the size of Chiefs football field ! Developer could easily reduce number of units to 91 and build without needing any variances ! Developers design is premised upon a clumsy, inefficient multi-level parking garage which wastes space. If they would

use the ground level of their site as a “basement” parking garage, it would hold 180 cars, and also allow the building to be several stories shorter.

Developer owns three tiny vacant lots 4604, 4606, 4608 Eaton St at top of hill and directly adjacent to project site. This area is currently used for unimproved parking for employees of Woodside Club, in fact there is an “impromptu” gravel driveway from Phase 2 site into this parking area. This parking area must be included in the redevelopment project and needs landscaping and fencing which screens it from the neighborhood.

Chris Steineger
4529 Francis St
KCKS 66103

Amy Grant

Subject: FW: FW: Support- Woodside Village Rosedale Project

From: Kimberly Coates/USA

Sent: Friday, May 6, 2022 3:50 PM

To: planninginfo@wycokck.org; commissioner@wycokck.org; cramirez@wycokck.org

Subject: Support- Woodside Village Rosedale Project

Good afternoon:

I'm writing you today in support of the Woodside Village Rosedale project. KCK needs many more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I have represented and been involved with Multifamily Development in the Kansas City market for many years. These high-end developments are very beneficial for the community as a whole and promote a sense of pride in the community as well as bring an increase in value to the City and overall area.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping will be an amazing addition to the area!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Kim Coates, CAM, CAPS, LEAD

Regional Property Manager, Multifamily

Asset Services – Multifamily Americas

Direct: +1 952 563 1006

kimberly.coates@cushwake.com



5975 South Quebec Street, Suite 135

Amy Grant

Subject: FW: New Woodside Village Project

----- Forwarded message -----

From: **Kit Stewart** <kitbstewart@gmail.com>

Date: Fri, May 6, 2022 at 12:28 PM

Subject: New Woodside Village Project

To: <planninginfo@wycokck.org>, <commissioner@wycokck.org>

Greetings!

As a former resident of Woodside Village, I am a supporter of the Rosedale expansion project. I would urge you to consider the positive merit of this addition to Kansas City, Kansas and to vote yes to the build.

While I was a resident of Woodside Village from 2019 to 2021, I enjoyed all that this property had to offer. Its location and walkability to shops and restaurants is extremely desirable. As an employee of a small business in Kansas, I love being able to support local entrepreneurs. With the upscale finishes in the apartments, luxury amenities and professional staff, Woodside Village attracts lots of professionals as well as new residents from other cities.

I am originally from Overland Park and never knew this part of the metropolitan area until I moved back from Florida. It's such a vibrant neighborhood and the addition of these well designed apartment homes further the enthusiasm of this little corner of KCK. I am proud to be a native of this state. As a member of the Leadership Lenexa class of 2020, I did gain tremendous appreciation for the work of our public servants. I think this city has an incredible opportunity to continue expansion in a way that shows as an example to the other municipalities that border it.

Please VOTE YES for the Woodside Village Rosedale project.

Thank you for your time and consideration of this matter.

My Sincerest Regards,

Kit Simmons

Amy Grant

Subject: FW: Support - Woodside Village Rosedale Project

----- Forwarded message -----

From: **Dayna Brehm** <dbrehm@aha-kc.com>

Date: Fri, May 6, 2022 at 11:52 AM

Subject: Support - Woodside Village Rosedale Project

To: <planninginfo@wycokck.org>, <Commissioner@wycokck.org>

Good morning,

I'm writing you today in support of the Woodside Village Rosedale project. KCK needs many more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I currently manage a portfolio of 11 communities within 10 miles of this project. The improvement of housing opportunities in KCK would be greatly beneficial for everyone in the immediate and surrounding areas.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping excite me very much!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Dayna Brehm CAM, LEAD
Regional Manager

(o)913.432.5247
(c)913.208.4932
www.athomeaptskc.com

Amy Grant

Subject: FW: Support - Woodside Village Rosedale Project

----- Forwarded message -----

From: **Jeannette Cox** <jcox@oddodev.com>

Date: Wed, May 4, 2022 at 7:04 PM

Subject: Support - Woodside Village Rosedale Project

To: planninginfo@wycokck.org <planninginfo@wycokck.org>, commissioner@wycokck.org

<commissioner@wycokck.org>

Good Evening:

I'm writing you in support of the Woodside Village Rosedale project. KCK needs more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I have personally been involved in high-end apartment housing developments in the Kansas City suburban markets and seen the impact it makes within the community. The lifestyle and housing options enhance the vibrancy of the neighborhood, promotes sense of pride in the community and brings economic value to the city and surrounding businesses.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping are impressive and look forward to them coming to life!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and prosperity not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Jeannette Cox | Executive Vice President

ODDO Development

P: 913.894.6336 Ext. 276 | C: 913.314. 9184

15200 W. 105th Terrace

Lenexa, KS 66219

Amy Grant

Subject: FW: Please Support Woodside Village Rosedale Project

----- Forwarded message -----

From: **Elizabeth Kennedy** <elizaken10@gmail.com>
Date: Wed, May 4, 2022 at 12:22 PM
Subject: Please Support Woodside Village Rosedale Project
To: <Commissioner@wycokck.org>, <planninginfo@wycokck.org>

Hello!

Hoping you're having a great day. I'm a supporter of the Woodside Village Rosedale project that is going through the Unified Government of Wyandotte County's approval process. I'm writing today to ask for your support of this project and to ask you to VOTE YES to move it forward.

I am a current resident of Woodside Village apartments and have lived there since 2018. I absolutely love living at Woodside. It has a downtown apartment feel in the heart of Westwood, is within walking distance to Westwood park as well as restaurants and shopping on the plaza. They have an excellent management team and a great community of residents. The shops, hair salon and restaurants in Woodside Village have made it even better!

I'm very excited about what this development will do for our community, neighborhood, and the future residents of Woodside Village Rosedale. This project allows for more smart growth and builds upon the success of Woodside that we've seen in the past. We need to keep integrating, connecting, and building our city.

Would the city rather have an abandoned building and a parking lot in a key location or a vibrant place that people of our community can be proud of? I choose the latter enthusiastically!

Embrace new Class A multi-family housing options in our community. Please VOTE YES for the Woodside Village Rosedale project.

Thank you for your time and consideration of this matter.

Best wishes -

Elizabeth Kennedy

Amy Grant

Subject: FW: Woodside Village Rosedale Project

----- Forwarded message -----

From: **Kevin Sadler** <kevindsadler@gmail.com>

Date: Thu, Apr 28, 2022 at 9:47 PM

Subject: Woodside Village Rosedale Project

To: <planninginfo@wycokck.org>, <commissioner@wycokck.org>

Dear Planning Committee and Commissioners.

I am writing in support of the Woodside Village Rosedale project. The new proposed Woodside development is a no-brainer and a must for this area of Wyandotte county. The opportunity to have this caliber of residential development in our neighborhood is a plus and is much needed to move spring valley in the right direction.

In 2019 I took a chance and purchased a run down house on Francis St. and built a new home for my family. I truly saw a vision of this neighborhood becoming a connector of Westwood and Rosedale. I believe Blair Tanner and his team have thoroughly thought out the design and build of the project and have made drastic changes to the original plan to address any traffic issues.

Widening 46th street at the corner of 46th and Rainbow is a must. It is dangerous to walk and drive at its present condition. The new development will allow for cars to move off of the street and into parking spots and allow walkers/bikers to use a safe sidewalk. I could go on and on about the positives that a development like this will have on this area. In the end KCK needs this to continue moving in the right direction.

Sincerely,

Kevin Sadler

816-797-8404

kevindsadler@gmail.com

Good morning/afternoon/evening:

I'm writing you today in support of the Woodside Village Rosedale project. KCK needs many more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

Having lived in the neighborhood directly behind Club Woodside for over a decade, it's become clear that Rosedale is ripe with undeveloped potential.

What currently stands in place of Woodside Rosedale is unattractive and unused space.

This project will not only drive economic development to this corner of the county and bistate area but will also attract conscientious upper middle-class citizens that care and want to see economic gains in their community.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping excite me very much!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely -
McKenzie Gabriel

Amy Grant

Subject: FW: Woodside Village Rosedale Project

----- Forwarded message -----

From: **Greg LaRue** <laruegt@gmail.com>

Date: Tue, Apr 12, 2022 at 2:27 PM

Subject: Woodside Village Rosedale Project

To: <planninginfo@wycokck.org>, <Commissioner@wycokck.org>, <cramirez@wycokck.org>

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. Up until very recently, I lived in the neighborhood just down the street from this project site at 4600 Cambridge Street, and own several rentals nearby. Blair Tanner and his team listened to the neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly.\\I am writing to express my support of the project.

I believe density is important in creating a sustainable financial situation for a city. I am hopeful that the Woodside project will be built, and expect that having more retail and high quality residential in the neighborhood will be a boon to our property values and to county revenues. The southeast corner of the county is ripe for redevelopment, and in my opinion increasing density here should be a major focus of the county moving forward.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in our area.

Please let me know if you have any questions about my view on the project..

Sincerely,

Greg La Rue

Amy Grant

Subject: FW: Followup Re: FW: Woodside Village Rosedale

Subject: Please Progress the Woodside Village Rosedale Project
To: planninginfo@wycokck.org; Commissioner@wycokck.org

Dear Planning Commission and Commissioners:

Hope you're having a great day. I'm writing to you today in support of the Woodside Village Rosedale project.

I live down the street from Woodside at 4514 Francis St, Kansas City, KS 66103. I can see the development project area from my front porch. I truly believe this project will benefit our neighborhood in several ways.

The Woodside development and continued improvements, over the last few years, has helped Spring Valley property values increase and have helped keep our neighborhood moving upwards in quality of life. It has made our area more desirable in many facets including housing.

Blair Tanner and his Woodside team listened to me and our neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale Project! Quality multi-family apartment living options are needed in our area.

Thank you so much for your public service, time and consideration. Please let me know if you have any questions about my opinion on the project.

Sincerely,

Dan Thompson

Dan Thompson
Owner- Thompson Enterprise Group, LLC
913-579-2263
DanThompsonKC@gmail.com



Subject: Support Our Community & Woodside Village Rosedale Project
To: planninginfo@wycokck.org; Commissioner@wycokck.org

Dear Planning Commission and Commissioners:

I currently own 4512 Rainbow Blvd as a rental property. I bought in the Rosedale area because of its proximity to KU Medical Center, the Plaza, and Downtown. Rosedale is an unknown gem in our city as a safe great place to live and raise a family. This new development will take a blighted, unsightly property that is currently devaluing the Rainbow Blvd. corridor and turn it into a first-class, livable community that will pull the value of all the surrounding properties higher. As an investor, I very much support this.

As someone who has been engaged in our area for many years on many fronts, I understand the importance of connectivity, relationships, strong community, and growing property values. I'm writing you today to support the next multi-family apartment development in Woodside.

I've known the developers for many years and have seen the commitment they have to designing and bringing to fruition a first-class product and experience. They listen to others, they engage with the community and they do what they say they are going to do. Blair Tanner and the Woodside team are trustworthy and put tremendous effort into their developments.

By progressing the Woodside Village Rosedale project forward, the city would show that they appreciate high-quality housing solutions in our area. KCK would demonstrate that smart growth, diverse housing options and reducing the negative impact of exclusionary zoning practices are important to them.

A strong multi-family component in Rosedale and Spring Valley is so critical to the future of our neighborhood and city.

For these reasons, I urge you to support and progress the Woodside Village Rosedale project in front of you throughout the approval process.

Thank you for your service to our community and its future.

Sincerely,

Topher Philgreen
President/Owner



3409 West 222nd Street
Bucyrus, KS 66013
(913) 915-6677



May 9, 2022

Dear Planning Commission and Commissioners:

I'm writing to you as the President/CEO of Youthfront. For 46 years, I have worked at the 47th Street and Rainbow Boulevard corridor. For six years, I lived within blocks of this location. Our organization used to own the land that is now being developed. After the sale of that property, we temporarily relocated a few blocks away while we invested in developing a run-down property by remodeling and constructing our new Youthfront Headquarters at 4600 Rainbow Boulevard. This location is directly across the street from the proposed new development, Woodside Village Rosedale. Building our headquarters here was a \$2.5 million improvement to this corner of Wyandotte County. In fact, my office window actually faces the site of the proposed Woodside Village Rosedale project. I wholeheartedly support this project, which will add to the vibrancy of life and living in this wonderful area.

What has developed along the 47th Street and Rainbow Blvd. corridor over the last several years should be viewed as a great accomplishment by Wyandotte County. As an organization, Youthfront is very active in community development throughout Wyandotte County. Two weekends ago we had teams of teenagers, college students and adults working throughout Wyandotte County on community improvement projects, cleaning, planting trees, clearing abandoned lots, etc. We believe that working for human flourishing is important for our community. For that reason, I am 100% behind the positive impact Woodside Village Rosedale will have in our neighborhood.

Please support this incredible multi-family apartment development in Woodside. Even though it has been years since we sold the property to Blair Tanner and his development team, we have continued a friendship around a mutual desire to see this part of our city become something truly special and life-giving for all. I have come to deeply trust the integrity of Blair Tanner and his team. I know their hearts and desires to improve the quality of living through their developments in our area. What they say they will do.

Approving the Woodside Village Rosedale project shows that our city leaders value high-quality housing solutions. Kansas City, Ks. will prove the importance of sustainable growth, through offering a variety of housing options. Approving this project also reduces the negative impact of exclusionary zoning practices.

This project is critical to the trajectory of creating one of the most desirable areas of Wyandotte County to live in. I urge you to support the Woodside Village Rosedale project through this approval process. Together, let's get this done for the good of our people and our city. Thank you for serving our community now and for your commitment to its bright future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike King'.

Mike King | President/CEO, Youthfront

YOUTHFRONT | 4600 RAINBOW | KANSAS CITY, KS | 66103 | 913.262.3900

Parker, Janet

From: Jason Grill <jgrillmedia@gmail.com>
Sent: Monday, May 9, 2022 12:45 PM
To: PlanningInfo; Board of Commissioner's Office
Subject: Please Support Quality Multi-family Apartments at the Woodside Village Rosedale Project

Dear Planning Commission and Commissioners:

Good afternoon. Hope you're doing well!

I'm reaching out today to urge you to please support multi-family housing options in Wyandotte County. One way you can do this is by progressing the Woodside Village Rosedale project forward.

The project creates quality, first class multi-family apartments at the entryway to Wyandotte County coming from Johnson County. This project will continue to advance the community and our region moving forward.

Supporting desirable multi-family apartments in Wyandotte County will build a diversity of housing options in the community and show that Wyandotte County is a city of the future and not the past. Demonstrating smart growth and reducing the negative impact of exclusionary zoning practices are important.

For these reasons, I urge you to support and progress the Woodside Village Rosedale project in front of you throughout the approval process.

Thank you for your service to this community and its future.

Have a great week!

Best -

Jason Grill
Consultant - [Apartment Association of Kansas City](#)

--

Jason Grill

Founder - [JGrill Consulting](#) / [JGrill Media](#)

816.695.8048

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#)

Areas of concern with the Woodside Village Rosedale Project at 4601 Rainbow Blvd.

My Vote is to “**OPPOSE the Construction and Deny the Building Permit**” based on evidence, refusal to meet requirements of the Rosedale Master Plan and discussions with Blair Tanner and Block Construction.

1. Blair Tanner told the Spring Valley Neighborhood on November 16, 2021 at the Westwood City Hall Meeting that a Full Traffic Survey had been done based on the Apartment Complex at 46th and Rainbow. He and his design team assured the group that traffic flow was not shown to be an issue based on the study. On December 6, 2021 Mr. Tanner held another town hall for the Westwood City Council. This subject came up again, yet this time Mr. Tanner told the Westwood Council that NO Traffic Study had been done concerning the Apartment Complex. The study done was based off a 2011 study for the construction of an Office Complex (His exact words)! So the study submitted to UG planning is fraudulent in nature as the traffic study done was not based on the Apartment and its tenants. This was stated at 8 minutes into the meeting (All Recorded). Mr. Tanner also refused to provide that traffic study to the Spring Valley Residents even though it had been requested during their meeting on Nov. 16th. Mr. Tanner also promising to do perform a “shadow study” due to height concerns has never performed this study and if he did has also refused to provide that to the residents. On April 25th, 2022 Blair Tanner met again with Spring Valley Residents. This time Mr. Tanner admitted the study done was an old one, and that they just redid some calculations to update it without doing a fully study based on 171 Units, and over 300+ Residents. He also admitted a full shadow study had not been completed yet promised he would talk with the residents the complex affected. He refused to provide written documentation on the residents yet did admit that during the winter months all homes and the street along 46th would remain

in the shadows for the entirety of the winter months. This will cause any snow/ice buildup along the street to remain, and will cause those homes along the street money to help heat their homes as they will receive no sunshine to offset heating costs during those months.

2. Next the courtyard/greenspace design was brought up for discussion by Blair Tanner. Westwood City Council members Sarah Page and Mayor David Waters asked about why not have the greenspace facing the Spring Valley Neighborhood. Mayor Waters comments specifically stating he would not want to see a building butting up to his neighborhood that was such an “Huge Imposing Edifice” and it would have made more sense to have that greenspace facing the neighborhood. It was stated that Mr. Tanner himself chose to put the greenspace facing the Westwood Village South side and that the courtyard would be “Off Limits” to Spring Valley Residents as they are not to utilize that courtyard or have access to it as this was only for the residents of the complex and for residents from the other Woodside Village complex to use. Anyone from the neighborhood would be escorted off the grounds. Mr. Tanner stated he knew the size of the building was an issue and especially the height yet he did not intend to change that even after concerns were raised during the Spring Valley discussions. “Again the Height Exceeds the Rosedale Masterplan and Planning Standards by multiple stories based on requirements of the adjacent residential housing. Also the Length of the complex **“Exceeds” the Masterplan maximum by over 100ft” and Three Stories in Height.**
3. Next up was Mr. Tanner telling the Westwood council (Dec. 6) that Spring Valley was planning to close 46th street at Francis and would make the whole area a “Pocket Park”. “This is a flat out lie

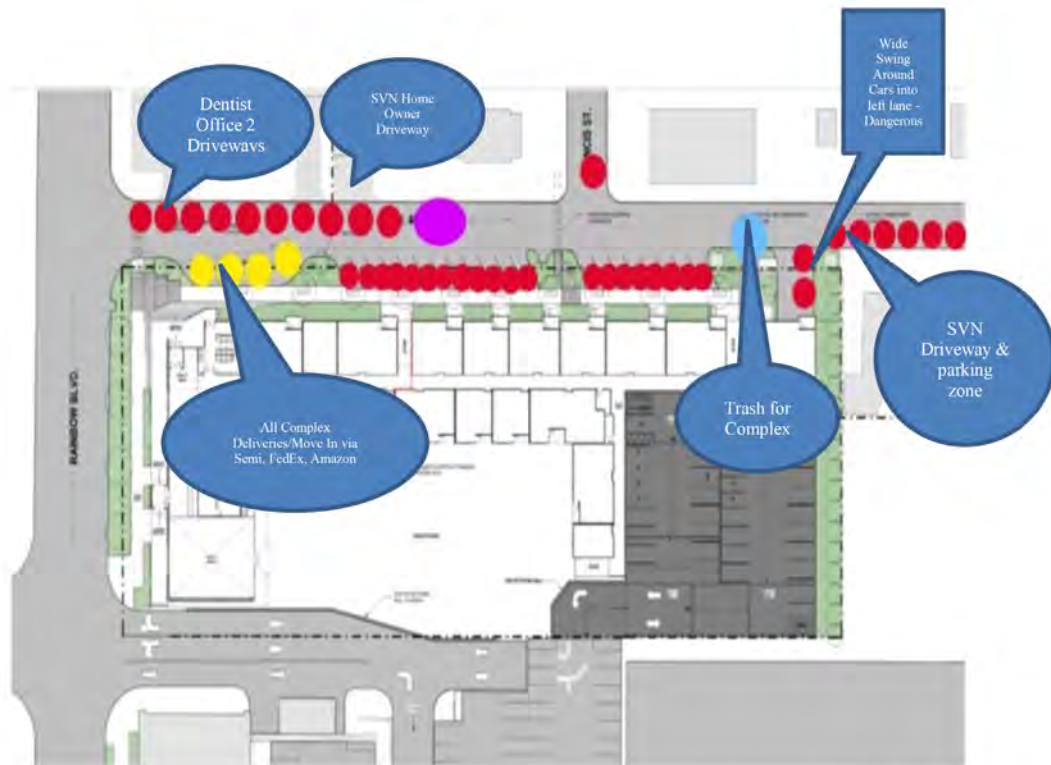
and has never been discussed”! There are homeowners that would be unable to reach their homes. It was ludicrous tactic to even bring up” until he started into his next points. He then stated it would be great for Westwood City Council to step in and speak with the Members of the UG Council to ensure that does not happen as they want to ensure they have access to their garage and all vehicles emptying all cars from their complex onto 46th. He also was ensuring his garbage trucks could still access all the trash receptacles for the whole complex located along the narrow road (46th). Mr. Tanner tried to scare the council by stating if they did not step in it would likely increase traffic flow in Westwood and could cause them issues. Westwood council stated they could not speak with the UG or make decisions for this area as it was under the Unified Governments control and not theirs so could not influence the UG on Mr. Tanners behalf.

4. Also at the Nov. 16 meeting with Spring Valley it was stated no less than three times by Mr. Tanner that he was driving all new tenant money toward financially beefing up his Woodside Racquetball Club as it was in dire straits. This was also confirmed as why the “Second phase of Woodside Village” was not constructed on 47th St. as the contract for Woodside Village to get stage two started was based off maintaining 90+% Occupancy and Sound Financials. Westwood cancelled Mr. Tanners contract for stage two as he failed to meet both requirements. They also denied him new TIFF/CID Funds promised to him if he met the conditions of that contract for stage two. This issue and Mr. Tanners comments about funneling money to prop up Westwood and Woodside was questioned specifically by the Spring Valley Neighborhood Association President and others who asked why we should agree to Mr. Tanners request to build. After this last admission and once being questioned about his use of all funds to enhance his Westwood Projects Mr. Tanner noticed UG Council

member Christian Ramirez was in the room. Mr. Tanner then rushed to walk back the comments and cover them up. It was again asked why SVN should make all these concessions only to financially support Westwood, Woodside and Johnson County and when asked how much he planned to ask for in TIFF/ CID funds he got very upset and defensive as he knew he had already outed his intentions at which point the UG Council Member stated this gave him major reservations. (Again this Whole Meeting was Audio Recorded and is available per request). The follow up meeting held April 25th, 2022 confirmed these very issues once again as Mr. Tanner stated he would expect the UG to provide this project with both TIFF/CID Funds to offset construction costs. That we should feel happy to have 1000sqft 2 Bd Rm units going for \$2400 in our neighborhood and it would only benefit us. When questioned how it would be a benefit, as it would cause long term residents on fixed incomes to be forced out, he simply moved onto another person who had their hands raised with a question.

5. Another problem was detailed by Westwood Dental whose Practice is in Spring Valley. They previously had leased parking at the KU Med parking lot only to have it canceled by Blair Tanner. Well once Mr. Tanner brought up the parking he wanted concessions on from the SVN neighborhood (22 spots along 46th) to be made the Dentistry Office thru their legal representation again inquired if they could lease spots across from their business. Mr. Tanner has refused to even discuss this option or talk with the business at all. All while the street along 46th has been filled with employees from businesses located at Woodside Village blocking up the street and endangering residents for years all in the knowledge of Mr. Tanner and those businesses. Speaking of endangering, the delivery route used by the Woodside Complex would greatly increase traffic flow down 46th from Rainbow to State Line. All Large Delivery Trucks from FedEx size to Semi

Truck Traffic are required to deliver products and move residents into the complex at the top of 46th St. and must travel into the neighborhood to leave. If they don't travel into the neighborhood they must make a U-Turn across two lanes and into the driveways/entry of Westwood Dentals parking lots. This would endanger customers of the Dental clinic along with people traveling along the roadway. The Picture below shows the "Yellow" Dots on the right side of the image as the Delivery Zone for all incoming outgoing items. The 22 red dots along the right side are the parked cars for complex residents living along 46th Street. The Blue Dot represents the Garbage Zone for the entire complex which will likely block up the street when they are loading refuse. Lastly the red dots turning out of the complex garage heading to State Line will be turning directly into the parking zone for residents along 46th. St. so they will need to swing into the far left lane to get around those Spring Valley Residents parked cars endangering anyone traveling west along 46th from State Line to Rainbow. (**Diagram Below**) Wyandotte even stated in their response to Mr. Tanner and Block the delivery zone at the top of 46th Wyandotte City Planning even stated in their response to Mr. Tanner and Block the delivery zone at the top of 46th street was refused and must be removed from the plan yet it still shown and has not been removed!



Lastly Mr. Tanner and his team have NOT return contacts to anyone from the Spring Valley Neighborhood to discuss concessions after the talks held on November 16th, 2021 even after the residents on multiple occasions reached out for follow ups as promised by Tanner Development! The developers have provided no new information up until February when they had to ask for a continuance until May 2022. It was only then in April did Mr. Tanner open up discussions again to say we would have another neighborhood meeting. Communication has been abhorrent with the developers.

All this said, here are my issues and requirements for construction summed up.

1. The Woodside Village Complex plan must be downsized to meet the exacting details labored over for years in the Rosedale

Master Plan. No Concessions will be approved by the residents of Spring Valley Neighborhood.

2. No TIFF / CID Funds should be allocated to this project. Even Westwood cut Tanner Development off for Phase Two as he did not meet the contractual mandates. This is a High End Development with Avg. Rents “Exceeding \$2000” per Unit and the Owner stated multiple times all funding will be to prop up his failing Johnson County Business and Developments. This will NOT Benefit Wyandotte County or the UG to provide tax incentives to a group who’s stated goal is to funnel those funds into Johnson County! Again this will be easily confirmed by UG Council person Mr. Ramirez who was in attendance for the meeting. This can also be proven if requested as I will gladly provide an audio copy of the meeting.
3. The Garage traffic (**Fixed**) and Trash Pickup for the Complex must be moved to exit from the 47th St. side as they can do now with their other complex. It would be a simple adjustment in their plan and even stated as such by Blair Tanner. When they reroute that traffic they **MUST** then close the Traffic from Eaton Hill (top of the Hill) where Woodside Racquetball employees and guests leave as well as delivery vehicles travel up and down into 46th street. This has caused tens of thousands of dollars in damages to the roadway over the last eight years and been a contentious issue for delivery truck destruction to roads.
4. Lastly the delivery zone for all items at the top of 46th near Rainbow must be moved to 47th street to provide traffic calming to 46th street and the residents of Spring Valley. This both harms the Dentistry Office and would cause severe road degradation and could cause grave injury with how this is situated.

-----Original Message-----

From: Joe Hohendorf <jhohendorf@mac.com>

Sent: Friday, April 29, 2022 4:59 PM

To: Parker, Janet <jparker@wycokck.org>

Subject: COZ2021-048, 4601 Rainbow Blvd

Good afternoon Ms Parker.

This msg is to express my disapproval for the Woodside Village Apartments development project. As described in the plans, the building on 46th Avenue will be five stories tall. There will be one hundred and seventy one apartments. Parking slots for sixteen cars will be located on 46th Avenue.

In the meeting with the community on April 25, it was said there has not been an updated traffic study for 46th Avenue. Tanner and White Properties (the Developer of Woodside Village) was not able to provide specific figures on how traffic on 46th Avenue would be affected by automobiles from residents exiting and entering the apartment complex during work days. TW suggested people who live in the neighborhood should lobby the city to install traffic calming devices such as a speed table on 46th Avenue to control traffic. TW touted a sidewalk on their design to indicate their sensitivity to pedestrians on 46th Avenue.

The Rosedale Master Plan which was approved by the Unified Government and renewed a few years ago, specifies that developments should be to scale with legacy architecture. The five story project is three stories taller than the houses in the neighborhood.

The Rosedale Master Plan also specifies that development should promote pedestrian traffic. The TW property has not taken that into account and will endanger pedestrians attempting to walk on 46th Avenue as there is no continuous sidewalk that extends from Rainbow to State Line, and no measures proposed that would create a safe pedestrian thruway especially in light of a possible exponential increase in traffic with addition of one hundred and seventy one households.

The Master Plan was created to guide development in Rosedale. It is a document that exists to help developers to avoid planning projects that may create an adversarial relationship with the community. It appears TW has not taken advantage of the guidance in the document.

Thank you.



HANOVER HEIGHTS

A National Historic Neighborhood in Kansas City, KS

tucked between State Line and Rainbow & 43rd and Olathe Blvd

April 27, 2022

Gunnar H Hand
Director of Planning

Rob Richardson
Department Coordination

UG Planning Commissioners
Kansas City, KS 66101

Re: Change of Zone – 2021-048
Blair Tanner - Woodside Village Rosedale

Gentlepeople:

On Monday April 25th we met with the applicant of the above rezoning application at Westwood City Hall and his team presented their projects plan revisions. You should have a written summary of this neighborhood meeting for your review. The applicant clarified that he had revised his plans pursuant to Community concerns. We likewise afterwards expressed our concerns of these new plan revisions.

Very simply, we see this application as having a clear disregard of many provisions contained in the adopted Rosedale and the overall Community master plan. Approval of this submittal will be of a precedent setting nature for urban design along Rainbow Blvd. Our opposition not only includes non-compliance with these UG provisions but includes the need of traffic intersection improvements for safety, building massing considerations when adjacent to residential, and community dialogue/participation of future UG tax incentives for a project in this state of non-compliance and lack of community support. While we know this is currently the developers right to ask, this may change in the future. More specifically, we:

Oppose: Any deviations required for approval for this proposal until closer compliance with the Requirements and Guidelines contained in the UG Code and Rosedale Master Plan are met.

The building and site design functions could be altered to address lessening impacts and giving protections to the Spring Valley neighborhood and surrounding neighborhoods. As an example this 'design protection' was incorporated with the LaneFour development of 39/Rainbow complex. To accomplish this it would involve a design having denser building mass fronting Rainbow and lowering building mass as it transitions to the residential neighborhood along 46th street. Additionally, the Rainbow Blvd streetscape currently has no buildings taller than four stories, with the exception of the Public building facilities on the KUMed Campus. Even the existing Woodside Village development has only three stories of apartments with one level of retail. This current proposal will be taller. (See Design Example of 39/Rainbow attached) having lower heights of parking garage fronting residential and transitioning building mass toward Rainbow with four stories. Similar building density for this project should be along Rainbow with protection of adjacent inward residential uses.

Oppose: Any additional, new development without the inclusion of dedicated/separate turn lanes at 47th and Rainbow intersection given current uses (unrestricted car wash and other adjacent uses access) to ensure traffic safety.

There are currently dedicated turn lanes and access limitations with new development at both 39th and 43rd streets along Rainbow Blvd. As anyone who travels Rainbow Blvd knows they will tell you that the existing uses in both Westwood and KCKS are presently impacting the movement of thru traffic. This is exacerbated further with the closeness of 46th streets access. Without directional traffic improvements conflicts will worsen and this should be acknowledged by the applicant and addressed with any future development.

Oppose: Any developer related incentives of this proposal without much closer Master Plan and Code compliance with involvement of the Rosedale Community of current UG Policy.

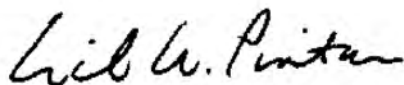
While we understand that this topic is for the UG governing body's purview, incentives need to be closely weighed to ensure there is direct benefit to the Community. Additional public school students generated with this proposal will place a burden on the current Rosedale and School District funding. Impacts of the proposal on the existing and 'dated' Public Infrastructure will mandate funding of future UG funded public improvements also.

Finally, we support other development related concerns expressed at our meeting on Monday by the Spring Valley neighborhood. We would welcome the opportunity to work with the UG Planning staff and applicant on future development plans at this location. We believe there is no reason why collaboration cannot be accomplished in good faith with the community, the developer and the City. However, collaboration is a two way street and should not be at the expense of the community.

In summary, we cannot support the current application and short of withdrawal by the applicant, we recommend DENIAL of this rezoning request based on the following:

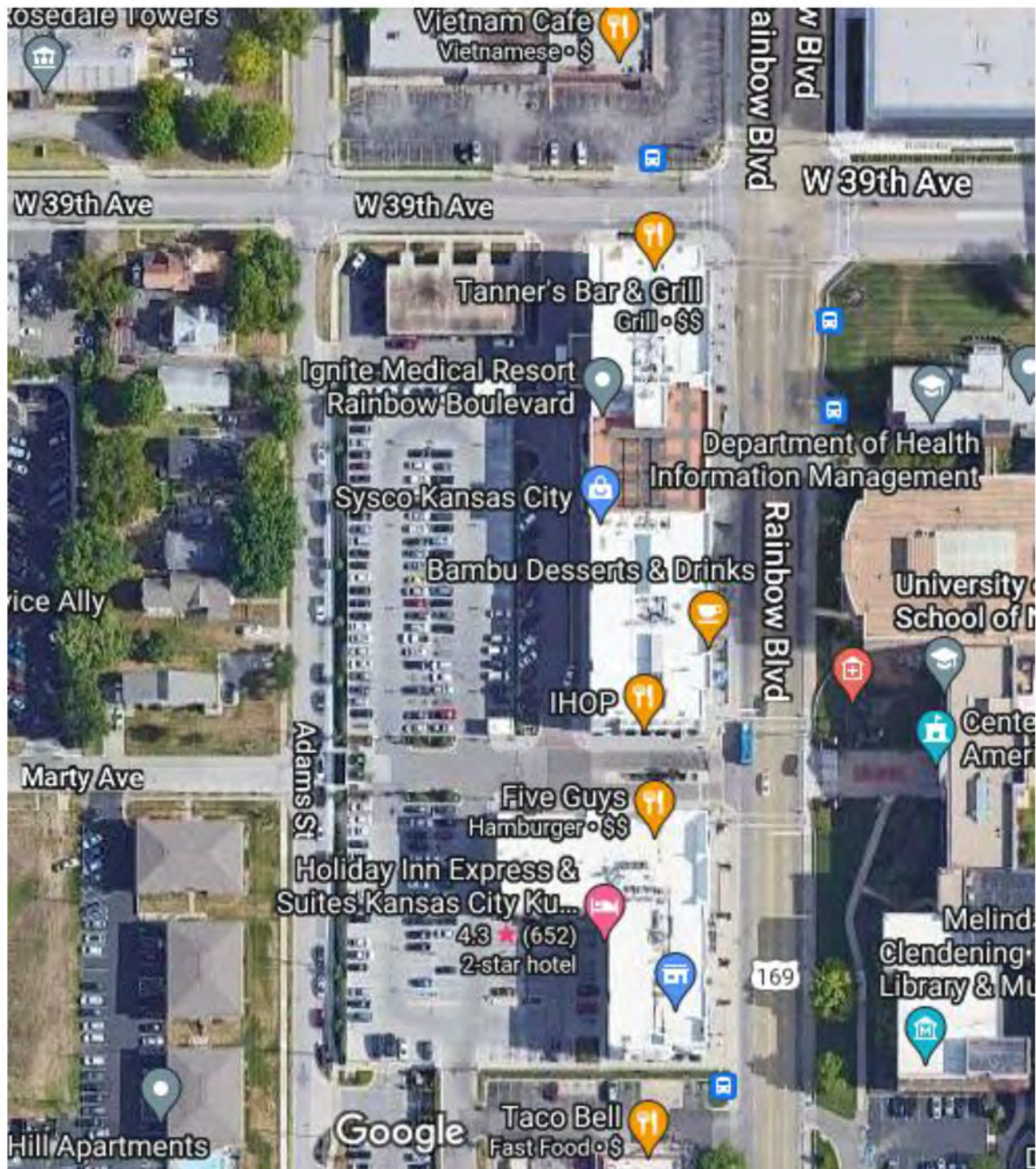
- Noncompliance with the Rosedale and overall master plan provisions that are meant to protect existing neighborhoods,
- Acknowledgement and addressing traffic safety concerns and reality for needed traffic improvements (contrary to any traffic study, updated or not) with any future more intensive development of this kind, and separately,
- Rosedale Community involvement of any requests of UG development incentives for this project without Master plan compliance and support from the Community at large.

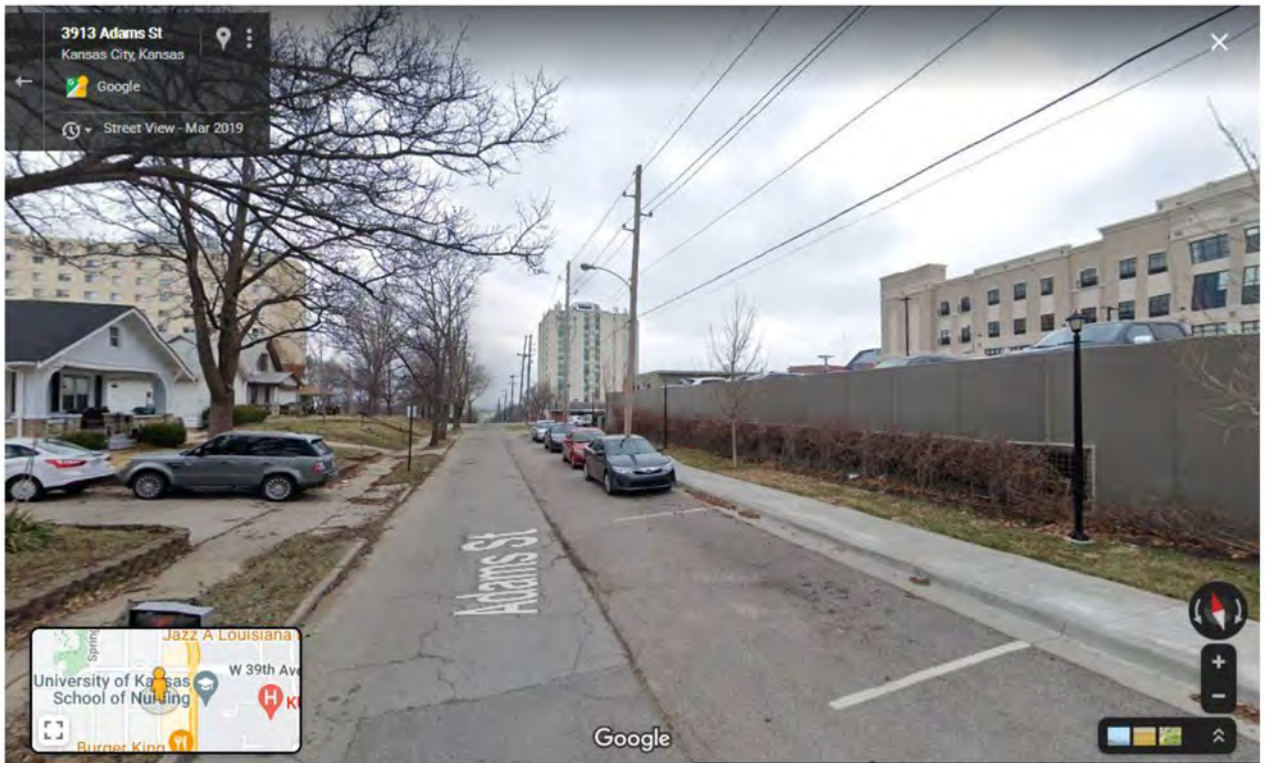
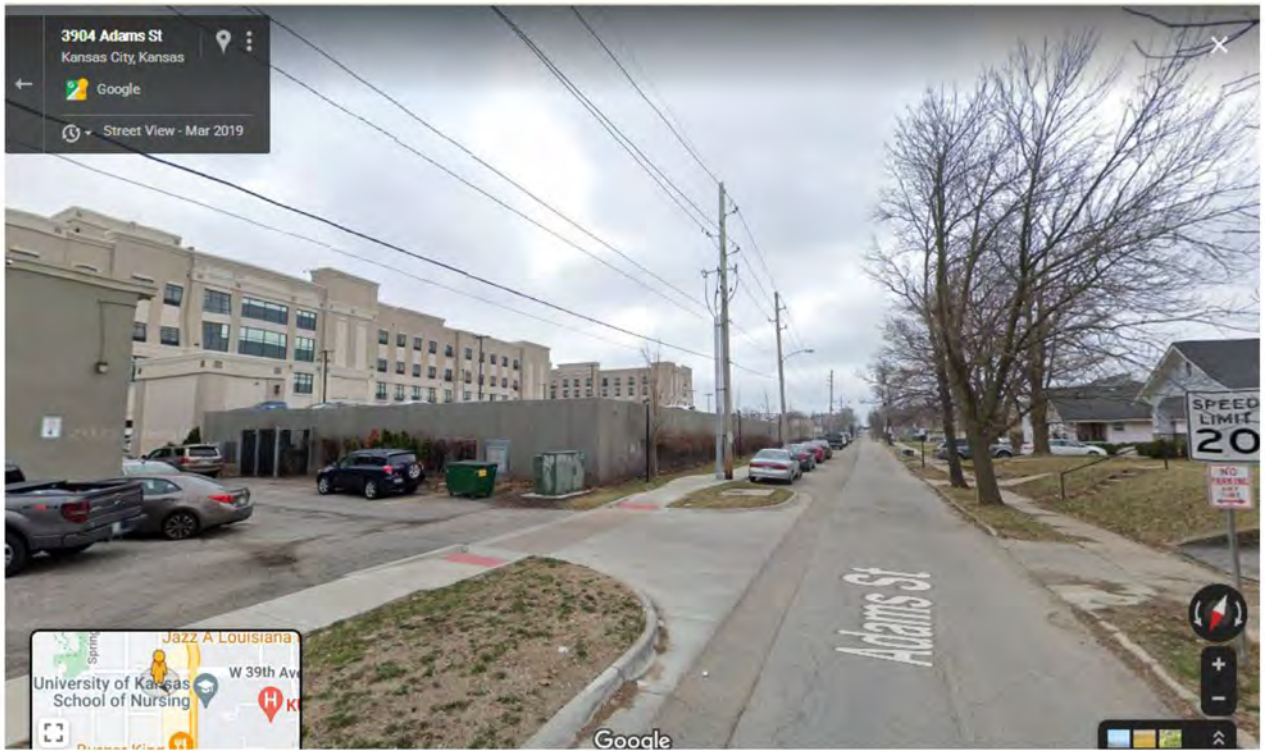
Sincerely,



Gilbert A. Pintar,
President Hanover Heights

ec.
attachmts







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 31, 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 North 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, February 24, 2022 and March 24, 2022
Public Hearings:	February 14, 2022, March 3, 2022, March 14, 2022 and March 31, 2022.
Public Support:	One (1) person appeared at the February 14, 2022 meeting.
Public Opposition:	One (1) person appeared at the March 14, 2022 meeting.

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 Planed 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 1 to uphold its previous recommendation and recommends **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.

On March 3, 2022, the Unified Government of Wyandotte County and Kansas City, Kansas Board of Commissioners remanded this case back to the March 14, 2022 City Planning Commission in order to further review the impacts of this proposed change of use, seek input from the Cities of Bonner Springs and Basehor, and review the current and planned land uses in these abutting jurisdictions. The applicant noted that there are six (6) vehicles that are proposed to be stored at this location and the average truck traffic would be five (5) trucks leaving the site in the morning and five (5) trucks returning at night as typically one (1) vehicle is either unnecessary to meet work demands or is being repaired. This is an average daily trips of 10 trucks per day. The UG County Engineer stated that these roadways were built to a standard where this amount of traffic would not be detrimental to either the capacity of these roads or their general condition. The County Engineer, however, also stated that large, overweight trucks (over 12,000 lbs. gross vehicle weight rating or GVWR) do increase the deterioration of roads at a higher rate than other vehicles. The subject parcel is bordered by Nebraska Avenue to the north, North 142nd Street to the west and State Avenue to the south. Nebraska Avenue and North 142nd Street are asphalt roads with concrete curbs and stormwater inlets. State Avenue is a State Highway (US Route 40) that is concrete without curbs. The City of Bonner Springs noted that the current zoning for the parcels in their jurisdiction south of State Avenue are Industrial, including the current business located at 14130 Minnesota Avenue, Bonner Springs, KS 66012, and that the undeveloped corner lot (14150 Minnesota Avenue) is zoned single-family residential. They stated the proposed use is in character with these uses. The City of Basehor noted that they had received one (1) comment from an adjacent land owner in opposition to the project, but by their protocol do not directly comment on projects

outside of their jurisdiction. Staff reviewed their zoning map, and all uses abutting the proposed project on north 142nd Street are single-family residential.”

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

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
March 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 Remanded Back
	March 14, 2022 Approval	March 31, 2022
Master Plan	February 14, 2022 Approval	March 3, 2022 Remanded Back
	March 14, 2022 Approval	March 31, 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 public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **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 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 1:43:56:

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.**
- 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.

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

March 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:09:45:

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 March 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.

Secretary Parker stated that this application was heard in February and recommended for approval with conditions and the Board of Commissioners remanded the application back to the City Planning Commission for rehearing. Planning Director Hand stated this case was remanded back to the Planning Commission for staff to have further discussions with surrounding jurisdictions regarding this application and to further review the traffic/parking impacts of this project.

Present in Support:

- Tim Kates, Remco Demolition LLC, applicant
- Andrea Weishaubt, Atlas Surveyors

Present in Opposition:

- Bill Hutton, 13939 Parallel Parkway, Kansas City, Kansas
- Jeremy Unruh, 1506 North 142nd Street, representing eight (8) neighbors on the west side of 142nd Street (spoke after Director Hand's recommendation)

Staff Recommendation starts at 4:26:16: Planning Director Hand stated that he will address the reasons the applications were remanded back to the Planning Commission. Staff spoke to the City of Basehor and their policy is not to comment on applications in other jurisdictions. They did state that one (1) of their constituents on the other side of 142nd Street was in opposition. Staff spoke to the City of Bonner Springs, and there are two (2) properties that are industrial on Minnesota Avenue and the third, undeveloped property is zoned residential, and they felt that this project would be commensurate with their development. He stated that the applicant notified staff with an additional exhibit that they would have six (6) vehicles stored on the property and estimate that they will have a maximum of five (5) vehicles out every day which is ten (10) vehicle trips per day. Director Hand stated that staff spoke to the County Engineer and 142nd Street and Nebraska Avenue are improved streets. State Avenue is a concrete street and Staff does not believe that improvements are needed for this proposed Special Use Permit. The County Engineer said that while ten (10) trips is not a large amount, 12,000 pounds trucks do have a greater potential for damage to public rights-of-way than other vehicles. The County Engineer stated that these are public roads that are built to handle this traffic. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 4:32:37:

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

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	No
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

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.

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

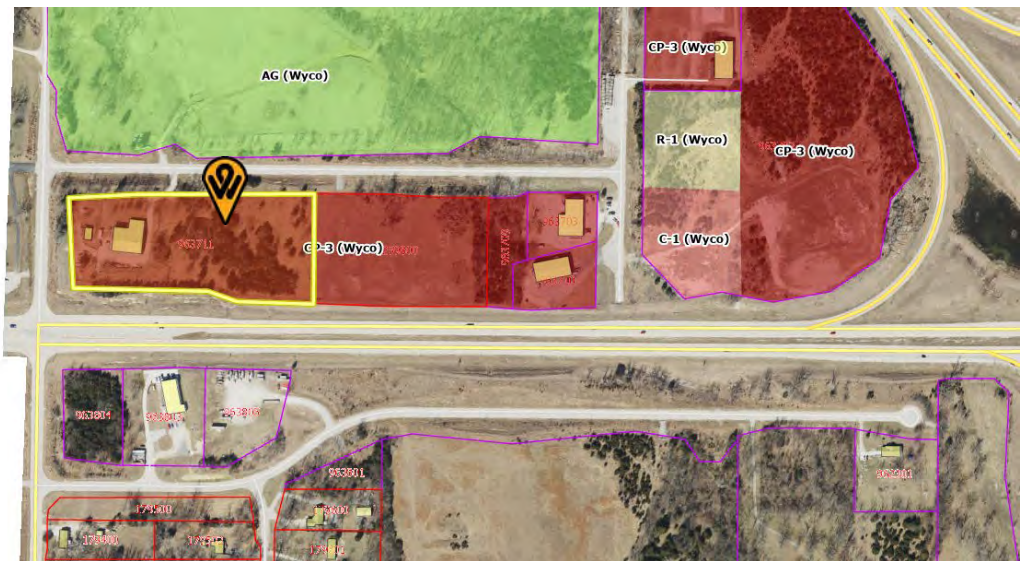
Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	No
Armstrong	Aye

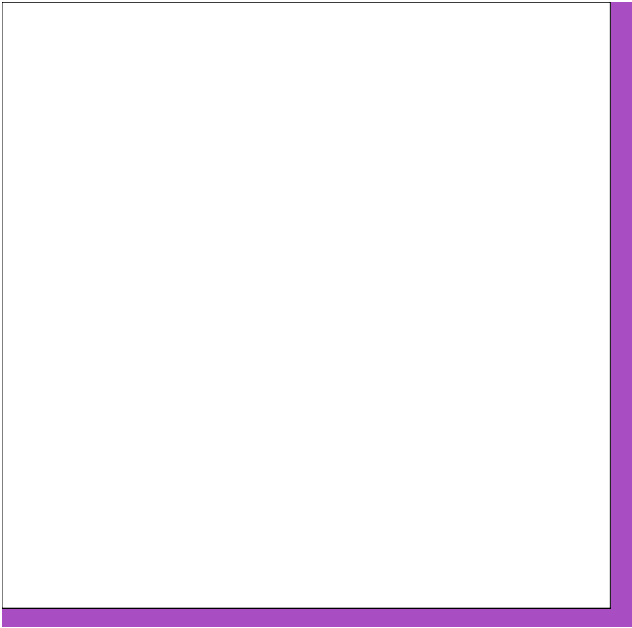
Motion to recommend APPROVAL Passed: 6 to 1
Subject to the above conditions

AERIAL MAP



ZONING MAP





PRELIMINARY SITE DESIGN



COZ2022-001/MPL2022-001 March 31, 2022

[illegible]

14140 State Ave.

14140 STATE AVE., KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66100

ALC
ALCOHOLIC BEVERAGE CONTROL
DIVISION OF REVENUE

10306

Signature

STATE TREASURER, KS

PREPARED FOR:

THE KANSAS
REVENUE DIVISION
2000 E. 10TH ST
LEAVENWORTH, KS
66042-2902

PERMIT # 15-0040

ISSUED DATE: 03/01/00

EX-10 USING CONDITIONS
AND SPECS. FROM PLAN

MAKED

FOR PERMIT

DATE: 03-01-2000

C-100

[illegible]

24





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.

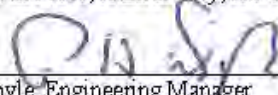
PLANNING ENGINEERING COMMENT LETTERS

- 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)

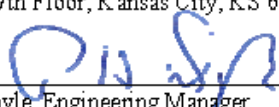
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified 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

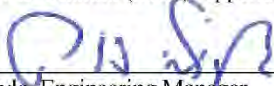
FROM: Patrick Doyle, Engineering Manager

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



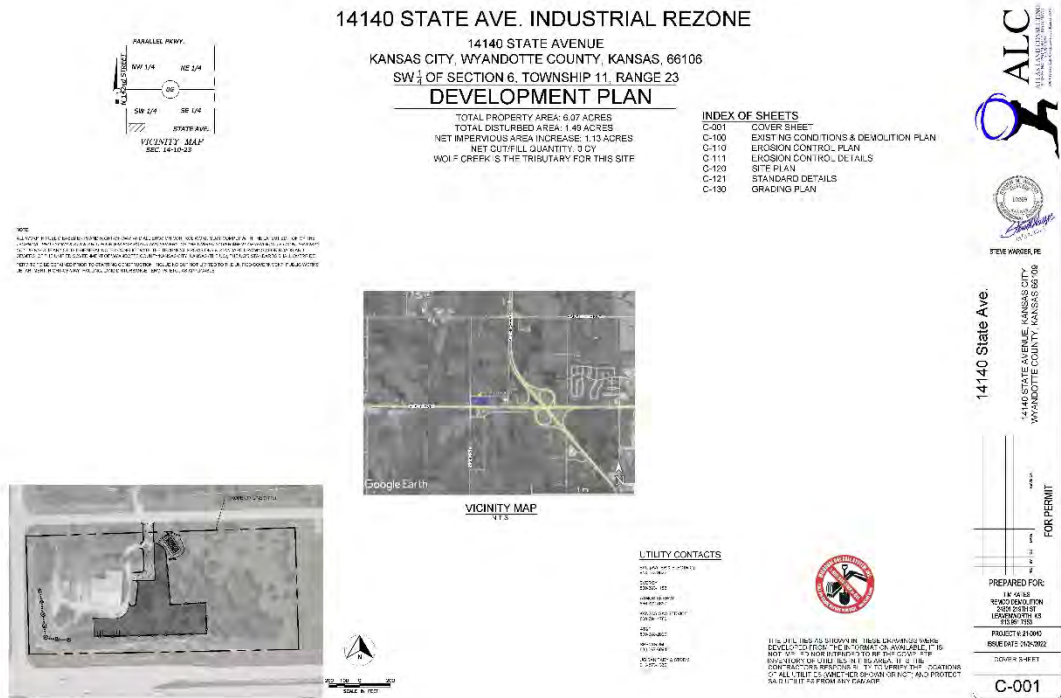
Prepared by:

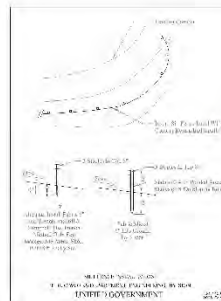
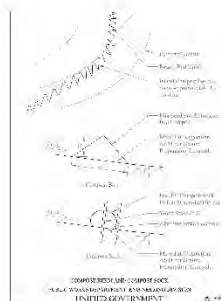
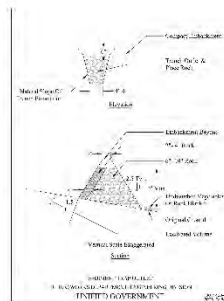
ATLAS LAND CONSULTING, LLC
606 Jefferson Hills Court
Lawrence, Kansas 66044
913-702-5073

January 24, 2022

Revision	Date	By	Description
1			
2			
3			

REVISED SITE PLANS – SECOND SET



[illegible]

REVISED SITE PLANS – SECOND SET



NOTES TO THE CONTRACTOR:
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING.
5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING AND DRIVEWAYS.
6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS.
7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE AND MARKINGS.
8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.
9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING.
10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING AND DRIVEWAYS.
11. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS.
12. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE AND MARKINGS.



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS
14140 STATE AVE. SUITE 100
WYANDOTTE COUNTY, KANSAS 66199
PHONE: (913) 875-1100
FAX: (913) 875-1101
WWW.ALC-KANSAS.COM

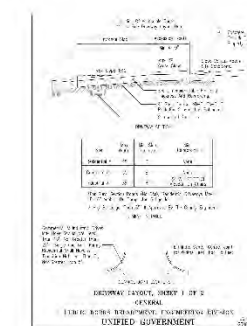
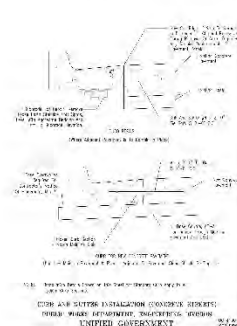
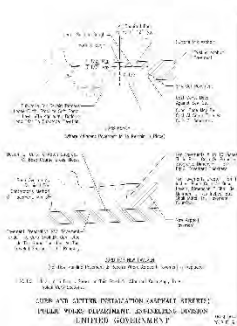
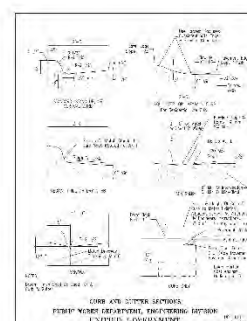
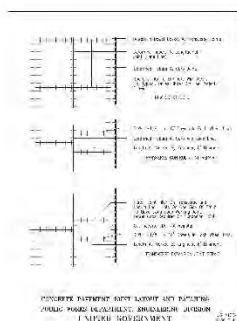
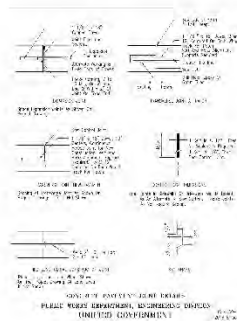
STEVE WARDEN, P.E.
REGISTERED PROFESSIONAL ENGINEER
KANSAS #0000000000

14140 State Ave.
14140 STATE AVE. SUITE 100
WYANDOTTE COUNTY, KANSAS 66199

FOR PERMIT

PREPARED FOR:
UNION GOVERNMENT
14140 STATE AVE. SUITE 100
WYANDOTTE COUNTY, KANSAS 66199
PROJECT # 21-040
DATE: 01-10-2022
SHEET PLAN

C-120



ALC
ARCHITECTURAL LANDSCAPE CONSULTANTS
14140 STATE AVE. SUITE 100
WYANDOTTE COUNTY, KANSAS 66199
PHONE: (913) 875-1100
FAX: (913) 875-1101
WWW.ALC-KANSAS.COM

STEVE WARDEN, P.E.
REGISTERED PROFESSIONAL ENGINEER
KANSAS #0000000000

14140 State Ave.
14140 STATE AVE. SUITE 100
WYANDOTTE COUNTY, KANSAS 66199

FOR PERMIT

PREPARED FOR:
UNION GOVERNMENT
14140 STATE AVE. SUITE 100
WYANDOTTE COUNTY, KANSAS 66199
PROJECT # 21-040
DATE: 01-10-2022
SHEET PLAN

C-121

COZ2022-001/MPL2022-001 March 31, 2022



14140 State Ave.

14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66109

STEVE WAGGONER, PE



14140 State Ave.

FOR PERMIT

PREPARED FOR:

TRAFFIKES

5000 ROCKY HORN

2401 N 1ST ST

JEANETTE, KS

66105-2865

PROJECT # 21-1040

ISSUE DATE: 3/15/2022

WORKING PLAN

C-130

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



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STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022









STAFF SITE VISIT PHOTOS DATED JANUARY 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: May 26, 2022

Re: Special Use Petition SP2022-046

GENERAL INFORMATION

Applicant:

Blake Lostal
DBA Easy Inn

Status of Applicant:

Business Owner
322 North 6th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

January 4, 2022

Purpose:

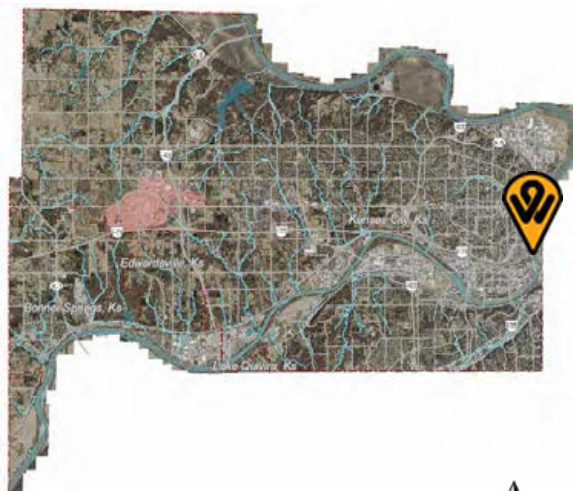
Approval of a Special Use Permit for live entertainment at an existing drinking establishment.

Property Location:

322 North 6th Street
Kansas City, Kansas 66101

Commission Districts:

Commissioner At-Large District #2:
Tom Burroughs
District #2 Commissioner: Brian McKiernan



Existing Zoning:	TND Traditional Neighborhood Design District
Adjacent Zoning:	North: TND Traditional Neighborhood Design District South: R-1(B) Single Family District East: R-1(B) Single Family and TND Traditional Neighborhood Design District West: R-1(B) Single Family and TND Traditional Neighborhood Design District
Adjacent Uses:	North: Funeral Home South: Single Family Residence East: Single Family Residence and Wholesale Lighting Sales Office West: Duplex Residence
Total Tract Size:	.0604 Acre
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density. Urban Density uses include single family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan designates North 6th Street as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – April 14, 2022 Letters to Property Owner – April 14, 2022
Public Hearings:	May 9, 2022 and May 26, 2022
Public Support:	Staff has received multiple letters in support and one (1) person appeared at the May 9, 2022 meeting.
Public Opposition:	Staff has received one (1) letter in opposition and one (1) person appeared at the May 9, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blake Lostal with the Easy Inn, has applied for a new Special Use Permit for live entertainment at 322 North 6th Street. The subject property is a single level row-style store with approximately 1,260 square feet of building space with an additional outdoor patio and was formerly known as the Colonial Club. The Applicant has operated the subject property since 2018.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There were multiple premises checks on the business.
2. There was one case of assault at the address in 2019.

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has received one code enforcement complaint:
 - a. 2019: 19200-01520: Weeds in the rear of property
3. The former property owner received several code enforcement complaints
 - a. 2013: 13200-04335: Weeds in the rear of property
 - b. 2012: 12220-00569: Graffiti
 - c. 2010: 10200-01023: Weeds in the rear of property
 - d. 2010: 10220-00504: Graffiti
 - e. 2008: 08220-01835: Graffiti
 - f. 2008: 08220-01492: Graffiti

Outstanding or Related Permits and Cases:

1. The current property owner has prior building permits associated with renovations to reopen the property:
 - a. 2018: 18381-00046 - Gas Permit - Pressure Test - Completed
 - b. 2018: 18367-00018- Electrical - Safe to Restore Electric- Completed
2. The prior owner had similar permits for utility restoration that are also completed.
3. The current property owner has no outstanding Code Inspection Cases. Previous Inspection cases are more than ten (10) years old.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Buildings along this segment of 6th street typically are composed of brick masonry or natural stone. The neighborhood lacks sufficient parking but is generally walkable with transit access. Additional angled parking is included across the street on 6th Street.

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

The zoning and uses of properties nearby are set out above. The surrounding properties vary in usage from a funeral home, union office, single-family and multi-family residences, a park, retail butcher store, and wholesale lighting office. The mixed-use nature of these nearby properties indicates the proposed use of a drinking establishment with live entertainment is compatible.

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

The property is suitable for live entertainment because it is an urban, mixed-use area in which neighborhood establishments are popular. There is the possibility for increased parking demand with the additional use of live entertainment, although the neighborhood generally favors walkability over a high traffic presence. Noise is also a factor but can be minimal if mitigated appropriately.

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

The property is not vacant. The property was a former sports bar that closed in approximately 2017. The applicant purchased the property in 2018, completed some renovations, and re-opened the drinking establishment.

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 classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use has a low degree of conformance to the plan's designation, but the proposed use is legally non-conforming.

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

The current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are some on-street parking spaces although it is considered insufficient. Live entertainment at this property should not be considered an aggregate factor for insufficient parking more so than the parking would be for any other related use or establishment that would be permissible. This property is generally visited by locals who would value its proximity to residences and its walkability, as it is on the end of a street block with ample sidewalk and pedestrian connectivity. Additional angled parking is available across the street on 6th street.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, although it could be seen as desirable to have as a neighborhood feature. It is not concluded that the presence of live entertainment at this space 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.*

There is a potential for noise, vibration, and illumination to be a problem at this location, as it is a drinking establishment adjacent to a residential neighborhood, should be this minimal if managed appropriately.

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, permitted structure. If the applicant properly manages the property, pollution or trash from patrons should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, mixed-use 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 presence of live entertainment at a drinking establishment in and of itself would not be considered to have relative gains to the public health, safety, and welfare. The public would benefit from having another establishment in the neighborhood for socializing and gathering, as many performers there are local musicians. Denying the Special Use Permit may cause hardship for the property owner as they would have a loss of a popular feature at this location.

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

The proposed use would not result in overcrowding as the drinking establishment operates within an existing building. There is a propensity for live entertainment to cause crowds, however, a certificate of occupancy would provide a limit on undue concentrations of populations.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Illumination
Noise Concerns
Illumination
Parking
Safety and Security
Floodway/ Floodplain

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 4 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP022-046**, subject to:

1. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;
3. All entertainment must cease by 1:00 AM;
4. Doors and windows must remain closed during any entertainment performance;
5. 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 or staff member available 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 ID 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;
6. No amplified speakers or entertainment is allowed in outdoor spaces;
7. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
8. Any proposed signage requires a sign permit. Please contact the Department of Planning & Urban Design to begin that process)
9. 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 buildinginspection@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;

10. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation,
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;
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 as both the property owner and the business owner that they 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 in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2022-046** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 9, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Letters of Support
Staff Site Visit Photos (unavailable)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use	May 9, 2022	May 26, 2022
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-046** 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 **SP2022-046**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 9, 2022 City Planning Commission Minutes:

Hearing starts at 6:02:10:

SPECIAL USE PERMIT APPLICATION SP2022-046 – BLAKE LOSTAL - SYNOPSIS:

Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 322 North 6th Street.

Detailed Outline of Requested Action: The applicant, Blake Lostal with the Easy Inn, has applied for a new Special Use Permit for live entertainment at 322 North 6th Street. The subject property is a single level row-style store with approximately 1,260 square feet of building space with an additional outdoor patio and was formerly known as the Colonial Club. The Applicant has operated the subject property since 2018.

City Ordinance Requirements: Municipal Code Sections 27-592 through 27-606 and 27-593.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 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:

- Blake Lostal, applicant, 1919 Federal, Kansas City, Kansas 66103
- Mary Beth Swartz, 604 North Thompson, Kansas City, Kansas 66101

Present in Opposition:

- Nick Tomasic III, 518 North Thompson Street, Kansas City, Kansas 66101

Staff Recommendation starts at 6:09:02: Planning Director Hand stated that this is a request for a Special Use Permit for live entertainment at the Easy Inn. It is important to note that this is a continuation of a historical use, so the Special Use Permit is not for the bar itself, but only for the live entertainment. He further stated that live entertainment is anything from a karaoke machine to a jukebox to live bands. This property is in the Central Area Master Plan on Strawberry Hill. Staff has received multiple letters in support and one (1) letter in opposition in addition to the comments this evening. There are multiple Notices of Violation associated with this property, all of which have been rectified by the property owner. Staff has attached all the standard conditions of approval to this case along with conditioning that no amplified music be

played outside on the patio or outside in general. That does not mean that patrons will not be outside, but there will be no amplified background music. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 6:13:07:

On motion by Mr. Ward, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-046:**

Carson	Not Present
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Chairman
Miller	No
Mohler	Not Present
Pauley	Aye
Straws	Not Present
Ward	Aye

Motion to recommend **APPROVAL** Passed: 4 to 1

Subject to:

1. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;
2. All entertainment must cease by 1:00 AM;
3. Doors and windows must remain closed during any entertainment performance;
4. 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 or staff member available 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 ID 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;
5. No amplified speakers or entertainment is allowed in outdoor spaces;
6. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Any proposed signage requires a sign permit. Please contact the Department of Planning & Urban Design to begin that process)
8. 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 buildinginspection@wycokck.org to confirm if they need a building permit,

- and if so, must take it upon themselves to initiate the building permit process accordingly;
9. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation,
 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 as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

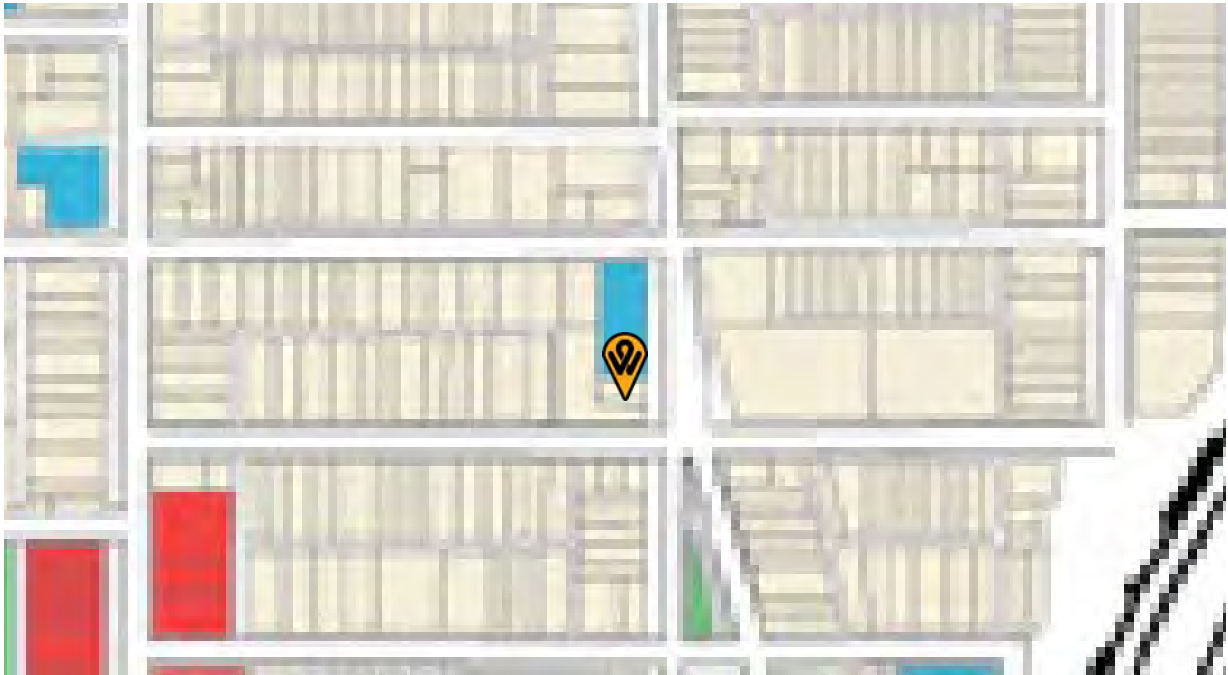
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING INFORMATION

4/26/2022

Blake Lostal
PO Box 3835
Kansas City KS 66103

Application SP 2022-046

Meeting called to order April 25th at 5 PM. Because of Covid-19 all questions and comments were collected via e-mail and phone up to 5PM on this day.

Only one recipient of our letter has responded to our letter, one Judith Tucci:

Judith: Hello, I am calling in regards to your letter about the entertainment license at the bar.

Us: Yes, what can I answer for you?

Judith: How will it be used?

Us: We will be using it to host live shows, karaoke, and DJs occasionally all on the inside of the building. We have no intention of having live entertainment more than a few times a month.

Judith: Ok, if that is the case then I support your proposal, have a nice day.

Us: You too, thank you!

Meeting Adjourned at 5PM April 25th

Minutes Recorded by Joseph Cartwright

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) ss:

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

1. That I am the petitioner for Petition # SP2022-046
2. That I conducted a neighborhood meeting on Apr 12th 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.

Joseph Cartwright
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

LETTERS OF SUPPORT

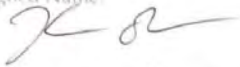
Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and a patron of Colonial club llc/ The Easy Inn and support the entertainment license. This is a great establishment for having Karaoke, seeing live music, and DJs. This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name:

Kevin O'Brien

Signed Name:



Date:

4/26/2022

Address:

528 Ann Ave

Kansas City, KS 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and a patron of Colonial club llc/ The Easy Inn and support the entertainment license. This is a great establishment for having Karaoke, seeing live music, and DJs. This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name: Jennifer Stehler

Signed Name: *Jennifer Stehler*

Date: 4/26/22

Address: 528 Ann Ave.

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and a patron of Colonial club llc/ The Easy inn and support the entertainment license. This is a great establishment for having Karaoke, seeing live music, and DJs This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name:

Jeffrey Campbell

Signed Name:



Date:

4/26/22

Address:

530 Ann Avenue Kansas City, KS 66101

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and a patron of Colonial club llc/ The Easy Inn and support the entertainment license. This is a great establishment for having karaoke, seeing live music, and DJs. This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name: Hannah Jennings

Signed Name:



Date:

4/26/2022

Address:

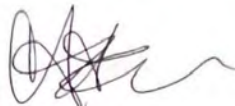
6th Street Kansas city, KS

LETTERS OF SUPPORT

Dear Planning and Zoning Committee:

I'm a resident of Strawberry Hill and a patron of Colonial club llc/ The Easy Inn and support the entertainment license. This is a great establishment for having Karaoke, seeing live music, and DJs. This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name: CHARLIE DAVIS

Signed Name: 

Date: 4/26/22

Address: 6th St KCR

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and a patron of Colonial club llc/ The Easy Inn and support the entertainment license. This is a great establishment for having Karaoke, seeing live music, and DJs. This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name: Scott Muidak

Signed Name: 

Date: 4/26/22

Address: Sth Ave KCK

LETTERS OF SUPPORT

Dear Planning and Zoning Committee:

I'm a resident of Strawberry Hill and a patron of Colonial club lly/ The Easy Inn and support the entertainment license. This is a great establishment for having Karaoke, seeing live music, and DJs. This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name: *AJ Hofmann*

Signed Name:



Date:

4/26/22

Address:

5th Ave KC, K.

LETTERS OF SUPPORT

Dear Planning and Zoning Committee,

I'm a resident of Strawberry Hill and a patron of Colonial club llc/ The Easy Inn and support the entertainment license. This is a great establishment for having Karaoke, seeing live music, and DJs. This project is being spearheaded by a current local business owner and resident that is passionate about the area.

Printed Name:

Ross Stewart

Signed Name:

R(s)t

Date:

4/26/22

Address:

620 Sandusky Ave
KC, KS 66101



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 31, 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 North 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, February 24, 2022 and March 24, 2022
Public Hearings:	February 14, 2022, March 3, 2022, March 14, 2022 and March 31, 2022.
Public Support:	One (1) person appeared at the February 14, 2022 meeting.
Public Opposition:	One (1) person appeared at the March 14, 2022 meeting.

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 Planed 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 1 to uphold its previous recommendation and recommends **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.

On March 3, 2022, the Unified Government of Wyandotte County and Kansas City, Kansas Board of Commissioners remanded this case back to the March 14, 2022 City Planning Commission in order to further review the impacts of this proposed change of use, seek input from the Cities of Bonner Springs and Basehor, and review the current and planned land uses in these abutting jurisdictions. The applicant noted that there are six (6) vehicles that are proposed to be stored at this location and the average truck traffic would be five (5) trucks leaving the site in the morning and five (5) trucks returning at night as typically one (1) vehicle is either unnecessary to meet work demands or is being repaired. This is an average daily trips of 10 trucks per day. The UG County Engineer stated that these roadways were built to a standard where this amount of traffic would not be detrimental to either the capacity of these roads or their general condition. The County Engineer, however, also stated that large, overweight trucks (over 12,000 lbs. gross vehicle weight rating or GVWR) do increase the deterioration of roads at a higher rate than other vehicles. The subject parcel is bordered by Nebraska Avenue to the north, North 142nd Street to the west and State Avenue to the south. Nebraska Avenue and North 142nd Street are asphalt roads with concrete curbs and stormwater inlets. State Avenue is a State Highway (US Route 40) that is concrete without curbs. The City of Bonner Springs noted that the current zoning for the parcels in their jurisdiction south of State Avenue are Industrial, including the current business located at 14130 Minnesota Avenue, Bonner Springs, KS 66012, and that the undeveloped corner lot (14150 Minnesota Avenue) is zoned single-family residential. They stated the proposed use is in character with these uses. The City of Basehor noted that they had received one (1) comment from an adjacent land owner in opposition to the project, but by their protocol do not directly comment on projects

outside of their jurisdiction. Staff reviewed their zoning map, and all uses abutting the proposed project on north 142nd Street are single-family residential.”

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

ATTACHMENTS

February 14, 2022 City Planning Commission Minutes
March 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 Remanded Back
	March 14, 2022 Approval	March 31, 2022
Master Plan	February 14, 2022 Approval	March 3, 2022 Remanded Back
	March 14, 2022 Approval	March 31, 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 public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **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 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 1:43:56:

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.**
- 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.

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

March 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:09:45:

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 March 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.

Secretary Parker stated that this application was heard in February and recommended for approval with conditions and the Board of Commissioners remanded the application back to the City Planning Commission for rehearing. Planning Director Hand stated this case was remanded back to the Planning Commission for staff to have further discussions with surrounding jurisdictions regarding this application and to further review the traffic/parking impacts of this project.

Present in Support:

- Tim Kates, Remco Demolition LLC, applicant
- Andrea Weishaubt, Atlas Surveyors

Present in Opposition:

- Bill Hutton, 13939 Parallel Parkway, Kansas City, Kansas
- Jeremy Unruh, 1506 North 142nd Street, representing eight (8) neighbors on the west side of 142nd Street (spoke after Director Hand's recommendation)

Staff Recommendation starts at 4:26:16: Planning Director Hand stated that he will address the reasons the applications were remanded back to the Planning Commission. Staff spoke to the City of Basehor and their policy is not to comment on applications in other jurisdictions. They did state that one (1) of their constituents on the other side of 142nd Street was in opposition. Staff spoke to the City of Bonner Springs, and there are two (2) properties that are industrial on Minnesota Avenue and the third, undeveloped property is zoned residential, and they felt that this project would be commensurate with their development. He stated that the applicant notified staff with an additional exhibit that they would have six (6) vehicles stored on the property and estimate that they will have a maximum of five (5) vehicles out every day which is ten (10) vehicle trips per day. Director Hand stated that staff spoke to the County Engineer and 142nd Street and Nebraska Avenue are improved streets. State Avenue is a concrete street and Staff does not believe that improvements are needed for this proposed Special Use Permit. The County Engineer said that while ten (10) trips is not a large amount, 12,000 pounds trucks do have a greater potential for damage to public rights-of-way than other vehicles. The County Engineer stated that these are public roads that are built to handle this traffic. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 4:32:37:

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

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	No
Armstrong	Aye

Motion to recommend APPROVAL Passed: 6 to 1

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).
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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.
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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.

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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 Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2022-001:**

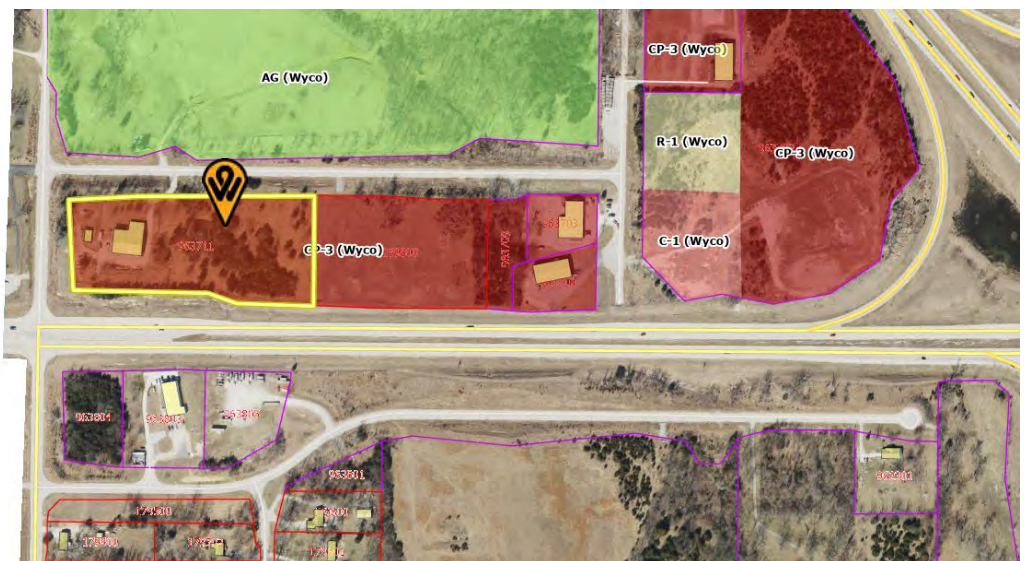
Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	No
Armstrong	Aye

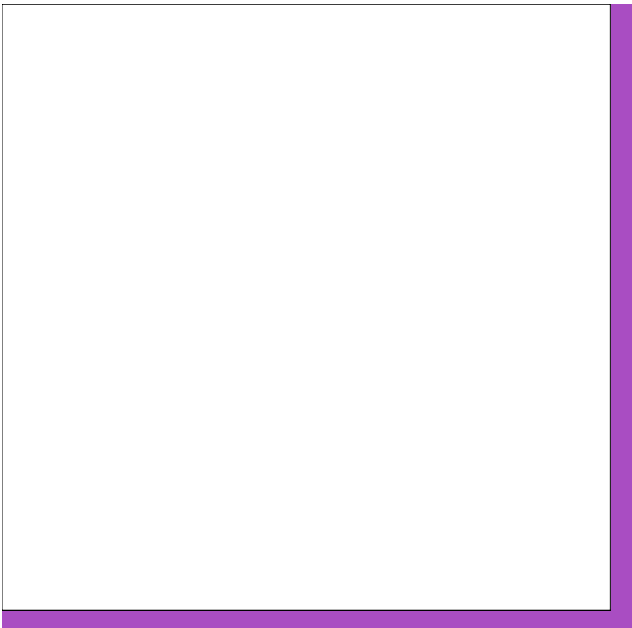
Motion to recommend APPROVAL Passed: 6 to 1
Subject to the above conditions

AERIAL MAP



ZONING MAP





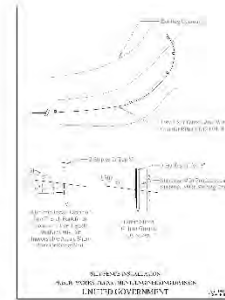
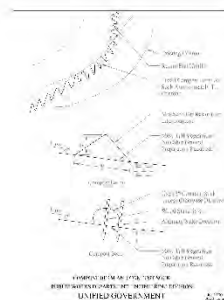
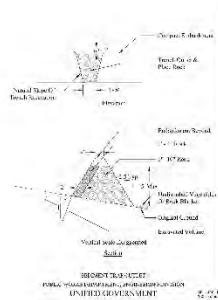
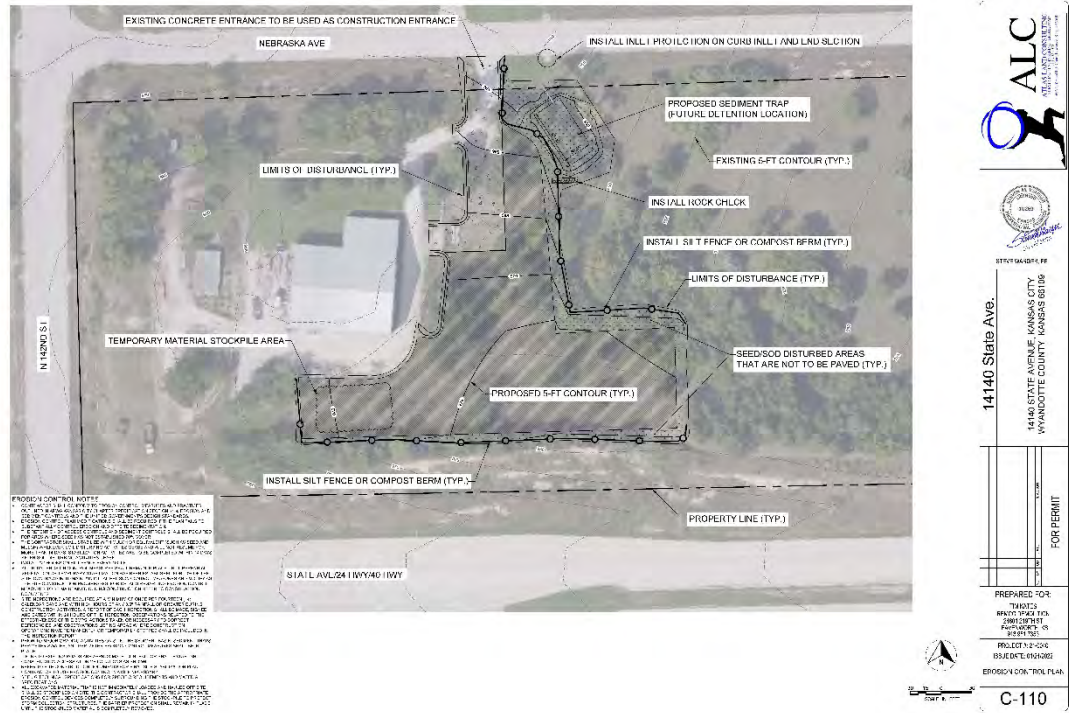
PRELIMINARY SITE DESIGN



COZ2022-001/MPL2022-001 March 31, 2022

[illegible][illegible]

REVISED SITE DESIGN PLANS



24



[illegible]

ALC
ALLIANCE FOR CONJUGATE
A KAWASUMI COMPANY
1000 W. 10TH AVE. SUITE 1000
DENVER, CO 80202-1000



14140 State Ave.

14140 STATE AVENUE, KANSAS CITY
WYANDOTTE COUNTY, KANSAS 66109

FOR PERMIT

PREPARED FOR:
TIM KATES
REVCO DEMOLITION
24811 2ND 9TH ST
LEAWORTH, KS
913.851.7363

PROJECT #: 21-0340
ISSUE DATE: 01/24/2022

TRADING PLAN

C-130



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.

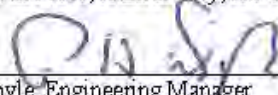
PLANNING ENGINEERING COMMENT LETTERS

- 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)

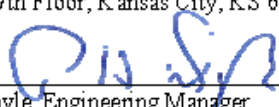
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified 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

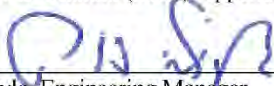
FROM: Patrick Doyle, Engineering Manager

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



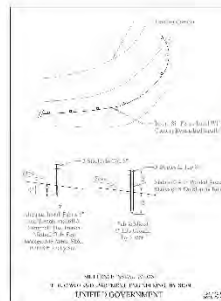
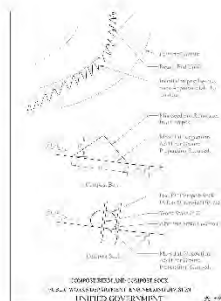
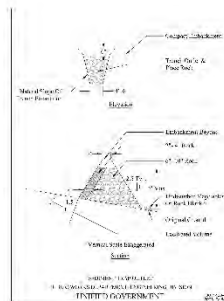
Prepared by:

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

January 24, 2022

Revision	Date	By	Description
1			
2			
3			

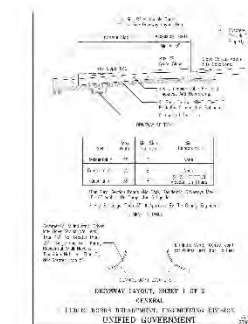
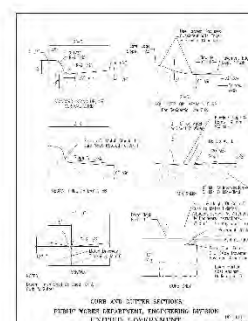
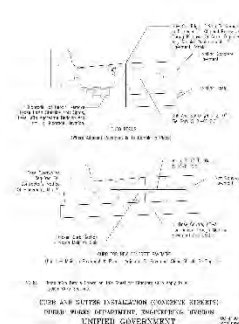
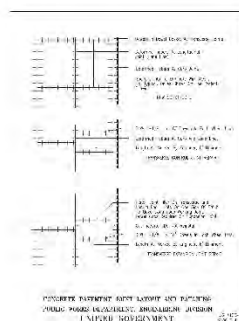
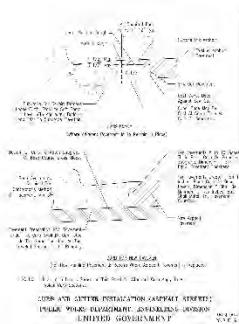
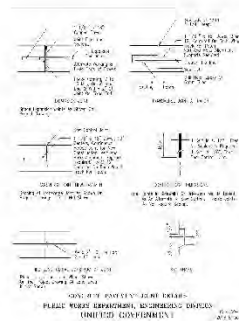
COZ2022-001/MPL2022-001 March 31, 2022

[illegible]

41



INFORMATION ON TRINCH NOTES




ALC
 AERIAL LOGIC
 1100 S. GARDEN STREET, SUITE 200
 DENVER, CO 80202-1344
 TEL: 303.733.7200 FAX: 303.733.7201



Steven W. Gager
 STEVEN W. GAGER, P.E.

14140 State Ave.
 14140 STATE AVENUE KANSAS CITY
 WYANDOTTE COUNTY, KANSAS 66109

PREPARED FOR:
 TRAKKIES
 28000 100th ST
 PAPER CITY, MO
 LEAVENWORTH, KS
 66045-7265
 PROJECT # 21-040
 ISSUE DATE 7/15/2002
 © TEL-1200

FOR PERMIT
 14140 STATE AVENUE
 WYANDOTTE COUNTY, KANSAS

14140 State Ave.

14140 STATE AVENUE KANSAS CITY,
WASHOTTE COUNTY, KANSAS 66103

FOR PERMIT

PREPARED FOR:

TRC CONSULTING

20012-111-01

PERMIT NO. 14140

5/15/2001

STANDARD CITY & R

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



STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022









STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2022



DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

CRS COMMUNITY CERTIFICATIONS

OMB Control Number: 1660-0022
Expiration: 10/31/2023

Community Kansas City, City of State KS CID 200363
(6-digit NFIP Community Identification Number)

Note: Please cross out any incorrect items, below, as needed, and insert the updated information.

CC-213 Recertification

Recertification due date February 1, 2022

Chief Executive Officer	CRS Coordinator
Name <u>The Honorable Tyrone Garner</u>	<u>Gunnar Hauser Hand, AICP</u>
Title <u>Mayor and Chief Executive Officer</u>	<u>Planner</u>
Address <u>701 North 7th Street, Suite 423</u> <u>Kansas City, KS 66101</u>	<u>701 North 7th Street, Suite 423</u> <u>Kansas City, KS 66101</u>
Phone number <u>913-573-5010</u>	<u>913-573-5750</u>
E-mail address <u>tgarner@wycokck.org</u>	<u>ghand@wycokck.org</u>

I hereby certify that City of Kansas City, Kansas [community name] is implementing the following activities on the attached pages, as credited under the Community Rating System and described in our original application to the CRS and subsequent modifications.

I hereby certify that, to the best of my knowledge and belief, we are in full compliance with the minimum requirements of the NFIP and we understand that we must remain in full compliance with the minimum requirements of the NFIP. We understand that at any time we are not to be in full compliance, we will retrograde to a CRS Class 10.

I hereby certify that we will continue to maintain FEMA Elevation Certificates on all new buildings and substantial improvements constructed in the Special Flood Hazard Area following the date at which we joined the CRS.

I hereby certify that if there are one or more repetitive loss properties in our community that we must take certain actions that include reviewing and updating the list of repetitive loss properties, mapping repetitive loss areas, describing the cause of the losses, and sending an outreach project to those areas each year, and if we have fifty (50) or more unmitigated repetitive loss properties we must earn credit under Activity 510 (Floodplain Management Planning) for either a repetitive loss area analysis (RLAA) or a floodplain management plan (FMP).

I hereby certify that, to the best of my knowledge and belief, we are maintaining in force flood insurance policies for insurable buildings owned by us and located in the Special Flood Hazard Area (SFHA) shown on our Flood Insurance Rate Map. I further understand that disaster assistance for any community-owned building located in the SFHA is reduced by the amount of National Flood Insurance Program (NFIP) flood insurance coverage (structure and contents) that a community should be carrying on the building, regardless of whether the community is carrying a policy.

Signature



(Chief Executive Officer)

Date

2/16/2022

CC-213-1

[continued on next page]

Community Kansas City, City of State KS CID 200363
 (6-digit NFIP Community Identification Number)

CRS Program Data Table	A. In the SFHA	B. In a regulated floodplain outside the SFHA	C. In the rest of the community
1. Last report's number of buildings in the SFHA (bSF) (line 6, last report)	671		
2. Number of new buildings constructed since last report	+ 0		
3. Number of buildings removed/demolished since last report	- 151		
4. Number of buildings affected by map revisions since last report (+ or -)	0		
5. Number of buildings affected by corporate limits changes (+ or -)	0		
6. Current total number of buildings in the SFHA (bSF) (total lines 1-5)	520		
7. Number of substantial improvement/damage projects since last report			
8. Number of repetitive loss properties mitigated since last report			
9. Number of LOMRs and map revisions (not LOMAs) since last report			
10. Acreage of the SFHA (aSFHA) as of the last report (line 13, last report)	6650.4		
11. Acreage of area(s) affected by map revisions since last report (+ or -)			
12. Acreage of area(s) affected by corporate limits changes (+ or -)			
13. Current acreage of the SFHA (total lines 10 12)	6650.4		
14. Primary source for building data: GIS Map Data - Geo-spatial Services Division			
15. Primary source for area data: GIS Map Data - Geo-spatial Services Division			
16. Period covered: February 2021 - February 2022	Current FIRM date	09/02/2015	
If available, the following data would be useful:			
17. Number of new manufactured homes installed since last report			
18. Number of other new 1 -4 family buildings constructed since last report			
19. Number of all other buildings constructed/installed since last report			

Comments:

(Please note the number of the line to which the comment refers.)

Community Kansas City, City of State KS CID 200363
(6-digit NFIP Community Identification Number)

Instructions

At the first verification visit after the effective date of the 2013 *CRS Coordinator's Manual*, ONLY LINES 6 AND 13 NEED TO BE COMPLETED. These lines form the baseline data about the number of buildings and area of the SFHA for when the table is completed as part of the next annual recertification. The "period covered" entered in line 16 is the date that lines 6 and 13 are first completed. At all subsequent annual recertifications and cycle verification visits, the entire table is completed. The information in lines 6 and 13 from the last report is transferred to lines 1 and 10 in the next report.

Instructions for the Columns

Column A numbers are for the SFHA (the A and V Zones shown on the Flood Insurance Rate Map) (FIRM)). Use the FIRM currently in effect, not a draft or pending revision.

Column B is completed only if the community receives CRS credit for regulating floodplain development outside the SFHA under Activity 410 (Floodplain Mapping) or Activity 430 (Higher Regulatory Standards).

Column C numbers help relate what happens in the floodplain to what is happening in the rest of the community.

Enter "0" if there are no numbers to report for this period. Do not leave a cell blank. Do not fill in the shaded boxes.

Instructions for the Lines

Lines 1-7 deal with buildings.

- o Section 301.a of the *CRS Coordinator's Manual* defines what constitutes a "building" and lists examples of structures that are not counted as "buildings" by the CRS.
- o Section 302.a of the *CRS Coordinator's Manual* describes how the CRS counts buildings. For example, accessory structures are not counted.
- o As noted in Section 302.a, to determine building counts, communities may use any method that yields reasonably good estimates of the number of buildings. Examples of acceptable methods are listed in Section 302.a. Precision is less important for large numbers. For example, the impact of the numbers will not change much if there are 10,000 buildings or 10,100 buildings.
- o If a building is out of the SFHA, but in a parcel that is partly in the SFHA, it is not counted in column A --In the SFHA.
- o In line 14, note how the building counts were obtained or estimated. Use the comments area, if needed.

Line 4 refers to map revisions. These include physical map revisions, Letters of Map Revision (LOMR), and Letters of Map Amendment (LOMA). If a building is removed from the SFHA by FEMA through a LOMA, but the community still administers its floodplain management regulations on the property, the building should not be included in the line 4 count in column A --In the SFHA. However, communities that still regulate areas removed by LOMAs can receive credit under Activities 410 or 430. If the community is receiving such credit, the building should be counted under column B --In a regulated floodplain outside the SFHA.

Line 7 is for the total number of buildings that were substantially improved plus the number of buildings that were substantially damaged during the period covered.

Lines 10 -13 deal with areas.

- o These areas are based on the areas shown on the community's FIRM including LOMRs or LOMAs. Section 403.b discusses those portions of the SFHA that are subtracted from the area of the SFHA to calculate the community's aSFHA used in credit calculations.
- o Section 403.e of the *CRS Coordinator's Manual* discusses calculating areas for CRS purposes.
- o Section 403.e notes that communities "should not spend an inordinate amount of time measuring areas." As with buildings, communities may use any method that yields reasonably good estimates. Examples of acceptable approaches are listed in Section 403.e.
- o Line 13 asks for the current acreage of the SFHA. The best source for this number is a GIS layer that shows the SFHA. If the community does not have GIS, the county, regional agency, or state NFIP mapping office may have SFHA layers and may be able to provide the data. If the community has a relatively recent FIRM, the study contractor or consulting engineer may have the data.
- o In line 15, note how the area calculations were obtained or estimated. Use the comments area, if needed.

Lines 17 -19 are voluntary, if the numbers are readily available.

- o Line 17 includes replacing an existing manufactured home with a new one. The newly placed manufactured home is counted as a new, post-FIRM, building.
- o The total of lines 17 -19 should equal the value entered in line 2.

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

Your community has been verified as receiving CRS credit for the following Activities.

- If your community is still implementing these activities the CRS coordinator is required to put his or her initials in the blank (do not use a checkmark or an "X") and **attach** the appropriate items. A blank with no initials indicates you are not implementing that Activity anymore, and will result in loss of points (and possible CRS Class).
- If the word "**attached**" is used you must provide the requested documentation for that Activity. If no documentation has been acquired for that Activity, please explain why there is no documentation from the past year.

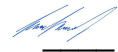
 310 EC: We are maintaining Elevation Certificates, Floodproofing Certificates, Basement Floodproofing Certificates, V Zone design certificates and engineered opening certificates on all new construction and substantially improved buildings in our Special Flood Hazard Area (SFHA) and make copies of all Certificates available at our present office location. *Initial here if you have had no new construction or substantial improvement in the SFHA in the last year.*

 310 EC: **Attached is the permit list for only new or substantially improved structures in the SFHA that have been completed in the last year.** We have permitted 2 new building and substantial improvements in the SFHA during this reporting period.

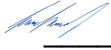
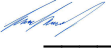
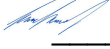
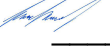
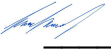
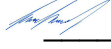
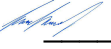
 310 EC: **Attached are all the Certificates for new or substantially improved structures that have been completed during this reporting period that are included on the above permit list.** (Note: The total number of Elevation and Floodproofing certificates should match the number of permits issued and completed within the reporting period defined above. All permits issued for new construction or substantial improvement within the V zone should have both an Elevation Certificate and a V Zone Certificate, and all buildings with basements within the basement exemption communities should have both an Elevation Certificate and a Basement Floodproofing Certificate).

 320 MI 1: We are providing basic flood information to inquirers. We also continue to provide the following to inquirers:

-  MI 2 additional FIRM information
-  MI 4 flood depth data
-  MI 6 historical flood information

 320 MI: **Attached is a copy of the publicity for the credited elements of this service this year.**

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

-  320 MI: **Attached is a copy of one page of the log, a letter, or other record that we kept on this service this year.**
-  320 MI: We are continuing to keep our FIRM updated and maintain old copies of our FIRM.
-  330 OP: We continue to conduct or provide all credited outreach projects.
-  340 ODR: People looking to purchase flood prone property are being advised of the flood hazard through our credited hazard disclosure measures.
-  350 LIB/LPD: Our public library continues to maintain flood protection materials.
-  350 WEB: We continue to conduct an annual review and update of the information and links in our flood protection website.
-  360 PPA: We continue to provide flood protection advice to inquirers.
-  360 PPV: We continue to provide on-site flood protection assistance to inquirers.
-  360 FAA: We continue to provide advice on financial assistance programs to inquirers.
-  360 PPA/PPV/FAA: **Attached is a copy of one page of the log, up to three letters, or other records that we kept on this service this year.**
-  360 PPA/PPV/FAA: **Attached is a copy of the document that told others about this / these service(s) this year.**
-  420 OSP: We continue to preserve our open space in the floodplain.
-  420 LZ/OSI: We continue to enforce our ordinance(s) for low-density zoning and/or open space incentives. *[] Initial here if you have changed the allowable density of development in any of your zoning districts, rezoned parcels in the floodplain or changed your open space incentives. **Attach a copy of the amended regulations, provide a summary of the changes, and mark up the regulation indicating what's been changed.***
-  430: We continue to enforce the floodplain management provisions of our zoning, subdivision and building code ordinances for which we are receiving credit. *[] Initial here if you have amended your floodplain regulations. **Attach a copy of the amended regulations, provide a summary of the changes and mark up the regulations indicating what's been changed.***

Community Kansas City, City of State KS CID 200363
County WYANDOTTE

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

-  430 RA: We continue to enforce our procedures for administering our floodplain management regulations. If applicable, we also continue to employ CFMs and staff who took credited training courses. We currently have 2 CFMs on staff.
-  440 AMD: We continue to use and update our flood data maintenance system on an annual basis as needed.
-  440 FM: We continue to maintain our historical Flood Hazard Boundary Map, FIRMs and Flood Insurance Studies.
-  450 SMR: We continue to enforce the stormwater management and low impact development provisions of our zoning, subdivision and building code ordinances for new developments in the watershed.  Initial here if you have amended your stormwater management regulations that will impact your CRS program. **Attach a copy of the amended regulations, provide a summary of the changes and mark up the regulations indicating what's been changed.**
-  450 ESC/WQ: We continue to enforce the provisions of our zoning, subdivision and building codes as they pertain to erosion and sediment control and water quality.
-  502 RL: We currently have 12 repetitive loss properties and send our notice to 90 properties in the repetitive loss areas.
-  502 RL: **Attached is a copy of this year's notice on property protection, flood insurance and financial assistance that we sent to our repetitive loss areas.**
-  510 FMP: **Attached is a copy of our floodplain management plan's annual progress report for the action items contained in the plan.** We have included a progress report template for you to use (in the email notification) if you don't have one of your own.
-  510 FMP: We have provided copies of this/these progress report(s) to our governing board and local media.
-  520 AR: We continue to maintain as open space the lots where buildings were acquired or relocated out of the floodplain.  Initial here if there have been any changes (additions or deletions) to the parcels credited as open space. Attach a description of those changes.

Additional Comments: e ardin 52 A C on ir ed t at t e ro erty addre ed a 3 56
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CRS Activity 510
Annual Progress Report on Implementation of Credited Plan

Which Plan is this for (use separate templates for each credited Plan):

Floodplain Management Plan (Hazard Mitigation Plan)

Repetitive Loss Area Analysis

Floodplain Species Plan

Substantial Damage Plan

Name of Community: City of an a City an a

Date this Annual Progress Report was prepared (not the date of adoption of the credited Plan): 02/01/2022

Name of Plan: Kansas Homeland Security Region L Hazard Mitigation Plan

Date of Adoption of Plan: April 1, 2019

5 Year CRS Expiration Date: May 1, 2026

1. How can a copy of the credited Plan be obtained:

Visit the Unified Government of Wyandotte County/ KCK Website here: <https://www.wycokck.org/files/assets/public/emergency-management/documents/042019-kansas-region-l-hazard-mitigation-plan-complete.pdf>

2. Describe how **this annual progress report** (not the credited Plan) was prepared and how it was submitted to the governing body, released to the media, and made available to the public:

See Below Additional Narrative.

3. Provide a description of the implementation of each recommendation or action item in the action plan or area analysis report, including a statement on how the project was implemented or not implemented during the previous year:

See Below Additional Narrative.

4. Discuss why any objectives were not reached or why implementation is behind schedule:

See below Additional Narrative.

5. What are the recommendations for new projects or revised recommendations?

See Section 6.6 - Review and Addition of Mitigation Actions in above referenced Hazard Mitigation Plan.



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

Department of Homeland Security – Federal Emergency Management Agency,

Below is additional narrative for the Form 510 2021 Annual Progress Report from the Unified Government of Wyandotte County and Kansas City, Kansas (UG):

Question #2 Narrative

The annual progress reports are prepared in collaboration with multiple UG Departments, including Planning and Urban Design, Emergency Management, Public Works, and GeoSpatial Services.

This report is posted to the UG “Floodplain” Webpage under the “Annual Reports” tab, which is within the website for the Department of Planning and Urban Design. The public, media, and UG Board of Commissioners can find this information, as well as other floodplain information here:

[Floodplain – Unified Government of Wyandotte County and Kansas City \(wycokck.org\)](http://wycokck.org/floodplain)

This information is communicated to the UG Board of Commissioners via annual email notification via the County Administrative Officer (CAO) before being signed by the Mayor and CEO of the UG.

