

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 6, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, January 6, 2022, with eleven members present via Zoom and onsite: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor CEO, presiding. The following officials were also in attendance: Alan Howze, Acting County Administrator; Bridgette Cobbins, Assistant County Administrator; Misty Brown, Chief Counsel; James Bain, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Brett Deichler, Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Brett Deichler, UG Clerk; and Monica Sparks, Deputy UG Clerk.

Mayor Garner 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 phone or by Zoom. 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 will be included in the record of the meeting. I'd ask the Clerk to please call the roll.

Roll call: Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Garner.

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

Mayor Garner asked the Clerk, are there any revisions to tonight's agenda?

Brett Deichler, Unified Government Clerk, said yes, Mayor, there were. A blue sheet was issued. We have a new Item No. 1, modifying the Mayor's Agenda, it was issued for tonight regarding a Proclamation recognizing Dr. Vernard Johnson Day.

We also had a new Item No. 2, renaming the Nebraska Avenue between 7th and 8th St. to Pandarama Lane to celebrate the legacy of the positive impact of the Pandarama Preschool for the last 25 years.

We also had our original Item No. 1, on the Mayor's Agenda, adopting a resolution appointing Interim County Administrator now being moved to Item No. 3 on the Mayor's Agenda. The last item, was the original Item No. 2 on the Administrator's Agenda, considering ordinances for the potential stormwater rate structures has been removed at the request of Mayor Garner. That includes all the changes on tonight's blue sheet, Mayor.

Mayor Garner said tonight, we have two distinct parts to our meeting, the Planning & Zoning portion will be handled first, followed by the Regular Commission meeting. I'll ask that the Clerk to read the statement required by State law governing the Planning & Zoning portion of our meeting, followed by the items on the Planning & Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, UG Clerk, read the statement, required by law, governing the Planning & 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. **Mayor Garner** asked if any commissioners have disclosures?

Commissioner McKiernan disclosed contact with proponents and opponents regarding SP2021-082. **Commissioner Bynum** disclosed contact with proponents and opponents regarding SP2021-082. **Commissioner Markley** disclosed contact with opponents regarding COZ2021-004. **Commissioner Burroughs** disclosed contact with proponents and opponents regarding COZ2021-052. **Commissioner Johnson** disclosed contact with proponents and opponents

regarding SP2021-082.

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

Mayor Garner asked, does any member of the Commission, the County Administrator, or the public wish to set aside any item on the Planning & Zoning Consent Agenda? If an item is not set aside, all items on the Planning & Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. At this time, I'll ask the Clerk if he's received any requests from the public to set aside an item? **Mr. Deichler** said no requests were received, Mayor.

Mayor Garner said I'll ask the Clerk if anyone joining virtually has their hands raised to set aside an item? **Mr. Deichler** said seeing one person.

Attendee said I would like to talk about the special use for the group home with gardens and Greenhouse at 2601 Ridge Avenue.

Mr. Deichler said that's SP2021-082, a special use permit listed there. **Mayor Garner** said we've captured that for you. Is there anyone else?

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve all remaining items as submitted on the Planning & Zoning Consent Agenda excluding the set-aside. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLANNING & ZONING CONSENT AGENDA

Item No. 1 - 211197...RESOLUTION: EXTENSION OF MORATORIUM ON ENFORCEMENT OF MURALS WITHIN RESIDENTIAL ZONING DISTRICTS

Synopsis: A request for consideration of extending the moratorium on enforcement of pre-existing murals prohibited within certain zoning districts, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The moratorium shall apply to the following districts

and their planned equivalents: A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, TND T-1, TND T-2, TND T-3, and TND T-4. On December 6, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve, and forward to full commission.

Action: **RESOLUTION NO. R-01-22**, "A resolution establishing a moratorium on the enforcement of the prohibition of murals in residential districts and setting temporary standards for enforcement under Chapter 27, Article VIII, Division 11 of the Code of Ordinances." **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Item No. 2 - 211198...RESOLUTION: EXTENDING CERTAIN SECTIONS OF THE CODE OF ORDINANCES IN CONJUNCTION WITH COVID-19

Synopsis: Consideration of extending the suspension of certain sections of Chapter 27, Planning and Zoning, and Chapter 32 of the Code of Ordinances, in conjunction with the COVID-19 emergency ordinances passed by the Unified Government Board of Commissioners, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. On December 6, 2021, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-02-22**, "A resolution that the Unified Government has determined that due to the COVID-19 pandemic, and public health, safety, and welfare concerns associated therewith, that enforcement of certain provisions of the Unified Government Code of Ordinances should be suspended for a limited amount of time." **Commissioner Ramirez made a motion, seconded Commissioner Davis, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Action: **ORDINANCE NO. O-01-22**, “An ordinance expanding the ability of farmers’ markets, mobile vending, and mobile markets to sell and merchandise on public rights-of-way and parking lots, renewing portions of Sections 27-340, 27-609 to 27-614, and 27-617 to 27-621 to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded Commissioner to approve the ordinance.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Action: **ORDINANCE NO. O-02-22**, “An ordinance expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets, parking lots and parklets, and allowing Open Street for recreational use, by renewing Sections 32-100 to 32-104 and 32-105 to 32-186, Articles III, and Sections 32-380 to 32-382, Article VIII, of Chapter 32 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded Commissioner to approve the ordinance.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 - 211274...COZ2021-004 - MARK CROSS WITH CROSSROAD TRUCKING, LLC

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

And

MASTER PLAN APPLICATION ITEM NO. 1 – 211278...MASTER PLAN APPLICATION #MPL2021-017 – MARK CROSS WITH CROSSROAD TRUCKING, LLC

Synopsis: Master Plan Amendment from Low Density Residential to Neighborhood Commercial (City-Wide Master Plan) at 7331 Holliday Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Mark Cross, is requesting a Change of Zone and a Master Plan Amendment. The applicant's parcel is presently split-zoned between the CP-0 Planned Nonretail Business District and R-1 Single COZ2021-004 & MPL2021-017 Family District; the applicant proposes a Change of Zone for the entire parcel to the CP-1 Planned Limited Business District. The applicant is also proposing a Master Plan Amendment from Low-Density Residential to Neighborhood Commercial. The applicant is simultaneously requesting four variances related to the proposed Change of Zone, due to pre-existing setbacks and the proposed addition of an accessory building. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-004 and Master Plan Amendment MPL2021-017, subject to:

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

- elevations. All existing of the proposed accessory structure that demonstrates at least three of techniques listed in Section 27-576(c)(2);
- c. By December 29, 2021, the applicant must provide a rendering and a revised set of elevations of the proposed accessory structure that demonstrates the west, street-facing façade as 60% windows;
 - d. A five-foot sidewalk must be installed along the public right-of-way;
 - e. The existing driveway must be paved and curb cuts for the driveway installed;
 - f. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
 - g. No commercial vehicles or vehicles otherwise used for business purposes may be stored on the property;
 - h. No parking or storage of vehicles is allowed on the street or in the public right-of-way;
 - i. Any approval of one or more variances therein are contingent upon and shall only go into effect upon the approval of Petitions COZ2021-004 and MPL2021-017;
 - j. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations;
 - k. A building permit is required;
 - l. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit;
 - m. If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
 - n. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments;
 - o. Site improvements including land disturbance activity on greater than 1 acre of surface area of land require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations; and,
 - p. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Department of Planning and Urban Design.
- 8) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616]. [RSA 65-3424, KAR 2829-29 through 2829-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;

- 10) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 11) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 12) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 13) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 - 8-618). Land disturbance fees shall be processed by UG Public Works during the land disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, KS 66101. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102;
- 14) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
- 15) No current business record is found for applicant. The applicant will need to file and maintain a current occupation tax application; and,
- 16) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the "Conservation District Letter, Dated March 16, 2021" in the Attachments section of this report.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-004 and MPL2021-017 subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 - 211277...COZ2021-029 - WESTON SPARKS WITH RIDE 4 EVER SKATE PARK

Synopsis: Change of Zone from R-1 Single Family District to CP-3 Planned Commercial District to convert a warehouse to a skate park/skate school at 230 South 65th Street, submitted by Gunnar

H. Hand, Director of Planning and Urban Design. The applicant, Weston Sparks with Ride 4Ever Skate Park, is requesting a Change of Zone and Master Plan Amendment.

And

MASTER PLAN APPLICATION ITEM NO. 2 – 211279...MASTER PLAN APPLICATION #MPL2021-018 – WESTON SPARKS WITH RIDE 4EVER SKATE PARK

Synopsis: Master Plan Amendment from Low Density Residential to Community Commercial (City-Wide Master Plan) at 230 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Change of Zone from R-1 Single-Family District to C-3 Commercial District, and a Master Plan Amendment of the City-Wide Master Plan from Low-Density Residential to Community Commercial. The Master Plan Amendment and Change of Zone have been requested in order to support the Special Use Permit for a skate park and skate school, which was granted by the Board of Commissioners on October 28, 2021. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-029 and Master Plan Amendment MPL2021-018.

- 1) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Case MPL2021-018, a Master Plan amendment from Low-Density Residential to Community Commercial, by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
- 2) Final Plan Review of the landscaping, parking lot, and building facades, per all relevant zoning district, landscaping, and/or Commercial Design Guidelines Overlay District ordinances, must be successfully granted within four months of the approval of COZ2021-029 by the Board of Commissioners;
- 3) A Special Use Permit for temporary use of land for commercial or industrial purposes must be issued, as storage of material and equipment for a separate business and use is not allowed in either the C-3 District. Note that under this Special Use Permit, any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall not be approved for more than two years. This separate Special Use Permit must be granted within four months of the approval of COZ2021-029 by the Board of Commissioners;
- 4) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 5) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;

- 6) If approved, occupying businesses will need to maintain a current business occupation tax application with this office;
- 7) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 9) Subject to approval, a landscaping plan in conformance with the landscaping requirements below must be submitted to and approved by staff. The ordinance will not be published in the newspaper until a landscape plan is successfully submitted and approved.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-029 and MPL2021-018 subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 - 211276...COZ2021-037 - ERIC FLETCHER

Synopsis: Change of Zone from R-1 Single Family District to R-3 Townhouse District to bring the existing non-conforming triplex into compliance at 4461 Eaton Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

And

MASTER PLAN APPLICATION ITEM NO. 3 – 211280...MASTER PLAN APPLICATION #MPL2021-021 – ERIC FLETCHER

Synopsis: Master Plan Amendment from Single Family Residential to General Urban (Rosedale Area Master Plan) at 4461 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Eric Fletcher, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4461 Eaton Avenue. The applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-3 Townhome District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-

family residence but was converted to a triplex between the years 1950 and 1956. A certificate of legal non-conforming use was issued in 2001 which expired in 2011. The house has been used as a rental since the time of its renovation, and as a licensed rental until 2016. The applicant is now the new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-037 and Master Plan Amendment MPL2021-021, subject to:

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-037 and the Master Plan Amendment MPL2021-021 subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 - 211281...COZ2021-039 - JOE PRENGER WITH A&J FREEDOM PROPERTIES LLC

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

And

MASTER PLAN APPLICATION ITEM NO. 7 – 211282...MASTER PLAN APPLICATION #MPL2021-030 – JOHN PRENGER WITH A&J FREEDOM PROPERTIES

Synopsis: Master Plan Amendment from Urban Density to Mixed Used (Central Area Master Plan) at 3159 Orville Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Joe Prenger with A&J Freedom Properties, LLC, wants to rezone the property from R-l(B) Single Family District to TND Traditional Neighborhood Design District and seek a Master Plan Amendment from Urban Residential to Mixed Use (Central Area Master Plan) to keep two dwelling units above a vacant storefront and add a third dwelling unit on the ground floor on the property on 0.16 acres at 3159 Orville Avenue. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-039 and Master Plan Amendment MPL2021-030, subject to:

