

**SEPTEMBER 29, 2022, UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

Location: HYBRID

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

You are invited to a Zoom webinar.

When: Sep 29, 2022, 05:00 PM Central Time (US and Canada)

Topic: Full Commission Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83009120188?pwd=YWITZm4vcU8wWEVZOVJUSk82L2lHdz09>

Passcode: 864130

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US: +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 646 931 3860 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY SISTER THERESE BANGERT OUR LADY/ST. ROSE CATHOLIC CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, SEPTEMBER 29, 2022 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**

- XIII. ADMINISTRATOR'S AGENDA
- XIV. COMMISSIONERS' AGENDA
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA
- XVI. PUBLIC ANNOUNCEMENTS
- XVII. ADJOURN

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2022-025 - GLEN BENNETT

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 2615 Espenlaub Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211969

2. COZ2022-026 - JONATHON LAUDNER

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to maintain small livestock and other agricultural uses at 6840 Cernech Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211971

3. COZ2022-028 - MIKE SANDERS WITH NAMPARA

Synopsis: Change of Zone from MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District for future industrial development and site preparation at 4500 Dover Street and 4414 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211972

4. COZ2022-031 - JACK XIONG WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Change of Zone from R-1 Single Family and M-2 General Industrial Districts to MP-3 Planned Heavy Industrial District for a water treatment plant at 2443 South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211973

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2021-069 - PRABHJOT SINGH PADDA WITH UNITED TRUCK REPAIR

Synopsis: Special Use Permit to operate an inspection/light maintenance facility for United Truck Repair (SP-2019-82 expired 9/26/2021) at 451 South 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211975

2. SP2022-033 - TWASHANE CRAWLEY WITH COMPLETE CAR CARE

Synopsis: Special Use Permit for auto repair/body shop supply store at 1000 State Avenue., submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 211976

3. SP2022-051 - GONZALO HERNANDEZ-CASILLAS

Synopsis: Special Use Permit for an automotive repair shop at 745 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 211977

4. SP2022-054 - RAUL VILLEGAS-RODRIGUEZ WITH SOCCER NATION KC

Synopsis: Special Use Permit to operate an indoor soccer facility at 520 South 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 211978

5. SP2022-072 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Special Use Permit for a used car dealership at 1401 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211979

6. SP2022-077 - AUSTIN LAGE WITH BHC RHODES

Synopsis: Special Use Permit for a fueling and maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211980

7. SP2022-080 - MICHAEL S. WIBER WITH ST. JOSEPH LODGE 35

Synopsis: Special Use Permit to operate an event space with live entertainment at 404 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 211982

8. SP2022-082 - DENISE TOMASIC WITH PURPLE PROPERTIES

Synopsis: Special Use Permit to operate a short-term rental at 419 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 211983

9. SP2022-083 - JAMIE REDIC WITH FEEL ROYAL LLC

Synopsis: Renewal of a Home Occupation Special Use Permit (SP2020-078 - expires 11/5/2022) to operate a single chair beauty salon at 2947 North 83rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 211967

C. MASTER PLAN APPLICATION

1. MPL2022-017 - JACK XIONG WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Master Plan Amendment from Industrial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) for a water treatment plant at 2443 South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211974

D. PLAN REVIEW APPLICATIONS

1. PR2022-025 - AUSTIN LAGE WITH BHC RHODES

Synopsis: Preliminary and Final Plan Review for a fueling and maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211981

2. PR2022-026 - DR. JESSICA DAIN WITH USD 203 PIPER SCHOOL DISTRICT

Synopsis: Preliminary Plan Review to convert an elementary school into a high school with athletic fields at 13021 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211984

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

1. AN ORDINANCE authorizing a Master Plan Amendment (MPL2021-028) to the Central Area Master Plan for property at 505 Central Avenue from Urban Density to High-Density Residential, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211985

2. **AN ORDINANCE** rezoning property at 4639 Parallel Parkway (COZ2022-007), from C-1 Limited Business District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211986
3. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-022) at 4639 Parallel Parkway for auto repair services, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**
Tracking #:211987
4. **AN ORDINANCE** rezoning property at 3430 North 115th Street (COZ2022-018) from A-G Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211988
5. **AN ORDINANCE** rezoning property at 3548 North 115th Street (COZ2022-019) from A-G Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211989
6. **AN ORDINANCE** authorizing a Special Use Permit at 2205 South 8th Street (SP2022-041) for automotive sales, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211990
7. **AN ORDINANCE** authorizing a Special Use Permit at 2205 South 88th Street (SP2022-047) for auto sales, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211991
8. **AN ORDINANCE** authorizing a Special Use Permit at 1810 North 1st Street (SP2022-053) for the Temporary Use of Land for commercial and industrial activities (storage containers and greenhouse), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211992
9. **AN ORDINANCE** authorizing a Special Use Permit at 620 Tenny Avenue (SP2022-055) for a Short-Term Rental), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211993

10. **AN ORDINANCE** authorizing a Special Use Permit at 3008 South 9th Street (SP2022-068) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211994

11. **AN ORDINANCE** authorizing a Special Use Permit at 4929 State Avenue (SP2022-069) for live entertainment in conjunction with an existing drinking establishment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 211995

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. **COZ2022-015 - JOHN EMANUELS**

Synopsis: Change of Zone from A-G Agriculture and C-1 Limited Business Districts to A-G Agriculture, R-1 Single Family and C-1 Limited Business Districts for urban residential uses and church at 4411 North 67th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR DENIAL - 6/2 VOTE)

Tracking #: 211970

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR SEPTEMBER 29, 2022

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

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

IX. MAYOR'S AGENDA

Item No. 1. - PROCLAMATION: BENJAMIN BANNEKER ELEMENTARY SCHOOL APPRECIATION DAY

Synopsis: Proclamation proclaiming September 22, 2022, Benjamin Banneker School Appreciation Day, submitted by Tyrone A. Garner, Mayor/CEO.

For Information only

Tracking #: 211000

Item No. 2. - PROCLAMATION: NATIONAL GEAR UP WEEK

Synopsis: Proclamation proclaiming the week of September 26th through September 30th as National GEAR UP Week, submitted by Tyrone A. Garner, Mayor/CEO.

For Information only

Tracking #: 212999

Item No. 3. - RESOLUTION: MARIJUANA POLICY DEVELOPMENT

Synopsis: A resolution expressing support for developing a policy that addresses education, prevention, and treatment surrounding the possession of marijuana and drug paraphernalia and the sentencing for those offenses, submitted by Misty Brown, Chief Counsel.

Tracking #: 212004

Item No. 4. - RESOLUTION: MUNICIPAL JUDGE APPOINTMENT

Synopsis: Municipal Court selection process and a resolution appointing the Municipal Court Judge, Division 1 for the term of four years, submitted by Misty Brown, Chief Counsel.

Tracking #: 212005

Item No. 5. - RESOLUTION: EXTENDING THE STATE OF EMERGENCY FOR THE COVID-19 PANDEMIC

Synopsis: Proposing a resolution to extend the state of emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas, through February 1, 2023, submitted by Matt May, Director of Emergency Management.

Tracking #: 211968

Item No. 6. – APPOINTMENT: VOTING DELEGATE FOR KAC

Synopsis: Appoint Commissioner Christian Ramirez as the voting delegate and Juliann VanLiew as the first alternate, and Andrea Vinyard as the second alternate for the Kansas Association of Counties 46th Annual Conference & Exhibition, submitted by Alley Porter, Commission Liaison

Tracking #: 212001

X. REGULAR CONSENT AGENDA

Item No. 1. - RESOLUTION: RESOLUTION OF INTENT TO ISSUE INDUSTRIAL REVENUE BONDS

Synopsis: Resolution of Intent to Issue Industrial Revenue Bonds not to exceed \$25,000,000 for the Benefit of Sunflower Development Group, LLC (505 Central Avenue Project), submitted by Katherine Carttar, Director of Economic Development.

*On September 12, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 211935

Item No. 2. - MINUTES

Synopsis: Minutes from the special session of August 25, 2022.

Tracking #: MINUTES

Item No. 3. - WEEKLY BUSINESS

Synopsis: Weekly business materials dated September 8, 2022.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

Item No. 1. - UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

For information only.

Tracking #: 211735

Item No. 2. – RESOLUTIONS: VILLAGE WEST APARTMENTS III

Synopsis:

1. Resolution Approving the Assignment & Assumption of the Development Agreement for Village West Apartments III
The ownership structure of the project is changing, and this ensures the ownership group will assume the responsibilities outlined in the Development Agreement.
2. Resolution Assigning & Amending Certain Provisions in the Resolution of Intent to Issue IRBs
Reassigning the resolution of intent to issue bonds in the amount of \$45,700,000 for the construction of commercial facilities to Village West Apartments III, LLC as previously adopted by the Commission,
submitted by Katherine Carttar, Director of Economic Development.

Tracking #: 212006

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1. - TRANSFERS: REAL PROPERTY INTERGOVERNMENTAL TRANSFERS

Synopsis: The Land Bank Manager requests approval and forwarding to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager. The parcels below are requested to be transferred to the Unified Government from the Land Bank's inventory. Please visit the new site to review the parcels below. <http://maps.wycokck.org/LandBank.html>

Right-of-way - 22 parcels

1. ROW - Parcel - 892078
2. ROW - Parcel - 892085
3. ROW - Parcel - 892132
4. ROW - Parcel - 892228
5. ROW - Parcel - 892229
6. ROW - Parcel - 892230
7. ROW - Parcel - 892231

8. ROW - Parcel - 892232
9. ROW - Parcel - 892233
10. ROW - Parcel - 892234
11. ROW - Parcel - 892237
12. ROW - Parcel - 892238
13. ROW - Parcel - 892239
14. ROW - Parcel - 892240
15. ROW - Parcel - 892241
16. ROW - Parcel - 892242
17. ROW - Parcel - 892244
18. ROW - Parcel - 892245
19. ROW - Parcel - 892246
20. ROW - Parcel - 892247
21. ROW - Parcel – 892249
22. ROW - Parcel – 892251

*On September 12, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 211929

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Petitions COZ2022-025

GENERAL INFORMATION

Applicant:

Glenn Bennett

Status of Applicant:

Property Owner
2615 Espenlaub Lane
Kansas City, Kansas 66106

Requested Action:

Approval of a Change of Zone.

Date of Application:

June 24, 2022

Purpose:

Approval of a Change of Zone.

Property Location:

2615 Espenlaub Lane, Kansas City,
Kansas 66106

Commission Districts:

Commissioner At-Large, District #2:

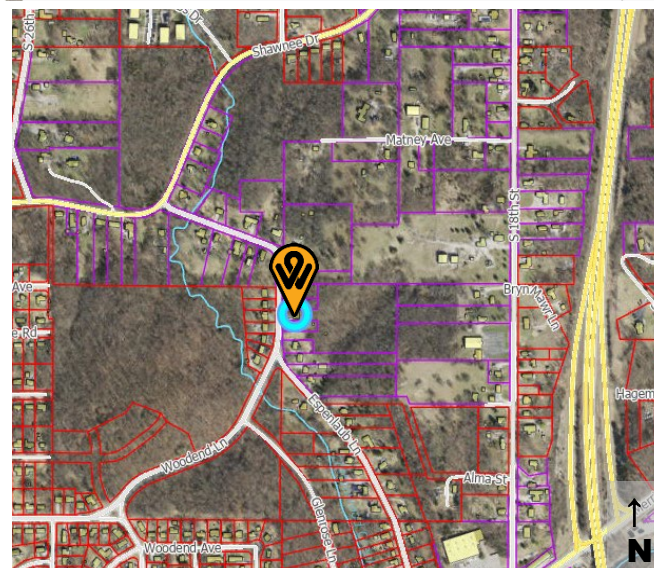
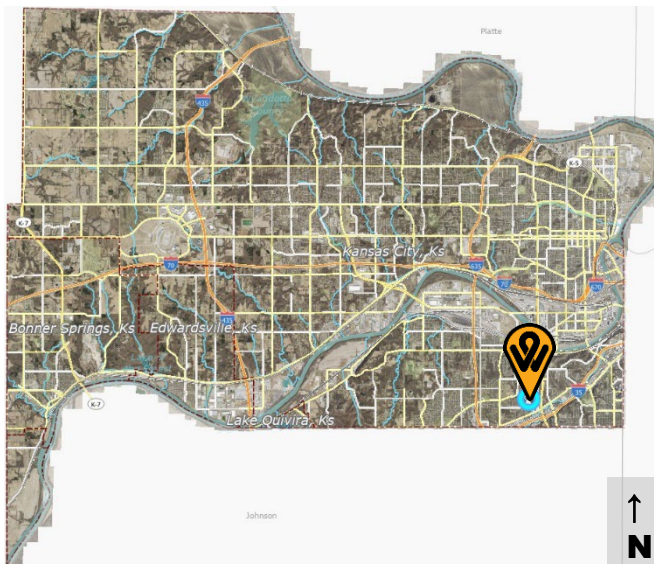
Tom Burroughs

District #3 Commissioner:

Christian Ramirez

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: R-1 Single Family and A-G Agriculture District South: R-1 Single Family District East: R-1 Single Family District West: RP-5 District
Adjacent Uses:	North: Single-family residences; Agricultural land South: Single-family residences East: Single-family residences West: Single-family residence
Total Tract Size:	4.69 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential. The Low-Density Residential Land Use District allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, and parks and open space. Discourages uses include all industrial uses, business parks, adult-oriented businesses, night clubs and bars with a majority of sales in alcohol, and medium- and high-density residences.
Major Street Plan:	The Major Street Plan classifies Espenlaub Lane as a Collector Street.
Required Parking:	R-1 District (current district): Section 27-454(e) requires two (2) off-street parking spaces for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The existing primary residence—within Lot 1A—has an attached garage that holds at least one (1) vehicle, and a paved driveway that holds at least one (1) vehicle. A-G District (requested district): Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. The applicant has not provided any site plans or elevations demonstrating that a primary residence or other building will be constructed on the new parcel.
Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022 Letters to Property Owners – July 15, 2022 and July 31, 2022

Public Hearings:	September 12, 2022 and September 29, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Glenn Bennett, is requesting a Preliminary and Final Plat, as well as a Change of Zone for one (1) lot created from said plat. The Preliminary and Final Plat will create two (2) lots from the existing subject property; one (1) lot will continue to be in the R-1 Single Family District, and one (1) lot will be rezoned to the A-G Agriculture District. The applicant is simultaneously requesting variances from several lot dimension and frontage violations, under BOZA2022-038.

City Ordinance Requirements: Article VI, Sections 27-210, 27-214—215; Article VIII, Sections 27-452, 27-592 – 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has not received any noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The previous property owner received a code violation in 2000 for parking vehicles on an unimproved surface (00208-00000-00721).
2. The current property owner received a code violation in 2018 for siding with peeling paint (18200-01072), a code violation in 2020 for excess stored items and gravel (ENV20-0036), a Stop Work Order in 2021 for a gravel driveway, fence, and an accessory structure without a building permit (BSR21-0074), and a code violation in 2021 for a vehicle with expired plates (TOW21-0325). The current property owner has also been issued a 1st Administrative Citation for the installment of a gravel driveway (ZONE2021-040), a 1st Administrative Citation for zoning violations on February 8, 2022 (CA22-0228), and a 2nd Administrative Citation for zoning violations on May 20, 2022 (CA22-0965).

Outstanding or Related Permits and Cases:

1. The current property owner has an outstanding Stop Work Order for an accessory building without proper building permits.
2. The current property owner has outstanding Administrative Citations for zoning violations (ZONE2021-040, CA22-0228, and CA22-0965).

FACTORS TO BE CONSIDERED

Change of Zone

1. *Neighborhood character.*

The subject property is within the Argentine Statistical Neighborhood and is not within a neighborhood group. The neighborhood is defined by the 18th Street Expressway to the east and Interstate-35 to the south. South of the subject property, along Merriam Lane, there are industrial and heavy commercial uses. In the south and southwest, but closer to the subject property, there are single-family residential subdivisions. The subject property itself is and is among single-family residences but features parcels that are larger and more irregularly shaped than in the platted subdivisions due to natural topography.

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

The subject property is uniquely shaped, with the single-family residence arranged with several other single-family residences along Espenlaub Lane, and the undeveloped remainder of the parcel is similar in size to the adjacent parcels to the north, east, and south. These adjacent parcels, however, are in the R-1 District and therefore do not have the same allowed uses as would be on the portion of the subject property rezoned to the A-G District. There is a thick group of trees in the southeast portion of the parcel. While some trees may be removed in pursuit of agricultural use, enough trees should be maintained along the south and east boundary lines in order to effectively serve as landscape screening for the adjacent parcels. Further trees should be planted along the west property line to provide landscape screening for the adjacent neighbors along Espenlaub Lane as well.

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

Although the subject property does not meet the five (5) acre minimum required by Section 27-452(a), its 4.22 acres are still sufficient for some agricultural uses. The applicant, however, has not proposed any agricultural uses other than keeping bees. Without having a better understanding of the applicant's proposed uses for the land, Staff cannot further assess the suitability of the property for uses which it has been removed and whether removal of the restrictions will detrimentally affect nearby properties.

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

The subject property is a rental and is currently occupied. The lot to be rezoned—designated as Lot 1B in the Preliminary and Final Plat—has been left undeveloped except for recent clearing and paving conducted by the applicant.

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

There is very little agriculturally zoned land within the Unified Government that lies east of Interstate-635. The subject property would continue the southward expansion of a series of contiguous or near-contiguous agriculturally zoned parcels located in between South 18th Street and Shawnee Drive. If used for agricultural purposes, the subject property could be reasonably necessary for providing locally grown or raised agricultural products and making such products accessible to the nearby community. As previously noted, the applicant has not proposed any agricultural uses other than keeping bees; Staff is unsure if this is the extent of the applicant's proposed agricultural use.

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

There is already a driveway accessing the rear portion of the subject property, to be rezoned to the A-G District. While the applicant has not provided any proposed uses aside from bee keeping, such a use alone would not create an increase in traffic. There would be a minor increase in the demand for parking, as now the rear portion would be a separate parcel with a distinct use and zoning district and would therefore require that all vehicles come through the existing driveway separate from the single-family residence. The applicant must provide a site plan demonstrating all paved maneuvering and/or parking areas for Lot 1B. Such uses that require parking include any residences or other buildings which could be constructed in the future.

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

The City-Wide Master Plan designates this property as Low-Density Residential. The Low-Density Residential Land Use District allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, and parks and open space. Discourages uses include all industrial uses, business parks, adult-oriented businesses, night clubs and bars with a majority of sales in alcohol, and medium- and high-density residences. Agricultural uses are not specifically addressed under the Low-Density Residential Land Use District; agricultural uses are only specifically allowed by the Rural-Density Residential Land Use District. The proposed uses offers some degree of conformance with the Low-Density Residential Land Use District.

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

There are several unknowns related to the use of the subject property. It is unknown which agricultural uses will exist on the property, and it is unknown if

the applicant intends to construct buildings, thus increasing the amount of impermeable surface area on site. Furthermore, the applicant must obtain a conservation plan from the Wyandotte County Conservation District, which will identify the proposed uses and provide proper actions and mitigation measures that can be taken in order to prevent environmental harm and/or enhance the environment.

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

a. *Water service*

Water service is currently available to the existing primary residence.

b. *Sanitary sewer service*

The subject property is served by a sanitary sewer line running along the east side of the Espenlaub Lane right-of-way.

c. *Storm water control*

There is a storm water line located several hundred feet to the northwest, intersecting Espenlaub Lane; there is a storm water line located several hundred feet to the southwest, intersecting Woodend Lane.

d. *Police*

Police service is provided by South Division, District #331.

e. *Fire*

Fire service is provided by Fire Station #7.

f. *Transit*

The subject property is not served by any reasonably proximate public transportation routes.

g. *Schools*

Public education is provided by Noble Prentis Elementary School, Argentine Middle School, and Harmon High School, under Kansas City USD 500.

h. *Streets*

The subject property has access to Espenlaub Lane, which the Major Street Plan classifies as a Collector Street.

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

The applicant proposes to use the subject property as a garden and apiary. These agricultural uses may result in farm products that can be sold to the local community. Although the applicant does not propose it, a single-family residence may be constructed in the future, which would add to the needed housing pool in Wyandotte County and allow for more residents.

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

Lot 1B, the proposed parcel to be created by the Preliminary/Final Plat under PLAT2022-022, has several lot dimension violations. The following violations, either existing or to be created by the replat, are being addressed by BOZA2022-038: minimum area of a lot accessing a designated major street, minimum frontage along a designated major street, maximum depth-to-width ratio, and minimum area of a lot in the A-G Agriculture District. The proposed uses are otherwise capable of meeting the applicable ordinance requirements.

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

The A-G Agriculture District allows for several uses that are not allowed in residential districts, such as the keeping of livestock and the allowance of more accessory buildings. These uses can be mitigated by landscaping, architectural screening, buffering, and berming. Therefore, granting of the Change of Zone would create a gain in public health, safety, and welfare relative to the hardship imposed on the individual landowner or landowners.

Preliminary and Final Plat – Approved by Planning Commission

1. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.

No development plans have been submitted, but the applicant has paved a driveway, constructed a fence, and cleared and paved land past the fence line. Therefore, Staff is unable to assess the character of such development. The existing condition of the gravel driveway, however, may present erosion issues on the property. A development/site plan must be submitted in order for Staff to fully assess this factor.

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

See Change of Zone Review Factor #9.

3. Streets are designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and

structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

No additional streets will be created as part of this plat. The existing driveway is paved up to the property's fence, but is only gravel beyond this point. The current gravel driveway currently does not provide a safe, convenient, and functional system for vehicular traffic and does not have the width, gradient, and structural quality to accommodate traffic generated by probable future land and building uses.

4. Assurance that buildings, lots, blocks, parcels, and streets are so arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

As previously noted, the applicant must submit a full development plan demonstrating the location of all proposed buildings and all driving, maneuvering, and parking areas, and all proposed agricultural or otherwise allowed uses. Until receiving such documents, staff can only assert that Lot 1A is proposed to have a rear yard that meets the R-1 District regulations and has a rear boundary line which is consistent with the other single-family parcels on the block.

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

As previously noted, any proposed development is unknown to Staff. The applicant must submit all development documents before a full assessment of this factor can be made.

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

The proposed plat features two (2) parcels, one (1) of which will continue to be used as a single-family residence, and the other of which will be rezoned to the A-G District and will presumably be used for agricultural purposes, including, but not limited to, bee keeping. The number of parcels within the Preliminary/Final Plat do not trigger any requirements for amenities or areas for schools, parks, playground, or other community services.

PREVIOUS ACTIONS

- BOZA2022-038, a simultaneous variance from the minimum lot size and frontage for parcels along a major street, from the maximum lot depth-to-width ratio, and the minimum lot size in the A-G Agriculture District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 2625 Espenlaub Lane on August 26, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Development and Site Plans
Driveway Materials
Final Plat Submission Requirements
Landscaping, Screening, and Buffering
Noise, Dust, and Odor
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-025**, subject to:

1. Stop Work Order BSR21-0074 shall remain in place until the applicant files for all appropriate building permit(s);
2. The applicant must contact the Wyandotte County Conservation District and receive a conservation plan for the parcel to be rezoned to the A-G District;
3. The tree line along the south and east boundary lines of the subject property should be maintained. Further trees should be planted along the west property line to provide landscape screening for the adjacent neighbors along Espenlaub Lane as well;
4. Any rental use of the existing primary residence for 30 days or fewer requires a separate Special Use Permit for a short-term rental;
5. Any other parking, loading, or maneuvering areas related to the accessory building must be paved with a minimum of two inches of asphalt over six inches of compacted gravel or an acceptable alternative as determined by the county engineer;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall

- include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 9. This City Planning Commission case is being heard in conjunction with BOZA2022-038;
 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 13. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
 14. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
 15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-025** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Photographs of the Subject Property Submitted by the Applicant
BENNETT ESTATES Preliminary Plat
BENNETT ESTATES Final Plat
Proposed Future Structures and Uses on Subject Property
Site Visit Photographs by Staff, Dated July 8, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Change of Zone	September 12, 2022 Approval	September 29, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-025** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____

2. _____; AND

3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-025** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 2:42:30:

CHANGE OF ZONE APPLICATION COZ2022-025 – GLEN BENNETT - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 2615 Espenlaub Lane.

PLAT2022-022 – GLEN BENNETT – SYNOPSIS: Preliminary and Final Plat (Bennett Estates) at 2615 Espenlaub Lane.

Detailed Outline of Requested Action: The applicant, Glenn Bennett, is requesting a Preliminary and Final Plat, as well as a Change of Zone for one (1) lot created from said plat. The Preliminary and Final Plat will create two (2) lots from the existing subject property; one (1) lot will continue to be in the R-1 Single Family District, and one (1) lot will be rezoned to the A-G Agriculture District. The applicant is simultaneously requesting variances from several lot dimension and frontage violations, under BOZA2022-038.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Glen Bennett, applicant, 5501 Barkley, Mission, KS 66202

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:45:00: Planning Director Hand stated that this Change of Zone is being heard in conjunction with a Final Plat and BOZA2022-038, which was heard and approved earlier this evening by the Board of Zoning Appeals. The property is located in the City-Wide Master Plan and is in the Shawnee Heights Neighborhood. Staff has received no letters in support nor in opposition. There are some Notices of Violation that the Applicant is resolving. Staff is asking the Applicant to obtain a conservation plan from the Conservation District. Staff is also requesting additional landscaping and screening and recommends approval, subject to the conditions in the staff report.

Motion starts at 2:46:32.:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-025:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. **Stop Work Order BSR21-0074 shall remain in place until the applicant files for all appropriate building permit(s);**
2. **The applicant must contact the Wyandotte County Conservation District and receive a conservation plan for the parcel to be rezoned to the A-G District;**
3. **The tree line along the south and east boundary lines of the subject property should be maintained. Further trees should be planted along the west property line to provide landscape screening for the adjacent neighbors along Espenlaub Lane as well;**
4. **Any rental use of the existing primary residence for 30 days or fewer requires a separate Special Use Permit for a short-term rental;**
5. **Any other parking, loading, or maneuvering areas related to the accessory building must be paved with a minimum of two inches of asphalt over six inches of compacted gravel or an acceptable alternative as determined by the county engineer;**

6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. This City Planning Commission case is being heard in conjunction with BOZA2022-038;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;

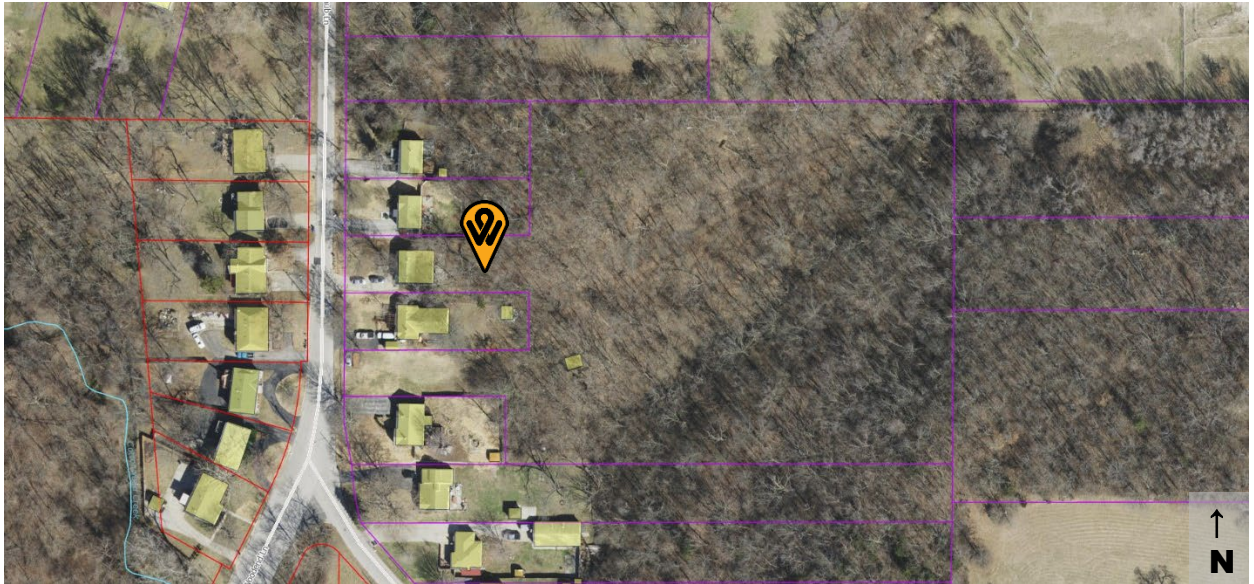
14. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-022**:

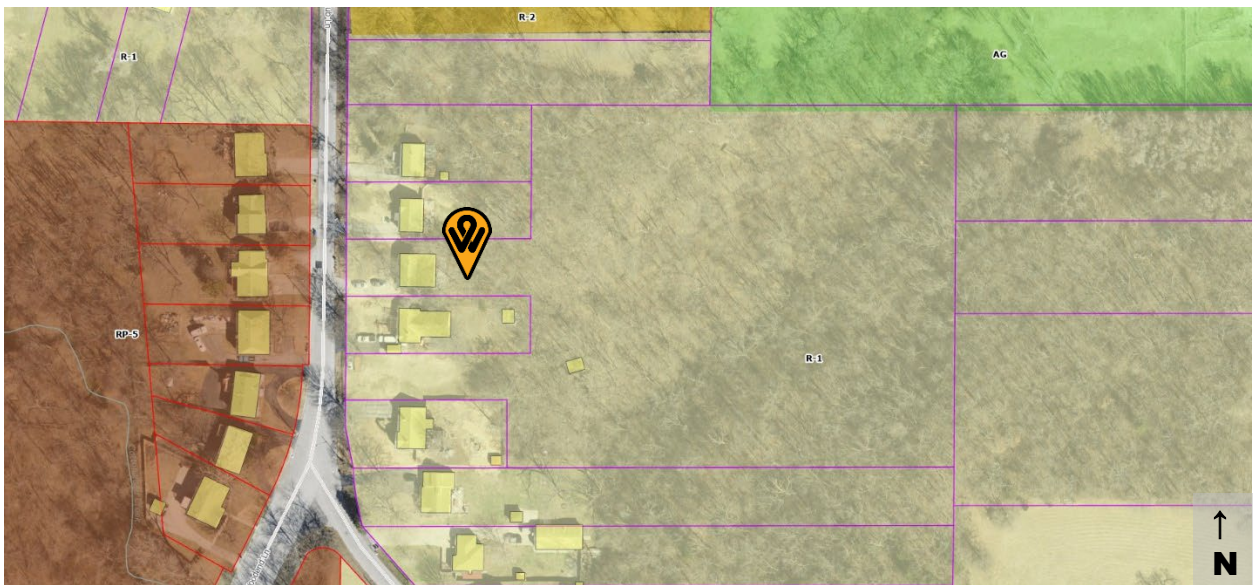
Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Not Present

Motion to **APPROVE** Passed: 8 to 0
Subject to the above conditions.

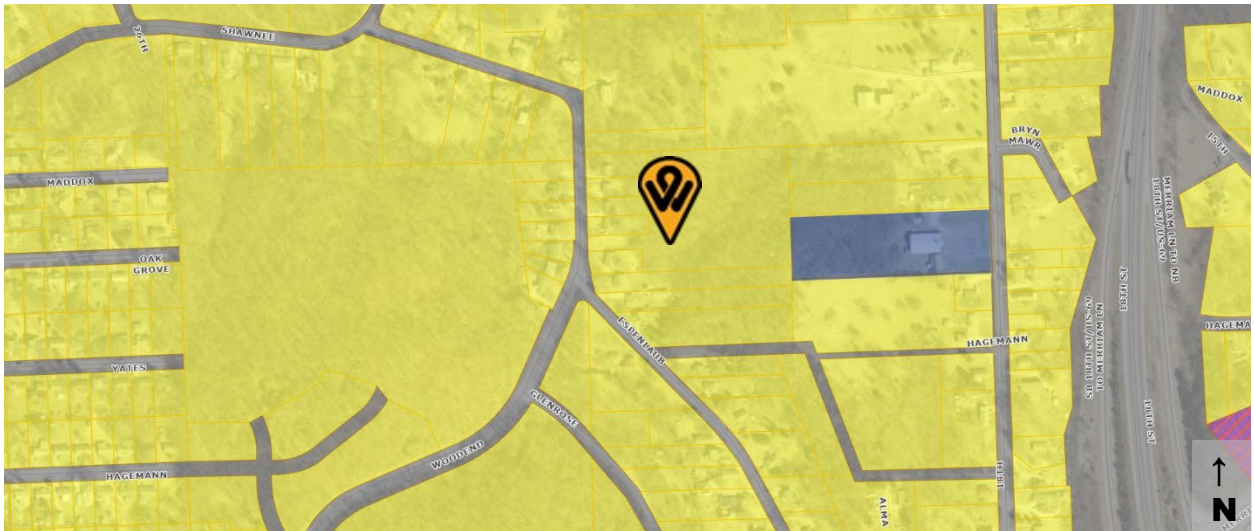
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses

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

NEIGHBORHOOD MEETING MINUTES

neighborhood meeting

August 17, 2022

Subject: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # BOZA2022-038. The purpose of this meeting is for a Change of Zone (residential to agricultural) and Lot Split (plat 2022-022 at 2615 Espenlaub Lane, Kansas City KS.

I am having a neighborhood meeting on August 26, 2022 at 6 p.m. at 2625 Espenlaub. The purpose of this meeting is to explain the proposal and to answer any question/concerns you may have.

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

Sincerely

Glenn Bennett
glennett@yahoo.com
(913) 915-5888

NEIGHBORHOOD MEETING MINUTES, CONT.

2NEIGHBORHOOD MEETING

AUGUST 26, 2022

NEIGHBORHOOD MEETING FOR APPEAL BOZA2022-038

LOCATION: 2615 EXPENLAUB (2625 EXPENLAUB)

TIME: 6:00 PM

MEETING CALLED TO ORDER AND WAS ATTENDED BY:

BILL AND GRACIE MILLER
2530 S 18 ST, KCK 66106

LINDA PENDLETON
2646 S 18 ST, KCK 66106

CHRIS KNOPF
BEEKEEPER

GLENN AND SANDRA BENNETT
5501 BARKLEY, MISSION, KS 66202

1. AN EXPLANATION OF WAS GIVEN BY GLENN BENNETT THAT THERE IS A REQUEST FOR VARIANCE.
2. AN EXPLANATION OF PREVIOUS USE OF LAND
3. MASTER PLAN FOR BEE KEEPING

LINDA PENDELTON MADE NOTE OF A LETTER SHE RECEIVED FROM DEPT OF PLANNING URBAN DESIGN WHICH STATED THE PURPOSE FOR THE PLAT WAS FOR TWO SINGLE-FAMILY RESIDENTIAL LOTS. LOT 1A AND 1B.

GLENN BENNETT EXPLAINED THERE WAS AN ERROR HAVING 2575 EXPENLAUB EVEN INCLUDED IN THE VARIANCE PLAN. MY PLANNER WAS SUPPOSED TO REMOVE THIS ADDRESS FROM THE PETITION. GLENN STATED HE HAD RECEIVED THAT SAME NOTICE THE DAY OF THE MEETING. LINDA WAS ASSURED THERE WAS NO RESIDENTIAL GOING TO BE BUILT ON THIS PROPERTY.

BILL AND GRACIE MILLER STATED THEY HAD HEARD WE WERE BUILDING CONDOS ON THE SITE. GLENN EXPLAINED THERE WAS TO BE NO RESIDENTIAL BUILDING OF ANY KIND TO BE BUILT. THEY WERE GLAD TO HEAR IT AND WELCOMED THE BEES.

CHRIS KNOPF GAVE AN EXPLANATION OF HOW THE TOPOGRAPHICS WERE FAVORABLE FOR BEEKEEPING.

LINDA PENDELTON SAID THE LETTER SENT BY THE DEPT OF PLANNING AND URBAN DESIGN WOULD NEED TO BE CORRECTED AND MAILED OUT WITH THE PROPER INFORMATION. IT WOULD NEED TO BE DONE IMMEDIATELY IN ORDER TO KEEP FROM CAUSING ANOTHER DELAY. I ASSURED HER I WOULD TAKE CARE OF IT FROM MY END ON MONDAY, AUGUST 29. LINDA WAS IN FAVOR OF BEES BUT NOT OF RESIDENTAIL NEW HOUSES.

MEETING WAS CONCLUDED AT 6:45 PM

NEIGHBORHOOD MEETING MINUTES, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # BOZA 2022-038
2. That I conducted a neighborhood meeting on Aug. 26, 2022
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of August, 2022.
My commission expires 22 of Sept, 2024




Notary Public

PHOTOGRAPHS OF THE SUBJECT PROPERTY SUBMITTED BY THE APPLICANT



PHOTOGRAPHS OF THE SUBJECT PROPERTY SUBMITTED BY THE APPLICANT,
CONT.



PHOTOGRAPHS OF THE SUBJECT PROPERTY SUBMITTED BY THE APPLICANT,
CONT.



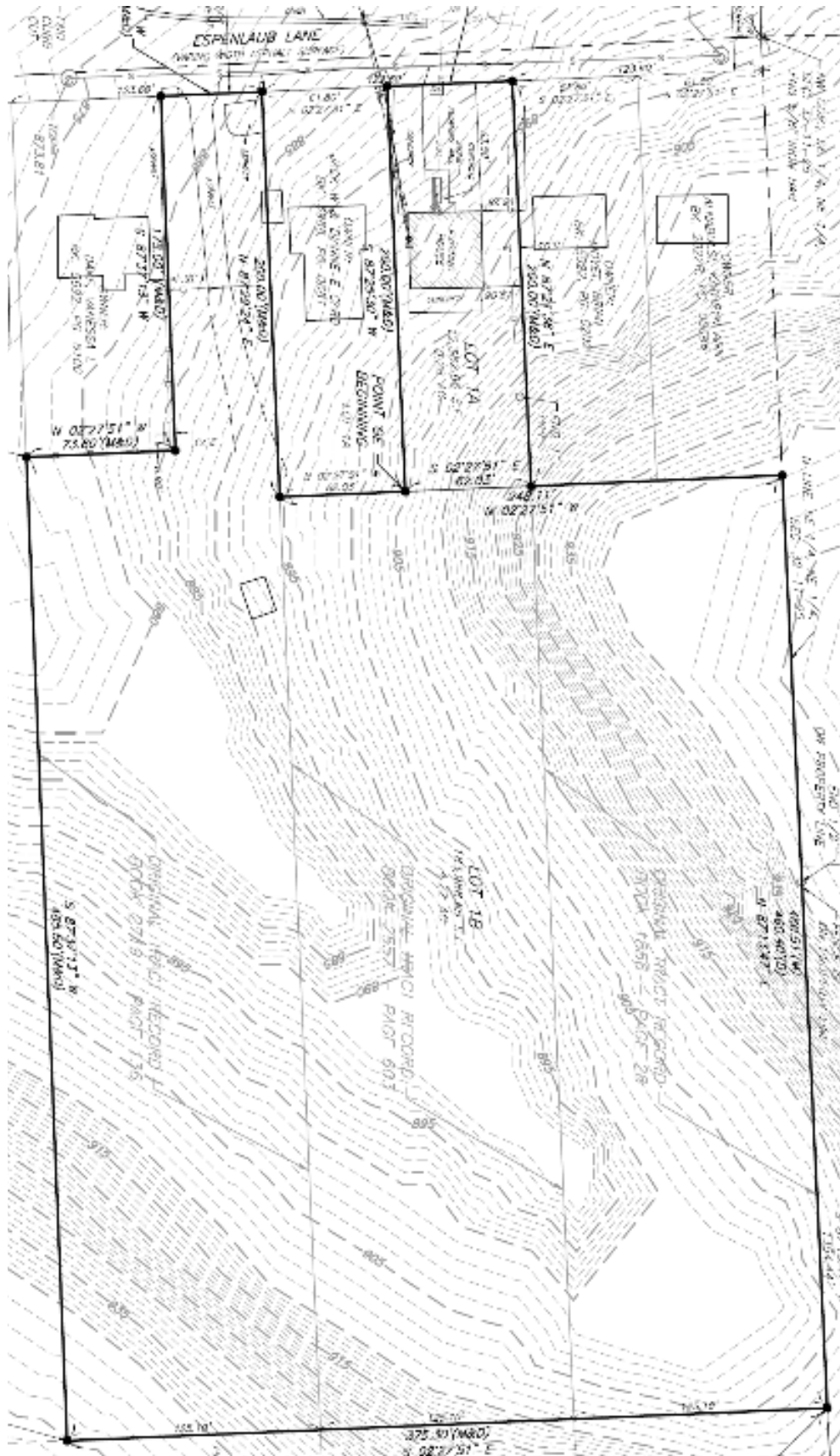
PICTURES SHOWING DRIVE APPROACH, FENCE, BEEHIVES, FUTUREBUILDING AND THE LAND.

1. APPROACH AND 100' ASPHALT TO FENCE AND GATE DSCN3060JPC
2. GATE AND FENCE 3061
3. SIGN FOR UP-COMING MEETING 3062
4. BEHIND GATE UPHILL 3063
5. 150' BEHIND GATE UPHILL 3064
6. LOOKING AT AREA WHERE OLD BUILDING EXISTED AND PLACE FOR FUTURE E 3065
7. TWO BEEHIVES AND AREA FOR EXPANSION 3067
8. SLOPE WITH SOUTHERN ESPOSURE AND RICK SOIL FOR BEE FRIENDLY PLANT 3068
9. BACK DROP BEEHIVE TO PROVIDE BLOCKAGE FOR COLD, SNOW AND RAIN 306
10. SAME AS ABOVE 3070
11. WATER SOURCE 3072
12. SMALL TREES PRODUCE HONEYSUCKLE 3073
13. SLOPE TO BE CLEARED AND GROUND COVER 3074
14. HIVE WITH ACTIVE BEES 3075
15. LOOKING FROM FUTURE BUILDING SITE TO STREET 3076
16. LOOKING FROM FUTURE BUILDING SITE TO STREET 3077
17. 1/2 AMOUNT OF HONEY FOR THIS SEASON 3079
18. NEXT SEASON HONEY MAKERS 3081

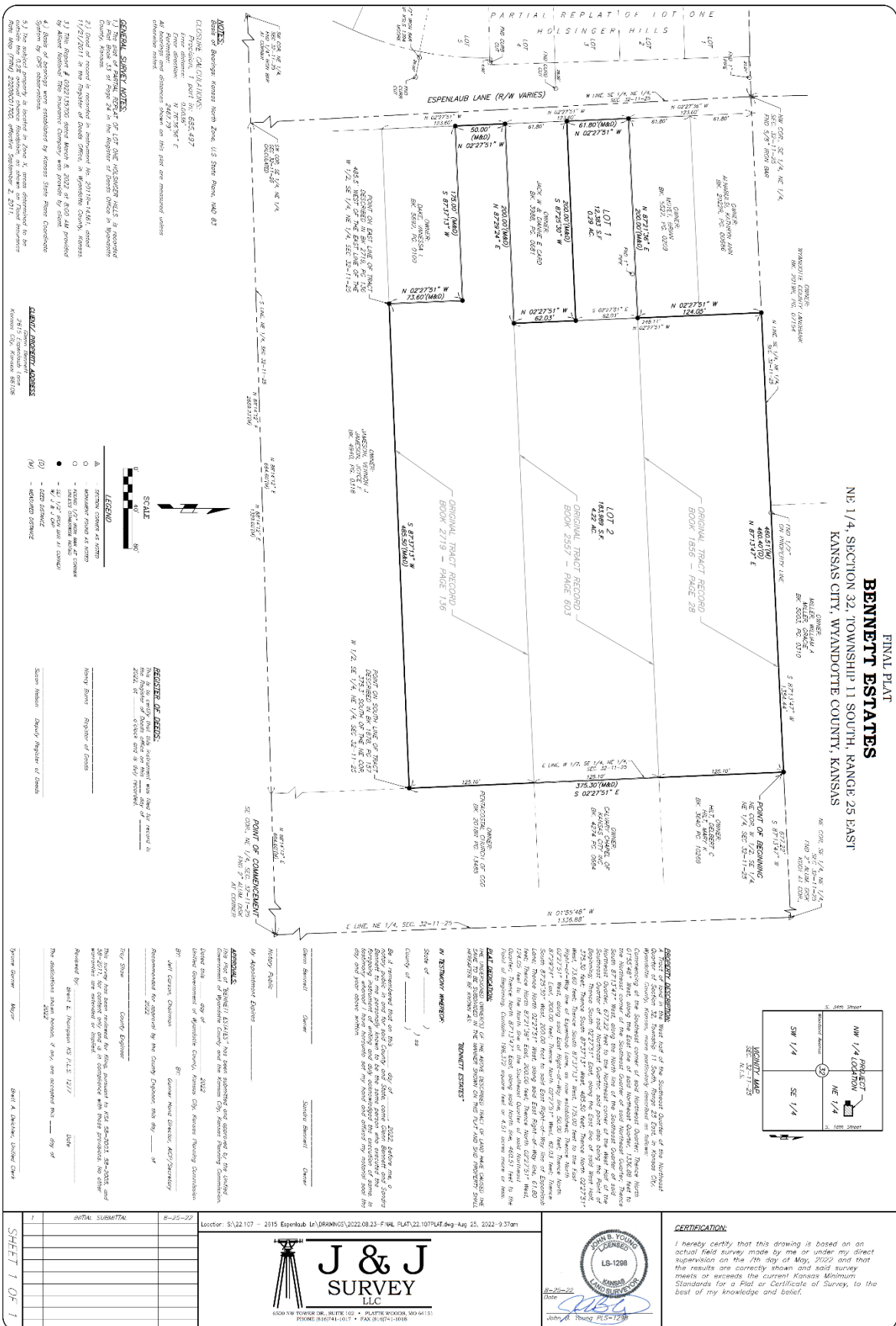
PRELIMINARY PLAT
BENNETT ESTATES
NE 1/4, SECTION 32, TOWNSHIP 11 SOUTH, RANGE 25 EAST
KANSAS CITY, WYANDOTTE COUNTY, KANSAS



BENNETT ESTATES PRELIMINARY PLAT, CONT.



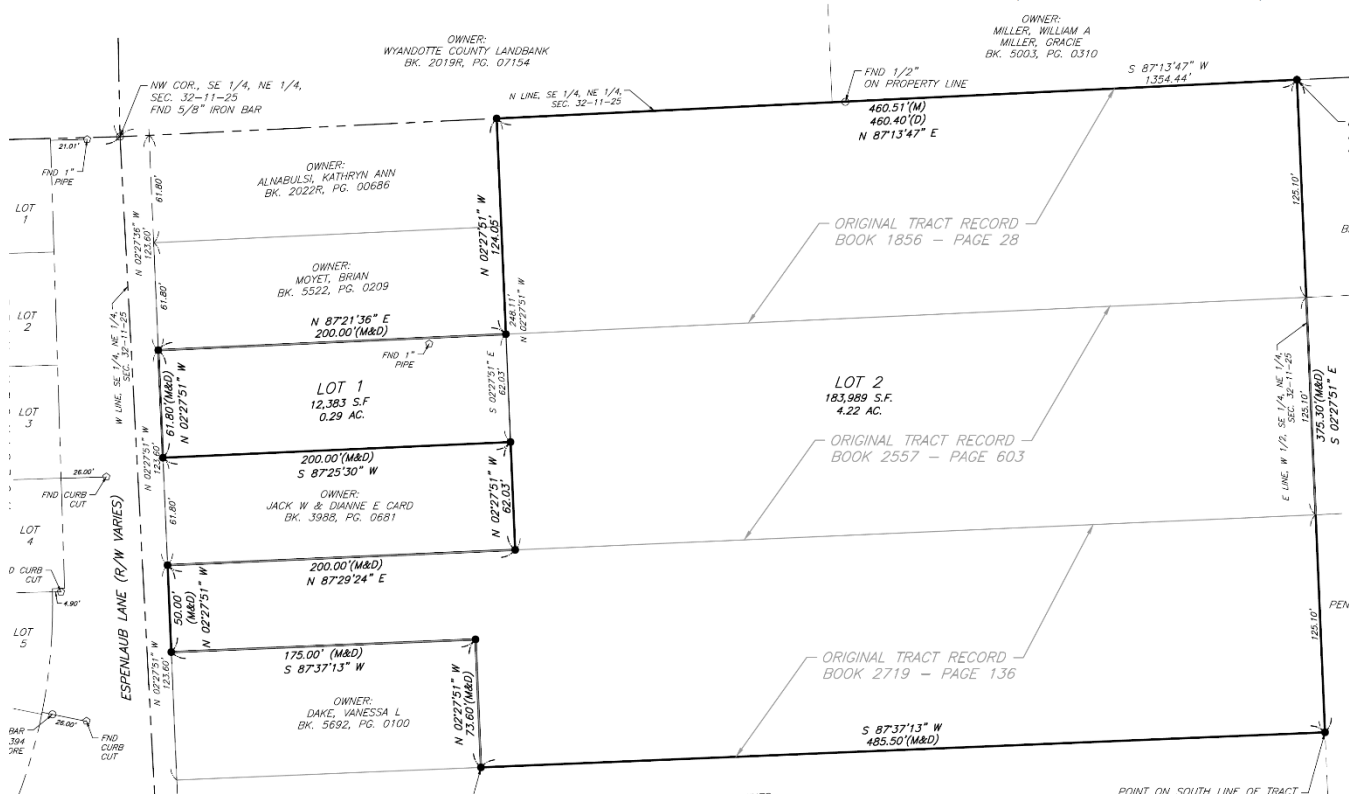
BENNETT ESTATES FINAL PLAT



BENNETT ESTATES FINAL PLAT, CONT.

FINAL PLAT **BENNETT ESTATES**

NE 1/4, SECTION 32, TOWNSHIP 11 SOUTH, RANGE :
KANSAS CITY, WYANDOTTE COUNTY, KANSAS



PROPOSED FUTURE STRUCTURES AND USES ON SUBJECT PROPERTY



SITE VISIT PHOTOGRAPHS BY STAFF, DATED JULY 8, 2022



SITE VISIT PHOTOGRAPHS BY STAFF, DATED JULY 8, 2022, CONT.



Above: View of the Espenlaub Lane right-of-way outside of the subject property, facing north. The subject property is located off-frame to the right.

Below: View of the Espenlaub Lane right-of-way outside of the subject property, facing south. The driveway to the primary residence of the subject property is visible on the left.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: COZ2022-026

GENERAL INFORMATION

Applicant:

Jonathon Laudner

Status of Applicant:

Property Owner
6840 Cernech Road
Kansas City, Kansas 66104

Requested Action:

Approval of a Change of Zone.

Date of Application:

March 25, 2022

Purpose:

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

Property Location:

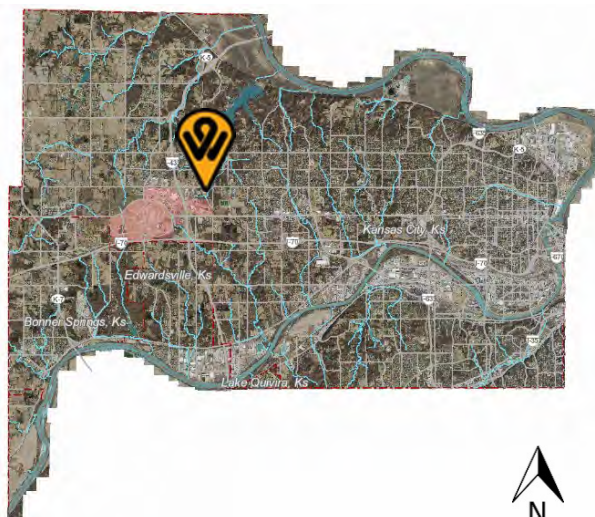
6840 Cernech Road
Kansas City, Kansas 66104

Commission Districts:

Commissioner At-Large, District #1:

Melissa Bynum

District #8 Commissioner: Andrew Davis



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District and M-2 General Industrial District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Large Lot Single Family Residence South: Large Lot Single Family Residence and Former UG Fleet Maintenance Building East: Agricultural Open Space Single Family Residence West: Large Lot Single Family Residences
Total Tract Size:	9.42 Acres
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this Property as Rural Density Residential. Rural Density Residential includes agriculture, ranches, and large lot residential development, passive parks, and open space. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.
Major Street Plan:	The Major Street Plan designates Cernech Road as a Local Street.
Parking Requirement:	R-1 District (current zoning): Section 27-454(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one (1) of which should be a garage or carport. AG District (proposed zoning): Section 27-452(4)(e) requires two (2) off-street parking spaces shall be provided for each dwelling unit, at least one (1) of which shall be in a garage or carport. The current property has an attached two (2) car garage, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – August 18, 2022 Letters to Property Owners – August 19, 2022
Public Hearing:	September 12, 2022

Public Support:	One person appeared in support at the September 12, 2022 hearing
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jonathon Laudner, is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 6840 Cernech Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, which includes a creek, pond, and timber stand improvements. The applicant also wishes to have a future homestead of chickens and goats, which require additional structures for their care. The applicant recently purchased the property, and the land was showing signs of decline as the former owner was no longer able to physically maintain the property. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and agricultural uses on the parcel without the need for variances.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There were several complaints listed from the prior ownership:
 - a. 2020: 2020-00137433 – Shots Fired
 - b. 2020: 2020-00127087 – Suspicious Crowd/Activity
 - c. 2019: 2019-00075130 – Criminal Damage
 - d. 2019: 2019-00070774 – Criminal Damage
 - e. 2018: 2018-00035637 – Alarm Burglary
 - f. 2018: 2018-00021563 – Alarm Burglary
 - g. 2017: 2017-00069406 – Animal Complaint
 - h. 2016: 2016-00096082 – Burglary - Auto

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints. The prior owner made two (2) complaints about illegal dumping on the road.

Outstanding or Related Permits and Cases:

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

3. The owner has no previous Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential and rural in character. Lots range in size from one (1) acre to 58 acres, with the average lot size being approximately 10 acres. The streets are mostly asphalt and driveways are often asphalt or gravel. Lots are deep and residences with large setbacks from the street and long winding drives with timber stand buffers.

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

Agricultural zoning districts that are rural in character with large lots permitting various degrees of agricultural activity or vacancy. The proposed use is expected to be compatible with the adjacent properties.

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

Per Section 27-452, the purpose of the A-G Agriculture District is to provide for those areas on the periphery of the city where agriculture is the predominate land use. It is designed to protect agriculture from premature or disorderly intrusion by urban land uses or to hold land for future development. The current zone puts restrictions on the property by number of accessory structures allowed and their size, which limits the applicant's ability to properly care for the land's natural features. The removal of these restrictions will not detrimentally affect nearby property, as it is customary to have accessory structures in a rural setting to maintain the care of the land.

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

The property is not vacant. The applicant purchased the property in 2022.

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

There is minimal public gain as this is private property, not necessarily for the convenience or welfare of the public. There is some gain in the ability to better care for and maintain a large acreage open space. The proposed change of zone for agricultural activity has not been found to injure the appropriate use, visual quality, or marketability of nearby property substantially or permanently.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property will continue to remain private property. Should the Change of Zone be approved, the proposed zoning district would allow for the construction of multiple accessory structures, which require a building permit if over 120 square feet in size. The proposed structures are for private use by the landowner and are not expected to create an increase in traffic, parking, or create an aversion to safety.

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

The City-Wide Master Plan designates this property as Low Density Residential. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences. The land use designation does not change with the approval of the Change of Zone. There is no correlating land use specifically designated for the AG Agricultural zone and it is interpreted to be in the same land use category as its existing zone.

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

The applicant is proposing several accessory structures. The structures are proposed so that the applicant may be a better caretaker of the open space property. There should be little to no long-term negative environmental impact. Any new structures on the property would be subject to a building permit if over 120 square feet in size.

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

a. Water service

Water service is provided by BPU on the street's frontage although the property is not directly connected.

b. Sanitary sewer service

There is no sanitary service on the property. The adjacent property is served by septic.

c. Storm water control

There are no storm water control points near the property.

d. Police

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

e. Fire

Fire service is provided by Station #4.

f. Transit

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

g. Schools

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

h. Streets

See item #6 above.

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

The economic impact on the community is negligible, as the subject property is a privately-owned parcel with a proposed accessory structure.

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

The subject property currently conforms as it is a single family home. The change of zone allows for the subject property to remain conforming with the construction of the accessory structures.

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

There is negligible impact or gain to public health, safety, or welfare, however, there is ostensibly no hardship imposed on adjacent property owners. The land is in a rural neighborhood with vast open space in which agricultural and rural activities are expected.

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

There is little noise, vibration, or illumination to be a problem at this location, as it is on a large lot with large setbacks and few neighbors. Adjacent property owners enjoy similar activity typical of a rural and agricultural setting.

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

There is no substantial potential for the pollution of the air, land, or soil as the proposed building is proposed to store equipment necessary for the keeping and maintenance of the property. Structures on the property greater than 120 square feet are subject to building code and enforcement practices, which may include stormwater, grading, and erosion control. Should any livestock be added onto the property, the applicant will maintain a buffer around any sources of water.

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

The proposed uses would not damage or destroy an irreplaceable natural resource as it will not be clearing viable timber stand, polluting waterways, producing noxious odors or gases, or utilizing any other environmental hazardous activity. The accessory structure's construction is subject to a building permit if over 120 square feet.

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

The relative gain to the public health, safety, or welfare will be minimal as this is a private investment. The public gains from the lot being continuously maintained. There would be some hardship on the landowner should the change of zone not be approved, the applicant would not be able to construct accessory structures relating to the care of the land, such as the distressed pond, timber stand, eroding soil, or stream. The applicant would also not be able to care for desired animals for homesteading.

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

The proposed use will not result in overcrowding or undue concentrations of population as this is a large, heavily-wooded parcel with timber stand buffers and the proposed accessory structures will be used in the maintenance and care of the property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on September 1, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Agricultural Activity
Property Maintenance
Residential Use
Zoning
Vacant Lot
Conservation District

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-026**, subject to:

1. **Should livestock be introduced, an updated Conservation District Plan is required.**
2. **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.**
3. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.**
4. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.**

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-026** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Conservation District Letter
Staff Site Visit Photos Dated August 4, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Rezone	September 12, 2022 Approval	September 29, 2022

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-026** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-026**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 2:48:20:

CHANGE OF ZONE APPLICATION COZ2022-026 – JONATHAN LAUDNER -

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District to maintain small livestock and other agricultural uses at 6840 Cernech Road.

Detailed Outline of Requested Action: The applicant, Jonathon Laudner, is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 6840 Cernech Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, which includes a creek, pond, and timber stand improvements. The applicant also wishes to have a future homestead of chickens and goats, which require additional structures for their care. The applicant recently purchased the property, and the land was showing signs of decline as the former owner was no longer able to physically maintain the property. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and agricultural uses on the parcel without the need for variances.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Jonathan Laudner, applicant, 6840 Cernech Road, Kansas City, Kansas 66104
- Donna Henderson-Hoyt, Coordinator of Cernech Neighborhood Association

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:30: Planning Director Hand stated that the request is to change the zoning to agricultural to add some accessory structures. The property is in the City-Wide Master Plan and close to the Cernech neighborhood. Before this evening, Staff had received no letters in support nor in opposition. There were multiple police calls for service to this property prior to the Applicant purchasing the property. The Applicant has cleaned up the property. Staff is requesting a Conservation Plan prior to livestock being introduced on the property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:52:40:

On motion by Mr. Connelly, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application**

COZ2022-026:

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

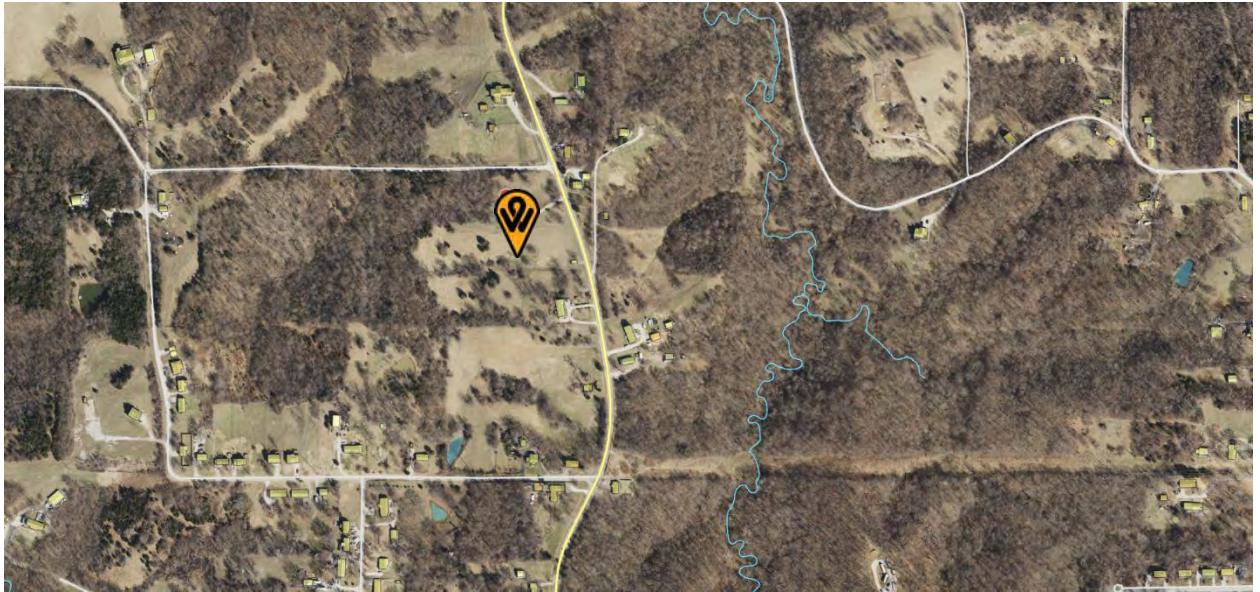
Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. Should livestock be introduced, an updated Conservation District Plan is required.
2. 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.
3. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article

- XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.**
- 4. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.**
 - 5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

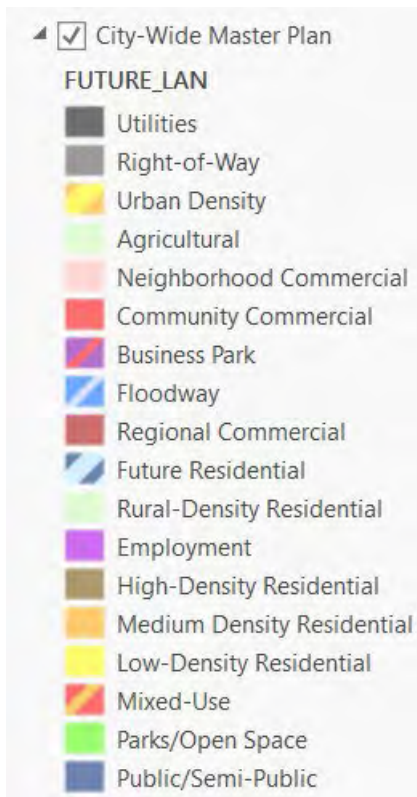
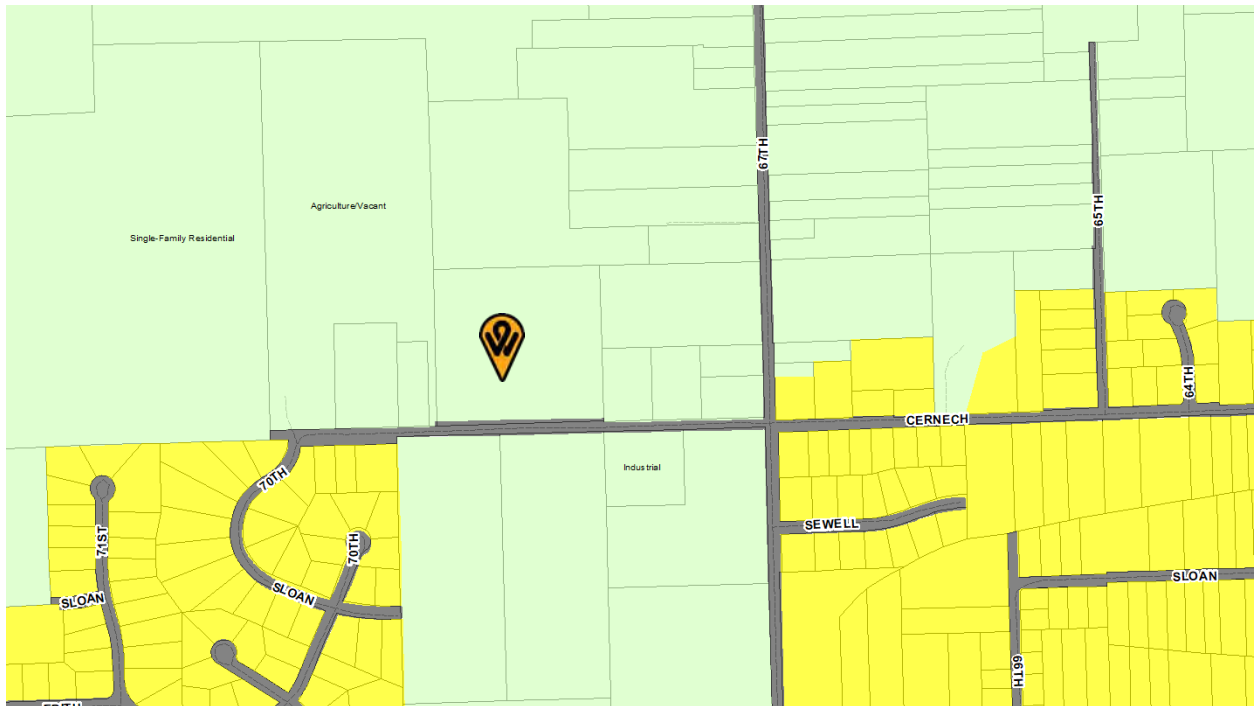
AERIAL MAP



ZONING MAP



LAND USE MAP



CONSERVATION DISTRICT COMMENT LETTER



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

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

August 16, 2022

RE: COZ2022-026 Jonathon Laudner R-1 to A-G for small livestock and other
agricultural uses at 6840 Cemech Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ2022-026 Jonathon Laudner R-1 to A-G for small livestock and other ag uses at
6840 Cemech Road.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Agricultural Disposal of Waste
Water Features
Soil Features

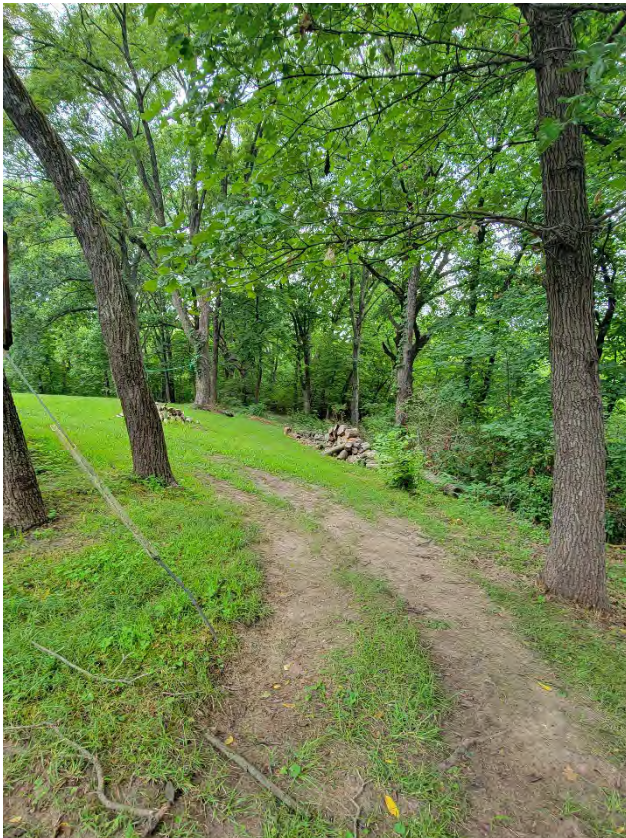
In summary, the following limitations and resource concerns were noted for this COZ:

- There are two major soil types identified: Gosport-Sogn complex, 7 to 35
Percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types
are considered highly erodible when the surface is denuded of a protective
cover.
- The best use for the steep slopes is to leave it in the timber stand. Clearing the
area would open up the soils to severe soil erosion. Assistance for timber
stand improvement is available through NRCS/USDA programs. Kansas
Forest Service also can provide assistance to maintain a timber stand.

STAFF SITE VISIT PHOTOS DATED AUGUST 4, 2022



STAFF SITE VISIT PHOTOS DATED AUGUST 4, 2022



STAFF SITE VISIT PHOTOS DATED AUGUST 4, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Change of Zone Petition COZ2022-028

GENERAL INFORMATION

Applicant:

Mike Sanders with Nampara

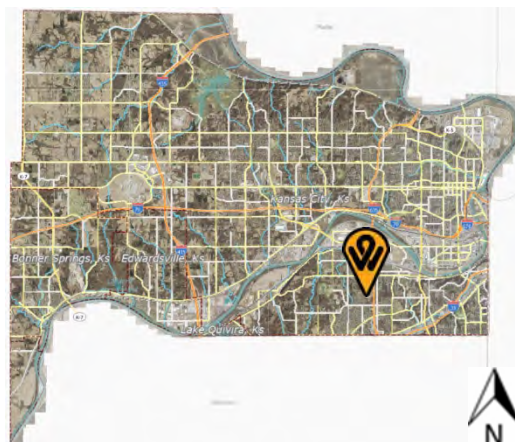
Status of Applicant:

Representative

Lance Scott with CFS Engineers
1421 East 104th Street, Suite 100
Kansas City, MO 64131

Requested Actions:

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



Preliminary and Final Plat one (1) industrial lot.

Date of Application:

July 29, 2022

Purpose:

To rezone and create one (1) industrial lot to build a 150,000 square foot building for a warehousing and distribution.



Property Location:

4500 Dover Street and 4414 Gibbs Road

Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley		
Existing Zoning:	MP-2 Planned General Industrial and R-1 Single Family Districts		
Surrounding Zoning:	North:	M-2 General Industrial District	
	South:	R-1 Single Family District	
	East:	None (Interstate 635)	
	West:	R-1 Single Family District	
Existing Uses:	North:	Industrial warehouses	
	South:	Single family homes	
	East:	Interstate 635 right-of-way	
	West:	Single family homes	
Total Tract Size:	18.97 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Business Park, which allows warehouse (non-hazardous materials), distribution (non-hazardous materials), business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, and medical facilities.		
Major Street Plan:	The Major Street Plan classifies South 45 th Street and Dover Street as Local Streets.		
Required Parking:	For buildings larger than 50,000 square feet, parking is determined by the Director of Planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission. The applicant proposes 300 surface parking spaces.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone - August 18, 2022 Letters to Property Owners – Change of Zone – August 19, 2022; Plat – August 19, 2022		
Public Hearing:	September 12, 2022		
Public Support:	None to date.		
Public Opposition:	None to date.		

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. CA22-1205 – June 6, 2022 – environmental violations.
2. ABT22-1245 – June 6, 2022 – tall weeds and grass.
3. ABT21-2847 – September 14, 2021 – excessive weeds.
4. 08225-00933 – June 2, 2008 – tall grass.
5. 07225-00354 – August 2, 2007 – tall weeds.
6. 07200-00589 – February 26, 2007 – unfit home.
7. 06212-00623 – May 30, 2006 – tall weeds (Closed).

Outstanding or Related Permits and Cases:

1. None

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mike Sanders with Nampara wants to rezone from MP-2 Planned General Business and R-1 Single Family Districts to MP-2 Planned General Industrial District and create one (1) industrial lot to build a 150,000 square foot building for a warehousing and distribution at 4500 Dover Street on 18.97 acres.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The site area is primarily undeveloped land with existing thick tree stands throughout the area, mainly around the western and southern. Industrial uses exist north on South 45th Street and along Shearer Road. This site is at the southern end of South 45th Street. This location is also adjacent to several major roadways; I-635 to the east, South 45th Street to the north and Metropolitan Avenue to the north via South 45th Street. Appropriate preservation screening and buffering is essential.

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

The zoning and uses of properties nearby are not compatible with the south and west area of this development, as established single-family homes are in this general direction and these residents' rear yards abut the site's southern property line. The proposed uses are not compatible with the surrounding area.

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

The property is suitable due to topography with the front of the property is more level from east to west and the side and rear yards of the site will be preserved due to the steepness of the slopes.

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

The property has been vacant as zoned since 2005.

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

The proposed use will produce economic activity; however, the proposed use is not reasonably necessary for the convenience and welfare of the public as there are industrial buildings adjacent to the north along South 45th Street and northwest along Shearer Road. The proposed use should not substantially injure the visual quality and marketability of the residences as the vicinity is industrially zoned and the site sits lower than the surrounding residences along Dover Street and Gibbs Road.

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

The proposed use will increase traffic and parking demand; however, all traffic shall enter from Metropolitan Avenue, and continue south of until reaching South 45th Street where traffic will enter the site. There shall be no access from the Dover Street from the west and Gibbs Road from the south.

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

The proposed use conforms to the Master Plan.

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

The site, as proposed will be graded similar to other sites within the Melrose Business Park, specifically the laydown yard at 4605 Shearer Road with the majority of the trees along the steeper slopes being preserved for screening purposes. There are established tree stands throughout this development

area which are partially not part of the building pad. These tree stands, through preservation will soften the sides and rear of the building and customer parking from all vantage points along the public streets.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #16.

f. *Transit*

Kansas City ATA does not provide transit service along South 45th Street. The closest transit stop is at 42nd and Metropolitan Avenue, Route #104 approximately, one (1) mile to the northeast.

g. *Schools*

Public education service provided by Turner USD 202.

h. *Streets*

See item #6 above.

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

The proposed use will have a positive economic impact on the community by turning fairly low density industrial and undeveloped lots into taxable lots with industrial buildings.

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

With revisions to landscaping, berming and fencing, the proposed use is capable of meeting applicable ordinance requirements.

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

There is no relative gain to the public health, safety and welfare compared to the hardship imposed on the landowner, although all traffic will be restricted to Metropolitan Avenue via South 45th Street.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.

Development can be used safely without danger to health or peril from fire, flood, and erosion. There will be excessive noise associated with this industrial development, the truck docks will be located in the rear, which will be internal to the development facing the rear yards of the residences along Dover Street and Gibbs Road.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

The primary entrance will be off South 45th Street. There is no access into the development from Dover Street and Gibbs Road, so heavy trailer and truck traffic should not become a nuisance for those remaining residences Dover Street and Gibbs Road.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

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

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

Development patterns have been designed with due regard to topography, much of grades around the perimeter of the site will be retained. Most of existing tree stands around the perimeter along the western and southern edge of the property will be preserved.

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

convenient access to such facilities.

This is an industrial development and as such does not have the amenities stated above.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on August 29, 2022 at 4500 Dover Street. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Screening from residences, Dover Street, and Interstate 635
Truck Noise
Lighting / Glare
Existing Topographic and Natural features
Sidewalk and Trails Master Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-028**, subject to:

- 1. A Final Development Plan is required to be submitted and approved to conclude this entitlement process;**
- 2. Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) 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 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period;**
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;**

3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside
5. Utility easements shall connect with easements established in adjoining properties;
6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
7. Crosswalks shall be added to driveways and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where employees walk to the building;
8. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
9. While there is no entrance/exit off Dover Street or Gibbs Road, no truck traffic shall enter or exit 4500 Dover Street and 4414 Gibbs Road from those two streets. All truck traffic shall be routed on South 45th Street via Metropolitan Avenue;
10. The loading dock doors shall be painted to match the building or a complimentary color as the primary building;
11. Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building;
12. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels and Dover Street, South 45th Street, and Interstate 635 right-of-way. Homes must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berms, fencing and landscaping. A variance will be required if the building is not screened from public view (the trailers are screened from view).
13. The revised landscape plan for the Final Development Plan must be bubbled/clouded around the existing tree stand to be preserved along the south property line. Twenty-seven (27) Taylor Junipers are not going to provide the same density of the buffering that the existing tree stand currently provide;
14. Relandscape the south and east slope of the site and remaining void areas throughout the development site;
15. Trash compactors or receptacles shall be screened from public view;
16. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;

17. Rooftop mechanical equipment shall be screened from public view by a parapet;
18. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
19. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Based on the total tract size, 83 trees are required to be planted. This does not include the trees to be planted along the perimeter of the property for screening and buffering requirements;
20. Sec. 27-700(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaces not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
21. The architectural fence shall have masonry columns every thirty-two (32) feet running and may be up to eight (8) feet in height. The fence shall either be a wood picket or metal panel fence;
22. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
23. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers).
24. All landscaping shall be irrigated;
25. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
26. 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;

27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-028** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Photography
Zoning Map
Land Use Map
County Surveyor Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes/Affidavit
Final Plat
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on August 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action City Planning Commission
Public Hearing September 12, 2022
Rezoning Approval

Unified Government Board of Commissioners
September 29, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition COZ2021-028 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition COZ2021-028 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 2:53:50:

CHANGE OF ZONE APPLICATION COZ2022-028 – MIKE SANDERS - SYNOPSIS:

Change of Zone from MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District for future industrial development and site preparation at 4500 Dover Street and 4414 Gibbs Road.

PLAT2022-026 – MIKE SANDERS WITH NAMPARA PROPERTIES, LLC –

SYNOPSIS: Preliminary and Final Plat (Dover Ridge) at 4500 Dover Street and 4414 Gibbs Road.

Detailed Outline of Requested Action: The applicant, Mike Sanders with Nampara wants to rezone from MP-2 Planned General Business and R-1 Single Family Districts to MP-2 Planned General Industrial District and create one (1) industrial lot to build a 150,000 square foot building for a warehousing and distribution at 4500 Dover Street on 18.97 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Mike Sanders, applicant, 3315 Fiberglass Road, Kansas City, Kansas 66105
- Lance Scott, CFS Engineers, 1421 East 104th Street, Suite 100, Kansas City, MO 64131
- Michael Jordan, 2728 South 52nd Street, Kansas City, Kansas 66106
- Carl and Devina Sanders, 4619 Dover, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:01:40: Planning Director Hand stated that this Change of Zone is to CP-2 Planned General Industrial District and corrects the split

zoning. It is being heard in conjunction with a preliminary and final plat. The site was previously graded without a permit or Special Use Permit. Staff has included conditions of approval in the Staff report that address the comments tonight. Before tonight Staff had received no letters in support nor in opposition. Staff has included the same conditions of approval as the previous developed properties adjacent to this site by the same applicant. Staff has worked with the Applicant on the fencing and buffering of the use from abutting residentially zoned property. A final development plan is required for this project. The Notices of Violation are listed in the Staff report. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:03:45:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-028:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. A Final Development Plan is required to be submitted and approved to conclude this entitlement process;
2. Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) 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 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period;
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;

3. **Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;**
4. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside**
5. **Utility easements shall connect with easements established in adjoining properties;**
6. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.**
7. **Crosswalks shall be added to driveways and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where employees walk to the building;**
8. **Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;**
9. **While there is no entrance/exit off Dover Street or Gibbs Road, no truck traffic shall enter or exit 4500 Dover Street and 4414 Gibbs Road from those two streets. All truck traffic shall be routed on South 45th Street via Metropolitan Avenue;**
10. **The loading dock doors shall be painted to match the building or a complimentary color as the primary building;**
11. **Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building;**
12. **Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels and Dover Street, South 45th Street, and Interstate 635 right-of-way. Homes must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berms, fencing and landscaping. A variance will be required if the building is not screened from public view (the trailers are screened from view).**
13. **The revised landscape plan for the Final Development Plan must be bubbled/clouded around the existing tree stand to be preserved along the south property line. Twenty-seven (27) Taylor Junipers are not going to provide the same density of the buffering that the existing tree stand currently provide;**
14. **Relandscape the south and east slope of the site and remaining void areas throughout the development site;**
15. **Trash compactors or receptacles shall be screened from public view;**
16. **Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;**

17. Rooftop mechanical equipment shall be screened from public view by a parapet;
18. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
19. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Based on the total tract size, 83 trees are required to be planted. This does not include the trees to be planted along the perimeter of the property for screening and buffering requirements;
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21. The architectural fence shall have masonry columns every thirty-two (32) feet running and may be up to eight (8) feet in height. The fence shall either be a wood picket or metal panel fence;
22. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
23. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers).
24. All landscaping shall be irrigated;
25. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

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29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-022**:

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to the above conditions.

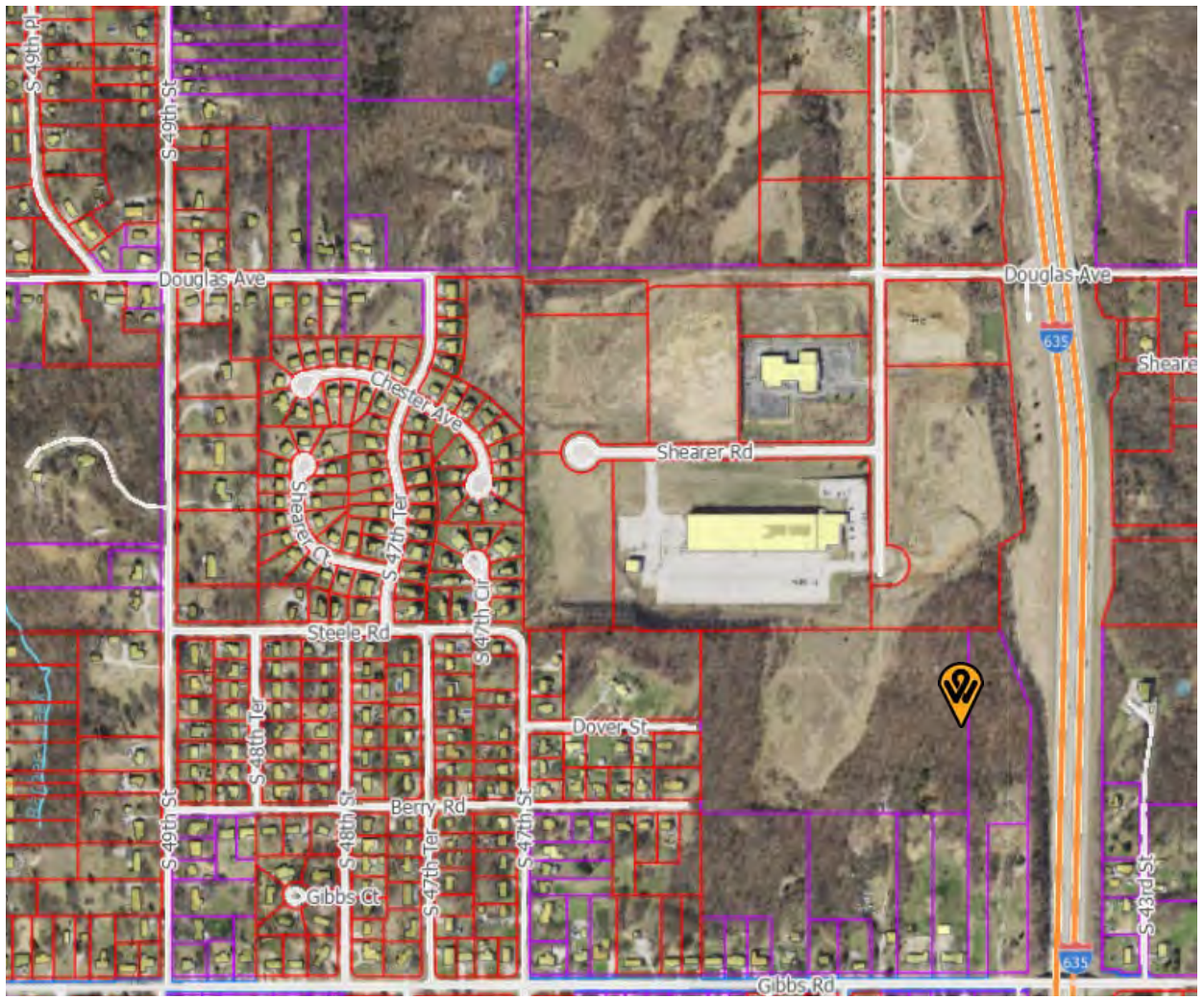


Figure 1. Aerial photograph of 4500 Dover Street (provided by UG Maps).

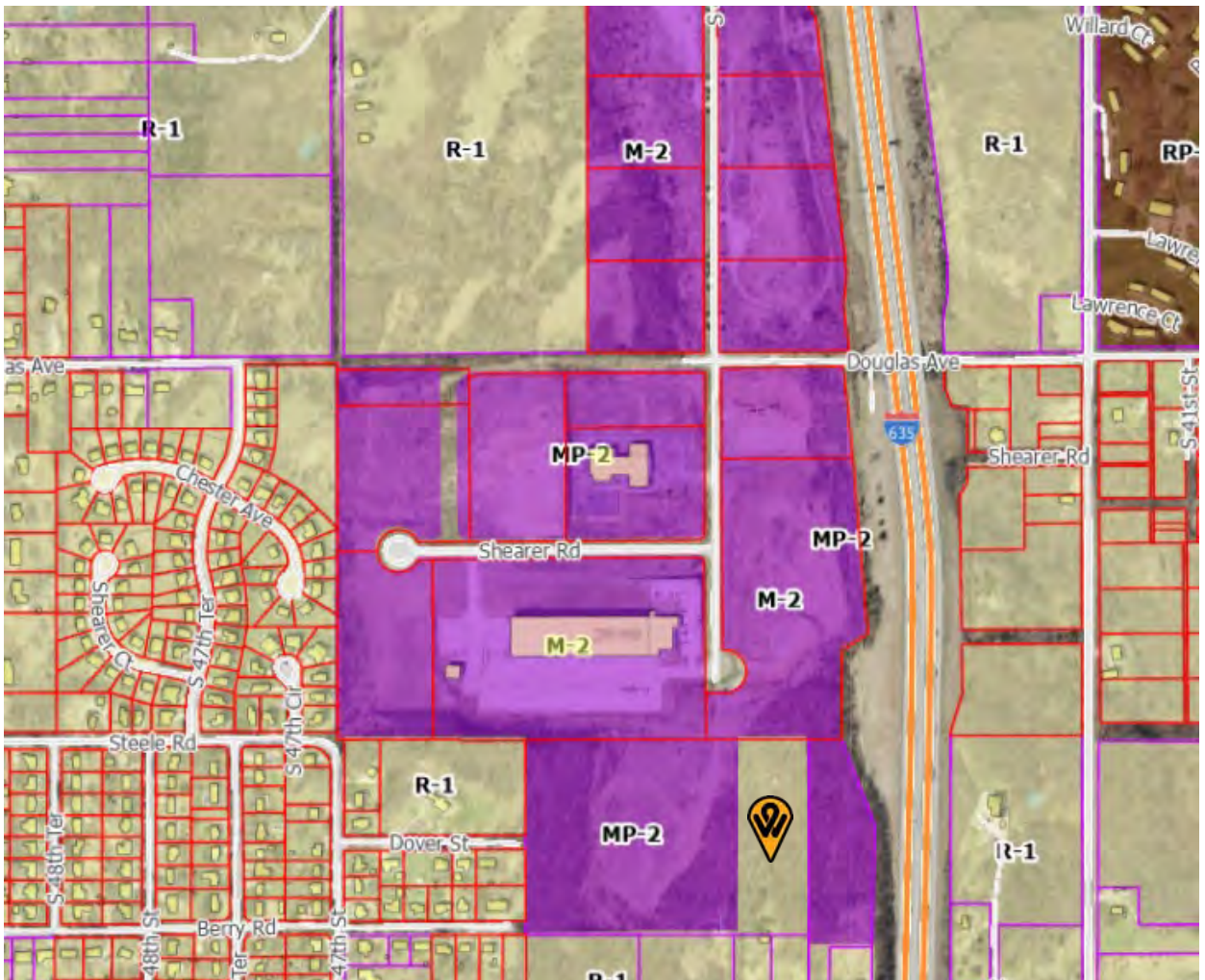


Figure 2. Zoning Map of 4500 Dover Street (provided by UG Maps).

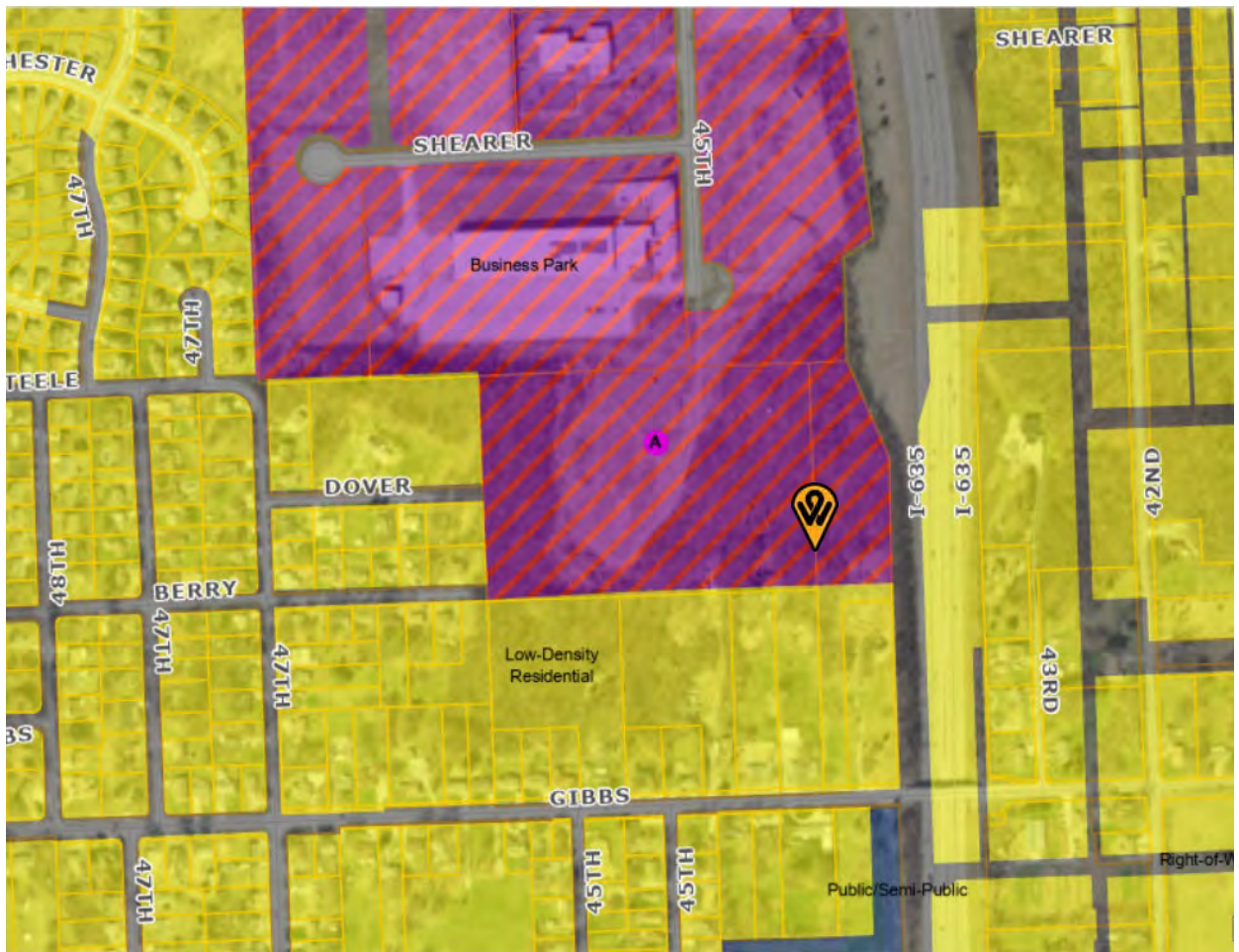


Figure 3. City-Wide Master Plan Land Use Map of 4500 Dover Street (provided by ArcPro GIS).



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5700
FAX (913) 573-5727

August 12, 2022

Ronald E. Schroer, PS
1421 E. 104th Street Suite 100
KCMO 64131

Re: Final Plat of DOVER RIDGE

Dear Mr. Schroer

I have reviewed your submittal of the above captioned plat and have these comments for your review:

- Provide copies of the LSRR's sent to the Historical Society
- In the 5th line of the description South is misspelled
- In the 40th line in the description, West is misspelled
- Mayor is Tyrone Garner
- Clerk is Brett A. Deichler
- Please show all book and pages referred to in the plat description on the face of the plat and their locations

If I can be of any further assistance, please feel free to contact me at your convenience.

Sincerely,

Brent E. Thompson, PS.
County Surveyor

Cc: Janet Parker
Robbie Ringel
Byron Toy

sealed by a Professional Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. **Noted**

3) Retaining wall plans shall be provided which clearly show plan layout, begin and end points, top and bottom wall elevations, dimensions, curve or bend data, cross sections, geogrid material and specifications, geogrid length and elevations, railing, posts, post foundations, utility crossings, drain tile locations, backfill, etc. Plans shall show limits and location of proposed retaining walls and walls must be dimensioned, tied to property lines, and angles and radius are shown as applicable. **Noted to be provide on final plan, added top of wall and bottom of wall info.**

4) Calculations shall include applicable soil parameters utilized in the wall design, including but not limited to allowable soil bearing pressure, equivalent lateral fluid pressure (active and passive), surcharge load, internal angle of friction, coefficient of friction and soil density. **Noted to be provided with Final Development plan**

5) As a note, the retaining wall, footings, geogrid, etc. shall not cross the property line, right-of-way, or utility easements. **Noted**

6) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the below grade. Calculations shall include pedestrian guardrail overturning and concentrated load (i.e. 50 pounds per linear foot and 200 pounds concentrated load applied to top rail) as identified in the checklist, including post and footing anchorage design and details. **Noted**

7) Final Development Plans will have to be approved before going to Planning Commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. Final Development Plans must meet the requirements of UG standards. Only preliminary drawings have been submitted at this time. **Noted**

Planning and Urban Design Comments:

General Planning:

1. Provide examples of the proposed manufacturing businesses that could operate within the development. Manufacturing operations cannot be visible, audible, or odorous for surrounding property owners along Dover Street and Gibbs Road. **Manufacturing, processing, Warehousing or wholesaling, Business services, General and special trades contractors, Sales of materials, equipment, supplies, machines**

Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) 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 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
- d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line.

Noted.

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

3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside. **Per the plat we are providing a 10' easement around the property.**

4. Utility easements shall connect with easements established in adjoining properties. **Noted**

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

6. Provide an enhanced screening plan more in line with that done for Plaza at the Speedway as the truck trailers will be highly visible from I-635 and Dover Street. **The existing trees to remain provide an enhanced screening.**

7. Crosswalks shall be added to driveways and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where employees walk to the building. **Added**

a. Are these crosswalks ADA compliant? **Yes**

8. How will noise be mitigated? **This will depend on the use, the existing and proposed trees will help mitigate noise.**

a. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period. **Noted**

9. While there is no entrance/exit off Dover Street or Gibbs Road, no truck traffic shall enter or exit 4500 Dover Street and 4414 Gibbs Road from those two streets. All truck traffic shall be routed on South 45th Street via Metropolitan Avenue. **Noted**

Building Architecture:

1. The loading dock doors shall be painted to match the building or a complimentary color as the primary building. **Noted**

2. Downspouts shall be recessed in corners of the building and in locations that do not draw a person's eye visually. The downspouts shall be painted to match the building. **Noted**

Landscaping and Screening:

1. For context, the development of the 150,000 square foot is sandwiched in between a residential area, comprised of single-family homes along Dover Street to the west and Gibbs Road to the south. This building will be highly visible along South 45th Street and from a southbound traffic on Interstate 635

neighborhood. All traffic enters and exits onto South 45th Street and the development is self-contained.

2. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels and Dover Street, South 45th Street, and Interstate 635 right-of-way. **Noted, where shown.**

3. How will the appearance of the loading docks (south side) of the building be softened along North 74th Drive. There has been some effort made to save the existing tree line within the development, but this overall development will be grubbed and graded to the property line. **See landscape plan, trees will be replaced along the property line where removed, then trees added along the South drive to soften the South loading docks. A 6' architectural fence will be provided as well.**

4. The landscaping and site lines west and south of the building, the single-family homes must be screened at the time the Temporary Certificate of Occupancy is issued. Creative solutions are warranted with berms, fencing and landscaping. A variance will be required if the building is not screened from public view (the trailers are screened from view). **Noted**

5. Relandscape the south and east slope of the site and remaining void areas throughout the development site. **Noted**

6. Trash compactors or receptacles shall be screened from public view. **Noted**

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

8. Rooftop mechanical equipment shall be screened from public view by a parapet. **Noted**

9. How will lighting be mitigated? **Per the Following**

a. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

10. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Based on the total tract size, 83 trees are required to be planted. This does not include the trees to be planted along the perimeter of the property for screening and buffering requirements. **Trees will be provided per the ordinance hundreds of trees are to remain.**

11. Sec. 27-700(3) A buffer area shall be provided along side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width

improved with a six (6) foot architectural screen wall adjacent to the property line and one row of shade trees spaced not more than forty (40) feet on center and one row of large shrubs spaced not more than eight (8) feet on center. **Noted**

12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue. **Noted**

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

14. All landscaping shall be irrigated. **Noted**

Signage:

1. Shall comply with the sign ordinance. **Noted**

AFFIDAVIT AND MINUTES – NIEGHBORHOOD MEETING:

STATE OF KANSAS)
) **SS:**
COUNTY OF WYANDOTTE)

Comes now Nampara Properties LLC, by and through Michael D. Sanders the Managing Member (collectively known as "Petitioner"), being of lawful age, sound mind and upon his oath, and states as follows:

1. That Nampara Properties LLC is the Petitioner, and I am the Managing Member for said entity, regarding application #COZ2022- 028 at 4500 Dover Street and 4414 Gibbs Road.

2. That Petitioner conducted a neighborhood meeting was conducted on August 29, 2022, from 4:00 pm – 6:00 pm at 4500 Dover, the situs of the proposed project, and comment was also accepted via telephone and email on or between August 19, 2022, and August 30, 2022, concerning this application.

3. Pursuant to (2) above, Petitioner received the following phone call:

a. Carl Sanders, (913)980-8320, August 19, 2022, at 8:29 am. Mr. Sanders wanted to make sure that there would not be access to the development from Dover Road where it terminates, and wanted to make sure there would be a tree buffer of some sort. He was assured there would be no access from Dover, and that a landscaping buffer was included in the project.

4. Pursuant to (2) above, Petitioner received the following email:

a. From a neighboring property owner krismac0511@gmail.com stating, in essence, that they were "looking forward" to the area being developed and it being used, and were happy the homeless encampment had been moved.

5. Pursuant to (2) above, Petitioner had five (5) participants at the Neighborhood Meeting: (1) Phil smith, 4516 Gibbs Rd., (913)908-8876; (2) Randy Schoenberger, 4433 Gibbs Rd, (913)961-4177; (3) Wayne Selzer, 4432 Gibbs Rd., (913)787-5720; (4) Carl and Davina Sanders, 4619 Dover Rd, (913)980-8320; and Tony Flakus from Stanion Electric, (913)342-1177.

The following areas of concern were expressed by all of the residents:

a. That access to the site only be provided from 45th St., and not Gibbs, Dover or any other residential street. They were assured that 45th was the exclusive route of access to the property;

b. That blasting not be used to improve the site, as that had been done in the early 2000's by a previous owner. They were assured that blasting would not be utilized;

c. They were generally pleased with the rezoning to industrial as that would prevent multi-tenant housing on that portion. They were pleased that the remaining section would remain R-1 as that does not allow multi-tenant;

d. They discussed the past problems with transient living and, among other things, concomitant sanitation and dumping issues on the property that existed before the property was cleared by the Petitioner. These are no longer issues, but some intermittent illegal dumping has been occurring;

f. They wished for the stand of trees on the southern and western edges of the property remain as a screen to the construction. They were assured that this would remain.

6. Attached is a copy of the notice(s) mailed to the property owners based upon on the list that was provided by the Urban Planning and Land Use Department.


Nampara Properties LLC, Affiant
By: Michael D. Sanders

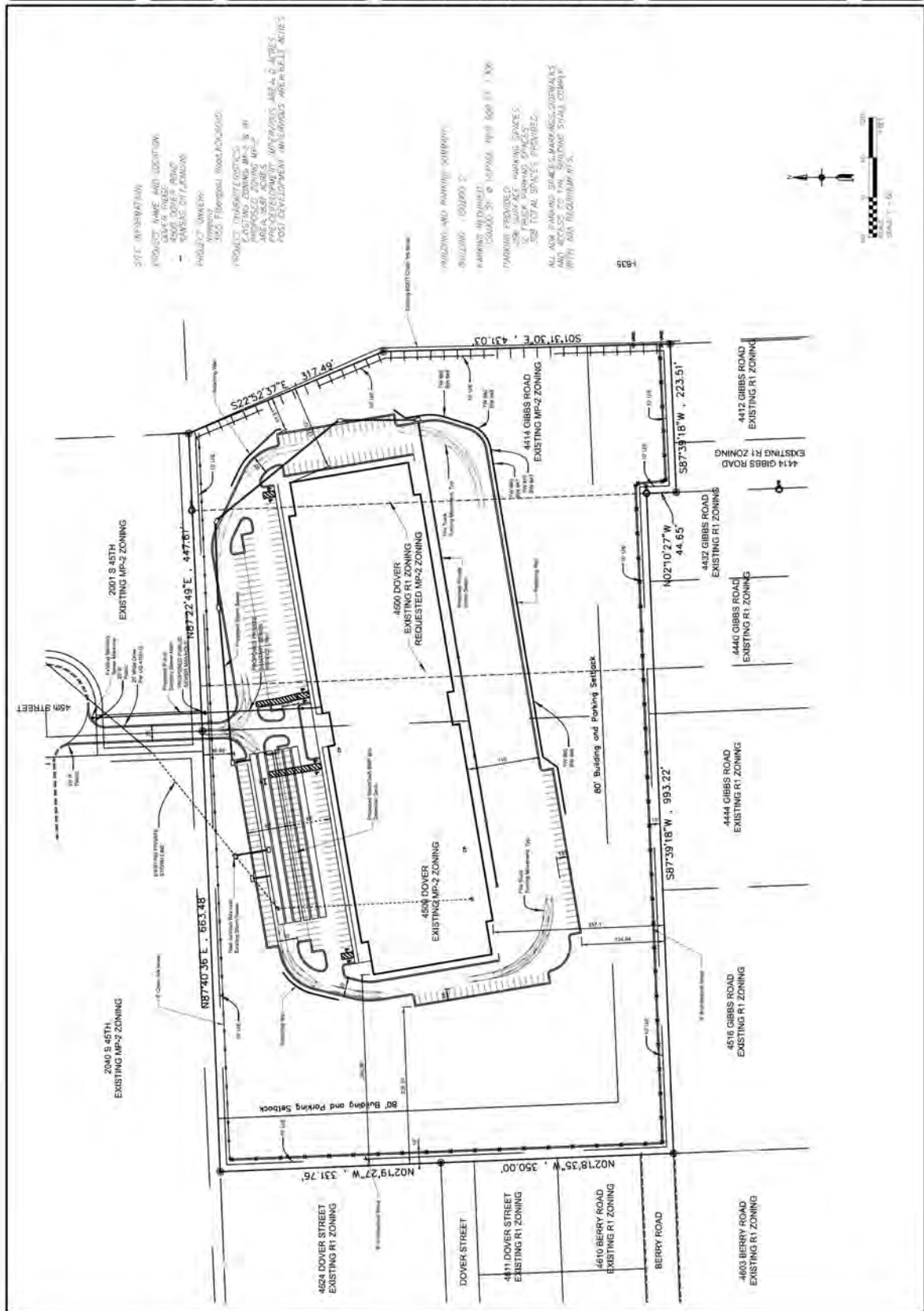
STATE OF KANSAS)
COUNTY OF WYANDOTTE) ss.

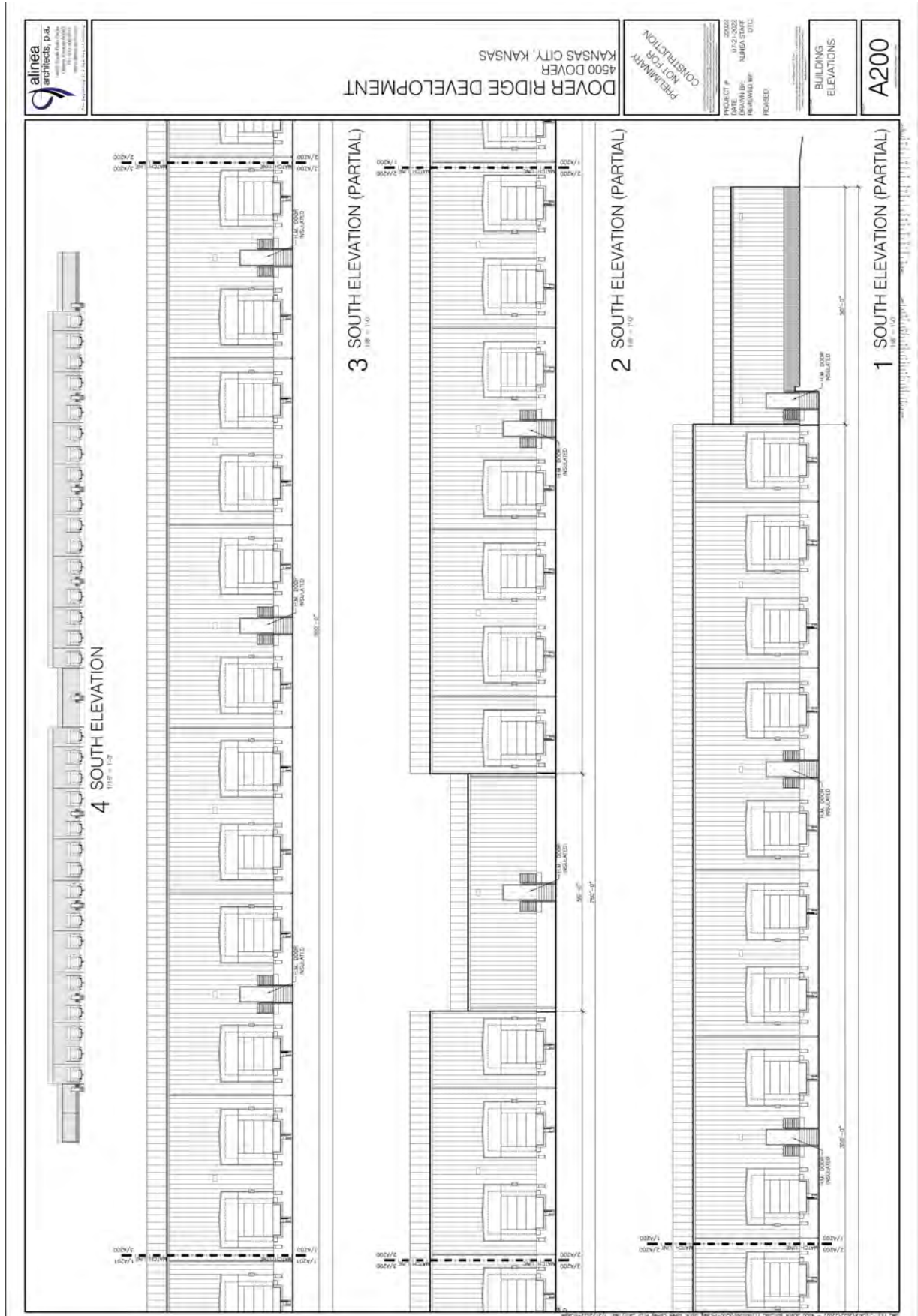
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

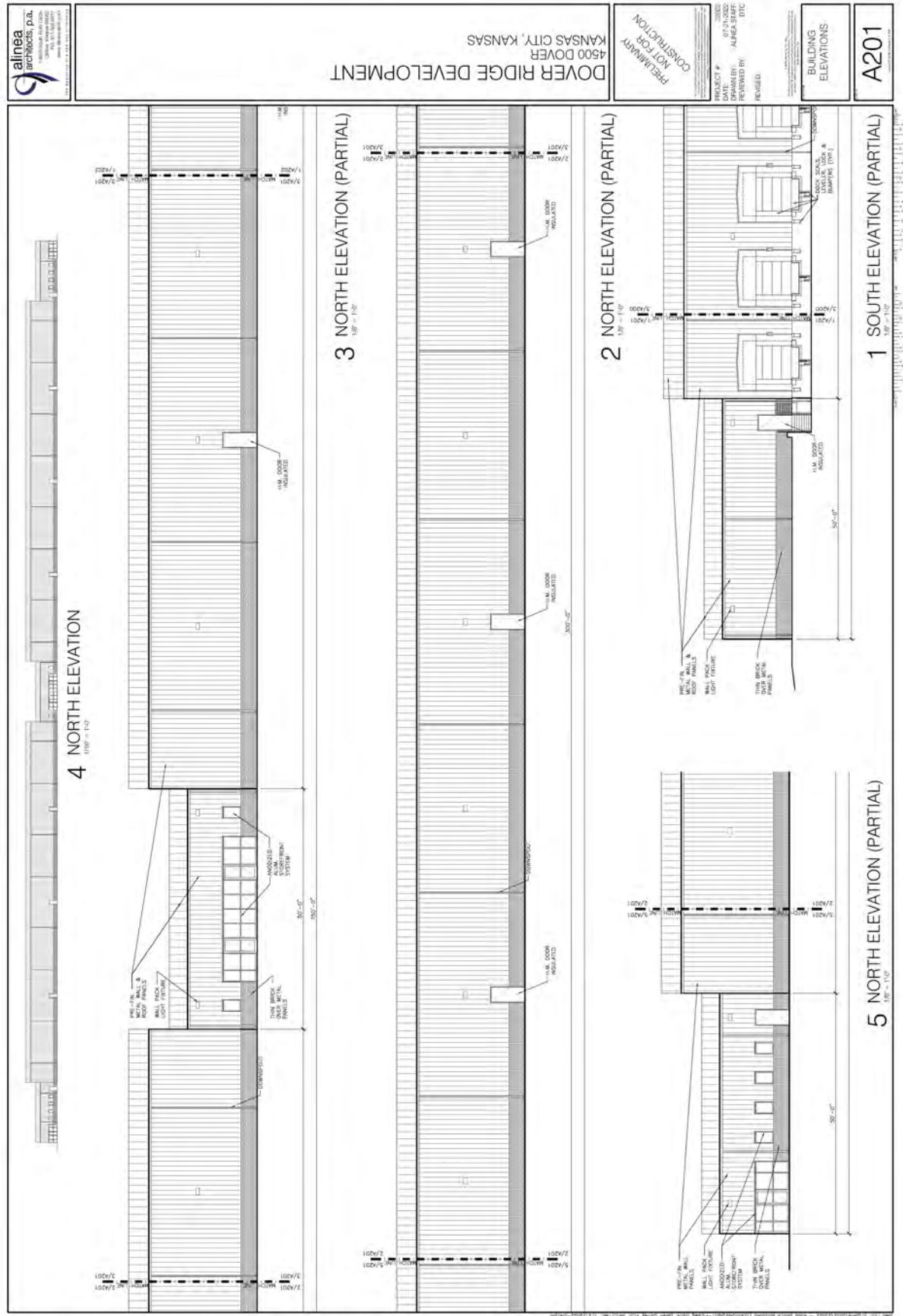
10/28/24

Notary Public









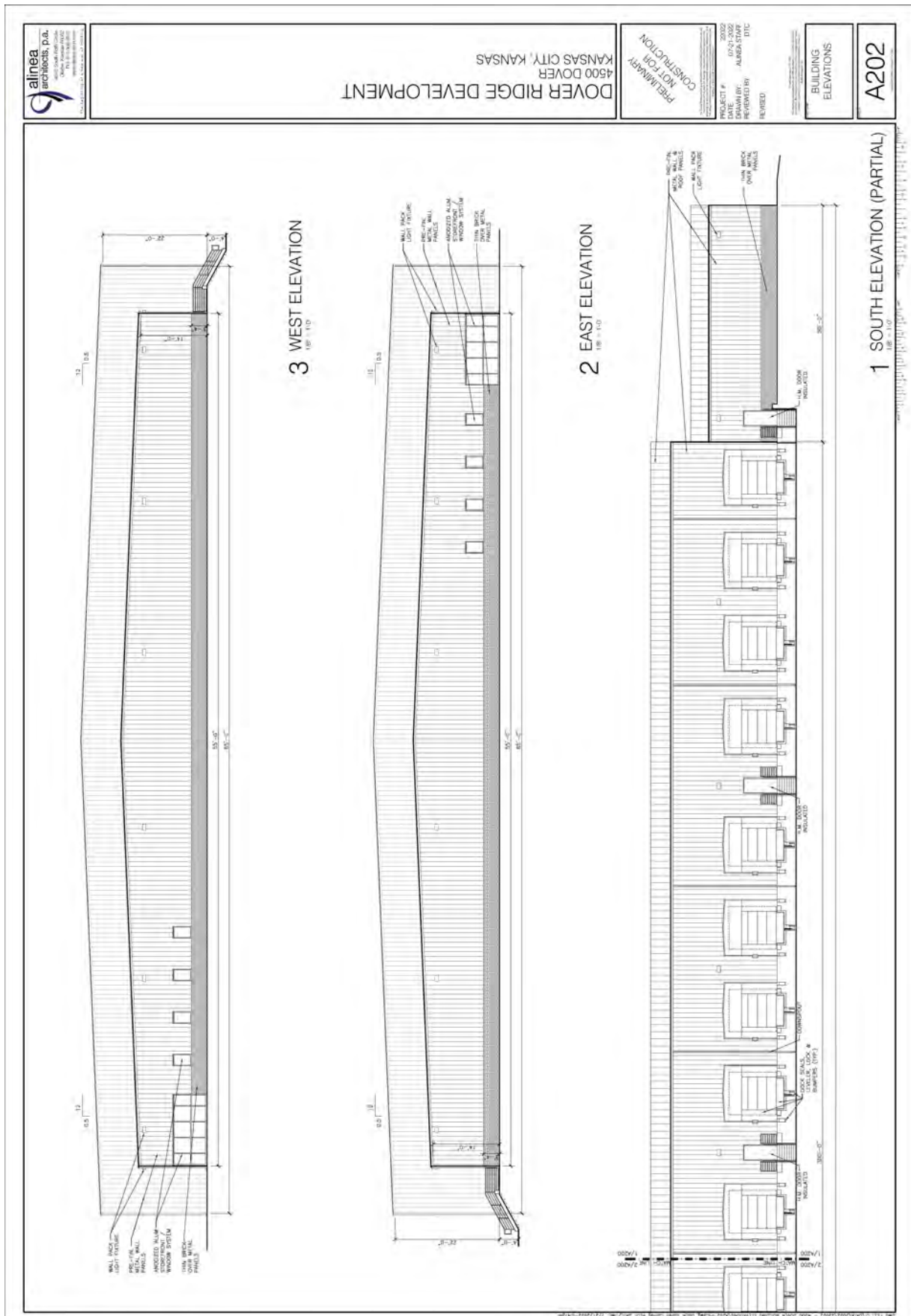




Figure 4. Site photograph of 4500 Dover Street looking south on South 45th Street (provided by Planning Staff).



Figure 5. Site photograph of 4500 Dover Street looking southeast on South 45th Street (provided by Planning Staff).



Figure 6. Site Photograph of 4500 Dover Street looking south on South 45th Street (provided by Planning Staff).



Figure 7. Site Photograph of 4500 Dover Street looking southwest on South 45th Street (provided by Planning Staff).



Figure 8. Site Photograph of 4500 Dover Street looking east on Dover Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Change of Zone Petition COZ2022-031 and MPL2022-017

GENERAL INFORMATION

Applicant:

Jack Xiong with the Unified Government of
Wyandotte County/Kansas City, Kansas

Status of Applicant:

Representative
David Bunch, P.E. with HDR
10450 Holmes Road, Suite 600
Kansas City, MO 64131

Requested Actions:

Master Plan Amendment Industrial to Utilities (City-
Wide Master Plan).

Change of Zone from R-1 Single Family and MP-2
Planned General Industrial Districts MP-3 Planned
Heavy Industrial District.

Final Plan Review for a building additions and
interior remodels at the Wastewater Treatment
Plant.

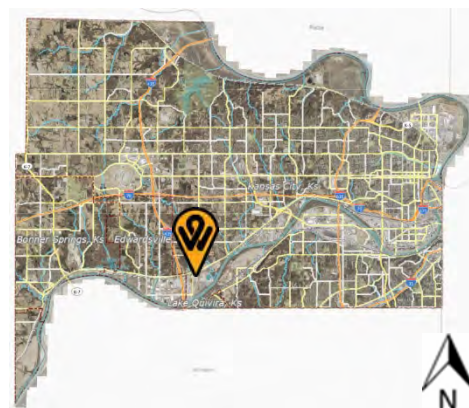
Date of Applications:

July 29, 2022

Purpose:

To rezone and amend the City-Wide Master Plan to build an addition at the Water
Pollution Control Wastewater Treatment Plant.