Question #3 & 4 Narrative

There are 58 identified action items as a part of the Kansas Homeland Security Region L Hazard Mitigation Plan for Wyandotte County. Below is a list of all these action items, including an update and status for each:

Wyandotte – 1: In progress; dependent on funding; working with Emergency Management Department

Wyandotte – 3: On-going

Wyandotte – 4: On-going

Wyandotte – 5: On-going

Wyandotte – 6: In -progress; dependent on funding; working with Emergency Management Department

Wyandotte – 8: On-going

Wyandotte – 9: On-going

Wyandotte – 11: On-going

Wyandotte – 13: On-going; social media and email notifications of severe weather warnings

Wyandotte – 17: Ad hoc; Emergency Management Department trainings

Wyandotte – 18: Completed; Wyandotte County Emergency Operations Plan was updated in March 2022

Wyandotte – 19: Completed; Wyandotte County Emergency Operations Plan was updated in March 2022

Wyandotte – 20: In progress; Emergency Management Department

Wyandotte – 21: On-going; Public Works has implemented a storm-water basin annual review, which often includes surveys of existing water bodies

Wyandotte – 22: Not started due to lack of funding

Wyandotte – 23: On-going

Wyandotte – 24: Not started due to lack of funding

Wyandotte – 25: Completed

Wyandotte – 27: On going; Wyandotte County Emergency Operations Plan was updated in March 2022

Wyandotte – 30: In progress; Emergency Management Department

Wyandotte – 32: Not started due to lack of funding

Wyandotte – 33: On-going; Emergency Management Department partners and coordinates 5-7 trainings per year

Wyandotte – 34: Not started due to lack of funding

Wyandotte – 35: In progress; Emergency Management Department is a member of MARC's LEPC

Wyandotte – 37: Multiple storm-water management projects are underway as a part of the EPA consent decree to remove combined sanitary sewer and storm sewer overflows. Public Works Department regularly maintains and cleans out inlets, especially in the Spring and Fall. IN 2021, Public Works also updated its design manuals to comply with APWA Section 5600 Storm Drainage Systems & Facilities. You can find this information on the UG's "Engineering" webpage here: [DIVISION II \(wycokck.org\)](http://wycokck.org)

Wyandotte – 38: In progress; UG Strategic Communications Department and Public Information Officer partners with Emergency Management Department with all media outlets

Wyandotte – 39: In progress

Wyandotte – 43: Not started due to lack of funding

Wyandotte – 43: On-going via the regional SCOUT system in Wyandotte County

Wyandotte – 44: Not started due to lack of funding. FEMA updated all floodplain maps for Wyandotte County in 2021, and those are reflected in the public UG Maps

Wyandotte – 48: Not started due to lack of funding

Wyandotte -49: All known undermined areas are included in the public UG Maps

Wyandotte – 51: In progress; development process requires approval of all dams for stormwater management be reviewed by Kansas Department of Health and the Environment

Wyandotte – 52: No progress since last updated due to lack of funding

Wyandotte – 54: No progress since last updated due to lack of funding

Wyandotte – 55: Not started due to lack of funding

Wyandotte – 56: Not started due to lack of funding

Wyandotte 57: On going. Army Corps of Engineers levee raise project has begun for the Armourdale Area

A full list of all these Implementation actions is below for reference and additional information:

6.8.48 – Wyandotte County Mitigation Actions

Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
Wyandotte – 1	NFIP - Develop alternative ways to better monitor, in real-time, water levels of the Kansas & Missouri Rivers, Turkey Creek and other smaller streams / tributaries throughout the county for the purposes of advance planning, response & warning.	H	1,2, 4	Flood	In Progress 10% complete	Emergency Management Director	Cost: \$10,000 Funds: FEMA Completion Date: 2 – 5 years
Wyandotte – 2	Adopt building codes to require safe rooms in residential structures and public buildings, including schools.	H	1,2	Windstorm, Tornadoes	In Progress Residential is in code now. Schools and Public buildings is on-going	UG Planning Department working with UG Commissioners and Bonner Springs, KS and Edwardsville, KS Planning and Zoning	Cost: Staff Time Funds: Grants, local Funding, individual Funding. Completion Date: 3 – 10 years
Wyandotte – 3	Work with large venues to ascertain the best available locations to direct their visitors/fans to in case of the need for sheltering. Emphasize the need for each large venue (and those to be constructed) to provide adequate sheltering from storms (tornadoes, hail, lightning, etc.,) as a minimum within their design or added as a retrofit.	H	1,2	All Hazards	In Progress Some venues have developed plans that identify shelter areas, others have not.	Emergency Management Director	Cost: Project Dependent, Staff Time Funds: Local, large venue funds, grant Funding Completion Date: 3 – 10 years
Wyandotte – 4	Continued operation and management of jurisdictional NFIP activities.	H	1,2	Flood	On Going	Flood Plain Manager (Planning Department), County Emergency Management	Cost: Staff Time Funds: Local Completion Date: Continuous
Wyandotte – 5	NFIP - Purchase flood prone properties. Especially repetitive loss properties.	H	1,2	Flood	On Going	Wyandotte county Emergency Management Director	Cost: Project Dependent Funds: Federal HMGP, Local, Combination of both Completion Date: Continuous
Wyandotte – 6	Provide back-up generators for critical facilities within the county. The County	H	1,2	All Hazards	In Progress	Emergency Management Director	Cost: \$3,000,000 Funds: Grant, Local



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
	has 57 facilities that require backup power to function should line power be lost.				Some facilities have installed generators (Fleet, Dispatch) and others are waiting for Funding		Completion Date: Continuous
Wyandotte – 7	Develop low water plans for utilities, businesses and organizations dependent on the water supply from the rivers.	H	1,2,4	Drought	Not Started,, Lack of Funding	Emergency Management Department director	Cost: \$100,000 annually Funds: Local Completion Date:
Wyandotte – 8	NFIP - Protect or relocate flood prone critical facilities.	H	1,2	Flood	On Going	Emergency Management Department Director	Cost: Project Dependent Funds: Local, Grant Completion Date: One to several years – depending on the prevention method(s) chosen to be used, and/or the need to relocate the critical facility.
Wyandotte – 9	NFIP - Build bridges and/or raise roads in low-lying areas.	H	1,2	Flood	On Going	UG Public Works Street Department Director	Cost: Project Dependent Funds: Local, CMIP, Excise Taxes, Grants Completion Date: Continuous
Wyandotte – 10	Expand and improve outdoor warning system network in Wyandotte County.	H	1,2	Windstorm, Tornadoes	In Progress Typically one new siren is installed each year	Emergency Management Director	Cost: \$25,000 to \$50,000 per siren, plus on-going annual required maintenance. Funds: Grants, HMIP, revenue-sharing, other local funds. Completion Date: Continuous



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
Wyandotte – 11	Continue Participation in the StormReady Community Certification Program thru the National Weather Service.	H	3,4	All Hazards	On Going	Emergency Management Director	Cost: Staff Time Funds: Local Completion Date: Continuous
Wyandotte – 12	Provide public education sessions on extreme temperature (heat / cold) conditions.	H	1,2,3,4	Extreme Temperatures	In Progress With emphasis on social media and web based information	Emergency Management & Public Health Departments Directors	Cost: Program size dependent Funds: Grants, local, combination Completion Date: Continuous
Wyandotte – 13	Promote NOAA all-hazards weather radios and support the KC Metro Region’s “Project Community Alert” all-hazards weather radio program.	H	1,2,3,4	All Hazards	In Progress The PCA is in hiatus due to Lack of Funding	Emergency Management Department Director	Cost: Program size dependent Funds: Grants, local, combination Completion Date: Continuous
Wyandotte – 14	Provide public education sessions on how to protect from, prepare for, respond to, and recover from tornados and severe weather.	H	1,2,3	Tornados	In progress Public presentations are provided ad hoc	Emergency Management Department Director	Cost: Program size dependent Funds: Grants, local, combination Completion Date: Continuous
Wyandotte – 15	Provide public education sessions on winter weather driving.	H	1,2,3	Winter Storms	In progress Public presentations are provided ad hoc	Emergency Management Department Director	Cost: Program size dependent Funds: Grants, local, combination Completion Date: Continuous
Wyandotte – 16	Provide public education sessions on the dangers of lightning.	H	1,2,3	Lightning	In progress Public presentations are provided ad hoc	Emergency Management Department Director	Cost: Program size dependent Funds: Grants, local, combination Completion Date: Continuous
Wyandotte – 17	Provide public education sessions to encourage ALL citizens to have a disaster	H	1,2,3	All Hazards	In progress	Emergency Management Department Director	Cost: Program size dependent



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
	kit which contains food, water, flashlight, batteries, battery operated radio, medications, etc.				Public presentations are provided ad hoc		Funds: Grants, local, combination Completion Date: Continuous
Wyandotte – 18	Continue review / revision of the Wyandotte County Emergency Operations Plan (EOP).	H	4	All Hazards	In Progress Monthly meetings are held to review each CEOP Annex	Emergency Management Department Director	Cost: Staff Time Funds: Local Completion Date: Continuous
Wyandotte – 19	Develop and maintain a Continuity of Operations Plan (COOP) for the Unified Government.	H	1,2,3,4	All Hazards	Not Started, Lack of Funding	Wyandotte County emergency management Director	Cost: Staff Time Funds: Grant DHS, Federal & State Grants, Local, combination Completion Date: 1 to 1 ½ years after start.
Wyandotte – 20	Develop and maintain a Multi-Hazards Evacuation Plan.	H	1,2,3,4	All Hazards	In Progress Several key facilities have had plans developed	Wyandotte County Emergency Management Director	Cost: \$400,00 Funds: DHS Grant, Federal and State Grants, Local, combination Completion Date: 1 to 1 1/2 years after start.
Wyandotte – 21	NFIP - Conduct removal of debris from floodways to mitigate floodwater back-up.	H	1,2	Flood	On Going	Public Works Department Director	Cost: Project Dependent Funds: Local, Grant Completion Date: Continuous
Wyandotte – 22	Coordinate with NASCAR to develop a formal emergency response plan for the Kansas Speedway...	H	1,2	All Hazards	Not Started, Lack of Funding	Emergency Management Director	Cost: \$30,000 Funds: NASCAR Completion Date: 3 months
Wyandotte – 23	NFIP - Continue Participation in the Community Emergency Response Team (CERT) program by recruiting, training, equipping and fielding CERT Teams.	H	1,2,3	Flood	On Going	Emergency Management Director	Cost: \$4,000 per class of 25 Funds: Grant, Local, Individual, combination Completion Date: Continuous



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
Wyandotte – 24	Construct a boat ramp to the Kansas River near the I-435 Bridge for joint use by KDOT, local law enforcement and fire departments, and other potential first responders.	H	1,2	All Hazards	Not Started, Lack of Funding	UG Public Works Department Director	Cost: \$100,000 Funds: HMGP, DHS Grant, CMIP, local Completion Date: 2 – 5 years
Wyandotte – 25	Construct a boat ramp to the Kansas River beneath the Turner Diagonal Bridge and 7 th St. for joint use by KDOT, local law enforcement and fire departments, and other potential first responders.	H	1,2	All Hazards	In Progress 50% complete 7 th Street ramp is done	UG Public Works Director	Cost: \$60,000 Funds: HMGP, DHS Grant, CMIP, local Completion Date: 2 – 5 years
Wyandotte – 26	Establish priority reconnects with local utility companies after outages created by severe storms or other type incidents.	H	1,2	Utility/ Infrastructure Failure	In Progress all three of the power providers have priority reconnect lists but the data must be maintained	County Emergency Management Director/all utilities in Wyandotte County	Cost: Staff Time Funding: Local, State Completion Date: 6 month – 2 years
Wyandotte – 27	Establish periodic reviews / updates of Wyandotte County Multi-Jurisdictional All-Hazards Mitigation Plan, conducting a major review every five years.	H	1,2	All Hazards	On Going	Wyandotte County Emergency Management Director	Cost: Staff Time Funds: Local Completion Date: On-going
Wyandotte – 28	Adopt / implement / enforce building code standards for the installation of lightning protection systems.	H	1,2	Lightning	In Progress UG has done this. BS and Edwardsville in progress	UG, Bonner Springs, Edwardsville Planning Departments, Director of Neighborhood Resource Center	Cost: Staff Time Funds: Local Completion Date: 2 – 5 years
Wyandotte – 29	Create a public notification system to alert the public about an epidemic and how to prevent or treat the disease.	H	1,2,4	Major Disease Outbreak	Complete Current plans call for the use of mass media to share this information	Wyandotte County Emergency Management Director, Wyandotte county Public Health Department Director	Cost: \$500,000 Funds: Federal, State Grant Funding through DHS/MMRS Local, combination Completion Date: 6 months – 1 ½ years



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
Wyandotte – 30	Offer / provide Damage Assessment Team training annually for designated damage assessment personnel.	H	4	All Hazards	In Progress Local codes officials are trained on this and refreshed with JIT training pre-deployment	Wyandotte County Emergency management Director	Cost: Staff Time Funds: KDEM, IAW FEMA guidelines Completion Date: Continuous
Wyandotte – 31	Identify large venues, ball fields, parks and other areas countywide for installation of lightning detectors and develop a program for their installation.	H	1,2	Lightning	In Progress Lightning detection systems have been installed at the Adult and Youth Soccer Training facilities.	Wyandotte County emergency Management Director	Cost: \$5,000,000 Funds: HMGP, DHS Grant, Local, Combination Completion Date: 1 – 3 years
Wyandotte – 32	Partner with local school districts to ensure they have coordinated, well-prepared plans for school evacuations and sheltering-in-place.	H	1,2,3,4	All Hazards	Not Started, Lack of Funding	Wyandotte County Emergency Management Director	Cost: Staff Time Funds: Local Completion Date: Continuous, on-going. Wyandotte County has gotten with the districts, however, as plan are revised the cycle begins over.
Wyandotte – 33	Support the continuation of Tabletop, Functional and Full-Scale Exercises and other training events for responders and support personnel.	H	1,2,4	All Hazards	In Progress Routinely Wy Co EMA participates in 5 to 7 exercises per year with at least 2 being	Wyandotte County Emergency management Director	Cost: Staff Time Funds: SHSG, UASI, County, EMPG, HMEP Completion Date: Continuous



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
					functional or full scale		
Wyandotte – 34	Create a method for parents to reach their children during disaster emergencies.	H	4	All Hazards	Not Started, Lack of Funding	Wyandotte County Emergency Management Director	Cost: \$250,000 annually Funds: NA Completion Date: Continuous
Wyandotte – 35	Involve the Local Emergency Planning Committee (LEPC) in all hazard identification and response / recovery / mitigation planning.	H	4	All Hazards	In Progress Wy Co is a member of the Mid America Regional LEPC and participates in the planning process there.	Wyandotte County Emergency Management Director	Cost: Staff Time Funds: Local Completion Date: Continuous
Wyandotte – 36	Provide public education sessions on aggressive smoke detector installation.	H	3	Wildfire	In Progress In partnership with Red Cross provide and install smoke detectors	Kansas City, Kansas fire Department, Bonner Springs, Edwardsville, and Fire Inspector	Cost: Provided by ARC Funds: Unknown Completion Date: Continuous
Wyandotte – 37	NFIP - Upgrade / expand / improve storm water Management Systems.	H	1,2	Flood	In Progress	UG Water Pollution Control, Public Works Departments of Bonner springs, Edwardsville, and Lake Quivira	Cost: \$50,000,000 to \$10,000,000 Funding: Grant, Local, combination Completion Date: Continuous
Wyandotte –38	Develop / improve early warning system and work with Media Partners / Outlets to ensure that the same, clear, consistent message is being sent out by everyone	H	3,4	All Hazards	In Progress Wy Co PIO group has been established to address this issue	Wyandotte county Emergency Management Director	Cost: Staff Time Funds: Local Completion Date: Continuous



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
Wyandotte – 39	Create and deliver seminars / training on planning for special event venues to include all hazard events, emergency response plans and continuity of business plans.	H	1,2,4	All Hazards	In Progress Training is scheduled for Feb 2019 to address this	Wyandotte County emergency Management Director	Cost: \$20,000 Funds: Grants, Donations, Local Completion Date: TBD
Wyandotte – 40	Invite critical organizations to be part of the KC TEW for advance notification of terrorist activity in the area.	H	1,2,3,4	Terrorism/Agri-Terrorism	In Progress	Wyandotte County Sheriff's Chief & KCK Police Department	Cost: Staff Time Funds: Local Completion Date: Continuous
Wyandotte – 41	Develop / maintain an Early Warning System to notify the Public on potential Haz-Mat dangers integrating it with existing early warning capabilities.	H	1,2,4	Hazardous Materials	Not Started, Lack of Funding	Wyandotte County emergency Management Director	Cost: \$150,000 annually Funds: DHS Grant, Local, Combination Completion Date: 1 – 3 years
Wyandotte – 42	Develop / maintain an Early Warning System to notify Hospitals and other critical facilities of impending hazard threats integrating it with existing early warning capabilities.	H	1,2,4	All Hazards	Not Started, Lack of Funding	Wyandotte County Emergency Management Director	Cost: \$150,000 annually Funds: DHS Grant, Local, combination Completion Date: 1 – 3 years
Wyandotte – 43	Implement usage of electronic signs on highways to notify motorists of weather warnings and other hazards.	H	1,2, 4	All Hazards	In Progress We would use the SCOUT sign system to do this	Wyandotte County Emergency Management Director	Cost: Staff Time Funds: KDOT / MoDOT Completion Date: 6 month – 1 ½ years
Wyandotte – 44	NFIP - Update all Flood Insurance Maps.	H	1,2	Flood	Not Started, Lack of Funding	UG Planning Department Director	Cost: \$250,000 Funds: Local and grants Completion Date: 6 months – 1 ½ years
Wyandotte – 45	NFIP - Notify all homeowners and businesses in flood prone areas of their possible risk.	H	1,2	Flood	In Progress	UG Planning and Zoning Department; Bonner springs and Edwardsville Planning Departments	Cost: Staff Time Funds: Local Completion Date: 1 – 2 years
Wyandotte – 46	Require fixed HazMat facilities to have their emergency response procedures coordinated with the city and county first responder plans.	H	1,4	Utility/ Infrastructure Failure	In Progress This is done when Fire	Wyandotte County Emergency Management Director	Cost: Staff Time Funds: Local Completion Date: 1+ years



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
					Depts meet with facilities		
Wyandotte – 47	Identify and develop a list of those areas susceptible to explosive fires, such as grain elevators, etc., and map them.	M	1,2	Wildfire	On going Mapped in our GIS department	Wyandotte County emergency Management Director	Cost: Staff Time Funds: DHS Grant, Local, combination Completion Date: 1 – 3 years then continuous.
Wyandotte – 48	Develop a Memorandum of Understanding (MOU) with/between area building departments for post-disaster damage assessment.	M	4	All Hazards	Not Started, Lack of Funding	Wyandotte County Emergency Management Director	Cost: Staff Time Funds: DHS Grant, Local, combination Completion Date: 6 month – 1 years then continuous
Wyandotte – 49	Map all geological hazards countywide and make this information available. Identify and map specific underground void space areas prone to collapse failure and limit future development in these areas.	M	1,2	All Hazards	Not Started, Lack of Funding	Map all geological hazards countywide and make this information available. Identify and map specific underground void space areas prone to collapse failure and limit future development in these areas.	Cost: \$50,000 annually Funds: DHS Grant, Local, Combination Completion Date: Continuous
Wyandotte – 50	Provide preparedness planning training and information for small business owners.	M	3	All Hazards	Not Started, Lack of Funding	Provide preparedness planning training and information for small business owners.	Cost: \$5,000 Funds: Grants, Corporate Sponsors Completion Date: TBD
Wyandotte – 51	Develop and enforce building restrictions in dam inundation areas.	M	1,2	Dam and Levees	Not Started, Consider moving to Urban Planning and Land Use	Wyandotte County Emergency Management Director	Cost: Staff Time Funds: None Completion Date: 1 – 5 years
Wyandotte – 52	NFIP - Install and maintain fog warning flashing lights and flash flood warnings (lights and signs) in low-lying and flood prone areas.	M	1,2	Flood	In Progress Lights and gates installed on Mill St at	Wyandotte County Emergency Management Director	Cost: \$100,000 per crossing Funds: Grant, Local, Combination Completion Date:



Table 6.54: Wyandotte County Mitigation Actions

Action Identification	Description	Overall Priority	Goal(s) Addressed	Hazard Addressed	Status	Responsible Entity	Estimated cost, Funding Source, and Completion Date
					Turkey Creek crossing		
Wyandotte – 53	Identify potential landslide areas and install reinforcement barriers to nullify potential disasters and protect infrastructure.	M	1,2	Landslides	Not Started, Lack of Funding	Wyandotte County Emergency Management Director, Public Works Departments of the UG, Bonner springs and Edwardsville	Cost: \$90,000 annually Funds: State, Federal, Local, Combination Completion Date: .2020
Wyandotte – 54	NFIP - Provide an early warning system on streams with the most potential for flood damage to structures.	M	1,2	Flood	In Progress Stream gauge installed at Mill St & Turkey Creek crossing	Wyandotte County Emergency Management Director	Cost: \$50,000 each Funds: HMGP, DHS Grants, Local Completion Date: 3 – 5 years
Wyandotte – 55	Identify critical businesses and public service agencies and work to ensure their Continuity of Operations during / following a disaster.	M	4	All Hazards	Not Started, Lack of Funding	Wyandotte County Emergency Management Director	Cost: \$100,000 annually Funds: HMGP, DHS Grants, Local, Individual business/agency Funding or donations, combination Completion Date: 2 – 5 years
Wyandotte – 56	Create / develop and maintain a plan for pet and livestock rescue, care and sheltering during / following disasters.	M	2	All Hazards	Not Started, Lack of Funding	Wyandotte County Emergency Management Director	Cost: Staff Time Funds: DHS Grants, Local, State, Federal Completion Date: 2 – 5 years
Wyandotte – 57	Develop / review / update EAPs for High & Significant hazard dams in Wyandotte County.	M	1,2	Dams and Levees	In Progress Plans are reviewed as received	Owner of Dam – UG Urban Planning and KS Dept of AG	Cost: Staff Time Funds: Individual owner Completion Date: 6 months after start of plan
Wyandotte - 58	Develop a vaccination strategy and a hospital mass prophylaxis plan.	H	1,2	Major Disease Outbreak	Not Started, Lack of Funding	County, Manager Infection Control Director, Health Department, Administrator	Cost: TBD Funds: MMRS, and the SNS Completion Date: Continuous



Question #5 Narrative

As noted above, the Armourdale Levee raise project has begun in partnership with the US Army Corps of Engineers.

Additionally, the FEMA floodplain maps have been updated in the UG's public map portal, UG Maps, which can be found here (Under "Flood/Hydrology" select both "Floodway" and "Special Flood Hazard Areas"):

[DotMaps – Unified Government of Wyandotte County and Kansas City \(wycokck.org\)](http://wycokck.org)

These maps are used during the entitlement process. The UG's Public Works Department has also mapped all wild lands and is in the process of quantifying the ecological and stormwater value of this open space as it related to the ongoing EPA consent decree and related projects.

There was a technical amendment to the UG's floodplain ordinance in 2021, which allows after the fact permits to be issued if improvements were completed and legal under previously adopted versions floodplain ordinance.

Several recommendations for future consideration include:

1. Development of a new Stream Buffer Ordinance;
2. Set aside of Land Bank property for open space in flood prone areas; and,
3. Coordinate future storm-water upgrades related to the EPA consent decrees mentioned previously with all master plan processes in order to realize the multi-benefits of these types of infrastructure projects.

Complete Streets

First Annual Report

May 2022



INFRASTRUCTURE
ACTION TEAM



Public Health
Prevent. Promote. Protect.

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This first annual report aims to establish a baseline to compare future data and work collaboratively with the **Unified Government of Wyandotte County and Kansas City, KS Public Health Department's (UGPHD), Infrastructure Action Team (IAT), the UG's Planning & Urban Design and Public Works departments, community partners, and residents** to track and measure the implementation of Complete Streets in the future.

Summary

Over the years, a network of roads that are very effective at moving cars has been built; unfortunately, we cannot afford to maintain these roads. In addition, the prioritization of moving vehicles faster creates a hostile environment for all users, especially pedestrians, specifically those 5,500 households that do not have access to a car. When it comes to public transportation, getting people to jobs has been the priority but moving people to destinations to enhance their quality of life, such as grocery stores, recreation, and health care, has been mostly ignored.

Utilizing a Complete Streets (CS) approach when planning for the built environment can improve the quality of life of people both physically and socially. For example, Wyandotte County has been repeatedly ranked last for health factors and consistently ranked in the bottom five for health outcomes. We can change these rankings through institutional investment in the social and built environment.

Physical improvements can take many forms, such as sidewalks, bike lanes, pedestrian paths, public transit stops, streetlights, roads, and bridges. Wyandotte County is **missing 81 percent of planned sidewalks** and **88 percent of planned trails**. These plans can improve mobility and overall physical activity rates, leading to a cascade of positive effects such as lowering rates of chronic conditions, improving community safety, and reducing air pollution and emissions from automobiles.

Introduction

The built environment is where we live and work (e.g., **homes, buildings, streets, open spaces**). The built environment of a community influences a person's **level of physical activity**. For example, inaccessible or nonexistent sidewalks and bicycle or walking paths contribute to sedentary habits.¹

Since 2014, the **Infrastructure Action Team (IAT)** has convened community leaders, residents, organizations, and various UG departments to advocate building, redesigning, and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities. The IAT also promotes healthy countywide policies such as Complete Streets and plans by working with existing organizations to increase focus on healthy living and wellness.

The Complete Streets Ordinance passed unanimously in 2020, which codifies the County's Complete Streets Policy, providing regulations to plan consistently, design, construct, operate, and maintain streets to accommodate all road users of all abilities. In addition, this Ordinance specifically incorporates Green Streets (integrating stormwater management best practices) and Vision Zero (incorporating elements to work toward the elimination of traffic injuries and fatalities).

In the 2022 Community Survey, the maintenance and cleanliness of roadways and parks consistently rose to the top of residents' priorities. Overall, 71.6 percent of respondents selected the maintenance of city streets as their top priority.

For city maintenance priorities, residents ranked neighborhood and major city street maintenance as the top two priorities, followed by the cleanliness of streets and public areas. Regarding Parks and Recreation, access and the number of walking and biking trails is the highest-rated priority, followed by overall park and equipment maintenance.²

¹ [Life Radius® - Blue Zones](#)

² [Unified Government of Wyandotte County, Kansas Community Survey - ETC Institute](#)

What Are Complete Streets?

A Complete Street (CS) design approach aims to create a street network designed and operated to enable safe access for all users, including pedestrians, bicyclists, public transit riders, motorists, emergency responders, freight and commercial drivers, and people of all ages and abilities. Complete Streets also provide safety and accessibility for children, families, older adults, and individuals with disabilities. In addition, Complete Streets improve access to employment and activity centers for citizens with limited mobility or lack of access to automobiles.³

Complete Streets are:

1. **Safe.** The design of Complete Streets prioritizes the safety of all users.
2. **Flexible.** The elements of a Complete Street vary depending on context and community values.
3. **Inclusive.** A Complete Street serves the needs of people with varying levels of mobility.
4. **Equitable.** A Complete Street reduces household costs by expanding transportation choices.

People want to live in an accessible, safe, and vibrant community where they can be neighbors, friends, and families. Creating a roadway system that puts people at the center can help overcome the challenges faced by many Wyandotte County residents.

Background & Current Conditions

In Wyandotte County, fewer than three percent of residents bike, walk or take public transit for their daily commute.⁴ In Wyandotte County, there are 362 miles of sidewalk, but they are disconnected and only account for 19 percent of the potential sidewalk network⁵. In addition, 9.2 percent of households do not have a vehicle, making it difficult for residents to make it to work or access basic needs like grocery stores and health care. We know that the areas lacking bicycle and pedestrian networks are areas with both social support and historic institutional disinvestment.

Furthermore, where there are existing bike and sidewalk facilities, they are disconnected from the more extensive network and usually not connected to public transit⁶. Land use, infrastructure, and travel patterns are closely linked; people shift from walking and bicycling to driving if roads are more available and accessible than sidewalks and paths.⁷ Successful implementation of Complete Streets can help address these challenges in our County.

According to 2022 County Health Rankings, 87 percent of Wyandotte Countians have access to exercise opportunities, but 39 percent of adults reported no leisure-time physical activity within the last month⁸. Regular physical activity has many health benefits, including weight control, muscle and bone strengthening, improved

³ Unified Government of Wyandotte County & Kansas City, KS, 2020

⁴ American Community Survey, 2019

⁵ goDotte Strategic Mobility Plan - Foundations Report, 2021

⁶ goDotte Strategic Mobility Plan - Foundations Report, 2021

⁷ Frumekin. Urban Sprawl and Public Health, 2002

⁸ [PLACES: Local Data for Better Health: Compare Counties | PLACES | CDC](#)

mental health and mood, improved life expectancy, reduced risk of cardiovascular disease, type 2 diabetes, metabolic syndrome, and some cancers⁹. However, the measure of access to physical activity only considers the proximity to specific infrastructure assets like sidewalks, parks, and gyms. It does not account for actual accessibility or the real and perceived safety of those locations. Creating a streetscape with uninviting buildings creates a public realm that is unsafe, uncomfortable, and just plain boring¹⁰.

With this report, we look forward to identifying relevant data to reinforce the need for investment in our institutionally disinvested areas and advocate for the implementation of Complete Streets throughout the County.

Role of the Infrastructure Action Team

The CS Ordinance appoints the Infrastructure Action Team (IAT) as the permanent advisory committee for Complete Streets projects throughout Wyandotte County. The IAT is a community coalition coordinated by the Unified Government Public Health Department (UGPHD), whose mission is to build, redesign, and better utilize Wyandotte County's environmental infrastructure to provide healthy and active living opportunities. Environmental infrastructure includes anything from sidewalks and trails to parks and community centers. In addition, the IAT promotes beneficial countywide policies and plans, and works with existing organizations to increase their focus on healthy living.

⁹ Kansas Health Matters

¹⁰ Speck. Walkable City: How Downtown Can Save America, One Step at a Time, 2012

Recent Complete Street Projects (2020 - Current)

goDotte Mobility Plan

the goDotte Strategic Mobility Plan is a unified, County-wide strategy to implement the Complete Streets policy, including the independent cities of Bonner Springs, Edwardsville, and Lake Quivira. It aims to bring together visions and actions from previous County-wide plans to create an integrated vision for future planning efforts.

RideKC BikeShare

Deployed 50 e-bikes in Rosedale

The bikes can be taken anywhere east of I-635 or to neighboring Johnson and Jackson counties and cities with the RideKC BikeShare program.

Leavenworth Rd Modernization, Phase II (63rd to 78th)

Added sidewalks on both sides with bike sharrows.

Metropolitan Ave. Bikeways

Added extended bike lanes from the east facility on 12th street in the Argentine transitions to sharrows on Strong Ave to 42nd St

Equity



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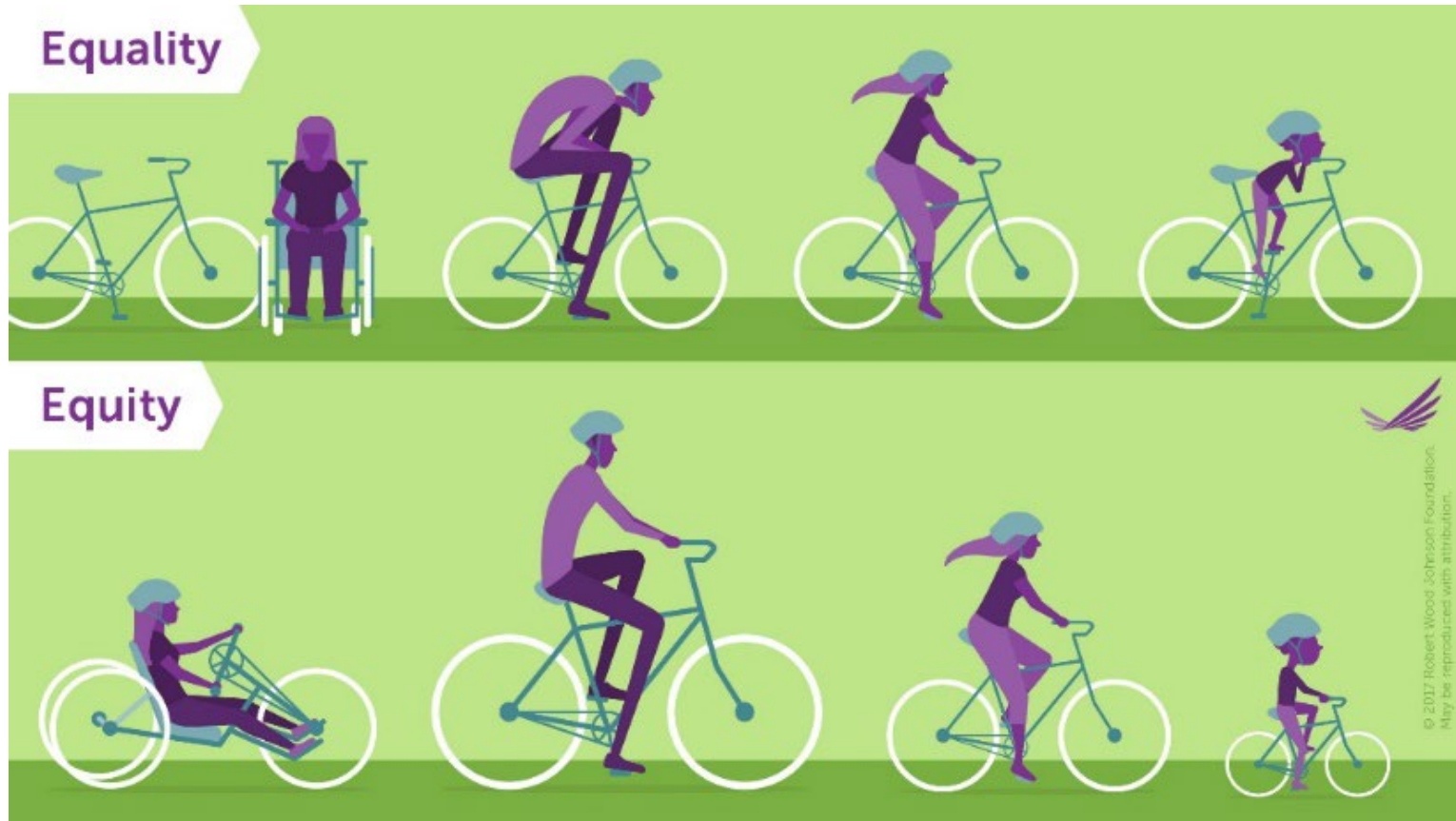


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Equity

Equity is the absence of unfair, avoidable, or remediable differences among groups of people, whether those groups are defined socially, economically, demographically, geographically, or by other dimensions of inequality (e.g., sex, gender, ethnicity, disability, or sexual orientation). Health is a fundamental human right. Health equity is achieved when everyone can attain their full potential for health and well-being.¹¹

Based on data collected for the goDotte mobility plan, we find that our most vulnerable communities are those who lack affordable, safe, and reliable transportation to access locations affecting their quality of life, like grocery stores, schools, churches, work, shopping, health care, parks, public transit stops and other places important to our residents.

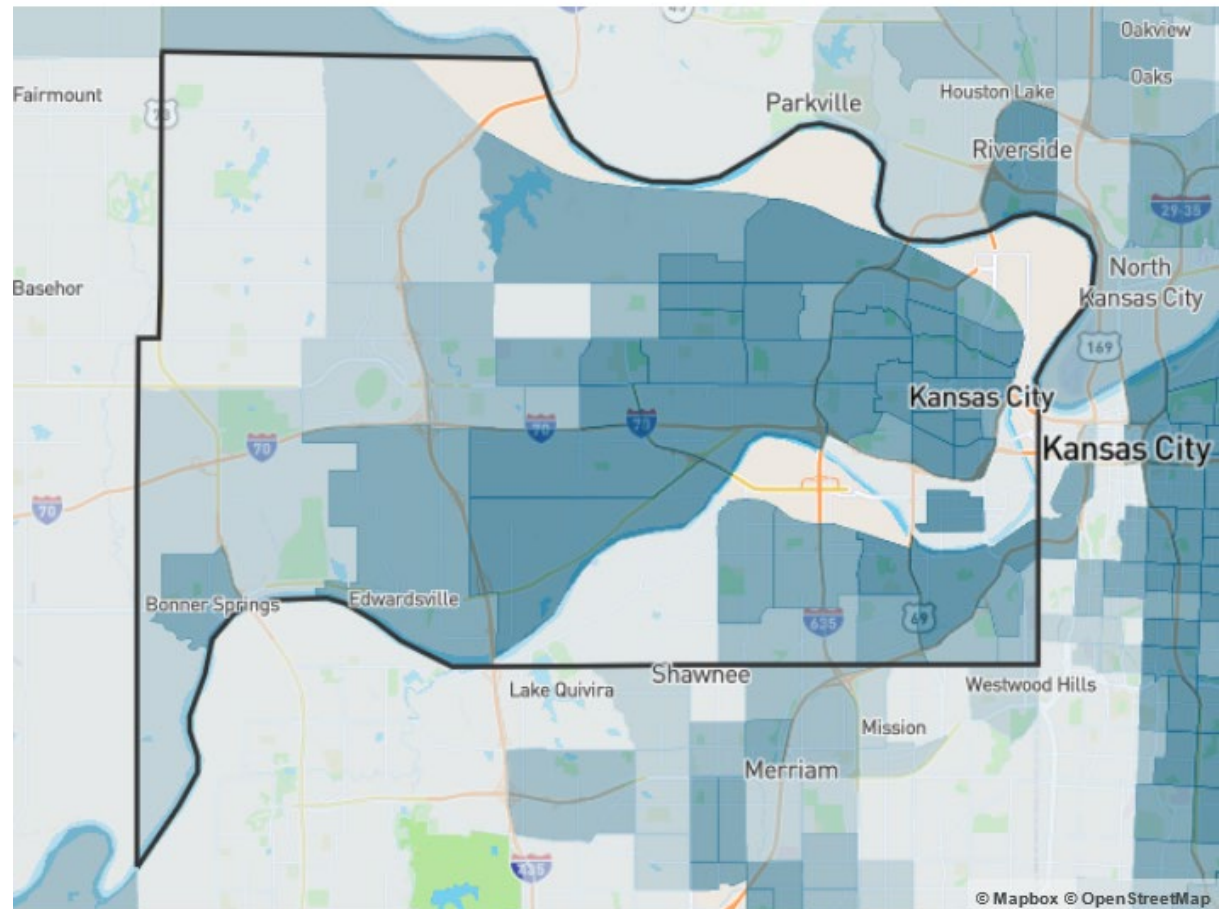


¹¹ [Health Equity -- Global \(who.int\)](http://www.who.int)

Social Vulnerability & Health Equity

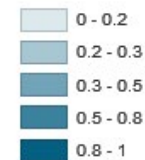
Social vulnerability refers to the potential adverse effects on communities caused by external stresses on human health. Such stresses include natural or human-caused disasters or disease outbreaks. Reducing social vulnerability can decrease both human suffering and economic loss.¹²

Social Vulnerability index



Wyandotte County, KS

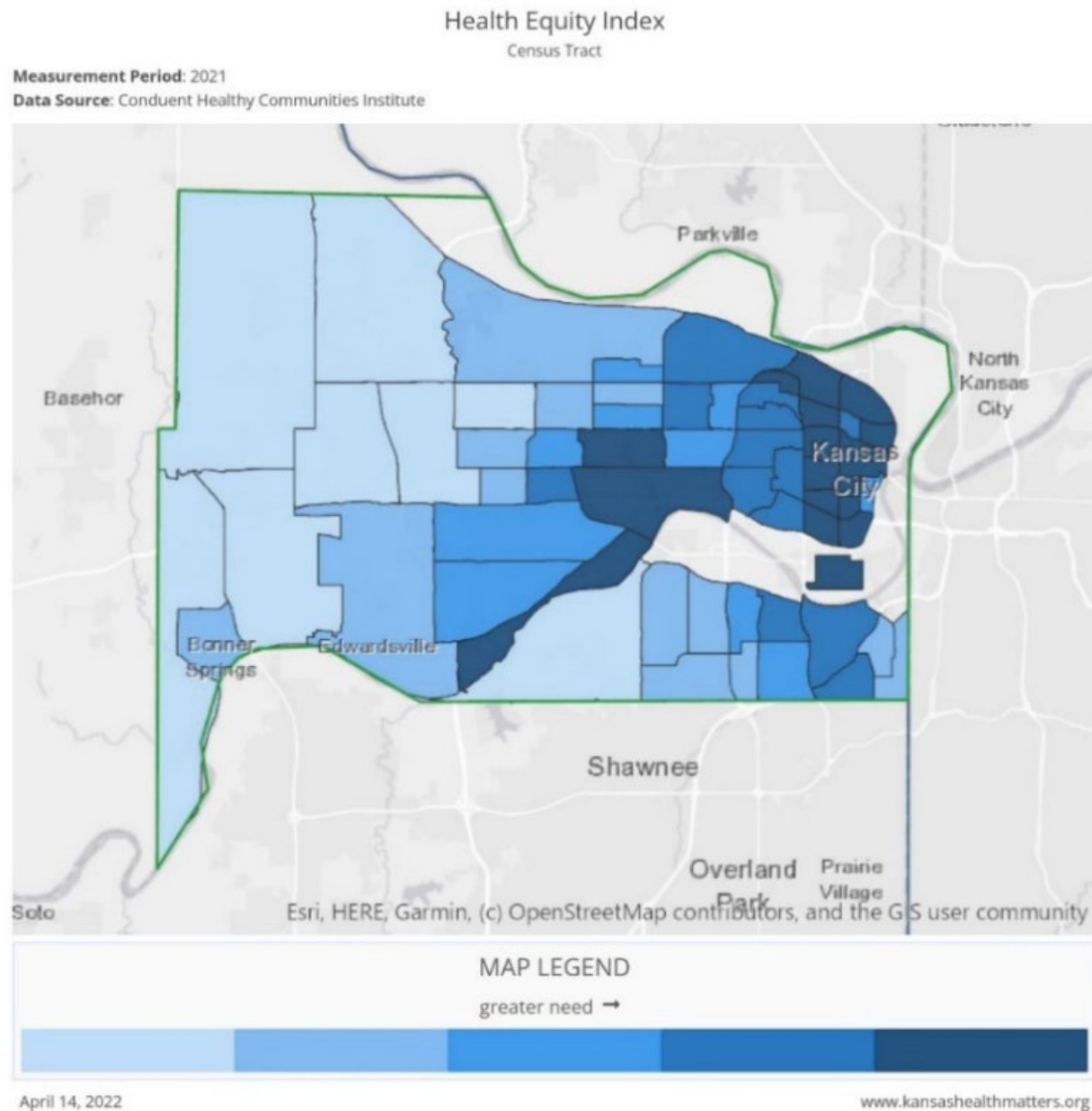
Social Vulnerability Index Across the US



Sources: CDC ASTDR SVI 2018

¹² [CDC/ATSDR Social Vulnerability Index \(SVI\)](#)

The 2021 Health Equity Index measures socioeconomic needs correlated with poor health outcomes. The index is part of the Conduent's SocioNeeds Index® Suite, which provides analytics around social determinants of health to advance equitable outcomes for a range of topics.¹³ A CS network addresses several socioeconomic needs such as mobility, physical activity rates, and other social determinants of health.



¹³ <https://www.kansashealthmatters.org/indexsuite/index/healthequity>

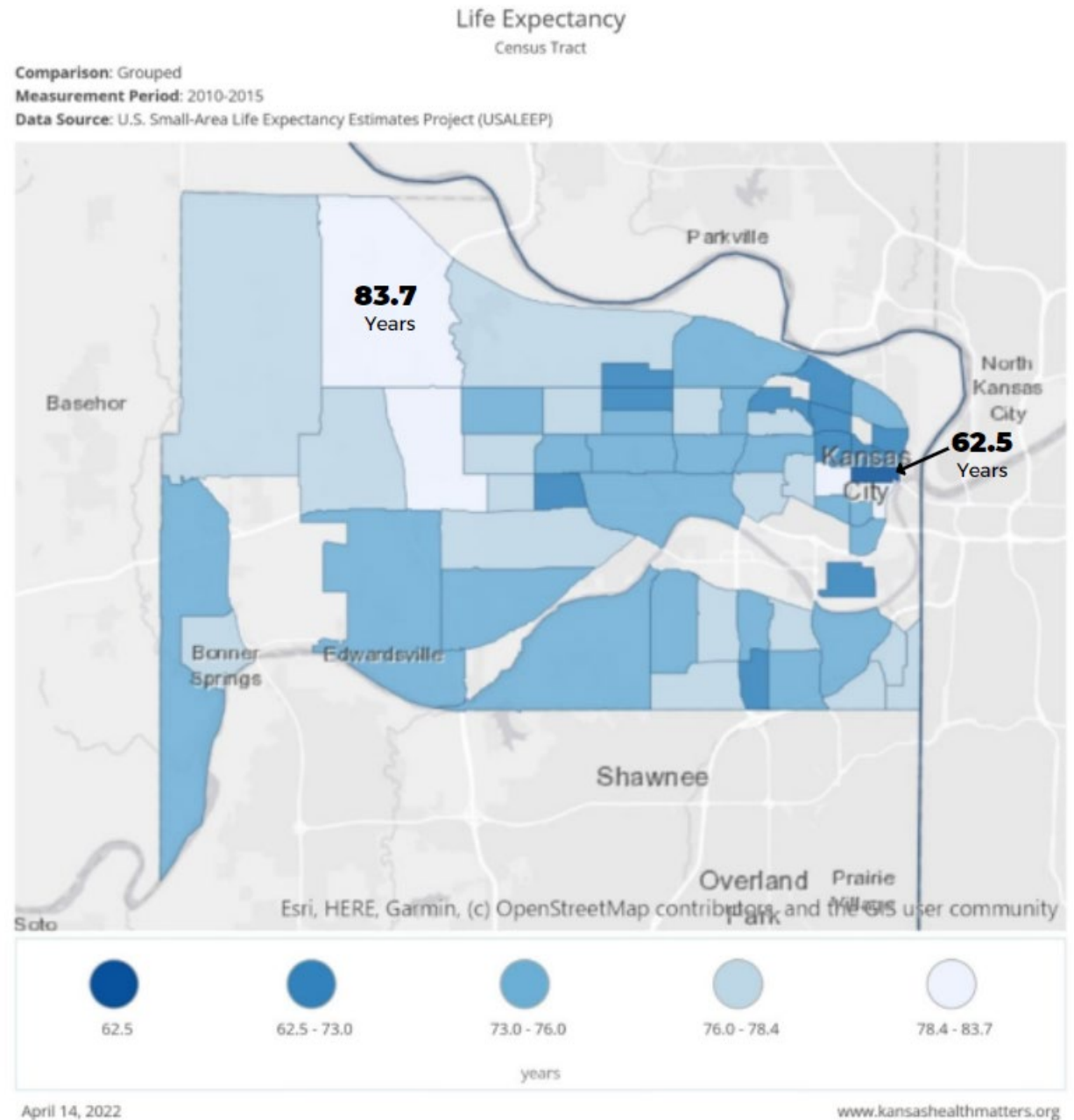
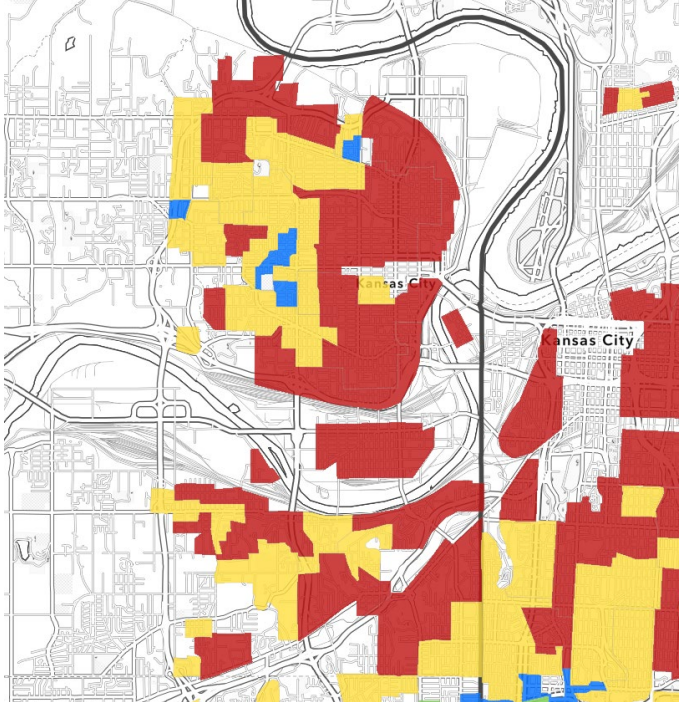
Life Expectancy

Within Wyandotte County, there is a **21.2-year disparity in life expectancy**. Our County also contains the lowest life expectancy census tract in Kansas, with a value of 62.5 years.¹⁴

There are several factors such as violence, chronic disease, and pollution that the implementation of Complete Streets can improve.

It is difficult to ignore the institutional disinvestment in our historically redlined areas in all these measures. Those areas are frequently highlighted as having the highest levels of need.

Historically redlined areas in Wyandotte County



¹⁴ [Kansas Health Matters :: Indicators :: Life Expectancy](#)

Infrastructure Current Conditions



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Current Conditions

Infrastructure

In 2021, the Unified Government of Wyandotte County/Kansas City, KS (UG) Board of Commissioners identified infrastructure as one of their top priorities and formed three infrastructure subcommittees, including Roads, Bridges, and Streetlights; UG Facilities and Parks; and Water Collection Utilities (Sanitary & Storm).

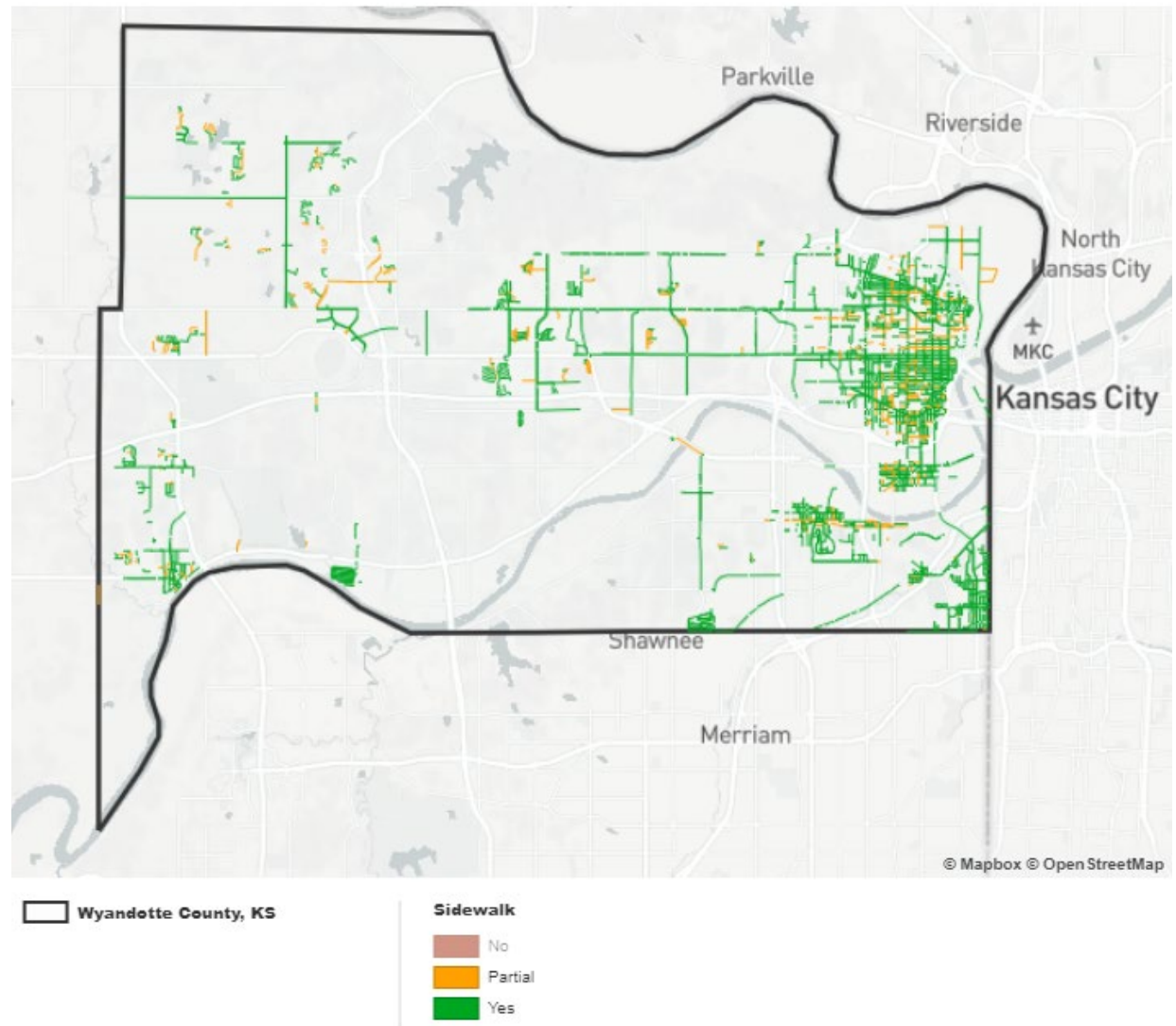
While the state of our transportation infrastructure is not the only factor that influences community outcomes, disparities and issues within our community cannot be adequately addressed without significant mobility investments that meaningfully expand the quality, safety, and reliability of our transportation system.¹⁵

Sidewalks

Sidewalks play a vital role in city life. As conduits for pedestrian movement and access, they enhance connectivity and promote walking. As public spaces, sidewalks serve as the front steps to the city, activating streets socially and economically. Safe, accessible, and well-maintained sidewalks are a fundamental and necessary investment for cities and have been found to enhance public health and maximize social capital.¹⁶

While sidewalks appear prevalent in our historic core, they are often in disrepair and overgrown, which is a fall hazard; They do not connect our neighborhoods and make it dangerous and seemingly impossible to do anything other than drive a car.

Sidewalk Infrastructure



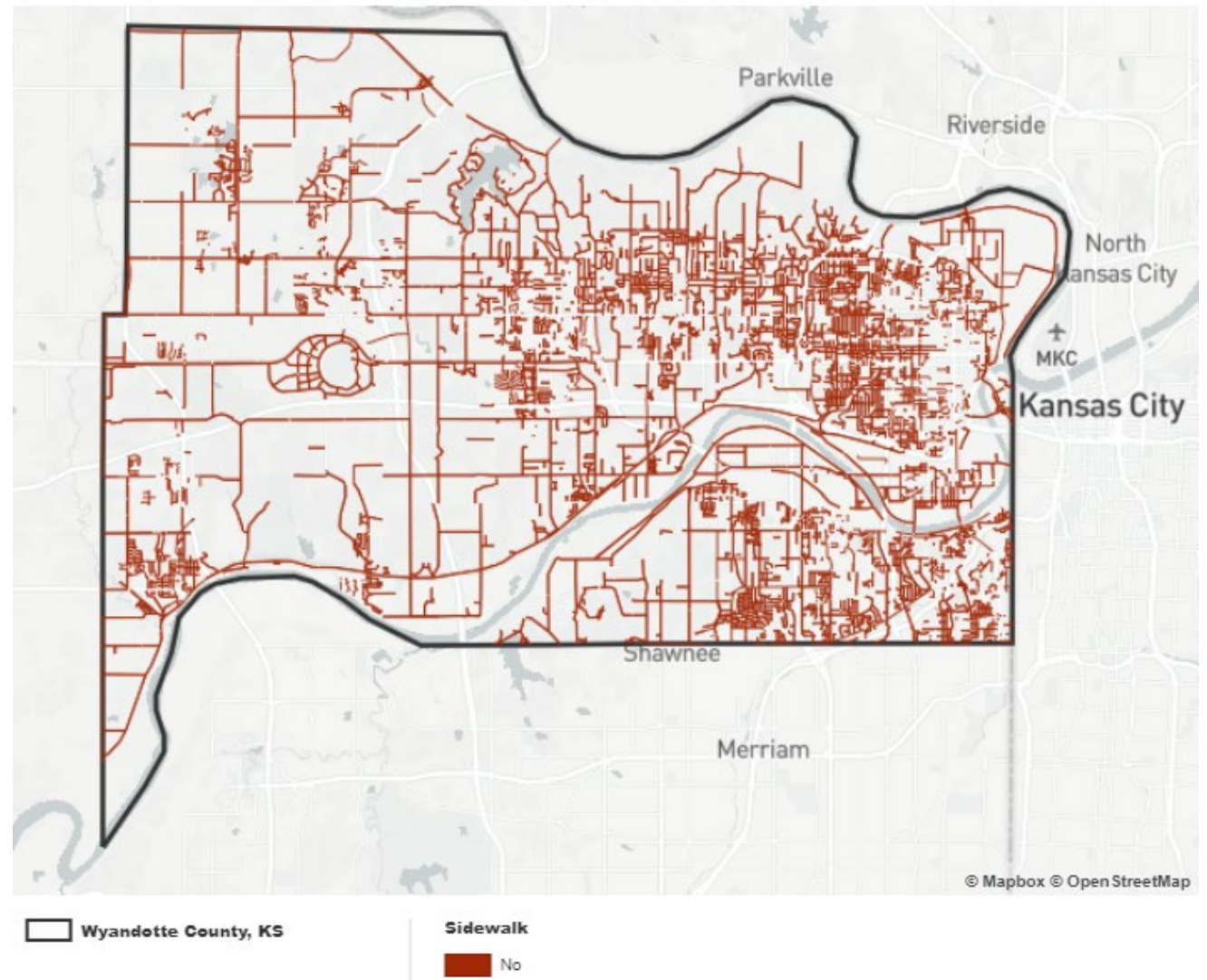
¹⁵ [goDotte Mobility Plan - Key Findings](#)

¹⁶ <https://nacto.org/publication/urban-street-design-guide/street-design-elements/sidewalks/>

Sidewalk Infrastructure

*362 miles of
built sidewalks;

We are missing
81 percent of
our planned
sidewalks.*¹⁷



Trails

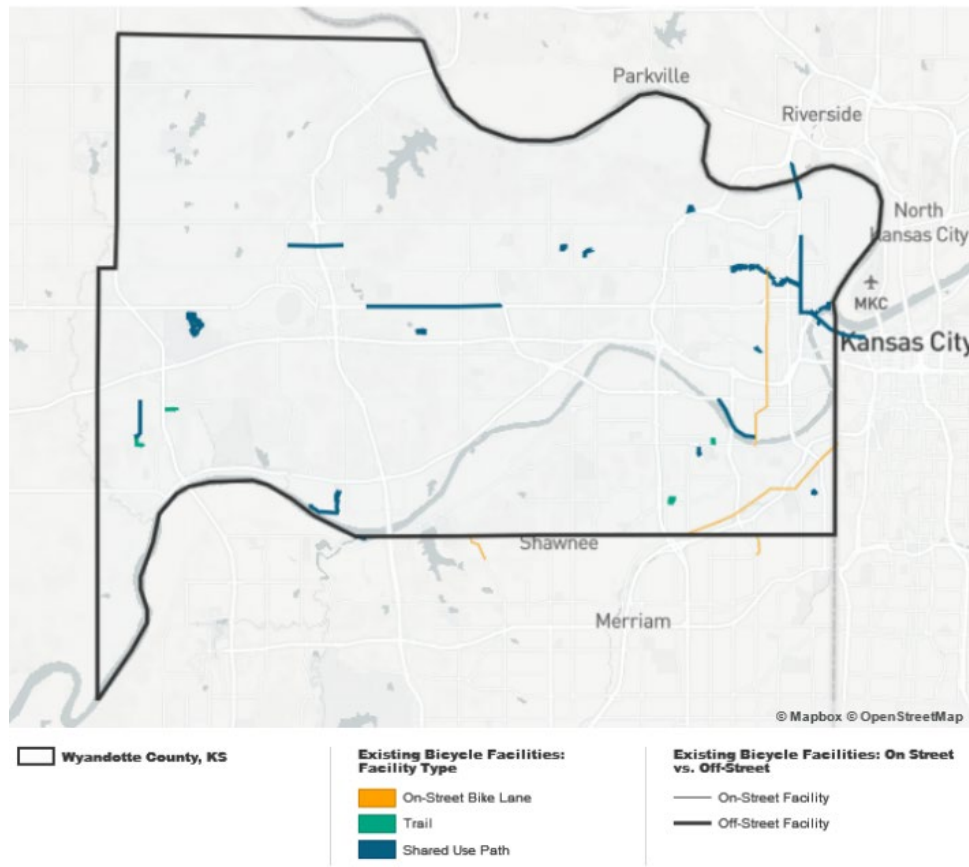
Compared to the region, Wyandotte County has very few existing bike facilities. On the Regional Trail and Bikeway map from Mid-America Regional Council (MARC), you can see that Wyandotte County has limited opportunities for physical recreation like walking, jogging, and biking.

- **42 miles of existing trails** out of the **350 miles of planned trails**, including shared-use paths, bike trails, and equestrian trails.
 - **10 miles** of mountain biking trails
 - **22 miles** of shared-use paths

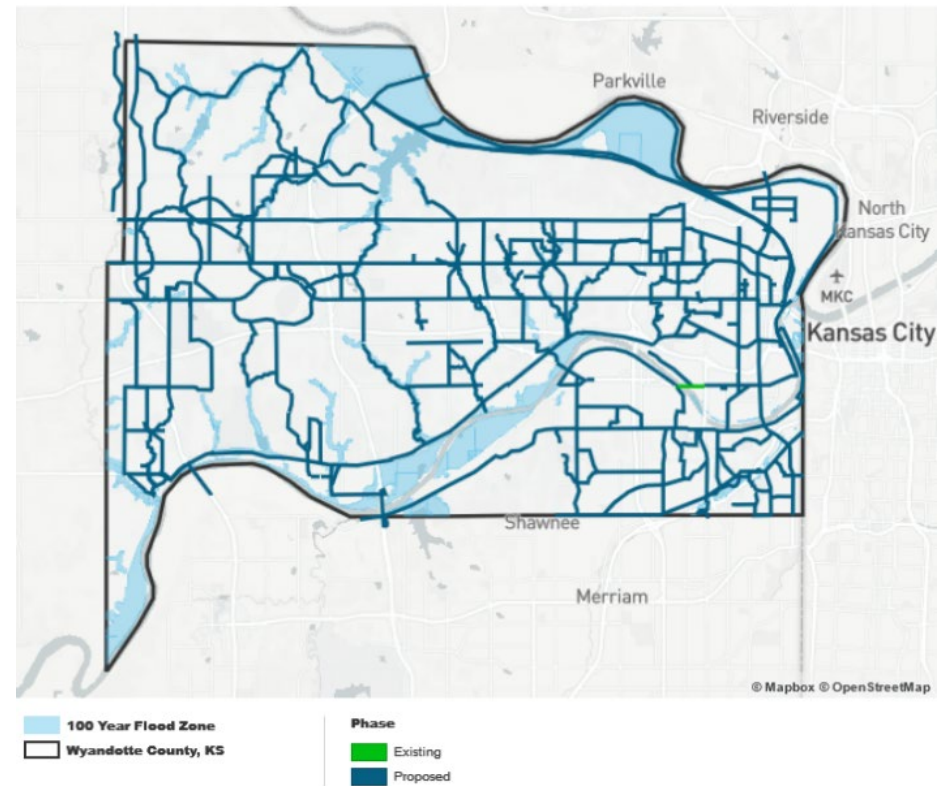
Current bikeway Infrastructure

- **8.7 Miles** of Bike Lane
- **8.8 Miles** of Off-Street Paths

Dedicated Bicycle Facilities

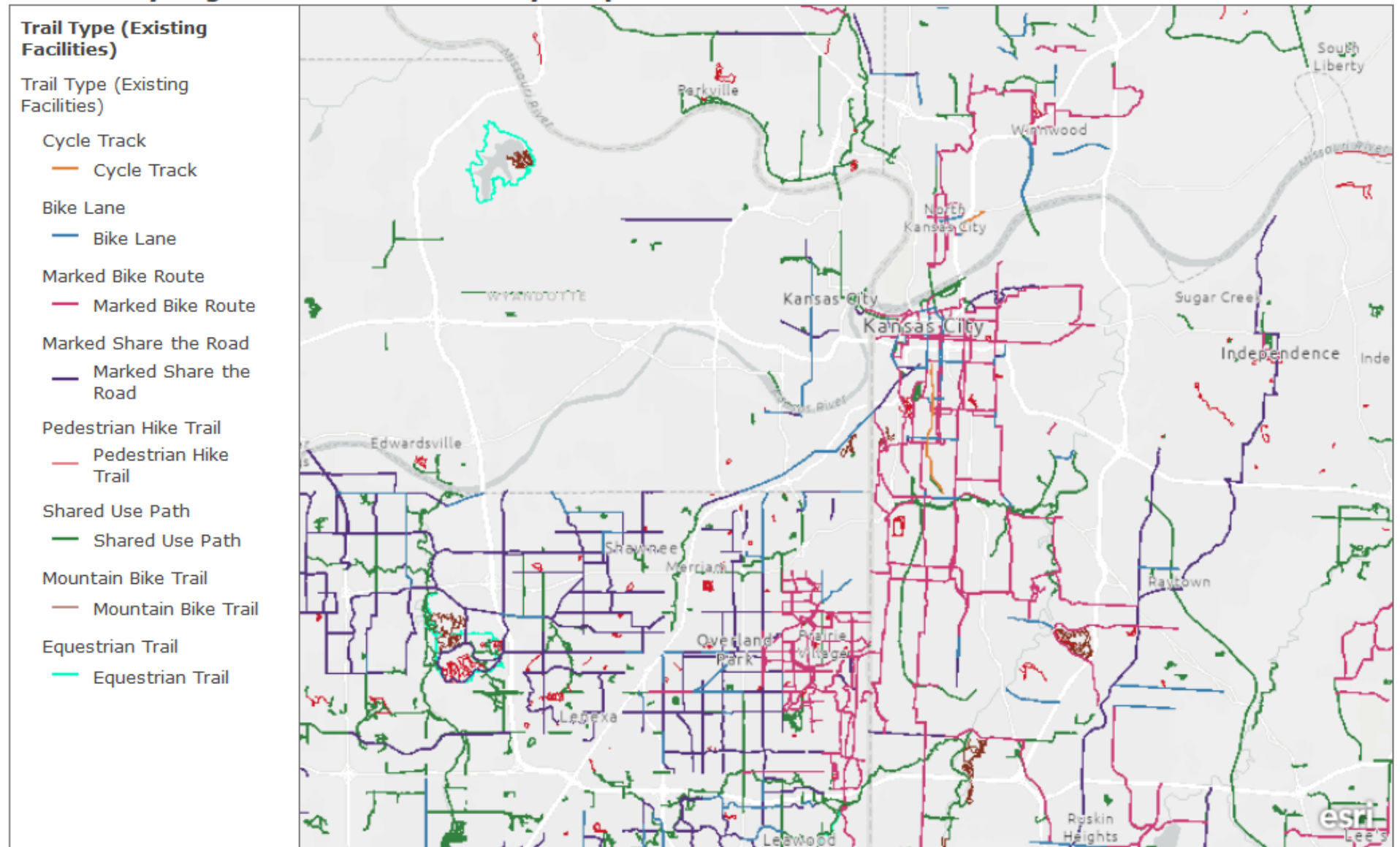


Future Trail Network Plan



- **35.4 Miles** of Shared Lanes (Sharrows)

Kansas City Regional Trails and Bikeways Map



The Mid-America Regional Council seeks to increase public awareness of bicycle and pedestrian facilities in the Kansas City region by providing an online trails and bikeways map.

The Mid-America Regional Council ©MARC 2020. Bikeway and trail data provided by MARC and local jurisdictions. | Unified Gov of Wyandotte Co, Missouri Dept. of Conservation, Missouri DNR, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA | Unified Gov of Wyandotte Co, Missouri Dept. of Conservation, Missouri DNR, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

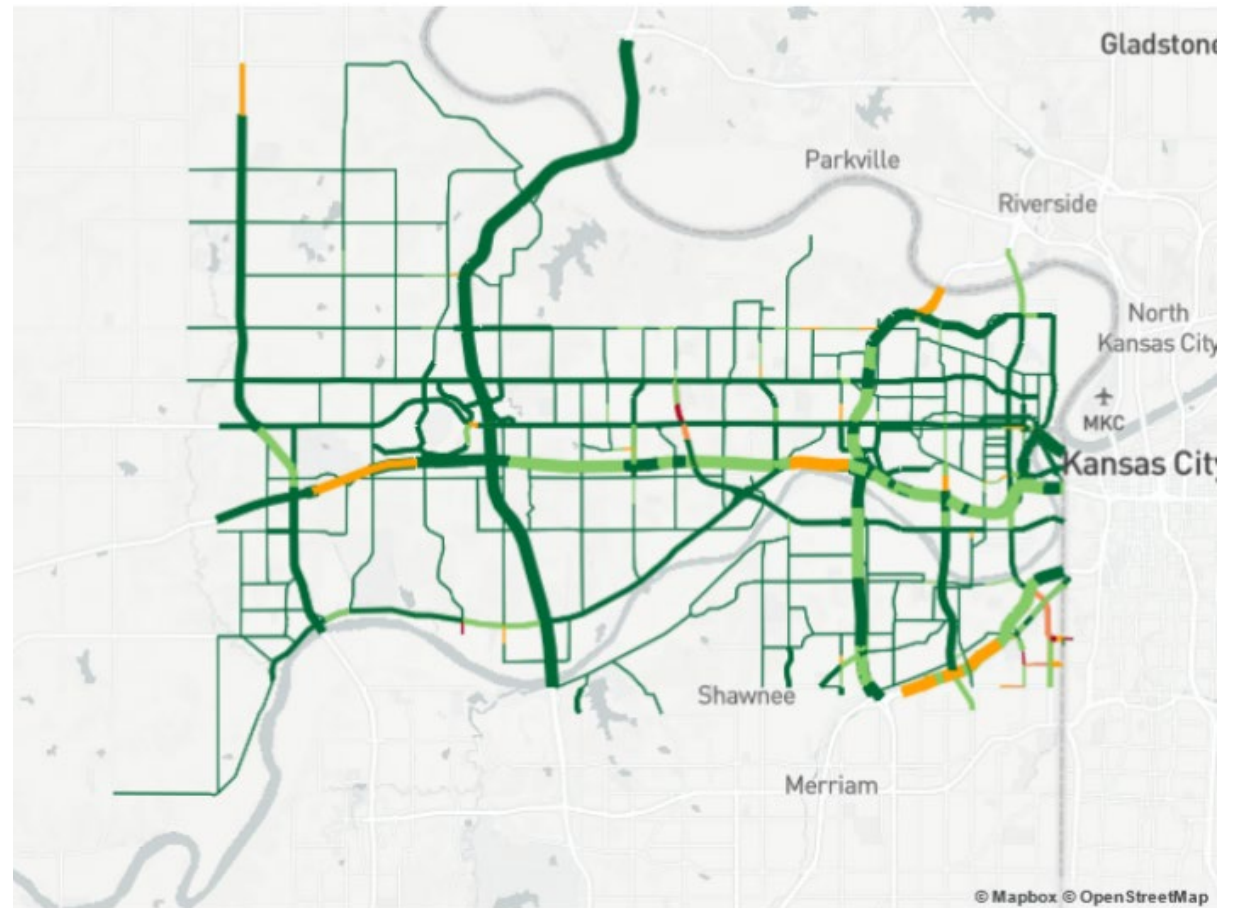
Roads

Our roadway network has excess capacity available. This provides an opportunity to turn that excess lane capacity into transit, bike lanes, sidewalks, and other multi-use pathways and create a better environment for all roadway users of all abilities.

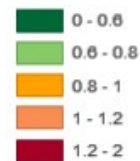
Volume-to-Capacity (V/C) ratios measure congestion on a roadway. When volume (the amount of modeled traffic on a roadway in a typical hour) is equal to capacity (the amount of traffic the roadway can handle in an hour), the V/C ratio is 1. Generally, a V/C ratio below 0.8 is considered good.

In Wyandotte County, **only 4 percent of roadways have a V/C ratio above 0.8 at least one hour of the day.**¹⁸

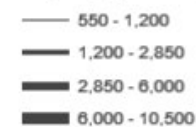
Volume/Capacity Ratios



Volume/Capacity Ratios: Worst V/C Ratio



Volume/Capacity Ratios: Roadway Capacity (per Hour)



Source: Mid-America Regional Council

¹⁸ <https://dashboards.mysidewalk.com/godotte-68d5ebff55f3/key-takeaways#c-19273941>

Mobility



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Mobility

Mobility means having transport services going where and when one wants to travel, being informed about the services, knowing how to use them, and having the means to pay for them.¹⁹ We know there is a lack of safe and convenient transportation options in the county, including riding public transit, walking, and biking.

Daily Trips

Commuting

Almost 95 percent of County residents use a car for their daily commute, and less than 3 percent bike, walk or take public transit²⁰. We should assume that this reflects the current lack of transportation facilities and options, not an unwillingness of residents to use other transportation options.

Mean Travel time to work

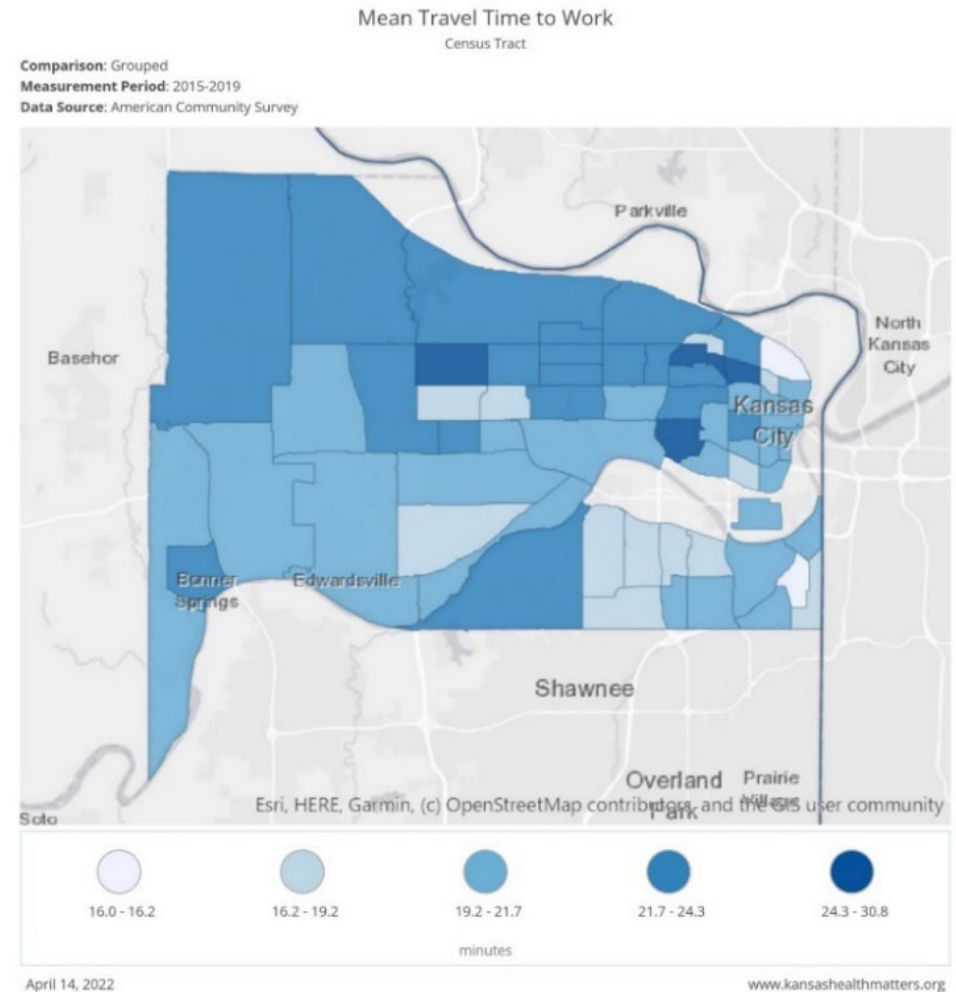
Travel time to work is essential because lengthy commutes cut into workers' free time and can contribute to health problems such as headaches, anxiety, and increased blood pressure. In addition, longer commutes require workers to consume more fuel, which is expensive for workers and damages the environment.²¹

The highest average travel time in the County is 30.8 minutes, which is 9.9 minutes longer than Wyandotte County's median of 20.9 minutes.

Micro-Mobility

Micro-mobility refers to smaller lightweight vehicles like bikes, e-bikes, electric scooters, and other vehicles usually slower than 15 miles per hour. These transportation options complement public transit networks by allowing people to reach their final location more quickly and comfortably.

- **969 Average monthly Bird Scooter trips**
- **136 average bike-share trips per month**



¹⁹ [Accessible Transportation and Mobility \(trb.org\)](#)

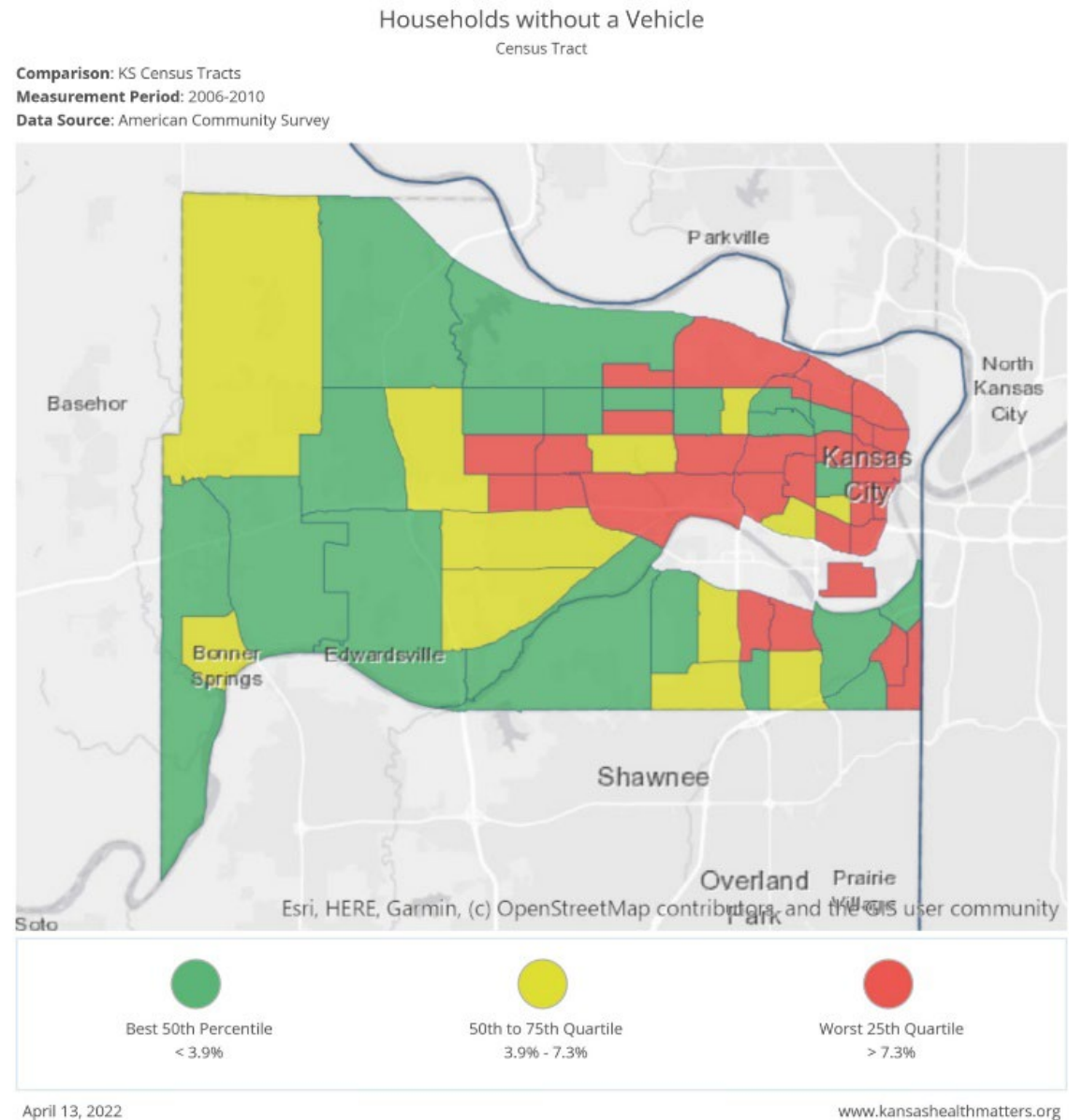
²⁰ goDotte Strategic Mobility Plan - Foundations Report, 2021

²¹ [Kansas Health Matters | Mean Travel Time to Work](#)

Zero Vehicle Households

Households without access to a vehicle are in our more vulnerable communities and need better access to transportation to help get them to work, grocery stores, and other destinations.

Over 5,500, or 9 percent of households, do not have access to a vehicle.²²



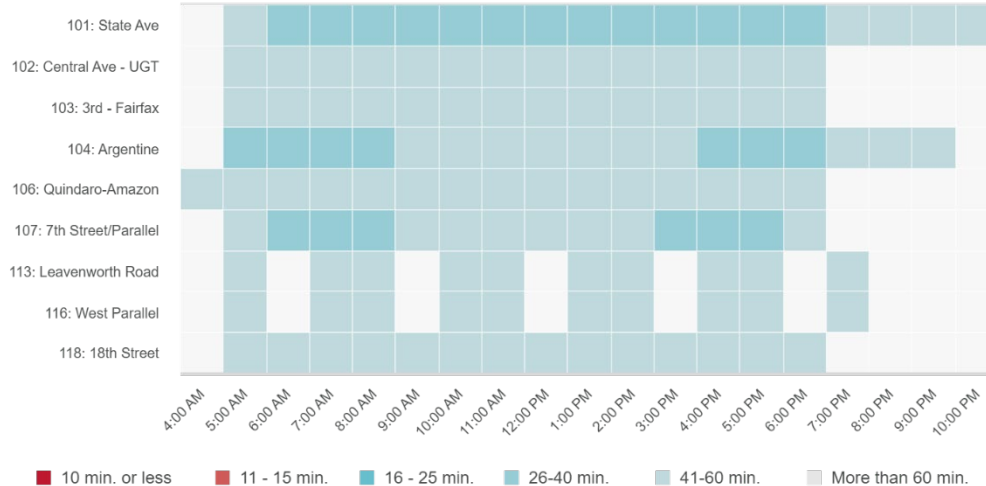
²² 2019 American Community Survey

Public Transit

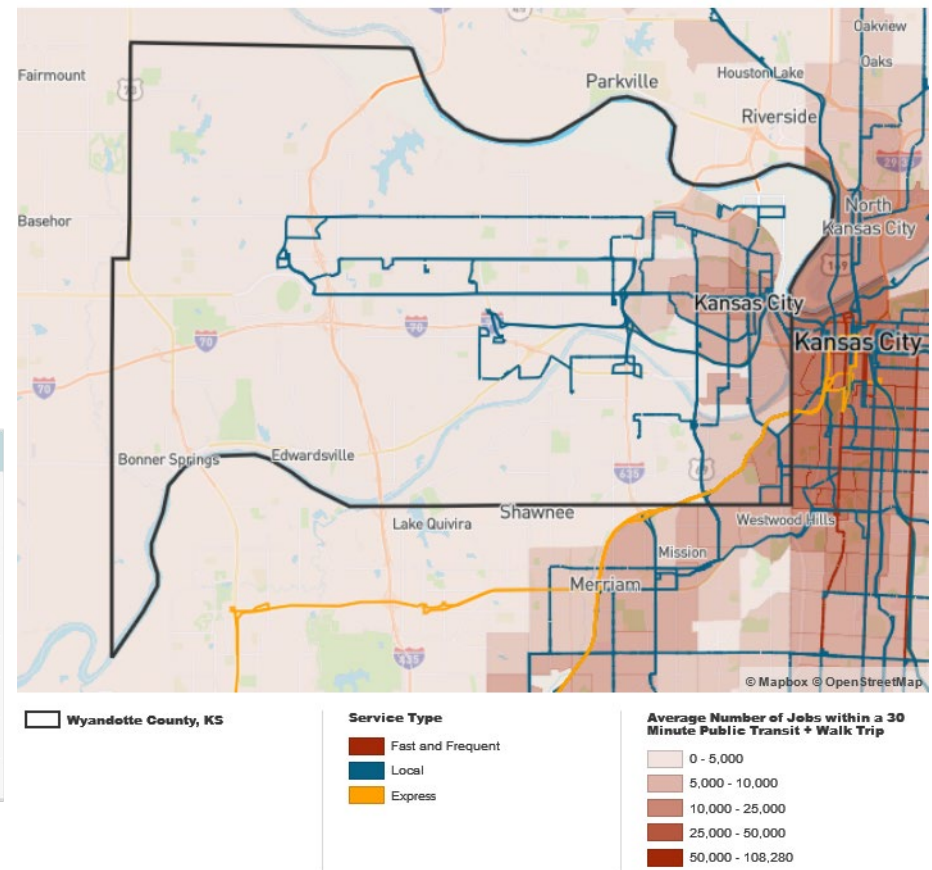
Fixed route transit service in Wyandotte County includes bus service operated by the Unified Government and the Kansas City Area Transportation Authority (KCATA), all under the RideKC moniker. The RideKC network connects the region through various types of bus and streetcar services.

In Wyandotte County, transit service is generally characterized by coverage rather than frequency, with over 330 miles of existing bus route mileage. A few select routes currently run on 30-minute headways during weekday operations, while most local routes run on 60-minute headways or greater. In addition, Bonner Springs and Edwardsville offer on-demand transit services, plus a few selected fixed shuttle routes.²³

Bus Service Schedule (Q4 2021)



Transit Service & Job Accessibility



Sources: Univ MN Access Across Amer 2019

²³ goDotte Strategic Mobility Plan - Foundations Report, 2021

Safety

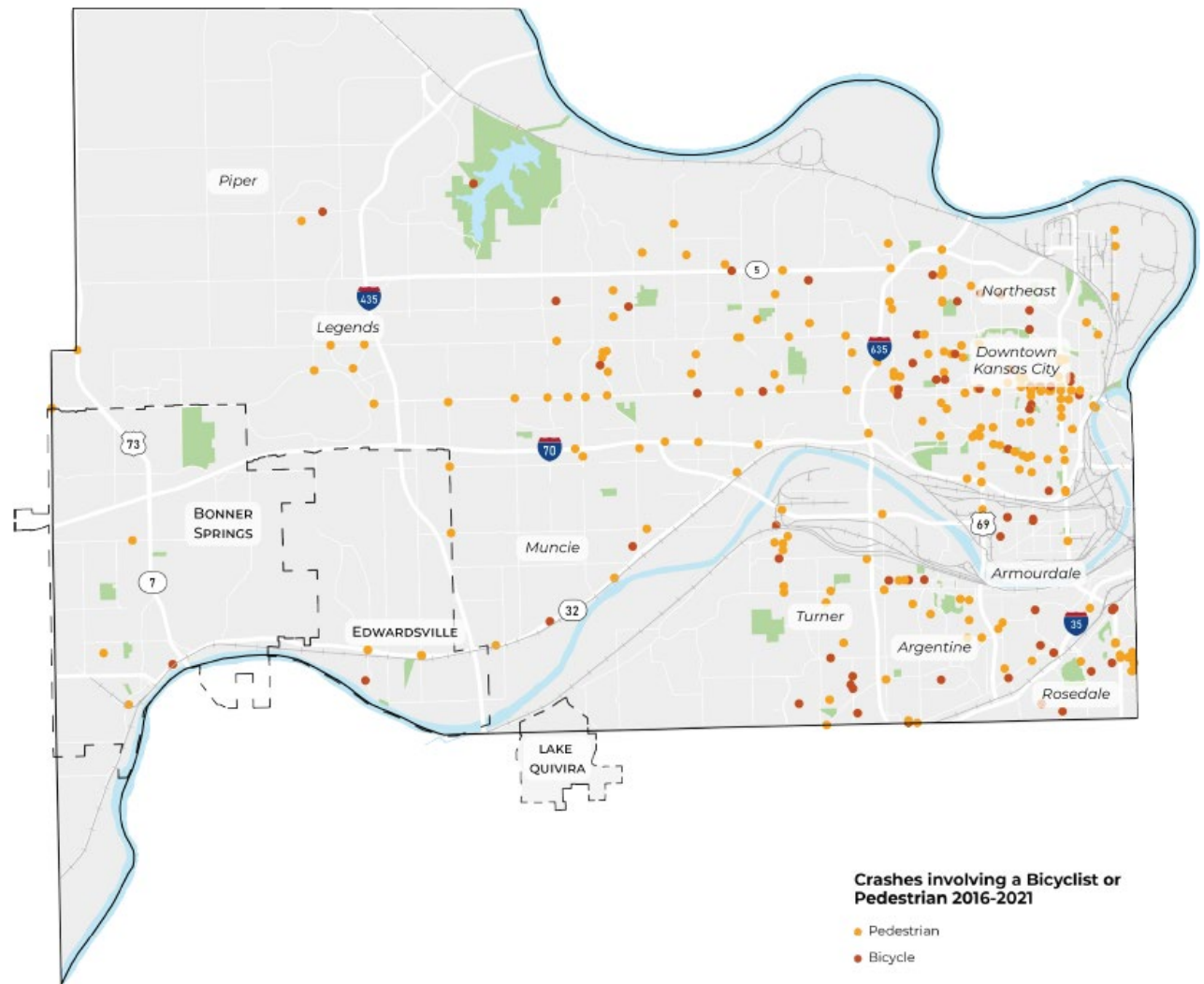
Crash Data

Complete Streets reduce motor vehicle-related crashes and pedestrian and bicyclist risk. A Federal Highway Administration review of the effectiveness of a wide variety of measures to improve pedestrian safety found that simply painting crosswalks on wide high-speed roads does not reduce pedestrian crashes. But measures that design the street with pedestrians in mind – sidewalks, raised medians, better bus stop placement, traffic-calming measures, and treatments for disabled travelers –improve pedestrian safety.²⁴

Another part of the Complete Streets concept is speed reduction. Speed reduction has a dramatic impact on pedestrian fatalities. Eighty percent of pedestrians struck by a car going 40 mph will die; at 30 mph, the likelihood of death is 40 percent. At 20 mph, the fatality rate drops to just 5 percent.²⁵ Everyone benefits from slower speeds.

Wyandotte County Crash Data²⁶

- **49 average ped or bike crashes during 2016-2021**
- **14 Pedestrians have been killed by vehicles since 2016**
- **4,280 average vehicle crashes during 2016-2021**



²⁴ Campbell, B., et al. (2004)

²⁵ US Department of Transportation, National Highway Traffic Safety Administration (1999). Literature Review on Vehicle Travel Speeds and Pedestrian Injuries Among Selected Racial/Ethnic Groups. Leaf, W., & Preusser, D.

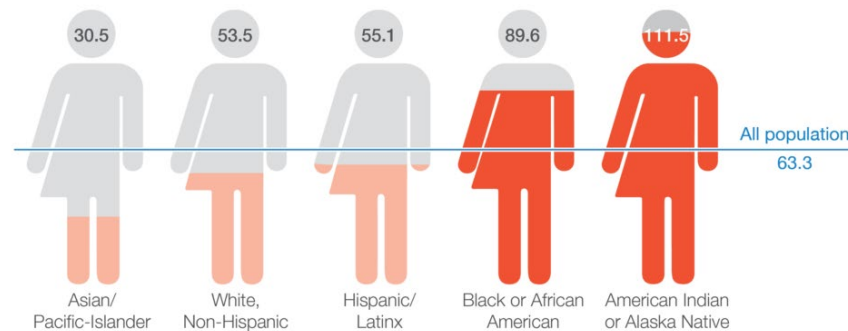
²⁶ KDOT Bureau of Transportation Safety, Unified Government Vision Zero (2021)

People of color and people walking in low-income communities are disproportionately represented in fatal crashes involving people walking—even after controlling for differences in population size and walking rates.

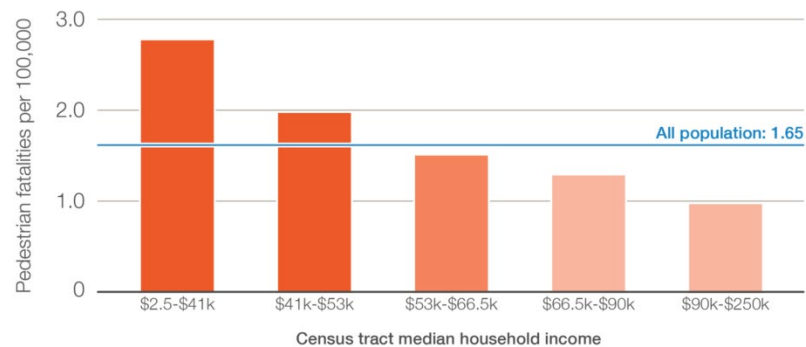
Although people of all ages, races, ethnicities, and income levels suffer the consequences of dangerous street design, some neighborhoods and groups of people bear a larger share of the burden than others, which may contribute to the indifference of many policymakers to this astonishing increase. For example, from 2010 to 2019, Black people were struck and killed by drivers at an 82 percent higher rate than White, non-Hispanic Americans. For American Indian and Alaska Native people, that disparity climbs to 221 percent.²⁷

The burden is not shared equally

Relative pedestrian danger by race and ethnicity
(2010-2019)



People walking in lower-income areas are struck and killed at much higher rates. People walking in wealthier neighborhoods are killed at far lower rates



²⁷ <https://smartgrowthamerica.org/dangerous-by-design/>

Community Health

Making the healthy
choice the easy choice



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Community Health

A Complete Streets approach to designing and operating our roadways can result in health benefits such as:

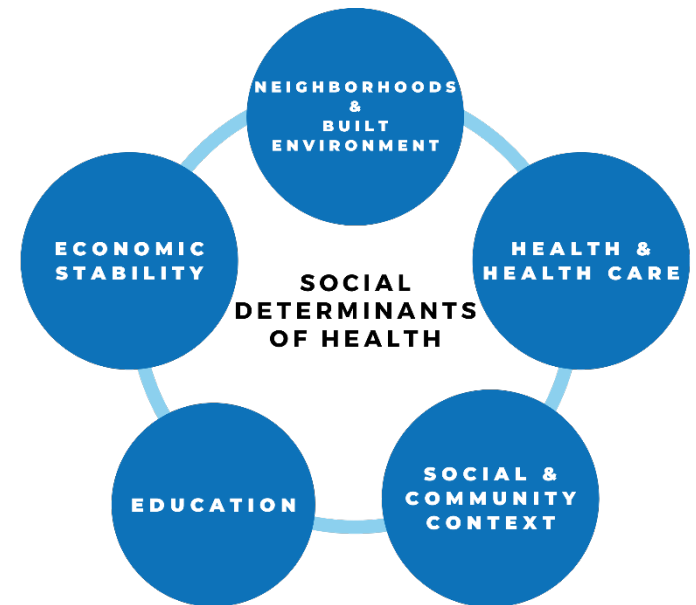
- Addressing Chronic Diseases
- Increasing physical activity rates
- Improving community safety
- Reducing exposure to transportation-related emissions and air pollution
- Preventing motor vehicle-related injuries and fatalities
- And many more benefits are considered through the social determinants of health

One way to illustrate these effects is through the County Health Rankings. The County Health Rankings help us understand what influences how long and how well we live. They provide measures of each County's current health (health outcomes), such as life expectancy and quality of life. In addition, rankings data include a variety of criteria, such as obesity, physical inactivity, air pollution, driving alone to work, and many others, all of which impact the future health of communities (health factors).²⁸

Using Complete Streets, we can change these health factors by providing more opportunities for people to walk or bike to everyday places, increasing the rates of physical activity and bettering their quality of life.

Compared to other Kansas counties **Wyandotte County has been ranked last in health factors** for the last five years, 2018-2022; For health outcomes, **Wyandotte County was ranked last in 2020 and 2021** and **within the bottom five counties in the other three years**.

<i>Year</i>	<i>Health Outcomes Rank</i>	<i>Health Factors Rank</i>	<i>Total Kansas Counties Ranked</i>
2022	102	104	104
2021	104	104	104
2020	104	104	104
2019	99	102	102
2018	99	103	103



²⁸ [2022 Kansas County Health Rankings](#)

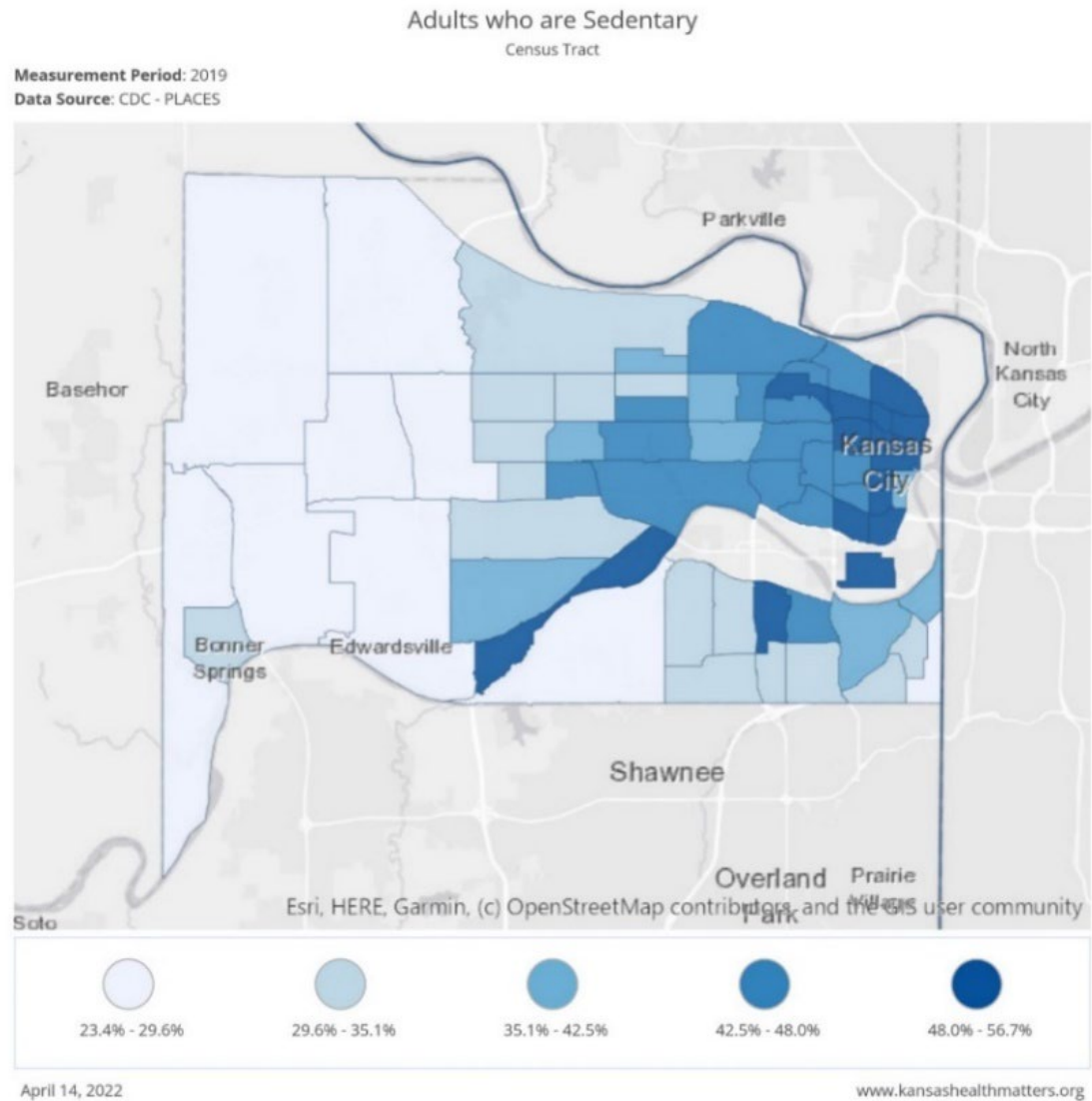
Physical Activity

Routine physical activity can lower symptoms of depression, improve your mood, and reduce the risk of developing chronic conditions and severe health conditions like obesity, high blood pressure, and premature death.^{29 30} By investing in sidewalks, pedestrian trails, bike lanes, and other roadway safety improvements, we can allow people to walk, bike, or roll, potentially fulfilling the recommended physical activity guidelines.

Active Transportation & Recreation

The implementation of Complete Streets creates additional opportunities for people to be physically active; this includes walking, biking, and rolling to everyday destinations like grocery stores, schools, churches, work, shopping, health care, parks, public transit stops, and anywhere else you want to go. For example, one study found that 43 percent of people reporting a place to walk were significantly more likely to meet current regular physical activity recommendations than those reporting no place to walk.³¹ Having a place to walk is not exclusively about having access to a sidewalk; perceptions of the social environment (e.g., the quality of the city and public services, maintenance of public spaces and resources, the perceived and actual safety of a neighborhood, and housing quality) are also important³².

Other forms of active transportation include running, rowing, skateboarding, riding a scooter, roller skating, and using a wheelchair or a walker.



²⁹ Centers for Disease Control and Prevention. Physical Activity Facts. Last reviewed April 9, 2018. Accessed March 13, 2019.

³⁰ Stanton R, Reaburn P. Exercise and the treatment of depression: a review of the exercise program variables. J Sci Med Sport. 2014;17(2):177–182. doi:10.1016/j.jsams.2013.03.010

³¹ Powell, Martin, Chowdhury, 2003

³² [Sociocultural perceptions of walkability in Mexican American neighborhoods: Implications for policy and practice - PubMed \(nih.gov\)](#)

Physical Activity Rates

In 2017, only **16.4 percent of Wyandotte County adults were doing enough physical activity to meet the aerobic and strengthening exercise recommendations**³³ (Lower than Kansas, 19 percent, and the US, 20.3 percent). And according to 2019 data, **39.5 percent of adults did not participate in any leisure-time activities over the last month**³⁴. (A higher rate than the US, 24.2 percent, Healthy People 2030 goal is 21.2 percent)

³³ [Kansas Health Matters :: Indicators :: Percent of Adults Doing Enough Physical Activity To Meet Both The Aerobic AND Strengthening Exercise Recommendations](#)

³⁴ [Kansas Health Matters :: Indicators :: Adults who are Sedentary](#)

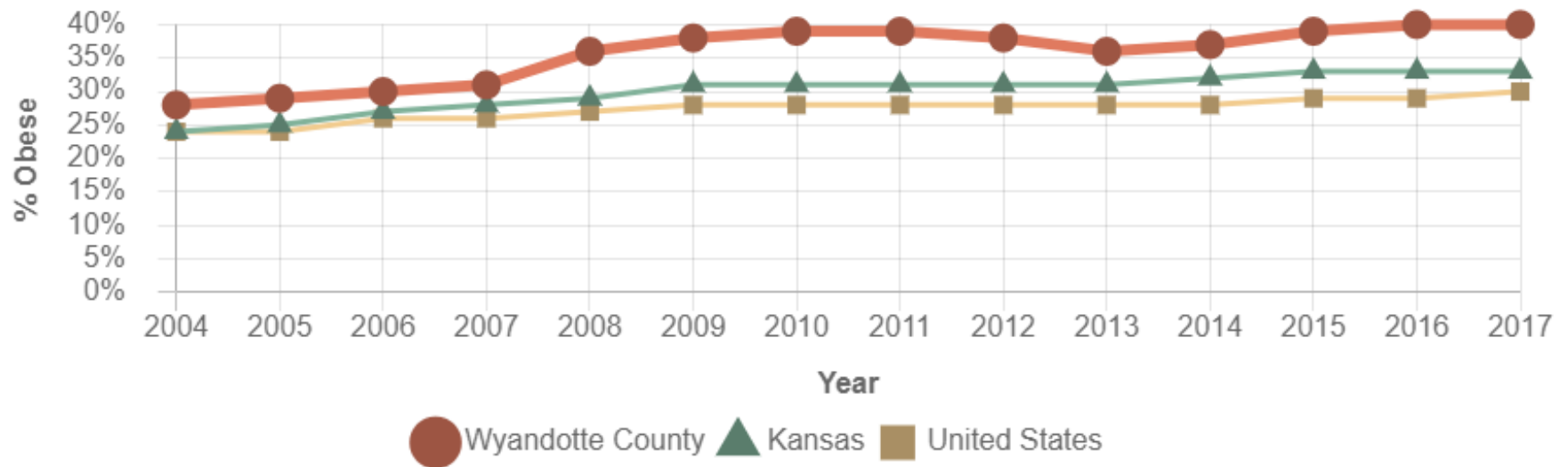
Chronic Conditions

Obesity

Obesity rates in the County are consistently higher than federal or state levels. In 2017, **40 percent of Wyandotte County residents over the age of 20 were obese**³⁵, and **31.8 percent of adults 18 years and older are overweight** (body mass index between 25.0-29.9 kg/m²)³⁶.

Adult obesity in Wyandotte County, KS County, State and National Trends

Wyandotte County is getting worse for this measure.



Notes:

Each year represents a 3-year average around the middle year (e.g. 2015 is the middle year of 2014-2016).

Starting with the 2011 data, a new BRFSS methodology was introduced that included cell phone users. Data from prior years should only be compared with caution.

³⁵ [Adult obesity in Kansas | County Health Rankings & Roadmaps](#)

³⁶ [Kansas Health Matters :: Indicators :: Percent of Adults who are Overweight](#)

Asthma

10.4 percent of adults aged 18 and older have asthma.³⁷

Higher than the nation, 8.9 percent, and the highest rate compared to all other Kansas counties and the Kansas City Metro Area.

Air Quality

More opportunities for active transportation will reduce the number of motorized vehicle trips and decrease the amount of particulate matter (PM), Ozone (O₃), and other pollutants in the air.

The primary emission sources of PM 2.5 are exhaust, the mechanical wear of tires and brakes by cars, freight trucks, and trains.³⁸

PM 2.5 in 24 hours

The National Ambient Air Quality

Standards (NAAQS) unhealthy threshold for PM 2.5 in 24 hours is 35 µg/m³ on average for 24 hours. In Kansas City, KS, and Wyandotte County, PM2.5 levels have remained stable, only rising by two points between 2006 and 2020 to 26 µg/m³.

PM 2.5 Annual Average

NAAQS's unhealthy threshold is 12 µg/m³. Our data shows that the County has been below the unhealthy level since 2006. This value has generally decreased every year until 2017, when it slightly increased to 10.9 µg/m³ in 2020.

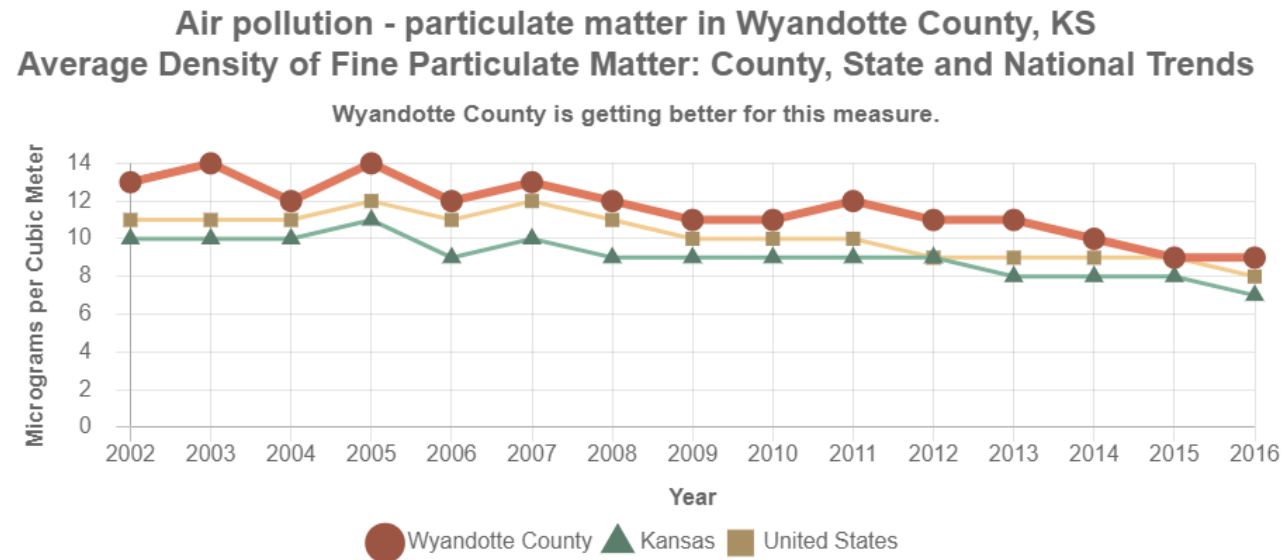
1 hour level of Nitrogen Oxide (NOx)

The NAAQS levels for nitrogen oxides are a 1-hour standard at 100 parts per billion (ppb) based on the 3-year average of 98th percentile of the yearly distribution of 1-hour maximum daily concentrations and an annual standard at a level of 53 ppb.

In 2020 the 1-hour level of NOx was 37.6 ppb or lower 98 percent of the time, which is below the unhealthy level of 100 ppb. Overall, these NOx levels are decreasing.

Ozone (O₃)

Unhealthy ozone levels result in worsened health outcomes for children, the elderly, those who work/exercise outside, and those with chronic conditions like asthma. O₃ is created when volatile organic compounds (VOCs) and NOx mix in the presence of heat and sunlight, which is why O₃ levels are higher March-



Notes:

Data in this trend graph are taken from the Environmental Public Health Tracking Network, and will not match data used in the 2014-2016 Rankings.

³⁷ [PLACES: Local Data for Better Health: Compare Counties | PLACES | CDC](#)

³⁸ [An Assessment of the Mobile Source Contribution to PM10 and PM2.5 in the United States | SpringerLink](#)

October. Emission sources include transportation, mowers, painting, and other industrial activities. O₃ exceedances in the KC Metro area are usually moderate and not as severe as seen in other cities nor as often.

The MAAQ's unhealthy threshold for ozone (O₃) is currently 70ppb for a rolling 8-hour average; the threshold is expected to decrease to 65ppb by 2023.

Next Steps



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Next Steps

- The IAT will continue to meet and publicize an annual report on the progress and current conditions relating to Complete Streets in Wyandotte County.
- The IAT will also create materials and provide presentations and materials to the community, highlighting the importance of improving our built environment.
- Continue to gather information about current and future Public Works projects and collaborate with the Department of Urban Design & Planning to foster community input and engagement.
- Leverage the goDotte Mobility Plan for a mobility shift and predict prioritization
- Create a process to collaborate with UG's Public Works Department to provide input on CMIP projects
- Ensure the CMIP process is informed by the Community Health Improvement Plan (CHIP) and area master plans.
- Collaborate with UG Urban Design & Planning on a Citywide Master Plan

Future measures

This is a list of measures that the Infrastructure Action Team (IAT) is working on for future reports.

- Incorporate appropriate Community Health Assessment (CHA) data
 - The Community Health Assessment (CHA) will be distributed sometime between June and August 2022. Questions on the CHA will address many aspects of the Social Determinates of Health (SDoH)
- Gentrification
- Housing Displacement
- Social Environment
 - Perceived Safety & Crime Prevention Through Environmental Design (CPTED) principals
- Environmental Impact

Proposed Interventions

Traffic calming

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/traffic-calming>

Modify the built environment to affect traffic speed and patterns via speed humps, pedestrian center crossing islands, roundabouts, etc.

Safe Routes to Schools

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/safe-routes-to-schools>

Promote walking and biking to school through education, incentives, and environmental changes; often called SRTS

Places for physical activity

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/places-for-physical-activity>

Modify local environments to support physical activity, increase access to new or existing facilities for physical activity, or build new facilities

Bike & pedestrian master plans

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/bike-pedestrian-master-plans>

Establish a framework to increase walking and biking trails and improve the connectivity of non-auto paths and trails in a particular area

Zoning regulations for land use policy

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/zoning-regulations-for-land-use-policy>

Use zoning regulations to address aesthetics and safety of the physical environment, street continuity and connectivity, residential density, and proximity to businesses, schools, recreation, etc.

Complete Streets & streetscape design initiatives

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/complete-streets-streetscape-design-initiatives>

Enhance streetscapes with greater sidewalk coverage and walkway connectivity, street crossing safety features, traffic calming measures, and other design elements

Green space & parks

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/green-space-parks>

Increase recreational green space through new parks or open spaces, renovation or enhancement of under-used recreation areas, rehabilitation of vacant lots, brownfields, etc.

Community-based social support for physical activity

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/community-based-social-support-for-physical-activity>

Build, strengthen, and maintain social networks that provide supportive relationships for behavior change through walking groups or other community-based interventions

Walking school buses

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/walking-school-buses>

Arrange active transportation with a fixed route, designated stops, and pick up times when children can walk to school with adult chaperones

Permeable pavement projects

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/permeable-pavement-projects>

Use pervious concrete, porous asphalt, permeable interlocking pavers, open-jointed blocks or cells, or other permeable pavement in individual or commercial development efforts; also called porous or pervious pavement

Open Streets

<https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/open-streets>

Allow community members to gather, socialize, walk, run, bike, skate, etc. by closing selected streets temporarily to motorized traffic; also called Ciclovía programs

Complete Streets

First Annual Report

May 2022



INFRASTRUCTURE
ACTION TEAM



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Report Outline

- **What Are Complete Streets?**
- **Current Conditions**
 - **Equity**
 - **Infrastructure**
 - **Mobility**
 - **Safety**
 - **Community Health**
- **Moving Forward**



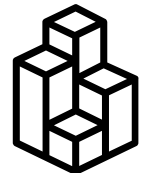
The Infrastructure Action Team

Since 2014, the Infrastructure Action Team (IAT) has convened community leaders, residents, organizations, and other UG Departments, like Urban Design & Planning, Public Works, and Parks & Rec, to advocate building, redesigning, and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities.



The Built Environment

The built environment is the physical parts of where we live and work (e.g., **homes, buildings, streets, open spaces**). How the built environment of a community is designed, operated and maintained influences a person's level of physical activity.



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What Are Complete Streets?

Safe

Prioritize the safety of all users.

Flexible

Accomodate context and community values.

Inclusive

Serve the needs of people with varying levels of mobility.

Equitable

Reduce household costs by expanding transportation choices.