- 1) The two-story structure was built in 1920 per the Appraiser's Office. From Rental License Division records, a rental license for two units occurred in 1996 to 2020. Between 2020 and now, a third dwelling unit was converted within the structure and a rental license was applied for and denied by Planning and Urban Design because a third dwelling unit was not legally established;
- 2) Sec. 27-458(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area. Two trees are required to be planted in the front yard. Per Sec. 27-702, shade trees shall be at least two-inch caliper as measure twelve inches above ground. Evergreen trees shall be between five to six feet in height. Trees shall not be planted within the utility easement or under water lines;
- 3) Install a four-foot sidewalk from the parking pad on the east side of the building along Orville Avenue, around the corner to the parking pad on the south side of the building along North 32nd Street;
- 4) Pave the unimproved surface (asphalt or concrete) and stripe five off-street parking spaces on the along Orville Avenue and North 32nd Street;
- 5) If approved, confirm with the Building Inspection Department to ensure the third dwelling unit complies with the International Building Code (IBC);

- 6) If approved, a rental license from the Rental Licensing Division shall be obtained; and,
- 7) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the COZ2021-039 and MPL2021-030 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-039 and Master Plan Amendment MPL2021-030 subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 5 - 211283...COZ2021-040 - LORENZO GARCIA

Synopsis: Change of Zone from R-1(B) Single Family District to A-G Agriculture District for agricultural uses at 3740 North 35th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Lorenzo Garcia, wants to rezone the property from R-1(B) Single Family District to A-G Agriculture District at 3740 North 35th to keep livestock (a horse, pony, cow, goat, sheep, chickens, and ducks) and accessory structures on 5.05 acres. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-040, subject to:

- 1) All Conservation District comments, as found in the Conservation District comments (as found in the "Staff Comments and Suggestions" section of this report) and in the Conservation District Letter (found in the "Attachments" section of this report), must be met;
- 2) The existing accessory structures that can be seen from the road are dilapidated and must be removed and new structures built in their place. A retroactive building permit is required from the Building Inspection Department for any accessory structures that will remain following the Change of Zone request;
- 3) A building permit is required for a new, permanent structure greater than 120 square feet. Please contact the Building Inspection Department at (913) 573-8620 to begin that process;
- 4) Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two inches of asphalt over six inches of gravel, four inches of concrete, or another alternative as approved by the UG Engineer. If approved, shall pave driveway apron with concrete in accordance with Public Works Department standards, but will allow for gravel driveway;

- 5) The A-G Agriculture District allows for enumerated uses that are either personal or agricultural in use. Any commercial operation outside of standard agricultural practices requires a Special Use Permit as well as filing and maintaining a current business occupation tax application with the Business Licensing Department;
- 6) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to:
 - the care, feeding, and keeping of animals;
 - The proper housing, shelter, and restraint of animal from roaming at large;
 - access to proper veterinary care; and
 - the operation and maintenance of land, property, and any building or structure related to animal keeping.

The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;

- 7) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 - 8-618). Land disturbance fees shall be processed by UG Public Works during the land disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 North 7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-040 subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 6 - 211284...COZ2021-041 - JON SIMPSON WITH BHC RHODES

Synopsis: Change of Zone from R-l(B) Single Family District to CP-O Planned Non-Retail Business District to split office from cemetery property at 1150 North 38th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Jon Simpson with BHC Rhodes, has submitted a request for Change of Zone and a Preliminary Plat.

And

MASTER PLAN APPLICATION ITEM NO. 6 – 211286...MASTER PLAN APPLICATION #MPL2021-029 - JON SIMPSON WITH BHC RHODES

Synopsis: Master Plan Amendment from Public Semi-Public to Community Commercial at 1150 North 38th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant is requesting a Change of Zone from R-l(B) Single-Family Residential District CP-0 Planned Non-Retail Commercial District. The applicant is requesting a Plat separating the current cemetery office from the burial grounds. After the replat, the property owner wishes to change the use of the property to a portion of the property unrelated to the cemetery while keeping the burial grounds intact, and commercial uses are not allowed in the current zoning. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-041 and Master Plan Amendment MPL2021-029, subject to:

- 1) The applicant, contractors, subcontractors, and any related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable, for any future development. All future development is subject to additional review approval; 2) Curbs, gutters, and drainage shall be repaired to proper UG Standards;
- 3) The parking lots to the front and rear shall be repaved and restriped to reflect the additional walkway between the connecting sidewalk on North 38th Street, parking spaces, and accessible parking spaces;
- 4) If approved, additional landscape screening on the north of the property line shall be added to further screen parking from adjacent lots per the Commercial Design Guidelines;
- 5) An access agreement must be maintained for the private drive access into the burial grounds, so parking remains accessible;
- 6) Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat; and,
- 7) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-041 and Master Plan MPL2021-029 subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 7 - 211288...COZ2021-043 - SHERRIE GAYED WITH FRIENDSHIP INN

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

And

MASTER PLAN APPLICATION ITEM NO. 4 – 211289...MASTER PLAN APPLICATION #MPL2021-023 – SHERRIE GAYED WITH FRIENDSHIP INN

Synopsis: Master Plan Amendment from Urban Mixed use to General Urban (Rosedale Mast Plan) at 4403 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The representative, Matt Schlicht, with Engineering Solutions on behalf of the applicant, Sherrie Gayed, has filed a Change of Zone, Special Use Permit, and Master Plan Amendment for the Friendship Inn, a 17 short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-043, Special Use Permit Application SP2021-074 and Master Plan Amendment MPL2021-023 subject to:

- l) This City Planning Commission case is being heard in conjunction with BOZA2021-033. The following are conditions for BOZA2021-033 and are stated here for reference only, as COZ2021-043 is solely for a change of zone to build short-term rental unit building (temporary lodging) for families of patients at the University of Kansas Health System:
 - a. This parcel is within 500-foot environs of Old Fire Station No. 12 at 4223 Rainbow Boulevard. Prior to issuance of a building permit, a historic environs staff review is required. A Certificate of Appropriateness for demolition is required from the Landmarks Commission prior to obtaining a demolition permit from Building Inspection Department.
 - b. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;

- 2) Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. To replat the parcel, a Final Plat is required following this entitlement process. Final architectural and civil drawings, retaining wall calculations are required to be submitted at such time;
- 3) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 4) All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
- 5) Based on the Sidewalk and Trails Master Plan, the sidewalk on the east side of Rainbow Boulevard shall be between eight feet and ten feet wide. The proper site design, future right-of-way dedications may be needed on the plat;
- 6) This property is an ideal location for a UG bikeshare e-bike rack. The rack should be publicly accessible, along Rainbow Boulevard. Provide the necessary specifications. The UG will provide the information kiosk and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments. The bikeshare e-bikes are not for the sole use of the guests staying at Friendship Inn, however, they will have the ability to use an alternate mode of transportation. The UG bikeshare e-bike rack can and will be installed just off the sidewalk along Rainbow Boulevard;
- 7) Parking visible from any public street must be screened by a fence or shrubbery that matures to three feet or greater and is planted to form a solid visual barrier;
- 8) The contact information for Kathy Bradley, House Manager shall be provided to the business development organization, adjacent neighborhood groups and property owners;
- 9) Per the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines, high quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontal oriented to match the historic qualities of existing urban neighborhoods. Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry. Prohibited materials include:
 - Board and batten wood
 - Smooth-faced or split-faced concrete block
 - Tilt-up concrete panels
 - Corrugated metal siding
 - Standard single or double tee concrete systems
 - Vinyl siding
 - Glass block
 - EIFS
- 10) Multi-family developments abutting single-family residences within areas zoned strictly for single-family land use, must use the height transition strategies listed below:
 - Minimum side yard setback a 10' from property line abutting single-family;
 - Within 30' of the property line abutting the single-family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof

height; and,

- Within 50' of the property line abutting a single-family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height;
- 11) Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation;
 - 12) PTAC grilles on the building give the appearance that this building, while used as temporary residential housing, is a commercial building, similar to a hotel;
 - 13) Landscape the west side of the site to soften the front of the building;
 - 14) Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area;
 - 15) Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;
 - 16) Street trees are required along a Major Street, which Rainbow Boulevard is classified as a Class A Thoroughfare. One tree is required per thirty (30) feet of frontage;
 - 17) All landscaping must be irrigated;
 - 18) All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
 - 19) All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
 - 20) All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
 - 21) Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
 - 22) Per the Rosedale Master Plan, developments must provide pedestrian-scaled lighting spaced every forty feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
 - 23) The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;

- 24) All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
- 25) All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
- 26) All BPU transformer pads and/or generators shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and ten feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
- 27) Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two-foot green strip (median) between the sidewalk and curb;
- 28) Add ADA ramp access to the front door from the sidewalk along Rainbow Boulevard;
- 29) Shall comply with the sign ordinance;
- 30) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 31) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 32) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 33) The Special Use Permit shall be valid for two 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.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-043, Special Use Permit SP2021-074, and Master Plan Amendment MPL2021-023 subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 8 - 211291...COZ2021-045 - GILBERTO GONZALEZ GUERRERO

Synopsis: Change of Zone from C-1 Limited Business District to C-3 Commercial District to accommodate a used car dealership with light repair and maintenance at 7512 Leavenworth Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Gilberto Gonzalez Guerrero has filed a Change of Zone and Special Use Permit to rezone the property from C-1 Limited Business District to CP-3 Planned Commercial District in order to modify an existing car wash to operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work, and tire changing at 7512 Leavenworth Road and Special Use Permit. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-045 and Special Use Permit Application SP2021-079, subject to:

- 1) Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at that time;
- 2) Per the Sidewalk and Trails Master Plan, this portion of Leavenworth Road is classified as a Regional Trail. Install a ten-foot sidewalk on the north side of the street. Refer to the cross-section diagram in the attachments;
- 3) Based on the 2,372 square feet of the building, ten spaces are required for customers. Only seven spaces are shown in front of the building, three more spaces are required to comply with the code. Revise and resubmit the site plan;
- 4) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 5) The parking lot needs to be resurfaced and restriped;
- 6) All parking spaces where there are no curbs shall have wheel stops installed in front of each space;
- 7) Maintain the open space behind the proposed inventory and employee enclosure, as this area is not to be encroached upon for additional storage or ancillary uses. Revise and resubmit the site plan;
- 8) No storage or warehousing of salvage or wrecked automobile parts is allowed on the property;
- 9) Close one of the curb cuts along Leavenworth Road and install a new curb and landscaping in the median. This will allow better circulation through the front parking lot;
- 10) All lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
- 11) If approved, the applicant will need to file and maintain the occupation tax application with our office for the business activity;
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;

- 13) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616]. [RSA 65-3424, KAR 28-2929 through 28-2933]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 14) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 15) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 16) Sec. 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be provided at not less than one per 7,000 square feet of site area. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. Therefore, eight trees are required to be planted on-site. This total is no inclusive of parking lot island trees or street trees along Leavenworth Road;
- 17) Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
- 18) Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamentals). Evergreen trees must be at least six feet when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55-feet and no more than 65-feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
- 19) Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use

of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard. Only 474.4 square feet may be used for outside storage. For example, a vehicle that is going to be serviced and sold on the lot, while servicing, it must be in the rear enclosure;

- 20) No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be within the enclosure;
- 21) No inventory repair or servicing is allowed outside or in public view;
- 22) The inventory lot fence shall be constructed of wood or solid metal paneling, six (6) feet in height with masonry columns every 32-feet running;
- 23) Street trees are required along a Major Street, which Leavenworth Road is classified as a Class B Thoroughfare. One (1) tree is required per thirty feet of frontage;
- 24) All landscaping must be irrigated;
- 25) All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
- 26) All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
- 27) All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line; 28. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
- 29) The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped;
- 30) All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
- 31) All BPU transformer pads and/or generators shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and ten feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
- 32) Shall comply with the sign ordinance;
- 33) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
- 34) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616]. [RSA 65-3424, KAR 28-2929 through 28-2933].