Property Location: 2443 South 88th Street



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #7 Commissioner: Angela Markley		
Existing Zoning:	R-1 Single Family and MP-2 Planned General Business Districts.		
Adjacent Zoning:	North:	MP-3 Planned Heavy Industrial District	
	South:	MP-2 Planned General Industrial and MP-3 Planned Heavy Industrial Districts	
	East:	R-1 Single Family District	
	West:	M-3 Heavy Industrial and MP-3 Planned Heavy Industrial Districts	
Adjacent Uses:	North:	Industrial warehousing and distribution	
	South:	Industrial business and salvage/auto auction business	
	East:	Undeveloped, vacant land	
	West:	Industrial businesses	
Total Tract Size:	32.3 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Industrial, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stops, service stations, convenience stores, mining/mineral extraction. A Master Plan Amendment has been filed to Utilities, which allows water and sanitary sewer lines, natural gas lines, electric power substations, electric power lines, cellular phone towers and other utilities.		
Major Street Plan:	The Major Street Plan classifies South 88 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-470(f) requires paved off-street parking as one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Twenty-eight (28) parking spaces are provided.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – August 18, 2022; Master Plan Amendment – August 18, 2022		

Letters to Property Owners – Change of Zone – August 19, 2022; Plan Review – August 19, 2022; Master Plan Amendment – August 19, 2022

Public Hearings: September 12, 2022 and September 29, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division wants to rezone from MP-2 Planned General Industrial and R-1 Single Family Districts and MP-3 Planned Heavy Industrial District, and amend the City-Wide Master Plan from Industrial to Utilities to construct a building addition at the Wastewater Treatment Plant on 32.3 acres at 2443 South 88th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. ELE22-0079 – July 22, 2022 – SCADA communications improvements.
2. ELE21-0344 – September 21, 2021 – Replacement of existing motor controls centers throughout the plant.
3. 20300-00707 – September 7, 2020 – Minor structural and HVAC modifications, replacement of MCCS.
4. 02380-00646 – May 31, 2002 – New treatment plant electrical service.
5. 02300-00286 – May 1, 2002 – Building addition.
6. 01380-00143 – February 20, 2001 – New temporary electrical service for new construction.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within an industrial area in the southwest corner of Kansas City, Kansas. The immediate area west of the site is comprised of industrial businesses and the City of Edwardsville, Kansas. Along Gibbs Road, east of the proposed property are insurance auto sales businesses and a sand/gravel operation.

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

The zoning and uses of nearby properties is set out above. The proposed use is compatible with them because the properties along South 88th Street, Gibbs Road and to the south, Woodend Road are industrial businesses/operations that have more employees and larger volumes of truck traffic than the wastewater treatment plant.

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

The subject property is currently a treatment plant, so the proposed interior remodels and building additions will not detrimentally affect nearby property because all uses within the vicinity are industrial in nature.

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

The property is not vacant and is being used as a Wastewater Treatment Plant.

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

The proposed use is reasonably necessary to keep up with the demand level of the wastewater needing to be treated. A facility of this nature should not permanently injure the appropriate use, visual quality or marketability of nearby property because these properties along South 88th Street and Gibbs Road are industrial zoned and are operating industrially related businesses.

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

The development plan proposes to expand an existing building and make interior upgrades to these buildings within the fenced compound of the Wastewater Treatment Plant. Despite the expansion of the current facility, the operations of plant will not require additional workforce. Consequently, the number of parking

spaces on site will not increase, therefore, the extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety or create parking problems is negligible.

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

A Master Plan Amendment has been filed from Industrial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) to match the existing use on the property. The Utilities land use designation allows water and sanitary sewer lines.

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

The proposed use will not cause environmental harm the wastewater treatment plant is properly managed and Local, State and Federal regulations are strictly adhered to.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #20.

f. *Transit*

Kansas City does not provide transit service near the property. The closet transit route is approximately four (4) miles east at 72nd Street and Kansas Avenue, Route #115.

g. *Schools*

Public education service provided Bonner Springs/Edwardsville, USD 204.

h. Streets

See item #6 above.

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

The capability to handle an increased amount of wastewater could have a positive impact on the surrounding community by supporting more development.

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

The proposed use is capable of meeting applicable ordinance requirements with additional landscaping.

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

The relative gain to the public health, safety, and welfare would overcome any hardship imposed on the individual landowners because the Unified Government is improving their infrastructure, although it is not anticipated that this would cause a hardship on landowners.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of August 29, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping and Screening
Lighting / Glare

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2022-017** and Change of Zone Application **COZ2022-031**, subject to:

- 1. Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the**

comprehensive plan amendment upon consideration of the following factors:

- a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.
2. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or BuildingInspection@wycokck.org;
4. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 – Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
5. Sec. 27-470(h) All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six (6) foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

The parcel to the east is zoned R-1 Single Family District, therefore rezoning to industrial district requires architectural screening.

Per Sec. 27-696 *Architectural screening* means a masonry or wood frame wall or any fence designed, constructed, and maintained to provide a complete obstruction of view from ground level to at least the height specified in the individual zoning district requirements, to be durable and compatible with surrounding development. A berm is considered to be architectural screening;

6. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across from an alley or residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen adjacent to the property line and one (1) row of shade trees spaced not more than forty (40) feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;
7. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
8. New rooftop equipment (RTUs, venting, etc.) shall be screened by a parapet;
9. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-031** and **MPL2022-017** and subject to all comments and suggestions outlined in this staff report and the conditions in the staff report.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Letter
Site Plan
Grading Plan
Landscape Plan
Site Photographs taken by Staff on August 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	September 12, 2022	September 29, 2022
Rezoning	Approval	
Public Hearing	September 12, 2022	September 29, 2022
Master Plan	Approval	
Amendment		

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition MPL2022-017 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition MPL2022-017 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition COZ2022-031 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition COZ2022-031 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:06:

MASTER PLAN AMENDMENT MPL2022-017 - JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:
Master Plan Amendment from Industrial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) for a water treatment plant at 2443 South 88th Street.

CHANGE OF ZONE APPLICATION COZ2022-031 – JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS -

SYNOPSIS: Change of Zone from R-1 Single Family and M-2 General Industrial Districts to MP-3 Planned Heavy Industrial District for a water treatment plant at 2443 South 88th Street.

PLAN REVIEW APPLICATION PR2022-031 - JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:

Final Plan Review for a water treatment plant at 2443 South 88th Street.

Detailed Outline of Requested Action: The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division wants to rezone from MP-2 Planned General Industrial and R-1 Single Family Districts and MP-3 Planned Heavy Industrial District, and amend the City-Wide Master Plan from Industrial to Utilities to construct a building addition at the Wastewater Treatment Plant on 32.3 acres at 2443 South 88th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Master Plan Amendment and Change of Zone; and,
7. The Notices to property owners.

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

Present in Support:

- Samuel Brown, HDR Engineering, 10450 Holmes Road, Suite 600, Kansas City, Missouri 64131
- Jack Xiong, applicant, 50 Market Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:12:40: Planning Director Hand stated the Change of Zone COZ2022-031 is being heard in conjunction with Master Plan Amendment MPL2022-017 and Plan Review PR2022-031. The Change of Zone and Master Plan Amendment are to bring the zoning in conformance with the use on the property and to correct the split zoning on the property. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:13:50:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-017:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. **Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the comprehensive plan amendment upon consideration of the following factors:**
 - a. **Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;**
 - b. **Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;**
 - c. **Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;**
 - d. **Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;**
 - e. **Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and**
 - f. **The impacts of the potential costs and benefits derived by the community or area by the proposed change.**
2. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**

3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or BuildingInspection@wycokck.org;
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5. Sec. 27-470(h) All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six (6) foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

The parcel to the east is zoned R-1 Single Family District, therefore rezoning to industrial district requires architectural screening.

Per Sec. 27-696 *Architectural screening* means a masonry or wood frame wall or any fence designed, constructed, and maintained to provide a complete obstruction of view from ground level to at least the height specified in the individual zoning district requirements, to be durable and compatible with surrounding development. A berm is considered to be architectural screening;

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7. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
8. New rooftop equipment (RTUs, venting, etc.) shall be screened by a parapet;
9. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast

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

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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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; 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.

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application**

COZ2022-031:

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to the above conditions

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PR2022-031:**

Carson	Chairman
Miller	Aye

Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Not Present
Motion to APPROVE Passed: 8 to 0	
Subject to the above conditions	



Figure 1. Aerial photograph of 2443 South 88th Street (provided by UG Maps).

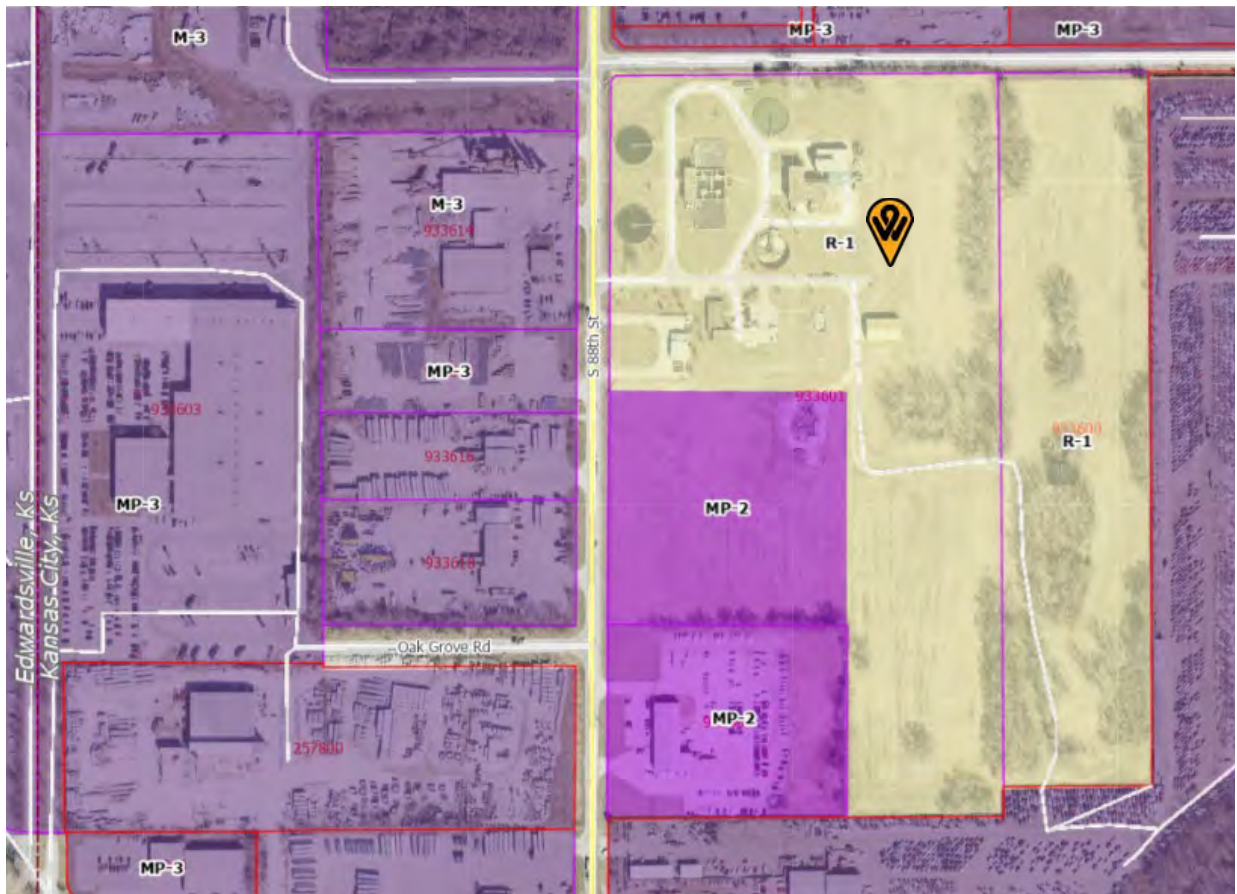


Figure 2. Zoning Map of 2443 South 88th Street (provided by UG Maps).

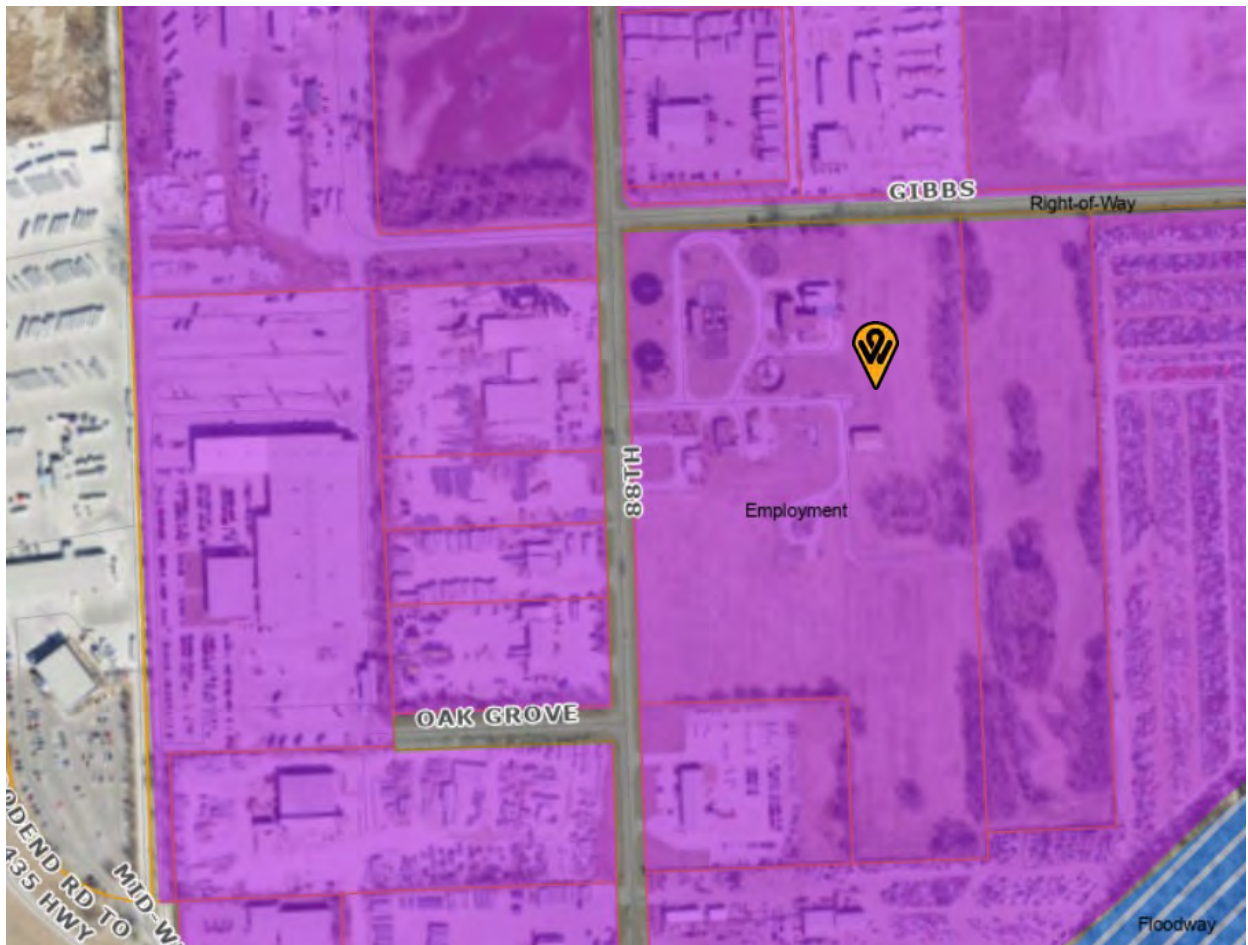


Figure 3. City-Wide Master Plan Land Use Map of 9400 State Avenue (provided by ArcMap).



**PUBLIC WORKS
WATER POLLUTION CONTROL**

Water Pollution Control P: (913) 573-1300
50 Market Street F: (913) 573-1351
Kansas City, KS 66118 E: Info@wycokck.org

August 31, 2022

Janet L. Parker, CSC/APC
Executive Assistant
Department of Urban Planning and Land Use
701 North 7th Street, Suite 423
Kansas City, Kansas 66101

Janet Parker:

As required by the Department of Planning and Urban Design as part of

Petition COZ2022-031, PR2022-031 and MPL2022-017

for a Change of Zone from R-1 Single Family District and M-2 General Industrial Districts to MP-3 Planned Heavy Industrial District for a water treatment plant at 2443 South 88th Street (in conjunction with PR2022-031 and MPL2022-017), letters were mailed out before August 19, 2022 to all required persons describing the proposal and soliciting questions and concerns to be submitted via email by August 29, 2022. No questions and concerns were received.

Sincerely,

Jack Xiong
Project Manager

We Can and We Must - We Are Water Pollution Control

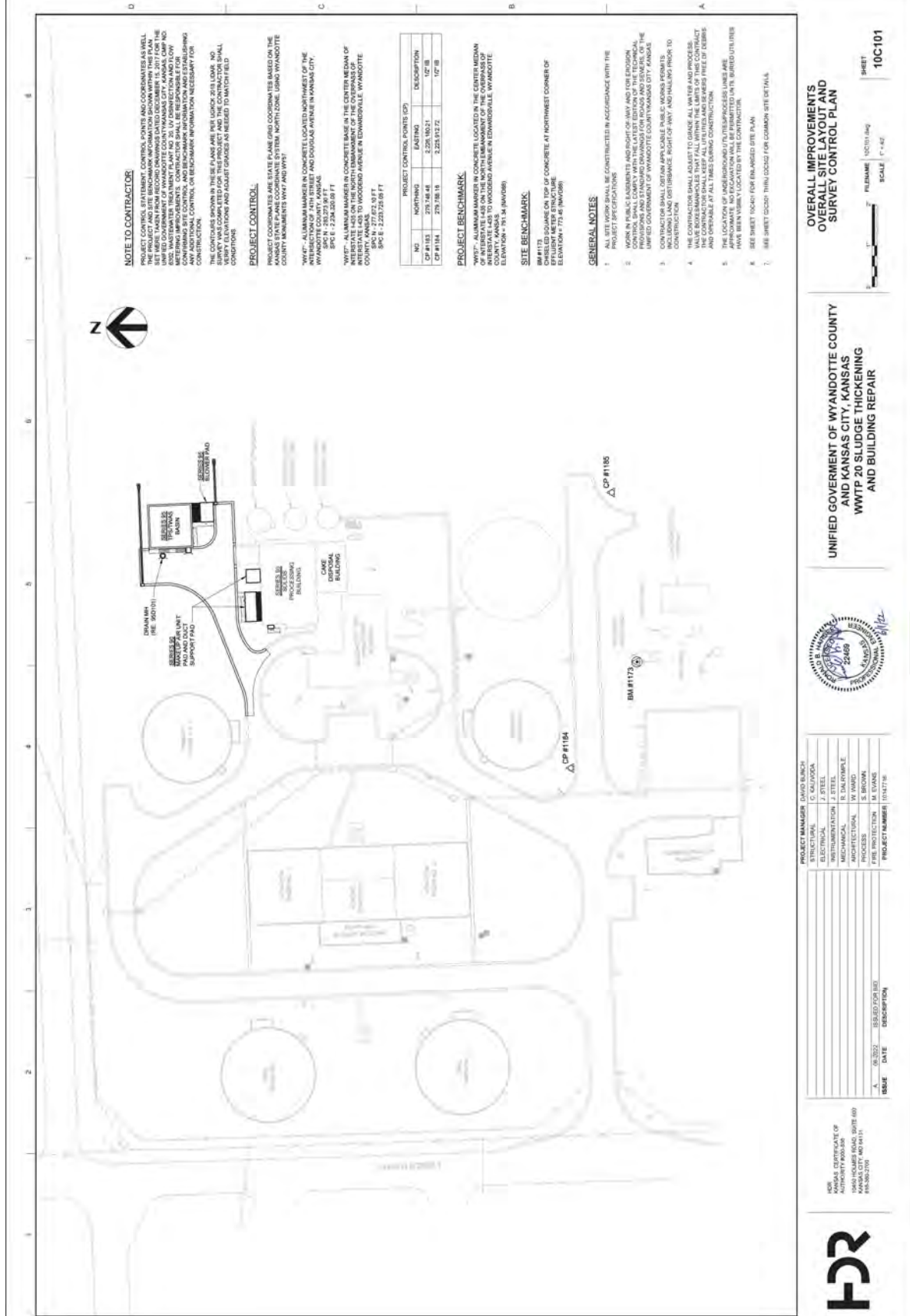




Figure 1. Site photograph looking southeast at 2443 South 88th Street (provided by Planning Staff).



Figure 2. Site photograph looking northeast at 2443 South 88th Street (provided by Planning Staff).



Figure 3. Site photograph looking southwest at 2443 South 88th Street (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Petition SP2021-069

GENERAL INFORMATION

Applicant:
Prabhjot Singh Padda

Status of Applicant:
Business Owner
United Truck Repair
451 S 14th Street
Kansas City, KS 66105

Requested Action:
Renewal of an Expired Special Use Permit.

Date of Application:
September 23, 2021

Purpose:
Continuing to operate a Semi-Truck Light Repair Shop and Truck and Trailer Parking Lot.

Property Location:
451 S 14th Street
Kansas City, KS 66105



Commission Districts:

Commissioner At Large #2:
District #2 Commissioner:

Tom Burroughs
Brian McKiernan

Existing Zoning:

M-3 Heavy Industrial District

Adjacent Zoning: North:
South:
East:
West:

M-3 Heavy Industrial District
M-3 Heavy Industrial District
M-3 Heavy Industrial District
M-3 Heavy Industrial District

Adjacent Uses: North:
South:
East:
West:

Shipping Container and Industrial Storage Yard
Material handling equipment supplier
Building Scaffolding Sales Business
Silica and Aggregate Processing Plant

Total Tract Size:

2.07 Acre

Master Plan Area:

Armourdale Area Master Plan

Master Plan Designation:

The Armourdale Area Master Plan designates this property as Heavy Industrial. Heavy Industrial allows the development of limited industrial uses with an emphasis on protecting adjacent residential neighborhoods.

Major Street Plan:

The Major Street Plan classifies the portion of South 14th Street that is north of Kansas Avenue as a Local Street. Kansas Avenue is a Class B Thoroughfare.

Parking Requirement:

Section 27-470(f) requires the use of off-street parking and that commercial uses require parking in compliance with Section 27-467(e). Section 27-467(e) requires all uses to provide off-street parking at a ratio of four (4) spaces per 1000 square feet of building area. Section 27-466(c)(5) also specifies that automotive servicing uses require off-street parking with a ratio of four (4) spaces per 1000 square feet of total building area.

Required Parking: 10 Spaces

Proposed Parking: N/A

Advertisement:

The Wyandotte Echo – October 14, 2021
Letters to Property Owner – February 7, 2022, May 21, 2022, August 1, 2022 and August 18, 2022

Public Hearings: July 11, 2022, July 28, 2022, September 12, 2022 and September 29, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew an expired Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking.

City Ordinance Requirements: 27-464 through 27-470 and 27-592 through 27-606

Code Enforcement History: There was one Code Enforcement case on this property for high grass and trash on the property in May 2004.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of industrial uses and commercial businesses and residential uses. 14th Street is local street in the Armourdale area that is accessed primarily from the south by Kansas Avenue, a class B thoroughfare. It is a horizontal mixed-use, sub-urban neighborhood with residential, commercial, and industrial uses.

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

The zoning and uses of properties nearby are set out above. The proposed use is considered to be compatible with the nearby uses if the development includes all the required property upgrades and is managed properly. There are residential houses in the blocks south of this property.

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

The property is suitable for automotive uses given the existing adjacent industrial uses and nearby access to a class B thoroughfare. This is a first renewal request of an automotive business on an industrial property that does have the potential to detrimentally affect nearby property with residential uses. By ordinance, a Special Use Permit is required.

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

The property was vacant between 2017 and 2019. The property was previously used as an automotive salvage business from 1988 to 2017. The present business of Semi-Truck repair began in 2019 under mandatory special use permit. The property is an existing lot in a built-out industrial area.

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

Special Use Permits are not addressed in the Master Plan. New establishment, expansion, or relocation of Automotive uses require a Special Use Permit prior to operation pursuant to Ordinance O-42-15 as specified in 27-593(b)(19-20). The Armourdale Master Plan designates the land at 451 South 14th Street for Heavy Industrial and directs the area to support adjacent existing residential neighborhoods. It also emphasizes the improvement of local streets to handle industrial traffic.

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

Continuing the existing use will likely result in the increase of vehicular traffic. The additional vehicular traffic created by the existing use is not expected to result in the increase of traffic to the point where it would impact the capacity of the Local Street and accessible Class B thoroughfare. There is also the question about the continued impact from larger vehicles, tow trucks, and trash trucks needing to access the property for vehicle pick up or delivery and trash servicing. The site specializes in large trucks but provides only one main entrance off of South 14th Street that is accessible to traffic via an uncontrolled and unmarked street from Kansas Avenue to the south or through a residential neighborhood using Scott Avenue.

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

The proposed use is not reasonably necessary for the convenience nor welfare of the public because the large truck maintenance and storage on the existing property will lead to higher use density and difficulty in screening the use from public view. The proposed use will likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if not managed properly.

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

Noise, vibration, dust, and illumination are normally associated with the proposed uses, and it will likely be an issue to surrounding uses given the poor condition of the improved surfaces on the property and the lack of dust control measures in place. Continuation of the use will likely create problems for nearby properties if not properly managed, dust mitigated, and screened.

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

The proposed use may pollute the air, land or water if not managed properly. The proposed use is often associated with the potential for chemical leaks, hazardous waste, and runoff. The larger vehicle size increases the volume of potential chemicals on site. The property is in a low elevation area with poor stormwater drainage that will need to be considered. Unless improved surfaces are upgraded to current standards and thereafter managed properly and cleaned in a timely manner, groundwater contamination will be a problem since there are multiple places that can allow seepage directly into the ground.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out mixed-use industrial and residential area.

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

If this Special Use Permit is denied, the applicant will have to relocate the Semi-Truck and Trailer Repair and Storage business to another location under a mandatory Special Use Permit. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

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

Given the size of the property, the proposed use should not result in the overcrowding of land if it is properly managed and operates within the required conditions. The parking of trucks and trailers on site may become an issue if not managed properly. The proposed use will not cause undue concentrations of population as it is an industrial use.

PREVIOUS ACTIONS

Special Use Permit SP-2019-82 (expired 9/26/2021)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 451 S 14th Street on October 25, 2021. The applicant stated that no one attended the meeting. Attached are the meeting minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Access
Noise, illumination, and vibration
Site access
Parking and Storage Inventory management and vehicle condition
Site management and control of wastes
Building upgrades, parking lot upgrades, and property upgrades compliant with Commercial Design Guideline standards
Stormwater Management in a low elevation and/or flood hazard area
Conformance with City-Wide Master Plan
Screening from adjacent public right of way

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2021-069 for two (2) years**, subject to:

- 1) **The Special Use Permit shall be valid for 2 years from the publication of the associated Ordinance.**
- 2) **The applicant is requesting a Special Use Permit for an Automotive Use under Sec 27-593(b)(19-20). Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD).**
- 3) **Failure to comply with any of the requirements of this Special Use Permit, or any condition of approval, will result in this special use permit being returned to the Board of Commissioners for revocation.**
- 4) **This Special Use Permit applies to maintenance for large trucks. Maintenance, repair, or storage of regular passenger vehicles is not included in this permit and is not allowed on the property. Only passenger vehicles that belong to customers, employees, or the public patronizing this business may be parked on the property and must be parked in designated and striped parking stalls.**
- 5) **There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit.**
- 6) **Hours of operation will be 9am-6pm Monday through Friday and 9am-4:30pm on Saturday.**
- 7) **Must register and maintain annually a business license with the Business Licensing Department for all uses on the property.**

- 8) Approval allows no more than 16 Trucks and trailers inventory at this site and limited to the area along the north fence line.
- 9) No truck or trailer repair or servicing is allowed outside of the building in public view. No more than five (5) trucks at any given time may be positioned on the east side of the building for servicing and be considered to be screened from view by the massing of the building. All other trucks and trailers must be parked in designated stalls along the north fence line.
- 10) Inoperable trucks are only allowed to be stored inside the enclosed building or in the rear of the lot and only if they can be fully obscured from public view by a required 8 foot tall architectural screening fence to the same standards for a salvage yard operation. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with 27-470 and 27-697 through 27-704. Any outside storage may not reduce the availability of all required parking space.
- 11) No storage or warehousing of inoperable vehicles, or salvage or wrecked vehicles or automobile parts on the property.
- 12) At no time shall Cars, Trucks, or Trailers be parked in the right of way of 14th Street in front of the property.
- 13) A Complete Development Plan is required before a renewal application.
- 14) The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process.
- 15) Applicant must install and maintain ten(10) required parking spaces, including one(1) ADA accessible parking space which is designated "Van Accessible".
- 16) Applicant must install and maintain the required six (6) foot setback from the inside of the west property fence including interior curbing installed meeting or exceeding that setback distance. The area within the six foot setback from the west property fence will be developed as a landscape area and must be planted with turfgrass and trees and shrubs and served by the automatic irrigation system.
- 17) Applicant must install twenty-three(23) shade trees on the property. Shade trees shall be deciduous tree species that are listed on the approved street tree species list and larger than minimum 2-inch caliper size.
- 18) All landscape areas on the property, in the parking islands, and along the frontage must be served by an installed automatic irrigation system.
- 19) Applicant must provide a trash enclosure for any dumpster(s) placed on the property which are not located east of the building out of public view.
- 20) The improved surfaces on the property must be improved or repaired to current UG standards.
- 21) All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 22) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

- 23) All businesses located at this property must operate in compliance with the Sign Ordinances at all times.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **Approval** of Petition **SP2021-069** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Aerial Photography (Dated 3/02/2021)
Photographs Provided by Staff (Dated 10/05/2021)
Photographs provided by Staff (Dated 9/01/2022)
Photographs provided by Applicant's Agent (Dated 8/31/2022)
Neighborhood Meeting Minutes Provided by Applicant (Submitted 10/28/2021)
City Planning Commission Meeting Minutes for May 9, 2022
Revised Site Plan and Elevations [Sealed by Surveyor] (Submitted 8/31/2022)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 12, 2022	September 29, 2022
Special Use	Approval	

STAFF CONTACT: Jason Faust
jfaust@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP2021-069** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP2021-069**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:25:00:

SPECIAL USE PERMIT APPLICATION SP2021-069 – PRABHJOT SINGH PADDA WITH UNITED TRUCK REPAIR - SYNOPSIS: Special Use Permit to operate an inspection/light maintenance facility for United Truck Repair (SP-2019-82 expired 9/26/2021) at 451 South 14th Street.

Detailed Outline of Requested Action: The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew a Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking.

City Ordinance Requirements: 27-464 through 27-470 and 27-592 through 27-606

Code Enforcement History: There was one Code Enforcement case on this property for high grass and trash on the property in May 2004.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101, representing the applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:32:10: Planning Director Hand stated that this application was remanded back to the Planning Commission by the Unified Government Board of Commissioners last month to provide the Applicant the final 30 days remaining in the code to provide the additional information requested by Staff. Staff has received no letters in support nor in opposition to this application. There are no Notices of Violation on the property. Director Hand stated that the Applicant's representation stated that they have put a lot of money into the property making various improvements. The improvements do not meet all the requirements of the Special Use Permit code requirements. Staff has broken down what the Applicant has done now and what they need to do before the next renewal if this application is recommended for approval by the City Planning Commission and approved by the Board of Commissioners. Staff recognizes the work the Applicant has done and recommends approval subject to the conditions in the staff report.

Planning Commissioner Ernst commended Staff for working with a small business owner over several months to advance this project where it is today.

Motions starts at 3:35:10:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of SP2021-069 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

- 1) The Special Use Permit shall be valid for 2 years from the publication**

- of the associated Ordinance.
- 2) The applicant is requesting a Special Use Permit for an Automotive Use under Sec 27-593(b)(19-20). Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD).
 - 3) Failure to comply with any of the requirements of this Special Use Permit, or any condition of approval, will result in this special use permit being returned to the Board of Commissioners for revocation.
 - 4) This Special Use Permit applies to maintenance for large trucks. Maintenance, repair, or storage of regular passenger vehicles is not included in this permit and is not allowed on the property. Only passenger vehicles that belong to customers, employees, or the public patronizing this business may be parked on the property and must be parked in designated and striped parking stalls.
 - 5) There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit.
 - 6) Hours of operation will be 9am-6pm Monday through Friday and 9am-4:30pm on Saturday.
 - 7) Must register and maintain annually a business license with the Business Licensing Department for all uses on the property.
 - 8) Approval allows no more than 16 Trucks and trailers inventory at this site and limited to the area along the north fence line.
 - 9) No truck or trailer repair or servicing is allowed outside of the building in public view. No more than five (5) trucks at any given time may be positioned on the east side of the building for servicing and be considered to be screened from view by the massing of the building. All other trucks and trailers must be parked in designated stalls along the north fence line.
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 - 11) No storage or warehousing of inoperable vehicles, or salvage or wrecked vehicles or automobile parts on the property.
 - 12) At no time shall Cars, Trucks, or Trailers be parked in the right of way of 14th Street in front of the property.
 - 13) A Complete Development Plan is required before a renewal application.
 - 14) The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the

permit to begin the renewal process.

- 15) Applicant must install and maintain ten(10) required parking spaces, including one(1) ADA accessible parking space which is designated "Van Accessible".
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- 20) The improved surfaces on the property must be improved or repaired to current UG standards.
- 21) All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 22) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 23) All businesses located at this property must operate in compliance with the Sign Ordinances at all times.



Off-Axis Aerial Photography of 451 S 14th Street (Viewing from South to North, 3/02/2021)















NEIGHBORHOOD MEETING MINUTES

APPLICATION NUMBER: SP2021-069

DATE AND LOCATION: MONDAY 10-25-2021 AT 451 S 14TH STREET KANSAS CITY KS 66105

MEETING START AT: 4PM

NO ONE SHOWS UP TO MEETING WE WAITED TILL 5:30 PM

I ALSO PUT SIGN OUTSIDE AT FRONT GATE .

NAME

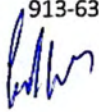
PRABHJOT SINGH PADDA

UNITED TRUCK REPAIR

451 S 14TH STREET

KANSAS CITY KS 66105

913-636-3970



AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF KANSAS)

) SS:

COUNTY OF WYANDOTTE)

Comes now PRABHOTS. PAORA, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2021-069
2. That I conducted a neighborhood meeting on 10-25-2021.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]

Affiant

PRABHOTS SINGH PAORA

NO ONE SHOWS UPON MEETING . I WAIT TILL 5:30 PM

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

My commission expires _____ of _____, 200__.

Notary Public

SPECIAL USE PRMIT APPLICATION SP2021-069 – PRABHJOT SINGH PADDA WITH UNITED TRUCK REPAIR - SYNOPSIS: Special Use Permit to operate an inspection/light maintenance facility for United Truck repair at 451 South 14th Street (SP-2019-82 expired 9/26/2021).

Detailed Outline of Requested Action: The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew a Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 9, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Wil Anderson, representing the applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101 and requested a holdover of this case.

MAY 9, 2022

38

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:54:22: Planning Director Hand stated that this application was continued from the meeting in April. The application was filed in September of 2021. If the Commission wants to grant another continuance, the applicant can have a total of 90 days continuance and has therefore used 30 days since the hearing was opened in April. They have 60 days left and he would request that the Chairman ask the applicant's representative how much time they need. He stated staff has had minimal contact with the applicant since the April hearing and no additional information has been submitted. That is the reason Staff is recommending denial of this application.

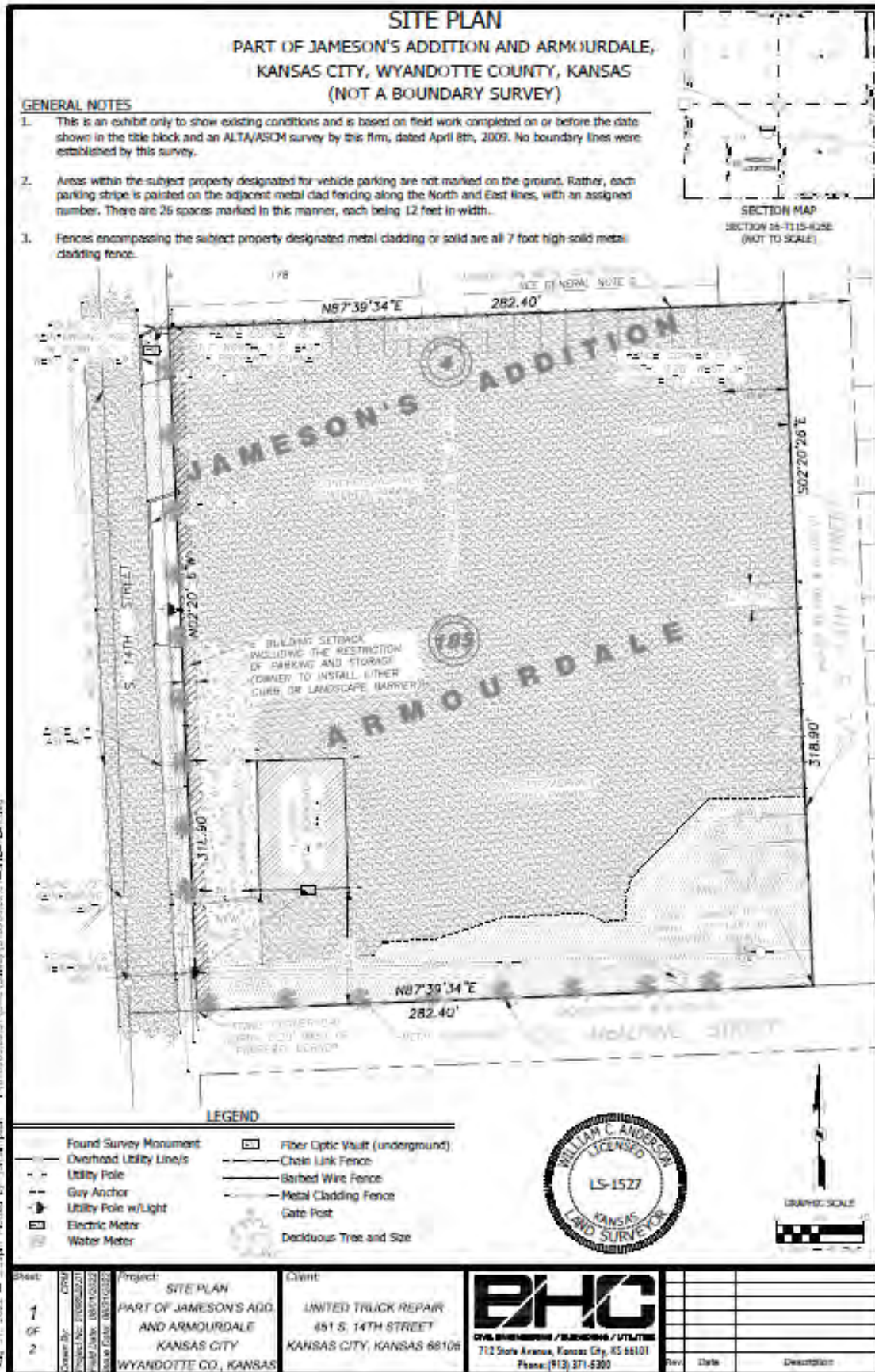
Mr. Anderson stated that he would request a 60 day hold over.

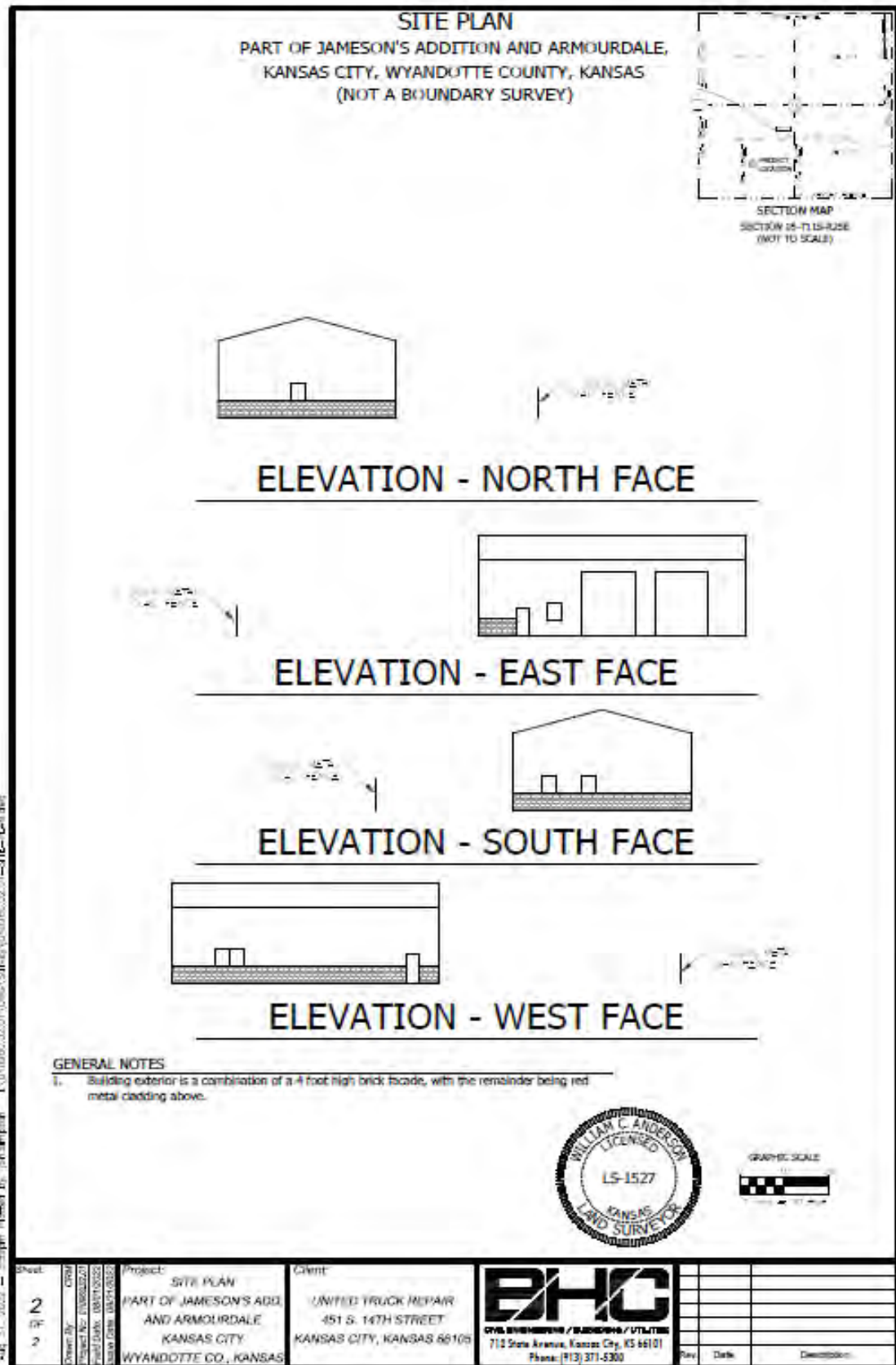
Motion starts at 4:56:22:

On motion by Ms. Pauley, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER SP2021-069 until the July 11, 2022 meeting:**

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

Motion to **HOLD OVER** Passed: 5 to 0







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Special Use Permit SP2022-033

GENERAL INFORMATION

Applicant:
Twashane Crawley DBA Complete Car Care

Status of Applicant:
Tenant
1000 State Avenue
Kansas City, KS 66102

Requested Action:
Approval of a Special Use Permit.

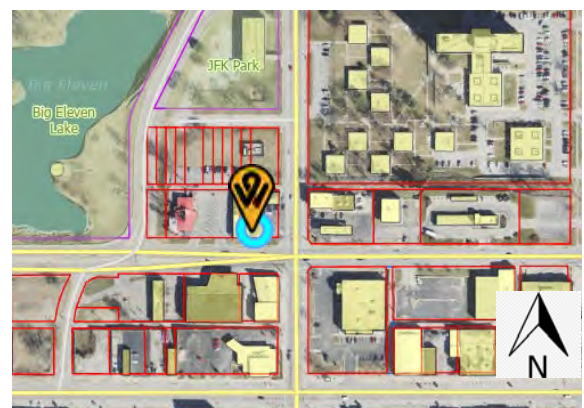
Date of Application:
February 28, 2022

Purpose:
To begin operating a light automotive repair facility and dealership.

Property Location:
1000 State Avenue
Kansas City, KS 66102

Commission Districts:
Commissioner At Large District #1: Tom Burroughs
District Commissioner #2: Brian McKiernan

Existing Zoning: C-D Central Business District



Existing Surrounding Zoning:	North: RP-6 Highrise District South: C-3 Commercial District East: CP-1 Planned Limited Business District West: C-2 General Business District
Existing Uses:	North: Public Health Air Quality Testing Facility South: Vacant Retail Store, Drugstore East: Convenience Store with Small-Box Retail West: Vacant Parking Lot, Big Eleven Lake
Total Tract Size:	0.30 Acre
Master Plan Designation:	The Downtown Area Master Plan designates this property as Planned Civic and Open Space. Allowed uses include local, state, and federal government buildings or spaces that serve a public function, public parks, and public recreation. The proposed use will need a Master Plan Amendment as indicated as conditions of approval at the end of this report.
Major Street Plan:	The Major Street Plan designates this tract of State Avenue as a Class B Thoroughfare.
Parking Requirement:	C-D Central Business District (Current Zoning): Sec. 27-465(f)(1) states that uses in this district require no specific number of off-street parking spaces. C-2 General Business District (Required Zoning): Sec. 27-466(e) requires that paved off-street parking be provided at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The building is comprised of three (3) tenant spaces with 1,440 square feet, 7,330 square feet, and 1,240 square feet for a total of 10,010 square feet, requiring a minimum of 41 parking spaces including two (2) ADA parking stalls. The applicant has not clearly demonstrated how many parking spaces are provided, however, it is clear that the subject property will not be able to meet this requirement, therefore, a variance for minimum parking must be approved. A Variance application was submitted by the applicant on February 25, 2022, but the required supplemental documents were not provided and the application was withdrawn by staff due to lack of response.

Upon a site visit from staff, it became apparent that a third tenant was operating in the building without a proper business license due to improper zoning. The required zoning to allow the third tenant to continue operation as an autobody repair and paint shop is C-3, which has the same parking ratio as C-2, but that is outside the scope of this report.

Advertisement:	<u>The Wyandotte Echo</u> – March 17, 2022 Letters to Property Owners – August 18, 2022
Public Hearings:	September 12, 2022 and September 29, 2022
Public Support:	None to date.
Public Opposition:	The applicant received a letter of opposition from the UG Public Health Department and received verbal comments during a site visit.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Twashane Crawley with Complete Car Care, is requesting a Special Use Permit for the operation of an automotive repair facility as a tenant inside the subject property at 1000 State Avenue. The subject property has a total of 10,010 square feet and the Applicant is proposing to utilize the portion of the building occupying 7,330 square feet. The other tenants in the building are an automotive paint supply store which is open to the public and an automotive body shop with a paint booth which is used as an auxiliary space by the tenant. The applicant has recently moved the automotive repair service of their business to the subject property from their prior address at 7132 Leavenworth Road.

To be approved, this application will need to be heard in conjunction with a Change of Zone and a Variance for Parking. The applicant did not apply for the Change of Zone and did not submit the documents required to complete the variance application. Light automotive repair is not allowed in the current zone, even if a Special Use Permit has been approved. The applicant is currently using the parking lot at the former Gates BBQ location as additional auto storage, although that parking lot agreement would require approval from the Planning Commission.

The Applicant will need to complete a Special Use Permit for the additional property at 7132 Leavenworth for automotive storage, although that is outside the scope of this report.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no disturbance complaints. There are several complaints registered to the property, although these complaints are not as a result of the business's operation, but are complaints made by activity on or near the property and general business checks for building safety due to alarms.

Building or Code Enforcement Complaints:

1. The subject property has received various Notices of Violation:
 - a. 2022: PMZ22-0017 – inoperable vehicles, overflow into public areas
 - b. 2022: ENV22-0608 – inoperable vehicles, overflow into public areas and on the former Gates BBQ parking lot.
 - c. 2022: ZONE2022-039 – inoperable vehicles, overflow into public areas and on the former Gates BBQ parking lot.
 - d. 2022: ABT22-0092 – stacked tires, debris, and car parts in alleyway – outstanding – current applicant
 - e. 2018: 18208-02228 – improperly tagged vehicle on unimproved surface, unregistered business, salvage parts in public view, tires and debris in public view, vehicles parked in land owned by the Unified Government.
2. While the Applicant was at the prior location, 7132 Leavenworth, it received several Notices of Violation or Complaints:
 - a. 2018: 18215-00017: Zoning Violations:
 - i. Vehicles parked in the Right of Way
 - ii. Vehicles listed as being for sale without auto dealer's license
 - iii. Improper signage
 - iv. Inoperable vehicles parked on adjacent land parcels
 - v. General maintenance of property
 - vi. Case continued over 6 months with no updates, improvements, or development applications. Multiple application deadlines passed.
 - vii. Salvage auto parts stored on parking lot in public view.
 - viii. Increase in the number of cars stored on the property in public view, inoperable vehicles, vehicles in the Right of Way
 - ix. Failure to maintain screening
 - x. Inspections for Court Summons. (2018-2019)
 - b. 2018: 1825-00582: Abatement – trash and debris near dumpster

Outstanding or Related Permits and Cases:

1. The subject property had applied for a variance, but it was withdrawn by Staff due to lack of response:
 - a. BOZA2022-015 – Variance for required parking

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is urban and commercial in character. Lots are average for commercial uses and range from 0.3 to 1.5 acres in size to provide a commercial use with off-street parking. Buildings are commonly brick and set back from the street to allow for front-loaded parking lots. There are several historic buildings that affront the streets. Streets are concrete with some improvements such as wide sidewalks, curbs, upgraded bus stops, stormwater inlets, and street lighting.

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

The zoning uses of the nearby properties are set out above. Other uses in the area include a bank, small box retail pharmacy, and a small shopping center with a convenience store and small chain retail tenants. An automotive repair shop is specifically prohibited in the current zone, although automotive repair could be considered a neighborhood convenience for nearby residents. It is unclear how much of the business is from the public and how much is from the landlord.

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

The property is suitable for automotive repair if managed properly. It has historically been used as a transmission repair shop, although the non-conforming usage allowed on that property ended in 2018, when the latest tenant with automotive use vacated the property.

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

The subject property is not vacant, and the applicant is currently in operation on the premises. Another tenant has been in operation on the property for several years and the rear garage is currently being occupied by a third tenant for paint and body work without an approved change of zone, parking variance, or special use permit.

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

Special Use Permits are not addressed in the Downtown Area Master Plan. The current Master Plan Designation Civic and Open Space includes local, state, and federal government buildings or spaces that serve a public function, public parks, and public recreation. The proposed use will need a Master Plan Amendment as indicated as conditions of approval at the end of this report.

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

The use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class B Thoroughfare, however the storage of vehicles, operable or inoperable, has been shown to result in crowding of the current parking lot, public alleyway, adjacent parking lot, and of the right of way spaces and sidewalks, as demonstrated by the Applicant's current property usage and prior history at a former property. The applicant has demonstrated an inability to properly maintain and manage vehicles on the parking lot, with the adjacent retail tenant voicing concerns of having not enough maneuverability or spaces for customers. The applicant has a significant overflow of inoperable and untagged vehicles and tow trucks being stored at the adjacent parking lot from the former Gates BBQ restaurant. The applicant has claimed there is a verbal agreement to allow for this overflow and parking, although a parking agreement would require formal approval of the Planning Commission.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as those who benefit will be those who patronize the shop will be for service. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property given the commercial nature of surrounding uses if managed appropriately.

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

Noise, vibration, illumination, and environmental hazards are issues that may be associated with the operation of an automotive repair garage. If managed appropriately, these hazards can be mitigated for nearby property.

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

The applicant is not proposing any new structures currently, however, the proposed use would allow for the operation of an automotive-related business that may include automotive chemicals such as oil and tire storage. The applicant has utilized free oil recycling at a local automotive retailer and stores tires for periodic disposal and recycling. There is no foreseen pollution of air, land, or water as long as proper disposal methods are being utilized and the use is managed properly.

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

The subject property is within a built-out mixed-use area and its continued operation would not damage or destroy an irreplaceable natural resource if managed properly. If managed improperly, runoff of chemicals such as dirty oil or other trash such as used tires may affect the nearby Big Eleven Lake.

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

The relative public gain is negligible as the operation of an automotive repair shop is a private business. If approved, the impact on adjacent landowners is negligible if the property is adequately maintained but could be considered a nuisance if the operational practices are not improved. The adjacent retail tenant has indicated that the overcrowding of the parking lot has been an issue with the addition of the applicant into the second building space, as there is not enough room for any of their customers to park and feels it may have deterred people from patronizing their store. The store manager has stated that customers are frequently double-parked and no stalls are left for their customers or employees, providing a hardship for the tenant. Should the Special Use Permit not be approved, the building's owner would lose a tenant and the applicant would need to find a different location and cease current operations at the subject property.

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

When evaluating overcrowding in a property with multiple tenant spaces, it's important to note that while a current tenant may be properly operating without crowding, once adding in the second tenant, the dynamics of the property change as a whole. The proposed use has been shown to result in overcrowding when combined with the current tenant's retail usage and the third auto-body tenant. The applicant has a history of parking cars in the public right of way spaces, alleyways, vacant neighboring lots, and other spaces not owned, leased, or intended for this use. The smaller lot in conjunction with multiple tenant spaces, indicates a high probability of overcrowding. Although overcrowding is an

issue, there should not be an issue with an undue concentration of population as there is little public interaction with the applicant or the third tenant as the majority of people in the facility are mechanics or technicians, not customers.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 23, 2022 via Zoom but did not return the affidavit to staff as required by ordinance.

KEY ISSUES

Commercial Design Guidelines
Automotive Use
Parking and Traffic
Overcrowding of Land
Hazard Disposal
Landscaping
Noise, Vibration, Dust, and Illumination
District Compatibility
Zoning and Land Use
Violation History
Pedestrian Access
Stormwater Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Special Use Permit Application SP2022-033, **due to the unresponsiveness of the applicant for the information being requested and the violations observed by Staff during site visits.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

General:

1. The existing land use designation for the subject property is Planned Civic and Open Space. Allowed uses include local, state, and federal government buildings or spaces that serve a public function, public parks, and public recreation. The proposed use will need a Change of Zone, Master Plan Amendment, and Variance in addition to an approved Special Use Permit to operate an automotive repair use on the property.

2. Objective to meet compliance:
 - a. An Approved Change of Zone is required.
 - b. An Approved Master Plan Amendment is required.
 - c. An Approved Variance for Minimum Parking is required.
 - d. A site plan indicating current parking and parking allotted per tenant is required. This site plan should include other improvements such as signage, landscaping, striping, lighting, and other repairs indicative of the Commercial Design Guideline Standards. The site plan for the adjacent lot needs formal approval with a Development Plan Review.
 - e. A site plan for the adjacent parking lot where inoperable vehicles are stored shall be provided to provide landscaping and screening per Section 27-467(c)(6) and the Commercial Design Guidelines. This plan also requires an approval by the UG prior to usage.
 - f. Pedestrian walkway connecting the sidewalk directly to the front door as well as a pedestrian pathway across the property shall be indicated on the site plan for striping.
 - g. If approved, the applicant shall update their addressing information with the Business Licensing Office.
 - h. A Trash enclosure shall be provided that is not within the public right of way and is in accordance with the standards of the Commercial Design Guidelines.
 - i. Applicant shall remedy all current notices of violation.
 - j. The siding near the property's entrance shall be painted blue to match the exterior.
 - k. Any improper boarding of windows or property shall be removed, the window repaired, or a boarding permit applied for.
 - l. Any improper gating or fencing in of garage doors shall be removed.
 - m. A parking lot agreement with the adjacent property shall be provided.
 - n. The parking lot, approach, apron, and curbs must be updated and maintained according to the approved site plan and per UG standards.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2022-033** subject to all comments and suggestions outlined in this staff report and the reasons listed by the Planning Commission.

1. Staff is recommending denial based upon the following conditions:
 - a. Automotive repair is prohibited in the current zone and a Change of Zone is required. A Change of Zone application was not received.
 - b. A Change of Zone will require variances for parking and setbacks or other district requirements, in which a professional site plan is required. A Variance application was received, although it did not include the required professionally designed site plan. A

professionally designed site-plan was not provided after numerous staff requests.

- c. An application for a Master Plan Amendment was not received.
 - d. The approval of the Special Use Permit is dependent on the approval of the Change of Zone, Master Plan Amendment, and associated variances for parking and setbacks. These applications were not provided or did not include the necessary information to continue with the application process.
2. **Should the Special Use Permit be approved**, the following conditions of approval are recommended as follows:
- a. An Approved Change of Zone is required.
 - b. An Approved Master Plan Amendment is required.
 - c. An Approved Variance for Minimum Parking requirements and any other variance needed as part of the approved site design is required.
 - d. A professionally designed site plan indicating current parking and parking allotted per tenant is required. This site plan should include other improvements such as signage, landscaping, striping, lighting, and other repairs indicative of the Commercial Design Guideline Standards. The site plan for the adjacent lot needs formal approval with a Development Plan Review.
 - e. A site plan for the adjacent parking lot where inoperable vehicles are stored shall be provided to provide landscaping and screening per Section 27-467(c)(6) and the Commercial Design Guidelines. This plan also requires an approval by the UG prior to usage.
 - f. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 - g. Pedestrian walkway connecting the sidewalk directly to the front door as well as a pedestrian pathway across the property shall be indicated on the site plan for striping.
 - h. If approved, the applicant shall update their addressing information with the Business Licensing Office.
 - i. A Trash enclosure shall be provided that is not within the public right of way and is in accordance with the standards of the Commercial Design Guidelines.
 - j. Applicant shall remedy all current notices of violation.
 - k. The siding near the property's entrance shall be painted blue to match the exterior.
 - l. Any improper boarding of windows or property shall be removed, the window repaired, or a boarding permit applied for.
 - m. Any improper gating or fencing in of garage doors shall be removed.
 - n. A parking lot agreement with the adjacent property shall be provided.

- o. The parking lot, approach, apron, and curbs must be updated and maintained according to the approved site plan and per UG standards.**
- p. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- q. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.**
- r. 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.**
- s. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
- t. All existing and future driveways must feature curb cuts that are constructed to UG standards.**
- u. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and**

if so, must take it upon themselves to initiate the permit process accordingly.

- v. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
- w. The applicant is requesting a Special Use Permit for a property zoned C-D Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD)
- x. Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas.
- y. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.
- z. 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.
- aa. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in

municipal summons, administrative citation, or revocation of the Special Use Permit.

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

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Information
Letter of Opposition
Engineering Comment Letters
Staff Site Photos Dated March 17, 2022
Staff Site Photos Dated August 29, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	September 12, 2022	September 29, 2022
Special Use	Denial	

STAFF CONTACT: Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP202-033**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been me

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP202-033** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:36:24 and the Applicant was not present. The application was recalled at 4:40:00 and the Applicant was not present:

SPECIAL USE PERMIT APPLICATION SP2022-033 – TWASHANE CRAWLEY WITH COMPLETE CAR CARE - SYNOPSIS: Special Use Permit for auto repair/body shop supply store at 1000 State Avenue.

Detailed Outline of Requested Action: The Applicant, Twashane Crawley with Complete Car Care, is requesting a Special Use Permit for the operation of an automotive repair facility as a tenant inside the subject property at 1000 State Avenue. The subject property has a total of 10,010 square feet and the Applicant is proposing to utilize the portion of the building occupying 7,330 square feet. The other tenants in the building are an automotive paint supply store which is open to the public and an automotive body shop with a paint booth which is used as an auxiliary space by the tenant. The applicant has recently moved the automotive repair service of their business to the subject property from their prior address at 7132 Leavenworth Road.

To be approved, this application will need to be heard in conjunction with a Change of Zone and a Variance for Parking. The applicant did not apply for the Change of Zone and did not submit the documents required to complete the variance application. Light automotive repair is not allowed in the current zone, even if a Special Use Permit has

been approved. The applicant is currently using the parking lot at the former Gates BBQ location as additional auto storage, although that parking lot agreement would require approval from the Planning Commission.

The Applicant will need to complete a Special Use Permit for the additional property at 7132 Leavenworth for automotive storage, although that is outside the scope of this report.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:40:05: Planning Director Hand stated that the request is for an automotive repair business. The site was formerly an automotive repair business that has been out of business for two (2) years so there is no continuation of this use. The property is in the Downtown Area Master Plan. Staff has not received the requested information from the Applicant. The application was filed last February, and Staff has attempted to work with them to submit all the requested information and the Applicant has not responded. Staff has done multiple site visits and observed violations including expansion of the operation with a third bay being used for a paint shop. There is also work being done on vehicles outside, which is prohibited in the zoning code. Staff has mentioned to the Applicant that a Change of Zone, Plan Review and Appeal are also required, but none of these additional entitlements have been applied for as requested. Staff recommends denial due to the unresponsiveness of the applicant for the information being requested and the violations observed by Staff during site visits.

Motion starts at 4:42:29:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-033 due to the unresponsiveness of the applicant for the information being requested and the violations observed by Staff during site visits:**

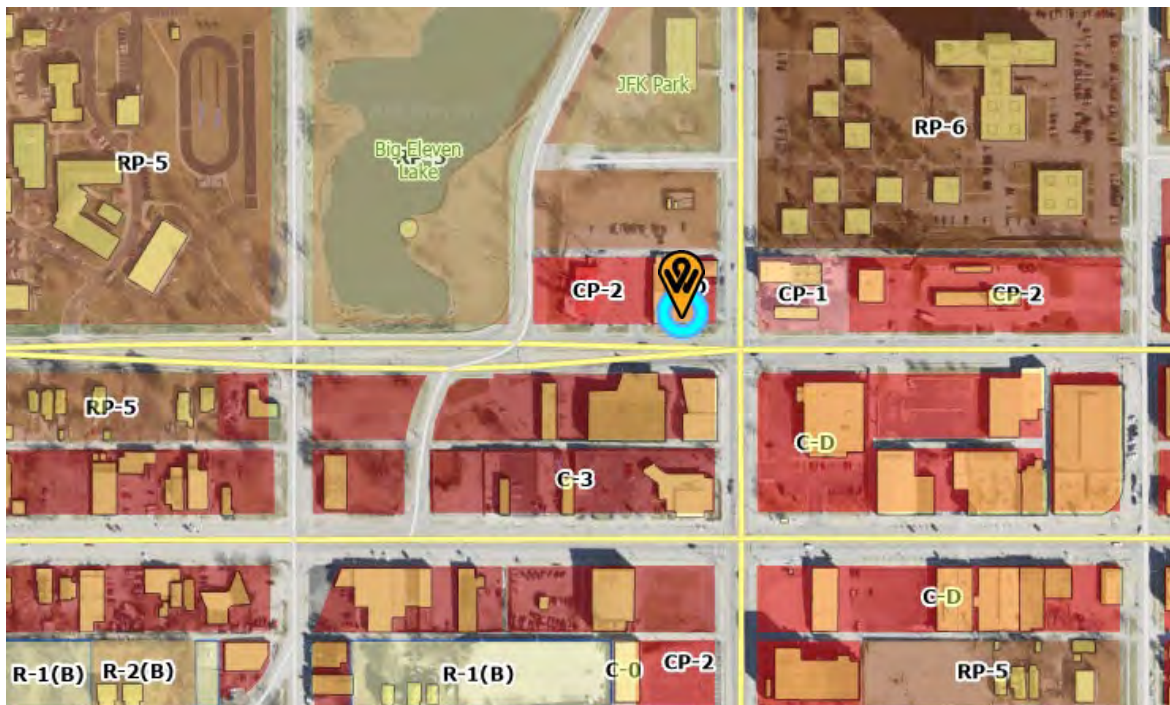
Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Not Present

Motion to recommend **DENIAL** Passed: 7 to 0

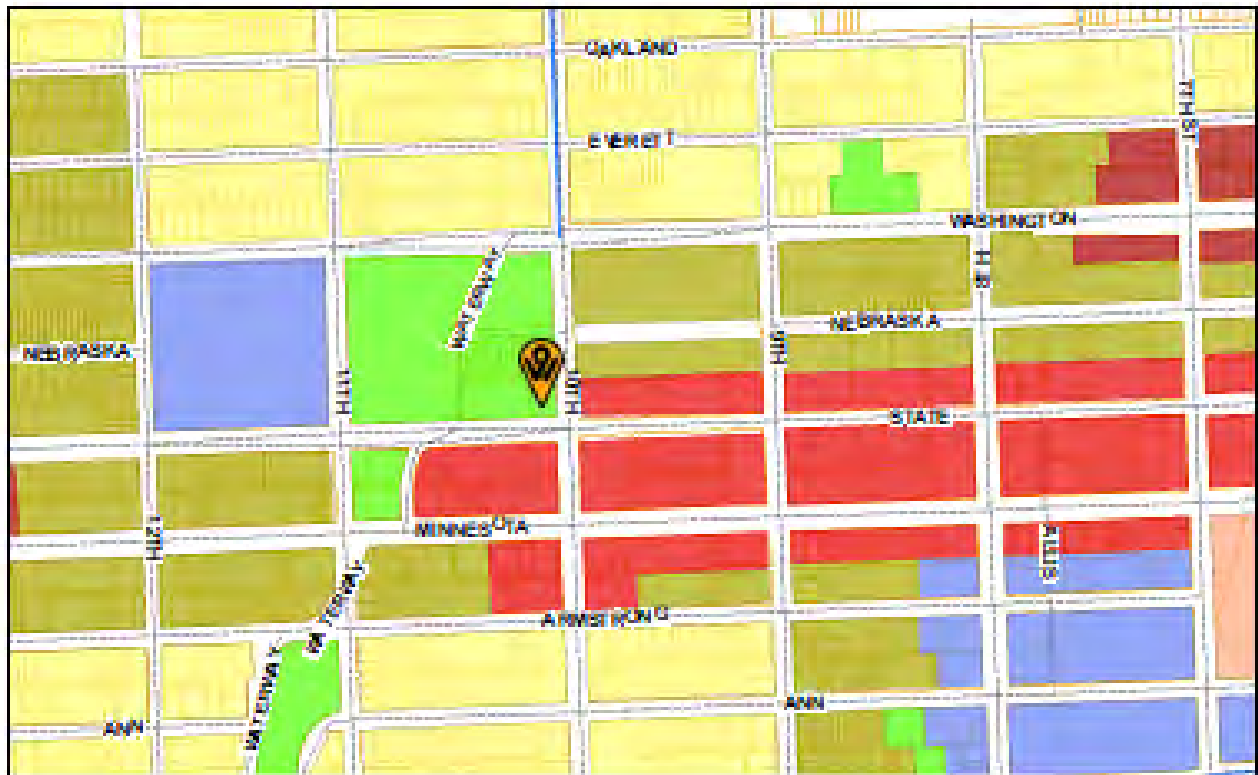
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

- Catalyst Block
- Downtown Mixed-Use
- Neighborhood Mixed-Use
- Neighborhood Residential
- Planned Open space
- Public / Semi-Public
- Urban Residential

NEIGHBORHOOD MEETING LETTER

March 10, 2022

Complete Car Care

1000 State Ave.

Kansas City, KS 66102

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Development and Land Use #BOZA2022-015/SP2022-033. The purpose of this special use permit is for an Auto Repair Shop at 1000 State Ave. Kansas City, KS 66102.

I am having a meeting on March 23, 2022 at 6pm via Zoom:

Topic: Neighborhood Meeting

Time: Mar 23, 2022 06:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us05web.zoom.us/j/83587462370?pwd=bGJmOFNWRU5kN2dUM3M2TGwNEpIUT09>

Meeting ID: 835 8746 2370

Passcode: Erji62

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

I look forward to seeing you at the neighborhood meeting via Zoom. If you are unable to attend, please contact me by email at www.completecarcarekck@gmail.com or by phone at (913) 999-2506.

Sincerely,

Shane Crawley(owner)

NEIGHBORHOOD MEETING LETTER

MEETING MINUTES:

Application Number: SP2022-033/BO2A2022-015

Date and Location : March 23, 2022 on Zoom

Meeting called to order at: 6:00 pm

Names of people in attendance:

TwaShane Crawley

Introductions: N/A

Presentation by applicant and/or team: TwaShane Crawley

Questions and answers: N/A

Meeting adjourned at: 7:00 pm

Minutes taken by: TwaShane Crawley

LETTER OF OPPOSITION



Unified Government Public Health Department

619 Ann Avenue, Kansas City, KS 66101-3038

Phone (913) 573-8855

wycokck.org/health

To: Kallie McLaughlin

From: Gayle Bergman

Date: June 17th, 2022

Subject: BOZA2022-015/SP2022-033 – 1000 State Avenue

Dear Ms. McLaughlin,

I am writing to you to inform you of some conflicts we've had with the operators of the auto/body shop at 1000 State Avenue, Kansas City, KS, 66102 in regard to their application for a new permit. The Unified Government Public Health Department operates an air quality monitoring station next-door to 1000 State Avenue. We do this work on behalf of the Kansas Department of Health and Environment.

At times we have been unable to directly access or park in front of our site, on our side of the property line due to vehicles parked from associated business at 1000 State Avenue. This has included broken down vehicles that I presume are waiting to be worked on, tow trucks delivering vehicles to be worked on, contractors who come to work on the building at 1000 State Avenue, patrons, and employees. Multiple times my car has been blocked from leaving due to other vehicles being parked directly behind mine. I usually park directly in front of our fenced monitoring site, giving me no option to pull forward to leave, I need to back up. I've had to ask multiple times for them to move their vehicles. For an extended period of time, they were also parking their various vehicles on our side of the property line, usually broken-down cars in various states of disrepair. These vehicles are not only a giant eye sore but are often leaking fluids and leave stains all over our parking lot and the main lot. This was only solved when Community Policing came to tag their cars a few months ago. However, due to lack of signage, some vehicles still are temporarily parking on our property.

The business also has yet to greatly reduce the number of cars they have in the lot, and that has made the parking lot hard to navigate at times. They will often park cars at the end of a marked row, or in space that most people would view as driving lanes, not parking space. Often getting in/out of our own parking spots is difficult as they park behind our spots, perpendicular to them. This forces our state partners and I to turn around in the grass. Lastly, the alley is contested on whose responsibility it is to repave. Given their much greater traffic flow, and using large, heavy tow trucks that put more wear on the pavement, than our minimal number of weekly trips, I believe their business should be responsible for repaving. I think it should also be required to be repaved as part of their permit, since it has giant potholes and I avoid it entirely to prevent damage to my personal vehicle that I and my staff have to drive for work.

Sincerely,

A handwritten signature in cursive script that reads 'Gayle Bergman'.

Gayle Bergman, Air Quality Supervisor, Unified Government Public Health Department

Air Quality Division

AirQuality@wycokck.org

913-573-6705

ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: March 14, 2022

SUBJECT: Twashane Crawley – Complete Car Care – (SP2022-033, BOZA2022-015)
1000 State Avenue
General Engineering Review No. 1 (of the application received 2/25/2022)

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

- 1) Provide information regarding the type and condition of vehicles that will be parked and repaired at this site. Will there be maintenance services, i.e., changing oil and fluids? How do the oil changing areas drain, i.e., are there floor drains? The site plan sketch provided to staff does not indicate if there are service bays with floor drains. Will wrecked vehicles that potentially are leaking hazardous fluid be stored on this site prior to being repaired? In work areas where there will be oil or other fluid changes, there will need to be an oil-water separator, meeting UG standards and criteria. Please indicate if there are existing oil-water separators and connections to the sanitary sewer system. If new oil-water separators and connections(s) to the sanitary sewer system shall be proposed in the building, provide details, as applicable.
- 2) Depending on the condition of the vehicles being serviced and repaired and stored, stormwater quality hotspots may be applicable. **See Stormwater Quality review for additional comments.**
- 3) Please confirm if there are proposed site improvements e.g., mill and overlay of the parking area. If so, the site plan shall illustrate these areas and erosion control plans shall be required.
- 4) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.
- 5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County & KC, ou=Urban Planning and Land Use
and Infrastructure, email=travis.trumble@ugcog.org, c=US
Date: 2022.03.14 12:20:51 -0500

ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

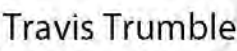
FROM: Travis Trumble
Project Engineer

DATE: March 14, 2022

SUBJECT: Twashane Crawley – Complete Car Care – (SP2022-033, BOZA2022-015)
1000 State Avenue
Stormwater Quality Review No. 1 (of the application received 2/25/2022)

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

- 1) As mentioned in general engineering, vehicle storage and repair sites with high likelihood of oil and grease releases are considered “hotspots” for stormwater quality and treatment and are subject to additional consideration for pollution control measures. If the building or parking area(s) will be used to store and repair vehicles, there is potential for fluids, oil and grease spills. Therefore, appropriate measures shall be provided to reduce the risk of pollution in accordance with UG requirements and the MARC BMP manual, Appendix B requirements. Further discussion with staff may be required.

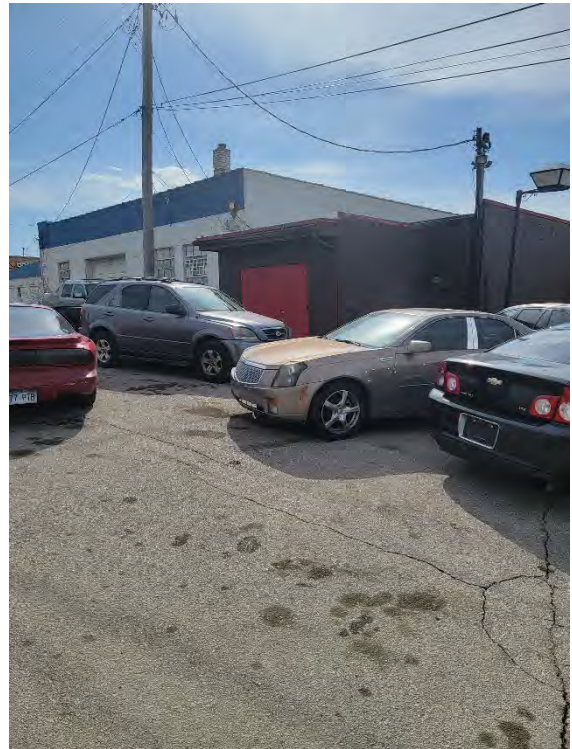
Travis Trumble
Reviewer: 
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County / KCK, ou=Urban Planning and Land
Use, email=trumble@wycokck.org, c=US
Date: 2022.03.14 13:01:22 -0500

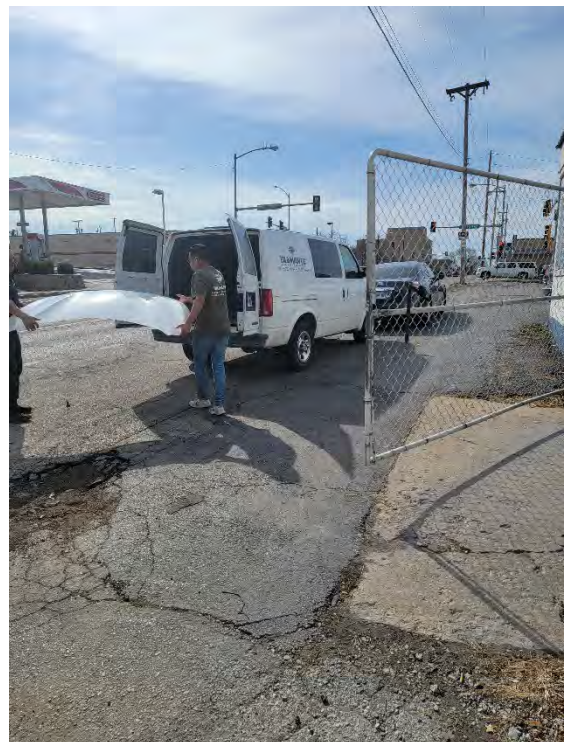
STAFF SITE VISIT PHOTOS DATED MARCH 17, 2022



STAFF SITE VISIT PHOTOS DATED MARCH 17, 2022



STAFF SITE VISIT PHOTOS DATED MARCH 17, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Special Use Petition SP2022-051

GENERAL INFORMATION

Applicant: Gonzalo Hernandez Casillas
DBA GH Auto Repair

Status of Applicant:
Tenant
745 Kansas Avenue
Kansas City, Kansas 66102

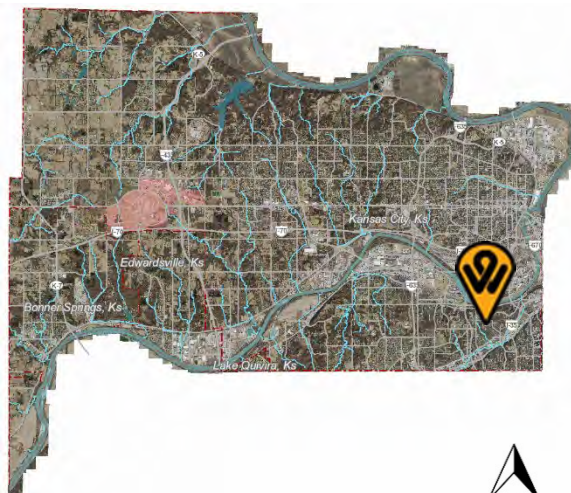
Requested Action:
Approval of a Special Use Permit.

Date of Application:
April 27, 2002

Purpose:
Approval of a Special Use Permit for
automotive repair.

Property Location:
745 Kansas Avenue
Kansas City, Kansas 66102

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



Existing Zoning:	M-2 General Industrial District
Adjacent Zoning:	North: M-2 General Industrial District South: R-2(B) Two Family District East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Volleyball Athletic Complex Discount Small Box Retail Store South: Single and Two-Family Residential Lots East: Retail BBQ Supplies Store and Fireworks Store West: Automotive Repair Facility with Parking
Total Tract Size:	0.1964 Acre
Master Plan Area:	Armourdale Area Master Plan
Master Plan Designation:	The Armourdale Area Master Plan designates this property as Light Industrial. Allowed uses include industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.
Major Street Plan:	The Major Street Plan designates this tract of Kansas Avenue as a Class B Throughfare. The side street that accesses this portion of the property, South Coy Street, is designated as a Local Street.
Parking Requirement:	Section 27-469e. states that one (1) parking space is required for every 500 square feet of building area. The subject property has 8,550 square feet of usable ground level building space, requiring 18 parking spaces. The subject property has no parking spaces, but is considered legal non-conforming.
Advertisement:	<u>The Wyandotte Echo</u> – May 19, 2022 Letters to Property Owner – May 20, 2022 and June 8, 2022
Public Hearing:	September 12, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Gonzalo Hernandez Casillas with GH Auto Repair, is requesting a Special Use Permit for the operation of an automotive repair facility at 745 Kansas Avenue. The subject property is on a corner parcel and has a total of 8,550 square feet with no parking. This property is seven (7) blocks from the Kansas River and Armourdale Gateway. The Applicant is planning to relocate to this location from their current property. The building was formerly known as Sherman Auto Parts in the 1970s and in more recent years as CARQUEST Automotive Parts Store. The building has a retail store towards the front of the property with a two-story metal repair building in the rear. The front retail space is now being repurposed as a gym by a separate tenant and is not part of this report.

Due to a language barrier, the applicant hired private representation, VA Multiservice, who has been unresponsive and has not completed any requirements of this entitlement. Additional comment is at the end of this report.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has multiple calls related to business checks, criminal damage to property, and suspicious crowds while vacant. The current applicant has no complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The current tenant has received no building enforcement complaints.
2. Since 2007, the property has received several code enforcement complaints related to graffiti on the building.

Outstanding or Related Permits and Cases:

1. The subject property has several building permits:
 - a. 2022: PLM22-0137 – Plumbing – Gas Pressure Test – Issued/Open
 - b. 2021: SRE21-0308 – Electric – Safe to Restore – Open
 - c. 2004: 0438-00000-00046 – Gas Permit – Approved/Closed
2. The subject property has no recent related Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is industrial and mixed use in character. Lots vary in size from 0.05 acre to accommodate commercial-style row stores and 15 acres for larger, more intense industrial operations. Smaller commercial-style row buildings are commonly brick masonry and sit towards the front property lines with side lots for parking. Industrial buildings are typically metal and set back from property lines with front-loaded parking lots. Streets are concrete with some improvements such as wide sidewalks, curbs, upgraded bus stops, stormwater inlets, and street lighting.

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

The zoning and uses of properties nearby are set out above. The surrounding properties are primarily single-family residences and duplexes to the south and other mixed uses of industrial, commercial, and residential, both single and multi-family. Other commercial uses include retail stores, restaurants, automotive body repair, industrial storage, and railroad right of way. An automotive sales shop is compatible with a neighborhood of mixed uses with the approval of a Special Use Permit.

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

The property is suitable for automotive repair if managed properly. It has historically been used as an auto parts store and repair facility. The neighborhood is comprised of higher-intensity uses of a similar nature and will not be affected by the granting of the Special Use Permit. The residents to the south of the subject property will retain their alleyway access.

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

The subject property has been vacant since 2018. The previous tenant was an automotive parts retailer. There have been multiple tenants in the space, but it is unclear when the last automotive repair use was utilized on the property.

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

Special Use Permits are not addressed in the Armourdale Area Master Plan. The current Master Plan Designation is Commercial although the property is zoned Industrial, as the Armourdale Area Master Plan communicates the desire for the property to transition from industrial uses to mixed-use commercial and residential designations. The proposed use is conforming to the Armourdale Area Master Plan as it provides a less-intense use than allowed by-right in the current zone.

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

The use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class B however it may become burdensome on South Coy Street should vehicles become parked for long periods of time. The design of the neighborhood is such that it encourages street-parking with an emphasis on pedestrian activity rather than off-street parking. As long as the applicant manages the vehicles for repair fully within the building and only allows customer traffic on the side and corner streetways, operations would ostensibly not cause traffic congestion.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as those who benefit will be those who patronize the repair facility. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of the adjoining property as surrounding property uses are similar and the property is properly managed.

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

Noise, vibration, illumination, and environmental hazards are not foreseen to be issues that may be associated with the operation of an automotive repair business if managed appropriately. Automotive repair is ostensibly conducted during daytime hours and surrounding businesses are generally operating on all shifts during all days of the week. There is some potential for environmental hazard from chemicals such as oil and coolants, as well as tire waste, but this is minimal if managed appropriately.

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, trash and hazardous materials such as oil, chemicals, or tires should be minimal and temporary so long as repairs are kept inside and doors closed.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, mixed-use neighborhood. If waste materials such as oil, chemicals, and tires are disposed of properly, natural resources would be preserved.

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

The relative public gain is negligible as the operation of an automotive repair shop is a private business. Should the Special Use Permit not be approved, the business would need to find a different location. The building owner would lose a tenant and experience loss of rental income before finding another tenant.

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

The proposed use would not result in overcrowding as it operates within an existing structure on the site and the majority of persons at the business would be employees working in the facility with limited patrons. There is the propensity for overcrowding, as there is no off-street parking. The applicant should demonstrate that there is sufficient on-site storage for all vehicles in repair to avoid congestion of the side streets and thereby limiting the parking for nearby neighbors.

NEIGHBORHOOD MEETING

The applicant nor their representative have provided no evidence of a neighborhood meeting.

KEY ISSUES

Noise, Dust and Vibration
Commercial Design Guidelines
Automotive Use
Salvage and Storage
Landscaping and Screening
Vacancy
Parking
Traffic
Mixed-Use Neighborhood
Hazard Material Disposal

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Special Use Permit Application SP2022-051 **due to the Applicant being unresponsive to Staff's request for information.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

General:

1. The existing land use designation for the subject property is Light Industrial. Allowed uses include industrial processing, manufacturing, truck traffic, excessive noise, potentially noxious uses, and outdoor storage. The land use does not change with the granting of the Special Use Permit.
2. Neither the applicant nor their representative has completed the requirements of the entitlement. The public hearing notification sign was not placed in front of the property, there was no provided evidence of a neighborhood meeting, nor were answers or acknowledgements of the staff report provided. Staff visited the applicant in person at their place of business one time and visited their representative at the law firm twice to provide assistance and to discuss the application status, with no responses provided.
3. What type of automobiles are proposed to be repaired?
Applicant Response: No Response Provided
4. Where will vehicles be stored when not currently being worked on?
Applicant Response: No Response Provided
5. What is the use for the former retail space? Are you planning to occupy the total footprint or just the rear portion of the building?
Applicant Response: No Response Provided
6. The rear metal building must be repainted to match the front building.
7. The awning must remain over the windows towards the front.
8. Any reflective film on the front windows must be removed.
9. Lighting must be updated per the Commercial Design Guidelines.
10. There shall be no customer parking, vehicles for repair, or in operable vehicles located in the alleyway.
11. All doors to the facility shall be closed when working on vehicle repair.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2022-051** subject to all comments and suggestions outlined in this staff report, and the reasons listed by the City Planning Commission.

1. Staff is recommending denial based upon the following conditions:
 - a. The applicant did not provide any evidence of sign placement, site plan, neighborhood meeting, or address the comments and concerns presented in the staff report.
2. **Should the applicant be approved**, the following conditions of approval are recommended as follows:
 - a. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 - b. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 - c. The sidewalk and curbs shall be repaired to UG Standards.
 - d. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.
 - e. The applicant must keep a current annual Business License/Occupation Tax Receipt.
 - f. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
 - g. 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.
 - h. Any automotive-related business in Kansas City, KS that is required to obtain any Special Use Permit, shall be responsible to ensure that

the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.

- i. Any business or land use in Kansas City, KS 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.
- j. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin that process.
- k. Any business in Kansas City, Kansas that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
- l. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

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

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Staff Site Visit Photos Dated May 16, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use Permit	September 12, 2022	September 29, 2022
Denial		

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-051**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-051** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:37:50 and the applicant was not present. The application was recalled at 4:43:37 and the Applicant was not present:

SPECIAL USE PERMIT APPLICATION SP2022-051 – GONZALO HERNANDEZ-CASILLAS - SYNOPSIS: Special Use Permit for an automotive repair shop at 745 Kansas Avenue.

Detailed Outline of Requested Action: The Applicant, Gonzalo Hernandez Casillas with GH Auto Repair, is requesting a Special Use Permit for the operation of an automotive repair facility at 745 Kansas Avenue. The subject property is on a corner parcel and has a total of 8,550 square feet with no parking. This property is seven (7) blocks from the Kansas River and Armourdale Gateway. The Applicant is planning to relocate to this location from their current property. The building was formerly known as Sherman Auto Parts in the 1970s and in more recent years as CARQUEST Automotive Parts Store. The building has a retail store towards the front of the property with a two-story metal repair building in the rear. The front retail space is now being repurposed as a gym by a separate tenant and is not part of this report.

Due to a language barrier, the applicant hired private representation, VA Multiservice, who has been unresponsive and has not completed any requirements of this entitlement. Additional comment is at the end of this report.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:44:06: Planning Director Hand stated that the request is for an automotive repair facility in the Armourdale area. The building is a former auto parts store with a bay door on the back of the building. Director Hand showed the Commission a picture of the bay door and stated that is where the operation would take place. Staff has made multiple attempts to acquire the necessary information to review the application and has received no information. At one point Staff felt that there may have been a communication issue, but the Applicant hired representatives and Staff received no information or response from the owner's representative either. Staff even went to the representative's office to speak with them to no avail. Staff recommends denial due to the Applicant being unresponsive to Staff's request for information.

Motion starts at 4:46:00:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-051** due to the Applicant being unresponsive to Staff's request for information:

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

Motion to recommend **DENIAL** Passed: 7 to 0

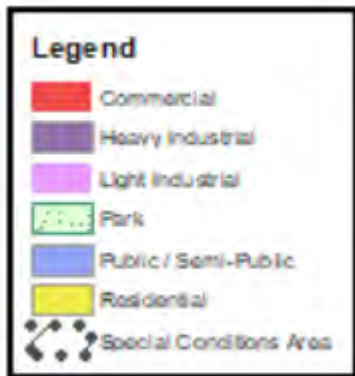
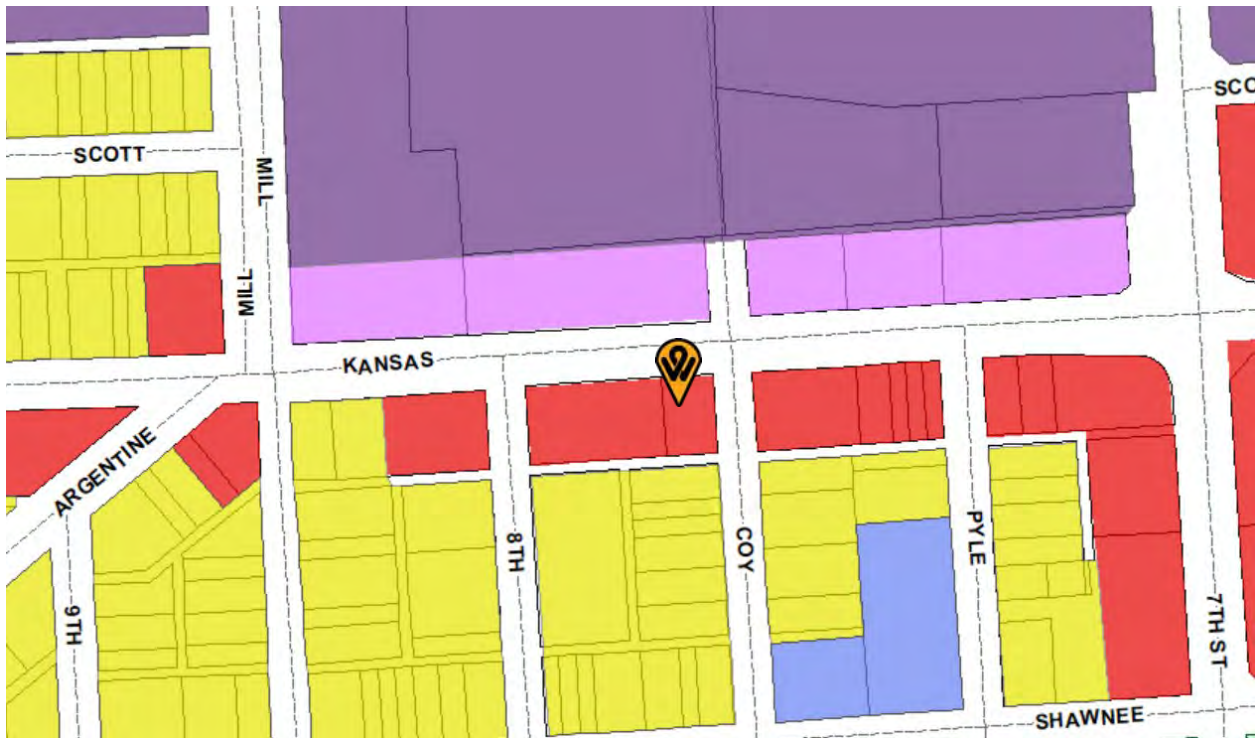
AERIAL MAP



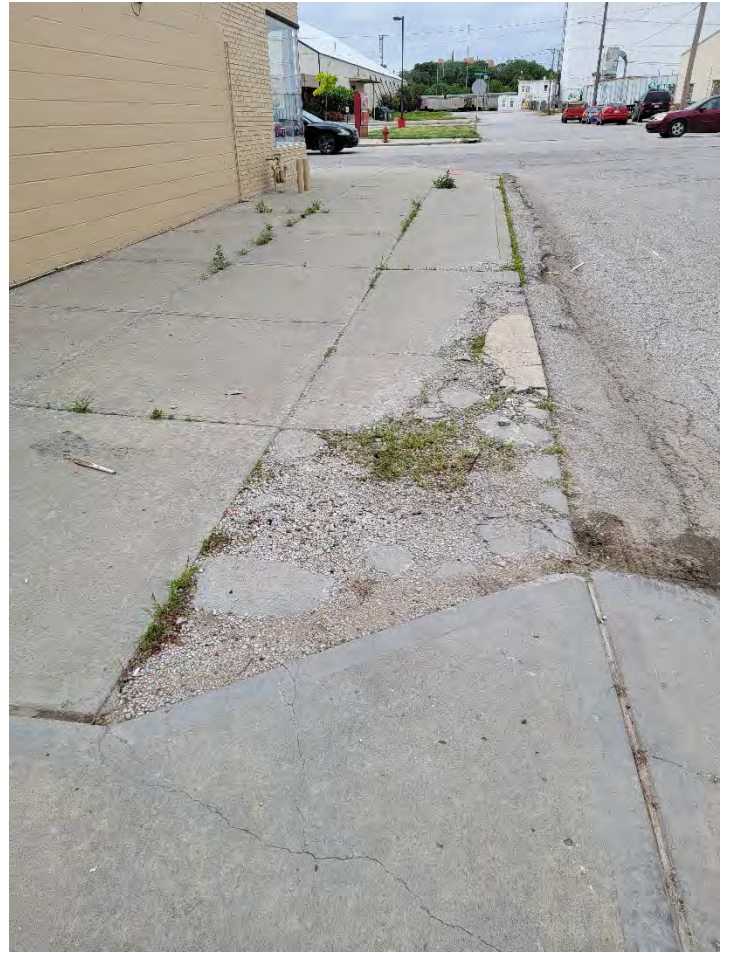
ZONING MAP



LAND USE MAP



STAFF SITE VISIT PHOTOS DATED MAY 16, 2022



STAFF SITE VISIT PHOTOS DATED MAY 16, 2022



STAFF SITE VISIT PHOTOS DATED MAY 16, 2022



STAFF SITE VISIT PHOTOS DATED MAY 16, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: **Petition SP2022-054**

GENERAL INFORMATION

Applicant:

Raul Villegas-Rodriguez with Soccer Nation KC

Status of Applicant:

Applicant
708 Simpson Avenue
Kansas City, KS 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

April 29, 2022

Purpose:

To operate an indoor soccer facility (renewal expired on October 29, 2020).

Property Location:

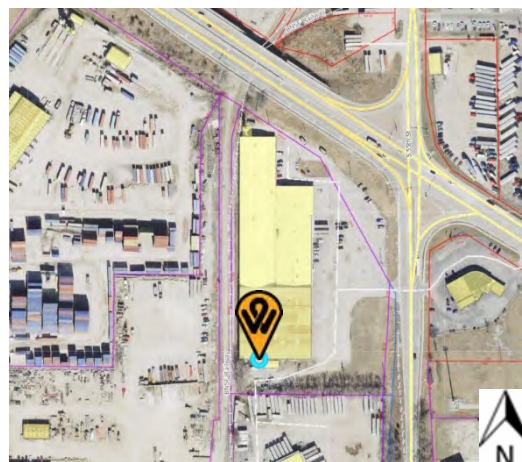
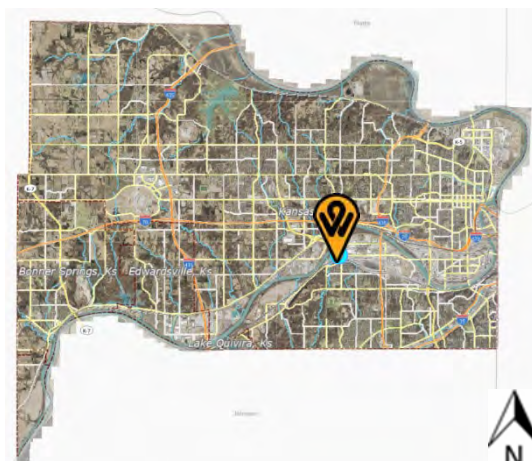
520 South 55th Street

Commission Districts:

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

Existing Zoning:

M-3 Heavy Industrial District



Adjacent Zoning:	North: M-3 Heavy Industrial District (across Turner Diagonal) South: M-3 Heavy Industrial District East: CP-1 Limited Business and MP-2 Planned General Industrial Districts West: M-3 Heavy Industrial District
Adjacent Uses:	North: Industrial businesses and railroad tracks (across Turner Diagonal) South: Industrial business (truck distribution) East: Bank, telecommunication tower and industrial business West: Industrial business (open storage yard)
Total Tract Size:	6.32 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Industrial, which allows manufacturing, processing, warehousing, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stops, service stations, convenience stores, etc., and mining/mineral extraction.
Major Street Plan:	The Major Street Plan classifies South 55 th Street as a Class B Thoroughfare.
Required Parking:	Sec. 27-668(a)(2) Spaces for these uses shall be determined by the Planning Commission. Applicant is providing eighty-five (85) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – May 19, 2022 Letters to Property Owner – May 20, 2022, June 8, 2022, and June 30, 2022
Public Hearings:	September 12, 2022 and September 29, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Raul Villegas-Rodriguez with Soccer Nation, wants to continue to use a portion of the building as an indoor soccer facility on the property on 6.32 acres located at 520 South 55th Street.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. TOW21-0229 – on November 30, 2021 inoperable vehicle parked on the property.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of large industrial businesses to the north, south and west. U.S. Bank is directly across South 55th Street, to the east, but south of the bank on the east side of the street is a telecommunication tower and industrial business.

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

The zoning and uses of nearby property are set out above. With proper management, the proposed use can be compatible with nearby properties.

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

Seeing as this is an industrial area and given the projected level of business, the proposed use is not expected to detrimentally affect nearby properties. The public hearing will be the best gauge of the proposal's impact on the neighbors.

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

The property is currently being used as an indoor soccer facility, albeit with an expired Special Use Permit. The applicant is applying to continue to use a portion of the building as an indoor soccer facility.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan Industrial designation allows manufacturing, processing, warehousing,

distribution, outdoor salvage, industrial-related office and limited related commercial and service uses, mining/mineral extraction.

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

South 55th Street is designed to accommodate industrial uses that produce more and heavier traffic than the proposed indoor soccer facility. The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the Class B Thoroughfare.

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

The proposed use is reasonably necessary for the convenience and welfare of the public considering these benefits will continue to provide a recreation service. All uses are within the enclosed building, so the visual quality and marketability of adjoining property will not be permanently injured.

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

The noise that is normally associated with the indoor soccer facility will not cause problems for nearby properties because the activity is conducted within an enclosed building.

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

Soccer is a vocal game; there is a possibility that noise from a game or practice could be heard if the facility's doors are open. Staff believes this issue will be mitigated by both the large size of the property, as well as the surrounding properties' industrial uses.

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

The proposed use will not damage or destroy an irreplaceable natural resource because no work is occurring on the property that results in physically changing the characteristics or features of the property with the exception of establishing pedestrian connectivity from the front door through the parking lot.

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

The proposed use will not have an adverse impact on the points listed above. If the application is denied, the applicant will need to find a new location for an indoor soccer facility.

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

As this area is designed for industrial uses, the proposed use is less intense use and will not cause overcrowding of land or cause undue concentrations of population for players and spectators for two (2) indoor soccer fields.

The northern portion of the parking lot associated with the industrial business will not be in use when Soccer Nation is hosting soccer games. There are enough parking spaces in the lot to accommodate the influx of patrons entering the facility and those leaving after their games have concluded.

PREVIOUS ACTIONS

- SP-2015-54 was approved by the Unified Government Board of Commissioners on October 29, 2015 for five (5) years.
- SP-2013-32 was approved by the Unified Government of Board of Commissioners on May 30, 2013 for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on August 26, 2022 at 520 South 55th Street. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Noise
Parking Lot
Pedestrian Connectivity/Sidewalk
Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-054**, subject to:

- 1. The Sidewalk and Trails Master Plan designates South 55th Street as a Regional Trail, which requires a ten (10) foot sidewalk on one (1) side of the street and a five (5) foot sidewalk on the other side of the street. Staff will give the applicant five (5) years to install a five (5) foot sidewalk from curb cut on the west side of South 55th Street, north and connect the existing**

- sidewalk on Turner Diagonal. This will allow the applicant to recoup losses due to COVID-19 and the closure of the facility;
2. Hours of operation are as follows:
 - a. Spring, Summer, and Fall:
 - i. Monday through Thursday – 6:00 PM to 11:30 PM.
 - ii. Friday – 6:00 PM to 1:30 AM.
 - b. Winter:
 - i. Monday through Thursday – 6:00 PM to 11:30 PM.
 - ii. Friday – 6:00 PM to 1:30 AM.
 - iii. Saturday and Sunday – 8:00 AM to 11:00 PM;
 3. Paint a four (4) foot wide hatched, pedestrian pathway between the front door of the building (on the east side of the building) through the parking lot to the curb cut and sidewalk connection;
 4. An ADA ramp and parking needs to be added to the east side of the parking lot if the south side of the building is not accessible due to the fencing and box truck parking, otherwise remove the box trucks, so the south side of the building is ADA accessible;
 5. Install three (3) trees in the green space, south of the driveway apron along South 55th Street. The applicant has one (1) year from the date of approval to install three (3) trees along South 55th Street;
 6. Restripe of the parking lot associated with Soccer Nation;
 7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 8. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
 9. A Right-of-Way Permit is required for the sidewalk extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively

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

12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-054** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan from SP-2013-32
Site Photographs Provided by Staff on May 18, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	September 12, 2022	September 29, 2022
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-054** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-054** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:39:11:

SPECIAL USE PERMIT APPLICATION SP2022-054 – RAUL VILLEGAS-RODRIGUEZ WITH SOCCER NATION KC - SYNOPSIS: Special Use Permit to operate an indoor soccer facility at 520 South 55th Street.

Detailed Outline of Requested Action: The applicant, Raul Villegas-Rodriguez with Soccer Nation, wants to continue to use a portion of the building as an indoor soccer facility on the property on 6.32 acres located at 520 South 55th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Raul Villegas-Rodriguez, applicant, 708 Simpson, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:41:55: Planning Director Hand stated that this is the second renewal of this indoor soccer facility. Staff has received no letters in support nor opposition. Staff is recommending conditions of approval that require restriping of the parking adding required ADA parking stall(s) and creating pedestrian connectivity. The goDotte Mobility Plan does require a sidewalk on 55th Street. Staff recommends approval for five (5) years subject to the conditions in the staff report.

Motion starts at 3:42:49:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-054 for five (5) years:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The Sidewalk and Trails Master Plan designates South 55th Street as a Regional Trail, which requires a ten (10) foot sidewalk on one (1) side of the street and a five (5) foot sidewalk on the other side of the street. Staff will give the applicant five (5) years to install a five (5) foot sidewalk from curb cut on the west side of South 55th Street, north and connect the existing sidewalk on Turner Diagonal. This will allow the applicant to recoup losses due to COVID-19 and the closure of the facility;
2. Hours of operation are as follows:
 - a. Spring, Summer, and Fall:
 - i. Monday through Thursday – 6:00 PM to 11:30 PM.
 - ii. Friday – 6:00 PM to 1:30 AM.
 - b. Winter:
 - i. Monday through Thursday – 6:00 PM to 11:30 PM.
 - ii. Friday – 6:00 PM to 1:30 AM.

- iii. Saturday and Sunday – 8:00 AM to 11:00 PM;
3. Paint a four (4) foot wide hatched, pedestrian pathway between the front door of the building (on the east side of the building) through the parking lot to the curb cut and sidewalk connection;
 4. An ADA ramp and parking needs to be added to the east side of the parking lot if the south side of the building is not accessible due to the fencing and box truck parking, otherwise remove the box trucks, so the south side of the building is ADA accessible;
 5. Install three (3) trees in the green space, south of the driveway apron along South 55th Street. The applicant has one (1) year from the date of approval to install three (3) trees along South 55th Street;
 6. Restripe of the parking lot associated with Soccer Nation;
 7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 8. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
 9. A Right-of-Way Permit is required for the sidewalk extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior

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

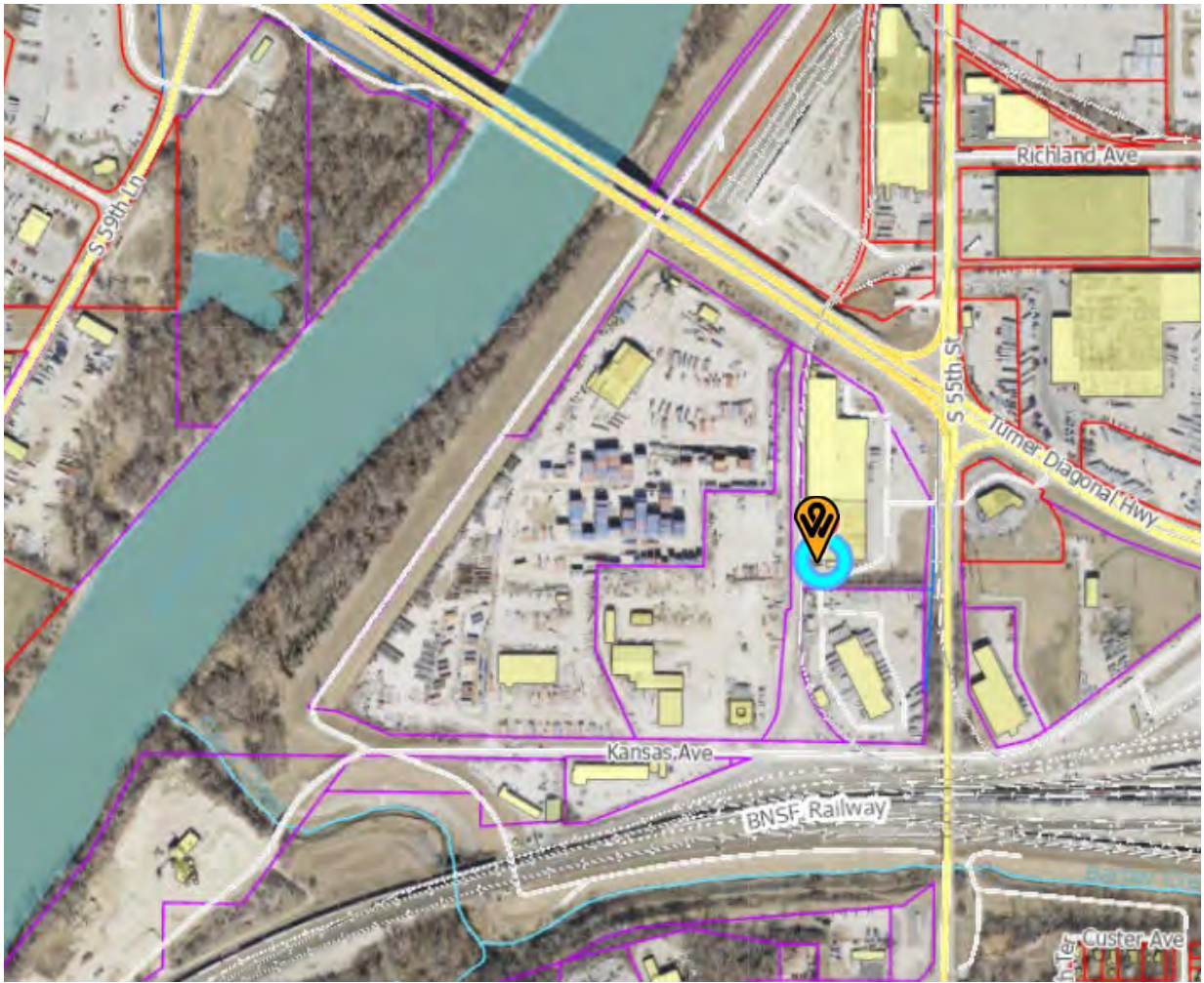


Figure 1. Aerial photograph of 520 South 55th Street (provided by UG Maps).

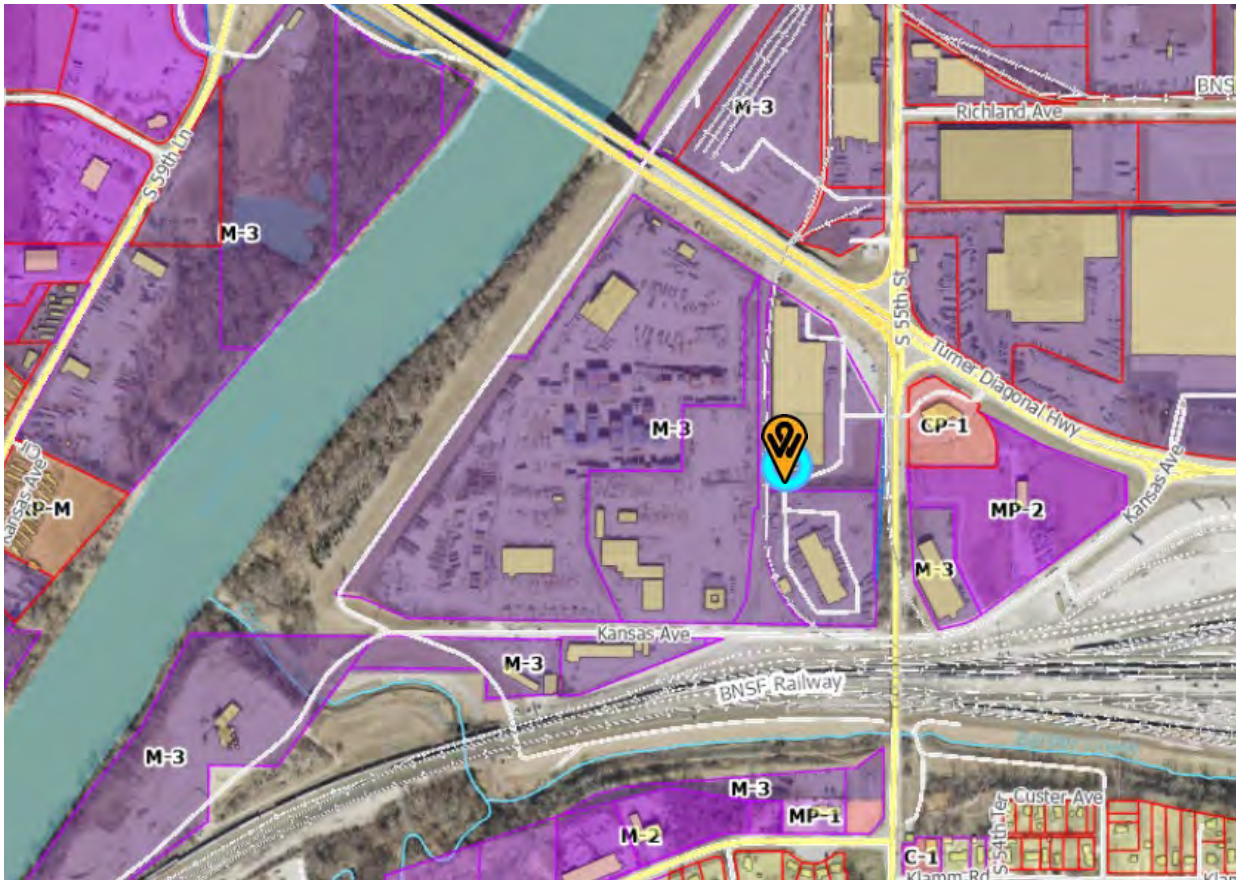


Figure 2. Zoning Map of 520 South 55th Street (provided by UG Maps).

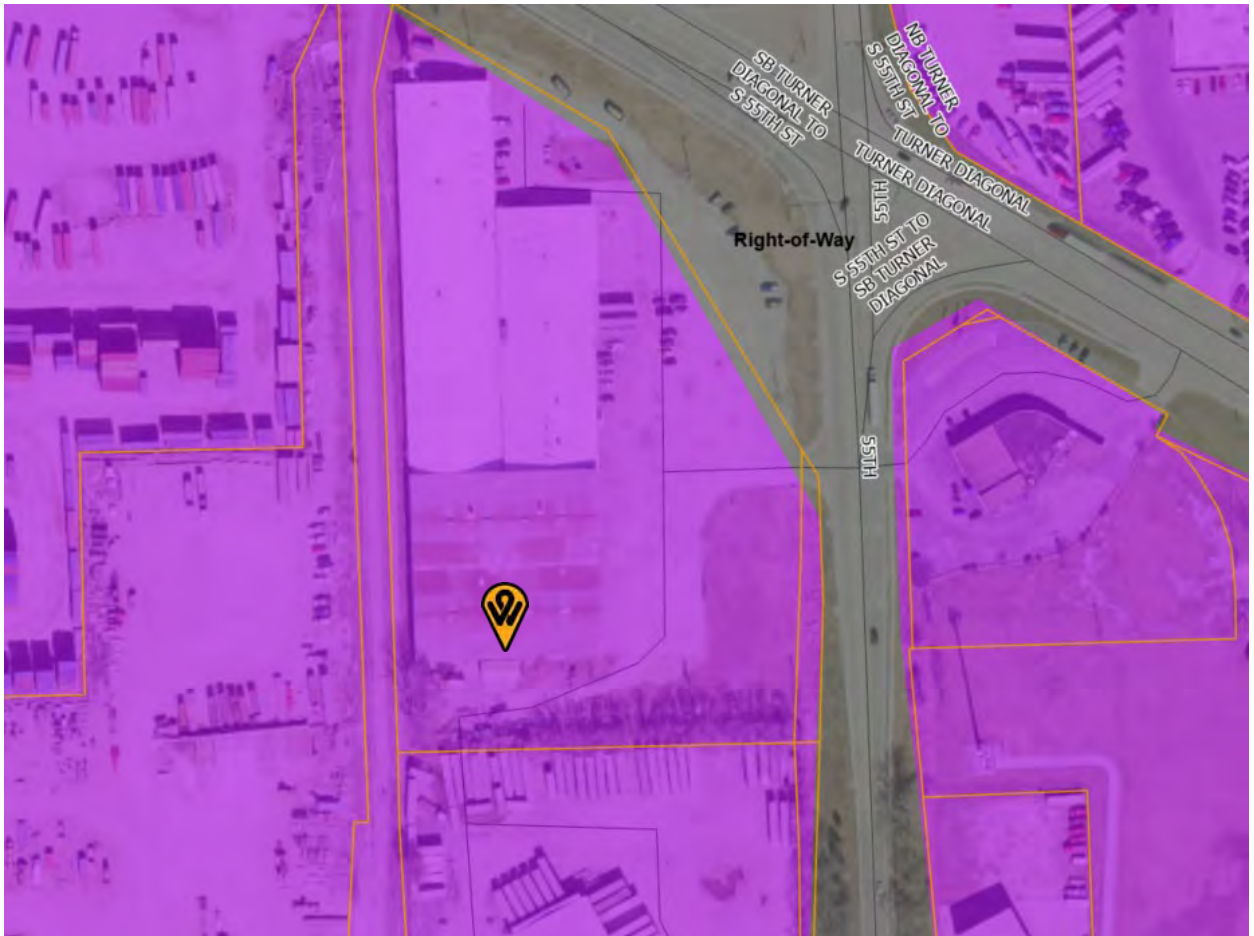


Figure 3. City-Wide Master Plan Land Use Map of 520 South 55th Street (provided by ArcMap).

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Why was there been a 1-½ year delay in renewing the Special Use Permit that expired on October 29, 2020?

Soccer Nation was shut down for the majority 2020 due to fire in our south side of our building. Also Covid 19 Restrictions for 2020 also affected our events soccer leagues and tournaments.

We have struggling since the second quarter of 2020 to maintain and bring back our teams and participants due to the uncertainty of these scenarios. We are very hopeful now that teams are willing to come back because Soccer Nation has played a very important role in our community thru soccer.

2. Based on the site plan that was provided in 2013 and is in the Attachments, has access to the building or parking changed on the property?

Parking remains the same.

Access to the building remains the same.

3. Please submit confirmation of a current shared parking agreement with Jakobe Property Management LLC at 450 South 55th Street.

We will submit the shared agreement by Monday.

4. Have any parking issues arisen since the renewal Special Use Permit (SP-2015-54)?

April 2022 Paramedics couldn't park near main east entrance one participant was double parked.

5. What are the existing days and hours of operation?

We operate

Spring, Summer and Fall

Monday thru Thursday 6:00 pm to 11:30 pm

Friday 6:00 pm to 1:30 am

Winter hours

Monday thru Thursday 6:00 pm to 11:30 pm

Friday 6:00 pm to 1:30 am

Saturday 8:00 am to 11:00 pm

Sunday 8:00 am to 11:00 pm

6. How many people are at games during a maximum capacity event?

About 120 people

7. Install a sidewalk from curb cut on the west side of South 55th Street, north and connect the existing sidewalk on Turner Diagonal.

While I can appreciate suggestion that recommends a sidewalk be installed from the "curb cut on the west side of South 55th Street, north and connect the existing sidewalk on Turner Diagonal," this does not serve the participants of Soccer Nation or the community as a whole.

To my knowledge, in 8 years of serving the community, not a single Soccer Nation athlete walks or rides a bike to the facility.

For the community at-large, a sidewalk already exists on the East side of South 55th Street which provides for foot and bike traffic. It's a lightly used sidewalk, at best.

Should the needs of Soccer Nation customers change, I'd be happy to carefully consider adding the suggested sidewalk in the future.

8. Paint a four (4) foot wide hatched, pedestrian pathway between the front door of the building (on the east side of the building) through the parking lot to the curb cut and sidewalk connection.

We will Paint the 4 foot wide pedestrian pathway.

9. An ADA ramp and parking needs to be added to the east side of the parking lot if the south side of the building is not accessible due to the fencing and box truck parking, otherwise remove the box trucks, so the south side of the building is ADA accessible.

We will remove the trucks immediately from south side door entrance and will have the fence door open at all times while operating hours.

10. Install three (3) trees in the green space, south of the driveway apron along South 55th Street.

We can install the 3 trees by next Summer 2023.

11. Restripe of the parking lot associated with Soccer Nation.

We will restripe the parking lot associated with Soccer Nation by the end of this fall.

12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

We will contact request a sign permit next week for existing signs.

Neighborhood Meeting:

Application number # SP2022-054

Friday August 26th 7:00 pm at Soccer Nation Kc LLC

Meeting called to order at 520 S. 55th street, Kansas City 66105

People in attendance: No one showed up

Presentation:

Soccer Nation continuance as an indoor soccer facility. Promote Soccer in our community thru our Leagues, Tournaments and Camps.

