SECOND UPDATED AGENDA
OCTOBER 27, 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: Oct 27, 2022, 06:00 PM Central Time (US and Canada)

Please click the link below to join the webinar:
https://us02web.zoom.us/j/84737713423?pwd=SFc1czc0ajNvcXliRkZMeWJHd21OQT09
Passcode: 930172
Or One tap mobile:
US: +16694449171,84737713423# or +16699009128,84737713423#
Or Telephone:
Dial (for higher quality, dial a number based on your current location):
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 +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)
Webinar ID: 847 3771 3423
International numbers available: https://us02web.zoom.us/u/kkvTO8dBf

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION GIVEN BY CHAPLIN GEORGE KEMPER, EBENEZER MINISTRIES

IV. PLEDGE OF ALLEGIANCE

V. REVISIONS TO THURSDAY, OCTOBER 27, 2022, AGENDA

1. **BLUE SHEET NEW ITEM – MAYOR'S AGENDA**
   Item No. 5 – UPDATE: BIO-SOLIDS PROJECT
   Synopsis: An update from the Public Works Department regarding the Bio-Solids project, submitted by Jeff Fisher, Director of Public Works.

   For information only.
   Tracking #: 212087

2. **PINK SHEET NEW ITEM – ADMINISTRATOR'S AGENDA**
Item No. 4 – RESOLUTIONS/ORDINANCE: SHERIFF DEPARTMENT STAFF FUNDING
Synopsis: Approval of resolutions and ordinance increasing Sheriff's Department salaries, submitted by Misty Brown, Chief Legal Counsel.

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the salaries of the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials.

Attachments

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials

Tracking #: 212089

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. **COZ2022-024 - WYLIE DENTON**
Synopsis: Change of Zone from R-1 Single-Family District to A-G Agriculture District for an accessory structure to house cows at 2730 South 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212038

2. **COZ2022-027 - LIDIA VILLAR WITH LIDIA & COMPANY, LLC**
   Synopsis: Change of Zone from R-2(B) Two Family District to CP-1 Planned Limited Business District, to construct a neighborhood market at 1218 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212043

3. **COZ2022-029 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS**
   Synopsis: Change of Zone from R Rural Residential District (WYCO) to A-G Agriculture District to subdivide 35 acres into four (4) lots at 13205 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212044

4. **COZ2022-032 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS**
   Synopsis: Change of Zone from C-3 Commercial District and M-2 General Industrial District to CP-3 Planned Commercial District to correct split zoning and operate a used car dealership with light repair at 1401 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212046

5. **COZ2022-034 - DERRICK MERCHANT WITH 7B BUILDING AND DEVELOPMENT**
   Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District to construct a car wash at 4810 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212050

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-050 - TIM GATES WITH AGNES GATES REALTY**
   Synopsis: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 1005 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 212052

2. **SP2022-064 - GEOFREY KIGENYL WITH THE SOLID ROCK PROPERTIES, LLC**
   Synopsis: Special Use Permit for a short-term rental at 4410 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**
   Tracking #: 212053

3. **SP2022-070 - MANUEL LOPEZ**
   Synopsis: Special Use Permit to keep horses at 1211 North 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**
   Tracking #: 212054

4. **SP2022-078 - THOMAS W. MORGAN III**
   Synopsis: Renewal of a Special Use Permit (SP-2020-55 – expires 10/8/2022) for a short-term rental at 819 Southwest Boulevard. submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**
   Tracking #: 212039

5. **SP2022-085 - KELLY HORMANN**
   Synopsis: Renewal of a Home Occupation Special Use Permit (SP-2020-44) for a grooming operation at 7114 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751**. (RECOMMENDED FOR APPROVAL FOR 5 YEARS)**
   Tracking #: 212040

6. **SP2022-088 - JOE DELLOIACOVO WITIH CYNTOX LLC**
   Synopsis: Special Use Permit to operate a medical waste transfer station at 200 Funston Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 10 YEARS)**
   Tracking #: 212055

C. VACATION APPLICATIONS

1. **VAC2022-006 - PATRICK JOYCE WITH ANDERSON ENGINEERING**
   Synopsis: Vacation of a utility easement at 324 and 328 North 64th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. (RECOMMENDED FOR APPROVAL)
   Tracking #: 212056

D. PLAN REVIEW APPLICATIONS

1. **PR2022-020 - FERNANDO GOMEZ WITH ENVISION CONSTRUCTION**
   Synopsis: Preliminary Plan Review for the construction of a parking lot at 2907 North 81st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212057

2. **PR2022-027 - HEATHER TROWER WITH LEGACY DEVELOPMENT, LLC**
   Synopsis: Preliminary and Final Plan Review to construct a multi-tenant space with a drive-thru at 1875 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212058

3. **PR2022-036 - ALEX ELLIOTT WITH ATLAS LAND SURVEYORS**
   Synopsis: Preliminary Plan Review to construct multi-family houses for senior citizens at 11013 Haskell Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212059

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

1. **AN ORDINANCE** rezoning property at approximately 1313 Quindaro Boulevard (COZ2021-054), 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: 212061

2. **AN ORDINANCE** rezoning property at approximately 4744 Georgia Avenue (COZ2022-022), from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking: 212062

3. **AN ORDINANCE** rezoning property at approximately 2640 Woodend Lane (COZ2022-023), from RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking: 212064

4. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-073) for a private facility for recreation (outdoor youth experience with nature trails and walks) at 2640 Woodend Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking: 212065

5. **AN ORDINANCE** rezoning property at approximately 6840 Cernech Road (COZ2022-026) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking: 212067

6. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-082) for 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)**
   Tracking: 212068

F. MASTER PLAN AMENDMENTS

1. **MPL2022-015 - LIDIA VILLAR WITH VILLAR & COMPANY, LLC**
   Synopsis: Master Plan Amendment from Urban Density (Armourdale Area Master Plan) to Community Commercial (Armourdale Area Master Plan) to construct a neighborhood market at 1218 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212070

2. **MPL2022-019 - DERRICK MERCHANT WITH 7B BUILDING AND DEVELOPMENT**
   Synopsis: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to construct a car wash at 4810 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212072

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2021-048 - BLAIR TANNER WITH TANNER & WHITE PROPERTIES**
   Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751**.**
   (RECOMMENDED FOR APPROVAL - 6/2 VOTE)
   Tracking #: 212042

2. **COZ2022-033 - TODD THOMAS WITH CPC LAND ACQUISITION COMPANY**
   Synopsis: Change of Zone from A-G Agriculture District to RP-4 Planned Garden Apartment District to construct duplexes and other multi-family residences at 1921 North 118th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 6/1 VOTE)**
   Tracking #: 212048

3. **COZ2022-030 - ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING**
   Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District to construct a duplex at 4229 Douglas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212045

B. MASTER PLAN AMENDMENT APPLICATION

1. **MPL2022-020 - TODD THOMAS WITH CRITERION**
   Synopsis: Master Plan Amendment from Business Park (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) to construct duplexes and other multi-family residences at 1921 North 118th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
   (RECOMMENDED FOR APPROVAL - 6/1 VOTE)
   Tracking #: 212060

2. **MPL2022-016 - ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING**
   Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Medium-Density Residential (City-Wide Master Plan), to construct a duplex at 4229 Douglas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 212071

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR OCTOBER 27, 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. - UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS
Synopsis: Update regarding County Administrator's Search Process by Tyrone Garner, Mayor/CEO.

For information only.
Tracking #: 211724

Item No. 2. - PROCLAMATION: BREAST CANCER AWARENESS MONTH
Synopsis: Proclamation proclaiming the month of October 2022 as Breast Cancer Awareness month, submitted by Tyrone A. Garner, Mayor/CEO.
Tracking #: 212073

Item No. 3. - PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH
Synopsis: Proclamation proclaiming the month of October 2022 as Domestic Violence Awareness month, submitted by Tyrone A. Garner, Mayor/CEO.
Tracking #: 212075

Item No. 4. - PROCLAMATION: DYSLEXIA AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of October 2022 as Dyslexia Awareness month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212076

Item No. 5. - UPDATE: BIO-SOLIDS PROJECT (ADDED PER BLUE SHEET)

Synopsis: An update from the Public Works Department regarding the Bio-Solids project, submitted by Jeff Fisher, Director of Public Works.

For information only.

Tracking #: 212087

X. REGULAR CONSENT AGENDA

Item No. 1. - RESOLUTION: BPU KDHE LOAN AMENDMENT

Synopsis: A resolution authorizing BPU to obtain a loan from the Kansas Public Water Supply Fund administered by the KDHE, submitted by Debbie Jonscher, Acting Chief Finance Officer, & Angela Lawson, Deputy Chief Counsel.

*On October 10, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 212007

Item No. 2. - RESOLUTION: AMENDING BROTHERHOOD BANK MULTI-PURPOSE COMMERCIAL PROJECT INDUSTRIAL REVENUE BONDS

Synopsis: A resolution amending Resolution No. R-30-22 previously adopted determining intent to issue Industrial Revenue Bonds in the amount not to exceed $28,000,000 to provide sales tax exemption on the Brotherhood Bank (753 State Ave. & 736 Minnesota Ave.) multi-purpose commercial project, consisting of office uses, multi-family units and parking facilities for the benefit of KDG LLC, submitted by Patrick Waters, Deputy Chief Counsel.

*On October 10, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 212010

Item No. 3. - PLAT: PADILLA ADDITION

Synopsis: Plat of Padilla Addition, located at 3222 N 38th Street, and being developed by Rudy Paddila, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212041

Item No. 4. - PLAT: DELAWARE HIGHLANDS SEVENTH PLAT

Synopsis: Plat of Delaware Highlands Seventh Plat, located at 130th and State Avenue, and being developed by Delaware Storage 2 LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212047

Item No. 5. - MINUTES

Synopsis: Minutes from the Executive Session Meeting on October 13, 2022.

Tracking #: MINUTES

Item No. 6. - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business materials dated September 29 and October 6, 2022.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

Item No. 1. - ORDINANCE: ADOPTING 505 CENTRAL REDEVELOPMENT DISTRICT PROJECT PLAN

Synopsis: Approval of an Ordinance adopting a Redevelopment Project Plan for the 505 Central Redevelopment District, submitted by Stephanie Bell, Economic Development Management Analyst.

Tracking #: 212069

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - GRANT: ACCEPTANCE OF NATIONAL ASSOCIATION FOR CITY AND COUNTY HEALTH OFFICIALS (NACCHO) GRANT

Synopsis: The Health Department has been awarded a $300,000 grant from the National Association for City and County Health Officials (NACCHO) for Implementing Overdose Prevention Strategies at the Local Level (IOPSLL), submitted by Juliann VanLiew, Director of the Health Department. There is no match required for the grant. We are one of 12 municipalities being awarded this grant nationally. A brief overview of the grant and its purpose can be found here.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on October 24, 2022. It was requested, and approved by the Mayor, to fast-track this item to the October 27, 2022, full commission meeting.*

Tracking #: 212030

XIII. ADMINISTRATOR'S AGENDA

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

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

For information only.

Tracking #: 211735

Item No. 2. - ORDINANCE: NP TURNER INDUSTRIAL 3 LLC - BUILDING 4 PROJECT INDUSTRIAL REVENUE BONDS

Synopsis: An ordinance authorizing the issuance of Taxable Industrial Revenue Bonds not to exceed $21,386,844 for the NP Turner Industrial 3, LLC- Building 4 Project, submitted by Patrick Waters, Deputy Chief Counsel.

The documents can be found at this link:
https://xfer.wycokck.org/public/folder/1CRKZPIF4UKToe5lCkfeXQ/North%20Point%20Tuner%20Building%204

Tracking #: 212063

Item No. 3. - ORDINANCE: NP TURNER INDUSTRIAL 3, LLC - BUILDING 5 PROJECT INDUSTRIAL REVENUE BONDS

Synopsis: An ordinance authorizing the issuance of Taxable Industrial Revenue Bonds not to exceed $21,386,844 for the NP Turner Industrial 5, LLC- Building 4 Project, submitted by Patrick Waters, Deputy Chief Counsel.

The documents can be found at this link:
https://xfer.wycokck.org/public/folder/EG-PdnNAJkmziNFCJykFKg/North%20Point%20Tuner%20Building%205

Tracking #: 212066

Item No. 4 – RESOLUTIONS/ORDINANCE: SHERIFF DEPARTMENT STAFF FUNDING (ADDED PER PINK SHEET)

Synopsis: Approval of resolutions and ordinance increasing Sheriff's Department salaries, submitted by Misty Brown, Chief Legal Counsel.

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the salaries of the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials.

Tracking #: 212089

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1. - LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below.
Make sure the filter in the top right corner is set to 10/27/22 Full Commission
https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddcb8/?draft=true

A. New Construction - Single Family Homes – 24 Homes

1. CHWC – 1 Home
   1035 Ohio Ave. – 093702
2. CHWC – 1 Home
   1221 Barnett Ave. - 080970
3. CHWC – 1 Home
   1236 Barnett Ave. – 081064
   1234 Barnett Ave. - 080956
4. CHWC – 3 Homes
   618 N. 11th St. – 080519
   1137 Ann Ave. - 080823
   1135 Ann Ave. - 080822
   907 N. 12th St. - 080790
5. CHWC – 1 Home
   741 Everett Ave. – 081979
6. Damon Downs, Jr. – 1 home
   3001 N. 48th Terr. – 178024
7. Damon Downs, Jr. – 1 home
   3557 N. 56th Terr. – 920628
10. Sarita Stephenson – 1 home
    1068 Kimball Ave. – 106116
11. Sarita Stephenson – 1 home
    2802 Parkwood Blvd. – 106187
12. Sarita Stephenson – 1 home
    2904 Parkwood Blvd. – 106126
13. Nosaze Enoma Ighodaro – 1 home
    2829 N. Bethany St. – 106304
15. Gisela Medina – 1 home
    2736 N. 39th St. – 105625
16. Jaime Fernandez – 1 home
    336 Walker Ave. – 254322
17. Kenneth Nelson – 1 home
    5705 Tauromee Ave. – 204401
18. Laurie Tomelleri – 1 home
    37 N. Broadview Ave. – 120320
19. Pamela Smart – 1 home
    1144 Garfield Ave. – 097959
    1144 Garfield Ave. - 097901
20. Robert Ottens – 1 home

6153 Parkview Ave. – 31828

21. Steven Kinney – 1 home
    3601 Locust Ave.– 79642
22. Vlad Nicolae Geana – 1 home
    2214 S. Ferree St. - 126611
    2220 S. Ferree St. - 126612
23. Beryah Butts – 1 home
    3936 Mission Rd. – 209006
25. Jay Trib – 1 home
    2831 Glenrose Ln. - 130504
    2823 Glenrose Ln. - 130503
    2817 Glenrose Ln. - 130502
    2811 Glenrose Ln. - 130501
26. Stephen Russell – 1 home
    2314 S. 71st St. – 225613

B. Multi Family – 20 units total
   1. CHWC – 4 units
      1118 Armstrong Ave. – 80802
      1116 Armstrong Ave. - 080803
      1114 Armstrong Ave. - 080804
      1112 Armstrong Ave. - 080805
   2. CHWC – 6 units
      816 N. 12th St. – 80900
      818 N. 12th St. - 080899
      814 N. 12th St. - 080901
      812 N. 12th St. - 080902
   3. Maricela Zamora – 4 units
      1925 N. 47th St. – 061709
      061701
   5. Justen Waters – 2 Units
      2101 N. 77th St. – 928610
   6. Amit Bhakta – 2 units
      516 H N. 9th St. - 090304

C. Commercial – 2
   1. Diana Navarro
      1100 Minnesota Ave. - 80776
      1102 Minnesota Ave. - 080754
      1104 Minnesota Ave. - 080775
   4. Librado Ruiz Ayala
      821 S. 12th St. - 072547

*On October 10, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward*
to full commission.

Tracking #: 212036

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, OCTOBER 27, 2022, 2022

IX. MAYOR'S AGENDA

NEW ITEM

Item No. 5 – UPDATE: BIO-SOLIDS PROJECT

Synopsis: An update from the Public Works Department regarding the Bio-Solids project, submitted by Jeff Fisher, Director of Public Works.

For information only.

Tracking #: 212087

Staff Request for Commission Action

Tracking No. 212087

Full Commission Meeting Date:
Committee: Full Commission

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/27/2022	Jeff Fisher	x5415	jfisher@wycokck.org	Public Works

Item Description:
An update from the Public Works Department regarding the Bio-Solids project, submitted by Jeff Fisher, Director of Public Works.

For information only.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

SECOND AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, OCTOBER 27, 2022

XIII. ADMINISTRATOR'S AGENDA

NEW ITEM:

Item No. 4 – RESOLUTIONS/ORDINANCE: SHERIFF DEPARTMENT STAFF FUNDING

Synopsis: Approval of resolutions and ordinance increasing Sheriff's Department salaries, submitted by Misty Brown, Chief Legal Counsel.

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the salaries of the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials

Attachments

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials.

Tracking #: 212089

Staff Request for Commission Action

Tracking No. 212089

Full Commission Meeting Date:
Committee: Full Commission

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/27/2022	Misty Brown	x5067	mbrown@wycokck.org	Sheriff

Item Description:

Approval of resolutions and ordinance increasing Sheriff's Department salaries, submitted by Misty Brown, Chief Legal Counsel.

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the salaries of the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

(Published _____)

RESOLUTION NO. R - _____-22

A RESOLUTION OF SUPPORT FOR INCREASING THE BASE SALARY OF SWORN SHERIFF'S OFFICE EMPLOYEES.

WHEREAS, on October 1, 1997 pursuant to an Act of the Kansas Legislature, hereinafter referred to as the "Act", the voters of Kansas City, Kansas and Wyandotte County, by a majority vote, approved and adopted the consolidation of the Board of County Commissioners of Wyandotte County and the City Council of Kansas City, Kansas into one (1) governing body known as the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as the "Unified Government"; and

WHEREAS, pursuant to this Act, the Board of Commissioners of the Unified Government serve and have all powers under the statutes of the State of Kansas to operate concurrently as the governing body of a county in the State of Kansas and as a city of the first class under the laws of the State of Kansas; and

WHEREAS, by approving the consolidation of the City and County governments, the elected offices of the Sheriff and the Register of Deeds and the position of the Election Commissioner appointed by the Kansas Secretary of State are authorized by and pursuant to the statutes of the State of Kansas, were preserved and continued as provided under the same statutes and additionally, the ordinances and resolutions of the Unified Government; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas Board of Commissioners is committed to maintaining a strong and diverse workforce with equitable and competitive pay across all its departments; and

WHEREAS, the Sheriff has the authority under state law to set the salaries of his deputies within the approved budgetary authority; and

WHEREAS, a significant disparity in pay exists between Sheriff's sworn employees and other sworn law enforcement positions of the Unified Government.

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 understands and agrees that the Sheriff has certain statutory duties that are required to be undertaken by sworn law enforcement officers.

2. That the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas, notwithstanding any collective bargaining unit agreements to which the Sheriff and the Unified Government are a signatory, supports increasing the base salary of sworn Sheriff's Office employees to achieve up to 100% parity in pay with other equivalent sworn positions within the Unified Government.

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.

PASSED BY THE UNIFIED BOARD OF COMMISSIONERS OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2022.

_____
Tyrone Garner, Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

_____
Misty Brown, Chief Counsel

(Published _____)

ORDINANCE NO. _____

RESOLUTION NO. _____

.

AN ORDINANCE AND RESOLUTION PROVIDING FOR THE SALARIES OF THE SHERIFF, THE REGISTER OF DEEDS, THE ELECTION COMMISSIONER, AND THEIR APPOINTED DEPUTY OFFICIALS BY REPEALING AND REPLACING RESOLUTION NOS. R-83-00 AND R-115-02, ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, ON AUGUST 3, 2000 AND DECEMBER 19, 2002, BY REVISING AND RESTATING ALL THE SECTIONS CONTAINED THEREIN AND BY AMENDING SECTION 2-142 OF THE UNIFIED GOVENRMENT CODE OF ORDINANCES:

WHEREAS, on October 1, 1997 pursuant to an Act of the Kansas Legislature, hereinafter referred to as the "Act", the voters of Kansas City, Kansas and Wyandotte County, by a majority vote, approved and adopted the consolidation of the Board of County Commissioners of Wyandotte County and the City Council of Kansas City, Kansas into one (1) governing body known as the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as the "Unified Government"; and

WHEREAS, pursuant to this Act, the Board of Commissioners of the Unified Government serve and have all powers under the statutes of the State of Kansas to operate concurrently as the governing body of a county in the State of Kansas and as a city of the first class under the laws of the State of Kansas; and

WHEREAS, by approving the consolidation of the City and County governments, the elected offices of the Sheriff and the Register of Deeds and the position of the Election Commissioner appointed by the Kansas Secretary of State are authorized by and pursuant to the statutes of the State of Kansas, were preserved and continued as provided under the same statutes and additionally, the ordinances and resolutions of the Unified Government; and

WHEREAS, the Sheriff, Register of Deeds and Election Commissioner are each authorized to have a deputy position as provided by statute, resolution, and ordinance, hereinafter referred to as the "Undersheriff", the "Deputy Register of Deeds" and the "Deputy Election Commissioner"; and

WHEREAS, pursuant to State statute, the salary for each of the elected and appointed officers and their deputies are set by resolution of the Board of Commissioners of the county in which the position exits; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas Board of Commissioners is committed to maintaining a strong and diverse workforce with equitable and competitive pay across all its departments.

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

Section 1. That Section 2-142 of Article I, Division & of Chapter 2 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Sec. 2-142. Salaries of the sheriff, register of deed, elections commissioner and their deputy positions.

(a) *Elected officials and election commissioner.*

(1) The sheriff~~, register of deeds and the election commissioner~~ shall be paid pursuant to and consistent with the ~~compensation and classification plan ("plan" heretofore adopted and approved by the board of commissioners of the unified government) a salary equal to the amount set forth on range 17, step 1 of said plan which equals $54,152.00 per year~~, the Compensation Plan heretofore established for elected and appointed officials and designated as a newly established Range 10, an annual salary equal to the amount of $190,550.10 or an amount equal to the Kansas City, Kansas Chief of Police, whichever is higher paid in periodic amounts the same as all other governmental employees are paid. The sheriff~~, register of deeds and election commissioner~~ shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.

~~(2) The salary provided in subsection (a)(1) of this section shall be retroactive to October 1, 1999, and shall thereafter be compounded with an additional three percent cost of living increase retroactive from the date of Resolution No. R-83-00 [enacted August 3, 2000] to January 1, 2000.~~

(2) The register of deeds shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials and designated as a Range 4, an annual salary equal to the amount of $96,803.20 paid in periodic amounts the same as all other governmental employees are paid. The register of deed shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.

(3) The election commissioner shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials and designated as a Range 4, an annual salary equal to the amount of $108,326.40 paid in periodic amounts the same as all other governmental employees are paid. The election

commissioner shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.

(b) *Appointed deputy officials.*

(1) The register of deeds deputy ~~and the election commissioner's deputy~~ shall ~~receive a salary equal to the salary provided under the plan of the unified government at range 14. This salary shall be retroactive to October 1, 1999. .~~ shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials, within Range 3, an annual salary equal to the amount of $79,081.60, paid in biweekly amounts in the same manner as all other Unified Government employees are paid.

(2) The undersheriff shall ~~receive a salary equal to the salary provided under the plan of the unified government at range 18. This salary shall be retroactive to July 1, 2002.~~ shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials, within Range 6, an annual salary equal to the amount of $130,522.70, paid in biweekly amounts in the same manner as all other Unified Government employees are paid.

(3) The election commissioner's deputy shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials, within Range 3, an annual salary equal to the amount of $89,440.00, paid in biweekly amounts in the same manner as all other Unified Government employees are paid.

(4) ~~(3)~~ Annual increases to the salary shall be based upon performance measures established pursuant to the plan with their evaluation performed by the supervising elected or appointed official.

(5) ~~(4)~~ The undersheriff, register of deeds deputy and election commissioner deputy shall be treated in the same manner as the unified government employees under the plan.

(Code 1988, § 2-602; Res. No. R-83-00, §§ 1, 2, 8-3-2000; Res. No. R-115-02, § 1, 12-19-2002)

Section 2. That Resolution No. R-83-00 and R-115-02 of the Unified Government of Wyandotte County/Kansas City, Kansas are hereby repealed and replaced, and any other provisions of Resolution No. R-83-00 and R-115-02 of the Unified Government of Wyandotte County/Kansas City, Kansas, that are not contained or restated herein, are otherwise repealed.

Section 3. This resolution and ordinance shall take effect and be in fully force after its passage, approval and publication in the official Unified Government Newspaper.

Section 4. The Unified Government, the Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

PASSED AND ADOPTED BY THE UNIFIED BOARD OF COMMISSIONERS OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND APPROVED AND SIGEND BY THE MAYOR/CEO ON THIS _____ DAY OF _____, 2022.

_____
Tyrone Garner, Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

_____
Misty Brown, 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: October 27, 2022

Re: **Change of Zone Petition COZ2022-024**

GENERAL INFORMATION

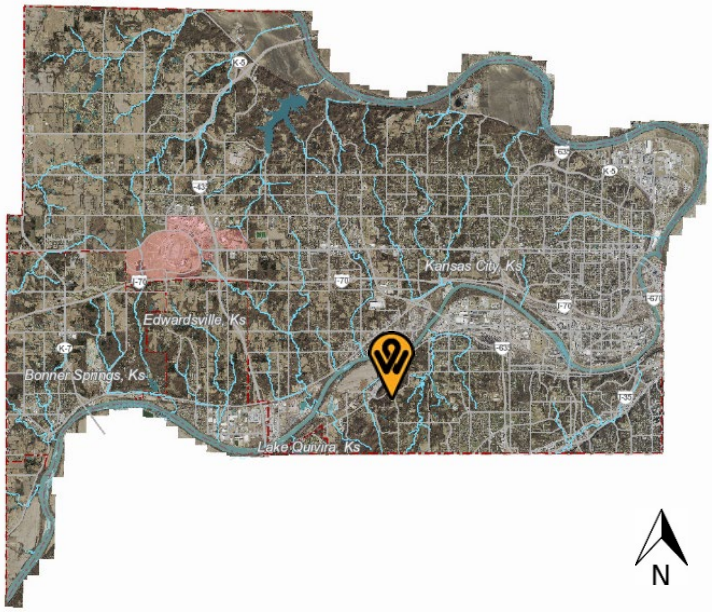
Applicant:
Wylie Denton

Status of Applicant:
Property Owner
2730 South 69th Street
Kansas City, Kansas 66106

Requested Action:
Approval of a Change of Zone.

Date of Application:
June 24, 2022

Purpose:
To approve a change of zone from R-1 Single-Family District to AG Agriculture District, to construct an accessory structure and have cows on the property.



Property Location:
2730 South 69th Street
Kansas City, Kansas 66106

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

Existing Zoning: R-1 Single-Family District

Adjacent Zoning:	**North:**	R-1 Single-Family District
	South:	R-1 Single-Family District
	East:	R-1 Single-Family District
	West:	R-1 Single-Family District
Adjacent Uses:	**North:**	Single-family residence
	South:	Single-family residence
	East:	Single-family residence
	West:	Single-family residence

Total Tract Size: 16.22 Acres

Master Plan Designation: The City-Wide Master Plan designates this property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development.

Major Street Plan: The Major Street Plan designates South 69th Street as a Local Street.

Parking Requirement: Sec 27-454(e) states that two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport.

The property provides at least four (4) off-street parking spaces, two (2) of which are in a garage.

Advertisement: The Wyandotte Echo – July 14, 2022
Letters to Property Owners – July 15, 2022, July 31, 2022 and August 31, 2022

Public Hearing: October 10, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wylie Denton, is seeking a change of zone from R-1 Single-Family District to A-G Agriculture District, to construct an accessory structure larger than 1,000 square feet and to have cows on the property.

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 not been any Noise or Disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There has only been one (1) code enforcement case on the subject property, which was before the current owner.

Outstanding or Related Permits and Cases:

1. 2022 – BOZA2022-024 – Variance

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The neighborhood consists of primarily single-family residences with large lots and generous setbacks. There is a mix of single-family and agricultural zoning.

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

   The nearby zoning and uses are set out above. The proposed zoning will be compatible with nearby zoning, as the subject property is surrounded by both single-family and agricultural 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 removal of restrictions will not detrimentally affect nearby property, as long as the proposed use is managed properly and adheres to all conditions of approval.

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

   The property is not vacant, it is used as a single-family residence.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as it is for the private use by the property owner. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property, as long as the proposed use is managed properly, and conditions are adhered to.

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

   The proposed use will not increase traffic to the point that it will exceed the capacity of South 69th Street, a Class C Thoroughfare. The proposed development will be utilized for private and personal use by the applicant and will not function as a business.

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

   The City-Wide Master Plan designates this property as Rural-Density Residential, which allows for agriculture, ranches, and large lot residential development. The proposed zoning change and development conforms to the master plan, as it is an agricultural and residential use.

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

   There is potential for environmental harm with the construction of a large accessory structure for the cows, as this would result in the existing tree-stand being removed. This could result in more water runoff. Additionally, cows of the property have the potential further impact the tree stand as well as animal waste contaminating runoff.

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

   a. ***Water service***

      BPU provides water service.

   b. ***Sanitary sewer service***

      UG provides sanitary sewer service.

   c. ***Storm water control***

      UG provides storm water control along Woodend Avenue.

   d. ***Police***

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

e. Fire

Fire service is provided by Station #17.

f. Transit

There is no transit service provided near the property.

g. Schools

Education is provided by Oak Grove Elementary, Turner Middle School and Turner High School, under Turner USD 202.

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

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

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

The applicant is proposing a 2,400 square foot accessory structure on the property, which does not comply with the current R-1 Single-Family District zoning. The change of zone, however, will allow the applicant to construct a large accessory structure, as well as keep cows on the property.

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

The relative gain to the public health, safety, and welfare will be minimal. There are concerns with increased water runoff and contamination of water runoff, due to animal waste. If denied, the applicant would not be able to construct the accessory stricture or keep cows on the property.

PREVIOUS ACTIONS

None to date.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Development Plan
Erosion Control
Water Run-Off
Animal Waste
Conservation of Natural Terrain
Conservation Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2022-024, subject to:

1. **The applicant must obtain a Conservation Plan from the Conservation District before cows are allowed on the property.**
2. **The applicant must maintain a 25-foot buffer around the creek that runs through the property;**
3. **The applicant must replant any trees that will be removed;**
4. **The applicant must remove any waste, not utilized as fertilizer, from the property regularly, as to prevent any potential contamination of water run-off;**
5. **This case is being heard in conjunction with Board of Zoning Appeals case BOZA2022-037;**
6. **The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
7. **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;**
8. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
9. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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;

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. **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; 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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-024** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Plot Plan
Wyandotte County Conservation District Comments, Dated July 12, 2022
Neighborhood Meeting Materials
UG Pictometry, Dated March 3, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-024** 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 **COZ2022-024,** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 3:13:07 and the applicant was not present. The application was recalled at 6:01:20 and the applicant was not present:

CHANGE OF ZONE APPLICATION COZ2022-024 – WYLIE DENTON - SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory structure to house cows at 2730 South 69th Street.

Detailed Outline of Requested Action: The applicant, Wylie Denton, is seeking a change of zone from R-1 Single-Family District to A-G Agriculture District, to construct an accessory structure larger than 1,000 square feet and to have cows on the property.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated October 10, 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 6:01:52: Planning Director Hand stated that the request is for agriculture zoning in order to build a couple of accessory structures and keep cows on the property. This property is in the City-Wide Master Plan in the Turner area. The property is large enough to meet the A-G minimum lot size. Staff has not received any letters in support nor in opposition. There are some old Notices of Violation that are not related to this proposal. Staff has requested a conservation plan from the Wyandotte County Conservation District and has conditioned a buffer around the stream to keep it clear of development, livestock and waste. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 6:03:26:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-024:**

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

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

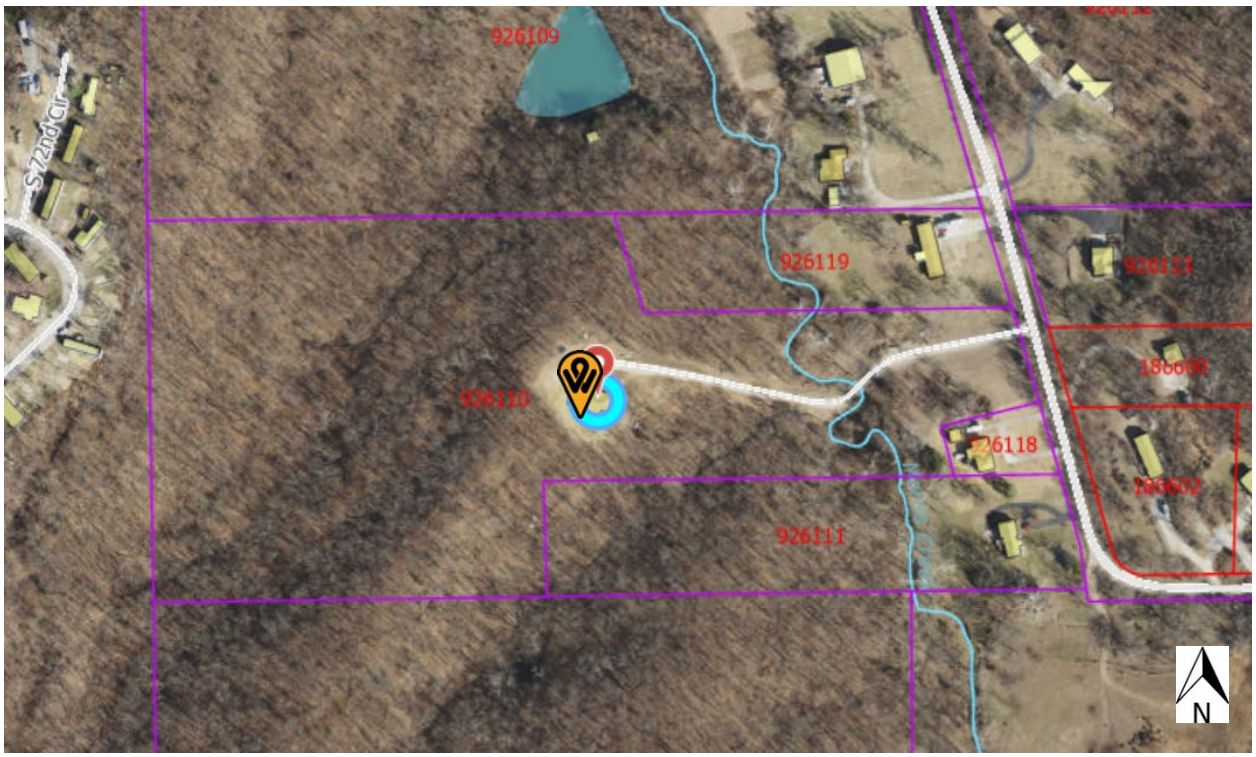
Subject to:

1. **The applicant must obtain a Conservation Plan from the Conservation District before cows are allowed on the property.**
2. **The applicant must maintain a 25-foot buffer around the creek that runs through the property;**
3. **The applicant must replant any trees that will be removed;**
4. **The applicant must remove any waste, not utilized as fertilizer, from the property regularly, as to prevent any potential contamination of water run-off;**
5. **This case is being heard in conjunction with Board of Zoning Appeals case BOZA2022-037;**
6. **The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
7. **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;**
8. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
9. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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;**
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. **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; and,**

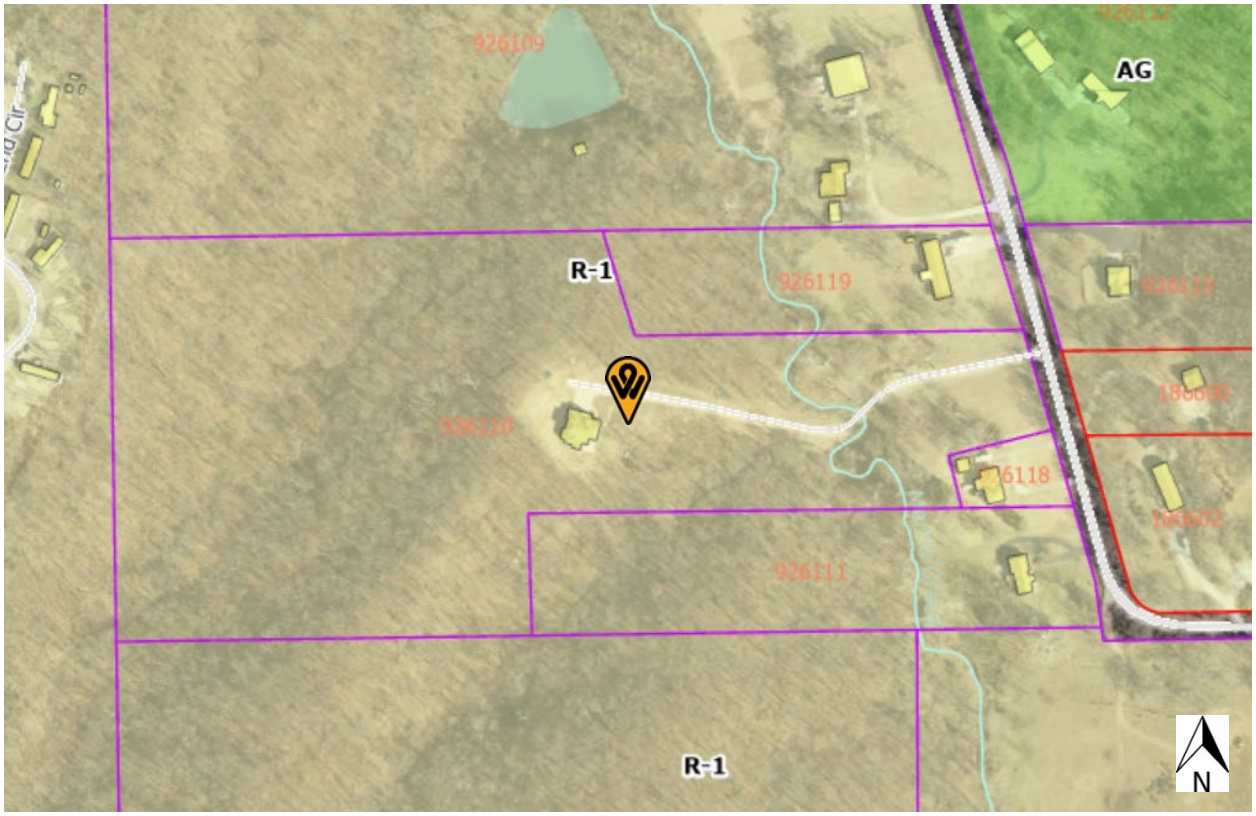
12. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition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

ATTACHMENTS

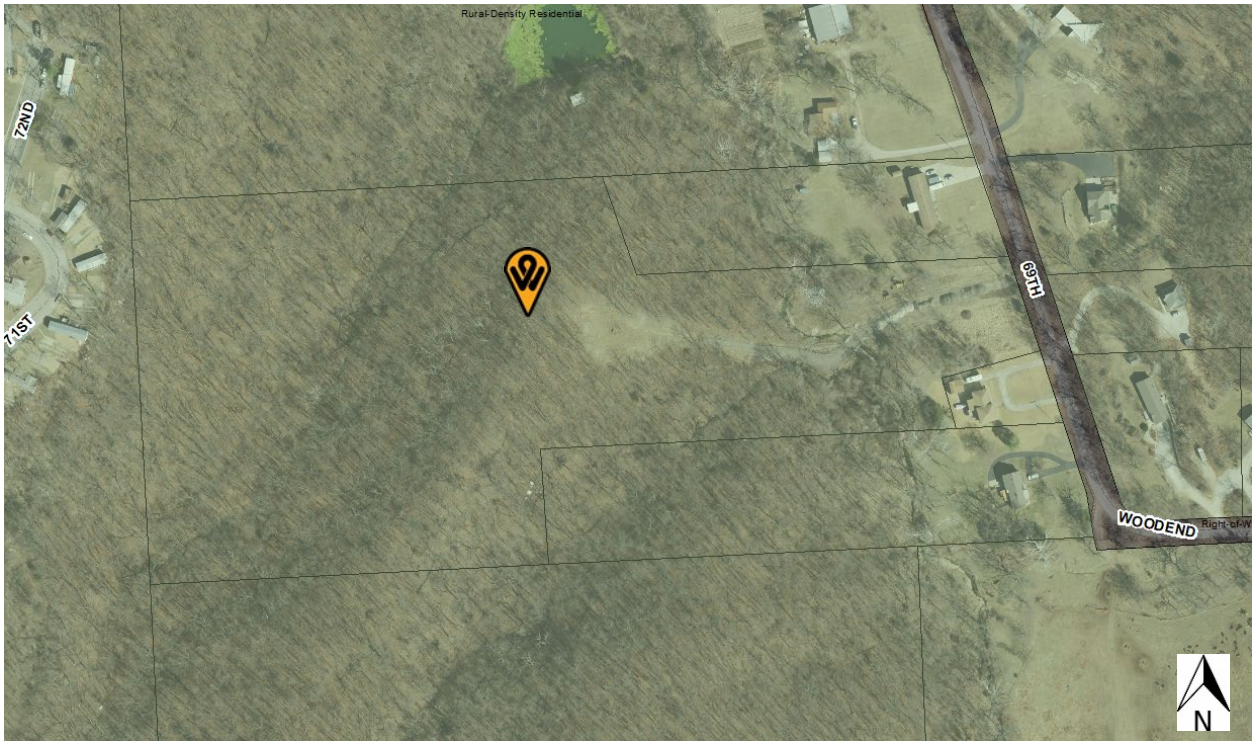
AERIAL IMAGERY



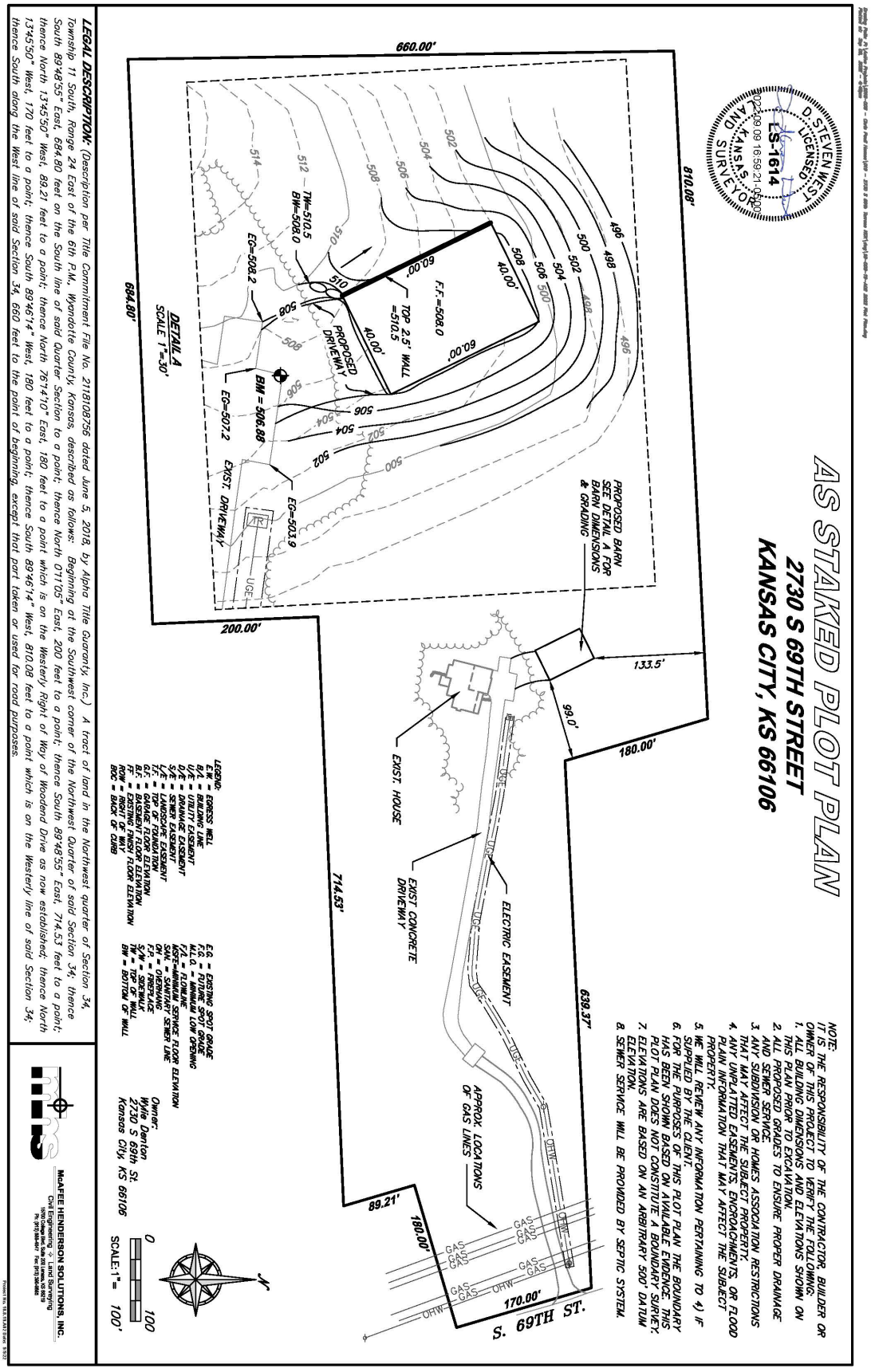
ZONING MAP



LAND USE MAP



PLOT PLAN



LEGAL DESCRIPTION: (Description per Title Commitment File No. 2118108756 dated June 5, 2018, by Alpha Title Guaranty, Inc.) A tract of land in the Northwest quarter of Section 34, Township 11 South, Range 24 East of the 6th P.M., Wyandotte County, Kansas, described as follows: Beginning at the Southwest corner of the Northwest Quarter of said Section 34; thence South 89°48'55" East, 684.80 feet on the South line of said Quarter Section to a point; thence North 0°11'05" East, 200 feet to a point; thence South 89°48'55" East, 714.53 feet to a point; thence North 13°45'50" West, 89.21 feet to a point; thence North 76°14'10" East, 180 feet to a point which is on the Westerly Right of Way of Woodend Drive as now established; thence North 13°45'50" West, 170 feet to a point; thence South 89°46'14" West, 180 feet to a point; thence South 89°46'14" West, 810.08 feet to a point which is on the Westerly line of said Section 34; thence South along the West line of said Section 34, 660 feet to the point of beginning, except that part taken or used for road purposes.

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

July 12, 2022

RE: COZ2022-024 and BOZA2022-037 Wylie Denton R-1 to A-G for an accessory structure to house cows at 2730 South 69th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-024 and BOZA2022-037 Wylie Denton R-1 to A-G for an accessory structure to house cows at 2730 South 69th Street.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Soil Features

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

- There are four major soil types identified: Kennebec silt loam, occasionally flooded, Vinland-Rock outcrop complex, 15 to 45 percent slopes, Ladoga silt loam, 3 to 8 percent slopes and Martin silty clay loam, 7 to 12 percent slopes, eroded. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- In its current state the property would be considered agriculture for the production of its timber stand. The best agricultural used is for this site is woodland production.

- Timber stands do not provide good grazing lands for cattle and should be fenced off. The weight of the animals create compaction and will limit ground cover growth, if allowed to move through trees.
- The government has programs to assist landowners in managing their timber stands for the profitable income.
- Timber stand improvement, evaluation of plant stands, and harvest selection are some of the services available.
- A waste management plan is needed with any livestock on the property. Proper disposal is needed so that the major drainage way is not impacted by waste.

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

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # CoZa. 2022-024 + BOZA 2022-037
2. That I conducted a neighborhood meeting on 6/25/22 @ 6:00 PM
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Wylie Denton
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of July, ~~200~~ 2022

My commission expires 23rd of April, ~~200~~ 2023.

Jaime J Landie
Notary Public
State of Kansas
Appointment Expires 4/23/23

Jaime J Landie
Notary Public

Neighborhood Meeting Minutes:

Application #: COZA2022-024
BOZA 2022-037

Meeting Date: 7/25/22 @ 6:00
Location was the Drive way @ 2730 S. 69th Street KC, KS 66106

Meeting was called to order @ 6:00pm

In attendance:
Bentley Nielson
Kimberly Nielson
William White
William & Carolyn Dillard
Beth Wyatt
Frank and Karolyn Sutalar

Everyone was introduced to each other even though most neighbors all know each other already.

Wylie Denton gave presentation about how he was wanting to purchase up to 3 cows for our property only for our family to be able to eat them not to have a whole combine of animals. They were informed that we would be putting a barn and the fencing on the back of the property so they will probably never see the cows or even know they are there. The cows will not have access to the creek or any of their yards as they will be fenced in on the back part of our property.

Q&A:

1. Carolyn Dillard: Will the cows be in the front yard and have will they have access to the creek? Wylie informed her and showed her a picture of where we are wanting to put the cows and they are no where near the creek or their home.
2. Beth Wyatt: Asked if we were going to have construction trucks up there and in and out of our property for business purposes. Wylie informed her that we would only have construction vehicles here to use for personal use such as when we will build the barn, etc. Wylie also let Beth know that when we are buying the barn and fence they will probably not even notice there is construction going on up there.
3. Beth Wyatt: Asked if we would have the cows in the front yard. We showed her the map attached where we were wanting to put the cows and she was happy with the answer and stated she did not mind since we

wanted to put them back there.

4. Carolyn Dillard: Wanted to know if her home owners insurance will be going up because we are getting cows. Wylie informed her she did not think that would cause her home owners insurance to go up but she can call them and they would be able to help better.
5. Carolyn Dillard: Asked if we would be getting pigs also. Wylie insured her that he would not be and never will be getting pigs.
6. Beth Wyatt: Beth asked if we will protect the road if we do have to put any heavy equipment on the road. Wylie informed her that he would be using a rubber mat to help with not damage the road any worse than it already is.

Meeting adjourned at: 6:32pm

Minutes taken by: Danielle Denton

Neighborhood meeting 7/25/22

SIGN IN SHEET

1. Bentley Nielsen
2. Kimberly Nielsen
3. William White
4. William & CARLYN Dillard
5. Beth Wyatt
6. [illegible]
7. Karolyn Satalas & Frank Satalas
8.
9.
10.
11.
12.
13.
14.
15.
16.
17.
18.

UG PICTOMETRY, DATED MARCH 3, 2021

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 27, 2022

Re: **COZ2022-027 and MP2022-015**

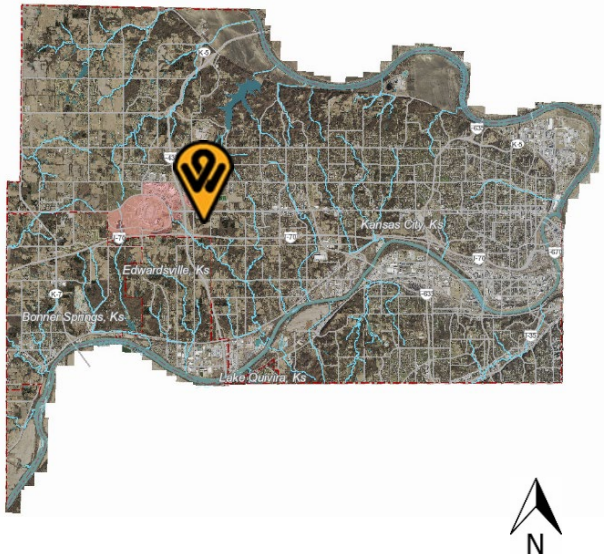
GENERAL INFORMATION

Applicant:
Lidia Villar DBA Lidia & Company, LLC
and El Paisano

Status of Applicant:
Property Owner
11902 Blue Ridge Extension
Grandview, MO 64030

Requested Action:
Approval of a Change of Zone.

Date of Application:
July 28, 2022



Purpose:
To rezone from R-2(B) Two-Family District to CP-1 Planned Limited Business District to build a grocery store.

Master Plan Amendment from Urban Density (Armourdale Area Master Plan) to Community Commercial (Armourdale Area Master Plan)

Property Location:
1218 Kansas Avenue
Kansas City, Kansas 66105

Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan	
Existing Zoning:	R-2(B) Two-Family District	
Adjacent Zoning:	**North:**	R-2(B) Two-Family and M-2 General Industrial Districts
	South:	R-2(B) Two-Family District
	East:	C-3 Commercial District
	West:	R-2(B) Two-Family District
Adjacent Uses:	**North:**	Auto salvage and Vacant residential land
	South:	Single family residences
	East:	Auto transmission and body repair
	West:	Vacant residential land
Total Tract Size:	0.35 Acres	
Master Plan Area:	The Subject Property is within the Armourdale Area Plan.	
Master Plan Designation:	The Armourdale Area Plan designates this Property as Mixed-Use. The Mixed-Use land designation includes a variety of residential densities and unit types as well as commercial uses.	
Major Street Plan:	The Major Street Plan designates this tract of Kansas Avenue as a Class B Thoroughfare.	
Parking Requirement:	R-2(B) Two-Family District (current zoning): Section 27-457(d) requires one (1) off-street parking space for each dwelling unit. CP-1 Planned Limited Business District (proposed zoning): Section 27-464(e) requires a ratio of four (4) spaces per every 1,000 square feet of floor area. The proposed plan has 5,847 square feet of total building area, with 194 square feet of space dedicated to a snack bar area, bringing the parking lot requirement to 27 parking spaces. The subject plan has 20 parking spaces, a violation of seven (7) parking spaces. At 27 parking spaces, a second ADA stall will be required. The applicant has proposed a variance to meet this requirement.	
Advertisement:	The Wyandotte Echo – August 18, 2022 Letters to Property Owners – August 19, 2022 and September 15, 2022	

Public Hearing: October 10, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lidia Villar, is requesting a Change of Zone from R-2(B) Two-Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density to Community Commercial (Armourdale Area Master Plan) for the subject property at 1218 Kansas Avenue. The Change of Zone has been requested so that the applicant can construct a new grocery store with parking lot. The subject property is currently a vacant lot with approximately 15,315 square feet.

This application is being heard in conjunction with BOZA2022-042 for variances related to setbacks and parking.

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.

The owner has no previous Planning and Zoning Cases. A variance related to parking and setbacks is being heard adjacent to this application, BOZA2022-042.

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   The neighborhood is mixed-use in character with residences on the south side of Kansas Avenue and mixed commercial and industrial uses on the north side. Lots range in size from narrow residential lots that are 25 feet in width to commercial and industrial uses that are approximately one (1) acre. Kansas Avenue presents a high traffic volume with heavy trucks passing pedestrians or cyclists. Off-street parking is utilized by the residents along the corridor and sidewalks are wide to accommodate pedestrian traffic.

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

   The presence of a commercial property nearby to adjacent residences may be seen as incompatible, but the limited and low intensity of the proposed commercial zoning designation in a mixed-use corridor provides a buffer between the residences and more intense uses. Residential neighborhoods often benefit from conveniences that a grocery store provides. 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 27-464, the purpose of the C-1 limited business district is to accommodate retail and service establishments that serve, for the most part, a limited, definable trade area and may have close relationships with the residential areas they serve. The size of buildings, the peak hour flow of traffic, the size and prominence of signs and the amount of noise and commotion created are assumed to be moderate to low in scale compared to regional shopping centers and highway-oriented businesses. The subject property's proposed use as a small grocery store for nearby residents resembles the close relationship that a commercial property would have with nearby residents. The removal of these restrictions will not detrimentally affect nearby property, as it is desirable to have a food retail establishment near a residential neighborhood in a scale that buffers more intense uses.

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

   The property is currently vacant. Historic aerials confirm the property became fully vacant by 2002, or a period of 20 years.

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

   There is substantial public gain as this is retail establishment that sells food and groceries available to the neighborhood which is necessary for the convenience and welfare of the public. There is some gain from not having another vacant lot in the area which has a history of tall grass, weeds, and abatement. Morale in areas often improve as new businesses open in areas of long-term vacancy. The proposed change of zone for limited commercial 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. There may be some increase in traffic as a vacant lot is now a retail establishment, although it should not exceed the capacity of the Class B Thoroughfare to accommodate it. Although a parking variance is required, the plan would have met the requirements except for an office mezzanine, which will have little impact on customer foot traffic. There is no foreseen adversity to road capacity, safety, or parking.

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

   The Armourdale Area Plan designates this Property as Mixed-Use. The Mixed-Use land designation includes a variety of residential densities and unit types as well as commercial uses. Discouraged uses include industrial parks, business parks, and high-density residences.

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 permits which includes standards for grading and erosion control.

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

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #333.

e. Fire

Fire service is provided by Station #9.

f. Transit

The subject property is accessible by Route #104 at the intersection of Kansas Avenue and 10th Street.

g. Schools

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

h. Streets

See item #6 above.

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

The economic impact on the community is substantial, as the subject property is currently vacant but is proposed to be a retail grocery store open to the public. This would have substantial economic gain, as the community would benefit from a food supply establishment, an amenity vocalized as desirable in the Armourdale Area Master Plan. The county would also benefit from an establishment at a property with a history of long-term vacancy and would see economic benefit from sales tax and property tax gains.

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

The subject property does not currently conform to the current R-2(B) zoning district, as it is a commercial establishment. The change of zone allows for the subject property to be conforming with the construction of the grocery store.

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 substantial impact or gain to public health, safety, or welfare, as it is a public need to have accessible food retailers. The land is in an urban, mixed-use neighborhood with a variety of uses in which commercial activity is expected. Nearby landowners would not generally see a hardship, as the establishment has set hours of operation and expected traffic is typical for the Class B Thoroughfare.

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 the propensity for some noise or illumination to be a problem at this location, as the proposed use is a publicly visited retail establishment with pedestrians and store lighting near to a residential neighborhood. Vibration is not commonly associated with a neighborhood grocery establishment. Noise and illumination will be minimal if the store is managed appropriately.

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 a commercial use without noxious odors, fumes, or other chemicals. Structures on the property greater than 120 square feet are subject building code and enforcement practices which may include stormwater, grading, and erosion control.

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 grocery store's construction is subject to building permits including erosion control and grading.

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 substantial as this is a grocery store and food source open to the public. The public gains from the accessibility to food and from a new business, generating tax revenue and increasing morale by replacing a lot with long-term vacancy with a business. If denied, there would be significant hardship on the landowner as they would not be able to construct a new business and neighboring landowners would have fewer nearby areas to purchase groceries within a reasonable distance.

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 larger urban parcel in which occupancy is calculated in the construction documents of the new structure and parking lot.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Teams on August 29, 2022. Attached are the minutes, meeting information, and/or list of attendees.

KEY ISSUES

Neighborhood Character
Food Deserts
Parking
Traffic
Commercial Design Guidelines
Mixed-Use Neighborhood
Buffer Zones
Residential Use
Zoning
Vacant Lot

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2022-015 and Change of Zone COZ2022-027, subject to:

1) **This City Planning Commission case is being heard in conjunction with BOZA2022-042;**
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) **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 15,314.79 square feet, requiring 2 trees be provided on the site plan;**
4) **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;**

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) **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;**
7) **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;**
8) **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06 and otherwise adopted by the City-wide Master Plan;**
9) **The applicant is requesting a Special Use Permit for a property to be zoned as CP-1 Limited Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2022-027. 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;**
10) **The following requirements of the Commercial Development Guidelines Overlay District have been met:**
    (a) Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block;

(b) Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
(c) Section 27-575(d)(9) states that 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;
(d) Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
(e) Section 27-575(f)(1) states that 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;
(f) Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle);
(g) Section 27-575(a)(3) states that street layout should define a cohesive development;
(h) Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
(i) Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
(j) Section 27-577(d)(1) states that 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;
(k) Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan;
(l) Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;

11) A deviation to the following requirements of the Commercial Development Guidelines Overlay District has been approved by the City Planning Commission.
(1) Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;
(2) Section 27-575(e)(3) states that parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;

(3) Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

(4) All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.

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;

13) Per Section 27-723(a), no sign (including the structure or sign surface or murals) 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;

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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-027 and MPL2022-015,** subject to all comments

and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Development Plans
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 Rezoning	October 10, 2022 Approval	October 27, 2022
Master Plan	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

MASTER PLAN AMENDMENT:

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-015** 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 **MPL2022-015,** 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.

AND

CHANGE OF ZONE:

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-027,** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 3:14:25:

MASTER PLAN AMENDMENT MPL2022-015 – LIDIA VILLAR WITH LIDIA AND COMPANY, LLC – SYNOPSIS: Master Plan Amendment from Urban Density (Armourdale Area Master Plan) to Community Commercial (Armourdale Area Master Plan) at 1218 Kansas Avenue.

CHANGE OF ZONE APPLICATION COZ2022-027 – LIDIA VILLAR WITH LIDIA AND COMPANY, LLC - SYNOPSIS: Change of Zone from R-2(B) Two Family District to CP-1 Planned Limited Business District to construct a neighborhood market at 1218 Kansas Avenue.

Detailed Outline of Requested Action: The applicant, Lidia Villar, is requesting a Change of Zone from R-2(B) Two-Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density to Community Commercial (Armourdale Area Master Plan) for the subject property at 1218 Kansas Avenue. The Change of Zone has been requested so that the applicant can construct a new grocery store with parking lot. The subject property is currently a vacant lot with approximately 15,315 square feet. This application is being heard in conjunction with BOZA2022-042 for variances related to setbacks and 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 October 10, 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:

- Jeff Schulzler, representing the applicant, Pluribus Architectural Collaborative LLC, 926 Cherry, Kansas City, Missouri 64106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:17:25: Planning Director Hand stated that Change of Zone COZ2022-027 and Master Plan Amendment MPL2022-015 are being heard in conjunction with BOZA2022-042, which was approved for a parking and setback variance earlier this evening by the Board of Zoning Appeals. The request is for a grocery store on Kansas Avenue in Armourdale. The newly adopted Armourdale Area Master Plan did discuss access to healthy foods and grocery stores as a primary goal for the community. There are multiple what's called bodegas with food access in and around Armourdale but nothing of this size and extent as a grocery store. Staff has received no letters in support nor in opposition. There are some older Notices of Violation which will be addressed as it relates to the development of this project. There are several Commercial Design Guidelines that Staff has been working with the applicant to address. Staff has built in flexibility for the parking variance if there is a redesign of the parking lot. There are four (4) deviations before the Commission tonight to those Commercial Design Guidelines:

1. The first one relates to screening of commercial property to a residential structure. Some level of landscaping, berming and/or screening from the parking lot to the residential uses to the west.
2. The second one is related closely to the same intent as the variance. It is for parking between the front of the building on the street right-of-way for an additional 20 feet. The variance was approved.
3. The third one is an additional deviation for screen of the parking lot. There is not a lot of room to put landscaping around the parking lot.

4. The fourth one is related to the roof top mechanical equipment. In the Commercial Design Guidelines to screen rooftop mechanical equipment, the preference is to build a parapet. Staff has allowed in the past wrapping of those units. It becomes complicated wrapping the units when there are multiple buildings.

Staff is in agreement with deviation request #2 and defers to the decision of the Planning Commission for the remaining three (3) deviations. Staff recommends approval subject to the conditions in the Staff report.

Motion starts at 3:21:10:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-015:**

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

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

Subject to:

1) **This City Planning Commission case is being heard in conjunction with BOZA2022-042;**
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) **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 15,314.79 square feet, requiring 2 trees be provided on the site plan;**
4) **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;**

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) **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;**
7) **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;**
8) **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06 and otherwise adopted by the City-wide Master Plan;**
9) **The applicant is requesting a Special Use Permit for a property to be zoned as CP-1 Limited Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2022-027. 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;**
10) **The following requirements of the Commercial Development Guidelines Overlay District have been met:**
    (a) **Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block;**
    (b) **Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation**

pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;

(c) Section 27-575(d)(9) states that 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;

(d) Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;

(e) Section 27-575(f)(1) states that 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;

(f) Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle);

(g) Section 27-575(a)(3) states that street layout should define a cohesive development;

(h) Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;

(i) Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;

(j) Section 27-577(d)(1) states that 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;

(k) Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan;

(l) Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;

11) A deviation to the following requirements of the Commercial Development Guidelines Overlay District has been approved by the City Planning Commission.

(1) Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;

(2) Section 27-575(e)(3) states that parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;

(3) Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

(4) All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.

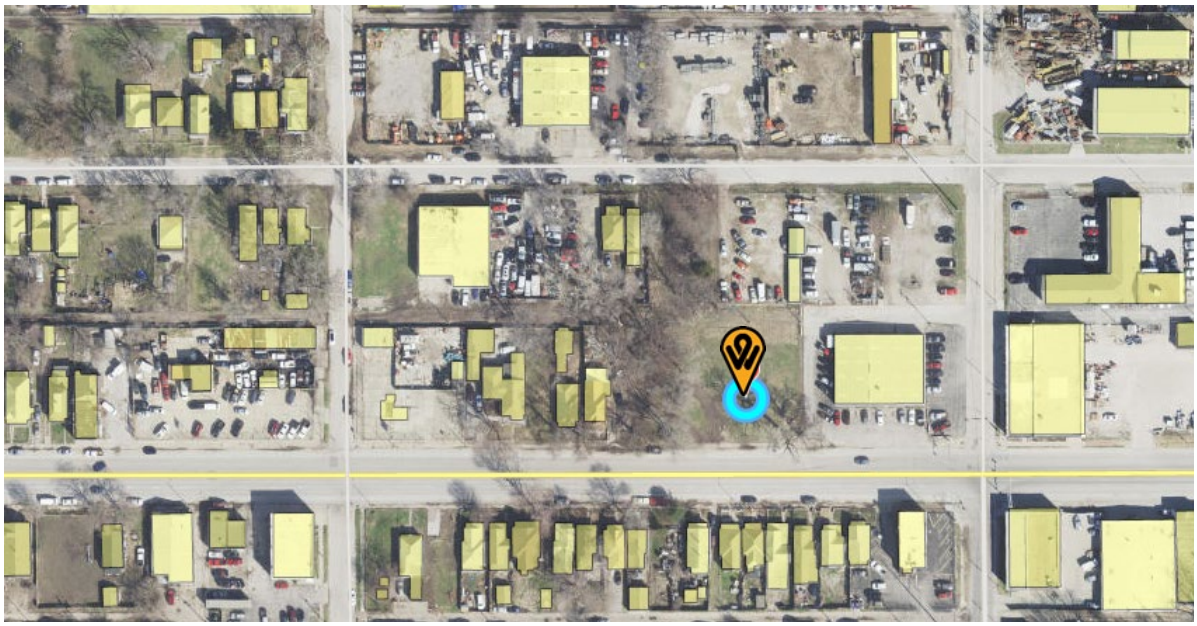
12) **Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and 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;**
13) **Per Section 27-723(a), no sign (including the structure or sign surface or murals) 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;**
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.**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-027:**

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

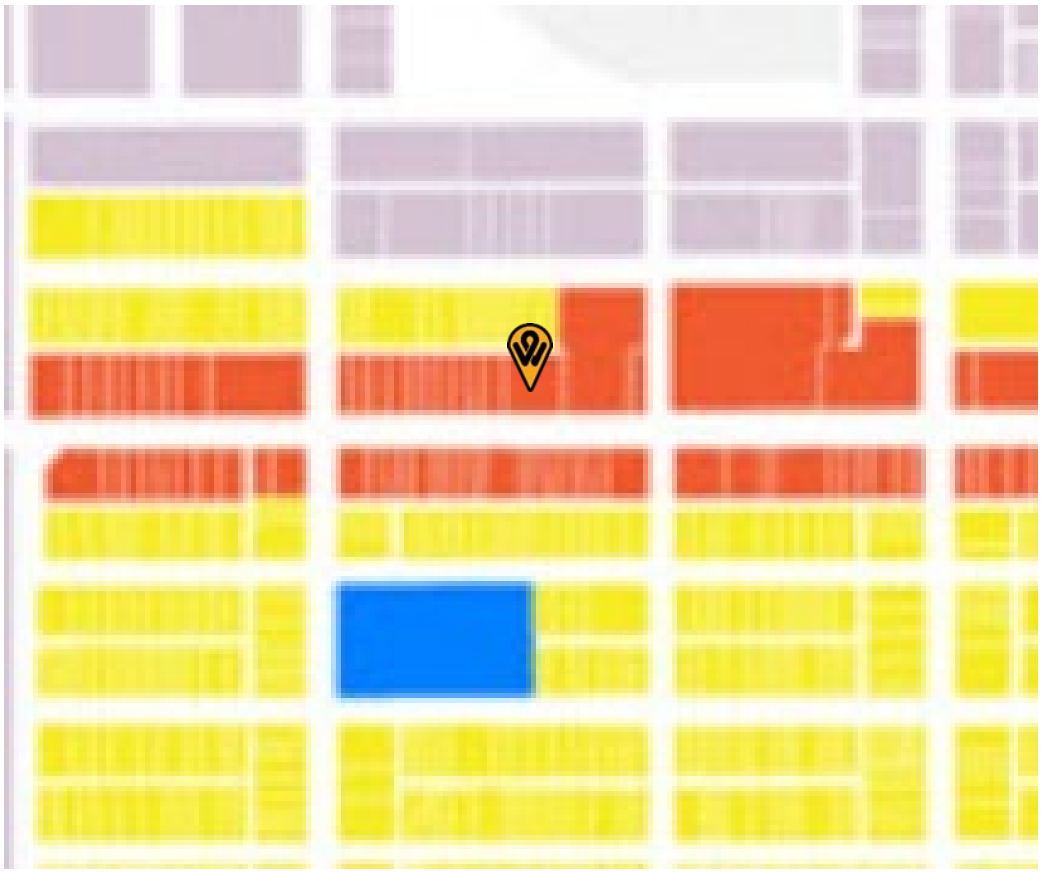
Miller Aye
Motion to recommend **APPROVAL** Passed: 8 to 0
Subject to the above conditions

AERIAL MAP



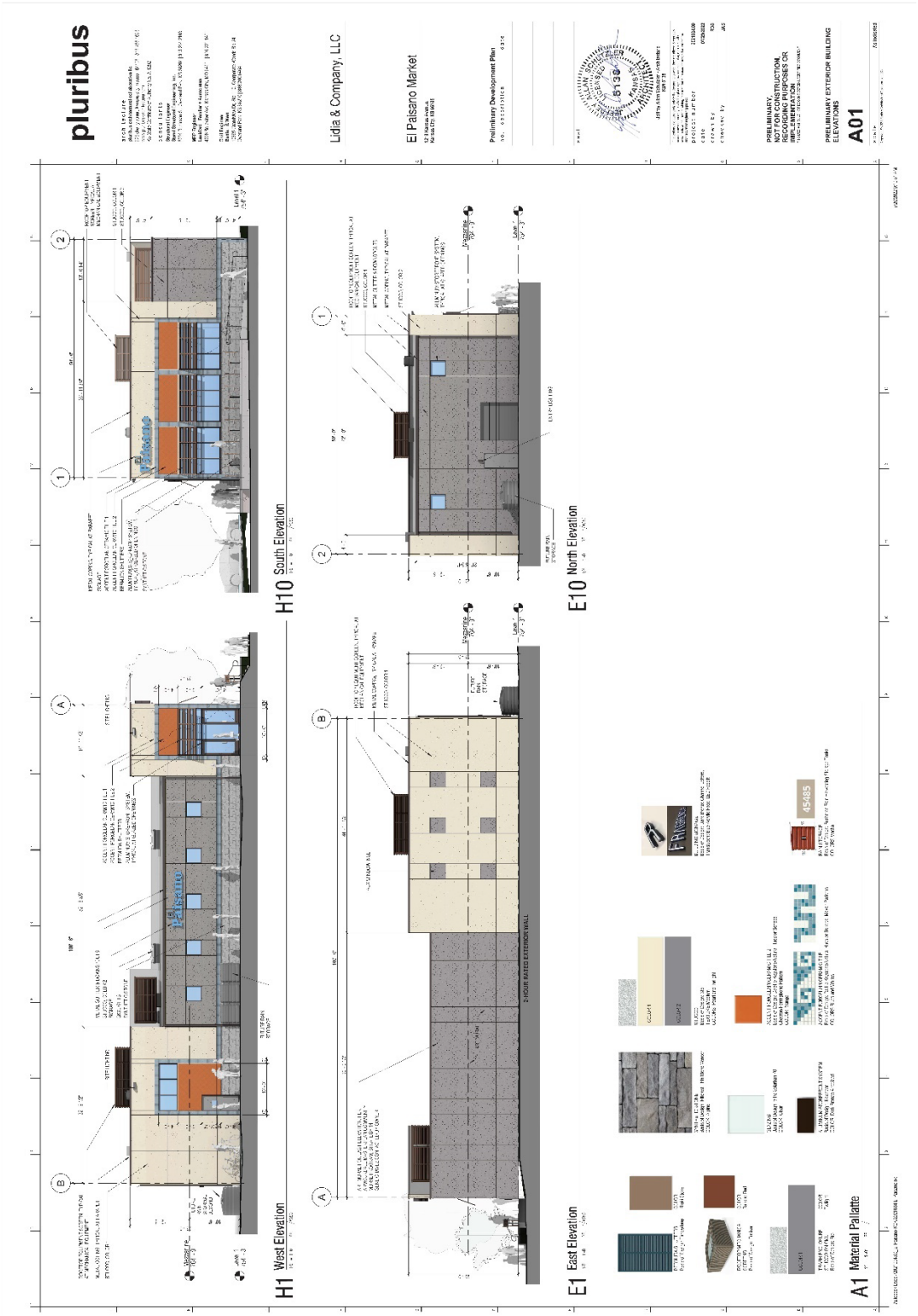
ZONING MAP

LAND USE MAP



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

Note: A full set of plans is available up on request.



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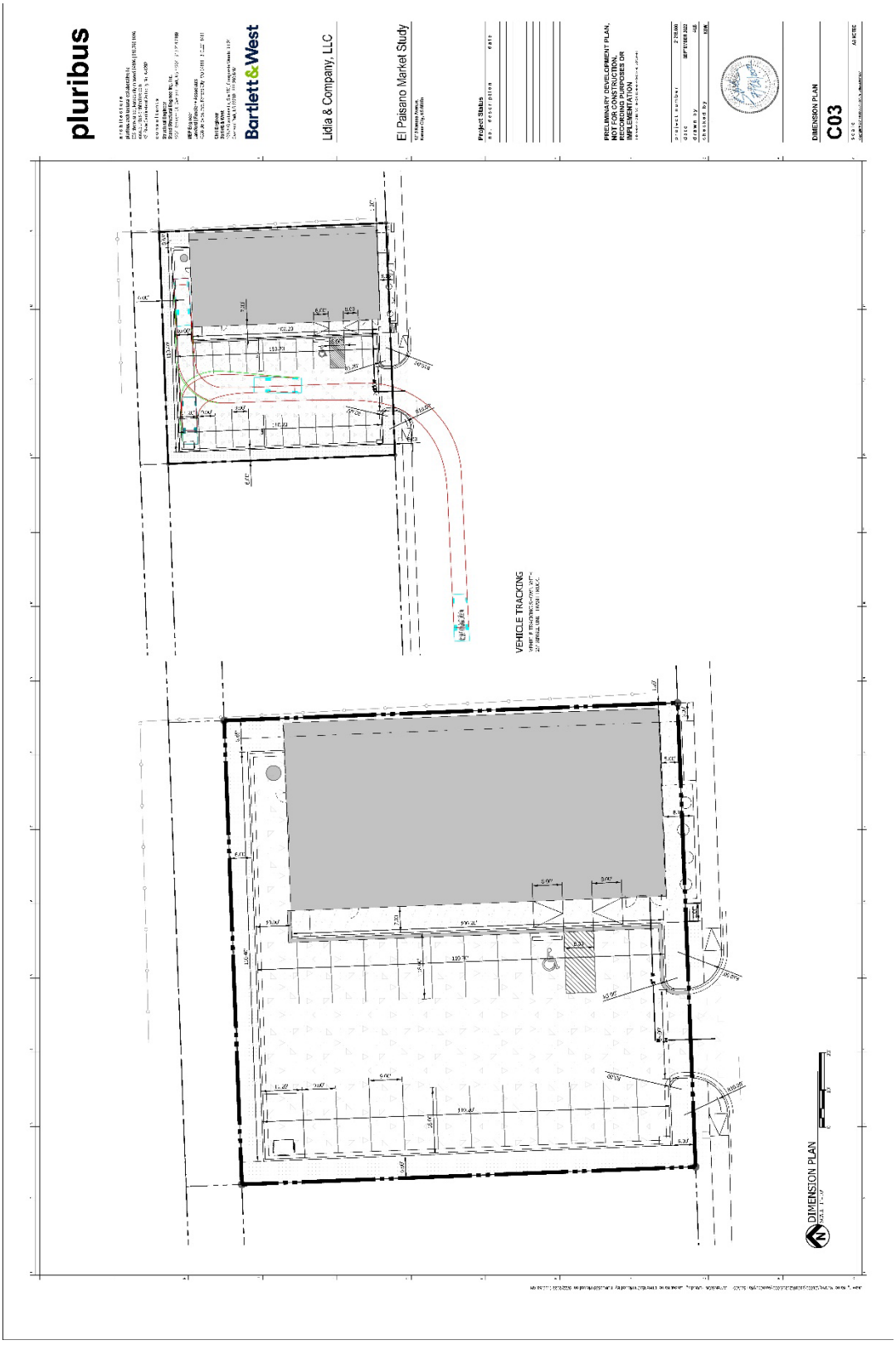


Note: A full set of plans is available up on request.

NEIGHBORHOOD MEETING INFORMATION

Meeting Minutes

Application Number: #COZ2022-027

Date and time of meeting:

August 29, 2022 at 6 p.m. via online forum

Project:

New El Paisano Argentine Neighborhood Market at the following address:
1218 Kansas Avenue, Kansas City, KS 66105

Location:

Microsoft Teams meeting:
www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1
Meeting ID: 214 651 245 114
Passcode: iWziNU

Meeting called to order at 6:00pm

Names of people in attendance:

Carlos Vides, owner's representative
Jeffrey Schutzler, Pluribus Architectural Collaborative LLC
Rick Schladweiler, Pluribus Architectural Collaborative LLC

Introductions:

No public attendees joined the meeting.

Presentation:

No public attendees joined the meeting.

Questions and answers (include the following):

No public attendees joined the meeting. No questions were asked.

Meeting adjourned at: 6:33pm

Minutes taken by: Jeffrey A. Schutzler, AIA

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition #COZ2022-027.
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.

_____
Affiant

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

My commission expires _____ of _____, 20__.

_____
Notary Public

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: COZ2022-027, MPL2022 and BOZA2022-042 Andrew Talkin for neighborhood market at 1218 Kansas Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-027, MPL2022 and BOZA2022-042 Andrew Talkin for neighborhood market at 1218 Kansas Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Eudora-urban land complex, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- There should not be a problem with construction of the market if care is taken with any grading work. Wind erosion can be a problem with this soil.
- Silt fence along with other dust control measures should be implemented and checked daily to keep from interfering with traffic flow.
- If there are any erosion problems the Best Management Practices in this report can be used to control the problems.

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

STAFF SITE VISIT PHOTO 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: October 27, 2022

Re: **Change of Zone Petition COZ2022-029**

GENERAL INFORMATION

Applicant:
Andrea Weishaubt

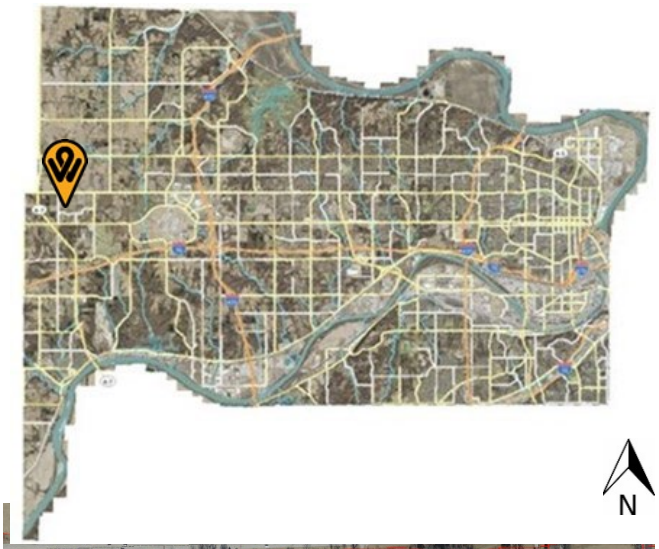
Status of Applicant:
Representative
Atlas Land Surveyors
2300 Hutton Road, Suite 108
Kansas City, Kansas 66109

Requested Actions:
Approval of a Change of Zone.

Date of Application:
July 29, 2022

Purpose:
To change the zoning district from R Rural Residential District and A-G Agriculture District (WYCO) to A-G Agriculture District.

Property Location:
13205 Parallel Parkway
Kansas City, Kansas 66109



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

Existing Zoning: R Rural Residential and A-G Agriculture Districts (WYCO)

Adjacent Zoning:	**North:**	A-G Agriculture District
	South:	R Rural Residential District
	East:	A-G Agriculture District (WYCO)
	West:	R-1 Single-Family (WYCO) and A-G Agriculture Districts (WYCO)
Adjacent Uses:	**North:**	Agricultural lot and single-family residence
	South:	Single-family residence
	East:	Agricultural lot and single-family residence
	West:	Single-family residence

Total Tract Size: 35.11 Acres

Master Plan Designation: The Prairie-Delaware-Piper Master Plan designates this property as Planned Mixed Residential District, which allows, a variety of residential densities and unit types. These areas could be developed with patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.

Major Street Plan: The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare.

Parking Requirement: **R Rural Residential District (WYCO):** Parking in the R Rural Residential District (WYCO) are the same as that of the AG Agriculture District, in which the applicant is proposing to change the zoning to. Sec 27-452(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling”.

While there is no plan provided for this district, as the Change of Zone is a result of a change to the property, there is more than enough space for uses to provide ample parking.

Advertisement: The Wyandotte Echo – August 18, 2022
Letters to Property Owners – August 19, 2022

Public Hearings: October 10, 2022 and October 27, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt, is requesting a Change of Zone from R Rural Residential (WYCO) and A-G Agriculture Districts (WYCO) to A-G Agriculture District as well as a Preliminary and Final Plat (APPROVED) to create four (4) agricultural lots at 13205 Parallel Parkway.

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 Notice of Violation on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. The property has had a history of Code Violations regarding weed and tall grass.
    a. 2022 - CAC22-1624 – Administrative Citations – Grass and Weeds
    b. 2022 – ABT22-1633 – Weeds and Tall Grass
    c. 2021 – ABT21-1778 - Weeds and Tall Grass
    d. 2020 – 20299-01548 – Administrative Citations - Weeds and Tall
    e. 2020 – 20225-02688 – Weeds and Tall Grass
    f. 2019 – 19225-04705 - Weeds and Tall Grass

Outstanding or Related Permits and Cases:

1. 2022 – BOZA2022-043 – Variance

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The neighborhood is mostly rural in nature, surrounded mostly by agricultural lots, some with single-family subdivisions to the south along State Avenue.

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

The zoning and uses are set out above. The subject property is surrounded by parcels zoned in the AG Agriculture District, AG Agriculture District (WyCo), R Rural Residential District (WyCo) and R-1 Single-Family District (WyCo). This matches the character of the surrounding parcels, as many of the surrounding parcels are large lots zoned for agriculture or single-family residences.

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 agricultural in nature. 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 property has never been developed or utilized for agricultural purposes.

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 may change in the future, however, there are no plans for development currently. This Change of Zone is the result of a plat. The change of zone is bringing the zoning into conformance with the Unified Government zoning code, rather than the former Wyandotte County zoning. This proposal will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property, as the proposed zoning is consistent with the surrounding properties.

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

   Currently, the use of the property is not proposed to change and will not increase the traffic or parking demand in ways that would adversely affect the Class A Thoroughfare, safety, or create parking problems. This is a rezoning as part of a plat.

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

   The Prairie-Delaware-Piper Master Plan designates this property as Planned Mixed Residential District, which allows, a variety of residential densities and unit types. There is no future development plan to determine conformance with the Master Plan.

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

   While there is no proposal for future development, the zoning district and uses within this district will only allow minimal impact on the environment.

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

   a. ***Water service***

      BPU provides water service.

   b. ***Sanitary sewer service***

      UG does not provide sanitary sewer service to the subject property.

   c. ***Storm water control***

      No storm water lines serve the subject property.

   d. ***Police***

      Police service is provided by West Patrol, District #224

   e. ***Fire***

      Fire service is provided by Station #8

   f. ***Transit***

      No transit service is provided to the area.

   g. ***Schools***

      Public Education is provided by Piper Prairie Elementary School, Piper Middle School, and Piper High School, under Piper USD 203.

   h. ***Streets***

      The subject property is currently accessible from North 134th Street and Parallel Parkway.

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

    The economic impact of the proposed use will be minimal. The use of the property is not changing. This Change of Zone is the result of a plat application that will subdivide the subject property.

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

    The applicant is seeking a variance on the Plat that was submitted to address the violation of Section 27-280(b), which requires lots to have no more than a three (3) to one (1) depth to width ratio.

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

    The relative gain to the public health, safety, and welfare is minimal as for the near future the property will remain the same, as there are no proposed developments on the subject property.

Preliminary and Final Plat

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.***

   The boundary lines of the plat have been drawn to meet safety standards as related to fire, flood, erosion, excessive noise, and other adversity. The boundary lines of the plat, however, do not meet the standards under 27-452(d)(3) of the AG Agriculture District, which is the zoning the applicant seeks to change to. The applicant has filed a variance for the violation of 27-280(b), which requires a three (3) to one (1) lot depth to width.

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

   The subject property currently accesses Parallel Parkway and North 134th Street; There are no new streets being created by this plat. It cannot be determined if there will be an increase in traffic along Parallel Parkway as the applicant has stated there are no plans to develop the land at this time, however, given that the land is proposed to be zoned as A-G Agricultural District, any potential increase in traffic is not expected to exceed the capacity of Parallel Parkway, a Class A Thoroughfare, or North 134th Street, a Class B Thoroughfare.

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

   The applicant has not proposed any development on the proposed lots. The boundary lines of the plat must be drawn to meet the standards of adequate light, open space, air, fire protection, and long-term sustained real estate values. The preliminary and final plat does not these standards nor demonstrates compliance with the area standards under Section 27-452 of the AG Agricultural District. The applicant is pursuing a variance for the violation of 27-280(b), which requires a three (3) to one (1) lot depth to width ratio. Currently, there are no plans for development on the proposed lots.

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

As there are no submitted plans for future development, there are no new structures to demonstrate the applicant's degree of conformance with natural topography. The site is relatively flat but is steep in places which can cause problems with run-off if not properly managed and maintained. All future development, however, should be designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

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

   The Final Plat, PLAT2022-032, is for four (4) agricultural lots. The preliminary and final plat is a small, large lot subdivision in an agricultural district, and therefore would not be reasonably have the adequate space for the development of such amenities.

PREVIOUS ACTIONS

No previous planning actions.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 30, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Future development
Number of lots to be created

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone COZ2022-029, subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2022-043, heard by the Board of Zoning Appeals, on October 10, 2022;**
2. **All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;**
3. **When the mylars are submitted to Staff to be recorded, submit the following fees:**
   a. $32.00 per page payable to the register of deeds; and,
   b. $7.00 per lot payable to the Unified Treasurer;

4. **Proposed development(s) within this preliminary plat or plans review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval;**
5. **Approval of this case by the Board of Zoning Appeals, 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 exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
6. **All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;**
7. **Any future development shall work with the Wyandotte County Conservation District and develop a Conservation Plan to address concerns noted by the Conservation District;**
8. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
9. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
10. **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,**
11. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
12. **The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; 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 concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-029** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Preliminary Plat
Final Plat
Wyandotte County Surveyor Comment Letter, Dated August 17, 2022
Geospatial Services Comment Letter, Dated August 16, 2022
Wyandotte County Conservation District Comments, Dated August 16, 2022
Applicant Response to Draft Staff Report, Dated September 20, 2022
Site Photos, Provided by Staff, Dated August 11, 2022
Neighborhood Meeting Materials, Dated August 30, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Rezoning	Approval	
Plat	October 10, 2022 Approved	TBD

STAFF CONTACT: **James Molloy, Planner**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-029** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-029,** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 3:23:10:

CHANGE OF ZONE APPLICATION COZ2022-029 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS - SYNOPSIS: Change of Zone from R Rural Residential District (WYCO) to A-G Agriculture District to subdivide 35 acres into four (4) lots at 13205 Parallel Parkway.

PLAT2022-032 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Preliminary and Final Plat (Stimac Addition) for four (4) single-family lots at 13205 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt, is requesting a Change of Zone from R Rural Residential (WYCO) and A-G Agriculture Districts (WYCO) to A-G Agriculture District as well as a Preliminary and Final Plat to create four (4) agricultural lots at 13205 Parallel Parkway.

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 October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;

7. The Notices to property owners; and,
8. The testimony from the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Austin Thompson, applicant, Atlas Surveying, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:25:38: Planning Director Hand stated that Change of Zone COZ2022-029 and PLAT2022-032 are being heard in conjunction with BOZA2022-043 for a lot width to depth ratio deviation, which was heard earlier this evening and approved by the Board of Zoning Appeals. The request is to split the parcel into four (4) lots and rezone it to the current agriculture zone and its standards. The property is in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor in opposition. There are some Notices of Violation on the property as it relates to maintenance. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:226:30:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-029:**

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

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

Subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2022-043, heard by the Board of Zoning Appeals, on October 10, 2022;**
2. **All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;**
3. **When the mylars are submitted to Staff to be recorded, submit the following fees:**
   a. $32.00 per page payable to the register of deeds; and,
   b. $7.00 per lot payable to the Unified Treasurer;
4. **Proposed development(s) within this preliminary plat or plans review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval;**
5. **Approval of this case by the Board of Zoning Appeals, 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 exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
6. **All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;**
7. **Any future development shall work with the Wyandotte County Conservation District and develop a Conservation Plan to address concerns noted by the Conservation District;**
8. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
9. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
10. **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,

11. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
12. **The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; 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**.

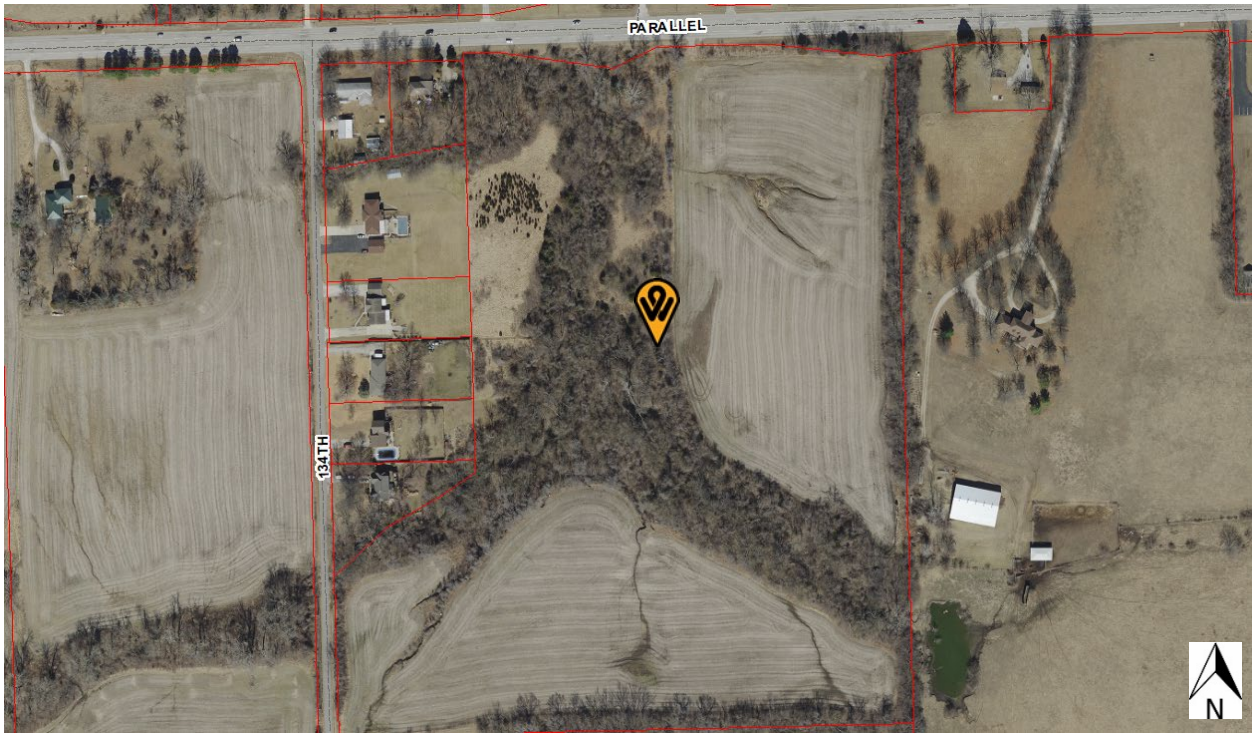
On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2022-032:**

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

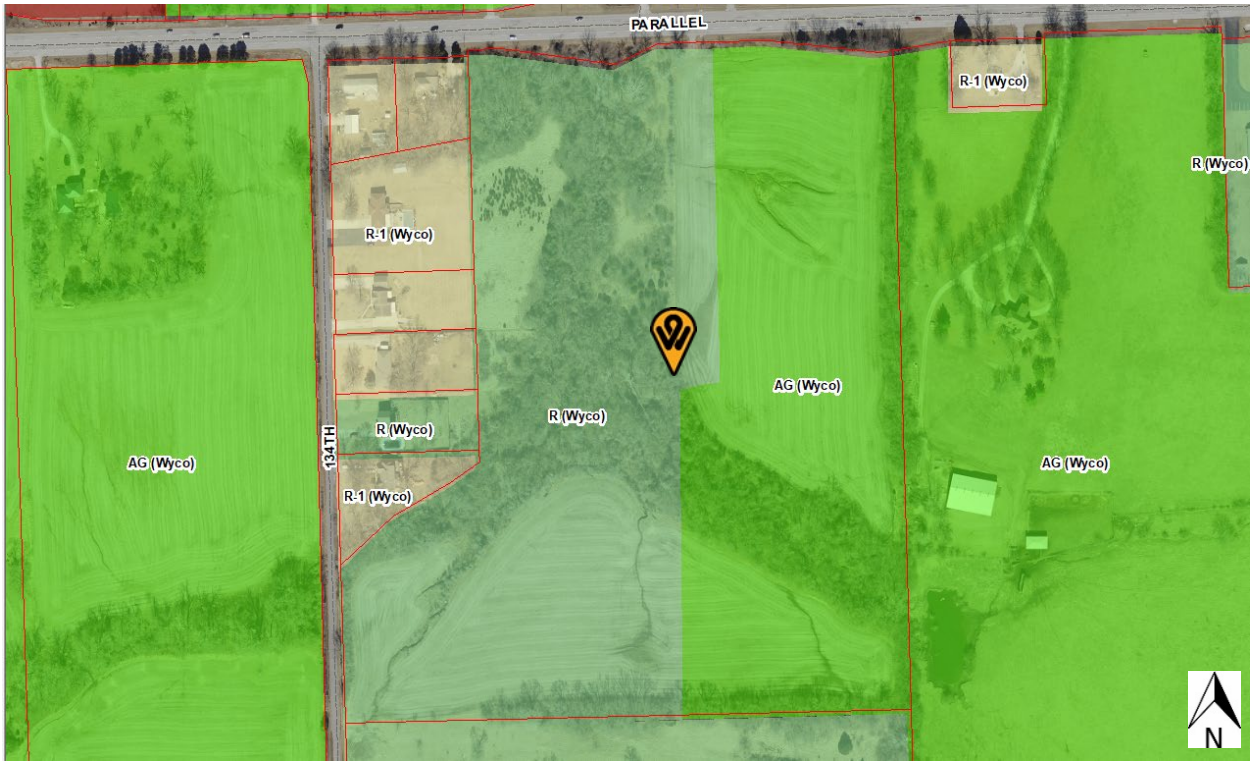
Motion to **APPROVE** Passed: 8 to 0
Subject to the above conditions

ATTACHMENTS

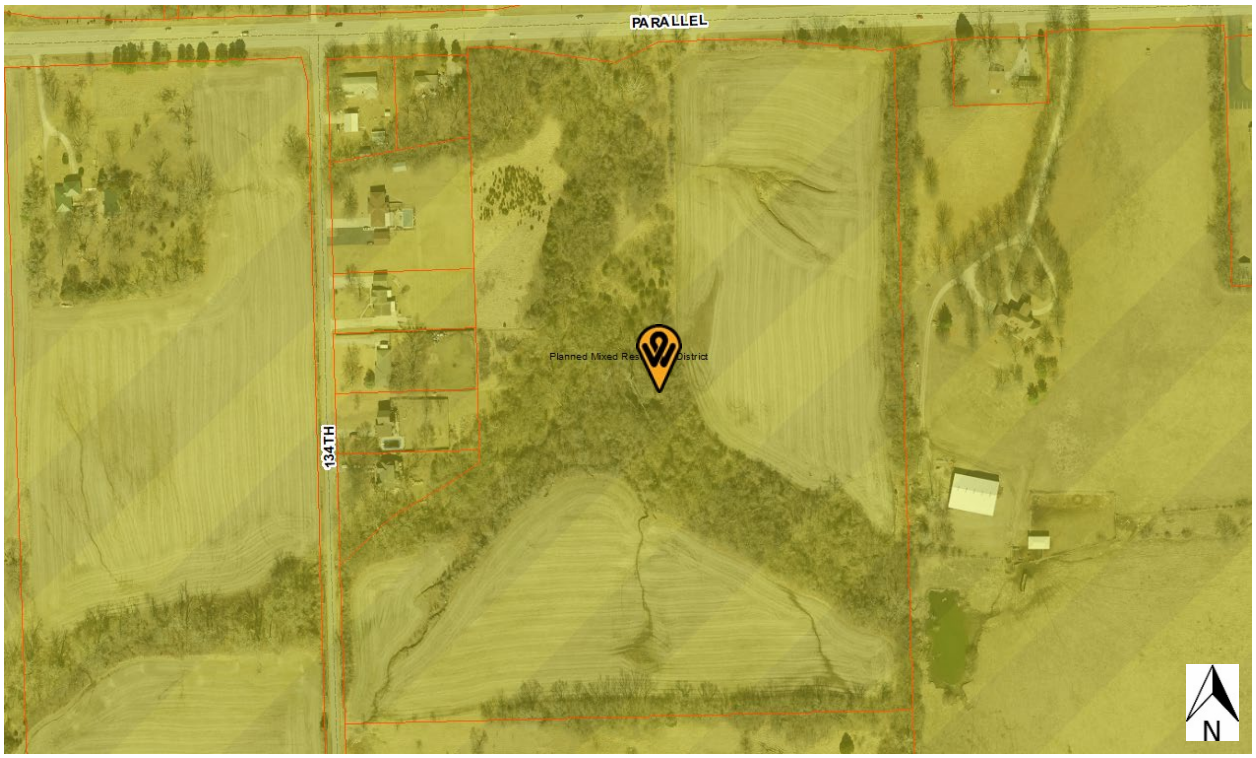
AERIAL IMAGERY



ZONING MAP

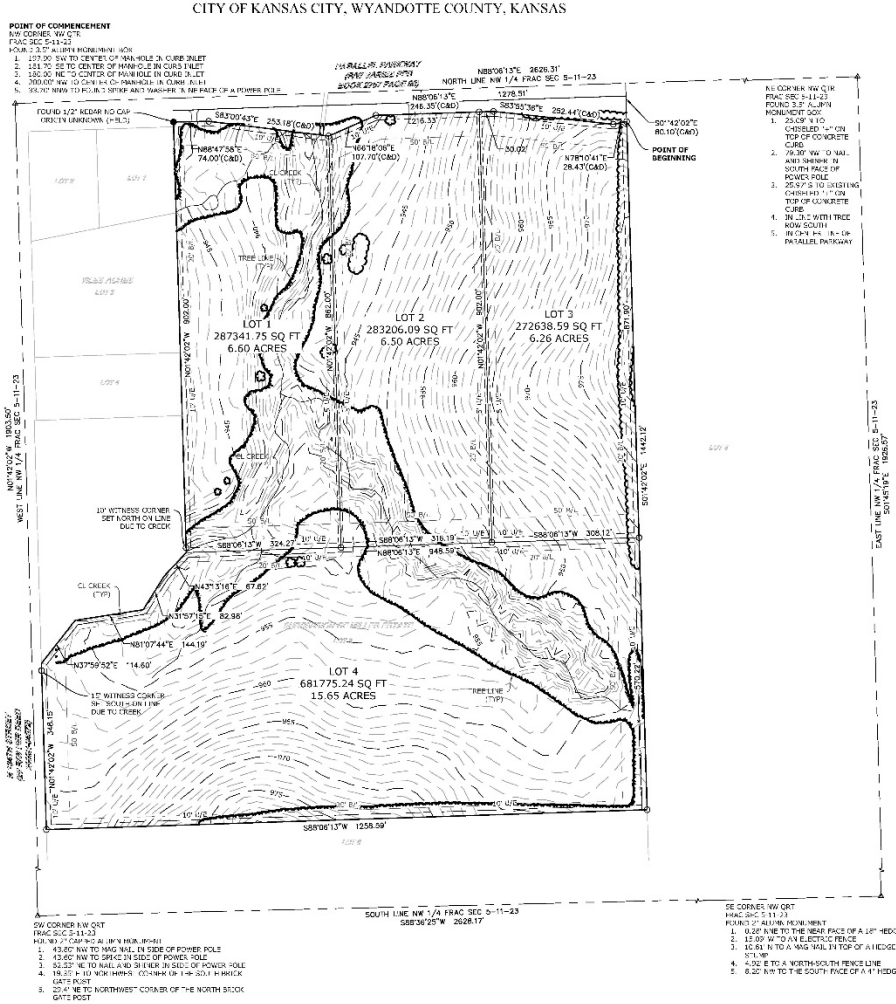


LAND USE MAP



STIMAC ADDITION

A REPLAT OF LOT 3, SUBDIVISION OF MILLER ESTATE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



OVERALL DESCRIPTION:
A REPLAT OF LOT 3, SUBDIVISION OF MILLER ESTATE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY KEVIN R. DILL, PS 1408 ON JULY 21, 2022, AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 5, TOWNSHIP 11 SOUTH, RANGE 23 EAST; THENCE S88°06'13"W, ASSUMING THE NORTH LINE OF THE NW 1/4 OF SAID SECTION AS BEARING S88°06'13"W, A DISTANCE OF 1216.33 FEET; THENCE S83°55'38"E, A DISTANCE OF 252.41 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF PARALLEL PARKWAY AS IT NOW EXISTS, ALSO KNOWN AS A POINT ON THE EAST LINE OF SAID LOT 3 AND ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE S01°42'02"E, COINCIDE WITH THE EAST LINE OF SAID LOT 3, A DISTANCE OF 1442.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE S88°06'13"W, COINCIDE WITH THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 1258.59 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF N 134TH STREET AS IT NOW EXISTS; THENCE N01°42'02"W, COINCIDE WITH SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 268.22 FEET TO A POINT ON THE CENTER LINE OF AN EXISTING CREEK; THENCE N37°59'52"E, COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 14.60 FEET; THENCE N81°07'44"E, CONTINUING COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 144.19 FEET; THENCE N31°57'15"E, CONTINUING COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 82.98 FEET; THENCE N43°51'16"E, CONTINUING COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 67.62 FEET; THENCE N88°06'13"E, CONTINUING COINCIDE WITH SAID CREEK CENTERLINE, A DISTANCE OF 948.59 FEET; THENCE N01°42'02"W, A DISTANCE OF 940.90 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID PARALLEL PARKWAY; THENCE N89°47'58"E, COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 74.00 FEET; THENCE S83°00'43"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 253.18 FEET; THENCE N66°16'06"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 107.70 FEET; THENCE S83°55'38"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 252.41 FEET; THENCE N78°10'41"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 28.43 FEET; THENCE N89°47'58"E, CONTINUING COINCIDE WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 354.44 FEET; THENCE S01°42'02"E, A DISTANCE OF 268.22 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,521,115.16 SQUARE FEET MORE OR LESS OR 34.91 ACRES

ALC
ATLAS LAND CONSULTING
ANDREA@ALCONSULT-LLC.COM

PRELIMINARY PLAT

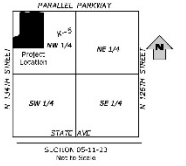
LEGEND

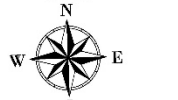
△	DENOTES FOUND MONUMENT AS NOTED
○	DENOTES 5/8" SET WITH ILSF 1408 CAP
●	DENOTES FOUND MONUMENT AS NOTED
M/L	BUILDING LINE
U/E	UTILITY EASEMENT
C	CALCULATED
D	DEEDED
M	MEASURED

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE GRID NORTH, NAD83, 1983.
2. ALL DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
3. FLOOD ZONE CLASSIFICATION: ACCORDING TO FIRM PANEL NUMBER(S) 20091C0010C, EFFECTIVE SEPTEMBER 2, 2021, AREA ZONE "X" AREA OF MINIMAL FLOOD HAZARD.
4. NO OFFSET CORNERS WERE SET.
5. EXISTING ZONING: AGRICULTURAL (AG) - PROPOSED ZONING - AG
6. ALL DIMENSIONS ARE MEASURED UNLESS NOTED OTHERWISE.
7. REFERENCED SURVEYS:
   - SUBDIVISION OF MILLER ESTATE
   - AREA = 34.91 ACRES
   - PLAT RECORDED BOOK 2257 PAGE 66

VICINITY MAP



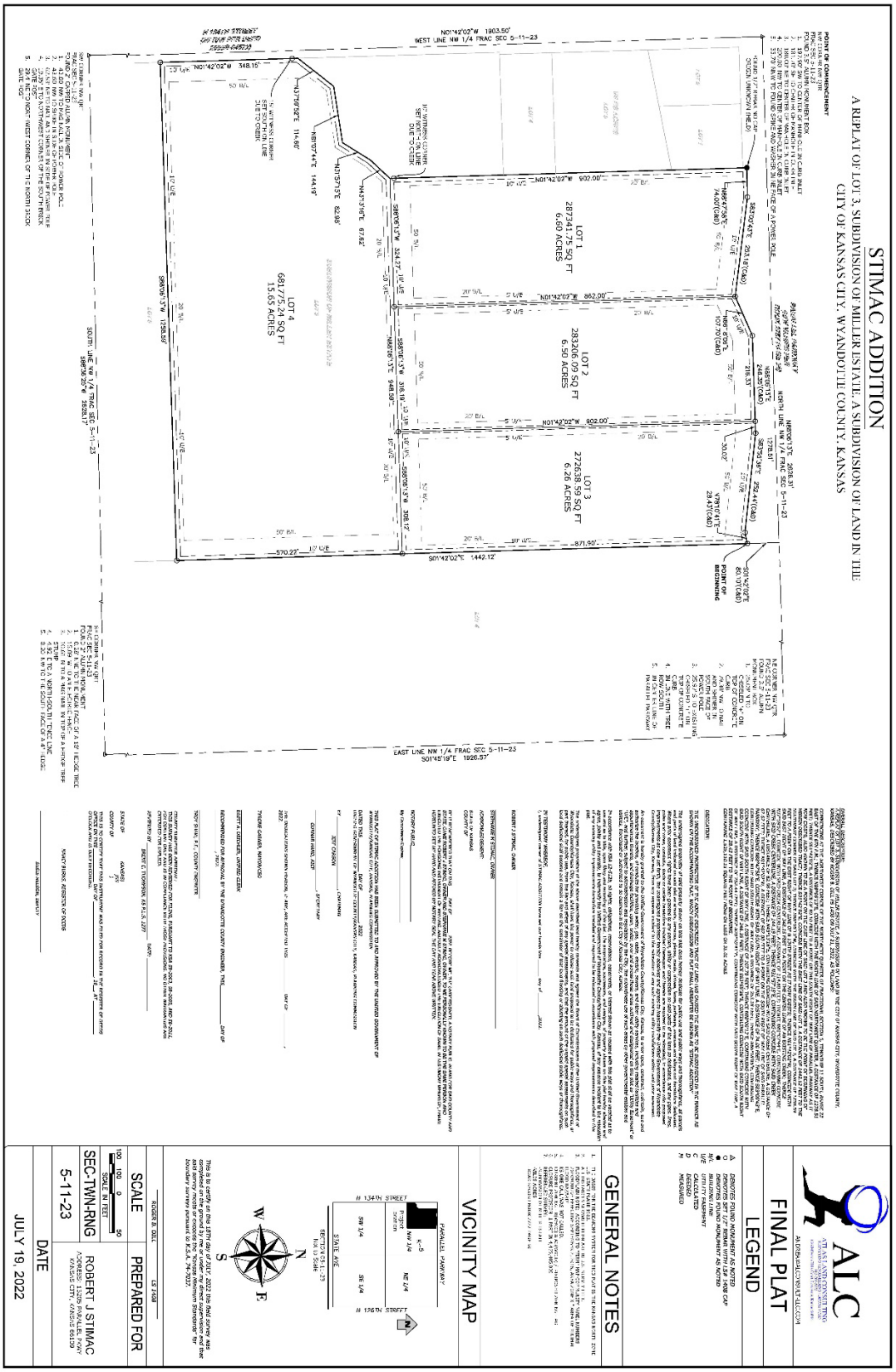


This is to certify on this 18TH day of JULY, 2022 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys pursuant to K.S.A. 74-7037.

ROGER B. DILL LS 1408

SCALE	PREPARED FOR
100 100 0 50 SCALE IN FEET	ROBERT J STIMAC ADDRESS: 13305 PARALLEL PKWY KANSAS CITY, KANSAS 66109
SEC-TWN-RNG 5-11-23	
DATE	
JULY 19, 2022	

FINAL PLAT


STIMAC ADDITION
A REPLAT OF LOT 3, SUBDIVISION OF MILLER ESTATE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS
FINAL PLAT
LEGEND
GENERAL NOTES
VICINITY MAP
PREPARED FOR
ROBERT J STIMAC
SCALE
SEC-TWN-RNG
5-11-23
DATE
JULY 19, 2022

WYANDOTTE COUNTY SURVEYOR COMMENTS, DATED AUGUST 16, 2022

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

Roger Dill, PS
ATLAS Land Consulting
606 Jefferson Hills Court
Lawrence, KS 66044

Re: Final Plat of STIMAC ADDITION

Dear Mr. Dill

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

- Please make the surrounding subdivision names and existing lot numbers darker so when scanned they show up.

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
Patrick Doyle
Byron Toy

GEOSPATIAL SERVICES COMMENTS, DATED AUGUST 17, 2022

GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: August 10, 2022
RE: **STIMAC ADDITION**

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

Atlas

And we have determined the following:

Takes all of CIC-TAS Parcel:

178904

Owners-of-Record:

Robert & Stephanie Stimac

Jurat Signature:

Robert J. Stimac & Stephanie M. Stimac

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

1) Subtitle & Legal Description
Miller Estate is not a recorded subdivision, it is a district court estate division. The subtitle and legal description will need to remove mentions of a replat. It can refer to the estate division instead, but ultimately it must mention it's a tract of land in the NE1/4 of Section 5-11-23.

2) Boundary
The plat boundary along the creek is described differently in recorded deeds. Is this new boundary correct?

CONSERVATION DISTRICT COMMENTS, DATED AUGUST 16, 2022

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

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

August16, 2022

RE: COZ2022-029, BOZA2022-043 and PLAT2022-032 Andrea Weishhaubt with Atlas R to A-G to subdivide into 4 lots at 13205 Parallel Parkway

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-029, BOZA2022-043 and PLAT2022-032 Andrea Weishhaubt with Atlas R to A-G to subdivide into 4 lots at 13205 Parallel Parkway.

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

MAPS AND REPORTS

Soils Map
- Soils Inventory Report
- Map Unit Description (Brief)

Dwellings and Small Commercial Buildings
- Soil Features

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

- There are three major soil types identified: Pawnee clay loam, 4 to 8 percent slopes, eroded, Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded and Shelby Loam, 3 to 7 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This sight has been eroded in the past.
- If there is to be major grading there will need to be an Erosion Control Plan developed for the area. The street and other properties can be impacted by siltation.

- The drainage way coming through lot 1 and next to lot two will need to be protected from soil siltation during any grading work.
- Assistance with these concerns is available from this office.

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

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
606 Jefferson Hills Court, Lawrence, Kansas 66044

Stimac Addition

COZ2022-029

Planning and Urban Design:

1. What plans, if any, does the applicant have to develop the site? No current development planned. The applicant is looking to sell of some of the parcels.

2. If necessary, is the applicant able to reduce the number of lots from four (4) down to three (3)? From an economic standpoint the applicant would rather not. They are trying to maximize the property currently. Lots 1-3 all meet width to depth ratio and frontage requirements.

3. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements. Acknowledge

4. When the mylars are submitted to Staff to be recorded, submit the following fees:

a. $32.00 per page payable to the register of deeds; and,

b. $7.00 per lot payable to the Unified Treasurer - Acknowledge

5. Proposed development(s) within this preliminary plat or plans review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval. Acknowledge

6. Minimum square-footage for residences in area 1 in the Prairie-Delaware-Piper Master Plan. Acknowledge

County Surveyor Comments:

1. Please make sure the surrounding names and existing lot numbers are darker on the mylars so that when they are scanned, they show up. Text colors changed to print darker.

Geospatial Services Comments:

1. Miller Estate is not a recorded subdivision, it is a district court estate division. The subtitle and legal description will need to remove the mentions of a replat. It can refer to the estate division instead, but ultimately it must mention it's a tract of land in the NE1/4 of Section 5-11-23. Description and subtitle changed to mention Section 5-11-23

2. The plat boundary along the creek is described differently in the recorded deeds. Is this the new boundary, correct? Yes, the creek was located, as the previous description referred to the boundary "along the centerline"

Conservation District Comments:

1. The site has eroded in the past; Noted
2. If there is major grading, there will need to be an Erosion Control Plan; Acknowledge
3. Drainage coming through lot 1 and onto lot 2 will need to be protected from soil siltation during grading work. Acknowledge

Planning Engineering Comments:

1. Final Plat should be sealed, signed, and dated by a professional land surveyor registered in the state of Kansas; Acknowledge

2. The final plat shall incorporate County surveyor comments. Typically, the county surveyor makes a separate technical review of the plat and will submit comments directly to the preparer of the plat. Acknowledge

3. Final plat must be approved before going to the Planning Commission with approval to obtain permits. The Plat must meet the requirements of UG standards and criteria. Acknowledge

Standard Conditions:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-043, heard by the Board of Zoning Appeals, on September 12, 2022; October 10th

2. When the mylars are submitted to Staff to be recorded, submit the following fees:

a. $32.00 per page payable to the register of deeds; and,

b. $7.00 per lot payable to the Unified Treasurer - Acknowledge

3. Proposed development(s) within this preliminary plat or plans review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval - Acknowledge

4. Approval of this case by the Board of Zoning Appeals, 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 exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; Acknowledge

606 Jefferson Hills Court, Lawrence, Kansas 66044

5. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements; Acknowledge

6. Any future development shall work with the Wyandotte County Conservation District and develop a Conservation Plan to address concerns noted by the Conservation District; Acknowledge

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 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; Acknowledge

8. 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; Acknowledge

9. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; Acknowledge

10. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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, Acknowledge

11. All existing and future driveways must feature curb cuts that are constructed to UG Standards. Acknowledge

606 Jefferson Hills Court, Lawrence, Kansas 66044

SITE PHOTOS, PROVIDED BY STAFF, DATED AUGUST 11, 2022

EXHIBIT B

13205 Parallel Pkwy Kansas City, KS 66109
COZ2022-029, PLAT2022-032, BOZA2022-043

Kathy S Holm
1845 N 134th Street
Kansas City, KS 66109
kathyh@milesexcavating.com

Question:

"Good afternoon, Austin-

I received a letter in the mail today regarding the address named above and had just a few questions.

Can you explain to me (as in zoning for dummies because I have no clue) what this letter means and why we received it? I know this property is just East of our property; leaving several questions and concerns regarding this letter.
With all of the new development happening in Wyandotte County lately, my concern of course is that the new developments are moving out our way."

Answer:

Kathy,

Thank you for reaching out. Attached in the letter, is the proposed plat our client is looking to create. Currently the property is about 35+/- acres, and our client is looking to create 4 new agricultural parcels. Looking at the plat, 3 parcels (Lot 1, Lot 2, Lot 3) will be facing Parallel Parkway. These parcels are about 6.5 Acres +/-. Lot 4 is a larger 15.65 Acre parcel that will face N 134th Street.

The reason for the rezoning is currently the property is zoned R (WYCO) and AG (WYCO).. Due to us trying to create these new parcels, the client wanted to create all new Agricultural properties. So instead of having multiple zonings on the property, we are just creating 4 Agricultural lots. This is the reason for the letter you received, we are required by the Unified Government to have a "neighborhood meeting" with property owners within 200 feet of our proposed site.

The letter is just to make you aware of what we are doing with the property. The owner has given no indication for development moving on to their property. They are really looking to sell off pieces of the larger parcel!

Please let me know if you have any other comments, questions or concerns

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition #COZ2022-029 | Plat 2022-032 | BOZA2022-043
2. That I conducted a neighborhood meeting on via letter (email or call)
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of August, 2022.

My commission expires 20th of December, 2022.

NOTARY PUBLIC - STATE OF KANSAS
DOMONIQUE DENICE KETTLER
My Appt. Exp 12/20/2022

Notary Public

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 27, 2022

Re: **Change of Zone Petition COZ2022-032**

GENERAL INFORMATION

Applicant:
James Sullivan

Status of Applicant:
Representative
Sullivan-Palmer Architects
8621 Johnson Drive
Merriam, Kansas 66202

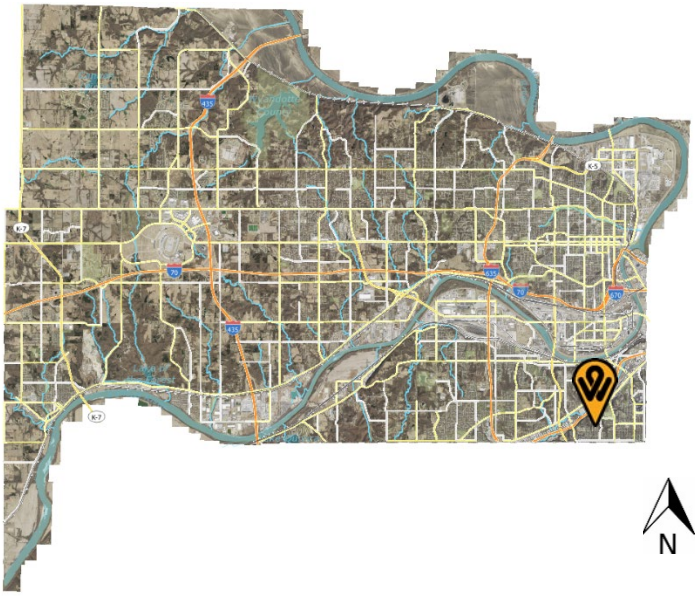
Requested Action:
Approval of a Change of Zone.

Date of Application:
August 26, 2022

Purpose:
To approve a Change of Zone from C-3 Commercial District and M-2 General Industrial District to CP-3 Planned Commercial District.

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 and M-2 General Industrial Districts	
Adjacent Zoning:	**North:**	C-1 Limited Business District
	South:	M-2 General Industrial District
	East:	C-1 Limited Business District
	West:	C-3 Business and M-2 General Industrial Districts
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 sales inventory. The business provides 25 parking spaces, 10 of which is for sales inventory.	
Advertisement:	The Wyandotte Echo – September 15, 2022 Letters to Property Owner – September 16, 2022	
Public Hearings:	October 10, 2022 and October 27, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Sullivan, is requesting a Change of Zone from C-3 Commercial District and M-2 General Industrial District to CP-3 Planned Commercial District to operate a used car-dealership with light auto-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. 2022 – SP2022-072 - Special Use Permit – Auto dealership and light repair

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   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 is 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. This change of zone is to correct the split zoning found on the property.

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 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 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.

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

   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 and Merriam Lane is a dedicated bikeway.

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

   Environmental concerns include fluid leakage from automotive parts and the repair process, as well as gases from the detailing process, as well as the below ground septic tank. 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.

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***

      The UG provides storm water control.

   d. ***Police***

      Police service is provided by South Patrol, District #335

   e. ***Fire***

      Fire service is provided by Station #10, which is three (3) miles away from the subject property.

   f. ***Transit***

      There is no public transit service provided to the subject property. The closest service is provided by KCATA Route #403 – Antioch/Olathe, which serves a stop at 48th and Roe Lane, which is one (1) mile away.

   g. ***Schools***

      Public education is provided by T.A Edison Elementary School, Rosedale Middle School, and J.C Harmon High School, of the Kansas City, Kansas USD 500.

   h. ***Streets***

      The subject property currently accesses Merriam Lane, a Class C Thoroughfare.

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

    The economic impact of the proposed use will be minimal. The use of the property is not changing. This Change of Zone is proposed to correct split zoning found on the property, which was a condition of approval for the proposed Special Use Permit.

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

The proposed Change of Zone is capable of meeting all applicable ordinance requirements, including the Commercial Design Guidelines and requirements of the CP-3 Commercial District.

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

The 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.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP2022-072) for two years in 2022. (Pending approval by the Unified Government Board of Commissioners).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 26, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and or submitted comments to the applicant.

KEY ISSUES

Septic Tank
Leach Field
Zoning District

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone COZ2022-032, subject to:

1. **The applicant will be required to get their septic tank inspected by the Kansas Department of Health and Education and/or the Wyandotte County Health Department;**
2. **The applicant may not pave or park on top of the leech field for the septic tank; This may result in further alteration in the site plan;**
3. **The applicant shall submit for a Final Development Plan review;**
4. **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;

5. **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;**
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. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
8. **If approved, the applicant must file and maintain a current business occupation tax application with this 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. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
11. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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;

12. **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.**
13. **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06; and,**
14. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-032** subject to all comments and suggestions outlined in this staff report, and the conditions in the staff report.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan and Elevations
Neighborhood Meeting Materials
Septic Tank Health Department Approval, Dated February 17, 1976
Site photos, provided by Staff, Dated July 6, 2022
Site photos, provided by Staff, Dated August 19, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Rezoning	Approval	

STAFF CONTACT: **James Molloy, Planner**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-032** 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 **COZ2022-032,** 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.

October 10, 2022 City Planning Commission Minutes:

CHANGE OF ZONE APPLICATION COZ2022-032 – JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS - SYNOPSIS: Change of Zone from C-3 Commercial and M-2 General Industrial Districts to CP-3 Planned Commercial District to correct split zoning and operate a used car dealership with light repair at 1401 Merriam Lane.

Detailed Outline of Requested Action: The applicant, James Sullivan, is requesting a Change of Zone from C-3 Commercial District and M-2 General Industrial District to CP-3 Planned Commercial District to operate a used car-dealership with light auto-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 October 10, 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, 8621 Johnson Drive, Merriam, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:38:09: Planning Director Hand stated that Change of Zone COZ2022-032 is being heard in conjunction with a Special Use Permit that was heard and approved by the Board of Commissioners last month for auto sales and light auto repair services. As a condition of that approval, Staff requested the applicant to file a Change of Zone application to correct the split zoning on the property. The property is in the City-Wide Master Plan just outside the Rosedale Area Master Plan. Staff received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:39:30:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-032:**

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

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

Subject to:

1. **The applicant will be required to get their septic tank inspected by the Kansas Department of Health and Education and/or the Wyandotte County Health Department;**

2. **The applicant may not pave or park on top of the leech field for the septic tank; This may result in further alteration in the site plan;**
3. **The applicant shall submit for a Final Development Plan review;**
4. **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;**
5. **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;**
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. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
8. **If approved, the applicant must file and maintain a current business occupation tax application with this 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. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
11. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit**

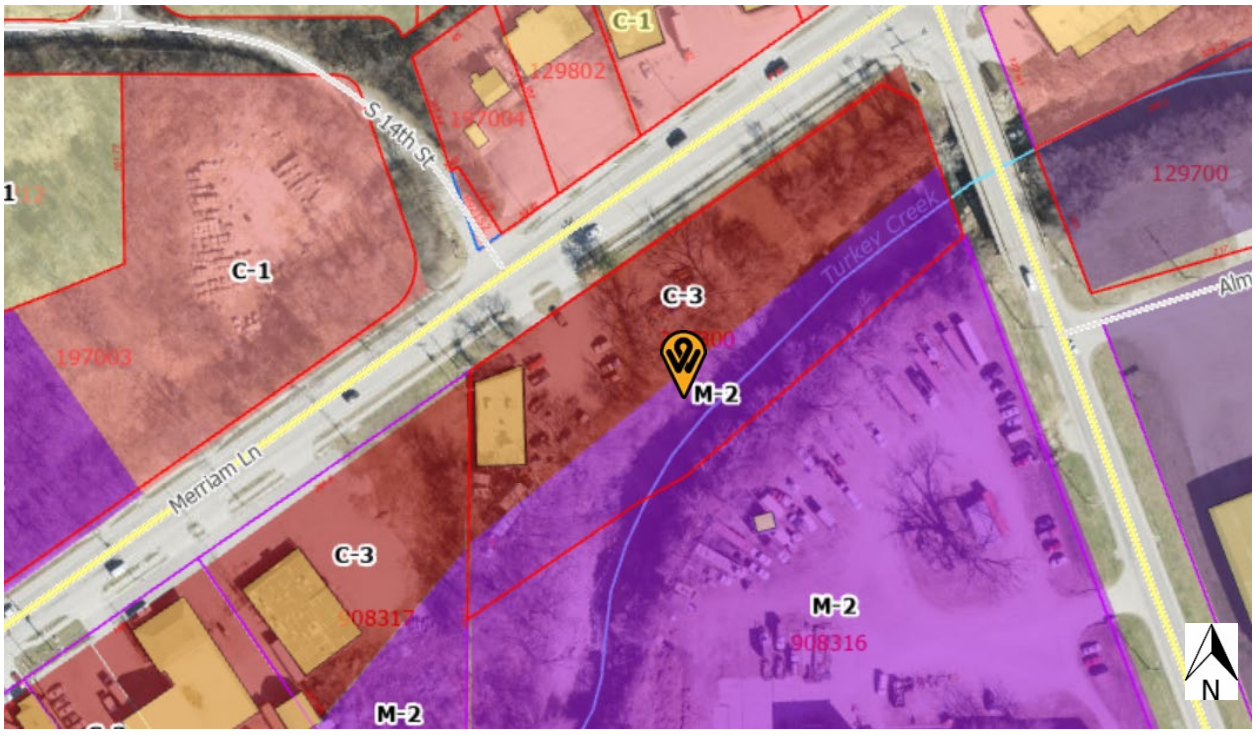
issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance 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;

12. **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.**
13. **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06; 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.**

ATTACHMENTS

AERIAL IMAGERY

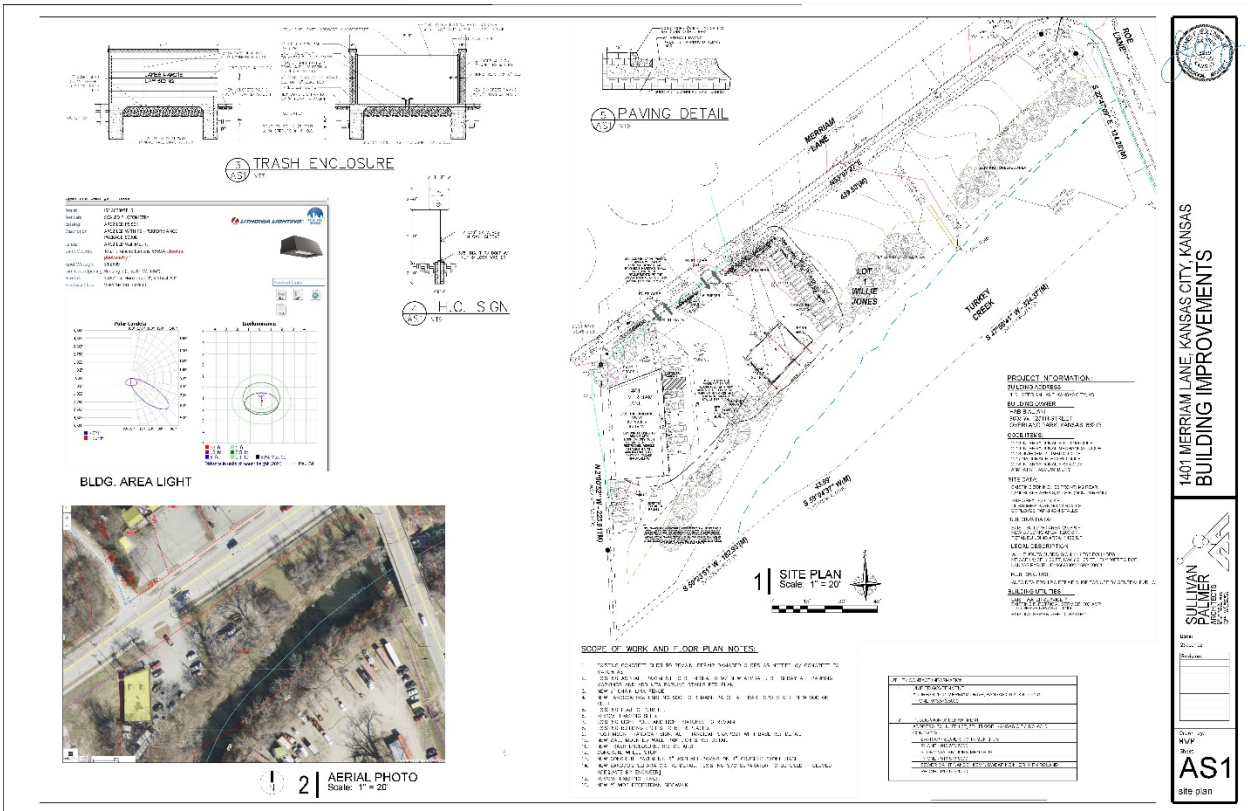
ZONING MAP

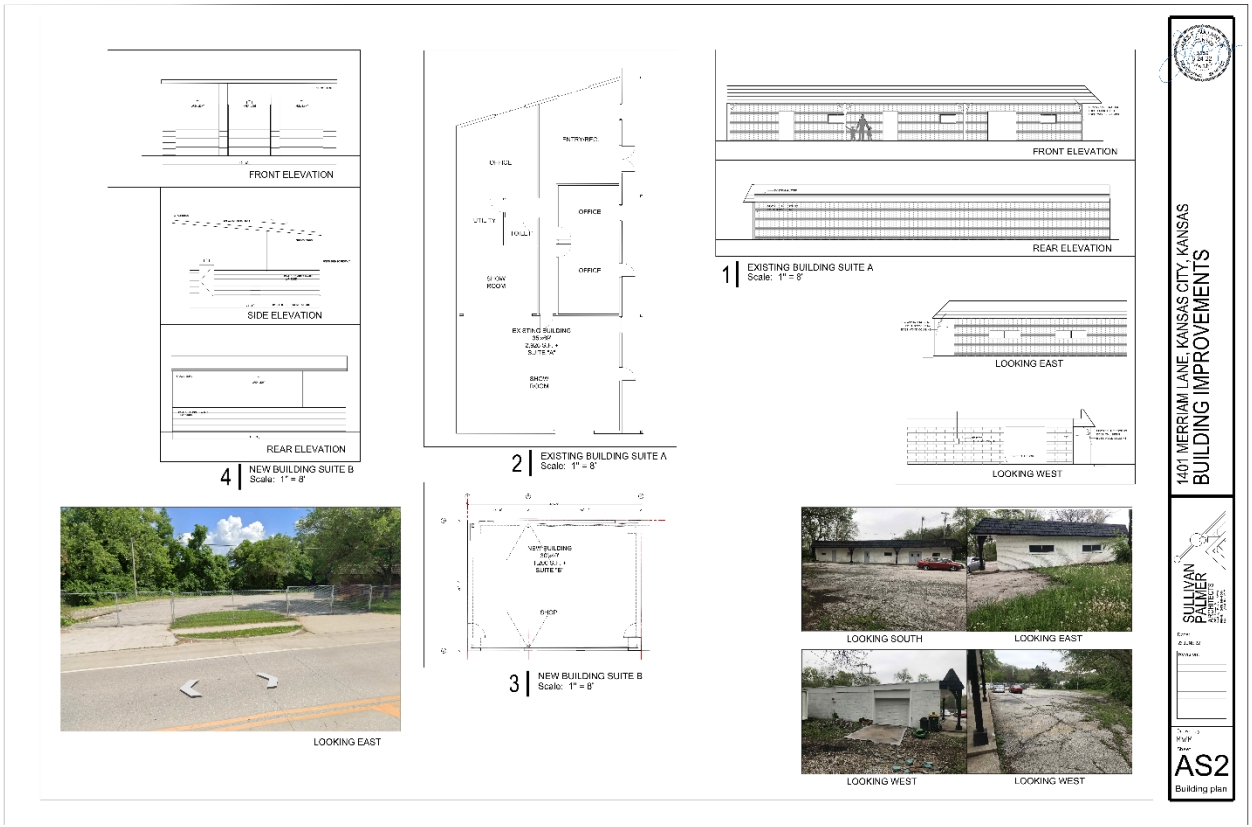


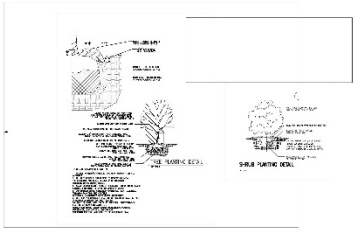
LAND USE MAP

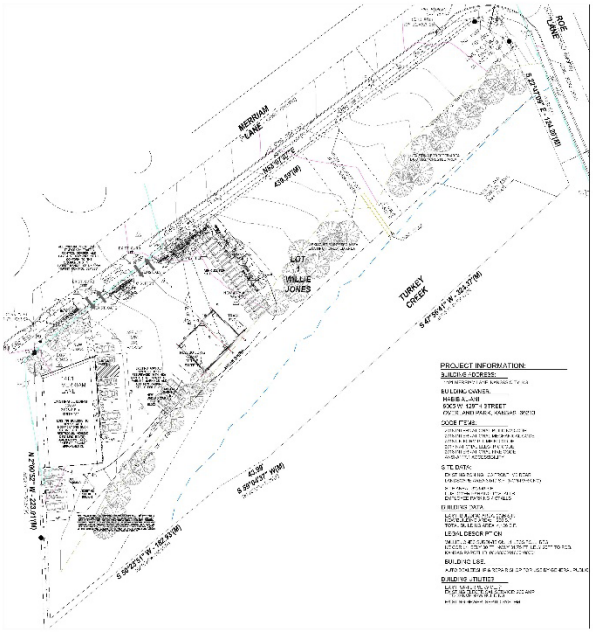
HAGEMANN
MERRIAM
14TH
Right-of-Way
Business Park
Floodway
ROE
N

SITE PLAN AND ELEVATIONS









1401 MERRIAM LANE, KANSAS CITY, KANSAS
BUILDING IMPROVEMENTS

SULLIVAN PALMER ARCHITECTS

L1

Meeting Minutes

Application Number:

Date and Location: September 26, 2022

Meeting called to order at 6:15 pm.

People in attendance:
Mr. Baha Hamil
Mr. Habib Alani
Mr. Ali Alani
Mr. Michael Hebberger

1. Baha Hamil made a presentation to discuss the zoning. Michael asked why we were meeting again. Baha indicated that we need to rezone the area from C3-M2 to CP3 as was recommended by the County Commission.
2. We discussed the trail. Michael suggested that the trail continue to go along the sidewalk past the bridge to Roe and then go down towards the creek on the other side of Mr. Alani's property.
3. Michael asked if Wyandotte County was interested in connecting the sewer to properties on the other side of Roe. Baha said that we are trying to get in touch with the surrounding property owners to see if they want to help Public Works offset the cost of tying into the sewer line east of Roe.
4. Michael indicated that he supported the change of zoning and suggested that he could help by joining a Zoom meeting or indicating this in writing.
5. See "Sidewalk and Trail Master Plan" map and "Merriam Connected Corridor Plan" map.

Meeting adjourned at 7:00 pm.

Minutes taken by Baha Hamil.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # COZ 2022-032
2. That I conducted a neighborhood meeting on September 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 28th day of September, 2022

My commission expires 4th of August, 2024.

Notary Public

NOTARY PUBLIC
STATE OF KANSAS
CONOR K. MUELLER
My Appointment Expires: 08-04-2024

KANSAS CITY - WYANDOTTE COUNTY HEALTH DEPARTMENT
KANSAS CITY, KANSAS

The construction, alteration or extension of a private sewage disposal system at 1403 Merriam Lane covered by Permit No. 3215 was inspected on February 17 19 76 by George Wendt for compliance with the plans and specifications detailed in the application. The construction, alteration or extension was performed by Tatum and Sons for the owner, Willie Jones , and was found to be

[X] ACCEPTABLE

[ ] UNACCEPTABLE

If unacceptable, the following changes must be made by ,
when reinspection will be made.

This is the notification required by Sec. 32-82, Code of Ordinances, Kansas City, Kansas.

ARNOLD M. REEVE, M.D.
HEALTH OFFICER

7/75

Give all to Barbara

No._____

A P P L I C A T I O N
For A
Private Sewage Disposal Permit
(Two copies for Health Department, one copy for applicant)

Application is hereby made to the Kansas City, Kansas - Wyandotte County Health Department, 619 Ann Avenue, to construct a private sewage disposal system:

at 1403 Merriam Lane
(Address or lot, block and addition)

Business 914 E. 16th KCMo.
Business phone
Gr. 1-5971

for Willie Jones - 5228 Swopeparkway, K.C.Mo.
(Owner or Developer) (Address, if other than above)

by Ernie Bjoorgard - Bonner Springs Red D. Mix.
(installer of sewage system) 422-1022

275 tight light
Distribution Box for checking testing
1000 gallon grease trap

As follows: *

1. Septic tank:
   Length__ft., width___ft., depth___ft., liquid depth___ft., gal. 1000 at least Nyarobic tank for restrooms only
2. Grease trap (if used): Length__ft., width___ft., Depth__ft., liquid depth___ft., gal.____
3. Absorption system (drainage tile):
   Number of lines____, average length each____ft., total length___ft., average width____ft., total absorption area_____square feet.

   (Note: Gravel or crushed rock must be clean 3/4 to 1 1/2 inches in size and at least 10 inches deep in all trenches.)
4. Number of bedrooms_____number of bathrooms_____,

   garbage grinder? yes_____ no__x__

   One mens restroom
   One women's restroom
   One Employees restroom
   2 urinals
   4 stools, 5 washbasins
   dishwasher
   sinks in kitchen
5. I certify the lot size is 500 x 200 ft.

The undersigned certifies that the installation was made as described above and will comply with Wyandotte County Resolution #700 or Kansas City, Kansas Ordinance #45907.

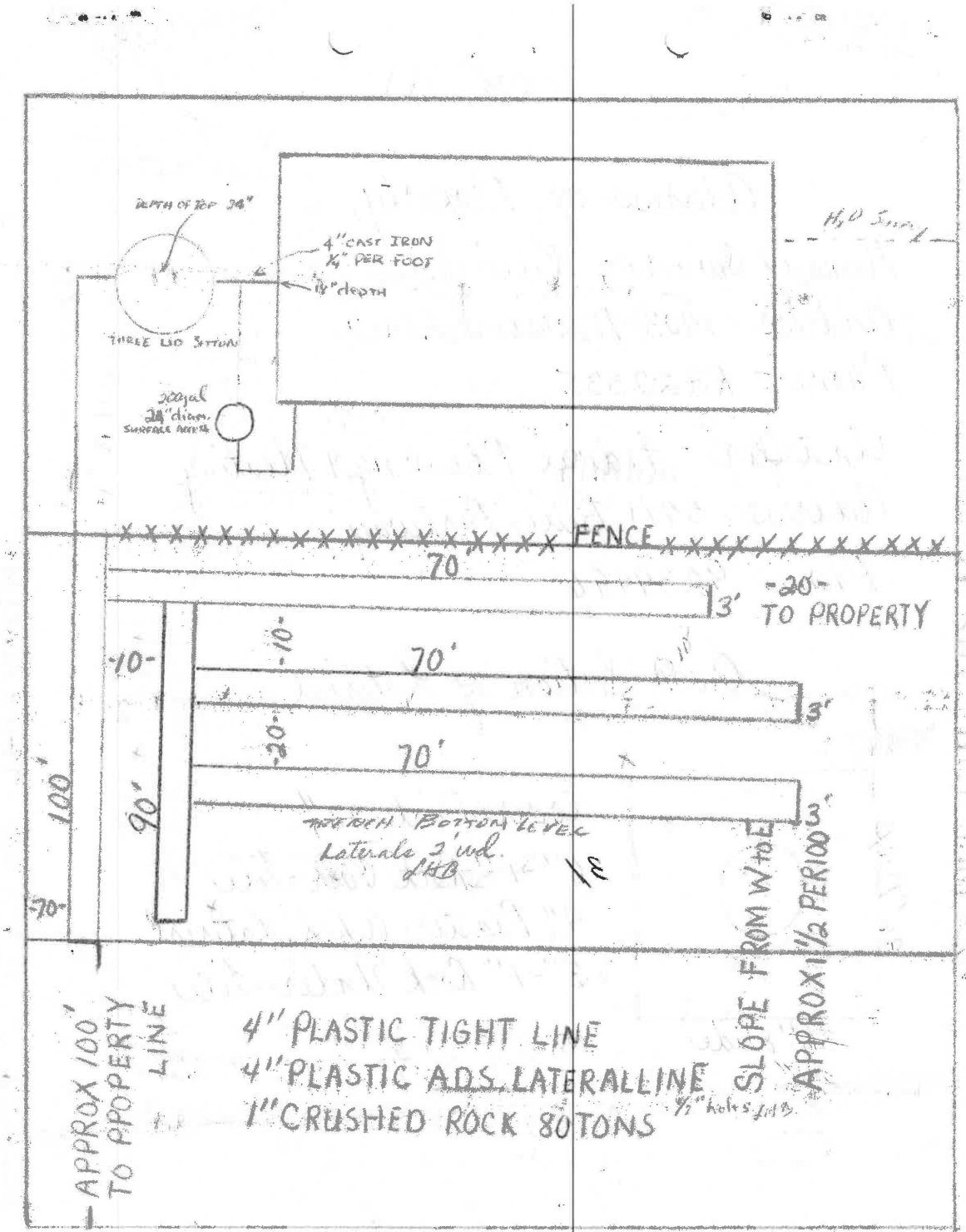
Ernest O Bjoorgaard
Signature

Perc
$25.00 Deposit

February 24, 1975
Date

Notify Health Department when installation is completed and ready for inspection.

Permit will be mailed to owner or developer after installation is inspected and approved. Permit expires one year from date of issue.

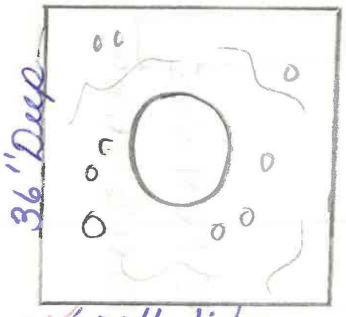

DEPTH OF TOP 24"
4" CAST IRON
1/4" PER FOOT
18" depth
THREE LID SITTON
200 gal
24" diam.
SURFACE ACCESS
FENCE
70
3'
-20-
TO PROPERTY
-10-
70'
3'
-20-
70'
3'
100'
90'
-70-
TRENCH BOTTOM LEVEL
Laterals 2' wd.
SLOPE FROM W to E
APPROX 1 1/2 PER 100'
APPROX 100'
TO PPOPERTY
LINE
4" PLASTIC TIGHT LINE
4" PLASTIC ADS LATERALLINE
1" CRUSHED ROCK 80 TONS

Address of Property

Name of Owner - Willie Jones
Address - 1403 Merriam Lane
Phone - RA2-2335

Installer - Federal Plumbing & Heating
Address - 5411 Blue Parkway
Phone - 9239496

Cross Section of Lateral



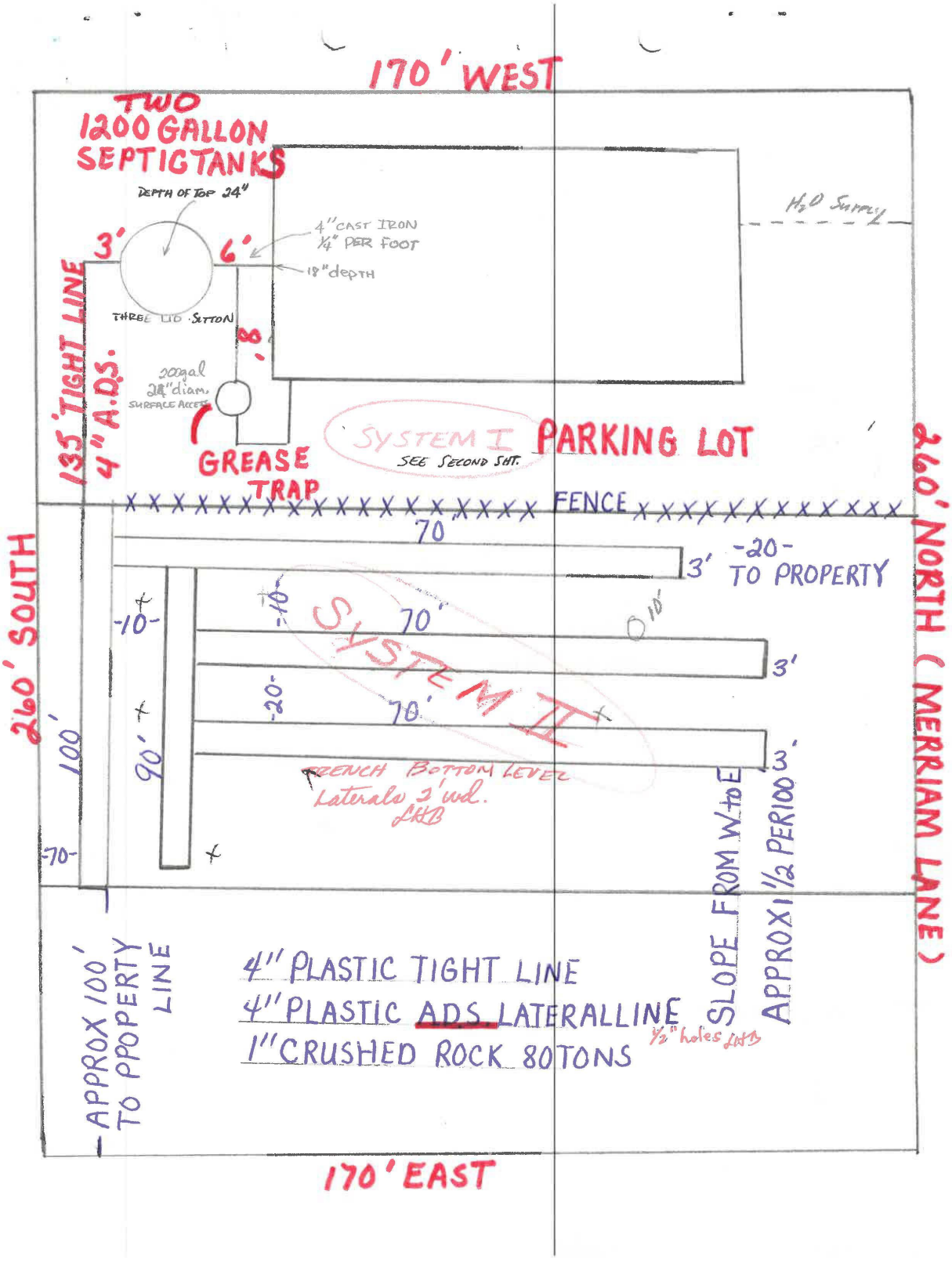
Cover Dirt 23"
3~~6~~"-1" Rock Over Tile
4" Plastic A.D.S. Lateral
6~~3~~"-1" Rock Under Tile

36" & 24"

ENDS OF ALL LINES CAPPED SOD

IN PARKING AREAS - 8" of 1" Rock will be placed over tile instead of 3".

LDD


170' WEST
TWO 1200 GALLON SEPTIC TANKS
DEPTH OF TOP 24"
3'
6'
4" CAST IRON 1/4" PER FOOT
18" depth
THREE LID SITTON
8'
200gal 24" diam. SURFACE ACCESS
GREASE TRAP
135' TIGHT LINE
4" A.D.S.
H2O Supply
SYSTEM I
SEE SECOND SHT.
PARKING LOT
FENCE
70'
3'
-20- TO PROPERTY
-10-
70'
3'
-20-
70'
3'
SYSTEM II
FRENCH BOTTOM LEVEL
Laterals 2' wd.
LHB
260' SOUTH
260' NORTH (MERRIAM LANE)
100'
90'
-70-
APPROX 100' TO PPOPERTY LINE
4" PLASTIC TIGHT LINE
4" PLASTIC ADS LATERALLINE
1/2" holes LHB
1" CRUSHED ROCK 80 TONS
SLOPE FROM W to E
APPROX 1 1/2 PER 100
170' EAST

Lot size ~~1 & 3/10 ac~~ 90,653 square feet 10,000

Area reserved for system ~~500.00~~ 5000 square feet

Distance of system area to nearest stream, lake, pond or water body 75'

System to be installed in:

undisturbed soil	☐
graded soil	☑
fill soil	☐

System effective absorption area ~~1800~~ _____ (soil absorption systems only)
(square feet)

The undersigned certifies that the installation or alteration will be made as described in the application and will comply with Wyandotte County Resolution #799 or Kansas City, Kansas Code of Ordinances, Chapter 32.

The application includes:

I Plot plan and general specifications

II Digester plans and specifications
(septic tank, cesspool, aerobic digester, etc.)

III Disposal system plans and specifications ✓
(lateral field, sand filter, lagoon, drywell, etc.)

L Saturley
Signature

8-12-75
Date

OFFICE USE

Perc:

Nearest System:

Nearest Sanitary Sewer:

SITE PHOTOGRAPHS, PROVIDED BY THE APPLICANT, DATED JULY 6, 2022

SITE PHOTOGRAPHS, PROVIDED BY THE APPLICANT, DATED AUGUST 19, 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: October 27, 2022

Re: **Change of Zone COZ2022-034 and Master Plan Amendment MPL2022-019**

GENERAL INFORMATION

Applicant:
Derrick Merchant
DBA 7B Building and Development, LLC

Status of Applicant:
Developer
13105 Dover Avenue
Lubbock, TX 79424

Requested Action:
Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:
August 26, 2022

Purpose:
To rezone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for the construction of a new car wash.