Benefits of Complete Streets

Addressing chronic disease

Increasing rates of physical
activity

Improving community
safety

Reducing exposure to
emissions and air pollution

Preventing motor vehicle
related injuries and fatalities

Metrics & Current Conditions

Identified by the IAT

Equity

- Social Vulnerability Index
- Health Equity Index
- Life Expectancy

Mobility

- Modes of Transportation
- Average Travel Time to Work
- Micro-Mobility Trips
- Zero vehicle Households
- Public Transit Availability

Community Health

- Physical Activity
- Active Transportation
- Chronic Conditions
 - Obesity
 - Asthma
- Air Quality

Infrastructure

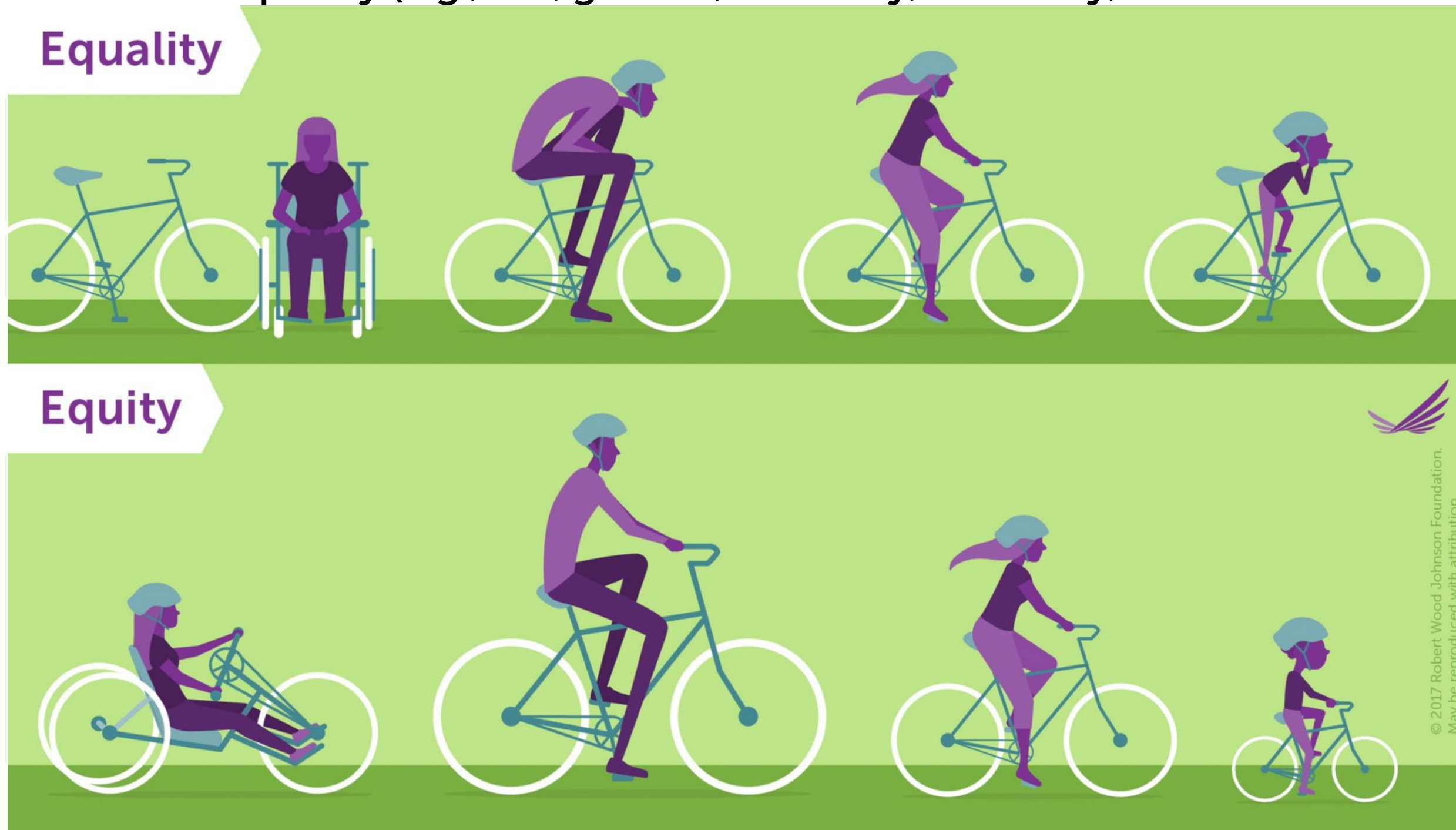
- Sidewalks
- Trails
- Bikeways
- Roads

Safety

- Crash Data

Defining Equity

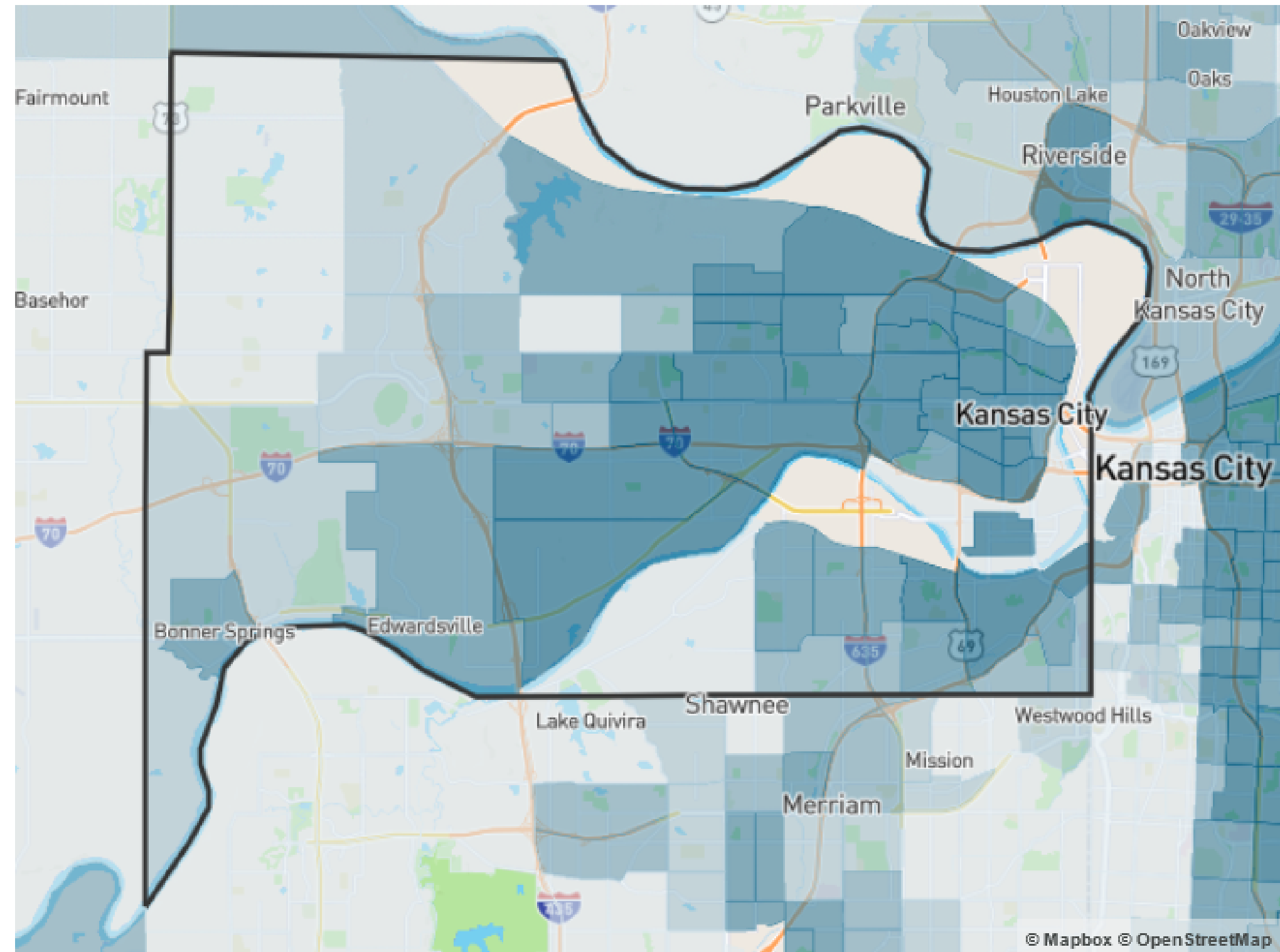
Equity is the absence of unfair, avoidable, or remediable differences among groups of people, whether those groups are defined socially, economically, demographically, geographically, or by other dimensions of inequality (e.g., sex, gender, ethnicity, disability, or sexual orientation).



Social Vulnerability

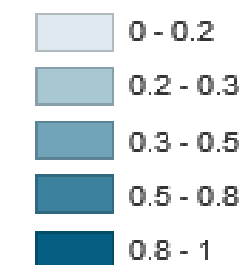
Social vulnerability refers to the potential adverse effects on communities caused by external stresses on human health.

Social Vulnerability index



Wyandotte County, KS

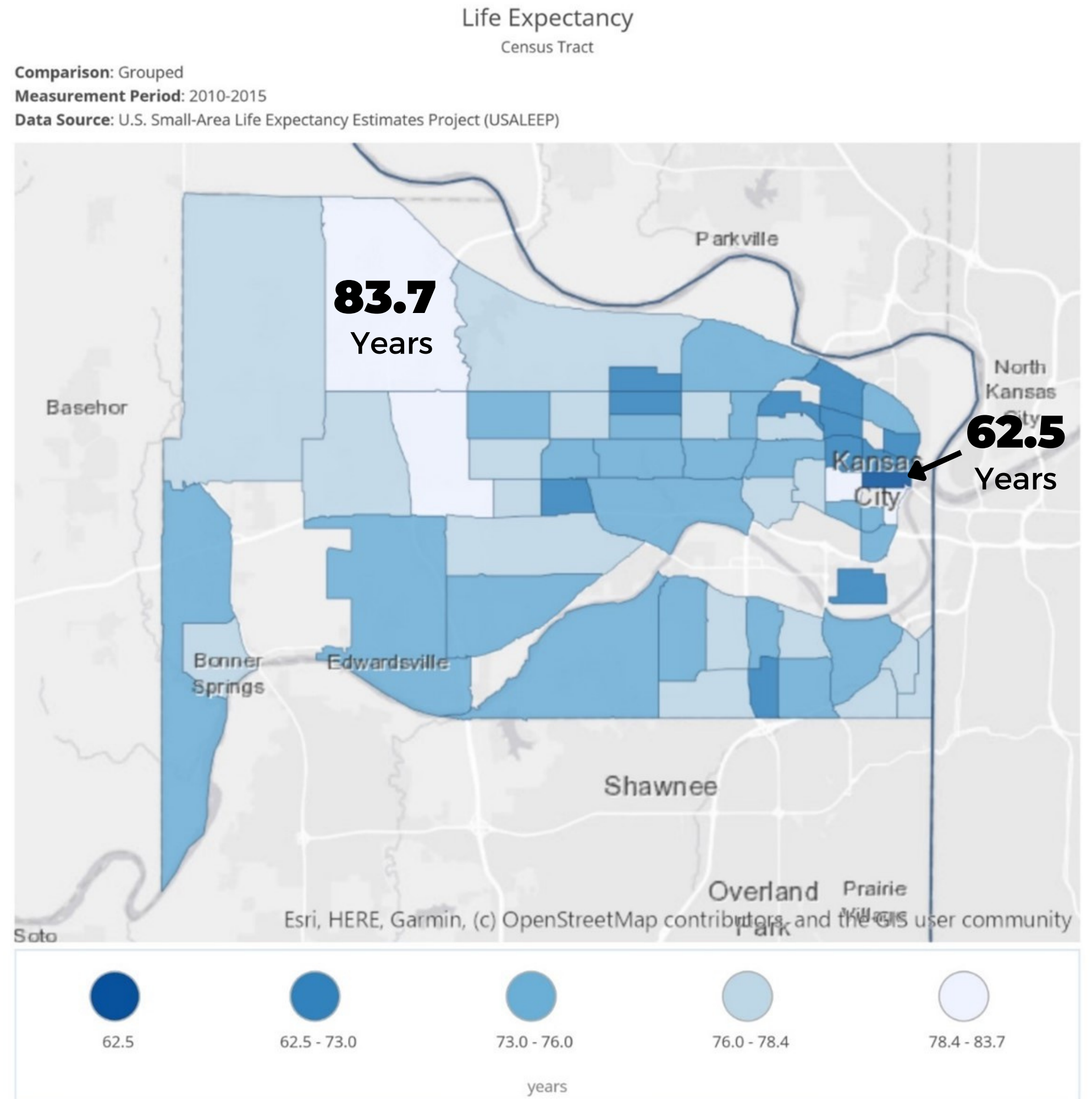
Social Vulnerability Index Across the US



Equity

Health Outcomes

21.2 Year
disparity in life
expectancy



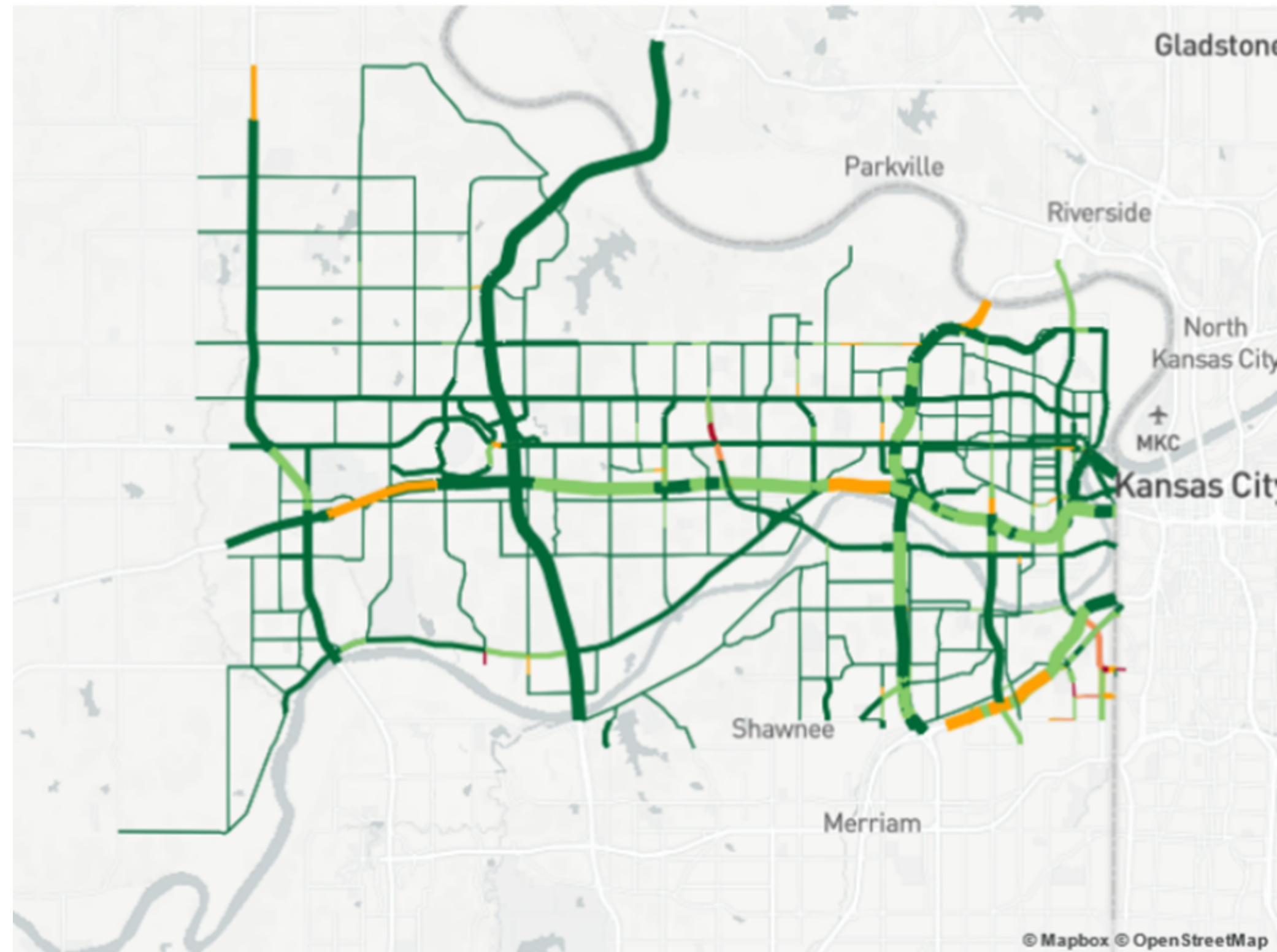
April 14, 2022

www.kansashealthmatters.org

Current Conditions

Our roads are very good at moving vehicles, but lack opportunities for people to be physically active for transportation and recreation.

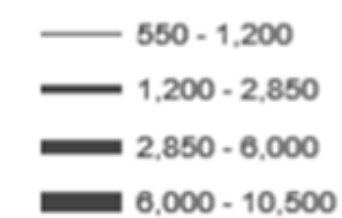
Volume/Capacity Ratios



Volume/Capacity Ratios: Worst V/C Ratio



Volume/Capacity Ratios: Roadway Capacity (per Hour)

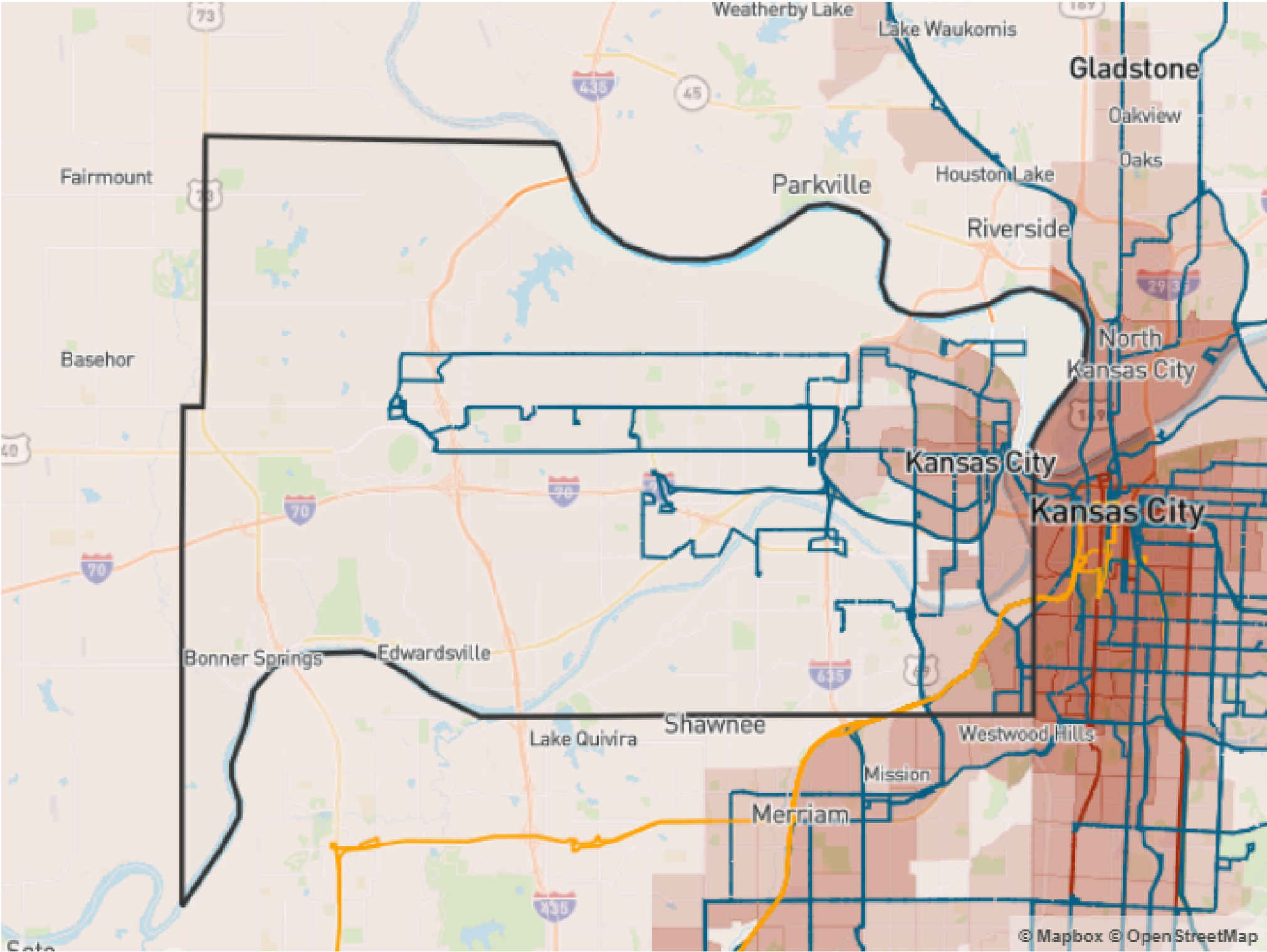


Source: Mid-America Regional Council

Transit

Service is generally characterized by **coverage rather than frequency**, with over 330 miles of existing bus route mileage.

Transit Service & Job Accessibility



Wyandotte County, KS

Service Type

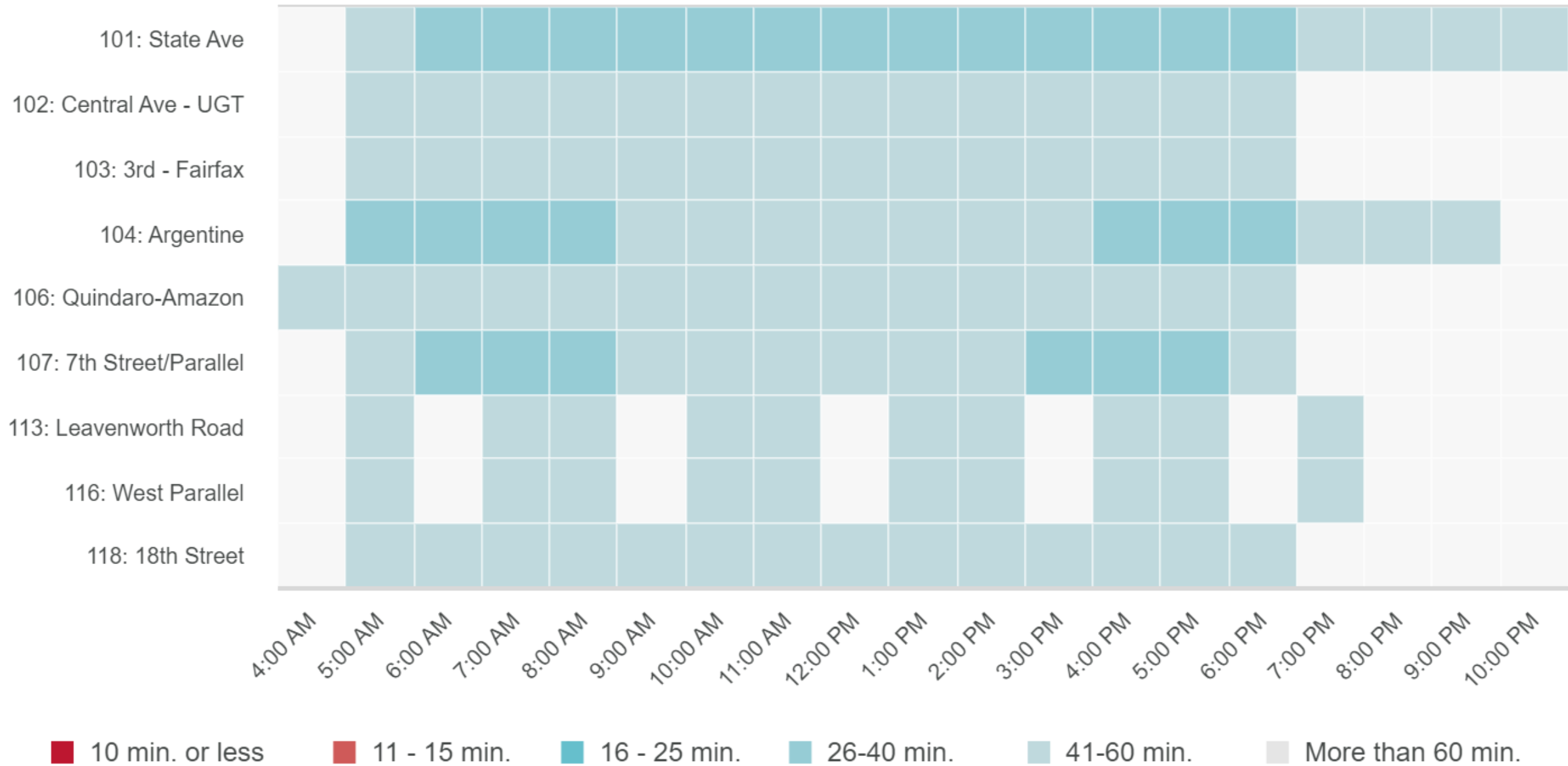
- Fast and Frequent
- Local
- Express

Average Number of Jobs within a 30 Minute Public Transit + Walk Trip

- 0 - 5,000
- 5,000 - 10,000
- 10,000 - 25,000
- 25,000 - 50,000
- 50,000 - 108,280

Transit

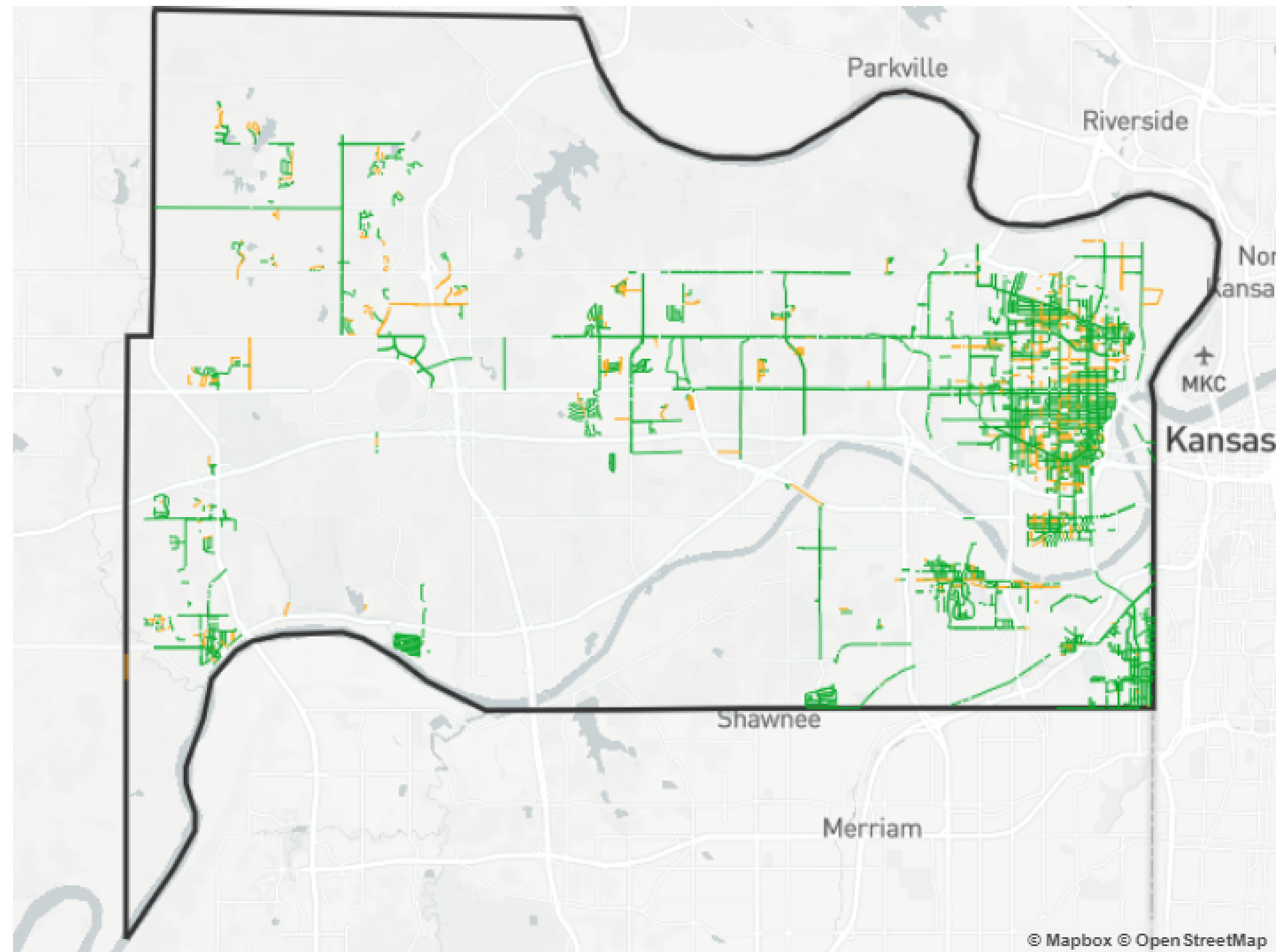
Bus Service Schedule (Q4 2021)



Sidewalks

Existing & Partial

Sidewalk Infrastructure



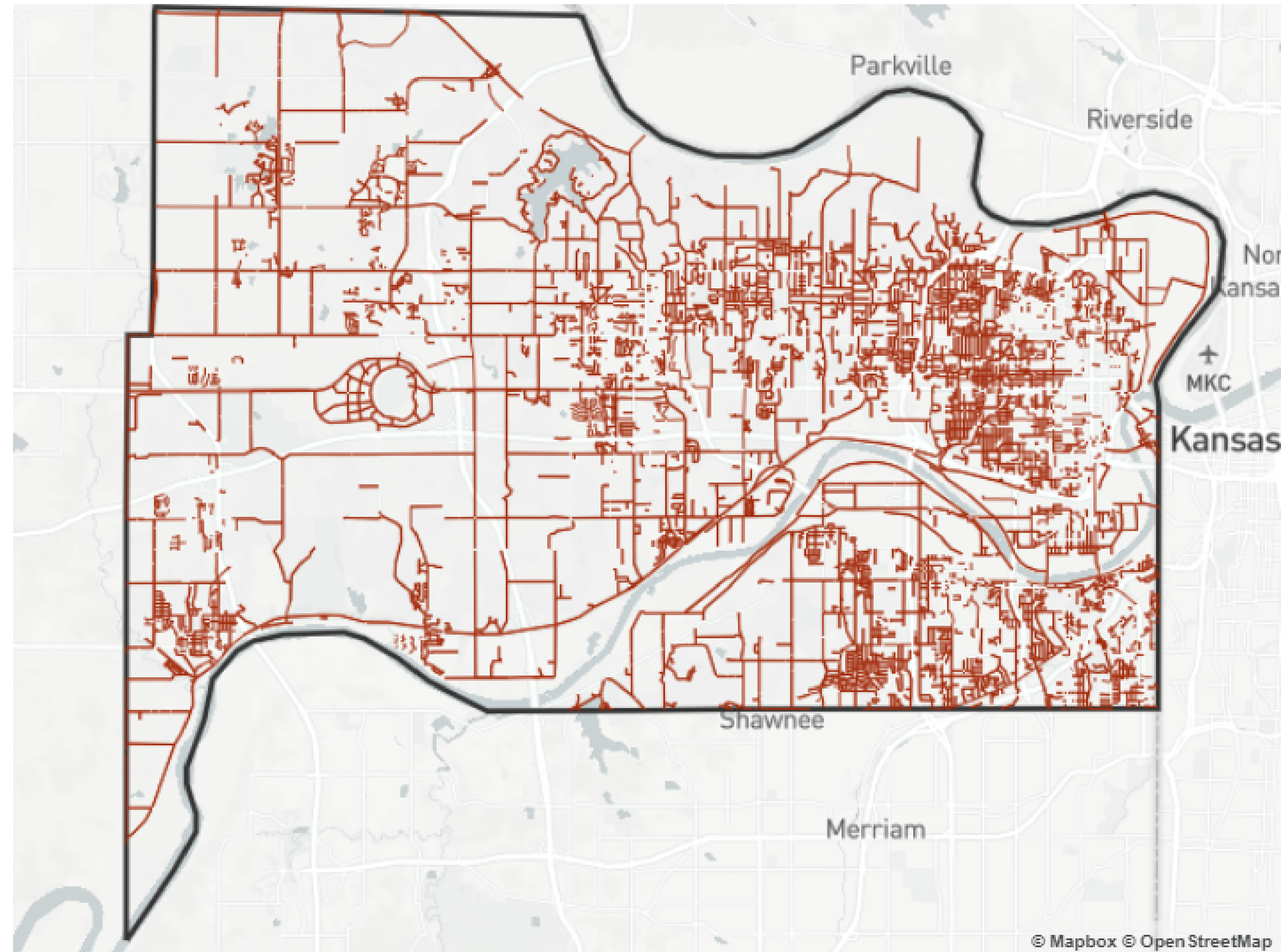
Wyandotte County, KS

Sidewalk

Sidewalks

We are missing
81%
of our planned
sidewalk network

Sidewalk Infrastructure



Wyandotte County, KS

Sidewalk

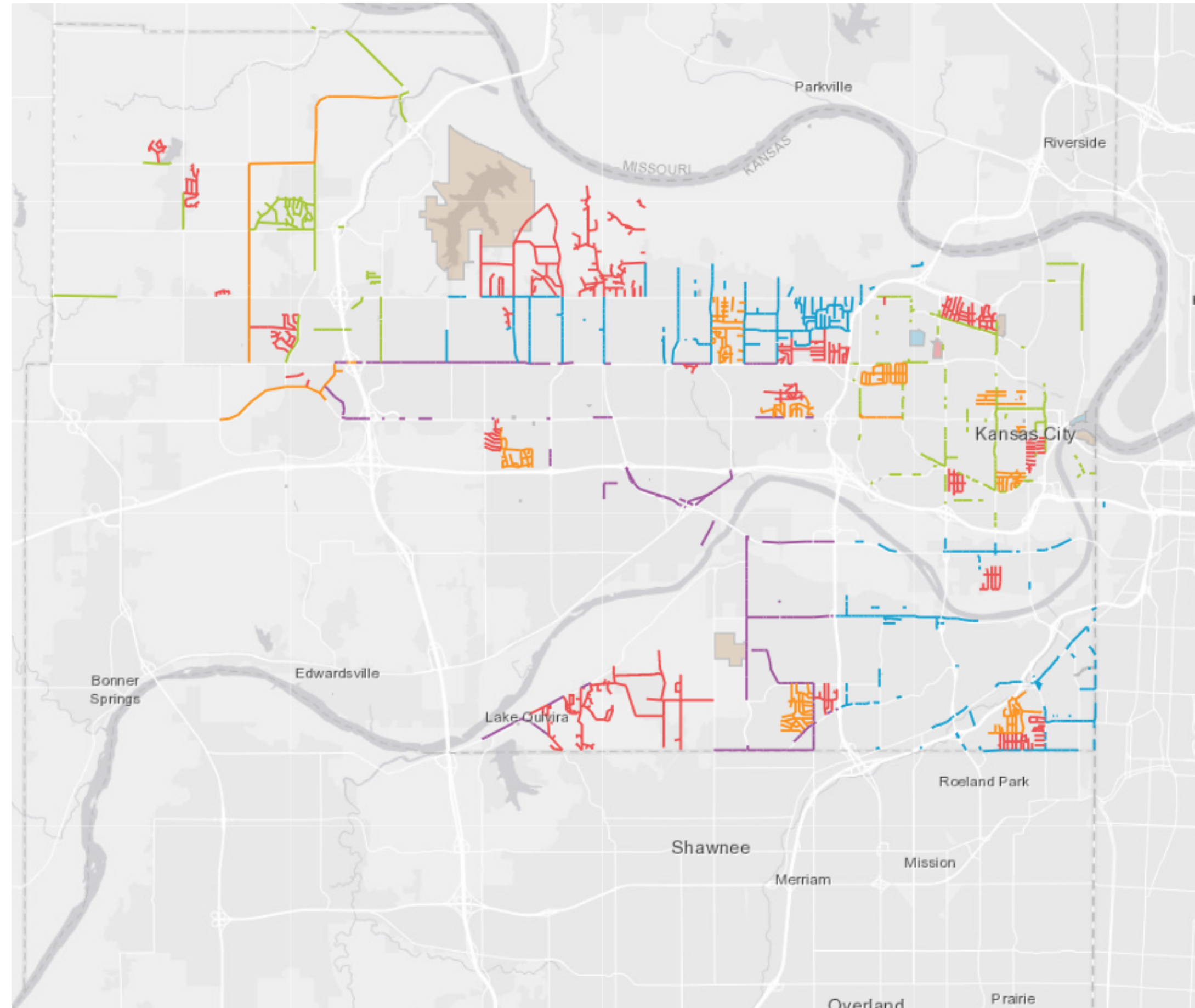
No

CMIP Projects

Almost all projects planned 2021-2025 are for **pavement preservation**.

Other projects

- Storm Sewer Repairs/Replacement
- Kaw Point Biosolids Digestion
- 7th St/US-69 and Central Ave. Reconstruction
- W. 36th Ave Improvements, Rainbow Blvd to State Line Rd
- 110th St and Riverview Ave Intersection Improvements
- SRTS Phase G (Northwest Middle and Caruthers Elem.)
- City Happ Structure Study and Stabilization
- Memorial Hall Facility Improvements
- Annual Elevator Operator
- Jail Repairs
- Fac/Parking Annual Maint/Rep
- Annex Parking Lot Improvements
- Police Station Annl Maint Program
- Relocation of SMD Facility
- Kaw Point River Front Park
- Parks Restrooms
- Trail Project: Klamm Park



Complete Streets Projects

November 2020 - Current

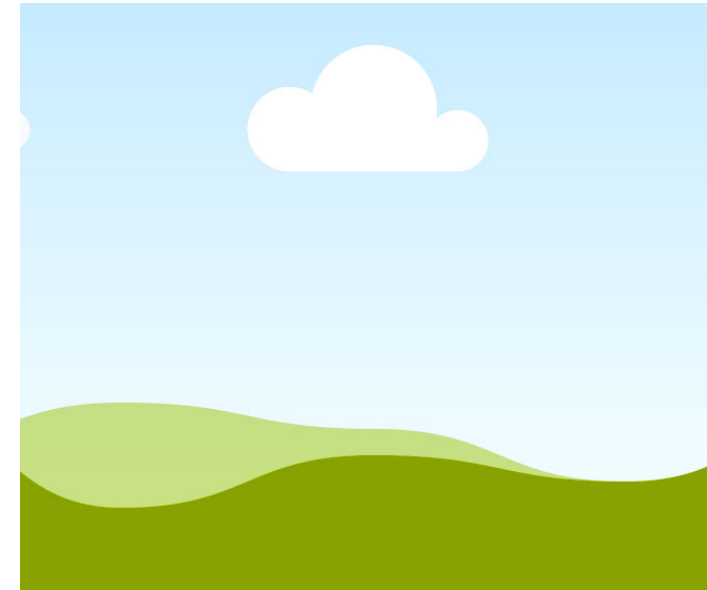


RideKC BikeShare

Deployed 50 e-bikes in
Rosedale and Downtown.

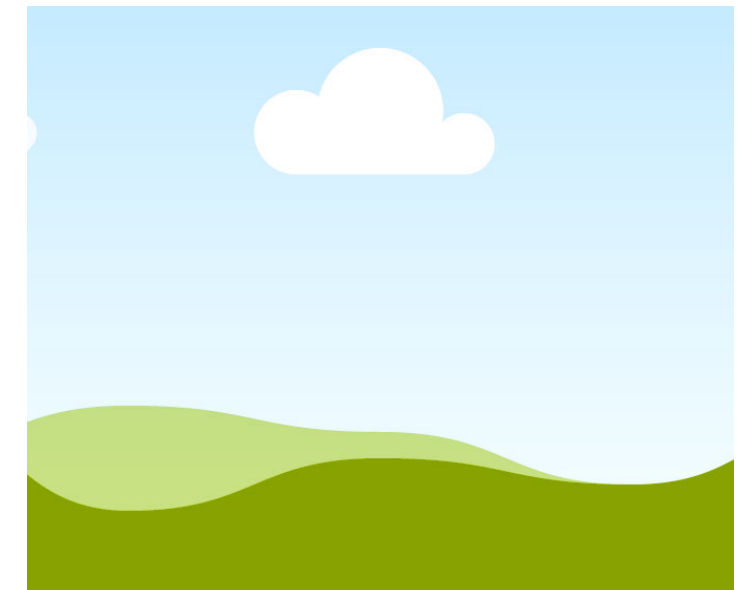


goDotte Mobility Plan



Leavenworth Rd Modernization

With State funding, were
able to add sidewalks on
both sides of the street with
bike "Sharrows".



Metropolitan and Strong Ave. Bikeway

With State funding, added bike
lanes and "Sharrows" to connect
12th Street bike facilities to
Downtown Argentine



Community Health

Changing the context to make the healthy choice the easy choice



INFRASTRUCTURE
ACTION TEAM



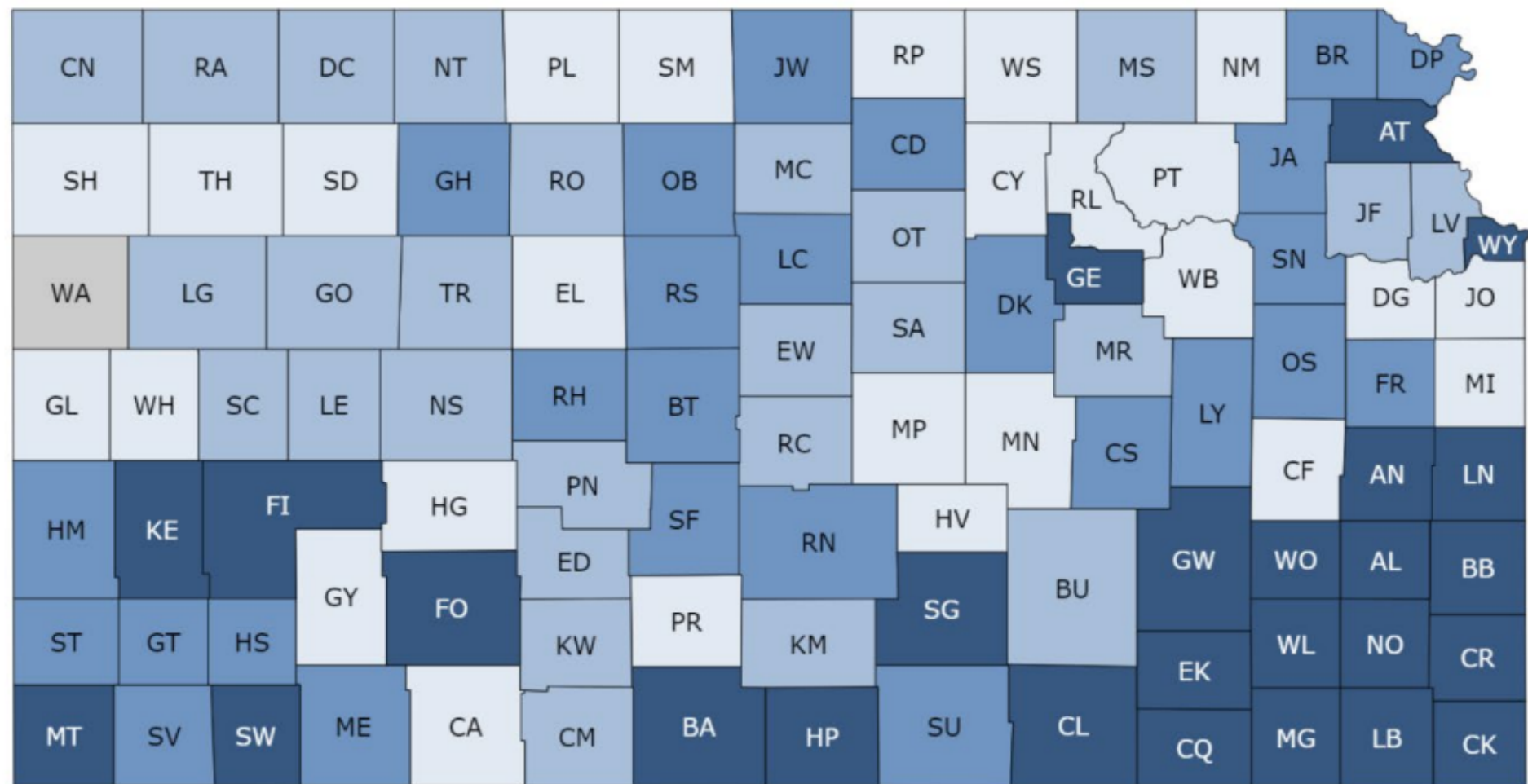
Public Health
Prevent. Promote. Protect.

County Health Rankings

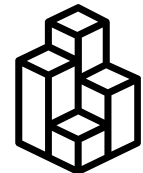
For the last five years, Wyandotte County has been ranked **last in health factors**.

For health outcomes, Wyandotte County was ranked last (out of 104 Kansas counties) in 2020 and 2021 and within the bottom five counties in the other three years.

Kansas Health Factors Rankings Map



Health Factor Ranks

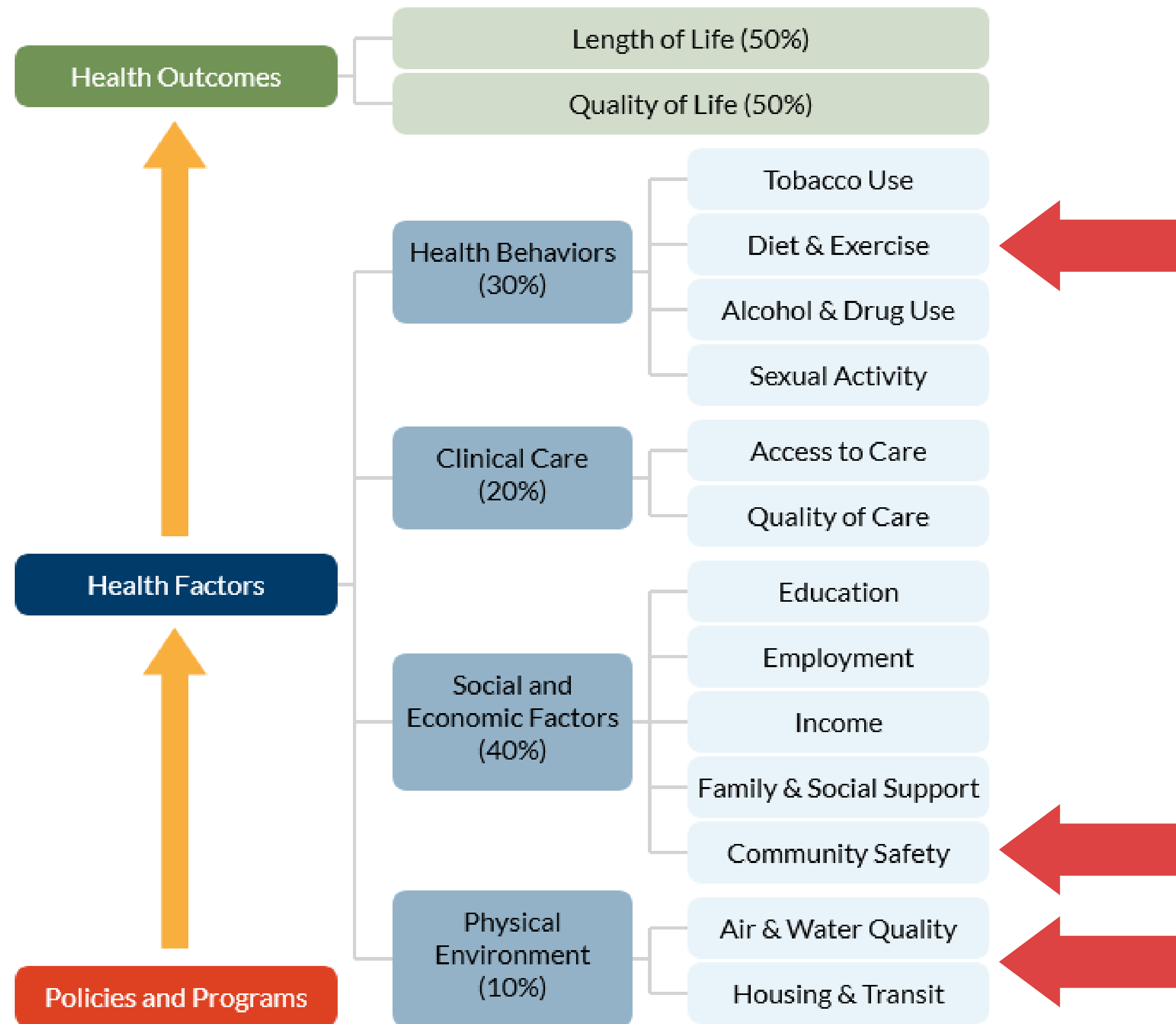


INFRASTRUCTURE
ACTION TEAM



Public Health
Prevent. Promote. Protect.

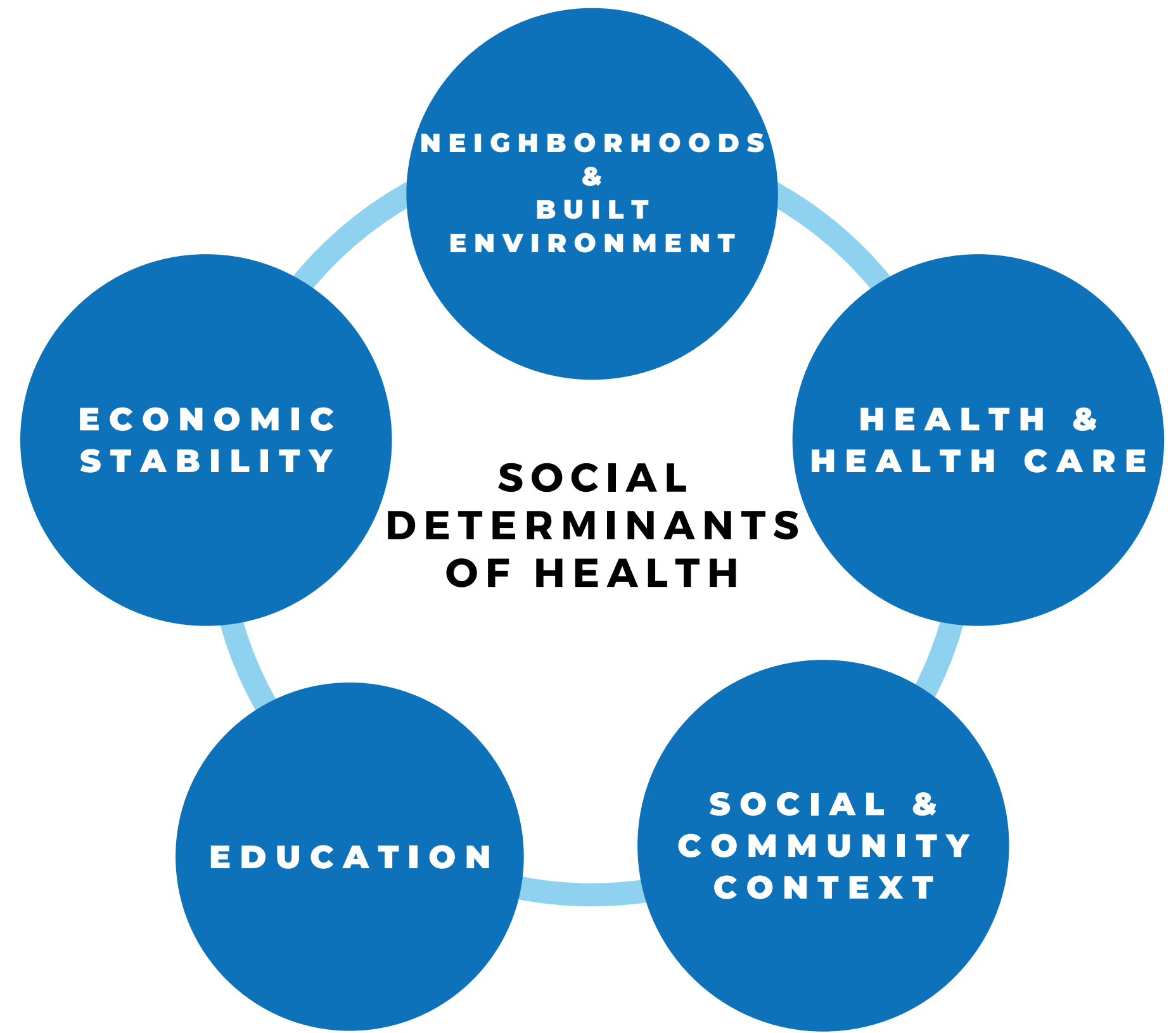
County Health Rankings



County Health Rankings model © 2014 UWPHI

Community Health

- Physical Activity
- Active Transportation
- Chronic Conditions
 - Obesity
 - Asthma
- Air Quality

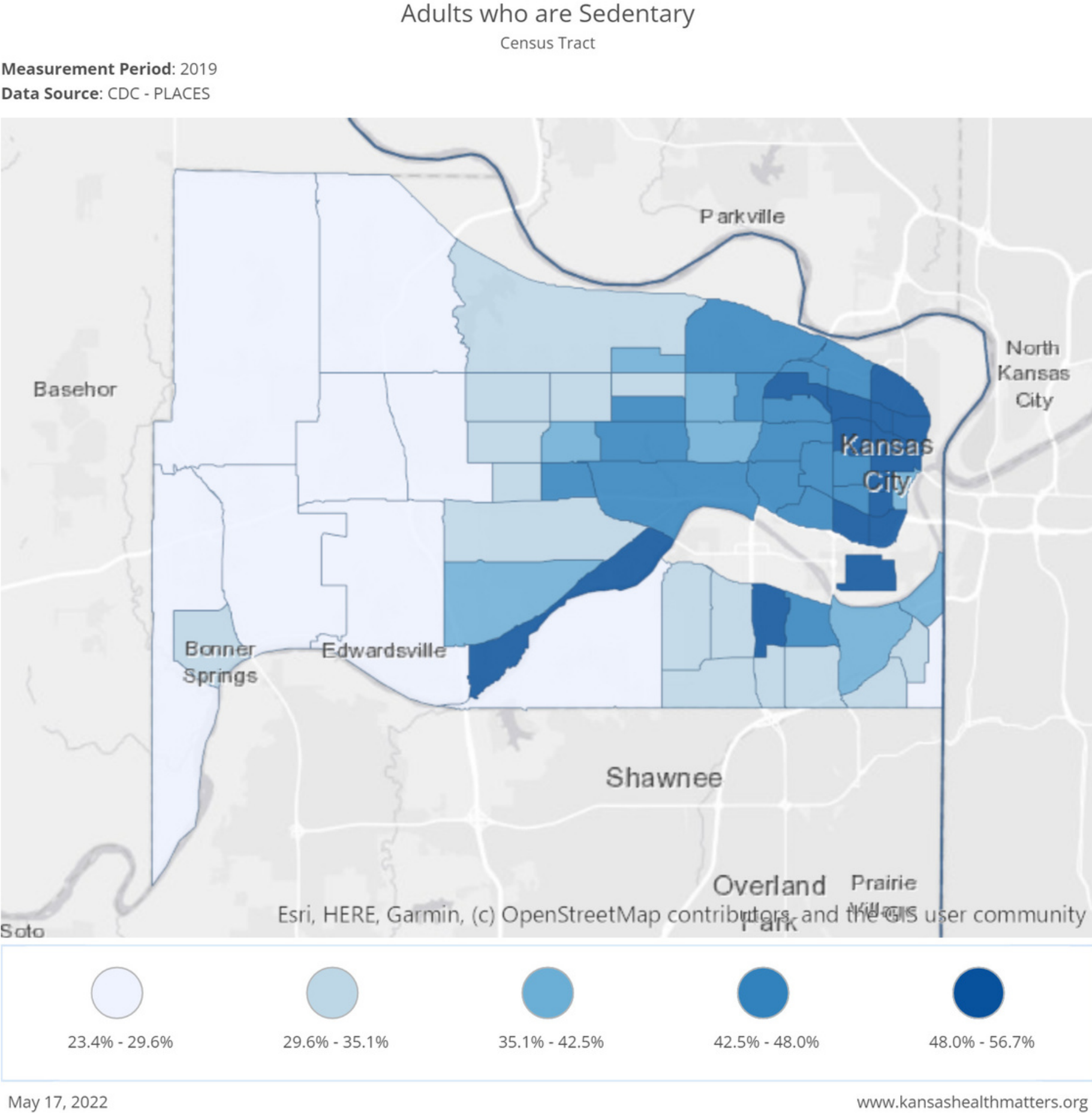


Physical Activity

39.5%
of adults did not participate in any leisure-time activities over the last month

83.6%
of adults are not doing enough physical activity to meet the CDC's aerobic and strengthening exercise recommendations.

Source: Kansas Health Matters

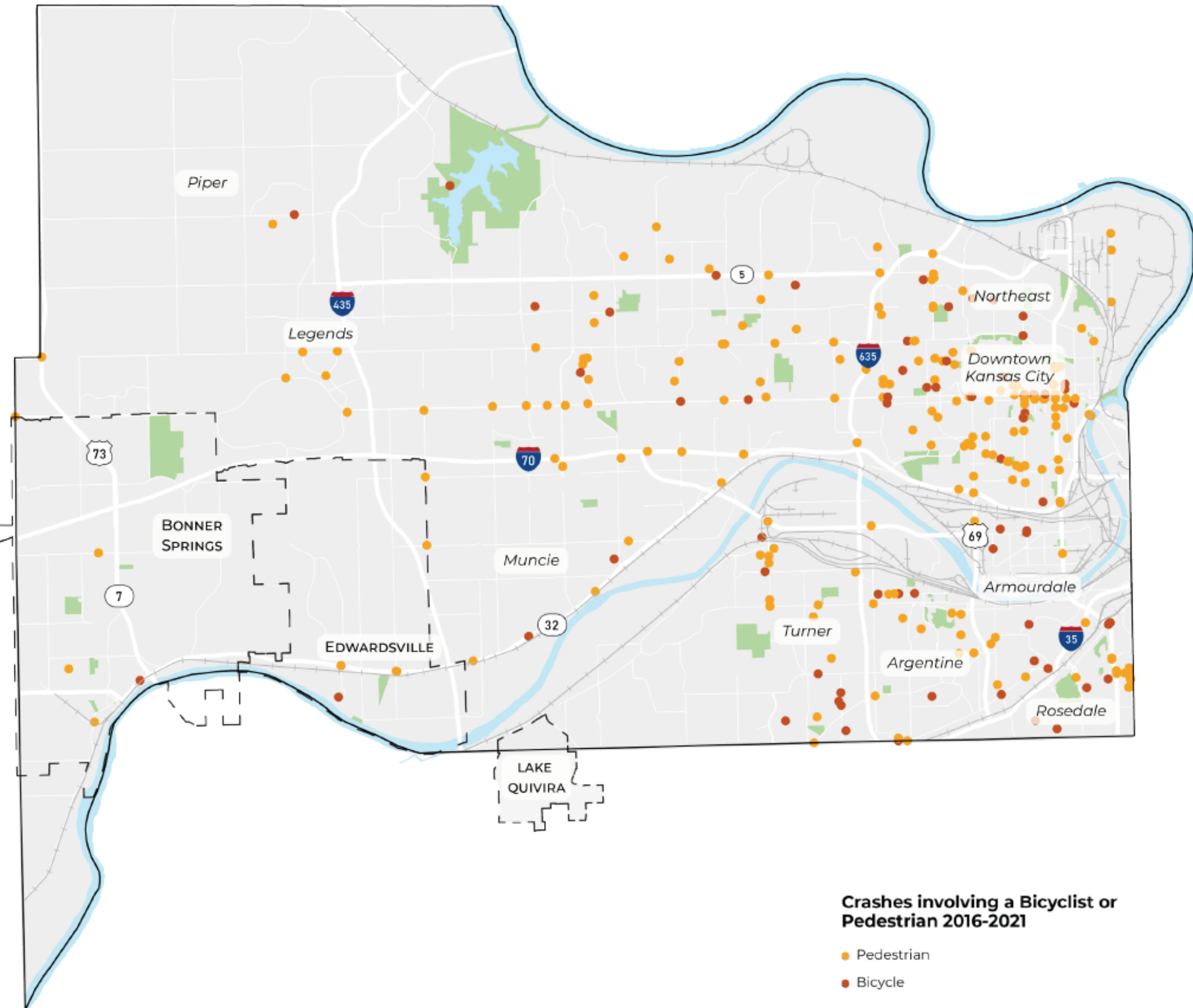


Community Safety

Wyandotte County Crash Data 2016-2021

- **49** average ped or bike crashes per year
- **14** Pedestrians killed since 2016
- **4,280** average vehicle crashes per year

Source: goDotte Foundations Report

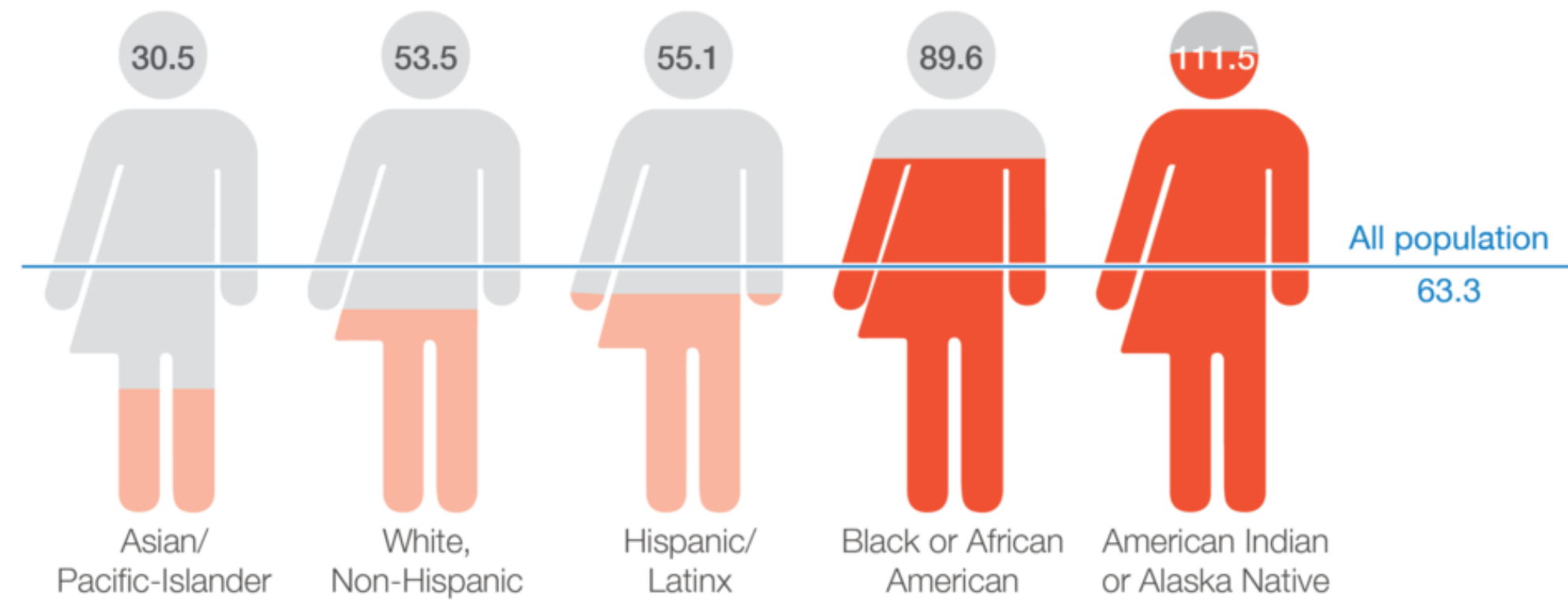


National Traffic Deaths

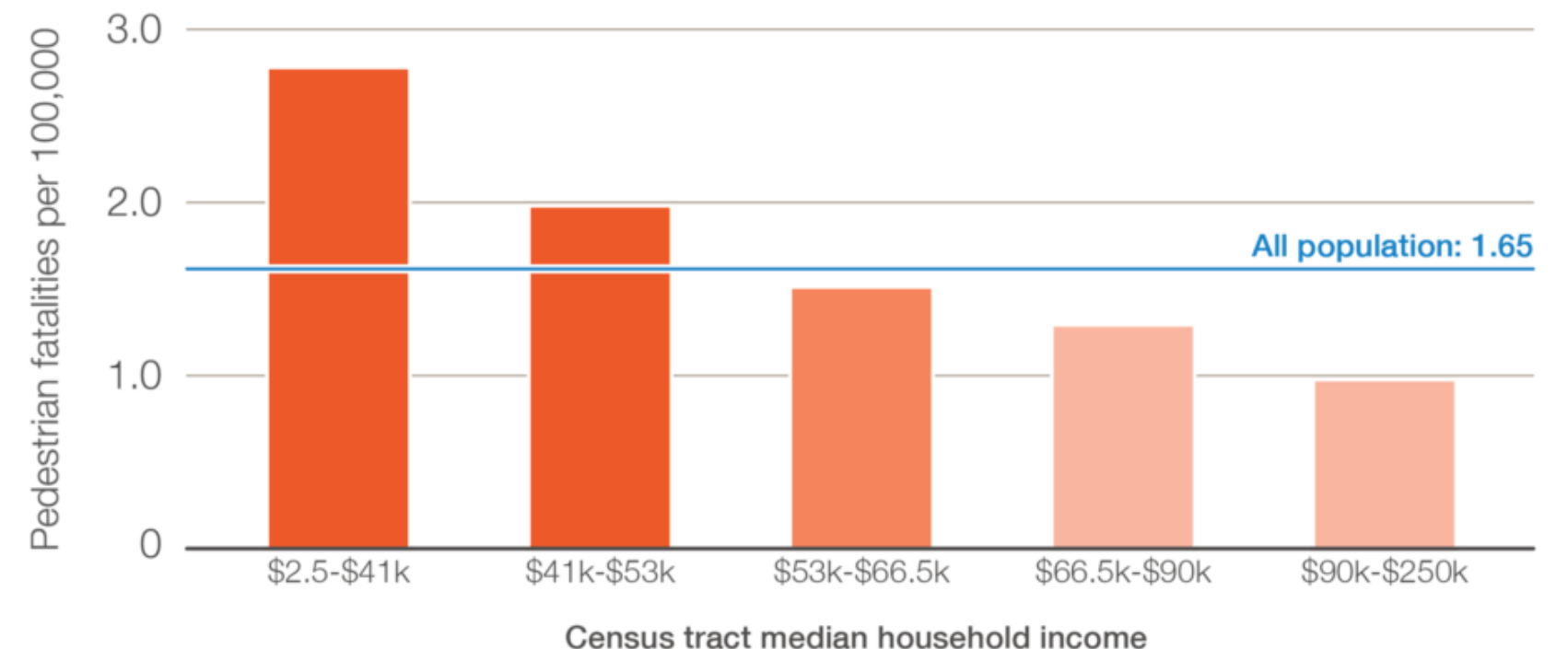
People of color, and people walking in low-income communities are disproportionately represented in fatal crashes involving people walking—even after controlling for differences in population size and walking rates.

The burden is not shared equally

Relative pedestrian danger by race and ethnicity
(2010-2019)



People walking in lower-income areas are struck and killed at much higher rates. People walking in wealthier neighborhoods are killed at far lower rates

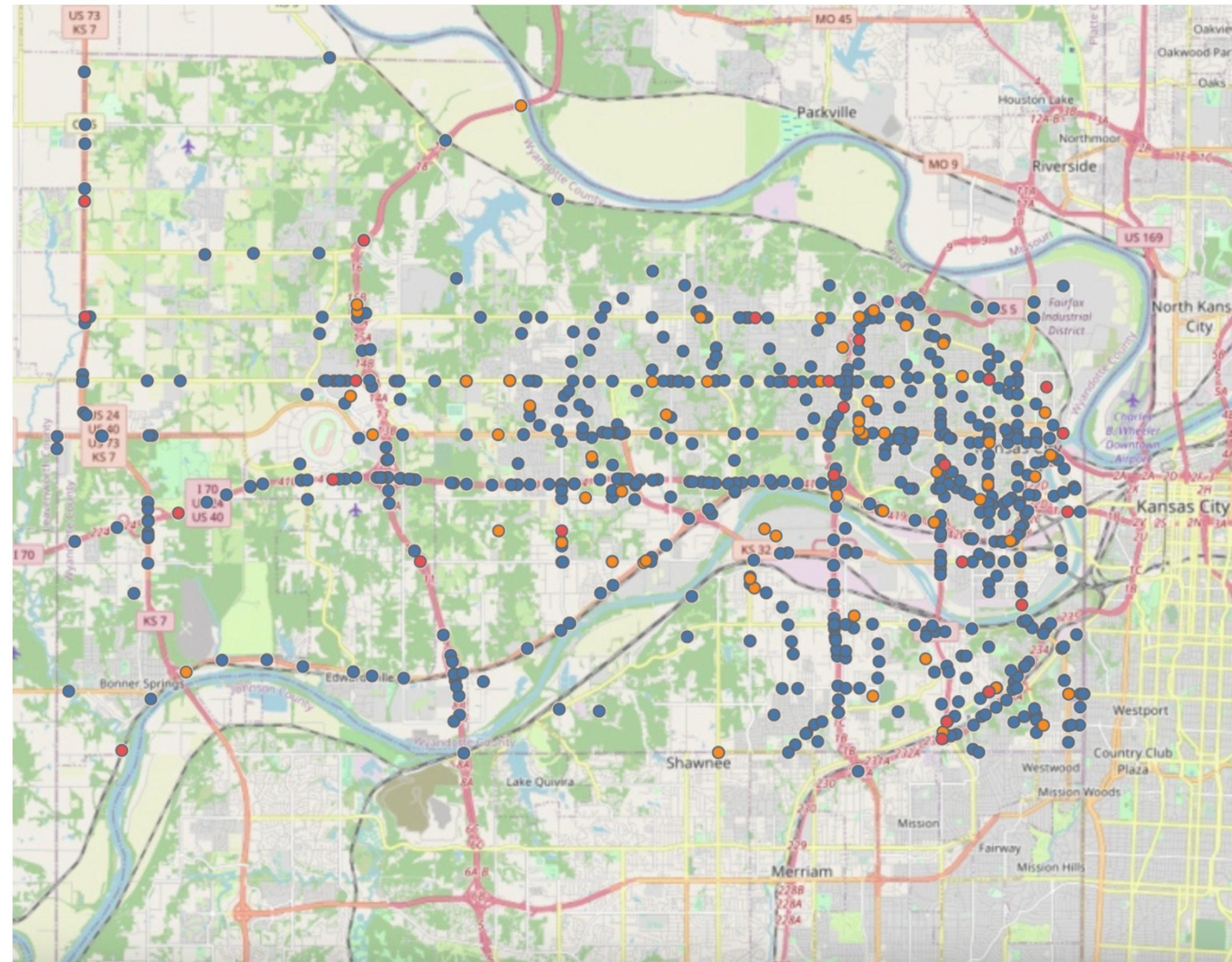


Community Safety

Wyandotte County Crash Data 2016-2021

- **26.2** average deaths
- **1,124** average injuries
- **20%** average speed-related crashes

Source: KDOT



■ Fatal Injury ■ Serious Injury ■ Minor Injury

Moving Forward

The IAT will continue to convene community leaders, residents, organizations, and UG Staff to advocate for building, redesigning, and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities.

Next Steps

- Engage with the community.
- goDotte Countywide Mobility Strategy assisted with the development of this report and has provided a means to further engage the public and UG family in this important conversation to make our community safer and healthier.
- goDotte Draft Plan will be presented at the next quarterly IAT meeting (July 2022).
- The upcoming Citywide Master Plan update is another opportunity to discuss the built environment's impact on public safety and health, define new policies, and further align priorities within the UG
- Develop additional measures of complete streets implementation for future reports
 - This includes adding metrics like access to healthy foods, land use, housing displacement, the environmental impact, and the social environment.
- Provide additional information regarding relevant complete street projects
- Create a process to collaborate with UG's Public Works Department to provide input on CMIP projects
- Include data from the upcoming Community Health Assessment (CHA)

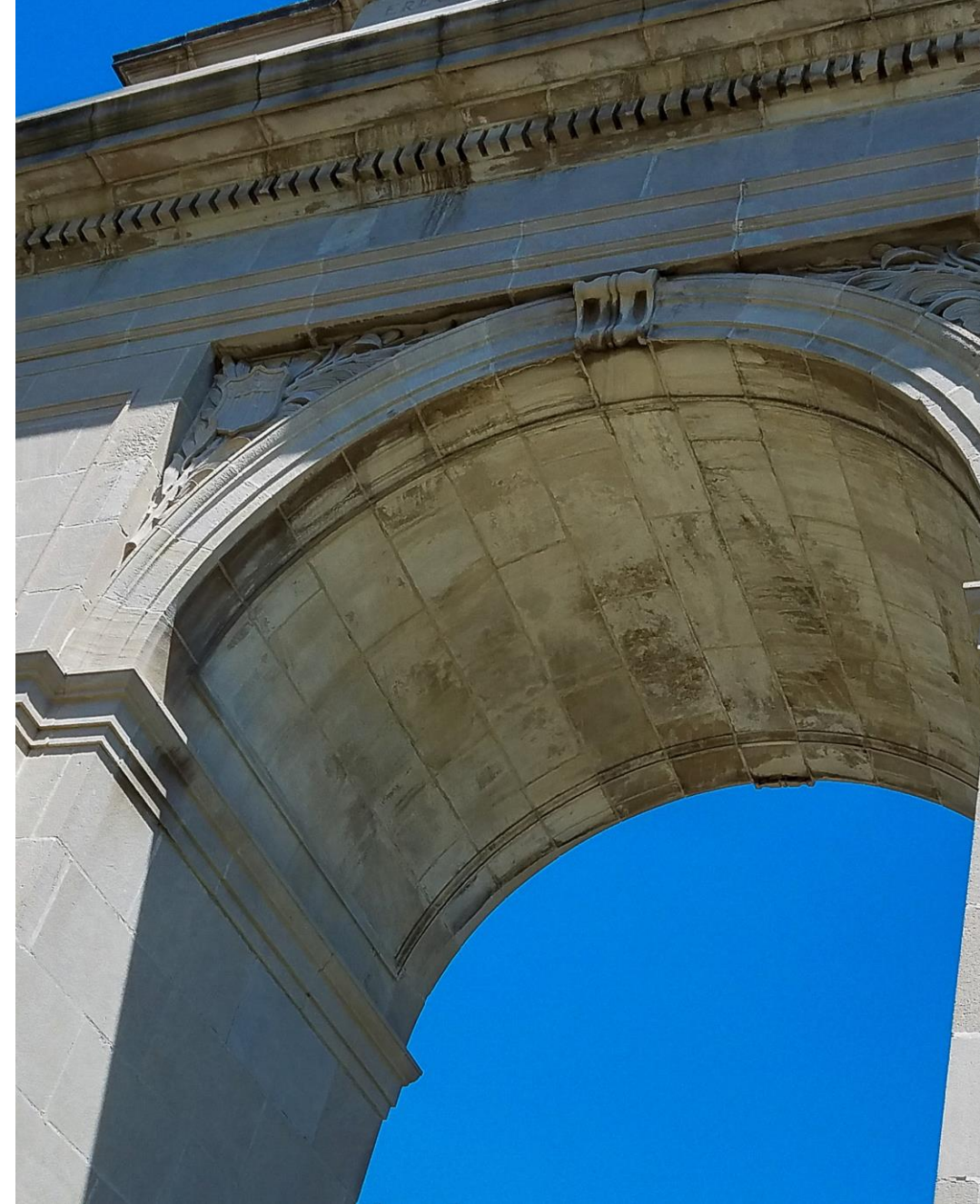


City Landmarks Commission 2021 Historic Preservation Report



Landmarks Commission Purpose

- ❖ To identify, protect, enhance and perpetuate districts, sites, buildings, structures and objects that represent or reflect distinctive and important elements of the city's **historic, cultural and architectural heritage**
- ❖ To **safeguard** the city's historic, cultural and architectural heritage as embodied and reflected in such districts, sites, buildings, structures and objects
- ❖ To stabilize and **improve property values** in such locations
- ❖ To encourage the **conservation and preservation of neighborhoods** having distinct historic, cultural or architectural characteristics
- ❖ To **foster civic pride** in the beauty and noble accomplishments of the past
- ❖ To **protect and enhance** the city's attractions for tourists and visitors and provide incidental support and stimulus to business and industry
- ❖ To **strengthen the economy** of the city
- ❖ To promote the use of historic landmarks and historic districts for the culture, economy, education and **welfare of the people** of the city
- ❖ To promote the safety, health, morals and general welfare of the city as a whole



Wyandotte County

Landmarks Commission Jurisdiction

Bonner
Springs

Edwardsville

Lake
Quivira



Landmarks Commissioners

- ❖ 11 Landmarks Commissioners
 - ❖ First full Commission since 2019
- ❖ 1 Architect, 1 Real Estate Broker (or Appraiser), 1 Officer of a Mortgage Lending Institution, 1 Person with Training or Experience in History, Architectural History and/or Historic Preservation
 - ❖ Currently NO Officer of Mortgage Lending Institution
- ❖ Required duties include:
 - ❖ Attend meetings
 - ❖ Review cases and agendas
 - ❖ Recommend new designations to BOC
 - ❖ Seek funding for preservation efforts
 - ❖ Advocate and educate about historic preservation



Landmarks Commission Decisions

(January 1 – December 31, 2021)

❖ Number of Certificate of Appropriateness Applications: **31**

❖ Landmarks Commission: **15**

❖ Approved: **14**

❖ Denied: **1**

❖ Demolition: **1**

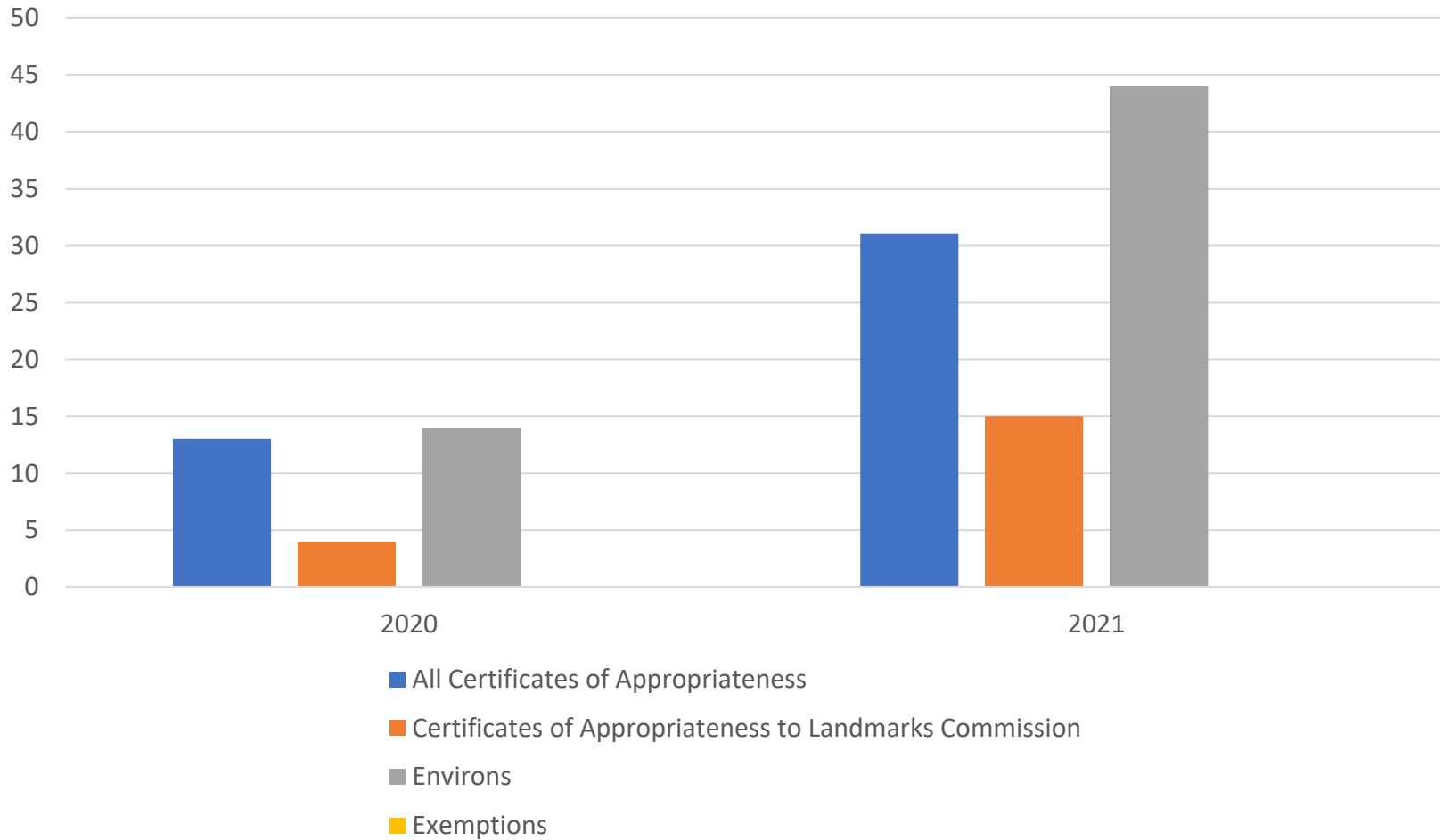
❖ Number of Environs Reviews: **44**

❖ Number of Exemption Letters: **TBD**

NOTE: Some cases take multiple meetings before a decision. Also, due to the cyberattack, we were officially unable to confirm these numbers



Landmarks Decisions 2020-2021



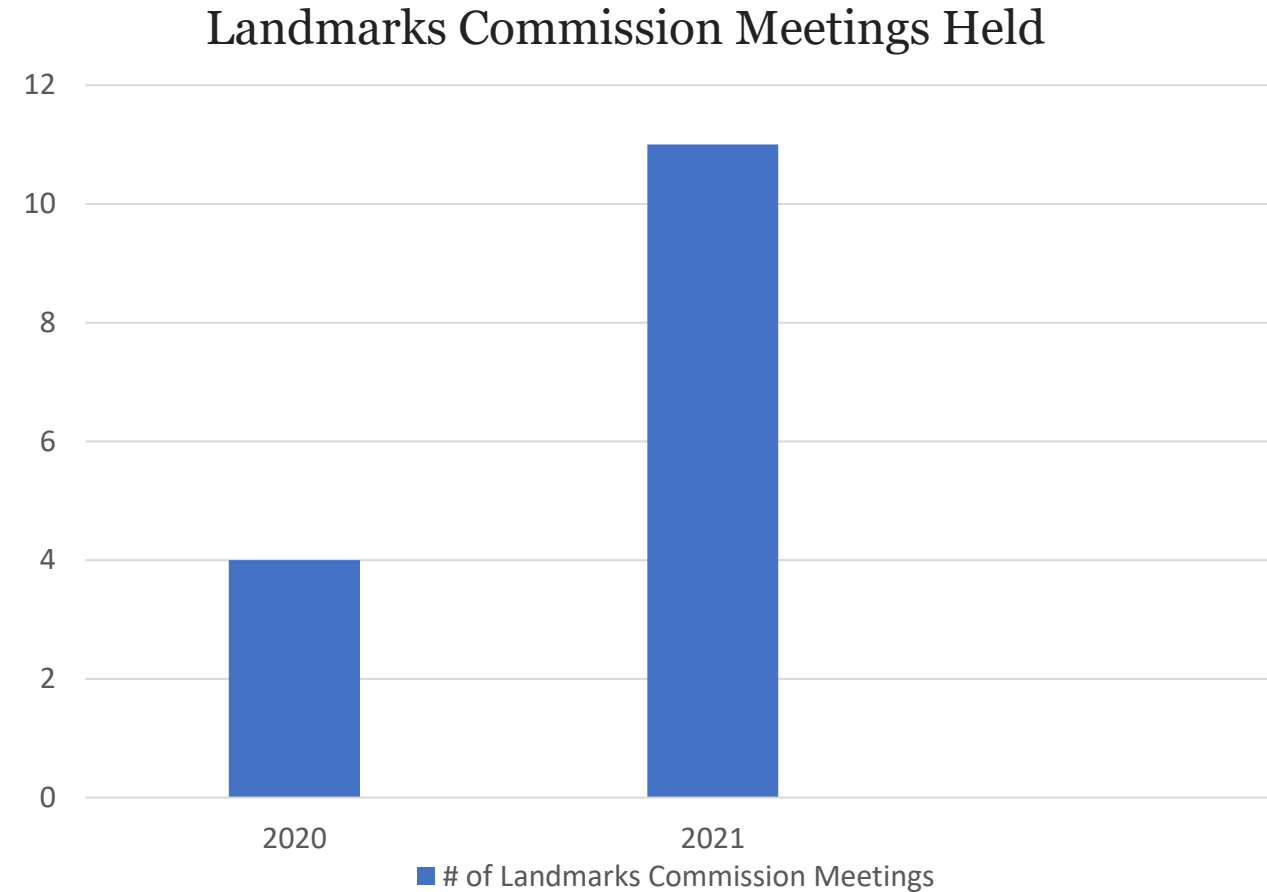
Increases from 2020 to 2021:

- ❖ 2.3% increase in Reviews
- ❖ 3.8% increase in C of As
- ❖ 2.1% increase in Environs
- ❖ TK% increase in Exemptions



Landmarks Commission & Meetings

- ❖ Landmarks Commissioner vacancies (if any):
1 vacancy through 2021
- ❖ Meetings in 2020: **4**
- ❖ Meetings in 2021: **11 (63% increase)**



Landmarks Commission Outreach Sub-Committee

- ❖ Chaired by Commissioner Jim Schraeder
- ❖ Initially created to aid outreach efforts for the Downtown Kansas City, Kansas Historic Commercial District designation project
- ❖ Meetings in 2020: 1
- ❖ Meetings in 2021: 2 (50% increase)

The Economic Benefits of Historic Designation

There are many benefits of historic designation for property and business owners. The expense of responsible preservation efforts can be offset through various available programs if the property is on either the State or National Register of Historic Places. For instance, structures noted as "contributing" within a historic district can qualify for specific incentives even without going through the process of being individually designated. No incentives exist for properties with only local landmark status.

Heritage Trust Fund

A State grant program that helps to offset the costs of preservation related projects. Only properties that are listed on the state or National Register of Historic Places are eligible. These grants are highly competitive, but the Kansas State Historical Society hosts workshops to support applicants in the submission of their applications. More information can be found at <https://www.kshs.org/14617>.

Tax Credits

More readily available are Historic Rehabilitation Tax Credits that can reduce your federal and state income tax bills. Twenty percent of qualifying expenditures can be returned to you through federal tax credits. An additional 25% of a project's qualifying expenditures is offered through the State. For example, if you spend \$100,000 on a rehabilitation project, you can have \$20,000 reduced from your federal income tax bill and \$25,000 reduced from your state income tax bill. Non-profit entities have the ability to sell certain tax credits to tax-paying enterprises, and thereby take advantage of the tax credit program as well. More information for both programs can be found at <https://www.kshs.org/14666>.

"...if you're not using historic tax credits and you own a historic building, you're leaving money on the table."
- Jan Miller, owner of the Creville House in downtown Manhattan, KS

Economic Success

Studies of historic districts across the country have shown that protecting historic resources is good for business. Measures such as property value, tenant demand, and resident populations have seen sustained, positive growth within historic districts. Additionally, historic districts have shown greater resiliency when faced with tough economic times; often retaining more value and recovering more quickly than non-historically designated areas. A Downtown historic District could help drive prosperity in the UG's central business area.

Chesnut Street Historic District - Hays, Kansas	
Number of Projects	11 commercial rehabs
Appraised Values	+122.5%
New Investments	+\$5 million (since 2002)
New Businesses	+25 (net)
New Jobs	+130 full time, 186 part time
Sale Tax Collection	+135%

Source: Kansas Preservation Alliance, 2010
https://www.kshs.org/communities/cities/hays_ks_page_report.pdf

Historic Designation in the Unified Government

Historic designation is the official recognition of a building, site or neighborhood for its significant value to a community. These designations may occur at the local, state, and/or national level and are accompanied by regulations designed to preserve the historic integrity of a place. In Wyandotte County, proposed designations are considered by the City Landmarks Commission. This body hears cases regarding historic preservation and makes recommendations to the Unified Government (UG) Board of Commissioners.

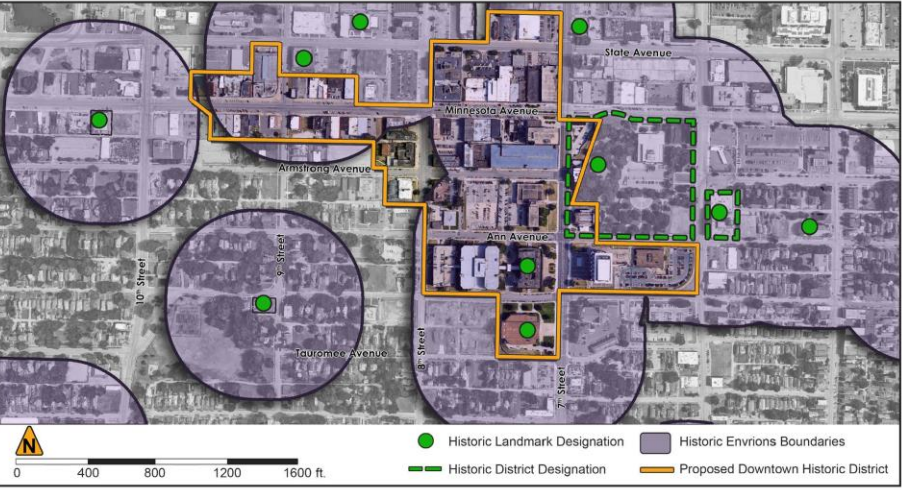
Districts + Landmarks

Through the Historic District and Landmarks designation process, the UG Board of Commissioners can provide local protections that require review and notification for any proposed change or demolition of a building or its character defining features that have particular historic, cultural and/or architectural significance. Landmarks are a single site, building, structure, or object that meet that criteria. Historic Districts are geographically definable and contiguous areas possessing a substantial concentration, or continuity of sites, buildings, structures, or objects united by historic events or by historic plan, design, or development. A property must be designated on the State and/or Federal Historic register to gain access to the economic benefits listed on the reverse of this page.

Environs

Any action requiring a building permit within 500 feet of a property or district with local historic designation is required to undergo an administrative review. This ensures that character-defining features or spatial relationships near the historically designated property or district are not destroyed. While anything within a historic environs goes through an administrative review, **there are no benefits for properties without landmark status.**

The map below shows existing Local Historic Designations (green) along with their corresponding environs boundaries (purple shading) in downtown KCK. Properties within these boundaries must abide by environs requirements but are unable to access the resources associated with an official historic designation. If the proposed Downtown Historic District (yellow line) is adopted, properties within the boundary will have access to critical tax incentives.



Landmarks Commission Training & Conferences

❖ List of Conferences attended:

- ❖ Missouri Preservation Commission Conference (5/2021)
- ❖ Preserving the 1970s and 1980s: Why we care about brutalist and postmodernist architecture (5/2021)
- ❖ National Association of Preservation Commissioners (NAPC) Summer Short Course (8/2021)
- ❖ Kansas Preservation Conference (9/2021)
- ❖ PastForward National Historic Trust Conference (11/2021)

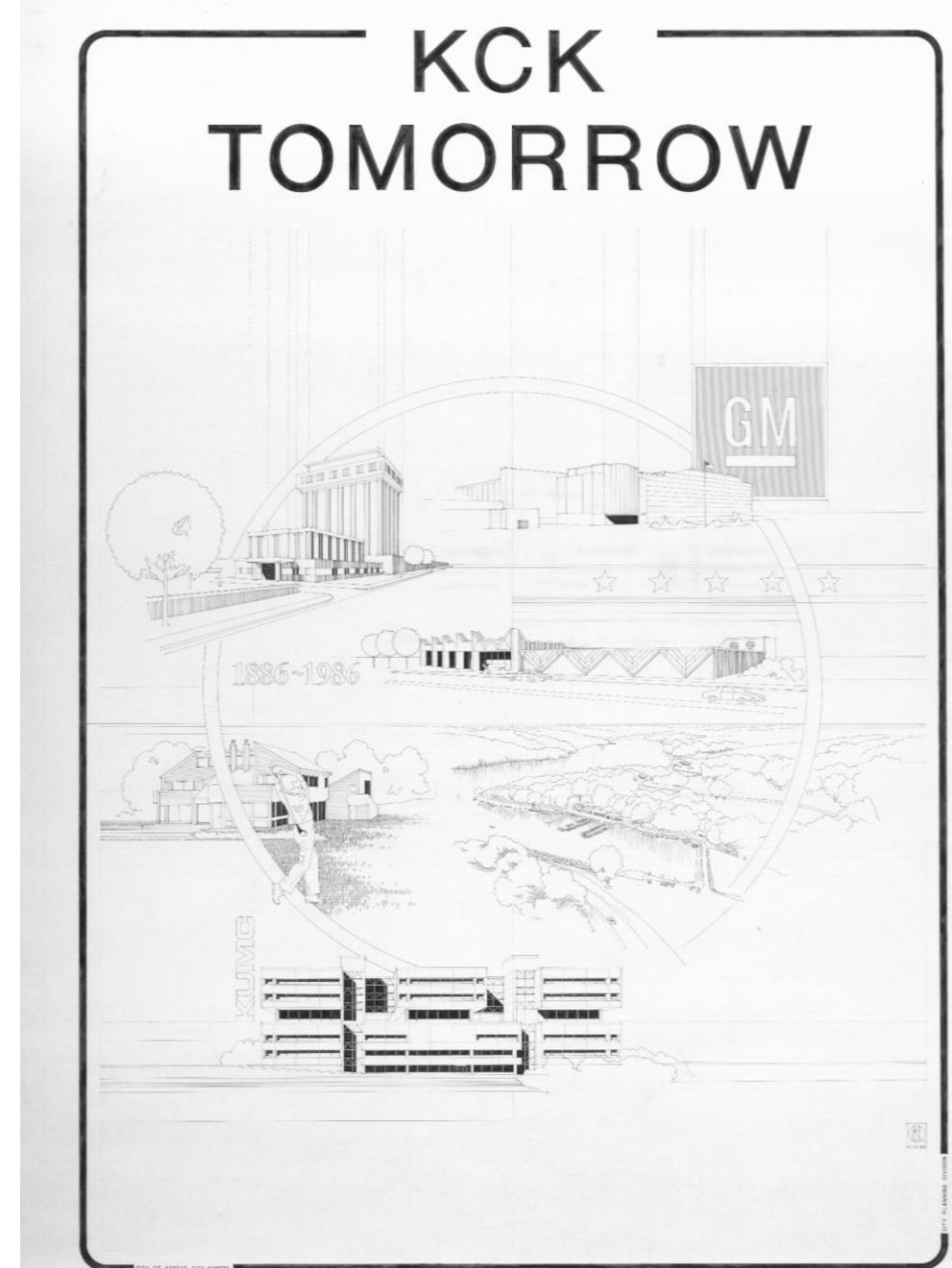
❖ Total number of Commissioner/staff training hours: **102 total hours**



Districts/Landmarks Designations

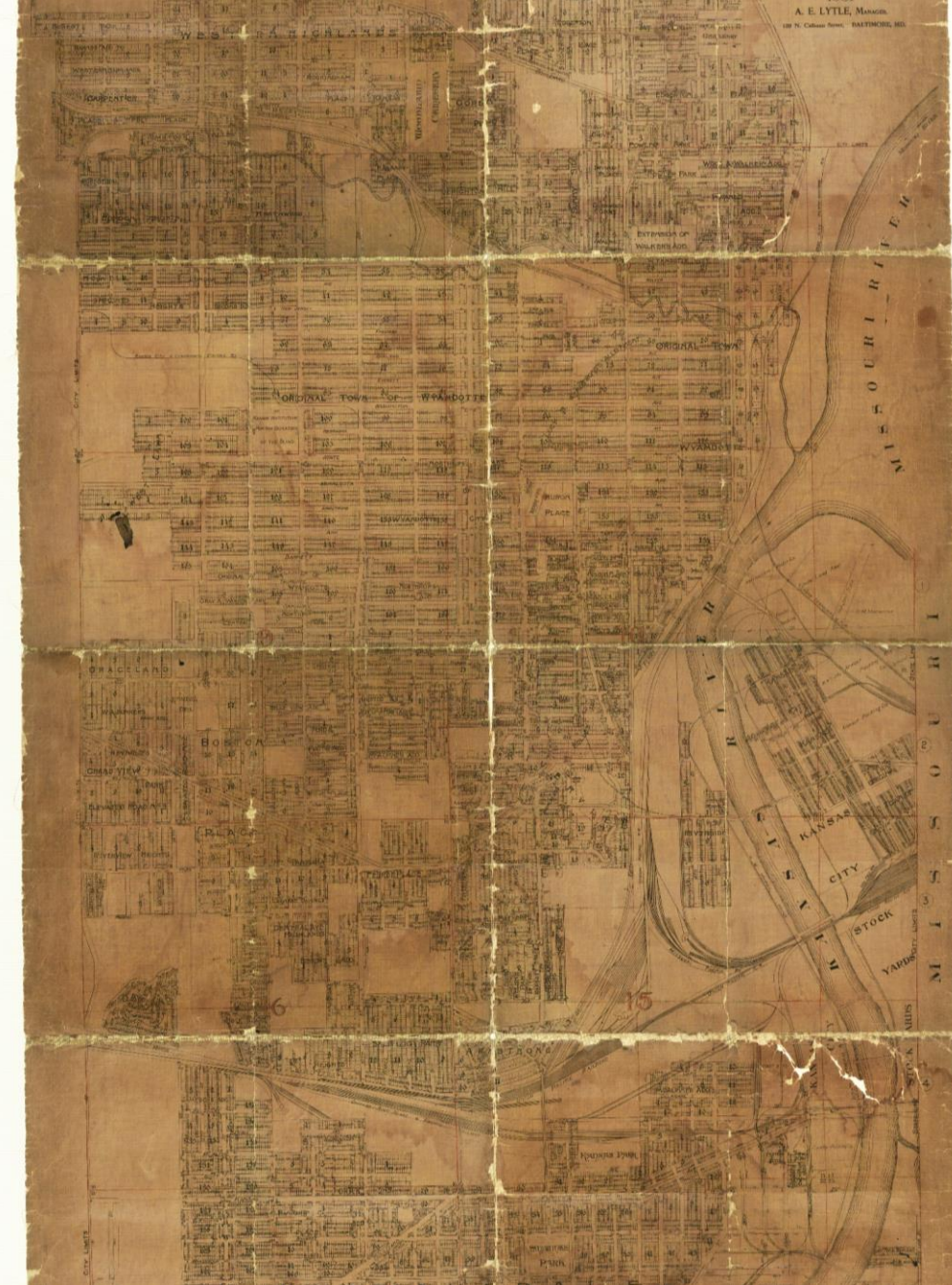
(January 1 – December 31, 2021)

- ❖ Local District/Landmark designations: **0**
- ❖ Local Districts/Landmarks applied: **0**
- ❖ Local Districts/Landmarks removed: **0**
- ❖ State or Federally Designated Districts/Landmarks: **0**
- ❖ SHPO Request for State/Federal Designation Comments: **1**
 - ❖ Old City Hall Parking Garage (November 13, 2021)



Historic Landmarks & Districts Ordinance Update

- ❖ 2021 Comprehensive Update included:
 - ❖ Reduction of the Environs buffer to 200 feet
 - ❖ Matched notification requirements for Certificates of Appropriateness (C of A)
 - ❖ Further defined procedures, and constitutes a C of A, Environs and Exemption



Most Recent State/National Historic Landmark Designations

❖ 2019: Kansas City, Kansas YMCA

- ❖ 900 N 8th Street
- ❖ Register of Historic Kansas Places & National Register of Historic Places



❖ 2019: Brotherhood Block

- ❖ 745-755 State Avenue
- ❖ Register of Historic Kansas Places & National Register of Historic Places



NOTE: There were no designations to the State or National Registers in 2020 or 2021



Most Recent State/National Historic District Designation

❖ 2015: Westheight Apartments Historic District

- ❖ 1601 – 1637 Washington Boulevard
- ❖ Register of Historic Kansas Places & National Register of Historic Places



Most Recent Local Historic Landmark/ District Designations

- ❖ Immanuel Baptist Church (1335 Quindaro Boulevard)
 - ❖ Listed on April 28, 2022
- ❖ Mathias Splitlog Residence (251 North Orchard Street)
 - ❖ Listed on June 30, 2005
 - ❖ Demolished September 20, 2013
- ❖ Parkwood Historic District (Approximately Quindaro Boulevard to Brown Avenue and North 10th Street to North 11th Street)
 - ❖ Listed on August 25, 1988



2021 Historic Preservation Fund (HPF) Grant Awards

- ❖ HPF Grants Awards: **2**
- ❖ One (1) \$21,000 grant for the nomination for a Downtown KCK Historic Commercial District
- ❖ One (1) \$30,000 grant for a nomination for a multiple listings designation for Downtown KCK historic churches
- ❖ Both grants were combined into single Request for Proposals (RFP), which will be completed by August 2022

In Response to a Request for Proposals From

Unified Government of Wyandotte County / Kansas City, Kansas

October 11, 2021



RFP #32174

REQUEST FOR PROPOSALS: "DOWNTOWN KANSAS CITY, KANSAS COMMERCIAL DISTRICT & HISTORIC CHURCHES MULTIPLE PROPERTY DOCUMENTATION FORM AND FORMATION"

PREPARED BY:

POLIS:
CULTURAL
PLANNING

POLISCULTURALPLANNING.COM



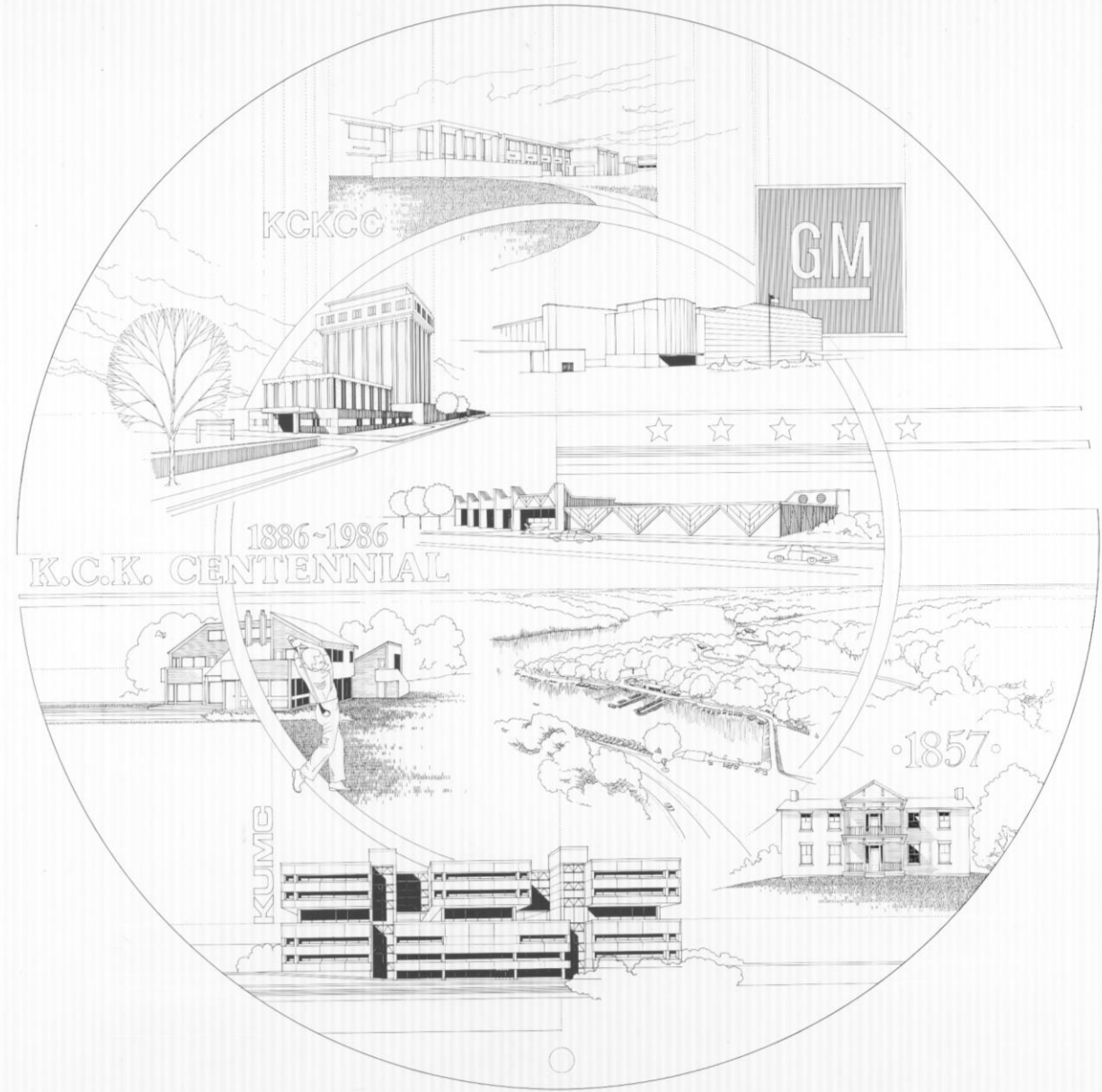
Downtown KCK Historic District

- ❖ DRAFT Downtown KCK Historic Commercial survey concluding
- ❖ Downtown KCK Historic Churches Survey beginning
- ❖ Outreach efforts to launch when DRAFT district boundaries and landmarks finalized



2022 Historic Preservation Fund (HPF) Grant Submission

- ❖ A grant application for a Citywide Historic Preservation Plan was submitted March 31, 2020
- ❖ The proposed preservation plan will guide future surveys, identify sites for new or expanded historic designations, prioritize future grant funding, and launch a renewed outreach and education campaign
- ❖ SHPO will announce HPF Grant Awardees Summer 2022



Next Steps in KCK Historic Preservation

- ❖ Sauer Castle Observation
- ❖ CLG Status
- ❖ SHPO Agreement
- ❖ GIS Mapping Updates
- ❖ Increase Outreach Efforts
 - ❖ Citywide Engagement
 - ❖ Zoning Suffix Updates
 - ❖ Downtown KCK Designations





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Matching funds up to
\$90,000
for professional and
construction expenses

Source: Kansas Historical Society

Tax Credits

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25% of project cost
reduced from
state income tax

20% of project cost
reduced from
federal income tax

Source: Kansas Historical Society

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Source: Kansas Preservation Alliance, 2010

https://www.kshs.org/preserve/pdfs/kansas_40_page_report.pdf



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas



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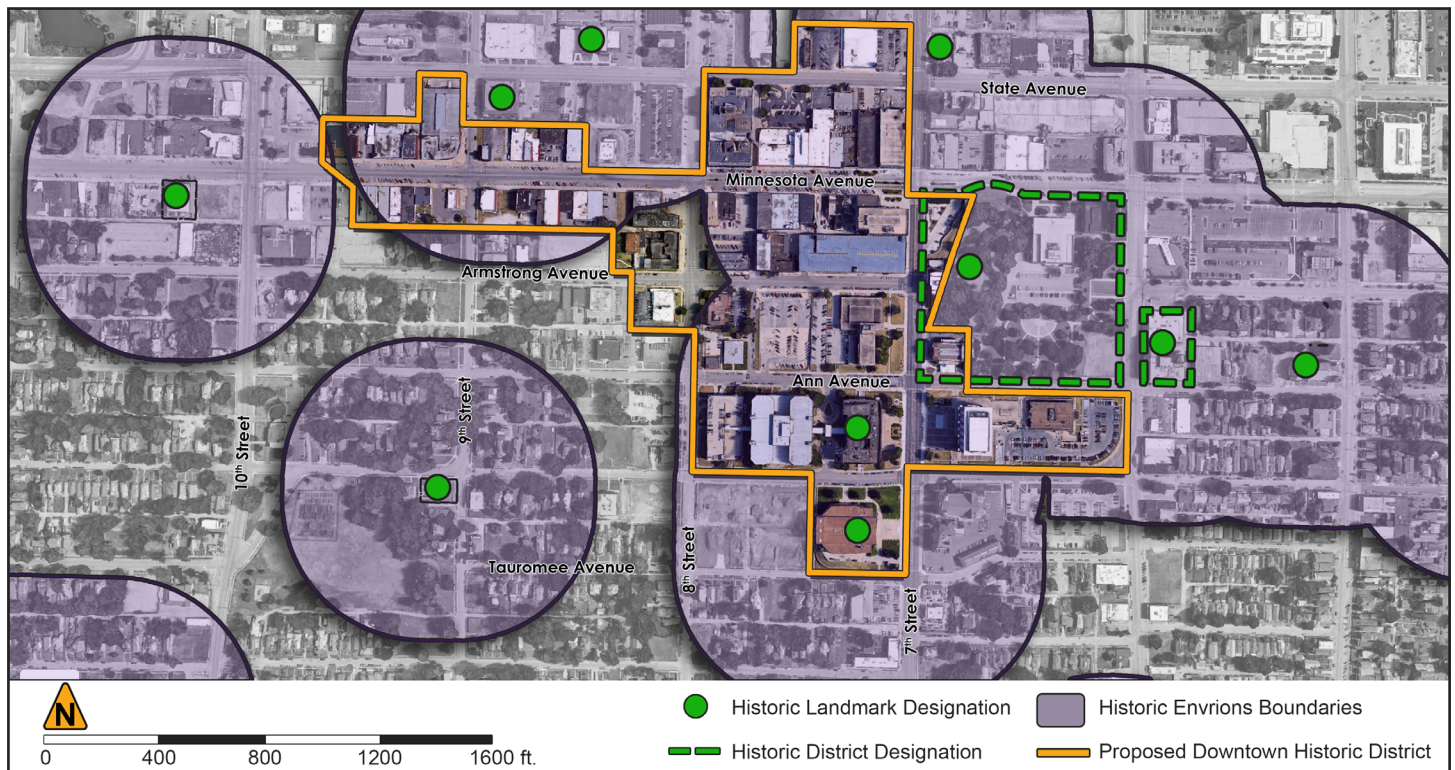
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Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** members of law enforcement agencies within the Unified Government of Wyandotte County/Kansas City, Kansas play an essential role in safeguarding the rights and freedoms of citizens; and
- WHEREAS,** it is important that all citizens know and understand the problems, duties and responsibilities of the Wyandotte County Sheriff Department, and that members of our law enforcement recognize their duty to serve the people by safeguarding life and property by protecting the innocent against deception and the weak against oppression or intimidation; and
- WHEREAS,** the Wyandotte County Sheriff Department has grown to be a modern and data-driven law enforcement agency that provides a vital public service; and
- WHEREAS,** we commemorate today our brothers and sisters who died in the line of duty we acknowledge the losses experienced by the families, friends and colleagues of all our fallen sheriffs; we and
- WHEREAS,** we ask all citizens to remember those members of law enforcement, past and present, who, by their faithful and loyal dedication to their communities, have established for themselves an enviable and enduring reputation for preserving the right and security of all citizens; and
- WHEREAS,** Wyandotte County Law Enforcement Day is May 17, 2022, and will be observed and celebrated.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 17, 2022, as:

“Wyandotte County Sheriff Department Day”

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance of Wyandotte County Sheriff Department Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** the 18th annual scholarship banquet of the first Baptist church of Quindaro will take place on May 21, 2022; and
- WHEREAS,** the membership of the First Baptist church of Quindaro is composed of talented and concerned citizens who are committed to enhance the quality of life for our citizens; and
- WHEREAS,** we commend the first Baptist church of Quindaro for their dedication to educating our youth; and
- WHEREAS,** Today several of our community students are being recognized for exemplary scholastic achievement in the classroom: Chyenne Dickens, F.L. Schlagle High School; Jada Angelique Grissom, Sumner Academy of Arts and Science High School and Krystel Alys Robinson, Shawnee Mission North High School. They have demonstrated strong leadership skills that inspire learning in the classroom and are recipients of the 2022 First Baptist Church of Quindaro scholarship.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby recognize each student's accomplishments and proclaim May 21, 2022, as:

“The First Baptist Church of Quindaro Educational Scholarship Day”

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

TYRONE GARNER, MAYOR/CEO



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** every day, more than 110 Americans are killed by gun violence, alongside more than 200 who are shot and wounded, and on average there are nearly 16,000 gun-related homicides every year; and
- WHEREAS,** in Kansas there are 386-gun deaths every year, with a rate of 13.3 deaths per 100,000 people, and Kansas has the 22nd highest rate of gun deaths in the US; and
- WHEREAS,** cities across the nation, including in Kansas City Kansas/Wyandotte County, are working to end the senseless violence with evidence-based solutions; and
- WHEREAS,** support for the second amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and
- WHEREAS,** in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 3, 2022, to recognize the 25th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to –
(1) Hadiya Pendleton and other victims of gun violence; and
(2) the loved ones of those victims; and
- WHEREAS,** National Gun Violence Awareness Day was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color to symbolize the value of human life; and
- WHEREAS,** we encourage others to join this campaign by pledging to wear orange on June 3rd, the first Friday in June 2022, to help raise awareness about gun violence and honor gun violence victims and survivors.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 3, 2022, as:

“National Gun Violence Awareness Day”

in Wyandotte County/Kansas City, Kansas
and urge all citizens to recognize the
importance of gun violence awareness. In
witness whereof, I have hereunto set my hand
and the seal of the Unified Government of
Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** for half a century, local governments in the Kansas City region have come together through the Mid-America Regional Council (MARC) to partner on regional initiatives and develop innovative solutions; and
- WHEREAS,** the region consists of nine counties and 119 cities which benefit from working across boundaries on a wide variety of issues and coordinating with diverse disciplines and sectors, including cities, counties, nonprofit organizations, social services, educational systems and special districts; and
- WHEREAS,** the region's leaders engage in informed decision-making through insightful data analysis and participate in a problem-solving forum to positively impact progress; and
- WHEREAS,** each jurisdiction and individual has a role in creating a strong regional community and enabling everyone to come together to achieve positive change for the next 50 years; and
- WHEREAS,** MARC is an organization that promotes regional cooperation through leadership planning and action, and is guided by the core values of integrity, innovation, collaboration, diversity and inclusion, excellence in performance, and service leadership; and
- WHEREAS,** the Unified Government of Wyandotte County/Kansas City, KS has participated or benefited from working across boundaries, allowing us to better serve residents because of our regional work regarding public safety, transportation, environment, early learning, aging and shared local government services; and
- WHEREAS,** members of the Unified Government of Wyandotte County/Kansas City, KS celebrate the collaborative work that's been accomplished over the past 50 years and dedicate June 10, 2022, the day of MARC's annual Regional Assembly, as "MARC 50—Forward Day" in recognition of the enormous progress the region will continue to make over the next five decades.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 10, 2022, as:

"MARC 50—Forward Day"

in Wyandotte County/Kansas City, Kansas and urge local leaders and community members to reflect on the great progress made in the past 50 years and join in welcoming a future built upon strong regional collaboration connections, relationships and accomplishments. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** Rosedale, Wyandotte County Kansas community elders established an annual “Rosedale Family and Friends Day” during the 1970’s; and
- WHEREAS,** on the first Saturday in June, current and former residents of the Rosedale, Kansas community gather to socialize at Fisher Park, located at 39th and Fisher Street, Kansas City, Kansas; and
- WHEREAS,** “Rosedale Family and Friends Day” emphasizes a celebration of family, fun fellowship and pride in Rosedale community; and
- WHEREAS,** several generations of the Rosedale, Wyandotte County, Kansas community return from both in-state and out-of-state for “Rosedale Family and Friends Day” to attend our annual celebration tradition and reunite with loved ones. Family vacations and family reunions are sometimes scheduled to coincide with our community celebration; and
- WHEREAS,** “Rosedale Family and Friends Day” exemplifies the enduring strength of a community that can be emulated by others to promote family, tradition, and unity. We are all very proud of our Rosedale roots.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the first Saturday in June, as:

“Rosedale Family and Friends Day”

in Wyandotte County/Kansas City, Kansas and urge all citizens to recognize the importance of “Rosedale Family and Friends Day”. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 211549

Full Commission Meeting Date:

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/9/22
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
05/19/2022	Juliann VanLiew	x6707	jvanliew@wycokck.org	Health Department

Item Description:

The Health Department requires the use of \$400,000 of its reserves in order to appropriately respond to the Tuberculosis outbreak that is ongoing in Wyandotte County. This will be used for personnel, resources, equipment, and communication needs related to the outbreak response, submitted by Juliann VanLiew, Director of Health.