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

- 35) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 36) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 37) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 38) The Special Use Permit shall be valid for two 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.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-045 and Special Use Permit SP2021-079, subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 9 - 211293...COZ2021-046 - MATT ALTRICH ITH JOCO CAPITAL ONE, LLC

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for two living units at 4108 Adams Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Matt Altrich, is requesting a Change of Zone and Master Plan Amendment for the subject property at 4108 Adams Street.

And

MASTER PLAN APPLICATION ITEM NO. 5 – 211295...MASTER PLAN APPLICATION #MPL2021-027 - MATT ALTRICH WITH JOCO CAPITAL ONE, LLC

Synopsis: Master Plan Amendment from Single Family to General Urban (Rosedale Area Master Plan) at 4108 Adams Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant is requesting a Change of Zone from R-1(B) Single Family District to RP-2(B). Two Family District and a Master Plan Amendment to the Rosedale Area Plan from Single-Family Residential to General Urban. The Change of Zone and Master Plan Amendment has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a single-family residence but was converted to a duplex in the mid-1970s for the original owner's mother. A certificate of legal non-conforming use was issued in 2008 which expired in 2018. The house has been used as a licensed rental since at least 2000. The applicant is now the SP2021-076, COZ2021-046, & MPL2021-027 new owner and desires the rezone to complete to obtain a rental license, which requires the zoning to reflect the building's physical condition. The upstairs unit was previously not formally leased and inhabited by the prior owners' children who did not pay rent according to County Records and Special Use Permit. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-046, Special Use Permit Application SP2021-076 and Master Plan Amendment MPL2021-027, subject to:

- 1) The Short-Term Rental permit shall be limited to the top unit;
- 2) Remaining Repairs of the stairwell and window screens shall be completed;
- 3) Additional landscaping shall be coordinated with the adjacent neighbor to provide shade or screening per the Narrow Lot Design Guidelines;
- 4) Maximum number of guests, which has been deemed appropriate for the available accommodations shall be two;
- 5) Guest parking must be provided off-street. Maximum number of guest parking shall be two;
- 6) Parking must take place off-street. If this is not feasible, the applicant must prove why it is

- not. Maximum number of guest vehicles shall be four;
- 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) The applicant must keep a current annual Business License Occupation Tax Receipt and Kansas State Lodging Tax;
 - 9) The applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt. and the property manager's contact information within the entrance of the area that is rented;
 - 10) Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133;
 - 11) Subject to approval and should the property be completely demolished, the future use of this property's reconstruction must follow the Rosedale Master Plan Design Guidelines for a two-family property;
 - 12) The designation of RP-2(B), i.e., a planned district, will require a future review of the property for any redevelopment. Future redevelopment should conform to the appearance of a single-family home as it is in the mid-block of a single-family side of the block;
 - 13) If approved, rental licensing shall be obtained to include both units;
 - 14) The Special Use Permit shall be valid for one 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 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.

Action: Commissioner Ramirez made a motion seconded by Commissioner Davis, to approve Change of Zone COZ2021-046, Special Use Permit SP2021-076, and Master Plan Amendment MPL2021-027, subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 10 - 211296...COZ2021-049 - TERESA CHRISTOPHER

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 2000 South 49th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-049, subject to:

1. If approved, the drive apron shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. If any produce or homemade goods are sold from the property, the applicant will need to file and maintain a current business occupation tax application with this office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by vendors, the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Please confirm if there is proposed site improvements e.g., driveway area. If repair work is going to be done, a site plan will be required;
8. Based on the above comment, the driveway entrance shall be in accordance with the UG standards and criteria and conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications i.e., UG 4100-L. Further discussion with staff may be required;
9. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition;
10. Site improvements that include land disturbance activity on greater than one 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. 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; 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.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone COZ2021-049, subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 11 - 211297...COZ2021-052 - COLE ANDERSON WITH BETTIS ASPHALT & CONSTRUCTION, INC.

Synopsis: Change of Zone (previously approved to MP-3) to revise the hours of operation condition of approval of COZ2021-018 at 1625 South 86th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Cole Andersen with Bettis Asphalt & Construction, wants to amend a condition of approval from Change of Zone Petition COZ2021-018 restricting the hours of operation from 7:00 AM to 5:00 PM in order to build an 8,920 square foot building for offices and truck and trailer storage for an asphalt batch plant that will operate during the construction season on 20.14 acres at 1625 South 86th Street. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2021-052, subject to:

- 1) On the Final Plat, include a plat restriction that only allows an asphalt plant within the MP3 zoning district, as this will protect existing residents and property owners for potential noxious uses that are permitted in the district;
- 2) Shall comply with Sec. 27-470(d)(l) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 - Air Pollution).
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 85dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor

- or unsanitary effects beyond the property line;
- 3) Dust mitigations shall include, but not limited to:
 - a. Will not track dirt and debris onto Ruby Avenue;
 - b. Enclose stockpiles of materials;
 - c. To minimize dust, dig down into the site below the height of the berm and grades rather than on top where dust can be carried with the wind.
 - d. Remediate the old fill location;
 - 4) Hours of operation shall be from 7:00 AM to 5:00 PM. Due to the proximity of the residence across South 86th Street, contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work after 5:00 PM with the understanding that some contracts (i.e., Kansas Department of Transportation) require work to be performed at night;
 - 5) Parking lot shall be paved with asphalt or concrete, striped and ADA compliant;
 - 6) The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two inches of asphalt over six inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering. The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt;
 - 7) The cul-de-sac and extension of Ruby Avenue shall be constructed by the applicant concurrently with the building permit associated with this development;
 - 8) Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application;
 - 9) When trucks are not backing into bays, the overhead doors shall remain closed to prevent sound from projecting west the single-family residences;
 - 10) The office portion of the building shall match is scale and style to the industrial buildings within this small business park and must comply with Commercial Design Guidelines. These guidelines specify exterior building materials which include, but is not limited to brick, stone, stucco, textured and/or integrally colored split face CMU block, glass and cementitious siding;

- 11) Add wainscoting around the perimeter of the building, including the south, west, and east façades.
- 12) On the final plat and landscape plan, note the existing 200-foot landscape buffer around the perimeter of Lot 2 and Lot 1 (along Kaw Drive) and dedicate as open space and buffering;
- 13) Keep existing full growth trees on South 86th Street and along Kaw Drive;
- 14) All screening is to be maintained to minimize impacts of conflicting uses;
- 15) Re-landscape the top of the hill along Kaw Drive and increase the berm south of the proposed detention basin to screen the site from public street;
- 16) Plant street trees along the frontage of Ruby Avenue, including the cul-de-sac to match the existing street trees within the adjacent industrial/office district;
- 17) Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises;
- 18) Sec. 27-469(g) Trees are required at not less than one per 10,000 square feet of site area. Six-foot-high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two feet on center. The site for the proposed development is 20.14 acres, eighty-seven (87) trees are required based on acreage and exclusive of the screening requirements for the lots zoned MP-3 Planned Heavy Industrial District adjacent to residentially zoned properties;
- 19) All overstory trees shall be at least two-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;
- 20) Landscaping shall be irrigated around the office, entry and along Ruby Avenue. Vegetation around ground cover around the property shall be watered regularly with a watering plan which shall be provided as part of the Final Development Plan;
- 21) Sec. 27-699(a)(2) All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping, continuously maintained;
- 22) Trash enclosure shall match building materials;
- 23) BPU transformer pad shall be completely screened on three sides with six-foot junipers setback 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;
- 24) All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
- 25) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot evergreens or an architectural wall constructed from the same materials

as the main building;

- 26) Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
- 27) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 28) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
- 29) Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 30) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 31) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Change of Zone COZ2021-052, subject to the stipulations.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 - 211298...SP2021-059 - MORTEZA GURABI

Synopsis: Special Use Permit to keep approximately 50 chickens at 4621 Swartz Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Gilberto Gonzalez Guerrero has filed a Change of Zone and Special Use Permit to rezone the property from C-1 Limited Business District to CP-3 Planned Commercial District in order to modify an existing car wash to operate a used automotive dealership and perform services on inventory such as car detailing, light mechanic work, and tire changing at 7512 Leavenworth Road. The applicant, Morteza Gurabi, is requesting a Special Use Permit to keep chickens on a residential property. A Special Use Permit is required for more than six chickens on a residential property. The applicant initially requested fifty chickens, but after further discussion and a best practices management plan was developed with staff, it was determined fewer chickens are appropriate as the applicant is a newer chicken farmer. The applicant is agreeable to a lesser number of chickens, being twenty. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2021-059, subject to:

- 1) The number of chickens allowed on the property shall remain at twenty.
- 2) Any cockerels must be culled when crowing begins and they mature to roosters.
- 3) The applicant continues to use a multi-step composting process in lieu of direct composting
- 4) Chickens must be contained within the run or free-range fence while cleaning the run.
- 5) Feed must be properly contained to prevent pests and predator attraction.
- 6) Property must continue show signs of improvement on debris, trash, and other violations.
- 7) Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot.
- 8) No eggs or chickens may be commercially sold, whether onsite or offsite.
- 9) 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.
- 10) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges that the property owner is collectively responsible to ensure that the use of the property is compliant with all

ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

- 11) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances. This shall include all ordinance sections that relate to:

- the care, feeding, and keeping of animals;
- the proper housing, shelter, and restraint of animals from roaming at large;
- access to proper veterinary care; and
- the operation and maintenance of land, property, and any building or structure related to animal keeping.

The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services.

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit SP2021-059, subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO 2 - 211299...SP2021-071 - JESSICA BETTS

Synopsis: Special Use Permit for a Short-Term Rental at 749 Locust Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Jessica Betts, is seeking approval for the operation of a short-term rental at 749 Locust Avenue. This is currently the applicant's primary residence, but the applicant is relocating to Texas. The applicant purchased the home in 2020 from their father, who purchased the home in 2019. The applicant recently renovated the property within the last two years and plans to outsource the operations to a third party while utilizing Airbnb to market the rental. The owner is in the process of obtaining their rental license and obtained inspections as part of permitting and to supplement this application.

The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2021-071, subject to:

- 1) Maximum number of guests, which has been deemed appropriate for the available accommodations shall be six;
- 2) Guest parking must be provided off-street. Maximum number of guest parking shall be three;
- 3) Parking must take place off-street. If this is not feasible, the applicant must prove why it is not. Maximum number of guest vehicles shall be three;
- 4) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) The applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips; and,
- 8) The driveway and apron shall be upgraded to an improved surface per UG Standards;
- 9) A Right-of-Way Permit is Required. Please contact Public Works to begin that process;
- 10) The Special Use Permit shall be valid for one 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 months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 11) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit SP2021-071, subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 - 211300...SP2021-073 - DANIEL CASTILLO WITH MANOR RECORDS

Synopsis: Special Use Permit for a drinking establishment with live entertainment in a record store (Manor Records) at 401 North 6th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Daniel Castillo, has applied for a new Special Use Permit for the liquor sales at 401 North 6th Street. The subject property was recently renovated and has a vacant commercial space on the ground level and apartment on the upstairs level. The applicant is combining their former bar and their partner's not-for-profit record label and recording studio to create the new business requesting the permit. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2021-073, subject to:

- 1) A comprehensive waste plan between neighboring tenants is enacted by the landlord;
- 2) Sidewalks must remain clean and clear of trash and debris;
- 3) Construction plans should include soundproofing and consideration for the upstairs resident and adjoining neighbors;
- 4) If food is to be served, appropriate food handling licensing shall be obtained;
- 5) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 6) No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;
- 7) All entertainment must cease by at least 1:00 a.m.;
- 8) Must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division I, Sec 4-1 including:
 - a. Must have at least one security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
- 9) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
- 10) The Special Use Permit is not valid for the approved use to be in operation until all the

conditions of approval are met. The applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 11) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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 shall be valid for two years from the publication 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,
- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit SP2021-073, subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis. Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 - 211290...SP2021-074 - SHERRIE GAYED WITH FRIENDSHIP INN

Synopsis: Special Use Permit for a 17-unit building for Friendship Inn for family members guests of patients at the University of Kansas Health Systems at 4403 Rainbow Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: This item was heard with COZ2021-043.