Property Location:
4810 State Avenue
Kansas City, Kansas 66102

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

Existing Zoning:	CP-1 Planned Limited Business District	
Adjacent Zoning:	**North:**	R-2 Two Family District
	South:	CP-2 Planned Central Business District
	East:	C-1 Limited Business District
	West:	CP-2 Planned Limited Business District
Adjacent Uses:	**North:**	Single family and two-family residences
	South:	Regency Inn hotel and Gas station
	East:	Vacant restaurant and Gas station
	West:	Multi-tenant commercial building
Total Tract Size:	1.53 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 Mixed Use. Mixed use is intended to be located near major arterial intersections and within traditional neighborhood design (TND) developments. The Mixed-Use land designation includes specialty retail, sit-down restaurants, convenience retail, professional offices, institutional uses, and mixed-density residential. Discouraged uses include industrial parks, business parks, drive-thru restaurants, and car lots. The proposed use is requiring a Master Plan Amendment to Community Commercial due to its automotive nature. Community Commercial uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses include medium-sized box stores and small-scale commercial centers such as grocery stores, medium-sized box stores, commercial centers with drive-through restaurants, banks, service stations, car lots, autobody repair shops, and auto-oriented uses.	
Major Street Plan:	The Major Street Plan designates this tract of State Avenue as a Class A Thoroughfare.	
Parking Requirement:	CP-1 District (current zoning): Section 27-464(4)(e) requires off-street parking spaces at a ratio of four (4) spaces per 1,000 square feet of floor area in the building.	

	CP-2 District (proposed zoning): Section 27-466(c)(5)(b) requires off-street parking spaces at a ratio of four (4) spaces per 1,000 square feet of floor area in the building. The proposed property has a square footage of 3,884 square feet, requiring 16 parking spaces. The proposed site plan includes 17 parking spaces, meeting this requirement.
Advertisement:	The Wyandotte Echo – September 15, 2022 Letters to Property Owners – September 16, 2022
Public Hearings:	October 10, 2022 and October 27, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Derrick Merchant of 7B Building and Development, LLC, is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for the construction of a new car wash. The subject property has a vacant commercial building that has a history of uses such as a steak house, Mexican restaurant, and most recently as an urgent health care clinic. The Change of Zone has been requested so that the applicant can construct and operate a new drive-thru car wash.

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 a record of 51 police cases, generally business checks on the vacant property or related to mental patient responses as part of former business operations.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has received two (2) abatement complaints in recent years:
    a. 2022: 22CAP-0017Y – Abatement
    b. 2022: 22CAP-000AB – Complaint (Abatement)

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. There was a previous sign permit and plans review for the former health clinic.

FACTORS TO BE CONSIDERED

Change of Zone

1. The Character of the Neighborhood.

This tract of State Avenue is mixed with neighborhood service and retail commercial uses. These uses are smaller retail establishments such as small-box grocery stores, clothing resales, nail salon, banking and check cashing, restaurants, and tax preparation. The Unified Government also maintains their Neighborhood Resource Center location nearby in the adjacent commercial shopping center. Lots are large with ample setbacks and landscape buffers to accommodate the abutting residential uses. State avenue provides sidewalks, lighting, and bus stops to accommodate the Class A Thoroughfare's heavy traffic.

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

The proposed commercial district does allow for the expansion of commercial uses from smaller neighborhood uses to larger developments, although it is not out of character with surrounding uses which include larger commercial clusters and strip shopping centers. The proposed use is expected to be compatible with the adjacent properties if hours of operation are limited and buffering between it and the adjacent properties is maintained.

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

Per Section 27-466(a), the purpose of the CP-2 Planned General Business District is to accommodate a broad range of retail, wholesale, and service establishments that serve a wide range of markets. While concentration of these uses into clusters and groups is highly desirable, it is anticipated that strips and small clusters along major streets will accommodate a large portion of this type of business. Size and type of buildings and accompanying land areas will vary widely, and traffic and commotion will, in some cases, produce noise levels that may be adverse to nearby residential property. Proposed uses in this district will call for a higher level of visual quality, greater setbacks, more landscaping and screening than in previous business districts. The current zone puts restrictions on the property by prohibiting automotive service uses, which does not allow for the construction of a new car wash. The removal of these restrictions will not detrimentally affect nearby property, as it is customary to have this type of service adjacent to residential neighborhoods, so long as buffering is provided along with limited hours of operation.

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

The property is currently vacant. The most recent tenant, an urgent care facility, closed in 2021.

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

There is some public gain as a carwash is an amenity that is a popular service. There is some gain economically as a tax-exempt property is being replaced with a taxable commercial entity. The proposed change of zone for automotive-based commercial activity has not been found to injure the appropriate use, visual quality, or marketability of nearby property substantially or permanently, as it is a new construction project in a commercial corridor in which similar uses are common.

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 proposed use is on a Class A Thoroughfare, which is intentionally designed for increased traffic capabilities. Should the Change of Zone be approved, the proposed zoning district would allow for the construction of an auto wash, which will require a building permit through Development Review Committee approval. The proposed structures 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 applicant is proposing a Master Plan Amendment to the City-Wide Master Plan from Mixed Use to Community Commercial. Mixed Use includes specialty retail, sit-down restaurants, convenience retail, professional offices, institutional uses, and mixed-density residential. Discouraged uses include industrial parks, business parks, drive-thru restaurants, and car lots. Community Commercial uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses include medium-sized box stores and small-scale commercial centers such as grocery stores, medium-sized box stores, commercial centers with drive-through restaurants, banks, service stations, car lots, autobody repair shops, and auto-oriented uses. This tract of State Avenue is a blend of uses of both Mixed Use and Community Commercial characteristics, with this particular use of an automotive fitting the description of a service for the adjacent district, a two-family residential neighborhood.

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

   The applicant is proposing to demolish the existing vacant building with the construction of the new auto wash. There should be little to no long-term negative environmental impact if the applicant adheres to the approved plans for construction and site development, which includes a stormwater relocation, erosion control, landscaping, and other site improvements. This plan review allows for a re-examination of the existing site, allowing for environmental enhancements such as additional landscaping and buffering than the previous tenant.

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 service is provided by the UG.

   c. **Storm water control**

      To be designed to meet City Code.

   d. **Police**

      Police service is provided by West Patrol, District #223.

   e. **Fire**

      Fire service is provided by Station #4.

   f. **Transit**

      The subject property is accessible on Route #101 at the intersections of North 50th Street and State Avenue or at North 47th Street and State Avenue.

   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 positive, as the subject property is a currently vacant and was formerly tax-exempt as an urgent-care medical facility. The proposed use would be a taxable commercial entity.

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

    The subject property currently conforms to the proposed zone as it is an automotive use. The change of zone allows for the subject property to remain conforming with the construction of the car wash.

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

    There is some positive impact or gain to public health, safety, or welfare, as it is currently a vacant property and there is ostensibly no hardship imposed on adjacent property owners. The land is in a commercial corridor designed to handle a multitude of uses. Although abutting a residential neighborhood, the existence of commercial operations on this corridor is expected.

Master Plan Amendment:

1. **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.**

   The current master plan designation for this property is Mixed Use, which is intended for residential uses are directly integrated into the commercial development, such as what is found in TND zoning districts east of I-635. Generally, these developments are near major intersections and include a less intense traffic pattern and parking that feels relatively secluded, whereas neighborhood walkability is highly encouraged to coincide with the presence of cars. Although the subject property is adjacent to a neighborhood zoning district, it better conforms to the proposed land use, as this tract of State Avenue is not an integrated commercial corridor, but a primary transit corridor with heavy traffic but designed to be walkable. A key component of the mixed-use land designation is the discouraged use of drive-thru restaurants and automotive uses, as such may ostensibly have the propensity to bring increased traffic beyond what is desired in a region in which pedestrians from the adjacent neighborhood would frequent the area. The existing land use does not match the region's physical description, as this tract of State Avenue was not originally designed to be directly integrated with the nearby residences, however new developments such as this offer the opportunity to transform the corridor with increased walkability and connectivity. This region's land use is not determinant by the applicant's proposed use, but rather the ability of the Class A Thoroughfare to handle traffic and the accompanying larger commercial establishments.

2. **Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.**

   This portion of the State Avenue corridor is experiencing signs of growth and redevelopment. A new grocery store is across from the proposed use and adjacent development includes a newer cluster of retail establishments. The strip shopping center a block adjacent has experienced prolonged vacancy, tenant turnover, and has been periodically offered for sale as a redevelopment opportunity. Commercial development is expected to grow in this area and it is not foreseen that traffic would be reduced to constrict the capacity to the point in which drive-thru or automotive uses could not be facilitated.

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

   See #9 under Change of Zone. All utilities and public services are available and adequate to serve the proposed land use amendment. The environment would see only a temporary impact during construction.

4. ***Whether the proposed amendment would result in comprehensive plan or regulatory conflicts.***

   The proposed amendment would not result in a comprehensive plan or regulatory conflict in and of itself as the surrounding land uses are compatible. Automotive uses do require a Change of Zone, which is included in the scope of this report as part of the application process. The proposed land use amendment is compatible should the proposed Change of Zone be approved.

5. ***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.***

   The proposed land use amendment would allow for the construction of a new automotive use. It is not shown that this will create inconsistencies in development patterns or adverse impacts, as the Class A Thoroughfare is designed to accommodate more intense commercial uses with increased traffic.

6. ***The impacts of the potential costs and benefits derived by the community or area by the proposed change.***

   There would ostensibly be a positive impact on the community, as the property is currently vacant. The corridor was designed commercial for uses of a slightly higher intensity and there would be economic development and an added neighborhood service amenity. There may be some negative impact from the

added noise of vehicles or illumination from any signage, but this will be minimal if designed and managed appropriately.

Preliminary Plan Review:

1. ***The site is capable of accommodating the buildings, parking areas and drives with appropriate open space.***

   A site plan has been provided indicating appropriate parking, traffic circulation, and open space. Additional comments are at the end of this report.

2. ***The plan provides for safe and easy ingress, egress and internal traffic circulation.***

   A site plan has been provided indicating appropriate parking, traffic circulation, and open space. Additional comments are at the end of this report.

3. ***Right-of-way, as determined by the public works department, has been identified for dedication.***

   The site plan calls for two (2) entrances and exits through the public right-of-way, requiring a right-of-way permit and is a condition of approval at the end of this report.

4. ***The capability of the proposed use to meet applicable ordinance and other requirements.***

   See item #11 under Change of Zone.

5. ***Amenities or conditions to be gained by the community are of an equal or higher quality than those required of nonplanned development.***

   The current property is vacant. While health clinics and sit-down restaurants are a desirable neighborhood amenity, these and similar uses can be located in areas that are more closely located to adjacent neighborhoods and in non-planned districts with fewer restrictions, whereas automotive related uses near a high-traffic Class A Thoroughfare require additional review through the entitlement process. The proposed use better aligns with the vision to enhance the corridor and add connectivity.

6. ***Planned zoning is not being used as a refuge from the requirements of these regulations as to the intensity of land use, amount of open space, or other established development criteria.***

   The proposed use is subject to review and approval as part of the Change of Zone and Master Plan Amendment entitlement. Planned Zoning allows for staff to more closely evaluate the relationship between commercial uses and the adjacent residential neighborhood and the design of such uses on a Class A Thoroughfare.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at the Mason Jar Bar and Grill on September 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Land Use
Traffic
Landscaping
Buffering and Screening
Construction
Automotive Use
Residential Use
Zoning
Noise
Commercial Design Guidelines
Illumination and Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2022-019 and Change of Zone COZ2022-034, subject to:

1) **Any grease, sand, oil, or other interceptors shall indicate their lids are both child proof and meet vehicle rating requirements. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
2) **Retaining walls shall provide calculations and shall be made of masonry-material, not a smooth-faced concrete masonry unit (CMU) blocking unless wrapped with a masonry finish. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
3) **Trash or dumpster enclosures shall meet the requirements of the Commercial Design Guidelines Overlay District. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
4) **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;**

5) **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
6) **A 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) **Proposed development(s) within this preliminary plat and/or plan review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval;**
8) **The applicant is requesting a Change of Zone and Master Plan Amendment for use on or development of a property zoned CP-1 with a proposed Change of Zone to CP-2. Therefore, this property is subject to and shall comply with all applicable regulations under the Commercial Development Guidelines Overlay District including landscaping, irrigation, lighting, parking, fences, screening, parapets, recycling or trash enclosures, utility fixtures and equipment, signage, or other requirements as applicable. Change orders, plan changes, or modifications in field, on site, or other remain subject to compliance to the Commercial Development Guidelines Overlay District requirements. Failure to comply with the guidelines may result in the delay of obtaining a Certificate of Occupancy or other enforcement action;**
9) **Section 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 66,572 square feet, requiring 10 trees be provided on the site plan;**
10) **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;**
11) **Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;**
12) **Section 27-699(a)(6) states that non-industrial and non-structural 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 shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;**
13) **Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5**

to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;

14) **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. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle;**
15) **Per Section 27-466(c)8, no use is permitted that involves the parking, keeping, storage or continued presence of trucks over 30,000 pounds GVWR rating, semitrailer rigs or portions thereof or outside storage of contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property;**
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) **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;**
18) **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;**
19) **A Right-of-Way Permit may be 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;**
20) **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all**

applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

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;**
22) **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,**
23) **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-034 and MPL2022-19** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Preliminary Plans
Planning Engineering Response Letter
Conservation District Letter
Planning Engineering Letters
Staff Site Visit Photos Dated September 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Rezone	October 10, 2022 Approval	October 27, 2022
Master Plan	October 10, 2022 Approval	October 27, 2022
Final Plan	October 10, 2022 Approved	Not required

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

MOTIONS

Master Plan Amendment:

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-0019** 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 **MPL2022-019,** 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:

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-034** 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._____;

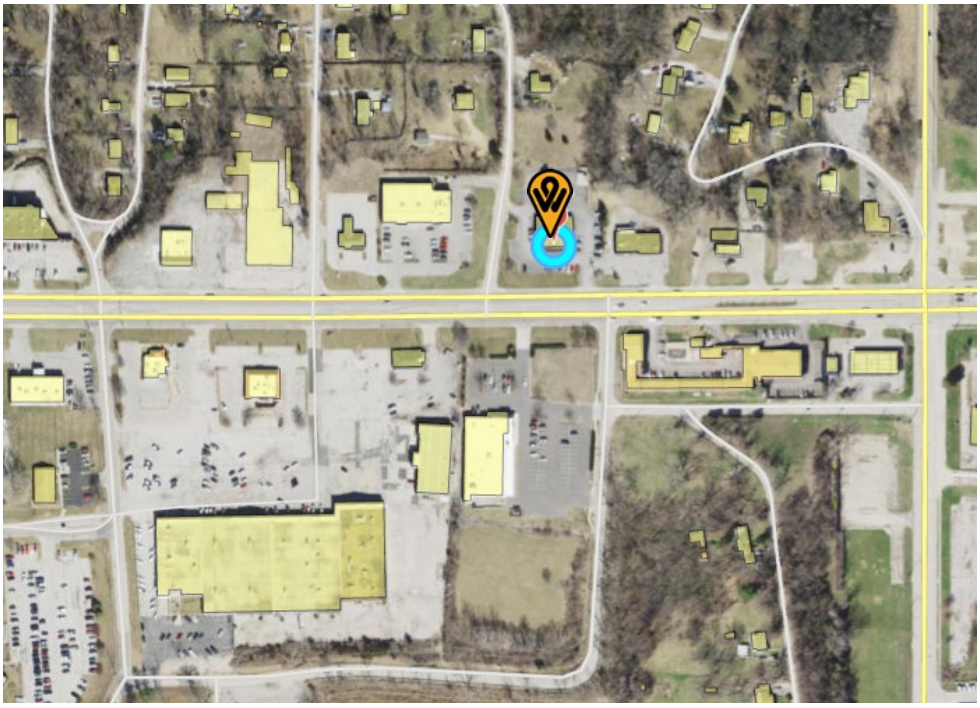
2. _____; And

3. _____.

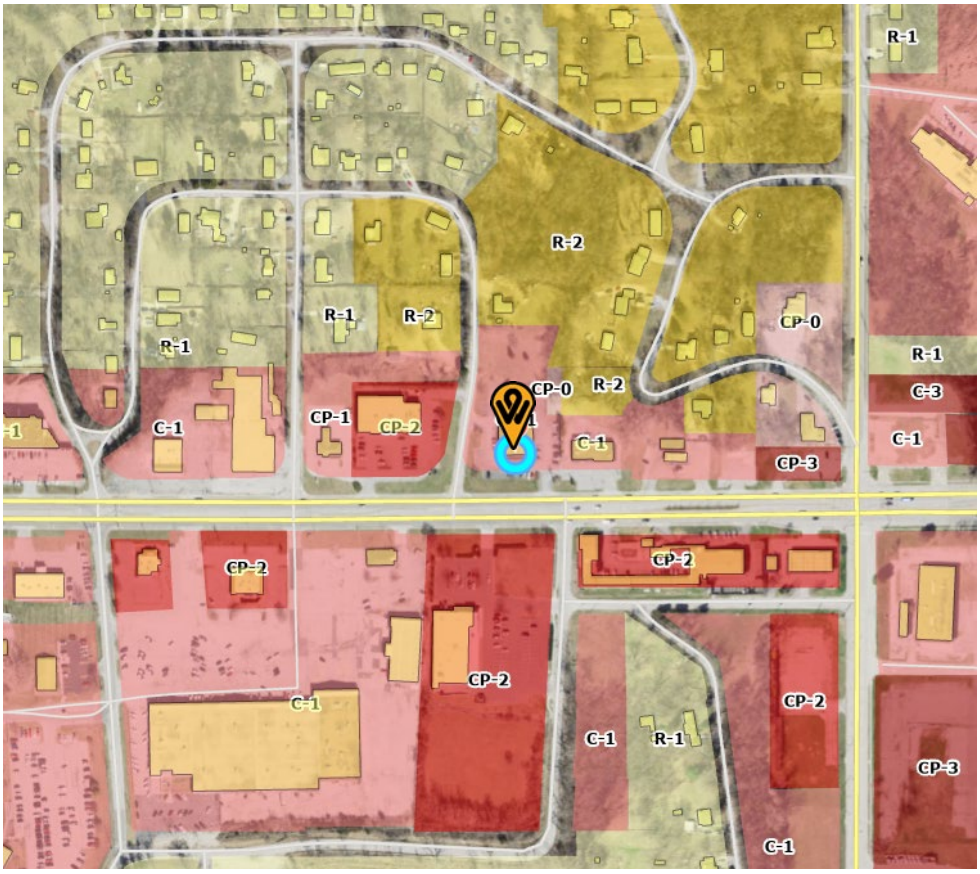
OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-034,** 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.

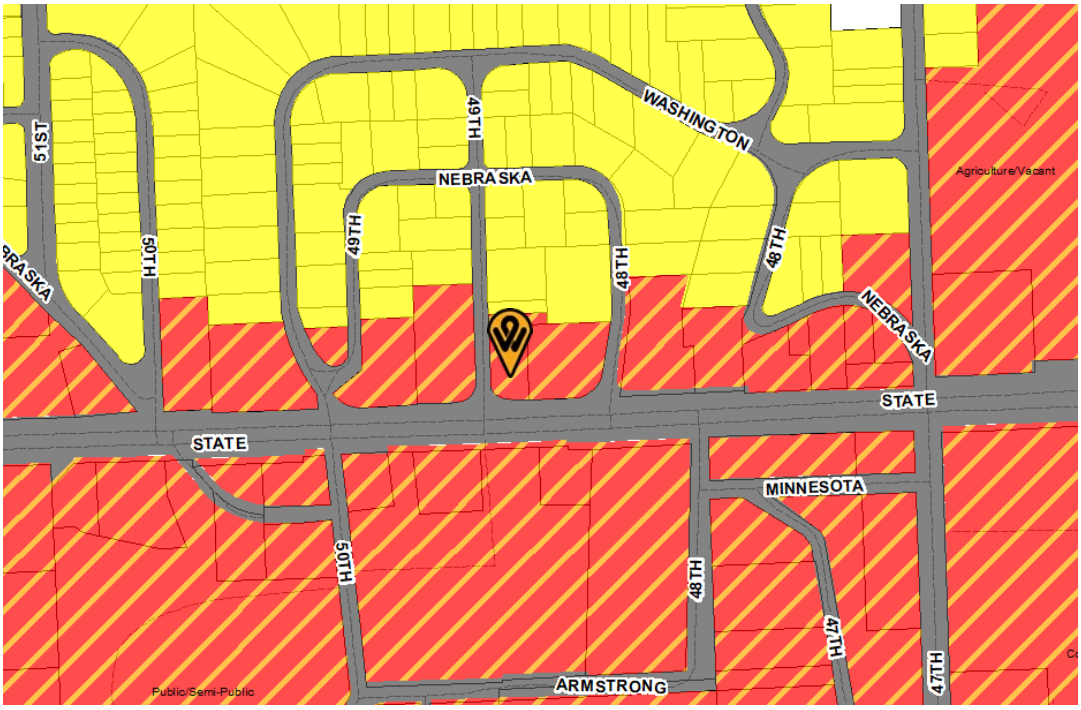
AERIAL MAP



ZONING MAP



LAND USE MAP

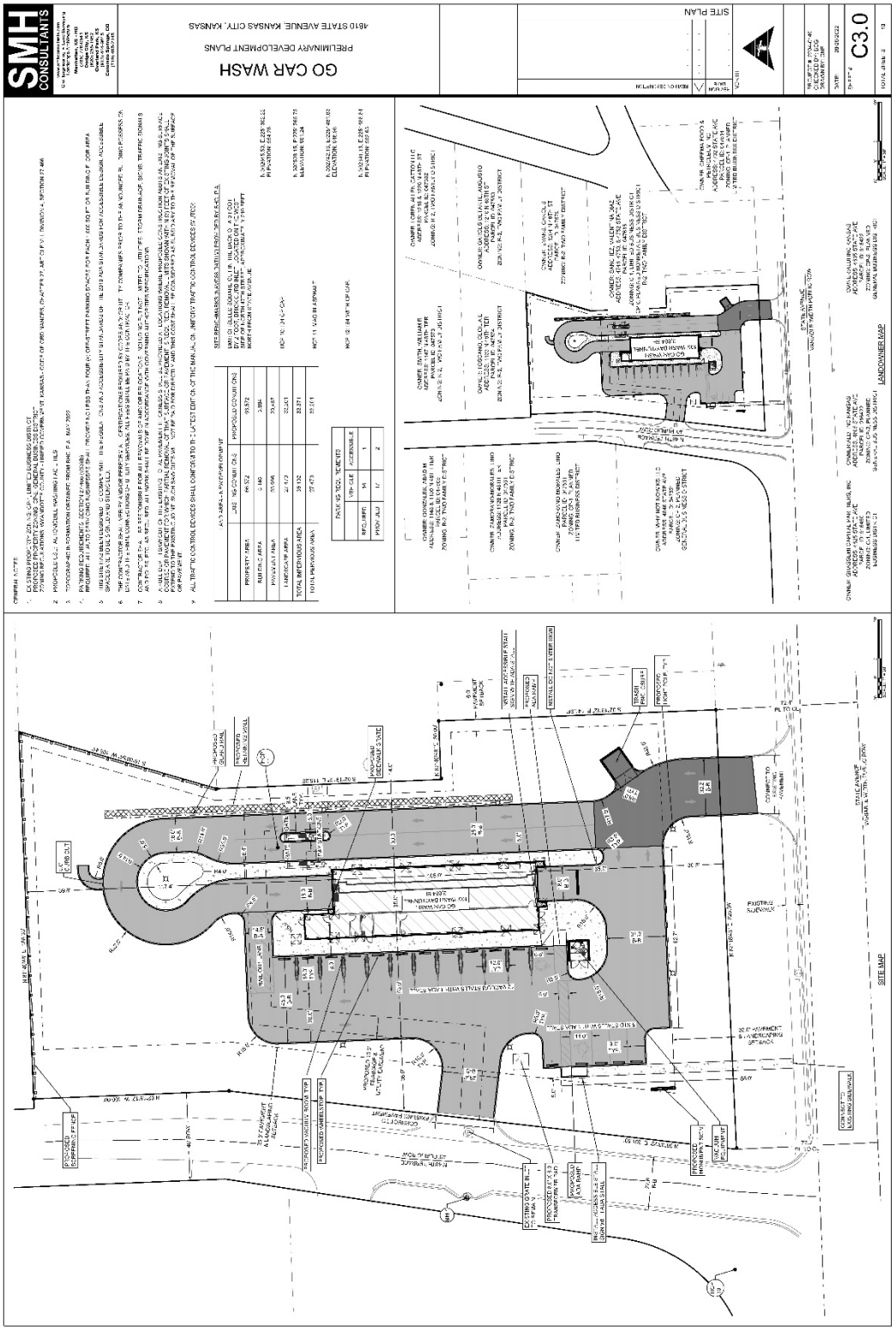


City-Wide Master Plan

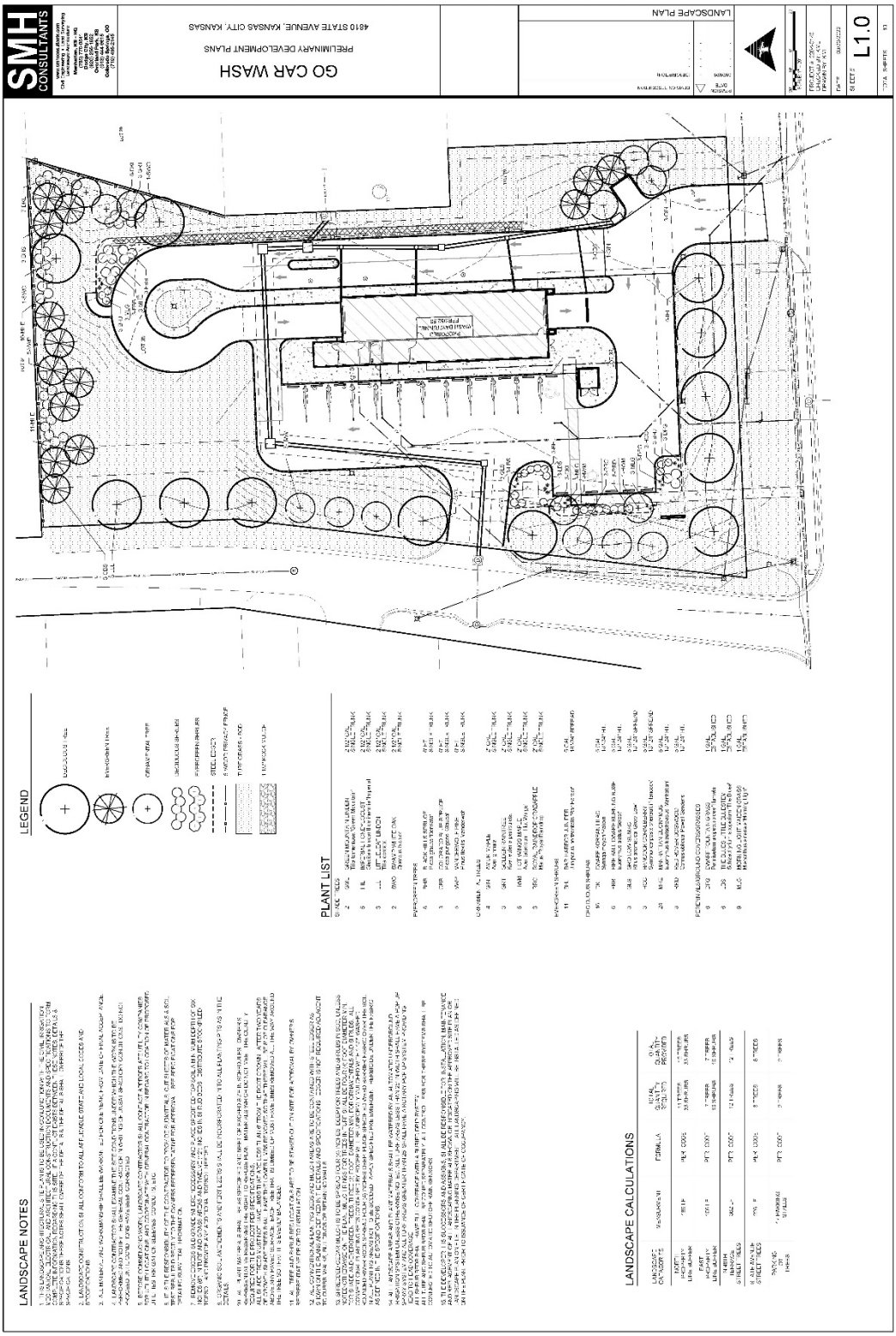
FUTURE_LAN

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

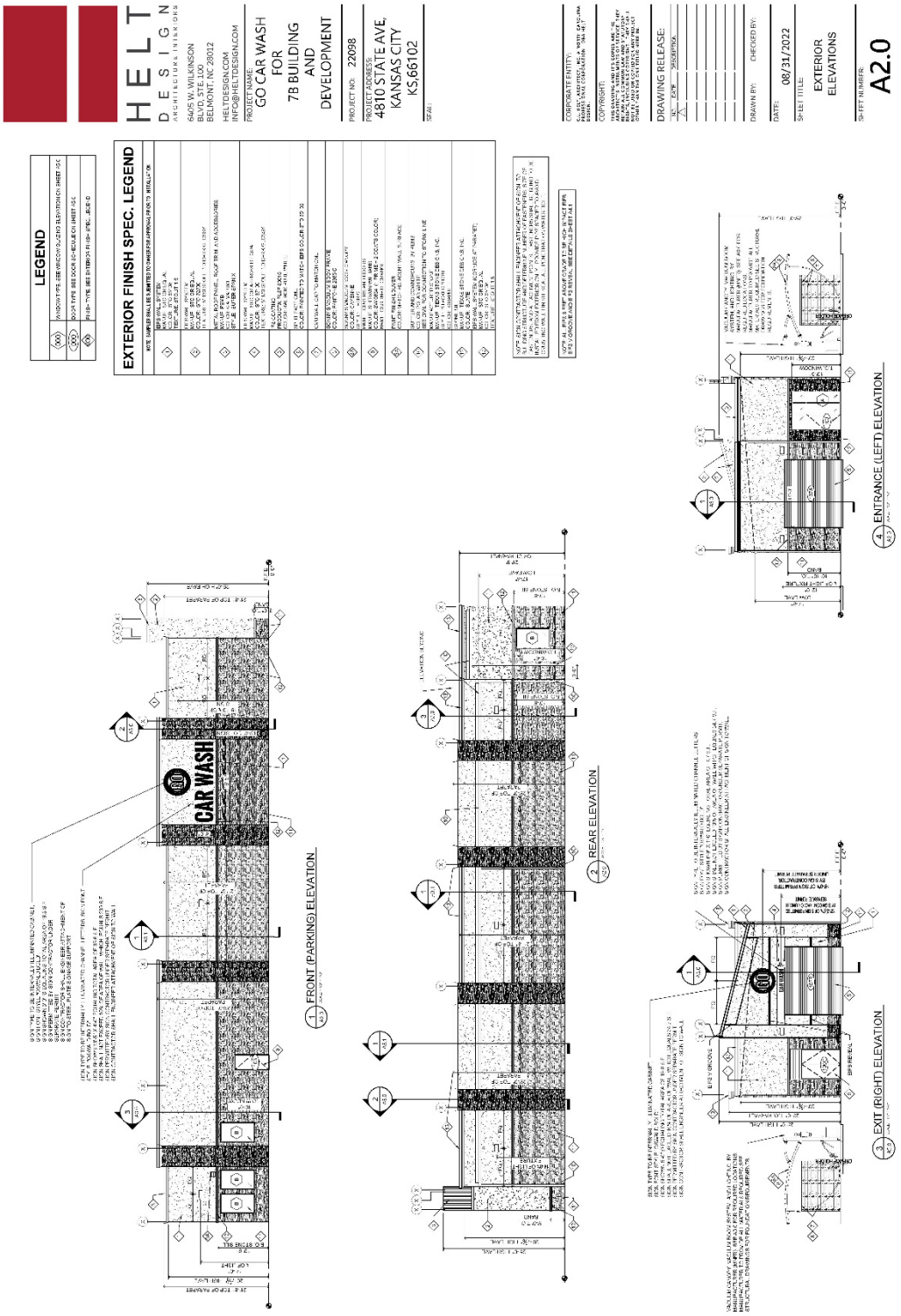
DESIGN PLANS



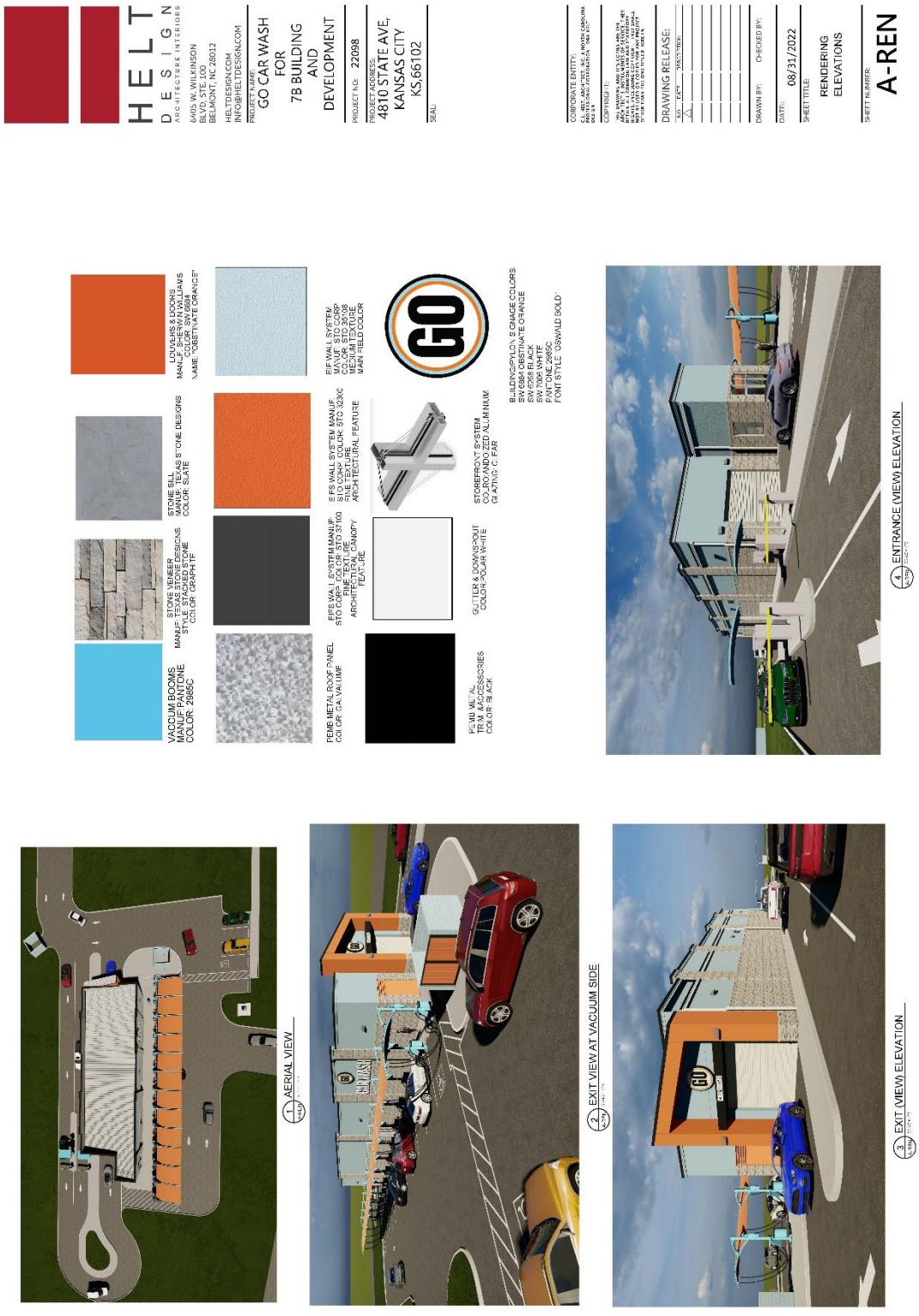
Note: A full set of plans is available upon request.



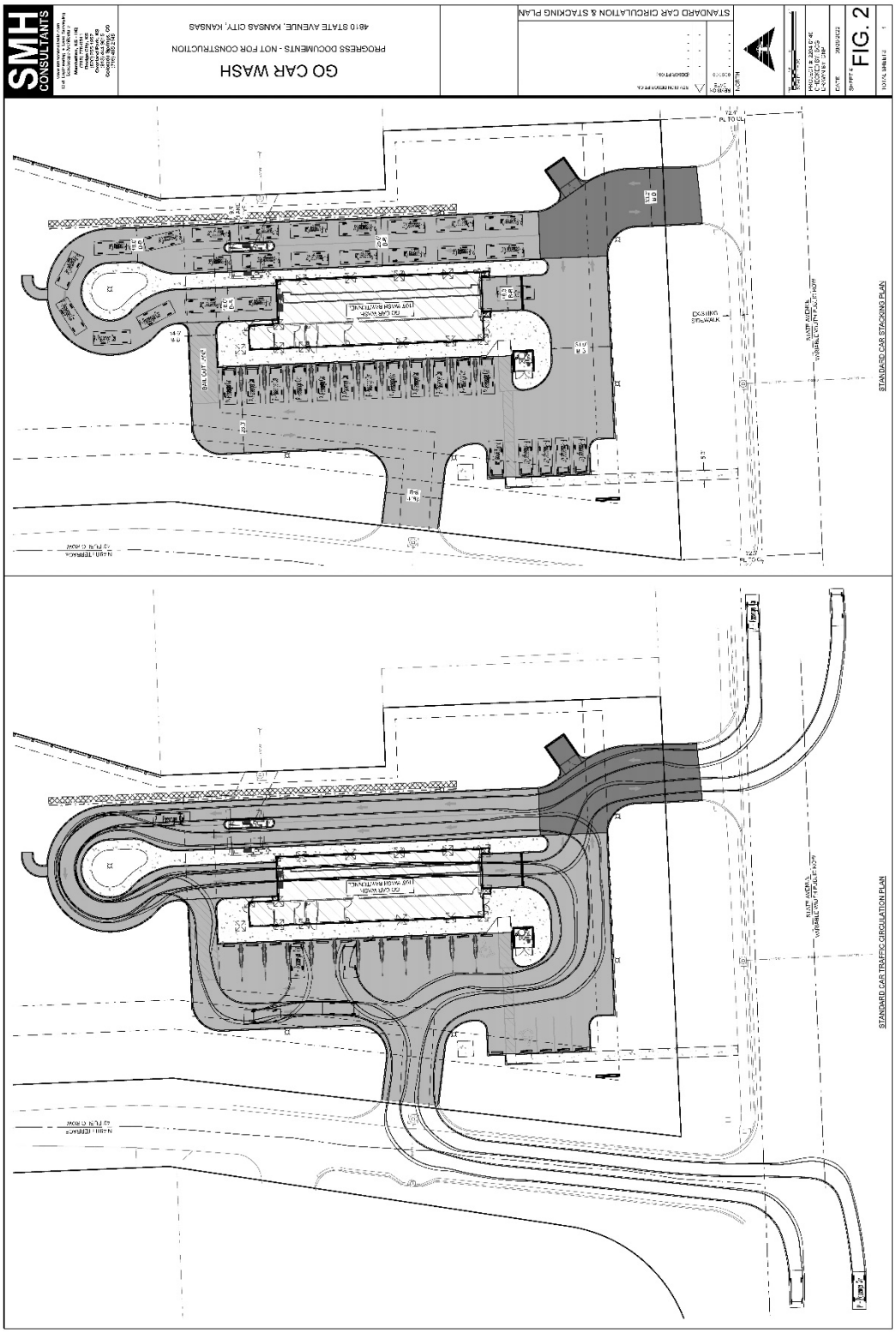
Note: A full set of plans is available upon request.



Note: A full set of plans is available upon request.



Note: A full set of plans is available upon request.



Note: A full set of plans is available upon request.

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now Fred C. Merrill, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2022-034.
2. That I conducted a neighborhood meeting on September 22, 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.

Fred C. Merrill
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of September 2022

My commission expires 29 of July, 2025

Notary Public

DONNA ALLEN
Notary Public
State of Kansas
My Commission Expires 07/29/25

Minutes from Neighborhood Meeting:

Application Number: COZ2022-034

Date and Location: Mason Jar Bar and Grill, September 22, 2022

Meeting called to order at: 5:00 pm

Names of people in attendance: Fred C. Merrill (applicant). The presenter was the only person who attended this meeting.

Introductions: N/A

Applicant was prepared with renderings, site plans, material boards.

Meeting adjourned at: 5:40 pm

Minutes taken by: Fred C. Merrill

SMH CONSULTANTS

September 23, 2022

09-19-22 Review Comments:

General Engineering Review No. 1
Travis Trumble, Project Engineer

1. All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revise and resubmit.

   Response: Comment to be addressed for Final Development Plan submittal. All sheets will be sealed, signed, and dated by P.E.

2. The site plan sheet C3.0 indicates a retaining wall on the east side of the site. However, there are no details of the wall in the plans. Please revise to include the type and height of the wall. If the wall is 3'6" or greater in height, retaining wall plans and calculations sealed by a Professional Structural Engineer registered in the State of Kansas shall be required.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by a Structural P.E.

3. Verify there is no existing access agreement with a lot (parcel # 047615) on the east of the building/property. The submitted plans show the access drive as being closed.

   Response: Developer looking into see if existing access agreement is in place. However, Site Plan will be modified to allow access from the east property regardless.

4. Regarding the above comment, please indicate how this access with a lot (parcel # 047615) area will be demolished and restored i.e., will grass be planted here.

   Response: Comment to be addressed for Final Development Plan submittal. Access with parcel #047615 will be maintained with 24' drive connection.

5. On the cover sheet C1.0 and other sheets where applicable, revise the contact reference for the Unified Government Sanitary and Storm Sewer to Kevin Swearengin or Kirk Roland, (913) 573-1360. In this regard, remove references given for Sarah White.

   Response: Comment to be addressed for Final Development Plan submittal.

6. On the cover sheet C1.0 and erosion control plan sheet C6.0, indicate the quantity of land disturbance area in square feet and acres.

   Response: Comment to be addressed for Final Development Plan submittal.

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Mission, KS 66205
P: 913-444-9615

7. The drive entrances shall be reduced to 30' in accordance with UG standards and criteria. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required.

   Response: Comment to be addressed for Final Development Plan submittal. Entrance drive along State Avenue will be decreased to 30'. Entrance drive along N 48th Terrace will not be adjusted as it is not wider than 30'.

8. Regarding the above comment, driveway entrances within right of way of N 48th Ter and State Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Grading Plan sheet.

9. If the existing street or curb is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Grading Plan sheet.

10. Please provide a largest vehicle (e.g., long (8') bed crew cab (4 doors) Silverado) turning template for vehicle movement to include the section where vehicles are entering or existing the car wash.

    Response: This information is depicted in Figure 2 of the Traffic Memo submitted with Preliminary Development Plan on August 26, 2022.

11. Please provide construction details, cross sections i.e., curb, asphalt overlay, of the drive aisle and parking area proposed to be used on site.

    Response: Comment to be addressed for Final Development Plan submittal.

12. Verify slopes shall not be engineered to be steeper than 3H:1V slope.

    Response: Comment to be addressed for Final Development Plan submittal. Additional slope labels added to Grading Plan sheet to verify slopes onsite are not greater than 3H:1V. This information also added as a note on Grading Plan sheet.

13. How will dump truck get in and out of site to pick up the trash? Please provide a trash and truck turning template of the site. The truck turning template shall be produced from CAD software e.g., AUTO-TURN.

    Response: This information shown in Figure 3 of the Traffic Memo submitted with Preliminary Development Plan on August 26, 2022.

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14. Similar as above comment, will trash collection be done during normal operating hours and how will this affect vehicle movement into the car wash?

    Response: SMH will coordinate this information prior to Final Development Plan submittal, and information will be added as a note to the Site Plan sheet in the Final Development submittal.

15. Please coordinate with Harvey Fields, (913-573-5947), KCK Fire Department for any additional requirements i.e., hydrant locations, fire access etc.

    Response: SMH coordinated with Harvey Fields during Pre-Application Meeting with the City on April 28, 2022. He stated that no new fire hydrant would need to be installed with the development and that we would need to provide a turning template to illustrate fire truck movement throughout the site. This information shown in Figure 2 of the Traffic Memo submitted with Preliminary Development Plan on August 26, 2022.

16. Please note that ADA parking space(s) markings, sidewalks, and access to the proposed building shall comply with ADA (Americans with Disabilities Act) requirements.

    Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Grading Plan sheet.

17. Also note that any ramps must follow ADA accessibility guidelines. If you have any questions about ADA ramps, please contact Troy Shaw, PE at 913-573-5411 in the Public Works Department for clarification.

    Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Grading Plan sheet.

18. Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.

    Response: Comment noted.

19. See Erosion Control review for additional comments.

    Response: See Erosion Control response to comments within this document.

20. See Storm Drainage review for additional comments.

    Response: See Storm Drainage response to comments within this document.

21. See Sanitary Sewer review for additional comments.

    Response: See Sanitary Sewer response to comments on within this document.

22. See Stormwater Quality review for additional comments.

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Response: See Stormwater Quality response to comments within this document.

23. See Retaining Wall review for additional comments.

    Response: See Retaining Wall response to comments within this document.

24. See Public Storm Drainage review for additional comments.

    Response: See Public Storm Drainage response to comments within this document.

25. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

    Response: Comment noted.

Sanitary Sewer Review No. 1
Travis Trumble, Project Engineer

1. Verify clearances between the 8" private sanitary service line with other utilities i.e., water line, etc., are met in accordance with UG checklists, standards and criteria i.e., at least 2' vertical separation.

   Response: Comment to be addressed for Final Development Plan submittal. 6" private sanitary sewer service line is at a sufficient depth to maintain minimum 2' vertical separate with other utilities. Note added to Utility Plan sheet as well.

2. Add a note that the Contractor shall obtain a Public Works Sewer permit and coordinate with UG staff for inspection on the proposed sanitary sewer service connection.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Utility Plan sheet.

3. Private sanitary service line shall comply with the applicable uniform plumbing code.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Utility Plan sheet.

4. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment Noted.

Retaining Wall Review No. 1
Travis Trumble, Project Engineer

1. Provide details of the proposed retaining walls on site i.e., the retaining wall on the east side of the property.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

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2. Retaining wall calculations (for walls greater than 3'-6" in height), plans, and details are required, for any type of retaining wall, including block or pre-manufactured walls, reinforced concrete, etc. Provide retaining wall calculations, plans, and details that are signed and 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.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

3. Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 psf per UG criteria.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

4. Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. 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) i.e., 42" above top of wall as identified in the UG checklist. Also, include post and footing anchorage design and details.

   Response: Comment to be addressed for Final Development Plan submittal.

5. 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.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

6. As a note, the retaining wall, footings, geogrid, etc. shall not cross the property line, right-of-way, or utility easements. For example, the toe of the wall shall not cross the property line and proposed drainage & utility easement.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining wall, footings, geogrid, etc. will remain in place as it does not cross any property lines or right of ways, but proposed Drainage & Utility Easement will be relocated to not interfere with location of retaining wall.

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7. 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.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

8. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment noted.

Storm Drainage Review No. 1
Travis Trumble, Project Engineer

1. If existing and proposed utilities are not public, indicate that on the plans by calling them out as private.

   Response: Comment to be addressed for Final Development Plan submittal. Plans updated to reflect all utilities called out as public or private.

2. Stormwater infrastructure i.e., curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Storm Sewer Plan & Profile sheet.

3. Verify minimum clearance for storm sewer pipes with other utilities are met in accordance with UG checklists, standards and criteria. (See UG checklists, standards and criteria)

   Response: Comment to be addressed for Final Development Plan submittal. Proposed private storm sewer and proposed public storm sewer have multiple utility crossings, all of them meeting UG standards for minimum clearance and vertical separation. Note also added to plan to meet minimum UG standards and criteria.

4. On the site plan sheet C3.0, the proposed retaining wall cannot be over the proposed 10.0' drainage & utility easement.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining wall will remain in place, but proposed Drainage & Utility Easement will be relocated.

5. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment noted.

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Colorado Springs, CO 80903
P: 719-465-2145

DODGE CITY
707 3rd Avenue, Suite A
Dodge City, KS 67801
P: 620-255-1952

MANHATTAN - HQ
2017 Vanesta Place, Suite 110
Manhattan, KS 66503
P: 785-776-0541

KANSAS CITY
5201 Johnson Dr., Suite 405
Mission, KS 66205
P: 913-444-9615

Public Storm Drainage Review No. 1
Travis Trumble, Project Engineer

1. All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revise and resubmit.

   Response: Comment to be addressed for Final Development Plan submittal. All sheets will be sealed, signed, and dated by P.E.

2. On the cover sheet C1.0 and other sheets where applicable, revise the contact reference for the Unified Government Sanitary and Storm Sewer to Kevin Swearengin or Kirk Roland, (913) 573-1360. In this regard, remove references given for Sarah White.

   Response: Comment to be addressed for Final Development Plan submittal. Contact information updated on Title Sheet.

3. As a note, the retaining wall, footings, geogrid, etc. shall not cross the utility easements i.e., proposed 10.0' drainage & utility easement.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining wall will remain in place, but proposed Drainage & Utility Easement will be relocated.

4. All public storm sewer will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). In this regard, revise the proposed drainage & utility easement to be 15' wide. Please revise as applicable.

   Response: Comment to be addressed for Final Development Plan submittal. Proposed Drainage & Utility Easement will be relocated so as not to cross the proposed retaining wall and will be increased to 15' width.

5. Stormwater infrastructure i.e., curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Storm Sewer Plan & Profile sheet.

6. Provide references to Standard UG Drawings and Details available in the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers of the Unified Government of Wyandotte County and Kansas City, Kansas on all sheets where applicable. It is the UG's policy that the details are not included in the plans, only referenced in a call-out, legend, or note with the UG detail number. In this regard, reference storm infrastructure i.e., curb and gutter, manholes, etc., as applicable.

   Response: Comment to be addressed for Final Development Plan submittal. Information added to plans where applicable.

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7. Verify minimum clearance for storm sewer pipes with other utilities are met in accordance with UG checklists, standards and criteria. (See UG checklists, standards and criteria)

   Response: Comment to be addressed for Final Development Plan submittal. Proposed private storm sewer and proposed public storm sewer have multiple utility crossings, all of them meeting UG standards for minimum clearance and vertical separation. Note also added to plan to meet minimum UG standards and criteria.

8. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment noted.

Stormwater Quality Review No. 1
Travis Trumble, Project Engineer

1. Oil water separators shall be installed on site to prevent oils and other polluting fluids from getting to the storm sewer system. In this regard, on the utility plan sheet C5.0, indicate and provide details of the oil water separators. If necessary, provide the details in an additional sheet within the civil plan set.

   Response: Comment to be addressed for Final Development Plan submittal. Sand/oil separator labeled on Utility Plan sheet. Information included on same sheet with location of detail in ASMEP plans.

Erosion Control Review No. 1
Travis Trumble, Project Engineer

1. On the erosion & sediment control plan sheet C6.0, reference Standard UG Drawings and Details available in the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County and Kansas City, Kansas for erosion control BMP's i.e., construction entrance, silt fence, etc., as applicable. It is the UG's policy that the details SHALL NOT be included in the plans, only referenced in a call-out, legend, or note with the UG detail number. (See UG checklists and standards). In this regard, on the construction entrance details sheet C6.1 and silt fence details sheet C6.2, remove the APWA referenced erosion control and call out UG standards as applicable, i.e., UG 1400-A for construction entrance and UG 1400-E for silt fence installation.

   Response: Comment to be addressed for Final Development Plan submittal. Table in top left corner of Soil Erosion & Sediment Control sheet updated with additional column for UG detail references as applicable. Detail sheets referencing APWA standards instead of UG standards removed from plan set.

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

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Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Soil Erosion & Sediment Control sheet.

3. Will there be an access barrier between the active work area and areas to remain undisturbed? Please illustrate on plans.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Soil Erosion & Sediment Control sheet.

4. Please indicate on the plans the contractor staging area.

   Response: Comment to be addressed for Final Development Plan submittal. Contractor staging area added to Soil Erosion & Sediment Control sheet.

5. Also, please note that a concrete washout must structure a minimum of 50 feet away from open channels, storm drain inlets, sensitive areas, wetlands, buffers and water courses and away from construction traffic.

   Response: Comment to be addressed for Final Development Plan submittal. Construction entrance relocated to begin along north edge of State Avenue at existing entrance drive to site. This new location meets the minimum 50' separation criteria. Information also added as a note on Soil Erosion & Sediment Control sheet.

6. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment noted.

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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

September 13, 2022

RE: COZ2022-034, PR2022-035 and MPL2022-019 Derrick Merchant CP-1 to CP-2 for a car wash at 4810 State Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-034, PR2022-035 and MPL2022-019 Derrick Merchant CP-1 to CP-2 for a car wash at 4810 State Avenue.

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

MAPS AND REPORTS

Soils Map
- Soils Inventory Report
- Map Unit Description (Brief)

Dwellings and Small Commercial Buildings
- Soil Features

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

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- The construction entrance/exit needs to come in from the west off of 49th terrace. This is the high point. It will be hard to prevent siltation from leaving the property and flowing onto State Avenue.
- As soon as grading is complete the areas not being used for construction need to be mulched and seeded.
- Topsoil pile needs to be seeded and mulched also.

- The north area storm drainage system needs to be carried all the way to the property line.
- The Best Management Practices in this report can be used to solve any erosion concerns 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

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Erosion Control Review No. 1 (of the plans not sealed, received 8/26/2022)

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 Erosion Control design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) On the erosion & sediment control plan sheet C6.0, reference Standard UG Drawings and Details available in the latest edition of the *Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County and Kansas City, Kansas* for erosion control BMP's i.e., construction entrance, silt fence, etc., as applicable. It is the UG's policy that the details SHALL NOT be included in the plans, only referenced in a call-out, legend, or note with the UG detail number. (See UG checklists and standards). In this regard, on the construction entrance details sheet C6.1 and silt fence details sheet C6.2, remove the APWA referenced erosion control and call out UG standards as applicable, i.e., UG 1400-A for construction entrance and UG 1400-E for silt fence installation.
2) Add a note regarding additional measures, i.e., "The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation."
3) Will there be an access barrier between the active work area and areas to remain undisturbed? Please illustrate on plans.
4) Please indicate on the plans the contractor staging area.
5) Also, please note that a concrete washout must structure a minimum of 50 feet away from open channels, storm drain inlets, sensitive areas, wetlands, buffers and water courses and away from construction traffic.

6) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

NOTE: This project contains land disturbance of 1.0 acre or more (i.e., approx. 1.5 AC), which will require a Land Disturbance permit through the Public Works Department (and KDHE). Contact Mr. Andrew Roddy (913-573-5421) in Public Works to obtain all applicable Public Works permits, prior to obtaining a building permit through the Building Inspections Department.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:17:16 -05'00'

Travis Trumble, Project Engineer

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
General Engineering Review No. 1 (of the plans not sealed, Drainage Memo dated 8/26/2022, & Traffic Memo dated 8/26/2022, received 8/26/2022)

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

1) All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revise and resubmit.
2) The site plan sheet C3.0 indicates a retaining wall on the east side of the site. However, there are no details of the wall in the plans. Please revise to include the type and height of the wall. If the wall is 3' 6" or greater in height, retaining wall plans and calculations sealed by a Professional Structural Engineer registered in the State of Kansas shall be required.
3) Verify there is no existing access agreement with a lot (parcel # 047615) on the east of the building / property. The submitted plans show the access drive as being closed.
4) Regarding the above comment, please indicate how this access with a lot (parcel # 047615) area will be demolished and restored i.e., will grass be planted here.
5) On the cover sheet C1.0 and other sheets where applicable, revise the contact reference for the Unified Government Sanitary and Storm Sewer to Kevin Swearengin or Kirk Roland, (913) 573-1360. In this regard, remove references given for Sarah White.

6) On the cover sheet C1.0 and erosion control plan sheet C6.0, indicate the quantity of land disturbance area in square feet and acres.

7) The drive entrances shall be reduced to 30' in accordance with UG standards and criteria. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required.

8) Regarding the above comment, driveway entrances within right of way of N 48th Ter and State Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.

9) If the existing street or curb is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.

10) Please provide a largest vehicle (e.g., long (8') bed crew cab (4 doors) Silverado) turning template for vehicle movement to include the section where vehicles are entering or existing the car wash.

11) Please provide construction details, cross sections i.e., curb, asphalt overlay, of the drive aisle and parking area proposed to be used on site.

12) Verify slopes shall not be engineered to be steeper than 3H:1V slope.

13) How will dump truck get in and out of site to pick up the trash? Please provide a trash and truck turning template of the site. The truck turning template shall be produced from CAD software e.g., AUTO-TURN.

14) Similar as above comment, will trash collection be done during normal operating hours and how will this affect vehicle movement into the car wash?

15) Please coordinate with Harvey Fields, (913-573-5947), KCK Fire Department for any additional requirements i.e., hydrant locations, fire access etc.

16) Please note that ADA parking space(s) markings, sidewalks, and access to the proposed building shall comply with ADA (Americans with Disabilities Act) requirements.

17) Also note that any ramps must follow ADA accessibility guidelines. If you have any questions about ADA ramps, please contact Troy Shaw, PE at 913-573-5411 in the Public Works Department for clarification.

18) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.

19) See Erosion Control review for additional comments.

20) See Storm Drainage review for additional comments.

21) See Sanitary Sewer review for additional comments.

22) See Stormwater Quality review for additional comments.

23) See Retaining Wall review for additional comments.

24) See Public Storm Drainage review for additional comments.

25) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:16:44 -05'00'

Travis Trumble, Project Engineer

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Public Storm Drainage Review No. 1 (of the plans not sealed & Drainage Memo dated 8/26/2022, received 8/26/2022)

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 Storm Drainage design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revise and resubmit.

2) On the cover sheet C1.0 and other sheets where applicable, revise the contact reference for the Unified Government Sanitary and Storm Sewer to Kevin Swearengin or Kirk Roland, (913) 573-1360. In this regard, remove references given for Sarah White.

3) As a note, the retaining wall, footings, geogrid, etc. shall not cross the utility easements i.e., proposed 10.0' drainage & utility easement.

4) All public storm sewer will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). In this regard, revise the proposed drainage & utility easement to be 15' wide. Please revise as applicable.

5) Stormwater infrastructure i.e., curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.

6) Provide references to Standard UG Drawings and Details available in the latest edition of the *Technical Provisions & Standard Drawings for Roads and Sewers of the Unified Government of Wyandotte County and Kansas City, Kansas* on all sheets where applicable. It is the UG's policy that

the details are not included in the plans, only referenced in a call-out, legend, or note with the UG detail number. In this regard, reference storm infrastructure i.e., curb and gutter, manholes, etc., as applicable.

7) Verify minimum clearance for storm sewer pipes with other utilities are met in accordance with UG checklists, standards and criteria. (See UG checklists, standards and criteria)

8) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:19:28 -05'00'

Travis Trumble, Project Engineer

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Retaining Wall Review No. 1 (of the plans not sealed, received 8/26/2022)

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 Retaining Wall 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 details of the proposed retaining walls on site i.e., the retaining wall on the east side of the property.

2) Retaining wall calculations (for walls greater than 3'-6" in height), plans, and details are required, for any type of retaining wall, including block or pre-manufactured walls, reinforced concrete, etc. Provide retaining wall calculations, plans, and details that are signed and 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.

3) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 psf per UG criteria.

4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. 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) i.e., 42" above top of wall as identified in the UG checklist. Also, include post and footing anchorage design and details.

5) 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.

6) As a note, the retaining wall, footings, geogrid, etc. shall not cross the property line, right-of-way, or utility easements. For example, the toe of the wall shall not cross the property line and proposed drainage & utility easement.

7) 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.

8) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

NOTE: The proposed retaining wall(s) construction may require 3rd party inspections, which can be performed by the retaining wall design engineer. Please contact Mr. Jim Neath, Interim Chief Building Official, (913-573-8629), regarding 3rd party inspection during retaining wall construction prior to construction permit acquisition or if there are any questions.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:19:00 -05'00'

Travis Trumble, Project Engineer

Planning and Urban Design

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Sanitary Sewer Review No. 1 (of the plans not sealed, received 8/26/2022)

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 Sanitary Sewer 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) Verify clearances between the 8" private sanitary service line with other utilities i.e., water line, etc., are met in accordance with UG checklists, standards and criteria i.e., at least 2' vertical separation.
2) Add a note that the Contractor shall obtain a Public Works Sewer permit and coordinate with UG staff for inspection on the proposed sanitary sewer service connection.
3) Private sanitary service line shall comply with the applicable uniform plumbing code.
4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:18:07 -05'00'
Travis Trumble, Project Engineer

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Storm Drainage Review No. 1 (of the plans not sealed & Drainage Memo dated 8/26/2022, received 8/26/2022)

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 Storm Drainage design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) If existing and proposed utilities are not public, indicate that on the plans by calling them out as private.
2) Stormwater infrastructure i.e., curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.
3) Verify minimum clearance for storm sewer pipes with other utilities are met in accordance with UG checklists, standards and criteria. (See UG checklists, standards and criteria)
4) On the site plan sheet C3.0, the proposed retaining wall cannot be over the proposed 10.0' drainage & utility easement.
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 Digitally signed by Travis Trumble Date: 2022.09.19 14:17:41 -05'00'
Travis Trumble, Project Engineer

Storm Drainage Review Comments 1 of 1

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: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Stormwater Quality Review No. 1 (of the plans not sealed & Drainage Memo dated 8/26/2022, received 8/26/2022)

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) Oil water separators shall be installed on site to prevent oils and other polluting fluids from getting to the storm sewer system. In this regard, on the utility plan sheet C5.0, indicate and provide details of the oil water separators. If necessary, provide the details in an additional sheet within the civil plan set.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:18:30 -05'00'
Travis Trumble, Project Engineer

STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022

STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022

STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 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: October 27, 2022

Re: **Special Use Petition SP2022-050**

GENERAL INFORMATION

Applicant: Tim Gates

Status of Applicant:
Representative
2045 South 74th Street
Kansas City, Kansas 66106

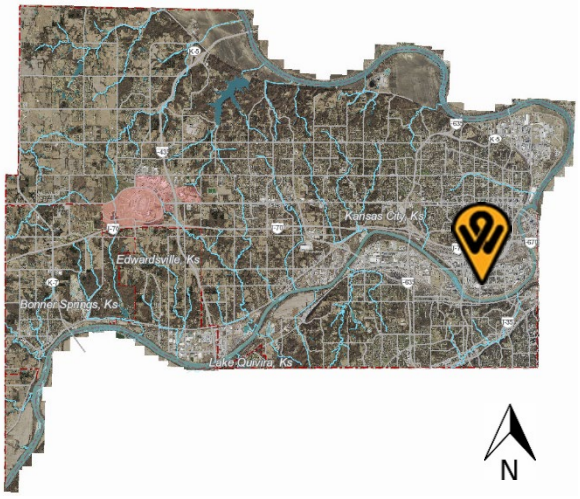
Requested Action:
Approval of a Special Use Permit.

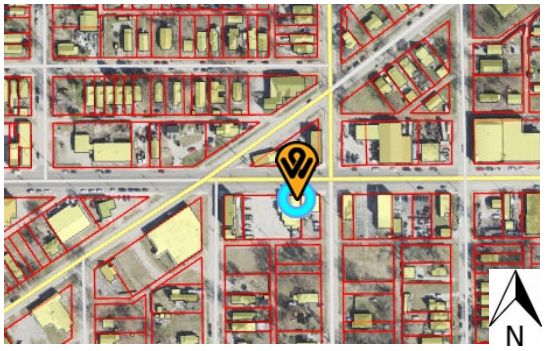
Date of Application:
April 27, 2002

Purpose:
Approval of a Special Use Permit for live entertainment at an existing restaurant.

Property Location:
1005 Osage
Kansas City, Kansas 66105

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 M-3 Heavy Industrial District
	South:	R-2(B) Two Family District
	East:	C-3 Commercial District
	West:	C-3 Commercial District
Adjacent Uses:	**North:**	Drive-In Fast Fast-Food Restaurant Vacant Mixed Use Commercial Building
	South:	Undeveloped Residential Lots
	East:	Convenience Grocery Mart
	West:	Mixed Use Multi-family and Commercial

Total Tract Size: .396 Acre

Master Plan Area: Armourdale Area Master Plan

Master Plan Designation: The Armourdale Area Master Plan designates this property as Mixed-Use with an emphasis on increasing commercial uses that blend in with increased density residential uses. The parking lot that is part of this parcel has been proposed as a future “housing first” development in the Armourdale Area Master Plan as part of its recommendation for improvements on the Osage and Central Avenue Intersectional Corridor.

Major Street Plan: The Major Street Plan designates this tract of Osage as a Class C Throughfare.

Parking Requirement: Section 27-668(5) states that for eating places, one (1) space for each 50 square feet of seating area plus one (1) space for each remaining 300 square feet of total floor area. Section 27-668(a)(12) states that dance halls must provide one (1) parking space for every 50 square feet of seating or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Ordinance requirements require 63 parking spaces between the proposed uses. A deficiency of 7 spaces is the result of legal non-conformance and an additional 28 spaces were allotted to the applicant in Variance Appeal 1971, resulting in the applicant providing an additional 28 spaces.

The property owner has made some additional building modifications at the expense of the parking proposed in the Variance Appeal. The property owner

	has added a 251 sq. ft. storage room and a 384 sq. ft. cooler and freezer, resulting in the addition of three (3) additional spaces required. The fence enclosure eliminated the rear parking for tenants and employees. The additions and the fence have combined to create a total deficit of eight (8) parking spaces. An additional requirement of a landscape buffer in the front of the parking lot to screen the property is also addressed in the conditions of the report.
Advertisement:	The Wyandotte Echo – May 19, 2022 Letters to Property Owner – September 15, 2022
Public Hearings:	October 10, 2022 and October 27, 2022
Public Support:	There is has been one (1) letter in support of this project.
Public Opposition:	There has been one (1) letter of opposition to this project.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tim Gates, is seeking a new Special Use Permit for live entertainment at an existing restaurant with bar at 1005 and 1007 Osage. The Applicant is a representative for the property owner, whose son wants to do performances in the restaurant with his band while people are dining and to have occasional small parties with entertainment. The two (2) properties have been joined to create a semi-open floor plan on the street level to accommodate the existing restaurant and dance floor while 1005 Osage retains a second level with apartments. The total square footage for the combined buildings is 6,660 square feet.

This application is being heard in conjunction with BOZA2022-041 for minimum parking lot setbacks and for number of parking spaces required.

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 13 business check calls in addition to several disturbance complaints over the past ten (10) years:
    a. 2020: 2020-00077755 – Burglary
    b. 2020: 2020-00077756 – Theft
    c. 2020: 2020-00025255 – Criminal Complaint

d. 2018: 2018-00126856 – Shots Fired
e. 2018: 2018-00130291 – Shots Fired Follow Up

Building, Zoning, or Code Enforcement Complaints:

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

2. Since 2010, the property has received seven (7) code enforcement complaints related to graffiti on the building.

Outstanding or Related Permits and Cases:

1. The subject property has several building permits:
    a. 2017: 17325-00131 – Business Occupancy – Received- Incomplete
    b. 2016: 16380-00126 – Electrical - Completed
    c. 2013: 11300-00622 - DRC – Cooler/Freezer Addition - Denied
    d. 2013: 11300-00260 – DRC – Storage Room Addition - Completed
    e. 2009: 09380-01136 – Electrical – Completed
    f. 2009: 09390-00717 – Plumbing – Completed
    g. 2009: 09300-00502 – DRC – Occupancy Conversion - Completed
    h. 2009: 09385-00367 – Mechanical – HVAC Work – Completed

2. The subject property has two (2) recent Planning and Zoning Cases:

    a. 2012: SP-2012-44 – Special Use Permit for Live Entertainment (Renewal)
    b. 2010: SP-2010-37 – Special Use Permit for Live Entertainment
    c. 2010: Appeal 1971 – Minimum Parking Requirements for a Dancehall

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Armourdale neighborhood and is urban and commercial in character. Lots are average for mixed commercial uses and range from 25' in width to approximately 0.3 acre. Buildings are commonly brick and set back from the street to allow for front-loaded street parking or alleyway parking in the rear of buildings. Homes in this area typically do not have front-loaded garages, but also park in the rear. Streets are concrete with some improvements such as wide sidewalks, curbs and stormwater inlets, bus stops, 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 to the south and other mixed uses of industrial, commercial, and residential, both single and multi-family. The neighborhood corridor of Osage and Argentine Boulevard is a popular mixed-use intersection and the use of a dance hall is compatible if properly managed. The neighborhood has a strong Hispanic population who incorporates dancing and

entertainment in many cultural activities, and it may be seen ostensibly as being an amenity to the neighborhood rather than a hinderance. Operating this property as a dance hall with restaurant 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 restaurant or similar neighborhood establishment. The property could be suitable for the proposed expanded use as a dance hall facility 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 vacant and has been owned by the applicant since 2009. Prior to renovation, it had periodic vacancy related to parking issues. Prior uses include various restaurants, dance halls and event spaces, and night clubs. It has been used as a live entertainment space periodically since the 1970s.

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

   Special Use Permits are not discussed in the Armourdale Area Master Plan. The Armourdale Area Master Plan identifies this property as Mixed-Use. Mixed uses include various commercial uses typical to the neighborhood combined with various residential uses ranging from single to multi-family, with an emphasis on maintaining higher-density housing. The proposed use conforms to the master plan as it provides both a commercial use and residential use.

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

   The current design of the neighborhood does not generally provide sufficient parking for multiple off-street vehicles. The property owner does retain a parking lot on the property, which when maintained appropriately, does provide for sufficient traffic flow in and out of the parking lot. There are additional options for parking alongside the streets and this intersection is particularly wide to accommodate increased traffic. The use will not result in increasing the amount of vehicular traffic to the point to where it exceeds the Class C Throughfare's capacity to accommodate it. The storage of inoperable vehicles, equipment, storage containers, and salvage materials when combined with the improper maintenance of the parking lot can result in overcrowding and is addressed in the Conditions of Approval in this report.

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 an entertainment amenity in which these types of establishments are popular. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, or marketability of adjoining property. There are some issues related to the visual quality of the property, as there is a large unscreened parking lot on the streetside frontage as well as the current owner's propensity to store salvage materials and inoperable vehicles on the parking lot.

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

   Noise, vibration, and illumination are issues that are related to the operation of a dance hall. There have not been any noise complaints to date with the current applicant, currently or when they previously operated the establishment under similar circumstances. Vibration may also be a factor for nearby residents, although the tenants do not live above the portion of the building proposed as a dance hall. The proposed limitations on hours of operations would mitigate many of the concerns that are typical of a neighborhood entertainment establishment.

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 from guests 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 relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of entertainment with some economic benefit. If denied, the landowner could not use the property as an entertainment establishment but could still use the space as restaurant seating.

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. The population limits are set and if managed appropriately within these limits, there will be no undue concentrations of population. The parking lot is not currently managed and adequate spaces are not provided for, which if not addressed, could result in overcrowding of cars.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person 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
Noise Concerns
Rental Licensing
Salvage and Storage
Non-Permitted Structures
Landscaping, Screening, and Buffering
Property Maintenance
Signage
Parking
Traffic
Mixed-Use Neighborhood
Pedestrian Access
Patron Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit SP2022-050 **for two (2) years**, subject to:

1) **This City Planning Commission case is being heard in conjunction with BOZA2022-041. 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 BOZA2022-041 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.**
2) **The inoperable vehicles must be removed from the parking lot.**
3) **The boat must be removed from the parking lot.**
4) **The storage container must be removed from the parking lot.**
5) **Building materials, fluid container, inoperable restaurant equipment, salvage material, and all other debris, defunct equipment, and trash must be removed from the property's exterior, including the roof.**

6) **The rear fenced-in area must be free of all salvage material and equipment. The fenced area must be removed or modified, as it blocks the rear emergency exit from the current restaurant. This exit must remain unblocked and allow for unrestrained access of persons to exit.**
7) **An architect or registered professional must submit a new as-builts of the building including the storage room and cooler additions.**
8) **An architect or registered professional must submit a new site plan to include a six (6) foot setback for a fence and landscape buffer at the front of the parking lot on the Osage frontage per Section 27-467(d)(2)e. The approval of a variance for this site plan may be required.**
9) **Lighting must be upgraded to down-ward facing lighting per the Commercial Design Guidelines**
10) **Any non-permitted signage must obtain sign permits, including any murals or other painted signage.**
11) **A building permit must be obtained on any modifications of the property not previously captured in permits, including but not limited to the cooler, freezer, side stairwell into basement, and any other modifications.**
12) **A new TCO/CO shall be obtained. The Current CO issued in 2017 is listed as incomplete with corrections and repairs needed. Additionally, a passing TCO/CO inspection may be required once the parking lot is completed at either or both locations as well as the interior of the building.**
13) **Rental licensing must be obtained on the dwellings units if they become rented to the public.**
14) **Fencing must be repaired or replaced where needed and added where required.**
15) **Trash and other disposals shall be enclosed in a structure comparable with the requirements of the Commercial Design Guidelines.**
16) **The building shall be painted in a uniform color.**
17) **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.**
18) **All entertainment must cease by at least 1:00AM**
19) **Doors and windows must stay closed during any entertainment performance.**
20) **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.**
e) **No amplified speakers or entertainment is allowed in outdoor spaces; and**
f) **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.**

21) **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
22) **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.**
23) **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.**
24) **All existing and future driveways must feature curb cuts that are constructed to UG standards.**
25) **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
26) **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.**
27) **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.**
28) **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.

29) **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 17249.799 square feet, requiring 3 trees be provided on the site plan.**
30) **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.**
31) **Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.**
32) **Section 27-699(a)(6) states that non-industrial and non-structural 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 shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.**
33) **Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground.**
34) **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.**
35) **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**
36) **The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
37) **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.**
38) **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.

39) **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.**

40) **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.**

41) **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.**

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

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 **SP2022-050** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Prior Site Plans
Revised Site Plan with Staff Mark-up
Neighborhood Meeting Information
Staff Site Visit Photos Dated May 16, 2022
Staff Site Visit Photos Dated August 23, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Special Use Permit	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-050** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-050,** as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 5:15:15:

SPECIAL USE PERMIT APPLICATION SP2022-050 – TIM GATES WITH AGNES GATES REALTY - SYNOPSIS: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 1005 Osage Avenue.

Detailed Outline of Requested Action: The applicant, Tim Gates, is seeking a new Special Use Permit for live entertainment at an existing restaurant with bar at 1005 and 1007 Osage. The Applicant is a representative for the property owner, whose son wants to do performances in the restaurant with his band while people are dining and to have occasional small parties with entertainment. The two (2) properties have been joined to create a semi-open floor plan on the street level to accommodate the existing restaurant and dance floor while 1005 Osage retains a second level with apartments. The total square footage for the combined buildings is 6,660 square feet. This application is being heard in conjunction with BOZA2022-041 for minimum parking lot setbacks and for number of parking spaces required.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 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:

- Tim Gates, applicant, Agnes Gates Realty, 2045 South 74th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:18:09: Planning Director Hand stated that this case was heard in conjunction with BOZA2022-041, which was approved for a parking variance earlier this evening by the Board of Zoning Appeals. Staff and the applicant worked through multiple issues. The property is in the Armourdale Area Master Plan. Many of the conditions of approval relate to the clean-up of the property which the applicant is willing to do. Staff is in agreement with the end time of the live entertainment. If there are issues, the times can be adjusted at the time of renewal. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 5:18:55:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of SP2022-50 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0
Subject to:

1) **This City Planning Commission case is being heard in conjunction with BOZA2022-041. 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 BOZA2022-041 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.**
2) **The inoperable vehicles must be removed from the parking lot.**
3) **The boat must be removed from the parking lot.**
4) **The storage container must be removed from the parking lot.**
5) **Building materials, fluid container, inoperable restaurant equipment, salvage material, and all other debris, defunct equipment, and trash must be removed from the property's exterior, including the roof.**
6) **The rear fenced-in area must be free of all salvage material and equipment. The fenced area must be removed or modified, as it blocks the rear emergency exit from the current restaurant. This exit must remain unblocked and allow for unrestrained access of persons to exit.**
7) **An architect or registered professional must submit a new as-builts of the building including the storage room and cooler additions.**
8) **An architect or registered professional must submit a new site plan to include a six (6) foot setback for a fence and landscape buffer at the front of the parking lot on the Osage frontage per Section 27-467(d)(2)e. The**

approval of a variance for this site plan may be required.

9) **Lighting must be upgraded to down-ward facing lighting per the Commercial Design Guidelines**
10) **Any non-permitted signage must obtain sign permits, including any murals or other painted signage.**
11) **A building permit must be obtained on any modifications of the property not previously captured in permits, including but not limited to the cooler, freezer, side stairwell into basement, and any other modifications.**
12) **A new TCO/CO shall be obtained. The Current CO issued in 2017 is listed as incomplete with corrections and repairs needed. Additionally, a passing TCO/CO inspection may be required once the parking lot is completed at either or both locations as well as the interior of the building.**
13) **Rental licensing must be obtained on the dwellings units if they become rented to the public.**
14) **Fencing must be repaired or replaced where needed and added where required.**
15) **Trash and other disposals shall be enclosed in a structure comparable with the requirements of the Commercial Design Guidelines.**
16) **The building shall be painted in a uniform color.**
17) **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.**
18) **All entertainment must cease by at least 1:00AM**
19) **Doors and windows must stay closed during any entertainment performance.**
20) **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.**
    e) **No amplified speakers or entertainment is allowed in outdoor spaces; and**
    f) **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.**

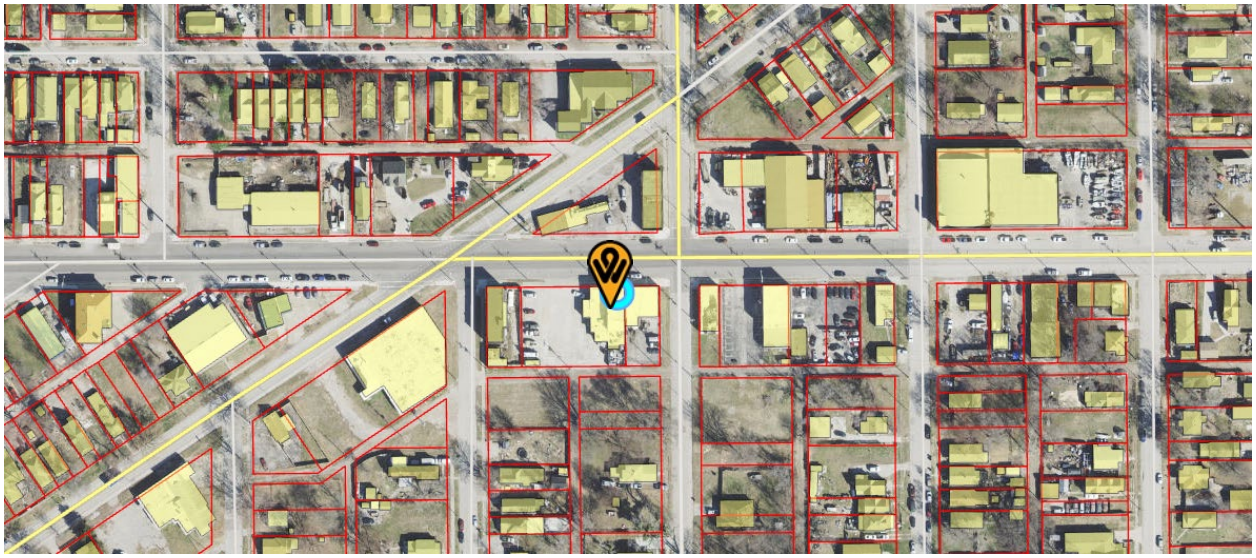
21) **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
22) **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.**
23) **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.**
24) **All existing and future driveways must feature curb cuts that are constructed to UG standards.**
25) **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
26) **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.**
27) **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.**
28) **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.**
29) **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 17249.799 square feet, requiring 3 trees be provided on the site plan.**
30) **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.

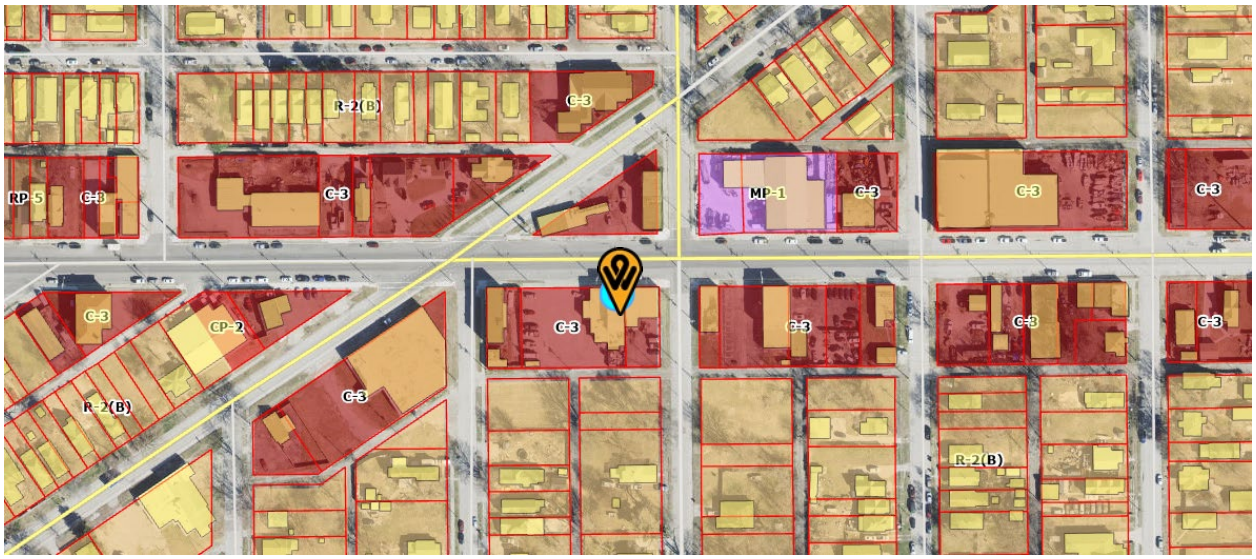
31) **Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.**
32) **Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.**
33) **Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground.**
34) **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.**
35) **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**
36) **The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
37) **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.**
38) **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.**

39) **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.**
40) **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.**
41) **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.**
42) **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

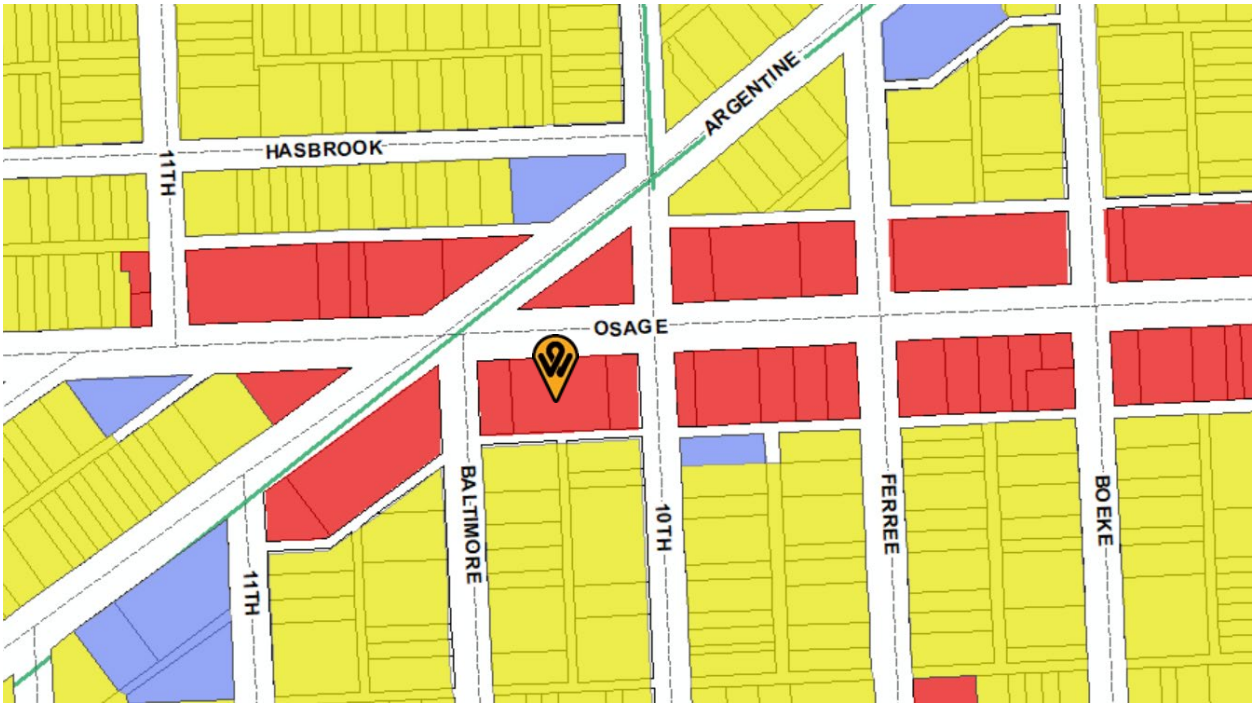
AERIAL MAP



ZONING MAP



LAND USE MAP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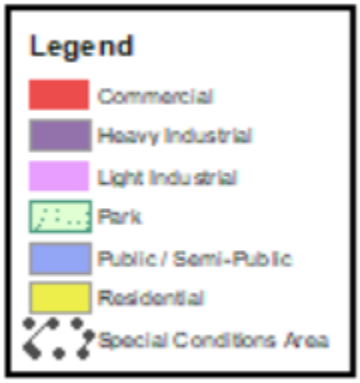
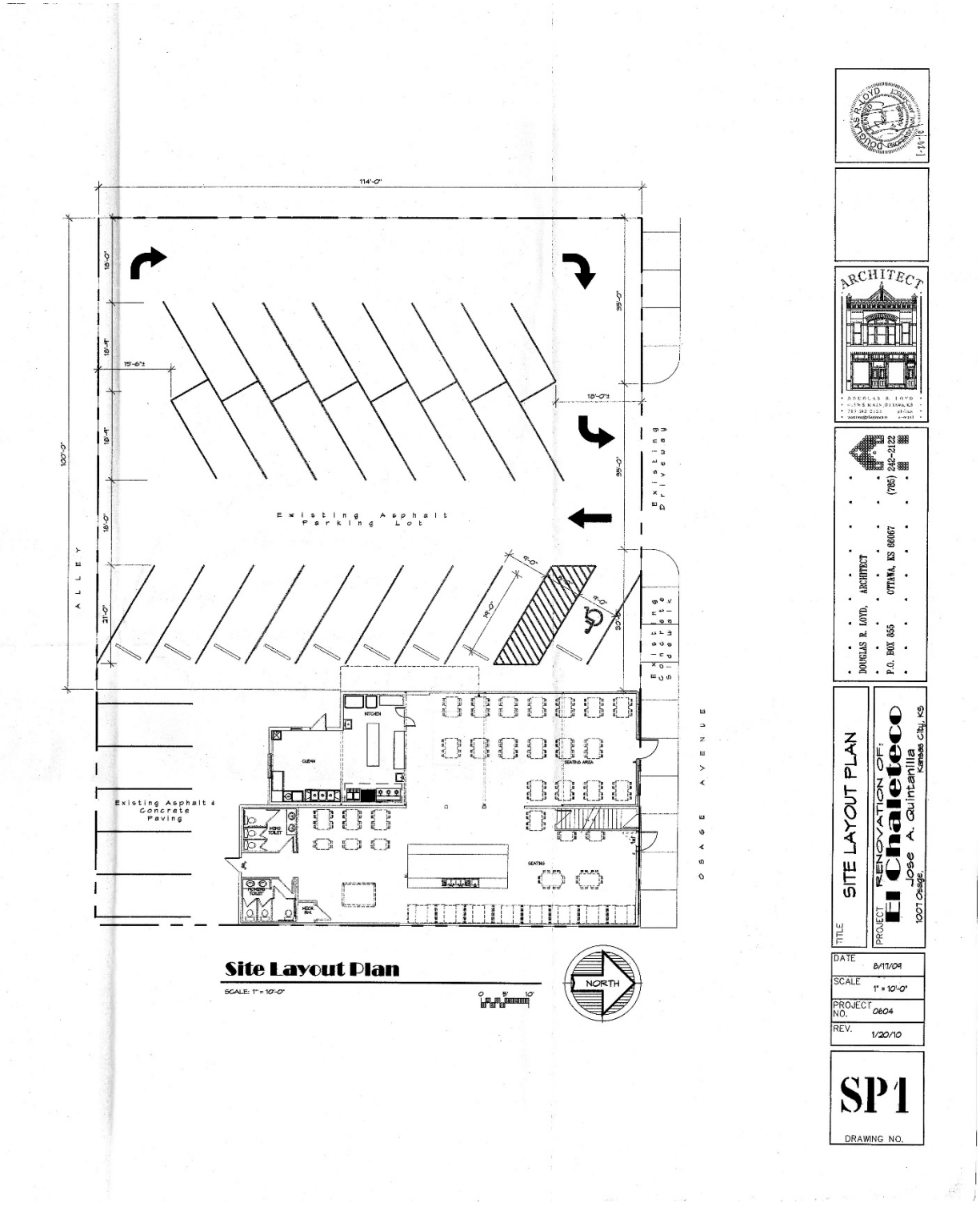
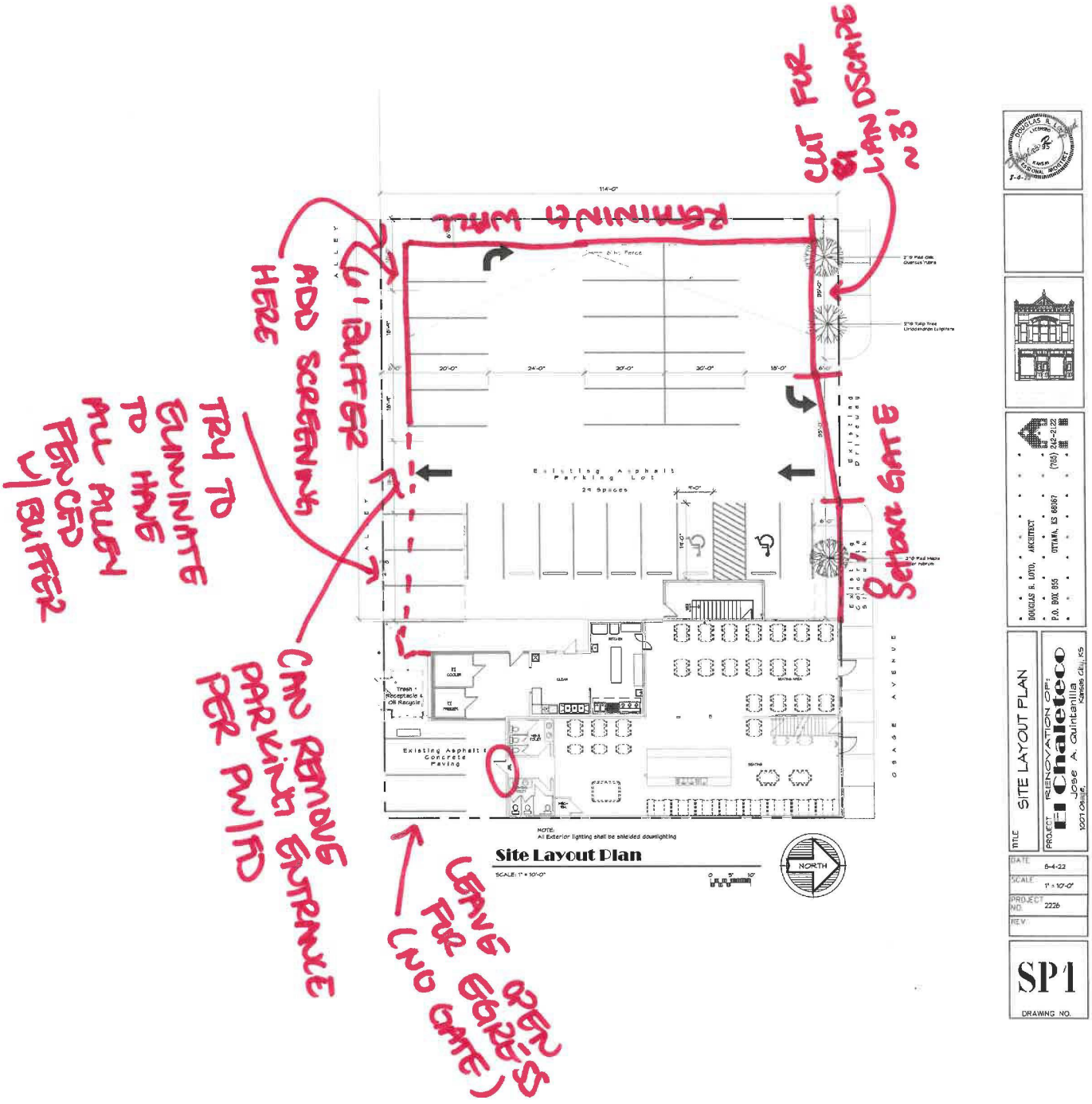
ARGENTINE
OSAGE
BALTIMORE
11TH
10TH
FERREE
BOEKE


Legend
Commercial
Heavy Industrial
Light Industrial
Park
Public / Semi-Public
Residential
Special Conditions Area

PRIOR SITE PLAN



REVISED SITE PLAN WITH SITE MARK-UP



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Phone: (913) 649-5900 ~ Fax: 1-866-716-6972

8-19-2022

Neighboring Property Owners

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # **BOZA 2022-041**.

The purpose of this meeting is to discuss an application for a variance from the amount of required parking spaces per city ordinance for the business at 1005 Osage, asking the required amount be reduced to the amount of spaces that can be fit in the existing area the owner has for parking, a drawing will be available at the meeting.

I am having a neighborhood meeting on August 29, 2022 at 6 p.m. at the following address 1005 Osage Ave., Kansas City, Kansas 66105.

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 at the top of this letter, or call/text me on my cell at 913-645-3570, or email me at timothygates@yahoo.com, please put 1005 Osage in the subject line.

Sincerely,

Tim Gates, Broker
913-645-3579 cell
timothygates@yahoo.com email

NEIGHBORHOOD MEETING INFORMATION

Meeting 8-29-2022

BOZA 2022-041 Variance Application

NAME	Address

I was here from 5:45 PM to 7 PM, no one other than the building owner and his son came.

Lisa Thompson

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Timothy S. Gates, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #BOZA2022-041.
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.

Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

RE: Tim Gates - Re: 1005 Osage Avenue

From: Stephanie Clark (smclark@security1st.com)

To: timothygates@yahoo.com

Date: Wednesday, August 24, 2022 at 03:25 PM CDT

Oh this is perfect and I feel MUCH better seeing and hearing that!!!! WHEW! Hey small world! I work as a processor now (I was a closer but went to processing when I came down here) and I process for the OP office! I hope we take the best care of you!!!!

Thanks!

Stephanie Clark
Escrow Assistant
Security 1st Title
M: 913.309.7908
F: 816.621.3402
E: smclark@security1st.com
Our offices will be closed September 5, 2022 for the Labor Day holiday.

Security 1st Title License Numbers: CO-532633, IA-1741945, KS-271044816-000, MO-8324356, NE-100265053, NV-3607332

WARNING: WIRE FRAUD IS RAMPANT. SECURITY 1ST TITLE WILL NEVER CHANGE OUR WIRING INSTRUCTIONS DURING A TRANSACTION. NEVER WIRE MONEY WITHOUT DOUBLE-CHECKING THE WIRE INSTRUCTIONS FROM THE BUSINESS YOU ARE SENDING FUNDS TO. Call a verified phone number of Security 1st Title to verify your wire details before sending funds. Always verify wiring instructions from any source sent via email by calling your escrow or loan officer immediately at a trusted and verified telephone number, via a business card or verified company website. Security 1st Title is not responsible for wires sent by you to the wrong bank or account number.

From: Timothy Gates <timothygates@yahoo.com>
Sent: Wednesday, August 24, 2022 3:06 PM
To: Stephanie Clark <smclark@security1st.com>
Subject: Tim Gates - Re: 1005 Osage Avenue

Hi Stephanie,

Attached is the drawing, we are asking for some slight modifications, one is a privacy fence across the whole back of the parking lot adjacent to the alley (no alley access), except for the few spaces behind the building for

the apartment upstairs. The owners son and very young granddaughter live above the business, so he's trying to be as safe as possible to.

FYI, I work with the Gardner and OP Security 1st offices, all the time!!!

Please let me know if I can do or provide anything additional.

Thanks,

Tim Gates

913-645-3579 cell

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Phone: (913) 649-5900 ~ Fax: 1-866-716-6972

On Wednesday, August 24, 2022 at 02:27:15 PM CDT, Stephanie Clark <smclark@security1st.com> wrote:

Hey Timothy! I am Stephanie Clark one of the neighboring homeowners. I am working remote from Texas right now and cant make it to the meeting but am I allowed to ask to see the drawing of what they are proposing? I am concerned because I have owned the house for many years and there used to be a nightclub right there and there was a shooting and a man was killed and it was just too close for comfort. I know have four grandsons to think about and just was curious about how it would be set up logistically. Just wanted to make sure my babies are safe!

Thanks you so much!!!

Stephanie Clark
Escrow Assistant

M: 913.309.7908
F: 816.621.3402
E: smclark@security1st.com

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LETTER OF OPPOSITION

McLaughlin, Kallie

From: PlanningInfo
Sent: Thursday, June 23, 2022 4:00 PM
To: McLaughlin, Kallie
Cc: Parker, Janet
Subject: FW: 1005 Osage Ave, KCK, KS 66105

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

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: Ariana Sanchez <sanc5048@gmail.com>
Sent: Monday, June 13, 2022 6:56 PM
To: PlanningInfo <Planninginfo@wycokck.org>
Subject: 1005 Osage Ave, KCK, KS 66105

To whom it may concern,

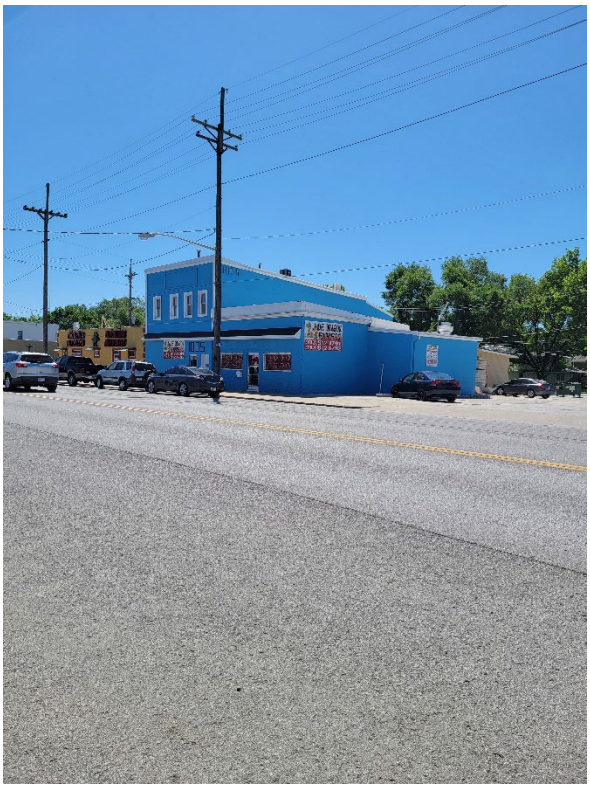
I am a business owner here in Amourdale, specifically 1003 Osage Ave, Kansas City, KS 66105. I have attended the most recent meeting concerning a petition filing for an existing drinking establishment at 1005 Osage Ave Kansas City, KS 66105. I along with other residents here object to allow for this project to continue, especially because of the increased violence that the area is currently experiencing. My business was already subject to a shooting a few years ago when this establishment was open to a bar and my vehicles were subject to damage. By continuing to open this establishment as a conjunction for drinking, residents and businesses nearby will run risk.

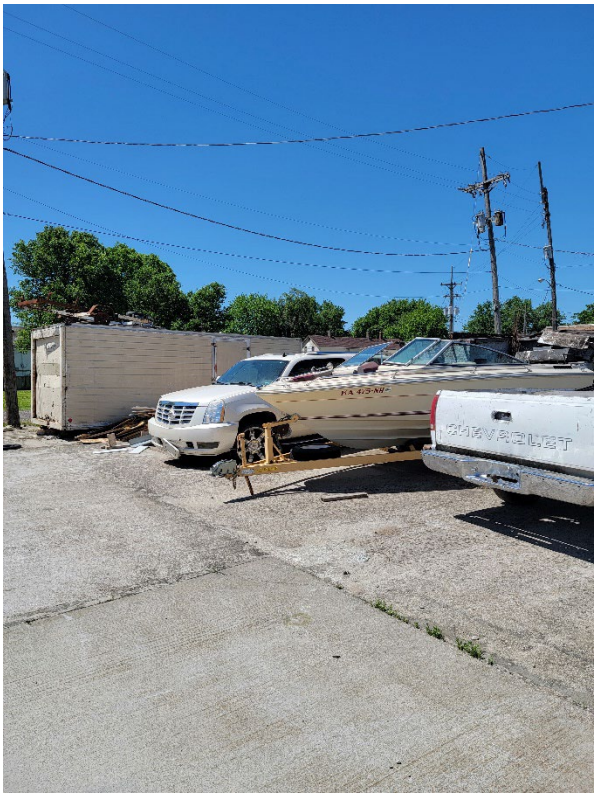
Thank you for your time.

Best,

Irma Ruiz

STAFF SITE VISIT PHOTOS DATED MAY 16, 2022





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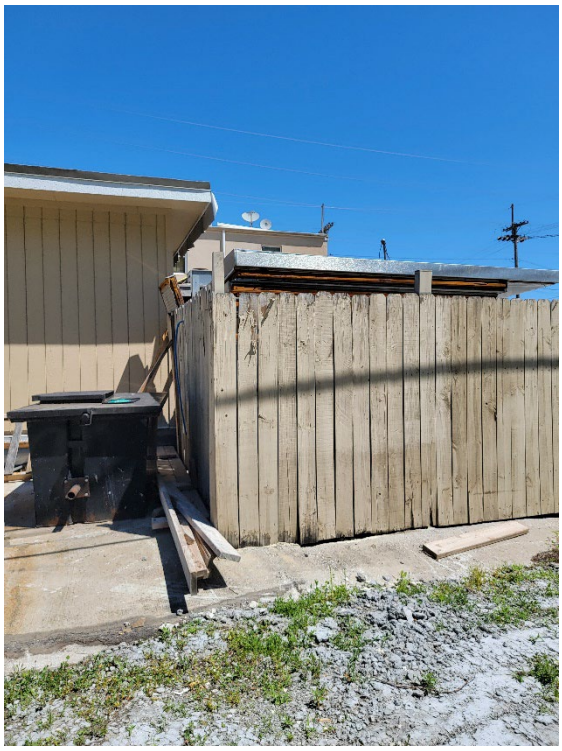

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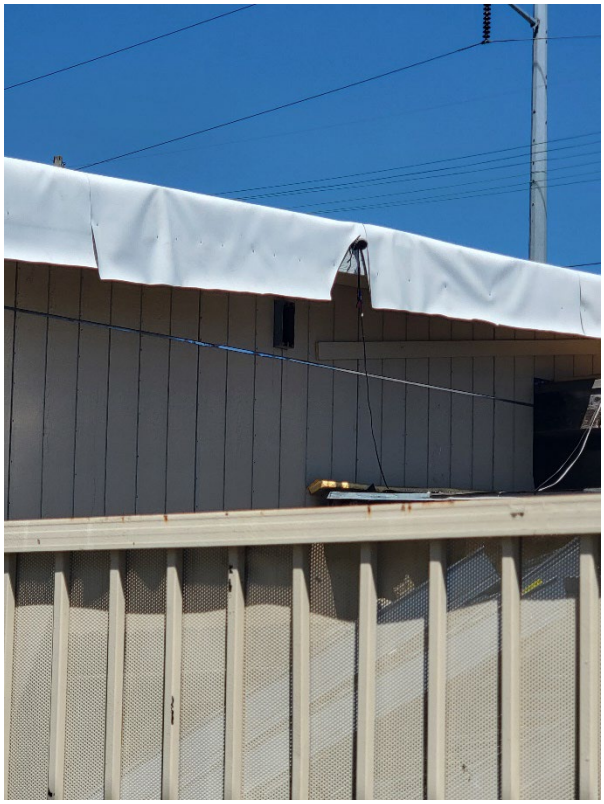

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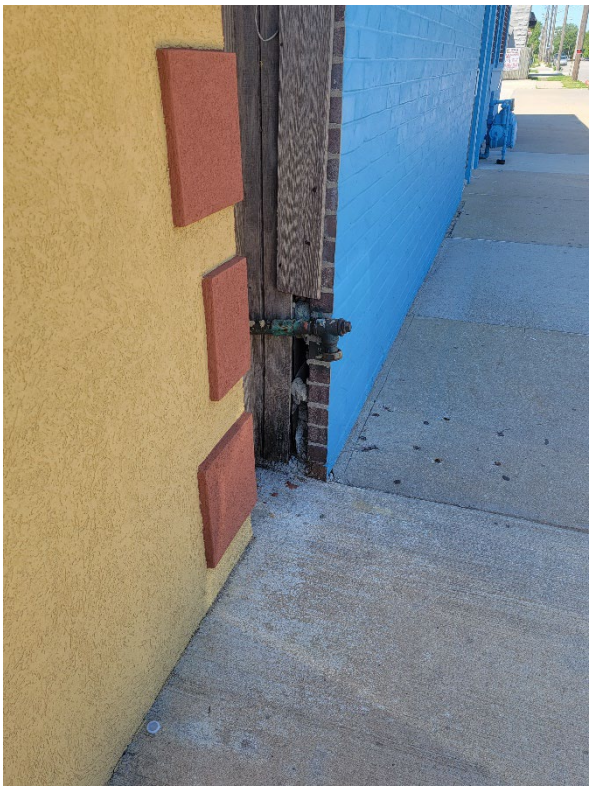
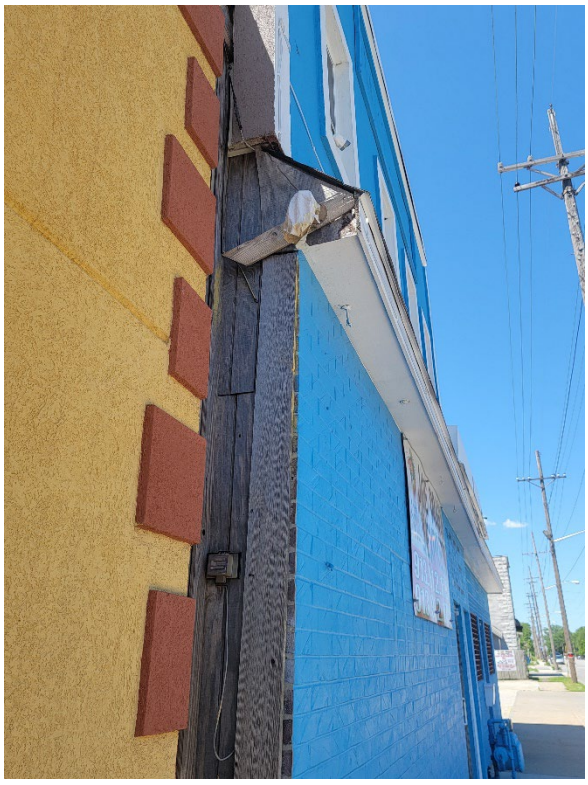




STAFF SITE VISIT PHOTOS DATED AUGUST 23, 2022

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 27, 2022

Re: **Special Use Permit Petition SP2022-064**

GENERAL INFORMATION

Applicant:
Geofrey Kigenyi DBA The Solid Rock Properties

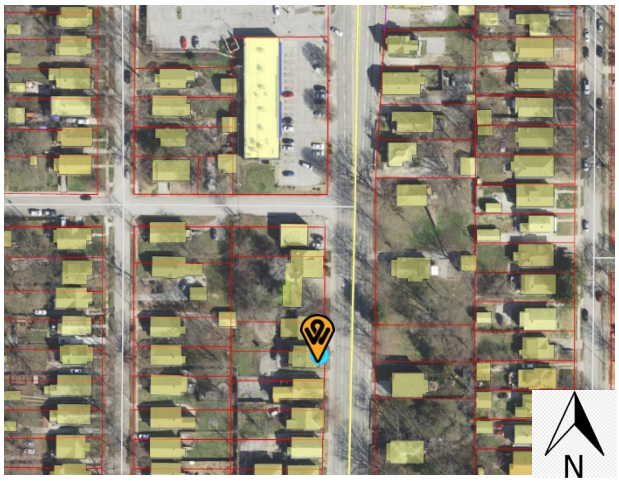
Status of Applicant:
Property Owner
21706 96th Street
Lenexa, KS 66220

Requested Actions:
The Approval of a Special Use Permit for a Short-Term Rental.

Date of Application:
May 27, 2022

Purpose:
To begin the operation of a Short-Term Rental. This is not the applicant's primary address.

Property Location:
4410 Rainbow Boulevard
Kansas City, Kansas 66103



Commission Districts:	Commissioner At Large District #2:	Tom Burroughs
	District #3 Commissioner:	Christian Ramirez

Existing Zoning: R-1(B) Single Family District

Adjacent Zoning:

North:	CP-2 Planned General Business District
	R-1(B) Single Family District
South:	R-1(B) Single Family District
East:	R-1(B) Single Family District
West:	R-1(B) Single Family District

Adjacent Uses:

North:	Adult Novelty Store
	Single Family Residences
South:	Single Family Residence
East:	Single Family Residence
West:	Small Box Drugstore
	Strip Center Commercial

Total Tract Size: 0.1175 Acre

Master Plan Area: The Subject Property is within the Rosedale Area Master Plan.

Master Plan Designation: The Rosedale Area Master Plan designates this Property as Urban Mixed Use. Urban Mixed Use allows for townhomes, small apartment buildings, and multi-family apartments as well as commercial office, neighborhood services, and retail stores.

Major Street Plan: The City-Wide Master Plan designates Rainbow Boulevard as a Class B Throughfare

Parking Requirement: R-1(B) District: Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. The property currently has three (3) off-street parking spaces, meeting this requirement.

Advertisement: The Wyandotte Echo – June 16, 2022
Letters to Property Owners – June 16, 2022, June 30, 2022, July 21, 2022, and August 31, 2022

Public Hearings: October 10, 2022 and October 27, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Geofrey Kigenyi DBA The Solid Rock Properties, is seeking the approval to operate a short-term rental at 4410 Rainbow Boulevard. The subject property is in a residential block on the Rainbow Boulevard commercial corridor.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There was a previous call before the owner purchased the property.
    a. 2020: 2020-00144320 – New Call (no other description available)

Building or Code Enforcement Complaints:

1. The subject property has received a few violations for abatement, but they are 10 years or older. The current property owner has received no complaints.

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding Building Permits.

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

3. The subject property has no related or recent Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is mixed and urban in character. Lots are average for residential urban densities and are approximately twenty-five (25) feet in width. Streets are concrete and driveways are often concrete approaches with concrete or asphalt driveways. This block of the Rainbow Boulevard is comprised of all residential houses, but one block adjacent north has a wide variety of uses including residential, convenience, and retail uses.

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

The zoning and uses are set out above. The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts. The property has a history of

both owner occupancy and periodic rental licensing. Continuing use as a rental, either short or long term, is consistent with other nearby properties on the Rainbow Boulevard mixed-use corridor. The proposed use is compatible if properly managed.

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

   This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

   The property is currently vacant but has been recently renovated.

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

   Special Use Permits are not addressed in the Rosedale Area Master Plan. The Rosedale Area Master Plan designates this property as Urban Mixed-Use which allows for townhomes, small apartment buildings, and multi-family apartments but does not allow a single-family residence. The usage of a single-family home for the commercial purpose of short-term lodging conforms to the master plan if approved with a Special Use Permit.

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

   The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class B Throughfare to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

   The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

   Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant, as this is a new application. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

   The proposed use will not pollute the air, land, or water as it is an existing permitted residence.

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

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

    The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property***.***

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

    The proposed use will not create issues of overcrowding as it operates within an existing structure on the site and parking is limited to three (3) vehicles. The maximum number of guests at one time is seven (7). 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 Zoom on June 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Parking
Zoning
Land Use
Noise
Traffic
Occupancy Limits
Building Conformity

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit SP2022-064 **for one (1) year**, subject to:

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3);**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must maintain liability insurance;**
5. **Applicant must maintain the property's physical condition through the duration of the permit;**
6. **All reservations shall be a minimum stay of 24 hours;**
7. **No meals shall be prepared in the dwelling by the owner or owner's agent;**
8. **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;**
9. **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);**
10. **The property must remain in proper maintenance and free of hazards, pests, or infestations.**
11. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
12. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively**

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

13. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
14. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and**
15. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners **APPROVE** Petition **SP2022-064** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Home Inspection Report Highlights
Liability Insurance
Site Plan
Neighborhood Meeting Information
Applicant Photos on AirBnB
Applicant Repair Photos Dated August 31, 2022
Staff Site visit Photos Dated June 8, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Special Use Permit	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition SP2022-064 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 SP2022-064 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 5:19:50:

SPECIAL USE PERMIT APPLICATION SP2022-064 – GEOFREY KIGENYI WITH THE SOLID ROCK PROPERTIES LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 4410 Rainbow Boulevard.

Detailed Outline of Requested Action: The Applicant, Geofrey Kigenyi DBA The Solid Rock Properties, is seeking the approval to operate a short-term rental at 4410 Rainbow Boulevard. The subject property is in a residential block on the Rainbow Boulevard commercial corridor.

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 October 10, 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:

- Geofrey Kigenyi, applicant, 4410 Rainbow Boulevard, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:22:19: Planning Director Hand stated that the request is for a Short-Term Rental and this is the first request for this property. The Applicant does not live on the property nor have an on-site manager. The property is in the Rosedale Area Master Plan. Staff received no letters in support nor in opposition. There are old Notices of Violation on the property that will be addressed by this project. The request is for seven (7) guests maximum and three (3) off-street parking spaces. As is the policy of the Commission for new Short-Term Rentals without an on-site manager. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 5:23:08:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-064 for one (1) year:**

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

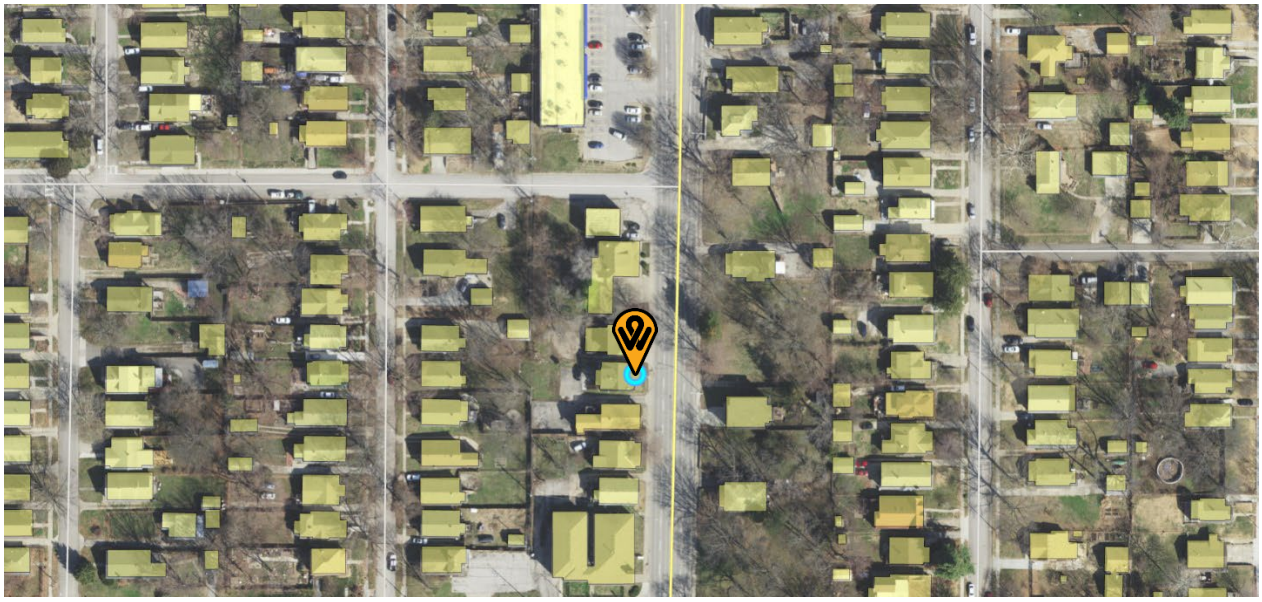
Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3);**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must maintain liability insurance;**
5. **Applicant must maintain the property's physical condition through the duration of the permit;**
6. **All reservations shall be a minimum stay of 24 hours;**
7. **No meals shall be prepared in the dwelling by the owner or owner's agent;**
8. **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;**
9. **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);**
10. **The property must remain in proper maintenance and free of hazards, pests, or infestations.**
11. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**

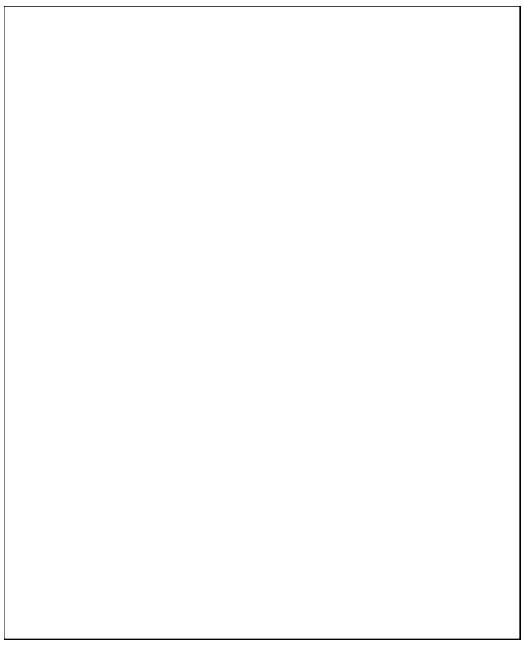
12. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
13. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
14. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and**
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



TRAVELERS

Michael Maxwell
CAPITOL AGENCY
PO BOX 678
SHAWNEE MISSION, KS 66201
Phone: 1.913.652.2342 | Fax: (888) 257-1307
mmaxwell@capfed.com

Name and Mailing Address
GEOFREY KIGENYI
JUSTINE K KIGENYI
21706 W 96TH ST
LENEXA, KS 66220-3715

The quote below is based on information you provided to us for a **12-month policy**, effective 02/28/22 to 02/28/23.

YOUR LANDLORD DWELLING QUOTE

$1,324.00 estimated for 12 months

with an estimated down payment amount of $110.29

Residence Premises

4410 Rainbow Blvd
Kansas City, KS 66103-3427

Coverages

Coverage	Limit
Coverage A – Dwelling	$307,000
Coverage B – Other Structures	$30,700
Coverage C – Household Furnishings	$2,000
Coverage D – Loss of Use	$30,700
Coverage E – Premises Liability (each occurrence)	$500,000
Coverage F – Medical Payments to Others (each person)	$5,000

Deductibles

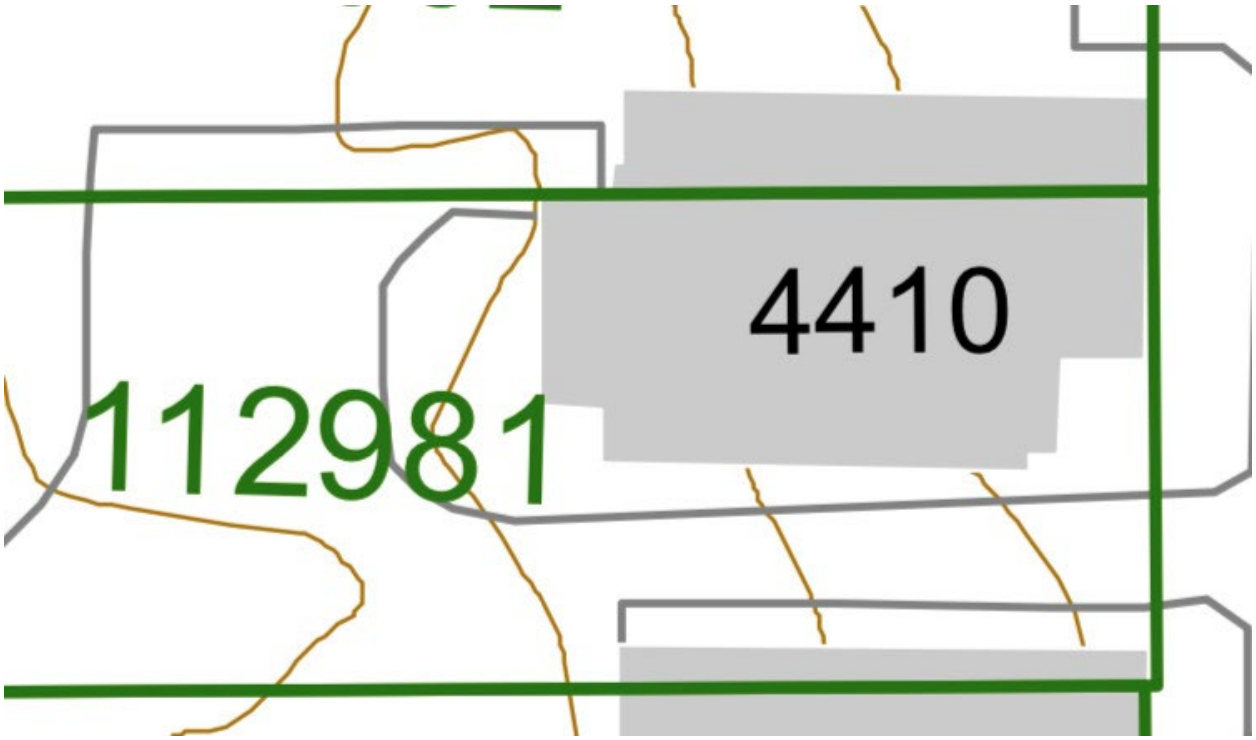
Peril Deductible	Deductible
Property Coverage Deductible (All Perils)	$2,500

PL-50347 (05-17)
CCF # 0006596810404

1

Note: This is only the first page of the policy, the entire policy is available upon request.

SITE PLAN



Report Summary

The summary below consists of potentially significant findings. These findings can be a safety hazard, a deficiency requiring a major expense to correct or items I would like to draw extra attention to. The summary is not a complete listing of all the findings in the report, and reflects the opinion of the inspector. Please review all pages of the report as the summary alone does not explain all of the issues. All repairs should be done by a licensed & bonded tradesman or qualified professional. I recommend obtaining a copy of all receipts, warranties and permits for the work done.

Grounds		
Page 6 Item: 1	Service Walks	• There are uneven slabs at the walkways, which could be a tripping hazard. Recommend using additional caution in these areas. Repair or replace as needed.
Page 7 Item: 3	Porch	• The porch was missing one or more handrails. This is a safety hazard. A licensed contractor should install proper railing.
Exterior		
Page 13 Item: 2	Gutters	• The gutter downspouts don't direct water far enough away from the house. Recommend adding downspout extensions (5-6' extensions recommended) to discharge away from the home. • Gutters on only a portion of the house. Recommend a licensed roofer add gutters to properly direct water flow away from the home and the foundation.
Page 16 Item: 9	Windows/Screens	• One or more exterior window frames have visible rot & deterioration. Recommend a professional contractor paint to prevent additional damage.
Page 17 Item: 13	Exterior Receptacles	• There are loose receptacles on the house exterior. This is a safety concern. Recommend a licensed electrician repair.
Stairs, Steps, Hallways		
Page 41 Item: 1	Stairs, Steps, Hallways	• The handrail was missing on the interior stairs, which is a safety concern. Recommend a professional contractor install a handrail.
Basement		
Page 43 Item: 1	Foundation	• There are expected cracks in the foundation. All cracks have a potential for leaking and for future movement, which can not be predicted. Recommend monitoring and consulting a licensed foundation expert if any cracks start leaking or become active.
Page 43 Item: 2	Basement Floor	• The basement slab had some cracking/settling. Monitor and consult a licensed contractor if the cracks leak or become active.
Page 44 Item: 3	Window(s)	• One or more basement windows had some damage. Recommend a professional contractor repair.

3. Porch

Satisfactory

Materials:
• Concrete
Condition:
• Railing recommended
Observations:
• The Porch View
• There are typical cracks on the cement floor. Monitor and consult with a professional contractor to fill the cracks as needed to help prevent water penetration.
• The porch was missing one or more handrails. This is a safety hazard. A licensed contractor should install proper railing.

The Porch View

There are typical cracks on the cement floor. Monitor and consult with a professional contractor to fill the cracks as needed to help prevent water

There are typical cracks on the cement floor. Monitor and consult with a professional contractor to fill the cracks as needed to help prevent water

13. Exterior Receptacles

Satisfactory

Receptacles/Condition:
• Exterior receptacles: Yes
• Exterior receptacles, operable: Yes
• GFCI present: Yes
• GFCI, operable: Yes
Observations:
• There are loose receptacles on the house exterior. This is a safety concern. Recommend a licensed electrician repair.

There are loose receptacles on the house exterior. This is a safety concern. Recommend a licensed electrician repair.

9. Appliances

Satisfactory

Appliances:
• Disposal, operable: Yes
• Oven, operable: Yes
• Range, operable: Yes
• Dishwasher, operable: Yes
• Exhaust fan, operable: Yes
• Refrigerator, operable: Yes
• Microwave, operable: Yes
• Dishwasher airgap: Yes
• Dishwasher drain line looped: Yes
• GFCI Installed: No
• Recommend GFCI receptacles: Yes
• Open ground/Reverse polarity: No

15. Exhaust Fan

Poor

Exhaust Fan:
- Yes
- Operable: No

Stairs, Steps, Hallways

1. Stairs, Steps, Hallways

Satisfactory

Stairs, Steps, Hallways:
- Stairs condition: Satisfactory
- Handrail: Poor
- Handrail: Handrail/Railing/Balusters recommended
- Handrail: None
- Risers/Treads: Satisfactory

Observations:
- The Hallway View
- The handrail was missing on the interior stairs, which is a safety concern. Recommend a professional contractor install a handrail.

NEIGHBORHOOD MEETING INFORMATION

Neighborhood meeting: 4410 Rainbow Blvd, Kansas City, Kansas, 66103

RE: SP2022-064

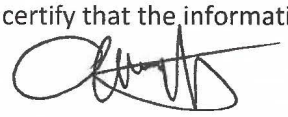
Date of the Meeting: June 22, 2022
Start Time: 6:30PM
Attendance: 2
End time: 7:00PM

Meeting Notes

- The neighborhood meeting was held via **Zoom**
- **Geofrey Kigenyi** chaired the meeting
- The meeting was called to order at **6:30PM**
- **Justine Kigenyi** took the meeting notes
- # of participants: **2**
- Names of participants
  - **Geofrey Kigenyi**
  - **Justine Kigenyi**
- There were no other attendees from the neighborhood besides the applicant and the notes taker.
- The zoom line was kept open for **30 minutes**
- The meeting was adjourned at **7:00PM**

Signed affidavit

I certify that the information above is correct.



Geofrey Kigenyi

Applicant

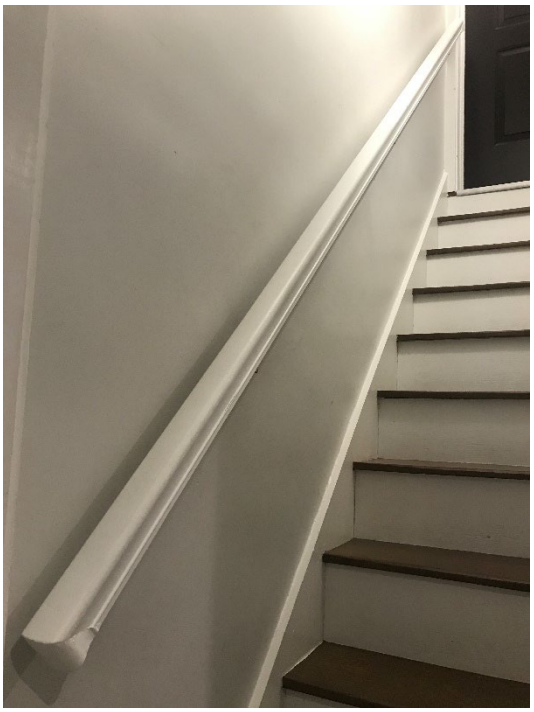
APPLICANT PHOTOS ON AIR BNB

APPLICANT PHOTOS ON AIR BNB

APPLICANT PHOTOS ON AIR BNB

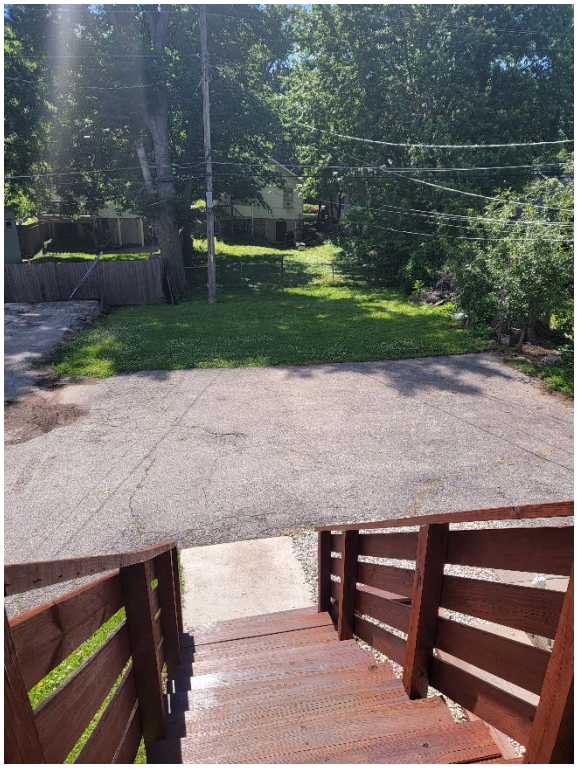
APPLICANT PHOTOS ON AIR BNB

APPLICANT REPAIR PHOTOS DATED AUGUST 8, 2022



STAFF SITE VISIT PHOTOS DATED JUNE 8, 2022

STAFF SITE VISIT PHOTOS DATED JUNE 8, 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: October 27, 2022

Re: **Special Use Petition SP2022-070**

GENERAL INFORMATION

Applicant:
Manuel Lopez

Status of Applicant:
Property Owner
1211 North 69th Street
Kansas City, Kansas 66102

Requested Actions:
Approval of a Special Use Permit for horses.

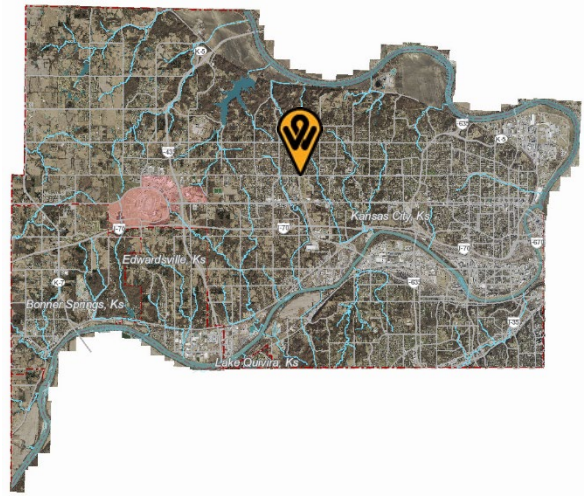
Date of Application:
June 26, 2022

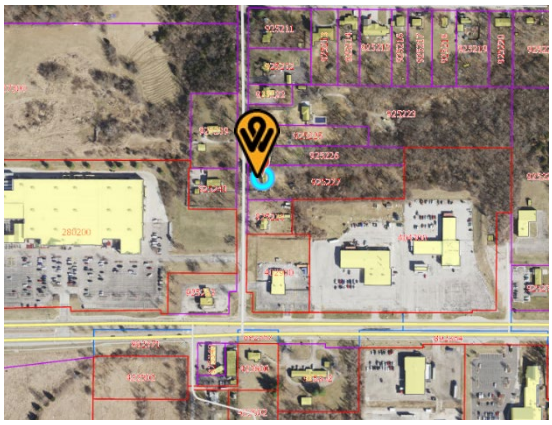
Purpose:
To keep two (2) horses at the resident's property.

Property Location:
1211 North 69th Street
Kansas City, Kansas 66102

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 and CP-2 Planned General Business Districts
	East:	CP-2 Planned General Business District
	West:	CP-1 Planned Limited Business District
Adjacent Uses:	**North:**	Single family residence
	South:	Single family residence and Kansas City Kansas Community College Campus
	East:	Kansas City Kansas Community College Campus
	West:	Single family residence and Home Improvement Store and Vacant/Agricultural Land
Total Tract Size:	2.05 Acres	
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.	
Master Plan Designation:	The City-Wide Master Plan designates this Property as Low-Density Residential. Low-Density Residential uses include single-family residences, institutional uses such as elementary schools and libraries, parks, and open space. Discouraged uses include business parks, night clubs, and adult entertainment.	
Major Street Plan:	The City-Wide Master Plan designates this tract of North 69th as a Local Street.	
Parking Requirement:	Section 27-454(4)e states that two (2) off-street parking spaces shall be provided, one of which shall be in a garage or carport. Two (2) parking spaces are required. The subject property has a two (2) car garage and driveway that can accommodate multiple vehicles.	
Advertisement:	The Wyandotte Echo – July 14, 2022 Letters to Property Owner – July 11, 2022, July 31, 2022 and September 15, 2022	
Public Hearings:	October 10, 2022 and October 27, 2022	
Public Support:	None to date.	

Public Opposition: One (1) neighbor has called in with concerns about the applicant's proposed use and about other activities on the property.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Manuel Lopez, is seeking approval to own two (2) horses. The Applicants has less than five (5) acres and is not zoned Agricultural, requiring Special Use Permit. The applicant would like to keep the horses for personal use for time with their grandkids. The applicants have resided at the residence for a number of years after purchasing it as a distressed property and are planning an accessory building and various improvements to the property with the addition of the horses.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. The applicant has received some enforcement complaints:
    a. 2022: CMP22-0399 and ENV22-1106 – Gravel put down as driveway material (extension granted)
    b. 2009: 09205-00405 - Weeds, grass, backyard junk (closed)

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
    a. 2009: 09367-00340 – Electric – Safe to Restore (closed)
    b. 2009: 09367-00340 – Electric – Residential Rewire (closed)
    c. 2009: 09390-00077 – Plumbing – Gas Pressure Test (closed)

2. The current property has no related Planning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is mixed and rural in character. The lots on State Avenue are commercial in nature and abruptly transition to a rural and suburban residential neighborhood with large lots and open space. Lots are average for rural densities

and range from 0.6 to 10 acres, with the majority of lots being one (1) to three (3) acres. There streets are mostly asphalt and driveways are often asphalt or gravel drive and no sidewalks. Lots show minimal improvements and large mature trees and dense timber stand buffers, retaining a rural feel.

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

   The zoning and uses are set out above. The subject property is surrounded primarily by R-1 Single Family Zoning and various Commercial Zoning Districts. Neighbors have large lots and also benefit from the enjoyment of rural activity. The keeping of horses is consistent with the rural feel of other nearby properties. The proposed use is compatible if properly managed.

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

   This property is suitable for use as a single-family home in a rural setting. The property could be suitable for the care or keeping of two (2) horses if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as odor, noise, pests, or soil contamination.

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

   The property is not vacant. The property was in a distressed state when the owner purchased the property in 2009 in which various improvements to the residence were made.

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

   Special Use Permits are not addressed in the City-Wide Master Plan. The City-Wide Master Plan designates this property as Rural Density, which allows agricultural uses and single-family homes on large lots. The proposed use conforms to the master plan if approved with a Special Use Permit.

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

   The proposed use has no potential to increase vehicular traffic, as this is a private residence.

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 public, as it is for private enjoyment of the property owner. If managed properly, the continued care and

keeping of horses on the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed activity is similar to other activities commonly found in large lot neighborhoods with rural characteristics.

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

   Noise, vibration, dust, or illumination are not issues typically related to the care and keeping of horses and are ostensibly not considered to be a problem for nearby property.

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

   The proposed use will not pollute the air, land, or water if properly managed. There is the propensity for soil contamination if the horses' waste is not properly managed. The applicant has not provided plans for a sacrifice lot nor have they provided a site plan detailing their proposed management system. The applicant has indicated that they have cleared the land although no land clearing permit was acquired. The applicant should further outline their plans for waste mitigation and waste management and soil preservation techniques.

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

    There is some concern about soil quality, as the applicant has not detailed their waste management protocol other than to indicate they will move waste offsite. The off-site waste storage has not been evaluated for suitability, and sacrifice rotation lots have not been identified by the applicant. The applicant has stated that they will rotate horses between their house and their son-in-law's farm but have not identified on-site sacrifice lots. Without further evaluation, staff cannot confirm that the proposed use will not damage or destroy an irreplaceable natural resource.

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

    The relative gain or loss to the public health, safety, and welfare is likely to be negligible as the horses are for private enjoyment. If denied, the landowner could not have horses on the property although they are still able to engage in other agricultural activity such as keeping six (6) chicken or gardening.

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

    The proposed use will not cause undue concentrations of population as it operates on a private property in an existing, permitted residence. There will not

be overcrowding as horse stable will meet all accessory structure standards for the zoning category.

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

    The subject property is a permitted single-family residence in a built-out suburban neighborhood without any foreseen danger from regular activity. Noise or odors are issues often associated with the keeping of horses, however, kept and cared for properly there should ostensibly be no significant adversities.

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

    a. Water service

    Water Service is provided by BPU.

    b. Sanitary sewer service

    The UG does not provide sanitary sewer service. This property is on a septic system.

    c. Storm water control

    There is a storm water control point at the intersection of North 69th Street and State Avenue.

    d. Police

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

    e. Fire

    Fire service is provided by Station #17.

    f. Transit

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

    g. Schools

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

    h. Streets

    See item #6 above.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Conservation Plan
Neighborhood Character
Agricultural Activity
Driveway Standards
Noise, Odor
Waste Disposal
Sacrifice Lot
Site Design
Accessory Structure Materials
Setbacks

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Special Use Permit SP2022-070, for the following reasons:

1. **The applicant did not provide significant demonstration of on-site plans for shelter, watering, waste disposal, and exercise;**
2. **The applicant did not clear the land with regards to soil conservation, which will be further exasperated by the presence of horses on a lot in which no sacrifice lot has been identified. There has not been sufficient time to grow new pasture on the cleared land before introducing horses or other livestock; and,**
3. **Staff discussion with a concerned neighbor has raised concerns about who will actually maintain ownership and care of the horses, particularly during times of extended travel or during inclement weather.**
4. **Recommendation of denial by the Wyandotte County Conservation District.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

General:

1. **Provide a detailed description of your waste management plan.**

Applicant Response: Disposing of waste, at waste yard and son in laws farm acreage.

2. **How will you communicate with the neighbors if there are any issues with noise, odor, or other issue?**
   Applicant Response: This was discussed at the meeting. They provided phone numbers for a group chat. Will follow up with letters.

3. **The backyard has limited space for horses. Do you intend to clear the land to provide adequate space?**
   Applicant Response: Yard has been cleared already.
   Staff Response: No permit was on file for land grading or clearing.

4. **What is the plan for rotation or a sacrifice lot?**
   Applicant Response: Son-in-law's farm.
   Staff Response: Rotating the horses to a different location is not an on-site sacrifice lot.

5. **Provide a site plan of the proposed stable structure, land clearing, troughs, waste management, and fencing.**
   Applicant Response: This has been provided with previous paperwork.
   Staff Response: Staff has not been provided with a site plan.

6. **All vehicles, inoperable or operable, including recreational vehicles, must be parked only on a paved improved surface.**
   Applicant Response: Noted.
   Staff Response: Staff has been by the property on more than one occasion, noting trucks and trailers in the rear of the yard.

7. **Gravel surface must be removed and replaced with an approved paved surface.**
   Applicant Response: Yes, waiting in this hearing/ process and then we will replace gravel.

8. **The R-1 Zoning District limits accessory structures to one (1) per parcel with a maximum of 1,000 square feet. Any additional accessory structures beyond the limit of one (1) or that exceed the square footage maximum require the approval of a Variance from the Board of Zoning Appeals.**
   Applicant Response: Yes, this has been noted.

Conservation District Comments:

1. There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to12percent slopes. These soil types are considered erodible when the surface is denude of a protective cover.
2. This property lacks the essential resources for maintaining healthy horses.
3. The limited open ground does not provide adequate space for grazing and

exercising the animals.

4. The limitations of the property do not provide the space for a shelter and a sacrifice lot in wet times as it stands today.
5. Waste disposal is a concern for this property as well. There is not enough land to spread manure or to compost properly.

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 **SP2022-070** subject to all comments and suggestions outlined in this staff report, and the reasons outlined by the City Planning Commission.

Should the Board of Commissioners approve this application Staff recommends the following conditions of approval:

1. **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;**
2. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
3. **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;**
4. **The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;**

5. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
6. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
7. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
8. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,**
9. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Responses to Staff Report
Neighborhood Meeting Information
Conservation District Letter
Staff Site Visit Photos Dated July 7, 2022
Staff Site Visit Photos Dated September 23, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Special Use Permit	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-070,** 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 **SP2022-070** 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. _____.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 5:24:07 and the applicant was not present. The application was recalled at 6:04 and the applicant was not present:

SPECIAL USE PERMIT APPLICATION SP2022-070 – MANUEL LOPEZ - SYNOPSIS: Special Use Permit to keep horses at 1211 North 69th Street.

Detailed Outline of Requested Action: The Applicant, Manuel Lopez, is seeking approval to own two (2) horses. The Applicants has less than five (5) acres and is not zoned Agricultural, requiring Special Use Permit. The applicant would like to keep the horses for personal use for time with their grandkids. The applicants have resided at the residence for a number of years after purchasing it as a distressed property and are planning an accessory building and various improvements to the property with the addition of the horses.

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 October 10, 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 6:04:40: Planning Director Hand stated that the request is for two (2) horses on a little more than two (2) acres. The property is in the City-Wide Master Plan area. Staff received no letters in support and one (1) letter in opposition. There is an existing Notice of Violation for the gravel driveway on the property. The Conservation District has recommended denial as they do not feel that the property is suitable for keeping of horses. Staff has asked for additional information concerning the care of the horses and Staff does not know if the horses belong to the

applicant or if he is keeping them for someone else. Staff recommends denial of this application.

Motion starts at 6:06:08:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-070:**

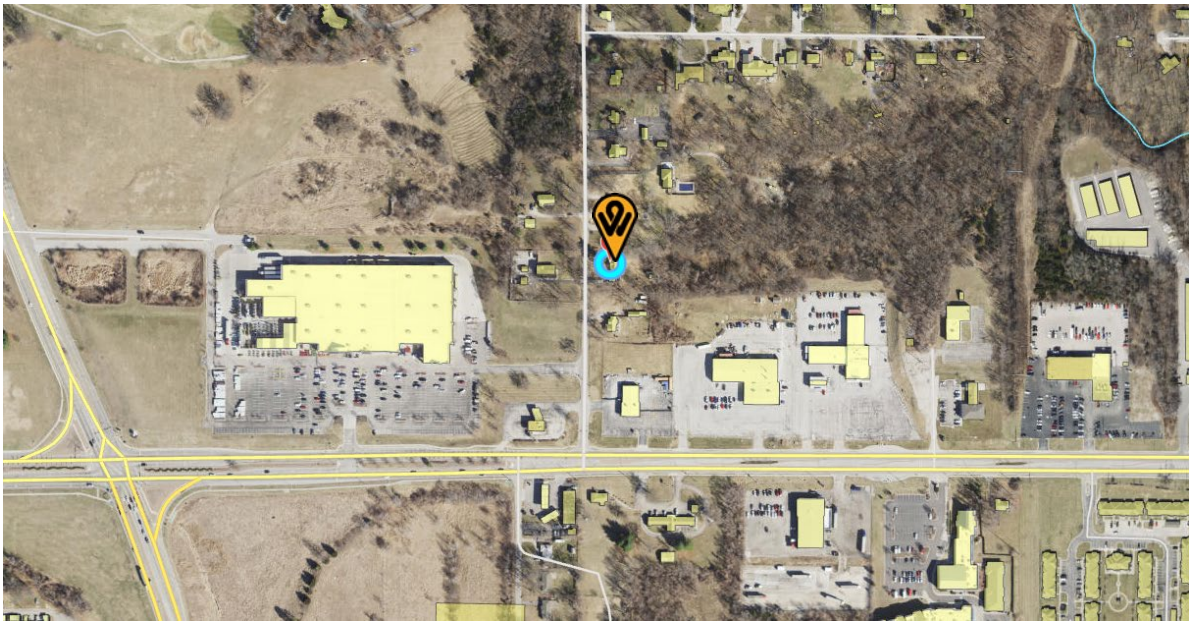
Carson	Chairman
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Aye

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

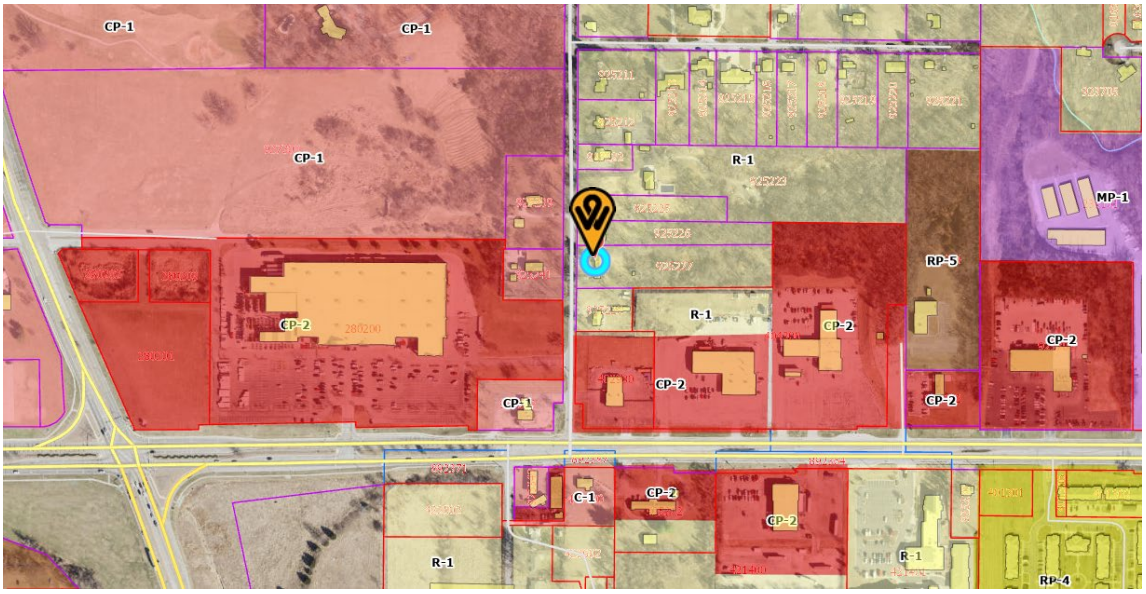
For the following reasons:

1. **The applicant did not provide significant demonstration of on-site plans for shelter, watering, waste disposal, and exercise;**
2. **The applicant did not clear the land with regards to soil conservation, which will be further exasperated by the presence of horses on a lot in which no sacrifice lot has been identified. There has not been sufficient time to grow new pasture on the cleared land before introducing horses or other livestock; and,**
3. **Staff discussion with a concerned neighbor has raised concerns about who will actually maintain ownership and care of the horses, particularly during times of extended travel or during inclement weather.**
4. **Recommendation of denial by the Wyandotte County Conservation District.**

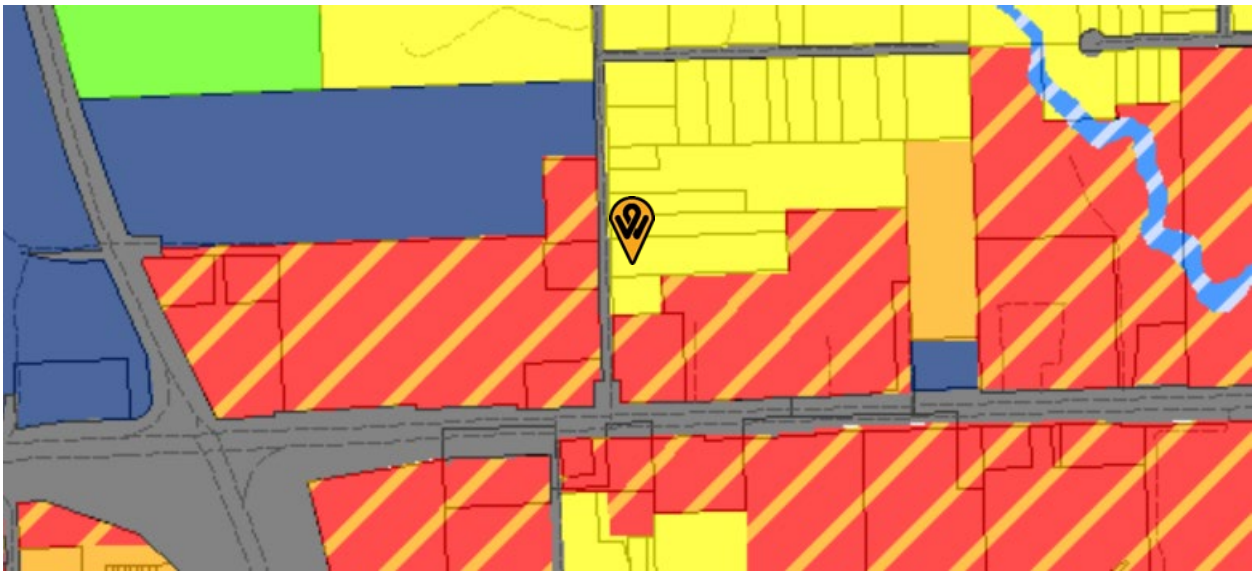
AERIAL MAP



ZONING MAP



LAND USE MAP



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

From: Karina Sandoval <sandoval.karina92@yahoo.com>
Date: September 8, 2022 at 2:15:34 PM CDT
To: Dalia Combs <dalia_sandoval_09@yahoo.com>
Subject: Re: SP2022-070 Draft Staff Report

I haven't received confirmation the below was received please send confirmation and next steps

Sent from my iPhone

> On Sep 1, 2022, at 7:56 PM, Karina Sandoval <sandoval.karina92@yahoo.com> wrote:
>
> Please see below
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "McLaughlin, Kallie" <kdmclaughlin@wycokck.org>
> > **Date:** September 1, 2022 at 1:02:32 PM CDT
> > **To:** Karina Sandoval <sandoval.karina92@yahoo.com>
> > **Cc:** "Parker, Janet" <jparker@wycokck.org>, Karina Sandoval-Miller <karina_2010_sandoval@yahoo.com>
> > **Subject: RE: SP2022-070 Draft Staff Report**
> >
> > You were sent a staff report and at the end of it there were questions that you needed to answer or comments to respond to. Here are the questions, if you just want to respond via email:
> >
> > 1. **Provide a detailed description of your waste management plan.**
> >
> > *Applicant Response Summarized:*
> > Disposing of waste, at waste yard and son in laws farm acreage

APPLICANT RESPONSES TO STAFF REPORT

2. **How will you communicate with the neighbors if there are any issues with noise, odor, or other issue?**

Applicant Response Summarized:

This was discussed at the meeting.. they provided phone numbers for a group chat. Will follow up with letters

3. **The backyard has limited space for horses. Do you intend to clear the land to provide adequate space?**

Applicant Response Summarized:

Yard has been cleared already

4. **What is the plan for rotation or a sacrifice lot?**

Applicant Response Summarized:

Son in laws farm..