Action Requested:

Please Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 211506

Full Commission Meeting Date: 5/26/2022

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 5/9/2022
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
05/19/2022	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:

Staff is seeking approval to pursue a MARC PSP Grant for a Traffic Management Plan, High Accident Intersection Study, and Implementation Strategy for a Complete, Green Rainbow Boulevard Corridor between I-35 and Shawnee Mission Parkway in partnership with the cities of Westwood, Westwood Hills, and Fairway. No matching funds are expected. The PSP Call for Projects opens May 5, 2022, and closes June 17, 2022. The UG was awarded three (3) PSP Grants in MARC's last cycle in 2020.

Action Requested:

Recommend approval to the Full Commission.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 211507

Full Commission Meeting Date: 5/26/2022

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 5/9/2022
(If none, please explain):

Publication Required: No

<u>Date:</u> 05/19/2022	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> In collaboration (partnership) with the Landmarks Commission, the proposed Historic Preservation Plan will develop a comprehensive strategy for Historic Preservation efforts across Kansas City, Kansas, including but not limited to, new designations, expansion of districts, various restoration projects and extensive public outreach and engagement. UG received a HPF Grant in 2021 for the creation of a Downtown/KCK Historic Commercial District and multiple-listing designation for Downtown KCK Historic Churches.				
<u>Action Requested:</u> Recommend approval to the Full Commission.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FINAL_FY2022 Historic Preservation Fund Grant Application				

FY2022 Historic Preservation Fund Grant Application

Project title

Citywide Historic Preservation Plan for the Unified Government of Wyandotte County and Kansas City, Kansas.

Application Questions 1-7

1. Record information about the applicant organization. Please provide the name of the applicant entity. Applicants must be local governments, non-profit organizations, or universities. Provide the applicant's mailing address, along with an email address and phone number from someone who serves as a representative of the applicant.

Applicant Name: **Unified Government of Wyandotte County and Kansas City, Kansas**

Applicant's Mailing Address: **701 North 7th Street Trafficway, Suite 423, Kansas City, KS 66101**

Applicant's Email Address: **ghand@wycokck.org**

Applicant's Phone Number: **(913) 573-5750**

2. Record information here about the person who will serve as the grant administrator and to whom questions about the application should be directed. Make sure this person accepts this role before using their information. Include the person's name, mailing address, email address, and phone number.

Project Contact Person*: **Gunnar Hand, AICP**

Contact Person's Mailing Address*: **701 North 7th Street Trafficway, Suite 423, Kansas City, KS 66101**

Contact Person's Email Address*: **ghand@wycokck.org**

Contact Person's Phone Number*: **(913) 573-5750**

3. Please record the organization's name (if different than indicated in #1 above) and DUNS number or Unique Entity Identifier of the applicant organization. Starting in April 2022, the federal government will stop using the DUNS number to uniquely identify entities. At that point, entities doing business with the federal government will use a Unique Entity Identifier (SAM) created in [SAM.gov](https://sam.gov).

DUNS Number*: **030693592**

UEI: **PD76T7LUCLS2**

4. Please record the number of the U.S. Congressional District(s) where the project will take place.

U.S. Congressional District*: **KS-3**

5. Applications from Certified Local Governments (CLGs) will be given priority consideration. A current list of CLGs in Kansas is available online at <https://www.kshs.org/14605>. Please

indicate if the applicant is a local government entity certified by the National Park Service.

The City of Kansas City, Kansas is a Certified Local Government.

6. Provide an estimated ending date for the project. All grant-funded products must be submitted on or before **August 1, 2023**, to provide enough time for SHPO staff to review and comment. The funding for this program expires September 30, 2023.

August 1, 2023

7. Indicate the type of project being proposed. See the current HPF Products Manual for further guidance linked at <https://www.kshs.org/14615>.

Citywide Historic Preservation Plan

A. PROJECT RATIONALE AND OBJECTIVES

Write a narrative description of the problem, need, or research question your project will answer. Answer all of the following questions as they pertain to your project. Your narrative is limited to 500 words.

- **Why** is the project needed?
- **Describe** what questions or needs this project will address.
- **How** does your project address the priorities listed in the application introduction?
- **Explain why** grant support is required to address these needs.
- **Please cite** any research you may have conducted that laid the groundwork for this grant project (i.e. survey prior to a historic district nomination).
- **Would** partial funding allow you to meet some of the project goals? **Explain** why or why not

Wyandotte County holds a wealth of history that reflects events that occurred in the broader United States, including the movement of Native Americans in the mid-nineteenth century, the waves of immigrants looking for a better life, the growth of the local economy in the early twentieth century and the decline of the local economy decade later, and the steady growth of the community today. There is a lack of direction in the preservation of these resources by the Unified Government, largely due to historic preservation being a newly revived program. This project is needed to inform and guide the Department of Planning and Urban Design to create the best strategy to preserve these historically significant buildings and sites while integrating this heritage into the city-wide and area master plans for the UG.

The greatest need the project will answer is that there is so much that needs to be done in terms of historic preservation in the UG. We need to both catalog this need and define a strategy to best proceed with our efforts. It will define areas in need of surveys, define projects to support existing landmarks and districts, identify other opportunities and constraints, then prioritize these projects.

There have been a series of surveys, largely completed between 1982 and 1993, for both current, expanded, and potentially new historic districts primarily on the east side of Wyandotte County, though there are a few historic resources or historic surveys in the central and western areas of the County. These surveys provide background information on the area and potentially significant historic resources that should be preserved. KCK Department of Planning and Urban Design Historic Resources: <https://www.wycokck.org/Departments/Planning-Urban-Design/Plans>

Grant support would be necessary to meet the goal of a pro-active preservation strategy at the UG. Building on our existing surveys and the work to manage existing districts and landmarks (i.e. decades of Certificates of Appropriateness and Environs Reviews), this information will inform and take stock of efforts to date in order to define a future historic preservation strategy moving forward.

Partial support would prevent a comprehensive analysis and strategy. This would most likely result in a smaller project area, likely to be concentrated on eastern Wyandotte County when very little historic preservation work has occurred elsewhere and potentially leaving important heritage sites from the proposed planning process.

B. PROJECT DESCRIPTION AND PRODUCTS

Provide a narrative answer to each question below

1. All grants must produce a product or tangible result to qualify for funding. Write a narrative description of the **project products**. Note the number of products that may result from this project. Consult the HPF Products Manual for examples of specific products such as nominations, survey reports, brochures, etc. Be specific regarding the content and format of the products. **The answer to this question should explain how the completion of these products will address the issues you have identified in your PROJECT RATIONALE AND OBJECTIVES.**

The project product will be a citywide historic preservation plan for the UG. The preservation plan will address issues of misinformation and confusion that surround historic preservation by creating public outreach efforts. The plan will also guide the UG's engagement with the public during historic preservation projects and incorporating more diversity in local historic landmark/district designations. The preservation plan will also assist the Department of Planning and Urban Design with the integration of historic resources into larger master and area planning efforts, as well as guide the creation of heritage tourism, which will benefit the local economy. The preservation plan will do this through research, defining areas in need of surveys, prioritizing potential projects and designations, and generally engage the public and both lead the public discourses and educate awareness of these resources.

2. Describe how you will **implement the project**. For example, will you hire a consultant or utilize staff and volunteer labor? Be certain to describe major components or phases of the project and the estimated dates when each will be accomplished. The answer to this question will, to a large degree, determine the evaluators' expectations regarding the timeline of the project and will provide the milestones by which it will be evaluated should your application be funded. Remember to allow 30 days for SHPO staff to review all drafts, final products, consultant contracts, request for proposals (RFP), etc. Reimbursement to the grantee will be withheld if the project products do not meet the requirements of the HPF grant program. *Final products should be submitted to the SHPO on or before August 1, 2023, to allow time for review. All work on the project must be completed on or before September 30, 2023.*

The development of a citywide historic preservation plan will commence subsequent to the completion of the current Historic Preservation Fund project for the Downtown KCK

Commercial Historic District and the Multiple Listings for Downtown KCK Historic Churches formation, by August 1, 2022. The work will begin following the distribution of an RFP, interviewing interested consultant groups, and choosing the most qualified team/firm to execute the scope of work. In late October to early November 2022, the chosen consultant team will begin research into the potential resources and local communities. The chosen consultants and UG will conduct public outreach and engagement efforts throughout the planning process. Utilizing identified community values through these efforts will inform the development of strategies starting in early 2023. A list of potential projects/programs/efforts will begin to form in Spring 2023 with an anticipated draft plan developed shortly thereafter. The final plan and approval process with adoption by the UG Board of Commissioners is anticipated for Summer 2023.

3. Explain the geographic boundaries of this project. For example, projects involving nomination of a historic district or survey of an area would include a description of the neighborhood or number of blocks to be included in the district. A **map** that identifies the approximate boundaries of the proposed district and indicates the approximate number of resources expected to be included in the nomination is also helpful. Even if your project does not involve a nomination or a survey, please describe where the project will take place.

The geographic boundaries for this project will cover the area of the Unified Government of Wyandotte County and Kansas City, Kansas. This is almost the entirety of the Wyandotte County, except for the cities of Bonner Springs, Edwardsville, and the City of Lake Quivera.

4. **For projects involving survey of cultural resources only**, estimate the number of **acres** within the project boundaries.

The Unified Government of Wyandotte County and Kansas City, Kansas encompasses 81,920 acres. No survey will be conducted as a part of this planning process, but potential future surveys will be identified within this area.

5. If appropriate for your project, upload a maximum of 10 digital images illustrating the area(s) or resources to be affected by this project. Files may be .doc, .docx, .pdf, .jpf, .jpeg, .png, .tif, or .tiff.

Please see attached images.

C. APPLICANT ORGANIZATION AND PERSONNEL

1. Briefly describe the **applicant organization** (i.e. city government, non-profit, university, etc.). Include information concerning organizational structure, personnel, facilities, and past involvement in preservation-related issues or grant-funded activities that will assist you with completing a successful project. Be clear as to who will be responsible for the project daily. This person should also be listed as the contact for the project on the application's first page.

The Unified Government of Wyandotte County, Kansas City Kansas is a local municipality that consolidated the municipalities of Wyandotte County and Kansas City, Kansas in 1997. The City of Kansas City, KS is a Certified Local Government (CLG) whose City Landmarks Commission has been creating local designations, reviewing projects, and proactively

supporting preservation efforts since its creation by Ordinance was originally adopted in 1970. We are currently administering an HPF Grant. The project manager will be Gunnar Hand, AICP, the Director of Planning and Urban Design with staff support and in collaboration with the City Landmarks Commission.

2. **Describe** the role the local historic preservation commission will play in the project (e.g. conducting the project, reviewing drafts, serving on the project team, etc.). If your community does not have a preservation commission, you may enter N/A.

The City Landmarks Commission will provide general oversight of UG staff during the execution of the project. This includes the development of the Request for Proposals, confirmation of the selected consultant, providing other relevant policy direction, and the tracking of project milestones. Ultimately, the City Landmarks Commission will recommend the adoption of the Citywide Historic Preservation Plan to the full Board of Commissioners for final adoption by ordinance.

3. Describe the project team and their qualifications. If the project is to be staffed by consultants hired from outside the applicant organization, describe the planned hiring process and the qualifications you will be seeking. Upload a maximum of 5 resumes for the project team to illustrate their relevant education and experience.

A consultant team will be hired to complete the scope of work. A Request for Proposals will be issued in Fall 2022 to find a candidate that has previous experience with similar projects, expert knowledge on how best to complete a project of this scale, and who is working with the public in mind. The two primary support staff at the UG is Gunnar Hand, AICP, Director of Planning and Urban Design, and Emma Dambek, Americorps VISTA for historic preservation. Both resumes are attached to this application for your reference.

4. List the qualifications of any **additional resource persons** not employed by the applicant organization or on the project team who might provide information or guidance for the project activities and development. For example, will you be seeking out consultant services for additional help? Will someone else in the community or your organization be available to help if called upon?

Local groups interested in aiding the creation of a Historic Preservation Plan include the Wyandotte County Historical Society and Museum, Historic Kansas City, Friends of Sacred Structures, Ginter House, as well as the City Landmarks Commission. The process will also engage the UG's many Neighborhood Business Revitalization organizations.

5. Has the applicant **previously received an HPF grant** from the Kansas SHPO? If so, describe the grant(s), including the project year and products produced. Administration of past grant projects may be taken into consideration by the grant review committee as they evaluate your application. You are welcome to use a bullet point list here.

The Unified Government of Wyandotte County and Kansas City, Kansas received two HPF grants in 2021 for a survey and nomination of the Downtown KCK Historic Commercial District to the National Register of Historic Places and the Register of Historic Kansas Places,

and the nomination of a multiple property documentation of Downtown KCK Historic Churches. These projects began fall 2021 and will be completed by August 2023.

6. Has the applicant sought out any **other funding sources** for this project? If so, describe the funding source, whether you have already applied for it, and whether you were successful in receiving that funding.

No other funding sources have been considered for this project. The UG's Planning and Urban Design Department will use its long-range planning budget and the required staff time of Mr. Gunnar Hand, Ms. Janet Parker, and Ms. Emma Dambek to fund its portion of this grant request.

7. Provide written documentation from the applicant organization, especially applicants that are also units of local government, expressing support for this application. Upload a file to illustrate that support. Examples might include a resolution from the governing body of the city or the board of directors.

Please see attached letters of support from the City Landmarks Commission.

D. PUBLIC EDUCATION AND IMPACT

Write a narrative to address the points below. Your answer is restricted to 500 words.

- **Describe** how the public will be involved in the project or informed about the project.
- **Describe how the project will educate the public** about methods and issues related to historic preservation.
- **How** will the results of this project be distributed to the public?
- **What** audience or sector of the public is most likely to be reached by this effort?
- If physical materials are to be produced, **describe** their intended content and their value to the targeted audience. This includes project products intended for use by professionals or government officials.
- **Include** a description of any activities, promotional plans, or contacts that will be undertaken to disseminate project results.
- **Explain** how the success of this project will be measured.

The many communities of the UG are at the heart of this county-wide historic preservation plan. From the beginning of the process to the final document, public input and education will be vital to steer historic preservation planning in a direction that will put the community first. Through public events, surveys, and other outreach strategies, the public will learn more about historic preservation, its many benefits, and help identify the historic resources throughout the County. In turn, the input received will guide the preservation plan to focus on certain areas where there are the most questions or the most confusion, and supply the Department of Planning and Urban Design with input and outreach ideas to better involve the public moving forward.

The public will be involved in the project through outreach measures performed by the consultant team, such as surveys to gauge knowledge or understanding of historic preservation, events to raise awareness of the project and what they want to see from it, and a growth of encouragement from the UG to ask questions about historic preservation in their communities.

Historic preservation is often a misunderstood part of planning in KCK. The project will define historic preservation and expand on the benefits of historic preservation to the public. The results of this project will be distributed to the public through the Department of Planning and Urban Design website with the other citywide plans. Since the final product will be an electronic community-wide historic preservation plan, property owners will be informed that the preservation plan is available online and to direct questions about the historic preservation plan to the Department of Planning and Urban Design.

Property owners are the main audience for this preservation plan, though ideally the preservation plan will reach all members of the UG and engage them in the historic resources within their communities.

The success of this project will be measured through several outcomes. First is the growth of public engagement during and following the publication of the preservation plan. The goal is to encourage the public to be more engaged in their local history. Second is the integration of historic resources into other master planning efforts. Integrating the value of preserving our heritage through these efforts must be ingrained in our planning processes, integrated into decision-making, and ultimately championed by the public over time.

E. PROJECT BUDGET

NOTE: There are two parts to the Project Budget Section. These include, 1) the Budget Chart and, 2) the Budget Narrative. Be sure to complete both parts. A sample budget chart and description can be found at the end of this application.

E. Budget Chart

Provide a detailed project budget utilizing the chart found in the grant application. Use the Budget Items categories provided that best fit your project; clarification of the budget categories can be provided in the Budget Narrative section. The budget chart should be filled out in the following manner:

- **Column #1, "Recipient Match,"** should be used to show how the project match will be provided. If the applicant is to pay for the goods or services directly with cash, the estimated cost should be entered in the "Cash" column (1a). Time invested by paid staff should be included as "Cash" as well. If the budget item is to be provided with volunteer time or donated goods, the value should be listed as in-kind expenses (1b). The match should equal a minimum of 40% of the project total. Overmatch is okay.
- **Column #2, "Indirect Expenses,"** is to be used by organizations wishing to charge an indirect expense to their project budget. A maximum of ten percent (10%) of the funds claimed for salaries of project personnel may be charged as indirect costs. Indirect costs may be counted toward match or toward the federal share.
- **Column #3, "Federal Share,"** is used to indicate the costs that will be reimbursed by the HPF grant. A maximum of sixty percent (60%) of total project costs can be reimbursed with grant funds. Grant funds cannot reimburse for volunteer labor or in-kind services. Please indicate actual dollar amounts rather than percentages in this column.
- **Column #4, "Total,"** should tabulate automatically along with the Total line at the bottom of the chart.

BUDGET ITEMS	1. RECIPIENT MATCH		2. INDIRECT EXPENSES	3. FEDERAL SHARE	4. TOTAL
	a) CASH	b) IN-KIND	Maximum of 10% of Salaries		
Salaries (List each separately)	\$4000	\$0	\$0	\$0	\$4000
Administrator					
Surveyor			\$0		
Secretary			\$0		
Volunteer(s)			\$0		
Bookkeeper			\$0		
Others			\$0		
Consultant	\$17,000		\$0	\$33,000	\$50,000
Mileage			\$0		
Expendable Supplies			\$0		

Communication			\$0		
Office Rent			\$0		
Printing and Advertising		\$1000	\$0		\$1000
Utilities			\$0		
Equipment Rent			\$0		
Equipment Maintenance			\$0		
Insurance and Bonding			\$0		
Other			\$0		
TOTAL			\$0		\$55,000

E. Budget Narrative

Write a **budget narrative** that justifies each of the expenses noted in the budget chart. The budget chart supplied with this application only provides figures and a very brief label for each line item expense. Without an itemized budget narrative, the evaluators will not be able to determine whether the amounts are accurate or answer questions concerning the allocation of project resources. For this reason, we ask you to be thorough in your budget narrative. **At the end of the budget narrative, please describe the accounting system that will be used for the project.**

The following sections have been written to assist you in the preparation of the budget narrative:

SALARIES

a. Provide the basis for establishing the figures listed. As an example, staff is usually paid on an hourly basis. Indicate that hourly rate and the amount of time staff are expected to spend on this project. Total up the hourly rate and the estimated time to explain the total shown in the budget chart.

The UG will use this grant to fund a consultant to complete the scope of work. Based on our understanding of the consultant costs for such a project, we estimate the project total to be \$55,000 of which \$5,000 is cash match for UG staff time and materials, and up to \$17,000 for the cash match of the total \$50,000 consultant fee.

Staff time associated with the administration of the grant, and any printing materials associated with the project and its outreach efforts will be assumed as in-kind by the UG. All consultant costs included in the above is assumed to be all inclusive of labor and materials

b. The figures entered on the budget chart should reflect the proportion of the individual's time that will be invested in the project. For instance, if the project administrator is expected to invest ten percent of his time toward the project, his monthly salary should be stated, multiplied by the number of months of the duration of the project, and then divided by ten. Additional costs such as fringe benefits and unemployment insurance should not be broken out as separate items but should be included in the overall hourly or monthly rate.

The hourly salaries for the staff support are as follows: Project Manager Gunnar Hand, AICP, Director of Planning and Urban Design: \$66.15; Janet Parker, Executive Assistant to Gunnar Hand, AICP: \$28.19; Emma Dambek, AmeriCorps VISTA Historic Preservationist: \$7.25.

c. Time donated by volunteers for in-kind matching funds must be calculated on an hourly basis equal to the most current figures reported for volunteer labor in Kansas via <https://independentsector.org/value-of-volunteer-time-2021/> or the current federal minimum wage. Use the figure that best fits the labor being provided. Professionals who are donating their time may match their standard fee as an in-kind expense only if their volunteer activities correspond with the duties they perform professionally and when those duties are essential to the completion of the project. Please contact our office if you are in doubt as to whether the rates quoted for donated services are acceptable for the application.

MILEAGE

Travel incurred for the performance of project-related activities may be charged to the grant at a rate determined by your city/organization but not to exceed the current federal rate. Travel must take place within the grant period. The grant period begins when the applicant signs a project agreement and ends upon submission of a completion report.

EXPENDABLE SUPPLIES

This category would include consumable items purchased for short-term use. The applicant does not need to include a detailed itemization for minimal costs. It may be more efficient to claim indirect costs for small expenses.

COMMUNICATION

This category should be used to describe the estimated cost of all long-distance calls and postage. This would include postage needed to distribute publicity mailings. The full cost of a telephone line should not be included unless the line is used only for project activities. Costs should be prorated to reflect the percentage of time used for grant-related activities or the specific number of calls.

OFFICE RENT

In this category give the rental value of the office space used for the administration of the project. If you are not sure of its value, use similar locally available office space as a guide. **The prevailing rental value of the property will need to be verified through an independent source, such as a real estate agent before it can be claimed as match for reimbursement.** When office costs are included for personnel not employed full-time on the project, the amount should be adjusted in accordance with the percentage of time invested in project activities.

PRINTING AND ADVERTISING

This would include printing of reports, photographs, and promotional items. The cost of newspaper advertisements or media time may be entered under this category as well. If media space is donated it may be listed as an in-kind expense. Include photocopies. In-house printing will need to be substantiated with documentation of the cost if claimed as match.

\$1000 will be able to cover any necessary printing related to the project, including promotional items, newspaper costs, etc.

UTILITIES

Utility costs incurred for the office space of the project personnel may be included here. When utility costs are included for personnel or spaces not employed full-time on project activities, the rates should be prorated as with office space.

EQUIPMENT RENTAL

Grant funds may not be used to purchase any equipment that will remain with the grant recipient after the completion of the project. The use of equipment may be counted as an in-kind contribution by placing a fair market value on such use. Please identify the equipment to be used and the estimated cost of its use; provide documentation for that estimate.

EQUIPMENT MAINTENANCE

This category may be used to document expenses for the upkeep of any equipment directly used in the project. The purpose of this category is to cover the wear and tear that such use might place on equipment owned by or donated to the applicant (i.e. printers and copiers). Claiming indirect costs may be a more efficient way to capture such costs.

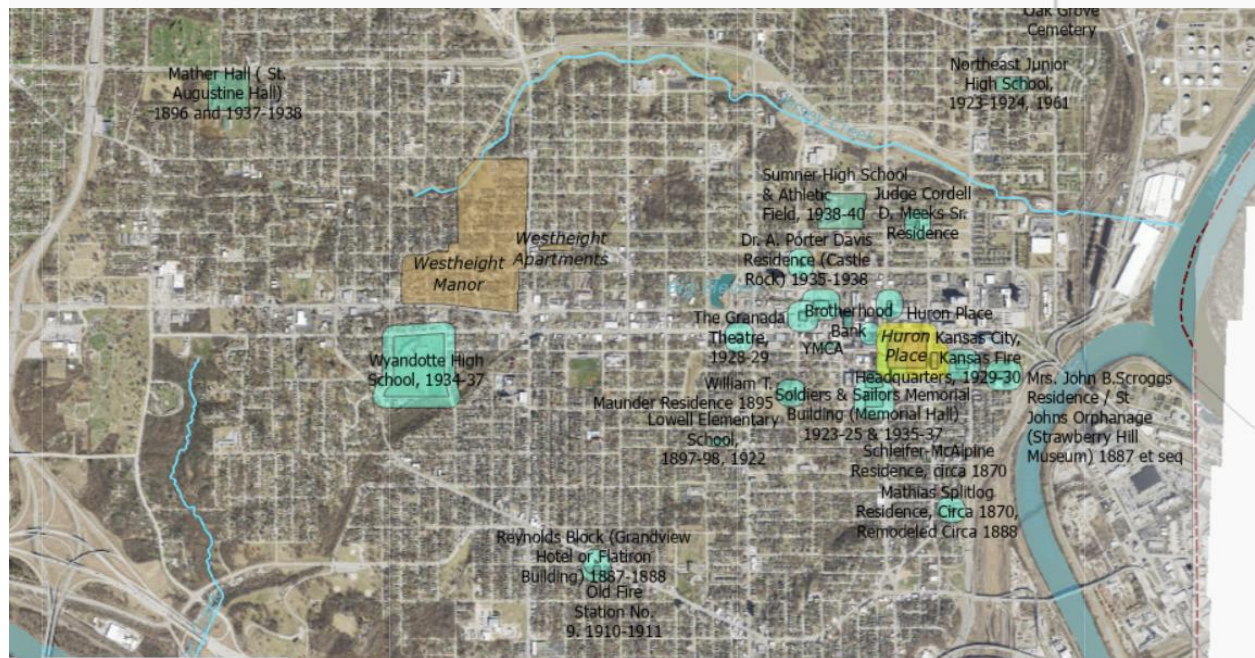
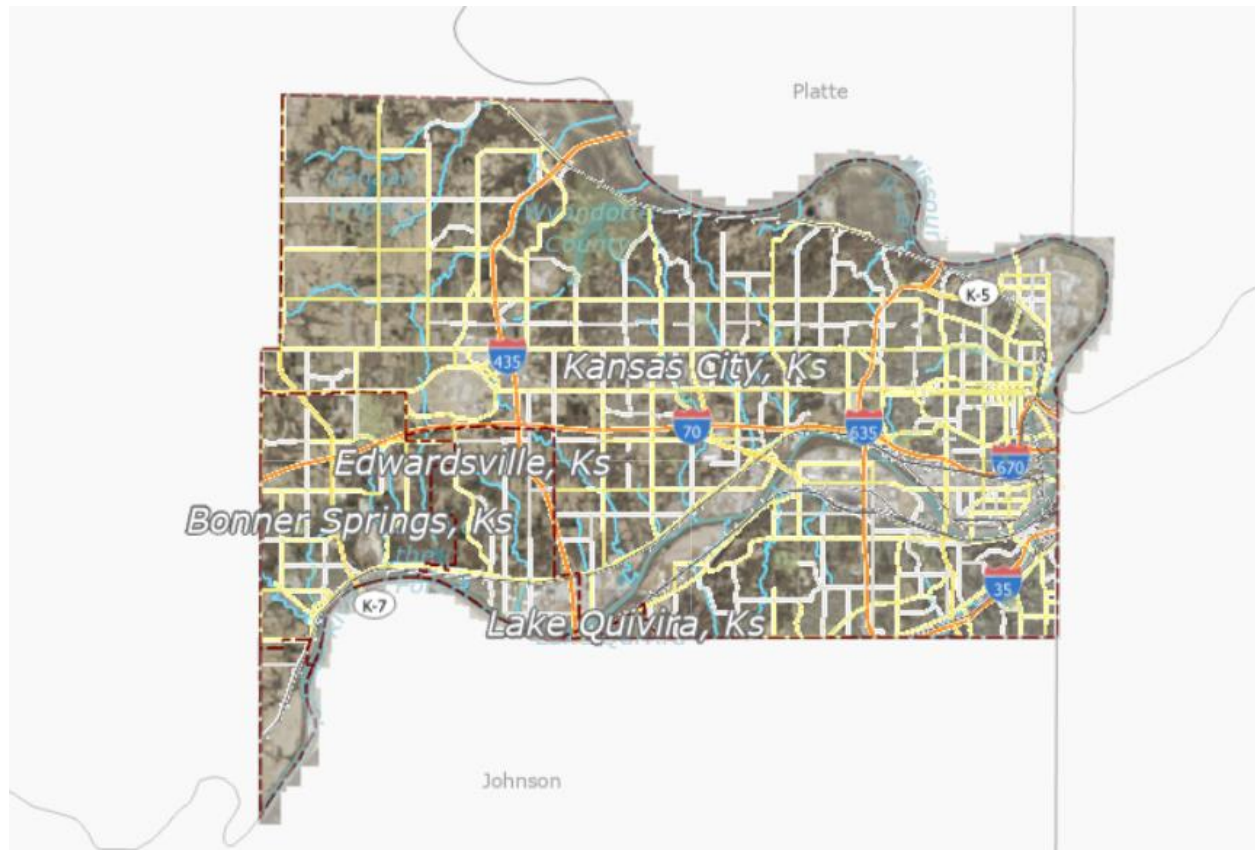
INSURANCE AND BONDING

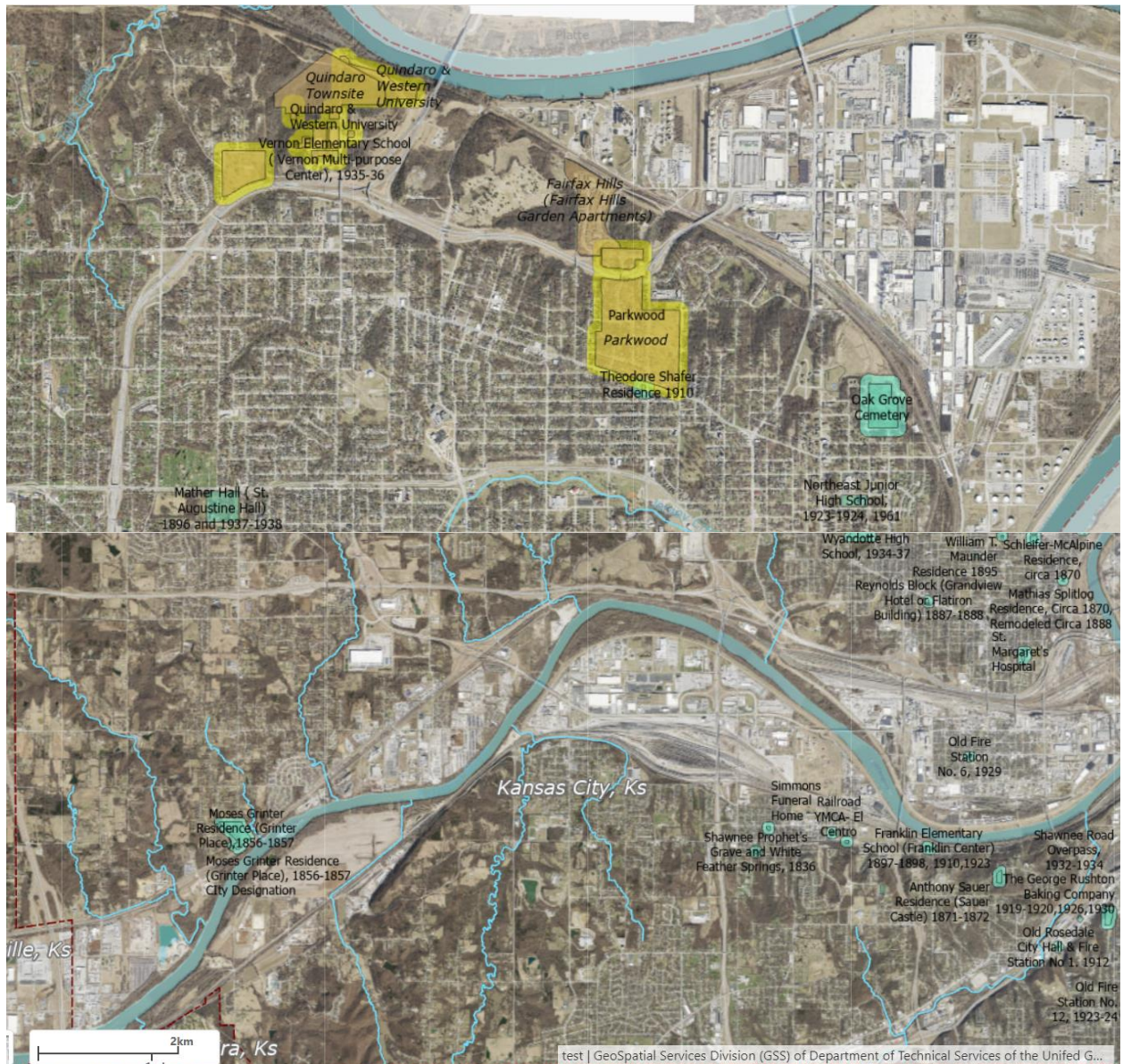
Please list relevant costs for bonding or additional expenses for insurance brought about by the acceptance of the grant award. An example of this would be increased liability insurance necessitated by the hiring of additional personnel for project-related activities.

OTHER

This category should be used for any additional grant-related expenses. If you are uncertain as to whether an expense is eligible under this program, **please** verify it with the SHPO prior to submission of the grant application.

Caution: Please consider your ability to obtain adequate documentation for each item claimed in your budget. Reimbursement for expenses cannot be processed without adequate documentation (i.e. receipts, invoices, vouchers, timesheets, etc.).







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

SPECIAL SESSION, THURSDAY, MARCH 24, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, March 24, 2022, with ten members attending remotely and on-site. 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; Davis, Commissioner Seventh District; Stites, Commissioner Eighth District; and Garner, Mayor/CEO presiding. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Emerick Cross, Melissa Sieben, Bridgette Cobbins, and Alan Howze, Assistant County Administrator's; Brett Deichler, Unified Government Clerk; Misty Brown, Chief Counsel; Jeff Fisher, Executive Director of Public Works; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Manager; LaVert Murray, Economic Development Advisor in Mayor's Office; Dr. Mildred Edwards, Chief of Staff in Mayor's Office; and John Kelly, Director of Buildings & Logistics.

MAYOR GARNER said before I call the meeting to order, I want to announce that due to COVID-19, we have some commissioners, staff, and public that are attending remotely via Zoom, as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR GARNER called the meeting to order.

MAYOR GARNER said I would ask the Clerk to announce the meeting and call the roll.

ROLL CALL: Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, March 24, 2022, at 5:00 p.m. for a Budget Strategy Session and a presentation regarding a Sales Tax Initiative to be conducted in the fifth floor conference of the Municipal Office Building.

Due to COVID-19, the public will be able to observe or listen to the meeting live on YouTube or UGTV, or through Zoom. The public may also view the special session from the lobby of the Municipal Office Building.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Invocation was given by Commissioner Harold Johnson, Faith Deliverance Church.

Pledge of Allegiance

Mayor Garner said I would like to thank the public, anybody that's viewing; that's really showing interest. We're excited. This meeting is being recorded and in full transparency. That's one of the things that this Commission and your Administration is committed to is making sure that the public is aware of where we stand on the issues, most important to the people in this community. So, transparency and open communication is key to that. Tonight is informational for this Commission. Public comments will not be taken at this time, but I would encourage the public to take note that on March 31st, the general commission meeting coming up, there will be an opportunity for you to make public comments, three minutes, on any issues of Unified Government concern, so I encourage you to take that opportunity.

Tonight we will engage in a discussion that will play a critical role in the development of our upcoming budget with the Unified Government. The Unified Government of Wyandotte

March 24, 2022

County is in a moment of key transition as well as some change. The newly elected Mayor and Commission members as well as an Interim County Administrator embrace the opportunity to assess the current challenges facing the Unified Government and to define the strategies to create more progressive opportunities related to those challenges.

This session is to provide a forum to discuss the desired goals of your elected body in concert with your Administration as well as the concerns that the Mayor and the Commission may have for our unified community of Wyandotte County, Kansas City, Kansas. Prior to the actual session, our strategy session, I'm going to have our CFO, Ms. VonAchen, briefly talk about our budgetary status of the Unified Government as well as some budgetary considerations, opportunities, that the Commission is going to have to take into debate coming forward as well as a presentation on a sales tax recommendation that will at some point be brought forward for our Commission for review, debate, and vote.

Kathleen VonAchen, Chief Financial Officer, said I'm going to pass it on to our Budget Manager Reginald Lindsey who will be presenting the Fourth Quarter Budget versus actual report to start off.

Reginald Lindsey, Budget Manager, said Debbie Jonscher, Deputy CFO, and I are going to talk about the 2021 Fourth Quarter Budget to Actuals. Debbie is going to start off with the revenue and I'm going to pick up with the expenditures.

Debbie Jonscher, Deputy Chief Financial Officer, said you all just received the Fourth Quarter Budget to Actual Report and I'll just briefly explain what that is for those that have not seen this report before. This is a report on our quarterly financials. We present this report to the Economic Development & Finance Committee on a quarterly basis, so this is the yearend Fourth Quarter 2021 Budget to Actuals. Included in the report, we have some narrative, but we've also got a summary of the Consolidated General Fund which includes three funds; the City General Fund, the County General Fund, and the Parks & Recreation General Fund. We've got several tables in there. I'll talk briefly about those, but we present the consolidated information and then we go into a little bit of detail on the City, County and Parks Funds and then on the final page of the report, it lists out all the funds first at the top half of the page is the Tax Levy Funds and then all

the other funds which include Enterprise and Special Revenue Funds. For the back page; it simply shows the 2021 Amended and Actuals for Revenues are in blue and then the Expenditures Budget and Actual are in the orange column.

I'll just start out and talk briefly, on the second page of the report it shows the Consolidated General Fund and you'll see that the first table at the bottom of the page shows revenues as a percentage of budget and you'll see that we ended the year at 103%. That's the Fourth Quarter year-to-date. It shows revenues, expenditures, and then the fund balance from the start of the year to year-to-date.

On the next page it shows the City General Fund and I will just note there are a couple of tables there. The first one at the top of the page shows the 2021 Amended along with Fourth Quarter Actuals, so this is for the entire year and you see the breakdown of all the different types of revenues. Property Tax and Sales Tax were both at or over 100% and then we've got all the other funds listed there with what the budgeted amount was and what the year-to-date total was, so you can see for all revenues we ended the year at 98.2% collective of budget.

The next table just shows a comparison of Fourth Quarter Actuals for 2021 with Fourth Quarter Actuals for 2020 and it breaks down the same information just comparing the fourth quarter only. We have that same information for the County General Fund as well as the Parks. I didn't know if we wanted to get into the details. This will be presented to the ED&F Committee on April 4th, but that's the information that's contained in the report and then I can let Reggie talk about what information is included for the expenditures.

Mr. Lindsey said on page 3 we have view of the City General Fund Expenditures. We've got two views there that are very similar with what Debbie covered with revenues. The top right-hand of the page we have—can you hear me now? On the top left-hand of the page we have expenditure comparisons for the 2021 Amended Budget versus Actuals. At the bottom left of the page, we have year-over-year comparison where we're comparing 2020 to 2021 and then within those tables we're comparing six expenditure categories which includes our Personnel services, supplies, grants, and miscellaneous transfers out and as you can see with total there, drilling down into it, we spent \$157M in 2021 if you're looking at the top chart. Then, we had \$159M budget, so we had like around \$2M left in expenditures which equates to about 1% and just kind of drilling down into those Personnel categories. Personnel is salaries, pensions, benefits and overtime and then

Services equate to transit, which is a city function that we pay out to KCATA and then also to trash contract, which is a city function. We also have a vast amount of software and legal expenses that are paid from there and that's something that goes on both the city and county side, and then we have supplies, which includes like utility and fuel and vehicle parts and then as we go down into the bottom right chart, this is where we're comparing 2020 verses 2021 Actuals and we can see we spent \$17M more dollars in 2021 than we spent in 2020. Any questions on that?

What I'll do now is jump over to the County General Fund and that is on page four and again we got two views. The upper left-hand chart is looking at a budget year comparison for 2021 for the fourth quarter and the key thing we want to look at is we just want to make sure that we're on 100% for our budget comparison. As you see, the percentage is over in the chart and, again, we're comparing six expenditure categories and our Personnel as we drill down and that is made up of salaries, pensions, overtime, and benefits. Then, again, we have Services and on the county side of Services, we pay out some of our largest expenses for inmate medical and inmate farmout.

Then, as we look at the total, we spent \$68M in the County General Fund. We had a \$72M budget which leaves over \$4.3M and we have like 6% of that budget left. Then, as we look down in the lower right-hand corner at that table, the theme here is we're looking at the 2020 verses 2021 Actuals and we can see we only spent like 1% more so we had like \$840K more than we spent in 2021 and 2020. Any questions on the information on the County General Fund?

Then over on page eight in the report, Debbie kind of talked about the table that shows we have a view of our 29 different funds and the top section includes all our Tax Levy Funds and these are funds—there's 10 funds that have a mill levy associated with them and then the bottom 19 funds are Special Revenue Funds or Enterprise Funds. Looking at revenues on the left-hand side of the page, it's a good thing if we're around 100% or over 100% and you can see most of the funds there are around or over 100%. Then Expenditure wise, it's a good thing when we're under 100% and you see, most of the funds are either at 100% or below 100%. Looking at Expenditures, looking at all the funds, we see we spent \$369M and that number is on the right-hand side of the page in the orange boxes with expenditures, so we ended up having like \$20M left in what we budgeted which is like 5% of the budget. Any questions over any of that information?

Commissioner Bynum said looking at Budget to Actual, it looks to me like our projections came very, very close to being correct and accurate. Is that a fair statement? **Mr. Lindsey** said yeah, I think that's fair for the whole finance team on revenue side and expenditure side, we did come in very close.

Commissioner Davis said yeah, thank you for going through this as our finance team. I know this is all kind of short notice, from what I understand. Where does our ARPA money and kind of some of that one-time money that won't be here, you know, in a few years, where does that show up in this budget, particularly on the revenue side? **Mr. Lindsey** asked, Kathleen or Debbie, do you want to answer that?

Ms. VonAchen said the ARPA revenue that was allocated to us from the federal government is a grant and it's in a Grant Fund and the state does not require us to certify budgets for Grant Funds, so the Grant Funds are not included here, that's why. The amount that was calculated as revenue replacement, that is included and it's included throughout all of the funds, depending on how much revenue they lost during 2020 and 2021, so it's spread out across all these funds.

Commissioner Davis said so then, if I may, Mayor, it may be fair to say that the numbers that we're looking at right now, when it says over 100% collected, that could be also right—a part of that percentage could be ARPA funding that is there from revenue replacement, that would not normally be there if that money was not there. Is that fair? **Ms. VonAchen** said yes, that's correct. **Commissioner Davis** said okay, thank you.

Mayor Garner said, Ms. VonAchen, I would like for you to please get a copy just in relation to Commissioner Davis request, what those ARPA funds, those expenditures look like, how they played into this overall budget, and just make—if you can update this presentation that you've given our commissioners in a way that better reflects that, that breakdown, when you say that ARPA funds are pretty much throughout, what we're looking at. It would be good if we had kind of an idea of what that looked like and how that played into the overall budget. **Ms. VonAchen** said yeah, I've presented that in the past and I'm happy to present it again.

Mayor Garner said as of the end of fourth quarter, what is our—what's our balance sheet look like? Do we have a budget surplus, what does that look like? How much does the Unified Government have in its bank today as far as cash on hand? **Ms. VonAchen** said if you go to page one of the report, that is the Consolidated General Fund table. Debbie mentioned earlier that the Consolidated General Fund, sometimes we call it Combined General Fund, it's the addition of three General Funds, one is the City General Fund, one is the County General Fund, and then there's what we call Consolidated City/County Parks General Fund and the combination of those three is the Combined General Fund. General Funds, you know, from an accounting standpoint, all the revenues that go into the General Fund are not restricted, and so they can be spent as the Board of Commissioners decide. Any other revenues that have restrictions are in those Special Revenue Funds so if you, you know, if you go to the very last page, you'll see all kinds of funds here, most of those have restrictions. The only one that isn't restricted is the City, the County and the Consolidated Parks General Fund. Those don't have statutory restrictions just so you know.

We were talking about where we are with the General Fund, oh, do you have any more questions about that? Okay.

If you go to the table on the first page, it has kind of a blue banner on it there, you can see a navy blue; that's the Combined General Fund and it shows what the budget was in 2020 and then how much was spent and that just provides some context. Then over to the columns, farther to the right, are the 2021 figures for how much was budgeted and it's very summary nature, so it has all the revenues and then expenditures and then it kind of has a net of transfers in and out, kind of nets them together.

The revenues for the Consolidated City General Fund, we're budgeted at \$246M and what actually came in was \$245M, so we were just short about half a percent from what the budget was expected. Then on the Expenditure side, we budgeted \$235M and we received or we spent, sorry, \$225M or \$226M, and so we basically spent about 4% of the budget or 4% less than we budgeted. Now, I do want to just point out one thing, is that—and not to confuse everyone, but the bond documents require that we have a \$10M debt reserve. They're in the bond documents that's called the Annual Appropriation clause. It's a little confusing and we never have to use that \$10M reserve because all of the economic development projects are generating enough revenue to pay for their own debt service so as a result, we take out that \$10M in the budget column in order

to make it more easy for you all. So, just so you know, if you were going to match it up with the budget document, it's about \$10M less than what you see in the budget document.

Commissioner Stites said you said that it was 246 budgeted, actual came in was to 245 which results in half a percent or equivalent to about \$1M, but when I dropped down to bullet point number two, that includes \$21M of ARPA money. Is that correct? **Ms. VonAchen** said both numbers include ARPA money. **Commissioner Stites** said both numbers. **Ms. VonAchen** said yeah, both the budget and the allocation. **Commissioner Stites** said we budgeted ARPA dollars at that amount. **Ms. VonAchen** said yes and they all came in as we budgeted for the most part.

Ms. VonAchen said so dropping down to the row that's called Net Change, that changes the difference between the revenues and the expenditures, so revenues come in and then you spend them going out and so, one is a positive, one is a negative because it goes out and the difference between the two is what net change is. We budgeted that we were going to bring in \$10M more in revenue than we were going to spend. You can see that column there, \$10.4M and that is because, frankly, that is because of ARPA. ARPA Revenue Replacement, because the Commission decided to hold off on deciding how to spend the ARPA Revenue Replacement until there was more time to discuss that as part of this upcoming budget. But instead, over in the Actuals column, you can see that the difference between revenues and expenditures was \$15.7M so that was roughly about \$5M more than we expected and that extra money goes into the fund balance. So, what does that mean? It's sort of like your ending checking account, at the end of the month, that's what fund balance is. So, as you can see, we started the year with \$31M in fund balance and we're ending—we expected to end the year with \$41M, but because of the underspending, we ended the year with \$46M in fund balance in the City, County and Parks General Fund, just those three funds.

The reason we only show the fund balance amounts for just the General Fund in this report is because we don't—it's too much information to provide all the information for all the other funds. So this is the fund that we often really focus on, and so that's why it's just this one here.

I did want to point out just one more thing, I'm sorry, given the \$46M that—this is cash, by the way, it's cash basis called Budgetary Basis from an accounting standpoint, it is not modified

accrual. Modified Accrual Basis accounting will be completed in May or June, when we present the CAFR or the Annual Financial Report to you, these are just cash budgetary basis numbers. All of you are used to talking about the fund balance as a percentage of expenditures, and if I adjust this number for modified accrual, it equates to 27% of total expenditures, whereas our targets around 16 or 17% because we're trying to target two-thirds or, I'm sorry, two months of operating expenditures.

Now, you understand, this is sort of a one-time blip or increase in the percentage because we brought in all that ARPA Revenue Replacement, and so, you know, those funds will be under your purview to allocate as part of the 2023 or 2022 and '23 budgets, so in the coming months you'll be deciding how to spend those one-time funds and then the fund balance percentage will go down.

Commissioner Johnson said you had asked for the balance sheet for this period of time and even what has been explained to us, is only a small part of the balance—our overall balance sheet. So, is it that you want to see how much cash, or do you want to see the entire balance sheet, the current assets, current liabilities, current long-term liabilities? I'm talking about just from a general gap standing and then our net worth. Are you wanting the full balance sheet, or just the cash portion?

Mayor Garner said I'd like to be provided to the Commission, the full balance sheet. I would like to know where are we at exactly with everything. If you're going to talk budgets, I think it's appropriate that you give this Commission all the information so as we move forward through the budget cycle, they can make informed decisions, including the ARPA funds, what that looks like and the appropriate breakdowns so it provides more clarity on this budget.

Help me out and walk me through this, I know that the Commission last year approved a \$420M budget or close to it. How does that play into the conversation we're having now when you're talking about the Consolidated General Fund balance and in the budget. I don't see \$420M reflected here, but maybe I'm overlooking something and you can just walk me through that.

Ms. VonAchen said yeah. If you go to the last page, the last page is a listing of all the 29 funds and, at the very bottom you'll see \$393M, which is the total budget and that does not include, again, the \$10M Annual Debt Appropriation clause, so if you add in another \$10M, you'll

get to over the \$400M that you're referring to. All of these funds are restricted, except for the City, County and Parks Consolidated General Funds.

Mayor Garner said that was for 420 right, am I off on that number that was approved in last year's budget? **Commissioner Bynum** said two different budget years. The budget we adopted last summer is the budget year we're in right now and we're looking here at '21. That's why I think those numbers are different. **Ms. VonAchen** said yeah, that could be too. **Someone** was inaudible. **Ms. VonAchen** said yeah oh yeah, yeah but this is the whole budget right here.

I did want to follow up on Commissioner Johnson's comment about the balance sheet. The balance sheet is a statement that reflects all the assets of an entity less all the liabilities of the entity and then the difference between the assets and the liabilities is the fund balance. So, then there's the income statement, which is the one you all look at, that's what this is and it matches revenues, minus expenditures, with fund balance and those two fund balances are the same. So the balance sheet is something that's done on a modified accrual basis, not on a cash basis, and so that is being prepared as part of the external audit that we're currently doing and won't be available for another few months.

Commissioner Johnson asked, don't you all produce—if you produce quarterly income statements, you can't produce a quarterly balance sheet? **Ms. VonAchen** said our current financial system does not allow us to prepare balance sheets in the middle of the year, but with the new financial system that we're currently putting in place, we will be able to produce those and we're very excited about that.

Commissioner Stites said what you guys were saying, clarifying that we're at the \$403M, so it sounded like \$403M included the \$10M. The previous year was 2020, right, and that was at \$420M and that included the \$10M also so—**Ms. VonAchen** said no. I think they're saying that the current fiscal year we're in right now, which is 2022, may have been for \$420M, I don't know offhand. **Someone** was inaudible. **Commissioner Stites** asked, so was there one year a budget that was reduced in approval, overall budget number? **Ms. VonAchen** said no, so are you talking about that the Annual Debt Appropriation clause? **Commissioner Stites** said no.

Commissioner Bynum said I'm sorry, I believe that Commissioner Stites is saying the Mayor referenced a budget that we passed that was \$420M and we passed that budget last summer. You are absolutely correct, but these numbers do not reflect that at all in any way, because we are looking at the 2021 Budget numbers here and that number, the \$420M is for the 2022 Budget, the year that we're currently in. Does that make sense?

Commissioner Markley said I appreciate this information and I also appreciate the balance sheets when we get to them, but to be honest, we were told we didn't need to worry about pre-reviewing any budget documents. That we were not going to have that level of discussion today, that we were having a visioning session. So, I'm here to have a visioning session. This is great information. I'm sure we would have gotten it eventually but this is a lot for us to take in while we're sitting here, and while the folks that are here for the visioning session are sitting in the audience so, again I'm just—it's great information, but that's not what we were told we were doing here today. And if we were going to do this today, we should have had this information in advance so that we could review it so we could kind of figure out these numbers.

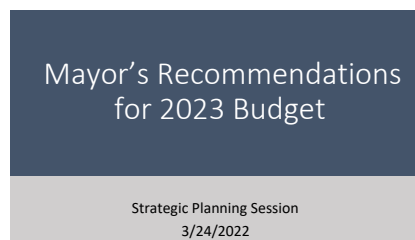
Mayor Garner said this is just precursor and trying to answer some questions as well, so as we move through the budget cycle, the whole point is to get as much detailed information based on the questions today, so we can be better prepared to have those conversations.

Commissioner McKiernan said, Kathleen, this report was going to be presented as a function of the April 4th Economic Development Standing Committee meeting, so we're getting it 10 days earlier than we would otherwise have gotten it. **Ms. VonAchen** said that's correct, yeah. It was going to be available tomorrow when it gets published. **Commissioner McKiernan** said correct, but we were going to actually go through it in the manner that we did here tonight at the April 4th Economic Development & Finance Standing Committee. For the benefit of those people who aren't on that committee, which I know is half of us, the way our committee structure is, and that may be something strategically we want to think about in the future is the structure of those committees. But Kathleen and her staff bring a report very much like this. The only thing that changes really is the numbers every quarter, so we get a quarterly report first, second, third and final. Those of us, you know, who've been on the committee for a while just generally turn to the

back because it is a beautiful summary of how we're doing up or down and they color code income, if we're green, if we're over budget, and expense green if we're under budget, so they even color code for us, so I do appreciate the fact that they bring these materials to us on a routine basis for our consideration. **Ms. VonAchen** said it's also on the Finance Department website, along with our investment reports, we tried to be very transparent.

Commissioner Johnson said my colleague, Commissioner McKiernan, knew exactly where I was going with this so I yield the floor.

Mayor Garner said the next part of the presentation, Ms. VonAchen.



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Ms. VonAchen said I've been asked to put together the Mayor's recommendations for the 2023 Budget and there's a variety of items that he would like to share with all of you. We want to just talk about those briefly. We have been working with Cheryl—or the Interim County Administrator and I have been working with the Mayor's office on developing these items.

Mayor's 2023 Budget Recommendations

- Set Property Tax Mills at the Revenue Neutral Rate
 - Details on following slide
- Create separate classifications for the BPU PILOT
 - Details to be presented at the 3/31/22 Commission meeting
- Take a Sales & Use Tax Measure to the voters for the August primary
 - Details on following slide
- Conduct Organizational Alignment Analysis of UG departments to find government efficiencies

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The first bullet that—most importantly, is that the proposal is to set the property tax mills at the revenue neutral rate which means we would not hold a hearing to exceed it and I have provided amongst all of you several weeks ago details of how that impacts various funds that are Tax Levy Funds, but I also have a slide that summarizes that so we'll get to that in a minute.

The second item is an idea to create separate classifications for the BPU PILOT, which is for water and for electric utility. The PILOT which is a Payment In Lieu Of Taxes is determined based on the gross revenues that BPU generates for their respective utilities and right now, the percentage, as you all know, is 11.9% of the gross revenues and so the thought is that if we were to create separate classifications where one classification would be residential and the other would be non-residential or commercial and industrial, then there would be more flexibility with the Board of Commissioners for all of you to decide how much of a percentage of the gross revenues you would like to charge for the franchise tax, so this is actually a franchise tax. We should talk about it as if it's a franchise tax. Just determine whether you want to differentiate the rate in which you charge for those two respective classifications. We are going to be providing a lot more detail on that, or this idea, at the next Commission meeting on March 31st, so next Thursday.

The third item is to take a Sales and Use Tax Measure to the voters for the August primary and I do have more details on that for sure on this slide or the following slide, so give me a chance to go through that and then we can answer questions about that in a moment. Then, the next is an area that our Interim County Administrator is leading the effort which is to conduct organizational and alignment analysis of UG Departments to find government efficiencies. So, this is the piece where we're going to identify what expenditures or service levels that we're providing throughout the UG in order to match—cuts in our current budget to match the drop in revenues that are proposed in the first two items.

These are really the biggest recommendations that will impact our budget discussions in the coming months, and so let me take you through a little bit more of the details, and then we can come back to the slide if you have any comments.

Revenue Neutral Rate Calculation

UG TAX LEVY FUND	2022 Budget Property Taxes Levied	2022 Budget Mill Rate	2023 Estimated Property Tax Levied @ 12% est. AV+	2023 "Revenue- Neutral" Mill Rate	Levied Revenue Reduction at "Revenue-Neutral"	Mill Reduction at "Revenue- Neutral" Rate
County General Fund	\$47,230,114	31.4488	\$53,036,798	28.0057	(\$5,806,684)	(3.4431)
Elections	1,322,729	0.8808	1,485,351	0.7843	(\$162,622)	(0.0964)
Parks General Fund	2,106,625	1.4027	2,365,624	1.2491	(\$258,998)	(0.1536)
Aging	1,555,615	1.0358	1,746,869	0.9224	(\$191,254)	(0.1134)
Mental Health	643,860	0.4287	723,019	0.3818	(\$79,159)	(0.0469)
Health Department	2,362,526	1.5731	2,652,986	1.4009	(\$290,460)	(0.1722)
Developmental Disabilities	521,906	0.3475	586,071	0.3095	(\$64,165)	(0.0380)
County Bond & Interest	3,334,982	2.2206	3,745,000	1.9775	(\$410,018)	(0.2431)
Subtotal – Wyandotte County	\$59,078,357	39.3381	\$66,341,718	35.0312	(\$7,263,361)	(4.3069)
City General Fund	28,489,680	21.4340	32,031,818	19.0638	(3,542,138)	(2.3702)
City Bond & Interest	22,660,057	17.0482	25,477,395	15.1629	(2,817,338)	(1.8852)
Subtotal – City of Kansas City, KS	\$51,149,736	38.4822	\$57,509,213	34.2268	(\$6,359,476)	(4.2554)
Grand Total – Unified Govt	\$110,228,094	77.8203	\$123,850,931	69.2580	(\$13,622,837)	(8.5623)

The Revenue Neutral Rate Calculation, this is a slide that shows how it's determined, how much of a reduction in the mill would result in order to collect the same amount of property tax revenue that we collected in this current fiscal year. So, of course, we're talking about next year's budget, so this year's current property tax levy is that first column and it totals \$110M and those are the mill rates that we currently have in place, 2022. Given the fact that Matt Willard, our County Appraiser, has provided some preliminary estimates and through our review we've determined that the assessed value—so, the assessed value for the County is increasing by 12% for the next budget year and so that's going to result in quite a bit more revenue to us.

In fact, you can see at the bottom, that we're anticipating it will be \$123.8M instead of what we're anticipating collecting today, which is \$110M. So, that's a difference of roughly \$13M, and so, if we were to collect the same amount that we're currently collecting today, then we would have to reduce all these mills by a certain amount, which is what that fourth column is. Those are all the reduced mills for each of the levy funds and you see there's quite a few funds that are dependent on this property tax. There's the County General Fund, Elections, Parks, Aging, Mental Health, Health Department, Developmental Disabilities, and then the two Debt Service Funds.

That fifth column is the amount of revenue reduction in order to stay at the same level as what we're currently collecting and then the last column is just the number of mills. So the result is that we would not collect roughly \$13.6M, that we would have if we'd not changed the mills, and the mill reduction would be about 8.5 across all these levy funds.

Commissioner McKiernan said these are important discussions, these are discussions that need to be had, but what we're looking at here is a strategy level discussion and I'm going to piggyback on what Commissioner Markley had said earlier, I thought that our purpose here tonight was to set

a vision, to set the strategic vision for where we're going, that then informs our strategy discussions and we ask ourselves how do these tools help us achieve our strategic vision. So I feel, in some ways, as if while this is very important information, we've gotten the cart ahead of the horse here because we haven't talked about our vision for what we want to accomplish in, for, and by our community, which then informs how we execute these strategies.

Sales Tax Measure –Statutory Options

- KSA 12-189
 - “Special purpose” (like our DST 3/8th cent)
 - Up to 1% city sales and use tax
 - required sunset after 10 years
 - 50% voter approval threshold
 - UG has 5/8th (or 0.625%) left under this statute limit
 - “General purpose”
 - Allows for up to 2% city sales and use tax
 - no sunset
 - 50% voter threshold
 - UG has 0.75% left under this statute limit due City’s 1% sales tax and 0.25% EMS sales tax

4

Ms. VonAchen said I just wanted to briefly go over the next four or five slides to talk a little bit about the Sales Tax Measure. As you all probably know, there are two options available to us. There's a Special Purpose Sales Tax which has a sunset of 10 years and then a General Purpose which can go indefinitely, so those are, you know, two sets of options and each of those options have a certain amount of room for increasing the sales tax.

Prior Community Survey Results

- 2018 Survey
 - 76% of respondents “very” (45%) or “somewhat” (31%) supportive of continuing the public safety and streets/infrastructure sales tax
- 2020 Survey – didn’t ask this question in the survey because the DST renewal measure passed with 60% of the vote
 - The website is still up: <https://www.wycokck.org/Government/PublicSafety-Sales-Tax>
- 2020 Survey asked: “*Would you support an additional sales tax for parks & recreation programs and projects?*”
 - 40% found that idea “very” (12%) supportive or “somewhat” (28%) supportive.
 - “Not” supportive was 37%.

5

What we're considering or what we're recommending is...

Sales Tax Measure –Mayor’s Recommendation

- “Temporary ½ Penny” for *Safety & Quality of Life – Name of Measure TBD*
 - 0.5% cent for 10 years (2023-2032)
- Generates estimated \$196 million in Sales and Use tax revenue
 - an average of \$19.6 M p/yr with \$17 million beginning in 2023
- Bond Issue (GO-backed but use sales taxes to pay debt service)
 - Get most of the funds up front to start the projects quickly
 - Do one bond issue in 2023 OR a series of bond measures in 2023 -2025
 - Use temp notes and pay for some with cash at the beginning before debt service starts
 - Interest costs \$16 M or averages \$1.6 million p/yr
- Draft Pro Forma Model developed
- Requested departments for project recommendations focusing on facilities, with some road improvements and equipment

6

I'll go real quickly here, is a temporary half penny, which is a Special Dedicated Sales Tax of half a cent for 10 years and the purpose of this is to generate roughly \$196M, that's an estimate, of course, in sales tax in order to pay for a variety of facility and some road improvement projects.

Sales Tax Measure –Timeline

- Special Election on August 2, 2022 (for the primaries)
 - May 9 – ED&F Committee ordinance approval (must specify purpose of proposed sales tax)
 - May 26th – UG Commission ordinance approval
 - June 1st – Deadline to give ballot language to Election Commissioner
 - June 17th – Give the Echo the Notice of the Election (one week prior); Notice must be signed by Election Commissioner
 - June 23rd – First Echo publication
 - June 30th – Second Echo publication
 - August 2nd – Election Day
 - August 11th – if measure passes, UG approves ordinance levying the tax
 - September 9th – deadline to submit ordinance to State
 - January 1, 2023 – State begins collection of new sales tax

7

I'm not going to really go over this in detail, but I did want to give you..

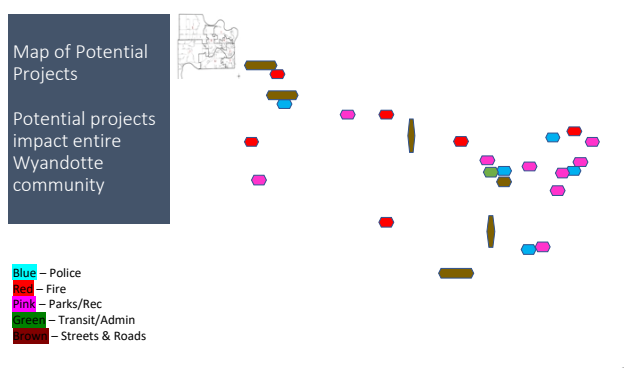
Example of Projects Being Considered

- Fire Station Reconstructions
- Fire & Police (joint) Training Facility
- Police Patrol Stations (new) and existing facility improvements
- Police equipment and technology enhancements
- Parks and Recreation spray parks, new recreation center, and recreation facility improvements
- New Transit & UG services building in mid-town
- Street & Road reconstructions projects throughout KCK

8

March 24, 2022

I'm going to quickly show you, these are some of the examples of projects that are being considered. For example, reconstruction of fire stations across the Kansas City, Kansas Fire and Police joint Training Center, fire patrol stations, I'm sorry, police patrol stations, fire equipment and technology enhancements, Parks and Recreation spray parks, recreation center and a recreation facility, a new Transit Center as well as essential UG services building in midtown and then a variety of street and road reconstruction projects.



The key point is up here, I want to go this way, the key point is that these projects would cover up across the entire Kansas City, Kansas area.

Sales Tax Measure –Timeline

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Of course, we're going to bring this forward, as I mentioned to you at a future date for you all to consider more in-depth, but this is very preliminary what we're presenting. But if we were to go with this sales tax measure for the August primary, we would need—we talked with the Election Commissioner, and we would need to introduce the idea at the ED&F Committee on May 9th, so we only have about a month and a half or so to really get going on this, and that's the sales tax measure details that I wanted to provide.

March 24, 2022

Commissioner Stites said I was just looking at that 7, it kind of stands out there all by itself like there's nothing for District 7. I don't see anything in Edwardsville. **Ms. VonAchen** said this is a Kansas City, Kansas sales tax. I mean that's what we're thinking, contemplating, is a Kansas City, Kansas sales tax. **Commissioner Stites** asked is that a (inaudible) number that's above the 7, that's not in Kansas City, Kansas. **Ms. VonAchen** said yeah I know, so that is in the county and actually our legal counsel is kind of looking at that to see whether we can spend money in the county with the city sales tax, so that is a question that we're still exploring, so this is all very preliminary. **Commissioner Stites** said okay, thank you.

Commissioner Kane asked, could you go back to the very first slide please. The one where it says that—wasn't there one saying this is what the Mayor wanted. Mayor's recommendation or something like that, the Mayor's budget.

This will be my 18th budget and I've never ever seen anything like that, anything close to that, because I thought we were, as a Commission, supposed to sit here tonight and talk about what's personal to you and you and you and you and you and you and you and you and me and not have the Mayor tell us on the very first meeting that we have what he wants because we didn't get to say what we want. You know, our conversation last year was, and you remember this, I said, we need to tell the staff to lower the mill at least one mill and all of us remember that were on the Commission at the time.

I want to be able to throw my thoughts in on what's important to me and, Mayor, I'm frustrated. I'm frustrated because this isn't what I want. I want all of us to take a piece of the pie and spread that money out in our districts where we think is most necessary, but when it comes in like that, that doesn't work for me, it'll never work for me. I've already talked to people about the sales tax and stuff like that, and some of the conversations that have been going around town, you've given this presentation to people, but you didn't give us the opportunity to share our opinion. I represent District 5 and I'm going to represent District 5 until I'm completely done running and they say they don't want me, and this does not represent District 5 and I hope some of you fellow commissioners agree with me. This isn't what we need. I don't like it and I better shut up before I say something stupid.

Commissioner Ramirez said I will have to agree with Commissioner Kane. These proposals are, in my mind, aggressive and fast. If we put a sales tax initiative on the August ballot, it won't pass because on the last Community Survey, we asked a question about a sales tax for Parks and Rec and we got an overwhelming no. I agree that it's something that we can look into, but I think we need to have that education piece for the community. Go out and talk to the community about it, get their input, get their thoughts, because if we just put it on the ballot, it's not going to pass.

We're still going through the effects of the pandemic, there are dire situations going on right now across the world, a war that was unsanctioned; we don't know how that's going to turn out. We need to be mindful of that.

Now, can you go to the mill slide please. That 8.5 across all the funds, that is crazy. What my question—automatically, what gets cut, what services are we going to lose. I think from our last budget cycle, we, as a Commission, we had a strong conversation are—three—remember two most important things that we have right now on our plate, reinforcement of our workforce and maintenance of our infrastructure. Those were the two big things that we were talking about last year and I figured that would be the two things we would talk about this year as well because if we can have all the services, initiatives and programs we want, but we need the people to run them and be out in the community and provide those services.

We have a lot of staff, we have a lot of turnover, especially in certain departments, we need to stabilize that. We have a lot of infrastructure problems where, as our Public Works Director has said, we are in a infrastructure crisis, we have a lot of problems we need to fix. We can have all the different buildings, we can have everything we have, but if we don't have roads for the people, no one's going to come and no business is going to want to come to Wyandotte County.

I don't have a problem with being bold in what we do, but it needs to be strategically bold and I would, as Commissioner Kane said, the reason last budget cycle, I didn't support a one mill reduction because it came to us at the very end, literally a week or two before we had to finalize the final vote, that's why I had voted no.

I want us to be where we are now, have the conversation of a one mill reduction, and look into a possibility of a sales tax, not put it on the ballot this year, but look into and have the conversation as a Commission and as a community.

Commissioner Davis said, I just want to say, Mayor, this is a waste of our time. It is a waste of our time. There was opportunity throughout the entire week to communicate with all of us, including Commissioner Townsend who was unable to be here on what was going to be presented today and it was very difficult. The plans, the arrangements, the details, we weren't even going to be here. There wasn't even going to be a virtual component, which is pretty unprecedented, considering we have been doing remote and then hybrid options. If we are going to work together, we need to come to the table willing to compromise and Mayor, if you want to be successful, I need you to come to the table willing to compromise, willing to answer your phone, willing to answer emails, and willing to work with us. If not, this will not happen. I will tell you right now, given the lack of information and data, I can't even entertain this on the Economic Development & Finance Committee because it is just not where we need to be and we need far more information.

Ms. Harrison-Lee, you have experience, considerable experience, can you speak to, in your experience, what has been a proper standard budget process. Can you advise us, can you advise the Mayor, from your experience, how things have been done?

Cheryl Harrison-Lee, Interim County Administrator, said budget processes vary in different communities depending upon the budget platform that you use and oftentimes what you will see. There are some jurisdictions that have in their ordinance that they will start with the Strategic Planning Session which provides some feedback from the Commission to the staff some of the things they would like to see considered from that Strategic Planning Session. Staff then begins to start to develop a framework for the budget. There will be public engagement sessions, depending on the community. You might see various town hall meetings, so it varies a little bit from community to community in terms of how it ultimately ends up. I would say the constant is strategic planning, community engagement, feedback from the commissioners, and then staff development of the budget and budget public hearings.

Commissioner Davis said so it's fair to say, our own Interim County Administrator, given her experience, given what we all voted for, that expertise we are currently not following. Mayor, you appointed Ms. Harrison-Lee, we approved, that's her experience, we're not following. I yield.

Commissioner Kane said could you put the 8.5 mill reduction up there again, please? Okay, I've been here, I think, this is my eighteenth budget, we haven't reduced it that much in 18 years and I don't know how we went from last year barely making it by where this year we come in and say well hell, we can do an 8.5 and that isn't even counting the PILOT. Another comment that was made, that we're not going to fill the jobs. Public Works is shorthanded, right, Mr. Fisher? All these departments are shorthanded and Public Works—I mean Public Safety, we need all of them, but Public Works—I don't want to put the burden on our employees. And one of the things that I told upstairs that I want to be a better employer for our employees and we have not done a good job of that at all. The morale is the lowest it's ever been since I've been here, and when I see that 8.5 and we haven't even talked about the PILOT, what are we going to tell our employees that we barely give a raise and those other employees, the Fire Dispatch which is down to next to nothing, and say—and I want to lower the mill levy, Mayor, but I don't want to strap us for the next Commission. You know this is a big deal. Tom Cooley was here and Tom Cooley said, do not take points off the board and by God, the next year, we took them off there and we had to put two more back on.

We couldn't remotely consider this, let alone the PILOT, and I don't know where all these numbers come from and I don't know where this vision—but my vision was we share all our thoughts of what we wanted, and Mayor, this is your thoughts, this is my thoughts, and it's kind of like arguing with my wife, I disagree with you 100%. I can't do this and I ain't kidding either. I couldn't—I wouldn't tell anybody—I wouldn't vote on this, no way in hell. I'm embarrassed to be a commissioner right now.

Commissioner McKiernan said you know, one of the things that we have done, Commissioner Markley and myself, the rest of us who were on the Commission at the time, reinstituted the Community Survey. It was clear from the community in the first survey and every survey since then, that the most important thing for us to do is to fix the physical infrastructure of this city; roads, streets, curbs, sidewalks, alleys; fix it and that doesn't even get into sewers, storm and sanitary. And so we have been meeting as committees discussing how we can begin to tackle the enormous, deferred maintenance debt that we have to dig our way out from under on the maintenance of our physical infrastructure and Mr. Fisher and his folks from Public Works have told us that we are chronically underfunded, not overfunded, underfunded. One of his employees

told me something yesterday that I just thought was, wow, this was really telling. He mentioned a particular piece of infrastructure that has recently failed and said that's the canary in the coal mine for everything beginning to fail.

So, I just think that we have again gone to strategy before vision. We've gone to strategy before priority, we've gone to strategy before considering the needs of the community and, ultimately, I believe that is a very short-sighted approach, because we don't take into consideration the very real needs of the people who live in this community, and we need to consider improving quality of life inside the community and inside City Hall. That's ultimately why the 11 of us are here.

Commissioner Bynum said I appreciate the information, it's fascinating to look at. It's interesting and it's valuable to have but if we're going to have a retreat around visioning, I think for a later conversation, I'm really going to need us to have a conversation around this concept of revenue neutral because, and I remember bringing this up last year, when this topic first surfaced as part of the business of the legislature requiring us to do this, and if we choose revenue neutral, this is where I'm going to need deep education. Because if we choose a revenue neutral budget, then I do not understand how on earth we ever build our tax base or speak to these infrastructure needs that Commissioner McKiernan brought forward, that are daunting, is not even close to being the correct word. We've looked at the numbers.

Some of us who are chairing these committees, have looked at the preliminary scope of what we've been talking about in these subcommittees now for five, six months, and I will say the other thing that we have said to each other is that it's on us, the elected officials, to bring those enormous needs forward. We cannot make staff bring those needs, we have to do it and we've said that several times. I do not understand how a revenue neutral budget grows the community in any way. So that would definitely be a conversation I would want to have later and I appreciate all of these comments, but I would like to move into the retreat portion of the evening.

Commissioner Ramirez said thank you Commissioner Bynum, that was something that I had led through as I was talking, was the subcommittees that we've been on. You know we—that's the reason why we created them because we, as a Commission, wanted to get down in the weeds and find a way forward, instead of just every year staff coming up to us with the CMIP, what strategies

what outcomes can we come up with, and those subcommittees we have come up with outcomes and strategies from each committee. We have created a document, we will be releasing that once we finalize it, but going to what Commissioner Bynum was saying, some of the numbers—the money that we need to increase, it just won't fit the budget. That is, the recommendations that are being proposed. I'll just give one number for one outcome. The primary strategy to increase our Pavement Condition Index For Street Preservation from what we currently do is \$7.2M annually by an additional \$20 plus million annually by 2025. How are we going to get there if we have an 8.5 mill reduction across all funds. That's just for Street Preservation, that doesn't touch sidewalks our bridges, our stormwater. Like I said, we can be bold, but we have to be strategically bold about it.

Commissioner Stites said I'm on the Infrastructure Committee, subcommittee that Commissioner Bynum chairs and I don't have it in front of me, but one of the things that stuck out in my mind on our last meeting was—it was amazing to me. The bridge failures that are expected, and I can't remember the numbers, Jeff, if somebody wants to chime in and say what the numbers were, but it was \$50-\$60M guaranteed every five years, five to ten years that we're going to have to spend because the bridges are going to fail. They're not getting better, they're getting worse, they're not getting any better at all. You just think about, I was thinking about it, now I'm all for reducing our taxes also, don't get me wrong. I mean, I'm going to ride that fence, but you know, I also don't want to—I don't want to saddle, or restrict I guess, handcuff us where we cannot get critical infrastructure and other things that need to be done in our community.

The taxes are—I was on the Edwardsville Commission—City Council for six years and I remember, I was preaching reduce the mill levy and we did reduce it five out of my six years that I was there. I remember being told, well, the only way you're ever going to do it is to reduce services and I think that if you think about it in that aspect, which we never did reduce services, but we were able to reduce our city mill levy, which I'm very proud of, and we still got our things done that we needed to get done. I don't want to handcuff us to the point here that we're not able to take care of the needs. If we don't have roads for people to go to work and drive on and we're not taking care of our employees to drive those dump trucks, to drive those police cars, the fire trucks, the dispatchers to get to work, we might as well just hang it up, it's all going to go away.

Commissioner Markley said I just agree with everything everybody's been saying. I don't think that our guiding star should be a revenue neutral rate. That's the state's guiding star, and it was a wrong star for them to settle on because the goal of every county is to not be the same. We should be growing. Our entire goal is to grow our tax base and if we're not going to take advantage of that, then why bother growing our tax base. Our guiding star should be our community survey, the wants and needs of our community, stabilizing our workforce, and stabilizing our infrastructure, and that's the path we should be taking, and I agree with the rest of the comments.

Commissioner Davis said couple things I know of, and I agree with Commission Bynum, so I am going to hurry up. I know that a lot of our residents have received, just about everybody, right; the information, not necessarily a bill, but we're all getting this mail that really says in red it's not a bill, so you don't owe \$150,000, but I do think that it is important and we probably should adopt it as a practice, we need to educate our residents on our actual share of property taxes. We have other taxing jurisdictions that are also responsible and they can cut us off, they can cut our fee, if we say, hey, we're going to lower here, but then school districts or library board or the community college raise it, then for the person receiving that bill, you still end up paying that amount of money. If we're going to have a very serious conversation about reducing the mill levy, we need to engage all of the school districts and the community college, and that is the very minimum that we need to do. In addition, we need to show that dollar graphic every time we have a conversation about the budget and property taxes and say the Unified Government actually while we collect what actually goes on our coffers is less than 50%, it's less than 50% that we actually receive. We need to educate our citizens so that they know we are not fully responsible for that property tax bill, and it is incumbent upon us to include those other taxing jurisdictions in that conversation.

Commissioner Burroughs said I will share with you the reason why you have a revenue neutral rate is because, people, local governments aren't listening to the residents, the property taxes, is the most onerous tax that is out there and that's what the legislature hears and they see and they're not getting the relief at home, so they're coming to the state. This is the message that I would send, that we have a way to address all of this and it's called bold leadership. We all have priorities, I want to see a mill reduction. I've stated that since I've been here.

When I first came aboard I asked just what you stated, Commissioner Davis, in reference to sending a letter to all the other taxing entities, get into the table, and ask them to stay neutral on raising any rates going forward. The former administration said no, they had no idea of what it would take to get them to—how dare we ask somebody else to run their business. That, basically, they just don't come and tell me how to tax, but I will share this with you, there's ways we can do this. We do have a number of unfulfilled positions within our administration, all the way down, and I do appreciate and respect the fact that we want to take care of our employees, we want to be good employers. We just went through wages and increased some wages and we're looking at increasing the minimum wage for our employees. I think that's the prudent thing to do, it gives us a stronger financial footing in which to make decisions moving forward.

As far as infrastructure, I haven't heard one iota yet as to what we're going to get from the federal government in reference to the funds available to address the major infrastructure problems we have here and we're talking about doing it within the budget process, but we have no idea how much money will come in and that doesn't allow us to then look at other needs within the community. We haven't even talked about reserves and so, this meeting Mayor, as I stated, I think some of us are a little confused as to why we're here this evening, but I'm going to continue to advocate for the ratepayers in our community. We have to lower the taxes, we have to get them under control. If we don't, it doesn't matter what we do in this community, we're going to see a mass exodus to our rural communities and they would love nothing more than to have the population growth leave our community, because then they will have a larger population and they will be able to address their concerns. But we can afford a mill levy reduction and I'm going to do my part and partner with those that believe that being fair to the ratepayers and taxpayers of this community should be first and foremost their priority and that's where I stand.

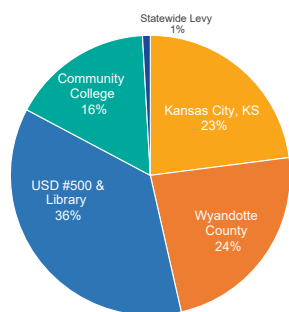
Commissioner Stites said if we could get, and I think it'd be a good way to break it down like which Commissioner Davis was saying, about you know what percentage goes to each entity, and you know what we could use it as \$1 bill, just \$1, does 33 cents go to this person, does 1.8 cents go to this one, you know let's have it; I don't got it, so you know what, I don't care who they are, I need it.

Property Tax Mill Rates
A Property Owner in
KCK/USD #500 District

Even though our County Treasurer is responsible for the administration of all property taxes:

The UG Board of Commissioners levies only 47% of the total property tax

The remaining 53% are levied by other jurisdictions



Ms. VonAchen said there it is right there. It's represented as a pie.

Commissioner Stites said I guess that is what makes it a little bit challenging for me to get my mind around it is because you know we talk about infrastructure needs at the city level, well infrastructure needs at Bonner Springs and Edwardsville are taken care of with their own city dollars, so it makes it tough. I mean the community college 16% , that's a lot of money. I think that's another conversation for another day but, it's hard for me to be able to—I am for tax reduction in my district for sure and I'm in a unique position, that's for sure, but I appreciate the presentation.

Commissioner Johnson said the needs are the needs of our community and what it looks like to me just as a 30,000 foot level, is that we're trying to rob Peter to pay Paul. You reduce—we're talking about reducing mill levies, but we're talking about potential sales tax increase, it's all to deal with the same problems. We have to be very prudent in economies such as we are in right now and while I do know that there is pressure, constant pressure, from our constituency and constant misinformation in terms of whether or not we are the highest paying, tax paying district, or community in the State of Kansas, it's not true, and we have the information that has proven that.

What has already been said, and I'm going to jump onboard, because I think I said it first, is that we have to have a comprehensive strategic conversation of all the taxing entities, this goes back to six years ago. We've been talking about it, but we have never ever one time—there's been some nuance, some suggestion that we have tried to do it in the past and it has failed. We need to try again to have a comprehensive conversation with all of our—because we're all servicing the same people and, so again, to suggest a revenue neutral rate, I didn't like it before; I still don't like

it. I think we need to be very strategic and very prudent and then, at the same time, making sure that we, by all means possible, educate our constituency constantly to let them know what we're doing here only represents 46% of—47% of one mill and that's not going to make that big of a difference in the pocket books of our constituents. Now, an 8 mill, maybe, but the kind of damage that I think that would do to us, I'm not willing to jump off that bridge at this particular time.

Commissioner Bynum said I don't know how much more slides we have. I was going to ask, if we're getting ready to move into the next part, could we have 10 minutes. That was the request I was going to make. I need a cookie break. **Mayor Garner** said yes, we will.

Commissioner Ramirez said this is my last thing and it'll be a request and I'm sure from what I've heard, the full Board will more than likely agree with my request. My request to you Mayor and to Ms. Harrison-Lee as to what Commissioner Burroughs is saying, please create a letter, send it to all taxing jurisdictions and invite them to the table. That is the request I ask. It will be good to know who will show at the table and who won't.

I just want, as our previous administration didn't do that, wouldn't do it, so thank you, I ask that request be fulfilled.

Commissioner Burroughs said I just want to state this to my colleagues, that the Senate yesterday passed the 65 and older property tax freeze in the Senate, and I would anticipate it being part of the tax plan to come before the House next week and just want to bring that to your attention, as we start to work through the budget. Just a little bit of good news for those seniors in our community that have cried out for tax relief, it could have an impact on our budget, and we need to know how much that impact is, but that doesn't mean we do a shift.

Commissioner McKiernan said I guess in the old days they called it alchemy, right, turning lead into gold, and that is our eternal challenge here is to turn lead into gold, how to simultaneously increase services and decrease fees and that is an impossibility. So it is our job, and I think I've heard it clearly from everybody who's here tonight, it's our job to find out how we titrate that, how we manage to meet in the middle between lowering the fees, while at the same time providing more varied and greater levels of service. And that's what I thought we were going to come here

tonight for, was the opportunity to set our vision, which would then drive those titration discussions.

Mayor Garner said thank you commissioners. In the interest of time, I'll give my statement. A lot that you all put forward, that's the purpose of this strategy. It's designed to have these robust conversations, these debates, that are too frequently over the years, I've never seen happen before. The public needs to know where we stand on the issues. They need to know where you stand as individual representatives throughout your districts, they need to know that we're having the hard conversations about the future of Wyandotte County, so this is intentional, when you talk about a budget strategy which is going to lead into the facilitator. Different doesn't mean deficient when you have these types of conversations. It's just different, but it's the right way forward.

Commissioner Davis, I'm not wasting my time doing the work of the people, and you being here is not a waste of time, and you need to recognize that. When we have these hard conversations, there's no waste of time when you're talking about people's lives and the livelihood of Wyandotte County, the direction that people have told me when I campaigned that they wanted this county to go. I will not—I say that with all—I'm here because I've sat in people's living rooms and watched them cry. I've watched people that are on fixed income say that they cannot take it. I've watched the young lady working two and three jobs just trying to make ends meet. I've watched people lose their houses and cry. I've watched people say that the tax burden here is far too heavy. I've watched developers walk away and say they will not do business here because of taxes, burdensome fees, and our BPU. You cannot continue to do the same things and expect a different result.

I've heard a lot of conversations here today. I'm really passionate about this. I'm Mayor today because I stood behind a commitment I made to this community that I'm going to fight for what this community voted me in office for and that is to give them the relief that they deserve. We are \$1.7B in debt and we keep borrowing. Ms. VonAchen, if you would, could you give just a Reader's Digest of what revenue neutral is.

Ms. VonAchen said well, whatever property tax we're currently collecting this year would be the same amount we would collect next year.

Mayor Garner said so basically, our budget stays the same, am I correct? **Ms. VonAchen** said well, the property tax is only 30% of the City General Fund and about 50% of the

County General Fund, so there are other revenue sources which may grow. **Mayor Garner** said in general, what I'm saying is, a revenue neutral does not take us below where we're at this year as far as our funding, right? **Ms. VonAchen** said yeah, the other revenues would grow, so there is a little bit more money you would generate from the other revenue sources.

Mayor Garner said so, when you talk about—I guess the thought is, is that we're giving money back and we're dropping our budget down to levels below where we're at the previous year and that's just not the case. This recommendation, Commissioner Kane, is just that. It's a recommendation, a proposal from this Mayor to start this discussion that, hopefully, you all can at least put the people of this community first for a change, and I don't mean that to disrespect anybody. But I can tell you, I've heard it again, and I've heard it again, and I'm not going to back away from it. I'm going to fight for this community and I mean that.

People are telling me that their taxes are too high, the BPU fees are too high, that our burdensome fees are too high. I've had numerous discussions about how to get to where we're at with a professional Administrator that said, and a CFO that said, this can be done responsibly, not irresponsibly, not that it is going to hurt this community or set us back, but responsibly to keep us at the levels where we were today—are at today. I say that with confidence that I believe in our CFO and our staff and our Administrator and what this proposal and recommendation, because that's all it is, to start a conversation that they brought forward.

I'm never going, as long as I'm Mayor, going to stop fighting for this community, and what I ran on and what people told me they wanted, and that is relief. They got their tax bills. You haven't been watching the feedback from this community about being disappointed and afraid of what could come from these mill levy increases, I asked you to please look, listen to the people of this community. I've talked to developers that want to do business here, but then they come back to our taxes, our fees, amongst a lot of other things.

It was asked that we need to bring the other taxing entities together. I've already made contacts and I've got meetings set up to do just that because it does no good if we lower our mill levy and we are not in agreement with our other taxing entities and they see it as opportunity not to do the same or to raise their mill levies. So yes, we have to be in agreement and what's best for Wyandotte County. We are one unified county. Commissioner Stites represents Edwardsville and Bonner Springs, I've talked to those people in those communities, the Wyandotte County side. I

can tell you everywhere I campaigned, it doesn't matter, all four corners of Wyandotte County. Everyone I've talked to from every persuasion, their number one complaint was taxes, BPU, and burdensome fees and that's just a start.

This isn't a waste of my time. I'm willing to go out into this community and continue to see what's important to our residents and to bring that back to you and that's what I'm doing and that's what this proposal represents. But I didn't just stop here, this isn't the only proposal, we are just at the beginning of our budgetary conversation. We haven't even got to the end yet.

What I've tasked our CFO and our Administrator also do, was to work with you, just like you want to see what's important to you, what do you want the budget to look like, it's not my budget, ultimately, you have to decide, and hopefully, we can get to a point to where you all can find some common ground to agree on, while also putting the community first and making sure whatever you do is community-driven.

So, I'm tasked with coming back with a total of three to four additional proposals that reflects the will of this Commission, so we have done this in a thoughtful way. We have come up with a recommendation that yes, I support, that I would want you to consider a proposal from your Mayor that is doable, it's actionable, it's responsible, and it doesn't set this community back.

I'm aware that infrastructure is of great concern and great need. That's why I had a conversation with our Lieutenant Governor and he assures me that he would let me know as soon as those infrastructure funds come down, so we can start prioritizing our infrastructure needs and then having a real conversation about how we shore that up if we come up short. I'm not overlooking those types of issues. The half-cent sales tax proposal is just that, it's a proposal for you to consider because if we are going to lower the mill levy, I believe that we should involve our community in making some of the decisions that can be impactful to them, which is how do we spread the tax base, especially to those sunsetters and those people that don't live here to help bring about the police stations and the fire stations and the equipment that our public safety folks need, that they told me they need, critical needs, parks, rec centers that are falling apart in disrepair, spray parks, road projects; all these things are of great importance to us. So as the Mayor, it would be irresponsible of me not to bring you responsible, actionable, and doable proposals as part of a proposal package that staff and our Administrator bring to you to consider as we move into the budget conversations.

You can reject what I put out, that's fine, but I wanted to give you something to work with and a starting point and something to consider, something that you can talk amongst yourselves. Eight percent, it's bold, but it doesn't hurt from where we're at today. What it does, is bring the relief that our citizens have been demanding that they want, because most people that I've talked to, the phone calls I've got, the emails I've got, they tell me that that their valuations went up and they're concerned because their taxes are going to go up.

I know we all love people, we all care about this community, we may diverge from our opinions on how best to get to where we need to be, but what I tell you is these conversations need to be had. I just ask that you please listen to the people that are in this community, in all four corners, and realize that we just cannot keep doing business as usual. How do we grow our tax base, is we've got to get rooftops. Rooftops aren't going to come, businesses aren't going to come if it doesn't fit into their business model. You know how we've been getting businesses, by giving away the farm with huge incentives that bring little to no value to Wyandotte County. What it does bring, is if I have a house and my valuation goes up and I look at this huge multi-million complex, take your pick and I pay more than them. How is that right to ask any of our taxpayers to feel good about their valuations going up, paying more taxes when we've given away huge tax incentives; my opinion, it's wrong. Wyandotte County deserves better, our citizens deserve better. I'm not going to stop fighting, that's why I'm here. We can disagree without being disagreeable.

I just urge you all to please join me in listening to our constituents as we move through this budget cycle, because their voice matters to me, and when I ran on being community-driven that's what community-driven means.

We'll adjourn until about—recess until 6:45 p.m. and we'll come back, thank you.

Mayor Garner reconvened the meeting at 6:51 p.m. and said I'm going to turn it over to our Interim County Administrator, Cheryl Harrison-Lee.

Ms. Harrison-Lee said, Mayor and commissioners, effective collaborative budget development is much like a three-legged stool with the three legs being staff, the Commission, and the community so all parts are equally important to be able to get to an effective budget. So to that end tonight we are inviting your insight, we're going to have that facilitated by Ed O'Malley from the Kansas Leadership Center. Mr. O'Malley is the founder and President and CEO of the Kansas

Leadership Center. He is an accomplished and seasoned professional, as well as a former elected official. He's a speaker, consultant, and an author and is here tonight to help facilitate the Strategic Visioning Session for the budget development that staff will use to be able to develop the budget and bring back to you.

Ed O'Malley said thank you, Madam Manager, and please don't hold that former elected official thing against me. I served in the Kansas House with Commissioner Burroughs a long time ago and I promise I always voted exactly the way local governments would want me to, I promise. I'm not sure actually, Tom, don't look it up, I don't know. Thank you for the opportunity to be here. Mayor, thank you for the opportunity to be with you tonight. I am from the Kansas Leadership Center. We're based in Wichita, Kansas, we do work around the state. Some of you have participated in some of our programs. Our main work over the last 15 years has been leadership development, people like yourselves, others heavily engaged in civic life come to programs and experiences of the Center; kind of like spring training for major league baseball players, even the best of the best go back to training to get better on their skills of public engagement and public leadership.

In recent years, more and more often, we have local governments, community groups, community coalition's engaging with us to help them flesh out what is the vision, what is the hope, what are the aspirations they have for their community, for their public initiative, whatever it might be if that's, of course, the context I'm in today with you. Our job and I have a colleague with me, Tina Khan from the Kansas Leadership Center, one of our facilitators and teachers who's with me as well, who will be taking lots of notes from our conversations.

Our job is really two-fold tonight. Number one we want to explore with you, help you explore really and, by the way, I just have questions, so I don't have a presentation. I don't have any slides. All I have are some open-ended questions that I want you to answer. We have questions that will help you explore and us explore together what are the biggest aspirations you have for the UG. What are the biggest concerns you have. What makes progress hard on those things, so we're going to explore this. We're not going to walk out of here tonight with the vision. I think you'll walk out of here tonight with having made some progress with clarity around what are the aspirations of the concerns, or maybe at least, clarity around who feels what.

The point is not to walk out of here with agreement. The point is to hear from you and hear what's on your mind. After tonight, I think you all know this, if you don't, I hope you'll play along, after tonight Tina and I will be in touch to have a conversation with each of you to ask some follow up questions so we're starting the conversation, but then we want to have just a one-on-one conversation with you to keep hearing your thoughts.

Eventually, you know, within a few weeks will engage back with the manager and share the themes that were lifted up that we saw lifted up tonight and the themes that we're going to lift up from those one-on-one conversations, which, as you might imagine those one-on-one conversations they're not going to be recorded conversations. They're going to be a chance for you to share what's on your mind around the questions we talk about tonight and any additional reflections you had between now and that phone call and then we'll put some thoughts back to you; here's what we heard, here the themes that we lifted up.

What we'll do is we'll go no later, I think that remains until 8 p.m. I think a good hour and 4 minutes of this conversation will get it started, rationing the cookies until 8 o'clock. So a couple other thoughts about ground rules; what's useful right now is for you to share what you're thinking, to be curious about what other people are thinking. It's really not a time, at this juncture, to debate. Like the questions I'm going to ask you—the first one is going to be, by the way, when you think about the future of the UG, what's your greatest aspiration. Brian and Melissa, you don't need to agree, but I'd love to hear what your answers are. I shouldn't use your first name. I should call you Commissioner Kane and Commissioner—so hearing your thoughts and knowing that the point is to surface these things, and then what Tina and I are going to be doing as we review the notes and listen as we talk with you on the phone, what are the themes that are emerging. My guess is you have some things on here that you will disagree on. I'm just guessing that there are some disagreements in this room here and that's okay. My experience with public bodies is disagreements are okay.

I'm also assuming that there might be more in this room that you agree on, that's just my assumption based on working with a lot of public bodies, so our job is to help you make sense of all that, in a way that helps you engage in the work that you've been asked to do. So without any more opening remarks, let me ask you the first question and also I should say we're going to work in a few different ways over the next hour and three minutes. We're going to spend some time in the large group conversation, but this is—you would have more of a retreat like mine for the next

hour, okay, so we're going to do a few things different too, so there is going to be some times, when I'm going to ask you, the three of you, and madame manager, I think you should be in the conversations and the three of you to huddle up and to have a quick conversation, and you all to huddle up and have a quick conversation. We won't do that for 30 minutes. We might do it for four okay.

What I found is giving you a chance to hear one another, but also give you a chance to get your head warmed up before you share publicly, it can be quite useful, so we're going to spend a little bit of time in small groups, we're going to spend time in the large group. I may or may not, at one point or another, ask you to take a minute and just think for a minute and jot some thoughts down individually. I might pull that facilitation trick out if it's needed. Okay, any questions about purpose, any questions about how we're going to work together the next hour.

Alright, so the first question, and Tina nor I have any opinions on the answers on what the answers to these questions should be. The first question is when you think about the future of the Unified Government, what is your greatest aspiration? I want to call your attention to the word greatest. We're all politicians. I'm a former, but you know you can take the boy out of politics, you can't take the politics out of the boy, right, so we're all able to speak about lots of aspirations and I know you can do that. What would be very helpful is to hear your greatest aspiration.

This is one where we are going to start just for, you know, rapid fire, three minutes, in small groups, so you'll huddle up, huddle up, huddle up just for three minutes and share your thoughts on this question. As you come back, I would love to hear your answers. So take three minutes. I'll call you back here in just a moment.

Commissioner Johnson said can I clarify, what's it mean by Unified Government? **Mr. O'Malley** said what would be the best context—**Commissioner Johnson** said when you're talking about the government, the organization that we know. **Mr. O'Malley** said what context you think would be most beneficial. So, I would encourage you to go with community and we're super flexible here. If you have thoughts about an aspiration for the government, speak up. We can take both sets of notes if we need to, not a problem, three minutes.

Talk about one more minute and if you run out of things to talk about, you can talk about your second aspiration. All right, come on back. So let's hear some of these and you know we're a small enough group that it would be great to hear everybody and I know politicians can talk for

a long time. It's true so rapid fire headline like. You know the good news is, I am no longer a politician, so if I have to cut off the mic or make you unhappy, I might be able to get away with it, but we want to hear from everybody and we've got other questions too, and I also want to just make sure we have time for people to build off one another. That feels really effective right now and useful. Let's speak efficiently and don't be offended if I ask you to sum it up, so we can move it along.

Who wants to go first and, by the way, if you feel uncomfortable sharing what you shared in your small group, just share whatever your partner said. They won't care, they will be fine. I'm joking about that.

Commissioner Burroughs said first class city (inaudible). **Mr. O'Malley** said what does that mean to you. **Commissioner Burroughs** said it means the problems that we have discussed now, have they been addressed. Neighborhoods are whole, families are happy. Rec centers, community is collectively doing well. Our city is a first class city, not city (inaudible). **Mr. O'Malley** said I love that word order.

Commissioner Stites said I think the way we started out in our group, by saying live, work and play and you know you guys have all seen pricing bumper stickers and shirts and things that go around our community that say proud to be from the Dotte. You know what I am, born and raised, been here my whole life, you know when we talk about first class city, I think that this quote follows right under what Commissioner Burroughs was saying, first class in the way that we live, the way that we work, how we take care of our employees, and how we play and that we have a place to play and proud to call Wyandotte County our home.

Commissioner Ramirez said mine was, goes both ways for community and for us, the UG as an organization being receptive and open with each other. It just seems that within our community as I've talked to my constituents, there's this other that the other person is the other, that they're the bad guy or that there's a bad—we just don't talk very well with each other. Communication; being open, receptive to each other's thoughts, comments; I think that's my greatest aspiration, because if we can be able to sit down and have an open conversation and be direct and know what the other person wants, we can get work done.

Commissioner Davis said mine would be changing the internal and external perception of our community. I'm tired of people speaking bad on our city, promoting negative perceptions that are not true, but that's from the outside. From the inside, and that's what's even harder to stomach, our own residents talking bad about our community, our own people talking bad about our community. I want us to change that, how do we change how—my highest aspiration is Wyandotte County's perception is positive, we're innovative, we're forward thinking people, want to be here, they want to move here, they want to live, work and play. And that's not just a tactical part, but it's also the perception part and I really want us to change and focus on that perception.

Commissioner McKiernan said we'll just keep going this way. I was ascribed, so I will tell everybody around, so from Mr. Johnson to piggyback on Commissioner Davis that the members of our community are proud of themselves and proud of our community and they choose to live here with pride and from Commissioner Bynum, that our building infrastructure is of sufficient condition to support a very high quality of life and work. Then from myself, that our median household income is higher than any other city or county in the metro area.

Mayor Garner said I just want to improve people's lives and make Wyandotte County or at least help make Wyandotte County a community that's absolutely second to no one.

Commissioner Markley said I think what would demonstrate sort of the culmination of many of our goals is if, when you were driving down every street in our county, you had that feeling you have in some of our neighborhoods already, where you go gosh, this is a great little neighborhood, this is a sweet little neighborhood. So I think that's the vision, that every neighborhood has had the attention that it needs so that when you drive down that street, you go gosh, that's a great little neighborhoods that deals with our codes and our infrastructure, all those bite issues that we've been obsessed with over all these years; that's the vision.

Mr. O'Malley said well, thank you. I love that descriptor too. One of the things that we talked about with the manager was the question how would you know if you were making progress and that's a great example, so we might come back to that one. I think everybody had a chance to go.

Here's the next question, and by the way, you all are politicians, so you know the rule. I'm going to ask a question, but you can do what politicians do, you can answer whatever question you want to, right? So I guess what I'm saying is, I mean this affectionately, if I'm not asking you a question that's helping you share what you think will be useful for you to share, share what you think would be useful to share. That's okay. Don't be too loyal to my questions, be loyal to your community, be loyal to what's in your heart, in your head about this community.

My next question for you is the flip side of that first one. We're kind of just getting warmed up here in our first 10 minutes or so, so it's the flip side of that first question. This one is when you think about the future of the Unified Government, thinking about the community, the community of the UG, what concerns you the most? I want to apologize for this question being a little negative, but hey, we've got to be real, and if you ask me questions about my organization, I'm going to have things that I most aspire to. I'm going to have things that concern me the most. When I was serving an elected office, I had things I aspired to for my district, and I had things that concern me the most.

We're going to focus on the negative maybe just for a minute, but we're doing it for a purpose of trying to illuminate what are the types of things that need your leadership. And so, when you think about the future of your community, what concerns you the most. I would call your attention to those last two words, the most. Not a laundry list, the most. And again, we're going to, just for a couple minutes in small groups, but I would ask you this time a different small group. So you're going to like get up and walk a little bit. Okay, there you go. Manager, thank you for demonstrating that. Three or four minutes.

Mr. O'Malley said come on back. Let's hear some of these answers and, by the way, I don't know if any of you are K-State fans, I need to tell you that oh—**Someone** was inaudible. **Mr. O'Malley** said okay, maybe I'll just ask this differently. I've got purple shoe laces on everybody, I mean yeah, okay, let me, let me ask a different one. I hope this might work differently. Any Bill Snyder fans, I mean you're okay with Bill Snyder, right, I'm getting nothing from our friends here. Okay, the reason I bring this up is Coach Bill Snyder was one of our original board members at the Kansas Leadership Center and if you know anything about Coach, you know that we could be beating Oklahoma 52 to 7. We could have beat Oklahoma 52 to 7, and Coach Snyder afterwards, would be talking about what we could have done better. Okay, so he was one of our founding board

members. By the way, he agreed to be on the board, because, in time, you might remember this, we wrote a bill and crafted it and passed it to name the highway after Coach that rolls into town. I sponsored that bill and I learned if you name a highway after somebody and then you ask them to serve on your non-profit board, they have to say yes.

This question really comes from Coach. It's a question about what needs attention, what's our biggest concern. So let's hear some of these answers. Again, we're not debating. It's okay to have different answers, but we want to hear the different answers and we're still just getting warmed up, so the next question we're going to go to kind of different level, but we got to hear these things first.

Commissioner Ramirez said I guess I'll go first. I had Ms. Harrison-Lee and Commissioner Kane, we all agreed that it's changing our culture of what we always done—we always keep the thing the status quo. As a culture through within our community and within our organization, that's the greatest concern that we need to change and I'm sure, each of us commissioners, have the same view or some level of that view. So we all agreed on that. **Mr. O'Malley** said I'm not going to let you off the hook yet because it's a great thing for us to explore for just a minute. I can imagine what you're going to say, and remember, where this is eventually going. So, how do we—what does it look like to exercise leadership, which is your job, by the way, not just your job; other people in the communities leadership is needed as well. What does it look like to exercise leadership to make more progress towards our greatest aspirations and to mitigate these most significant concerns.

So just to dig a little deeper, that's the thing that concerns you the most. So just describe why that concerns you the most. Talk about why that's what came to the top for the three of you.

Commissioner Kane said if we don't change people's minds, then we're never going to move on. We're always going to be right here and we'll be happy and we're not happy, we will be miserable because we didn't do anything but just sit there. And if we don't put our best foot forward to move the community forward, you know, we're in trouble. We have to be community-minded to move everyone forward, all four corners of Wyandotte County, just not my district or Commissioner McKiernan's district, or any of these. All of us have to move forward to make this a better place and when people sit still they get old, they grow fat, and they die and I'm old, but we have to push

the community to go in the right direction because it's just like the homeless situation we've got, we have to improve it, it's not an option and it's not just—it's in all our districts. So we got to move as many people forward and those that want to move forward, maybe we need to pull them forward a little bit.

Mr. O'Malley said Commissioner Kane, thanks for chiming in and the next question we're going to get even deeper into some of this, but I just got to make one quick comment because has the term CAVE people made its way to Wyandotte County and Kansas City, Kansas, yet? By the way, have you heard that term CAVE people? I hear it in other local governments and other places. It stands for Citizens Against Virtually Everything. No, no, no, no, no here's the deal, I know we laugh, but I actually think my experiences, that I think what you two are sharing is really, really interesting. I hear you saying that the status quo is not—you'll need a change and my experience working in community life, working across the state and well beyond, is that. I don't know many people who think of themselves as a Citizen Against Virtually Everything. So when I've heard that term, I usually hear about other people, nobody ever claims to be it, and so what I'm playing with is and I think where your comments are making my mind go is, how do you mobilize the people who you need to mobilize, how do you mobilize change when there are lots of reasons to keep the status quo, which we can explore here in a minute. But let's hear some more of these concerns, other things that concern you the most.

Commissioner Johnson said the negative opinions about our community that are based on misinformation and that's where I kind of started, but to even go a step further, the things that makes us, what I would consider our greatest asset, which is the diversity of our people. It's also our greatest detriment because in many regards we live in such a silo community. Most of the person's around this table I would not have met before I became a commissioner and I am finding out about so many more people, whether that be from Bonner or Edwardsville, Piper; wherever the case may be, since I've been a part of this Commission, which is a great opportunity. But the average person that lives in our community may not live amongst other people in our community, and I think that can be an impediment. **Mr. O'Malley** said and maybe just take that a little bit deeper, what's the consequence of that, those silos of diversity. What's the consequence when it comes to planning, visioning, guiding the overall community? **Commissioner Johnson** said being

vulnerable. You know, giving up some control maybe. The things that keep us separated that have been going on for decades. We're not dealing with something that is new, this has been in and around Wyandotte County probably as long as I've been alive and maybe I'll go back to the early 70s, late 60s, and somebody might correct me; there's only a few of you that could correct me, but I just want to make sure you're all interested. This is inclusive language.

Mr. O'Malley said other things that concern you the most.

Commissioner Davis said I was in the same group with Commissioner Johnson and just to add on to that, often the narrative, which is true, Wyandotte County is one of the most diverse counties per capita in the country. That is beautiful, that is an asset, but it also presents a challenge and it's one of the things that scares me because when we look at disparities, not just on race, but if you look at disparities on gender, by education, by job profession, by the geography of where you live in the city, agriculture, more suburban or city; wherever, those disparities are present and so with us not having a homogenous city my fear is that one of our greatest assets diversity becomes our greatest challenges and it leads to widespread disparities that we are unable to fix.

Mr. O'Malley said let's get some other concerns in here.

Commissioner McKiernan said speaking only for myself this time. So when I think about the future of the UG, the thing that concerns me the most is that our staff will not have the resources and/or support to do their jobs and to provide the excellent service that they are capable of providing for the benefit of our citizens.

Mr. O'Malley said a few more, anything that folks want to get on the table they haven't heard yet.

Commissioner Bynum said mine was the desire to provide tax relief, while also addressing the daunting infrastructure needs of the community, so I'm going to try to stop focusing on that, but it's really a huge concern for me. **Mr. O'Malley** said two big concerns, and then the third one of balancing those two, yeah, that's right. You found a sneaky way to say three concerns, by the way, I'm impressed with that. **Mr. O'Malley** said that's been super helpful.

Commissioner Markley was inaudible due to mic not being turned on. We're just like scrabbling along the sides still and we've just faced a lot and it looks like externally we're going to continue. (inaudible) we can't just say, well people, are going to figure out how to live in this world. They're just going to figure it out on their own (inaudible).

Mr. O'Malley said my next question for you, and I know we could talk about—Mr. Mayor did you have—**Mayor Garner** was inaudible. **Mr. O'Malley** said I'm sorry if I missed you. Thank you for saying that. Say a little more, what does that mean? **Mayor Garner** said well, a lot of things that I talked about. Businesses do not want to locate here, people not being able to afford to live here, burdens on our seniors, not having programs for our kids, infrastructure that's crumbling, taxes that are high, I can go on down the list. Maybe not being as responsible or responsive to our citizens as we can. It's just a litany of things that we look at. Maybe not providing the types of support that our public safety officials need, our Police and our Fire, to keep this community safe and if they don't keep this community safe, it's more people that are going to leave this community. When you talk about our fees with BPU and how people that are poor have their utilities cut off, not just because they couldn't pay their utilities, but also because they couldn't pay a burdensome PILOT fee as well, so there's just a lot of things that can really tie into this becoming a failed community if we just don't get a handle. **Mr. O'Malley** said yeah, the term failed community is what struck me by that and that's, I think, not fun to think about, but maybe a useful term or mindset to have that we want to make sure that we don't have come reality.

Mr. O'Malley said here's my next question. Before I ask the question, just a quick reflection, I've been involved in, you know, community groups and civic groups for a long, long time. I think Commissioner Burroughs and I were in our teenage years when we were in the legislature together, so I've noticed in these types of conversations throughout the state, and we have the privilege of doing work throughout the country and around the world now, what I notice often is most of the things listed when people answer these questions, didn't pop up yesterday. I'm guessing, and I could be wrong, I follow things up, I live in Wichita now, I'm from this metro area, the district that I represented was just across the county line, Roeland Park. But I follow things close enough that I think this is an informed guess, that if I would have been here five years ago and asked the same two questions, I might have gotten some of the same answers, is my assumption. My guess is we

didn't all of a sudden have an aspiration to take really good care of our employees. My guess is the concern related to how the community engages across the difference, then it just emerged last week.

What I'm getting at is, and this isn't to say that there haven't been good people, including many of you who have been working on these things, I'm not trying to say there's been no progress. I'm certainly not saying that, but I am saying that if these are the things that concern us the most and the things we most aspire to, not trying to blame anybody, but I'm just clearly, if these are the things that concern us the most and that we most aspire to, we haven't made enough progress on them. I mean that's kind of obvious.