ITEM NO. 5 - 211301...SP2021-075 - PEARL A. KING

Synopsis: Renewal of a Special Use Permit (SP2019-074 expired 9/26/2021) for a restaurant/drinking establishment with live entertainment at 812 South 12th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Ms. Pearl King, is requesting a renewal of Special Use Permit (SP2019-074) for a drinking establishment, restaurant, and live entertainment venue at 812 South 12th Street. This property was approved for a parking variance (#2223) on November 14, 2016, and a Special Use Permit (SP2016-073) to operate a drinking establishment, which was renewed in 2018. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2021-075, subject to:

- 1) Building façade must be kept in good repair. Windows and doors must be kept in good repair;
- 2) Per Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees or other design elements;
- 3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
- 4) Two trees are required to meet landscaping requirements. The applicant for SP2016-073 planted two trees to meet this requirement. Trees must remain and be healthy or replaced;
- 5) The business shall install screening for the parking for the property directly adjacent to the west, in the form of shrubs, trees, fencing, or a screening wall;
- 6) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 7) All exterior lighting on the building must be hooded or controlled to direct light 90-degrees downward. No light may cast light or glare off the property or onto the public street;
- 8) The applicant must file and maintain a current business occupation tax applicant and entertainment license;
- 9) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 10) All entertainment must cease by 1:30 AM;
- 11) Doors and windows must stay closed during any entertainment performance;
- 12) Must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division I, Sec. 4-104(f), including:
 - a. Must have at least one security personnel stationed at the door at all times that is able

- to monitor any required parking area. Additional security guards may be required depending on the building capacity;
- b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
- 13) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 14) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 15) The Special Use Permit shall be valid for five 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,
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit SP2021-075 for one year, subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 6 - 211294...SP2021-076 - MATT ALTRICH WITH JOCO CAPITAL ONE, LLC

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

Action: This item was heard with Change of Zone COZ2021-046.

ITEM NO. 7 - 211292...SP2021-079 - GILBERTO GONZALEZ GUERRERO

Synopsis: Special Use Permit to accommodate a used car dealership with light repair and maintenance at 7512 Leavenworth Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: This item was heard with Change of Zone COZ2021-045.

Mayor Garner said that takes us to the set-aside item. I'll ask the Clerk to provide the set aside number. **Mr. Deichler** said, Mayor, that item is SP2021-082, Kevin Bentley with Catholic Charities of Northeast Kansas. **Mayor Garner** said I'll ask staff to make some opening comments or remarks, if available.

ITEM NO. 8 - 211302...SP2021-082 - KEVIN BENTLEY WITH CATHOLIC CHARITIES OF NORTHEAST KANSAS

Synopsis: Special Use Permit for a group home program with gardens/greenhouse for training (Shalom House) and office/gardening space for New Roots program at 2601 Ridge Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Kevin Bentley, is requesting to operate a group home at the subject property at 2901 Ridge Avenue. The subject property has retained various uses since its construction including a mental health asylum, tuberculosis sanitarium, elder care facility, and more recently, a prayer center. The applicant would like to use the subject property as the new location for Shalom House, a transitional group home with housing and life services in operation since 1973. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2021-082, subject to:

- 1) Screening shall be maintained surrounding the property;
- 2) The following site improvements are required:
 - a. Trash Enclosures shall be updated to Brick Masonry to match the building;
 - b. Debris Piles shall be removed;
 - c. Tire pile shall be removed;
 - d. Truck bed trailer inside parking shall be removed;
 - e. Parking lot needs re-striping and shall be included in building permit plans;

- f. Wheel stops or a guard rail shall be installed on the edge of the parking lot with steep drop; and
 - g. Replacement of the safety railing at the Jesus statue overlooking City Park;
- 3) Any new signage needs permitted by a licensed sign installation agency;
- 4) Trails shall be maintained and/or updated for safety and to mitigate overgrowth as part of a maintenance schedule on the property;
- 5) A safety plan shall be provided and provide protocols for access management and tenant management;
- 6) Any accessory buildings not approved in BOZA2021-045 shall be demolished before the renewal of this Special Use Permit;
- 7) The approval of this Special Use Permit does not take the place of any additional required Variances, Building Permits, Licensing, or any other Authority Having Jurisdiction requirements;
 - a. A building permit is required for the construction or modification of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573- 8620 or by 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;
- 8) 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,
- 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.

Mayor Garner said I'll ask staff to make some opening comments or remarks, if available.



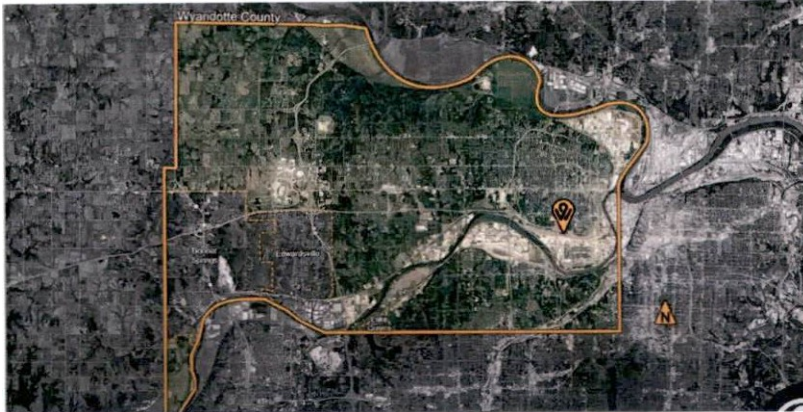
SP2021-082	
Petitioner	Address
Kevin Bentley	2901 Ridge Avenue Kansas City, Kansas 66102
Synopsis	
The Applicant is requesting to operate a group home at the subject property. The subject property has retained various uses since its construction, including a mental health asylum, tuberculosis sanitarium, elder care facility, and more recently, a prayer center. The applicant would like to use the subject property as the new location for Shalom House, a transitional group home with housing and life services in operation since 1973.	

Gunnar Hand, Director of Planning & Urban Design, said before you is SP2021-082, Kevin Bentley with Catholic Charities of Northeast Kansas. This is a property located in the Central area. It has a long history of being a group home of very different types. It's been a solarium in the past, it's been a senior living center in the past. The request tonight as a group home I believe for homeless individuals. There is a safety plan associated with this proposal. We have asked the applicant to do various site clean-ups to alleviate a couple of notices of violation to the site. There is a tandem application with this proposal as well. The applicant wanted to move forward with the group home first. If approved, they're going to come back for a couple of variances. There are multiple accessory structures on his property, and other uses that they wanted to put together so that they can have a greenhouse and garden. The greenhouse and the garden is not part of this proposal. This is simply just to see the group home. There have been some old notices of violation again that we're trying to clean up right through this planning process. There was some opposition at the City Planning Commission but there was also some support. Staff recommends approval for two years.

Mayor Garner said I'll ask the applicant, or a representative of the applicant, to present their

application. If you're available, please state your name and address for record.

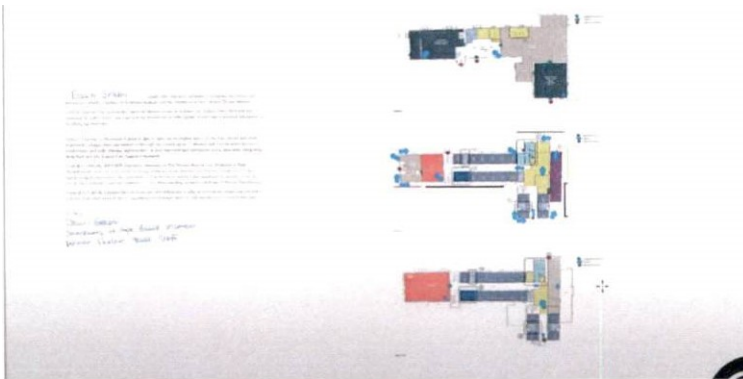
Kevin Bentley, 17554 West 158th Street, Olathe, KS, said I am representing Catholic Charities. We plan to relocate our Shalom House, transition housing and our New Roots farm training emporiums to this location on Ridge Avenue. Shalom House has been in operation for more than 40 years in KCK but near 13th and Parallel. Initially it was a temporary refuge for men who were experiencing homelessness, but when Catholic Charities took it over, we shifted the program to what it is today, and it's a transitional living program to help men stabilize and men who would otherwise end up homeless, enter them into permanent housing. As we've outgrown that site and it's no longer suitable for our full programming and our full wrap-around case management that we provide there, we needed to look for a new place. In addition, New Roots is a farm training skill program for newly settled refugees who have already been placed into permanent housing. Previously that program operated at Juniper Gardens, which as you know is set to close. Catholic Charities and this particular property at Ridge Avenue are both uniquely situated to ...



meet both of these program 's needs.



With over 25 acres, our farm training can be conducted on site. The building is large and includes 31 individual guest rooms. It served as a sanitarium, as a nursing home and most recently as a retreat center. There's parking for 35 cars, there's a kitchen, dining, recreation and meeting space already in place, situated perfectly for our purpose. Here we can serve up to 60 men at the site versus 24 that we served at the previous site.



However, our plans are for a very slow ramp-up as we want to maintain the quality of our services and maintain our high success rate instead of just adding numbers to our program.



We have the resources, and we intend to invest over \$2M to refresh and repair this property. We

have the programming and



community partnerships in place to support the participants and resident's needs. In the end the site will provide full case management, . . .



wrap-around services for the men at Shalom and will continue to partner in the continuum care in the county in support of these individuals.



With a 90% success rate in the program, we'll be able to serve many, many more men at this

location and keep from adding to the homeless population.

Public Opposition	Public Support
The applicant had one (1) voice of opposition at the neighborhood meeting	The applicant has six (6) letters of support from community organizations
Staff Recommendation	
Approval	

I'd like to close with some details that we shared with our community, at our neighborhood meeting and at the previous meeting about the program. First of all, we are aligned with the city-wide master plan. This supports economic development, preservation of historic structures and natural habitat, and those are just a few of the many elements that are aligned, and it requires no amendments to the city-wide master plan. Our referrals for Shalom come to us from programs, our own programs and other agencies', not walk-about's off the street. There's no walk-up admission, nor a dinner bell that rings at the end of the day for area homeless. Participants are residents and this is their home. We do conduct background checks, mental health screening and full social service assessment as part of our intake for all of our residents.

Our program centers around safety, the safety of the neighborhood as well as the men who live there. The many years we run the current site; we've not had any reported issues. Recently we received an endorsement by a KCK Police Officer who recounted that zero issues were encountered by her in her 20-year patrol of the neighborhood. We will have awake staff 24 hours a day, seven days a week, with our security system which incorporates cameras, alarms and controlled access points.