5. **Provide a site plan of the proposed stable structure, land clearing, troughs, waste management, and fencing.**

This has been provided with previos paperwork

6. **All vehicles, inoperable or operable, including recreational vehicles, must be parked only on a paved improved surface.**

Noted

7. **Gravel surface must be removed and replaced with an approved paved surface.**

Yes, waiting in this hearing/ process and then we will replace gravel

8. **The R-1 Zoning District limits accessory structures to one (1) per parcel with a maximum of 1,000 square feet. Any additional accessory structures beyond the limit of one (1) or that exceed the square footage maximum require the approval of a Variance from the Board of Zoning Appeals.**

2

NEIGHBORHOOD MEETING INFORMATION

MINUTES:

Application Number #SP2022-070

Date and Location: August 29th 2022
1211 N 69th St.
Kansas City, KS 66102

Meeting called to order at:_____

Names of people in attendance:

BARBE TAMBURO
Lois Heyer
MARCUS RUSH
Mackayla Rush
Leesa Rush
Manuel E. Lopez
Orlando Baeza
MARIO SANDOVAL

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Manuel E. Lopez, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2022-070
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.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31 day of August, 2022.

My commission expires 26 of may, 2026

Notary Public

PAOLA N. AMAYA-REYES
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 05-26-25

August 18, 2022

Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP2022-070.

The purpose of this special use permit is for horses at the following address: 1211 N 69th St. Kansas City, KS 66102.

We are having a neighborhood meeting on August 29th at 5 p.m. at the following address 1211 N 69th St. Kansas City, KS 66102

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 listed below.

Sincerely,

Manuel Lopez

Manuel Lopez
1211 N 69th St.
Kansas City, KS 66102

Introductions:

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

Barbara - how many horses? 2 stalls? yes
Who will care for them? Ranchhand 2x days
what kind of fence? left. CL
horse trailer available? yes on property? Yes
* just wants to make sure horses will be well kept.

Lois - Will these scare away deer? Per Barb - no, doubt it.

Marcus - how far back will the stables be? - Walked through yard.

*Presented plan
*Showed drawn up images
* Walked through backyard
* Questions & answers

Speakers - Manuel Lopez
Mario Sandoval (contractor)

Questions and answers (include the following):

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

Meeting adjourned at: 6:10 pm

Minutes taken by: Karina Sandoval

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

July 12, 2022

RE: SP2022-070 Manuel Lopez for horses at 1211 North 69th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2022-070 Manuel Lopez for horses at 1211 North 69th Street.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered erodible when the surface is denuded of a protective cover.
- This property lacks the essential resources for maintaining healthy horses.
- The limited open ground does not provide adequate space for grazing and exercising the animals.
- The limitations of the property do not provide the space for a shelter, and sacrifice lot in wet times as it stands today.
- Waste disposal is a concern for this property as well. There is not enough land to spread manure or to properly compost.

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

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

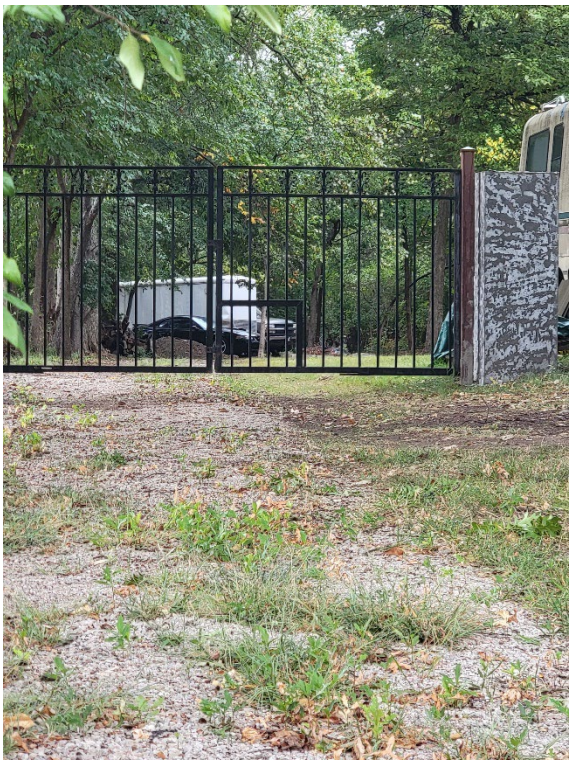
Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge–Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7285—Ladoga silt loam, 3 to 8 percent slopes					
Ladoga	80	Somewhat limited		Somewhat limited	
		Slow water movement	0.22	Slow water movement	0.30
7955—Knox silt loam, 7 to 12 percent slopes					
Knox	80	Somewhat limited		Somewhat limited	
		Slope	0.16	Slope	0.16

Data Source Information

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

STAFF SITE VISIT PHOTOS DATED JULY 7, 2022

STAFF SITE VISIT PHOTOS DATED SEPTEMBR 23, 2022



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 27, 2022

Re: **Special Use Petition SP2022-078**

GENERAL INFORMATION

Applicant:
Thomas Morgan, III DBA Sweetbriar Properties & Design LLC

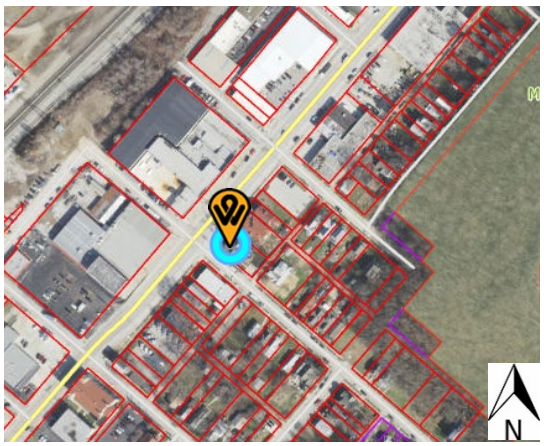
Status of Applicant:
Property Owner
1001 South Meadow Lake Circle
Kansas City, MO 64114

Requested Action:
Renewal of a Special Use Permit. The current Special Use Permit expires on October 8, 2022.

Date of Application:
June 22, 2022

Purpose:
To operate a multi-family short-term rental. The owner lives in one unit.

Property Location:
819 Southwest Boulevard
Kansas City, Kansas 66103



Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

Existing Zoning:	R-2(B) Single Family District	
Adjacent Zoning:	**North:**	R-2(B) Two Family District
	South:	M-2 General Industrial District
	East:	R-1(B) Single-Family District and R-2(B) Two-Family District
	West:	M-2 General Industrial District
Adjacent Uses:	**North:**	Two-Family Residence and Single-Family Residences
	South:	Vacant Industrial Warehouse Restaurant Equipment Supply Store
	East:	Two-Family Residence and Single-Family Residences
	West:	Hardware Store, Sheetmetal Distributor (former Frank Rushton Bakery)
Total Tract Size:	0.17 Acre	
Master Plan Area:	Rosedale Area Master Plan	
Master Plan Designation:	The Rosedale Area Master Plan classifies the subject property as Urban Mixed Use. The Urban Mixed Use land use designation allows for townhomes, small apartment buildings up to three (3) stories, multi-family apartments, institutional uses, and neighborhood convenience commercial uses.	
Major Street Plan:	The Major Street Plan designates Southwest Boulevard as a Class B Thoroughfare.	
Advertisement:	The Wyandotte Echo – July 14, 2022 Letters to Property Owner – July 15, 2022 and September 1, 2022	
Parking Requirement:	Existing Zoning – R-2(B): Per Section 27-457(d), one (1) parking space for each dwelling unit shall be provided on the premises. The subject property has three (3) off-street parking spaces, meeting this requirement.	
Public Hearings:	October 10, 2022 and October 27, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Thomas Morgan, is seeking approval to operate a short-term rental in a multi-family building at 819 Southwest Boulevard. The subject property is in the Rosedale neighborhood. The applicant purchased the property several years and has completed major renovations. The property was a former single-family residence that was split into a duplex a number of years ago. The property underwent a rezone in 2018 to become conforming. The applicant lives in the upstairs unit while renting the downstairs. The applicant is seeking a five (5) year renewal.

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 were some visits to the property in recent years:
    a. 2019: 2019-00125712 – Theft
    b. 2019: 2018-00125712 – 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. The prior owners had one (1) complaint:
    a. 2022: STR22-0551 – Broken Front Window
    b. 2018: 18225-02547 – Abatement/Weeds
    c. 2011: 11201-00163 – Deteriorating Retaining Wall

Outstanding or Related Permits and Cases:

1. The applicant has no current building permits. The Subject Property has prior building permits:
    a. 2008: 08375-00287 – Demolition of 2-Car Garage (Closed)
    b. 2018: 18380-01165 – Electrical Service Upgrade (Closed)
    c. 2019: 19300-00038 – Misc. Interior Repairs (Closed)
    d. 2019: 19390-00164 – Plumbing Gas Test (Closed)

2. The subject property has previous Planning and Zoning Cases:
    a. 2018: COZ3160 – Change of Zone from M-2 to R-2(B)
    b. 2019: SP2019-75 – Special Use Permit for Short Term Rental
    c. 2020: SP2020-55 – Special Use Permit for Short Term Rental

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   This project is in the Rosedale neighborhood on the Southwest Boulevard mixed-use corridor. Lots vary in size and usage from large residential homes to warehousing, manufacturing, religious, education, and neighborhood commercial. Homes in this area are generally a combination of masonry and siding. This area of the neighborhood shows signs of significant improvements, including repaved asphalt streets with bike lanes and street parking, pedestrian-scale street lighting, and the concrete sidewalks. The neighborhood provides sufficient parking and is generally walkable with transit access.

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

   The zoning and uses of properties nearby are set out above. The surrounding properties are primarily commercial uses with limited residences. The street has a commercial and industrial mixed-use feel which dominates residential uses on this stretch of Southwest Boulevard. Continuing use as a rental, either short or long term, is consistent with other nearby properties in close proximity to the nearby mixed-use corridor and neighborhood 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 currently not vacant as it has been renovated and is currently in use as a short-term rental. It is unclear how long the property was vacant prior to purchase, but prior comments indicate it was owner-occupied and used as an art gallery and studio with an owner-occupant.

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

   The Rosedale Area Master Plan classifies the subject property as Urban Mixed Use. The Urban Mixed Use land use designation allows for townhomes, small apartment buildings up to three (3) stories, multi-family apartments, institutional uses, and neighborhood convenience commercial uses. The proposed use conforms to the master plan if the 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 provide sufficient parking for multiple vehicles on this block of Southwest Boulevard. There is parallel parking in front of the property. There is a concrete pad and retaining wall from a prior garage which provides for three (3) uncovered off-street parking spaces. The subject property meets the ordinance requirements for off-street parking if the property for a duplex residence. Accessing this parking will not exceed the capacity of the street network as it was designed for increased traffic patterns.

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 have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not typically related to the use of a residential property as a short-term rental and ostensibly are not considered to be problems for nearby property.

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 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 should not result in overcrowding, as the applicant limits the number of guests to six (6) persons on each floor for a total of 12 occupants. The ground level has been converted into two separate units, one of which allows four (4) guests however it is unclear how many guests are accommodated in the third unit or the upstairs unit. If the applicant reverts the property to a duplex as permissible by zone and abides by the outlined conditions, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Building Maintenance
Noise
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 SP2022-078 **for five (5) 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 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. **Maximum number of guests shall be seven (7) in the upstairs unit and no more than seven (7) in any combination between the unit or units on the**

ground floor. Should the applicant wish to host more than seven (7) guests per unit, a lodging license from the State of Kansas is required;

3. **All parking must be off-street, maximum number of vehicles is three (3) per unit including the three off-street parking spaces. The off-street parking spaces should be utilized before on-street parking on Southwest Boulevard;**
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. **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);**
10. **Applicant must complete any repairs necessary as a result of the home inspection or from any staff site visit:**
    a. **Add a handrail to the exterior steps**
    b. **Repair any broken windows/glass**
    c. **Repair front steps railing**
    d. **Repair decking where evidence of rotting is shown, add additional bolts where needed**
    e. **Remove abandoned electrical metering and equipment/weatherhead**
    f. **Replace electrical breaker**
    g. **Cover exposed wiring/junction boxes**
    h. **Ensure all smoke detectors and CO2 detectors are adequately placed throughout the home and are in working condition**
    i. **Repair or Replace the TMP Valve in the Water Heater Unit**
11. **The exterior brick retaining wall around the parking shall be repaired with steps repaired or removed as discussed;**
12. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463**

through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

13. **The Special Use Permit 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;**
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.**

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 **SP2022-078** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Liability Insurance
Site Plan
Floor Plan
Guest Book
Home Inspection Highlights
Neighborhood Meeting Information
Applicant Photos Date June 22, 2022
Staff Site Visit Photos Dated July 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing Special Use Permit	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-078** 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 **SP2022-078,** 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.

October 10, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT SP2022-078 – THOMAS W. MORGAN III – SYNOPSIS:
SYNOPSIS: Renewal of a Special Use Permit (SP2020-55 – expired 10/8/2022) for a Short-Term Rental at 819 Southwest Boulevard.

Detailed Outline of Requested Action: The applicant, Thomas Morgan, is seeking approval to operate a short-term rental in a multi-family building at 819 Southwest Boulevard. The subject property is in the Rosedale neighborhood. The applicant purchased the property several years and has completed major renovations. The property was a former single-family residence that was split into a duplex a number of years ago. The property underwent a rezone in 2018 to become conforming. The applicant lives in the upstairs unit while renting the downstairs. The applicant is seeking a five (5) year renewal.
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 October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

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

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

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

Miller Aye
Motion to APPROVE 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;**
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d. **Repair decking where evidence of rotting is shown, add additional bolts where needed**
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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,**
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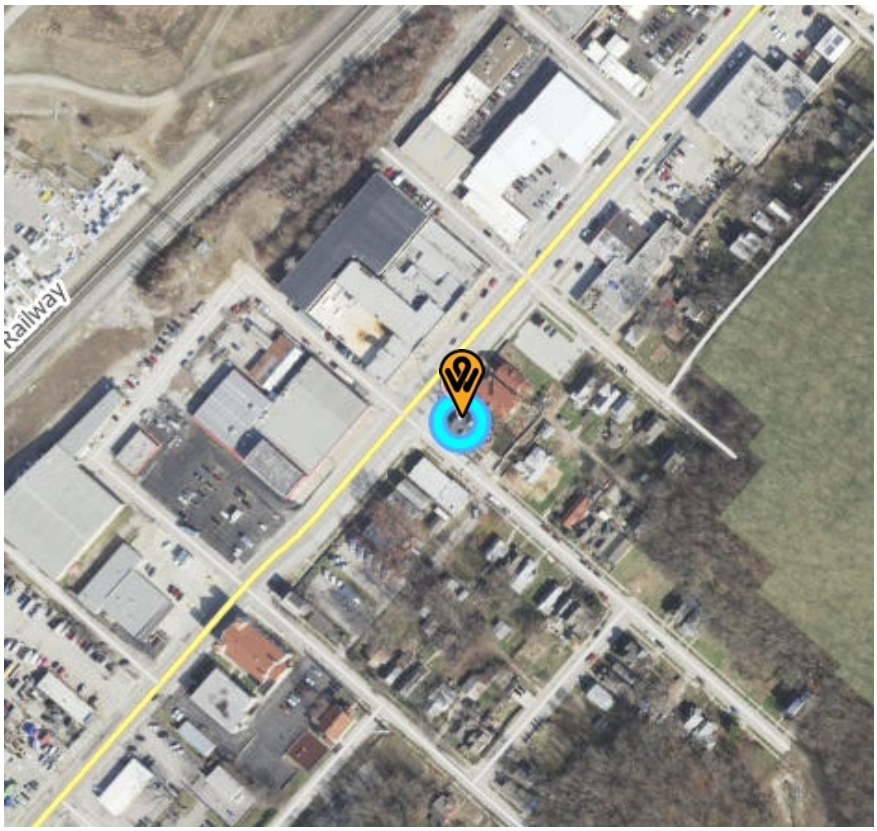
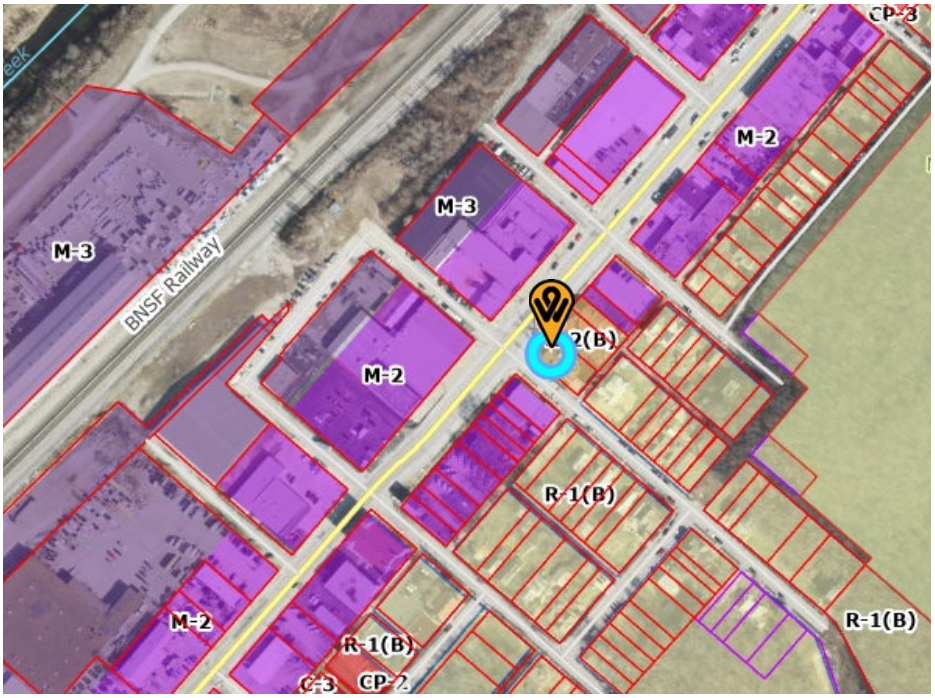
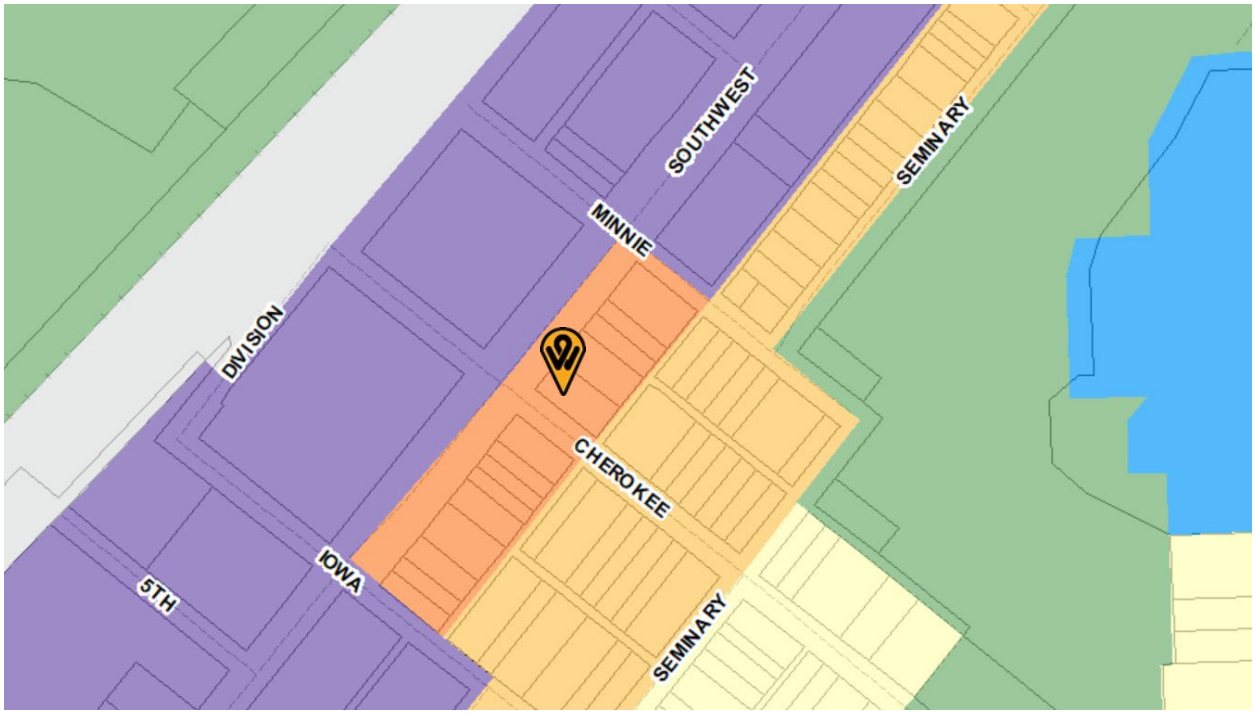
AERIAL MAP



ZONING MAP



LAND USE MAP



LIABILITY INSURANCE

Auto-Owners INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

15560 (01-14)
Issued 09-13-2021
Policyholder since 2018

DWELLING FIRE POLICY DECLARATIONS

AGENCY ASSOCIATED SERVICES IN INSURANCE INC
05-0025-00 Mkt Terr 037 (816) 229-4450

Endorsement Effective 09-09-2021

POLICY NUMBER [redacted]

Company Use [redacted]

INSURED THOMAS MORGAN
JACOB PATTON

ADDRESS 819 SOUTHWEST BLVD

KANSAS CITY KS 66103-1925

Company Bill

POLICY TERM
12:01 a.m. 09-04-2021 to 12:01 a.m. 09-04-2022

This policy is amended in consideration of the additional or return premium shown below. This Declarations voids and replaces all previously issued Declarations bearing the same policy number and premium term.

TOTAL POLICY PREMIUM No Charge

LOCATION DESCRIPTION **Basic Form Policy**

819 Southwest Boulevard
Kansas City, KS 66103-1925

Masonry Veneer Construction Built in Prior To 1901
Asphalt Roof Updated in 2004
Protection Class 2
Non owner Primary Home

PRIMARY PROPERTY AND LIABILITY COVERAGES	LIMITS
A Dwelling	$327,900
B Other Structures	
All Other Structures (Unless Specifically Excluded)	32,790
C Personal Property	5,000
D Loss of Rents	32,790
F Landlord Liability (each occurrence)	
Entity Type: Individual	300,000
G Medical Payments to Others	
(each person/each occurrence)	5,000

Property Deductible
$5,000 - All Peril Deductible

COVERAGES THAT APPLY	
Property Coverage Limitation for Fungi, Wet Rot, Dry Rot and Bacteria resulting from a covered cause of loss	$49,185
Equipment Breakdown Coverage ($500 Deductible)	100,000
Service Line Coverage ($500 Deductible)	10,000
Terrorism - Certified Acts	
See Forms 59350, 15243, 59390	

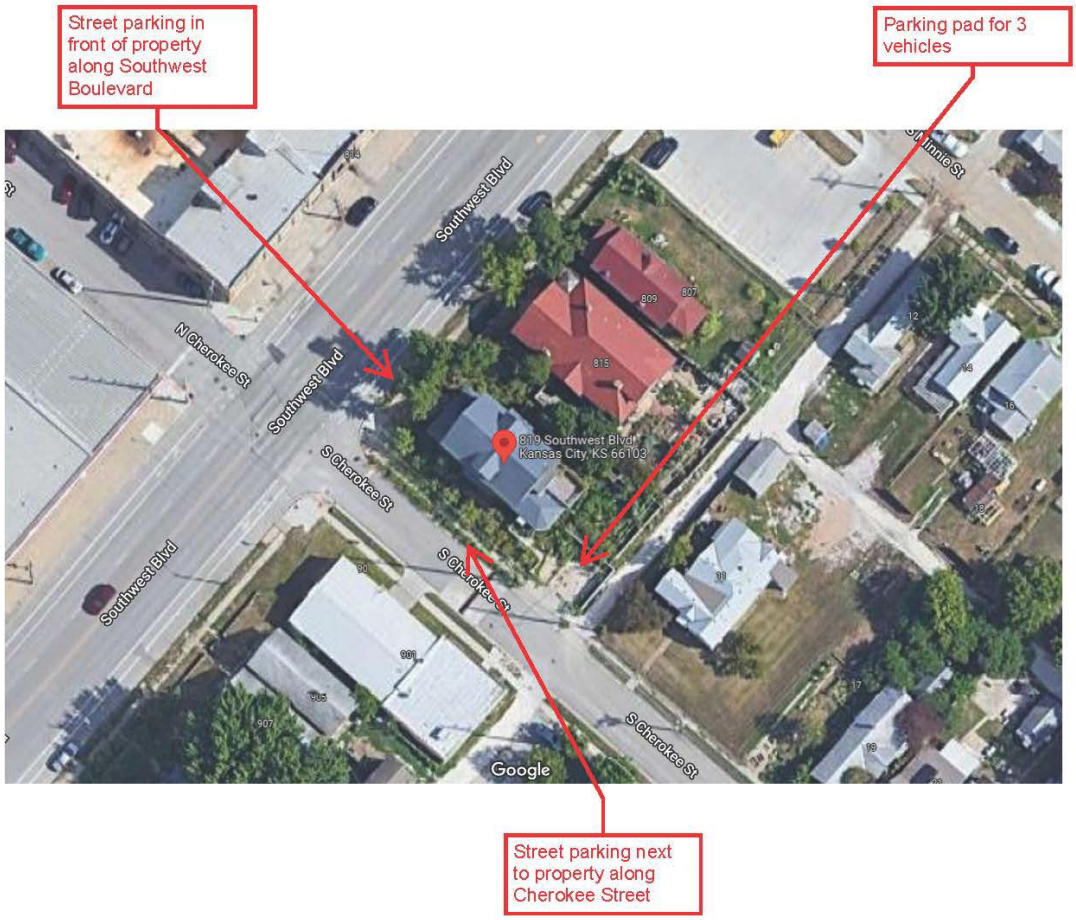
PREMIUM ADJUSTMENTS THAT APPLY
Age of Construction Rating
Claim Free Discount
Payment History Discount
Advance Quote Discount
Insurance Score

FIXED FEES AND STATUTORY CHARGES		CHANGE
Terrorism - Certified Acts Premium	$14.85	
TOTAL LOCATION PREMIUM	**$1,499.97**	

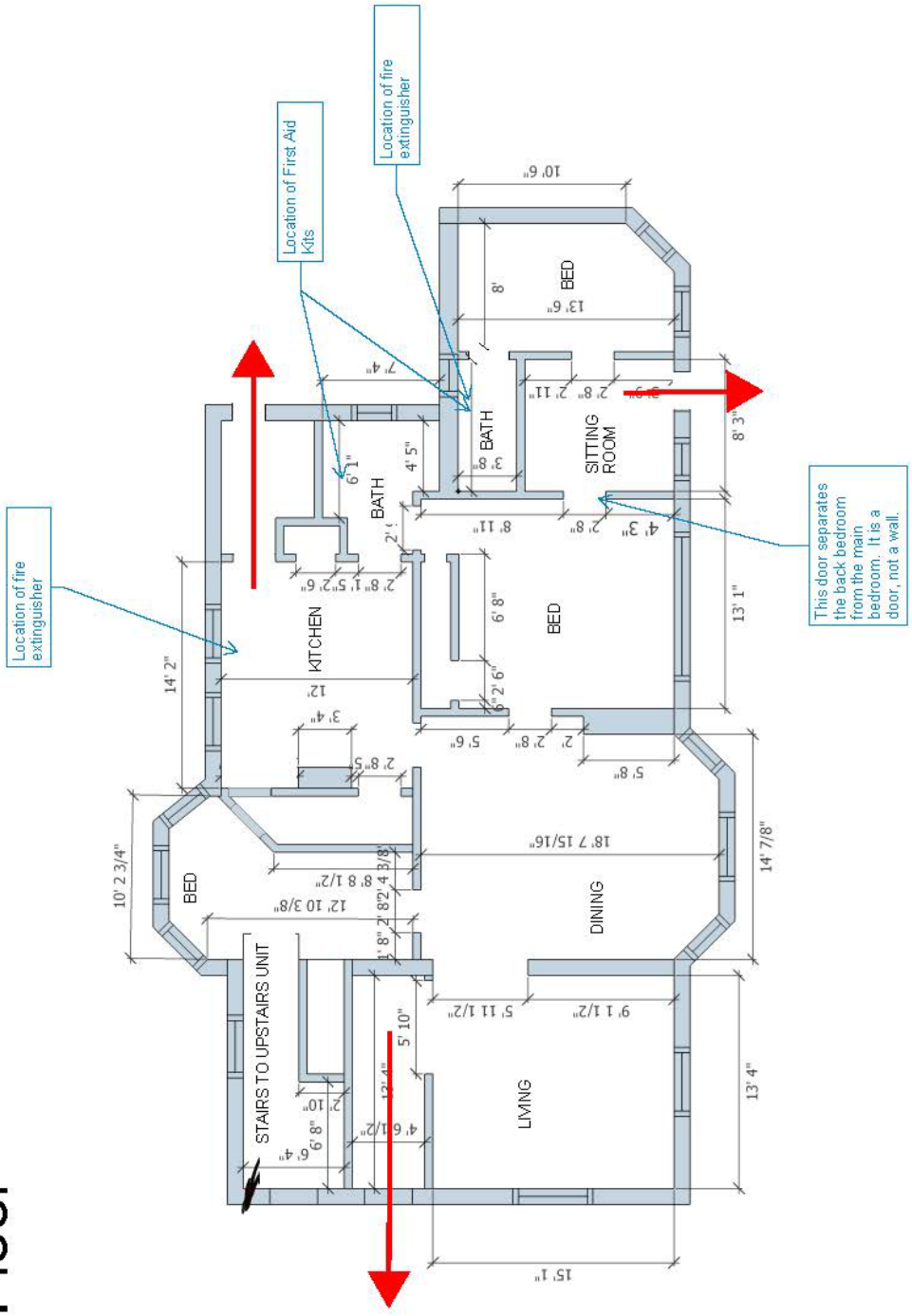
Forms That Apply To This Location:
15003 (07-97) 15055 (01-18) 15408 (08-13) 15438 (03-15) 15146 (02-05) 15493 (02-18) 15494 (02-18)

Secured Interested Parties: See Schedule

SITE PLAN


Street parking in front of property along Southwest Boulevard
Parking pad for 3 vehicles
Southwest Blvd
N Cherokee St
Southwest Blvd
S Cherokee St
Southwest Blvd
S Cherokee St
S Cherokee St
809
807
815
819 Southwest Blvd
Kansas City, KS 66103
Google
Street parking next to property along Cherokee Street

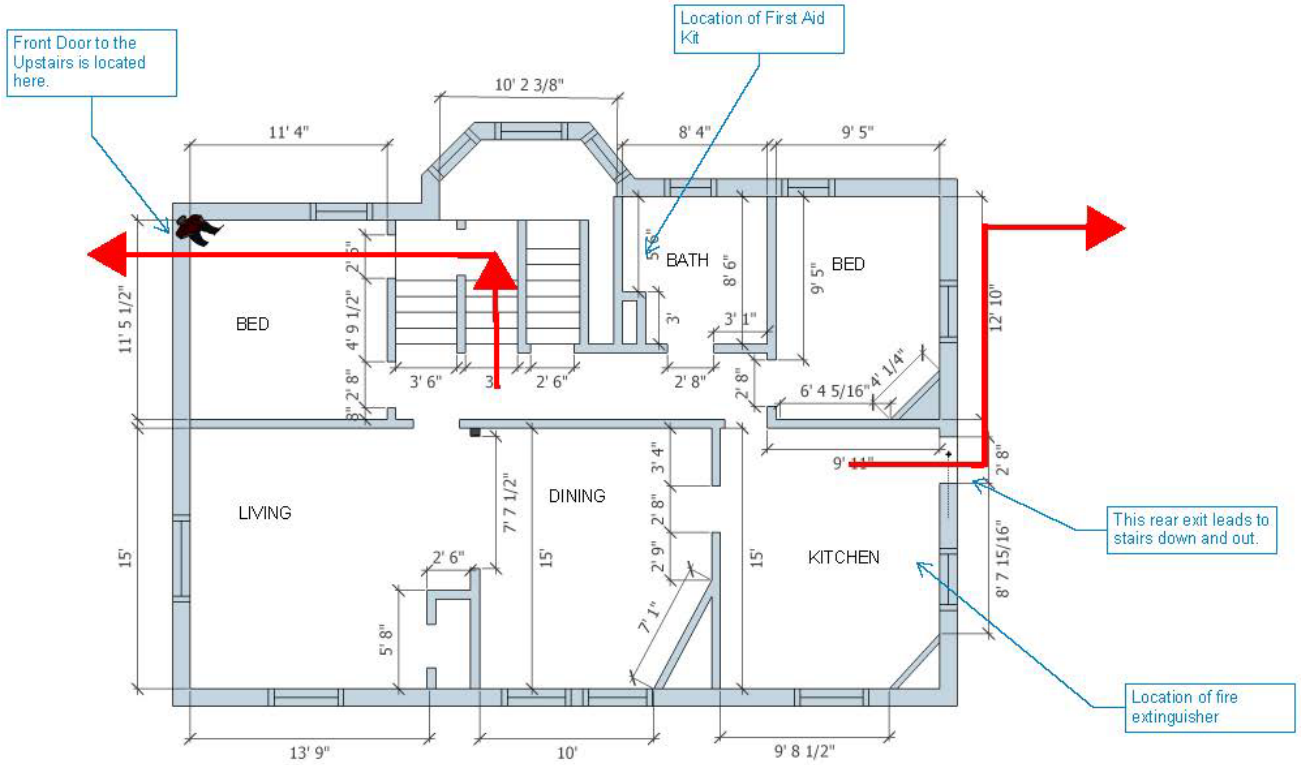
FLOOR PLAN



1st Floor

FLOOR PLAN

2nd Floor - Separate Rental Unit from Main Floor



Check In Instructions & Rules

-Absolutely NO SMOKING.

-Quiet hours are from 10:00 PM to 8:00 AM and are strictly enforced. The units here are close together so please be respectful regarding noise. If you have a complaint regarding a noisy guest please let me know!

-No unauthorized guests unless otherwise approved. If you're planning to have more guests than your reservation states, please reach out. Absolutely no parties or gatherings.

-In the main bedroom closet you'll find the iron. Paper towels and toilet paper are underneath the designated sinks.

-Netflix / Amazon Prime /Disney + movies are available for your use. Please use guest account.

-Feel free to park in the driveway or on the street if the driveway is full.

GUEST BOOK

-Wifi Password: [redacted]

-If everything doesn't look perfect or if you need assistance please do not hesitate to reach out to me directly at [redacted] - Enjoy your stay!

HOME INSPECTION HIGHLIGHTS

Windows (Exterior) • **Repair:** The first floor northeast window is broken and needs repair.

Photos

Broken glass

• **Monitor:** The steps serving the porch have settled. Repair is discretionary at this time but if additional movement is observed repairs may be needed.
• **Repair, Safety Issue:** The front steps railing is loose. It is recommended that this be repaired for improved safety.

Steps have settled

Loose/ damaged railing

HOME INSPECTION HIGHLIGHTS

Deck cont.

- **Monitor, Repair:** The deck is somewhat loose and should be better secured to the house, or have cross members added to the support posts to keep the deck from swaying.
- **Repair:**The deck shows evidence of localized rot in the deck boards. Replacement of the deck boards may eventually be desired. In the interim, localized repairs could be undertaken.
- **Repair:**The support beam for the deck requires "through bolts", bolts that go through the beam and post and are secured with nuts, to ensure the beam doesn't pull away from the post. These through bolts are needed at all posts that are holding the beam.

Photos

Deck posts below soil

Wood rot

Through bolts needed

Steps

- **Recommend:**For improved safety a handrail is needed for the exterior steps.

Photos

Handrail recommended

Electrical

Disconnected meter

Disconnected service wires

Main panel

- **Repair:**A breaker in the service panel is damaged, this should be replaced.

Photos

Broken breaker

Electrical

Attic loose wiring

Loose/ exposed wiring

Missing cover plates

Outlet

- **Repair**:An outlet is loose. It should be repaired.
- **Repair**:A couple of outlets have reversed polarity (i.e. it is wired backwards). These outlets and the circuit should be investigated and repaired as necessary.
- **Repair**:Ungrounded 3-prong outlets marked with blue tape should be repaired. In some cases a ground wire may be present in the electrical box and simply needs to be connected. If no ground is present "repair" can be as simple as filling the ground slot with epoxy. Better, since having a ground increases safety, a grounded circuit could be strung to this outlet, or a separate ground wire could be connected. Some electrical codes allow the installation of a ground fault circuit interrupter (GFCI) type outlet where grounding is not provided. In this case the GFCI may work but can't be tested by normal means.

Photos

Loose outlet

Reversed polarity

Ungrounded outlets

Plumbing

Leaky TPR valve tube

Supply

- **Monitor:**Corrosion on the exterior of the supply piping was observed.

Photos

Exterior corrosion/ past leak

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS: 496-96-2667
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2022-078.
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.

Further affiant saith not.

Affiant

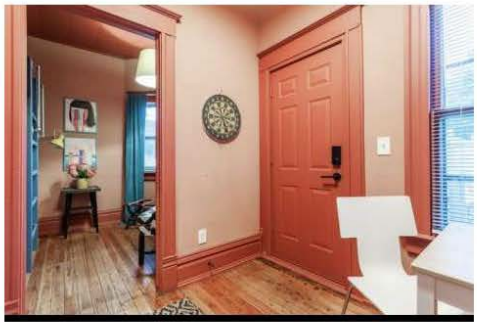
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of August 2022

My commission expires on the 20th of July, 2025

NOTARY PUBLIC STATE OF MISSOURI
Christine M Swords
Platte County
Commission # 21460029
07/20/2025

Christine M Swords
Notary Public

Downstairs Unit



Upstairs Unit

Exterior

STAFF SITE VISIT PHOTOS DATED JULY 7, 2022

STAFF SITE VISIT PHOTOS DATED JULY 7, 2022

STAFF SITE VISIT PHOTOS DATED JULY 7, 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: October 27, 2022

Re: **Special Use Petition SP2022-085**

GENERAL INFORMATION

Applicant:
Kelly Hormann

Status of Applicant:
Property Owner
7114 Parallel Parkway
Kansas City, Kansas 66112

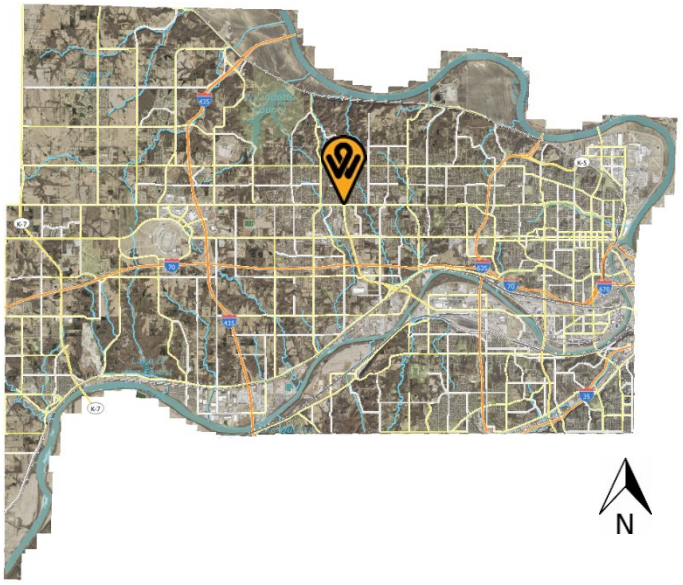
Requested Action:
Renewal of a Home Occupation Special Use Permit (expires 10/1/2022).

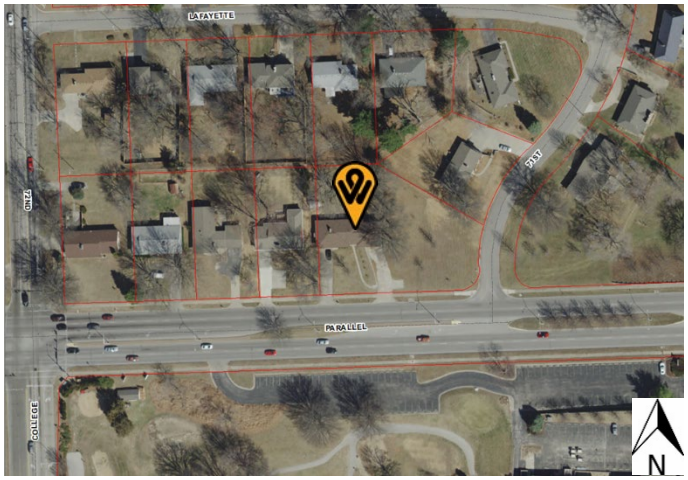
Date of Application:
August 26, 2022

Purpose:
To continue to operate a pet grooming business at the applicant's residence.

Property Location:
7114 Parallel Parkway
Kansas City, Kansas 66112

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
	East:	R-1 Single-Family District
	West:	R-1 Single-Family District
Adjacent Uses:	**North:**	Single-family residence
	South:	Painted Hills Golf Course
	East:	Single-family residence
	West:	Single-family residence
Total Tract Size:	0.75 Acre	
Master Plan Designation:	The City-Wide Master Plan designates this property as low-density residential, which allows for single-family homes.	
Major Street Plan:	The Major Street Plan identifies Parallel Parkway as a Class A Thoroughfare and North 71st Street as a Local Street.	
Parking Requirement:	Section 27-454(e) states "two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport". Parking Provided: Four (4) spaces Parking Required: Two (2) spaces	
Advertisement:	The Wyandotte Echo – September 15, 2022 Letters to Property Owner – September 16, 2022	
Public Hearing:	October 10, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kelly Hormann, has applied for the renewal of a Home Occupation Special Use Permit to continue the operation of a pet grooming business at the address of 7114 Parallel Parkway. The applicant operates their grooming business out of their basement. The basement of the home has its own side entrance and driveway with a turn around to the East of the home. The applicant has stated their intentions to provide a high-quality grooming service for both dogs and cats.

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. There have been no Notice of Violation on the property.

Outstanding or Related Permits and Cases:

1. 2020 – SP-2020-45 – Special Use Permit – Home Occupation

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   This neighborhood is primarily residential in nature, comprised of single-family residences, on wide, medium-sized lots. There is a golf course to the South of the subject property and Kansas City, Kansas Community College is located to the Southwest. The subject property is located along Parallel Parkway, a primarily residential corridor, with major commercial nodes at major intersections.

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 should be compatible if operated properly.

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

   The proposed use is suitable as the removal of restrictions will not detrimentally affect nearby properties because customers drop-off their pets and because the use is operated out of the applicant's basement. The basement is accessed by the side entrance of the home, which is specifically intended for customer use.

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

   The property is not vacant, but is a developed, single-family home that the applicant currently lives in.

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, which allows for single-family homes. A Special Use Permit is required for this type of home occupation

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 will inherently increase traffic to the home, typically at peak times as specified by the hours of operation. The applicant has a driveway for customer parking that is directly accessible to the basement of the home. No issues related to parking have been previously reported.

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. The proposed use should not permanently injure the appropriate use, visual quality, or marketability of adjoining properties because it is wholly contained within the home and the business is operated out of the basement. Parking is not an issue as it is short-term and accommodated for off-street at the entrance to basement.

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

   Noise is a possible source of problems; however, the applicant has previously stated that they do not believe issues will arise due to their relative distance from neighboring properties. No issues have been reported.

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

   The proposed use will not pollute the air, land, or water as it is located in an existing, permitted structure, and waste is disposed of properly.

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

    The proposed use will not destroy an irreplaceable natural resource as it is located in an existing, built-out, residential neighborhood and waste is disposed of properly.

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

    The proposed use offers a service to the public and if denied the applicant will have to find an off-site location to run their business.

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

    The proposed use will not result in the overcrowding of land or concentrations of population as long as the conditions of approval are adhered to. Parking and drop off could be an issues, however, since the subject property has two (2) driveways, this is not expected to be an issue.

PREVIOUS ACTIONS

- Approval of a Special Use Permit in 2020 (SP-2020-44) for two (2) years.
- Approval of a Special Use Permit in 2019 (SP-2019-59) for one (1) year.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Noise
Parking
Waste Disposal
Screening and Buffering
Signage
Pick-up and Drop-off

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2022-085 **for five (5) years**, subject to:

1. **Hours of operate must remain between 7:00 AM and 5:00 PM;**
2. **No overnight board of animals is permitted;**
3. **No more than two (2) clients may drop-off and pick-up at the same time;**
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 **SP2022-085** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Photos, taken by staff, dated September 9, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Special Use	Approval	

STAFF CONTACT: **James Molloy, Planner**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-085** 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 **SP2022-085,** 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.

October 10, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT SP2022-085 – KELLY HORMANN – SYNOPSIS:
SYNOPSIS: Renewal of a Home Occupation Special Use Permit (SP2020-44) for a grooming operation at 7114 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Kelly Hormann, has applied for the renewal of a Home Occupation Special Use Permit to continue the operation of a pet grooming business at the address of 7114 Parallel Parkway. The applicant operates their grooming business out of their basement. The basement of the home has its own side entrance and driveway with a turn around to the East of the home. The applicant has stated their intentions to provide a high-quality grooming service for both dogs and cats.

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 October 10, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

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

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

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

Motion to APPROVE Passed: 8 to 0
Subject to:

1. **Hours of operate must remain between 7:00 AM and 5:00 PM;**
2. **No overnight board of animals is permitted;**
3. **No more than two (2) clients may drop-off and pick-up at the same time;**
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;**
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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

7ND
7ST
PARALLEL
COLLEGE
Low-Density Residential
Right-of-Way
Parks/Open Space
N

Neighborhood Meeting Minutes:

SP2022-085
September 26, 2022
Held at 7114 Parallel Pkwy. KCK 66112

Meeting called to order at 6:00pm

People who attended:
Business owner and host of meeting Kelly Hormann.
Neighbor from the west side of my home
George Beard.
Wilma Lind did call on Saturday September 24th to express she had no complaints. Also she would not be attending the meeting.

Presentation included tour of grooming salon.
George Beard asked "How is the business going?" I replied "very well thank you."

Meeting Adjourned at 6:45pm

Minutes taken by: Kelly Hormann

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

HAZEL

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

1. That I am the petitioner for Petition # SP2022-085
2. That I conducted a neighborhood meeting on Sep. 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 27th day of September, 2022.

My commission expires 6th of September, 2025.

JOSEPH PAUL GAULDIN-RAMIREZ
NOTARY PUBLIC
STATE OF KANSAS
MY APPOINTMENT EXPIRES 9-6-2025

Notary Public

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

HAZEL

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

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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.

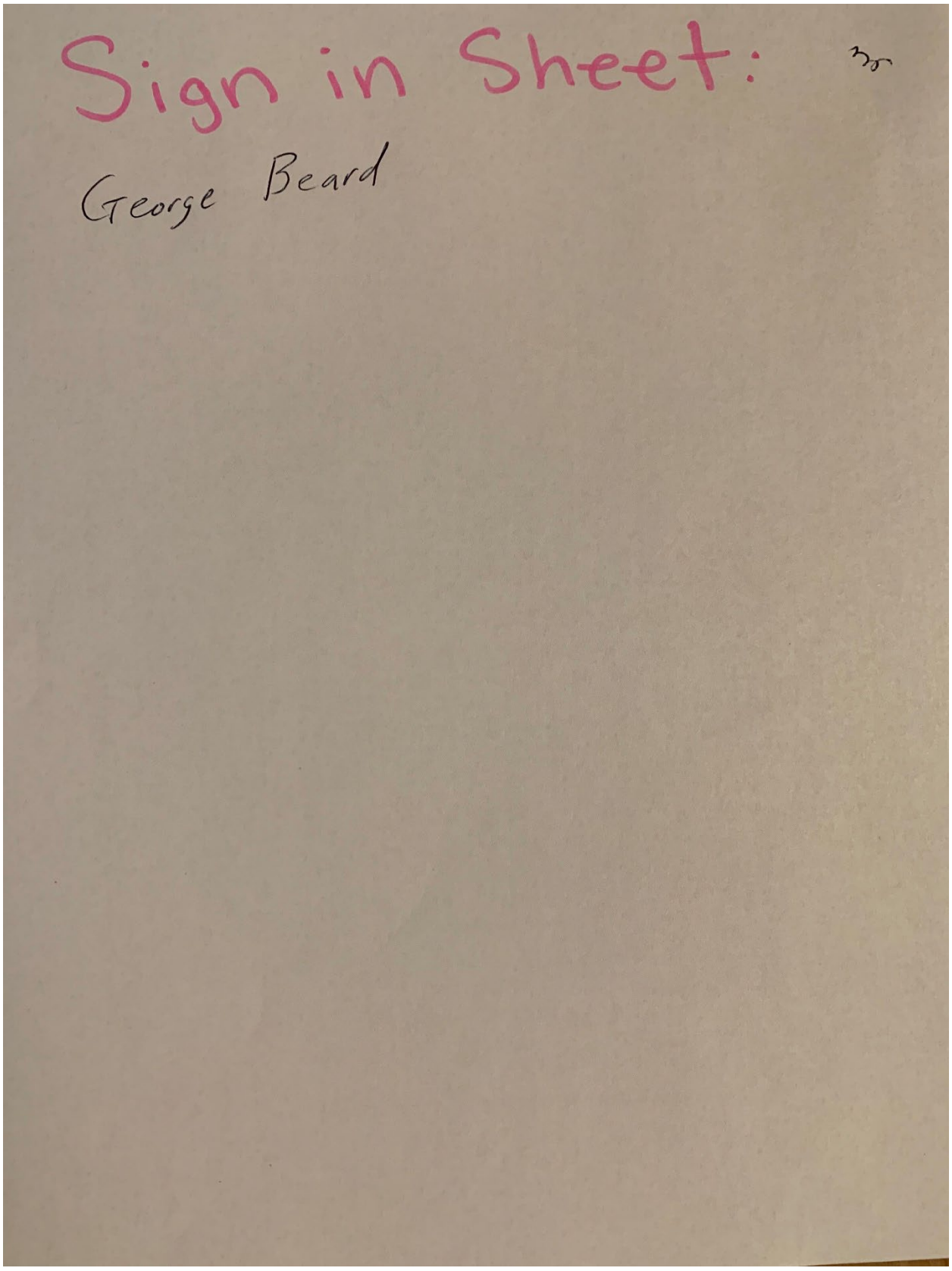
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of September, 2022.

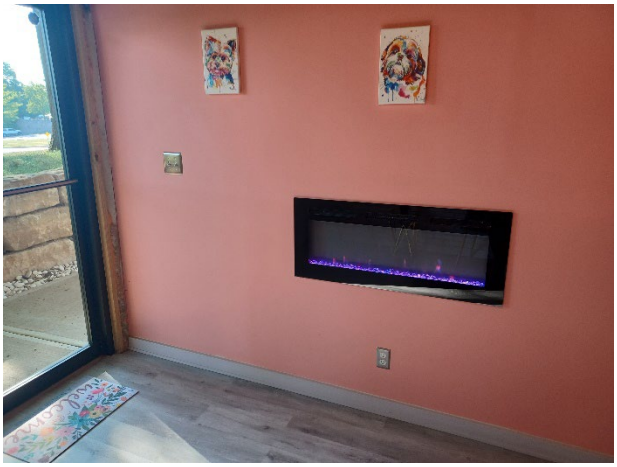
My commission expires 6th of September, 2025.

JOSEPH PAUL GAULDIN-RAMIREZ NOTARY PUBLIC STATE OF KANSAS MY APPOINTMENT EXPIRES 9-6-2025

Notary Public


Sign in Sheet:
George Beard

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 9, 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: October 27, 2022

Re: **Special Use Petition SP2022-088**

GENERAL INFORMATION

Applicant:
Joe Delloiacovo
DBA Cyntox, LLC

Status of Applicant:
Business Owner Tenant
2105 W County Line Road
Jackson Township, NJ

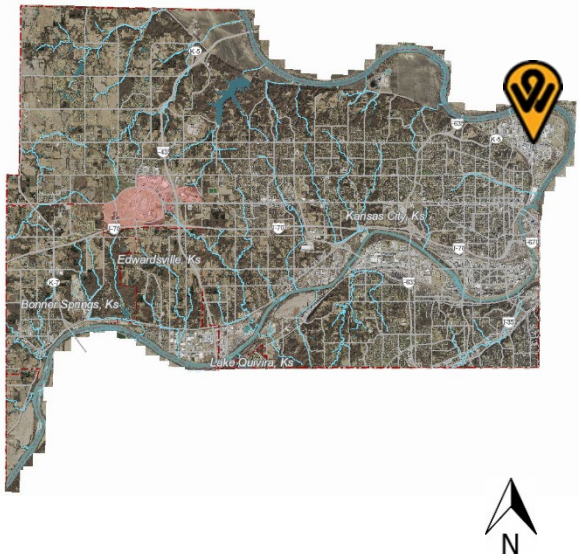
Requested Action:
Approval of a Special Use Permit.

Date of Application:
August 26, 2022

Purpose:
To continue operations as a Medical Waste Transfer Station.

Property Location:
200 Funston Road
Kansas City, Kansas 66115

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



Existing Zoning:	M-3 Heavy Industrial District	
Adjacent Zoning:	**North:**	M-3 Heavy Industrial District
	South:	M-3 Heavy Industrial District
	East:	M-3 Heavy Industrial District
	West:	M-3 Heavy Industrial District
Adjacent Uses:	**North:**	Vacant Industrial Building Paper Mill
	South:	Building Materials Manufacturer
	East:	Railroad Right of Way Pallet Manufacturer
	West:	BPU Substation
Total Tract Size:	3.11 Acre	
Master Plan Area:	Northeast Area-Wide Master Plan	
Master Plan Designation:	The Northeast Area-Wide Master Plan designates this Property as Industrial. The Industrial land designation includes a variety of processing, manufacturing, and shipping businesses that may have noxious odors or visual qualities. Additional uses include support businesses such as convenience stores and restaurants.	
Major Street Plan:	The Major Street Plan designates Funston as a Collector Street.	
Parking Required:	Section 27-470(f) states that one (1) off-street parking spaces shall be provided per every 500 square feet of building area. The subject property has 18,012 feet of building area with eight (8) spaces in the front of the building near the customer entrance and the remaining spaces are allocated in the truck parking lot and maneuvering area in the rear, although a definite number of dedicated parking spaces in the rear has not been provided. If the number of parking spaces cannot be demonstrated to meet this requirement, a variance may be required.	
Advertisement:	The Wyandotte Echo – September 15, 2022 Letters to Property Owner – September 16, 2022	
Public Hearings:	October 10, 2022 and October 27, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joe Delloiacovo with Cyntox, LLC, is seeking the approval to continue operations at a medical waste processing and transfer facility. The property has maintained the use for a number of years under the name MedAssure Heartland LLC, but has recently been acquired by Cyntox, LLC, requiring the re-approval of the Special Use Permit, as they are non-transferrable. The processing of medical waste uses moist heat rather than hazardous materials, burning, or combustion. Additionally, there are no harmful air emissions or wastewater pollutants, and the facility is KDHE licensed. The subject property was built in 1959 and includes 18,012 square feet of building space and a large, improved parking area for trucks, storage, and maneuvering. The building consists of multiple tenants, however, this tenant only utilizes the parking area to the west and the rear of the property. The 2012 SUP also included plans for a future treatment plant at the building, however that proposal did not come to fruition and the company only remains only as a transfer station. The applicant is requesting another 10-year renewal as a transfer station under the new company name.

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 were 25 visits to the property in recent years. Of those, 24 were “business checks” and “other” while one (1) was for theft.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has received no notices of violations in the past 10 years.

2. There have been some building permits in the past 10 years:
    a. 2014: 14381-00500 – New Gas Line to Tenant #C for New Meter (Complete/Closed)
    b. 2014: 14325-00134 – Business Occupancy Inspection (Incomplete/Disapproved/Open)
    c. 2013: 13367-00102 – Safe to Restore Electric (Complete/Closed)

3. The current property owner has no outstanding Code Inspection Cases.

Outstanding or Related Permits and Cases:

1. The subject property has previous Planning and Zoning Cases.
    a. 2012: SP-2012-047 – Special Use Permit (Renewal and Transfer from Enserv to MedAssure)
    b. 2012: SP-2012-040 – Special Use Permit (Renewal – Enserv)

c. 2008: SP-2008-004 – Special Use Permit – (Renewal – Enserv)
d. 2006: SP-2006-028 – Special Use Permit – Same operation, different company name – Enserv, a Subsidiary of Waste Management Healthcare Solutions

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This project is in the Fairfax Industrial neighborhood on a mixed-use industrial and commercial corridor. Lots are generally large to allow for industrial-sized warehouse and manufacturing uses and for large truck transportation and maneuvering. Buildings vary in size and character, however many are masonry structures with mid-century design elements. This area of the district shows some signs of improvements such as concrete sidewalks and landscaping and improved street lighting. This district supports no residential properties but surrounding uses include recycling processing, pallet manufacturing, chemical and lubrication manufacturing, and other similar 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 surrounding properties are primarily industrial commercial uses. Continuing the use of a medical and biowaste facility and transfer station is consistent with other nearby properties in close proximity as it is primarily an industrial district. The proposed use is compatible if properly managed. Continuing operations at this facility has the potential to create issues related to noise, parking, environmental waste, and similar issues, however this is not unlike other nearby properties that utilize similar activities in which the zoning district was designed.

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 commercial and industrial space. 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 environmental health hazards.

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

The property is not vacant. There are three (3) tenant spaces, and the other two are occupied by (insert here). Similar businesses have operated as a medical and biowaste processing or transference at this subject property under various corporate names since 2006.

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

   The Northeast Area-Wide Master Plan designates this Property as Industrial. The Industrial land designation includes a variety of processing, manufacturing, and shipping businesses that may have noxious odors or visual qualities. Additional uses include support businesses such as convenience stores and restaurants. 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 district does provide for average truck traffic and off-street parking, loading, and maneuvering for multiple vehicles. Traffic has been previously evaluated in prior Special Use Permit renewals, and if operations remain the same as noted, there would be no increase of vehicular traffic. Accessing the subject property will not exceed the capacity of the street network as it was designed for typical truck and commercial 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 health hazard disposal. While not an obvious direct benefit, it supports vital health care operations such as KU Medical and other similar agencies, whose operations rely on the safe disposal of such products. 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 on an existing property in an industrial district in which similar uses commence.

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 could be related to truck traffic and loading of materials off-site, however truck traffic is considered a character of this district and adjacent properties utilize similar traffic patterns. Vibration and illumination are not typically related to the use of a processing and transfer station, especially as the applicant has expressed a desire to minimize signage so as to not draw attention to the property. Dust is not foreseen to be an issue, as the entire parking lot is paved, although striping in the front near the entrance should be updated to reflect ADA requirements.

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. Although the applicant is processing, transferring, and temporarily storing hazardous and biohazardous material, the facility is subject to inspections from the KDHE on a yearly basis to ensure that control and mitigation of hazards are strictly adhered to. If these control measures are maintained, there would be no pollution to the air, land, or water.

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, industrial neighborhood. The property is in close proximity to the Missouri River and is in a recognized floodway, however if properly managed, the transfer of waste during a flood would be negligible.

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

    The relative gain or loss to the public health, safety, and welfare is likely to be substantial due to the health care industries this enterprise serves. If denied, the applicant would need to relocate their business.

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. If the applicant abides by the outlined conditions, undue concentrations of population or overcrowding should not be an issue.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on September 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Biohazard Materials
Environmental Contamination
Biohazardous Material Storage
Landscaping
Traffic
Parking
Industrial District
Security

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit SP2022-088 **for ten (10) years**, subject to:

1) **The following site plan updates are required to meet design criteria and/or ordinance requirements:**
   a) **Per Section 8-250(2) the barbed wire must be adjusted to tilt inward.**
   b) **To provide adequate connectivity per the Northeast Area Master Plan, the sidewalk connecting from the adjacent parcel west shall be continued with a path leading to the front door of the property as indicated on the staff site plan.**
   c) **Per Section 27-700, a maximum of one (1) tree per every 15,000 square feet of site area could be requested. The maximum required trees is nine (9) and staff is proposing three (3) trees be added to the property as indicated on the staff site plan.**
   d) **The front parking stripes shall be re-striped in accordance with Sections 27-667-27-676.**
2) **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.**
3) **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. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle.

4) **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;**
5) **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.**
6) **The Subject Property has been identified as being within a floodplain and/or floodway. 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. This may result in additional building, plan, or site changes as required.**
7) **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
8) **The Applicant 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) **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) **A Right-of-Way Permit may be 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) **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**
14) **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.**
15) **The Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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 **SP2022-088** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Neighborhood Meeting Information
Staff Site Plan Markups
Staff Site Visit Photos Dated September 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Special Use Permit	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-088** 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 **SP2022-088,** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 5:25:45:

SPECIAL USE PERMIT APPLICATION SP2022-088 – JOE DELLOIACOVO WITH CYNTOX LLC - SYNOPSIS: Special Use Permit to operate a medical waste transfer station at 200 Function Road.

Detailed Outline of Requested Action: The applicant, Joe Delloiacovo with Cyntox, LLC, is seeking the approval to continue operations at a medical waste processing and transfer facility. The property has maintained the use for a number of years under the name MedAssure Heartland LLC, but has recently been acquired by Cyntox, LLC, requiring the re-approval of the Special Use Permit, as they are non-transferrable. The processing of medical waste uses moist heat rather than hazardous materials, burning, or combustion. Additionally, there are no harmful air emissions or wastewater pollutants, and the facility is KDHE licensed. The subject property was built in 1959 and includes 18,012 square feet of building space and a large, improved parking area for trucks, storage, and maneuvering. The building consists of multiple tenants, however, this tenant only utilizes the parking area to the west and the rear of the property. The 2012 SUP also included plans for a future treatment plant at the building, however that proposal did not come to fruition and the company only remains only as a transfer station. The applicant is requesting another 10-year renewal as a transfer station under the new company name.

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 October 10, 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:

- Austin Quick, representing the applicant, 16200 Foster Street, Overland Park, Kansas
- Joe Delloiacovo, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:30:22: Planning Director Hand stated that the request is for a medical waste transfer facility. The property is located in the Northeast Area Master Plan in the Fairfax District. Staff has received no letters in support nor in opposition. There are several old Notices of Violation that have been remediated and closed. Staff is requesting the extension of the sidewalk across this property, additional landscaping and other conditions of approval. While there might be multiple tenants in this building, the Planning Commission can apply conditions for improvements to the property as they see fit. Staff recommends approval for 10 years subject to the conditions in the staff report.

Mr. Delloiacovo stated that the upgrades are not areas that they occupy and would be the responsibility of the property owner. Chairman Carson stated that the Applicant will need to discuss with the property owner as they are part of the conditions of approval. Director Hand stated that the applicant has six (6) months to make the improvements. It is Staff's policy that if the improvements are not made, Staff will recommend denial at the time of renewal. He stated that Staff would be agreeable to striking Number 1, items d, e, g and h. Director Hand stated that the application could be held over for one (1) month for the Applicant to discuss the conditions with the landlord if they desire. Mr. Delloiacovo stated that he would like a decision this evening.

Motion starts at 5:37:42:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-088 for ten (10) years striking Number 1, items d, e, g and h:**

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

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

Subject to:

1) **The following site plan updates are required to meet design criteria and/or ordinance requirements:**
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renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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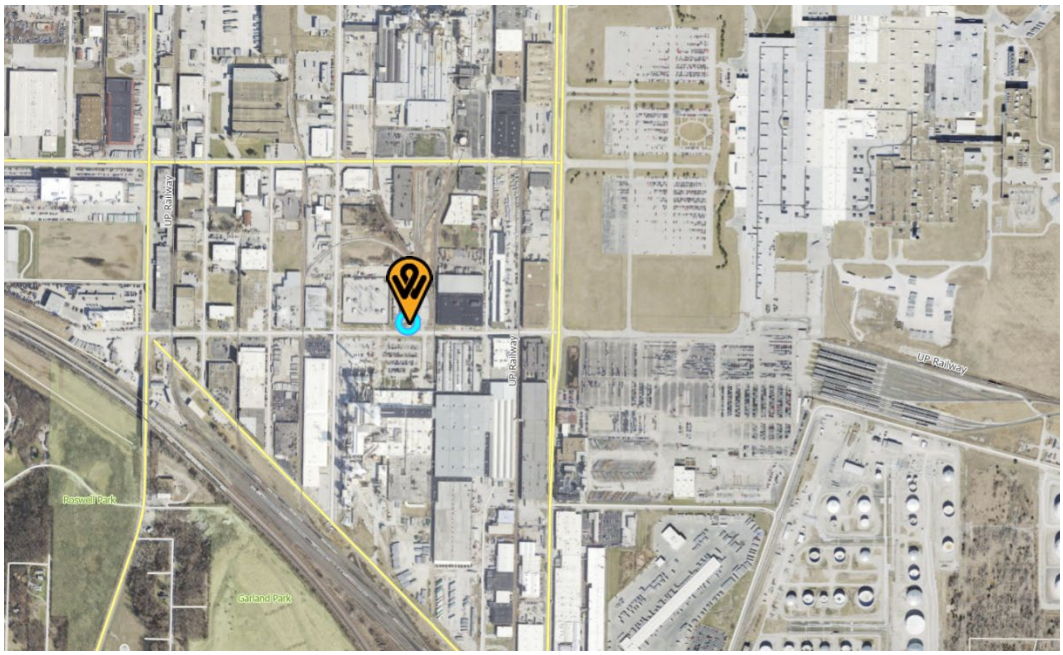
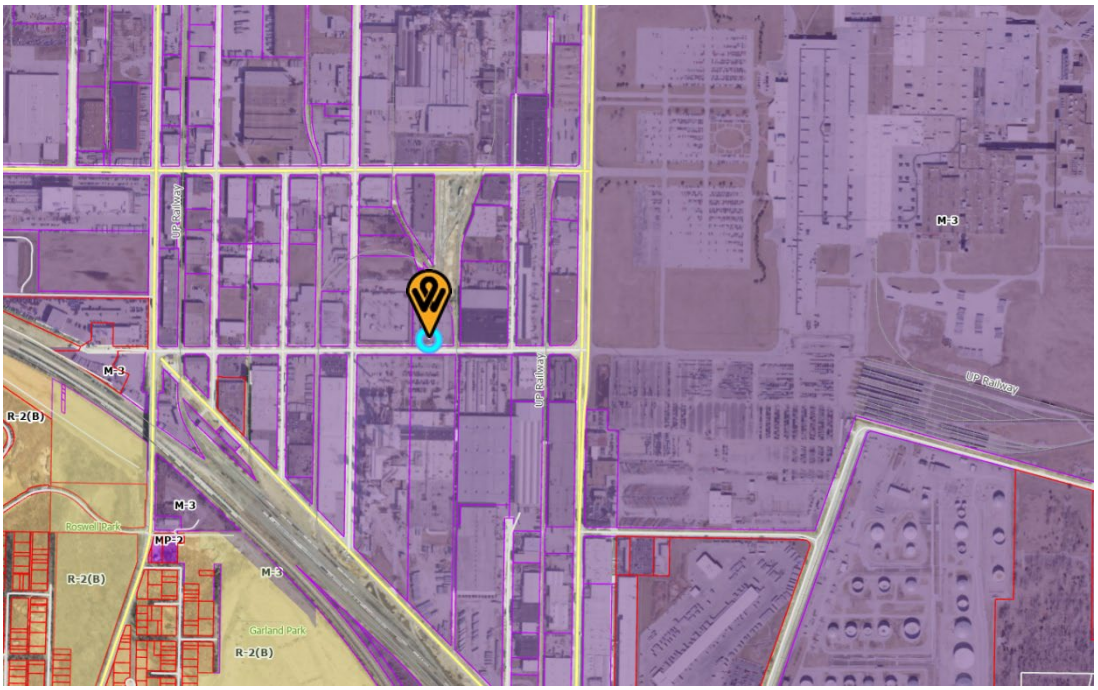
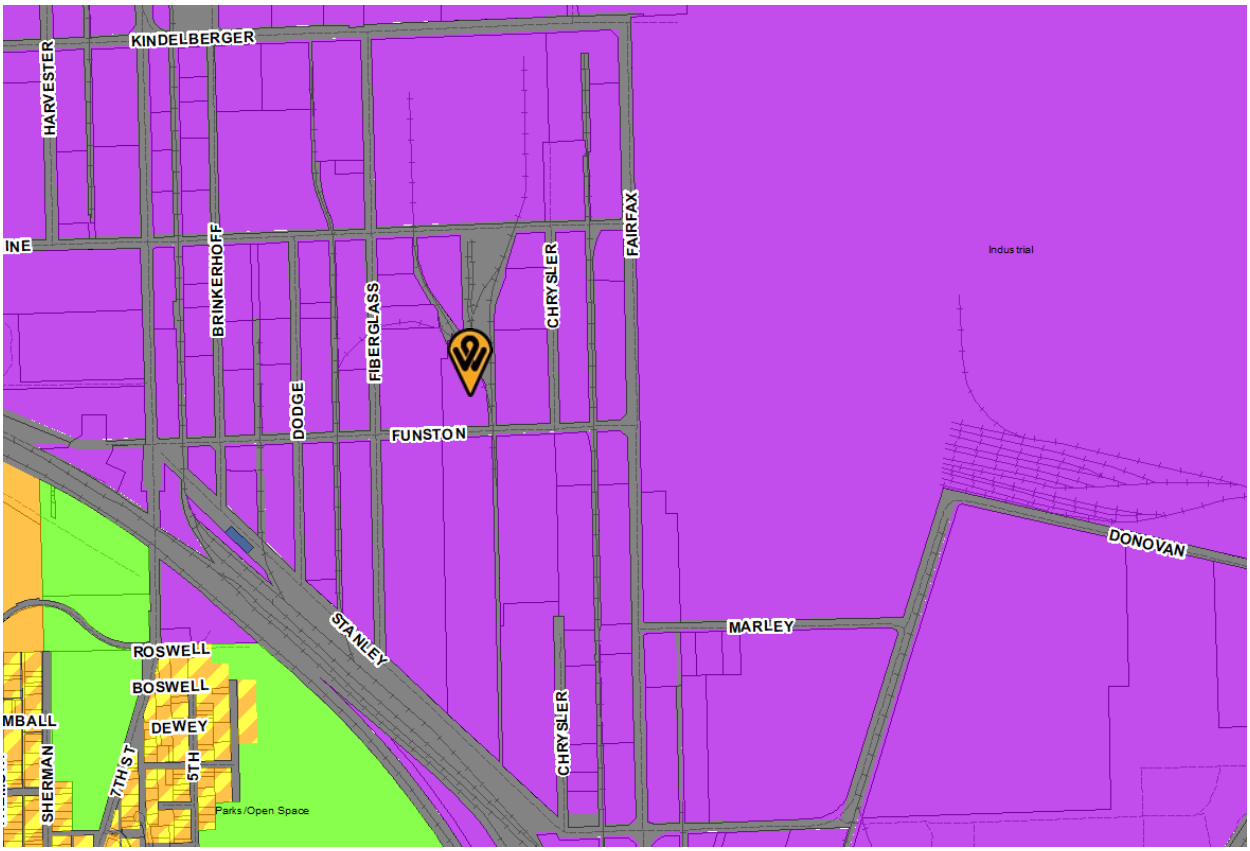
AERIAL MAP



ZONING MAP



LAND USE MAP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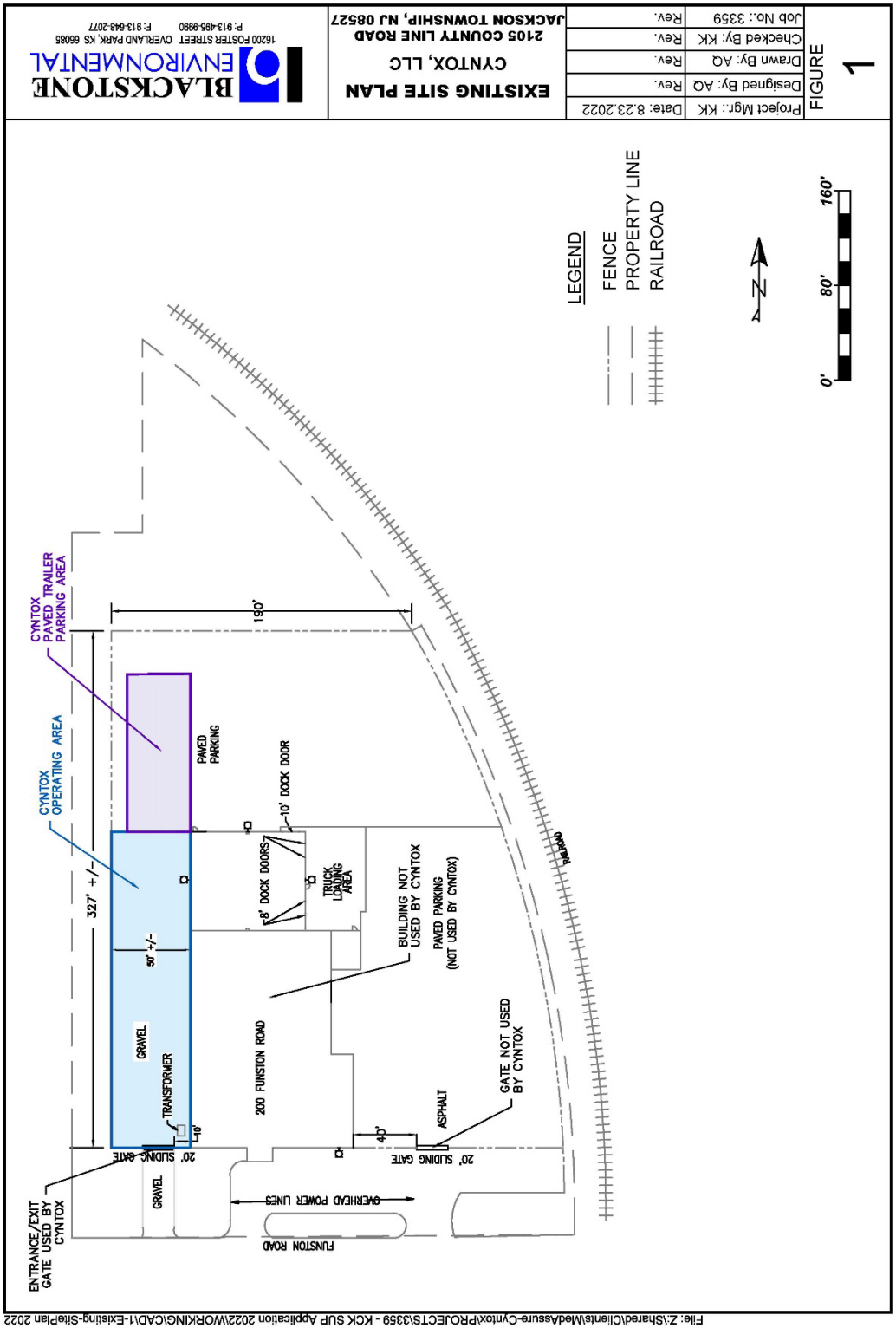
CHRYSLER
FAIRFAX
Industrial
FUNSTON
DONOVAN
MARLEY
STANLEY
ROSWELL
BOSWELL
DEWEY
MBALL
SHERMAN
7TH ST
5TH
Parks/Open Space
CHRYSLER

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

APPLICANT'S SITE PLAN



NEIGHBORHOOD MEETING INFORMATION

September 13, 2022

Adrianne Showalter Matlock
P.O. Box C 172403
Kansas City, KS 66117

SUBJECT: Neighborhood Meeting

Cyntox, LLC has filed an application (Petition Number SP2022-088) with the Unified Government - Department of Urban Planning and Land Use. The purpose of this Special Use Permit (SUP) is to continue to operate a Medical Waste Transfer Station at the following address:

200 Funston Road
Kansas City, KS 66115

We are having a virtual neighborhood meeting on Monday, **September 26** at 4 PM which can be accessed at the following address and login credentials:

https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1
Meeting ID: 299 490 673 172
Passcode: SZ4jMk

The purpose of this meeting is to explain the SUP renewal application and to answer any questions and address any concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact Joe Delloiacovo, Cyntox LLC, via phone at 855-429-6869 ext. 230 or email joed@medassureservices.com, or contact Austin Quick, Blackstone Environmental, via phone at 913-815-6180 or email aquick@blackstone-env.com if you have any questions or require additional information.

Thank you for your assistance and consideration with this submittal.

Sincerely,

BLACKSTONE ENVIRONMENTAL, INC.

Austin Quick, P.E.
Project Manager
aquick@blackstone-env.com

Kyle Kukuk, P.E.
Senior Project Manager
kkukuk@blackstone-env.com

BLACKSTONE ENVIRONMENTAL
16200 Foster St
Overland Park, KS
66085-8418

PHONE 913.495.9990
WEBSITE www.blackstone-env.com

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting Minutes

Application Number__SP2022-088
Date and Location:___9/22/22 virtually via Microsoft Teams___

Meeting called to order at: _4:00 PM____

Names of people in attendance:

- Joe Delloiacovo, Cyntox
- Austin Quick, Blackstone Environmental

Introductions:

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

No introductions or presentations given since only the applicant (Cyntox) and consultant (Blackstone Environmental) were present.

Questions and answers (include the following):

- Who asked question or gave comment **n/a**
- What was the question or comment **n/a**
- Who answered the question/comment **n/a**
- What was the answer given **n/a**

Meeting adjourned at: 4:30 PM

Minutes taken by:___Austin Quick_____

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
) SS:
COUNTY OF _____)

Comes now **Joseph Delloiacovo,** of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-088.
2. That I conducted a neighborhood meeting on 9/22/22 virtually via Microsoft Teams 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.

_____
Affiant

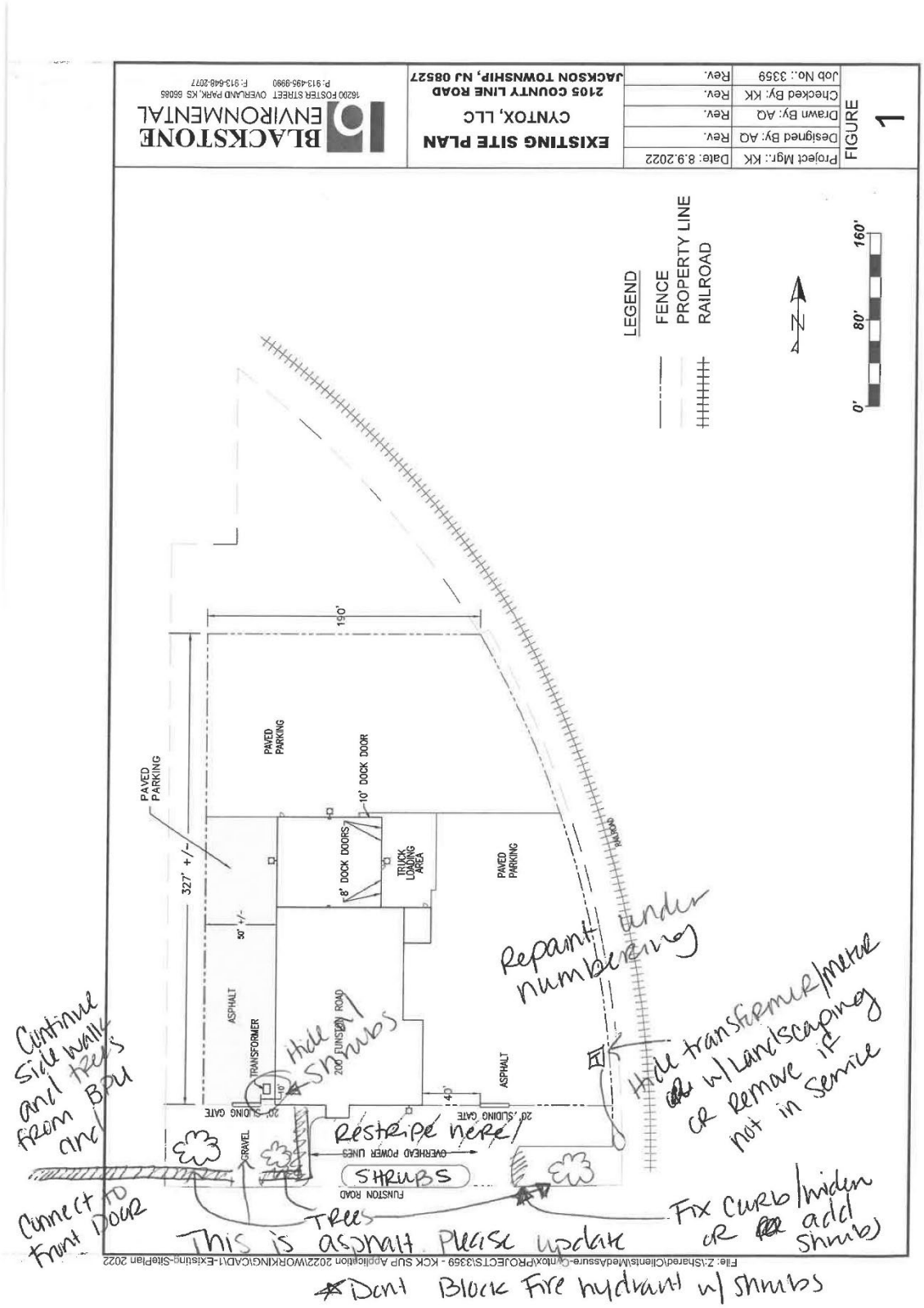
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of September, 2022

My commission expires 3rd of November, 2026.

AMANDA PATALANO - NOTARY PUBLIC No. 2414302 NEW JERSEY My Comm. Exp. November 03, 2026

_____
Notary Public

STAFF SITE PLAN MARKUPS



STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022

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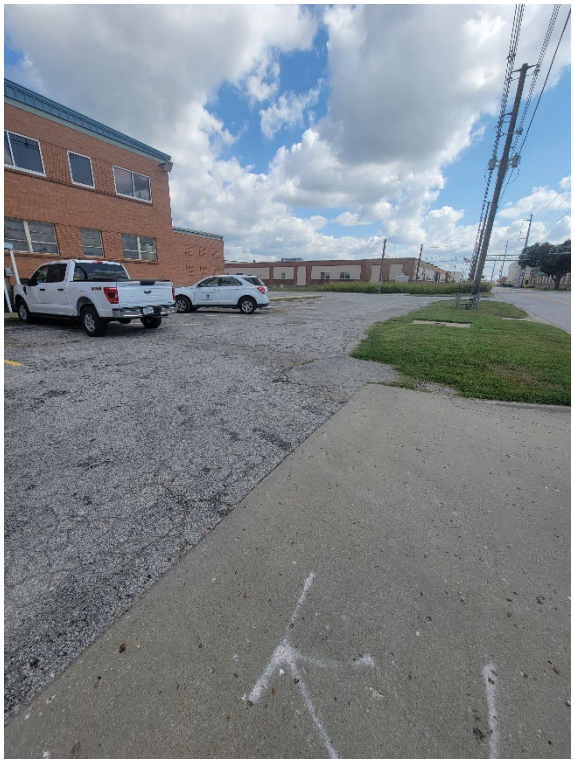


STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022

STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 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: October 27, 2022

Re: **Vacation Petition VAC2022-006**

GENERAL INFORMATION

Applicant:
Patrick Joyce

Status of Applicant:
Applicant
Anderson Engineering
941 West 141st Terrace, Suite A
Kansas City, MO 64145

Requested Action:
Approval of a utility easement vacation.

Date of Application:
August 26, 2022

Purpose:
To vacate a utility easement on the property.

Property Location:
324 and 328 North 64th Terrace
Kansas City, Kansas 66102

Commission Districts:
Commissioner At-Large, District #1: Melissa Bynum
District #8 Commissioner: Andrew Davis

Existing Zoning: R-1 Single-Family District

Adjacent Zoning:	**North:**	Public right-of-way
	South:	R-1 Single-Family District
	East:	R-1 Single-Family District
	West:	R-1 Single-Family District
Adjacent Uses:	**North:**	R-1 Single-Family District
	South:	R-1 Single-Family District
	East:	R-1 Single-Family District
	West:	R-1 Single-Family District

Total Tract Size: 0.33 Acre (324 North 64th Terrace)
0.39 Acre (328 North 64th Terrace)

Master Plan Area: The subject property is within the City-Wide Master Plan.

Master Plan Designation: The City-Wide Master Plan designates the subject property as Low-Density Residential, which allows for single-family residential development.

Major Street Plan: The Major Street Plan designates North 64th Terrace as a Local/Neighborhood Street.

Parking Requirement: Section 27-454(e) states ”two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport.

Required Parking: Two (2) Spaces
Provided Parking: Two (2) Spaces

Advertisement: Wyandotte Echo – September 15, 2022
Letters to Property Owners – September 16, 2022

Public Hearings: October 10, 2022 and October 27, 2022

Public Support: None to date.

Public Opposition: One person appeared at the October 10, 2022 City Planning Commission meeting with questions.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Patrick Joyce with Anderson Engineering, is requesting to vacate a portion of a utility easement at 324 and 328 North 64th Terrace.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. The applicant pulled several permits related to the construction of new single-family residences, including plumbing, mechanical, and electrical permits.

FACTORS TO BE CONSIDERED

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

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity, as the property has already been developed and this vacation is vacating an unutilized utility easement.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is provided by the UG.

c. Storm water control

The UG provides Storm Water Control.

d. Police

Police service provided by Midtown Patrol, District #222

e. Fire

Fire service provided by Station #2, which is one (1) mile away from the subject property.

f. Transit

Transit is provided by Kansas City ATA Route 199, a micro-transit service, which provides door to door service.

g. Schools

Education is provided by Oak Grove Elementary, Turner Middle School, and Turner High School, of Turner USD 202.

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

North 64th Terrace is existing and already 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. The Public Works Department or the County Surveyor may make additional comments.

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.

This vacation would increase the amount of buildable space on the parcel, and thereby its ability to afford adequate light, open space, or air to facilitate fire protection, and to provide long-term sustained real estate values.

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

This is an existing, built-out neighborhood consisting of single-family residences. There is no new development proposed by this vacation.

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.***

   There are no sites for schools, parks, playground or other community services because this is an alley vacation, which only impacts the applicant's property.

7. ***Vacation will not create utility conflicts.***

   This vacation will reduce the width of the utility easement, however, should not create any utility conflicts, as the vacated portion is unused. The Public Works Department is reviewing if there are utility conflicts.

KEY ISSUES

Utilities in Easement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Vacation VAC2022-006, subject to:

1. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building;**
2. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
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. **The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities,**

including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2022-006** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Survey of Subject Property
Site Photos, provided by Staff, dated September 9, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Vacation	Approval	

STAFF CONTACT: **James Molloy, Planner**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2022-006,** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2022-006**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 5:39:00:

VACATION APPLICATION VAC2022-006 – PATRICK JOYCE WITH ANDERSON ENGINEERING - SYNOPSIS: Vacation of a utility easement at 324 and 328 North 64th Terrace.

Detailed Outline of Requested Action: The applicant, Patrick Joyce with Anderson Engineering, is requesting to vacate a portion of a utility easement at 324 and 328 North 64th Terrace.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 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:

- Patrick Joyce, applicant, Anderson Engineering

Present in Opposition/Questions:

- Kyle Richmond, 6410 Riverview, Kansas City, Kansas 66102

Staff Recommendation starts at 5:42:32: Planning Director Hand stated that this is a utility easement request. The property has already been through the lot split process where the property line was changed and a new utility easement was rededicated down the property line. When the property line was moved a 5' easement on both sides was created so the single-family parcels maintain 5' utility easements. This request is to remove the excess easement on either side of the new property line. The request does not change anything for the member of the public in attendance's property. Staff recommends approval subject to the conditions in the Staff report.

Motion starts at 5:43:42:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2022-006:**

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

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

Subject to:

1. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building;**
2. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
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**

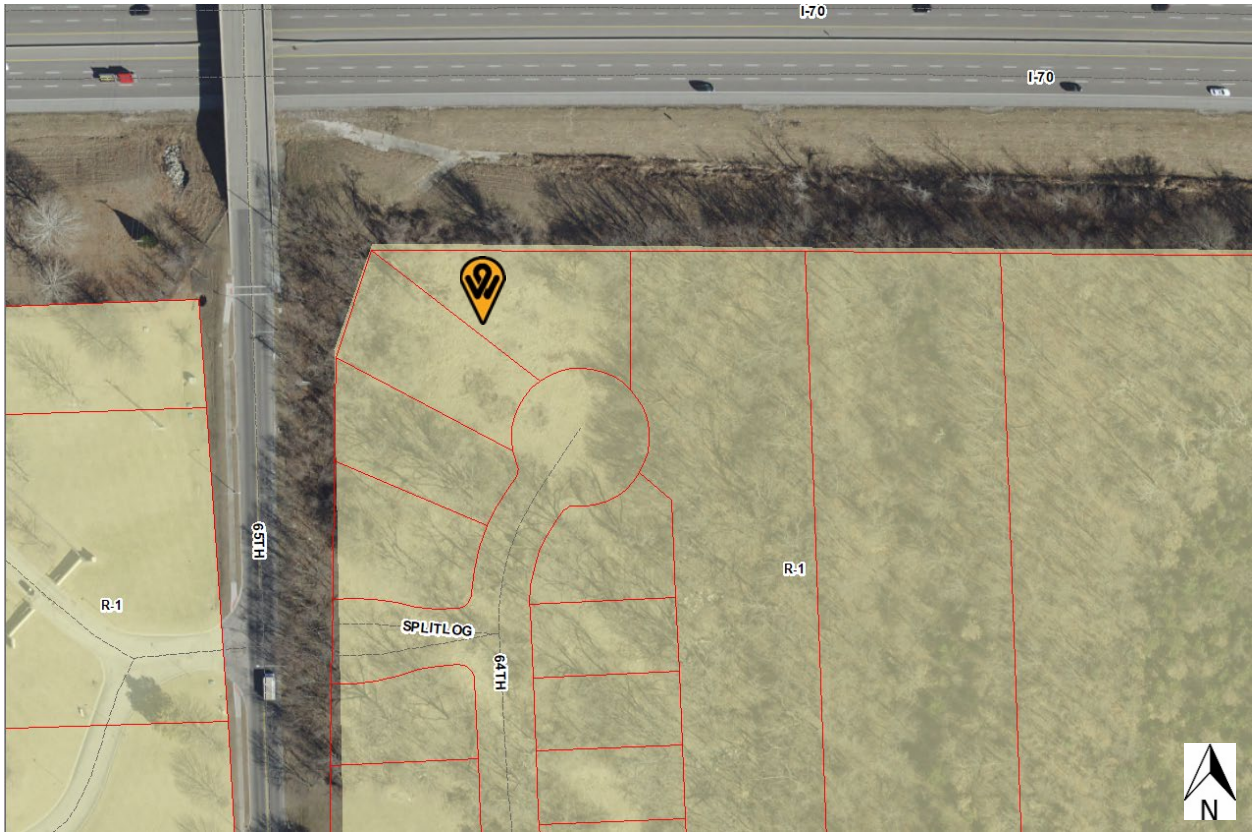
applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be 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. **The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;**
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; and,**
6. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

ATTACHMENTS

AERIAL IMAGERY

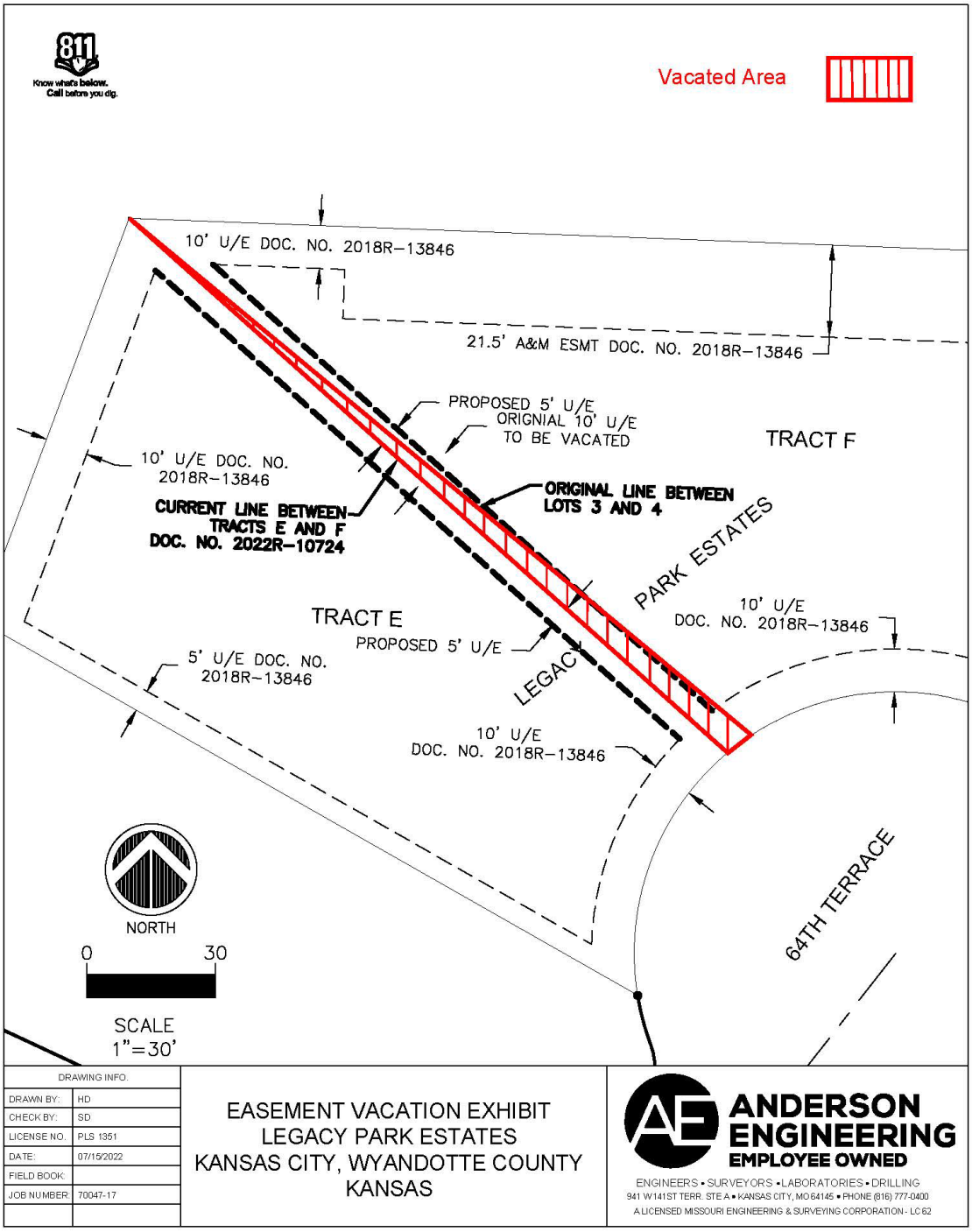
ZONING MAP



LAND USE MAP

I-70
Right-of-Way
I-70
65TH
Public/Semi-Public
Low-Density Residential
SPLITLOG
64TH
N

SURVEY OF SUBJECT PROPERTY, PROVIDED BY ANDERSON ENGINEERING



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 9, 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: October 27, 2022

Re: **Preliminary Plan Review Petition PR2022-020**

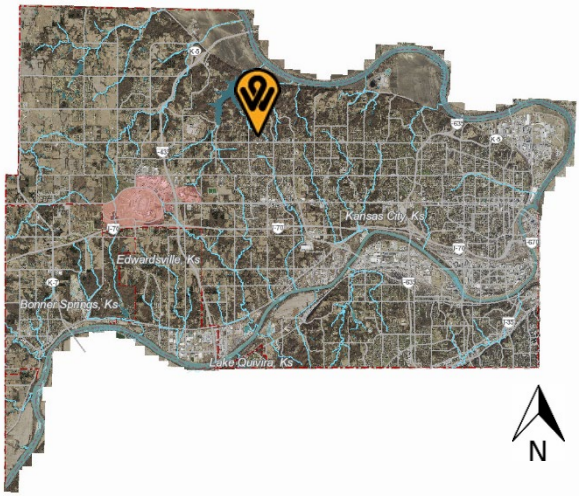
GENERAL INFORMATION

Applicant:
Fernando Gomez

Status of Applicant:
Contractor
Envision Construction INC
12438 Slater Street
Overland Park, Kansas 66213

Requested Action:
To approve a Preliminary Plan Review.

Date of Application:
May 27, 2022



Purpose:
Preliminary Plan Review to construct a parking lot at 2907 North 81st Street.

Property Location:
2907 North 81st 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
Existing Uses:	**North:**	Single-Family Residence
	South:	Single-Family Residence
	East:	Single-Family Residence
	West:	Single-Family Residence
Total Tract Size:	2.7 Acres	
Master Plan Area:	The City-Wide Master Plan	
Master Plan Designation:	The City-Wide Master Plan designates this property as Public/Semi-Public, which allows schools, publicly owned lands and buildings, churches, other non-for-profit owned land and buildings.	
Major Street Plan:	The Major Street Plan designates North 81st Street and Roswell Avenue as a Local Street.	
Parking Requirement:	Sec 27-667(a)(4) states that Churches and Chapels shall have “one space for each six seats or nine linear feet of seating area”. It is unclear how many spaces are required; Applicant will need to provide seating information. 44 off-street parking spaces are provided for members of the congregation and church staff. Additionally, 15 parking spaces are provided along Roswell Avenue, bringing the total number of spaces to 59. The proposal will add an additional 14 spaces, bringing the total number of spaces to 73 spaces.	
Advertisement:	Property Owner Letters – June 16, 2022, July 11, 2022, July 31, 2022, and September 1, 2022 Wyandotte Echo – Not Required	
Public Hearings:	October 10, 2022 and October 27, 2022	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Fernando Gomez, is requesting a Preliminary Plan Review to construct a parking lot with 13 parking spaces and a crosswalk at 2907 North 81st Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None to date.

Building, Zoning, or Code Enforcement Complaints:

1. There was one (1) code enforcement case by Property Maintenance Compliance for trash laying next to a trash can. This violation has been corrected.
    a. 2022 - ENV22-1039 – Code Enforcement Citation for trash.

Outstanding or Related Permits and Cases:

1. None to date.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This is an established neighborhood which consists of mostly single-family and two-family residences, with generous setbacks and both small and large lots.

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

The proposed use will not increase traffic or parking demand that would create parking problems. In fact, the plan would increase parking spaces and alleviate any existing parking problems. The proposed plan, however, may create problems with safety, as the proposed entrance off of Roswell Avenue at the North end of the proposed parking lot has the potential to create issues with sight-distance, bottlenecking, and vehicle turning radius. The applicant has proposed a plan that would have traffic enter off of Roswell and exit through the existing driveway, which would reduce the potential for bottlenecking, sight-distance concerns, but would still present a challenge for vehicle turning radius.

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

   The proposed use of the property conforms to the master plan. The City-Wide Master Plan designates this property as Public/Semi-Public, which allows uses such as and including publicly owned or non-profit property. The property will remain a church; This proposal seeks to construct a new parking lot in front of the structure.

4. ***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***

      The UG provides sanitary sewer service.

   c. ***Storm water control***

      The UG provides storm water control, with an inlet located at North 81st Street & Yecker Avenue.

   d. ***Police***

      Police service is provided by the West Patrol, District #225

   e. ***Fire***

      Fire service is provided by Station #4, located 0.5 miles away from the subject property.

   f. ***Transit***

      Transit service is provided by KCATA Routes #113 – Leavenworth Road, with a transit stop at 81st & Leavenworth, 0.25 miles away, and #116 – West Parallel, with a transit stop at 81st & Parallel, 0.75 miles away.

   g. ***Schools***

      Education is provided by Bethel Elementary School, Eisenhower Middle School, and Washington High School, under Kansas City, Kansas USD 500.

5. ***The capability of the proposed use to meet applicable ordinance and other requirements.***

   With a revision of the proposed plan, the proposed uses are capable of meeting applicable ordinance and other requirements. The proposed plan will return with a Final Development Plan, which will require further revisions.

PREVIOUS ACTIONS

There have been no previous actions on the subject property.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Safety
Parking
Site Design
Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review PR2022-020, subject to:

1. **36 inch tall, all-season landscape berms shall be installed every three (3) feet along the west-side of the property, to allow screening from headlights, which would shine into the adjacent residential properties;**
2. **Landscaping shall be installed along the southern edge of the parking lot located behind the church;**
3. **The applicant shall utilize pervious surface for the new parking lot and drive isle, as to prevent additional water run-off from the new parking lot;**
4. **The applicant shall apply for a Final Development Plan;**
5. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
6. **A 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. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
8. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
9. **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;**
10. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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,**
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.**

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 **PR2022-020** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Plot Plan
Site Plan
Wyandotte County Conservation District Comments, Dated June 14, 2022
Applicant Response to Draft Comments
Site Photos, provided by staff, Dated June 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Preliminary Plan	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-020** 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 **PR2022-020,** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 5:50:52:

PLAN REVIEW APPLICATION PR2022-020 – FERNANDO GOMEZ WITH ENVISION CONSTRUCTION - SYNOPSIS: Preliminary Plan Review for the construction of a parking lot at 2907 North 81st Street.

Detailed Outline of Requested Action: The applicant, Fernando Gomez, is requesting a Preliminary Plan Review to construct a parking lot with 13 parking spaces and a crosswalk at 2907 North 81st 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 October 10, 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:

- Fernando Gomez, applicant, Bishop Construction

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:53:05: Planning Director Hand stated that the request is to construct a parking lot for a church. This is a preliminary plan review so a final plan review will be required. The proposed parking is for additional ADA and/or close-in elderly parking. There are existing parking lots on-site and Staff tried to have the applicant consolidate the parking areas as it is dangerous backing out onto Roswell Avenue and this new lot appears duplicate of close-in ADA access from the current lot, but the Applicant was not in agreement. Staff included conditions for landscaping to screen the homes across 81st Street. Staff recommend approval subject to the conditions in the staff report.

Motion starts at 5:54:58:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-020:**
Carson Chairman

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

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

Subject to:

1. **36 inch tall, all-season landscape berms shall be installed every three (3) feet along the west-side of the property, to allow screening from headlights, which would shine into the adjacent residential properties;**
2. **Landscaping shall be installed along the southern edge of the parking lot located behind the church;**
3. **The applicant shall utilize pervious surface for the new parking lot and drive isle, as to prevent additional water run-off from the new parking lot;**
4. **The applicant shall apply for a Final Development Plan;**
5. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
6. **A 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. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
8. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
9. **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;

10. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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,**
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.**

ATTACHMENTS

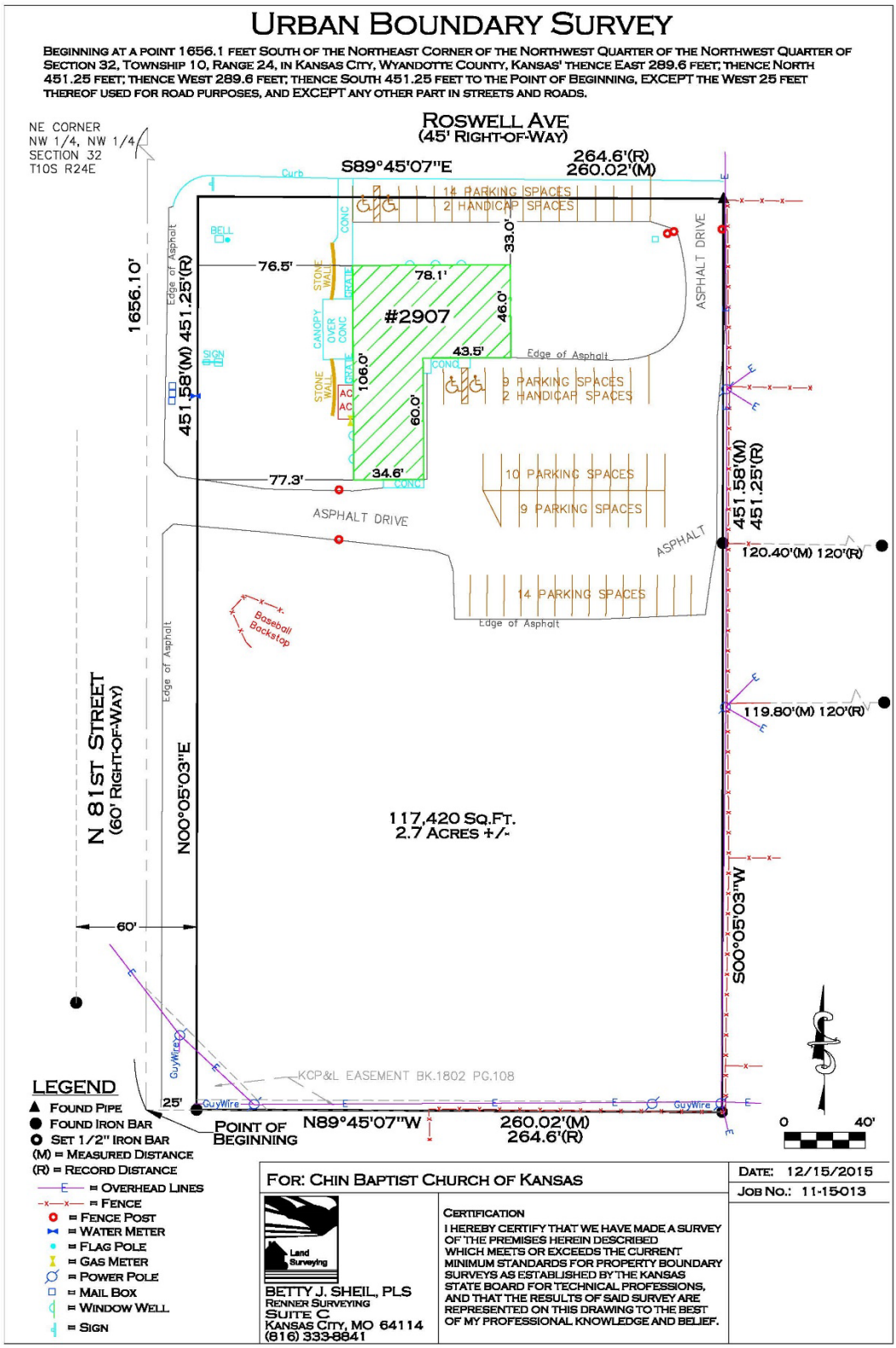
AERIAL IMAGERY

ZONING MAP

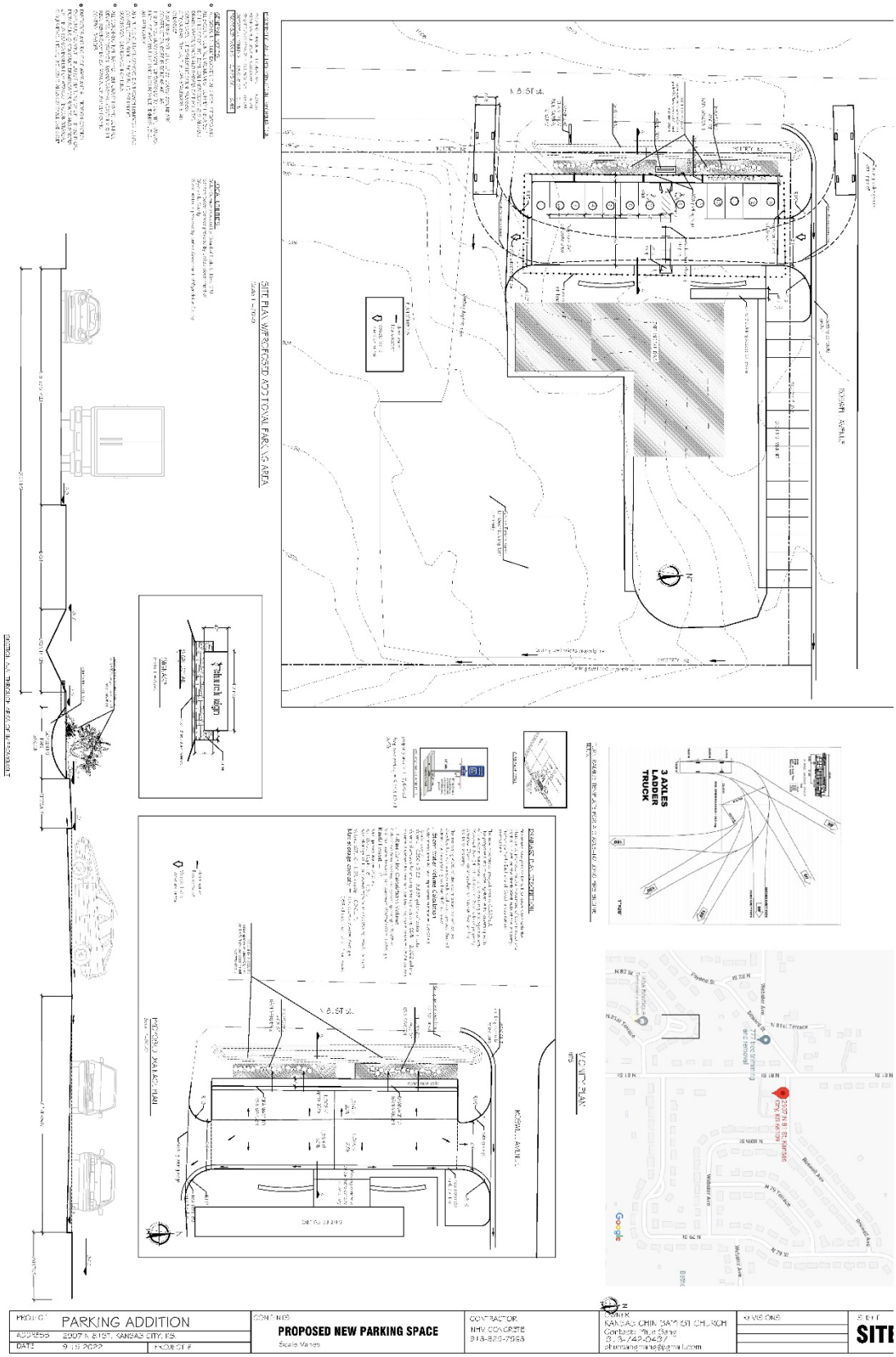
LAND USE MAP

ROSWELL
SEWARD
31ST
WEBSTER
30TH
30TH
WEBSTER
Public/Semi-Public
Single-Family Residential
Multi-Family Residential
N

PLOT PLAN


URBAN BOUNDARY SURVEY
BEGINNING AT A POINT 1656.1 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 10, RANGE 24, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS' THENCE EAST 289.6 FEET; THENCE NORTH 451.25 FEET; THENCE WEST 289.6 FEET; THENCE SOUTH 451.25 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 25 FEET THEREOF USED FOR ROAD PURPOSES, AND EXCEPT ANY OTHER PART IN STREETS AND ROADS.
ROSWELL AVE
(45' RIGHT-OF-WAY)
NE CORNER
NW 1/4, NW 1/4
SECTION 32
T10S R24E
S89°45'07"E
264.6'(R)
260.02'(M)
14 PARKING SPACES
2 HANDICAP SPACES
ASPHALT DRIVE
#2907
9 PARKING SPACES
2 HANDICAP SPACES
10 PARKING SPACES
9 PARKING SPACES
14 PARKING SPACES
ASPHALT DRIVE
Edge of Asphalt
1656.10'
451.58'(M) 451.25'(R)
76.5'
78.1'
33.0'
46.0'
43.5'
106.0'
60.0'
77.3'
34.6'
451.58'(M)
451.25'(R)
120.40'(M) 120'(R)
119.80'(M) 120'(R)
Baseball Backstop
N 81ST STREET
(60' RIGHT-OF-WAY)
N00°05'03"E
S00°05'03"W
117,420 SQ.FT.
2.7 ACRES +/-
60'
25'
KCP&L EASEMENT BK.1802 PG.108
POINT OF BEGINNING
N89°45'07"W
260.02'(M)
264.6'(R)
0
40'
LEGEND
FOUND PIPE
FOUND IRON BAR
SET 1/2" IRON BAR
(M) = MEASURED DISTANCE
(R) = RECORD DISTANCE
= OVERHEAD LINES
= FENCE
= FENCE POST
= WATER METER
= FLAG POLE
= GAS METER
= POWER POLE
= MAIL BOX
= WINDOW WELL
= SIGN
FOR: CHIN BAPTIST CHURCH OF KANSAS
DATE: 12/15/2015
JOB NO.: 11-15013
Land Surveying
BETTY J. SHEIL, PLS
RENNER SURVEYING
SUITE C
KANSAS CITY, MO 64114
(816) 333-8641
CERTIFICATION
I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE KANSAS STATE BOARD FOR TECHNICAL PROFESSIONS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

SITE PLAN



PROJECT
PARKING ADDITION
ADDRESS
2007 N 8 1ST, KANSAS CITY, KS.
DATE
9 15 2022
PROJECT #
CONTENTS
PROPOSED NEW PARKING SPACE
Scale Varies
CONTRACTOR
NHV CONCRETE
913-825-7563
OWNER
KANSAS CHIN BAPTIST CHURCH
Contact: Phun Sang
913-742-0487
phunsangmang@gmail.com
REVISIONS
SITE
3 AXLES LADDER TRUCK
SITE PLAN W/PROPOSED ADDITIONAL PARKING AREA
N 8 ST ST.
ROSWELL AVENUE

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

June 14, 2022

RE: PR2022-020 Fernando Gomez for a Parking lot at 2907 North 81st Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: -020 Fernando Gomez for a Parking lot at 2907 North 81st Street.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Marshall silt loam, 5 to 8 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover.
- There was no Erosion Control Plan in the information we received.
- During construction, silt fence on the south side will be needed.
- There was no contour maps with the plans but it appears that the natural slope is to the south. The north part of the parking lot will not flow to Roswell Avenue as shown on the plans without major grading.
- The rain gardens idea is great but it is in the ditch off 81st Street. There are no curbs on 81st Street so everything on the street and the parking lot will flow into the rain gardens. This causes a major maintenance problem for the rain gardens. The plans show the overflow of rain gardens onto 81st Street which is higher now than the ditch. These plans may need to be designed again.
- The plans show runoff flowing south. This may cause problems with runoff either crossing the driveway or running down into the existing parking lot. This added run could cause an erosion problem.

- The Best Management Practices in this report can be used to solve any erosion concerns 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

PETITION PR 2022-020 NEW PARKING LOT
2907 N. 81ST ST. Kansas City, KS

COVER LETTER
Plan Preview Petition PR2022-020
RESPONSE TO STAFF COMMENTS

-Planning and Urban Design Comments

1- The Sanctuary **max occupancy is 240** requiring 40 parking spots.
existing 59 parking spots at the property account for a max. occupancy of 354, if six seats per parking spot is considered for the entire building.
Church attendance has been negatively impacted by the Covid pandemic. There is also a visible aging pattern of congregation, which demands increase in accessible parking.

2- The proposed parking, is intended for increasing accessible parking to the main floor's Sanctuary from parking areas located at the same level

3- Currently, most of the areas designated for parking in the south East side of the church building has direct access to lower floor instead of the upper floor where Sanctuary is located

4- This increase of parking will not affect current traffic or attendance

5- The current plan is a need for this congregation to keep current attendance.
The applicant is willing to change plan, regarding storm water management. The alternate plan is to consider using pervious paving in order to minimize water run off derived from project.
This alternate should go to internal approval of congregation as construction cost will increase over proposed plan which may not be economically feasible.

6- To prevent vehicle traffic bottlenecks at entrance to parking from Roswell Ave.
The revised proposal considers a 1-way traffic through proposed parking, entering from Rosewell Ave and existing on existing internal road which connects to 81st St. for existing.

7- Proposed landscaping has been moved to withing property limits

8- The Existing Church Sign on 81st St. will need to be relocated or replace by new one shown in Site Plan Proposal

9- South East existing parking will remain as is currently.

10- Trash enclosure will be built around new location on South East of property existing parking area

-Planning Engineering Comments

See attached response letter to Travis Trumble for engineering comments

-Wyandotte County Conservation District Comments

1- See revised Site Plan for erosion control plan
2- See note at revised Site Plan for erosion control info during construction
3- See revised Site Plan for contour (elevation lines).
4- Revised Site Plan shows existing ditch close to 81 st.
Rain garden is East of ditch. Rain garden is intended to screen parking lot from 81 st. Rain garden will receive under 40% of total storm water run off from new project. Additionally, to serving as natural screen, proposed Rain Garden can storage around 60% of the total received storm water per rain event of 1"
5- Revised Plans show a 30% of run-off being conducted to the South side of new parking lot. The plan is not to change any of the existing conditions as most of runoff is currently dispose to the East side of property allowing for natural movement of Storm water. Plan includes a rolled curb on the East side of existing internal road in order to manage storm water away from existing terrain drop on the south of internal road.
6- Best practices of erosion control will be used during construction.

-Standard Conditions

All standards conditions will be met for signage permit, building permit,

UG curb cuts standards, right of way permit, trash enclosure requirements.

Project is under 1 acre of land disturbance. Land disturbance permit is not required

Sincerely,

Fernando Gomez

ENVISION CONSTRUCTION, INC.

913-530-0197

RESPONSE LETTER

To: TRAVIS TRUMBLE

Project Engineer

Wyandotte County Planning and Urban Design

Date: 9/13/2022

Mr. Trumble,

You will find in this document our responses to your comments on the General Engineering Review Memorandum, from June 15th regarding the proposed project for a new Parking Lot (PR 2022-020) for an existing Church located on 2907 N 81st Street, Kansas City, KS.

1- A silk fence layout has been added to the proposed Site Plan in order to address Erosion Control on the site during construction
2- A vicinity map has been included to the proposed plan as well as charts showing changes in impervious areas, Project Owner and utility contact information
3- A note on erosion control on public space has been added to proposed
4- A note regarding all require permits was added to General Comments on proposed site plan sheet.
5- Site Plan drawings comply with Wyandotte County, Kansas, Technical Provisions specifications per UG 4100-G
6- Turning radius dimension lines were added to proposed drive ways and proposed new parking areas Kansas
7- A note regarding re-construction of any public curb or concrete approach work altered or damaged during construction
8- All construction traffic, temporary traffic control devices, and pavement markings shall conform to the requirements of the latest manual of the Uniform Traffic Control Devices
9- A 3 axle, 46' L. Fire engine template has been added to the proposed Site Plan as well as the template to scale showing access to proposed parking area
10- All proposed parking spaces, pedestrian ramp, striped walk areas and side walks comply with ADA requirements, see Site Plan.
11- All new construction will be on the side of the existing church building and existing parking areas.
Work areas will be enclosed by an erosion control silt fence which will allow the church to remain open while building new parking area.

Sincerely,

Fernando Gomez

ENVISION CONSTRUCTION, INC.

913-530-0197

Date: 9/7/22

Fernando Gomez/Envision Construction, Inc.
12438 Slater St.
Overland Park, KS.66213

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use **# PR 2022-020**. The purpose of this:

- **special use permit**

Permit request is for: **a Thirteen (13) Vehicle, Open Parking Area Addition to an Existing Religious Campus**
at the following address: 2907 N 81 st, Kansas City, KS.

Fernando Gomez /Envision Construction, Inc. is inviting you to a scheduled Zoom meeting.

Topic: 2907 N 81 ST- 13 Vehicle Parking Lot Addition to an Existing Religious Campus
Time: Sep 26, 2022 05:30 PM Central Time (US and Canada)

Join Zoom Meeting
https://us05web.zoom.us/j/85427106568?pwd=ZkZmaGNoRm9FUzVaV1JaeTFBUGdVUT09
Meeting ID: 854 2710 6568
Passcode: AsK9DE

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,
Fernando Gomez
ENVISION CONSTRUCTION, INC.
913-530-0197
fernando@envisioncon.com

MINUTES:

Application Number **PR 2022-020**.
Date and Location: Sept. 26th, 2022
Link:
https://us05web.zoom.us/j/85427106568?pwd=ZkZmaGNoRm9FUzVaV1JaeTFBUGdVUT09

Meeting called to order at: 5:30 p.m.

Names of people in attendance: No public attendance at virtual meeting

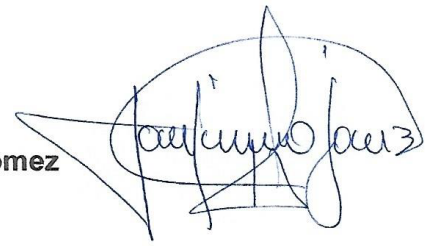
Introductions:
No introduction was made as there was no attendance at the virtual meeting

Presentation by applicant and/or team:
Since there was not attendance no presentation was made

Questions and answers :
Since there was not attendance no questions were made

Meeting adjourned at: 6:30 p.m.

Minutes taken by: **Fernando Gomez**



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF **KANSAS**

COUNTY OF **JOHNSON**

Comes now **FERNANDO J GOMEZ**, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition **# PR 2022-020**.
2. That I conducted a neighborhood meeting on **09-26-2022**.
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 27th day of Sept, 2022

My commission expires April of 23rd, 2024.

Notary Public

PHIL THOMSON
Notary Public-State of Kansas
My Appt. Expires 04/23/24

SITE PHOTOS, PROVIDED BY STAFF, DATED JUNE 6, 2022

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

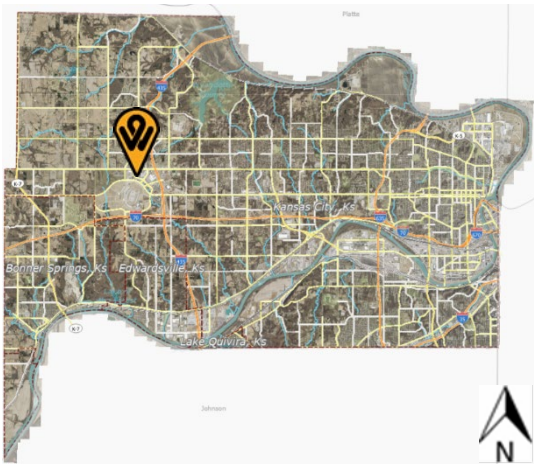
Date: October 27, 2022

Re: **Petition PR2022-027 Preliminary and Final**

GENERAL INFORMATION

Applicant:
Heather Trower with Legacy Development, LLC

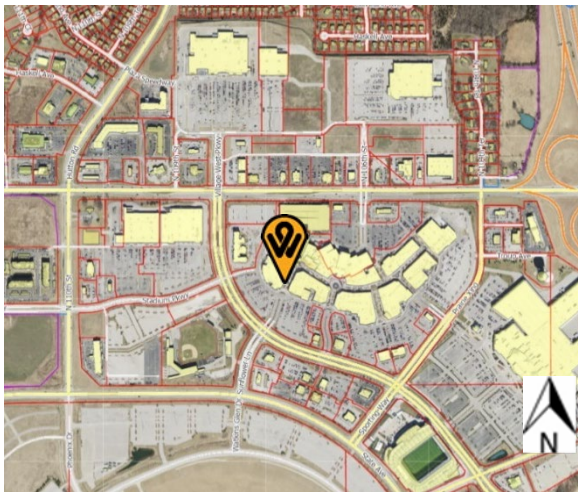
Status of Applicant:
Representative
Phelps Engineering, Inc.
1270 North Winchester
Olathe, KS 66061



Requested Action:
Approval of a Preliminary and Final Development Plan

Date of Application:
July 29, 2022

Purpose:
To build a two (2) tenant, 6,400 square foot restaurant building



Property Location:
1875 Village West Parkway

Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #7 Commissioner: Chuck Stites

Existing Zoning: CP-2 Planned General Business District

Adjacent Zoning:	**North:**	CP-2 Planned General Business District
	South:	CP-2 Planned General Business District
	East:	CP-2 Planned General Business District
	West:	CP-2 Planned General Business District
Adjacent Uses:	**North:**	The Legends Outlets
	South:	Restaurant (Hooters) – across Village West Parkway
	East:	The Legends Outlets
	West:	The Legends Outlets

Total Tract Size: 45.82 Acres

Master Plan Area: Prairie Delaware Piper Master Plan

Master Plan Designation: The City-Wide Master Plan designates this property as Commercial District which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

Major Street Plan: The Major Street Plan classifies Village West Parkway as a Class B Thoroughfare.

Required Parking: Sec. 27-668(a)(5) One (1) space for each 50 square feet of seating area, plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces. 16 parking spaces are provided.

Without a floor plan, staff cannot determine how many parking spaces are required for seating and back-of-house area.

Advertisement: Property Owner Letters – August 19, 2022 and September 1, 2022
Wyandotte Echo – None Required

Public Hearings: October 10, 2022 and October 27, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Heather Trower with Legacy Development, LLC, wants to build a two (2) tenant restaurant, 6,400 square foot building and plat on (1) commercial lot (approved) on 0.58 acres at 1875 Village West Parkway.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The subject property is commercial in nature as it is within The Legends Outlets shopping center with several retail pad sites along Village West Parkway. The proposed site is a parking lot, which will redeveloped to create a pad site, similar to other parcels along the Village West corridor.

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

   There will be additional traffic due to the stacking in the drive-thru lane that may extend into the drive aisle, but will be contained within the center and not spill out to the entrance drive and Village West Parkway. Streets are already designed to provide a safe, convenient, and functional system for vehicular traffic.

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

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

4. ***The capability of the proposed use to meet applicable ordinance and other requirements.***

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

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

   The applicant has provided documentation regarding grading, erosion control, and stormwater runoff management. Abridged versions of some of this documentation can be found in the “Attachments” section of this report.

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

   a. Water service

   Water service is provided by BPU.

   b. Sanitary sewer service

   Sanitary sewer service is provided by the UG.

   c. Storm water control

   To be designed to meet City Code.

   d. Police

   Police service provided by West Patrol, District #225.

   e. Fire

   Fire service provided by Station #6.

   f. Transit

   Kansas City ATA provides transit service along Village West Parkway, Route #116. The transit stop is 300 feet northwest on Village West Parkway.

g. Schools

Public education service provided by Piper USD 203.

7. 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 building is being constructed closer to Village West Parkway, as per the Commercial Development Guidelines Overly District (CDGOD). There is access to the building from all sides to facilitate fire protection and provide for long-term sustained real estate values.

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

The site is currently a paved parking lot. The proposal includes a plan for landscaping around the building and preserving existing shrubs and trees along Village West Parkway.

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

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

PREVIOUS ACTIONS

Numerous applications for development have been submitted for The Legends Outlets.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on September 26, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking Calculation
Building Architecture
Landscaping
Pedestrian Connection

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review PR2022-027, subject to:

1. **One (1) space for each 50 square feet of seating area, plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces;**
2. **Greater emphasis should be placed on pedestrian connectivity to the interior part of the Legends Outlets, guests walking within the development should not have to drive to these restaurants. See Granite City, Vision Works, and Village West Dentistry pad site as an example.**
    a) **Add a sidewalk/pedestrian path from east side the main entrance drive, off Village West Parkway to the front door of the building;**
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 boundaries of the plat;**
4. **Utility easements shall connect with easements established in adjoining properties;**
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;**
6. **The proposed stucco paneling must be true stucco, not a panel installation system;**
7. **Sec. 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.**
   Review the pad sites around The Legends Outlets and incorporate more modular face brick and fiber cement siding. The primary building material is stucco, per the Exterior Finish Legend, however, the building elevations note EIFS;
8. **Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:**
    a. **Divisions or breaks in materials;**
    b. **Building offsets (projections, recesses, niches);**
    c. **Window bays;**
    d. **Separate entrances and entry treatment; or,**
    e. **Variation in rooflines.**

   The south, east and west elevations do not reflect these aforementioned techniques. Incorporate them into all four sides of the building;

9. **The exterior doors along the sides and rear shall be painted to match the building or a complimentary color as the primary building;**
10. **Downspouts shall be internalized;**
11. **Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must exceed a maximum height of 30 inches at maturity.**
    There are bare patches along Village West Parkway that need to be replanted and enhanced to screen the drive-thru lane from Village West Parkway;
12. **Sec. 27-577(d)(2) At least seventy-five (75) percent of the length of building foundations facing public street, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.**
    The front of the building, facing north needs plantings around the foundation of the building;
13. **Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, six (6) trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines. This does not include the street trees to be planted along Village West Parkway, which is one (1) tree per thirty (30) feet of frontage along a Major Street, trees planted within parking lot islands, and junipers required for screening BPU transformers and ground mounted utilities;**
14. **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);**
15. **All landscaping shall be irrigated;**
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. **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;**
18. **BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback five (5) 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;**
19. **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;

20. **All trash and recycling receptacles shall be enclosed on all sides with an opaque wall lor 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;**
21. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
22. **Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;**
23. **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,**
24. **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.**

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 **PR2022-027** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
County Surveyor Comment Letter
GeoSpatial Services Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Documents
Legends Parking Table
Final Plat
Site Plan
Grading Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photographs taken by Staff on August 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing Preliminary and Final Plan	October 10, 2022 Approval	October 27, 2022
Final Plat	October 10, 2022 Approved	TBD

STAFF CONTACT: Byron Toy, AICP

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-027** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-027** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 5:44:30:

PLAT2022-027 – HEATHER TROWER WITH LEGACY DEVELOPMENT, LLC - SYNOPSIS: Final Plat (The Legends at Village West, Sixth Plat) for one (1) commercial lot at 1875 Village West Parkway.

PLAN REVIEW APPLICATION PR2022-027 - HEATHER TROWER WITH LEGACY DEVELOPMENT, LLC - SYNOPSIS: Preliminary and Final Plan Review to construct a multi-tenant space with a drive-thru at 1875 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Heather Trower with Legacy Development, LLC, wants to build a two (2) tenant restaurant, 6,400 square foot building and plat on (1) commercial lot on 0.58 acres at 1875 Village West Parkway.

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 October 10, 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:

- Judd Claussen, representing the applicant, Phelps Engineering, 1270 North Winchester, Olathe, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:47:45: Planning Director Hand stated that the request is for a final plat and preliminary and final plan review. The property is located in the Prairie-Delaware-Piper Master Plan area. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff has requested the Applicant to follow the Commercial Design Guidelines as well as create a direct connection to the front door of the new two (2) tenant building from Village West Parkway. Staff recommend approval subject to the conditions in the staff report.

Motion starts at 5:48:58:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE PLAT2022-027:**

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

Motion to **APPROVE** Passed: 7 to 0

Subject to:

1. **One (1) space for each 50 square feet of seating area, plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces;**
2. **Greater emphasis should be placed on pedestrian connectivity to the interior part of the Legends Outlets, guests walking within the development should not have to drive to these restaurants. See Granite City, Vision Works, and Village West Dentistry pad site as an example.**
    a) **Add a sidewalk/pedestrian path from east side the main entrance drive, off Village West Parkway to the front door of the building;**
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 boundaries of the plat;**
4. **Utility easements shall connect with easements established in adjoining properties;**
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;**
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    Review the pad sites around The Legends Outlets and incorporate more modular face brick and fiber cement siding. The primary building material

is stucco, per the Exterior Finish Legend, however, the building elevations note EIFS;

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    The south, east and west elevations do not reflect these aforementioned techniques. Incorporate them into all four sides of the building;
9. **The exterior doors along the sides and rear shall be painted to match the building or a complimentary color as the primary building;**
10. **Downspouts shall be internalized;**
11. **Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must exceed a maximum height of 30 inches at maturity.**
    There are bare patches along Village West Parkway that need to be replanted and enhanced to screen the drive-thru lane from Village West Parkway;
12. **Sec. 27-577(d)(2) At least seventy-five (75) percent of the length of building foundations facing public street, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.**
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17. **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;**
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23. **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,**
24. **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.**

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-027:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0
Subject to the above conditions

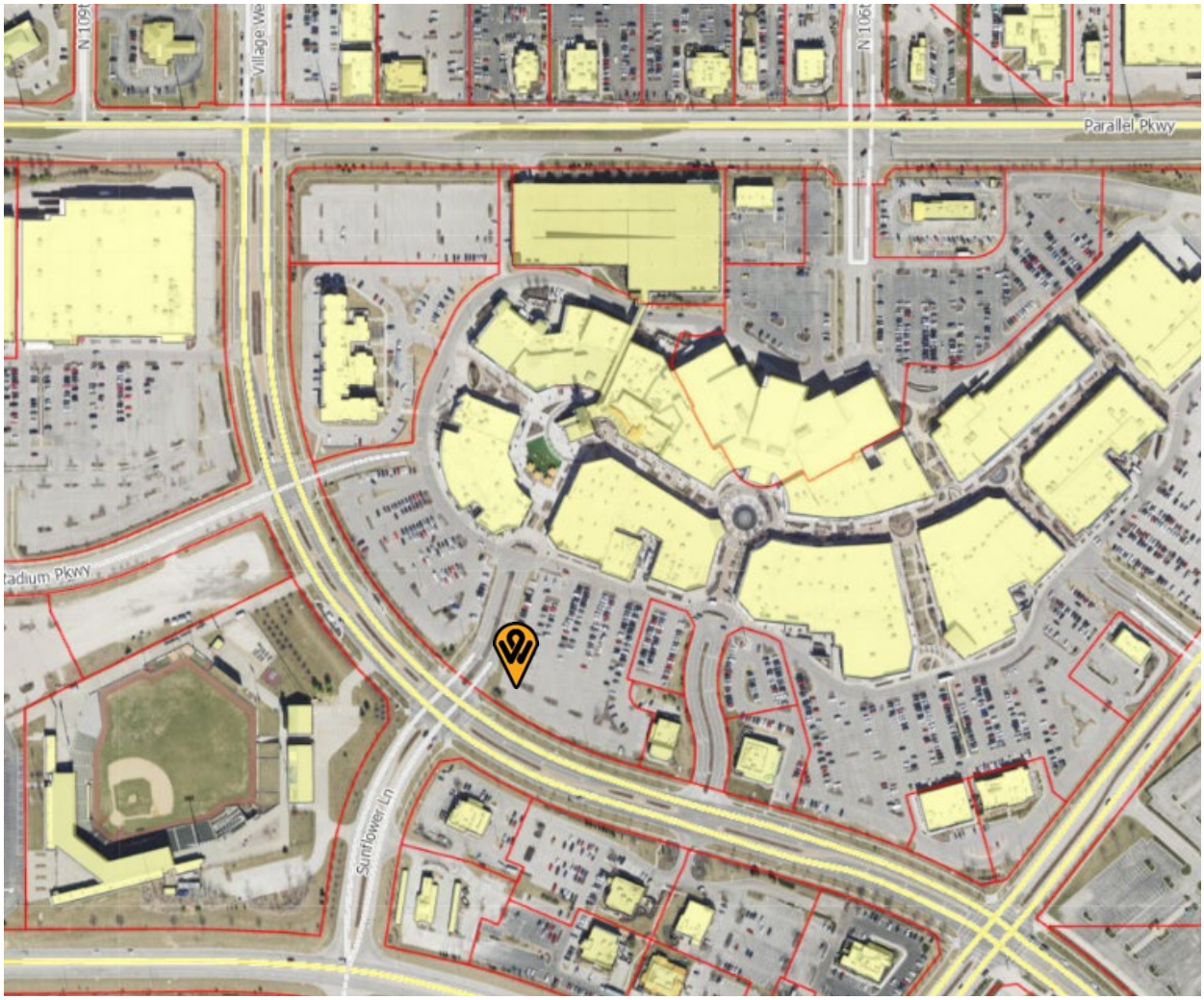


Figure 1. Aerial Map of 1875 Village West Parkway (provided by UG Maps).

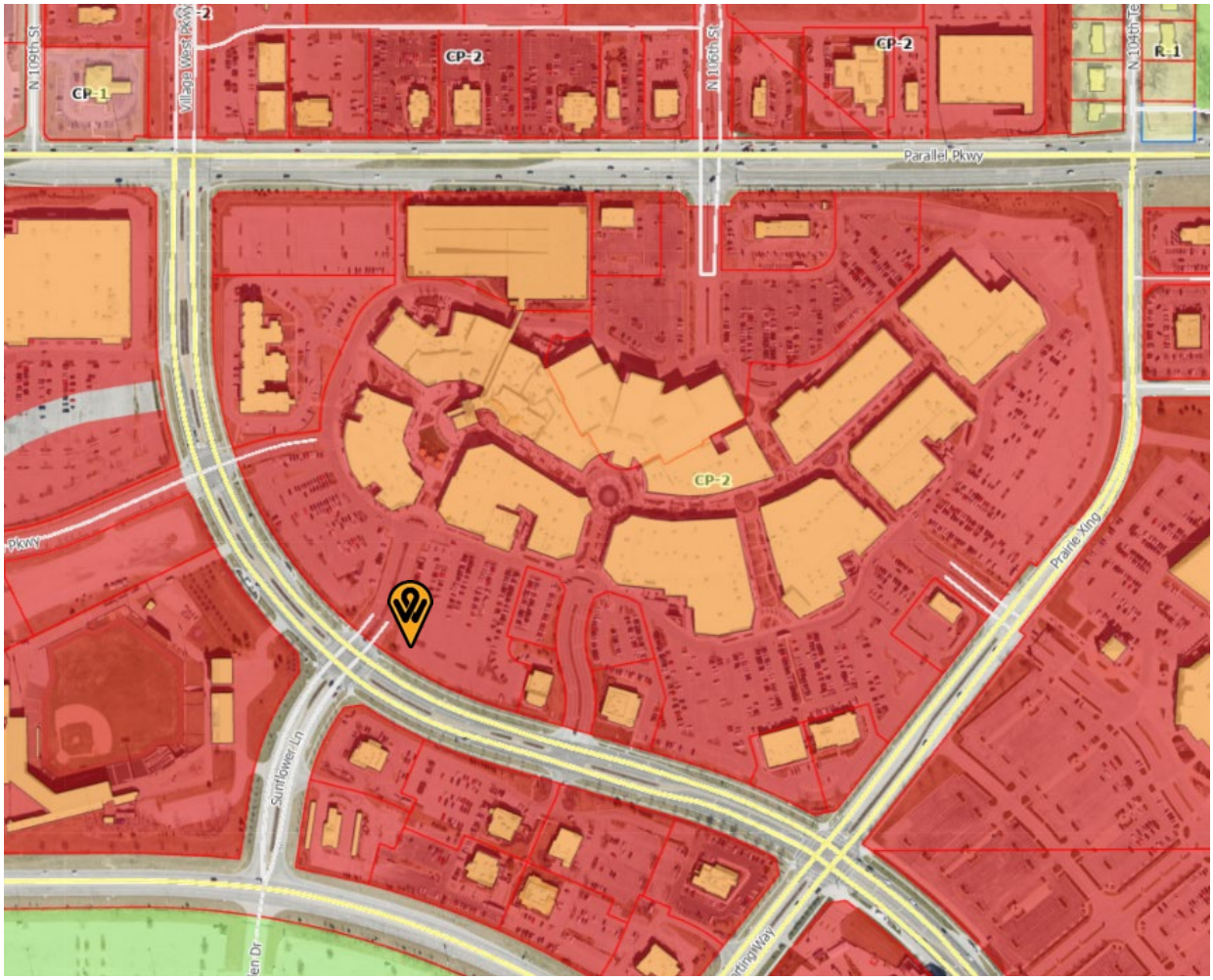


Figure 2. Zoning Map of 1875 Village West Parkway (provided by UG Maps)

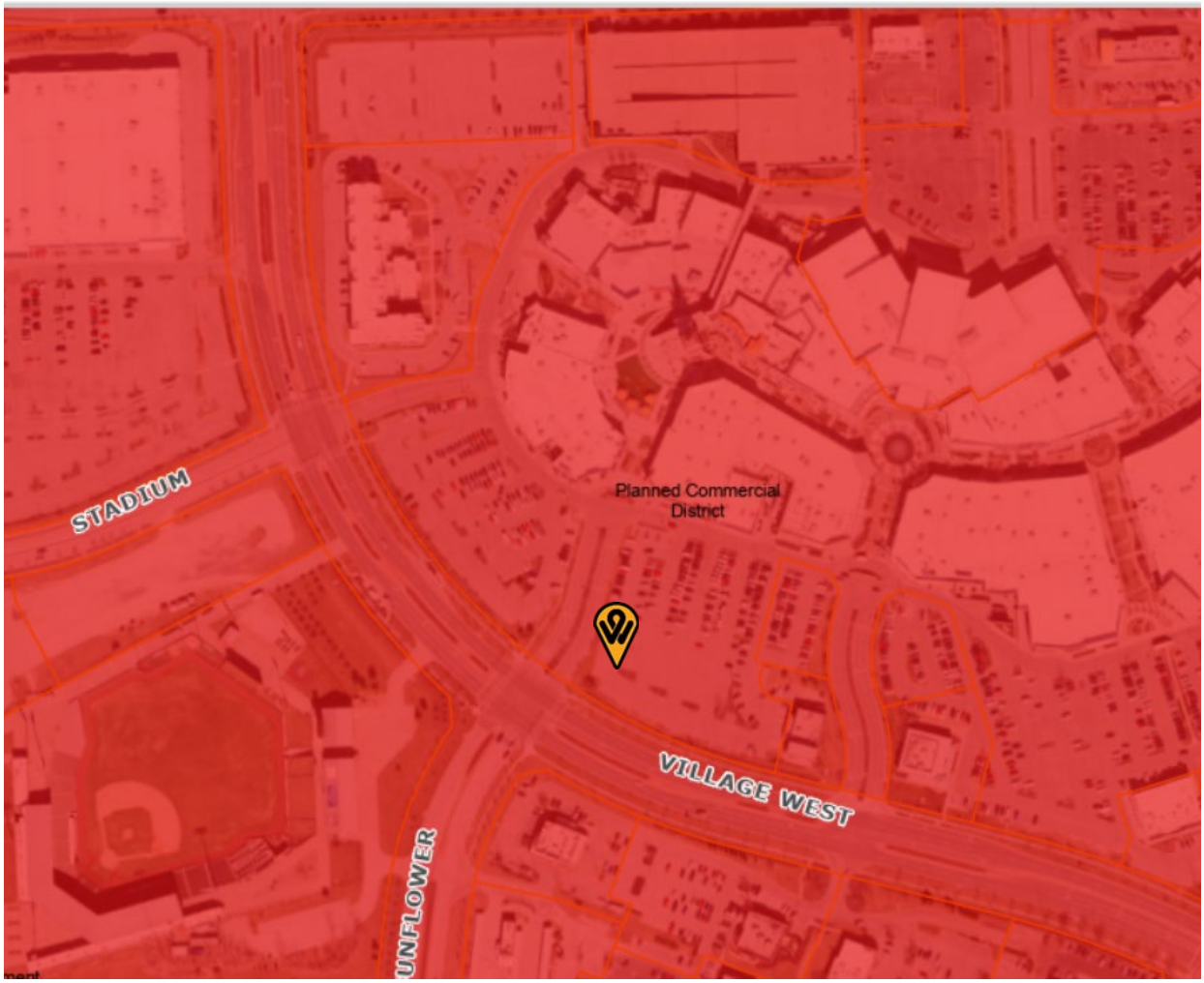


Figure 3. Prairie Delaware Piper Land Use Map of 1875 Village West Parkway (provided by ArcMap).

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

Scott D. Confer, PS
Phelps Engineering, INC.
1270 N. Winchester
Olathe, Kansas 66061

Re: Final Plat of THE LEGENDS OF VILLAGE WEST, SIXTH PLAT

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

- Provide error of closure on the face of the plat
- New lot should be referred to as Lot 1
- Change the plat to read The Legends at Village West Sixth Plat
- In the dedication change to read The Legends at Village West Sixth Plat
- Show building lines or setback lines per zoning code
- In the dedication block, it should read Unified Government of Kansas City, Wyandotte County, Kansas
- Under the Approval Signature's please add the following
    a. Chairman - Jeff Carson
    b. Secretary – Gunnar Hand, AICP
    c. Mayor/CEO – Tyrone Garner
    d. Clerk – Brett A. Deichler
    e. Register of Deeds – Nancy Burns
    f. Deputy – Susan Nelson

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

GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: August 10, 2022
RE: **THE LEGENDS OF VILLAGE WEST SIXTH PLAT**

We have researched the official county records for the above plat as submitted to Planning and Urban Design by:
Phelps Engineering

And we have determined the following:

Takes part of CIC-TAS Parcel:
285906
Owner-of-Record:
W-LD Legends Owner VII, LLC
Jurat Signature:
Dan Lowe, manager – W-LD Legends Owner VII, LLC

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

1) Lot Number
I recommend that the lot number be changed to Lot 1.

2) Approvals
For UG approvals, change "secretary" to Unified Government Clerk. Change "Wyandotte County/Kansas City, Kansas Engineer" to Wyandotte County Engineer.

3) Ties
There are no corner reference ties.

4) Plat Name
The plat name and dedication need to be changed to "The Legends at Village West Sixth Plat."

PLANNING
ENGINEERING
IMPLEMENTATION

Date: September 19, 2022

To: City of Kansas City, Kansas

From: Daniel Finn, P.E., Phelps Engineering, Inc.

Re: Responses to City Comments
PR2022-027 and PLAT2022-027
Village West Sixth Plat
PEI #220218

General Planning

1. Add a restriction on the plat that The Legends at Village West Sixth Plat has a cross access easement and cross parking agreement with previous Legends at Village West plats.
   Response: Added to plat.

2. In reviewing The Legends at Village West Fifth Plat (March 2014), when Residence Inn by Marriott was proposed, conservatively staff calculated that 4,005 parking spaces were required for all uses, this included the theater, Legends retail shops and pad restaurants. At the time, 3,580 spaces were provided. This did not include the 115 spaces for Residence Inn. At that time, staff requested that before developing new parcel, Legacy Development should replace all parking in-kind somewhere in the center.

   The 271-space surface parking lot in the northwest corner of the Legends Outlets was removed to build Legends 267 apartments. Legends 267 Apartments is building 350 spaces, which 285 spaces are designated for private residential use. The remaining sixty-five (65) spaces are public. There is not a gain of 79 spaces as stated in the parking calculations.

   The proposed 6,400 square foot restaurant is removing 53 spaces in total, however, indicate the addition of almost 500 parking spaces between 2014 – 2022 to be close to the 4,005 parking spaces staff required for all uses in 2014.
   Response: The developer is working with staff regarding the overall parking requirements for the entire development.

PHELPS ENGINEERING, INC.
1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – www.phelpsengineering.com

3. Staff cannot determine how many parking spaces are required because we do not have a tentative floor plan. The parking ratio for restaurants are different than a traditional commercial retail building. Sixteen (16) parking spaces between two (2) restaurants is not enough parking, even with it being shared collectively with the center.

   As stated previously, one (1) space for each 50 square feet of seating area, plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces.
   Response: The proposed parking on Sheet C2.1 (17 spaces) is stating how much parking is available within the boundary of Lot 35. This does not consider the available parking via shared parking throughout the development.

   The shell floorplan has been added to the FDP set. See Sheet A1.0.

   The developer is working with staff regarding the overall parking requirements for the entire development.

4. Greater emphasis should be placed on pedestrian connectivity to the interior part of the Legends Outlets, guests walking within the development should not have to drive to these restaurants. See Granite City, Vision Works, and Village West Dentistry pad site as an example.
   a. Add a sidewalk/pedestrian path from east side the main entrance drive off Village West Parkway to the front door of the building.

   Response: A sidewalk was added from the front door to Village West Parkway.

5. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat.
   Response: 10' U/E is included around property perimeter.

6. Utility easements shall connect with easements established in adjoining properties.
   Response: 10' U/E is included around property perimeter.

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

8. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or buildinginspection@wycokck.org.
   Response: Acknowledged.

9. Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780.
   Response: Acknowledged.

Building Architecture

1. Provide color building elevations.
   Response: Please see attached color elevations for your review

2. Provide a material palette of the exterior building materials.
   Response: Please see attached material board for your review

3. The proposed stucco paneling must be true stucco, not a panel installation system.
   Response: Exterior finish will be true stucco

4. Sec. 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.

   Review the pad sites around The Legends Outlets and incorporate more modular face brick and fiber cement siding. The primary building material is stucco, per the Exterior Finish Legend, however, the building elevations note EIFS.
   Response: Additional brick material has been added to the design. Any notes referring to EIFS have been removed.

5. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
   a. Divisions or breaks in materials;
   b. Building offsets (projections, recesses, niches);
   c. Window bays;
   d. Separate entrances and entry treatment; or,
   e. Variation in rooflines.

   The south, east and west elevations do not reflect these techniques. Incorporate them into all four sides of the building.
   Response: Additional material breaks have been added along with additional variations in the rooflines. We have also increased material bump outs and are now dimensioning them on the floor plan sheet.

6. The exterior doors along the sides and rear shall be painted to match the building or a complimentary color as the primary building.

Response: Acknowledged, a finish note has been added to the elevations

7. Downspouts shall be internalized.
   Response: Acknowledged

Landscaping and Screening

1. Sec. 27-577(b)(2) Landscape berms and/or continuous row of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must exceed a maximum height of 30 inches at maturity.

   There are bare patches along Village West Parkway that need to be replanted and enhanced to screen the drive-thru lane from Village West Parkway.
   Response: See revised Landscape Plan note.

2. Sec. 27-577(d)(2) At least seventy-five (75) percent of the length of building foundations facing public street, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

   The front of the building, facing north needs plantings around the foundation of the building.
   Response: See revised Landscape Plan

3. Sec. 27-469(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Based on the total tract size, six (6) trees are required to be planted per the district requirement and the seventy-five (75) percent multiplier in the Commercial Design Guidelines. This does not include the street trees to be planted along Village West Parkway, which is one (1) tree per thirty (30) feet of frontage along a Major Street, trees planted within parking lot islands, and junipers required for screening BPU transformers and ground mounted utilities.
   Response: See revised Landscape Plan

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

5. All landscaping shall be irrigated.
   Response: See added note on Landscape Plan

6. 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.

Response: We acknowledge this comment.

7. 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: We acknowledge this comment.

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: See note on revised Landscape Plan.

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.
   Response: Acknowledged.

10. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall lor 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: Acknowledged.

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
IMPLEMENTATION

Date: 9/26/22

Meeting Date: Sept 26, 2022, 5:30 PM

Location of Meeting: Virtual, online Zoom Meeting.

Project: Multi-tenant space with Drive Thru located at 1875 Village West Parkway, KC, KS in the Legends development

Project/File No.: 220218

Neighborhood Attendees: One, see below.

Development Team: Judd D. Claussen, P.E., Phelps Engineering, Inc.
Heather Trower, Legacy Development.

Copy: Janet Parker, Unified Gov't.