So, if I'm back in five years, you know, ideally, there are different answers and that would be a signal that something fundamentally has changed. That you would have made enough progress on some of these things, that these wouldn't be your top spot. These wouldn't be your top answer. So here's my question, sorry for the long lead in, the question, and this might be the last time you go to small groups, so if you're one of these people that hates going to small groups, just so you know, I think this is the last time. The question is what makes progress so hard. The way to think about is there's a gap, the things that concern us the most describe our current reality. Our greatest aspirations is the future we want. There's a gap between our current reality and the future we want for our community, what makes closing that gap so hard.

I know there's a time and there's a place to debate policy. I know there's a time and a place to get specific into policy. In my experiences there's also a time and a place for a governing body to get clear about what are the characteristics that make it hard to make progress on these things because there must be real things in the way, I mean, there must be. Good people have been working on these things and, by the way, if your first instinct about what makes progress hard is in the room, if she or he is in the room, talk about the second thing that makes progress hard. No, I'm just kidding. What I'm serious about, though, is if your first instinct is to think what makes progress hard is, you know is so, and so, is Tina. I would encourage you to think a little deeper because over the last—I think these concerns could go back 5, 10, 50 so let's not fall into the easy trap of it's so and so because it's not. So what makes progress so hard. We're going to get to what does this all mean for you and your leadership, what makes progress so hard. All right, go for it, find another group somehow. I'm going to give you a few more minutes on this one. It's going to be six or seven or eight minutes.

Mr. O'Malley said come on back. To me this question—this is the key question, yeah, in my opinion, it's what makes it hard in your work. As people exercising leadership in this community is to try to figure out how to overcome the answers you're about to provide. You see how that's different and coming up with the perfect idea, which you're going to also have to do some of that maybe. But if you don't figure out how to mitigate the answers you're about to give, I'm going to come back here in five years, or somebody else is going to be here in five years, and they're going to ask some similar questions and you're going to get similar answers.

Okay, so this question, your answers, which we could talk about this question for hours, we're not going to, but we're going to just begin to surface some of the things that make progress hard because as you craft a vision, which gets translated into budget priorities in a way of funding the government of this community, which is just a piece of—the government has a piece of progress on these, but it isn't the whole piece. As you do that, we've got to make sure we're grounding it and how do we overcome the things we're about to talk about, so let's start to hear some of these.

Commissioner Markley said they're communal solutions, right, like the idea of our reputation or our neighborhoods. We ten commissioners cannot solve the problem of our reputation or the problem of our siloed diverse communities or the problem even of our neighborhoods. It has to be a communal solution and I think the struggle is the community has to buy in to the fact that that's a priority problem, a problem and the priority problem, and Cheryl was saying they have to—it has to be a shared priority. They have to buy into the fact that it's a problem, but it's a priority problem and that they have to be part of solving it and a lot of times they look back at us and say, well, I don't have to solve it, I elected you and you're supposed to handle that. But the problem is, almost every problem—I think every problem we come up with is a problem that we can't solve without it being a communal solution.

Mr. O'Malley said thanks for getting us started, and these are really critical characteristics, so I heard lots of things in there. You're going to see what we're going to get all these themes back to everybody. Some of the things that I'm hearing in that, it shines a light on all this stuff, the commissioners can't do it all that people expect you to. So, in essence, these challenges you've

lifted up so far, can't be solved by authority alone, is the way I would say that even though everybody is going to want to tell you that you should solve it.

Commissioner Markley said it can't be solved by budget alone either. No amount of budget money is going to make the guy not throw his trash in the driveway and we all know that, like we could have a million codes officials, but they still have to give him 14 days' notice and then if he doesn't obey it, we have to send out an abatement team. That guy is still a jerk and no amount of budget money solves that problem, so no amount of authority and no amount of budget money is going to solve the problems that we were saying were our primary problems.

Mr. O'Malley said I also heard what you said, you talked about communal problems, there communal decisions, and I just want to say this, I think you all know this, but leadership is harder in public life than it is in private life, and the reason why is because in public life nobody has enough authority to do much of anything, in private life, a CEO has a lot of authority and authority can be useful. It's not everything, but in public life systems are designed—your system of government is designed to have very diffuse authority. The Mayor's authority is only so much, the managers authority is only so much and, by the way in cities or communities that have a different form of government with stronger authority, it's still not enough authority and it's different in civic life.

Let's keep going. Other things that make progress hard.

Commissioner McKiernan said when I think about what makes progress hard is human nature. So when we try or do new and different things, there's fear of loss, there's fear of change, and there's fear of the unknown.

Mr. O'Malley said I just want to touch on the fear of loss, because I think it's connected to the fear of change and change came up earlier. So that's on at least three commissioners minds about the status quo, the fear of change, and what I would encourage you to think about, from my experience, is I actually don't think your community is afraid of change. I don't think any community is afraid of change. Good change is fine. You know, the federal government sending 100 million dollars in infrastructure money into your community is going to change things and you're going to like that change, most people are going to be okay with that. What we find as we

work with organizations and communities and companies around their toughest challenges and biggest aspirations, is that it's not that people are afraid of change because, again, people have good change. They're afraid of the loss that comes with the change you might be pushing or the perceived loss. So if that loss is keeping people, or that perceived loss, might not be real, it doesn't matter, those of us in politics knows it doesn't matter, real or perceived, it's the same in politics and government. If that loss isn't addressed, you'll get people to focus on the status quo. There's a fear of loss, so what at least Commissioner McKiernan is suggesting, is that progress on these things will require the type of change that might require some loss and it would be interesting to explore what that is. We won't do that tonight, but what does that mean exactly.

What else makes progress hard?

Commissioner Ramirez said I would say unlimited solutions with limited resources. **Mr. O'Malley** said okay, keep going there, unlimited solutions with limited resources, say more. **Commissioner Ramirez** said as we had a discussion earlier, we all have different solutions, different ideas how to fix the issue, but we have limited workforce, we have a limited funding source, we have just as limited—as you said, limited authority to fix the issues in our community. All of us, each 10 of us, we can come forward, 11 including the Mayor, can come forward with an idea, a solution to fix our homeless issue. But there is limited resources out there to actually get the job done and to alleviate that. **Mr. O'Malley** said yeah and I think it connects, though, to what we were just talking about with loss. It might connect, let me just play here for a minute, because how we spend our money tells us what we value and a lot of times we want to try to value everything.

Commissioner Stites was inaudible. **Mr. O'Malley** said no, I feel like we've known each other forever, but I just met you tonight for real, so I think there's something going on here.

Commissioner Stites said trying to please everyone, and you know things that we were presented with tonight, you know, if it wasn't an issue where we just say we're going to drop the mill one to 20, I don't know, whatever the number is and it didn't affect something else, and that didn't affect something else, do we give raises, are we able to pave streets or all those things. We want to please everybody. I do, I mean I want everybody to be happy and be just like we started out with live,

work and play and do all the things that people want for us to do, but we just can't. We can't please everyone. **Mr. O'Malley** said there's something too about timeframe in mind too, because you'll have—I think the aspirations of the concerns you listed, if I went out and talk to a community group, I'd get a lot of the same answers, so people aren't happy. So the question is, to make more progress, would we have to perhaps disappoint people in the short term, so that in the long term they're going to take—some of things are going to come off the list. Or are we going to keep them happy in the short term, or happy enough, because we're spreading things around enough that we're saying we value everything. And I haven't studied your budget. I mean—I'm just, you know, you're not unique in the way a lot of us, you know governing systems work.

So there's a question there about it gets to that loss. If we're going to go all in to really make something happen, that might mean we can't make this other thing happen and acknowledging that as hard and especially difficult as a governing body, knowing that you each have an external stakeholder group that you're accountable to. That's not anything you don't know. I'm just trying to name it because how you then craft goals and a vision that count for some of these dynamics is really important.

Commissioner Johnson said it's a tie-in to what was said about fear of loss, also fear of pain and those are the things that keep people from wanting to change as well, and, you know, how much will it hurt to make—how much will it hurt me. What I put down was a me and my mentality versus we and our mentality. As long as the bad things don't affect my household, everything is fine and nor am I concerned about how those things affect others in my community and so as long as I'm comfortable, I'm not in pain, I'm not threatened by loss of anything, I don't care about what happens in other communities, and I think that's a problem. The last thing is that many of us have an ingrained acceptance of old, comfortable, and a negative thinking, whether it be amongst us as leaders, staff and/or our constituency that we represent. Sometimes we're just comfortable. It's like the expression of the frog that was in the pot of water, you continue to turn the heat up, they don't know that there's—that they are now supper.

Commissioner Kane said two things that stick out in my mind, some of us remember because we're aged, is when they widened Parallel and there were 300 or 400 homes dispersed and people really hurting, but it was the best thing at that time and, as Commissioner Burroughs was talking

a minute ago, when he was walking on the field out there at the racetrack, there were 50 or 60 homes displaced, but that ignited the western end of Wyandotte County and that's why you have the Legends and everything else. So, sometimes it hurts good and sometimes it hurts bad and thank God, the Commission and the State Legislators at the time, when all that went down had a vision, but sometimes that vision can adversely affect others.

Mr. O'Malley said yeah, I was a young staffer for Governor Bill Graves when that happened and I was in charge of the small staff that fielded phone calls and wrote letters back. We were just getting email back then, you know, and the number of calls from the people who lived in those homes, you know, it was pretty intense. So there's loss that comes with progress, and it can be hard to figure out how to negotiate that which we all know.

Other thoughts about what makes progress hard.

Mayor Garner said for me it's the lack of shared division. I mean a shared vision, a lack of shared vision, not just amongst the elected body but amongst staff, and if you go beyond these four walls of the Unified Government, it's a lack of shared vision in the community. Everybody has their own agenda. People are siloed. As unified as we try and be, there's still a lot of areas where we need to come together and find areas that we can agree on, that we can build on, as opposed to looking at the things that we can't agree on. Trying to find that common ground and build on those things that we all can agree on is going to make Wyandotte County better, but just really that lack of a shared vision to me is a huge concern.

Mr. O'Malley said my experiences, human systems don't accomplish amazing things without a shared vision and I understand it's hard to come up with a shared vision in a governing body, I get that. But my experiences, also you got to be looking for ways you can. You got to be able to recognize that they're going to be differences, but if you don't coalesce around a vision that can mobilize at least most of you—you know amazing things just aren't going to happen. I mean it's just not. It's an ingredient. We're going to end on time, I promise.

Commissioner Davis said very, very quickly, what I wrote down, and I think what we all kind of hinted at was competing and conflicting priorities, both at the Commission level as elected officials, and within our community, within the same neighborhood and two homes may want two different things. But, along with that what I haven't heard us really talk about is the inability to

compromise to say I may not get the whole pie, but I'll get half. And if I can figure out what that half is and be satisfied with that half, if I can live with that half, if that half can make me happy, then I can come to the table ready to get things done.

Mr. O'Malley said other thoughts on this question.

Commissioner Bynum said mine, I think it has some similarity to what some others have said. The simple answer, I think, is that because we live in a democracy and hearing all of our voices is important, consensus can be really difficult and Commissioner McKiernan and I have said this many, many times and Commissioner Stites spent many years as a community-oriented policing officer, and I spent a lot of years organizing neighborhoods and what we say is, neighborhood work is messy. It's messy, messy work, and I think that's a part of why progress is hard, but I would also say that this community over the last 25 to 30 years has seen tremendous progress and the community that existed 30 years ago is not recognizable today so progress is hard, but it is possible with a sustained vision. That vision was, we are not going to live this way anymore. I mean period. Codes, crime, delinquent taxes, over and over and over again, and we had that vision and we put resources into those things and we still do today, and that is, I think, a large part of the progress we've seen here. I think having someone that helps you believe that there's a better way, whatever that way is, you know, certainly helps bring others to consensus around an idea.

Mr. O'Malley said I want to—in this last couple minutes, knowing that this is the beginning of the conversation, not the end of the conversation, and please take Tina's phone call and my phone call when we call you. It's the beginning of a conversation literally with us, but also among yourselves and it's a beginning of a process, as the Mayor was saying, beginning of a process. Eventually it's got to get to things like a budget, it's got to get the things like initiatives and policies, but the idea here to think about is if what you all just said is that progress is hard—any budget you pass, any policies you pass, you're going to pass with the idea that they're designed to make progress on these concerns or towards these aspirations we talked about. You're going to connect. Whether you fix that bridge, you're going to connect that to this concern of infrastructure. You're going to connect it all. So the idea here is while you're also—while you're thinking about the policies and the budget and how to make this work financially, if you as Commissioners don't also

think about how do you go about all that in a way that reflects the opposite of what you just described, so you say what makes progress hard, we're not making communal decisions. So how do you do it in a communal way. If you don't, my guess is, you're going to contribute to the status quo. Other things, you need others to buy in.

How do you go through this process that the manager talked about the three-legged stool of a good process. The fear of loss, how do you create a process that gets people to talk about the loss involved, and there will be loss if you want game-changing progress. There will be things you might have to give up and it might just be your comfort. That's what it might be, it might be your comfort to your point Pastor.

The inability to compromise, so if the inability to compromise is getting in the way of game-changing progress on the things we care most about, how do you create a process to get you to a set of policies in a budget that prepares people for the compromise that will be necessary. All this is stuff that we call the leadership stuff, which that's why you all get paid the big bucks.

We have literally 60 seconds left, so I think I'll give the final word, Madam Manager, to you. The last thing I'll say, I appreciate you inviting us into this process and then, if you want to do the final word to anybody else, you can do that too, by the way, we can do that, we can just trade the final word around knowing that we only have 60 seconds left, but I appreciate the conversation tonight. I appreciate it being here for the conversation before this conversation. I appreciate the passion in this room from all of you, from the different perspectives, and my guess is if we go back and watch the tape, we could think about how these ideas that we've been talking about now connect to the conversation before and that's really your task, is how to bring these ideas alive in your work together and we're honored to play a small part in helping you do that, helping you find your way to a vision and ultimately policies and procedures and budgets.

Ms. Cheryl Harrison-Lee said thank you very much for starting that process of really convening that three-legged stool of policymakers, elected officials, staff, as well as the community. We're going to be going out into the community. You'll be hearing from Mr. O'Malley and we'll be looking to try to gain from you your thoughts on whether or not this wheel is where you'd still like to be. Any closing comments?

Mayor Garner said thank you Administrator and thank you for your facilitating this conversation and thank all the commissioners for the information you put forward. I think it was a real good, spirited debate. This was all by design, it was intentional, to get the type of conversations and ideas put out on the table. So as we move forward through our budget process, as we engage our constituents, which are the awesome folks that live here in Wyandotte County, we can kind of do some things and get to that shared interest and, hopefully, you all can make some decisions that are community-driven that we all know. I know everybody here at this table that's elected, I know our staff who works hard to support everything that we do every day, I see them at work including those that aren't here; our public servants. Everybody wants a better Wyandotte County and so, what does that look like, that's what that conversation is going to be moving forward as we really talk about this budget cycle. Thank you everyone for being here and thank all those who have watched and be safe and be blessed.

MAYOR GARNER ADJOURNED
THE MEETING AT 8:00 p.m.

Brett A. Deichler
Unified Government Clerk

dt

March 24, 2022

CONSENT AGENDA ITEM NO.

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

PLANNING & ZONING AND
REGULAR SESSION
DECEMBER 2, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, December 2, 2021, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Kane, Commissioner Fifth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Assistant County Administrator; Misty Brown, Chief Counsel; James Bain, Dan Kuhn, and Jeff Conway, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Brett Deichler, Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning; Jeff Fisher, Executive Director of Public Works; Sarah Shafer, Public Works; and Katherine Carttar, Director of Economic Development.

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

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

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments are included in the record. 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.

Brett Deichler, Unified Government Clerk, said before I call tonight's roll, I need to make mention that Commissioner Kane is unavailable tonight due to the passing of a family member.

Mayor Alvey said I would like to recognize Mayor John McTaggart. Mayor McTaggart does not know why he was invited here today. As many of you know, Mayor McTaggart is ending his term of service as Mayor of Edwardsville in January. I would like to offer this proclamation in honor of John McTaggart.

Mayor John "Tiny" McTaggart, Edwardsville, said, David, I want to thank you and the Unified Government so much for this honor. It really is an inspiration for me too for the service I made and the commitment I had made to my community. When I say my community, I consider all of Wyandotte County my community. I always have and I've always maintained that. It has been a real honor to serve in all the capacities that I have in over the last nearly 30 years. I really want to say how much I appreciate this. I really do and thank you very much, all of you. **Mayor Alvey** said you're welcome.

Mayor Alvey said Mayor McTaggart, we just want to say thank you. Your example of leadership is an inspiration to all of us. Your long standing commitment has benefited so many people throughout our community and our state. We're just here to say thank you and we wish you the very best in your years beyond public service, which probably won't end, but officially.

Action: **The Proclamation was presented.**

Item No. 2 - 211225...RESOLUTION: STATE OF LOCAL HEALTH EMERGENCY FOR THE COVID-19 PANDEMIC

Synopsis: A resolution extending the state of local health emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas through April 1, 2022, submitted by Jeff Conway, Assistant Counsel. Action maintains our local ability to apply for federal assistance for efforts we continue to make to prevent the spread of the virus and to improve our community health.

Jeff Conway, Assistant Counsel, said I just wanted to say that this is typically extended 90 days. This time it's 90 days plus 2 more weeks. The reason is the Feds issued a statement that they're looking at April 1st. The word that I had received originally was that April 1st was probably the termination of the federal emergency, but, as you know, things are moving kind of quickly now.

Really, what it is, is a statement by the Feds that April 1st is a guarantee that they will pay through April 1st at the very least.

In the past, Matt May, who wanted to be here tonight, Director of Emergency Management, there was a death, and he was attending the visitation tonight. He said, in the past, that the Fed's sometimes give a date and then retroactively back off of that so we're left hanging maybe a few weeks with paying our own bills. But, in this case, April 1st is the definite date and it may be extended past that. We're aligning our deadline with the federal deadline. There is no state emergency, but the primary benefit of this is that the federal money could flow to the locals, as long as the locals have an emergency in place.

Mayor Alvey said can, again, just explicate that a little bit more that the reason we are considering this is to allow us to access federal monies. **Mr. Conway** said that's the primary benefit. It's really not tied up with masks and all of that. It's just a way for the federal money to flow to the locals. **Mayor Alvey** asked, any members of the Commission have any questions or comments? Seeing none, I'd entertain a motion.

Action: **RESOLUTION NO. R-86-21**, "Extending the state of Local Health Emergency for the COVID-19 pandemic for the county of Wyandotte, Kansas, through April 1, 2022." **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

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

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. Commissioner McKiernan disclosed contact with proponents and opponents of the Non-Consent Agenda Item B1, CA2021-019. Commissioner Bynum disclosed contact with proponents and opponents of Non-Consent Item B1, CA2021-019. Commissioner Philbrook disclosed proponents and opponents of CA2021019. Commissioner Johnson disclosed contact with proponents of CA2021-19.

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

Mayor Alvey asked, does any member of the Commission, the County Administrator, or in the public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Mayor Alvey asked the Clerk if we received any requests from the public to set-aside an item. **Mr. Deichler** said none were received, Mayor.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 - 211195...CHANGE OF ZONE APPLICATION COZ3241-DANA BLAY WITH DBL ARCHITECTURE, INC.

Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District to add a fuel island for a fueling station/convenience store rebuild at 4732 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Dana Blay with DBL Architecture, Inc., is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District on behalf of their client in order to add

additional gas pumps to a currently operating convenience store and gas station. The property will continue with these uses, but with more gas pumps. The subject property has two unresolved Notice of Violation associated with the property, NOV #1821600097 and NOV #19216-00042, both issued December 31, 2019, for excessive temporary signage in the right-of-way, on fences, and on poles. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3241, subject to:

- 1) Renovations and additions to the subject property shall comply with the plans submitted by the applicant;
- 2) The subject property meets the minimum parking requirement, but any use that requires additional parking will exceed the number for parking spaces available. If the use of the subject property changes or is added to, and additional parking spaces are required, then either the number of parking spaces will need to be expanded or a variance from the parking requirement will need to be granted;
- 3) An oil-water separator must be installed on the property in order to prevent and mitigate liquid chemicals such as oil and gasoline from leaking into the groundwater;
- 4) Downspouts shall be internalized;
- 5) The trash enclosure shall be comprised of the same materials as the primary building. Junipers and shrubs shall be planted around the perimeter of the enclosure;
- 6) All shade trees shall be 2 1/2" caliper. Shrubs around the perimeter of the property shall be at least five gallons when planted. Shrubs that are interior to the property shall be at least three gallons when planted;
- 7) Sec. 27-577(d)(1), at least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
- 8) Parking lot islands east of the building shall have plantings installed in them;
- 9) All landscaping shall be irrigated;
- 10) 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, including, but not limited to gas meters, electrical panel boxes, piping, etc.;
- 11) BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback three 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. The gate shall have louvers or have 3/8" gap in the pickets. If this cannot be accomplished, relocation of the transformer may be necessary;
- 12) Rooftop mechanical equipment shall be screened from public view on all four sides;
- 13) Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;

- 14) Per the Staff Comments and Suggestions, a Final Plan Review may be required in the future;
- 15) When conducting site visits Staff noted that signage on the subject property continued to exceed signage code regulations. The property had previously been issued Notices of Violation, NOV #18216-00097 and NOV#19216-00042, for excessive temporary signage in the right-of-way, on fences, and on poles. As of October 20, 2020, neither NOV has been resolved. Violations were most noticeable on the windows of the convenience store, on the fence at the northeast border of the property, and in the green space along State Avenue. The applicant must comply with the sign code, most notably Section 27-727. The applicant should work with Staff and Zoning Code Officer to ensure compliance;
- 16) 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;
- 17) The current lighting scheme on the property is not in compliance and needs to be changed. 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;
- 18) No ribbon lighting shall be installed around the interior or exterior of the window frame as an attention attracting device;
- 19) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 20) 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;
- 21) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
- 22) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ #3241, subject to the stipulations.**

Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 - 211196...CHANGE OF ZONE APPLICATION COZ2021-028 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Change of Zone from AG Agriculture (WYCO) District to R-1 Single Family District to create one single-family residential lot at 13310 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Andrea Weishaubt with Atlas Surveyors, has submitted a request for Change of Zone from AG (WYCO) Agricultural District to A-G Agriculture (Lots 1-3) and R-I Single Family Residential Districts (Lot 4) for a rural parcel along Leavenworth Road. The applicant is requesting a Preliminary Plat for four single-family parcels totaling 38.38 acres, to be subdivided from one larger parcel. These requests were heard simultaneously with two variance requests to address all aspects of the Preliminary Plat that do not comply with the Zoning Code. After the replat, the property owner wishes to sell the vacant parcels, with each newly created parcel retaining the agricultural and rural characteristics of the area while reserving the future owner's ability to still build a Single Family Residence on each lot. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2021-028, subject to:

- 1) The appeal has been filed in conjunction with BOZA2021-025, a Variance request to exceed the maximum depth-to-width ratio and a Variance request to allow for less than the required minimum acreage on a Major Street. (Variance approved.)
- 2) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 3) The applicant, contractors, subcontractors, and any related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable, for any future development. All future development is subject to additional review approval.
- 4) The plat shall be revised, corrected, amended, or otherwise adjusted to meet the comments provided by the Surveyor and Geospatial Departments.
- 5) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- 6) Any new approaches off Leavenworth Road must be constructed with a concrete curb and

apron per UG Standards. Driveways may be made of gravel to maintain character and permeability.

- 7) Site improvements that include land disturbance activity on greater than one 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 — Sect. 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.
- 8) 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.
- 9) This City Planning Commission case is being heard in conjunction with BOZA-2021-006. Any 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 Case BOZA2021-006 by the Unified Government Board of Commissioners and upon any ordinance publications required by law.
- 10) A Right of Way Permit is required prior to future construction. Please contact the public works information prior to construction for guidance.
- 11) A Deed Restriction is executed that would prohibit manufactured homes on all the subject properties.
- 12) This City Planning Commission case is being heard in conjunction with BOZA2021-025. The following are conditions for BOZA2021-025 and are stated here for reference only, as CPC case is solely for COZ2021-028 for the Change of Zones from AG(WYCO) for Lots 1-3 to AG and Lot 4 from AG(WYCO) R-1:
 - a. All comments pertaining to related cases COZ2021-028 and PLAT2021-017 shall be addressed as a condition of approval. Any 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 Case(s) COZ2021-028 and PLAT2021017 by the Unified Government Board of Commissioners and upon any ordinance publications required by law.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-028, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, Ramirez, McKiernan, Johnson.

Item No. 3 - 211200...CHANGE OF ZONE APPLICATION COZ2021-033 – MICHAEL BERENBOM WITH HUDSON APARTMENTS LLC

Synopsis: Change of Zone from RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District for a new 228-unit apartment building at 3600 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Korb Maxell on behalf of Milhaus Properties LLC, wants to rezone 3600 Rainbow Boulevard from RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District to demolish a three-story apartment complex to build a 228-unit, five story over two story parking garage apartment building on 2.66 redeveloped acres. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2021-033, subject to:

- 1) This City Planning Commission case is being heard in conjunction with BOZA2021-016. The following are conditions for BOZA2021-016 and are stated here for reference only, as CPC case is solely for a change of zone to build an apartment complex:
 - a. Preserve the existing tree stand along the west property line and cliff edge to comply with the landscape requirement for site trees. Seven trees must be preserved, which the applicant has agreed to do;
- 2) The applicant seeks a deviation from the Rosedale Urban Multi-Family Residential Design Guidelines in order not to build a fence abutting University of Kansas Health System parking lot, along the south property line. The Developer proposes to install landscaping in place of a five-foot wrought iron fence;
- 3) Subject to approval, a Final Development Plan is required to be submitted prior to publishing the Change of Zoning ordinance;
- 4) Sec. 27-638(c)a. For parking and other paved areas: Not less than 25 feet from any street line and not less than six feet from any other property line;
- 5) In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
- 6) Applicant will provide the following amenities:
 - a. Enclosed and landscaped courtyard with grill area, fire pit and seating;
 - b. Swimming Pool;

- c. Rooftop Patio; and,
 - d. Enclosed bike storage will also be provided on the ground level garage with additional access to a bike area.
- 7) All amenities shall be built within the first phase of the development;
 - 8) 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;
 - 9) Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lighted without creating glare to the surrounding neighborhood;
 - 10) Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, all façades oriented towards a street or courtyard accessed from a street must have forty percent transparency between three and eight feet above the finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass;
 - 11) At least one decorative light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat storm doors or patio doors are prohibited for primary street-oriented first floor entrances;
 - 12) Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than thirty feet and must be broken via setbacks or offsets;
 - 13) The proposed garage doors shall match the adjacent exterior building façade color;
 - 14) All exterior-facing downspouts shall be internalized;
 - 15) Add a deed restriction or other legal restriction that the trees and the cliff be preserved in perpetuity;
 - 16) The applicant will use the existing free stands to count towards the overall tree requirement for the RP-6 landscaping requirements;
 - 17) All overstory trees shall be at least two-inch caliper when planted. All ornamental trees shall be at least two-inch caliper when planted. All evergreens shall be at least six feet when planted. All shrubs shall be five gallons when planted;
 - 18) All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
 - 19) All electrical meter banks, typically on the side of the building shall be screened from public view;
 - 20) BPU transformer pad shall be completely screened on three sides with 6-foot Junipers set back three feet from the pad and ten feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;

- 21) 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 evergreens or an architectural wall constructed from the same materials as the main building;
- 22) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
- 23) Shall comply with the sign ordinance;
- 24) Site improvements that include land disturbance activity on greater than one 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;
- 25) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 26) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-033, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 - 211201...CHANGE OF ZONE APPLICATION COZ2021-035 – MARICELA ZAMORA

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to build accessory structures and farming activity at 449 North 86th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Maricela Zamora, is requesting a Change of Zone for the subject property at 449 North 86th Street. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Change of Zone has been

requested so that the applicant may begin utilizing the land for farming activities and for its associated accessory structures for farming equipment storage. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2021-035, subject to:

- 1) Any accessory dwellings erected shall be for a permitted accessory use only. Any usage such as storage of construction or building materials, automotive-related use, etc., shall require a separate Special Use Permit.
- 2) The existing tree strand and drainage channel on the southwest corner of the property shall be maintained.
- 3) A landscape buffer shall be planted along the west of the property where the property borders the Stoney Point Trails Subdivision. Contact the Conservation District for guidance.
- 4) A landscape buffer shall be planted along the southwestern property line where the property meets the easement of Interstate I-70. Contact the Conservation District for guidance.
- 5) A conservation plan was not evaluated for livestock use and shall be obtained prior to the introduction of livestock onto the property.
- 6) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 7) Any property owner or business owner keeping 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.
- 8) 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 buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
- 9) Site improvements that include land disturbance activity on greater than one 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.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-035, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 - 211202...CHANGE OF ZONE APPLICATION COZ2021-036 – DOUGLAS STRAND

Synopsis: Change of Zone from C-O Non-Retail Business District to R-2 Two Family District for a single-family residence at 2211 North 13th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Doug Strand, is requesting a Change of Zone for the subject property at 2211 North 13th Street from C-0 Nonretail Business District to RP-2 Planned Two-Family District. The applicant is rehabilitating a legal non-conforming, one-story building that was formerly used for non-retail offices in order to operate single-family residence. The proposed single-family residential use under the requested Change of Zone has triggered several zoning code violations that are being addressed simultaneously in Appeal BOZA2021029. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2021-036 to RP-2 Planned Two Family District, subject to:

- 1) The current building was constructed in 1965, which makes the subject property eligible for historic status, so long as the exterior facade and footprint are maintained. Historic status could make the subject property eligible for historic preservation funding. Therefore, any proposed alterations to the exterior façade must be submitted to Staff as part of the review for Appeal BOZA2021-029 and Petition COZ2021-036;
- 2) All proposed exterior work, such as stabilizing the canopies, removing pavement, and landscaping, shall follow the submitted elevations and site plans;
- 3) The applicant must submit a revised site plan demonstrating a paved pedestrian access from the sidewalk on North 13th Street to the front door;
- 4) The sidewalks adjacent to the subject property along North 13th Street and Waverly Avenue must be repaired and maintained, especially at the access points along Waverly Avenue that will be closed or otherwise closed. The artistic renderings of the proposed site work and landscaping still show two curb cuts and two small driveway inlets adjacent to Waverly Avenue. The site plan, however, does demonstrate the removal of the driveways and the curb

cuts. Therefore, future work shall comply with the site plan and the following conditions must be met:

- a. Removal of all curb cuts that access Waverly Avenue,
 - b. Removal of all driveways that access such curb cuts (but excluding any paved area that shall remain as a patio),
 - c. Extension of the buffer between the sidewalk and the street, including reseeding with grass, and
 - d. Restoration of the sidewalk and repair of any portion damaged either by proposed work or general weathering;
- 5) The proposed use of the subject property is a single-family residence. Any commercial uses on the subject property will require a change of zone to a commercial (C-prefix) district;
- 6) This City Planning Commission case is being heard in conjunction with BOZA2021-029. The following are conditions for BOZA2021-029 and are stated here for reference only, as COZ2021-036 is solely for a Change of Zone from C-0 Nonretail Business District to RP-2 Planned Two-Family District:
- a. Any proposed alterations to the exterior facade must be submitted to Staff as part of the review for Appeal BOZA2021-029 and Petition COZ2021-036;
 - b. All proposed exterior work shall follow the submitted elevations and site plans;
 - c. The sidewalks adjacent to the subject property along North 13th Street and Waverly Avenue must be repaired and maintained, especially at the access points along Waverly Avenue that will be closed or otherwise closed;
 - d. Any commercial uses on the subject property will require a change of zone to a commercial (C-prefix) district;
 - e. Any 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 COZ2021-036 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
 - f. 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;
 - g. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward; and,
 - h. 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) If the property will not be owner occupied, the applicant must keep a current annual Rental License;
- 8) 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;

- 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) A building permit is required for a change of occupancy. Please contact the Building Inspection Division at (913) 573-8620 to begin that process; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application to RP-2 Planned Two Family District, COZ2021-036, subject to the stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 6 - 211203...CHANGE OF ZONE APPLICATION COZ2021-042 – RACHEL BICHARA WITH GOOD NEWS RENTALS LLC

Synopsis: Change of Zone from R-I(B) Single Family District to R-2(B) Two Family District to bring existing non-conforming duplex into compliance at 731 Tenny Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Rachel Bichara, is requesting a Change of Zone for the subject property at 731 Tenny 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 legal non-conforming use becomes conforming. The subject property was originally constructed as a duplex with a carriage-house style garage and third living unit above the garage. The previous owner has demolished the carriage house garage, leaving only the duplex and driveway. The Applicant desires the rezone to complete appropriate renovations and to obtain a rental license, which requires the zoning to reflect the building's physical condition. Additionally, the driveway access was at some time subdivided from the subject property and

adjacent parcel to grant right-of-way utility access, leaving the subject property without access to the parking in the rear parcel and without the use of the intended shared drive with the adjacent parcel (731 H Tenny). A separate Vacation Application and Right of Way access agreement shall be filed as part of the conditions of approval. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone COZ2021-042, subject to:

- 1) If approved, rental licensing shall be obtained once renovated;
- 2) If approved, the applicant shall apply for a Vacation of the adjacent alleyway to regain the driveway access to the property to provide for proper off-street parking as required. Should the vacation not be approved, an additional application for a parking variance shall be required;
- 3) If approved, the applicant shall make repairs to the front sidewalk, curb, and driveway approach in accordance with UG Standards;
- 4) If approved, the applicant shall replace the undersized window on the front upstairs to match the adjacent front window;
- 5) A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
- 6) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc., that are now or may hereafter be installed in the tract of land hereby vacated;
- 7) Provide curb and five-foot-wide public sidewalk in accordance with UG standards and criteria. see UG detail i.e., UG 4100-0;
- 8) Applicant shall maintain erosion control practices during construction;
- 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 applicant has filed and maintained a current business occupation tax application; and,
- 11) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-042, subject to the

stipulations. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

SPECIAL USE PERMIT APPLICATION

Item No. 1 - 211204...SPECIAL USE PERMIT APPLICATION SP2021-046 – MAYRA HERNANDEZ

Synopsis: Special Use Permit for two horses on residential property at 1315 North 86th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Mayra Hernandez, is requesting a Special Use Permit to keep two horses on a residential property at 1315 North 86th Street, the applicant's primary residence. The subject property is 4.84 acres. The horses will be kept in the rear yard, where they will graze and be stabled. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit SP2021-046, for two years, subject to:

- 1) Only two horses may be stabled on the subject property;
- 2) All recommendations from the conservation plan by the Wyandotte County Conservation District must be met, including:
 - a. Construction of a second, wintering stable for the two horses. The applicant must present satisfactory stable building plans to both the Department of Planning & Urban Design and the Building Inspection Division of the Neighborhood Resource Center by November 24, 2021;
 - b. Production of a manure plan that includes the following elements:
 - (1) Immediate removal of the manure presently observed on the subject property;
 - (2) Construction of a structure to hold the on-site manure. Construction of this structure will require a variance, which the applicant must apply for and successfully be granted. The applicant must present satisfactory stable building plans to both the Department of Planning & Urban Design and the Building Inspection Division of the Neighborhood Resource Center as part of the variance process;
 - (3) Creation of a sediment basin to the east of the existing horse stable in order to catch runoff from the bare area in the front of the stable;
 - c. Erection of a fence in the rear yard of the subject property, in order to allow the horses to freely roam and graze, thus providing more exercise and reducing the amount of hay required to feed the horses;
 - d. Areas of the subject property need to be designated for grazing, and such designated areas must be weeded and reseeded;
 - e. A five- to ten-foot buffer along the south boundary of the subject property much be preserved as a filter strip;
 - f. After the pasture has improved, work with the Wyandotte County Conservation District to create a sustainable rotational grazing plan;

- g. Removal of the two goats observed by Conservation District Staff during the site visit, and removal of the on-site manure accumulating in the goat pen; and,
 - h. Creation of a sacrifice lot to allow for the future rotational grazing;
- 3) Aerial imagery from 2020 shows some large, unidentified items in the rear yard of the property. Any vehicles, scrap/junk, or other materials must be removed from the property in order to create a suitable environment for the horse. All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;
 - 4) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
 - 5) 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 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 two 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 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 Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve Special Use Permit SP2021-046 for two years, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

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

Item No. 1 - 211210...ORDINANCE

Synopsis: An ordinance rezoning property at 626 North 47th Street (COZ2021-013) from MP-1 Planned Light Industrial and Industrial Park, CP-1 Planned Limited Business and R-1 Single Family Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-149-21,** "An ordinance rezoning property hereinafter described located at approximately 626 North 47th Street, in Kansas City, Kansas, by changing the same from its present zoning of MP-1 Planned Light Industrial and Industrial Park, CP-1 Planned Limited Business and R-1 Single Family Districts to NIP-2 Planned General Industrial District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 - 211211...ORDINANCE

Synopsis: An ordinance rezoning property at 2948 South 69 Street (COZ2021-009), from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-150-21,** "An ordinance rezoning property hereinafter described located at approximately 2948 South 65th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District." **Commissioner Philbrook made a motion, seconded by**

Commissioner Markley, to approve the ordinance. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 - 211212...ORDNANCE

Synopsis: An ordinance rezoning property at 3726 North Terrace (COZ2021-012) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-151-21,** "An ordinance rezoning property hereinafter described located at approximately 3726 North 47th Terrace, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 - 211213...ORDNANCE

Synopsis: An ordinance rezoning property at 2332 South 14th Street, from R-1 (B) Single Family District to CP-O Planned Nonretail Business District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-152-21,** "An ordinance rezoning property hereinafter described located at approximately 2332 South 14th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to CP-O Planned Nonretail Business District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 - 211214...ORDINANCE

Synopsis: An ordinance rezoning property at 1625 South 86th Street from IMP-1 Planned Light Industrial and Industrial Park and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-153-21**, "An ordinance rezoning property hereinafter described located at approximately 1625 South 86th Street, in Kansas City, Kansas, by changing the same from its present zoning of NIP-1 Planned Light Industrial and Industrial Park and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 6 - 211215...ORDINANCE

Synopsis: An ordinance rezoning property at 218 North 12th Street (COZ2021-031) from R1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-154-21**, "An ordinance rezoning property hereinafter described located at approximately 218 North 12th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 (B) Single Family District to R-2(B) Two Family District." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 7 - 211216...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-062) for live entertainment in a drinking establishment/neighborhood bar at 614 Reynolds Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-155-21**, "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for live entertainment in a drinking establishment/neighborhood bar located at 614 Reynolds Avenue." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 8 - 211217...ORDNANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-065) for a Short-Term Rental at 4138 Lloyd Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-156-21**, "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a short-term rental at 4138 Lloyd Avenue." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 9 - 211218...ORDINANCE

Synopsis: An ordinance authorizing a Home Occupation Special Use Permit (SP2021-066) to operate a dog day care and boarding facility at 4001 North 74th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDNANCE No. O-157-21**, "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a Home Occupation Special Use Permit to operate a dog day care and boarding facility at

4001 North 74th Street." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 10 - 211219...ORDNANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-067) to operate a skate park and skate school at 230 South 65th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-158-21,** "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas to operate a skate park and skate school at 230 South 65th Street." **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLANNING AND ZONING NON-CONSENT AGENDA



A.1. LANDMARKS ORDINANCE AMENDMENT

Item No. 1 - 211206...MPL2021-026 - GUNNAR HAND WITH PLANNING AND URBAN DESIGN

Synopsis: Consideration of amendments to the Kansas City, Kansas Landmarks Ordinance, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Gunnar Hand, Director of Planning and Urban Design, said before you is an update to our historic landmarks and historic district ordinance, together our historic preservation ordinance for the Unified Government. This was part of the original zoning code update that started a couple of years ago. They got a little sidetracked during COVID-19.

When we began the process to develop a downtown historic district and multiple listings for historic churches in downtown Kansas City, Kansas, the Landmarks Commission asked us to pull that piece of the zoning code overhaul out and move forward so that we would have the best available data during the outreach process that will happen for that project, which should get started here in another couple of weeks, days maybe.

But, within that ordinance, there are a couple of changes that we'll review. There's three primary ones that I would note tonight. I'm happy to answer any questions at the end of this presentation regarding any others. But primarily, we are reducing the environs buffer from 500 feet to 200 feet. The environs buffer surrounds all historic districts and historic landmarks. Anything within that buffer has to go through an administrative review through the Department of Planning and Urban Design. Reducing that down to 200 feet, that was a big push by the Landmarks Commission so, we wanted to see that through.

Secondly, we've added the notification requirement to our certificate of appropriateness projects. Moving forward, they will match all other notification requirements of our entitlements, just like a change of zone, master plan amendment, special use permit, and so on. You will have to do a 200-foot notice to adjacent properties. We'll publish it in the newspaper, and we'll push it out to the notice list as well moving forward, if approved.

Third, I think just generally, we took the opportunity to go through the ordinance and do as much as we could to provide additional clarity and we will leave transparency to the ordinance. There's a bit of confusion around what is or is not in environs review, what is or is not a certificate of appropriateness, and so we added some definitions and provided some clarity in the process. We believe we'll have a better ordinance in front of you tonight.

Again, the Planning Commission last month unanimously approved the recommendation and the Landmarks Commission did the same thing. Happy to take any questions.

Mayor Alvey asked are there any questions from the Commission? There were none.

Mayor Alvey asked the Clerk, is there anyone from the public who would like to speak in favor of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You will have three minutes to state your comments. **Mr. Deichler** said seeing none.

Mayor Alvey asked the Clerk if we received any notification from the public who would like to express comments in opposition. **Mr. Deichler** said we did not, Mayor. **Mayor Alvey** said I see no one in the lobby. **Mr. Deichler** said we do not, Mayor.

Mayor Alvey closed the public hearing. Again, any questions from the Commission? There were none.

Action: **ORDNANCE NO. O-159-21**, "An ordinance amending language in order to clear ambiguities, clarify procedures and processes, and to add definitions for historic landmarks and historic districts within Sections 27-80 - 27-169, Chapter 27, Article IV, Divisions 1 - 4 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

CERTIFICATE OF APPROPRIATENESS APPLICATION

Item No. 1 - 211205...CERTIFICATE OF APPROPRIATENESS APPLICATION CA2021-019 - DR. GREG MOSIER WITH KANSAS CITY, KANSAS COMMUNITY COLLEGE (KCKCC)

Synopsis: Certificate of appropriateness for demolition of the Seventh Street Methodist Episcopal Church South Historic Landmark for the construction of the downtown campus of the Kansas City, Kansas Community College (KCKCC), located at 1101 North 7th Street Trafficway, listed as a Kansas City, Kansas Landmark (8/8/1986), and within the Huron Place Historic District environs,

a Kansas City, Kansas Historic District (9/1/1983) and within the Huron Indian Cemetery (Wyandot National Burying Ground) Historic Landmark environs, listed in the Huron Place Historic District, a Kansas City, Kansas Historic Landmark District, Register of Historic Kansas Places (7/1/1977) and National Register of Historic Place (9/3/1971), submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Dr. Greg Mosier with the Kansas City, Kansas Community College (KCKCC), is requesting a certificate of appropriateness at 1101 North 7th Street Trafficway for Demolition. The applicant proposes the following Scope of Work:

A) Demolition

- 1) Demolition of the existing structure on the subject property, the Seventh Street Methodist Episcopal Church South, a Historic Landmark.

B) Incorporation of the Landmark's features and material into the proposal construction.

- 1) Foundation stones – some will serve as the foundation of a 12-14' based on which a pre-selected sculpture will be displayed, while others will be reused for interior purposes, which will be further explained by the applicant's presentation at the November 1, 2021 Landmarks Commission meeting;
- 2) Pews – due to design of the pews, only an estimated six (6) to eight (8) will be preserved and relocated to high-traffic areas of the first floor of the building for use by students and guests;
- 3) Stained glass – the stained-glass elements measuring 10' wide by 9' tall, as well as six (6) to seven (7) stained-glass pieces each measuring three feet and eight inches (3'8") wide by ten feet and six inches (10'6") tall, are to be displayed in the new community facility, other specific stained-glass elements will be salvaged and incorporated into the new building;
- 4) Timber beam – while the timber beam previously identified for recovery has been inspected and proven to be a recent addition for structural purposes and thus will not be salvaged, two (2) decorative trusses have been identified to be salvaged and placed within the boundaries of the art gallery, and;
- 5) Red bricks – the applicant's submitted plans identify red bricks from the original building as material to be incorporated into the new design. Further inspection by the historic preservationist hired by the applicant has resulted in the estimate that only 20%, or about 1,420 square feet, of the building's red brick façade can be salvaged.

The Landmark's Commission voted to approve 8 to 1 the Certificate of Appropriateness CA2021-019. Subject to:

- 1) The foundation stones ones, pews, stained glass, timbers, and red bricks be preserved and repurposed in a manner as described by the applicant in their proposal (and reflected in this report) and consistent with the final determinations of the HPDB;
- 2) As the applicant is proposing to demolish a historic landmark, the applicant must, regardless of cost, hire a certified historic preservationist who will document the entirety

- of the building and grounds and identify any and all significant archeological resources before a demolition permit can be issued;
- 3) No demolition permit for the building, portion of the building, or the site shall be granted until the funding goal for construction of the new KCKCC Downtown campus/DCEHWC has been met, all planning entitlements have been granted, and all relevant building permits have been issued;
 - 4) Historic preservation efforts as identified by the applicant shall be undertaken, including, but not limited to, the integration of historic artifacts into the design of the proposed building, the naming and use of the conference room within the building by the HPDB;
 - 5) The applicant and the KCKCC must establish a historic preservation and design board ("HPDB" or "Board"). A Certificate of Appropriateness cannot be granted until HPDB members are selected, and rules of operation are established. The following conditions shall apply to the HPDB:
 - a. Members of the Board must include members of the Landmarks Commission, Department of Planning & Urban Design, members representing organizations such as KCKCC, KCKCC's President's Downtown Advisory Council, KCK's downtown community, and other appropriate representatives;
 - b. The Board will be updated on the findings of the historic preservationist assigned with documenting the Seventh Street Methodist Episcopal Church, South Historic Landmark;
 - c. The HPDB will have authority identify design elements for the proposed building as they relate to the preservation, incorporation, and display of features or elements of the Historic Landmark, and to make such recommendations to the DCEHWC Owners Condominium Association Board, with which reasonable recommendations will not be withheld;
 - d. The Board may identify historic preservation deliverables and present said deliverables to the KCKCC for incorporation into the historic preservation course; and,
 - e. The Board will not be dissolved until after all elements of design and incorporation have satisfactorily been incorporated into the design of the proposed building and all building permits and a full Certificate of Occupancy has been successfully issued for the building;
 - 6) The proposed sculpture, "Destiny", or a reasonably similar sculpture piece must be incorporated into the DCEWHC campus, along with other artwork from the local community and in representation of the history and heritage of the Historic Landmark, the Downtown, and Kansas City, Kansas in general; and,
 - 7) The applicant must provide a Historic Structure Report for the Seventh Street Methodist Episcopal Church, South Historic Landmark. The Historic Structure Report must provide the documentary, graphic, and physical information about the history and

existing condition of the building, the goals for the use or re-use of the property, a proposed treatment approach, a scope of work, and must be updated as work commences to record the processes undertaken and the changes made.

Mayor Alvey asked staff to describe what a certification of appropriateness entails.

Case	
Historic Property Owned by Public Agency Determination	
Petitioner	Address
Dr. Greg Mosier, with Kansas City, Kansas Community College (KCKCC)	1101 North 7th Street Trafficway Kansas City, Kansas 66101
Synopsis	
Sec. 27-148. Property owned by public agencies. The unified government, or any subdivision thereof, or any other public agency which may own or acquire property in the city shall not undertake any project which will approach upon, damage or destroy any real property designated as a historic landmark or as part of a historic district or the structure of such property until the landmarks commission has been given notice and an opportunity to review and comment upon the proposed project. If the landmarks commission determines that such proposed project will result in damage or destroy any real property designated as a historic landmark, or as part of a historic district or the structure of such property, such project shall not proceed until: 1. The unified government board of commissioners has made a determination, based on prudent consideration of all relevant factors, that there is no feasible and prudent alternative to the project; and that the project is in the public interest; and 2. The city council has given its approval to the project. Such review and determination shall be in addition to any other review and determination that may be required by the Kansas historic preservation act (K.S.A. 20-213 - 20-215).	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design City of Kansas City, Kansas	

Gunnar Hand, Director of Urban Planning and Design, said just a quick point of clarification. Before you tonight is not a certificate of appropriateness. That passed the Landmarks Commission at our November meeting. A certificate of appropriateness is what we call the permit, if you will, to do the work proposed on a historic structure or historic landmark on its exterior. Our ordinance only applies to the exterior appearance of historic structures and sites, not anything on the interior. If they become state- or federal-historic designated properties, then the interior of the property becomes a part of the review process for the State Historic Preservation Office. We do have a mish-mash of all of those things. Some of them are local, some of them are local and state. Some of them are local, state and federal. It's a bit of a mixed bag in terms of each one is unique in terms of what we have to do. Sometimes we have to send it to SHPO and sometimes we don't.

Again, a certificate of appropriateness specifically one for the church at 7th & State, the Seventh Street Methodist Episcopal Church, which is the site of the Kansas City, Kansas Community College Downtown Campus proposal, was, again, approved last November. The applicant has not appealed that decision to the Board of Commissioners.

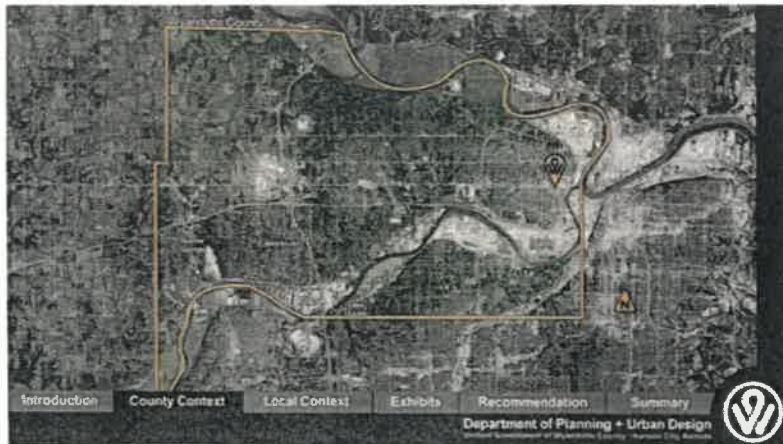
Instead, what we're considering tonight is another portion of the ordinance, and it's right down here on the screen for you, Section 27-148 Property Owned by Public Agencies. When this ordinance was originally written, we knew that we would have a situation just like this. So, this specific section of the ordinance requires the Board of Commissioners to make a determination that

we did everything we could, essentially, to save or augment or restore said historic structures. Again, it applies to all public agencies. It just so happens that this proposal includes two public agencies; us, who currently own it, and the community college, who is requesting it from the Land Bank, currently.

So, again, we're not here to hear anything about the certificate of appropriateness. That is technically a separate matter. Instead we're here to make a determination. So, tonight, I just wanted to go over quickly, we've had a lot of conversations about the value of the property and it's history architecturally, culturally as well. Then I'll kind of go over sort of some of the thoughts that staff has in terms of making that determination. So, again, if you read the code section in front of you, it's somewhat specific in particular for, again, minimizing the harm to such real property. In this case, the Landmarks Commission approved the certificate of appropriateness to demolish that structure.

Mayor Alvey said, Gunnar, again, if I look at the agenda item the purpose is demolition of the Seventh Street Methodist Church South Historic Landmark for the construction of the downtown campus of the Kansas City, Kansas Community College. What action will we be asking the Commission to take tonight? **Mr. Hand** said tonight, we're asking the Commission to make the determination that we did everything that we could to find an alternative to demolishing the structure.

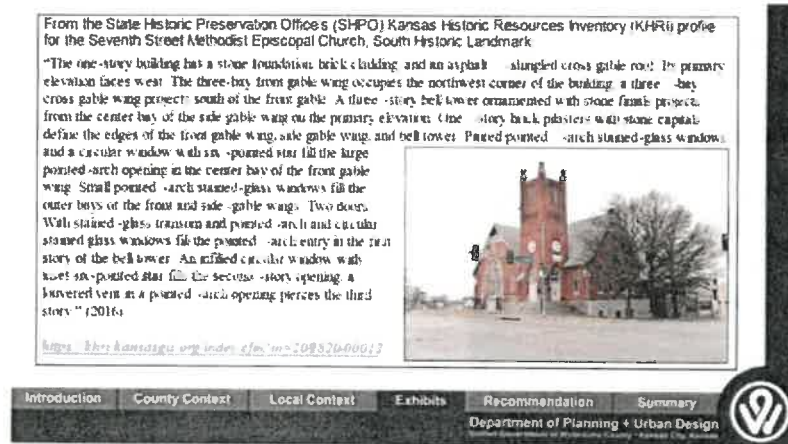
Mayor Alvey said this comes under Item No. 1, Unified Government Board of Commissioners has made a determination based on prudent consideration of all relevant factors that there is no feasible and prudent alternative to the proposal, and that the program includes all possible planning to minimize harm to such real property resulting from such use. So, specifically, Item 1. **Mr. Hand** said, correct.



Mr. Hand said I think a lot of us know this church. It's right down the street from City Hall, but just to give us a little bit of background, I'll quickly run through that.

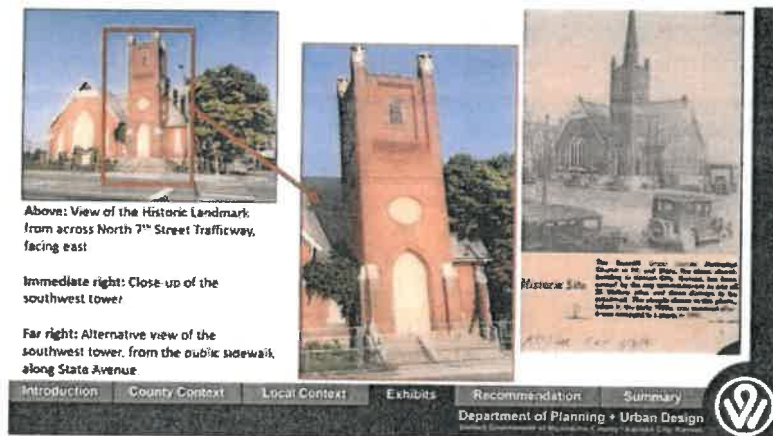


This is the site of it at 7th & State. The Community College also received five other certificates of appropriateness for the other properties that you can see adjacent to the church on State Avenue for their demolition. They were also granted certificates of appropriatenesses to do that as well.

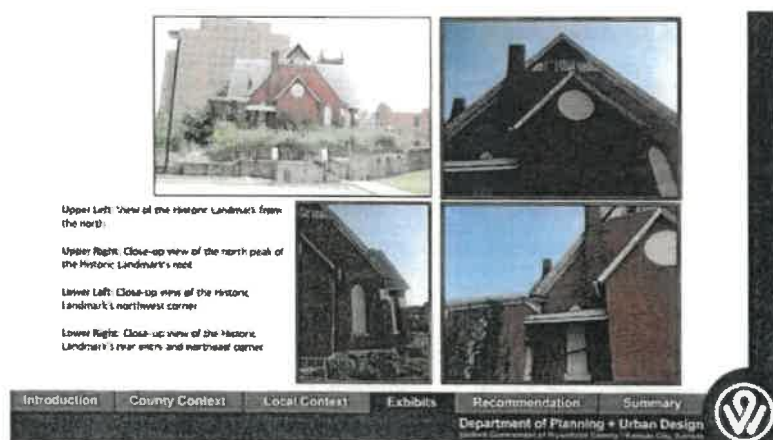


Just a little bit of background about the church historically and what it is. Again, I think that this is one of the last pieces of high-Gothic architecture in Kansas City, Kansas. I think it might be one of the last ones in all of Kansas City, and Unified Government. It's one of the last few in the entire metropolitan region.

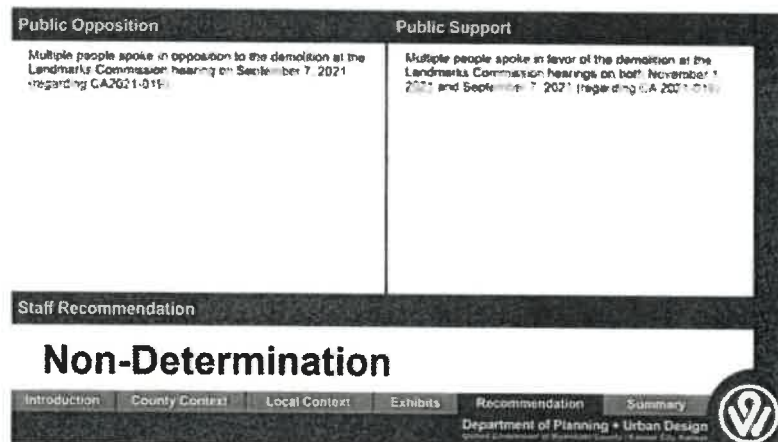
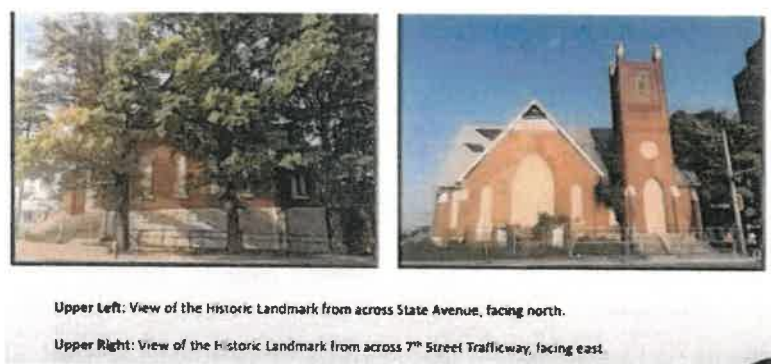
This congregation included members from Armstrong, as well as the Conley family. One of the congregation's last big efforts was the protection and ultimately the saving of the Huron Cemetery. You may all have heard some of the stories about Conley sisters sitting up there with shotguns, for instance; but over time, it's deteriorated.



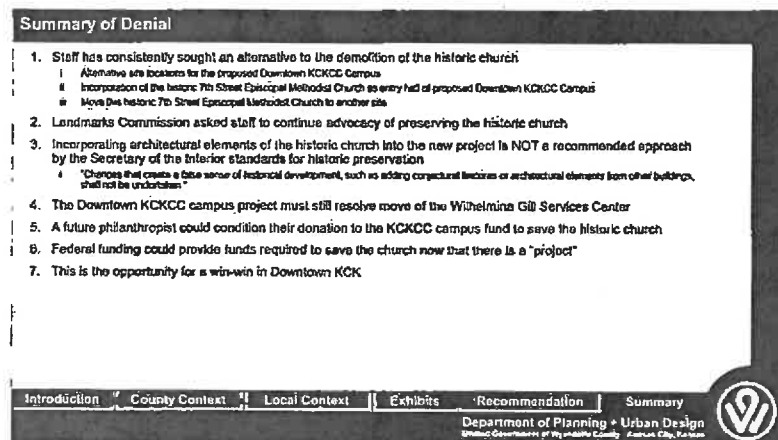
It's been through a couple of different hands since the last congregation. It's been owned by the Land Bank for the last couple of years. In 1941, there was a large storm that damaged the steeple in this historic picture and it has been removed. The removal of that steeple has caused a significant amount of water damage, specifically in that spire, if you've ever been into the structure.



It's in pretty bad shape.



With all of that aside and the background, again, we find ourselves asking the question, specifically to that ordinance section. I will note for the CFA, specifically, we did get a lot of community feedback both pro and against.



In terms of staffs' position on that determination, we do believe that we could have done more to preserve the structure.

We do believe that there still is an opportunity for what we would call a win-win situation here.

Early on, the Landmarks Commission asked staff to work with the community college to do really three primary things. First and foremost, to find an alternative site so we didn't have to potentially demolish the church knowing that was a large leap based on the efforts the community college had already gone through for a site selection. The second request was to figure out a way to incorporate the historic church into the design of the downtown campus. The third sort of tiered recommendation, if you will, was to move the church somewhere else and preserve it in that fashion if the community college wanted to move forward. Essentially, none of those came to fruition.

The CFA included some conditions of approval to include pieces, architectural historical pieces of the church into the new design. It's important to understand that that proposal in and of itself is against the Secretary of Interior Standards of Historic Preservation. Ultimately, staff believes that we still could find potentially a win-win solution.

There are issues of the site that still need to be resolved by the community college. There is still funding that needs to be obtained to reach the funding goals. To execute the project, we believe that we have a very philanthropic community. If we did more to communicate the value of the church, there could potentially be somebody out there. Again, that's pretty far off, but we do believe that that's a potential alternative.

Then, again, I think before you tonight, staff is asking the Commission to think about this as a win-win situation. There was a lot of conversation around the CFA about we've let it deteriorate for this long. Somebody could have come along with a project to fix it. This is the

project. This is our opportunity to save this church, in staff's opinion. I know that that's a little bit confusing. I know that this code section is a little obtuse. If anybody has any questions, I'd be happy to work through them the best I can. We do have Legal Counsel on as well who can assist me if needed.

Mayor Alvey said to be clear, the staff is recommending denial of the request of the certificate of appropriateness for demolition. **Mr. Hand** said that is incorrect. The certificate of appropriateness has been approved. We are not hearing a certificate of appropriateness. If the applicant wanted to appeal the decision, i.e., the approval to demolish the church to the Board of Commissioners, that would be the conversation tonight. But because this historic property is owned by a public agency, we are beholden to this section of code which basically asks the Commission to make the determination that we did everything we could to save the church. Staff does not believe we can make that determination.

Commissioner Ramirez said I think I'm not the only one here in this room that is about to ask this question. I think, Mr. Mayor, you're trying to get there, but I'm still confused. What exactly are we—if you're asking us to deny, because that's where I'm confused. **Mr. Hand** said it will, I mean, I think the motion technically would be a determination that we did do everything we could to find an alternative to save this church or that we did not. I think, again, I apologize for misleading with some of my slides here. It's not an approval or denial necessarily. It's simply the recognition that we did or did not do everything that we could to save this property.

Commissioner Ramirez said I think I'm just going to have to forget the word deny and just use the words determine or not determined is what I think I need to get into my head. This church and this project and everything has been very talked-about within the community. I will say, I support staffs saying, we have not done everything we could. I cannot—I don't have the faith in me to vote to say we have.

As I am working with ACA Melissa Sieben to save another historic monument in our community, I can't say that we haven't done, because unfortunately, we as a community, as a governing body, as a government, we don't do everything we can to save our historic monuments. It is part of our history. I'm very passionate about it because I lost one already.

If, staff and community members, if we can find a way to preserve it and save it and really say, we did everything we could, then let's do that. I'm a person that I cherish history. It was bred into me as I grew up. I learned where I came from, my family came from, and that's why any historic monument, any time I see the words demolish, it hurts me because then that's a piece of us that's being taken away. Yes, we have stories, yes, we have pictures, yes, we have video, but it's different when you can actually experience it. Especially, the church where in my district, I had family, friends, who got married in that church, who have memories, and who wanted to save it, but we did nothing to help with it.

I thank Melissa Sieben for working with the community for trying to save and continuing to work with them to save Sauer Castle. Thank you to the Planning staff for all your doing and for trying to find how to preserve this.

Commissioner Markley said I guess my question may go to Gunner, but maybe more to the Commission, what happens if we follow staff's recommendation because no one's come along in all this time to make or spent the effort to work on this building. We certainly do not have the budget or the capacity to work on this building. The sentiments are, I'm not saying the sentiments aren't there. I appreciate Commissioner Ramirez's passion, but at the same time, unless we have some resources we're willing to put towards this, what are we saying if we say we didn't do everything we could, we think we're going to do more. What is the more we think we're going to do because we do not have the budget or capacity to fix this building? If we had the budget or capacity, we probably wouldn't have let it get into as deep to begin with. I have concerns about saying we're going to take this on when we really don't have the ability to take this on.

Mr. Hand said if I may. I think there's three things: 1) it's still our property. It may have a CFA for demolition. It doesn't have a demolition permit and it's still a Land Bank property. It is still controlled by the Unified Government. 2) They haven't fully funded the whole project. I think that we could potentially, with our partners at community college, go out and actively, intentionally try to find a philanthropist who is going to potentially give them money and see if they would give us more money to save the church. Through their work, the community college determined it would cost maybe about \$5M to save the church. I don't know if that's a valid number or not, but \$75M instead of \$70M isn't a large leap when you're talking about a big old project like this. 3) There are billions of federal dollars coming down and a lot of that could be used for this project.

A lot of that is being proposed currently for potentially the community college. We could potentially get money from the federal government to fill that gap and potentially cause a redesign of the project.

Again, we are supportive. The Master Plan is supportive of the idea of this thing in downtown. We just really had hoped that we could save this church, and we do still feel strongly that this is our opportunity to do it.

Commissioner Markley said following up on Gunnar's comments. Gunnar, are you saying that the community college is interested in doing fundraising? Regardless of what we said, couldn't the community college, I mean they're not going to demolish it tomorrow. I guess I'm confused again about what our role is and why it has to be done right now, why something needs to be done right now. **Mr. Hand** said the community college wants to move forward as fast as possible with the project.

Commissioner Markley asked, they want to move forward with the project or they want to move forward with the demolition? I think a second ago, you made it sound like they were interested in potentially fundraising to do something different with this church as part of their project. **Mr. Hand** said I am not speaking for the community college at all. What I am saying specifically is that they are in the process of raising money. If we work in partnership with them, we could change the direction of that fundraising and ask specifically if there's anybody out there who would be willing to save the church. It's a possibility is simply all I'm saying. But the conditions apply to the certificate of appropriateness, which was approved to demolish the church included that they have to go through essentially meet their fundraising goals first, then go through the entitlement process second before they can receive the demo permit. It's not outside of anything we would ask of any other project.

Commissioner Bynum said my question is about the process here in front of us. We are on a Planning and Zoning Non-Consent Agenda item. Normally in our meetings for Planning and Zoning items, we hear from staff, then we hear from the applicant, and then we hear from the commissioners. I have a process question as to why we're not doing that right now.

Mayor Alvey said I don't think that we consider the community college as the applicant here. I think this is coming from staff, is that correct, Gunnar? **Mr. Hand** said I defer to Legal Counsel.

I mean, technically yes, this is our agenda item.

Mayor Alvey said there will be an opportunity, obviously, for us to hear from the public. **Misty Brown, Chief Counsel**, said so my understanding of this process that we're in today, is the Landmarks Commission had made this determination that everything that was feasible and prudent had been done to save this building, to proceed with the demolition. In this one, it does seem confusing with the process that you would hear from the community college, but it's the Commission's determination to decide tonight, did we do everything that was feasible and prudent to save the building and we proceed with the demolition; or in the alternative, we have not done everything that was feasible and prudent to not demolish the building. Therefore, we want them to go back and either save the building or take these other steps before we make the determination and we wish to save the building. That is something, by ordinance, the Commission has to decide.

Mayor Alvey said just to be clear this is not an application brought forward by the community college. **Ms. Brown** said that's correct.

Mayor Alvey said I'm going to open this up to public comment. Commissioner Ramirez, if you would wait until we go to—unless you have questions of Mr. Hand, I would prefer rather than comments, only questions.

Commissioner Ramirez said I believe you said we would continue with the public hearing first and then—**Mayor Alvey** said yes, unless you have questions of Mr. Hand.

Commissioner Ramirez said I do, but let's hear from the public, and then we can get back to the discussion.

Commissioner Johnson said, I agree. I have questions, but I'll wait for the public as well.

Mayor Alvey opened the public hearing and asked the Clerk if we received any notification from the public who wish to express their comments in favor of this item, which is, again, denial. Gunnar, correct me. Give me the right language here. **Mr. Hand** said it's a determination on whether we did everything or we didn't do everything. Again, as Legal Counsel noted, that if the determination is that we did not do enough, we could have conversation about what we could do.

Mayor Alvey said staff has said we have not done everything we could do. **Mr. Hand** said, correct.

Mayor Alvey said anyone who would like to speak in support of that opinion from staff?

Brett Deichler, UG Clerk, said, Mayor, if I may. Our office did receive a response or a request to read in favor for this from Ms. Rosalyn Brown. I think this is where that goes in favor if you would like me to read that now? **Mayor Alvey** said yes. **Mr. Deichler** said I'll read the way it is exactly written. It says: I would like to support the Kansas City, Kansas Community College Education Center proposed for the downtown Kansas City, Kansas area. I believe this is what our community needs to bridge the education divide in our community. There have been a lot of promises made to make a difference in our community, to this date, only parts of our community have benefited. The opportunity to make a difference in people's lives is what the Kansas City, Kansas Community College is proposing. Giving people the tools to provide for themselves and their family is a benefit to the entire community. As Lao Tsu said that if you give a hungry man a fish, you feed him for a day, but if you teach him to fish, you feed him for a lifetime. Please support this opportunity to make a difference in the entire community.

Mayor Alvey said let's be clear. We're asking first of all, those in support of a determination that we have not done enough. So actually the comments from Ms. Brown would be an opposition so there'll be opportunity for that. Let's just add these to the comments in opposition to staff's statement we have not done.

Is there anyone present who would like to speak in favor of staff's determination that we have not done enough? Anyone with their hands up? **Mr. Deichler** said we don't see any, Mayor.

Mayor Alvey asked the Clerk if we received any notification from the public who wish to express their comments in opposition to the findings from staff that we have not done enough. I think this is when Dr. Mosier would weigh-in.

Dr. Greg Mosier, KCKCC President, said first, I have to express a lot of confusion on what is going on tonight. If you read the agenda item, it's for the certificate of appropriateness of

application for this project for the demolition of the church on 7th Street and State Avenue. What I'm hearing tonight is not anything that has been discussed prior and it's not in the agenda.

We were informed that this is an application that would go to the full Commission to support the Landmarks Commission to allow the college to carefully deconstruct the church and spend a significant amount of money, about \$500K, to very carefully and purposefully integrate elements of the church into the new facility. It will be about \$5.5M to restore the church.

I believe earlier Director Hand said that we had done, that the staff had done everything to look at options to save the church in it's current form and now I'm hearing the opposite. To clarify the college's position on this, the college has no intent and we will not go further to seek funding from other sources to restore, or actually it has to be rebuilt, it's in such bad shape, to rebuild that church in it's current form. It is not the mission of the community college to do this. Our mission is to provide education and training to better improve the employee-ability and the socio-economic status of our community, so we have no desire and no intent to do that. That has been clearly communicated.

The project, as we talked about, is an economic development package. It's not just the community college, it is in combination with the YMCA, Wyandotte Behavioral Health, Slope Healthcare, and Community America Credit Union to offer a holistic solution to help solve some of the socio-economic disparities that have occurred in downtown KCK and northeast Kansas City, Kansas, for over 30 years.

The church has been boarded up for more than 25 years. The Unified Government has not owned this church for several years. It just took possession of the church in one of the most recent land sells.

So, we are here to provide opportunities for economic development, for social mobility for downtown Kansas City, Kansas. The conversation that is taking place tonight is not in alignment with what is on the agenda or what we have been informed.

Our motion, our request is that this certificate of appropriateness that the Commission moves it forward, that everything has been done and we have done that, and the Landmarks Commission has agreed to that, and that's why they approved it 8 to 1. Thank you very much. I appreciate everyone's time tonight.

Mayor Alvey asked, Ms. Brown, would you clarify where we are legally? **Ms. Brown** said I do want to clarify that Dr. Mosier is correct. What's on the agenda tonight is that the Landmarks Commission recommended approval of issuing the certificate of appropriateness to proceed. So, it is staff's recommendation that is contrary to Landmarks, but that recommendation that's on the agenda was for approval.

Mayor Alvey said so we are voting to approve the Landmark's recommendation, correct? **Ms. Brown** said a resolution could go either way; but when we were talking about pro's and con's JL what's on the agenda was for approval. When you're asking for those who are in favor, it would be in favor of going ahead and recommending the certificate of appropriateness. The Commission could choose not to do that and make a different motion, if they like.

Mr. Hand said if I may, Mayor. A decision by the Landmarks Commission only goes to the Board of Commissioners if it is appealed to the Landmarks Commission. The certificate of appropriateness is itself, and I apologize for the confusion on the agenda. That's my fault.

Mayor Alvey said so, again, I want to be clear because I'm now—do we have anybody else who would like to speak in opposition? **Mr. Deichler** said yes, we were just verifying. We have Mr. Kindle.

Greg Kindle, President of the Wyandotte Economic Development Council, 727 Minnesota, Kansas City, KS, and a Resident of KCK, said we believe all has been done to preserve the Seventh Street Methodist Church. It is time to move forward. In a perfect world, the former church would not have been largely left abandoned and left to decay. This site has not had maintenance in decades. A small tree grows out of the bell tower; its steeple long removed. Today the site is locked and falling farther and farther into disrepair. It is a safety and fire hazard to the downtown, not just to itself, but to the downtown itself I wish there was a perfect resolution where there was a user and the money needed to restore this church to the former glory or to relocate them to a different location, but that hasn't happened. And I don't believe the UG has the resources to do it either.

The last potential user we had that went to that church some years back, explored it for use as a brewery, but the costs were way too far then even to consider renovations, and there were parking concerns. It is time to move forward. What is left today is barely a shell of a building.

Our community college who wants to build a \$70M downtown campus on this site that will preserve key elements of the church and its history for thousands of students, patrons, and guests. It is an investment in our community for our residents.

We support KCK Community College's vision of incorporating the past in this new facility to continue investing in our downtown, generate pride in our community, bring people from diverse backgrounds into the downtown to learn and engage in a community's future, and support the larger socio-economic growth of the area.

I thank you for consideration and ask that we move forward with the demolition of this facility.

Again I would concur with Dr. Mosier. This was a very confusing process and seems a bit unusual the way in which this has come forward based on what was on the agenda. **Mr. Deichler** said you have one minute. **Mr. Kindle** continued this has been a disappointing process to be honest. I would just note it doesn't seem quite fair, frankly, to the community college that the UG Staff is working against the project, but then has to live with all of the staff recommendations. I would request that there would be some review of this however it moves forward. I feel like the community college has done everything in their way that they could to follow the process and do the right thing, but they keep getting stymied and this is, once again, one of the situations where it seems very confusing. Thank you and I appreciate your time.

Randy Colstrom, President and CEO of Wyandotte Behavioral Health Network, 757 Armstrong, said we are one of the partners in this project along with the community college, the YMCA, Swope Health, and Community America. The vision that Dr. Mosier has laid out for a comprehensive, education, health and wellness campus in downtown KCK is, in my view, critical to the future of the community.

As a mental health professional, over the last 30 years serving Wyandotte County, we have worked with individuals, adults, children, and families who have struggled with generational poverty, with trauma, or with mental illness and substance abuse. The common thread in that is the loss of hope. Not to sound overly dramatic, but hope is essential for anyone's future and it's

essential for a community's future as well. That's what I think this downtown campus can bring. It's hope for the community and the individuals and the families who live there.

I would simply ask, in terms of the denial that is being proposed tonight, to consider are there viable options? Are there viable alternatives to what could be done in a cost-effective, cost-efficient way and in a timely way as well? I strongly urge you to vote not in support of the proposed denial.

Mayor Alvey asked, Mr. Deichler, is there anyone else? **Mr. Deichler** said we don't see anyone at this time, Mayor.

Mayor Alvey asked, is there anyone in the lobby who would like to speak? **Mr. Deichler** said seeing none as well.

Mayor Alvey said I'll now close the public hearing. We'll now return to Commission questions and comments.

Commissioner Ramirez said the phrase we've been hearing a lot, to clarify. Misty, when this goes to a vote, what does a yes mean? What does a no mean? **Ms. Brown** said Commissioner, that is going to depend on how the motion is structured, on whether you're going to vote on it. If it would be helpful, Dan Kuhn is the UG Attorney who's been advising on the Landmarks. He is here. I think it would be helpful if everyone could hear from Dan, to hear about the standard that we need to consider when we're making these votes.

Dan Kuhn, Assistant Counsel, said, Commissioners, the Ordinance UG Code 27148 requires that you make a determination based on prudent consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal, that would be the certificate of appropriateness, and that the program includes all possible plans to minimize harm of such real property resulting from such use.

If you vote yes tonight, then you would be, again, depending on the motion, but you would in essence be saying that there is no feasible alternative to the proposal, and that the program includes all possible plans to minimize harm.

If you decide to vote no, then you would be finding that there is not a feasible and prudent alternative to the proposal, and that the program does not include all possible plans to minimize harm. If that is the case, then as Legal Counsel, we would also recommend that you propose alternatives and actions that might minimize harm so that the Landmarks Commission might consider those if a certificate of appropriateness is filed subsequent to the vote.

I hope that clarified things. If I confused anybody, I apologize, and I am more than willing to answer further questions.

Commissioner Johnson said I appreciate the great amount of concern, Gunnar, regarding this request. I believe that it is right for us to have guns, so I am, like my colleague, Commissioner Ramirez, I am a great fan of historical monuments. My church is really just a storefront church. It's a large storefront church, but it's a storefront church, nonetheless. I've also been a fan of historical facilities.

I'm so glad that we, what the PAL Program, the Police Department has done with the facility right off of 5th Street. I think that's a great repurposing of that building.

I'm aware that this facility was originally a Methodist church, but for decades, it was the Ebenezer Church of God in Christ, which I am very familiar with. I personally knew, as a child, all of the pastors. The founding pastor, Pastor Prattis Henry; the next pastor, Pastor George Coggs; and then finally Pastor George Kemper, before he got moved on the sight. It's very near and dear to my heart; however, I have to say that this site has become detrimental to public safety. It's already been stated. It is literally deteriorating within itself. It is landlocked. There is no parking for this site, never has been. So, when we talk about renovating this facility, it's always a cry that comes from the public about how it could have been renovated or should be renovated, but there's never any money that comes forward.

I'm thinking right now about the Quindaro Ruins and every—there's great concern about Quindaro Ruins, but nobody, whether it be public or private, has come forward with any money, including the Unified Government, to restore the Quindaro Ruins to its glory, which I think would be a fabulous site for tourism throughout the nation.

We look at this site here as Ebenezer and the fact that it has sat dormant, and I think if anybody has a desire to renovate it, that should have come by now.

The question that I have is who determines whether or not we have done everything that

needs to be done to save the property? Over what period of time do we need to ascertain that? Because, to me, it seems to be a subjective determination. Have we had any requests from anyone or any other group to renovate this property? I've already talked about the fact that it's going to cost \$5M, at least.

And then, do we require a confirmation of the financial capacity of all applicants that desire to deconstruct structures that are not using a capital campaign to fund the project? So, if they want to do this with just private dollars, out of their own pockets, do we try to find out whether they have the financial capacity before we allow them to move forward?

I gotta tell you, I rarely disagree with staff recommendations, but I think right now I believe the requirements that we are having before us tonight are confusing. I'll look to Legal Counsel to word this just right, but I'm going to say this, I want the project to move forward. I want to be very clear about that, I want the project to move forward. It's passed the Landmarks Commission. I'm satisfied with what they have said. It's time for us to move forward and not be so—I don't want to insult anyone, but I believe we're being heavy-handed trying to derail or slowdown this process. I want to move this process forward.

Commissioner Bynum said I have a question for Mr. Hand and then a comment. Mr. Hand, I heard you say a decision from the Landmarks Commission only comes to the full Commission if, and then I didn't hear the rest of what you said. So, I don't know what you said the condition are. **Mr. Hand** said these only come before the Board of Commissioners if they're appealed to the Board of Commissioners.

Commissioner Bynum asked and so this one is in front of us, why? **Mr. Hand** said this one is in front of us because there is a code, there is a section in our Historic Preservation Code specific to properties owned by public agencies which hold us to a higher bar for the historic preservation, more so than any private entity to maintain this civic infrastructure, if you will.

Commissioner Bynum said I'm going to express my extreme frustration with how confusing this is for me. My frustration level is high in addition because I have watched as staff and the Landmarks Commission both, required of the community college, who I'm going to call the applicant, is that a fair thing to call the community college? **Mr. Hand** said sure.

Commissioner Bynum asked, even though we own the building? **Mr. Hand** said correct.

Commissioner Bynum said what we have repeatedly asked of the college, through this process, caused them hours upon hours upon hours of time, research and I don't know how much money and it produced reams of reports and findings, if I'm not mistaken. Dr. Mosier and his team did every single thing that we said, go back and do this, now go back and do this, and they did, and they don't own the building yet.

I don't even think I can adequately express my frustration level with this, with what we're doing tonight, with how confusing it is. With how radically different it sounds tonight than it does in our agenda packet. I have to reiterate that. I'm so irritated that I'm sitting here keeping myself from some of the things that I want to say, and I'm not doing a very good job of it. I'm beside myself with my frustration level of what we are faced with and it's embarrassing. I'm sorry, I apologize.

I think one of the reasons why this process is difficult and has been difficult all along is because I do think that one of the arenas where Unified Government may be could use more talent is in the historic preservation arena. I don't say that to be critical of staffers. Our staff is extremely talented, but I think we would all admit that we don't have historic preservation expertise among us. If we do, and I don't know it, I apologize; but I think perhaps that may be this process might have been different.

I am going to stop talking, but I'm going to support Commissioner Johnson's statement that the beginning efforts of the community college's desire to go out and privately raise \$70M to build a downtown campus to make our community better began pre-COVID which means it's more than two years ago. It's possibly closer to three years ago, if I remember correctly. It just adds to my frustration level about the conversation that we're having tonight.

Mr. Hand said I do apologize for all the confusion on the agenda. This is the first time that this Commission and this department have ever exercised this part of our code. Ms. Parker, in our staff, has never recalled a time we've used that. That doesn't mean necessarily we shouldn't have, but it is the first time, so this is new for all of us. I appreciate everybody's patience as we walk through this.

Staff believes that we have been defending the ordinance throughout the entire process. On this agenda item, specifically, it is here for two reasons; to have this conversation, which I appreciate everyone at the Board of Commissioners and everybody here today; having this

conversation about this project, whichever way we go at the end of the day is half of it, and then again, it gives us the opportunity to potentially do something about it if we so choose. The determination is your decision, obviously.

Commissioner Townsend said I just, again, wanted to echo what's been said several times tonight. What we are being asked to vote up or down on is not in the homework packet, the way it appears. I, too, am concerned about the fact that this building has been in a state of disrepair for some years, and now to suggest that something might be done to restore it through the community college, who clearly has another goal for this building.

The other thing that is a bit confusing, or not clear from the homework material, the package material, is that what staff is recommending I don't necessarily see supported here; however, what I do see in the packet material/homework material is some evidence that there will be preservation of parts of the church if the college's project moves forward as it desires to do. So, either we vote on something tonight or if we feel we don't have enough information to do so, but I'm going to propose a motion that gets to what I think Mr. Hand is asking this body to do. So, I'm proposing that this body make a motion that the Unified Government has done all it can do to save the church, and that there is no feasible alternative to the proposal to demolish the subject church.

Action: Commissioner Townsend made a motion, seconded by Commissioner Philbrook, to approve Certificate of Appropriateness CA2021-019.

Mayor Alvey said I would just want to comment that I think what, I want to speak on behalf of staff, but I think what staff is trying to say is to do their due diligence, to make sure they have exhausted all possibilities for the preservation of this church, they obviously did not come to the conclusion that they could say without a doubt that all avenues had been explored or everything had been done. Again, back to Commissioner Johnson's point, it seemed subjective to really look at this and to say and if, as Mr. Hand says there is lots of federal funding out there, well that's good, but again that's a bird in the hand is worth two in the bush, right? I think what I'm hearing from the Commission, is that well, given the history of this property and given the many decades that it has sat unoccupied and uncared for, we really, in fact, have reached a point where practically speaking there is no money on the horizon, it's not in the capacity of the work as part of the plan

for the community college to go out and seek that funding; certainly I would say, from the Unified Government, we do not have the funding for this. We would have saved Sauer Castle a long time ago, I think, if that were the case. It is unfortunately a loss of another historic structure. To Commissioner Bynum's point that we would have more expertise and more intentionality on the part of our Unified Government and our private entities to really seek out those historic structures that are in danger of being lost and to be proactive now so that we don't reach this point where it is impractical to take anything else.

Commissioner Philbrook said I want to thank Commissioner Townsend because I've already written this up. I was ready to rock and roll. But thank you, Commissioner Townsend, for letting me second you.

Commissioner Ramirez said I will say, I'm going to be the lone no vote tonight. I believe in economic development. I believe in the mission of what KCKCC is trying to do, but in good faith, I cannot vote for this. We're doing economic development in spite of our history. Just like I said, it's bred in me about history. I cannot vote for this. Dr. Mosier, it's nothing about you or what the community college is trying to do. I completely support it. Education is the bedrock of any community; but, again, I cannot support when it does in spite of our history.

Mayor Alvey said all right, we have a motion. Let's be clear what that motion is. Misty, can you clarify for us what our motion is? **Ms. Brown** said Commissioner Townsend has moved to approve the recommendation of the community college and as part of her motion stated that she believes they have done everything that was prudent and reasonable and there's no other prudent or reasonable solution other than to go forward with the project. Commissioner Townsend, did I miss something?

Commissioner Townsend said well, I think the language I wanted to use, and this is what I took from Mr. Hand that this body has to, the Board of Commissioners, that's to say, the Unified Government, that we're making the determination. This body's making the determination that the Unified Government has done all it can do to save the church and there is no feasible alternative to the proposal to the demolish the subject church. **Ms. Brown** said okay, very good.

Commissioner Bynum said I need clarification. My aye vote means what? **Ms. Brown** said it means your aye vote is in favor of the recommendation of the Landmarks Commission allowing the project to proceed.

Commissioner Bynum said the project, meaning demolition of this building. **Ms. Brown** said, yes.

Roll call was taken and there were eight "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson; and one "No," Ramirez.

Mayor Alvey said that concludes the Planning portion of our meeting. We'll now move to the regular portion of our agenda.

REGULAR CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If an item is not set-aside, all items on the Regular Consent Agenda will be voted on by one vote. I would like to set-aside Item No. 3 for a very brief presentation.

Mayor Alvey asked, any other requests to set-aside?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all other items on the Consent Agenda, as presented.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 1 - 211160...RESOLUTION: EMERGENCY COMMUNICATIONS SERVICES

Synopsis: A resolution authorizing the Cooperative Agreement between Bonner Springs, Edwardsville, and Unified Government establishing the Unified Government communications center as the public safety answering point and creating an advisory committee in accordance with the agreement, submitted by Casey Meyer, Senior Counsel. On November 15, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to

approve and forward to full Commission.

Action: **RESOLUTION NO. R-87-21**, "A resolution authorizing the approval of an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, City of Edwardsville, and City of Bonner Springs regarding the provision of emergency dispatching and communications services." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 - 211162...RESOLUTION: ARMOURDALE INDUSTRIAL DISTRICT PUMP STATION

Synopsis: A resolution declaring that the Armourdale Industrial District Pump Station (CMIP 6309) Project is a necessary and valid improvement project and authorizing a survey of land for the project, submitted by James Bain, Assistant Counsel. On November 15, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full Commission.

Action: **RESOLUTION NO. R-88-21**, "A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Armourdale Industrial District Pump Station (CMIP 6309) all in Wyandotte County, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 - 211147...RESOLUTION: PARTNERSHIP AND GRANT AGREEMENT FOR BANK ON PROGRAM

Synopsis: An agreement between the UG and Credit & Homeownership Empowerment Services, Inc. (CHES) to support the Bank On Program, which promotes financial stability through access

to banking accounts, submitted by Patrick Waters, Deputy Chief Counsel. On November 15, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve, and forward to full Commission.

Mayor Alvey said I set this aside, simply because I think it is important for there to be a public record and presentation about the significant advantages/benefits that this will provide to many in our community for financial empowerment. I recognize Justin Walker from Credit and Homeownership Empowerment Services to make a presentation. And, Mr. Walker, I ask you to be brief, but complete.

Justin Walker, Credit and Homeownership Empowerment Services, said I appreciate all of the time this evening. I appreciate the fact too that there was a very lengthy discussion before this, so I will do my best to be as brief as possible.

As you mentioned, I'm here in support of the agreement between CHES, which is my organization and the Unified Government to support the Bank On initiative. Bank On is a national initiative by cities for financial empowerment that aims to help individuals who are unbanked and under-banked get connected to safe, affordable bank accounts and out of predatory lending institutions—across the entire metro, and we're speaking about the entire KC metroplex here, all 12 counties on both sides of the state line. We know that there are about 15% of the individuals living in our community that are either unbanked or under-banked.

The purpose of this coalition really is to work in concert with other community-based organizations, nonprofits, practitioners who are working with individuals who are in need of safe, affordable bank accounts as well as our local municipalities to promote policies that go forward and really set a path for financial success in our communities. That can range from anything for seniors living on a fixed income to high schoolers who are graduating and starting their careers. We know that there is a need, again, for safe, affordable bank accounts across the spectrum and in all sectors of our communities.

Bank On certified products are available in about half of the bank branches across the country right now. Our work here in the Kansas City metro is to really bring along not only more of those accounts to be available to consumers, but more consumers to take advantage of them. We have been very fortunate to have great partners in the UG as evidenced by this MOU that is

before the Commission this evening. I'm happy to any additional questions that you may have.

Mayor Alvey said again, I think this is something I really wanted to highlight for our community that we really do want to provide these kinds of services, these opportunities for so many of those who are unbanked or underbanked a very safe, secured way for them to benefit a financial system and to grow their wealth and protect their wealth.

Action: **RESOLUTION NO. R-89-21**, "A resolution approving the partnership and grant agreement between the Unified Government and Credit & Homeownership Empowerment Services, Inc." **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 - 211180...RESOLUTION: AGREEMENT TO ASSIGN UG OPIOID CLAIMS TO KANSAS ATTORNEY GENERAL

Synopsis: A resolution approving the execution of the agreement to release and assign the Unified Government's Opioid litigation claims to the Kansas Attorney General, submitted by James Bain, Legal Counsel. On November 15, 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-90-21**, "A resolution approving the execution and delivery of an agreement to release and assign the Unified Government's opioid claims to the Kansas Attorney General." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 5 - 211169...NOMINATION: BOARDS OF COMMISSIONS

Synopsis: Nomination for Boards & Commissions: Chandra Ward for the Kansas City, Kansas

Housing Authority, 12/2/2021-12/11/2023, submitted by Commissioner Markley.

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

Item No. 6...MNUTES

Synopsis: Minutes from Regular Session of October 14, 2021; and special session of October 28, 2021.

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

Item No. 7...WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 18, 2021.

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

PUBLIC HEARING AGENDA

Item No. 1 - 211192...PUBLIC HEARING/RESOLUTION: HUDSON APARTMENTS, LLC IRBS

Synopsis: Conduct a public hearing to consider a resolution of intent to issue industrial revenue bonds not to exceed \$48,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Hudson Apartments, LLC, located at 3600 Rainbow Blvd., submitted by Katherine Carttar, Director of Economic Development. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on November 29, 2021. It was requested, and

approved by the Mayor, to fast track this item to the December 2, 2021 full Commission meeting for a public hearing.



Katherine Carttar, Director of Economic Development, said we have a brief presentation tonight before the public hearing.



A resolution of intent to issue industrial revenue bonds in the amount not to exceed \$48,000,000 to finance the costs of acquiring, constructing, and equipping a commercial multifamily facility for the benefit of Hudson Apartments, LLC, located at 3600 Rainbow Blvd.

This is a resolution of intent to issue industrial revenue bonds not to exceed \$48M for the Hudson Apartment Project at 3600 Rainbow Boulevard. Before I go into the financial portion of this, I'm going to ask Michael Berenbom from Lane4 to give you a brief overview of the project.



ECONOMIC DEVELOPMENT AND FINANCE COMMITTEE



MONDAY, NOVEMBER 29

LANE4 | ♦ **Hunt Midwest**

December 2, 2021

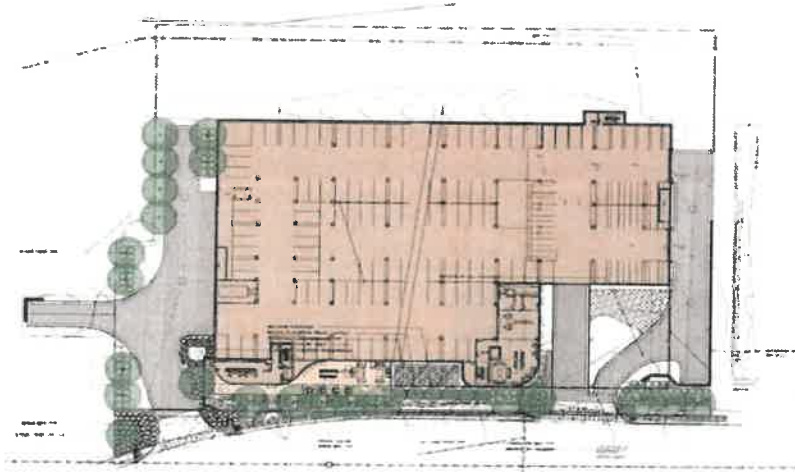
Michael Berenbom, Managing Partner, Lane4, said thank you for the opportunity to be here tonight. On behalf of our partnership, which includes Lane4 Property Group, Hunt Midwest, and the KU Endowment, we're excited about the proposed project at the corner of 36th and Rainbow Boulevard.



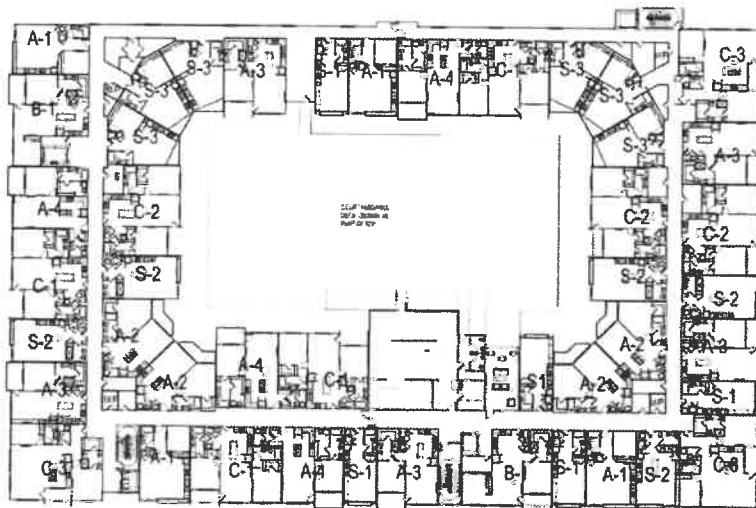
The site, as highlighted on the screen there, is currently approximately 36 multifamily units and we're proposing to....



demolish the existing improvements and construct—there's a quick look at the current improvements...



and construct a new 228-unit multi-family project. It will include two stories of structured parking. The project will be completely sufficient in terms of handling its own parking needs on site. Above that parking podium, five stories, which will include 228 units of studio, one bedroom and two-bedroom apartments.



There's a floor plan that shows the unit layout. You can see in the center a courtyard, which will be the highlight of many amenities that are included in the project including a swimming pool,...



a fitness center, a coworking space, a rooftop concierge space. Here is some views of the architecture. I am not an architect, so I will not attempt to articulate all the features. I'll let the beautiful renderings speak for themselves.

Project Description

- Estimated Budget: \$18 million
- 228 units

Amenity List

- + Pool
- + Fitness Center
- + Yoga Room
- + Business Center/Student Library
- + Club Room with top floor balcony
- + Dog Wash
- + Bike Shop
- + Cabanas
- + Grilling Area



The lead designer on the project is Nicole Prairie with Studio A and she's being supported by BRR Architecture as well. Here's a quick rundown of some of those amenities that I just mentioned. We are very excited to bring this project. Lane4 has had great experience in the Rosedale corridor, most notably with the 39 Rainbow Project just up the street from here. Our partners Hunt Midwest have extensive experience in the residential and really across all asset class of development. Their company is owned by the Hunt family, the owner of our Kansas City Chiefs. Brenner Holland, the head of their residential division, Hunt Midwest Residential Division, is here with us tonight if there are any questions for him as well.



We can flip through a few more renderings. I'm doing my best to be brief. I hope I'm not going too quickly. That is the fifth-floor club level room which features amenities for residents that would like to host and socialize. There's an indoor space right on the left side of that glass. Interestingly enough, our architects actually flew a drone up to the height of where this fifth floor will be. Everybody here is familiar with the topography and Rainbow Boulevard. It really allows for some dramatic views. You're looking at Kansas City, Missouri, there, of course. I'd love to see the rendering around the corner heading back towards downtown KCK. It'll be a cool space up there at the top of the project.



Timeline

- Construction Start – Fall 2022
- Construction Completion – Fall 2024
- Total Construction Duration – 24 Months
- Rental Stabilization – Spring 2025

Industrial Revenue Bond Financing

- 10 year, 100% PILOT based on a projected per unit value of \$66,000 (an average of \$1,012 annual PILOT per door)
- Starts at \$210,672 annual PILOT with a 2% annual escalator
- UG will collect a total of \$2.3 million in PILOT over 20 years
- LBE/MBE/WBE goals are in place with a 4% escalator as an annual penalty
- Additional tax payments (8 mills) for the statutorily required school district's capital outlay levy will be collected separately

Annual Benefits

- Before Property currently pays \$42,525 in property taxes annually
- During Property will pay an average of \$230,680 in PILOTs annually
- After Property will pay over \$1 million in property taxes annually
- Additional sales tax generation for area retail

Because this is an urban redevelopment and we are using structured parking to maximize the density and propose a project that we believe is consistent with the Rosedale Master Plan, there are some extraordinary costs involved with the development of the project. We've worked with Katherine Carttar and staff to propose industrial revenue bonds as outlined here, and as I believe Ms. Carttar can articulate further.

Ms. Carttar said as Michael mentioned, this is a \$48M project. We are particularly excited and supportive of the fact that this is very much in line with the Rosedale Master Plan and more specific, the University Town District Plan. There, it was really all about increasing the density along Rainbow Boulevard and then having that kind of stair-step down as you get into the neighborhood. To have a 44-unit apartment complex right now that is currently paying \$47K in property tax annually, which is not that much, so to have that be demolished and have something of this quality that we really do not have anything similar certainly in the Rosedale area, particularly the fact that we have, of course KU Health Systems directly across the street, there's 10,000 employees there that we would like them to live in KCK and give them a wealth of options to do so.

So, what we are proposing is industrial revenue bond financing. This is very similar to what we've seen—what you all have approved in the past with a number of different multifamily projects. What we're looking at would be a fixed PILOT, again, this is a payment in lieu of taxes. This is nothing to do with the PILOT that you see on your BPU bill. This is purely a payment that goes to, that gets paid annually as a way to pay back what we're abating through this financing mechanism. So, we're looking at a projected value of \$66K per and doing an average of \$1,012 annual PILOT per door. That starts with that first year at just over \$200K per year, and there's a 2% escalator. So over the course of ten years, the Unified Government and other taxing jurisdictions will collect a total of \$2.3M in PILOT payments.

As with all of our projects that receive any kind of incentive from the Unified Government, there are LMW goals that are in place with this and a penalty if those are not met. We have every assurance that they will be met. I would like to mention that well before this project had even put in their application for the industrial revenue bonds or, I think, even to Planning, they had already met with Procurement and wanted to understand how those goals are put in place and what they can do to ensure that they are successful. So, we're really happy with their due diligence there.

Additionally, the eight mills that are statutorily required, that will be paid separately and collected separately. Just when we're looking at kind of that snapshot of that annual benefit, as I mentioned before, the current property pays about \$47K in property taxes annually. During this ten years of incentive time, they'll be paying an average of \$230K in payments annually. That's quite a big increase and then, of course, at the end of ten years when they'll be appraised, we don't know what that number will be, but my guess is it would be about \$1M.

Additionally, this is 228 units and all the additional residents that it will entail for that area, we anticipate quite a lot of additional sales tax generation for the area's retail, particularly at 39th and Rainbow. The timeline there, you can see, they are hoping to start construction this Fall and about a two-year construction timeline.

PILOT SCHEDULE				
Year ¹	Annual PILOT ²	PILOT per Door ²	Annual PILOT ELIMINATE ²	PILOT per Door ²
1	\$210,672	\$924	\$210,672	\$924
2	214,883	942	210,099	901
3	219,183	961	227,863	999
4	223,567	981	236,977	1,039
5	228,038	1,000	246,456	1,081
6	232,599	1,020	256,315	1,124
7	237,231	1,041	266,557	1,169
8	241,936	1,063	277,230	1,210
9	246,826	1,083	288,319	1,265
10	251,777	1,104	299,832	1,315

Business Category	Participation Percentage Goal
IBE	Percentage of Total Construction Cost for the Project
IBE	12%
MBE	6%
WBE	4%

¹ Year 1 refers to calendar year beginning January 1 after issuance of Bonds.
² Does not include school district capital levy levy.

Just for a quick snapshot of what that PILOT payment looks like, this is the PILOT schedule that would be locked in as well as those LMW goals there at the bottom. If you have any questions, we're here, I can answer them as well as Michael, from Lane4, and other folks from the other partners. Thanks so much.

Mayor Alvey said I will now open the public hearing and ask the Clerk if we received any notification from the public who would like to express comments in favor of this? **Brett Deichler, Unified Government Clerk**, said we did not Mayor.

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

Mayor Alvey said have we received any comments from the public in opposition? **Mr. Deichler** said we did not, Mayor.

Mayor Alvey asked, anyone present who would like to speak in opposition? **Mr. Deichler** said we do have someone from the public.

Greg Kindle, President, Wyandotte Economic Development Council, 727 Minnesota and resident of KCK, said I'm here in support of the applicant, Hudson Apartments, located at 3600

Rainbow Boulevard. We are excited about this redevelopment of the current Cambridge West Apartment Complex for 228 apartments and an investment of \$48M. This project conforms with the Rosedale Master Plan and reinforces the plan to place residential density along Rainbow. Additionally, it provides a quality residential development within Kansas City, Kansas, to meet the growing demand for housing by healthcare professionals on the KU Medical Campus, who now employ nearly 12,000. This is a desperately needed investment in this area of the community.

We appreciate the work of the UG team and the developer to propose a property tax agreement that will generate nearly five times more in property taxes in the first year than is currently generated at that location. The additional residents living in the area will contribute to the existing evening and weekend retail sales tax generation to support those retailers in the area. And finally, I would just commend the developers, Lane4 Property Group, Hunt Midwest, and KU Endowment on bringing this forward. They've been working on this for some time. We know that they are going to do a good job just by looking at the development of 39 Rainbow and how that's transformed that part of the corridor. We appreciate them and their team for, once again, choosing to invest in Kansas City, Kansas. With that, I thank you for your consideration and ask that you support the applicant's request.

Mayor Alvey said I will now close the public hearing.

I'd just like to offer comments of congratulations to all those involved; and Katherine Carttar, I want to single out the efforts you made on this. The revenues to be generated from this are really just, the PILOT alone, but also the ultimate tax revenues, property tax revenues are significant. It's over 20 times more than currently generated. I will say this as well, my daughters live in this building and it has to go. There is very little redeeming qualities in this building. I want to say congratulations to all the developers and to our staff for bringing this deal forward.

Commissioner Ramirez said this project, I completely, 100% support. It's an amazing project. It fits the Master Plan. What's supposed to go there, is what it is. The Master Plan calls for higher density in this area along the Rainbow corridor, and this project satisfies that. So, I'm very happy. I want to thank Mr. Berenbom for working with the community, working with RDA. As every developer who has met with me on a project in Rosedale, the very first question I always ask is, have you talked to RDA? They are the ones that I lean on for projects based on the neighborhood

involvement that Rosedale has. So, you have done that with this project. I'm very excited and I can't wait to see what it can do for the Rainbow corridor.

Commissioner Markley said I just want to note on the record that I won't be voting on this item. I recuse myself as I am employed by BRR Architecture.

Action: **RESOLUTION NO. R-91-21**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$48,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Hudson Apartments, LLC and its successors and assigns."
Commissioner Ramirez made a motion, seconded by Commissioner Walters, to adopt the resolution. Roll call was taken and there were eight "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson. (Commissioner Markley previously recused herself from voting due to being employed by BRR Architecture.)

STANDING COMMITTEES' AGENDA

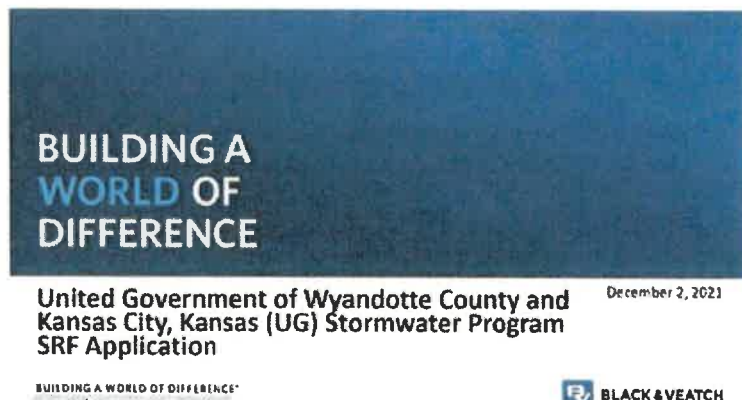
Item No. 1 - 211190...RESOLUTION: STATE REVOIMNG LOAN INTENT APPROVAL

Synopsis: A resolution authorizing filing of an application with the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Fund Act, submitted by Jeff Fisher, Public Works Director; and Sarah Shafer, Project Engineer. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on November 29, 2021. It was requested, and approved by the Mayor, to fast track this item to the December 2, 2021 full Commission meeting.

Mayor Alvey said Commissioner Burroughs, you chaired the Standing Committee Meeting. Do you have any additional comments?

Commissioner Burroughs said there was much discussion in the committee as to the need for this resolution by the end of the year to meet the requirements of, if I remember correctly, we referred to it as the WIFIA Program. There was much discussion in reference to just exactly what

this resolution accomplishes by advancing it. So, I would ask our Administrator one more time for clarification as to just what the passage of this resolution allows us to do.



Doug Bach, County Administrator, said the resolution before you allow us to move forward and authorizes us to file our application for WTFIA funding.

Commissioners Burroughs said just for clarification, that does not put into place a formula in which we have been discussing known as a stormwater or wastewater discussion.

Mr. Bach said this action does not move forward with a divert stormwater rate fee. It does have us file our application. It does put us in a position that we are recognizing that we do need to have funding to be able to pay for those loans, or the funding that we would be able to get back through the WIFIA Program. But this action simply does authorize the filing of it and does not change the stormwater fee.

Sarah Shafer, Project Engineer, said for verification, just real fast. This is a resolution for the State Revolving Fund loan, not the WIFIA loan. Just for clarification. This is State Revolving Funds.

Commissioner Burroughs said thank you for that clarification. I think there was much confusion in the Committee as to what the resolution really was about, and I think we needed to take the time this evening to have that discussion. If there's any other questions, I'll do my very best to answer them. Mr. Mayor, the Committee passed it out on a unanimous vote to get it before the Commission here this evening.

Mayor Alvey said so, once again, this is simply approving us to apply, file an application with the KDHE Revolving Loan Fund, correct? **Commissioner Burroughs** said correct.

Mayor Alvey asked any questions or comments from the Commission?

Commissioner Burroughs said my understanding is there's grant opportunities with this funding and it may allow us to have some forgiveness in this, if I remember correctly, and if that's not correct, please correct me.

Ms. Shafer said that is correct. If you would like a short presentation, we do have one available that addresses some of those questions that were brought up during the Standing Committee and goes into further detail on some of those items such as the rate, the interest savings, and the payment schedule.

Mayor Alvey said I'd entertain a motion.

Commissioner McKiernan said don't they have a presentation to give us on this? **Mayor Alvey** said only if we request it. It seems that it passed out of Standing Committee; it's just simply a request. If the Commission would like a presentation, we could do the presentation.

Commissioner Philbrook said yes, I would like to see something, since I haven't seen any of it.

Jeff Fisher, Public Works Director, said I will only make one comment before Sarah Shafer gets started. Throughout the public engagement for stormwater, we repeatedly heard folks ask us to pursue federal funding everywhere we can. We've done that. We're going to continue to do that. Sarah Shafer, along with other members of the team, has put the UG in a really good position to take advantage of a really big program to help us advance stormwater. So, I'm going to hand it over to Sarah. She's got a brief presentation.

Ms. Shafer said thank you for the opportunity to discuss this as briefly but concisely as possible.

Mayor Alvey asked could I ask for some clarification first? This does not involve WIFIA, or it does involve WIFIA? **Ms. Shafer** said this is the matching funds for WIFIA, so this resolution would be basically our budgetary authority to demonstrate to our WIFIA application that we have the funds available to meet that criteria of 51% matching.

Mayor Alvey said I thought you said that this did not involve WIFIA. **Ms. Shafer** said this resolution does not involve WIFIA, but the State Revolving Funds is included in the WIFIA Program.

AGENDA

- Community Based Stormwater Program
- Financial Positioning
- Projects included in the SRF Application
- Resolution Authorizing Application

Ms. Shafer said so, for the agenda, we'll go quickly through; the Community-Based Stormwater Program, the financial positioning that this particular loan gives us, the projects included in the State Revolving Fund application, and the request for the resolution authorizing the application with the intent to close.

Community-Based Partnership Stormwater Program

- KCK Community-Based Partnership Stormwater Program is a \$130M program with 18 projects focused on repairs, replaces, and rehabilitates critical infrastructure
- Includes Stormwater Sewers, Combined Sewers, Sanitary Sewers, Culverts, and Curb and Gutter repairs
- Consent decree with US Environmental Protection Agency (EPA) to address combined sewers overflows (CSOs) caused by Insufficient stormwater capacity in the combined sewers within the Program area
- 51% Matching Obligation/49% WIFIA Loan



Our Community-Based Partnership Stormwater Program is \$130M program with approximately 18 projects that focuses on repair, replacements and rehabilitations of our critical infrastructure

relating to our sewers, stormwater, sanitary, and our CSOs. Additionally, curb and gutter repairs are also included in there as they are a part of our stormwater system. A consent decree, with the EPA, is what currently covers our CSO and our opportunities through that. This program accelerates some of those CSO projects and programs to address what we know needs to happen in some of these critical basins.

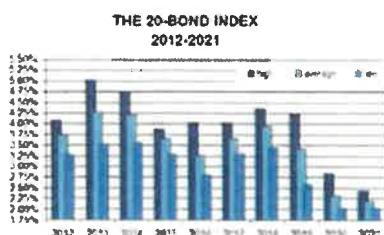
Strong Financial Positioning

• 51% Match Obligation – SRF Loan	• GO Bonds
SRF Loan – Repayment Funds	Unable to lock-in rates for future financing
Sewer (Waste & Storm) Rate Revenues	Not eligible for forgiveness programs
Road (3/8 Sales Tax)	• SRF vs. GO bonds modeled a savings of \$40M in interest over 20 years
• SRF Loan Funds	1.5% SRF vs 3.5% GO
Lower rates locked-in for future financing	
Eligible for forgiveness programs	
Currently includes up to \$1,000,000 forgiveness option	

So, 51% matching obligation is required to our 49% WIFIA loan opportunity. What that is, is our SRF loan is our matching obligation. Our repayment funds are sewer, wastewater, and stormwater rates and our 3/8 sales tax for our road. Additionally, these programs do allow us to start to stack opportunities, so we're looking into additional grant funding, additional opportunities for moving these projects forward with alternative funding.