No questions asked (no one showed up)

Meeting adjourned at 7:45 pm

Minutes taken by Raul Villegas

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP2002-054
2. That I conducted a neighborhood meeting on 8-26-2022
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of 8, 2022

My commission expires 4 of Feb, 2024


Notary Public

GABRIEL NAVA
Notary Public State of Kansas
My Appt. Expires 2/4/24

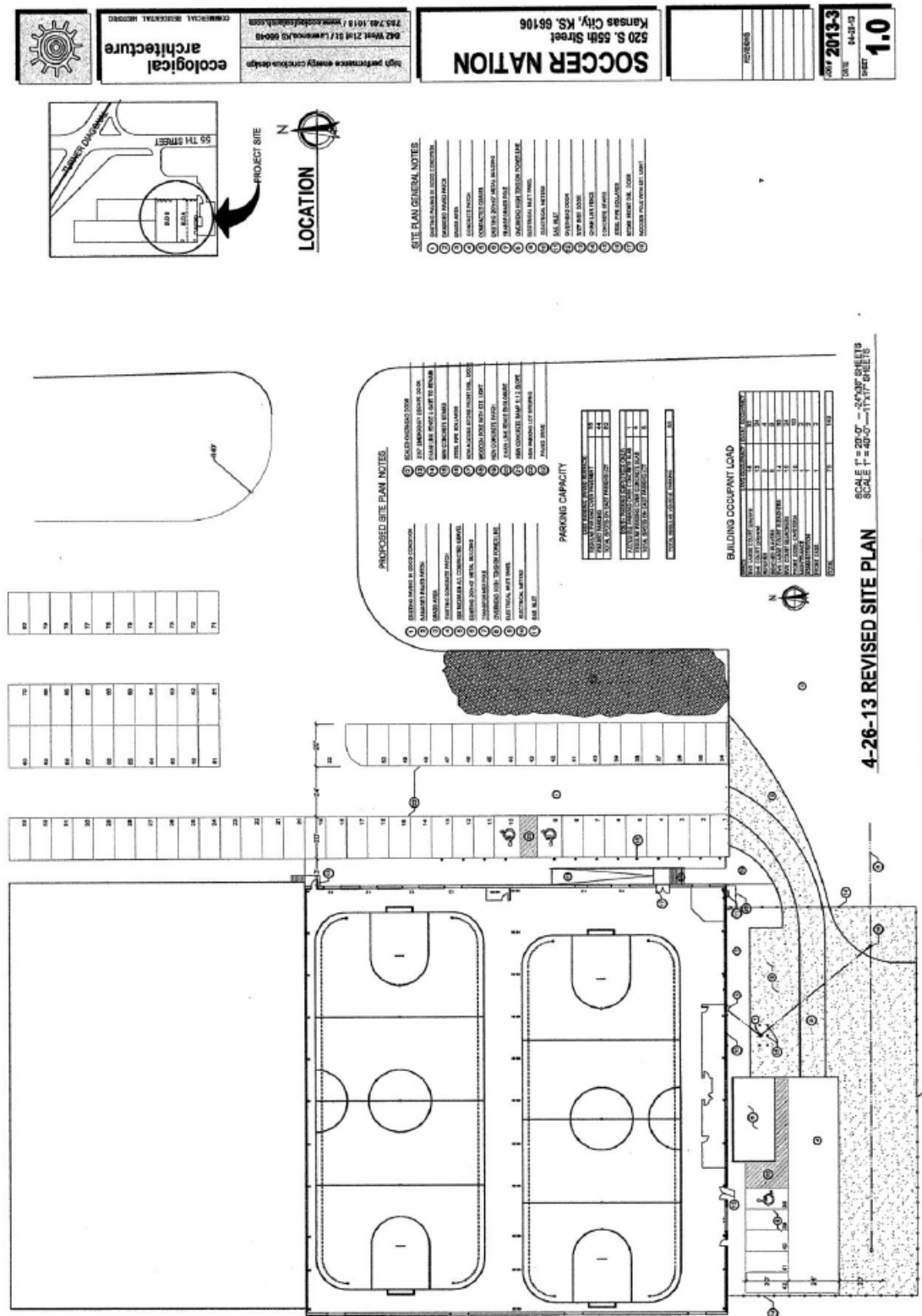




Figure 4. Site photograph looking northwest at 520 South 55th Street taken on May 18, 2022.



Figure 5. Site photograph looking southeast at 520 South 55th Street taken on May 18, 2022.



Figure 6. Site photograph looking east at 520 South 55th Street taken on May 18, 2022.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Special Use Petition SP2022-072

GENERAL INFORMATION

Applicant:

James Sullivan

Status of Applicant:

Representative of the Applicant
Sullivan-Palmer Architects
8621 Johnson Drive
Merriam, Kansas 66202

Requested Action:

Approval of a Special Use Permit.

Date of Application:

June 24, 2022

Purpose:

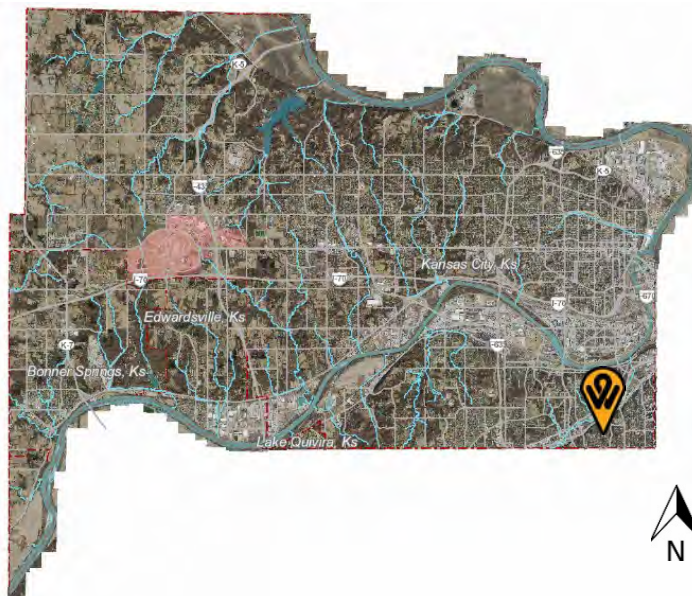
To approve a Special Use Permit to
operate a used car dealership.

Property Location:

1401 Merriam Lane
Kansas City, Kansas 66106

Commission Districts:

Commissioner At-Large District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	C-3 Business District and M-2 General Industrial District
Adjacent Zoning:	North: C-1 Limited Business District South: M-2 General Industrial District East: C-1 Limited Business District West: C-3 Business District and M-2 General Industrial District
Adjacent Uses:	North: Vacant Commercial Lot South: Industrial Warehouse East: Vacant Commercial Building West: Vacant Commercial Building
Total Tract Size:	1.90 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Business Park, which allows for light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses).
Major Street Plan:	The Major Street Plan designates Merriam Lane as a Class C Thoroughfare.
Parking Requirement:	Sec 27-467(e) states “uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building.” Between the two (2) buildings on the proposed site, there is 4,100 square feet of floor space. 16 parking spaces will be required on-site. The business will also need to create and designate spaces for each type of service they provide and storage of disabled vehicles and sales inventory. The business provides 25 parking spaces, 10 of which is for sales inventory.
Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022 Letters to Property Owner – July 15, 2022, September 6, 2022
Public Hearings:	July 11, 2022, August 8, 2022, September 12, 2022 and September 29, 2022
Public Support:	Two (2) nearby business owners spoke in support of the petition at the July 11, 2022, City Planning Commission hearing.

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Sullivan, is requesting a Special Use Permit for a used car-dealership with light auto-repair at 1401 Merriam Lane. In addition to the car dealership, the business will also engage in auto detailing and light-repair at 1401 Merriam Lane.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There was only one (1) disturbance complaint, for theft and criminal damage.
 - a. January 2021 – 2021-5145 – Criminal Damage and Theft

Building, Zoning, or Code Enforcement Complaints:

1. The property has received Code Enforcement citations under previous ownership for weeds and storage of trash on the property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood includes many diverse uses, including single-family residences, retail centers, drinking-establishments, light-industrial uses and warehouses, as well as Turkey Creek to the rear of the property. In addition to the retail and light industrial along Merriam Lane and South 14th Street, there are large-lot single-family residences to the north.

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

The zoning and uses are set out above. The proposed use is expected to be compatible with the surrounding commercial and industrial zoning and uses if managed properly. The use is not compatible with the residential uses to the north of Merriam Lane.

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

The removal of the restrictions will not detrimentally affect nearby properties if the property is managed properly, and the conditions are adhered to. Merriam Lane is a mixed-use corridor, and a car dealership is allowed with a Special Use Permit. The proposed use will be required to conform to the Commercial Design Guidelines.

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

The property has been vacant since 2018. The property was previously used as a used-truck dealership.

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

The City-Wide Master Plan does not address Special Use Permits. The city-Wide Master Plan designates this property as Business Park, which allows for allows light industrial uses such as warehouse, distribution, office and limited retail and office (compatible with light industrial uses). The proposed use does conform to the Master Plan.

Additionally, the property is located along this Merriam Connected Corridor Plan, which aims to reduce the amount of industrial usage and encourage mixed-use development along the Corridor. The goDotte County-Wide Mobility Plan identifies Turkey Creek as a designated trail.

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

The proposed use is not expected to result in the increase of traffic to the point where it would exceed the capacity of Merriam Lane, a Class C Thoroughfare.

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

There are several car dealerships and automotive-related businesses in the area. This one (1) additional automotive business is not particularly necessary for the convenience and welfare of the public. It is not likely to cause substantial injury or harm to nearby properties, so long as it is well-maintained and complies with Commercial District Design and Landscape Guidelines.

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

Noise, vibration, dust, and illumination are typical issues for this type of use, which could become a nuisance to nearby residences. All service on automobiles must be done inside the building.

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

Environmental concerns include fluid leakage from automotive parts and the repair process, as well as gases from the detailing process. Turkey Creek is located to the south of the property and could be impacted if waste is not properly disposed of, or if dirty runoff is not captured and diverted. If properly managed and maintained, however, the impact should be minimal.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out urban area along an established commercial corridor. There could be damage to Turkey Creek if waste from auto-repair and detailing is not disposed of properly or if best management practices for erosion control are not implemented.

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

The gain to the public health, safety and welfare would be minimal. This use could pose a negative impact to public health if the aforementioned environmental issues are not managed properly, and the property is not properly maintained. A denial of this application would cause the business owner to have to find a new location for their business.

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

The proposed used is not expected to result in undue concentrations of population as there are daily operating hours and will be required to only service and sale a certain number of vehicles. The proposed use, however, may result in the overcrowding of land, as there might not be enough space for vehicles to park and/or maneuver safely throughout the property.

PREVIOUS ACTIONS

None to date.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of July 29, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Dust
Vibration
Turkey Creek
Conformance to the Commercial Design Guidelines
Inventory and Repair
Site Design

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-072 for two (2) years**, subject to:

1. Per the goDotte County-Wide Mobility Plan, the applicant will be required to dedicate an easement along Turkey Creek. This easement must start from the edge of the bank down to the existing easement, to accommodate for future trail development;
2. The applicant will be required to submit a change of zone to correct the split zoning found on the property;
3. The business may not operate later than 6:00 pm;
4. The applicant is requesting a Special Use Permit for a property zoned C-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). Should there be conflicts between the CDGOD and other regulatory land use requirements, the stricter interpretation shall apply per Section 27-574(f). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-072. All listed requirements that are identified as "*have not been met*" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting.
 - a. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - i. Sec 27-575(d)(2): Curb-cuts should be minimized and concentrated at mid-block
 - ii. Sec 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
 - iii. Sec. 27-575(d)(8) states that "Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.

- iv. **Sec. 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems**
 - a. **Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas**
 - b. **There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.**
 - c. **Circulation Patterns within parking areas shall be defined by curbs and landscaped islands**
 - d. **Where possible, groups of buildings should be serviced by dedicated service access lanes.**
- v. **Sec 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.**
- vi. **Sec 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:**
 - 1. **Six-inch vertical curb;**
 - 2. **Trellis;**
 - 3. **Special railing;**
 - 4. **Bollards;**
 - 5. **Special paving;**
 - 6. **Low seat wall or other architectural features;**
 - 7. **Pedestrian scale lighting; or**
 - 8. **Traffic calming devices.**
- vii. **Sec 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.**
- viii. **Sec 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additionally 20 feet of landscaped area in addition to the required setback. This, however, would cause an undue hardship, therefore, the applicant will only be required to provide a six (6) foot landscaped buffer. Please demonstrate this on the site plan.**
- ix. **Sec 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.**
- x. **Sec 27-575(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.**
- xi. **Sec 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials**

as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

- xii. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.
 - xiii. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - xiv. The Commercial Design Guidelines require that 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.
 - xv. The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building
 - xvi. 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 (ornamental) evergreen trees must be planted at least six feet tall (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.
 - xvii. Sec 27-577(a)(5) – Landscaping shall exceed the typical code requirements by at least 75 percent
 - a. The district requirement is one tree per 7,000 square feet of site area.
The 3.43 acre site is 84,071 Square Feet, which would require 12 trees per the Code of Ordinances.
 - b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - c. Landscaping shall be irrigated.
- b. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the Applicant

is wishing to exercise alternative design methods or deviances from the guidelines:

- i. **Sec 27-576(d)(1)** A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures.
- 5. Any business or land use in Kansas City, Kansas 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;**
- 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
- 8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;**
- 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;**

11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
14. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
15. Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9' wide from the inside of stripe to inside of stripe and 18' in length;
16. Any automotive-related use in Kansas City, Kansas shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to

meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-072** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan and Elevations
Wyandotte County Conservation District Comments, Dated July 6, 2022
Applicant Response to Draft Report
Site Photographs, taken by staff, dated July 6, 2022
Site Photographs, taken by Staff, dated August 19, 2022
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 12, 2022	September 29, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-072** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-072**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:43:40:

SPECIAL USE PERMIT APPLICATION SP2022-072 – JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS - SYNOPSIS: Special Use Permit for a used car dealership at 1401 Merriam Lane.

Detailed Outline of Requested Action: The applicant, James Sullivan, is requesting a Special Use Permit for a used car-dealership with light auto-repair at 1401 Merriam Lane. In addition to the car dealership, the business will also engage in auto detailing and light-repair at 1401 Merriam Lane.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Jim Sullivan, applicant, Sullivan Palmer Architects, 8621 Johnson Drive, Merriam, Kansas 66202
- Bob Hill, General Contractor

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:50:12: Planning Director Hand stated that Staff has been working with the applicant on this proposal for some time. The property is located in the City-Wide Master Plan just west of the Rosedale area. Staff has received one (1) letter in support and no letters in opposition. There is a KCKPD call for service, but that was with a prior owner. Staff recommends conformance with the Commercial Design Guidelines and thought Staff and the Applicant were in agreement until the question of painted brick was brought up this evening. Staff recommends that the Commercial Design Guidelines are followed and does not support painted brick and there are a myriad of brick that can be used. Staff's last conversation with the Applicant indicated that they were in agreement with the easement for the trail so he is not sure what has happened with that agreement. Staff stated that there is a drainage easement that covers a large portion of the property and is recommending that the easement be

extended to the top of the “ridge line” for the future trail. Director Hand stated that the Applicant has done everything requested by Staff, including filing a Change of Zone application to correct the split zoning. Staff recommends approval for two (2) years subject to the conditions in the staff report.

The Commission, Staff and General Contractor discussed the easement being requested.

Motion starts at 3:57:05:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-072 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. **Per the goDotte County-Wide Mobility Plan, the applicant will be required to dedicate an easement along Turkey Creek. This easement must start from the edge of the bank down to the existing easement, to accommodate for future trail development;**
2. **The applicant will be required to submit a change of zone to correct the split zoning found on the property;**
3. **The business may not operate later than 6:00 pm;**
4. **The applicant is requesting a Special Use Permit for a property zoned C-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). Should there be conflicts between the CDGOD and other regulatory land use requirements, the stricter interpretation shall apply per Section 27-574(f). This subsection addresses the applicant’s demonstrated compliance with relevant CDGOD regulations for SP2022-072. All listed requirements that are identified as “*have not been meet*” must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting.**
 - a. **The following requirements of the Commercial Development Guidelines Overlay District have been met:**

- xviii. **Sec 27-575(d)(2): Curb-cuts should be minimized and concentrated at mid-block**
- xix. **Sec 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.**
- xx. **Sec. 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.**
- xxi. **Sec. 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems**
 - a. **Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas**
 - b. **There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.**
 - c. **Circulation Patterns within parking areas shall be defined by curbs and landscaped islands**
 - d. **Where possible, groups of buildings should be serviced by dedicated service access lanes.**
- xxii. **Sec 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.**
- xxiii. **Sec 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:**
 - 9. Six-inch vertical curb;**
 - 10. Trellis;**
 - 11. Special railing;**
 - 12. Bollards;**
 - 13. Special paving;**
 - 14. Low seat wall or other architectural features;**
 - 15. Pedestrian scale lighting; or**
 - 16. Traffic calming devices.**
- xxiv. **Sec 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.**
- xxv. **Sec 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additionally 20 feet of landscaped area in addition to the required setback. This, however, would cause an undue hardship, therefore, the applicant will only be required to provide a six (6) foot landscaped buffer. Please demonstrate this on the site plan.**

- xxvi. Sec 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- xxvii. Sec 27-575(f)(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
- xxviii. Sec 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
- xxix. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.
- xxx. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- xxxi. The Commercial Design Guidelines require that 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.
- xxxii. The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building
- xxxiii. 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 (ornamental) evergreen trees must be planted at least six feet tall (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.
- xxxiv. Sec 27-577(a)(5) – Landscaping shall exceed the typical code requirements by at least 75 percent
 - a. The district requirement is one tree per 7,000 square feet of site area.
The 3.43 acre site is 84,071 Square Feet, which would

- require 12 trees
per the Code of Ordinances.
 - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - c. Landscaping shall be irrigated.
 - b. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the Applicant is wishing to exercise alternative design methods or deviances from the guidelines:
 - i. Sec 27-576(d)(1) A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures.
- 5. Any business or land use in Kansas City, Kansas 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;
- 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
- 8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;

9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - c. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - d. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
14. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
15. Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9' wide from the inside of stripe to inside of stripe and 18' in length;
16. Any automotive-related use in Kansas City, Kansas shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29]

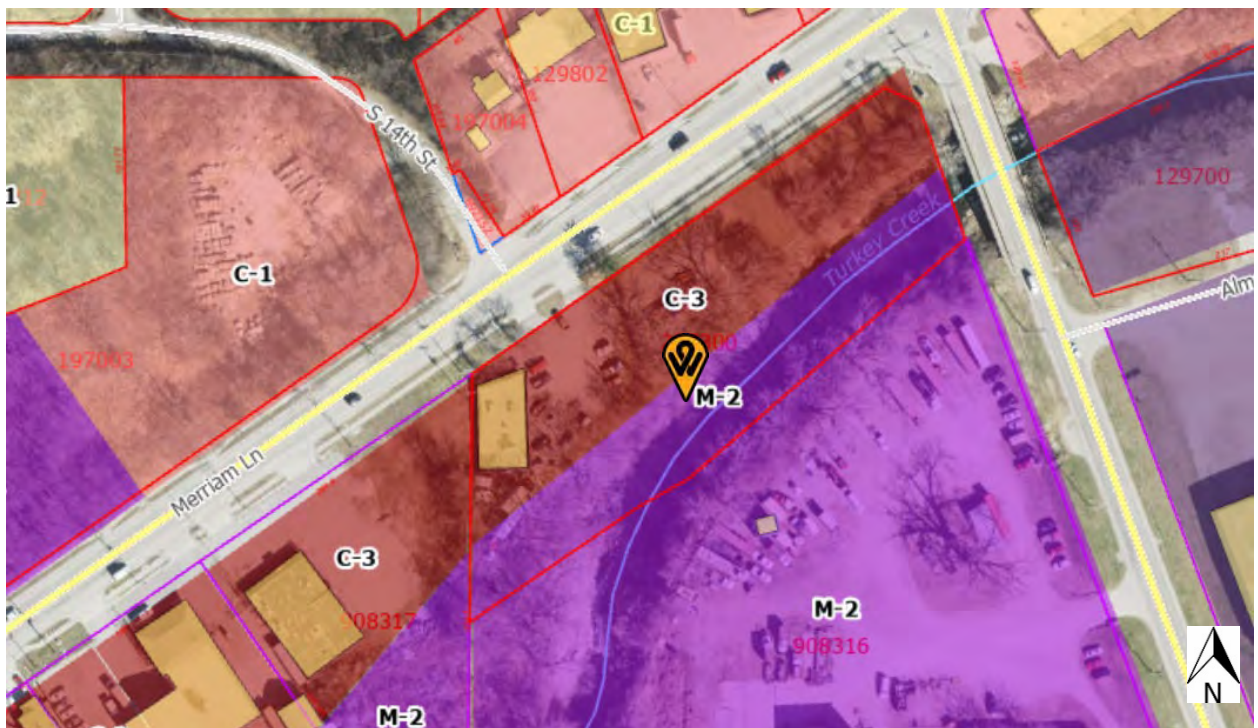
- through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

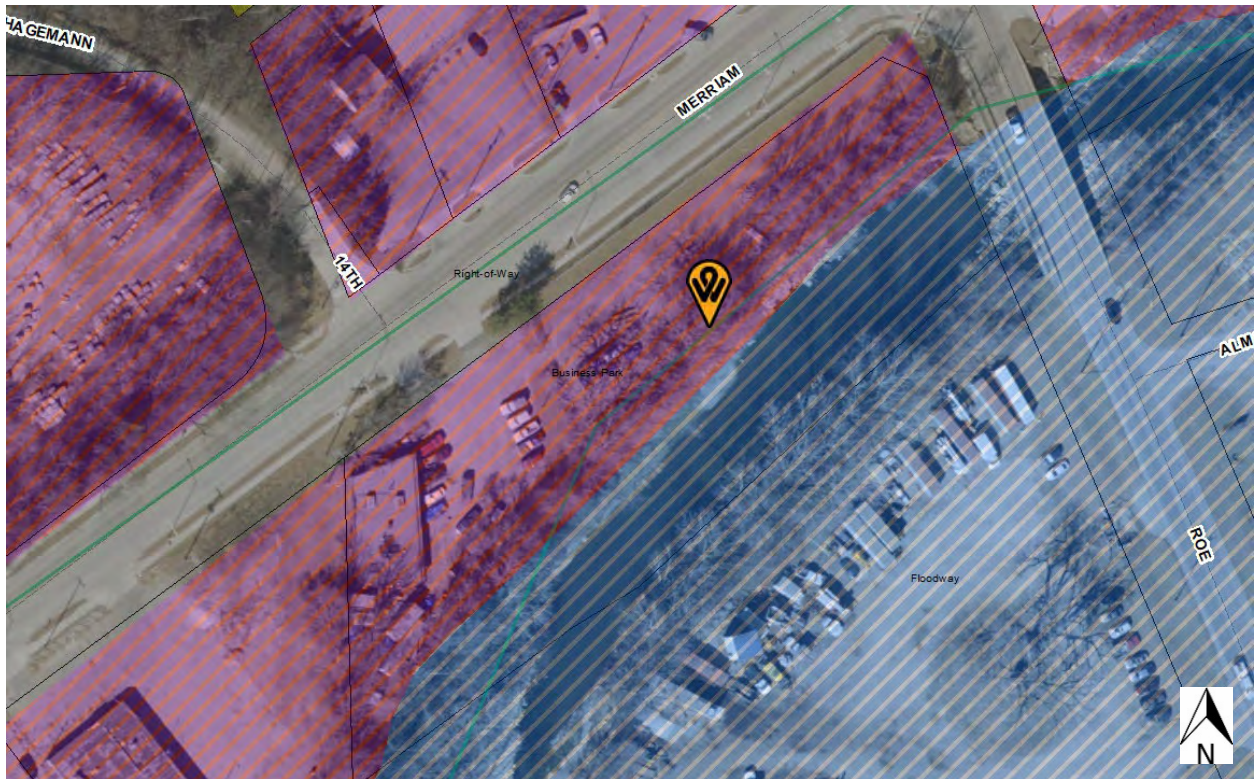
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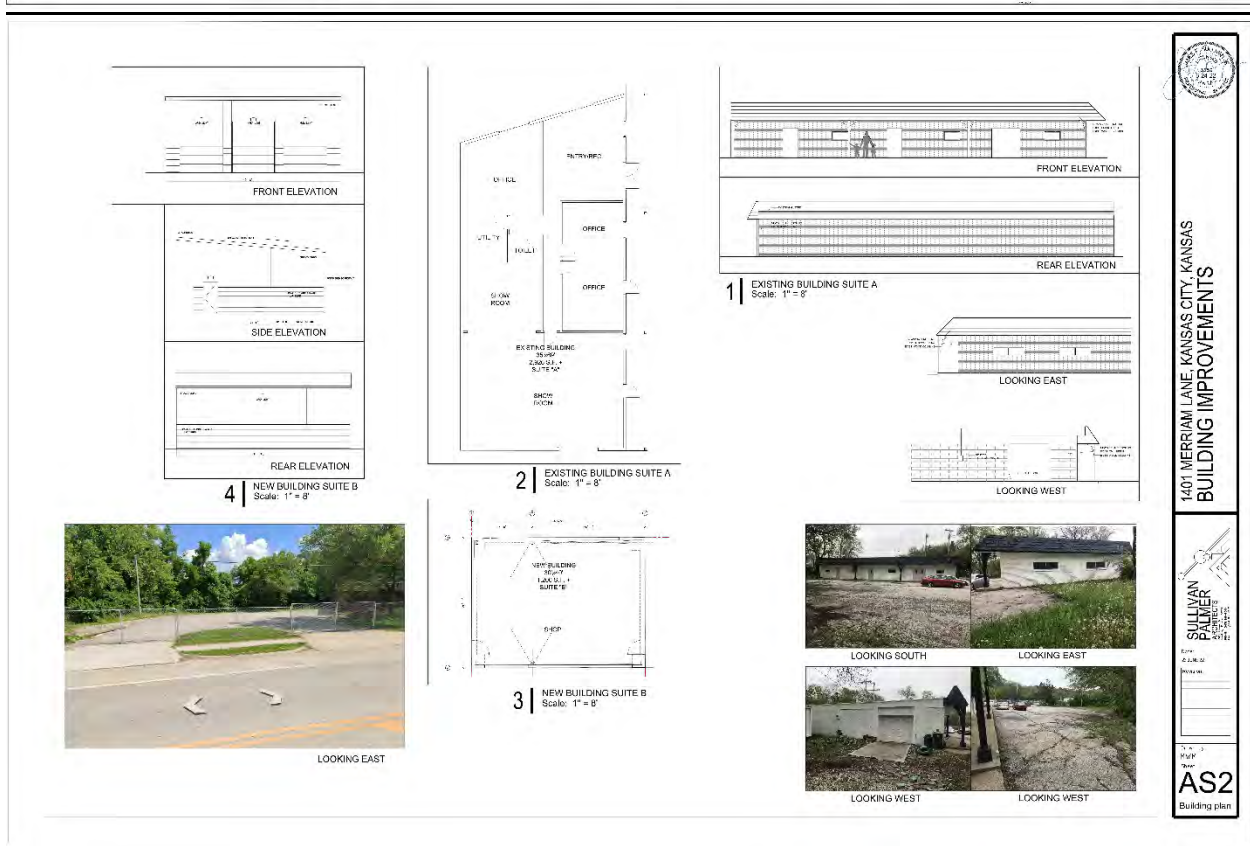
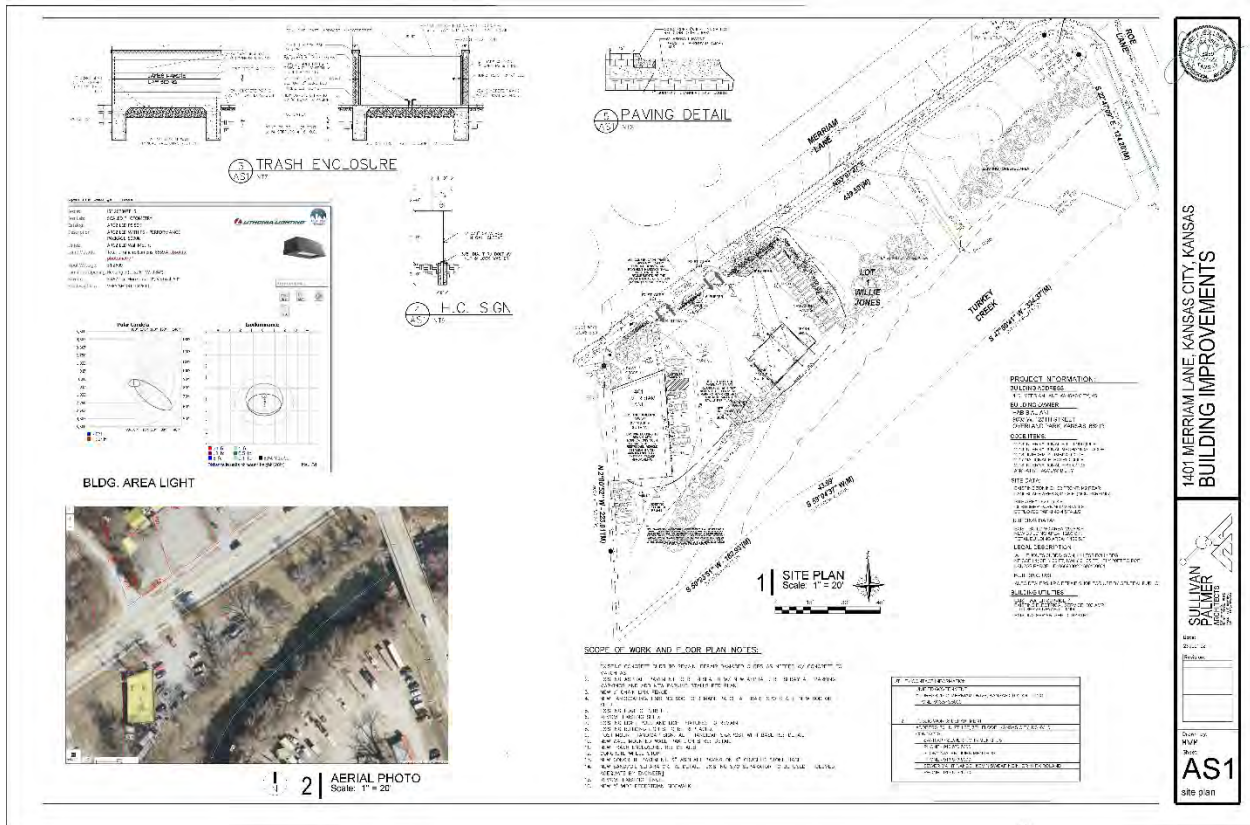
ZONING MAP

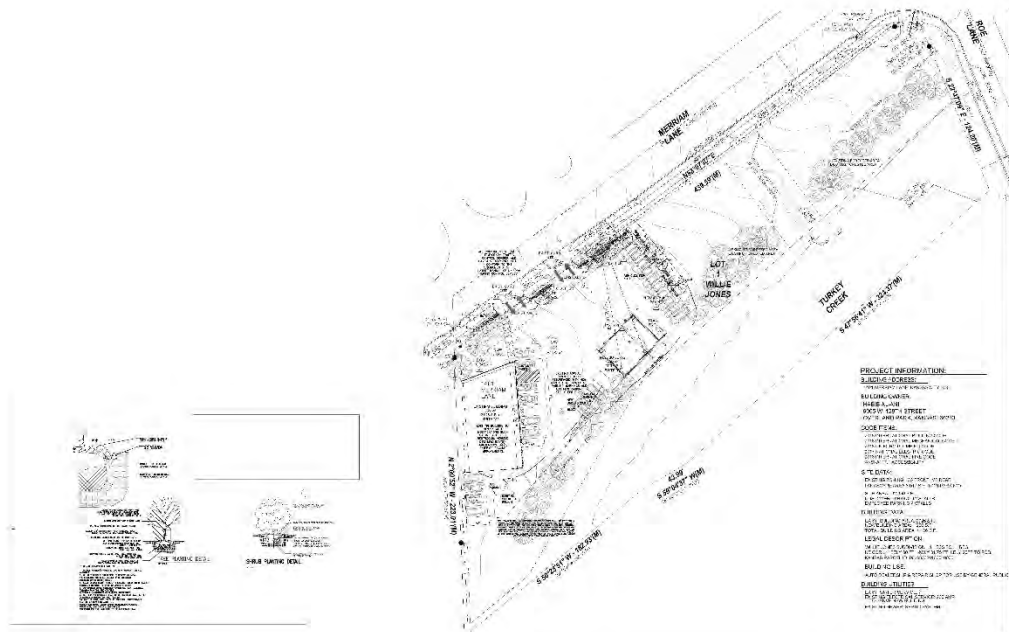


LAND USE MAP



SITE PLAN AND ELEVATIONS







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

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

July 12, 2022

RE: SP2022-072 James Sullivan for used-car dealership at 1401 Merriam

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2022-072 James Sullivan for used-car dealership at 1401 Merriam.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Kennebec silt loam, occasionally flooded and Knox silt loam, 7 to 12 percent slopes. These soil types are considered erodible when the surface is denuded of a protective cover.
- Any chemical spills from vehicles need to be cleaned up immediately so that it does not cause a pollution problem. Contaminated run off in rain events can get into the drainage ways and cause issues for the Kansas River.
- If there is any additional grading to be done, practices will be needed to be utilized to protect the stream from sediment and trash.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

APPLICANT RESPONSE TO DRAFT REPORT COMMENTS



25 July 2022

MR. JAMES MALLOY
PLANNING AND URBAN DESIGN
UNIFIED GOVERNMENT
701 N 7TH STREET, KANSAS CITY, KS. 66101

RE: 1401 MERRIAM LANE SPECIAL USE PERMIT
SP2022-072

This letter is in response to your plan review. The responses as follows correspond with your plan review numbers.

GENERAL INFORMATION:

1. REQUIRED PARKING: The drawing Sheet AS-1 indicates off-site parking located as shown with 16 spaces allocated for customer parking. The other stalls are for sale as noted
2. CHANGE OF ZONE: This process shall take place independently of this submittal.
3. PEDESTRIAN CIRCULATION: A sidewalk has been shown from the street sidewalk to the existing building.
4. 6' LANDSCAPE BUFFER: A landscape buffer has been shown on the plans.
5. ARCHITECTURAL STYLE: As the existing building was constructed most likely in the 60's, we choose not to copy this style but to incorporate a contemporary style. The buildings will have complimentary and matching colors.
6. STREET TREES: street trees will be located such that they maintain the proper spacings.

Respectfully yours,
Sullivan Palmer Architects, Inc.

Jim Sullivan

A handwritten signature in blue ink, appearing to read 'Jim Sullivan', is written over a horizontal line.

SITE PHOTOGRAPHS, PROVIDED BY THE APPLICANT, DATED JULY 6, 2022



SITE PHOTOGRAPHS, PROVIDED BY THE APPLICANT, DATED AUGUST 19, 2022



NEIGHBORHOOD MEETING MATERIALS

15 July 2022

Dear Neighbor:

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # SP-2022-072.

The purpose of this:

- special use permit

For a Automobile Dealership at the following address: 1401 Merriam Lane, Kansas City, KS 66103.

We are having a neighborhood meeting on Monday, July 25, 2022 at 6:00 p.m. at the following address:

1401 Merriam Lane, Kansas City, KS 66103 (the subject property)

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

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

Sincerely,

Habib Al-Ani
1401 Merriam Lane, Kansas City, Ks. 66103
913-707-1435

Baha Hamil GC American Homes Plus, Inc.

COMMISSIONER CHRISTIAN RAMIREZ

COMMISSIONER TOM BURROUGHS

ERIN STRYKARDA

JAMES SULLIV, AN/SULLIVAN PALMER ARCHITECTS

AMG AGGREGATE INDUSTRIAL, LLC

BLOCK REAL ESTATE SERVICES LLC

BLOCKHOUSE LLC

BURK PROPERTIES, LLC

Mailing List

C/O ASSET MANAGEMENT GROUP

GOLDEN EAGLE INVESTMENTS LLC

HARDWOOD RECLAMATION, LLC

HEBBERGER, KAREN L

PALLANICH, MARY ANN

PALLANICH, ROBERT L

SECURITY 1ST TITLE

UNIFIED GOVERNMENT WY CO/KCK

WYANDOTTE COUNTY LANDBANK

HEBBERGER, MICHAEL F
HEBBERGER, MICHAEL F

LAWRENCE, CHERYL K

LAWRENCE, DENNIS D

MERRIAM PROPERTIES, LLC



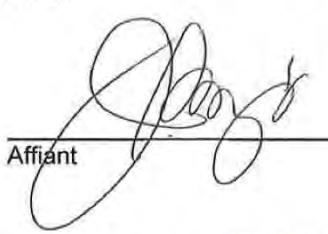
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE _____)

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

1. That I am the petitioner for Petition # SP 2022-072.
2. That I conducted a neighborhood meeting on 7-25-2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

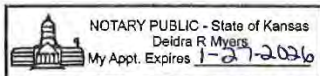
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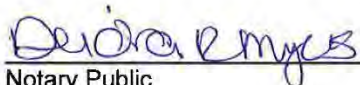


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of July, 2022 am

My commission expires 27th of Jan, 2026 pm





Notary Public

MEETING MINUTES:

Application Number SP 2022-072

Date and Location: 7-25-2022

Meeting called to order at: 6:15 PM

Names of people in attendance:

Baha Hamil

Habib Alani

James Sullivan

Dave Kauffman

Mr. Michael Heberger

Introductions:

Presentation by applicant Baha Hamil who introduced the members of the Ownership team and the purpose of the meeting.

Following this intro, James Sullivan presented the building plans and site plan, including upgrade to the existing building, construction of a new 1200 s.f. building and development of landscaping buffers, parking and drives.

Questions and answers (include the following):

Both neighborhood attendees gave a positive response to the presentation and mentioned that they would attend the zoom meeting as necessary to support the project.

Discussion also included efforts to provide municipal sewers to the properties in the area who are on septic tanks.

Meeting adjourned at: 7:00

Minutes taken by: Baha Hamil

ERIN STRYKARDA

JAMES SULLIV, AN/SULLIVAN PALMER ARCHITECTS

AMG AGGREGATE INDUSTRIAL, LLC

BLOCK REAL ESTATE SERVICES LLC

BLOCKHOUSE LLC

BURK PROPERTIES, LLC

C/O ASSET MANAGEMENT GROUP

GOLDEN EAGLE INVESTMENT, LLC

Dave Kauffman 7-25-2022

GOLDEN EAGLE INVESTMENTS LLC

Dave Kauffman 7-25-2022

HARDWOOD RECLAMATION, LLC

HEBBERGER, KAREN L



PALLANICH, MARY ANN



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Petitions PR2022-025 and SP2022-077

GENERAL INFORMATION

Applicant:

Wil Anderson and Austin Lage

Status of Applicant:

Representatives

BHC

7101 College Boulevard, Suite 400

Kansas City, Kansas 66210

Requested Action:

Approval of a Preliminary and Final Development Plan.

Approval of a Special Use Permit.

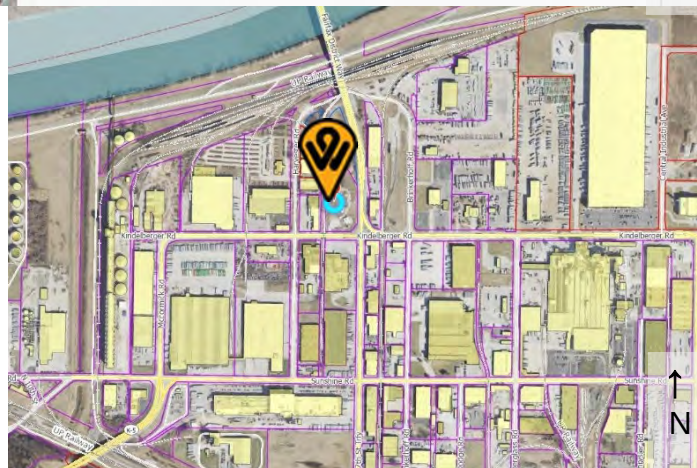
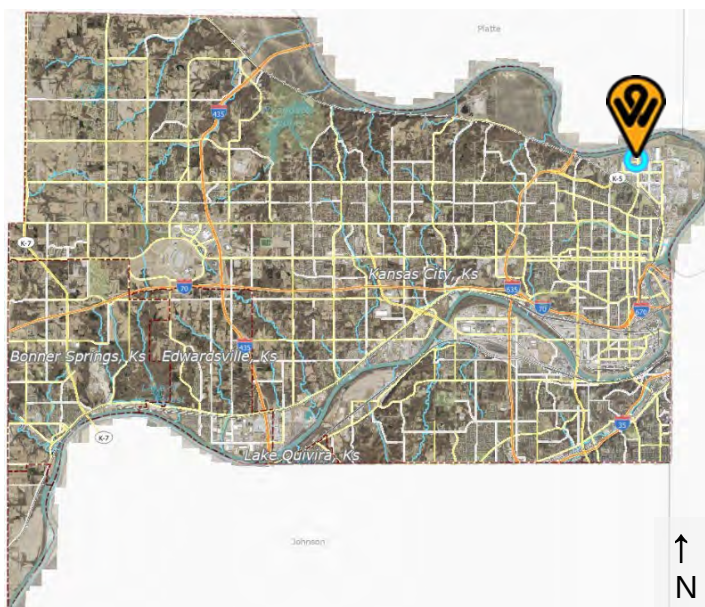
Date of Application:

June 24, 2022 (Preliminary & Final Plan Review; Special Use Permit)

Purpose:

Approve a Preliminary and Final Development Plan for a fueling station and private truck maintenance facility.

Approve a Special Use Permit for heavy automotive/truck, service, repair, and mechanic.



Property Location:	700 Kindelberger Road Kansas City, Kansas 66115
Commission Districts:	At-Large Commissioner, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Secretary of Transportation right-of-way South: Industrial uses East: Industrial use West: Industrial uses
Total Tract Size:	7.59 Acres
Master Plan Area:	The subject property is within the Northeast Area Master Plan.
Master Plan Designation:	The Northeast Area Master Plan designates this property as Industrial. The Industrial land use designation allows uses as manufacturing and shipping. The building types and uses permitted in the Industrial land use designation includes light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. These uses should generally be located apart from residential neighborhoods. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails, and overall have an attractive campus feel to attract and retain talent. The subject property is also within the Fairfax District Master Plan, a district plan within to the Northeast Area Master Plan (see “Northeast Area Master Plan: Fairfax District Master Plan Excerpt” within the <i>Attachments</i> section of this report).
Major Street Plan:	The Major Street Plan designates Kindelberger Road as a Class B Thoroughfare. The Major Street Plan designates North 7 th Street Trafficway as a Class B Thoroughfare.
Required Parking:	Section 27-470(f) requires paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises.

The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the City Planning Commission. Commercial uses shall provide parking as would be required in the C-3 district. Per Section 27-467(e), uses in this district require paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The submitted site plan demonstrates a 12,577-square-foot repair facility, which will be used for industrial purposes. Therefore, M-3 District standards apply and a minimum of 26 parking spaces are required. The site plan also demonstrates a 433-square-foot utility building, which is open to the public and will be used for commercial purposes. Therefore, the C-3 District standards apply and a minimum of two (2) parking spaces are required. The current parking plan demonstrates 35 parking spaces, three (3) of which are ADA-compliant. The parking plan is compliant with both Section 27-470(f) and Section 27-676(a).

Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022; August 18, 2022 Letters to Property Owners – July 15, 2022; August 19, 2022
Public Hearings:	September 12, 2022 and September 29, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Lage with BHC, is requesting a Preliminary and Final Plat, a Final Plan Review, and a Special Use Permit. The Preliminary and Final Plat will create one (1) industrial plat from Parcel #903701 (addressed as 700 Kindelberger Road), Parcel #892221, Parcel #892222, and Parcel #892223, and a portion of public right-of-way. The Final Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.
2. The previous two (2) property owners have received several code enforcement violations, including a metal fence in disrepair in 2018, and overgrown weeds and grass in 2018, 2020, and 2021. The most recent previous property owner was also issued two (2) administrative citations. The first was for environmental issues, overgrown vegetation, and debris in 2020; the second citation was for overgrown weeds in 2021.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

Preliminary and Final Plat – Approved by City Planning Commission

- 1. *Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.***

Despite the increase in impervious surface on the subject property, the proposed development is designed to reduce peak stormwater runoff due to mitigating measures such as an above-ground detention basin and the incorporation of native vegetation. The two (2) buildings are arranged over 350 feet from each other, thus minimizing risk of fire leaping from building to building. While North 7th

Street Trafficway and Kindelberger Road both experience heavy truck traffic, so a truck-centric use is an ideal use for the subject property at the northwest corner of said intersection.

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

a. *Water service*

It is currently no water service to the subject property, but a connection is proposed.

b. *Sanitary sewer service*

A combination sanitary sewer line/stormwater line runs along the southern boundary of the subject property.

c. *Storm water control*

A combination sanitary sewer line/stormwater line runs along the southern boundary of the subject property. There is a dedicated stormwater line, however, to the north of the subject property which can be accessed once the applicant has acquired the adjacent KDOT parcels and vacated right-of-way.

d. *Police*

Police service is provided by East Division, District #112.

e. *Fire*

Fire service is provided by Fire Station #15, which is 0.2 miles from the subject property.

f. *Transit*

The subject property is served by several sets of bus stops along Sunshine Road. The closest pair of bus stops are located 0.3 miles away, at the intersection of Sunshine Road and North 7th Street. The bus stops are served by 3rd Street-Fairfax, Route #103.

g. *Schools*

Public education is provided by Benjamin Banneker Elementary School, Northwest Middle School, and Wyandotte High School, under Kansas City, Kansas USD 500.

3. *Streets are designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and*

structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

While no additional streets will be created as part of this plat, several parcels most recently owned by the Kansas Department of Transportation will be incorporated into the new parcel. The plat will also vacate an unused portion of public right-of-way adjacent to said KDOT parcels and the existing parcel addressed as 700 Kindelberger Road. This platting and vacating, along with the and the proposed site design, will allow for a second vehicle entrance/exit point at the north end of the subject property, which can be accessed via Harvester Road. Although traffic surrounding the subject property will increase due to the proposed uses and development, the traffic impact memo provided to Staff states that no significant traffic impacts are associated with such development (see “Abridged Traffic Impact Memo, Dated June 23, 2022” within the *Attachments* section of this report).

4. Assurance that buildings, lots, blocks, parcels, and streets are so arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

The arrangement of buildings on the subject property does not meet Commercial Development Guidelines Overlay District (CDGOD). The primary building is not oriented toward Kindelberger Road, but rather is located in the rear of the property. As a consequence, there is a larger paved maneuvering area in the front of the property. The expansiveness of the maneuvering area between the public right-of-way and the primary building is exacerbated by the fact that the site design does not demonstrate any designated pedestrian access routes from the sidewalk to the primary building. Staff recommends that designated walkways around and through the maneuvering area be reflected on the revised site plan set.

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

A majority of the subject property is already paved, a remnant of previous developments. Therefore, there is little existing topography to take into account. The proposed development plan will result in an increase in the impervious surface area, but runoff mitigation measures such as above-ground detention pools and absorptive landscaping are incorporated into the plan to address any increase in surface runoff as a result of the paving.

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

The proposed plat features only one (1) parcel for heavy commercial and industrial uses within a traditional industrial area. Therefore, no sites for schools, parks, playgrounds, or other community services are required nor appropriate.

The development plan, however, must conform to both the Northeast Area Master Plan and the Fairfax District Master Plan, especially as it relates to providing pedestrian access both on site and on the adjacent rights-of-way.

Preliminary and Final Plan Review

1. The Character of the Neighborhood.

The subject property is within the Fairfax Statistical Neighborhood and is not within a Neighborhood Group. The entire neighborhood—the Fairfax District—is industrially zoned and is predominately industrial uses. Streets within the Fairfax District are heavily used by semi-trucks, heavy machinery, and other vehicles with high gross vehicle weight ratings (GVWR).

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

The applicant states that the subject property will see 96 truck trips per day, but the most recent traffic study shows that a total of 136 rounds trips are predicted to take place at peak morning and evening alone. The proposed site plan demonstrates two (2) entrances/exits: at Kindelberger Road at the western side of the southern boundary of the subject property (this location allows for traffic to come in and out without interference to the nearby intersection) and at Harvester Road to the north/northwest of the property (but which can only be reached via Kindelberger Road via Harvester Road). While the site design places a high amount of traffic on Kindelberger Road, the overall volume of predicted traffic does not generate much concern about traffic issues, even at peak hours.

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

The Northeast Area Master Plan designates this property as Industrial; there is no designation made by the Fairfax District Master Plan but the plan notes that all parcels are industrially zoned. Building types and uses permitted in the Industrial land use designation includes light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails, and overall have an attractive campus feel to attract and retain talent. The proposed use is a fueling station and heavy truck maintenance, which is allowed in industrially zoned districts with a Special Use Permit. The proposed use is in conformance with the spirit of the Northeast Area Master Plan and the Fairfax District Master Plan.

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

See Preliminary and Final Plat Review Factor #2.

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

The revised site plan has demonstrated 35 parking spaces, three (3) of which are ADA-compliant. This exceeds the total amount of parking spaces required by Section 27-470(f) (26 spaces for industrial uses and two (2) spaces for commercial uses) as well as the number of ADA-compliant spaces required by Section 27-676(a) (at least two (2) ADA-compliant spaces if the total number of spaces is between 26 and 50). The applicant has requested a deviation from the CDGOD landscaping requirements and has requested that the M-3 Heavy Industrial District landscaping requirements be applied instead. All additional CDGOD requirements that cannot be met must be granted a deviation by the City Planning Commission at the request of the applicant. CDGOD requirements not identified and requested for deviation must comply, including pedestrian access, building design, and building materiality.

Special Use Permit

1. *The Character of the Neighborhood.*

See Final Plan Review Factor #1.

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

All surrounding properties are industrially zoned. The Fairfax neighborhood is an appropriate area for industrial and industrial-complimentary uses such as the fueling of vehicles and the maintenance of heavy trucks. In this way, the proposed use is compatible with the nearby zoning and uses.

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

The subject property is in the M-3 District within the Industrial land use designated by the Northeast Area Master Plan. Furthermore, it is surrounded by other industrially zoned properties. Given this context, heavy truck repair as a complement to a fueling station is an appropriate use for the subject property and removal of the restrictions will not detrimentally affect nearby properties.

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

It is unclear how long the parcels have been vacant, but aerial photos and property records indicate that the property has been effectively abandoned since 2018.

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

See Final Plan Review Factor #3.

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

See Final Plan Review Factor #2.

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

While the complementary fuel station will be open for public use, the heavy truck repair services will be for private maintenance. Heavy repair services are necessary for the maintenance and repair of larger work trucks that are used in areas of the economy such as construction and shipping. Given that the proposed use is located in Fairfax among a variety of other industrially zoned properties and industrial uses, it will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Heavy truck maintenance is prone to generate noise, vibration, dust, and illumination. All maintenance must be conducted inside the proposed building. Furthermore, the exterior lights proposed on the submitted site plan (see "Site Plan of 700 Kindelberger Road" and "Photometric Plan of 700 Kindelberger Road" in the *Attachments* section of this report) must be fitted with covers and face downward at a 90-degree angle, as per Section 27-699(b)(10). All trucks being repaired, or otherwise inoperable vehicles must be stored inside unless they are completely screened from view in accordance with all applicable ordinances. All vehicles under heavy service, repairs, or mechanics shall not be placed within a required/paving setback area.

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

A major factor determining the environmental damage caused by construction is the increase in impermeable surfaces. Some of that loss of permeable land can be mitigated by landscaping along Kindelberger Road and North 7th Street Trafficway. As the proposed use includes repairing vehicles, all fluids and parts must be properly disposed of, such as in an oil-water separator and through off-site disposal, respectively.

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

The applicant must take several mitigation measures to ensure the protection of irreplaceable natural resources. Such measures include the following: ensuring the change in permeable surface does not result in a change in stormwater runoff by grading the property; properly disposing of automotive materials and fluids in accordance with local, State, and federal law and in accordance with any

additional binding regulations from licensing boards or government agencies; and providing proof of installation of an oil-water separator in the workshop floor. An additional mitigation measure includes the proper disposal of tires as well.

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

The Fairfax District of Wyandotte County historically has supported a variety of industrial uses. Heavy truck service, repair, and maintenance, along with the allowed fueling station use, fits in with the surrounding industrial uses. In fact, fueling and truck repair are less intense uses than can be found elsewhere in the M-3 District or in Fairfax as a whole. Additionally, this unique type of repair will serve companies in the district, so its proximity should reduce vehicle miles traveled by said businesses. Therefore, there is a relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

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

See Final Plan Review Factor #2.

PREVIOUS ACTIONS

- PR2022-011, a Preliminary Plan Review for a fueling station and truck maintenance facility
- SP2022-031, a Special Use Permit to operate heavy automotive/truck services, repair, and mechanic

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on August 29, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-077** for **two (2) years** and Plan Review Application **PR2022-025**, subject to:

1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
2. So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
3. In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
4. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
5. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
6. The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
7. The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report. Any additional deviations from the CDGOD not listed under this subsection must be made by oral amendment before the City Planning Commission;
8. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated August 16, 2022” in the *Attachments* section of this report;
9. If approved, the applicant must file and maintain a current business occupation tax application with this office;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;

11. 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. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
16. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
17. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
18. 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;
19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit; and,
 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-077** and **Pr2022-025**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
CPS FLEET FUELS Final Plat
Site Plan for 700 Kindelberger Road
Vehicle Maneuverability Plan for 700 Kindelberger Road
Abridged Traffic Impact Memo, Dated June 23, 2022
Landscaping Plan for 700 Kindelberger Road
Elevations of the Proposed Buildings
Grading Plan for 700 Kindelberger Road
Photometric Plan of 700 Kindelberger Road
Drainage Maps and Calculations for 700 Kindelberger Road
Preliminary Stormwater Management Study for Fleet Fuels
Draft Quitclaim Deed for Parcels #892221, #892222, and #892223
Sidewalk and Trail Master Plan Appendices for 700 Kindelberger Road
GoDotte Wyandotte County Strategic Mobility Plan for 700 Kindelberger Road
Northeast Area Master Plan: Fairfax District Master Plan Excerpt
Wyandotte County Conservation District Letter, Dated August 16, 2022
Site Visit Photographs by Staff, Dated March 2, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Preliminary & Final Plan Review	September 12, 2022	September 29, 2022
	Approval	
Special Use Permit	September 12, 2022	September 29, 2022
	Approval	

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

MOTIONS

Preliminary and Final Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-025** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-025** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-077** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-077** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:58:25:

SPECIAL USE PERMIT APPLICATION SP2022-077 – AUSTIN LAGE WITH BHC RHODES - SYNOPSIS: Special Use Permit for a fueling and maintenance facility at 700 Kindelberger Road.

PLAT2022-028 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Final Plat (CPS Fleet Fuels) for one (1) industrial lot at 700 Kindelberger Road.

PR2022-025 - AUSTIN LAGE WITH BHC RHODES - SYNOPSIS: Preliminary and Final Plan Review for a fueling and maintenance facility at 700 Kindelberger Road.

Detailed Outline of Requested Action: The applicant, Austin Lage with BHC, is requesting a Preliminary and Final Plat, a Final Plan Review, and a Special Use Permit. The Preliminary and Final Plat will create one (1) industrial plat from Parcel #903701 (addressed as 700 Kindelberger Road), Parcel #892221, Parcel #892222, and Parcel #892223, and a portion of public right-of-way. The Final Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Special Use Permit; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Lage, applicant, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210
- Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:01:29: Planning Director Hand stated that the Special Use Permit is being heard in conjunction with a plan review and plat. The property is in the Northeast Area Master Plan. The project has been recently approved for a Special Use Permit in the past and there were major changes so a new Special Use Permit was required. Staff worked with the Applicant on the Commercial Design Guidelines and connectivity. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 4:02:35:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application**

SP2022-077 for two (2) years:

Carson

Chairman

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
2. So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
3. In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
4. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
5. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
6. The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report;
7. The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report. Any additional deviations from the CDGOD not listed under this subsection must be made by oral amendment before the City Planning Commission;
8. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments,

- see the “Wyandotte County Conservation District Letter, Dated August 16, 2022” in the *Attachments* section of this report;
9. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
 16. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 17. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof

- of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
18. 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;
 19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-028**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present

Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Not Present

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The applicant(s) must obtain a quitclaim deed or other equivalent instrument of land rights transference from the Kansas Department of Transportation for Parcels #892221, #892222, and #892223, and for the portion of public right-of-way to be incorporated into CPS FLEET FUELS Plat;
2. All corrections noted under the “Planning Engineering Comments” and “GeoSpatial Services Comments” subsections within *the Staff Comments and Suggestions* section of this report must be reflected on the final mylars; and,
3. The applicant must comply with all updated responses (both applicant responses and staff responses) under “Selected Applicant Responses from PR2022-011 & SP2022-031” within *the Staff Comments and Suggestions* section of this report.

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-025:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

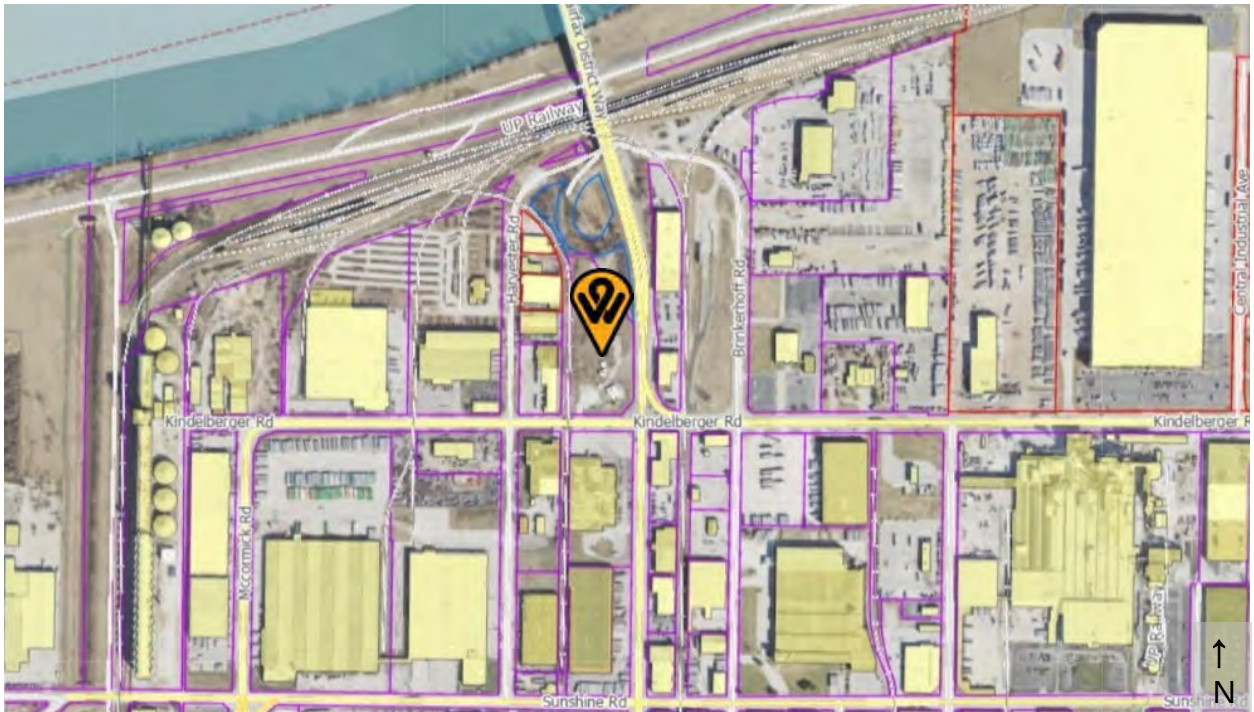
Subject to:

1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
2. So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);

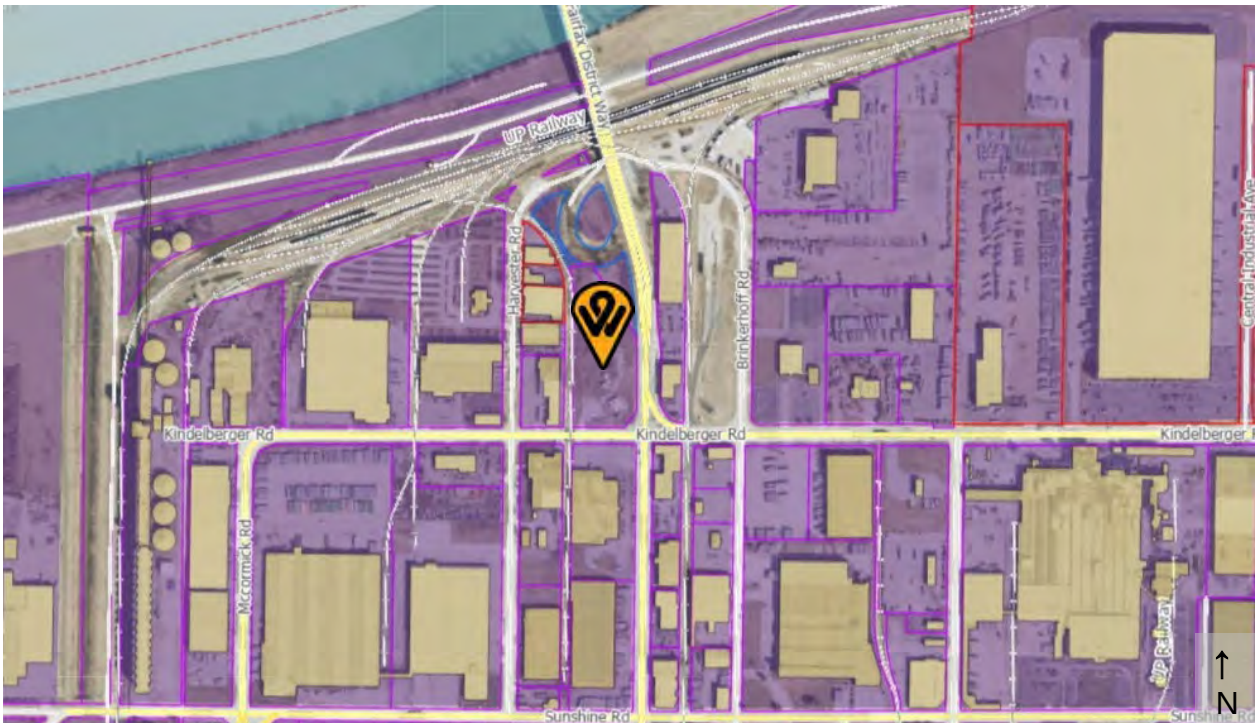
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4. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
5. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
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10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. 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. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

- 14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;**
- 16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance; and,**
- 17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**

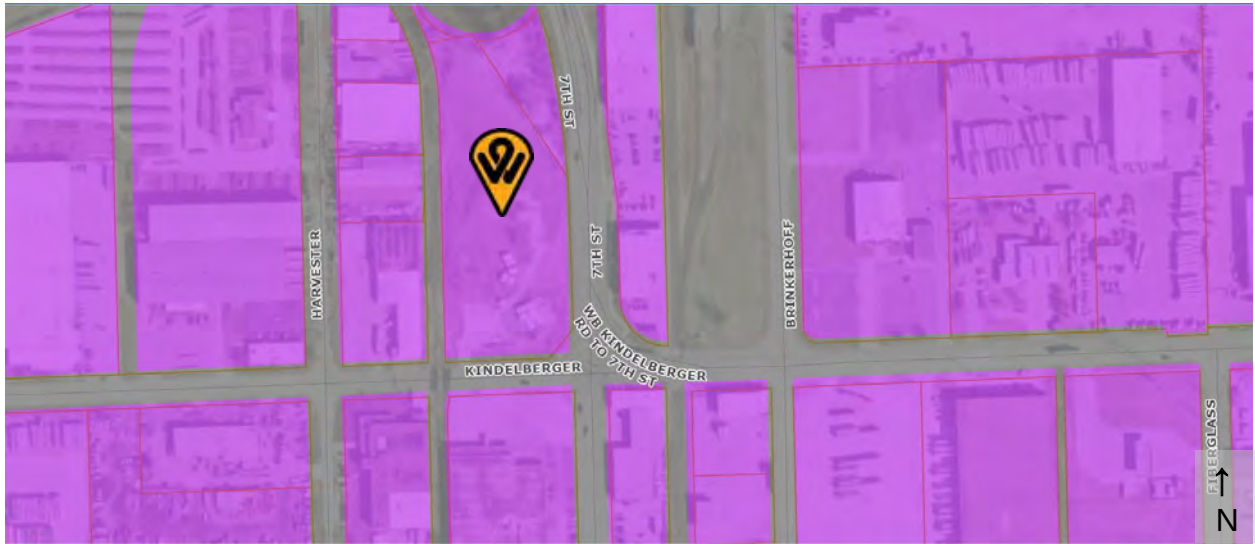
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses

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

NEIGHBORHOOD MEETING MATERIALS



August 29, 2022

Unified Government
701 North 7th Street
Kansas City, KS 66101

RE: Neighborhood Meeting

Fleet Fuels SP2022-077, PLAT2022-028, PR2022-025.
08/29/2022 @ 5:30
Via Zoom

Attendees:
Austin Lage, BHC
Kevin Pinkowski, BHC
Teresa Maxwell, Hoidale

No neighbors showed up.

If you have any questions, please contact me at austin.lage@ibhc.com or 913-663-1900.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Austin Lage'.

Austin Lage, P.E.
Project Engineer

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

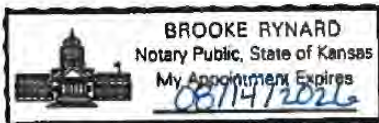
1. That I am the petitioner for Petition #SP2022-077, PLAT2022-028, PR2022-025.
2. That I conducted a neighborhood meeting on August 29, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

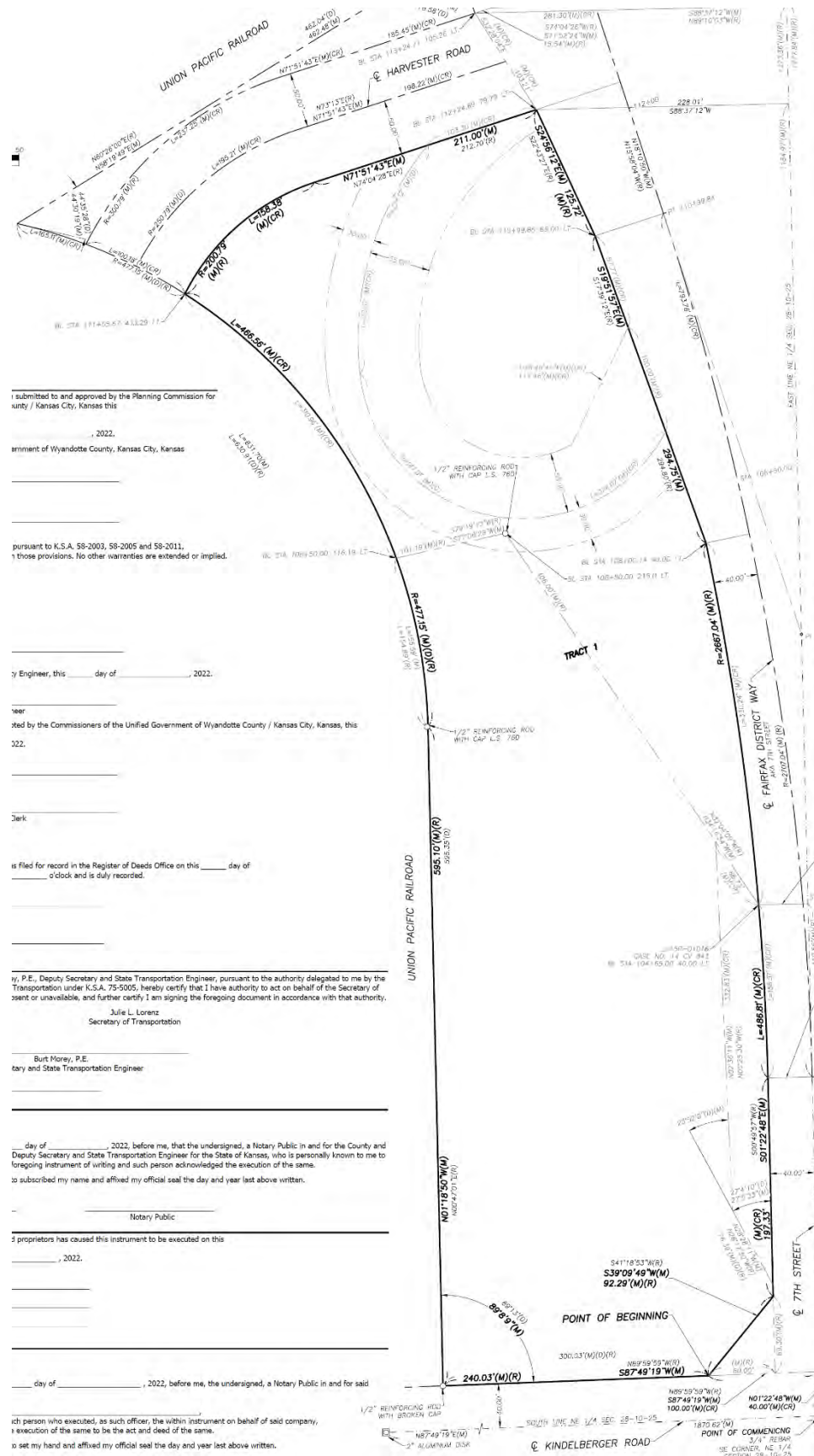
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of August, 2022.

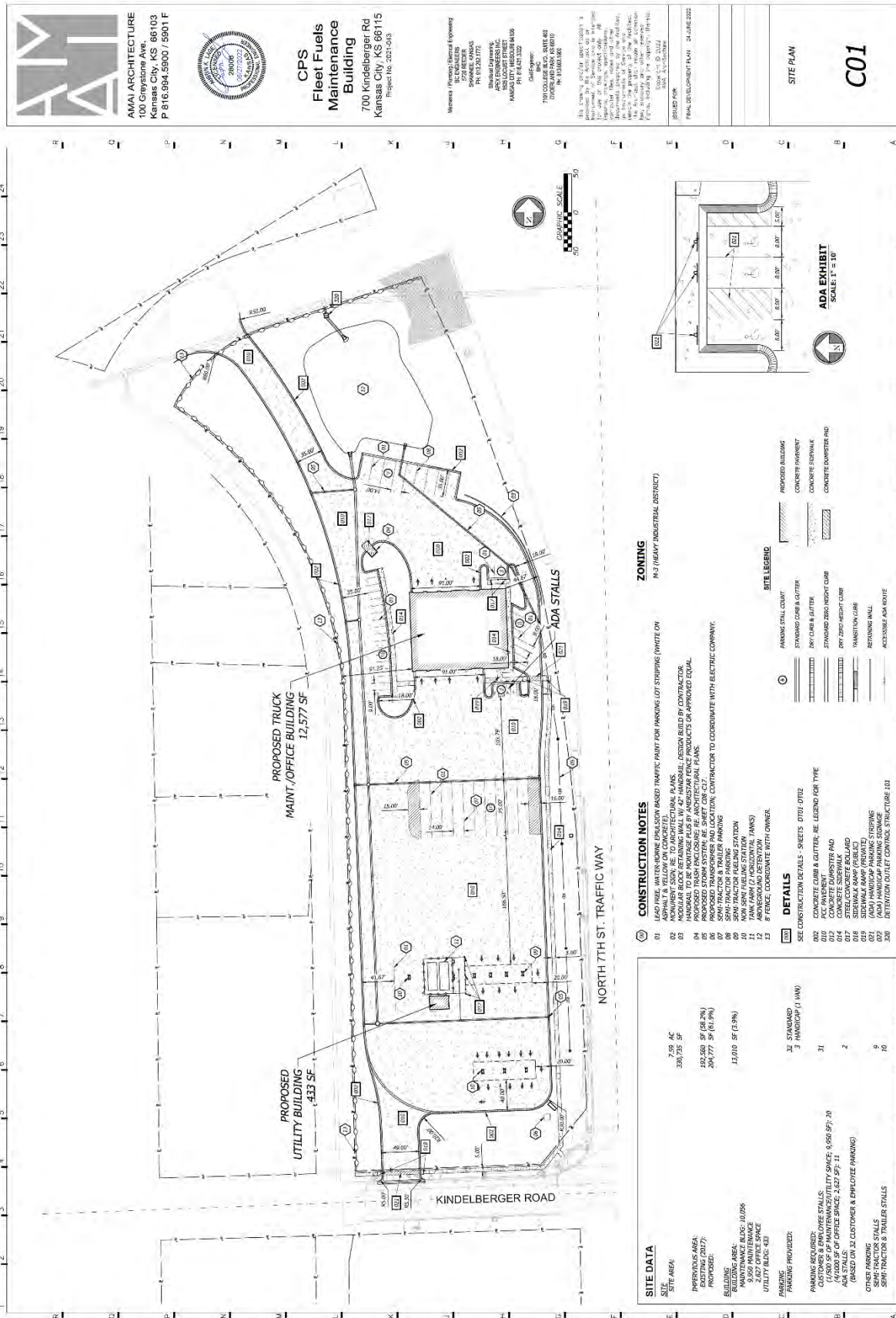
My commission expires 14th of August, 2026.



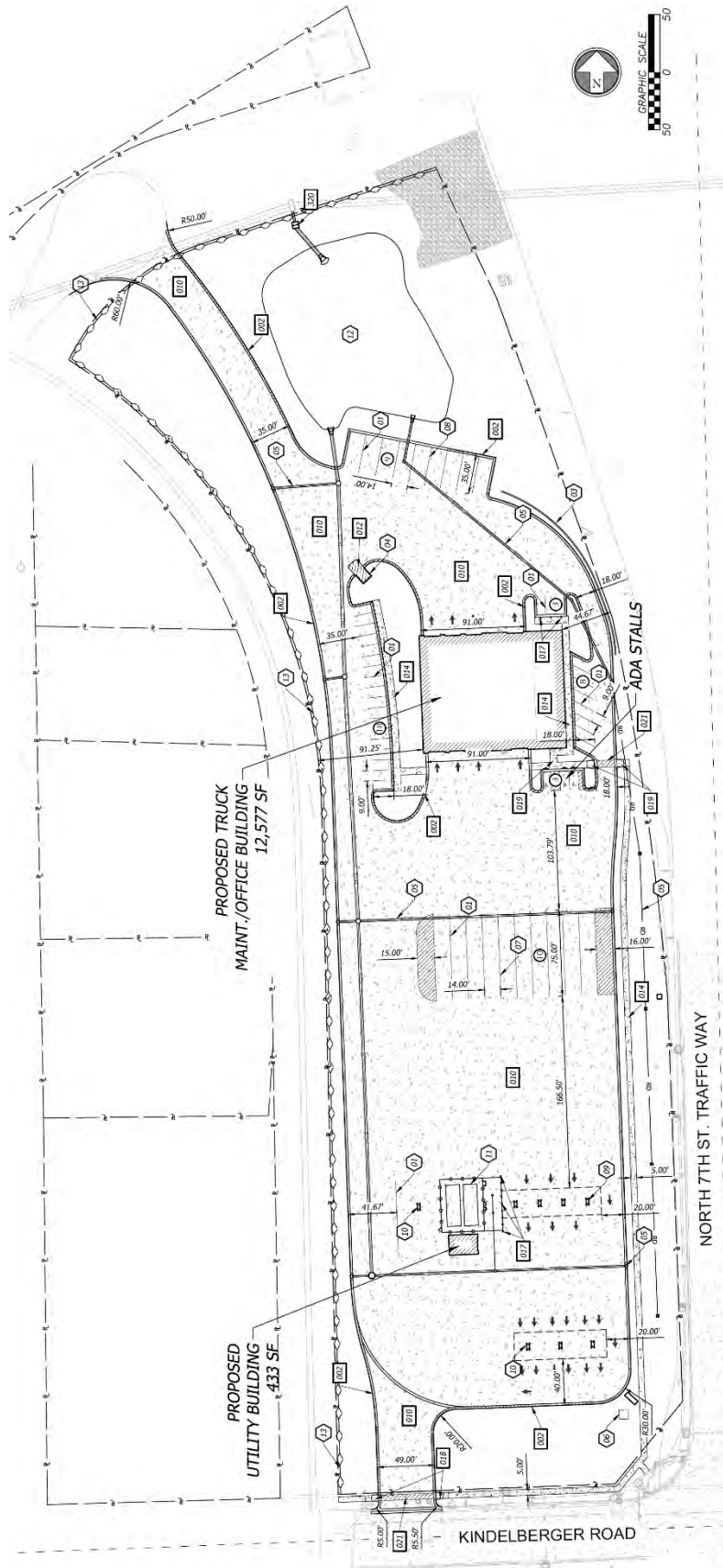
[Signature]
Notary Public

CPS FLEET FUELS FINAL PLAT, CONT.

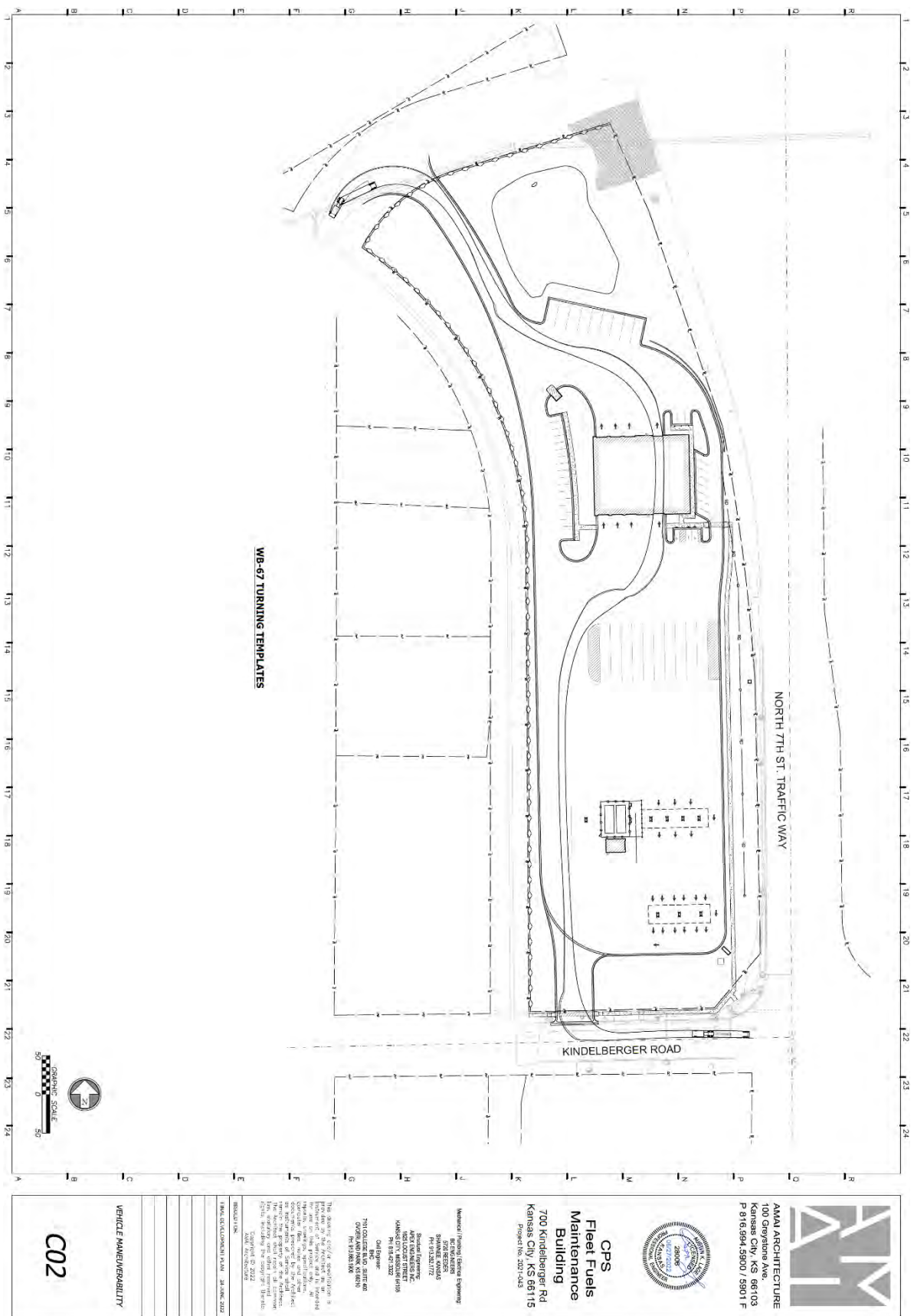




SITE PLAN FOR 700 KINDELBERGER ROAD, CONT.



VEHICLE MANEUVERABILITY PLAN FOR 700 KINDELBERGER ROAD



ABRIDGED TRAFFIC IMPACT MEMO, DATED JUNE 23, 2022



June 23, 2022

Urban Planning and Land Use Department
701 North 7th Street, Suite 423
Kansas City, Kansas 66101

Re: Traffic Memo for Fleet Fuels

BHC has been tasked to review the traffic impact of a proposed development at 700 Kindleberger Road in Kansas City, Kansas. The development involves construction of a truck fueling and maintenance facility with a small office on a 7.59 acre undeveloped site.

EXISTING CONDITIONS

The existing site is an undeveloped parcel of land zoned as a heavy industrial district. The existing site totals 7.59 acres and sits at the northwest corner of N 7th Street Trafficway (Highway 69) (a principal arterial) and Kindleberger Road (a local road).

At the project site, 7th Street Trafficway and Kindleberger Road meet at a signalized intersection. Approximately 4,700 feet north of the project lies the I-635 and Highway 69 interchange. Approximately 1,300 feet south of the project site, N 7th Street meets Sunshine Road (a minor arterial) at a signalized intersection.

South and west of the site, Sunshine Road, Highway 5, and McCormick Road (a local road) meet at a signalized intersection with a dedicated northbound right-turn lane from Highway 5 to Sunshine Road. Kindleberger Road meets Fairfax Trafficway (a minor arterial) at a signalized intersection approximately 3,200 feet east of the project site. The site currently has one driveway with access on Kindleberger Road.



Figure 1: Project Location



PROPOSED CONDITIONS

The proposed development is a truck fueling and maintenance facility with 17 vehicle fueling stations, with 2,627 square feet of office space. The proposed site layout places a driveway on Kindleberger Road at approximately the same location of the existing driveway. The site layout can be seen below in Figure 2.

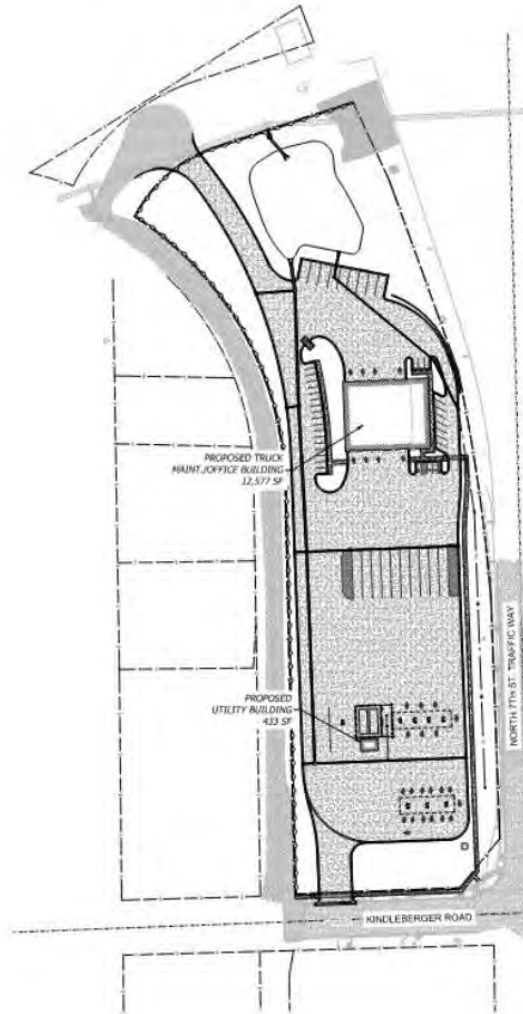


Figure 2: Proposed Site Layout



TRIP DISTRIBUTION

[illegible]

ITE TRIP GENERATION

AM(PM) Peak Hour

Blue = Entering 65(71)
Red = Exiting 60(76)

Map details: The central building complex is surrounded by streets. 7th St Trfy runs vertically on the left and right sides. Kindieberger Rd runs horizontally across the bottom. Blue arrows indicate entering trips, and red arrows indicate exiting trips. Trip counts are shown in boxes along the streets.

Direction	Count
Entering (Blue)	65(71)
Exiting (Red)	60(76)

ITE TRIP GENERATION

The number of proposed trips for the AM and PM peak can be seen in Table 1.

Table 1 – Proposed Trip Generation							
ITE Code	ITE Land Use	Variable	Value	Avg. Rate	Trip Ends		
					Total	Enter	Exit
AM Peak Hour (7-9 AM)							
950	Truck Stop	Vehicle Fueling Stations	17	7.18	122	62	60
710	General Office Building	Square Feet	2,627	1.16	3	3	0
Total Trips					125	65	60
PM Peak Hour (4-6 PM)							
950	Truck Stop	Vehicle Fueling Stations	17	8.41	143	70	73
710	General Office Building	Square Feet	2,627	1.15	4	1	3
Total Trips					147	71	76

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ABRIDGED TRAFFIC IMPACT MEMO, DATED JUNE 23, 2022, CONT.

CONCLUSION

A review of Figure 4 identifies that the PM Peak Hour is expected to have the most impact to the surrounding street network. There are more trips added in the PM Peak Hour than the AM Peak Hour.

In the PM Peak Hour, 71 vehicles are expected to enter the proposed development. Of the entering vehicles, 60% (43) are expected to only travel straight or make right turns and therefore have minimal impact on the surrounding street network. The other 40% (28) are expected to make a left turn off of Kindleberger Road into the proposed site. There is adequate stacking available along two-lane Kindleberger Road for this movement.

In the PM Peak hour, 76 vehicles are expected to exit the proposed development. Of the exiting vehicles, 40% (30) are expected to only travel straight or make right turns and have a minimal impact on the surrounding street network. The other 60% (46) are anticipated to make a left turn onto Kindleberger Road, and of those vehicles, (31) will make another left turn onto northbound N 7th Street Trafficway. This is not expected to result in any significant change in existing signal operations at this intersection. If any change is experienced, the maximum green time for the eastbound/westbound movement could be extended a few seconds to allow extra time for trucks to clear Kindleberger Road during heavy truck times of the day without repercussions the rest of the day.

There are no significant traffic impacts associated with the proposed development. If there are any questions regarding this traffic memo, please contact me at your convenience at 913-663-1900 or mark.sherfy@ibhc.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Sherfy", with a stylized flourish at the end.

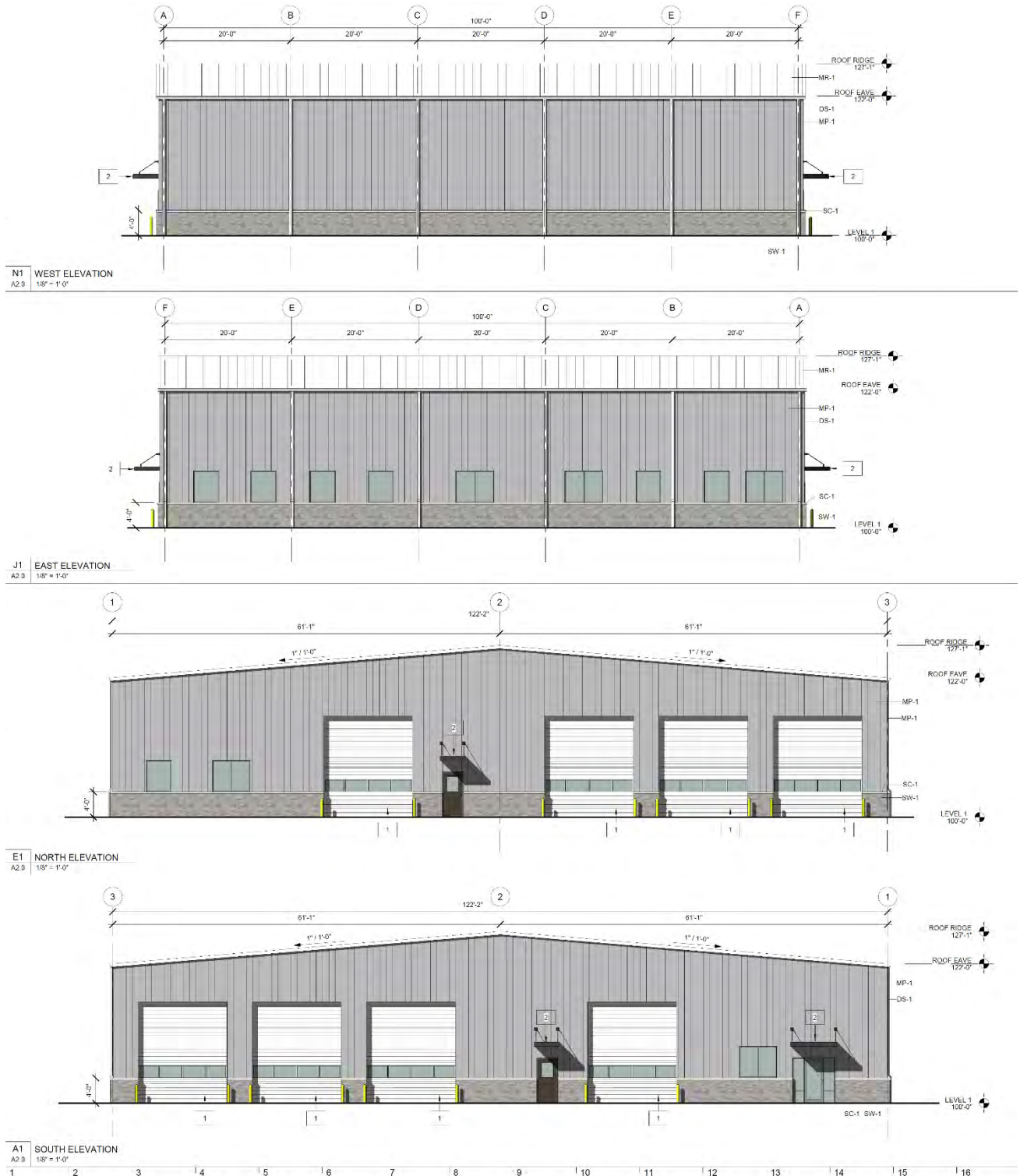
Mark Sherfy, PE, PTOE
BHC

[illegible]

ELEVATIONS OF THE PROPOSED BUILDINGS



ELEVATIONS OF THE PROPOSED BUILDINGS, CONT.



[illegible]

39

[illegible]



AAAI ARCHITECTURE
1000 Greystone Ave.
Kansas City, KS 66103
P 816.994.5900 / 5901 F



6/23/2023
20060
Seal

CPS
Fleet Fuels
Maintenance
Building
700 Kindelberger Rd
Kansas City, KS 66115
Request for Bid #23-010

Notarary Public, Notary Public Agency,
KC Business
Sharon E. Winkles
Sharon E. Winkles
P# 1-263-1775
Sharon E. Winkles
Notary Public
100210057-1796787
MA# 1621412322
P# 1-263-1775
Chickery
700 Kindelberger Rd, Bldg 60
Kansas City, MO 64115
P# 1-263-1775

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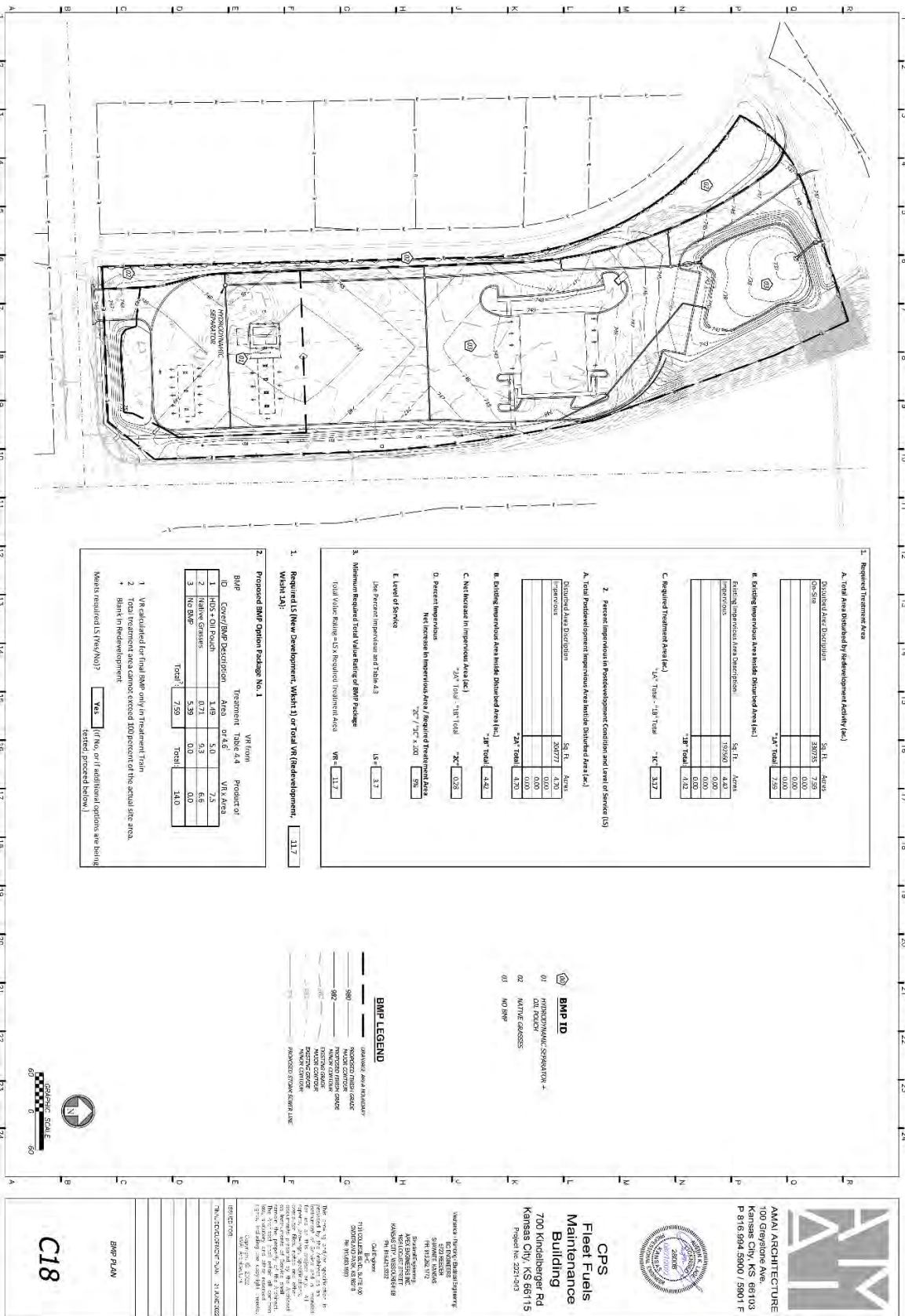
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STITI
PHOTOCOPYING

EO1

The site plan illustrates the proposed maintenance building and its surrounding drainage areas. The building is labeled 'PROPOSED BUILDING FEE=749.50'. The plan includes property lines, easements, and topographic contours. A north arrow and a graphic scale (0 to 80 feet) are provided. A table on the right summarizes the drainage areas and their characteristics.

DRAINAGE AREAS	AREA	PERVIOUS	IMPERVIOUS	CN-Value	C-VALUE
DA 1	79,705 SF (1.83 ac)	52,693 SF (1.21 ac)	27,011 SF (0.62 ac)	86	0.50
DA 2	10,662 SF (0.24 ac)	000 SF (0.00 ac)	10,662 SF (0.24 ac)	98	0.90
DA 3	15,857 SF (0.36 ac)	4,611 SF (0.11 ac)	11,245 SF (0.26 ac)	93	0.73
DA 4	18,904 SF (0.43 ac)	1,781 SF (0.04 ac)	17,123 SF (0.39 ac)	96	0.84
DA 5	37,686 SF (0.87 ac)	000 SF (0.00 ac)	37,686 SF (0.87 ac)	98	0.90
DA 6	42,031 SF (0.96 ac)	2,590 SF (0.06 ac)	39,441 SF (0.91 ac)	97	0.86
DA 7	34,063 SF (0.78 ac)	2,611 SF (0.06 ac)	31,452 SF (0.72 ac)	97	0.85
DA 8	30,891 SF (0.71 ac)	5,019 SF (0.12 ac)	25,871 SF (0.59 ac)	95	0.80
DA 9	16,756 SF (0.38 ac)	16,756 SF (0.38 ac)	000 SF (0.00 ac)	80	0.30
DA 10	44,180 SF (1.01 ac)	39,715 SF (0.91 ac)	4,465 SF (0.10 ac)	82	0.36
Total	330,735 SF (7.59 ac)	125,776 SF (2.89 ac)	204,958 SF (4.71 ac)	91	0.67



DRAFT QUITCLAIM DEED FOR PARCELS #892221, #892222, AND #892223

Wyandotte County Tr. 1 CSA 69-105 KA-2838-02 9/8/22 Job No. 3565 RID No. 2477 Page 1 of 5
No Sales Validation Required KSA 79-1437e(a)(13)

QUITCLAIM DEED

THIS DEED, Made September 8, 2022, by and between The State of Kansas, acting by and through Julie L. Lorenz, as Secretary of Transportation of the State of Kansas, of the first part, and JG Standard, LLC of Jackson County, in the State of Missouri of the second part:

WITNESSETH, That said party of the first part, in consideration of the sum of one dollar and other valuable consideration to it duly paid, has sold, and by these presents does Remise, Release and Quitclaim unto the said parties of the second part, their heirs and assigns, forever, all that tract of land situated in the Northeast Quarter of Section 28, Township 10 South, Range 25 East of the 6th P.M., in the County of Wyandotte and the State of Kansas described as follows, to-wit:

See Survey dated July 18, 2022, on page 2

See Legal Description written by Steven Shafer recited on page 3

RESTRICTIVE COVENANT: The party of the second part, for their heirs and assigns, do hereby covenant and agree, said covenant to run with the land, that the land conveyed herein shall not be used for billboards or other off-premise commercial advertising purposes, which does not include on premise advertising signs for businesses operated on the described land.

Wyandotte County Tr. 1 CSA 69-105 KA-2838-02 9/8/22 Job No. 3565 RID No. 2477 Page 2 of 5
The above described land is subject to easement for the right of ingress and egress, reconstruction, and maintenance of all existing utilities and appurtenances thereto, together with the appurtenance and all the estate, title and interest of said party of the first part therein.

EXHIBIT
PART OF THE NORTHEAST QUARTER
SEC. 28, T10S, R25E
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
DESCRIPTION (SEE SHEET 1 FOR AN EXHIBIT)

A tract of land in the Northeast Quarter of Section 28, Township 10 South, Range 25 East of the 6th/ Principal Meridian, in Kansas City, Wyandotte County, Kansas, said tract being that part of the current Kansas Department of Transportation Right of Way Easement described as Tract 1A in Document Number 2015R-01016 and a part of Ramp 2 as acquired in a document recorded in Book 1567 at Page 468 and excepted from the document recorded as 2015R-01016. Said tract being more particularly described by Steven C. Shafer, PS 852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the East line of the Northeast Quarter of Section 28 having a bearing of North 1° 22' 48" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

(Note: Referenced Document 2015R-01016 describes the East line of the Northeast Quarter of Section 28 referenced to Missouri State Plane Coordinate System, West Zone, NAD 83 as North 0° 49' 57" East. The rotational difference between the two state plane coordinate systems is 2° 12' 45" at the Southeast corner of the Northeast Quarter of said Section 28.)

Commencing at the Southeast corner of the Northeast Quarter of said Section 28, monumented by an existing 3/4 inch reinforcing rod; Thence North 1° 22' 48" West (North 0° 49' 57" East by deed) 462.56 feet, on the East line of said Northeast Quarter of Section 28; Thence South 88° 37' 12" West (North 89° 10' 03" West deed) 44.59 feet, to a point on the existing West right of way line of 7th/ Street Trafficway and the Point of Beginning of the tract herein described;

Thence North 34° 16' 54" West (North 32° 04' 09" West by deed) 406.00 feet, to a point 215.00 feet left of base line station 108+50.00;

Thence South 77° 06' 28" West (South 79° 19' 13" West by deed) 101.19 feet, to a point 316.19 feet left of base line station 108+50.00, and the beginning of a non-tangent curve concave to the Southwest;

Thence Northerly and Northwesterly 310.96 feet on said non-tangent curve to the left, having a radius of 477.15 feet and a chord bearing of North 38° 40' 03" West (North 36° 27' 18" West by deed) 305.49 feet, to a point 433.29 feet left of base line station 111+65.67 and the beginning of a non-tangent curve concave to the Southeast;

Thence Northeasterly 158.38 feet (156.67 feet by deed) on said curve to the right having a radius of 200.79 feet with a chord bearing of North 49° 15' 56" East 154.30 feet (North 51° 13' 57" East 152.73 feet by deed);

Thence North 71° 51' 43" East 211.00 feet (North 74° 04' 28" East 212.70 feet by deed), to a point 79.79 feet left of base line station 112+24.69;

Thence South 24° 56' 12" East (South 22° 43' 27" by deed) 125.72 feet, to a point 65.00 feet left of base line station 110+99.85;

Thence South 19° 51' 57" East 294.75 feet (South 17° 39' 12" East 294.80 feet by deed), to a point 40.00 feet left of base line station 108+00.14 and the beginning of a non-tangent curve concave to the West;

Thence Southerly 330.24 feet on said curve to the right having a radius of 2667.04 feet and having a chord bearing of South 8° 17' 27" East 330.03 feet (South 6° 04' 38" East 329.98 feet by deed), to the point of beginning of the tract herein described.

Containing 141,850 square feet or 3.2564 acres, more or less.

Subject to all easements and restrictions of record.



Sheet:	Drawn By: JDS/SS	Project:	Client:	 BHC CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	Project No: 032880	EXHIBIT	COMPLETE	
OF	Field Date: 2/27/2022	PART OF THE NE 1/4,	PROPERTY SOLUTIONS	
2	Issue Date: 7/18/2022	SEC. 28, T10S, R25E,	7700 WEDD STREET	
		KANSAS CITY	OVERLAND PARK, KS 66204	
		WYANDOTTE COUNTY, KANSAS		

Jul 18, 2022 - 10:19am Plotted by: jon.simpson K:\032680.00.01 CPS Fuele 7th and Kinderberger Engineering Design-Plotting\DWG\Survey\032680

Wyandotte County Tr. 1 CSA 69-105 KA-2838-02 9/8/22 Job No. 3565 RID No. 2477 Page 5 of 5

TO HAVE AND TO HOLD ALL and singular the above-described premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

I, Burt Morey, P.E., Deputy Secretary and State Transportation Engineer, pursuant to the authority delegated to me by the Secretary of the Kansas Department of Transportation under K.S.A. 75-5005, hereby certify that I have authority to act on behalf of the Secretary of Transportation when the Secretary is absent or unavailable, and further certify I am signing the foregoing document in accordance with that authority.

Julie L. Lorenz
Secretary of Transportation

BY: _____
Burt Morey, P.E.
Deputy Secretary and
State Transportation Engineer

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, that the undersigned, a Notary Public in and for the County and State aforesaid, came Burt Morey, P.E. Deputy Secretary and State Transportation Engineer for the State of Kansas, who is personally known to me to be the same person who executed the foregoing instrument of writing and such person acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Notary Public

My Commission Expires:

SIDEWALK AND TRAIL MASTER PLAN APPENDICES FOR 700 KINDELBERGER ROAD



SIDEWALK AND TRAIL MASTER PLAN APPENDICES FOR 700 KINDELBERGER ROAD,
CONT.



SIDEWALK AND TRAIL MASTER PLAN APPENDICES FOR 700 KINDELBERGER ROAD,
CONT.



GoDOTTE WYANDOTTE COUNTY STRATEGIC MOBILITY PLAN FOR 700 KINDELBERGER ROAD

CHAPTER 4 RECOMMENDATIONS



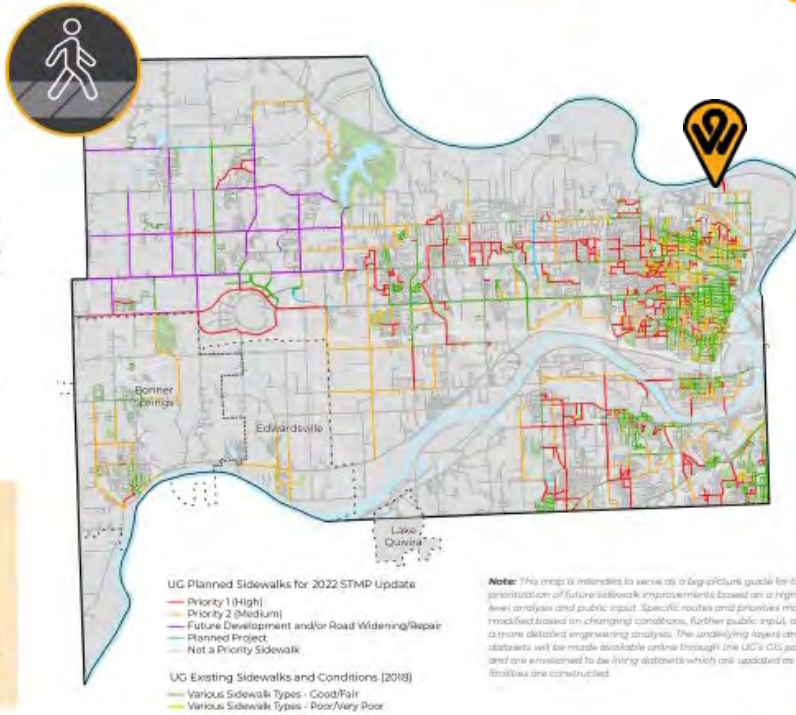
Sidewalks

The Future Sidewalk Network map on the right shows all locations where there is not currently a sidewalk in the County and whether or not a sidewalk at those locations is a priority. Consistent with the 2012 STMP, this plan is not recommending sidewalks everywhere in the County; however, that is not to say that sidewalks should not be constructed or repaired within segments not identified in this plan. Rather, the prioritized sidewalk network is intended to address basic pedestrian needs including, but not limited to, connecting neighborhoods to schools, parks, transit lines, and other important local destinations. This map is intended to serve as a big-picture guide for the prioritization of future sidewalk improvements. Specific routes and priorities may be modified based on changing conditions, further public input, and a more detailed engineering analysis.

The Future Sidewalk Network map to the right also shows locations of existing sidewalks in the County, along with conditions data from a 2018 assessment conducted by UC Public Works. Moving forward, the UC should seek to conduct recurring sidewalk conditions assessments and maintain and update an existing sidewalk conditions dataset accordingly. Ideally, this dataset would be integrated with the dataset showing unbuilt and planned sidewalks to create a single, living layer that includes prioritization for unbuilt sidewalks as well as prioritization for maintenance/reconstruction of existing sidewalks.

FISCAL CONSIDERATIONS

In Wyandotte County, sidewalk maintenance is a property owner's financial responsibility. Currently, there is no dedicated funding for sidewalks outside of the Sidewalk Incentive Program Policy, in which property owners can apply for reimbursement of approximately 50% of the average cost for sidewalk and/or curb removal/replacement. Even if there were a dedicated funding source for sidewalks, it would be cost prohibitive and unnecessary to build sidewalks in every portion of the County.



WYANDOTTE COUNTY Strategic Mobility Plan



GoDOTTE WYANDOTTE COUNTY STRATEGIC MOBILITY PLAN FOR 700 KINDELBERGER ROAD, CONT.

CHAPTER 4 RECOMMENDATIONS



Trails and Greenways

The Future Trails Network map shown to the right is intended to serve as a long-term guide for county-wide trails which includes the following different types of facilities:

- **Regional trails**, which provide cross-county connections and linkages to regional trails outside of the County. These trails are recommended to be at least 10 feet wide.
- **Local trails**, which provide connections to neighborhood and local destinations. These trails are envisioned to mainly be adjacent to existing roads in developed areas with limited right-of-way. Like regional trails, these are recommended to be at least 10 feet wide although 8 feet may be accepted in limited right-of-way sections. A green-space buffer is preferred between the roadway and trail, or, at a minimum, a physical barrier or railing.
- **Greenway trails**, which generally follow streams and provide a unique setting for trails and immersing the user in nature. These provide a departure from the network of streets and offer a more natural recreational setting. Greenway trails also provide the opportunity to align investments in stormwater management infrastructure with investments in transportation and mobility.

The Future Trails Network map also notes the locations of the priority sidewalks identified in the Future Sidewalk Network map, as together these represent the prioritized and desired network of off-street pedestrian and bicycle accommodations in the County.

FISCAL CONSIDERATIONS

It should be noted that the majority of trails will be built over time as development and re-development occurs, and ideally with a cost share by private development. However, there will be important trail connections that will not be financed by private development – notably trails on bridges, levees, and old rail corridors.



NORTHEAST AREA MASTER PLAN: FAIRFAX DISTRICT MASTER PLAN EXCERPT

Stabilization, Occupation, and Revitalization Initiative (SOAR)

Launched in 2016, SOAR is a 5-year plan to confront some of the most pervasive challenges in the Northeast Area, and the City as a whole. SOAR aims to address issues including vacant and abandoned homes, property maintenance, poorly maintained streets and parks, a lack of trails and sidewalks, and graffiti while improving governmental communication. Through the 4th quarter of 2017, SOAR has led to 3,482 individual property improvements, including the transfer of 143 properties from the Land Bank to private sale, the demolition of 78 structures due to safety issues and the transformation of 1,536 vacant properties with new construction or improved lots. The SOAR Initiative works hand-in-hand with many of the NEAMP's priority projects, including Vacant Building Reuse and the Home Repair Program.

Fairfax District Master Plan

The Planning Team is fully committed to helping to integrate and implement the Fairfax District Master Plan. The Fairfax Plan, developed concurrently with the NEAMP, recognizes the need to update the District in order to improve overall appearance, function and identity to strengthen the local business environment. The Fairfax Industrial District, founded in 1922, currently houses over 120 businesses, employs over 8,500 people and generates over \$5.4 billion in annual sales. World famous brands including Kellogg's, CertainTeed, Owen Corning and Fairfax General Motors Stamping & Assembly plant are all located within the District. The Fairfax District Master Plan comprehensively addresses Infrastructure, Police & Fire Protection, Amenities, Zoning, Property Taxes and Workforce Connection. A summary of strategies are listed below:

- **Infrastructure:** Add and improve curbs and sidewalks to enhance the look of the district, create better storm drainage and add a more attractive place for employees to safely get out and walk on their breaks. Improve landscaping on street medians to help beautify the District. Install entrance signage marking the main entrance points to the District. Incorporate

lighting improvements to improve safety during the evenings and help make businesses more visible. Encourage businesses to replace old fencing with wrought iron fencing in key areas, new Black colored chain fencing in others and eliminate use of razor wire. Further evaluate drainage and sewer systems to prevent flooding problems. Repair railroad crossings to improve overall safety.

- **Police & Fire Protection:** Dedicate an on-going full-time police officer to the Fairfax District. Preserve and maintain the Fire Station currently located in Fairfax, which is critical to many businesses with special fire protection needs such as pipelines and storage tanks.
- **Amenities:** Encourage the development of restaurants, mini-marts and gas stations to support workers, especially on their lunch breaks. Evaluate food trucks as a short-term improvement. Support hike and bike trail from downtown KCK to US 69 Bridge and from Kaw Point Connector down to Kinderberger Road and then Kinderberger Road to US69. Develop a B25 Bomber/Landing Craft Tank Memorials or Museum. Continue to improve Kaw Point Park.
- **Zoning:** The Fairfax District is an industrial manufacturing park and most all of it is zoned as M3 (heavy industrial). There is heavy rail, truck traffic and manufacturing which does not mix with residential use. Fairfax District should be zoned for commercial and industrial use only. Any type of residential use should not be permitted.
- **Property Taxes:** Support the mill levy being at a level that is competitive with other industrial parks and counties in surrounding areas. Support legislation be written in a way to protect property owners from incurring a valuation increase in no more than 15% in a given year.
- **Workforce Connection:** Establish a Workforce Connection Committee. This committee would be formed of various workforce organization leaders and Fairfax businesses. The purpose would be to connect job seekers with job openings in the Fairfax District. Part of this could include establishing training programs specific to Fairfax business needs.

Community Housing Development Organizations

Additional Community Housing Development Organizations (CHDOs) focusing solely on the Northeast Area would be able to implement NEAMP housing recommendations. A CHDO is a private nonprofit organization with a focus in the provision of quality housing that is affordable to low- and moderate-income individuals. A CHDO must maintain accountability to the community and have a demonstrated capacity for carrying out planned activities. Organizations such as the Northeast Economic Development Corporation (NEDC) have expressed interest in becoming such a designated CHDO.

Economic Development Tools

A variety of economic development mechanisms can be used to implement NEAMP recommendations. Incentives may include a tax abatement, tax moratorium, sales tax "free zone" to encourage investment in the Northeast Area. Applied strategically, the public benefit of their use should outweigh their cost in public dollars.

Economic Development Exemption (EDX)

Article 11, Sect. 13 of the Kansas Constitution allows the counties of Kansas to grant exemptions of ad valorem taxes (property taxes) for business with a lifetime of up to (10) years. There are certain qualifications these businesses must meet. The property (real or personal) must be used exclusively for manufacturing articles of commerce, conducting research or development, or storing goods which are sold or traded in interstate commerce.

Investment Revenue Bonds (IRBs)

Investment Revenue Bonds (IRBs) are used in Kansas to finance acquisition and construction of a broad variety of industrial, commercial and industrial properties under K.S.A. 12-1740 et seq on behalf of private businesses or non-profit agencies. IRB's require a governmental entity (the Unified Government) to act as the "Issuer" of the bonds, who will hold an ownership interest in the property for as long as the IRBs are outstanding. The businesses gain several benefits with the use of IRB's including the possibility of tax exemption.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED AUGUST 16, 2022



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

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

August 16, 2022

RE: PLAT2022-028 Wil Anderson with BHC for one industrial lot at 700 Kindelberger Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: PLAT2022-028 Wil Anderson with BHC for one industrial lot at 700 Kindelberger Road.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Soil Features

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

- There is one major soil type identified: Haynie silt loam, occasionally flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- There should not be any major concerns with soil erosion on this project if measures are taken to protect the site.
- Silt fence and other erosion control measures can be used.
- Limit the amount of disturbed area. Wind erosion can be a concern, especially with proximity to bridge and heavily traveled roadways.
- The Best Management Practices in this report can be used to solve any erosion concerns for this site.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.

The following Best Management Practices are recommended for this plat:

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

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

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

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

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

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

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

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

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

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

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16,
2022, CONT.

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

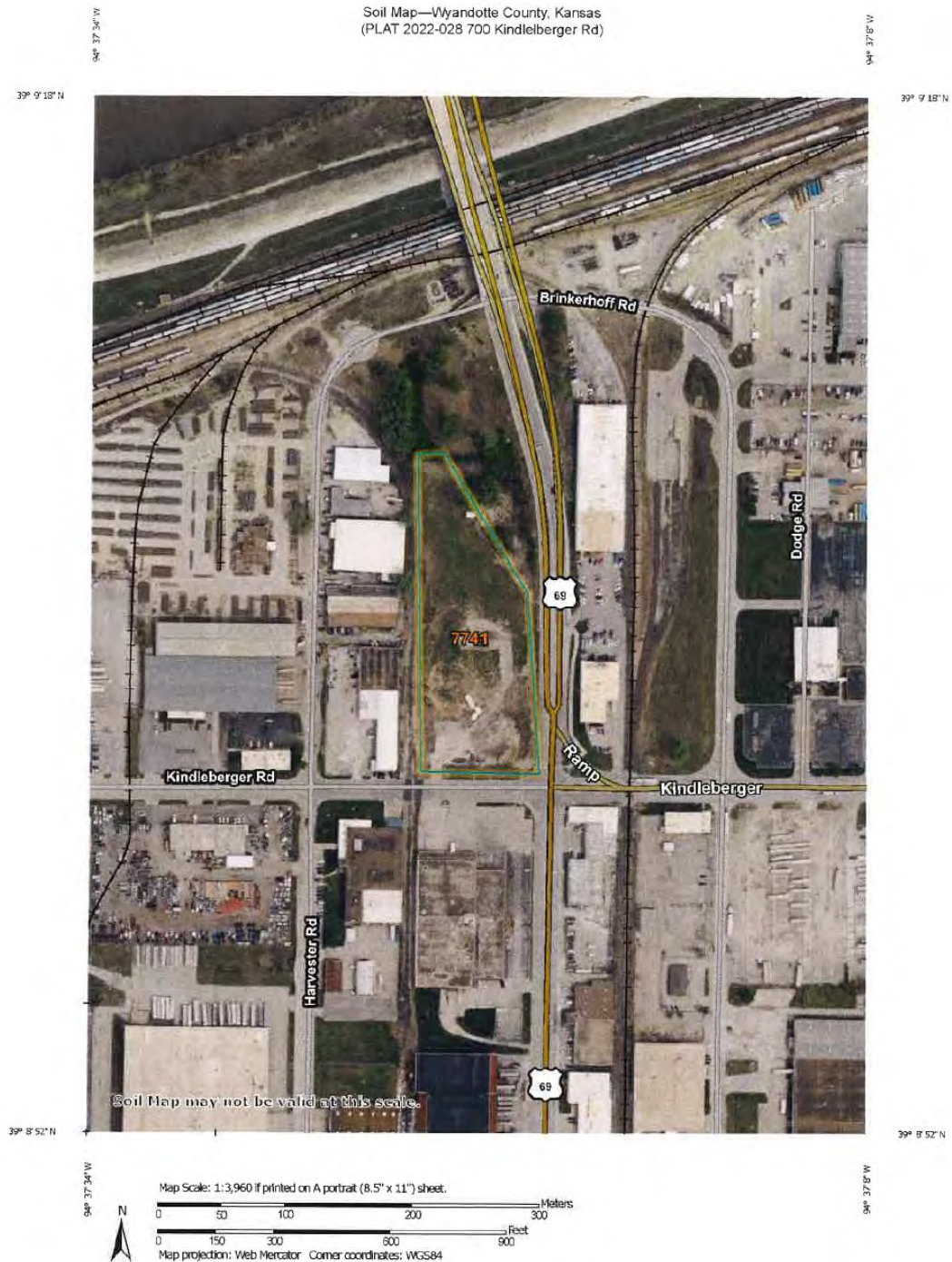
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7741	Haynie silt loam, occasionally flooded	4.6	100.0%
Totals for Area of Interest		4.6	100.0%

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7741—Haynie silt loam, occasionally flooded

Component: Haynie (90%)

The Haynie component makes up 90 percent of the map unit. Slopes are 0 to 1 percent. This component is on flood plains on river valleys. The parent material consists of coarse-silty alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very high. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the F107BY016MO Loamy Floodplain Forest ecological site. Nonirrigated land capability classification is 2w. Irrigated land capability classification is 2w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 18 percent.