With our increased security and our cleanup of the property, and our walking trails, we actually envision improvements to this neighborhood. On the call with me are CEO Lauren Solidum, our Chief Mission Officer, Denise Ogilvie, Senior Director of Mission, Nelson Valles and our Shalom Program Manager Tanisha Williams to be able to answer any questions you may have about our agency, or our programs. We think that you'll find similar to last month's City Planning Commission meeting where we had supporters outnumber those who were opposed by 6-1, that we had widespread support in the community, and we ask that you approve our special

use permit as recommended and we thank you very much.

Mayor Garner said I will now open the public hearing and ask the Clerk if he's received any direct notification from the public who wish to express their comments in favor of this item.

Mr. Deichler said Mayor, we have not.

Mayor Garner said is there anyone joining us virtually who would like to speak in favor of? **Mr. Deichler** said yes, Mayor, we do have some.

Mayor Garner said if so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for record, and you will be given up to three minutes to state your comments. **Monica Sparks, Deputy UG Clerk**, said our first speaker is Matt.

Matt Watkins, 4023 N. 111th St., KCK, said I come tonight in support of Shalom House and Catholic Charities. This is a vital program that is a—I would call it a gold standard for our continuum of care here in the metro. It doesn't get much better when you have an organization like Catholic Charities that's well-funded, incredibly compassionate and working hard to make sure that our community stays safe. We work through that by administering through a lot of different programs. One of the programs is Shalom House, and just like any other business that we would want to expand in the community, I think we ought to offer them a hand up and a handout to make sure that this continues. The success of this program is vital in the single man homelessness portion of the continuum, and I don't think it's any different then asking a successful business to expand and do their work here in Wyandotte County. I think we should be willing to offer them this kind of approval and I hope this is a step in the right direction for other agencies who do spend time and money in Wyandotte County to expand their programs as well. I think approving this is a right step in that direction and hopefully will lead others to this as well. Again, I'm here in support of the Shalom House and Catholic Charities. Thank you all.

Kasey Featherston, 246 N. 20th St., KCK, said I just wanted to speak in favor of this project. As a resident that lives nearby, I think this is an incredible opportunity to create transformational change in our community. I think Catholic Charities provides wrap-around services that will help lift many men out of poverty and change the trajectory of their lives. I think I'm very excited about the New Roots for Refugee Program expanding their programming there, creating more

small businesses in our community, fresh produce for our neighbors. I'm very much in favor of this project and would like to share my support tonight. Thank you.

John Schneider said thank you for hearing my comments, I won't be nearly as articulated as the two people that spoke before me. But I do want to speak in favor of Shalom House. My wife and I and my family regularly do outreach to the homeless. There is a desperate need in our community for compassionate and caring services to the homeless. This program that Catholic Charities has had over many, many years, and I think Mr. Watkins, very articulately called Catholic Charities and their programs, and this program the gold standard. I think that is so true. Very well operated and managed and has a proven track record of helping these men come out of poverty and to enter back into society in a manner that is fantastic. I do want to speak in favor of this and thank you I appreciate having the opportunity to speak here.

Sister Therese Bangert, 424 N. 15th St., KCK, said I want to join all the previous remarks and add that the 25 years that I've lived in Kansas City, Kansas, I know how proud we are of our strong faith communities. For me, our belief in caring for the least of these will be witnessed by this place and I appreciate Catholic Charities taking this on to offer healing for those, for whatever reasons are struggling in their life.

Larry C. Gates, 9842 Rosewood, Overland Park, said I'm a member of Board of Directors of Catholic Charities. My comments are simple, I support the other speakers and also add there's an enormous need across the metropolitan area for affordable housing and this expands a very successful program and I've been privy to watch the planning and the significant effort by Catholic Charities to make this a success. I have been to the property, and I do believe that the neighborhood will see a very substantial upgrade to the neighborhood and to this particular asset. I just speak again in support of the approval of this plan.

Mayor Garner said Clerk are there any others? **Mr. Deichler** said we have no others.

Mayor Garner said is there anyone joining us in the lobby who would like to speak in favor of this application? **Mr. Deichler** said seeing no one, Mayor.

Mayor Garner said I ask the Clerk if he received notification from the public who wish to express their comments in opposition? **Mr. Deichler** said we've received none, Mayor.

Mayor Garner said is there anyone joining us virtually who would like to speak in opposition, if so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record, and you will be given up to three minutes to state your comments. **Mr. Deichler** said we are seeing two hands raised at this time.

Erin Steppe, 145 City Park Drive, KCK, said my property backs up to this property that we're talking about. I am mainly concerned with the safety of myself and my very young daughter with 60 homeless men living behind me. I can see the trails from my yard and so it makes me very uneasy to have that situation behind me. I realize that you're doing a good thing, but I also work in mental health, so if I know anything about the homeless population, there is a lot of undiagnosed mental illnesses and that's makes me very nervous for myself. I live alone with my young daughter. I just thought I would come on here and just say that in opposition of this project.

Paul Soptic, 65 S. 24th St., KCK, said I guess I'm looking at the safety of the issue, like the previous lady just talked about. And for brevity I sent an email to everybody concerned including all the commissioners. I hope everybody read it. I did get an answer back from Lauren Solidum. There's a lot of issues that were talked about and the letter from the Department of Planning & Urban Design dated December 28th had a lot of conditions that were attached to the Special Use Permit and under 2B it talked about debris piles being removed, and I just wondered if that included all of the debris that was on the property that borders on Ridge from 26th to 29th. Part 4 talks about the trails that need to be updated. Sanctuary Hope got to be a destination point for a lot of people using the trails for meditation and prayer, and the same way with the statue of Christ Grotto on the back side overlooking I-70 was the same thing. I know Father Dennis spent a lot of time working with the public and using these for meditation and prayer. I just think it's a shame to pull it away. **Ms. Facio** said you have one minute remaining. **Mr. Soptic** said the second part is I just want to know if there's going to be any inspections on the upkeep of these trails. Number 5 on the conditions was a safety plan that's provided for protocols. I haven't seen any safety protocols for access management or tenant management on this, nor have I seen any studies on asbestos or lead paint for these units. I would like to see these cleared up before any special use was approved on this. Thank you.

Josh Knight, 145 City Park Drive, KCK, said this property backs up my property. A lot of debris is back there, I get that, but not being very specific on what they're going to be removing. A lot of it is vine and they do bloom and make it very beautiful back there. Also, the upkeep of those trails; some of those trails do go through my land. I have a big issue with the security. You're bringing 60 gentlemen into a neighborhood makes me concerned about my property value as well. If I choose to sell my property, how's it going to look having 60 grown adults living behind my house? What are we doing about the nature behind our house, that's where I'm not seeing full clarity on the property and security? I would like a lot more information on that.

Mr. Bentley said I as the applicant can answer some of the questions that have been brought up, but they were posed questions; am I free to do that at this time? **Mayor Garner** said no, we'll return to you.

Mayor Garner asked, is there anyone joining us in the lobby who would like to speak in opposition? If so, please raise your hand. Once acknowledged, please state your name and address for the record. You will be given three minutes to state your comments. **Mr. Deichler** said seeing none, Mayor.

Mayor Garner said I will now close the public hearing. If the applicant or petitioner would like to make any closing comments, now is your time to do so.

Mr. Bentley said I believe I've caught all the questions that were posed, particularly about the trails. Upon submission of our application, a member of the UG toured the property. We've been working with that person to identify all the things that are necessary, some of the ones we've already identified. We've already begun doing that even though we were not completed with the approval process as there were just some things to the property that needed to be done. Restriping the parking lot, getting things set up for curb stops, working on plans for the trails, some of the trail repairs have already been done. We are not planning to remove any native plants or vines. What we're planning to do would be to restore the walking path to remove any unsafe obstacles. We don't want people to get injured on the trail. There's a wooden pathway across a small little wet area that needs to be replaced immediately to avoid anybody hurting themselves. So, it's all about safety, it's all about the quality of the experience walking trails, and so that's what we're planning to do there.

The other debris, Mr. Soptic mentioned the debris that was along Ridge Avenue. The

debris that is along Ridge Avenue is trash that has been thrown there from folks who pass by. There's only one house down at the end of that street. It was formally owned by the nonprofit Sanctuary of Hope, and they've recently sold it to a neighbor who has reached out to us and has been a supporter. She's trying get on right now and she's texting because she's a big supporter. She purchased that property; she also has a property on City Park Drive. We've even told her that our residents will work to keep that area clean. Right now, it's a dead-end street by the city and it's not given much attention. That actually will improve. The debris that was mentioned actually by the UG of a walkthrough, was a pile of trash that somebody had dumped on the property when there were no participants in the retreat center. Somebody drove into the back of the property and dumped things; it wasn't done by the Sanctuary of Hope or the priests there. We are going to remove that. That's the debris we're talking about.

Regarding the safety plan, we have provided to the UG and it should be in our packet, if you want to call that up. The plan we have for alarms, security passcodes, areas that are going to be under camera and all of that. We actually are developing a plan with our program for additional security measures and as far as whether that needs to be public, I don't know what the requirement is, but we do know that Mr. Soptic is very active in anti-violence in the community and has a lot of subject matter knowledge and certainly would welcome any input he has with his expertise. But we're going to seek out some consultation on additional things we need to do there. Those are the safety measures.

We have done an environmental—we found an environmental study that was done in 2008. We've conducted a new one, and we're in the process of remediating the small issues that we have found, to answer the other question.

Were there any other open questions, I believe I caught them. There was one about the men in the area and the safety of the community. We will know if any of our residents have a criminal record, and we have supportive services to help them. The one thing that is not known, as Mr. Soptic mentioned in the previous two meetings, there are homeless encampments in the areas, that's a complete unknown. What we have is a known situation with people who are there to support them and so similar to the Shalom House that was Parallel and 13th, we envision no problems.

Mayor Garner said do any members of the Commission have any questions or comments?

Commissioner Johnson said I remember going to the Sanctuary of Hope when it was a retreat center, and for me it provided a point place to kind of get away for a day or two, and yet it was just a few minutes from where I lived, and so, I have great memories of that when it was under the auspices of the retreat center. Now it is not, but we are dealing with this issue of homelessness. We all know that homelessness is an increasing problem that we have as a community, and Shalom House has maintained itself quietly and discreetly at it's current location, which is just outside of District 4. I know that there are persons that are in opposition to this relocation and I want to let you know I do hear you. Most persons believe that we need to address issues such as homelessness, but the problem always comes down to just as long as it's not in my neighborhood, and I do understand that. The way this property is located, it just provides a place that is very discreet in our community, and I am aware that the neighbors that live directly around it are aware of it's location. But I also know that I'm a proponent of assisting persons that are citizens of our community that do not have a house to live in. Also, returning citizens that are coming back from incarceration back into society. I can't think of a better place for them to go than Shalom House. This is a long-standing organization with a good reputation in our community.

I will say this, I do agree that the requirements that are issued by our Planning & Zoning staff and approved by the Planning & Zoning Commission need to be enforced. I stand by that; we need to do what we say we're going to do and make sure that those things that have been approved and required are in fact being done. I believe that this particular applicant has the capacity to be able to comply with all of those requirements and to maintain itself in a manner of decency and in a manner that is discreet, that's the word I want to use, within our community and also be a benefit to our community. So, with that, I yield the floor.

Commissioner McKiernan said if I could get Mr. Bentley to get back close to his microphone if I might be able to ask him just a couple of questions for clarification. Mr. Bentley, my understanding is this is not a long-term residential program, but rather a transitional program, which means that people who come to this program spend a period of time, but during that time, they go through, for lack of a better phrase, I'll call it life skills training, and then they, for lack of a better term, graduate and leave your facility to go to their own living situation. Do I understand your program correctly?