This is a narrative of the neighborhood meeting held for this project:

1. Meeting started at approximately 5:32 pm.
2. One neighbor joined the call: Mr. Rob Epstein.
3. Judd gave overview of the project, site location, site plan, landscaping and building elevation drawings.
4. Opened up for questions.
    a. Mr Eptstein asked if there was an existing Panera's in the development
    Answer: Yes, they are relocating to this pad site.
5. There were no further questions.
6. The development team waited for 10 minutes and with no other persons joining the meeting, the meeting concluded at 5:40 pm.

To date, there have been no other correspondence to PEI about this project.
Respectfully Submitted,

Judd D. Claussen, P.E.

PHELPS ENGINEERING, INC.
1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – www.phelpsengineering.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF Johnson)

Comes now Judd D. Clausson, PE, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the ~~petitioner~~ agent for Petition # PR 2022-027 + PLAT 2022-027
2. That I conducted a neighborhood meeting on 9/26/22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of September 2022

My commission expires 11th of May, 2023

NOTARY PUBLIC-State of Kansas
SHELIA EWING
My Appt. Exp. 5-16-24

Notary Public

Legends Outlets Kansas City, KS
Parking Stall Count Summary per 2018 Site Plan with Parking. Plus Deleting 271 Surface Stalls but adding back 353 Public Stalls in New Legends 267 Parking Garage.

Description of Parking Area on Site Plan	Total Stall in Area for Public Parking	General Notes:
New Parking Garage Structure Lot 33 (Public 353 Stalls & Private286 Stalls = 639 Total Stalls of Parking)	353	Public Stall total up to 353 Stalls. 271 Surface Stalls were removed. Net add of 82 Stall with new Parking Garage
Existing Parking Garage, Open Fall of 2005	900	
Parking Stalls around OP-32 (Verizon Bldg.)	48	
Parking Stalls East side of Existing Parking Garage	158	
Parking Stall around OP-30 (McDonald's)	63	
Parking Stalls around Bldg.'s T, R,S, & Q, North, East & South sides	1,095	
Parking Stalls around Bldg.'s O & M South sides	714.0	
Parking Stalls around Bldg.'s K, G, & F South & Southwest sides	568.0	
Parking Stalls around Hotel Parcel	115.0	
Total Parking Stall Count for areas on Site Plan	**4,014**	
New Proposed 6,400 SF Multi -Tenant Restaurant Out Parcel (Net decrease of 53 Parking Stalls)	(53.0)	
Revised Total Parking Stall Count for Entire Legends Site (4,014 stalls - 53 stalls)	**3,961**	

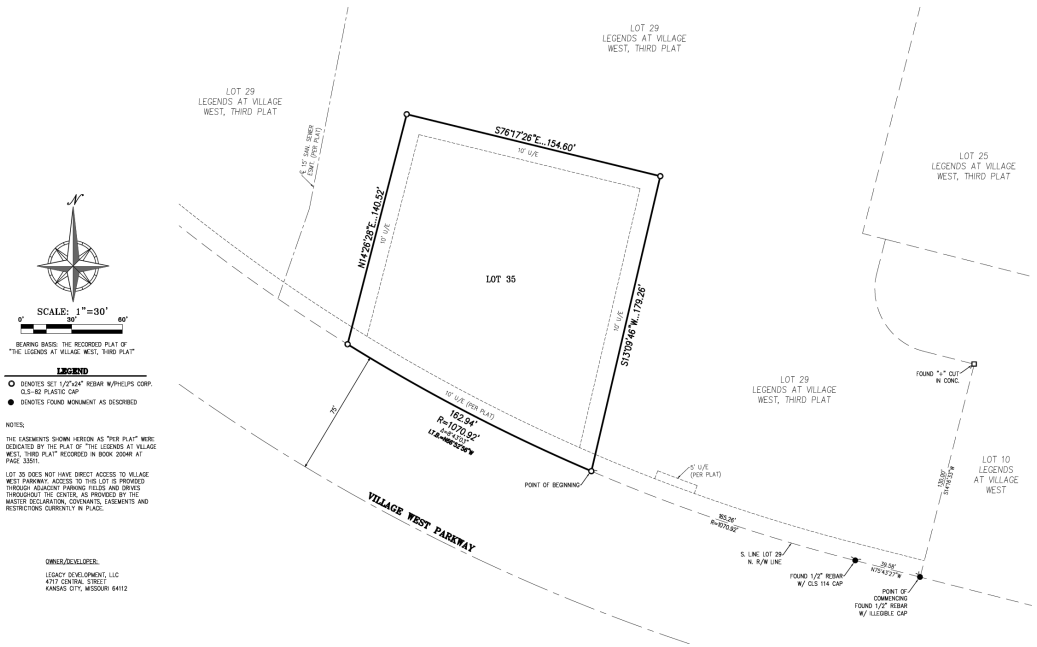
Parking Stalls Required based on Tenants and Uses at Legends Project	Total Stalls Needed per Use	
AMC Theater 1,660 Seats (One Stall per every 4 Seats) 1,660 / 4 = 400 each	415	
Hotel Residents Inn -	115	
Retail Tenant Spaces (477,983 SF / 1,000 SF X 4)	1,912	
Restaurants Seating Area (55,723 SF / 50 SF) Dinning Area 60%	1,114	
Restaurants Non -Seating Area (37,147 SF / 300 SF) Non Dinning Area 40%	124	
Total Required Parking Stalls per Tenants and Uses listed above	**3,680**	

Revised Total Parking Stall Count for Entire Legends Site (4,014 stalls - 53 stalls)	**3,961**	
Total Required Parking Stalls per Tenants and Uses	**3,680**	
Total Overage of Parking Stalls	**281**	

FINAL PLAT OF

THE LEGENDS OF VILLAGE WEST, SIXTH PLAT

A REPLAT OF PART OF LOT 29, THE LEGENDS AT VILLAGE WEST, THIRD PLAT
A SUBDIVISION OF LAND IN THE NW1/4 OF SEC. 2, TWP. 11 S, RNG. 23 E
KANSAS CITY, WYANDOTTE COUNTY, KANSAS



BEARING BASIS: THE RECORDED PLAT OF "THE LEGENDS AT VILLAGE WEST, THIRD PLAT"

LEGEND

- ○ DENOTES SET 1/2"x24" REBAR W/PHELPS CORP. CLS-82 PLASTIC CAP
- ● DENOTES FOUND MONUMENT AS DESCRIBED

NOTES:

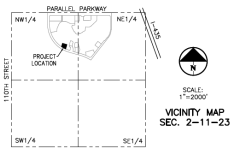
THE EASEMENTS SHOWN HEREON AS "PER PLAT" WERE DEDICATED BY THE PLAT OF "THE LEGENDS AT VILLAGE WEST, THIRD PLAT" RECORDED IN BOOK 200HR AT PAGE 33511.

LOT 35 DOES NOT HAVE DIRECT ACCESS TO VILLAGE WEST PARKWAY. ACCESS TO THIS LOT IS PROVIDED THROUGH ADJACENT PARKING FIELDS AND DRIVES THROUGHOUT THE CENTER, AS PROVIDED BY THE MASTER DECLARATION, COVENANTS, EASEMENTS AND RESTRICTIONS CURRENTLY IN PLACE.

OWNER/DEVELOPER:

LEGACY DEVELOPMENT, LLC
4717 CENTRAL STREET
KANSAS CITY, MISSOURI 64112

AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)
LOT 35	25335	0.5816



VICINITY MAP
SEC. 2-11-23

FLOOD NOTE:

THIS PROPERTY LIES WITHIN FLOOD ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE LIMITS OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR KANSAS CITY, COMMUNITY NO. 200363, WYANDOTTE COUNTY, KANSAS, MAP NO. 20209C0030D, DATED SEPTEMBER 2, 2011.

I, SCOTT D. CONFER, HEREBY CERTIFY THAT IN MARCH 2022, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.

BY: _____
SCOTT D. CONFER, KS. LS-1249

LEGAL DESCRIPTION

This is a resurvey and replat of a part of Lot 29, LEGENDS AT VILLAGE WEST, THIRD PLAT, a subdivision in Kansas City, Wyandotte County, Kansas, described as follows:

Commencing at a point on the South line of said Lot 29, said point also being the Southwest corner of Lot 10, LEGENDS AT VILLAGE WEST, a subdivision in Kansas City, Wyandotte County, Kansas, said point further being on the North right-of-way line of Village West Parkway, as now established; thence N 75° 43' 27" W, along the South line of said Lot 29, and along the North right-of-way line of said Village West Parkway, a distance of 39.58 feet, to a point of curvature; thence Northwesterly, along the South line of said Lot 29, and along the North right-of-way line of said Village West Parkway, said line being a curve to the right tangent to the last described course, having a radius of 1070.92 feet, an arc distance of 165.26 feet, to the Point of Beginning; thence continuing Northwesterly, along the South line of said Lot 29, and along the North right-of-way line of said Village West Parkway, said line being a curve to the right with an initial tangent bearing N 66° 52' 56" W, having a radius of 1070.92 feet, an arc distance of 162.94 feet; thence N 14° 26' 28" E, a distance of 140.52 feet; thence S 76° 17' 26" E, a distance of 154.60 feet; thence S 13° 09' 46" W, a distance of 179.26 feet, to the point of beginning, containing 0.5816 acres, more or less, of replatted land.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "THE LEGENDS OF VILLAGE WEST, SIXTH PLAT".

DEDICATION

An easement or license is hereby granted to Wyandotte County/Kansas City, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, surface drainage facilities, ducts cables, etc., upon, over and under those areas outlined hereon and designated on this plat as "U/E" or "Utility Easement".

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietor has caused this instrument to be executed on this ___ day of _____ , 2022.

W-LD LEGENDS OWNER VI1, L.L.C., a Delaware limited liability company
C/O WALTON STREET CAPITAL L.L.C.
C/O LEGACY DEVELOPMENT

By: _____
Don Lowe, Manager

ACKNOWLEDGEMENT

STATE OF)
) SS
COUNTY OF)

BE IT REMEMBERED that on this ___ day of _____ , 2022, before me, a notary public in and for said County and State, came Don Lowe, Manager of Legacy Development, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public: _____ My Appointment Expires: _____

Printed Name: _____

APPROVALS

This plat has been submitted to and approved by the Wyandotte County/Kansas City, Kansas Planning Commission.

Dated this ___ day of _____ , 2022.

_____ _____ _____ _____
Chairman: Secretary:

The dedications shown hereon, if any, are accepted this ___ day of _____ , 2022.

_____ _____ _____ _____
Mayor/CEO: Secretary:

Recommended for approval by the Wyandotte County/Kansas City, Kansas, Engineer, this ___ day of _____ , 2022.

_____ _____
County Engineer:

This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005 and 58-2011 for content only, and is in compliance with those provisions. No other warranties are extended or implied.

_____
County Surveyor: Brent Thompson, PS-1277

STATE OF KANSAS)
)SS
COUNTY OF WYANDOTTE)

This is to certify that this instrument was filed for record in the Register of Deeds Office

on this ___ day of _____ , 2022 at _____ and is duly recorded.

_____ _____ _____ _____
Register of Deeds Deputy

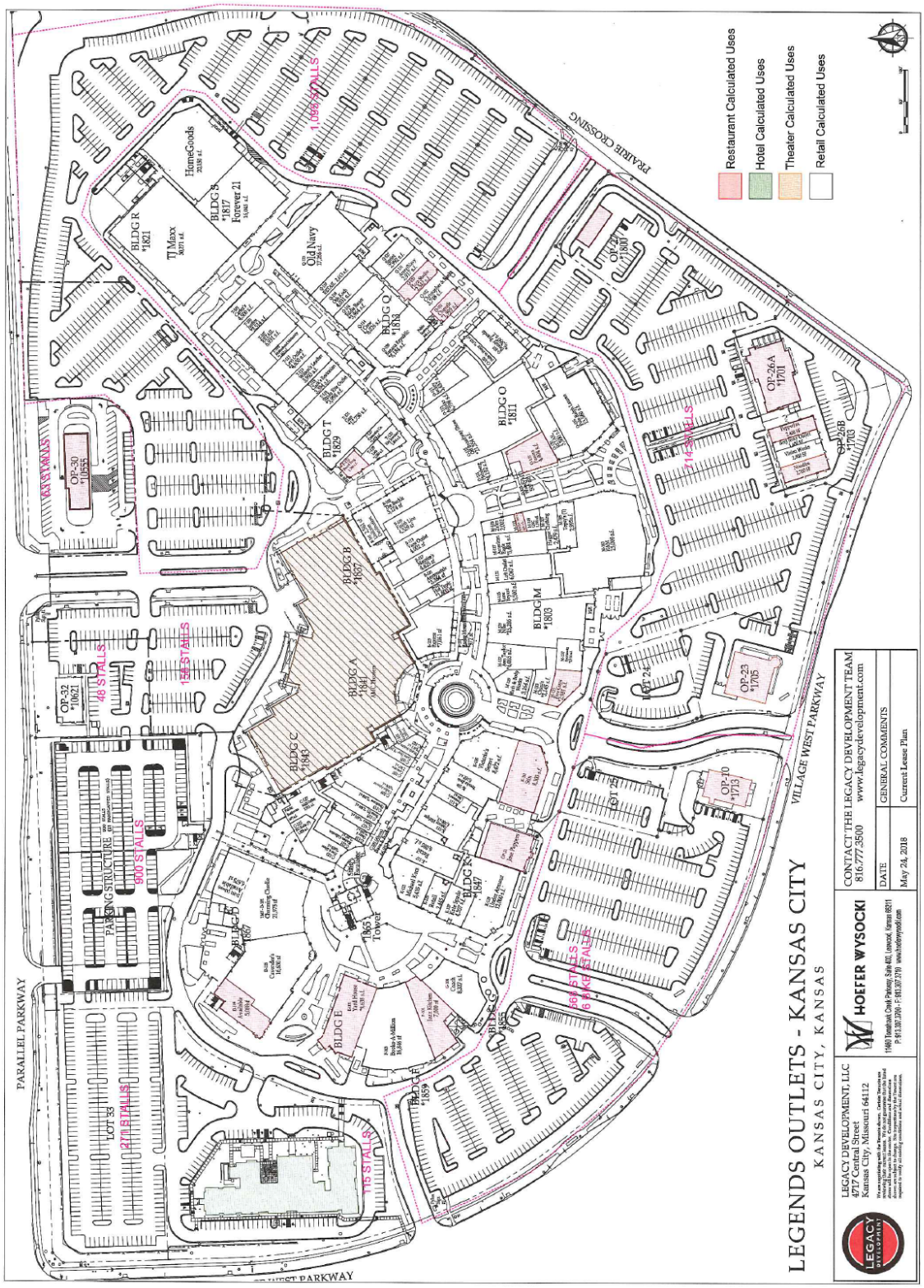
CERTIFICATE OF AUTHORIZATION
KANSAS
LAND SURVEYING - LS-82
ENGINEERING - E-387

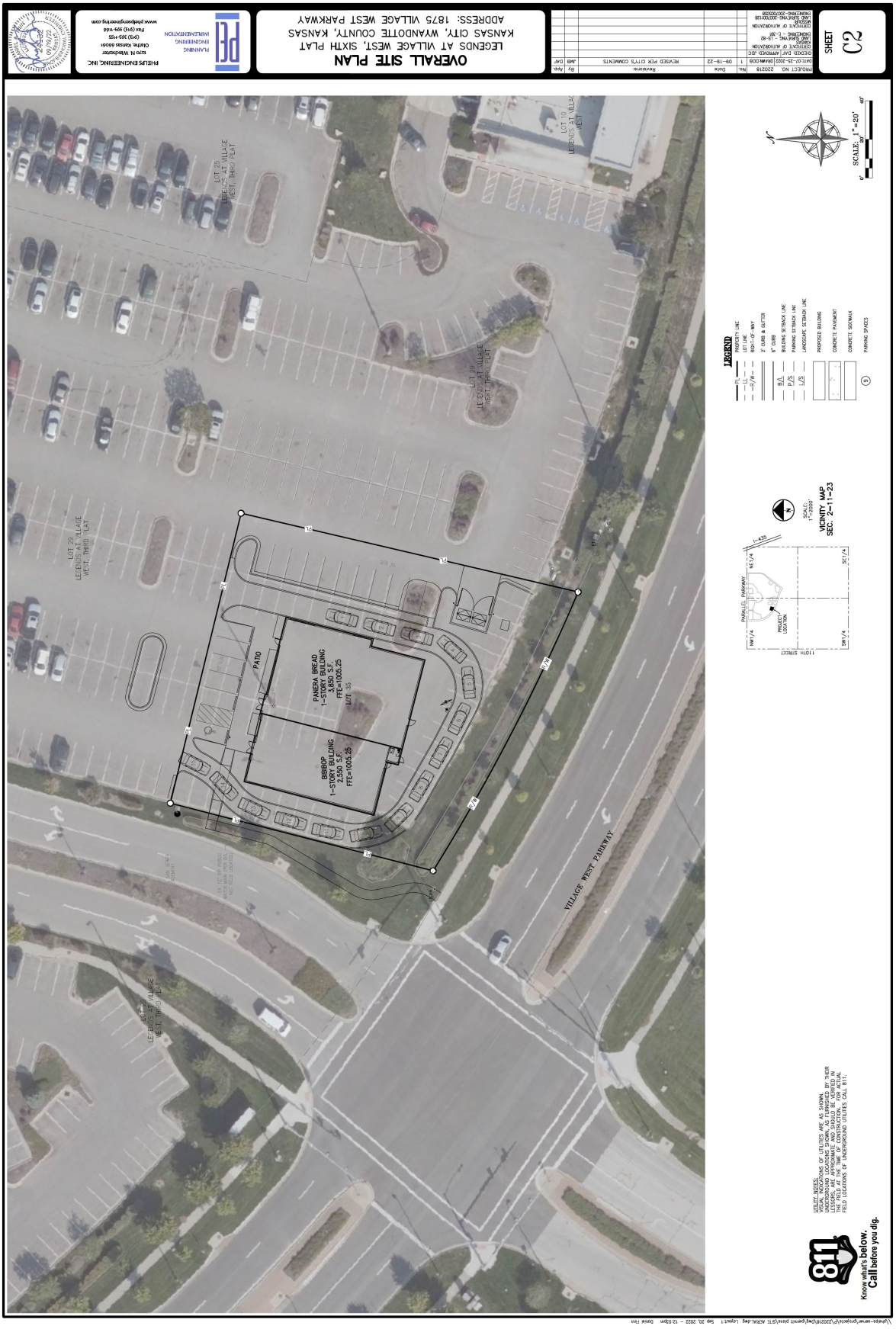
CERTIFICATE OF AUTHORIZATION
MISSOURI
LAND SURVEYING- 2007001128
ENGINEERING- 2007020658

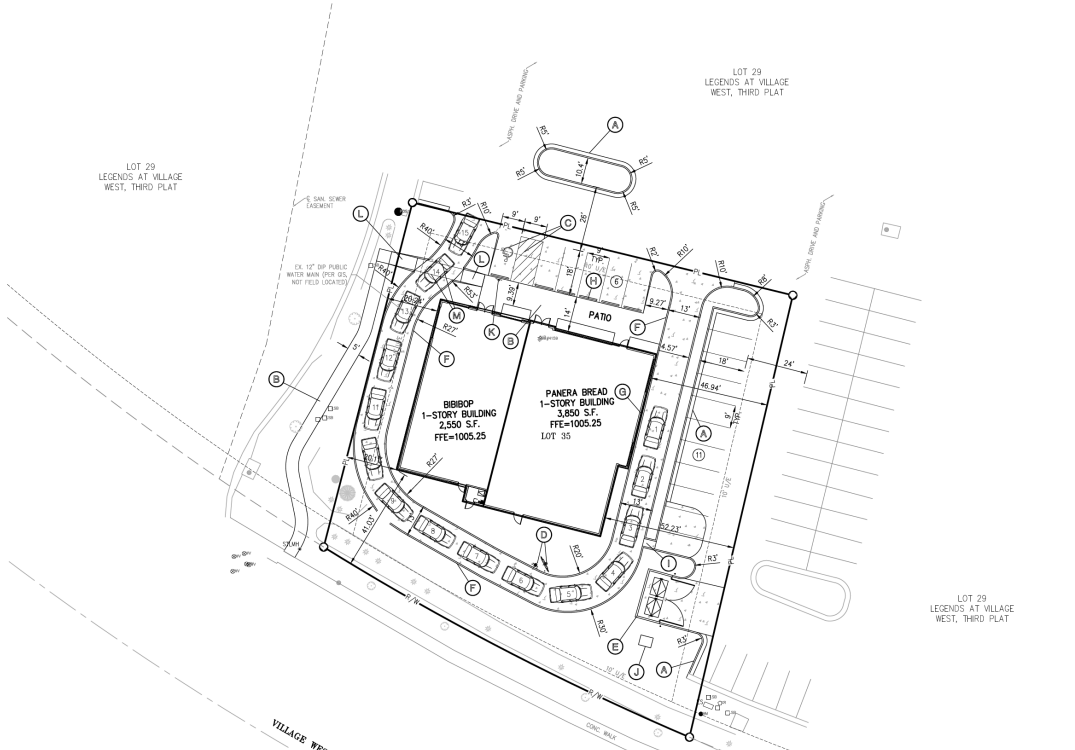
PLANNING
ENGINEERING
IMPLEMENTATION

PHELPS ENGINEERING, INC
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

PEI #220218 SEPTEMBER 20, 2022 Error Closure: North: -0.0000734 East: 0.0003107 Precision 1: 2200576.803


LEGENDS OUTLETS - KANSAS CITY
KANSAS CITY, KANSAS
LEGACY DEVELOPMENT, LLC
4717 Central Street
Kansas City, Missouri 64112
HOEFER WYSOCKI
CONTACT THE LEGACY DEVELOPMENT TEAM
816.777.3500
www.legacydevelopment.com
DATE
May 24, 2018
GENERAL COMMENTS
Current Lease Plan
Restaurant Calculated Uses
Hotel Calculated Uses
Theater Calculated Uses
Retail Calculated Uses
PARALLEL PARKWAY
PRAIRIE CROSSING
VILLAGE WEST PARKWAY
PARKING STRUCTURE
900 STALLS
48 STALLS
115 STALLS
1,099 STALLS
714 STALLS
BLDG R
BLDG S
BLDG Q
BLDG O
BLDG T
BLDG B
BLDG A
BLDG C
BLDG M
BLDG E
BLDG F
BLDG G
BLDG D
OP-30
OP-32
OP-27
OP-26A
OP-26B
OP-23
OP-10
LOT 33
LOT 24
LOT 25


OVERALL SITE PLAN
LEGENDS AT VILLAGE WEST, SIXTH PLAT
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
ADDRESS: 1875 VILLAGE WEST PARKWAY
PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166
www.phelpsengineering.com
PLANNING
ENGINEERING
IMPLEMENTATION
SHEET
C2
PANERA BREAD
1-STORY BUILDING
3,850 S.F.
FFE=1005.25
BIBIBOP
1-STORY BUILDING
2,550 S.F.
FFE=1005.25
PATIO
VILLAGE WEST PARKWAY
LEGEND
PROPERTY LINE
LOT LINE
RIGHT-OF-WAY
2' CURB & GUTTER
6" CURB
BUILDING SETBACK LINE
PARKING SETBACK LINE
LANDSCAPE SETBACK LINE
PROPOSED BUILDING
CONCRETE PAVEMENT
CONCRETE SIDEWALK
PARKING SPACES
SCALE: 1"=20'
VICINITY MAP
SEC. 2-11-23
PARALLEL PARKWAY
PROJECT LOCATION
110TH STREET
Know what's below.
Call before you dig.



LEGAL DESCRIPTION:

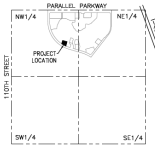
THIS IS A RESURVEY AND REPLAT OF A PART OF LOT 29, LEGENDS AT VILLAGE WEST, THIRD PLAT, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH LINE OF SAID LOT 29, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 10, LEGENDS AT VILLAGE WEST, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID POINT FURTHER BEING ON THE NORTH RIGHT-OF-WAY LINE OF VILLAGE WEST PARKWAY, AS NOW ESTABLISHED; THENCE N 75° 43' 27" W, ALONG THE SOUTH LINE OF SAID LOT 29, AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID VILLAGE WEST PARKWAY, A DISTANCE OF 39.58 FEET, TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, ALONG THE SOUTH LINE OF SAID LOT 29, AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID VILLAGE WEST PARKWAY, SAID LINE BEING A CURVE, TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 1070.92 FEET, AN ARC DISTANCE OF 165.28 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWESTERLY, ALONG THE SOUTH LINE OF SAID LOT 29, AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID VILLAGE WEST PARKWAY, SAID LINE BEING A CURVE TO THE RIGHT WITH AN INITIAL TANGENT BEARING N 66° 52' 56" W, HAVING A RADIUS OF 1070.92 FEET, AN ARC DISTANCE OF 162.94 FEET; THENCE N 14° 26' 28" E, A DISTANCE OF 140.52 FEET; THENCE S 76° 17' 26" E, A DISTANCE OF 154.80 FEET; THENCE S 13° 09' 45" W, A DISTANCE OF 179.26 FEET, TO THE POINT OF BEGINNING, CONTAINING 0.5816 ACRES, MORE OR LESS, OF REPLATTED LAND.

GROSS AREA = ±0.5816 ACRES / ±25,335 SQ.FT.

811 Know what's below. Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.



VICINITY MAP
SEC. 2-11-23

SITE DATA

LOT 35	25,335 S.F. / 0.5816 AC.
ZONING EXISTING PROPOSED	 CP-2 CP-2
PROPOSED BUILDING (1-STORY)	6,400 S.F.
FLOOR AREA RATIO (FAR)	0.2526

PARKING SUMMARY

PROPOSED PARKING STANDARD STALLS (9'-0" X 18'-0") ACCESSIBLE STALLS TOTAL STALLS	 16 1 17
REQUIRED ACCESSIBLE STALLS TOTAL STALLS REQUIRED ACCESSIBLE STALLS	 1-25 1

SITE PLAN NOTES:

1. All construction materials and procedures on this project shall conform to the latest revision of the following governing requirements, incorporated herein by reference:
   A) City ordinances & 0.S.H.A. Regulations.
   B) The City of Kansas City Technical Specifications and Municipal Code.
2. The contractor shall have one (1) signed copy of the plans (approved by the City) and one (1) copy of the appropriate Design and Construction Standards and Specifications at the job site at all times.
3. The contractor will be responsible for securing all permits, bonds and insurance required by the contract documents, City of Kansas City, Kansas, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits, bonds and insurance shall be the contractors responsibility and shall be included in the bid for the work.
4. The contractor is responsible for coordination of his and his sub-contractor's work. The contractor shall assume all responsibility for protecting and maintaining his work during the construction period and between the various trades/sub-contractors constructing the work.
5. The demolition and removal(or relocation) of existing pavement, curbs, structures, utilities, and all other features necessary to construct the proposed improvements, shall be performed by the contractor. All waste material removed during construction shall be disposed off the project site. The contractor shall be responsible for all permits for hauling and disposing of waste material. The disposal of waste material shall be in accordance with all local, state and federal regulations.
6. Contractor shall be responsible for all relocations, including but not limited to, all utilities, storm drainage, sanitary sewer services, signs, traffic signals & poles, etc. as required. All work shall be in accordance with governing authorities specifications and shall be approved by such. All cost shall be included in base bid.
7. All existing utilities indicated on the drawings are according to the best information available to the Engineer; however, all utilities actually existing may not be shown. The contractor shall be responsible for contacting all utility companies for an exact field location of each utility prior to any construction. All underground utilities shall be protected at the contractor's expense. All utilities, shown and unshown, damaged through the negligence of the contractor shall be repaired or replaced by the contractor at his expense.
8. The contractor will be responsible for all damage to existing utilities, pavement, fences, structures and other features not designated for removal. The contractor shall repair all damages at his expense.
9. The contractor shall verify the flow lines of all existing storm or sanitary sewer connections and utility crossings prior to the start of construction. Notify the engineer of any discrepancies.
10. SAFETY NOTICE TO CONTRACTOR: In accordance with generally accepted construction practices, the contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal working hours. Any construction observation by the engineer of the contractor's performance is not intended to include review of the adequacy of the contractor's safety measures, in, on or near the construction site.
11. Refer to the building plans for site lighting electrical requirements, including conduits, pole bases, pull boxes, etc.

SITE DIMENSION NOTES:

1. BUILDING TIES SHOWN ARE TO THE OUTSIDE FACE OF PROPOSED WALLS. THE SUBCONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR SPECIFIC DIMENSIONS AND LAYOUT INFORMATION FOR THE BUILDINGS.
2. ALL DIMENSIONS SHOWN FOR THE PARKING LOT AND CURBS ARE MEASURED FORM BACK OF CURB TO BACK OF CURB.

PAVEMENT MARKING AND SIGNAGE NOTES:

1. PARKING STALL MARKING STRIPES SHALL BE FOUR INCH (4") WIDE WHITE STRIPES. DIRECTIONAL ARROW AND HANDICAP STALL MARKINGS SHALL BE FURNISHED AT LOCATIONS SHOWN ON PLANS.
2. HANDICAP PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO ALL FEDERAL (AMERICANS WITH DISABILITIES ACT) AND STATE LAWS AND REGULATIONS.
3. TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".
4. STOP SIGNS SHALL BE PROVIDED AT ALL LOCATIONS AS SHOWN ON PLANS AND SHALL CONFORM TO THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.
5. TRAFFIC CONTROL AND PAVEMENT MARKINGS SHALL BE PAINTED WITH A WHITE SHERWIN WILLIAMS S-W TRAFFIC MARKING SERIES B-2912 OR APPROVED EQUAL. THE PAVEMENT MARKING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. APPLY ON A CLEAN, DRY SURFACE AND AT A SURFACE TEMPERATURE OF NOT LESS THAN 70°F AND THE AMBIENT AIR TEMPERATURE SHALL NOT BE LESS THAN 60°F AND RISING. TWO COATS SHALL BE APPLIED.

SITE KEY NOTES:

(A) CONSTRUCT PRIVATE 2' CURB & GUTTER (TYPICAL).
(B) CONSTRUCT PRIVATE CONCRETE SIDEWALK (TYPICAL).
(C) CONSTRUCT ACCESSIBLE PARKING SPACE. INSTALL PAVEMENT MARKINGS, LAYDOWN CURB & CONCRETE WHEEL STOP. SEE ACCESSIBLE PARKING SPACE DETAIL.
(D) INSTALL MENU BOARD AND ORDER BOX (RE: ARCH. PLANS).
(E) INSTALL TRASH ENCLOSURE (REFER TO ARCH. PLANS).
(F) CONSTRUCT PRIVATE 6" CURB.
(G) PICK-UP WINDOW (RE: ARCHITECT PLANS).
(H) INSTALL CONCRETE WHEEL STOPS (TYP).
(I) CONSTRUCT CONCRETE FLUME.
(J) CONSTRUCT TRANSFORMER PAD (SEE UTILITY PLAN).
(K) INSTALL VAN ACCESSIBLE PARKING SIGN.
(L) CONSTRUCT PRIVATE ACCESSIBLE SIDEWALK CURB RAMP (OMIT DETECTIBLE WARNING).
(M) INSTALL STRIPED PEDESTRIAN CROSSWALK.

LEGEND

PL — PROPERTY LINE
LL — LOT LINE
R/W — RIGHT-OF-WAY
2" CURB & GUTTER
6" CURB
B/L — BUILDING SETBACK LINE
P/S — PARKING SETBACK LINE
L/S — LANDSCAPE SETBACK LINE
PROPOSED BUILDING
CONCRETE PAVEMENT
CONCRETE SIDEWALK
(9) PARKING SPACES

N
SCALE: 1"=20'
0' 20' 40'

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
fax (913) 393-1156
www.phelpsengineering.com
PLANNING
ENGINEERING
ENVIRONMENTAL

09/19/22

ENLARGED SITE PLAN

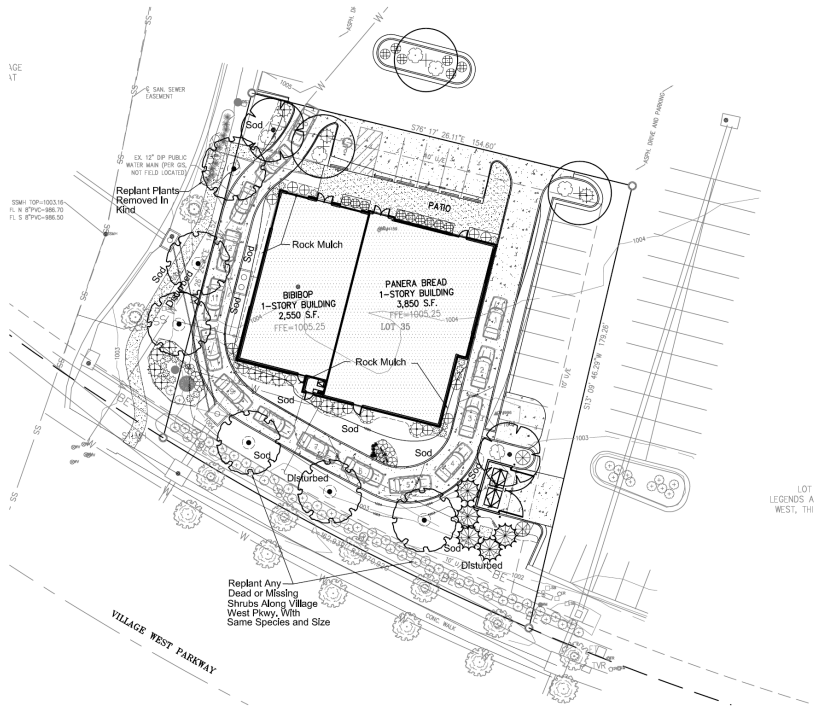
LEGENDS AT VILLAGE WEST, SIXTH PLAT
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
ADDRESS: 1875 VILLAGE WEST PARKWAY

No.	Date	Revisions	By	Apv
1	09-19-22	REVISED PER CITY'S COMMENTS	AKB	DAF

PROJECT NO. 220318
DATE OF 25-2021 SUBMISSION
CERTIFICATE OF AUTHORIZATION
KANSAS ENGINEERING — #E-162
MISSOURI ENGINEERING — #2005018128
CERTIFICATE OF AUTHORIZATION
KANSAS ENGINEERING #E-162
MISSOURI ENGINEERING #2005018128

SHEET
C2.1

ENLARGED GRADING PLAN
LEGENDS AT VILLAGE WEST, SIXTH PLAT
KANSAS CITY, WYANDOTTE COUNTY, KANSAS
ADDRESS: 1875 VILLAGE WEST PARKWAY
SHEET C3.1
PHELPS ENGINEERING, INC
1270 North Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1156
www.phelpsengineering.com
PLANNING
ENGINEERING
MANAGEMENT
PROJECT NO. 222018
DATE 07-25-2022 DRAWING 008
CHECKED BY MH
DRAWING - C-SE
DRAWING - C-GE
DRAWING - 20220728
DRAWING - 20220928
CONCEPT OF MH
CONCEPT OF GRADING
CONCEPT OF UTILITIES
No. Date Revisions By Appr.
1 09-19-22 REVISED PER CITY'S COMMENTS JMB DAF
SITE GRADING NOTES:
1. CONCRETE AND CURBING: Existing and proposed contours are shown on plans at one foot (1') contour intervals, unless otherwise noted. Existing and proposed contours represent approximate finish grade. Contractor shall final dress subgrade to allow for pavement and sod base thicknesses.
2. If the contractor does not accept existing topography as shown on the plans, without exception, he shall have made at his expense, a topographic survey by a registered land surveyor acceptable to the owner for review.
3. CLEARING AND GRUBBING: The existing vegetation, trees, and undergrowth within the limits of the building pad to be stripped of all topsoil, vegetation, large rock fragments (greater than 6 inches in any dimension) and any other deleterious materials. The existing vegetation, trees, and undergrowth within the limits of the roadway and utility easements shall be cleared and grubbed. The root systems of all trees (not designated to remain) shall be removed in their entirety. Stripping materials shall not be incorporated into any fills.
4. TOPSOIL STRIPPING: Prior to the start of site grading, the contractor shall strip all topsoil from areas to be graded, and stockpiled at a location on or adjacent to the site as directed by the owner. As comprises of grading operations and related activities, topsoil shall be stripped from areas to be graded, and stockpiled at a location on or adjacent to the site as directed by the owner. Topsoil shall be placed to a minimum depth of six inches (6") and in accordance with specifications for landscaping. All bad topsoil shall be removed from the site. Installation of landscaping or irrigation, all topsoil grades areas shall be visually inspected and accepted by the owner and TL.
5. Contractor shall adjust and/or cut existing pavement as necessary to ensure a smooth fit and continuous grade. Contractor shall saw cut existing pavement to ensure a straight, clean edge.
6. SUBGRADE PREPARATION: Prior to placement of new fill material, the existing subgrade shall be proofrolled and approved under the direction of the Geotechnical Engineer or his representative.
7. PROOFROLLING: Subsequent to completion of stripping and over-excavation, all building and pavement areas to receive engineered fill shall be proofrolled with a fully loaded tandem axle dump truck weighing not less than 25 tons or other equipment approved by the Geotechnical Engineer. Any soft areas shall be undercut and replaced with engineered fill as directed by the Geotechnical Engineer.
8. EARTHWORK:
A) GEOTECHNICAL: All earthwork shall conform to the recommendations of the Geotechnical report. Said report and its recommendations are hereby incorporated into this project requirements by reference. Prior to beginning construction, the contractor shall familiarize himself with the Geotechnical report and its recommendations. Where a conflict occurs between the recommendations in the geotechnical report and hereby incorporated into the project requirements and specifications.
B) SURFACE WATER: Surface water shall be intercepted and diverted during the placement of fill.
C) FILLS: All fills shall be considered controlled or structural fill and be free of vegetation, organic matter, topsoil and other deleterious materials. Fill material shall be placed in horizontal lifts not exceeding nine inches (9") in loose depth. Fill placement shall not commence until as authorized by the on-site geotechnical engineer to allow for consolidation.
D) BUILDING SUBGRADE: As specified in the Geotechnical Engineering Report, the upper section of bearing subgrade shall be compacted to a minimum density as determined by ASTM D698 (standard proctor) at a moisture content as determined by the Geotechnical Engineer. Where encountered, soft materials stabilized with Class C Flash. Contact TL and consult if compacted granular materials with a minimum density of 95% of



PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
•	6	Acer rubrum `Red Pointe` / Red Pointe Red Maple	B & B	2"Cal	
+	3	Gleditsia triacanthos `Skyline` / `Skyline` Honey Locust	B & B	2"Cal	
•	2	Gymnocladus dioicus 'Espresso' / Kentucky Coffee Tree Male Only/Seedless	B & B	2"Cal	
✳	5	Juniperus virginiana `Canaertii` / Canaertl Juniper	B & B		6` hgt.

SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT
⊕	6	Callicarpa dichotoma `Early Amethyst` / Beautyberry 24"-30" hgt. & sp.	5 gal
⊕	9	Ilex verticillata / Winterberry 24" hgt. & sp.	5 gal
⊛	2	Juniperus chinensis `Sea Green` / Sea Green Juniper 24"-30" hgt. & sp.	5 gal
⊕	14	Juniperus virginiana `Grey Owl` / Grey Owl Juniper 24" sp.	5 gal
◌	7	Rhus aromatica `Gro-Low` / Gro-Low Fragrant Sumac 24"-30" sp.	5 gal
⊙	3	Rosa x `Novarospop` / Popcorn Drift Rose 12"-15" sp.	1 gal
○	4	Sedum spectabile `Autumn Fire` / Showy Stonecrop 15"-18" hgt. & sp.	1 gal
⊛	6	Spiraea x bumalda `Anthony Waterer` / Anthony Waterer Spiraea 24"-30" hgt. & sp.	5 gal
⊕	13	Spiraea x bumalda `Gold Flame` / Gold Flame Spirea 24"-30" hgt. & sp.	5 gal

ANNUALS/PERENNIALS	QTY	BOTANICAL / COMMON NAME	CONT
•	5	Ceratostigma plumbaginoides `Blue Plumbago` / Blue Plumbago	1 gal

GRASSES	QTY	BOTANICAL / COMMON NAME	CONT
☼	20	Miscanthus sinensis `Morning Light` / Eulalia Grass	3 gal

Existing Trees
Existing Evergreen Trees
Existing Deciduous Shrubs
Existing Ornamental Grasses

NOTES:
Details and specifications to be provided in construction documents.
All landscape areas shall be irrigated.
All landscape areas shall be irrigated.

0 20 40
SCALE 1"= 20'

⊙	Seagreen Juniper	Juniperus Chinensis 'Seagreen'	24"-30" hgt. & sp.	5'o.c.
✳	Heavy Metal Switch Grass	Panicum Virgatum 'Heavy Metal'	3 gal.	4'o.c.

Free Standing Transformer | Against Wall | Free Standing Small Box | Clustered Boxes

Typical Utility Box Screening Details

No Scale Note: Quantities Not Included In Plant List
UTILITY BOXES SHALL BE CLUSTERED AS MUCH AS POSSIBLE

* In case of transformer tall than 3 ft, replace Seagreens with 6 ft, Ketleerl Junipers

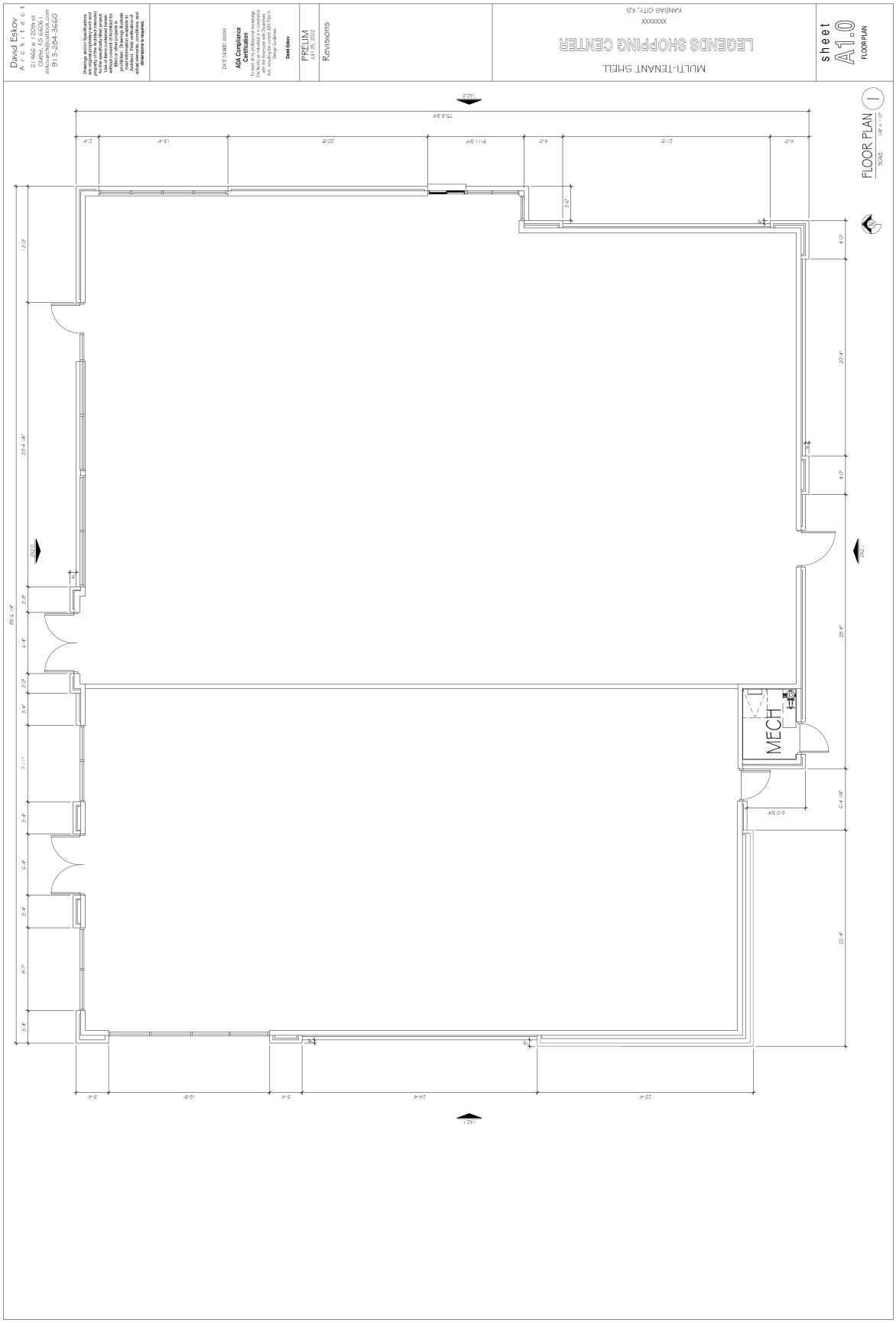
1. BPU transformer pad shall be completely screened on three (3) sides with opaque enclosure or 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the ten (10) foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

Utility Note:
Utilities shown on plan are diagramatic and some may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-DIG-SAFE (344-7233) to have utilities located.

PETER A. OPPERMANN LICENSED KANSAS LANDSCAPE ARCHITECT
09/16/2022

Preliminary Landscape Plan
The Legends Panera Bread
Kansas City, Kansas LS-1

Oppermann LandDesign, LLC
Land Planning ◆ Landscape Architecture
99 Debra Lane peteoppermann56@gmail.com
New Windsor, New York 12553 913.522.5598


David Eskov
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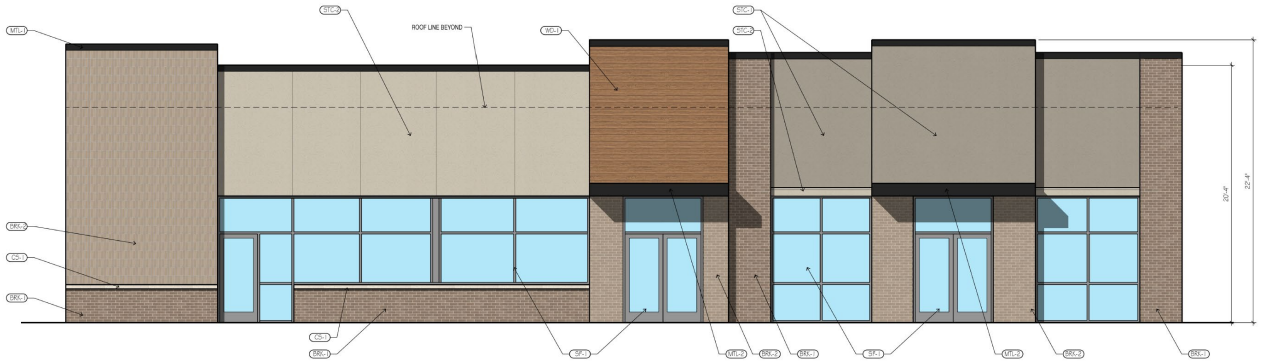
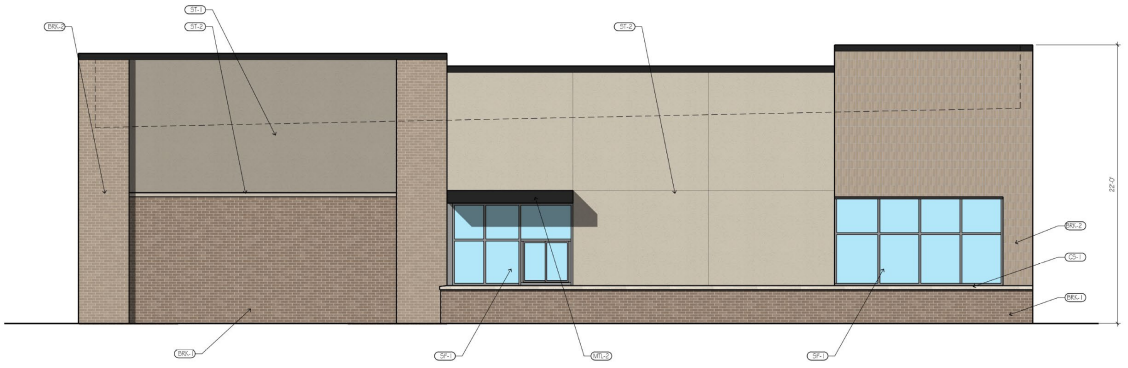
DATE ISSUED: XXXXX
ADA Compliance Certification
To best of my professional knowledge, the facility is deemed in compliance with the Americans with Disabilities Act, including the current ADA Title III Design Guidelines.
David Eskov
PRELIM
JULY 25, 2022
Revisions
MULTI-TENANT SHELL
LEGENDS SHOPPING CENTER
KANSAS CITY, KS
XXXXXXX
sheet
A1.0
FLOOR PLAN
FLOOR PLAN
SCALE: 1/4" = 1'-0"
MECH



STOREFRONT AREA =	526 SF
MASONRY AREA =	506 SF
STUCCO AREA =	679 SF
CEMENT BD WOOD AREA =	123 SF
METAL AREA =	24 SF
TOTAL FACADE AREA =	1,858 SF

NORTH ELEVATION (2)
SCALE: 1/4" = 1'-0"



STOREFRONT AREA =	198 SF
MASONRY AREA =	736 SF
STUCCO AREA =	654 SF
CEMENT BD WOOD AREA =	0 SF
METAL AREA =	10 SF
TOTAL FACADE AREA =	1,606 SF

EAST ELEVATION (1)
SCALE: 1/4" = 1'-0"

EXTERIOR FINISH LEGEND			
MARK	MATERIAL	MANUFACTURER	COLOR
SF-1	STOREFRONT	KAWNEER	CLEAR ANODIZED
BRK-1	MODULAR FACE BRICK	GLENN GERY	MINK GREY SMOOTH IRONSPOT
BRK-2	MODULAR FACE BRICK	GLENN GERY	OYSTER GREY WIRECUT
CS-1	CAST STONE	-	BUFF
ST-1	STUCCO	-	SW7045 INTELLECTUAL GRAY
ST-2	STUCCO	-	SW7036 ACCESSIBLE BEIGE
MTL-1	METAL COPING	-	BLACK
MTL-2	METAL CANOPY	-	BLACK
WD-1	FIBER CEMENT SIDING	NICHIAH	CEDAR

(T) = TEMPERED GLASS

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DATE SIGNED XXXXXX

ADA Compliance Certification

To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title III Design Guidelines.

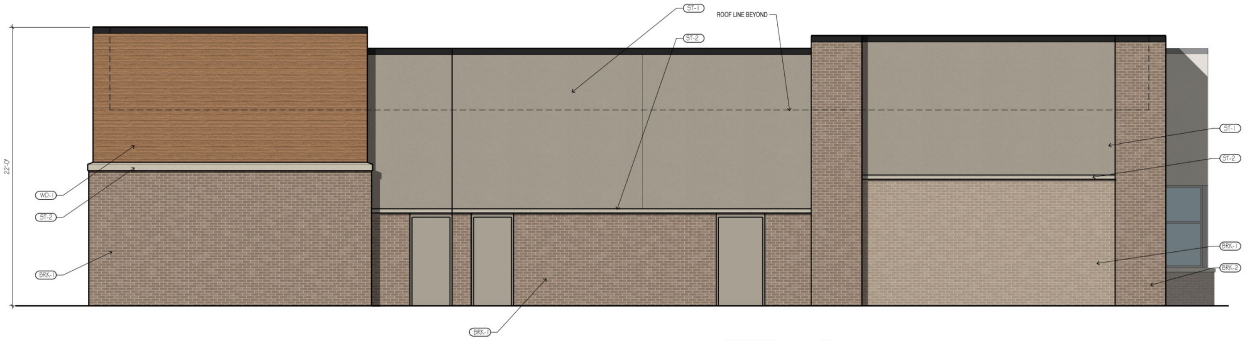
David Eskov

PRELIM
JULY 25, 2022

Revisions

MULTI-TENANT SHELL
LEGENDS SHOPPING CENTER
XXXXXXX
KANSAS CITY, KS

sheet
A2.0
EXTERIOR ELEVATIONS



STOREFRONT AREA =	0 SF
MASONRY AREA =	794 SF
STUCCO AREA =	827 SF
CEMENT SID WOOD AREA =	232 SF
METAL AREA =	97 SF
TOTAL FACADE AREA =	1,750 SF

SOUTH ELEVATION (2)
SCALE: 1/4" = 1'-0"

STOREFRONT AREA =	197 SF
MASONRY AREA =	561 SF
STUCCO AREA =	486 SF
CEMENT SID WOOD AREA =	292 SF
METAL AREA =	0 SF
TOTAL FACADE AREA =	1,445 SF

WEST ELEVATION (1)
SCALE: 1/4" = 1'-0"

EXTERIOR FINISH LEGEND			
MARK	MATERIAL	MANUFACTURER	COLOR
SF-1	STOREFRONT	KAWNEER	CLEAR ANODIZED
BRK-1	MODULAR FACE BRICK	GLENN GERY	MINK GREY SMOOTH IRONSPOT
BRK-2	MODULAR FACE BRICK	GLENN GERY	OYSTER GREY WIRECUT
CS-1	CAST STONE	-	BUFF
ST-1	STUCCO	-	SW7045 INTELLECTUAL GRAY
ST-2	STUCCO	-	SW7036 ACCESSIBLE BEIGE
MTL-1	METAL COPING	-	BLACK
MTL-2	METAL CANOPY	-	BLACK
WD-1	FIBER CEMENT SIDING	NICHIAH	CEDAR

(T) = TEMPERED GLASS

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JULY 25, 2022

Revisions

MULTI-TENANT SHELL
LEGENDS SHOPPING CENTER
XXXXXXX
KANSAS CITY, KS

sheet
A2.1
EXTERIOR ELEVATIONS

Figure 4. Site photograph on Village West Parkway looking southeast at 1875 Village West Parkway (provided by Planning Staff).

Figure 5. Site photograph looking west at 1875 Village West Parkway (provided by Planning Staff).

Figure 6. Site photograph looking northwest at 1875 Village West Parkway (provided by Planning Staff).

Figure 7. Site photograph on looking northwest at 1875 Village West Parkway (provided by Planning Staff).4

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: October 27, 2022

Re: **Petition PR2022-036**

GENERAL INFORMATION

Applicant:
Andrew Danner

Status of Applicant:
AMD Partners, LLC
5775 Northwest Terrace, Suite 203
Kansas City, MO 64151

Requested Action:
Approval of a Preliminary Development Plan.

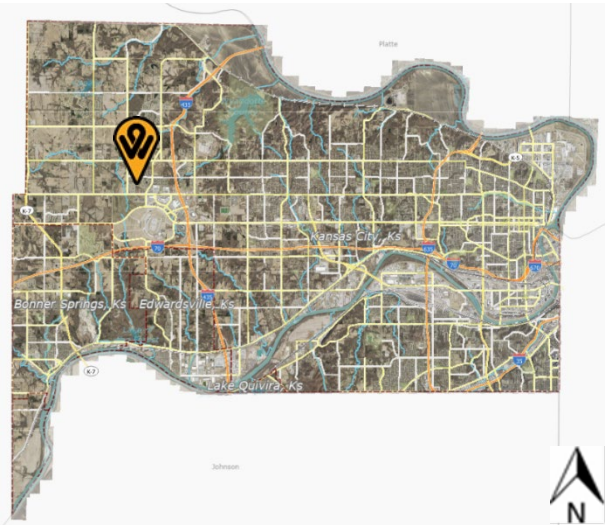
Date of Application:
August 26, 2022

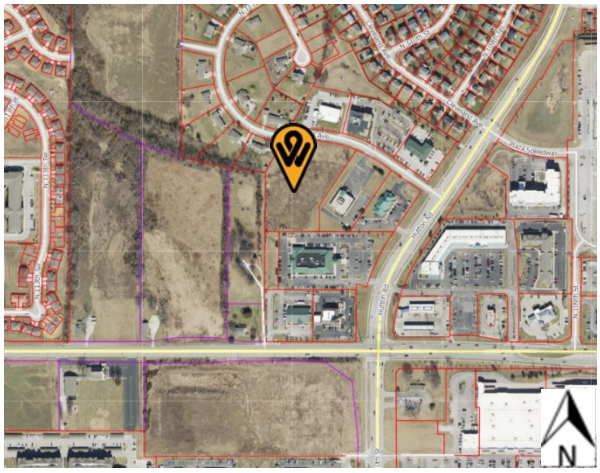
Purpose:
To build a two (2) story, 34-unit senior living apartment building.

Property Location:
11013 Haskell Avenue

Commission Districts:
Commissioner At-Large, District #1: Melissa Bynum
District #5 Commissioner: Michael (Mike) Kane

Existing Zoning:
CP-0 Planned Nonretail Business District





Adjacent Zoning:	**North:** CP-0 Planned Nonretail Business District **South:** CP-0 Planned Nonretail Business District **East:** CP-0 Planned Nonretail Business District **West:** R-1 Single Family and A-G Agriculture Districts
Adjacent Uses:	**North:** Medical Office Building and Engineering office building **South:** Medical Office Building **East:** Medical Office Building **West:** Single family homes
Total Tract Size:	3.62 Acres
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Residential, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multi-family uses.
Major Street Plan:	The Major Street Plan classifies Hutton Road and Haskell Road as a Class B Thoroughfare and Local Street, respectively.
Required Parking:	Required Parking: Sec. 27-459(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. Sixty-four (64) parking spaces are required. Sixty-six (66) parking spaces are provided.
Advertisement:	Property Owner Letters – September 16, 2022 Wyandotte Echo – Not Required
Public Hearings:	October 10, 2022 and October 27, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrew Danner with AMD Partners, LLC, has applied for a Preliminary Plan Review to build a two (2) story, 34-unit, 37,248 square foot senior living building on 3.62 acres.

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 primarily comprised of health-related office buildings and single-family residences to the northwest, across Haskell Avenue. Immediately to the north, south and east are a dialysis clinic, medical office building and an imaging center.

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

   The proposed development with thirty-four (34) units will increase traffic along Haskell Avenue, as the site is currently undeveloped, but not to the extent of a typical office building that is allowed by right in the CP-0 Planned Nonretail Business District and will not create parking problems as there is a surplus of two (2) spaces on site.

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

   The proposed use complies with the Master Plan designation of Planned Mixed Residential, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multi-family uses.

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

   a. ***Water service***

      Available

b. Sanitary sewer service

Available

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by the West Patrol, District #223

e. Fire

Fire service is provided by Station #12, located at Hutton Road and Leavenworth Road.

f. Transit

Kansas City ATA does not provide transit service at this property. The closest transit stop is at Plaza at the Speedway, Route #101, near Walmart at 108th Street, approximately one-third (1/3) mile east of the site.

g. Schools

Piper USD 203

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions, the applicant is capable of meeting applicable ordinance and other requirements.

PREVIOUS ACTIONS

- In 2005, the property was rezoned (COZ 2824) from A-G Agriculture District to CP-0 Planned Nonretail Business District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 2100 Hutton Road on September 19, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Multi-Family Design Guidelines
Massing and Building Orientation
Lighting
Pedestrian Connectivity
Landscaping, Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review PR2022-036, subject to:

1. **A Final Development Plan is required to be submitted to complete this entitlement process;**
2. **Per Sec. 27-463(b)(1) Any use permitted in the RP-4 Garden Apartment District under the standards of that district, except single-family and two-family dwellings are not permitted in this district;**
3. **Install a sidewalk along Haskell Avenue;**
4. **Install a painted hatched crosswalk across the driveway approach;**
5. **Relocate the proposed sidewalk from Haskell Avenue south in front of the trash enclosure further west and install a painted crosswalk across the drive aisle. The proposed ADA ramp terminates in front of the trash enclosure;**
6. **Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.**
   Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a maximum of one (1) evergreen or one (2) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Buffering plantings will be required in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.
   The site is 3.62 acres, which requires 23 trees, six (6) additional evergreen or shade trees and 34 shrubs for buffering per the zoning district;
7. **Plant trees around the retention basins, more than what is shown to buffer the single-family home from this development;**
8. **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;**
9. **All landscaping shall be irrigated;**

10. **A six (6) foot privacy fence with masonry columns every 32 feet running shall be constructed along the perimeter of the west property line, abutting the A-G Agriculture and R-1 Single Family Districts. Staff can discuss with the applicant during the Final Development Plan regarding keeping the existing tree stands, but also installing the fence to meet the code requirement;**
11. **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;**
12. **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;**
13. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
14. **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;**
15. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;**
16. **Satellite dishes shall not be erected on the exterior of patios, balconies, or rooftops. 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;**
17. **All exterior lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. No light may cast on adjacent right-of-way or on adjoining property. Lighting cannot exceed one (1) footcandle at the property line;**
18. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
19. **Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;**

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. **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;**
22. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
23. **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,**
24. **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.**

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 **PR2022-036** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Prairie Delaware Piper Master Plan Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan
Floor Plan
Site Line Cross Section
Building Elevations
Building Renderings
Site Photographs taken on September 13, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Preliminary Plan Approval		

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-036** 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 **PR2022-036** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 5:55:50:

PLAN REVIEW APPLICATION PR2022-036 – ALEX ELLIOTT WITH ATLAS LAND SURVEYORS - SYNOPSIS: Preliminary Plan Review to construct a two-story building for senior citizens at 11013 Haskell Avenue.

Detailed Outline of Requested Action: The applicant, Andrew Danner with AMD Partners, LLC, has applied for a Preliminary Plan Review to build a two (2) story, 34-unit, 37,248 square foot senior living building on 3.62 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 October 10, 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:

- Mathew Danner, developer, 5775 Northwest 64th Terrace, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:59:05: Planning Director Hand stated that that the proposal is for a new senior development. The zoning is C-O District and does not require a Change of Zone as the use is allowed in this zoning. Staff has conditioned that they comply with the Multi-Family Guidelines. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 6:00:13:

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-036:**

Carson	Chairman
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye

Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Aye

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

Subject to:

1. **A Final Development Plan is required to be submitted to complete this entitlement process;**
2. **Per Sec. 27-463(b)(1) Any use permitted in the RP-4 Garden Apartment District under the standards of that district, except single-family and two-family dwellings are not permitted in this district;**
3. **Install a sidewalk along Haskell Avenue;**
4. **Install a painted hatched crosswalk across the driveway approach;**
5. **Relocate the proposed sidewalk from Haskell Avenue south in front of the trash enclosure further west and install a painted crosswalk across the drive aisle. The proposed ADA ramp terminates in front of the trash enclosure;**
6. **Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.**

   Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a maximum of one (1) evergreen or one (2) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Buffering plantings will be required in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.
   The site is 3.62 acres, which requires 23 trees, six (6) additional evergreen or shade trees and 34 shrubs for buffering per the zoning district;
7. **Plant trees around the retention basins, more than what is shown to buffer the single-family home from this development;**
8. **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;**
9. **All landscaping shall be irrigated;**
10. **A six (6) foot privacy fence with masonry columns every 32 feet running shall be constructed along the perimeter of the west property line, abutting the A-G Agriculture and R-1 Single Family Districts. Staff can discuss with the applicant during the Final Development Plan regarding keeping the**

existing tree stands, but also installing the fence to meet the code requirement;

11. **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;**
12. **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;**
13. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
14. **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;**
15. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;**
16. **Satellite dishes shall not be erected on the exterior of patios, balconies, or rooftops. 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;**
17. **All exterior lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. No light may cast on adjacent right-of-way or on adjoining property. Lighting cannot exceed one (1) footcandle at the property line;**
18. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
19. **Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;**
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. **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;**
22. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
23. **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,**
24. **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.**

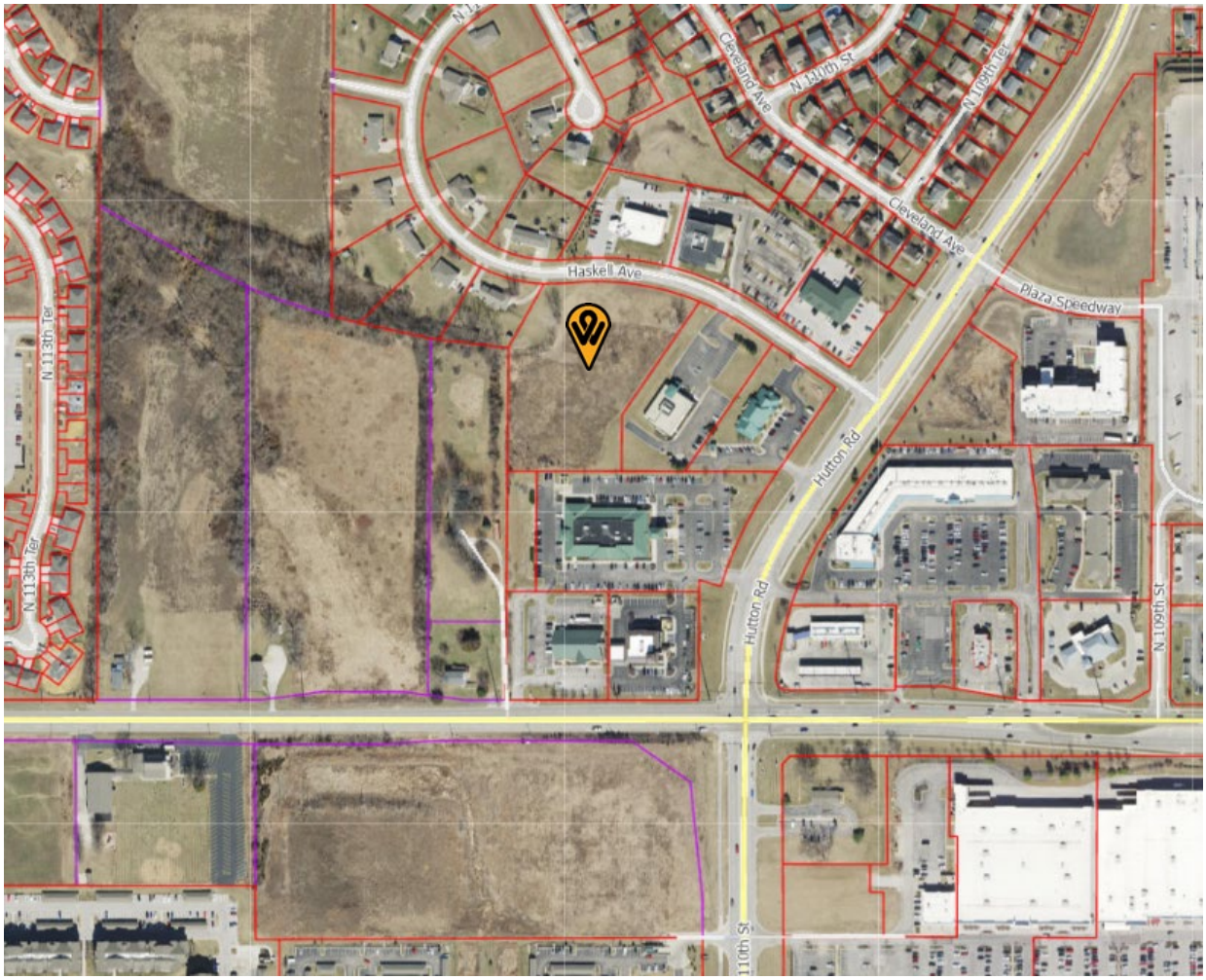


Figure 1. Aerial Map of 11013 Haskell Avenue (provided by UG Maps).

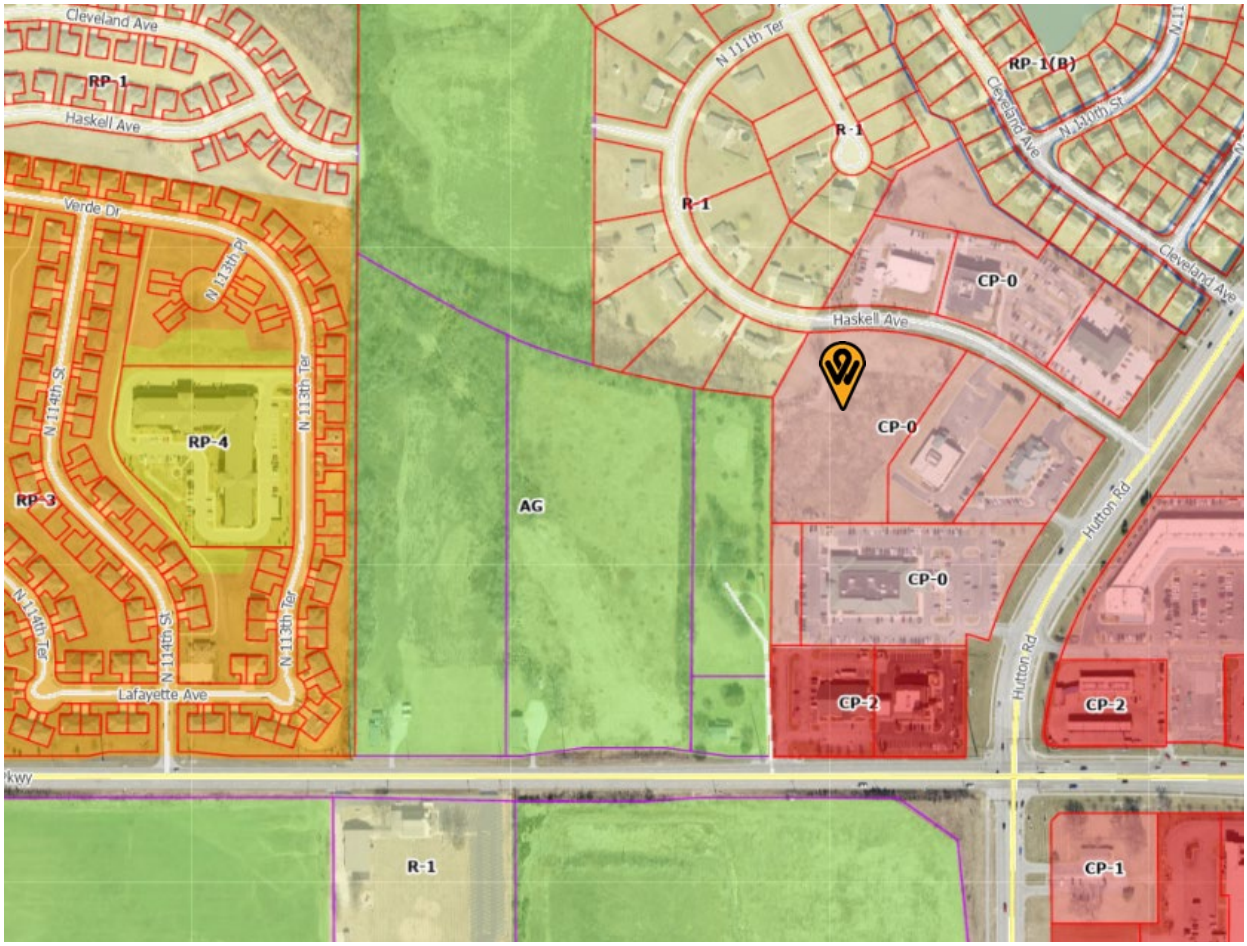


Figure 2. Zoning Map of 11013 Haskell Avenue (provided by UG Maps).

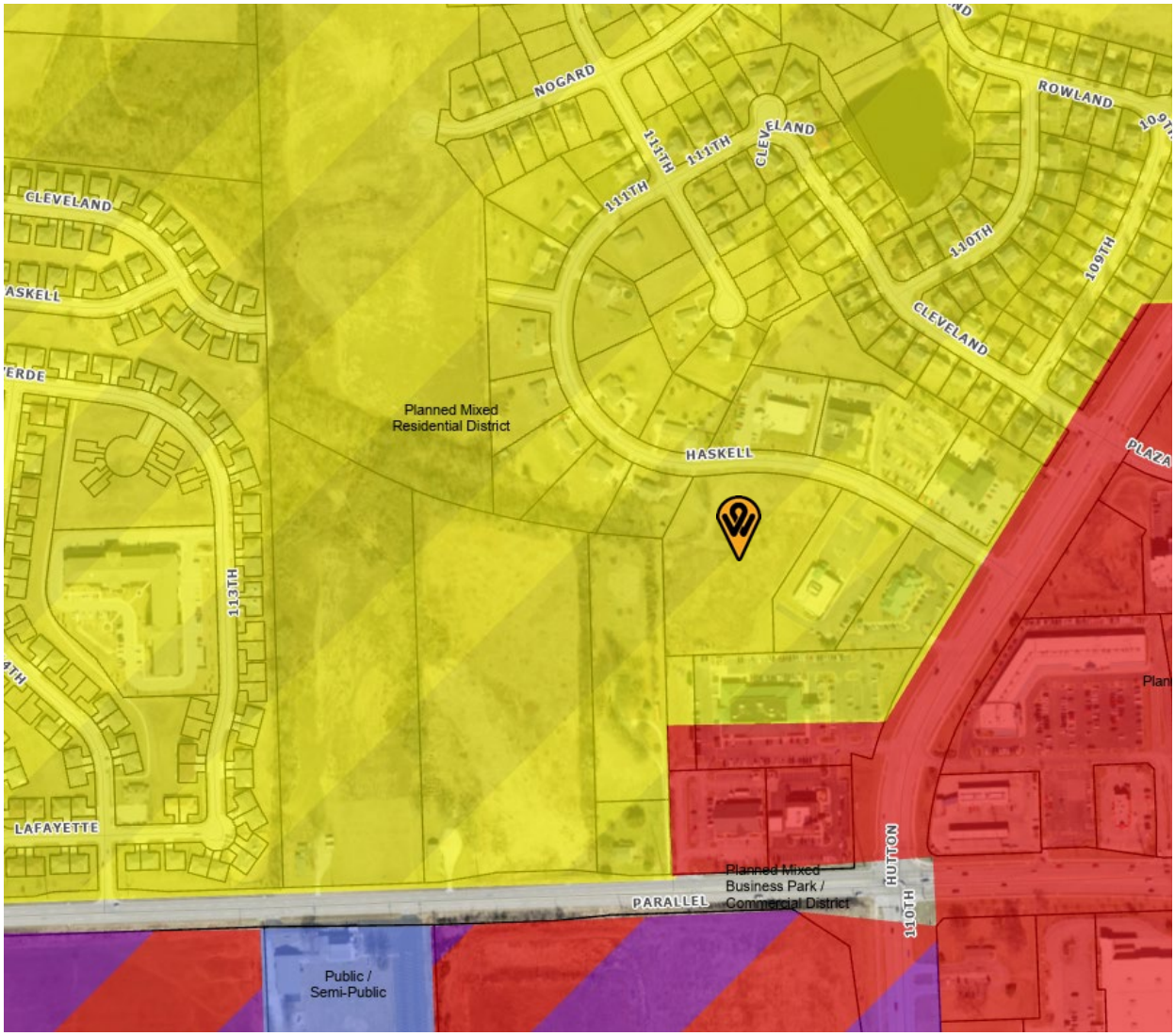


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 11013 Haskell Avenue (provided by UG Maps).

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
606 Jefferson Hills Court, Lawrence, Kansas 66044

Comment Response Letter

To:	Byron Toy, UG Department of Planning & Urban Design
Address:	701 N 7th Street
	Kansas City, KS 66101
Phone:	913-573-5758
Email:	btoy@wycokck.org
Date:	September 21st, 2022
Project:	PR2022-036 Legends Senior Villas

General Planning Comments:

1) Per Sec. 27-463(b)(1) Any use permitted in the RP-4 garden apartment district under the standards of that district, except that single-family and two-family dwellings are not permitted in this district.

Acknowledged.

2) The senior living building must provide a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

FEMA safe room provided on southwest end of building.

3) What type of senior living facility/building will this be? Is this open to 55+ residents, independent living, memory care or assisted living?

This is a senior independent living apartment building specifically designated for individuals 55 years of age and older.

4) What on-site amenity is provided to the residents?

There is a fitness center and community room / computer lab available for all residents free of charge. These amenities are detailed in the floor plans of the building.

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

5) Install a sidewalk along Haskell Avenue.

Sidewalk added along the property's frontage along Haskell Ave.

6) Install a painted hatched crosswalk across the driveway approach.

Painted crosswalks added.

7) Relocate the proposed sidewalk from Haskell Avenue south in front of the trash enclosure further west and install a painted crosswalk across the drive aisle. The proposed ADA ramp terminates in front of the trash enclosure.

Sidewalk relocated further northwest, painted crosswalk added. ADA ramps added on both sides.

Building Architecture Comments:

1) The building elevations and renderings does not list the proposed exterior building materials. Please clarify.

Acknowledged. The elevations of the building have been revised to specifically call out each exterior building material and includes a summary of each material.

2) The façade may not extend more than 200 feet without a major articulation to the building

   Based on the rendering, this building has minor articulation along the building facades. Only two (2) building materials are proposed without a substantial change in façade. Greater articulation, break up of materials, roof pitches need to be implemented into the building design.

Acknowledged.

3) Provide site line cross sections for the residents to the northwest and west.

Acknowledged. The site line cross sections have been incorporated.

Landscaping and Screening Comments:

1) Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

   Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a maximum of one (1) evergreen or one (2) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Buffering plantings will be required in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per eight (8)

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

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 3.62 acres, which requires 23 trees, six (6) additional evergreen or shade trees and 34 shrubs for buffering per the zoning district.

Acknowledged. Applicant has increased tree, evergreen, and shrubs to exceed the minimum landscape requirements. Refer to Sheet L-100.

2) Plant trees around the retention basins, more than what is shown to buffer the single family home from this development.

Acknowledged. Additional trees have been placed around the basin. Refer to Sheet L-100.

3) 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.

Acknowledged. Refer to Landscape Material chart on Sheet L-100.

4) All landscaping shall be irrigated.

Acknowledged. Refer to note 8 on Sheet L-100.

5) A six (6) foot privacy fence with masonry columns every 32 feet running shall be constructed along the perimeter of the west property line, abutting the A-G Agriculture and R-1 Single Family Districts.

Acknowledged. Refer to plan on Sheet L-100. Applicant would like to discuss modifying the fence location at the southwest corner to avoid an existing grove of trees.

6) 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.

Acknowledged. Refer to plan on Sheet L-100 and refer to notes 9 and 10 on sheet L-100.

7) 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.

Acknowledged. Refer to note 11 on sheet L-100.

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

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Acknowledged. Refer to plan and note 12 on sheet L-100.

9) 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.

Acknowledged. Refer to plan and note 13 on sheet L-100.

10) 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.

Acknowledged. Refer to plan and note 14 on sheet L-100.

11) Satellite dishes shall not be erected on the exterior of patios, balconies, or rooftops. 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.

Acknowledged. Refer to note 15 on sheet L-100.

12) All exterior lighting, whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. No light may cast on adjacent right-of-way or on adjoining property. Lighting cannot exceed one (1) footcandle at the property line.

Acknowledged. Refer to note 16 on sheet L-100.

Signage Comments:

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.

Acknowledged. Refer to note 1 under "Signage" on sheet L-100.

Please let me know if you have any questions.

Alex Elliott
alex@alconsult-llc.com
913.207.2936

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

Application Number **PR-2022-036**
Date and Location: **September 19th, 2022 at 6:30 P.M. at 2100 Hutton Road Kansas City, KS 66109. In The "Real Living KC Realty" Office.**

Meeting called to order at: **6:30 P.M.**

Names of people in attendance:
-Matthew Danner (Developer) – 5775 NW 64th Terrance Kansas City, Missouri 64151

-Andrew Danner (Developer) – 5775 NW 64th Terrance Kansas City, Missouri 64151

-Alex Elliot (Engineer Team) – 2300 Hutton Road Suite 108 Kansas City, Kansas 66109

-Austin Thompson (Engineer Team) – 2300 Hutton Road Suite 108 Kansas City, Kansas 66109

-Jim Ulreich (Neighbor) – 11014 Parallel Parkway Kansas City, Kansas 66109

Introductions:

Once the meeting began, the everyone introduced themselves and explain their role in the project. Alex Elliot began the presentation providing a visual of the site plan, the engineering and landscape plan, stormwater data, the building elevation, a 3-D rendering of the property, skyline view, and a street view. Alex explained the extra dentition being provided for this project. Alex went into great detail on each of these topics, discussing any issues or concerns anyone might bring up.

Questions and Answers:

Jim Ulreich asked the following questions:

1. **Is this a senior living complex or is this an assisted living complex?** Andrew Danner explained that this would be senior living villas for ages 55+.
2. **How many rooms are available?** Matthew Danner responded with 26 two-bedroom villas and 8 one-bedroom villas.
3. **How much are the villas?** Matthew Danner answered anywhere from $405-$995 per month.
4. **What is the time frame on construction? How long will it take you to build?** Andrew and Matthew Danner both explain the project would be ready early to mid-2024.

Finally, Jim stated he had no opposition to the proposed development and that this project would be good for the area.

Meeting adjourned at: **7:05 P.M.**

Minutes taken by: **Austin Thompson**

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SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
606 Jefferson Hills Court, Lawrence, Kansas 66044

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Platte)

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

1. That I am the petitioner for Petition #PR2022-036
2. That I conducted a neighborhood meeting on 9/19/2022.
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

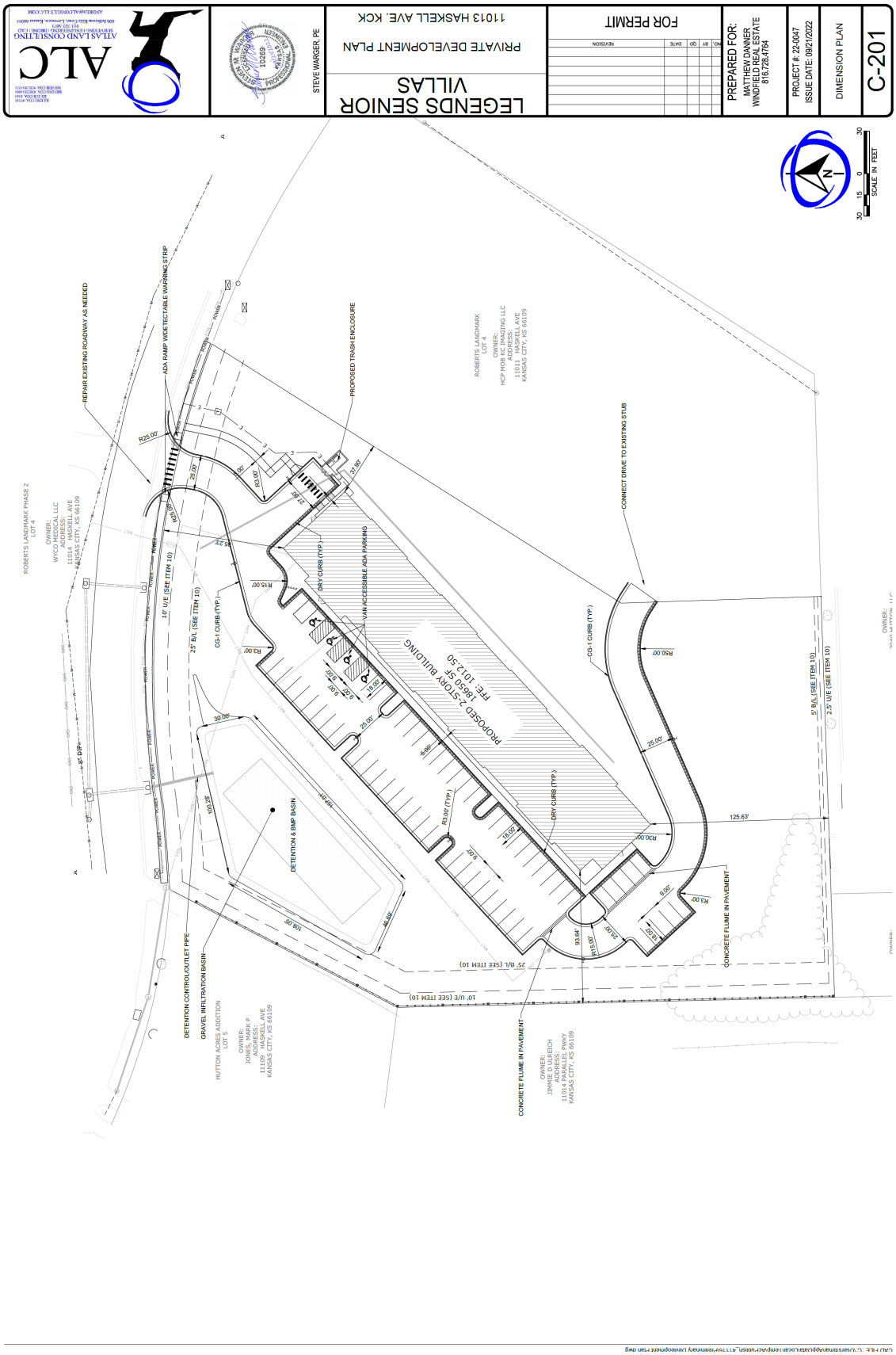
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22nd day of September, 2022.

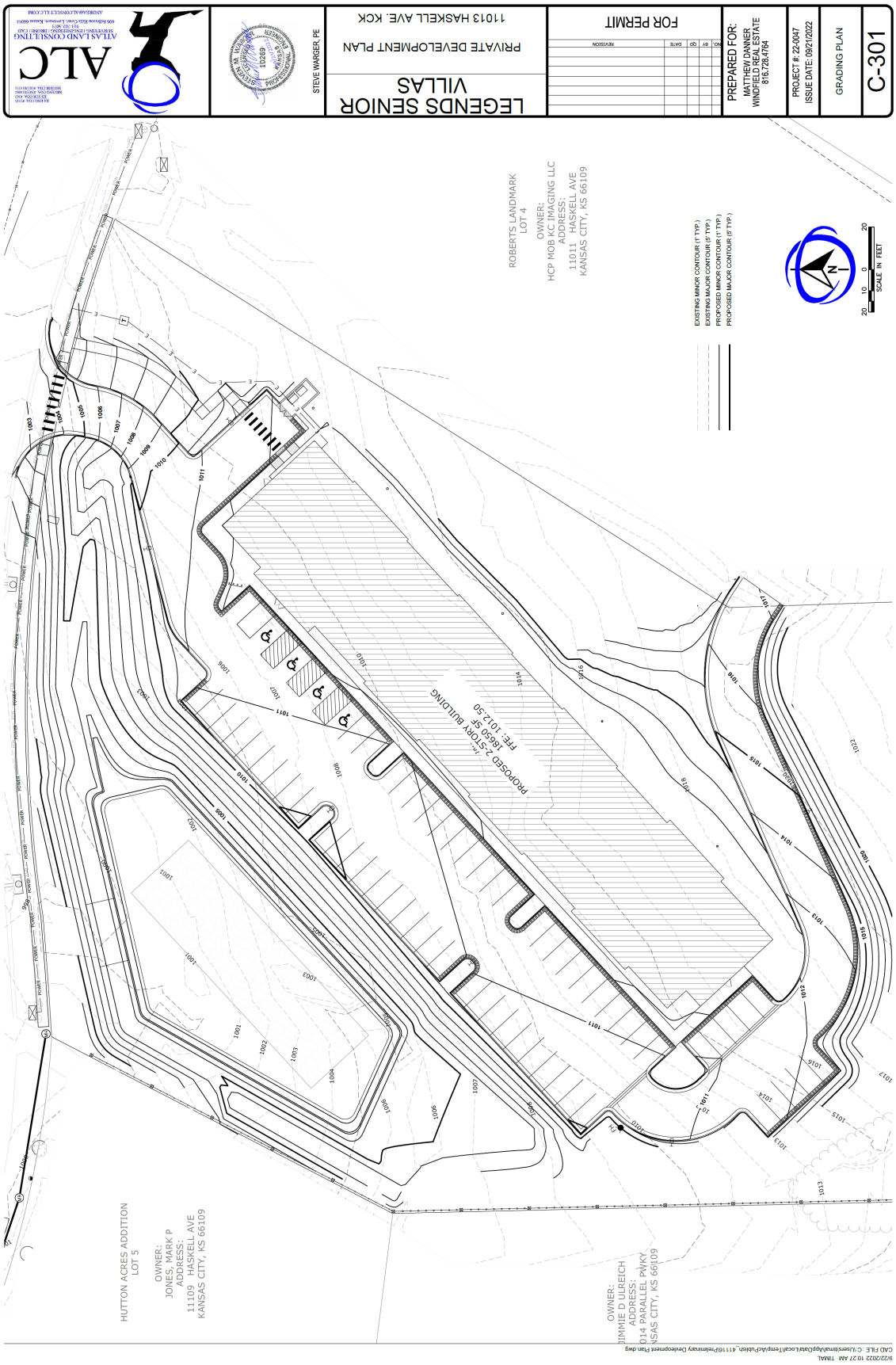
My commission expires 8th of November, 2023.

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

AARON TRUAX
My Commission Expires
November 8, 2023
Platte County
Commission #15627411

Notary Public


LEGENDS SENIOR VILLAS
PRIVATE DEVELOPMENT PLAN
11013 HASKELL AVE. KCK
FOR PERMIT
PREPARED FOR:
MATTHEW DANNER
WINDSOR REAL ESTATE
816.726.4764
PROJECT #: 22-0047
ISSUE DATE: 09/21/2022
DIMENSION PLAN
C-201
STEVE WARGER, PE
ALC
ATLAS LAND CONSULTING
SCALE IN FEET
PROPOSED 2-STORY BUILDING
18650 SF
FFE: 1012.50
VAN ACCESSIBLE ADA PARKING
DRY CURB (TYP.)
CG-1 CURB (TYP.)
PROPOSED TRASH ENCLOSURE
CONNECT DRIVE TO EXISTING STUB
REPAIR EXISTING ROADWAY AS NEEDED
ADA RAMP W/DETECTABLE WARNING STRIP
DETENTION & BMP BASIN
DETENTION CONTROL/OUTLET PIPE
GRAVEL INFILTRATION BASIN
CONCRETE FLUME IN PAVEMENT
CONCRETE FLUME IN PAVEMENT
ROBERTS LANDMARK PHASE 2
LOT 4
OWNER:
WYCO NEEDALL LLC
ADDRESS:
11014 HASKELL AVE
KANSAS CITY, KS 66109
ROBERTS LANDMARK
LOT 4
OWNER:
MCP MOB KC IMAGING LLC
ADDRESS:
11011 HASKELL AVE
KANSAS CITY, KS 66109
HUTTON ACRES ADDITION
LOT 5
OWNER:
JONES, MARK P
ADDRESS:
11109 HASKELL AVE
KANSAS CITY, KS 66109
OWNER:
JIMMIE D OLREICH
ADDRESS:
11014 PARALLEL PWKY
KANSAS CITY, KS 66109
25' B/L (SEE ITEM 10)
10' U/E (SEE ITEM 10)
2.5' U/E (SEE ITEM 10)
5' B/L (SEE ITEM 10)
125.63'


LEGENDS SENIOR VILLAS
PRIVATE DEVELOPMENT PLAN
11013 HASKELL AVE. KCK
FOR PERMIT
PREPARED FOR:
MATTHEW DANNER
WINDFIELD REAL ESTATE
816.728.4764
PROJECT #: 22-0047
ISSUE DATE: 09/21/2022
GRADING PLAN
C-301
STEVE WARGER, PE
ALC
ATLAS LAND CONSULTING
ROBERTS LANDMARK
LOT 4
OWNER:
HCP MOB KC IMAGING LLC
ADDRESS:
11011 HASKELL AVE
KANSAS CITY, KS 66109
HUTTON ACRES ADDITION
LOT 5
OWNER:
JONES, MARK P
ADDRESS:
11109 HASKELL AVE
KANSAS CITY, KS 66109
OWNER:
JIMMIE D ULREICH
ADDRESS:
114 PARALLEL PWKY
KANSAS CITY, KS 66109
PROPOSED 2-STORY BUILDING
FFE: 1012.50
EXISTING MINOR CONTOUR (1' TYP.)
EXISTING MAJOR CONTOUR (5' TYP.)
PROPOSED MINOR CONTOUR (1' TYP.)
PROPOSED MAJOR CONTOUR (5' TYP.)
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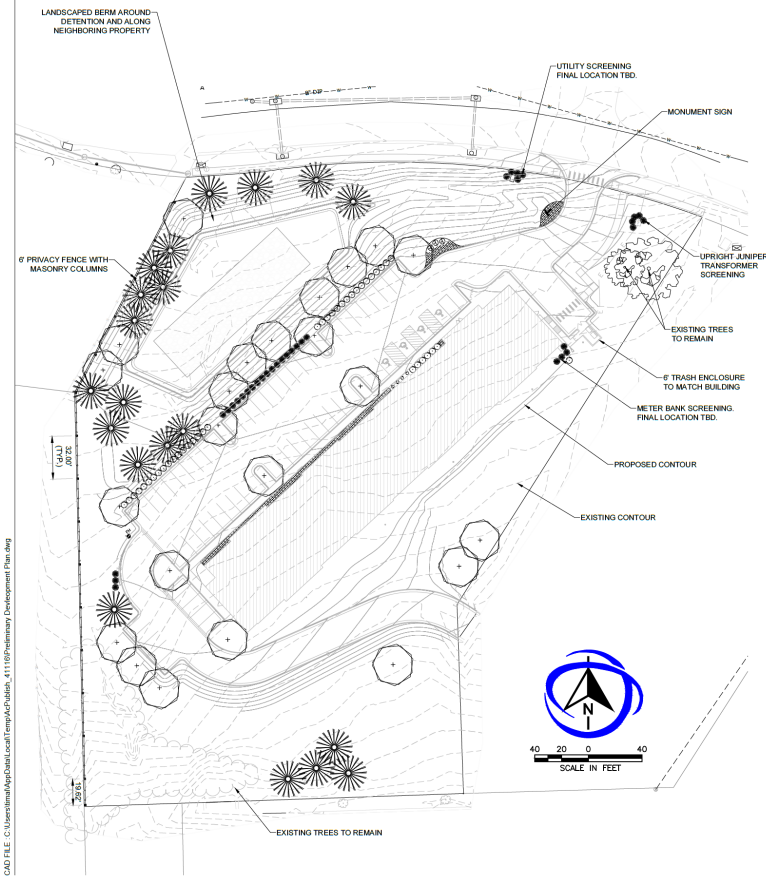

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LANDSCAPE NOTES

1. NO PLANT MATERIAL SUBSTITUTIONS ARE ALLOWED WITHOUT THE PRIOR APPROVAL OF THE OWNER.
2. ALL PLANT MATERIAL DELIVERED ON SITE SHALL COMPLY WITH THE GENERAL STANDARDS FOR NURSERY STOCK AS DEFINED BY THE MOST RECENT EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" PUBLISHED BY AMERICANHORT, INCLUDING (BUT NOT EXCLUSIVELY INCLUDING) FORM, HABIT, VIGOR, HEALTH, AND MEASURE.
3. ALL MATERIALS INSPECTED ON SITE AND FOUND TO BE UNACCEPTABLE DUE TO EVIDENCE OF DISEASE, INSECTS, OR FUNGAL GROWTH SHALL BE REMOVED FROM THE SITE ON THE DAY OF THE INSPECTION.
4. ALL SIZES INDICATED ON THE PLANT LIST ARE THE MINIMUM ACCEPTABLE SIZE. ALL MATERIAL SHALL MEET THE MINIMUM DIAMETERS, DEPTHS, AND CUBIC VOLUMES PER THE "AMERICAN STANDARD FOR NURSERY STOCK". MATERIAL SMALLER THAN THE MINIMUM ACCEPTED SIZE SHALL NOT BE ACCEPTED. ANY MATERIAL INSTALLED THAT DOES NOT MEET THESE MINIMUM SIZE REQUIREMENTS SHALL BE REMOVED AND REPLACED AT NO COST TO THE OWNER.
5. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER MEASURED DIMENSIONS.
6. CONTRACTOR SHALL LOCATE ALL UTILITIES PRIOR TO INSTALLATION OF ANY PLANT MATERIAL.
7. ALL WORK DESCRIBED IN THE LANDSCAPE PLAN SHALL COMPLY WITH ASSOCIATED CODES, ORDINANCES, AND PLAN REPORT REQUIREMENTS BY THE WYANDOTTE COUNTY UNIFIED GOVERNMENT.
8. ALL LANDSCAPING SHALL BE IRRIGATED.
9. 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.
10. ALL SCREENING MATERIALS MUST BE WELL MAINTAINED AT ALL TIMES.
11. 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.
12. ALL ELECTRICAL METER BANKS, TYPICALLY ON THE SIDE OF THE BUILDING SHALL BE SCREENED FROM PUBLIC VIEW.
13. 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.
14. MECHANICAL EQUIPMENT OR OTHER UTILITIES WHETHER ON THE GROUND OR MOUNTED ON THE BUILDING SHALL BE SCREENED FROM PUBLIC VIEW. THE SCREENING SHALL EITHER BE DENSE LANDSCAPING WITH A MINIMUM OF SIX-FOOT (6') EVERGREENS OR AN ARCHITECTURAL WALL CONSTRUCTED FROM THE SAME MATERIALS AS THE MAIN BUILDING.
15. SATELLITE DISHES SHALL NOT BE ERECTED ON THE EXTERIOR OF PATIOS, BALCONIES, OR ROOFTOPS. 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.
16. ALL EXTERIOR LIGHTING, WHETHER MOUNTED ON THE BUILDING OR INSTALLED IN THE PARKING LOT SHALL HAVE 90-DEGREE CUTOFF FIXTURES. NO LIGHT MAY CAST ON ADJACENT RIGHT-OF-WAY OR ON ADJOINING PROPERTY. LIGHTING CANNOT EXCEED ONE (1) FOOTCANDLE AT THE PROPERTY LINE.

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.

LANDSCAPE DATA

DESCRIPTION	EXISTING	
ZONING	CP-0	
SITE AREA		
in square feet	157,687	
in acres	3.62	
BUILDING AREA (SQ. FT.)	18,632	
	REQUIRED	PROPOSED
TREES (per 7000 SQ. FT./ site area)	23	
INTERIOR PARKING LOT TREES	N/A	
SCREENING OF PARKING AREAS	LANDSCAPE BUFFER	LANDSCAPE BUFFER
BUFFER PLANTINGS (190 L.F.)		
shade tree or evergreen tree	6	
shrub	21	
MULTIFAMILY UNITS (34 DU)		
shade tree (1 per 8 DU)	5	
shrub (1 per 1 DU)	34	
SUBTOTAL TREES	34	
SEC. 27-459(f) TREE REQ. MAKE-UP	1	
TOTAL TREES	35	43
SUBTOTAL SHRUBS	55	
METER BANK SCREENING	5	
BPU PAD SCREENING	5	
OTHER SITE UTILITY SCREENING	5	
TOTAL SHRUBS	70	83

LANDSCAPE MATERIAL

SYMBOL	BOTANICAL NAME	COMMON NAME	CONT.	MIN. CAL	MIN. SIZE	QTY
SHADE TREES						
+	*Acer rubrum* 'October Glory'	October Glory Maple	B&B	2"		23
	Gleditsia Triachanthos 'Skyline'	Skyline Honeylocust	B&B	2"		
	Quercus macrocarpa	Bur Oak	B&B	2"		
	Quercus muehlenbergii	Chinkapin Oak	B&B	2"		
	Tilia Cordata	Littleleaf Linden	B&B	2"		
	Zelkova Serrata 'Musashino'	Sawleaf Zelkova	B&B	2"		
EVERGREEN TREES						
	Pinus strobus	White Pine	B&B		6' HT.	20
	Taxodium distichum	Bald Cypress	B&B		6' HT.	
SHRUBS						
SHRUBS	BOTANICAL NAME	COMMON NAME	CONT.	CAL	SIZE	QTY
	Pieris japonica 'Mountain Fire'	Mountain Fire Pieris	5 GAL.			83
	Rhus aromatica 'Gro-Low'	Gro-Low Sumac	5 GAL.			
	Chamaecyparis pisifera 'Lemon Thread'	Lemon Thread False Cypress	5 GAL.			
	Juniperus chinensis 'Blue Point'	Blue Point Upright Juniper	5 GAL.		6' HT.	
	Juniperus chinensis 'Sea Green'	Sea Green Juniper	5 GAL.			
	Juniperus viginiana 'Grey Owl'	Grey Owl Juniper	5 GAL.			
	Calamagrostis acutiflora 'Karl Foerster'	Feather Reed Grass	5 GAL.			
	Miscanthos sinenses 'Morning Light'	Morning Light Maidengrass	5 GAL.			
ANNUAL/PERENNIAL BEDS						
	BED AREA (SQ. FT.)					1,198

ALC
ATLAS LAND CONSULTING
LANDSCAPE ARCHITECTURE
913.515.3457
699 Ash Grove Hills Dr. | Kansas 66061
ANDREA@ALCONSULT-LLC.COM

STEVEN M. WARGER
10269
KANSAS
PROFESSIONAL ENGINEER
STEVE WARGER, PE

LEGENDS SENIOR VILLAS

PRIVATE DEVELOPMENT PLAN

11013 HASKELL AVE. KCK

NO.	BY	DATE	REVISION

FOR PERMIT

PREPARED FOR:
MATTHEW DANNER
WINDFIELD REAL ESTATE
816.728.4764

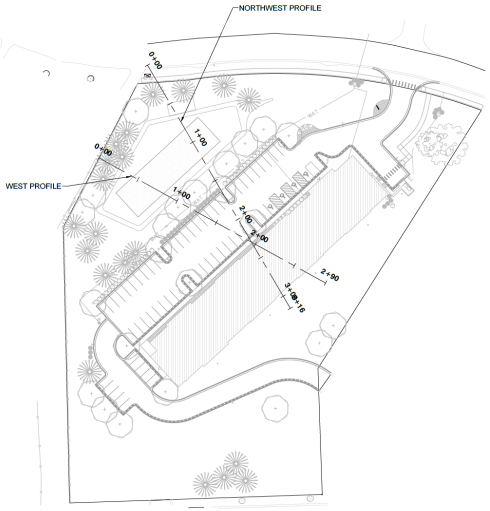
PROJECT #: 22-0047
ISSUE DATE: 09/21/2022

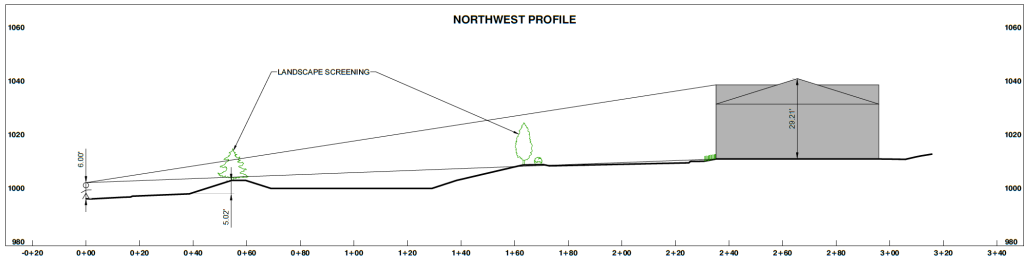
LANDSCAPE PLAN

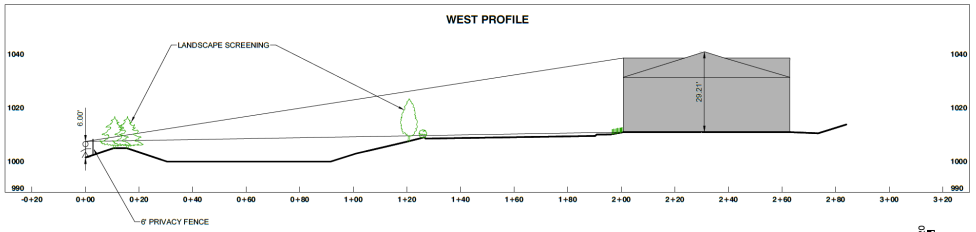
L-100

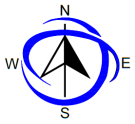
LEGENDS SENIOR VILLAS

SIGHT LINE CROSS SECTION









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ATLAS LAND CONSULTING
ALC
STEVE WARGER, PE

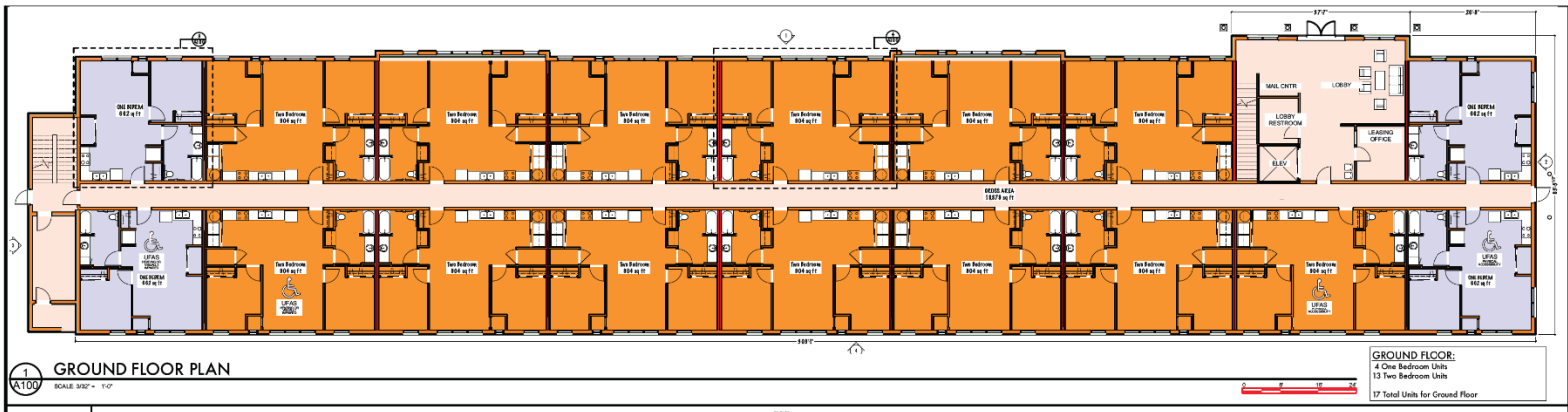
LEGENDS SENIOR VILLAS
11013 HASKELL AVE. KCK

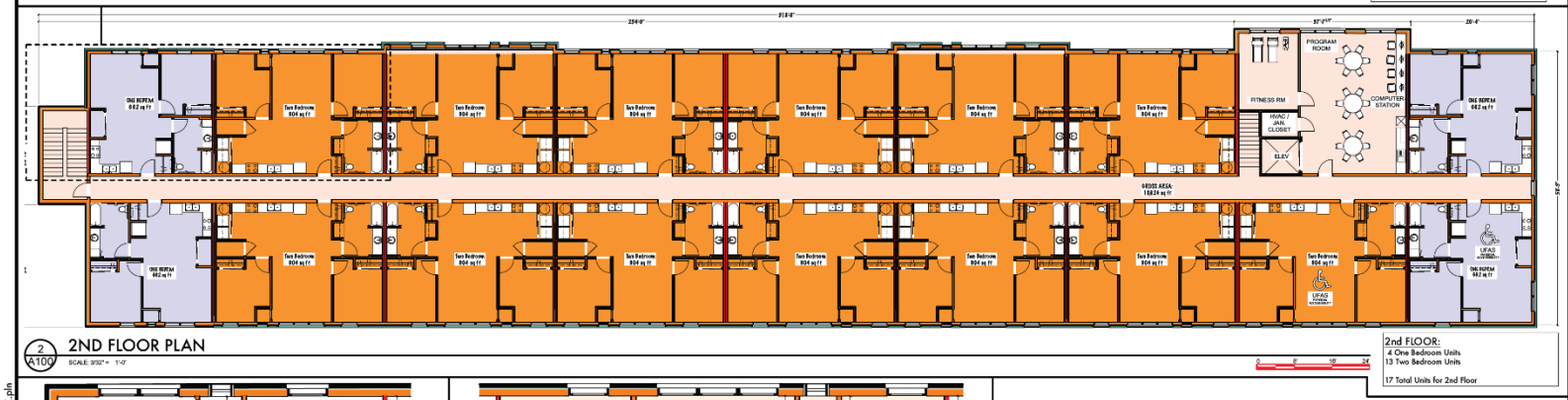
NO.	BY	DATE	REVISION

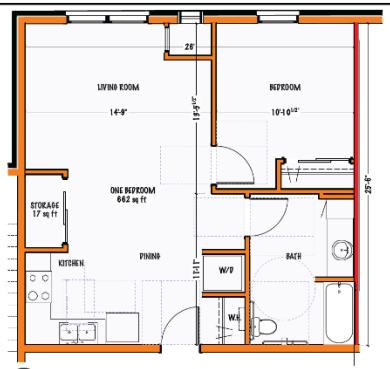
FOR PERMIT

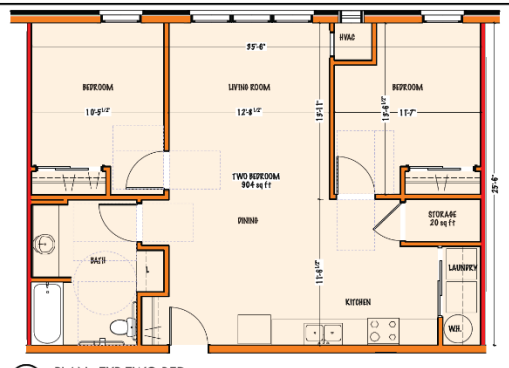
PREPARED FOR:
MATTHEW DANNER
WINDFIELD REAL ESTATE
816.728.4764

PROJECT #: 22-0047
ISSUE DATE: 09/21/2022









N

PRELIMINARY - NOT FOR CONSTRUCTION

AGM, INC
5115 SAINT CHARLES PLACE
SAINT LOUIS, MO. 63119
TEL: 314.696.2910
FAX: 314.272.7007
MOB: 314.960.6006
ARCHITECT
GAREN MILLER

STRUCTURAL & MEP CONSULTANTS

CIVIL CONSULTANTS

Legends Senior Villas

11013 Haskell Ave.
Kansas City, KS.

Thursday, August 25, 2022

MARK	DATE	DESCRIPTION

PROJECT NO:	011101
MODEL FILE:	KCK.pln
DRAWN BY:	Miller
CHK'D BY:	Garen Miller
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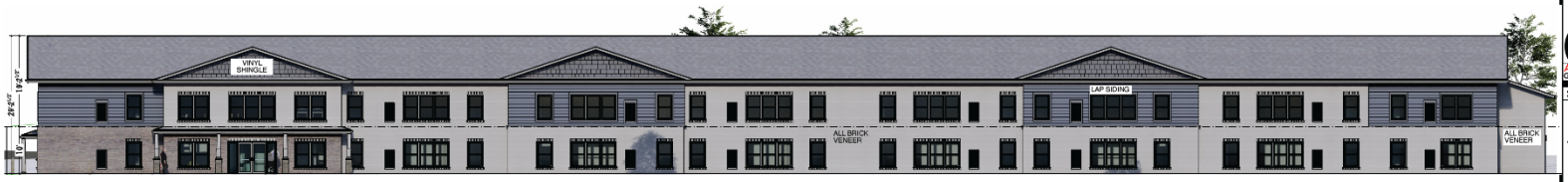
SHEET TITLE

Ground and Second Floor Plan

A100

SHEET 2 Total Pages

/Users/garenmiller/AGM Dropbox/Current Projects/KCK-Haskell-Apartments-KH/KCK.pln



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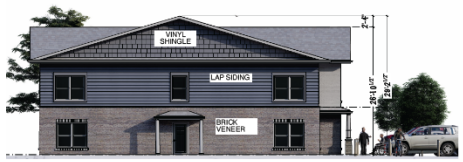

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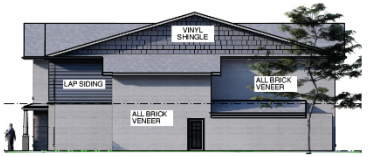

3 A200 ELEVATION - WEST
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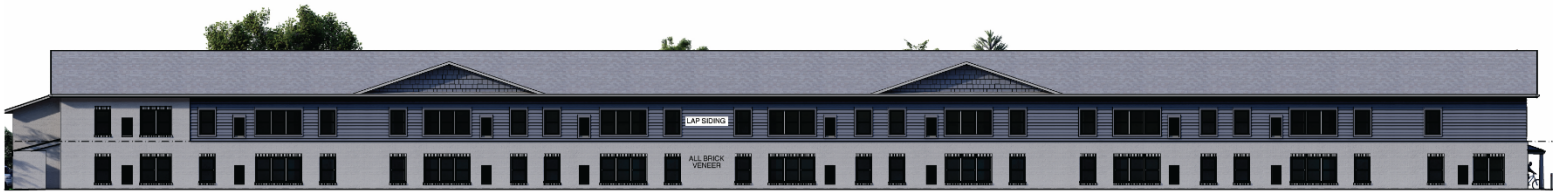

4 A200 ELEVATION - SOUTH
SCALE: 3/32" = 1'-0"

FOR PRELIMINARY REVIEW - NOT FOR CONSTRUCTION
08/25/22

AGM, INC
5115 SAINT CHARLES PLACE
SAINT LOUIS, MO. 63119
TEL: 314.696.2910
FAX: 314.272.7007
MOB: 314.960.6006
ARCHITECT
GAREN MILLER
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STRUCTURAL & MEP CONSULTANTS

CIVIL CONSULTANTS

Legends Senior Villas
11013 Haskell Ave.
Kansas City, KS.

Thursday, August 25, 2022

MARK	DATE	DESCRIPTION

PROJECT NO: 011101
MODEL FILE: KCK.pln
DRAWN BY: Miller
CHK'D BY: Garen Miller
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SHEET TITLE
BUILDING ELEVATIONS

A200
SHEET 3 Total Pages

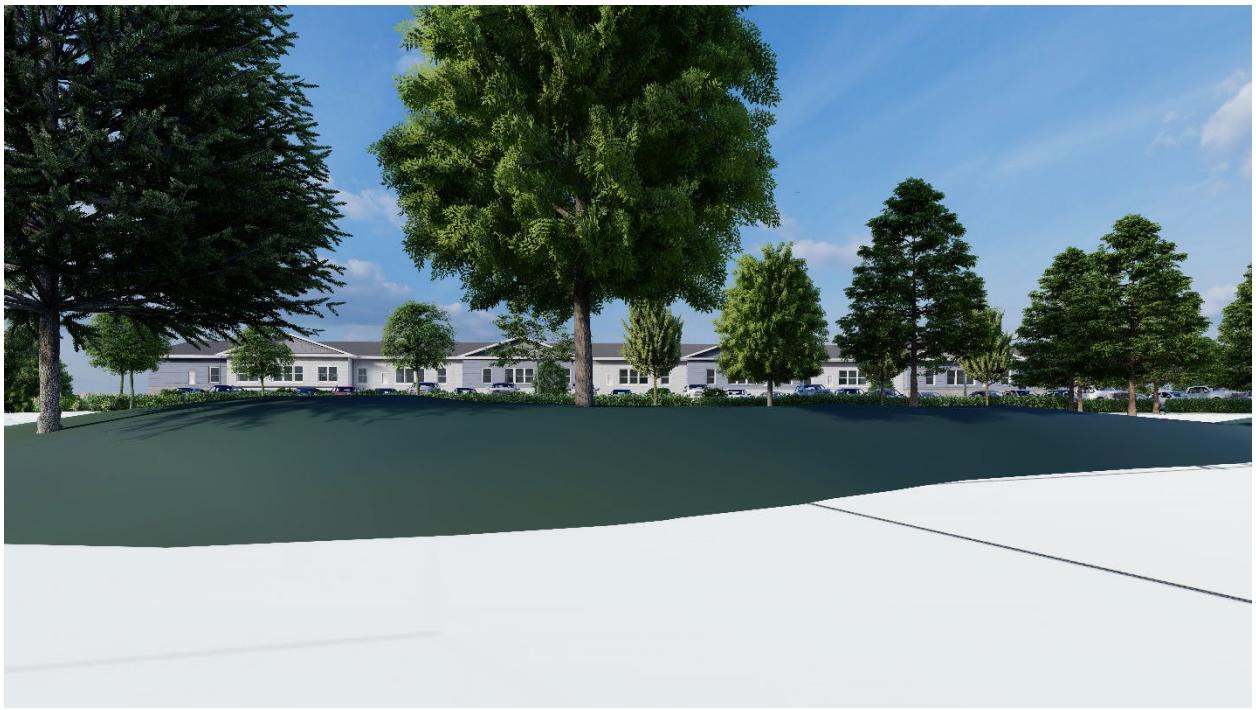


Figure 4. Site Photograph of 11013 Haskell Avenue looking southwest from Haskell Avenue (provided by Planning Staff).

Figure 5. Site Photograph of 11013 Haskell Avenue looking south from Haskell Avenue (provided by Planning Staff).

Figure 6. Site Photograph of 11013 Haskell Avenue looking southeast from Haskell Avenue (provided by Planning Staff).

(First published_____)

COZ2021-054

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 1313 Quindaro Boulevard, 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 November 29, 2021, 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:

B1, L3 TO L5, BROWNES PARK, A SUBDIVISION OF WYANDOTTE COUNTY, KANSAS CITY, KS, located at approximately 1313 Quindaro Boulevard, 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

(First published_____)

COZ2022-022

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 4744 Georgia Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.

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

Section 1. It is hereby found and determined that a petition was filed on June 22, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to R-2 Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Tract I: The East 1/2 of Lot 14, HIGHLAND VIEW, a subdivision of land in Wyandotte County, Kansas.

Tract II: A tract of land described as follows: Beginning at a point 760.5 feet East of the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 36, Township 10, Range 24, Wyandotte County, Kansas; thence North 325.0 feet; thence West 100.5 feet more or less to a point on the East line of Lot 12, in HIGHLAND VIEW, a subdivision of land in Wyandotte County, Kansas; thence South along the East line of said subdivision, 325.0 feet to the centerline of Georgia Avenue; thence East along the centerline of said road 100.5 feet more or less to the point of beginning, except the East 75 feet thereof and except that part thereof lying in the public road.

Located at approximately 4744 Georgia, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to R-2 Two Family 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 R-2 Two (2) Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 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_____)

COZ2022-023

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 2640 Woodend Lane, in Kansas City, Kansas, by changing the same from its present zoning of RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District.

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

Section 1. It is hereby found and determined that a petition was filed on June 24, 2022, by the owners of property to have the zoning of said property changed from its present zoning of RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All of Blocks 1 thru 3 and Lots 1, 2, 3, 6 and 7, Block 4, HOLSINGER FOREST, vacated Hagemann Circle and vacated 25th Street, lying adjacent to said Blocks and Lots, all that part of Lots 1, 2 and 4, HOLSINGER HILLS, lying north of Woodend Lane, as now established and west of Lots 1 thru 7, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS, all in the Southwest Quarter of the Northeast Quarter and a 25.5 feet wide strip in the Northwest Quarter, all in Section 32, Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 17th day of June, 2022, as follows: Commencing at the Southwest corner of said Northeast Quarter of Section 32; Thence N 02°09'03" W (N 00°43'02" E= Plat of HOLSINGER FOREST), with the West line of said Northeast Quarter of Section 32, a distance of 175.00 feet to the Southwest corner of said Lot 1, Block 4, HOLSINGER FOREST, said corner being the Point of Beginning; Thence N 02°09'03" W (N 00°43'02" E= Plat of HOLSINGER FOREST) with said

West line of the Northeast Quarter of Section 32, a distance of 956.24 feet; Thence S 87°50'57" W, a distance of 25.50 feet to a point on the West right-of-way line of vacated 26th Street by Ordinance 56989, also being a point on the East line of Lot 146, WYANDOTTE GARDENS ANNEX, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof; Thence N 02°09'03" W with said East line of Lot 146 and with Lot 156, Maddox Avenue, Lot 157 and Tract A, of said WYANDOTTE GARDENS ANNEX, a distance of 633.59 feet, to the Southerly right-of-way line of Shawnee Drive, as now established; Thence N 84°45'57" E with said South right-of-way line of Shawnee Drive, a distance of 25.54 feet to said West line of the Northeast Quarter of Section 32; Thence S 02°09'03" E with said West line of the Northeast Quarter of said Section 32, a distance of 446.17 feet to the Northwest corner of the Southwest Quarter of said Northeast Quarter Section 32; Thence N 88°32'38" E (S 89°39'27" E= Plat of HOLSINGER HILLS), with the North line of said Southwest Quarter of the Northeast Quarter Section 32, also being the North line of said Lots 2 and 1, HOLSINGER HILLS, a distance of 1071.52 feet to the Northwest corner of said PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS; thence S 08°18'24" E (S 05°28'24" E= Plat, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS) with the Westerly line of said PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS, a distance of 450.95 feet (446.63'= Plat, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS) to the Southwest corner of said PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS; thence S 67°17'36" E (S 64°04'34" E= Plat, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS) PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS, a distance of 84.37 feet (84.51'= Plat, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS) to the Southeast corner of said PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS, also being a point on the Northwesterly right-of-way line of Woodend Lane, as now established; thence S 22°59'08" W (S 25°11'45" W= Plat, REPLAT OF PART OF HOLSINGER HILLS) with said Northwesterly right-of-way line of Woodend Lane, a distance of 207.79 feet to a point of curvature; thence continuing with said Northwesterly right-of-way Line of Woodend Lane, Southwesterly on the arc of said curve to the right, having a radius of 456.00 feet, an arc length of 346.22 feet (348.62'= Plat, REPLAT OF PART OF HOLSINGER HILLS), a chord bearing of S 44°43'30" W and a chord distance of 337.96 feet; thence continuing with said Northwesterly right-of-way Line of Woodend Lane S 66°33'43" W (S 69°25'48" W= Plat, REPLAT OF PART OF HOLSINGER HILLS), a distance of 47.06 feet to the Southeast corner of said Block 3, HOLSINGER FOREST; thence continuing with said Northwesterly right-of-way Line of Woodend Lane and with the Southeasterly line of said Block 3, HOLSINGER FOREST, (S 69°25'48" W= Plat, HOLSINGER FOREST), a distance of 288.27 feet to a point of curvature; thence continuing Southwesterly with said Northwesterly right-of-way line and said Southeasterly line of Block 3 on the arc of said curve to the left having a

radius of 374.00 feet, an arc length of 209.30 feet, a chord bearing of S 50°31'48" W and a chord distance of 206.58 feet to a point of reverse curvature; thence continuing Southwesterly with said Northwesterly right-of-way line and said Southeasterly line of Block 3 and its Westerly prolongation on the arc of said curve to the right, having a radius of 300.00 feet, an arc length of 102.50 feet, a chord bearing of S 44°17'10" W and a chord distance of 102.01 feet to the centerline of vacated 25th Street, as now established and a point of curvature; thence Northwesterly and Northerly with said centerline of vacated 25th Street, on a curve to the right, having a radius of 375.00 feet, an arc length of 80.45 feet, a chord bearing of N 29°59'32" W and a chord distance of 80.30 feet to a point 25.00 feet Northeasterly of the Southeasterly corner of said Lot 4, Block 4, HOLSINGER FOREST, as measured radial to said centerline arc; thence S66°09'15" W and radial to said centerline arc, a distance of 25.00 feet to said Southeast corner of Lot 4; thence S 88°10'29" W (N 88°57'26" W= Plat, HOLSINGER FOREST) with the South line of said Lot 4, a distance of 119.19 feet to the Southwest corner of said Lot 4; thence N 01°49'31" W (N 01°02'34" E= Plat, HOLSINGER FOREST) with the West line of said Lot 4, a distance of 25.00 feet to the Southeast corner of said Lot 2, Block 4, HOLSINGER FOREST; thence S 88°10'29" W with the South line of said Lot 2 and Lot 1, Block 4, HOLSINGER FOREST, a distance of 130.99 feet to the Point of Beginning. The above described tract containing 1,152,441 square feet or 26.46 acres, more or less. The basis of bearing for the description is Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83. Located at approximately 2640 Woodend Lane, Kansas City, Kansas,

be changed from its present zoning of RP-5 Planned Apartment and R-1 Single Family Districts to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2022-073

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-073, commonly known as 2640 Woodend Lane, Kansas City, Kansas, legally described as:

*(*All of Blocks 1 thru 3 and Lots 1, 2, 3, 6 and 7, Block 4, HOLSINGER FOREST, vacated Hagemann Circle and vacated 25th Street, lying adjacent to said Blocks and Lots, all that part of Lots 1, 2 and 4, HOLSINGER HILLS, lying north of Woodend Lane, as now established and west of Lots 1 thru 7, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS, all in the Southwest Quarter of the Northeast Quarter and a 25.5 feet wide strip in the Northwest Quarter, all in Section 32, Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 17th day of June, 2022, as follows: Commencing at the Southwest corner of said Northeast Quarter of Section 32; Thence N 02°09'03" W (N 00°43'02" E= Plat of HOLSINGER FOREST), with the West line of said Northeast Quarter of Section 32, a distance of 175.00 feet to the Southwest corner of said Lot 1, Block 4, HOLSINGER FOREST, said corner being the Point of Beginning; Thence N 02°09'03" W (N 00°43'02" E= Plat of HOLSINGER FOREST) with said West line of the Northeast Quarter of Section 32, a distance of 956.24 feet; Thence S 87°50'57" W, a distance of 25.50 feet to a point on the West right-of-way line of vacated 26th Street by Ordinance 56989, also being a point on the East line of Lot 146, WYANDOTTE GARDENS ANNEX, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof; Thence N 02°09'03" W with said East line of Lot 146 and with Lot 156, Maddox Avenue, Lot 157 and Tract A, of said WYANDOTTE GARDENS ANNEX, a distance of 633.59 feet, to the Southerly right-of-way line

of Shawnee Drive, as now established; Thence N 84°45'57" E with said South right-of-way line of Shawnee Drive, a distance of 25.54 feet to said West line of the Northeast Quarter of Section 32; Thence S 02°09'03" E with said West line of the Northeast Quarter of said Section 32, a distance of 446.17 feet to the Northwest corner of the Southwest Quarter of said Northeast Quarter Section 32; Thence N 88°32'38" E (S 89°39'27" E= Plat of HOLSINGER HILLS), with the North line of said Southwest Quarter of the Northeast Quarter Section 32, also being the North line of said Lots 2 and 1, HOLSINGER HILLS, a distance of 1071.52 feet to the Northwest corner of said PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS; thence S 08°18'24" E (S 05°28'24" E= Plat, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS) with the Westerly line of said PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS, a distance of 450.95 feet (446.63'= Plat, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS) to the Southwest corner of said PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS; thence S 67°17'36" E (S 64°04'34" E= Plat, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS) PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS, a distance of 84.37 feet (84.51'= Plat, PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS) to the Southeast corner of said PARTIAL REPLAT OF LOT 1, HOLSINGER HILLS, also being a point on the Northwesterly right-of-way line of Woodend Lane, as now established; thence S 22°59'08" W (S 25°11'45" W= Plat, REPLAT OF PART OF HOLSINGER HILLS) with said Northwesterly right-of-way line of Woodend Lane, a distance of 207.79 feet to a point of curvature; thence continuing with said Northwesterly right-of-way Line of Woodend Lane, Southwesterly on the arc of said curve to the right, having a radius of 456.00 feet, an arc length of 346.22 feet (348.62'= Plat, REPLAT OF PART OF HOLSINGER HILLS), a chord bearing of S 44°43'30" W and a chord distance of 337.96 feet; thence continuing with said Northwesterly right-of-way Line of Woodend Lane S 66°33'43" W (S 69°25'48" W= Plat, REPLAT OF PART OF HOLSINGER HILLS), a distance of 47.06 feet to the Southeast corner of said Block 3, HOLSINGER FOREST; thence continuing with said Northwesterly right-of-way Line of Woodend Lane and with the Southeasterly line of said Block 3, HOLSINGER FOREST, (S 69°25'48" W= Plat, HOLSINGER FOREST), a distance of 288.27 feet to a point of curvature; thence continuing Southwesterly with said Northwesterly right-of-way line and said Southeasterly line of Block 3 on the arc of said curve to the left having a radius of 374.00 feet, an arc length of 209.30 feet, a chord bearing of S 50°31'48" W and a chord distance of 206.58 feet to a point of reverse curvature; thence continuing Southwesterly with said Northwesterly right-of-way line and said Southeasterly line of Block 3 and its Westerly prolongation on the arc of said curve to the right, having a radius of 300.00 feet, an arc length of 102.50 feet, a chord bearing of S 44°17'10" W and a chord distance of 102.01 feet to the centerline of vacated 25th Street, as now established and a point of curvature; thence Northwesterly and Northerly with said centerline of vacated 25th Street, on a curve to the right, having a radius of 375.00 feet, an arc length of 80.45 feet, a chord bearing of N 29°59'32" W and a chord distance of 80.30 feet to a point 25.00 feet Northeasterly of the Southeasterly corner of said Lot 4, Block 4, HOLSINGER FOREST, as measured

radial to said centerline arc; thence S66°09'15" W and radial to said centerline arc, a distance of 25.00 feet to said Southeast corner of Lot 4; thence S 88°10'29" W (N 88°57'26" W= Plat, HOLSINGER FOREST) with the South line of said Lot 4, a distance of 119.19 feet to the Southwest corner of said Lot 4; thence N 01°49'31" W (N 01°02'34" E= Plat, HOLSINGER FOREST) with the West line of said Lot 4, a distance of 25.00 feet to the Southeast corner of said Lot 2, Block 4, HOLSINGER FOREST; thence S 88°10'29" W with the South line of said Lot 2 and Lot 1, Block 4, HOLSINGER FOREST, a distance of 130.99 feet to the Point of Beginning. The above described tract containing 1,152,441 square feet or 26.46 acres, more or less. The basis of bearing for the description is Grid North, Kansas State Plane Coordinate System, North Zone, NAD 83. Located at approximately 2640 Woodend Lane, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a private facility for recreation (outdoor youth experience with nature trails and walks).

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. **When the mylars are submitted to Planning Staff to be recorded, submit the following fees:**
    a. **$32.00 per page payable to the Register of Deeds; and,**
    b. **$7.00 per lot payable to the Unified Treasurer;**
2. **Per the Sidewalk and Trails Master Plan, Shawnee Avenue is designated as Local Trail, but no sidewalk construction is required at this time;**
3. **Cottonwood Creek must be preserved and may not be altered;**
4. **Hours of operation will be seasonal, generally from dawn to dusk;**
5. **Space for private events (hosting) is not permitted. A Special Use Permit for an event space is required at such time;**
6. **The Welcome Center and pavilions shall be constructed in manner that is harmonious with the wooded, rural-like character of the property and use complementary materials;**
7. **A building permit is required following this entitlement for the property. Please contact the Building Inspection Department to begin that process at (913) 573-8620 or EDR@wycokck.org.**
    a. **Shall comply with the International Building Code;**

8. **Following municipal trash service curbside pick-up, trash bins shall be kept in the building or within a screened enclosure and hidden from public view;**
9. **A Knox Box shall be installed to provide emergency access to the site;**
10. **The residences south, west, and north of the parking loop must be screened from headlights shining onto their property from vehicles maneuvering in the parking lot;**
11. **Plant trees on top and around the detention basins. Shall be replanted to transition back into the wooded area;**
12. **After the temporary irrigation is removed to establish groundcover and proposed trees, a watering plan needs to be provided during building permitting/DRC to ensure the trees and shrubs continue to grow;**
13. **All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;**
14. **All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;**
15. **All lighting, whether installed in the parking lot or on any building within the three (3) phases shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;**
16. **Utility conduits and connections must be painted to match the building(s);**
17. **If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;**
18. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
19. **If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. They are located at 4953 State Avenue, Kansas City, KS 66102. Their number is (913) 573-8780;**
20. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage,**

Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

21. **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;**
22. **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;**
23. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
24. **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;**
25. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
26. **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;

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

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_____)

COZ2022-026

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 6840 Cernech Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

Section 1. It is hereby found and determined that a petition was filed on March 25, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

> 9247, S28, T10, R24, ACRES 9.42, SW1/4 SE1/4 NE1/4 LS S 40FT CONTG 9.4AC M/L, Located at approximately 6840 Cernech Road, Kansas City, Kansas.

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2022-082

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 SP2022-082, commonly known as 419 North 6th Street, Kansas City, Kansas, legally described as:

> The South 1 Foot of Lot 21 and all of Lot 22, Block 1, MORRIS AND EARLY'S ADDITION TO WYANDOTTE CITY, an addition in Kansas City, Wyandotte County, Kansas, located at approximately 419 North 6th Street.

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) **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.**

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: October 27, 2022

Re: **COZ2022-027 and MP2022-015**

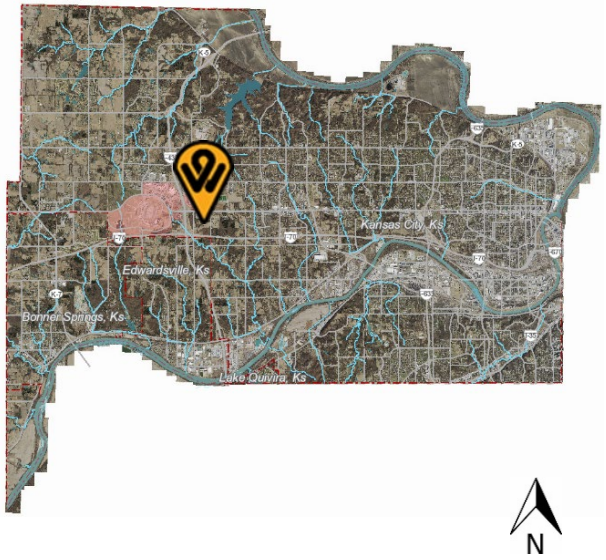
GENERAL INFORMATION

Applicant:
Lidia Villar DBA Lidia & Company, LLC
and El Paisano

Status of Applicant:
Property Owner
11902 Blue Ridge Extension
Grandview, MO 64030

Requested Action:
Approval of a Change of Zone.

Date of Application:
July 28, 2022



Purpose:
To rezone from R-2(B) Two-Family District to CP-1 Planned Limited Business District to build a grocery store.

Master Plan Amendment from Urban Density (Armourdale Area Master Plan) to Community Commercial (Armourdale Area Master Plan)

Property Location:
1218 Kansas Avenue
Kansas City, Kansas 66105

Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan	
Existing Zoning:	R-2(B) Two-Family District	
Adjacent Zoning:	**North:**	R-2(B) Two-Family and M-2 General Industrial Districts
	South:	R-2(B) Two-Family District
	East:	C-3 Commercial District
	West:	R-2(B) Two-Family District
Adjacent Uses:	**North:**	Auto salvage and Vacant residential land
	South:	Single family residences
	East:	Auto transmission and body repair
	West:	Vacant residential land
Total Tract Size:	0.35 Acres	
Master Plan Area:	The Subject Property is within the Armourdale Area Plan.	
Master Plan Designation:	The Armourdale Area Plan designates this Property as Mixed-Use. The Mixed-Use land designation includes a variety of residential densities and unit types as well as commercial uses.	
Major Street Plan:	The Major Street Plan designates this tract of Kansas Avenue as a Class B Thoroughfare.	
Parking Requirement:	R-2(B) Two-Family District (current zoning): Section 27-457(d) requires one (1) off-street parking space for each dwelling unit. CP-1 Planned Limited Business District (proposed zoning): Section 27-464(e) requires a ratio of four (4) spaces per every 1,000 square feet of floor area. The proposed plan has 5,847 square feet of total building area, with 194 square feet of space dedicated to a snack bar area, bringing the parking lot requirement to 27 parking spaces. The subject plan has 20 parking spaces, a violation of seven (7) parking spaces. At 27 parking spaces, a second ADA stall will be required. The applicant has proposed a variance to meet this requirement.	
Advertisement:	The Wyandotte Echo – August 18, 2022 Letters to Property Owners – August 19, 2022 and September 15, 2022	

Public Hearing: October 10, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lidia Villar, is requesting a Change of Zone from R-2(B) Two-Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density to Community Commercial (Armourdale Area Master Plan) for the subject property at 1218 Kansas Avenue. The Change of Zone has been requested so that the applicant can construct a new grocery store with parking lot. The subject property is currently a vacant lot with approximately 15,315 square feet.

This application is being heard in conjunction with BOZA2022-042 for variances related to setbacks and parking.

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.

The owner has no previous Planning and Zoning Cases. A variance related to parking and setbacks is being heard adjacent to this application, BOZA2022-042.

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   The neighborhood is mixed-use in character with residences on the south side of Kansas Avenue and mixed commercial and industrial uses on the north side. Lots range in size from narrow residential lots that are 25 feet in width to commercial and industrial uses that are approximately one (1) acre. Kansas Avenue presents a high traffic volume with heavy trucks passing pedestrians or cyclists. Off-street parking is utilized by the residents along the corridor and sidewalks are wide to accommodate pedestrian traffic.

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

   The presence of a commercial property nearby to adjacent residences may be seen as incompatible, but the limited and low intensity of the proposed commercial zoning designation in a mixed-use corridor provides a buffer between the residences and more intense uses. Residential neighborhoods often benefit from conveniences that a grocery store provides. 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 27-464, the purpose of the C-1 limited business district is to accommodate retail and service establishments that serve, for the most part, a limited, definable trade area and may have close relationships with the residential areas they serve. The size of buildings, the peak hour flow of traffic, the size and prominence of signs and the amount of noise and commotion created are assumed to be moderate to low in scale compared to regional shopping centers and highway-oriented businesses. The subject property's proposed use as a small grocery store for nearby residents resembles the close relationship that a commercial property would have with nearby residents. The removal of these restrictions will not detrimentally affect nearby property, as it is desirable to have a food retail establishment near a residential neighborhood in a scale that buffers more intense uses.

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

   The property is currently vacant. Historic aerials confirm the property became fully vacant by 2002, or a period of 20 years.

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

   There is substantial public gain as this is retail establishment that sells food and groceries available to the neighborhood which is necessary for the convenience and welfare of the public. There is some gain from not having another vacant lot in the area which has a history of tall grass, weeds, and abatement. Morale in areas often improve as new businesses open in areas of long-term vacancy. The proposed change of zone for limited commercial 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. There may be some increase in traffic as a vacant lot is now a retail establishment, although it should not exceed the capacity of the Class B Thoroughfare to accommodate it. Although a parking variance is required, the plan would have met the requirements except for an office mezzanine, which will have little impact on customer foot traffic. There is no foreseen adversity to road capacity, safety, or parking.

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

   The Armourdale Area Plan designates this Property as Mixed-Use. The Mixed-Use land designation includes a variety of residential densities and unit types as well as commercial uses. Discouraged uses include industrial parks, business parks, and high-density residences.

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 permits which includes standards for grading and erosion control.

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

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #333.

e. Fire

Fire service is provided by Station #9.

f. Transit

The subject property is accessible by Route #104 at the intersection of Kansas Avenue and 10th Street.

g. Schools

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

h. Streets

See item #6 above.

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

The economic impact on the community is substantial, as the subject property is currently vacant but is proposed to be a retail grocery store open to the public. This would have substantial economic gain, as the community would benefit from a food supply establishment, an amenity vocalized as desirable in the Armourdale Area Master Plan. The county would also benefit from an establishment at a property with a history of long-term vacancy and would see economic benefit from sales tax and property tax gains.

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

The subject property does not currently conform to the current R-2(B) zoning district, as it is a commercial establishment. The change of zone allows for the subject property to be conforming with the construction of the grocery store.

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 substantial impact or gain to public health, safety, or welfare, as it is a public need to have accessible food retailers. The land is in an urban, mixed-use neighborhood with a variety of uses in which commercial activity is expected. Nearby landowners would not generally see a hardship, as the establishment has set hours of operation and expected traffic is typical for the Class B Thoroughfare.

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 the propensity for some noise or illumination to be a problem at this location, as the proposed use is a publicly visited retail establishment with pedestrians and store lighting near to a residential neighborhood. Vibration is not commonly associated with a neighborhood grocery establishment. Noise and illumination will be minimal if the store is managed appropriately.

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 a commercial use without noxious odors, fumes, or other chemicals. Structures on the property greater than 120 square feet are subject building code and enforcement practices which may include stormwater, grading, and erosion control.

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 grocery store's construction is subject to building permits including erosion control and grading.

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 substantial as this is a grocery store and food source open to the public. The public gains from the accessibility to food and from a new business, generating tax revenue and increasing morale by replacing a lot with long-term vacancy with a business. If denied, there would be significant hardship on the landowner as they would not be able to construct a new business and neighboring landowners would have fewer nearby areas to purchase groceries within a reasonable distance.

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 larger urban parcel in which occupancy is calculated in the construction documents of the new structure and parking lot.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Teams on August 29, 2022. Attached are the minutes, meeting information, and/or list of attendees.

KEY ISSUES

Neighborhood Character
Food Deserts
Parking
Traffic
Commercial Design Guidelines
Mixed-Use Neighborhood
Buffer Zones
Residential Use
Zoning
Vacant Lot

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2022-015 and Change of Zone COZ2022-027, subject to:

1) **This City Planning Commission case is being heard in conjunction with BOZA2022-042;**
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) **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 15,314.79 square feet, requiring 2 trees be provided on the site plan;**
4) **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;**

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) **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;**
7) **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;**
8) **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06 and otherwise adopted by the City-wide Master Plan;**
9) **The applicant is requesting a Special Use Permit for a property to be zoned as CP-1 Limited Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2022-027. 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;**
10) **The following requirements of the Commercial Development Guidelines Overlay District have been met:**
    (a) Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block;

(b) Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
(c) Section 27-575(d)(9) states that 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;
(d) Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
(e) Section 27-575(f)(1) states that 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;
(f) Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle);
(g) Section 27-575(a)(3) states that street layout should define a cohesive development;
(h) Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
(i) Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
(j) Section 27-577(d)(1) states that 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;
(k) Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan;
(l) Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;

11) A deviation to the following requirements of the Commercial Development Guidelines Overlay District has been approved by the City Planning Commission.
(1) Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;
(2) Section 27-575(e)(3) states that parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;

(3) Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

(4) All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.

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;

13) Per Section 27-723(a), no sign (including the structure or sign surface or murals) 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;

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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-027 and MPL2022-015,** subject to all comments

and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Development Plans
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 Rezoning	October 10, 2022 Approval	October 27, 2022
Master Plan	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

MASTER PLAN AMENDMENT:

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-015** 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 **MPL2022-015,** 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.

AND

CHANGE OF ZONE:

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-027,** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 3:14:25:

MASTER PLAN AMENDMENT MPL2022-015 – LIDIA VILLAR WITH LIDIA AND COMPANY, LLC – SYNOPSIS: Master Plan Amendment from Urban Density (Armourdale Area Master Plan) to Community Commercial (Armourdale Area Master Plan) at 1218 Kansas Avenue.

CHANGE OF ZONE APPLICATION COZ2022-027 – LIDIA VILLAR WITH LIDIA AND COMPANY, LLC - SYNOPSIS: Change of Zone from R-2(B) Two Family District to CP-1 Planned Limited Business District to construct a neighborhood market at 1218 Kansas Avenue.

Detailed Outline of Requested Action: The applicant, Lidia Villar, is requesting a Change of Zone from R-2(B) Two-Family District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density to Community Commercial (Armourdale Area Master Plan) for the subject property at 1218 Kansas Avenue. The Change of Zone has been requested so that the applicant can construct a new grocery store with parking lot. The subject property is currently a vacant lot with approximately 15,315 square feet. This application is being heard in conjunction with BOZA2022-042 for variances related to setbacks and 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 October 10, 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:

- Jeff Schulzler, representing the applicant, Pluribus Architectural Collaborative LLC, 926 Cherry, Kansas City, Missouri 64106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:17:25: Planning Director Hand stated that Change of Zone COZ2022-027 and Master Plan Amendment MPL2022-015 are being heard in conjunction with BOZA2022-042, which was approved for a parking and setback variance earlier this evening by the Board of Zoning Appeals. The request is for a grocery store on Kansas Avenue in Armourdale. The newly adopted Armourdale Area Master Plan did discuss access to healthy foods and grocery stores as a primary goal for the community. There are multiple what's called bodegas with food access in and around Armourdale but nothing of this size and extent as a grocery store. Staff has received no letters in support nor in opposition. There are some older Notices of Violation which will be addressed as it relates to the development of this project. There are several Commercial Design Guidelines that Staff has been working with the applicant to address. Staff has built in flexibility for the parking variance if there is a redesign of the parking lot. There are four (4) deviations before the Commission tonight to those Commercial Design Guidelines:

1. The first one relates to screening of commercial property to a residential structure. Some level of landscaping, berming and/or screening from the parking lot to the residential uses to the west.
2. The second one is related closely to the same intent as the variance. It is for parking between the front of the building on the street right-of-way for an additional 20 feet. The variance was approved.
3. The third one is an additional deviation for screen of the parking lot. There is not a lot of room to put landscaping around the parking lot.

4. The fourth one is related to the roof top mechanical equipment. In the Commercial Design Guidelines to screen rooftop mechanical equipment, the preference is to build a parapet. Staff has allowed in the past wrapping of those units. It becomes complicated wrapping the units when there are multiple buildings.

Staff is in agreement with deviation request #2 and defers to the decision of the Planning Commission for the remaining three (3) deviations. Staff recommends approval subject to the conditions in the Staff report.

Motion starts at 3:21:10:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-015:**

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

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

Subject to:

1) **This City Planning Commission case is being heard in conjunction with BOZA2022-042;**
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) **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 15,314.79 square feet, requiring 2 trees be provided on the site plan;**
4) **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;**

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) **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;**
7) **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;**
8) **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06 and otherwise adopted by the City-wide Master Plan;**
9) **The applicant is requesting a Special Use Permit for a property to be zoned as CP-1 Limited Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2022-027. 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;**
10) **The following requirements of the Commercial Development Guidelines Overlay District have been met:**
    (a) **Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block;**
    (b) **Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation**

pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;

(c) Section 27-575(d)(9) states that 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;

(d) Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;

(e) Section 27-575(f)(1) states that 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;

(f) Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle);

(g) Section 27-575(a)(3) states that street layout should define a cohesive development;

(h) Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;

(i) Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;

(j) Section 27-577(d)(1) states that 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;

(k) Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan;

(l) Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;

11) A deviation to the following requirements of the Commercial Development Guidelines Overlay District has been approved by the City Planning Commission.

(1) Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;

(2) Section 27-575(e)(3) states that parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback;

(3) Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

(4) All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.