Component: Sarpy (5%)

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

Component: Eudora (5%)

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

Data Source Information

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

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Report—Dwellings and Small Commercial Buildings

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Dwellings and Small Commercial Buildings—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7741—Haynie silt loam, occasionally flooded							
Haynie	90	Very limited		Very limited		Very limited	
		Flooding	1.00	Flooding	1.00	Flooding	1.00

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7741—Haynie silt loam, occasionally flooded									
Haynie		—	—		0	—	High	Low	Low

STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022



Above: View of the existing driveway apron to the subject property, along Kindelberger Road.

Right: View from the subject property of North 7th Street Traffic, facing east.

Below: View from the subject property of Kindelberger Road, facing south.



STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022, CONT.



Above: Views of the north portion of the subject property, facing the Highway US-69 Bridge crossing the Missouri River.

Lower Left: View of the subject property, facing north.

Lower Right: View of the subject property, facing south.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Special Use Petition SP2022-080

GENERAL INFORMATION

Applicant:

Michael Wiber DBA Croatian Fraternal Union
Lodge #35, 5th Street Event Center

Status of Applicant:

Lodge Manager, St. Joseph Lodge 35
404 North 5th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

July 21, 2022

Purpose:

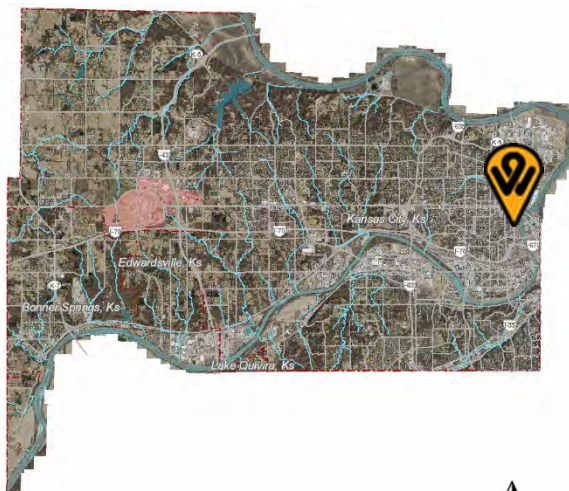
Approval of a Special Use Permit for live entertainment with drinking at an assembly hall.

Property Location:

404 North 5th Street
Kansas City, Kansas 66101

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner: Brian McKiernan



Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: C-3 Commercial District and R-1(B) Single Family Districts South: C-3 Commercial District East: C-3 Commercial District and R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Bar with Deli, T-Shirt Screening Company, and Employment Agency South: Cuban Restaurant East: Single Family Residences and Neighborhood Drinking Establishment West: Single Family Residences
Total Tract Size:	0.16 Acre
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density. Urban Density uses include single family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan designates this portion of North 5th Street as a Class B Thoroughfare
Advertisement:	<u>The Wyandotte Echo</u> – August 18, 2022 Letters to Property Owner – August 19, 2022
Public Hearings:	September 12, 2022 and September 29, 2022
Public Support:	None to date.
Public Opposition:	Two (2) neighbors called in with concerns about unmonitored parties with high levels of trash, debris, late-night noise, and underage drinking.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Wiber DBA Croatian Fraternal Union Lodge #35, has applied for a new Special Use Permit for live entertainment with alcohol service at 404 North 5th Street. The subject property is an event hall with administrative offices and a retail tenant. The building has a total of 4,534 square feet of building space on the ground level with 3,095 feet of space being dedicated to the event hall exclusively for the Lodge. There is a basement event hall

with prep kitchen adding an additional 2438 of square footage in the basement for leasing to third parties. The building is informally known as the 5th Street Event Center and has been used as a fraternal lodge since its construction in 1914.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has a few disturbance complaints:
 - a. 2020: 2020-00032034 – Business Check
 - b. 2019: 2019-00116213 – Noise Complaint
 - c. 2019: 2019-00020976 – Abandoned Vehicle
 - d. 2018: 2018-00016879 – Suspicious Crowd
 - e. 2016: 2016-00087260 – 911 Investigation
 - f. 2016: 2016-00010474 – Hold-Up Alarm

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has received one code enforcement complaint:
 - a. 2019: 19200-00829 – Security Door Needs Painted
 - b. 2017: 17200-00585 – Needed New Address Numbers, Wood Rot
 - c. 2007: 07220-00973 - Graffiti

Outstanding or Related Permits and Cases:

1. The subject property has two (2) prior building permits:
 - a. 2021: SRE21-0290 – Safe to Restore Electric
 - b. 2018: OCC21-0065 – Business Occupancy

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Buildings along this segment of 5th street typically are composed of brick masonry or natural stone. The neighborhood lacks sufficient parking but is generally walkable with transit access. Additional angled parking is included across the street on North 5th Street.

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

The zoning and uses of properties nearby are set out above. The surrounding properties vary in usage from neighborhood drinking establishments, restaurants, t-shirt screen printing shop, mixed-use flats, single-family and multi-family residences, and a park. The mixed-use nature of these nearby properties indicates the proposed use of an assembly hall with live entertainment and alcohol service is compatible.

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

The property is suitable for live entertainment because it is an urban, mixed-use area in which live event establishments are popular. There is the possibility for increased parking demand with the use of the event hall for live entertainment, although the neighborhood generally favors walkability over a high traffic presence. Noise is also a factor but can be mitigated if managed properly.

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

The property is not vacant. The building has been used by the organization since the building's construction in 1914.

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

Special Use Permits are not addressed in the Central Area Master Plan. The Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The use of a not for profit's gathering hall is legally non-conforming, however, the proposed use for the basement's leasing as a gathering hall to unrelated third parties has a low degree of conformance to the plan's designation.

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

The current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are some on-street parking spaces although it is considered insufficient. Live entertainment at this property should not be considered an aggregate factor for insufficient parking more so than the parking would be for any other related use or establishment that would be permissible, however when combining live entertainment and regular uses on the ground level with additional live entertainment and gathering uses in the basement hall, there is the propensity to increase traffic beyond the expected capacity. The applicant should clarify if the events will be held on both the ground level and the basement level at the same time and if they have any plans for traffic mitigation

with large events. This proximity to residences and its walkability, as it is on the end of a street block with ample sidewalk and pedestrian connectivity. Additional angled parking is available across the street on 5th street.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, although it could be seen as desirable to have as a neighborhood feature. It is not concluded that the presence of live entertainment at this space will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if managed properly.

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

There is a potential for noise, vibration, and illumination to be a problem at this location, as it is a drinking establishment adjacent to a residential neighborhood but should be minimal if managed appropriately and conditions of approval are strictly adhered to.

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, pollution or trash from patrons should be minimal and temporary.

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

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

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

The presence of live entertainment at a drinking establishment in and of itself would not be considered to have relative gains to the public health, safety, and welfare. The public would benefit from having another establishment in the neighborhood for socializing and gathering, as many performers there are local musicians. Denying the Special Use Permit may cause hardship for the property owner as they would have a loss of a popular feature at this location.

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

The proposed use would not result in overcrowding as the drinking establishment operates within an existing building. There is a propensity for live entertainment to cause crowds, however, a certificate of occupancy would provide a limit on undue concentrations of populations. A re-inspection from the Fire Department will be required prior to occupancy to adjust population numbers relative to newer standards in safety.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on August 25, 2022, at 5 pm. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Illumination
Noise Concerns
Trash
Security
Occupancy Levels
Egress
Illumination
Parking
Safety and Security

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-080 for two (2) years**, subject to:

- 1) 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.**
- 2) If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.**

- 3) Renters of the facility must be made aware of trash policies in advance of rental. Trash receptacles must be made available for tenants to properly clean up the property. Building management shall be responsible for any trash not picked up by tenants.
- 4) The property's clean up shall include the sidewalks, walkways, and fence lines of the property.
- 5) The occupancy levels for the establishment shall be re-evaluated by the fire department upon full inspection. No events shall be held until the facility has met the guidelines of the Fire Department.
- 6) The hours of operation for this establishment's lower hall are limited to Friday and Saturday until 1:00 AM and Sunday 7 P.M. The additional hour past entertainment hours is to allow for cleanup of the facility and public grounds only.
- 7) Entertainment hours are limited to Friday and Saturday evenings, 6 pm to 12 am, Sundays 10 a.m. to 6 p.m.
- 8) All entertainment must cease by at least 12:00 AM on Friday and Saturday and 6 pm on Sundays.
- 9) Doors and windows must stay closed during any entertainment performance.
- 10) Must comply with the Unified Government Security Ordinance, Section Sec 4-104f.
- 11) All other applicable noise ordinance standards must be followed per Section 22-128.
- 12) Additional security measures include:
 - a) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity per Section 4-104f;
 - 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) No amplified speakers or entertainment is allowed in outdoor spaces.
- 14) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 15) The Special Use Permit shall be valid for 2 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-080** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Staff Layout Sketch of Building
Staff Site Visit Photos Dated August 4, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use	September 12, 2022	September 29, 2022
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-080** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-080**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 4:05:30:

SPECIAL USE PERMIT APPLICATION SP2022-080 – MICHAEL WIBER -

SYNOPSIS: Special Use Permit to operate an event space with live entertainment at 404 North 5th Street.

Detailed Outline of Requested Action: The applicant, Michael Wiber DBA Croatian Fraternal Union Lodge #35, has applied for a new Special Use Permit for live entertainment with alcohol service at 404 North 5th Street. The subject property is an event hall with administrative offices and a retail tenant. The building has a total of 4,534 square feet of building space on the ground level with 3,095 feet of space being dedicated to the event hall exclusively for the Lodge. There is a basement event hall with prep kitchen adding an additional 2438 of square footage in the basement for leasing to third parties. The building is informally known as the 5th Street Event Center and has been used as a fraternal lodge since its construction in 1914.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Michael Wiber, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:07:55: Planning Director Hand stated that the request is for a Special Use Permit for an event space with live entertainment for third-party events. A Special Use Permit is not required for members of the organization for their events as they have been there since 1914. He stated that the property is in the Central Area Master Plan and in the Strawberry Hill neighborhood. Staff has received no letters in support and two (2) letters in opposition. He further stated that there are some Notices of Violation and police reports as it relates to the use and Staff believes this permit will alleviate those violations if all conditions of approval are met and managed properly. The hours of operation are Friday, Saturday and Sunday. The entertainment on Friday and Saturday will end at 12:00 Midnight with everyone out of the building by 1:00 a.m. On Sunday the entertainment will end at 6:00 p.m. with everyone out of the building by 7:00 p.m. The Applicant has stated that the renter is in charge of removing the trash and Staff has added that the Applicant must ensure this cleaning is completed as a condition of approval. The Fire Department has requested that the applicant provide an updated occupancy number as the current number was set in 1914. Staff is asking for an update of that occupancy via a building permit/occupancy review. Staff recommends approval subject to the conditions in the staff report for two (2) years.

Motion starts at 4:10:00:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-080 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

- 1) 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.**
- 2) If approved, the applicant or any occupying businesses must file and**

- maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.
- 3) Renters of the facility must be made aware of trash policies in advance of rental. Trash receptacles must be made available for tenants to properly clean up the property. Building management shall be responsible for any trash not picked up by tenants.
 - 4) The property's clean up shall include the sidewalks, walkways, and fence lines of the property.
 - 5) The occupancy levels for the establishment shall be re-evaluated by the fire department upon full inspection. No events shall be held until the facility has met the guidelines of the Fire Department.
 - 6) The hours of operation for this establishment's lower hall are limited to Friday and Saturday until 1:00 AM and Sunday 7 P.M. The additional hour past entertainment hours is to allow for cleanup of the facility and public grounds only.
 - 7) Entertainment hours are limited to Friday and Saturday evenings, 6 pm to 12 am, Sundays 10 a.m. to 6 p.m.
 - 8) All entertainment must cease by at least 12:00 AM on Friday and Saturday and 6 pm on Sundays.
 - 9) Doors and windows must stay closed during any entertainment performance.
 - 10) Must comply with the Unified Government Security Ordinance, Section Sec 4-104f.
 - 11) All other applicable noise ordinance standards must be followed per Section 22-128.
 - 12) Additional security measures include:
 - a) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity per Section 4-104f;
 - 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) No amplified speakers or entertainment is allowed in outdoor spaces.
 - 14) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
 - 15) The Special Use Permit shall be valid for 2 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a

- new Special Use Permit is approved.
- 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.

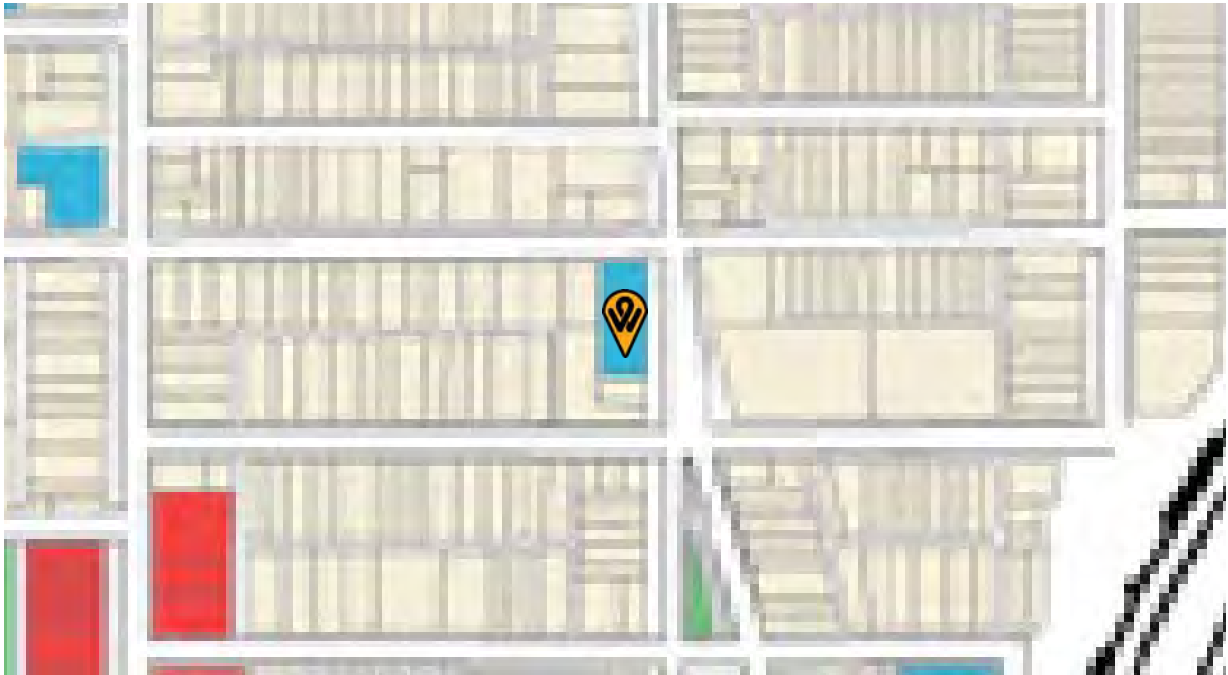
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING INFORMATION

Date: August 26, 2022 ; 5:00 PM
Application: 2022 - 080
Location: 404 N. 5th, KC, KS 64101

In attendance: See sign-in sheet
Joe Hotujac - President Lodge 35
Mike Niber - Vic President " "
Mario Viskovic - Treasurer " "

Minutes : Stephanie Niber

Judy Vogelsang - ^{Consulate} ~~Representative~~ for the Republic of Croatia
KANSAS & Missouri

No attendees.

Meeting adjourned at 5:22 PM.

JV attended as a speaker to give history of Lodge 35.

NEIGHBORHOOD MEETING INFORMATION

The following people contacted me through email about the meeting:

Ronan Collins

Ronan asked for a copy of the rental agreement and a list of ~~the~~ days being rented for the remainder of the year. This information was emailed to him.

Claudia Hamil

Claudia informed me that she couldn't attend the meeting, but wanted to be kept informed about it. I emailed her the meeting results.

Mary Cuff

Mary contacted me and asked me what the meeting was about. I informed her and she said that she was disabled and couldn't attend, but she added that she supports us and the hall. She offered to send a letter of support if we need it.

NEIGHBORHOOD MEETING INFORMATION

August 26, 2022; 5:00 pm
Neighborhood Meeting
404 N 5th Street, Kansas City, KS

Print Name	Signature	Email Address
No attendees		

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS

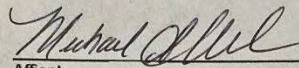
SS:

COUNTY OF WYANDOTTE

Comes now MICHAEL S. WIBER, of lawful age, sound mind and upon his/her oath states as follows:

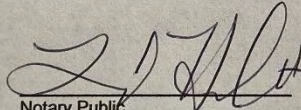
1. That I am the petitioner for Petition #SP2022-080.
2. That I conducted a neighborhood meeting on FRIDAY, AUGUST 26, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

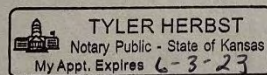
Further affiant saith not.


Affiant

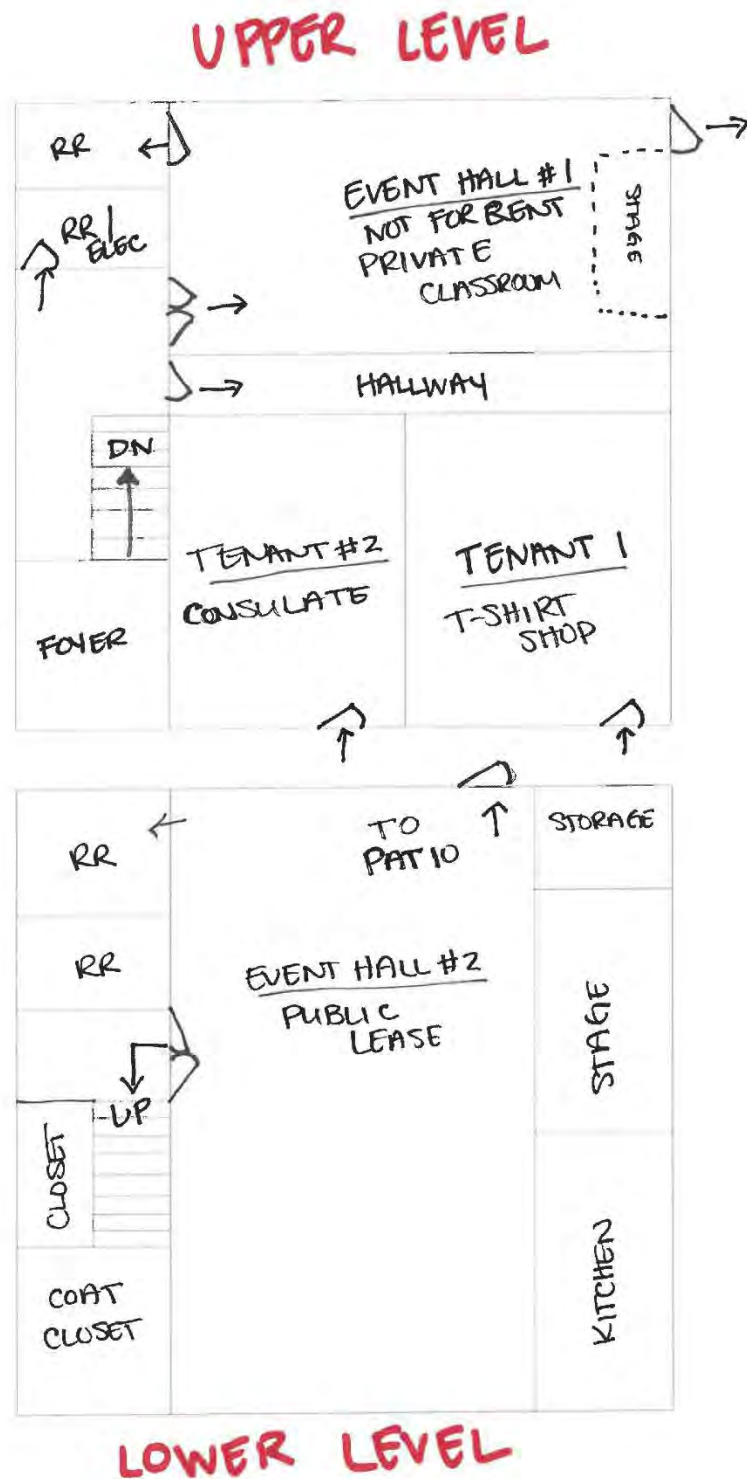
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of August, 20022

My commission expires 23 of June, 20023


Notary Public



STAFF BUILDING LAYOUT SKETCH



STAFF SITE VISIT PHOTOS DATED AUGUST 4, 2022



STAFF SITE VISIT PHOTOS DATED AUGUST 4, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Special Use Petition SP2022-082

GENERAL INFORMATION

Applicant:

Denise Tomasic DBA Purple Properties, LLC

Status of Applicant:

Property Owner
417 North 6th Street
Kansas City, KS 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

July 21, 2022

Purpose:

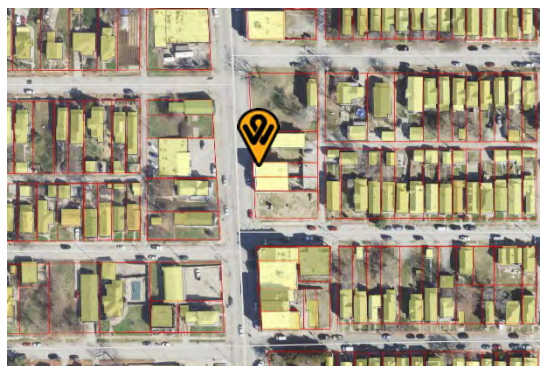
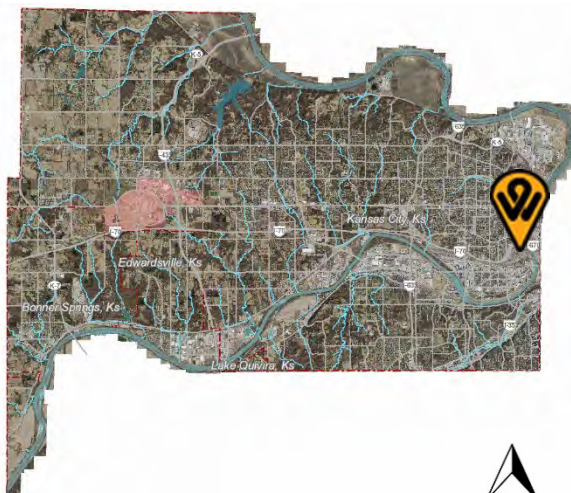
To operate a duplex as a short-term rental.
This is not the owner's primary residence.

Property Location:

419 North 6th Street
Kansas City, Kansas 66101

Commission Districts:

Commissioner At-Large District #2:
Tom Burroughs
District #2 Commissioner: Brian McKiernan



Existing Zoning:	TND Traditional Neighborhood Design	
Adjacent Zoning:	North:	TND Traditional Neighborhood Design District
	South:	TND Traditional Neighborhood Design District
	East:	R-1(B) Single Family District
	West:	TND Traditional Neighborhood Design District
Adjacent Uses:	North:	Vacant Row Store
	South:	Law Office and VFW Memorial
	East:	Single Family Residences
	West:	Sausage Retailer, Rug Cleaner, and Single Family Residences
Total Tract Size:	0.07 Acre	
Master Plan Area:	Central Area Master Plan	
Master Plan Designation:	The Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.	
Major Street Plan:	The Major Street Plan designates North 6 th Street as a Local Street.	
Parking Required:	Section 27-471(n)(3)a states that one (1) off-street parking spaces shall be provided per each dwelling unit. The subject property has two (2) dwelling units and four (4) parking spaces in the rear of the property, meeting this requirement.	
Advertisement:	<u>The Wyandotte Echo</u> – August 18, 2022 Letters to Property Owner – August 19, 2022	
Public Hearings:	September 12, 2022 and September 29, 2022	
Public Support:	There have been several letters in support from area businesses and families.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Denise Tomasic, is seeking approval to operate a short-term rental at 419 North 6th Street. The subject property is a duplex in the Strawberry Hill neighborhood. The applicant renovated the property from a mixed-use commercial and residential building to a flat-over-flat residential duplex and is in process of completing a Development Review Committee application for an occupancy conversion. The applicant had previously leased the property to a third party who operated both units as a short-term rental without permits, however that tenant is no longer operating the property or the units. The owner is now seeking approval to operate the units as short-term rentals themselves with the assistance of a property management company rather than a tenant.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There was one (1) visit to the property in recent years:
 - a. 2020: 2020-00111203 – Shooting/Dead Body (Suicide)
 - b. 2019: 2019-00032935 – Suspicious Crowd/Activity
 - c. 2016: 2016-00070904 – Check on Welfare
 - d. 2016: 2016-00061928 – Disturbance – Non-Domestic

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has no outstanding Code Inspection Cases. There were some previous complaints that are closed:
 - a. 2012: 12200-03955 – Couch and tires behind building
 - b. 2009: 09220-01754 - Graffiti

Outstanding or Related Permits and Cases:

1. The applicant has no current building permits. The applicant has stated that this property has been renovated to become a duplex, replacing the commercial use on the ground level with a residential occupancy classification, although no record of permitting was found. A DRC permit will be required for a change of occupancy.
2. The subject property has no previous Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Homes in this area are generally a combination of masonry and siding. This area of the neighborhood shows various signs of improvements, including repaved asphalt streets, pedestrian-scale street lighting, and the brick sidewalks are maintained to various degrees. The neighborhood lacks sufficient parking but is generally walkable with transit access. Lots are narrow and homes typically include alleyway garages or parking, elevated steps, porches, and landscaping.

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

The zoning and uses of properties nearby are set out above. The surrounding properties are primarily commercial uses and single-family residences. Continuing use as a rental, either short or long term, is consistent with other nearby properties in close proximity to the abutting mixed-use corridor. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

This property is suitable for use as a two-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The property is not currently vacant. It has been used previously as a short-term rental on both the ground and upper levels without a permit for the previous two (2) years. The current owner has owned the property since 2017 with various rates of occupancy and vacancy, and there is little rental license or business license history.

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

The Central Area Master Plan classifies the subject property as Urban Density. The Urban Density land use designation allows for primarily single-family homes, attached residences including town homes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use conforms to the master plan if a Special Use Permit is issued and the property is properly managed.

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

The current design of the neighborhood does not provide sufficient parking for multiple vehicles. There is a concrete parking pad wide enough to accommodate four (4) vehicles when double stacked and is accessible off the alleyway, which provides adequate parking to guests or tenants. Accessing this parking will not exceed the capacity of the street network as it was designed for typical residential traffic.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There has been one complaint of a suspicious crowd, however, police reports do not indicate if that was a result of tenant activity. Vibration, dust, or illumination are not typically related to the use of a residential property as a short-term rental.

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

The proposed use would not pollute air or land as it is located in an existing structure. If the applicant properly manages the property, trash from guests should be minimal.

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

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

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental

but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use would not result in overcrowding as it operates within an existing structure on the site and no expansion is proposed. The maximum number of guests at one time will be determined by the Change of Occupancy permit. If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in person attendance on August 29, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant

KEY ISSUES

Building Conformance
Affordable Housing
Noise Concerns
Occupancy Conversion/Building Permits
Parking
Traffic
Mixed Use Neighborhood
Overcrowding/Undue Concentrations of Population

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-082 for one (1) year**, subject to:

- 1) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**
- 2) A Change of Occupancy is required.**
- 3) Maximum number of guests shall be six (6) per unit.**
- 4) All parking must be off-street, maximum number of vehicles is four (4) with the vehicles double stacked.**
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**

- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
- 7) Applicant is to maintain liability insurance.
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations.
- 9) The granting of this Special Use Permit does not transfer with a change of ownership of the property.
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) No parties allowed.
 - c) A lead-based paint notification for any property built before 1978.
 - d) An asbestos notification for any property built before 1981.
 - e) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website)
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
- 12) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and

approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-082** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Liability Insurance
Floor Plan
Neighborhood Meeting Information
Staff Site Visit Photos Dated August 4, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use Permit	September 12, 2022	September 29, 2022
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-082** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-082**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 4:11:35:

SPECIAL USE PERMIT APPLICATION SP2022-082 – DENISE TOMASIC WITH PURPLE PROPERTIES - SYNOPSIS: Special Use Permit to operate a short-term rental at 419 North 6th Street.

Detailed Outline of Requested Action: The applicant, Denise Tomasic, is seeking approval to operate a short-term rental at 419 North 6th Street. The subject property is a duplex in the Strawberry Hill neighborhood. The applicant renovated the property from a mixed-use commercial and residential building to a flat-over-flat residential duplex and is in process of completing a Development Review Committee application for an occupancy conversion. The applicant had previously leased the property to a third party who operated both units as a short-term rental without permits, however that tenant is no longer operating the property or the units. The owner is now seeking approval to operate the units as short-term rentals themselves with the assistance of a property management company rather than a tenant.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,

7. The Notices to property owners.

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

Present in Support:

- Denise Tomasic, applicant, owner of 417-419 North 6th Street, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:13:38: Planning Director Hand stated that there are two (2) Short-Term Rentals on the property; one (1) on the first floor and one (1) on the second floor. The property is in the Central Area Master Plan and in the Strawberry Hill neighborhood. Staff has received some letters in support and no letters in opposition. There are some old Notices of Violation, which have been addressed. Staff is conditioning six (6) people and two (2) cars maximum for each unit. There will be two (2) double stacked rows of end to end parking in the back for off-street parking. There is an occupancy conversion permit pending that the Applicant is currently working through. Staff recommends approval subject to the condition in the staff report.

Motion starts at 4:15:00:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-082 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

- 1) **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are**

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

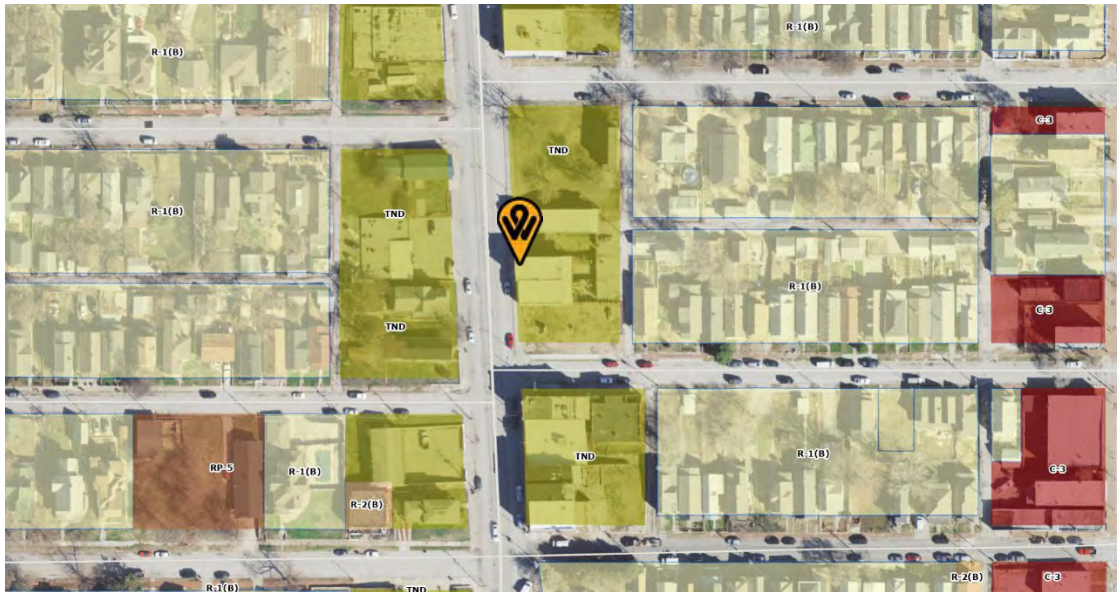
- 2) A Change of Occupancy is required.
- 3) Maximum number of guests shall be six (6) per unit.
- 4) All parking must be off-street, maximum number of vehicles is four (4) with the vehicles double stacked.
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
- 7) Applicant is to maintain liability insurance.
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations.
- 9) The granting of this Special Use Permit does not transfer with a change of ownership of the property.
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) No parties allowed.
 - c) A lead-based paint notification for any property built before 1978.
 - d) An asbestos notification for any property built before 1981.
 - e) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website)
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
- 12) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or

- constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

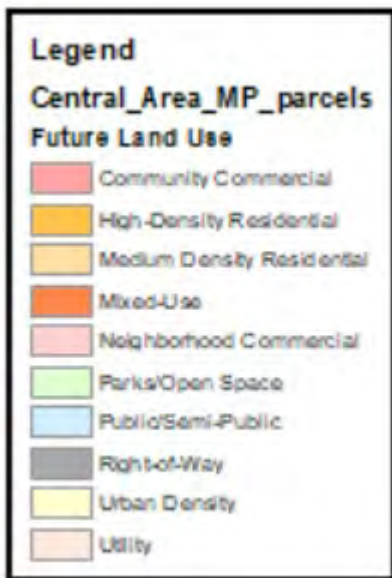
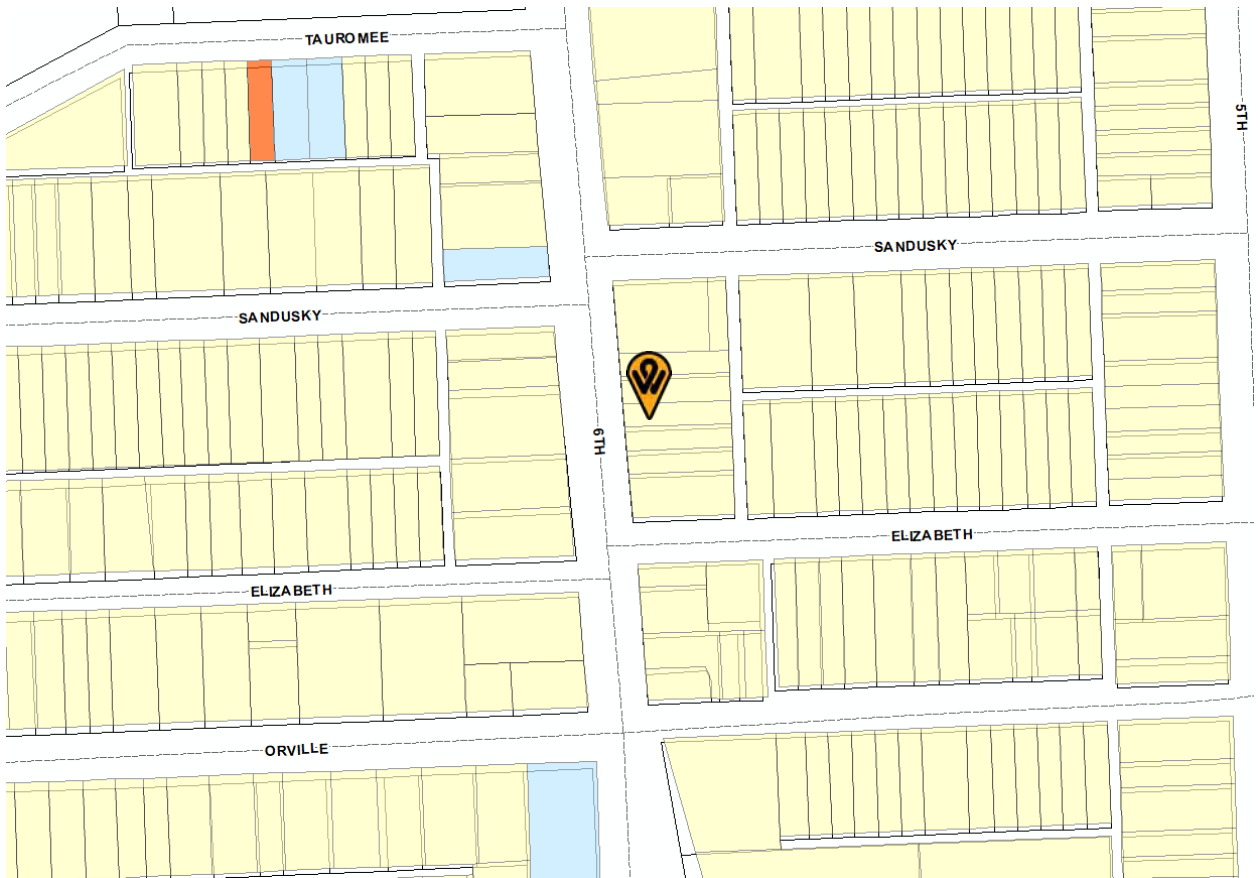
AERIAL MAP



ZONING MAP



LAND USE MAP



LIABILITY INSURANCE



CERTIFICATE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY)
08/30/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

PRODUCER Don Swanson State Farm 7415 Leavenworth Rd Kansas City, KS 66109		CONTACT NAME: Zack Swanson PHONE (A/C No. Ext): 913-334-1702 E-MAIL ADDRESS: zack@swansoninsurancekc.com PRODUCER CUSTOMER ID:		FAX (A/C No.):
INSURED Purple Properties PO Box 171855 Kansas City, KS 66117		INSURER(S) AFFORDING COVERAGE INSURER A: State Farm Fire and Casualty Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:		NAIC # 25143

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

LOCATION OF PREMISES / DESCRIPTION OF PROPERTY (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
419 N 6th St Kansas City, KS 66101

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	COVERED PROPERTY	LIMITS
A	☒ PROPERTY	91CBP6894	09/01/2022	09/01/2023	☒ BUILDING	\$ 490,000
	CAUSES OF LOSS				☒ PERSONAL PROPERTY	\$ 10,000
	DEDUCTIBLES				BUSINESS INCOME	\$
	BASIC BUILDING				EXTRA EXPENSE	\$
	BROAD CONTENTS				RENTAL VALUE	\$
	SPECIAL 2,500				BLANKET BUILDING	\$
	EARTHQUAKE				BLANKET PERS PROP	\$
	WIND				BLANKET BLDG & PP	\$
	FLOOD				☒ Business Liability	\$ 1,000,000
						\$
	INLAND MARINE	TYPE OF POLICY				\$
	CAUSES OF LOSS					\$
	NAMED PERILS	POLICY NUMBER				\$
	CRIME					\$
	TYPE OF POLICY					\$
						\$
	BOILER & MACHINERY / EQUIPMENT BREAKDOWN					\$
						\$
						\$

SPECIAL CONDITIONS / OTHER COVERAGES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Community First Bank 650 Kansas Ave Kansas City, KS 66105	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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ACORD 24 (2016/03)

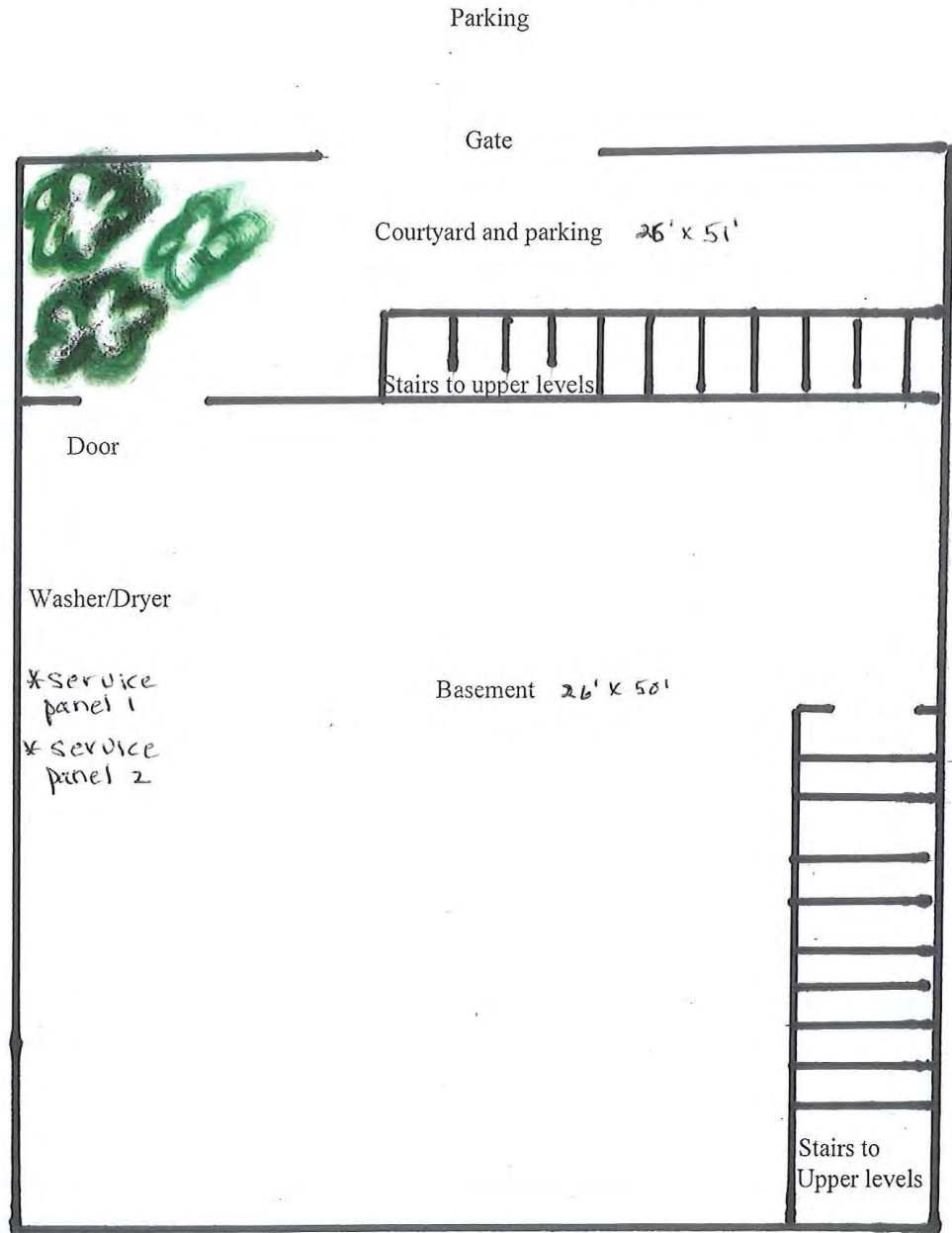
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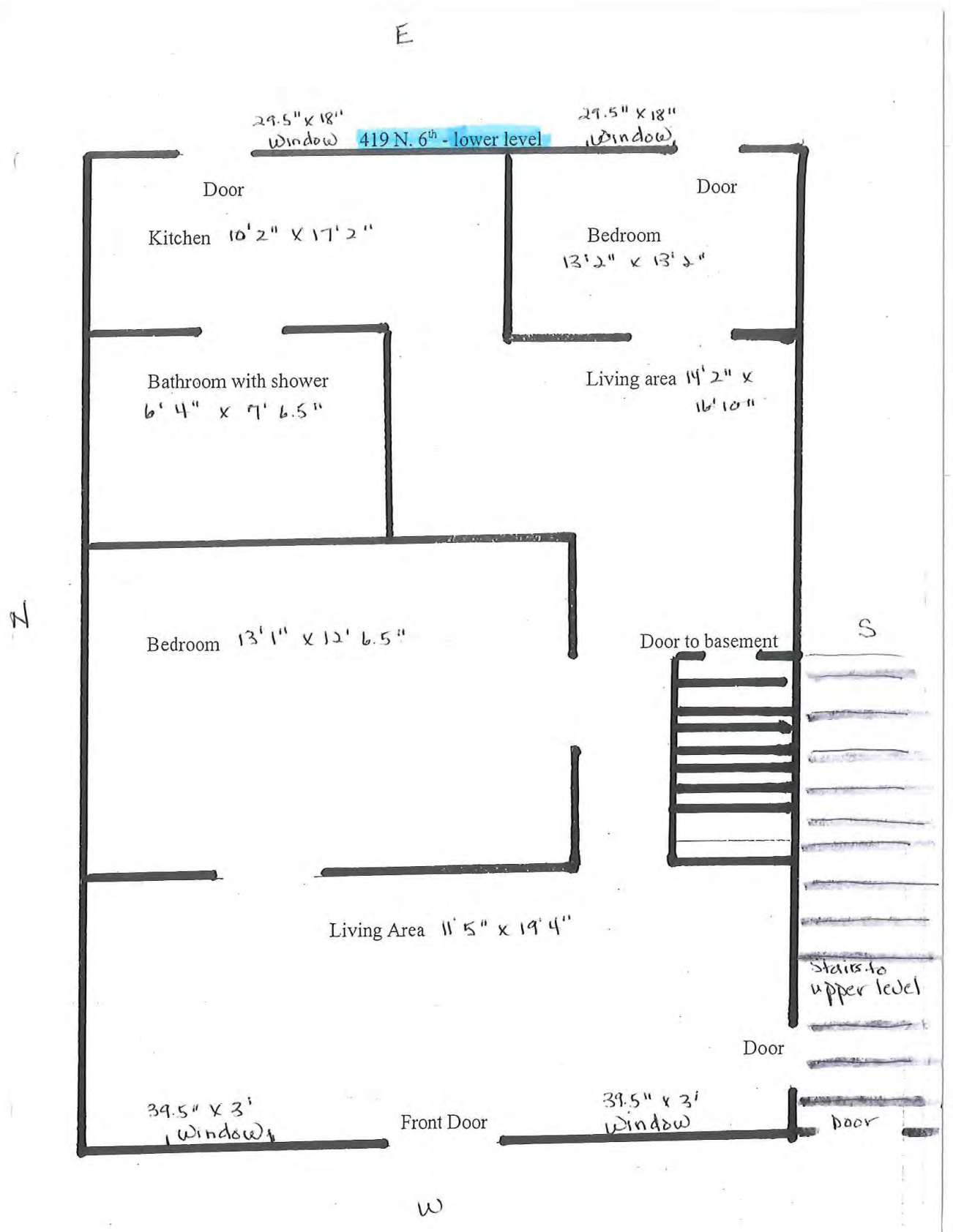
1004380 142986.5 04-24-2020

FLOOR PLAN – BASEMENT/COURTYARD LEVEL

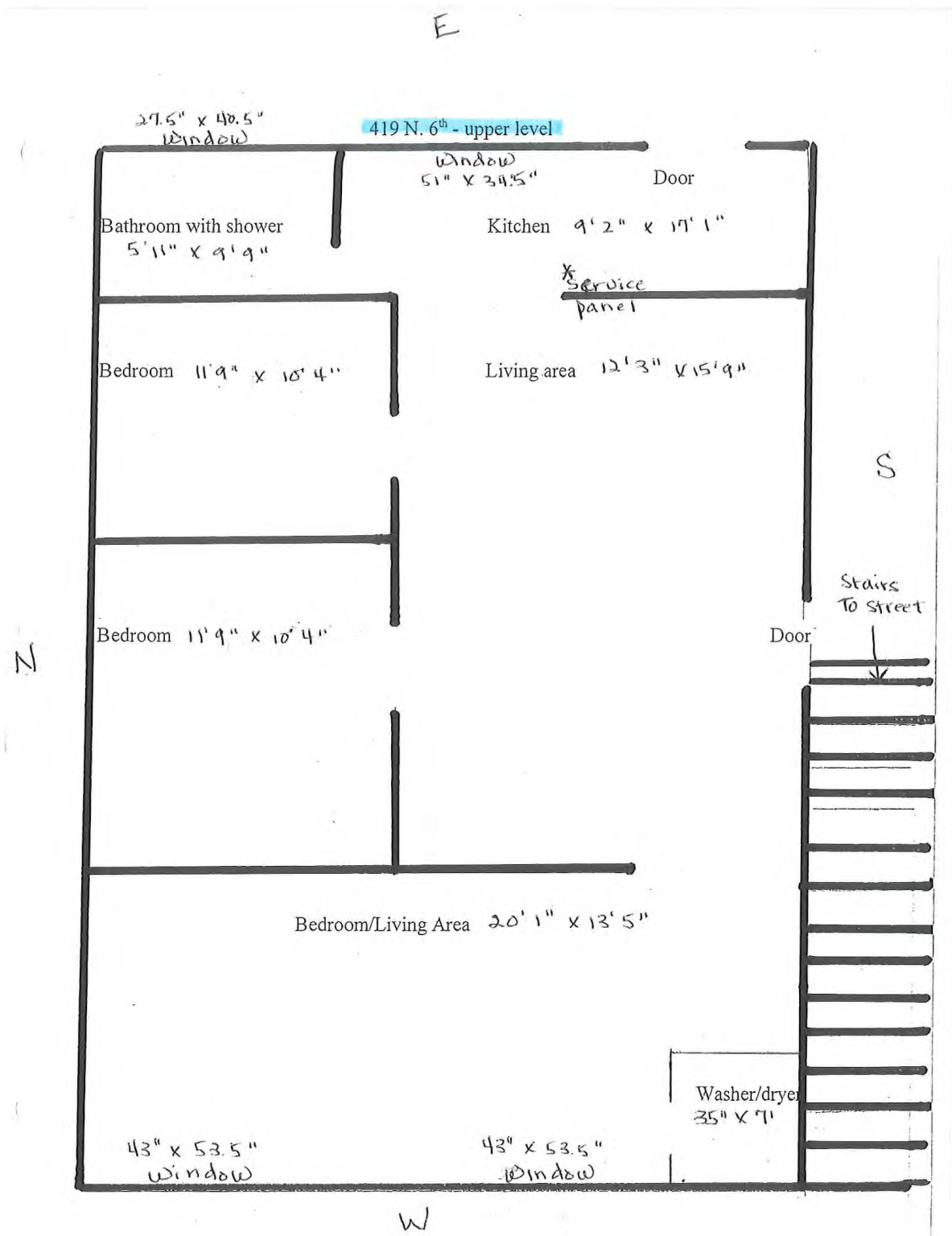
419 N. 6th - basement, courtyard and parking



FLOOR PLAN - GROUND LEVEL



FLOOR PLAN – UPPER LEVEL



NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) ss:

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

1. That I am the petitioner for Petition # SP2022-082 - 419 N. 6th Street
2. That I conducted a neighborhood meeting on 8/29/2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Denise Tomasic
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of August, 2022.

My commission expires 8th of December, 2023.



Kassandra Wright
Notary Public

NEIGHBORHOOD MEETING INFORMATION

Minutes of 8/29/2022 Neighborhood Meeting

Application Number: SP2022-082-419 N. 6th Street

Date and Location: 8/29/2022, 4:00 - 5:00 p.m.

Meeting called to order at: 4:00 p.m.

Names of people in attendance:

Denise Tomasic

Tom Tomasic

Ray Wentworth

Introductions:

Property owners Denise and Tom Tomasic introduced ourselves to Mr. Wentworth. Mr. Wentworth explained that his son, Arthur, owns the lot at 424 N. 6th Street and that he was attending the neighborhood meeting on his son's behalf.

Presentation:

Photographs of the interior and exterior of 419 N. 6th Street were shown to Mr. Wentworth. The proposed use and management of the property as an Airbnb was explained.

Question by Mr. Wentworth: What is the purpose of the September 12, 2022 Planning and Zoning meeting.

Answer by Ms. Tomasic: The meeting is a public hearing on the application for a special use permit to operate an Airbnb.

At the conclusion of the meeting, Mr. Wentworth expressed his support of the Airbnb.

Meeting adjourned at: 5:00 p.m.

Other notes: Mr. Maclovio Martinez who lives at 530 Orville contacted Ms. Tomasic by telephone on August 24, 2022 to explain that he was unable to attend the neighborhood meeting, but that he supports the Airbnb.

Minutes taken by Ms. Tomasic

NEIGHBORHOOD MEETING INFORMATION

Purple Properties
417 N. 6th Street
Kansas City, KS 66101

Date: August 19, 2022

Subject: Neighborhood Meeting

Dear Strawberry Hill Neighbor:

We have filed an application with the Department of Urban Planning and Land Use # SP2022-082. The purpose of this special use permit is for an Airbnb at the following address: 419 N. 6th Street, Kansas City, KS 66101.

We are hosting a neighborhood meeting on August 29, 2022 from 4:00 p.m. to 5:00 p.m. at the offices of Tomasic & Rehorn, 417 N. 6th Street, Kansas City, KS 66101.

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

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, you may contact Denise via the phone numbers or email listed below.

Sincerely,

Denise & Tom Tomasic

Office: 913-371-5750

Cell: 913-908-9064

e-mail: denise@tomasicrehorn.com

LETTERS OF SUPPORT

August 29, 2022

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2022-082-419 N. 6th Street

To Whom It May Concern:

Breit's Stein & Deli supports the Tomasic Airbnb. Breit's is located on 5th and Elizabeth, one block east of the Tomasic buildings. The Tomasics have been supporters of our family-friendly neighborhood bar since its beginning. They have made our establishment a gathering place for their family and friends. We are certain that they will recommend Breit's to their Airbnb guests and we will provide everyone with a hometown welcome. We are excited for this new addition to the Strawberry Hill community.

Thank you,



Bob Breitenstein
Owner of Breit's Stein and Deli

LETTERS OF SUPPORT

August 19, 2022

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2022-082-419 N. 6th Street

To Whom It May Concern:

I own Krizman's Sausage across the street from 417 and 419 N. 6th Street. We have been neighbors with Denise and Tom Tomasic for many years. Please accept this letter in support of their application to operate an Airbnb at 419 N. 6th Street.

Very truly yours,

A handwritten signature in black ink that reads "Joe Krizman". The signature is written in a cursive, flowing style.

Joe Krizman

LETTERS OF SUPPORT

August 29, 2022

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2022-082-419 N. 6th Street

To Whom It May Concern:

The Merc Co+op fully supports the Tomasic Airbnb. The Tomasics have been Merc Co+op members since our doors opened. They will direct their guests to the Merc for groceries and other supplies. We are conveniently located nearby and we are happy to welcome our out-of-town visitors.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Carmeline".

The Merc Co+op

LETTERS OF SUPPORT

August 19, 2022

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

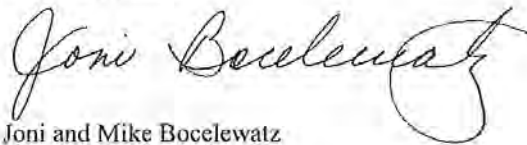
Re: SP2022-082-419 N. 6th Street

To Whom It May Concern:

Please accept this letter in support of Denise and Tom Tomasic with respect to the proposed Airbnb at 419 N. 6th Street. We own properties near the proposed Airbnb at 411 and 423 N. 6th Street.

Denise and Tom have been good neighbors and we work together to make our part of 6th Street a safe place. We feel strongly that the Tomasics will operate the Airbnb in a manner that is respectful of our neighborhood.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joni Bocelewatz", with a large, stylized flourish at the end.

Joni and Mike Bocelewatz

LETTERS OF SUPPORT

August 29, 2022

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2022-082-419 N. 6th Street

To Whom It May Concern:

I am an owner of Chicago's, a bar that is located at 6th and Central Avenue. Please note my support for the Tomasic Airbnb at 419 N. 6th Street. The Tomasic family has deep roots in Kansas City, Kansas. They are sure to operate their Airbnb with care and consideration for neighbors. The Tomasics will be great ambassadors for the Strawberry Hill neighborhood. Bringing out-of-towners to Kansas City, Kansas is good for my business and will add to the excitement that is building in our downtown.

Best,



Laura Westfall Summa
Owner, Chicago's

LETTERS OF SUPPORT

August 30, 2022

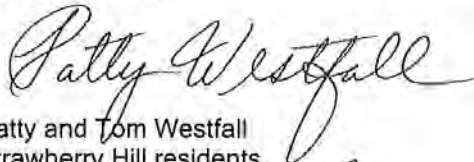
Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2022-082-419 N. 6th Street

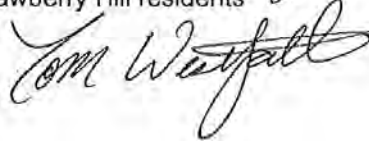
To Whom It May Concern:

We are long-time residents of Strawberry Hill who live at 518 Ohio, just a few blocks away from the Tomasic Airbnb at 419 N. 6th Street. We have known the Tomasic family for many years and we support their application for an Airbnb. We know that they will make sure the Airbnb is a safe and clean place for visitors. We are also sure that the Tomasics will encourage their guests to visit our local businesses.

Very truly yours,



Patty and Tom Westfall
Strawberry Hill residents



LETTERS OF SUPPORT

August 19, 2022

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2022-082-419 N. 6th Street

To Whom It May Concern:

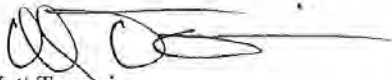
Please accept this letter in support of the application for a special use permit filed by Denise and Tom Tomasic for an Airbnb at their building located at 419 N. 6th Street. As an owner of several properties on Strawberry Hill, including several buildings on 6th Street, and as a member of the Tomasic family, I am in a unique position to give my highest recommendation for this project.

Denise and Tom have rehabilitated or helped with the rehabilitation of three homes on Strawberry Hill, including the home owned by my parents. They rehabilitated and made major improvements to two buildings on 6th Street. Tom played a major role in the rehabilitation of St. Mary's Church on 5th Street (now the Police Athletic League) and he helped with all aspects of the beautiful community garden that is located to the west of the church. Tom and Denise also helped Tom Tomasic, Sr. found the Strawberry Hill Museum and they assisted with the improvements that were made to the building in which it is located.

The Tomasics are committed to the preservation of Strawberry Hill. I can assure you that they will continue to be good neighbors and will promote our downtown community.

Thank you for your consideration.

Very truly yours,



Matt Tomasic
Personally and on behalf of Tomahawk Ventures, LLC

LETTERS OF SUPPORT

August 19, 2022

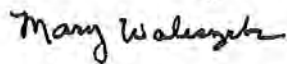
Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2022-082-419 N. 6th Street

To Whom It May Concern:

I own 426 N. 6th Street, which is located across the street from the buildings owned by Denise and Tom Tomasic. They are good neighbors. I support their request to operate an Airbnb at 419 N. 6th Street.

Very truly yours,



Mary Waliczek







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Special Use Petition SP2022-083

GENERAL INFORMATION

Applicant:
Jamie Redic

Status of Applicant:
Property Owner
2947 North 83rd Street
Kansas City, Kansas 66109

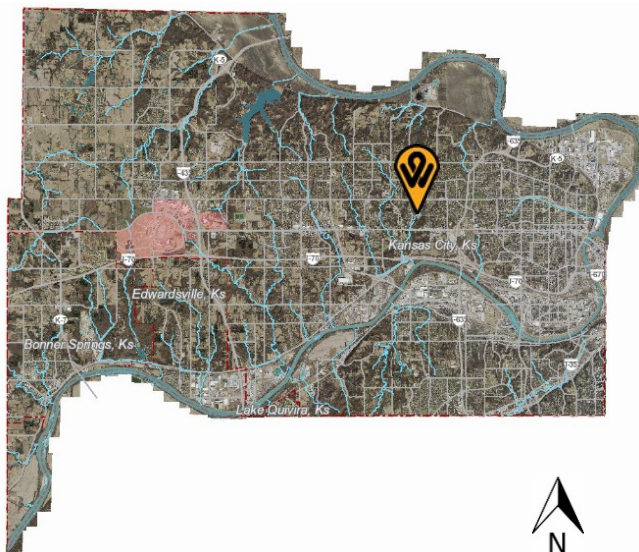
Requested Action:
Renewal of a Home Occupation Special Use Permit (SP-2020-78, expires 9/24/22).

Date of Application:
July 29, 2022

Purpose:
To continue to operate a single customer hair salon in the basement of a single-family residence.

Property Location:
2947 North 83rd Street
Kansas City, Kansas 66109

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



Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: R-1 Single-Family District West: R-1 Single-Family District
Adjacent Uses:	North: Single-Family Residence South: Single-Family Residence East: Single-Family Residence West: Single-Family Residence
Total Tract Size:	0.35 Acre
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential.
Major Street Plan:	The Major Street Plan designates North 83 rd Street as a Local Street.
Parking Requirement:	Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage. Parking Required: Two (2) Spaces Parking Provided: Six (6) spaces
Advertisement:	<u>The Wyandotte Echo</u> – August 18, 2022 Letters to Property Owner – August 19, 2022
Public Hearings:	September 12, 2022 and September 29, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting the approval of a Home Occupation Special Use Permit for the purpose of operating a single customer salon at their residence. The applicant has stated that the home is in good condition and that one (1) room in the basement has been converted for use as a salon.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property had a history of Code Enforcement violations with a previous owner, however, since 2015 there have been no further violations on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional related permits or cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is comprised almost entirely of single-family homes on medium sized lots with generous setbacks.

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

The zoning and surrounding uses are set out above. A commercial use is typically not compatible with residential zoning, creating the need for the Home Occupation Special Use Permit. The proposed use can be compatible with the nearby zoning and uses as long as the applicant maintains their current operation with one (1) customer at a time.

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

The proposed use is suitable for a single-family residence with a home occupation, as the applicant proposes to only serve one (1) customer at a time. This should not detrimentally affect nearby property.

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

The property is not vacant and has been occupied as a single-family home with a home occupation since 2020.

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

The City-Wide Master Plan does not address Special Use Permits. The City-Wide Master Plan designates this property as Low-Density Residential. The

proposed use while commercial in nature, is done on a small scale, with one (1) customer at a time, which will conform to the Master Plan designation so long as the applicant obtains and meets all conditions of a Special Use Permit.

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

The proposed use inherently results in the increase of vehicular traffic. The vehicular traffic incurred by the proposed use is not expected to result in the increase of traffic to the point where it would exceed the capacity of North 83rd Street, a local street.

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

The proposed use is not reasonably necessary for the welfare of the public but does provide a service. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if managed properly.

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

Noise, vibration, dust, and illumination are not normally associated with the proposed use and will not be an issue if managed properly. Although equipment such as hairdryers will most likely be used, it is not expected that these will operate at a noise level that is significantly higher than a standard household dryer. Operation is to take place during the daytime hours within the confines of the basement of the applicant's residence. The proposed use will not create problems for near-by properties.

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

The proposed use should not pollute the air, land or water if managed properly. There is a potential to cause damage to the environment if chemicals that are typically associated with salons are not disposed of properly.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal. If this Special Use Permit is denied, the landowner will be limited to using their property as a single-family residence or conducting their commercial business elsewhere.

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

The proposed use should not result in the overcrowding of land as it intends to operate within the existing single-family residence. The parking of cars on site may become an issue if not managed properly. The proposed use will not cause undue concentrations of population as it is a commercial use where the applicant intends to have only one (1) client at a time.

PREVIOUS ACTIONS

Approval of a Special Use Permit in 2020 (SP-2020-78) for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on August 29, 2022, Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Hours of Operation
Parking
Disposal of Hazardous Materials
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-083 for five (5) years**, subject to:

- 1. Hours of operation shall remain from 8:00am to 5:00pm daily;**
- 2. All parking is to be parked in the six (6) spaces on the driveway, no on-street parking is allowed;**
- 3. Materials stored on site must be done safely, such as in approved, original containers, away from food, and out of reach of both children and pets;**
- 4. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 5. Any business or land use in Kansas City, Kansas 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.

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 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-083** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Photos, Provided by Staff, Dated August 11, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 12, 2022	September 29, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-083** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-083**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT SP2022-083 – JAMIE REDIC WITH FEEL ROYAL LLC – SYNOPSIS: SYNOPSIS: Renewal of a Home Occupation Special Use Permit (SP2020-78 – expires 11/5/2022) to operate a single-chair beauty salon at 2947 North 83rd Street.

Detailed Outline of Requested Action: The applicant is requesting the approval of a Home Occupation Special Use Permit for the purpose of operating a single customer salon at their residence. The applicant has stated that the home is in good condition and that one (1) room in the basement has been converted for use as a salon. The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The publication in The Echo for the Special Use Permit; and,
7. The notices to property owners.

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

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

On motion by Mr. Miller, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

Motion to **APPROVE** Passed: 8 to 0

Subject to:

1. Hours of operation shall remain from 8:00am to 5:00pm daily;
2. All parking is to be parked in the six (6) spaces on the driveway, no on-street parking is allowed;
3. Materials stored on site must be done safely, such as in approved, original containers, away from food, and out of reach of both children and pets;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. Any business or land use in Kansas City, Kansas 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.
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Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the

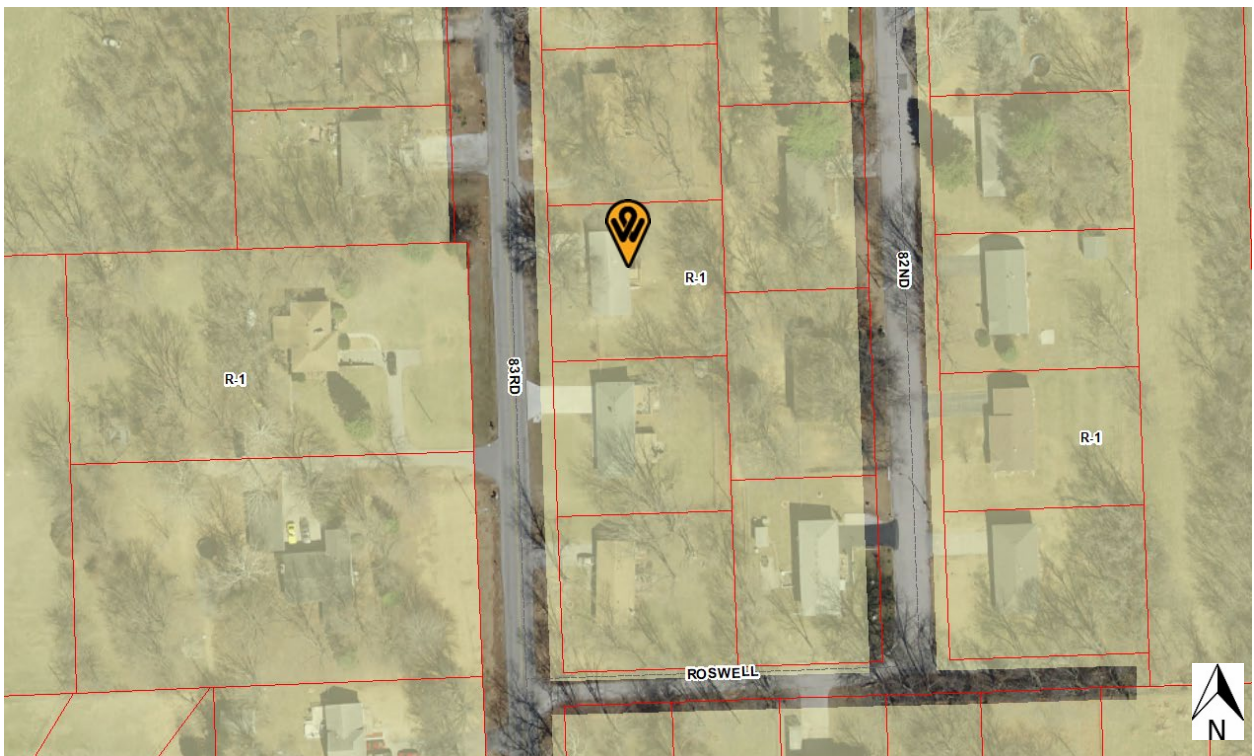
Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

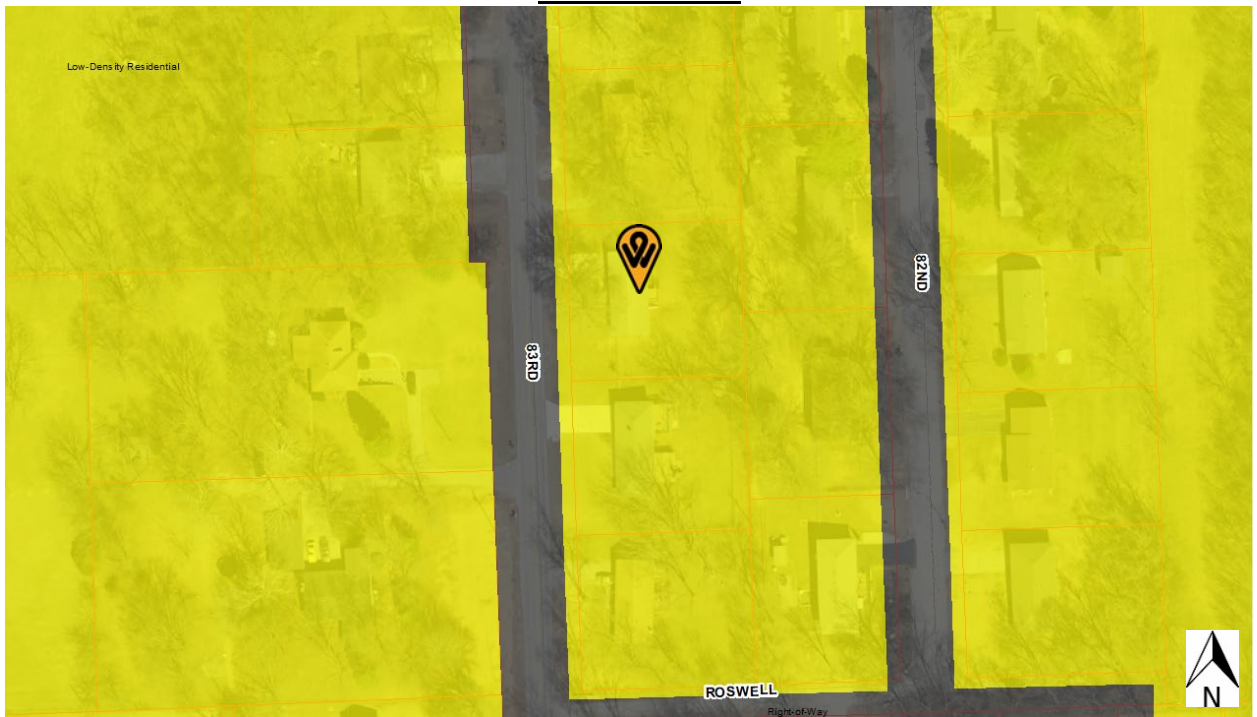
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

SPECIAL USE PERMIT SP2022-083

Zoom meeting held on Aug.29th 2022 at 4:00pm

No attendees

No one contacted me with questions or concerns

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # SP2022-083
2. That I conducted a neighborhood meeting on August 29th 2022 at 4:00pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Jamie Redic
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of August, 2022

My commission expires 08th of April, 2026

CAROLINA ARREGUIN
Notary Public-State of Kansas
My Appt. Expires 04/08/2026

Carolina Arreguin
Notary Public

August 18, 2022

Jamie Redic
2947 N. 83rd street
Kansas City, KS 66109

Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # SP2022-083. The purpose of this:

- Special Use Permit

This is for a renewal of a Home Occupation Special Use Permit (SP2020-78 – expires 11/5/2022) to operate a single-chair beauty salon

at the following address: 2947 North 83rd Street Kansas City, KS 66109.

I am having a neighborhood meeting on Aug 29, 2022 at 4p.m. via Zoom.

Jamie Redic is inviting you to a scheduled Zoom meeting.

Topic: Renewal of Special Permit SP2022-083
Time: Aug 29, 2022 04:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/83690078898?pwd=cjJlEQm9nLzBOaWJQdKhJVkdDdNcVkyZz09>

Meeting ID: 836 9007 8898
Passcode: gai0Nr
One tap mobile
+16694449171,,83690078898#,,,,*032873# US
+16699006833,,83690078898#,,,,*032873# US (San Jose)

Dial by your location
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 719 359 4580 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 386 347 5053 US
+1 564 217 2000 US
+1 646 931 3860 US
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)

Meeting ID: 836 9007 8898
Passcode: 032873
Find your local number: <https://us02web.zoom.us/j/83690078898>

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

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

Sincerely,

Jamie Redic

Name and Contact Information
Jamie Redic
913-636-6763
feelroyalbyjamie@gmail.com

SITE PHOTOS, PROVIDED BY STAFF, DATED AUGUST 11, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Change of Zone Petition COZ2022-031 and MPL2022-017

GENERAL INFORMATION

Applicant:

Jack Xiong with the Unified Government of Wyandotte County/Kansas City, Kansas

Status of Applicant:

Representative
David Bunch, P.E. with HDR
10450 Holmes Road, Suite 600
Kansas City, MO 64131

Requested Actions:

Master Plan Amendment Industrial to Utilities (City-Wide Master Plan).

Change of Zone from R-1 Single Family and MP-2 Planned General Industrial Districts MP-3 Planned Heavy Industrial District.

Final Plan Review for a building additions and interior remodels at the Wastewater Treatment Plant.

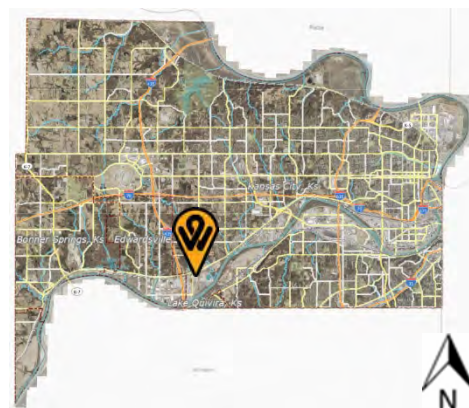
Date of Applications:

July 29, 2022

Purpose:

To rezone and amend the City-Wide Master Plan to build an addition at the Water Pollution Control Wastewater Treatment Plant.

Property Location: 2443 South 88th Street



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #7 Commissioner: Angela Markley		
Existing Zoning:	R-1 Single Family and MP-2 Planned General Business Districts.		
Adjacent Zoning:	North:	MP-3 Planned Heavy Industrial District	
	South:	MP-2 Planned General Industrial and MP-3 Planned Heavy Industrial Districts	
	East:	R-1 Single Family District	
	West:	M-3 Heavy Industrial and MP-3 Planned Heavy Industrial Districts	
Adjacent Uses:	North:	Industrial warehousing and distribution	
	South:	Industrial business and salvage/auto auction business	
	East:	Undeveloped, vacant land	
	West:	Industrial businesses	
Total Tract Size:	32.3 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Industrial, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stops, service stations, convenience stores, mining/mineral extraction. A Master Plan Amendment has been filed to Utilities, which allows water and sanitary sewer lines, natural gas lines, electric power substations, electric power lines, cellular phone towers and other utilities.		
Major Street Plan:	The Major Street Plan classifies South 88 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-470(f) requires paved off-street parking as one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Twenty-eight (28) parking spaces are provided.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – August 18, 2022; Master Plan Amendment – August 18, 2022		

Letters to Property Owners – Change of Zone – August 19, 2022; Plan Review – August 19, 2022; Master Plan Amendment – August 19, 2022

Public Hearings: September 12, 2022 and September 29, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division wants to rezone from MP-2 Planned General Industrial and R-1 Single Family Districts and MP-3 Planned Heavy Industrial District, and amend the City-Wide Master Plan from Industrial to Utilities to construct a building addition at the Wastewater Treatment Plant on 32.3 acres at 2443 South 88th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. ELE22-0079 – July 22, 2022 – SCADA communications improvements.
2. ELE21-0344 – September 21, 2021 – Replacement of existing motor controls centers throughout the plant.
3. 20300-00707 – September 7, 2020 – Minor structural and HVAC modifications, replacement of MCCS.
4. 02380-00646 – May 31, 2002 – New treatment plant electrical service.
5. 02300-00286 – May 1, 2002 – Building addition.
6. 01380-00143 – February 20, 2001 – New temporary electrical service for new construction.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within an industrial area in the southwest corner of Kansas City, Kansas. The immediate area west of the site is comprised of industrial businesses and the City of Edwardsville, Kansas. Along Gibbs Road, east of the proposed property are insurance auto sales businesses and a sand/gravel operation.

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

The zoning and uses of nearby properties is set out above. The proposed use is compatible with them because the properties along South 88th Street, Gibbs Road and to the south, Woodend Road are industrial businesses/operations that have more employees and larger volumes of truck traffic than the wastewater treatment plant.

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

The subject property is currently a treatment plant, so the proposed interior remodels and building additions will not detrimentally affect nearby property because all uses within the vicinity are industrial in nature.

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

The property is not vacant and is being used as a Wastewater Treatment Plant.

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

The proposed use is reasonably necessary to keep up with the demand level of the wastewater needing to be treated. A facility of this nature should not permanently injure the appropriate use, visual quality or marketability of nearby property because these properties along South 88th Street and Gibbs Road are industrial zoned and are operating industrially related businesses.

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

The development plan proposes to expand an existing building and make interior upgrades to these buildings within the fenced compound of the Wastewater Treatment Plant. Despite the expansion of the current facility, the operations of plant will not require additional workforce. Consequently, the number of parking

spaces on site will not increase, therefore, the extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety or create parking problems is negligible.

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

A Master Plan Amendment has been filed from Industrial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) to match the existing use on the property. The Utilities land use designation allows water and sanitary sewer lines.

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

The proposed use will not cause environmental harm the wastewater treatment plant is properly managed and Local, State and Federal regulations are strictly adhered to.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #20.

f. *Transit*

Kansas City does not provide transit service near the property. The closet transit route is approximately four (4) miles east at 72nd Street and Kansas Avenue, Route #115.

g. *Schools*

Public education service provided Bonner Springs/Edwardsville, USD 204.

h. Streets

See item #6 above.

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

The capability to handle an increased amount of wastewater could have a positive impact on the surrounding community by supporting more development.

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

The proposed use is capable of meeting applicable ordinance requirements with additional landscaping.

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

The relative gain to the public health, safety, and welfare would overcome any hardship imposed on the individual landowners because the Unified Government is improving their infrastructure, although it is not anticipated that this would cause a hardship on landowners.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of August 29, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping and Screening
Lighting / Glare

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2022-017** and Change of Zone Application **COZ2022-031**, subject to:

- 1. Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the**

comprehensive plan amendment upon consideration of the following factors:

- a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.
2. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or BuildingInspection@wycokck.org;
4. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 – Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
5. Sec. 27-470(h) All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six (6) foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

The parcel to the east is zoned R-1 Single Family District, therefore rezoning to industrial district requires architectural screening.

Per Sec. 27-696 *Architectural screening* means a masonry or wood frame wall or any fence designed, constructed, and maintained to provide a complete obstruction of view from ground level to at least the height specified in the individual zoning district requirements, to be durable and compatible with surrounding development. A berm is considered to be architectural screening;

6. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across from an alley or residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen adjacent to the property line and one (1) row of shade trees spaced not more than forty (40) feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;
7. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
8. New rooftop equipment (RTUs, venting, etc.) shall be screened by a parapet;
9. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-031** and **MPL2022-017** and subject to all comments and suggestions outlined in this staff report and the conditions in the staff report.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Letter
Site Plan
Grading Plan
Landscape Plan
Site Photographs taken by Staff on August 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	September 12, 2022	September 29, 2022
Rezoning	Approval	
Public Hearing	September 12, 2022	September 29, 2022
Master Plan	Approval	
Amendment		

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition MPL2022-017 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition MPL2022-017 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition COZ2022-031 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition COZ2022-031 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:06:

MASTER PLAN AMENDMENT MPL2022-017 - JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:
Master Plan Amendment from Industrial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) for a water treatment plant at 2443 South 88th Street.

CHANGE OF ZONE APPLICATION COZ2022-031 – JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS -

SYNOPSIS: Change of Zone from R-1 Single Family and M-2 General Industrial Districts to MP-3 Planned Heavy Industrial District for a water treatment plant at 2443 South 88th Street.

PLAN REVIEW APPLICATION PR2022-031 - JACK XIONG WITH THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:

Final Plan Review for a water treatment plant at 2443 South 88th Street.

Detailed Outline of Requested Action: The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division wants to rezone from MP-2 Planned General Industrial and R-1 Single Family Districts and MP-3 Planned Heavy Industrial District, and amend the City-Wide Master Plan from Industrial to Utilities to construct a building addition at the Wastewater Treatment Plant on 32.3 acres at 2443 South 88th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Master Plan Amendment and Change of Zone; and,
7. The Notices to property owners.

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

Present in Support:

- Samuel Brown, HDR Engineering, 10450 Holmes Road, Suite 600, Kansas City, Missouri 64131
- Jack Xiong, applicant, 50 Market Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:12:40: Planning Director Hand stated the Change of Zone COZ2022-031 is being heard in conjunction with Master Plan Amendment MPL2022-017 and Plan Review PR2022-031. The Change of Zone and Master Plan Amendment are to bring the zoning in conformance with the use on the property and to correct the split zoning on the property. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:13:50:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-017:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the comprehensive plan amendment upon consideration of the following factors:
 - a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.
2. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;

3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or BuildingInspection@wycokck.org;
4. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 – Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
5. Sec. 27-470(h) All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six (6) foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

The parcel to the east is zoned R-1 Single Family District, therefore rezoning to industrial district requires architectural screening.

Per Sec. 27-696 *Architectural screening* means a masonry or wood frame wall or any fence designed, constructed, and maintained to provide a complete obstruction of view from ground level to at least the height specified in the individual zoning district requirements, to be durable and compatible with surrounding development. A berm is considered to be architectural screening;

6. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across from an alley or residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen adjacent to the property line and one (1) row of shade trees spaced not more than forty (40) feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;
7. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
8. New rooftop equipment (RTUs, venting, etc.) shall be screened by a parapet;
9. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast

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

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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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; 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.

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application**

COZ2022-031:

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to the above conditions

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PR2022-031:**

Carson	Chairman
Miller	Aye

Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Not Present
Motion to APPROVE Passed: 8 to 0	
Subject to the above conditions	



Figure 1. Aerial photograph of 2443 South 88th Street (provided by UG Maps).

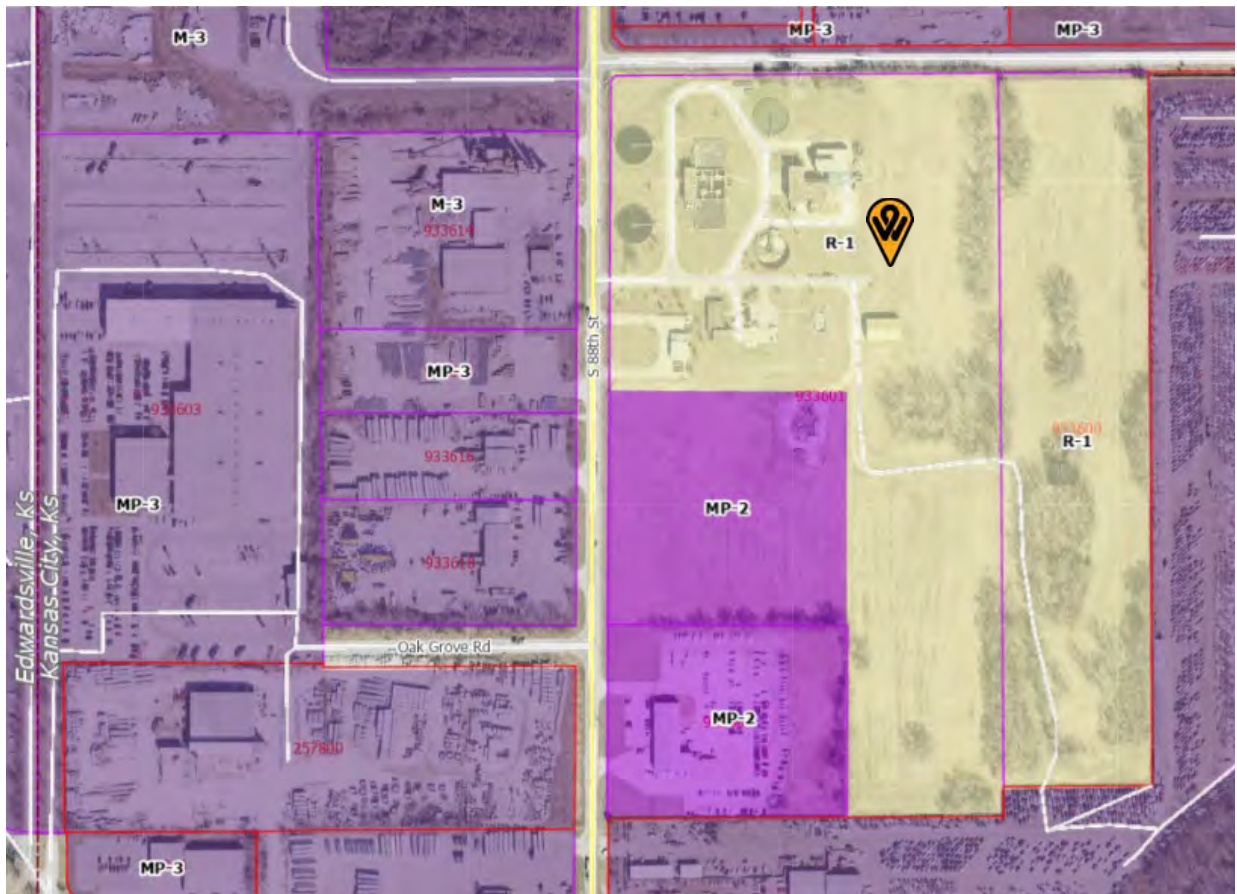


Figure 2. Zoning Map of 2443 South 88th Street (provided by UG Maps).

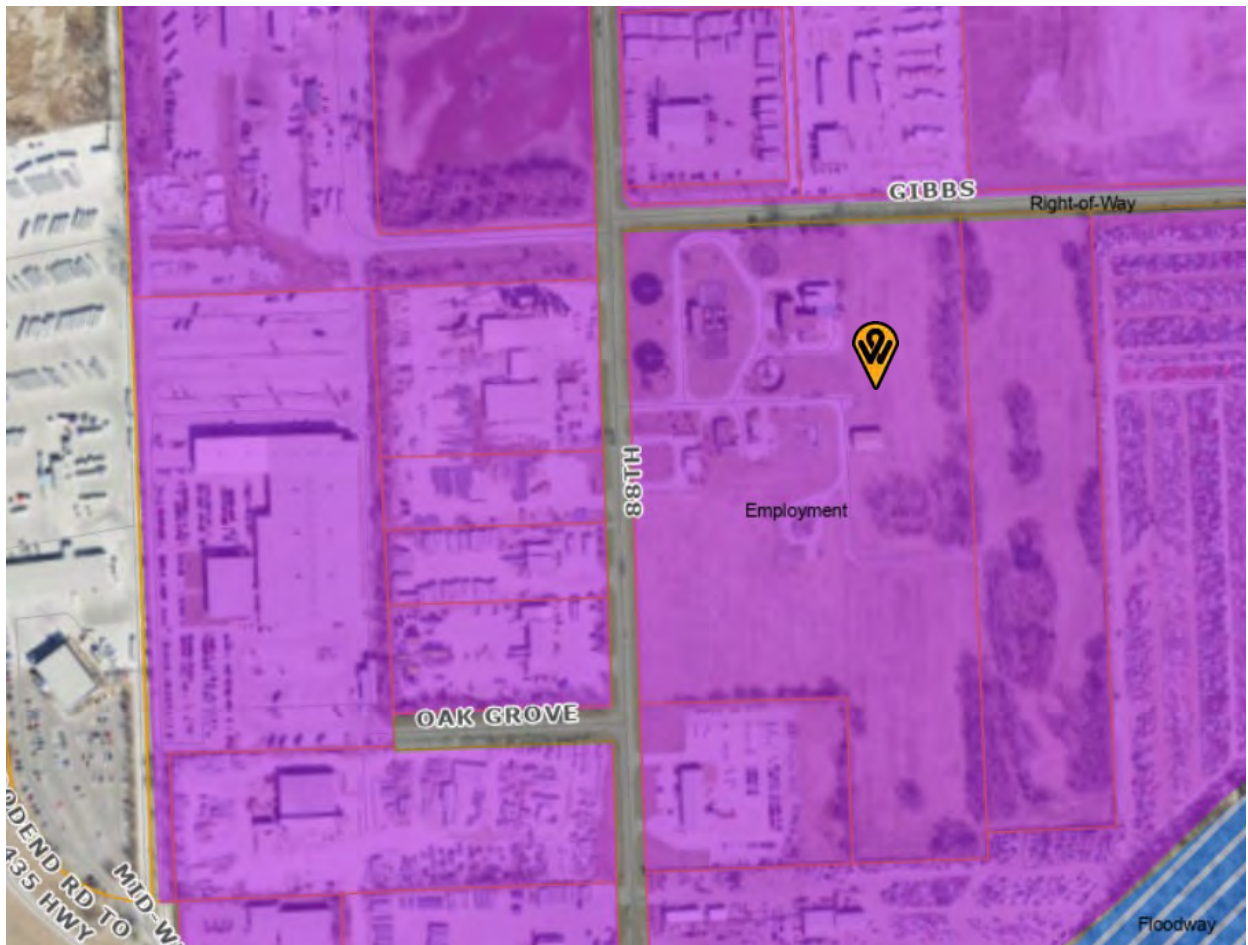


Figure 3. City-Wide Master Plan Land Use Map of 9400 State Avenue (provided by ArcMap).



**PUBLIC WORKS
WATER POLLUTION CONTROL**

Water Pollution Control P: (913) 573-1300
50 Market Street F: (913) 573-1351
Kansas City, KS 66118 E: Info@wycokck.org

August 31, 2022

Janet L. Parker, CSC/APC
Executive Assistant
Department of Urban Planning and Land Use
701 North 7th Street, Suite 423
Kansas City, Kansas 66101

Janet Parker:

As required by the Department of Planning and Urban Design as part of

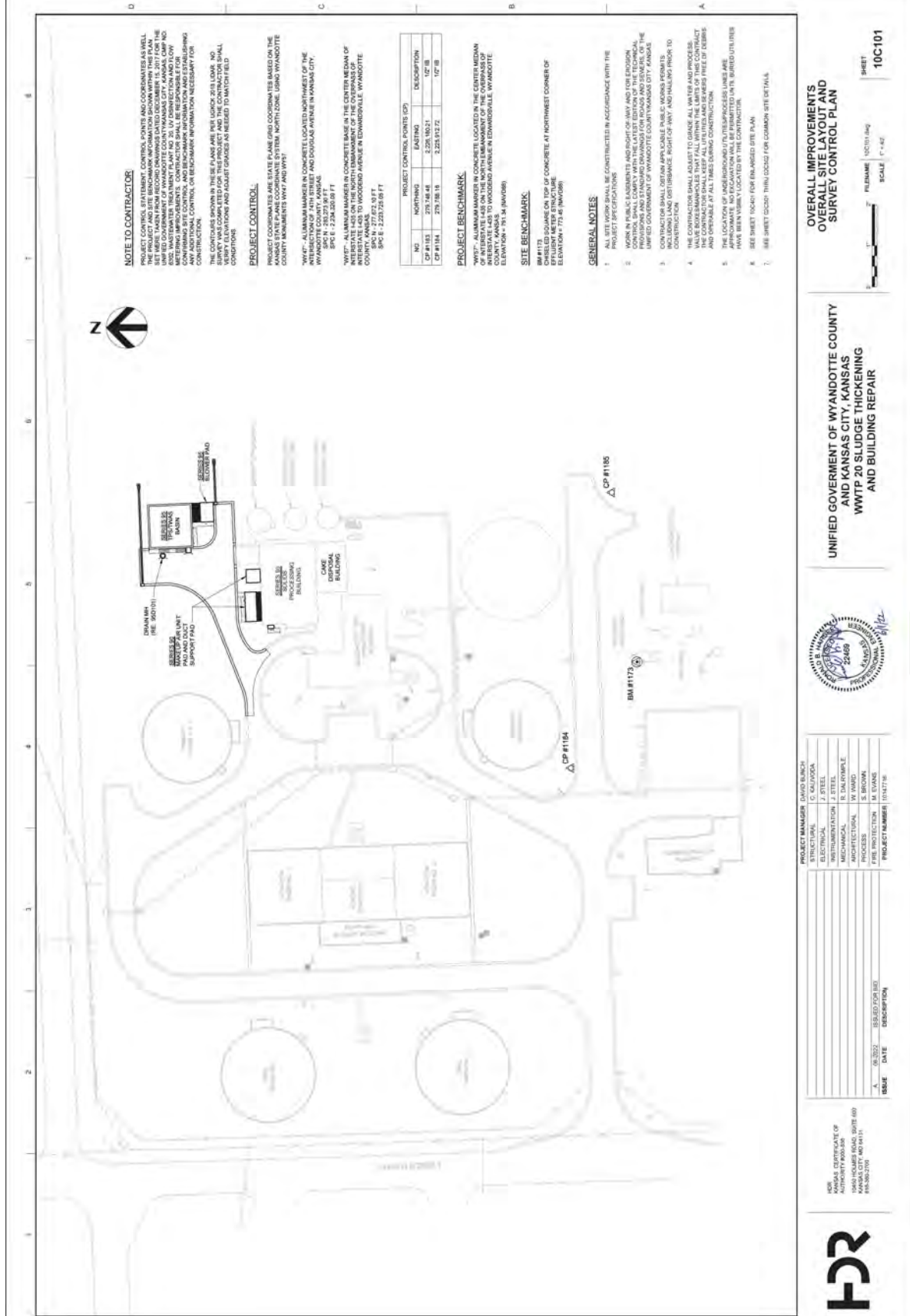
Petition COZ2022-031, PR2022-031 and MPL2022-017

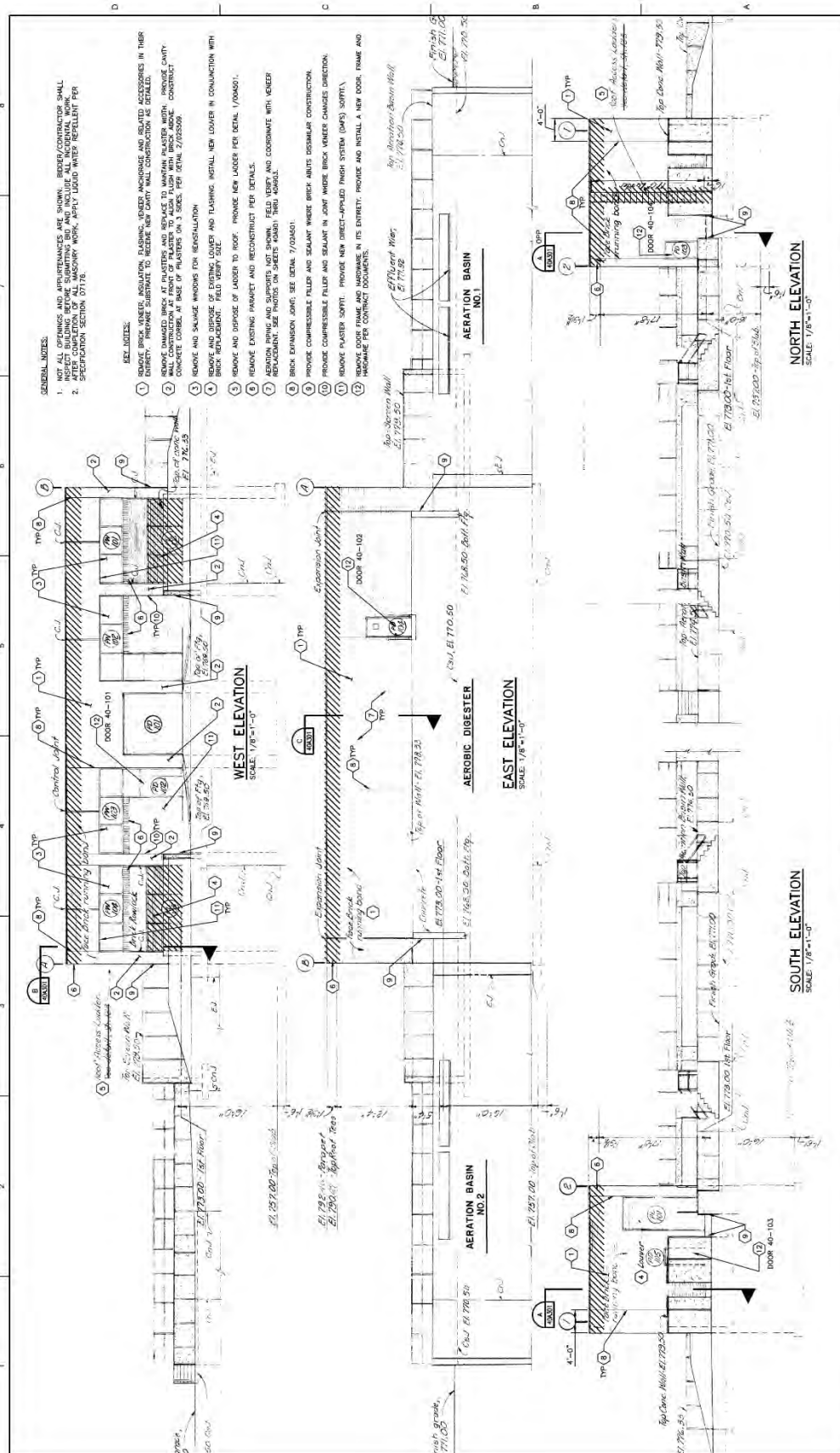
for a Change of Zone from R-1 Single Family District and M-2 General Industrial Districts to MP-3 Planned Heavy Industrial District for a water treatment plant at 2443 South 88th Street (in conjunction with PR2022-031 and MPL2022-017), letters were mailed out before August 19, 2022 to all required persons describing the proposal and soliciting questions and concerns to be submitted via email by August 29, 2022. No questions and concerns were received.

Sincerely,

Jack Xiong
Project Manager

We Can and We Must - We Are Water Pollution Control





**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
AND KANSAS CITY, KANSAS**

**WWTP 20 SLUDGE THICKENING
AND BUILDING REPAIR**

**PUMP AND BLOWER BUILDING
ARCHITECTURAL ELEVATIONS**

FILE NAME: 40A21
SCALE: AS NOTED

**FOR
KANSAS CERTIFICATE OF
AUTHORITY #688-04
KANSAS CITY, MO 64111
#18-380734**

PROJECT MANAGER: DAVID BRANCH

STRUCTURAL	C. KALADON
ELECTRICAL	J. STEEL
MECHANICAL	R. DUNN
MECHANICAL	S. BROWN
MECHANICAL	M. EVANS
MECHANICAL	M. EVANS

PROJECT NUMBER: 10/4/16



Figure 1. Site photograph looking southeast at 2443 South 88th Street (provided by Planning Staff).



Figure 2. Site photograph looking northeast at 2443 South 88th Street (provided by Planning Staff).



Figure 3. Site photograph looking southwest at 2443 South 88th Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Petitions PR2022-025 and SP2022-077

GENERAL INFORMATION

Applicant:

Wil Anderson and Austin Lage

Status of Applicant:

Representatives

BHC

7101 College Boulevard, Suite 400

Kansas City, Kansas 66210

Requested Action:

Approval of a Preliminary and Final Development Plan.

Approval of a Special Use Permit.

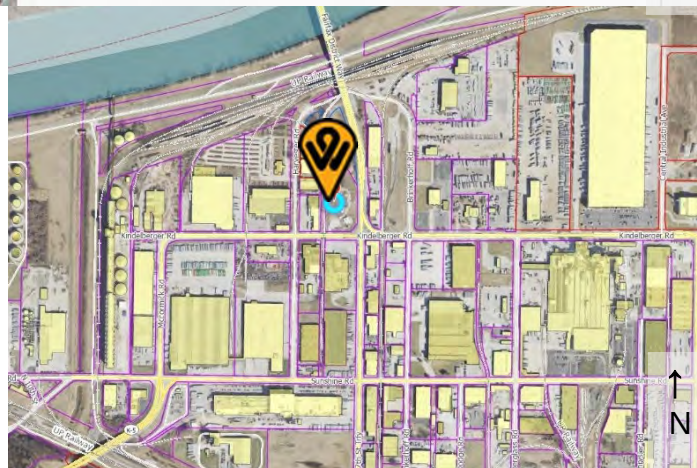
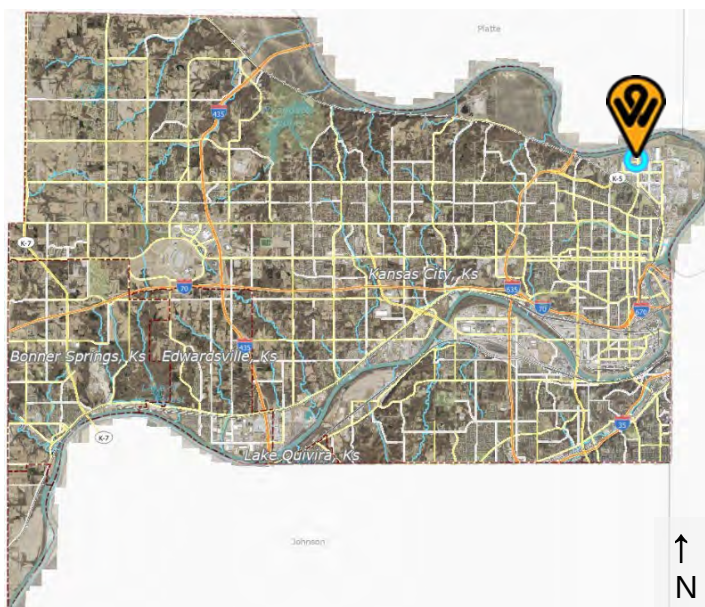
Date of Application:

June 24, 2022 (Preliminary & Final Plan Review; Special Use Permit)

Purpose:

Approve a Preliminary and Final Development Plan for a fueling station and private truck maintenance facility.

Approve a Special Use Permit for heavy automotive/truck, service, repair, and mechanic.



Property Location:	700 Kindelberger Road Kansas City, Kansas 66115
Commission Districts:	At-Large Commissioner, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Secretary of Transportation right-of-way South: Industrial uses East: Industrial use West: Industrial uses
Total Tract Size:	7.59 Acres
Master Plan Area:	The subject property is within the Northeast Area Master Plan.
Master Plan Designation:	The Northeast Area Master Plan designates this property as Industrial. The Industrial land use designation allows uses as manufacturing and shipping. The building types and uses permitted in the Industrial land use designation includes light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. These uses should generally be located apart from residential neighborhoods. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails, and overall have an attractive campus feel to attract and retain talent. The subject property is also within the Fairfax District Master Plan, a district plan within to the Northeast Area Master Plan (see “Northeast Area Master Plan: Fairfax District Master Plan Excerpt” within the <i>Attachments</i> section of this report).
Major Street Plan:	The Major Street Plan designates Kindelberger Road as a Class B Thoroughfare. The Major Street Plan designates North 7 th Street Trafficway as a Class B Thoroughfare.
Required Parking:	Section 27-470(f) requires paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises.

The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the City Planning Commission. Commercial uses shall provide parking as would be required in the C-3 district. Per Section 27-467(e), uses in this district require paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The submitted site plan demonstrates a 12,577-square-foot repair facility, which will be used for industrial purposes. Therefore, M-3 District standards apply and a minimum of 26 parking spaces are required. The site plan also demonstrates a 433-square-foot utility building, which is open to the public and will be used for commercial purposes. Therefore, the C-3 District standards apply and a minimum of two (2) parking spaces are required. The current parking plan demonstrates 35 parking spaces, three (3) of which are ADA-compliant. The parking plan is compliant with both Section 27-470(f) and Section 27-676(a).

Advertisement:	<u>The Wyandotte Echo</u> – July 14, 2022; August 18, 2022 Letters to Property Owners – July 15, 2022; August 19, 2022
Public Hearings:	September 12, 2022 and September 29, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Lage with BHC, is requesting a Preliminary and Final Plat, a Final Plan Review, and a Special Use Permit. The Preliminary and Final Plat will create one (1) industrial plat from Parcel #903701 (addressed as 700 Kindelberger Road), Parcel #892221, Parcel #892222, and Parcel #892223, and a portion of public right-of-way. The Final Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. The current property owner has received no building or code enforcement complaints.
2. The previous two (2) property owners have received several code enforcement violations, including a metal fence in disrepair in 2018, and overgrown weeds and grass in 2018, 2020, and 2021. The most recent previous property owner was also issued two (2) administrative citations. The first was for environmental issues, overgrown vegetation, and debris in 2020; the second citation was for overgrown weeds in 2021.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

Preliminary and Final Plat – Approved by City Planning Commission

- 1. *Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.***

Despite the increase in impervious surface on the subject property, the proposed development is designed to reduce peak stormwater runoff due to mitigating measures such as an above-ground detention basin and the incorporation of native vegetation. The two (2) buildings are arranged over 350 feet from each other, thus minimizing risk of fire leaping from building to building. While North 7th

Street Trafficway and Kindelberger Road both experience heavy truck traffic, so a truck-centric use is an ideal use for the subject property at the northwest corner of said intersection.

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

a. *Water service*

It is currently no water service to the subject property, but a connection is proposed.

b. *Sanitary sewer service*

A combination sanitary sewer line/stormwater line runs along the southern boundary of the subject property.

c. *Storm water control*

A combination sanitary sewer line/stormwater line runs along the southern boundary of the subject property. There is a dedicated stormwater line, however, to the north of the subject property which can be accessed once the applicant has acquired the adjacent KDOT parcels and vacated right-of-way.

d. *Police*

Police service is provided by East Division, District #112.

e. *Fire*

Fire service is provided by Fire Station #15, which is 0.2 miles from the subject property.

f. *Transit*

The subject property is served by several sets of bus stops along Sunshine Road. The closest pair of bus stops are located 0.3 miles away, at the intersection of Sunshine Road and North 7th Street. The bus stops are served by 3rd Street-Fairfax, Route #103.

g. *Schools*

Public education is provided by Benjamin Banneker Elementary School, Northwest Middle School, and Wyandotte High School, under Kansas City, Kansas USD 500.

3. *Streets are designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and*

structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

While no additional streets will be created as part of this plat, several parcels most recently owned by the Kansas Department of Transportation will be incorporated into the new parcel. The plat will also vacate an unused portion of public right-of-way adjacent to said KDOT parcels and the existing parcel addressed as 700 Kindelberger Road. This platting and vacating, along with the and the proposed site design, will allow for a second vehicle entrance/exit point at the north end of the subject property, which can be accessed via Harvester Road. Although traffic surrounding the subject property will increase due to the proposed uses and development, the traffic impact memo provided to Staff states that no significant traffic impacts are associated with such development (see “Abridged Traffic Impact Memo, Dated June 23, 2022” within the *Attachments* section of this report).

4. Assurance that buildings, lots, blocks, parcels, and streets are so arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

The arrangement of buildings on the subject property does not meet Commercial Development Guidelines Overlay District (CDGOD). The primary building is not oriented toward Kindelberger Road, but rather is located in the rear of the property. As a consequence, there is a larger paved maneuvering area in the front of the property. The expansiveness of the maneuvering area between the public right-of-way and the primary building is exacerbated by the fact that the site design does not demonstrate any designated pedestrian access routes from the sidewalk to the primary building. Staff recommends that designated walkways around and through the maneuvering area be reflected on the revised site plan set.

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

A majority of the subject property is already paved, a remnant of previous developments. Therefore, there is little existing topography to take into account. The proposed development plan will result in an increase in the impervious surface area, but runoff mitigation measures such as above-ground detention pools and absorptive landscaping are incorporated into the plan to address any increase in surface runoff as a result of the paving.

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

The proposed plat features only one (1) parcel for heavy commercial and industrial uses within a traditional industrial area. Therefore, no sites for schools, parks, playgrounds, or other community services are required nor appropriate.

The development plan, however, must conform to both the Northeast Area Master Plan and the Fairfax District Master Plan, especially as it relates to providing pedestrian access both on site and on the adjacent rights-of-way.

Preliminary and Final Plan Review

1. The Character of the Neighborhood.

The subject property is within the Fairfax Statistical Neighborhood and is not within a Neighborhood Group. The entire neighborhood—the Fairfax District—is industrially zoned and is predominately industrial uses. Streets within the Fairfax District are heavily used by semi-trucks, heavy machinery, and other vehicles with high gross vehicle weight ratings (GVWR).

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

The applicant states that the subject property will see 96 truck trips per day, but the most recent traffic study shows that a total of 136 rounds trips are predicted to take place at peak morning and evening alone. The proposed site plan demonstrates two (2) entrances/exits: at Kindelberger Road at the western side of the southern boundary of the subject property (this location allows for traffic to come in and out without interference to the nearby intersection) and at Harvester Road to the north/northwest of the property (but which can only be reached via Kindelberger Road via Harvester Road). While the site design places a high amount of traffic on Kindelberger Road, the overall volume of predicted traffic does not generate much concern about traffic issues, even at peak hours.

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

The Northeast Area Master Plan designates this property as Industrial; there is no designation made by the Fairfax District Master Plan but the plan notes that all parcels are industrially zoned. Building types and uses permitted in the Industrial land use designation includes light industrial buildings, heavy industrial buildings, and commercial buildings to support industrial uses, such as restaurants, convenience stores, and gas stations. Industrial areas should include amenities such as sidewalks, landscaping, lighting, and walking trails, and overall have an attractive campus feel to attract and retain talent. The proposed use is a fueling station and heavy truck maintenance, which is allowed in industrially zoned districts with a Special Use Permit. The proposed use is in conformance with the spirit of the Northeast Area Master Plan and the Fairfax District Master Plan.

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

See Preliminary and Final Plat Review Factor #2.

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

The revised site plan has demonstrated 35 parking spaces, three (3) of which are ADA-compliant. This exceeds the total amount of parking spaces required by Section 27-470(f) (26 spaces for industrial uses and two (2) spaces for commercial uses) as well as the number of ADA-compliant spaces required by Section 27-676(a) (at least two (2) ADA-compliant spaces if the total number of spaces is between 26 and 50). The applicant has requested a deviation from the CDGOD landscaping requirements and has requested that the M-3 Heavy Industrial District landscaping requirements be applied instead. All additional CDGOD requirements that cannot be met must be granted a deviation by the City Planning Commission at the request of the applicant. CDGOD requirements not identified and requested for deviation must comply, including pedestrian access, building design, and building materiality.

Special Use Permit

1. *The Character of the Neighborhood.*

See Final Plan Review Factor #1.

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

All surrounding properties are industrially zoned. The Fairfax neighborhood is an appropriate area for industrial and industrial-complimentary uses such as the fueling of vehicles and the maintenance of heavy trucks. In this way, the proposed use is compatible with the nearby zoning and uses.

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

The subject property is in the M-3 District within the Industrial land use designated by the Northeast Area Master Plan. Furthermore, it is surrounded by other industrially zoned properties. Given this context, heavy truck repair as a complement to a fueling station is an appropriate use for the subject property and removal of the restrictions will not detrimentally affect nearby properties.

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

It is unclear how long the parcels have been vacant, but aerial photos and property records indicate that the property has been effectively abandoned since 2018.

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

See Final Plan Review Factor #3.

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

See Final Plan Review Factor #2.

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

While the complementary fuel station will be open for public use, the heavy truck repair services will be for private maintenance. Heavy repair services are necessary for the maintenance and repair of larger work trucks that are used in areas of the economy such as construction and shipping. Given that the proposed use is located in Fairfax among a variety of other industrially zoned properties and industrial uses, it will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Heavy truck maintenance is prone to generate noise, vibration, dust, and illumination. All maintenance must be conducted inside the proposed building. Furthermore, the exterior lights proposed on the submitted site plan (see "Site Plan of 700 Kindelberger Road" and "Photometric Plan of 700 Kindelberger Road" in the *Attachments* section of this report) must be fitted with covers and face downward at a 90-degree angle, as per Section 27-699(b)(10). All trucks being repaired, or otherwise inoperable vehicles must be stored inside unless they are completely screened from view in accordance with all applicable ordinances. All vehicles under heavy service, repairs, or mechanics shall not be placed within a required/paving setback area.

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

A major factor determining the environmental damage caused by construction is the increase in impermeable surfaces. Some of that loss of permeable land can be mitigated by landscaping along Kindelberger Road and North 7th Street Trafficway. As the proposed use includes repairing vehicles, all fluids and parts must be properly disposed of, such as in an oil-water separator and through off-site disposal, respectively.

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

The applicant must take several mitigation measures to ensure the protection of irreplaceable natural resources. Such measures include the following: ensuring the change in permeable surface does not result in a change in stormwater runoff by grading the property; properly disposing of automotive materials and fluids in accordance with local, State, and federal law and in accordance with any

additional binding regulations from licensing boards or government agencies; and providing proof of installation of an oil-water separator in the workshop floor. An additional mitigation measure includes the proper disposal of tires as well.

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

The Fairfax District of Wyandotte County historically has supported a variety of industrial uses. Heavy truck service, repair, and maintenance, along with the allowed fueling station use, fits in with the surrounding industrial uses. In fact, fueling and truck repair are less intense uses than can be found elsewhere in the M-3 District or in Fairfax as a whole. Additionally, this unique type of repair will serve companies in the district, so its proximity should reduce vehicle miles traveled by said businesses. Therefore, there is a relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

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

See Final Plan Review Factor #2.

PREVIOUS ACTIONS

- PR2022-011, a Preliminary Plan Review for a fueling station and truck maintenance facility
- SP2022-031, a Special Use Permit to operate heavy automotive/truck services, repair, and mechanic

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on August 29, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-077** for **two (2) years** and Plan Review Application **PR2022-025**, subject to:

1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
2. So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
3. In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
4. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
5. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
6. The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
7. The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report. Any additional deviations from the CDGOD not listed under this subsection must be made by oral amendment before the City Planning Commission;
8. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated August 16, 2022” in the *Attachments* section of this report;
9. If approved, the applicant must file and maintain a current business occupation tax application with this office;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;

11. 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. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
16. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
17. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
18. 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;
19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit; and,
 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-077** and **Pr2022-025**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
CPS FLEET FUELS Final Plat
Site Plan for 700 Kindelberger Road
Vehicle Maneuverability Plan for 700 Kindelberger Road
Abridged Traffic Impact Memo, Dated June 23, 2022
Landscaping Plan for 700 Kindelberger Road
Elevations of the Proposed Buildings
Grading Plan for 700 Kindelberger Road
Photometric Plan of 700 Kindelberger Road
Drainage Maps and Calculations for 700 Kindelberger Road
Preliminary Stormwater Management Study for Fleet Fuels
Draft Quitclaim Deed for Parcels #892221, #892222, and #892223
Sidewalk and Trail Master Plan Appendices for 700 Kindelberger Road
GoDotte Wyandotte County Strategic Mobility Plan for 700 Kindelberger Road
Northeast Area Master Plan: Fairfax District Master Plan Excerpt
Wyandotte County Conservation District Letter, Dated August 16, 2022
Site Visit Photographs by Staff, Dated March 2, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Preliminary & Final Plan Review	September 12, 2022	September 29, 2022
	Approval	
Special Use Permit	September 12, 2022	September 29, 2022
	Approval	

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

MOTIONS

Preliminary and Final Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-025** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-025** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-077** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-077** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 3:58:25:

SPECIAL USE PERMIT APPLICATION SP2022-077 – AUSTIN LAGE WITH BHC RHODES - SYNOPSIS: Special Use Permit for a fueling and maintenance facility at 700 Kindelberger Road.

PLAT2022-028 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Final Plat (CPS Fleet Fuels) for one (1) industrial lot at 700 Kindelberger Road.

PR2022-025 - AUSTIN LAGE WITH BHC RHODES - SYNOPSIS: Preliminary and Final Plan Review for a fueling and maintenance facility at 700 Kindelberger Road.

Detailed Outline of Requested Action: The applicant, Austin Lage with BHC, is requesting a Preliminary and Final Plat, a Final Plan Review, and a Special Use Permit. The Preliminary and Final Plat will create one (1) industrial plat from Parcel #903701 (addressed as 700 Kindelberger Road), Parcel #892221, Parcel #892222, and Parcel #892223, and a portion of public right-of-way. The Final Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Special Use Permit; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Lage, applicant, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210
- Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:01:29: Planning Director Hand stated that the Special Use Permit is being heard in conjunction with a plan review and plat. The property is in the Northeast Area Master Plan. The project has been recently approved for a Special Use Permit in the past and there were major changes so a new Special Use Permit was required. Staff worked with the Applicant on the Commercial Design Guidelines and connectivity. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 4:02:35:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application**

SP2022-077 for two (2) years:

Carson

Chairman

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
2. So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
3. In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
4. Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
5. Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
6. The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report;
7. The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the "Planning and Urban Design Comments: Commercial Development Guidelines Overlay District" subheading of the *Staff Comments and Suggestions* section of this report. Any additional deviations from the CDGOD not listed under this subsection must be made by oral amendment before the City Planning Commission;
8. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments,

- see the “Wyandotte County Conservation District Letter, Dated August 16, 2022” in the *Attachments* section of this report;
9. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
 16. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
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- 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;
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 19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-028**:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present

Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Not Present

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The applicant(s) must obtain a quitclaim deed or other equivalent instrument of land rights transference from the Kansas Department of Transportation for Parcels #892221, #892222, and #892223, and for the portion of public right-of-way to be incorporated into CPS FLEET FUELS Plat;
2. All corrections noted under the “Planning Engineering Comments” and “GeoSpatial Services Comments” subsections within *the Staff Comments and Suggestions* section of this report must be reflected on the final mylars; and,
3. The applicant must comply with all updated responses (both applicant responses and staff responses) under “Selected Applicant Responses from PR2022-011 & SP2022-031” within *the Staff Comments and Suggestions* section of this report.