The SRF loan is a lower rate, locked-in for future financing, which is different that our traditional opportunities. It's eligible for forgiveness programs. Currently, we have SIM in forgiveness as an option, as part of our pre-application notice. GO bonds is what we typically go after with our CMIP. We're unable to lock-in rates for future financing and they are not eligible for our forgiveness programs. So, in short, our SRF versus our GO bonds modeled a saving of approximately \$40M over 20 years and interest with conservative rates of 1.5% for our SRF loans versus 3.5% for our GO bonds.

Rates and Terms

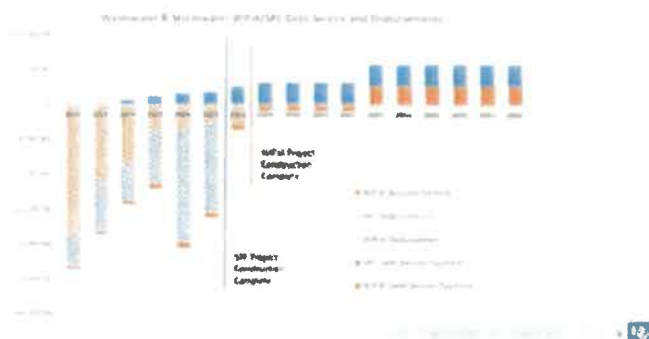


- Interest rates are at historical lows
- No pre-payment penalties

	WIFIA	SRF
Term	Up to 35-year loan	Up to 20-year loan
Interest Rate Index	US Treasury, State and Local Government Series	60% of the previous 3 months average Bond Buyers Weekly 20-Bond General Obligation index
Rate 12/1/2021	1.80%	1.30%

Rates and terms. Over the last year, you can see that we are in a historical low for our interest index. While interest rates are a historical low and there's no pre-payment penalties, what we are able to understand for our rates, as Kathleen was able to pull on 12/1 is, our SRF is at 1.3% and our WIFIA is at 1.8%. And, again, those are fixed over the term of our opportunity.

Community-Based Stormwater Program Financing



Part of the Standing Committee, it was requested that we come back and we show what these particular debt obligations look like over time. During our construction phase, we will be focusing on our SRF opportunity as well as the WIFIA loan opportunity. With SRF, it does require us to start payments on that interest immediately. I shouldn't say immediately, within two years of taking out funds, so that's why you see the two years where we start construction and then we do start a graduated payment until we are construction complete. The WIFIA Program allows us up to a five-year grace period, which we are showing here, in terms of our repayment structure and then it goes into the repayment of our WIFIA and our SRF combined.

Projects included in the SRF Application

1. ARGE-1	Total Project Cost Allocation	
2. JERS-1	Construction Cost	\$ 48,457,800
3. MUNC-1	Engineering Planning & Design	\$ 10,841,200
4. Tract 422 Green Infrastructure	Construction Engineering & Inspection	\$ 3,587,200
5. CSD 16 Sewer Separation	Contingencies	\$ 4,500,000
6. CSD 19 Sewer Separation	Administrative & Legal Costs	\$ 2,122,800
7. CSD 55 Sewer Separation and Green Infrastructure	Other	\$ 1,415,000
8. Bridge/Culvert Repairs	Total SRF Loan/Matching Obligation	\$ 70,740,790
9. Curb Gutter Annual Repairs		

The projects included in the SRF application have a total matching obligation of \$70,740,790. That includes those nine major projects that you see there. It's a combination of stormwater and wastewater/combined sewer overflow projects that are listed.

SRF Application

- Kansas State Revolving Fund (SRF) can provide funding assistance for municipalities that desire to make drinking water and wastewater infrastructure improvements
 - Kansas Water Pollution Control Revolving Fund
- Pre-Application filed January 2021
- SRF Loans required to meet the matching obligation of WIFIA application
 - WIFIA Application due January 15, 2022
- Requesting resolution authorizing the application of State Revolving Funds for up to \$70,740,790 for the CommunityBased Stormwater Program – WIFIA - Projects

The SRF application. We filed a pre-application in January of 2021 to ensure that we have the ability to be very competitive with our WIFIA opportunity. Our WIFIA application is due January 15, 2022, so this SRF loan resolution would be our budgetary authorization, like I mentioned, showing that we have the funding available to meet our criteria for the WIFIA application. What we're requesting today is a resolution authorizing the application of the State Revolving Funds for up to \$70,740,790 for the Community-Based Stormwater Program with our WIFIA projects.

Resolution to Apply

- Resolution authorizing filing of application with the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 653321 through 653329).
- WHEREAS under the terms of the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 653321 through 653329), the State of Kansas has authorized the making of the loans to authorize applicants to aid in the construction of specific public projects,
- NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF UNITED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. Loan Application. The Mayor and City Clerk of the City are hereby authorized to cause to be prepared and to execute a loan application, including all attachments thereto (jointly, the "Application"); in substantially the form presented to the Governing Body this date, in order to provide financing for the Project. The Application shall be forwarded to KDHE as soon as possible.

Section 2. Further Proceedings. The Mayor, City Clerk and the other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to complete the Application and to coordinate processing of a loan agreement for the loan (the "Loan Agreement"); provided that the authorization to execute the Loan Agreement shall be subject to further resolution of the Governing Body.

Section 3. Further Authority. This Resolution shall be in full force and effect from and after its adoption.

Any questions or comments that you may have at this time?

Commissioner McKiernan said I do appreciate you giving me this opportunity to speak to my fellow commissioners. I fully support this SRF application. I thank Public Works for continued hard and, I believe, very necessary work on all of this.

I will move to approve this application as submitted, but although the item is before us right now is the SRF loan resolution, this item is intimately linked at least as I see it, with the Stormwater Plan that comes later in our agenda. That link between these two forms the basis for this comment. I'm going to take a moment to discuss the Stormwater Plan and suggest the motion that I feel is best for that item when it comes forward for a vote.

Now you may remember in a special session two weeks ago, I made a presentation about our proposed Stormwater Plan. In doing so, I hit the proverbial hornets' nest with a baseball bat. As the saying goes sorry, not sorry. Following my presentation, it was suggested by several people outside of the Unified Government that I "damaged" the integrity of the Stormwater Plan process by pointing out what I believe is an intolerable inequity in the tiered plan and by suggesting that there are other approaches that might be more equitable and still help us achieve our goals.

I do not regret pointing out what I believe is an inequitable system. I do not regret suggesting that we, as a Unified Government, can do better. I do not regret proposing an alternative to the tiered plan. What I do regret very deeply is not being more vocal and more forceful in presenting my viewpoint to the entire Commission much earlier in this year. You see, I don't believe that I damaged the integrity of the process because I do not believe there has been a broad public process regarding the Stormwater Plan since January 9, 2020. That was the last day that this Commission discussed the plan as it stood at that moment. I have reread the minutes of that meeting

and during that meeting, many of us said that we need to have more public engagement before we settle on our final plan. Unfortunately, COVID ensured that we did not have any more public engagement in 2020.

Now the five-tiered plan that we going to hear about in the stormwater item that's been presented to us this year, it's different than the plan that we discussed in January of 2020. And I would argue that if we wanted to have more public engagement about the plan in January 2020, then we definitely want to have more public engagement about a new plan. By virtue of the differences in the new plan, I personally believe that I, and my fellow commissioners, have a responsibility to restart the public process and vet a new plan before voting but I'm only one of ten, and we will make a collective decision.

I did not actually intend that we would vote on my stormwater proposal tonight because it is just that, a proposal. It has not been discussed or analyzed or vetted or picked apart or argued over. Until I saw the framework in the agenda packet for this meeting, I'd never seen it formalized by Black & Veatch. Frankly, when I look at what is presented in the agenda packet, even I have questions.

In my opinion, we should not vote on my proposal or any other proposal until we've had a much more robust public engagement process, regardless of what plan we are proposing. And until we've come to a collective decision on the best path forward, understanding that any decision we make will have both pros and cons, friends and foes. If we, as a Commission, do decide later in this meeting to take a vote on stormwater, I believe it should only be the original plan that has come before us. Yes or no regarding the five-tier plan.

All of that said Mayor, with your permission, I propose a two-part motion, it's one for now and one for later.

For this item, I move that we proceed with submission of the SRF application at this time based on the premise that we will ultimately settle on a plan that provides the needed revenue.

For the stormwater item that's coming up, I will propose at this time and will move at that time that we table action on the Stormwater Plan until such time as a public process has been completed to build consensus for a new plan. If the Commission decides that we cannot table action on the Stormwater Plan, the five-tiered plan that was proposed to us, then I respectfully make a preliminary motion that the item be yes/no on the five-tiered plan and that my proposal not be considered nor presented for a vote at that time. Thank you, Mr. Mayor. That is my statement and

my motion for this item.

Mayor Alvey said we have a motion to approve a resolution authorizing filing of the application with the Kansas Department of Health and Environment. **Commissioner Philbrook** said second.

Action: **RESOLUTION NO. R-92-21**, "A resolution authorizing filing of application with the Kansas Department of Health and Environment for a Loan under the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329)." **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were seven "Ayes," Markley, Philbrook, Bynum, Townsend, McKiernan, Ramirez, Johnson; and two "Nos," Walters, Burroughs.

ADMINISTRATOR'S AGENDA

Item No. 1 - 211226...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2021-2024 PLUMBERS LOCAL UNION NO. 8 LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2021-2024 Plumbers Local Union No. 8 labor agreement, submitted by Jon Khalil, Assistant Counsel.

Doug Bach, County Administrator, said we continue to have great success with our labor unions in advancing contracts forward for coming time periods for 2022 through 2024. Tonight, with the blue sheets that have been added, we have six different labor agreements that are before you for approval. One is in a two-part fashion and above all, this will make a total of 10 of our labor agreements that will be ready for approval. All of these union groups have gone through and ratified and signed off on the agreements that are in your packets this evening. Item No. 1 on the list is for our local plumber's union, for the years 2021 through 2024. It is in line with their direction given by the governing body. Accordance for this were financial incentives for this group, and I would recommend approval.

Action: **RESOLUTION NO. R-93-21**, "A resolution 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 Plumbers Local Union No. 8 for the period from January 1, 2022, through December 31, 2024."

Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 – 211220...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2020-2021 AFSCME LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2020-2021 AFSCME labor agreement, submitted by Susan Alig, Senior Counsel.

Action: **RESOLUTION NO. R-94-21,** "A resolution 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 American Federation of State, County, and Municipal Employees, Local Number 3475 of Missouri/Kansas State Council No. 72, for the period January 1, 2020 through December 31, 2021." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 3 - 211221...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2022-2024 AFSCME LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2022-2024 AFSCME labor agreement, submitted by Susan Alig, Senior Counsel.

Action: **RESOLUTION NO. R-95-21**, "A resolution 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 American Federation of State, County, and Municipal Employees, Local Number 3475 of Missouri/Kansas State Council No. 72, for the period January 1, 2022 through December 31, 2024." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 4 - 211222...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2021-2024 PAINTERS DISTRICT COUNCIL NO. 3 LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2021-2024 Painters District Council No. 3 International Brotherhood of Painters and Allied Trades labor agreement, submitted by John Khalil, Assistant Counsel.

Action: **RESOLUTION NO. R-96-21**, "A resolution 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 Painters District Council No. 3 International Brotherhood of Painters and Allied Trades for the period from January 1, 2021, through December 31, 2024". **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Mayor Alvey said that completes all labor agreements. We'll move to Item No. 5 on the Administrator's Agenda. I will defer to Commissioner McKiernan again.

ITEM NO. 5 - 211227...ORDINANCES: STORMWATER AND POTENTIAL RATE STRUCTURES

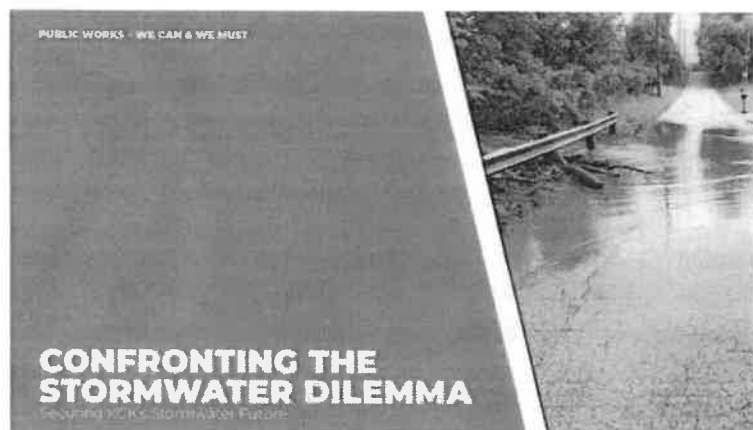
Synopsis: Presentation on two options for stormwater and potential rate structures, submitted by Jeff Fisher, Executive Director of Public Works; and David Reno, Public Works Community Engagement Officer. Two structures have been advanced from Commission direction at the November 18, special session.

- Tiered rate structure
- Individually calculated rate structure

Commissioner McKiernan said, Mayor and Mr. Fisher, I would just ask, as I did before, that we only present the tiered option and that my proposal be withdrawn from consideration.

Mayor Alvey said to be clear, you had asked that we table this motion. I would table a decision on a rate structure to a later date.

Commissioner McKiernan said that ultimately would be a motion that I would propose, however, I do believe that Mr. Fisher should be given the opportunity to make his presentation to remind us of where we've been, where we've come from, where we are now, and show us a potential path for moving forward from here.



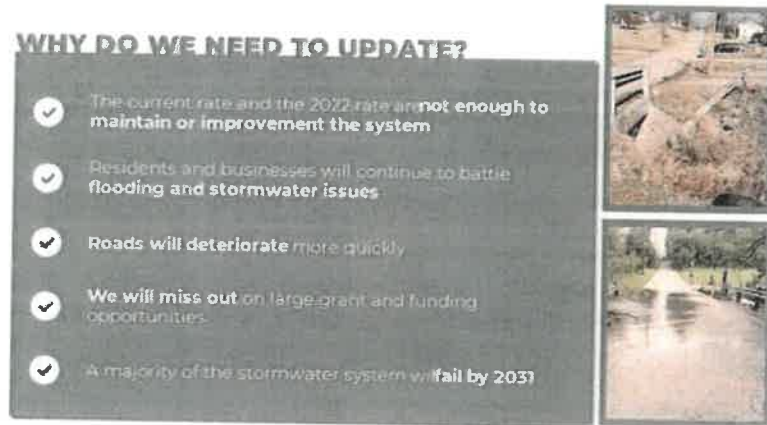
Jeff Fisher, Executive Director of Public Works, said we'll work hard and attempt to do that; modifies our presentation quite a bit.

Doug Bach, County Administrator, said I understand Commissioner McKiernan's request not to consider his option for consideration tonight; however, in light of the fact if we we're thinking about additional public meetings and hearings, this is a time where we have members of our public. I don't know if this is a time for us to express and demonstrate to people how different programs work, thus I would like the opportunity for Mr. Fisher and his team to present how everything works. You don't have to consider it, but at least if that consideration can be made so we're able to further clarify how different programs work, and that's really part of how the public process can work.

Commissioner McKiernan said I am completely open to that. I will say; however, that what I put forward was a proposal that I—in looking at it in the agenda packet, even I have questions about it, therefore, I would ask that after we've looked at the framework for it, if it's appropriate for me to do so, I'll make a motion that we not consider that particular plan.

Mr. Fisher said okay, thank you. We'll cover that ground as you suggested and go from there. I guess it's worth noting that the UG started public engagement at this time in 2018. So, we are going into our fourth year of discussions about stormwater. We went through a solid year and a half—we did start off with the individually calculated, that was the original proposal, and we are now into 70+ iterations of stormwater modeling. The tiered structure did come out early in 2020. You might recall that staff worked with the Chamber of Commerce through a new infrastructure

committee that they created on a tiered system. In a tiered system, as proposed, the tiers are primarily affecting businesses. I feel like there was public engagement post-January of 2020 and quite a bit of it in fact. Earlier this year in the Spring, we proposed the tiered structure to the Chamber of Commerce in their open meeting and there was unanimous support for that. We're going to cover both of those options.



The prudent thing to do in absence of action on a more long-term permanent structure was the Commission adopted—a few months ago the Commission adopted a 2022 rate structure that made the difference between residential and non-residential. It was the prudent thing to do because the fund was becoming insolvent. That buys us some time. It would become insolvent in 2024 again if we don't take action. So, we're okay for a minute, right? But now, if no further action takes place, we know folks are going to continue to suffer from flooding. We have hundreds of flooding issues out there recorded. The roads are going to continue to deteriorate even if the Commission and CAO and staff finds a way to increase investment in streets to \$20+M without a strong stormwater program, that's not going to be as effective. We will miss out on opportunities for federal funding unless we commit to a more sustainable rate structure. We will have to scale down the WIFIA Program, substantially.

As you've seen in exhibits before, probably half a dozen times projections for the stormwater system in 10 years is that the majority of it will fail.

OPTION 1			
	July 1, 2023	2024	2025
Residential	\$7.50	\$7.50	\$7.75
	Tier 1 0 - 5,000 ft ² , \$15	Tier 1 0 - 5,000 ft ² , \$15	Tier 1 0 - 5,000 ft ² , \$16
	Tier 2 5,001 - 8,000 ft ² , \$25	Tier 2 5,001 - 8,000 ft ² , \$25	Tier 2 5,001 - 8,000 ft ² , \$26
Non-Residential	Tier 3 8,001 - 20,000 ft ² , \$60	Tier 3 8,001 - 20,000 ft ² , \$60	Tier 3 8,001 - 20,000 ft ² , \$62
	Tier 4 20,001 - 50,000 ft ² , \$150	Tier 4 20,001 - 50,000 ft ² , \$150	Tier 4 20,001 - 50,000 ft ² , \$154
	Tier 5 Over 50,000 ft ² , \$400	Tier 5 Over 50,000 ft ² , \$400	Tier 5 Over 50,000 ft ² , \$410

So, in response, as I mentioned this Spring, staff proposed this rate structure. It was anticipated or proposed to start January 1, 2022. As you know that did not happen, so the numbers changed because this would not start until July of 2023. A lot of things changed in that period. This is the exact same structure that the Chamber of Commerce unanimously supported in the Spring. Again, the numbers have changed because it doesn't start for another year and a half. We're not generating those revenues over that year and a half that we were proposing in the Spring.

So, I'm going to ask Ana White, with Black & Veatch who's our expert in this arena, who's been with us for the three years, to cover Option 1, the alternative option, the individually calculated and how they compare, and then we'll be happy to answer questions.

Ana White, Black & Veatch, said as Jeff mentioned, we have two options that we're bringing forward tonight for consideration. These are the same options, in terms of the type of rate structure, that we were looking at pre-COVID in January of 2020 when we had the same discussion. So, the rate structures are the same as Jeff was mentioning. The rates themselves have changed because a lot has changed in terms of the costs that need to be recovered for the stormwater system over the last almost two years. So, Option 1, again, is the tiered rate structure. So, under this option, residential customers would all pay the exact same fee. So, July 1, 2023, \$7.50 for every residential parcel. The non-residential then would pay according to the tiers in where their amount of impervious area falls. As Jeff mentioned, these rates go in July 1, 2023, we're proposing that the same rates stay in effect until January 2025. For 18 months, it would be the same rate schedule; then in 2025, there would be an increase. I do want to point out that the rate schedule shown here will generate revenue that will recover 100% of the costs that have identified that need to be funded from the stormwater fee.

OPTION 2			
	January 1, 2024	2025	2026
Monthly Base Charge	\$4.08	\$4.35	\$4.66
Rate per 500 ft ²	\$0.80	\$0.85	\$0.91
Monthly Bill Examples- Rate per 500 ft ² + Monthly Base Charge			
Hard Surface	2024	2025	2026
1,200 ft ²	\$6.00	\$6.78	\$7.43
2,500 ft ²	\$10.08	\$10.60	\$11.20
4,000 ft ²	\$17.28	\$17.15	\$18.26
10,000 ft ²	\$42.08	\$42.35	\$44.86
20,000 ft ²	\$84.08	\$84.35	\$88.06
75,000 ft ²	\$304.08	\$304.35	\$314.16
150,000 ft ²	\$624.08	\$624.35	\$644.66
300,000 ft ²	\$1204.08	\$1204.35	\$1244.66

Option 2 then is the individually calculated option. Under this type of a rate structure, there's typically a fixed charge or a base charge as we're calling it here, and then a charge based on the amount of impervious area. So, each parcel pays an individual fee based on its actual impervious area. The monthly base charge is an amount that every single parcel will pay, and then in addition to that base charge, a fee based on each unit of 500 square feet of impervious area.

For example, if you look at January 1, 2024, every parcel would pay \$4.08; and then if a parcel had 1,000 square feet of impervious area, they would pay another. So, the rate for 500 square feet in 2024 is \$.80 cents. If a parcel has 1,000 square feet, that would be another \$1.60 added to the \$4.08. The rate in 2025 would be \$.85 cents, and 2026 would be \$.91 cents. So going from \$.80 cents, to \$.85 cents to \$.91 cents. These rates would start in January 2024, six months later in Option 1 and that's just because it takes more time to implement this kind of a rate structure in the UG system.

We are proposing annual increases in 2025 and 2026. The rates that we're showing here will not generate 100% of the costs, revenue to fund 100% of the costs that need to be recovered. There is a funding gap with the rates that are shown here. It is intended that the UG will find other sources for that funding gap. Some examples that Sarah had already mentioned previously in her presentation; loan forgiveness opportunities, grant opportunities, other federal funding options that are out there that can help close that gap.

OPTIONS COMPARED			
Option 1	July 1, 2023	Option 2	January 1, 2024
Residential	\$7.50	Monthly Base Charge	\$4.08
	Tier 1 0 - 5,000 ft ² , \$15	Rate per 500 ft²	\$0.80
	Tier 2 5,001 - 8,000 ft ² , \$25	Monthly Bill Examples: Rate per 500 ft ² x Monthly Base Charge	
Non-Residential	Tier 3 8,001 - 20,000 ft ² , \$60	Hard Surface	2024
	Tier 4 20,001 - 50,000 ft ² , \$150	1,200 ft ²	\$6.00
	Tier 5 Over 50,000 ft ² , \$400	2,500 ft ²	\$8.08
		4,000 ft ²	\$10.48
		10,000 ft ²	\$20.08
		20,000 ft ²	\$36.08
		75,000 ft ²	\$124.08
		150,000 ft ²	\$244.08
		500,000 ft ²	\$804.08

The last slide here just compares these two options. Again, looking on the left, Option 1, the tiered rates, residential parcels would all pay one fee, non-residential would pay based on the tiers. Option 2, individually calculated, every parcel pays the same rate schedule, it just depends on their amount of impervious area. Both of these rate options will support the WIFIA SRF Program that Sarah talked about. They'll also both, which the existing rates will not support. And it will also provide for more equitable cost recovery for your residents. But again, your existing rate structure does not provide for.

WHAT IS STORMWATER MANAGEMENT?

- ✓ Stormwater management protects life, property, commerce, roads, and the environment
- ✓ KCK has:
 - More than 400 miles of stormwater pipe
 - More than 10,000 stormwater structures
 - More than 120 miles of open channel drainage
 - More than 500 miles of ditches
- ✓ Infrastructure must be constantly maintained
- ✓ Infrastructure has a finite life span
- ✓ Stormwater management is supported by a user fee




Mr. Fisher said in conclusion, we were thinking about it today. Three years of this, the UG has not done one single capital project because there has been no funding. We've replaced a box culvert, a wing wall, done some repairs to the road to get it open and safe, but they're temporary; not one single capital project. We're not doing any ditching to speak of. We're doing very little maintenance and that's going to continue and actually it's going to get worse. We're going to continue to lose roads because pipes fail. I don't know what else to do.

This is—and we have a WIFIA Program staring us in the face. It's a great opportunity.

Not every community gets a shot at that. I believe the tiered structure based on the year and a half of public input, the three years of engagement at some level or another, including the business community; it is an amenable plan, it is equitable, it's light years more equitable than what we got right now or that we'll have in 2022 even. We can do more public engagement. I'm not sure we'll get a different outcome. I'd be happy to entertain any questions you have.

Commissioner McKiernan said when I went back and looked at the minutes from our January 2020 meeting, I pretty much said what I've said again tonight. I've had these same concerns from the very beginning. I've said them in every meeting. I think that a tiered plan is in the equitable around the break points. When I go to the store, the amount of sales tax I pay is dependent on the value of the goods I purchase because the tax rate is constant across all levels of purchase. When we send out our property tax bills, the amount of property tax that a given property pays is proportional to the value of that property. There's a single rate across all values.

I'll tell you, I'm not a very smart man, but I—it just seems intuitive to me that this would function the same way. If impervious area is the determinant of run-off, stress on our system, it would seem to me that we would want to try to have a constant rate across all sizes. Apply that rate. Bigger parcels pay more money, bigger impervious areas pay more, smaller impervious areas pay less. If that is not possible for us to do, if the only thing we can do is a tiered option, then that's fine and I accept that. If my fellow commissioners say that's the way we're going to go, so be it. But I've been pretty consistent about this from beginning.

I understand, and I've said this before too, I completely understand the bind we have put you in. We have handed you a city and we have said to you this city is broken, fix it, but you can't have any more money than you have now. I understand that intellectually, but I'm trying to look out for constituents who may get caught on the cusp of a break in our tiers and that's my sole purpose in bringing all of this up.

You are right. The individually calculated proposal that I gave to you and Ana does not recover enough money for us to pay our bills going forward, which is why I proposed that we supplement that with ARPA. As an allowable use, it made sense to me that we could take some of the burden of the individually calculated off of everybody across the spectrum from small to big until we've had the program running for a few years.

I completely understand and I said this two weeks ago that some people may not want to

use ARPA for this purpose. There are many things that our community needs as we craft our response to COVID, and this may not be the highest priority use for the rest of the Commission.

What I heard about the very initial proposal was if Option 1, the individually calculated is it makes sense, but it's too much money too fast. That's what set me on the path of trying to find an individually calculated rate that lowered the amount that was needed to be paid. Then, of course, when I did that, I created a gap. This year when ARPA became available I thought well, maybe there's an opportunity to fill that gap. But, as I said earlier, even though I understand what you just put up on the screen, nobody else does. Nobody else has thought about this as much as I have. I think it is completely unfair that I would propose to bring that individually calculated plan for a vote without any further discussion about it. So, those are my comments on it.

I still go back to where we were in 2020 bemoaning the fact that we felt as if there needed to be more public engagement. I understand we've done a lot. I get it, but anyway. Thank you for the opportunity to share some comments.

Commissioner Bynum said the slide that shows Option I if you could go back to that. This slide, at these rates, is there a time when this Commission has been presented these rates prior to tonight? Am I missing something big? **Mr. Fisher** said no, it's a fair question. I do believe in the Executive Session a couple of weeks ago it was in our slide deck and the conversation—I missed it. I did not show you this.

Commissioner Bynum said I'm looking at it. I've tried really hard to understand from day one, and I find myself at a point where I think I understand it, then I realize there are pieces of it I simply don't understand. But, I didn't think we had seen this ever before. If I'm understanding what's in front of us tonight, we're being requested to vote on this and approve it. I mean, that's staff's recommendation. **Mr. Fisher** said that's correct. It's the exact same structure as you did see in the Spring. The numbers are increased.

Commissioner Bynum said same structure, different rates, is what I heard. **Mr. Fisher** said yes ma'am. They've been updated because we didn't take any action on it.

Commissioner Bynum said right, I do appreciate that. So, they've been updated. Lack of action has backed us up, if you will. **Mr. Fisher** said right, so, costs are higher. **Commissioner Bynum** said can you tell us again in your ideal world of fixing these problems with us and your revenue that original figure that we wanted and then as we worked through this, we dropped it

down, can you tell us the annual revenue we seek? **Mr. Fisher** said well, it's been a while, but you might remember when we first kicked this off, the 8 basins, and we have around 50 basins, but just the 8 basins were somewhere around of needs. I believe the plan that has been proposed...

Commissioner Bynum said, Jeff, I have a recall of somewhere along the line a plan that was going to generate; we dropped it to like the \$36M range. But was that an annual...? **Mr. Fisher** said no. It was \$30M-\$40M, you're exactly right.

Commissioner Bynum said \$30M to \$40M over how much time? **Mr. Fisher** said and needs. In that plan, in the Spring of 2020, we were showing you a seven-year plan, if you remember, and that \$36M or \$40M was spread out, those were needs that would be addressed in that seven-year plan.

Commissioner Bynum said so, can you remind us again, at our current rate, what we're bringing in annually. **Mr. Fisher** asked oh, right now? \$3.5M a year, and we need to hit around \$10M in the next three years.

Commissioner Bynum said I'm just trying to wrap my head around all this. Did I understand in an earlier slide and presentation we have a WIFIA deadline looming in January, is that what I saw earlier? **Mr. Fisher** said yes.

Commissioner Bynum said part of what WIFIA requires, I guess, is that we demonstrate that we can pay the loan, like if I'm going to go buy a car, they want to know if I can pay for it. Does the Kansas Revolving Loan Fund help us with that? **Mr. Fisher** said it does. It provides our local match at a lower rate than we would issue through GO bonds.

Commissioner Bynum asked, does that take the heat off the urgency for this Option 1 screen with rates we haven't seen before? **Mr. Fisher** said no. There needs to be that financial support for those loans before we get to closing, which is this. What we currently have in 2022 will not. If we didn't adopt this rate structure, we would be looking over the next month to scale down that WIFIA to this much. It wouldn't do Argentine or Jersey Creek. We're just doing small things. It would be a real big lost opportunity.

Commissioner Bynum said I'm going to yield the floor. Thanks.

Commissioner Walters said I believe we have been at this a long time, and some significant things have happened in the two years since this plan was sort of proposed in January of 2020. Some of those things that have happened are ARPA, which is federal funding targeted partially at

infrastructure and the infrastructure plan and funding that the Feds are distributing to the states. Because this plan was sort of made two years ago, it doesn't include any of that in there. This plan was based on a big scope of work. That scope of work has sort of stayed static, and we've been talking about how to fund a way to pay for that big scope of work ignoring the opportunities of ARPA or infrastructure funding.

So, I agree that we probably need to restructure our stormwater fees. I agree we need to address stormwater projects. The timing of this consideration is probably not the best because there are so many unanswered questions about how much of the \$160M we can get from other sources and, therefore, adjusting for being able to take some of the burden off local taxpayers.

We heard some things Monday night that I'm hearing a little bit differently. It's my understanding that if we apply for this loan and then for some reason we don't need the money or all of the money, we don't have to accept that loan. We don't know how quickly that information will be available to us. But I hope we don't hear, or you don't hear a few months from now that well, we applied for the loan, we're committed to taking it, we have to take it. If we don't take it, we'll never get another loan or some explanation that contradicts what we were told Monday night.

On the other topic that was just raised about we're not doing enough for stormwater; I agree with that. How many tens of millions of dollars of ARPA funding do we have sitting in the bank right now that we could be using to do this? That's really on us, I think, as a Commission. The total is \$87M over two years. We've committed a small portion of that to what we call immediate needs. The rest of it's just sitting in the bank. If we are truly at a crisis, we could be spending that money right now. Again, that money is not considered in any of these calculations. I think there are a lot of moving parts. I think it needs a bit more fine tuning than we can accomplish here tonight. I support Brian's consideration that we delay consideration of this resolution.

Mr. Fisher said if I may speak to those points, because I thought he raised some good points and I want to make sure we're all clear. The tiered system from early 2020 did not anticipate infrastructure money; that is true. This one completely has been modified to support WIFIA. Now, if infrastructure build opportunities come about and we have any success in them, the ordinance is written such that even though you adopt a three-year structure, every year we can review that and if we're outperforming and the Commission wishes to adjust, they can. So, I would suggest we adopt this that supports WIFIA, each year during the budget process we can review where we're at

on things and the Commission can elect to adjust each year if they wish. By adopting a three-year plan, what it does at least gives the business community and the residents predictability. It's a good practice.

Commissioner Philbrook said we keep for some reason backing off of what the total issue is. We keep going through what we've pared it down to. We've pared it down to dealing with how many projects? **Mr. Fisher** said we have nine projects.

Commissioner Philbrook asked, and how many projects do we really need to take care of? **Mr. Fisher** said a lot more than that.

Commissioner Philbrook said no, give me a number, because you were talking about. **Mr. Fisher** said I don't—it's \$160M worth of needs in eight basins.

Commissioner Philbrook asked, and we're only looking at dealing with how much right now? **Mr. Fisher** said \$30M-\$40M.

Commissioner Philbrook said so, it's like saying, I want to buy one new tire for the car. How are the rest of the tires going to do? Well, you know. The rest of the stuff is still going to keep getting worse. If we just keep looking at it as we're going to try to bandaid a few things, then what happens? We keep going down the tubes. Don't get me wrong. I really think we need to take care of those things, but when we keep looking at this as oh, this is all we have to do is this, but it's not. The picture is so much bigger and so much more overwhelming that I don't see how we can actually really have too much money to deal with stormwater. Somebody explain that one to me. I don't see how we could ever get too much money to deal with all the problems we've been putting off for all of these years. I want to move to approve the changes to the Chapter 30 that we want to able the adoption of a tiered stormwater utility fee as presented.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to adopt the tiered stormwater utility fee resolution as presented.**

Commissioner Ramirez said as everyone here knows, I was the new kid on the block. When I came in, this was the first big thing that we started talking about was stormwater. Two years later, we're still talking about this. I am still not comfortable, and still not having a true handle of what we're doing and trying to accomplish to do. I agree with Commissioner McKiernan, but on my

side of it, I could vote no on it, of course, but I don't want to because I know it's what's needed but I feel like I'm—first, before I make the statement I'm about to make, how is WIFIA and the stormwater fee connected?

Mr. Fisher said the rates generate a certain level of revenues that support the funding and the debt service for SRF and the WIFIA Program.

Commissioner Ramirez said so the fee that we're going to propose raises the revenue to pay back the SRF loan that we're taking out, which is the matching obligation to the WIFIA loan.

Mr. Fisher said correct.

Commissioner Ramirez said I feel, again, this has happened recently. I feel we are being boxed in; acting like we're not having a choice. We're saying we have this opportunity with WIFIA, but you have to go with this plan. Not until recently—and it's spreading like wildfire of constituents reaching out to me on this issue. I received a letter from a woman asking why are we—she put it in saying you are taxing and feeing people out of this community. I understand we need stormwater, but if we're going to raise rates to this degree, where can we lower fees in another area to help offset this increase because people are still grappling with COVID and the economic impact it did to their families. Everything we do is a careful balance, and that's the puzzle of what we do here is trying to find that balance. I can't vote yes on this tonight because I'm still trying to understand, trying to figure out the best way for it, and people need some relief. I understand this we need it, it's completely necessary for our community to thrive, to bring in more economic development, to bring in more people to move but, again, I'm going use the same wording as before, I just cannot in good faith vote on this yet because I feel like I don't have a way out of the choice other than what's being given.

Commissioner Markley said I think that I'm on the record as saying I think we need to get something done sooner rather than later. I think we have had a significant amount of public engagement on the tiered proposal in particular and in particular with the business community, which will be more impacted under the tiered model than our resident community. I think we've had a significant amount of engagement over the past couple of years, and what I hope we're going to come out of tonight with is a feel for can that tiered system pass in this Commission? And if it can't, then we know we're back to the drawing board. I think if we leave tonight without a vote

one way or the other, we're just kicking the can down the road. So, I support and have seconded the motion to vote on that tiered proposal, which I think we've had plenty of engagement upon. I think commissioners know where they stand on that proposal, and I think we just need to see where everybody shakes out.

Commissioner Burroughs said I appreciate the comments that the commissioners made here this evening because we realize the need. The revenue burden on our citizens is at the breaking point. It's been at the breaking point for a while. I don't know about you, I just received my tax statement earlier this month. I think it was maybe a little late. Here we are having a discussion, and I have a couple of questions to kind of get at maybe what we're talking about.

When the resolution came forward in committee, I anticipated we would be having this discussion, and I anticipated an alternative method coming up. My colleague, I wanted to make sure that he had a fair and opportunity, chance to present this to the entire Commission. There's actions that could have been taken to stop that. That's not how I believe we should operate with one another. We should allow that debate and discussion to move forward.

But I do have a question. We just passed a \$48M IRB tonight for a facility that is going to have units that are rated at \$66K per unit which will add up to a little over \$15M, but we're bonding \$48M for that project. Can you tell me, Jeff, what that place will pay in stormwater rate? **Mr. Fisher** said I cannot. I don't know how much impervious surface is on that site.

Commissioner Burroughs said there's been discussion about remediation on property if we tell them to put in grassy areas and things like that and we would lower fees. I think that was part of the discussion that we would reward those that have invested in those types of infrastructure purposes to help us address with the run-off of stormwater. Is that still in this plan, in the proposal? **Mr. Fisher** said in the individually calculated, it would be, yes.

Commissioner Burroughs said so, we are bonding developments that we are helping pay for them to do that, and then we're still going to assess the public and ask them to help pay for that. Can you tell me who will be overseeing the program for the next 10 years? **Mr. Fisher** said the Engineering Division of Public Works.

Commissioner Burroughs asked, is there an outside contractor that we'll be contracting with to ensure that things are moving forward or anything along those lines? **Mr. Fisher** said Black & Veatch is our partner that will help us with implementation.

Commissioner Burroughs asked, do we have a cost of what that contract will be? **Mr. Fisher** said I don 't.

Commissioner Burroughs said so when we talk about not having a sustainable fee fund, I have a lot of questions. I wanted to ensure that the fact that we just passed the water resolution earlier, I believe we just bonded another \$70M or borrowed another \$70M. So, if my arithmetic is a little quick tonight, I'm looking at \$128M that we've put out tonight to borrow and we don't have a source in which to payback except for a PILOT that is assessed onto a development project, and an 8% that goes to local school districts.

So, what I'm trying to get at here, committee, is there's a lot of questions in reference to what the needs are in our community; and it's the fair and equitable part that we, as commissioners, are charged with doing. I want nothing more than to see infrastructure investment in our community; but what I don't want to see are broken promises and broken commitments and a scaled-down project just to get the numbers to work. I would submit that if we're going to do this project that we have accurate numbers, we have accurate figures, we have the partners at the table that can give us those numbers and then we educate the public about why we need to do it instead of just taking different shots and different approaches to finding a funding mechanism.

I'm going to support the motion to table and I'm going to make a substitute motion that we table this conversation. We've already bonded \$70M through the resolution. We allowed ourselves to take that \$70M. It was brought up by Commissioner Walters that there's money available within our budget process to start some major projects if we need to get on it. We have some time in which to educate ourselves more thoroughly about this issue. We're an intelligent group of people collectively together than what I would think we are separately. I'm willing to roll up my sleeves and do whatever's necessary to ensure we get a fair, equitable, transparent plan out before the public so that we can make a movement forward that hasn't been made over the last 20 years. We are the last city in the state to do this. It is long overdue. Something needs to be done, but we don't need to take a willy-nilly shot at the dark and throw darts at a dartboard and hope we get lucky.

Action: **Commissioner Burroughs made a substitute motion, seconded by Commissioner Markley, to table this item until December 16th to get better information.**

Commissioner Burroughs said I'm going to make a substitute motion that we table this subject until we have better information. I can make a date certain if we need to and that's a procedure that's available to us. I can make a date certain until the next commission meeting and then we can determine if we want to put a subcommittee together, or what we want to do.

We already have the ability. We passed the resolution tonight for \$70M. We've got funds available that we can get started, and then we can come back, put a formula in place that does this Commission and this city the honorable thing and that's to find a sustainable revenue plan without hurting our residents anymore than what we already have. So, that's my motion.

Commissioner Townsend said a couple of questions. First question for clarification, was the motion brought forward by Commissioner Markley? **Commissioner Markley** said I seconded it. Commissioner Philbrook made the motion and I seconded it. **Commissioner Townsend** said I'm sorry, Commissioner Philbrook seconded by Commissioner Markley.

You mentioned the tiered option. Is that the same, just for clarification, is Option 1 that we're looking at tonight? **Commissioner Philbrook** said yes.

Commissioner Townsend said there's been discussion about tabling a decision. I would venture to say we do not want to; we, the Commission, do not want to see the opportunity to take advantage of the WIFIA money get past us. What is the drop-dead date by which that is done? What is the date by which we have to announce a plan so that we can take advantage of the WIFIA money?

Mr. Bach said I think there are probably a couple of different dates you have to work with, Commissioner, and, Jeff, correct me if I'm wrong. We have to submit our WIFIA application for it by December 16th? **Mr. Fisher** said the SRF drop-dead would be December 16th. The WIFIA application deadline will be January 15th. That will be it.

Mr. Bach said so we have the approval to move forward with the SRF, state revolving loan, which we did tonight; and then we need to take action to approve the WIFIA one by, you said—**Mr. Fisher** said by January 15th.

Commissioner Townsend said January 15th, okay.

The other question I have for clarification is there's been some numbers mentioned about what Option I would fund. My understanding, correct me if I'm wrong, Mr. Fisher; that we're

looking at about \$70M worth of projects that cover things like the Jersey Creek, Muncie, about eight or nine, is that correct? **Mr. Fisher** said, I'm going to ask Sarah to speak.

Sarah Shafer, Project Engineer, said the stormwater rate, as it's being presented, would support the first nine projects in our stormwater program. Those nine stormwater projects are in the WIFIA package, which is what we are applying for the reduced loans, reduced rates loans for.

Commissioner Townsend asked, about how much money is that? How much money in projects? **Ms. Shafer** said we have a \$130M program. Nine of those projects are sewer and CSO-related and nine of them are stormwater-related. They are approximately 50% each. We try to be as equivalent as possible on some of those.

Commissioner Townsend said okay, I'm still not clear. Are we saying those projects total about \$30M or \$70M? **Ms. Shafer** said 18 projects is \$130M. We are required for 51% matching, which is what that \$70M is. So, the \$70M is what we're requesting the State Revolving Funds for to meet our matching obligation of our 51% for the WIFIA program to loan us that 49% at that reduced rate. We can't get a 100% SRF loan. You partner the SRF loan with the WIFIA loan, we get to have those significantly reduced rates comparatively to our GO bonds, which is where that in potential interest savings comes from.

Commissioner Townsend said I think those are the only questions I have right now, Mr. Mayor, thank you.

Mayor Alvey said I'd just like to offer a few comments on this. What we're dealing with here is obviously, this is an Enterprise Fund. An Enterprise Fund really obviously we're just funding a utility. This is a service that we are providing to the community. An Enterprise Fund ought to be self-sustaining; it ought to be self-financing. It should not depend upon outside funds. We should not be taking money out of general revenues. It really requires that it be self-funded and that is, for us taken care of by the fees that we assess for this.

We have delayed for 20 years an adjustment to the stormwater fee, except for the one we did a couple of years ago—\$4.50 a parcel for, God knows how many years, 15 or more years, frankly was irresponsible on our part. There should have been proposals brought forward and Commission action taken to make sure that we were funding our stormwater sufficiently to protect life and property of our residents. That's a primary responsibility.

I had eight years on the Board of Public Utilities. When I first got on the Board of Public Utilities, we clearly needed to raise rates but for years even before that, the members of the Board would not consider that because frankly it was unpopular with the electorate. But when we finally got to it, we found that we were facing failure, an inability to provide good infrastructure for our community. We were having transformers that were almost 60 years old. We were not even able to buy parts to repair the transformers. We were having more and more outages. We were not taking care of the vegetation that was growing up on the powerlines. We had multiple failures with our water and still continued to have problems with water supply. If you don't take care of infrastructure, it fails and we can no longer provide the service to our people, and that's our fundamental responsibility. By delaying this for so long we've simply put ourselves further and further behind.

If I don't take care of the leak in my roof, it's going to cause damage to the rest of the house. I'm going to have problems with mold. I'm going to have problems with wood warping. That's going to happen. We have to take care of our infrastructure.

I'm sensing the frustration in Jeff's voice here that we know what we need to do and we're trying to protect people from the increases that are required, and there's frankly no way. I would love to say that the infrastructure money that's going to be available coming from the federal government will be sufficient. That's a crap shoot. We don't know that we'll get that money. If we do get that money, that's wonderful. We can use that to offset the cost that we're already proposing, but we've got to get out there and start making these improvements now. That's our fundamental job is to provide quality services to our community. If we don't do this, people will look around and say if the Commission and the Administration does not care enough to invest in it's community, why would I bring them my investment? It's as simple as that. Frankly, I'm a little frustrated.

I agree with Commissioner McKiernan. The tiered structure, I would vote for it. I do think that he's right about this, that per square foot, I ought to be assessed per square foot. That's how it ought to work instead of trying to distribute it among and create a tier structure. I think a per square foot is really the right way to go. It's fair, it's clear. We're going to have to do this, and as soon as we do this, then we can keep moving forward. We will adjust, and people will incorporate these costs into what they're doing. But, again, what they can't sustain is unreliability of infrastructure and that's where we are.

Commissioner Bynum said, Jeff, I'm so sorry to ask you to give this to me again, because every time I think I understand it, I hear another little thing that makes me think, maybe I don't understand it. So, we have in needs, projects that we need to do. State revolving fund says we need to match 51% of the total. That's where Commissioner Burroughs is getting \$70M. I don't want to put words in your mouth. So, we would borrow half of the total need—just stop me when I'm wrong—and WIFIA is what? **Mr. Fisher** said okay, I'm going to try to walk back through that. You were right earlier when you suggested you remembered \$36M in stormwater needs, right? You're right there. That's stormwater alone. What WIFIA has been able to let us do is leverage multiple needs into a big package, which is the \$130M.

Commissioner Bynum said which is more than stormwater. **Mr. Fisher** said yes. WIFIA requires a 51 % local match which SRF is going to provide for us.

Commissioner Bynum said, so we have the match because we're going to go to the State Revolving Loan fund for it. We're going to borrow it? **Mr. Fisher** said yes.

Commissioner Bynum said and then WIFIA is going to do what for us? **Mr. Fisher** said they're the other 49% of very low interest loans.

Commissioner Bynum said and the stormwater fee, at whatever rate, using whatever calculation method, is the repayment for both of those loans we're going to take out. **Mr. Fisher** said correct. For that package that rate structure has to support the debt service for that package; and then we've also proposed a ditching program, manual maintenance of things, street sweeping, all those other things we've talked about before that we're not doing now.

Commissioner Bynum said correct, thank you.

Commissioner Ramirez said raising rates is not popular with the electorate, but they're the ones who put us here to be their voice. Right now, they feel they're being taxed and fee(ed) out of this county. So, I understand we have needs, a crisis needs, but we could raise these fees, build all this infrastructure, and have people continue to move out. Then what is that for? What have we done? I understand that we have needs, but we have an electorate for a reason. We're here to be their voice and at the moment, we're not listening to their voice.

Commissioner Walters said I would like to second Commissioner Burroughs substitute resolution.

Mayor Alvey said so, Misty, we had a resolution already with a second on the floor. Don't we need to proceed with that first? **Misty Brown, Chief Counsel**, said this is something that we don't see a great deal, but we do have a motion and a second on the floor, and then a substitute motion is allowed if it's not made to cause confusion and is not contrary to the original motion. I don't believe that Commissioner Burroughs' motion was confusing and it's not directly contrary to the original motion. A contrary motion would be voting to disprove the tier two. In this case, the substitute motion that's now been moved and seconded, we would now vote on that, which was to table the discussion. Have I correctly stated your motion, Commissioner Burroughs? **Ms. Brown** said unless more debate is warranted. **Commissioner Burroughs** said that's correct, Misty. Thank you.

Commissioner Ramirez said, Mayor, for clarification, Commissioner Burroughs, your motion to disapprove the tier or to table the discussion?

Commissioner Burroughs said it was a substitute motion to table this discussion until date certain. We did the resolution tonight for \$70M. We have until the middle of January for the WIFIA grant that we can submit. We have opportunities to have a Commission meeting. I'm trying to find that sweet spot between Christmas and the holidays, but we do have a meeting December 16th and I believe that would be a good time for us to possibly put together another committee. So that makes it date certain.

Action: **Commissioner Burroughs said, so, my motion would be till December 16th and then we can take it up again.**

If you want an infinite table, then it would be up to the Mayor or somebody else to ask it to be un-tabled to raise the issue forward. I don't think in all fairness to everyone here, if we have a set date, it may force us to get busy and learn what some of these formulas are doing. It gives us an opportunity to advance the proposal that was already put forward tonight, the resolution, and to have more intimate discussion with one another in reference to quite possibly erasing the confusion

and the next step we'll go with a sustainable plan.

There's been much confusion here this evening, I believe everyone in this room wants to do the right thing. When we collectively come together, we can do the right thing. That's why I made the substitute motion, but it is date certain and I'll just move it till the next Commission meeting. If not December 16th, I might just say next Commission meeting because that meeting can change, for whatever reason, we don't know. I'll just say till the next Commission meeting.

Ms. Brown said Commissioner Walters is that your understanding for your second? **[No response recorded.]** Well, Mayor, you have a motion and a second on the substitute motion. Unless there are any other hands raised, it may be appropriate to vote on the substitute motion at this time.

Commissioner Townsend said, again, just for clarification. On the substitute motion, I would ask my colleague, Commissioner Burroughs, just for my clarity, what we expect to have happen between now and that date certain, which looks like December 16th? What would be the benefit of this time between now and the 16th if we do not vote on one of these two options tonight?

Commissioner Burroughs said and that's a fair question. Thank you for that question. It's not my intent to put more work on staff or anything like that. There's been much confusion this evening. Many of us struggled to go through the plans that have been presented. This actually, taking the resolution and moving it forward that Commissioner McKiernan and this budget subcommittee that I sat on, worked to get here to the full Commission. It was the opportunity to help provide some education as to the monies that are coming in, but we've already committed ourselves to \$70M.

I don't want to continue to repeat myself, but the \$130M, it's not a sustainable fund with what we see here. We raised fees this last budget cycle and we're looking at raising fees again. So, between now and the next meeting, I don't know that anything can be done except for the fact that we qualified—we've approved the resolution and we have a little bit more time with the WIFIA program. Between that and getting the WIFIA program submitted, we may have an opportunity to discuss alternate plans like Mr. McKiernan brought forward or we may be able to sit down collectively and work through more solid numbers. It's the speculation of uncertainty that has me greatly concerned.

Mayor made a comment that we have failed. We haven't failed it because we haven't tried.

What I mean by that is we are the elected body that's going to make the decision. I don't want the next 20 years to be reflected on us that we missed a great opportunity, and slowing it down a couple of weeks is not going to kill this opportunity.

So, if you have additional questions, I would state that staff is available, administrators are available, other commissioners are available, do some research with what it takes to operate within the WIFIA program. Look at the descent decree and get that information necessary to get you more comfortable. I don't mean you particularly, Commissioner, just so the public has a better understanding of what it is we're trying to do.

We need to be prudent in how we move forward with this, and that's my reason for making a substitute motion to table this because I believe there is an opportunity here.

There was mention about federal funding. We don't know what federal funding is coming down and how much. Rumor has it, it may be \$8B, \$18B to the State of Kansas. That would leave a large pot of money for us which to look at, but we'll know more throughout this next two or three weeks. So being blue sheeted and put the pressure to put this out this evening, I think we've met part of that responsibility and I commend those of you that voted for that to do that. But, I believe tabling the rest of the discussion until we have accurate, clear information and a higher comfort level and that's why I made the substitute motion.

Commissioner Townsend said thank you for that. That helped clarify for me what the expectation would be for a continuance of this. I would say I was prepared to vote on something tonight. To the public, I found it helpful to look at the information that was displayed tonight in a very, I think, easy to understand explanation we can find on the website. One thing I did like about Option I was the certainty. So, if there is some more certainty or more options we can look at between now and the date certain was worth a shot. But I hope we will not go beyond that, because even though, as Commissioner Ramirez's saying, he's hearing about burden put on the electorate, the other side of that coin are complaints about what's not being done. This issue has been delayed and delayed, not necessarily by this configuration. The can has been kicked so far down the road, that something has to be done now. Thank you for that clarification.

Commissioner Johnson said oh, my God, Jeff, I apologize man. You work so hard. You've been working, and I know that's your job and everything, but I, we're trying to do the best we can, I apologize for this. But I will say to this Commission, I think I'm quoting Commissioner Townsend

right, we either fish or cut bait. Is that right?

Commissioner Townsend said well, I probably said it one time, maybe not tonight, but that sounds like something I would say.

Commissioner Johnson said the drop-dead date is when? I thought I heard January 15th. **Mr. Fisher** said yes, sir.

Commissioner Johnson said we cannot make a decision after January 15th. We have to make a decision, as a body, before January 15th is that correct? **Mr. Fisher** said yes, sooner is better. There's a lot of work that goes into this stuff, right? [inaudible] on July 14th, that's going to be tough, right?

Commissioner Johnson said so, it needs to be well before the 15th. If we table this tonight, we still don't have a lot of time. And we need to do whatever we need to do. We've got a very short window and we need to make this happen. We need to either fish or cut bait well before January 15th so that staff will have enough time to exercise whatever actions need to be taken in order to get those WIFIA funds. So, I'm ready to vote.

Mayor Alvey said so as I understand, we have a substitute motion with a second. We will have a roll call. Is Commissioner Philbrook available? **Mr. Bach** said, Mayor, she had to step out of the room for a moment. She did ask she would like to be able to vote.

Commissioner Bynum asked, can I ask a technical question of staff? The January meeting dates are not yet loaded onto my calendar, so I don't know how many bites of the apple we have. **Mr. Bach** said you would have one more in January, Commissioner. We have a meeting scheduled for January 6th and the next one after that is January 20th.

Commissioner Bynum said okay, thank you. **Mr. Bach** said actually it's not January 20, it's at the end of the month.

Commissioner Johnson said so, January 6th is when we have to make a decision. **Mr. Bach** said either in two weeks, per commissioner's motion, or January 6th.

Roll call was taken on the substitute motion was taken to table this item until December 16th to get better information. There were seven "Ayes," Walters, Bynum, Burroughs, Townsend,

McKiernan, Ramirez, Johnson; and two "Nos," Markley, Philbrook.

(Blue Sheet Item No. 6-8)

ITEM NO. 6 - 211231...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2022-2024 LABORERS' LOCAL NO. 1290 LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2022-2024 Construction and General Laborers Local No. 1290 labor agreement, submitted by John Khalil, Assistant Counsel.

Action: **RESOLUTION NO. R-97-21**, "A resolution 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 Construction and General Laborers Local No. 1290 for the period from January 1, 2022, through December 31, 2024." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 7 - 211232...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2022-2024 CARPENTERS LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2022-2024 United Brotherhood of Carpenters and Joiners of America, Mid-America Carpenters Regional Council labor agreement, submitted by John Khalil, Assistant Counsel.

Action: **RESOLUTION NO. R-98-21**, "A resolution 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 Unified Brotherhood of Carpenters and Joiners of America, Mid-America Carpenters Regional Council for the period from January 1, 2022, through December 31, 2024." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 8 - 211233...RESOLUTION: AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN 2022-2024 SEW, LOCAL #1, LABOR AGREEMENT

Synopsis: A resolution authorizing the County Administrator to sign the negotiated 2022-2024 Service Employees International Union, Local #1, labor agreement, submitted by John Khalil, Assistant Counsel.

Action: **RESOLUTION NO. R-99-21,** "A resolution 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 Unified Government and the Service Employees International Union Local #1 for the period from January 1, 2022, through December 31, 2024." **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution as**

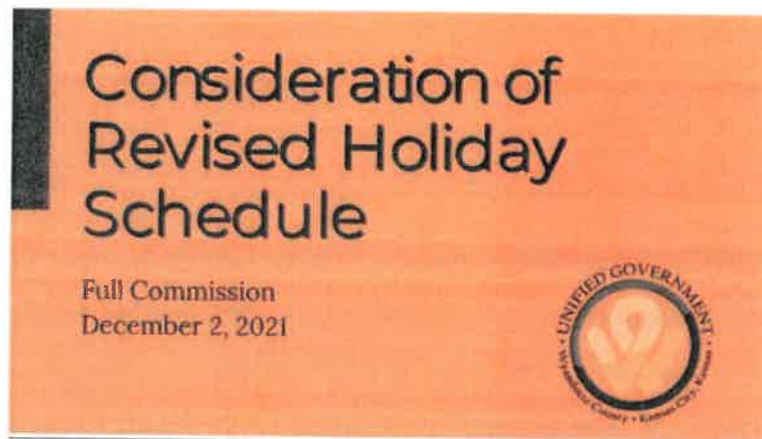
submitted. Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

COMMISSIONERS' AGENDA

Item No. 1 - 211224...RESOLUTION: REVISED HOLIDAY SCHEDULE

Synopsis: Presentation regarding the addition of a holiday to the schedule of 2022 holidays with resolution for consideration, submitted by Bridgette Cobbins, Assistant County Administrator; and Jeff Conway, Assistant Counsel.

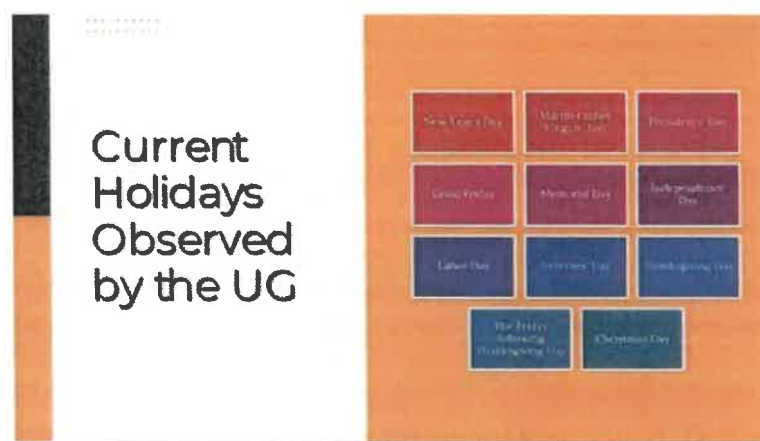
Doug Bach, County Administrator, said at the last special session we had, well, actually it was the last full Commission meeting we had, there was a discussion regarding the holiday calendar which was adopted by the governing body. During that meeting, commissioners asked that we come back and provide a report to the Commission regarding the cost and other related expenses to adding an additional holiday should we elect to do so. So tonight, we have prepared that. I will recognize Assistant County Administrator Bridgette Cobbins who is going to present on this item.



Bridgette Cobbins, Assistant County Administrator, said before you tonight is a resolution to consider revising the holiday schedule and to make modifications to Section 5.3 of the Human Resources Guide.



At the full Commission meeting on November 18th, the 2022 holiday schedule was approved. At that meeting, several questions arose regarding adding the Juneteenth holiday to our schedule for 2022: the total cost for adding a holiday, what the State of Kansas' decision was to observe the holiday, and what neighboring municipalities were doing in honor or to observe that holiday. Also, we did have a question in regards to the Election Day that was brought up to consider that also as a holiday for 2022.

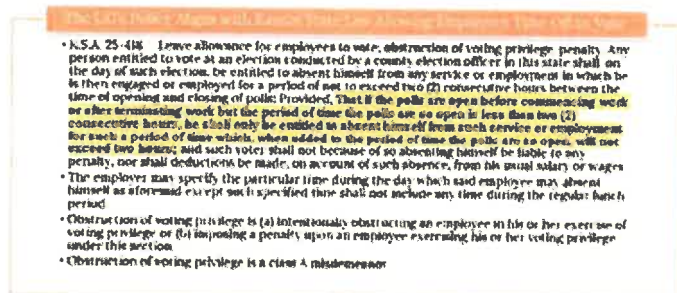


Currently, the Unified Government has a total of 11 holidays that we do observe. You can see them listed. The one that is showing as Good Friday in our packet, we are asking that we consider an amendment to the resolution to change the verbiage from Good Friday to Spring holiday. That decision had been made years ago. We had just neglected to change that in our HR guide.



In regards to Election Day, currently the Unified Government is using the same policies as the State of Kansas.

Election Day



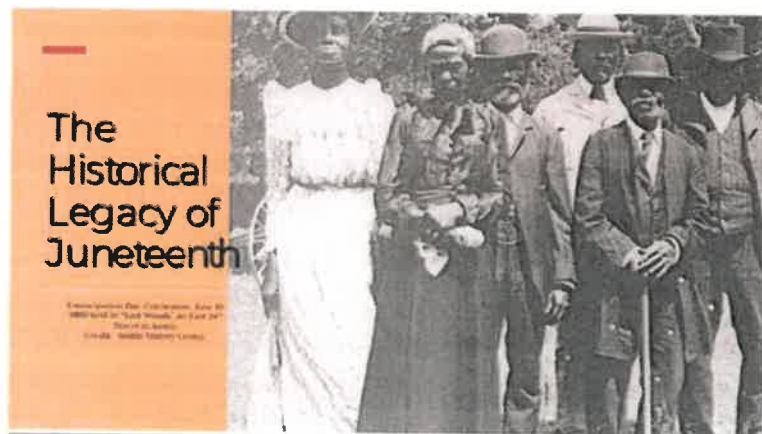
It's unusual. Staff is usually unable to go in and to vote depending upon their schedule. It's at the discretion of their department head if they need to go during working hours. Typically, public safety officers or public safety staff, those are the ones that usually require to have the two-hour timeframe to go and vote during their work shift. It is rare that staff has elected or has complained to our HR Department because they were not given the opportunity to vote.



Juneteenth was one of the discussions that was asked about us considering adding it to our holiday schedule for 2022. I just want to give a little overview of what Juneteenth is. I think a lot of people hear the words, but they're not quite sure what it is or how it even evolved.

But, on Freedom's Eve, or the eve of January 1, 1863, the first watch night, service took place. On that night enslaved and free African Americans gathered in churches and in private homes all across the country awaiting news that the Emancipation Proclamation had taken effect. At the stroke of midnight, prayers were answered as all enslaved people in Confederate States were declared legally free. Union soldiers, many of whom were black, marched onto plantations across cities in the south reading small copies of the Emancipation Proclamation, spreading the news of freedom in Confederate States. But not everyone in Confederate territories would immediately be free.

Even though the Emancipation Proclamation was made effective in 1863, it could not be implemented in places still under Confederate control. As a result, in the westernmost Confederate State of Texas, enslaved people would not be free until much later. Freedom finally came on June 19, 1865, when some 2,000 Union troops arrived in Galveston Bay, Texas. The Army announced that the more than 250,000 enslaved black people in that state were free by executive decree. This day came to be known as Juneteenth by the new freedom people in Texas.



The photo before you is showing a group of individuals back in the 1900s that were celebrating what they considered to be the celebration of Emancipation Day.

Overtime Costs

FOP 4 (Police Officers)	IAFF/Int. Unionized Firefighters & Fire Commissioners	IBEW	FOP (Sheriff Deputies)	Teamsters	UPCW (Dispatchers)	TOTAL
\$135k	\$172k	\$26k	\$46k	\$5k	\$14k	\$397k



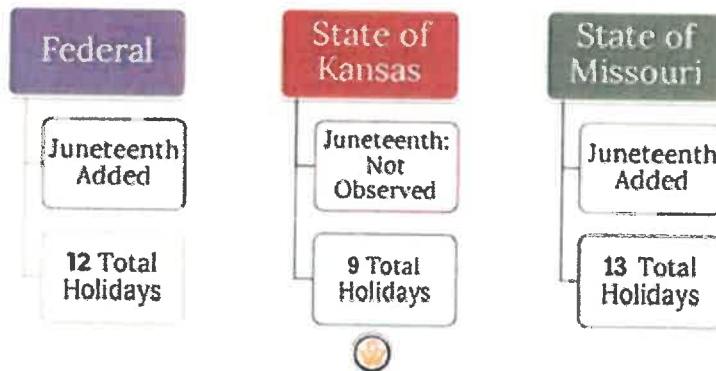
The total cost for the Unified Government, if we chose to add Juneteenth or any other holiday, is about \$397K. As you can see for the FOP, that ranges to about \$135K; for the IAFF Fire, that's approximately \$172K; IBEW, \$26K; FOP for the Sheriff, deputies, \$46K; Teamsters, \$5K; and Dispatchers, \$14K. So, again, the total is about \$397K that would have to be paid for overtime costs to add a holiday.

[illegible]

December 2, 2021

currently Platte County has not.

Federal and State Decisions



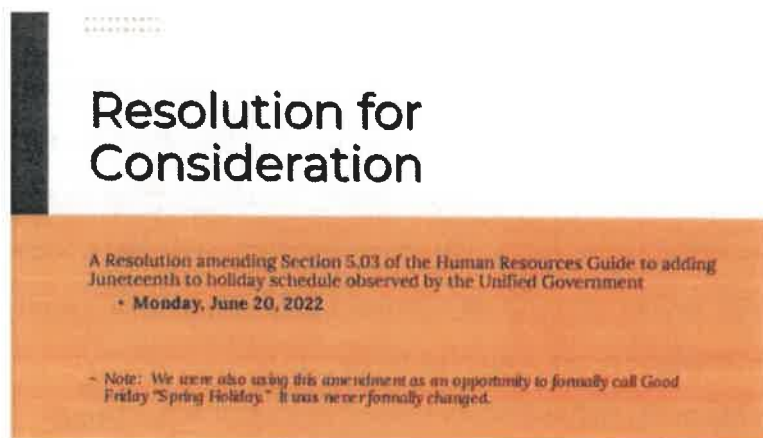
Federal, of course, added Juneteenth as their twelfth holiday including Inauguration Day which occurs, of course, every four years. State of Kansas has not decided to observe Juneteenth, and the State of Missouri has added Juneteenth to their holidays.

Authority

The Unified Government Board of Commissioners have the authority to designate any day as a holiday as outlined in the Human Resources Guide (HRG). To add in Juneteenth, they would amend the HRG. This authority is referenced several times throughout our Code. See Section 1-2 & 19-392 of the UG Code of Ordinances.

- Of note, both federal government and the Kansas legislature may also designate any day as a holiday, but we are not required to follow it. (i.e. the UG does not observe Columbus day, but we have a Spring Holiday which neither the state or federal government has)

The Unified Government Board of Commissioners does have the authority to designate any day as a holiday as outlined in the Human Resources Guide. And as noted, the Federal Government on occasion or the State may designate holidays to celebrate or to use as a designated holiday. The Unified Government, for example, does not recognize Columbus Day as a holiday and we do choose to use the Spring holiday as opposed to the federal and the state governments.



Again, tonight, the resolution before you is to consider amending Section 5.03 of the Human Resources Guide adding Juneteenth to the holiday schedule observed by the Unified Government. If approved, that date would be Monday, June 20, 2022. Also, we're asking consideration to amend verbiage in the current HR Guide to formally call Good Friday, Spring holiday.



Are there any questions?

Commissioner Townsend said the one question I have was it seemed as though not everyone under the UG umbrella was included in the breakout. That was the only question I had. What was the difference between those groups of employees? You're telling us that the \$397K is the total cost? **Ms. Cobbins** said that would be for overtime costs that the UG would have to pay if elected to add any holiday.

Commissioner Townsend said and there are no other costs then? **Ms. Cobbins** said that's the cost.

Mr. Bach said, Commissioner, if I may, I think maybe you're getting to many of our non-union groups or whatever. We're just going to close the building so we're not going to have people coming in so we don't have to incur overtime. There's some lost service by not being in operation on that day and we'll have to make that up somehow. It's really difficult to put a number to that. But certainly, if we lose a day of productivity, we've lost a day of productivity, and either you're not going to get it done in the same timely fashion or some department heads may elect to require staff to do additional work on overtime. It's hard to put a number to that.

Commissioner Townsend said the quantifiable dollars, though, were just in overtime.

Action: **RESOLUTION NO. R-100-21**, "A resolution amending Policy 5.3 of the Human Resources Guide of the Unified Government regarding holidays, to add Juneteenth as a holiday and to rename the holiday." **Commissioner Johnson made a motion, seconded by Commissioner Townsend, to adopt the resolution as submitted.** Roll call was taken and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PUBLIC ANNOUNCEMENTS

Mayor Alvey said I'd like to recognize Administrator Bach for a public announcement.

Doug Bach, County Administrator, said earlier this evening, commissioners were able to express comments and appreciation regarding the outgoing Mayor and two commissioners that this is their last meeting. At this time, we'd like to recognize them for their service to our community and present each one of you with a plaque that we have. I think after meetings like tonight, we should make these out of gold for you to have, kind of demonstrate how they are, but we do have these plaques that are here and this one in my hand is to Commissioner Philbrook for service from 2013 to 2021. I will make a presentation of each one of these if I can.

I have one for Commissioner Walters who served from 2013 to 2021.

Mayor, we have one for you as well for your years of service from 2018 to 2021 as well. I will give this to you tomorrow. Thank you very much for all of your service.

Mayor Alvey said that concludes our meeting for this evening. Thank you for attendance. We are adjourned.

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business.

**MAYOR ALVEY
ADJOURNED THE MEETING AT 10:30 P.M.
December 2, 2021**

Brett A. Deichler, PMP | CPM
Unified Government Clerk

tk/am



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: March 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.

tp

Attachment

Weekly Business Material for March 17, 2022

1. PROTEST PETITION:

A protest petition in opposition to Change of Zone Petition COZ2021-051, submitted by Jerri L. Moulder, 31 S. Hallock St.

Action: Received and filed. Copy previously forwarded to Planning & Urban Design.

2. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, held a public auto auction on February 10, 2022 at 10:00 a.m.

Action: Received and filed.

3. AGREEMENT:

Notice of Termination of UG Cost Funding Agreement dated August 9, 2021, for Proposed Hotel and Convention Center Development Project and Kansas Open Records Request (KORA).

Action: Received and filed. Copy previously forwarded to Legal, Finance, & Economic Development.

4. REPORTS:

2021 audit report for Water District No. 1 of Johnson County.

Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of February 2022.

Action: Received and filed.

5. COMMUNICATION:

Brett Deichler, UG Clerk, listing bids received on March 16, 2022, for Project #B32698 – Mowing Services for Mediums.

Action: Received and filed. Copy previously forwarded to County Administrator, Legislative Auditor and Public Works.

6. PERSONNEL ACTION COMMUNICATION, DATED MARCH 15, 2022:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Madison H Bush	Health	3/17/22	Prog Coordinator
Ravion M Kirkland	Sheriff	3/17/22	Juv Care Worker I
Michael G York	Police	3/17/22	Info Sys Coordinator

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Traci R Ash	Police/Comm	3/3/22	Public Safety Dispatcher	Part Time 911 Call Taker
Katelyn J Bills	Police	3/10/22	Sr Patrolman	Detective
Kyle P Wolf	Police	3/10/22	Master Patrolman II	Detective

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Susan Q Alig	Legal	3/16/22	Sr Attorney
James E Canada	Fire	3/9/22	Captain
Jacob M Dicks	Fire	3/22/22	Firefighter/Paramedic
Carla D Germany	Health	3/7/22	Public Health Nurse
Ethan M Griswold	Police	3/18/22	Patrolman
Marks S Hicks Jr	Fire	3/4/22	Firefighter
Christian M Kennedy	PW/WPC	3/7/22	Info Sys Analyst
Carlos Lara Rodriguez	Delinquent Rev	3/18/22	Admin Supt Specialist
Tracy L McCullough	Sheriff	3/16/22	Captain
Kristina L Mikesic	Finance/Accounting	3/16/22	Prof Fiscal Asst
Lexee M Nelson	Police/Comm	3/4/22	Public Safety Dispatcher
Mitchell K Nickerson	Police/Animal	4/1/22	Animal Services Officer

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Dalton A Alas	Fire	3/1/22	Firefighter
Kevin W Brown	Fire	3/22/22	Master Fire Captain
Jennifer L Eakright	Police/Animal Services	3/30/22	Program Tech I
Blake R Hachinsky	Fire	3/1/22	Firefighter
Benjamin J Huyett	Fire	3/22/22	Master Fire Captain
Kaisone Inthavong	Fire	3/1/22	Firefighter
Anthony J Tucker	Fire	3/1/22	Firefighter
Gary D Wayne	Fire	3/1/22	Firefighter
Pricilla C Watley	Sheriff	3/10/22	Juv Care Worker I
David J Whaley	Fire	3/1/22	Firefighter

Action: Received and filed. Copy previously forwarded to Payroll.

7. PERSONNEL ACTION COMMUNICATION, DATED MARCH 17, 2022:

Section I -Appointment

Name	Department/Division	Eff. Date	Job Title
Rachel R Green	Sheriff	3/17/22	Court Security Officer

Section III – Separation

Name	Department/Division	Eff. Date	Job Title
Janice I Steffen	Comm Corr	3/16/22	IS Administrator

Section IV – Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Jaylen T Dupree	Police	3/10/22	Unknown

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Stephen C Dyer	Sheriff	4/26/22	Deputy
Bobby J Green	PW/Streets	2/5/22	General Laborer
William C Green	Sheriff	4/26/22	Deputy
Eric M Haines	Sheriff	4/3/22	Deputy/Park Ranger
Andrew R Nelson	PW/Streets	3/2/22	General Laborer
Gregg E Suttington	PW/Streets	10/1/21	General Laborer
Thomas L Williams Jr	Sheriff	4/26/22	Deputy

Section III – Other Request

Name	Department/Division	Eff. Date
Kristina Mikesic	Accounting	Amend PAC 3/15/22 to reflect change in comp eff. 3/16/22

Action: Received and filed. Copy previously forwarded to Payroll.

8. CLAIMS FOR DAMAGES:

Marrika Clayton, 1956 Glendale Ave., KCK, alleging damage to her tire due to hitting a pot hole on 37th Street.

Shirley Ikerd, 804 S. 89th St., KCK, alleging damage from snow plow to her driveway.

Action: Received and filed. Copies previously forwarded to Legal

9. NOTICE OF CLAIM:

Joshua Brunson, 710 N. 7th St. Tfwy, KCK; through Peezy Mullins, Esq., Chicago, IL, alleging damages from the May 26, 2020, shooting incident involving the Kansas City, Kansas Police Department, and its officers.

Action: Received and filed. Copy previously forwarded to Legal.

10. TRAVEL REQUESTS:

LaRwan McClaine, Fire Department, travel to Iowa City, IA, 3/8/22 to 3/10/22, for recruitment, Employee Training & Travel.

LaRwan McClaine, Fire Department, travel to Omaha, NE, 3/23/22 to 3/25/22, for recruitment, Employee Training & Travel.

Thomas Stark, Fire/Prevention/Investigations, travel to Jacksonville, FL, April 10 – 15, 2022, to a training conference and expo for continuing education for fire investigations, Employee Training & Travel.

Bryan Welch, Fire Investigations, travel to Hutchinson, KS, 2/27/22 to 3/12/22, paid by Kansas Law Enforcement Training Center.

Action: Approved by County Administrator's Office and received and filed.

11. CERTIFICATE OF INSURANCES:

Taco Bandits
Universal Protection Service, LLC DBA Allied Universal Security Services

Action: Referred to License.

12. BUSINESS BONDS:

Electrical Contractor's Bonds:
CWC Electric, LLC
Citadel Electric, Inc.
CORE Electric
Ronald Fredericks

Plumber's Bonds:
Murray Plumbing
TMS Inc
T-Rex Plumbing

Action: Referred to License.

13. CONTINUATION CERTIFICATE:

Plumber's Bond:
Jim Glover DB Jim Glover Plumbing

Action: Referred to License.

14. CANCELLATION NOTICE:

Plumber's Bond:
Pierpoint Plumbing, LLC

Action: Referred to License

15. CHANGE RIDER LICENSER & PERMIT BOND:

Electrical Contractor's Bond:
Fluent Solar, LLC

Action: Referred to License.

16. APPLICATION FOR CMB LICENSE (OP):

Dennis Murphy DBA St. Mary & St. Anthony Church, 615 N. 7th St.

Action: Referred to License.

17. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

El Chalateco, Inc./Jose Quintanilla DBA Jade Dragon Express, 1005 Osage Ave.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 211548

Full Commission Meeting Date: 05/27/2022

Committee: Economic Development & Finance

Date of Standing Committee Action: 05/09/2022
(If none, please explain):

Publication Required: No

<u>Date:</u> 05/19/2022	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> Amending charter ordinances to create a residential BPU PILOT classification, submitted by Kathleen VonAchen, Chief Financial Officer.				
<u>Action Requested:</u> For Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> BPU PILOT -SrsRebate PPT-5.9.22, BPU PILOT Charter Ordinance				

BPU Electric & Water PILOT Classifications & Seniors Rebate Program

Board of Commissioners

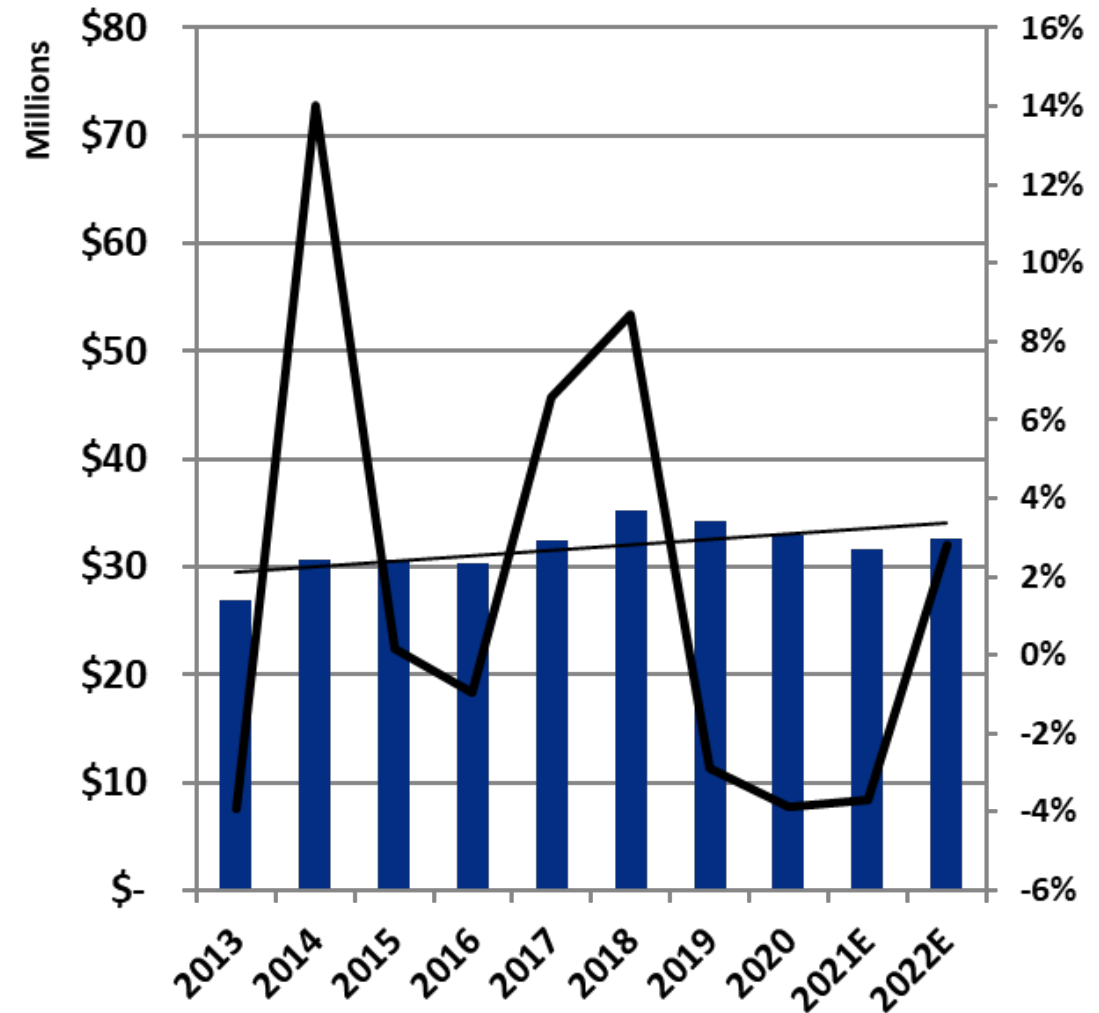
May 9, 2022

Proposals

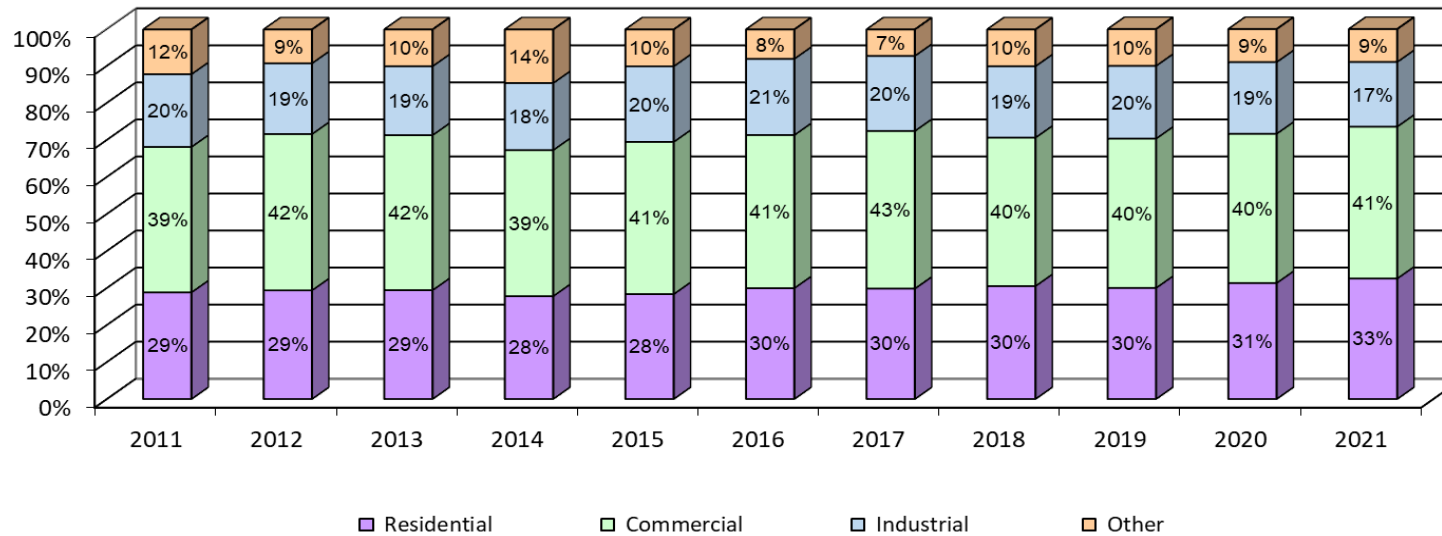
- I. Create two classifications for the BPU Payment-in-Lieu-of-Taxes (PILOT) – residential and commercial/industrial
- II. Expand the existing Seniors & Disabled Tax Rebate Program to all household that have a gross income of \$25,000 a year or less (currently limited to KCK residents 65 years or older)

BPU PILOT – 2013-2022

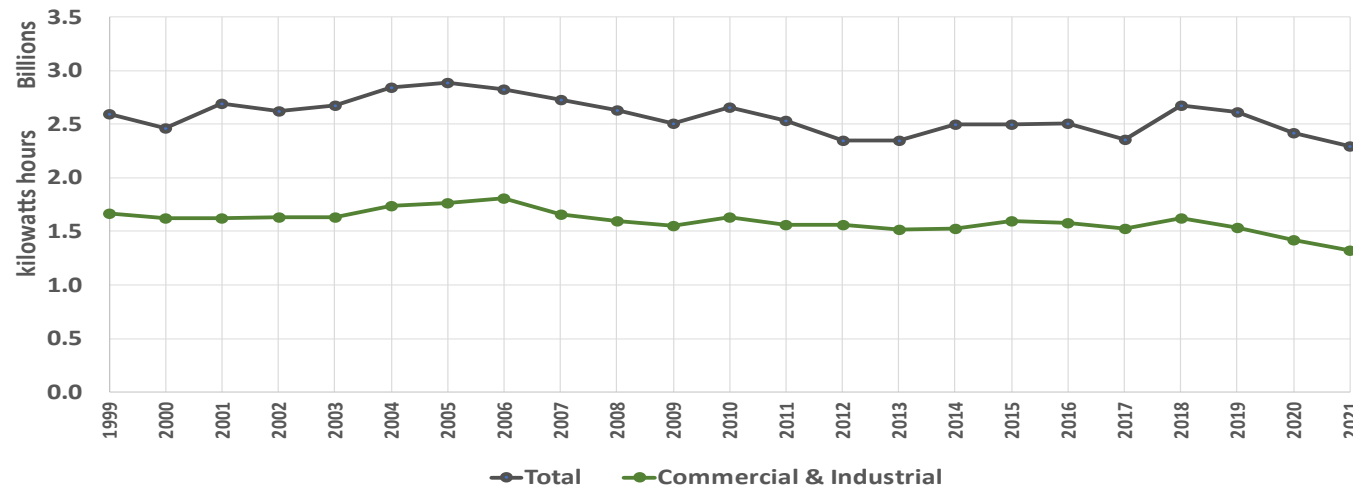
- Electric and Water Franchise Tax (BPU PILOT) was 10.9% of BPU gross utility revenues in 2013 and 11.9% in 2014 thru 2022.
- 20% of 2022 Total Revenues of the City General Fund
- The 14% increase of PILOT revenues in 2014 was due to changing the PILOT rate from 10.9% to 11.9% of BPU gross revenues.
- The increases in 2017 and 2018 of 7% and 9% respectively were due to the BPU adopting their own electric rate increase of 4% in March of each of those two years to meet their operating and capital needs.
- Total 2020 BPU Pilot was \$32.7 M (down 4.2% from 2019), with \$27.6 M from electric and \$5.4 M for water.
- Total 2021 BPU Pilot was \$31.7 M (down 3.1% from 2020), with \$26.3 M from electric and \$5.4 M for water.
- The 2022 budget revenue estimate is a 3% increase.



Percentage of Electric Utility Sales
(2011-2021)



BPU Electric Consumption (Kwh)



BPU PILOT Trends

- Over the past 5 years, residential accounts made up an average of 31% total electric utility sales.
- BPU experienced a drop in electric consumption in 2020 and 2021, (7.5%) and (5.6%) respectively, with large industries and businesses closed or at reduced capacity during the pandemic
- Major industries expected to be at full capacity by the end of 2022

Establish Residential and Commercial/Industrial Classifications for the BPU Electric & Water PILOT

Possible Commission Action

- Amend Charter Ordinances CO-5-01 and CO-3-02 in order to provide for a separate residential PILOT versus commercial/industrial PILOT.
- Charter Ordinance requires Commission approval by two-thirds of its members (8 votes) plus a 61-day waiting period after publication to make sure there is no challenge via citizen petition

UG Legal Department Research

- “State law, specifically KSA 13-1271 and KSA 13-1269, both allow for a percentage of “gross operating revenues” to be transferred to the municipality. However, those statutes are non-uniform and so the UG exempted itself from the statutes starting with CO-5-01, amended by CO-3-2, but it kept in the “gross operating revenue” language.
- As such, under current ordinance we cannot separate out the residential versus commercial revenue for purposes of the PILOT, but we could do so via a new Charter Ordinance.

CHARTER ORDINANCE NO. CO-5-01



CHARTER ORDINANCE repealing Charter Ordinances Nos. 106, [115](#) and [CO-3-00](#); exempting the Unified Government of Wyandotte County/Kansas City, Kansas, from the provisions of K.S.A. 1998 supp. 13-1213, 13-1214, 13-1215, 13-1220, 13-1221, 13-1222, 13-1223, 13-1224, 13-1225, 13-1226, 13-1227, 13-1228, 13-1228a, 13-1228b, 13-1228c, 13-1228d, 13-1228e, 13-1228f, 13-1228g, 13-1228h, 13-1229, 13-1230, 13-1231, 13-1232, 13-1235, 13-1236, 13-1237, 13-1252, 13-1253, 13-1254, 13-1255, 13-1257, 13-1258, 13-1259, 13-1260, 13-1261, 13-1269, 13-1270, 13-1271, 13-1272, 13-1273 and 13-1275, relating to the election, salary, terms of office, meetings, qualifications, election of officers, and vacancies of members of the board of public utilities, the sale of surplus utility services or products by the board, the powers and duties of the board, the appointment, qualifications, and powers and duties of a general manager of the board, the power of the board to enter contracts for extensions of retail service outside the unified government limits, the percentage of gross operating revenues of the board which must be transferred to the unified government and the timing of such transfer, and providing for any proposed sale of utilities, requirements for an election on the question of sale, including a feasibility study, and the manner of such election, the fixing of utility rates, the ownership and improvement of utilities, the issuance of general obligation bonds and revenue bonds for utilities and providing substitute and additional provisions on the same subjects.

EXAMPLE:

Residential PILOT Reduction Revenue Calculations

\$ in millions

Utility	Total 2023 Status Quo Estimate	Residential 2023 Status Quo Estimate*	All Other Accounts 2023 Status Quo Estimate	Residential Accounts 1% PILOT Multiple	Assume Residential Accounts PILOT set at 6% of BPU gross revenue	Revenue Reduction from Status Quo
Electric	\$28.4	\$8.8	\$19.8	\$0.74	\$4.4	(\$4.4)
Water	\$5.6	\$1.7	\$3.9	\$0.14	\$0.8	(\$0.9)
TOTALS	\$34.0	\$10.5	\$23.7	\$0.88	\$5.2	(\$5.3)

**Assumes residential accounts make up 31% of total BPU PILOT revenue.*

Senior/Disabled Citizens Utility Rebate Program

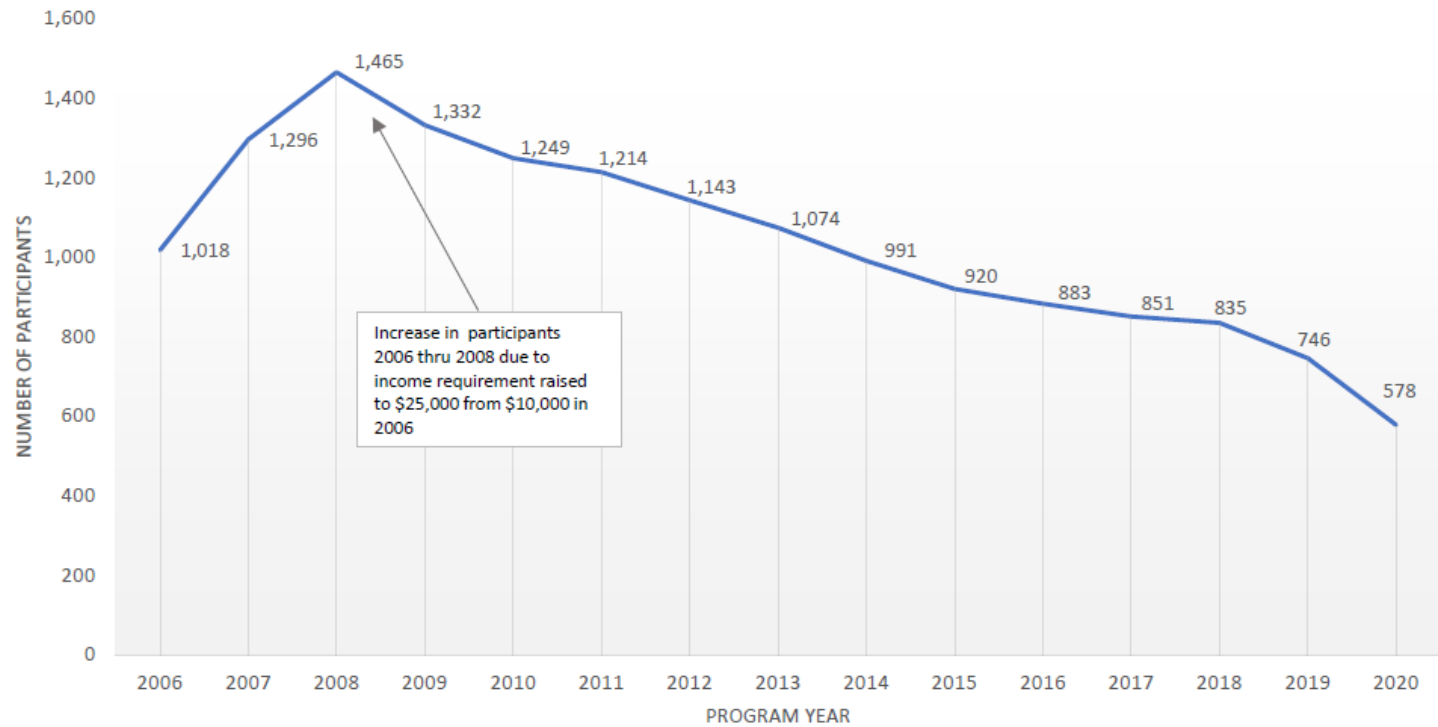
Eligible applicants can receive a portion of taxes paid to the following:

- water pollution (90% rebate)
- gas franchise tax
- telephone franchise tax
- BPU electric and water payments-in-lieu of taxes
- city sales tax refund

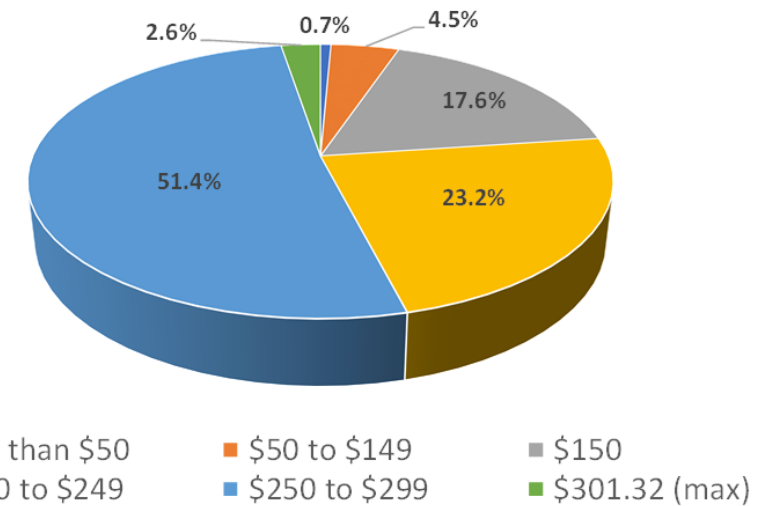
To be eligible for the program in 2020, individuals must have met the following criteria:

- resident of Kansas City, Kansas
 - 65 years of age for the entire year
 - total gross annual income from all sources not to exceed \$25,000 (including spouses)
 - application deadline is March 31st
- In 2021 (for the 2020 tax year) the program provided total refunds of \$134,240 to 578 eligible applicants. The average rebate in 2021 was \$233, with 15 (3%) of the applicants receiving the full rebate (\$301.32).

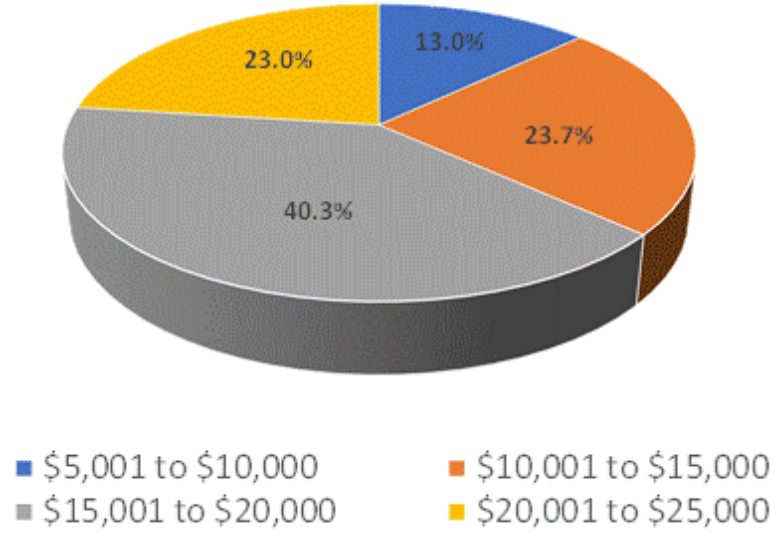
Senior Utility Rebate Program Participants by Program Year



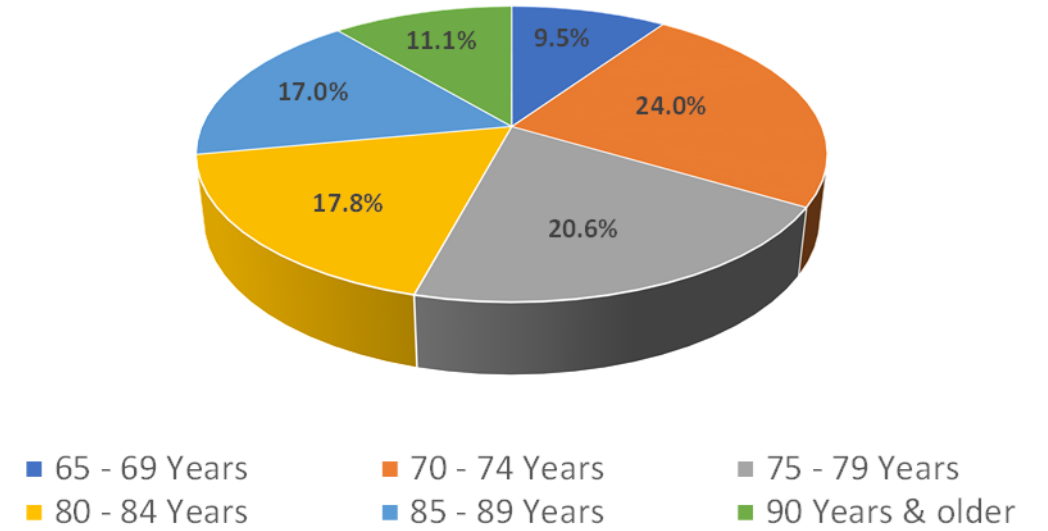
PROGRAM REBATE AMOUNTS SENIOR UTILITY REBATES IN 2021 FOR 2020 PROGRAM YEAR



INCOME OF PROGRAM PARTICIPANTS
SENIOR UTILITY REBATES IN 2021 FOR 2020 PROGRAM YEAR



AGE OF PROGRAM PARTICIPANTS
SENIOR UTILITY REBATES IN 2021 FOR 2020 PROGRAM YEAR



CHARTER ORDINANCE NO. CO-____-22

A Charter ordinance relating to the board of public utilities, creating a new residential class, setting new notification dates and a new notice procedure for joint meetings to discuss any proposed increase; amending section 18 of Charter Ordinance No. CO-3-02 of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That section 18 of Charter Ordinance No. CO-3-02 of the Unified Government of Wyandotte County/Kansas City, Kansas be and the same hereby is amended to read as follows:

Section 18

- (a) As hereinafter directed, the board is hereby empowered to transfer to the unified government: (i) a percentage or other portion of the gross operating revenue of each utility; or (ii) a percentage or other portion of the gross operating revenue of each utility attributable solely to its residential accounts, and a different percentage or other portion of all other gross operating revenue of each utility attributable to all of its other accounts.- Wholesale market activities with the Regional Transmission Organization are captured within the Energy Rate Component. Therefore, so as not to create duplicative charges to BPU customers, the term "gross operating revenues" in this section shall not include wholesale market activities with the Regional Transmission Owner or its successor.
- (b) The amount to be transferred to the unified government under this section shall be determined by resolution by the unified government in an amount not less than five percent nor more than 15 percent of its gross revenues, whether combined as set forth in Section 18(a)(i) or separated by accounts as set forth in Section 18(a)(ii), for such fiscal year. The determination of the percentage of gross operating revenues to be paid for a fiscal year shall be made by the unified government, with written notice to the board on or before the first day of October~~September 1~~ preceding the date of implementation. ~~The governing body of the unified government and the board shall, p~~Prior to any determination increasing the payment in lieu of taxes hereunder, the governing body of the unified government shall send a notice to the board of its request to jointly meet and confer to discuss any proposed increase. If the unified government fails to so determine or fails to so notify the board of its determination on or before the first day of September-October of any year, the board shall set over a percentage of gross operating revenues, whether combined as set forth in Section 18(a)(i) or separated by accounts as set forth in Section 18(a)(ii), which shall be no less than that set over the preceding year.
- (c) From and after the effective date of this ordinance, the set over of revenues to the unified government shall be made monthly by no later than the tenth day of the second month following each month in which the gross operating revenues are collected. For each fiscal year, following the receipt of the year's audit by the board, a determination of the total amount of revenues which should have been set over based on total gross operating revenues shall be made, and any reconciliation and adjustment between that amount and

the amount which had been previously set over for the fiscal year shall be determined and such reconciliation and adjustment shall be made by adjusting the payment made in the month following receipt of the audit, upward or downward as necessary, except that this reconciliation shall be done no later than the month of June.

Section 2. If any provision of this Charter Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Charter Ordinance which can be given effect without the invalid provisions or application and to this end the provisions of this Charter Ordinance are declared to be severable.

Section 3. That the original section 18 of Charter Ordinance No. CO-3-02 of the Unified Government of Wyandotte County/Kansas City, Kansas, be and the same is hereby repealed.

Section 4. This ordinance shall be published once each week for two consecutive weeks in the Wyandotte Echo.

Section 5. This is a Charter Ordinance and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in article 12, section 5, subdivision (c)(3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, NOT LESS THAN TWO-THIRDS OF THE MEMBERS ELECT VOTING IN FAVOR THEREOF, THIS _____ DAY OF _____, 2022.

Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Chief Counsel



Staff Request for Commission Action

Tracking No. 211559

Full Commission Meeting Date: 5/9/22

Committee: Economic Development & Finance

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

Publication Required: Yes 5/9/2022

<u>Date:</u> 05/19/2022	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Treasurer
<u>Item Description:</u> Amending ordinances applicable to Senior Utility Tax Rebate program, Kathleen VonAchen, Chief Financial Officer.				
<u>Action Requested:</u> Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Amendment to 2-296, Amendment to 34-21 Final				

(Published _____)

ORDINANCE NO. O- ____ -22

AN ORDINANCE regarding tax rebates for qualifying citizens of Kansas City, Kansas; amending **Section 2-296** of Chapter 2 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. Section 2-296 of the 2008 Code of Ordinances, City of Kansas City, Kansas is amended to read as follows:

Sec. 2-296. Relief from governmental fees or charges ~~for senior citizens.~~

- (a) All bona fide residents of the city ~~who are of the age of 65 or older and~~ who have a gross annual income not exceeding \$25,000.00 or, in case of ~~a husband and wife~~ married individuals living together in such residence, who have a combined gross annual income not exceeding \$25,000.00, shall be entitled to a refund on all of the following payments actually made during the calendar year on their personal residence:
- (1) Unified government tax paid to an authorized natural gas franchisee.
 - (2) Ninety percent of all water pollution control charges paid to the unified government.
 - (3) A percentage of the total of all amounts paid to the board of public utilities during the previous calendar year for water and light, which percentage shall be the same as the percentage of gross operating revenues transferred pursuant to Charter Ordinance No. 106, as amended, to the funds of the unified government to be used for governmental purposes.
 - (4) Unified government franchise tax paid to a telephone company.
- (b) Between January 2 and March 31 of each calendar year, persons eligible for refund on any or all of the items set out in subsection (a) of this section may make application for a refund for such charges paid during the calendar year on forms provided:
- (1) The applicant shall bring documentation satisfactory to the office of the unified government clerk or designated location establishing residency, ~~age~~ and gross annual income for the last previous calendar year.
 - (2) The applicant shall document the amounts of payments eligible for a refund and actual payment by the applicant. No refund shall be allowed for any amount not verified by a receipt or other evidence satisfactory to the office of the unified government clerk or his designee.

(3) After approval by the unified government clerk, the unified government clerk shall mail payments to the applicants at the address set forth in the application.

(e) ~~No person shall receive payments for sums expended during any period of the year in which such person became 65.~~

(cd) No person shall be eligible for a refund hereunder who is a recipient of public funds specifically designated for payment of charges hereunder listed in subsection (a) of this section.

(de) In case of sickness or disability or when, in the judgment of the unified government clerk, good cause exists, the unified government clerk may extend the time for filing any claim for a refund hereunder.

(f) All refunds ~~to persons over 65~~paid under this section shall be made from the city general fund for the unified government.

(g) The maximum amount of refund under this section shall be \$150.00.

(Code 1964, §§ 41-2, 41-3, 41-3.1; Code 1988, § 2-213; Ord. No. 50704, §§ 1-5, 5-11-1972; Ord. No. 53090, §§ 1, 2, 8-29-1974; Ord. No. 57020, § 1, 10-20-1977; Ord. No. 57021, § 1, 10-20-1977; Ord. No. 60908, § 1, 1-24-1980; Ord. No. 63591, § 1, 12-8-1981; Ord. No. 64704, §§ 1-3, 9-20-1984; Ord. No. 65071, § 1, 10-16-1986; Ord. No. 65488, § 1, 12-7-1989; Ord. No. 65760, § 1, 10-22-1992; Ord. No. O-74-06, § 1, 8-17-2006; Ord. No. O-58-09, § 1, 7-30-2009)

Cross reference(s)—Sewer service charges, § 30-92 et seq.; refund of city sales tax to senior citizens, § 34-216.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF
_____, 2022**

Mayor/CEO

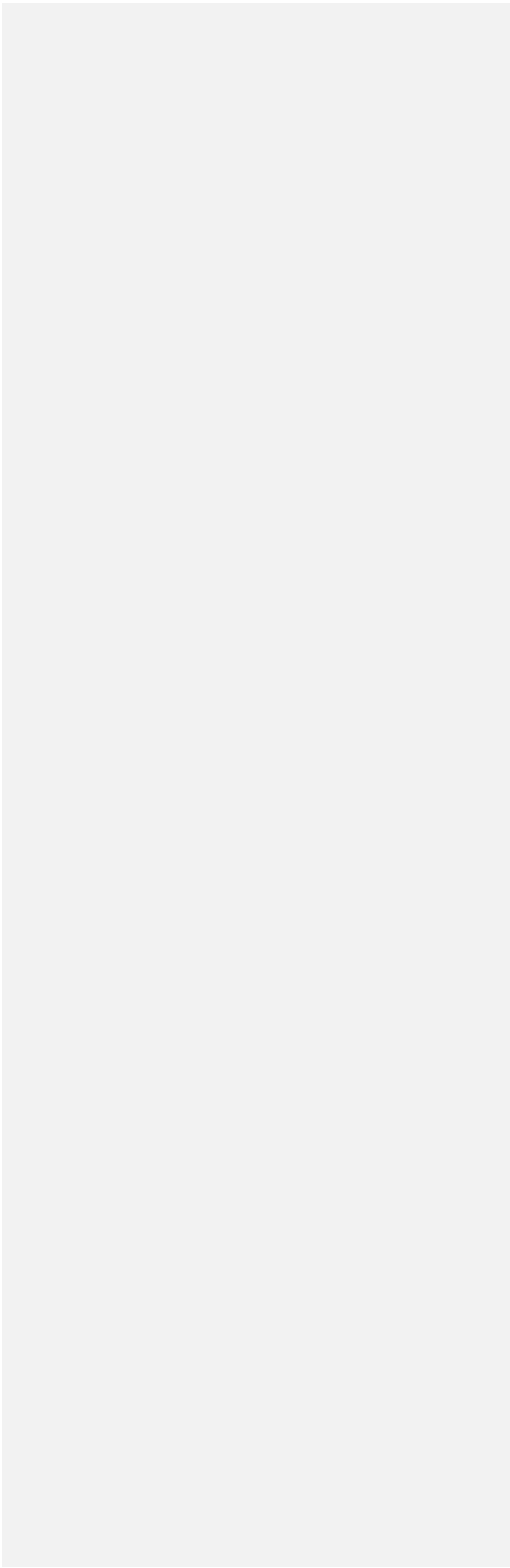
Attest:

Unified Government Clerk

Approved as to Form:

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Chief Counsel



(Published _____)

ORDINANCE NO. O- ____ -22

AN ORDINANCE regarding tax rebates for qualifying citizens of Kansas City, Kansas; amending **Section 34-21** of Chapter 34 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Section 34-21 of the 2008 Code of Ordinances, City of Kansas City, Kansas is amended to read as follows:

Sec. 34-21. Refund of city sales tax ~~to senior citizens.~~

- (a) All bona fide residents of the city ~~who are of the age of 65 or older and~~ who have a gross annual income not exceeding \$25,000.00, or, in the case of ~~married individuals husband and wife~~ living together in the same residence, who have a combined gross annual income not exceeding \$25,000.00, shall be entitled to a refund of the city sales tax and that amount of the county sales tax received by the city based upon the following schedules:

~~2006~~ City Sales Tax* Refund Table

Income Category	12 Month Maximum Rebate Amount		Monthly Max (Per Person)	
	1 Exemp.	2 Exemp.	1 Exemp.	2 Exemp.
0—5,000	27.72	33.84	2.31	2.82
5,000—9,999	49.32	60.24	4.11	5.02
10,000—14,999	77.88	94.92	6.49	7.91
15,000—19,999	102.72	125.28	8.56	10.44
20,000—25,000	124.08	151.32	10.34	12.61

*City sales tax includes the city's rate ~~of 1.25 percent~~ and the portion of the county sales tax rate received by the city ~~(approximately 0.73 percent)~~.

- (b) Each applicant shall execute a verified application for claim and file it with the unified government clerk not later than March 31 of each year.
- (c) After approval by the unified government clerk, the unified government clerk shall mail payment to the applicant at the address set forth in the application.
- ~~(d) No person shall receive a refund of sales tax for the year in which such person became age 65.~~

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(de) No person shall be eligible for a refund who is a recipient of public funds specifically designated for payment of sales tax.

(ef) In case of sickness or disability or when, in the judgment of the unified government clerk, good cause exists, the unified government clerk may extend the time for filing any claim for a refund.

(ig) All refunds of the city sales tax under this section shall be made from the city general fund.

(Code 1964, § 41-5; Code 1988, § 34-2; Ord. No. 54059, § 1, 8-19-1975; Ord. No. 63621, § 1, 12-21-1981; Ord. No. 64704, § 4, 9-20-1984; Ord. No. 65071, § 2, 10-16-1986; Ord. No. O-126-06, § 1, 12-14-2006)

Cross reference(s)—Relief from governmental fees or charges for senior citizens, § 2-296.