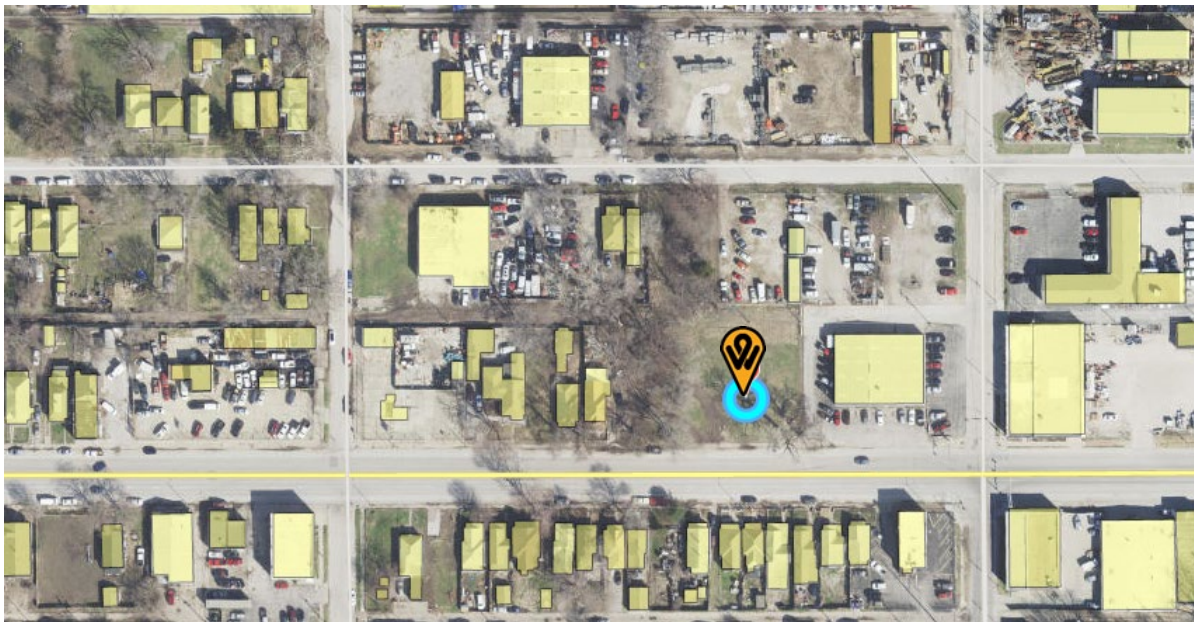
12) **Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and 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;**
13) **Per Section 27-723(a), no sign (including the structure or sign surface or murals) 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;**
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.**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-027:**

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

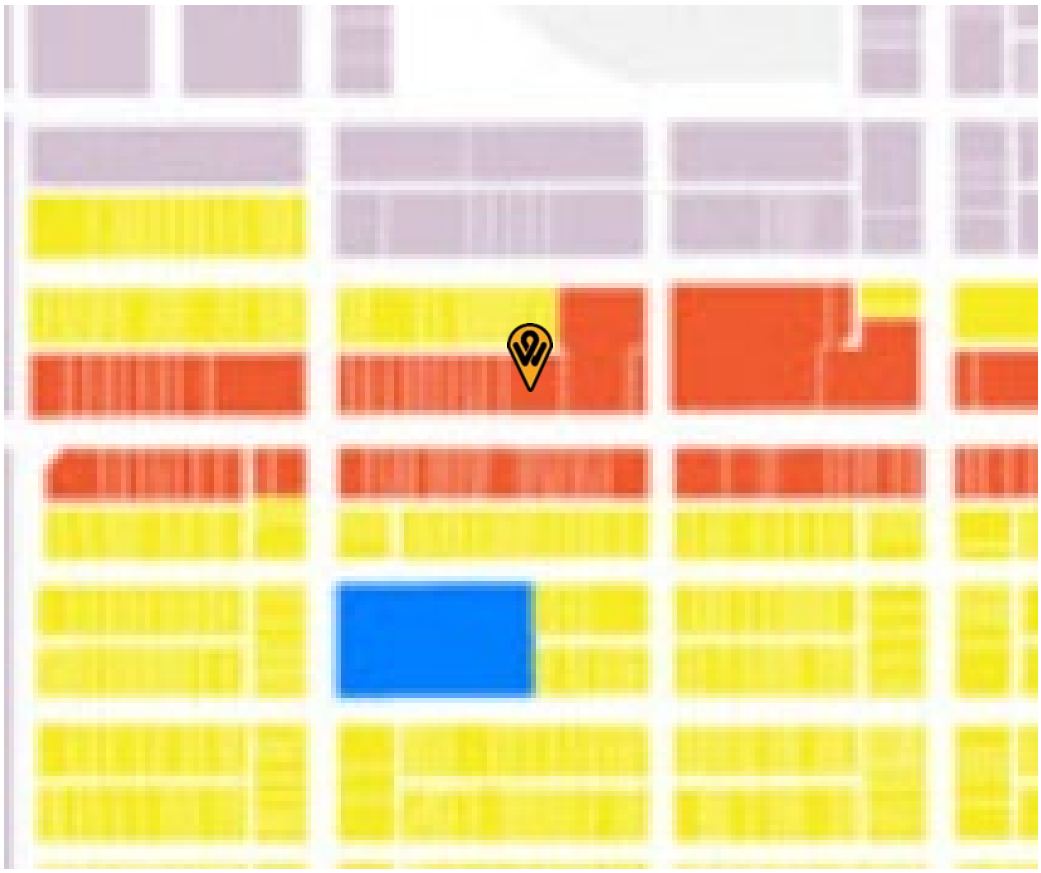
Miller Aye
Motion to recommend **APPROVAL** Passed: 8 to 0
Subject to the above conditions

AERIAL MAP



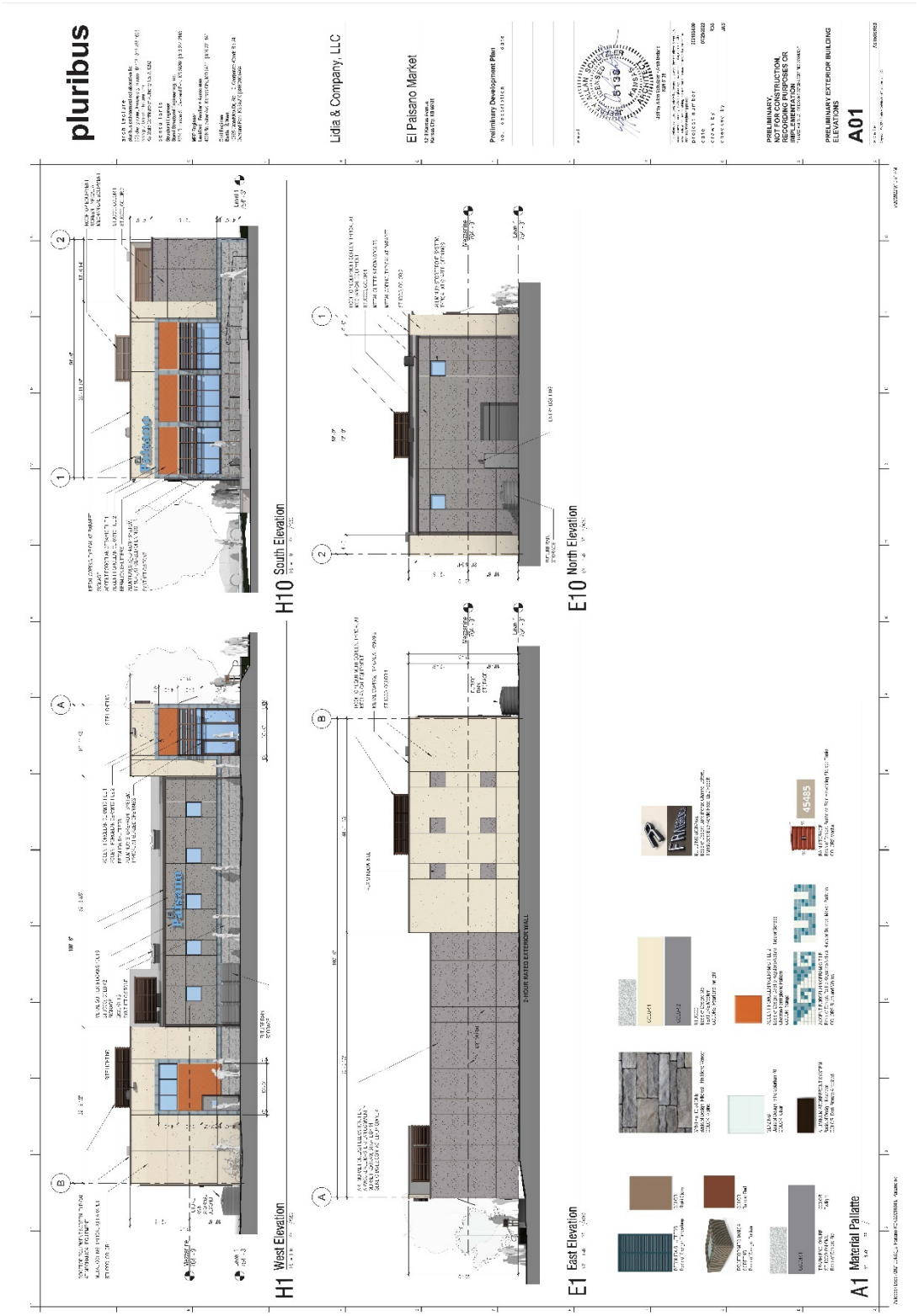
ZONING MAP

LAND USE MAP

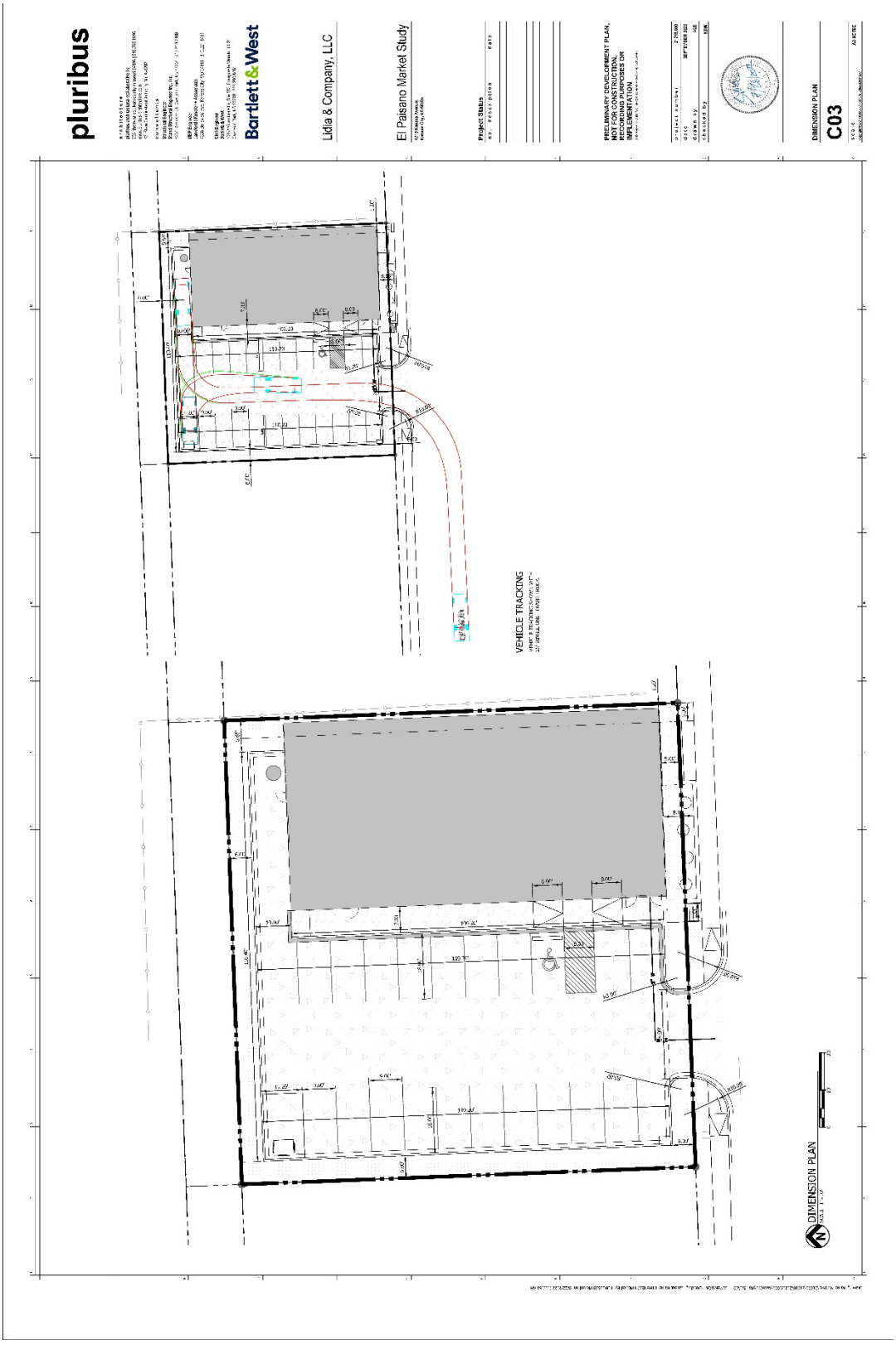


Legend
Parks/Open Space
Floodway
Public / Semi-Public
Rural-Density Residential
Low-Density Residential
Medium-Density Residential
Urban Residential
High-Density Residential
Neighborhood Commercial
Mixed-Use
Community Commercial
Regional Commercial
Business Park
Industrial
Undmined Areas
Right-of-Way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

Note: A full set of plans is available up on request.



Note: A full set of plans is available up on request.



Note: A full set of plans is available up on request.

NEIGHBORHOOD MEETING INFORMATION

Meeting Minutes

Application Number: #COZ2022-027

Date and time of meeting:

August 29, 2022 at 6 p.m. via online forum

Project:

New El Paisano Argentine Neighborhood Market at the following address:
1218 Kansas Avenue, Kansas City, KS 66105

Location:

Microsoft Teams meeting:
www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1
Meeting ID: 214 651 245 114
Passcode: iWziNU

Meeting called to order at 6:00pm

Names of people in attendance:

Carlos Vides, owner's representative
Jeffrey Schutzler, Pluribus Architectural Collaborative LLC
Rick Schladweiler, Pluribus Architectural Collaborative LLC

Introductions:

No public attendees joined the meeting.

Presentation:

No public attendees joined the meeting.

Questions and answers (include the following):

No public attendees joined the meeting. No questions were asked.

Meeting adjourned at: 6:33pm

Minutes taken by: Jeffrey A. Schutzler, AIA

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition #COZ2022-027.
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.

_____
Affiant

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

My commission expires _____ of _____, 20__.

_____
Notary Public

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: COZ2022-027, MPL2022 and BOZA2022-042 Andrew Talkin for neighborhood market at 1218 Kansas Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-027, MPL2022 and BOZA2022-042 Andrew Talkin for neighborhood market at 1218 Kansas Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Eudora-urban land complex, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- There should not be a problem with construction of the market if care is taken with any grading work. Wind erosion can be a problem with this soil.
- Silt fence along with other dust control measures should be implemented and checked daily to keep from interfering with traffic flow.
- If there are any erosion problems the Best Management Practices in this report can be used to control the problems.

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

STAFF SITE VISIT PHOTO 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: October 27, 2022

Re: **Change of Zone COZ2022-034 and Master Plan Amendment MPL2022-019**

GENERAL INFORMATION

Applicant:
Derrick Merchant
DBA 7B Building and Development, LLC

Status of Applicant:
Developer
13105 Dover Avenue
Lubbock, TX 79424

Requested Action:
Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:
August 26, 2022

Purpose:
To rezone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for the construction of a new car wash.

Property Location:
4810 State Avenue
Kansas City, Kansas 66102

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

Existing Zoning:	CP-1 Planned Limited Business District	
Adjacent Zoning:	**North:**	R-2 Two Family District
	South:	CP-2 Planned Central Business District
	East:	C-1 Limited Business District
	West:	CP-2 Planned Limited Business District
Adjacent Uses:	**North:**	Single family and two-family residences
	South:	Regency Inn hotel and Gas station
	East:	Vacant restaurant and Gas station
	West:	Multi-tenant commercial building
Total Tract Size:	1.53 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 Mixed Use. Mixed use is intended to be located near major arterial intersections and within traditional neighborhood design (TND) developments. The Mixed-Use land designation includes specialty retail, sit-down restaurants, convenience retail, professional offices, institutional uses, and mixed-density residential. Discouraged uses include industrial parks, business parks, drive-thru restaurants, and car lots. The proposed use is requiring a Master Plan Amendment to Community Commercial due to its automotive nature. Community Commercial uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses include medium-sized box stores and small-scale commercial centers such as grocery stores, medium-sized box stores, commercial centers with drive-through restaurants, banks, service stations, car lots, autobody repair shops, and auto-oriented uses.	
Major Street Plan:	The Major Street Plan designates this tract of State Avenue as a Class A Thoroughfare.	
Parking Requirement:	CP-1 District (current zoning): Section 27-464(4)(e) requires off-street parking spaces at a ratio of four (4) spaces per 1,000 square feet of floor area in the building.	

	CP-2 District (proposed zoning): Section 27-466(c)(5)(b) requires off-street parking spaces at a ratio of four (4) spaces per 1,000 square feet of floor area in the building. The proposed property has a square footage of 3,884 square feet, requiring 16 parking spaces. The proposed site plan includes 17 parking spaces, meeting this requirement.
Advertisement:	The Wyandotte Echo – September 15, 2022 Letters to Property Owners – September 16, 2022
Public Hearings:	October 10, 2022 and October 27, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Derrick Merchant of 7B Building and Development, LLC, is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for the construction of a new car wash. The subject property has a vacant commercial building that has a history of uses such as a steak house, Mexican restaurant, and most recently as an urgent health care clinic. The Change of Zone has been requested so that the applicant can construct and operate a new drive-thru car wash.

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 a record of 51 police cases, generally business checks on the vacant property or related to mental patient responses as part of former business operations.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has received two (2) abatement complaints in recent years:
    a. 2022: 22CAP-0017Y – Abatement
    b. 2022: 22CAP-000AB – Complaint (Abatement)

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. There was a previous sign permit and plans review for the former health clinic.

FACTORS TO BE CONSIDERED

Change of Zone

1. The Character of the Neighborhood.

This tract of State Avenue is mixed with neighborhood service and retail commercial uses. These uses are smaller retail establishments such as small-box grocery stores, clothing resales, nail salon, banking and check cashing, restaurants, and tax preparation. The Unified Government also maintains their Neighborhood Resource Center location nearby in the adjacent commercial shopping center. Lots are large with ample setbacks and landscape buffers to accommodate the abutting residential uses. State avenue provides sidewalks, lighting, and bus stops to accommodate the Class A Thoroughfare's heavy traffic.

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

The proposed commercial district does allow for the expansion of commercial uses from smaller neighborhood uses to larger developments, although it is not out of character with surrounding uses which include larger commercial clusters and strip shopping centers. The proposed use is expected to be compatible with the adjacent properties if hours of operation are limited and buffering between it and the adjacent properties is maintained.

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

Per Section 27-466(a), the purpose of the CP-2 Planned General Business District is to accommodate a broad range of retail, wholesale, and service establishments that serve a wide range of markets. While concentration of these uses into clusters and groups is highly desirable, it is anticipated that strips and small clusters along major streets will accommodate a large portion of this type of business. Size and type of buildings and accompanying land areas will vary widely, and traffic and commotion will, in some cases, produce noise levels that may be adverse to nearby residential property. Proposed uses in this district will call for a higher level of visual quality, greater setbacks, more landscaping and screening than in previous business districts. The current zone puts restrictions on the property by prohibiting automotive service uses, which does not allow for the construction of a new car wash. The removal of these restrictions will not detrimentally affect nearby property, as it is customary to have this type of service adjacent to residential neighborhoods, so long as buffering is provided along with limited hours of operation.

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

The property is currently vacant. The most recent tenant, an urgent care facility, closed in 2021.

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

There is some public gain as a carwash is an amenity that is a popular service. There is some gain economically as a tax-exempt property is being replaced with a taxable commercial entity. The proposed change of zone for automotive-based commercial activity has not been found to injure the appropriate use, visual quality, or marketability of nearby property substantially or permanently, as it is a new construction project in a commercial corridor in which similar uses are common.

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 proposed use is on a Class A Thoroughfare, which is intentionally designed for increased traffic capabilities. Should the Change of Zone be approved, the proposed zoning district would allow for the construction of an auto wash, which will require a building permit through Development Review Committee approval. The proposed structures 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 applicant is proposing a Master Plan Amendment to the City-Wide Master Plan from Mixed Use to Community Commercial. Mixed Use includes specialty retail, sit-down restaurants, convenience retail, professional offices, institutional uses, and mixed-density residential. Discouraged uses include industrial parks, business parks, drive-thru restaurants, and car lots. Community Commercial uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses include medium-sized box stores and small-scale commercial centers such as grocery stores, medium-sized box stores, commercial centers with drive-through restaurants, banks, service stations, car lots, autobody repair shops, and auto-oriented uses. This tract of State Avenue is a blend of uses of both Mixed Use and Community Commercial characteristics, with this particular use of an automotive fitting the description of a service for the adjacent district, a two-family residential neighborhood.

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

   The applicant is proposing to demolish the existing vacant building with the construction of the new auto wash. There should be little to no long-term negative environmental impact if the applicant adheres to the approved plans for construction and site development, which includes a stormwater relocation, erosion control, landscaping, and other site improvements. This plan review allows for a re-examination of the existing site, allowing for environmental enhancements such as additional landscaping and buffering than the previous tenant.

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 service is provided by the UG.

   c. **Storm water control**

      To be designed to meet City Code.

   d. **Police**

      Police service is provided by West Patrol, District #223.

   e. **Fire**

      Fire service is provided by Station #4.

   f. **Transit**

      The subject property is accessible on Route #101 at the intersections of North 50th Street and State Avenue or at North 47th Street and State Avenue.

   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 positive, as the subject property is a currently vacant and was formerly tax-exempt as an urgent-care medical facility. The proposed use would be a taxable commercial entity.

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

    The subject property currently conforms to the proposed zone as it is an automotive use. The change of zone allows for the subject property to remain conforming with the construction of the car wash.

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

    There is some positive impact or gain to public health, safety, or welfare, as it is currently a vacant property and there is ostensibly no hardship imposed on adjacent property owners. The land is in a commercial corridor designed to handle a multitude of uses. Although abutting a residential neighborhood, the existence of commercial operations on this corridor is expected.

Master Plan Amendment:

1. **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.**

   The current master plan designation for this property is Mixed Use, which is intended for residential uses are directly integrated into the commercial development, such as what is found in TND zoning districts east of I-635. Generally, these developments are near major intersections and include a less intense traffic pattern and parking that feels relatively secluded, whereas neighborhood walkability is highly encouraged to coincide with the presence of cars. Although the subject property is adjacent to a neighborhood zoning district, it better conforms to the proposed land use, as this tract of State Avenue is not an integrated commercial corridor, but a primary transit corridor with heavy traffic but designed to be walkable. A key component of the mixed-use land designation is the discouraged use of drive-thru restaurants and automotive uses, as such may ostensibly have the propensity to bring increased traffic beyond what is desired in a region in which pedestrians from the adjacent neighborhood would frequent the area. The existing land use does not match the region's physical description, as this tract of State Avenue was not originally designed to be directly integrated with the nearby residences, however new developments such as this offer the opportunity to transform the corridor with increased walkability and connectivity. This region's land use is not determinant by the applicant's proposed use, but rather the ability of the Class A Thoroughfare to handle traffic and the accompanying larger commercial establishments.

2. **Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.**

   This portion of the State Avenue corridor is experiencing signs of growth and redevelopment. A new grocery store is across from the proposed use and adjacent development includes a newer cluster of retail establishments. The strip shopping center a block adjacent has experienced prolonged vacancy, tenant turnover, and has been periodically offered for sale as a redevelopment opportunity. Commercial development is expected to grow in this area and it is not foreseen that traffic would be reduced to constrict the capacity to the point in which drive-thru or automotive uses could not be facilitated.

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

   See #9 under Change of Zone. All utilities and public services are available and adequate to serve the proposed land use amendment. The environment would see only a temporary impact during construction.

4. ***Whether the proposed amendment would result in comprehensive plan or regulatory conflicts.***

   The proposed amendment would not result in a comprehensive plan or regulatory conflict in and of itself as the surrounding land uses are compatible. Automotive uses do require a Change of Zone, which is included in the scope of this report as part of the application process. The proposed land use amendment is compatible should the proposed Change of Zone be approved.

5. ***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.***

   The proposed land use amendment would allow for the construction of a new automotive use. It is not shown that this will create inconsistencies in development patterns or adverse impacts, as the Class A Thoroughfare is designed to accommodate more intense commercial uses with increased traffic.

6. ***The impacts of the potential costs and benefits derived by the community or area by the proposed change.***

   There would ostensibly be a positive impact on the community, as the property is currently vacant. The corridor was designed commercial for uses of a slightly higher intensity and there would be economic development and an added neighborhood service amenity. There may be some negative impact from the

added noise of vehicles or illumination from any signage, but this will be minimal if designed and managed appropriately.

Preliminary Plan Review:

1. ***The site is capable of accommodating the buildings, parking areas and drives with appropriate open space.***

   A site plan has been provided indicating appropriate parking, traffic circulation, and open space. Additional comments are at the end of this report.

2. ***The plan provides for safe and easy ingress, egress and internal traffic circulation.***

   A site plan has been provided indicating appropriate parking, traffic circulation, and open space. Additional comments are at the end of this report.

3. ***Right-of-way, as determined by the public works department, has been identified for dedication.***

   The site plan calls for two (2) entrances and exits through the public right-of-way, requiring a right-of-way permit and is a condition of approval at the end of this report.

4. ***The capability of the proposed use to meet applicable ordinance and other requirements.***

   See item #11 under Change of Zone.

5. ***Amenities or conditions to be gained by the community are of an equal or higher quality than those required of nonplanned development.***

   The current property is vacant. While health clinics and sit-down restaurants are a desirable neighborhood amenity, these and similar uses can be located in areas that are more closely located to adjacent neighborhoods and in non-planned districts with fewer restrictions, whereas automotive related uses near a high-traffic Class A Thoroughfare require additional review through the entitlement process. The proposed use better aligns with the vision to enhance the corridor and add connectivity.

6. ***Planned zoning is not being used as a refuge from the requirements of these regulations as to the intensity of land use, amount of open space, or other established development criteria.***

   The proposed use is subject to review and approval as part of the Change of Zone and Master Plan Amendment entitlement. Planned Zoning allows for staff to more closely evaluate the relationship between commercial uses and the adjacent residential neighborhood and the design of such uses on a Class A Thoroughfare.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at the Mason Jar Bar and Grill on September 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Land Use
Traffic
Landscaping
Buffering and Screening
Construction
Automotive Use
Residential Use
Zoning
Noise
Commercial Design Guidelines
Illumination and Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2022-019 and Change of Zone COZ2022-034, subject to:

1) **Any grease, sand, oil, or other interceptors shall indicate their lids are both child proof and meet vehicle rating requirements. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
2) **Retaining walls shall provide calculations and shall be made of masonry-material, not a smooth-faced concrete masonry unit (CMU) blocking unless wrapped with a masonry finish. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
3) **Trash or dumpster enclosures shall meet the requirements of the Commercial Design Guidelines Overlay District. Please provide a detail indicating this requirement is met. Notify staff if this will not be available until the Final Development Plan and/or Development Review Committee (DRC) Review;**
4) **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;**

5) **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
6) **A 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) **Proposed development(s) within this preliminary plat and/or plan review will require drawings to be submitted with additional information. These additional plans may result in additional comments, changes, or conditions before final approval;**
8) **The applicant is requesting a Change of Zone and Master Plan Amendment for use on or development of a property zoned CP-1 with a proposed Change of Zone to CP-2. Therefore, this property is subject to and shall comply with all applicable regulations under the Commercial Development Guidelines Overlay District including landscaping, irrigation, lighting, parking, fences, screening, parapets, recycling or trash enclosures, utility fixtures and equipment, signage, or other requirements as applicable. Change orders, plan changes, or modifications in field, on site, or other remain subject to compliance to the Commercial Development Guidelines Overlay District requirements. Failure to comply with the guidelines may result in the delay of obtaining a Certificate of Occupancy or other enforcement action;**
9) **Section 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 66,572 square feet, requiring 10 trees be provided on the site plan;**
10) **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;**
11) **Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;**
12) **Section 27-699(a)(6) states that non-industrial and non-structural 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 shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;**
13) **Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5**

to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;

14) **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. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle;**
15) **Per Section 27-466(c)8, no use is permitted that involves the parking, keeping, storage or continued presence of trucks over 30,000 pounds GVWR rating, semitrailer rigs or portions thereof or outside storage of contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries or trips to serve the property;**
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) **Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;**
18) **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;**
19) **A Right-of-Way Permit may be 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;**
20) **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all**

applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

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;**
22) **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,**
23) **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-034 and MPL2022-19** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Preliminary Plans
Planning Engineering Response Letter
Conservation District Letter
Planning Engineering Letters
Staff Site Visit Photos Dated September 7, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Rezone	October 10, 2022 Approval	October 27, 2022
Master Plan	October 10, 2022 Approval	October 27, 2022
Final Plan	October 10, 2022 Approved	Not required

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

MOTIONS

Master Plan Amendment:

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-0019** 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 **MPL2022-019,** 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:

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-034** 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._____;

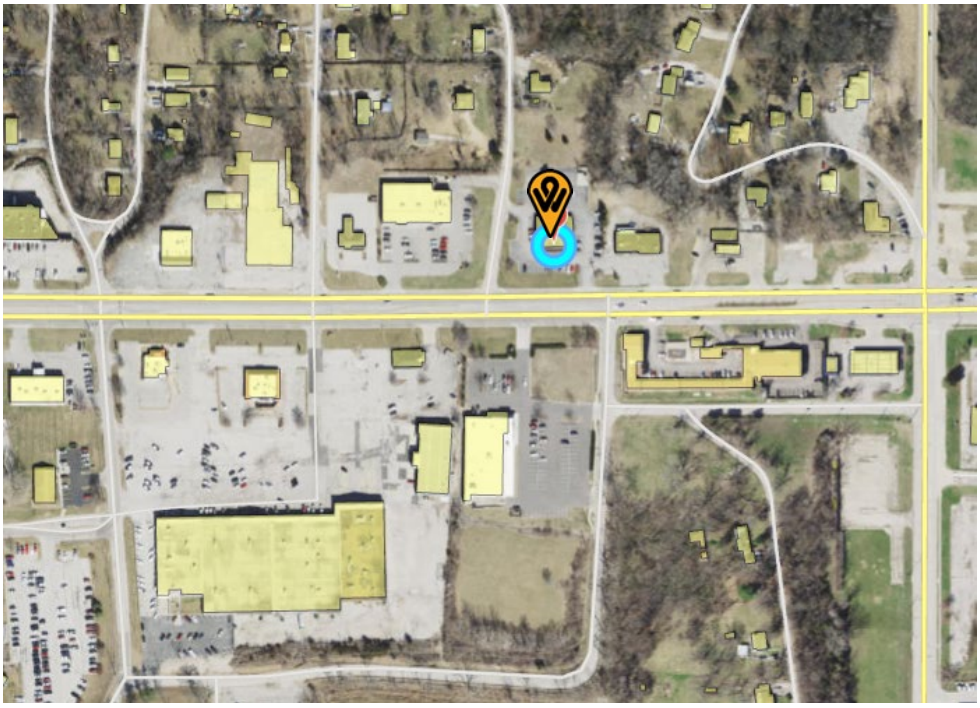
2. _____; And

3. _____.

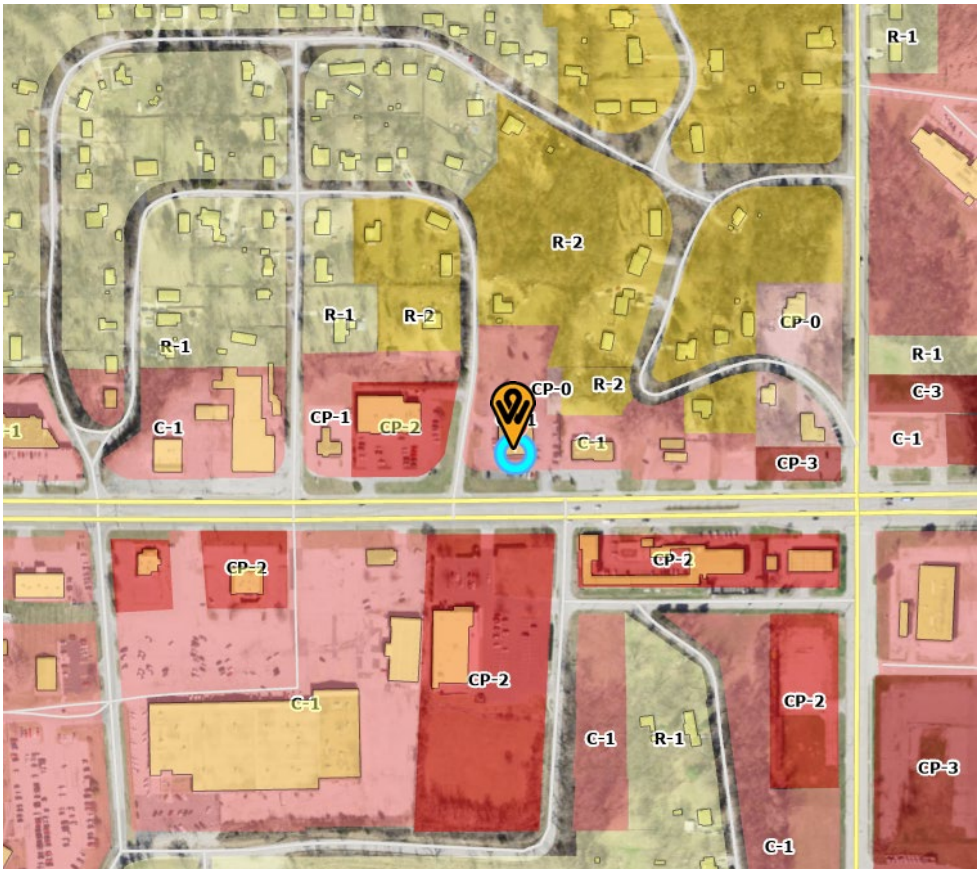
OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-034,** 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.

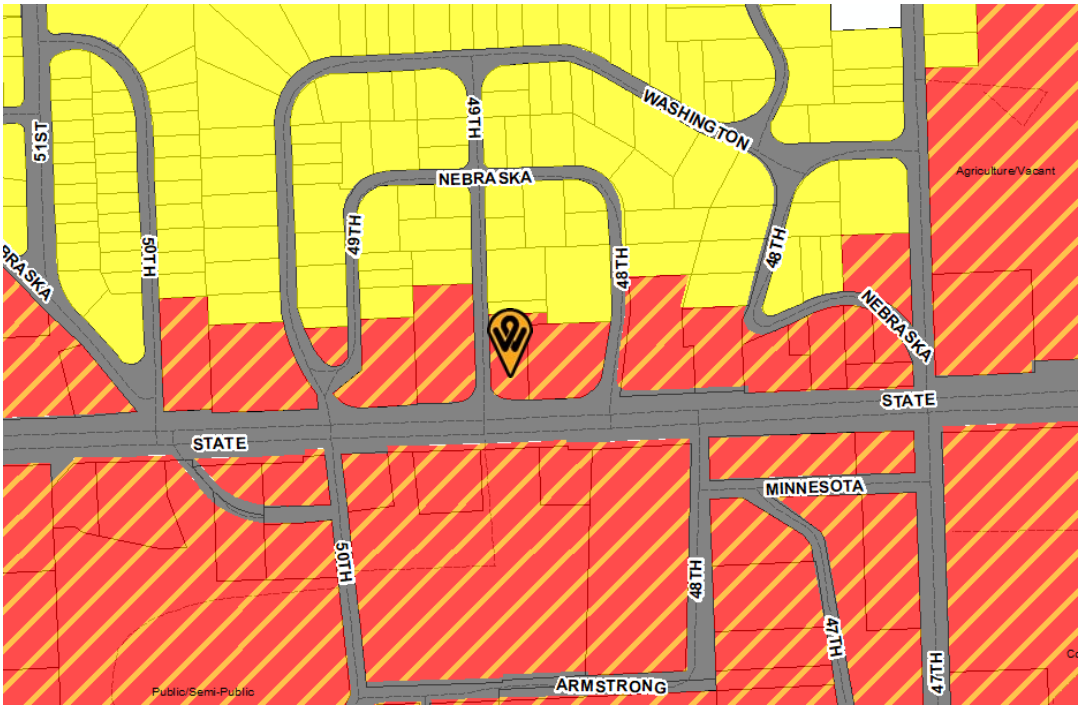
AERIAL MAP



ZONING MAP



LAND USE MAP

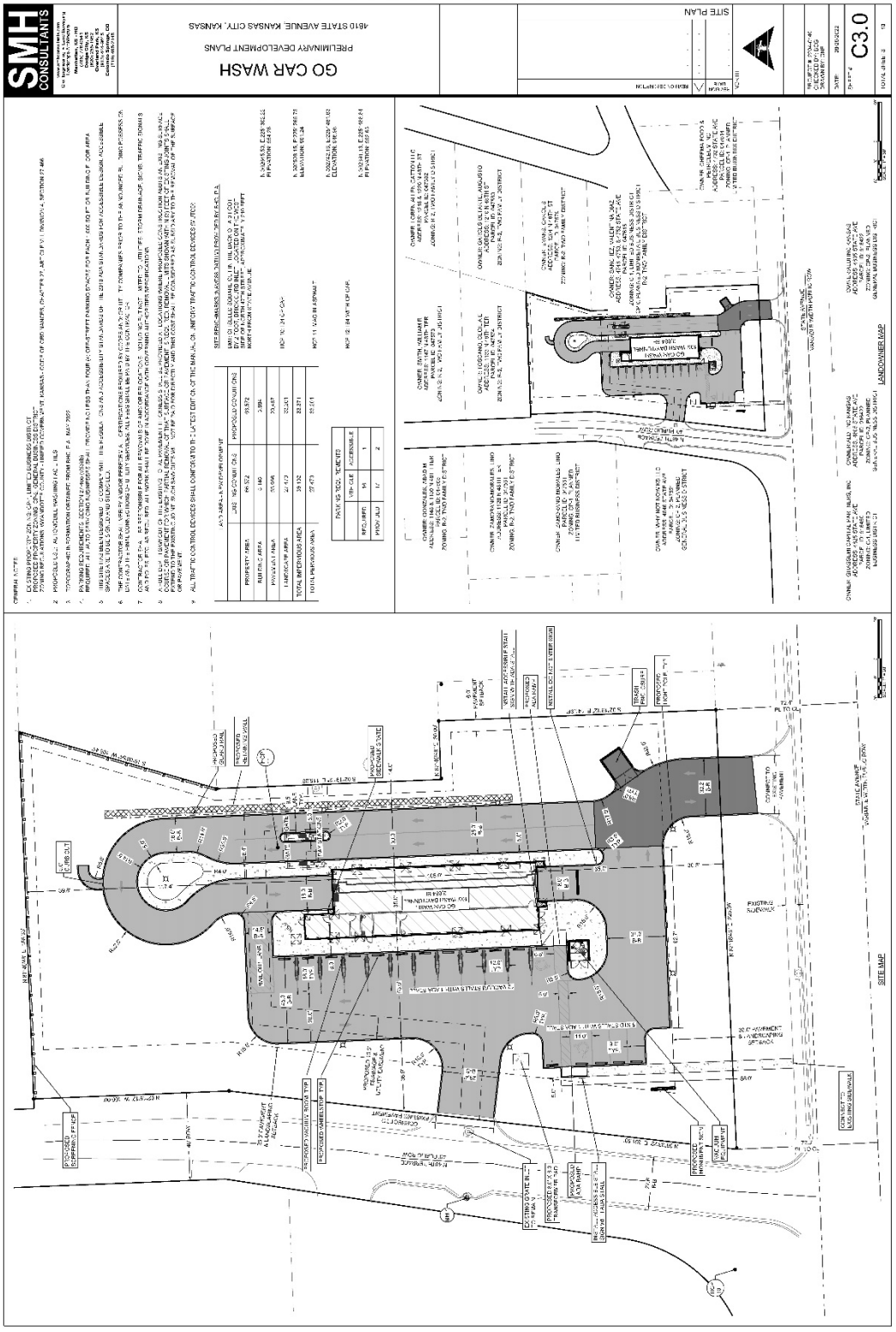


City-Wide Master Plan

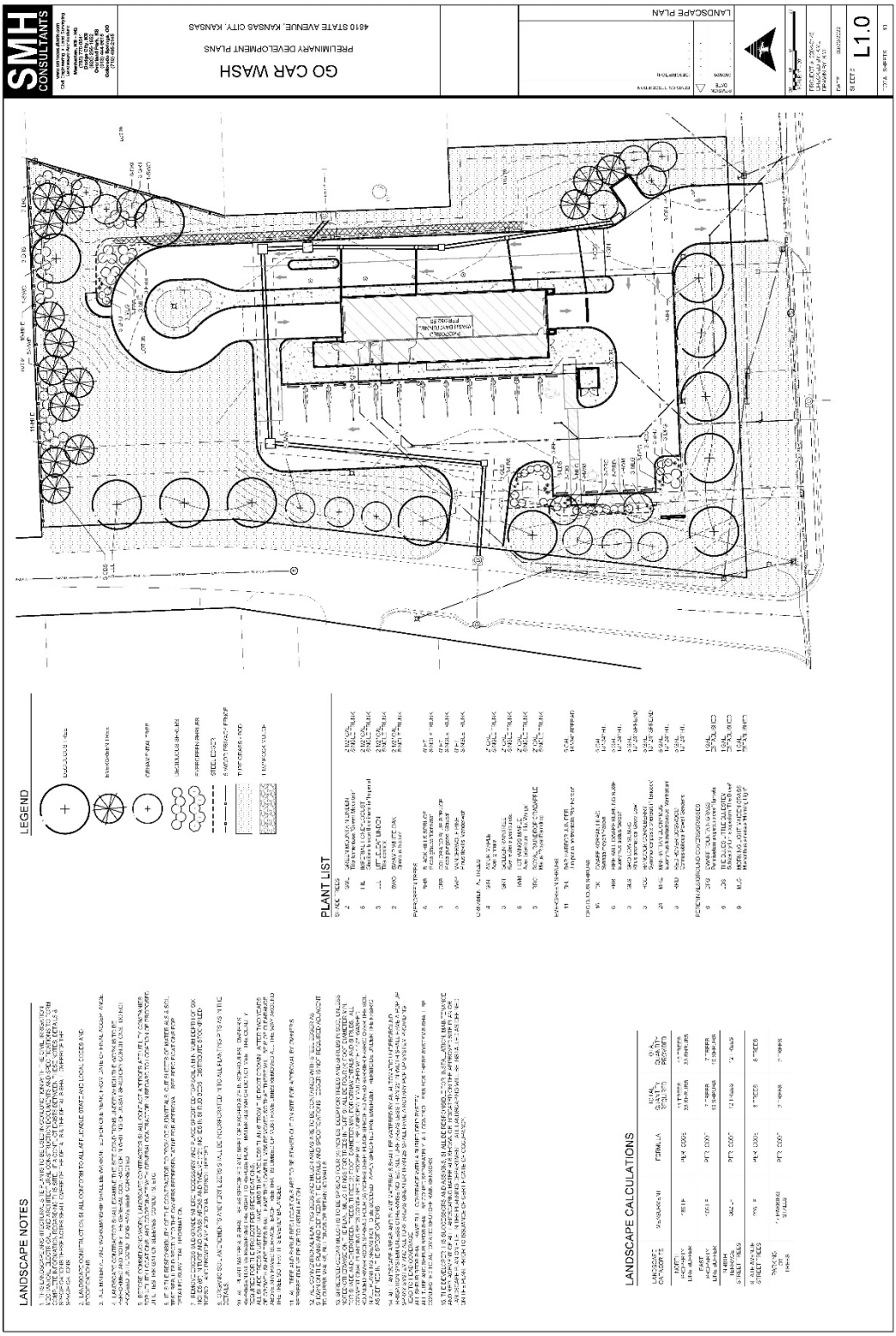
FUTURE_LAN

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

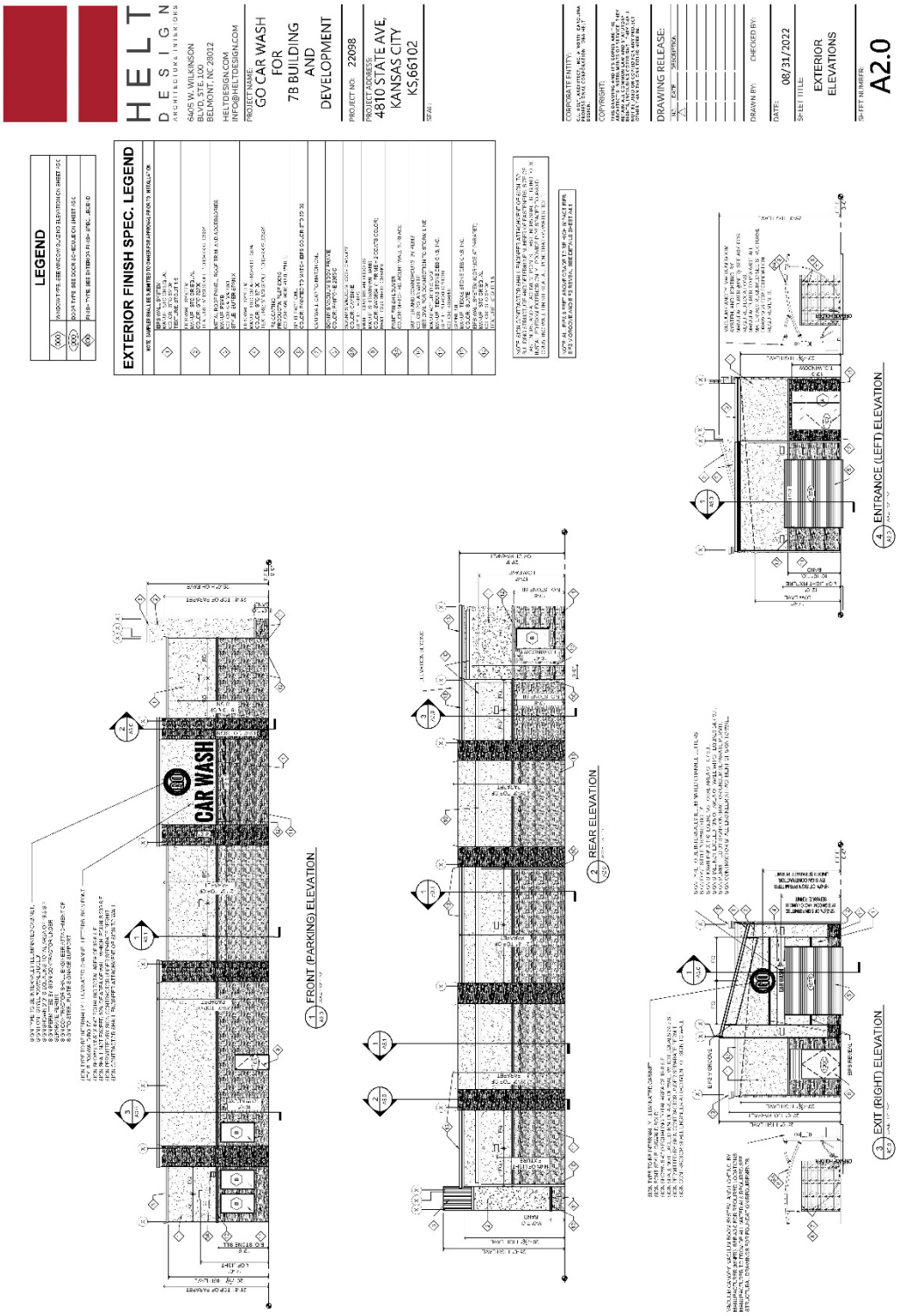
DESIGN PLANS



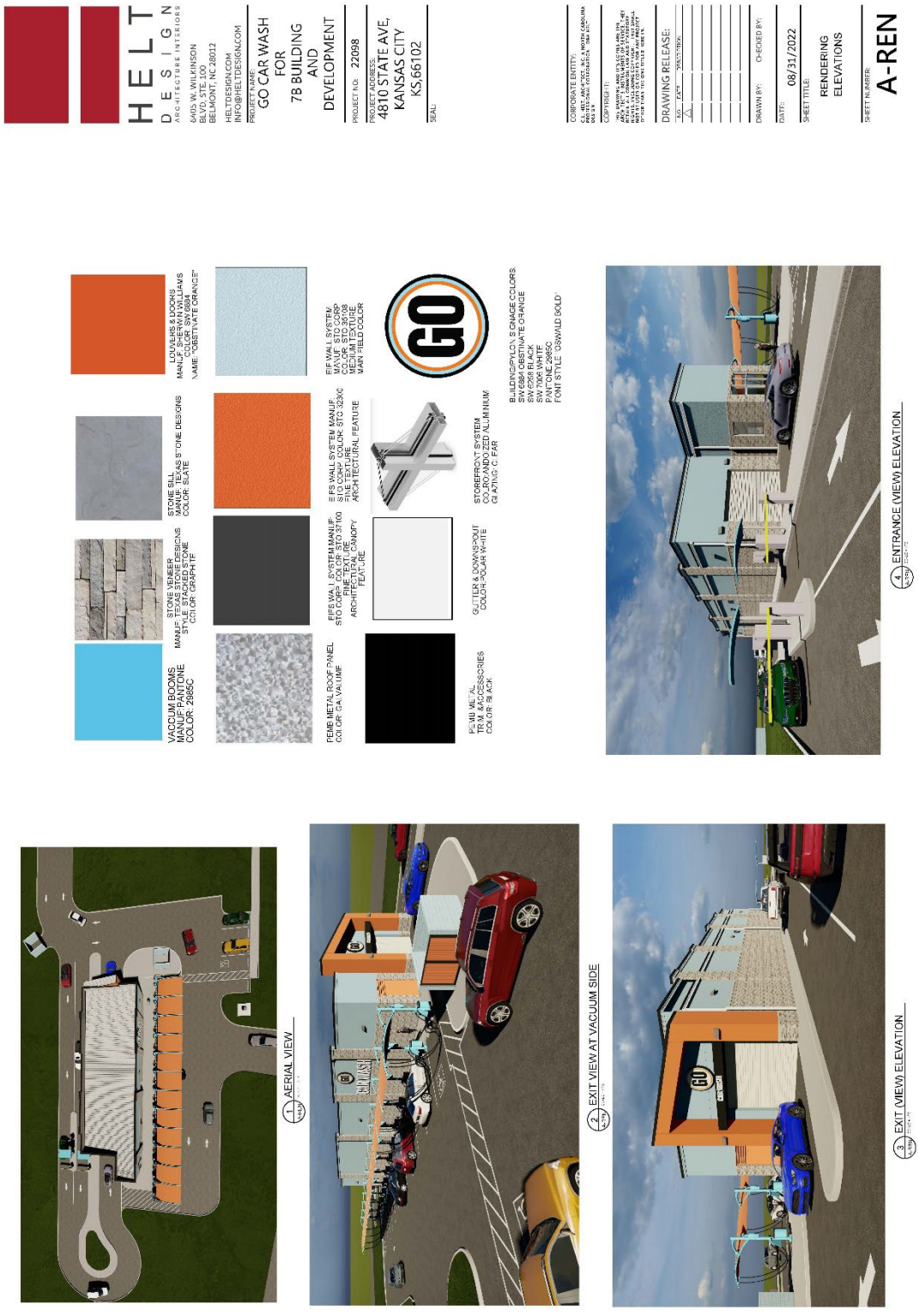
Note: A full set of plans is available upon request.



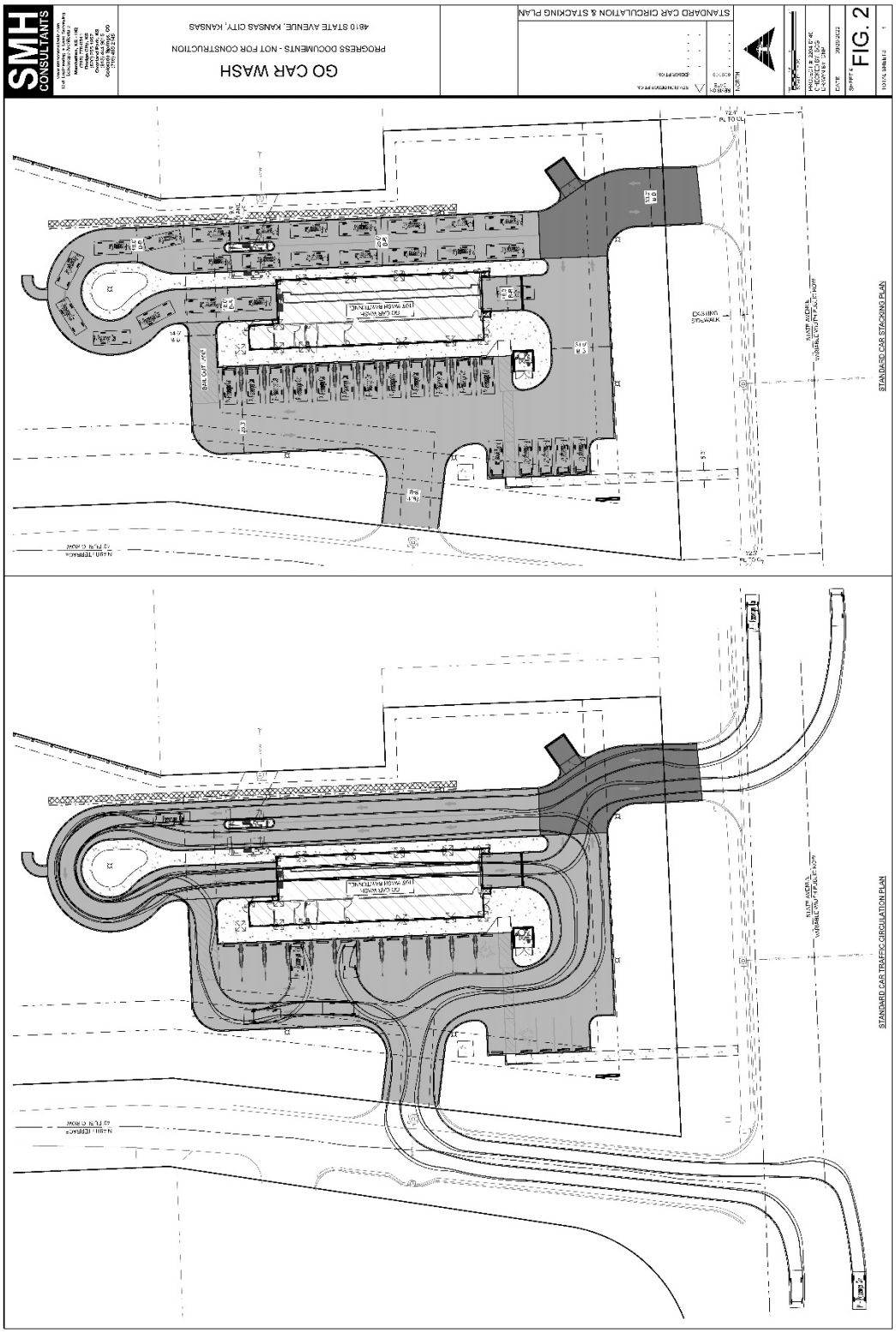
Note: A full set of plans is available upon request.



Note: A full set of plans is available upon request.



Note: A full set of plans is available upon request.



Note: A full set of plans is available upon request.

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now Fred C. Merrill, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2022-034.
2. That I conducted a neighborhood meeting on September 22, 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.

Fred C. Merrill
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of September 2022

My commission expires 29 of July, 2025

Notary Public

DONNA ALLEN
Notary Public
State of Kansas
My Commission Expires 07/29/25

Minutes from Neighborhood Meeting:

Application Number: COZ2022-034

Date and Location: Mason Jar Bar and Grill, September 22, 2022

Meeting called to order at: 5:00 pm

Names of people in attendance: Fred C. Merrill (applicant). The presenter was the only person who attended this meeting.

Introductions: N/A

Applicant was prepared with renderings, site plans, material boards.

Meeting adjourned at: 5:40 pm

Minutes taken by: Fred C. Merrill

SMH CONSULTANTS

September 23, 2022

09-19-22 Review Comments:

General Engineering Review No. 1
Travis Trumble, Project Engineer

1. All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revise and resubmit.

   Response: Comment to be addressed for Final Development Plan submittal. All sheets will be sealed, signed, and dated by P.E.

2. The site plan sheet C3.0 indicates a retaining wall on the east side of the site. However, there are no details of the wall in the plans. Please revise to include the type and height of the wall. If the wall is 3'6" or greater in height, retaining wall plans and calculations sealed by a Professional Structural Engineer registered in the State of Kansas shall be required.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by a Structural P.E.

3. Verify there is no existing access agreement with a lot (parcel # 047615) on the east of the building/property. The submitted plans show the access drive as being closed.

   Response: Developer looking into see if existing access agreement is in place. However, Site Plan will be modified to allow access from the east property regardless.

4. Regarding the above comment, please indicate how this access with a lot (parcel # 047615) area will be demolished and restored i.e., will grass be planted here.

   Response: Comment to be addressed for Final Development Plan submittal. Access with parcel #047615 will be maintained with 24' drive connection.

5. On the cover sheet C1.0 and other sheets where applicable, revise the contact reference for the Unified Government Sanitary and Storm Sewer to Kevin Swearengin or Kirk Roland, (913) 573-1360. In this regard, remove references given for Sarah White.

   Response: Comment to be addressed for Final Development Plan submittal.

6. On the cover sheet C1.0 and erosion control plan sheet C6.0, indicate the quantity of land disturbance area in square feet and acres.

   Response: Comment to be addressed for Final Development Plan submittal.

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411 South Tejon Street, Suite i
Colorado Springs, CO 80903
P: 719-465-2145

DODGE CITY
707 3rd Avenue, Suite A
Dodge City, KS 67801
P: 620-255-1952

MANHATTAN - HQ
2017 Vanesta Place, Suite 110
Manhattan, KS 66503
P: 785-776-0541

KANSAS CITY
5201 Johnson Dr., Suite 405
Mission, KS 66205
P: 913-444-9615

7. The drive entrances shall be reduced to 30' in accordance with UG standards and criteria. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required.

   Response: Comment to be addressed for Final Development Plan submittal. Entrance drive along State Avenue will be decreased to 30'. Entrance drive along N 48th Terrace will not be adjusted as it is not wider than 30'.

8. Regarding the above comment, driveway entrances within right of way of N 48th Ter and State Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Grading Plan sheet.

9. If the existing street or curb is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Grading Plan sheet.

10. Please provide a largest vehicle (e.g., long (8') bed crew cab (4 doors) Silverado) turning template for vehicle movement to include the section where vehicles are entering or existing the car wash.

    Response: This information is depicted in Figure 2 of the Traffic Memo submitted with Preliminary Development Plan on August 26, 2022.

11. Please provide construction details, cross sections i.e., curb, asphalt overlay, of the drive aisle and parking area proposed to be used on site.

    Response: Comment to be addressed for Final Development Plan submittal.

12. Verify slopes shall not be engineered to be steeper than 3H:1V slope.

    Response: Comment to be addressed for Final Development Plan submittal. Additional slope labels added to Grading Plan sheet to verify slopes onsite are not greater than 3H:1V. This information also added as a note on Grading Plan sheet.

13. How will dump truck get in and out of site to pick up the trash? Please provide a trash and truck turning template of the site. The truck turning template shall be produced from CAD software e.g., AUTO-TURN.

    Response: This information shown in Figure 3 of the Traffic Memo submitted with Preliminary Development Plan on August 26, 2022.

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14. Similar as above comment, will trash collection be done during normal operating hours and how will this affect vehicle movement into the car wash?

    Response: SMH will coordinate this information prior to Final Development Plan submittal, and information will be added as a note to the Site Plan sheet in the Final Development submittal.

15. Please coordinate with Harvey Fields, (913-573-5947), KCK Fire Department for any additional requirements i.e., hydrant locations, fire access etc.

    Response: SMH coordinated with Harvey Fields during Pre-Application Meeting with the City on April 28, 2022. He stated that no new fire hydrant would need to be installed with the development and that we would need to provide a turning template to illustrate fire truck movement throughout the site. This information shown in Figure 2 of the Traffic Memo submitted with Preliminary Development Plan on August 26, 2022.

16. Please note that ADA parking space(s) markings, sidewalks, and access to the proposed building shall comply with ADA (Americans with Disabilities Act) requirements.

    Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Grading Plan sheet.

17. Also note that any ramps must follow ADA accessibility guidelines. If you have any questions about ADA ramps, please contact Troy Shaw, PE at 913-573-5411 in the Public Works Department for clarification.

    Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Grading Plan sheet.

18. Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.

    Response: Comment noted.

19. See Erosion Control review for additional comments.

    Response: See Erosion Control response to comments within this document.

20. See Storm Drainage review for additional comments.

    Response: See Storm Drainage response to comments within this document.

21. See Sanitary Sewer review for additional comments.

    Response: See Sanitary Sewer response to comments on within this document.

22. See Stormwater Quality review for additional comments.

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Response: See Stormwater Quality response to comments within this document.

23. See Retaining Wall review for additional comments.

    Response: See Retaining Wall response to comments within this document.

24. See Public Storm Drainage review for additional comments.

    Response: See Public Storm Drainage response to comments within this document.

25. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

    Response: Comment noted.

Sanitary Sewer Review No. 1
Travis Trumble, Project Engineer

1. Verify clearances between the 8" private sanitary service line with other utilities i.e., water line, etc., are met in accordance with UG checklists, standards and criteria i.e., at least 2' vertical separation.

   Response: Comment to be addressed for Final Development Plan submittal. 6" private sanitary sewer service line is at a sufficient depth to maintain minimum 2' vertical separate with other utilities. Note added to Utility Plan sheet as well.

2. Add a note that the Contractor shall obtain a Public Works Sewer permit and coordinate with UG staff for inspection on the proposed sanitary sewer service connection.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Utility Plan sheet.

3. Private sanitary service line shall comply with the applicable uniform plumbing code.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Utility Plan sheet.

4. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment Noted.

Retaining Wall Review No. 1
Travis Trumble, Project Engineer

1. Provide details of the proposed retaining walls on site i.e., the retaining wall on the east side of the property.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

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2. Retaining wall calculations (for walls greater than 3'-6" in height), plans, and details are required, for any type of retaining wall, including block or pre-manufactured walls, reinforced concrete, etc. Provide retaining wall calculations, plans, and details that are signed and 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.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

3. Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 psf per UG criteria.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

4. Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. 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) i.e., 42" above top of wall as identified in the UG checklist. Also, include post and footing anchorage design and details.

   Response: Comment to be addressed for Final Development Plan submittal.

5. 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.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

6. As a note, the retaining wall, footings, geogrid, etc. shall not cross the property line, right-of-way, or utility easements. For example, the toe of the wall shall not cross the property line and proposed drainage & utility easement.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining wall, footings, geogrid, etc. will remain in place as it does not cross any property lines or right of ways, but proposed Drainage & Utility Easement will be relocated to not interfere with location of retaining wall.

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7. 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.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining Wall Plan & Profile sheet, Retaining Wall Details sheets, and Retaining Wall calculations, stamped by structural P.E.

8. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment noted.

Storm Drainage Review No. 1
Travis Trumble, Project Engineer

1. If existing and proposed utilities are not public, indicate that on the plans by calling them out as private.

   Response: Comment to be addressed for Final Development Plan submittal. Plans updated to reflect all utilities called out as public or private.

2. Stormwater infrastructure i.e., curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Storm Sewer Plan & Profile sheet.

3. Verify minimum clearance for storm sewer pipes with other utilities are met in accordance with UG checklists, standards and criteria. (See UG checklists, standards and criteria)

   Response: Comment to be addressed for Final Development Plan submittal. Proposed private storm sewer and proposed public storm sewer have multiple utility crossings, all of them meeting UG standards for minimum clearance and vertical separation. Note also added to plan to meet minimum UG standards and criteria.

4. On the site plan sheet C3.0, the proposed retaining wall cannot be over the proposed 10.0' drainage & utility easement.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining wall will remain in place, but proposed Drainage & Utility Easement will be relocated.

5. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment noted.

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Public Storm Drainage Review No. 1
Travis Trumble, Project Engineer

1. All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revise and resubmit.

   Response: Comment to be addressed for Final Development Plan submittal. All sheets will be sealed, signed, and dated by P.E.

2. On the cover sheet C1.0 and other sheets where applicable, revise the contact reference for the Unified Government Sanitary and Storm Sewer to Kevin Swearengin or Kirk Roland, (913) 573-1360. In this regard, remove references given for Sarah White.

   Response: Comment to be addressed for Final Development Plan submittal. Contact information updated on Title Sheet.

3. As a note, the retaining wall, footings, geogrid, etc. shall not cross the utility easements i.e., proposed 10.0' drainage & utility easement.

   Response: Comment to be addressed for Final Development Plan submittal. Retaining wall will remain in place, but proposed Drainage & Utility Easement will be relocated.

4. All public storm sewer will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). In this regard, revise the proposed drainage & utility easement to be 15' wide. Please revise as applicable.

   Response: Comment to be addressed for Final Development Plan submittal. Proposed Drainage & Utility Easement will be relocated so as not to cross the proposed retaining wall and will be increased to 15' width.

5. Stormwater infrastructure i.e., curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Storm Sewer Plan & Profile sheet.

6. Provide references to Standard UG Drawings and Details available in the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers of the Unified Government of Wyandotte County and Kansas City, Kansas on all sheets where applicable. It is the UG's policy that the details are not included in the plans, only referenced in a call-out, legend, or note with the UG detail number. In this regard, reference storm infrastructure i.e., curb and gutter, manholes, etc., as applicable.

   Response: Comment to be addressed for Final Development Plan submittal. Information added to plans where applicable.

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7. Verify minimum clearance for storm sewer pipes with other utilities are met in accordance with UG checklists, standards and criteria. (See UG checklists, standards and criteria)

   Response: Comment to be addressed for Final Development Plan submittal. Proposed private storm sewer and proposed public storm sewer have multiple utility crossings, all of them meeting UG standards for minimum clearance and vertical separation. Note also added to plan to meet minimum UG standards and criteria.

8. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment noted.

Stormwater Quality Review No. 1
Travis Trumble, Project Engineer

1. Oil water separators shall be installed on site to prevent oils and other polluting fluids from getting to the storm sewer system. In this regard, on the utility plan sheet C5.0, indicate and provide details of the oil water separators. If necessary, provide the details in an additional sheet within the civil plan set.

   Response: Comment to be addressed for Final Development Plan submittal. Sand/oil separator labeled on Utility Plan sheet. Information included on same sheet with location of detail in ASMEP plans.

Erosion Control Review No. 1
Travis Trumble, Project Engineer

1. On the erosion & sediment control plan sheet C6.0, reference Standard UG Drawings and Details available in the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County and Kansas City, Kansas for erosion control BMP's i.e., construction entrance, silt fence, etc., as applicable. It is the UG's policy that the details SHALL NOT be included in the plans, only referenced in a call-out, legend, or note with the UG detail number. (See UG checklists and standards). In this regard, on the construction entrance details sheet C6.1 and silt fence details sheet C6.2, remove the APWA referenced erosion control and call out UG standards as applicable, i.e., UG 1400-A for construction entrance and UG 1400-E for silt fence installation.

   Response: Comment to be addressed for Final Development Plan submittal. Table in top left corner of Soil Erosion & Sediment Control sheet updated with additional column for UG detail references as applicable. Detail sheets referencing APWA standards instead of UG standards removed from plan set.

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

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Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Soil Erosion & Sediment Control sheet.

3. Will there be an access barrier between the active work area and areas to remain undisturbed? Please illustrate on plans.

   Response: Comment to be addressed for Final Development Plan submittal. Information added as a note on Soil Erosion & Sediment Control sheet.

4. Please indicate on the plans the contractor staging area.

   Response: Comment to be addressed for Final Development Plan submittal. Contractor staging area added to Soil Erosion & Sediment Control sheet.

5. Also, please note that a concrete washout must structure a minimum of 50 feet away from open channels, storm drain inlets, sensitive areas, wetlands, buffers and water courses and away from construction traffic.

   Response: Comment to be addressed for Final Development Plan submittal. Construction entrance relocated to begin along north edge of State Avenue at existing entrance drive to site. This new location meets the minimum 50' separation criteria. Information also added as a note on Soil Erosion & Sediment Control sheet.

6. Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

   Response: Comment noted.

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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

September 13, 2022

RE: COZ2022-034, PR2022-035 and MPL2022-019 Derrick Merchant CP-1 to CP-2 for a car wash at 4810 State Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-034, PR2022-035 and MPL2022-019 Derrick Merchant CP-1 to CP-2 for a car wash at 4810 State Avenue.

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

MAPS AND REPORTS

Soils Map
- Soils Inventory Report
- Map Unit Description (Brief)

Dwellings and Small Commercial Buildings
- Soil Features

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

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- The construction entrance/exit needs to come in from the west off of 49th terrace. This is the high point. It will be hard to prevent siltation from leaving the property and flowing onto State Avenue.
- As soon as grading is complete the areas not being used for construction need to be mulched and seeded.
- Topsoil pile needs to be seeded and mulched also.

- The north area storm drainage system needs to be carried all the way to the property line.
- The Best Management Practices in this report can be used to solve any erosion concerns 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

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Erosion Control Review No. 1 (of the plans not sealed, received 8/26/2022)

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 Erosion Control design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) On the erosion & sediment control plan sheet C6.0, reference Standard UG Drawings and Details available in the latest edition of the *Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County and Kansas City, Kansas* for erosion control BMP's i.e., construction entrance, silt fence, etc., as applicable. It is the UG's policy that the details SHALL NOT be included in the plans, only referenced in a call-out, legend, or note with the UG detail number. (See UG checklists and standards). In this regard, on the construction entrance details sheet C6.1 and silt fence details sheet C6.2, remove the APWA referenced erosion control and call out UG standards as applicable, i.e., UG 1400-A for construction entrance and UG 1400-E for silt fence installation.
2) Add a note regarding additional measures, i.e., "The contractor shall be responsible for providing additional erosion control measures or modifications if the plan fails to substantially control erosion or offsite sedimentation."
3) Will there be an access barrier between the active work area and areas to remain undisturbed? Please illustrate on plans.
4) Please indicate on the plans the contractor staging area.
5) Also, please note that a concrete washout must structure a minimum of 50 feet away from open channels, storm drain inlets, sensitive areas, wetlands, buffers and water courses and away from construction traffic.

6) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

NOTE: This project contains land disturbance of 1.0 acre or more (i.e., approx. 1.5 AC), which will require a Land Disturbance permit through the Public Works Department (and KDHE). Contact Mr. Andrew Roddy (913-573-5421) in Public Works to obtain all applicable Public Works permits, prior to obtaining a building permit through the Building Inspections Department.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:17:16 -05'00'

Travis Trumble, Project Engineer

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
General Engineering Review No. 1 (of the plans not sealed, Drainage Memo dated 8/26/2022, & Traffic Memo dated 8/26/2022, received 8/26/2022)

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

1) All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revise and resubmit.
2) The site plan sheet C3.0 indicates a retaining wall on the east side of the site. However, there are no details of the wall in the plans. Please revise to include the type and height of the wall. If the wall is 3' 6" or greater in height, retaining wall plans and calculations sealed by a Professional Structural Engineer registered in the State of Kansas shall be required.
3) Verify there is no existing access agreement with a lot (parcel # 047615) on the east of the building / property. The submitted plans show the access drive as being closed.
4) Regarding the above comment, please indicate how this access with a lot (parcel # 047615) area will be demolished and restored i.e., will grass be planted here.
5) On the cover sheet C1.0 and other sheets where applicable, revise the contact reference for the Unified Government Sanitary and Storm Sewer to Kevin Swearengin or Kirk Roland, (913) 573-1360. In this regard, remove references given for Sarah White.

6) On the cover sheet C1.0 and erosion control plan sheet C6.0, indicate the quantity of land disturbance area in square feet and acres.

7) The drive entrances shall be reduced to 30' in accordance with UG standards and criteria. If a wider drive entrance is required, please submit a waiver request and indicate reasons for the wider drive entrance. Further discussion with staff may be required.

8) Regarding the above comment, driveway entrances within right of way of N 48th Ter and State Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.

9) If the existing street or curb is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.

10) Please provide a largest vehicle (e.g., long (8') bed crew cab (4 doors) Silverado) turning template for vehicle movement to include the section where vehicles are entering or existing the car wash.

11) Please provide construction details, cross sections i.e., curb, asphalt overlay, of the drive aisle and parking area proposed to be used on site.

12) Verify slopes shall not be engineered to be steeper than 3H:1V slope.

13) How will dump truck get in and out of site to pick up the trash? Please provide a trash and truck turning template of the site. The truck turning template shall be produced from CAD software e.g., AUTO-TURN.

14) Similar as above comment, will trash collection be done during normal operating hours and how will this affect vehicle movement into the car wash?

15) Please coordinate with Harvey Fields, (913-573-5947), KCK Fire Department for any additional requirements i.e., hydrant locations, fire access etc.

16) Please note that ADA parking space(s) markings, sidewalks, and access to the proposed building shall comply with ADA (Americans with Disabilities Act) requirements.

17) Also note that any ramps must follow ADA accessibility guidelines. If you have any questions about ADA ramps, please contact Troy Shaw, PE at 913-573-5411 in the Public Works Department for clarification.

18) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.

19) See Erosion Control review for additional comments.

20) See Storm Drainage review for additional comments.

21) See Sanitary Sewer review for additional comments.

22) See Stormwater Quality review for additional comments.

23) See Retaining Wall review for additional comments.

24) See Public Storm Drainage review for additional comments.

25) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:16:44 -05'00'

Travis Trumble, Project Engineer

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Public Storm Drainage Review No. 1 (of the plans not sealed & Drainage Memo dated 8/26/2022, received 8/26/2022)

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 Storm Drainage design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revise and resubmit.

2) On the cover sheet C1.0 and other sheets where applicable, revise the contact reference for the Unified Government Sanitary and Storm Sewer to Kevin Swearengin or Kirk Roland, (913) 573-1360. In this regard, remove references given for Sarah White.

3) As a note, the retaining wall, footings, geogrid, etc. shall not cross the utility easements i.e., proposed 10.0' drainage & utility easement.

4) All public storm sewer will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). In this regard, revise the proposed drainage & utility easement to be 15' wide. Please revise as applicable.

5) Stormwater infrastructure i.e., curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.

6) Provide references to Standard UG Drawings and Details available in the latest edition of the *Technical Provisions & Standard Drawings for Roads and Sewers of the Unified Government of Wyandotte County and Kansas City, Kansas* on all sheets where applicable. It is the UG's policy that

the details are not included in the plans, only referenced in a call-out, legend, or note with the UG detail number. In this regard, reference storm infrastructure i.e., curb and gutter, manholes, etc., as applicable.

7) Verify minimum clearance for storm sewer pipes with other utilities are met in accordance with UG checklists, standards and criteria. (See UG checklists, standards and criteria)

8) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:19:28 -05'00'

Travis Trumble, Project Engineer

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Retaining Wall Review No. 1 (of the plans not sealed, received 8/26/2022)

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 Retaining Wall 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 details of the proposed retaining walls on site i.e., the retaining wall on the east side of the property.

2) Retaining wall calculations (for walls greater than 3'-6" in height), plans, and details are required, for any type of retaining wall, including block or pre-manufactured walls, reinforced concrete, etc. Provide retaining wall calculations, plans, and details that are signed and 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.

3) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 psf per UG criteria.

4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. 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) i.e., 42" above top of wall as identified in the UG checklist. Also, include post and footing anchorage design and details.

5) 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.

6) As a note, the retaining wall, footings, geogrid, etc. shall not cross the property line, right-of-way, or utility easements. For example, the toe of the wall shall not cross the property line and proposed drainage & utility easement.

7) 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.

8) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

NOTE: The proposed retaining wall(s) construction may require 3rd party inspections, which can be performed by the retaining wall design engineer. Please contact Mr. Jim Neath, Interim Chief Building Official, (913-573-8629), regarding 3rd party inspection during retaining wall construction prior to construction permit acquisition or if there are any questions.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:19:00 -05'00'

Travis Trumble, Project Engineer

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: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Sanitary Sewer Review No. 1 (of the plans not sealed, received 8/26/2022)

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 Sanitary Sewer 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) Verify clearances between the 8" private sanitary service line with other utilities i.e., water line, etc., are met in accordance with UG checklists, standards and criteria i.e., at least 2' vertical separation.
2) Add a note that the Contractor shall obtain a Public Works Sewer permit and coordinate with UG staff for inspection on the proposed sanitary sewer service connection.
3) Private sanitary service line shall comply with the applicable uniform plumbing code.
4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:18:07 -05'00'
Travis Trumble, Project Engineer

Planning and Urban Design

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Storm Drainage Review No. 1 (of the plans not sealed & Drainage Memo dated 8/26/2022, received 8/26/2022)

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 Storm Drainage design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) If existing and proposed utilities are not public, indicate that on the plans by calling them out as private.
2) Stormwater infrastructure i.e., curb and gutter, trenching details etc. shall be in accordance with UG standards and criteria.
3) Verify minimum clearance for storm sewer pipes with other utilities are met in accordance with UG checklists, standards and criteria. (See UG checklists, standards and criteria)
4) On the site plan sheet C3.0, the proposed retaining wall cannot be over the proposed 10.0' drainage & utility easement.
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 Digitally signed by Travis Trumble Date: 2022.09.19 14:17:41 -05'00'
Travis Trumble, Project Engineer

Storm Drainage Review Comments 1 of 1

Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
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Fax: (913) 573-5796
www.wycokck.org/planning

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: September 19, 2022

SUBJECT: Derrick Merchant – Go Car Wash – (PR2022-035)
4810 State Avenue
Stormwater Quality Review No. 1 (of the plans not sealed & Drainage Memo dated 8/26/2022, received 8/26/2022)

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) Oil water separators shall be installed on site to prevent oils and other polluting fluids from getting to the storm sewer system. In this regard, on the utility plan sheet C5.0, indicate and provide details of the oil water separators. If necessary, provide the details in an additional sheet within the civil plan set.

Reviewer: Travis Trumble Digitally signed by Travis Trumble Date: 2022.09.19 14:18:30 -05'00'
Travis Trumble, Project Engineer

STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022

STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022

STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 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: October 27, 2022

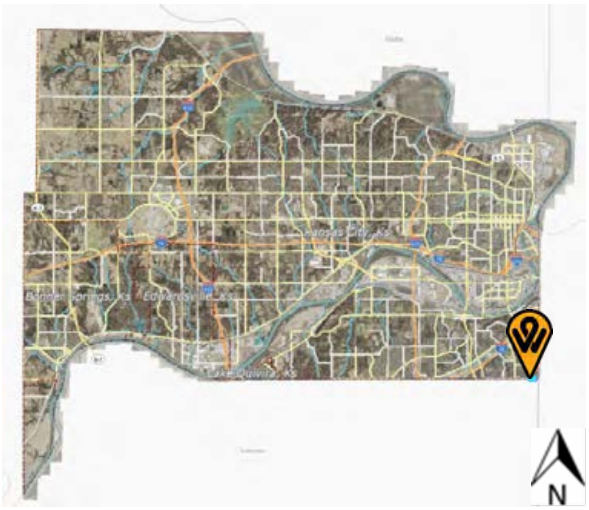
Re: **Change of Zone Petition COZ2021-048**

GENERAL INFORMATION

Applicant:
Blair Tanner

Status of Applicant:
Tanner & White Properties, Inc.
1545 Stone Canyon Road
Los Angeles, CA 90077

Requested Actions:
To approved Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District.



Date of Application:
October 29, 2021

Purpose:
To rezone to build a 7 story 149-unit apartment building.

Property Location:
4601 Rainbow Boulevard

Commission District:
Commissioner At Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

Existing Zoning:	C-1 Limited Business and R-1(B) Single Family Districts	
Adjacent Zoning:	**North:**	C-3 Commercial and R-1(B) Single Family Districts
	South:	None (City of Westwood, Kansas)
	East:	R-1(B) Single Family District
	West:	C-1 Limited Business District
Adjacent Uses:	**North:**	Office building and single-family homes
	South:	Mixed use apartments and Woodside Racquet Club
	East:	Single-family homes and vacant lots
	West:	A small office building and car wash
Total Tract Size:	1.89 Acres	
Master Plan Area:	Rosedale Master Plan	
Master Plan Designation:	The Rosedale Master Plan designates this property as Urban Mixed Use which allows townhomes, small apartment buildings (1-3 stories), multi-family apartments (taller than 3 stories), public/institutional uses, offices and services, and retail and entertainment uses.	
Major Street Plan:	The Master Street Plan classifies Rainbow Boulevard as a Class A Thoroughfare and West 46th Avenue as a Local Street.	
Advertisement:	The Wyandotte Echo – November 18, 2021 Letters to Property Owners – November 19, 2021, December 6, 2021, January 3, 2022, February 7, 2022, July 3, 2022, and August 1, 2022	
Public Hearings:	May 9, 2022, May 26, 2022, October 10, 2022 and October 27, 2022	
Public Support:	Staff has received letters of support and support has been present at all meetings on this case.	
Public Opposition:	Staff has received letters of opposition and opposition has been present at all meetings on this case.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of commercial business along Rainbow Boulevard, Westwood City Hall is located southwest of the subject property and to the north and east is an established single-family neighborhood. Immediately to the south is a mixed-use development in the City of Westwood connected to Woodside Racquet Club. Rainbow Boulevard corridor is one of the major commercial corridors in Rosedale.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the existing development to the south, along Rainbow Boulevard, but the scale and size of this project can be perceived to be imposing to the single-family neighborhood north of West 46th Avenue. The number of units have been reduced from 164 to 149. The height of the building along West 46th Avenue and the east property line is now four (4) stories.

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

The removal of the restrictions might detrimentally affect nearby property the majority of the development fronts West 46th Avenue, which is across the street from three (3) single-family homes in addition to the Spring Valley residential neighborhood, however, the height of the building has been reduced from 7 stories to four (4) stories. The portion of the development that is sited along Rainbow Boulevard will not detrimentally affect nearby property because there

is a mixed-use development abutting this development to the south and commercial to the west.

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

The property is not vacant. The parking lot is used for overflow parking for Woodside Racquet Club and a commercial business.

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

The proposed development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. Furthermore, with the University of Kansas Medical Center offices and campus to the north, those employees may be seeking a place to live that is in close proximity to their school and/or employer. The proposed use may substantially injure the visual quality or marketability of nearby property because the longest portion of the building will be oriented on West 46th Avenue, which is adjacent to an established single- family neighborhood.

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

The proposed development with 149 units will increase traffic along West 46th Avenue. The Traffic Impact Study was analyzed by Planning Engineering and the Public Works Department regarding road capacity and was determined that improvements to West 46th Avenue and Rainbow Boulevard were not required. The applicant is improving the intersection at West 46th Avenue and Francis Street by installing a north/south crosswalk.

Parking along West 46th Avenue has changed from angled parking to parallel parking. Parking for residents will be within the parking garage located in the rear of the development, only accessible on West 47th Avenue via Rainbow Boulevard.

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

The proposed use conforms to the Rosedale Master Plan, which is Urban Mixed Use which allows townhomes, small apartment buildings (1-3 stories), multi- family apartments (taller than 3 stories), public/institutional uses, offices and services, and retail and entertainment use.

The applicant seeks deviations in the Rosedale Master Plan – Urban Residential Multi-Family Design Guidelines to exceed the height transition abutting single-family residences and the maximum length of 200 feet for

multi-family residential buildings. The east façade is four (4) stories, exceeding the one (1) story transition and the length of the north façade is 412.58 feet, exceeding the 200-foot length maximum.

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

The proposed use should not cause environmental harm through runoff because the proposed development is covering the footprint of an existing commercial building, asphalt paving and concrete parking lot, and storm water runoff will be captured into the storm sewer system along Rainbow Boulevard and West 46th Avenue.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #332

e. Fire

Fire service is provided by Station #10 located off West 36th Avenue.

f. Transit

Kansas City ATA provides transit service along Rainbow Boulevard, Route #107. The stop is in front of the development at West 46th Avenue and Rainbow Boulevard.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

Rainbow Boulevard is a Class A Thoroughfare and West 46th Avenue us a Local Street. The traffic study will determine if the proposed development can be support by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between studio, one, two and three bedrooms) within the complex will promote a diverse population to make use of the nearby employment center, shopping, and entertainment, and transit.

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

The proposed use is capable of meeting applicable ordinance requirements with two (2) requested deviations from the Rosedale Master Plan – Urban Residential Multi-Family Design Guidelines.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they originally sought to develop it as.

PREVIOUS ACTIONS

- This petition is in conjunction with Appeal BOZA2022-046.
- BOZA2022-023 was denied by the Board of Zoning Appeals on May 9, 2022.
- COZ2021-048 was recommended for approval by the City Planning Commission (CPC) on May 9, 2022 and remanded back by to the CPC the Board of Commissioners on May 26, 2022.

NEIGHBORHOOD MEETING

The applicant held two (3) neighborhood meetings in-person at Westwood City Hall on November 16, 2021, April 25, 2022, and September 19, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with the Rosedale Urban Multi-Family Residential Design Guidelines
Pedestrian Connectivity
Shade and View Corridors
Neighborhood
Compatibility Traffic
Transit (Bikeshare and KCATA)
Fire Access
Landscaping
Buffering/Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Change of Zone COZ2021-048, subject to:

1. **A Final Development Plan is required to complete this entitlement process;**
2. **Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
3. **Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;**
4. **Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;**
5. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:**
    - **Enclosed dog yard with seating area and shade trees;**
    - **Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;**
    - **400 square foot play area with play structure;**
    - **Resident garden area with water access (must be in active use);**
    - **Swimming pool;**
    - **Rooftop patio; or**
    - **Five (5) square feet or greater balconies for all units.**

    All buildings must provide enclosed and ground level storage for resident bicycles;
6. **All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;**
7. **Only decorative lighting can be used on the exterior of the building(s);**
8. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public**

streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;

9. **This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;**
10. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;**
11. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.**

    The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;
12. **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 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

    The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;
13. **Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;**
14. **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;**
15. **All landscaping shall be irrigated;**
16. **All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;**
17. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
18. **BPU transformer pad shall be completely screened on three (3) sides with**

6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;

19. **Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;**
20. **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;**
21. **The trash enclosure shall be internalized in the garage;**
22. **Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;**
23. **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;**
24. **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;**
25. **All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;**
26. **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;**
27. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**

28. **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;**
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 (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

NOTE: Change of Zone Petition COZ2022-015 was remanded back to the City Planning Commission by the Unified Government Board of Commissioners (at the May 26, 2022 Board of Commissioners meeting) at the request of the applicant to look at the shadows cast on single-family homes and the Urban Residential Multi-Family Design Guidelines.

The following changes have been made to the plans:

- **Reduced from five (5) stories to four (4) stories on the north and east facades;**
- **Reduced total number of units from 164 to 149;**
- **Increased setbacks along west (side yard, corner) and east (side yard, interior) property lines;**
- **Removed trash pick-up from West 46th Avenue. Trash pick-up is on south side of the building;**
- **Modified on-street parking from angled parking to parallel parking on West 46th Avenue. Overall decrease of 8 spaces on the block;**
- **A Shade Study was performed for 4526 and 4529 Francis Street and by removing one (1) story, on average 15% – 19% more sun will shine on these parcels in the winter; and,**
- **Updated the traffic study.**

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-048** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Map Land Use Map Zoning Map
Rosedale Master Plan Land Use Designation Map
Rosedale Master Plan Districts
Rosedale Master Plan Multi-Family Residential Design Guidelines
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan/Utility Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on November 16, 2021
Traffic Study Summary
Letters of Support
Letters of Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 9, 2022	May 26, 2022
Rezoning	Approval	(Remanded back to CPC)
	October 10, 2022	October 27, 2022
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-048** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-048,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 2:06:10:

CHANGE OF ZONE APPLICATION COZ2021-048 – BLAIR TANNER WITH TANNER & WHITE PROPERTIES - SYNOPSIS: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard.

Detailed Outline of Requested Action: The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 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;
8. The letters in support and opposition noted at the Board of Zoning Appeals meeting; and,
9. The testimony from the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Bob Johnson, Polsinelli, 900 West 48th Place, Kansas City, Missouri 64112
- Blair Tanner, 2000 West 47th Place, Westwood, Kansas 66205
- Aaron Mesmer, Block Real Estate Services
- Greg Kindle, President, Wyandotte Economic Development Council

- Topher Philgreen, President of Topher Enterprises, 4512 Rainbow Boulevard, Kansas City, Kansas 66103
- Jason Sadler, 4507 Francis, Kansas City, Kansas 66103
- Dan Thompson, 4514 Francis Street, Kansas City, Kansas 66103
- Gerald Greer, 4503 Francis Street, Kansas City, Kansas 66103
- Megan Lovelace, 4458 Francis, Kansas City, Kansas 66103

Present in Opposition:

- Shari Wilson, 4529 Francis Street, Kansas City, Kansas 66103
- Kelly White, 4410 Francis Street, Kansas City, Kansas 66103
- Erin Stryka, Rosedale Development Association, 1403 Rainbow Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 3:01:30: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-006 which was approved by the Board of Zoning Appeals earlier this evening. This case was remanded back to the City Planning Commission by the Board of Commissioners in May of 2022 in order to revise and resubmit to address the Master Plan and the shade study. The property is in the Rosedale Area Master Plan and the request is from C-1 Limited Business District and R-1(B) Single Family to RP-6 Planned High-Rise Apartment District to create a seven story, and five-story massing totaling 149 unit multi-family development. Staff has received letters in support and opposition to this proposal as well as the comments at the Board of Zoning Appeals and City Planning Commission meetings this evening. There are no Notices of Violation. Director Hand stated that there is an error in the staff report. If you look at condition #10 it speaks to a deviation specific to the Rosedale Area Master Plan Design Guidelines and its transition to a single-family neighborhood. That condition was written for a previous staff report and should have been removed before the final staff report was posted to the website and distributed. As discussed by the Applicant, there is a single deviation being requested tonight for the length of the building. The 200 foot length of the building is one of the carry over design guidelines from the Multi-Family Design Guidelines from the City-Wide Master Plan that were also incorporated into the Rosedale Master Plan Design Guidelines. All the unique design guidelines in the master plan that in addition to the multi-family design guidelines from the City-Wide Master Plan have been met by this project. The intent was not to have a monolithic building nor have more than a 200' building in a more typical multi-building apartment complex. Staff believes that through the two (2) massings there is a seven-story building up against Rainbow Boulevard and a five-story building against the adjacent single-family neighborhood, plus the articulation in material and setbacks across the five-story massing. He further stated that he would like to note that the Rosedale Area Land Use Master Plan Map includes three defining characteristics: districts, corridors and centers. This location includes all three (3) of those. The Applicant is not requesting a Master Plan Amendment. Director Hand stated that he interprets that the applicant meets the intent of the master plan and design guidelines, which seeks to create the density along Rainbow Boulevard to provide built-in future transit riders and focus on the redevelopment of that commercial corridor at key

community centers. A final development plan will be required to come before the Planning Commission if this petition is moved forward. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Director Hand including explaining why the Board of Commissioners remanded the application back to the Planning Commission and how the applicant addressed the items.

Motion starts at 3:11:47:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of COZ2021-048:**

Carson	Chairman
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	No
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	No

Motion to recommend **APPROVAL** Passed: 6 to 2

1. **A Final Development Plan is required to complete this entitlement process;**
2. **Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
3. **Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;**
4. **Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;**
5. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:**
    - **Enclosed dog yard with seating area and shade trees;**
    - **Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;**
    - **400 square foot play area with play structure;**
    - **Resident garden area with water access (must be in active use);**
    - **Swimming pool;**
    - **Rooftop patio; or**
    - **Five (5) square feet or greater balconies for all units.**

    All buildings must provide enclosed and ground level storage for resident bicycles;

6. **All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;**
7. **Only decorative lighting can be used on the exterior of the building(s);**
8. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;**
9. **This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;**
10. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;**
11. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.**

    The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;
12. **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 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

    The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;
13. **Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;**
14. **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;**
15. **All landscaping shall be irrigated;**

16. **All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;**
17. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
18. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;**
19. **Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;**
20. **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;**
21. **The trash enclosure shall be internalized in the garage;**
22. **Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;**
23. **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;**
24. **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;**
25. **All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;**
26. **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;

27. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
28. **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;**
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 (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Figure 1. Aerial Map of 4601 Rainbow Boulevard (provided by UG Maps).

Figure 2. Zoning Map of 4601 Rainbow Boulevard (provided by UG Maps).

Figure 3. Rosedale Master Plan Land Use Designation Map of 4601 Rainbow Boulevard (provided by ArcGIS Pro).

DISTRICTS

URBAN CORE MIXED USE

Urban Core Mixed Use is the most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street. Active uses are encouraged on the first floor. Active uses are defined as retail, office, live/work units, or residential and must include entrances on the first floor and transparent windows.

URBAN MIXED USE

The Urban Mixed Use district is designed to create a vibrant urban character. This is the second most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street.

GENERAL URBAN

This area is predominantly residential in character with rowhouses, townhomes, and single family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed use corridors. Three story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one story or 10 feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood. It will be considered alongside other factors such as how well the overall design of the site and building responds to its surrounding context and the level of community support.

COZ2021-048

October 27, 2022

URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

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

SITE CIRCULATION

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

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

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

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

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

SITE CONFIGURATION

Setbacks

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

Frontage

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

TRANSITION OF HEIGHT

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

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

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

AMENITIES

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

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

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

MATERIALS

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

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

Prohibited materials include:

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

Roof materials must have a 35 year warranty

ENTRANCES

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

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

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

ARCHITECTURAL ARTICULATION

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

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

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

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

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

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

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

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

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

Exterior bars or shutters may not cover windows.

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

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

ROOFS
Buildings 2 stories and less must have sloping roofs.
Buildings 3 stories and taller may have sloped or flat roofs.
On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

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

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

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

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

FENCING, SCREENING, LANDSCAPING

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

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

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

Screening of multi-family residential developments is required between:

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

Pedestrian access points between various land uses are encouraged

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

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

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

TRASH SCREENING

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

PARKING SCREENING

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

UTILITIES SCREENING

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

FEMA SHELTER

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

KEY ISSUES

Massing
Compliance with the Rosedale Urban Multi-Family Residential Design Guidelines
Pedestrian Connectivity
View Corridors
Neighborhood Compatibility
Traffic Transit (Bikeshare and KCATA)
Fire Access
Landscaping
Buffering/Screening

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

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

   Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line. **RESPONSE: Acknowledged.**

2. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space.

   Additionally, paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard. **RESPONSE: The site provides 41% nonvehicular open space and a north/south crosswalk across W. 46th Avenue has been provided on the west side of Francis Street.**

   In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians. **RESPONSE: The plan has been revised to remove four parking stalls from 46th Avenue, as well as removal the garage entry / exit from 46th Avenue. Additionally, the Owner has offered entry to the Woodside Club employee parking lot through the Woodside Village North garage; reducing the traffic impact on Eaton street.**

3. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than fifty (50) units must provide two (2) of the following:

   - Enclosed dog yard with seating area and shade trees;
   - Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
   - 400 square foot play area with play structure;
   - Resident garden area with water access (must be in active use);
   - Swimming pool;
   - Rooftop patio; or
   - Five (5) square feet or greater balconies for all units.

   All buildings must provide enclosed and ground level storage for resident bicycles. **RESPONSE: Enclosed and landscaped courtyard, and 5 square feet of balconies for all units provided.**

4. All amenities shall be built within the first phase of the development. **RESPONSE: Acknowledged.**

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

6. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed. **RESPONSE: Acknowledged.**

7. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood. **RESPONSE: Acknowledged.**

8. Provide floor plans of the building, including, but not limited to the garage, rooftop patio and terrace. **RESPONSE: The project is not proposing a public rooftop patio. Floor plans, including garage and terrace, have been provided.**

9. Limit or restrict access of the garage for exit only onto westbound West 46th Avenue, as the amount of traffic of a side, local street such as West 46th Avenue will become burdensome on the neighborhood.

   West 46th Avenue garage should be for emergency access enter/exit only. **RESPONSE: The project has been revised to remove garage entry on 46th Avenue entirely.**

10. Due to excess parking per the parking code, change the angled parking along West 46th Avenue to parallel parking with bulb-outs to increase the open space buffer. Create a linear park (parklet) or buffer than parking adjacent to the residential neighborhood. **RESPONSE: The project is providing a pocket park for community use at the intersection of 46th Avenue and Francis Street. The angled-in parking along W. 46th Avenue remains.**

11. Rather than West 46th Avenue, the pull off for deliveries should be restricted to Rainbow Boulevard, if allowed by UG standards. Delivery vehicles will not have to travel through the neighborhood to go back onto Rainbow Boulevard to continue their delivery route or to their facility. There is a sign posted on West 36th Avenue restricting trucks over 12,000 lbs. from traveling on the street. **RESPONSE: The design team advises against a Rainbow Boulevard drop off due to traffic safety, as well as proximity to signal at Rainbow Boulevard and West 47th Terrace.**

12. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments. **RESPONSE: The plans have been revised to show a bikeshare space at the corner of W. 46th Avenue and Rainbow Boulevard.**

13. A transit stop is currently on the north side of West 46th Avenue at the Rainbow Boulevard intersection. A more prominent stop and shelter shall be relocated in front of this development. Coordination with Justus Welker, Kansas City Area Transit Authority is necessary. **RESPONSE: Upon further discussion with planning staff, it was determined that a bikeshare location at this corner would be preferred over a more prominent transit stop.**

Building Architecture:

1. Provide an example of the proposed decorative metal screen on the east side of the garage, as the crosshatch does not provide any detail. Staff suggests a live green vegetation wall. **RESPONSE: The design team has moved the garage westward, to face the Courtyard. The east façade is now dwelling units with fenestration matching the north façade.**

   Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of

buildings. **RESPONSE: The vehicular entrance for this building is now internalized within the existing Woodside Village North Garage.**

2. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, multi-family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies below:

   - Minimum side yard setback of ten (10) feet from property line abutting single family.
   - Within thirty (30) feet of the property line abutting the single-family residence, a multi-family building may not exceed a half ($^1/_2$) story height greater than adjacent residence's roof height.
   - Within fifty (50) feet of the property line abutting a single-family residence, a multi-family building may not exceed a one (1) story height greater than adjacent residence's roof height.

   The northeast corner needs to be stepped back to comply with Rosedale Master Plan. **RESPONSE: The design team will be pursuing a deviation in regard to this.**

3. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, all façades oriented towards a street or courtyard accessed from a street must have forty (40) percent transparency between three (3) and eight (8) feet above the finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass. **RESPONSE: 45% transparency is being provided.**

4. Per the Rosedale Master Plan, all developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

   - Masonry stoop with cheek walls;
   - Covered or uncovered porch (minimum area of 35 square feet);
   - Projecting or inset portico (minimum area of 18 square feet); or,
   - Patio or yard enclosed by three (3) masonry and decorative iron fence.

   At least one (1) decorative light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat storm doors or patio doors are prohibited for primary street-oriented first floor entrances. **RESPONSE: Main entrance provided at the corner of Rainbow Boulevard & West 46th Avenue under a portico.**

5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than thirty (30) feet and must be broken

via setbacks or offsets. **RESPONSE: The Developer is seeking a deviation for the length of the building. The design team has provided outset balconies every 30 feet that incorporate a change in material as well as plane.**

6. If a building is three (3) stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two (2) of the following are required:

   - Horizontal change in building materials (shirtwaist);
   - Notable horizontal change in building material pattern or scale or color;
   - Upper story setback a minimum of 16";
   - Cornice or banding of contrasting color;
   - Roofline (typically of a porch) spanning across 60% of facade width; or
   - Other.

   RESPONSE: Horizontal change in building material, and notable change in material pattern and color provided.

7. Where is the main entrance along Rainbow Boulevard? **RESPONSE: At the corner of Rainbow Boulevard and 46th Avenue.**

8. The pedestrian scale on the south façade, currently depicted as fiber cement board should be a mural or green wall. **RESPONSE: There is no pedestrian access along the south façade.**

9. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed masonry. **RESPONSE: The plans have been revised to include this information.**

10. The proposed garage doors shall match the adjacent exterior building façade color. **RESPONSE: Acknowledged.**

11. Downspouts shall be internalized. **RESPONSE: All roof drains to be internalized.**

12. Greater emphasis needs to be put upon the ground floor uses and its proximity to Rainbow Boulevard. Need to activate all ground floor lobby, reading lounge and parking. **RESPONSE: The lobby space is activated – it is the major internal amenity space for the project.**

Landscaping and Screening:

1. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses

must include a five (5) to six (6) foot tall fence preferably with evergreens placed every thirty (30) feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable. **RESPONSE: RESPONSE: 5'-6' tall fence (material as required) will be installed along the eastern property line, abutting the single family residences. This frontage will also include evergreen trees spaced 30' min.**

2. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

   Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

   The site is 1.89 acres, which requires eighteen (18) trees, twenty-one (21) additional shade trees and 167 shrubs per the zoning district.

   RESPONSE: A minimum of 39 trees and 167 shrubs will be provided on the site. This total does not include the required residential buffer along the east property line.

3. Street trees are to be provided at one (1) tree for every thirty (30) feet of frontage along a major street. **RESPONSE: 1 tree per 30lf of street frontage will be provided.**

4. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted. **RESPONSE: All plant material sizes will meet this minimum required.**

5. All landscaping shall be irrigated. **RESPONSE: All landscape areas will include an automatic irrigation system.**

6. If provided, all trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times. **RESPONSE: N/A. Trash enclosure is internal to the parking garage.**

Additional landscaping is necessary to screen the loading dock area from Rainbow Boulevard. This can occur in conjunction with screening the BPU transformer in the southeast corner of the site. **RESPONSE: There is no loading dock associated within the project site, nor is there a BPU transformer at the southeast corner of the site.**

The trash and recycling collection is located on the north side of the building. Is the intent to roll out the dumpster on a weekly basis? **RESPONSE: Yes, that is correct.**

7. Provide a sight line study from Francis Street and Eaton Street south towards the apartment building on West 46th Avenue. This height of the building will be an imposing structure in the neighborhood. What will residents see when they look south, down the hill towards this development?

   The view down Francis Street should be a landmark, not a wall façade. As designed, the façade will create a visual wall at six (6) stories at the end of Francis Street. Incorporate different row of materials, move vertical stack (stair penthouse), change the massing, windows, or some other urban design strategy accordingly.

   RESPONSE: The building elevation will have a material change in this view corridor to breakup with the south elevation. A pocket park will be located at the apex of this view along the building frontage to help break up this elevation.

8. Provide a light shadow study, taking into account the north elevation of the building and the residences on the north side of West 46th Avenue. **RESPONSE: The Developer is analyzing shading and would like to discuss further with planning staff as to what kind of study is being requested.**

9. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet.

   This specifically refers to the stair penthouse and elevator overruns. **RESPONSE: All site utilities boxes, wall mounted utilities and rooftop mechanical units will be screened as required.**

10. All electrical meter banks, typically on the side of the building shall be screened from public view. **RESPONSE: All electrical meter banks will be screened from public view as required.**

11. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. **RESPONSE: BPU transformer will be screened as required.**

    Siting the transformer in the right-of-way along West 46th Avenue is not the best location and is impossible to screen from public view as required. The transformer must be relocated. **RESPONSE: The design team placed it here due to accessibility for power company as well as economy of project.**

12. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb. **RESPONSE: The 2' min green strip is factored in the current design. Along Rainbow, this green strip is 11'-13' wide.**

13. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building. **RESPONSE: Acknowledged.**

14. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public. **RESPONSE: Acknowledged.**

Signage:

15. Shall comply with the sign ordinance. **RESPONSE: Acknowledged.**

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

    1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

B) Items that are conditions of approval:

    1) None

MEETING SIGN-IN SHEET	
Project: Woodside Village Rosedale	Meet Date: November 16, 2021
Facilitator: Tanner White Properties and Polsinelli PC	Place/Room: Westwood City Hall, Community Room
Application #: COZ2021-048	

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MEETING SIGN-IN SHEET	
Project: Woodside Village Rosedale	Meet Date: November 16, 2021
Facilitator: Tanner White Properties and Polsinelli PC	Place/Room: Westwood City Hall, Community Room
Application #: COZ2021-048	

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11/16/2021 Westwood Village Rosedale Neighborhood Meeting

Attendance:
Bob Johnson/Amy Grant, Polsinelli PC
Blair Tanner, Tanner White Properties
Aaron Mesmer, Block Real Estate Services
Matthew Hufft, Hufft Architects
Approximately 45 attendees. See attached sign-in sheet.

The meeting began at 6:00 p.m. Bob Johnson introduced the project team and gave a brief outline of the meeting presentation.

Blair Tanner and Matthew Hufft presented the vision for the project and referenced several site plans and renderings to explain the proposed project.

- Information about the Tanner and White Properties entity and that they have owned this property for approximately 7 years.
- Joint Venture with Block Real Estate Services on this project.
- Developer has studied various uses for this site including office, commercial, retail and multi-family.
- The Developer is seeking approval of a rezoning, preliminary development plan, and master plan amendment at this time. The overall presentation included plans and explanation as to site layout, number of units and parking spaces, building architecture, landscaping, access points, and traffic.
- Developer had created a website for the project: woodsidevillage.com/rosedale.

Question and Answer:

Q: How many parking spaces are in garage? How many parking spaces are being provide per unit?

A: There are a total of 247 parking spaces for this project. There are 227 spaces in the parking garage and 20 surface parking spaces along the north building façade. Our goal is to provide 1 parking space per unit.

Q: How many feet are you expanding W. 46th Avenue – actual pavement?

A: The existing street is approximately 22-feet in width, which shrinks down to about 16-feet when cars are parked on the street. We are proposing to widen the street by approximately 4-feet in width, going from 22-feet to 26-feet. We are also providing new angled parking stalls that are intended to be used for guest parking but will not be restricted so that the general public may use them as well. We believe these angled parking spaces will alleviate the issue of the street being narrow when cars are parked along the existing curb line.

Q: When cars leave the angled parking spaces they will have to head east through our neighborhood. This will create more traffic in our neighborhood and we already struggle with traffic conditions today. This is not an improvement and does not solve anything in my opinion. This project will make the traffic even worse.

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A: Any cars currently parking along the south curb of W. 46th Avenue have to head east through the neighborhood, so we did not see the new angled parking as an issue. If anything, we believe we are helping alleviate the issues because when cars are parking on W. 46th Avenue today it leaves you with only 16-feet of pavement, which is essentially a one-way drive. The angled parking will get those cars off of the street and will allow for the 26-feet of pavement to be used for two-way traffic. We agree and understand that this project as designed will create some additional traffic in this area.

Comment: The existing issue of cars being parked on W. 46th Avenue can be fixed today without your project being built. For the most part, the cars parking on W. 46th Avenue are employees of the Woodside Club and the new Woodside Village North project. We were promised that no-one would be allowed to park on W. 46th Avenue existing road. You can fix the issue by not allowing your people to park on the street.

A: Mr. Tanner indicated that this is the first time he had heard of this employee parking issue and will work to address it.

Q: How many balconies are on the W. 46th Street side? I would like to see W. 46th Avenue closed just west of the dentist office building. All of the beautiful pictures you have shown us tonight do not really show the impact of this project to our single-family homes across the street. The proposed massing is not good for us. I think that brownstones are nice but does not work here. How many stories in the building and how many balconies?

A: The site plan showing the north façade and location of balconies was shown. The building is seven stories in height near Rainbow and then steps down to six stories in height as the grade slopes to the east.

Q: Will you have mechanical units on rooftop that are not shown in these pictures?

A: Yes, we will have units on top of the building, but they will be screened with a parapet.

Q: This project will require deviations from the Rosedale Master Plan. Please explain those.

A: We will need a deviation for the height of the proposed building adjacent to the single-family home to the east. The site plan was referenced to show approximately how much of the proposed building would be impacted by the height restrictions listed in the master plan.

Q: Do you know the exact number of feet you are taller than allowed? What is the height relative to the setback?

A: We do not have that exact information with us tonight, but we will provide that information to Kelly White.

Q: I own a house directly across the street from the 6-story portion of the building and this new building will feel like a skyscraper to me. I will feel buried. There is just too much of a difference in height here. It is overwhelming from a standpoint of negative impacts to sunshine and bad weather.

A: Our project team has been very mindful of the transitions to the north. We believe that the architectural design, landscaping, and street widening that are proposed help to soften the transition.

Q: I want to clarify that there are single-family residences to both the north and east of this proposed project. How will you address delivery trucks and waste management trucks?

A: All deliveries will utilize the dedicated delivery drop-off area at the northwest corner of the project - area was shown on the site plan. This will also include moving trucks. The trash containers will be located within the building and will be rolled out to the trash trucks when they arrive.

Comment: Have you ever lived in a neighborhood where trash trucks pick up dumpsters for large buildings like this? They are very loud between the dumpsters hitting the truck when they are overturned and the beeping noise when they back up. This will be a negative impact on our residential neighborhood. Your tenants will be shielded from this due to the location you chose. Please rethink and address this to lessen the impact.

Q: Why does there need to be entrance and exit on W. 46th Avenue? We are concerned about the traffic impact.

A: This secondary entrance/exit was suggested by our parking consultant with a focus on the residents of the building. We hear what you are saying and are taking this seriously. I am hearing what you say. We are taking this seriously and will look at this again to see if anything can be done to address this concern.

Q: I recently installed solar panels on my home and am worried that maybe shadows of the new building will impact my home. Do you have shadow study? I will be upset if my house and yard end up being shaded more than it already is and do not want my solar panels to be affected.

A: Yes, we will study shadows and will provide that information at our next meeting.

Q: What are you doing to address drainage? I moved here before the dentist office was built. After it was built, we have had flooding in my home that has caused thousands of dollars in repairs to my basement.

A: The proposed project is actually adding more green space than what exists today. The project will not alter the existing drainage patterns.

Q: Do you have plan for native plants to help absorb storm water.

A: Yes.

Q: How many parking spaces per unit?

A: We are providing one stall per bedroom for the one-bedroom units and two stalls for the two bedroom units.

Q: What happens if two or three people live in a unit, where do they park?

A: We are utilizing the same parking ratio for the project that we have a Woodside South and will have a similar ratio of units. We have found that it tends to average out and works that all residents can park in garage. They do have to register their vehicles with us and park in garage.

Q: This product is for rent?

A: Yes.

Q: Have you done a traffic study yet? What does it cover? Have you done studied Rainbow traffic?

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A: Yes, we did a trip generation study at the City's request. The report looks at the trips generated by this project and how those trips are distributed. The report reflects that 65% of trips will use Rainbow Boulevard.

Q: The intersection of 47th and Rainbow is already challenging – what will this traffic do to the intersection?

A: The UG staff will review and study. It is our understanding that the City has acknowledged that Rainbow Boulevard has capacity to handle this additional traffic generated by this project.

Q: When will the shadow study be submitted?

A: It should be done within the next month.

Q: Will you be asking for incentives for this project?

A: We have not yet decided that. It is still being considered.

Q: Why aren't you building this on the Johnson County side of line? Why here?

A: Woodside Village south does have a Phase 2 that is slated to be built but it is tied to the renovation of the Club facilities. The Club is still financially recovering from the effects of COVID, and the expansion work cannot be done now.

Q: I understand that the price range of these units will be $2,100 and up. Is there any negotiation room to allow for some affordability of apartments?

A: These will be market rate apartment and will not provide median income designations. There will be units in this project with a rent less than $2,100.

Comment: You will also need a deviation for the length of building as it can't be more than 200 feet in length.

A: That is correct. The approximate length of this being is 400+ feet.

Q: Have you considered environmentally sustainable aspects for the project?

A: Yes, we plan to do as much as we can in that regard. We are looking at LEED accreditations. We are working to find the balance of this being a for-profit development with sustainable practices.

Q: Is it possible to do green roof?

A: No. We have learned from prior experiences that it is too expensive.

Q: If you have 167 units, how many toilets does that require? Have you studied sewage?

A: We need to follow certain laws and City regulations regarding sewage. We will submit those plans to the City, and they will review and enforce those regulations.

Comment: So, to confirm, you will need deviations from the Rosedale Master Plan for building height and building length? Any other deviations? Do you need a variance for the traffic?

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A: Those are the departures from the Master Plan and Code that we are aware of. City staff is in the process of reviewing our application and will let us know if there are others needed. No, we do not need a variance for the traffic.

Comment: I have not heard how you will try to make this project more compatible with the existing neighborhood. It does not look like you have made accommodations here. The McDonald's and CVS projects made accommodations on their building heights and provided pocket parks.

A: We will take a look at those to better understand what they did and see if we can apply anything for this project. We do believe that our approach to the streetscape and landscape design is an accommodation that has been made for this project.

Q: It is possible that your delivery area may allow people to do a quick turn-around to head west on W. 46th Avenue. This could impact the dentist office and us. I believe you are making this area even more dangerous.

A: We respectfully disagree. The designated drop off area is being provided off of the street and the street is being widened.

Q: You are still adding a greater amount of people to the area that will use W. 46th Avenue. Can you relocate the drop off location to the south side of the building?

A: W. 47th Avenue is existing in its current configuration and cannot be modified to accommodate a delivery area. There are also grade issues on that side of the property.

Q: Have you asked the City if you can close W. 46th Avenue? We want it closed.

A: This is a public street and not within our control. We are not aware of City contemplating the closing of the street.

Comment: This has happened with other projects. It happened with the McDonald's and CVS projects.

A: We will evaluate those to better understand those situations. We encourage you to contact the City directly if you want the street closed.

Q: The entrance to the garage is directly across from an existing single-family home. Can it be moved toward Francis street?

A: We will take a look at that.

Q: When you widen street do you widen from south?

A: Yes, all additional property needs for the widening will come from our property.

Q: is it possible to extend W. 47th avenue to the east?

A: No.

Q: We are well-aware of problems with construction and mold issues that you had with Woodside Village North. What lessons were learned and how will you avoid those issues with this project.

A: We are still in active litigation over that issue so we cannot comment much in that regard. We finished that site in 2016 and in 2017 realized we had some construction defects in the building. As the owner we corrected those issues as quickly as possible.

Q: What is occupancy rate now at Woodside Village North?

A: We are 100% leased.

Q: Is Uncorked going to open soon?

A: Yes, they should be done with their improvements soon an hope to open January/February.

Q: Can Eaton Street be closed?

A: No. Eaton Street is an important service entry to the Club. We did address some issues a while back and now have our larger deliveries on 47th Place and have deliveries come through the front door.

Comment: I am concerned about light and noise pollution. The lighting should not be a big deal but the noise from pool in summer is bad. The acoustics from the hill are incredible. We are hearing everything, and it is annoying. Please think about the acoustics for your events.

Q: What is your next step in the process?

A: The project is currently scheduled to be heard by the City Planning Commission on 12/13.

Q: Where will your construction staging be located? We do not want trucks using W. 46th Avenue.

A: We are still analyzing that. We will share our construction logistics plan with you when it is ready. we are looking at that now and will park on site.

Commissioner Ramirez: The concern over traffic has been brought up several times tonight and appears to be an issue. The intersection is currently heavy with traffic, especially during the rush hour, and now you are proposing to add these units and more traffic. I am also concerned about the project needing variances from the master plan. I have been vocal on other projects not being allowed to deviate from master plans. The plans were created for a reason and I generally do not support deviations unless they make sense. The two variances need for this project heavily deviate from the goals of the master plan. We are also seeing high rents on both this project and the Hudson project. Some have mentioned that we are creating a precedent of high-priced multi-family developments when we also need affordable housing all throughout the County. I personally feel that there is enough vocal opposition tonight regarding traffic and the need for a shadow study that I would ask you to consider delaying the project to allow more time to communicate with the community. As of right now, I am unable to support the project based on what I have heard tonight.

A: We have been listening tonight and have heard some good ideas. Our job is to now take all of this information and discuss it with our design team and see what, if anything, can be done to address the comments we heard tonight. The presentation we showed tonight is not the final version.

Q: I live behind the Rainbow Car Wash property. Has there been any discussion about putting a traffic light at W. 47th Avenue and Rainbow to get better address traffic?

A: Our study does not show that the proposed project would require a new signal at this location.

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Q: I know that you had drillers out in the parking lot doing core samples recently. I spoke with them about the depth of the bedrock. How much do you intend to excavate from this site – how much deeper will you go?

A: The project has not been fully engineered yet and we have not received a full report from on the core samples that were taken. Our goal is to follow the existing grade as much as much as possible.

Q: I believe Phase I has 91 units and now you are wanting another 167 units on this site. Why so big? Why so many units? It seems excessive.

A: A project needs a certain amount of scale in order to provide the quality being proposed.

Comment: My gut tells me you were not aware that this neighborhood has been looking at traffic control issues well before you constructed Phase I. We want traffic calming measures and have done our own traffic studies to address that. This traffic issue goes back at least 7-8 years and is the biggest problem in this area. I took a tape measure and show that there is only 20-feet of pavement on W. 46 Avenue in front of my home so the pavement width might vary. We have semitrucks, dump trucks and other large vehicles use W. 46th Avenue that should not be so that is also a problem. We do not want you to improve the street so that traffic is a "free flow". We want traffic calming measures installed and/or we want W. 46th Avenue closed. I believe that Eaton Street access is still an issue with truck deliveries and employee parking.

Comment: I spoke with Gunnar Hand about his interpretation of the master plan and that adjacent property only applies to east and not to homes across the street. The size of this building is just too big.

Comment: You should have all of your traffic use W. 47th Avenue and not have access to W. 46th Avenue. You can't destroy our neighborhood by trying to make this project work. We do not want the dumpster/trash pick-up along 46th Avenue either.

Commissioner Ramirez: We do need to look at calming efforts as there is a continued effort between the UG and the City of Westwood to make Rainbow Boulevard more pedestrian friendly. Has your team spoken with the City of Westwood about how the proposed project might impact this issue?

A: We actively work with the City of Westwood on their plans for Rainbow Boulevard and support those plans. We will need to visit with City staff about potential traffic calming measures.

Next, there was a bit of discussion about comments related to financial viability of the Club, why Phase II of Woodside Village cannot be built right now, and whether or not the proposed project will seek incentives. Blair Tanner explained that Phase II cannot begin until the Club improvements are made and that the Club improvements cannot be made right now because the Club is still recovering from the effects of COVID and is not in a financial position to make those improvements right now. Blair Tanner offered to meet and discuss the issue further for those who are interested in doing so.

Q: Will people who rent units in this new project get to be a part of the Club?

A: Yes, every unit comes with one free membership to the club.

Q: If approved, how long will construction take?

A: Approximately 16-18 month from the time we break ground to finishing the project.

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Commissioner Ramirez: Are you able to share what incentives you may be seeking? I agree with comments made by others that I do not like the idea of the UG giving incentives to build this project so that the Club can benefit by having additional members.

Comment: Please explore options so that some of the units have rents that can be subsidized, especially if you are asking for incentive. We want diversity in our neighborhood.

Comment: The Rosedale master plan speaks to height, length, and affordability. These are all part of master plan that must be addressed.

Comment: Having a bus stop is also an important part of Rosedale plan. You also need to provide bike racks for the public and not just for tenants.

A: We will work with KC bike exchange on this project and have incorporate public bike racks on the patio at the northwest corner.

Q: If this project does not get approved, is there a possibility that you would reign things in and take care of Club issues first and then do apartments later?

A: No.

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MEETING SIGN-IN SHEET	
Project: Woodside Village Rosedale	Meet Date: April 25, 2022
Facilitator: Tanner White Properties and Polsinelli PC	Place/Room: Westwood City Hall, Community Room
Application #: COZ2021-048 & BOZA 2022-023	

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MEETING SIGN-IN SHEET	
Project: Woodside Village Rosedale	Meet Date: April 25, 2022
Facilitator: Tanner White Properties and Polsinelli PC	Place/Room: Westwood City Hall, Community Room
Application #: COZ2021-048 & BOZA 2022-023	

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4/25/2022 – 2nd Westwood Village Rosedale Neighborhood Meeting

Attendance:
Bob Johnson/Amy Grant, Polsinelli PC
Blair Tanner, Tanner White Properties
Aaron Mesmer, Block Real Estate Services
Jeff Kloch and Mike Schwaller, Hufft Architects
Approximately 30 attendees. See attached sign-in sheet.

The meeting began at 6:00 p.m. Bob Johnson introduced the project team and gave a brief outline of the meeting presentation.

Blair Tanner and Aaron Mesmer presented the revisions that have been made to the development plan. A brief summary of changes include:

- Removed garage entrance from W. 46th Avenue – vehicular access moved to 47th Avenue from Rainbow boulevard.
- Created new entrance for Woodside Club Employee Parking Lot to reduce use of Eaton Street.
- Created community pocket park at W. 46th Avenue and Francis Street.
- Proposed speed table for traffic calming measures.
- Wrapped east side of parking garage with residential units.
- Relocated trash pick-up to the west, closer to commercial activity.
- Provide a bike kc share station
- Removed a portion of the top two stories to align the tallest part of the building better with commercial activity.
- Pulled back entire top floor an additional 5 feet to reduce scale and changed building material.
- Created recesses in the building that are stepped back and treated with different materials to break up façade. Also strengthened vertical balconies to create texture and visual change of warm materials.

Question and Answer:

Comment/Questions: The Master Plan states that the development should match the scale of the existing neighborhood and not encroach into single-family neighbors like this project is doing. How many parking stalls are along W. 46th Avenue?

A: Only the height in the northeast corner of the proposed building does not meet the height suggested in the Master Plan. We are proposing 16 angled parking spaces along W. 46th Avenue.

Q: Are you still proposing deliveries along W. 46th Avenue? This will still increase traffic to our neighborhood. The angled parking at the Club created a safety issue with larger trucks that create an overhang.

A: Yes, the deliveries will still occur along W. 46th Avenue and will add some additional traffic but will also overlap deliveries already coming to the neighborhood. It is our understanding that Amazon, Fed Ex and other delivery companies coordinate their deliveries for the day so typically only 1-2 trucks a day will deliver packages to the building.

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Comment: We recently had an issue where a fire truck had issues with turning onto Francis from W. 46th Avenue. The proposed pocket park and street parking will contribute to this issue.

Q: How many units are you proposing and how many parking spaces?

A: The project has 171 units with 227 parking spaces in the garage. This equates to about 1.32 parking spaces per unit.

Q: Where will people park if your 1.32 spaces per unit is not adequate? Will visitors use the angled street parking?

A: We have quite bit of experience with multi-family projects and are finding that 1 space per bedroom is adequate for the project. We also require that each unit comes with a garage parking space to help ensure that people don't choose to park elsewhere when they are paying for a parking space in the garage.

Q: Will the angled parking spaces be reserved? It seems like you have enough parking over at the Club property and shouldn't need to add parking along W. 46th Avenue.

A: The angled parking will not be reserved. It will be available for use by the public. We provide these spaces for visitor parking.

Q: Would you consider restricting the parking on W. 46th Avenue to compact cars to avoid the large truck overhang issue?

A: Yes, we are willing to consider that if it becomes an issue.

Q: Did you do a traffic study? Have you published it somewhere?

A: A traffic study was done in 2011 with the original development of Woodside Village North. With this application, City staff requested that we provide an updated Trip Generation Study and that study was prepared and submitted to the City. We also understand that the City has independently studied this area recently to consider the neighbors request to close W. 46th Avenue.

Q: Will the height of this building be similar to Woodside Village North building?

A: Yes, we are few feet taller but very similar in height.

Q: Did the revisions create a reduction of units? How many parking spaces are you providing for bedrooms? What is the mixture of units?

A: The total number of units is roughly the same. We provide approximately one parking stall for studio and one bedroom units and two parking stalls for two and three bedroom units.

Q: How many stories is the building near the parking garage? Are you providing any e-charging stations/recycling?

A: The building has 6 levels of units near the parking garage. Yes, we are providing e-charging stations and recycling.

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Q: I live directly across the street at the northwest corner of W. 46th Avenue and Francis. Did you do a shadow study and will Spring Valley Residents have access to the Woodside Club similar to the Westwood Residents?

A: Yes, we did study shadows. We found that three out of the four seasons of the year there will be little or no impact of shadows for homes across W. 46th Avenue. In the winter months, there will be some additional shadow with the proposed building and the fact that sun sits lower on the horizon during the day. Spring Valley residents are able to join the Woodside Club just like anyone from the general public.

Q: You indicated one of the goals of the project is to provide diversity in the neighborhood. How are you doing that?

A: We were referring to housing diversity in the area.

Q: Do you still plan on seeking incentives? If so, what kind?

A: Yes, we still plan on seeking incentives for this project but have not done anything more in that regard as we have been on focused on the plan revisions these past few months.

Q: This area currently has an issue with traffic for cars heading southbound on Rainbow Boulevard at 47th Avenue and this project is going to make it even worse.

A: The City determines if any traffic improvements need to be made and it is our understanding that the City has reviewed the proposed project and has determined the existing roadway capacity is sufficient for both existing traffic and new traffic created by this project.

Q: Will you please provide us with a list of outstanding issues that you have not yet resolved with City planning staff? Will you provide cross-sections for multiple areas so that people throughout the neighborhood can better understand the comparison of building heights and setbacks? I believe your 16 angled parking spaces will create issues and be problematic and would prefer parallel spaces.

A: The City will need to approve the following: (a) the length of the building; (b) the height of the building at the northeast corner as previously discussed; (c) the building setback along the southern property line and along Rainbow Boulevard; and (d) the use of nichiha material. Yes, we will work to prepare cross-sections and will provide those to RDA and Kelly White for distribution to the neighbors.

Q: What is the setback of the balconies?

A: The building wall is setback 25 feet from W. 46th Avenue and the balconies are at approximately 23 feet.

Comment: You said you are asking for an incentive but I do not see the benefit to the public if this project is built with incentives.

Comment: I will support what the community wants here. I agree with the traffic concerns expressed for Rainbow Boulevard. I will not support incentives for this project or any other project for the remainder of the year. The City needs more diversity based on income of residents.

Q: Where are you at in the process?

A: We are currently scheduled for the May 9th Planning Commission meeting.

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Q: How many parking spaces are located on the current parking lot? We don't see any impact from those vehicles today.

A: We do not know how many spaces there but can get that answer. The parking lot is currently used by UKHA to shuttle employees to and from other locations.

Comments: In my opinion, your desire to provide the vertical parking garage and amenities as opposed to spreading the parking garage along the entire first floor of the building is what is creating the massing issue. You are wasting space with ramps in the garage. Also, I don't think you need another trash location. You should just use the trash area at the Woodside North.

Comment: I will not support the plan because of the angled parking and the trash location. We do not want you to use W. 46th Avenue for parking or deliveries.

Q: Will you be paying for the speed-table or will the City?

A: If the City approved the speed-table we would pay to construct it.

Q: Please tell me what the rents will be here?

A: These will be market rate apartments.

Comment: The City recently placed no parking signs along W. 46th Avenue and adding 16 angled parking spaces is not an improvement. People using the parking lot today are not using W. 46th Avenue. The project is too big and looms over the homes on the north side of W. 46th Avenue. I am concerned about shadows as I like to garden. I do not support the project.

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9/19/2022 - Sign In Sheet
Woodside Village N'hood mtg.

Name	Address	Email
Patricia King Stone	4537 Adams St	pandb321@gmail.com
Robert Stone	4537 Adams St	pandb321@gmail.com
Dan Thompson	4514 Francis St	Danthompsonkc.com
Natalie Fox	4525 Eaton St	
Robert Graham	4525 Eaton St	graham.robertk@gmail
Gil Pinter	4178 Cambridge	geebearkc@gmail.com
Matt Shoaf	2103 W 46th Ave	matthewsshoaf@gmail.com
Kelly White	4410 Francis K.C. KS	Kwjw@hotmail.com
Eric Shyla	1405 SW Blvd	eric@rosedale.org

9/19/2022 – 3rd Woodside Village Rosedale Neighborhood Meeting

Attendance:
Bob Johnson/Amy Grant, Polsinelli PC
Blair Tanner, Tanner White Properties
Aaron Mesmer, Block Real Estate Services
Jeff Kloch and Mike Schwaller, Hufft Architects
Approximately 15 attendees. See attached sign-in sheet.

The meeting began at 6:00 p.m. Blair Tanner and Aaron Mesmer presented the revisions that have been made to the development plan. A brief summary of changes include:

- Removed one level of building. This resulted in a decrease of 22 units for a total of 149 units.
- Removed units adjacent to east property line in compliance with RDA Master Plan.
- Adjusted western façade along Rainbow Boulevard to comply with side, corner yard setback requirement.
- Removed trash pick-up from W. 46th Avenue.
- Replaced angled parking with parallel parking along W. 46th Avenue. This results in a decrease of 8 parking spaces along W. 46th Avenue.
- Relocated trash pick-up to the south.
- Commissioned updated traffic study. Kansas Department of Transportation will not allow the project to have a drop-off zone along Rainbow Boulevard. Traffic study showed that there will be between 55 and 58 additional cars per minute during the peak traffic periods.

Question and Answer:

Q: How much more of setback are you providing from Rainbow Boulevard?

A: The setback was increased an additional 8 feet from Rainbow Boulevard.

Q: Did you increase the setback along W. 46th Avenue?

A: No, that setback has always met the code requirement.

Q: How many levels were removed from the building with the notch out at the northeast corner of the building?

A: The notch out area removed 2 levels of units from that corner of the building.

Q: How many total levels does the building now have?

A: There are five levels starting at the eastern property line and then 7 levels at the Rainbow property line.

Q: Who from KDOT advised that the pull-off area would not be permitted?

A: We will need to check with our engineering team on that.

Q: Do you have an update on the shadow study?

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A: Yes. With the removal of the additional floor, there will now be between 15 and 19% additional sunlight for the two properties across the street during the winter months.

Q: Was the shadow study updated based on these plan revisions? Has the shadow study been submitted to the City?

A: Yes, the study was updated and we have offered to meet with Dr. Cooper and Mr. Steineger to review the changes. We will submit the shadow study to the UG tomorrow.

Q: Does the width of 46th Street change with the revised plan?

A: No. The new right-of-way remained the same and we ended up making the sidewalks wider and added more landscaping in the areas that grew in size when the parking was changed from angled to parallel parking.

Q: Who is going to regulate the parallel parking on W. 46th Avenue? Will be open to the general public? Will your residents be able to use this parking?

A: We have not discussed if we are going to restrict this parking. We plan on meeting with the City during final plan review if we are fortunate enough to get approved to better understand if the City has any regulations about this type of parking. Each unit includes one space in the garage in the base rent.

Q: Have you spoken with the dentist office about parking? They are already under-parked and use of the on-street parking that you are taking away with this project.

A: No, we have not had any discussions with the dentist office. It is our understanding that businesses are not allowed to use on-street parking to meet the City's parking requirements.

Q: Are you doing anything to address traffic on Eaton Street?

A: Yes, we are going to provide a gate on our property at the top of Eaton Street so that employees will be forced to come 47th Avenue to get to the parking field in this area.

Q: Have you prepared a perspective of what the properties to the East will see? What kind of fence are you building there to separate your property from this area?

A: There will be four ground floor units on the east side of the building that will have an exit from their unit along the east property line. There is a significant grade change in this area so we will have a 6-foot tall privacy fence along this property line. We are willing to create a perspective of this area if you would like to see one.

Q: What do you plan to do with the empty lots to the east of this property that you own?

A: We haven't discussed this area. This lots are located in KCK and cannot be made part of the Woodside Club.

Q: Are you providing any recreational areas on the rooftop that was created by the notch out?

A: No, we have not done anything to design that space at this time.

Q: Did you have a significant change in your mixture of unit ratios with these plan revisions?

A: No, there were a few small changes but nothing significant.

Q: Do you still plan on seeking incentives for this project?

A: Yes.

Q: If you already own the land and you have a market study that tells you the need exists why do you need incentives for this project?

A: The structured parking is extremely expensive and a project like this can't be built without structured parking.

Q: Why can't you eliminate your amenity green space and put more units in that area to decrease the height of the building?

A: That simply does not work. Very thoughtful design was planned for this project and the amenity area is a key piece to the success of this project.

Comment: At the conclusion of the meeting there were a few neighbors present who indicated that they appreciated the changes made to the plan and felt that they could support the project.

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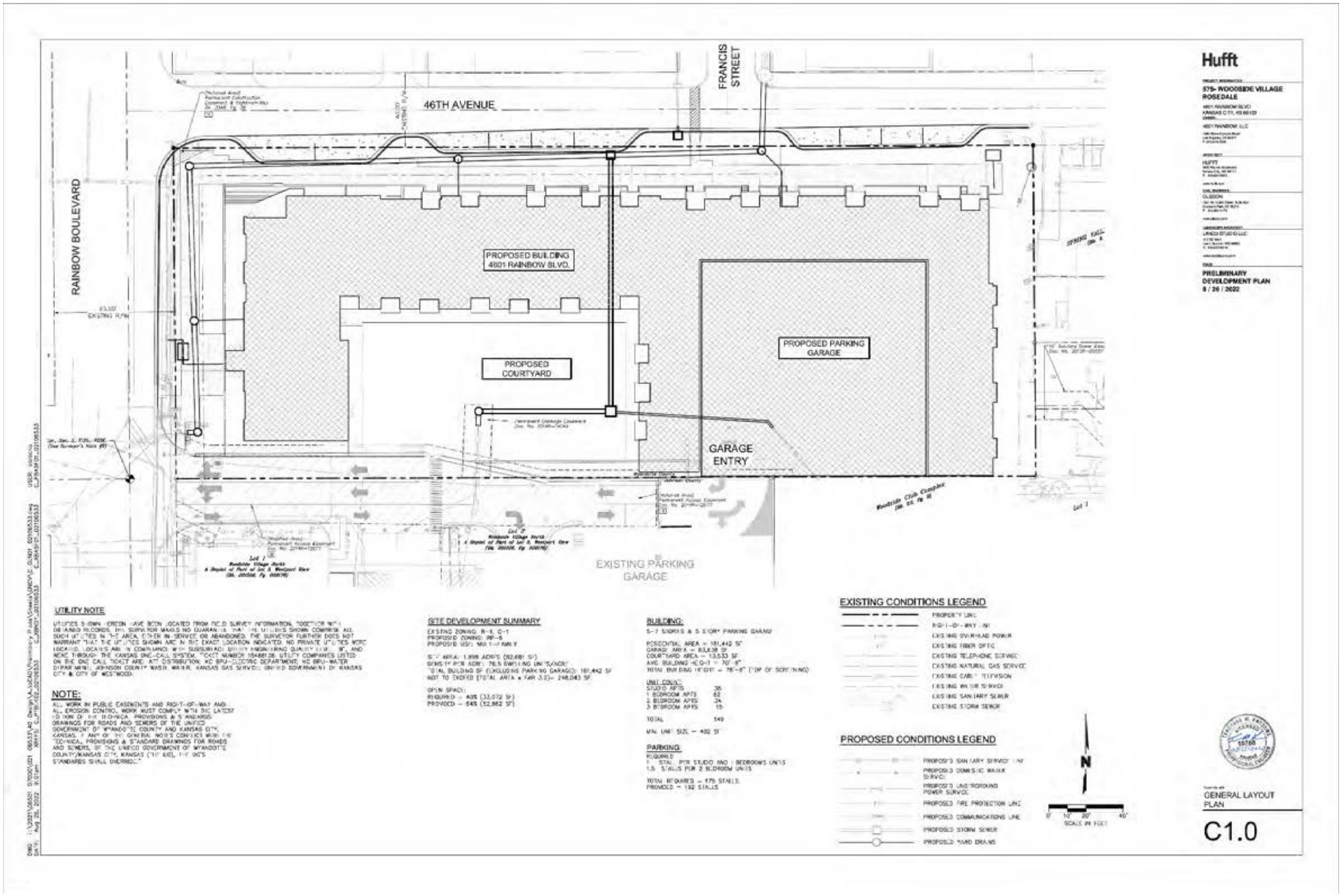
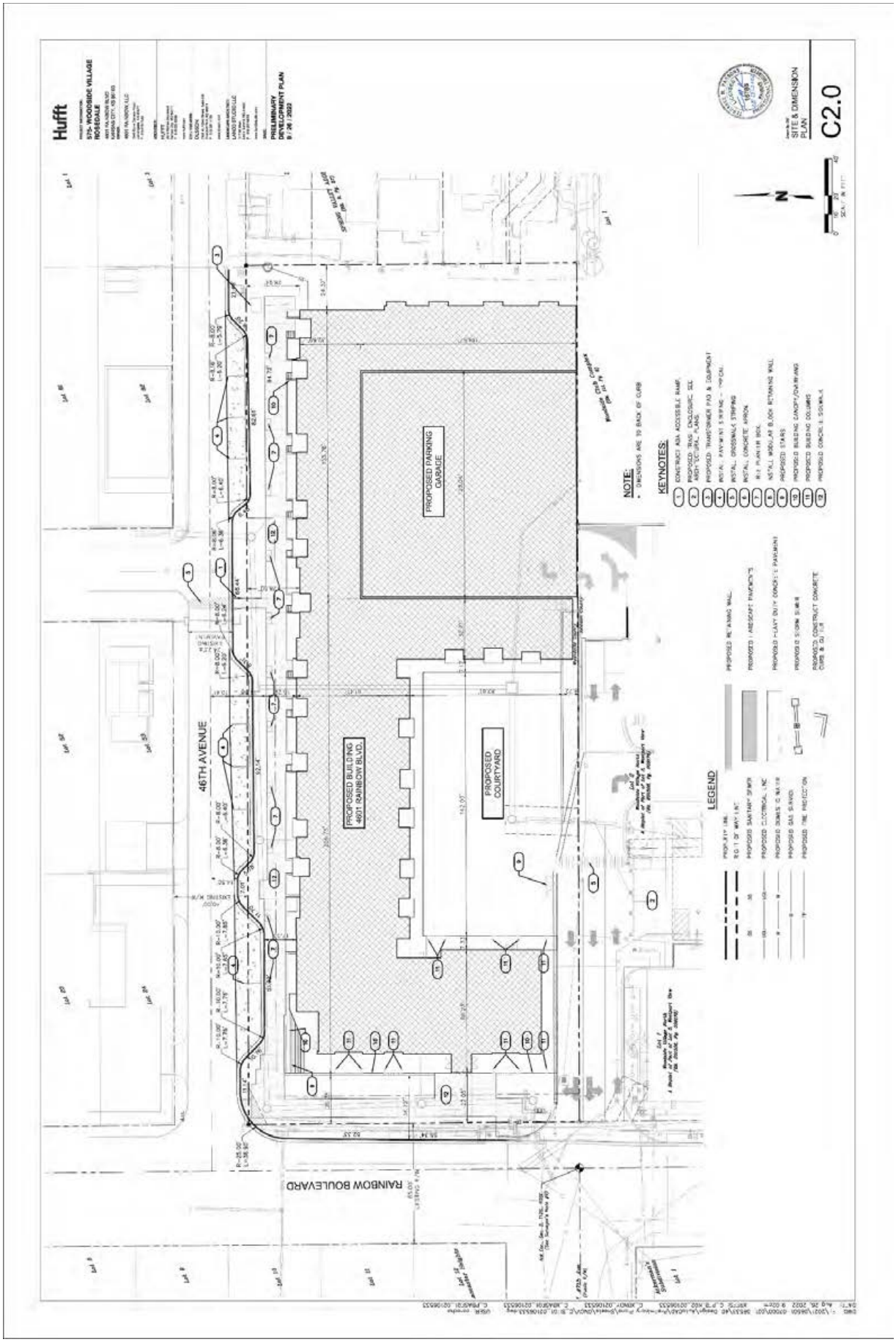
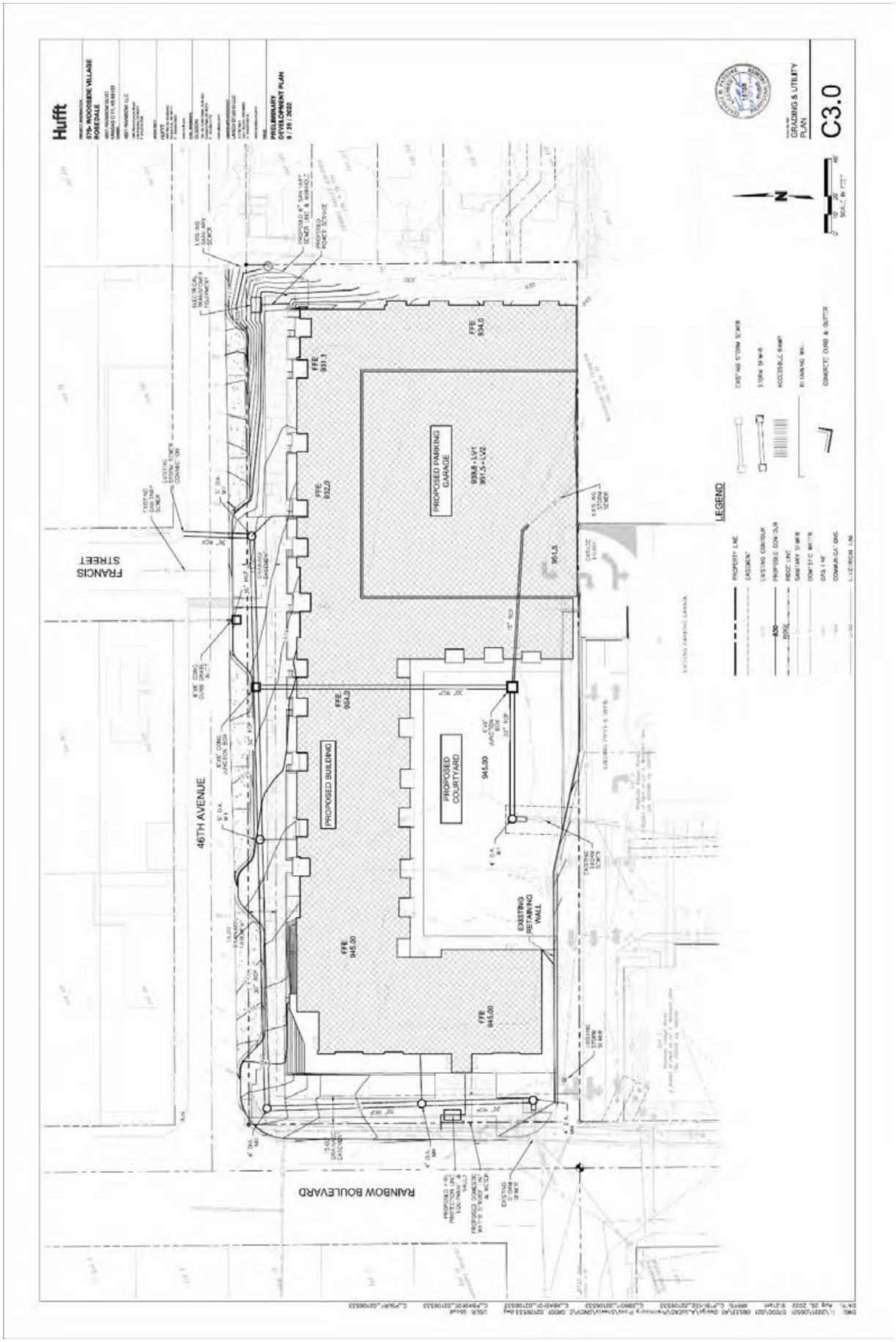

RAINBOW BOULEVARD
46TH AVENUE
FRANCIS STREET
PROPOSED BUILDING
4801 RAINBOW BLVD.
PROPOSED COURTYARD
PROPOSED PARKING GARAGE
GARAGE ENTRY
EXISTING PARKING GARAGE
Hufft
575- WOODSIDE VILLAGE
ROSEDALE
PRELIMINARY DEVELOPMENT PLAN
8 / 26 / 2022
UTILITY NOTE
NOTE:
SITE DEVELOPMENT SUMMARY
BUILDING:
PARKING:
EXISTING CONDITIONS LEGEND
PROPOSED CONDITIONS LEGEND
GENERAL LAYOUT PLAN
C1.0


Hufft
575- WOODSIDE VILLAGE
ROSEDALE
PRELIMINARY
DEVELOPMENT PLAN
9 / 26 / 2022
SITE & DIMENSION
PLAN
C2.0
46TH AVENUE
RAINBOW BOULEVARD
PROPOSED PARKING
GARAGE
PROPOSED BUILDING
4601 RAINBOW BLVD.
PROPOSED
COURTYARD
NOTE:
KEYNOTES:
LEGEND


Hufft
PRELIMINARY DEVELOPMENT PLAN
8 / 26 / 2022
GRADING & UTILITY PLAN
C3.0
LEGEND
PROPOSED PARKING GARAGE
PROPOSED BUILDING
PROPOSED COURTYARD
EXISTING RETAINING WALL
FRANCIS STREET
46TH AVENUE
RAINBOW BOULEVARD
FFE 934.0
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FFE 932.0
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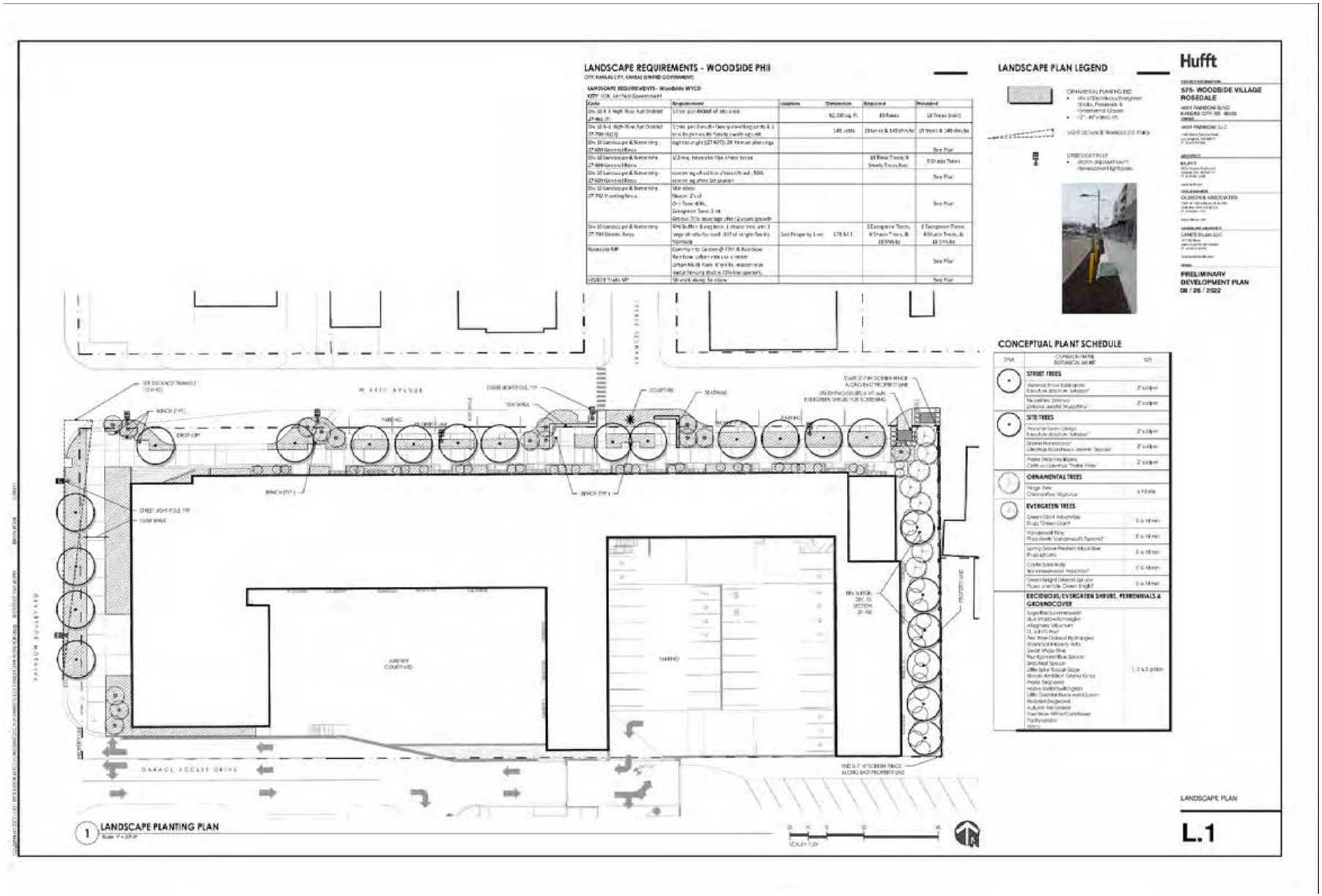
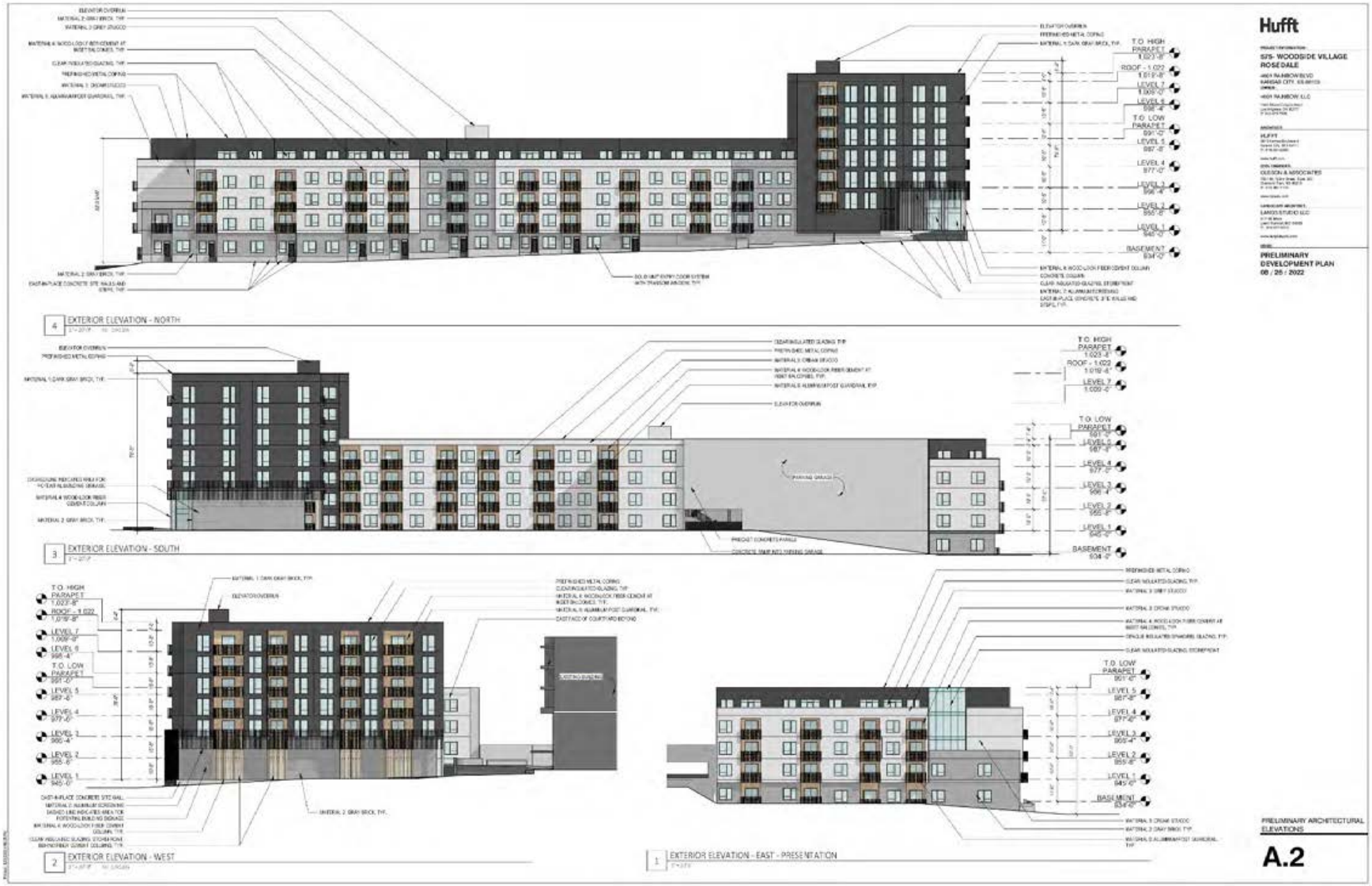

LANDSCAPE REQUIREMENTS - WOODSIDE PHII
LANDSCAPE PLAN LEGEND
Hufft
575- WOODSIDE VILLAGE ROSEDALE
PRELIMINARY DEVELOPMENT PLAN
08 / 25 / 2022
CONCEPTUAL PLANT SCHEDULE
STREET TREES
SITE TREES
ORNAMENTAL TREES
EVERGREEN TREES
DECIDUOUS,EVERGREEN SHRUBS, PERENNIALS & GROSNOCOVER
W. 41ST. AVENUE
RAINBOW BOULEVARD
PARKING
AMENITY COURTYARD
DRIVE ACCESS
1 LANDSCAPE PLANTING PLAN
LANDSCAPE PLAN
L.1


Hufft
575- WOODSIDE VILLAGE
ROSEDALE
PRELIMINARY
DEVELOPMENT PLAN
08 / 25 / 2022
4 EXTERIOR ELEVATION - NORTH
3 EXTERIOR ELEVATION - SOUTH
2 EXTERIOR ELEVATION - WEST
1 EXTERIOR ELEVATION - EAST - PRESENTATION
PRELIMINARY ARCHITECTURAL ELEVATIONS
A.2

Hufft
575 WOODSIDE VILLAGE
ROSEDALE
PRELIMINARY
DEVELOPMENT PLAN
09 / 29 / 2022
PRELIMINARY ARCHITECTURAL ELEVATIONS
A.3
1 EXTERIOR ELEVATION - COURTYARD WEST
2 EXTERIOR ELEVATION - COURTYARD EAST

Figure 4. Site Photograph of 4601 Rainbow Boulevard looking northeast from West 47th Avenue

(provided by Planning Staff).

Figure 5. Site Photograph of 4601 Rainbow Boulevard looking east from West 46th Avenue (provided by Planning Staff).

Figure 6. Site photograph looking south on Eaton Street towards West 46th Avenue (provided by Planning Staff).

Figure 7. Site photograph looking south on Eaton Street towards West 46th Avenue (provided by Planning Staff).

CIVIL ENGINEERING / SURVEYING / UTILITIES

August 17, 2022

Ken Block
Block Real Estate Services
4622 Pennsylvania Avenue, Suite 700
Kansas City, MO 64112

Re: Traffic Impact Study Woodside Village Rosedale: Rainbow Boulevard (US-169) and 47th Avenue - Kansas City, Kansas

BHC has been asked to conduct a traffic impact study for a site at the northeast corner of Rainbow Boulevard (US-169) and 47th Avenue in Kansas City, Kansas. The site is currently a vacant commercial building and parking lot, with the lot being utilized for off-site parking for the nearby KU Medical Center Campus. The general site location and layout can be seen in Figure 1.

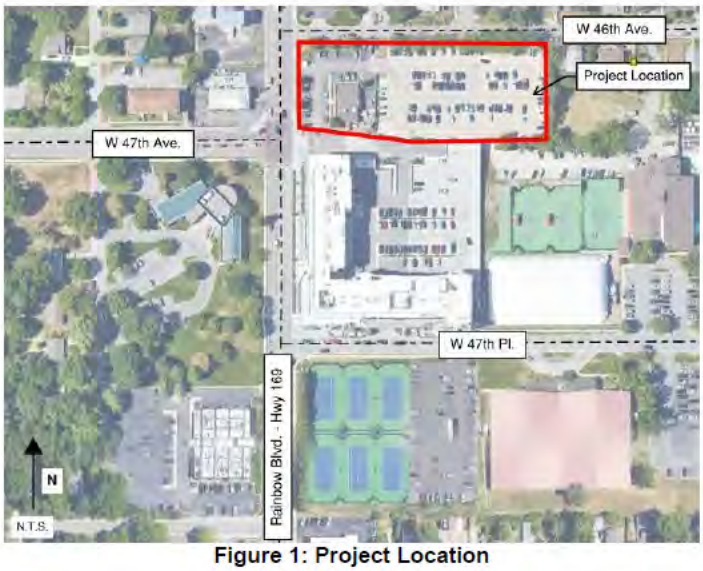


Figure 1: Project Location

The proposed improvements will redevelop the site into a mid-rise apartment building with 149 units. The primary building access will be from the existing driveway at the intersection of Rainbow Boulevard and 47th Avenue.