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-025:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

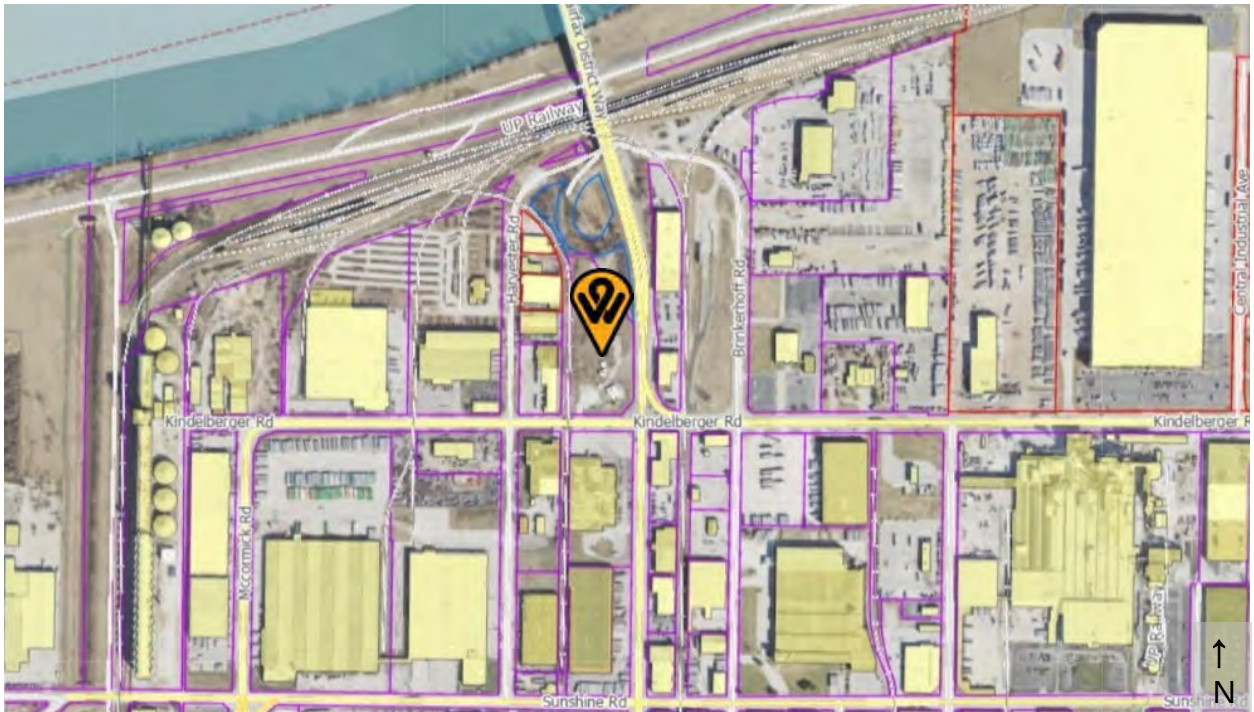
Subject to:

1. A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
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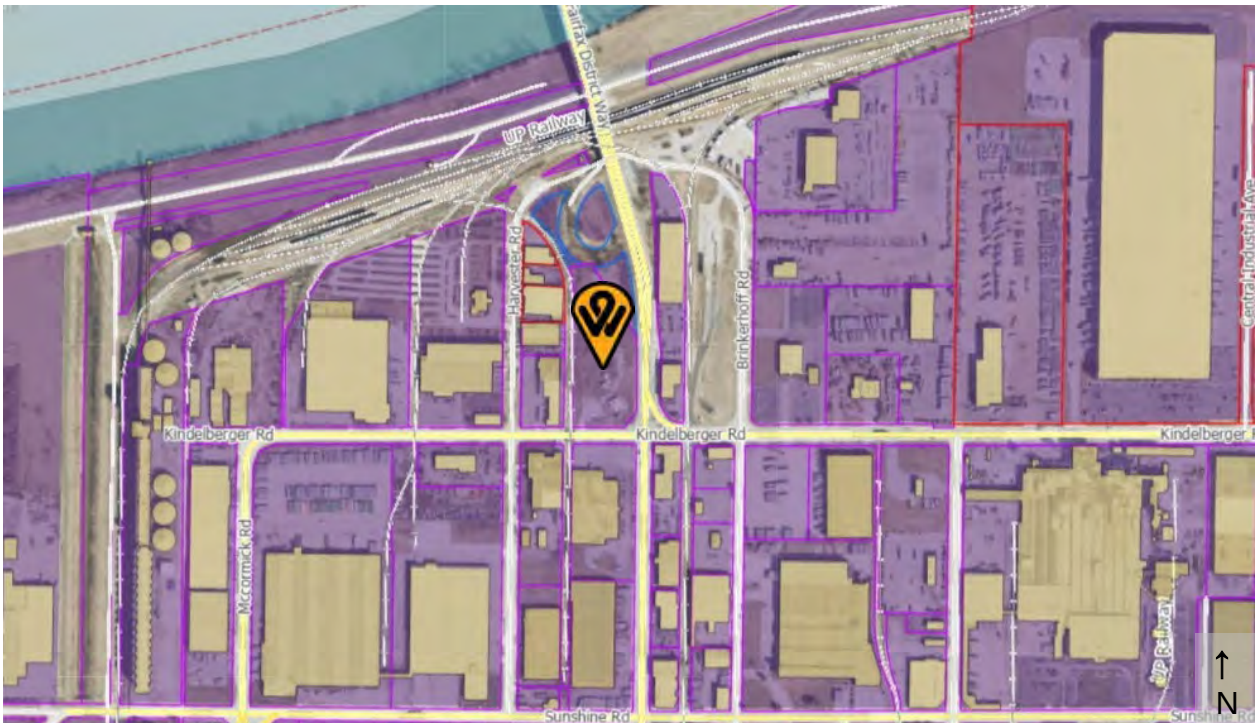
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- 14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;**
- 16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance; and,**
- 17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**

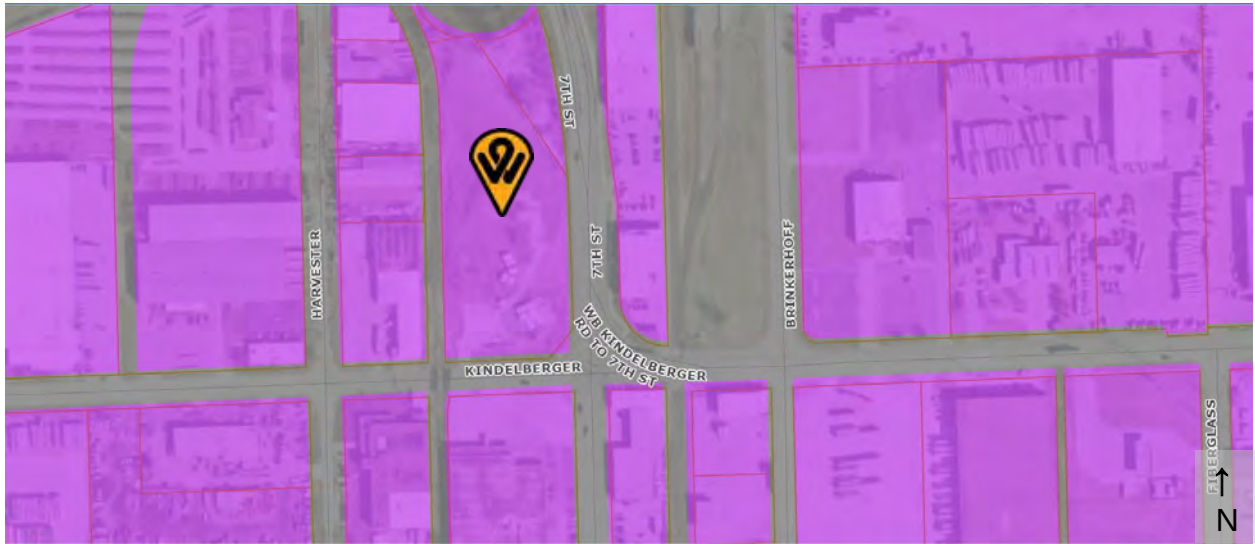
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses

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

NEIGHBORHOOD MEETING MATERIALS



August 29, 2022

Unified Government
701 North 7th Street
Kansas City, KS 66101

RE: Neighborhood Meeting

Fleet Fuels SP2022-077, PLAT2022-028, PR2022-025.
08/29/2022 @ 5:30
Via Zoom

Attendees:
Austin Lage, BHC
Kevin Pinkowski, BHC
Teresa Maxwell, Hoidale

No neighbors showed up.

If you have any questions, please contact me at austin.lage@ibhc.com or 913-663-1900.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Austin Lage', is shown.

Austin Lage, P.E.
Project Engineer

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

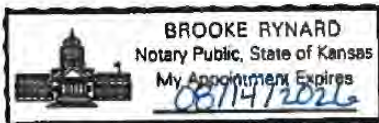
1. That I am the petitioner for Petition #SP2022-077, PLAT2022-028, PR2022-025.
2. That I conducted a neighborhood meeting on August 29, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

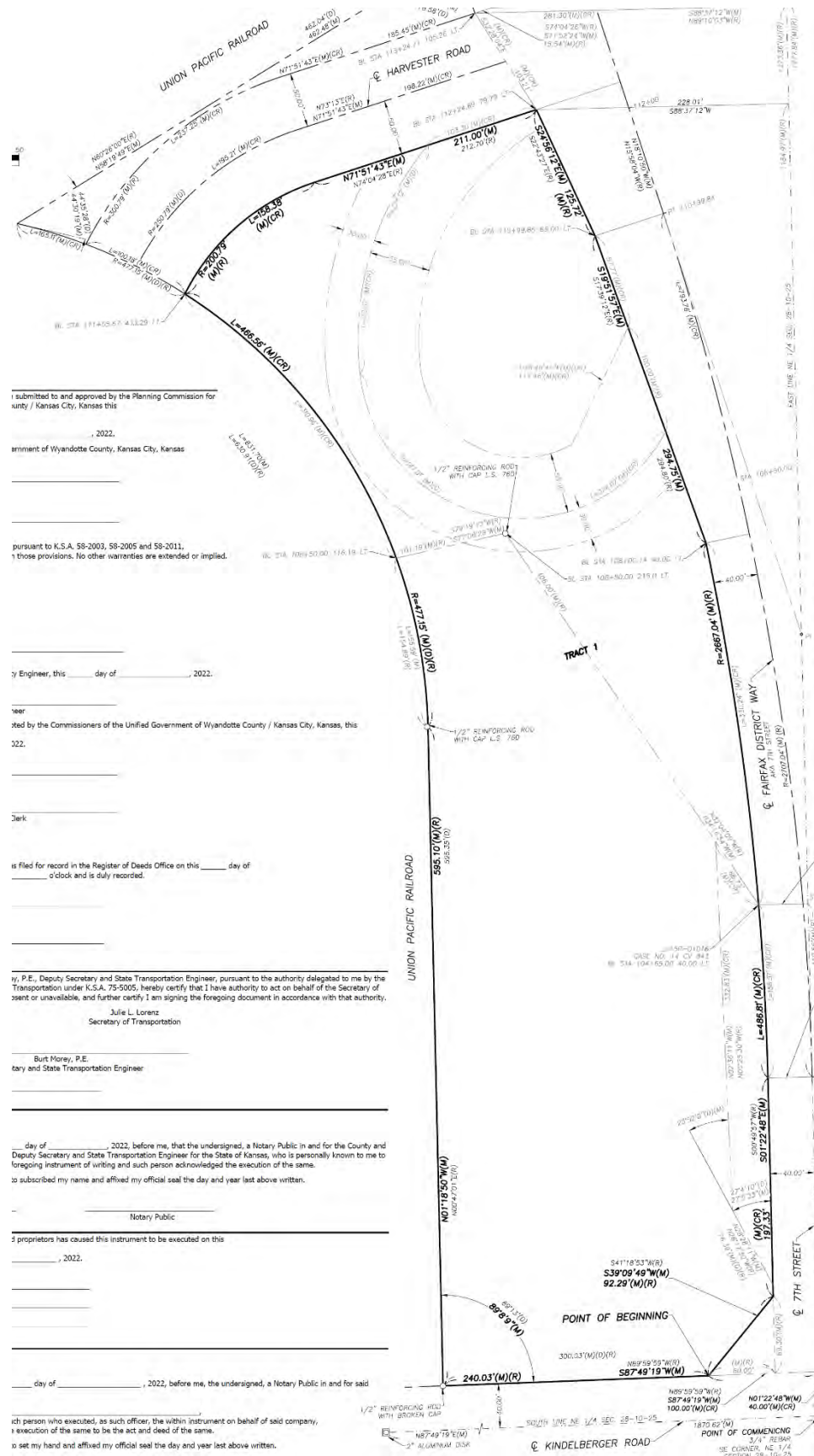
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of August, 2022.

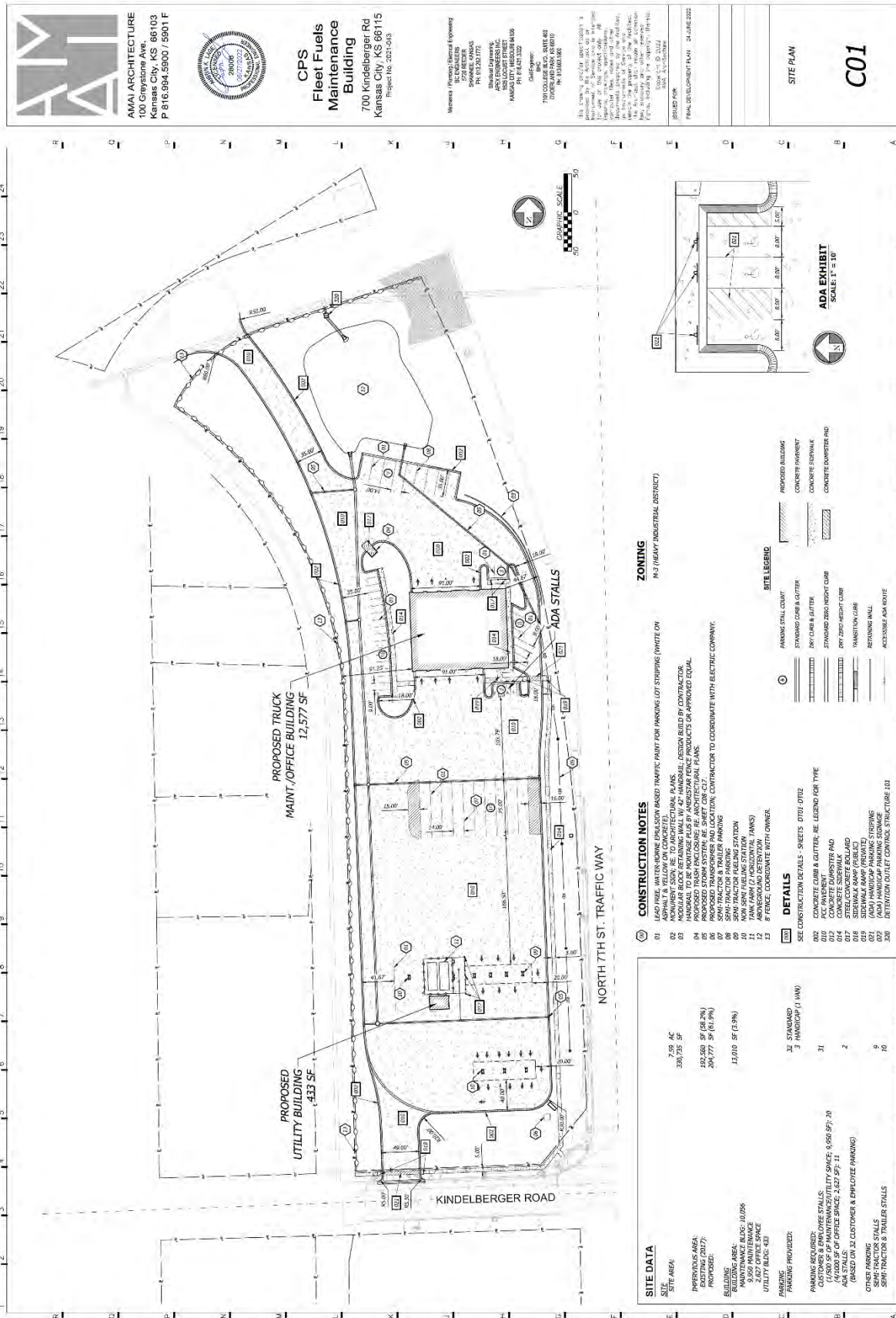
My commission expires 14th of August, 2026.



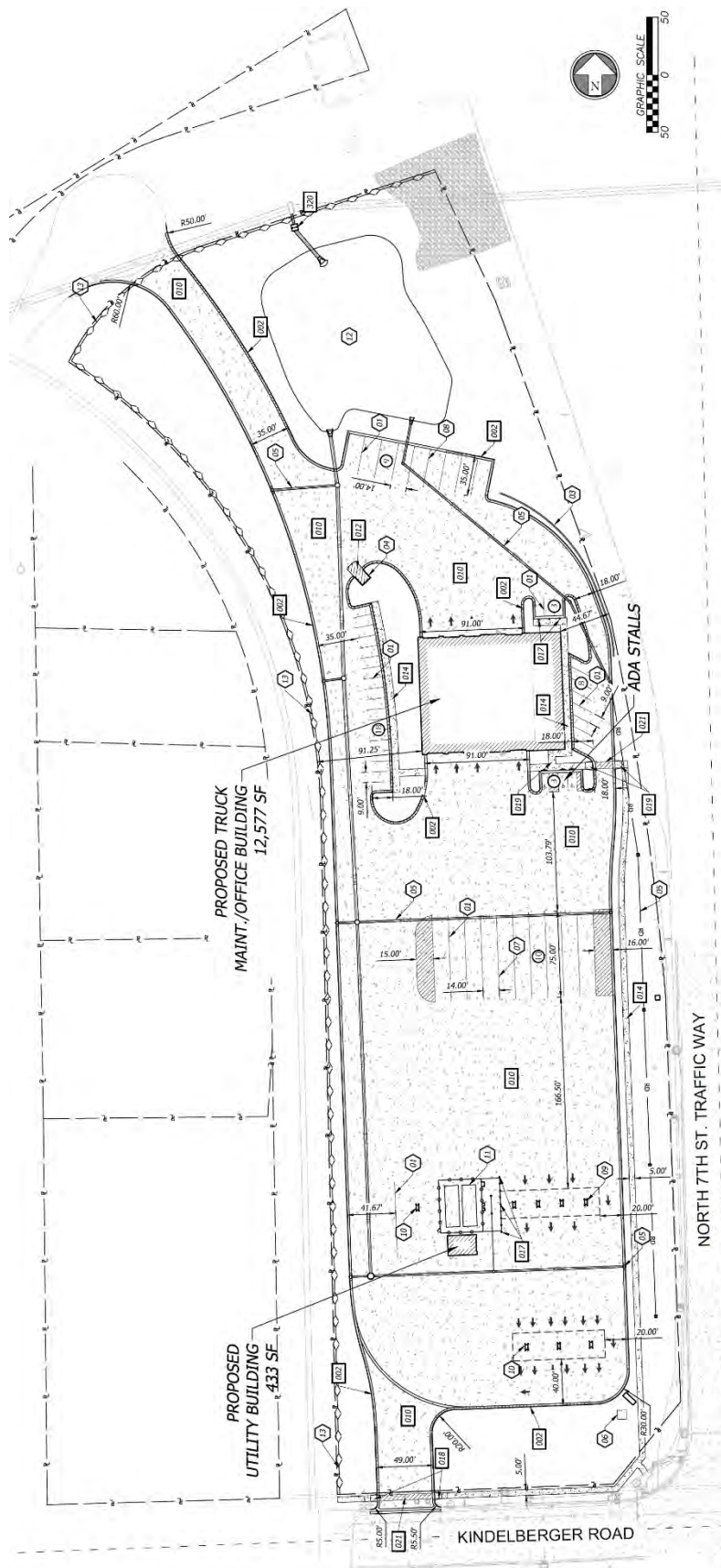
[Signature]
Notary Public

CPS FLEET FUELS FINAL PLAT, CONT.

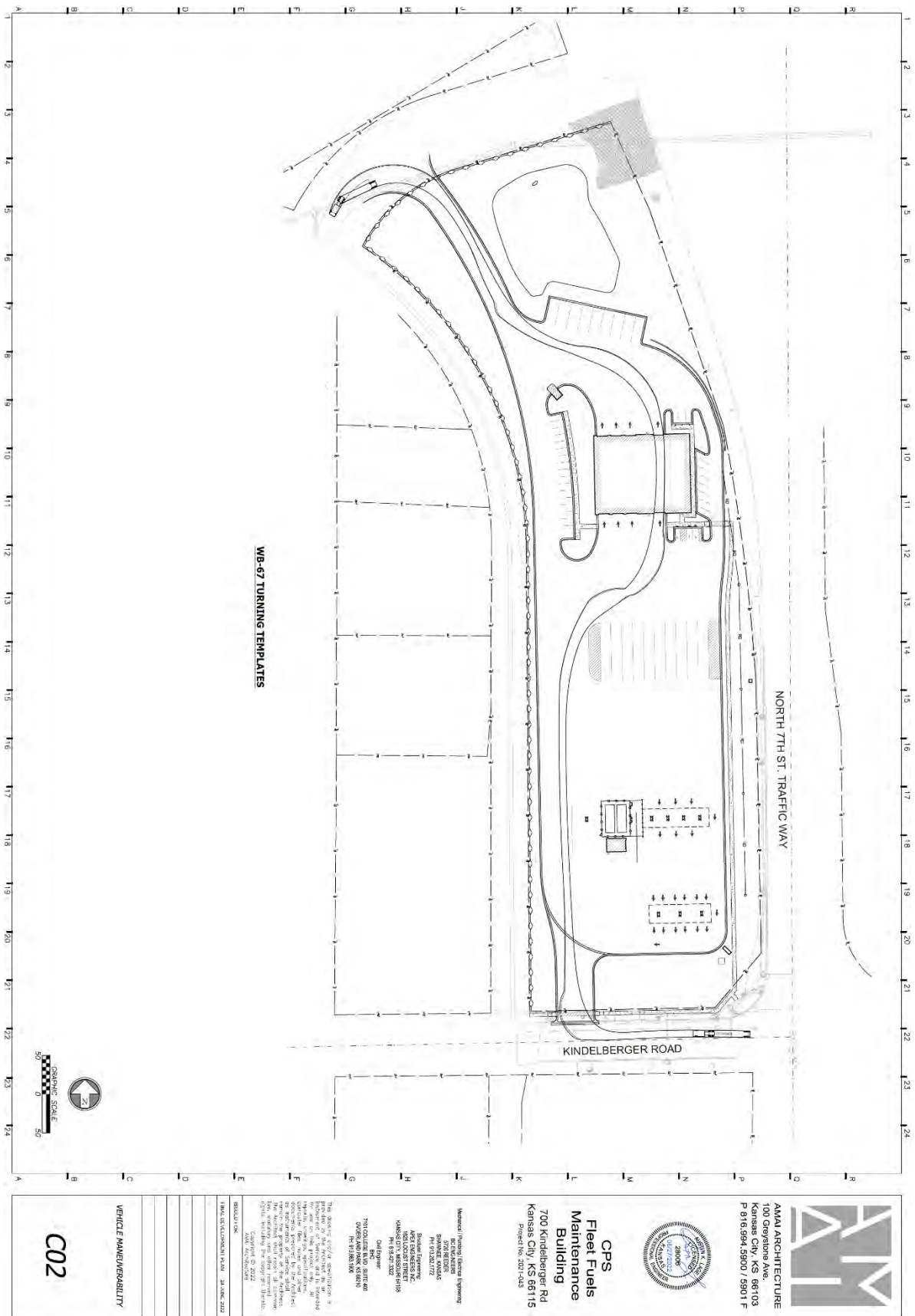




SITE PLAN FOR 700 KINDELBERGER ROAD, CONT.



VEHICLE MANEUVERABILITY PLAN FOR 700 KINDELBERGER ROAD



ABRIDGED TRAFFIC IMPACT MEMO, DATED JUNE 23, 2022



June 23, 2022

Urban Planning and Land Use Department
701 North 7th Street, Suite 423
Kansas City, Kansas 66101

Re: Traffic Memo for Fleet Fuels

BHC has been tasked to review the traffic impact of a proposed development at 700 Kindleberger Road in Kansas City, Kansas. The development involves construction of a truck fueling and maintenance facility with a small office on a 7.59 acre undeveloped site.

EXISTING CONDITIONS

The existing site is an undeveloped parcel of land zoned as a heavy industrial district. The existing site totals 7.59 acres and sits at the northwest corner of N 7th Street Trafficway (Highway 69) (a principal arterial) and Kindleberger Road (a local road).

At the project site, 7th Street Trafficway and Kindleberger Road meet at a signalized intersection. Approximately 4,700 feet north of the project lies the I-635 and Highway 69 interchange. Approximately 1,300 feet south of the project site, N 7th Street meets Sunshine Road (a minor arterial) at a signalized intersection.

South and west of the site, Sunshine Road, Highway 5, and McCormick Road (a local road) meet at a signalized intersection with a dedicated northbound right-turn lane from Highway 5 to Sunshine Road. Kindleberger Road meets Fairfax Trafficway (a minor arterial) at a signalized intersection approximately 3,200 feet east of the project site. The site currently has one driveway with access on Kindleberger Road.



Figure 1: Project Location



PROPOSED CONDITIONS

The proposed development is a truck fueling and maintenance facility with 17 vehicle fueling stations, with 2,627 square feet of office space. The proposed site layout places a driveway on Kindleberger Road at approximately the same location of the existing driveway. The site layout can be seen below in Figure 2.

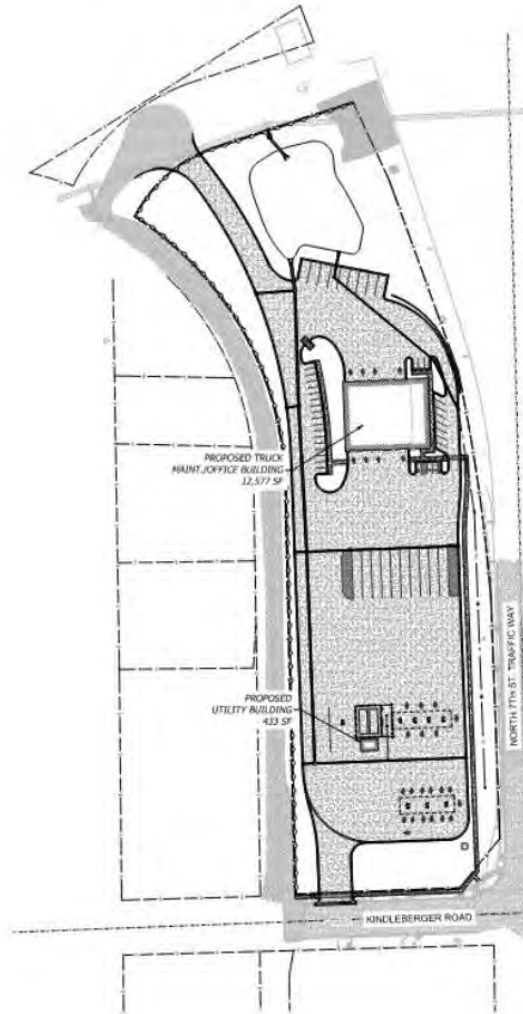


Figure 2: Proposed Site Layout

TRIP DISTRIBUTION

TRIP DISTRIBUTION

Blue = Entering %
Red = Exiting %

7th St Trfy

Kindelberger Rd

7th St Trfy

Kindelberger Rd

N

N.T.S.

[illegible]

ITE TRIP GENERATION

The number of proposed trips for the AM and PM peak can be seen in Table 1.

Table 1 – Proposed Trip Generation							
ITE Code	ITE Land Use	Variable	Value	Avg. Rate	Trip Ends		
					Total	Enter	Exit
AM Peak Hour (7-9 AM)							
950	Truck Stop	Vehicle Fueling Stations	17	7.18	122	62	60
710	General Office Building	Square Feet	2,627	1.16	3	3	0
Total Trips					125	65	60
PM Peak Hour (4-6 PM)							
950	Truck Stop	Vehicle Fueling Stations	17	8.41	143	70	73
710	General Office Building	Square Feet	2,627	1.15	4	1	3
Total Trips					147	71	76

34

ABRIDGED TRAFFIC IMPACT MEMO, DATED JUNE 23, 2022, CONT.

CONCLUSION

A review of Figure 4 identifies that the PM Peak Hour is expected to have the most impact to the surrounding street network. There are more trips added in the PM Peak Hour than the AM Peak Hour.

In the PM Peak Hour, 71 vehicles are expected to enter the proposed development. Of the entering vehicles, 60% (43) are expected to only travel straight or make right turns and therefore have minimal impact on the surrounding street network. The other 40% (28) are expected to make a left turn off of Kindleberger Road into the proposed site. There is adequate stacking available along two-lane Kindleberger Road for this movement.

In the PM Peak hour, 76 vehicles are expected to exit the proposed development. Of the exiting vehicles, 40% (30) are expected to only travel straight or make right turns and have a minimal impact on the surrounding street network. The other 60% (46) are anticipated to make a left turn onto Kindleberger Road, and of those vehicles, (31) will make another left turn onto northbound N 7th Street Trafficway. This is not expected to result in any significant change in existing signal operations at this intersection. If any change is experienced, the maximum green time for the eastbound/westbound movement could be extended a few seconds to allow extra time for trucks to clear Kindleberger Road during heavy truck times of the day without repercussions the rest of the day.

There are no significant traffic impacts associated with the proposed development. If there are any questions regarding this traffic memo, please contact me at your convenience at 913-663-1900 or mark.sherfy@ibhc.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Sherfy", with a stylized flourish extending to the right.

Mark Sherfy, PE, PTOE
BHC

[illegible]

MAINTENANCE BUILDING OPS FLEET FUELS
700 Kinkebecker Rd
Kansas City, KS 66115

CONSULTANTS
BCH PARTNERS
3000 E. 12th Ave.
Suite 100
Kansas City, MO 64105
781.581.1234
bch@bchpartners.com

DESIGNER
AMA ARCHITECTURE
100 Graystone Avenue
Kansas City, MO 64103
816.584.3500 / 5801 F

DATE
03-24-2022

PROJECT
OPS FLEET FUELS BUILDING

REVISIONS

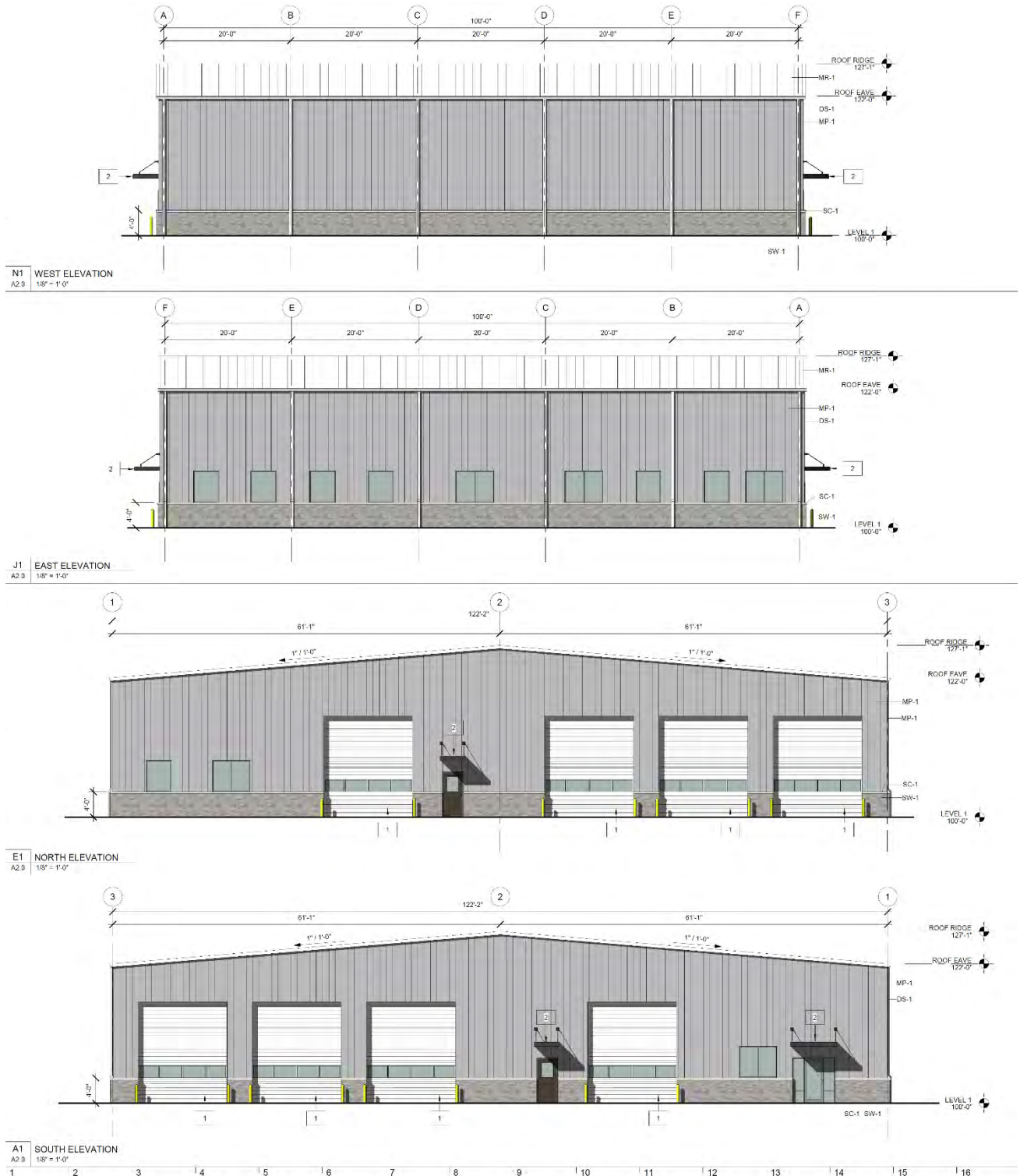
Revision Number	Description	Date
1	Initial Design	03-24-2022

FINAL DEVELOPMENT PLAN
Issue Date: 03-24-2022

EXTERIOR ELEVATIONS

A02

ELEVATIONS OF THE PROPOSED BUILDINGS, CONT.



GRADING NOTES

1. Contractor shall submit a copy of the Geotechnical Section Report for the project and the details with the grading conditions and recommendations contained in the report within 10 days of the report being prepared.
2. Contractor is responsible for any new conditions of existing materials. Job will be inspected and approved by the Engineer prior to construction.
3. Contractor shall submit a geotechnical report to the Engineer. All geotechnical reports must be signed and approved by the Geotechnical Engineer prior to the start of construction.
4. Contractor shall submit the final grading plan to the Engineer for approval. The final grading plan shall include the following information:
 - a. Final grading plan showing the final grading conditions.
 - b. Final grading plan showing the final grading conditions.
 - c. Final grading plan showing the final grading conditions.
 - d. Final grading plan showing the final grading conditions.
 - e. Final grading plan showing the final grading conditions.
 - f. Final grading plan showing the final grading conditions.
 - g. Final grading plan showing the final grading conditions.
 - h. Final grading plan showing the final grading conditions.
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 - s. Final grading plan showing the final grading conditions.
 - t. Final grading plan showing the final grading conditions.
 - u. Final grading plan showing the final grading conditions.
 - v. Final grading plan showing the final grading conditions.
 - w. Final grading plan showing the final grading conditions.
 - x. Final grading plan showing the final grading conditions.
 - y. Final grading plan showing the final grading conditions.
 - z. Final grading plan showing the final grading conditions.
5. Final grading plan showing the final grading conditions.
6. Final grading plan showing the final grading conditions.
7. Final grading plan showing the final grading conditions.
8. Final grading plan showing the final grading conditions.
9. Final grading plan showing the final grading conditions.
10. Final grading plan showing the final grading conditions.
11. Final grading plan showing the final grading conditions.
12. Final grading plan showing the final grading conditions.

- Contractor shall prepare a "Generalist Services Report" for the project report that is required by the owner and recommendations contained in the report shall reflect the work proposed.
- Contractor shall be responsible for any new acquisition of publicly available data, will be responsible for obtaining any new data sources. Contractor shall provide a copy of the data to the owner.
- Contractor shall obtain oral subject to a structural analysis from other sources. All drawings, reports, and other documents shall be reviewed and approved by the Generalist Engineer prior to including the data in the project.
- Contractor shall provide, within the terms and format included in the Structural Analysis Report, the following information:
 - 1. All drawings, reports, and other documents prepared for the project and provided to the owner.
 - 2. All drawings, reports, and other documents prepared for the project and provided to the owner.
 - 3. All drawings, reports, and other documents prepared for the project and provided to the owner.
 - 4. All drawings, reports, and other documents prepared for the project and provided to the owner.
 - 5. All drawings, reports, and other documents prepared for the project and provided to the owner.
 - 6. All drawings, reports, and other documents prepared for the project and provided to the owner.
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 - 9. All drawings, reports, and other documents prepared for the project and provided to the owner.
 - 10. All drawings, reports, and other documents prepared for the project and provided to the owner.
 - 11. All drawings, reports, and other documents prepared for the project and provided to the owner.
 - 12. All drawings, reports, and other documents prepared for the project and provided to the owner.
- All proposed structural data and other data shall be provided to the owner and approved by the owner. Contractor shall account for payment, design, building, etc. when preparing the data.

[illegible]

STANDARD QUANT. CUTTERS	900	FINISH GAUGE HOOK COMPASSES
DRY CUTTER & CUTTERS	802	FINISH GAUGE HOOK COMPASSES
2ND. HEAVY CUT	901	FINISH GAUGE HOOK COMPASSES
TRANSITION CUT	803	FINISH GAUGE HOOK COMPASSES
		PROPERTY LINE



AMAI ARCHITECTURE
100 Graydon Ave.
Kansas City, KS 66103
P 816.994.5900 / 55801 F



**CPS
Fleet Fuels
Maintenance
Building**
700 Kindelberger Rd
Kansas City, KS 66115
Project No. 2021-043

Medical / Pulmonary / Exercise Engineering
 BC ENG'NEERS
 5728 REEDER
 SHAWNEE KANSAS
 PH: 913-821 1772

Structure Engineering
 APEX ENG'NEERS INC.
 16511 DOLITS STREET
 KANSAS CITY, MISSOURI 64148
 PH: 816-471 3352

Cal/Energy
 BNC
 7101 COLLEGE BLVD, SUITE 400
 OVERLAND PARK, KS 66210
 PH: 913-021 1001

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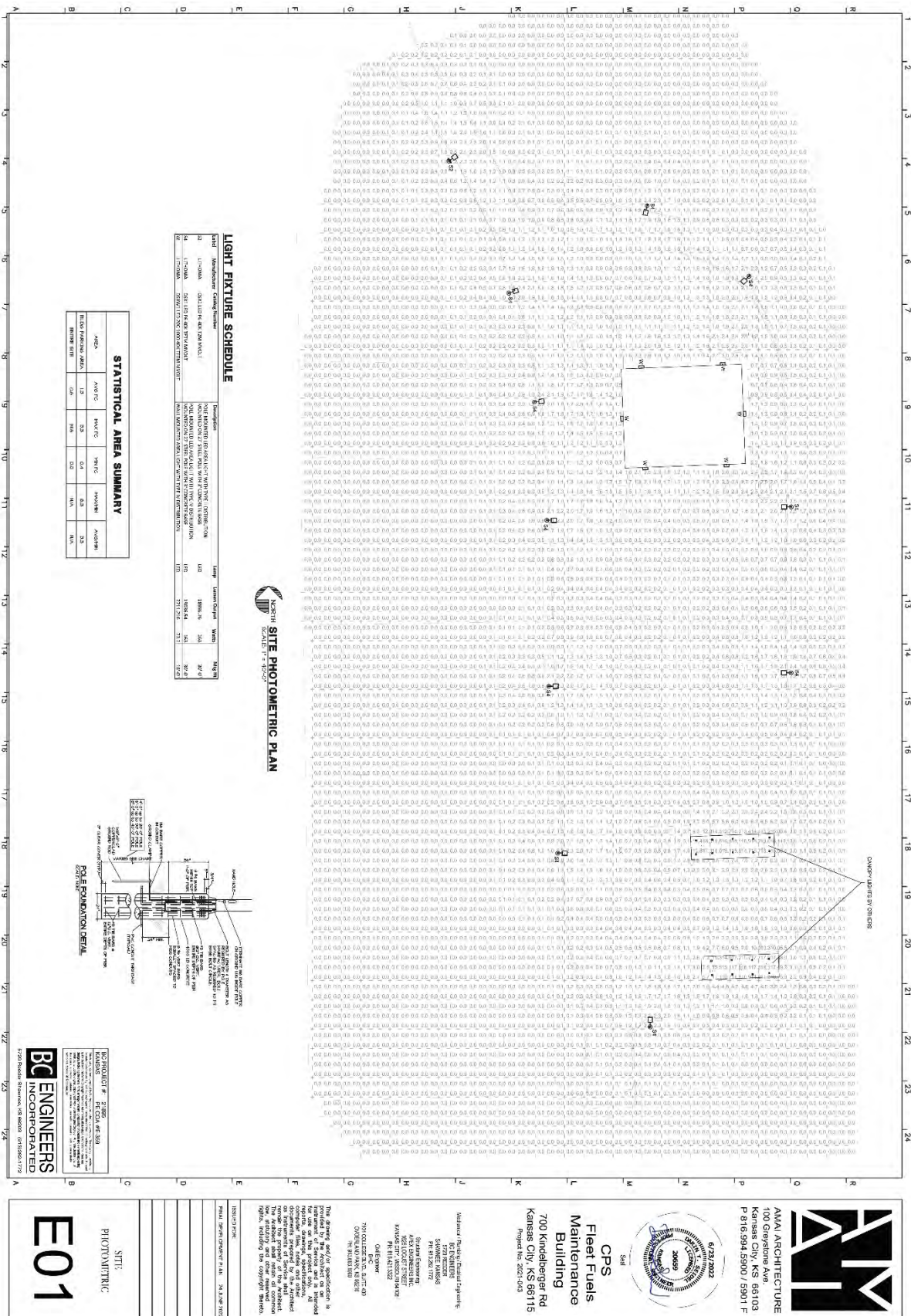
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FINAL DEVELOPMENT PLAN 24 JUNE 2011

GRADING PLAN

GO1

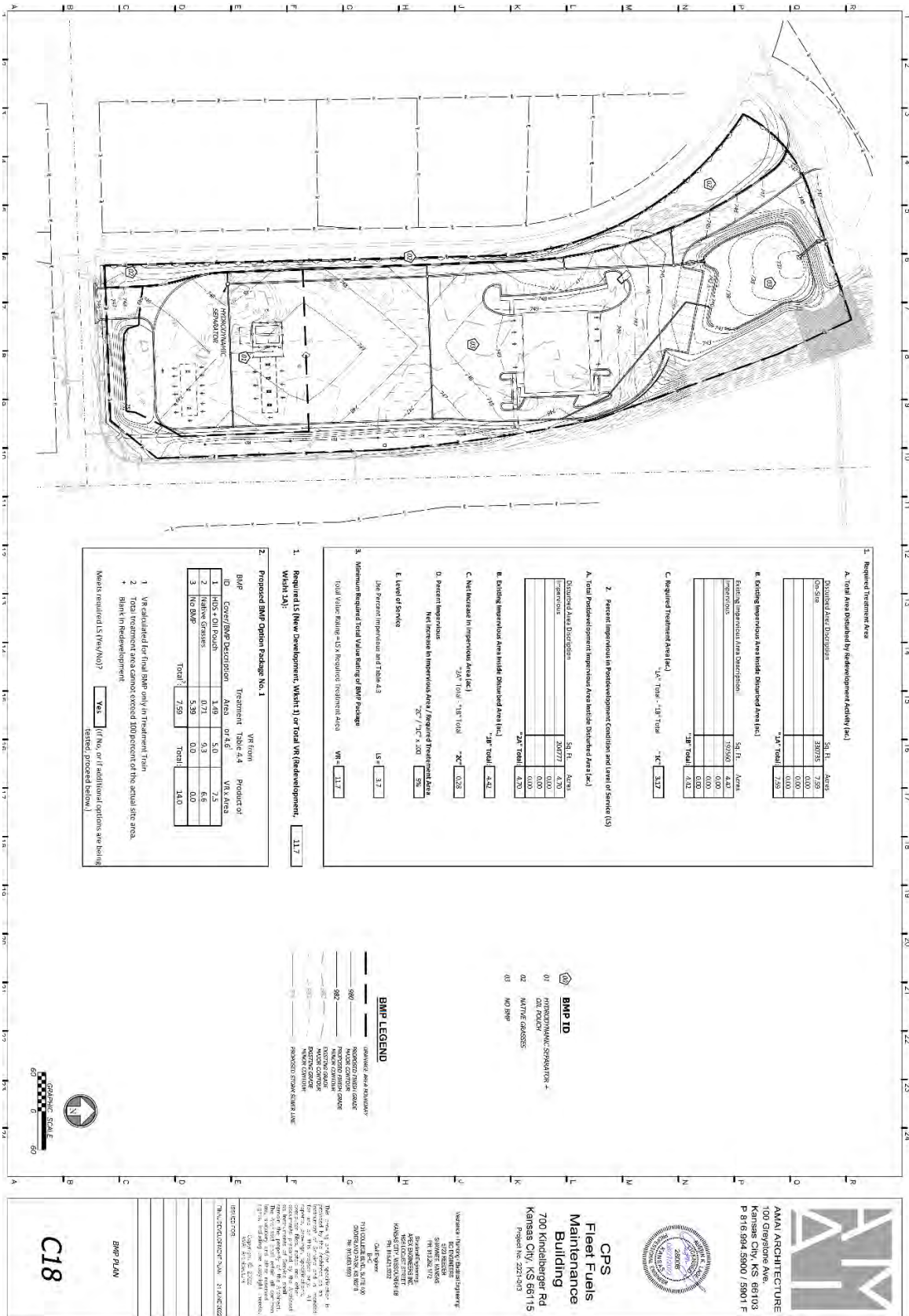
PHOTOMETRIC PLAN OF 700 KINDELBERGER ROAD



The site plan illustrates the proposed maintenance building and its surrounding drainage areas. The building is located at the intersection of Kinkeberg Road and North 7th St. The plan shows various drainage areas (DA 1 to DA 10) with their respective impervious and permeable surface areas. A table on the right summarizes these areas and provides C-values for each drainage area.

Drainage Area	Area	Impervious	Permeable	CN-Value	C-Value
DA 1	79,705 SF (1.83 ac)	27,011 SF (0.62 ac)	52,693 SF (1.21 ac)	86	0.50
DA 2	10,662 SF (0.24 ac)	10,662 SF (0.24 ac)	0 SF	98	0.90
DA 3	15,857 SF (0.36 ac)	11,245 SF (0.26 ac)	4,611 SF (0.11 ac)	93	0.73
DA 4	18,904 SF (0.43 ac)	17,123 SF (0.39 ac)	1,781 SF (0.04 ac)	96	0.84
DA 5	37,686 SF (0.87 ac)	37,686 SF (0.87 ac)	0 SF	98	0.90
DA 6	42,031 SF (0.96 ac)	39,441 SF (0.91 ac)	2,590 SF (0.06 ac)	97	0.86
DA 7	34,063 SF (0.78 ac)	31,452 SF (0.72 ac)	2,611 SF (0.06 ac)	97	0.85
DA 8	30,891 SF (0.71 ac)	25,871 SF (0.59 ac)	5,019 SF (0.12 ac)	95	0.80
DA 9	16,756 SF (0.38 ac)	16,756 SF (0.38 ac)	0 SF	80	0.30
DA 10	44,180 SF (1.01 ac)	4,465 SF (0.10 ac)	39,715 SF (0.91 ac)	82	0.36
Total	330,735 SF (7.59 ac)	204,958 SF (4.71 ac)	125,776 SF (2.89 ac)	91	0.67

PRELIMINARY STORMWATER MANAGEMENT STUDY FOR FLEET FUELS



DRAFT QUITCLAIM DEED FOR PARCELS #892221, #892222, AND #892223

Wyandotte County Tr. 1 CSA 69-105 KA-2838-02 9/8/22 Job No. 3565 RID No. 2477 Page 1 of 5
No Sales Validation Required KSA 79-1437e(a)(13)

QUITCLAIM DEED

THIS DEED, Made September 8, 2022, by and between The State of Kansas, acting by and through Julie L. Lorenz, as Secretary of Transportation of the State of Kansas, of the first part, and JG Standard, LLC of Jackson County, in the State of Missouri of the second part:

WITNESSETH, That said party of the first part, in consideration of the sum of one dollar and other valuable consideration to it duly paid, has sold, and by these presents does Remise, Release and Quitclaim unto the said parties of the second part, their heirs and assigns, forever, all that tract of land situated in the Northeast Quarter of Section 28, Township 10 South, Range 25 East of the 6th P.M., in the County of Wyandotte and the State of Kansas described as follows, to-wit:

See Survey dated July 18, 2022, on page 2

See Legal Description written by Steven Shafer recited on page 3

RESTRICTIVE COVENANT: The party of the second part, for their heirs and assigns, do hereby covenant and agree, said covenant to run with the land, that the land conveyed herein shall not be used for billboards or other off-premise commercial advertising purposes, which does not include on premise advertising signs for businesses operated on the described land.

Wyandotte County Tr. 1 CSA 69-105 KA-2838-02 9/8/22 Job No. 3565 RID No. 2477 Page 2 of 5
The above described land is subject to easement for the right of ingress and egress, reconstruction, and maintenance of all existing utilities and appurtenances thereto, together with the appurtenance and all the estate, title and interest of said party of the first part therein.

EXHIBIT
PART OF THE NORTHEAST QUARTER
SEC. 28, T10S, R25E
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
DESCRIPTION (SEE SHEET 1 FOR AN EXHIBIT)

A tract of land in the Northeast Quarter of Section 28, Township 10 South, Range 25 East of the 6th/ Principal Meridian, in Kansas City, Wyandotte County, Kansas, said tract being that part of the current Kansas Department of Transportation Right of Way Easement described as Tract 1A in Document Number 2015R-01016 and a part of Ramp 2 as acquired in a document recorded in Book 1567 at Page 468 and excepted from the document recorded as 2015R-01016. Said tract being more particularly described by Steven C. Shafer, PS 852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the East line of the Northeast Quarter of Section 28 having a bearing of North 1° 22' 48" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

(Note: Referenced Document 2015R-01016 describes the East line of the Northeast Quarter of Section 28 referenced to Missouri State Plane Coordinate System, West Zone, NAD 83 as North 0° 49' 57" East. The rotational difference between the two state plane coordinate systems is 2° 12' 45" at the Southeast corner of the Northeast Quarter of said Section 28.)

Commencing at the Southeast corner of the Northeast Quarter of said Section 28, monumented by an existing 3/4 inch reinforcing rod; Thence North 1° 22' 48" West (North 0° 49' 57" East by deed) 462.56 feet, on the East line of said Northeast Quarter of Section 28; Thence South 88° 37' 12" West (North 89° 10' 03" West deed) 44.59 feet, to a point on the existing West right of way line of 7th/ Street Trafficway and the Point of Beginning of the tract herein described;

Thence North 34° 16' 54" West (North 32° 04' 09" West by deed) 406.00 feet, to a point 215.00 feet left of base line station 108+50.00;

Thence South 77° 06' 28" West (South 79° 19' 13" West by deed) 101.19 feet, to a point 316.19 feet left of base line station 108+50.00, and the beginning of a non-tangent curve concave to the Southwest;

Thence Northerly and Northwesterly 310.96 feet on said non-tangent curve to the left, having a radius of 477.15 feet and a chord bearing of North 38° 40' 03" West (North 36° 27' 18" West by deed) 305.49 feet, to a point 433.29 feet left of base line station 111+65.67 and the beginning of a non-tangent curve concave to the Southeast;

Thence Northeasterly 158.38 feet (156.67 feet by deed) on said curve to the right having a radius of 200.79 feet with a chord bearing of North 49° 15' 56" East 154.30 feet (North 51° 13' 57" East 152.73 feet by deed);

Thence North 71° 51' 43" East 211.00 feet (North 74° 04' 28" East 212.70 feet by deed), to a point 79.79 feet left of base line station 112+24.69;

Thence South 24° 56' 12" East (South 22° 43' 27" by deed) 125.72 feet, to a point 65.00 feet left of base line station 110+99.85;

Thence South 19° 51' 57" East 294.75 feet (South 17° 39' 12" East 294.80 feet by deed), to a point 40.00 feet left of base line station 108+00.14 and the beginning of a non-tangent curve concave to the West;

Thence Southerly 330.24 feet on said curve to the right having a radius of 2667.04 feet and having a chord bearing of South 8° 17' 27" East 330.03 feet (South 6° 04' 38" East 329.98 feet by deed), to the point of beginning of the tract herein described.

Containing 141,850 square feet or 3.2564 acres, more or less.

Subject to all easements and restrictions of record.



Sheet:	Drawn By: JDS/SS	Project:	Client:	 BHC CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	Project No: 032880	EXHIBIT	COMPLETE	
OF	Field Date: 2/27/2022	PART OF THE NE 1/4,	PROPERTY SOLUTIONS	
2	Issue Date: 7/18/2022	SEC. 28, T10S, R25E,	7700 WEDD STREET	
		KANSAS CITY	OVERLAND PARK, KS 66204	
		WYANDOTTE COUNTY, KANSAS		

Jul 18, 2022 - 10:19am Plotted by: jon.simpson K:\032680.00.01 CPS Fuele 7th and Kinderberger Engineering Design-Plotting\DWG\Survey\032680

DRAFT QUITCLAIM DEED FOR PARCELS #892221, #892222, AND #892223, CONT.

Wyandotte County Tr. 1 CSA 69-105 KA-2838-02 9/8/22 Job No. 3565 RID No. 2477 Page 5 of 5

TO HAVE AND TO HOLD ALL and singular the above-described premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

I, Burt Morey, P.E., Deputy Secretary and State Transportation Engineer, pursuant to the authority delegated to me by the Secretary of the Kansas Department of Transportation under K.S.A. 75-5005, hereby certify that I have authority to act on behalf of the Secretary of Transportation when the Secretary is absent or unavailable, and further certify I am signing the foregoing document in accordance with that authority.

Julie L. Lorenz
Secretary of Transportation

BY: _____
Burt Morey, P.E.
Deputy Secretary and
State Transportation Engineer

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, that the undersigned, a Notary Public in and for the County and State aforesaid, came Burt Morey, P.E. Deputy Secretary and State Transportation Engineer for the State of Kansas, who is personally known to me to be the same person who executed the foregoing instrument of writing and such person acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Notary Public

My Commission Expires:

SIDEWALK AND TRAIL MASTER PLAN APPENDICES FOR 700 KINDELBERGER ROAD



SIDEWALK AND TRAIL MASTER PLAN APPENDICES FOR 700 KINDELBERGER ROAD, CONT.



SIDEWALK AND TRAIL MASTER PLAN APPENDICES FOR 700 KINDELBERGER ROAD,
CONT.



GoDOTTE WYANDOTTE COUNTY STRATEGIC MOBILITY PLAN FOR 700 KINDELBERGER ROAD

CHAPTER 4 RECOMMENDATIONS



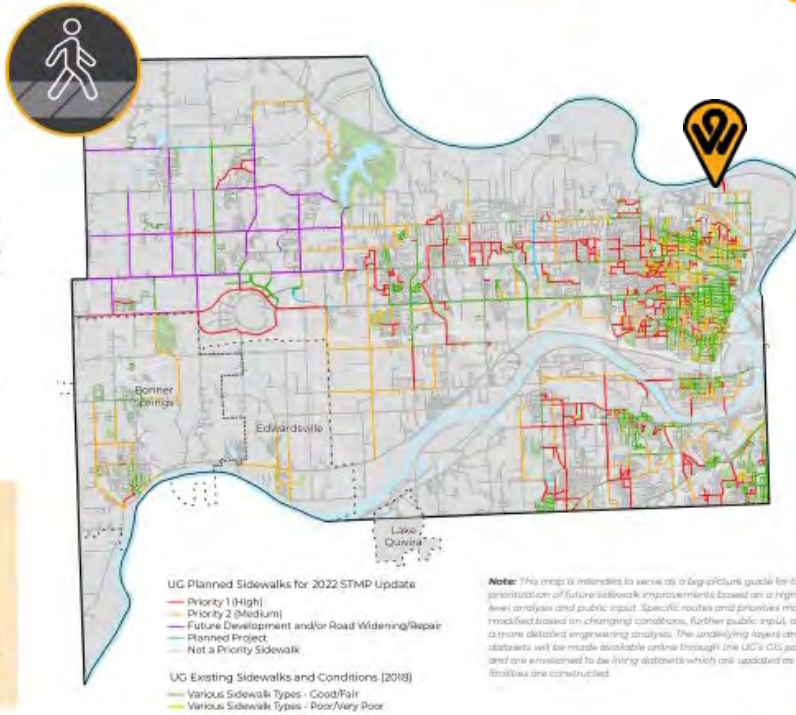
Sidewalks

The Future Sidewalk Network map on the right shows all locations where there is not currently a sidewalk in the County and whether or not a sidewalk at those locations is a priority. Consistent with the 2012 STMP, this plan is not recommending sidewalks everywhere in the County; however, that is not to say that sidewalks should not be constructed or repaired within segments not identified in this plan. Rather, the prioritized sidewalk network is intended to address basic pedestrian needs including, but not limited to, connecting neighborhoods to schools, parks, transit lines, and other important local destinations. This map is intended to serve as a big-picture guide for the prioritization of future sidewalk improvements. Specific routes and priorities may be modified based on changing conditions, further public input, and a more detailed engineering analysis.

The Future Sidewalk Network map to the right also shows locations of existing sidewalks in the County, along with conditions data from a 2018 assessment conducted by UC Public Works. Moving forward, the UC should seek to conduct recurring sidewalk conditions assessments and maintain and update an existing sidewalk conditions dataset accordingly. Ideally, this dataset would be integrated with the dataset showing unbuilt and planned sidewalks to create a single, living layer that includes prioritization for unbuilt sidewalks as well as prioritization for maintenance/reconstruction of existing sidewalks.

FISCAL CONSIDERATIONS

In Wyandotte County, sidewalk maintenance is a property owner's financial responsibility. Currently, there is no dedicated funding for sidewalks outside of the Sidewalk Incentive Program Policy, in which property owners can apply for reimbursement of approximately 50% of the average cost for sidewalk and/or curb removal/replacement. Even if there were a dedicated funding source for sidewalks, it would be cost prohibitive and unnecessary to build sidewalks in every portion of the County.



Note: This map is intended to serve as a big-picture guide for the prioritization of future sidewalk improvements based on a high-level analysis and public input. Specific routes and priorities may be modified based on changing conditions, further public input, and a more detailed engineering analysis. The underlying layers and datasets will be made available online through the UC's GIS portal and are envisioned to be living datasets which are updated as new facilities are constructed.

WYANDOTTE COUNTY Strategic Mobility Plan



GoDOTTE WYANDOTTE COUNTY STRATEGIC MOBILITY PLAN FOR 700 KINDELBERGER ROAD, CONT.

CHAPTER 4 RECOMMENDATIONS



Trails and Greenways

The Future Trails Network map shown to the right is intended to serve as a long-term guide for county-wide trails which includes the following different types of facilities:

- **Regional trails**, which provide cross-county connections and linkages to regional trails outside of the County. These trails are recommended to be at least 10 feet wide.
- **Local trails**, which provide connections to neighborhood and local destinations. These trails are envisioned to mainly be adjacent to existing roads in developed areas with limited right-of-way. Like regional trails, these are recommended to be at least 10 feet wide although 8 feet may be accepted in limited right-of-way sections. A green-space buffer is preferred between the roadway and trail, or, at a minimum, a physical barrier or railing.
- **Greenway trails**, which generally follow streams and provide a unique setting for trails and immersing the user in nature. These provide a departure from the network of streets and offer a more natural recreational setting. Greenway trails also provide the opportunity to align investments in stormwater management infrastructure with investments in transportation and mobility.

The Future Trails Network map also notes the locations of the priority sidewalks identified in the Future Sidewalk Network map, as together these represent the prioritized and desired network of off-street pedestrian and bicycle accommodations in the County.

FISCAL CONSIDERATIONS

It should be noted that the majority of trails will be built over time as development and re-development occurs, and ideally with a cost share by private development. However, there will be important trail connections that will not be financed by private development – notably trails on bridges, levees, and old rail corridors.



NORTHEAST AREA MASTER PLAN: FAIRFAX DISTRICT MASTER PLAN EXCERPT

Stabilization, Occupation, and Revitalization Initiative (SOAR)

Launched in 2016, SOAR is a 5-year plan to confront some of the most pervasive challenges in the Northeast Area, and the City as a whole. SOAR aims to address issues including vacant and abandoned homes, property maintenance, poorly maintained streets and parks, a lack of trails and sidewalks, and graffiti while improving governmental communication. Through the 4th quarter of 2017, SOAR has led to 3,482 individual property improvements, including the transfer of 143 properties from the Land Bank to private sale, the demolition of 78 structures due to safety issues and the transformation of 1,536 vacant properties with new construction or improved lots. The SOAR Initiative works hand-in-hand with many of the NEAMP's priority projects, including Vacant Building Reuse and the Home Repair Program.

Fairfax District Master Plan

The Planning Team is fully committed to helping to integrate and implement the Fairfax District Master Plan. The Fairfax Plan, developed concurrently with the NEAMP, recognizes the need to update the District in order to improve overall appearance, function and identity to strengthen the local business environment. The Fairfax Industrial District, founded in 1922, currently houses over 120 businesses, employs over 8,500 people and generates over \$5.4 billion in annual sales. World famous brands including Kellogg's, CertainTeed, Owen Corning and Fairfax General Motors Stamping & Assembly plant are all located within the District. The Fairfax District Master Plan comprehensively addresses Infrastructure, Police & Fire Protection, Amenities, Zoning, Property Taxes and Workforce Connection. A summary of strategies are listed below:

- **Infrastructure:** Add and improve curbs and sidewalks to enhance the look of the district, create better storm drainage and add a more attractive place for employees to safely get out and walk on their breaks. Improve landscaping on street medians to help beautify the District. Install entrance signage marking the main entrance points to the District. Incorporate

lighting improvements to improve safety during the evenings and help make businesses more visible. Encourage businesses to replace old fencing with wrought iron fencing in key areas, new Black colored chain fencing in others and eliminate use of razor wire. Further evaluate drainage and sewer systems to prevent flooding problems. Repair railroad crossings to improve overall safety.

- **Police & Fire Protection:** Dedicate an on-going full-time police officer to the Fairfax District. Preserve and maintain the Fire Station currently located in Fairfax, which is critical to many businesses with special fire protection needs such as pipelines and storage tanks.
- **Amenities:** Encourage the development of restaurants, mini-marts and gas stations to support workers, especially on their lunch breaks. Evaluate food trucks as a short-term improvement. Support hike and bike trail from downtown KCK to US 69 Bridge and from Kaw Point Connector down to Kinderberger Road and then Kinderberger Road to US69. Develop a B25 Bomber/Landing Craft Tank Memorials or Museum. Continue to improve Kaw Point Park.
- **Zoning:** The Fairfax District is an industrial manufacturing park and most all of it is zoned as M3 (heavy industrial). There is heavy rail, truck traffic and manufacturing which does not mix with residential use. Fairfax District should be zoned for commercial and industrial use only. Any type of residential use should not be permitted.
- **Property Taxes:** Support the mill levy being at a level that is competitive with other industrial parks and counties in surrounding areas. Support legislation be written in a way to protect property owners from incurring a valuation increase in no more than 15% in a given year.
- **Workforce Connection:** Establish a Workforce Connection Committee. This committee would be formed of various workforce organization leaders and Fairfax businesses. The purpose would be to connect job seekers with job openings in the Fairfax District. Part of this could include establishing training programs specific to Fairfax business needs.

Community Housing Development Organizations

Additional Community Housing Development Organizations (CHDOs) focusing solely on the Northeast Area would be able to implement NEAMP housing recommendations. A CHDO is a private nonprofit organization with a focus in the provision of quality housing that is affordable to low- and moderate-income individuals. A CHDO must maintain accountability to the community and have a demonstrated capacity for carrying out planned activities. Organizations such as the Northeast Economic Development Corporation (NEDC) have expressed interest in becoming such a designated CHDO.

Economic Development Tools

A variety of economic development mechanisms can be used to implement NEAMP recommendations. Incentives may include a tax abatement, tax moratorium, sales tax "free zone" to encourage investment in the Northeast Area. Applied strategically, the public benefit of their use should outweigh their cost in public dollars.

Economic Development Exemption (EDX)

Article 11, Sect. 13 of the Kansas Constitution allows the counties of Kansas to grant exemptions of ad valorem taxes (property taxes) for business with a lifetime of up to (10) years. There are certain qualifications these businesses must meet. The property (real or personal) must be used exclusively for manufacturing articles of commerce, conducting research or development, or storing goods which are sold or traded in interstate commerce.

Investment Revenue Bonds (IRBs)

Investment Revenue Bonds (IRBs) are used in Kansas to finance acquisition and construction of a broad variety of industrial, commercial and industrial properties under K.S.A. 12-1740 et seq on behalf of private businesses or non-profit agencies. IRB's require a governmental entity (the Unified Government) to act as the "Issuer" of the bonds, who will hold an ownership interest in the property for as long as the IRBs are outstanding. The businesses gain several benefits with the use of IRB's including the possibility of tax exemption.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER,
DATED AUGUST 16, 2022



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

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

August 16, 2022

RE: PLAT2022-028 Wil Anderson with BHC for one industrial lot at 700 Kindelberger Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: PLAT2022-028 Wil Anderson with BHC for one industrial lot at 700 Kindelberger Road.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Soil Features

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

- There is one major soil type identified: Haynie silt loam, occasionally flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- There should not be any major concerns with soil erosion on this project if measures are taken to protect the site.
- Silt fence and other erosion control measures can be used.
- Limit the amount of disturbed area. Wind erosion can be a concern, especially with proximity to bridge and heavily traveled roadways.
- The Best Management Practices in this report can be used to solve any erosion concerns for this site.

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.

The following Best Management Practices are recommended for this plat:

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

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

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

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

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

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

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

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

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

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

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16,
2022, CONT.

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

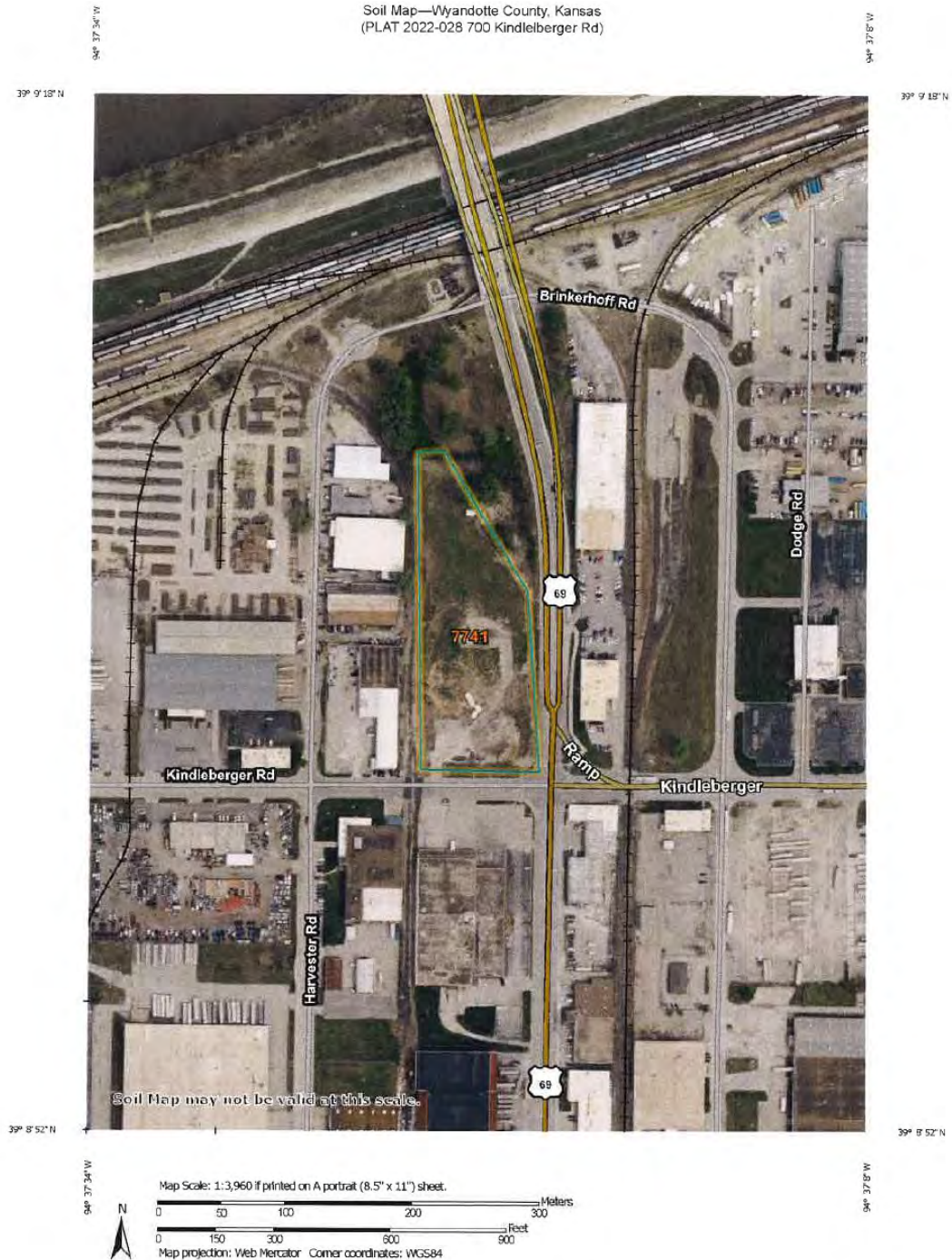
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7741	Haynie silt loam, occasionally flooded	4.6	100.0%
Totals for Area of Interest		4.6	100.0%

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7741—Haynie silt loam, occasionally flooded

Component: Haynie (90%)

The Haynie component makes up 90 percent of the map unit. Slopes are 0 to 1 percent. This component is on flood plains on river valleys. The parent material consists of coarse-silty alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very high. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the F107BY016MO Loamy Floodplain Forest ecological site. Nonirrigated land capability classification is 2w. Irrigated land capability classification is 2w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 18 percent.

Component: Sarpy (5%)

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

Component: Eudora (5%)

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

Data Source Information

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

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Report—Dwellings and Small Commercial Buildings

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Dwellings and Small Commercial Buildings—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7741—Haynie silt loam, occasionally flooded							
Haynie	90	Very limited		Very limited		Very limited	
		Flooding	1.00	Flooding	1.00	Flooding	1.00

WYANDOTTE COUNTY CONSERVATION DISTRICT LETTER, DATED AUGUST 16, 2022, CONT.

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7741—Haynie silt loam, occasionally flooded									
Haynie		—	—		0	—	High	Low	Low

STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022



Above: View of the existing driveway apron to the subject property, along Kindelberger Road.

Right: View from the subject property of North 7th Street Traffic, facing east.

Below: View from the subject property of Kindelberger Road, facing south.



STAFF SITE VISIT PHOTOGRAPHS, DATED MARCH 2, 2022, CONT.



Above: Views of the north portion of the subject property, facing the Highway US-69 Bridge crossing the Missouri River.

Lower Left: View of the subject property, facing north.

Lower Right: View of the subject property, facing south.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: **Petition PR2022-026**

GENERAL INFORMATION

Applicant:

Dr. Jessica Dain with Piper USD 203

Status of Applicant:

Representative
Duane Cash with Incite Design Studio
7200 West 75th Street
Overland Park, KS 66204

Requested Action:

Approve a Preliminary Development Plan.

Date of Application:

July 29, 2022

Purpose:

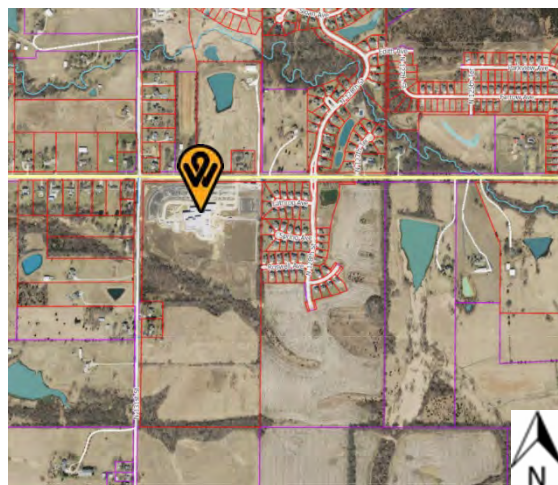
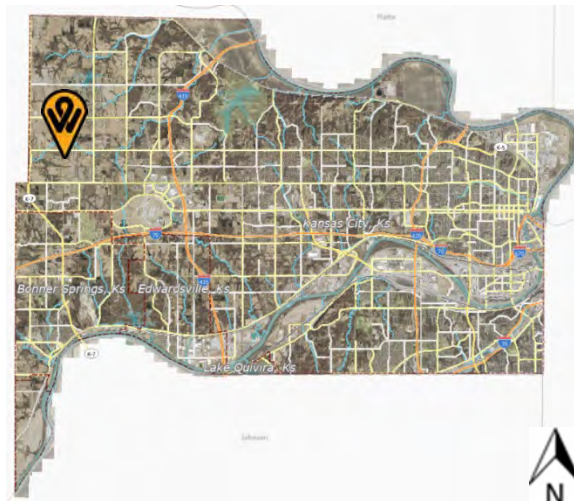
To convert an elementary school (Piper Creek Elementary School) to a high school with athletic fields.

Property Location:

13820 Donahoo Avenue

Commission Districts:

Commissioner At Large, District #1: Melissa Bynum
District #5 Commissioner: Michael (Mike) Kane



Existing Zoning:	A-G Agriculture (WYCO) and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture (WYCO), R Rural Residential (WYCO), R-1 Large Lot Single Family Residential (WYCO), R-1A Suburban Residential (WYCO), and R-1 Single Family Districts South: A-G Agriculture (WYCO) District East: R-1 Single Family District West: A-G Agriculture (WYCO), A-G Agriculture, R Rural Residential (WYCO), R-1 Large Lot Single Family (WYCO) and R-1 Single Family Districts
Adjacent Uses:	North: Single family homes South: Farmland East: Single family homes and undeveloped land West: Large lot single family homes
Total Tract Size:	73.60 Acres
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Suburban Residential, which allows single-family detached residential units, typically on quarter ($\frac{1}{4}$) acre lots.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.
Required Parking:	Sec. 27-668(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. 547 parking spaces are provided.
Advertisement:	Property Owner Letters – August 19, 2022 <u>Wyandotte Echo</u> – Not Required
Public Hearings:	September 12, 2022 and September 29, 2022
Public Support:	None to date.
Public Opposition:	One (1) person appeared in opposition at the September 12, 2022 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Dr. Jessica Dain with Piper USD 203, wants to build a 149,000 square foot addition, athletic fields, and associated

parking to convert Piper Creek Elementary School (grades 3-5) to Piper High School on 73.60 acres at 13021 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of single-family homes and large lot agricultural farmland along Leavenworth Road and North 131st Street. Leavenworth Road is rural in nature, with various single-family subdivisions between 123rd and 131st Streets, and large lot single family homes west of 131st Street.

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

Changing the programming from an elementary school to a high school will increase traffic and parking demand that will affect the road capacity and safety. Upgrades to the infrastructure is necessary to maintain a high level of service along North 131st Street and Leavenworth Road.

A traffic memo and study has been submitted and will be analyzed by Planning Engineering and Public Works Department. Additional comments will be sent separately, not attached with this report.

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

The Prairie Delaware Piper Master Plan emphasizes quality of design and ensuring that residential subdivisions and schools, parks, and other community services function as cohesive neighborhoods with pedestrian and bicycle

connections. In particular, the pedestrian transportation plan and bicycle transportation plan emphasize connections to schools.

Pedestrian Transportation Plan

The existing pedestrian system is not well developed in the study area. Sidewalks do not exist in a manner that connects traffic generators (neighborhoods) with traffic attractions (shopping/ schools). The objective of this plan will place greater importance on the development of continuous sidewalk facilities that connect land uses together.

Pedestrian Transportation Strategies:

- Connect key pedestrian corridors to schools, parks, recreational uses, and activity centers (public facilities, commercial areas, etc.).
- Fill in gaps in the network where some sidewalks exist.
- Signalize pedestrian crossings.
- Create pedestrian corridors that connect neighborhoods.
- Improve streets having sidewalks on one side to two sides.
- As development occurs, construction of sidewalks shall also occur (by developers).
- Reconstruct all existing substandard sidewalks
- Construct sidewalks in existing neighborhoods without sidewalks.
- Utilize utility corridors when possible.

Bicycle Transportation Plan

Bicycle access is a component of the transportation system that has not been given significant attention in previous planning efforts. The bicycle plan component recommends bikeway improvements that close gaps in the existing bicycle network, as well as establish strategies for developing a more complete network of bicycle pathways throughout the community.

Bicycle Transportation Strategies:

- Identify and connect bicycle corridors to schools, parks, recreational uses, and activity centers.
- Fill in gaps in the network where some segments of bikeway exist.
- Develop bicycle corridors that connect neighborhoods.
- Construct bike lanes with roadway improvement projects.
- Create bicycle corridors providing mobility to and within commercial areas.
- Connect regional attractions.
- Create multi-use paths with bicycle transportation function: Likely to be used for commuting, accessing transit, or traveling to a store, library, or other local destination. Bicycle/pedestrian sidewalks on bridges are included in this classification.
- Design includes physical separation from motor vehicle traffic by open space or barrier.
- Utilize utility corridors when possible.

All arterial and collector roads should have bike lanes. The bicycle plan will require incremental implementation. As development occurs, streets are rebuilt and other project funding opportunities (such as grant programs) arise, bicycle improvement projects should be integrated into project development.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #8 located at 123rd and Leavenworth Road.

f. *Transit*

Kansas City ATA provides does not provide transit service near the property.

g. *Schools*

Public education is provided by Piper USD 203.

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

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

PREVIOUS ACTIONS

- Piper School Complex Final Plat as approved by the City Planning Commission on October 8, 2018.

- PR-2018-24 and Piper School Complex Preliminary Plat to build Piper Creek Elementary School (grades 3-5) was approved by the City Planning Commission and Board of Commissioners on September 10, 2018 and September 27, 2018, respectively.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on August 29, 2022 at Piper Creek Elementary School (13021 Leavenworth Road). Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping, Screening and Buffering
Lighting and Glare
Pedestrian and Bicycle Connectivity
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review Application **PR2022-026**, subject to:

1. A Final Development Plan is required to be submitted following this Preliminary Development Plan to conclude the entitlement process;
2. Following the Final Development Plan entitlement process, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
3. Per the Sidewalk and Trails Master Plan, North 131st Street is designated as a Local Trail. The east side of the street shall have a ten (10) foot concrete trail with a two (2) foot median between the curb and the beginning of the trail terminating at the southern curb cut into the property.
When the last athletic field is constructed, the trail shall continue south along North 131st Street to the school district's property line;
4. Staff will continue to evaluate bike lanes on Leavenworth and 131st Street as part of the FDP entitlement process. Both Leavenworth Road and 131st Street are designated as arterials in the Prairie Delaware Piper Plan which states "All arterial and collector roads should have bike lanes. The bicycle plan will require incremental implementation. As development occurs, streets are rebuilt and other project funding opportunities (such as grant programs) arise, bicycle improvement projects should be integrated into

- project development;”
5. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 6. The school expansion should match the existing school in terms of materials, fencing and landscaping;
 7. All downspouts will be internalized;
 8. Street tree requirement is one (1) tree per thirty (30) feet of right-of-way frontage, therefore 860 linear feet along 131st Street requires twenty-nine (29) trees. This requirement is in addition to trees required for the site area and within the parking lot;
 9. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted;
 10. Landscaping shall be irrigated;
 11. Sec. 27-699(a)(6) Nonindustrial and non-structure parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
 12. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided with an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlines is not determined to be necessary. Where more stringent requirements exist, they shall apply;
 13. The single-family homes that are on either between North 131st Street and the soccer fields shall be screened in addition to residences on the west side of North 131st Street;
 14. All rooftop mechanical equipment shall be screened from public view by the new parapet of the building addition. The public view extends to the boundary of the property line and public right-of-way;
 15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;
 16. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the ten (10) foot setback is established in the

- parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
17. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.
Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) footcandle as measured from said property line. This includes lighting installed around the athletic fields. Light shall not cast horizontally or vertically onto adjacent properties;
 18. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 20. 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;
 21. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
 22. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2022-026** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Sign-In Sheet, Minutes and Affidavit
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Building Renderings
Site Photographs taken on August 17, 2022.

REVIEW OF INFORMATION AND SCHEDULE

Action _____ City Planning Commission
Public Hearing September 12, 2022
Preliminary Plan Approval

Unified Government Board of Commissioners
September 29, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-026** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-026**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 4:19:55:

PLAN REVIEW APPLICATION PR2022-026 – DR. JESSICA DAIN WITH PIPER USD

#203 - SYNOPSIS: Preliminary Plan Review to convert an elementary school into a high school with athletic fields at 13021 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Dr. Jessica Dain with Piper USD 203, wants to build a 149,000 square foot addition, athletic fields, and associated parking to convert Piper Creek Elementary School (grades 3-5) to Piper High School on 73.60 acres at 13021 Leavenworth Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Duane Cash, representing the applicant, Incite Design Studio, 7200 West 75th Street, Overland Park, Kansas 66204
- Anthony Winkelmann, Incite Design Studio, 7200 West 75th Street, Overland Park, Kansas 66204
- John Nguyen, Piper USD 203
- Kristin Skinner, engineer, Priority Engineers, Inc.
- Scott Tanner, BHC Rhodes, 7101 College Boulevard, Overland Park, Kansas

Present in Opposition:

- Vearl Jones, 2930 North 131st Street, Kansas City, Kansas 66109

Staff Recommendation starts at 4:33:50: Planning Director Hand stated that this is a preliminary development plan and the final development plan will be reviewed next month. The property is in the Prairie-Delaware-Piper Master Plan. Staff has received no letter in support nor in opposition. There are no Notices of Violation on the property. He further stated that this is a phased project and Staff anticipates as the phases are development the sidewalk will extend the length of 131st Street for this parcel. The parcel goes around two (2) single-family homes. The Public Works Department has worked closely with Staff on the traffic and public improvements. Staff recommends approval subject to the conditions in the staff report.

NOTE: Commissioner Connelly left during this application.

Motion starts at 4:36:05:

On motion by Ms. Armstrong, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-026:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

- 1. A Final Development Plan is required to be submitted following this Preliminary Development Plan to conclude the entitlement process;**
- 2. Following the Final Development Plan entitlement process, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 3. Per the Sidewalk and Trails Master Plan, North 131st Street is designated as a Local Trail. The east side of the street shall have a ten (10) foot concrete trail with a two (2) foot median between the curb and the beginning of the trail terminating at the southern curb cut into the property.**

- When the last athletic field is constructed, the trail shall continue south along North 131st Street to the school district's property line;
4. Staff will continue to evaluate bike lanes on Leavenworth and 131st Street as part of the FDP entitlement process. Both Leavenworth Road and 131st Street are designated as arterials in the Prairie Delaware Piper Plan which states "All arterial and collector roads should have bike lanes. The bicycle plan will require incremental implementation. As development occurs, streets are rebuilt and other project funding opportunities (such as grant programs) arise, bicycle improvement projects should be integrated into project development;"
 5. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 6. The school expansion should match the existing school in terms of materials, fencing and landscaping;
 7. All downspouts will be internalized;
 8. Street tree requirement is one (1) tree per thirty (30) feet of right-of-way frontage, therefore 860 linear feet along 131st Street requires twenty-nine (29) trees. This requirement is in addition to trees required for the site area and within the parking lot;
 9. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted;
 10. Landscaping shall be irrigated;
 11. Sec. 27-699(a)(6) Nonindustrial and non-structure parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
 12. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided with an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlines is not determined to be necessary. Where more stringent requirements exist, they shall apply;
 13. The single-family homes that are on either between North 131st Street and the soccer fields shall be screened in addition to residences on the west side of North 131st Street;

14. All rooftop mechanical equipment shall be screened from public view by the new parapet of the building addition. The public view extends to the boundary of the property line and public right-of-way;
15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building;
16. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the ten (10) foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
17. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.

Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) footcandle as measured from said property line. This includes lighting installed around the athletic fields. Light shall not cast horizontally or vertically onto adjacent properties;

18. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
20. 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;
21. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
22. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be

processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

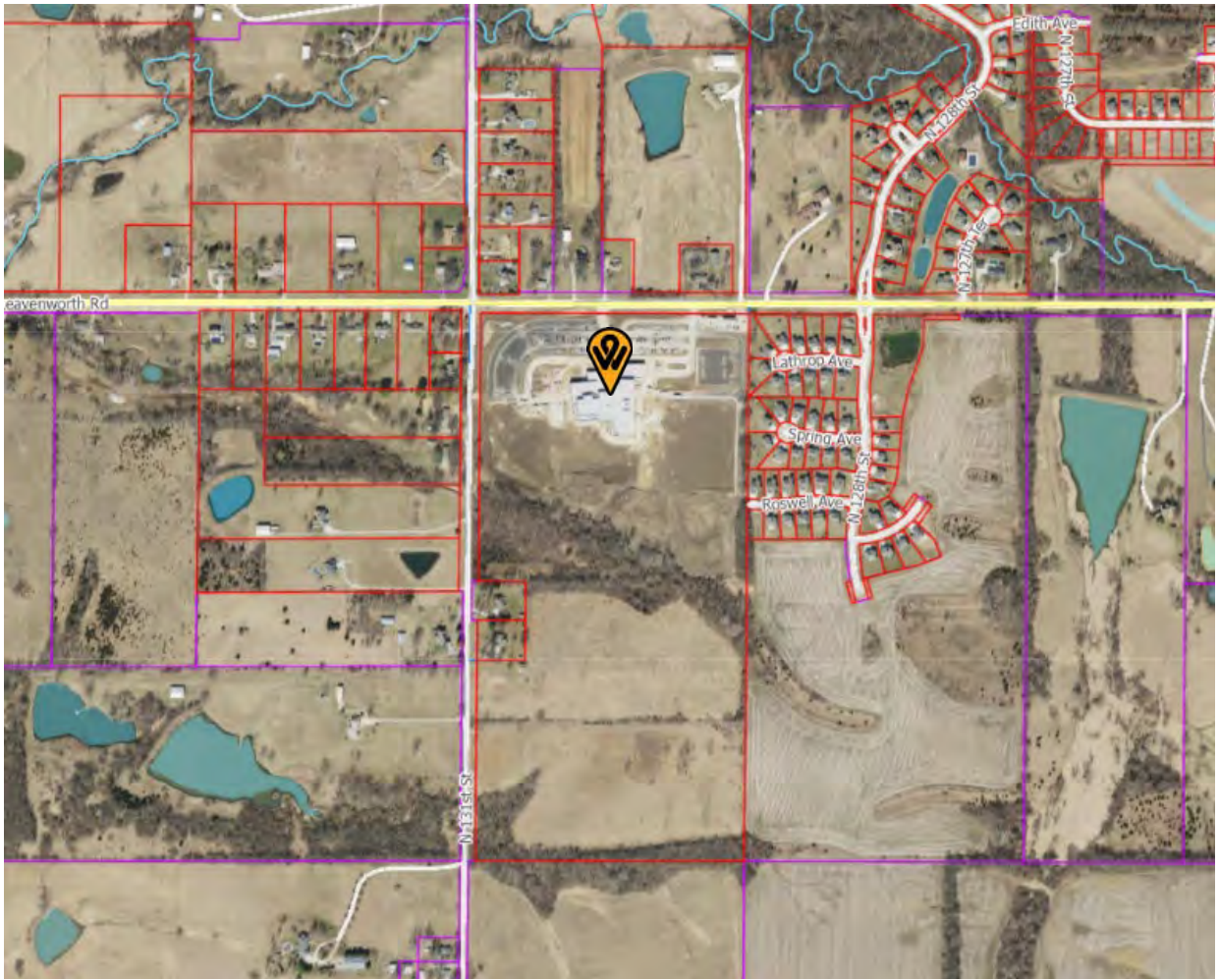


Figure 1. Aerial Map of 13021 Leavenworth Road (provided by UG Maps).

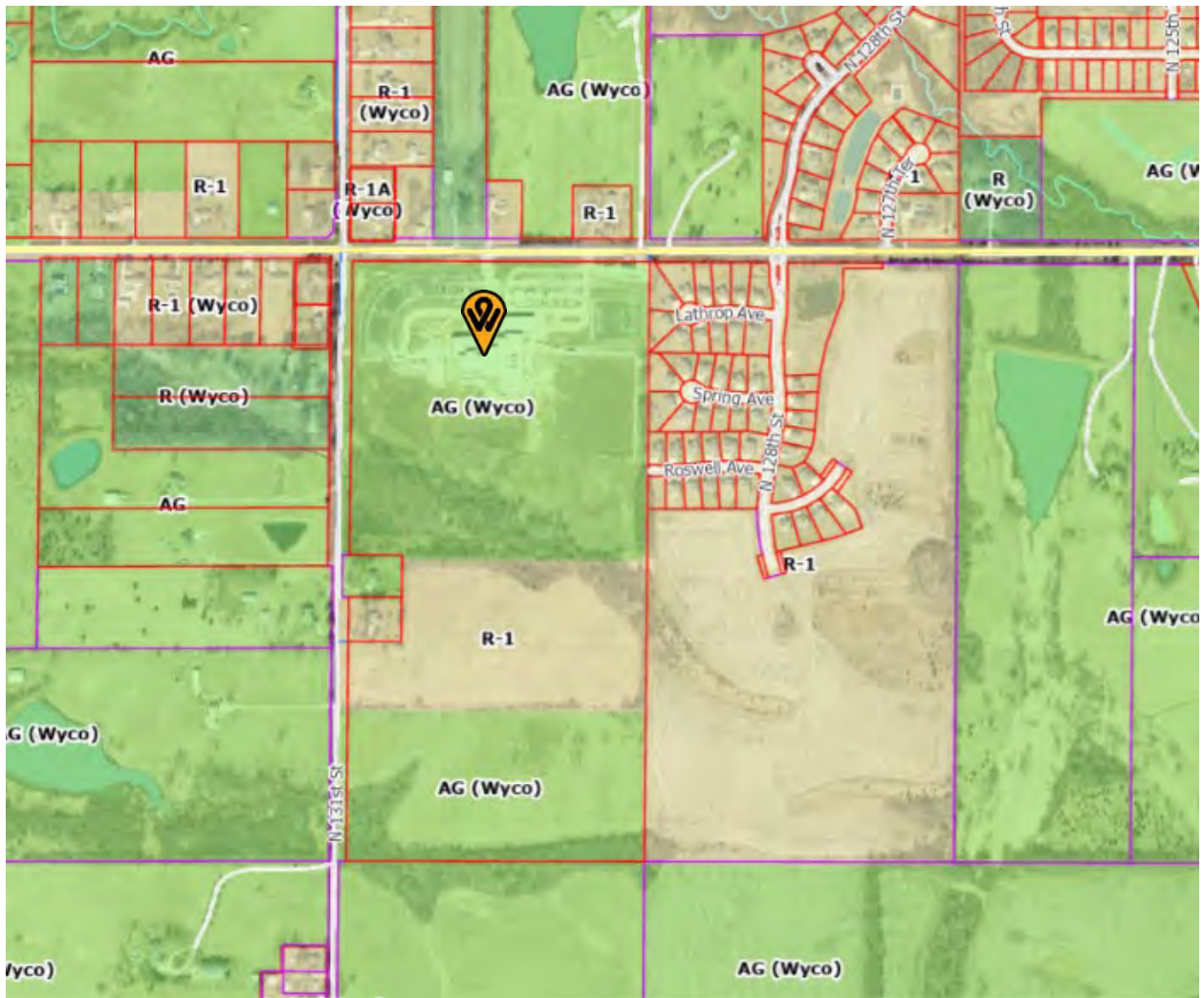


Figure 2. Zoning Map of 13021 Leavenworth Road (provided by UG Maps).

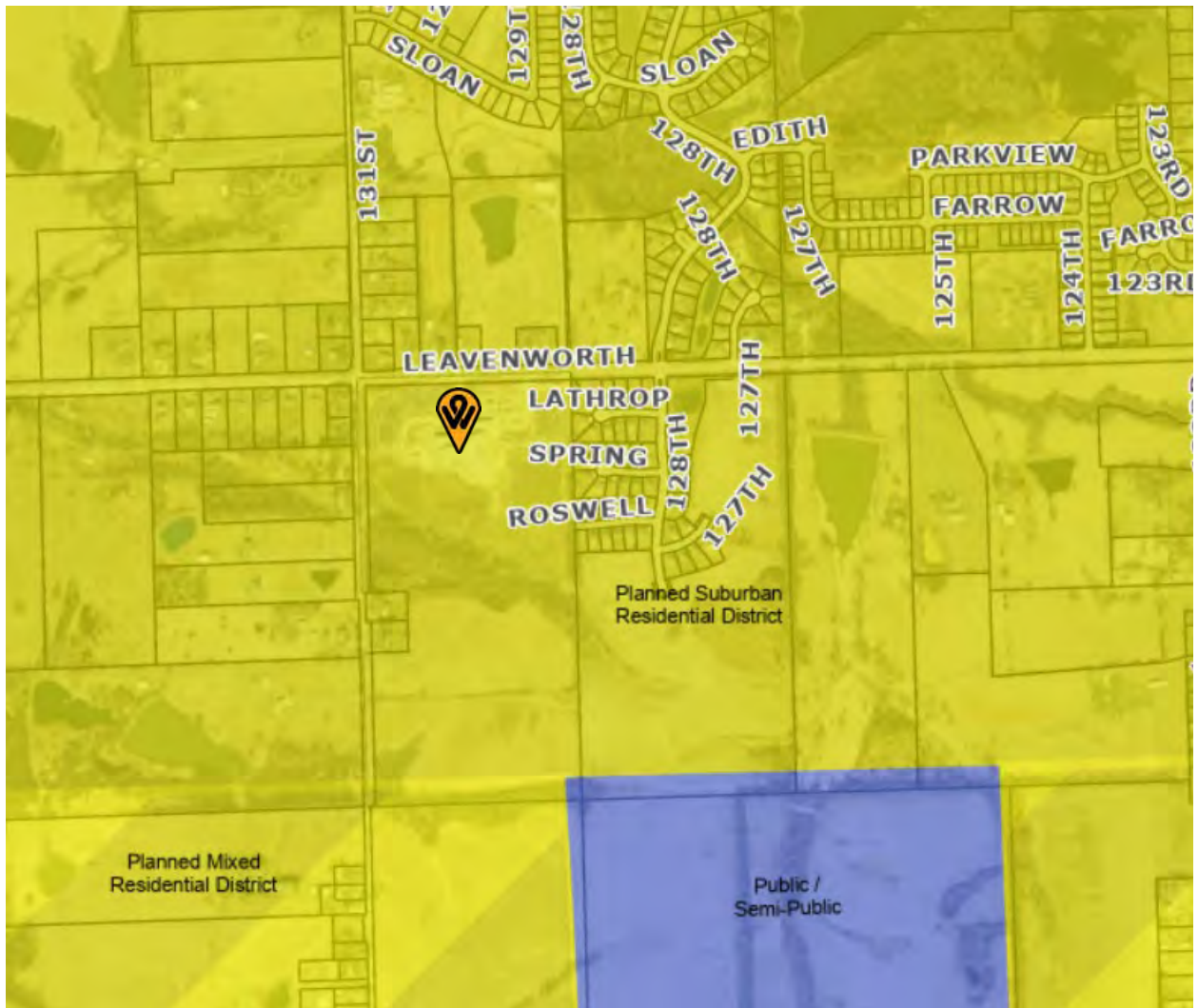


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map (provided by ArcGIS Pro).

08/29/2022

Byron Toy
Unified Government of Wyandotte County/Kansas City, KS
Department of Planning + Urban Design
701 N 7th Street, Suite 423
Kansas City, KS 66101

Re: Piper High School Preliminary Development Plan (PR2022-026)

Dear Byron,

We are in receipt of Preliminary Development Plan comments regarding the Piper High School project located at 13021 Leavenworth Rd. See below for your original comments and their respective responses.

Planning and Urban Design Comments

General Planning

1. A Final Development Plan is required to be submitted following this Preliminary Development Plan to conclude the entitlement process.
RESPONSE: Acknowledged.
2. Following the Final Development Plan entitlement process, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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.
RESPONSE: Acknowledged.
3. What area of the school is designated as the storm shelter?
RESPONSE: The existing gym is a tornado storm shelter that has been designed to ICC-500, 2014.
4. Per the Sidewalk and Trails Master Plan, North 131st Street is designated as a Local Trail. The east side of the street shall have a ten (10) foot concrete trail with a two (2) foot median between the curb and the beginning of the trail terminating at the southern curb cut into the property. When the last athletic field is constructed, the trail shall continue south along North 131st Street to the school district's property line.
RESPONSE: Acknowledged.
5. Provide bike lanes on Leavenworth and 131st Street. Both Leavenworth and 131st Streets are designated as arterials in the Prairie Delaware Piper Plan which states "All arterial and collector roads should have bike lanes. The bicycle plan will require incremental implementation. As development occurs, streets are rebuilt and other project funding opportunities (such as grant programs) arise, bicycle improvement projects should be integrated into project development."
RESPONSE: In coordination with the County Engineer, it was decided that the 131st Street section would be narrower to encourage lower speeds of vehicles. This does make the road too narrow to provide bike lanes on the street. However, the frontage of the entire property will have a 10' wide trail that can accommodate both bicycle and pedestrian traffic comfortably.
6. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works

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during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
RESPONSE: Acknowledged.

Building Architecture

1. The school expansion should match the existing school in terms of materials, fencing and landscaping.
RESPONSE: The school expansion will match the existing school in terms of materials, fencing, and landscaping.
2. All downspouts will be internalized.
RESPONSE: All downspouts to be internalized.

Landscaping and Screening

1. Street tree requirement is one (1) tree per thirty (30) feet of right-of-way frontage, therefore 860 linear feet along 131st Street requires twenty-nine (29) trees. This requirement is in addition to trees required for the site area and within the parking lot.
RESPONSE: Twenty-nine (29) trees (shade & ornamental) have been provided for the 131st Street frontage in the FDP submittal landscape plan.
2. All overstory and ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet in height when planted. All shrubs be five (5) gallons when planted.
RESPONSE: All trees and shrubs will be planted at minimum sizes required.
3. Landscaping shall be irrigated.
RESPONSE: All new landscape plantings will be irrigated. An irrigation coverage plan has been provided with the FDP submittal.
4. Sec. 27-699(a)(6) Nonindustrial and non-structure parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one (1) shade tree for each twenty (20) parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.
RESPONSE: One (1) shade tree per twenty (20) parking spaces has been provided with the landscape plans for the FDP submittal.
5. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two- family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided with an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlines is not determined to be necessary. Where more stringent requirements exist, they shall apply. The single-family homes that are on either between North 131st Street and the soccer fields shall be screened in addition to residences on the west side of North 131st Street.
RESPONSE: Buffer plantings including a combination of evergreen trees, evergreen shrubs, and trees are shown in the FDP submittal landscape plans along the east property lines of the single-family homes along 131st Street. Additionally, a row of evergreen shrubs is shown along the east perimeter of the parking lot.
6. All rooftop mechanical equipment shall be screened from public view by the parapet. The public view extends to the boundary of the property line and public right-of-way.
RESPONSE: Rooftop mechanical equipment will be screened from public view via unit mounted screens or built-up screening.

7. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.
RESPONSE: All utility connections will be screened with landscape plantings.
8. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the ten (10) foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
RESPONSE: A combination of evergreen trees, ornamental trees, and shrubs is shown in the FDP submittal landscape plan for screening of the BPU transformer pad.
9. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) footcandle as measured from said property line. This includes lighting installed around the athletic fields. Light shall not cast horizontally or vertically onto adjacent properties.
RESPONSE: Refer to attached cutsheets for all pole mounted and building mounted fixtures. Both are International Dark Sky compliant with a 0 uplight rating. Ground mounted fixtures were revised to have no uplight and be International Dark Sky Compliant. Refer to attached cutsheet for new ground mounted fixture. Building mounted fixtures have not been located yet but refer to attached cutsheets for fixtures that shall be used as aesthetically acceptable lights for building security, egress fixtures. Refer to updated photometric plan for calculation data on property lines near any new light fixtures. Acknowledged, lights installed for athletic fields shall not emit any light trespass to adjacent properties.
10. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.
RESPONSE: At this time, there are no new trash and recycling receptacles being proposed on this project. The existing ones will be utilized which are enclosed and screened from public view.

Signage

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
RESPONSE: Acknowledged.

Planning Engineering Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
RESPONSE: Acknowledged. Comments received and responded in a separate letter.



2. Items that are conditions of approval (stipulations):
 - a. Construction plans shall be reviewed and approved by UG prior to construction permit acquisition.

RESPONSE: Acknowledged.

3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - a. None

RESPONSE: Acknowledged.

If you have any questions in regards to the responses please let me know. You can email (dcash@incitedesignstudio.com) or call me at (913) 381-4437.

Sincerely,

Duane Cash
Senior Project Manager
incite Design Studio
dcash@incitedesignstudio.com
(913) 381-4437

Attachments:
Response Letter
Preliminary Development Plan Drawings
Stormwater Drainage Calculations
Sewer Memo
Traffic Study
Traffic Memo
Electrical Cutsheets

7200 W. 75th Street • Overland Park, KS 66204 • 913.381.4437 • www.incitedesignstudio.com

Meeting Summary
 Total Number of Participants 14
 Meeting Title Piper High School - Public Meeting - PDP
 Meeting Location Piper Creek Elementary - Cafeteria
 Meeting Start Time 8/29/2022, 5:30:00 PM
 Meeting End Time 8/29/2022, 6:30:00 PM

Full Name	Address	Email	Role
Jessica Dain	3130 N 122nd St	jdain@piperschools.us	Organizer - Piper SD
Duane Cash	7200 W 75th St	dcash@incitedesignstudio.com	Organizer - IDS
Jeremy Baum	1001 Locust St	Jeremy.Baum@jedunn.com	Organizer - JE Dunn
Tim Ockinga	1001 Locust St	Tim.Ockinga@jedunn.com	Organizer - JE Dunn
Anthony Winkelmann	7200 W 75th St	awinkelmann@incitedesignstudio.com	Organizer - IDS
Vearl Jones	2930 N 131st St		Attendee
Jack & Kay Winkle	3000 N 131st St		Attendee
Jim & Barbara Cauveren	2920 N 131st St		Attendee
Kay Miesner	2400 N 131st St		Attendee
Ailsen Eidson	2420 N 131st St		Attendee
Mary Beth Schrader	12812 Roswell Ave		Attendee
Donald Keating	12920 Leavenworth Rd		Attendee

Sign-In

Name	Address
Vearl Jones	2930 N. 131st.
Jack & Kay Winkle	3000 N 131st St KCKs
Jim & Barbara Cauveren	2920 N 131st
Kay Miesner	2400 N. 131st 66109
Ailsen Eidson	2420 N. 131st 66109
Mary Beth Schrader	12812 Roswell Ave 66109
Donald Keating	12920 Leav. Rd.

Piper High School – Public Meeting – Preliminary Development Plan

Application Number: PR2022-026

Date and Location: August 29, 2022 at Piper Creek Elementary Cafeteria (13021 Leavenworth Rd)

Meeting called to order at 5:30pm

See separate attachment for list of Attendees

Meeting Summary

All listed non-organizer attendees signed in upon arrival. At 5:30pm, Duane Cash started the presentation. After introductions, Duane presented information regarding the application for preliminary development plan for Piper High School. He showed the current plans for the site and building. The schedule was presented with listed site work beginning in November 2022 and the project being completed in July 2024. Much discussion took place during the site plan presentation. Comments are listed below. Duane continued to present on the building addition showing floor plans and renderings. After the presentation, Dr. Jessica Dain gave a tour of the building for those that wanted it. Remaining individuals provided final comments before departing the facility.

Questions and concerns for the site with responses in bold:

- Needed clarification on the schedule and the 131st St improvements work – **Reiterated the dates and walked through the design drawings.**
- Did not realize there was a 131st connection, thought access was only from Leavenworth – **Assured the community that 131st street connection has been part of the plan**
- Multiple concerns with the hill on 131st St
 - Sightlines/blind spots for school buses and cars – **UG and traffic engineer approved design**
 - Left hand turns off of site onto 131st St - **UG and traffic engineer approved design**
- Multiple concerns with the extent of the 131st St improvements
 - Do not agree with only half of the street length being improved - **UG and traffic engineer approved design**
 - Do not think it is wide enough for buses and cars - **UG and traffic engineer approved design**
 - Do not want trees to be removed on the east side of the street – **the street does not widen to the west but rather toward the high school on the east side**
- Concerns with trash spreading off site, similar to what happened with Piper Creek construction – **Plan is to stay on the south side of the building and not the north side of the site, construction entrance would be off of 131st St**
- Concerns with speeding along Leavenworth Rd
- Heard news that the project is over budget – **The project budget is the bond amount and the design team is still working through the drawings to keep it on budget**

No questions or concerns were presented regarding the building addition.

Meeting adjourned at: 6:30pm

Minutes taken by Anthony Winkelmann

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # PR2022-026.
2. That I conducted a neighborhood meeting on August 29, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

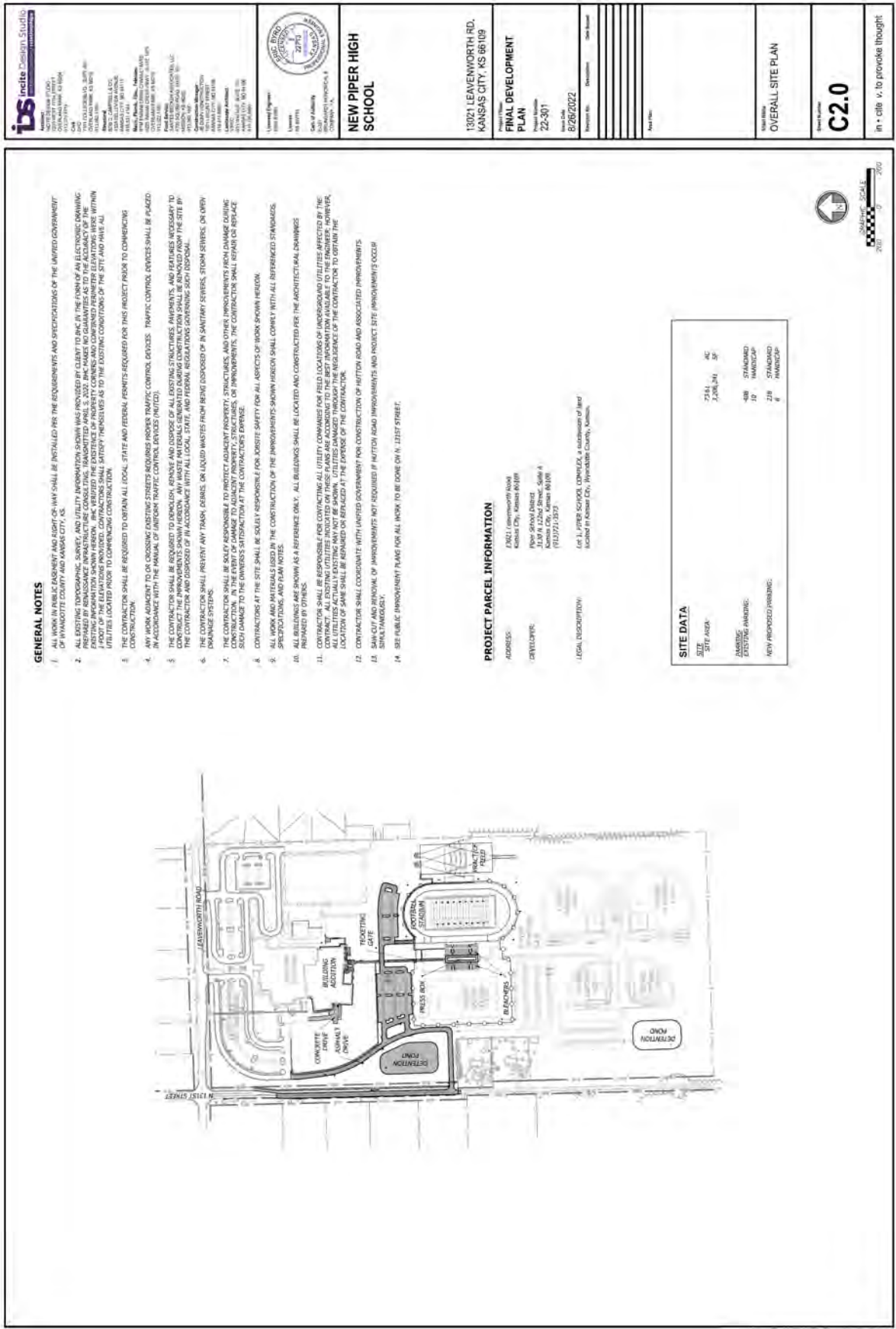
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Affiant

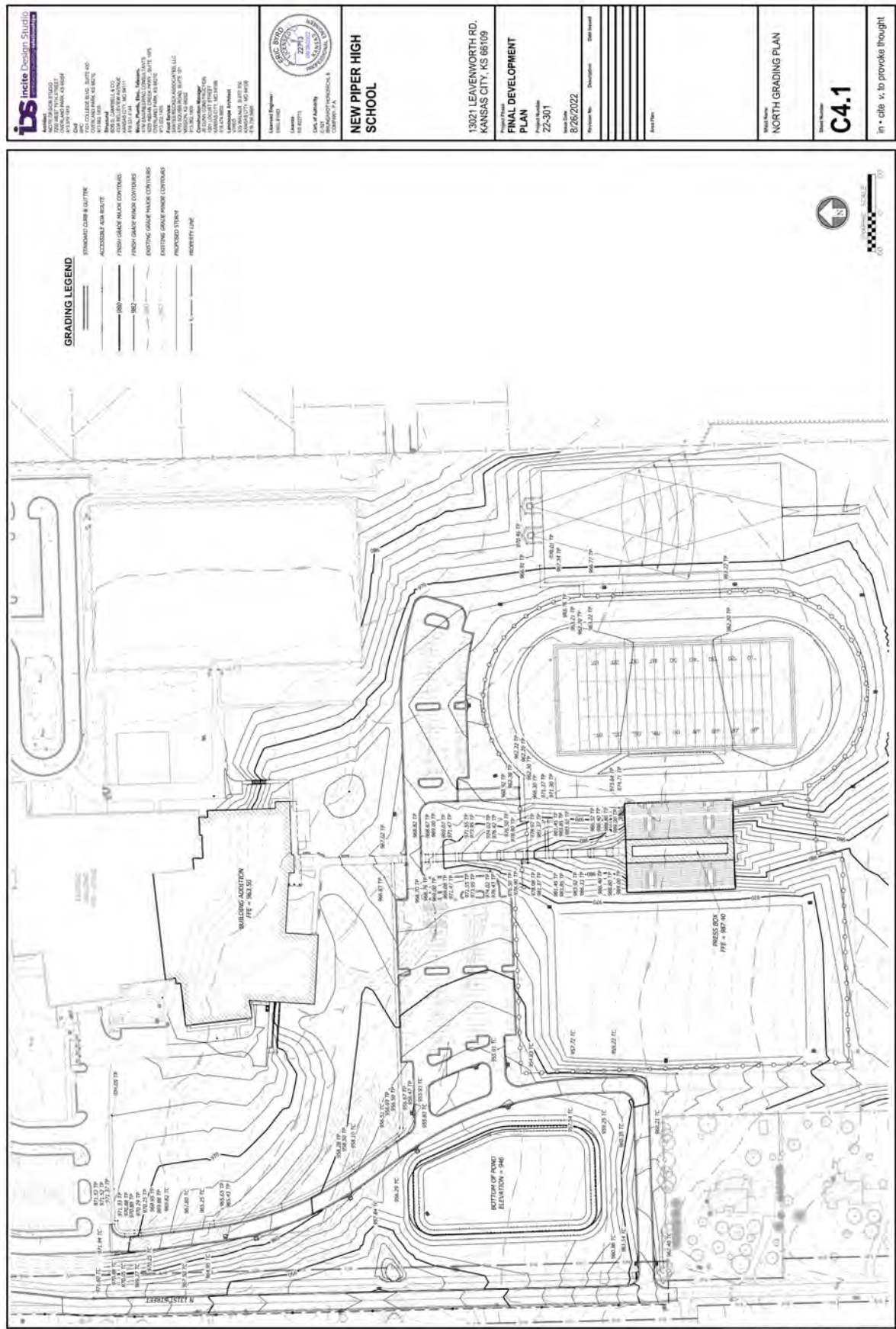
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this ____ day of ____, 20__.

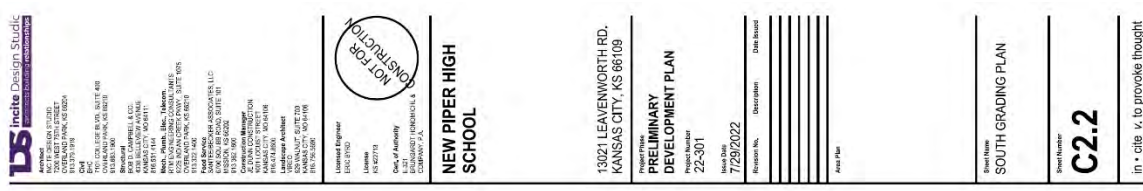
My commission expires ____ of ____, 20__.