**PASSED 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:

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Staff Request for Commission Action

Tracking No. 211557

Full Commission Meeting Date: N/A

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/9/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 05/19/2022	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> Approve Ordinance and Resolution to allocate ARPA funds for various capital, facilities and park improvements as recommended by the ARPA Subcommittee, submitted by Kathleen VonAchen, Chief Financial Officer				
<u>Action Requested:</u> For Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> ARPA Ordinance				

ORDINANCE NO. O-_____
RESOLUTION NO. R-_____

AN ORDINANCE AND RESOLUTION FOR THE APPROVAL OF FEDERAL LOCAL FISCAL RECOVERY FUNDS TO BE USED FOR CAPITAL PROJECTS AND OTHER NEEDS BY THE UNIFIED GOVERNMENT TO CONTINUE THE FIGHT AGAINST THE SPREAD OF COVID-19 AND OTHER ELIGIBLE USES AS PART OF THE AMERICAN RESCUE PLAN ACT

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021, (Public Law 117-2), and was codified at 42 U.S.C. § 802 *et seq.*; and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund, which were together intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses; and

WHEREAS, the Recovery Funds are intended to build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF), which was established by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (2020); and

WHEREAS, ARPA—which, among other things, adds sections 602 and 603 to the Social Security Act—generally provides that the Recovery Funds may be used:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d) To make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, the Supplementary Information accompanying the federal Department of the Treasury’s Interim Final Rule (31 CFR Part 35) states that “these resources lay the foundation for a strong, equitable economic recovery, not only by providing immediate economic stabilization for households and businesses, but also by addressing the systemic public health and economic challenges that may have contributed to more severe impacts of the pandemic among low-income communities and people of color.” (86 FR 26786, at 26788); and

WHEREAS, Ordinance O-115-21 and Resolution R-58-21 approved the acceptance on behalf of the City of Kansas City, Kansas of Fifty-Five Million Three Hundred Eighty-Three Thousand Eight Hundred Seventy-Two Dollars (\$55,383,872) from the Coronavirus Local Fiscal Recovery Fund; and approves the acceptance on behalf of Wyandotte County, Kansas of Thirty-Two Million One Hundred Thirty-Two Thousand Six Hundred Forty-Four Dollars (\$32,132,644) from the Coronavirus Local Fiscal Recovery Fund; and

WHEREAS, Section II.C of the Supplementary Information accompanying the federal Department of the Treasury's Interim Rule (31 CFR Part 35) provided in part that, for purposes of measuring revenue growth from the pre-pandemic period recipient Kansas City, Kansas would utilize the calculated rate of 4.1% and recipient Wyandotte County, Kansas would utilize the calculated rate of 6.2%; and

WHEREAS, Ordinance O-115-21 and Resolution R-58-21 approved that of the Kansas City, Kansas total allocation, Eighteen Million Seven Hundred Eighty Thousand Four Hundred Seventy Dollars (\$18,780,470) will be used to replace revenue lost due to COVID-19 during 2020, and an estimated Twelve Million Three Hundred Four Thousand Seven Hundred Seventy-Four Dollars (\$12,304,774) will be used to replace revenue lost due to COVID-19 during 2021, for a total revenue replacement allocation over the two year period of Thirty One Million Eighty-Five Thousand Two Hundred Forty-Four Dollars (\$31,085,244); and

WHEREAS, Ordinance O-115-21 and Resolution R-58-21 approved that of the Wyandotte County, Kansas total allocation, Six Million Six Hundred Fifty Thousand Eight Hundred Eighty Dollars (\$6,650,880) will be used to replace revenue lost due to COVID-19 during 2020, and an estimated Four Million Three Hundred Seventy Thousand Ninety-Five Dollars (\$4,370,095) will be used to replace revenue lost due to COVID-19 during 2021, for a total revenue replacement allocation over the two year period of Eleven Million Twenty Thousand Nine Hundred Seventy-Five Dollars (\$11,020,975); and

WHEREAS, Ordinance O-115-21 and Resolution R-58-21 approved in its Exhibit B entitled "ARPA Immediate Needs Report" the adopted total allocated funds not from revenue replacement funding was One Million Five Hundred Sixteen Thousand Six Hundred Thirty-Four Dollars (\$1,516,634) for Kansas City, Kansas and Eight Million Two Hundred Ninety-Eight Thousand Three Hundred Forty-Two Dollars (\$8,298,342) for Wyandotte County; and

WHEREAS, Ordinance O-115-21 and Resolution R-59-21 approved that of the Wyandotte County, Kansas total allocation, One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000) be allocated to address and prevent housing insecurities and negative economic impacts associated with homelessness and other related human services in Wyandotte County through January of 2022; and

WHEREAS, Although Resolution R-72-21 approved an ARPA allocation of One Million Dollars (\$1,000,000) to fund the Covid-19 Mitigation Plan for Unified Government staff, Ordinance **O-xxx-22** and Resolution **R-xxx-22** approved that these same funds be redirected with Six Hundred Sixty Thousand Dollars (\$660,000) from the Kansas City, Kansas allocation and Three Hundred Forty Thousand Dollars (\$340,000) from the Wyandotte County allocation; and

WHEREAS, Ordinance **O-xxx-22** and **Resolution R-xxx-22** approved that of the Wyandotte County, Kansas total allocation, Three Million Four Hundred Thirty-Five Thousand Nine Hundred Thirty-Four Dollars (\$3,435,934) be allocated for eligible uses of the Local Fiscal

Recovery Fund as part of the American Rescue Plan Act for the Public Health Department for Additional Needs; and

WHEREAS, The American Rescue Plan eligible uses includes addressing facility repairs to improvement air-handling systems and parks and recreation trail improvement projects.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Unified Government Board of Commissioners hereby directs that previously approved \$75,000 authorized by O-115-21 and Resolution R-58-21 to fund the Covid-19 Immediate Needs and \$75,000 Ordinance **O-xxx-22** and Resolution **R-xxx-22** to fund the Unified Government's Public Health Department Additional Needs for the Municipal Court Fees and Fines Waiver Program originally funded from the Wyandotte County allocation shall hereby be re-allocated to be paid from the Kansas City, Kansas allocation.

Section 2. The Unified Government Board of Commissioners hereby approves Six Million Three Hundred Seventy-Eight Thousand Three Hundred Eight Dollars (\$6,378,308) of the Wyandotte County total allocation to be allocated for eligible uses of the Local Fiscal Recovery Fund as part of the American Rescue Plan Act for the Capital Projects and Other Needs, in substantially the form described in Exhibit A, attached hereto.

Section 3. The Unified Government Board of Commissioners hereby approves Seventeen Million Four Hundred Seventy-Four Thousand Five Hundred Twenty-Eight Dollars (\$17,474,528) of the Kansas City, Kansas total allocation to be allocated for eligible uses of the Local Fiscal Recovery Fund as part of the American Rescue Plan Act for the Capital Projects and Other Needs, in substantially the form described in Exhibit A, attached hereto.

Section 4. The Unified Government Board of Commissioners hereby determines that the remaining ARPA allocation for Kansas City, Kansas that has not been obligated totals Four Million Four Hundred Ninety-Seven Thousand Four Hundred Sixty-Six Dollars (\$4,497,466).

Section 5. The Unified Government Board of Commissioners hereby determines that the remaining ARPA allocation for Wyandotte County, Kansas that has not been obligated totals Nine Hundred Fifty-Nine Thousand Eighty-Five Dollars (\$959,085).

Section 6. Effective Date. This ordinance and resolution shall take effect and be in full force from and after its passage and approval.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND APPROVED AND SIGNED BY THE MAYOR/CEO THIS 26th DAY OF MAY 2022.

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel

Exhibit A – ARPA Capital Projects and Other Needs

ARPA Project	City or County	Amount
Combined Sewer Separation 15 & 18, Jersey Creek Basin (Wastewater)	Kansas City, Kansas	\$ 2,000,000
Wyandotte High Lombardy Drive Area (Stormwater)	Kansas City, Kansas	3,365,907
Green Infrastructure - 8th Street Park (Stormwater)	Kansas City, Kansas	6,201,492
City Hall - Air Handling Systems	Kansas City, Kansas	4,733,563
Armourdale Recreation Facility-Air Handling	Kansas City, Kansas	219,916
B. Lee Recreation Facility-Air Handling	Kansas City, Kansas	18,165
Kensington Recreation Facility-Air Handling	Kansas City, Kansas	731,994
Parkwood Facility Recreation Facility-Air Handling	Kansas City, Kansas	203,491
SUBTOTAL: KANSAS CITY, KANSAS		\$17,474,528
Courthouse - Air Handling Systems	Wyandotte County, Kansas	2,500,000
Public Health Center - Air Handling Systems	Wyandotte County, Kansas	154,834
Jail - Air Handling Systems	Wyandotte County, Kansas	2,323,474
Wyandotte County Parks Trail	Wyandotte County, Kansas	700,000
Pierson Park Trail	Wyandotte County, Kansas	700,000
SUBTOTAL: WYANDOTTE COUNTY, KANSAS		\$6,378,308



Staff Request for Commission Action

Tracking No. 211346

Full Commission Meeting Date: 05/26/22

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 4/4/22
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
05/19/2022	Greg Talkin, Anthony Hutchingson, John Droppelmann, Patrick Holton	x8628, x8630, x5938	gtalkin@wycokck.org, ahutchingson@wycokck.org, jdroppelmann@kckfd.org	Neighborhood Resource Center

Item Description:

The most recent building code adoption for the City of Kansas City, KS occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 Suite of Building Codes is the next round in the 6-year cycle. These codes are identified as follows:

2018 International Building Code (IBC)
2018 International Residential Code (IRC)
2018 International Existing Building Code (IEBC)
2018 International Mechanical Code (IMC)
2018 International Energy Conservation Code (IECC)
2018 Uniform Plumbing Code (UPC)
2017 NFPA 70 - National Electrical Code (NEC)
2018 International Property Maintenance Code
2018 International Fire Code (IFC)
2018 Life Safety Code NFPA 101

Action Requested:

To review and approve "The 2018 Suite of Codes and Amendments to Chapter 8 -Building and Building Regulations / Chapter 15 – Fire Prevention and Protection."

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

UGKCK Request to adopt New Codes- 2018 Suite Set, Ord. Form 2018 IBC, Ord. Form 2018 IEBC, Ord. Form 2018 IECC, Ord. Form 2018 IFC & NFPA 101, Ord. Form 2018 IMC, Ord. Form 2018 IPMC, Ord. Form 2018 NEC, Ord. Form 2018 UPC, HBA Letter, Ord. Form 2018 IRC Option A, Ord. Form 2018 IRC Option B, Ord. Form 2018 IRC Option C



Neighborhood Resource Center

Unified Government of Wyandotte County/ Kansas City, Kansas
4953 State Avenue, Kansas City, Kansas 66102
p. (913) 573-8600 | f. (913) 573-8631 | www.wycokck.org/NRC

To: Neighborhood and Community Development Standing Committee

From: Greg Talkin, Neighborhood Resource Center

Date: December 21, 2021

RE: Proposed Adoption of "The 2018 Suite of Codes and Amendments to Chapter 8 -Building and Building Regulations / Chapter 15 – Fire Prevention and Protection"

The most recent building code adoption for the City of Kansas City, KS occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 Suite of Building Codes is the next round in the 6-year cycle. These codes are identified as follows:

2018 International Building Code (IBC)

2018 International Residential Code (IRC)

2018 International Existing Building Code (IEBC)

2018 International Mechanical Code (IMC)

2018 International Energy Conservation Code (IECC)

2018 Uniform Plumbing Code (UPC)

2017 NFPA 70 - National Electrical Code (NEC)

2018 International Property Maintenance Code

2018 International Fire Code (IFC)

2018 Life Safety Code NFPA 101

The Importance of ICC:

- Updated codes promote safe, resilient, efficient, and cost-effective construction.
- Current codes protect the building owner's investment, enhance safety and foster innovation in the marketplace.
- For consumers, updated codes mean lower maintenance costs such as lower energy and water bills, less mechanical noise, and an overall higher quality of life.
- Current building codes spur innovation and are an incentive for American manufacturers to invest in product development.
- Current building codes also create a demand for new jobs including code enforcers, technical experts, tradesmen, construction workers, quality control assessors, and building and systems commissioning agents.

Financial Impact:

The Commission's adoption of "The 2018 Suite of Codes and Amendments to Chapter 8 -Building and Building Regulations / Chapter 15 – Fire Prevention and Protection" will not have a financial or budgetary impact on the organization. There could be a positive or negative impact to the consumer depending on type and size of project.

Has There Been Previous Council Decision on This:

The current Suite of Building Codes was adopted by Council in 2016. There is the need to discuss and approve or provide direction on the adoption of "The 2018 Suite of Codes and Amendments to Chapter 8 "Building and Building Regulations". These codes are now presented to the Commission for review and adoption.

Connection to Commission Goals:

Code Compliance - Achieve comprehensive and equitable code compliance.

Foster a Resilient and Economically Prosperous Community

- Deliver outstanding services through a healthy environment, resources and infrastructure. Promote policies that reflect a positive and safe community.

Work in Partnership to Enhance a Safe and Livable Community

- Foster a safe, healthy, equitable and accessible community.
- Promote a high quality of life through consistent standards, rules, and regulations.

UNIFIED GOVERNMENT STRATEGIC PLAN
2017-2022

**Background/History:**

A model building code is developed and maintained by a standards organization independent of the jurisdiction responsible for enacting the building code. A local government can choose to adopt a model building code as their own. This saves them the expense and trouble of developing their own codes. Model codes are intended to be adopted in accordance with the laws and procedures of a governmental jurisdiction. When adopting a model code, some jurisdictions amend the code in the process to reflect local practices and laws.

Local codes are diverse in the extent to which the base model code is amended. Most local amendments are limited to administrative provisions, which are subject to change to meet other local regulations regarding implementation of ordinances. Engineering provisions are among the least amended, with a common reason for amendments related to unique site conditions that affect foundation design or applied wind and snow loads. The International Building Code and International Residential Code are generally considered more comprehensive codes while the rest are considered specialty codes.

Where are the International Codes (I-Codes) Adopted?

- The *International Building Code* (IBC) is adopted in all 50 states and the District of Columbia.
- The *International Fire Code* (IFC) is in use in 41 states and the District of Columbia.
- The *International Residential Code* (IRC) is in use in 49 states and the District of Columbia.
- The *International Mechanical Code* (IMC) is in use in 46 states and the District of Columbia.
- The International Codes are in use in Puerto Rico, Guam, U.S. Virgin Islands, American Samoa and the Northern Mariana Islands.

Local-Regional Adoptions:

City/County	IBC	IRC	IPC/UPC	IMC	NEC	IECC	IFC	NFPA 101	IEBC	IPMC
	International Building Code	International Residential Code	International/Uniform Plumbing Code	International Mechanical Code	National Electric Code	International Energy Conservation Code	International Fire Code	Life Safety Code	International Existing Building Code	International Property Maintenance Code
KCK - current	2012	2012	2012	2012	2011	2009	2012	2003	n/a	2012
KCK - proposed	2018	2018	2018	2018	2017	2018	2018	2018	2018	2018
Bonner Springs	2015	2015	2015	2015	2014	n/a	2015	n/a	n/a	2015
Edwardsville	2012	n/a	n/a	n/a	n/a	n/a	2012	n/a	n/a	n/a
Shawnee	2018	2018	2018	2018	2017	2018	2018	n/a	n/a	n/a
Lenexa	2018	2018	2018	2018	2017	2012	2018	n/a	n/a	2108
Overland Park	2018	2018	2018	2018	2017	2018	2018	n/a	n/a	2018
Prairie Village	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Leawood	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Olathe	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Gardner	2018	2018	2018	2018	2017	n/a	2018	n/a	n/a	2018
Johnson County	2018	2018	2018	2018	2017	2018	2018	n/a	2018	2018
Kansas City Mo	2018	2018	2018	2018	2017	2012	2018	2018	2018	n/a
Spring Hill	2006	2006	2006	2006	2005	n/a	2006	n/a	n/a	2006

- Try to be similar/ consistent with surrounding jurisdictions
 - Easier for designers and contractors to design and build
 - Easier to educate contractors
 - Easier for us to enforce

Community Benefits and Considerations:

- Protect public health, safety, and welfare
- Keep construction costs down
- Provide consistent minimum standards in construction
- Contribute to the well-being of the community
- Help control or lower cost of insurance premiums by providing the insurance industry with a baseline for mitigating risk.

The City of Kansas City, KS is currently under an audit with the Insurance Service Office (ISO) to determine its current Building Code Effectiveness Rating Schedule where a lower score, on a scale from 1 to 10, indicates exemplary commitment to code enforcement. The current building codes adopted affect this rating.

Community Outreach:

- Posted on the UG website 90 days, May-June 2021, and comments were received during that period.
- The target audience for public outreach included the design community, contractors, property owners and community members.
- Topic was discussed in Livable Neighborhoods Task Force meetings on at least three occasions

- Correspondence was sent to neighborhood groups, designers, and contractors we had in our records asking for comments.
- Reached out to those that had questions or concerns associate with the proposed adoption
 - Met with the KCHBA
 - Phone conversation with Metropolitan Energy and ongoing email communication

Items we Heard/Learned about from Community Outreach:

- Energy Conservation Provisions
 - There is a growing push and/or need for increases in energy conservation
 - Can be a significant upfront construction cost for many of the new Energy Codes
 - Proposing some amendments to balance construction cost vs energy conservation
- International Residential Codes
 - KCHBA concerns with increased cost vs benefits on some of the changes.
- International Plumbing Code (IPC) vs. Uniform Plumbing Code (UPC)
 - Ongoing support for UPC from larger organized plumbing contractors
 - From past experiences requesting 2018 UPC with this code update.
- Design professionals prefer new updated standards
 - Provides them more options
 - Assists when working in multiple jurisdictions

Options and Alternatives:

- Adopt Ordinance(s) to adopt the “The 2018 Suite of Codes and Amendments to Chapter 8 - Building and Building Regulations /Chapter 15 – Fire Prevention and Protection”.
- Modify and adopt Ordinance(s)
- Do not adopt Ordinance(s)

Upon Approval -Timeline of Implementation

- New Codes or Old Codes will be allowed to be used for a period of 120 days after the approval of the governing body.
- If a project has already been submitted for review it will be allowed to stay with the code set originally submitted under. If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under codes in place at the time of resubmittal.

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Article II – Building Code.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-23, 8-24, 8-25, and 8-58 are hereby amended to read as follows.

Sec. 8-23. - Violations and penalty.

Any person who shall violate a provision of this article, fail to comply with any of the requirements of this article, erect, construct, alter, or repair a building or structure in violation of the approved construction documents or directive of the building official or fire chief, or act in violation of a permit or certificate issued under the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than \$100.00 nor more than \$2,500.00, by imprisonment not exceeding six months, or by both such fine and imprisonment, in addition to any other penalties prescribed by law, including civil penalties in accordance with unified government code Chapter 2, Article IX. The office of chief counsel shall, at the request of the board or the building official, render such legal assistance as may be necessary in carrying out the provisions of this article. Upon the request of the building official, the office of chief counsel shall institute, in the name of the unified government, the proper proceedings against any person regarding whom a complaint has been made charging the violation of any provisions of this article. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1964, § 7-27; Code 1988, § 8-16; Ord. No. 64936, § 7, 12-19-1985; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 3, 9-16-2004; Ord. No. O-44-11, § 3, 10-20-2011; Ord. No. O-29-12, § 3, 5-3-2012)

Sec. 8-24. - ~~2012~~ 2018 International Building Code—Adopted.

- (a) *Building code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter, and fixing of penalties for violations thereof, the ~~2012~~ 2018 International Building Code and referenced standards and specified appendices C, H and J, dated ~~May 2014~~ August 2017, as published by the

International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.

- (b) ~~Marked copies~~ copy of code on file. There shall be ~~not fewer than three copies~~ one copy of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the unified government clerk, to which shall be attached a copy of the incorporating ordinance from which this section is derived, and which shall be marked or stamped "Official ~~Copies~~ Copy as Incorporated by Ordinance No. O-_____", with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The Neighborhood Resource Center, ~~Code Enforcement Division, Rental Inspections Division and Building Inspection Division~~ Property Maintenance Compliance Division, Building Inspection Division and Administrative Division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 7-1, 7-2; Code 1988, § 8-17; Ord. No. 64936, §§ 4, 5, 12-19-1985; Ord. No. 65407, § 1, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 4, 9-16-2004; Ord. No. O-44-11, § 4, 10-20-2011; Ord. No. O-29-12, § 4, 5-3-2012; Ord. No. [O-43-16](#), § 1, 7-28-2016)

State Law reference—Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-25. - Same—Amendments.

The 2012 2018 International Building Code is amended in the following respects: *Sections 101.1—116* are hereby deleted.

Sections 100—176 Administration are hereby added as follows:

Section 100 Title. The 2012 2018 International Building Code, as published by the International Code Council, Inc., and the deletions, changes, and additions contained in the Unified Government Code, chapter 8, sections 8-1 through 8-351, shall be known as the Building Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this code" or "the building code."

Section 101 Scope. This Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy,

location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. Detached one- and two-family dwellings not more than three stories in height with separate means of egress shall comply with article VIII (International Residential Code) of this chapter.

Section 102 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, property maintenance, and safety to life and property from fire and other hazards attributed to the built environment.

Section 103 Applicability. Where, in any specific case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 104 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

Section 105 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number shall be construed to refer to such chapter, section, or provision of this code.

Section 106 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. Any reference to the ICC Electrical Code in the International Building Code, International Residential Code, International Mechanical Code, International Existing Buildings Code, International Property Maintenance Code or Uniform Plumbing Code shall be replaced with the NFPA 70 National Electric Code, 2011 Edition.

Section 107 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

Section 108 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section 109 Duties and powers of building official. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The building official shall be known as public officer, and such term shall include his/her authorized representatives. Further, whenever the term or title "administrative authority," "responsible official," "codes administrator," "codes director," or other similar designation is used in any of the codes adopted by reference by this code, it shall be construed to mean the building official.

Section 110 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition or moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Section 111 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

Section 112 Inspections. The building official shall make all of the required inspections or shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Section 113 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that, if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Section 114 Records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of

inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

Section 115 Liability. The building official, member of the building and fire code board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action; suit or [proceeding] that is instituted in pursuance of the provisions of this code.

Section 116 Approved materials and equipment. Materials, equipment, and devices approved by the building official shall be constructed and installed in accordance with such approval.

Section 117 Used materials and equipment. The use of used materials, which meet the requirements of this code for new materials, is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Section 118 Sanitary facilities for construction workers. The contractor, builder, or other person having the management and control of construction work shall prevent the commission of any nuisance by the workers on the premises connected therewith and if a temporary privy is located on the premises it shall be properly screened and maintained in a sanitary manner.

Section 119 Excavations. Any excavation for foundations and/or footings of buildings and structures shall be backfilled within 28 days from the date of permit issuance unless otherwise approved by the building official.

Section 120 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of inspection services.

Section 121 Alternative materials, design, and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of

any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

Section 122 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Section 123 Permits. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, or elevator system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. In addition, a hazardous materials permit may be required based upon the type and quantities of materials proposed to be used or stored. When required by the fire chief, a hazardous materials permit application must be submitted prior to the issuance of the building permit.

Section 124 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

(a) *Building.*

- (1) Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or III-A liquids. In addition, the building official may waive the requirements for a permit or engineered drawings for walls over four feet in height if it is deemed unnecessary to require such submittals due to the location and type of wall to be installed.
- (2) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

- (3) Temporary motion picture, television, and theater stage sets and scenery.
- (4) Swings and other playground equipment.
- (5) Window awnings supported by an exterior wall of group R-3 and group U occupancies.
- (6) Movable cases, counters and partitions not over five feet, nine inches (1,753 mm) in height.
- (7) One-story detached accessory structures associated with one- and two-family dwellings, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
- (8) Fences not over six feet (1829 mm) high.
- (9) Prefabricated swimming pools accessory to a group R-3 occupancy, which are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above grade.
- (10) Oil derricks.
- (11) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
- (12) Reinstalling roof coverings on existing buildings when no structural elements are being repaired or replaced.
- (13) Detached pergolas and other detached structures associated with one- and two-family dwellings, which do not exceed 400 square feet, are entirely open, and do not have solid roofs.
- (14) Sidewalks, driveways, decks, and platforms not more than 30 inches (762 mm) above grade and not over any basement or story below and which is not part of an accessible route.

(b) *Electrical.*

- (1) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (2) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions,

but does apply to equipment and wiring for power supply, the installations of towers and antennas.

- (3) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) *Gas.*

- (1) Portable heating appliance.
- (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (3) The repair, replacement or installation of less than six feet of gas piping.

(d) *Mechanical.*

- (1) Portable heating appliance;
- (2) Portable ventilation equipment;
- (3) Portable cooling unit;
- (4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;
- (5) Replacement of any part which does not alter its approval or make it unsafe;
- (6) Portable evaporative cooler;
- (7) Self-contained refrigeration system containing ten pound (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(e) *Plumbing.*

- (1) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- (2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

- (f) *Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official.
- (g) *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drain, leader, gas, soil, waste, vent or similar piping, electric wiring, electrical system, mechanical system, or other work affecting public health or general safety.
- (h) *Public service agencies.* A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section 125 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose.

Section 126 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

Section 127 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 128 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the

correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

Section 129 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work progress must be documented by a routine inspection. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. Permit extensions shall be charged a fee at one half the original permit fee provided no changes have been made or will be made in the original plans and specifications for such work. The extension shall be requested in writing and justifiable cause demonstrated upon finding by the same that substantial progress has been made toward completion. Substantial progress is to mean that the project is over 50 percent complete and, in the opinion of the building official, the project applicant has the capability to finish the work permitted within one time period extension. If questionable, the building official may require proof of performance, i.e., a list of contractors and subcontractors under contract for the completion of the project, before the granting of the time extension. Failure to complete a project in the time limits stated above or failure to maintain a valid permit constitutes a violation of this code.

Section 130 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

Section 131 Placement of permit. All permits shall be posted to be visible from the street and kept on the site of the work until the completion of the project. Exceptions:

- 1) Permits for the construction of one- and two-family dwellings are not required to be posted on the site when the property address is clearly identified and visible from the street.
- 2) Permits for other than one- and two-family dwellings are not required to be visible from the street when kept on the site in a location accessible to the building official. Whenever permits are not visible from the street, the property address must be clearly identified. Failure to clearly identify the address or display permits may result in inspections not being performed.

Section 132 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. A registered design professional licensed by the State of Kansas shall prepare the construction documents. Where special conditions exist, the building official is authorized to require additional

construction documents to be prepared by a registered design professional licensed by the State of Kansas.

Exceptions:

- 1) Plans for the construction of one- and two-family dwellings using conventional construction techniques prescribed by the codes are not required to be prepared by a registered design professional licensed by the State of Kansas.
- 2) The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to verify compliance with this code.

Section 133 Information on construction documents. Construction documents shall be dimensioned and drawn to scale upon suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. The construction documents shall show in sufficient detail the location, construction, size, occupancy classification, construction type and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code.

Section 134 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved before the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in this code.

Section 135 Site plan. There shall be a site plan, showing to scale, the size and location of all the new construction and all existing structures on the site including easements, distances from lot lines, established street grades, existing and proposed finished grades, sewer elevations. All decks, balconies, overhangs, or other building protrusions shall be indicated and dimensioned. In the case of partial demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.

Section 136 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall

ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Section 137 Approval of construction documents. When the building official issues a permit, the construction documents shall be stamped "Approved." The building official shall retain one set of construction documents so reviewed. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative. Failure to maintain city-stamped construction documents on site may result in inspections not being performed.

Section 138 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

Section 139 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Section 140 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the building official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by this code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

Section 141 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the

time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until the building official has approved their design and submittal documents.

Section 142 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Section 143 Establishment of fees. Permit and building inspection administrative fee schedule shall be established by the unified government county administrators' office and may be reviewed on an annual basis.

Section 144 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Section 145 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid prior to issuance of said permit, in accordance with the unified government fee schedule.

Section 146 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including current market value of materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the valuation shall be determined by using the most current building valuation data provided by the International Codes Council.

Section 147 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits shall be subject to an additional fee equal to the amount of the permit as established by the unified government fee schedule. The payment of such fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. Work that has commenced on a building, structure, electrical,

gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits constitutes a violation of this code.

Section 148 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

Section 149 Inspections general. Construction or work for which a permit is required shall be subject to inspection by the building official or his designee and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval because of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 150 Preliminary inspection. Before issuing a permit, the building official or his designee is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. A fee shall be charged for such examination of an existing building called a "status report," and a fee shall be charged according to the fee schedule established by the county administrator.

Section 151 Required inspections. The building official or his designee, upon notification, shall make the inspections set forth in this code and the policies and procedures for required inspections.

- A. *Footing or foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place before inspection. Materials for the foundation shall be on the job, except that where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
- B. *Under-floor inspection.* Under-floor inspections shall be made after under-floor building service equipment, wiring, conduit, piping accessories and other ancillary equipment items are in place, but before floor sheathing is installed, including the sub floor. This inspection is for areas such as crawlspaces where access is very limited or impossible at a latter date.
- C. *Under-slab plumbing inspection.* Under-slab plumbing inspections shall be made when all under-floor plumbing pipes are in place, but before the installation is covered with gravel or concrete.

- D. *Sewer line inspection.* The sewer line from the building out to the property line shall not be concealed from view until inspected and approved. There are separate requirements for the tap into the sewer main by the unified government water pollution control department.
- E. *Elevations.* Elevation certification may be required when determined necessary by the building official to confirm compliance with provisions prescribed by law.
- F. *Rough-in inspections.* All rough-in inspections for R-1, R-2 and R-3 occupancies will be done at the same time.
1. *Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete.
 2. *Electrical.* Rough electrical inspection shall be made when all wiring, boxes, and/or conduits have been installed. All metal box devices must be grounded at this time.
 3. *Plumbing.* Rough plumbing inspection shall be made when all water, drain, waste and vent piping has been completed.
 4. *HVAC.* Rough mechanical inspection shall be made when all duct and flue installations have been completed. This also includes the completion of ducts for ventilation fans and devices.
 5. *Fireplace.* Inspection of fireplace installations shall be made before any work is concealed. All factory-built fireplaces shall be listed by a testing agency recognized by the codes adopted by the unified government.
 6. *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- G. *Lath or gypsum board inspection.* Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.
- Exceptions:
1. Gypsum board that is not part of a fire-resistive assembly or a shear assembly.
- H. *Electrical service inspection.* This inspection shall be done when the meter base, overhead or underground riser, panel/switchgear, main breaker, grounding and at least on load circuit is installed. No new electrical service shall be energized

without first receiving the approval of the building official. On new one- and two-family dwellings, this inspection shall be done with the rough-in inspections.

- I. *Complete gas.* This inspection shall be done when all interior gas piping is installed and at least one appliance connected. The test shall be in accordance with the plumbing code adopted by the unified government. On new one- and two-family dwellings, this inspection shall be done with the rough-in inspections.
- J. *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building official.
- K. *Special inspections.* Special inspections, as required by this code and the building official.
- L. *Fire protection inspections.* Inspection of all fire protection systems. The fire chief or his designee conducts this inspection.
- M. *Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

Section 152 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

Section 153 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this code. Inspection requests shall be made in advance and in accordance with the most current written policies of the inspection services division.

Section 154 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. The provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, not having the address clearly posted and visible from the street, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application thereof in writing upon a form furnished for that purpose, and pay the reinspection fee as established by the unified government fee schedule. In instances where reinspection fees have been

assessed, no additional inspection of the work will be performed until the required fees have been paid.

Section 155 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Section 156 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of any other ordinance.

Section 157 Changes in uses. Changes in the character or use of an existing structure shall not be made except as specified in this code. The building official may require a design professional registered within the state to perform a code analysis and submit plans and/or other information as deemed necessary to determine the proposed use will be in compliance with this code.

Section 158 Certificate issued. It shall be the responsibility of the permit holder to request a final inspection and to apply for a certificate of occupancy when required. The permit holder shall be excused from this responsibility only if the owner of property has applied for and secured a certificate of occupancy. After the building official inspects the building or structure and finds no violations of the provisions of this code or other ordinances of the unified government, the building official shall issue a certificate of occupancy.

Section 159 Posting the certificate of occupancy. The certificate of occupancy, or a copy, shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.
Exception: R-1, R-2 and R-3 occupancies.

Section 160 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. A fee shall be charged for the issuance of a temporary certificate of occupancy in accordance with the unified governments fee schedule.

Section 161 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Section 162 Connection of service utilities. No person shall make new connections from any source of energy, fuel, or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

Section 163 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the source of energy, fuel, or power.

Section 164 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system, of the decision to disconnect before taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Section 165 Board of Code Appeals. Effective December 1, 2016, any prior board authorized by this section is abolished, and the term of any member is terminated. After December 1, 2016, in order to hear and decide appeals of orders, decisions or determinations made by the building official and fire chief relative to the application and interpretation of this code, there shall be and is hereby created The Board of Code Appeals. The Board of Code Appeals shall consist of three members with one member appointed by the mayor, one member appointed by the at large district 1 commissioner, and one member appointed by the at large district 2 commissioner. The board shall convene to hear any appeal properly before it. After the board has rendered its decision for any appeal properly before it, it shall be dissolved and re-constituted for any subsequent appeal.

A. *Qualifications.* The members of the board of appeals shall consist of persons qualified by experience and training to pass on matters pertaining to building construction, skilled in diversified building or construction trades or professions such as architect, engineer, builder, general contractor, licensed master contractor and one layman to represent the general public. Employees of the unified government are prohibited from being members of the board.

- B. *Limitations on authority.* An application for appeal to the board of appeals shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, that the provisions of this code do not fully apply, or that an equally good or better form of construction is proposed. The board of appeals shall have no authority to waive requirements of this code or the fire code.
- C. *Fee for appeal.* Any person who appeals an order, decision, or determination made by the building official or fire chief, relative to the application and interpretation of this code, shall file an application and pay a fee in accordance with the unified government fee schedule.

Section 166 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Section 167 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure or systems in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 168 Prosecution of violation. If the notice of violation is not complied with within the established abatement period, the code official is authorized to request the office of chief counsel to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Section 169 Stop work order. Whenever the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or other ordinance in the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

Section 170 Issuance of stop work orders. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, to the person doing the work or posted upon the property. Upon issuance of a stop work order, the cited work shall immediately cease or as otherwise determined by the building official. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Any violation of a stop work order will constitute a violation of this code.

Section 171 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 172 Unsafe structures and equipment conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, which constitute a fire hazard, which are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.

A vacant structure that is not secured against entry shall be deemed unsafe.

Section 173 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 174 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

Section 175 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by state and local law or posted upon the property. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

Section 176 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of this code.

Section 406.3.2.1 Dwelling unit separation is amended to read as follows:

Section 406.3.2.1 Dwelling unit separation. Garages beneath habitable rooms shall be separated from all habitable rooms by not less than $\frac{5}{8}$ inch (15.9 mm) type

X gypsum board and 5/8 inch (15.9 mm) type X gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) in thickness, or in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

Section 420.11 Group R-1 and R-2 hotel and motel cooking facilities is added to read as follows:

Section 420.11 Group R-1 and R-2 hotel and motel cooking facilities.

Domestic cooking appliances within guest rooms of Group R-1 and R-2 hotels and motels shall be provided with timers limiting unattended operation to 175 minutes and protection in accordance with Section 904.13.1.2 as adopted and amended.

Exception: Coffee makers and microwave ovens are not required to comply with Section 904.13.1.2. of the IBC as adopted and amended.

Section 901.3 is amended to read as follows:

Section 901.3 *Modifications*. No person shall remove or modify any fire protection system installed or maintained under the provisions of this code or the International Fire Code without approval of the fire chief.

Section 904.13 Domestic cooking systems is amended to read as follows:

(4) In Group R-1 and R-2 hotels and motels where domestic cooking facilities are installed in accordance with Section 420.11.

Section ~~1013.4~~ 1015.2 Guards is amended to read as follows:

Section ~~1013.4~~ 1015.2 Guards. Where required, guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with section 1607.7. Guards shall also be located along glazed sides of stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in section 1607.7. In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Section 1030.2 Minimum size is amended to read as follows:

Section 1030.2 Minimum size: Exception is deleted.

Section 1209.2.2 walls and partitions is amended to read as follows:

Section 1209.2.2 walls and partitions. Walls and partitions within 2 feet (610 mm) service sinks, lavatories, urinals, and water closets shall have a smooth hard, nonabsorbent surface to a height of not less than 4 feet (1219mm) above the floor

shall be of a type that is not adversely affected by moisture other than masonry/concrete, tile/frp. Exceptions shall remain.

(Code 1988, § 8-17.5; Ord. No. O-57-04, § 4, 9-16-2004; Ord. No. O-44-11, § 5, 10-20-2011; Ord. No. O-29-12, § 5, 5-3-2012; Ord. No. [O-43-16](#), § 1, 7-28-2016; Ord. No. [O-65-16](#), § 1, 11-17-2016)

Sec. 8-58. - Permit, etc.

- (a) No sign structure or sign surface shall be erected, altered, rebuilt, or refaced without first obtaining a building permit; provided, however, that the sign surface of an outdoor advertising sign may be repainted or reposted without obtaining a new permit. Permits shall be issued only to licensed and bonded sign hangers as provided hereinafter for all signs except wall bulletins and monument signs. Any owner or authorized person may be issued a permit for wall bulletins and monument signs. No permit shall be issued without first filing a written application with the building official. The application shall include proposed plans showing dimensions, materials, details of construction, site location, illumination, and any other information, including site plans and specifications that shall be requested by the building official.
- (b) Only those signs permitted in section 27-122 of chapter 27, article VIII _____, division 11 _____ shall be granted a sign permit.
- (c) No sign surface or sign structure shall be rebuilt, refaced, altered, or relocated which does not meet the requirements of section 27-388(5) and chapter 27, article VIII, division 11.
- (d) No sign shall be erected without the prior written consent of the owner or authorized agent of the tract upon which the sign is to be placed being filed with the building official at the time an application for a building permit is filed.
- (e) All persons shall plainly show the name and building permit number of the persons erecting and/or maintaining the sign.
- (f) At the time the application is submitted, the applicant shall deposit with the unified government director of revenue an application fee in the amount established by the county administrator, no portion of which shall be returned. If the building permit expires before the sign for which it was issued is erected, the building official may issue a renewal of the building permit issued pursuant to this section upon the expiration thereof or within 30 days thereafter, upon payment by the applicant of a renewal fee in the amount established by the county administrator and surrender of the old permit, accompanied by satisfactory proof that the sign is the sign for which the permit was originally issued.

(Code 1964, § 7-25(7-58.1, 7-58.21, 7-58.22); Code 1988, § 8-53; Ord. No. 64702, § 1, 9-6-1984; Ord. No. 64861, § 1, 8-29-1985)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Article XVII – International Existing Building Code.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-655, 8-656, 6-657, and 8-658 are hereby added to read as follows.

Sec. 8-655 – Purpose

The provisions of this code shall apply to the repair, alteration, change of occupancy, addition to or relocation of existing buildings.

Exception: Detached one and two-family dwellings and townhouses shall comply with this code or the International Residential Code.

Sec. 8-656 – 2018 International Existing Building Code – Adopted

- (a) *Building code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter, and fixing of penalties for violations thereof, the 2018 International Existing Building Code and referenced standards and specified appendices A and C dated August 2017, as published by the International Code Council, Inc, excepting only such parts or portions thereof as are specifically deleted or amended by this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copy of code on file.* There shall be one copy of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the unified government clerk, to which shall be attached a copy of the incorporating ordinance from which this section is derived, and which shall be marked or stamped "Official Copy as Incorporated by Ordinance No. O-_____", with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The Neighborhood Resource Center, Building Inspection Division and Administrative Division, municipal judges and all administrative departments of the

unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

Sec. 8-657 – Same-Amendments

The International Existing Building Code (2018), promulgated by the International Code Council, is adopted and incorporated in this article by reference as if fully set forth, except as it is amended by the following provisions of this section. Provisions of this article are in addition to the provisions of the International Existing Building Code. The following provisions coinciding with provisions of the International Existing Building Code supersede, or delete, when indicated, the corresponding provisions of the International Existing Building Code.

All references within the model codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, elevator, energy conservation, or existing building code specifically adopted by reference in articles II through XIV of this chapter.

[Chapter 1](#), *Scope and Administration* — This chapter is deleted

(see Article I of this chapter):

Section 401.3 Flood hazard areas is deleted. See Code of Ordinances [chapter 27](#), floodplain management.

Section 502.3 Flood hazard areas is deleted. See Code of Ordinances [chapter 27](#), floodplain management.

Section 505.2 Replacement window opening control devices is hereby deleted.

Section 701.3 Flood hazard areas is deleted. See Code of Ordinances [chapter 27](#), floodplain management.

Section 702.4 Replacement window opening control devices is hereby deleted.

Section 803.2 Automatic sprinkler systems is amended to read as follows:

Section 803.2 Automatic sprinkler systems. Automatic sprinkler systems, related monitoring and notification shall be provided throughout buildings undergoing Level 2 alterations that include exits or corridors shared by more the one tenant or that serve an occupant load greater than 30 where all the following conditions occur:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the International Building Code as applicable to new construction.

2. The work area exceeds 50 percent of the floor area of the building.

Exception: If the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a fire pump, work areas shall be protected by an automatic smoke detection system throughout all occupiable spaces other than sleeping units or individual dwelling units that activates the occupant notification system in accordance with Section 907.4 907.5 and 907.6 of the International Building Code. Section 803.2.1 Windowless stories. Work located in a windowless story, as determined in accordance with the International Building Code, shall be sprinklered where the work area is required to be sprinkled under the provisions of the International Building Code for newly constructed buildings and the buildings have sufficient municipal water supply without installation of a new fire pump.

Section 1011.7.2.1 Stairways is amended to read as follows:

Section 1011.7.2.1 Stairways. Means of egress stairways shall be enclosed as required by the International Building Code or in accordance with Section 1011.4.

Section 1103.3 Flood hazard areas is deleted. See Code of Ordinances [chapter 27](#), floodplain management.

Section 1201.4 Flood hazard areas is deleted. See Code of Ordinances [chapter 27](#), floodplain management.

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Sec. 8-658 - Violations and penalty.

Any person who shall violate a provision of this article, fail to comply with any of the requirements of this article, erect, construct, alter, or repair a building or structure in violation of the approved construction documents or directive of the building official or fire chief, or act in violation of a permit or certificate issued under the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than \$100.00 nor more than \$2,500.00, by imprisonment not exceeding six months, or by both such fine and imprisonment, in addition to any other penalties prescribed by law, including civil penalties in accordance with unified government code Chapter 2, Article IX. The office of chief counsel shall, at the request of the board or the building official, render such legal assistance as may be necessary in carrying out the provisions of this article. Upon the request of the building official, the office of chief counsel shall institute, in the name of the unified government, the proper proceedings against any person regarding whom a complaint has been made charging the violation of any provisions of this article. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Article XVI - Energy.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-653 and 8-654 are hereby amended to read as follows.

Sec. 8-653. - 2009 2018 International Energy Conservation Code—Adopted.

- (a) *Energy code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the 2009 2018 International Energy Conservation Code, dated ~~January 2009~~ August 2017, as published by the International Code Council Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this Code, then the provisions of this Code are controlling.
- (b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one (1) copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of this article, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-29-12 _____," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Ord. No. O-44-11, § 25, 10-20-2011; Ord. No. O-29-12, § 25, 5-3-2012)

Sec. 8-654. - Same—Amendments.

The 2009 2018 International Energy Conservation Code, incorporated by reference in section 8-281(a), is amended in the following respects:

Sections R101.2 Scope is amended to add the following exception:

Exception: The energy efficiency of detached one- and two-family dwellings, and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height shall be governed by the provisions contained in the International Residential Code as adopted and amended by the Unified Government of Wyandotte County/Kansas City, Kansas.

Table R402.1.2. Under Climate Zone 4, the following item is amended:

'Wood Frame Wall R-Value' — 13

(Remainder of table unamended.)

Table R402.1.4 Under Climate Zone 4, the following item is amended:

'Wood Frame Wall U-Factor' — 0.082

(Remainder of table unamended)

Section R402.4.1.2. Testing is amended to read as follows:

Section R402.4.1.2. Testing The building or dwelling unit shall have an air leakage rate of not exceeding 5 air changes per hour when tested with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Building leakage testing shall be conducted where required by the building official. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the building official, the testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, if installed at the time of the test, shall be open.

4. Exterior or interior terminations for continuous ventilation systems shall be sealed.
5. Heating and cooling systems, where installed at the time of the test, shall be turned off; and,
6. Supply and return registers, where installed at the time of the test, shall be fully open.

Section R402.4.4 Rooms containing fuel-burning appliances is deleted.

Section R403.3.2.1 Sealed Air Handler is deleted.

Section R403.3.3 Duct Testing (Mandatory) is amended to read as follows:

R403.3.3 Duct Testing (Mandatory). Where required by the Building Official, duct tightness shall be verified by either of the following:

1. Post construction test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pascals) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough - in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pascals) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

EXCEPTIONS:

1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.
2. On the post construction test, it is permissible to test for "leakage to the outdoors" versus a "total leakage." Leakage to the outdoors shall be less than or equal to 8 cfm (226.5 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

Section R403.3.5 Building Cavities (mandatory) is deleted.

Section R403.3.3 Duct Testing (Mandatory) is amended to read as follows:

Section R406.2 Mandatory Requirements. Compliance with this section requires that the provisions identified in Sections 401 through 404 indicated as "mandatory"

be met. The building thermal envelope shall be greater than or equal to the levels of efficiency and Solar Heat Gain Coefficients in Tables R402.1.2 and R402.1.4.

EXCEPTIONS:

1. Supply and return ducts not completely inside the building thermal envelope shall be insulated to an R-value of not less than R-6.

2. Section R403.5.1 shall not be "mandatory".

Table R406 Maximum Energy Rating Index) is amended to read as follows:

Climate zone 4: Energy rating index: 68

(Ord. No. O-44-11, § 25, 10-20-2011; Ord. No. O-29-12, § 25, 5-3-2012)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 15-Fire Prevention and Protection, amending Sections 15-21, 15-52, and 15-54.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 15-21, 15-52, and 15-54 are hereby amended to read as follows.

Sec. 15-21. - Adopted.

- (a) *Life Safety Code adopted.* The NFPA 101 Life Safety Code, 2003 2018 edition, and referenced standards and all appendices, dated ~~May 2004~~ September 2017, as published by the National Fire Protection Association, Inc., is hereby adopted and incorporated by reference, excepting only such portions as are specifically deleted or amended in this article. If there exists or arises any conflict between the provisions of the Life Safety Code and this Code, then the provisions of this Code are controlling.
- (b) *Marked copies of code on file.* Not less than three copies of the Life Safety Code, adopted by reference in subsection (a) of this section, shall be kept on file in the office of the unified government clerk and shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-90-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and shall be open to inspection and available to the public at all reasonable hours. A copy of this article shall be attached to each copy of the Life Safety Code. The city fire department, municipal judges, and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 15-16; Ord. No. 65006, §§ 1, 2, 5-22-1986; Ord. No. 65545, § 1, 6-21-1990; Ord. No. O-90-04, § 1, 12-2-2004)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq

Sec. 15-52. - Adopted.

- (a) *International Fire Code adopted.* The ~~2012~~ 2018 International Fire Code, including referenced standards, and specified appendices B, C, D, E, F, G, H and I, dated

April 2014 August 2017, as published by the International Code Council, Inc., is hereby adopted and incorporated by reference, excepting only such portions thereof as are specifically deleted or amended in this section and sections 15-53 and 15-54. Further, if there exists or arises any conflict between the provisions of the International Fire Code and this Code, then the provisions of this Code are controlling.

- (b) *Marked copies of code on file.* Not less than three copies of the International Fire Code, adopted by reference in subsection (a) of this section, shall be kept on file in the office of the unified government clerk and be marked or stamped "Official Copies as Incorporated by [Ordinance No. O-45-11]," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and shall be open to inspection and available to the public at all reasonable hours. A copy of this article shall be attached to each copy of the International Fire Code. The city fire department, municipal judges, and all administrative departments of the united government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Ord. No. O-45-11, § 2, 10-20-2011; Ord. No. [O-47-16](#), § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 15-54. - Amendments and additions.

The 2012 2018 International Fire Code adopted by reference in section 15-52 is amended in the following respects:

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this Code."

Section 101.2.1 is hereby deleted.

Section 102.3 is amended to read as follows:

Section 102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this Code and the International Building Code and/or NFPA 101 Life Safety Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this Code and the

International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Section 102.4 is amended to read as follows:

Section 102.4 Application of building code. The design and construction of new structures shall comply with the International Building Code, and any alterations, additions, changes in use or changes in structures required by this Code, which are within the scope of the International Building Code, and/or NFPA 101 Life Safety Code, shall be made in accordance therewith.

Section 108.1 109.1 is hereby deleted.

See administrative provision chapter 8-25 Code of Ordinance, section 167 Board of Appeals.

Section 111.4 112.4 is amended to read as follows:

Section 111.4 112.4 Failure to comply. Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$2,500.00.

Section 310.7.1 is amended/added to read as follows:

Section 310.7.1 Smoking receptacles required. Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarded smoking material in locations approved by authority having jurisdiction.

Section 403.6 is amended/added to read as follows:

Section 403.6 Group F and S1 Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for buildings containing Group F or S1 occupancies where any of the following conditions apply:

1. The Group F or S1 occupancy has an occupant load of 500 or more persons.
2. The Group F or S1 occupancy has an occupant load of more than 100 persons above or below the level of exit discharge.
3. Group F pallet manufacturing and recycling facilities as required by section 2810.

Section 403.6.1 Employee training. Employees shall be periodically instructed and kept informed of their duties and responsibilities under the plan. Records of instruction shall be maintained. Such instruction shall be reviewed by employees at intervals not exceeding 3 months. A copy of the plan shall be readily available at all times within the facility.

Section 403.6.2 Drill frequency. Employees of S1 occupancies meeting the conditions of Section 406.3 shall participate in drills according to Section 405.2 under the Group F requirements.

Section 503.3 is amended to read as follows:

Section 503.3 Marking. Where required by the fire code official, approved signs and painted curb, or pavement if a curb is absent, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. The curb, or pavement if a curb is absent, shall be painted red, 4-inch wide stripes when pavement is marked, with white 3 inch letters indicating "NO PARKING FIRE LANE". Lettering shall occur every 25 feet of the fire lane. Signs used to indicate fire lanes shall meet the requirements of section D103.6 of the 2018 International Fire Code

Section 503.4.2 is amended/added to read as follows:

Section 503.4.2 Authority to tow vehicles. The Fire Code Official shall have the authority to issue a municipal summons and/or tow illegal parked vehicles in designated fire apparatus access lanes and parked within 15-feet of a fire hydrant, at the owner's expense.

Section 603.3.3.2 is amended/added to read as follows:

Section 607.3.3.3.2 Fusible link replacement verification. When a commercial kitchen hood or duct system is inspected, the fusible links that were replaced shall be secured along the conduit leading to the manual pull station that initiates the suppression system.

Section 901.6.2.1 901.6.3.1 is amended to read as follows:

Section 901.6.2.1 901.6.3.1 Records information. Initial records shall include the name of the installation contractor, type, of components installed, manufacturer of the components, location and number of components installed per floor. Records shall also include the manufacturers' operation and maintenance instruction manuals. A record of the periodic inspections, tests, servicing, and other operations and maintenance shall be maintained on the premises or other approved location for a minimum of 3-years the life of the installation. Records shall be made available for inspection by the fire code official, and a copy of the records shall be provided to the fire code official upon request. The fire code official has the authority to prescribe the form and format of such recordkeeping. The fire code official has the authority to require that certain required records including but not limited to automatic fire sprinkler systems, fire alarm systems, commercial kitchen hood suppression systems, commercial hood cleaning, active smoke control systems private fire hydrant systems, fire pumps, spray booths, special suppression systems, foam systems, and standpipes be filed with the fire code official.

Section 912.3 is amended to read as follows:

Section 912.3 Fire hose threads. Fire hose threads used in conjunction with standpipe systems and/or fire department connections shall be *approved* and shall be a 5-inch Storz connection on a 30-degree downward extension.

~~Section 3206.6.1 is amended to read as follows:~~

~~Section 3206.6.1 Access doors.~~ Where building access is required by Table 3206.2, fire department access doors shall be provided in accordance with this section. Access doors shall be accessible without the use of a ladder.

~~3206.6.1.1 Number of doors required.~~ A minimum of one access door shall be provided in each 110 lineal feet (33,528 mm), or fraction thereof, of the exterior walls that face required fire apparatus access roads. The required access doors shall be distributed such that the lineal distances between adjacent access doors does not exceed 110 feet (33,528 mm).

Section 5608.3 is amended to read as follows:

Section 5608.3 Approved fireworks displays. Approved fireworks displays shall include only the *approved* fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G, which shall be handled by a minimum of 2 *approved*, competent operators. The *approved* fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

Appendix D, section D 107.1 is amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 75 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. This requirement does not affect development plated prior to the effective date of this Code adoption.

Exceptions:

- (1) Where there are 75 or more dwelling units on a single public or private fire apparatus access road ~~access way~~ and all dwelling units are equipped throughout with an ~~protected by~~ approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, residential sprinkler systems, access from two directions shall not be required.
- (2) The number of dwelling units on a single fire access road shall not be increased unless fire apparatus roads will connect with future development as determined by the fire code official.

(Ord. No. O-45-11, § 2, 10-20-2011; Ord. No. [O-47-16](#), § 1, 7-28-2016; Ord. No. [O-16-19](#), § 1, 3-7-2019)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Article V – Mechanical Systems and Mechanical Contractors.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-281 and 8-282 are hereby amended to read as follows

Sec. 8-281. - ~~2012~~ 2018 International Mechanical Code—Adopted.

- (a) *Mechanical code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the ~~2012~~ 2018 International Mechanical Code, dated ~~April 2011~~ August 2017, as published by the International Code Council Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one (1) copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of this division, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. ~~O-57-04~~ _____," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 7-71, 7-72; Code 1988, § 8-218; Ord. No. 64937, §§ 14, 15, 12-19-1985; Ord. No. 65407, § 12, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 18, 9-16-2004; Ord. No. O-44-11, § 15, 10-20-2011; Ord. No. O-29-12, § 15, 5-3-2012; Ord. No. O-44-16, § 1, 7-28-2016)

Sec. 8-282. - Same—Amendments.

The ~~2012~~ 2018 International Mechanical Code, incorporated by reference in section 8-281(a), is amended in the following respects:

Sections 101.1—110 of Chapter 1, Administration are hereby deleted. See Administration provisions in section 8-25 of this chapter.

Section 301.7. is amended to read as follows:

Section 301.10. Electrical. Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with the NFPA 70 National Electrical Code, ~~2011~~ 2017, as adopted in section 8-125 of this chapter.

(Code 1964, §§ 7-73, 7-74; Code 1988, § 8-219; Ord. No. 64937, §§ 16, 17, 12-19-1985; Ord. No. 65407, § 13, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 20, 9-16-2004; Ord. No. O-44-11, § 16, 10-20-2011; Ord. No. O-29-12, § 16, 5-3-2012; Ord. No. O-44-16, § 1, 7-28-2016)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8-Buildings and Building Regulations, Article VIII.-Property Maintenance Code, amending Sections 8-431 and 8-432.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-431 and 8-432 are hereby amended to read as follows.

Sec. 8-431. - 2012 2018 International Property Maintenance Code—Adopted; purpose.

- (a) *Property maintenance code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the 2012 2018 International Property Maintenance Code, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended by ordinance. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be not less than three copies of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-29-12, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-29-12," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.
- (c) *Penalty for violation.* Any person who shall violate any of the provisions of this article or the 2012 2018 International Property Maintenance Code herein adopted shall be guilty of a violation of this article, and shall upon conviction, be sentenced to pay a fine of not less than \$100.00 nor more than \$2,500.00, be imprisoned for not exceeding six months, or both. The office of chief counsel shall, at the request of the public officer, render such legal assistance as may be necessary in carrying out the provisions of this article.

(Code 1988, § 8-336; Ord. No. 65300, §§ 1, 2, 8, 4-7-1988; Ord. No. 66075, § 1, 1-4-1996; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 26, 9-16-2004; Ord. No. O-44-11, § 26, 10-20-2011; Ord. No. O-29-12, § 26, 5-3-2012; Ord. No. [O-46-16](#), § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-432. - Same—Statement of purpose, definitions, amendments, etc.

- (a) *Statement of purpose.* It is the intent of the code adopted in section 8-431 to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all real properties of all types, including buildings and structures within this jurisdiction.
- (b) *Code official changed to public officer.* All references responsibilities, duties, powers and obligations referred and conveyed upon the "code official" in the 2012 2018 International Property Maintenance Code is hereby amended to and designated upon the "public officer."
- (c) *Amendments.* The 2012 2018 International Property Maintenance Code is amended in the following respects:

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this code."

Section 102.3 is amended to read as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Code, International Fire Code, International Mechanical Code, Uniform Plumbing Code, NFPA 70, International Residential Code and as referenced the International Existing Building Code. Nothing in this code shall be construed to cause, modify or set aside any provision in the Code of Ordinances for Kansas City, Kansas. Nothing in this code shall be construed to cancel, modify or set aside any provision in the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 102.7 is amended to read as follows:

Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in this chapter and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Section 102.7.1 and 102.7.2 is added to read as follows:

102.7.1 Electrical Code. The ICC Electrical Code referenced in chapter 6 has been deleted and replaced with NFPA 70 (National Electrical Code.) Wherever the term ICC Electrical Code has been used in this code, it shall be used synonymously with the term "NFPA 70" listed in chapter 6.

102.7.2 Plumbing Code. The ICC Plumbing Code referenced in chapters 5 and 6 has been deleted and replaced with the 2018 Uniform Plumbing Code. Wherever the term ICC Plumbing Code has been used in this code it shall be used synonymously with the term 2018 Uniform Plumbing Code listed in chapters 5 and 6.

Section 103.1 is amended to read as follows:

Section 103.1 General. The public officer and his/her designees are hereby authorized to enforce the provisions of this code.

Section 103.2 is amended to read as follows:

Section 103.2 Appointment. The public officer shall be appointed by the county administrator.

Section 103.3 is amended to read as follows:

Section 103.3 Deputies. In accordance with the prescribed procedures of the unified government and with the concurrence of the appointing authority, the public officer shall have the authority to appoint his or her designees. Such employees shall have the authority as delegated by the Public Officer. Such Employees shall have the authority as delegated by the Public Officer.

Section 103.5 is amended to read as follows:

Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by the county administrator.

Section 104.3 is amended to read as follows:

Section 104.3 Right of entry. The public officer is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the public officer is authorized to pursue recourse as provided by law. In cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, the public officer shall take whatever acts are necessary to protect the public health and safety.

Section 106.2.1 is hereby added to read as follows:

Notice of violation. The public officer shall serve a notice of violation or order in accordance with Section 107.

Exception: Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent according to the notice provisions of section 107.1 and 107.3 within the previous 24 months. Failure to provide such notice of violation shall not invalidate a citation or complaint.

Section 106.3 is amended to read as follows:

Section 106.3 Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any real property, building or structure or cause or permit the same to be done in violation of this code.

Section 106.4 is amended to read as follows:

Section 106.4 Violation; penalties. The violation of any provision of this code or failure to comply therewith or with any of the requirements thereof, shall be a public offense, and any person convicted thereof shall be sentenced to a fine of not less than \$100.00 nor more than \$2,500.00, be imprisoned for a term not exceeding six months, or both. Each day that a violation of this chapter shall continue shall constitute a separate offense. The prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the unified government.

Section 106.5 is amended to read as follows:

Section 106.5 Abatement of violations. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 107.1 is amended to read as follows:

Section 107.1 Notice. Whenever the public officer determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 107.2 and 107.3 to the person responsible for the violations as specified in this code. Notices for unfit procedures shall also comply with section 8-451 of the Code of Ordinances for Kansas City, Kansas.

Exception: Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent according to the notice provisions of sections 107.1 and 107.3 within the previous 24 months. Failure to provide such notice of violation shall not invalidate a citation or complaint.

Section 107.2 is amended to read as follows:

Section 107.2 Form. Such notice prescribed in section 107.1 shall be in accordance with all of the following:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the violation or violations and why the notice is being issued.

- (d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- (e) Inform the property owner of the right to appeal abatement proceedings.
- (f) Include a statement of the right to file a lien in accordance with section 106.5 in abatement proceedings.

Section 107.3 is amended to read as follows:

Section 107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (a) Delivered personally;
- (b) Sent by certified or first-class mail addressed to the last known address; or
- (c) In abatement proceedings, if the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the public officer may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided in subsections (2) and (3). Except as specifically provided in this subsection, the public officer may provide notice of the order to abate a nuisance by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

Section 108.1 is amended to read as follows:

Section 108.1 General. When a structure or equipment is found by the public officer to be unsafe or when a structure is found unfit for human use, occupancy or habitation or is found unlawful, such structure shall be deemed unfit pursuant to the provisions of this code.

Section 108.1.4 is amended to read as follows:

Section 108.1.4 Unlawful structure. An unlawful structure is one that is found in whole or in part to be occupied by more persons than permitted under this code or that was erected, altered, occupied or is being maintained in violation of the Code of Ordinances for Kansas City, Kansas, or any other applicable laws, statutes, rules or regulations.

Section 108.2 is amended to read as follows:

Section 108.2 Closing of vacant structures - permit required. If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the public officer is authorized to post the structure as unfit for human use, habitation and/or occupancy and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the public officer may cause the premises to

be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charge against the real estate upon which the structure is located, shall be a lien upon such real estate, and may be collected by any other legal recourse.

- (a) For purposes of this section, "board," "boarding," or "boarded," shall mean to limit, restrict, or otherwise interfere with the means of ingress or egress, natural light or ventilation of a structure, as required by applicable code, by the placement of wood, metal or other material.
- (b) It shall be unlawful to board any structure without first obtaining a permit from the public officer. The public officer may designate another to administer the provisions of this ordinance.
- (c) To obtain a permit, the applicant must have the authority of the property owner, complete an application, and pay the required fee as established by the county administrator. The application shall be in the form approved by the public officer and shall include the applicant's detailed proposal to return the structure to habitability during the term of the permit. The structure must be boarded within 14 calendar days of issuance of permit. A permit shall be valid for a period of six months from the date of issuance. Subsequent permits may be issued for the structure upon a showing of good cause, as determined by the public officer. If no detailed proposal for rehabilitation is included with the permit application, an inspection of the property is a prerequisite to issuing a permit.
- (d) Unless otherwise required or authorized by the public officer, a structure that is permitted to be boarded pursuant to this ordinance shall comply with the boarding procedures and specifications in effect at the time. Such procedures and specifications will be available at the Neighborhood Resource Center.
- (e) The provisions of this ordinance shall not apply to structures that are boarded by order of the public officer in the exercise of the police powers to protect the health, welfare, and safety of the public, or pursuant to any applicable ordinance or statute.

Section 108.3 is amended to read as follows:

Section 108.3 Notice. Whenever a complaint is filed with the public officer by a resident of the municipality charging that any structure is unfit for human use, habitation or occupancy, or whenever the public officer, on the officer's own motion, has deemed a structure unfit under the provisions of this section, the public officer shall, if the preliminary investigation discloses a basis for such charges, cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure, including persons in possession, a notice and placard in a conspicuous place on the structure. If the notice pertains to equipment, it may also be placed on the condemned equipment. The notice shall be served in accordance with the provision in section 8-451 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 108.4 is hereby deleted.

Section 108.4.1 is amended to read as follows:

Section 108.4.1 Placard removal. The public officer shall remove the unfit placard or shall authorize removal of the unfit placard by the owner of the property whenever the defect or defects upon which the placarding action was based have been eliminated. Any person who defaces or removes an unfit placard without the approval of the public officer shall be subject to the penalties provided by this code.

Section 108.5 is amended to read as follows:

Section 108.5 Prohibited occupancy. Any occupied structure deemed unfit for human use or habitation and placarded by the public officer shall be vacated as ordered by the public officer. Any person who shall occupy an unfit placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by this code.

Section 109.1 is amended to read as follows:

Section 109.1 Imminent danger. When, in the opinion of the public officer or chief building inspector, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the public officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The public officer shall cause to be posted at each entrance to such structure a notice reading as follows: "Dangerous Structure." It shall be unlawful for any person to enter such structure except for the purposes of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

Section 109.2 is amended to read as follows:

Section 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the public officer, there is imminent danger due to an unsafe condition, the public officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the public officer deems necessary to meet such emergency.

Section 110.1 is amended to read as follows:

110.1 General. The public officer shall order the owner of any premises upon which is located any structure, which in the public officer's judgment is so old, dilapidated or has become so out of repairs as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, or if such structure is capable of being made safe by repairs, to repair and make safe

and sanitary or to demolish and remove at the owner's option, or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Section 110.2 is amended to read as follows:

Section 110.2 Notices and orders. All notices and orders shall comply with section 107 of this code and section 8-451 of the Code of Ordinances for Kansas City, Kansas.

Section 111.1 is amended to read as follows:

Section 111.1 Application for appeal. Effective December 1, 2016, any prior board authorized by this section is abolished, and the term of any member is terminated. After December 1, 2016, any person directly affected by a decision of the public officer or order issued under this code shall have the right to appeal to The Board of Code Appeals, provided that written application for appeal is filed within 20 days after the day the decision, or order was served and an appeal fee is paid. The application for appeal shall be accompanied by a fee set by the county administrator. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2 is amended to read as follows:

Section 111.2 Membership of board. Appointment to the Board of Code Appeals shall consist of three members with one member appointed by the mayor, one member appointed by the at large district 1 commissioner, and one member appointed by the at large district 2 commissioner. The board shall convene to hear any appeal properly before it. After the board has rendered its decision for any appeal properly before it, it shall be dissolved and re-constituted for any subsequent appeal.

Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4, 111.2.5, 111.3, 111.4, 111.4.1, 111.5, 111.6, 111.6.1, 111.6.2 and 111.7 are hereby deleted.

Section 112.4 is amended to read as follows:

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation an unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$2,500.00.

Section 201.3 is amended to read as follows:

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code, International Residential Code or the NFPA 70 National Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

Section 201.5 is amended to read as follows:

Section 201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

Section 202 is amended to read as follows:

Section 202 General definitions. The definitions for "condemn," "housekeeping unit," "person," "rooming house," and "rooming unit" are hereby deleted, and any references to these terms in this code are hereby deleted. The term "rubbish" shall also mean trash. A definition for tarpaulin/tarp has been added.

The term "nuisance" is added to read as follows:

"Nuisance" means any of the following:

1. Any public nuisance known at common law or in equity jurisprudence. Nuisance conditions are defined as any attractive nuisance which may prove detrimental to children or others, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators or other appliances, and motor vehicles; or any unsound fences or structures or portions thereof, or any lumber, trash, debris, scrapping materials, salvage, or vegetation which may prove a hazard for inquisitive minors.
2. Whatever is dangerous to human life or is detrimental to health, as determined by the health official.
3. Overcrowding a room with occupants.
4. Insufficient ventilation or illumination.
5. Inadequate or unsanitary sewage or plumbing facilities.
6. Uncleanliness, as determined by the health officer.
7. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

The term "person" is amended to read as follows:

"Person" means any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.

The term "tarpaulin"/"tarp" means the following:

1. A heavy hard-wearing waterproof material such as canvas, coated canvas or polyester coated with urethane or made of plastics, such as polyethylene, which is used as an outdoor protective covering to guard against moisture or sun damage.
2. Construction tarp is a tarp between 5-16 mils, 0.14-0.41 mm, thick. (1 mil is equal to one (1) one thousand (1,000) of an inch.)

Section 302.3.1 is added to read as follows:

All parking, loading or maneuvering areas installed on residential property in 1988 or before, which were originally constructed of gravel, must be maintained at a minimum four-inch depth.

Section 302.4 is hereby deleted.

Section 302.5 is amended to read as follows:

Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Rodent harborages shall include the placement and/or storage of any furniture outside that is intended for interior use, or any other nuisance conditions. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Section 302.7.1 is added to read as follows:

Storage containers. The use of storage pods, and similar metal shipping containers, roll off dumpsters and similar containers used for the storage or disposal of materials, possessions, products, or other items, may be permitted, subject to one container per business or residence for no more than two non-consecutive months in any twelve month period. The one month periods that the storage containers are positioned or located on a property must be separated by a minimum of one month before the second month in a twelve month period may occur. Containers must be positioned or located on private property, not in the public right of way or easements, and must be positioned or located on a driveway or other improved surface. Storage containers shall not be positioned or located in the yard or in other landscaped surface areas.

Exception: These time constraints shall not apply to properties with an active building permit conducting work that constitutes the use of such containers.

Section 302.8 is amended to read as follows:

Motor vehicles. Except as provided for in other regulations, no inoperative motor vehicle(s) shall be parked, kept or stored on any premises, including any inoperative motor vehicle parked on a trailer of any type. The term "inoperative motor vehicle," shall mean any motor vehicle(s) not currently registered or tagged pursuant to the applicable state law, or which is incapable of moving under its own power or in a condition of being junked, wrecked, wholly or partially disabled and/or dismantled, except that said provision shall not include motor vehicle(s) stored inside a completely enclosed structure. Inoperative motor vehicles are hereby declared a public nuisance.

No motor vehicle(s) shall be parked, kept or stored on unimproved surfaces. Improvement shall be in compliance with the standards set forth in the zoning code, section 27-675 (Improvement and Maintenance) of the Code of the Unified

Government of Wyandotte County/Kansas City, Kansas. Motor vehicles parked, kept or stored in violation of this section are hereby declared a public nuisance.

The following vehicles and equipment shall not be kept, parked or stored or allowed to be kept, parked or stored, in a residential area: tow trucks, dump trucks, semi-tractors, semi-trailers, backhoes, skid loaders, high loaders, other types of heavy construction equipment, as well as trailers used to transport said equipment, and any truck which has a greater than 10,000 pounds gross vehicle weight registered, as shown by information indicating title registration. Vehicles and/or equipment kept, parked or stored in violation of this section are hereby declared a public nuisance.

Section 302.10 is added to read as follows:

Nuisance conditions. Nuisance conditions are defined as any attractive nuisance which may prove detrimental to children or others, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators or other appliances, and motor vehicles; or any unsound fences or structures or portions thereof, or any lumber, trash, debris, or vegetation which may prove a hazard for inquisitive minors.

Section 302.11 is hereby added to read as follows:

Clotheslines. Clotheslines in front yards or those that are not in good working order are prohibited. The drying of laundry or routinely washed articles on front porch or stair railings or placing on fences, hedges or other supporting structures is prohibited because it substantially detracts from the overall appearance of adjacent properties and/or is detrimental to properties or property values.

Section 302.12 is hereby added to read as follows:

No person shall store, collect, park, leave, deposit, maintain, reserve, put aside for future use, permit, allow, or suffer to remain on any porch, balcony, roof, yard or any other exterior property area, unless it is specifically allowed by the parcel's zoning designation, any:

- (1) Lumber or other building materials except those related to a project for which a current building permit has been issued and is posted on the premises and except firewood for the personal use of the resident.
- (2) Motor vehicle, airplane, boat or trailer except as provided for in other sections of this code.
- (3) Parts of any item listed in (2) above including tires.
- (4) Equipment or materials used in the construction trade.
- (5) Machinery or household appliance.
- (6) Junk.
- (7) Salvage/Scrapping material; or
- (8) Upholstered furniture, mattresses, materials, and other similar products not designed, built and manufactured for outdoor use unless such is an enclosed porch or balcony.

Section 302.13 is added as follows:

Tarpaulins. The use of tarpaulins, herein after referred to as tarp, may be used for the following purposes:

- (1) Tarps may be utilized to protect cars, trucks, RVs and boats provided that:
 - (a) The tarp is specifically manufactured for the purpose of protecting the car, truck, RV, motorcycle or boat to be covered, when it is used as intended by the tarp manufacturer.
 - (b) The car, truck, RV, motorcycle or boat being covered is a vehicle that is not inoperative (as defined in 302.8), has current registration and is stored/parked on an improved surface.
- (2) Construction tarps may be utilized, from October 01 through March 31, to protect seasonal items such as: patio/outdoor furniture, grills, swimming pools, lawnmowers and like items and to be stored in the least conspicuous location and as far from public view as feasible.
- (3) Construction tarps may be utilized, on roofs, to temporarily cover the structure, without a permit, for a period of not more than 90 days in order to protect against or conceal loose or missing shingles, cracks, holes or any openings that would expose any interior part of the structure, including contents therein, to rain, hail, wind or snow.
- (4) Construction tarps may be utilized to cover firewood, which has been cut and stacked, for the purpose of protecting it from moisture.

Tarps may not be used in any of the following manners:

- (1) To cover trash, junk, debris, dead trees, parts of dead trees, discarded appliances, discarded carpeting, carpet padding, any construction materials, broken items, items stored for salvage/recycling, any accumulation of household goods, or any other items not allowed to be kept on the property according to other ordinances of the code.
- (2) To be used as a screen from view, either permanent or temporary.
- (3) To be hung from carports as walls, doors or roofing.
- (4) To be used as any shelter or tent, either permanent or temporary.

All tarps must be maintained in good condition without holes, rips, tears, excessive wear, stains or other wise be defective in any way.

Section 303.2 is amended to read as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 72 inches (1,828 mm) in height above the finished ground level measure on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Section 304.7 is amended to read as follows:

Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Additionally, roofing materials shall be of consistent type, style, and appearance. Variations in type, style, color or appearance of roofing materials shall be permitted only if part of a comprehensive and integrated design of the entire structure.

Section 304.14 is amended to read as follows:

Section 304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Section 304.19 is hereby added to read as follows:

Exterior surfaces. Exterior wall surfaces including windows, doors, trim and appurtenances normally associated with exterior wall spaces shall be free of holes, breaks, and loose or damaged construction materials and shall be maintained in a weather resistant and ~~water-tight~~water tight condition. Screens, if installed, shall be intact and in frames which are not bent or are otherwise secure to the window unit. Cracks or holes in mortar between bricks or stone shall be sealed. All exterior wall surfaces shall be maintained and kept in repair using materials, texture and color the same or as compatible with undamaged wall surfaces or as may be acceptable to the designated public officer. All existing painted, exterior surfaces, including any one side of a structure or any one identifiable component (i.e., door, garage door, window trim, etc.), having areas of chipping, peeling, scaling or missing paint greater than 25 percent of the painted area, except on an exempt structure, shall be stripped and repainted or seal coated or re-sided or covered with compatible material acceptable to the designated public officer. The following structures shall be exempt from the requirement to strip and repaint or seal coat or re-side or cover: any concrete structure constructed of a material that is naturally resistant to weather, such as concrete, located in an area zoned MP-3 where the closest residential area is 500 or more feet away and there is no concern of deterioration or risk of harm because of peeling, flaking, or chipped paint. Doors and windows shall be maintained in operable condition. Appurtenances such as awnings and shutters likewise shall be kept in workable condition if designed to roll, fold or otherwise be raised, lowered, opened or closed. Hinges shall be kept in operable condition in keeping with original tolerances set for such hardware.

Section 304.20 is hereby added to read as follows:

Appurtenances. Porches, landings, fire escapes, chimney runs, balconies, terraces, verandas, decks, patios, railings, exterior stairs and other such

appurtenances normally associated with and attached to the exterior of a structure shall be maintained in a safe, functional condition and kept in good repair including paint maintenance equivalent to the exterior surface standard as set forth in section 304.19. Repair and replacement shall be accomplished with materials compatible to the undamaged portion of such exterior structure or they may be removed (if not integral to the basic structure) or covered with material acceptable to the designated public officer. Such exterior structures which may be exposed to public view shall be kept free of offensive materials including junk, debris, garbage, refuse, excessive accumulation of toys or toy parts, upholstered chairs or sofas not intended for outdoor use, and appliances not intended for outdoor use. Examples of materials which are permitted in such exposed areas include but are not limited to barbecue grills, patio furniture, porch swings and play materials designed for outdoor use such as swing sets and play houses.

Section 308.2 is amended to read as follows:

Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. Approved containers shall be stored in an enclosed structure or in the least conspicuous location to the side or rear of, adjacent to, and in close proximity to the residence.

Section 308.3 is amended to read as follows:

Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage facility or approved garbage container. Approved containers shall be stored in an enclosed structure or in the least conspicuous location to the side or rear of, adjacent to, and in close proximity to the residence.

Section 308.3.1 is amended to read as follows:

Section 308.3.1 Garbage facilities. The owner or occupant of every dwelling shall be required to maintain on the premises one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure available to the occupants in each dwelling unit, or an approved leakproof, covered, outside garbage container.

Section 310 is added as follows:

Tarpaulins. The use of tarpaulins, herein after referred to as tarp, may be used for the following purposes:

1. Tarps may be utilized to protect cars, trucks, RVs and boats provided that;
 - a. The tarp is specifically manufactured for the purpose of protecting the car, truck, RV, motorcycle or boat to be covered, when it is used as intended by the tarp manufacturer.
 - b. The car, truck, RV, motorcycle or boat being covered is a vehicle that is not inoperative (as defined in 302.8), has current registration and is stored/parked on an improved surface.

2. Construction tarps may be utilized, from October 01 through March 31, to protect seasonal items such as:
 - a. Patio/outdoor furniture, grills, swimming pools, lawnmowers and like items and to be stored in the least conspicuous location and as far from public view as feasible.
3. Construction tarps may be utilized, on roofs, to temporarily cover the structure, without a permit, for a period of not more than 90 days;
 - a. To protect against or conceal loose or missing shingles, cracks, holes or any openings that would expose any interior part of the structure, including contents therein, to rain, hail, wind or snow.
4. Construction tarps may be utilized to cover firewood, which has been cut and stacked, for the purpose protecting it from moisture.

Tarps may not be used in any of the following manners:

1. To cover trash, junk, debris, dead trees, parts of dead trees, discarded appliances, discarded carpeting, carpet padding, any construction materials, broken items, items stored for salvage/recycling or any accumulation of household goods.
2. To be used as a screen from view, either permanent or temporary.
3. To be hung from carports as walls, doors or roofing.
4. To be used as any shelter or tent, either permanent or temporary.

All tarps must be, and remain in, "good condition". Good condition shall mean; without holes, rips, tears, excessively worn, stained or defective in any way.

This ordinance shall pertain to residentially zoned properties.

Commented [BS1]: Be sure to delete this section since you've moved it to 302.13.

Section 403.3 is hereby deleted.

Section 404.3 is amended to read as follows:

Section 404.3 Minimum ceiling heights.

Exception: Basement rooms in one- and two-family dwellings occupied as habitable space, having a ceiling height of not less than six feet, six inches, except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than six feet, measured to the lowest projection from the ceiling. Where exposed ceiling members are spaced at less than 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members provided that the bottom of the members is not less than six feet above the floor. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than six feet, six inches.

Section 502.5 is amended to read as follows:

Section 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Uniform Plumbing

Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

Section 505.1 is amended to read as follows:

Section 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to a public water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the 2012 Uniform Plumbing Code.

Section 602.3 is amended to read as follows:

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degrees Celsius), a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

Section 602.4 is amended to read as follows:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 605.2 is amended to read as follows:

Section 605.2 Receptacles. Every habitable space in a dwelling unit shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

(Code 1988, § 8-337; Ord. No. 65300, §§ 3—7, 4-7-1988; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-16-00, § 1, 2-17-2000; Ord. No. O-46-00, § 1, 5-18-2000; Ord. No. O-57-04, § 26, 9-16-2004; Ord. o. O-87-07, § 2, 11-1-2007; Ord. No. O-

44-11, § 27, 10-20-2011; Ord. No. O-29-12, § 27, 5-3-2012; Ord. No. [O-46-16](#), § 1, 7-28-2016; Ord. No. [O-65-16](#), § 1, 11-17-2016; Ord. No. [O-42-19](#), § 1, 6-13-2019)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 202~~1~~².**

Tyrone Garner, Mayor/CEO
David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Article III-Electricity

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-125, and 8-126 are hereby amended to read as follows.

Sec. 8-125. - NFPA 70 Electrical Code, 2011 2017 Edition—Adopted.

- (a) *Electrical code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the NFPA 70 National Electrical Code, 2011 2017 Edition, approved as an American National Standard on August 25, ~~2010~~ 24, 2016, as published by National Fire Protection Association, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in this chapter. Further, that if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be not less than three copies of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the unified government clerk, to which shall be attached a copy of the ordinance from which this section is derived, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The Neighborhood Resource Center, Code Enforcement Division, Rental Inspections Division, Building Inspection Division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 12-41, 12-42; Code 1988, § 8-98; Ord. No. 64721, §§ 15, 16, 11-1-1984; Ord. No. 65163, § 1, 6-18-1987; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 13, 9-16-2004; Ord. No. O-44-11, § 10, 10-20-2011; Ord. No. O-29-12, § 10, 5-3-2012; Ord. No. O-42-16, § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-126. - Same—Amendments.

The 2011 2017 NFPA 70 National Electric Code is amended in the following respects:

Section 230.70.A.1. is amended to read as follows:

Section 230.70.A.1. Readily accessible location. The service disconnecting means shall be installed at a readily accessible location either outside of the building or structure or inside within ten feet nearest the point of entrance of the service conductors. The ten foot distance is measured along the path of the service conductors.

(Code 1964, §§ 12-43, 12-44; Code 1988, § 8-100; Ord. No. 64721, §§ 17, 18, 11-1-1984; Ord. No. 65163, § 1, 6-18-1987; Ord. No. 65407, § 4, 3-23-1989; Ord. No. O-57-04, § 15, 9-16-2004; Ord. No. O-44-11, § 11, 10-20-2011; Ord. No. O-29-12, § 11, 5-3-2012; Ord. No. [O-42-16](#), § 1, 7-28-2016)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Article VI – Plumbing.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-350 and 8-351 are hereby amended to read as follows

Sec. 8-350. - 2012 2018 Uniform Plumbing Code—Adopted.

- (a) *Plumbing code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations thereof, the 2012 2018 Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816, excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be not less than one copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of this division, and which shall be marked or stamped "Official Copy as Incorporated by Ordinance No. O-57-04 _____," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

Commented [KD1]: change?

(Code 1964, §§ 28-21, 28-22; Code 1988, § 8-278; Ord. No. 64938, §§ 14, 15, 12-19-1985; Ord. No. 65407, § 19, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 22, 9-16-2004; Ord. No. O-44-11, § 20, 10-20-2011; Ord. No. O-29-12, § 20, 5-3-2012; Ord. No. O-45-16, § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-351. - Same—Amendments.

The 2012 2018 Uniform Plumbing Code, adopted by reference in section 8-350, is amended in the following respects:

Sections 101.0—103.8.2 of Chapter 1, Administration are hereby deleted. See administration provisions in section 8-25.

Section 204.0 is amended to read as follows:

Section 204.0 Definitions. Building supply definition has been revised:

Building Supply—The pipe carrying potable water from the water main or other source of potable water supply to the first shutoff valve downstream of all of the following (as applicable):

1. The point of entrance into the building;
2. The water meter; and
3. The service backflow prevention device.

Section 603.2 is amended to read as follows:

Section 603.2 Approval of devices or assemblies. Approval, inspection and testing of backflow prevention assemblies shall be in accordance with the policies prescribed by the Board of Public Utilities Kansas City, Kansas, Water Department.

Sections 422.1—422.4.1 and Table 422.1 are hereby deleted. (See section 8-25 of this chapter.)

Section ~~601.3~~ 601.4 is added to read as follows:

Section ~~601.3~~ 601.4 Reference to building supply piping. References in this code to building supply (water service) piping shall apply only to building supply piping connected to a private source of water supply. All building supply piping connected to the public water supply is under the jurisdiction of the Board of Public Utilities (BPU).

Section 801.2(A) is amended to read as follows:

Section 801.2(A) Food Utensils, Dishes, Pots and Pans Sinks. Sinks used for the washing, rinsing or sanitizing of utensils, dishes, pots, pans or service ware used in the preparation, serving or eating of food shall discharge indirectly through an air gap or an air break to the drainage system.

Section 807.4 is amended to read as follows:

Section 807.4 Appliances. Dishwashing machines shall discharge separately into a trap or trapped fixture. Domestic dishwashing machines may discharge into the tailpiece of the kitchen sink or the dishwasher connection of a food waste grinder.

Section 901.3 is amended ~~added~~ to read as follows:

Section 901.3 Floor drain vents. A floor drain (where used as such) need not be vented, provided it is within 25 feet of a three-inch stack or horizontal drain which has at least a three-inch-diameter vent extension through the roof.

Section 901.4 is amended ~~added~~ to read as follows:

Section 901.4 Automatic clothes washer venting. A standpipe for an automatic clothes washer need not be separately vented provided all the following criteria apply:

- (1) The standpipe is used with an approved "P" trap.
- (2) The "P" trap is within 25 feet of a three-inch stack that extends through the roof.

Section 1202.1.1 is added to read as follows:

Section 1202.1.1 Liquefied gas piping. Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section 1201.0 (C) 1202.3 is amended to read as follows:

Section 1201.0 (C) Fuel piping. (17) 1202.3 Applications. (21) Fuel piping in one- and two-family dwellings shall comply with section 8-411 of this chapter (International Residential Code).

Section 1210.1.5. is amended to read as follows:

Section 1210.1.5. Piping Through Foundation Walls. No gas piping shall be installed underground through the foundation wall. Piping shall rise outside of the structure a minimum of 6 inches prior to entering the structure. The piping shall be sealed to prevent the entrance of water and insects.

Section 1211.3-6 1210.1.6 is amended to read as follows:

Section 1211.3-6 Gas piping 1210.1.6 Piping Underground Beneath Buildings. No gas piping shall be installed in or on the ground under any building or structure unless installed in gas tight conduit and approved by the administrative authority, and all exposed gas piping shall be kept at least six inches (152 mm) above grade or structure. The term "building or structure" shall include structures such as porches and steps, whether covered or uncovered, breezeways, roofed porte-

cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.

The conduit shall be of material approved for installation underground beneath buildings and not less than Schedule 40 pipe. The interior diameter of the conduit shall be not less than one-half inch (12.7 mm) larger than the outside diameter of the gas piping.

The conduit shall extend to a point at least 12 inches (305 mm) beyond any area where it is required to be installed or to the outside wall of a building, and the outer ends shall not be sealed. Where the conduit terminates within a building, it shall be readily accessible, and the space between the conduit and the gas piping shall be sealed to prevent leakage of gas into the building.

Concealed unprotected gas piping may be installed above grade in approved recesses or channels.

Exception: When necessary due to structural conditions, approved type gas piping may be installed in other locations, when permission has first been obtained from the administrative authority.

Section 1213.0 is amended to read as follows:

~~*Section 1213.0 Liquefied gas piping.* Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.~~

(Code 1964, §§ 28-23, 28-24; Code 1988, § 8-279; Ord. No. 64938, §§ 16, 17, 12-19-1985; Ord. No. 65407, § 20, 3-23-1989; Ord. No. 65456, § 7, 8-17-1989; Ord. No. O-57-04, § 23, 9-16-2004; Ord. No. O-44-11, § 21, 10-20-2011; Ord. No. O-29-12, § 21, 5-3-2012; Ord. No. [O-45-16](#), § 1, 7-28-2016)

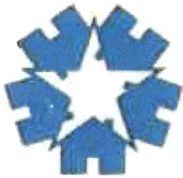
Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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



**HOME BUILDERS ASSOCIATION
OF GREATER KANSAS CITY**

Affiliated With



**National
Association
of Home
Builders**

600 EAST 103RD STREET • KANSAS CITY, MISSOURI 64131-4300 • (816) 942-8800 • FAX (816) 942-8367 • www.kchba.org

February 4, 2022

Commissioner Brian McKiernan,

Thank you for the opportunity to submit a formal position regarding the city's adoption of the 2018 International Residential Code (IRC). The Home Builders Association of Greater Kansas City (KCHBA) is proud to be the voice of the local housing industry. Consisting of approximately 550 member companies, the KCHBA represents an industry that supports more than 20,000 local jobs while contributing more than \$1.8 billion to both short and long-term economic growth in the region. While the residential construction industry makes up our membership, it's the consumer that has our full and undivided attention.

The Home Builders Association of Greater Kansas City supports and endorses reasonable codes that safeguard public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property. With the consumer in mind, the association generally supports the current proposed adoption before you as amended. The adoption of the 2018 family of codes without these locally appropriate amendments would significantly increase the cost burden on the consumer preventing future homeownership. For every \$1000 added to the price of a new home approximately 1,238 Kansas City area families are priced out of the local market. Home ownership remains one of the best ways to establish long term financial stability for the average American. By building equity and contributing to the tax base, home ownership fuels our local economies and serves as the foundation of our society.

KCHBA continuously supports local control of codes as we feel that elected officials and city staff understand the importance of customizing the National family of codes to allow for a productive local market and protect the longevity of the economy within their jurisdiction. The Home Builders Association greatly values our quality working relationships with the Kansas City local government as we share the common goals of promoting new economic growth, homeownership, attainable housing, and strong communities. We look forward to our continued work with the city.

Please do not hesitate to call on me if either the KCHBA or I can ever be of any assistance to the Commission and the people you serve. Thank you for your consideration.

Sincerely,

Will Ruder
Executive Vice President
Home Builders Association of Greater Kansas City

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter relating to Chapter 8, Article VII – One- and Two-Family Dwellings.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-411 and 8-412 are hereby amended to read as follows.

Sec. 8-411. - International Residential Code for One- and Two-Family Dwellings—
Adopted.

- (a) *Residential code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations hereof, the 2012 ~~2018~~ International Residential Code for One- and Two-Family Dwellings, including appendices A, B, C, E, G, H, J, K, N, P and Q with amendments, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-57-04, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 8-334; Ord. No. O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 22, 10-20-2011; Ord. No. O-29-12, § 22, 5-3-2012; Ord. No. O-48-16, § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-412. - Same—Amendments.

The 2012 2018 International Residential Code for One- and Two-Family Dwellings, adopted by reference in section 8-411, is amended in the following respects:

Sections R101.1—R114.2 of Chapter 1, Administration are hereby deleted. See administration provisions in section 8-25 of this chapter.

Section R202 definition of carport, portable is added as follows:

Carport, portable. A detached manufactured accessory building customarily used for the shelter or storage of vehicles and /or watercraft, including canopies used for such, which can be easily moved without disassembly, after removal of any tie-down or other anchoring provisions intended to compensate for wind displacement, and which is generally a frame covered by lightweight metal membrane material. See portable carports section R309.2.

Section R301.2(1) Table is amended to read as follows:

Section R301.2(1) International residential code data entry; table R301.2(1) Climatic and Geographic Design Criteria.

Table R301.2(1) shall include the following data:

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATE- GORY ^f	SUBJECT TO DAMAGE FROM		
	Wind Speed ^d (MPH)	Topographic Effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^c
20	115	No	A	Severe	36	Moderate to Heavy

WINTER DESIGN TEMP ^e	ICE BARRIER UNDER- LAYMENT RE- QUIRED ^h	FLOOD HAZARD ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
6°F	Yes	See Ch. 27	1000	54.7°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official.

f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRMs and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effect, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

R302.1 is amended to read as follows:

302.1 Exterior walls. Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1).

Table R302.1(2) is deleted. Table 302.1(1) Exterior walls shall be used.

R302.2 is amended to read as follows:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

Exceptions: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides. And shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

R302.2.4-6 Structural independence.

R302.2.4-6 Exception 5 is amended to read as follows:

Exception 5. Townhouses separated by a common 2-hour fire resistance rated wall as provided by section 302.2

R302.3 is amended to read as follows:

R302.3 Two-Family Dwellings. Two-Family Dwelling units shall be constructed and separated in accordance with the requirements of townhomes as set forth in this code.

R302.3. Exception 1 is deleted: Dwelling units stacked upon each other.

R302.4.2 Membrane Penetrations. Exception 2-2.1 is amended to read as follows:

R302.4.2 Exception 2(2.1) By a horizontal distance of not less than 24 inches (610 mm) except at walls or partitions constructed using parallel rows of studs or staggered studs.

Section R302.5.2 Duct Penetration is amended to read as follows:

Section R3092.5.2 Duct Penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.

Exception: Supply duct openings may be permitted; provided the openings are protected by a minimum 20-minute rated fire damper(s).

Table 302.6 is amended to read as follows:

Table 302.6 DWELLING/GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
From all habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of the exterior walls within this area.
Attic access panels.	Not less than 5/8-inch Type X gypsum board or equivalent Materials approved for 1 hour fire resistive construction.

Pull down stairs	Shall be rated or be adequately protected with not less than Type 5/8-inch Type X gypsum or equivalent materials approved for 1 hour fire resistive construction.

~~Section R303.3 Bathrooms is amended to read as follows:~~

~~Section R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 M²), one-half of which must be openable.~~

~~Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with section R806. The point of discharge of the exhaust air shall be at least three feet from any opening into the building. A point of discharge in the attic space must discharge at a roof vent or soffit vent.~~

~~Section R303.4 of the 2012 2018 International Residential Code is hereby amended to read as follows:~~

~~R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3 M1505.4. (History: Ord. BC-2936 §36, 2012)~~

~~Section R306.5 is added to read as follows:~~

~~Section R306.5 New Single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the building official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a temporary certificate of occupancy.~~

~~R309.2 Carports is added to read as follows:~~

~~R309.2 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.~~

~~Exceptions:~~

~~1: Asphalt surfaces shall be permitted at ground level in carports.~~

2: Portable carports shall be assembled to comply with the manufacturer's instructions and anchored to the ground in compliance with one of the following methods. At a minimum there must be an anchoring point on each side of the carport for every 50 square feet of area covered by the carport.

- 1) One continuous 8 inches wide by 36 inches deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing.
- 2) A 4 inches thick concrete slab that extends beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8 inches at each anchorage location, to match the carport manufacturer's recommended spacing.
- 3) Bolting the support legs, or adjacent cross support, to an existing concrete slab that is a minimum of 4 inches thick, to match the carport manufacturer's recommended anchorage spacing. The method of attaching the upright frame to the slab must be shown in the application for building permit.
- 4) Install concrete footings under each leg and bolt the legs, or adjacent cross support, to the new footings with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing. The new footings are to be approximately 1 foot x 1 foot x 2 foot deep. The method of attaching the upright frame to the footing must be shown in the application for building permit.
- 5) An alternate anchoring design that provides a permanently paved hard surface floor and anchors the portable carport to the ground and that is approved by the building official. If an alternative method is proposed, complete installation details must be provided for review.

The plans and details submitted must clearly indicate the method of anchoring and the flooring to be used. If new concrete footings are to be installed, they must be inspected when formed and prior to pouring of concrete. In all cases, a final inspection must be requested by the applicant.

Fabric covered carports: All fabric covered carports or similar facilities shall comply with City setback requirements in the zone in which they are located. Unless the facility is considered a structure under the Building Code, no building permit shall be required for their placement. Fabric covered facilities shall be properly maintained, cleaned, and repaired as necessary. There shall be no electricity or other utilities provided to fabric covered carports, or similar facilities.

Section R309.5 Fire sprinklers in private garages is amended to read as follows:

R309.5 Fire sprinklers are optional in private garages. The garage walls shall be designed based on Table R302.1(1). Sprinklers in garages shall be connected to an automatic sprinkler system that complies with section P2904. Garage fire sprinklers shall be residential sprinklers or quick response sprinklers, designed to provide a density of 0.05 gpm/sq. ft. garage doors shall not be considered with respect to sprinkler placement.

Section R311.7.5.1 Riser height is amended to read as follows:

Section R311.7.5.1 Riser height. The maximum riser height shall be 7¾ inches (196 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths of an inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing or tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a maximum rise of 8 inches.

Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.

Section R311.5.3.2 Tread depth is amended to read as follows:

Section R311.5.3.2 Tread depth. The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.

Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stairs. Within any flight of stairs, the greatest winder tread depth at the walkline shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a minimum tread of 9 inches.

Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.

Section R312.1.1 is amended to read as follows:

Section R312.1.1 Guards required. Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically from the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Section R313.1 Townhouse automatic sprinkler systems, is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic fire sprinkler system is optional in townhouses. ~~Fire sprinkler system design for townhouses shall comply with section P2904.~~

R313.2 1 and 2 family dwellings automatic fire systems, is amended to read as follows:

R313.2 An automatic sprinkler system is optional in 1 and 2 family dwellings. ~~Fire sprinkler system design for 1 and 2 family dwellings shall comply with section P2904 or NFPA 13D.~~

Section R326.2 is added to read as follows:

R326.2 Swimming Pools and Spas shall be protected by barriers per Section 305, Barrier Requirements, of the 2018 ISPS, International Swimming Pool and Spa Code as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section.

Section 305.2.1.1 Barrier Height and Clearance: The top of the barrier shall not be less than 72 inches above grade where measured on the side of the barrier that faces away from the pool or spa.

Section R402.1 Wood Foundations:

R402.1 Wood Foundation systems are not allowed. All other references in this code to wood foundations systems are null and void.

Section R403.1.1 Footing reinforcement is amended to read as follows:

Section R403.1.1.1. Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum continuous reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of three inches (76 mm) clear from the bottom of the footing.

Section R403.1.1.2 Column pads is amended added to read as follows:

Section R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and eight inches (203 mm) deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

Section R404.4 Retaining walls is amended to read as follows:

Section R404.4 Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against later sliding and overturning.

Section R405.2 Water discharge is added to read as follows:

Section R405.2 Water discharge. Roof water and water from intermittent sources such as sump pumps, foundation drains, gutters downspouts and similar sources shall not discharge closer than three (3) feet from the foundation or to an approved drainage system.

~~R501.3 Fire protection of floors is deleted.~~

Section R801.3 Roof drainage is amended to read as follows:

Section R801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

~~Part IV Energy Conservation is deleted.~~

Part IV Energy Conservation is added.

~~Part IV Energy Conservation.~~

~~Chapter 11. ENERGY EFFICIENCY~~

~~SECTION N1101 GENERAL~~

~~N1101.1 Scope.~~ This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

~~Exception: Portions of the building envelope that do not enclose conditioned space.~~

~~N1101.2 Compliance.~~ Compliance shall be demonstrated by either meeting the requirements of the *International Energy Conservation Code* or meeting the requirements of this chapter. Climate zones from Figure N1101.2 or Table N1101.2 shall be used in determining the applicable requirements from this chapter.

**Table N1101.2 CLIMATE ZONES, MOISTURE REGIMES AND
WARM-HUMID DESIGNATIONS BY STATE, COUNTY AND TERRITORY**

Key:

A-Moist, B-Dry, C-Marine, Absence of moisture designation indicates moisture regime is irrelevant.

Asterisk (*) indicates a warm humid location.

Kansas – Wyandotte – Zone 4A

N1101.3 Identification. Materials, systems and *equipment* shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this chapter.

N1101.4 Building thermal envelope insulation. An *R*-value identification mark shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or more wide. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and *R*-value of insulation installed in each element of the *building thermal envelope*. For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled *R*-value, installed density, coverage area and number of bags installed shall be listed on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the area covered and *R*-value of installed thickness shall be listed on the certificate. The insulation installer shall sign, date and post the certificate in a conspicuous location on the job site.

N1101.4.1 Blown or sprayed roof/ceiling insulation. The thickness of blown in or sprayed roof/ceiling insulation (fiberglass or cellulose) shall be in written in inches (mm) on markers that are installed at least one for every 300 square feet, throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers 1 inch (25 mm) high. Each marker shall face the attic access opening. Spray polyurethane foam thickness and *R*-value shall be listed on the certificate provided by the insulation installer.

N1101.4.2 Insulation mark insulation. Insulating materials shall be installed such that the manufactures *R*-value mark is readily observable upon inspection.

N1101.5 Fenestration product rating. *U*-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled U*-factor shall be assigned a default *U*-factor from Tables N1101.5(1) and N1101.5(2). The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled* SHGC shall be assigned a default SHGC from Table N1101.5(3).

Table N1101.5(1) DEFAULT GLAZED FENESTRATION U-FACTORS

FRAME TYPE	SINGLE PANE	DOUBLE PANE	SKYLIGHT	
			Single	Double
Metal	1.2	0.8	2	1.3
Metal with thermal break	1.1	0.65	1.9	1.1

Nonmetal or metal-clad	0.95	0.55	1.75	1.05
Glazed block	0.6			

Table N1101.5(2) DEFAULT DOOR U-FACTORS

DOOR TYPE	U-FACTOR
Uninsulated metal	1.2
Insulated metal	0.6
Wood	0.5
Insulated, nonmetal edge, max 45% glazing, any glazing double pane	0.35

Table N1101.5(3) DEFAULT GLAZED FENESTRATION SHGC

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
0.8	0.7	0.7	0.6	0.6

N1101.6 Insulation product rating. The thermal resistance (*R*-value) of insulation shall be determined in accordance with the CFR Title 16, Part 460, in units of $\text{h} \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$ at a mean temperature of 75°F (24°C).

N1101.7 Installation. All materials, systems and equipment shall be installed in accordance with the manufacturer's installation instructions and the provisions of this code.

N1101.7.1 Protection of exposed foundation insulation. Insulation applied to the exterior of basement walls, crawl space walls and the perimeter of slab-on-grade floors shall have rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering

shall cover the exposed exterior insulation and extend a minimum of 6 inches (152 mm) below grade.

N1101.8 Above code programs. The *building official* or other authority having *jurisdiction* shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this chapter. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this chapter.

N1101.9 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory *label*, service disconnect *label* or other required *labels*. The certificate shall be completed by the builder or registered *design professional*. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside *conditioned spaces*; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating *equipment*. Where a gas-fired unvented room heater, electric furnace and/or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric base board heaters.

SECTION N1102 BUILDING THERMAL ENVELOPE

N1102.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2.

N1102.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

N1102.1.2 U-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table N1102.1.2 shall be permitted as an alternative to the *R*-value in Table N1102.1.

N1102.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of *U*-factor times assembly area) is less than or equal to the total UA resulting from using the *U*-factors in Table N1102.1.2, (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table N1102.1. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

**Table N1102.1 INSULATION AND FENESTRATION REQUIREMENTS
BY COMPONENT^a**

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^k	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE ^e WALL R-VALUE
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine-4	0.35	0.60	NR	38	20 or 13 + 5 ^h	13/17	30 ^f	10/13	10, 2 ft	10/13

—a. *R*-values are minimums. *U*-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.

—b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

—c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

—d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs.

—e. There are no SHGC requirements in the Marine Zone.

—f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.

- ~~g. Or insulation sufficient to fill the framing cavity, R-19 minimum.~~
- ~~h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.~~
- ~~i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum *U*-factor shall be 0.75 in zone 2 and 0.65 in zone 3.~~
- ~~j. For impact-resistant fenestration complying with Section R301.2.1.2 of the *International Residential Code*, the maximum SHGC shall be 0.40.~~
- ~~k. The second *R*-value applies when more than half the insulation is on the interior.~~

Table N1102.1.2 EQUIVALENT *U*-FACTORS^a

CLIMATE ZONE	FENESTRATION <i>U</i> -FACTOR	SKYLIGHT <i>U</i> -FACTOR	CEILING <i>U</i> -FACTOR	FRAME WALL <i>U</i> -FACTOR	MASS WALL <i>U</i> -FACTOR ^b	FLOOR <i>U</i> -FACTOR	BASEMENT WALL <i>U</i> -FACTOR	CRAWL SPACE WALL <i>U</i> -FACTOR
4 except Marine	0.35	0.60	0.030	0.082	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.060	0.082	0.033	0.059	0.065

- ~~a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.~~
- ~~b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.17 in zone 1, 0.14 in zone 2, 0.12 in zone 3, 0.10 in zone 4 except Marine and the same as the frame wall *U*-factor in Marine zone 4 and in zones 5 through 8.~~

—c.—Basement wall *U*-factor of 0.360 in warm-humid climates as defined by Figure N1101.2 and Table N1101.2.

N1102.2 Specific insulation requirements.

N1102.2.1 Ceilings with attic spaces. When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.

N1102.2.2 Ceilings without attic spaces. Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 square feet (46 m²) of ceiling area. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.2.3 Access hatches and doors. Access doors from *conditioned spaces* to unconditioned spaces (e.g., attics and crawl spaces) shall be weather-stripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all *equipment* which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the *attic* access is opened and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.

N1102.2.4 Mass walls. Mass walls, for the purposes of this chapter, shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.

N1102.2.5 Steel frame ceilings, walls and floors. Steel frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.2.5 or shall meet the *U*-factor requirements in Table N1102.1.2. The calculation of the *U*-factor for a steel frame envelope assembly shall use a series-parallel path calculation method.

Exception: In climate zones 1 and 2, the continuous insulation requirements in Table N1102.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.

Table N1102.1.2 (R402.1.2) is hereby amended to read as follows:

**TABLE N1102.1.2 (R402.1.2) INSULATION AND FENESTRATION
REQUIREMENTS BY COMPONENT^a**

Climate Zone	Fenestration U-Factor ^b	Skylight U-Factor ^b	Glazed Fenestration SHGC ^b	Ceiling R-Value ^c	Wood Frame Wall R-Value	Mass Wall R-Value ^e	Floor R-Value ^c	Basement Wall R-Value ^c	Slab R-Value & Depth ^d	Crawl Space Wall R-Value ^c
4	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2ft	10/13

For SI: 1 foot – 304.8 mm.

NR = Not Required

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.

d. For heated slabs, R-5 insulation shall be provided under the full slab area and shall be added to the slab edge.

e. Or insulation sufficient to fill the framing cavity, R-19 minimum.

f. The second R-value applies when more than half the insulation is on the interior of the mass wall.

g. Loose-fill-insulation shall be installed at the rate recommended by the manufacturer's statement “so many bags per 1000 sq ft”. Where the pitch of the roof restricts the “minimum thickness” at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the “minimum thickness” can be achieved. An alternative is to install high-density batts around the perimeter edge per N1102.2.

Table N1102.2.5 STEEL-FRAME CEILING, WALL AND FLOOR INSULATION (R-VALUE)

WOOD FRAMER-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE ^a

Steel Truss Ceilings^a	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings^b	
R-30	R-38 in 2 × 4 or 2 × 6 or 2 × 8 R-49 in any framing
R-38	R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 × 10
Steel Framed Wall	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 × 6 R-19 + R-6 in 2 × 8 or 2 × 10
R-19	R-19 + R-6 in 2 × 6 R-19 + R-12 in 2 × 8 or 2 × 10

—For SI: 1 inch = 25.4 mm.

- a. Cavity insulation *R*-value is listed first, followed by continuous insulation *R*-value.
- b. Insulation exceeding the height of the framing shall cover the framing.

N1102.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.7 Basement walls. Exterior walls associated with conditioned basements shall be insulated from the top of the *basement wall* down to 40 feet (3048 mm) below *grade* or to the *basement floor*, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Section N1102.1 and Section N1102.1.2.6.

N1102.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches below *grade* shall be insulated in accordance with Table N1102.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below *grade* shall be extended the distance provided in Table N1102.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall*. Slab-edge insulation is not required in jurisdictions designated by the code official as having a very heavy termite infestation.

N1102.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, insulation of crawl space walls shall be permitted when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished *grade* level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap by 6 inches (152 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached to the stem wall.

N1102.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation *R*-values shall be R-19 in zones 1 through 4 and R-24 in zones 5 through 8. The minimum wall *R*-value shall be R-13 in all zones. New wall(s) separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3 Fenestration.

N1102.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the *U*-factor requirements.

N1102.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the solar heat gain coefficient (SHGC) requirements.

N1102.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m²) of glazed fenestration per *dwelling unit* shall be permitted to be exempt from *U*-factor and SHGC requirements in Section N1102.1. This exemption shall not apply to the

U-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m^2) in area is exempted from the *U*-factor requirement in Section N1102.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.5 Thermally isolated sunroom U-factor. For zones 4 through 8 the maximum fenestration *U*-factor shall be 0.50 and the maximum skylight *U*-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for *U*-factor and solar heat gain coefficient (SHGC) in Table N1102.1.

N1102.4 Air leakage.

N1102.4.1 Building thermal envelope. The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable film or solid material.

- 1.— All joints, seams and penetrations.
- 2.— Site-built windows, doors and skylights.
- 3.— Openings between window and door assemblies and their respective jambs and framing.
- 4.— Utility penetrations.
- 5.— Dropped ceilings or chases adjacent to the thermal envelope.
- 6.— Knee walls.
- 7.— Walls and ceilings separating the garage from *conditioned spaces*.
- 8.— Behind tubs and showers on *exterior walls*.
- 9.— Common walls between *dwelling units*.
- 10.— Attic access openings.
- 11.— Rim joists junction.
- 12.— Other sources of infiltration.

N1102.4.2 Air sealing and insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.2.1 or N1102.4.2.2.

Table N1102.41.2 AIR BARRIER AND INSULATION INSPECTION Under Climate Zone 4, amend the flowing item:

COMPONENT	CRITERIA
Air barrier and thermal barrier	Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier. Breaks or joints in the air barrier are filled or repaired. Air-permeable insulation is not used as a sealing material.
Ceiling/attic	Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed Attic access (except unvented attic), knee wall door, or drop down stair is sealed.
Walls	Corners and headers are insulated. Junction of foundation and sill plate is sealed.
Windows and doors	Space between window/door jambs and framing is sealed.
Rim joists	Rim joists are insulated and include an air barrier.
Floors (including above garage and cantilevered floors)	Insulation is installed to maintain permanent contact with underside of subfloor decking. Air barrier is installed at any exposed edge of floor.
Crawlspace walls	Insulation is permanently attached to walls. Exposed earth in unvented crawlspaces is covered with Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.
Garage separation	Air sealing is provided between the garage and conditioned spaces.

Recessed lighting	Recessed light fixtures are airtight, IC rated and sealed to drywall. Exception-fixtures in conditioned space.
Plumbing and wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower/tub on exterior wall	Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.
Electrical/phone box on exterior wall	Air barrier extends behind boxes or air sealed type boxes are installed.
Common wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

N1102.4.2.1 Testing option. Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.

Section N1102.4.1.2. Testing is amended to read as follows:

Section N1102.4.1.2. Testing The building or dwelling unit shall have an air leakage rate of not exceeding 5 air changes per hour when tested with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Building leakage testing shall be conducted where required by the building official. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the building official, the testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed beyond the intended weatherstripping or other infiltration control measures;
2. Dampers ~~shall be closed, but not sealed~~; including exhaust, intake, makeup air, back draft, and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior ~~or interior terminations~~ openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling system(s), where installed at the time of the test, shall be turned off; and
6. HVAC ducts shall not be sealed; and
7. Supply and return registers, where installed at the time of the test shall ~~not be sealed~~ be fully open.

N1102.4.2.2 Visual inspection option. The items listed in Table N1102.4.2, applicable to the method of construction, are field verified. Where required by the code official, an ~~approved~~ party independent from the installer of the insulation, shall inspect the air barrier and insulation.

Section N 1102.4. Fireplaces. Is amended.

N1102.4.3 Fireplaces. New wood burning fireplaces shall have outdoor combustion air. (Deleted the requirement for gasketed doors).

N1102.4.4 Fenestration air leakage. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cubic foot per minute per square foot [1.5(L/s)/m²], and swinging doors no more than 0.5 cubic foot per minute per square foot [2.5(L/s)/m²], when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory, and listed and ~~labeled~~ by the manufacturer.
Exception: Site-built windows, skylights and doors.

Section N1102.4.4 Rooms containing fuel-burning appliances is deleted.

N1102.4.5 Recessed lighting. Recessed luminaires installed in the ~~building thermal envelope~~ shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and ~~labeled~~ as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the ~~conditioned space~~ to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

SECTION N1103 SYSTEMS.

N1103.1 Controls. At least one thermostat shall be installed for each separate heating and cooling system.

N1103.1.1 Programmable thermostat. Where the primary heating system is a forced air furnace, at least one thermostat per *dwelling unit* shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).

N1103.1.2 Heat pump supplementary heat. Heat pumps having supplementary electric resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

N1103.2 Ducts.

N1103.2.1 Insulation Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.

Exception: Ducts or portions thereof located completely inside the *building thermal envelope*.

N1103.2.2 Sealing. Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4 Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft² (9.29 m²) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed-in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft² (9.29 m²) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

Section N1103.3.5 Building Cavities is amended to read as follows:

~~N1103.3.5 Building cavities. Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope.~~

Commented [TG1]: Only City in JOCO that amended this section is Olathe. Need to discuss further.