This study effort conducted traffic counts, a trip distribution/generation, and an intersection capacity and queuing analyses for three intersections: Rainbow Boulevard and 47th Place, Rainbow Boulevard and 47th Avenue, and Rainbow Boulevard and 46th Avenue.

913.663.1900 ibhc.com 7101 College Blvd., Ste. 400
BHC is a Trademark of Brungardt Hemmichl & Company, P.A.

EXISTING CONDITIONS

The entire site consists of approximately 1.85 acres, all of which are located in Kansas City, Kansas.

Rainbow Boulevard is a 35-mph 2-lane road that is directed north-south through the study area. It provides access to Shawnee Mission Parkway approximately 0.75 miles to the south, and I-35 approximately 2 miles to the north.

The intersection of Rainbow Boulevard and 47th Place is a signalized 3-leg intersection with permissive phasing for the southbound left turn Rainbow Boulevard movement. There are pedestrian crosswalks on the north and east legs of the intersection.

The intersection of Rainbow Boulevard and 47th Avenue is a signalized 4 leg intersection. The east and west 47th Avenue left turn movements have dedicated turn lanes and protected/permissive signal phasing. The north and south Rainbow Boulevard left turn movements have permissive phasing. Additionally, there is also a dedicated bike lane on the south side of 47th Avenue that becomes shared approximately 175 feet west of the intersection. There are pedestrian crosswalks on all legs of the intersection.

The intersection of Rainbow Boulevard and 46th Avenue is 3-leg intersection, with stop sign control for 46th Avenue. There is a pedestrian crosswalk across the east leg of the intersection.

The site currently has 1 access driveway, as shown in Figure 2.

Figure 2: Existing Site

EXISTING CONDITIONS (CONTINUED)

Existing 24-hour traffic counts were completed on July 14, 2022. The AM peak hour was identified as 7:30-8:30 AM, and the PM peak hour was identified as 4:30-5:30 PM. Figure 3 displays the peak hour results of the 24-hour traffic counts at the three study intersections.

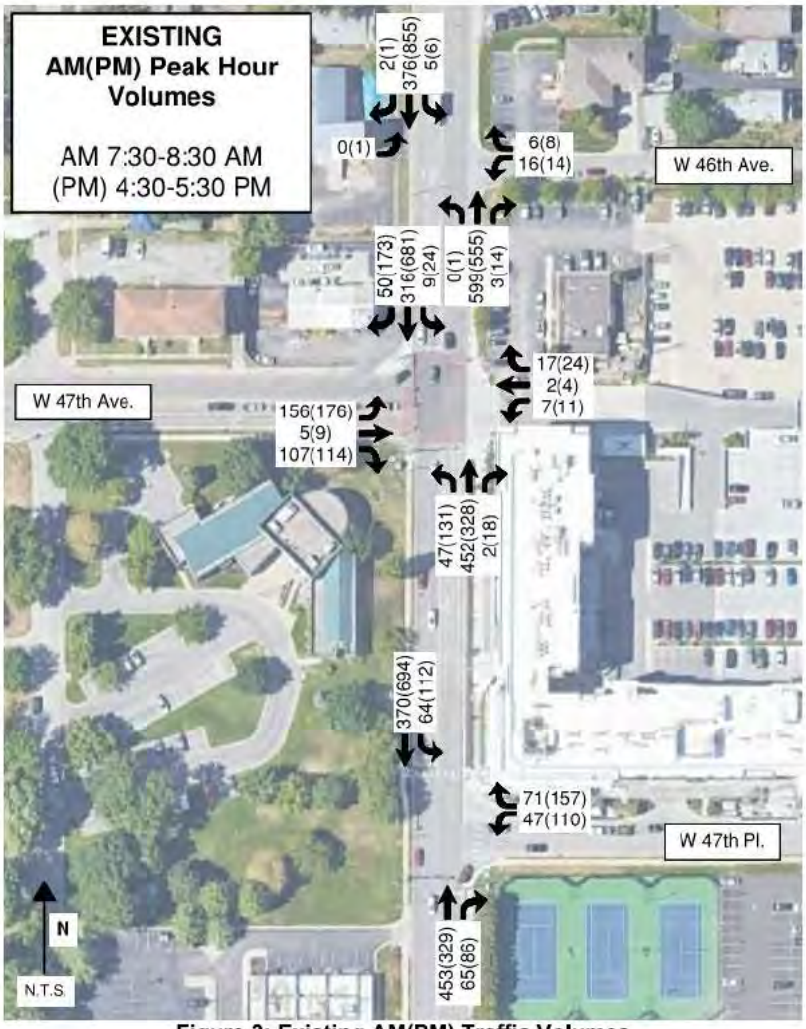


Figure 3: Existing AM(PM) Traffic Volumes

3

EXISTING CONDITIONS (CONTINUED)

Figure 4 displays the trip distributions of each of the three intersections based on the results of the 24-hour traffic counts, with approximated distributions of vehicles entering the study site during the AM and PM peak hours.

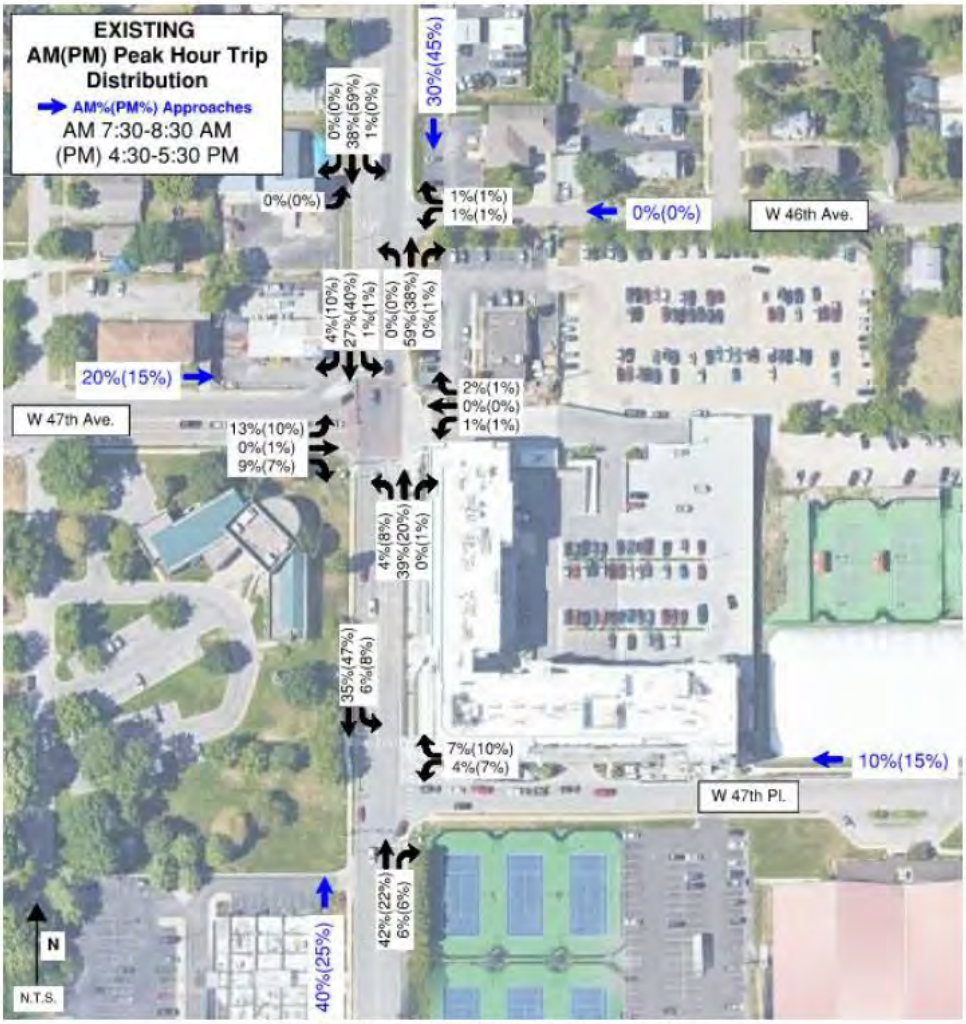


Figure 4: Existing AM(PM) Traffic Distribution

PROPOSED CONDITIONS

The proposed Woodside Village Rosedale development is a mid-rise apartment building with 149 units. The development does not require any additional access points, and will instead utilize the existing access point at the intersection of Rainbow Boulevard and 47th Avenue. The existing access driveway between 47th Avenue and 46th Avenue, as shown in Figure 2, would be removed during construction. Figure 5 shows an overall site map for the proposed Woodside Village Rosedale development.

Figure 5: Proposed Conditions for Woodside Village Rosedale

5

TRIP DISTRIBUTION

The existing traffic count data was used to identify a reasonable trip distribution for the project. AM and PM trip distributions from the existing access point were similar, and thus the same distributions were applied to both the AM and PM peak hour periods.

Figure 6 shows the proposed AM and PM peak hour trip distributions for the traffic generated by the development, with percentages based on the existing traffic count distributions, as shown in Figure 4.

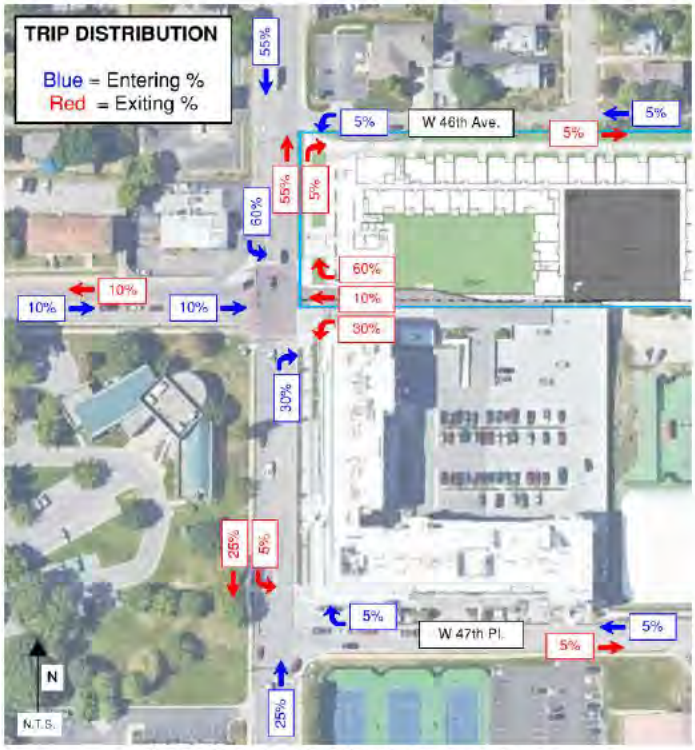


Figure 6: Trip Distribution Percentages

The percentages in Figure 6 are color coded blue and red to represent entering and exiting percentages. For the development, roughly 60% of site traffic exits to the north (Rainbow Boulevard northbound), 10% to 47th Avenue, and 30% to the south (Rainbow Boulevard southbound). The distributions outlined for exiting traffic are also similar to those of entering traffic, as outlined in Figure 6.

6

TRIP GENERATION

A trip generation analysis for the plan in Figure 6 was performed using the ITE TripGen web-based app. The 11th edition of the ITE Trip Generation Manual was used. The land use code utilized was 221 – Multifamily Housing (Mid-Rise). The number of trips generated may be seen in Table 2 for the AM peak hour, PM peak hour, and weekday total.

Table 2 – Proposed Trip Generation

ITE Code	ITE Land Use	Value	Units	Daily	AM Peak Hour (7-9 AM)			PM Peak Hour (4-6 PM)		
					Total	Enter	Exit	Total	Enter	Exit
221	Multifamily Housing (Mid-Rise)	149	Units	676	55	13	42	58	35	23
			Total	**676**	**55**	**13**	**42**	**58**	**35**	**23**

The trip generation analysis conducted in Table 2 was applied to AM and PM peak hour trip distributions in Figure 6 to create the proposed trip generation shown in Figure 7.

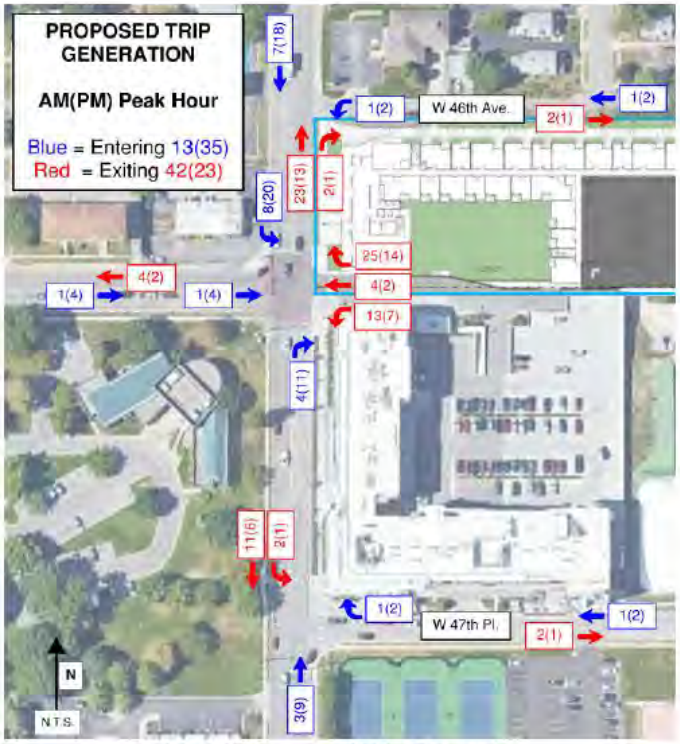


Figure 7: Proposed Trip Generation

7

EXISTING PLUS DEVELOPMENT TRAFFIC

The existing traffic volumes in Figure 3 were added to the proposed trip generation volumes in Figure 7 to determine the Existing + Proposed volumes in Figure 8. These volumes will be used in the intersection capacity analyses for Existing + Proposed conditions.

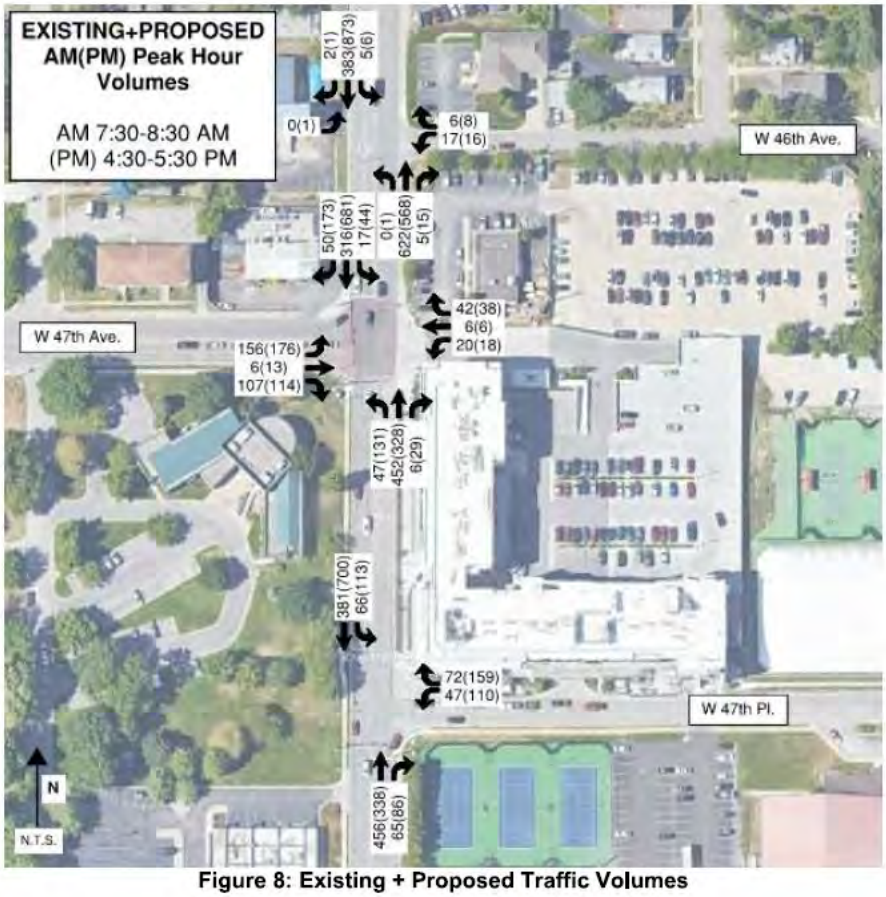


Figure 8: Existing + Proposed Traffic Volumes

8

FUTURE VOLUMES

It is customary in Kansas Department of Transportation (KDOT) roadway design to project traffic volumes for 20 years after construction (year 2042 was used for this project). KDOT's count histories dating back to 1990 indicate typical growth rates of -1.0% to 2.0%. A growth rate of 0.5%, an average of this typical range, was utilized for future volume projections.

When applied to the period ending in 2042, the growth rate assumption of 0.5% per year equates to a 10.5% increase in traffic between now and the year 2042. Figure 9 represents the existing traffic volumes of Figure 3 with a 0.5% growth factor ending in 2042.

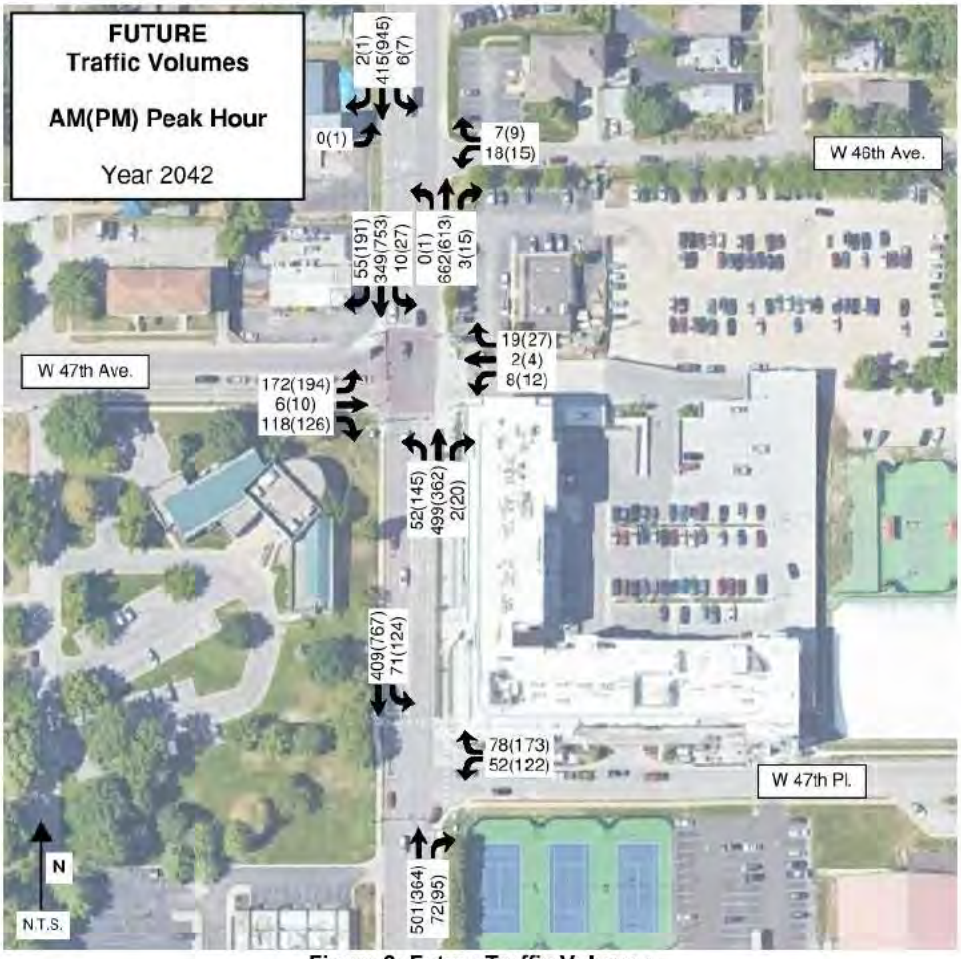


Figure 9: Future Traffic Volumes

9

FUTURE PLUS DEVELOPMENT TRAFFIC

The proposed traffic volumes in Figure 7 were added to the estimated future traffic volumes in Figure 9 to determine the Future + Proposed volumes in Figure 10. These volumes will be used in the intersection capacity analyses for Future + Proposed conditions.

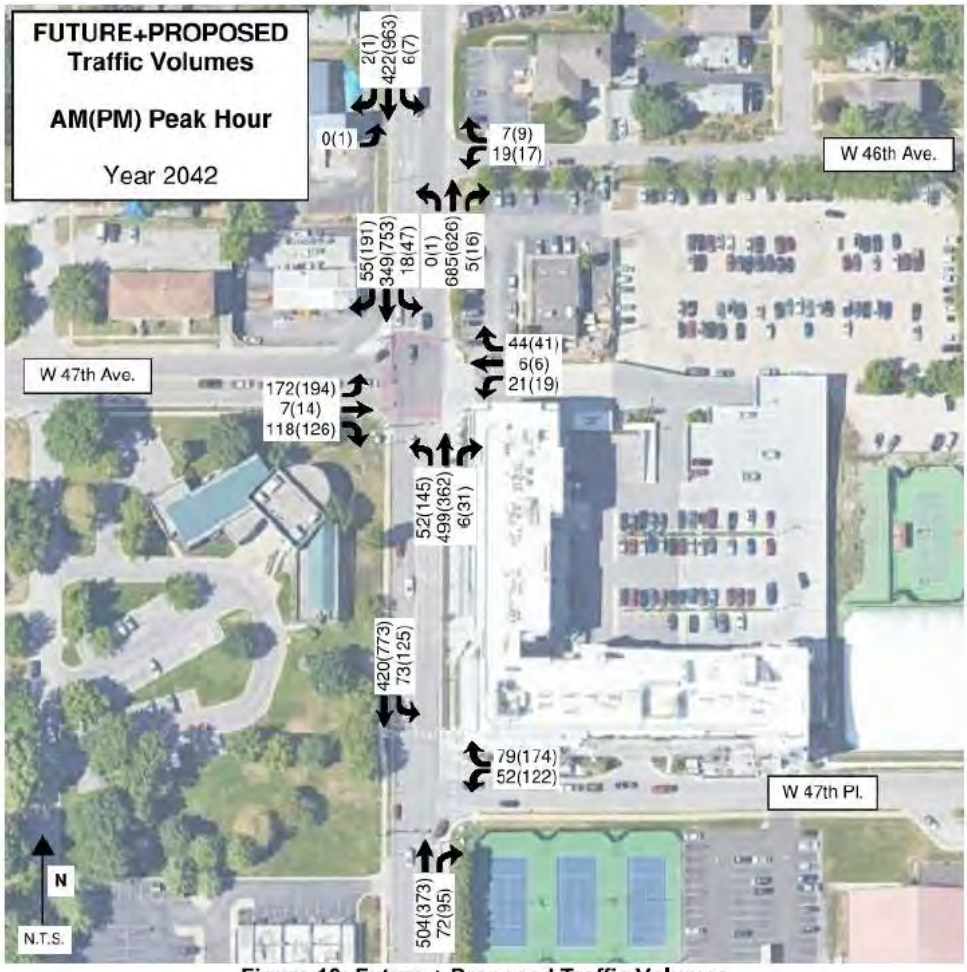


Figure 10: Future + Proposed Traffic Volumes

10

ACCESS MANAGEMENT

According to KDOT standards, Rainbow Boulevard is best classified as a Class C roadway, as it serves as a major roadway and is closely integrated with Class A and B routes. 47th Place, 47th Avenue, and 46th Avenue are best classified as Class D roadways, as they provide access to arterials and serve small urban areas.

On the existing site, there is a driveway onto Rainbow Boulevard located approximately 60' south of the intersection of Rainbow Boulevard and 46th Avenue, or 130' north of the intersection of Rainbow Boulevard and 47th Avenue. The existing driveway provides an additional access point to Rainbow Boulevard between 46th Avenue and 47th Avenue.

The proposed development removes the additional driveway by combining it with the existing access driveway at 47th Avenue. This eliminates conflict points on Rainbow Boulevard which experiences approximately 15,000 vehicles per day.

The proposed development provides a loading zone, and a few parallel parking spots along the south side of 46th Avenue. The proposed development can be seen in Figure 11.

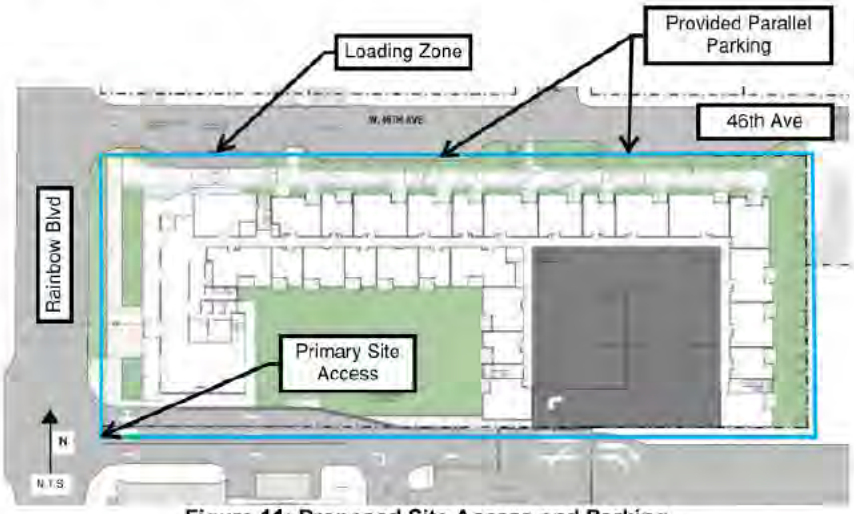


Figure 11: Proposed Site Access and Parking

There has been public opposition to on-street parking and a loading zone being shown along 46th Avenue. This led to a request to review the viability of moving them both from 46th Avenue to Rainbow Boulevard.

ACCESS MANAGEMENT (CONTINUED)

KDOT's Access Management Policy was consulted to assess the viability of moving the on-street parking and loading zone from 46th Street onto Rainbow Boulevard.

According to Section 4.6.3 of KDOT's policy, on-street parking is "incompatible with with high-speed, high-volume roadways". The policy indicates 'no parking allowed' on roadways with posted speeds greater than or equal to 35mph, or with traffic volumes greater than or equal to 20,000 vehicles per day. These criteria are summarized in Table 4-35 below.

Table 4-35. Criteria for allowing on-street parking

Parking Type	Criteria	
	Volume (ADT)[1]	Speed (mph)
No parking allowed	≥20,000	≥35
Parallel	≤15,000	≤30
Angle (including back-in)	≤10,000—multi-lane ≤5,000—one-lane	<20

Note: ADTs are total, two-way, except for the one-lane reference.
[1] This does not imply absolute conditions, but guides the successful application

With Rainbow Boulevard having a 35mph speed limit and an estimated 15,000 vehicles per day, the KDOT Access Management Policy indicates no parking allowed.

A lower speed, lower volume road such as 46th Avenue is a better on-street parking alternative.

In addition to on-street parking guidelines, Section 4.3 of the KDOT Policy outlines requirements for site access locations. Table 4.4 from the Policy defines the intersection functional area based on a variety of street and development conditions. The downstream functional distance for a 35mph roadway has been highlighted (195'). This means that KDOT Policy would not be favorable to any loading zones or access drives within 195' of 47th Avenue.

Table 4-4. Distance travelled during driver's perception-reaction (d1), lateral movement and deceleration (d2), and downstream functional distance (d4)

Speed (mph)	d1— Undeveloped[1] (feet)	d1— Developed/CBD[1] (feet)	d2— Deceleration[2] (feet)	d4— Undeveloped[3] (feet)	d4— Developed/CBD[3] (feet)
20	75	45	70	155	85
25	95	55	115	155	120
30	110	65	160	200	155
35	130	80	220	250	195
40	145	90	275	305	245
45	165	100	350	360	295
50	185	110	425	425	355
55	205	125	515	495	415
60	220	135	605	570	480
65	240	145	715	645	550
70	255	155	820	730	625

[1] Source d1: Modified version of TRB, Access Management Manual, 2003, Table B-1, p. 133
[2] Source d2: Modified version of TRB, Access Management Manual, 2003, Table I-D-2, p. 172
[3] Source d4: Modified versions of AASHTO's A Policy on Geometric Design of Highways and Streets, Table 3-2 (2011)

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ACCESS MANAGEMENT (CONTINUED)

According to Table 4.4 on the previous page, the downstream intersection functional area of the Rainbow Boulevard and 47th Avenue intersection is 195'. Figure 12 shows the approximate length of this functional area on the site.

If the loading zone were moved onto Rainbow Boulevard, it would be in the downstream functional area of the Rainbow Boulevard and 47th Avenue intersection. In fact, the entire block of Rainbow Boulevard between 46th Avenue and 47th Avenue is within the functional area.

Section 4.3.1.b states that it is KDOT's preference "not to locate access within the influence area of an intersection".

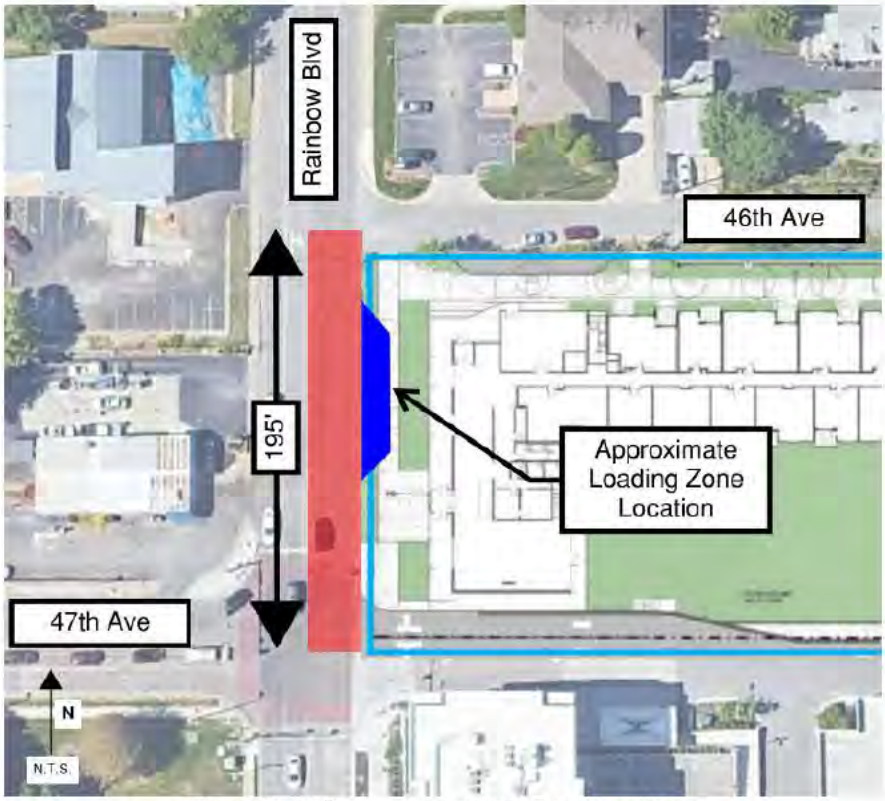

Figure 12: 47th Ave Downstream Functional Area

A lower speed, lower volume road such as 46th Avenue is a better loading zone location.

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MAIN FINDINGS

This section provides a summary of the main findings of this study:

Existing Conditions

- The existing overall intersection peak hour LOS at Rainbow Boulevard and 47th Avenue is LOS B
- The existing overall intersection peak hour LOS at Rainbow Boulevard and 47th Place is LOS A or B
- The existing overall intersection peak hour LOS at Rainbow Boulevard and 46th Avenue is LOS C

Proposed Conditions

- The proposed development is expected to generate 55 AM peak hour, 58 PM peak hour, and 676 daily trips
- The proposed development will remove one existing driveway to Rainbow Boulevard

Existing + Proposed Conditions

- The existing + proposed overall intersection peak hour LOS at Rainbow Boulevard and 47th Avenue is LOS B
- The existing + proposed overall intersection peak hour LOS at Rainbow Boulevard and 47th Place is LOS A or B
- The existing + proposed overall intersection peak hour LOS at Rainbow Boulevard and 46th Avenue is LOS C
- The proposed development trips do not impact existing intersection peak hour LOS

KDOT Access Management

- On-street parking should not be permitted on roads with posted speeds of 35mph or greater
- If the proposed loading zone were relocated to Rainbow Boulevard, it would fall within the downstream functional distance of 47th Street and not be permitted
- The lower speed and lower traffic volumes found on 46th Avenue make it a better location for on-street parking and a loading zone

Future + Proposed Conditions

- The future + proposed overall intersection peak hour LOS at Rainbow Boulevard and 47th Avenue is LOS B
- The future + proposed overall intersection peak hour LOS at Rainbow Boulevard and 47th Place is LOS B
- The future + proposed overall intersection peak hour LOS at Rainbow Boulevard and 46th Avenue is LOS C or D
- The turn lane bay lengths on 47th Avenue and 47th Place are expected to be sufficient for future + proposed traffic volumes

CONCLUSION

The proposed Woodside Village Rosedale development is expected to generate an additional 55 AM peak hour, 58 PM peak hour, and 676 daily trips. The additional trips are relatively small increases compared to the existing peak hour and daily traffic.

Intersection capacity analyses were completed for existing and existing + proposed conditions for the intersections or Rainbow Boulevard with: 47th Avenue, 47th Place, and 46th Avenue. As can be viewed in Table 4 (Page 12), there was minimal increase in intersection delays and no decreases in overall intersection LOS (all remain LOS C or better). A 20-year future growth rate of 0.5% per year was applied to the existing traffic. Table 4 also indicates that the future + proposed condition also experienced minimal increases in intersection delays and overall intersection LOS.

A queueing analysis was performed for all conditions and approach lanes for the three study intersections in Table 5 (Page 13). In each case, anticipated queues were less than available vehicle storage with the exception of the southbound Rainbow Boulevard approach to 47th Avenue. For southbound Rainbow at 47th Avenue, the marked storage lane is 165'; however existing conditions indicate a 95% queue of 315'. The 95% queue is expected to increase by 13' (one vehicle) with the proposed development. It is important to recognize that the capacity analyses indicate the southbound approach operates at a LOS B which indicates the existing traffic signal timings are doing a good job clearing the intersection and providing gaps for side street movements.

KDOT Access Management Policy was consulted to review the suggestion that the proposed on-street parking and loading zone along 46th Avenue be relocated to Rainbow Boulevard. KDOT policy suggests no on-street parking should be allowed and that a loading zone would not be approved within the functional downstream intersection area of 47th Avenue. As a result, 46th Avenue is a better location for parking and loading.

This study has reviewed existing, proposed, and future traffic conditions for three intersections and found minimal change with regards to intersection delay and expected vehicle queueing. It has also reviewed the request for proposed on-street parking and a loading zone to be relocated from 46th Avenue to Rainbow Boulevard and determined that 46th Avenue is a better location. If there are any questions regarding this traffic study, please contact me at your convenience at 913-905-1527 or mark.sherfy@ibhc.com.

Sincerely,

Mark Sherfy, PE, PTOE
Vice-President | Development Group Director
BHC

Dated: October 2, 2022

KCK City Planning Commissioners:

I live at 2109 W. 43rd KCK, and I want you to know I support the new apartment plan for Woodside. I walk in the area, and I believe this will be an upgrade to what there is now. It will really help 45th st and walking to Rainbow.

Please vote "yes" in support of moving the project forward.

Sincerely,

Anna Leigh Wessling

John Golway
4320 ~~4139~~ Lloyd, KC, KS 66103
09-29-2022

Dear local commissioners,

I fully support the expansion proposal to extend Woodside Village. I have heard many good things about how they run the club and apartments.

I think this last/latest version shows they listened to the local community and made changes accordingly. I do know other folks in the area that are okay with it but don't have the time to come out and support. I have encouraged them to do so.

As a representative of Rosedale, please vote yes.

Warm regards,

John P. Golway

816-916-6660

September 29, 2022

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. I own a business at 1813 Stateline. The overall development of Woodside Village has had a positive impact on the community and neighborhood.

For these reasons, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in this area.

Sincerely,

Misty Jennings

816-214-8846

Date: 10/3/22

Name: Jackson Roepe

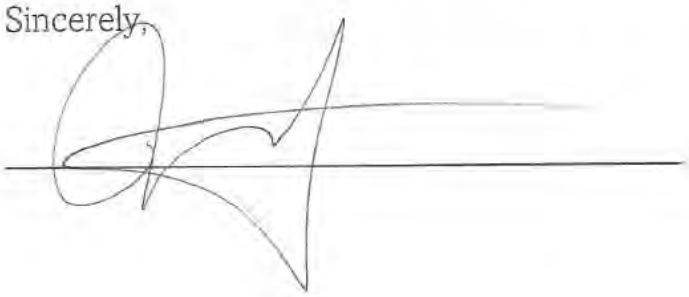
Address: 4506 Francis St Kansas City, KS, 66103

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10/3/22

Name: Michaela Russell

Address: 4506 Francis St Kansas City, KS 66103

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Michaela Russell

Date: 10/7/22

Name: STURM FRITZ

Address: 4203 Booth St KCK

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Date: 10-3-22

Name: GERALD GREER

Address: 4503 FRANCIS ST.

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Date: 10/3/22

Name: Anthony Null

Address: 4520 Francis Street KCKS 66103

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Anthony Null

Toy, Byron

From: PlanningInfo
Sent: Thursday, April 28, 2022 9:23 PM
To: Toy, Byron
Subject: FW: Woodside Village Rosedale Project

Janet L. Parker, CSC/APC 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

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: Dan Thompson <det66207@gmail.com>
Sent: Sunday, April 3, 2022 7:20 PM
To: PlanningInfo <Planninginfo@wycokck.org>; Board of Commissioner's Office <Commissioner@wycokck.org>; Ramirez, Christian <cramirez@wycokck.org>
Subject: Woodside Village Rosedale Project

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. I live down the street at 4514 Francis St, Kansas City, KS 66103. I can see the new development area from my front porch. I believe this project will benefit the neighborhood in several ways. Woodside development/improvements over the last years has helped Spring Valley property values increase and help keep the neighborhood moving upwards in the quality of our living/housing.

Blair Tanner and his team listened to the neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in our area.

Please let me know if you have any questions about my view on the project..

Sincerely,
Dan thompson

Dan Thompson
Owner- Thompson Enterprise Group, LLC
913-579-2263
DanThompsonKC@gmail.com

Toy, Byron

From: Jason Sadler <jasonlsadler@gmail.com>
Sent: Friday, April 29, 2022 9:21 AM
To: Parker, Janet; Toy, Byron
Subject: Support of COZ2021-048 - 4601 Rainbow Blvd.

Dear Planning Committee and Commissioners,

I am writing you today in support of the new Woodside Village Rosedale Project. This area is greatly in need of more housing, which this project will bring.

I live at 4507 Francis St. and also own 4506 Francis St., which is currently being totally renovated, and own 4523 Francis also, which will be torn down, and 2 new houses will be constructed. When we decided to tear down the blighted house and build 4507 Francis and 4509 Francis, one of the biggest things that drew us to this area was the development and future development of the Woodside Village properties.

I think the design of the new Woodside Village Rosedale project is the best in the City, and does a tremendous job providing a buffer transitioning from single family to multifamily. I would much rather see the beautifully landscaped buffer zone, and then the building,than a large parking lot, and then a building. It will help give the neighborhood a more intimate feeling.when entering on 46th Ave. I do not see a problem with the angle in parking or loading zones, because overall that street will become much wider and be able to accept the current amount of traffic much easier. All the on street parking that is there now is a major safety hazard. During emergencies (which unfortunately we have had) firetrucks were not able to enter on 46th ave and make the turn onto Francis.

Perhaps the best part of this design that excites me the most, is finally being able to have a safe path to the woodside village shops and restaurants, and all of the other restaurants down 47th street. Currently there is no sidewalk on 46th ave. so making the turn onto Rainbow in the street, is extremely dangerous, because cars turning onto 46th ave. can not see us pushing a stroller in the street.

I can not think of a better use of that corner property, and I hope that you too support and vote YES for the Woodside Village Rosedale project. It is essential for this wonderful area of KCK to keep expanding and growing!

Thanks!
Jason Sadler
816-309-0945

Toy, Byron

From: PlanningInfo
Sent: Thursday, April 28, 2022 9:25 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Woodside Village Rosedale Project

Janet L. Parker, CSC/APC 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: Megan Lovelace <meganlovelace@hotmail.com>
Sent: Monday, April 11, 2022 8:29 PM
To: PlanningInfo <Planninginfo@wycokck.org>; Board of Commissioner's Office <Commissioner@wycokck.org>
Subject: Woodside Village Rosedale Project

Dear Planning Committee and Commissioners,

I'm writing you today in support of the Woodside Village Rosedale project. The new Woodside project offers housing options our community needs. I see this to be an extremely positive development and will help our community grow in the right direction.

I just moved to the Rosedale/Spring Valley neighborhood two and half years ago (4458 Francis St). I love seeing this area evolve! I've been a member of Woodside Tennis Club for nearly eight years. I've seen first hand the changes made to better the community and it's surrounding neighborhood. I strongly believe the ownership has what it takes to accomplish its dream of a new apartment structure.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping excite me very much!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this are crucial!

Thank you for your public service and consideration.

Sincerely,
Megan Lovelace
meganlovelace@hotmail.com

1

Toy, Byron

From: Parker, Janet
Sent: Friday, April 29, 2022 10:23 AM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: COZ2021-048 4601 Rainbow Blvd Proposed development

FYI

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org
Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

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From: Natalie F <nf6868@gmail.com>
Sent: Friday, April 29, 2022 10:03 AM
To: Parker, Janet <jparker@wycokck.org>
Subject: COZ2021-048 4601 Rainbow Blvd Proposed development

I regrettably oppose the Woodside Phase two project at 46th and Rainbow Blvd. After attending the meetings with Woodside and the developer, I find 2 main areas completely objectionable.

First, use of 46th St.and Eaton St (hill). We (the neighborhood) have consistently expressed our opposition to the use of 46th street as well as Eaton St. for use by this project. The most current iteration of this projects plan, which I oppose is:

- Dumpster/Trash pick up for the entire 171 apartments on 46th street. This means the garbage truck will come several times a week with a lot of noise, possibly early in the morning several times a week to pick up trash.

- Drop off Zone for deliveries to this apartment complex. This means FedEx/UPS etc. trucks will be using 46th street multiple times a day to drop off and pick up packages using our neighborhood to enter and exit for apartments.

- Angle in parking for residents and overflow from workers, patrons, etc. This is terrible parking and dangerous in terms of being able to see. The road is currently not very wide and this increases traffic and hazards. This is born out by my experiences with the angle in parking at Woodside Village (on a much wider road) It is very hard to see to back out. I often have my passenger stand outside the vehicle and help me back out b/c of the sightlines. In addition, vehicles that

are too large (pickup trucks & large SUVs) consistently park at the angle in parking and their rear ends stick out into the road. This causes drivers to have to veer into the oncoming traffics lane to get around them. The road is much wider than 46th and it is a problem there.

- There is not enough parking slotted for this project its tenants, employees, and visitors to Woodside village. For example, the employees at Woodside Tennis and Racquet currently park in the gravel lot at the top of the Eaton St. Hill which will no longer be available once construction starts. Already, these workers park in our neighborhood when they are unable to ascend the Eaton st hill to park during inclimate weather. Where will they park once construction starts?

Second, the mass and height of the structure will cause several houses in our neighborhood to be in a permanent shadow in the winter months. There is no need to create this in our neighborhood when the solution is to scale the building back to a reasonable size much like the original apartments (91 units as opposed to the proposed 171). Blair Tanner has the ability to build a bigger more massive building on property he owns to the south of the current Woodside village which is a much more appropriate place for something of that size. Not only do I oppose the mass and height of this project because it is detrimental to our neighborhood and the quality of the neighborhood, but it also goes against the Rosedale master plan.

Solutions:

- Completely close 46th street after the Dentist's offices driveway (like Hanover Heights by McDonald's)

- Permanently close the Eaton St. Hill beyond Shanda and Matthew Shoaf's driveway

- Eliminate apartments front doors on 46th street - thus eliminating any need for parking on 46th street

- All traffic using the new apartments must access from Rainbow using the existing large driveway which aligns with 47th. This would include delivery trucks, garbage trucks, etc.

- Eliminate the trash door, trash pick up and deliveries from 46th street altogether.

- All parking for employees, patrons, and tenants would be in any of the already established and owned by Blair Tanner parking lots on either side of 47th Place.

- Scale the building size to fit the Rosedale Masterplan and be an addition to our neighborhood and not a detriment.

One additional note, I want the UG to insist that when and if construction begins that no construction workers, their vehicles, construction equipment, etc. be parked in our neighborhood or used as a "storage place". We must insist that the Spring Valley Neighborhood and it's residents be respected.

Finally, I am not opposed to this developer and the development of this area. However, we the Spring Valley neighborhood residents and homeowners must be partnered with and listened to. I hope the planning commission supports us and helps us partner with this developer in a way that supports our established, growing, and active neighborhood.

Sincerely,
Natalie L Fox
4525 Eaton St
KC KS 66103

Toy, Byron

From: Parker, Janet
Sent: Thursday, April 28, 2022 7:50 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Woodside Rosedale Project

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org

Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

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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: Valorie J Wells PhD <valoriejwells@gmail.com>
Sent: Wednesday, April 27, 2022 12:08 PM
To: Parker, Janet <jparker@wycokck.org>
Subject: Fwd: Woodside Rosedale Project

Please add my comments to next UG Planning Commission regarding the Woodside Rosedale Development proposal. Thank you.

Valorie J Wells Fenton
Sent from my iPhone

Begin forwarded message:

> **From:** Valorie Wells Fenton <valoriejwells@gmail.com>
> **Date:** April 25, 2022 at 8:44:33 PM PDT
> **To:** cramirez@wycokck.org
> **Cc:** Erin Stryka <erin@rosedale.org>, mbynum@wycokck.org, Kelly White <kwjco@hotmail.com>
> **Subject: Woodside Rosedale Project**
>
> Dear Commissioner Ramirez,

Please accept this message as our protest against the Tanner & White proposal to build the Woodside Rosedale Project in Wyandotte County.

Our concerns are:

16 diagonal parking spots on 46th Ave...where there is currently No Parking.

Code variances to Rosedale Master Plan specific to height, length and neighborhood integrity

TIF allowances for building in Wyandotte County to fund expansion in Johnson County

And worst of all, all these "allowances" will only provide housing for people who can afford an average of $2,400./month in Wyandotte County

None of this is in keeping with the Rosedale Master Plan which our neighbors worked on for a long time.

We agree that multi-family housing is needed in Rosedale and, as you pointed out at the meeting, we need to provide affordable housing, as well as luxury apartments.
We would like to see a new proposal to build a two or three story complex in the same area with a more equitable mixed use.

If Tanner & White will not modify their proposal, we ask that the UG Planning Commission deny their requested code variances and certainly do not allow them a TIF.

Kenneth & Valorie Fenton

Toy, Byron

From: Kelly White <kwjco@hotmail.com>
Sent: Friday, April 29, 2022 1:23 PM
To: Parker, Janet; Toy, Byron
Subject: Comments for COZ2021-048

Below is my statement of opposition to the change of zone request, COZ2021-048, located at 4601 Rainbow Blvd. Please include my comments to the file for staff review for the May meeting.

It is evident when you read the 2016 Rosedale Master Plan an extensive amount of research, planning, and community engagement was put into creating a blueprint for Rosedale. It clearly defines why planning is necessary for a city, what is important to Rosedale residents, where our weaknesses are, and where we have opportunities to improve. The project being proposed by developer, Tanner & White Properties, is in many ways a complete contrast to the Rosedale Master Plan.

The developer has submitted an "update" to a traffic study that was completed in **2011.** It cannot be overstated how much the surrounding area of 47th and Rainbow has changed in the past 11 years. For example, the developer's current apartment complex and retail units located at 47th and Rainbow was not even constructed until 2015. There are three neighborhoods that will be directly impacted by an increase in traffic these apartments will create. They are Spring Valley, Westwood, and Frank Rushton. For the sake of safety to these residents and others passing through here, a new and complete traffic analysis should be conducted before 171 units and over 200 parking spots should ever be considered.

Not only does the Master Plan provide us with information on our weaknesses and opportunities, it also defines areas of threat to our community. One of those threats is decreasing affordability in housing. The developer is planning an apartment building with an average rent around $2,100.00 per month for studio and 1-bedroom apartments and 2 or 3 bedrooms going as high as $2,400.00 per month. That is by no means affordable housing.

It was stated on their change of zone application "the complex will promote a diverse population to make use of the nearby employment center, shopping, entertainment and transit." The cost of rent at this complex will promote the opposite of a diverse population. What the complex will do is "indirectly drive business to their club and retail area so they can then build the third apartment complex next to the club." What makes that statement, made by their representative, even more egregious is the developer can request, and most likely receive, incentives to create unaffordable housing. While this is of course is the current policy and they have every right to request some sort of abatement, there are areas throughout Wyandotte County where incentive money could be put to much better use than to be given to Tanner & White Properties to build luxury apartments.

Another threat to the adjacent neighborhood, Spring Valley, is the encroachment of parking along 46th ave. The addition of 16-20 parking spaces along there will add to cars pulling in and out throughout the day. There will be more traffic along 46th Ave. even if the garage access to the comples is removed from this street. This street will be a popular shortcut for residents and visitors of the complex to use to avoid the already heavily congested Rainbow Blvd.

Finally, the height and length of this project is just too large and allowing it to be constructed will set a precedent that may not be in the best interest of the neighborhoods directly impacted by such density.

It is safe to say most Spring Valley residents are strongly opposed to this project as are some residents of nearby neighborhoods. I respectfully request this project be denied for all the reasons I have outlined and for reasons other residents will bring to your attention.

Sincerely,

Kelly White
President, Spring Valley Neighborhood

HANOVER HEIGHTS

A National Historic Neighborhood in Kansas City, KS

tucked between State Line and Rainbow & 43rd and Olathe Blvd

April 27, 2022

Gunnar H Hand
Director of Planning

Rob Richardson
Department Coordination

UG Planning Commissioners
Kansas City, KS 66101

Re: Change of Zone – 2021-048
Blair Tanner - Woodside Village Rosedale

Gentlepeople:

On Monday April 25th we met with the applicant of the above rezoning application at Westwood City Hall and his team presented their projects plan revisions. You should have a written summary of this neighborhood meeting for your review. The applicant clarified that he had revised his plans pursuant to Community concerns. We likewise afterwards expressed our concerns of these new plan revisions.

Very simply, we see this application as having a clear disregard of many provisions contained in the adopted Rosedale and the overall Community master plan. Approval of this submittal will be of a precedent setting nature for urban design along Rainbow Blvd. Our opposition not only includes non-compliance with these UG provisions but includes the need of traffic intersection improvements for safety, building massing considerations when adjacent to residential, and community dialogue/participation of future UG tax incentives for a project in this state of non-compliance and lack of community support. While we know this is currently the developers right to ask, this may change in the future. More specifically, we:

Oppose: Any deviations required for approval for this proposal until closer compliance with the Requirements and Guidelines contained in the UG Code and Rosedale Master Plan are met.

> The building and site design functions could be altered to address lessening impacts and giving protections to the Spring Valley neighborhood and surrounding neighborhoods. As an example this '**design protection**' was incorporated with the LaneFour development of 39/Rainbow complex. To accomplish this it would involve a design having denser building mass fronting Rainbow and lowering building mass as it transitions to the residential neighborhood along 46th street. Additionally, the Rainbow Blvd streetscape currently has no buildings taller than four stories, with the exception of the Public building facilities on the KUMed Campus. Even the existing Woodside Village development has only three stories of apartments with one level of retail. This current proposal will be taller. (See Design Example of 39/Rainbow attached) having lower heights of parking garage fronting residential and transitioning building mass toward Rainbow with four stories. Similar building density for this project should be along Rainbow with protection of adjacent inward residential uses.

Oppose: Any additional, new development without the inclusion of dedicated/separate turn lanes at 47th and Rainbow intersection given current uses (unrestricted car wash and other adjacent uses access) to ensure traffic safety.

> There are currently dedicated turn lanes and access limitations with new development at both 39th and 43rd streets along Rainbow Blvd. As anyone who travels Rainbow Blvd knows they will tell you that the existing uses in both Westwood and KCKS are presently impacting the movement of thru traffic. This is exacerbated further with the closeness of 46th streets access. Without directional traffic improvements conflicts will worsen and this should be acknowledged by the applicant and addressed with any future development.

Oppose: Any developer related incentives of this proposal without much closer Master Plan and Code compliance with involvement of the Rosedale Community of current UG Policy.

> While we understand that this topic is for the UG governing body's purview, incentives need to be closely weighed to ensure there is direct benefit to the Community. Additional public school students generated with this proposal will place a burden on the current Rosedale and School District funding. Impacts of the proposal on the existing and 'dated' Public Infrastructure will mandate funding of future UG funded public improvements also.

Finally, we support other development related concerns expressed at our meeting on Monday by the Spring Valley neighborhood. We would welcome the opportunity to work with the UG Planning staff and applicant on future development plans at this location. We believe there is no reason why collaboration cannot be accomplished in good faith with the community, the developer and the City. However, collaboration is a two way street and should not be at the expense of the community.

In summary, we cannot support the current application and short of withdrawal by the applicant, we recommend DENIAL of this rezoning request based on the following:

- Noncompliance with the Rosedale and overall master plan provisions that are meant to protect existing neighborhoods,
- Acknowledgement and addressing traffic safety concerns and reality for needed traffic improvements (contrary to any traffic study, updated or not) with any future more intensive development of this kind, and separately,
- Rosedale Community involvement of any requests of UG development incentives for this project without Master plan compliance and support from the Community at large.

Sincerely,

Gilbert A. Pintar,
President Hanover Heights

ec.
attachmts

I regrettably oppose the Woodside phase two project at 46th & Rainbow Blvd.

The two main problems are: **TRAFFIC and MASS/ HEIGHT**

1. **TRAFFIC**: I **oppose any usage of 46th St by the project**. NO parking, No dumpster.

*46th St is a narrow 22ft wide, and already is used as a "commuter/ connector" street with lots of cars passing through during rush hours, and also dump trucks, cement trucks and occasional semi-trucks.
*The developer wants to add “angle-in” parking which is the worst form, as its difficult to see when a car is coming.
*Developer wants a “drop-off zone” on 46th which means all the UPS/ Fed Ex trucks then using our neighborhood as their exit.
*Developer wants the main dumpster site for 171 apts to be on 46th st, which means the garbage dumpster truck comes several times/week with a lot of noise.
*the Dental office at 46th & Rainbow currently uses 46th for guest and employee parking. Woodside project will use up all their parking…
*developer has made no improvement to existing inadequate delivery access a
***Employee parking**: The "Eaton Street hill" access to north side (back side) "loading dock"/ gravel parking lot of Woodside Club **must be closed**. The new project MUST INCLUDE access from Rainbow to backside of the Club and also parking for employees of Club and the retail tenants of existing development. The existing big driveway from Rainbow must be extended to backside of the club. Currently, some Club employees use the gravel lot, and the retail/ restaurant employees use the front area of 4601 Rainbow..... but these will be lost with the new construction. Where will the employees now park ? The Eaton St hill is notoriously steep and unuseable in snow/ ice conditions..... Owner needs access to backside of the Club and there is room for limited employee parking. **Eaton st. hill must be closed permanently.**
SUMMARY: 46th st. is much too small to handle increased parking, delivery trucks, etc. The neighborhood gathered signatures and prefers that 46th st be closed permanently at Rainbow

SOLUTIONS:
1.) ALL TRAFFIC using the new apartments MUST **access from Rainbow** using the existing big driveway which aligns with 47th. This to include delivery trucks, dumpster trucks. The existing BIG driveway is more than adequate to handle the traffic. No use of 46th st at all for parking, deliverys, dumpsters, etc. And, No further access via **Eaton st.** No apartment front doors onto 46th !

2.) 47th Place in Westwood can be widened to accommodate parking 47th Place already is MUCH WIDER than 46th, AND has double the amount width of right of way, AND and Blair Tanner controls all the property along both sides. 47th Place. We suggest he increase parking on the Westwood side of the development. City of Westwood is currently considering to redo 47th, so timing is appropriate.

MASS/ HEIGHT:

Its too large. The existing Woodside phase one is only 91 units and on a smaller parcel.
Phase two at 173 units, stacked six or even four stories creates a canyon effect for the homes along 46th. Developer acknowledged in our neighborhood meeting that several homes will be in permanent shadow during winter months, when we need the sun the most !
The 4601 Rainbow parcel is much larger, the size of Chiefs football field ! Developer could easily reduce number of units to 91 and build without needing any variances ! Developers design is premised upon a clumsy, inefficient multi-level parking garage which wastes space. If they would

use the ground level of their site as a “basement” parking garage, it would hold 180 cars, and also allow the building to be several stories shorter.

Developer owns three tiny vacant lots 4604, 4606, 4608 Eaton St at top of hil and directly adjacent to project site. This area is currently used for unimproved parking for employees of Woodside Club, in fact there is an “impromptu” gravel driveway from Phase 2 site into this parking area. This parking area must be included in the redevelopment project and needs landscaping and fencing which screens if from the neighborhood.

Chris Steineger
4529 Francis St
KCKS 66103

Date: 10.14.22

Name: CARRIE MATHEWS

Address: [redacted] RAINBOW BLVD. KC, KS. 66103
4509

Dear Kansas City Planning Commissioner's and District Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Carrie Mathews

Date: 10-14-22

Name: Jacob Nestell

Address: 2109 West 43rd KCK 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Date: 10/15/22

Name: Jenae Haydu

Address: 4516 Francis St. Kansas City, KS 66203

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Jenae Haydu

Date: 10/15/2022

Name: Matt Hayden

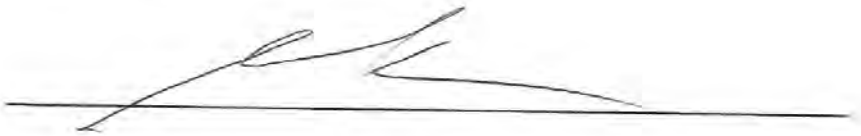
Address: 4516 Francis Kansas City KS 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



HANOVER HEIGHTS

A National Historic Neighborhood in Kansas City, KS

tucked between State Line and Rainbow & 43rd and Olathe Blvd

Gunnar H Hand
Director of Planning

October 18, 2022

UG Board of Commissioners
Kansas City, KS 66101

Re: Change of Zone – 2021-048 Blair Tanner - Woodside Village Rosedale

Dear Commissioners:

The above rezoning will come before you at your next meeting.

Respectfully we ask all of you who will hold the Developer accountable to comply with the adopted Rosedale Master Plan? Evidently not the Planning Staff who seemingly has no stake in being an advocate for the Community they serve. How can they support a project that would be so divisive to the Community? Ask the Developer if he came to any of the numerous public meetings and workshops on the Master Plan process or if he provided comments as a true stakeholder? The answer is he did not. RDA, KUMed Center and both resident and non-resident business stakeholders of Rosedale were present and engaged in this Community driven plan. We knew that Rainbow in particular was being looked at by many investors and that it was timely for us to have a current plan in place to guide land uses and the future built environment to limit impacts on adjacent neighborhoods.

The best example of "true Community engagement and collaboration" was on Lane 4's 39th Rainbow development fronting Rainbow across the street from KUMed with their FOUR story structure and its placement NOT impacting the adjacent Adams street residential neighborhood. This design was part of a 'cooperative plan' spearheaded by the RDA, the Developer and Rosedale Community.

In our view this rezoning application is a Developer driven proposal. There has been little support by the Developer and his team to embrace the spirit and intent of our Master Plan. It is somewhat puzzling and totally contrary to their early web site outreach statement (since taken down), see the attached screenshot stating that the "*number one priority* throughout this process and project are discussions with neighbors of the Rosedale and Spring Valley Community". No, not the case.

What you have before you is a project that's taller than what was envisioned by the Master Plan and one having direct impacts on the adjacent residents as proven by their own shadow study and will undeniably increase traffic thru the Spring Valley neighborhood, let alone impacting the intersection at Rainbow and 47th street, especially without dedicated turn an thru lanes that were a part of the Community supported Lane 4 development on the corner of 39th and Rainbow. This is a Developer driven plan and is shortsighted. In the near future City officials should collaborate with the City of Westwood and the State to promote a safe Rosedale Corridor along its entire length.

Please hold the Developer accountable and deny this application as it will set a huge precedent for future development along Rainbow. It does not embrace the Community Master Plan and does require deviations from City regulations. Please advocate for the Master Planning process.

Sincerely,

Gilbert A. Pintar, President Hanover Heights

What is the neighborhood outreach plan?

Woodside Village Rosedale's number one priority throughout this process and project are discussions with neighbors of the Rosedale and Spring Valley community, HOA representatives and UG of Wyandotte County and Kansas City, KS leaders.

Leaders of Woodside Village Rosedale project are meeting and discussing the overall project with neighborhood leadership and residents from the Rosedale and Spring Valley community on an ongoing basis.

Throughout the upcoming process with UG of Wyandotte County and KCK, the leaders of Woodside Village Rosedale project look forward to talking and listening to neighbors and residents of the Rosedale and Spring Valley community and answering questions they might have regarding the project.

https://www.rosedale.woodsidevillage.com/

Dear WYCO Commissioners and Representatives,

I work and live close to the proposed Village Rosedale Development.

Often I assist with the relocation of Radiologic professionals to work at TUKHS and it is hard to find appropriate housing for them within the area. I also live in neighboring Argentine and feel it is in the best interest of the neighborhood to move forward with this project.

Please vote YES on the approval of this development/project.

Thank you,

Jennifer Polo
Administrative Assistant to the Senior Director, supporting:
Senior Radiology Director Victor A. Sarro MPS, RT(R),
Assistant Radiology Director Tina Crain, CRA, MS, RT(R)(N)(QM),
and the Department of Radiology
The University of Kansas Health System
Radiology Department
Phone 913-588-1814 | Fax 913-588-8393 | JPolo@kumc.edu
4000 Cambridge St., Mailstop 4032, Kansas City, KS 66160

Ms. Parker:

Please accept these as my written comments indicating my opposition to the proposed development at Woodside. I oppose this development for the following three reasons. First, the development will impact the neighboring homeowners in permanent and adverse ways. I refuse to prioritize the convenience of Blair Turner's business plans over the experience of my neighbors who are hardworking citizens, committed to living in Wyandotte County. These neighbors bought their property and made improvements, including installing solar panels, only to be told that their ownership will be compromised solely because we value commercial development over individual homeownership.

Second, I oppose the development because it is not in accordance with the Rosedale Master Plan. The Plan was developed after hours of hard work by committed community members. It represents the spirit of the community. Allowing a deviation from the master plan for a large corporation should not be taken lightly. Rosedale Development Association and Hanover Heights both oppose the development based upon the best interests of the neighborhood residents. This opposition should mean something to our Government leaders. Mr. Turner can comply with the master plan and still make a very healthy profit. Setting a precedent that allows businesses to skirt the Master Plan will have devastating consequences. We should not put the selfish interests of a business over the well-being of our community.members. There is no reason not to demand that a business comply with the Master Plan. If Mr. Turner can not do that, another developer will.

We are not a desperate community in Wyandotte County and we need to quit acting like we are. Pointedly, Mr. Turner is the actor responsible for the current, unattractive state of the property -- which is the most cited reason his supporters are championing the project. Does it make any rational sense that our government and constituents are expected to reward Mr. Turner's negligence of this property?

FInally, this project does not reflect the values of Wyandotte County. Mayor Garner campaigned on housing security and equality for all Wyandotte County residents. These apartments will rent at a minimum of $2,000 per month. That is not affordable housing for a Wyandotte County family. The development will lead to impermanence in the community. The quality and price of the apartments will not encourage residents to become active stake-holders in our community. Instead, the apartments will consist of residents who are passing through Wyandotte, with no intent to invest into the community -- a phenomenon we've seen happen time and time again, just look at our neighbors around Troost in Kansas City. It is hard for me to see how anyone but Mr. Turner gets any benefit from this project. I am not development adverse, but this is not the right development for *this* neighborhood. Please note my well considered opposition..

Sincerely,

Jennifer Tatum
4455 Francis
Kansas City, KS

I think it would be a mistake to offer any tax incentives to this development. This plan offers only luxury apartments with no provision for affordable housing which is part of the Rosedale master plan and which is needed in our area. Also, the development does not fit in with the neighborhood because of its size and scope.

Karen Kawa

Dear Wyandotte County Commissioners:

I hope you're having a wonderful week. First off, thank you for your public service.

Second, I wanted to share **SUPPORT for the Woodside Village Rosedale** development on behalf of the owner addresses and entities listed below (all within a close radius of the project).

4604 EATON ST, KANSAS CITY, KS 66103
4606 EATON ST, KANSAS CITY, KS 66103
4607 EATON ST, KANSAS CITY, KS 66103
4608 EATON ST, KANSAS CITY, KS 66103
WOODSIDE RACQUET CLUB MANAGEMENT, INC 2000 W 47TH PL, WESTWOOD, KS 66205
WOODSIDE RACQUET CLUB MANGT INC 2000 W 47TH PL, SHAWNEE MISSION, KS 66205
WOODSIDE RACQUET CLUB MANAGEMENT, INC 2000 W 47TH PL, WESTWOOD, KS 66205

I appreciate your consideration of a positive **YES VOTE** to approve Woodside Village Rosedale on October 27th. Thank you!

Sincerely,

50 YEARS WOODSIDE
KATIE SWETALA
WOODSIDE
General Manager
913.275.5939 | clubwoodside.com
2000 W. 47th Place, Westwood, KS 66205

October 19, 2022

Dear Commissioners:

I hope you are all doing well. I am writing on behalf of Argentine Betterment Corporation in support of The Rosedale Woodside Village Proposal.

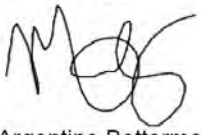
ABC feels that this proposal is great for our community and is not a project that Wyandotte County can afford to pass on. This project is a phenomenal economic opportunity for our county to generate a great deal of tax revenue while also providing housing we so badly need in the area. Our organization has spoken with KU and even UMKC, the students and staff have encountered a massive struggle finding available housing in the area. This project would be a great opportunity to gain new residents, increasing our tax base while also keeping current residents in Wyandotte County.

The Woodside development has already shown to be a very successful development over the last several years and this project will only make it more lucrative for our county.

I ask that you please vote yes on this important project.

Thanks for your consideration,

Micah King



Argentine Betterment Corporation

I'm in opposition to the Woodside project as currently proposed. Although the developer has made changes to decrease the mass and size of the building, and lowered the number of apts, the **TRAFFIC IMPACT problem is not yet resolved**. This problem CAN BE SOLVED with a little more effort.

TRAFFIC PROBLEM has TWO COMPONENTS:
1.)access to 46th st, a very narrow neighborhood street
2.)the Eaton St hill access to the "behind/ north side" parking lot/dumpster area for Woodside Club

Regards #1, I called Kansas Dept of Transportation Oct. 18 & 19 to inquire possibility of adding a "drop offs/ pick ups" lane to Rainbow. (KDOT calls these "parking lanes) Such an additional lane would allow for: public bus, UPS, Fed Ex, Uber, pizza deliveries all to park directly in front of the building on Rainbow, and then exit back onto Rainbow, WITHOUT DRIVING INTO OUR QUIET NEIGHBORHOOD. Oct 18 &19, I spoke directly with:
-Scott King, Topeka, Director of Engineering & Design
-Ryan Barrett, Bonner Springs office, Engineer/manager for Wyandotte
-Mike Rinehart, Olathe office, Engineer/manager for JoCo and also Rainbow Blvd corridor
-David Seitz, Topeka, Director for Access Management

a) All of these individuals agree its possible to establish a "parking lane" in front of the project. They just ask to be included, and have time to study the request
b) NONE OF THESE INDIVIDUALS were aware of the Woodside project, not had any conversations with the developer previously. **This goes against developers PUBLIC CLAIMS that they had asked KDOT for permission and been denied**…….

Second, closing 46th st just behind, (east property line) of the Dental office at 46th & Rainbow, will also help keep traffic out of our quiet residential neighborhood. In fact, the truncated portion of 46th, adjacent to Rainbow and the Dental office, would then become a "mini-cul de sac" which would be devoted to Woodside and the Dental office. The Win-Win result is that the neighborhood gains traffic calming, and becomes more walkable; the two business gain space for their own customers to access the properties directly from Rainbow; the Public Bus gains a safer place for a new stop; Woodside phase two gains a more calm, tranquil north side.

Summary: CLOSING 46TH St combined with establishing a "parking lane" along Rainbow Blvd solves most remaining problems.

Regards #2, EATON STREET HILL and access to Woodside Club dumpster and employee parking-

Developer claims they will arrange access to Clubs north side for employees of the Club and also the restaurants in existing phase one, from their existing "big driveway". However, Developer also has long term plans to expand the Club onto the area now used for employee parking…….. Where will the Club and restaurant employees park then? We need a detailed plan for permanent solution for access to north side of the Club, the dumpsters there, and employee parking.

A minor point, is that the SIDEWALK along 46th which developer offers as enticement, is proposed only along his property frontage, NOT continuing through even as far as Eaton st. Furthermore, proposed sidewalk terminates at east end of frontage where the topography is 10-12 ft ABOVE 46th –---- Suggest Developer be required to construct sidewalk along street grade level all the way to Eaton. Pedestrians will still endure walking on 46th eastwards from Eaton towards State Line.

Chris Steineger
4529 Francis St
KCKS 66103

Areas of concern with the Woodside Village Rosedale Project at 4601 Rainbow Blvd.

My Vote is to "**OPPOSE the Construction and Deny the Building Permit & DENY ANY TIFF/CID Funds**" based on evidence, refusal to meet requirements of the Rosedale Master Plan and discussions with Blair Tanner and Block Construction.

1. Mr. Tanner stated he knew the size of the building was an issue and especially the height yet he did not intend to fully comply with the Rosedale Master Plan and that even after concerns were raised during the Spring Valley discussions. Even with **the latest changes** nearly a "YEAR" after initial reviews it still **exceeds** "The Height Maximum of the Rosedale Masterplan and Planning Standards by multiple stories based on requirements of the adjacent residential housing. Also the Length of the complex still "**Exceeds" the Masterplan maximum by over 100 ft. in length" and Multiple Stories in Height and Still includes the 46th Street Drop Off Zone for all Deliveries running Semi, and Regular Delivery Vehicles onto 46th Street (all Tenants must use this spot to offload their belongings to move into and out of the complex) all 159 Units Worth**.

2. The "2nd phase of Woodside Village" was slated to begin construction within 3 years of the completion of Phase 1. Westwood promised to provide Tanner Properties/Woodside 4.7 acres of Westwood Property free and clear for use to build the 2nd stage. Along with that Free 4.7 Acres, Westwood was going to provide an Additional Twenty-Two Million Dollars ($22,000,000) in TIFF/CID incentives. Westwood Set Mandates to get these benefits:

   Phase 1 had to meet the following requirements:

   A. Phase 1 Complex MUST maintain 90% Occupancy for 1 year

   B. Phase 1 Must Maintain Sound Financials

   Westwood after lengthy review "**CANCELLED**" their agreement with Tanner Properties for Failure to Meet Those Requirements. They Did Not Maintain 90% Occupancy in Phase 1, and as

discussed and Voiced by Blair Tanner, three times in the November 16, 2021 Neighborhood Meeting Woodside Racquetball Club / Phase 1 were ailing financially.

3. During that Nov. 16, 2021 meeting Mr. Tanner stated no less than **three** times he was driving all new tenant money toward financially beefing up his financially ailing Woodside Racquetball Club as it was in dire straits. This issue and Mr. Tanners comments about funneling money to prop up Woodside was questioned specifically by the Spring Valley Neighborhood Association President and others who asked why we should agree to Mr. Tanners request to build.

After this last admission and once being questioned about his use of all funds to enhance his Woodside Projects Mr. Tanner noticed UG Council member Christian Ramirez was in the room. Mr. Tanner then rushed to walk back the comments and cover them up. It was again asked why SVN should make all these concessions only to financially support Woodside, Westwood and Johnson County. It was then asked how much money Mr. Tanner planned to ask for in TIFF/ CID funds. Mr. Tanner became very upset and defensive as he knew he had already outed his intentions at which point the UG Council Member stated this gave him major reservations. (Again this Whole Meeting was Audio Recorded and is available per request).

The follow up meeting held April 25th, 2022 confirmed these very issues once again as Mr. Tanner made similar comments yet also stated that he fully expects the UG to provide substantial TIFF/CID Funds to fund this project and to offset construction costs.

All this said, here are my issues and requirements for construction summed up.

1. The Woodside Village Complex plan must be downsized to meet the exacting details labored over for years in the Rosedale Master Plan. No Concessions will be approved by the residents of Spring Valley Neighborhood.

2. No TIFF / CID Funds should be allocated to this project. The UG MUST LEARN from Westwood who **Cancelled** Tanner Development for Phase Two as he did not meet their contractual mandates even when being offered Free Land, and $22 Million Dollars in Incentives, he couldn't make it work. This is a High End Development with Avg. Rents "Exceeding $2400" per Unit and the Owner stated multiple times all funding (especially incentives) will be to prop up his failing Johnson County Business and Developments. This will NOT Benefit Wyandotte County or the UG to provide tax incentives to a group who's stated goal is to funnel those funds into Johnson County! Again this will be easily confirmed by UG Council person Mr. Ramirez who was in attendance for the meeting. This can also be proven if requested as I will gladly provide an audio copy of the meeting.

Conclusion: Allowing this project to continue and handing Blair Tanner TIFF/CID funding to build Luxury Apartments Provide no benefit to the local neighborhood nor Unified Government other than Bilking Taxpayers for the Operators ALREADY FAILED construction project in Phase 1. This will also cause massive rent increases to local residents within SVN which further decimates affordability and degrades the Single Family atmosphere in our neighborhood.

The UG MUST Fully Recognize how Westwood cancelled their deal with Blair Tanner as a Notice to Not provide him any funds as his projects have failed to meet previous requirements and the Financial Viability of the Owner and his Woodside Business is in question.

VOTE NO, Please!

Very Respectfully,

Bill

William Siggins
Surface Operations / Lead Pipeline Security Assessment Team Member
DHS/TSA – Region 3
816-783-3521 (Work-Cell)
William.Siggins@tsa.dhs.gov

TOPHER ENTERPRISES, LLC

Subject: Support Our Community & Woodside Village Rosedale Project
To: planninginfo@wycokck.org; Commissioner@wycokck.org

Dear Planning Commission and Commissioners:

I currently own 4512 Rainbow Blvd as a rental property. I bought in the Rosedale area because of its proximity to KU Medical Center, the Plaza, and Downtown. Rosedale is an unknown gem in our city as a safe great place to live and raise a family. This new development will take a blighted, unsightly property that is currently devaluing the Rainbow Blvd. corridor and turn it into a first-class, livable community that will pull the value of all the surrounding properties higher. As an investor, I very much support this.

As someone who has been engaged in our area for many years on many fronts, I understand the importance of connectivity, relationships, strong community, and growing property values. I'm writing you today to support the next multi-family apartment development in Woodside.

I've known the developers for many years and have seen the commitment they have to designing and bringing to fruition a first-class product and experience. They listen to others, they engage with the community and they do what they say they are going to do. Blair Tanner and the Woodside team are trustworthy and put tremendous effort into their developments.

By progressing the Woodside Village Rosedale project forward, the city would show that they appreciate high-quality housing solutions in our area. KCK would demonstrate that smart growth, diverse housing options and reducing the negative impact of exclusionary zoning practices are important to them.

A strong multi-family component in Rosedale and Spring Valley is so critical to the future of our neighborhood and city.

For these reasons, I urge you to support and progress the Woodside Village Rosedale project in front of you throughout the approval process.

Thank you for your service to our community and its future.

Sincerely,

Topher Philgreen
President/Owner

TOPHER ENTERPRISES, LLC
3409 West 222nd Street
Bucyrus, KS 66013
(913) 915-6677

Amy Grant

Subject: FW: FW: Support- Woodside Village Rosedale Project

From: Kimberly Coates/USA
Sent: Friday, May 6, 2022 3:50 PM
To: planninginfo@wycokck.org; commissioner@wycokck.org; cramirez@wycokck.org
Subject: Support- Woodside Village Rosedale Project

Good afternoon:

I'm writing you today in support of the Woodside Village Rosedale project. KCK needs many more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I have represented and been involved with Multifamily Development in the Kansas City market for many years. These high- end developments are very beneficial for the community as a whole and promote a sense of pride in the community as well as bring an increase in value to the City and overall area.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping will be an amazing addition to the area!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Kim Coates, CAM, CAPS, LEAD

Regional Property Manager, Multifamily

Asset Services – Multifamily, Americas

Direct: +1 952 563 1006

kimberly.coates@cushwake.com

CUSHMAN & WAKEFIELD

5975 South Quebec Street, Suite 135

1

Amy Grant

Subject: FW: New Woodside Village Project

---------- Forwarded message ---------
From: **Kit Stewart** <kitbstewart@gmail.com>
Date: Fri, May 6, 2022 at 12:28 PM
Subject: New Woodside Village Project
To: <planninginfo@wycokck.org>, <commissioner@wycokck.org>

Greetings!

As a former resident of Woodside Village, I am a supporter of the Rosedale expansion project. I would urge you to consider the positive merit of this addition to Kansas City, Kansas and to vote yes to the build.

While I was a resident of Woodside Village from 2019 to 2021, I enjoyed all that this property had to offer. Its location and walkability to shops and restaurants is extremely desirable. As an employee of a small business in Kansas, I love being able to support local entrepreneurs. With the upscale finishes in the apartments, luxury amenities and professional staff, Woodside Village attracts lots of professionals as well as new residents from other cities.

I am originally from Overland Park and never knew this part of the metropolitan area until I moved back from Florida. It's such a vibrant neighborhood and the addition of these well designed apartment homes further the enthusiasm of this little corner of KCK. I am proud to be a native of this state. As a member of the Leadership Lenexa class of 2020, I did gain tremendous appreciation for the work of our public servants. I think this city has an incredible opportunity to continue expansion in a way that shows as an example to the other municipalities that border it.

Please VOTE YES for the Woodside Village Rosedale project.

Thank you for your time and consideration of this matter.

My Sincerest Regards,

Kit Simmons

Amy Grant

Subject: FW: Support of COZ2021-048 - 4601 Rainbow Blvd.

---------- Forwarded message ---------
From: **Jason Sadler** <jasonlsadler@gmail.com>
Date: Fri, Apr 29, 2022 at 9:20 AM
Subject: Support of COZ2021-048 - 4601 Rainbow Blvd.
To: Parker, Janet <jparker@wycokck.org>, Toy, Byron <btoy@wycokck.org>

Dear Planning Committee and Commissioners,

I am writing you today in support of the new Woodside Village Rosedale Project. This area is greatly in need of more housing, which this project will bring.

I live at 4507 Francis St. and also own 4506 Francis St., which is currently being totally renovated, and own 4523 Francis also, which will be torn down, and 2 new houses will be constructed. When we decided to tear down the blighted house and build 4507 Francis and 4509 Francis, one of the biggest things that drew us to this area was the development and future development of the Woodside Village properties.

I think the design of the new Woodside Village Rosedale project is the best in the City, and does a tremendous job providing a buffer transitioning from single family to multifamily. I would much rather see the beautifully landscaped buffer zone, and then the building,than a large parking lot, and then a building. It will help give the neighborhood a more intimate feeling.when entering on 46th Ave. I do not see a problem with the angle in parking or loading zones, because overall that street will become much wider and be able to accept the current amount of traffic much easier. All the on street parking that is there now is a major safety hazard. During emergencies (which unfortunately we have had) firetrucks were not able to enter on 46th ave and make the turn onto Francis.

Perhaps the best part of this design that excites me the most, is finally being able to have a safe path to the woodside village shops and restaurants, and all of the other restaurants down 47th street. Currently there is no sidewalk on 46th ave. so making the turn onto Rainbow in the street, is extremely dangerous, because cars turning onto 46th ave. can not see us pushing a stroller in the street.

I can not think of a better use of that corner property, and I hope that you too support and vote YES for the Woodside Village Rosedale project. It is essential for this wonderful area of KCK to keep expanding and growing!

Thanks!
Jason Sadler
816-309-0945

Amy Grant

Subject: FW: Support - Woodside Village Rosedale Project

---------- Forwarded message ---------
From: **Dayna Brehm** <dbrehm@aha-kc.com>
Date: Fri, May 6, 2022 at 11:52 AM
Subject: Support - Woodside Village Rosedale Project
To: <planninginfo@wycokck.org>, <Commissioner@wycokck.org>

Good morning,

I'm writing you today in support of the Woodside Village Rosedale project. KCK needs many more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I currently manage a portfolio of 11 communities within 10 miles of this project. The improvement of housing opportunities in KCK would be greatly beneficial for everyone in the immediate and surrounding areas.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping excite me very much!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Dayna Brehm CAM, LEAD
Regional Manager

(o)913.432 5247
(c)913 208 4932
www.athomeaptskc.com

Amy Grant

Subject: FW: Support - Woodside Village Rosedale Project

---------- Forwarded message ---------
From: **Jeannette Cox** <jcox@oddodev.com>
Date: Wed, May 4, 2022 at 7:04 PM
Subject: Support - Woodside Village Rosedale Project
To: planninginfo@wycokck.org <planninginfo@wycokck.org>, commissioner@wycokck.org <commissioner@wycokck.org>

Good Evening:

I'm writing you in support of the Woodside Village Rosedale project. KCK needs more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I have personally been involved in high-end apartment housing developments in the Kansas City suburban markets and seen the impact it makes within the community. The lifestyle and housing options enhance the vibrancy of the neighborhood, promotes sense of pride in the community and brings economic value to the city and surrounding businesses.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping are impressive and look forward to them coming to life!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and prosperity not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Jeannette Cox | Executive Vice President

ODDO Development

P: 913.894.6336 Ext. 276 I C: 913.314. 9184

15200 W. 105th Terrace

Lenexa, KS 66219

Subject: Please Support Our Community by Approving the Woodside Village Rosedale Project
To: planninginfo@wycokck.org; commissioner@wycokck.org; cramirez@wycokck.org;
Cc: btoy@wycokck.org; ghand@wycokck.org

Dear Planning Commission and Commissioners:

I'm writing to you as the President/CEO of Youthfront. For 46 years, I have worked at the 47th Street and Rainbow Boulevard corridor. For six years, I lived within blocks of this location. Our organization used to own the land that is now being developed. After the sale of that property, we temporarily relocated a few blocks away while we invested in developing a run-down property by remodeling and constructing our new Youthfront Headquarters at 4600 Rainbow Boulevard. This location is directly across the street from the proposed new development, Woodside Village Rosedale. Building our headquarters here was a $2.5 million improvement to this corner of Wyandotte County. In fact, my office window actually faces the site of the proposed Woodside Village Rosedale project. I wholeheartedly support this project, which will add to the vibrancy of life and living in this wonderful area.

What has developed along the 47th Street and Rainbow Blvd. corridor over the last several years should be viewed as a great accomplishment by Wyandotte County. As an organization, Youthfront is very active in community development throughout Wyandotte County. Two weekends ago we had teams of teenagers, college students and adults working throughout Wyandotte County on community improvement projects, cleaning, planting trees, clearing abandoned lots, etc. We believe that working for human flourishing is important for our community. For that reason, I am 100% behind the positive impact Woodside Village Rosedale will have in our neighborhood.

Please support this incredible multi-family apartment development in Woodside. Even though it has been years since we sold the property to Blair Tanner and his development team, we have continued a friendship around a mutual desire to see this part of our city become something truly special and life-giving for all. I have come to deeply trust the integrity of Blair Tanner and his team. I know their hearts and desires to improve the quality of living through their developments in our area. What they say they will do.

Approving the Woodside Village Rosedale project shows that our city leaders value high-quality housing solutions. Kansas City, Ks. will prove the importance of sustainable growth, through offering a variety of housing options. Approving this project also reduces the negative impact of exclusionary zoning practices.

This project is critical to the trajectory of creating one of the most desirable areas of Wyandotte County to live in. I urge you to support the Woodside Village Rosedale project through this approval process. Together, let's get this done for the good of our people and our city. Thank you for serving our community now and for your commitment to its bright future.

Sincerely,
Mike King = President/CEO, Youthfront

Amy Grant

Subject: FW: Followup Re: FW: Woodside Village Rosedale

Subject: Please Progress the Woodside Village Rosedale Project
To: planninginfo@wycokck.org; Commissioner@wycokck.org

Dear Planning Commission and Commissioners:

Hope you're having a great day. I'm writing to you today in support of the Woodside Village Rosedale project.

I live down the street from Woodside at 4514 Francis St, Kansas City, KS 66103. I can see the development project area from my front porch. I truly believe this project will benefit our neighborhood in several ways.

The Woodside development and continued improvements, over the last few years, has helped Spring Valley property values increase and have helped keep our neighborhood moving upwards in quality of life. It has made our area more desirable in many facets including housing.

Blair Tanner and his Woodside team listened to me and our neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale Project! Quality multi-family apartment living options are needed in our area.

Thank you so much for your public service, time and consideration. Please let me know if you have any questions about my opinion on the project.

Sincerely,

Dan Thompson

Dan Thompson
Owner- Thompson Enterprise Group, LLC
913-579-2263
DanThompsonKC@gmail.com

Please Support Quality Multi-family Apartments at the Woodside Village Rosedale Project

Jason Grill <jgrillmedia@gmail.com> Mon, May 9, 12:44 PM

to PlanningInfo, commissioner, bcc: Blair, bcc: Amy, bcc: Bob

Dear Planning Commission and Commissioners:

Good afternoon. Hope you're doing well!

I'm reaching out today to urge you to please support multi-family housing options in Wyandotte County. One way you can do this is by progressing the Woodside Village Rosedale project forward.

The project creates quality, first class multi-family apartments at the entryway to Wyandotte County coming from Johnson County. This project will continue to advance the community and our region moving forward.

Supporting desirable multi-family apartments in Wyandotte County will build a diversity of housing options in the community and show that Wyandotte County is a city of the future and not the past. Demonstrating smart growth and reducing the negative impact of exclusionary zoning practices are important.

For these reasons, I urge you to support and progress the Woodside Village Rosedale project in front of you throughout the approval process.

Thank you for your service to this community and its future.

Have a great week!

Best -

Jason Grill
Consultant - Apartment Association of Kansas City

Amy Grant

Subject: FW: Woodside Village Rosedale Project

From: Megan Lovelace <meganlovelace@hotmail.com>
Subject: Woodside Village Rosedale Project
Date: April 11, 2022 at 8:28:43 PM CDT
To: planninginfo@wycokck.org, Commissioner@wycokck.org

Dear Planning Committee and Commissioners,

I'm writing you today in support of the Woodside Village Rosedale project. The new Woodside project offers housing options our community needs. I see this to be an extremely positive development and will help our community grow in the right direction.

I just moved to the Rosedale/Spring Valley neighborhood two and half years ago (4458 Francis St). I love seeing this area evolve! I've been a member of Woodside Tennis Club for nearly eight years. I've seen first hand the changes made to better the community and it's surrounding neighborhood. I strongly believe the ownership has what it takes to accomplish its dream of a new apartment structure.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping excite me very much!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this are crucial!

Thank you for your public service and consideration.

Sincerely,
Megan Lovelace
meganlovelace@hotmail.com
816.602.1873

Support of Woodside Village Rosedale - Vote YES Inbox ×

Kenny Cohrs <kennycohrs@gmail.com>
to planninginfo, Commissioner, jparker, btoy, bcc: me

Dear WYCO Commissioners and Representatives:

Hope you're having a great day.

As a nearby resident in the neighborhood of the potential Woodside Village Rosedale project, I am voicing my SUPPORT of the project.

Please VOTE YES in support of Woodside Village Rosedale.

Thank you for your consideration.

--
Sincerely,
Kenny Cohrs, MBA
Co-founding Managing Partner
Liquid Minded Concepts
816.739.2177
kennycohrs@gmail.com

Date: 10/3/22

Name: Anthony Null

Address: 4520 Francis Street KCKS 66103

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

Anthony Null

Date: 10/6/2022

Name: GREG ARNOLD

Address: 4524 FRANCIS

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

KANSASGA@gmail.com

Date: 10/3/22

Name: Michaela Russell

Address: 4506 Francis St Kansas City, KS 66103

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Michaela Russell

Date: 10/4/2022

Name: Sarah Sadler

Address: 4509 Francis St. KC, KS

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

Sarah Sadler, home owner in KC, KS.

Date: 10/3/22

Name: Jackson Roepe

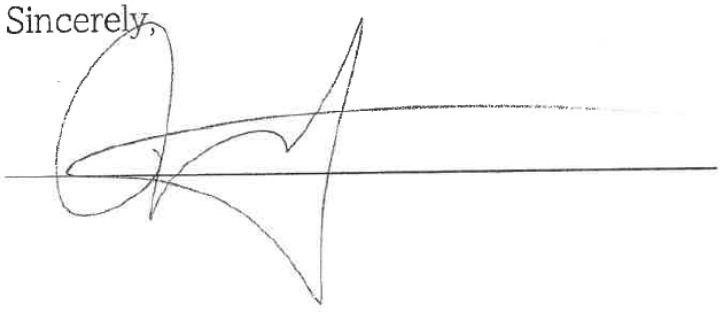
Address: 4506 Francis St Kansas City, KS, 66103

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10/5/2022

Name: Sophie Sadler

Address: 4507 Francis St, Kansas City, KS 66103

Dear Kansas City Planning Commissioner and District Representatives:

I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Date: 10-3-22

Name: GERALD GREER

Address: 4503 FRANCIS ST.

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

Date: 10/6/22

Name: Mark Dickerson

Address: 4458 Francis St. KCKS 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

juliannvanliew94@gmail.com

Date: 10/5/22

Name: Juliann VanLiew

Address: 4445 Francis St. Kansas City, KS 66103

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Juliann Van

Date: 10/6/22

Name: BETH CHERSON

Address: 4535 CAMBRIDGE ST KCKS 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

Date: 10/2/22

Name: STORM FRITZ

Address: 4203 Booth St KCK

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Date: 10/5/21

Name: Amber Turner

Address: 4521 Eaton St KC KS

Dear Kansas City Planning Commissioner's and District Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Amber L Turner

Date: 10/6/22

Name: Colt McArthur

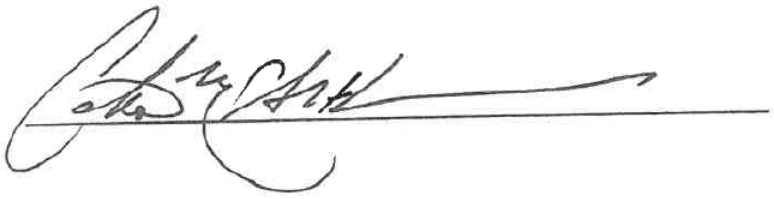
Address: 4836 Booth

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 6 October 2022

Name: Jeff Wells

Address: 4505 EATON ST

Dear Kansas City Planning Commissioner's and District Representatives:

I live very close and support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

JWells

Date: 6 October 2022

Name: Pascale Simunich

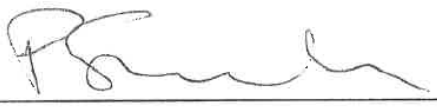
Address: 4505 EATON ST

Dear Kansas City Planning Commissioner's and District Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10/5/2022

Name: Amy REARDON

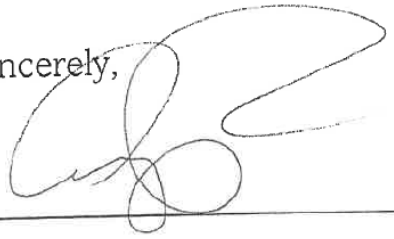
Address: 4501 EATON ST KC KS 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



owner of mediterranean market

Date: 10/6/22

Name: Mohamad Almohjmed

Address: 1404 westport Rd kc mo 64111

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Owns: Rainbow Cleaners & KC Car Gallery

Date: 10-6-22

Name: [signature]

Address: 4511 Rainbow Blvd.

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

[signature]

Date: 10/5/22

Name: Tim Akhmedov

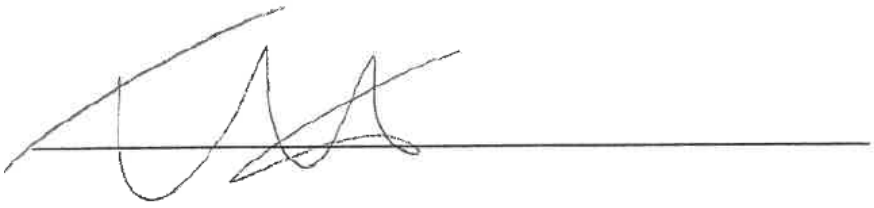
Address: 4903 W. 43rd Place, Kansas City, KS

Dear Kansas City Planning Commissioner's and District Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,



Date: 10-5-22

Name: Siara Stahl

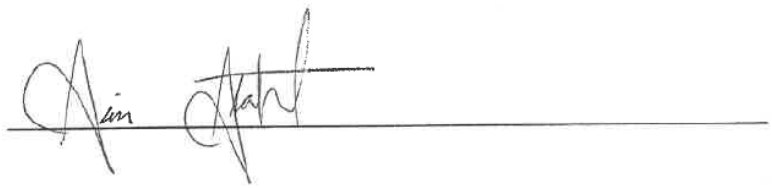
Address: 1903 W. 43rd Place, Kansas City, KS, 66103

Dear Kansas City Planning Commissioner's and District Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



September 29, 2022

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. I own a business at 1813 Stateline. The overall development of Woodside Village has had a positive impact on the community and neighborhood.

For these reasons, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in this area.

Sincerely,

Misty Jennings

816-214-8846

John Golway
4320 ~~4139~~ Lloyd, KC, KS 66103
09-29-2022

Dear local commissioners,

I fully support the expansion proposal to extend Woodside Village. I have heard many good things about how they run the club and apartments.

I think this last/latest version shows they listened to the local community and made changes accordingly. I do know other folks in the area that are okay with it but don't have the time to come out and support. I have encouraged them to do so.

As a representative of Rosedale, please vote yes.

Warm regards,

John P. Golway

816-916-6660

Parker, Janet

From: Kenny Cohrs <kennycohrs@gmail.com>
Sent: Monday, October 10, 2022 10:35 AM
To: PlanningInfo; Board of Commissioner's Office; Parker, Janet; Toy, Byron
Subject: Support of Woodside Village Rosedale - Vote YES

Dear WYCO Commissioners and Representatives:

Hope you're having a great day.

As a nearby resident in the neighborhood of the potential Woodside Village Rosedale project, I am voicing my SUPPORT of the project.

Please VOTE YES in support of Woodside Village Rosedale.

Thank you for your consideration.

--
Sincerely,
Kenny Cohrs, MBA
Co-founding Managing Partner
Liquid Minded Concepts
816.739.2177
kennycohrs@gmail.com

Dated: October 2, 2022

KCK City Planning Commissioners:

I live at 2109 W. 43rd KCK, and I want you to know I support the new apartment plan for Woodside. I walk in the area, and I believe this will be an upgrade to what there is now. It will really help 45th st and walking to Rainbow.

Please vote "yes" in support of moving the project forward.

Sincerely,

Anna Leigh Wessling

Parker, Janet

From: Marisa Butler <marisabutler@gmail.com>
Sent: Friday, October 7, 2022 8:07 AM
To: PlanningInfo
Subject: 4601 Rainbow comments

I am Expressing my Concern about the Proposed Development by Woodside Development, application number COZ2021-48 Woodside Village Rosedale, 4601 Rainbow Blv.

I see that the planners have attempted to just barely meet the criteria for the master plan design guidelines by cutting out a section of their building at the back. Though this does technically meet the guidelines, I still struggle to see the beneficiaries of the plan outside of Woodside owners, they certainly aren't for the houses on 46th street that will be in shadows for multiple hours a day after the building is completed, according to the shadow study that was completed on the revised project. They aren't for the residents on 46th street, who will see an increase of delivery trucks and traffic as more than 100 units are added. The traffic study was done predicating an assumption for already increased traffic to the area, so their numbers given for increased traffic are in addition to an assumed increase and they seem artificially low to someone who drives in the neighborhood. Our current neighborhood streets are not passable by two vehicles at the same time and are routinely clogged when two opposing cars meet or when an Amazon or UPS truck comes down the street.

To add, this building and the developers have not committed to add any affordable units in a neighborhood that has become increasingly unaffordable. One of the greatest strengths of WYCO in my opinion is its affordability and diversity which is at risk when people become priced out. I don't have a problem with adding additional units or density to an area to create overall affordability, but this project does not do that in any way. In fact, the $2400 price tag seems as it will only encourage increased rents in the area.

I can say personally that Woodside has not been trustworthy or a good neighbor to Spring Valley. We've put up with construction runoff and their attempts to route large trucks through our neighborhood. These trucks would routinely get stuck and block residential driveways for hours. They didn't stop until neighborhood opposition rose and the city stepped in with signage to make them stop. I also want to add that Woodside's previous phases were built cheaply and had severe mold issues, so I am not trusting current promises to do right by neighbors.

I would also ask what community value does Woodside provide? They don't provide any discount to residents in our neighborhood to make their facility more affordable or attractive to Wyco residents, in an area that doesn't have its own community fitness facility or public pool. Again, the proposed units are not affordable in any way to people already living in the area. I am still strongly opposed to this project despite the changes the developer has made. I also oppose any use of incentives or financing for this project, as we need them to incentivize projects that actually benefit Wyco residents.

Marisa Butler
4462 Cambridge Street
Kansas City, KS 66103

Parker, Janet

From: Valorie J Wells PhD <valoriejwells@gmail.com>
Sent: Friday, October 7, 2022 10:57 AM
To: PlanningInfo
Subject: Woodside Rosedale Proposal

Dear Planning Commission,

As a long -time resident of Spring Valley neighborhood and a member of the RDA Board of Directors with a seat on the Rosedale Master Plan Implementation Committee, I must express my opposition to the Woodside Rosedale Proposal.

In addition to the specific objections outlined in Executive Director of RDA, Erin Stryka's letter, I want to draw the Commission's attention to the Rosedale Master Plan's focus on:
-respect for and preservation of historic and unique neighborhoods -maintaining equitable and affordable housing options for diversity and inclusion.

The majority of Spring Valley homes were built in the early 1900's. This is now, as it was almost 100 years ago, a diverse and inclusive blue-collar neighborhood. There are more single family, owner-occupied homes than rentals. We walk ou kids to the nearby school, walk our dogs before/after work, jog and garden just like any suburban neighborhood. We le our dogs greet and sniff while we chat. We stop to compliment the efforts of our neighbors' veggie and flowerbeds eve on the smallest city lots. We keep up with who's on vacation or in hospital and watch the house for them. We know o Community Police Officer and the President of our neighborhood.

And we also know almost every resident's vehicles. You see, in addition to our quaint bungalows and shirtwaist turn of the century homes, Spring Valley was built with streets for Model Ts.
This megaplex of 149 luxury apartments will not only add approximately 225 more residents' vehicles but also their guests. On-street parking on 46th St is already restricted, as it is in much of Spring Valley. There just isn't enough street space left to add all the Woodside vehicles which do not merit a garage space.

Most importantly, as a Spring Valley taxpayer, I do not support any incentives for developments which do not provide a least a reasonable portion of affordable rents. This proposed luxury megaplex is contrary to the distinct and desirable flavor of this neighborhood. The Rosedale Master Plan accurately reflects the values and goals of the people who choos to make Spring Valley their home. Affordable, reasonable, proportionate and complementary developments, such as th townhomes on Rainbow Blvd at 45th St, are welcomed.
Please respect the Rosedale Master Plan which so succinctly states the intentions of a number of diverse, inclusive and unique residential areas.
I ask that the Planning Commission insist on no more than 3 floors on 46th St, no street parking and some portion of affordable rents for a more diverse, inclusive and equitable use of Rosedale property.

Respectfully,
Valorie Wells Fenton

Valorie J Wells Fenton
Sent from my iPhone

Parker, Janet

From: Shari Wilson <sharilea51@gmail.com>
Sent: Thursday, October 6, 2022 8:32 PM
To: Parker, Janet
Subject: Letter in Opposition to COZ2021-048 and BZA2022-046

Dear Janet,
This letter is in opposition to the above-referenced development plans and variance application. As a homeowner adversely affected by these proposals, I would like to raise four issues:

1. The shade study conducted by the developer still keeps my home in total shade for an unacceptable portion of the day during the winter months.
2. The mass and height of the development are still not in compliance with the Rosedale Master Plan. Developers are in total violation of 40' 1 1/2" at the 5-story height on 46th Avenue and 78' 8" on Rainbow Boulevard. These are significant violations and the development does not integrate well with our neighborhood. The development needs to be further downsized, especially along 46th Avenue.
3. The proposal for delivery trucks to enter off Rainbow and exit onto 46th Avenue into our neighborhood's narrow streets will cause considerable additional traffic. Statements that delivery companies will coordinate deliveries to the entire neighborhood so as not to increase truck traffic are not borne out by current delivery truck traffic of two and three trucks per day from the same delivery companies on our streets; these numbers will increase significantly with the number of residents proposed in this development.
4. Parking on side streets in our neighborhood will increase due to lack of parking availability for employees and patients of the dentist's office at Rainbow and 46th Avenue. Our streets are so narrow that vehicles such as fire trucks, ambulances, and trash trucks will not be able to pass if parking increases on side streets. This is already an issue when vehicles are parked on both sides of the street.

I am in opposition to this development as proposed.

Best,
Shari

Shari L. Wilson, M.A.
sharilea51@gmail.com
4529 Francis St.
Kansas City, KS 66103

ROSEDALE
DEVELOPMENT ASSOCIATION

Working in partnership with residents, businesses, and institutions to build a strong and healthy community and to improve the quality of life for those who live, work, and play in Rosedale.

October 10th, 2022

City Planning Commission
701 N. 7th St. Trfwy
Kansas City, KS 66101

Re: 4601 Rainbow

Dear Planning Commissioners,

After a great deal of discussion and consideration, RDA's Master Plan Implementation Committee has concluded that while this version of the proposal more closely adheres to the Master Plan's multi-family residential design guidelines, it still falls short of the standard the neighborhood has set out. RDA opposes the proposal due to the results of the shadow study and to the failure of the proposal to meet the overall housing goals of the Master Plan.

During the May Planning Commission meeting when this was originally heard, another member of the RDA team stated, "During the neighborhood meeting, the developers shared that they didn't want to follow the height transition guidelines because it would look odd, like tetris pieces carved out of a building. I would suggest that that's because stepping back the northeast corner of the building is a minimum— it's actually much more appropriate to reduce the height of the whole section along 46th to 3 stories from 5 stories, to make a more gradual transition in height and from single family to dense multifamily. This would also preserve some sunlight during the winter months for neighbors to the north, who would otherwise be in total shadow for 3 months out of the year."

This version of the proposal has taken the bare minimum approach, carving out the tetris piece on the end of the building and reducing the overall height one story instead of by two. Unfortunately, as the shadow study shows, the bare minimum approach still leaves the neighbors immediately to the north in shadow for most of the day during the winter months.

That's unfair to those neighbors and a valid reason to oppose this proposal, but the fact is there's a larger issue at stake. The goal for housing in the Master Plan is to "Protect historic and single family neighborhoods with strong home ownership while increasing housing options

913 677 5097 *Office* ▪ 913 677 3437 *Fax* ▪ 1403 Southwest Blvd. ▪ Kansas City, KS 66103 ▪ info@rosedale.org

ROSEDALE
DEVELOPMENT ASSOCIATION

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and density with quality, well-designed apartments and townhouses on major streets and redevelopment districts. Maintain affordability, inclusion, diversity, and neighborhood stability. Provide housing opportunities for all incomes and include housing in Rosedale for seniors, students, area employees, and families."

As proposed, this development does not maintain, and in fact poses a major threat to, affordability, inclusion, diversity and neighborhood stability. At an average rent of $2,400/month, this housing is not accessible to most people who currently live in Rosedale, including most students. We are very concerned about the effect adding 149 apartments at this price point will have on other rents in the area, as other developers and landlords look at nearby properties to set their own rates. When rent rises steeply, we begin to see low and middle income residents pushed out of the neighborhood that they have worked hard to build into a thriving community. This destabilizes the neighborhood and means that the major investments the community, the hospital and medical center, and the UG have made in Rosedale's parks, trails, sidewalks, streets, and businesses end up being inaccessible to the people who worked for them. The highly amenitized, market-rate development recently approved (with RDA support) for 36th and Rainbow will provide ample housing options for the upper end of the income bracket without compromising neighborhood affordability and stability in the same way.

We're glad to see that this version of the proposal better meets the urban design guidelines laid out in the Master Plan. However, as long as the proposal works against the core goals of the Master Plan by threatening affordability and neighborhood stability, we're not able to support it.

Thank you,

Erin Stryka
Executive Director
Rosedale Development Association

913 677 5097 *Office* ▪ 913 677 3437 *Fax* ▪ 1403 Southwest Blvd. ▪ Kansas City, KS 66103 ▪ info@rosedale.org

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 27, 2022

Re: **Change of Zone Petition COZ2022-033 and Master Plan Amendment MPL2022-020**

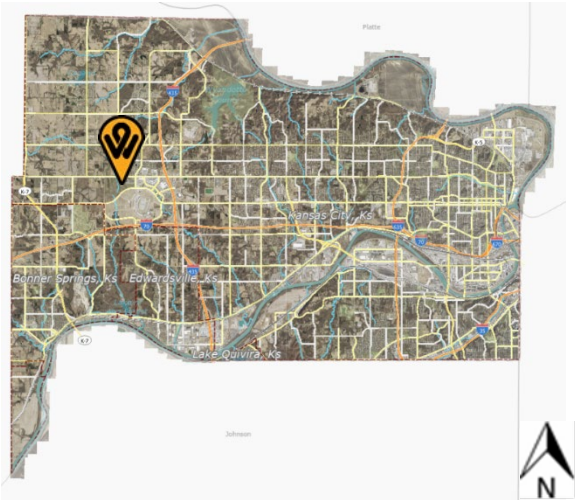
GENERAL INFORMATION

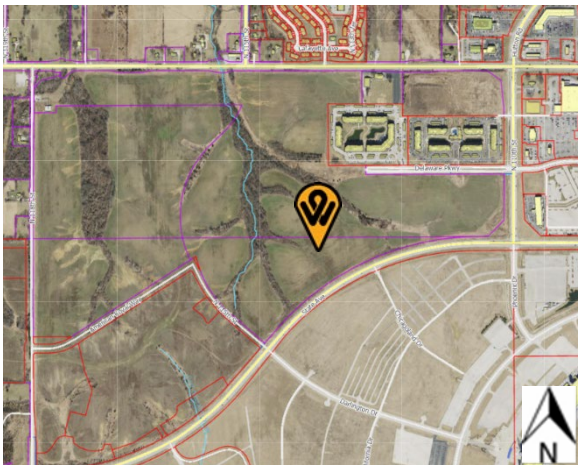
Applicant:
Todd Thomas

Status of Applicant:
CPC Land Acquisition Company LLC
14160 North Dallas Parkway, Suite 750
Dallas, TX 75254

Requested Actions:
To approve a Master Plan Amendment from Planned Mixed Business Park/Commercial District (Prairie Delaware Piper Master Plan) to Medium Density Residential (City-Wide Master Plan).

Change of Zone from A-G Agriculture District to RP-4 Planned Garden Apartment District.





Date of Application:
August 26, 2022

Purpose:
To rezone and build an apartment complex consisting of cottage-style single-family homes and duplexes totaling 232 units.

Property Location:
1921 North 118th Street

Commission District: Commissioner At Large, District #2: Tom Burroughs
District #7 Commissioner: Chuck Stites

Existing Zoning: A-G Agriculture District

Adjacent Zoning:
North: A-G Agriculture and RP-5 Planned Apartment Districts
South: A-G Agriculture District
East: A-G Agriculture District
West: A-G Agriculture District

Adjacent Uses:
North: Apartments (approved) and undeveloped land
South: Kansas Speedway
East: Undeveloped land
West: Undeveloped land

Total Tract Size: 32.19 Acres

Master Plan Area: Prairie Delaware Piper Master Plan

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Business Park/Commercial District, which allows commercial retail and limited commercial services, convenience retail, major retail uses, as well as manufacturing, light industrial uses, distribution-warehouse, trucking, and other employment activity.

A Master Plan Amendment has been submitted to Medium-Density Residential (City-Wide Master Plan), which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.

Major Street Plan: The Major Street Plan classifies State Avenue as a Class A Thoroughfare and Delaware Parkway as a Parkway.

Required Parking: Required Parking: Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. There are 41 one (1) bedroom unit and 191 two (2) and three (3) bedroom units; therefore 444 parking spaces are required. 462 off-street parking spaces are provided.

Advertisement: The Wyandotte Echo – Change of Zone – September 15, 2022; Master Plan Amendment – September 15, 2022

	Letters to Property Owners – Change of Zone – September 16, 2022 and September 16, 2022; Master Plan Amendment – September 16, 2022
Public Hearings:	October 10, 2022 and October 27, 2022
Public Support:	None to date.
Public Opposition:	One person appeared in opposition/questions at the October 10, 2022 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Todd Thomas with CPC Land Acquisition Company, LLC, wants to rezone 1921 North 118th Street from A-G Agriculture District to RP-4 Planned Garden Apartment District to build cottage-style single-family homes and duplexes totaling 232 units on 32.19 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The character of the neighborhood is bounded by the Kansas Speedway to the south, and undeveloped land to the east and west. There are two multi-family apartments and a third multi-family complex (approved) north across Delaware Parkway. This site is on the far western edge of the Legends and Village West area.

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 not necessarily compatible with the surrounding properties to the west, where the American Royal is approved to be constructed, but also the Kansas Speedway adjacent to the south. High density development should occur at major intersections along transit corridors and while Urban Outfitters distribution center has a bus stop, it is intended to primarily serve that employment center.

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 the proposed development as it is adjacent to more intense businesses and multi-family residential apartments to the east and north, respectively. The property serves as a buffer between the change in density as it is designed to have the look and feel of a detached dwelling community of single-family and duplex residential units. The design concept, if properly executed, should not detrimentally affect the nearby property although the details of the plan and its execution need further staff review to determine the extent of the effect of its development on said neighboring property.

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

   The property is not vacant as there is a telecommunication tower located in the northwest corner of the parcel, abutting North 118th Street and Parallel Parkway intersection. Otherwise, this property is being use as agricultural land.

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

   The proposed development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or duplex. Given the close proximity to the Kansas Speedway, and a Class A Thoroughfare, typically, commercial uses and multi-family residential set the edge transitioning to lower densities (i.e., single family homes).

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

   The proposed development of 232 units, with access to State Avenue and Delaware Parkway that have three (3) apartment complexes exiting onto the road street will increase traffic in ways that could adversely affect road capacity or safety. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity, specifically looking at improvements to these intersections and sidewalk connections on both streets. Further comments may be forthcoming from Planning Engineering and Public Works Department.

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

   The proposed use does not conform to the Prairie Delaware Piper Master Plan; therefore, a Master Plan Amendment is sought from Planned Mixed Business Park/Commercial District to Medium Density Residential (City-Wide Master Plan), which allows attached residences such as duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches, and libraries.

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

   The applicant is proposing several new structures in close proximity to natural resources such as Connor Creek. Soil is highly erodible, and this development requires a large amount of land disturbance, grading, and staging. There is the propensity for issues related to grading, stormwater, and erosion that needs further evaluation by Staff to determine environmental impact.

   The proposed use can enhance the environment or mitigate the intensity of use through tree and stream preservation, enhanced landscaping throughout the development, internal and along the perimeter of the property. The property is changing from rural pasture land and treed land to a relatively flat, graded site. Landscaping and screening is imperative.

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

   a. ***Water service***

      BPU provides water service.

   b. ***Sanitary sewer service***

      UG provides sanitary sewer service.

   c. ***Storm water control***

      To be designed to meet City Code.

   d. ***Police***

      Police service is provided by West Patrol, District #227.

   e. ***Fire***

      Fire service is provided by Fire Station #12 located off Hutton Road and Leavenworth Road.

f. Transit

Kansas City ATA does not provide transit service to this property. The closest transit stop is approximately three-quarter (3/4) mile to the east at Village West Parkway and Stadium Drive, Route #101.

g. Schools

Public education is provided by Piper USD 203.

h. Streets

State Avenue is a Class A Thoroughfare and Delaware Parkway is a Parkway, and the traffic study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between one (1), two (2) and three (3) bedrooms) within the complex will promote a diverse population to make use of the nearby employment and entertainment districts.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the intensity they originally sought to redevelop it as.

PREVIOUS ACTIONS

- In 2007, a rezoning from A-G Agriculture District to CP-2 Planned General Business District (COZ 2929) and Special Use Permit (SP-2007-42) for a 1,224,000 square foot resort casino was approved by the Board of Commissioners on December 4, 2007. (Withdrawn by the applicant).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at County Club Bank at 11006 Parallel Parkway on September 19, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

KCKFD Access
Open Space Preservation
Traffic
City-Wide Master Plan Multi-Family Design Guidelines
Pedestrian Connectivity/Bike Lanes
Massing and Building Orientation
Parking
Landscaping, Screening and Buffering
Lighting
Platting
Stream Buffer

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Master Plan Amendment MPL2022-020 and Change of Zone COZ2022-033, subject to:

1. **Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;**
2. **Proposed development within this preliminary plat will require civil drawings to be submitted for the final plat;**
3. **Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk in of these curb cuts;**
4. **In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.**
5. **Per the goDotte Mobility Plan, a 10-foot concrete sidewalk/trail shall be constructed on State Avenue, along the entire southern property line in the right-of-way. See the Regional Trail cross section in the attachments.**
6. **Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one (1) side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except industrial areas and except in subdivision zoned R Rural Residential District. Sidewalks shall be no less than four (4) feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall**

be in the platted street right-of-way abutting the property line.

A sidewalk on the south side of Delaware Parkway shall be constructed as part of this development. The internal sidewalk network (along the private street) shall connect to the sidewalk along Delaware Parkway;

7. **Greater emphasis should be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees;**
8. **Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1/B1;**
9. **At the end of the stub streets that provide off-street parking, connect into the internal sidewalk network. Additionally, those stub streets that are in the vicinity of the regional trail shall have a sidewalk that connects the internal sidewalk network to the trail network.**
10. **The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site;**
11. **Amenities shall be built in the first phase of the development;**
12. **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;**
13. **Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts;**
14. **The Final Development Plan will include FEMA compliant storm shelters either in the individual living units or in communal safe rooms located at the clubhouse and/or maintenance building. 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 (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection;**
15. **Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.**
16. **Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points within the development);**
17. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
18. **Carports within the development shall match the residences (roof pitch and materials) within the development;**

19. **The City Planning Commission approved the deviation for architectural design. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.**
20. **The City Planning Commission approved the deviation for materiality as per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.**
21. **Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;**
22. **Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site;**
23. **Sec. 27-460(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 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 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district;
24. **One (1) street tree shall be provided per 30 feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore 36 trees are required to be planted along State Avenue and 14 trees are required along the Delaware Parkway frontage;**
25. **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;**
26. **All landscaping shall be irrigated;**
27. **If proposed, 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;**
28. **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;**

29. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
30. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) 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;**
31. **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;**
32. **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;**
33. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
34. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
35. **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;**
36. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
37. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
38. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-033** and **MPL2022-020**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
City-Wide Master Plan Medium Density Residential Designation
City-Wide Master Plan Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
Regional Sidewalk/Trail Cross Section
KCKFD Comment Letter
Applicant Response Letter
Neighborhood Meeting Documents
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on September 14, 2022.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Rezoning	October 10, 2022 Approval	October 27, 2022
Public Hearing Master Plan	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-020** 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 **MPL2022-020** 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 **COZ2022-033** 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. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-033** 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 mentioned.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 3:40:27:

MASTER PLAN AMENDMENT MPL2022-020 – TODD THOMAS WITH CRITTRION - SYNOPSIS: Master Plan Amendment from Business Park (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) to construct duplexes and other multi-family residences at 1921 North 118th Street. A resolution adopting the Master Plan Amendment is also part of this application.

CHANGE OF ZONE APPLICATION COZ2022-033 – TODD THOMAS WITH CPC LAND ACQUISITION COMPANY - SYNOPSIS: Change of Zone from A-G Agriculture District to RP-4 Planned Garden Apartment District to construct duplexes and other multi-family residences at 1921 North 118th Street.

Detailed Outline of Requested Action: The applicant, Todd Thomas with CPC Land Acquisition Company, LLC, wants to rezone 1921 North 118th Street from A-G Agriculture District to RP-4 Planned Garden Apartment District to build cottage-style single-family homes and duplexes totaling 232 units on 32.19 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 October 10, 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:

- Curtis Petersen, attorney, representing the applicant, Polsinelli, 900 West 47th Place, Kansas City, Missouri

The Planning Commission directed questions to the applicant.

Present in Opposition/Questions/Support:

- Sarah Shafer, 11200 Delaware Parkway, Kansas City, Kansas

Staff Recommendation starts at 4:10:30: Planning Director Hand stated that the proposal includes both COZ2022-053 from A-G Agriculture District to RP-4 Planned Garden Apartment District and MPL2022-020 from Business Park to Medium Density

Residential. This property is in the Prairie-Delaware-Piper Master Plan. This is a large parcel the applicant is proposing to build on and it is also a relatively new use typology. At its core it is multi-family and needs to follow the Multi-Family Design Guidelines. Staff did their best to apply the Multi-Family Design Guidelines to essentially a single-family subdivision even though it is one (1) parcel with over 200 total units format. Staff is requesting sidewalks on both Delaware Parkway and State Avenue, which is a 10-foot wide off-street trail as per the goDotte County-Wide Mobility Strategy. Staff tried to work with the applicant extensively to ensure pedestrian circulation, i.e., across the development. The project will have numerous amenities such as the clubhouse, dog park, trails and open space. He stated that the single-family and duplex "pods" layout is not ideal. Staff and the applicant came to an impasse. Staff knows that development will occur directly to the east of this project and Staff is trying to create separation and reintroduce the grid network in-between these two (2) arterial streets as it relates specifically to the private drive connecting Delaware Parkway to State Avenue. Staff is asking that they flip the road so it runs along the edge of their property. As it is designed now, people driving down the public streets will see the back of the garages, which is fine within the development but not on its edges. Staff is requesting that they change that design for the single family pods along State Avenue and the redesigned eastern private road and whatever happens to the east of the property could then align to the proposed private drive built to UG standards. Access to the development would then be behind that road. He stated that he will address the requested deviations but it is important to know that Staff uses these conditions to enforce building permits and final inspections and as such should remain. Director Hand addressed the following requested deviations and the Commission asked questions as he went through the conditions:

3. As discussed previously with Planning Staff, a separate roadway, directly connecting Delaware Parkway to State Avenue was asked to be incorporated into the plans. Traffic calming design and measures can be installed to slow down vehicles to prevent a "drag strip", but would allow for traffic to bypass the development for major thoroughfare access. In addition to creating the road, flip the residences so their fronts of face the street and their rears open into the green space of the neighborhood pods. Also, the road will create access and division of the future use to the east. Staff remains a proponent of a straight-line through street from Delaware Parkway to State Avenue. The street will allow vehicles from Delaware Parkway in Village West Apartments I, II, and III to access State Avenue without driving through the multi-family development – Staff defers to the Commission.

8. Greater emphasis needs to be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees – Staff believes that this condition needs to remain to continue to apply emphasis to the pedestrian entrances to both this development. The condition could be changed to say greater emphasis should be put on pedestrian entrances so Staff can continue to advocate for the design guidelines.

11. The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site –

12. Amenities shall be built in the first phase of the development;

Staff believes this condition needs to remain. This condition and #12 allows the Staff to advocate for two (2) things. One (1) they have to meet all of their amenity requirements, which this project does. Two (2), regardless of phasing, the public improvements should happen in the first phase. There have been many times when the public improvements were tied to future phases and the future phases did not occur. Staff is not asking that the amenities be relocated because they are currently located evenly across this proposed development.

14. Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts - If the Commission wishes to remove this condition, a variance would be required. This condition allows continued conversation about future connectivity of the site.

15. 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 (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection; - Staff agrees with this change as proposed by the Applicant.

20. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade. The rear elevations should have "front" entries, similar to the front elevation. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation – Staff has no issue with this deviation. The Planning Commission would need to agree to both the architecture and material deviation proposed by the Applicant. Leaving the condition does not mean that they have to change anything but holds them to the intent of the design guidelines.

21. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation – Staff has no issue with this deviation. The Planning Commission

would need to agree to both the architecture and material deviation proposed by the applicant. Leaving the condition does not mean that they have to change anything, but holds them to the intent of the design guidelines.

23. Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site. These tree stands should not be thinned or removed as they provide a natural buffer – The second sentence can be removed as per the request of the applicant.

Director Hand stated Staff recommends approval subject to the conditions in the staff report.

The Planning Commission asked clarification questions for the conditions discussed by Director Hand.

Chairman Carson reopened the hearing for additional comments from Mr. Petersen.

Motion starts at 4:57:19:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-020 with the following changes to the conditions in the staff report:**

1. **Delete Condition #3**
2. **Keep Condition #8**
3. **Keep Condition #11**
4. **Keep Condition #12**
5. **Keep Condition #14**
6. **Modify Condition #15 as per the applicant's request – storm shelters – Proposed revision: The final development plan will include FEMA compliant storm shelters either in the individual living units or in communal saferooms located at the clubhouse and/or maintenance building.**
7. **Approve the deviation for Condition #20 – façade architecture**
8. **Approve the amendment from staff for Condition #21 – façade materials**
9. **Modify Condition #23 as per the applicant's request – tree preservation**
10. **And the remaining conditions in the Staff report:**

Carson	Chairman
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend **APPROVAL** Passed: 6 to 1
Subject to:

1. **Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;**
2. **Proposed development within this preliminary plat will require civil drawings to be submitted for the final plat;**
3. **Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk in of these curb cuts;**
4. **In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.**
5. **Per the goDotte Mobility Plan, a 10-foot concrete sidewalk/trail shall be constructed on State Avenue, along the entire southern property line in the right-of-way. See the Regional Trail cross section in the attachments.**
6. **Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one (1) side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except industrial areas and except in subdivision zoned R Rural Residential District. Sidewalks shall be no less than four (4) feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be in the platted street right-of-way abutting the property line.**

   A sidewalk on the south side of Delaware Parkway shall be constructed as part of this development. The internal sidewalk network (along the private street) shall connect to the sidewalk along Delaware Parkway;
7. **Greater emphasis should be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees;**
8. **Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1/B1;**
9. **At the end of the stub streets that provide off-street parking, connect into the internal sidewalk network. Additionally, those stub streets that are in the vicinity of the regional trail shall have a sidewalk that connects the internal sidewalk network to the trail network.**
10. **The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner**

of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site;

11. **Amenities shall be built in the first phase of the development;**
12. **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;**
13. **Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts;**
14. **The Final Development Plan will include FEMA compliant storm shelters either in the individual living units or in communal safe rooms located at the clubhouse and/or maintenance building. 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 (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection;**
15. **Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.**
16. **Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points within the development);**
17. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
18. **Carports within the development shall match the residences (roof pitch and materials) within the development;**
19. **The City Planning Commission approved the deviation for architectural design. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.**
20. **The City Planning Commission approved the deviation for materiality as per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.**
21. **Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;**
22. **Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site;**
23. **Sec. 27-460(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 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 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district;

24. **One (1) street tree shall be provided per 30 feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore 36 trees are required to be planted along State Avenue and 14 trees are required along the Delaware Parkway frontage;**
25. **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;**
26. **All landscaping shall be irrigated;**
27. **If proposed, 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;**
28. **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;**
29. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
30. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) 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;**
31. **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;**
32. **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;**
33. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**

34. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
35. **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;**
36. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
37. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
38. **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.**

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-033:**

Carson	Chairman
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend **APPROVAL** Passed: 6 to 1
Subject to the above conditions

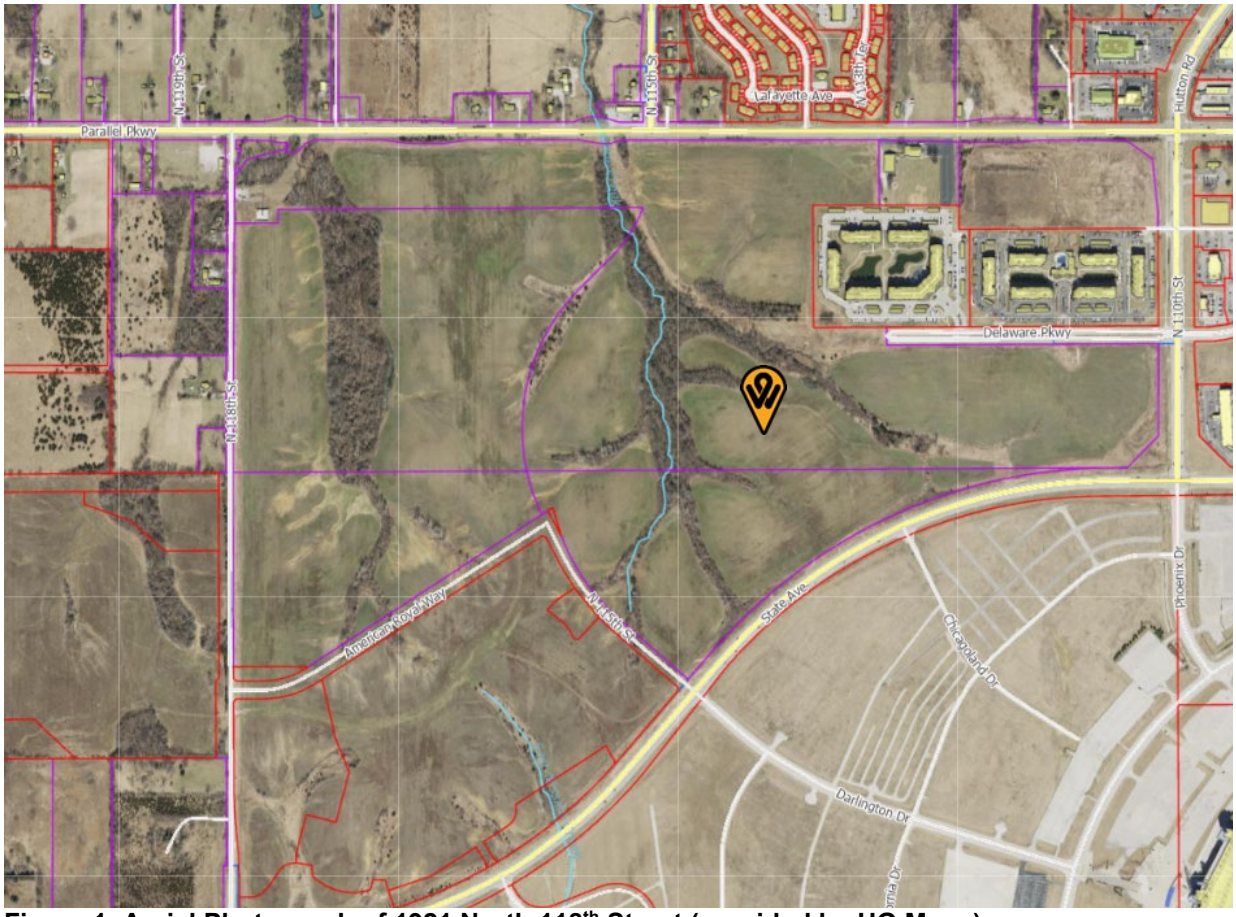


Figure 1. Aerial Photograph of 1921 North 118th Street (provided by UG Maps).

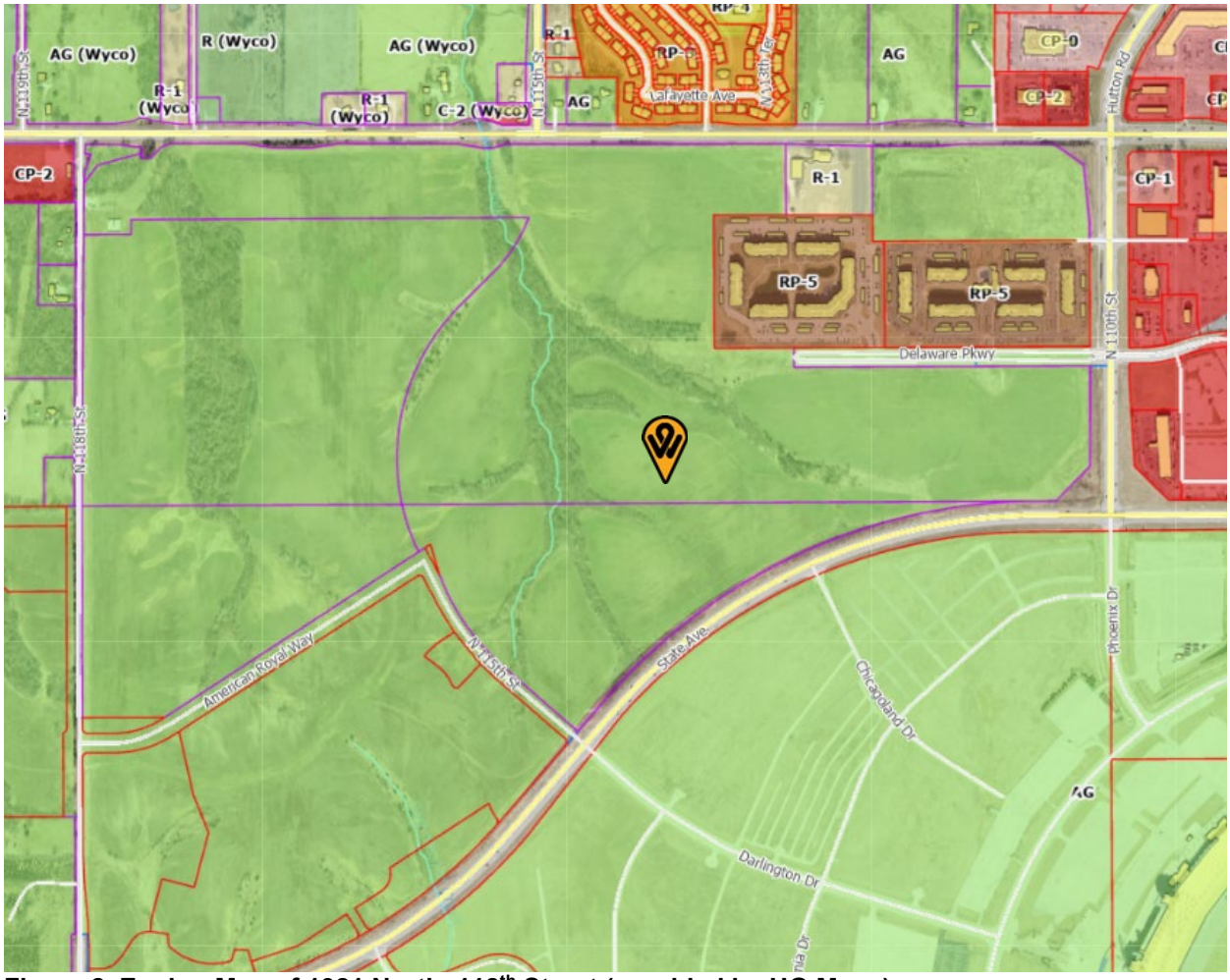


Figure 2. Zoning Map of 1921 North 118th Street (provided by UG Maps).

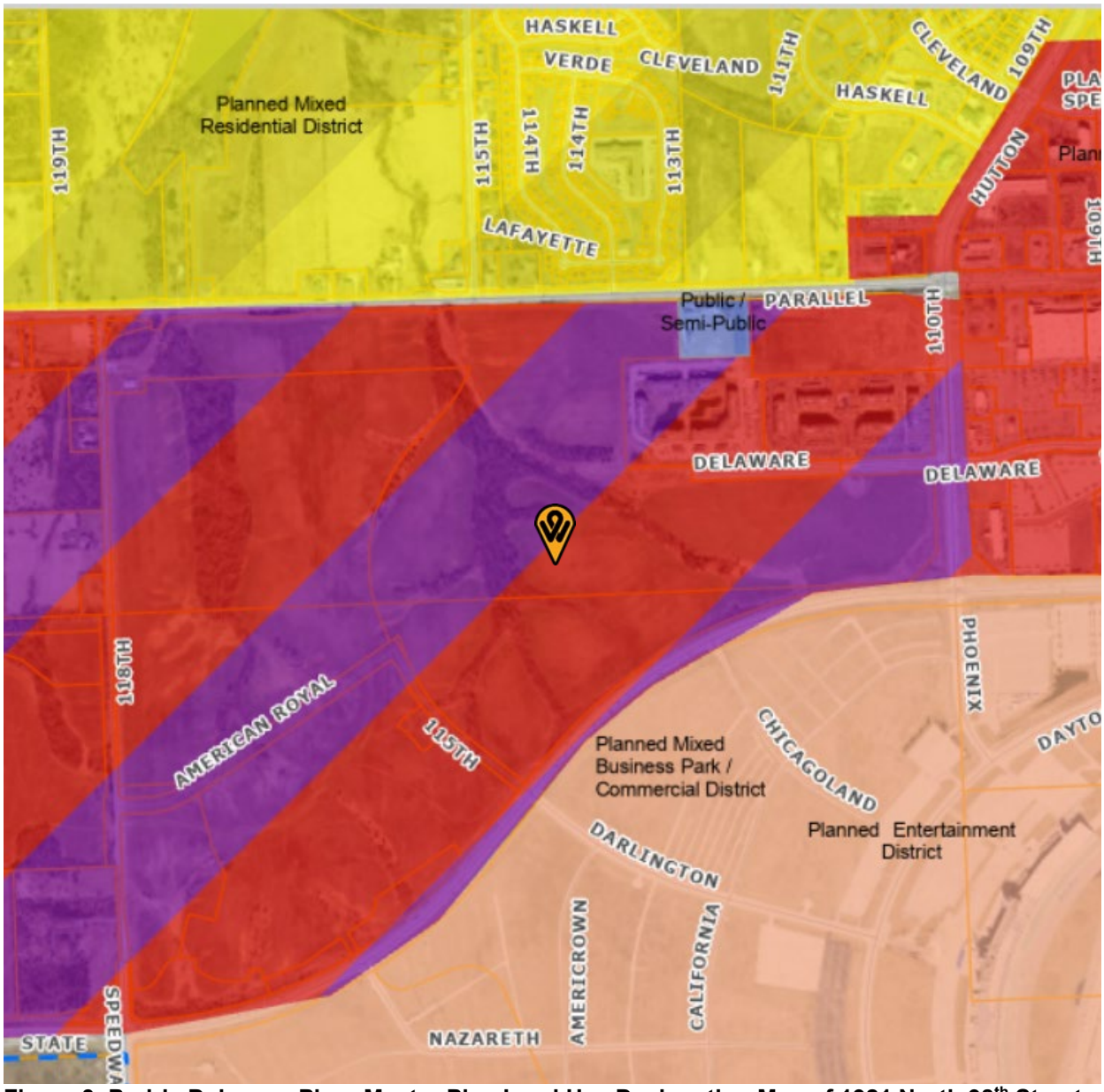


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 1921 North 98th Street (provided by ArcGIS Pro).

Medium-Density Residential: These uses are intended to provide for future housing needs through the construction of a wide variety of **attached** residential development.

- Allowed Uses:
  - Garden apartments
  - Attached residences including townhomes, duplexes, triplexes, fourplexes, etc.
  - Institutional uses such as elementary, middle and high schools, churches, libraries, etc.
  - Parks and open space
- Discouraged Uses:
  - All industrial uses
  - Business parks
  - Adult-oriented businesses
- Required Infrastructure:
  - Access to gravity sewer.
  - Access to a Class A, B or C thoroughfare or boulevard.
  - Minimum 8-foot sidewalk/trail along arterial road or 6-foot sidewalk/trail along collector road.
  - A traffic study will be required to determine access improvements such as turn lanes, intersection controls, etc.
- Open Space:
  - A minimum of 15% not including environmental constraints such as floodplain, swails, steep slopes, etc.
- Recommended Density:
  - 4 to 16 dwelling units per acre
- Green Principles:
  - Incentives should be provided for:
    - Use of the National Green Building Standard.
    - Leadership in Energy and Environmental Design (LEED) for Homes qualified rating.
    - Energy Star Qualified buildings and homes.
    - Bicycle and pedestrian connections to adjacent neighborhoods.
    - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
    - Integration of transit stops.
- Cultural Principles:
  - Provides multiple housing choices and price points
- Design Guidelines:
  - All developments must meet the minimum guidelines outlined on pages 45-46.
- Amenity Guidelines:
  - All new development projects must meet the minimum amenity guidelines outlined on page 42. Projects less than 50 dwelling units are not subject to these guidelines.

Multi-Family Residential Design Guidelines

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

- Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.
- All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - The primary entrance or entrances to each principal multi-family building;
  - To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
  - Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or personal service establishments; and
  - Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
- To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage.
- Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.
- The maximum length of a multi-family residential building shall be 200 feet.
- No more than six (6) townhome units shall be attached in any single row.
- There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.
- All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
- All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrance-ways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entry-ways, recreation areas, and laundry areas.

- On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty-feet (50') of building wall length.
- Unity of design will be maintained through the use of similar materials and colors throughout all multi-family developments.
- High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.
- For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.
- Exterior building materials **shall not** include the following:
  - Board and batten wood
  - Smooth-faced or gray concrete block
  - Painted concrete block
  - Tilt-up concrete panels
  - Field painted or pre-finished standard corrugated metal siding
  - Standard single or double tee concrete systems
  - Vinyl siding
- The rehabilitation of existing multi-family structures shall require the use of alternate materials subject to approval by the City Planning Commission.
- Predominant roof materials shall be high quality, durable material such as, but not limited to:
  - Wood shake shingles
  - Clay or concrete tiles
  - Composition shingles
  - Asphalt shingles
  - Other materials considered on a case-by-case basis
- Landscaping is required to screen all parking areas and service entries.

Amenity Guidelines

Amenities within residential developments are an important factor when potential home buyers consider purchasing a home. Amenities enhance the overall value of a neighborhood and allow residents to meet and get to know one another.

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

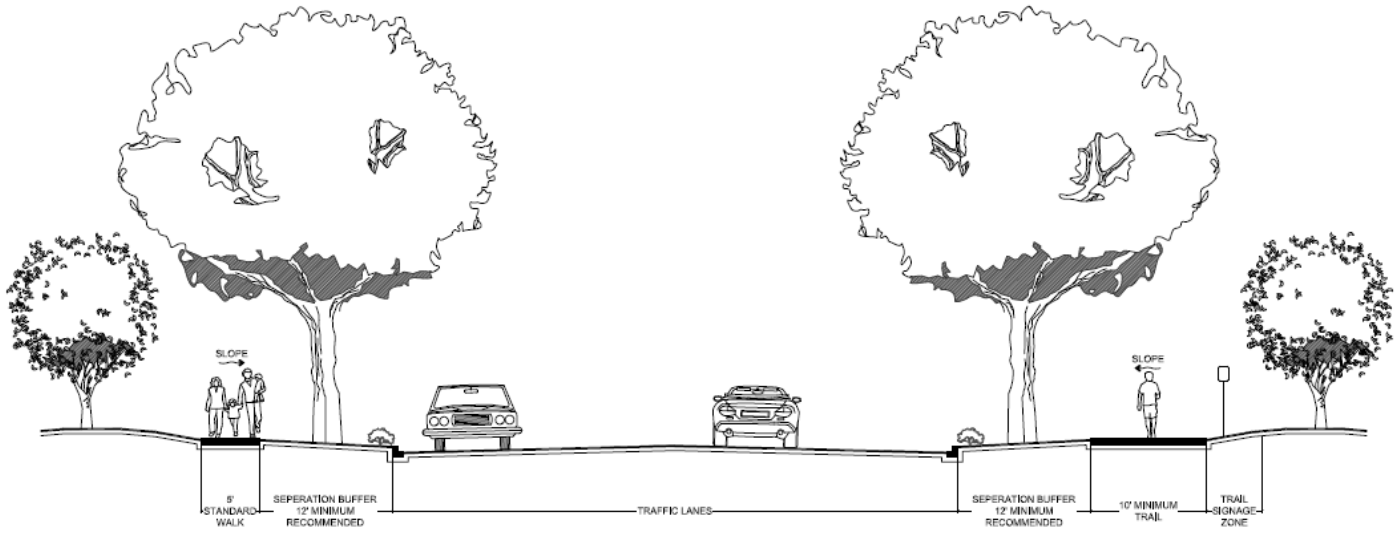
Multi-Family Residential Amenity Guidelines

Multi-family developments shall incorporate recreational amenities based on the number of units within the development. Multi-family developments with less than 25 dwelling units are required to have one (1) Small Amenity. Multi-family developments with 25-to-150 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a Small Amenity. Multi-family development projects with more than 150 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Residential Amenity Reference Table

Small:	
	Basketball, volleyball, or other court sport.
	Open play area of at least 15,000 square feet with maximum of three (3) percent slope and tow benches and one play structure.
	One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.
	Option provided by owner, but must be considered equal to one of the other small options.
Regular:	
	Swimming pool
	Golf Course
	Residential Clubhouse
	Two (2) basketball, volleyball, or other court sports.
	Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.
	Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.
	Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.

Figure 7.3: Regional Trail
Typical Cross Section



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

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas

FIRE DEPARTMENT-FIRE PREVENTION DIVISION
815 North 6th St. (913) 573-5550
Kansas City, Kansas 66101 (913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENTDATIONS

DRC No. BOZA Oct COZ2022-033 Address: 1921 N. 118th St

Development Name: TODD THOMAS Description: New Housing Development

STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

*Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All bldgs to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC
*Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC
-Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side
-Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side
-Roads over 32 feet wide (curb face to curb face) - on street parking allowed both sides
-Dead end access roads 150'+, SHALL comply with Sec. D103.4 and table D103.4, 2012 IFC for min. road width 26'(curb face to curb face) and min. cul-de-sac diameter of 96'.
*Fire access entrance roads must comply with Sec.D104.3 separated by min. 1/2 the diagonal of the area served, with (2)minimum entrances for subdivisions with more than 75 units per City Ordinance Chapter 15, Article III-Sec.15.54, D107.1
**Provide a fire truck turning drawing based on the following data:

Length- 40'	Inside turn radius- 28 ft
Wheel base- 272.5 in.	Wall to wall radius- 52.5 ft
Front overhang- 131.3 in	Curb to curb radius- 46 ft
Width- 84 in	Inside Cramp Angle- 40deg

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields Digitally signed by Harvey Fields Date: 2022.09.06 15:22:54 -05'00' 9/6/2022

Attending DRC Member: Date

I,_____, as_____of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date **Contact Phone Number and Email Address**

Mailing Address, City, State, and Zip Code

Platting
Stream Buffer

STAFF COMMENTS AND SUGGESTIONS - RESPONSES IN RED

Urban Planning and Land Use Comments:

General Planning:

1. Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan.
   RESPONSE: Acknowledged.

2. Provide an aerial photograph overlaying the proposed development to ensure that the tree stands are being preserved rather than remove and graded flat to fit the development, as opposed to the development fitting within the topography of the site.
   RESPONSE: Provided. Please see SP1.01.

3. The traffic study is being reviewed by Planning Engineering, Public Works Department, and a third-party consultant due to staffing. Additional comments may be forthcoming, which may result in this petition being continued for one (1) month.
   RESPONSE: Acknowledged.

4. As discussed previously with Planning Staff, a separate roadway, directly connecting Delaware Parkway to State Avenue was asked to be incorporated into the plans. Traffic calming design and measures can be installed to slow down vehicles to prevent a "drag strip", but would allow for traffic to bypass the development for major thoroughfare access.
   RESPONSE: The east-most drive provides a direct connection between Delaware Pkwy and State Ave with minimal turns at two intersections, providing an offset of the street which will perform as the requested "traffic calming" for through traffic. The tract to the east can be accessed from the proposed entrance drives off both Delaware Pkwy and State Ave, if desired in the future.

   In addition to creating the road, flip the residences so their fronts of face the street and their rears open into the green space of the neighborhood pods. Also, the road will create access and division of the future use to the east.
   RESPONSE: The fronts of the units along this street already face onto the street. Please see enlargement plan added to sheet SP1.01.

5. Greater emphasis should be placed on addressing the residential units along Delaware Parkway and State Avenue.

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Line residences along State Avenue and parking can be located in the rear, available on the east/west drive/street instead of having parking pods abutting State Avenue.

RESPONSE: Due to the classification of these streets, and the nature of this development, the design team does not feel that addressing these streets with the architecture is justified. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway, and this development is intended to convey a family friendly, high quality neighborhood atmosphere. Additionally, there are no other developments in this corridor wherein the architecture addresses these streets. All other buildings are set back and separated by parking and/or landscaping. However, additional landscaping has been provided along State Avenue to help screen the parking from the public way.

6. Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk in of these curb cuts.
RESPONSE: Crosswalks have been added.

7. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.
RESPONSE: Crosswalks have been added.

8. Redesign the duplexes to prioritize pedestrian entrances, not vehicles. Greater emphasis needs to be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access.

   Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees.
   RESPONSE: All units have been revised to give greater priority to the pedestrian entrances. All garage entries have been pulled back to be in plane with, or behind the pedestrian entries. In addition, the "POD" plan has been revised to show sidewalks leading directly to each living unit's main entry portico and front door. See architectural plans and L1.01 for typical "POD" enlargement illustrating design intent of entry connectivity.

9. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1 and B1.
RESPONSE: The "POD" plan has been revised to show sidewalks leading directly to the A1/B1 living units' entry porticos and front doors. Stepping stones will be provided to connect the rear entries to the internal sidewalk network to provide connectivity, but give priority to the front entry. This information will be

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provided at time of Final Development plan so they can be coordinated with the rest of the landscape planting plans.

10. The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site.
RESPONSE: In rental multi-family developments, it is important that the leasing and management offices be located in close proximity to the primary vehicular entrance to the development. At Cottages at Village West, the primary vehicular entrance is intended to be off Delaware Parkway. This is consistent with Delaware Pkwy being the primary vehicular entrance for the other existing and proposed residential developments accessed off of Delaware Pkwy. It is also very important that other major resident amenities be in close proximity to the management staff. Other minor amenities are proposed to be dispersed throughout the larger common green spaces interior to this development plan.

11. What on-site amenities will be provided as part of this development? Three (3) amenities, two (2) regular and one (1) small are required.
RESPONSE: The on-site amenities include: a walking trail along the entire west side preserved green space of this development, a dog park in the northwest corner, the Clubhouse which includes a workout facility, co-working spaces, community game room, catering kitchen and bar, swimming pool, sun deck, BBQ pavilion and hammock trellises, a dog grooming facility along with the maintenance facility in the southwest corner of the site, a community garden and remote BBQ and picnic areas in other central large green spaces.

12. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line.
RESPONSE: The proposed development plan does not include any public streets or internal property lines.

13. Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts.
RESPONSE: The site plan depicts vehicular connections to both Delaware Pkwy and State Ave that could accommodate future connections to the vacant tract to the east.
14. 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 (FEMA Publication 320 or 361).

    Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection.

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RESPONSE: The final development plans will include FEMA compliant storm shelters either in the individual living units or in communal saferooms located at the Clubhouses and the Maintenance Building.

15. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.
RESPONSE: Plan has been revised.

16. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points within the development).
RESPONSE: Bike racks will be provided at the Clubhouse and at the other remote site amenities.

17. All existing and future driveways must feature curb cuts that are constructed to UG standards.
RESPONSE: Acknowledged.

18. 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.
RESPONSE: Acknowledged.

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

Building Architecture:

1. Provide multiple renderings of the "pod" system to better illustrate pedestrian access and connectivity to the internal sidewalk network. It does not appear that the front door is accessible to the sidewalk, only the garage on sheet L1.01.
RESPONSE: Plan sheet L1.01 has been revised to show sidewalks leading from the public walk to the front porticos of the B2 twin villa buildings and from the edge of the driveways to the entry porticos of the B3 and C1 buildings. Sidewalks already lead from the street frontage back between the

B2/B2 buildings to the A1/B1 building and out to the side drives adjacent to each POD. This enlargement is meant to illustrate the overall intent of the project sidewalk entry and connectivity of the pods.

2. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation.
RESPONSE: There are no garage entries fronting on either Delaware Pkwy or on State Ave. Parking areas and drives alongside the PODs located along the north side of State Ave are buffered from State Ave by additional landscape buffers and trees placed along State Ave. All internal streets are private and not classified as arterial or collector.

3. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade. The rear elevations should have "front" entries, similar to the front elevation. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation.
RESPONSE: The side and rear elevations incorporate window, door and cornice trims similar to that depicted on the front elevations. Each living unit has an exterior patio accessible through a three-panel exterior door array. Those patios are roofed over on the B2, B3 and C1 buildings.

4. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation.
RESPONSE: The front elevations have been revised to comply with the 40% stone/brick requirement. The side and rear elevations are sided with lapped siding and/or board and batt siding. This is consistent with the currently popular "Sonoma County Wine Country House" architectural style. The individual buildings will be finished in a variety of soft paint colors and trimmed in white.

5. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public.
RESPONSE: Acknowledged.

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Landscaping and Screening:

1. Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site.
   RESPONSE: The site plan has been designed to preserve and protect these existing treed drainage areas. Tree preservation is indicated on sheet L1.00.

2. Provide a site line cross-sections and perspective drawings of the development along Delaware Parkway, State Avenue, from the east and west property lines, and within the development itself.
   RESPONSE: Cross sections will be provided for Final Development Plan. A 3-Dimensional model of the entire site to provide the requested perspectives is not anticipated.

3. Sec. 27-460(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 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district.
   RESPONSE: All landscaping has been provided to meet application codes. See sheet L1.00.

4. One (1) street tree shall be provided per thirty (30) feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore thirty-six (36) trees are required to be planted along State Avenue and fourteen (14) trees are required along the Delaware Parkway frontage.
   RESPONSE: Street trees have been provided. Spacing along Delaware matches spacing of existing streetscape (approximately 35ft o.c.). 12 trees have been provided. Per UDO Sec. 32-359, this spacing is for medium sized trees. This same spacing will be used along State Avenue, requiring 31 trees. 31 trees have been provided, some of which will be evergreen trees to screen the parking as discussed in comment 5 response.

5. 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.