Notary Public

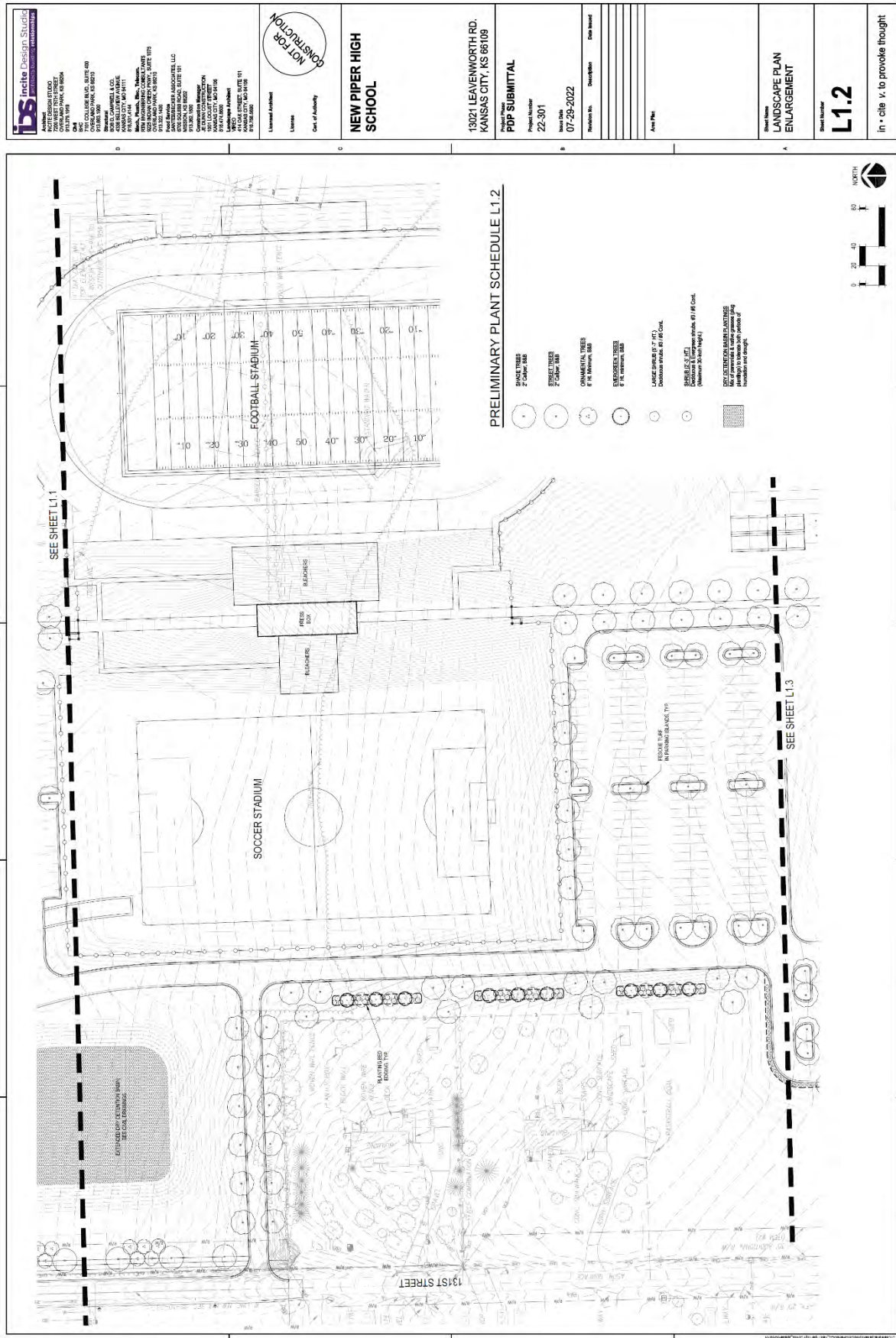


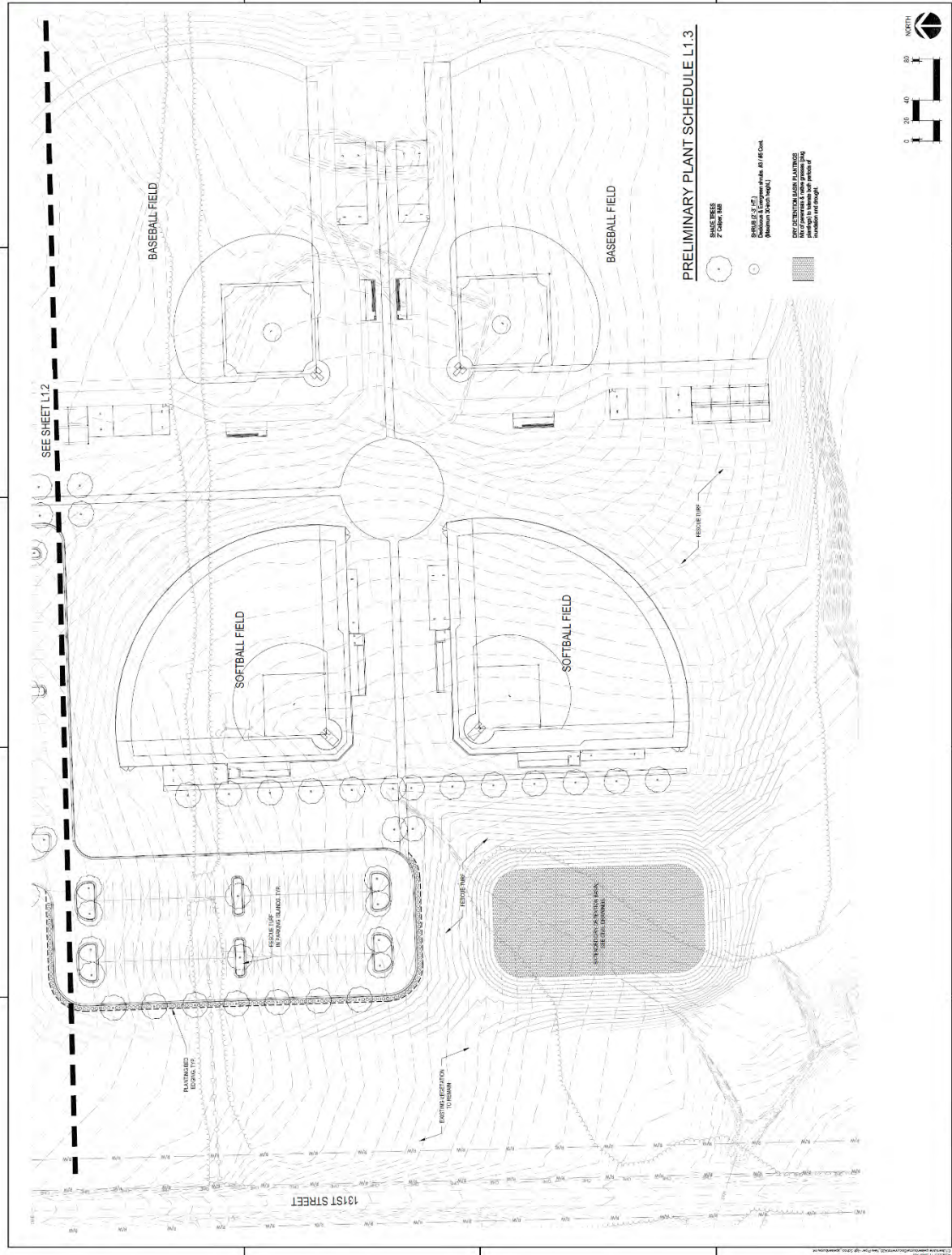
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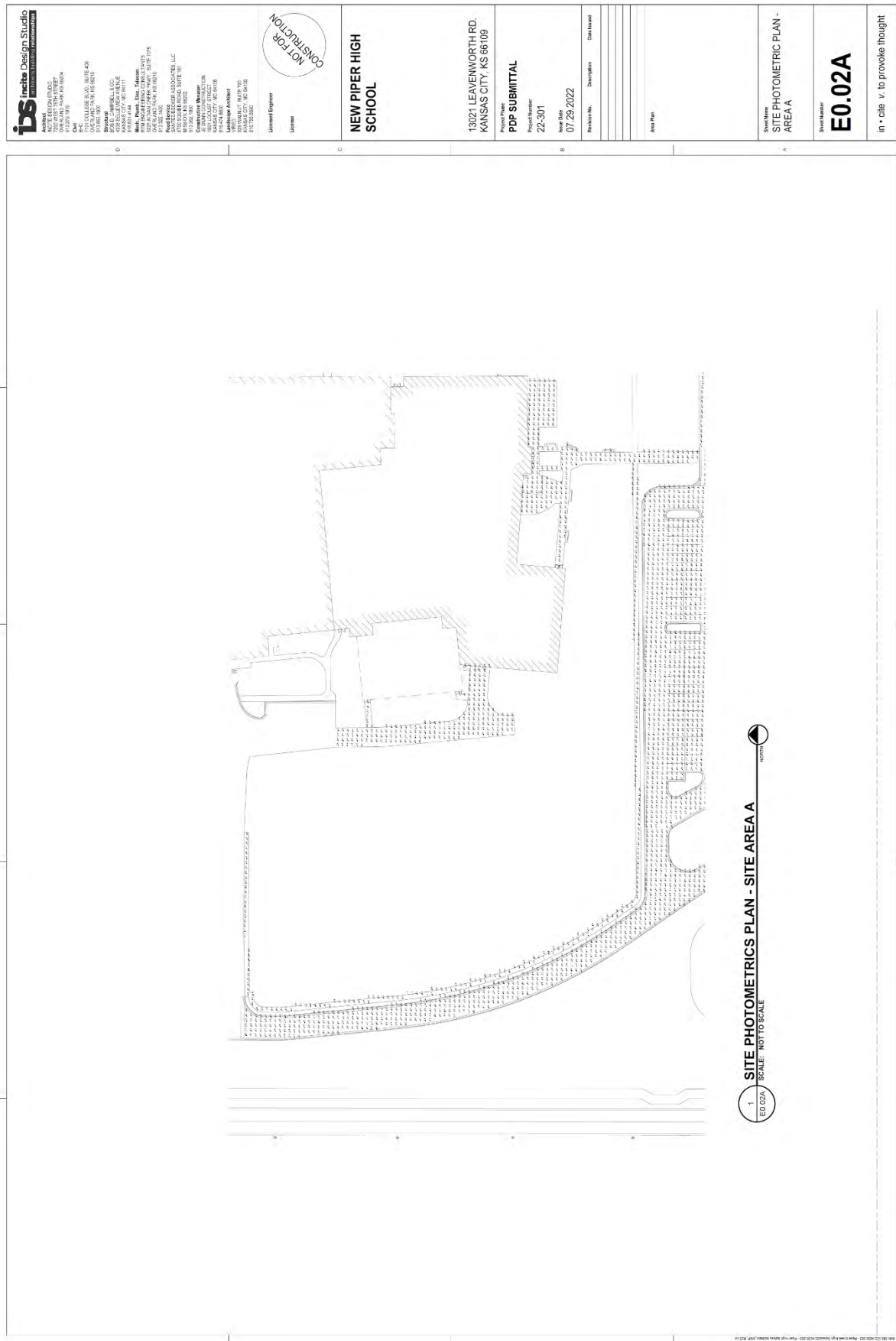


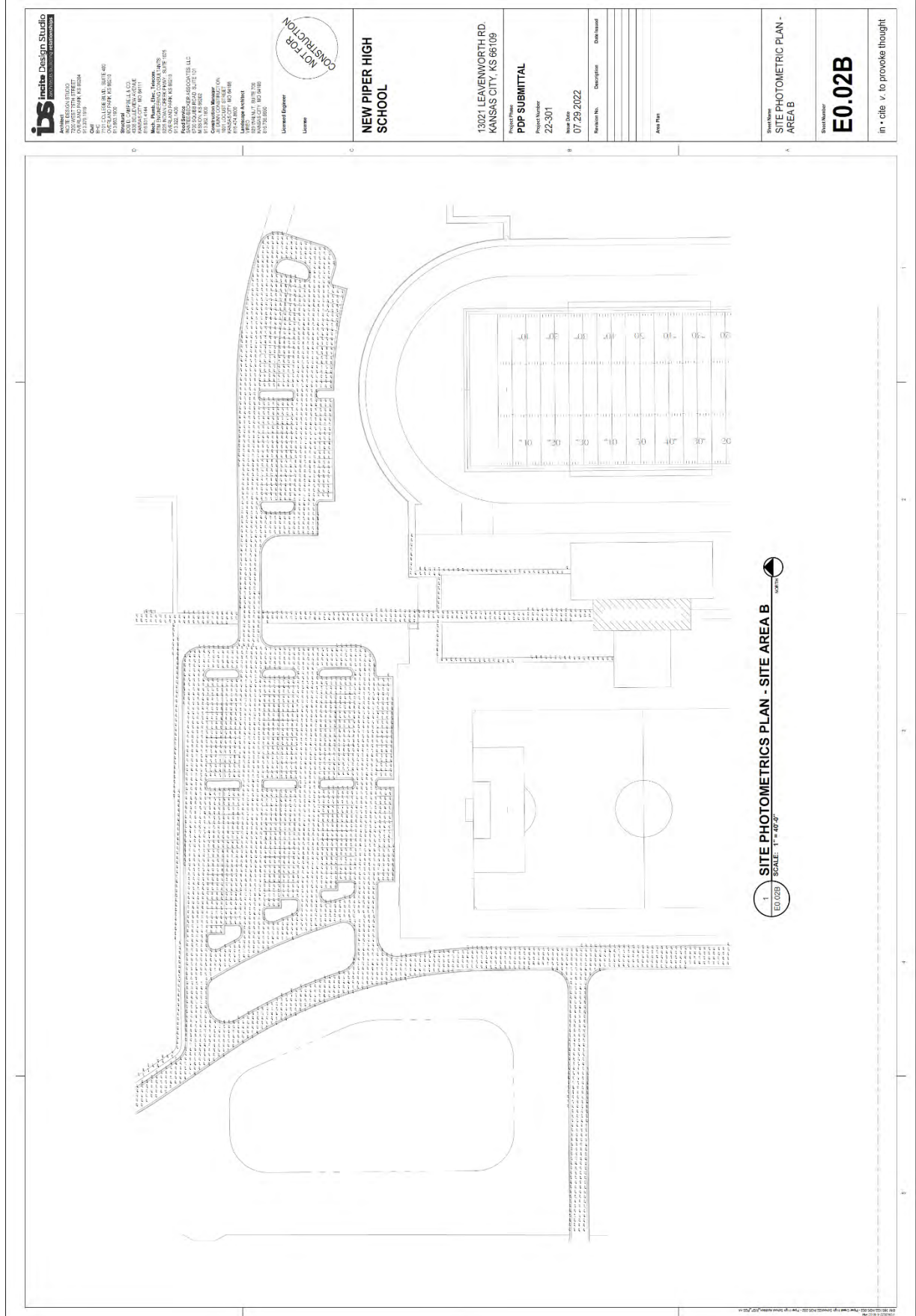
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 ibis incite Design Studio ARCHITECTS • INTERIORS • LANDSCAPE ARCHITECTS	Architect Ibis Incite Design Studio 7000 West 19th Avenue Suite 100 Denver, CO 80202 303.733.9319	Client Ibis Incite Design Studio 7000 West 19th Avenue Suite 100 Denver, CO 80202 303.733.9319	Project Location 13021 LEAVENWORTH RD. KANSAS CITY, KS 66109	Project Name PIPER SUBMITTAL	Project Number 23-301	Issue Date 07-25-2022	Revision No. 1	Description Final	Date Issued 07-25-2022
	Architect's Representative Ibis Incite Design Studio 7000 West 19th Avenue Suite 100 Denver, CO 80202 303.733.9319	Client's Representative Ibis Incite Design Studio 7000 West 19th Avenue Suite 100 Denver, CO 80202 303.733.9319	Project Location 13021 LEAVENWORTH RD. KANSAS CITY, KS 66109	Project Name PIPER SUBMITTAL	Project Number 23-301	Issue Date 07-25-2022	Revision No. 1	Description Final	Date Issued 07-25-2022





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 ARCHITECTS

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 SUITE 100
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Figure 4. Site photograph looking southeast at 13021 Leavenworth Road (provided by Planning Staff).



Figure 5. Site photograph looking south on North 131st Street at 13021 Leavenworth Road (provided by Planning Staff).



Figure 6. Site photograph looking east on North 131st Street at 13021 Leavenworth Road (provided by Planning Staff).



Figure 7. Site photograph looking southeast on North 131st Street at 13021 Leavenworth Road (provided by Planning Staff).

(Published in *The Wyandotte Echo* on October 6, 2022)

ORDINANCE NO. O-____-22

**AN ORDINANCE AUTHORIZING A MASTER PLAN AMENDMENT
PURSUANT TO CHAPTER 27 OF THE UNIFIED GOVERNMENT CODE.**

WHEREAS, pursuant to Section 27-213 of the Unified Government Code, the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") has the power to amend the comprehensive plan, neighborhood plans, corridor plans, area plans or other functional plans and relevant maps following receipt of a recommendation by the Planning Commission; and

WHEREAS, Mark Moberly, Sunflower Development Group ("Applicant"), submitted an application to the UG to request the Central Area Master Plan be amended from Urban Density (allowing single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries) to High-Density Residential (allowing mid-rise and high-rise apartment buildings, condominiums, and institutional uses such as schools, churches and libraries), for property generally located at 505 Central Avenue in Kansas City, Wyandotte County, Kansas, as shown on Exhibit A attached hereto (the "Property"); and

WHEREAS, on March 14, 2022, the Planning Commission held a properly-noticed public hearing on the Applicant's request for the Master Plan amendment and considered the matters set forth in Section 27-213(g)(5) of the Unified Government Code; and

WHEREAS, the Planning Commission submitted a recommendation of approval of the Applicant's request for the Master Plan amendment and the reasons therefore to the Governing Body; and

WHEREAS, on April 28, 2022, the Governing Body considered the matters set forth in Section 27-213(g)(5) of the Unified Government Code, reviewed all testimony and evidence submitted for the request, and adopted the Planning Commission's recommendation to approve the MPL-2021-028, amending the Central Area Master Plan for the Property.

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

Section 1. Master Plan Amendment. The Governing Body hereby adopts MPL-2021-028 and amends the Central Area Master Plan for the Property from Urban Density to High-Density Residential, subject to the following stipulations:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-016. Approval of these petitions (Change of Zone and Master Plan Amendment) are contingent upon the decision of the Board of Zoning Appeals for variance BOZA2022-016;
2. As a part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking, and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan;
3. As a part of the development agreement, the applicant will support the work of UG staff create a mixed-income community as a proposed neighborhood benefit per the Central Area Master Plan;
4. A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels;
5. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
6. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
7. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door;
8. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street;
9. Add a pedestrian door at all garage entries;
10. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street;
11. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
12. Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building;

13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
14. Lighting cannot exceed one (1) footcandle at the property line. Uplighting is discouraged;
15. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
16. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district;

17. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
18. All landscaping shall be irrigated;
19. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or

adjacent land uses. All screening materials must be well maintained at all times;

20. Additional landscaping is necessary to screen the surface parking lot from South 6th Street;
21. The bulb-out on South 6th Street should incorporate a bioswale;
22. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;

23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
26. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
28. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the

ordinance is published in the newspaper.

Section 2. Take Effect. This Ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 29th DAY OF SEPTEMBER, 2022.

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Chief Counsel

EXHIBIT A

MAP OF REDEVELOPMENT DISTRICT



- 1 Chicago's
- 2 Slap's BBQ
- 3 Spitlog Coffee

(First published _____)

COZ2022-007

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4639 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.

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

Section 1. It is hereby found and determined that a petition was filed on January 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

ROHRBACH ESTATE SUB, S6, T11, R25, ACRES 0.26, PT L1: BEG 30FT S & 37FT E OF NW COR; E 125.4FT, S 91.7FT, W 125.9FT, N 91.7FT TO POB, located at approximately 4639 Parallel Parkway, Kansas City, Kansas,

be changed from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-466, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-2 Planned General Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-022

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-022, commonly known as 4639 Parallel Parkway, Kansas City, Kansas, legally described as:

ROHRBACH ESTATE SUB, S6, T11, R25, ACRES 0.26, PT L1: BEG 30FT S & 37FT E OF NW COR; E 125.4FT, S 91.7FT, W 125.9FT, N 91.7FT TO POB, located at approximately 4639 Parallel Parkway, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for auto repair services.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

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

- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
- 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
- 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
- 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
- 7) Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department;
- 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
- 10) The applicant has filed and maintained a current business occupation tax application;
- 11) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 12) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;

- 13) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 14) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 15) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 16) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 17) A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 18) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
- 19) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
- 20) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

- 21) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 22) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 23) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-018

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3430 North 115th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.

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

Section 1. It is hereby found and determined that a petition was filed on April 29, 2022, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A tract of land located in the East Half of the Northeast Quarter of Section 28, Township 10 South, Range 23 East, Wyandotte County, Kansas, more particularly described as follows: Beginning at the Southeast corner of said Northeast Quarter; thence South 88 degrees 03 minutes 15 seconds West, along the South line of said Northeast Quarter, a distance of 1324.35 feet, to the West line East Half of said Northeast Quarter; thence North 1 degree 51 minutes 47 seconds West, along said West line a distance of 919.52 feet; thence North 88 degrees 03 minutes 15 seconds East, parallel to the South line of said Northeast Quarter, a distance of 1324.73 feet to the East line of said Northeast Quarter; thence South 1 degree 50 minutes 22 seconds East, along said East line, a distance of 919.52 feet to the Point of Beginning. Less that part conveyed to the Unified Government of Wyandotte County/Kansas City, Kansas for right of way purposes pursuant to Warranty Deed dated October 31, 2007

recorded on November 28, 2007 at Book 5463, Page 266. Commonly known as 3430 North 115th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture (City) District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-019

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3548 North 115th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.

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

Section 1. It is hereby found and determined that a petition was filed on April 29, 2022, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A tract of land located in the East Half of the Northeast Quarter of Section 28, Township 10 South, Range 23 East, Wyandotte County, Kansas, more particularly described as follows: Beginning at the Southeast corner of said Northeast Quarter; thence South 88 degrees 03 minutes 15 seconds West, along the South line of said Northeast Quarter, a distance of 1324.35 feet, to the West line East Half of said Northeast Quarter; thence North 1 degree 51 minutes 47 seconds West, along said West line a distance of 919.52 feet; thence North 88 degrees 03 minutes 15 seconds East, parallel to the South line of said Northeast Quarter, a distance of 1324.73 feet to the East line of said Northeast Quarter; thence South 1 degree 50 minutes 22 seconds East, along said East line, a distance of 919.52 feet to the Point of Beginning. Less that part conveyed to the Unified Government of Wyandotte County/Kansas City, Kansas for right of way purposes pursuant to Warranty Deed dated October 31, 2007 recorded on November 28, 2007 at

Book 5463, Page 266. Commonly known as 3548 N. 115th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture (City) District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-041

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-041, commonly known as 2205 South 88th Street, Kansas City, Kansas, legally described as:

26 24 , S 30 , T1 1, R 24 , ACRES 5.05, L4, contains 217,823 Sq. Ft. located at 2205 S 88th St, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for automotive sales.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

Please provide an inventory of all structures and their status with LOMR-F;

- 1. The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;**
- 2. The Applicant shall construct a landscape buffer to screen the**

- property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;
3. The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;
 4. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;
 5. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
 6. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
 7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
 8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
 11. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one percent (1%) chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;

- 12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:**
- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;**
 - b. Construction with materials resistant to flood damage;**
 - c. Utilization of methods and practices that minimize flood damages;**
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**
- 13. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;**
- 14. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:**
- a. All such proposals are consistent with the need to minimize flood damage;**
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;**
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and,**
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.**
- 15. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:**
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;**
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;**

- c. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - i. Certificate of elevation shall be provided when the top of the first floor has been constructed;
 - ii. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
- 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 18. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 19. Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;
- 20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-047

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-047, commonly known as 2208 South 88th Street, Kansas City, Kansas, legally described as:

26 24 , S 30 , T1 1, R 24 , ACRES 5.05, L4, contains 217,823 Sq. Ft. located at 2205 S 88th St, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for auto sales.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Please provide an inventory of all structures and their status with LOMR-F;**
- 2. The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be**

- repaired;
3. The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;
 4. The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;
 5. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;
 6. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
 7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
 8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 11. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
 12. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the properly lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date

- shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
14. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;
15. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that
- a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
16. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to

- prevent flotation, or if readily removable from the area within the time available after a flood warning;
- c. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - i. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - ii. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO).
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-053

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-053, commonly known as 1810 North 1st Street, Kansas City, Kansas, legally described as:

B9 L1 TO L6 AND VACATED STREET ADJACENT, WYANDOTTE CITY, A SUBDIVISION OF WYANDOTTE COUNTY, KANSAS CITY, KANSAS, LOCATED AT APPROXIMATELY 1810 NORTH 1ST STREET, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for the Temporary Use of Land for commercial and industrial activities (storage containers and greenhouse).

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) The applicant must keep a current annual Business License/Occupation Tax Receipt;**

- 2) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 3) Should additional shipping containers be needed beyond two (2), a modification to the Special Use Permit is required;
- 4) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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.
- 5) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 6) Any business or land use in Kansas City, KS 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.
- 7) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin that process;
- 8) Any business in Kansas City, Kansas that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

- 9) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 10) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 11) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-055

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-055, commonly known as 620 Tenny Avenue, Kansas City, Kansas, legally described as:

Lot 162, Block 4, Orr's Addition to Wyandotte City, an addition now in and a part of Kansas City, Wyandotte County, Kansas, located at approximately 620 Tenny Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The following building repairs must be made prior to any guest or tenant occupation:**
 - a. Repair the mortar around the front wall near stairs.**
 - b. Repair holes in the siding at ground level where pests could enter.**
 - c. Repair mortar on garage.**

- d. Repair holes in soffit/fascia where there are signs of rodent/pest infestation.
 - e. Repair windows. All windows must be operable with ease.
 - f. Evidence of working GFCI outlet receptacles shall be given in the kitchen, bathrooms, or any weather exposed areas.
 - g. Smoke and Carbon Monoxide detectors must be present and in verifiable working condition.
 - h. The sump pump must be in working condition, complete with a cover.
 - i. Railing must be replaced on the front porch and up the front stairs.
2. Maximum number of guests shall be four (4);
 3. All parking must be off-street, maximum number of vehicles is one (1);
 4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 5. 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;
 6. Applicant is to maintain liability insurance;
 7. The property must remain in proper main entrance and free of hazards, pests, or infestations;
 8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 9. 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 and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
 10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or

- any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 13. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-068

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-068, commonly known as 3008 South 9th Street, Kansas City, Kansas, legally described as:

Lot 79, FRIENDSHIP HEIGHTS NO. 2, a subdivision in Wyandotte County, Kansas, According to the recorded plat thereof, located at approximately 3008 South 9th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant**

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

- 2) The following repairs shall be made prior to occupancy as a result of the home inspection:
 - a) Covering any open wire splices in the attic with a junction box.
 - b) Replacing missing outlet covers on the exterior GFCI outlets.
 - c) Repair gas line to oven.
 - d) Install handrails on any open side of a stairwell including stairs to basement;
- 3) Maximum number of guests shall be six (6);
- 4) All parking must be off-street, maximum number of vehicles is two (2);
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Applicant is to maintain liability insurance;
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations;
- 9) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 10) The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal

- summons, administrative citation, or revocation of the Special Use Permit;
- 12) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-069

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-069, commonly known as 4929 State Avenue, Kansas City, Kansas, legally described as:

S12,T11,R24, BEG 1090.1FT E OF NW COR NE1/4, S04E-98.39FT TO TPOB; E 205FT, S185FT, W 191.91FT, N04W- 185.36FT TO POB CONTG 0.84AC, located at approximately 4929 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment in conjunction with an existing drinking establishment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. A pedestrian pathway shall be constructed from the sidewalk to the parking lot of their establishment. The applicant will also need to paint crosswalk marking in their parking lot that connects the new pathway and front door;
2. The applicant will be required to construct screening for their trash receptacle and grease trap;
3. The applicant shall repair the roof equipment screening on the rear (south) elevation of the structure. The repairs must be consistent with the remainder of the screening;
4. A bollard and landscape screening are required to be installed to screen and protect the gas line on the east side of the building;
5. All entertainment must cease by at least 1:00AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
12. The applicant has filed and maintained a current business occupation tax application and entertainment license;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

- 14. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 36,669 square feet, requiring six (6) trees be provided on the site plan;**
- 15. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;**
- 16. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;**
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or**

constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: September 29, 2022

Re: Change of Zone Petition COZ2022-015

GENERAL INFORMATION

Applicant:

John Emanuels

Status of Applicant:

Property Owner
180 Terrace Trail South
Lake Quivira, Kansas 66217

Requested Actions:

Approval of a Change of Zone.

Date of Application:

March 25, 2022

Purpose:

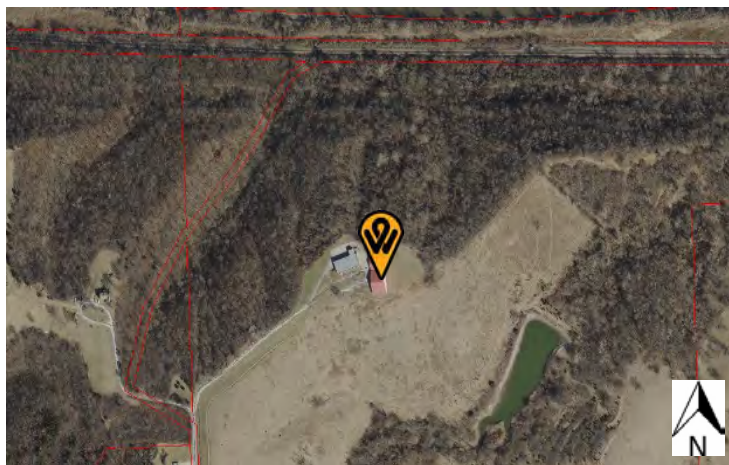
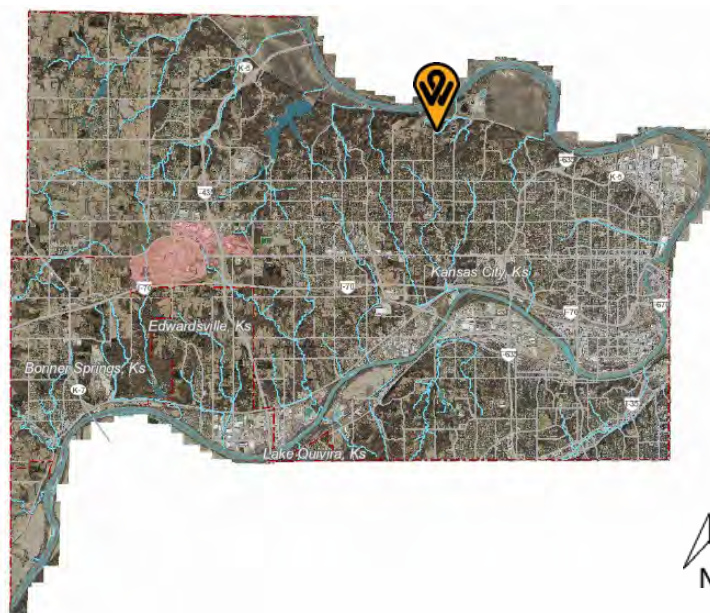
To change the zoning district from A-G Agriculture and C-1 Limited Business Districts to R-1 Single-Family Residential and C-1 Limited Business Districts.

Property Location:

4411 North 67th Street
Kansas City, Kansas 66104

Commission Districts:

Commissioner At Large #1:
Melissa Bynum
District #8 Commissioner: Andrew Davis



Existing Zoning:	A-G Agriculture and C-1 Limited Business Districts
Adjacent Zoning:	North: Railroad Right-Of-Way; Missouri River; A-G Agriculture District South: R-1 Single-Family and A-G Agriculture Districts East: R-1 Single-Family and A-G Agriculture Districts West: R-1 Single-Family and A-G Agriculture Districts
Adjacent Uses:	North: Union Pacific Railway tracks; Undeveloped land; Missouri River; South: Undeveloped land; single-family homes; East: Undeveloped land; single-family homes; West: Undeveloped land; single-family homes;
Total Tract Size:	97.74 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this property as Rural-Density Residential. The Rural-Density Residential land use designation allows for agriculture ranches, large-lot, single-family detached residences, and passive parks and open space.
Major Street Plan:	The Major Street Plan designates North 67 th Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-452(e) requires two (2) off-street parking spaces on the premises for each single-family dwelling. There are seven (7) proposed single-family lots, which would require 14 parking spaces. Sec 27-667(4) requires one (1) space per six (6) seats; The church has 100 seats, which would require 17 parking spaces. The applicant has not provided a site plan that demonstrates the primary residences, commercial spaces and/or gathering spaces and floor plans.
Advertisement:	<u>The Wyandotte Echo</u> – April 14, 2022 Letters to Property Owners – April 14, 2022, May 20, 2022, July 1, 2022, September 6, 2022 and September 21, 2022

Public Hearings:	July 11, 2022, September 12, 2022 and September 29, 2022
Public Support:	Staff has received numerous letters in support and people have appeared at the Planning Commission meetings.
Public Opposition:	Staff has received numerous emails in opposition and people have appeared at the Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, John Emanuels, has submitted a Change of Zone from C-1 Limited Business and A-G Agriculture Districts to C-1 Limited Business, A-G Agriculture and R-1 Single-Family Districts for the purposes of creating seven (7) residential (single-family) lots and one (1) commercial lot at 4411 North 67th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no calls for Police service.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property was subject to a stop work order in February; This stemmed from a complaint submitted by a nearby property owner regarding site clearing. A site visit conducted on February 8, 2022, did not find any violations. There was also an enforcement case from June 2022 regarding tall grass and weeds. This case has been resolved and closed. There were additionally two (2) Code Enforcement cases in 2019 that have since been closed.
 - a. 2022 – ENV22-1613 – Weeds and Grass
 - b. 2022 – BSR22-0017 – Stop Work Order
 - c. 2019 – 19200 – 04529 – Other Multiple Violations
 - d. 2019 – 19225 – 04560 – Weed and Trash Abatement

Outstanding or Related Permits and Cases:

1. 2022 – BOZA2022-021 - Variance
2. 2021 – BOZA2021-021 – Variance (Withdrawn)
3. 2021 – COZ2021-032 – Change of Zone (Withdrawn)

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The subject property is within the Nearman Hills Neighborhood and is within the Cernech Neighborhood Group. The properties in the area range in size from less than one (1) acre to over 100 acres. All properties, however, have rural attributes and uses, including single-family housing, agriculture, or are undeveloped. The subject property includes a Native American archeological site.

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

The subject property is surrounded by parcels zoned in the A-G Agriculture District and R-1 Single-Family District. The size of lots is not necessarily determined by the zoning district—there are some parcels zoned R-1 that are over five (5) acres and some parcels zoned A-G that are less than five (5) acres. These A-G parcels under five (5) acres are presumably legal non-conforming, but the status of these parcels is outside the scope of this report. Some uses on the A-G parcels, however, are not necessarily agricultural or farming in use.

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

The adjacent property and surrounding neighborhood are large lots that are used for agriculture, residences, or are preserved in their natural state. The proposed use is residential and religious in nature. The uses, in the context of the proposed lot sizes and arrangements, are suitable for the uses to which they had previously been restricted. The removal of the restrictions will not detrimentally affect the nearby properties.

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

The subject property has been vacant since 2014, when Manion's International Action House went out of business.

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

This project will construct or redevelop 7 single-family residences, three (3) on new residential lots, three new (3) on agriculture lots, and one (1) from an existing barn to be converted. Ideally this will allow for 7 additional family units to move to Wyandotte County, which is reasonably necessary for the public convenience and welfare of the public. The property is served by all utilities,

except sanitary sewer. The applicant proposes to provide septic service on the 8 lots.

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

The proposed use will contain two (2) different uses, each of which have a different parking criterion. The first is the additional 7 residences with a density of over one (1) dwelling per five (5) acres. The second use is a worship space; It with 100 seats, which would require 17 parking spaces to be provided.

There have been concerns expressed regarding roadway capacity and safety, especially since there are no sidewalks, and the roadway is only 18' wide; The applicant provided a traffic study that was reviewed by both the UG Department of Public Works as well as its 3rd party reviewer. The findings suggested that with an increase in traffic from this project, the roadway has the capacity to accommodate the additional development and would not increase traffic to the point where it exceeds capacity.

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

The City-Wide Master Plan designates the property as Rural-Density Residential. The Rural-Density Residential land use designation allows for agriculture, ranches, large-lot, single-family detached residences, and passive parks and open space. The proposed use is in character with the existing land-use designation. The applicant proposes to maintain the existing commercial zoning on the lot, however, the lot will not be used for commercial purposes, rather, for a ministry.

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

The applicant has not provided any site plans or floor plans. The applicant proposes seven (7) new residential lots with future developments. Given the location, zoning, and current land use, there is potential for future developments to be larger than required. These developments will increase the amount of impervious surface on the subject property. The applicant must comply with all comments concerning environmental impact from Planning Engineering and the Wyandotte County Conservation District, as well as any other relevant bodies to minimize any potential impact from this development.

Additionally, there is an archeological site on the subject property. This development must be reviewed by the Kansas State Historic Preservation Office (SHPO) to ensure that this site is not disturbed for this and all future development, construction, and/or grading on the property.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

No sanitary sewer lines serve the subject property. The property will be served by a septic system.

c. Storm water control

No storm water lines serve the subject property.

d. Police

Police service is provided by Midtown Patrol, District #444.

e. Fire

Fire service is provided by Station #14, which is six (6) miles away from the subject property.

f. Transit

There is no public transit service provided to the subject property. The closest bus stops are 1.3 miles to the south, at North 67th Street and Leavenworth Road. There is no sidewalk or pedestrian access from the subject property to these stops, which are served by the #113 – Leavenworth Road bus route.

g. Schools

Public education is provided by John F. Kennedy Elementary School, Eisenhower Middle School, and Washington High School, of the Kansas City, Kansas USD 500.

h. Streets

The subject property is currently accessible from North 67th street, via a private driveway, which will be upgraded to a private roadway and cul-de-sac as a part of this proposed development plan. North 67th Street is only 18' wide, leading to concerns regarding traffic and pedestrian safety.

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

The applicant proposes to create and develop an additional four (4) residential lots and three (3) agricultural lots on the property, which will create 7 new single-family residences, and will have a positive economic impact by adding to the housing stock in Wyandotte County. It is unclear whether the impact will be substantial, due to the location and, size of the development.

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

The applicant was granted a variance for maximum cul-de-sac street length, as the proposed development will require a cul-de-sac that is in violation of Sec 27-281(b) by approximately 1080 feet.

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

Additional development in such a remote and rural area of Wyandotte County requires an increase of city services. If the residences and place of worship are planned to be served by septic and well water, then such costs will not be as significant. The applicant proposes to design a private street to UG standards, which would be maintained by the developer or their heirs in perpetuity. There is limited gain to the public health, safety, and welfare by having a housing development so far removed from the existing development pattern of the County.

Additionally, there are concerns regarding the width of the roadway and the increase in traffic this development will bring. A traffic study provided by the applicant and reviewed by both the UG Public Works Department, as well as it's, 3rd party reviewer, found that the increase in traffic will not exceed capacity of the existing roadway.

PREVIOUS ACTIONS

- Change of Zone Application (COZ2021-032) in 2021, withdrawn by Applicant
- Preliminary and Final Plat Application (PLAT2021-016) in 2021, withdrawn by Applicant
- Variance Application (BOZA2021-021), in 2021 withdrawn by Applicant
- Variance Application (BOZA2022-021), in 2022, heard simultaneously with COZ2022-015.

NEIGHBORHOOD MEETING

The applicant accepted comments on the proposed development between April 11, 2022 and May 31, 2022. Attached is the affidavit and submitted comments to the

applicant.

KEY ISSUES

Lot Size
Open Space Preservation
Native American Archeological Site
Description of Zoning
Lot Use
Sanitary Sewer
Public Improvements
Master Plan Conformance
Tree Stands
Topography
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **DENIAL of COZ2022-015 due to the width of the street, lack of infrastructure, and the proposal does not fit the character of the neighborhood.**

STAFF COMMENTS AND SUGGESTIONS

Staff does not agree with the recommendation of the City Planning Commission.

Planning and Urban Design Comments: The applicant was required to submit a traffic study to address the concerns of the neighborhood regarding traffic along 67th Street. The study was performed by BHC and reviewed by the UG as well as, Benesch a 3rd party reviewer, which found that the traffic study meets the standards set for conducting a traffic study and affirmed the findings of the study.

General:

1. Is the subject property occupied or in use? If not, how long has the property been vacant or out of use?

Applicant Response: The subject property has been vacant since 2014, when Manion's International Action House went out of business.

2. Please resubmit the site plan and zoning plan to demonstrate lot depths, widths, total acreage, and potential placement of residences and driveways on the proposed parcels.

Applicant Response: Acknowledged, the applicant will provide.

3. Please submit a description of what will be the proposed zoning and land uses on the property.

Applicant Response: As shown in the provided Zoning Plan, the proposed zoning includes agriculture (A-G), Residential (R-1), and Commercial (C1). Regarding land uses, the agriculture (A-G) parcels will be utilized for Single Family residences, that may have light agrarian uses in the future as allowed by ordinance. The residential parcels will support single-family residences. The commercial parcel would be used for a church. The church will not have a focus on large congregation services, the purpose of the church facility will be to support the care and counseling services of the church's mission.

4. The applicant states the intention to keep commercial zoning on the property; What commercial activities will occur on-site? Does the applicant understand that they may be required to file for a Master Plan Amendment as the commercial zoning and potential commercial use does not conform to the current Master Plan Designation? Could the application be amended to remove the commercial zoning if there are not any proposed commercial activities?

Applicant Response: The C-1 lot will accommodate a church facility. The church will not host large congregation services, rather the facility will support the care and counseling services of the church's mission.

5. What is the proposed use of proposed Lot 7 and Lot 8?

Applicant Response: Lot 7 is currently a barn. The barn will be remodeled into a single-family residence. Lot 8 will serve as a large agriculture single-family lot.

6. Staff encourages the application to use residential clustering to ensure the preservation of open space and natural topography on the site. Examples can be found under "Examples of Residential Clustering" in the *Attachments* section of this report.

Applicant Response: Acknowledged. The applicant has evaluated residential clustering strategies, however, during a March 8, 2022, DRC pre-application meeting it was stated by Rob Richardson that the Master Plan requires 3-acre parcels for on-site septic and directed the applicant team to follow the Master Plan beyond the Zoning Ordinance which states 1-acre. The 3-acre parcel design does not necessarily follow residential clustering strategies. However, the applicant does intend to locate building near the constructed road and minimize disturbance to natural topography, this is in the spirit of residential clustering and the Master Plan.

7. Will there be any animals, such as chickens or livestock kept on the property or any proposed parcels? If so, a conservation plan must be developed with and approved by the Wyandotte County Conservation District.

Applicant Response: At this time there it is not intended that livestock will be kept on the property. If this changes the applicant would follow to Unified Government criteria to own and keep livestock on the property.

8. The natural topography and terrain must be preserved to the greatest extent possible. The following requirements shall be followed and met:
 - a. All stands of trees must be preserved and maintained
 - b. A “build area” must be established on each proposed parcel, where all construction must occur.
 - c. The design and development of residences must respect the existing natural topography; and,
 - d. The design and development of residences must respect existing terrain, including ecological resources such as tree stands, grasslands, and wetlands.

Applicant Response: Acknowledged. The applicant would request that this be allowed to be submitted with final development plans.

9. Will BPU provide water service?

Applicant Response: Yes, BPU will provide water service.

10. Will the property be served by septic sewer or sanitary sewer provided by the Unified Government?

Applicant Response: The site will be served by on-site septic systems.

11. The applicant will need to submit a Preliminary and Final plat.

Applicant Response: Acknowledged. The applicant team understands that the preliminary plan provided with the Change of Zone application can serve as the preliminary plat and a final plat may be provided at the time of the final development plans.

12. Is the applicant aware that there is an archeological site on the subject property and that they shall not disturb or destroy it in anyway, as it would be a violation of the Kansas Unmarked Burial Law (KSA 75-2741 through 75-2754)?

Applicant Response: The applicant has been made aware of the unmarked burial site, located on the property. The applicant, Mr. Emanuels, and the civil engineer, Mr. Makris, met with Mr. Malloy, Planning and Urban Design Staff, and Mr. Robert Hoard, State Archeologist, on Tuesday, May 24, 2022, to visit the location of the unmarked burial site. The group discussed the distance of the burial site from any proposed construction, Mr. Hoard's followed up via email on May 26th indicating that a 50-foot offset should be maintained from the location. The applicant fully intends to respect the recommendations of the State Archeologist.

13. Has the applicant submitted the project to the Kansas State Historic Preservation Office (SHPO)? This project will need to be reviewed by SHPO before it may be heard before the City Planning Commission.

Applicant Response: The applicant submitted the project to SHPO for review and met with a representative of the State Archeologist office on Tuesday, May 24, 2022. As stated above the applicant fully intends to respect the recommendations of the State Archaeologist.

14. The applicant is aware and understands that they may be required to further alter their site plan per recommendations provided by the Kansas State Historic Preservation Office (SHPO) in an effort to protect the archeological site.

Applicant Response: As stated above the applicant met with the State Archeologist and fully intends to respect the recommendations of the State Archeologist.

15. It has been mentioned previously that there would be more than one (1) phase to this project. Is there any additional development proposed besides this one in the future?

Applicant Response: No, the application presented is the proposed project.

Staff Response: It should be noted that the applicant has stated an intention for future projects, however, those will not be related to this application, and there are no official plans or petitions being reviewed or up for consideration at this time.

16. Will the ministry include any services such as a group home? If so, this use will require the applicant to apply for and obtain a Special Use Permit

Applicant Response: There will not be a group home on the property.

Planning Engineering Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1. None
- B. Items that are conditions of approval:
 - 1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1. None

Applicant Response: Please see "Applicant Response to Engineering and Stormwater Comments, Dated April 26, 2022" in the attachments section.

Wyandotte County Conservation District Comments:

For detailed comments, please see the attachment "Wyandotte County Conservation District Comments, Dated April 12, 2022" below.

1. There are five major soil types on the subject property, all of which are considered highly erodible.

Applicant Response: Acknowledged, Erosion and Sediment Control Plans will be submitted with the Final Development Plan.

2. This site will need an erosion control plan before any grading is done. When construction does start, ensure that any run-off is controlled. Leave as much land undisturbed as possible.

Applicant Response: Acknowledged, Erosion and Sediment Control Plans will be submitted with the Final Development Plan.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-015** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The applicant must file a Preliminary and Final Plat to subdivide the parcel into lots for single family residences and Final Development Plan for the church. The applicant shall file their Preliminary Plat before their Change of Zone ordinance publication will be published. The applicant has sixty (60) days to file their Preliminary Plat from the date this Change of Zone is approved by the Board of Commissioners (subject to approval);**
2. **Section 27-340 defines family as “one or more persons who are related by blood or marriage, including any foster children, a group of not more than five persons living together by joint agreement on a nonprofit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons living together and occupying a single housekeeping unit with single kitchen facilities”. The applicant will be required to obtain a Special Use Permit for a group home if any of the proposed residences exceed this limit;**
3. **Per recommendation of the Kansas State Historic Preservation Office, the applicant shall create a 50-foot boundary around the archeological site that is on site. The applicant shall not disturb this archeologic site, as this would be in violation of the Kansas Unmarked Burial Law (KSA 75-2741 through 75-2754);**
4. **Per the Kansas City, Kansas Fire Department, any roadway less than 26-feet wide shall not have any on-street parking. The applicant proposes a 26-foot wide roadway;**

5. Per the Kansas City, Kansas Fire Department, the minimum diameter of the cul-de-sac must be 96 feet;
6. This City Planning Commission case is being heard in conjunction with BOZA2022-021. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-021 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspector@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
14. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area;
15. Section 27-464(g) requires that trees are requires that a six (6) foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
16. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided; and,
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

ATTACHMENTS

September 12, 2022 City Planning Commission Minutes
July 11, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Zoning Plan
Site Plan
Traffic Study, Dated August 15, 2022, with Benesch Comments, Dated August 26, 2022
Examples of Residential Clustering
Wyandotte County Conservation District Comments, Dated April 12, 2022
SHPO Archeologist Comments, Provided by Robert Hoard, Dated May 26, 2022
Applicant Response to Draft Staff Report, Dated April 26, 2022
Applicant Response to Draft Staff Report, Dated May 31, 2022
Applicant Response to Neighborhood Questions and Concerns
UG Pictometry, dated March 2, 2021
Site Photographs taken by Staff on April 11, 2022
Site Photographs taken by Staff on May 24, 2022
Neighborhood Meeting Materials (Letters, Affidavit, and Comments Received)
Letters of Support
Letters of Opposition

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	July 11, 2022 Held Over	
Rezoning	September 12, 2022 Denial	September 29, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-015** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-015**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

September 12, 2022 City Planning Commission Minutes:

Hearing starts at 1:22:45:

CHANGE OF ZONE APPLICATION COZ2022-015 – JOHN EMANUELS - SYNOPSIS:

Change of Zone from A-G Agriculture and C-1 Limited Business Districts to A-G Agriculture, R-1 Single Family and C-1 Limited Business Districts for urban residential uses and church at 4411 North 67th Street.

Detailed Outline of Requested Action: The applicant, John Emanuels, has submitted a Change of Zone from C-1 Limited Business and A-G Agriculture Districts to C-1 Limited Business, A-G Agriculture and R-1 Single-Family Districts for the purposes of creating seven (7) residential (single-family) lots and one (1) commercial lot at 4411 North 67th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 12, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Recording Secretary Parker stated that this application was held over for 60 days at the July 11, 2022, meeting for the applicant to acquire and submit a traffic study. She further stated that the following emails were received after the meeting packet was finalized and sent out:

Support:

Amanda Jordan

Sarah Emanuels

Jenn Miller

Doug and Audrey Hoffman

Sky Kurlbaun

Steve Shonamon

Candace Davis

Opposition:
Donna Hoyt
Russell Blair
Ashley Kemp
Kris Villarreal
Stan Bartley
Tyler Siegfried

NOTE: There were 18 persons present in support and 12 persons present in opposition, including the following that spoke:

Present in Support:

- Andrew Spitsnogle, attorney, 9101 West 110th Street, Overland Park, Kansas
- John Emanuels, applicant, 180 Terrace Trail South, Lake Quivira, Kansas 66217
- Mike Makris, BHC Rhodes
- Mark Sherfy, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas
- Amanda Jordan, 18575 182nd Street, Tonganoxie, Kansas and she read a letter in support from Doug and Audrey Hoffman
- Brad Jordan, 18575 182nd Street, Tonganoxie, Kansas and he read a letter in support from Randy Winn
- Marla Gould, 176 Terrace Trail South, Lake Quivira, Kansas 66217 and she read a letter in support from Steve Shonamon
- Alex Tweedy, 3620 Wyoming, Kansas City, Missouri
- Arthur Jackson, 8128 Waverly, Kansas City, Kansas
- Rhonda Brown, 11824 Avila Drive, Kansas City, Missouri
- Solomon, 15380 South Alden, Olathe, Kansas 66062

Present in Opposition:

- Jessie Villarreal, 4045 North 67th Street, Kansas City, Kansas 66104
- Donna Hoyt, Coordinator of Cernech Neighborhood Association, and resident at 6422 Cernech, Kansas City, Kansas 66104
- Anthony Tucker, 4244 North 67th Street, Kansas City, Kansas 66104
- Tina, 4108 North 67th Street, Kansas City, Kansas 66104
- Stan Bartley, 6422 Cernech Road, Kansas City, Kansas 66104

Staff Recommendation starts at 2:27:40: Planning Director Hand stated that this application was continued from the July meeting and was being heard in conjunction with BOZA2022-021, which was approved earlier this year. He stated that if this application is approved, a final development plan and final plat would be required. This property is in the City-Wide Master Plan in the Mid-Town area and in the Cernech Neighborhood. There has been support and opposition for this proposal and the Notices of Violation have all been resolved. Director Hand stated that the traffic study was reviewed by the County Engineer and the Unified Government's third-party engineering firm and no improvements are required based on the increased traffic from the proposed development. The archeological site has been discussed and is not noted

on the map at the request of the Staff Historic Preservation Office. Staff recommends approval, subject to the conditions in the Staff report.

Planning Commissioner Miller directed questions to the Staff concerning review of the traffic study by the County Engineer. Director Hand stated yes, the study has been reviewed by the County Engineer and the recommendation stands.

Planning Commission directed questions to Staff concerning the traffic study and the proposed church.

Director Hand stated that the applicant posted the zoning sign for the first hearing and over time it deteriorated. The applicant has replaced the sign twice, the last time at the request of the neighbors. Staff believes the applicant has met the intent of the ordinance.

Commissioner Straws asked if the Applicant could open the church under the existing zoning if this application is denied. Director Hand stated yes.

Chairman Carson asked if the houses could be built? Director Hand stated yes, the property could be split under the current zoning and they could build more houses, than currently exist but that would still require a final plat.

Motion starts at 2:35:40:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **DENIAL of COZ2022-015 due to the width of the street, lack of infrastructure, and the proposal does not fit the character of the neighborhood:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Straws	No
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	No
Ernst	Aye
Jones	Not Present

Motion to recommend **DENIAL** Passed: 6 to 2

July 11, 2022 City Planning Commission Minutes:

Hearing starts at 1:20:03:

CHANGE OF ZONE APPLICATION COZ2021-015 – JOHN EMANUELS - SYNOPSIS:

Change of Zone from A-G Agriculture and C-1 Limited Business Districts to A-G Agriculture, R-1 Single Family and C-1 Limited Business Districts for urban residential uses and church at 4411 North 67th Street.

Detailed Outline of Requested Action: The applicant, John Emanuels, has submitted a Change of Zone from C-1 Limited Business and A-G Agriculture Districts to C-1 Limited Business, A-G Agriculture and R-1 Single-Family Districts for the purposes of creating seven (7) residential (single-family) lots and one (1) commercial lot for Lightland Ministries.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Mike Makris, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, KS 66210
- John Emanuels, applicant
- Daniel Parker, attorney, submitted letter in support

Present in Opposition:

- Jessie Villarreal, 4045 North 67th Street, Kansas City, Kansas 66104
- Donna Henderson-Hoyt, 6422 Cernech Road, Kansas City, Kansas 66104
- Tony Tucker, 4244 North 67th Street, Kansas City, Kansas 66104

Staff Recommendation starts at 1:53:00: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-021 which was approved by the Board of Zoning Appeals earlier this evening. He stated that the Change of Zone is for the creation of seven (7) residential lots and one (1) commercial lot. He further stated that this property is in the City-Wide Master Plan in the Midtown north area. Staff received letters in support and in opposition to this application in addition to the testimony this evening. A stop work order was issued on the property as they were clearing brush potentially without a permit and off their property. They were asked to stop while this application was being assessed. There are older Notices of Violation regarding maintenance, which have all been addressed and closed. The State Historic Preservation Office has reviewed and cleared this project. Staff will continue to review the project and any potential changes with SHPO if the project moves forward. It is important to note that if this project is approved, the applicant will need to submit a plat and a final development plan. Staff worked with the applicant to cluster development on the west side of the parcel in order to maintain open space. Those are conditions

germane to the plat and Staff will address those further when the applicant submits the plat. Director Hand stated that a group home by definition is six (6) or more unrelated individuals in the same house, which is not part of this application. As it relates to the roadway width of 67th Street, the Unified Government does not have enough money to maintain its existing roads let alone expand another roadway that is not listed as a major investment corridor. Later this evening the Commission will hear a presentation on the mobility plan as it relates to Kansas City, Kansas and Wyandotte County. The applicant was not required to provide a traffic study for this type of use although the Staff is open to that request. Relating to building over the gas pipeline, there is an utility easement that you can build roads over, but you cannot build structures. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to the Staff regarding a traffic study for this project. Director Hand stated that according to the zoning code, the County Engineer, Director of Planning or the City Planning Commission can determine that a traffic study be submitted. He further stated that the County Engineer and Director of Planning determined that a traffic study was not needed for this project. Mr. Makris stated that they would need a 60-day continuance to complete a traffic study.

Motion starts at 2:01:20:

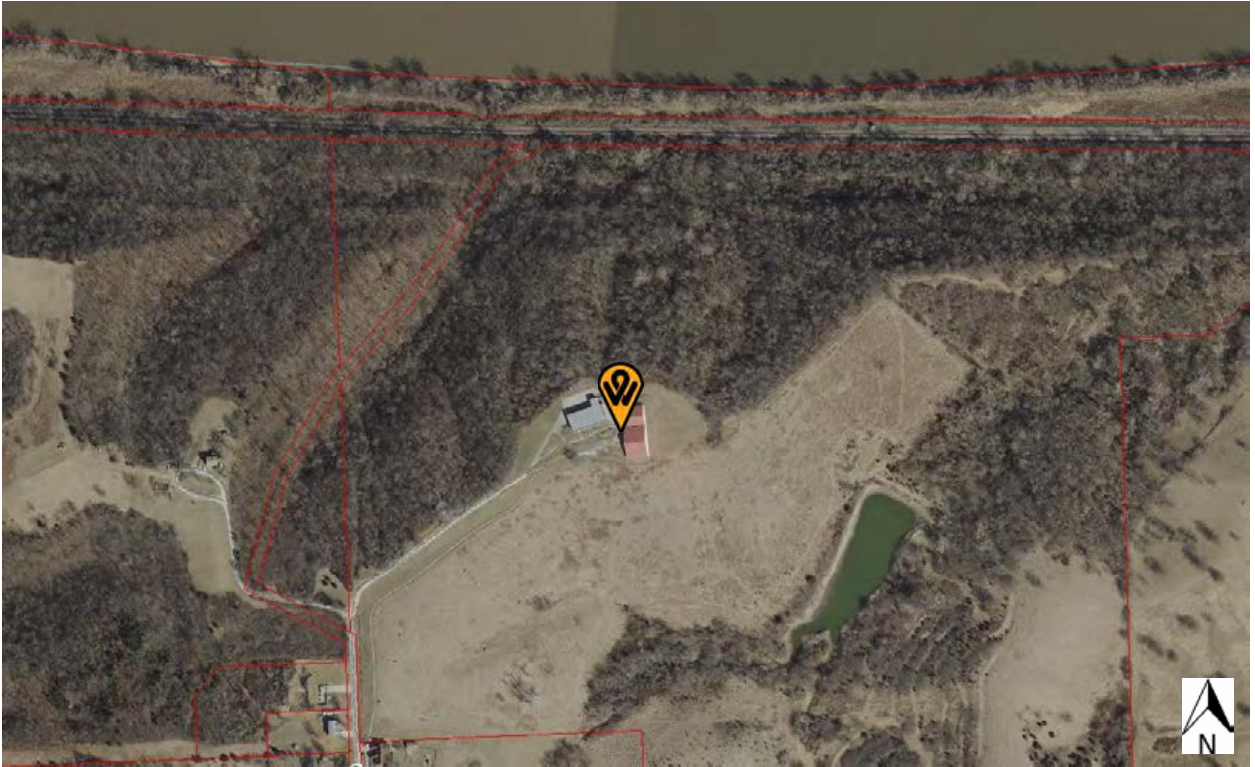
On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to **HOLD OVER COZ2022-015 for sixty (60) days for a traffic study to be completed:**

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

Motion to **HOLD OVER** Passed: 6 to 0

ATTACHMENTS

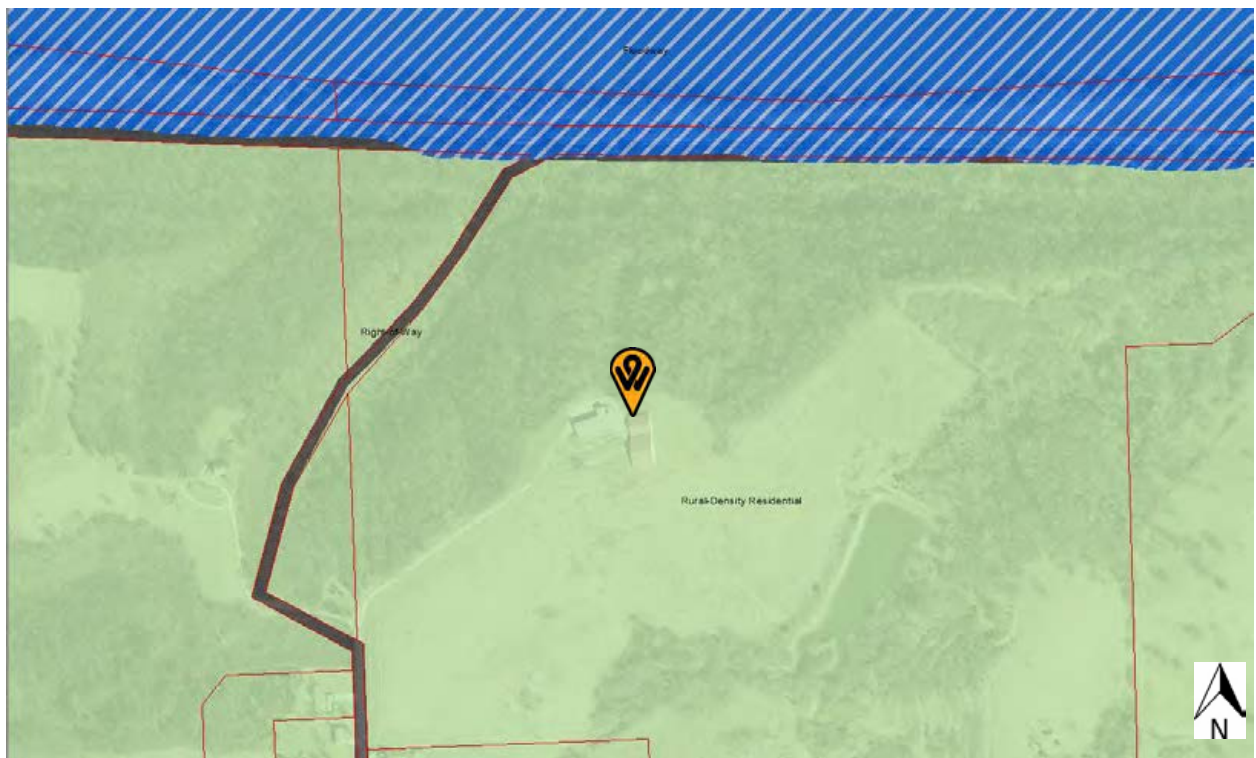
AERIAL IMAGERY



ZONING MAP

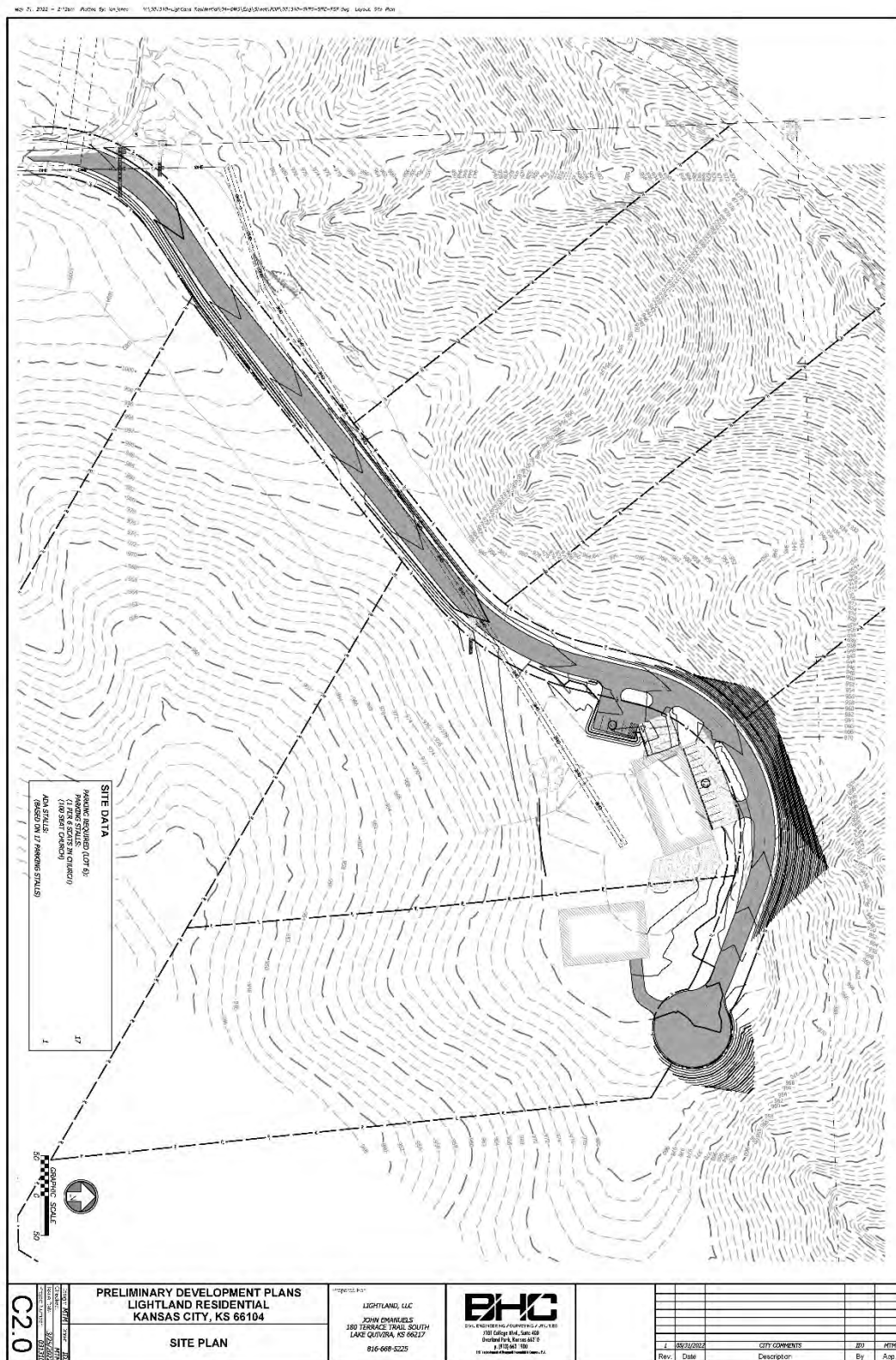


LAND USE MAP



[illegible]

SITE PLAN





Benesch Review

July 20, 2022

Revised: August 15, 2022

John Emanuels
Lightland, LLC
180 Terrace Trail South
Lake Quivira, Kansas 66217

Re: Traffic Memo/Conformance Letter for Lightland Residential in Kansas City, Kansas

BHC has been asked to review the traffic impact of a proposed development near the northeast corner of 67th Street and Donahoo Road in Kansas City, Kansas. The development involves the construction of 7 new single-family homes, and a 100-seat church.

EXISTING CONDITIONS

The existing site is partially developed, and both 67th Street and Donahoo Road are classified as local roads according to the Kansas Department of Transportation (KDOT) Functional Road Classification system. 67th Street currently provides access to 8 single family homes and a commercial auction house. North of Donahoo Road, 67th Street has no outlet. There is access to Leavenworth Road (KS-5) via 67th Street approximately 1 mile to the south of the intersection.

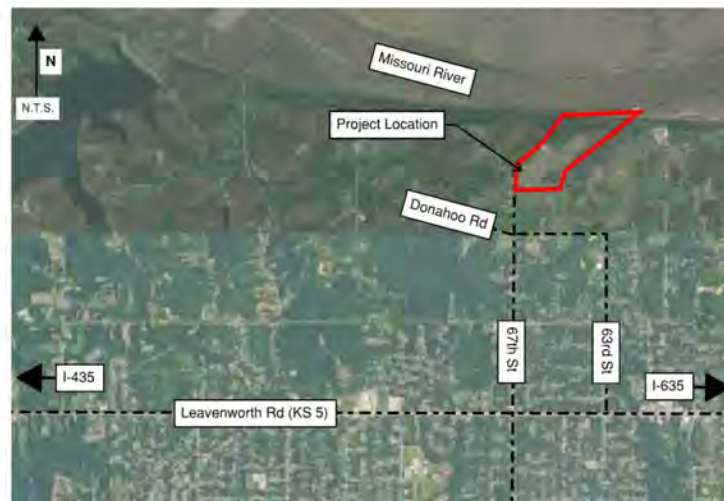


Figure 1: Project Location

Traffic counts were completed using video cameras. This is a standard procedure for TIS

EXISTING CONDITIONS (CONTINUED)

Existing 24-hour traffic counts were completed on August 3, 2022 at the 67th and Donahoo unsignalized intersection and the 67th and Leavenworth Road signalized intersection.

For 67th and Donahoo Road, The AM peak hour was identified as 8:45-9:45 AM, and the PM peak hour was identified as 3:45-4:45 PM. For 67th and Leavenworth Road, the AM peak hour was identified as 9:45-10:45 AM, and the PM peak hour was identified as 5:00-6:00 PM.

The 67th and Leavenworth Road peak hour volumes had the highest intersection traffic volumes and were used for both intersections.

Figure 2 displays the results of the peak hour data.

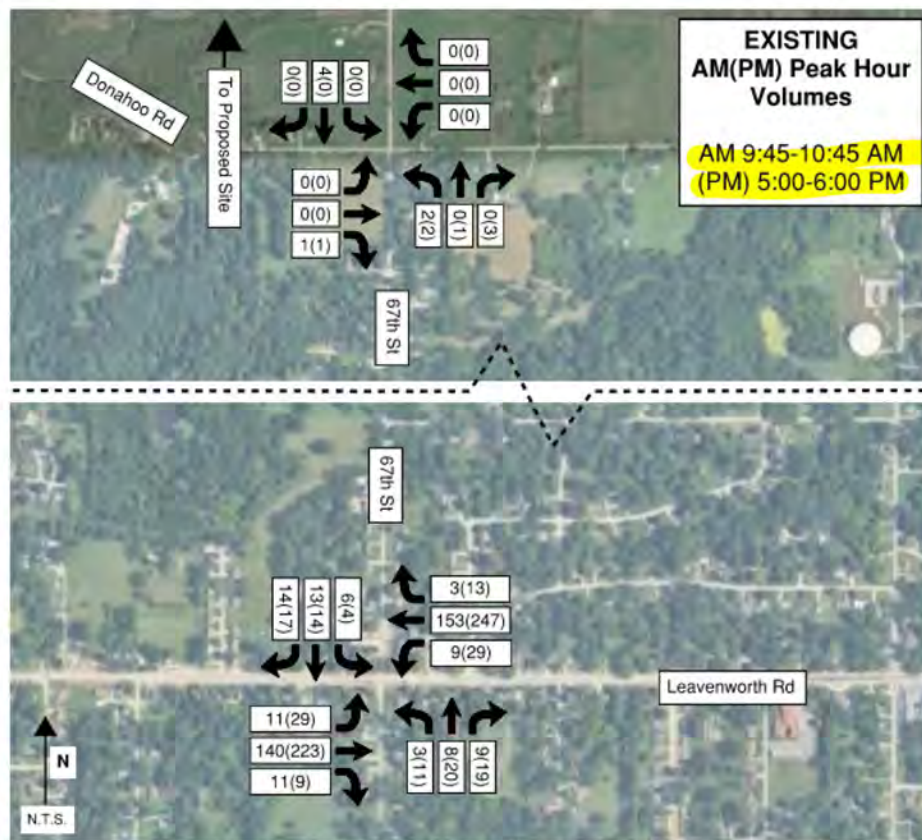


Figure 2: Existing AM(PM) Traffic Volumes

Figure 3 displays the trip distributions of each of the intersections based on the results of peak hour traffic counts.

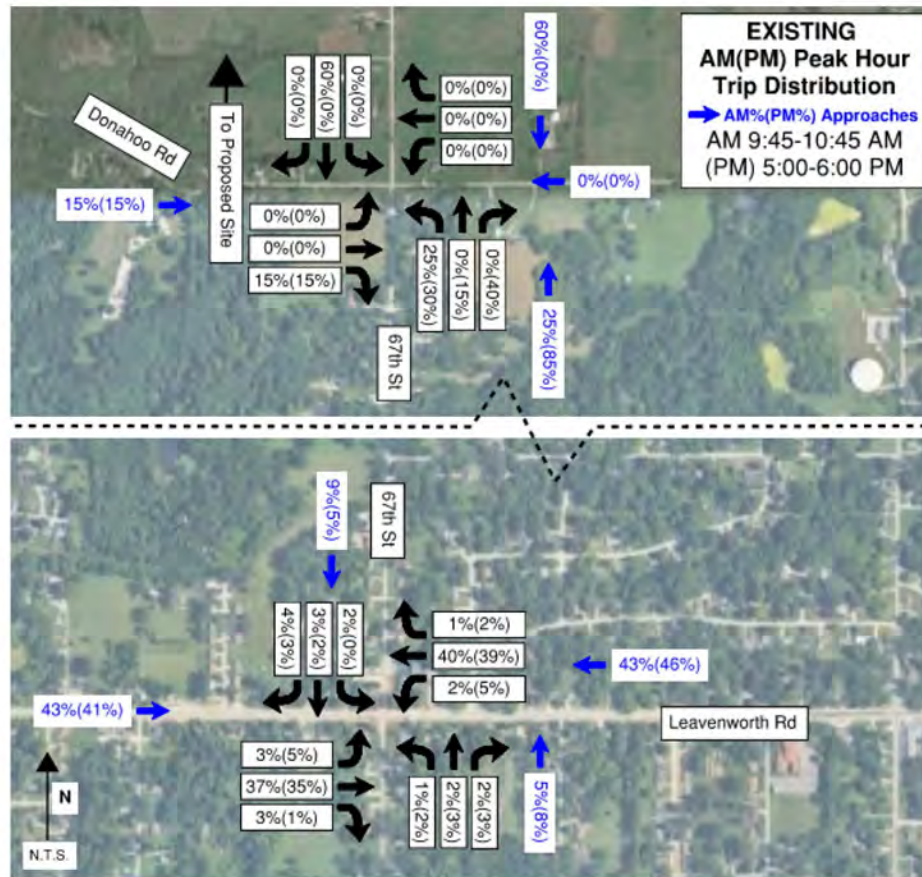


Figure 3: Existing AM(PM) Traffic Distribution

PROPOSED CONDITIONS

The proposed development includes 7 single-family homes, and a 100-seat church. The site layout can be seen below in Figure 4. The only access to the site will be from the intersection of 67th Street and Donahoo Road.

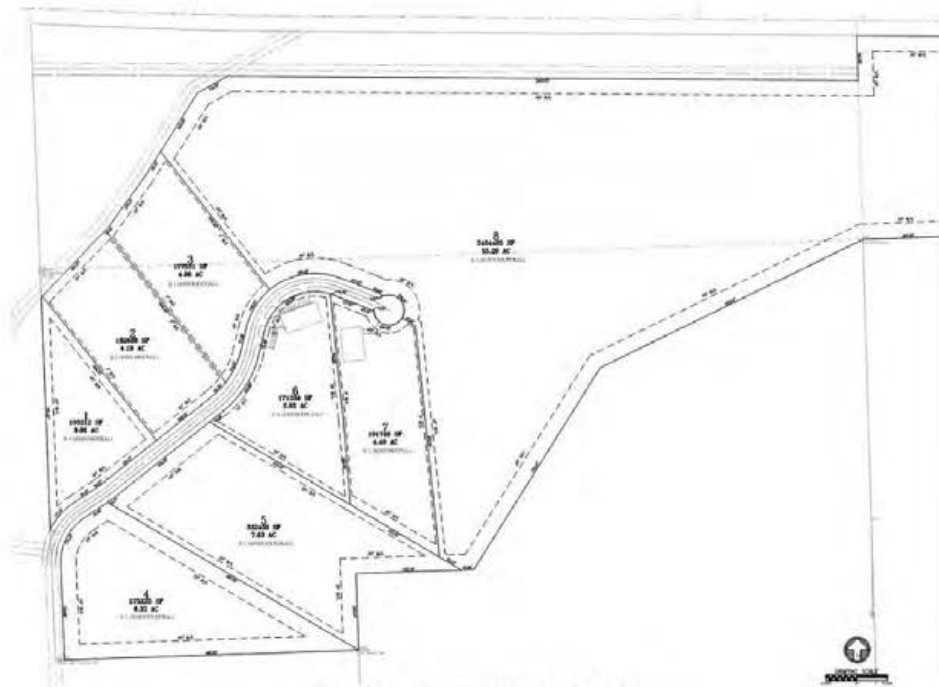


Figure 4: Proposed Site Layout

ITE TRIP GENERATION

A trip generation analysis was performed using the ITE TripGen web-based app. The 11th edition of the ITE Trip Generation Manual was used. The land use for the single-family homes is 210 – Single-Family Detached Housing, and the land use for the church is 560 – Church. The daily, AM Peak Hour, and PM Peak Hour values for the existing trip generations in Table 1 are based on the August 3, 2022 traffic counts. Currently, 7 single family homes are located north of Donahoo Road, but there is the potential for an additional residence to be constructed.

Table 1 – Existing Trip Generation										
ITE Code	ITE Land Use	Value	Units	Daily	AM Peak Hour (9:45-10:45 AM)			PM Peak Hour (5:00-6:00 PM)		
					Total	Enter	Exit	Total	Enter	Exit
210	Single Family Housing – Detached	7	Units	42	4	0	4	1	1	0
				Total	42	4	0	4	1	0

Table 2 outlines the new, additional trips generated by the proposed development.

Table 2 – Proposed Trip Generation										
ITE Code	ITE Land Use	Value	Units	Daily	AM Peak Hour			PM Peak Hour		
					Total	Enter	Exit	Total	Enter	Exit
210	Single Family Housing – Detached	7	Units	66	5	1	4	7	4	3
560	Church	100	Seat	90	7	4	3	10	4	6
				Total	156	12	5	7	8	9

Verified Trip Gen

The new proposed uses would be expected to generate an additional 156 average weekday trips, 12 AM peak hour trips, and 17 PM peak hour trips. Table 3 shows the sum of the existing plus proposed trips.

Table 3 – Existing + Proposed Trip Generation								
Scenario	Daily	AM Peak Hour			PM Peak Hour			
		Total	Enter	Exit	Total	Enter	Exit	
Existing	42	4	0	4	1	1	0	
Proposed	156	12	5	7	17	8	9	
Existing + Proposed	198	16	5	11	18	9	9	

Traffic assignments seem reasonable based existing volumes and street network

TRIP DISTRIBUTION

The anticipated trip distribution was created using the existing traffic volumes, and can be seen below in Figure 5. The majority of the trips are expected to approach the site from the south, coming from Leavenworth Road (KS 5).

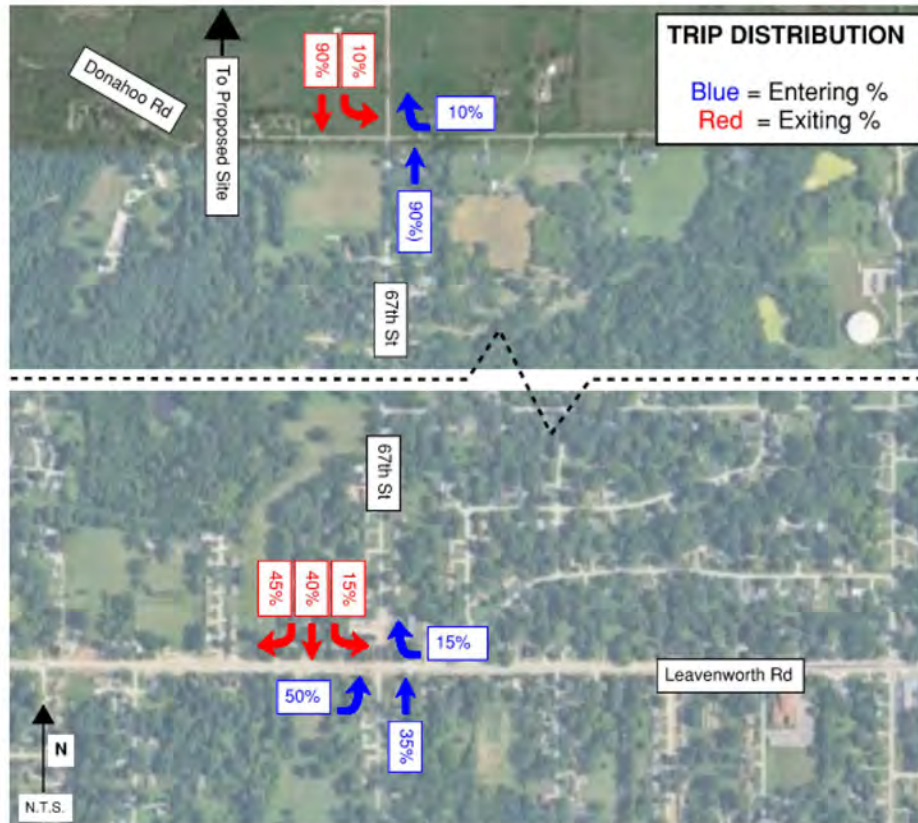


Figure 5: Proposed Trip Distribution

TRIP DISTRIBUTION (CONTINUED)

The trip distribution in Figure 5 was applied to the proposed trip generation in Table 2. The resulting proposed development trip generation can be seen in Figure 6. This represents new peak hour traffic.

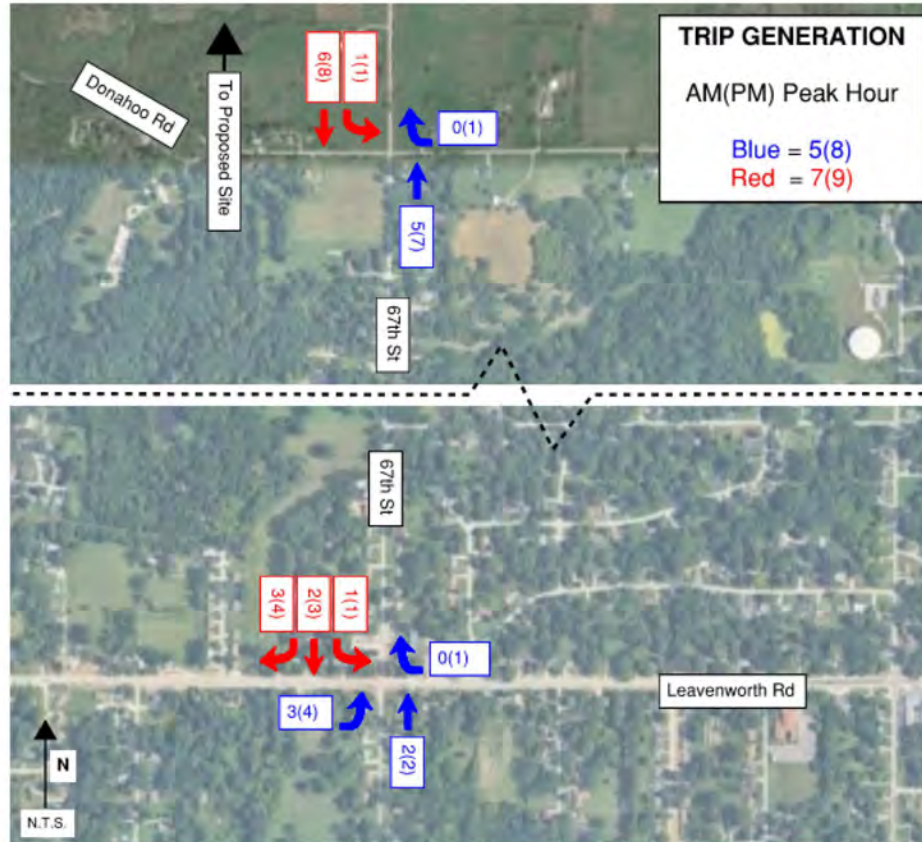


Figure 6: Proposed Development Trip Generation

TIS used a conservative approach of adding the highest trip generation scenario with the highest peak volume periods. The traffic assignment follows standard ITE practices.

TRIP DISTRIBUTION (CONTINUED)

To estimate the anticipated combined traffic from the existing and proposed development, the trip generations of Figure 2 and Figure 6 were added together. The results can be seen in Figure 7.

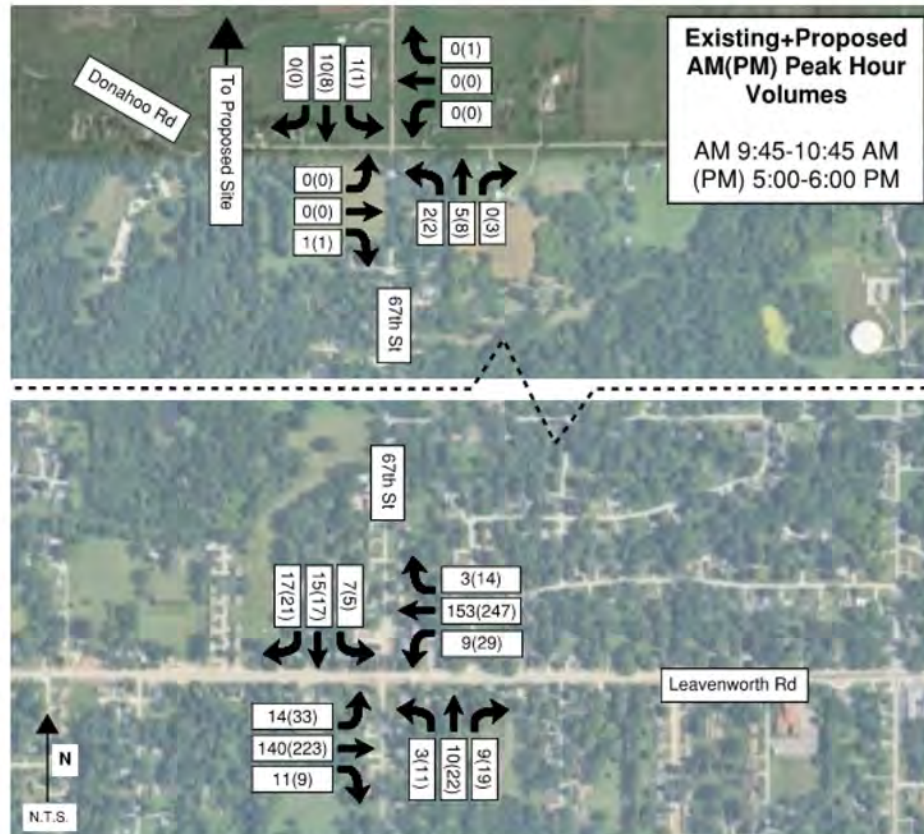


Figure 7: Existing + Proposed Development Trip Generation

CONCLUSION

The existing conditions include 7 single-family homes and a commercial auction house. Based on existing traffic counts, these land uses create 42 average weekday trips, 4 AM peak hour trips, and 1 PM peak hour trip.

The proposed 7 single-family homes and 100-seat church would be constructed by redeveloping the existing commercial auction house site. The proposed uses can be estimated to add an additional 156 average weekday trips, 12 AM peak hour trips, and 17 PM peak hour trips.

After completion of the proposed development, 67th Street north of Donahoo Road can be estimated to have 198 average weekday trips, 16 AM peak hour trips, and 18 PM peak hour trips.

The Manual of Uniform Traffic Control Devices (MUTCD), Chapter 5A.01, defines a low volume road as a road with a traffic volume less than 400 annual average daily traffic (AADT). The American Association of State Highway and Transportation Officials (AASHTO) states that rural minor access roads can be 18-feet for design speeds less than 40 mph.

Although the proposed development does add traffic, the estimated total volume of 198 vehicles per day on 67th Street north of Donahoo Road will not exceed the MUTCD threshold for any classification higher than a low volume road.

A review of existing + proposed traffic volumes at 67th Street and Leavenworth Road reveals that the projected trip generation (Figure 6) has a negligible impact on the intersection.

If there are any questions regarding this traffic memo, please contact me at your convenience at 913-663-1900 or mark.sherfy@ibhc.com.

Sincerely,



Mark Sherfy PE, PTOE
Vice President | Development Group Director
BHC

Overall Comments

- Traffic impact study follows standard ITE practices and follows UG TIS Guidelines for the proposed development.
- Traffic counts were completed using video cameras. This is a standard practice for traffic studies that provides accurate traffic data.
- 18' roadway is a concern but for a low volume roadway there are no roadway capacity concerns.
- Proposed development will generate 17 vehicles during the highest volume period. There are no intersection capacity concerns.
- Discuss with Fire Department to see if they have any concerns will adding this development and church at the end of the dead end roadway.
- Proposed development will add a Cul-de-sac per UG standards to accommodate fire and other trucks that utilize the roadway.

BHC is a Trademark of Brungerdt Horowitz & Company, P.A.

EXAMPLES OF RESIDENTIAL CLUSTERING

LAND FROM SAMARA NEIGHBORING CLUSTERS.

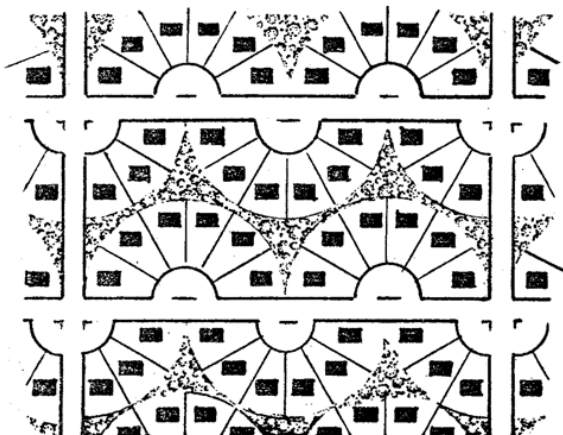


Figure 2a

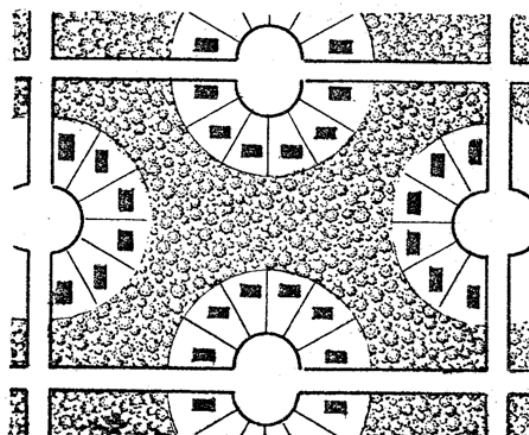


Figure 2b



From Milwaukee Journal, Jan. 31, 1960.

—Nelson Hall & Associates



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

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

April 12, 2022

RE: COZ2022-015, and BOZA2022-024 John Emanuels A-G and C-1 to A-G, R-1 and CP-1 for urban residential and church at 4411 North 67th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-015, and BOZA2022-024 John Emanuels A-G and C-1 to A-G, R-1 and CP-1 for urban residential and church at 4411 North 67th Street.

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

MAPS AND REPORTS

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

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

- There are five major soil type identified: Gosport-Sogn complex, 7 to 35 percent slopes, Onawa soils, occasionally flooded, overwash, Knox silt loam, 12 to 18 percent slopes, Knox silt loam, 18 to 30 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This site will need an Erosion Control Plan before any grading is done. When construction does start ensure that any runoff is controlled. Leave as much of the land as possible undisturbed.
- The Best Management Practices in this report can be used to prepare an Erosion Control Plan for this site.

The following Best Management Practices are recommended for this plat:

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

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

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

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

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

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

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

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

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

•

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

SHPO COMMENTS FROM STATE ARCHEOLOGIST ROBERT HOARD, DATED MAY 26, 2022

Cultural Resources
Archeology
6425 SW 6th Avenue
Topeka KS 66615-1099



785-272-8681, ext. 269
robert.hoard@ks.gov
kshs.org

Patrick Zollner, Acting Executive Director

Laura Kelly, Governor

May 31, 2022

Mr. John Emanuels
Executive Officer, Axiom-Highlands LLC
7357 Holliday Drive
Kansas City, Kansas 66106 *Sent via email*

Subject: Burial Mound, archeological site
22-05-092

JBS case 2022-04, Kansas Review and Compliance number

Dear Mr. Emanuels:

On Tuesday, May 24, 2022, I visited your property in section 22, township 10 south range 24 east to inspect a reported indigenous American burial mound. The mound had been recorded as an archeological site, site number 14WY302, in 1963 with the Kansas Historical Society. Human burials are protected by law in Kansas. Unmarked burials—those not in a conventional cemetery—are specifically protected by the Kansas Unmarked Burial Sites Preservation Law, KSA 75-2741 to 2754.

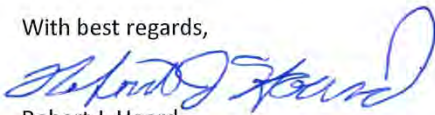
The burial mound was located during the May 24 field visit with you and James Molloy, Planning and Urban Design, Unified Government of Wyandotte County, Kansas.

The mound is not currently being disturbed. In an email note to you dated May 26, 2022, I recommended that a buffer of 50 feet from the center of the mound be maintained. This is done to protect the mound and because mortuary activities took place in the vicinity of burial mounds. The buffer also serves to maintain, as much as possible, the setting of the burial mound.

Ground disturbing activity should not be conducted on the mound or within the buffer area. This does not restrict mowing or brush clearing within the buffer area and does not prohibit activities outside of the buffer area. Any disturbance to the mound caused by people should be reported to local law enforcement, who should then contact the State Archeologist.

I appreciate your efforts to preserve this burial site.

With best regards,



Robert J. Hoard
State Archeologist, Kansas
Chair, Kansas Unmarked Burial Sites Preservation Board

COZ2022-015 Draft Staff Report:

General Comments and Clarifications:

The **Status of the Applicant** is the property owner. The property is owned by Lightland, LLC (the applicant) – Mr. John Emmanuels is an authorized agent for Lightland, LLC.

The **Purpose** of the request is to rezone a portion of the tract of land currently zoned Agricultural(A-G) and Commercial (C-1) to Residential (R-1), Commercial (C-1), with a significant portion of the site to remain Agricultural (A-G).

The **Total Tract Size** being subdivided is 97.7453 acres more or less. An Administrative Land Division Survey was submitted to the Department of Planning and Urban Design in December of 2022.

In the **Factors to be Considered** section, staff's response to the **Factor 5** states *"This project will construct or redevelop four (4) single-family residences, as well as convert a barn into a single-family residence. Ideally, this will allow for four (4) additional family units to move to Wyandotte County, which is reasonably necessary for the public convenience and welfare. Additional development in such a remote and rural area of Wyandotte County may however be more costly than it is beneficial if utilities are expected to be expanded in order to serve the subject property. It is therefore not reasonably necessary for the convenience and welfare of the public to have a housing development so far removed from the existing infrastructure."*

The proposed plan creates four (4) R1 Residential lots allowing for four (4) single-family residences, additionally, the three (3) agricultural zoned lots allow for the construction of three (3) additional single-family residences.

Regarding utilities to serve the property, domestic water and power are already available and serve the two (2) existing structures. Coordination with the Board of Public Utilities (BPU) will be completed to extend the services to the newly proposed residences.

Regarding **Factor 9**, staff's response, in paragraph A, states that *"it is unclear if there is city water service on this site."*

The property currently has domestic water service from the Board of Public Utilities (BPU). The water main extends to the north termination of the N. 67th Street.

Planning and Urban Design Comments:

1. Is the subject property occupied or in use? If not, how long has the property been vacant or out of use?

Applicant Response: The subject property is not occupied. The property was the location of the former Manion's International Auction House. It appears that Manion's went out of business in 2014.



2. Please resubmit the site plan and zoning plan to demonstrate lot widths, depths, total acreage and potential placement of residences and driveways on the proposed parcels, as well as parking spaces for the church.

Applicant Response: Acknowledged, the applicant will provide.

3. Please submit a description of what will be the proposed zoning and land uses on the property.

Applicant Response: As shown in the provided Zoning Plan, the proposed zoning includes agriculture (A-G), Residential (R-1), and Commercial (C1). Regarding land uses, the agriculture (A-G) parcels will be utilized for Single Family residences, that may have light agrarian uses in the future as allowed by ordinance. The residential parcels will support single-family residences. The commercial parcel would be used for a church. The church will not have a focus on large congregation services, the purpose of the church facility will be to support the care and counseling services of the church's mission.

4. The applicant states the intention to keep commercial zoning on the property; What commercial activities will occur on-site? Does the applicant understand that they may be required to file for a Master Plan Amendment as the commercial zoning and potential commercial use does not conform to the current Master Plan Designation? Could the application be amended to remove the commercial zoning if there are not any proposed commercial activities?

Applicant Response: The C1 lot will accommodate a church facility. The church will not host large congregation services, rather the facility will support the care and counseling services of the church's mission.

5. What are the proposed uses for lot 7 and lot 8?

Applicant Response: Lot 7 is currently a barn. The barn will be remodeled into a single-family residence. Lot 8 will serve as a large agriculture single-family lot.

6. Staff encourages the applicant to use residential clustering to ensure the preservation of open space and natural topography on the site. Examples can be found under "Examples of Residential Clustering" in the *Attachments* section of this report.

Applicant Response: Acknowledged. The applicant has evaluated residential clustering strategies, however, during a March 8, 2022, DRC pre-application meeting it was stated by Rob Richardson that the Master Plan requires 3-acre parcels for on-site septic and directed the applicant team to follow the Master Plan beyond the Zoning Ordinance which states 1-acre. The 3-acre parcel design does not necessarily follow residential clustering strategies. However, the applicant does intend to locate building near the constructed road and minimize disturbance to natural topography, this is in the spirit of residential clustering and the Master Plan.



7. Will there be any animals, such as chickens or livestock kept on the property or any of the proposed parcels? If so, a conservation plan must be developed with and approved by the Wyandotte County Conservation District before this case can be heard before the City Planning Commission.

Applicant Response: At this time there is not intended that livestock will be kept on the property. If this changes the applicant would follow to Unified Government criteria to own and keep livestock on the property.

8. The natural topography and terrain must be preserved to the greatest extent possible. The following requirements shall be followed and met.
- a. All stands of trees must be preserved and maintained;
 - b. A "build area" must be established for each proposed parcel, where all construction must occur;
 - c. The design and development of residences must respect the existing natural topography; and,
 - d. The design and development of residences must respect existing terrain, including ecological resources such as tree stands, grasslands, and wetlands.

Applicant Response: Acknowledged. The applicant would request that this be allowed to be submitted with final development plans.

9. Will BPU provide water service?

Applicant Response: Yes.

10. Will the property be served by septic sewer or sanity sewer provided by the Unified Government?

Applicant Response: On-site septic systems.

11. The applicant will need to submit a Preliminary and Final Plat.

Applicant Response: Acknowledged. The applicant team understands that the preliminary plan provided with the Change of Zone application can serve as the preliminary plat and a final plat may be provided at the time of the final development plans.

12. What is the intended use of the large, blank parcel?

Applicant Response: Referring to Lot 8. The parcel will be used for a single-family residence.

Planning Engineering Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:



- a. None

Applicant Response: Acknowledged.

- 2. Items that are conditions of approval:
 - a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Applicant Response: Acknowledged.

- 3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - a. None

Applicant Response: Acknowledged.

Conservation District Comments:

For detailed comments, please see the attachment "Wyandotte County Conservation District Comments, Dated April 12, 2022" below.

- 1. There are five major soil types on the subject property, all of which are considered highly erodible

Applicant Response: Acknowledged.

- 2. This site will need an erosion control plan before any grading is done. When construction does start, ensure that any run-off is controlled. Leave as much land undisturbed as possible.

Applicant Response: Acknowledged. Applicant will provide Erosion and Sediment Control plans with the final development plan package.

Standard Conditions:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2022-021. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022021 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;

Applicant Response: Acknowledged.



2. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspector@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

Applicant Response: Acknowledged.

3. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27- 593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;

Applicant Response: Acknowledged.

4. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged.



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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;

Applicant Response: Acknowledged.

7. All existing and future driveways must feature curb cuts that are constructed to UG standards;

Applicant Response: Acknowledged.

8. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;

Applicant Response: Acknowledged.

9. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;

Applicant Response: Acknowledged.

10. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has xx square feet, requiring xx trees be provided on the site plan;

Applicant Response: Acknowledged. Trees will be provided in accordance with Unified Government Criteria.

11. Section 27-464(g) requires that trees are requires that a six (6) foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;

Applicant Response: Acknowledged.

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



are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

Applicant Response: Acknowledged.

13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

Applicant Response: Acknowledged.

Question regarding this application and comment responses contained within this letter can be directed to Michael Markis, BHC, applicant representative.

Regards,



Michael T. Makris, P.E.

Project Engineer

Cell: 816-898-6607

Email: Mike.Makris@ibhc.com





May 31, 2022

Unified Government
Department of Planning and Urban Design
701 7th Street
Kansas City, KS 66101

Dear Planning Staff,

The applicant team for the Lightland Residential project (Case #'s BOZA2022-01 and COZ2022-015) is in receipt of the revised draft staff reports and the comments contain within. The applicant team provides the following supplemental information.

COZ2022-015 Draft Staff Report:

General Comments and Clarifications:

The **Status of the Applicant** is the Property Owner. The property is owned by Lightland, LLC (the applicant) – Mr. John Emmanuels is an authorized agent for Lightland, LLC.

In the **Factors to be Considered Section Factor 5** states *"Additional development in such a remote and rural area of Wyandotte County may however be more costly than it is beneficial if utilities are expected to be expanded in order to serve the subject property."*

Applicant Additional Information: Regarding cost, the constructed road will be privately owned, constructed, and maintained by the applicant.

Factor 8 states *the potential for developments to be larger than required.*

Applicant Additional Information: The applicant only intends to construct single-family homes that respect all setbacks and zoning requirements. The Unified Government allows one single-family home to be constructed per platted lot. This requirement and all zoning requirements will be respected for any future home construction.

Additionally, Factor 10 states *"The UG will incur a larger liability to maintain any expanded public utilities and or roadways."*

Applicant Additional Information: The proposed roadway will be privately owned, constructed, and maintained by the applicant.

Factor 12 states *"Additional development in such a remote and rural area of Wyandotte County— so far away from the current extent of utility services—may be more costly than it is beneficial if utilities are expected to be expanded in order to serve the subject property. If the residences and place of worship are planned to be served by septic and well water, then such costs will not be as significant. The applicant proposes to design a private street to UG*



standards. There is little gain to the public health, safety, and welfare by having a housing development so far removed from the obvious and ongoing development pattern of the County."

Applicant Additional Information: The proposed roadway will be privately owned, constructed, and maintained by the applicant. Additionally, the church and homes will be served by septic systems, lessening the impacts. Research by CoStar indicates this area has negative projected population growth, -0.01% from 2022 to 2027. New infill housing opportunities will bring the potential for welfare gain to the area.

Planning and Urban Design Comments:

- 12 Is the applicant aware that there is an archeological site on the subject property and that they shall not disturb or destroy it in anyway, as it would be a violation of the Kansas Unmarked Burial Law (KSA 75-2741 through 75-2754)?

Applicant Response: The applicant has been made aware of the unmarked burial site, located on the property. The applicant, Mr. Emanuels, and the civil engineer, Mr. Makris, met with Mr. Malloy, Planning and Urban Design Staff, and Mr. Robert Hoard, State Archeologist, on Tuesday, May 24, 2022, to visit the location of the unmarked burial site. The group discussed the distance of the burial site from any proposed construction, Mr. Hoard's followed up via email on May 26th indicating that a 50-foot offset should be maintained from the location. The applicant fully intends to respect the recommendations of the State Archeologist.

- 13 Has the applicant submitted the project to the Kansas State Historic Preservation Office (SHPO)? This project will need to be reviewed by SHPO before it may be heard before the City Planning Commission.

Applicant Response: The applicant submitted the project to SHPO for review and met with a representative of the State Archeologist office on Tuesday, May 24, 2022. As stated above the applicant fully intends to respect the recommendations of the State Archaeologist.

14. The applicant is aware and understands that they may be required to further alter their site plan per recommendations provided by the Kansas State Historic Preservation Office (SHPO) in an effort to protect the archeological site.

Applicant Response: As stated above the applicant met with the State Archeologist and fully intends to respect the recommendations of the State Archeologist.

15. It has been mentioned previously that there would be more than one (1) phase to this project. Is there any additional development proposed besides this one in the future?

Applicant Response: No, the application presented is the proposed project.



Questions regarding this application and comment responses contained within this letter can be directed to Michael Markis, BHC, Civil Engineer, or John Emanuels (816-668-5225), Applicant.

Regards,

Michael T. Makris, P.E.
Project Engineer
Cell: 816-898-6607
Email: Mike.Makris@ibhc.com

Attachments:

John and Leslie Emanuels Response to Letter from Tony Tucker and Nanette Hobbs



APPLICANT RESPONSE TO NEIGHBORHOOD QUESTIONS AND CONCERNS

Dear Cernech Neighbors, Unified Government Staff, and Commissioners:

Regarding Lightland LLC's application for a variance and rezoning at 4411 N 67th Street in Kansas City, KS, I have been asked by our neighbors to answer several questions. Understandably, our neighbors would like to understand what we are planning to do.

I will try to address all the neighbors' questions thoughtfully with the hope that it provides clarity regarding our intentions.

Regarding this email, I grant you permission to forward this email and attachments to anyone. My expectation is that you would forward the entire email and not portions that could be interpreted out of context.

The following is my best effort to find the balance between answering questions directly, informing you of my plans, and not making commitments to things that I am uncertain. A further word on sharing my personal plans with you. You and I are free to share our personal plans and hopes with others; and you and I are free to change our personal plans and hopes at any time without apology. If we make commitments to each other, of course, we should honor those commitments. So, I will seek to be clear about what is a hope or plan that could change and what is a commitment that will not change.

John and Leslie Emanuels are the sole members of Lightland, LLC.

Our Story:

Leslie and I were introduced to the foster care world about 10 years ago. We have four sons; and, at that time, we were not ready to take-on the responsibility of a full-time foster care or adoptive placement. We did learn that there are many other ways to support the children.

We chose to volunteer and assist the "Police Protective Custody" (PPC) system. When a child is in a dangerous situation and removed from their home, they enter the Police Protective Custody system. The children need to go somewhere while the government decides to place the children into the foster care system or return them home. Ten years ago, many of these innocent children were required to sleep in the case workers' offices or be sent to group homes in Wichita or Topeka – increasing the risk of trauma. Endeavoring to lower the trauma to the children in this situation, our church and others (Westside Family Church, Colonial Presbyterian, Redeemer Fellowship, and more) assisted by recruiting dozens of families to host these children in their homes while the gov't is making their decision. They also recruited families to become foster parents.

Our experience has been that the foster children we care for thrived outside on the trails and nature around our home. By creating the best outside and inside environments for the kids, we are lowering the trauma of the innocent child's hard situation.

I could go on and on about this. It was awesome to see people rally together – doing small acts of kindness that, when all added-up, massively helped the innocent kids. The short story is that the volunteer need is huge, and we decided to help lessen the need and potential trauma.

Our Reasons for Purchasing the Property

Leslie and my personal goals and the mission of Lightland Ministries is to lower trauma in innocent children caused by forced placement into the foster care system. We plan to pursue this mission of lowering trauma by connecting Christians with foster parents - supporting foster parents with meals, respite care, house chores, relationships, prayer, resources, and whatever else helps. We accomplish this through "Lightland Care Communities" – a group of 8+/- people committed to supporting the foster parents. By supporting the foster parents, the foster parents will have more capacity to love the foster children and lower the trauma of the innocent child's unfortunate situation.

Statistics show that over 50% of unsupported foster parents quit within one year. This causes the average innocent foster child to experience six home placements before they are adopted, age-out, or go home to their biological family. This is a trauma-causing tragedy. Fortunately, when foster parents are supported by Care Communities, 90+% continue-on as foster parents and improve stability for the innocent foster children (lowering trauma).

Our church, Lightland Ministries, will host services in the traditional Christian manner, and be focused on serving innocent children by assisting their foster parents. We hope to have a Lightland Ministries Care Community serving every foster family in Wyandotte County that wants this type of assistance.

Lightland Ministries will use the to-be-remodeled office space that was formerly occupied by Manion's International Auction House. We will make application for an occupancy permit later this year.

In the future, on the subject property, we plan to build single-family-homes on the single-family-home lots. These homes will be owned by Lightland Ministries and rented to vetted, experienced foster parents as part of the mission of the church. These foster parents will be served by a Care Community. Any construction will be governed by current codes, laws, etc.

In the biblical Book of James, verse 1:27, it states, "Pure and genuine religion in the sight of God the Father means caring for orphans and widows in their distress and refusing to let the world corrupt you."

I can commit to you that we will pursue the message of James 1:27 (caring for orphans in their distress) with our time and financial resources at the subject property, and in Wyandotte County, and beyond.

Neighbor Concerns:

Foster Children Misbehavior:

Many foster parents are parenting blended families – they are parenting their biological AND foster children. People unfamiliar with the family will not know which child is a foster child and which one is a biological child. And, as you know, biological kids can make poor decisions. So, an outsider cannot tell if a child making poor decisions is a foster child or not. Categorizing foster children as troublemakers is not accurate and, for the well-behaved foster child, could add significant trauma to the innocent child. Of course, if any biological or foster child from the Lightland subdivision is making poor decisions, their parent/guardian (or police) should be notified immediately. They should be treated the same as any child in the Cernech neighborhood.

According to housing laws, rules and regulations, there is not a separate category for families with foster children. They are simply "families". Fortunately, our society has made it unlawful to hinder housing access to people based on their familial status. The Fair Housing Act states that it is illegal to discriminate in the sale or rental of housing, including against individuals seeking a mortgage or housing assistance, or in other housing-related activities. The Fair Housing Act prohibits this discrimination because of race, color, national origin, religion, sex, **familial status**, and disability. I am certain that no one in the Cernech neighborhood or County Council wants to "red line" this area to exclude foster parents or foster children residing in single family homes.

My hope is that our Cernech neighbors will welcome the foster children without judgement and give the foster parents a hero's welcome. They truly are heroes.

Width of Road (N 67th Street):

There have been questions regarding the suitability of the width of 67th Street between the subject property and Donahoo Road.

The width of the right-of-way (city street) on N 67th Street near the subject property is similar or wider than other streets in the area.

According to the UG's mapping program (link provided below), the right-of-way widths in the Cernech neighborhood are:

- 67th street right-of-way ("ROW") is 50 ft just north of Donahoo and then it decreases to 40 ft as it goes north to the subject property
- The ROW on Donahoo east and west of 67th Street is 40 ft
- Beverly Drive is 40 ft
- Going south on 67th Street from Donahoo to 3549 N 67th the ROW is 40 ft, then it increases to 45 ft for two blocks, and then decreases back to 40 ft.
- Cernech Road between 67th and 63rd is at times 40 ft or 45 ft. At one point between 67th and 63rd, the ROW on Cernech Road is 35 ft.
- On 63rd Street south of Cernech Rd the ROW is 35ft.
- The ROW south of The Cure Church is 40 ft.

On 67th, it looks like there are telephone poles, trees, bushes, landscaping, and mailboxes in the right-of-way which makes it feel narrower than the right-of-way provides. Traffic would flow much better if bushes and trees in the ROW were removed and mailboxes were moved back a couple feet to the edge of the ROW.

Link to UG mapping program:

<https://gisapp.wycokck.org/Html5Viewer/index.html?viewer=UGMAPS4.UGMAPS4>

Volume of Traffic on 67th:

Concerns have been voiced about the potential volume of traffic produced by our planned occupancy of the commercially zoned (C-1) buildings and the future single-family homes.

The traffic produced by our planned use for the current buildings and potential future homes will be significantly less than historical traffic.

Currently, there exists one office building (8000 sq ft plus an 8000 sq ft basement) and two warehouse buildings (approximately 13,000 sq ft in total). Manion's International Auction House used the three commercial buildings for office employees, storage, mail-order handling, and light distribution. It produced a lot of traffic.

Based on the enclosed aerial photograph of Manion's operations, I count over 30 cars, a bus, and a truck-trailer. That car count would produce 60-90 car trips (at least one trip in and one trip out) per day. Additionally, there was traffic from distribution trucks, FedEx trucks, garbage trucks, vendors, etc.

The plan that we submitted to the UG includes the removal of one of the commercially zoned warehouse buildings. The remaining warehouse building will be down-zoned from commercial zoning to residential zoning and converted to a single-family home. These changes to the existing warehouse buildings will eliminate any future issues with distribution trucks.

Change in Density –Environmental Issues:

The Cernech Neighborhood area was once open, wild, and undeveloped. Since then, the land was subdivided, disrupted, and developed with streets, schools, homes, and a couple commercial properties. The current Cernech residents have relatively affordable homes near employment centers because of this historical subdivision and development.

It makes sense that large properties within 15 miles of a major metropolitan downtown would eventually be developed. I am not throwing stones at neighbors who live on subdivided lots. However, it seems reasonable that, while all our neighbors live on some version of a subdivided lot, and we are following the rules and regulations created by said neighbors' political representatives, that we would be allowed an opportunity to apply for a subdivision too.

Decades ago, extremely ugly office and warehouse buildings were built on the subject site. They are glaring white and red structures. They are eyesores. We did not create this; we intend to improve it.

Our subdivision application includes:

- 1) paving a road over an existing road,
- 2) removing one commercially zoned warehouse,
- 3) down-zoning and converting the second warehouse to a home,
- 4) using the existing office for worship and related uses, and
- 5) adding single family homes.

All of this will be done with aesthetic excellence. Each of these actions will change the character of the current situation from 'eyesore-commercial' to thoughtful, environmentally conscious re-use in a manner that serves the community at large.

The to-be-removed commercial warehouse building is scheduled to be deconstructed and re-used in Missouri. This will keep the unwanted building from going into the landfill.

By paving over the existing road, we will be importing less material than is common for new roads which will lessen the environmental impact. By down-zoning the warehouse building and converting it to a home, we are lowering the traffic impact.

The included Zoning Map illustrates the current zoning situation. By down-zoning a portion of the commercial area to Residential R-1 and rezoning a portion of the AG area to R-1, our final zoning situation will be similar to the R-1/AG zoning of the remainder of the Cernech neighborhood.

Of course, all construction will be permitted and supervised by UG code inspectors.

Taxation:

There have been comments regarding future real estate tax charges.

Any changes to the property in the future will first need to be approved by the UG. Once construction is complete, the county real estate assessors will evaluate our situation and bill us accordingly. I will pay my taxes as they direct.

I do not know what the tax bill will be but will pay the full amount.

Neighbor's Questions as listed by Nettie Hobbs:

1- I have read how this will be a private street. Will it be private and if so who will provide the maintenance? Snow removal and such?

JE: According to our civil engineer, "The street will be platted as a private tract of land. Ownership is shared by the parcels created by the plat. Shared ownership also includes shared maintenance and responsibility for snow removal and other maintenance activities."

2- What about the buses needed to transport the at-risk children to school?

JE: I am assuming you are referring to width of N 67th Street. As I outlined above, the right-of-way is of similar width as all the Cernech Neighborhood roads. It looks like there are telephone poles, trees, bushes, and mailboxes in the right-of-way which makes it feel narrower than the right-of-way provides. I would be willing to work with neighbors and the UG to make any changes along N 67th to make sure the full right-of-way can be used.

Garbage trucks are currently serving this street.

3- I am not aware of anyone taking note of how our driveway comes out to where said street will be. So is a stop sign going to be added?

JE: I am not sure. I would be supportive of a stop sign to ensure safe driving.

4- Our current road does not allow 2 cars to safely pass one another and I firmly believe the added traffic will create more/new issues, so will that fall on the responsibility of the UG?

JE: I have addressed this question above and in question #2. Once neighbors move their mailboxes out of the ROW, it seems reasonable for the UG to clear bushes and trees so that the full right-of-way can be utilized.

5-How much traffic are you anticipating adding?

JE: Our uses of the property will produce less traffic than historical uses. See notes above in the section: "Volume of Traffic on 67th"

6-With added traffic on 67th what are your safety measures?

JE: We are not adding traffic amounts above historical usage.

7-What about the erosion issues from rain water on the new road and from the homes?

JE: We intend to follow the UG engineers' recommendations.

8-How will this subdivision affect the pond and natural spring that leads to lizzie falls?

JE: . We love the natural features too. We have every intention to protect the environmental value of those features.

The subdivision and the construction will be in areas that have already been affected – the existing commercially zoned office building and warehouses and the existing road. We intend that the new homes be constructed in a manner that does not negatively impact the natural features of the property.

9-Will it be a single family home or townhomes?

JE: Single family. I don't believe townhomes are allowed.

10-Are these homes open to the public to buy/rent?

JE: Our plan is to build homes that will serve families that are participating in foster care. Any leasing or selling will be governed by fair housing laws and other State/County rules and regulations.

11-Will they be rented or sold to families? If rented, what is an estimated monthly cost?

JE: Our plan is to rent the homes as discussed above. We do not have costs determined at this time.

12-Will homes be for single families who will be currently foster parents or will they be a group home with staff for children?

JE: For single families who are currently foster parents. There will not be group homes.

13-There was an email where Mr. Emanuels said lots would be 13+ acres but on the link that Mr. Emanuels attached it is showing the small lot sizes. So which is it?

JE: In a previous email I stated that the subdivision will produce lots that will have an average size of 13 acres. That is accurate. Each lot is a different size - from 3 acres to 60 acres. The exact size of each lot is stated in the subdivision application.

14-what happens when an at risk child runs away?

JE: The parent or guardian will treat the situation in the same manner as any other parent/guardian.

15- What are your safety measures to prevent that?

JE: We will intentionally create a community of care that equips parents and guardians to offer their children a stable, supportive, and loving home environment.

16-how do you plan for an at-risk runaway to not affect neighbors?

JE: The parent or guardian will treat the situation in the same manner as any other parent/guardian.

17-How will a runaway affect the county resources?

JE: We anticipate that Lightland Ministries, with its volunteers deployed, will effectuate lower county expenditures (related to children) than it would otherwise have without Lightland Ministries.

18-What happens when that at-risk child gets hurt on a neighbor's property? Who will be liable?

JE: The parent or guardian will treat the situation in the same manner as any other parent/guardian.

19-What are your business plans for said property and church?

JE: I have endeavored to outline my plans for the property and the church above.

20-Is it still true that the church will not be open to the general public?

JE: The church will be open to the public. We will welcome any of our neighbors and the general public to join us for our services.

21-Will there be regular church services?

JE: Yes

22-Once homes are built, will they belong to the church?

JE: That is currently the plan and subject to change if there is a better way.

23- You said not within 5 yrs but do you plan to build more homes on the east side of property eventually?

JE: In the next five years, we do not have plans to construct additional buildings. Regarding future development, I simply do not know what the future holds that far in the future.

24-Why are you asking homes to be R-1 and not all just be AG homes if going on 13+ acre lots?

JE: See answer on #13. Regarding zoning, in order to match our plans with current codes, we are following the guidance of the UG staff to match the use with the zoning.

25-Is the requested length of cul-de-sac 1500 or 2400 ft?

JE: 1580 ft. The detailed answer to this question is outlined in the subdivision application documents that I have previously forwarded and are available to the public.

Links to the application and comments:

<http://public.wvcokck.org/sites/planning-agendas-minutes-staffreports/Agendas/COZ2022-015.pdf>

and,

<http://public.wvcokck.org/sites/planning-agendas-minutes-staffreports/Agendas/BOZA2022-021.pdf>

26-With the amount of land, why are you requesting a variance and not just making a through street since it's been said that you will be building on the east side eventually?

JE: We are not considering a through street. Constructing a street from 67th that goes through the subject property, on to our adjacent property, and exiting on Donahoo is a bad idea. Crossing the waterway is not feasible and would ruin its unique characteristics.

27-How many at-risk children do you plan to put in each home? How many people total?

JE: Undetermined. We will comply with UG codes and any other agency boundaries.

28-Why is there avoidance answering questions about future plans/development?

JE: Because I do not have concrete answers about hypothetical events that far in the future. In this communication, I have worked hard to share with you what I know to be certain.

29-Are you looking to build high dollar homes, duplexes or rentals on other areas of this property?

JE: We do not have construction plans beyond what I have outlined above.

30-Are you prepared to pay for an on-site archaeologist to ensure no other historic sites are destroyed?

JE: We recently hosted the State of Kansas Archeologist for an on-site assessment. His recommendations have been shared with the UG. We intend to follow his recommendations.

31- Legally they are not allowed to leave the kids without an approved babysitter or be unsupervised. Are there contingencies to cover that situation?

JE: The foster care agencies have ample oversight of foster parents; compliance with their regulations will be a requirement of being involved with Lightland Ministries.

32-Is there going to be streetlights put on the new road?

JE: There are no plans to do so.

33- Do you plan to make the subdivision a gated community?

JE: There are no plans to do so.



SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 11, 2022



SITE PHOTOS, TAKEN BY STAFF, DATED MAY 24, 2022





NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MO)
COUNTY OF Jackson) SS:

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

1. That I am the petitioner for Petition #BOZA2022-021 and COZ2022-015.
2. That I sent detailed information on the petitions on April 11, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

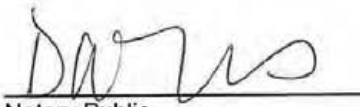
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 18th day of April, 2022
My commission expires 2nd of February, 2023





Notary Public

LIGHTLAND RESIDENTIAL SUBDIVISION

4411 N. 67th ST.

KANSAS CITY, KANSAS 66104

April 11, 2022

AJ Troncalli Trustee
4300 N 60th Street
Kansas City, KS 66104

SUBJECT: Subdivision and rezoning of 4411 N. 67th Street, Kansas City, Kansas Neighborhood Meeting

We have submitted an application to the Department of Planning and Urban Design #COZ2022-015 and #BOZA2022-021. This letter represents some of the pertinent information that the Planning Commission and Board of Zoning Appeal will discuss on Monday, May 9, 2022. You can participate in the meeting either by zoom or in person.