Mr. Bentley said, yes, Commissioner, you do. As a matter of fact, our residents can spend anywhere from amount six months up to a year in the program. Everyone comes to us

from a different place, and we do our social service assessment, identify what those needs are. A few of them include workforce development to ensure that people get jobs, get stable jobs and that they get the support of services to help the soft skills training that they need to keep those jobs. Asset development programs, widespread programs to help with budgeting, to help with long-term planning to make sure that people have the ability to leave our program and be stable. Housing assistance, to be able to get into permanent housing. When the men leave this program, again, ideally between six and 12 months, they go to permanent housing with jobs, paying taxes versus going on the street. There are other programs as well, that our mission team could add to, but those are some of the more formal.

Commissioner McKiernan said thank you, I appreciate that. That's one of the things that I historically liked about Shalom House in it's former, well current now, but soon to be former location is that it's not a passive situation, it's an active situation, where the folks who come to that facility engage in training, engage in life skills development with the goal of leaving that for stable housing. Do you have any estimate of how many people you've served over the years at Shalom House?

Mr. Bentley said I don't have that number. I've got Denise Oglivie who could probably answer online if she wants to answer a little bit more. She runs our programs and I know with 24 men in the program at any given time [inaudible]. We don't have any records before Catholic Charities.

Commissioner McKiernan said Mr. Bentley, if you would indulge us here. Ms. Oglivie is now allowed to talk, and if she could give us some additional background on number of clients, served, I'd appreciate that.

Denise Oglivie, Chief Mission Officer, Shalom House, said we typically—in a year would serve—we typically have served about 32 men every single year since we took it over in 2008. When we started in 2008, we were actually serving more because it wasn't running quite the same way where we were doing wrap-around services but within two years—so by 2010 we were actually serving about 32-36 men a year, with the goal of permanent housing. In the most recent year, which was COVID, we were able to find permanent housing for all of the men that were living there, so that when we got to the end of the fiscal year last year, we had placed all of them in permanent housing.

Commissioner McKiernan said so then it would be safe to say that you have served

hundreds, if not, low thousands of men over the lifetime of Shalom House? **Ms. Oglivie** said correct.

Commissioner McKiernan asked, would it be safe to say that the high majority of those men left Shalom House to a stable home situation and were no longer homeless? **Ms. Oglivie** said correct, that is the goal and that is our long-term programming. I'm not going to say that some people don't choose to leave without the housing but that is not the majority of people. The majority of men that we have served have gone on to get fulltime employment and to be housed.

Commissioner McKiernan said thank you so much, I appreciate that. My final thing is for Ms. Oglivie, Mr. Bentley, I would just ask that you be intentional and specifically reaching out, especially to your nearest neighbors, I believe Erin and Josh identified themselves as some of your nearest neighbors. Be very intentional in engaging with them, so that there is a partnership at the neighborhood level. With that Mr. Mayor, I'm finished, thank you.

Commissioner Ramirez said thank you Mr. Bentley, thank you Ms. Oglivie, for bringing the application before us. I will say that I do support this. Unfortunately, we have a big issue for our unhoused population here in Wyandotte County. I will sometimes get complaints about our unhoused population, and I try just to reiterate to my constituents who do, they're still residents of this county. They may not be able to pay their taxes, they may not be able to hold a job, but they are still residents, and we need to support them in any way that we can.

I want to second what Commission Johnson made the statement of making sure our Planning Department enforces the stipulations and the conditions that are part of the application. Again, seconding Commissioner McKiernan's last statement of please continue to work with the community, maintain those relationships, because they are and will be your partners throughout your entire existence at that location. And it does not hurt to extend that hand and to always get feedback. I thank you for wanting to take that extra step of adding possible more security planning for the location and extending that hand to Mr. Soptic and wanting to work with him on that. That means a lot, because it takes everyone to help those who are less fortunate than us. As a man of faith, I've always been taught and raised to always fight and to always do what's best for those who have less than I do.

Thank you to Catholic Charities, Shalom House for everything you've continued to do. It shows, and I thank you for bringing this application to us and to those community members, just as I was telling Shalom House, extend those hands of support to maintain those open lines

of communication because it takes a village. It's not just one of us, it takes everyone to help each other out.

Commissioner Davis said I will just say briefly, for me personally, for our family, we stayed down the street from Eileen's Place. For those of you who are unaware, it's a mixed-use development for affordable housing. I got to tour the place last summer and since they've been taking in residents and tenants and things, there have been—I can't point to any particular issue and I'm just giving—for folks that are opposed to this, or they don't know, or whatever; I'm not assuming anyone's intentions, I'm saying that you literally have a commissioner here who's living next to a place that is taking in folks that are on Section 8, and that's not to say that's everybody that lives there, but it's to say that there is proximity that me and my family that we have to this. We are fortunate enough for many of us not be the situations that we're in. I would hope again for a long-term solution, but I think as neighbors, it would behoove to do what we can to help others. I love the fact that the work that they're doing next to Shalom House doesn't just stop at the service, but it is a transition right onto a bigger and better. So, I'm in favor, I'm in support, but I just want to share my perspective so that you all are aware.

Mayor Garner said as someone who worked for the Housing Authority in Kansas City, MO as well as a Board Member of the Housing Authority here in Kansas City, Kansas, I can really applaud the work that this group has really put in to being strategic, checking all the boxes to make sure there's wrap-around services, to make sure these unhoused populations get the services they need to be successful, not in the short run, but in the long-term as well. The collaborations that have been built, and a well, thought out strategic program to just improve lives. And that something that this Mayor can support and get behind. I'm really appreciative of all the work that you've done to make sure that you made sure all the steps were taken to ensure that these individuals have an opportunity for real success in our community, and as such, I'll entertain a motion.

Action: **Commissioner Davis made a motion, seconded by Commissioner Johnson, to approve Special Use Permit SP2021-082 for two years, subject to the stipulations.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

VACATION APPLICATION

ITEM NO. 1 - 211303...VAC2021-010 - AMY STROTHER

Synopsis: Vacation of right-of-way at 4600 Parkview Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Amy Strother wants to vacate a portion of right-of-way along Parkview Avenue east of North 47th Street and incorporate a portion of the vacate right-of-way into her driveway approach for better alignment of Parkview Avenue and North 47th Street intersection, west of Parkview Avenue for the applicant's equestrian sanctuary. The Planning Commission voted 5 to 0 to recommend approval of Vacation Application VAC2021-010, subject to:

- 1) The Parkview Avenue right-of-way due to topography is not intended to be connected between North 46th Street and North 47th Street. The staggered intersection does not comply with Public Works' standards;
- 2) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc., that are now or may hereafter be installed in the tract of land hereby vacated;
- 3) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 4) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2021-010 subject to the stipulations.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLAN REVIEW APPLICATION

ITEM NO. 1 - 211304...PR2021-035 - BRANDON SISK WITH UG (BPU)

Synopsis: Preliminary and Final Plan Review for BPU Water Argentine reservoir reconstruction at 1801 South 14th Street, submitted by Gunnar H. Hand, Director of Planning

and Urban Design. The applicant, Brandon Sisk with the Board of Public Utilities (BPU) Water Division, wants to demolish an old, twelve-million-gallon reservoir and build a seven million-gallon reservoir on 9.84 acres on 1801 South 14th Street. The Planning Commission voted 5 to 0 to recommend approval of Preliminary and Final Plan Review Application PR2021-035, subject to:

- 1) Trees shall be planted along the berm to screen the tank from the existing residences along Lawrence Avenue, Valley Street, and South 13th Street;
- 2) Trees shall be at least two-inch caliper (shade or ornamental) or six feet in height (evergreens) when planted;
- 3) The tank shall be painted a complimentary color that blends in with the surrounding topography and vegetation;
- 4) While it is not intended to be in BPU's scope of work, there are substantial improvements being made to the property, which should include continued maintenance (repair) of existing infrastructure. As stated previously, the existing sidewalk along South Valley Street should either be repair or removed;
- 5) Maneuvering on grass is not permitted per the Parking and Loading Code, therefore parking, loading and maneuvering areas shall be on an improved surface. As part of the building permit submittal, an improved surface shall be depicted on the site plan for vehicle parking;
- 6) All lighting shall have 90-degree cutoff fixtures;
- 7) Because barbed wire fencing is not permitted in the residential zoning district, unless enclosing open farmland greater than five acres, or where farm animals are otherwise permitted, if the existing barbed wire fence is removed, it may be replaced with a six-foot wrought-iron style fence with a pointed tip facing inward towards the facility, similar to the fencing around the BPU Electric substations in residential districts; and,
- 8) Site improvements that include land disturbance activity on greater than one 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application PR2021-035 subject to the stipulations. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites,

Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MASTER PLAN AMENDMENTS

ITEM NO. 1 – 211278...MPL2021-017 - MARK CROSS WITH CROSSROAD TRUCKING, LLC

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

Action: This item was heard with Change of Zone #COZ2021-004.

ITEM NO. 2 - 211279...MPL2021-018 - WESTON SPARKS WITH RIDE 4EVER SKATE PARK

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

Action: This item was heard with Change of Zone #COZ2021-029.

ITEM NO. 3 - 211280...MPL2021-021 - ERIC FLETCHER

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

Action: This item was heard with Change of Zone #COZ2021-037.

ITEM NO. 4 - 211289...MPL2021-023 - SHERRIE GAYED WITH FRIENDSHIP INN

Synopsis: Master Plan Amendment from Urban Mixed Use to General Urban (Rosedale Master Plan) at 4403 Rainbow Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: This item was heard with Change of Zone #COZ2021-43.

ITEM NO. 5 - 211295...MPL2021-027 - MATT ALTRICH WITH JOCO CAPITAL ONE, LLC

Synopsis: Master Plan Amendment from Single Family to General Urban (Rosedale Area Master Plan) at 4108 Adams Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: This item was heard with Change of Zone #COZ2021-046.

ITEM NO. 6 - 211286...MPL2021-029 - JON SIMPSON WITH BHC RHODES

Synopsis: Master Plan Amendment from Public Semi-Public to Community Commercial at 1150 North 38th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: This item was heard with Change of Zone #COZ2021-041.

ITEM NO. 7 - 211282...MPL2021-030 - JOHN PRENGER WITH FREEDOM PROPERTIES

Synopsis: Master Plan Amendment from Urban Density to Mixed Use (Central Area Master Plan) at 3159 Orville Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: This item was heard with Change of Zone #COZ2021-039.

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

ITEM NO. 1 - AN ORDINANCE rezoning property at 3600 Rainbow Boulevard (COZ2021-033) from RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-3-22**, "An ordinance rezoning property hereinafter described located at approximately 3600 Rainbow Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of RP-5 Planned Apartment District to RP-6 Planned High-Rise Apartment District." **Commissioner Ramirez**

made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 - AN ORDINANCE

Synopsis: A rezoning property at 2211 North 13th Street (COZ2021-036), from C-O Nonretail Business District to RP-2 Planned Two Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-4-22**, "An ordinance rezoning property hereinafter described located at approximately 2211 North 13th Street, in Kansas City, Kansas, by changing the same from its present zoning of C-O Nonretail Business District to RP-2 Planned Two Family District." **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit for liquor sales in conjunction with a convenience store/gas station (SP2021-034) at 8537 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-5-22**, "An ordinance authorizing a Special Use Permit for 8537 State Avenue, pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 – ORDINANCE

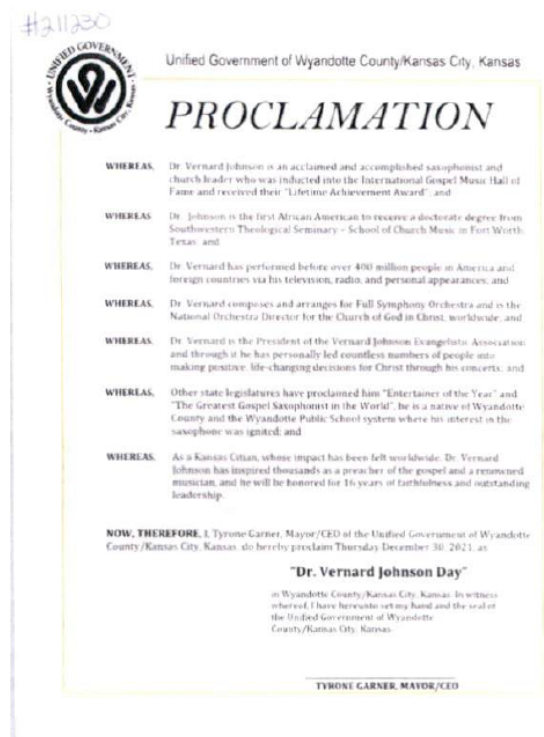
Synopsis: An ordinance authorizing a Special Use Permit for continuation dog day care (SP2021-068) at 221 South 22nd Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-6-22**, “An ordinance authorizing a Special Use Permit for 221 South 22nd Street, pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the Consent Agenda.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MAYOR'S AGENDA

ITEM NO. 1 - 211230...PROCLAMATION: DR. VERNARD JOHNSON DAY

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



January 6, 2022

Action: The proclamation was presented.