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RESPONSE: Overstory trees are proposed to be (2) inch caliper. Ornamental trees will be 6ft – 8ft minimum height, and evergreens will be 5ft – 6ft minimum height per UDO Sec. 27-702.1.

6. All landscaping shall be irrigated.
   RESPONSE: Acknowledged.

7. If proposed, all trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.
   RESPONSE: Acknowledged

8. 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.
   RESPONSE: Acknowledged

9. All electrical meter banks, typically on the side of the building shall be screened from public view.
   RESPONSE: Acknowledged

10. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
    RESPONSE: Acknowledged

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
    RESPONSE: Acknowledged

12. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.
    RESPONSE: Acknowledged

Signage:

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:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None
      RESPONSE: Acknowledged
B) Items that are conditions of approval:
   1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
      RESPONSE: Acknowledged
C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
   RESPONSE: Acknowledged

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend of Petitions **COZ2022-033** and **MPL2022-020**, subject to all comments and suggestions outlined in this staff report summarized by the following conditions:

1. No recommendation in the draft staff report.

ATTACHMENTS

Aerial Map
Zoning Map
Land Use Map
City-Wide Master Plan Medium Density Residential Designation
City-Wide Master Plan Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
KCKFD Comment Letter
Preliminary Plat Site
Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on September 14, 2022.

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SIGN IN SHEET

Application Number: COZ2022-033/MPL2022-020
Date and Time: 9/19/22 at 3:30pm
Location: Country Club Plaza, 11006 Parallel Pkwy, Kansas City, KS 66109

	NAME	SIGNATURE	MAILING ADDRESS	EMAIL ADDRESS
1	Sherwin Carroll	Sherwin Carroll	11324 Lafayette KCK 66109	hoainfokck@gmail.com
2	Peter Lacy	[illegible]	6400 Glenwood #304 Overland Park, KS 66202	pete@lacykc.com
3	Jim Sheets	[illegible]	12448 Parallel KCKS 66109	
4	Linda Barbour	Linda Barbour	2204 N 114 66109	LBarbourK@gmail.com
5	Joe & Colette Carpenter	Colette Carpenter	11320 Cleveland Ave. KCK 66109	jococarp@aol.com
6	Todd & Thomas	[illegible]	7611 Applecross Ln, Dallas	tthomas@criteriondp.com
7				
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MEETING MINUTES:

Application Number: COZ2022-033/MPL2022-020
Date and Time: 9/19/22 at 3:30pm
Location: Country Club Plaza, 11006 Parallel Pkwy, Kansas City, KS 66109

Meeting called to order at: 3:30pm

Names of people in attendance:
By Zoom:

- Maddie Waldeck
- Wayne Jeveli
- Perry Ann Jeveli
- Amy Grant
- Pretlow Riddick
- MB (*only initials provided*)
- Ariana J Coleman
- Erik van Aarem
- Reola (*no last name provided)*
- Mary Haswell
- Cheri Beaver

On Location:

- Sherwin Carroll
- Peter Lacy
- James Sheets
- Linda Barbolle
- Joe Carpenter
- Colette Carpenter

MEETING MINUTES

1. Introductions:
    a. Todd Thomas & Kelsea Riddick with Criterion Development Partners
    b. Bill Prelogar with NSPJ
    c. Dustin Burton and Francisco Ramirez with RIC
2. Location of site:
    a. 31 acre site, south of Delaware & north of State
3. Explanation of Single-Family for rent product – how it differs from traditional multi-family
4. Overview of aerial & site location
5. Review of Conceptual site plan – 232 units of duplexes & single family intermixed
6. Review of expected amenities to be provided (pool, clubhouse with game area, fitness center)
7. Review of Criterion, our experience, Kelsea & Todd as points of contact for the project.
8. NSPJ presents pod layout and community area– what makes up a pod, what units in a pod, entrances into buildings, layout of common green spaces, what parking is available, the walkability and connectivity of the site overall.

9. Review of expected demographic: those waiting to purchase a house, millennials thinking about having children or recently started a family and want more than an apartment.
10. Review of each floor plan & preliminary elevations & amenity layout

Questions and Answers:

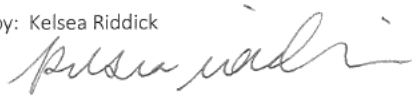
- What is the exact boundary of the site?
  - Todd Thomas: The site is located south of Delaware and north of State Ave, situated in between these wetlands fingers.
- Will there be garages for every single unit?
  - Todd Thomas: There are two floor plans (A1 & B1) that do not include garages. Every other unit includes attached garages.
- What percentage of the units will have garages?
  - Todd Thomas: 75%
- What other parking will there be?
  - Todd Thomas: Additional parking options include surface parking and some carports.
- Have you done other projects in this area?
  - Todd Thomas: Criterion has not conducted work in this area. However, some of the partners at Criterion have worked in the Kansas City area at past companies, so we are familiar with Kansas City.
- Is there going to be water detention on site?
  - Bill Preloger: Yes, there will be a designated area for the stormwater on the site. It will be a dry detention basin near the dog park.
- What will the buildings be made out of?
  - Bill Prelogar: They are wood frame and the look or style that we are going for is Sonoma Wine Country. You can see on the elevation, board and batten siding with gable roofs, some standing seam metal roofs, and we plan to break up elevations to make it interesting.
- Is someone going to take care of these houses?
  - Todd Thomas: Yes, there will be a property management company that will maintain the site.
- Will the management company be on site?
  - Bill Prelogar: Yes, they will, along with the maintenance staff. We will have a maintenance building, and the staff will do all the exterior upkeep and refurbishing of the interior at each lease turnover.
- What is the range of rent?
  - Todd Thomas: $1400 - $2200 in that range
- Are there going to be back porches?
  - Todd Thomas: Yes, every unit will have private yards.
- Does the resident have to care for the yard inside the fenced area?
  - Todd Thomas: No, the maintenance staff will maintain the interior of the fenced in area.
- What is the current zoning and what the requested change?
  - Todd Thomas: It is currently AG zoning and we are requesting for R4 zoning, which is a multi-family zoning category.
- Are these fair market units?
  - Todd Thomas: Yes, they are market rate.
- Do you have other similar product that you have developed like this?
  - Todd: Criterion has not built this exact product in Kansas City.
- Are you the developer of the site north of Delaware, west of Prairie View Village West Apartments?
  - Todd Thomas: No, that is not our site, that is Northpoint, and they are building a traditional apartment complex there, similar to the products that are there now.
- Once you get approval, what is the time frame of the development?

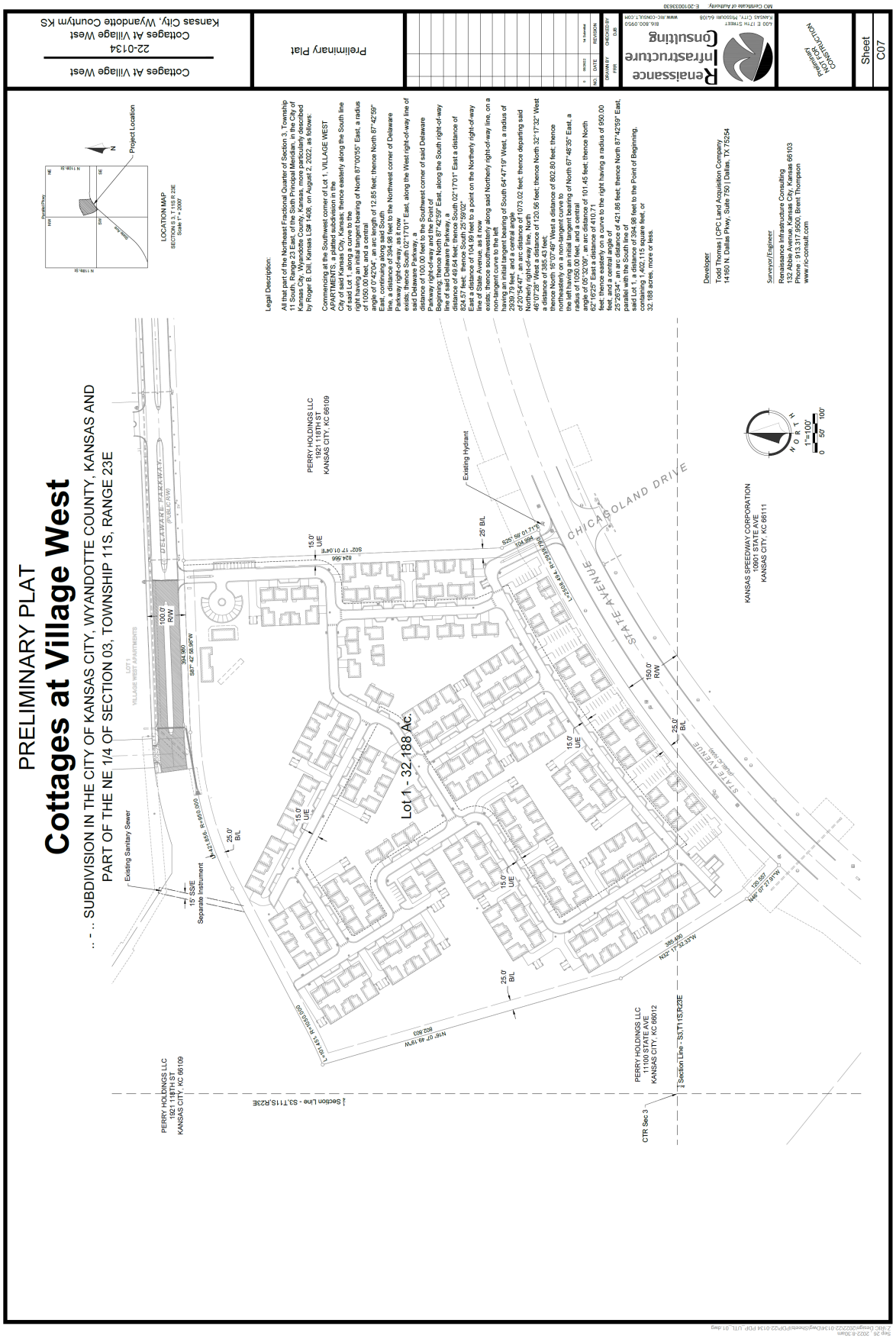
- Bill Prelogar: We need more information after the planning commission. When this goes to the Unified Government for review, we will receive comments. After the planning commission makes a recommendation, we will finish the plans, then the plans go back to the city for a building permit.
- Todd Thomas: We are targeting a May or June start.

- What type of market studies have been done to show this product would be successful in this area?
  - Todd Thomas: We have performed a market study with a group we've used in the past and we received positive and favorable feedback about this product in this market.
  - Bill Prelogar: As additional information, I received a call last week from someone who heard about the project. They have been living in an apartment for about 6 years and just had their first child and they wanted something more like living in a home. They were excited about this development and said they would love to live in a community like this.
- Has anyone done any market research about how property taxes might be affected after this development comes in?
  - Todd Thomas: No, we have not performed a tax analysis on how personal property taxes would be affected. Taxes are re-assessed every year.
  - Dustin Burton: All the streets are private streets so they will have longevity and be properly maintained. Things like this affect the property value. It will be kept up.
- Is there access to Delaware and State?
  - Todd Thomas: Yes.
  - Bill Prelogar: There are two ways in and out of the development.
- Is there a tax incentive?
  - Bill Prelogar: There will be a lot of taxes paid to the Unified Government for this project.
- Have you built this in other cities in your company?
  - Todd Thomas: No, we have not. It's been built in other cities around the country, including Kansas and Missouri.
  - Bill Prelogar: This reminds me of the kinds of things we were doing for young baby boomers in the late 1970s called Planned Unit Developments. It is a similar product.
- Is your project going to actually be actually contiguous to the American Royal according to your aerial picture?
  - Kelsea Riddick: No, the picture indicates the general area of the American Royal land that they have purchased or planned to purchase. There are no site plans available to share, but they will be developing in that general area around that site.
- How will we receive future notices going forward about this project?
  - Kelsea Riddick: The only future dates at this time were as mentioned on slide 2 of the presentation. There is a meeting on 10/10 for the Planning Commission that will be available by Zoom, and the Board of Commissioners meeting on 10/27 that will be available in person. When we submit a Final Development plan, the process will be repeated so you will receive another mail notice at that time.
- Is that development project going to use local contractors?
  - Todd Thomas: Yes.

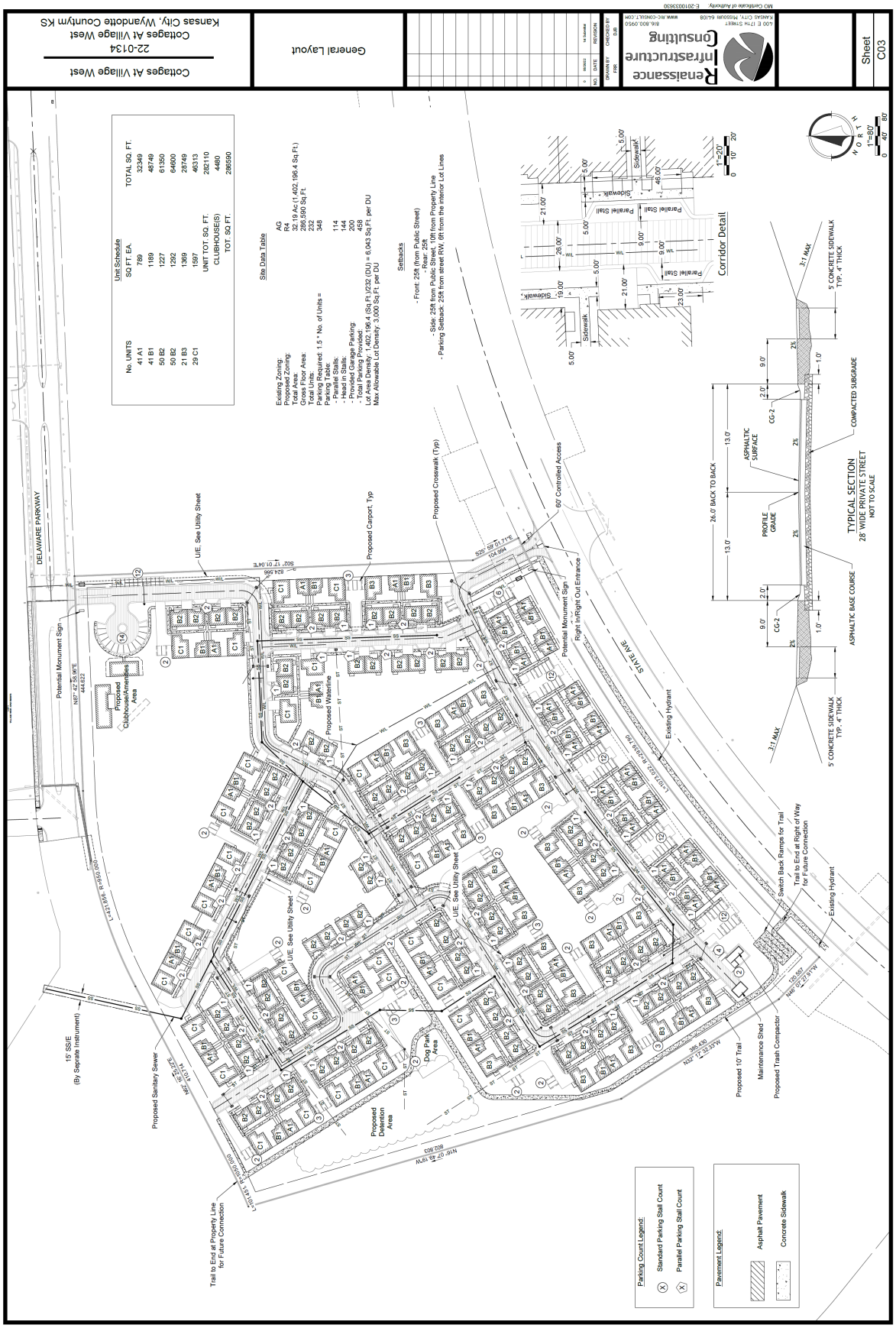
Meeting adjourned at: 4:30pm

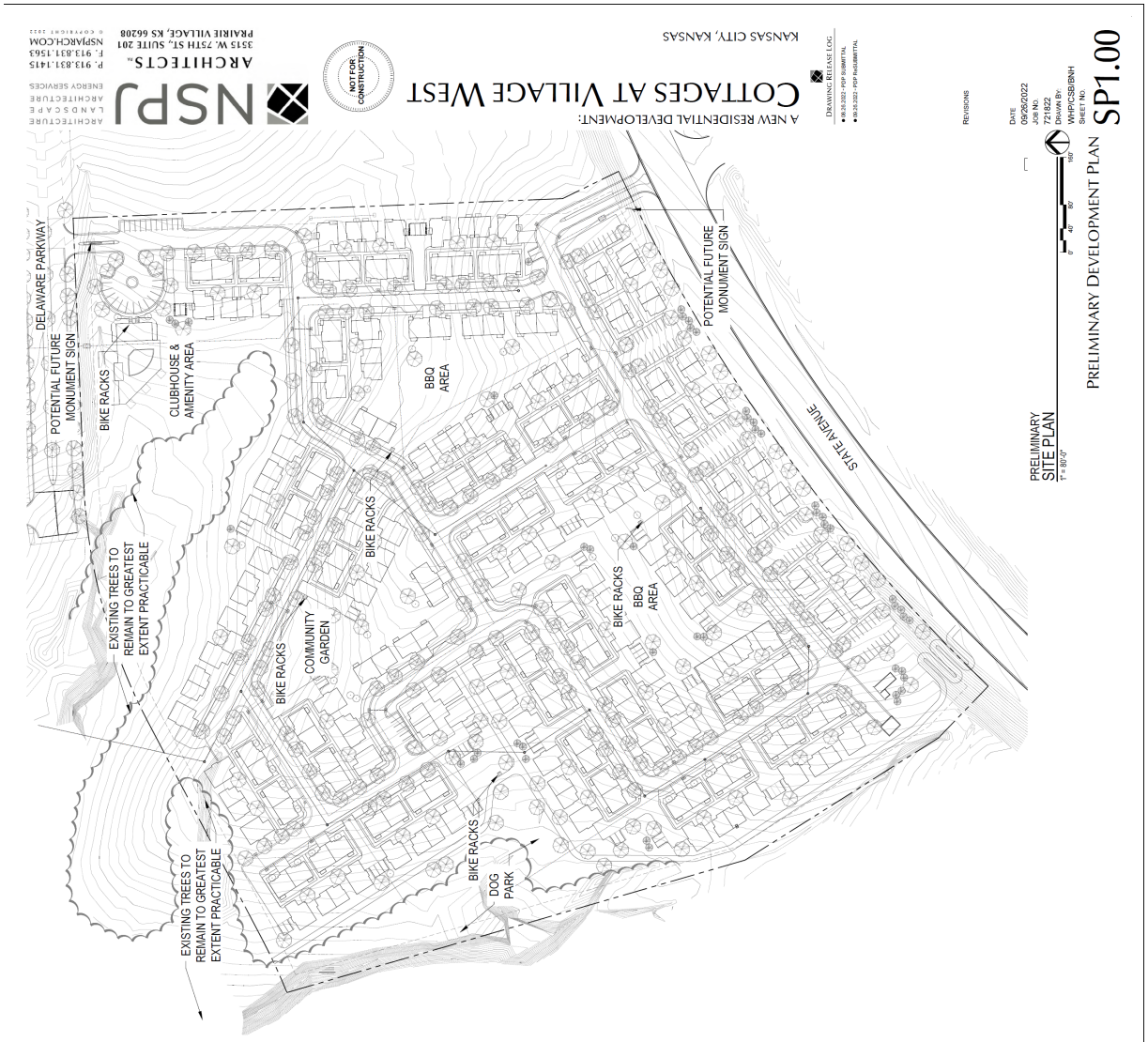
Minutes taken by: Kelsea Riddick




PRELIMINARY PLAT
Cottages at Village West
SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS AND
PART OF THE NE 1/4 OF SECTION 03, TOWNSHIP 11S, RANGE 23E
Lot 1 - 32.188 Ac.
DELAWARE PARKWAY
(PUBLIC R/W)
STATE AVENUE
CHICAGOLAND DRIVE
PERRY HOLDINGS LLC
1921 118TH ST
KANSAS CITY, KC 66109
KANSAS SPEEDWAY CORPORATION
10901 STATE AVE
KANSAS CITY, KC 66111
Existing Hydrant
Existing Sanitary Sewer
Separate Instrument
Section Line - S3,T11S,R23E
CTR Sec 3
LOCATION MAP
Project Location
Legal Description:
Developer
Todd Thomas | CPC Land Acquisition Company
14160 N. Dallas Pkwy, Suite 750 | Dallas, TX 75254
Surveyor/Engineer
Renaissance Infrastructure Consulting
132 Abbe Avenue, Kansas City, Kansas 66103
Phone : 913.317.9900, Brent Thompson
www.ric-consult.com
Renaissance Infrastructure Consulting
Preliminary Plat
Cottages At Village West
22-0134
Cottages At Village West
Kansas City, Wyandotte County, KS
Sheet
C07

NSPJ
ARCHITECTS
3515 W. 75TH ST., SUITE 201
PRAIRIE VILLAGE, KS 66208
P. 913.831.1415
F. 913.831.1563
NSPARCH.COM
NOT FOR CONSTRUCTION
A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS
DRAWING RELEASE LOG
09.26.2022 - PDP SUBMITTAL
09.29.2022 - PDP RESUBMITTAL
REVISIONS
DATE
09/26/2022
JOB NO.
721922
DRAWN BY:
WHP/CSB/BNH
SHEET NO.
SP1.00
PRELIMINARY DEVELOPMENT PLAN
PRELIMINARY
SITE PLAN
1" = 80'-0"
0
40
80
160
DELAWARE PARKWAY
POTENTIAL FUTURE MONUMENT SIGN
BIKE RACKS
CLUBHOUSE & AMENITY AREA
BBQ AREA
POTENTIAL FUTURE MONUMENT SIGN
CARPORT, TYP.
10' SIDEWALK
STATE AVENUE
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
COMMUNITY GARDEN
BIKE RACKS
BBQ AREA
MAINTENANCE AREA
TRAIL
BIKE RACKS
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
CARPORT, TYP.
BIKE RACKS
DOG PARK


Cottages At Village West
22-0134
Cottages At Village West
Kansas City, Wyandotte County, KS
General Layout
Renaissance Infrastructure Consulting
Sheet C03
Unit Schedule
No. UNITS SQ FT. EA. TOTAL SQ. FT.
41 A1 789 32349
41 B1 1169 48749
50 B2 1227 61350
50 B2 1292 64600
21 B3 1369 28749
29 C1 1597 46313
UNIT TOT. SQ. FT. 282110
CLUBHOUSE(S) 4460
TOT. SQ.FT. 286590
Site Data Table
Existing Zoning: AG
Proposed Zoning: R4
Total Area: 32.19 Ac (1,402,196.4 Sq.Ft.)
Gross Floor Area: 286,590 Sq.Ft.
Total Units: 232
Parking Required: 1.5 * No. of Units = 348
Parking Table:
- Parallel Stalls: 114
- Head-In Stalls: 144
- Provided Garage Parking: 200
- Total Parking Provided: 458
Lot Area Density: 1,402,196.4 (Sq.Ft.)/232 (DU) = 6,043 Sq.Ft. per DU
Max Allowable Lot Density: 7,000 Sq.Ft. per DU
Setbacks
- Front: 25ft (from Public Street)
- Rear: 25ft
- Side: 25ft from Public Street, 10ft from Property Line
- Parking Setback: 25ft from street ROW, 5ft from the interior Lot Lines
Corridor Detail
TYPICAL SECTION
28' WIDE PRIVATE STREET
NOT TO SCALE
DELAWARE PARKWAY
Potential Monument Sign
Proposed Clubhouse/Amenities Area
U/E. See Utility Sheet
Proposed Crosswalk (Typ)
Proposed Carport. Typ
60' Controlled Access
Right In/Right Out Entrance
Proposed Waterline
Existing Hydrant
Proposed Sanitary Sewer
15' SSIE (By Separate Instrument)
Proposed Detention Area
Dog Park Area
Proposed 10' Trail
Maintenance Shed
Proposed Trash Compactor
Switch Back Ramps for Trail
Trail to End at Right of Way for Future Connection
Trail to End at Property Line for Future Connection
Parking Count Legend:
Standard Parking Stall Count
Parallel Parking Stall Count
Pavement Legend:
Asphalt Pavement
Concrete Sidewalk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KANSAS CITY, KANSAS
DRAWING RELEASE LOG
REVISIONS
DATE
09/26/2022
JOB NO.
721822
DRAWN BY:
WHP/CSB/BNH
SHEET NO.
SP1.00
PRELIMINARY DEVELOPMENT PLAN
PRELIMINARY SITE PLAN
DELAWARE PARKWAY
POTENTIAL FUTURE MONUMENT SIGN
BIKE RACKS
CLUBHOUSE & AMENITY AREA
BBQ AREA
POTENTIAL FUTURE MONUMENT SIGN
STATE AVENUE
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
BIKE RACKS
COMMUNITY GARDEN
BIKE RACKS
BBQ AREA
BIKE RACKS
DOG PARK
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE

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• 09.26.2022 - PDP RESUBMITTAL
REVISIONS
DATE: 09/26/2022
JOB NO. 721822
DRAWN BY: WHP/CSB/BNH
SHEET NO. SP1.01
PRELIMINARY DEVELOPMENT PLAN
PRELIMINARY SITE PLAN WITH EXISTING CONDITIONS
1" = 80'-0"
DELAWARE PARKWAY
POTENTIAL FUTURE MONUMENT SIGN
BIKE RACKS
CLUBHOUSE & AMENITY AREA
BBQ AREA
POTENTIAL FUTURE MONUMENT SIGN
STATE AVENUE
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
BIKE RACKS
COMMUNITY GARDEN
BIKE RACKS
BBQ AREA
BIKE RACKS
DOG PARK
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
PRELIMINARY THRU STREET ENLARGEMENT
1" = 30'-0"

Cottages At Village West
22-0134
Cottages At Village West
Kansas City, Wyandotte County KS
Grading Plan
Renaissance Infrastructure Consulting
Preliminary Not For Construction
Sheet C04
LEGEND
Proposed Major Contour
Proposed Minor Contour
Existing Major Contour
Existing Minor Contour
DELAWARE PARKWAY
STATE AVENUE
Proposed Sanitary Main, Typ
Proposed Water Main, Typ
Plat Extents
3:1 Max Slope
Detention Basin
Top: 999.25
Bottom: 994.25

PLANT LIST:
Common Name
Botanical Name
Size
Notes
Columnar Trees
Autumn Blaze Maple
Acer rubrum 'Armstrong'
2" Cal.
B&B
Columnar Hornbeam
Carpinus betulus 'Fastigiata'
2" Cal.
B&B
Columnar Sugar Maple
Acer saccharum 'Endowment'
2" Cal.
B&B
Quercus robur x fastigiata 'Koster'
2" Cal.
B&B
Columnar Regal Prince Oak
Quercus robur x fastigiata 'Long'
2" Cal.
B&B
Shade Trees
Autumn Blaze Maple
Acer x fremonii 'Autumn Blaze'
2" Cal.
B&B
Autumn Fantasy Maple
Acer x fremonii 'Autumn Fantasy'
2" Cal.
B&B
Autumn Blaze Maple
Acer x fremonii 'Jeffersred'
2" Cal.
B&B
Brandywine Red Maple
Acer rubrum 'Brandywine'
2" Cal.
B&B
Commemoration Red Maple
Acer rubrum 'Franksred' Tilt Tight
2" Cal.
B&B
Frontier Elm
Ulmus carpinifolia x parvifolia 'Frontier'
2" Cal.
B&B
Full Moon Sugar Maple
Acer saccharum 'Full Moon'
2" Cal.
B&B
Green Mountain Sugar Maple
Acer saccharum 'Green Mountain'
2" Cal.
B&B
Heritage Oak
Quercus macdanielii 'Clemons'
2" Cal.
B&B
Princeton Sentry Ginkgo
Ginkgo biloba 'Princeton Sentry'
2" Cal.
B&B
Redmond Linden
Tilia x flavescens 'Redmond'
2" Cal.
B&B
London Plane Tree
P. x acerifolia 'Bloodgood'
2" Cal.
B&B
Legacy Sugar Maple
Acer saccharum 'Legacy'
2" Cal.
B&B
Miyabe Maple
Acer miyabei 'Morton' State Street Miyabe
2" Cal.
B&B
October Glory Red Maple
Acer rubrum 'Jonnor Glory'
2" Cal.
B&B
Princeton Elm
Ulmus x P.A. Hybrid 'Morton Glossy' Triumph
2" Cal.
B&B
Red Oak
Quercus rubra
2" Cal.
B&B
Sienna Glen Maple
Acer x fremonii 'Sienna'
2" Cal.
B&B
Skyline Honeylocust
Gleditsia triacanthos inermis 'Skyline'
2" Cal.
B&B
Shumard Oak
Quercus shumardii
2" Cal.
B&B
Swamp White Oak
Quercus bicolor 'Clemons'
2" Cal.
B&B
Swamp White Oak
Quercus bicolor 'Valley'
2" Cal.
B&B
Zelkova
Zelkova serrata 'Green Vase'
2" Cal.
B&B
Zelkova
Zelkova serrata 'Musashino'
2" Cal.
B&B
Evergreen Trees
Colorado Blue Spruce
Picea pungens 'Fastigiata'
10'-6" Ht. Min.
B&B
Columnar Norway Spruce
Picea abies 'Cupressina'
8'-6" Ht. Min.
B&B
Red Cedar
Juniperus virginiana
6'-6" Ht. Min.
B&B
Techny Arborvitae
Thuja x 'Techny'
6'-6" Ht. Min.
B&B
Riverside Upright Spruce
Picea omorika 'Bruns'
6'-6" Ht. Min.
B&B
Sargent Spruce
Picea omorika 'Sargent'
6'-6" Ht. Min.
B&B
Weeping Spruce
Picea omorika 'Weeping'
6'-6" Ht. Min.
B&B
Ornamental Trees
Crimson Pointe Crabapple
Malus 'Crimthorpf'
6'-8" Ht. Min.
B&B
Crimson Pointe Plum
Prunus x cistena 'Crimpoint'
6'-8" Ht. Min.
B&B
Eastern Redbud
Cercis canadensis
6'-8" Ht. Min.
B&B
Flowering Dogwood
Cornus florida
6'-8" Ht. Min.
B&B
Japanese Tree Lilac
Syringa reticulata
6'-8" Ht. Min.
B&B
Prairie Fire Crabapple
Malus x 'Prairiefire' TM DO Blanchard
6'-8" Ht. Min.
B&B
Prairiefire Crabapple
Malus x 'Prairiefire'
6'-8" Ht. Min.
B&B
Royal Star Magnolia
Magnolia stellata
6'-8" Ht. Min.
B&B
Spring Snow Crabapple
Malus 'Spring Snow'
6'-8" Ht. Min.
B&B
Thornless Cockspur
Crataegus crus-galli inermis
6'-8" Ht. Min.
B&B
Whitebud
Cercis Canadensis 'White Bud'
6'-8" Ht. Min.
B&B
THE ABOVE PLANT LIST REPRESENTS A RANGE OF POTENTIAL PLANT MATERIAL AND IS SUBJECT TO CHANGE
GENERAL NOTES:
1. EACH BIDDER SHALL VISIT THE SITE OF THE PROPOSED WORK AND EXAMINE THE SITE CONDITIONS. HE SHALL ALSO CAREFULLY EXAMINE THE DRAWING FOR THE PROPOSED WORK AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS WHICH MAY AFFECT THE PROPOSED WORK.
2. THE PLANTING PLAN GRAPHICALLY ILLUSTRATES OVERALL PLANT MASSINGS. EACH PLANT SPECIES SHALL BE PLACED AS INDIVIDUAL PLANTS OR GROUPS OF PLANTS AS SHOWN ON THE PLANS. THE FOLLOWING APPLIES FOR INDIVIDUAL PLANTINGS:
A. ALL TREES SHALL BE A MINIMUM OF 5' FROM PAVING EDGE.
B. ALL SHRUBS SHALL BE A MINIMUM OF 3' FROM PAVING EDGE.
C. ALL TREES OF THE SAME SPECIES SHALL BE EQUALLY SPACED APART AND PLACED FOR BEST AESTHETIC VIEWING.
D. ALL SHRUBS SHALL BE A MINIMUM OF 2' FROM PAVED EDGE.
3. NOTIFY LANDSCAPE ARCHITECT 1 WEEK PRIOR TO ANTICIPATED START OF PLANT MATERIAL INSTALLATION. LANDSCAPE CONTRACTOR SHALL LAYOUT PLANT MATERIAL AND OBTAIN APPROVAL OF SHRUBS IN INTENDED LOCATIONS AND STAKE TREE LOCATIONS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ALL NEW PLANT BED AREAS TO BE IRRIGATED. REFER TO SPECIFICATIONS FOR IRRIGATION SYSTEM REQUIREMENTS.
5. REFER TO L1.00 SERIES SHEETS FOR TREE PLANTINGS
6. REFER TO L1.00 SERIES SHEETS FOR PLANTING DETAILS & SPECIFICATIONS
7. ALL EXISTING TREES TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION. NO GRADING PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.
8. STRIP TOP SOIL & SAVE FOR PLANTING AREAS. EXCAVATE TO A DEPTH OF 18" FOR ALL PLANTING BEDS AND REPLACE WITH PLANTING SOIL MIX. REFER TO L1.00 FOR PLANTING SOIL MIX.
LANDSCAPE REQUIREMENTS (KC, KS):
SEC. 27-459-F
1. 1 TREE PER 4,500 S.F. OF SITE AREA
REQUIRED: 312 TREES
PROVIDED: 312 TREES
SITE AREA = 1,402,068 S.F. / 4,500 S.F. =
SEC. 27-700-B-1
1. 1 SHADE TREE PER 8 DWELLING UNITS
REQUIRED: 29 SHADE TREES
PROVIDED: 29 SHADE TREES
222 DWELLING UNITS / 8 =
2. 1 SHRUB PER DWELLING UNIT
REQUIRED: 232 SHRUBS
PROVIDED: 232 SHRUBS
222 DWELLING UNITS=
SEC. 33-359
1. STREET TREES FOR DELAWARE PKWY - MEDIUM TREES AT 35FT O.C. (MATCH CURRENT STREETSCAPE)
REQUIRED: 115 TREES
PROVIDED: 112 TREES
FRONTAGE LENGTH = +/- 525 FT / 35 =
QUANTITY ADJUST TO ACCOMMODATE ENTRY DRIVE AND SPACING FROM EXISTING TREES TO REMAIN.
2. STREET TREES FOR STATE AVE - MEDIUM TREES AT 35FT O.C. (MATCH DELAWARE PARKWAY)
REQUIRED: 33 TREES
PROVIDED:
FRONTAGE LENGTH = +/- 1,075 FT / 35 =
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
STREET TREES BY OTHERS
STREET TREES
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
EXISTING STREET TREES TO REMAIN
STREET TREES
PRELIMINARY TREE PLAN
1" = 80'-0"
0'
40'
80'
160'
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DRAWING ISSUE LOG:
09.28.2022 - PDP SUBMITTAL
09.29.2022 - PDP RESUBMITTAL
REVISIONS
DATE: 09/28/2022
JOB NO. 721822
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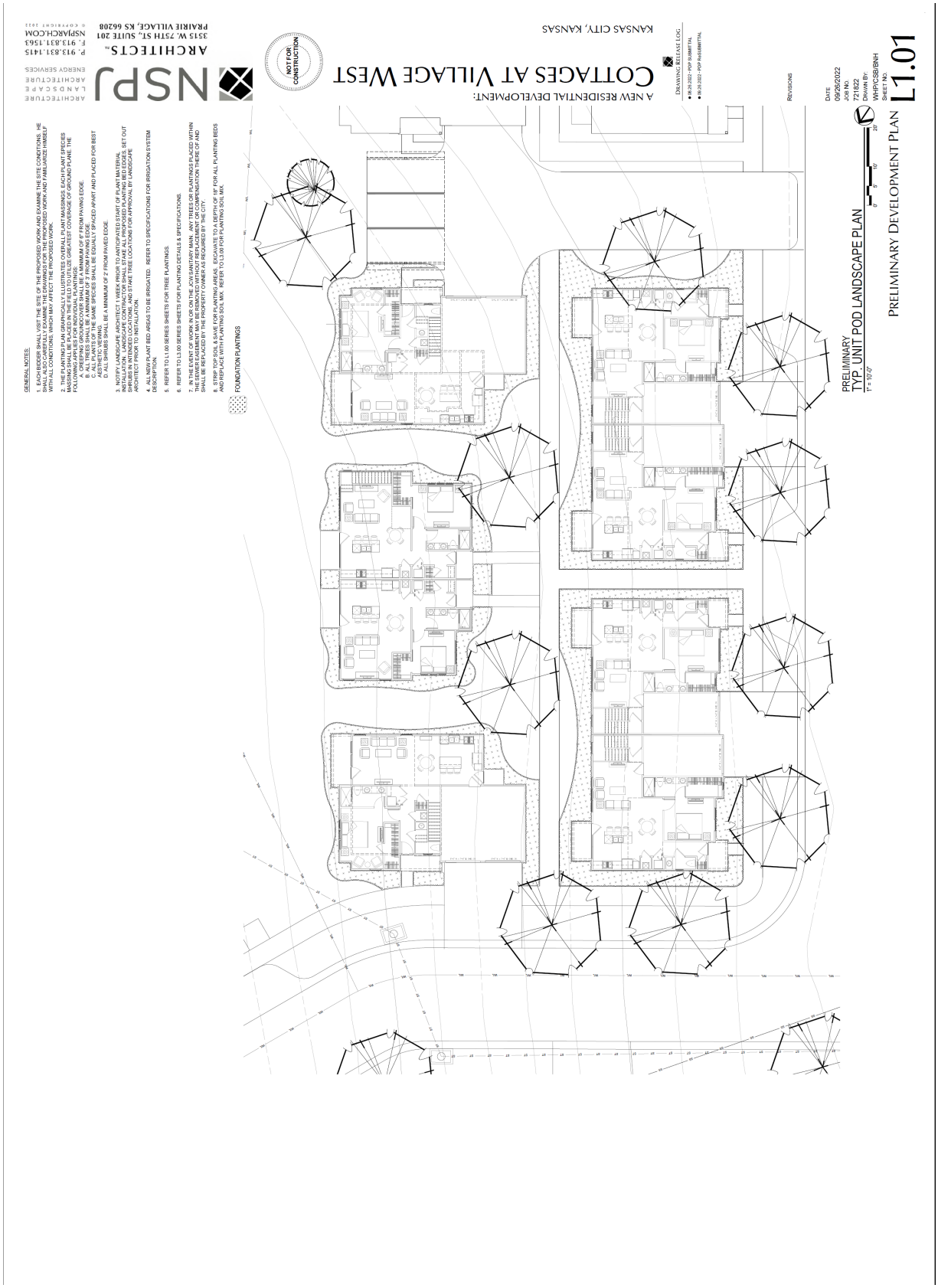
SHEET NO. L1.00
PRELIMINARY DEVELOPMENT PLAN



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KANSAS CITY, KANSAS
DRAWING RELEASE LOG:
REVISIONS
DATE
09/26/2022
JOB NO.
721822
DRAWN BY:
WHP/CSB/BNH
SHEET NO.
L1.01
PRELIMINARY
TYP. UNIT POD LANDSCAPE PLAN
1" = 10'-0"
PRELIMINARY DEVELOPMENT PLAN
GENERAL NOTES:
1. EACH BIDDER SHALL VISIT THE SITE OF THE PROPOSED WORK AND EXAMINE THE SITE CONDITIONS. HE SHALL ALSO CAREFULLY EXAMINE THE DRAWINGS FOR THE PROPOSED WORK AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS, WHICH MAY AFFECT THE PROPOSED WORK.
2. THE PLANTING PLAN GRAPHICALLY ILLUSTRATES OVERALL PLANT MASSINGS. EACH PLANT SPECIES MASSING SHALL BE PLACED IN THE FIELD TO UTILIZE GREATEST COVERAGE OF GROUND PLANE. THE FOLLOWING APPLIES FOR INDIVIDUAL PLANTINGS:
A. CREEPING GROUNDCOVER SHALL BE A MINIMUM OF 6" FROM PAVING EDGE.
B. ALL TREES SHALL BE A MINIMUM OF 3' FROM PAVING EDGE.
C. ALL PLANTS OF THE SAME SPECIES SHALL BE EQUALLY SPACED APART AND PLACED FOR BEST AESTHETIC VIEWING.
D. ALL SHRUBS SHALL BE A MINIMUM OF 2' FROM PAVED EDGE.
3. NOTIFY LANDSCAPE ARCHITECT 1 WEEK PRIOR TO ANTICIPATED START OF PLANT MATERIAL INSTALLATION. LANDSCAPE CONTRACTOR SHALL STAKE ALL PROPOSED PLANTING BED EDGES, SET OUT SHRUBS IN INTENDED LOCATIONS, AND STAKE TREE LOCATIONS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ALL NEW PLANT BED AREAS TO BE IRRIGATED. REFER TO SPECIFICATIONS FOR IRRIGATION SYSTEM DESCRIPTION.
5. REFER TO L1.00 SERIES SHEETS FOR TREE PLANTINGS.
6. REFER TO L3.00 SERIES SHEETS FOR PLANTING DETAILS & SPECIFICATIONS.
7. IN THE EVENT OF WORK IN OR ON THE JCW SANITARY MAIN, ANY TREES OR PLANTINGS PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.
8. STRIP TOP SOIL & SAVE FOR PLANTING AREAS. EXCAVATE TO A DEPTH OF 18" FOR ALL PLANTING BEDS AND REPLACE WITH PLANTING SOIL MIX. REFER TO L3.00 FOR PLANTING SOIL MIX.
FOUNDATION PLANTINGS

A1 - B1 FRONT ELEVATION
3/16" = 1'-0"
FIRST FLOOR PLAN
A1 - ONE BEDROOM UNIT
FIRST FLOOR PLAN
B1 - TWO BEDROOM UNIT
SECOND FLOOR PLAN
B1 - TWO BEDROOM UNIT
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KANSAS CITY, KANSAS
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SHEET NO. 1
PRELIMINARY DEVELOPMENT PLAN

PRELIMINARY DEVELOPMENT PLAN 2

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PRELIMINARY DEVELOPMENT PLAN
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B2 - B2 FRONT ELEVATION
FIRST FLOOR PLAN
B2 - TWO BEDROOM TWIN VILLA (RIGHT)
FIRST FLOOR PLAN
B2 - TWO BEDROOM TWIN VILLA (LEFT)
SECOND FLOOR PLAN
B2 - TWO BEDROOM TWIN VILLA (RIGHT)
SECOND FLOOR PLAN
B2 - TWO BEDROOM TWIN VILLA (LEFT)

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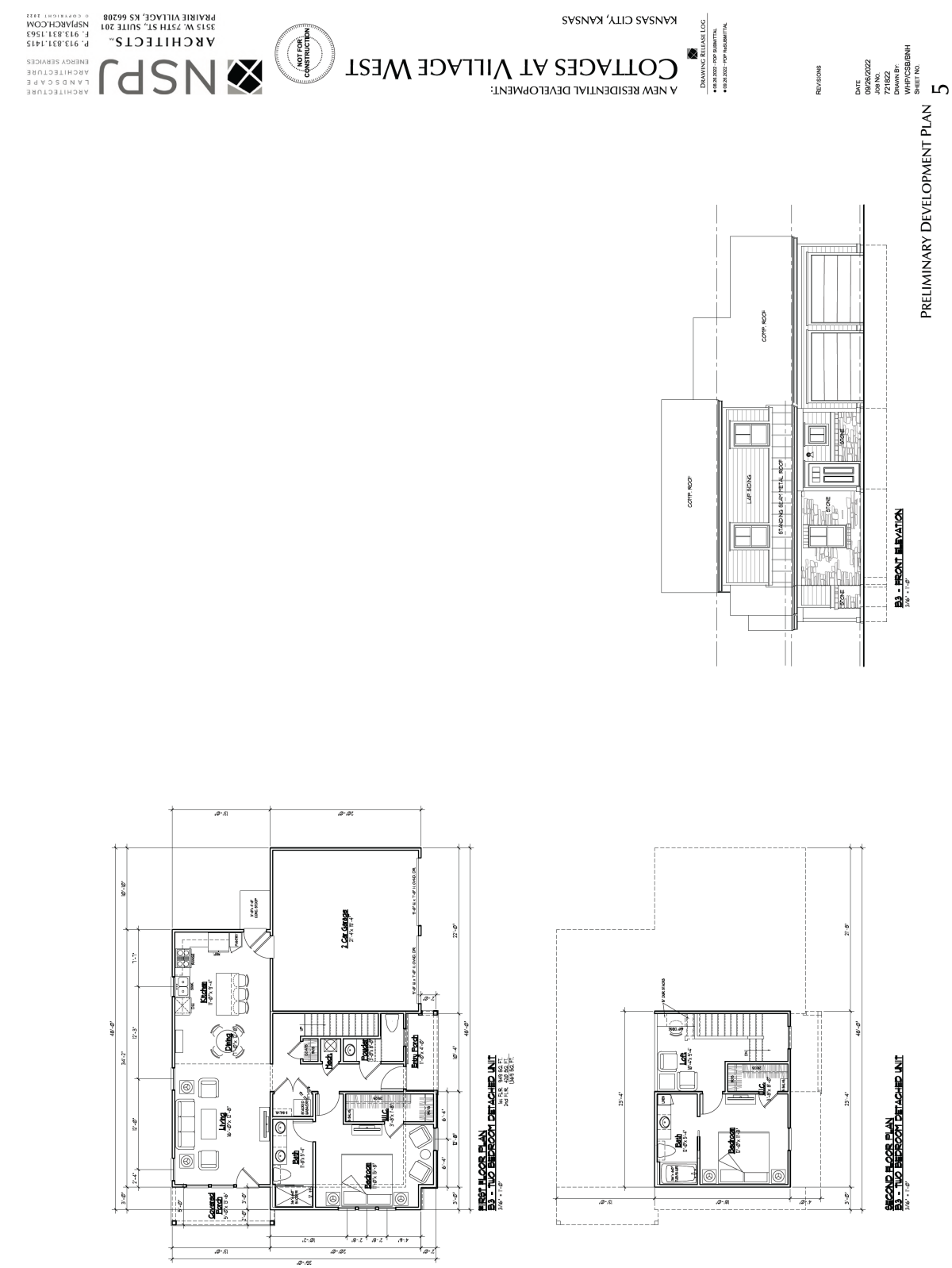
PRELIMINARY DEVELOPMENT PLAN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PRELIMINARY DEVELOPMENT PLAN
B3 - FRONT ELEVATION
COMP. ROOF
LAP SIDING
STANDING SEAM METAL ROOF
STONE
FIRST FLOOR PLAN
B3 - TWO BEDROOM DETACHED UNIT
SECOND FLOOR PLAN
B3 - TWO BEDROOM DETACHED UNIT
2 Car Garage
Kitchen
Dining
Living
Bath
Bedroom
Mech.
Powder
Entry Porch
Loft
Bath
Bedroom

PRELIMINARY DEVELOPMENT PLAN 6

DATE: 09/26/2022
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A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
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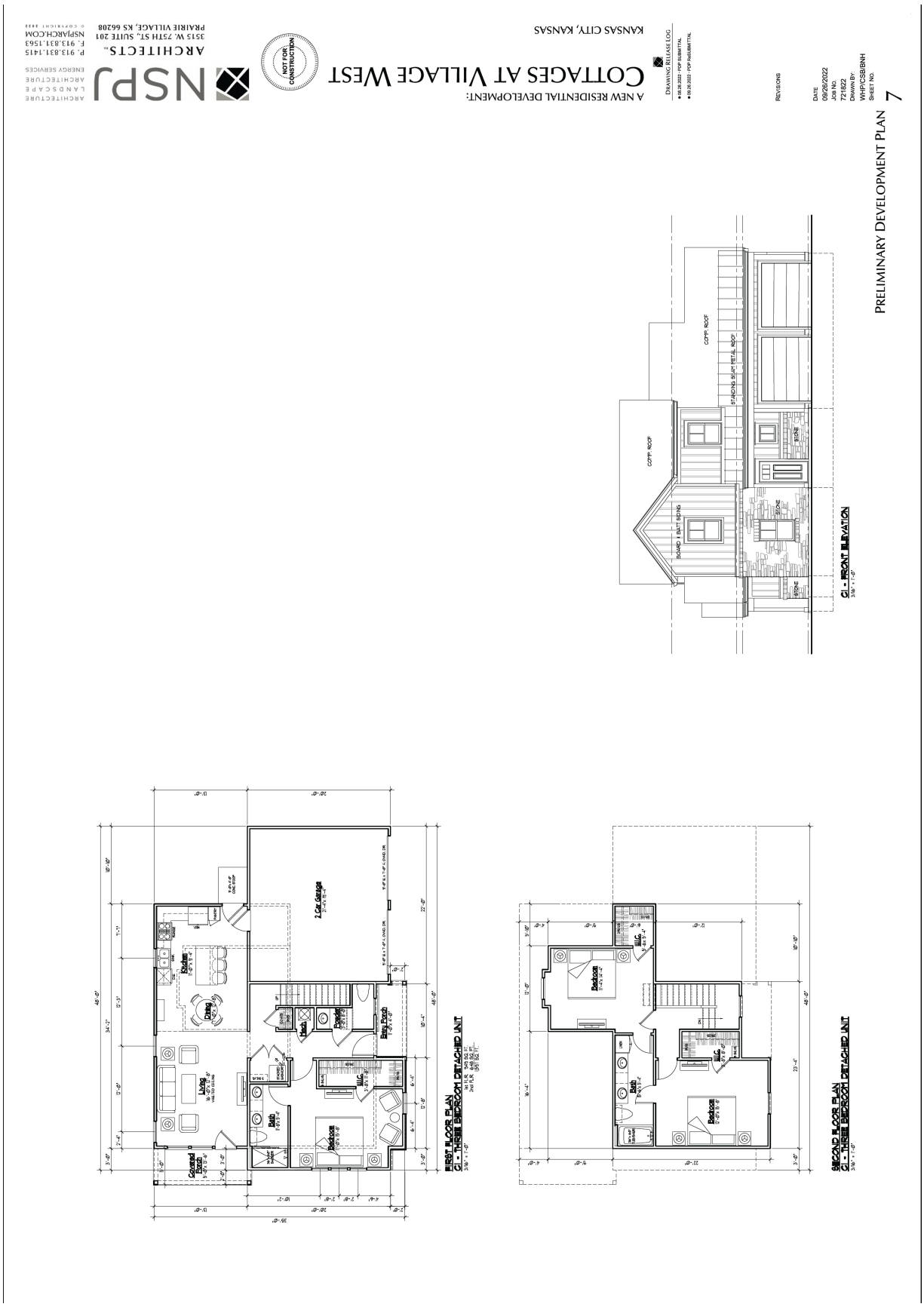
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721822
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7
PRELIMINARY DEVELOPMENT PLAN
C1 - FRONT ELEVATION
FIRST FLOOR PLAN
C1 - THREE BEDROOM DETACHED UNIT
SECOND FLOOR PLAN
C1 - THREE BEDROOM DETACHED UNIT

PRELIMINARY DEVELOPMENT PLAN 8

DATE: 09/26/2022
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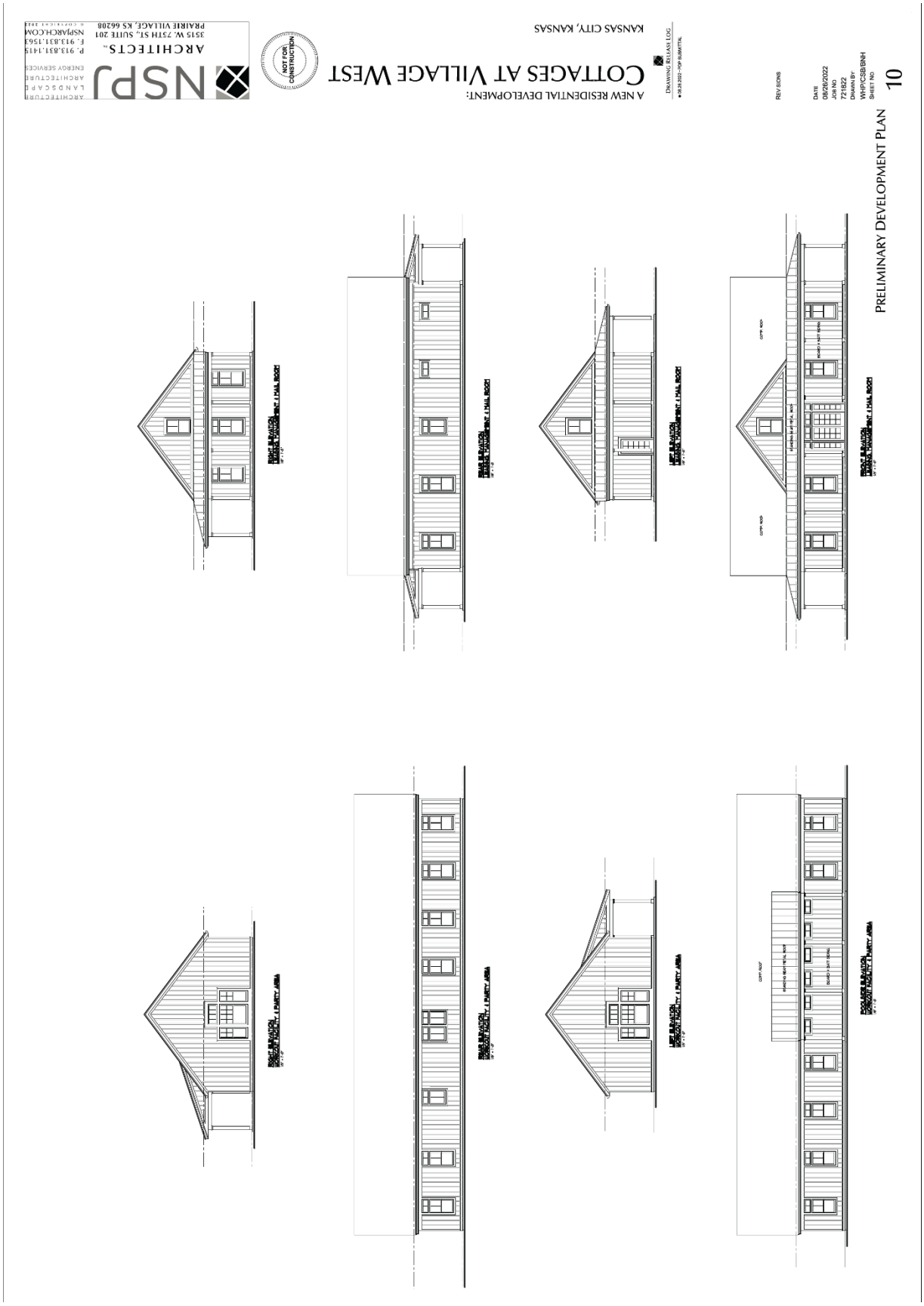
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WHP/CSB/BNH
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PRELIMINARY DEVELOPMENT PLAN

PRELIMINARY DEVELOPMENT PLAN 2

DATE: 09/26/2022
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- 08.26.2022 - POP SUBMITTAL
- 09.12.2022 - POP ADDITIONAL
- 10.03.2022 - POP ADDITIONAL #2

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ARCHITECTURE LANDSCAPE ARCHITECTURE ENERGY SERVICES
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PRAIRIE VILLAGE, KS 66208
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F. 913.831.1563
NSPARCH.COM
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Figure 4. Site photograph of 1921 North 118th Street looking southwest from Delaware Parkway (provided by Planning Staff).

Figure 5. Site photograph of 1921 North 118th Street looking south from Delaware Parkway (provided by Planning Staff).

Figure 6. Site photograph of 1921 North 118th Street looking northwest from State Avenue (provided by Planning Staff).

Figure 7. Site photograph of 1921 North 118th Street looking north from State Avenue (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: October 27, 2022

Re: **Change of Zone Petition COZ2022-030 and Master Plan Amendment Petition MPL2022-016**

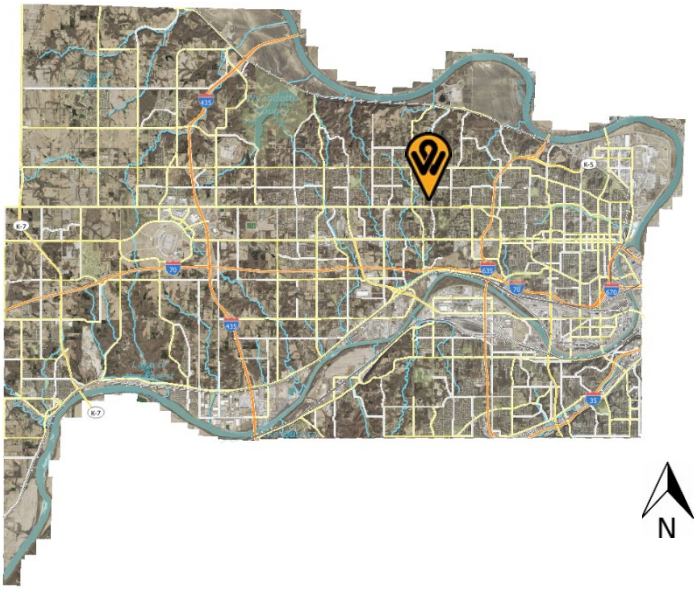
GENERAL INFORMATION

Applicant:
Andrea Weishaubt

Status of Applicant:
Representative
Atlas Land Surveyors
2300 Hutton Road, Suite 108
Kansas City, Kansas 66109

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

Date of Application:
July 29, 2022



Purpose:
To Change the Zoning from R-1 Single-Family District to R-2 Two-Family District.

Property Location:
4229 Douglas Avenue
Kansas City, Kansas 66106

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

Existing Zoning:	R-1 Single-Family District	
Adjacent Zoning:	**North:**	R-1 Single-Family District
	South:	R-1 Single-Family District
	East:	R-1 Single-Family District
	West:	Interstate 635 Right-of-way and M-2 General Industrial District
Adjacent Uses:	**North:**	Vacant lot
	South:	Single-family residence
	East:	Vacant lot
	West:	Vacant lot and Interstate 635
Total Tract Size:	0.76 Acre	
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential, which allows single-family detached residential development. The applicant seeks to change the designation to Medium-Density Residential, which allows duplexes, fourplexes, townhomes, and garden apartments.	
Major Street Plan:	The Major Street Plan designates 42nd Street and Douglas Avenue as Local Streets	
Parking Requirement:	R-1 Single Family District: Sec 27-454(e) states "Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport". R-2 Two Family District: Sec 27-456(e) states "Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport". Parking Required: Four (4) Spaces, two (2) in a garage. Parking Provided: Four (4) spaces, two (2) in a garage.	
Advertisement:	The Wyandotte Echo – August 18, 2022 Letters to Property Owners – August 19, 2022	
Public Hearings:	October 10, 2022 and October 27, 2022	
Public Support:	None to date.	

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt with Atlas Surveyors, is seeking to change the zoning district from R-1 Single-Family District to R-2 Two-Family District and amend the Master Plan designation from Low-Density Residential to Medium Density Residential to construct a duplex on the subject property at 4229 Douglas Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional permits or related cases at the subject property.

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The neighborhood features a unique mix of small and large lot single-family residences as well as a garden apartment complex, a high-rise apartment complex, and across Interstate 635, a variety of light-industrial uses.

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

   The zoning and land uses are set out above. The proposed use is expected to be compatible with the surrounding uses and zoning since there is a mix of residential housing types around the subject 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 the proposed use in which it has been restricted. The proposed development is a duplex, in a neighborhood featuring several residential housing types, including garden apartments, high-rise apartments,

and single-family residences. The removal of restrictions may be detrimental to the property adjacent to the south, as that property has been utilizing the subject property to access their property. An access agreement will have to be worked out between the two parties. Otherwise, the removal of restrictions will not detrimentally affect nearby property.

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

   The property has never been developed for use since it was platted as part of the Spring Gardens Subdivision in 1910.

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

   The proposed use is reasonably necessary for the convenience and welfare of the public, as the proposed use would add additional housing to the housing stock of Wyandotte County. The proposed use, however, may injure the marketability of the property to the south, as that property has been utilizing the subject property to access their property. An access agreement will have to be worked out between the two parties. Otherwise, the proposed use will not injure the appropriate use, visual quality, or marketability of nearby property.

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

   The development of the vacant lot will inherently increase the amount of traffic along 42nd Street and Douglas Avenue, however, this increase is not expected to increase to the point of where it would exceed the capacity of 42nd Street of Douglas Avenue. Additionally, parking will be completely on-site, with no on-street parking.

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

   The applicant is seeking to change the Master Plan designation from Low-Density Residential, which only allows single-family residential, to medium-density residential, which allows for the development of a duplex.

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

   The proposed use could cause environmental harm if best management practices with construction are not utilized. Development of this parcel may also help prevent illegal dumping in the area.

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***

      There is no sanitary sewer service.

   c. ***Storm water control***

      The UG provides storm water control.

   d. ***Police***

      Police service is provided by South Patrol, District #331

   e. ***Fire***

      Fire service is provided by Station #7

   f. ***Transit***

      KCATA provides transit service along 42nd Street on Route #104 – Argentine.

   g. ***Schools***

      The property is served by New Stanley Elementary School, Argentine Middle School, and JC Harmon High School, under Kansas City, Kansas USD 500.

   h. ***Streets***

      See item #6 above

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

    The proposed use will have a substantial economic impact on the community, as the proposal will add additional housing to the housing stock of Wyandotte County, allow additional families and households to move into the community, as well as the potential of spurring additional housing developments around the subject property.

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

    The applicant did not provide a plan or location of the proposed accessory structure; therefore, Staff cannot determine the capability to meet ordinance requirements of the proposed zoning district, however, considering the lot is large, there should not be an issue 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 some impact or gain to public health, safety, or welfare imposed on neighboring residence as the vacant lot has not been maintained and has been known to be a source of problematic activity for neighbors. The construction of a duplex would eliminate associated hazards with such vacancy.

PREVIOUS ACTIONS

There have been no previous land use actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 20, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Site Plan
Access Agreement
Design
Septic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2022-016 and Change of Zone COZ2022-030, subject to:

1. **The applicant shall coordinate with the Wyandotte County Health Department regarding installation of the septic tank;**
2. **The applicant shall utilize a silt fence and straw wattles to limit land disturbance within 20 feet of the drainageway;**
3. **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;

4. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
5. **A Right-of-Way Permit may be 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;**
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 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;**
7. **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;**
8. **Section 27-477 states that any new residential use shall contain an area of storm protection. Such area may be a room or space, such as a basement, or a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;**
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 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; and,**
10. **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.**

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-030 and MPL2022-016** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Building Floor Plan and Building Elevations
Site Plan
Conservation District Comments, Dated August 16, 2022
Applicant Response to Draft Report, Dated September 20, 2022
Site Photos, Provided by Staff, Dated August 11, 2022
Neighborhood Meeting Minutes, Dated September 20, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Rezoning	Approval	
Master Plan	October 10, 2022 Approval	October 27, 2022

STAFF CONTACT: **James Molloy, Planner**
jlmolloy@wycokck.org

MOTIONS

Master Plan Amendment:

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-016** 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 **MPL2022-016,** 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:

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-030** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENIAL** of Petition **COZ2022-030,** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 3:28:30:

MASTER PLAN AMENDMENT MPL2022-016 – **ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING - SYNOPSIS:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Medium-Density Residential (City-Wide Master Plan) at 4229 Douglas Avenue.

CHANGE OF ZONE APPLICATION COZ2022-030 – ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District to construct a duplex at 4229 Douglas Avenue.

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt with Atlas Surveyors, is seeking to change the zoning district from R-1 Single-Family District to R-2 Two-Family District and amend the Master Plan designation from Low-Density Residential to Medium Density Residential to construct a duplex on the subject property at 4229 Douglas Avenue.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 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:

- Austin Thompson, applicant, Atlas Surveying, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:32: Planning Director Hand stated that Change of Zone COZ2022-030 and Master Plan Amendment MPL2022-016 are being heard together. The property is in the City-Wide Master Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Having identified the property in the rear as a Landbank property, Staff will work with the UG Land Bank regarding access. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:32:55:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-016:**

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

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

Subject to:

1. **The applicant shall coordinate with the Wyandotte County Health Department regarding installation of the septic tank;**
2. **The applicant shall utilize a silt fence and straw wattles to limit land disturbance within 20 feet of the drainageway;**
3. **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;**
4. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
5. **A Right-of-Way Permit may be 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;

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 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;
7. 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;
8. Section 27-477 states that any new residential use shall contain an area of storm protection. Such area may be a room or space, such as a basement, or a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;
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 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; and,
10. 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.

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

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-030:**

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

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

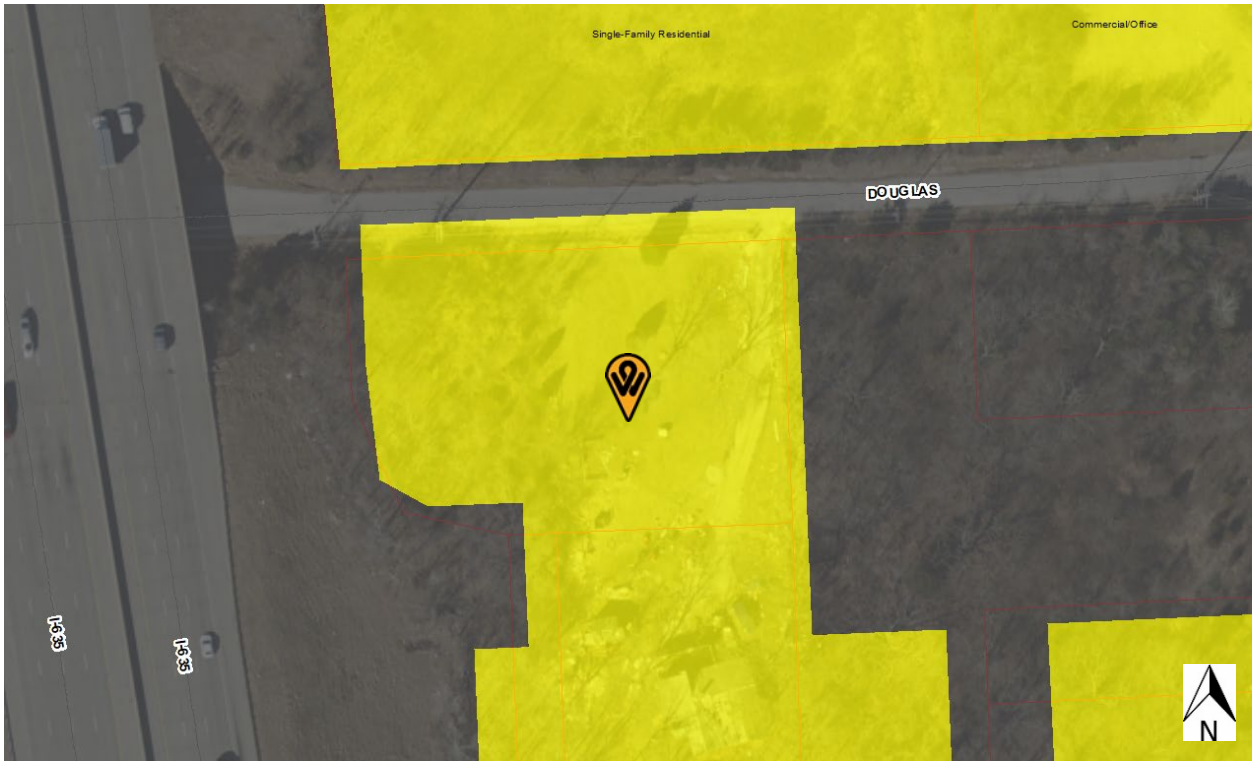
Subject to the above conditions

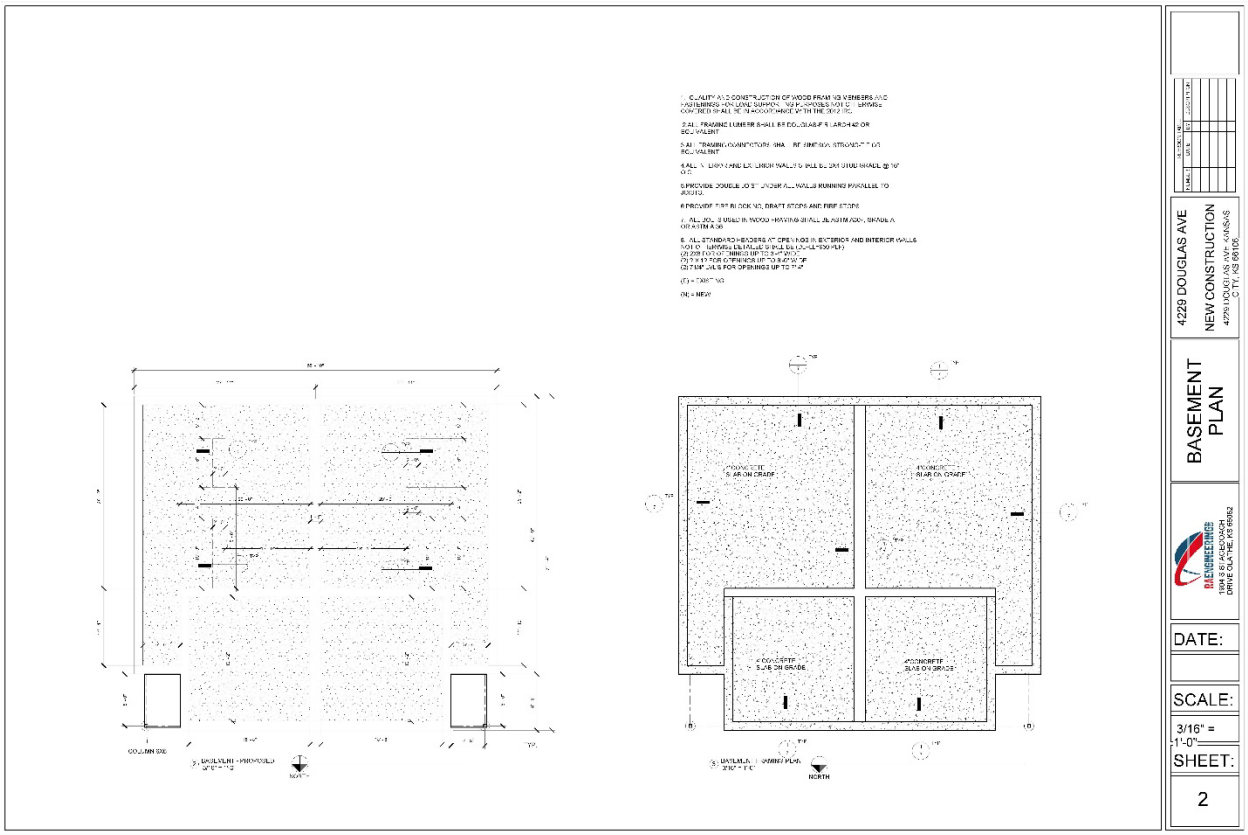
ATTACHMENTS

AERIAL IMAGERY

ZONING MAP

LAND USE MAP


Single-Family Residential
Commercial/Office
DOUGLAS
I-535
I-535
N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NEW CONSTRUCTION
BASEMENT PLAN
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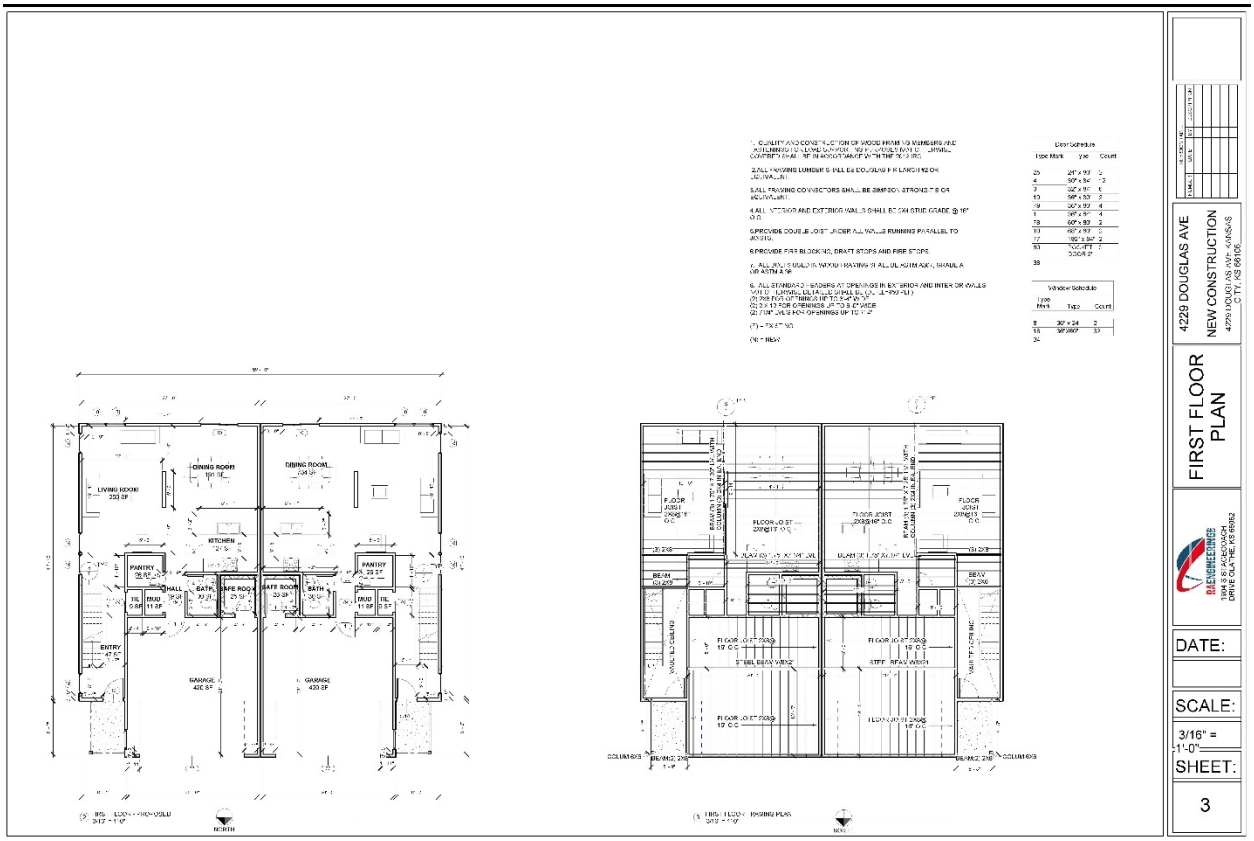
SHEET:
2


4229 DOUGLAS AVE
NEW CONSTRUCTION
FIRST FLOOR PLAN
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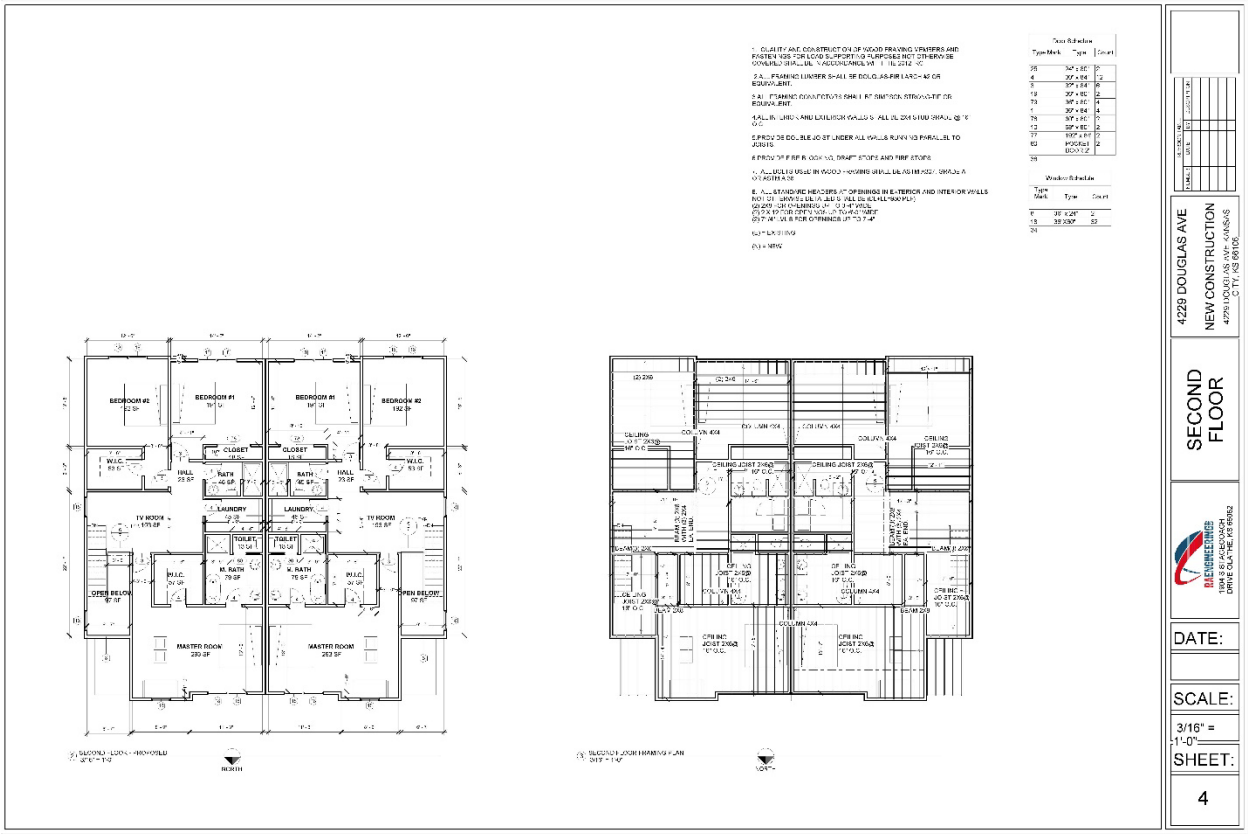
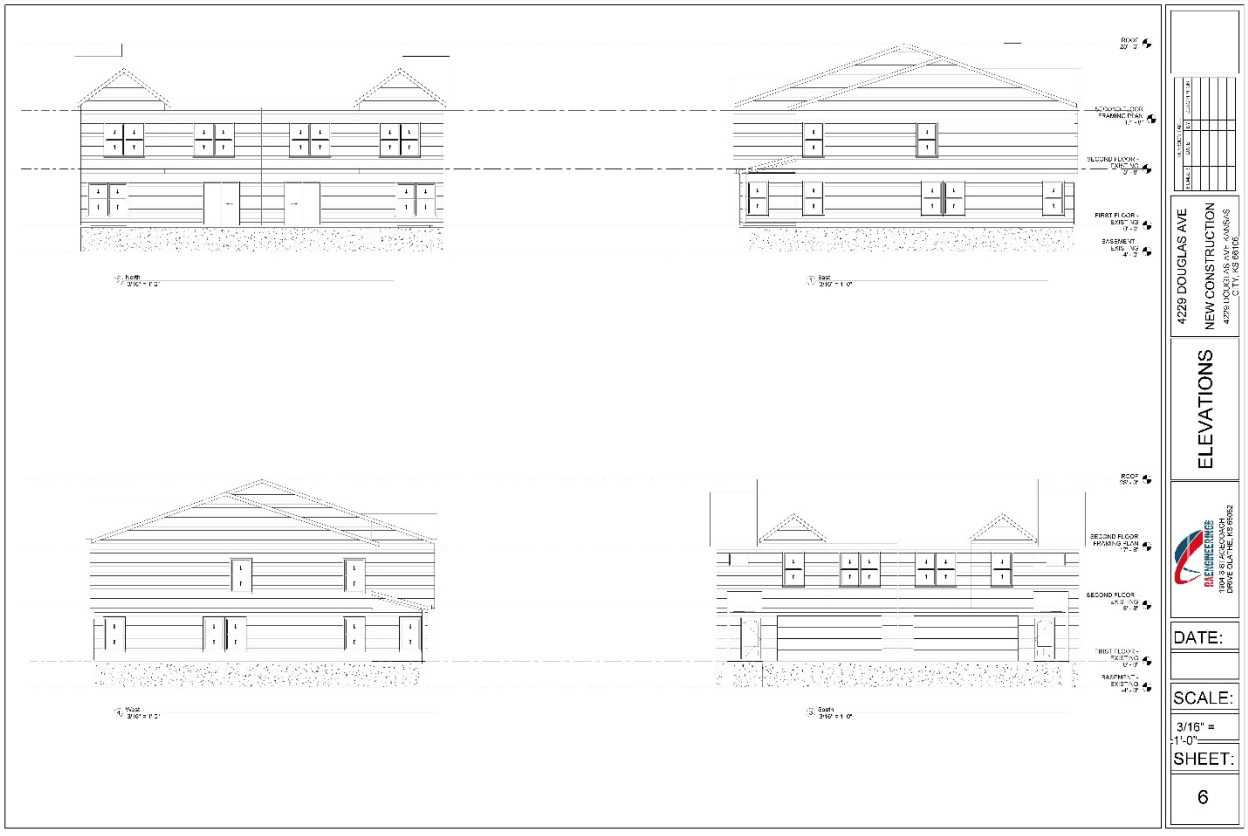
SCALE:
3/16" = 1'-0"
SHEET:
3


4229 DOUGLAS AVE
NEW CONSTRUCTION
SECOND FLOOR
DATE:
SCALE:
3/16" = 1'-0"
SHEET:
4


4229 DOUGLAS AVE
NEW CONSTRUCTION
ELEVATIONS
DATE:
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SHEET:
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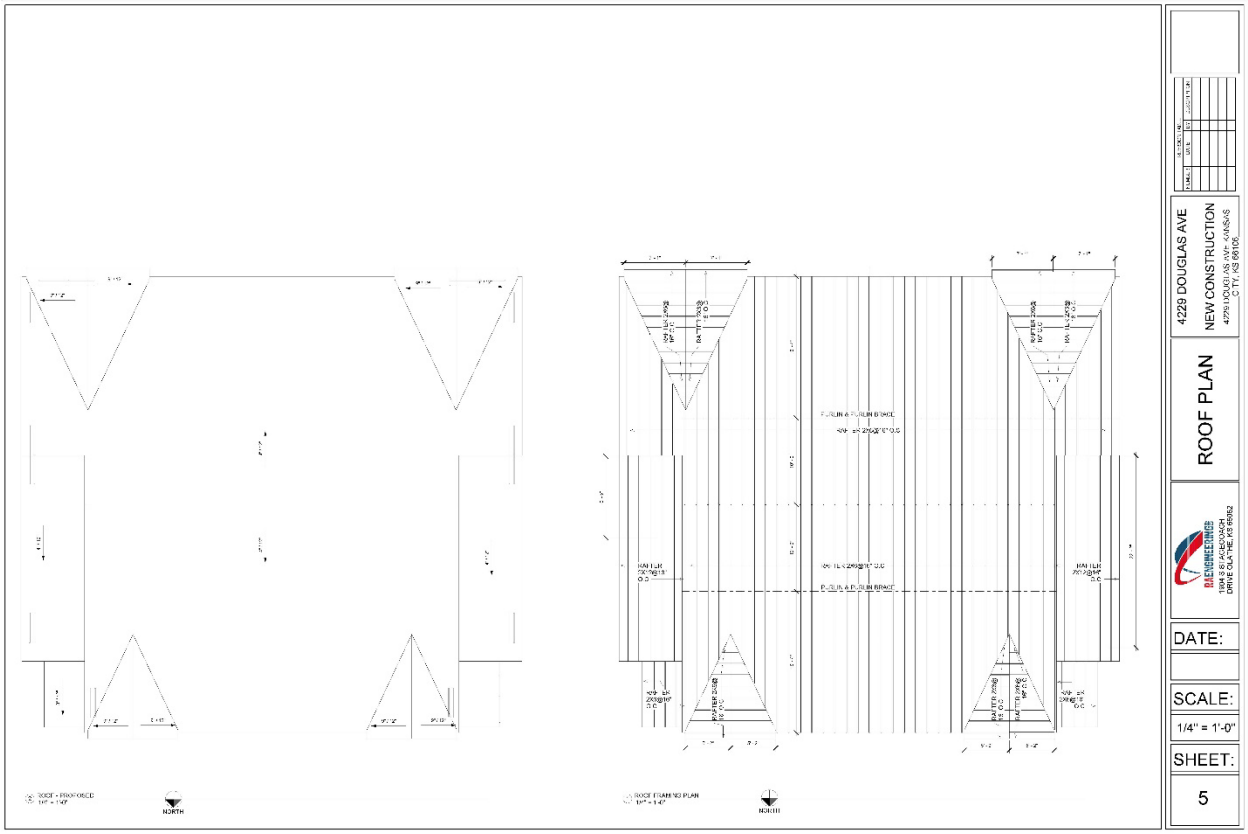
4229 DOUGLAS AVE
NEW CONSTRUCTION
ROOF PLAN
DATE:
SCALE:
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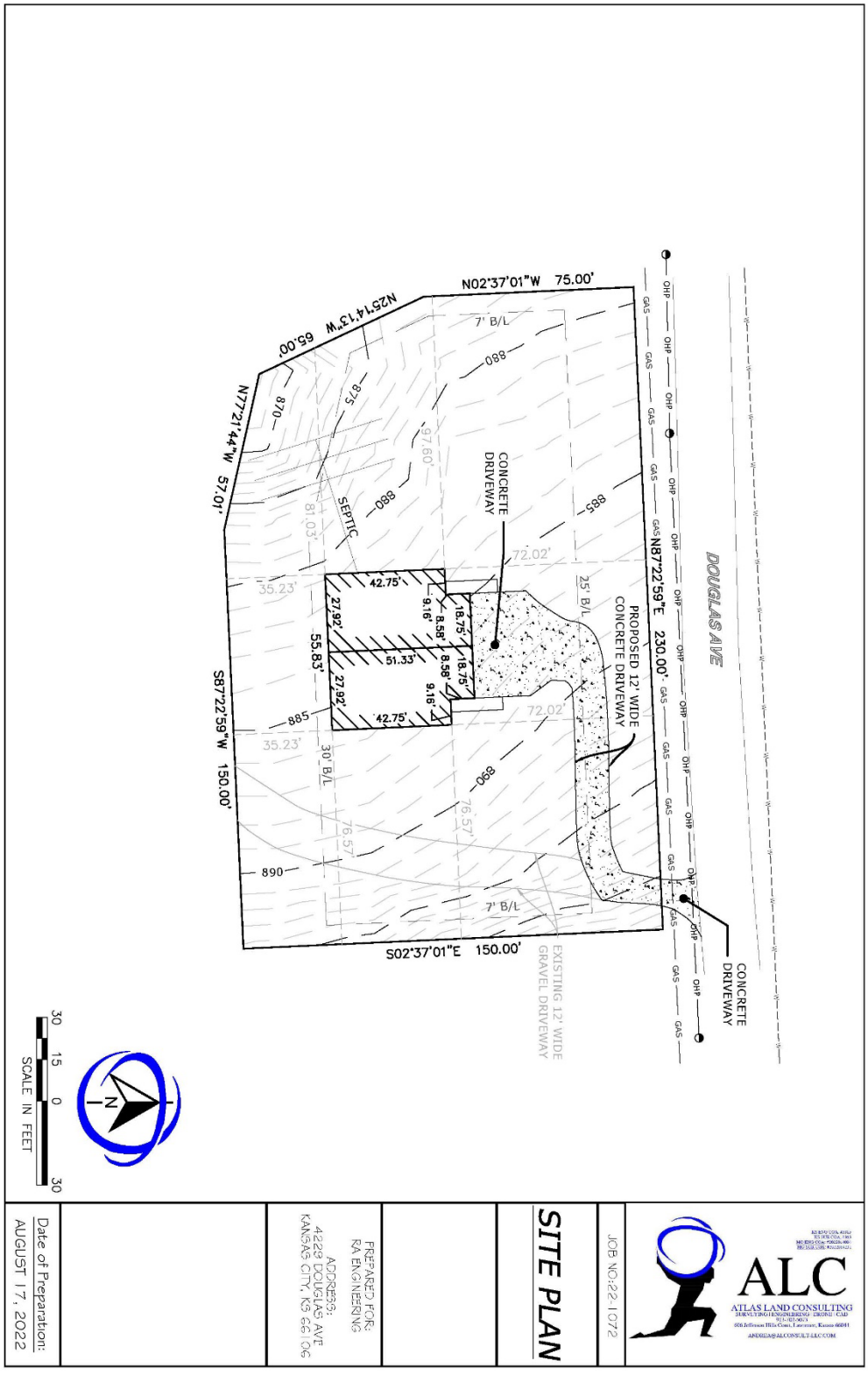
SHEET:
5
NORTH
NORTH

SITE PLAN



N02°37'01"W 75.00'
N25°14'13"W 65.00'
N77°21'44"W 57.01'
S87°22'59"W 150.00'
S02°37'01"E 150.00'
N87°22'59"E 230.00'
DOUGLAS AVE
CONCRETE DRIVEWAY
PROPOSED 12' WIDE CONCRETE DRIVEWAY
EXISTING 12' WIDE GRAVEL DRIVEWAY
SEPTIC
7' B/L
25' B/L
30' B/L
42.75'
27.92'
55.83'
51.33'
9.16'
8.58'
18.75'
72.02'
35.23'
880
885
890
870
875
97.60'
81.03'
76.57'
SCALE IN FEET
30 15 0 30
N
ALC
ATLAS LAND CONSULTING
JOB NO:22-1072
SITE PLAN
PREPARED FOR:
RA ENGINEERING
ADDRESS:
4229 DOUGLAS AVE
KANSAS CITY, KS 66106
Date of Preparation:
AUGUST 17, 2022

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

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

August 16, 2022

RE: COZ2022-030, Andrea Weishbaubt to construct a duplex at 4229 Douglas Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-030, Andrea Weishbaubt to construct a duplex at 4229 Douglas Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox complex, 18 to 30 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover. There is a waterway in the area that is flatter but is too narrow to map out.
- Depending on location of the duplex, flooding can be a problem or slopes are a concern.
- Limiting the disturbance of land near the drainageway (within 15-20 feet) and using silt fence and straw wattles can be used to protect the stream.
- If there are any erosion problems the Best Management Practices in this report can be used to control the problems.

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

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
606 Jefferson Hills Court, Lawrence, Kansas 66044

COZ2022-030 & MPL2022-016

STAFF REPORT

PLANNING AND URBAN DESIGN COMMENTS:

1. The applicant must provide a scaled and dimensioned site plan to demonstrate conformance with the R-2(B) Two-Family District zoning regulations, otherwise the petition cannot move forward. – SEE ATTACHED SITE PLAN

2. Has the property owner acquired the adjoining property from the Land Bank, or do they have an access agreement for the Land Bank? The adjoining property has been utilizing the subject property for access, as the right-of-way that the property accesses has never been developed. – NO AGREEMENT, THIS PROPERTY IS NOT OUR CLIENT'S PROPERTY. WE ARE UNSURE OF WHO IS UTILIZING THE ACCESS

3. Staff suggests that the proposed structure bring the entrances of the dwellings forward and push the garages back, as to feature the entrances prominently, rather than the garages. - ACKNOWLEDGE

4. Will the property be served by septic tanks? If so, coordination with the Wyandotte County Health Department is required to determine if the property is suitable for septic service. – PROPERTY WILL BE ON SEPTIC, CLIENT WILL COORDINATE WITH COUNTY HEALTH DEPARTMENT

General Engineering Review No. 1

1. Provide site plan showing dimensions, proposed driveway widths, distances from property lines, proposed duplex building, existing and proposed utilities, etc., in accordance with UG standards and criteria. Please discuss further with staff if there are any questions. See attached site plan.

2. The drive entrance shall be 25' max in accordance with UG standards and criteria. Noted

3. The driveway entrance within right of way of Douglas Avenue shall conform to the Unified Government of Wyandotte county and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G. Noted

4. Construction plans shall meet UG standards and criteria, and shall reviewed and approved by UG prior to construction permit acquisition. Noted

5. If a septic tank is being proposed to use, please coordinate with the Wyandotte County Health Department for the proposed septic. Noted

6. Regarding the above comment, prior to construction permit acquisition, a valid private on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on-site wastewater system. Provide staff with copies of the approval(s) and/or permit from Wyandotte County Health Department. Noted

CONSERVATION DISTRICT COMMENTS:

1. Depending on the location of the duplex, flooding and slopes are a concern; - DUPLEX LOCATION WILL AVOID FLOODING

2. Limiting the disturbance of land near the drainageway (within 15-20 feet) and using silt fence and straw wattles can be used to protect the stream; and, - ACKNOWLEDGE

3. If there are any erosion problems, best management practices (attached below) can be used to control the problems. ACKNOWLEDGE

STANDARD CONDITIONS:

1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573- 8620 or by 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; - ACKNOWLEDGE

2. All existing and future driveways must feature curb cuts that are constructed to UG standards; - ACKNOWLEDGE

3. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; - ACKNOWLEDGE

4. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development

application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; - ACKNOWLEDGE

5. A Right-of-Way Permit may be 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; - ACKNOWLEDGE

6. Section 27-477 states that any new residential use shall contain an area of storm protection. Such area may be a room or space, such as a basement, or a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof; - ACKNOWLEDGE

7. 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; and, - ACKNOWLEDGE

8. 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: - ACKNOWLEDGE

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; - ACKNOWLEDGE

b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan; - ACKNOWLEDGE

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; - ACKNOWLEDGE

d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts; - ACKNOWLEDGE

606 Jefferson Hills Court, Lawrence, Kansas 66044

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 - ACKNOWLEDGE

f. The impacts of the potential costs and benefits derived by the community or area by the proposed change. - ACKNOWLEDGE

606 Jefferson Hills Court, Lawrence, Kansas 66044

SITE PHOTOS, PROVIDED BY STAFF, DATED AUGUST 11, 2022

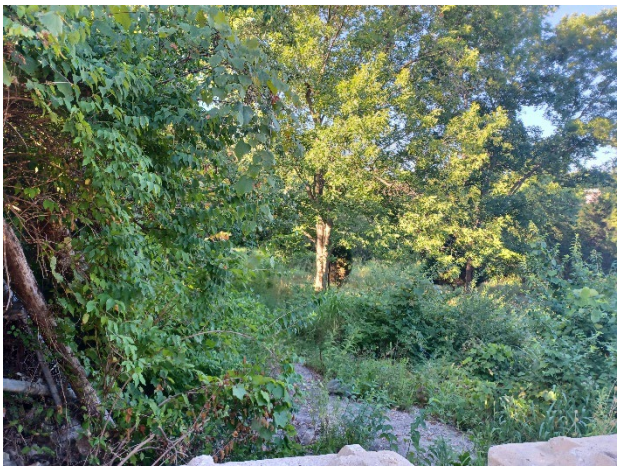


EXHIBIT B

4229 Douglas Ave Kansas City, KS 66106
COZ2022-030 / MPL2022-016

No neighbor contacted via email, phone, text, etc.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition # COZ2022-030 ; MPL 2022-016
2. That I conducted a neighborhood meeting on via phone and email
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of September 2022.

My commission expires 20th of December, 2022.

NOTARY PUBLIC - STATE OF KANSAS
DOMONIQUE DENICE KETTLER
My Appt Exp 12/20/2022

Notary Public

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 27, 2022

Re: **Change of Zone Petition COZ2022-033 and Master Plan Amendment MPL2022-020**

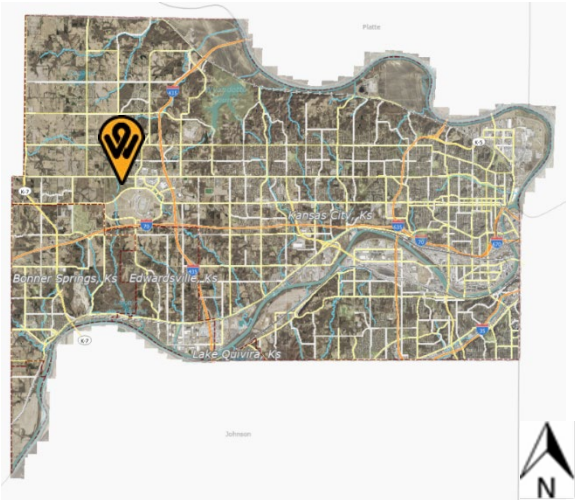
GENERAL INFORMATION

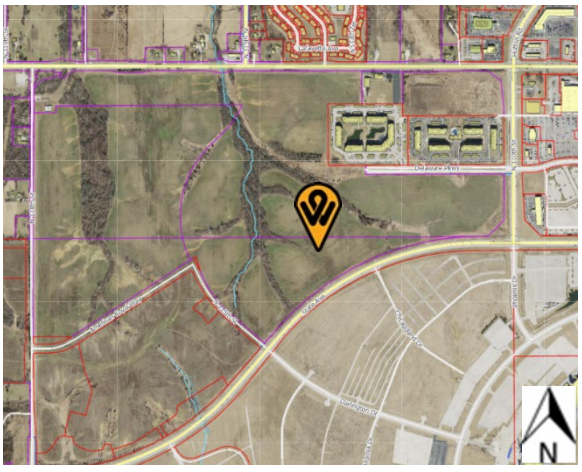
Applicant:
Todd Thomas

Status of Applicant:
CPC Land Acquisition Company LLC
14160 North Dallas Parkway, Suite 750
Dallas, TX 75254

Requested Actions:
To approve a Master Plan Amendment from Planned Mixed Business Park/Commercial District (Prairie Delaware Piper Master Plan) to Medium Density Residential (City-Wide Master Plan).

Change of Zone from A-G Agriculture District to RP-4 Planned Garden Apartment District.





Date of Application:
August 26, 2022

Purpose:
To rezone and build an apartment complex consisting of cottage-style single-family homes and duplexes totaling 232 units.

Property Location:
1921 North 118th Street

Commission District: Commissioner At Large, District #2: Tom Burroughs
District #7 Commissioner: Chuck Stites

Existing Zoning: A-G Agriculture District

Adjacent Zoning:
North: A-G Agriculture and RP-5 Planned Apartment Districts
South: A-G Agriculture District
East: A-G Agriculture District
West: A-G Agriculture District

Adjacent Uses:
North: Apartments (approved) and undeveloped land
South: Kansas Speedway
East: Undeveloped land
West: Undeveloped land

Total Tract Size: 32.19 Acres

Master Plan Area: Prairie Delaware Piper Master Plan

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Business Park/Commercial District, which allows commercial retail and limited commercial services, convenience retail, major retail uses, as well as manufacturing, light industrial uses, distribution-warehouse, trucking, and other employment activity.

A Master Plan Amendment has been submitted to Medium-Density Residential (City-Wide Master Plan), which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.

Major Street Plan: The Major Street Plan classifies State Avenue as a Class A Thoroughfare and Delaware Parkway as a Parkway.

Required Parking: Required Parking: Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. There are 41 one (1) bedroom unit and 191 two (2) and three (3) bedroom units; therefore 444 parking spaces are required. 462 off-street parking spaces are provided.

Advertisement: The Wyandotte Echo – Change of Zone – September 15, 2022; Master Plan Amendment – September 15, 2022

	Letters to Property Owners – Change of Zone – September 16, 2022 and September 16, 2022; Master Plan Amendment – September 16, 2022
Public Hearings:	October 10, 2022 and October 27, 2022
Public Support:	None to date.
Public Opposition:	One person appeared in opposition/questions at the October 10, 2022 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Todd Thomas with CPC Land Acquisition Company, LLC, wants to rezone 1921 North 118th Street from A-G Agriculture District to RP-4 Planned Garden Apartment District to build cottage-style single-family homes and duplexes totaling 232 units on 32.19 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The character of the neighborhood is bounded by the Kansas Speedway to the south, and undeveloped land to the east and west. There are two multi-family apartments and a third multi-family complex (approved) north across Delaware Parkway. This site is on the far western edge of the Legends and Village West area.

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 not necessarily compatible with the surrounding properties to the west, where the American Royal is approved to be constructed, but also the Kansas Speedway adjacent to the south. High density development should occur at major intersections along transit corridors and while Urban Outfitters distribution center has a bus stop, it is intended to primarily serve that employment center.

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 the proposed development as it is adjacent to more intense businesses and multi-family residential apartments to the east and north, respectively. The property serves as a buffer between the change in density as it is designed to have the look and feel of a detached dwelling community of single-family and duplex residential units. The design concept, if properly executed, should not detrimentally affect the nearby property although the details of the plan and its execution need further staff review to determine the extent of the effect of its development on said neighboring property.

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

   The property is not vacant as there is a telecommunication tower located in the northwest corner of the parcel, abutting North 118th Street and Parallel Parkway intersection. Otherwise, this property is being use as agricultural land.

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

   The proposed development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or duplex. Given the close proximity to the Kansas Speedway, and a Class A Thoroughfare, typically, commercial uses and multi-family residential set the edge transitioning to lower densities (i.e., single family homes).

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

   The proposed development of 232 units, with access to State Avenue and Delaware Parkway that have three (3) apartment complexes exiting onto the road street will increase traffic in ways that could adversely affect road capacity or safety. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity, specifically looking at improvements to these intersections and sidewalk connections on both streets. Further comments may be forthcoming from Planning Engineering and Public Works Department.

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

   The proposed use does not conform to the Prairie Delaware Piper Master Plan; therefore, a Master Plan Amendment is sought from Planned Mixed Business Park/Commercial District to Medium Density Residential (City-Wide Master Plan), which allows attached residences such as duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches, and libraries.

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

   The applicant is proposing several new structures in close proximity to natural resources such as Connor Creek. Soil is highly erodible, and this development requires a large amount of land disturbance, grading, and staging. There is the propensity for issues related to grading, stormwater, and erosion that needs further evaluation by Staff to determine environmental impact.

   The proposed use can enhance the environment or mitigate the intensity of use through tree and stream preservation, enhanced landscaping throughout the development, internal and along the perimeter of the property. The property is changing from rural pasture land and treed land to a relatively flat, graded site. Landscaping and screening is imperative.

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

   a. ***Water service***

      BPU provides water service.

   b. ***Sanitary sewer service***

      UG provides sanitary sewer service.

   c. ***Storm water control***

      To be designed to meet City Code.

   d. ***Police***

      Police service is provided by West Patrol, District #227.

   e. ***Fire***

      Fire service is provided by Fire Station #12 located off Hutton Road and Leavenworth Road.

f. Transit

Kansas City ATA does not provide transit service to this property. The closest transit stop is approximately three-quarter (3/4) mile to the east at Village West Parkway and Stadium Drive, Route #101.

g. Schools

Public education is provided by Piper USD 203.

h. Streets

State Avenue is a Class A Thoroughfare and Delaware Parkway is a Parkway, and the traffic study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between one (1), two (2) and three (3) bedrooms) within the complex will promote a diverse population to make use of the nearby employment and entertainment districts.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the intensity they originally sought to redevelop it as.

PREVIOUS ACTIONS

- In 2007, a rezoning from A-G Agriculture District to CP-2 Planned General Business District (COZ 2929) and Special Use Permit (SP-2007-42) for a 1,224,000 square foot resort casino was approved by the Board of Commissioners on December 4, 2007. (Withdrawn by the applicant).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at County Club Bank at 11006 Parallel Parkway on September 19, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

KCKFD Access
Open Space Preservation
Traffic
City-Wide Master Plan Multi-Family Design Guidelines
Pedestrian Connectivity/Bike Lanes
Massing and Building Orientation
Parking
Landscaping, Screening and Buffering
Lighting
Platting
Stream Buffer

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Master Plan Amendment MPL2022-020 and Change of Zone COZ2022-033, subject to:

1. **Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;**
2. **Proposed development within this preliminary plat will require civil drawings to be submitted for the final plat;**
3. **Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk in of these curb cuts;**
4. **In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.**
5. **Per the goDotte Mobility Plan, a 10-foot concrete sidewalk/trail shall be constructed on State Avenue, along the entire southern property line in the right-of-way. See the Regional Trail cross section in the attachments.**
6. **Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one (1) side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except industrial areas and except in subdivision zoned R Rural Residential District. Sidewalks shall be no less than four (4) feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall**

be in the platted street right-of-way abutting the property line.

A sidewalk on the south side of Delaware Parkway shall be constructed as part of this development. The internal sidewalk network (along the private street) shall connect to the sidewalk along Delaware Parkway;

7. **Greater emphasis should be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees;**
8. **Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1/B1;**
9. **At the end of the stub streets that provide off-street parking, connect into the internal sidewalk network. Additionally, those stub streets that are in the vicinity of the regional trail shall have a sidewalk that connects the internal sidewalk network to the trail network.**
10. **The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site;**
11. **Amenities shall be built in the first phase of the development;**
12. **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;**
13. **Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts;**
14. **The Final Development Plan will include FEMA compliant storm shelters either in the individual living units or in communal safe rooms located at the clubhouse and/or maintenance building. 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 (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection;**
15. **Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.**
16. **Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points within the development);**
17. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
18. **Carports within the development shall match the residences (roof pitch and materials) within the development;**

19. **The City Planning Commission approved the deviation for architectural design. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.**
20. **The City Planning Commission approved the deviation for materiality as per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.**
21. **Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;**
22. **Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site;**
23. **Sec. 27-460(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 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 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district;
24. **One (1) street tree shall be provided per 30 feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore 36 trees are required to be planted along State Avenue and 14 trees are required along the Delaware Parkway frontage;**
25. **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;**
26. **All landscaping shall be irrigated;**
27. **If proposed, 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;**
28. **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;**

29. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
30. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) 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;**
31. **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;**
32. **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;**
33. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
34. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
35. **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;**
36. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
37. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
38. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-033** and **MPL2022-020**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
City-Wide Master Plan Medium Density Residential Designation
City-Wide Master Plan Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
Regional Sidewalk/Trail Cross Section
KCKFD Comment Letter
Applicant Response Letter
Neighborhood Meeting Documents
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on September 14, 2022.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Rezoning	October 10, 2022 Approval	October 27, 2022
Public Hearing Master Plan	October 10, 2022 Approval	October 27, 2022

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-020** 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 **MPL2022-020** 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 **COZ2022-033** 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. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-033** 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 mentioned.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 3:40:27:

MASTER PLAN AMENDMENT MPL2022-020 – TODD THOMAS WITH CRITTRION - SYNOPSIS: Master Plan Amendment from Business Park (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) to construct duplexes and other multi-family residences at 1921 North 118th Street. A resolution adopting the Master Plan Amendment is also part of this application.

CHANGE OF ZONE APPLICATION COZ2022-033 – TODD THOMAS WITH CPC LAND ACQUISITION COMPANY - SYNOPSIS: Change of Zone from A-G Agriculture District to RP-4 Planned Garden Apartment District to construct duplexes and other multi-family residences at 1921 North 118th Street.

Detailed Outline of Requested Action: The applicant, Todd Thomas with CPC Land Acquisition Company, LLC, wants to rezone 1921 North 118th Street from A-G Agriculture District to RP-4 Planned Garden Apartment District to build cottage-style single-family homes and duplexes totaling 232 units on 32.19 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 October 10, 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:

- Curtis Petersen, attorney, representing the applicant, Polsinelli, 900 West 47th Place, Kansas City, Missouri

The Planning Commission directed questions to the applicant.

Present in Opposition/Questions/Support:

- Sarah Shafer, 11200 Delaware Parkway, Kansas City, Kansas

Staff Recommendation starts at 4:10:30: Planning Director Hand stated that the proposal includes both COZ2022-053 from A-G Agriculture District to RP-4 Planned Garden Apartment District and MPL2022-020 from Business Park to Medium Density

Residential. This property is in the Prairie-Delaware-Piper Master Plan. This is a large parcel the applicant is proposing to build on and it is also a relatively new use typology. At its core it is multi-family and needs to follow the Multi-Family Design Guidelines. Staff did their best to apply the Multi-Family Design Guidelines to essentially a single-family subdivision even though it is one (1) parcel with over 200 total units format. Staff is requesting sidewalks on both Delaware Parkway and State Avenue, which is a 10-foot wide off-street trail as per the goDotte County-Wide Mobility Strategy. Staff tried to work with the applicant extensively to ensure pedestrian circulation, i.e., across the development. The project will have numerous amenities such as the clubhouse, dog park, trails and open space. He stated that the single-family and duplex "pods" layout is not ideal. Staff and the applicant came to an impasse. Staff knows that development will occur directly to the east of this project and Staff is trying to create separation and reintroduce the grid network in-between these two (2) arterial streets as it relates specifically to the private drive connecting Delaware Parkway to State Avenue. Staff is asking that they flip the road so it runs along the edge of their property. As it is designed now, people driving down the public streets will see the back of the garages, which is fine within the development but not on its edges. Staff is requesting that they change that design for the single family pods along State Avenue and the redesigned eastern private road and whatever happens to the east of the property could then align to the proposed private drive built to UG standards. Access to the development would then be behind that road. He stated that he will address the requested deviations but it is important to know that Staff uses these conditions to enforce building permits and final inspections and as such should remain. Director Hand addressed the following requested deviations and the Commission asked questions as he went through the conditions:

3. As discussed previously with Planning Staff, a separate roadway, directly connecting Delaware Parkway to State Avenue was asked to be incorporated into the plans. Traffic calming design and measures can be installed to slow down vehicles to prevent a "drag strip", but would allow for traffic to bypass the development for major thoroughfare access. In addition to creating the road, flip the residences so their fronts of face the street and their rears open into the green space of the neighborhood pods. Also, the road will create access and division of the future use to the east. Staff remains a proponent of a straight-line through street from Delaware Parkway to State Avenue. The street will allow vehicles from Delaware Parkway in Village West Apartments I, II, and III to access State Avenue without driving through the multi-family development – Staff defers to the Commission.

8. Greater emphasis needs to be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees – Staff believes that this condition needs to remain to continue to apply emphasis to the pedestrian entrances to both this development. The condition could be changed to say greater emphasis should be put on pedestrian entrances so Staff can continue to advocate for the design guidelines.

11. The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site –

12. Amenities shall be built in the first phase of the development;

Staff believes this condition needs to remain. This condition and #12 allows the Staff to advocate for two (2) things. One (1) they have to meet all of their amenity requirements, which this project does. Two (2), regardless of phasing, the public improvements should happen in the first phase. There have been many times when the public improvements were tied to future phases and the future phases did not occur. Staff is not asking that the amenities be relocated because they are currently located evenly across this proposed development.

14. Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts - If the Commission wishes to remove this condition, a variance would be required. This condition allows continued conversation about future connectivity of the site.

15. 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 (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection; - Staff agrees with this change as proposed by the Applicant.

20. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade. The rear elevations should have "front" entries, similar to the front elevation. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation – Staff has no issue with this deviation. The Planning Commission would need to agree to both the architecture and material deviation proposed by the Applicant. Leaving the condition does not mean that they have to change anything but holds them to the intent of the design guidelines.

21. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation – Staff has no issue with this deviation. The Planning Commission

would need to agree to both the architecture and material deviation proposed by the applicant. Leaving the condition does not mean that they have to change anything, but holds them to the intent of the design guidelines.

23. Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site. These tree stands should not be thinned or removed as they provide a natural buffer – The second sentence can be removed as per the request of the applicant.

Director Hand stated Staff recommends approval subject to the conditions in the staff report.

The Planning Commission asked clarification questions for the conditions discussed by Director Hand.

Chairman Carson reopened the hearing for additional comments from Mr. Petersen.

Motion starts at 4:57:19:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-020 with the following changes to the conditions in the staff report:**

1. **Delete Condition #3**
2. **Keep Condition #8**
3. **Keep Condition #11**
4. **Keep Condition #12**
5. **Keep Condition #14**
6. **Modify Condition #15 as per the applicant's request – storm shelters – Proposed revision: The final development plan will include FEMA compliant storm shelters either in the individual living units or in communal saferooms located at the clubhouse and/or maintenance building.**
7. **Approve the deviation for Condition #20 – façade architecture**
8. **Approve the amendment from staff for Condition #21 – façade materials**
9. **Modify Condition #23 as per the applicant's request – tree preservation**
10. **And the remaining conditions in the Staff report:**

Carson	Chairman
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend **APPROVAL** Passed: 6 to 1
Subject to:

1. **Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;**
2. **Proposed development within this preliminary plat will require civil drawings to be submitted for the final plat;**
3. **Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk in of these curb cuts;**
4. **In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.**
5. **Per the goDotte Mobility Plan, a 10-foot concrete sidewalk/trail shall be constructed on State Avenue, along the entire southern property line in the right-of-way. See the Regional Trail cross section in the attachments.**
6. **Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one (1) side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except industrial areas and except in subdivision zoned R Rural Residential District. Sidewalks shall be no less than four (4) feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be in the platted street right-of-way abutting the property line.**

   A sidewalk on the south side of Delaware Parkway shall be constructed as part of this development. The internal sidewalk network (along the private street) shall connect to the sidewalk along Delaware Parkway;
7. **Greater emphasis should be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access. Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees;**
8. **Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1/B1;**
9. **At the end of the stub streets that provide off-street parking, connect into the internal sidewalk network. Additionally, those stub streets that are in the vicinity of the regional trail shall have a sidewalk that connects the internal sidewalk network to the trail network.**
10. **The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner**

of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site;

11. **Amenities shall be built in the first phase of the development;**
12. **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;**
13. **Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts;**
14. **The Final Development Plan will include FEMA compliant storm shelters either in the individual living units or in communal safe rooms located at the clubhouse and/or maintenance building. 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 (FEMA Publication 320 or 361). Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection;**
15. **Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.**
16. **Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points within the development);**
17. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
18. **Carports within the development shall match the residences (roof pitch and materials) within the development;**
19. **The City Planning Commission approved the deviation for architectural design. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.**
20. **The City Planning Commission approved the deviation for materiality as per the City-Wide Master Plan Multi-Family Residential Design Guidelines, where all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.**
21. **Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;**
22. **Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site;**
23. **Sec. 27-460(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 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 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district;

24. **One (1) street tree shall be provided per 30 feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore 36 trees are required to be planted along State Avenue and 14 trees are required along the Delaware Parkway frontage;**
25. **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;**
26. **All landscaping shall be irrigated;**
27. **If proposed, 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;**
28. **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;**
29. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
30. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) 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;**
31. **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;**
32. **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;**
33. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**

34. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
35. **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;**
36. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
37. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
38. **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.**

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-033:**

Carson	Chairman
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend **APPROVAL** Passed: 6 to 1
Subject to the above conditions

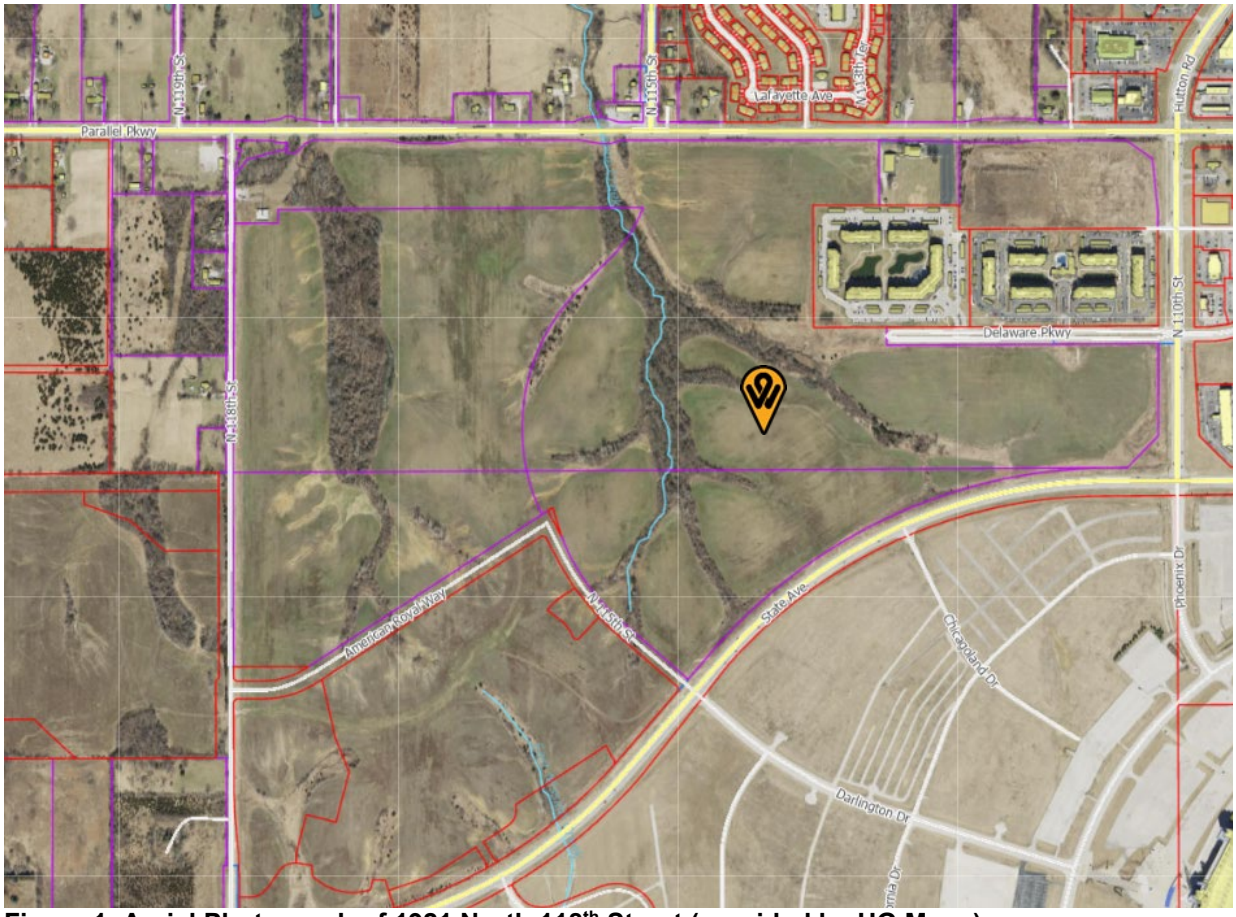


Figure 1. Aerial Photograph of 1921 North 118th Street (provided by UG Maps).

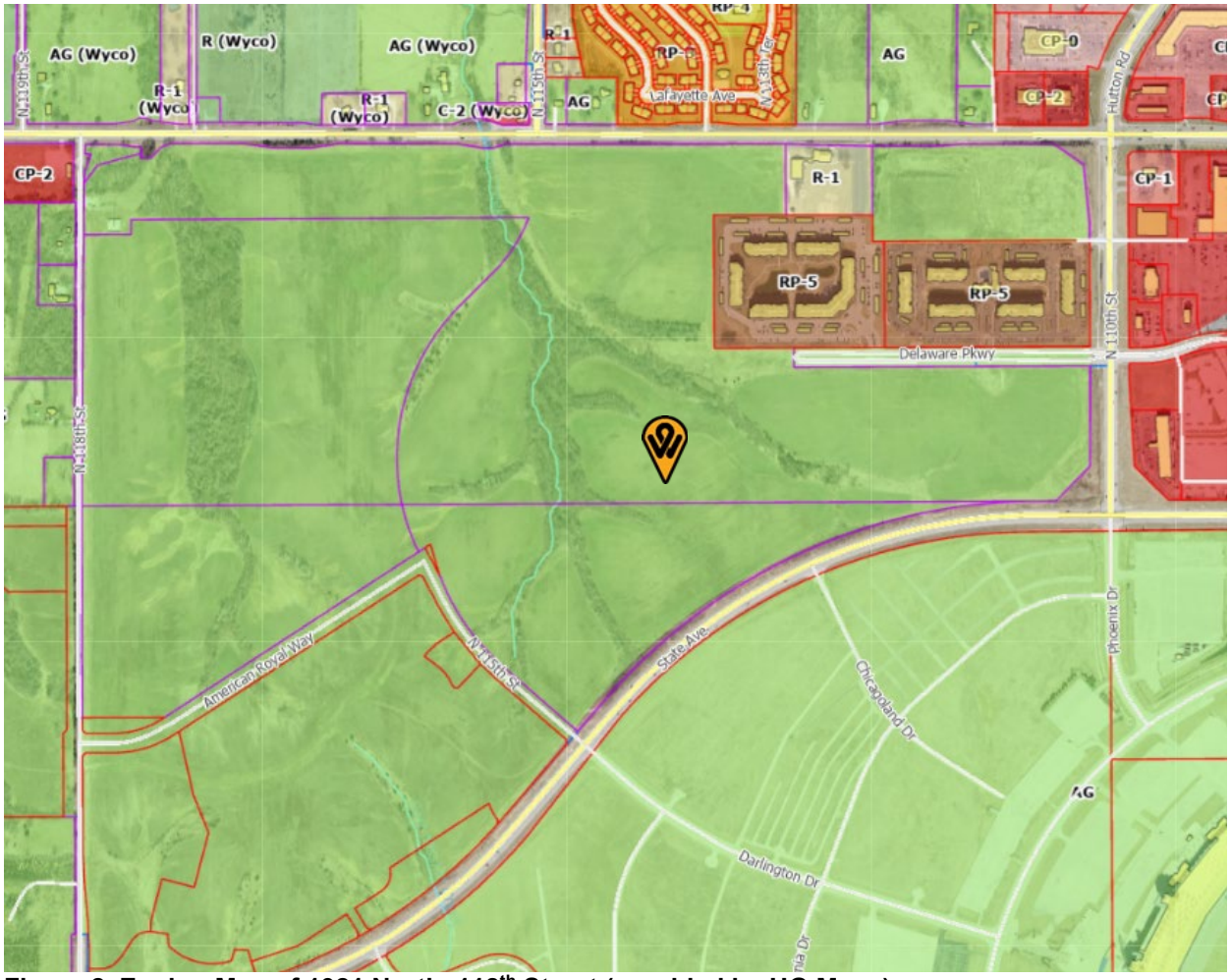


Figure 2. Zoning Map of 1921 North 118th Street (provided by UG Maps).

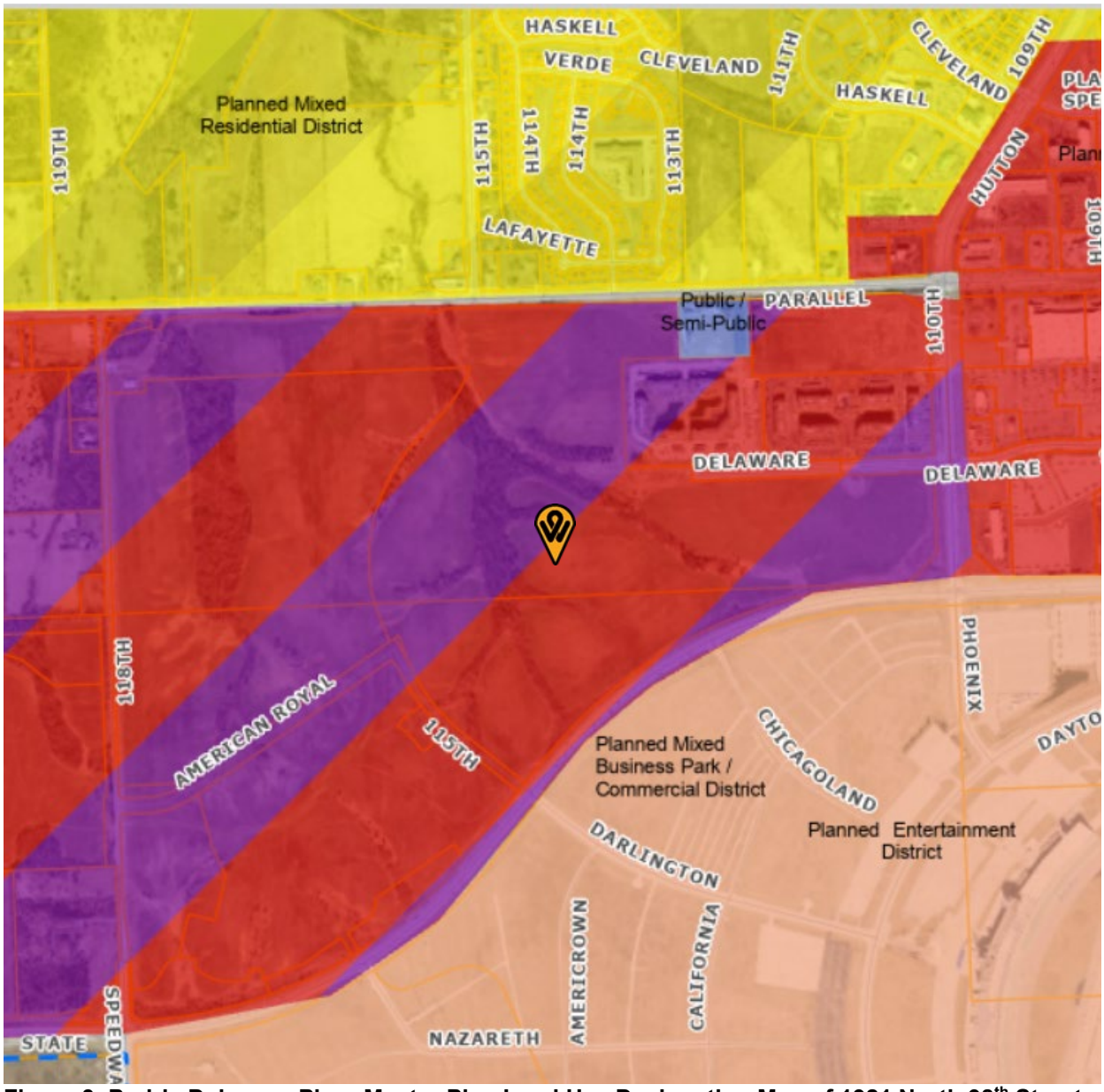


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 1921 North 98th Street (provided by ArcGIS Pro).

Medium-Density Residential: These uses are intended to provide for future housing needs through the construction of a wide variety of **attached** residential development.

- Allowed Uses:
  - Garden apartments
  - Attached residences including townhomes, duplexes, triplexes, fourplexes, etc.
  - Institutional uses such as elementary, middle and high schools, churches, libraries, etc.
  - Parks and open space
- Discouraged Uses:
  - All industrial uses
  - Business parks
  - Adult-oriented businesses
- Required Infrastructure:
  - Access to gravity sewer.
  - Access to a Class A, B or C thoroughfare or boulevard.
  - Minimum 8-foot sidewalk/trail along arterial road or 6-foot sidewalk/trail along collector road.
  - A traffic study will be required to determine access improvements such as turn lanes, intersection controls, etc.
- Open Space:
  - A minimum of 15% not including environmental constraints such as floodplain, swails, steep slopes, etc.
- Recommended Density:
  - 4 to 16 dwelling units per acre
- Green Principles:
  - Incentives should be provided for:
    - Use of the National Green Building Standard.
    - Leadership in Energy and Environmental Design (LEED) for Homes qualified rating.
    - Energy Star Qualified buildings and homes.
    - Bicycle and pedestrian connections to adjacent neighborhoods.
    - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
    - Integration of transit stops.
- Cultural Principles:
  - Provides multiple housing choices and price points
- Design Guidelines:
  - All developments must meet the minimum guidelines outlined on pages 45-46.
- Amenity Guidelines:
  - All new development projects must meet the minimum amenity guidelines outlined on page 42. Projects less than 50 dwelling units are not subject to these guidelines.

Multi-Family Residential Design Guidelines

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

- Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.
- All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - The primary entrance or entrances to each principal multi-family building;
  - To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
  - Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or personal service establishments; and
  - Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
- To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage.
- Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.
- The maximum length of a multi-family residential building shall be 200 feet.
- No more than six (6) townhome units shall be attached in any single row.
- There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.
- All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
- All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrance-ways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entry-ways, recreation areas, and laundry areas.

- On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty-feet (50') of building wall length.
- Unity of design will be maintained through the use of similar materials and colors throughout all multi-family developments.
- High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.
- For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.
- Exterior building materials **shall not** include the following:
  - Board and batten wood
  - Smooth-faced or gray concrete block
  - Painted concrete block
  - Tilt-up concrete panels
  - Field painted or pre-finished standard corrugated metal siding
  - Standard single or double tee concrete systems
  - Vinyl siding
- The rehabilitation of existing multi-family structures shall require the use of alternate materials subject to approval by the City Planning Commission.
- Predominant roof materials shall be high quality, durable material such as, but not limited to:
  - Wood shake shingles
  - Clay or concrete tiles
  - Composition shingles
  - Asphalt shingles
  - Other materials considered on a case-by-case basis
- Landscaping is required to screen all parking areas and service entries.

Amenity Guidelines

Amenities within residential developments are an important factor when potential home buyers consider purchasing a home. Amenities enhance the overall value of a neighborhood and allow residents to meet and get to know one another.

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

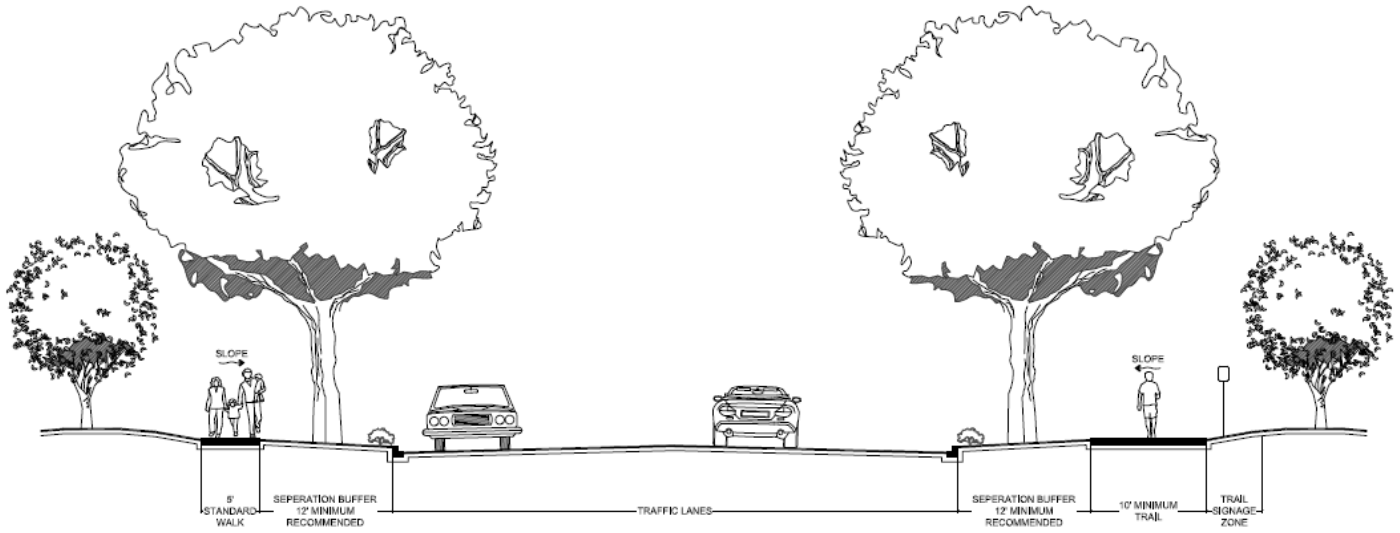
Multi-Family Residential Amenity Guidelines

Multi-family developments shall incorporate recreational amenities based on the number of units within the development. Multi-family developments with less than 25 dwelling units are required to have one (1) Small Amenity. Multi-family developments with 25-to-150 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a Small Amenity. Multi-family development projects with more than 150 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Residential Amenity Reference Table

Small:	
	Basketball, volleyball, or other court sport.
	Open play area of at least 15,000 square feet with maximum of three (3) percent slope and tow benches and one play structure.
	One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.
	Option provided by owner, but must be considered equal to one of the other small options.
Regular:	
	Swimming pool
	Golf Course
	Residential Clubhouse
	Two (2) basketball, volleyball, or other court sports.
	Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.
	Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.
	Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.

Figure 7.3: Regional Trail
Typical Cross Section



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

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas

FIRE DEPARTMENT-FIRE PREVENTION DIVISION
815 North 6th St. (913) 573-5550
Kansas City, Kansas 66101 (913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENTDATIONS

DRC No. BOZA Oct COZ2022-033 Address: 1921 N. 118th St

Development Name: TODD THOMAS Description: New Housing Development

STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

*Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All bldgs to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC
*Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC
-Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side
-Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side
-Roads over 32 feet wide (curb face to curb face) - on street parking allowed both sides
-Dead end access roads 150'+, SHALL comply with Sec. D103.4 and table D103.4, 2012 IFC for min. road width 26'(curb face to curb face) and min. cul-de-sac diameter of 96'.
*Fire access entrance roads must comply with Sec.D104.3 separated by min. 1/2 the diagonal of the area served, with (2)minimum entrances for subdivisions with more than 75 units per City Ordinance Chapter 15, Article III-Sec.15.54, D107.1
**Provide a fire truck turning drawing based on the following data:

Length- 40'	Inside turn radius- 28 ft
Wheel base- 272.5 in.	Wall to wall radius- 52.5 ft
Front overhang- 131.3 in	Curb to curb radius- 46 ft
Width- 84 in	Inside Cramp Angle- 40deg

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields Digitally signed by Harvey Fields Date: 2022.09.06 15:22:54 -05'00' 9/6/2022

Attending DRC Member: Date

I,_____, as_____of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date **Contact Phone Number and Email Address**

Mailing Address, City, State, and Zip Code

Platting
Stream Buffer

STAFF COMMENTS AND SUGGESTIONS - RESPONSES IN RED

Urban Planning and Land Use Comments:

General Planning:

1. Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan.
   RESPONSE: Acknowledged.

2. Provide an aerial photograph overlaying the proposed development to ensure that the tree stands are being preserved rather than remove and graded flat to fit the development, as opposed to the development fitting within the topography of the site.
   RESPONSE: Provided. Please see SP1.01.

3. The traffic study is being reviewed by Planning Engineering, Public Works Department, and a third-party consultant due to staffing. Additional comments may be forthcoming, which may result in this petition being continued for one (1) month.
   RESPONSE: Acknowledged.

4. As discussed previously with Planning Staff, a separate roadway, directly connecting Delaware Parkway to State Avenue was asked to be incorporated into the plans. Traffic calming design and measures can be installed to slow down vehicles to prevent a "drag strip", but would allow for traffic to bypass the development for major thoroughfare access.
   RESPONSE: The east-most drive provides a direct connection between Delaware Pkwy and State Ave with minimal turns at two intersections, providing an offset of the street which will perform as the requested "traffic calming" for through traffic. The tract to the east can be accessed from the proposed entrance drives off both Delaware Pkwy and State Ave, if desired in the future.

   In addition to creating the road, flip the residences so their fronts of face the street and their rears open into the green space of the neighborhood pods. Also, the road will create access and division of the future use to the east.
   RESPONSE: The fronts of the units along this street already face onto the street. Please see enlargement plan added to sheet SP1.01.

5. Greater emphasis should be placed on addressing the residential units along Delaware Parkway and State Avenue.

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Line residences along State Avenue and parking can be located in the rear, available on the east/west drive/street instead of having parking pods abutting State Avenue.

RESPONSE: Due to the classification of these streets, and the nature of this development, the design team does not feel that addressing these streets with the architecture is justified. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway, and this development is intended to convey a family friendly, high quality neighborhood atmosphere. Additionally, there are no other developments in this corridor wherein the architecture addresses these streets. All other buildings are set back and separated by parking and/or landscaping. However, additional landscaping has been provided along State Avenue to help screen the parking from the public way.

6. Add a crosswalk across all surface off-street lots, connecting sidewalks. The crosswalk hatched path or integrally-colored concrete is to ensure a clear route for residents and guests to walk in of these curb cuts.
RESPONSE: Crosswalks have been added.

7. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.
RESPONSE: Crosswalks have been added.

8. Redesign the duplexes to prioritize pedestrian entrances, not vehicles. Greater emphasis needs to be put on the pedestrian entrance rather than garage/vehicle entrance in the detached single-family residences and duplex units. A sidewalk from the street should lead directly to the front door of each unit rather than garage serving as the primary pedestrian access.

   Pedestrian entrances must be the most prominent entrances on site and not garages, especially public rights-of-way and/or private trees.
   RESPONSE: All units have been revised to give greater priority to the pedestrian entrances. All garage entries have been pulled back to be in plane with, or behind the pedestrian entries. In addition, the "POD" plan has been revised to show sidewalks leading directly to each living unit's main entry portico and front door. See architectural plans and L1.01 for typical "POD" enlargement illustrating design intent of entry connectivity.

9. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor units to the sidewalk network within the development for Units A1 and B1.
RESPONSE: The "POD" plan has been revised to show sidewalks leading directly to the A1/B1 living units' entry porticos and front doors. Stepping stones will be provided to connect the rear entries to the internal sidewalk network to provide connectivity, but give priority to the front entry. This information will be

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provided at time of Final Development plan so they can be coordinated with the rest of the landscape planting plans.

10. The clubhouse and amenity area are not centrally located within the development requiring residents to drive to the main entrance to access the clubhouse. Residential amenities need to be spread throughout the development so the burden of residents who live in the southwest corner of the site should not have to drive in their vehicle to enjoy the amenity in the northeast corner of the site.
RESPONSE: In rental multi-family developments, it is important that the leasing and management offices be located in close proximity to the primary vehicular entrance to the development. At Cottages at Village West, the primary vehicular entrance is intended to be off Delaware Parkway. This is consistent with Delaware Pkwy being the primary vehicular entrance for the other existing and proposed residential developments accessed off of Delaware Pkwy. It is also very important that other major resident amenities be in close proximity to the management staff. Other minor amenities are proposed to be dispersed throughout the larger common green spaces interior to this development plan.

11. What on-site amenities will be provided as part of this development? Three (3) amenities, two (2) regular and one (1) small are required.
RESPONSE: The on-site amenities include: a walking trail along the entire west side preserved green space of this development, a dog park in the northwest corner, the Clubhouse which includes a workout facility, co-working spaces, community game room, catering kitchen and bar, swimming pool, sun deck, BBQ pavilion and hammock trellises, a dog grooming facility along with the maintenance facility in the southwest corner of the site, a community garden and remote BBQ and picnic areas in other central large green spaces.

12. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line.
RESPONSE: The proposed development plan does not include any public streets or internal property lines.

13. Sec. 27-281(a) arrangement of major streets shall conform as nearly as possible to the major street plan. Except for courts and cul-de-sacs, streets normally shall connect with street already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts.
RESPONSE: The site plan depicts vehicular connections to both Delaware Pkwy and State Ave that could accommodate future connections to the vacant tract to the east.
14. 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 (FEMA Publication 320 or 361).

    Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection.

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RESPONSE: The final development plans will include FEMA compliant storm shelters either in the individual living units or in communal saferooms located at the Clubhouses and the Maintenance Building.

15. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan.
RESPONSE: Plan has been revised.

16. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points within the development).
RESPONSE: Bike racks will be provided at the Clubhouse and at the other remote site amenities.

17. All existing and future driveways must feature curb cuts that are constructed to UG standards.
RESPONSE: Acknowledged.

18. 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.
RESPONSE: Acknowledged.

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

Building Architecture:

1. Provide multiple renderings of the "pod" system to better illustrate pedestrian access and connectivity to the internal sidewalk network. It does not appear that the front door is accessible to the sidewalk, only the garage on sheet L1.01.
RESPONSE: Plan sheet L1.01 has been revised to show sidewalks leading from the public walk to the front porticos of the B2 twin villa buildings and from the edge of the driveways to the entry porticos of the B3 and C1 buildings. Sidewalks already lead from the street frontage back between the

B2/B2 buildings to the A1/B1 building and out to the side drives adjacent to each POD. This enlargement is meant to illustrate the overall intent of the project sidewalk entry and connectivity of the pods.

2. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation.
RESPONSE: There are no garage entries fronting on either Delaware Pkwy or on State Ave. Parking areas and drives alongside the PODs located along the north side of State Ave are buffered from State Ave by additional landscape buffers and trees placed along State Ave. All internal streets are private and not classified as arterial or collector.

3. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade. The rear elevations should have "front" entries, similar to the front elevation. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation.
RESPONSE: The side and rear elevations incorporate window, door and cornice trims similar to that depicted on the front elevations. Each living unit has an exterior patio accessible through a three-panel exterior door array. Those patios are roofed over on the B2, B3 and C1 buildings.

4. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. In order to seek a deviation from this guideline, the Planning Commission must grant this deviation.
RESPONSE: The front elevations have been revised to comply with the 40% stone/brick requirement. The side and rear elevations are sided with lapped siding and/or board and batt siding. This is consistent with the currently popular "Sonoma County Wine Country House" architectural style. The individual buildings will be finished in a variety of soft paint colors and trimmed in white.

5. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public.
RESPONSE: Acknowledged.

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Landscaping and Screening:

1. Staff wants to see preservation buffering of stream and existing trees stands along the north and west sides of the site.
   RESPONSE: The site plan has been designed to preserve and protect these existing treed drainage areas. Tree preservation is indicated on sheet L1.00.

2. Provide a site line cross-sections and perspective drawings of the development along Delaware Parkway, State Avenue, from the east and west property lines, and within the development itself.
   RESPONSE: Cross sections will be provided for Final Development Plan. A 3-Dimensional model of the entire site to provide the requested perspectives is not anticipated.

3. Sec. 27-460(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 32.19 acres, which requires 312 trees, 29 additional evergreen or shade trees and 232 shrubs for buffering per the zoning district.
   RESPONSE: All landscaping has been provided to meet application codes. See sheet L1.00.

4. One (1) street tree shall be provided per thirty (30) feet of frontage along a major street. State Avenue is classified as a Class A Thoroughfare and Delaware Parkway is classified as a Parkway; therefore thirty-six (36) trees are required to be planted along State Avenue and fourteen (14) trees are required along the Delaware Parkway frontage.
   RESPONSE: Street trees have been provided. Spacing along Delaware matches spacing of existing streetscape (approximately 35ft o.c.). 12 trees have been provided. Per UDO Sec. 32-359, this spacing is for medium sized trees. This same spacing will be used along State Avenue, requiring 31 trees. 31 trees have been provided, some of which will be evergreen trees to screen the parking as discussed in comment 5 response.

5. 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.

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RESPONSE: Overstory trees are proposed to be (2) inch caliper. Ornamental trees will be 6ft – 8ft minimum height, and evergreens will be 5ft – 6ft minimum height per UDO Sec. 27-702.1.

6. All landscaping shall be irrigated.
   RESPONSE: Acknowledged.

7. If proposed, all trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.
   RESPONSE: Acknowledged

8. 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.
   RESPONSE: Acknowledged

9. All electrical meter banks, typically on the side of the building shall be screened from public view.
   RESPONSE: Acknowledged

10. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
    RESPONSE: Acknowledged

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
    RESPONSE: Acknowledged

12. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.
    RESPONSE: Acknowledged

Signage:

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:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None
      RESPONSE: Acknowledged
B) Items that are conditions of approval:
   1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
      RESPONSE: Acknowledged
C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
   RESPONSE: Acknowledged

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend of Petitions **COZ2022-033** and **MPL2022-020**, subject to all comments and suggestions outlined in this staff report summarized by the following conditions:

1. No recommendation in the draft staff report.

ATTACHMENTS

Aerial Map
Zoning Map
Land Use Map
City-Wide Master Plan Medium Density Residential Designation
City-Wide Master Plan Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
KCKFD Comment Letter
Preliminary Plat Site
Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on September 14, 2022.

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SIGN IN SHEET

Application Number: COZ2022-033/MPL2022-020
Date and Time: 9/19/22 at 3:30pm
Location: Country Club Plaza, 11006 Parallel Pkwy, Kansas City, KS 66109

	NAME	SIGNATURE	MAILING ADDRESS	EMAIL ADDRESS
1	Sherwin Carroll	Sherwin Carroll	11324 Lafayette KCK 66109	hoainfokck@gmail.com
2	Peter Lacy	[illegible]	6400 Glenwood #304 Overland Park, KS 66202	pete@lacykc.com
3	Jim Sheets	[illegible]	12448 Parallel KCKS 66109	
4	Linda Barbour	Linda Barbour	2204 N 114 66109	LBarbourK@gmail.com
5	Joe & Colette Carpenter	Colette Carpenter	11320 Cleveland Ave. KCK 66109	jococarp@aol.com
6	Todd & Thomas	[illegible]	7611 Applecross Ln, Dallas	tthomas@criteriondp.com
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MEETING MINUTES:

Application Number: COZ2022-033/MPL2022-020
Date and Time: 9/19/22 at 3:30pm
Location: Country Club Plaza, 11006 Parallel Pkwy, Kansas City, KS 66109

Meeting called to order at: 3:30pm

Names of people in attendance:
By Zoom:

- Maddie Waldeck
- Wayne Jeveli
- Perry Ann Jeveli
- Amy Grant
- Pretlow Riddick
- MB (*only initials provided*)
- Ariana J Coleman
- Erik van Aarem
- Reola (*no last name provided)*
- Mary Haswell
- Cheri Beaver

On Location:

- Sherwin Carroll
- Peter Lacy
- James Sheets
- Linda Barbolle
- Joe Carpenter
- Colette Carpenter

MEETING MINUTES

1. Introductions:
    a. Todd Thomas & Kelsea Riddick with Criterion Development Partners
    b. Bill Prelogar with NSPJ
    c. Dustin Burton and Francisco Ramirez with RIC
2. Location of site:
    a. 31 acre site, south of Delaware & north of State
3. Explanation of Single-Family for rent product – how it differs from traditional multi-family
4. Overview of aerial & site location
5. Review of Conceptual site plan – 232 units of duplexes & single family intermixed
6. Review of expected amenities to be provided (pool, clubhouse with game area, fitness center)
7. Review of Criterion, our experience, Kelsea & Todd as points of contact for the project.
8. NSPJ presents pod layout and community area– what makes up a pod, what units in a pod, entrances into buildings, layout of common green spaces, what parking is available, the walkability and connectivity of the site overall.

9. Review of expected demographic: those waiting to purchase a house, millennials thinking about having children or recently started a family and want more than an apartment.
10. Review of each floor plan & preliminary elevations & amenity layout

Questions and Answers:

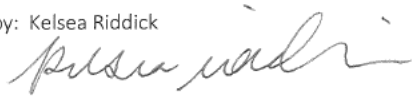
- What is the exact boundary of the site?
  - Todd Thomas: The site is located south of Delaware and north of State Ave, situated in between these wetlands fingers.
- Will there be garages for every single unit?
  - Todd Thomas: There are two floor plans (A1 & B1) that do not include garages. Every other unit includes attached garages.
- What percentage of the units will have garages?
  - Todd Thomas: 75%
- What other parking will there be?
  - Todd Thomas: Additional parking options include surface parking and some carports.
- Have you done other projects in this area?
  - Todd Thomas: Criterion has not conducted work in this area. However, some of the partners at Criterion have worked in the Kansas City area at past companies, so we are familiar with Kansas City.
- Is there going to be water detention on site?
  - Bill Preloger: Yes, there will be a designated area for the stormwater on the site. It will be a dry detention basin near the dog park.
- What will the buildings be made out of?
  - Bill Prelogar: They are wood frame and the look or style that we are going for is Sonoma Wine Country. You can see on the elevation, board and batten siding with gable roofs, some standing seam metal roofs, and we plan to break up elevations to make it interesting.
- Is someone going to take care of these houses?
  - Todd Thomas: Yes, there will be a property management company that will maintain the site.
- Will the management company be on site?
  - Bill Prelogar: Yes, they will, along with the maintenance staff. We will have a maintenance building, and the staff will do all the exterior upkeep and refurbishing of the interior at each lease turnover.
- What is the range of rent?
  - Todd Thomas: $1400 - $2200 in that range
- Are there going to be back porches?
  - Todd Thomas: Yes, every unit will have private yards.
- Does the resident have to care for the yard inside the fenced area?
  - Todd Thomas: No, the maintenance staff will maintain the interior of the fenced in area.
- What is the current zoning and what the requested change?
  - Todd Thomas: It is currently AG zoning and we are requesting for R4 zoning, which is a multi-family zoning category.
- Are these fair market units?
  - Todd Thomas: Yes, they are market rate.
- Do you have other similar product that you have developed like this?
  - Todd: Criterion has not built this exact product in Kansas City.
- Are you the developer of the site north of Delaware, west of Prairie View Village West Apartments?
  - Todd Thomas: No, that is not our site, that is Northpoint, and they are building a traditional apartment complex there, similar to the products that are there now.
- Once you get approval, what is the time frame of the development?

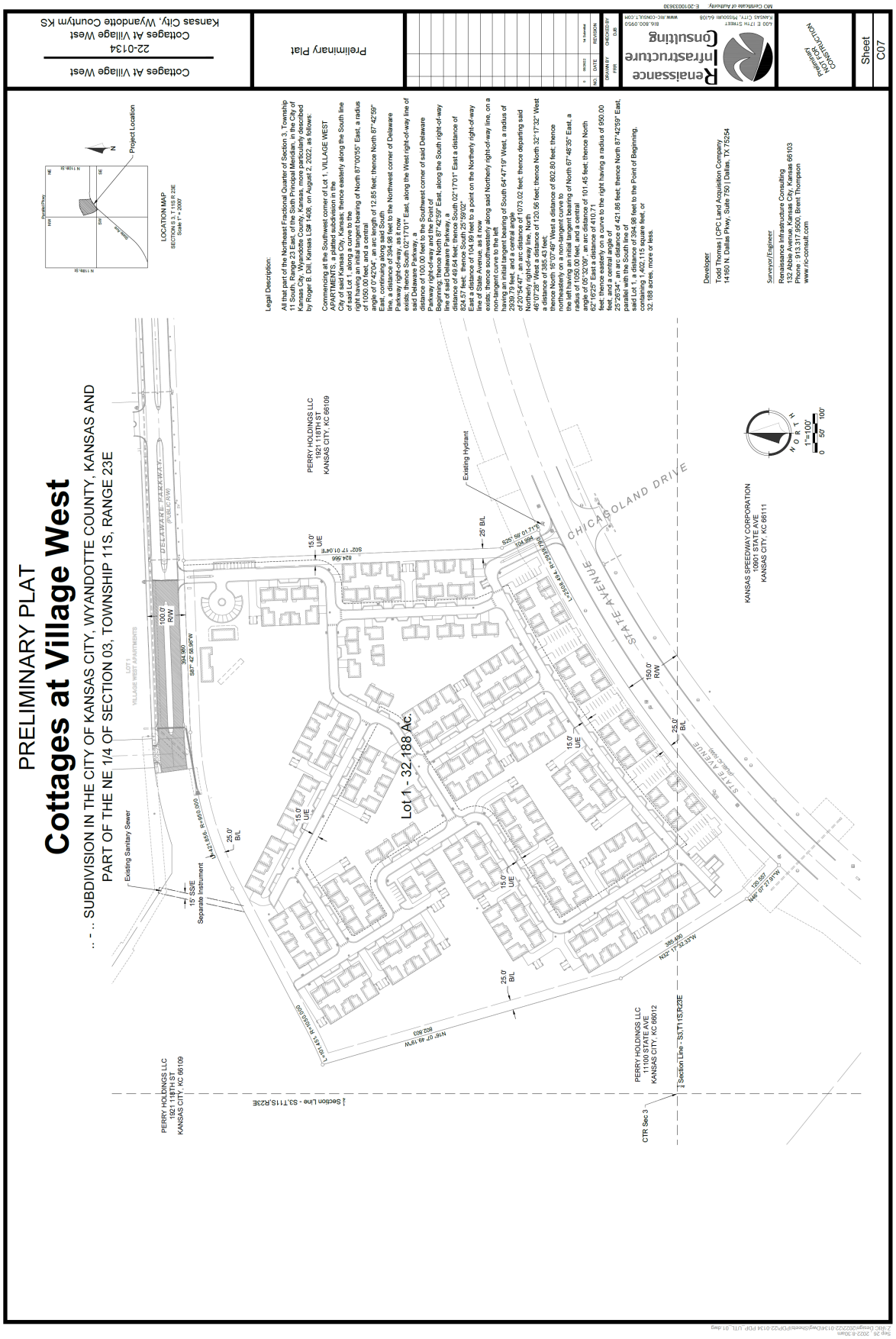
- Bill Prelogar: We need more information after the planning commission. When this goes to the Unified Government for review, we will receive comments. After the planning commission makes a recommendation, we will finish the plans, then the plans go back to the city for a building permit.
- Todd Thomas: We are targeting a May or June start.