The project proposes the construction of a 1,580 LF two-lane rural residential street, designed per Unified Government Street Design Criteria. The construction of the street will require a variance from the Zoning Ordinance allowing a cul-de-sac street of no greater than 500-feet. The constructed street will provide for the use of 3 agriculture zoned residential lots, 4 residential zoned residential lots, and one lot for use by a church facility.

Attached is a site plan showing the updated development layout. As allowed by Unified Government requirements, this explanatory letter will serve as a notice to neighbors regarding the intent of the application that will again appear before the Planning Commission and Board of Zoning Appeals on May 9, 2022, in lieu of an in-person meeting.

Comments for the design team can be emailed to jemanuels@axiomequities.com or you may call 816.668.5225. Comments received by Monday, May 2, 2022, will be submitted to Unified Government Staff as part of the record of this application. We appreciate the input previously provided and believe that the revised plan continues our goal to preserve the beauty of our neighborhood.

Sincerely,

John and Leslie Emanuels

LIGHTLAND RESIDENTIAL SUBDIVISION

4411 N. 67TH ST.

KANSAS CITY, KANSAS 66104

April 29, 2022

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4300 N 60th Street
Kansas City, KS 66104

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We have submitted an application to the Department of Planning and Urban Design #COZ2022-015 and #BOZA2022-021. Please note that the Planning Commission and Board of Zoning Appeal will discuss this application on a revised date of June 13, 2022. You can participate in the meeting either by zoom or in person.

As a reminder, comments for the design team can be emailed to jemanuels@axiomequities.com or you may call 816.668.5225.

Sincerely,

John and Leslie Emanuels

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

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COUNTY OF Jackson) SS:

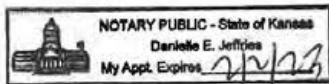
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Danielle E. Jeffries
Notary Public

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4411 N. 67th ST.

KANSAS CITY, KANSAS 66104

April 11, 2022

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Sincerely,

John and Leslie Emanuels

LIGHTLAND RESIDENTIAL SUBDIVISION

4411 N. 67TH ST.

KANSAS CITY, KANSAS 66104

April 29, 2022

AJ Troncalli Trustee
4300 N 60th Street
Kansas City, KS 66104

SUBJECT: Subdivision and rezoning of 4411 N. 67th Street, Kansas City, Kansas Neighborhood Meeting

We have submitted an application to the Department of Planning and Urban Design #COZ2022-015 and #BOZA2022-021. Please note that the Planning Commission and Board of Zoning Appeal will discuss this application on a revised date of June 13, 2022. You can participate in the meeting either by zoom or in person.

As a reminder, comments for the design team can be emailed to jemanuels@axiomequities.com or you may call 816.668.5225.

Sincerely,

John and Leslie Emanuels

May 25, 2022

RE: BOZA2022-021 and COZ2022-15

Planning and Urban Design Staff:

In response to a letter (included in the draft staff response) from Tony Tucker and Nanette Hobbs regarding their disapproval of our proposed project, we respect their right to express their opinions but would like to correct many incorrect statements.

Please consider the following clarifications.

They state in the 2nd paragraph that 67th Street is too narrow and school buses do not drive north of Donahoo Rd. More accurately, 67th Street is consistent with many of the roads in a 3 mile radius that currently service homes and small churches. Buses do not drive up the street because there is no turn-around. Our proposal includes constructing a turn-around, effectively improving the current road conditions. Because of the new turn-around, we will welcome school buses to our new homes.

They state in the 3rd paragraph that they have concerns about tax matters and foster children. Both issues are unrelated to our application and are amply governed by other governmental agencies.

In paragraph 4, they express concerns about proposed uses. Their assumptions about our intended uses are speculative and inaccurate. Regardless, our occupancy requirements will be fully governed by the UG when we apply for occupancy permits. We fully expect to be bound by current code requirements.

Paragraph 5 expresses appreciation for the natural habitat. We agree.

Paragraph 6 states that the former user (Manion's) was low impact. Historical aerial photographs prove otherwise. As part of their daily operations, Manion's used large distribution trucks for their distribution of product. It was a full scale commercial operation.

The last paragraph states that we have donated the subject property to Lightland Ministries. That is false. The subject property is currently owned by Lightland, LLC. John and Leslie Emanuels are the sole members of the LLC.

The goal of our application has been to make all our requests subordinate to the UG's master plan, zoning regulations, permitted uses, and development codes. We have done so. Additionally, we have endeavored to limit our impact. Our plan of building seven new homes, constructing a road over a current road, removing one building, and using the remaining existing buildings (all on a 97 acre site) is exceptionally low impact.

Notably, none of the comments made by Tony Tucker and Nanette Hobbs are connected to the specific application factors. Their concerns can be accurately characterized as disagreeing with previously approved UG master plans and zoning/building requirements.

Lastly, Wyandotte County is in critical need of foster care volunteers serving the community with excellence. We intend to improve this situation. Thank you for considering our clarifications.

Respectfully,
John and Leslie Emanuels - Lightland, LLC

LETTERS OF SUPPORT

DENNIS DOUGLAS



RESURRECTION LIFE FAMILY WORSHIP CENTER

6650 LEAVENWORTH RD – KANSAS CITY, KS 66104

Phone: (913) 827-1242 – Email: ResurrectionLife@clear.net – Web: www.rlfdc.org

Philippians 3:10 – That I may know Him, and the power of His RESURRECTION

June 8, 2022

Dennis L. Douglas – Pastor
Resurrection Life Family Worship Center
6650 Leavenworth Road
Kansas City, Kansas 66104

To Mr. James Malloy:

I greet you in the precious name of our Lord and Savior Jesus Christ. I pray this communication find you well and may the grace and peace of the Lord Jesus Christ be with you always.

I am the pastor of Resurrection Life Family Worship Center located at 6650 Leavenworth Road, Kansas City, Kansas. I am writing to communicate my support for John Emanuels' application for a subdivision and the eventual use of the property for Lightland Ministries and single-family homes.

The mission of Lightland Ministries (to serve foster families in Wyandotte County) will bring needed resources to our community. Currently, many foster children from Wyandotte County are being relocated to other counties because we don't have the volunteers and/or resources to meet the need.

Resurrection Life Family Worship Center has been a part of our neighborhood since August 2012. Prior to the Resurrection Life church planting, the Grandview United Methodist Church was home to our current location. To my knowledge, except for the current Leavenworth Road Project, our neighborhood has not experienced new construction or growth for a long time. It is my belief, the Lightland Project would bring growth and resources to our area. For these reasons, I respectfully and humbly request that you will grant approval for Mr. Emanuels' application.

For additional information, you may contact me directly by cellphone at **913-486-9855** or by email at [**pastordouglas@rlfdc.org**](mailto:pastordouglas@rlfdc.org).

Yours in Christ,

Dennis L. Douglas – Pastor
Resurrection Life Family Worship Center

WES PARHAM

From: [Wes Parham](#)
To: [Malloy, James](#)
Subject: Lightland Support Letter
Date: Friday, June 10, 2022 11:28:56 AM

Greetings Mr. Malloy,

My name is Dr. Wes Parham and I am the Executive Director of the Urban Scholastic Center (USC) in Kansas City, KS. The USC has served families in Wyandotte County and Kansas City, KS for over 18 years. We currently serve over 2200 individuals and families a month. I am writing to you because I am aware of John Emanuels' application for a subdivision so that Lightland Ministries' mission can be accomplished.

I have had the privilege of sitting with John and his team and hearing the mission of Lightland. As well as walking the property and even talking to potential families that will be served by their work. I truly believe their mission will help countless families and foster children in KC, KS.

John and I have worked together on ministry and business projects. He is a straight-forward guy who has a history of serving people well in ministry and business. I am looking forward to his investment of energy and funds into our community. My request of the Unified Government is to accommodate John's application so that we can add another civic-minded advocate and investor into our community.

Wes Parham MBA Ph.D.
Executive Director
9132305053
wes@theusc.org

Urban Scholastic Center



DANIEL PARKER

From: [daniel.parker](#)
To: [Molloy, James](#)
Subject: Recommendation in favor of Lightland Ministries RE: COZ2022-015/ BOZA2022-021-Plat
Date: Saturday, July 09, 2022 1:35:23 PM

Dear Mr. Molloy,

Please accept this correspondence noting my support for the approval of Lightland Ministries subdivision application referenced above.

Having practiced criminal law here in Kansas City, Kansas for almost twenty years, I appreciate the opportunity to speak in favor of Lightland Ministries' mission and recognize the urgent need for sustained volunteer support of foster children/juveniles and their foster parents here in Kansas City, Kansas and beyond.

I have known both John and Leslie Emmanuel personally for over 12 years. John, I have known professionally for the same period and he has proven himself to be a straightforward, honorable, and conscientious entrepreneur. He is a very focused and driven and has an uncanny ability to envision, analyze, and complete the mission at hand.

Lightland Ministries has at its core purpose the provision of support for foster families of foster children through like-minded, charitable volunteers. This emphasis on families of the Wyandotte community supporting foster families within the community through volunteer acts of kindness and generosity will have a significant and lasting positive impact in Wyandotte County and elsewhere.

With regard to the subdivision application it is my understanding that the UG Staff is recommending approval, with conditions. I, too, support this subdivision application.

Thank you for your kind consideration in this regard.

Sincerely,

Daniel L. Parker
535 Central Ave.
Kansas City, KS 66101
(913) 620-2021

The Missouri Bar Chief Disciplinary Counsel requires all Missouri attorneys to notify all recipients of e-mail the following: Be advised that 1) email communication is not a secure method of communication, 2) any email sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa, and 3) persons not participating in our communication may intercept our communication by accessing your computer, my computer or some computer unconnected to either of us which the email passed through. I am communicating to you via e-mail because you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let me know immediately.

DAN DEEBLE

From: [Dan Deeble](#)
To: [Molloy, James](#); [Parker, Janet](#)
Subject: Regarding Lightland's Zone Petition
Date: Monday, September 05, 2022 12:38:18 PM

To Unified Government City Planning Commission:

I write in full and unequivocal support of John Emanuels and Lightland LLC's Change of Zone Petition. I ask that you approve his very reasonable and UG Staff approved application to subdivide their 97 acres into 8 lots. This will enable Lightland to serve and support up to eight foster families with a spacious, safe, and beautiful home to call their own and thrive.

As you may already know, the foster care system in Wyandotte County is in need of much support. A foster child experiences an average of six different "placements"—which means six different families, six different beds, six different sets of friends, and often six different school systems. The disruption to these children's lives is incalculable. To compound matters, every year 200,000 of these kids will "age out" and 40% of them end up homeless and 25% will be incarcerated by the time they turn twenty.

For foster families, there's a 90% dropout rate after just a year. Why? Because this is the hardest job you'll ever love. But for those that have a network of care around them, like Lightland, they are four times more likely to remain foster parents - lowering the trauma for the innocent children.

This is what I love about Lightland and why I write with my enthusiastic support. They are providing the support that our city and county desperately needs. They are doing something profoundly practical and astoundingly beautiful—something that has the potential to positively change the trajectory of many lives AND positively impact our city and county.

I have known John for over a decade and can attest that he is a man of humility, integrity and compassion. He and his wife, Leslie, have already been caring for families in foster care for many years and in a variety of capacities— including respite care, community care, and they have also provided significant financial assistance towards this crisis many times over. Now they want to multiply their personal passion into a lasting blessing for the most vulnerable and forgotten of our city.

Would you please do all in your jurisdiction and authority to support them and

approve their request?

I sincerely thank you for your thoughtful and wise consideration.

Regards,

Dan Deeble
Lost Ball Consulting, Owner

--
Dan Deeble
Owner, [Lost Ball Consulting, LLC](#)
Guide, [GIANT Worldwide](#)
Email: dan.deeble@lostballconsulting.com
Direct: 913.488.1587

NOEL AND SHANA SCHNEEBERGER

From: [Noel & Lydia Schneebarger](#)
To: [Parker, Janet](#); [Molloy, James](#)
Subject: Lightland LLC's Petition for Rezone
Date: Tuesday, September 06, 2022 12:47:44 AM

Dear UG Planning Commission:

I am writing to ask you to support Lightland LLC's Petition for Rezone. The whole plan is reasonable and the UG staff has reviewed the details and is recommending approval.

As a teacher (Noel) at Washington High School, I have encountered several children that would greatly benefit from the services that Lightland provides. Personally, my family and my foster children have been served by Lightland Care Community. They have been extremely caring and helpful during a tough season.

Wyandotte County needs to have services like Lightland Ministries. Please approve their application.

Thank you,

Noel and Sanna Schneebarger (2 votes)
12444 Farrow Avenue
Kansas City, KS 66109

AMANDA JORDAN

From: [Amanda Jordan](#)
To: [Molloy, James](#)
Subject: WyCo Planning
Date: Monday, September 12, 2022 5:56:58 PM

I support the Lightland LLC application.

Sent from my iPhone

SARAH EMANUELS

From: [Sarah Emanuels](#)
To: [Molloy, James](#); [Parker, Janet](#)
Subject: Lightland LLC Application
Date: Tuesday, September 06, 2022 11:30:05 AM

To Unified Government City Planning Commission:

We write in full and unequivocal support of John Emanuels and Lightland LLC's Change of Zone Petition. We ask that you approve his very reasonable and UG Staff approved application to subdivide their 97 acres into 8 lots. This will enable Lightland to serve and support up to eight foster families with a spacious, safe, and beautiful home to call their own and thrive.

As you may already know, the foster care system in Wyandotte County is in need of much support. A foster child experiences an average of six different "placements"-- which means six different families, six different beds, six different sets of friends, and often six different school systems. The disruption to these children's lives is incalculable. To compound matters, every year 200,000 of these kids will "age out" and 40% of them end up homeless and 25% will be incarcerated by the time they turn twenty.

For foster families, there's a 90% dropout rate after just a year. Why? Because this is the hardest job you'll ever love. But for those that have a network of care around them, like Lightland, they are four times more likely to remain foster parents - lowering the trauma for the innocent children.

This is what I love about Lightland and why I write with my enthusiastic support. They are providing the support that our city and county desperately needs. They are doing something profoundly practical and astoundingly beautiful-- something that has the potential to positively change the trajectory of many lives AND positively impact our city and county.

John and his wife, Leslie, have already been caring for families in foster care for many years and in a variety of capacities-- including respite care, community care, and they have also provided significant financial assistance towards this crisis many times over. Now they want to multiply their personal passion into a lasting blessing for the most vulnerable and forgotten of our city.

Would you please do all in your jurisdiction and authority to support them and approve their request?

I sincerely thank you for your thoughtful and wise consideration.

Regards,

Joseph and Sarah Emanuels

--

Sarah Emanuels, M.S.

sarahkemanuels@gmail.com

Family Services Counselor

First Call Alcohol/Drug Prevention & Recovery

CANDICE DAVIS

From: [Candace Davis](#)
To: [Molloy, James](#); [Parker, Janet](#)
Subject: LightLand
Date: Monday, September 12, 2022 5:38:28 PM

I am sending you an email in support of LightLand.

I have known Leslie for quite some time and have heard personally of her passion for helping foster children. Leslie and John have supported foster children by welcoming them into their own home. This goes way beyond the check writing so many send to help those in need. They are boots on the ground helping these children.

How would our world be changed if there were more people like this couple? How would it change our future? The future is exactly what they will be changing one child at a time. How many people will one child hurt when they grow up and don't receive the love and support they need? How many people will one child influence that does receive proper love and support?

What an amazing space they have designed for children in a nature setting that is so therapeutic. Not only do they have amazing support for the children, but also for the foster parents, to wrap around them with love and support when they feel like they can't do it one more day. What a blessing!

This couple is one of integrity and they didn't enter into this lightly. They know the risks and know it will be hard but they did it anyway. Please support and approve LightLand, thank you!

In Fullness of Joy,
Candace Davis

JENN MILLER

From: [Jenn Miller](#)
To: [Molloy, James](#); [Parker, Janet](#)
Subject: Lightland LLC's Change of Zone Petition
Date: Wednesday, September 07, 2022 12:57:35 PM

To Unified Government City Planning Commission:

I am writing to you to express my full support for John and Leslie Emanuels and Lightland LLC's Change of Zone Petition. I am requesting that you approve their application to subdivide their 97 acres into 8 lots as has been approved by the Unified Government Staff.

With these lots, Lightland will serve up to eight foster families in homes. These homes will offer much needed support to the foster families as they care for foster children in our community. I believe this will make a lasting impact on children as well as our community as a whole.

I personally know John and Leslie and trust their hearts and their wisdom as they establish Lightland. They are both people of character and integrity and I fully support them as well as their ministry.

Please consider their Change of Zone Petition and vote to approve their application.

Thank you for your time,



Jenn Miller

Operations Director

New City Church

p: 913.558.2200 m: 954.805.5538

w: newcitychurch.com e: jenn@newcitychurch.com

DOUG AND AUDREY HOFFMAN

September 7, 2022

Dear UG Planning Commission:

I am writing to ask you to support Lightland LLC's Petition for Rezone. The whole plan is reasonable and the UG staff has scrutinized the details and is recommending approval.

My family and my foster children have been served by a Care Community for the past year. I don't know what we would have done without their support. With the retention rate of foster parents dropping along with a shortage of new foster parents – these efforts in supporting the existing foster families is crucial to any community.

We also have seen the impact of splitting up siblings in foster Children and it is sad to say the least. This is another reason to support Lightland's Petition as they are creating homes that will allow for siblings to all live under one roof.

It is in the best interest of all our communities to have services like Lightland Ministries. Please approve their application.

Thank you,

Doug and Audrey Hoffman

SKY KURLBAUM

From: Sky Kurlbaum
To: Molloy, James; Parker, Janet
Subject: Lighton property (Old Manion's property)
Date: Wednesday, September 07, 2022 4:59:50 PM

My wife and I are the eastern boundary neighbors of the subject property (the old "Sigler Orchard" approx.. 60 acres with one home and barns). Although the currently proposed rezoning and request for variances more directly impact those of our neighbors on 67th Street and the western boundary of the subject property, we have been monitoring the proceedings before this public body.

We have owned our property for over 18 years and my wife's family owned it for over 50 years prior to that. We are very familiar with the ownership, history and topography of the subject property. Of all the potential uses of this truly unique and magnificent property bordering the Missouri River Valley that have been presented as possibilities by potential buyers of whom we were aware over the years (which included a proposed Deffenbaugh landfill many years ago, and more recently, a dirt bike park) and those uses which could be presented in the future, the use proposed by the Emanuels/Lighton rates as a good option in our opinion considering the property will inevitably be developed by someone in the future. Further, based on our personal conversations with the Emanuels, we feel they will have integrity and commitment to being good stewards of the property—helping preserve the green spaces on the subject property and habitat for wildlife as reasonably possible and building and maintaining structures that will enhance the appeal of the neighborhood. Based on those conversations, we also believe the Emanuels/Lighton are and will be committed to being sure the foster homes and church facilities will be owned and operated in a manner that will be safe and respectful of the neighbors who live in the area.

We trust the commissioners will do their very best to hear all sides, take all matters raised into consideration and come to a reasoned and thoughtful decision for the benefit of all the interested or otherwise affected neighbors in the community.

I disclose that I am affiliated with the law firm that is providing legal representation to the Emanuels/Lighton interests in this matter although I am not personally involved in that representation as other members of the firm have been engaged for that purpose.

Scuyler M.P. Kurlbaum

STEVE SHANNON

From: [Steve Shonamon](#)
To: [Molloy, James](#)
Subject: Lightland rezone and subdivision
Date: Tuesday, September 06, 2022 9:19:49 PM

Mr. Molloy,

My name is Steve Shonamon. I am a Wyandotte County resident. My wife and I have fostered many children over the years. We know the difficulty of serving these vulnerable and innocent children. I believe Wyandotte County would benefit from having Lightland Ministries in our community. Because their proposed plan is reasonable and the Planning Staff has reviewed the details and recommended approval of their application, I ask that you too approve their application. Thank you.

Steve Shonamon
3108 N 85th Place
Kansas City, KS 66109

LETTERS OF OPPOSITION

CARL CASTER

----- Forwarded message -----

Carl Kaster President Neighbors Helping Neighbors. My group opposes the suggested zoning changes and development plans for this area on 67th. We feel that it's not in the best interest of the neighborhood with the increase in traffic and the narrow roads that would require the taking of property to widen them. We encourage a denial of this project all together. Thank you for your consideration.

[Sent from the all new AOL app for Android](#)

Cernech Area Neighborhood Association Compiled Concerns with the Proposed
Lightland Residential and Lightland Ministry Development
4411 North 67th Street, Kansas City, KS

UPDATE AND REVISED JUNE 9, 2022 TO ADDRESS THE NEWEST APPLICATION

I am speaking once again on behalf of many neighbors in our community, and myself. This is the second letter I am writing, as I was initially told ALL documentation already submitted by the community and myself, would carry over since it is basically the same issue. It was not until Monday of this week that I received clarification from Mr. Molloy that all previous calls, letters and emails would NOT carry over, as this is a NEW application. I understand Mr. Molloy is new, but the fact that he gave us false or incorrect information earlier on, and only clarifying he was wrong on June 6th, hasn't given us time to readdress this issue. This left our community scrambling to resubmit calls, letters and emails to your office. We are all still strongly standing against this application as submitted. In this letter I will explain why the planning commission should consider rejecting the proposed development, sharing not only my concerns but also the concerns of the community.

Every neighbor who would be impacted by this project has concerns about the development and the impact of long-term construction taking place. We continue to walk the area, speak to neighbors, keep them informed and update them every step of the way. Sometimes hearing this is the only communication they are receiving. Part of the issue may be the way he sends his letters, or rather who sends his letters. ALL letters in regards to this development do not come from Mr. John Emanuels, Axiom Equities, Lightland Residential or even Lightland Ministry, ALL letters are being sent by an unknown person out of Missouri. We all know Mr. Emanuels and his investors are all from Lake Quivira, so why is some random person notifying us. Is this his way to keep his name hidden and maybe letters will be tossed as they look like spam mail? Many have wondered.

The only time our community has met Mr. Emanuels is at his initial neighborhood meeting on August 26th, 2021. He has never held another in person meeting to share his changes or the most recent application. I know many of you saw that video of that meeting, and I can share that with anyone else interested. His word and his plans are clearly laid out by him, at times even going against what he is telling you or in his application or when he is writing his rebuttals to a previous letter. In other words, he is not being honest to you or to our community.

As I have mentioned before, many of the immediate neighbors have lived here their entire lives. Some have lived here 50 or even 60 years or more. They are continuing to live and work the lands, farms and homestead of their parents and ancestors. Each property to the west and east of Mr. Emanuels' 160+ (211 acres) acre property has a single-family home on vast acreage. I believe the house to the west is about 80 acres and the house to the east is about 70 acres. The other surrounding homes in our community sit on lots from about 5 acres up to about 10 acres or more.

Although we are supportive of increasing foster care resources in Wyandotte County, we don't feel adding 8 'Group Homes' to our community is ideal. We feel the method and vision fails to provide sufficient property taxes to offset the potential long-term impacts to the social and physical resources of the community.

We are asking that his request for this variance be denied and no exemptions be made for this proposal. If it cannot fit within the existing requirements, this is not the right location for this project. In addition, we ask that you NOT approve any subdivision that combines residential, agricultural and commercial/church uses in a way that funnels non-residential traffic through a residential neighborhood and into a new residential area where the homes are intended for multi families/staff and multi-child foster facilities, of and by the church. This proposed project, as planned, would substantially increase traffic to an area of our community that is not ideal or safe. The part of 67th Street north of Donahoo is very narrow, with no sidewalks and no sufficient lighting in the area. Given that the proposal is to create a planned community that will serve foster children at a higher concentration than found in the general community, the plan and physical infrastructure proposed must consider and address the unique needs of this demographic.

REQUESTED VARIANCE:

The property is 160+ acres (211 acres) of almost completely undeveloped land. There are no constraints that prohibit the applicant from meeting the existing codes. A key consideration of the variance process must be long-term impacts to future uses and development, and the impact of the community. The variance requested must be viewed with consideration of how the next owners will use it, even if that is 50+ years from today. His request is unclear if he is asking for a 1500' cul-de-sac, or a 2400' cul-de-sac. Our community has not seen anything requesting this longer road. Can you clarify when this was addressed? Either way the requested drive is almost .5 miles long. Mr. Emanuels mentioned in a response to some concerns, he would welcome school busses to his development, but when he spoke to us, his gate would be closed as this was a private church facility and private homes that would belong to the church. There are still so many unanswered questions.

The negative of long-cul-de-sacs, and 'lollipop' developments, which is what is being proposed, is well documented. The interests of ensuring public services can be provided in an effective and efficient manner are paramount to this community. We must ensure that those services can be provided at the proposed development, which does not seem likely with the proposal. We must protect the owners now and in the future from development that will hamper safety. The applicant has control of 160+ acres (211 acres) and the ability to site plats in a manner that is more consistent with existing sites, as well as meeting codes, thus a variance is not justified and must be rejected.

MASTER PLAN:

The property in question is untouched natural habitat for so much wildlife in the area including nesting eagles, owls, deer and turkey among many other wildlife species. The community loves seeing the wildlife roaming free and visiting them in their yards every morning. You just can't get that elsewhere in the city. As our community has mentioned to you before, the rich history of this land is special and will be lost. The registered and unmarked burial mound on this property may not be the only one located here, and our community wants to ensure nothing else is disturbed or destroyed. The property has two large barn buildings from the previous owners, Manion's International Auction house. These buildings are low impact, and have been a part of this property and our neighborhood since the 1970's. The auction house was not a public commercial business, but an online business. As such; our community did not have to deal with daily customer traffic for the commercial business, nor was there a need for vast public utilities. With this area listed as Rural Conservation per the UG's own Master Plan, we feel adding 8 homes/group homes and a church in this request, and possibly coming back later for one or two more phases, would destroy this natural and historical property and area. Once you start coming in and destroying this property you are never going to get it back. Mr. Emanuels has already compromised the erosion by removing an entire hillside of pine trees and shrubs. This was prior to the stop work order that is in place now.

Another aspect of this Master Plan is the street and roadways. Currently 67th Street north of Donahoo is a single lane road, and not very safe as it is now, but the handful of neighbors deal with it and watch out for each other. Increasing traffic by adding 8 homes now and additional homes later, plus a 100-person church will most definitely bring in additional traffic. This additional traffic will cause an undue burden on the UG for maintenance of the road and the land around it. Not to mention all the large construction type vehicles that will be driving those streets for the next four to seven years, or longer. Currently, school busses will not drive north of Donahoo due to the narrow roadway. Fire trucks, garbage trucks, and other large utility trucks take up the ENTIRE road when they travel that part of 67th Street. Our streets are narrow and dangerous due to blocked views with the hills in our area, and no sidewalks anywhere. Adding a new housing development will just pile on additional issues that the UG nor our community can endure at this time. The increase of traffic has been noticeable on ALL surface streets in our area, including 63rd Street and Donahoo as well.

ZONING ORDINANCES:

Currently the property is listed as commercial. Mr. Emanuels' is asking to change it to three different zoning areas. He is requesting residential, commercial and agricultural. If his church is not really a church open to the public, but more so a place for therapy and counseling of the children he plans to foster, why is there a need for a commercial church building or this zoning? Why not chose either residential or agricultural zones only, with larger lots and fewer homes on the property? The initial phase is for 8 2,500' homes and an 8,000' church space. I am not sure a residential housing development owned by his tax exempt church entity qualifies as an agricultural request. In addition, documenting the proposed intent to use this development, as a foster care facility, and that this will exceed the average of 2.5 children per home. Plus adding a central church facility, additional consideration must be given to things like wider than average sidewalks, off street parking, for round the clock childcare providers, staff and their 100 church members, among other services.

PUBLIC SERVICES & UTILITIES:

As we have previously mentioned, our current services will be impacted greatly. Traffic will increase which will burden the streets department. We already deal with streets that have numerous potholes in them and an area that appears to be sinking. They have been reported to the county, and they have finally been patched, but not fixed. Roads would need to be widened, but this is not a cost the developer intends to fund. Is the UG ready to fund this? No sidewalks, very limited lighting in our area, plus the fact there is no real easement on our roads to extend the roadways, these are just a few of our major concerns. Even though the focus is on 67th Street north of Donahoo, this proposed development will impact all streets and roadways in our community. This will also impact 63rd Street and Donahoo as well. Safety of our neighbors is our priority. The other factors that must be considered: are there enough water lines in the area for the development? Is there enough electrical lines? Will storm water and sewage lines need to be created or extended? Do we really believe there are adequate public facilities and services available for the proposed lots? And if the commission determines that there is not adequate facilities or services, how will they be funded when the proposed property will likely be tax exempt? Over time, what effects will the sewage and or run-off affect the natural springs, Lizzy Falls, and Missouri River? What about the water systems for Johnson County? There are two water treatment plants nearby that could potentially be affected down the line.

NATURAL & SOCIAL ENVIROMENT:

Again, the natural untouched beauty of this property, natural springs and waterfall will be destroyed. Not to mention the Native American history of this property, known and unknown. Mr. Emanuels has already cleared an entire hillside of small trees and shrubs, how is this going to affect the neighbor's property to the south? The long time families who have their homesteads here, will be impacted by new development, which will impact their future farming and land.

COMPATIBLE SUBDIVISION:

This proposed project does not fit into existing development. The proposed use as a concentrated foster care facility, homes/group homes and church are inconsistent with the surrounding rural, single-family dwellings on large acre lots. The proposed development of concentrated foster care is new to our area. Mr. Emanuels' stresses this is a 'Very Low Impact' project, but in reality, he is looking to expand and place as many houses as he can on this entire property. He does not intend to stop with the 8 houses you are presented with tonight. His entire project will focus on and around his church ministry, Lightland Ministry. This gives him the power to be tax exempt. In fact, Mr. Emanuels made it very clear that he intended for the entire subdivision to be tax exempt, even going as far as questioning why us community members are not attempting to change our tax statuses. He has already made good on his promise of 'Donating' his property to the ministry. The ownership of this property was made to Lightland Ministry just three days after recording the sale to Lightland Residential.

PREMATURE OF EXTENSION OF PUBLIC SERVICES:

There is no effective development in the area that would allow for public utilities to be created without a larger cost to the taxpayer. At a minimum, there is no reason that utilities should be extended without an understanding on whether or not the homes will be tax exempt.

UNDUE BURDEN ON UG:

This development will most definitely cause an undue burden on the UG, and being tax exempt, the UG would have no residual income from this development. In addition to this, the fact that these would be larger homes, our community is concerned of the increase of taxes for them. Many as I have mentioned are life long residents, growing up on the family homestead, and on fixed incomes. The amount of tax increases of 10 – 12% some have seen recently are outrageous, can you imagine what these homes would do to our neighborhood? I know increasing a value on property is good, but this is not even a guarantee. Our properties are coveted in part because of the nature around us. In this scenario it would be devastating to our community. Especially since he intends to be 501c3 tax exempt and not pay his fair share of taxes on any part of this development. Which brings additional questions into this mix. Will he rent or sell the homes? Who will own the homes? Will he try to prevent non-church members from purchasing them? Is there a concern about the foster kids being used for federal or state income? Why do this with a church and not a corporation? He currently resides in Lake Quivira, why is he looking in Wyandotte County to do this project? Has he been turned down on other properties in Johnson County or in his own area? How many large projects is he involved in? Are they all successful? How many have landed him in court? These are questions are community has.

To wrap things up, we are still completely against this project going into our community and on this property as he has planned now. Many have mentioned deception or fraud in their concerns on how this has been handled and with Mr. Emanuels, personally. While we are not against a new church or foster families, the idea of their vision is not conducive to this area.

If this by chance is an item your committee intends to approve, we ask for a delay on any approvals until the impacts of such use can be examined and mitigations can be incorporated into the proposal. For example, the potential impacts to the public transit system, as well as impacts to social and educational services. The UG would also be responsible for adequately providing for both the children and families, not just the Lightland Ministries. Additionally, upgrades to the roadways and surface streets, new lighting, and sidewalks would need to be considered. Although we would hate to see additional roadways cutting through some of our neighbor's personal property, we feel a second entrance would be needed for safety reasons. We would also like to see fewer homes, on larger lots. With tree lines planted to obstruct the view of new buildings and construction vehicles from current neighbors. We would ask that trees be planted and replaced if they die for up to ten years. We would also like to see and ensure the natural springs and Lizzy Falls is preserved. We appreciate getting the 50' buffer in place around the burial mound on site, but would also like to see archeology staff on site for any work that may be approved, to ensure no other historical sites are ruined or destroyed, as our community has vast amount of stories passed down of other areas on that property.

In addition, I would like to respond to Mr. Emanuels' letter dated May 25, 2022. He felt he needed to address Tony Tucker and Nettie Hobbs and their letter that was received and included as part of the "Draft Staff Response".

#1 67th STREET IS TOO NARROW: It is narrow, and may be similar to others streets within a three-mile radius, but this are our street, in our community. We have different aspects and day-to day situations on our street that you can't compare to other streets in the area. Yes, the school busses DO NOT drive up 67th north of Donahoo. We are happy to hear you would welcome them to your home if you were approved for this variance. Does that mean you will have an open community? Or will it remain gated and private, except for those busses?

#2 TAX MATTERS AND FOSTER CHILDREN: You mentioned this in your August meeting to the community, so it is a valid concern. You are not really having single-family homes, but more of a group home type setting in these new homes, with 'STAFF' to monitor these kiddos. Plus all while under the guise of a church, which is not really a church, other than to be tax-exempt. This tax exemption you are going for, per your own words, are a valid concern, as it will impact everyone around you to pick up your tax burden.

#3 CONCERNS ABOUT USES: We do have valid concerns, when you discuss 10 kiddos per home, plus staff around the clock. This project is more than just a few private single-family homes you are envisioning. Plus the fact you yourself mention a church, but one that will NOT be open to the public. Nor will you probably be holding services EVERY Sunday. When asked by UG, it's not really a church, but a place for counseling and/or therapy. So, what is it? This is fraud, deception and just downright shady in many of the neighbors minds.

#4 APPRECIATION FOR THE NAUTRAL HABITAT: So, is this why you destroyed an entire hillside of small trees and shrubs? Any thought to the erosion control those trees did for the neighbors below that area? What about the area your workers destroyed on neighboring property? Are you going to take any responsibility to address that, or return a phone call to address that?

#5 MANION'S COMMERCIAL USE: Manion's Auction house was just that, a warehouse. All business was held online, no customer traffic during regular daytime hours. Yes, they may have had trucks come through when deliveries were made, but that was not a constant ALL day or ALL night deal. Most neighbors knew the building and still do, and it was a BIG part of our community. He did not have noise, constant traffic, nor did he ever build more than what is there now.

#6 OWNERSHIP OF PROPERTY: Well here you go, just another flat out lie or deceptive piece of information. Lightland LLC purchased the property, but three days later deeded over to Lightland Ministry. It was registered with the county as Lightland Ministry on December 27th, 2021. Your letter dated May 25, 2022 flat out states the Ministry does not own this property/ So are the county records incorrect?

#7 APPLICATIONS AND PLANS: You state here that you are revising your original plans and only building on 97 acres, removing a building and building less houses all in order to have less of an impact on the area. When have you shared these new details with the community? Is this just for this phase? Still planning additional phases, just at a later time? Reading your letter was the first I have heard of these revised plans.

#8 COMMENTS: Not sure what you mean by this, we have been addressing the initial plans all along, we have never received any new plans or heard your updated plans. Plus, how do you expect our community to keep up with the mass amount of changes, and cancellations on your part? The meeting last month was postponed because you weren't going to be able to attend? We don't get that luxury to cancel on the 13th.

#9 FOSTER CARE NEED: Please show us the detailed and documented need for foster care facilities in our area, or Wyandotte County? We have two facilities in our area now, and both have caused an increase in calls for services. Adding 8 more group homes will add more to the already stressed and understaffed departments.

From: [Hand, Gunnar](#)
To: [Parker, Janet](#)
Cc: [Mellov, James](#)
Subject: FW: Meeting Scheduled for Monday, June 13th
Date: Friday, June 10, 2022 4:12:55 PM

FYI (please add to the e-file accordingly). Thank you,

Gunnar Hand, AICP

Director of Planning + Urban Design

913.573.5750

ghand@wycokck.org



Department of Planning + Urban Design

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NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](#)

From: Donna Hoyt <cernechgroup@gmail.com>
Sent: Friday, June 10, 2022 12:59 PM
To: Bynum, Melissa <mbynum@wycokck.org>; Davis, Andrew <adavis@wycokck.org>; Hand, Gunnar <ghand@wycokck.org>
Subject: Meeting Scheduled for Monday, June 13th

Hello!

Sorry for such a late notice, but we as a community have some concerns about the meeting scheduled for Monday, June 13th.

First off, the fact we are basically starting new as THIS Application for 4411 N 67th is a NEW application none of our communities previous calls, letters or emails are going to be heard or addressed. At first we were told everything would carry over, but then later told it would not. I received confirmation of this information Monday of this week. We have been scrambling to get everyone who submitted anything to resubmit AGAIN. We don't feel a week is adequate time to get all our concerns readdressed.

Second, the information on this NEW application is different than what he previously shared with our community. Again, we were told being a NEW application, Mr. Emanuel's would need to hold a new neighborhood meeting. Then again on Monday, we were told his letter asking if anyone had a

questions, would suffice. No new details have been given.

We were aware of three phases and five variances. Now there is only one variance, but quite a bit longer than what we had been made aware of. He is now requesting 2400' driveway/private road. Plus the three zoning changes.

I was informed this morning Mr. Emanuel's has split his property, with part being owned by the Lightland LLC and part by the Ministry. We have never been informed of this and feel he is being sneaky about how he plans to build out here. He told the UG he does not intend to build more than this "low impact" plan of 8 houses as part of the agenda for Monday. Yet he just spoke to a neighbor yesterday and mentioned 6 houses now, plus more on what is property belonging to the Ministry later. As part of that plan, he would be adding a street off of Donahoo.

In the agenda for Monday, he does not have all his plans in place or any details laid out, yet we did notice the run off from his new private road would run off to the north down to the river. Yet the railroad tracks divide the land below and block off water from rushing into the river. Do, where will this run off from a 2400' road go? This does not sound right, nor planned out well. With that being said the same goes for the run off south, into the neighbors immediate back yard, and not the pond area he is referring to. The pond sides are higher than the ground and no where near the houses he plans to build.

The last item that has upset our community is the fact the meeting notice we printed off from the UG website, which is the only notification we have received so far, states this meeting will be virtual only? Why? I understand letters have been mailed by the UG, but they were not mailed until Tuesday afternoon or Wednesday. We have not received anything yet. I do get Informed Delivery and know a letter is in my mail today, but is this really sufficient timing for those neighbors to address all the changes and updates? Why aren't we able to be at the meeting in person? Why is there a discrepancy from the May meeting being Hybrid, but the posted notice for June virtual only? Are we not wanted at this meeting for some reason? Makes our community wonder why the change.

I know the Ministry is in play for sole purpose of tax exemption, I hope the UG is looking at this and realizing just how much they will be losing. Losing out, not just in the property, but ALL the future houses he is planning to build out here. We know his plans are not "Low Impact", but squeezing in as many houses as he can.

We would request this agenda item be pulled from Monday's meeting so EVERYONE in our community can be made aware of all the changes and updates.

Either Mr. Emanuel's can't remember what changes he has made, or he continues to be deceptive to our community.

Respectfully,

From: [Donna Hoyt](#)
To: [Hend, Gunnar](#); [Molloy, James](#)
Cc: [Davis, Andrew](#); [Bynum, Melissa](#)
Subject: Traffic Study - 4411 North 67th Street, KCK
Date: Thursday, August 04, 2022 2:29:55 PM

Good afternoon,

We just wanted to update you on a few items in connection with the traffic study that is to take place here in our community.

We have noticed some activity in the area and noticed what appears to be a camera of some sort placed on a pole at the southwest corner of Donahoo and 67th Streets. The equipment is different from what we are used to seeing with the previous traffic studies done in our neighborhood. We made some calls to a few engineering companies we have been communicating with. Each of the individuals we have spoken with, and the companies we have reached out to, advised against us in ordering our own traffic study, but did advise us that we should receive full transparency to ALL reports completed, including any pictures.

With that being said, we were informed that the equipment being used is either a radar or lidar type recording device. We were also told it should be at a 45 degree angle to capture the entire intersection, but also pointed north bound to monitor the traffic issues we are concerned with. This device appears to be directed to the east looking eastbound on Donahoo. We feel this is a deceptive practice on part of the engineering firm hired by Mr. Emanuels to manipulate the true findings of the study. We would like to ensure this is corrected, and if not please be aware of our concerns with this study not being accurate.

In addition to the findings listed above, it was advised that a pedestrian study should be conducted as well. I understand at the moment school is just starting back up, but we want to ensure the bus traffic and pedestrian traffic are included in the findings, as they are integral parts of our concerns. So delaying this study until school and buses are back in the area would be helpful.

I believe that 67th Street is currently labeled a collector street, when in reality the northern part of 67th should be labeled more along the lines of a rural local road. Could you clarify the labels and the definitions the UG uses when addressing these roadways?

One of the major concerns our contacts have shared is that all traffic is being funneled down to 67th and Leavenworth Road. That is going to need to be addressed and street light timing adjusted to account for the additional traffic. Based on our conversations and the number of houses on north 67th, and both directions of Donahoo from the 67th Street intersection, they can already give a rough estimate that traffic will be doubled with just the initial eight houses. Then when the church traffic goes into effect we are looking at tripling, quadrupling or even increasing the traffic counts exponentially. Again, the two lane roadway of 67th between Leavenworth and Donahoo may be able to handle that, as the roadway is wider, the narrow roadway of north 67th Street is a different story. We are still urging that the UG and the Commissioners look at the idea of a through street, with an entrance/exit at 67th and also on the east end of Donahoo near 63rd Street. This would break up some of the traffic and not force every driver to one area. This would spread that out a bit, but still increases concerns for 63rd Street north of Cernech which faces the same narrow rural local road as the northern part of 67th Street.

I know it is tough to make decisions and putting things on paper appears easier said than done, but the utmost safety of our community members is our priority. As one engineering firm mentioned, things are not usually looked at until a tragedy occurs. As you may be aware our community has already faced a child being hit by a car, in a tragic hit and run accident near 61st and Cernech just a few weeks ago. The child suffered extensive injuries and has a long road to recovery. We are trying to keep our community safe, but with no safe roads, or sidewalks ANY added traffic increases the risk of someone else being seriously hurt, or potentially damage to property in our area.

Thank you again for being open to hearing our concerns, and we would appreciate it if the notes on the direction of the radar or lidar could be addressed.

Please let me know if you have any questions.

Thank you!

Donna Henderson-Hoyt
Cernech Area Neighborhood Association

From: Donna Hoyt
To: Hand, Gunnar; Molloy, James; Davis, Andrew; Eynum, Melissa; Parker, Janet
Cc: Nanette Nettie; Villareal, Jessie; north_welbom@yahoo.com; Lou Braswell; Louetta Braswell
Subject: Lightland Development/Ministry 4411 North 67th Updated Comments & Concerns - Traffic Study
Date: Thursday, September 08, 2022 9:59:06 AM

Good morning!

Once again, here are the collected concerns from the community and concerns and questions I have for the Planning and Zoning Board as well as our Commissioners.

As I have mentioned in a previous email, we have some concerns with the results and or the process of this traffic study. A standard traffic study collects results over a seven to ten day period and calculates the results for a daily count. We believe this study was not up for even an entire week, nor did it include information while school is in session. So, since this is a traffic study to determine the safety of our roads for the additional children who will be walking from the development at the northernmost part of 67th Street, down to the bus stop at Donahoo and 67th Street, we feel this information is an important part of the study. If these results do not include that information, we still need to think about these numbers and ensure they are added as part of the official record. Also, I want to see photos from the safety study, or video of what was collected. I mentioned it appeared the data recorder was facing east on Donahoo and not facing north on 67th. We have plenty of photos of larger vehicles traveling that roadway throughout the day, including trash trucks, BPU service trucks, UPS and other vehicles which take up the entire road. When you have an additional 156 cars traveling on that road, on a light or average day, can you imagine traveling that portion of roadway at 25 miles an hour and trying to pass each other with children walking to and from school?

This roadway is labeled as a local road, or collector road. Do you really think that is correct for the area? I know you may have a difficult time admitting that, and that is what it may be labeled at, but that does not make it correct. I know at the last meeting I urged everyone who was listening to us to drive that portion of 67th and see for yourself how narrow, dangerous and not conducive to the amount of traffic Mr. Emanuels is proposing for that property. Some of our neighborhood streets are listed at 30 MPH based on the type of street, but have you driven down Cernech Road during the morning or evening rush hours? Our street is labeled five miles under 78th street, which has three lanes with a dedicated turn lane, bike lanes and sidewalks! Which street would you feel more safe traveling on? I can tell you it isn't our neighborhood streets. We have so many neighbors who have voiced their concerns for safer streets in our community so they can feel safe walking, taking pets for a walk or allowing their children to play outside, but we just don't feel safe about our community. We have already had some tragedies within our community and don't want to see anymore!

I know Mr. Emanuel continues to tell YOU that he has no plans to build past these 7 houses, but he could not even give the board members (at the last meeting) a straight answer. He tip-toed around that question. In fact, he HAS mentioned to Jessie Villareal, in person, he does intend to build out to the east on the ridge close to 63rd Street. He has also mentioned to Sky Kurlbaum, just within the last few days, that he MAY plan to build out there if this part of his plan goes well, but it wouldn't be until three - five years down the road. So, once again I ask the Planning and Zoning Board and our Commissioners to look at the variance that was passed and overturn that decision, as there are better solutions to this portion of our concerns. We still believe adding a through street from 67th to Donahoo would at least help funnel to other areas in our community besides ALL that additional traffic to 67th Street only. It truly doesn't solve

the problem, as any additional traffic within our streets to the north is not built for the amount of traffic proposed and planned for that property, but it would alleviate SOME traffic on 67th Street.

Whether he is or isn't going to build out here, we the community and you within the UG need to know the truth. His plans are, were and will probably be to build as much as he can out there, after all he is a developer and investor. This is why we urge the board and our commissioners to vote down his plans to rezone from Agriculture (AG) to Residential (Res), as his sole reason for doing so is to create smaller lots. The property, outside the commercial zoning where the Mannion Auction house stands, is and will continue to be Commercial (comm) for his proposed church. With the property currently zoned as AG, he could build his homes as planned, but would require larger lots. The request of the majority of our community members and neighbors would like to see much larger lots, with fewer houses in this area. We would like to see large 50 acre lots to match what is currently back along that ridge and area. He has sixty and seventy acres lots on each side of him, so limiting his property to three additional homes would not overwhelm the systems, roadways, and it would maintain green space which our community has come to love. It is not an eyesore as he continues to state. Mannions Auction House is, was and still remains a true part of our community!

Next we come to a heated topic of taxes and being tax exempt. He has flat out stated he plans to donate the homes to the ministry, and become tax exempt. That will be a huge loss of over \$30-\$40 thousand in taxes for the UG. In times where everyone is scrimping and saving to help maintain services for the community, this would be a devastating blow to the UG. He has taken the steps to make due on his promises and created the ministry and split the property already. Many believe his goals and requests are being rushed through to avoid the taxes for this year. Our community struggles to maintain this area, revitalize it and do so under the constraints of increased taxes, but allowing a tax exempt entity to come here would just cause undue pressures on the families who continue to live here. Potentially increasing the taxes for our families here to cover what he brings in is so unfair to the lifelong families who continue to maintain their ancestry and family legacies! I know many of you have heard about the Antonopoulos, Wiehe and Sigler families. They continue to preserve, protect and keep their family legacies alive by working, maintaining and continuing the legacy of their ancestors and families and they support the Dotte way of living. We aren't even sure if Mr. Emanuels will be moving here, he says he plans to, but honestly can't see him moving away from Lake Quivira.

On another note, by him splitting the property, many feel that he has other plans to sell that off to other developers. He can't answer that question either, but maybe Brennan Crawford, Executive Director of Community Housing of Wyandotte County and/or Wes Parham Executive Director of the Urban Scholastic Center may have some information. These are individuals he included in his email correspondence to us back on June 22nd. Obviously it appears he has other plans in the works that he is not sharing with our community. This along with many other actions, or lack thereof, is what is causing so many concerns in our community. Mr. Emanuels has not been forthcoming with us, you or the UG and we have and will continue to have concerns with him and his 'Plans'.

I know many of you have heard from THIS community, and our neighbors and he does not have support, if any, from us, as the plans are now. With some considerations, changes and truthful transparency, that may change. I am aware of a letter of support from the pastor of the church at Leavenworth Road and 67th, but that pastor has not spoken to the community. I believe Mr. Emanuels was grasping at straws and pleading his case about his plans with

another ministry to gain support. Same goes for the one neighbor who had remained neutral through this based on some personal/work related concerns. That is until this week. Mr. Emanuels had reached out to him and asked for a letter of support. This person reached out to me, and asked what my thoughts were. I was honest and told him I would keep him neutral throughout this process and have, but this person felt obligated to submit a letter so as not to cause issues through his employer or work connections. I honestly feel this is/was a conflict of interest, but it is just one neighbor. We will continue to stand together on this and preserve the potential impact to his property, which I know they still have concerns about. I believe the letter in support does not fully come out in support, just more of a general support to keep peace through his work connections.

I thank you for your openness in listening to the concerns of our community and urge you to once again drive out to the area in question, so everyone can see where our concerns are. In addition to the safety of the streets, there are some safety issues with the cliffs and the pond, streams and waterfall to the north and on this property. If I can answer any additional questions, please let me know. We will see everyone on September 12th.

Respectfully submitted,

Donna Henderson-Hoyt
Cernech Area Neighborhood Association

ASHLEY KEMP

Parker, Janet

From: Ashley Kemp <ash.kemp43@gmail.com>
Sent: Monday, September 12, 2022 1:02 PM
To: Parker, Janet; PlanningInfo
Subject: Lightland opposition

To Whom it May Concern in Planning and Design for Wyandotte County,

As a visitor to this road for the last 7 years, I do not believe the Lightland Ministries Project is a positive addition to N. 67th. It is already not cleared often during the winter and would not be safe for an increase in traffic and I believe children sharing the road with vehicles would be extremely dangerous. The land is not currently maintained, as it used to be prior to Mr. Emanuels owning it. If he cannot maintain it now, I fear the future septic and any connecting properties will not be maintained. I fear, when I visit with my small children, it will not be safe to pass additional traffic added at the end of the road, where my mother lives.

Please count my email as 2 in opposition to this project, as my husband and I both oppose these plans.

TYLER SIEGFRIED

Parker, Janet

From: Tyler Siegfried <jaberwalky33@gmail.com>
Sent: Monday, September 12, 2022 1:15 PM
To: Hand, Gunnar; Parker, Janet
Subject: Opposition to Lightland Project

To Whom it May Concern in Planning and Design for Wyandotte County,

As a frequent visitor to N. 67th st., I do not believe the Lightland Ministries Project is a positive addition the narrow road. It is already treacherous during the winter and would not be safe for an increase in traffic and additional children sharing the road with those vehicles. The land not currently maintained, as it used to be prior to Mr. Emanuels owning it. If he cannot maintain it now, I fear the future septic and any connecting properties will not be maintained. Please count my email as opposition to this project.

Thank you,

Tyler Siegfried

STAN BARTLEY

Parker, Janet

From: STANLEY HOUSING <stanleyhousing@yahoo.com>
Sent: Thursday, September 8, 2022 12:36 PM
Subject: 4411 N 67th St - Lightland Development

The development proposal by Mr. Emanuels, has had too many changes & not enough detail or communication to the neighbors. Our area is not ideal, lack of infrastructure, nor logical, misuse of existing green space and/or historic native American burial grounds, for such a development of multiple homes. We already have a church in the neighborhood which overloads the existing streets several days a week.

Please consider not approving this development in our community.

Sincerely,

Stan Bartley

Resident at 6422 Cernech & Cernech Area Neighborhood Co-leader

KRIS VILLAREAL

From: [Kris Villareal](#)
To: [Hend, Gunnar](#); [Parker, Janet](#); [Molloy, James](#)
Subject: Opposition to Lightland project BOZA2022-021
Date: Thursday, September 08, 2022 2:29:59 PM

To Whom it May Concern:

My name is Kris Villarreal and I own 4045 N. 67th St adjacent to Mr. John Emanuels (Lightland LLC) on the south side of his property. There are MANY unanswered questions that are not being addressed or even recognized concerning the Lightland LLC project (aka Lightland Ministries) headed up by Mr. John Emanuels (BOZA2022-021). The road absolutely cannot support an increase of traffic due to the width and will not hold up to construction traffic that will result from Mr. Emanuels' plans. The traffic study that was performed is a joke. In what world are "peak" morning driving hours 9:45-10:45?? The study was not at all representative of normal traffic, nor was it conducted for a long enough period.

Some additional concerns about this project being approved are as follows:

1. Mr. Emanuels has already filed for tax exempt status on a portion of the property in question and has stated the intention to "donate" the remaining land to the "church" that will be in one of the barns on the property so it will also be tax exempt. He then plans to build a Phase 1 of 7 homes that will be "owned" by the church and house foster families that will pay rent to the church. Mr. Emanuels intent is for the ENTIRE 211 acre property to be tax exempt. This will not bring revenue OR affordable housing into our county.
2. This property will not be safe for the potential children that he intends to house for the purpose of profiting for his investors at Axiom Equities. N. 67th St. is 18' wide at the widest points of the road leading to this proposed development (see picture). There is no public sidewalk that can help keep the students and drivers safely separated on the way to the bus stop at the end of N. 67th and Donahoo (see attached map view). 2 regular sized vehicles can barely pass each other safely. I hate to think of what poor weather conditions during the winter when the county doesn't clear our road will do to add to the risk for both drivers and children. We are also located on the River/railroad bluffs. This will cause undo city resources to be allocated in the event of a child running away. The surrounding terrain is not safe and we have already been told by KVC staff that foster homes on the property will not be approved.
3. Mr. Emanuels' property management company has a history of unpaid taxes and many terrible reviews relating to the conditions of his 15+ properties in the KC area. We do not want this project to create potential septic disasters, erosion, runoff, and poor conditions that will lead to the destruction of what is currently a safe and scenic property that is home to tons of wildlife.

Our community is strongly opposed to this project. Not because we don't appreciate the idea behind supporting children that end up in the foster system, but because this particular location is not safe for this project. We are dangerously close to the railroad tracks and river.

We will continue to follow required procedure to fight for what is safe and within our rights as property owners. I appreciate your time and appreciate any feedback or help your office can offer. I look forward to our concerns being heard at the meeting on Monday and want to be included in the opposition. Please see the attached picture to illustrate the width of N. 67th St. and please present for view at Monday's meeting.

Thank you for taking the time to review.

Kris Villarreal
4045 N. 67th St

SALIM LAJAM

From: [Hand, Gunnar](#)
To: [Molloy, James](#)
Cc: [Parker, Janet](#)
Subject: FW: Opposition
Date: Tuesday, September 13, 2022 11:20:56 AM

James,

See below comment. Please add it to the case file accordingly. Thanks,

Gunnar Hand, AICP 913.573.5750
Director of Planning + Urban Design ghand@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard in-person at the City Hall Commission Chambers (701 North 7th Street, Kansas City, KS 66101) with a hybrid option. All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

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[Planning & Urban Design Department Feedback Form \(openforms.com\)](#)

From: Salim Lajam <salimshowme@gmail.com>
Sent: Monday, September 12, 2022 7:43 PM
To: Hand, Gunnar <ghand@wycokck.org>
Subject: Opposition

To Whom it May Concern in Planning and Design for Wyandotte County,

As a developer and contractor in Wyandotte County, this project does nothing to bring revenue or affordable housing to the city or county. Mr. Emanuels' company, Axiom Equities is known to have multiple properties in disrepair in the KC area and I am concerned this would decrease property values in the surrounding area.
Please count me as opposition to this project.

Thank you
Tdj contractors kc
Salim Lajam
862040345

—
"Still Serving You Just In A Different Uniform"

Salim Lajam

SalimShowMe@Gmail.com

816-204-0445

KENDRA PARRIS

From: [PlanningInfo](#)
To: [Mollov, James; Hand, Gunnar](#)
Subject: FW: Lightland Development and Ministry
Date: Tuesday, June 07, 2022 6:33:37 PM
Attachments: [image001.jpg](#)



NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](#)

From: Kendra Parris <parrisk720@gmail.com>
Sent: Tuesday, June 7, 2022 4:31 PM
To: PlanningInfo <PlanningInfo@wycokck.org>
Subject: Lightland Development and Ministry

To whom this may concern,

Lightland Development and Ministry which was Axiom Equities and John Emanuels

I am writing to express my strong opposition to the Lightland Development and rezoning of the land for a subdivision to be built at the end of 67th St. While the local community may be unable to prevent development, that itself will be detrimental to the area, nearly all the residents in and around 67th and Donahoo are completely opposed to this development. This new development that is being proposed will cause traffic and safety problems, create even more problems with schools that are already over capacity, destroy local wildlife habitat, roads that are too narrow for two cars to pass, not having adequate storm drainage, waste management and potentially raise property tax of the existing community.

Please listen to our neighborhood concerns and help put a stop to this development!

JESSIE VILLAREAL

From: [PlanningInfo](#)
To: [Molloy, James](#); [Rand, Gunnar](#)
Subject: FW: Concerning Monday's meeting and Lightland/John Emmanuel
Date: Wednesday, June 08, 2022 10:16:16 AM
Attachments: [image001.png](#)
[image002.jpg](#)



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From: Villarreal, Jessie <JVillarreal@medline.com>
Sent: Tuesday, June 7, 2022 7:38 PM
To: [PlanningInfo](mailto:PlanningInfo@wycokck.org) <PlanningInfo@wycokck.org>
Subject: Concerning Monday's meeting and Lightland/John Emmanuel

To the Planning and Zoning Committee:

I want to address the committee in person but may be unable to attend on Monday. My husband and I just purchased the property that borders John Emmanuel's land on the south side. We live at 4045 N. 67th st. We have 3 young children ages 6, 8, and 10. We moved to this property in the hopes it would be our forever home and would always provide the stunning and untouched land views around it. I realize that our opposition to John Emmanuel's plan cannot be just the preservation of the land and our desire for the wildlife to continue to thrive in this area. It needs to be directly related to the criteria set forth from the UG.

That said, I would like to address the specific concerns in relation to the UG standards for development and have Mr. Emmanuel please provide answers at the meeting on Monday.

1. What exactly is Mr. Emmanuel's business plan for this property? Does he plan to file for tax exempt status?

Will the homes on the property be owned by the church and also be tax exempt? The 1st neighborhood meeting he told everyone his plan to house up to 10 foster children in each home on the property that actually included 3 phases of homes, not just the one currently being addressed in this meeting. If there are additional phases of development, shouldn't these be addressed as well? According to UG criteria, the preliminary plan is not consistent with the comprehensive plan.

2. The local schools will face an obvious adverse impact with potentially 50+ new students, all of which are part of the foster system. Additionally, 80% of children in the foster system suffer from severe mental illness. This will require more than typical resources to support unforeseen situations where a child runs away, breaks into a neighbors home, steals property from a neighboring home, or injures themselves or someone else. According to the UG criteria, there must be adequate public facilities and services available for the proposed lots, including internal and accessing street systems, water, waste water, stormwater, electricity, fire, police, and emergency facilities and services. This will also require the premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.
3. The smallest lot on this stretch of N. 67th st is 5 acres. Additionally, the road is 18' wide and cannot accommodate added traffic. This does not meet the UG's requirement that the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.
4. If Mr. Emmanuel intends to file for tax exempt status, this will cause an undue and disproportionate burden on the UG, given it will not provide any tax dollars, while using public services for a church

Although I care deeply for this community and preserving the land and wildlife that depend on it for survival, I am mostly concerned for the safety and well being of my children. I do not want to ever worry about living next to what amounts to a commune with large amounts of unbalanced children and teenagers that could possibly do them harm or damage mine and my neighbor's property, all for the purpose of turning a profit for investors in Axiom Equities.

Please confirm receipt of this letter and pass it along to the Planning and Zoning Committee members prior to Monday night's meeting.

Thank you for your time and consideration.

JOHN ANTONOPULOUS

4020 No. 67th Street
Kansas City, KS 66104

June 8, 2022

Via Email Only

Planning and Zoning
Unified Government
planninginfo@wvcokeck.org

Re: Redevelopment of 4411 No. 67th Street, Kansas City, KS 66104

To Whom It May Concern:

As the property owner of 6500 Donahoo, 6700 Donahoo, 4015 No. 67th Street, and 4020 No. 67th Street, I am writing to voice my opposition to the proposed redevelopment plan for 4411 No. 67th Street submitted by John Emanuels and Lightland Ministry, which are as follows:

- 1) 67th Street is not wide enough for the construction equipment that will be necessary for this proposed development.
- 2) I have lived at 4020 No. 67th Street my entire life and believe there is at least one (1) Indian burial ground on the property at 4411. This ground needs to be protected and not disturbed.
- 3) I believe that property should be surveyed before any work is done to ensure no other historical artifacts or sites will be disturbed by this redevelopment plan.
- 4) If homes are to be built on that property, they should be at least five (5) acres each, as the surrounding homes are mostly on a minimum of five (5) acre lots, and to ensure some of the natural green space remains undisturbed.

Would you please provide me with the Zoom meeting information regarding the meeting scheduled on this issue for Monday, June 13? I don't believe I will be able to attend the meeting in person and would like to attend via Zoom.

Sincerely,

/s/ John N. Antonopoulos

May 25, 2022

RE: BOZA2022-021 and COZ2022-15

Planning and Urban Design Staff:

In response to a letter (included in the draft staff response) from Tony Tucker and Nanette Hobbs regarding their disapproval of our proposed project, we respect their right to express their opinions but would like to correct many incorrect statements.

Please consider the following clarifications.

They state in the 2nd paragraph that 67th Street is too narrow and school buses do not drive north of Donahoo Rd. More accurately, 67th Street is consistent with many of the roads in a 3 mile radius that currently service homes and small churches. Buses do not drive up the street because there is no turn-around. Our proposal includes constructing a turn-around, effectively improving the current road conditions. Because of the new turn-around, we will welcome school buses to our new homes.

They state in the 3rd paragraph that they have concerns about tax matters and foster children. Both issues are unrelated to our application and are amply governed by other governmental agencies.

In paragraph 4, they express concerns about proposed uses. Their assumptions about our intended uses are speculative and inaccurate. Regardless, our occupancy requirements will be fully governed by the UG when we apply for occupancy permits. We fully expect to be bound by current code requirements.

Paragraph 5 expresses appreciation for the natural habitat. We agree.

Paragraph 6 states that the former user (Manion's) was low impact. Historical aerial photographs prove otherwise. As part of their daily operations, Manion's used large distribution trucks for their distribution of product. It was a full scale commercial operation.

The last paragraph states that we have donated the subject property to Lightland Ministries. That is false. The subject property is currently owned by Lightland, LLC. John and Leslie Emanuels are the sole members of the LLC.

The goal of our application has been to make all our requests subordinate to the UG's master plan, zoning regulations, permitted uses, and development codes. We have done so. Additionally, we have endeavored to limit our impact. Our plan of building seven new homes, constructing a road over a current road, removing one building, and using the remaining existing buildings (all on a 97 acre site) is exceptionally low impact.

Notably, none of the comments made by Tony Tucker and Nanette Hobbs are connected to the specific application factors. Their concerns can be accurately characterized as disagreeing with previously approved UG master plans and zoning/building requirements.

Lastly, Wyandotte County is in critical need of foster care volunteers serving the community with excellence. We intend to improve this situation. Thank you for considering our clarifications.

Respectfully,
John and Leslie Emanuels - Lightland, LLC

RITA DEVERO AND NANETTE HOBBS

From: Rita Devero
To: Nanette Nettie
Cc: jemanuels@axiomequities.com; Donna Hoyt; Davis, Andrew; Jvillameal@medline.com; Parker, Janet; Molloy, James; hokansonh@yahoo.com; villamealkris@yahoo.com; arthur.jackson@pastorserve.org; pastordouglas@dfwc.org
Subject: Re: Lightland Subdivision concerns
Date: Monday, June 20, 2022 7:26:56 PM

Also, what about all the wild animals we have out here? Where do they go if these homes are approved? Who's going to be responsible if a foster child gets bit by a copperhead or rattlesnake? Or chased/attacked by a coyote or bobcat? Also, if one of the foster kids is trespassing on our property when my husband is out cutting, raking or baling hay, or when any of his friends are hunting on our property, are the foster parents going to take responsibility since the child shouldn't be trespassing on any of our properties?

On Mon, Jun 20, 2022, 6:18 PM Nanette Nettie <nettieh80@gmail.com> wrote:

Hello All,

Let me first say that the hostility from Mr. Emanuels regarding how the conversation will go is bothersome. We the neighbors are concerned with the plans he is trying to implement in our area. There have been different plans and so many changes since August of last year. It has been stated that this will not affect us or the UG yet this will drastically. As of right now there are only 7 homes on 67th st north of Donohoo. The road towards the end of 67th st is not even 17ft wide according to google earth measurements. Mr. Emanuels wants to add 7+ homes to start. So let's say an average of 2 cars per home and the pastor. We now have 15+ cars traveling this way every day. Services and such for the church add how many more cars? I am not aware of anyone taking note of how our driveway comes out to where said street will be. So is a stop sign going to be added? Also it's been said that a new road is being built over the current road but it's not a road it's currently a gravel driveway with a small section of concrete to enter onto property. I have read how this will be a private street. So who will provide the maintenance? Snow removal and such? What about the buses needed to transport the at risk children to school? I have reached out to USD 500 and was told that even with a cul de sac buses will not travel down a private street. So how do the children get to the current bus stop at 67th st and donohoo? Our current road does not allow 2 cars to safely pass one another and I firmly believe the added traffic will create more/new issues and that will fall on the responsibility of the UG. So it will be affecting the UG. What about the erosion issues from rain water on the new road and from the homes? The current layout allows water to spread throughout the property and cause no damage or erosion. The river is not an option I believe due to the distance and that the railroad is in between on a raised level. How will this subdivision affect the pond and natural spring that leads to lizzie falls?

Then we get to the homes. Will it be a single family home or townhomes? Will they be rented or sold to families? If rented, what is an estimated monthly cost? Are these homes open to the public to buy/rent? Will homes be for single families who will be/currently foster parents or will they be a group home with staff for children?

I saw the email where Mr. Emanuels said lots would be 13+ acres but on the link that Mr. Emanuels attached it is showing the small lot sizes. So which is it? Also The comment of there being other phases has been by Mr. Emanuels and it was in the meeting he had last year which was recorded. I believe this will just open a door for a whole subdivision just like Axiom Piper, which he and his company currently have across from Piper High School. Fostering children is a great idea but in my opinion a bad location due to the cliffs and bluffs that are in the area as well as an easily accessible river. What is a possible solution to

prevent at risk children from accessing these areas? According to the Office of inspector general, 60-75 children are missing in Kansas at any given time. Again we are told this will not affect our community but what happens when an at risk child runs away? Now people are searching all over and possibly onto neighboring properties? What happens when that at risk child gets hurt on one of those properties? Are they liable? We now have to allow searchers, police and whomever else to roam our properties which will affect us. Also how will the number of at risk children affect our community resources? The issues Kaw valley has had with runaways is a good example as well as the runaway 15 yr old foster child whose body was found in an empty kek lot in March. I appreciate everyone taking the time to read this and I hope to receive a response from Mr. Emanuels regarding all these issues and concerns.

Thanks Nettie Hobbs

NANETTE HOBBS

From: [Nanette Nettie](#)
To: [John Emanuels](#)
Cc: [Donna Hoyt](#); [Jessie Villarreal](#); [Parker, Janet](#); [Molloy, James](#); [Davis, Andrew](#); [arthur.jackson@pastorserve.org](#); [hokansonh@yahoo.com](#); [Rita Devero](#); [villarealkris@yahoo.com](#); [castordouglas@rlfw.org](#); [lra@att.net](#); [lrakck@sbcglobal.net](#); [north.welborn@yahoo.com](#); [dkaster54@cloud.com](#); [crazedra@aol.com](#); [ffoolubski@aol.com](#); [sheltie042@yahoo.com](#); [carolyn7073@yahoo.com](#); [crystalvnn84@gmail.com](#); [amandas96@yahoo.com](#); [bonnies1120@sbcglobal.net](#); [rmtaskinia@yahoo.com](#); [terrimurray99@gmail.com](#); [PlanningInfo](#)
Subject: Re: Lightland subdivision.
Date: Wednesday, June 22, 2022 5:01:08 PM

As recommended, here is a list of questions a lot of us in the community currently have for Mr. Emanuels.

- 1- I have read how this will be a private street. Will it be private and if so who will provide the maintenance? Snow removal and such?
- 2- What about the buses needed to transport the at-risk children to school?
- 3- I am not aware of anyone taking note of how our driveway comes out to where said street will be. So is a stop sign going to be added?
- 4- Our current road does not allow 2 cars to safely pass one another and I firmly believe the added traffic will create more/new issues, so will that fall on the responsibility of the UG?
- 5- How much traffic are you anticipating adding?
- 6- With added traffic on 67th what are your safety measures?
- 7- What about the erosion issues from rain water on the new road and from the homes?
- 8- How will this subdivision affect the pond and natural spring that leads to Lizzie Falls?
- 9- Will it be a single family home or townhomes?
- 10- Are these homes open to the public to buy/rent?
- 11- Will they be rented or sold to families? If rented, what is an estimated monthly cost?
- 12- Will homes be for single families who will be/currently foster parents or will they be a group home with staff for children?
- 13- There was an email where Mr. Emanuels said lots would be 13+ acres but on the link that Mr. Emanuels attached it is showing the small lot sizes. So which is it?
- 14- What happens when an at-risk child runs away?
- 15- What are your safety measures to prevent that?
- 16- How do you plan for an at-risk runaway to not affect neighbors?
- 17- How will a runaway affect the county resources?
- 18- What happens when that at-risk child gets hurt on a neighbor's property? Who will be liable?
- 19- What are your business plans for said property and church?
- 20- Is it still true that the church will not be open to the general public?
- 21- Will there be regular church services?
- 22- Once homes are built, will they belong to the church?
- 23- You said not within 5 yrs but do you plan to build more homes on the east side of property eventually?
- 24- Why are you asking homes to be R-1 and not all just be AG homes if going on 13+ acre lots?

- 25-Is the requested length of cul-de-sac 1500 or 2400 ft?
- 26-With the amount of land, why are you requesting a variance and not just making a through street since it's been said that you will be building on the east side eventually?
- 27-How many at-risk children do you plan to put in each home? How many people total?
- 28-Why is there avoidance answering questions about future plans/development?
- 29-Are you looking to build high dollar homes, duplexes or rentals on other areas of this property?
- 30-Are you prepared to pay for an on-site archaeologist to ensure no other historic sites are destroyed?
- 31- Legally they are not allowed to leave the kids without an approved babysitter or be unsupervised. Are there contingencies to cover that situation?
- 32-Is there going to be street lights put on the new road?
- 33- Do you plan to make the subdivision a gated community?

On Mon, Jun 20, 2022 at 4:08 PM Nanette Nettie <nettieh80@gmail.com> wrote:

Hello All,

Let me first say that the hostility from Mr. Emanuels regarding how the conversation will go is bothersome. We the neighbors are concerned with the plans he is trying to implement in our area. There have been different plans and so many changes since August of last year. It has been stated that this will not affect us or the UG yet this will drastically. As of right now there are only 7 homes on 67th st north of Donohoo. The road towards the end of 67th st is not even 17ft wide according to google earth measurements. Mr. Emanuels wants to add 7+ homes to start. So let's say an average of 2 cars per home and the pastor. We now have 15+ cars traveling this way every day. Services and such for the church add how many more cars? I am not aware of anyone taking note of how our driveway comes out to where said street will be. So is a stop sign going to be added? Also it's been said that a new road is being built over the current road but it's not a road it's currently a gravel driveway with a small section of concrete to enter onto property. I have read how this will be a private street. So who will provide the maintenance? Snow removal and such? What about the buses needed to transport the at risk children to school? I have reached out to USD 500 and was told that even with a cul de sac buses will not travel down a private street. So how do the children get to the current bus stop at 67th st and donohoo? Our current road does not allow 2 cars to safely pass one another and I firmly believe the added traffic will create more/new issues and that will fall on the responsibility of the UG. So it will be affecting the UG. What about the erosion issues from rain water on the new road? The current layout allows water to spread throughout the property and cause no damage or erosion. The river is not an option I believe due to the distance and that the railroad is in between on a raised level. How will this subdivision affect the pond and natural spring that leads to lizzie falls? Then we get to the homes. Will it be a single family home or townhomes? Will they be rented or sold to families? If rented, what is an estimated monthly cost? Are these homes open to the public to buy/rent? Will only foster families live in homes? Are they currently foster families?

I saw the email where Mr. Emanuels said lots would be 13+ acres but on the link that Mr. Emanuels attached it is showing the small lot sizes. So which is it? Also The comment of there being other phases has been by Mr. Emanuels and it was in the meeting he had last year which was recorded. This will just open a door for a whole subdivision just like his company has across from Piper High school.

Fostering children is a great idea but in my opinion a bad location due to the cliffs and bluffs that are in the area as well as a fast moving river not hard to access. According to the Office of inspector general, 60-75 children are missing in Kansas at any given time. Again we are told this will not affect our community but what happens when an at risk child runs away? Now people are searching all over and possibly onto neighboring properties? What happens when that at risk child gets hurt on one of those properties? Are they liable? We now have to allow searchers, police and whomever else to roam our properties which will affect us. The issues Kaw valley has had with runaways is a good example as well as the runaway 15 yr old foster child whose body was found in an empty kck lot in March. I appreciate everyone taking the time to read this and I hope to receive a response from Mr. Emanuels regarding all these issues and concerns.

Thanks Nettie Hobbs

From: [Helen Hokanson](#)
To: [John Edwards](#), [Valley Jones](#)
Subject: Re: FW: Lighthouse Advisor - communicating with friends and neighbors
Date: Tuesday, June 21, 2022 5:18:01 PM
Attachments: [lighthouse.moo](#)
[lighthouse.moo](#)
[lighthouse.moo](#)
[lighthouse.moo](#)

Hi John and James,

I'm reading out to the two of you only, but feel free to forward my comments/questions to the group if you feel it best.

I've looked through the plans and only have one question regarding them. In Factor 12, where it talks about negative population growth, what does "New infill housing opportunities will bring the potential for welfare gain to the area." mean? Does infill housing mean in the existing neighborhood? and what are welfare gains?

I'm a hard-core tree hugger, so of course it breaks my heart to see raw land built on, especially when there are so many places that need to be revitalized and would preserve those raw spaces. But I also recognize that you bought the land and you can do what you want there.

The most environmentally friendly thing you can do is live in the smallest space possible. If I'm reading the plans correctly, the size of the homes proposed make my heart sick. But I'm not you, it's your property, and you can do what you want.

That leaves the things I'm thinking about that aren't reflected in the maps and proposals and are based solely on second-hand information. These are just things I think about and will, obviously, have no bearing on the outcome of the project, but my brain does what it wants sometimes and I have questions. It's entirely possible that it's none of my business. . . .

I was told you intend to hire families to live in these houses and put up to ten foster kids in each home. WOW. I do love the mission (as I understand it). When Roe V. Wade gets overturned you'll be busy and needing to hurry the next phase along.

Are you working with an agency to identify kids needing foster care? Will you receive a payment per child from the state? How will you identify families and how will they be vetted, trained, certified, and followed up with? Have you run your plans by whatever regulating body governs foster care?

It's difficult to describe my unease without using negative language. I hope you'll consider that I'm just trying to figure out how I feel about the project overall.

At first, I was ready to join the mob. But as I reflect, I'm working to figure out what exactly I'm uneasy about. And then try and figure out why it's a problem, and then hopefully realize it isn't really a problem at all.

Initially, I was really mad about the tax-exempt status of Lighthouse. I might still be . . . I'm not sure yet. Lighthouse looks like a development company. Smells like a development company. Acts like . . . right? Putting a high child-density home, in a tax-free development is essentially triple-dipping at taxpayer expense. Why do I have to bear the tax burden of this development? Pay to support its residents when I'm subsidizing. This is what I've been asking myself.

Fostering kids is undoubtably difficult. And we're not serving our foster kids well right now. So maybe I should bear the tax burden. It's a mob that will sting for a long time. I'm still thinking . . .

For now, my concern is around putting that many foster kids together in one neighborhood. I would feel more comfortable if there were one foster house amongst ten families. Right now, the support network is outweighed by the kids needing support. I also wonder where the accountability will come from. If you've put a bunch of kids with no family to advocate and look out for them, who is going to hold the *organization* accountable? Who's on the board, and are they all from within the congregation. Sorry if I sound suspicious. History requires it of us.

If you do land acknowledgements, yours could be really meaningful. Especially with the comparison of Indian Schools and foster kids who've been removed from their families.

Well. Sorry to have bothered you. I just needed to get that all out so I can think about stuff I actually have control over.

~ Helen

HELEN HOKANSON

RITA DEVERO

From: [Parker, Janet](#)
To: [Malloy, James](#)
Subject: FW: 4411 North 67th Street
Date: Tuesday, September 06, 2022 11:22:53 AM

Please include in staff report.

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org



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

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From: Bynum, Melissa <mbynum@wycokck.org>
Sent: Tuesday, September 6, 2022 10:01 AM
To: Parker, Janet <jparker@wycokck.org>
Subject: FW: 4411 North 67th Street

Hi Janet
I'm not sure who all received this, below.

Melissa Bynum

From: Rita Devero <rtdevero@gmail.com>
Sent: Monday, September 5, 2022 10:50 AM
To: Mayor Garner <MayorGarner@wycokck.org>
Subject: 4411 North 67th Street

I am writing in opposition to the proposed rezoning / redevelopment of 4411 North 67th Street. I have lived at 4020 North 67th for over 34 years with my husband, John Antonopoulos, who has lived here his entire life.

While I appreciate that a traffic study was obtained, the study does not take into account the narrow width of 67th Street north of Donahoo Road. Currently, if two (2) cars/small SUV's are approaching each other on 67th Street, both vehicles have to get as far to the right as the road permits. If either vehicle is larger than a car or small SUV, at least one (1) vehicle has to go onto someone's property for the vehicles to safely pass each other.

Additionally, the traffic study does not reflect that 67th Street north of Donahoo has not been repaired or had new blacktop put down for at least twenty (20) to twenty-five (25) years. While the study indicates the road could accommodate the additional vehicles, it does not reflect the damage that will occur because of them. It is my understanding that Mr. Emanuels stated at the last Planning and Zoning meeting that the church would hold services **every** day. Mr. Emanuels has also stated that the church will have a congregation of approximately one hundred (100) people. Assuming that two (2) to four (4) people ride together in a vehicle, you are looking at twenty-five (25) to fifty (50) additional vehicles, at a minimum, using 67th Street every day, twice a day. It is my belief that this is just too much additional traffic for 67th Street.

Further, since 67th Street does not have sidewalks, the residents have to walk their dogs and children have to play in the street. With this increased traffic, there is also the increased risk of potential harm to the residents of 67th Street. Although the speed limit for 67th Street north of Donahoo Road is 20 MPH, very few outsiders drive this slow. With 67th Street being a dead end, we frequently have people racing up and down it in cars or on motorcycles and/or ATV's.

A final issue I would like to bring to your attention is that Mr. Emanuels has stated that the houses and all the land will be titled under the church, making the entire plan, if approved, tax exempt. Has the UG conducted a study to determine how much income will be lost by not collecting these property taxes?

My family and I respectfully request that the proposed redevelopment / rezoning of 4411 North 67th Street be denied.

Rita T. Devero



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, education is a bridge that provides a pathway through all doors;
and

WHEREAS, the Benjamin Banneker Elementary School has served the
children of the Northeast area of Kansas City, Kansas for more
than 50 years; and

WHEREAS, the history of the Benjamin Banneker Elementary School is rich,
and it has a legacy of being an education pillar in the community,
while pursuing its mission of teaching every grown-up and every
child, every day.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of
Wyandotte County/Kansas City, Kansas, do hereby proclaim September 22, 2022,
as:

“Benjamin Banneker Elementary School Appreciation Day”

in Wyandotte County/Kansas City, Kansas
as a celebration of this exemplary school’s
achievements and contributions to the
Wyandotte County Community. In
witness whereof, I have hereunto set my
hand and the seal of the Unified
Government of Wyandotte
County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) is a federally funded, competitive grant program designed to increase the number of low-income students who are prepared to enter and succeed in postsecondary education; and
- WHEREAS,** GEAR UP serves low-income, minority, and disadvantaged students and their families from underserved communities who might be the first person in their family to go to college; and
- WHEREAS,** GEAR UP provides six- or seven-year grants to states or partnerships to deliver support and resources to students and their families, starting no later than the 7th grade (middle school), through high school and onward to fulfill their dreams of attaining a postsecondary education; and
- WHEREAS,** GEAR UP includes interventions such as tutoring, mentoring, rigorous academic preparation, financial education and college scholarships to improve access to higher education for low income, minority, and disadvantaged first-generation students and their families; and
- WHEREAS,** GEAR UP is built around public-private partnerships, enlisting the formidable resources of government, business, and community groups to support low-income students as they prepare to enter and succeed in college; and
- WHEREAS,** the University of Kansas GEAR UP is a partnership of the Kansas City Kansas Public School District; and
- WHEREAS,** the University of Kansas GEAR UP serves over 3,300 students from the graduating class of 2023 and 2024; and
- WHEREAS,** the week of September 26th through September 30th of the year 2022 has been declared National GEAR UP Week; and
- WHEREAS,** Kansas City, Kansas is committed to providing a quality education for all students, helping them to achieve their highest potential.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the week of September 26th through September 30th of the year 2022, as:

“National GEAR UP Week”

in Wyandotte County/Kansas City, Kansas and call upon all residents to support GEAR UP Wyandotte County students. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 212004

Full Commission Meeting Date:

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 09/23/2022	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution expressing support for developing a policy that addresses education, prevention, and treatment surrounding the possession of marijuana and drug paraphernalia and the sentencing for those offenses, submitted by Misty Brown, Chief Counsel.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> MARIJUANA.POLICY.DEVELOPMENT.RESOLUTION2				

RESOLUTION NO. _____

**A RESOLUTION OF SUPPORT FOR THE REVIEW AND DEVELOPMENT OF
A POLICY RELATING TO THE EDUCATION, PREVENTION AND
TREATMENT OF POSSESSION OF MARIJUANA AND DRUG
PARAPHERNALIA AND SENTENCING FOR SUCH OFFENSES.**

WHEREAS, the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas acknowledges the impact marijuana has on society and the need for education, prevention, and treatment of marijuana dependence; and

WHEREAS, the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas recognizes the changing social and cultural landscape regarding offenses relating to marijuana and associated paraphernalia; and

WHEREAS, the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas acknowledges the significant impact of such charges upon those convicted of such crimes, and that residents of color bear a disproportionate burden of marijuana-related offenses and the social, financial, and employment-related ramifications of such offenses that lead to further exacerbation of existing health inequities in our community; and

WHEREAS, the Unified Government desires to align its policies and procedures regarding these charges with other jurisdictions in the state of Kansas and address equity, disparities and proactive interventions and remain in compliance with state law.

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

1. That the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas supports the development of a responsible policy for review by the governing body that focuses on community education, prevention, treatment of marijuana dependency and the mitigation of overly burdensome penalties related to marijuana and paraphernalia offenses.

2. That the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas supports efforts to research and analyze surrounding jurisdictions' approaches to sentencing and dispositions of marijuana and associated paraphernalia offenses. Such policy will include an analysis of public health research and the evidence-based policies proven to mitigate these harms in other communities."

3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to undertake such

research and analysis, and any further action, as may be necessary or desirable to carry out and comply with the intent of this Resolution.

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

ATTEST:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 212005

Full Commission Meeting Date:

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 09/23/2022	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u> Legal
<u>Item Description:</u> Municipal Court selection process and a resolution appointing the Municipal Court Judge, Division 1 for the term of four years, submitted by Misty Brown, Chief Counsel.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Judge Reso Div 1				

RESOLUTION NO. R- -22

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. That the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, hereby appoints _____
to the position of Municipal Court Judge, Division 1, for the term of four years which
begins October 1, 2022 and runs through September 30, 2024. Said appointment shall
commence on the date mutually agreed by the parties.

2. That the County Administrator is hereby authorized and directed to negotiate
an agreement, and the Mayor/CEO of the Unified Government of Wyandotte
County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of
the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified
Government Clerk is hereby authorized and directed to attest the signature of said
Mayor/CEO and to attach the seal of the Unified Government thereto as the voluntary act
of the Unified Government to an agreement between the Unified Government of
Wyandotte County/Kansas City, Kansas, regarding the terms and conditions of said
appointment as Municipal Court Judge.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS 29th DAY OF MARCH 2022.**

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 211968

Full Commission Meeting Date: 9/29/22

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 09/20/2022	<u>Contact Name:</u> Matt May	<u>Contact Phone:</u> x6337	<u>Contact Email:</u> mmay@wycokck.org	<u>Department/Division:</u> Emergency Management
<u>Item Description:</u> Proposing a resolution to extend the state of emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas, through February 1, 2023, submitted by Matt May, Director of Emergency Management.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Mayor's Declar 60-day w Commiss.ext to 2-1-23				

(Published _____)

RESOLUTION NO. _____

A RESOLUTION EXTENDING THE STATE OF EMERGENCY FOR THE COVID-19 PANDEMIC FOR THE COUNTY OF WYANDOTTE, KANSAS, THROUGH FEBRUARY 1, 2023.

WHEREAS, on the 13th day of March, 2020, the Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas declared there was a state of local public disaster emergency in Wyandotte County, Kansas, resulting in potential or occurring pandemic known as COVID-19, in Wyandotte County, Kansas;

WHEREAS, on the 19th day of March, the Unified Government Commission adopted Resolution R-18-20 extending the state of local public health emergency through May 18, 2020;

WHEREAS, on the 14th day of May, 2020, the Unified Government Commission adopted Resolution R-30-20, extending the state of local public health emergency through July 17, 2020;

WHEREAS, on the 9th day of July, 2020, the Unified Government Commission adopted Resolution R-37-20, extending the state of local public health emergency through September 15, 2020;

WHEREAS, on the 3rd day of September, 2020, the Unified Government Commission adopted Resolution R-66-20, extending the state of local public health emergency through December 14, 2020;

WHEREAS, on the 3rd day of December, 2020, the Unified Government Commission adopted Resolution R-83-20, later corrected as Resolution R-83a-20 and published on February 4, 2021, extending the state of local public health emergency through March 15, 2021;

WHEREAS, on the 11th day of March, 2021, the Unified Government Commission adopted Resolution R-16-21 and published on March 18, 2021, extending the state of local public health emergency through June 15, 2021;

WHEREAS, on the 10th day of June, 2021, the Unified Government Commission adopted Resolution R-40-21 and published on June 17, 2021, extending the state of local public health emergency through September 15, 2021;

WHEREAS, on the 9th day of September, 2021, the Unified Government Commission adopted Resolution R-61-21 and published on September 16, 2021, extending the state of local public health emergency through December 16, 2021;

WHEREAS, on the 2nd day of December, 2021, the Unified Government Commission adopted Resolution R-86-21 and published on December 9, 2021, extending the state of local public health emergency through April 1, 2022;

WHEREAS, on the 31st day of March, 2022, the Unified Government Commission adopted Resolution R-20-22 and published on April 7, 2022, extending the state of local public health emergency through July 1, 2022;

WHEREAS, on the 30th day of June, 2022, the Unified Government Commission adopted Resolution R-24-22 and published on July 7, 2022, extending the state of local public health emergency through October 1, 2022;

WHEREAS, the threat to the public health from the COVID-19 pandemic continues, as evidenced by the national count of 95,494,560 cases and 1,048,301 deaths as of September 20, 2022; in Kansas, there have been 873,075 cases and 9,072 deaths; and in Wyandotte County there have been 43,945 confirmed cases and 526 deaths;

WHEREAS, in Kansas, while 64.2% of the total population has received at least one dose of the vaccine, only 56.1% of the population has completed the COVID vaccine series;

WHEREAS, Wyandotte County is still classified in the “Substantial” category with a weekly cumulative incidence rate of between 50 and 99 cases per 100,000 population;

WHEREAS, many Wyandotte County residents have transitioned to utilizing their own at-home tests and not officially reporting the results, making it much more difficult to assess the scope of community spread;

WHEREAS, Wyandotte County residents continue to rely on the UG Public Health Department to provide access to COVID-19 resources, including testing, vaccinations, social support, access to health care, communications, and education, and those resources cannot be provided without the 90% federal match through FEMA;

WHEREAS, the Unified Government Board of Commissioners recognizes that a prolonged public health crisis requires the timely commitment of federal resources that flow to local units of government under an uninterrupted declared emergency;

WHEREAS, on March 1, 2022, President Biden issued his “Memorandum on Maximizing Assistance to Respond to COVID-19” to the Administrator of the Federal Emergency Management Agency (FEMA), in which the 100 percent federal cost share for all work eligible for assistance under applicable federal law was extended through July 1, 2022;

WHEREAS, on March 1, 2022, FEMA issued an advisory that the federal cost share would shift to 90 percent effective July 1, 2022, such percentage being less than the 100 percent cost share in place since the beginning of the pandemic, but more than the 75 percent cost share that is the federal statutory minimum;

WHEREAS, the past two winters have brought immense increases in COVID-19 cases, hospitalizations, and deaths and the cyclical nature of COVID-19 indicates that a similar increase is likely to be repeated in the winter of 2022/2023;

WHEREAS, federal and state funding for local health department COVID-19 mitigation strategies has declined substantially and requires greater reliance on FEMA reimbursement for COVID-19 activities;

WHEREAS, battling upcoming COVID-19 waves effectively relies, in part, on community level of uptake in the Bivalent COVID-19 vaccines recently released, but only 54.5% of Wyandotte County residents are fully vaccinated currently; and

WHEREAS, the Unified Government Board of Commissioners has the authority to further extend the declaration beyond October 1, 2022, as such conditions continue to endanger the public health, safety, and welfare of persons within the borders of Wyandotte County, Kansas.

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

1. That the state of local public health emergency in Wyandotte County, Kansas, initially declared on the 13th day of March 2020, shall continue and remain in effect through February 1, 2023, unless terminated earlier.
2. That the response and recovery aspects of all local disaster plans which are applicable to Wyandotte County, Kansas, shall initiate the rendering of aid and assistance thereunder.
3. That any rights or powers lawfully exercised or any actions taken pursuant to local disaster emergency plans shall continue and have full force and effect as authorized by law through February 1, 2023, unless modified or terminated in the manner prescribed by law.

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

[Signatures on following page]

Approved:

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 212001

Full Commission Meeting Date:

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 09/22/2022	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> Appoint Commissioner Christain Ramirez as the voting delegate and Juliann VanLiew as the first alternate, and Andrea Vinyard as the second alternate for the Kansas Association of Counties 46th Annual Conference & Exhibition, submitted by Alley Porter, Commission Liaison.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 2022 Certification of Voting Delegate KAC Form				

CERTIFICATION OF VOTING DELEGATE

Kansas Association of Counties 47th Annual Conference & Exhibition

Purpose:

The Bylaws of the Kansas Association of Counties provide that the county voting delegate be selected and certified in the following manner:

"Each member county shall be allowed one vote, which shall be cast by a chosen delegate designated for the county. Any county elected or appointed official may be selected as the county's voting delegate. The member county shall also appoint two alternates, specifying the order of such alternates, should the voting delegate be unavailable to attend the meeting. Delegates and alternates shall be certified to the KAC at least seven days before the meeting."

Please complete this form and return it at your earliest convenience to:

Kansas Association of Counties
715 SW 10th Ave.
Topeka, KS 66612

OR by email to: oliva@kansascounties.org

If you have any questions please contact:

Betty Oliva
oliva@kansascounties.org
785.272.2585

For voting delegates to be certified, your response (and/or any changes or alterations to this form) must be received no later than Monday, October 3, 2022.

Date: September 29, , 2022

I, Monica L. Sparks, Acting UG Clerk , County Clerk of

Wyandotte County do hereby certify that the following officers have been designated as the voting delegate and alternates for the KAC from October 5, 2022 until the 2023 KAC Annual Conference.

Delegate Christian Ramirez

Position Commissioner

1st Alternate Juliann VanLiew

Position Director of Health Department

2nd Alternate Andrea Vinyard

Position Acting UG Treasurer

Signed: _____
County Clerk



Staff Request for Commission Action

Tracking No. 211935

Full Commission Meeting Date:

Committee: Economic Development & Finance

Date of Standing Committee Action: 9/12/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 09/13/2022	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Resolution of Intent to Issue Industrial Revenue Bonds not to exceed \$25,000,000 for the Benefit of Sunflower Development Group, LLC (505 Central Avenue Project), submitted by Katherine Carttar, Director of Economic Development. <i>On September 12, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.</i>				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution of Intent - 505 Central IRBs (UG)				

RESOLUTION NO. R-__-22

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$25,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A COMMERCIAL MULTI-FAMILY PROJECT FOR THE BENEFIT OF SUNFLOWER DEVELOPMENT GROUP, LLC, AND ITS SUCCESSORS AND ASSIGNS (SALES EXEMPTION ONLY)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Sunflower Development Group, LLC, a Missouri limited liability company (the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing and equipping a commercial multi-family project containing approximately 126 units generally located at 505 Central Avenue, Kansas City, Kansas 66101, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the amount of not to exceed \$25,000,000 (the “Bonds”), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and, in the interest, and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed \$25,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company.

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

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located at 505 Central Avenue, Kansas City, Kansas 66101 located in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project

out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$25,000,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 8. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 9. Termination of Resolution. This Resolution shall terminate three (3) years from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 10. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 11. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 12. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Remainder of page intentionally blank.]

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON OCTOBER 27, 2022.**

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

Approved as to Form:

By: _____
Chief Counsel

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

SPECIAL SESSION, THURSDAY, AUGUST 25, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, August 25, 2022, with eleven members present: 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 (arrived at 4:35); 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: Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Legal Counsel; Bridgette Cobbins and Alan Howze, Assistant County Administrators; Brett Deichler, Interim Assistant County Administrator; Monica L. Sparks, Acting Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Director; Michael Peterson, Assistant Budget Director; Richard Rocha, Management Analyst in Budget; Jeff Fisher, Executive Director of Public Works; Judi Her, Budget Department; Mike Callahan, Fire Chief; Matt Willard, County Appraiser; John Kelly, Director of Buildings & Logistics; Greg Wooton, Building & Logistics Manager; Ashley Hand, Director of Strategic Communications; LaVert Murray, Economic Development Advisor in Mayor's Office; J. J. Summers, President Firefighters Local 64; Bob Wing, President Emeritus of the Firefighters Local Union in Kansas City; and Brent Thompson, Fire Department.

Mayor Garner said before I call this meeting to order, I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

MAYOR GARNER called the meeting to order.

ROLL CALL: Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Garner.

AMENDED NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, August 25, 2022, at 4:00 p.m. in the fifth floor conference room of the Municipal Office Building for a Budget Workshop and a presentation from Fire Command/IAFF.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said tonight we have two items on our agenda. Our first item this evening is a Budget Workshop. I will turn it over to Ms. Harrison-Lee, our Interim County Administrator, to lead the presentation.



Cheryl Harrison-Lee, Interim County Administrator, said tonight we will be having our fifth Budget Workshop as we work to hone in on the Commission priorities and prioritize community needs. Just as a reminder, this will be a transitional budget. We are going to work to try to achieve and close the gap as best we can, but we recognize we are not able to fix everything in this budget season, but we'll start the process for long-term success and sustainability.

August 25, 2022

WORKSHOP #5 Agenda



Workshop Objective : Resolve outstanding questions and prepare for budget adoption



The objectives for tonight we will talk about the County General Fund mill reduction, we are going to review some of the areas of concern for the City General Fund as well as the other funds we were asked to provide an update on at the last meeting, a brief overview of our Capital Maintenance Improvement Program, and then a follow-up to some of the questions that you've previously asked. We will look for your consensus on some of the items you've heard and answer questions that might arise as a follow-up to the items we provide tonight.

The overall objective is that we would like to be able to resolve any outstanding questions that you have and prepare for the budget adoption next month. With that, I'll turn it over to the budget team.

GROWTH SINCE 2017 A Tale of Two Budgets

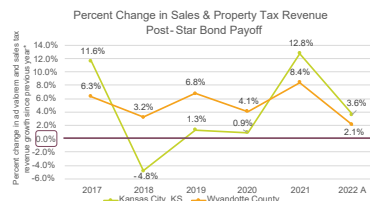
Wyandotte County

- Steady property valuation growth coupled with no decrease in mill

Kansas City, KS

- Property tax – 21% decrease in mills resulting in flat revenues until 2021
- Sales tax – After initial star bond payoff increase, flat revenues until 2021
- Stable source of revenue replaced with volatile source of revenue
- Continued expenditure growth

Post - Star Bond Rate of Growth		
	Total	Average
WYCO –	27.2%	5.4%
KCK –	13.6%	2.7%



Reginald Lindsey, Budget Director, said our Assistant Budget Director, Michael Peterson, is going to start us off tonight.

Michael Peterson, Assistant Budget Director, said first off, we just wanted to give a brief overview of the difference between where we've seen the revenues in the past for the City and the County General Funds. What we've done, we've went back and looked after the STAR Bond

August 25, 2022

payoff in 2017 and what the impact of the mill reductions was on the City side in comparison with how the County General Fund has performed over the same time period. So, basically, we're trying to identify the different—I guess the circumstances we find ourselves in with the imbalance that we have on the City side and the difference in why we have room to adjust the mill on the County side.

What we've seen is over the four years, after the STAR Bonds paid off, the City—on the City side the sales tax and the property tax make up about 50% of the revenue that's generated into that fund. We've seen—we actually for 2018, 2019, and 2020 we saw completely flat revenues in those categories. So, with the reduction of the mill rate and in sales tax performance there was no additional revenue that was gained in those years in those categories. So through 2022 Budget on the City side, we've only seen a 13.6% growth or an average growth of about 2.7% which hasn't kept pace with the cost of personnel and ongoing operations on the City side.

On the Wyandotte County side on the County General Fund in comparison with steady mills and in the same sales tax performance or similar sales tax performance, we've seen a pretty steady growth of about 5.5% a year which has allowed us to be structurally balanced in that fund.

I'm going to pass it to Reggie for the County General Fund.

COUNTY Mill Reduction

Category	2021	2022	2023
General Fund	100.00	100.00	100.00
...	...	...	...
Total	100.00	100.00	100.00

2 mill reduction +
.25 mill shift to Parks

- Ending projected fund balance of 17%
- Does not include \$350k in starter realignment funding for Sheriff's Office



Mr. Lindsey said currently what we have on the screen is the County General Fund and what it reflects is a 2 mill reduction and also a .25 mill shift to the Parks which is a total of 2.25 mill cut to the County General Fund, but on the whole County side is a 2 mill reduction. One of the things that we worked at doing with cutting 2 mills out from the County General Fund is we wanted to get into a 17% fund balance which is within our policy, our rate we like to stay at, so we were able to do that. Then, one of the things not included in the County mill cut for 2 mills for the County

General Fund is we had a little early in the budget process, we had talked about a \$350K addition for a Starter Realignment Funding for the Sheriff's Office. That is not within these numbers. I'll just kind of walk you through everything.

So, 2023's revenue is \$77M, then we have expenditures \$79M, and then we have a \$1.8M net change in expenditures and revenues and we can see our fund balance is \$13.5M.

COUNTY Mill Reduction

2 mill reduction +
.25 mill shift to Parks



- Long-term forecast shows capacity in the County General Fund for mill reduction with current assumptions
 - Assumed growth rate in residential values from 2023 - 2027: ~6.2%
- Projections do not include significant salary adjustments to Sheriff's Office
 - ~\$2M + COLAs estimated annually to align with KCKPD

2023 Unified Government PROPOSED Budget

UG

Our view that we have here just to kind of let everybody know what things would look like in the future with cutting these two mills as we have—here we have our fund balance going across here kind of showing from 2019 to 2027. Here is where we have cut the mill at. We see our fund balance of \$13.6M and we can see our fund balance is 17% and you see we're going out into the outer years. Next year we won't be at that 17%, so we're definitely going to have to do some work within the County General Fund to get back up to 17% and then also in 2025 we wouldn't be at the 17%. We would have to do some work to get there, but out in 2026 and 2027 we still look to have some growth where we have met the 17% fund balance. In 2027 we are definitely over it.

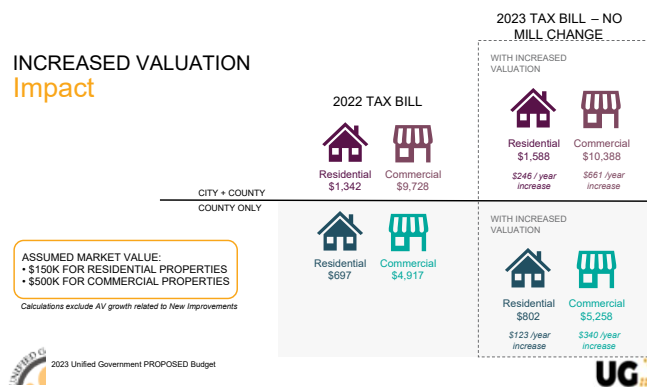
Just some of the important things, the assumptions we made or the assumptions assume that we have a 6.2% growth rate in residential values. Also, one of the things not in here, Sheriff Soptic did present to us to bring the Sheriff's Department up to standards with the KCKPD and that is a \$2M cost with COLA's, so those dollar amounts are not within this budget for the County General Fund.

Commissioner Stites said the 17% that you're talking about in the fund balance, what are we statutorily required to have in there? Is it 17, is it 15, what is it? **Mr. Lindsey** said there's not statutory—we have a policy in-house that we have. Statutorily we just have to have a balanced

budget and that means—**Commissioner Stites** said so that 17 could be 15, it could be 14, it could be 13. It's just a number that we come up with we say we like.

Debbie Jonscher, Deputy Chief Financial Officer, said no. The 17% is actually a GFOA recommendation. That's a best practice. That's a minimum number. **Commissioner Stites** asked, is that the three months that we had talked about? **Ms. Jonscher** said 17% is two months. Three months would be closer to 25%. **Commissioner Stites** said and that amount of money is what in percentage—in dollars? **Mr. Lindsey** said it's \$13.6M. **Commissioner Stites** asked, 13.6 is 17%? **Mr. Lindsey** said yes. **Commissioner Stites** said okay, that's all.

Commissioner Townsend said, again Mr. Lindsey, did you say the numbers and the assumptions here did or did not include salary adjustments that the Sheriff's Office had requested? **Mr. Lindsey** said they do not include the salary adjustments that Sheriff Soptic requested.

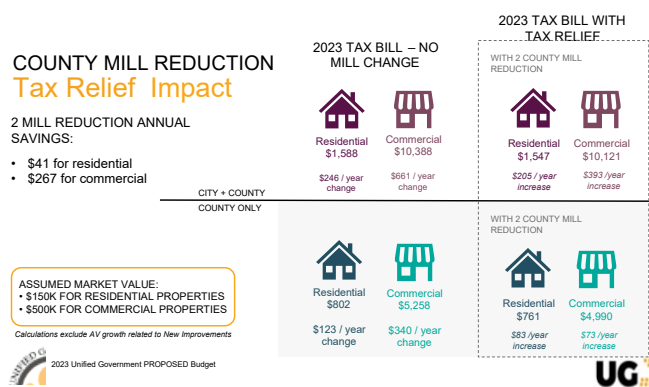


Mr. Lindsey said next, I'm going to turn it over to our Assistant CFO, Debbie Jonscher.

Debbie Jonscher, Deputy Chief Financial Officer, said we've seen this slide before. We've got two slides for the impact of the increased valuation for a homeowner's tax bill. Previously in the presentation we've shown you the same slide and for the 2023 bill we had included a half mill reduction on the County side, which is what is included in the proposed budget. So that we can show the full impact of the two mill decrease, we went ahead and we started this slide back with the increased valuation with no change in the mill.

As you can see for 2023, if there was no change in the mill, a resident living in both the City and the County would pay in 2023—their residential tax bill would be \$1,588, which would be an increase of \$246 per year. For a commercial business the value in 2023 would be \$10,388, which would be a \$661 increase per year and that was based on—for residential we are using the \$150K value for residential property and \$500K for commercial.

On the County side, if you lived only in the county with just an increased valuation, a residential home would pay \$802 which is a \$123 increase per year and a commercial business would pay \$5,258, which is a \$340 increase per year.



This next slide shows these same values with a two mill reduction, so I'm just going to look at the 2023—oh—this is showing the 2023 tax bill with no mill change and then also with the two mill reduction, so you can see that a residential property with no mill was \$1,588. With the two mill reduction, their tax bill would be \$1,547, which would be a \$205 increase per year versus the 246 with no mill reduction. A commercial building would be \$10,121, so a \$393 increase as opposed to a \$661 increase with no mill change. On the County only, the residential is \$761 so the increase with the two mill reduction would be \$83 a year and for the commercial it's \$4,990 which would be a \$73 increase versus a \$340 increase with no mill reduction.

Mayor Garner said I have a question. If you could go back to the last slide, we're looking at the increased valuation, correct? What is that total dollar amount? When you talk about the nine—I think it's over nine mills that you mentioned at our last budget hearing, correct, what does that equate to in actual dollars that the Unified Government would be bringing in? **Ms. Jonscher** said the total valuation for the increase for all property tax funds, the total was around \$15M. **Mayor**

Garner said \$15M, okay. Actually the residents are seeing a tax increase on this slide, correct? **Ms. Jonscher** said it would be a tax increase due to the increase in valuation, not an increase in the mill rate.

Mayor Garner said okay, so if you go to the next slide, maybe it's a play on words in my mind, but there's a two mill reduction as an annual saving and that's \$41, correct, on a residential? **Ms. Jonscher** said yes. **Mayor Garner** said but theoretically if they're getting tax increases, I don't really see that as being a savings because their taxes still go up, correct? **Ms. Jonscher** said well yeah, we look at it as a savings because we didn't change the mill, if we kept the mill constant, just the increase in valuation alone would cause a larger increase to their tax bill. So, if we reduce the mill, that's where we're looking at the savings. If we reduce the mill, there is a savings as opposed to us not reducing the mill at all. **Mayor Garner** asked, is that annual. Is that an annual savings of \$41, so if you break that down divide it by 12, what is that? **Ms. Jonscher** said like \$3 and something. **Mayor Garner** said so a \$3 a month savings.

The other question is, I know we talk about residential and commercials, what other—if you go back to the last slide, just a question, what other properties, vehicle—I mean what does that generate? When you talk about—when I go get my tags and my vehicle is assessed, are there any other properties that will be impacted as a result of this other than just residential and commercial. **Ms. Jonscher** said this was just on the residential impact to a homeowner. I don't think this included—now, built within the valuation there might be new improvements, things like that, but it doesn't include the—I don't believe it includes the motor vehicle piece of it for the homeowner. **Mayor Garner** said I get that, so what have we left out. I mean when you talk about a holistic vision of other impacts of this, what would we generate from the motor vehicle taxes? **Ms. Jonscher** said I don't have that information tonight. I could certainly try to pull that. **Mayor Garner** said outside of motor vehicle taxes and residential and commercials, are there any other impacts where we would generate revenue as a result of the valuation increases? **Ms. Jonscher** said I don't think so, no.

Commissioner Stites said if you would go back, I think it's one slide, I just want to clarify it and I think—so on 2021 where it says our fund balance was 25, I'm just rounding it to 25, and then next year, which is this year '22, it's 20. How come we were not at that 17% that we say we like to be at for the last two years? Why would we have more money in reserve than we say we need?

Mr. Lindsey said well, at points of times we do like to try to build the fund balance up just to protect ourselves in case a recession comes. **Commissioner Stites** asked, who's determining that. Is it just—I'm not being critical, I'm just asking. How is that number—I mean does some—how is that formulated that somebody says well, we like to have 20 this year and 25. I mean last year was 25 and then the year before it was 11.

Ms. Jonscher said '22 is the current year that we're in, so we're estimating based on the budget that we've already approved what our trend is, what we're spending at and what we need projected through the end of the year. **Commissioner Stites** said so that money, that 25% fund balance in 2021, which is higher than 17, where did that money go. Where did it get spent down at? **Ms. Jonscher** said probably a portion of it is being spent down in 2022 because our fund balance is dropping to 19% in 2022. **Commissioner Stites** said some of that came down in 2022. **Ms. Jonscher** said right. **Commissioner Stites** said okay.

Mr. Lindsey said also, Commissioner Stites, in 2021 this is an actual number and I can't say what the fund balance was when we did the budget, but sometimes what we do have happen is, we don't spend as much money as we have planned and then sometimes we have some more money to come in. So that could have been a result of us getting more money in and spending less money. **Commissioner Stites** said okay.

CITY Area of Concern



- Projected revenues are not keeping pace with costs of city services with a growing annual gap
 - Assumed average growth rate in residential values from 2023 to 2027: ~6.9%
- Model does not support fully funding existing service levels or meet projected necessary levels of capital investment



Mr. Lindsey said the current slide gives us a long-range view of the City General Fund and one of the things that this—assumptions that we're making with this view is that we'll have like a 6.9% average growth rate in residential values, but looking here at the chart and looking at some of the numbers down here and we start looking at 2023, we can see that we are planning to end 2023's proposed budget with a 20% fund balance. Then as we move into 2024, we're looking to

forecasting that we may drop to a 15% fund balance and then as we look at 2025 and 2026 through 2027, we can see that fund balance starts to drop-off dramatically. One of the things going on here is our revenues are not keeping pace with our expenditures that we have.

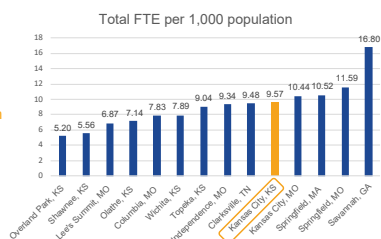
Mayor Garner said I have a question. That's a very disturbing picture for everybody that calls Wyandotte County home, at least for me. I guess where we're at today because—it just seems like it's a slow progression every year and I know future Mayors and future commissioners at some point, and even this Commission and Mayor, I mean we need to take a hard look at this. Just from your knowledge, experience, and expertise, what's causing this primarily and then is there anybody in our financial team that can really tell us what we need to do to at least stabilize that or reverse that negative trend that 2027 looks like we're bankrupt? I just—you know you don't have it in red, it looks like negative which says to me we're broke by 2030. I don't know what that picture is going to look like if we keep doing these things, so are there any suggestions on just where we're at today and as we move towards that 2027 number, which is a critical number, or year I should say, what's impacting this and what do we need to take a hard look at and then what type of decisions should this Commission really consider as far as trying to stabilize our financial health here in Wyandotte County? **Mr. Lindsey** said, Mayor Garner, we have some slides to follow this that may explain some of that, so some of the questions you asked. Is it okay if we move through the presentation? **Mayor Garner** said alright.

Mr. Lindsey said next, I'm going to turn it over to our Assistant Budget Director, Michael Peterson, and he's going to talk about some of our Workforce Staffing Comparisons.

WORKFORCE Staffing Comparisons

Kansas City, KS Staffing Comparison

- In range with staffing levels of comparable organizations

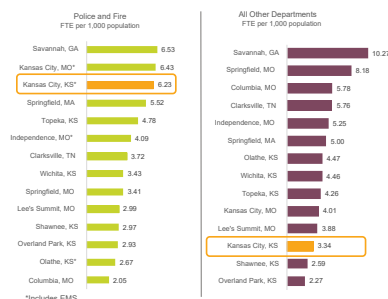


Mr. Peterson said one of the questions we've been asked is how we compare with other organizations as far as staffing levels go. Staffing makes up a significant portion of the City General Fund. It's our primary cost driver at the UG as we're a service orientated organization and so comparatively speaking we did see that our staffing is in line with many other organizations of a similar size or similar demographic that we've looked at.

WORKFORCE Staffing Comparisons

KCK Staffing Comparison Breakdown

- 3rd highest in staffing numbers for Police and Fire
 - When separated:
 - Police – 4th highest
 - Fire* – Highest
- 3rd lowest in staffing numbers for all other department functional areas



2023 Unified Government PROPOSED Budget

UG

It does change when you start getting into the details. If we look at the categories of budget and this is just because these are some of the easiest categories to pick out in other entities budget documents, but you can see that we're actually very low. We have a very—one of the lowest staffing levels among comparable organizations and departments that function outside of Public Safety and we're the third highest when we looked at comparable organizations for Public Safety staffing. The fourth highest for Police specifically and the highest staffing level for Fire and EMS overall in the Consolidated General Fund, so this is actually the City General Fund, just looking at the City.

ALL FUNDS 2022 vs. 2023

Category	2022	2023	Change
Police and Fire	2,247,782	2,247,782	0.00%
All Other Departments	1,072,000	1,072,000	0.00%
Total	3,319,782	3,319,782	0.00%

- \$420.2M → \$431.5M across all funds
- Overall increase of 2.68%

2023 Unified Government PROPOSED Budget

UG

Mr. Lindsey said to kind of drill down into some of your questions Mayor Garner. This is a view of all funds and basically what we have in our \$420M budget and we can see what it's doing, is comparing 2022 to 2023. You kind of see where our Consolidated General Funds, we had like a 5% increase, but also within here we do have where we moved \$8M out of the City General Fund for the Solid Waste Fund and that included revenues and expenditures, so it kind of cancelled itself out. It's just one of the things that you can see here is that, as a government, we haven't really had that much growth expenditure wise, we're at like a 3% growth for all our 30+ funds and we do have a \$431M budget as compared to we had a \$420M budget last year. We really did not have a lot of growth within our budget and some of the growth here, we do have in Proprietary Enterprise Funds, the Solid Waste Fund did move here, so most of the growth that is there, that's what that is. Then, in our other Tax Levy Funds we do have a couple funds where the budget did increase because they had the fund balance for that.

CONSOLIDATED GENERAL Budget Impacts

Department Functional Areas Impacts

- Largest increases occurring in Public Safety with new Fire and Sheriff labor agreement impacts & personnel shift from EMS Fund
- Community Services increases are primarily due to funding enhancement to Parks & Rec and additional URBN Transit service impacts

Account Type Impacts

- Higher vacancy rates and reduced budget projections for out-of-contract labor agreements assist with offsetting 4% COLA and 7% health increases
- Capital and Commodities increasing with increasing funding towards deferred needs and market inflationary increases



2023 Unified Government PROPOSED Budget

Department Function	2022 Original	2023 Proposed	Change	% Change
Public Safety	\$ 144,834,029	\$158,892,379	\$14,058,347	9.71%
Community Services	\$ 33,951,141	\$ 37,194,341	\$ 3,243,201	9.55%
General Government	\$ 31,276,268	\$ 33,331,631	\$ 2,055,363	6.56%
Judicial Services	\$ 11,403,344	\$ 11,800,110	\$ 396,766	3.48%
Mayor and Commission	\$ 1,103,907	\$ 1,208,026	\$ 102,119	9.25%
Other Programs	\$ 1,467,407	\$ 1,527,001	\$ 59,594	4.06%
Public Works	\$ 22,572,916	\$ 15,216,721	\$ (7,356,194)	-32.59%
Internal Service	\$ 11,293,474	\$ (924,763)	\$ (12,218,237)	-108.19%
Grand Total	\$257,904,486	\$258,243,425	\$ 338,939	0.13%

Account Type	2022 Original	2023 Proposed	Change	% Change
51- Personnel Costs	\$ 177,916,412	\$ 181,700,000	\$ 3,783,588	2.13%
54- Capital Outlay	\$ 6,308,852	\$ 8,690,963	\$ 2,382,111	37.76%
53- Commodities	\$ 6,043,270	\$ 7,040,473	\$ 997,203	16.50%
58- Reserves	\$ 630,051	\$ 775,051	\$ 145,000	23.01%
35- Grants, Claims, Shared Revenue	\$ 7,219,093	\$ 6,996,168	\$ (222,925)	-3.09%
56- Debt Service	\$ 11,046,623	\$ 10,479,824	\$ (566,799)	-5.13%
57- Nonexpense Items	\$ 3,075,289	\$ 2,338,608	\$ (736,681)	-23.95%
52- Contractual Services	\$ 45,664,897	\$ 40,222,338	\$ (5,442,559)	-11.92%
Grand Total	\$ 257,904,486	\$ 258,243,425	\$ 338,939	0.13%



ALL FUNDS Reserves

Fund Name	2022 Original	2023 Proposed	Change	% Change
51- Personnel	\$ 177,916,412	\$ 181,700,000	\$ 3,783,588	2.13%
54- Capital Outlay	\$ 6,308,852	\$ 8,690,963	\$ 2,382,111	37.76%
53- Commodities	\$ 6,043,270	\$ 7,040,473	\$ 997,203	16.50%
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Grand Total	\$ 257,904,486	\$ 258,243,425	\$ 338,939	0.13%

Fund Balances

- Consolidated General Funds – between 17%-20%, meeting minimum reserve policy
- Special Revenue– Dedicated Sales Tax, Street and Highway and Tourism funds have substantial ACFR fund balance differences from cash balances with carried forward encumbrances and receivables included. Budget is only able to budget at a positive cash balance for the year
- Fiduciary – Environmental Trust Fund set up to hold funding for potential issues that may arise needing environmental clean up



2023 Unified Government PROPOSED Budget



The next slide here gives us a view of all of our funds in the reserves, so we were looking at the view of Consolidated General Funds. So, basically, what we have is the projected ending fund balance for 2023 for our cash and then also our ACFR fund balance, which is our Annual Comprehensive Financial Statement, so we could see that our fund balances are in line with the 17% that we try to keep and then also we do have some fund balances that do have higher fund balances. One of the things going on here, this fund balance is being figured off of our ACFR Fund Balance, which does include encumbrances from prior years so here we do have like a 43% fund balance and that is mostly in our Dedicated Sales Tax and that is for money that is encumbered from prior years. This kind of touches—this bullet right here kind of touches on Special Revenue Funds that are there and carrying it forward fund balances and encumbrances, so those are some of the things going on with the fund balances across the organization.