REGULAR AGENDA

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

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

ITEM NO. 2 - 211231...RECOGNITION: PANDARAMA PRE-SCHOOL STREET RENAMING

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

Mayor Garner said your service is appreciated and it’s a great honor to have that name in that behalf.

Action: Recognition.

Mayor Garner said this will be the last order of business under the Mayor's Agenda. It’s a resolution appointing an Interim County Administrator, but prior to getting to that, and I'm getting ahead of myself. I'd like to just inform the public that with all the issues regarding homelessness, stay tuned, there will be a forthcoming—I'll be commissioning a task force to address poverty and homelessness in Wyandotte County so that’s something that we’re all looking forward to.

ITEM NO. 3 - 211232...RESOLUTION: APPOINTING INTERIM COUNTY ADMINISTRATOR

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

Mayor Garner said I would just like to let the public know that the Charter Ordinance allows for the Unified Government Mayor CEO to appoint a County Administrator with the consent of the Commission. I have appointed Cheryl Harrison-Lee, and I'll briefly read for the public knowledge on some of her accomplishments.

Cheryl Harrison-Lee started her career in Municipal Government with the City of Gainesville, Florida. Ms. Harrison-Lee holds a graduate degree from the University of Florida, a Bachelor's degree from University of South Carolina, completed the Harvard Kennedy School of Government, Senior of Exodus in state and local government program. Ms. Harrison-Lee's experience includes employment in state-wide regional and local government sectors as well as private consulting firms. She was a mental administrator in Florida for almost three decades.

Her municipal experience includes the City of Orlando, the City of Daytona Beach, and the City of Titusville. Ms. Harrison-Lee served as District Manager for Public Transportation with the Florida Department of Transportation where she was responsible for state oversight of various district-wide, capital projects at Orlando International Airport, Daytona Beach Airport, Orlando Regional Transit Authority, and Port Canaveral. Her experience includes studying municipal issues statewide, nationally and internationally. She was elected to take part in the United States delegation to Hong Kong and Japan on an international transit study mission to learn about land use development and transportation. Her work was published nationally in the technology and development of cost-effective transit systems in the Asian Pacific region.

Significant, professional accomplishments include master plan approval for a \$457M mixed-use urban entertainment center, developing a plan for the reuse of the Orlando Naval Training Center and annexation and master plan for development of 7,500 acres, the home for the Burnham Institute, Nemours Children Hospital, Veteran Administration Hospital and University of Central Florida Medical School.

She served as City Administrator for the City of Gardner, Kansas and led the negotiation efforts for a \$14M Hampton Inn Hotel, a conference center, added the tax base in Gardner that created over 108 jobs for a \$38M industrial facility. Excellence in her service also positioned her

in spearheading a \$200M economic development projects throughout Gardner, Kansas. Additionally, she led the City of Gardner, Kansas to achieve it's first national ward recognition for Excellence in Performance Management by introducing the best practice, priority-based and a new strategic plan. She was featured nationally in Essence magazine for her accomplishments and profession and recognition by the University of Florida with the distinguished Alumnus Award. Ms. Harrison-Lee's professional recognitions and affiliations include International City Management Association, Institute of Certified Planners, American Planning Association, and the University of Florida Board of Regents. She is credentialed as a Manager to the International City Management Association, (ICMA).

Ms. Harrison-Lee has served on university boards for the University of Central Florida, University of Florida at Bethune-Cookman College, she also served as a member of ICMA's Strategic Planning Task Force, MARC Sustainability Committee and currently serves as Vice-Chair for the Kansas Board of Regents.

I selected her just looking at her resume because of her qualifications and because of my belief that this appointment is what Wyandotte County needs as this time to really address some of the needs that we have within our community when you talk about taxes, when you talk about investing in the disinvested parts of our community, as well as a leadership that's needed to really move the Unified Government forward. At this time, do any members of the Commission have any comments or remarks?

Commissioner Davis said I just wanted to give a huge shout out to Misty and the Legal Team because they have been working overtime, and so thank you all for really working behind the scenes, and doing a tremendous amount of work. I mean if we were all there, I think we all should give you all a standing ovation.

I think for Wyandotte County, this is such a big transformational moment. It's not lost on us that we have the opportunity to appoint the first woman to this position, the first person of color, and the first black woman to this position. This is a huge deal, and we need to celebrate that, and so I wanted to vocalize that and make sure that it is said, we are blessed, and I'm honored to be able to cast this vote of support.

Commissioner Bynum said I'm in support of the selection of our Interim County Administrator. I also am making a request that the full commission be provided a copy of the contract that we

entered into with Ms. Harrison-Lee, and thank you for bringing the name forward, Mayor, I really appreciate it.

Commissioner Ramirez said just seconding the comments of Commissioner Davis. Tonight is a historic moment for Wyandotte County. The first female Interim County Administrator, first Interim Administrator who is a person of color. We also say that Wyandotte County, we don't always say, we do always say, and it is true; that Wyandotte County's the second most diverse county in this country, and we need to be proud of that and celebrate that and I look forward to working with our Interim Administrator in making real good change for our people. Wyandotte County, we are a strong and stubbornly proud of where we come from, and we need to celebrate and I hope that Ms. Harrison-Lee embraces that proudness and that strength and so that we can all work together and come to the table as one and make some real substantial change in our community. I, 100% support this, and I'll look forward to working with her.

Commissioner Kane said when we did the interview the other day, and she said she used to work in Gardner, so I called the former Mayor of Gardner, Chris Morrow, and I said Chris, can you tell me something about her. He goes snatch her up, and that did it for me. I was so impressed with what he said that you can't see on her resume, and I just thought that was just outstanding, so I would like to make a motion to approve the resolution to appoint Cheryl Harrison-Lee as submitted.

Action: **RESOLUTION NO. R-3-22**, "A resolution authorizing the appointment of Cheryl Harrison-Lee as the Interim County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, and authorizing the negotiation and execution of an employment agreement in connection with the appointment."
Commissioner Kane made a motion, seconded by Commissioner Burroughs, to adopt the resolution.

Commissioner Townsend said I, too was impressed with the credentials of Ms. Harrison-Lee. That's not an issue as all. The questions I have are more procedural and the kudos have already been given to our hardworking Chief Counsel. I'm going to add one or two more questions as a procedural matter because I'm sure, if I have questions there will be others in the public, my

constituency may have them as well. Commissioner Bynum has already mentioned wanting to receive a copy of any contract, I would be interested in that as well. So, my first question to Counsel is under the current procedures that apply to this kind of situation, would the Commission have to approve any contract? Is that within the purview of the Commission or the Mayor's Office or both? That's question number 1.

Question number 2 deals with what plans may be afoot for a full search beyond the position of Interim. We are considering tonight a resolution that deals with an Interim position or appointment from January 7th, through midnight, April 1st, 2023, but that will be an Interim. What are the plans, if any, to conduct a national search, since this is an Interim position?

Misty Brown, Chief Counsel, said I thank everyone for all the kudos to my team, we appreciate that. Commissioner Townsend, you've asked some great questions, so I would back up just a little bit and say that the Charter, the Code in our Code of Procedures makes it very clear that only the Mayor may appoint the County Administrator with the consent of the Commission, and I think everybody understands that. As we have entered into this process which is somewhat unique and not something that we see all the time, we've spent a lot of time reading the Code as it applies. One thing I've noticed, the Code requires that the terms and conditions of the County Administrator's employment be reduced in writing.

Past practice has always been that the Mayor has always negotiated and signed the contract with the Administrator. I suspect this was done in recognition of the difficulty of a body such of this size trying to negotiate an agreement with someone versus an individual and also because the County Administrator is the Mayor's appointment and reports directly to the Mayor. But as you can see from the resolution that I've submitted, I have proceeded cautiously and included a provision in the resolution authorizing the Mayor to negotiate and execute an agreement with the Interim County Administrator so that everyone understands that this is the process that is going to occur. Now once the contract is finalized and negotiated and I've have heard the request of the Commission, it will be an open record and I will, of course, provide that to the Commission as requested. In regard to plans about a future search, I'm going to switch that back to the Mayor because that is his purview for the Charter to bring forth candidates and interview them.

Mayor Garner said Misty and her team has done an outstanding job in helping us through this process. I just want everyone to know that I was really thoughtful in my appointment of Ms.

Harrison-Lee. Just looking at her resume, what I read to you all, really does not do justice of the good work she has done, not just here in the Kansas City metropolitan area, but she's known regionally. She's known throughout the State, and she's known throughout the country for her good work. Especially when it comes to urban redevelopment, engaged leadership, which she has really touted to me, during my interview with her, as well as her desire to provide servant leadership. That's collaborative, not just with this Commission, but she really wants to engage and get to know this community, and that's what stood out to me. I can say that I'm confident just looking at her resume, which is really, it just stands out to the point that I was just overwhelmed with her level of experience and qualifications and the good work she has done. When I looked at all that and I put it all together, it was an easy decision as far as an appointment for me to have someone that has connections both here regionally, throughout the State, as well as shown a track record of success in a city right here in the Kansas City metropolitan area.

As far as to answer your question, Commissioner Townsend, the plan was to make an Interim Administrator that would give both myself, as well as this Commission, an opportunity to outline priorities for Ms. Harrison-Lee which she totally embraces. During her interview, she noted that. It gives us an opportunity to come back as a Commission with this Mayor to make an evaluation at that point to see where we need to go moving forward, based on her performance which; it would surprise me if she does not meet or exceeds the expectations that not just this Commission and this Unified Government staff has for her, but also this community. So, I'm confident that, hopefully, we won't need to get to that point. But if the point arises where I need to look in a different direction, there is a clause, I believe within her contract, where we have to give notification and prior to that notification to Ms. Harrison-Lee, I will notify this Commission, and we will move forward with a direction to do a national search.

But at this point I can tell you Ms. Harrison-Lee has my full support; she's going to need all of our support. She's going to need this community's support. At this point I think it's premature for me to talk about long-term, but there are things there that are available to both myself and this Commission that allows us to basically do the things that the Unified Government's Charter allows for us to do in regard to the Administrator. Those are the things that are there. I just want to reiterate my complete support for her and that I would hope that this appointment would get the full support and consent of this Commission and that we get behind her and allow her to do the good things that we know she's capable of doing right here for Wyandotte County.