~~N1103.3 Mechanical system piping insulation. Mechanical system piping capable of carrying fluids above 105°F (40°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.~~

~~N1103.4 Circulating hot water systems. All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use.~~

~~N1103.5 Mechanical ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.~~

~~N1103.6 Equipment sizing. Heating and cooling equipment shall be sized as specified in Section M1401.3.~~

~~N1103.7 Snow melt system controls. Snow and ice melting systems supplied through energy service to the building shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F (5°C).~~

~~N1103.8 Pools. Pools shall be provided with energy conserving measures in accordance with Sections N1103.8.1 through N1103.8.3.~~

~~N1103.8.1 Pool heaters. All pool heaters shall be equipped with a readily accessible on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.~~

~~N1103.8.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.~~

~~Exceptions:~~

- ~~1. Where public health standards require 24-hour pump operation.~~
- ~~2. Where pumps are required to operate solar and waste heat recovery pool heating systems.~~

~~N1103.8.3 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.~~

~~N1104.1 Lighting equipment. A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps.~~

Table N1106.4 (R406.4) is amended to read as follows:

Table N1106.4 (R406.4)
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX a
4	80

- a. Where on-site renewable energy is included for compliance using ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section 1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

~~Section M1201.1-M1202.3, Chapter 12 is hereby deleted.~~

~~Section M1201.1-M1202.3, Chapter 12 Mechanical administration is deleted in its entirety. See Administration provisions in section 8-25.~~

~~Sections M2001, M2002, M2003, and G2452 (Boilers) are deleted.~~

Section G2408.7 is added to read as follows:

Section G2408.7 Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section G2411.3 Arc-resistant CSST is deleted.

Section G2414.5 is amended to read as follows:

Section G2414.5 Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Stainless steel tubing may be utilized when approved by the building official.

Section G2414.5.2 is amended to read as follows:

Section G2414.5.2. Copper tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it utilized to distribute any other fuel gas within a building or structure.

G2417.4. Test Pressure Measurement is amended to read as follows:

G2417.4.1 (406.4.1) Test pressure. This inspection shall include an air, CO₂, or nitrogen pressure test of not less than 10 pounds per square inch (68.9 kPa) gauge pressure.

~~Section P2501.1—P2503.9 Chapter 25 is hereby deleted.~~

Commented [TG2]: Need to put original wording back in from IRC and change the minimum 3psi to 10psi.

~~Section P2501.1—P2503.9, Chapter 25 Plumbing administration is hereby deleted in its entirety. See administration provisions in section 8-25.~~

~~Part VII, Chapter 25, Plumbing Administration, is deleted.~~

Section P2603.5.1 Sewer depth is amended to read as follows.

Section P2603.5.1 Sewer depth. Building sewers shall be installed not less than 12 inches (305 mm) below the surface of the ground.

Section 2706.1.2. Standpipes is amended to read as follows.

P2706.1.2 Standpipes. Standpipes for automatic clothes washers shall extend a minimum of 30 inches (762 mm) and a maximum of 42 inches (1067 mm) above the finished floor. The trap for a clothes washer standpipe shall be installed at a minimum of 6 inches (150 mm) maximum of 18 inches (457 mm) above the finished floor. Access shall be provided to all standpipe traps and drains for rodding.

Section P2708.2 Shower drain is amended to read as follows:

Section P2708.2 Shower drain. Shower drains shall have an outlet of not less than 2 inches (51 mm).

Section P2902.5.3 is amended to read as follows:

Section P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Board of Public Utilities, Kansas City, Kansas, Water Department.

Section P2903.5 is amended to read as follows:

Section P2903.5 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. Water-hammer arrestor shall be installed where quick-closing valves are utilized. Water hammer arrestors shall be installed in accordance with manufacturer's installation instructions. Water hammer arrestors shall conform to ASSE 1010.

Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section P2903.8.2 is amended to read as follows:

Section P2903.8.2 Minimum size. Where the developed length of the distribution line is 60 feet (18,288 mm) or less, and the available pressure at the meter is a minimum of 40 lbs. per square inch (276 kPa), the minimum size of individual distribution lines shall be not less than ½ inch (12.7 mm) diameter. Certain fixtures such as one-piece water closets and whirlpool bathtubs shall require a larger size where specified by the manufacturer. If a water heater is fed from the end of a cold-water manifold, the manifold shall be one size larger than the water heater feed.

Section P2905.4 P2906.4 is amended to read as follows:

Section P2905.4 P2906.4 Water service piping. Approval, inspection, materials and testing of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the ~~board of public utilities~~ Board of Public Utilities, such water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in table P2905.4. Water service pipe or tubing installed underground and outside of the structure shall have a minimum working pressure rating of 160 psi at 73 degrees Fahrenheit (1,103 kPa at 23 degrees C). Where the water pressure exceeds 160 pounds per square inch (1,103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

Section P2905.4.2 P2906.4.2 is amended to read as follows:

Section P2905.4.2 P2906.4.2 Water service installation. Installation of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the board of public utilities, trenching, pipe installation and backfilling shall be in accordance with section P2604.2. Water service pipe is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in section P3002.1. If the building sewer is not constructed of materials listed in section P3002.1, the water service pipe shall be separated from the building sewer by a minimum of 5 feet (1,524 mm), measured horizontally, of undisturbed or compacted earth or placed on a solid ledge at least 12 inches (305 mm) above and to one side of the highest point in the sewer line.

Exception: the required separation distance shall not apply where a water service pipe crosses over a sewer pipe, provided that the water service pipe is sleeved to at least 5 feet (1,524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Tables P2905.4, P3002.1(1), or P3002.2.

Section P2905.5.1 is added as follows:

Section P2905.5.1 Under concrete slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, galvanized steel pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180 degrees Fahrenheit (689 kPa at 82 degrees Celsius).

Section 2906.6.1 Saddle tap fittings is deleted.

Table P3002.2 Building Sewer Pipe is amended as follows.

Table P3002.2 Building Sewer Pipe. Delete "PS 25, SDR 41 (PS 28), PS 35, SDR 35 (PS 46), PS 50, PS 100" from "Polyvinyl chloride (PVC) plastic pipe in sewer and drain diameters". (Remainder of Table unamended.)

Section P3005.4.2 is amended to read as follows:

Section P3005.4.2 Building drain and sewer and slope. Pipe sizes and slope shall be determined from table P3005.4.2 on the basis of drainage load in fixture units (DFU) computed from table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

Section P3102.1 is amended to read as follows:

Section P3102.1 Main vent required. Every building shall have a main vent that is either a vent stack or a stack vent. Such vent shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof. The minimum size of a main vent for a dwelling unit shall be 3 inches.

P3105 Fixture Vents.

P3105.1 Distance of trap from vent. Exception is deleted.

Section P3114.3 is amended to read as follows:

Section P3114.3 Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to air admittance valve only when it is structurally not feasible to install a hard-piped venting system and approved by the building official.

In existing construction, where the existing vent system is not accessible to the fixture location without the removal of finish materials or other existing construction

Individual- and branch-type air admittance valves shall conform to ASSE 1051. Individual and branch type air admittance valves shall vent fixtures that are on the same floor level and connect to a horizontal branch drain.

Section P3114.5 is amended to read as follows:

Section P3114.5 Access and ventilation. All air admittance valves shall be readily accessible. The valve shall be located in a ventilated space that allows air to enter the valve.

Section E3601.6.2 is amended to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building or structure. Service disconnecting means shall not

be installed in bathrooms or closets. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section 3902.2 Garage and accessory building receptacles is amended to read as follows.

Section 3902.2 Garage and accessory building receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles installed in garages and grade level portions of unfinished accessory buildings used for or work areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section 3902.5 Unfinished basement receptacles is amended to read as follows.

Section 3902.5 Unfinished basement receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles unfinished basement areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section E3902.16 Arc-fault circuit interrupter protection. Exception is added as follows:

Section E3902.16 Exception: AFCI protection is not required for the smoke detector/fire alarm circuit.

Section E3902.13 Exception is added as follows:

E3902.13 Arc-fault circuit interrupter protection for branch circuit extensions or modifications

Exception: This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the building official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection.

E3907.9 is added as follows:

Section E3907.9 is added as follows:

Section E3907.9 Cabinets and panelboards shall not be located in a bathroom or closet.

E4002.14 Tamper-resistant receptacles is deleted.

Section AJ501.8.4 Appendix J Stairs (Existing Buildings) is added as follows:

Section AJ501.8.4 Appendix J Stairs (Existing Buildings). Any alteration to or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in section R311.7 where the existing space and construction will not allow a reduction in pitch or slope.

(Code 1988, § 8-335; O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 23, 10-20-2011; Ord. No. O-29-12, § 23, 5-3-2012; Ord. No. [O-48-16](#), § 1, 7-28-2016)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter relating to Chapter 8, Article VII – One- and Two-Family Dwellings.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-411 and 8-412 are hereby amended to read as follows.

Sec. 8-411. - International Residential Code for One- and Two-Family Dwellings—
Adopted.

- (a) *Residential code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations hereof, the 2012 ~~2018~~ International Residential Code for One- and Two-Family Dwellings, including appendices A, B, C, E, G, H, J, K, N, P and Q with amendments, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-57-04, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 8-334; Ord. No. O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 22, 10-20-2011; Ord. No. O-29-12, § 22, 5-3-2012; Ord. No. O-48-16, § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-412. - Same—Amendments.

The 2012 2018 International Residential Code for One- and Two-Family Dwellings, adopted by reference in section 8-411, is amended in the following respects:

Sections R101.1—R114.2 of Chapter 1, Administration are hereby deleted. See administration provisions in section 8-25 of this chapter.

Section R202 definition of carport, portable is added as follows:

Carport, portable. A detached manufactured accessory building customarily used for the shelter or storage of vehicles and /or watercraft, including canopies used for such, which can be easily moved without disassembly, after removal of any tie-down or other anchoring provisions intended to compensate for wind displacement, and which is generally a frame covered by lightweight metal membrane material. See portable carports section R309.2.

Section R301.2(1) Table is amended to read as follows:

Section R301.2(1) International residential code data entry; table R301.2(1) Climatic and Geographic Design Criteria.

Table R301.2(1) shall include the following data:

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATE- GORY ^f	SUBJECT TO DAMAGE FROM		
	Wind Speed ^d (MPH)	Topographic Effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^c
20	115	No	A	Severe	36	Moderate to Heavy

WINTER DESIGN TEMP ^e	ICE BARRIER UNDER- LAYMENT RE- QUIRED ^h	FLOOD HAZARD ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
6°F	Yes	See Ch. 27	1000	54.7°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official.
- f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRMs and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effect, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

R302.1 is amended to read as follows:

302.1 Exterior walls. Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1).

Table R302.1(2) is deleted. Table 302.1(1) Exterior walls shall be used.

R302.2 is amended to read as follows:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

Exceptions: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides. And shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

R302.2.4-6 Structural independence.

R302.2.4-6 Exception 5 is amended to read as follows:

Exception 5. Townhouses separated by a common 2-hour fire resistance rated wall as provided by section 302.2

R302.3 is amended to read as follows:

R302.3 Two-Family Dwellings. Two-Family Dwelling units shall be constructed and separated in accordance with the requirements of townhomes as set forth in this code.

R302.3. Exception 1 is deleted: Dwelling units stacked upon each other.

R302.4.2 Membrane Penetrations. Exception 2-2.1 is amended to read as follows:

R302.4.2 Exception 2(2.1) By a horizontal distance of not less than 24 inches (610 mm) except at walls or partitions constructed using parallel rows of studs or staggered studs.

Section R302.5.2 Duct Penetration is amended to read as follows:

Section R3092.5.2 Duct Penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.

Exception: Supply duct openings may be permitted; provided the openings are protected by a minimum 20-minute rated fire damper(s).

Table 302.6 is amended to read as follows:

Table 302.6 DWELLING/GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
From all habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of the exterior walls within this area.
Attic access panels.	Not less than 5/8-inch Type X gypsum board or equivalent Materials approved for 1 hour fire resistive construction.

Pull down stairs	Shall be rated or be adequately protected with not less than Type 5/8-inch Type X gypsum or equivalent materials approved for 1 hour fire resistive construction.

~~Section R303.3 Bathrooms is amended to read as follows:~~

~~Section R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 M²), one-half of which must be openable.~~

~~Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with section R806. The point of discharge of the exhaust air shall be at least three feet from any opening into the building. A point of discharge in the attic space must discharge at a roof vent or soffit vent.~~

~~Section R303.4 of the 2012 2018 International Residential Code is hereby amended to read as follows:~~

~~R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3 M1505.4. (History: Ord. BC-2936 §36, 2012)~~

~~Section R306.5 is added to read as follows:~~

~~Section R306.5 New Single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the building official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a temporary certificate of occupancy.~~

~~R309.2 Carports is added to read as follows:~~

~~R309.2 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.~~

~~Exceptions:~~

~~1: Asphalt surfaces shall be permitted at ground level in carports.~~

2: Portable carports shall be assembled to comply with the manufacturer's instructions and anchored to the ground in compliance with one of the following methods. At a minimum there must be an anchoring point on each side of the carport for every 50 square feet of area covered by the carport.

- 1) One continuous 8 inches wide by 36 inches deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing.
- 2) A 4 inches thick concrete slab that extends beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8 inches at each anchorage location, to match the carport manufacturer's recommended spacing.
- 3) Bolting the support legs, or adjacent cross support, to an existing concrete slab that is a minimum of 4 inches thick, to match the carport manufacturer's recommended anchorage spacing. The method of attaching the upright frame to the slab must be shown in the application for building permit.
- 4) Install concrete footings under each leg and bolt the legs, or adjacent cross support, to the new footings with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing. The new footings are to be approximately 1 foot x 1 foot x 2 foot deep. The method of attaching the upright frame to the footing must be shown in the application for building permit.
- 5) An alternate anchoring design that provides a permanently paved hard surface floor and anchors the portable carport to the ground and that is approved by the building official. If an alternative method is proposed, complete installation details must be provided for review.

The plans and details submitted must clearly indicate the method of anchoring and the flooring to be used. If new concrete footings are to be installed, they must be inspected when formed and prior to pouring of concrete. In all cases, a final inspection must be requested by the applicant.

Fabric covered carports: All fabric covered carports or similar facilities shall comply with City setback requirements in the zone in which they are located. Unless the facility is considered a structure under the Building Code, no building permit shall be required for their placement. Fabric covered facilities shall be properly maintained, cleaned, and repaired as necessary. There shall be no electricity or other utilities provided to fabric covered carports, or similar facilities.

Section R309.5 Fire sprinklers in private garages is amended to read as follows:

R309.5 Fire sprinklers are optional in private garages. The garage walls shall be designed based on Table R302.1(1). Sprinklers in garages shall be connected to an automatic sprinkler system that complies with section P2904. Garage fire sprinklers shall be residential sprinklers or quick response sprinklers, designed to provide a density of 0.05 gpm/sq. ft. garage doors shall not be considered with respect to sprinkler placement.

Section R311.7.5.1 Riser height is amended to read as follows:

Section R311.7.5.1 Riser height. The maximum riser height shall be 7¾ inches (196 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths of an inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing or tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a maximum rise of 8 inches.

Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.

Section R311.5.3.2 Tread depth is amended to read as follows:

Section R311.5.3.2 Tread depth. The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.

Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stairs. Within any flight of stairs, the greatest winder tread depth at the walkline shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a minimum tread of 9 inches.

Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.

Section R312.1.1 is amended to read as follows:

Section R312.1.1 Guards required. Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically from the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Section R313.1 Townhouse automatic sprinkler systems, is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic fire sprinkler system is optional in townhouses. ~~Fire sprinkler system design for townhouses shall comply with section P2904.~~

R313.2 1 and 2 family dwellings automatic fire systems, is amended to read as follows:

R313.2 An automatic sprinkler system is optional in 1 and 2 family dwellings. ~~Fire sprinkler system design for 1 and 2 family dwellings shall comply with section P2904 or NFPA 13D.~~

Section R326.2 is added to read as follows:

R326.2 Swimming Pools and Spas shall be protected by barriers per Section 305, Barrier Requirements, of the 2018 ISPS, International Swimming Pool and Spa Code as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section.

Section 305.2.1.1 Barrier Height and Clearance: The top of the barrier shall not be less than 72 inches above grade where measured on the side of the barrier that faces away from the pool or spa.

Section R402.1 Wood Foundations:

R402.1 Wood Foundation systems are not allowed. All other references in this code to wood foundations systems are null and void.

Section R403.1.1 Footing reinforcement is amended to read as follows:

Section R403.1.1.1. Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum continuous reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of three inches (76 mm) clear from the bottom of the footing.

Section R403.1.1.2 Column pads is amended added to read as follows:

Section R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and eight inches (203 mm) deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

Section R404.4 Retaining walls is amended to read as follows:

Section R404.4 Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against later sliding and overturning.

Section R405.2 Water discharge is added to read as follows:

Section R405.2 Water discharge. Roof water and water from intermittent sources such as sump pumps, foundation drains, gutters downspouts and similar sources shall not discharge closer than three (3) feet from the foundation or to an approved drainage system.

~~R501.3 Fire protection of floors is deleted.~~

Section R801.3 Roof drainage is amended to read as follows:

Section R801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

~~Part IV Energy Conservation is deleted.~~

Part IV Energy Conservation is added.

~~Part IV Energy Conservation.~~

~~Chapter 11. ENERGY EFFICIENCY~~

~~SECTION N1101 GENERAL~~

~~N1101.1 Scope.~~ This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

~~Exception:~~ Portions of the building envelope that do not enclose ~~conditioned space~~.

~~N1101.2 Compliance.~~ Compliance shall be demonstrated by either meeting the requirements of the ~~International Energy Conservation Code~~ or meeting the requirements of this chapter. Climate zones from Figure N1101.2 or Table N1101.2 shall be used in determining the applicable requirements from this chapter.

**Table N1101.2 CLIMATE ZONES, MOISTURE REGIMES AND
WARM-HUMID DESIGNATIONS BY STATE, COUNTY AND TERRITORY**

Key:

A-Moist, B-Dry, C-Marine, Absence of moisture designation indicates moisture regime is irrelevant.

Asterisk (*) indicates a warm humid location.

Kansas – Wyandotte – Zone 4A

N1101.3 Identification. Materials, systems and equipment shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this chapter.

N1101.4 Building thermal envelope insulation. An *R*-value identification mark shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or more wide. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and *R*-value of insulation installed in each element of the *building thermal envelope*. For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled *R*-value, installed density, coverage area and number of bags installed shall be listed on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the area covered and *R*-value of installed thickness shall be listed on the certificate. The insulation installer shall sign, date and post the certificate in a conspicuous location on the job site.

N1101.4.1 Blown or sprayed roof/ceiling insulation. The thickness of blown in or sprayed roof/ceiling insulation (fiberglass or cellulose) shall be in written in inches (mm) on markers that are installed at least one for every 300 square feet, throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers 1 inch (25 mm) high. Each marker shall face the attic access opening. Spray polyurethane foam thickness and *R*-value shall be listed on the certificate provided by the insulation installer.

N1101.4.2 Insulation mark insulation. Insulating materials shall be installed such that the manufactures *R*-value mark is readily observable upon inspection.

N1101.5 Fenestration product rating. *U*-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled U*-factor shall be assigned a default *U*-factor from Tables N1101.5(1) and N1101.5(2). The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled* SHGC shall be assigned a default SHGC from Table N1101.5(3).

Table N1101.5(1) DEFAULT GLAZED FENESTRATION U-FACTORS

FRAME TYPE	SINGLE PANE	DOUBLE PANE	SKYLIGHT	
			Single	Double
Metal	1.2	0.8	2	1.3
Metal with thermal break	1.1	0.65	1.9	1.1

Nonmetal or metal-clad	0.95	0.55	1.75	1.05
Glazed block	0.6			

Table N1101.5(2) DEFAULT DOOR U-FACTORS

DOOR TYPE	U-FACTOR
Uninsulated metal	1.2
Insulated metal	0.6
Wood	0.5
Insulated, nonmetal edge, max 45% glazing, any glazing double pane	0.35

Table N1101.5(3) DEFAULT GLAZED FENESTRATION SHGC

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
0.8	0.7	0.7	0.6	0.6

N1101.6 Insulation product rating. The thermal resistance (*R*-value) of insulation shall be determined in accordance with the CFR Title 16, Part 460, in units of $\text{h} \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$ at a mean temperature of 75°F (24°C).

N1101.7 Installation. All materials, systems and equipment shall be installed in accordance with the manufacturer's installation instructions and the provisions of this code.

N1101.7.1 Protection of exposed foundation insulation. Insulation applied to the exterior of basement walls, crawl space walls and the perimeter of slab-on-grade floors shall have rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering

shall cover the exposed exterior insulation and extend a minimum of 6 inches (152 mm) below grade.

N1101.8 Above code programs. The *building official* or other authority having *jurisdiction* shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this chapter. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this chapter.

N1101.9 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory *label*, service disconnect *label* or other required *labels*. The certificate shall be completed by the builder or registered *design professional*. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside *conditioned spaces*; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating *equipment*. Where a gas-fired unvented room heater, electric furnace and/or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric base board heaters.

SECTION N1102 BUILDING THERMAL ENVELOPE

N1102.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2.

N1102.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

N1102.1.2 U-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table N1102.1.2 shall be permitted as an alternative to the *R*-value in Table N1102.1.

N1102.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of *U*-factor times assembly area) is less than or equal to the total UA resulting from using the *U*-factors in Table N1102.1.2, (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table N1102.1. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

**Table N1102.1 INSULATION AND FENESTRATION REQUIREMENTS
BY COMPONENT^a**

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^k	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE ^e WALL R-VALUE
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine-4	0.35	0.60	NR	38	20 or 13 + 5 ^h	13/17	30 ^f	10/13	10, 2 ft	10/13

—a. *R*-values are minimums. *U*-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.

—b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

—c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

—d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs.

—e. There are no SHGC requirements in the Marine Zone.

—f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.

- ~~g. Or insulation sufficient to fill the framing cavity, R-19 minimum.~~
- ~~h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.~~
- ~~i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum *U*-factor shall be 0.75 in zone 2 and 0.65 in zone 3.~~
- ~~j. For impact-resistant fenestration complying with Section R301.2.1.2 of the *International Residential Code*, the maximum SHGC shall be 0.40.~~
- ~~k. The second *R*-value applies when more than half the insulation is on the interior.~~

Table N1102.1.2 EQUIVALENT *U*-FACTORS^a

CLIMATE ZONE	FENESTRATION <i>U</i> -FACTOR	SKYLIGHT <i>U</i> -FACTOR	CEILING <i>U</i> -FACTOR	FRAME WALL <i>U</i> -FACTOR	MASS WALL <i>U</i> -FACTOR ^b	FLOOR <i>U</i> -FACTOR	BASEMENT WALL <i>U</i> -FACTOR	CRAWL SPACE WALL <i>U</i> -FACTOR
4 except Marine	0.35	0.60	0.030	0.082	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.060	0.082	0.033	0.059	0.065

- ~~a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.~~
- ~~b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.17 in zone 1, 0.14 in zone 2, 0.12 in zone 3, 0.10 in zone 4 except Marine and the same as the frame wall *U*-factor in Marine zone 4 and in zones 5 through 8.~~

—c.—Basement wall *U*-factor of 0.360 in warm-humid climates as defined by Figure N1101.2 and Table N1101.2.

N1102.2 Specific insulation requirements.

N1102.2.1 Ceilings with attic spaces. When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.

N1102.2.2 Ceilings without attic spaces. Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 square feet (46 m²) of ceiling area. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.2.3 Access hatches and doors. Access doors from *conditioned spaces* to unconditioned spaces (e.g., attics and crawl spaces) shall be weather-stripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all *equipment* which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the *attic* access is opened and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.

N1102.2.4 Mass walls. Mass walls, for the purposes of this chapter, shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.

N1102.2.5 Steel-frame ceilings, walls and floors. Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.2.5 or shall meet the *U*-factor requirements in Table N1102.1.2. The calculation of the *U*-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.

Exception: In climate zones 1 and 2, the continuous insulation requirements in Table N1102.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.

Table N1102.1.2 (R402.1.2) is hereby amended to read as follows:

**TABLE N1102.1.2 (R402.1.2) INSULATION AND FENESTRATION
REQUIREMENTS BY COMPONENT^a**

Climate Zone	Fenestration U-Factor ^b	Skylight U-Factor ^b	Glazed Fenestration SHGC ^b	Ceiling R-Value ^c	Wood Frame Wall R-Value	Mass Wall R-Value ^e	Floor R-Value ^c	Basement Wall R-Value ^c	Slab R-Value & Depth ^d	Crawl Space Wall R-Value ^c
4	0.32	0.55	0.40	49	15	8/13	19	10/13	10, 2ft	10/13

For SI: 1 foot – 304.8 mm.

NR = Not Required

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.

d. For heated slabs, R-5 insulation shall be provided under the full slab area and shall be added to the slab edge.

e. Or insulation sufficient to fill the framing cavity, R-19 minimum.

f. The second R-value applies when more than half the insulation is on the interior of the mass wall.

g. Loose-fill-insulation shall be installed at the rate recommended by the manufacturer's statement “so many bags per 1000 sq ft”. Where the pitch of the roof restricts the “minimum thickness” at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the “minimum thickness” can be achieved. An alternative is to install high-density batts around the perimeter edge per N1102.2.

Table N1102.2.5 STEEL-FRAME CEILING, WALL AND FLOOR INSULATION (R-VALUE)

WOOD FRAMER-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE ^a

Steel Truss Ceilings^a	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings^b	
R-30	R-38 in 2 × 4 or 2 × 6 or 2 × 8 R-49 in any framing
R-38	R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 × 10
Steel Framed Wall	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 × 6 R-19 + R-6 in 2 × 8 or 2 × 10
R-19	R-19 + R-6 in 2 × 6 R-19 + R-12 in 2 × 8 or 2 × 10

—For SI: 1 inch = 25.4 mm.

- a. Cavity insulation *R*-value is listed first, followed by continuous insulation *R*-value.
- b. Insulation exceeding the height of the framing shall cover the framing.

N1102.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.7 Basement walls. Exterior walls associated with conditioned basements shall be insulated from the top of the *basement wall* down to 40 feet (3048 mm) below *grade* or to the *basement floor*, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Section N1102.1 and Section N1102.1.2.6.

N1102.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches below *grade* shall be insulated in accordance with Table N1102.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below *grade* shall be extended the distance provided in Table N1102.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall*. Slab-edge insulation is not required in jurisdictions designated by the code official as having a very heavy termite infestation.

N1102.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, insulation of crawl space walls shall be permitted when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished *grade* level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap by 6 inches (152 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached to the stem wall.

N1102.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation *R*-values shall be R-19 in zones 1 through 4 and R-24 in zones 5 through 8. The minimum wall *R*-value shall be R-13 in all zones. New wall(s) separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3 Fenestration.

N1102.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the *U*-factor requirements.

N1102.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the solar heat gain coefficient (SHGC) requirements.

N1102.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m²) of glazed fenestration per *dwelling unit* shall be permitted to be exempt from *U*-factor and SHGC requirements in Section N1102.1. This exemption shall not apply to the

~~U-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3~~

~~N1102.3.4 Opaque door exemption.~~ One side-hinged opaque door assembly up to 24 square feet (2.22 m^2) in area is exempted from the *U*-factor requirement in Section N1102.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

~~N1102.3.5 Thermally isolated sunroom U-factor.~~ For zones 4 through 8 the maximum fenestration *U*-factor shall be 0.50 and the maximum skylight *U*-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

~~N1102.3.6 Replacement fenestration.~~ Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for *U*-factor and solar heat gain coefficient (SHGC) in Table N1102.1.

~~N1102.4 Air leakage.~~

~~N1102.4.1 Building thermal envelope.~~ The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable film or solid material.

- ~~1.— All joints, seams and penetrations.~~
- ~~2.— Site-built windows, doors and skylights.~~
- ~~3.— Openings between window and door assemblies and their respective jambs and framing.~~
- ~~4.— Utility penetrations.~~
- ~~5.— Dropped ceilings or chases adjacent to the thermal envelope.~~
- ~~6.— Knee walls.~~
- ~~7.— Walls and ceilings separating the garage from *conditioned spaces*.~~
- ~~8.— Behind tubs and showers on *exterior walls*.~~
- ~~9.— Common walls between *dwelling units*.~~
- ~~10.— Attic access openings.~~
- ~~11.— Rim joists junction.~~
- ~~12.— Other sources of infiltration.~~

~~N1102.4.2 Air sealing and insulation.~~ Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.2.1 or N1102.4.2.2.

Table N1102.41.2 AIR BARRIER AND INSULATION INSPECTION Under Climate Zone 4, amend the flowing item:

COMPONENT	CRITERIA
Air barrier and thermal barrier	Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier. Breaks or joints in the air barrier are filled or repaired. Air-permeable insulation is not used as a sealing material.
Ceiling/attic	Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed Attic access (except unvented attic), knee wall door, or drop down stair is sealed.
Walls	Corners and headers are insulated. Junction of foundation and sill plate is sealed.
Windows and doors	Space between window/door jambs and framing is sealed.
Rim joists	Rim joists are insulated and include an air barrier.
Floors (including above garage and cantilevered floors)	Insulation is installed to maintain permanent contact with underside of subfloor decking. Air barrier is installed at any exposed edge of floor.
Crawlspace walls	Insulation is permanently attached to walls. Exposed earth in unvented crawlspaces is covered with Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.
Garage separation	Air sealing is provided between the garage and conditioned spaces.

Recessed lighting	Recessed light fixtures are airtight, IC rated and sealed to drywall. Exception-fixtures in conditioned space.
Plumbing and wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower/tub on exterior wall	Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.
Electrical/phone box on exterior wall	Air barrier extends behind boxes or air sealed type boxes are installed.
Common wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

N1102.4.2.1 Testing option. Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.

Section N1102.4.1.2. Testing is amended to read as follows:

Section N1102.4.1.2. Testing The building or dwelling unit shall have an air leakage rate of not exceeding 5 air changes per hour when tested with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Building leakage testing shall be conducted where required by the building official. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the building official, the testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed beyond the intended weatherstripping or other infiltration control measures;
2. Dampers ~~shall be closed, but not sealed~~; including exhaust, intake, makeup air, back draft, and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior ~~or interior terminations~~ openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling system(s), where installed at the time of the test, shall be turned off; and
6. HVAC ducts shall ~~not be sealed~~; and
7. Supply and return registers, where installed at the time of the test shall ~~not be sealed~~ be fully open.

N1102.4.2.2 Visual inspection option. The items listed in Table N1102.4.2, applicable to the method of construction, are field verified. Where required by the code official, an ~~approved~~ party independent from the installer of the insulation, shall inspect the air barrier and insulation.

Section N 1102.4. Fireplaces. Is amended.

N1102.4.3 Fireplaces. New wood burning fireplaces shall have outdoor combustion air. (Deleted the requirement for gasketed doors).

N1102.4.4 Fenestration air leakage. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cubic foot per minute per square foot [1.5(L/s)/m²], and swinging doors no more than 0.5 cubic foot per minute per square foot [2.5(L/s)/m²], when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory, and listed and ~~labeled~~ by the manufacturer.
Exception: Site-built windows, skylights and doors.

Section N1102.4.4 Rooms containing fuel-burning appliances is deleted.

N1102.4.5 Recessed lighting. Recessed luminaires installed in the ~~building thermal envelope~~ shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and ~~labeled~~ as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the ~~conditioned space~~ to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

SECTION N1103 SYSTEMS.

N1103.1 Controls. At least one thermostat shall be installed for each separate heating and cooling system.

N1103.1.1 Programmable thermostat. Where the primary heating system is a forced air furnace, at least one thermostat per *dwelling unit* shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).

N1103.1.2 Heat pump supplementary heat. Heat pumps having supplementary electric resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

N1103.2 Ducts.

N1103.2.1 Insulation Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.

Exception: Ducts or portions thereof located completely inside the *building thermal envelope*.

N1103.2.2 Sealing. Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4 Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft² (9.29 m²) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed-in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft² (9.29 m²) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

Section N1103.3.5 Building Cavities is amended to read as follows:

~~N1103.3.5 Building cavities. Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope.~~

Commented [TG1]: Only City in JOCO that amended this section is Olathe. Need to discuss further.

~~N1103.3 Mechanical system piping insulation. Mechanical system piping capable of carrying fluids above 105°F (40°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.~~

~~N1103.4 Circulating hot water systems. All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use.~~

~~N1103.5 Mechanical ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.~~

~~N1103.6 Equipment sizing. Heating and cooling equipment shall be sized as specified in Section M1401.3.~~

~~N1103.7 Snow melt system controls. Snow and ice melting systems supplied through energy service to the building shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F (5°C).~~

~~N1103.8 Pools. Pools shall be provided with energy conserving measures in accordance with Sections N1103.8.1 through N1103.8.3.~~

~~N1103.8.1 Pool heaters. All pool heaters shall be equipped with a readily accessible on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.~~

~~N1103.8.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.~~

~~Exceptions:~~

- ~~1. Where public health standards require 24-hour pump operation.~~
- ~~2. Where pumps are required to operate solar and waste heat recovery pool heating systems.~~

~~N1103.8.3 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.~~

~~N1104.1 Lighting equipment. A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps.~~

Table N1106.4 (R406.4) is amended to read as follows:

Table N1106.4 (R406.4)
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX a
4	75

- a. Where on-site renewable energy is included for compliance using ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section 1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

~~Section M1201.1-M1202.3, Chapter 12 is hereby deleted.~~

~~Section M1201.1-M1202.3, Chapter 12 Mechanical administration is deleted in its entirety. See Administration provisions in section 8-25.~~

~~Sections M2001, M2002, M2003, and G2452 (Boilers) are deleted.~~

Section G2408.7 is added to read as follows:

Section G2408.7 Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section G2411.3 Arc-resistant CSST is deleted.

Section G2414.5 is amended to read as follows:

Section G2414.5 Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Stainless steel tubing may be utilized when approved by the building official.

Section G2414.5.2 is amended to read as follows:

Section G2414.5.2. Copper tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it utilized to distribute any other fuel gas within a building or structure.

G2417.4. Test Pressure Measurement is amended to read as follows:

G2417.4.1 (406.4.1) Test pressure. This inspection shall include an air, CO₂, or nitrogen pressure test of not less than 10 pounds per square inch (68.9 kPa) gauge pressure.

~~Section P2501.1—P2503.9 Chapter 25 is hereby deleted.~~

Commented [TG2]: Need to put original wording back in from IRC and change the minimum 3psi to 10psi.

~~Section P2501.1—P2503.9, Chapter 25 Plumbing administration is hereby deleted in its entirety. See administration provisions in section 8-25.~~

~~Part VII, Chapter 25, Plumbing Administration, is deleted.~~

Section P2603.5.1 Sewer depth is amended to read as follows.

Section P2603.5.1 Sewer depth. Building sewers shall be installed not less than 12 inches (305 mm) below the surface of the ground.

Section 2706.1.2. Standpipes is amended to read as follows.

P2706.1.2 Standpipes. Standpipes for automatic clothes washers shall extend a minimum of 30 inches (762 mm) and a maximum of 42 inches (1067 mm) above the finished floor. The trap for a clothes washer standpipe shall be installed at a minimum of 6 inches (150 mm) maximum of 18 inches (457 mm) above the finished floor. Access shall be provided to all standpipe traps and drains for rodding.

Section P2708.2 Shower drain is amended to read as follows:

Section P2708.2 Shower drain. Shower drains shall have an outlet of not less than 2 inches (51 mm).

Section P2902.5.3 is amended to read as follows:

Section P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Board of Public Utilities, Kansas City, Kansas, Water Department.

Section P2903.5 is amended to read as follows:

Section P2903.5 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. Water-hammer arrestor shall be installed where quick-closing valves are utilized. Water hammer arrestors shall be installed in accordance with manufacturer's installation instructions. Water hammer arrestors shall conform to ASSE 1010.

Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section P2903.8.2 is amended to read as follows:

Section P2903.8.2 Minimum size. Where the developed length of the distribution line is 60 feet (18,288 mm) or less, and the available pressure at the meter is a minimum of 40 lbs. per square inch (276 kPa), the minimum size of individual distribution lines shall be not less than ½ inch (12.7 mm) diameter. Certain fixtures such as one-piece water closets and whirlpool bathtubs shall require a larger size where specified by the manufacturer. If a water heater is fed from the end of a cold-water manifold, the manifold shall be one size larger than the water heater feed.

Section P2905.4 P2906.4 is amended to read as follows:

Section P2905.4 P2906.4 Water service piping. Approval, inspection, materials and testing of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the ~~board of public utilities~~ Board of Public Utilities, such water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in table P2905.4. Water service pipe or tubing installed underground and outside of the structure shall have a minimum working pressure rating of 160 psi at 73 degrees Fahrenheit (1,103 kPa at 23 degrees C). Where the water pressure exceeds 160 pounds per square inch (1,103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

Section P2905.4.2 P2906.4.2 is amended to read as follows:

Section P2905.4.2 P2906.4.2 Water service installation. Installation of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the board of public utilities, trenching, pipe installation and backfilling shall be in accordance with section P2604.2. Water service pipe is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in section P3002.1. If the building sewer is not constructed of materials listed in section P3002.1, the water service pipe shall be separated from the building sewer by a minimum of 5 feet (1,524 mm), measured horizontally, of undisturbed or compacted earth or placed on a solid ledge at least 12 inches (305 mm) above and to one side of the highest point in the sewer line.

Exception: the required separation distance shall not apply where a water service pipe crosses over a sewer pipe, provided that the water service pipe is sleeved to at least 5 feet (1,524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Tables P2905.4, P3002.1(1), or P3002.2.

Section P2905.5.1 is added as follows:

Section P2905.5.1 Under concrete slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, galvanized steel pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180 degrees Fahrenheit (689 kPa at 82 degrees Celsius).

Section 2906.6.1 Saddle tap fittings is deleted.

Table P3002.2 Building Sewer Pipe is amended as follows.

Table P3002.2 Building Sewer Pipe. Delete "PS 25, SDR 41 (PS 28), PS 35, SDR 35 (PS 46), PS 50, PS 100" from "Polyvinyl chloride (PVC) plastic pipe in sewer and drain diameters". (Remainder of Table unamended.)

Section P3005.4.2 is amended to read as follows:

Section P3005.4.2 Building drain and sewer and slope. Pipe sizes and slope shall be determined from table P3005.4.2 on the basis of drainage load in fixture units (DFU) computed from table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

Section P3102.1 is amended to read as follows:

Section P3102.1 Main vent required. Every building shall have a main vent that is either a vent stack or a stack vent. Such vent shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof. The minimum size of a main vent for a dwelling unit shall be 3 inches.

P3105 Fixture Vents.

P3105.1 Distance of trap from vent. Exception is deleted.

Section P3114.3 is amended to read as follows:

Section P3114.3 Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to air admittance valve only when it is structurally not feasible to install a hard-piped venting system and approved by the building official.

In existing construction, where the existing vent system is not accessible to the fixture location without the removal of finish materials or other existing construction

Individual- and branch-type air admittance valves shall conform to ASSE 1051. Individual and branch type air admittance valves shall vent fixtures that are on the same floor level and connect to a horizontal branch drain.

Section P3114.5 is amended to read as follows:

Section P3114.5 Access and ventilation. All air admittance valves shall be readily accessible. The valve shall be located in a ventilated space that allows air to enter the valve.

Section E3601.6.2 is amended to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building or structure. Service disconnecting means shall not

be installed in bathrooms or closets. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section 3902.2 Garage and accessory building receptacles is amended to read as follows.

Section 3902.2 Garage and accessory building receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles installed in garages and grade level portions of unfinished accessory buildings used for or work areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section 3902.5 Unfinished basement receptacles is amended to read as follows.

Section 3902.5 Unfinished basement receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles unfinished basement areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section E3902.16 Arc-fault circuit interrupter protection. Exception is added as follows:

Section E3902.16 Exception: AFCI protection is not required for the smoke detector/fire alarm circuit.

Section E3902.13 Exception is added as follows:

E3902.13 Arc-fault circuit interrupter protection for branch circuit extensions or modifications

Exception: This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the building official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection.

E3907.9 is added as follows:

Section E3907.9 is added as follows:

Section E3907.9 Cabinets and panelboards shall not be located in a bathroom or closet.

E4002.14 Tamper-resistant receptacles is deleted.

Section AJ501.8.4 Appendix J Stairs (Existing Buildings) is added as follows:

Section AJ501.8.4 Appendix J Stairs (Existing Buildings). Any alteration to or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in section R311.7 where the existing space and construction will not allow a reduction in pitch or slope.

(Code 1988, § 8-335; O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 23, 10-20-2011; Ord. No. O-29-12, § 23, 5-3-2012; Ord. No. [O-48-16](#), § 1, 7-28-2016)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter relating to Chapter 8, Article VII – One- and Two-Family Dwellings.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 8-411 and 8-412 are hereby amended to read as follows.

Sec. 8-411. - International Residential Code for One- and Two-Family Dwellings—
Adopted.

- (a) *Residential code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations hereof, the 2012 ~~2018~~ International Residential Code for One- and Two-Family Dwellings, including appendices A, B, C, E, G, H, J, K, N, P and Q with amendments, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be ~~not less than three copies~~ one copy of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-57-04, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 8-334; Ord. No. O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 22, 10-20-2011; Ord. No. O-29-12, § 22, 5-3-2012; Ord. No. O-48-16, § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-412. - Same—Amendments.

The 2012 2018 International Residential Code for One- and Two-Family Dwellings, adopted by reference in section 8-411, is amended in the following respects:

Sections R101.1—R114.2 of Chapter 1, Administration are hereby deleted. See administration provisions in section 8-25 of this chapter.

Section R202 definition of carport, portable is added as follows:

Carport, portable. A detached manufactured accessory building customarily used for the shelter or storage of vehicles and /or watercraft, including canopies used for such, which can be easily moved without disassembly, after removal of any tie-down or other anchoring provisions intended to compensate for wind displacement, and which is generally a frame covered by lightweight metal membrane material. See portable carports section R309.2.

Section R301.2(1) Table is amended to read as follows:

Section R301.2(1) International residential code data entry; table R301.2(1) Climatic and Geographic Design Criteria.

Table R301.2(1) shall include the following data:

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATE- GORY ^f	SUBJECT TO DAMAGE FROM		
	Wind Speed ^d (MPH)	Topographic Effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^c
20	115	No	A	Severe	36	Moderate to Heavy

WINTER DESIGN TEMP ^e	ICE BARRIER UNDER- LAYMENT RE- QUIRED ^h	FLOOD HAZARD ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
6°F	Yes	See Ch. 27	1000	54.7°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official.
- f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRMs and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effect, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

R302.1 is amended to read as follows:

302.1 Exterior walls. Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1).

Table R302.1(2) is deleted. Table 302.1(1) Exterior walls shall be used.

R302.2 is amended to read as follows:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

Exceptions: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides. And shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

R302.2.4-6 Structural independence.

R302.2.4-6 Exception 5 is amended to read as follows:

Exception 5. Townhouses separated by a common 2-hour fire resistance rated wall as provided by section 302.2

R302.3 is amended to read as follows:

R302.3 Two-Family Dwellings. Two-Family Dwelling units shall be constructed and separated in accordance with the requirements of townhomes as set forth in this code.

R302.3. Exception 1 is deleted: Dwelling units stacked upon each other.

R302.4.2 Membrane Penetrations. Exception 2-2.1 is amended to read as follows:

R302.4.2 Exception 2(2.1) By a horizontal distance of not less than 24 inches (610 mm) except at walls or partitions constructed using parallel rows of studs or staggered studs.

Section R302.5.2 Duct Penetration is amended to read as follows:

Section R3092.5.2 Duct Penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.

Exception: Supply duct openings may be permitted; provided the openings are protected by a minimum 20-minute rated fire damper(s).

Table 302.6 is amended to read as follows:

Table 302.6 DWELLING/GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
From all habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of the exterior walls within this area.
Attic access panels.	Not less than 5/8-inch Type X gypsum board or equivalent Materials approved for 1 hour fire resistive construction.

Pull down stairs	Shall be rated or be adequately protected with not less than Type 5/8-inch Type X gypsum or equivalent materials approved for 1 hour fire resistive construction.

~~Section R303.3 Bathrooms is amended to read as follows:~~

~~Section R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 M²), one-half of which must be openable.~~

~~Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with section R806. The point of discharge of the exhaust air shall be at least three feet from any opening into the building. A point of discharge in the attic space must discharge at a roof vent or soffit vent.~~

~~Section R303.4 of the 2012 2018 International Residential Code is hereby amended to read as follows:~~

~~R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3 M1505.4. (History: Ord. BC-2936 §36, 2012)~~

~~Section R306.5 is added to read as follows:~~

~~Section R306.5 New Single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the building official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a temporary certificate of occupancy.~~

~~R309.2 Carports is added to read as follows:~~

~~R309.2 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.~~

~~Exceptions:~~

~~1: Asphalt surfaces shall be permitted at ground level in carports.~~

2: Portable carports shall be assembled to comply with the manufacturer's instructions and anchored to the ground in compliance with one of the following methods. At a minimum there must be an anchoring point on each side of the carport for every 50 square feet of area covered by the carport.

- 1) One continuous 8 inches wide by 36 inches deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing.
- 2) A 4 inches thick concrete slab that extends beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8 inches at each anchorage location, to match the carport manufacturer's recommended spacing.
- 3) Bolting the support legs, or adjacent cross support, to an existing concrete slab that is a minimum of 4 inches thick, to match the carport manufacturer's recommended anchorage spacing. The method of attaching the upright frame to the slab must be shown in the application for building permit.
- 4) Install concrete footings under each leg and bolt the legs, or adjacent cross support, to the new footings with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing. The new footings are to be approximately 1 foot x 1 foot x 2 foot deep. The method of attaching the upright frame to the footing must be shown in the application for building permit.
- 5) An alternate anchoring design that provides a permanently paved hard surface floor and anchors the portable carport to the ground and that is approved by the building official. If an alternative method is proposed, complete installation details must be provided for review.

The plans and details submitted must clearly indicate the method of anchoring and the flooring to be used. If new concrete footings are to be installed, they must be inspected when formed and prior to pouring of concrete. In all cases, a final inspection must be requested by the applicant.

Fabric covered carports: All fabric covered carports or similar facilities shall comply with City setback requirements in the zone in which they are located. Unless the facility is considered a structure under the Building Code, no building permit shall be required for their placement. Fabric covered facilities shall be properly maintained, cleaned, and repaired as necessary. There shall be no electricity or other utilities provided to fabric covered carports, or similar facilities.

Section R309.5 Fire sprinklers in private garages is amended to read as follows:

R309.5 Fire sprinklers are optional in private garages. The garage walls shall be designed based on Table R302.1(1). Sprinklers in garages shall be connected to an automatic sprinkler system that complies with section P2904. Garage fire sprinklers shall be residential sprinklers or quick response sprinklers, designed to provide a density of 0.05 gpm/sq. ft. garage doors shall not be considered with respect to sprinkler placement.

Section R311.7.5.1 Riser height is amended to read as follows:

Section R311.7.5.1 Riser height. The maximum riser height shall be 7¾ inches (196 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths of an inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing or tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a maximum rise of 8 inches.

Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.

Section R311.5.3.2 Tread depth is amended to read as follows:

Section R311.5.3.2 Tread depth. The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.

Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stairs. Within any flight of stairs, the greatest winder tread depth at the walkline shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a minimum tread of 9 inches.

Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.

Section R312.1.1 is amended to read as follows:

Section R312.1.1 Guards required. Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically from the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Section R313.1 Townhouse automatic sprinkler systems, is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic fire sprinkler system is optional in townhouses. ~~Fire sprinkler system design for townhouses shall comply with section P2904.~~

R313.2 1 and 2 family dwellings automatic fire systems, is amended to read as follows:

R313.2 An automatic sprinkler system is optional in 1 and 2 family dwellings. ~~Fire sprinkler system design for 1 and 2 family dwellings shall comply with section P2904 or NFPA 13D.~~

Section R326.2 is added to read as follows:

R326.2 Swimming Pools and Spas shall be protected by barriers per Section 305, Barrier Requirements, of the 2018 ISPS, International Swimming Pool and Spa Code as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this Section.

Section 305.2.1.1 Barrier Height and Clearance: The top of the barrier shall not be less than 72 inches above grade where measured on the side of the barrier that faces away from the pool or spa.

Section R402.1 Wood Foundations:

R402.1 Wood Foundation systems are not allowed. All other references in this code to wood foundations systems are null and void.

Section R403.1.1 Footing reinforcement is amended to read as follows:

Section R403.1.1.1. Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum continuous reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of three inches (76 mm) clear from the bottom of the footing.

Section R403.1.1.2 Column pads is amended added to read as follows:

Section R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and eight inches (203 mm) deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

Section R404.4 Retaining walls is amended to read as follows:

Section R404.4 Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against later sliding and overturning.

Section R405.2 Water discharge is added to read as follows:

Section R405.2 Water discharge. Roof water and water from intermittent sources such as sump pumps, foundation drains, gutters downspouts and similar sources shall not discharge closer than three (3) feet from the foundation or to an approved drainage system.

~~R501.3 Fire protection of floors is deleted.~~

Section R801.3 Roof drainage is amended to read as follows:

Section R801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

~~Part IV Energy Conservation is deleted.~~

Part IV Energy Conservation is added.

~~Part IV Energy Conservation.~~

~~Chapter 11. ENERGY EFFICIENCY~~

~~SECTION N1101 GENERAL~~

~~N1101.1 Scope.~~ This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

~~Exception: Portions of the building envelope that do not enclose conditioned space.~~

~~N1101.2 Compliance.~~ Compliance shall be demonstrated by either meeting the requirements of the *International Energy Conservation Code* or meeting the requirements of this chapter. Climate zones from Figure N1101.2 or Table N1101.2 shall be used in determining the applicable requirements from this chapter.

**Table N1101.2 CLIMATE ZONES, MOISTURE REGIMES AND
WARM-HUMID DESIGNATIONS BY STATE, COUNTY AND TERRITORY**

Key:

A-Moist, B-Dry, C-Marine, Absence of moisture designation indicates moisture regime is irrelevant.

Asterisk (*) indicates a warm humid location.

Kansas – Wyandotte – Zone 4A

N1101.3 Identification. Materials, systems and equipment shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this chapter.

N1101.4 Building thermal envelope insulation. An *R*-value identification mark shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or more wide. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and *R*-value of insulation installed in each element of the *building thermal envelope*. For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled *R*-value, installed density, coverage area and number of bags installed shall be listed on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the area covered and *R*-value of installed thickness shall be listed on the certificate. The insulation installer shall sign, date and post the certificate in a conspicuous location on the job site.

N1101.4.1 Blown or sprayed roof/ceiling insulation. The thickness of blown in or sprayed roof/ceiling insulation (fiberglass or cellulose) shall be in written in inches (mm) on markers that are installed at least one for every 300 square feet, throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers 1 inch (25 mm) high. Each marker shall face the attic access opening. Spray polyurethane foam thickness and *R*-value shall be listed on the certificate provided by the insulation installer.

N1101.4.2 Insulation mark insulation. Insulating materials shall be installed such that the manufactures *R*-value mark is readily observable upon inspection.

N1101.5 Fenestration product rating. *U*-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled U*-factor shall be assigned a default *U*-factor from Tables N1101.5(1) and N1101.5(2). The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled* SHGC shall be assigned a default SHGC from Table N1101.5(3).

Table N1101.5(1) DEFAULT GLAZED FENESTRATION U-FACTORS

FRAME TYPE	SINGLE PANE	DOUBLE PANE	SKYLIGHT	
			Single	Double
Metal	1.2	0.8	2	1.3
Metal with thermal break	1.1	0.65	1.9	1.1

Nonmetal or metal-clad	0.95	0.55	1.75	1.05
Glazed block	0.6			

Table N1101.5(2) DEFAULT DOOR U-FACTORS

DOOR TYPE	U-FACTOR
Uninsulated metal	1.2
Insulated metal	0.6
Wood	0.5
Insulated, nonmetal edge, max 45% glazing, any glazing double pane	0.35

Table N1101.5(3) DEFAULT GLAZED FENESTRATION SHGC

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
0.8	0.7	0.7	0.6	0.6

N1101.6 Insulation product rating. The thermal resistance (*R*-value) of insulation shall be determined in accordance with the CFR Title 16, Part 460, in units of $\text{h} \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$ at a mean temperature of 75°F (24°C).

N1101.7 Installation. All materials, systems and equipment shall be installed in accordance with the manufacturer's installation instructions and the provisions of this code.

N1101.7.1 Protection of exposed foundation insulation. Insulation applied to the exterior of basement walls, crawl space walls and the perimeter of slab-on-grade floors shall have rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering

shall cover the exposed exterior insulation and extend a minimum of 6 inches (152 mm) below grade.

N1101.8 Above code programs. The *building official* or other authority having *jurisdiction* shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this chapter. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this chapter.

N1101.9 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory *label*, service disconnect *label* or other required *labels*. The certificate shall be completed by the builder or registered *design professional*. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside *conditioned spaces*; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating *equipment*. Where a gas-fired unvented room heater, electric furnace and/or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric base board heaters.

SECTION N1102 BUILDING THERMAL ENVELOPE

N1102.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2.

N1102.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

N1102.1.2 U-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table N1102.1.2 shall be permitted as an alternative to the *R*-value in Table N1102.1.

N1102.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of *U*-factor times assembly area) is less than or equal to the total UA resulting from using the *U*-factors in Table N1102.1.2, (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table N1102.1. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

**Table N1102.1 INSULATION AND FENESTRATION REQUIREMENTS
BY COMPONENT^a**

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^k	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE ^e WALL R-VALUE
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine-4	0.35	0.60	NR	38	20 or 13 + 5 ^h	13/17	30 ^f	10/13	10, 2 ft	10/13

—a. *R*-values are minimums. *U*-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.

—b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

—c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

—d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs.

—e. There are no SHGC requirements in the Marine Zone.

—f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.

- ~~g. Or insulation sufficient to fill the framing cavity, R-19 minimum.~~
- ~~h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.~~
- ~~i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum *U*-factor shall be 0.75 in zone 2 and 0.65 in zone 3.~~
- ~~j. For impact-resistant fenestration complying with Section R301.2.1.2 of the *International Residential Code*, the maximum SHGC shall be 0.40.~~
- ~~k. The second *R*-value applies when more than half the insulation is on the interior.~~

Table N1102.1.2 EQUIVALENT *U*-FACTORS^a

CLIMATE ZONE	FENESTRATION <i>U</i> -FACTOR	SKYLIGHT <i>U</i> -FACTOR	CEILING <i>U</i> -FACTOR	FRAME WALL <i>U</i> -FACTOR	MASS WALL <i>U</i> -FACTOR ^b	FLOOR <i>U</i> -FACTOR	BASEMENT WALL <i>U</i> -FACTOR	CRAWL SPACE WALL <i>U</i> -FACTOR
4 except Marine	0.35	0.60	0.030	0.082	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.060	0.082	0.033	0.059	0.065

~~a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.~~

~~b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.17 in zone 1, 0.14 in zone 2, 0.12 in zone 3, 0.10 in zone 4 except Marine and the same as the frame wall *U*-factor in Marine zone 4 and in zones 5 through 8.~~

—c.—Basement wall *U*-factor of 0.360 in warm-humid climates as defined by Figure N1101.2 and Table N1101.2.

N1102.2 Specific insulation requirements.

N1102.2.1 Ceilings with attic spaces. When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.

N1102.2.2 Ceilings without attic spaces. Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 square feet (46 m²) of ceiling area. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.2.3 Access hatches and doors. Access doors from *conditioned spaces* to unconditioned spaces (e.g., attics and crawl spaces) shall be weather-stripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all *equipment* which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the *attic* access is opened and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.

N1102.2.4 Mass walls. Mass walls, for the purposes of this chapter, shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.

N1102.2.5 Steel-frame ceilings, walls and floors. Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.2.5 or shall meet the *U*-factor requirements in Table N1102.1.2. The calculation of the *U*-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.

Exception: In climate zones 1 and 2, the continuous insulation requirements in Table N1102.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.

Table N1102.2.5 STEEL-FRAME CEILING, WALL AND FLOOR INSULATION (*R*-VALUE)

WOOD FRAMER-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE ^a
Steel Truss Ceilings^a	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings^b	
R-30	R-38 in 2 × 4 or 2 × 6 or 2 × 8 R-49 in any framing
R-38	R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 × 10
Steel Framed Wall	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 × 6 R-19 + R-6 in 2 × 8 or 2 × 10
R-19	R-19 + R-6 in 2 × 6 R-19 + R-12 in 2 × 8 or 2 × 10

—For SI: 1 inch = 25.4 mm.

—a. Cavity insulation *R*-value is listed first, followed by continuous insulation *R*-value.

—b. Insulation exceeding the height of the framing shall cover the framing.

N1102.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.7 Basement walls. Exterior walls associated with conditioned basements shall be insulated from the top of the *basement wall* down to 10 feet (3048 mm) below *grade* or to the *basement* floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Section N1102.1 and Section N1102.1.2.6.

N1102.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches below *grade* shall be insulated in accordance with Table N1102.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below *grade* shall be extended the distance provided in Table N1102.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall*. Slab-edge insulation is not required in jurisdictions designated by the code official as having a very heavy termite infestation.

N1102.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, insulation of crawl space walls shall be permitted when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished *grade* level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap by 6 inches (152 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached to the stem wall.

N1102.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation *R*-values shall be R-19 in zones 1 through 4 and R-24 in zones 5 through 8. The minimum wall *R*-value shall be R-13 in all zones. New wall(s) separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3 Fenestration.

N1102.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the *U*-factor requirements.

N1102.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the solar heat gain coefficient (SHGC) requirements.

N1102.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m²) of glazed fenestration per *dwelling unit* shall be permitted to be exempt from *U*-factor and SHGC requirements in Section N1102.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.

N1102.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m²) in area is exempted from the *U*-factor requirement in Section N1102.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.

N1102.3.5 Thermally isolated sunroom U-factor. For zones 4 through 8 the maximum fenestration *U*-factor shall be 0.50 and the maximum skylight *U*-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for *U*-factor and solar heat gain coefficient (SHGC) in Table N1102.1.

N1102.4 Air leakage.

N1102.4.1 Building thermal envelope. The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable film or solid material.

1. All joints, seams and penetrations.
2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating the garage from *conditioned spaces*.
8. Behind tubs and showers on *exterior walls*.
9. Common walls between *dwelling units*.
10. Attic access openings.
11. Rim joists junction.
12. Other sources of infiltration.

N1102.4.2 Air sealing and insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.2.1 or N1102.4.2.2.

Table N1102.41.2 AIR BARRIER AND INSULATION INSPECTION Under Climate Zone 4, amend the flowing item:

COMPONENT	CRITERIA
Air barrier and thermal barrier	Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier. Breaks or joints in the air barrier are filled or repaired. Air-permeable insulation is not used as a sealing material.
Ceiling/attic	Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed Attic access (except unvented attic), knee wall door, or drop down stair is sealed.
Walls	Corners and headers are insulated. Junction of foundation and sill plate is sealed.
Windows and doors	Space between window/door jambs and framing is sealed.
Rim joists	Rim joists are insulated and include an air barrier.
Floors (including above garage and cantilevered floors)	Insulation is installed to maintain permanent contact with underside of subfloor decking. Air barrier is installed at any exposed edge of floor.
Crawlspace walls	Insulation is permanently attached to walls. Exposed earth in unvented crawlspaces is covered with Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.

Garage separation	Air sealing is provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures are airtight, IC rated and sealed to drywall. Exception: fixtures in conditioned space.
Plumbing and wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower/tub on exterior wall	Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.
Electrical/phone box on exterior wall	Air barrier extends behind boxes or air sealed type boxes are installed.
Common wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

~~N1102.4.2.1 Testing option.~~ Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.

~~N1102.4.2.2 Visual inspection option.~~ The items listed in Table N1102.4.2, applicable to the method of construction, are field verified. Where required by the code official, an *approved* party independent from the installer of the insulation, shall inspect the air barrier and insulation.

~~Section N 1102.4. Fireplaces.~~ Is amended.

~~N1102.4.3 Fireplaces.~~ New wood-burning fireplaces shall have outdoor combustion air. (Deleted the requirement for gasketed doors).

N1102.4.4 Fenestration air leakage. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cubic foot per minute per square foot [1.5(L/s)/m²], and swinging doors no more than 0.5 cubic foot per minute per square foot [2.5(L/s)/m²], when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory, and listed and ~~labeled~~ by the manufacturer.

Exception: Site-built windows, skylights and doors.

N1102.4.5 Recessed lighting. Recessed luminaires installed in the ~~building thermal envelope~~ shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and ~~labeled~~ as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the ~~conditioned space~~ to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

SECTION N1103 SYSTEMS.

N1103.1 Controls. At least one thermostat shall be installed for each separate heating and cooling system.

N1103.1.1 Programmable thermostat. Where the primary heating system is a forced air furnace, at least one thermostat per ~~dwelling unit~~ shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).

N1103.1.2 Heat pump supplementary heat. Heat pumps having supplementary electric resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

N1103.2 Ducts.

N1103.2.1 Insulation Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.
Exception: Ducts or portions thereof located completely inside the ~~building thermal envelope~~.

N1103.2.2 Sealing. Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4 Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft² (9.29 m²) of conditioned floor area or a total

leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed-in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft² (9.29 m²) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

N1103.3 Mechanical system piping insulation. Mechanical system piping capable of carrying fluids above 105°F (40°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.

N1103.4 Circulating hot water systems. All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or *readily accessible* manual switch that can turn off the hot water circulating pump when the system is not in use.

N1103.5 Mechanical ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

N1103.6 Equipment sizing. Heating and cooling *equipment* shall be sized as specified in Section M1401.3.

N1103.7 Snow melt system controls. Snow and ice melting systems supplied through energy service to the building shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F (5°C).

N1103.8 Pools. Pools shall be provided with energy conserving measures in accordance with Sections N1103.8.1 through N1103.8.3.

N1103.8.1 Pool heaters. All pool heaters shall be equipped with a *readily accessible* on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.

N1103.8.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.

Exceptions:

1. ~~Where public health standards require 24-hour pump operation.~~
2. ~~Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.~~

~~N1103.8.3 Pool covers.~~ Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.

~~N1104.1 Lighting equipment.~~ A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be *high-efficacy lamps*.

~~Section M1201.1-M1202.3, Chapter 12 is hereby deleted.~~

~~Section M1201.1-M1202.3, Chapter 12 Mechanical administration is deleted in its entirety. See Administration provisions in section 8-25.~~

Sections M2001, M2002, M2003, and G2452 (Boilers) are deleted.

Section G2408.7 is added to read as follows:

Section G2408.7 Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section G2411.3 Arc-resistant CSST is deleted.

Section G2414.5 is amended to read as follows:

Section G2414.5 Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Stainless steel tubing may be utilized when approved by the building official.

Section G2414.5.2 is amended to read as follows:

Section G2414.5.2. Copper tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it utilized to distribute any other fuel gas within a building or structure.

G2417.4. Test Pressure Measurement is amended to read as follows:

G2417.4.1 (406.4.1) Test pressure. This inspection shall include an air, CO₂, or nitrogen pressure test of not less than 10 pounds per square inch (68.9 kPa) gauge pressure.

Commented [TG1]: Need to put original wording back in from IRC and change the minimum 3psi to 10psi.

~~Section P2501.1—P2503.9 Chapter 25 is hereby deleted.~~

~~Section P2501.1—P2503.9, Chapter 25 Plumbing administration is hereby deleted in its entirety. See administration provisions in section 8-25.~~

Part VII, Chapter 25, Plumbing Administration, is deleted.

Section P2603.5.1 Sewer depth is amended to read as follows.

Section P2603.5.1 Sewer depth. Building sewers shall be installed not less than 12 inches (305 mm) below the surface of the ground.

Section 2706.1.2. Standpipes is amended to read as follows.

P2706.1.2 Standpipes. Standpipes for automatic clothes washers shall extend a minimum of 30 inches (762 mm) and a maximum of 42 inches (1067 mm) above the finished floor. The trap for a clothes washer standpipe shall be installed at a minimum of 6 inches (150 mm) maximum of 18 inches (457 mm) above the finished floor. Access shall be provided to all standpipe traps and drains for rodding.

Section P2708.2 Shower drain is amended to read as follows:

Section P2708.2 Shower drain. Shower drains shall have an outlet of not less than 2 inches (51 mm).

Section P2902.5.3 is amended to read as follows:

Section P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Board of Public Utilities, Kansas City, Kansas, Water Department.

Section P2903.5 is amended to read as follows:

Section P2903.5 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. Water-hammer arrestor shall be installed where quick-closing valves are utilized. Water hammer arrestors shall be installed in accordance with manufacturer's installation instructions. Water hammer arrestors shall conform to ASSE 1010. Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section P2903.8.2 is amended to read as follows:

Section P2903.8.2 Minimum size. Where the developed length of the distribution line is 60 feet (18,288 mm) or less, and the available pressure at the meter is a minimum of 40 lbs. per square inch (276 kPa), the minimum size of individual distribution lines shall be not less than ½ inch (12.7 mm) diameter. Certain fixtures such as one-piece water closets and whirlpool bathtubs shall require a larger size where specified by the manufacturer. If a water heater is fed from the end of a cold-water manifold, the manifold shall be one size larger than the water heater feed.

Section P2905.4 P2906.4 is amended to read as follows:

Section P2905.4 P2906.4 Water service piping. Approval, inspection, materials and testing of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department.

If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the ~~board of public utilities~~ Board of Public Utilities, such water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in table P2905.4. Water service pipe or tubing installed underground and outside of the structure shall have a minimum working pressure rating of 160 psi at 73 degrees Fahrenheit (1,103 kPa at 23 degrees C). Where the water pressure exceeds 160 pounds per square inch (1,103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

Section P2905.4.2 P2906.4.2 is amended to read as follows:

Section P2905.4.2 P2906.4.2 Water service installation. Installation of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the board of public utilities, trenching, pipe installation and backfilling shall be in accordance with section P2604.2. Water service pipe is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in section P3002.1. If the building sewer is not constructed of materials listed in section P3002.1, the water service pipe shall be separated from the building sewer by a minimum of 5 feet (1,524 mm), measured horizontally, of undisturbed or compacted earth or placed on a solid ledge at least 12 inches (305 mm) above and to one side of the highest point in the sewer line.

Exception: the required separation distance shall not apply where a water service pipe crosses over a sewer pipe, provided that the water service pipe is sleeved to at least 5 feet (1,524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Tables P2905.4, P3002.1(1), or P3002.2.

Section P2905.5.1 is added as follows:

Section P2905.5.1 Under concrete slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, galvanized steel pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180 degrees Fahrenheit (689 kPa at 82 degrees Celsius).

Section 2906.6.1 Saddle tap fittings is deleted.

Table P3002.2 Building Sewer Pipe is amended as follows.

Table P3002.2 Building Sewer Pipe. Delete "PS 25, SDR 41 (PS 28), PS 35, SDR 35 (PS 46), PS 50, PS 100" from "Polyvinyl chloride (PVC) plastic pipe in sewer and drain diameters". (Remainder of Table unamended.)

Section P3005.4.2 is amended to read as follows:

Section P3005.4.2 Building drain and sewer and slope. Pipe sizes and slope shall be determined from table P3005.4.2 on the basis of drainage load in fixture units (DFU) computed from table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

Section P3102.1 is amended to read as follows:

Section P3102.1 Main vent required. Every building shall have a main vent that is either a vent stack or a stack vent. Such vent shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof. The minimum size of a main vent for a dwelling unit shall be 3 inches.

P3105 Fixture Vents.

P3105.1 Distance of trap from vent. Exception is deleted.

Section P3114.3 is amended to read as follows:

Section P3114.3 Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to air admittance valve only when it is structurally not feasible to install a hard-piped venting system and approved by the building official.

In existing construction, where the existing vent system is not accessible to the fixture location without the removal of finish materials or other existing construction

Individual- and branch-type air admittance valves shall conform to ASSE 1051. Individual and branch type air admittance valves shall vent fixtures that are on the same floor level and connect to a horizontal branch drain.

Section P3114.5 is amended to read as follows:

Section P3114.5 Access and ventilation. All air admittance valves shall be readily accessible. The valve shall be located in a ventilated space that allows air to enter the valve.

Section E3601.6.2 is amended to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms or closets. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section 3902.2 Garage and accessory building receptacles is amended to read as follows.

Section 3902.2 Garage and accessory building receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles installed in garages and grade level portions of unfinished accessory buildings used for or work areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section 3902.5 Unfinished basement receptacles is amended to read as follows.

Section 3902.5 Unfinished basement receptacles. All 125 volt, single-phase, 15- and 20-amp receptacles unfinished basement areas shall have ground fault circuit- interrupter protection for personnel. [210.8(A)(3)]

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated receptacle supplying only a garage door opener.
3. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. A dedicated receptacle supplying a sump pump.

Section E3902.16 Arc-fault circuit interrupter protection. Exception is added as follows:

Section E3902.16 Exception: AFCI protection is not required for the smoke detector/fire alarm circuit.

Section E3902.13 Exception is added as follows:

E3902.13 Arc-fault circuit interrupter protection for branch circuit extensions or modifications

Exception: This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the building official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection.

E3907.9 is added as follows:

Section E3907.9 is added as follows:

Section E3907.9 Cabinets and panelboards shall not be located in a bathroom or closet.

E4002.14 Tamper-resistant receptacles is deleted.

Section AJ501.8.4 Appendix J Stairs (Existing Buildings) is added as follows:

Section AJ501.8.4 Appendix J Stairs (Existing Buildings). Any alteration to or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in section R311.7 where the existing space and construction will not allow a reduction in pitch or slope.

(Code 1988, § 8-335; O-57-04, § 25, 9-16-2004; Ord. No. O-44-11, § 23, 10-20-2011; Ord. No. O-29-12, § 23, 5-3-2012; Ord. No. [O-48-16](#), § 1, 7-28-2016)

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED 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



Staff Request for Commission Action

Tracking No. 211581

Full Commission Meeting Date: 5/26/22

Committee: Public Works & Safety

Date of Standing Committee Action: 5/23/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 05/20/2022	<u>Contact Name:</u> James Bain	<u>Contact Phone:</u> x5077	<u>Contact Email:</u> jbain@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Project Name: Armourdale Pump Station Rehabilitation Project An ordinance declaring the necessity and authorizing a survey and descriptions of lands necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. The project is laying-out, construction, installation, expansion, repair, maintenance, operation and use of a sanitary sewer pump station located north of Central Avenue on N. 4 th Street, submitted by James Bain, Assistant Counsel. The ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project.				
<u>Action Requested:</u> To approve the ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Condemnation Ordinance--Armourdale Pump Station 5.11.22, Condemnation Ordinance--Armourdale Pump Station Exhibits				

First Published: _____

ORDINANCE NO. _____

AN ORDINANCE condemning lands and interests in lands for the location, laying-out, reconstruction, installation, expansion, repair, maintenance, operation and use of a sanitary sewer pump station located north of Central Avenue on N. 4th Street in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in herein.

**BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. The following lands and interests in lands are hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas to locate, lay-out, reconstruct, install, expand, repair, maintain, operate and use a sanitary sewer pump station located north of Central Avenue on N. 4th Street in Kansas City, Wyandotte County, Kansas, to-wit:

See Exhibits A through E, which are attached hereto and incorporated herein by reference;

2. It is hereby found that the costs of this project will be paid by Unified Government of Wyandotte County/Kansas City, Kansas.
3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described lands and interests in lands and to do and perform all things which may be necessary and required by law to acquire the aforementioned rights in and to said property.
4. This ordinance shall take effect and be in force after its passage, approval and publication.

APPROVED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2022.

Tyrone Garner
Mayor/CEO

Attest:

Brett A. Deichler
Unified Government Clerk

Approved as to form:

Misty Brown
Chief Counsel

CMIP # _____

Parcel: 153500

Owner (s): K.C. Southern Railway Company

402 R Central Avenue

Kansas City, KS 66118

EXHIBIT "A"

Temporary Construction Easement

All that part Lots 1, 2, 3, Block 2, Riverside, a subdivision of land according to the recorded plat thereof and the north half of vacated Riverview Avenue right-of-way lying south of and adjacent to said Lot 1, all being in the Southeast Quarter of Section 10, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Wyandotte County, Kansas City, Kansas being more particularly described by John Aaron Copelin, LS-1658 on this 4th day of May, 2022, as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the Southwest corner of the Southeast Quarter of said Section 10;

Thence North 88 degrees 19 minutes 47 seconds East, with the south line of said Southeast Quarter of Section 10, Township 11, Range 25, a distance of 919.49 feet to the southerly extension of the centerline of 4th Street, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, with said southerly extension of the centerline of 4th Street, a distance of 40.01 feet to the north right-of-way line of Central Avenue, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, continuing with said centerline of 4th Street, a distance of 776.78 feet to a point of intersection with said centerline of 4th Street and the westerly line of an existing railroad right-of-way, said point being the Point of Beginning;

Thence South 85 degrees 52 minutes 21 seconds West with the centerline of vacated Riverview Avenue, a distance of 158.04 feet to the southerly prolongation of the westerly line of Lot 1, Block 2 ;

Thence North 02 degrees 47 minutes 49 seconds West with said southerly prolongation of the westerly line of Lot 1 and the westerly line of said Lots 1, 2 and 3, Block 2, Riverside, a distance of 103.67 feet;

Thence North 87 degrees 12 minutes 11 seconds East and no longer with said westerly line, a distance of 89.86 feet to a point on said westerly right-of-way line of an existing railroad right-of-way;

Thence on a curve to the left, having an initial tangent bearing of South 24 degrees 49 minutes 53 seconds East, a radius of 285.45 feet, a central angle of 24 degrees 28 minutes 30 seconds and an arc distance of 121.94 feet to the Point of Beginning.

Contains 12,158 square feet or 0.28 acres, more or less.

APPROVED BY:



Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



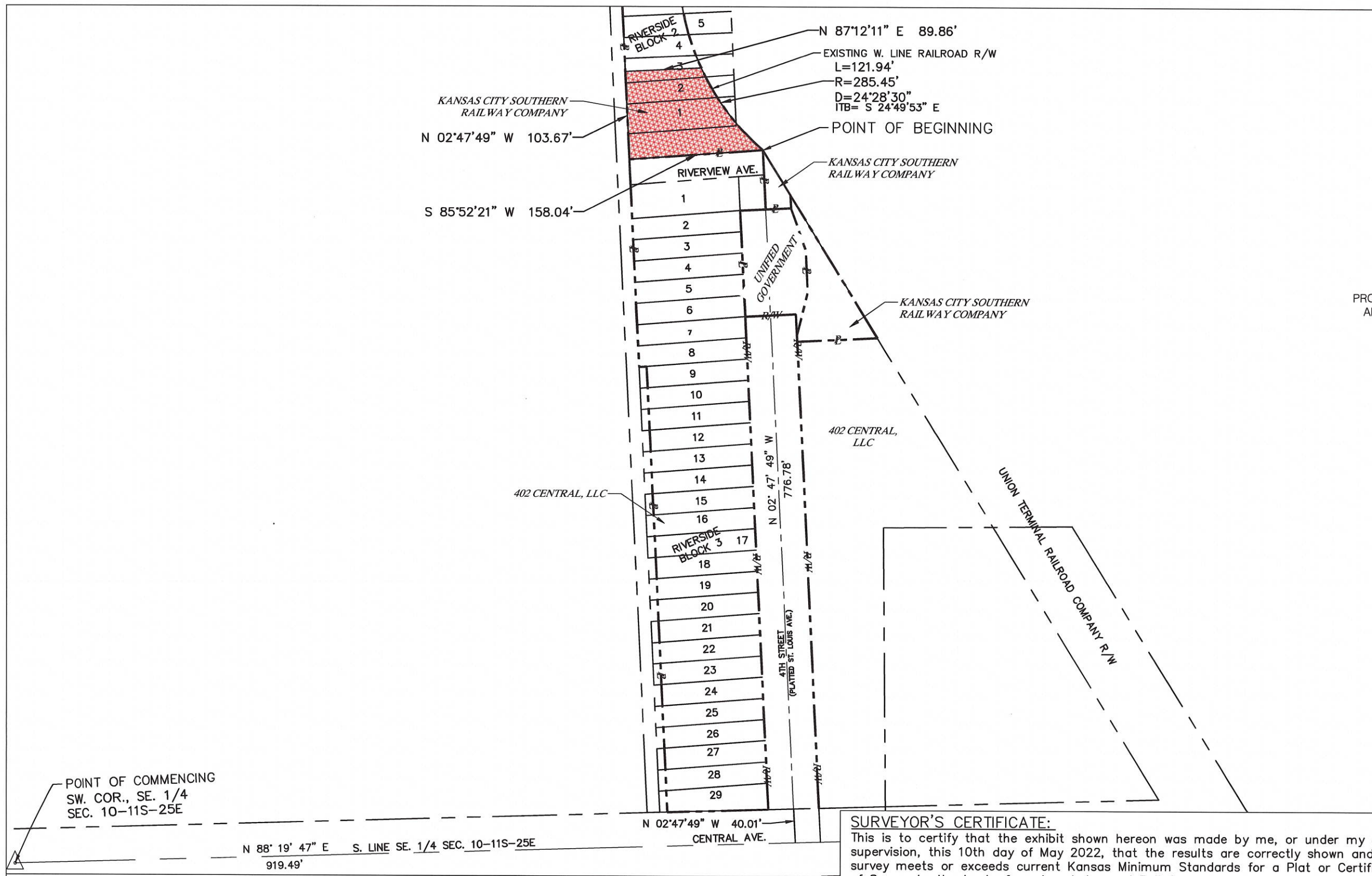
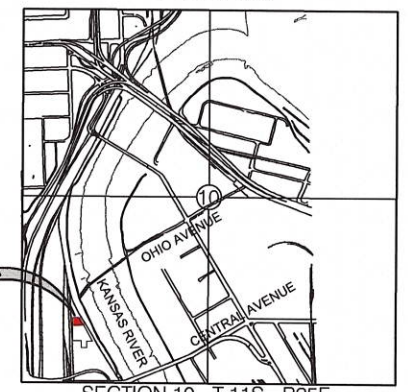


EXHIBIT "A"
TEMPORARY
CONSTRUCTION
EASEMENT

VICINITY MAP



SECTION 10 - T 11S - R25E



Know what's below.
Call before you dig.



GRAPHIC SCALE



(IN FEET)

LEGEND



PROPOSED TEMPORARY
EASEMENT

SURVEYOR'S CERTIFICATE:

This is to certify that the exhibit shown hereon was made by me, or under my direct supervision, this 10th day of May 2022, that the results are correctly shown and said survey meets or exceeds current Kansas Minimum Standards for a Plat or Certificate of Survey to the best of my knowledge and Belief.

APPROVED BY:

Brent E. Thompson

Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



John Aaron Copen, Kansas R.L.S. No. 1658 Date _____



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL. (913) 642-6642
FAX (913) 642-6941
www.ccengineers.com

CMIP # _____
Parcel: 153501
Owner (s): 402 Central Avenue, LLC
402 Central Avenue
Kansas City, KS 66118

EXHIBIT "B"

LEGAL DESCRIPTION:

All of Lots 1 thru 7 and all that part Lots 8 thru 11, Block 3, Riverside, a subdivision of land according to the recorded plat thereof, and the south half of vacated Riverview Avenue right-of-way lying north of and adjacent to said Lot 1 and the west half of vacated 4th Street right-of-way lying east of and adjacent to said Lots 1 and 2, all being in the Southeast Quarter of Section 10, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Wyandotte County, Kansas City, Kansas being more particularly described by John Aaron Copelin, LS-1658 on this 4th day of May, 2022, as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the Southwest corner of the Southeast Quarter of said Section 10;

Thence North 88 degrees 19 minutes 47 seconds East, with the south line of said Southeast Quarter of Section 10, Township 11, Range 25, a distance of 919.49 feet to the southerly extension of the centerline of 4th Street, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, with said southerly extension of the centerline of 4th Street, a distance of 40.01 feet to the north right-of-way line of Central Avenue, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, continuing with said centerline of 4th Street, a distance of 706.78 feet to a point of intersection of said centerline of 4th Street with the easterly prolongation of the northerly line of said Lot 2, Block 3, said point being the Point of Beginning;

Thence South 87 degrees 12 minutes 11 seconds West with said extension of the northerly line of Lot 2, a distance of 30.00 feet to the northeast corner of said Lot 2;

Thence South 02 degrees 47 minutes 49 seconds East with the east line of said Lots 2 thru 11, a distance of 250.00 feet to the southeast corner of said Lot 11;

Thence South 87 degrees 12 minutes 11 seconds West with the south line of said Lot 11, a distance of 10.00 feet;

Thence North 02 degrees 47 minutes 49 seconds West with a line 10.00 feet west of and parallel with said east line of said lots 11 thru 8, a distance of 99.71 feet to a point on the north line of said Lot 8;

Thence South 85 degrees 33 minutes 39 seconds West with said north line of Lot 8, a distance 118.05 feet to the northwest corner of said Lot 8;

Thence North 02 degrees 47 minutes 49 seconds West with the west line of said Lots 7 thru 1 and the northerly prolongation thereof, a distance of 220.00 feet to the centerline of said vacated Riverview Avenue;

Thence North 85 degrees 52 minutes 21 seconds East with said centerline of vacated Riverview Avenue, a distance of 158.04 feet to the intersection with said centerline of vacated 4th Street;

Thence South 02 degrees 47 minutes 49 seconds East with said centerline of vacated 4th Street, a distance of 70.00 feet, to the Point of Beginning.

Contains 31,204 square feet or 0.72 acres, more or less.

APPROVED BY:



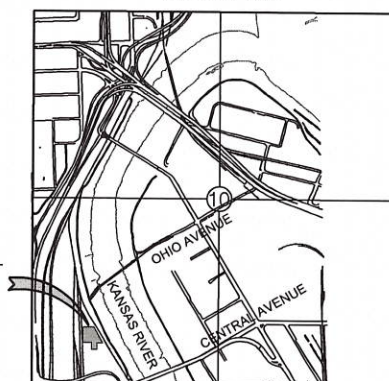
Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



EXHIBIT "B" LAND PURCHASE

VICINITY MAP



SECTION 10 - T 11S - R 25E



Know what's below.
Call before you dig.



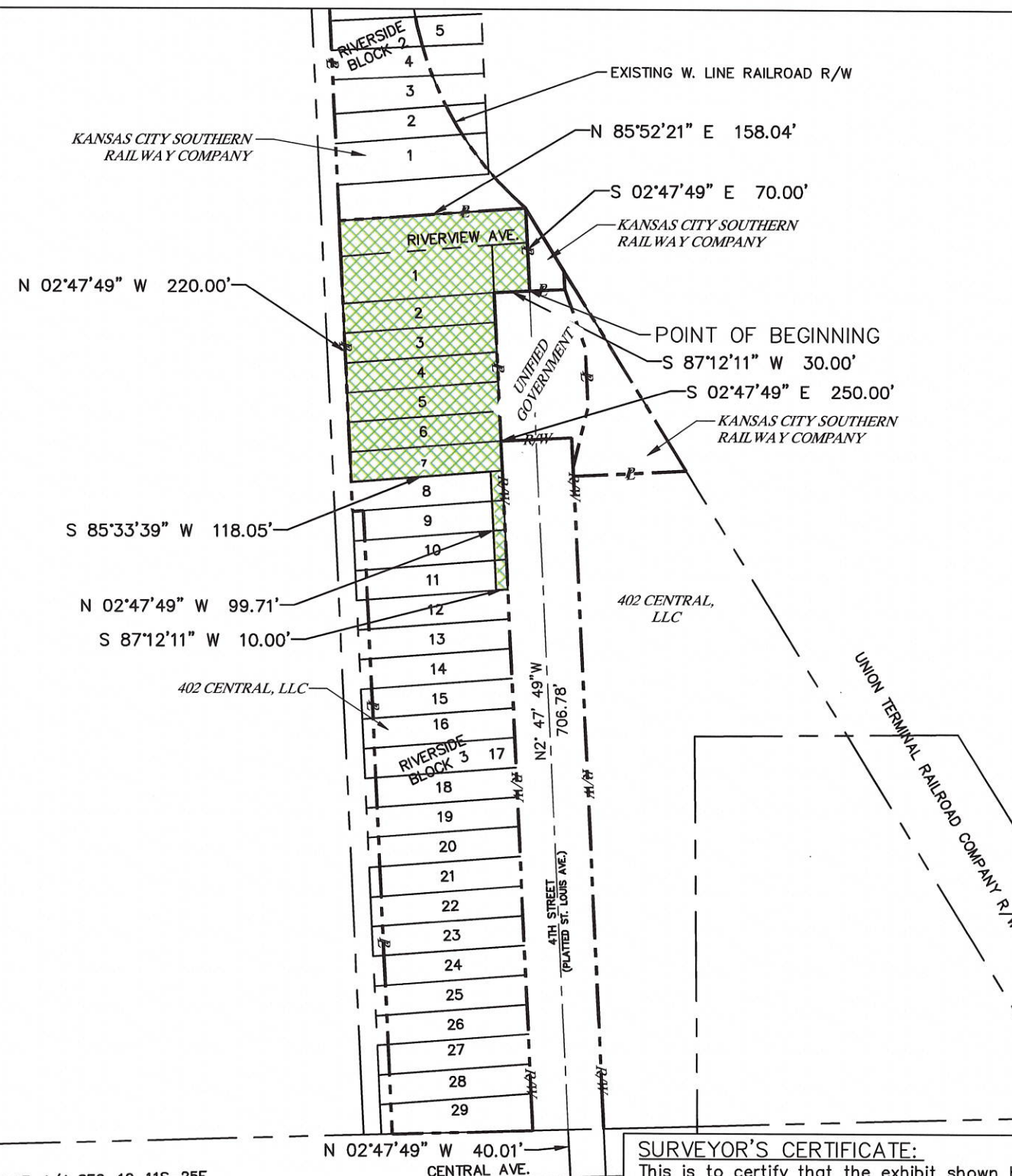
GRAPHIC SCALE



(IN FEET)

LEGEND

PROPOSED LAND PURCHASE



SURVEYOR'S CERTIFICATE:

This is to certify that the exhibit shown hereon was made by me, or under my direct supervision, this 10th day of May 2022, that the results are correctly shown and said survey meets or exceeds current Kansas Minimum Standards for a Plat or Certificate of Survey to the best of my knowledge and Belief.

APPROVED BY:

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor

Date 5-11-22



John Aaron Cope, Kansas R.L.S. No. 1658



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206

11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109

TEL. (913) 642-6642
FAX (913) 642-6941
www.ccengineers.com

CMIP # _____

Parcel: None

Owner (s): K.C. Southern Railway Company

402 R Central Avenue

Kansas City, KS 66118

EXHIBIT "C"

LEGAL DESCRIPTION:

All that part of the east half of vacated 4th Street lying south of the centerline of vacated Riverview Avenue and north of the easterly prolongation of the south line of Lot 1, Block 3 in the Southeast Quarter of Section 10, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Wyandotte County, Kansas City, Kansas being more particularly described by John Aaron Copelin, LS-1658 on this 4th day of May, 2022, as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the Southwest corner of the Southeast Quarter of said Section 10;

Thence North 88 degrees 19 minutes 47 seconds East, with the south line of said Southeast Quarter of Section 10, Township 11, Range 25, a distance of 919.49 feet to the southerly extension of the centerline of 4th Street, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, with said southerly extension of the centerline of 4th Street, a distance of 40.01 feet to the north right-of-way line of Central Avenue, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, continuing with said centerline of 4th Street, a distance of 706.78 feet to a point of intersection of said centerline of 4th Street with the easterly prolongation of said south line of Lot 1, Block 3, said point being the Point of Beginning;

Thence North 02 degrees 47 minutes 49 seconds West, continuing with said centerline of vacated 4th Street, a distance of 70.00 feet to the centerline of said vacated Riverview Avenue and a point on the westerly right-of-way of an existing railroad;

Thence South 31 degrees 37 minutes 56 seconds East with said railroad right-of-way line, a distance of 62.20 feet to the east line of said vacated 4th Street;

Thence South 02 degrees 47 minutes 49 seconds East with said east line of vacated 4th Street, a distance of 15.51 feet to a point on said easterly prolongation of the south line of Lot 1;

Thence South 87 degrees 12 minutes 11 seconds West with said easterly prolongation of the south line of Lot 1, a distance of 30.00 feet, to the Point of Beginning.

Contains 1,283 square feet or 0.03 acres, more or less.

APPROVED BY:



Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



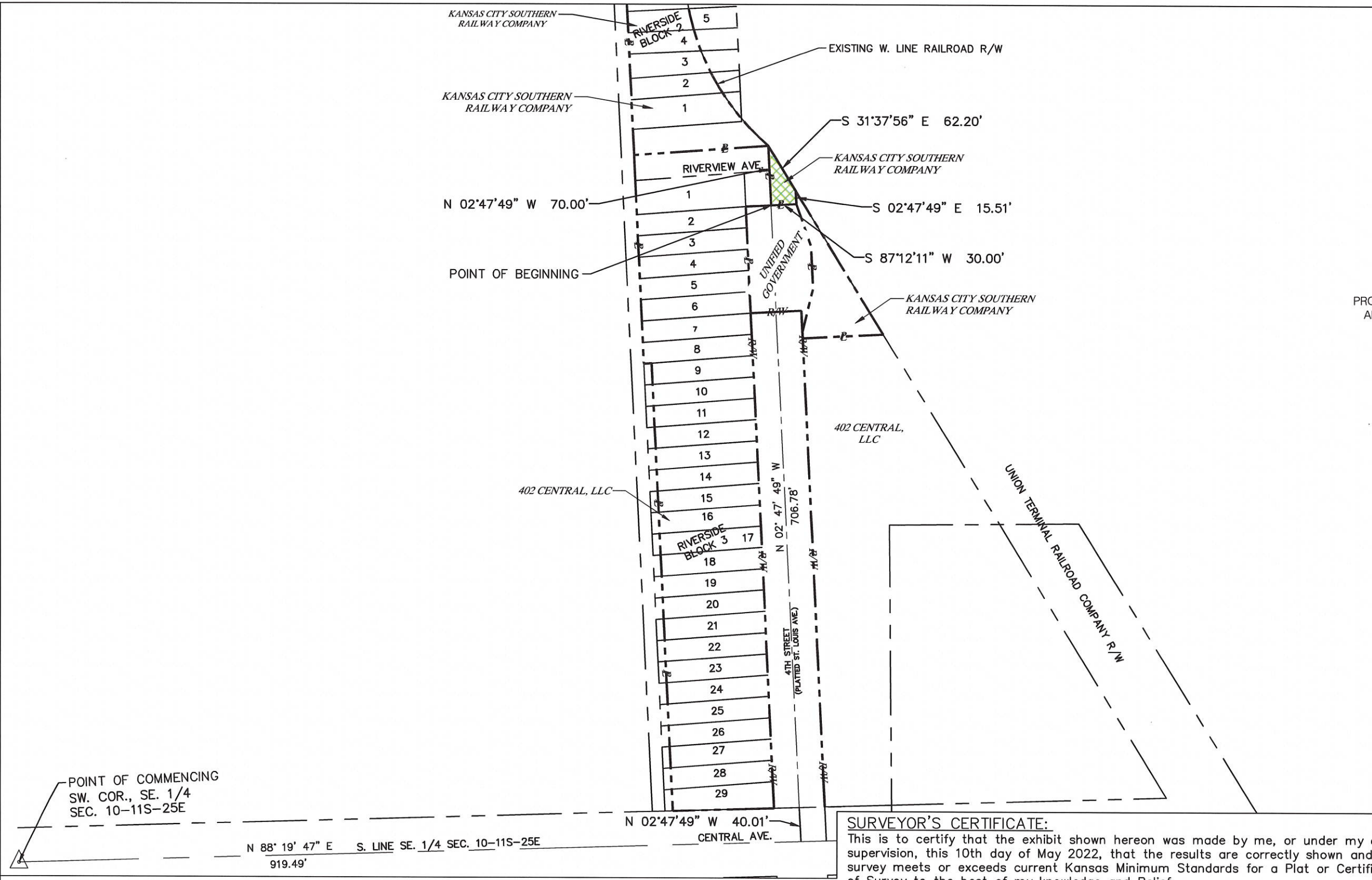
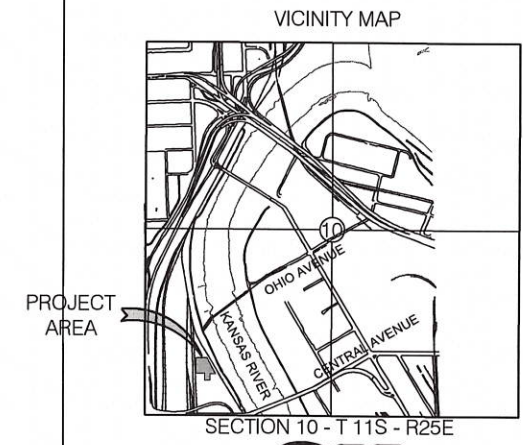


EXHIBIT "C"
LAND PURCHASE



Know what's below.
Call before you dig.



GRAPHIC SCALE



(IN FEET)

LEGEND



PROPOSED LAND PURCHASE

SURVEYOR'S CERTIFICATE:

This is to certify that the exhibit shown hereon was made by me, or under my direct supervision, this 10th day of May 2022, that the results are correctly shown and said survey meets or exceeds current Kansas Minimum Standards for a Plat or Certificate of Survey to the best of my knowledge and Belief.

APPROVED BY:

Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



John Aaron Cope, Kansas R.L.S. No. 1658



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206

11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109

TEL. (913) 642-6642
FAX (913) 642-6941
www.ccengineers.com

CMIP # _____

Parcel: 902906

Owner (s): K.C. Southern Railway Company

314 R Central Avenue

Kansas City, KS 66118

EXHIBIT "D"

LEGAL DESCRIPTION:

All that part of the Southeast Quarter of Section 10, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Wyandotte County, Kansas City, Kansas being more particularly described by John Aaron Copelin, LS-1658 on this 4th day of May, 2022, as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the Southwest corner of the Southeast Quarter of said Section 10;

Thence North 88 degrees 19 minutes 47 seconds East, with the south line of the Southeast Quarter of Section 10, Township 11, Range 25, a distance of 949.50 feet to the southerly extension of the east right-of-way line of 4th Street, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, with said east right-of-way line of 4th Street, a distance of 40.01 feet to the north right-of-way line of Central Avenue, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, continuing with said east right-of-way line of 4th Street, a distance of 550.00 feet, said point being the Point of Beginning;

Thence North 02 degrees 47 minutes 49 seconds West, continuing with said east right-of-way line of 4th Street, a distance of 7.34 feet;

Thence North 13 degrees 54 minutes 11 seconds East, a distance of 52.20 feet;

Thence North 02 degrees 47 minutes 49 seconds West, a distance of 50.00 feet;

Thence North 19 degrees 29 minutes 45 seconds West, a distance of 52.20 feet to the intersection of said east right-of-way of 4th Street with the east right-of-way line of vacated 4th Street;

Thence North 02 degrees 47 minutes 49 seconds West with said east right-of-way line of vacated 4th Street, a distance of 15.51 feet to a point on the westerly right-of-way line of an existing railroad;

Thence South 31 degrees 37 minutes 56 seconds East with said westerly railroad right-of-way line, a distance of 197.32 feet;

Thence South 87 degrees 12 minutes 11 seconds West, a distance of 95.17 feet, to the Point of Beginning.

Contains 6,725 square feet or 0.15 acres, more or less.

APPROVED BY:



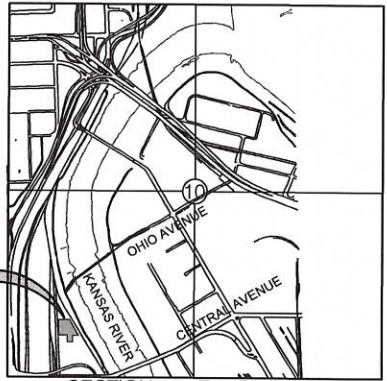
Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



EXHIBIT "D"
LAND PURCHASE

VICINITY MAP



Know what's below.
Call before you dig.



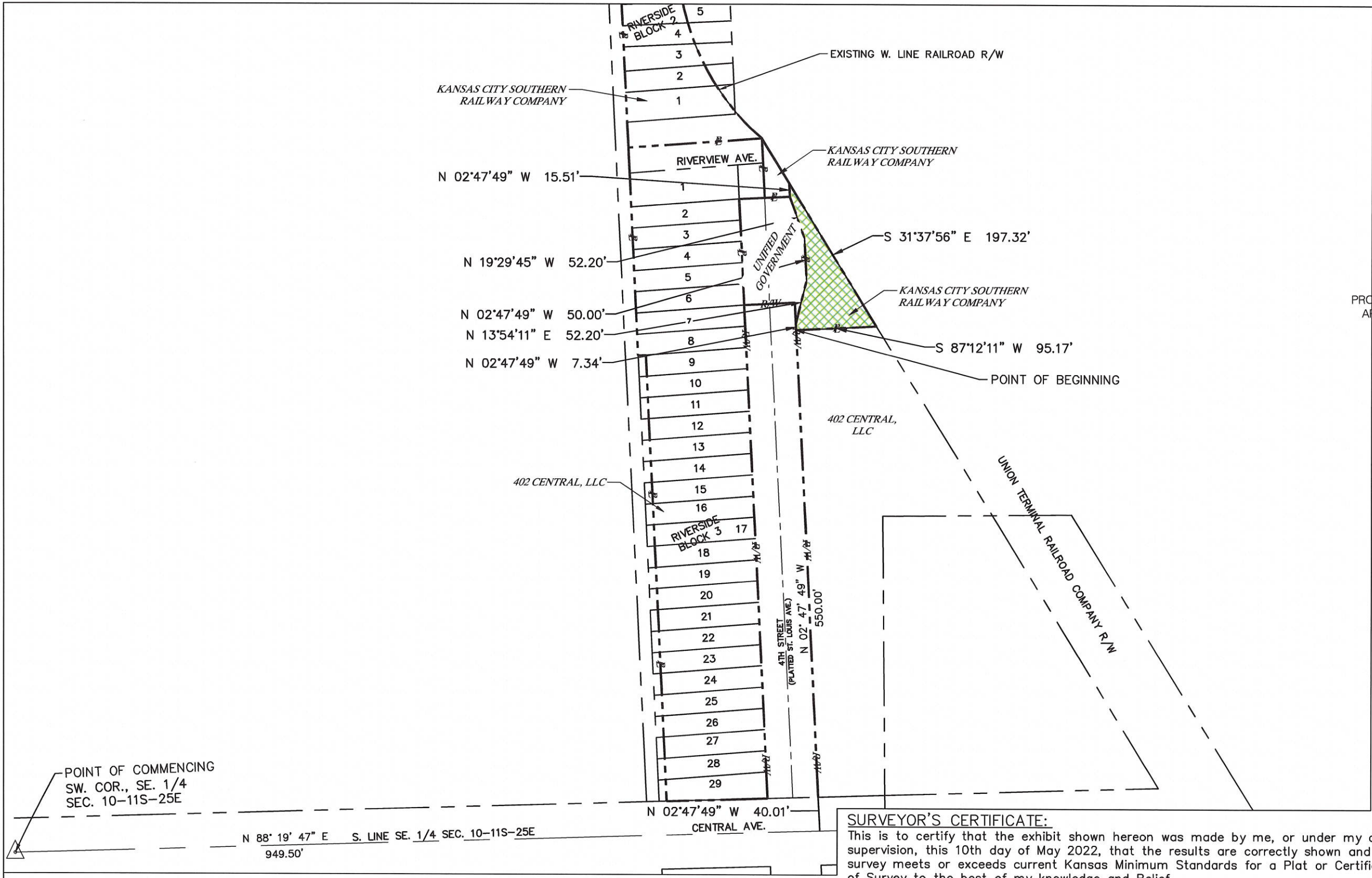
GRAPHIC SCALE



(IN FEET)

LEGEND

 PROPOSED LAND PURCHASE



SURVEYOR'S CERTIFICATE:

This is to certify that the exhibit shown hereon was made by me, or under my direct supervision, this 10th day of May 2022, that the results are correctly shown and said survey meets or exceeds current Kansas Minimum Standards for a Plat or Certificate of Survey to the best of my knowledge and Belief.

APPROVED BY:



Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



John Aaron Cope, Kansas R.L.S. No. 1658



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206

11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109

TEL. (913) 642-6642
FAX (913) 642-6941
www.ccengineers.com

CMIP # _____
Parcel: 142500
Owner (s): 402 Central Avenue, LLC
300 Central Avenue
Kansas City, KS 66118

EXHIBIT "E"

LEGAL DESCRIPTION:

All that part of the Southeast Quarter of Section 10, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Wyandotte County, Kansas City, Kansas lying east of and adjacent to the east right-of-way line of 4th Street, as now established, being more particularly described by John Aaron Copelin, LS-1658 on this 4th day of May, 2022, as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83.)

Commencing at the Southwest corner of the Southeast Quarter of said Section 10;

Thence North 88 degrees 19 minutes 47 seconds East, with the south line of the Southeast Quarter of Section 10, Township 11, Range 25, a distance of 949.50 feet to the southerly extension of the east right-of-way line of 4th Street, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, with said east right-of-way line of 4th Street, a distance of 40.01 feet to the north right-of-way line of Central Avenue, as now established;

Thence North 02 degrees 47 minutes 49 seconds West, continuing with said east right-of-way line of 4th Street, a distance of 457.37 feet, said point being the Point of Beginning;

Thence North 02 degrees 47 minutes 49 seconds West, continuing with said east right-of-way line of 4th Street, a distance of 92.66 feet;

Thence North 87 degrees 12 minutes 11 seconds East, a distance of 10.00 feet;

Thence South 02 degrees 47 minutes 49 seconds East, a distance of 92.66 feet;

Thence South 87 degrees 12 minutes 11 seconds West, a distance of 10.00 feet, to the Point of Beginning.

Contains 927 square feet or 0.02 acres, more or less.

APPROVED BY:



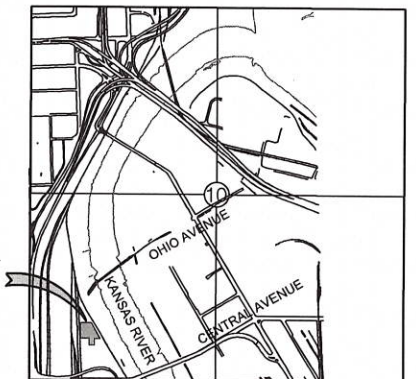
Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



EXHIBIT "E" LAND PURCHASE

VICINITY MAP



Know what's below.
Call before you dig.



GRAPHIC SCALE



(IN FEET)

LEGEND



KANSAS CITY SOUTHERN
RAILWAY COMPANY

KANSAS CITY SOUTHERN
RAILWAY COMPANY

N 87°12'11" E 10.00'

KANSAS CITY SOUTHERN
RAILWAY COMPANY

S 02°47'49" E 92.66'

N 02°47'49" W 92.66'

402 CENTRAL,
LLC

S 87°12'11" W 10.00'

POINT OF BEGINNING

UNION TERMINAL RAILROAD COMPANY R/W

402 CENTRAL, LLC

POINT OF COMMENCING
SW. COR., SE. 1/4
SEC. 10-11S-25E

N88° 19' 47"E
949.50'

S. LINE SE. 1/4 SEC. 10-11S-25E

N 02°47'49" W 40.01'
CENTRAL AVE.

SURVEYOR'S CERTIFICATE:

This is to certify that the exhibit shown hereon was made by me, or under my direct supervision, this 10th day of May 2022, that the results are correctly shown and said survey meets or exceeds current Kansas Minimum Standards for a Plat or Certificate of Survey to the best of my knowledge and Belief.

APPROVED BY:

B. E. Thompson

Date 5-11-22

Brent E. Thompson, KS. PLS #1277
Unified Government Surveyor



John Aaron Copen, Kansas R.L.S. No. 1658



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206

11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109

TEL. (913) 642-6642
FAX (913) 642-6941
www.ccengineers.com



Staff Request for Commission Action

Tracking No. 211552

Full Commission Meeting Date: 5/26/22

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 5/9/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 05/19/2022	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Land Bank Manager 6 Single Family Homes 34 Units Multi Family 4 Commercial				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FC Memo Land Bank Options 05.26.22				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: May 19, 2022
SUBJECT: Option applications for consideration

The following **option application(s)** are being presented at the 05/09/2022 meeting:

A. New Construction - Single Family Homes - 6

1. Chris Solutions LLC – 2 Homes
 - i. 3815 Strong Ave – 171504
 - ii. 3813 H Strong Ave – 171503
 - iii. 1302 S 38th St – 170703

Summary – Chris Solutions LLC just completed a new single family home on a Land Bank lot at 1268 Pennsylvania Ave. Chris Solutions has the capacity to build 10 homes per year.

2. Chris Solutions LLC – 1 Home
 - i. 1536 S 49th ST – 049690
3. Chris Solutions LLC – 1 Home
 - i. 741 Shawnee Rd - 155009
4. Monique Smith – 1 Home
 - i. 4015 Coleman Ct – 062912
5. Richard Dumas – 1 Home
 - i. 1047 Riverview Ave – 093842

Summary – The last standing committee the applicant was approved for a new home built on a Land Bank property. (618 N 11th ST) The applicant would like to move their application for a new home to the new selected location.
Staff comments – garage access off alleyway

B. New Construction – Multi Family – 34 Units Total

1. Travis Willson – 9 or 10 unit Townhomes
 - i. 1305 Ann Ave – 081041
 - ii. 1307 Ann Ave – 081042
 - iii. 1309 H Ann Ave – 081043

- iv. 1311 Ann Ave – 081044
- v. 1315 Ann Ave – 081045
- vi. 1319 Ann Ave – 081046
- vii. 1325 Ann Ave – 081048

Summary – The applicant is currently working with Planning to come up with a design that will work with the lots selected.

2. Raj Bhatia – 24 units

- i. 2110 N 51st – 917814
- ii. Staff comments – This is a split zoned parcel, which means the parcel has two zoning categories within it. The zoning will need to be changed to RP-3. Also they need to comply with the multifamily design guidelines. Any deviation from these guidelines, will need to specifically request said deviation from the Planning Commission during their entitlement and at the public hearing

C. New Construction – Commercial – 4 Total

1. Chris Solutions LLC

- i. 1604 Minnesota Ave – 907522
- ii. Summary – This request is to build a co working space / office spaces
- iii. Staff comments – Must follow commercial design guidelines

2. Chris Solutions LLC

- i. 3510 Strong Ave – 170670
- ii. Summary –this request is to build a co working space / office spaces
- iii. Staff comments – plan review commercial design guidelines

3. Chantelle L Sims

- i. 6116 State Ave – 004421
- ii. Summary – The applicants plan is to provide a location for an affordable small eat and boutique center where owners are able to rent out and build their business and bring more to the community
- iii. Staff comments – Must follow commercial design guidelines. Will need a right of way permit for the large right of way due to state ave. might be easier to access off 62nd street.

4. The Dominique Experience Foundation

- i. 5211 Parallel Pkwy – 917907

Project Summary - This location is the old Wyandotte swim club. This is an 11-acre lot that the applicant would like to use to build a community center. This project includes – Olympic size swimming pool, lazy river, indoor courts and running track, event spaces, fitness space, café, and childcare. This is a very large project, and the applicants have told us that they have funding.

Applicant Summary – My name is Debbie Jennings and I am the President/Founder of The Dominique Experience, Inc. We are a 501c3, non-profit entity and a public charitable organization established in 2019. I am reaching out to you about building a Community center centrally located in Wyandotte County. As I'm sure you are already aware, there is a shortage of available resources and constructive outlets for the youth and families in Kansas City, KS, especially the midtown area. It is the intention of the Dominique Experience to bridge the gap by opening a community center with full amenities, including an aquatic center, sports courts, a workout facility, meeting spaces, teaching and tutoring rooms, entrepreneurial booth spaces, and a day care area; specifically geared to those with low-to-moderate income who lack resources to

pay out of pocket for such programs and amenities. In doing so, we will create a haven and resource hub for youth and families of Wyandotte County. With that being said, I am inquiring about the Wyandot Swim Club ruins. I believe this is the perfect place to open a community center right in the heart of Wyandotte County. Not only will it have a huge impact on the youth and residents of all ages, it will also shed light and rehab a facility that is such a huge part of Wyandotte County history that many are unaware of. What was once a dream come true swimming club can become a place where new dreams come true.

- ii. Staff comments – Will have to avoid the creek the property. If they want to keep R1 they must get a SUP. Master plan amendment. Change of zone to C-1. Follow Commercial design guidelines. Will have to get a SUP for the daycare. Parking in the side or rear of building. Build a sidewalk. Go to DRC and get the entitlements



Staff Request for Commission Action

Tracking No. 211553

Full Commission Meeting Date: 5/26/22

Committee: Neighborhood & Community Development

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

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
05/19/2022	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:

The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Land Bank Manager

- 1 Yard extension
- 2 Property transfers
- 1 Vacation of Right of Way

On April 4, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Property Transfers 05.26.22



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: May 19, 2022
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 05/09/2022 meeting:

A. Yard extensions – 1 Total

1. Robert Needham
 - i. 2105 R McDowell Ln – 905541
 - ii. Currently owns 2105 Mc Dowell Ln – 905542
 - iii. Summary – The current Land Bank policy on yard extensions is for unbuildable land bank lots that are adjoining to the applicant's primary residence. This request is missing the primary residence, but this lot can't really be joined with any other parcel. This is an unbuildable lot due to it being land locked.

B. Property Transfers – 2 Total

1. OCP Neighborhood Association – Park
 - i. 2517 N 17th ST – 115853
 - ii. 2515 N 17th St – 115851
 - iii. 5213 N 17th St – 115850

Summary – The OCP Neighborhood Association and CHWC have received grant funding to build a park. The long-term maintenance will be provided by CHWC + OCP to do some volunteer based maintenance as well as hiring Groundwork's NRG's Green Team for regular trash pick up and mowing. CHWC will also pay for insurance. OCP is seeking to improve the quality of life of the children within their neighborhood. There is not currently an after-school playground within walking distance. OCP also wants to do something highly visible and positive that shows that their community is improving, is a good place to live, and that their children are valued. Play is a huge part of healthy human development and building this playground represents a solid investment in those who are the future.
2. CABA – Pocket Park
 - i. 727 Central Ave – 120800
 - ii. Summary – to build a pocket park on an unbuildable lot.

C. Vacation of Right of Way

1. Rachel Bichara

i. 731 H Tenny Ave – 119926

ii. Summary – The home at 731 Tenny Ave is in the process of being remodeled and the plan is for the home to be a rental. A zoning requirement for the home is to have off street parking. To fulfill this requirement the home will have to have a driveway built for parking in the rear. On the current lot there is no room for the driveway. The request is for the home to take all the right of way and not have it split between the neighboring land bank lot. Basically, the Land Bank lot is giving up its share of right of way to allow for the neighboring home to have a driveway. If approved this will not affect the buildability of the Land Bank lot.