One of the ways to look at these different funds is looking at us as a business with multi-divisions that have different purposes. So each fund has a different purpose when you move outside the City General Fund and Consolidated General Fund. So when you move into these Special Revenue Funds and you have like the Dedicated Sales Tax, it has a special purpose and its money can't be used for everything and then you also have the Special Street & Highway Fund that's there and this funding can't always be used for any and everything.

Then, we also have a Tourism Fund over in the Special Revenue category where we have to concentrate on things that are related to tourism.

KANSAS AVENUE BRIDGE
Repair Costs

Temporary Repair - \$1.6M-\$3.3M

- Bridge would be severely load restricted
- Only open the two interior lanes
- May need additional repairs with each annual inspection
- Band-aid solution

Bridge Replacement - \$40M-\$60M (UG Portion)

- Total: \$90M - \$120M (KCK & KCMO)
- Complete Street Project Total: \$300M — 7th Street across bridge to SW Blvd.



Potential Funding Sources

- ARPA— \$7M currently set aside for grant matching
- Fund Balance- Result in 17% to 18% Projected Ending 2023 Fund Balance




One of the things that we need to figure out how to do some spending on is the Kansas Avenue Bridge which right now has a repair cost estimate for a temporary repair of about \$1.6M to \$3.3M. Right now the bridge is definitely shutdown, which I know everyone knows, but this would only

open up two lanes on the bridge if we were to repair this bridge and it would only be a band-aid solution. The long-term bridge needs to be replaced and it would be up to \$60M for the Unified Government to pay for it. Some of the potential funding sources that we have right now within the budget, we have \$7M set-aside for ARPA grant matching and then there is also the option for us to pay for fund balance from the City General Fund, which would drop our fund balance to a 17-18% fund balance for 2023.

One of the things we would like to do tonight is get you all's opinion on where you think that potential funding should come from or is it possible that it could come from fund balance or from the ARPA funding.

Mayor Garner said I can say, and I'll let Commissioner Kane lead that conversation, we had a meeting with some state officials from KDOT and Commissioner Kane brought them in. Commissioner Stites was at the meeting as well as Commissioner Bynum. We had a really robust meeting, a lot of good information came out really looking at some grant opportunities that are there that, hopefully, we can secure. I know that the Administrator's Office as well as folks in the Mayor's Office has all been reaching out to our federal and state representatives as well to see what emergency type of funding or support we could get to address these and not just the Kansas Avenue Bridge, but also the Central Avenue Bridge and some other infrastructure projects as well.

I'm going to turn it over real quick to Commissioner Kane who is the Chair of a newly formed Infrastructure Task Force and Commissioner Stites is the Co-Chair.

Commissioner Kane said when KDOT was here we asked them if they would go ahead and fix the Kansas Avenue Bridge and what they asked for us to do is dream bigger, so we got the NFL draft, we got the soccer coming up pretty quick, so the temporary fix is somewhere on Kansas Avenue somewhere between \$1.6M and \$3.3M which has to be done as soon as possible so we can accommodate what's going on. What's happening now is sometimes the railroad is blocking people even from their work, their houses, so they can't get across to Missouri.

The thing about the Central Avenue Bridge is when she said you need to dream big, there's a perfect example of the money that we can go get where they can pay for at least half. Once we get the half, then there's a grant that you can apply for to cover even more of that. The unique part about both bridges, it's over water and so it takes more time to build, it's a little bit

more dangerous, but it is certainly something and Emmanuel Clever is onboard, Sharice Davids is onboard, Gwen's onboard, our Mayor's onboard. Central Avenue Bridge is used one heck of a lot more than what I thought it was. We've cut out the businesses that are down there, the UPS and a bunch of the other places and we affected them immediately. I think we need to do something to get that open as soon as possible and use as much of that fed money as we can.

Commissioner Bynum said I just want to add as far as finding the 1.6 to 3.3 for Kansas Avenue, I'm favoring a mixture. You know maybe not all ARPA matching funds, maybe partly ARPA matching funds, and partly fund balance, in my opinion, because what we had kind of agreed to that day in the smaller meeting was that we wanted to find the money locally to get Kansas Avenue Bridge open. The Central Avenue and Kansas Avenue both are larger projects. We know that. They're going to take multiple partners, but we kind of all agreed we need this bridge open, so that became good, then you get to find the money yourselves to fix it for the temporary. So, I'm just suggesting, Mayor, that we look at some combination of funding to get it open. Jeff Fisher is here, what I can't remember is if we committed the combination of approximately \$3M, how long would it be. I can't remember that, but Jeff might be able to tell us, but the point right now is how to pay for it.

Mayor Garner said I think the consensus is, and I'll get to you Commissioner Stites, here shortly, oh you're good, okay. (**Someone** was inaudible due to mic not being on). **Mayor Garner** asked, Mr. Fisher, can you come address that question for us?

Jeff Fisher, Executive Director of Public Works, said the \$3M or somewhere between 1.6 to 3.3M might get us one year, it might get us three years. We're not clear on that. (**Commissioner Bynum** was inaudible). **Mr. Fisher** said to replace it or—okay, to make the repair to get it open? **Commissioner Bynum** said yes. **Mr. Fisher** said we are not clear on that yet. It could be three months, could be six months. **Commissioner Bynum** said okay.

Mayor Garner said, Ms. Harrison-Lee, is there anything you can weigh in on this as far as ARPA funds and I know we looked at—I've talked to the Administrator about looking at some of our other projects just so the full disclosure for the Commission because we've had this conversation about these bridges and some of these other infrastructure projects and I know there's CMIP

projects that have been approved by past Commissions and I know that there's also projects that have been funded that haven't been completed. I'm talking to the Administrator based on that meeting we had that Commissioner Kane put together for us with KDOT. I've asked her to start working with staff to identify what projects that may have been priority initially, but now we have a bridge out and we've got two bridges and some recommendations to the Commission to maybe reallocate funds from what may have been a priority in the past to these new priorities and what that would look like from a funding standpoint so we can get our bridges open because these are key arteries that really have a profound impact. I mean you're talking about commercial, you're talking about jobs. I mean it just really has a profound impact on Wyandotte County, so, Ms. Harrison-Lee.

Ms. Harrison-Lee said a couple of things for consideration by the Commission would be that you advise of your desire to have staff go back and look at projects that you have in the CMIP to see if you would like to perhaps delay—have us bring you some projects that could be delayed that you allocated funding for that we can allocate funding to the bridge. As Commissioner Bynum said, perhaps looking at some ARPA dollars, some General Fund, but also you have the opportunity to really go back and reevaluate some of the projects that are in your CMIP and we could bring you some recommendations if that is the desire of the Commission, for us to go back and look at some other projects to delay to come up with the amount of funding that you have.

We could look at park projects, we could look at road projects, we can bring you some options of things to consider. Trying to figure out how to get you to the 3M, I will tell you from an economic development perspective, with the things that are happening in the state of Kansas now and that are coming to the metro area, it is really vital that we are positioned for every economic development opportunity.

Commissioner Davis talked about we spend a lot of time talking about expenditures, but it is important to talk about revenue and in order for us to talk about revenue, we need to be positioned and open for business so this is critical. So, the delay of a project could mean that we have some enhanced economic development opportunities that will allow the organization to move forward at a later point with additional revenue.

Commissioner Ramirez said we have to do what we have to do. You know I, Commissioner Bynum and all the other commissioners are part of the Infrastructure Committee, you know, we spent a lot of time with staff. A lot of many months having conversations about how we can create these outcomes and strategies to fix our infrastructure, but I agree, unfortunately, because we have the World Cup, we have the draft, we have Panasonic, especially with stuff that's happening in KCMO we need to have, as the Mayor said, those are two arteries to our city—between our two cities. If those arteries are cut off, we're not going to be able to capture as much of that growth, that residual growth as we can.

I would begrudgingly agree to have a mixture of funding sources for this, not just one, but multiple different so that we can come up with it. I would hate to delay projects. I know our infrastructure needs it, but you know, this is—I feel like everything is an emergency at this point, but I would agree with some type of mixture.

(Mayor Garner was out of the room at 4:41 and returned at 4:43 p.m. Commissioner Bynum was Mayor Pro Tem in his absence).

Commissioner Davis said just so I have this clear, Cheryl, \$3.3M is not going to break the bank. For the bridge replacement of \$40M to 60M that's obviously much more. Are we not discussing financing this? Are we trying to find this for cash because if I'm not mistaken, that's almost all of our projects for the CMIP for next year, so I don't think—I'm not amenable to robbing Peter to pay Paul because we can fix the bridge here and then have failing stormwater infrastructure somewhere else and then that becomes more expensive. I think the best course of action would be temporarily I know for ARPA, at least on the city side, we have over \$10M and I'm not talking about the revenue replacement, the \$7M that's on the screen, so we have the money that's there. We can take a chunk that's currently left over that's unallocated from the city portion for ARPA that we haven't done anything with and then we could look at debt financing the rest of it, but it would not behoove us to put all of our eggs in one basket on one bridge when we have other failing infrastructure. That will absolutely cripple us.

The other thing I would add is I think within this conversation, you know, the Ameresco Study that is—you know myself, Commissioner Ramirez shares and Commissioner Markley is a part of, we've identified quite a few UG buildings that are absolutely failing right now. I mean we

need to probably do a sweep in the CMIP to look and see if it's worth a continued investment or we can kind of stop some of that funding going into failing infrastructure and put it into these projects that we need to get done until we have come up with a plan on what to do. A lot of them were fire stations and some other UG-owned buildings. All of that to say I would hope that we would also consider debt financing, not just taking away from other projects that probably we need to get done and if we don't do them now, will be more expensive just like the Central Avenue Bridge.

(Mayor Garner had returned).

Commissioner Stites said I would agree with Commissioner Davis. I don't think that projects that were identified by a previous Commission prior to me, that you guys have deemed that were of high importance need to so swiftly be taken off of the table. I think that we do have money that we can locate. There is also, like he had said, I am in favor of getting the bridge repaired so that we can get it open and take advantage of all of the up and coming events, but I don't think that I am in favor of scratching any of the previous CMIP projects.

Commissioner Townsend said I had a question about—assuming we go forward with the bridge repair even on a temporary basis, which is infrastructure, so it's not like we're off track with that as a particular area of expense and maybe Commissioner Kane or someone who was at that meeting could explain that a little bit better just to clarify for me. If we proceed with the temporary repair, which I believe we should, does that open the door more quickly to the other federal dollars. I was a little bit confused. (Someone was in audible). **Commissioner Townsend** said so that has nothing to do with it at all. **Commissioner Kane** said it had nothing to do with—the problem that we have with at least the Kansas Avenue Bridge, we have to get Missouri to agree with us to spend the money on that bridge. (Someone was inaudible). **Commissioner Kane** said well, that's just it. You got to remember they get one bridge, so do we do one big bridge. (Someone was inaudible). **Commissioner Kane** said right, so that's something we have to keep in mind when we're doing this.

Commissioner Townsend said then all we can really depend on is our temporary. That doesn't automatically open the door to more federal money. **Commissioner Kane** said right.

Commissioner Bynum said just a quick question. Are we looking at the '23 budget for this because I would look at the '22. I mean I think we need to be working on the bridge right now and so I'm just asking it as a question. **Mayor Garner** said this is for now. The goal is to get it open as quick as we can temporarily and not for the \$40M, but just temporarily as we seek out working with Commissioner Kane and Commissioner Stites working with our state and federal officials seeking out grants that hopefully we can win and get full bridge replacements. The goal is just to get it open temporarily to at least get some traffic flow moving back to these key areas.

Commissioner Johnson said I think everybody knows this. You know we already have a lot of debt, we already have highly leveraged. I trust in the capacity of our Interim County Administrator, our CFO, and Finance Department to know about how much more debt we really need to take because we're at the tipping point right now highly leveraged as a municipality. So, you know, I don't like going into fund balance and I don't like getting debt, but at some point you got to do one or the other to make things work. I trust, and I'm saying this more for the audience, but I do trust in the ability and capacity of our staff to be able to know just about how much debt we really need to bear in addition to what we already have.

Mayor Garner said, Mr. Fisher, I've got a quick question to you to kind of just maybe give some insight and this kind of goes in line with Commissioner Johnson and I'll just give one example because Commissioner Johnson is right and Commissioner Davis is right and Commissioner Ramirez as well. These are real good questions, real good debate. Do we finance it, do you—and Commissioner Stites brought this up in his opposition as well, do you look at existing projects and reallocate that due to this being the number one priority and this is something the Commission is going to have to really consider, but Commissioner Johnson really hit on something. What does that look like, where do we go and where does this Commission decide as a body, a majority to give direction to our Administrator to draw from.

I'll give one example, there is a park just west of the jail, it's really small. My experience working on the Police Department it has ever been rarely used, but it floods every year. I can't think of the name of it right off hand, but I believe there's \$6M allocated for that park. It's probably as big as this room and so when you talk about priorities, I don't know and that's something for this Commission, is that a key priority. I've asked the question and I know there's flooding issues

that may impact some of the residentials and possible businesses in areas and that's why that was put high on the priority list. Okay, that's something where we need to have \$6M there, but is that \$6M that is going to be well spent for a park that is rarely used at that location and then what's that impact on those residentials and things of that nature because that's an opportunity.

For Finance, if we take \$3M, what's the budgetary impact if we totally finance. Like Commissioner Johnson mentioned, over time if we were to float, what's the interest going, you know, with these bonds, what's that going to look like, how much are we going to pay over time, so when you talk about a combination of ARPA, bond financing, or reallocating existing projects because we've identified this is a priority, which is really an emergency when you're talking about bridges being out that are really necessary, I just want to give this Commission enough information so they can make an informed decision to give to our Administrator and staff on really the direction they need to go on. So, if you can just maybe describe that park if you know what I'm talking about.

Mr. Fisher said I do. **Mayor Garner** said and the amount and why it's needed and could that money be reallocated to the bridge project and, if from your opinion and your experience, which one would be more of a priority, this bridge or that park.

Mr. Fisher said well, they are apples and oranges. I will address—a couple of the commissioners were exactly right and the commissioners that were on the Infrastructure Subcommittees, I would not recommend putting off projects. I would not recommend putting off projects to fund this if we can avoid it. Lack of investment over the decades is why we're here and so we need to figure out how to increase that investment and sustain it.

The 8th Street Park is what you're referencing. That is not a park project, it is a stormwater project, so that work is proposed to be done on the Stormwater Fund, so not General Fund dollars. The bridges should be repaired and replaced with General Fund dollars. Are there any other questions I missed?

Commissioner Bynum said, Mr. Fisher and Budget team, could we name that project something else please? Maybe 8th Street Stormwater Project. It's not a park project and I just feel like it gives a complete misnomer. You know anybody would look at that and say well, why would you put \$6M in that little square. It's not a park project and we need to put it where it belongs, we need to call it something else so that we can understand it for what it really is. If I'm not mistaken,

it's impacting our brand new Justice Building. Is that a fact? **Mr. Fisher** said it's actually—the plans for the stormwater project are also including the Juvenile Center that we built two years ago. **Mayor Garner** said so that's a key project.

Commissioner Ramirez said going back to what Commissioner Johnson was talking about, our ability to hold debt. My question to our Budget team and our Finance team, do we know how much more we can take before we're—I don't even know what to call it, tapped out, before we can't sustain it any longer? I'm just curious. **Ms. Jonscher** said we had, I think, in previous projections that we had shown when we talked about the mill levy, we talked that several years out we were looking at we could potentially look at taking that mill if we needed to. I think it was maybe, I can't remember if it was 2024, 2025, somewhere in there when we looked at that. Probably we need to go back and look at that and put this projection in there.

If we were to just look at debt financing the \$3M, you're probably looking at—if we did that over 20 years, you know, which is what we typically finance a capital project over, you're looking at \$2K, maybe \$250K a year in annual debt service. But, you know, obviously for the full replacement at \$40-\$60M, that's going to be a much bigger piece that would probably be an impact, I believe. I think we need to go back and look and put that into our forecast and see what that does.

Commissioner Ramirez said I think if we could do that and have that information presented maybe as a possibility. I would just like to see what it's like. I wouldn't, as of right now, support it because we already have enough debt on our—under our belt, but just to see the options that are out there. Again, as the Mayor always said, so that we have the full picture so that we can make a better, more informed decision. I think having that forecast just to see what it looks like.

Commissioner Stites asked, is the 8th Street Stormwater Project, are those ARPA dollars County or City? (Someone was inaudible) **Commissioner Stites** said the ARPA dollars are—(Someone was inaudible). **Commissioner Stites** said I don't know, I'm asking. I believe they are in ARPA. I was under the impression that they are under ARPA. Am I right? **Mr. Lindsey** said yeah they are out of the—**Commissioner Stites** asked, are they out of the County side or out of the City side? (Someone was inaudible.) **Commissioner Stites** said so it's a City—**Mr. Lindsey** said I

don't know if it's City or—so, we have the ARPA combined, so I don't know if it's City or County. **Commissioner Stites** said the \$6M that we are saying that is allocated to go to the 8th Street Park, renamed 8th Street Stormwater Project, how are we paying for it? Is it out of the ARPA, which I believe that it is, I just got confirmation that it is and then is it out of the ARPA County dollars or out of the City ARPA dollars? **Ms. Jonscher** said I think that should be the ARPA City dollars. We'll confirm that.

Commissioner Burroughs said, staff, we have a 17% ending balance in our two-month reserves. Didn't we make a policy change here, a handful of years back, to have a one-month emergency reserve also? **Ms. Jonscher** said that's included in the policy, yes. The 17% is the two-month minimum and then the emergency reserve was an additional month. It wasn't—I don't think it was set that was going to be a new minimum, but we were working toward trying to get to that 25%, but 17 is the minimum. **Commissioner Burroughs** asked, how much by dollars are we talking about in the emergency reserves? Do we know how much money is in that additional 30 days or is the 17% counting the additional 30 days? I'm trying to find a separation here because we have a 17% ending balance, but I thought I heard you state that was two-month reserves, but if I remember correctly, this Commission has pushed for an additional 30-day emergency reserve. **Ms. Jonscher** said right now what we have built in there is we had 13—we were showing a \$13M fund balance and that was the 17%. Let me see what that would be. **Commissioner Burroughs** said we don't have a 90-day reserve then.

Mr. Lindsey said it will be an additional \$6.5M. **Commissioner Burroughs** said \$6.5M and I guess maybe I'm not posing my question properly. It was my understanding as a commissioner that we had reserves for two-months funding and we were building a third month. Have we not completed that third month funding and classified it as an emergency fund? **Ms. Jonscher** said no, we have not. **Commissioner Burroughs** said okay.

Mayor Garner asked, do any other commissioners want to weigh in on this topic? I guess my takeaway, I don't want to speak for Commissioner Kane, but the takeaway is that going along with Commissioner Ramirez, the Commission would like to see what these options look like so they can make a better informed decision with that information.

Commissioner Kane said let's try that and see what we come up with. If we can't live with it, we'll do something else. We just need to know we need to fix the bridge.

Mayor Garner asked, Administrator Harrison-Lee, how soon can we get something back to the Commission so they can at least digest this information and then come back and give some clear direction on where this Commission would like to go? **Ms. Harrison-Lee** said we'll start to pull together some options for you tomorrow. We'll probably want to send those to you ahead of waiting for the next meeting so that you can look at them. Ideally, I'm thinking that I would like to probably get feedback from the Commission before we get to our next meeting on what you would like to do with those. We'll get you something next week and then arrange to get your feedback and instead of replying all if you could just reply directly to me. I want to keep our Council happy. **Mayor Garner** said I'll turn it back over to our presenters.

CONSOLIDATED GENERAL Budget Impacts

Department Functional Areas Impacts

- Largest increases occurring in Public Safety with new Fire and Sheriff labor agreement impacts & personnel shift from EMS Fund
- Community Services increases are primarily due to funding enhancement to Parks & Rec and additional URBN Transit service impacts

Account Type Impacts

- Higher vacancy rates and reduced budget projections for out-of-contract labor agreements assist with offsetting 4% COLA and 7% health increases
- Capital and Commodities increasing with increasing funding towards deferred needs and market inflationary increases

2023 Unified Government PROPOSED Budget

Department Function	2022 Original	2023 Proposed	Change	% Change
Public Safety	\$ 144,834,029	\$158,892,379	\$14,058,347	9.71%
Community Services	\$ 33,951,141	\$ 37,194,341	\$ 3,243,201	9.55%
General Government	\$ 31,276,268	\$ 33,331,631	\$ 2,055,363	6.56%
Judicial Services	\$ 11,403,344	\$ 11,800,110	\$ 396,766	3.48%
Mayor and Commission	\$ 1,103,907	\$ 1,208,026	\$ 102,119	9.25%
Other Programs	\$ 1,467,407	\$ 1,527,001	\$ 59,594	4.06%
Public Works	\$ 22,572,916	\$ 15,216,721	\$ (7,356,194)	-32.59%
Internal Service	\$ 11,293,474	\$ (624,793)	\$ (12,218,257)	-108.19%
Grand Total	\$257,904,488	\$258,243,425	\$ 338,939	0.13%

Account Type	2022 Original	2023 Proposed	Change	% Change
51- Personnel Costs	\$ 177,916,412	\$ 181,700,000	\$ 3,783,588	2.13%
54- Capital Outlay	\$ 6,308,852	\$ 8,690,963	\$ 2,382,111	37.76%
53- Commodities	\$ 6,043,270	\$ 7,040,473	\$ 997,203	16.50%
58- Reserves	\$ 630,051	\$ 775,051	\$ 145,000	23.01%
35- Grants, Claims, Shared Revenue	\$ 7,219,093	\$ 6,996,168	\$ (222,925)	-3.09%
56- Debt Service	\$ 11,046,623	\$ 10,479,824	\$ (566,799)	-5.13%
57- Nonexpense Items	\$ 3,075,289	\$ 2,338,608	\$ (736,681)	-23.95%
52- Contractual Services	\$ 45,664,897	\$ 40,222,338	\$ (5,442,559)	-11.92%
Grand Total	\$ 257,904,488	\$ 258,243,425	\$ 338,939	0.13%



Mr. Lindsey said the current view on the screen is our Consolidated General Fund. What we're displaying here are budget impacts by department functional areas and also account type impacts. One of the things I'll zone in on, this is for the Consolidated General Fund and our 2023 Proposed Budget is a \$258M budget and last year it was a \$257M budget, so we can see we have a 13th of a percent increase in that budget. But that also does include that we moved the Solid Waste Fund out of there to just kind of give you all that we really haven't had a whole lot of growth here and what we've done is by department function shown where the growth that we have, we're showing where it's at so we can see—we almost have like 10% in Public Safety and also Community Services. Then, our General Government had almost a 7% growth, but then we did have some

departments that did have some drop-offs and this drop-off here is where we moved out the Solid Waste Fund.

Next, down here at the bottom, we have our account type impacts and we see we have a personnel cost that just grew at 2%. One of the reasons we are able to get away with that is because of the vacancy rate we're running. We do have higher personnel costs within—our COLA is a 4% increase and our health insurance, like a 7% increase, but with the vacancy rates that we've been running, we have been able to keep those in check and have not much growth, but we do see where our Capital Outlay, we have increased there. Also, Commodities, just due to fuel and utility costs being more for us. We do have increases there, but all the other categories have been lower.

One thing we thought it was important just to show here, they've been questioned, like where some of our funding is going and we just kind of wanted to show that you see 0.13% increase, so we don't have much of an increase in our County General Fund and our City General Fund and also our Consolidated Parks Fund. Then, this breaks out just our categories, our cost categories aren't really growing that much and so you see some of them are actually going down.

Commissioner Burroughs said, Reggie, I'm looking at line number 53, Commodities. I see an increase of almost a million dollars in commodity costs. What kind of commodity costs are we including in there that would increase for a million dollar increase in one year? **Mr. Lindsey** said we have fuel that we have to pay for and then we also have natural gas costs for our buildings that we have to pay for. Then, not all of our buildings are serviced by BPU, so we do have to pay some electricity in some of our buildings and the costs have definitely gone up a lot. So, those are what we're reflecting there. **Commissioner Burroughs** said okay.

Commissioner Johnson said I just wanted to follow up on Commissioner Burroughs, can you tell us by how much in terms of dollars and what percent fueling and things of that nature have gone up? I'm thinking I heard somebody say somewhere around 25-30%. Is that a myth or is that something that's true? **Mr. Lindsey** said I think for fuel we have like a 35% increase and then natural gas costs have spiked and it's maybe somewhere around 40% or so.

2023 PROPOSED BUDGET

New Items

City General Fund	 Enterprise Systems Support Contracts \$630K	 COLA Increases: Union: \$3.3M Non-union: \$640K	 URBAN Transit Service \$300K	 EMS Personnel Shift to City \$2M
County General Fund	 Enterprise Systems Support Contracts \$528K	 COLA Increases: Union: \$900K Non-union: \$720K	 Jail Contracts \$150K	 Autopsy Increase \$586K
Consolidated Parks	 Mowing Increase: Medians, cemeteries, sports fields & parks \$80K	 Fishing stock increase \$26K	 4 Recreational Specialist Positions \$260K	 System Maintenance Funding Enhancement \$200K

 2023 Unified Government PROPOSED Budget



Mr. Lindsey said here we have just some of the new items that are in our 2023 Proposed Budget for our Consolidated General Fund. The top row we have the City General Fund. Middle, we have County General Fund and then Consolidated Parks. Some of the new funding we have is an amount of \$630K for Enterprise Systems Support Contracts. We also have COLA increases, \$3.3M for Union and Non-union \$640K. We also have new Transit Service that we'll be providing that the new Urban Outfitters is going to open, but we did have an offset for revenue for this. Also, we did shift EMS Personnel over into the City General Fund in the amount of \$2M.

Going down into the County General Fund, we did also have the Enterprise System Support Contracts on the County side also in the amount of \$528K. We also had COLA impacts, Union \$900K and Non-union \$720K. Also, Jail Contracts are increasing \$150K and then our Autopsy increased for 2022 and 2023 for \$586K.

Related to increases because of like fuel going up, our mowing contracts have increased \$80K. Also, fishing, increasing the stocks, \$26K. We're hiring four new positions in the Consolidated Parks Fund which amounted to \$260K and then we have System Maintenance Funding, just across the board that'll allow for more programming and also for more features within our Parks & Rec system and then also community centers will be open more hours.

The next thing that we had planned to do was go through changes in the Capital Projects from when we first presented it to the Commission back in May. Before we move on, I know, Mayor Garner, you had a question about what was causing the issues within the City General Fund. I'll just kind of go back to the first slide that Michael Peterson, our Assistant Budget Director, covered when we first started out and it's the Tale of Two Different Budgets.

One of the real things just going on in the City General Fund is that the revenue growth is not there. We do have revenue growth on the County side of the books, but as far as revenue

growth on the City side, the revenue growth is not there and just our cost increases that we are experiencing are not keeping pace with the expense side. I would say that is the main problem or the main issue that we have over the City General Fund.

Mayor Garner asked, is that personnel cost? Is that what's driving that? **Mr. Lindsey** said personnel cost is definitely a part of it, but we have had where we have had cost increases. Also, we've had a number of projects just across the board, construction projects that we've had to shift funding around for, but the steady growth in just maintaining personnel, it does impact it. You have COLAs that we need to give employees and then also health insurance benefits that we provide every year. Those are a constant growth that are definitely outpacing the revenues that we have coming in.

Mr. Peterson said one of the other big factors that we saw on this slide is the increase in Capital, so historically we have not budgeted Capital at the level that we need to fund our infrastructure, so we've been trying to gradually increase that level of Capital investment and part of that is in the trend, not the 25%, but part of that increase is in the trend. So, if we're really going to commit to adequately funding our Capital needs, then that is not going to keep pace with our current revenue structure.

Commissioner Townsend asked, Mr. Lindsey, what is the—under KCK, what is meant by the stable source of revenue replaced with volatile source of revenue. I mean I know what the language means, but where is that coming from? What is the instability here and what's the stability that is going on the downward track. What does that involve? **Mr. Lindsey** said I'll let Michael Peterson take that. He put this slide together.

Mr. Peterson said typically property values, they're valued on an annual basis based on whatever the market does that year and so the value growth tends to be fairly consistent over time with the exception of something like the 2008 recession, which was a much bigger impact. What you can see on the County side is we typically have hovered around a 3-6% growth each year, so we did not adjust property tax mill rates in the County General Fund, so that's just purely the impact of valuation increases and sales tax increases and the sales tax is only about 10% of the County General Fund.

On the City side we dropped our mill rate by 20% with the 6 mill reduction for the City General Fund and so what that did is it put much more of an emphasis on sales tax and sales tax is much more volatile in that as soon as the economy changes for the good or for the bad, we'll immediately see an impact on the sales tax revenue that comes in and we can't really plan for that.

Commissioner Townsend said I hear you, but I guess it's all the up and down and the colors that are throwing me off. So, basically, we're still reliant for the most part on property taxes. **Mr. Peterson** said on the City General Fund side, if I remember correctly, I think the property taxes is only about 18 or 20%, so sales tax is about 30% of that revenue now. On the County side we're 60%, 60% property tax, 10% sales tax. On the City side we're 30% sales tax, 20% property tax, so it's swapped.

Ms. Jonscher said if you have a larger change in the sales tax, it's going to—revenue it's going to affect the City General Fund more than it's going to affect the County General Fund. **Commissioner Townsend** said yeah, and then with COVID over the last couple of years, that certainly decreased people's incentive and ability to go out and buy whatever and that's going to decrease sales tax. So I see that, but considering what we heard this past Monday meeting, you know dollars are going up because the property values are going up.

Commissioner Johnson said it's kind of a dance there between valuations and mill levy decisions, so we looked at, and I think you said it right, I know you said it right, the 21% decrease was based on the fact that we did 6 mills over three years. The thing that we have to realize is the decisions we make today are not going—we won't see that today. We won't see it for the next year or two or three and that's kind of where saying 21% decrease in mills resulting in flat revenues until 2021 and I think that's amazing even in light of that because we had COVID.

The fact that we were able to see an increase in 2021, I think, you know now we're dealing with the fact that we are seeing some property rate increases and that's what the citizens are not happy about that. The reality is that they did see some decreases, they did see some flattening in years when we don't—nobody's going to come up here and say I thank you for keeping my property taxes stable over the past year or two, but you know it is what it is.

As we look at decision relative to this budget, I say the same thing. If we make a decision to lower the mill, you have to understand that the budget may not reflect that until the next year or two depending on the economy. I don't think that property value is going to continue to go up as

much as they are right now, but that would be speculating on my end, so I think I'm going to get back into my skis from way out there. I'm just saying we have to be mindful of the decisions that we make. We don't see immediate response in the market or on the financial statements because there's so many factors involved in that and I really appreciate that screen right there.

Mayor Garner said, Mr. Lindsey, if you can take us to the slide that shows up to 2027, that bar chart that's what my final question was based on. **Mr. Lindsey** asked, the City General Fund. **Mayor Garner** said no. It was the one where we basically—the bar chart by 2027 we were negative. Yes, that one. The three of you that are there and I'm not trying to put you on the spot, but I know that we all got to make some hard decisions, that downward trend, based on you all's expertise, and looking at these financials, what are some of the hard decisions that you all would recommend this Commission take in regards to that to maybe stabilize that trend so we don't end up below that line in 2027?

Mr. Lindsey said we definitely would have to reduce services somehow. Just to kind of give you a background, one of the things that we have been doing with the City General Fund, we have had to make room to have increases for employees and deal with health insurance costs and things like that. We have had to have cuts only in the City General Fund for five to seven years and also move funding out as it relates to other funds that actually had a function for the services that were being offered. I mean it definitely would have to be like reducing some services. I'll let Michael and Debbie also provide their input.

Ms. Jonscher said I agree with Reggie that if the revenues are not going to grow, we don't continue to grow our revenues, if we don't have any other revenue to cut, doesn't come in the only other option is to cut services or cut expenses to be able to get us into balance so that our revenues and our expenses are not exceeding our revenues.

Mr. Lindsey said it doesn't necessarily mean we have to wholly cut out a service, it may just be a service reduction in some areas. **Ms. Jonscher** said or possibly even look at finding efficiencies. Is there a way to do something—is the way we're doing it the best way to do it, is it costing us more to provide the service ourself versus contracting it out. Those are all different things. I know those things have been looked at before.

Mr. Lindsey said also long-range intermediate. I mean some of the things that Commissioner Davis and County Administrator Cheryl talked about finding ways to increase

revenue through economic development and other means. That is definitely something we have room to concentrate on also.

Commissioner Johnson said when you talk about economic development, how is that reflected in the budget or the forecast going forward. Is there a certain percentage that we're putting out there for economic development. How are we kind of building that into the overall forecast for the years going out? **Mr. Lindsey** said currently we don't have—I mean we do have growth that we're expecting from sales tax, things like that. Also, we do have revenue growth from residential appraisals and commercial appraisals that we currently have, but just new economic development growth, I don't know Debbie, what are you thinking? **Ms. Jonscher** said if we know that a new project is coming on, we can build that in, but if we don't know of any new project that's going to come on for next year, we wouldn't build it in. If we had something right now that we knew was going to happen in two or three years, we might build it into the long-range forecast, but we would not build it in if we weren't sure that it was going to come online.

Commissioner Johnson said County Administrator Cheryl Harrison-Lee has already said, and we've talked around the table economic development, economic development, economic development and if we're really serious about economic development, you know, I'm trying to tiptoe through here, but you got to be competitive. You've got to be competitive with the marketplace if you want to get economic development projects in Wyandotte County. I mean, with all due respect, Mayor, incentives is the way by which we do that. I think we have to be strategic and wise about how we do it.

We need to be mindful that we want to leverage that if it's out west towards the east side and there are other things that can be done that are above my pay grade, so to speak. We are going to have to present ourselves very competitive, in some cases overly competitive in order to bring the level of business that we need in to be able to pay the higher that's going to actually cause this model to shift. I know Interim Administrator Harrison-Lee is working on a strategic plan for that, I'm excited about that, but I think that is something that's going to help us around the table because if we're just going to be talking about what can we cut, you can only cut so far. You know we can only go into the fund balance so far, we can only borrow so much and I think we're already there right now, so economic development is our way forward. I better stop before I get in trouble.

Commissioner Stites said I'm going to back up and kind of piggyback off what Commissioner Johnson just said. I will tell you that when these developers, I deal with them every single day, when they look at our mill levy and they see our mill levy, it's a direct turnoff. I talk to them and they're like man we can't go there. We can head south. Your taxes are too high. So, as we sit here and talk about how we're moving forward with our—I mean we can throw incentives out there, but at the end of the day that mill levy directly affects development in our city, county.

One of the things—I go back to this bridge thinking about how we fund this bridge. I know we've got to figure it out. We had talked, and I went back to my notes, about the funded positions that we carry within the Police Department and the Fire Department, well through the County and the City side and we have funded positions right now, and I'm not saying that I'm looking here to cut any positions. I'm just talking temporarily how many we carry on the books, is there money in that area that would allow us to do this bridge repair in the tune of 1.6 to 3.3 and I'm looking back at my notes and I'm trying to make sense of it right now, but it looks like we had 124 unfunded positions—or open positions on the County side and we're funding 37 of them, so we're carrying 37. What I'm saying is, I'm not saying we get rid of them all because we are going to hire some and I'm thinking that there was 124 on the City side also, which is kind of ironic that they match, and 69 of them are on the Police Department. We're not going to hire 69 policemen in this next year, I promise you, we're not. So, is it possible for us and I don't know what those dollars look like, but could we and I'm not saying I'm advocating for reduction in our Police or our Fire or any positions. I'm just saying the amount that we carry on the books today to fund this bridge repair, what would that look like? If we cut the 37 in half and the 69 in half, because that's probably more realistic as to what we think that we could probably get hired in the next year. I don't know if we have ever hired 69 policemen in one year, so maybe we can use that and I don't know what that reduction in number looks like as far as a dollar amount.

Mayor Garner asked, was that a question? **Commissioner Stites** said I'm trying to find out what that looks like in a dollar amount. What would that look like on those funded positions cut in half, what kind of dollars are we talking about? **Mr. Lindsey** said the Police positions is 69—I know we had an in-depth conversation about a couple weeks ago, but I want to say that the whole 69 they weren't funded, but they were. There are 124 vacants within the City General Fund and then there was an amount that we do have funded and I can't remember. **Commissioner Stites** said I

think I have maybe found it. I think it's 56 on the City side, 37 on the County side, which is what I think I've just identified which looks like on the City side 2.3 mills and on the County side 2.6 mills. I know we're not talking about mills today, we're talking about dollars, but if you just talk about 2.6 and what that equates to in a mill, a mill on the City side is what, \$1.7M okay times two, just doing a little short math, that's \$3.4M. We've kind of just identified some money to get our bridge repaired.

Commissioner Townsend said I like the way my colleague is thinking about that, but I'm looking at the \$4.3M deficit we have in the City fund right now. My point is, I would like to see as the Commission has charged Madam Administrator and staff to come back and look at some other funding sources too because I don't know how else we could decrease that red in the City funds. I like the idea about the project and getting it funded. I'm also cautious when staff comes back with options. I hear in my head what—is he gone, no, there's Mr. Fisher, his recommendation that we not look at some of the CMIPs. That's what's got us to the situation before. We can put them in, but I guess I'm not favoring that, but if we're looking at funded, but vacant positions, and I give the visual that the money is there in the budget, but the seats are not filled yet. I see that as a way to decrease our \$4.3M deficit that we have.

That's the other part to the equation that since Commissioner Johnson was tiptoeing, to use his term, that's the other part of it, you know, taking those expenses and looking at where we're really expending money right now and that's in personnel services.

Commissioner Burroughs said this is something that was brought up early on during our budget discussion and I think it's morphed into that we were looking at cutting personnel and that's not what this was about. I appreciate my fellow colleague bringing it up and you're absolutely right, it was 124 in each, City and County, 42 of those were in Police, 25 were in Fire, but it wasn't broke out as—we had 56 funded as you stated on the KCK side, 37 funded on the County side. If we were to take half of those and I believe the average salary was figured at \$95K that was presented to us is \$4.3M in savings. If we took and just cut half of those vacant positions that are presently funded, if we're going to hire 37 people or 56 people within the next three months, then it would be a moot point to do this, but if we're not going to be able to, there's additional dollars moving forward. We're not eliminating all the positions, we're not telling people where we need to go

within the budget and have it brought to us as to what positions are being funding in what departments and make a decision as to which half we are going to pull back for a year or two to meet the funding necessary to meet the bridge and to keep from taking out of our ending balance for long-term stability.

I still say that is the less painful way to go. These are individuals that haven't been hired yet, we're not impacting present personnel and I really am remiss to think that when this subject got brought up it was going around that we were looking to cut personnel. Whoever started that rumor, you're doing a great disservice to the employees here because that is not what the Commission stated. We were looking at the vacant positions that haven't been hired, positions that are out there. That's what we were looking at, not to come in and start cutting employees because that's the last thing we want to see happen. It serves none of us to do that.

So, I like this and if it's in form of a motion, I would even advance it even a little further that we take action on at least remedying some of the financial situations we are in tonight in reference to the bridge and additional dollars needed to balance the budget.

Commissioner Townsend said I would prefer to see that we go on as recommended earlier and let staff, through the Interim Administrator, come back with the multiple options that have been discussed tonight and maybe some others without taking immediate action right here, act in haste repent at leisure. I am for finding money to get the bridge done, you know, the temporary repair, but I would like to see those options explored and let staff come back with that.

Ms. Harrison-Lee said I want to provide some clarity on the vacancy and how these vacant positions and the funding and what's really available in terms of funding, so I'm going to turn to our Assistant County Administrator Alan Howze to kind of speak to that component and provide some clarity on funding that is available with vacancies.

Alan Howze, Assistant County Administrator, said I think as we talked about at our last budget workshop in terms of the vacancy rate the budget is built on an assumed vacancy rate that follows the trends in the organization. That doesn't move necessarily all that much, but over time it can move depending on how the economy and how easy it is to get employees or how challenging it is in the market. So, our vacancy rate in our budget assumes a vacancy rate that is already built in

and it's around, say, 8%, 10%. So, we assume in the budget that there are 10% of positions that won't get filled during the course of the year, so we have more positions on the books than we actually have dollars to fund them all because we know that we're never going to be fully employed for 365 days a year.

I think what we're hearing perhaps from the Commission is, can you push up on the vacancy rate in order to kind of hold back on positions in order to free up sort of additional cash to fund the bridge or other priorities and the answer is we can. As management we can kind of turn that dial to a degree. We did it, for example, during COVID when we kind of really clamped down on hiring and that does show up in the bottom line. It kind of shows up in some of those numbers that we were seeing earlier tonight, but it does also have organizational and work impacts because if somebody's not in that position, ultimately that work is not going to get done. We can adjust the vacancy rate. We can use that as a tool to kind of manage within the organization, but also just knowing that it has other medium-term impacts within the community.

Mayor Garner said just circle back on the original topic and I'll let our Administrator weigh in as well. I appreciate the comments by Commissioner Johnson and I do agree we have to be intentional with economic development. That's one thing I've been saying. I think that's the partial way out of our financial situation is really focusing on economic development and I know you all have heard me say it and I just hate to keep repeating myself, but when you talk about being intentional with incentives, I believe we do need incentives to attract developers here. They just have to be responsible and that's just my opinion.

When you look at some of the agreements that have been done, I asked our Economic Development Advisor to just provide what's the return on investment and what's the cost of benefit analysis for our residents in Wyandotte County. That's something that we really need to pay attention to when we talk about these types of development incentives to some of these developers, especially the larger ones that may not need as much, especially in areas where we have a lot more leverage because the land may be valuable by its geographic location as opposed to areas that may not be as desirable. And we may want to offer enhanced incentives to get the types of growth opportunities that we know we need to expand our tax base bringing the residentials, the brick and mortar businesses, the big and small that can provide jobs as well as anchor residents right here in Wyandotte County and, hopefully, attract new residents and business opportunities to Wyandotte

County because that's really part of this conversation and I know staff somewhat hit on it, our revenues are stagnant and we're not bringing in a lot of money. How do we bring in money, we bring it in with economic development. So, if I had a call to action for all of us is that we really focus on economic development for Wyandotte County and not just east of—not just west of 55th but east as well and bring that balance and look at some of these great opportunities.

I can tell you just talking to LaVert Murray, Mr. Murray is really taking a hard look at this along with staff, Katherine Carttar, Gunnar Hand and trying to work with them. I've been having conversations with our Administrator and some of you as well on really trying to ramp up identifying some of these bright spots for opportunities for economic development and we've identified a few of those. For example, tomorrow Mr. Murray has put together a coalition or delegation, I should say, of individuals that are trying to court a developer over to Commission McKiernan's district to, hopefully, enhance possibly, at least have that conversation how we can enhance and grow the Rock Island Bridge development in that entire area.

Looking in Commissioner Davis's district with Indian Springs, a valuable opportunity there. Commissioner Johnson's district, when you talk about downtown, as well as opportunities that we know exist from certain developers' interests in Argentine, Rosedale, and Armourdale and then the continued interests that we get outside in Village West. I think we just need to really have a strategic plan countywide when it comes to economic development and I know our Administrator has talked about that, she's pushed that, I support that. I think our way out of this long-term has to be a hard look at how best to bring in a type of good services, resources, and economic development opportunities that are going to expand our tax dollars and also provide, not just providing goods and service, but the jobs that can really cause a resurgence in Wyandotte County. Administrator, do you want to piggyback off that?

Ms. Harrison-Lee said if there's any recommendation, the recommendation would be that you can't cut your way out of this, you have to grow your way out. We talked about previously in one of the presentations that residential doesn't pay its way. It doesn't pay its way when the homes are a million dollars, so it doesn't pay its way at \$150K. The value of the mill that we presented earlier, we saw the value of the mill in various counties and so when you look at the value of the mill, what we're seeing is the value of the mill is higher in those counties in Kansas that has an

appropriate balance of residential and non-residential growth, mainly commercial, so that we're getting that high dollar value type of economic development work.

In order to be competitive, we have to look at the ease of development and look at how timely developers can get through our process, look at our mill, look at our incentives, and looking at projects that can serve or a project that can serve as a catalyst for additional development. The strategic plan will absolutely be a start in that direction. The second part of that will be kind of the implementation action plan that looks at incentives and that's looking beyond just the state incentives, but looking at what we can do with local dollars to be able to generate development, but this is not cutting your way, this is growing your way.

Commissioner Stites said, County Administrator Lee, I appreciate what you said and I agree that we're not going to be able to cut our way out of this, but just like a cut, you have to stop the bleeding before you start putting stitches in. I agree with you and I will tell you, again, I'm going to go back to what I said about development and developers, I deal with them every single day. I'm not wanting to talk negatively about a single department, but our process of getting through from application to permit is terrible. I mean terrible. There are developers I know firsthand that have walked away from Wyandotte County because they said of the slow process that it takes and that they're being told, well, we can get—we can schedule a meeting in three to four months. Well, you know what, developers don't have that kind of time to wait.

If we want to sit and talk about how we increase economic development, which equates to sales tax dollars, which equates to bailing ourselves out of this, we cannot have departments slowing us down and slowing that process down. We have to streamline it. I have said for many years, back when I was on the Schlitterbahn Development Team and making recommendations to commissioners back then, at the end of a project we should have a checklist that's handed out to those developers, what did you like, what did you not like, how did it go, where was it fast, where was it slow, what would you change, how would you address this because there's a grading system there. That's how we take it. Just like you all, you all get evaluations at your jobs, our employees get evaluations. Well, where's the evaluations on a project. To answer the question, there's not one.

If we would take that information and we would—I'm not saying cut jobs or fire people, but maybe it's just education or how do we streamline it to make it where development is that

people want to come here. We can't have a high mill levy and bad customer service and think that we're going to attract economic development.

Mayor Garner said thank you commissioners and that's a good comment and I know that Commissioner Johnson is actually the Chair of a committee or task force that's looking at that and working and they're doing some hard work and some good work. I've been following what they're doing to see how we can remove a lot of the bureaucracy, streamline the process that will allow for ideas to shovel ready to happen pretty quick. The goal I know they're working on is really to try and be the leader in the metro of being the place to do business because it is easy to do business and I agree with you, we don't talk a lot of it, but Commissioner Stites said you know customer service has to be a part of that because you can streamline the process, but if your customer service is raggedy, I'm still not going to want to do business. Some of that is accountability as well and so I think those three components coming together along with the strategic plan and really courting the right developers to our Economic Development Director.

I think the future is bright in that regard because Wyandotte County, how we're positioned just in the metro, and we've heard this before, we're centrally located, we've got great access to just anywhere in the metropolitan area. We've got an international airport that's going to come online and when you look at what's going on south, especially in Lenexa, up north, they're pretty much landlocked downtown in Kansas City, Missouri. I believe right now Wyandotte County is well positioned with the value that you get with land to really become the place to do business and I envision just a resurgence in Wyandotte County at some point if we can get all these components and work together as a team, all of us, staff, community, Commission, Mayor's Office. I don't need the credit because really we all just want better for folks in Wyandotte County. We want Wyandotte County to be the best place and the first place people consider when they want to think about having a place to live, work and raise a family.

Commissioner Ramirez said maybe the Administrator or maybe Commissioner Johnson can answer this. What is another municipality that we could look at so that we can look at on our own personal time study the development process. What other cities are pretty efficient so that I can see—because I know our development process and I would like to see other cities, so I didn't know if you had any suggestions of which cities we could look at or I could personally look at on my

own personal time and just review their process? **Commissioner Johnson** said similar size though. **Commissioner Ramirez** said similar size. **Ms. Harrison-Lee** said we can get you something on that. **Commissioner Johnson** said I would say I just was hearing something about like Austin. Austin, Texas, Nashville, Tennessee that are similar sized cities like ours that seem to be very progressive right now and growing. Those are just two that were right off the bat when you asked that question. I was just hearing that a couple days ago, so might look at them to start with and maybe the County Administrator can give you some more clarity on that.

(Mayor Garner was out of the room at 5:48 p.m.)

Mayor Pro Tem Bynum asked where are we. Are we moving to the next item because if so, I'm going to give us a 10 minute break. I don't think we made it all the way through your slides, so I want to ask if we are trying to continue? We never even talked about the CMIP pages. (Someone was inaudible due to mic not being on). **Mayor Pro Tem Bynum** said okay. Yeah, why don't we do that. We still have another presentation. We just need to be mindful of our time. Come back at three till six.

(**Mayor Garner** reconvened the meeting at 5:57 p.m.)

CAPITAL MAINTENANCE & IMPROVEMENT PROGRAM

CMIP Updates



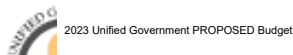
Mayor Garner said if our Finance team, on your presentation, if you can kind of just work through it in the interest of time. You've got a hard 15 minutes, so if you can just walk with us into it, so we can get to our next presentation. I know we have other individuals that need to get on deck to make their presentations as well, so thank you.

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Mr. Lindsey said what we're going to go through is a Capital Maintenance and Improvement Program, CMIP Updates. We had a CMIP as a whole Commission meeting back in May and so there have been some changes to the CMIP since then and we want to highlight those changes.

CMIP Updates Cash Projects: City & Parks

Project Name	Fund	Department	2023	2024	2025	2026	2027
...	...	...	...	...	...	...	...



We can see here on the screen we have a CMIP schedule as it kind of looks in the budget document and kind of what you have going across the top, you have the fund and the department and the CMIP project's name and then you have the 5-Year CMIP schedule. So, I'll just kind of talk through over here, we have the changes and the pages that they're on. The first thing that we have is we have \$7M that was not in the budget document or not in the CMIP we presented you back in May. This is the \$7M that we have set-aside for ARPA funding and it is in the City General Fund. All these projects right here in this area are in the City General Fund and that \$7M being one of them.

Also, we have this project down here, which is E-Citation, which is in the Technology Department. The dollar amount had dropped on this particular CMIP project and then here we have \$600K that was set-aside for the Turner Fire Station. The cost on the Turner Fire Station increased by \$2.1M and we have funding in the amount of \$600K in the City General Fund and there's funding in other funds that don't exactly show up here that we will end up seeing. We also have the Annual Pavement Preservation. We have an additional \$1.2M in the City General Fund. This is part of the 25% increase that we have in Pavement Preservation across the budget. It ends up being like \$2.1M just across the board. The other portion is in Special Street & Highway Fund.

Here we have some park projects that did not get captured, so this section right here starts the Parks section and basically what we have are about three new projects being the Park Sidewalk & Trail Improvements, Pickleball Courts out in Wyandotte Lake, and then Neighborhood Park Improvements.

Commissioner Johnson said just quickly, where's the column for 2023. I thought it was a stupid question, but never mind, astute, I'm sorry. You need to enunciate. **Mr. Lindsey** said somehow it has disappeared. Sorry. **Ms. Jonscher** said we can send out revised ones when we unhide the column.

Mayor Garner said we need to move on. If you can get that information back. **Mr. Lindsey** said I will do that. **Mayor Garner** said that would be great. If you could go to page 22 and start there and just go from there. **Ms. Jonscher** said we're having a little trouble with the slides.

CMIP Updates

Debt Projects – City Debt, Sewer & County Debt

DAME GEDACHT									
20-21 Paper and Network Improvement Paper (24)									
20-21 Paper and Network Improvement Paper (24)									
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
1st	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
2nd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
3rd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
4th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
5th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
6th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
7th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
8th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
9th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
10th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
11th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
12th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
13th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
14th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
15th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
16th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
17th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
18th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
19th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
20th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
21st	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
22nd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
23rd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
24th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
25th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
26th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
27th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
28th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
29th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
30th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
31st	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
32nd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
33rd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
34th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
35th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
36th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
37th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
38th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
39th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
40th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
41st	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
42nd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
43rd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
44th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
45th	1st	2nd	3rd	4th	5th	6th	7th	8th	9th



2023 Unified Government PROPOSED Budget



Mr. Lindsey said this particular slide is our Debt Projects. The first one we have is \$10M that was not in the schedule when we first presented it to you all. When we put this in the budget document back when we presented the budget on August 4th we had an estimate of \$10M, so now that estimate has definitely changed, but what was in there on August 4th was a different change from when it was presented to you back in May. Some of the other changes include—one of the things we had to do with building new fire stations with our debt authority, we had to combine land purchases and so you see up here all the land purchases. Lines are vacant, so we had like a

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half million dollars in land purchases for 2023 and it was combined into this line right here and then we had another million dollars that was for land purchases for future fire stations and it actually got rolled into the project. It was just something we had to do as a technicality, so that was the change there. It was also the case here for this fire station, the third one.

We also have the Police Tow Lot which had a \$2M cost increase and we were able to find funding from another project that the Police Department had and that original project was like \$3.7M with the chiller system at the Police Headquarters. We took \$2M from there, it was like \$3.7M project at first and we moved \$2M of it to 2024.

We also have the Sewer Maintenance Facility where cost went up \$10.3M and we built that cost into—across two years in 2023 and 2024. Then, also down here at the bottom we have our Radio Project that is going across the county. Originally, it was in the County General Fund. It spread across five years for \$3M, so we found a way to value engineer it and the cost is going to be \$7M now and we're going to pay for it up front and we'll use funding in the County Debt Fund and then also we have funding in our Capital Projects Fund. Then we also have funding in our County General Fund still. That kind of wraps up the debt (inaudible)—the debt for the sewer in the County.

Ms. Jonscher said the next two items are just—I wanted to let you know there are some items that we are following up—**Mayor Garner** said we've got a question.

Commissioner Davis said my apologies. I didn't want to interrupt. This question either could be for you Reggie, Finance, or Public Works. Has there been any cross-examining between the information that we were given and we paid good money for Ameresco as far as facilities that were like—they were graded at an F meaning either we get rid of them, we off-load them, or we totally renovate them. Has there been any cross-examine between that and our CMIP? **Mr. Lindsey** said when we do go through our CMIP process we do touch on buildings and where they are functionality and things like that, but we have not touched on if we're getting rid of any buildings or anything like that within our CMIP. I know John Kelly, our Buildings & Logistics Director, is here. I don't know if there's anything he may want to say to that. **Commissioner Davis** said that would be helpful.

John Kelley, Director of Buildings & Logistics, asked, Commissioner, are you referring to what we just saw here with the few slides on the CMIP for the fire stations and the water maintenance facility and the CSI/tow lot? **Commissioner Davis** said not—I mean that, but just kind of the overall CMIP. I just wondered if there was kind of a cross-examining of what we were told. You know it may not be good to put money towards that. **Mr. Kelly** said those will be being built in the out years to come. We still plan on presenting that to you guys as a full commission, the Tiering Study, that will kind of show as that study is wrapping up more what we're going to be able to do with some of our square footage and analyzing space that we don't need and such. The things that you saw here today, the water maintenance facility, for example, the Water Pollution Plant now is in horrible condition and that was one that was showing to be replaced, so that is one of the spots. CSIs currently at the Police Headquarters facility and it's not adequate for what they do so that's another reason you see them. Their space will be able to be used in other ways at Police Headquarters, but in the future years you will start seeing some of those things that come out of the Ameresco project showing reduce cost.

Commissioner Davis said it would be my recommendation that you all kind of look at it now just so that we can kind of get things moving. I just want to make sure we're not throwing money at buildings that we're never going to have the funding to be adequate for and for us to get that information as soon as possible so that can be proven with our dollars.

Mayor Garner said I've got a quick question too. I just noticed that the Central Avenue Bridge Removal, I know that—I think the consensus tonight and even in the infrastructure meeting is that we wanted to preserve Central Avenue Bridge or at least look at ways we could do that. I'm seeing that there's \$10M and I see removal, removal to me means tear down and I believe that there were some other options there. Mr. Fisher? **Mr. Fisher** said we're hearing loud and clear. I think the best way to look at this is if the UG can't find enough funding to replace that bridge, it will have to come down and it will have to come down in a few years. The liability increases each year, so if the UG does find the funds to replace it, then we replace it, but if not, we got to take it down.

Mayor Garner said well, I think that contradicts some of the information out there that we've gotten. Is Mr. Murray still here? I think there are other options out there and, Mr. Fisher, hopefully, if you're not aware, maybe Mr. Murray could bring you up to speed on just as far as some options that Mr. Murray discovered in his research.

LaVert Murray, Economic Development Advisor in Mayor's Office, said yes, Mayor, certainly Mr. Fisher is aware. The Benesch Study shows that there are several options for the Central Avenue Bridge and, of course, one option increases or gives you a 10-year life span for about a \$6M repair. Of course, that would give you time to pursue other federal funding for complete rebuild, but there are options in that Benesch Study and Mr. Fisher certainly is aware of those.

Mayor Garner asked, can you talk about the value. I mean just some of the things you've talked to me about. If we're going to tear a bridge down for \$10M, but you can get 10 years out of it for six, just kind of your thoughts on that. **Mr. Murray** said as you know, Mayor, we have met with part of our federal delegation, our legislative team, on this. We know that, for example, Congressman Cleaver, Congresswoman Davids, supports saving that bridge and that's why we looked at that \$6M ten-year option because Congressman Cleaver has committed to do everything he can to help the UG and the City save that bridge considering it vital to the CID and to the city of KCK and KCMO. We believe that there are developments in the CID area coming and the Central Avenue area that would also put a greater value on that bridge.

It's certainly my belief that it's worth it to try to salvage it if there is a credible option and, of course, \$10M to tear it down, that's fairly expensive if we can save it for 10 years.

COMMISSION FOLLOW -UP

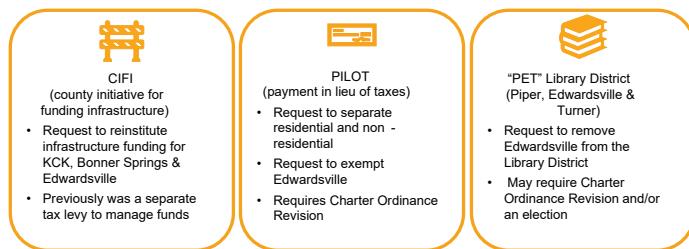
Next Budget & Future Topics



Ms. Jonscher said just the follow-up items.

August 25, 2022

Explore for next budget



 2023 Unified Government PROPOSED Budget



These next two slides are items that have been previously brought up or discussed, so just wanted to let you know that they are not included in this year's budget; however, we are still looking at these items. CIFI was the County Initiative For Funding Infrastructure. That was—we have not included—**Mayor Garner** said we've got a quick question.

Commissioner Stites said I'll make it quick. I do want to see them included in this year's budget. **Mayor Garner** said with that, and maybe it's a question better for our Administrator, is that a viable option? Can you include the CIFI responsibly in this year's budget? If so, what does that look like and if not, why not. I think that's a question that really I know the Mayors of Bonner and Edwardsville are interested in and I'm sure that Commissioner Stites and Commissioner Burroughs would be interested in as well.

Commissioner Stites said, Mayor, I just want to add to this. I want to be clear on this, the CIFI. It says County, it's KCK also. It's not just Bonner and Edwardsville. It was broken up in lane miles for all three cities, so all three cities received funding out of this one percent County mill that was allocated per lane mile, so this isn't just Bonner Springs and Edwardsville. I want to make that clear. This will benefit all three cities and for street preservation.

Also, we can talk about the PILOT when we get to the PILOT, but that was a program that was in place that was pulled, and I believe that we said in 2008, with no discussion to the other two cities that I'm aware of and I would like to see that put back in place.

Ms. Harrison-Lee said we were going to actually speak to the PILOT and the Library District component. **Mayor Garner** said the question about the CIFI, is that a viable option from the Commissioner's request to get in this year's budget and if so, what does that look like and if not,

is there a reason as to why just to clear up some curiosity. **Ms. Harrison-Lee** said yes, I'll defer that to our Assistant Finance Director, Debbie.

Ms. Jonscher said when this program was previously set up, there was a separate levy set aside for the CIFI Program so that it could be tracked. Currently, right now, with the fact that we've published our budget, we cannot add an additional levy. That would be an increase to—even though it's a set-aside—well, let me think about this. It wasn't—I believe it was a different fund so it was taken out of the County General Fund Levy and it was set up as a new fund. Now that we have published the levies which includes publishing the levy for each individual fund we cannot add another fund at this point based on what we currently published. **Mayor Garner** asked is that mandated by statute or what's causing that limitation? **Ms. Jonscher** said for the approval of the budget because we held the public hearing and we had to publish all the funds and their levies 10 days prior to the public hearing that was held on Monday.

Ms. Jonscher said I did also want to note that did include not only the three cities, but it also included Lake Quivira getting a portion of that.

Commissioner Burroughs said in reference to Bonner Springs and Edwardsville, was Loring Drive included in that? **Ms. Jonscher** said the payments were issued to the city, so it was the four cities. It was KCK, Bonner Springs, Edwardsville, and Lake Quivira. **Commissioner Burroughs** said I know we had a contractual obligation with Bonner Springs to take care of Loring and last year, if I remember correctly, it is now our responsibility, so I would want to ensure that we give consideration to ensuring that Loring is included in either the—probably the KCK portion now that it's back in our wheelhouse. I just want to make sure that we don't forget that part of our community even though it's really far out west.

Commissioner Stites said \$1,000 allocated to go towards Loring, that's what I'm reading.

Mayor Garner said I hate to prolong this conversation, but this is for our Chief Legal Counsel, some of the questions that I know have been brought up about the legalities of the Kansas City, Kansas Police Department, the Kansas City, Kansas Fire Department providing services to Loring. Normally you have those interlocal agreements. I believe the city of Kansas City, Kansas, the city portion of the Kansas City, Kansas Fire Department, but this is a County function. I know

the Sheriff has jurisdiction. Have we looked and determined the legalities of that as to these city agencies?

Just my concern is, especially for our Public Safety officials, not being invited into that location and it not being in their statutory jurisdictional areas of authority. The big question is, how does that work from a legal standpoint and does that provide legal jeopardy, especially our police officers, they may have to take some type of legal action in that area if they're summoned outside of the Sheriff's Department and what that exposes them to when they're outside of the geographical lines of the city of Kansas City, Kansas.

Misty Brown, Chief Legal Counsel, said to make sure I understand the question, you're wanting to know about potential legal liability if KCK police officers went into the area of Loring in the right environment, okay. In the past, we had an agreement with Bonner Springs to provide services to Loring. We had an interlocal agreement that has since dissolved. It's a little bit complicated being a Unified Government in that we can't really form a contract with ourselves for a mutual aid agreement since we are one entity. So, as we have—like speaking with the law enforcement piece of it, my understanding is the Sheriff's Department is the one providing the law enforcement services there, but they could request aid from the Police Department as a form of a mutual aid. When we're coming to liability, it could be slightly, you know, we know we would have to explain the relationship if something happened, but I wouldn't think our liability increases one or the other since we are still Unified Government of Wyandotte County/Kansas City, Kansas.

The Fire Department is the one providing services there. Also, with—you know it's not formally a mutual aid agreement since again it would be contracting with ourselves, but we could also—so they're the ones providing the service since Bonner didn't wish to, so it would be the same as having a contract with the city of Kansas City, Kansas to provide those services. While it's not ideal, I think we are still under the confines of the law in providing these services to Loring, but it is something we should continue to look at and finalize.

Mayor Garner said on that, I just—because we ran into that issue with the Police Department back in the 90's and you just get into these jurisdictional questions. I know of several court cases that came as a result of that, one being criminal. When you don't have those agreements or something from the Attorney General that can at least give us some guidance, maybe that's something we need to look at our State Representative, but you're talking about KCK funds being used for County function and KCK services being used for a County function and that's kind

of one of those consolidated unification things where you still have Kansas City, Kansas proper. I just haven't seen that until recently and I think we've kind of opened a Pandora box with that. So, if we can get some type of legal guidance or just disposition on it, I think that would be great and I'm just looking out for our Public Safety officials. The legal implications and potential jeopardy that could be there, I just want to make sure that's cleared up. That question is clear because it's just a question right now.

Ms. Brown said I think it's a great question, Mayor, and I wasn't speaking to the budgetary impacts of it. I was just merely speaking to the actual folk like law enforcement's provided by the Sheriff. If they ask KCKPD to come and back it up, I think they can certainly come and do that as a Unified Government to provide assistance just like we could provide some temporary assistance across county lines if need be. But I think we can certainly look into it further.

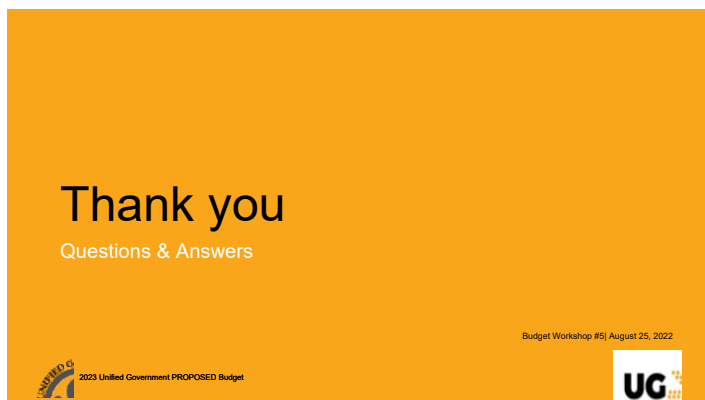
Ms. Harrison-Lee said I just wanted to touch base quickly on the PILOT and the Library District that will be—they require Charter Ordinance revisions. I know that you have the subcommittee that's looking at that, so this is something we would anticipate providing some support to those subcommittees to look at those in the future and then I would like to go to the next slide, Future Topics.

Future topics



There was discussion at the last meeting about the appraisal process, looking at our debt obligations as well as a report of all of the economic development projects. That was one of the items that our consultant also recommended that we look at. So, I just wanted to put those back in front of you

and let you know that we will be looking at these items, not as part of this budget, but we will be looking at them to get information to you in a future work session.



Mayor, that concludes the report on the budget and we would like to move to the Station 15 proposal at this time.

Commissioner Stites said I have a question. I understand on the CIFI, well, I'm going to back up. I go—I'll start with CIFI. I don't know how much more clear it could have been when we had both Mayors from Bonner Springs and from Edwardsville come in and give a presentation to us and everybody in this room I'm pretty sure was there, and said their needs, their thoughts, what they would like to see in this budget. I said it multiple times and for us to act like it never even happened. I mean I would have liked to know, well hey, Commissioner, you're coming up on the deadline if we want to include this. I wasn't given that opportunity. I think we just, once again, to Bonner Springs and Edwardsville showed how much we really value them and treat them as a partner, Unified Government, I think it's disgraceful.

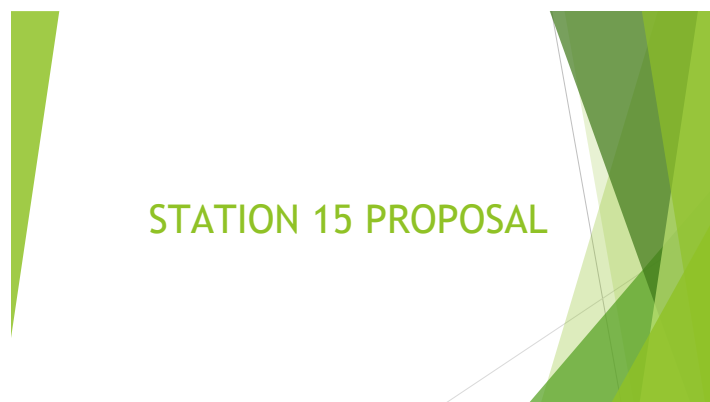
Anyway, when we go to the PILOT, I know that does take a Charter Ordinance change. What I'm asking is that if we could do an intergovernmental transfer of those dollars at the end of the year until this PILOT gets resolved and that doesn't take a Charter Ordinance review. So, I'm requesting that in this budget we do an intergovernmental transfer of the PILOT dollars that Edwardsville and Bonner Springs pay at the end of the year that goes back to them.

Commissioner Davis said I won't be long because I know we have other stuff we need to get to. When are we voting on this budget? **Ms. Harrison-Lee** said September 7th, is what we've been

asking. **Mr. Lindsey** said 15th. **Commissioner Davis** said September 15th we're voting. Okay, that's ample time. I think we're not all going to agree on what should go in this budget and so for us to land this plane, Cheryl, my request is that you try to meet with us maybe individually and just see what can get six votes to pass, seven probably preferable, because we need to land this plane and we need to get some consensus to see where the majority is at. I don't say that to discredit anything else, but I am slightly worried that we're making some dramatic changes to the budget this late in the game.

I would also add for next year's budget if we can consider some new revenue in the Transient Guest Sales Tax. That would be amazing because a lot of this is money that's going to be taken out, not a lot of it is going to be money coming in.

Mayor Garner said we're going to move on from this. Thank you for the presentation, appreciate you all.



We're going to ask the Fire Command to come forward and the IAFF representative to talk about the proposal for the Fairfax Fire Station which is Station 15. Going back, I know some of the commissioners had gotten together with myself and some staff due to recommendations that we would like to explore, options that this Commission could consider to hopefully, responsibly open this fire station. So, I think we were right at this point and really the call to action was for both the union and management to come together and present those recommendations. You all can take it from here.

JOINT L64/DEPARTMENT PROPOSED STATION 15 SOLUTION

- ▶ L64 and the Department, at the direction of the Commission at the 09 June meeting, held a series of meetings relative to the potential reopening of Station 15
- ▶ Their instruction was to prepare a joint presentation to the Commission tonight, 25 August
- ▶ The next two slides represent proposals that have been collaboratively formulated

Mike Callahan, Chief of the Fire Department, said so on Local 64 in the department at the direction of the Commission on the 09 June meeting, we held a series of meetings relative to the potential reopening of Station 15. The instruction from the Commission was to prepare a joint presentation for tonight, 25 August. The next slide, it says two, but it's more than two, it's three represent proposals that have been collaboratively formulated.

PHASE 1 - SHORT-TERM

- ▶ Initially, reoccupy the current Station 15 with a member reserve (spare) pumper utilizing OT
- ▶ Total OT cost 2022 ≈\$ 509,076.48 (Sept-Dec)
- ▶ Continue OT until new hires are onboarded in 2023/2024
- ▶ Total OT cost 2023 ≈\$1,590,870.00
- ▶ Create and approve PINS for 17 new personnel 3 captains, 3 apparatus operators, 11 firefighters (approximately 8 month non-grant funded hiring process & a 16 month grant funded hiring process)
- ▶ Recurrent annual personnel costs (including fringe benefits) = \$2,340,432.00 (beginning in 2024)
- ▶ Total cost of Phase 1 ≈\$3,931,302.00 over the 18 month period

Phase 1, Short-Term, we initially reoccupy the current Station 15 in Fairfax with a four member reserve or spare pumper utilizing overtime. The total overtime cost for 2022 would be \$509K and that's for four months. That was just put in there because I didn't know if the Commission had the appetite to begin September 1st or January 1st, but that's the overtime cost for four months. We would continue overtime until new hires are on board in 2023/2024. Total overtime costs for 2023 for the full year is \$1.6M--\$1.59M. We would need approval to create and the Commission would have to approve PINS for 17 new personnel, 3 Captains, 3 apparatus operators, and 11 firefighters. That hiring process takes approximately 8 months if it's non-grant funded and 16 months if it is grant funded. The recurrent annual personnel costs, once these people are on board including fringe benefits, is \$2.34M a year. The total cost of Phase 1 is just under \$4M and that's not

counting the overtime for the first four months because that was just put in there, but the overtime costs are \$127,269 for 2022 a month for overtime. Then, 2023 it's \$132,572 a month for overtime.

PHASE 2 - MID-TERM

- ▶ New pumper delivered in 2024
- ▶ Purchase of new apparatus cost = \$750,000.00
- ▶ Staffed with the FTEs hired in Phase 1

The Phase 2 – Mid-Term, would be the purchase of a new pumper to be delivered in 2024 because the spare pumper is not going to work forever. We have a weak spare fleet as it is and that's going to remove one of the better rigs from the spare fleet and become a frontline pumper, which it shouldn't be. That new apparatus would be staffed with the FTEs hired in Phase 1.

PHASE 3 -LONG TERM

- ▶ This phase is to be recommended by the Master Plan Committee per Article 35 of the MOA
- ▶ It involves a Fire/EMS service analysis through a joint Union - Management process
- ▶ The parties have formed a strategic planning committee and have appointed representatives to this committee to develop recommendations relevant to Fire/EMS service
- ▶ The final Master Plan recommendation/s shall be presented contemporaneously to the Commission prior to the end of 2023

Phase 3 – Long -Term, this is also part of the MOA. This phase is to be recommended by the Master Plan Committee per Article 35 of the new MOA. It involves a Fire/EMS service analysis through a joint Union-Management process. The parties have formed a Strategic Planning Committee and have appointed representatives to this committee to develop recommendations relevant to the Fire/EMS service. The final Master Plan recommendation or recommendations shall be presented contemporaneously to the Commission prior to the end of 2023. That's it.

Commissioner Kane said we have somebody from Labor Council, Bob Wing, here and I would like him to speak as well.

Bob Wing, President Emeritus of the Firefighters Local Union in Kansas City, but I'm here representing the Central Labor Council tonight. I think as all of you are aware through the history of this labor council has membership in the Fairfax District and all that business down there. The better part of—highest percentage of 10K employees per day come into Fairfax and the highest percentage of those are members of local unions that are members of the Labor Council also, so we have a vested in that and specifically the safety of the employees in Fairfax down there as well as the firefighters.

We appreciate the Fire Department and Fire Union working with us on this issue. I would—and I'm not going to blindside these gentlemen. They've done a good job of preparing the presentation, but being a retired firefighter and negotiating a majority of the contracts over a long period of years, there are several points that the Labor Council would like to make. One is still our position that the measurement of the Fire/EMS service in Fairfax should be based on the potential down there. Not only the potential of the volatility, volatility of that area, but the potential of the problems within the infrastructure and by that I mean the street problems and more specifically the railroads and ironically—I mean I'd rather be lucky than good and this is not a good situation, but it couldn't be illustrated better than what happened this afternoon in Fairfax.

We advised this Commission over a period of months that the railroads were a problem down there and this afternoon I was forwarded a report from the Fire Department, a run report, where there was a multi-vehicle accident at Fairfax & Quindaro. The station at Fairfax & Quindaro responded with the ambulance and fire truck. Almost three minutes into that call, they reported back to headquarters that they were blocked by a train and couldn't make the alarm. Now, for those of you who can picture that area, they were probably a half to a three-quarters of a block in that alarm and couldn't make it. The only way that the station at Quindaro could have made that alarm is go back up to 7th Street and come around. They called for the pumper out of headquarters to make the alarm. I hope everything worked out today for those people that were involved in that, but that's another piece of the potential that we're talking about. That area has problems with as it pertains to opening that firehouse down there, reactivating that firehouse. That would not have been an issue if 15 was open down there today and they were in. There are a lot of unknown

variables when it comes to fire protection and building your Fire Department, but you certainly build it off the potential, not off the history.

I hope that fire station never runs another fire alarm again if you open it back up and we all should hope that, but with everything that we've discussed over a long period of time we think it's time to take another long look at that for the protection of that area and the firefighters.

One added issue that I would like to bring up, as the Chief spoke to the MOA, and I did call the department and the union both, and I listened to the budget presentation this evening and I know there are some budget constraints as there's always been within this government. The MOA that was just negotiated and signed between the Fire Department and the Fire Union and executed and approved by this Commission allows for the staffing of the apparatus down there with a minimum of three. I know the Fire Department and Fire Union wants four and they have good reason to want that, it's not a want, it's a mandate by the National Fire Protection Safety Standard. Every pumper in this county should be staffed with four and that's my hope that Master Plan and those people on that committee this time get that sold over here because this Fire Department is underfunded and it's understaffed.

But to get that station open for the good of the workers down there, the property owners, and the firefighters who are responding to those alarms, if money is truly the object that's standing in the way, I would suggest from the Central Labor Council that the Commission look at for a short-term staffing that pursuant to the MOA with three people. We think a three-person response, specifically with today's incident, would have been better than no response from Station 15. I'm just trying to offer you a financial out, if you will, for the short term to allow these gentlemen here to come up with a better plan to get four-man staffing not only in Fairfax, but in every firehouse in this city. Mayor, I would stand for questions.

Commissioner Kane said you know they took a guy out of 8 which is out by my house and put him down in 5 to put four people on the truck because they decommissioned 15. One of the men are already right there, we're already paying him, so take that guy from 5, put him down in 15 and if we went down there with three, we would save \$127,294.12 if we went down to a three person place. A lot of you saw the presentation that Melissa Clark gave, and I don't know, I wasn't there, but one of the meetings that they had, the Mayor told them—they asked about what happens if the

train is there—I'm sorry, not the Mayor, the Chief said we have equipment that identifies and tells us where the trains are at. I called multiple firemen and that is not true.

You got to think about some things that happen. You know August 18, 1859, we lost five firefighters and one civilian down on Southwest Blvd. in a petroleum deal—I don't remember how many people were killed. In the 1980s Phillips Petroleum caught on fire and burnt down to the ground. A lot of you remember that. Eleven or twelve years ago when I was in Ohio one of the closest tankers down there at Fairfax caught on fire, 12K people, all the fuel that goes up to the airport is up there. It comes right through Fairfax and all the way up there. When I left General Motors 11 years ago, Fairfax was almost empty. Look how many more businesses we have now and these businesses have volatile, flammable, all kinds of stuff down there that would catch on fire.

Now, your family's down there, there's an ambulance running down there and there's a train in the way and your family member doesn't make it because they were 7 minute or 20 minutes and the only time they made their times that they said they made was during COVID.

I think it's important that we open it back up with three and we get it going now and the next time, Mayor, if at all possible, I would like to sit down with union and management and give them my words of encouragement in private. I worked in a joint program for 21 years at General Motors. I never ever let my management counterpart give a presentation without me doing it with him. You know you got to think about some things that happen in this Fire Department. We buy brand new vehicles, but yet our houses, our firehouses, are terrible.

Then, you have to question how much our budget has went up since 2018. I don't know, can I make a motion, Mayor, or I don't know how—a straw poll or what? **Mayor Garner** said we'll get a straw poll. **Commissioner Kane** said what I would like to do is open this with the three folks and then he talks about the fire truck. When I talked to FEMA, they'll buy—they'll give us fire trucks. If they would have asked for fire trucks when they built 12, we would have got every one of them and we'd got the manpower to go along with them. Then, they didn't apply for the SAFER Grant and then one of them they did. We could have got more people. I called up there and I asked them and they said yep, you can get them. The former Administrator and the Fire Chief opted not to. If I'd have been a union, I would have went nuts because we need to make sure that our union members, our firefighters are safe and so are the people that live here and the people that work here.

So, Mayor, I would like to make a straw poll motion that we open 15s. They have to come back 6-8 months from now and tell us what their long-range plans are. This is a very short-range plan. They've got to come back and tell us what they're going to do and the next time they need to do it together.

Commissioner Ramirez said I second everything Commissioner Kane said and I agree with just going to opening to what it was before. There's no need to have more than what it is. They can have a long-term plan. The union and the fire administration can work to create that long-term plan. I do have a couple questions and they're for Chief Callahan. How many apparatuses are staffed with four men, four firefighters? **Chief Callahan** said all of the trucks are Quints and one of the pumpers. **Commissioner Ramirez** said so all of our trucks are staffed with four. **Chief Callahan** said all of the trucks are Quints, which it's not a pumper. There's a difference, so—**Commissioner Kane** asked, J.J., is that true?

J. J. Simma, President of Firefighters Local 64, said to clarify, we've got three basic type of apparatus; aerial ladder trucks, Quints which are also ladder trucks with water, and pumper trucks carrying water hose. Our ladder and Quint apparatus are staffed with four. Only one of the 15 pumpers is staffed with four. The other 14 are running with a minimum of three, which as discussed, does not meet or is not compliant within a 1710 Standard, but that's the minimum recognized in the MOA and that's how we operate on a day-to-day basis.

Commissioner Ramirez said okay. The reason I asked the question is because I remember specifically when we had applied for the SAFER Grant, one of the reasons we applied was to get those pumpers up to four men, to four firefighters, sorry, to equip them with four. Where did those—the ones that we had applied for the SAFER, where did they go? **Chief Callahan** said we hired all of the 18 that were authorized by the Commission to be hired under the SAFER Grant. They are hired and they are in place, but as people come and go, we're still short. We're 14 people short now. When we're fully staffed, it's a different story than when we're not fully staffed. The 18 people that the Commission authorized us to hire under the SAFER Grant have been hired and they're on the department. **Commissioner Ramirez** said okay and I hope that next year whenever this grant is reopened that we apply for it and apply for more firefighters so that we can meet that standard.

My second and last question pertains to the 15. It's a lot of overtime we're going to be paying to operate this station if we were to go to four, a four-member reserve pumper using OT. If we, you, promote positions of Captain and Driver rather than fill the overtime, would it save significant money? **Chief Callahan** said well yeah, we want to do that, but we still have to open up PINS to promote those people. So, yes, we can promote them. We still have to hire people. The four firefighter overtime figure I gave you for a year was \$1.59M, three firefighters for a year is \$1.317M.

Commissioner Ramirez said okay. I originally—everyone in the room knows I supported not closing Station 15. I was strongly against it. I'm still strongly against that we did it and so I support that we reopen it. Fairfax—we received from the assistants in our Commission Office sent us an email of over 200 emails in our Commission inbox asking us to reopen Station 15. Two Hundred people took time out of their day to tell us to open Station 15. I know we say a lot here that we need to listen to our community, so let's listen. They have asked and I support doing so.

Commissioner Bynum said in the summer of 2020 we were right in the middle of COVID. We were making the decision to close 15. I asked Mayor Alvey if I could convene a group of folks to talk about finding ways to keep it open and most of you were in those meetings. Your numbers are higher now than they were two years ago, but that's understandable. They're not terribly out of line with what we saw two years ago in terms of these same kinds of ways that we were going to keep the station open. At budget time, right about now, two years ago we couldn't bring the Commission to consensus. At that time we were looking at whether there was another fund that we could borrow from with repayment later, but again it was a really uncertain time with our budget due to the pandemic and I have some understanding of why we couldn't bring the Commission to a consensus at that time. Financially it was wise.

As you stated, Mr. Wing, we still find ourselves in financial uncertainty if you will. You know we're looking at \$500K for the balance of this year and \$1.5M for '23, so a couple million dollars in overtime to operate for approximately a year and a half. I, at a very minimum, support that while we try to find the grants, find the ways to continue trying to pay for the rest of your plan if that makes any sense, but that takes us—that gets us a Station 15 that's open. If you and Commissioner Kane are in agreement that for now it'll be a three-member team, then so be it.

I don't remember what you said a minute ago about that cost savings from three off of the 509. **Commissioner Kane** said they always had four to five assigned down there, but they operated with three. **Commissioner Bynum** said I gotcha. I'm saying all of this to say that my position hasn't changed. Again, we haven't had the in-depth look this time at where we would find that money like we spent time on two summers ago, but in general I'm supportive, especially like I said, rest of '22, all of '23, while we work out the rest of the details for all the various ways where we might find dollars that aren't local to help pay for it. So, I just want to express my support.

Commissioner Townsend said I want to thank the Chief and union representatives who are involved in looking at this. The promise to Fairfax was that we would continue to look and evaluate. We have a pretty short time. What I would like is a little bit more information on—I guess the Phase 1 that you're talking about right now, what would be done right now? Phase 2 is what? In 2024 there's an additional piece of equipment. What would happen—well, let me ask this question. What would happen with the equipment in Phase 1? Where is that coming from? **Chief Callahan** said we would use what's termed a spare—right now it's a spare apparatus, but it would be put in the station as a frontline apparatus for now until we could get the new equipment to replace it.

Commissioner Townsend said so on Phase 1 at the bottom, that 3.9M plus, is that—that's personnel only, that's not the cost of equipment. **Chief Callahan** said that's correct. **Commissioner Townsend** said Phase 2 would bring in the cost of equipment, another 750K. I almost got happy for a moment. I thought Mr. Wing was saying his group was coming with some money. That was going to make me joyful, but that's not where he went with that. (Someone was inaudible.) **Commissioner Townsend** said I know. That's what I'm saying. I wasn't as joyful as I thought I was going to be. That's exactly my point, you didn't say that.

I have to say while I want the fire station open, I am still looking at a 4.4, almost \$5M deficit currently in our budget, proposed for 2023 and the significance of that, as I understand, our spending out of the General Fund is the Police and Fire expenses are paid out of that. That's part of what comes out of the General Fund. About 56M we're already spending, that's 34% of the expenses allocated to Fire, 36% or approximately \$59M.

So, when we talk about listening to our constituents, if you heard, saw, and were in attendance Monday night, people were concerned about increase in taxes and that reminds me even though we control as a Commission a portion of that equation, mill rate, times, assessed value and we control mill rate whether that comes up or goes down. It reminds me how painfully cautious we have to be with the money that we do have and cautious about adding more to a burden we've already got a death sentence. That concerns me and while I want to see Fairfax reopen, I question that now is the time to do that.

I don't doubt a thing that Commissioner Kane says in terms of how Fairfax has grown, but I'm concerned about all of District 1, all of Wyandotte County and services that we're looking at cutting now or positions we're looking at cutting now, then we turn around and talk about adding some. That is just, at this point, doesn't seem to make good financial sense.

I would like, since we're going to undertake a review sometime within the next week, the other things that we discussed earlier tonight, the time to review this and ask some more questions. It's unfortunate that I know you all have been here since 4:00 as we have, that your time to present was so short, but that's what happens in budget season. I'm sure there are some other things I would like to look at, but this based on the numbers, grieves me deeply and it's worth not going into something quick and dirty just tonight for that. Those are my comments.

Mayor Garner said I would like to let the public know that's watching and anybody that's waiting on us to wrap this conversation up, but we're going to be a little more distinct and I know that staff has to optimize our camera systems for the Chambers as well and due to where we need to go with this conversation so this Commission can make an informed decision tonight as far as a straw poll, we will wrap this up no later than 7:15 and, hopefully, can start our Commission meeting no later than 7:30.

Commissioner Stites said I'm in favor of opening up not only now, but six hours ago and I wish we had it open yesterday before the accident occurred I think today. One thing that I want to make sure that we look into is the efficiencies throughout the Fire Department. There's a committee that's set up for government efficiencies and I think that before we go—I put my stuff up because I thought we were wrapping up at 7:00, but three new Captains, I'm sure that comes with three

more new Denali's or Yukon's or something with a cost of who knows what. I want to make sure that we're looking at how maybe we can staff with what we've already got and not hiring more.

That's my recommendation that on the efficiencies that we look at that to see if we can't—because the flyer that I received, that we all had earlier in the presentation, the workforce showed that we were already the highest. We were already the highest staffed for a Fire Department, to maybe there needs to be some shifting throughout personnel to accommodate what we need.

Commissioner Kane said I want to do a straw poll right now. You know we've hashed this out. We've talked about it umpteen times. This is a temporary situation until they come back with a full-blown this is what they're going to do. The more we delay this, I don't know how many times we have to talk about Station 15. We've been talking about it since the day it closed. I'd like to make a motion that we open Station 15 as soon as we can. (**Someone** was inaudible). **Commissioner Kane** said okay, straw poll.

Mr. Simma said I'll try to be brief, but giving our position, the position of the local on this and as Commissioner Bynum spoke, two years ago when we set the Task Force that I was a part of, in all likelihood had we managed to keep 15 open at that time, it would have remained a three-man staffed pumper and the new apparatus at 12 very well may have been another three-man staffed pumper because that's the minimum we operate in. That being said, we were tasked with putting together a joint proposal which we did. There were numerous ideas discussed, three man was one of them. Local 64 is and always will be, it's going to be our objective to be compliant with safety standards requiring four-man minimums.

That being said, our position at this time, we've had discussions amongst ourselves as well for your information is that a three-man pumper, three firefighter staffed pumper would be compliant with the Memorandum of Agreement. It would restore service to the Fairfax area as it was July 23, 2020, when it closed and Local 64 is agreeable to that method of staffing at least in the short term and, again, as has been discussed, consistent with the memorandum, the committee going to work and developing a Master Plan for the fire service in Kansas City, Kansas going forward with recommendations towards compliance with 1710.

Commissioner Burroughs said I know it's been stated, the gratitude that has been expressed here this evening with the proposals you brought forward. I just want to say I commend the Fire Department and the fire staff to come together looking at the public safety of not only our community and your firefighters, but those that come into our community to work. We had talked about what ifs and we had one of them and it kept response from occurring in a timely manner. We were fortunate it wasn't bigger than what it was and I don't know if we've had loss of life that hasn't been reported yet, but I will state that many of us were very supportive of keeping the fire station open down there. I mean even to the point that we were still fighting to keep it open when they'd already changed the number on the front of the vehicle if I remember correctly. We hadn't even made this formal decision yet, but it was already in motion.

I commend you all for not only protecting our community, but looking after your firefighters. Please know that we respect the sacrifices that our Public Safety officials are dealing with. The stations, the conditions they are in, some of the older equipment, and the three-man manning system that you have in place right now, but I commend you for coming forward and asking to go to a three-man to protect those areas of our community that are right now underserved.

Mayor Garner said before we do that, so the Commission can make an informed decision, I believe, Debbie, are you still here? Can you answer this question? This amount and I know that part of the recommendation that I've heard is to offset some of the personnel costs with the SAFER Grant moving forward, which we've had before, but budgetary what would that look like short-term, long-term. Is that something short-term that as we go through this budget cycle you can absorb into the budget before it's finalized by this Commission? **Ms. Jonscher** said I don't remember exactly what were the amounts that we were talking about. Do we have an actual amount? **Mayor Garner** asked, Chief, can you compare that amount? **Chief Callahan** asked, for overtime, for FTEs? For this year, for three firefighters \$105K a month for whenever we start in overtime. **Ms. Jonscher** said, I'm sorry, would you say that again, \$105K? **Chief Callahan** said that's correct for the balance of the year.

Mr. Lindsey said I will currently add that right now for 2023's budget we are \$4.2M to the negative where we have more expenses going out than revenues, so whatever we add to it would add to that deficit unless we're looking to make some cuts someplace or add some revenue somehow.

Ms. Jonscher said it does look like 105 per month, yeah, would be about \$1.2M for the next year, but we would be starting that in 2022. **Chief Callahan** said, Debbie, the dollars change at the beginning of 2023 because there's a pay increase, so they go up a little bit to \$109,750 a month at the beginning of 2023 for three firefighters.

Mayor Garner said so as part of the budget process moving, if the straw poll tonight is the majority consensus of this Commission for the Administrator to be given the direction to move forward, if it's agreed upon or not, is that something that you all would put into the budgetary considerations for this Commission when they consider this budget? **Ms. Jonscher** said yes, if it's voted on and that's the directive, then yes, we would build it in.

Mayor Garner said in the interest of time, I'll just wrap up real quick before we do the straw poll. I know that Fairfax Industrial, they have been a strong proponent of reopening the fire station. I went to a meeting that they had. They reiterated, I believe, it's over 90% of the unleaded fuel runs through Fairfax in the Kansas City metropolitan area as well as several other businesses that I'm sure that over the 200 requests that have been sent to some of our commissioners, I'm sure that they're in support as well. To wrap this up, if we could just with a thumb show those that are interested or approve of opening the fire station. I know our Administrator isn't here and I believe that Deputy Administrator Cobbins is the one that oversees these, the fire apparatus, so I would ask that she share that information with our Administrator in her absence of what this is going to be. We can just take a count, everybody just raise your hand so we can just see.

Commissioner Townsend said I have a question. Refresh my recollection Chief. Was there before the closing an ambulance, maybe I'm not calling the right thing, down there? **Chief Callahan** said not at that station, no. **Commissioner Townsend** said okay, so the ambulance services were always provided by—**Chief Callahan** said Quindaro.

Mayor Garner said, Clerk, you want to help me out. **Monica Sparks, Acting UG Clerk**, said it looks like we have five. **Mayor Garner** said we have five.

Commissioner Markley said this will not be shocking to anyone who's been through a budget with me, but I don't see how we authorize—you're nodding your head, you know what I'm going to say, how do we make this decision without seeing what it looks like in the larger budget. So I guess I'm trying to say I'm not opposed to seeing what it looks like, but how do we make a decision of this magnitude without seeing how it's going to impact the budget that we just haggled over where we were going to get money for all these different things. I guess for what it's worth, like my hand's not up, but it's not down. We can't make this big of a decision without seeing what the impact is.

Commissioner Stites said I don't know how we not make this decision. If one of those folks would have died today, God forbid had it been one of your family members, you would have been authorizing this thing 10 times over.

Commissioner Bynum said I was just going to say earlier tonight I was wishing the fire presentation had been first because we were having a big, long budget discussion and we spent a long time on a \$3M bridge repair, which we need and knowing that this request was coming, I mean the paper was sitting right in front of us. So, Commissioner Markley's not wrong. I'm going to remain willing to straw poll yes and perhaps the middle of the road is that we bring back how on earth could we pay for it. I mean I think we're split half and half right now anyway.

Mayor Garner said it's not a vote, it's a straw poll.

Commissioner Townsend said I think Commissioner Markley was getting to the issue. I thought that was whether to open or not and as I said a few minutes ago, we're looking at numbers that do not make sense for that to happen as much as we want to. We're looking at numbers that do not make sense. The next step would be if you wanted to roll them in, but it looks like the \$5M is going to increase. That's not going away. If the straw poll is just to open it right now, that needs to be clear or if the issue is to come back with more numbers that needs to be clear, that's your goal.

Commissioner Kane said that straw poll is to open it right now. They know how to do it. They got their stuff together. We've talked about this a thousand times. That incident today just magnifies what happened down there and as I said before, if that was your family—and remember, I'm the one that greeted the folks from the Fire Department when one of our individuals got hurt. I saw this hundreds and hundreds of times and we've been jacking around with this a long time. So, Mayor, five. You have the opportunity for the other part of the straw poll.

Mayor Garner said well, now that we got this new information, I'm going to go with the straw poll again. We've got our Administrator here so she can be in clear direction and the direction we're doing a straw poll to move forward with the recommendation as presented by the Fire Chief and President of the Fire Union on how best to open with their recommendation. Fire Station 15 in Fairfax and before you do that, I just want to say thank you all for the hard work, coming together, management and union and bringing forth this recommendation for consideration.

Again, straw poll based on the recommendation or the motion by, not technically a motion—we've got a question.

Commissioner McKiernan said if we take a straw poll today and let's say the straw poll says yes, when does this body take official action because the straw poll doesn't compel us to take official action on this. So, when would we actually take action and take a formal vote as a Commission to encumber or to spend that money. **Mayor Garner** said correct me if I'm wrong, Administrator. I believe you can move this administratively off the straw poll direction or does there have to—are you recommending—are you moving that to a full Commission vote for consideration at some point?

Ms. Harrison-Lee said a straw vote would not give us an official vote because in a work session you're not voting, so we would want to bring this back with the budgetary impacts and have you vote this officially in a full commission meeting. Council, since you have the straw number, you're welcome to weigh in on that. **Mitzi Brown, Chief Legal Counsel**, said you said it completely accurately, Administrator.

Mayor Garner said so that's the clarity and we've got—**Commissioner Burroughs** said if I remember correctly, I had just come on to the Commission, but it was never our intent not to fund the Fire Department, close that Fire Department down in Fairfax. We had a new fire station due to the expansion of our residential areas in Wyandotte County, which went into Commissioner Kane's area. We knew we were going to have to man a station and somehow or another through whatever process occurred, that did not happen and the decision was made to close 15 and because of that we are where we are today. Closing 15 should have never occurred to begin with. We knew we were going to have to hire new firefighters to man that station and for whatever reason something changed and we're still dealing with the issues because as Commissioner Kane stated today. I'm for opening the station. I was absolutely opposed to closing it because it is one of the more volatile areas of our community that needs to be a fire presence, needs to be available.

Commissioner Kane said the former Administrator, the former two Mayors, didn't want that fire station built out west. That's exactly why they moved the folks down there from 15 out to 12.

Commissioner McKiernan said given the fact that we would need to bring this back with data, with budget numbers for an official vote in a Commission meeting downstairs, I'm fine with moving forward to accomplish that.

Commissioner Townsend said to follow up on Commissioner McKiernan's proposal or question, would those numbers come back at our next work session. We have other things to look at. (Someone was inaudible.) **Commissioner Townsend** said not a work session. (Someone was inaudible.) **Commissioner Townsend** said let me say loss of life anywhere is terrible. That is terrible and I hope that didn't happen today; however, I am concerned with every aspect of the constituency in District 1 and wherever fire would have to show up or our police. So, again, I'm looking at the numbers remembering what a lot of my constituents were talking about Monday and looking at the numbers that we've got here that shows us we've already got a \$5M deficit almost.

Mayor Garner said Commissioner Kane had a request earlier for a straw poll to open it. It seems like we've kind of transitioned to a straw poll to basically, based off the recommendation of our Legal Counsel and our Administrator, to basically move to explore opening it based on the

budgetary implications going into next year. Are you good with that Commissioner Kane? (**Commissioner Kane** was inaudible.) **Mayor Garner** said okay, so if we and just get our hands raised, all those that are in favor of exploring that potential and ready for a full vote once the numbers come back and you all can make that decision at that time to actually open it. Okay, it looks like we have a majority.

Just for the record, I do also, as the Mayor, support opening Fire Station 15 just because of the volatility of that area and the need to have protection there.

This brings us to the end of our presentation. I would like to say before I take a motion to adjourn is that we are going to adjourn in the full Commission Chambers or reconvene in the full Commission Chambers for the regular commission meeting at 7:45 p.m. The reason for that is staff has to optimize the camera system to the Chambers and they have to have time to be able to do that.

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

MAYOR GARNER ADJOURNED

THE MEETING AT 7:25 p.m.

Monica L. Sparks
Acting Unified Government Clerk

dt

August 25, 2022



Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 N. 7th Street Trafficway, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913.573.5260
Fax: 913.573.5299
<http://www.wycokck.org>

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L. Sparks
Acting UG Clerk

Date: September 8, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

am

1. WARRANT CANCELLATION:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for Void
909400	No	8/19/2022	\$ 495.00	70180 770 2084	KS State Treasurer #20061	Wrong amount
			\$6,463.00	70180 770 2084		Wrong amount
			\$2,090.00	70180 770 2084		Wrong amount
			\$ 241.53	70180 770 2082		Wrong amount
			\$5,600.99	70180 770 2083		Wrong amount
			\$2,025.00	70180 770 2099		Wrong amount
			\$ 550.00	70180 770 2050		Wrong amount
			\$ 760.00	110 400015221		Wrong amount

Action: Received and filed.

2. MOTIONS TO SET ASIDE:

- James Hoover vs. Unified Government of Wyandotte County/KCK, et al, Case No. 2022CV000046.
- Alonzo Williams vs. Unified Government of Wyandotte County/KCK, et al, Case No. 2022CV000044.

Action: Received and filed. Copies previously forward to Legal.

3. TRAVEL REQUESTS:

- John Diaz, KCKPD, travel to Phoenix, AZ, September 6 – September 8, 2022, to pick-up a K9 for the Narcotics unit, Employee Training & Travel Fund.
- Nathan Doleshal, Narcotics/KCKPD, travel to Chattanooga, TN, September 3 – September 5, 2022, to interview of witness/suspect in Distribution resulting in death, Employee Training and Travel Fund.
- Ryan Fincher, KCKPD, travel to Des Moines, IA, August 30 – September 1, 2022, to execute federal search warrants, Employee Training & Travel fund.
- Patrick J. Locke, KCKPD, travel to Manhattan Beach, CA, October 6 – October 9, 2022, to attend the ISTO 2022 Conference, paid by PAL KCK and S.W.E.L.

Action: Approved by County Administrator's Office and received and filed.

4. APPLICATION FOR CMB LICENSE (PVT. CLUB CLASS A):

- American Legion Post #199, d/b/a Quindaro Post #199, 7942 Leavenworth Road, KCK, 66109.

Action: Referred to License.

5. APPLICATION FOR CMB LICENSE (DRINK. EST./PUBLIC VENUE):

- Robert Breitenstein - L&B Breit Inc., d/b/a Breit's Stein & Deli, 412 N. 5th Street, KCK, 66101.

Action: Referred to License.

6. APPLICATION FOR CMB LICENSE (LIQ. TEMP. LIC):

- Holy Name Catholic Church, Event: Ice Cream Social, 16 S. Iowa Street, KCK, 66103.
This temp permit is for 10/01/22 from 5:00 p.m. to 11:00 p.m.

Action: Referred to License.

7. APPLICATION FOR MASSAGE THERAPIST BUSINESS LICENSE:

- Lashanda Wehrhahn, d/b/a Chateau Avalon, 701 Village West Parkway, Bonner Springs, KS, 66111.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 211735

Full Commission Meeting Date: 06/09/22

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 09/22/2022	<u>Contact Name:</u> Cheryl Harrison-Lee	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> charrison-lee@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator. <i>For information only.</i>				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 212006

Full Commission Meeting Date:

Committee: Full Commission

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

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
09/23/2022	Katherine Carttar, Patrick Waters	x5176, x5079	kcarttar@wycokck.org, patrickwaters@wycokck.org	Economic Development

Item Description:

1. Resolution Approving the Assignment & Assumption of the Development Agreement for Village West Apartments III
 - a. The ownership structure of the project is changing, and this ensures the ownership group will assume the responsibilities outlined in the Development Agreement.
2. Resolution Assigning & Amending Certain Provisions in the Resolution of Intent to Issue IRBs
 - a. Reassigning the resolution of intent to issue bonds in the amount of \$45,700,000 for the construction of commercial facilities to Village West Apartments III, LLC as previously adopted by the Commission.

Submitted by Katherine Carttar, Director Economic Development.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Assignment of Development Agreement (Village West Apartments III), Resolution Approving Village West Apartments III DA Assignment, Amended IRB Resolution of Intent - Village West Apartments III (UG)

(Space above reserved for Register of Deeds certification)

1. Title of Document: Assignment and Assumption of Development Agreement for Village West Apartments III
2. Date of Document: September 30, 2022
3. Assignor: VILLAGE WEST APARTMENTS III, LLC, a Kansas limited liability company
c/o NorthPoint Development, LLC
3315 N. Oak Trafficway
Kansas City, Missouri 64116
4. Assignee: NP VILLAGE WEST III, LLC, a Delaware limited liability company
c/o NPD Management, LLC
3315 N. Oak Trafficway
Kansas City, Missouri 64116
5. Legal Description: See attached **Exhibit A**.

**ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT FOR VILLAGE
WEST APARTMENTS III**

THIS ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III (this "Assignment") is effective as of September 30, 2022 (the "Effective Date") by and among the UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS (the "UG"); VILLAGE WEST APARTMENTS III, LLC, a Kansas limited liability company ("Assignor"); and NP VILLAGE WEST III, LLC, a Delaware limited liability company ("Assignee") (collectively, the "Parties").

RECITALS:

A. On February 27, 2020, the UG and Assignor entered into that certain Development Agreement for Village West Apartments III (as amended from time to time, the "Development Agreement"), whereby Assignor (as "Developer" thereunder) proposed to design, develop, and construct a luxury apartment complex and related amenities (the "Project") on certain real property generally located north of Delaware Parkway, west of 110th Street and south of Parallel Parkway in Kansas City, Wyandotte County, Kansas, as legally described on Exhibit A attached hereto (the "Project Site"). All capitalized terms that are not otherwise defined in this Assignment shall have the meanings assigned to them in the Development Agreement.

B. Assignor desires to cause the Project Site to be conveyed to Assignee pursuant to a certain Contribution Agreement dated as of the Effective Date by and between Assignor and Perry Holdings, LLC, a Delaware limited liability company (as the prior owner of the Project Site), and to assign and transfer to Assignee all of Assignor's right, title and interest in and to the Development Agreement.

C. Section 7.13 of the Development Agreement requires Assignor to obtain the UG's prior written consent for, among other things, any transfer of the Project Site and assignment of the Development Agreement, subject to the UG's reasonable discretion as to whether Assignee has sufficient financial wherewithal and experience to successfully complete the Project according to the terms of the Development Agreement.

D. The Parties desire to enter into this Assignment so that Assignee shall acknowledge, assume and agree to perform each and all of the terms and provisions of the Development Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Assignment and Assumption. Assignor grants, transfers and assigns to Assignee all of Assignor's right, title and interest in and to the Development Agreement. Assignee accepts, assumes and agrees to pay and perform each and all of the terms and provisions of the Development Agreement as the same pertain to Assignor as "Developer" thereunder.

2. Release of Assignor. Upon recording of this Assignment, Assignor shall be fully and completely released from any and all obligations under the Development Agreement accruing from and after the Effective Date of this Assignment, and the UG's remedies for a default thereunder shall be directly against Assignee pursuant to the terms thereof; provided, however, that Assignor remains responsible for any and all obligations accruing or arising prior to the Effective Date of this Assignment.

3. UG Consent. The UG acknowledges and consents to the transfer of the Project Site and the Development Agreement from Assignor to Assignee; provided, however, that such consent shall not be deemed or construed as a consent to or waiver of the UG's right to consent to any further transfer of the Project Site and/or assignment of the Development Agreement.

4. Notices. The notice information for Developer in Section 10.11 of the Development Agreement shall be replaced with the following:

Nathaniel Hagedorn, Manager
NPD Management, LLC
3315 N. Oak Trafficway
Kansas City, Missouri 64116
Telephone: (816) 888-7380
Email: nhagedorn@northpointkc.com

With a copy to:

Evan Fitts, Vice President & Corporate General Counsel
NorthPoint Development, LLC
3315 N. Oak Trafficway
Kansas City, Missouri 64116
Telephone: (816) 768-8108
Email: efitts@northpointkc.com

With respect to the UG, the notice information for the County Administrator shall be replaced with the following:

Cheryl Harrison-Lee, County Administrator
Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 945
Kansas City, Kansas 66101
Telephone: (913) 573-5030
Email: charrison-lee@wycokck.org

5. Miscellaneous. In connection with this Assignment, the Parties further agree as follows:

(a) Incorporation of Recitals. The Recitals set forth above are true and correct, and are hereby incorporated in full and form an integral part of this Assignment.

(b) Ratification of Development Agreement. Except as specifically modified by this Assignment, the Development Agreement remains in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the Parties. In the event of any inconsistency between the terms and provisions of the Development Agreement and this Assignment, this Assignment shall control.

(c) Entire Agreement. This Assignment contains the entire agreement among the Parties, and the terms hereof are contractual and not mere recitals. No promises, inducements or agreements not herein expressed have been made.

(d) Authority. The Parties represent and warrant to each other respectively that they have the requisite power and authority to enter into this Assignment; all necessary and appropriate

approvals, authorizations and other steps have been taken to effect the legality of this Assignment; and the signatories executing this Assignment are authorized to do so on behalf of the Parties.

(e) Successors and Assigns. This Assignment shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

(f) Remedies. All remedies set forth in Article 9 of the Development Agreement shall be made available for the enforcement of this Assignment.

(g) Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

(h) Governing Law. This Assignment shall be governed by and construed and interpreted in accordance with the laws of the State of Kansas.

[Remainder of page intentionally left blank; signature pages follow.]

IN WITNESS WHEREOF, the Parties have executed these presents as of the Effective Date.

UG:

**THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
Tyrone Garner, Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This record was acknowledged before me on _____, 2022 by Tyrone Garner as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: _____
Notary Public in and for said State
Commissioned in Wyandotte County

My commission expires:

IN WITNESS WHEREOF, the Parties have executed these presents as of the Effective Date.

ASSIGNOR:

VILLAGE WEST APARTMENTS III, LLC, a
Kansas limited liability company

By: **NPD Management, LLC**, a Missouri limited
liability company, its Manager

By: _____
Nathaniel Hagedorn, Manager

STATE OF MISSOURI)
) SS.
COUNTY OF CLAY)

This record was acknowledged before me on _____, 2022 by Nathaniel Hagedorn as
Manager of NPD Management, LLC, a Missouri limited liability company, the Manager of Village West
Apartments III, LLC, a Kansas limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires:

IN WITNESS WHEREOF, the Parties have executed these presents as of the Effective Date.

ASSIGNEE:

NP VILLAGE WEST III, LLC, a Delaware limited liability company

By: **NPD Management, LLC**, a Missouri limited liability company, its Manager

By: _____
Nathaniel Hagedorn, Manager

STATE OF MISSOURI)
) SS.
COUNTY OF CLAY)

This record was acknowledged before me on _____, 2022 by Nathaniel Hagedorn as Manager of NPD Management, LLC, a Missouri limited liability company, the Manager of NP Village West III, LLC, a Delaware limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires:

EXHIBIT A

Project Site – Legal Description

All that part of the Northeast Fractional Quarter of Section 3, Township 11 South, Range 23 East, of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

COMMENCING at the Northwest Corner of said Northeast Fractional Quarter; thence North 88°02'05" East, along the North Line of said fractional quarter section, a distance of 84.45 feet to the true POINT OF BEGINNING of land being described;

thence continuing North 88°02'05" East, along said North Line, a distance of 524.12 feet;

thence departing said North Line, South 02°17'01" East (South 02°16'50" East plat) along the West Line and its Northerly prolongation of Lot 1, VILLAGE WEST APARTMENTS, a platted subdivision of land in the City of Kansas City, Wyandotte County, Kansas, a distance of 1092.51 feet to the Southwest Corner of said Lot 1;

thence easterly along the South line of said Lot 1, along a curve to the right, said curve having an initial tangent bearing of North 87°00'55" East, a radius of 1050.00 feet, a central angle of 0°42'04", for an arc length of 12.85 feet;

thence North 87°42'59" East (North 87°43'10" East plat), continuing along said South line, a distance of 394.98 feet to the Northwest corner of Delaware Parkway right-of-way, as it now exists;

thence South 02°17'01" East (South 02°16'50" East plat), along the West right-of-way line of said Delaware Parkway, a distance of 100.00 feet to the Southwest corner of said Delaware Parkway right-of-way;

thence South 87°42'59" West, parallel with the South line of said Lot 1, a distance of 394.98 feet;

thence westerly along a tangent curve to the left, parallel with the South line of said Lot 1 and its westerly prolongation, said curve having a radius of 950.00 feet, and a central angle of 5°37'30", for an arc length of 93.27 feet; thence North 07°54'31" West a distance of 100.00 feet;

thence westerly along a curve to the left, said curve having an initial tangent bearing of South 82°05'29" West, a radius of 1050.00 feet, a central angle of 10°21'22", for an arc length of 189.79 feet;

thence North 90°00'00" West, a distance of 73.47 feet; thence North 57°14'53" West, a distance of 315.07 feet;

thence North 16°41'46" East, a distance of 88.90 feet; thence North 87°58'21" East, a distance of 50.71 feet;

thence North 02°01'39" West, a distance of 868.30 feet to the place of beginning, containing 635,217 square feet or 14.583 acres, more or less, and subject to rights-of-way and easements of record.

RESOLUTION NO. R-____-22

**A RESOLUTION ADOPTING THE ASSIGNMENT AND ASSUMPTION
OF DEVELOPMENT AGREEMENT FOR VILLAGE WEST
APARTMENTS III.**

WHEREAS, on February 27, 2020, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Village West Apartments III, LLC, a Kansas limited liability company ("Assignor") entered into that certain Development Agreement for Village West Apartments III (as amended from time to time, the "Development Agreement"), whereby Assignor proposed to design, develop, and construct a luxury apartment complex and related amenities (the "Project") on certain real property generally located north of Delaware Parkway, west of 110th Street and south of Parallel Parkway in Kansas City, Wyandotte County, Kansas (the "Project Site");

WHEREAS, Assignor desires to cause the Project Site to be conveyed to NP Village West III, LLC, a Delaware limited liability company ("Assignee"), and to assign and transfer to Assignee all of Assignor's right, title and interest in and to the Development Agreement; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Assignment and Assumption of Development Agreement for Village West Apartments III, attached hereto as **Exhibit A** (the "Assignment"), with Assignor and Assignee.

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

Section 1. The Governing Body hereby approves the Assignment in substantially the form attached hereto.

Section 2. The Mayor/CEO is hereby authorized to execute in the name of the UG, the Assignment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page and exhibit follow.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS 29TH DAY OF SEPTEMBER, 2022.**

Tyrone Garner, Mayor/CEO

ATTEST:

UG Clerk

(Seal)

EXHIBIT A

Assignment

[Attached.]

RESOLUTION NO. R- _____ -22

**RESOLUTION ASSIGNING AND AMENDING CERTAIN PROVISIONS OF
RESOLUTION NO. R-8-20 PREVIOUSLY ADOPTED BY THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, WHICH
DETERMINED THE INTENT TO ISSUE INDUSTRIAL REVENUE BONDS IN
THE AMOUNT OF APPROXIMATELY \$45,700,000 TO FINANCE THE COSTS OF
ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING
COMMERCIAL FACILITIES (VILLAGE WEST APARTMENTS PHASE III)**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Village West Apartments III, LLC, a Kansas limited liability company (the “Assignor”), previously submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing, improving and equipping certain commercial facilities as more fully described in the Application to be approximately located south of Parallel Parkway and N. 114th Street consisting of an approximately 330-unit apartment complex, including associated infrastructure, a clubhouse, and other amenities (collectively, the “Project”) through the issuance of its revenue bonds in one or more series in the amount of approximately \$45,700,000 (the “Bonds”), and to lease the Project to the Assignor or its successors and assigns in accordance with the Act; and

WHEREAS, the governing body of the Unified Government previously adopted Resolution No. R-8-20 (the “Resolution of Intent”) determining the Unified Government’s intent to issue the Bonds; and

WHEREAS, the Assignor requested and the governing body of the Unified Government hereby finds and determines to be advisable and in the interest and for the welfare of the Unified Government to assign and amend the Resolution of Intent as set forth herein.

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

Section 1. Assignment. The governing body of the Unified Government hereby finds and determines that all rights and benefits of the Resolution of Intent are hereby assigned from the Assignor to NP Village West III, LLC, a Delaware limited liability company (the “Assignee”).

Section 2. Amendments.

(a) Exhibit A of the Resolution of the Resolution of Intent is hereby deleted in its entirety and amended as set forth in **Exhibit A** hereto.

(b) Section 9 of the Resolution of Intent is hereby deleted in its entirety and amended as follows:

Section 9. Termination of the Resolution. This Resolution shall terminate on January 1, 2025, unless the Bonds have been issued for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 3. Effectiveness of Resolution of Intent. Except as assigned or amended herein, all other provisions of the Resolution of Intent are hereby ratified and shall remain in full force and effect.

Section 4. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 5. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Balance of page intentionally left blank]

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS ON SEPTEMBER 29, 2022.**

By: _____
Mayor/CEO

(Seal)

Attest:

By: _____
Unified Government Clerk

Approved as to form:

By: _____
Chief Counsel

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Payments in lieu of tax (“PILOTs”) shall be determined on a per-apartment-unit basis as further set forth in that certain Development Agreement for Village West Apartments III originally between the Unified Government and Village West Apartments III, LLC (as amended and/or assigned, the “Development Agreement”).

Below is an approximate PILOT schedule based on **330** apartment units. This PILOT schedule may be adjusted as set forth in the Development Agreement.

Value/Unit	# Units	Projected Value	2021 Mill Rate	Per Door Taxes
\$53,719.19	330	\$17,727,331.48	170.061285	\$1,150.00

With L/M/W			Without L/M/W	
Year	Per Unit	Annual PILOT Payment	Per Unit	Annual PILOT Payment
1	\$1,150.00	\$379,500.00	\$1,150.00	\$379,500.00
2	\$1,160.50	\$382,965.00	\$1,172.11	\$386,796.30
3	\$1,192.32	\$393,463.95	\$1,222.13	\$403,302.90
4	\$1,225.08	\$404,277.87	\$1,274.08	\$420,446.40
5	\$1,258.84	\$415,416.20	\$1,321.78	\$436,187.40
6	\$1,293.60	\$426,888.69	\$1,377.68	\$454,634.40
7	\$1,329.41	\$438,705.35	\$1,435.76	\$473,800.80
8	\$1,366.29	\$450,876.51	\$1,496.09	\$493,709.70
9	\$1,404.28	\$463,412.81	\$1,551.73	\$512,070.90
10	\$1,443.41	\$476,325.19	\$1,616.62	\$533,484.60
Total:		\$4,231,831.57	\$4,493,933.40	

*“Year” refers to the first full calendar year following the issuance of the Bonds.



Staff Request for Commission Action

Tracking No. 211929

Full Commission Meeting Date: 9/29/22

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 9/12/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 09/13/2022	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the parcels below. http://maps.wycokck.org/LandBank.html Transfer 22 ROW parcels to the Unified Government <i>On September 12, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.</i>				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NCD Memo Land Bank Property Transfers 09.12.22				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: August 31, 2022
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 09/12/2022 meeting:

The below parcels are to clean up the Land Banks inventory, by transferring ownership to the Unified Government.

Please visit the new site to review the parcels below <http://maps.wycokck.org/LandBank.html>

Right of Way – 22 Parcels

Summary – These parcels are public right of way that are adjoining streets and highways. This request to transfer ownership to the correct owner the Unified Government.

- 1 ROW - Parcel - 892078
- 2 ROW - Parcel - 892085
- 3 ROW - Parcel - 892132
- 4 ROW - Parcel - 892228
- 5 ROW - Parcel - 892229
- 6 ROW - Parcel - 892230
- 7 ROW - Parcel - 892231
- 8 ROW - Parcel - 892232
- 9 ROW - Parcel - 892233
- 10 ROW - Parcel - 892234

- 11 ROW - Parcel - 892237
- 12 ROW - Parcel - 892238
- 13 ROW - Parcel - 892239
- 14 ROW - Parcel - 892240
- 15 ROW - Parcel - 892241
- 16 ROW - Parcel - 892242
- 17 ROW - Parcel - 892244
- 18 ROW - Parcel - 892245
- 19 ROW - Parcel - 892246
- 20 ROW - Parcel - 892247
- 21 ROW - Parcel - 892249
- 22 ROW - Parcel – 892251