Commissioner Townsend said and let me say again for the record, this is a process question, and it's not about any particular candidate, because as I've observed I was delighted to have the opportunity with the rest of the commissioners to get a preview, and this is merely a process question. Thank you for your response.

Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Mayor Garner said I would like to say thank you to our elected body in support of my appointment, but more importantly I'd like to say thank you to Ms. Harrison-Lee on accepting the call to action that I'd given her to take the helm of being Interim County Administrator for our great community. I'm confident that Cheryl Harrison-Lee will bring experience and expertise necessary to help our community navigate through the challenges of addressing an aging infrastructure, investing in the disinvested, tackling burdensome taxes and fees, streamlining our government in a way that will promote efficiencies, as well as enhancing the Unified Government's workforce and its commitment in providing excellence in service to all our residents.

Tonight's appointment is one of many steps toward solidifying engaged community-driven leadership, transparency, forward-thinking, and equitable visionary leadership throughout your Unified Government. Ms. Harrison-Lee's work in government allows her to bring a deep understanding of how best to affect positive-systematic change that I know we all see and to facilitate the furtherance of a Unified Government that will always put the most pressing needs of our community first. I'm confident that Ms. Harrison-Lee will help your elected body through a strategic repositioning designed to build a more vibrant, equitable and resurgent Wyandotte County, Kansas.

I can't overstate my enthusiasm as I look forward to working with Ms. Harrison-Lee with you as well as our community. More importantly, I want the community to know that we all are looking forward to working with you on making Wyandotte County a great and safe place to live, work and raise a family. Stay tuned for further announcements from your hardworking UG staff as we work with Ms. Harrison-Lee on a formal presentation and message from her welcoming her to our Unified Government and to Wyandotte County in this historic new leadership endeavor that she's agreed to take on.

Mayor Garner said we will go to the Regular Consent Agenda now. 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 aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the Regular Consent Agenda.** Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

REGULAR CONSENT AGENDA

ITEM NO. 1 -211311...NOMINATION: BOARDS AND COMMISSIONS

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

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

ITEM NO. 2 - MINUTES

Synopsis: Minutes from Regular Session of September 30, 2021.

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

ITEM NO. 3 -WEEKLY BUSINESS MATERIAL

Synopsis: Weekly Business Material dated December 10 and 16, 2021.

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

PUBLIC HEARING AGENDA

No items of business

STANDING COMMITTEES' AGENDA

No items of business

ADMINISTRATOR'S AGENDA

ITEM NO. 1 - 211314...APPROVAL: 2022 UNIFIED GOVERNMENT LEGISLATIVE AGENDA

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

2022



Alan Howze, Acting County Administrator, said this is the last item. We will try and plow through this here. I think there are a couple pieces, open ends, on this that we'll try and close up. I've asked Assistant County Administrator Ms. Cobbins to bring this up on the screen as well. You can go to page four to start us off here.

12. Countywide Sales and Use Taxes Since 1977, Kansas has successfully used a city-council revenue sharing formula for the benefit of all. The existing formula benefits both city and county taxpayers and ensure there is a fair method to distribute funds that are generated primarily in cities.	Commented [SM5]: Added LRM language
13. Alternative Revenue Sources Cities should be authorized to approve alternative revenue sources to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.	Commented [SM6]: Added LRM language
14. Federal Loan Programs We support changes to allow local governments to participate directly in federal loan programs.	Commented [SM7]: Added LRM language
15. Golden Years Property Tax The Unified Government could potentially establish a golden years homestead property tax program. This program would freeze property tax amounts for those of a certain age and financial capacity. It would need to be structured in a way to prevent the foreseeable abuses. If it cannot be done in such a manner it has the potential to significantly erode the tax base that local government rely on to provide necessary services that people in their golden years need.	Commented [SM8]: New LRM language for discussion Commented [SM9]: Comments should consider revised language as outlined and work with new lobbyist in 2022 on possible language revisions Commented [MS1008]:

This golden years property tax in the earlier session, Commissioner Davis suggested in lieu of

that to reflect the Commission's support of that. Probably the first sentence explicitly states that the UG supports medical marijuana or medical cannabis.

Commissioner Burroughs said you hit right on it. I believe we should change the title from medical marijuana to medical cannabis. I believe it will benefit us better to have medical cannabis. I believe we heard today from our legislative delegation as well as our commissioner that we are in strong support of medical cannabis. **Mr. Howze** said, right we will adjust that.

Preserving the Authority of Local Health Officers during Public Health Emergencies
The Unified Government supports portions of HB 2016, passed June 2020, and changes made to Senate Bill 40, passed March 2021, which limit the authority of local health officers to act during times of public health emergency. HB 2016 allows for local health orders related to remediation of infectious disease to be reviewed and revoked by county commissioners. Amendments to SB 40 went further, shifting responsibility for enacting emergency health orders entirely to county commissioners, and giving school boards sole discretion over school operations during times of public health emergency. The bill also allows businesses or individuals approved by emergency-related order to request a court hearing in which the governmental entity issuing the order is required to prove it had protected public health by the least restrictive means possible. The court hearing must be held within 72 hours, and the court must issue an order in seven days, or by default the health order is nullified. The Unified Government believes that public health emergencies like pandemics are rare events with quickly evolving dangers, which require health officers to unilaterally enact health orders to protect public health and safety. These unilateral powers can be confined within reasonable statutory limits set forth by the legislature, which balances public safety with other needs. House Bill 2016 and Senate Bill 40 did not achieve this balance by shifting authority to county commissioners and school boards which often lack medical expertise, and by placing undue burdens on local courts to respond to citizen complaints, it severely limited local governments' abilities to preserve public safety during pandemics.

Commented (MS52): From Health Department
Commented (MS51K52): Not added to the agenda
Commission should follow up with new lobbyist in 2022 and discuss possible language for 2023

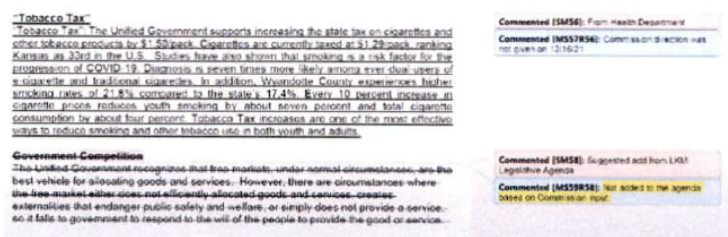
"Removing active consent from school surveys" (HB 2261)

The Unified Government supports legislation to remove active consent requirements for surveys conducted in schools including the Kansas Communities That Care Survey, The National Community That Cares (NCTC) survey, Youth Risk Behavior Survey, and others, provides valuable health-related behavior data that contribute to the leading causes of death and disability among youth in this state is used to inform the work of the LGPHO, the Community Health Improvement Plan (CHIP), and our community partners. This change to active consent a few years ago has made it more challenging to obtain higher levels of participation to ensure a good sample and reliable data to be used to strengthen public health in Wyandotte County.

Commented (MS54): From Health Department
Commented (MS55K54): Not added to the agenda
Commission should follow up with new lobbyist in 2022 and discuss possible language for 2023

Moving on to page 15. We kind of ran out of time here, these last two, removing active consent. You heard Senator Petty speak to this as well and the Health Department followed up with Commissioner McKiernan on the question that he asked in the December 16th session, in terms of what that active consent looks like? Commissioner McKiernan, I don't know if there's anything you want to add to that in terms of—oh you got your hand raised there.

Commissioner McKiernan said if I could, just really briefly. I was pleased in the answers from the Health Department in answering all the questions that I had, and I am confident that the way it's going to be approached with this item would provide for full disclosure, would give parents and families all the options they need to opt out and would provide clear follow-up in terms of how and when their data might be used and disaggregated, so de-identified. With all of the answers that I got from the Health Department, I am fine with this item. **Mr. Howze** said any other discussion on that item, we'll move that into the legislation agenda.



The last item, the tobacco tax, this is increasing state tax on cigarettes and other tobacco products by \$1.50 a pack. This is one that we don't have in the legislative agenda now and I guess it's the will of the Commission to include that in legislative agenda.

Commissioner Davis said not to interrupt this, I know we're all almost done, but I think at some point we should heed Senator Petty's recommendation that we condense this into a top ten, top eight or something like that. This is very, very dense and it is exhaustive, and so I think it would help us and maybe prioritize, and maybe continue having those conversations, so that when we do come back and meet with the delegation, we can hear some updates on the progress of our priorities.

Mr. Howze said returning to the tobacco tax, is that the will of the Commission to include that in the legislative agenda or to not include it for 2022? This is what we're trying to get to.

Mayor Garner said commissioners? Anyone want to weigh-in on that question?

Commissioner Markley said I guess what's kind of odd about this is I understand the impetus for putting it in there from a health perspective, but from a city perspective, I kind of like, well, if they are going to increase it and it helps health and that's great. Where does the money go? I kind of feel like they should address that as well. But that's just me, I mean I understand the health implications of it and why the Health Department has brought it forward. I think it's unique that we would support this increase and not make any commentary on where the money goes and whether we have any advantage from that.

Commissioner Burroughs said I agree with my colleague, I think it's very vague how it's presented to us. I also think we're sending a message that we're willing to increase taxes and I don't like that message. That's my comment, but I agree it needs more information, and a subject matter needs to be determined where the revenue goes.

Commissioner Stites said nowhere in the wording does it address chewing tobacco, and I think does that apply? With those being so close to other communities that do not have this tax on tobacco, I believe that it's just going to drive sales to other communities that do not have this imposed tax. I'm against it.

Mr. Howze said I think we have a sense of the Commission that we will hold over on this and not include it in the legislative agenda for this year.

Mayor Garner said the question from our Acting Administrator is, does the Commission wish to hold this item over? **Commissioner Stites** said yes. **Mayor Garner** said I believe the consensus is, if we can just hold that over.

Mr. Howze said we will hold that over. I think that's all the open issues on there. As I noted in the beginning, when we started this, we have finalized the selection on a lobbyist for Topeka, so I think having that one may help, to Commissioner Davis' point, and others, to refine this down to kind of a top list. To Commissioner Ramirez's earlier suggestion and one that's been echoed by other legislators as well which is, perhaps mid-session or at the end of the session to get a session wrap-up and then to kind of pull this forward so that's it's in the September/October timeframe giving the delegation time to actually work through pieces of legislation that might be in time for the 2023 session. If we can adjust the calendar to continue to foster that collaboration and that conversation.

Commissioner Kane said I would like to meet the new lobbyist, face-to-face, nose-to-nose, toes-to-toes. So, Alan, if you don't mind setting that up that would be great. **Mr. Howze** said sure will.

Commissioner Burroughs said I know that it has been expressed that we meet again with legislative delegation. As Chair of the delegation, just let me know what dates may be amenable and a timeframe of which you will be amenable, I will look at the legislative calendar and see if there's not an opportunity for us to once again meet collectively and discuss the progress we're making on the legislative agenda in Topeka.

Mayor Garner said again, this was Item No. 1, Approval of the Governing Body 2022 Legislative Agenda. Are there any other comments or questions from our Commission? **Mr. Deichler** said seeing none.

Action: **Commissioner Davis made a motion, seconded by Commissioner Kane, to approve as recommended.**

Commissioner Markley said can you just clarify that's a motion to approve as just amended? **Mayor Garner** said it is a motion to approve as recommended.

Roll call was taken and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 - 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, 2021, Special Session.

- Tiered rate structure
- Individually calculated rate structure

This item was previously heard at the 12/2/21 Planning & Zoning and full commission meeting and was held over.

Action: **Removed per Mayor.**

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business

MAYOR GARNER

January 6, 2022

ADJOURNED THE MEETING AT 8:30 P.M.

January 6, 2022

Brett A. Deichler
Unified Government Clerk

tk/am

January 6, 2022