- What type of market studies have been done to show this product would be successful in this area?
  - Todd Thomas: We have performed a market study with a group we've used in the past and we received positive and favorable feedback about this product in this market.
  - Bill Prelogar: As additional information, I received a call last week from someone who heard about the project. They have been living in an apartment for about 6 years and just had their first child and they wanted something more like living in a home. They were excited about this development and said they would love to live in a community like this.
- Has anyone done any market research about how property taxes might be affected after this development comes in?
  - Todd Thomas: No, we have not performed a tax analysis on how personal property taxes would be affected. Taxes are re-assessed every year.
  - Dustin Burton: All the streets are private streets so they will have longevity and be properly maintained. Things like this affect the property value. It will be kept up.
- Is there access to Delaware and State?
  - Todd Thomas: Yes.
  - Bill Prelogar: There are two ways in and out of the development.
- Is there a tax incentive?
  - Bill Prelogar: There will be a lot of taxes paid to the Unified Government for this project.
- Have you built this in other cities in your company?
  - Todd Thomas: No, we have not. It's been built in other cities around the country, including Kansas and Missouri.
  - Bill Prelogar: This reminds me of the kinds of things we were doing for young baby boomers in the late 1970s called Planned Unit Developments. It is a similar product.
- Is your project going to actually be actually contiguous to the American Royal according to your aerial picture?
  - Kelsea Riddick: No, the picture indicates the general area of the American Royal land that they have purchased or planned to purchase. There are no site plans available to share, but they will be developing in that general area around that site.
- How will we receive future notices going forward about this project?
  - Kelsea Riddick: The only future dates at this time were as mentioned on slide 2 of the presentation. There is a meeting on 10/10 for the Planning Commission that will be available by Zoom, and the Board of Commissioners meeting on 10/27 that will be available in person. When we submit a Final Development plan, the process will be repeated so you will receive another mail notice at that time.
- Is that development project going to use local contractors?
  - Todd Thomas: Yes.

Meeting adjourned at: 4:30pm

Minutes taken by: Kelsea Riddick




PRELIMINARY PLAT
Cottages at Village West
SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS AND
PART OF THE NE 1/4 OF SECTION 03, TOWNSHIP 11S, RANGE 23E
Lot 1 - 32.188 Ac.
DELAWARE PARKWAY
(PUBLIC R/W)
STATE AVENUE
CHICAGOLAND DRIVE
PERRY HOLDINGS LLC
1921 118TH ST
KANSAS CITY, KC 66109
KANSAS SPEEDWAY CORPORATION
10901 STATE AVE
KANSAS CITY, KC 66111
Existing Hydrant
Existing Sanitary Sewer
Separate Instrument
Section Line - S3,T11S,R23E
CTR Sec 3
LOCATION MAP
Project Location
Legal Description:
Developer
Todd Thomas | CPC Land Acquisition Company
14160 N. Dallas Pkwy, Suite 750 | Dallas, TX 75254
Surveyor/Engineer
Renaissance Infrastructure Consulting
132 Abbe Avenue, Kansas City, Kansas 66103
Phone : 913.317.9900, Brent Thompson
www.ric-consult.com
Renaissance Infrastructure Consulting
Preliminary Plat
Cottages At Village West
22-0134
Cottages At Village West
Kansas City, Wyandotte County, KS
Sheet
C07

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F. 913.831.1563
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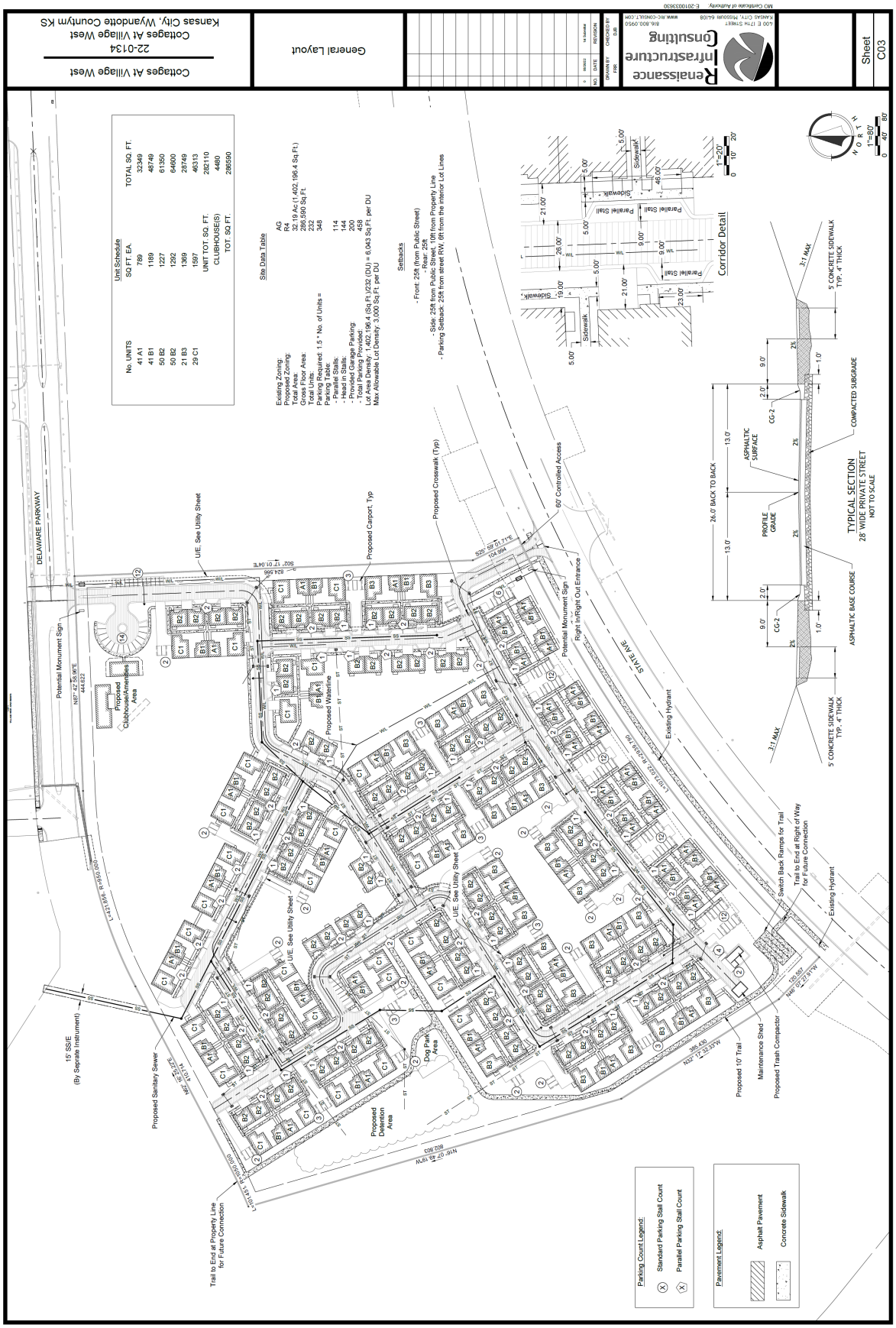
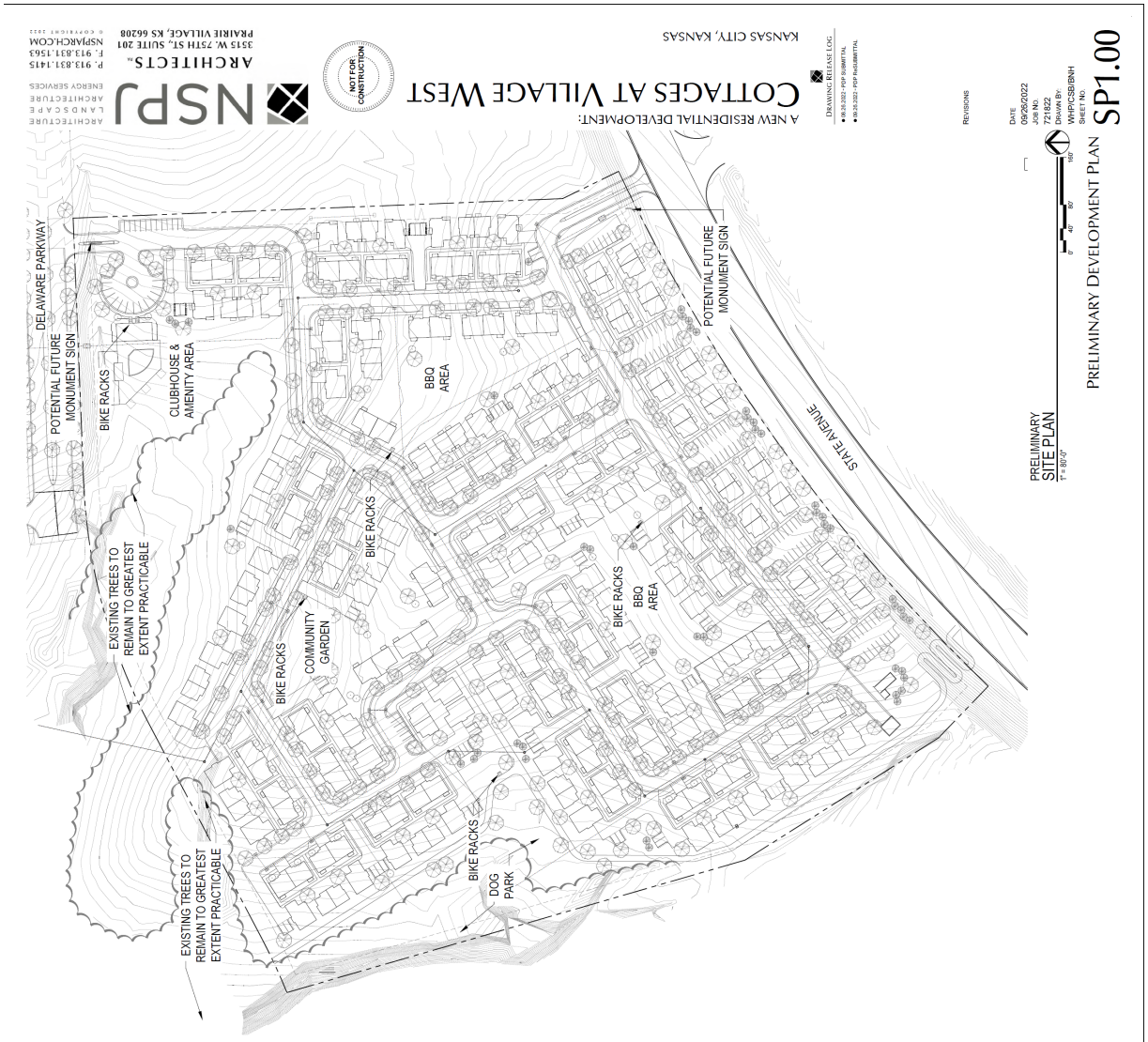
A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS
DRAWING RELEASE LOG
09.26.2022 - PDP SUBMITTAL
09.29.2022 - PDP RESUBMITTAL
REVISIONS
DATE
09/26/2022
JOB NO.
721922
DRAWN BY:
WHP/CSB/BNH
SHEET NO.
SP1.00
PRELIMINARY DEVELOPMENT PLAN
PRELIMINARY
SITE PLAN
1" = 80'-0"
0
40
80
160
DELAWARE PARKWAY
POTENTIAL FUTURE MONUMENT SIGN
BIKE RACKS
CLUBHOUSE & AMENITY AREA
BBQ AREA
POTENTIAL FUTURE MONUMENT SIGN
CARPORT, TYP.
10' SIDEWALK
STATE AVENUE
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
COMMUNITY GARDEN
BIKE RACKS
BBQ AREA
MAINTENANCE AREA
TRAIL
BIKE RACKS
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
CARPORT, TYP.
BIKE RACKS
DOG PARK


Cottages At Village West
22-0134
Cottages At Village West
Kansas City, Wyandotte County, KS
General Layout
Renaissance Infrastructure Consulting
Sheet C03
Unit Schedule
No. UNITS SQ FT. EA. TOTAL SQ. FT.
41 A1 789 32349
41 B1 1169 48749
50 B2 1227 61350
50 B2 1292 64600
21 B3 1369 28749
29 C1 1597 46313
UNIT TOT. SQ. FT. 282110
CLUBHOUSE(S) 4460
TOT. SQ.FT. 286590
Site Data Table
Existing Zoning: AG
Proposed Zoning: R4
Total Area: 32.19 Ac (1,402,196.4 Sq.Ft.)
Gross Floor Area: 286,590 Sq.Ft.
Total Units: 232
Parking Required: 1.5 * No. of Units = 348
Parking Table:
- Parallel Stalls: 114
- Head-In Stalls: 144
- Provided Garage Parking: 200
- Total Parking Provided: 458
Lot Area Density: 1,402,196.4 (Sq.Ft.)/232 (DU) = 6,043 Sq.Ft. per DU
Max Allowable Lot Density: 7,000 Sq.Ft. per DU
Setbacks
- Front: 25ft (from Public Street)
- Rear: 25ft
- Side: 25ft from Public Street, 10ft from Property Line
- Parking Setback: 25ft from street ROW, 5ft from the interior Lot Lines
Corridor Detail
TYPICAL SECTION
28' WIDE PRIVATE STREET
NOT TO SCALE
DELAWARE PARKWAY
Potential Monument Sign
Proposed Clubhouse/Amenities Area
U/E. See Utility Sheet
Proposed Crosswalk (Typ)
Proposed Carport. Typ
60' Controlled Access
Right In/Right Out Entrance
Proposed Waterline
Existing Hydrant
Proposed Sanitary Sewer
15' SSIE (By Separate Instrument)
Proposed Detention Area
Dog Park Area
Proposed 10' Trail
Maintenance Shed
Proposed Trash Compactor
Switch Back Ramps for Trail
Trail to End at Right of Way for Future Connection
Trail to End at Property Line for Future Connection
Parking Count Legend:
Standard Parking Stall Count
Parallel Parking Stall Count
Pavement Legend:
Asphalt Pavement
Concrete Sidewalk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KANSAS CITY, KANSAS
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DATE
09/26/2022
JOB NO.
721822
DRAWN BY:
WHP/CSB/BNH
SHEET NO.
SP1.00
PRELIMINARY DEVELOPMENT PLAN
PRELIMINARY SITE PLAN
DELAWARE PARKWAY
POTENTIAL FUTURE MONUMENT SIGN
BIKE RACKS
CLUBHOUSE & AMENITY AREA
BBQ AREA
POTENTIAL FUTURE MONUMENT SIGN
STATE AVENUE
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
BIKE RACKS
COMMUNITY GARDEN
BIKE RACKS
BBQ AREA
BIKE RACKS
DOG PARK
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE

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COTTAGES AT VILLAGE WEST
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KANSAS CITY, KANSAS
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DATE: 09/26/2022
JOB NO. 721822
DRAWN BY: WHP/CSB/BNH
SHEET NO. SP1.01
PRELIMINARY DEVELOPMENT PLAN
PRELIMINARY SITE PLAN WITH EXISTING CONDITIONS
1" = 80'-0"
DELAWARE PARKWAY
POTENTIAL FUTURE MONUMENT SIGN
BIKE RACKS
CLUBHOUSE & AMENITY AREA
BBQ AREA
POTENTIAL FUTURE MONUMENT SIGN
STATE AVENUE
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
BIKE RACKS
COMMUNITY GARDEN
BIKE RACKS
BBQ AREA
BIKE RACKS
DOG PARK
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
PRELIMINARY THRU STREET ENLARGEMENT
1" = 30'-0"

Cottages At Village West
22-0134
Cottages At Village West
Kansas City, Wyandotte County KS
Grading Plan
Renaissance Infrastructure Consulting
Preliminary Not For Construction
Sheet C04
LEGEND
Proposed Major Contour
Proposed Minor Contour
Existing Major Contour
Existing Minor Contour
DELAWARE PARKWAY
STATE AVENUE
Proposed Sanitary Main, Typ
Proposed Water Main, Typ
Plat Extents
3:1 Max Slope
Detention Basin
Top: 999.25
Bottom: 994.25

PLANT LIST:
Common Name
Botanical Name
Size
Notes
Columnar Trees
Autumn Blaze Maple
Acer rubrum 'Armstrong'
2" Cal.
B&B
Columnar Hornbeam
Carpinus betulus 'Fastigiata'
2" Cal.
B&B
Columnar Sugar Maple
Acer saccharum 'Endowment'
2" Cal.
B&B
Quercus robur x fastigiata 'Koster'
2" Cal.
B&B
Columnar Regal Prince Oak
Quercus robur x fastigiata 'Long'
2" Cal.
B&B
Shade Trees
Autumn Blaze Maple
Acer x fremonii 'Autumn Blaze'
2" Cal.
B&B
Autumn Fantasy Maple
Acer x fremonii 'Autumn Fantasy'
2" Cal.
B&B
Autumn Blaze Maple
Acer x fremonii 'Jeffersred'
2" Cal.
B&B
Brandywine Red Maple
Acer rubrum 'Brandywine'
2" Cal.
B&B
Commemoration Red Maple
Acer rubrum 'Franksred' Tilt Tight
2" Cal.
B&B
Frontier Elm
Ulmus carpinifolia x parvifolia 'Frontier'
2" Cal.
B&B
Full Moon Sugar Maple
Acer saccharum 'Full Moon'
2" Cal.
B&B
Green Mountain Sugar Maple
Acer saccharum 'Green Mountain'
2" Cal.
B&B
Heritage Oak
Quercus macdanielii 'Clemons'
2" Cal.
B&B
Princeton Sentry Ginkgo
Ginkgo biloba 'Princeton Sentry'
2" Cal.
B&B
Redmond Linden
Tilia x flavescens 'Redmond'
2" Cal.
B&B
London Plane Tree
P. x acerifolia 'Bloodgood'
2" Cal.
B&B
Legacy Sugar Maple
Acer saccharum 'Legacy'
2" Cal.
B&B
Miyabe Maple
Acer miyabei 'Morton' State Street Miyabe
2" Cal.
B&B
October Glory Red Maple
Acer rubrum 'Jonnor Glory'
2" Cal.
B&B
Princeton Elm
Ulmus x P.A. Hybrid 'Morton Glossy' Triumph
2" Cal.
B&B
Red Oak
Quercus rubra
2" Cal.
B&B
Sienna Glen Maple
Acer x fremonii 'Sienna'
2" Cal.
B&B
Skyline Honeylocust
Gleditsia triacanthos inermis 'Skyline'
2" Cal.
B&B
Shumard Oak
Quercus shumardii
2" Cal.
B&B
Swamp White Oak
Quercus bicolor 'Clemons'
2" Cal.
B&B
Swamp White Oak
Quercus bicolor 'Valley'
2" Cal.
B&B
Zelkova
Zelkova serrata 'Green Vase'
2" Cal.
B&B
Zelkova
Zelkova serrata 'Musashino'
2" Cal.
B&B
Evergreen Trees
Colorado Blue Spruce
Picea pungens 'Fastigiata'
10'-6" Ht. Min.
B&B
Columnar Norway Spruce
Picea abies 'Cupressina'
8'-6" Ht. Min.
B&B
Red Cedar
Juniperus virginiana
6'-6" Ht. Min.
B&B
Techny Arborvitae
Thuja x 'Techny'
6'-6" Ht. Min.
B&B
Riverside Upright Spruce
Picea omorika 'Bruns'
6'-6" Ht. Min.
B&B
Sargent Spruce
Picea omorika 'Sargent'
6'-6" Ht. Min.
B&B
Weeping Spruce
Picea omorika 'Weeping'
6'-6" Ht. Min.
B&B
Ornamental Trees
Crimson Pointe Crabapple
Malus 'Crimthorpf'
6'-8" Ht. Min.
B&B
Crimson Pointe Plum
Prunus x cistena 'Crimpoint'
6'-8" Ht. Min.
B&B
Eastern Redbud
Cercis canadensis
6'-8" Ht. Min.
B&B
Flowering Dogwood
Cornus florida
6'-8" Ht. Min.
B&B
Japanese Tree Lilac
Syringa reticulata
6'-8" Ht. Min.
B&B
Prairie Fire Crabapple
Malus x 'Prairiefire' TM DO Blanchard
6'-8" Ht. Min.
B&B
Prairiefire Crabapple
Malus x 'Prairiefire'
6'-8" Ht. Min.
B&B
Royal Star Magnolia
Magnolia stellata
6'-8" Ht. Min.
B&B
Spring Snow Crabapple
Malus 'Spring Snow'
6'-8" Ht. Min.
B&B
Thornless Cockspur
Crataegus crus-galli inermis
6'-8" Ht. Min.
B&B
Whitebud
Cercis Canadensis 'White Bud'
6'-8" Ht. Min.
B&B
THE ABOVE PLANT LIST REPRESENTS A RANGE OF POTENTIAL PLANT MATERIAL AND IS SUBJECT TO CHANGE
GENERAL NOTES:
1. EACH BIDDER SHALL VISIT THE SITE OF THE PROPOSED WORK AND EXAMINE THE SITE CONDITIONS. HE SHALL ALSO CAREFULLY EXAMINE THE DRAWING FOR THE PROPOSED WORK AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS WHICH MAY AFFECT THE PROPOSED WORK.
2. THE PLANTING PLAN GRAPHICALLY ILLUSTRATES OVERALL PLANT MASSINGS. EACH PLANT SPECIES SHALL BE PLACED AS INDIVIDUAL PLANTS OR GROUPS OF PLANTS AS SHOWN ON THE PLANS. THE FOLLOWING APPLIES FOR INDIVIDUAL PLANTINGS:
A. ALL TREES SHALL BE A MINIMUM OF 5' FROM PAVING EDGE.
B. ALL SHRUBS SHALL BE A MINIMUM OF 3' FROM PAVING EDGE.
C. ALL TREES OF THE SAME SPECIES SHALL BE EQUALLY SPACED APART AND PLACED FOR BEST AESTHETIC VIEWING.
D. ALL SHRUBS SHALL BE A MINIMUM OF 2' FROM PAVED EDGE.
3. NOTIFY LANDSCAPE ARCHITECT 1 WEEK PRIOR TO ANTICIPATED START OF PLANT MATERIAL INSTALLATION. LANDSCAPE CONTRACTOR SHALL LAYOUT PLANT MATERIAL AND OBTAIN APPROVAL OF SHRUBS IN INTENDED LOCATIONS AND STAKE TREE LOCATIONS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ALL NEW PLANT BED AREAS TO BE IRRIGATED. REFER TO SPECIFICATIONS FOR IRRIGATION SYSTEM REQUIREMENTS.
5. REFER TO L1.00 SERIES SHEETS FOR TREE PLANTINGS
6. REFER TO L1.00 SERIES SHEETS FOR PLANTING DETAILS & SPECIFICATIONS
7. ALL EXISTING TREES TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION. NO GRADING IS PLANNED WITHIN THE DRIPLINE OF EXISTING TREES. IF GRADING IS REQUIRED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT, OR COMPENSATION. THERE OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.
8. STRIP TOP SOIL & SAVE FOR PLANTING AREAS. EXCAVATE TO A DEPTH OF 18" FOR ALL PLANTING BEDS AND REPLACE WITH PLANTING SOIL MIX. REFER TO L1.00 FOR PLANTING SOIL MIX.
LANDSCAPE REQUIREMENTS (KC, KS):
SEC. 27-459-F
1. 1 TREE PER 4,500 S.F. OF SITE AREA
REQUIRED: 312 TREES
PROVIDED: 312 TREES
SITE AREA = 1,402,088 S.F. / 4,500 S.F. =
SEC. 27-700-B-1
1. 1 SHADE TREE PER 8 DWELLING UNITS
REQUIRED: 29 SHADE TREES
PROVIDED: 29 SHADE TREES
222 DWELLING UNITS / 8 =
2. 1 SHRUB PER DWELLING UNIT
REQUIRED: 232 SHRUBS
PROVIDED: 232 SHRUBS
222 DWELLING UNITS=
SEC. 33-359
1. STREET TREES FOR DELAWARE PKWY - MEDIUM TREES AT 35FT O.C. (MATCH CURRENT STREETSCAPE)
REQUIRED: 115 TREES
PROVIDED: 112 TREES
FRONTAGE LENGTH = +/- 525 FT / 35 =
QUANTITY ADJUST TO ACCOMMODATE ENTRY DRIVE AND SPACING FROM EXISTING TREES TO REMAIN.
2. STREET TREES FOR STATE AVE - MEDIUM TREES AT 35FT O.C. (MATCH DELAWARE PARKWAY)
REQUIRED: 33 TREES
PROVIDED:
FRONTAGE LENGTH = +/- 1,075 FT / 35 =
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
STREET TREES BY OTHERS
STREET TREES
EXISTING TREES TO REMAIN TO GREATEST EXTENT PRACTICABLE
EXISTING STREET TREES TO REMAIN
STREET TREES
PRELIMINARY TREE PLAN
1" = 80'-0"
0' 40' 80' 160'
NOT FOR CONSTRUCTION
NSPJ ARCHITECTS
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PRAIRIE VILLAGE, KS 66208
P. 913.831.1415
F. 913.831.1563
NSPJARCH.COM
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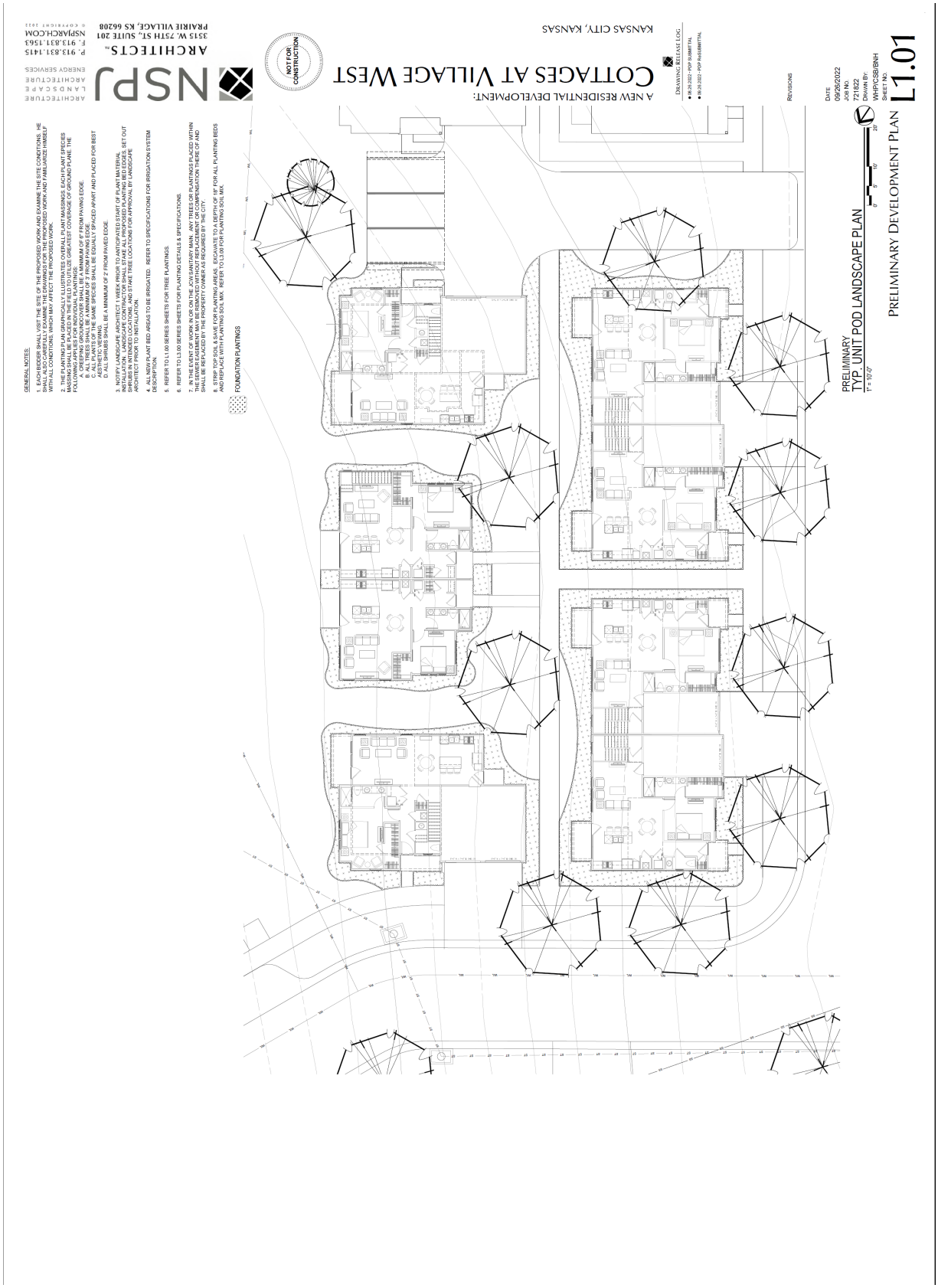
A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS
DRAWING ISSUE LOG:
• 08.29.2022 - PDP SUBMITTAL
• 09.29.2022 - PDP RESUBMITTAL
PRELIMINARY DEVELOPMENT PLAN
L1.00
DATE: 09/26/2022
JOB NO. 721822
DRAWN BY: WHP/CSB/BNH
SHEET NO.
REVISIONS



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KANSAS CITY, KANSAS
DRAWING RELEASE LOG:
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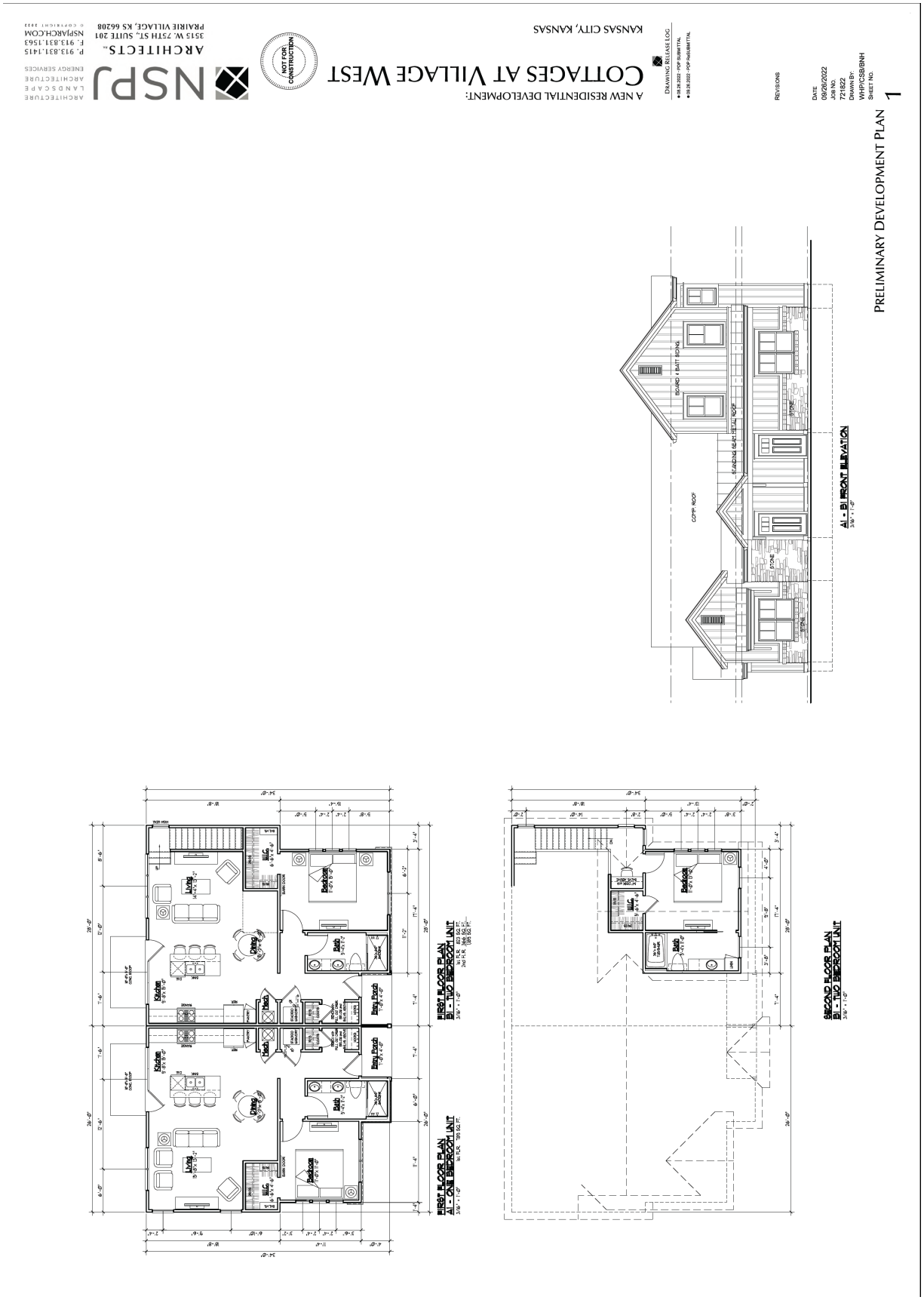
REVISIONS
DATE
09/26/2022
JOB NO.
721822
DRAWN BY:
WHP/CSB/BNH
SHEET NO.
L1.01
PRELIMINARY
TYP. UNIT POD LANDSCAPE PLAN
1" = 10'-0"
PRELIMINARY DEVELOPMENT PLAN
GENERAL NOTES:
1. EACH BIDDER SHALL VISIT THE SITE OF THE PROPOSED WORK AND EXAMINE THE SITE CONDITIONS. HE SHALL ALSO CAREFULLY EXAMINE THE DRAWINGS FOR THE PROPOSED WORK AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS, WHICH MAY AFFECT THE PROPOSED WORK.
2. THE PLANTING PLAN GRAPHICALLY ILLUSTRATES OVERALL PLANT MASSINGS. EACH PLANT SPECIES MASSING SHALL BE PLACED IN THE FIELD TO UTILIZE GREATEST COVERAGE OF GROUND PLANE. THE FOLLOWING APPLIES FOR INDIVIDUAL PLANTINGS:
A. CREEPING GROUNDCOVER SHALL BE A MINIMUM OF 6" FROM PAVING EDGE.
B. ALL TREES SHALL BE A MINIMUM OF 3' FROM PAVING EDGE.
C. ALL PLANTS OF THE SAME SPECIES SHALL BE EQUALLY SPACED APART AND PLACED FOR BEST AESTHETIC VIEWING.
D. ALL SHRUBS SHALL BE A MINIMUM OF 2' FROM PAVED EDGE.
3. NOTIFY LANDSCAPE ARCHITECT 1 WEEK PRIOR TO ANTICIPATED START OF PLANT MATERIAL INSTALLATION. LANDSCAPE CONTRACTOR SHALL STAKE ALL PROPOSED PLANTING BED EDGES, SET OUT SHRUBS IN INTENDED LOCATIONS, AND STAKE TREE LOCATIONS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ALL NEW PLANT BED AREAS TO BE IRRIGATED. REFER TO SPECIFICATIONS FOR IRRIGATION SYSTEM DESCRIPTION.
5. REFER TO L1.00 SERIES SHEETS FOR TREE PLANTINGS.
6. REFER TO L3.00 SERIES SHEETS FOR PLANTING DETAILS & SPECIFICATIONS.
7. IN THE EVENT OF WORK IN OR ON THE JCW SANITARY MAIN, ANY TREES OR PLANTINGS PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.
8. STRIP TOP SOIL & SAVE FOR PLANTING AREAS. EXCAVATE TO A DEPTH OF 18" FOR ALL PLANTING BEDS AND REPLACE WITH PLANTING SOIL MIX. REFER TO L3.00 FOR PLANTING SOIL MIX.
FOUNDATION PLANTINGS


A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
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1
PRELIMINARY DEVELOPMENT PLAN
A1 - B1 FRONT ELEVATION
FIRST FLOOR PLAN
B1 - TWO BEDROOM UNIT
FIRST FLOOR PLAN
A1 - ONE BEDROOM UNIT
SECOND FLOOR PLAN
B1 - TWO BEDROOM UNIT

PRELIMINARY DEVELOPMENT PLAN 2

DATE: 09/26/2022
JOB NO. 721822
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SHEET NO.

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A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS

NOT FOR CONSTRUCTION

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LANDSCAPE
ARCHITECTURE
ENERGY SERVICES

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PRELIMINARY DEVELOPMENT PLAN
3
A NEW RESIDENTIAL DEVELOPMENT:
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KANSAS CITY, KANSAS
DRAWING RELEASE LOG:
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09.26.2022 - FOR RESUBMITTAL
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SHEET NO.
NSPJ
ARCHITECTS
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F. 913.831.1563
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NOT FOR CONSTRUCTION
B2 - B2 FRONT ELEVATION
FIRST FLOOR PLAN
B2 - TWO BEDROOM TWIN VILLA (RIGHT)
FIRST FLOOR PLAN
B2 - TWO BEDROOM TWIN VILLA (LEFT)
SECOND FLOOR PLAN
B2 - TWO BEDROOM TWIN VILLA (RIGHT)
SECOND FLOOR PLAN
B2 - TWO BEDROOM TWIN VILLA (LEFT)

ARCHITECTURE
LANDSCAPE
ARCHITECTURE
ENERGY SERVICES
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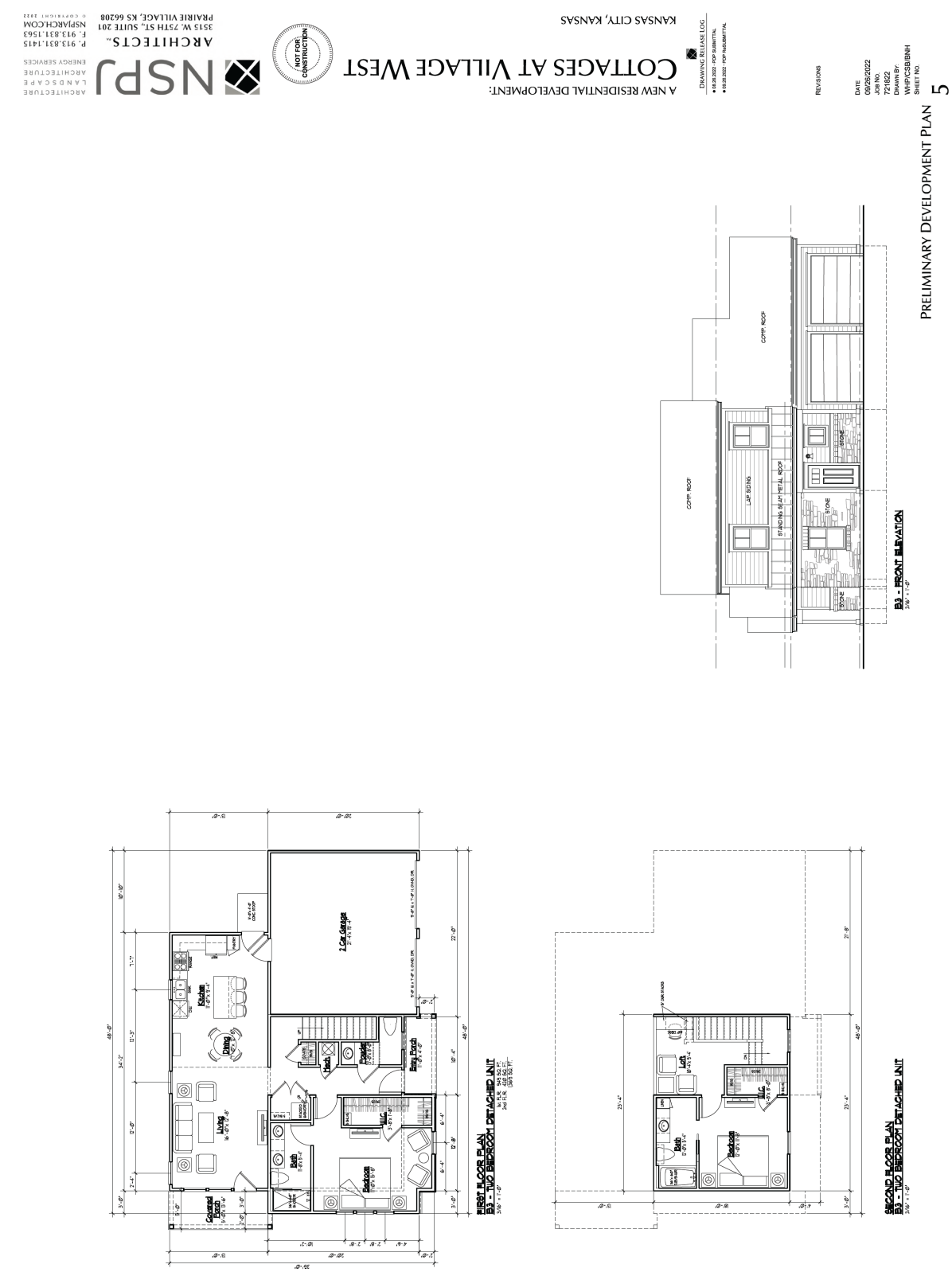
A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS

DRAWING RELEASE LOG:
- 08.26.2022 - PDP SUBMITTAL
- 10.05.2022 - PDP RESUBMITTAL

REVISIONS

DATE: 09/26/2022
JOB NO. 721822
DRAWN BY: WHP/CSB/BNH
SHEET NO. 4

PRELIMINARY DEVELOPMENT PLAN


A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS
NSPJ
ARCHITECTS
3515 W. 75TH ST., SUITE 201
PRAIRIE VILLAGE, KS 66208
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REVISIONS
DATE
09/26/2022
JOB NO.
721822
DRAWN BY:
WHP/CSB/BNH
SHEET NO.
5
PRELIMINARY DEVELOPMENT PLAN
B3 - FRONT ELEVATION
COMP. ROOF
LAP SIDING
STANDING SEAM METAL ROOF
STONE
FIRST FLOOR PLAN
B3 - TWO BEDROOM DETACHED UNIT
SECOND FLOOR PLAN
B3 - TWO BEDROOM DETACHED UNIT
2 Car Garage
Kitchen
Dining
Living
Bath
Bedroom
Mech.
Powder
Entry Porch
Loft
Bath
Bedroom

PRELIMINARY DEVELOPMENT PLAN 6

DATE: 09/26/2022
JOB NO. 721822
DRAWN BY: WHP/CSB/BNH
SHEET NO.

REVISIONS

DRAWING RELEASE LOG
• 08.26.2022 - PDP SUBMITTAL
• 09.26.2022 - PDP RESUBMITTAL

A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS

NOT FOR CONSTRUCTION

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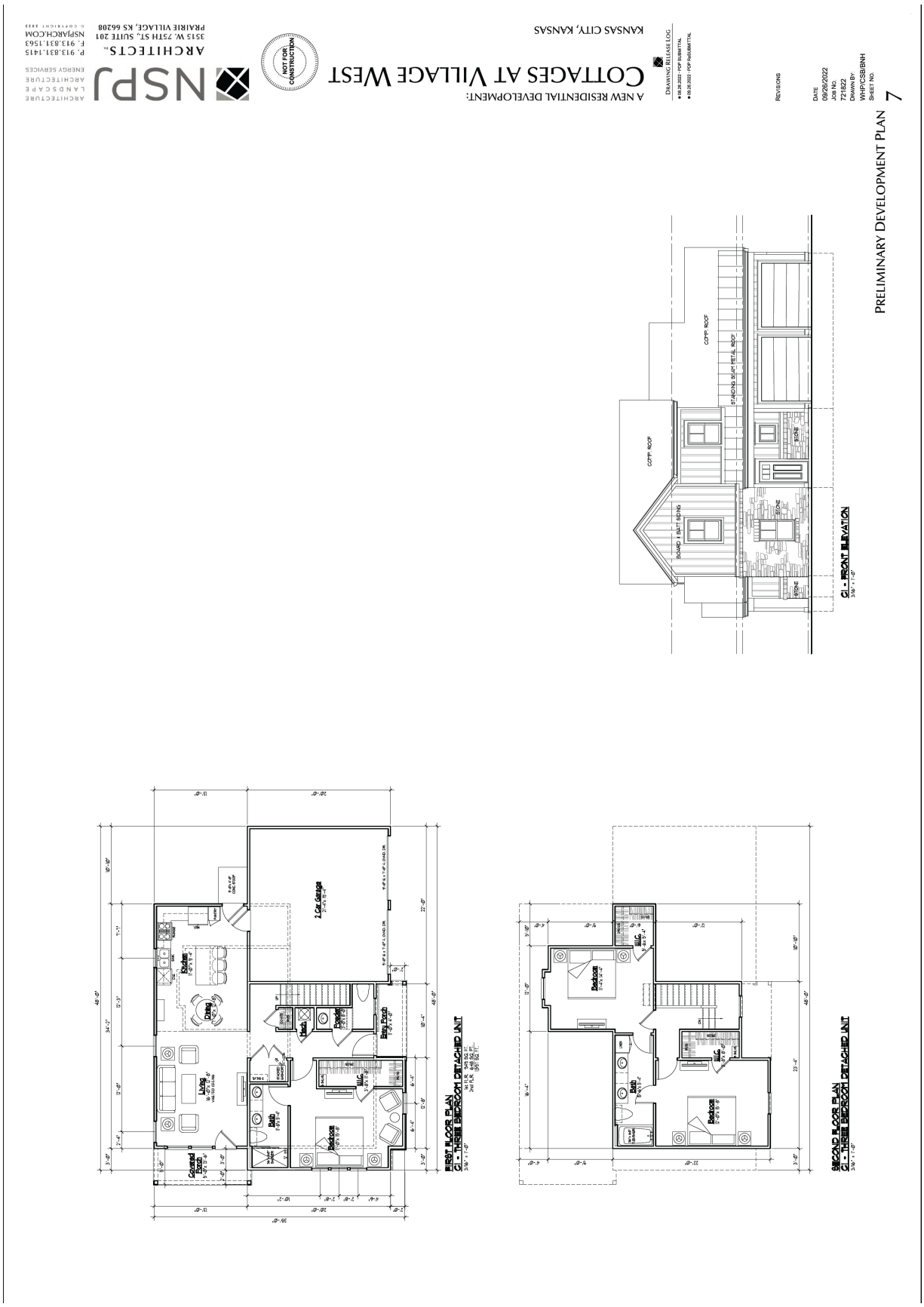
A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS
NOT FOR CONSTRUCTION
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REVISIONS
DATE
09/26/2022
JOB NO.
721822
DRAWN BY:
WHP/CSB/BNH
SHEET NO.
7
PRELIMINARY DEVELOPMENT PLAN
C1 - FRONT ELEVATION
FIRST FLOOR PLAN
C1 - THREE BEDROOM DETACHED UNIT
SECOND FLOOR PLAN
C1 - THREE BEDROOM DETACHED UNIT

PRELIMINARY DEVELOPMENT PLAN 8

DATE: 09/26/2022
JOB NO. 721822
DRAWN BY: WHP/CSB/BNH
SHEET NO.

REVISIONS

DRAWING RELEASE LOG
● 08.26.2022 - FOR SUBMITTAL
● 09.26.2022 - FOR RESUBMITTAL

A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS

NOT FOR CONSTRUCTION

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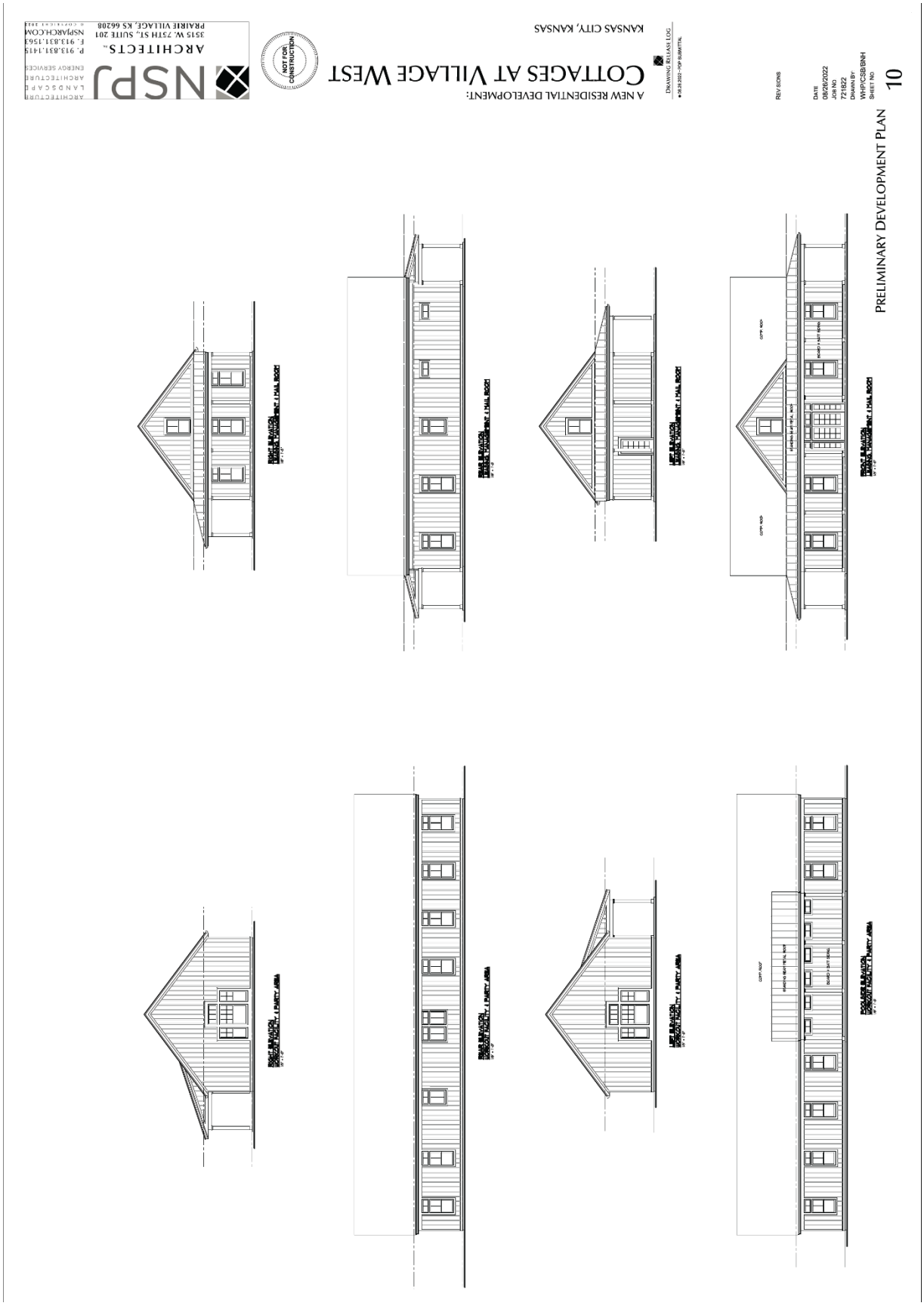
A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS
NOT FOR CONSTRUCTION
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ARCHITECTS
3515 W. 75TH ST., SUITE 201
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F. 913.831.1563
NSPJARCH.COM
DRAWING RELEASE LOG
REV SIONS
DATE
08/26/2022
JOB NO
721822
DRAWN BY
WHP/CSB/BNH
SHEET NO
10
PRELIMINARY DEVELOPMENT PLAN

PRELIMINARY DEVELOPMENT PLAN 2

DATE: 09/26/2022
JOB NO. 721822
DRAWN BY: WHP/CSB/BNH
SHEET NO.

REVISIONS

DRAWING RELEASE LOG
- 08.26.2022 - POP SUBMITTAL
- 09.12.2022 - POP ADDITIONAL
- 10.03.2022 - POP ADDITIONAL #2

A NEW RESIDENTIAL DEVELOPMENT:
COTTAGES AT VILLAGE WEST
KANSAS CITY, KANSAS

NOT FOR CONSTRUCTION

NSPJ ARCHITECTS
ARCHITECTURE LANDSCAPE ARCHITECTURE ENERGY SERVICES
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Figure 4. Site photograph of 1921 North 118th Street looking southwest from Delaware Parkway (provided by Planning Staff).

Figure 5. Site photograph of 1921 North 118th Street looking south from Delaware Parkway (provided by Planning Staff).

Figure 6. Site photograph of 1921 North 118th Street looking northwest from State Avenue (provided by Planning Staff).

Figure 7. Site photograph of 1921 North 118th Street looking north from State Avenue (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: October 27, 2022

Re: **Change of Zone Petition COZ2022-030 and Master Plan Amendment Petition MPL2022-016**

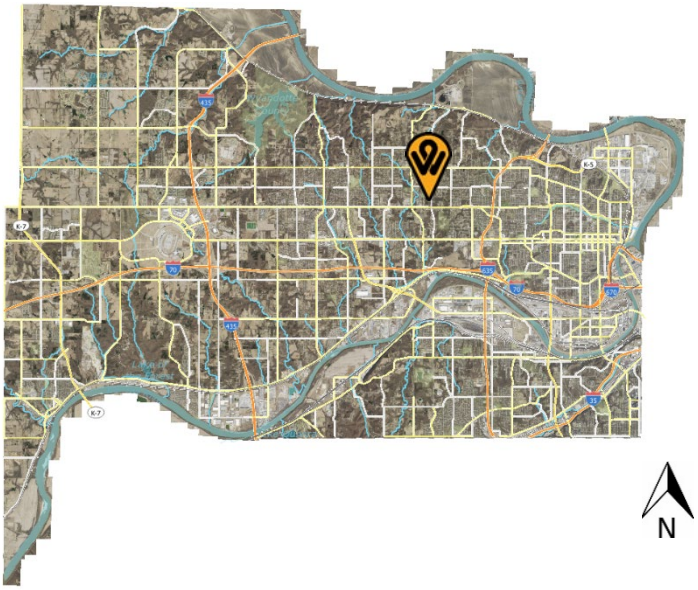
GENERAL INFORMATION

Applicant:
Andrea Weishaubt

Status of Applicant:
Representative
Atlas Land Surveyors
2300 Hutton Road, Suite 108
Kansas City, Kansas 66109

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

Date of Application:
July 29, 2022



Purpose:
To Change the Zoning from R-1 Single-Family District to R-2 Two-Family District.

Property Location:
4229 Douglas Avenue
Kansas City, Kansas 66106

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

Existing Zoning:	R-1 Single-Family District	
Adjacent Zoning:	**North:**	R-1 Single-Family District
	South:	R-1 Single-Family District
	East:	R-1 Single-Family District
	West:	Interstate 635 Right-of-way and M-2 General Industrial District
Adjacent Uses:	**North:**	Vacant lot
	South:	Single-family residence
	East:	Vacant lot
	West:	Vacant lot and Interstate 635
Total Tract Size:	0.76 Acre	
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential, which allows single-family detached residential development. The applicant seeks to change the designation to Medium-Density Residential, which allows duplexes, fourplexes, townhomes, and garden apartments.	
Major Street Plan:	The Major Street Plan designates 42nd Street and Douglas Avenue as Local Streets	
Parking Requirement:	R-1 Single Family District: Sec 27-454(e) states "Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport". R-2 Two Family District: Sec 27-456(e) states "Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport". Parking Required: Four (4) Spaces, two (2) in a garage. Parking Provided: Four (4) spaces, two (2) in a garage.	
Advertisement:	The Wyandotte Echo – August 18, 2022 Letters to Property Owners – August 19, 2022	
Public Hearings:	October 10, 2022 and October 27, 2022	
Public Support:	None to date.	

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt with Atlas Surveyors, is seeking to change the zoning district from R-1 Single-Family District to R-2 Two-Family District and amend the Master Plan designation from Low-Density Residential to Medium Density Residential to construct a duplex on the subject property at 4229 Douglas Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional permits or related cases at the subject property.

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The neighborhood features a unique mix of small and large lot single-family residences as well as a garden apartment complex, a high-rise apartment complex, and across Interstate 635, a variety of light-industrial uses.

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

   The zoning and land uses are set out above. The proposed use is expected to be compatible with the surrounding uses and zoning since there is a mix of residential housing types around the subject 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 the proposed use in which it has been restricted. The proposed development is a duplex, in a neighborhood featuring several residential housing types, including garden apartments, high-rise apartments,

and single-family residences. The removal of restrictions may be detrimental to the property adjacent to the south, as that property has been utilizing the subject property to access their property. An access agreement will have to be worked out between the two parties. Otherwise, the removal of restrictions will not detrimentally affect nearby property.

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

   The property has never been developed for use since it was platted as part of the Spring Gardens Subdivision in 1910.

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

   The proposed use is reasonably necessary for the convenience and welfare of the public, as the proposed use would add additional housing to the housing stock of Wyandotte County. The proposed use, however, may injure the marketability of the property to the south, as that property has been utilizing the subject property to access their property. An access agreement will have to be worked out between the two parties. Otherwise, the proposed use will not injure the appropriate use, visual quality, or marketability of nearby property.

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

   The development of the vacant lot will inherently increase the amount of traffic along 42nd Street and Douglas Avenue, however, this increase is not expected to increase to the point of where it would exceed the capacity of 42nd Street of Douglas Avenue. Additionally, parking will be completely on-site, with no on-street parking.

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

   The applicant is seeking to change the Master Plan designation from Low-Density Residential, which only allows single-family residential, to medium-density residential, which allows for the development of a duplex.

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

   The proposed use could cause environmental harm if best management practices with construction are not utilized. Development of this parcel may also help prevent illegal dumping in the area.

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***

      There is no sanitary sewer service.

   c. ***Storm water control***

      The UG provides storm water control.

   d. ***Police***

      Police service is provided by South Patrol, District #331

   e. ***Fire***

      Fire service is provided by Station #7

   f. ***Transit***

      KCATA provides transit service along 42nd Street on Route #104 – Argentine.

   g. ***Schools***

      The property is served by New Stanley Elementary School, Argentine Middle School, and JC Harmon High School, under Kansas City, Kansas USD 500.

   h. ***Streets***

      See item #6 above

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

    The proposed use will have a substantial economic impact on the community, as the proposal will add additional housing to the housing stock of Wyandotte County, allow additional families and households to move into the community, as well as the potential of spurring additional housing developments around the subject property.

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

    The applicant did not provide a plan or location of the proposed accessory structure; therefore, Staff cannot determine the capability to meet ordinance requirements of the proposed zoning district, however, considering the lot is large, there should not be an issue 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 some impact or gain to public health, safety, or welfare imposed on neighboring residence as the vacant lot has not been maintained and has been known to be a source of problematic activity for neighbors. The construction of a duplex would eliminate associated hazards with such vacancy.

PREVIOUS ACTIONS

There have been no previous land use actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 20, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Site Plan
Access Agreement
Design
Septic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2022-016 and Change of Zone COZ2022-030, subject to:

1. **The applicant shall coordinate with the Wyandotte County Health Department regarding installation of the septic tank;**
2. **The applicant shall utilize a silt fence and straw wattles to limit land disturbance within 20 feet of the drainageway;**
3. **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;

4. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
5. **A Right-of-Way Permit may be 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;**
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 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;**
7. **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;**
8. **Section 27-477 states that any new residential use shall contain an area of storm protection. Such area may be a room or space, such as a basement, or a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;**
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 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; and,**
10. **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.**

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-030 and MPL2022-016** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 10, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Building Floor Plan and Building Elevations
Site Plan
Conservation District Comments, Dated August 16, 2022
Applicant Response to Draft Report, Dated September 20, 2022
Site Photos, Provided by Staff, Dated August 11, 2022
Neighborhood Meeting Minutes, Dated September 20, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 10, 2022	October 27, 2022
Rezoning	Approval	
Master Plan	October 10, 2022 Approval	October 27, 2022

STAFF CONTACT: **James Molloy, Planner**
jlmolloy@wycokck.org

MOTIONS

Master Plan Amendment:

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-016** 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 **MPL2022-016,** 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:

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-030** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENIAL** of Petition **COZ2022-030,** 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 3:28:30:

MASTER PLAN AMENDMENT MPL2022-016 – **ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING - SYNOPSIS:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Medium-Density Residential (City-Wide Master Plan) at 4229 Douglas Avenue.

CHANGE OF ZONE APPLICATION COZ2022-030 – ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District to construct a duplex at 4229 Douglas Avenue.

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt with Atlas Surveyors, is seeking to change the zoning district from R-1 Single-Family District to R-2 Two-Family District and amend the Master Plan designation from Low-Density Residential to Medium Density Residential to construct a duplex on the subject property at 4229 Douglas Avenue.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 10, 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:

- Austin Thompson, applicant, Atlas Surveying, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:32: Planning Director Hand stated that Change of Zone COZ2022-030 and Master Plan Amendment MPL2022-016 are being heard together. The property is in the City-Wide Master Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Having identified the property in the rear as a Landbank property, Staff will work with the UG Land Bank regarding access. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:32:55:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-016:**

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

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

Subject to:

1. **The applicant shall coordinate with the Wyandotte County Health Department regarding installation of the septic tank;**
2. **The applicant shall utilize a silt fence and straw wattles to limit land disturbance within 20 feet of the drainageway;**
3. **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;**
4. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
5. **A Right-of-Way Permit may be 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;

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 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;**
7. **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;**
8. **Section 27-477 states that any new residential use shall contain an area of storm protection. Such area may be a room or space, such as a basement, or a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;**
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 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; and,**
10. **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.

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

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-030:**

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

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

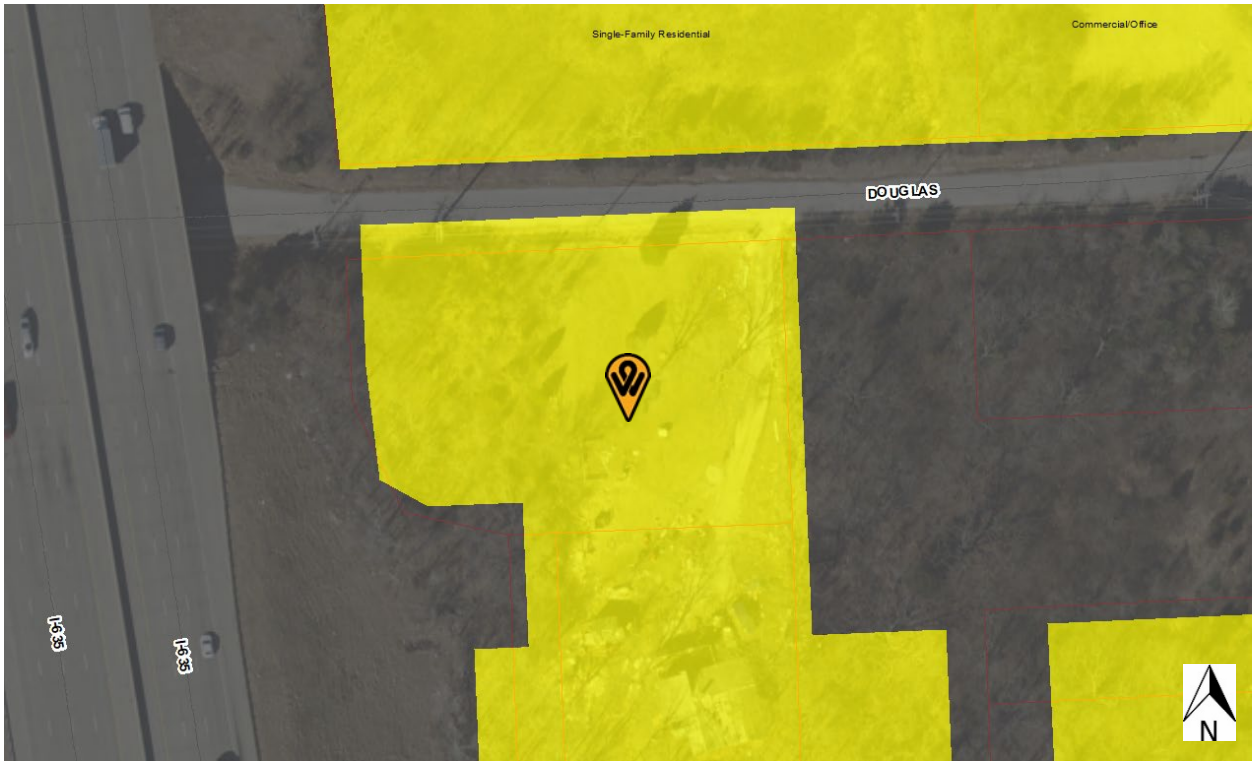
Subject to the above conditions

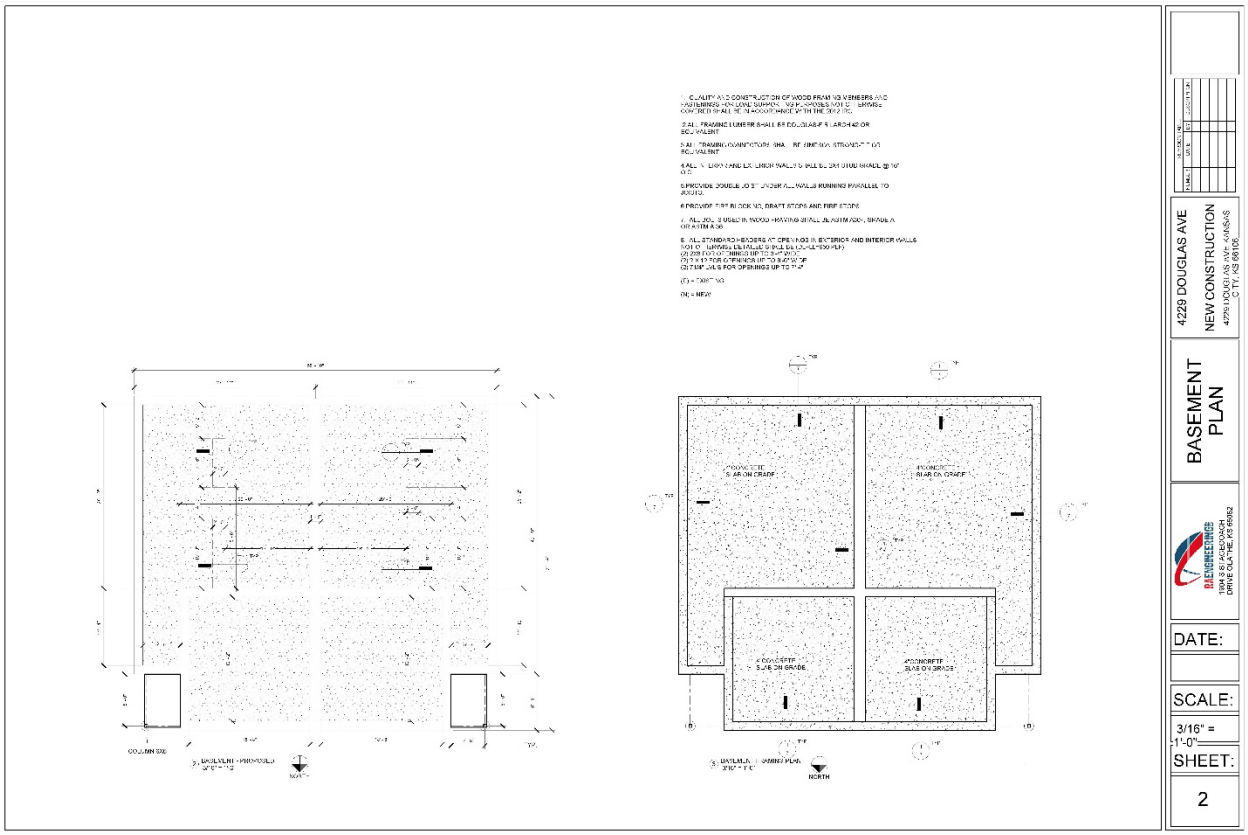
ATTACHMENTS

AERIAL IMAGERY

ZONING MAP

LAND USE MAP


Single-Family Residential
Commercial/Office
DOUGLAS
I-535
I-535
N


4229 DOUGLAS AVE
NEW CONSTRUCTION
BASEMENT PLAN
DATE:
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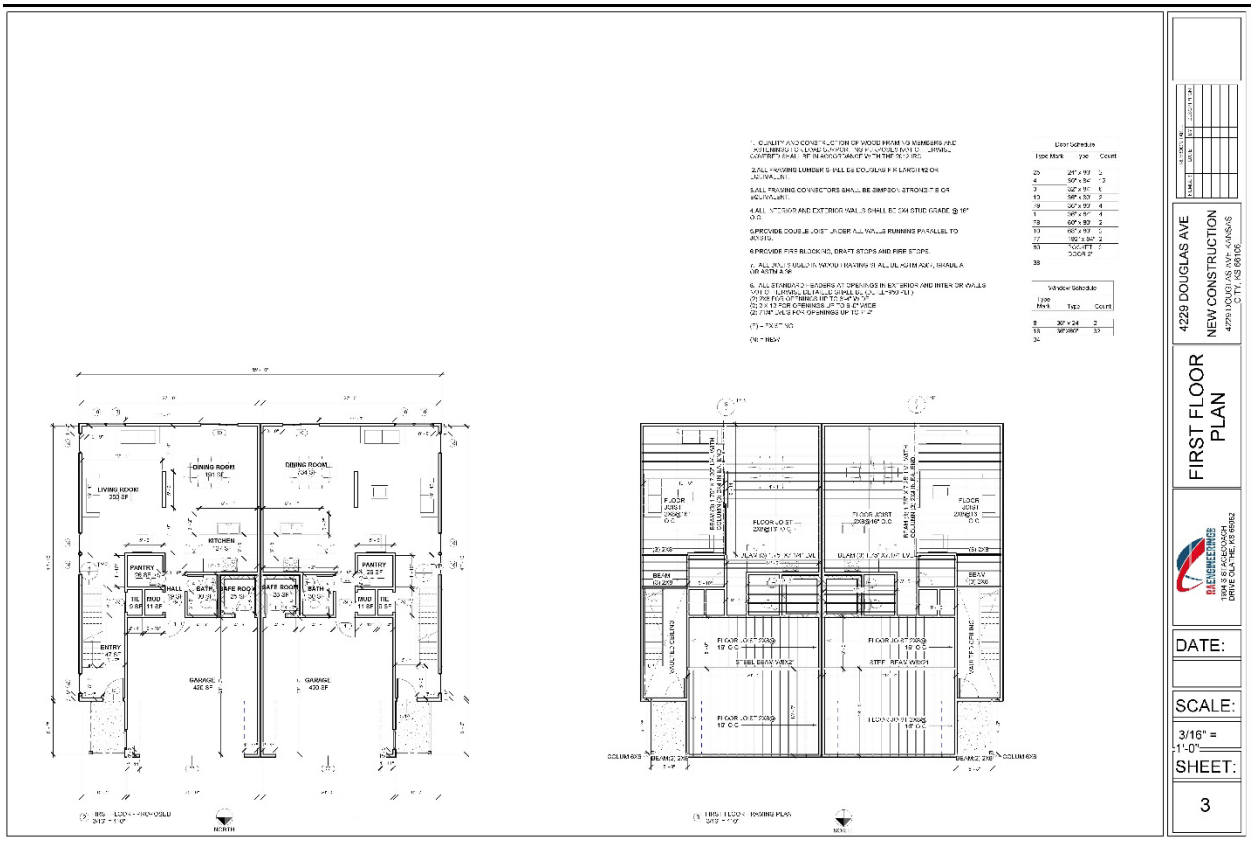
SHEET:
2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NEW CONSTRUCTION
FIRST FLOOR PLAN
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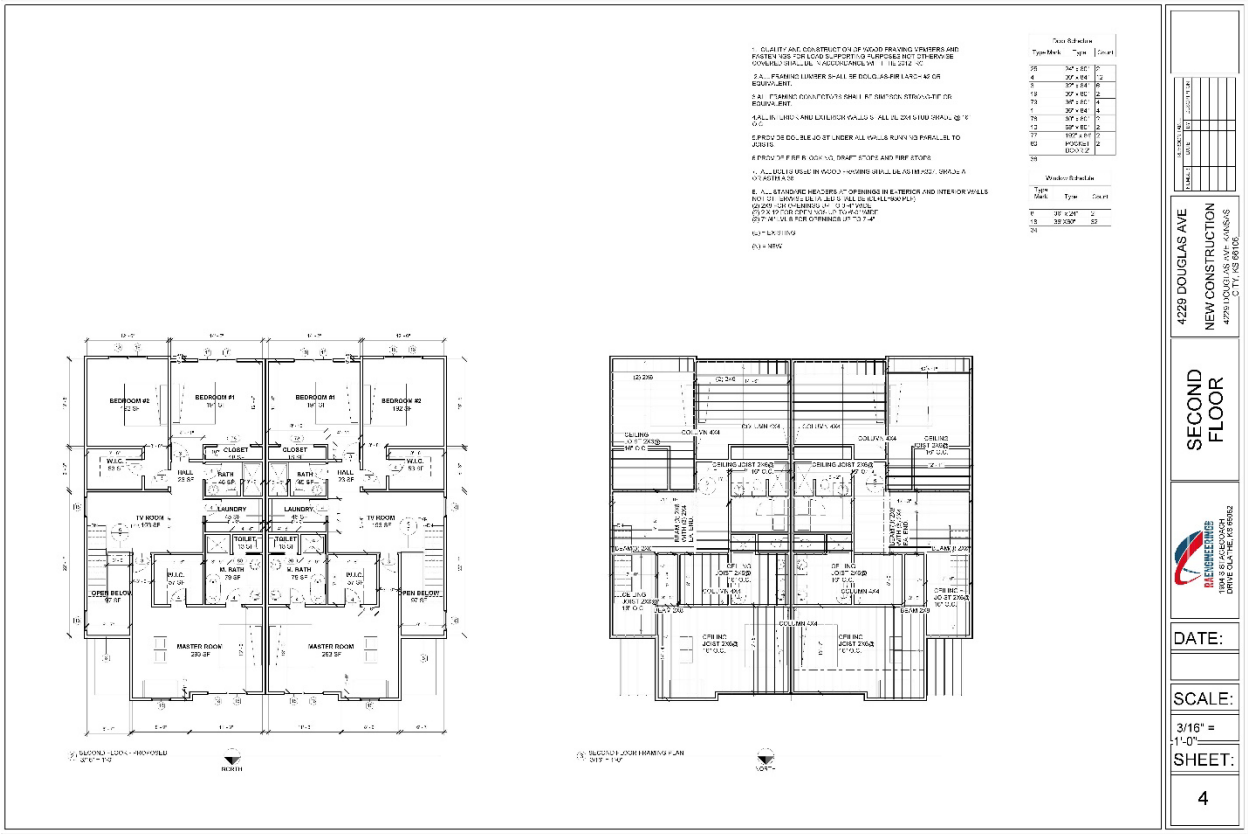
SHEET:
3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NEW CONSTRUCTION
SECOND FLOOR
DATE:
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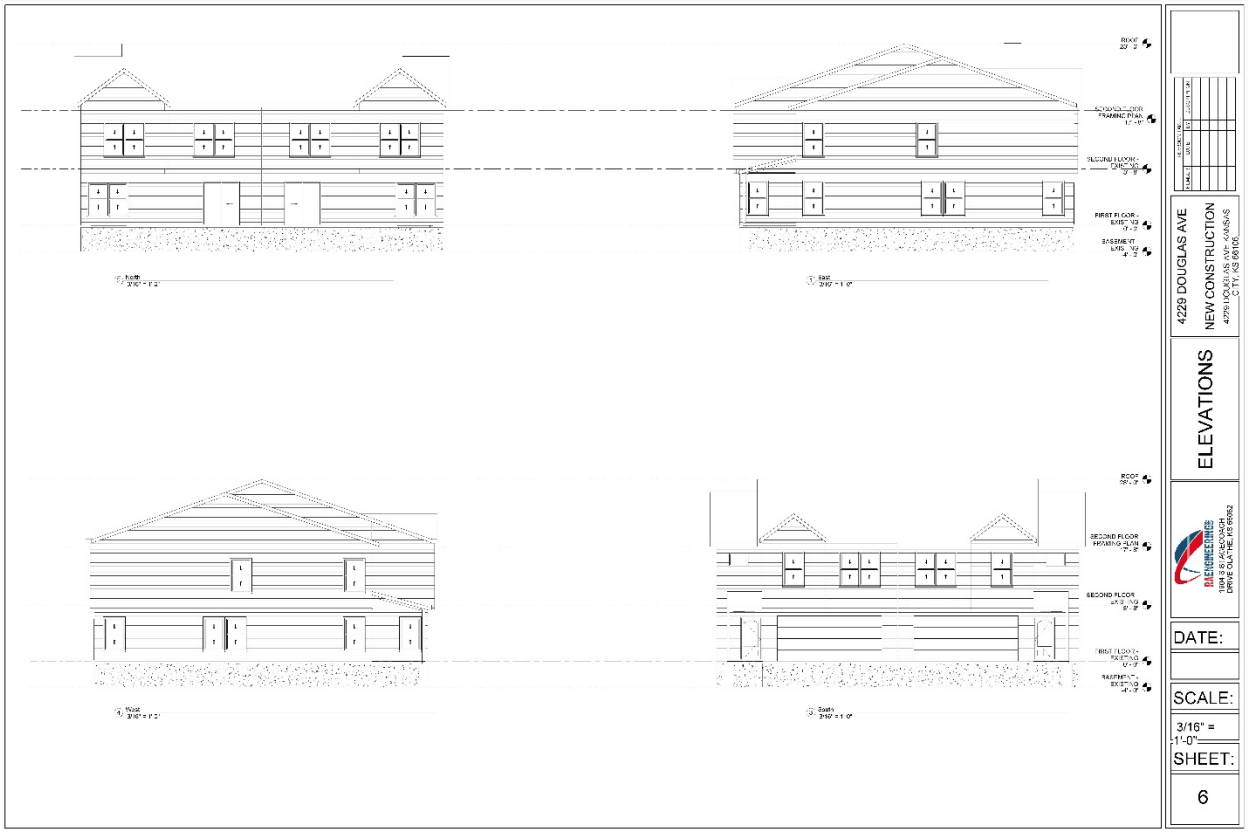
SHEET:
4


4229 DOUGLAS AVE
NEW CONSTRUCTION
ELEVATIONS
DATE:
SCALE:
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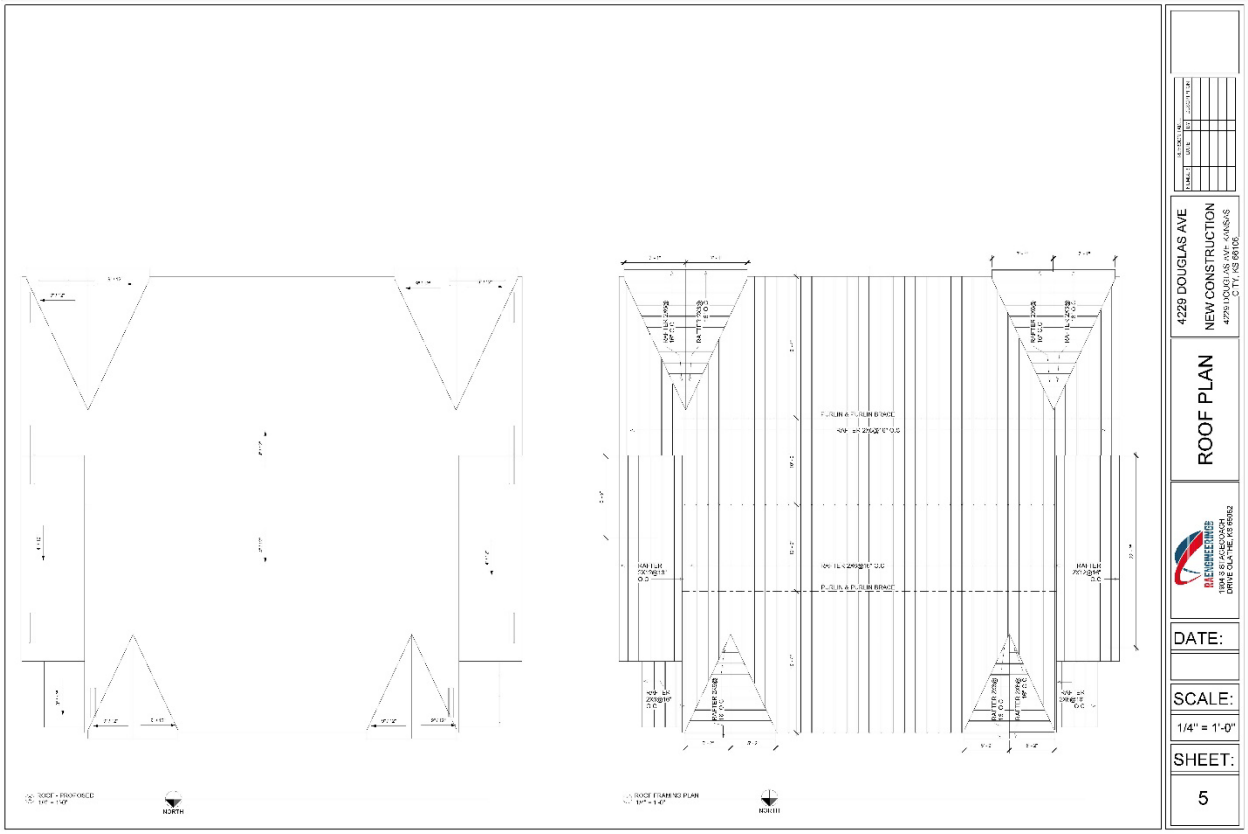
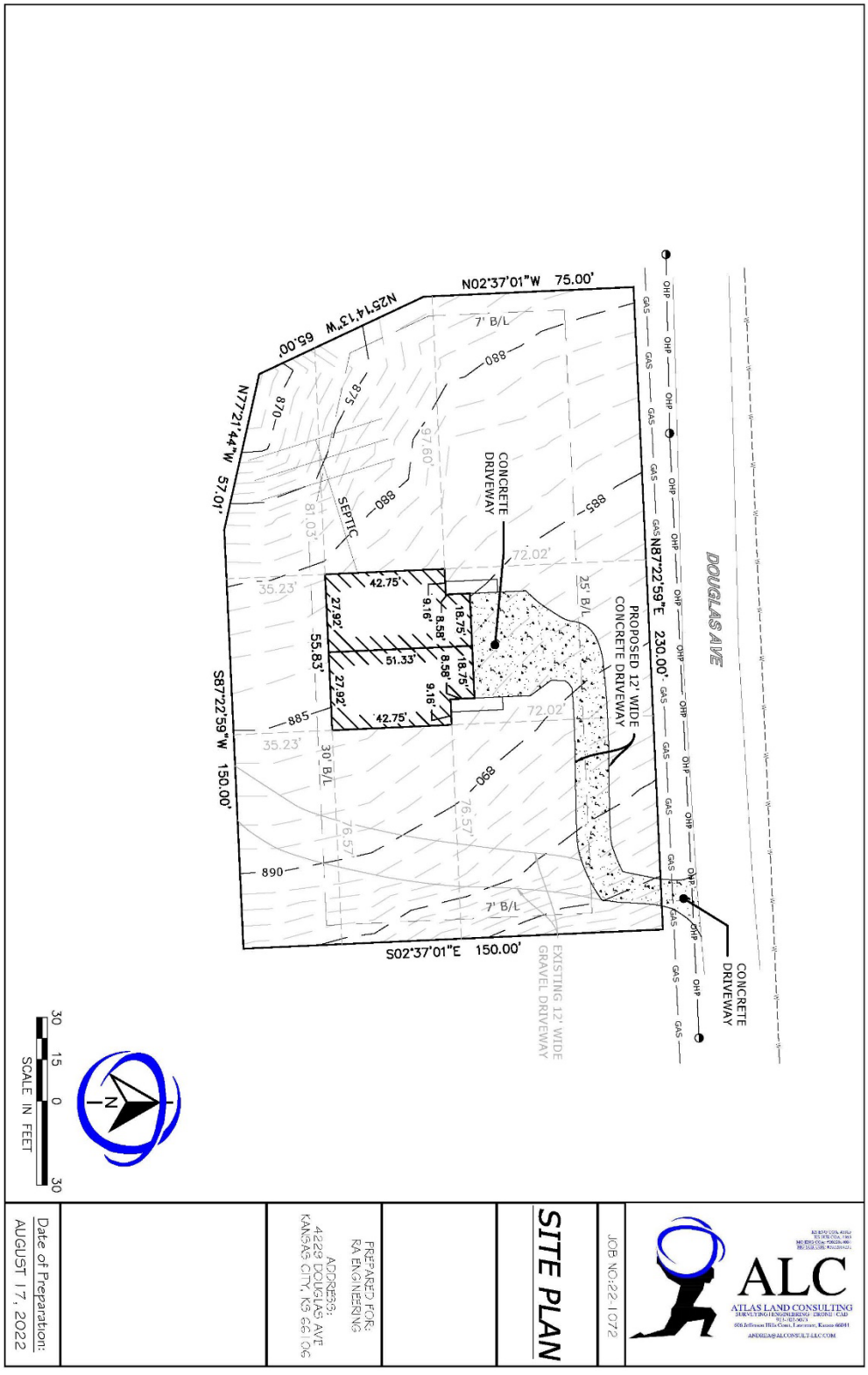
SHEET:
6


4229 DOUGLAS AVE
NEW CONSTRUCTION
ROOF PLAN
DATE:
SCALE:
1/4" = 1'-0"
SHEET:
5
NORTH
NORTH

SITE PLAN



N02°37'01"W 75.00'
N25°14'13"W 65.00'
N77°21'44"W 57.01'
S87°22'59"W 150.00'
S02°37'01"E 150.00'
N87°22'59"E 230.00'
DOUGLAS AVE
CONCRETE DRIVEWAY
PROPOSED 12' WIDE CONCRETE DRIVEWAY
EXISTING 12' WIDE GRAVEL DRIVEWAY
SEPTIC
7' B/L
25' B/L
30' B/L
42.75'
27.92'
55.83'
51.33'
9.16'
8.58'
18.75'
72.02'
35.23'
880
885
890
870
875
97.60'
81.03'
76.57'
SCALE IN FEET
30 15 0 30
N
ALC
ATLAS LAND CONSULTING
JOB NO:22-1072
SITE PLAN
PREPARED FOR:
RA ENGINEERING
ADDRESS:
4229 DOUGLAS AVE
KANSAS CITY, KS 66106
Date of Preparation:
AUGUST 17, 2022

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

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

August 16, 2022

RE: COZ2022-030, Andrea Weishbaubt to construct a duplex at 4229 Douglas Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2022-030, Andrea Weishbaubt to construct a duplex at 4229 Douglas Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox complex, 18 to 30 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover. There is a waterway in the area that is flatter but is too narrow to map out.
- Depending on location of the duplex, flooding can be a problem or slopes are a concern.
- Limiting the disturbance of land near the drainageway (within 15-20 feet) and using silt fence and straw wattles can be used to protect the stream.
- If there are any erosion problems the Best Management Practices in this report can be used to control the problems.

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

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
606 Jefferson Hills Court, Lawrence, Kansas 66044

COZ2022-030 & MPL2022-016

STAFF REPORT

PLANNING AND URBAN DESIGN COMMENTS:

1. The applicant must provide a scaled and dimensioned site plan to demonstrate conformance with the R-2(B) Two-Family District zoning regulations, otherwise the petition cannot move forward. – SEE ATTACHED SITE PLAN

2. Has the property owner acquired the adjoining property from the Land Bank, or do they have an access agreement for the Land Bank? The adjoining property has been utilizing the subject property for access, as the right-of-way that the property accesses has never been developed. – NO AGREEMENT, THIS PROPERTY IS NOT OUR CLIENT'S PROPERTY. WE ARE UNSURE OF WHO IS UTILIZING THE ACCESS

3. Staff suggests that the proposed structure bring the entrances of the dwellings forward and push the garages back, as to feature the entrances prominently, rather than the garages. - ACKNOWLEDGE

4. Will the property be served by septic tanks? If so, coordination with the Wyandotte County Health Department is required to determine if the property is suitable for septic service. – PROPERTY WILL BE ON SEPTIC, CLIENT WILL COORDINATE WITH COUNTY HEALTH DEPARTMENT

General Engineering Review No. 1

1. Provide site plan showing dimensions, proposed driveway widths, distances from property lines, proposed duplex building, existing and proposed utilities, etc., in accordance with UG standards and criteria. Please discuss further with staff if there are any questions. See attached site plan.

2. The drive entrance shall be 25' max in accordance with UG standards and criteria. Noted

3. The driveway entrance within right of way of Douglas Avenue shall conform to the Unified Government of Wyandotte county and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G. Noted

4. Construction plans shall meet UG standards and criteria, and shall reviewed and approved by UG prior to construction permit acquisition. Noted

5. If a septic tank is being proposed to use, please coordinate with the Wyandotte County Health Department for the proposed septic. Noted

6. Regarding the above comment, prior to construction permit acquisition, a valid private on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on-site wastewater system. Provide staff with copies of the approval(s) and/or permit from Wyandotte County Health Department. Noted

CONSERVATION DISTRICT COMMENTS:

1. Depending on the location of the duplex, flooding and slopes are a concern; - DUPLEX LOCATION WILL AVOID FLOODING

2. Limiting the disturbance of land near the drainageway (within 15-20 feet) and using silt fence and straw wattles can be used to protect the stream; and, - ACKNOWLEDGE

3. If there are any erosion problems, best management practices (attached below) can be used to control the problems. ACKNOWLEDGE

STANDARD CONDITIONS:

1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573- 8620 or by 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; - ACKNOWLEDGE

2. All existing and future driveways must feature curb cuts that are constructed to UG standards; - ACKNOWLEDGE

3. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; - ACKNOWLEDGE

4. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development

application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; - ACKNOWLEDGE

5. A Right-of-Way Permit may be 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; - ACKNOWLEDGE

6. Section 27-477 states that any new residential use shall contain an area of storm protection. Such area may be a room or space, such as a basement, or a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof; - ACKNOWLEDGE

7. 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; and, - ACKNOWLEDGE

8. 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: - ACKNOWLEDGE

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; - ACKNOWLEDGE

b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan; - ACKNOWLEDGE

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; - ACKNOWLEDGE

d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts; - ACKNOWLEDGE

606 Jefferson Hills Court, Lawrence, Kansas 66044

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 - ACKNOWLEDGE

f. The impacts of the potential costs and benefits derived by the community or area by the proposed change. - ACKNOWLEDGE

606 Jefferson Hills Court, Lawrence, Kansas 66044

SITE PHOTOS, PROVIDED BY STAFF, DATED AUGUST 11, 2022

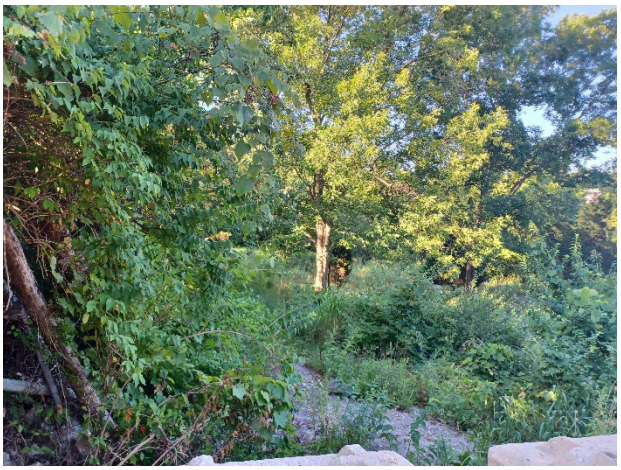


EXHIBIT B

4229 Douglas Ave Kansas City, KS 66106
COZ2022-030 / MPL2022-016

No neighbor contacted via email, phone, text, etc.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition # COZ2022-030 ; MPL 2022-016
2. That I conducted a neighborhood meeting on via phone and email
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of September 2022.

My commission expires 20th of December, 2022.

NOTARY PUBLIC - STATE OF KANSAS
DOMONIQUE DENICE KETTLER
My Appt Exp 12/20/2022

Notary Public

Staff Request for Commission Action

Tracking No. 211724

Full Commission Meeting Date: 06/09/22
Committee: Full Commission

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/10/2022	Ana Marin	x5010	amarin@wycokck.org	Administrator's Office

Item Description:
Update regarding County Administrator's Search Process by Tyrone Garner, Mayor/CEO.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, breast cancer touches every corner of the United States and the hundreds of thousands of Americans will be diagnosed with breast cancer and tens of thousands will die from it; and

WHEREAS, about 1 in 8 women born today in the United States will get breast cancer at some point in their lifetime and approximately 2,000 men are diagnosed with breast cancer each year; and

WHEREAS, we show our support for every individual and every family struggling with breast cancer and we pause to remember those we have lost; and

WHEREAS, Breast Cancer Awareness Month in October is a chance to raise awareness about the importance of early detection of breast cancer by getting a mammogram and encouraging our community, organizations, churches, families and individuals to get involved; and

WHEREAS, we salute the women and men who dedicate themselves to prevention, detection and treatment as we observe Breast Cancer Awareness Month.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the month of October 2022 as:

"Breast Cancer Awareness Month"

in Wyandotte County/Kansas City, Kansas and call upon all residents to recognize the importance of Breast Cancer Awareness. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, family and relationships are often counted among life's greatest gifts, and tragically, many Kansans' relationships are tarnished by violence and fear; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to the systematic use of physical, emotional, sexual, psychological, economic, and coercive control and abuse; and

WHEREAS, in 2020 the Centers for Disease Control and Prevention reports that 1 in 5 women and 1 in 7 men have experienced severe physical violence by an intimate partner during their lifetime; and

WHEREAS, more than 20,000 calls are placed to domestic violence hotlines nationwide every day, and during a 24-hour period in 2021, hotline staff in Kansas received 251 contacts, averaging 11 contacts per hour; and

WHEREAS, in 2021, the Kansas Bureau of Investigation reports one domestic violence incident was reported every 23 minutes and 16 seconds, and in 2021 one domestic violence arrest was made by law enforcement every 45 minutes, 4 seconds in Kansas; and

WHEREAS, also in 2021, one domestic violence murder was reported in Kansas every 11 days, 9 hours; and

WHEREAS, in Wyandotte County six domestic violence homicides occurred in 2021; yet 11 have occurred this year already; and

WHEREAS, the DELLA GILL/JOYCE H. WILLIAMS CENTER for Domestic Violence Survivors & their Children, "A Program of Friends of Yates," provides 24/7/365 free and confidential services to victims of domestic violence in Kansas City, Kansas; and

WHEREAS, the DELLA GILL/JOYCE H. WILLIAMS CENTER is available at 913-321-0951; and the Kansas City Metro Hotline is available at 816-HOTLINE (816)468-5463; and

WHEREAS, this violence is inconsistent with the values of our community and will not be excused or tolerated.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the month of October 2022, as:

"Domestic Violence Awareness Month"

in Wyandotte County/Kansas City, Kansas encourage all citizens to speak out against domestic violence, to provide support for survivors of these crimes, to encourage community leaders to hold perpetrators accountable, and to make domestic violence prevention efforts a priority by hosting events, by creating policies at school and work, and by working with your local domestic violence victim service providers. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

_____

TYRONE GARNER, MAYOR/CEO

Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, dyslexia is a language-based learning disability that affects approximately one in five people, regardless of race, gender, age, or socioeconomic status; and

WHEREAS, neurological in origin, dyslexia affects the way the brain processes information, and is characterized by difficulties with reading, writing, and spelling despite normal intelligence; and

WHEREAS, those with dyslexia benefit greatly from specialized assistance from highly trained teachers, multi-sensory learning programs, and individualized instruction; and

WHEREAS, although dyslexia is a lifelong challenge, the impact can be minimized with early identification, effective language instruction, and reasonable accommodations and support; and

WHEREAS, the mission of the Kansas-Missouri branch of the International Dyslexia Association is to give students with dyslexia a better learning experience through teacher training, parent support, and student empowerment.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim October 2022, as:

"Dyslexia Awareness Month"

in Wyandotte County/Kansas City, Kansas and I encourage each individual in the community to acknowledge educators specializing in effective teaching strategies, and to celebrate the many achievements of adolescents, students, and adults with dyslexia. 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

AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, OCTOBER 27, 2022, 2022

IX. MAYOR'S AGENDA

NEW ITEM

Item No. 5 – UPDATE: BIO-SOLIDS PROJECT

Synopsis: An update from the Public Works Department regarding the Bio-Solids project, submitted by Jeff Fisher, Director of Public Works.

For information only.

Tracking #: 212087

Staff Request for Commission Action

Tracking No. 212087

Full Commission Meeting Date:
Committee: Full Commission

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/27/2022	Jeff Fisher	x5415	jfisher@wycokck.org	Public Works

Item Description:
An update from the Public Works Department regarding the Bio-Solids project, submitted by Jeff Fisher, Director of Public Works.

For information only.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Staff Request for Commission Action

Tracking No. 212007

Full Commission Meeting Date: 11/3/22
Committee: Economic Development & Finance

Date of Standing Committee Action: 10/10/22
(If none, please explain):

Publication Required: Yes 11/10/2022

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/13/2022	Debbie Jonscher, Angela Lawson	x5847,	djonscher@wycokck.org, alawson@wycokck.org	Finance

Item Description:
A resolution authorizing the Board of Public Utilities to obtain a loan from the Kansas Public Water Supply Fund administered by the Kansas Department of Health and Environment, submitted by Debbie Jonscher, Acting Chief Finance Officer, & Angela Lawson, Deputy Chief Counsel.

Action Requested:
Approval

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Proposed UG Resolution approving 2022 First Amendment to Water Loan - BPU Water Loan 2021, Reso No 5276 KDHE Loan Agreement, Unified Government Resolution R-29-21, BPU - KDHE Loan Execution of Loan Agreement - Resolution #5267 - Oct 2021, Board Meeting KDHE Loan Amendment 2nd mtg Sept 21 2022

RESOLUTION NO. R_____

A RESOLUTION AUTHORIZING THE BOARD OF PUBLIC UTILITIES OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO OBTAIN A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY FUND ADMINISTERED BY THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is a municipal corporation duly organized under the laws of the state of Kansas (the "State") as a consolidated city-county; and

WHEREAS, the Unified Government owns and operates a public water supply and distribution system (the "System"), which is managed, operated, maintained and controlled on a day-to-day basis by an administrative agency of the Unified Government known as the Board of Public Utilities (the "BPU"); and

WHEREAS, the Board of Directors of the BPU (the "BPU Governing Body") has heretofore determined it to be in the best needs of the customers of the System to undertake certain modifications and improvements to the System, including (i) 7 MG Argentine Reservoir at an estimated cost of $14,500,000 (initially $10,000,000) , (ii) replace aging distribution mains at an estimated cost of $12,000,000 (initially $9,000,000), (iii) transmission main from 90th and Parallel to I-435 and France Family Drive at an estimated cost of $4,000,000 (initially $2,000,000), (iv) electrical improvements at Nearman Water Treatment Plant and pumping stations at an estimated cost of $2,500,000 (initially $1,500,000) and (v) replace 24-inch main at 12th Street and Kansas River at an estimated cost of $6,500,000 (initially $2,500,000) (collectively, the "Projects"), and to pay Loan origination costs; and

WHEREAS, pursuant to K.S.A. 65-163c et seq. (the "KDHE Act"), the Kansas Department of Health and Environment ("KDHE") administers the Kansas Public Water Supply Fund (the "Fund") from which loans are made to certain qualified Municipalities (as said term is defined in the KDHE Act) to finance modification and improvements to public water supply systems; and

WHEREAS, the BPU has heretofore made an application to KDHE for a loan in an initial aggregate amount not to exceed $25,000,000, subsequently increased to an aggregate amount not to exceed $39,500,000 (the "Loan") to finance the Improvements; and

WHEREAS, pursuant to Resolution No. R-29-21 approved April 8, 2021, the Unified Government authorized the BPU to obtain a loan in the initial amount of $25,000,000, and the BPU obtained a loan in such amount from KDHE; and

WHEREAS, the estimated costs of the Project subsequently increased from $25,000,000 to $39,500,000 and KDHE approved the increased loan amount of not to exceed $39,500,000; and

WHEREAS, the Board of Commissioners of the Unified Government wishes to authorize the BPU to obtain the Loan in the amount of $39,500,000 to finance the Improvements; and

WHEREAS, in order to maintain flexibility for a future refinancing of the Loan with utility system revenue bonds, the Board of Commissioners of the Unified Government also wishes to authorize the issuance of utility system revenue bonds as an alternative financing source for the Improvements, and accordingly, pursuant to the provisions of Charter Ordinance No. CO-5-01, as amended, Article 12, Section 5 of the Kansas Constitution and K.S.A. 10-1201 *et seq.*(collectively, the "Act"), the governing body of the Unified Government has determined that it is advisable to publish in the official newspaper of the Unified Government a notice of the Improvements to the System at an estimated cost of $39,500,000 and that utility system revenue bonds of the Unified Government may be issued in an estimated amount of $39,500,000 plus the cost of any required reserves, costs of issuance and related expenses; and

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 Improvements. The governing body of the Unified Government hereby approves the Improvements at a total estimated cost of $39,500,000.

Section 2. Approval of Loan. The BPU is hereby authorized to obtain the Loan in order to provide financing for the Improvements.

Section 3. Approval of Issuance of Bonds as an Alternative Financing Source for the Improvements; Necessary Action. In order to maintain flexibility for a future refinancing of the Loan with utility system revenue bonds, the Unified Government also authorizes the issuance of utility system revenue bonds in the principal amount not to exceed $39,500,000 plus the cost of any required reserves, costs of issuance and related expenses as an alternative financing source for the Improvements, provided that any such issuance of utility system revenue bonds shall require further approval by the Unified Government of the sale of any such bonds prior to any such issuance. The governing body of the Unified Government hereby directs that notice of the Improvements to the System and the possible issuance of such bonds be given as provided by the Act, in substantially the form attached hereto as **Exhibit A.**

Section 4. Further Proceedings. The Mayor, Unified Government Clerk and other officers and representatives of the Unified Government are hereby authorized and directed to take such action as may be necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall be in full force and effect following its adoption by the governing body of the Unified Government.

ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas on _____, 2022.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Mayor/Chief Executive

(SEAL)

ATTEST:

_____
Unified Government Clerk

Exhibit A

(Published in *The Wyandotte County Echo* on _____, 2022)

NOTICE

Notice is hereby given that pursuant to a resolution of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), adopted _____, 2022, the governing body of the Unified Government has approved making improvements to the Unified Government's water utility system including a water reservoir replacement project at the Argentine Pump Station, transmission main and distribution main construction and replacement projects, and electrical improvements at the Nearman Water Treatment Plant and pumping stations (the "Improvements") at a total estimated cost of not to exceed $39,500,000 and the financing of the Improvements with a loan from the Kansas Department of Health and Environment, and has authorized the issuance of utility system revenue bonds as an alternative financing source for the Improvements under the authority of Charter Ordinance No. CO-5-01 of the Unified Government, as amended, Article 12, Section 5 of the Kansas Constitution and K.S.A. 10-1201 *et seq.* (the "Act"), in a principal amount not exceeding $39,500,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the costs of the Improvements.

Notice is further given that the governing body of the Unified Government may issue its utility system revenue bonds (the "Bonds") pursuant to the Act in an aggregate principal amount not exceeding $39,500,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the cost of the Improvements. The Bonds, if and when issued, will be payable solely from the net revenues derived by the Unified Government from the operation of its utility system.

If within fifteen (15) days after the date of publication of this notice, written protest against the Improvements and/or issuance of the Bonds for the payment of the Improvements is filed with the Unified Government Clerk and signed by not less than twenty percent (20%) of the qualified electors of the City of Kansas City, Kansas, the governing body shall submit the question of the proposed Improvements and the proposed issuance of the Bonds for the payment of the Improvements to the electors of the City of Kansas City, Kansas at an election for such purpose as provided by law. If sufficient protest is not filed, then the governing body of the Unified Government will proceed in accordance with the intentions hereinbefore declared and make the Improvements, and may issue the Bonds in an aggregate principal amount not in excess of $39,500,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the costs of the Improvements.

DATED: _____, 2022.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Unified Government Clerk

RESOLUTION NO. 5276

RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO A LOAN AGREEMENT BETWEEN THE BOARD OF PUBLIC UTILITIES OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT, FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Safe Drinking Water Act Amendments of 1996 [PL 104-182] to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health, and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Public Water Supply Loan Act, K.S.A. 65-163d *et seq.*, as amended (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Public Water Supply Loan Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Master Indenture (the "Master Indenture") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public water supply system projects (the "Projects") and to pledge the Loan Repayments (as defined in the Master Indenture) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act) and

WHEREAS, the Board of Public Utilities (the "BPU") of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), an administrative agency of the Unified Government, operates the Unified Government's public water supply and distribution system (the "System"); and

WHEREAS, the BPU is a municipality as said term is defined in the Loan Act, and the System is a Public Water Supply System, as said term is defined in the Loan Act; and

WHEREAS, the Board of Directors of the BPU (the "BPU Governing Body") has heretofore determined it to be in the best needs of the customers of the System to undertake certain modifications and improvements to the System, including (i) 7 MG Argentine Reservoir at an estimated cost of $14,500,000 (initially $10,000,000) , (ii) replace aging distribution mains at an estimated cost of $12,000,000 (initially $9,000,000), (iii) transmission main from 90th and Parallel to I-435 and France Family Drive at an estimated cost of $4,000,000 (initially $2,000,000), (iv) electrical improvements at Nearman Water Treatment Plant and pumping stations at an estimated cost of $2,500,000 (initially $1,500,000) and (v) replace 24-inch main at 12th Street and Kansas River at an estimated cost of $6,500,000 (initially $2,500,000) (collectively, the "Projects"), and to pay Loan origination costs; and

WHEREAS, the BPU has, pursuant to the Loan Act and as authorized by Resolution No. 5260, submitted an Application to KDHE to obtain a loan from the Revolving Fund in an initial aggregate amount not to exceed $25,000,000.00, subsequently increased to an aggregate amount not to exceed $39,500,000.00, to finance the costs of the Project; and

WHEREAS, pursuant to Resolution No. R-29-21 approved April 8, 2021, the Unified Government authorized the BPU to obtain a Loan in the initial amount of $25,000,000.00; and

WHEREAS, as authorized by Resolution No. 5267 of the BPU Governing Body, the BPU accepted a loan in the initial amount of $25,000,000.00 and entered into a certain Loan Agreement with an effective date of August 23, 2021, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Original Loan Agreement"), to finance the costs of the Project as initially estimated; and

WHEREAS, subsequent to the effective date of the Original Loan Agreement, the estimated costs of the Project increased from $25,000,000.00 to $39,500,000.00, and the BPU applied to KDHE for an increase in the amount of the loan, to be effected by the hereinafter described First Amendment to Loan Agreement, amending the Original Loan Agreement to increase the amount of the hereinafter described Loan to $39,500,000.00; and

WHEREAS, the BPU has taken all steps necessary and complied with all requirements of the Loan Act and the provisions of K.A.R. 28-15-50 through 28-15-65 (the "Regulations") applicable thereto necessary to qualify for the hereinafter described Loan; and

WHEREAS, KDHE has informed the BPU that it has been approved for a loan in an amount of not to exceed $39,500,000.00 (the "Loan") in order to finance the Project; and

WHEREAS, the BPU will request the Unified Government to authorize the increase in the amount of the Loan; and

WHEREAS, the governing body of the BPU hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a First Amendment to Loan Agreement to be considered effective as of August 8, 2022 (the "First Amendment to Loan Agreement" and with the Original Loan Agreement, the "Loan Agreement") and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC UTILITIES OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization and Approval of Loan Agreement. The BPU is hereby authorized to accept the Loan and to enter into a certain First Amendment to Loan Agreement to be considered effective as of August 8, 2022, with the State of Kansas acting by and through the Kansas Department of Health and Environment, amending the Original Loan Agreement, to finance the Project Costs (as defined in the Loan Agreement). The General Manager of the BPU is hereby authorized to enter into the First Amendment to Loan Agreement in substantially the form presented to the Board of Directors this date, with such changes therein as shall be approved by the General Manager of the BPU and the BPU's legal counsel, such General Manager's execution of the First Amendment to Loan Agreement being conclusive evidence of their approval thereof.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Act, the BPU hereby establishes the System Revenues (as defined in the Loan Agreement) as the dedicated source of revenue for repayment of the Loan. The Loan constitutes Subordinate Debt as defined in the Second Amended and Restated Indenture of Trust dated as of June 1, 2014 by and between the Unified Government and Security Bank of Kansas City, as Trustee (as heretofore and hereafter amended and supplemented, the "Indenture"). In accordance therewith, the BPU shall fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the BPU, as will provide revenues sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan, any Existing Revenue Obligations and Additional Revenue Obligations (as said terms are defined in the Loan Agreement) as and when the same become due, and (c) pay all other amounts due at any time under the Loan Agreement. Such dedicated source of revenue is hereby pledged as security for repayment of the Loan, provided that such pledge shall be subordinate and junior in all respects to the pledge of the Trust Estate by the Indenture as security for the Bonds, as such terms are defined in the Indenture.

Section 3. Further Authority. The President, Secretary, General Manager and other officers, agents and employees of the BPU are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Resolution and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Board of Directors of the BPU.

ADOPTED by the Board of Directors of the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas, this 21st day of September, 2022.

BOARD OF PUBLIC UTILITIES

By: Mary Gonzales
President

ATTEST:

Thomas W. Groneman
Secretary

CERTIFICATE OF RECORDING OFFICER

The undersigned, duly qualified and acting Secretary of the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify:

That the attached resolution is a true and correct copy of the resolution adopted at a legally convened meeting of the Board of Directors of the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas held on the 21st day of September, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in the official BPU records.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of September, 2022.

Thomas W. Brownell
Secretary

RESOLUTION NO. R-29-21

A RESOLUTION AUTHORIZING THE BOARD OF PUBLIC UTILITIES OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO OBTAIN A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY FUND ADMINISTERED BY THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is a municipal corporation duly organized under the laws of the state of Kansas (the "State") as a consolidated city-county; and

WHEREAS, the Unified Government owns and operates a public water supply and distribution system (the "System"), which is managed, operated, maintained and controlled on a day-to-day basis by an administrative agency of the Unified Government known as the Board of Public Utilities (the "BPU"); and

WHEREAS, the Board of Directors of the BPU (the "BPU Governing Body") has heretofore determined it to be in the best needs of the customers of the System to undertake certain modifications and improvements to the System, including (i) 7 MG Argentine Reservoir at an estimated cost of $10,000,000, (ii) replace aging distribution mains at an estimated cost of $9,000,000, (iii) transmission main from 90th and Parallel to I-435 and France Family Drive at an estimated cost of $2,000,000, (iv) electrical improvements at Nearman Water Treatment Plant and pumping stations at an estimated cost of $1,500,000 and (v) replace 24-inch main at 12th Street and Kansas River at an estimated cost of $2,500,000 (collectively, the "Projects"), and to pay Loan origination costs; and

WHEREAS, pursuant to K.S.A. 65-163c et seq. (the "KDHE Act"), the Kansas Department of Health and Environment ("KDHE") administers the Kansas Public Water Supply Fund (the "Fund") from which loans are made to certain qualified Municipalities (as said term is defined in the KDHE Act) to finance modification and improvements to public water supply systems; and

WHEREAS, the BPU has heretofore made an application to KDHE for a loan in an aggregate amount not to exceed $25,000,000 (the "Loan") to finance the Improvements; and

WHEREAS, the BPU Governing Body has heretofore conducted a public hearing on the advisability of proceeding with the completion of the application for the Loan and has authorized the appropriate officials of the BPU to accomplish the completion process; and

WHEREAS, the Board of Commissioners of the Unified Government wishes to authorize the BPU to enter into the Loan to finance the Improvements; and

WHEREAS, in order to maintain flexibility for a future refinancing of the Loan with utility system revenue bonds, the Board of Commissioners of the Unified Government also wishes to authorize the issuance of utility system revenue bonds as an alternative financing source for the Improvements, and accordingly, pursuant to the provisions of Charter Ordinance No. CO-5-01, as

amended, Article 12, Section 5 of the Kansas Constitution and K.S.A. 10-1201 *et seq.*(collectively, the "Act"), the governing body of the Unified Government has determined that it is advisable to publish in the official newspaper of the Unified Government a notice of the Improvements to the System at an estimated cost of $25,000,000 and that utility system revenue bonds of the Unified Government may be issued in an estimated amount of $25,000,000 plus the cost of any required reserves, costs of issuance and related expenses; and

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 Improvements. The governing body of the Unified Government hereby approves the Improvements at a total estimated cost of $25,000,000.

Section 2. Approval of Loan. The BPU is hereby authorized to obtain the Loan in order to provide financing for the Improvements.

Section 3. Approval of Issuance of Bonds as an Alternative Financing Source for the Improvements; Necessary Action. In order to maintain flexibility for a future refinancing of the Loan with utility system revenue bonds, the Unified Government also authorizes the issuance of utility system revenue bonds in the principal amount not to exceed $25,000,000 plus the cost of any required reserves, costs of issuance and related expenses as an alternative financing source for the Improvements, provided that any such issuance of utility system revenue bonds shall require further approval by the Unified Government of the sale of any such bonds prior to any such issuance. The governing body of the Unified Government hereby directs that notice of the Improvements to the System and the possible issuance of such bonds be given as provided by the Act, in substantially the form attached hereto as **Exhibit A.**

Section 4. Further Proceedings. The Mayor, Unified Government Clerk and other officers and representatives of the Unified Government are hereby authorized and directed to take such action as may be necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall be in full force and effect following its adoption by the governing body of the Unified Government.

Exhibit A

(Published in *The Wyandotte County Echo* on April 15, 2021)

NOTICE

Notice is hereby given that pursuant to a resolution of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), adopted April 8, 2021, the governing body of the Unified Government has approved making improvements to the Unified Government's water utility system including a water reservoir replacement project at the Argentine Pump Station, transmission main and distribution main construction and replacement projects, and electrical improvements at the Nearman Water Treatment Plant and pumping stations (the "Improvements") at a total estimated cost of not to exceed $25,000,000 and the financing of the Improvements with a loan from the Kansas Department of Health and Environment, and has authorized the issuance of utility system revenue bonds as an alternative financing source for the Improvements under the authority of Charter Ordinance No. CO-5-01 of the Unified Government, as amended, Article 12, Section 5 of the Kansas Constitution and K.S.A. 10-1201 *et seq.* (the "Act"), in a principal amount not exceeding $25,000,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the costs of the Improvements.

Notice is further given that the governing body of the Unified Government may issue its utility system revenue bonds (the "Bonds") pursuant to the Act in an aggregate principal amount not exceeding $25,000,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the cost of the Improvements. The Bonds, if and when issued, will be payable solely from the net revenues derived by the Unified Government from the operation of its utility system.

If within fifteen (15) days after the date of publication of this notice, written protest against the Improvements and/or issuance of the Bonds for the payment of the Improvements is filed with the Unified Government Clerk and signed by not less than twenty percent (20%) of the qualified electors of the City of Kansas City, Kansas, the governing body shall submit the question of the proposed Improvements and the proposed issuance of the Bonds for the payment of the Improvements to the electors of the City of Kansas City, Kansas at an election for such purpose as provided by law. If sufficient protest is not filed, then the governing body of the Unified Government will proceed in accordance with the intentions hereinbefore declared and make the Improvements, and may issue the Bonds in an aggregate principal amount not in excess of $25,000,000 plus the cost of any required reserves, costs of issuance and related expenses to pay the costs of the Improvements.

DATED: April 8, 2021.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Unified Government Clerk

ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas on Apr 8, 2021.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Mayor/Chief Executive

(SEAL)

ATTEST:

_____
Unified Government Clerk

RESOLUTION NO. 5267

RESOLUTION AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE BOARD OF PUBLIC UTILITIES OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT, FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Safe Drinking Water Act Amendments of 1996 [PL 104-182] to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health, and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Public Water Supply Loan Act, K.S.A. 65-163d *et seq.*, as amended (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Public Water Supply Loan Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Master Indenture (the "Master Indenture") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public water supply system projects (the "Projects") and to pledge the Loan Repayments (as defined in the Master Indenture) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act) and

WHEREAS, the Board of Public Utilities (the "BPU") of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), an administrative agency of the Unified Government, operates the Unified Government's public water supply and distribution system (the "System"); and

WHEREAS, the BPU is a municipality as said term is defined in the Loan Act, and the System is a Public Water Supply System, as said term is defined in the Loan Act; and

WHEREAS, the Board of Directors of the BPU (the "BPU Governing Body") has heretofore determined it to be in the best needs of the customers of the System to undertake certain modifications and improvements to the System, including (i) 7 MG Argentine Reservoir at an estimated cost of $10,000,000, (ii) replace aging distribution mains at an estimated cost of $9,000,000, (iii) transmission main from 90th and Parallel to I-435 and France Family Drive at an estimated cost of $2,000,000, (iv) electrical improvements at Nearman Water Treatment Plant and pumping stations at an estimated cost of $1,500,000 and (v) replace 24-inch main at 12th Street and Kansas River at an estimated cost of $2,500,000 (collectively, the "Projects"), and to pay Loan origination costs; and

WHEREAS, the BPU has, pursuant to the Loan Act and as authorized by Resolution No. 5260, submitted an Application to KDHE to obtain a loan from the Revolving Fund in an amount not to exceed $25,000,000.00 to finance the costs of the Project; and

WHEREAS, pursuant to Resolution No. R-29-21 approved April 8, 2021, the Unified Government authorized the BPU to obtain the hereinafter described Loan; and

WHEREAS, the BPU has taken all steps necessary and complied with all requirements of the Loan Act and the provisions of K.A.R. 28-15-50 through 28-15-65 (the "Regulations") applicable thereto necessary to qualify for the hereinafter described Loan; and

WHEREAS, KDHE has informed the BPU that it has been approved for a loan in an amount of not to exceed $25,000,000.00 (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the BPU hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a Loan Agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC UTILITIES OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization and Approval of Loan Agreement. The BPU is hereby authorized to accept the Loan and to enter into a certain Loan Agreement with an effective date of August 23, 2021, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement"), to finance the Project Costs (as defined in the Loan Agreement). The General Manager of the BPU is hereby authorized to enter into the Loan Agreement in substantially the form presented to the Board of Directors this date, with such changes therein as shall be approved by the General Manager of the BPU and the BPU's legal counsel, such General Manager's execution of the Loan Agreement being conclusive evidence of their approval thereof.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Act, the BPU hereby establishes the System Revenues (as defined in the Loan Agreement) as the dedicated source of revenue for repayment of the Loan. The Loan constitutes Subordinate Debt as defined in the Second Amended and Restated Indenture of Trust dated as of June 1, 2014 by and between the Unified Government and Security Bank of Kansas City, as Trustee (as heretofore and hereafter amended and supplemented, the "Indenture"). In accordance therewith, the BPU shall fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the BPU, as will provide revenues sufficient to (a) pay the cost of

the operation and maintenance of the System, (b) pay the principal of and interest on the Loan, any Existing Revenue Obligations and Additional Revenue Obligations (as said terms are defined in the Loan Agreement) as and when the same become due, and (c) pay all other amounts due at any time under the Loan Agreement. Such dedicated source of revenue is hereby pledged as security for repayment of the Loan, provided that such pledge shall be subordinate and junior in all respects to the pledge of the Trust Estate by the Indenture as security for the Bonds, as such terms are defined in the Indenture.

Section 3. Further Authority. The President, Secretary, General Manager and other officers, agents and employees of the BPU are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Resolution and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Board of Directors of the BPU.

ADOPTED by the Board of Directors of the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas, this 6th day of October, 2021.

BOARD OF PUBLIC UTILITIES

By: Robert Milan Jr
President

ATTEST:

DocuSigned by:
Rose Mulvany Henry
732C225A5808456...
Secretary

CERTIFICATE OF RECORDING OFFICER

The undersigned, duly qualified and acting Secretary of the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify:

That the attached resolution is a true and correct copy of the resolution adopted at a legally convened meeting of the Board of Directors of the Board of Public Utilities of the Unified Government of Wyandotte County/Kansas City, Kansas held on the 6th day of October, 2021; and, further, that such resolution has been fully recorded in the journal of proceedings and records in the official BPU records.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, 2021.

DocuSigned by:
Rose Mulvany Henry
732C225A5806456

Secretary

KANSAS CITY BPU
THE POWER OF COMMUNITY

KDHE REVOLVING LOAN

September 21, 2022

KANSAS CITY BPU
THE POWER OF COMMUNITY

Update Project Cost & Amended Loan Amount

Projects to Complete under Original $25,000,000	**Original Cost Estimate**	**Current Estimate**	**Difference**
•7 MG Argentine Reservoir - $10,000,000	$10,000,000	$14,500,000	$4,500,000
•Replace 24 inch Main at 12th Street & Kansas River - $2,500,000	$2,500,000	$6,500,000	$4,000,000
•Electrical Improvements at NWTP & Pumping Stations - $1,500,000	$1,500,000	$2,500,000	$1,000,000
	subtotal	$**23,500,000**	
Projects with Amendment			
•T-Main 90th and Parallel to I 435 & France Family Drive - $2,000,000	$2,000,000	$4,000,000	$2,000,000
•Replace Aging Distribution Mains - $ 9,000,000 - 15 miles	$9,000,000	$12,000,000	$3,000,000
Total Project Cost Summary	$25,000,000	$**39,500,000**	$14,500,000

KANSAS CITY BPU
THE POWER OF COMMUNITY

Construction Cost Index

ENR Building Cost Index Increase

Jan 2021 to Jan 2022 - 14 %

Jan 2022- Sept 2022- 8 %

22% increase in 21 months; 1 % per month on average

12 inch Ductile Iron Pipe Cost

April 2021 - $28.75 per foot

June 2022- $69.00 per foot

Pipe Prices have increased 2.5 times since the estimate

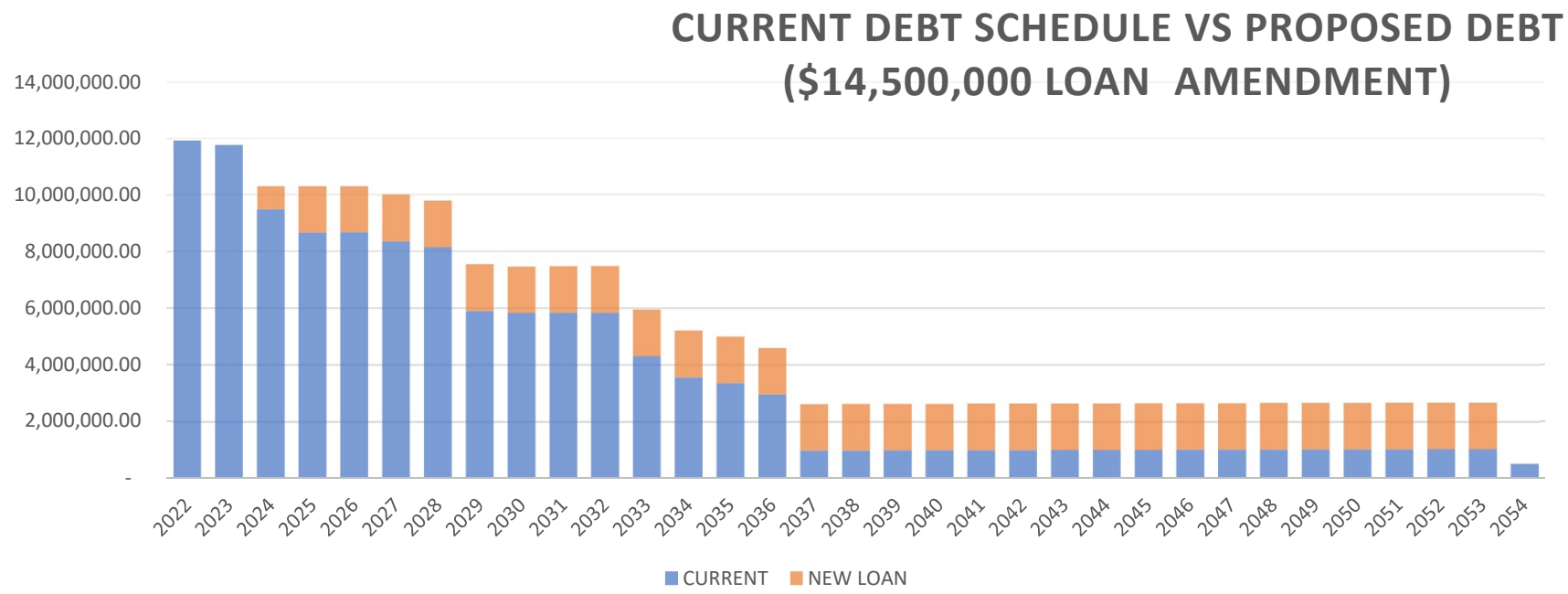
KANSAS CITY BPU
THE POWER OF COMMUNITY

Revised KDHE Loan Parameters

- $39,500,000 Principal
- 30 Year Loan
- Projected Interest rate – 1.50 %
- Projected First Payment - 8/1/2024
- Number of Payments – 60 (twice per year)
- Update $39.5 Million Loan – Annual Payment - $1,639,910
- Original $25 Million Loan - Annual Payment – $1,037,917.76

KANSAS CITY BPU
THE POWER OF COMMUNITY

Debt Schedule Comparison



KANSAS CITY BPU
THE POWER OF COMMUNITY

Questions

- Thank You

Staff Request for Commission Action

Tracking No. 212010

Full Commission Meeting Date:

Committee: Economic Development & Finance

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/13/2022	Patrick Waters	x5079	patrickwaters@wycokck.org	Economic Development

Item Description:

A resolution amending Resolution No. R-30-22 previously adopted determining intent to issue Industrial Revenue Bonds in the amount not to exceed $28,000,000 to provide sales tax exemption on the Brotherhood Bank (753 State Ave. & 736 Minnesota Ave.) multi-purpose commercial project, consisting of office uses, multi-family units and parking facilities for the benefit of KDG LLC, submitted by Patrick Waters, Deputy Chief Counsel.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Amended Resolution of Intent - KDG Project (UG), R-30-22

RESOLUTION NO. R-__-22

RESOLUTION AMENDING RESOLUTION NO. R-30-22 PREVIOUSLY ADOPTED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, DETERMINING ITS INTENT TO ISSUE INDUSTRIAL REVENUE BONDS TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MULTI-PURPOSE COMMERCIAL PROJECT FOR THE BENEFIT OF KDG, L.L.C., 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, the Unified Government adopted Resolution No. R-30-22 on June 30, 2022 (the "Original Resolution of Intent") determining the intent of the governing body to issue its industrial revenue bonds (the "Bonds") in the aggregate amount not to exceed $12,000,000, to finance the costs of acquiring, constructing, reconstructing, improving and equipping a multi-purpose commercial project consisting of office uses, approximately 29 multifamily units, and parking facilities located at 745 State Avenue, Kansas City, Kansas 66101 and 736 Minnesota Avenue, Kansas City, Kansas 66101 (the "Project") for the benefit of KDG, L.L.C., a Missouri limited liability company (the "Company"); and

WHEREAS, the governing body, at the request of the Company, desires to amend the Original Resolution of Intent to increase the aggregate amount of the Bonds.

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

Section 1. Intent to Increase the Authorized Amount of 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 $28,000,000, to be issued pursuant to the Act. All references to the authorized amount of Bonds in the Original Resolution of Intent are hereby amended to refer to $28,000,000.

Section 2. Effectiveness of Original Resolution of Intent. Except as amended herein, all other provisions of the Original Resolution of Intent are hereby ratified and shall remain in full force and effect.

Section 3. 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 4. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON OCTOBER __, 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

RESOLUTION NO. R-30-22

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 $12,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MULTI-PURPOSE COMMERCIAL PROJECT FOR THE BENEFIT OF KDG, L.L.C., 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, KDG, L.L.C., 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 multi-purpose commercial project consisting of office uses, approximately 29 multifamily units, and parking facilities located at 745 State Avenue, Kansas City, Kansas 66101 and 736 Minnesota 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 $12,000,000 (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 $12,000,000, 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 745 State Avenue, Kansas City, Kansas 66101 and 736 Minnesota 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 $12,000,000, 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 JUNE 30, 2022.

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk (Acting)

Approved as to Form:

By: _____
Chief Counsel

CONSENT AGENDA ITEM NO. 5

Staff Request for Commission Action

Tracking No. 211717

Full Commission Meeting Date: 6/30

Committee: Economic Development & Finance

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
06/22/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:

Resolution of Intent to issue bonds in the amount not to exceed $12,000,000 to finance the costs of acquiring, constructing, improving and equipping a multi-purpose commercial project for the benefit of KDG, LLC. The benefit would be for sales tax exemption on construction materials only.

Action Requested:

Approve and move to FC 6/30

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent (UG - KDG, LLC)

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

ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400
FAX (913) 573-5435

October 19, 2022

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **PADILLA ADDITION**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of PADILLA ADDITION located at 3222 N 38th street being developed by Rudy Paddila.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

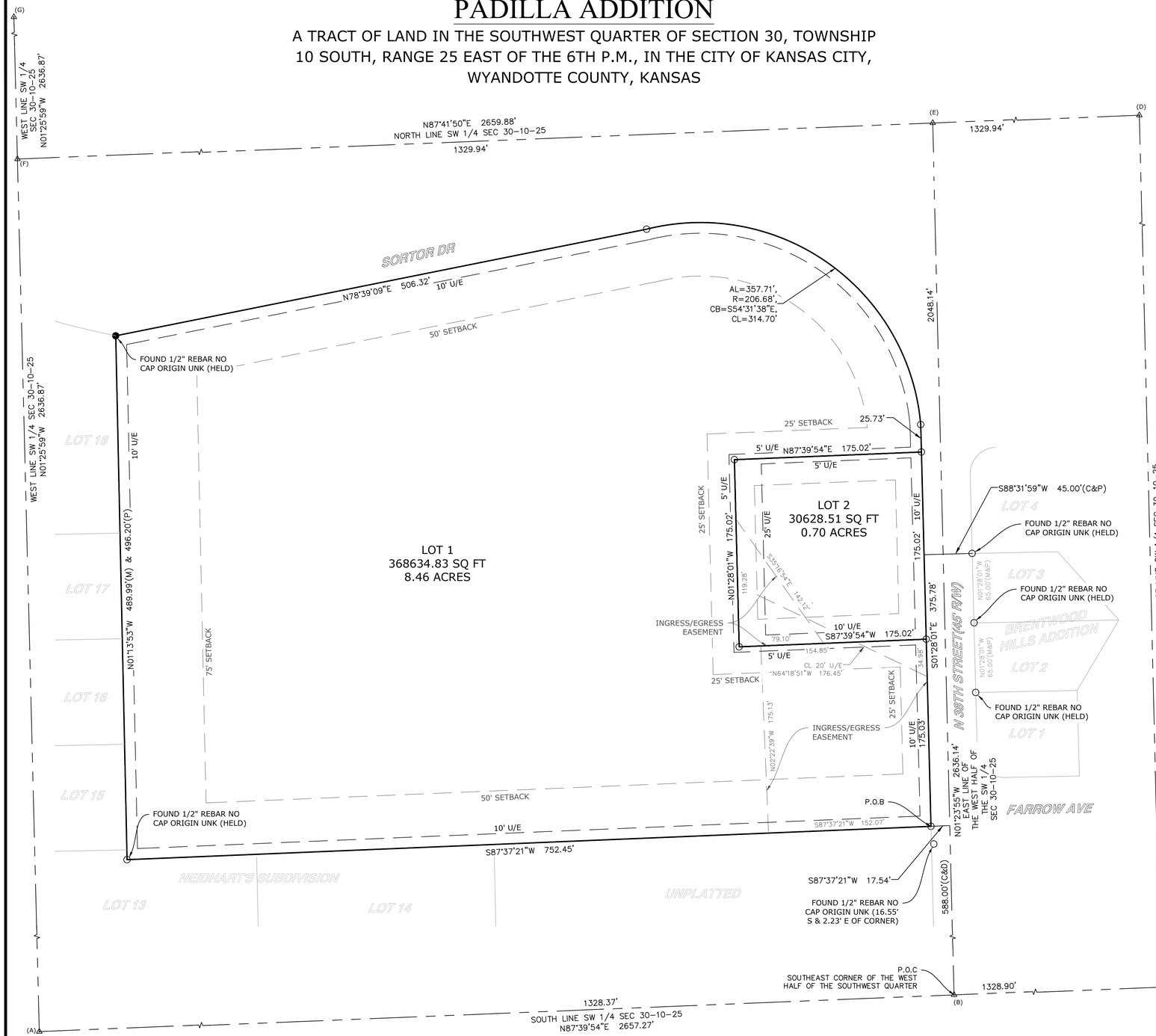
Troy Shaw
Digitally signed by Troy Shaw
Date: 2022.10.19 14:00:43 -05'00'

Troy Shaw, P.E.
County Engineer

Attachments

PADILLA ADDITION

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



SECTION CORNER REFERENCES:

A) FOUND 3" ALUMN DISK MONUMENT BOX
SW CORNER OF SEC 30-10-25
1. 19.17' NE TO PLUS CUT ON TOP OF CURB
2. 13.29' S TO PLUS CUT ON TOP OF CURB
3. 33.61' SW TO MAG NAIL IN NE FACE OF A POWER POLE
4. 59.63' N TO SE BUILDING CORNER OF 4220 LEAVENWORTH ROAD
5. 3' N TO CENTERLINE OF LEAVENWORTH ROAD

B)FOUND 3" ALUMN DISK IN MONUMENT BOX
SE CORNER OF THE WEST HALF OF THE SW QUARTER OF SEC 30-10-25
1. 50.17' NE TO "+" CUT ON TOP OF CURB
2. 45.13' SE TO "+" CUT ON TOP OF CURB
3. 49.55' SW TO "+" CUT ON TOP OF CURB
4. 34.74' NW TO "+" CUT ON TOP OF CURB

C) FOUND "+" CUT
SOUTH QUARTER CORNER OF SEC 30-10-25
1. 37.40' NE TO EXISTING "+" CUT ON TOP OF CONCRETE CURB
2. 33.84' SE TO EXISTING "+" ON CONCRETE GUTTER
3. 35.00' SW TO EXISTING "+" IN CONCRETE GUTTER
4. 27.22' NW TO EXISTING "+" CUT ON TOP OF CONCRETE CURB

D) FOUND 1" REBAR
CENTER CORNER OF SEC 30-10-25
1. 10.45' N TO NAIL AND SHINER FOUND IN EAST FACE OF 18" TREE
2. 17.38' NE TO 60D PENNY NAIL AND LS 533 WASHER SET SOUTHEAST FACE OF 15" WALNUT
3. 6.16' S TO 60D PENNY NAIL AND LS 533 WASHER SET IN WEST FACE OF 18" STUMP
4. 13.30' NW TO MAG NAIL AND SHINER IN EAST FACE OF HACKBERRY

E) CALCULATED NE CORNER OF THE WEST HALF OF THE SW QUARTER SEC 30-10-25

F) CALCULATED WEST QUARTER CORNER SEC 30-10-25

H) FOUND 3/4" IRON PIPE
NORTHWEST CORNER OF SEC 30-10-25
1. 6.42' NE TO 40D NAIL IN WEST FACE OF 15" OAK TREE
2. 7.92' SE TO 20D NAIL IN NE FACE OF 12" & 8" HEDGE TREE
3. 7.45' NW TO 60D NAIL IN NORTH FACE OF 15" OAK
4. 0.12' SW TO 1/2" IRON ROD

DESCRIPTION PER DEED 2019R-12331:

TRACT I:
BEGINNING AT A POINT 588 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 10, RANGE 25, EAST, IN WYANDOTTE COUNTY, KANSAS, THENCE NORTH 580.6 FEET, THENCE WEST ALONG THE SOUTH LINE OF THE ELISHA SORTER COUNTY ROAD, 312.5 FEET, THENCE SOUTH 73 DEGREES WEST 66.6 FEET, THENCE SOUTH 561.2 FEET, THENCE EAST 376.2 FEET TO THE POINT OF BEGINNING, MEANING TO DESCRIBE 5 ACRES IN THE NORTHEAST CORNER OF THE GEORGE W. LINCK TRACT SOUTH OF ELISHA SORTER ROAD.
TRACT II:
BEGINNING AS A POINT 588 FEET NORTH AND 376.2 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 10, RANGE 25, EAST, THENCE WEST 396.5 FEET, THENCE NORTH 525 FEET TO THE SOUTHERLY LINE OF THE ELISHA SORTER ROAD AS TRAVELED, THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE SOUTHERLY LINE OF THE SORTER ROAD, TO THE POINT NORTH OF BEGINNING, THENCE SOUTH 564.4 FEET TO POINT OF BEGINNING.
TRACT III:
BEGINNING AT A POINT 926.00 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 10, RANGE 25, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 37.50 FEET; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SORTER ROAD 307.45 FEET; (SAID CENTERLINE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 206.68 FEET); THENCE SOUTH 240.15 FEET, THENCE SOUTH 88 DEGREES 59 MINUTES 50 SECONDS EAST 189.5 FEET TO THE BEGINNING, NOT INCLUDING ROADS.

DESCRIPTION:
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY ROGER B. DILL PS 1408 ON JUNE 23RD, 2022, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE N01°23'55"W, ALONG THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 588.00 FEET; THENCE S87°37'21"W, A DISTANCE OF 17.54 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF N 38TH STREET AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE S87°37'21"W, A DISTANCE OF 752.45 FEET TO A POINT ON THE NORTH LINE OF LOT 13 NEIDHARTS SUBDIVISION, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE N01°13'53"W, ALONG THE NORTHERN LINE OF LOT 13 AND THE EAST LINE OF LOTS 15-18 OF SAID NEIDHARTS SUBDIVISION, A DISTANCE OF 489.99 FEET TO THE NORTHEAST CORNER OF SAID LOT 18, ALSO KNOWN TO BE A POINT ON THE SOUTH RIGHT OF WAY LINE OF SORTOR DRIVE AS IT NOW EXISTS; THENCE N78°39'09"E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 506.32 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 357.71 FEET, A RADIUS OF 206.68 FEET, A CHORD BEARING OF S54°31'38"E, AND A CHORD LENGTH OF 314.70 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID N 38TH STREET; THENCE S01°28'01"E, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 375.78 FEET TO THE POINT OF BEGINNING.
CONTAINING 399,263.34 SQUARE FEET MORE OR LESS OR 9.17 ACRES

DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "PADILLA ADDITION"

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", "Ingress/Egress Easement", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

The undersigned proprietors of the above described land hereby consents and agrees the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

IN TESTIMONY WHEREOF,
I, undersigned owner of PADILLA ADDITION have set our hands this _____ day of _____,2022.

_____
RUCY PADILLA, OWNER

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF

BE IT REMEMBERED THAT ON THIS ___ DAY OF _____, 2022, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME RUCY PADILLA, OWNER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

*NOTARY PUBLIC*_____

*My Commission Expires:*_____

THIS PLAT OF PADILLA ADDITION HAS BEEN SUBMITTED TO AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY, KANSAS, PLANNING COMMISSION

DATED THIS _____ DAY OF _____, 2022
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PLANNING COMMISSION

BY _____, CHAIRMAN
JEFF CARSON
_____, SECRETARY
GUNNAR HAND, AICP

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS _____ DAY OF _____, 2022.

_____
TYRONE GARNER, MAYOR/CEO

_____
BRETT A. DEICHLER, UNIFIED CLERK

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY ENGINEER, THIS_____ DAY OF _____, 2022.

_____
TROY SHAW, P.E., COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:
THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED FOR IMPLIED.

REVIEWED BY _____ DATE: _____
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF KANSAS)
)SS
COUNTY OF)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 20__, AT _____ O'CLOCK AND IS DULY RECORDED.

_____
NANCY BURNS, REGISTER OF DEEDS

_____
SUSIE NELSON, DEPUTY

KS ENG COA: #3315
KS SUR COA: #363
MO ENG COA: #2023014084
MO SUR COA: #2023014233

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
606 Jefferson Hills Court, Lawrence, Kansas 66044
ANDREA@ALCONSULT-LLC.COM

PRELIMINARY PLAT

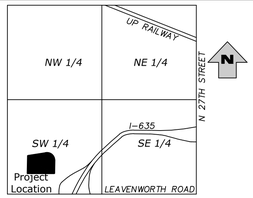
LEGEND

- △ *DENOTES FOUND MONUMENT AS NOTED*
- ○ *DENOTES SET 1/2" REBAR WITH LS# 1408 CAP*
- ● *DENOTES FOUND MONUMENT AS NOTED*
- *P.O.C POINT OF COMMENCEMENT*
- *P.O.B POINT OF BEGINNING*
- *U/E UTILITY EASEMENT*

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
3. FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20209C0070E EFFECTIVE FEBRUARY 5, 2014, AREA ZONE X " AREA OF MINIMAL FLOOD HAZARD"
4. KS ONE CALL WAS NOT CALLED.
5. CURRENT ZONING - R-1(B)
6. CLOSURE PRECISION: 1 PART IN 6,098,075.000
7. REFERENCED SURVEY - NEIDHART'S SUBDIVISION, BRENTWOOD HILLS ADDITION, & SORTOR'S SUBDIVISION
8. SORTOR ROAD SOUTH RIGHT OF WAY LINE PER SPLIT OF PHYSICAL CENTERLINE OF ROAD AND OFFSET 20 FEET SOUTH.
9. N 38TH STREET RIGHT OF WAY PER BRENTWOOD HILLS & SORTOR'S SUBDIVISION
10. ROAD PLANS PROVIDED BY WYANDOTTE COUNTY GEO-SPATIAL DEPARTMENT DATED 1922 "SORTOR ROAD" PROJECT.

VICINITY MAP



SECTION 30-10-25
Not to Scale

This is to certify on this 15TH day of JUNE, 2022 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys pursuant to K.S.A. 74-7037.

LS-1408

ROGER B. DILL *LS 1408*

JOB NO: 22-1024

SCALE	PREPARED FOR
20 10 0 20 SCALE IN FEET	ARMANDO PADILLA ADDRESS: 3222 N 38TH ST KANSAS CITY, KS 66104
SEC-TWN-RNG	
30-10-25	
DATE	
JUNE 20, 2022	

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

ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400
FAX (913) 573-5435

October 19, 2022

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **DELAWARE HIGHLANDS SEVENTH PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **DELAWARE HIGHLANDS SEVETH PLAT** located at 130th and State Avenue and being developed by Delaware Storage 2 LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Troy Shaw
Digitally signed by Troy Shaw
Date: 2022.10.19 14:16:40 -05'00'

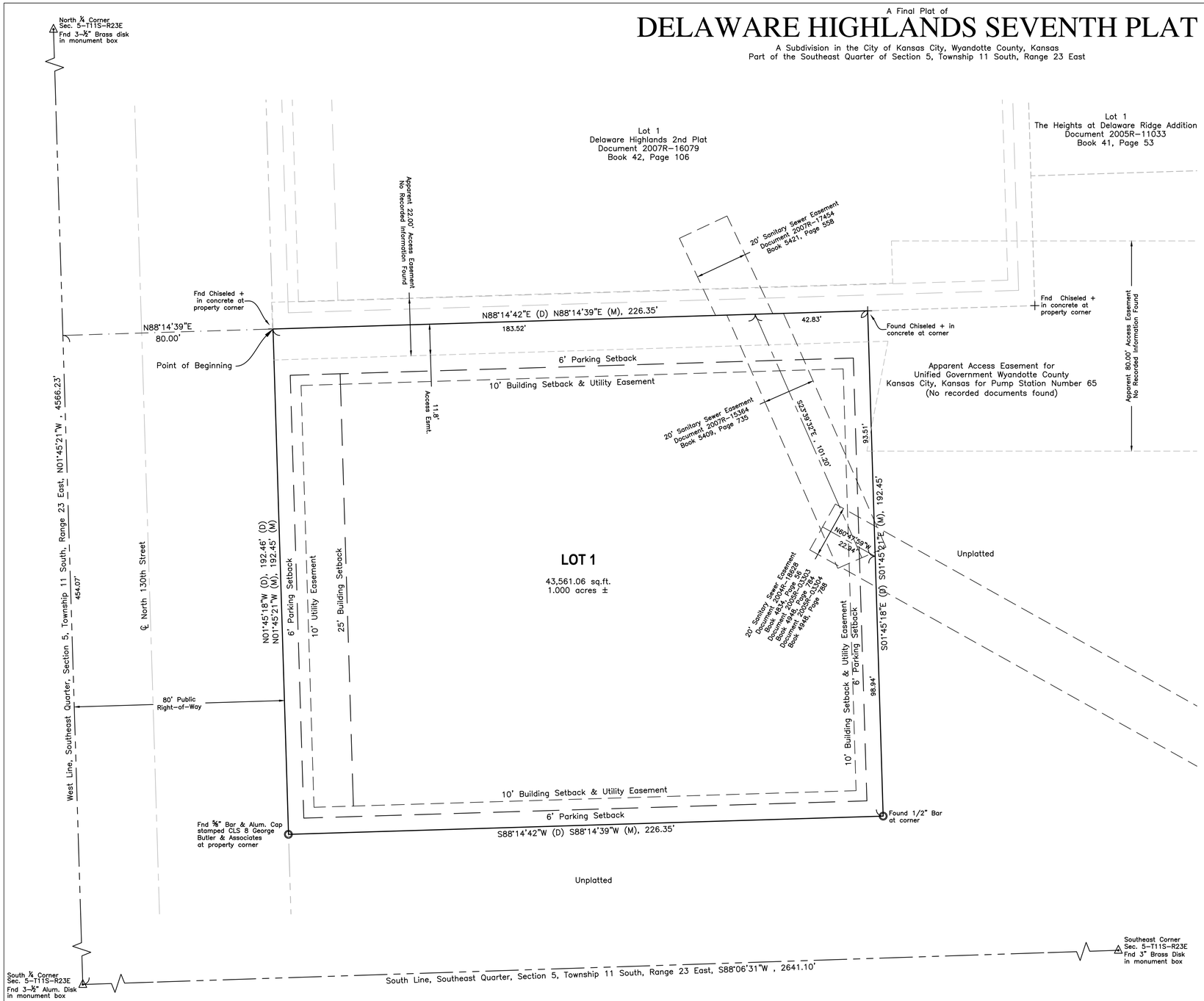
Troy Shaw, P.E.
County Engineer

Attachments

A Final Plat of

DELAWARE HIGHLANDS SEVENTH PLAT

A Subdivision in the City of Kansas City, Wyandotte County, Kansas
Part of the Southeast Quarter of Section 5, Township 11 South, Range 23 East

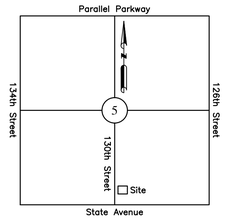


Section Corner Ties

Southeast Corner of Section 5–T11S–R23E
Found 3" Brass Disk in monument box
R1: 5.0' West to existing mag nail in asphalt
R2: 5.0' South to existing mag nail in asphalt
R3: 106.45' Southeast to set chiseled + on concrete curb
R4: 63.64' Southwest to set chiseled + on concrete island
R5: 64.04' North to existing chiseled + on concrete island
R6: 64.12' West to existing chiseled + on concrete island
R7: 105.88' Southwest to set chiseled + on concrete curb

South Corner of Section 5–T11S–R23E
Found 3–½" Aluminum Disk in monument box
R1: 28.18' West to existing chiseled + on concrete island
R2: 112.84' North to existing chiseled + on concrete curb inlet
R3: 104.06' East to existing chiseled + on concrete island
R4: 118.63' South to set chiseled + on traffic signal post base

North Corner of Section 5–T11S–R23E
Found 3–½" Aluminum Disk in monument box
R1: 26.09' North to set chiseled + on concrete curb
R2: 35.60' Northwest to chiseled + on concrete curb
R3: 37.94' Southeast to chiseled + on concrete curb
R4: 25.97' South to a chiseled + on concrete curb



Section 5, Township 11 South, Range 23 East
Kansas City, Wyandotte County, Kansas
Not to Scale

Plat Boundary Description

A tract of land in the Southeast Quarter of Section 5, Township 11 South, Range 23 East of the 6th P.M. in the City of Kansas City, Wyandotte County, Kansas being described as follows:

Beginning at the Southwest corner of Lot 1, DELAWARE HIGHLANDS 2ND PLAT a subdivision of land in the City of Kansas City, Wyandotte County, Kansas; thence North 88 degrees 14 minutes 42 seconds East along the South line of said Lot 1 a distance of 226.35 feet; thence South 01 degree 45 minutes 18 seconds East parallel to the West line of said Lot 1 a distance of 192.45 feet; thence South 88 degrees 14 minutes 42 seconds West parallel to the South line of said Lot 1 a distance of 226.35 feet to a point on the East right of way line of 130th Street as said right of way now exist; thence North 01 degree 45 minutes 18 seconds West along said right of way line a distance of 192.46 feet to the Point of Beginning.

Dedication

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as:

"DELAWARE HIGHLANDS SEVENTH PLAT"

That portion reserved for public use as roads, drainage easements (D/E), sanitary sewer easements (S/E), utility easements (U/E), and access easements (A/E) the extent and direction of which are shown on this plat, are hereby dedicated to public use forever.

In testimony whereof, I/we, the undersigned proprietor(s) of the property described herein, have hereunto set my/our hand(s)

this _____ day of _____, 2022.

_____
Kristie L. Bailey, Trustee
Delaware Stroage 2, L.L.C.

State of _____)
) SS
County of _____)

Be it remembered that on this _____ day of _____, 2022, before me a notary public in and for said county and state, came _____ who is personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

_____ My commission expires: _____
Notary Public

This plat of "DELAWARE HIGHLANDS SEVENTH PLAT", has been submitted to and approved by the Unified Government of Wyandotte County, Kansas and Kansas City, Kansas Planning Commission this _____ day of _____, 2022.

_____ _____
Joanne Huey, Chair Person Robin H. Richardson, ACIP

The dedications shown hereon, if any, are accepted by the Unified Government Commissioners of Kansas City, Kansas and Wyandotte County this _____ day of _____, 2022.

_____ _____
Tyrone Garner, Mayor Bridgette D. Cobbins, Unified Government Clerk

Recommened for approval by the County Engineer this _____ day of _____, 2022.

_____
Troy Shaw, County Engineer

Sate of Kansas)
) SS
County of Wyandotte)

This is to certify that this instrument was filed for record in the Register of Deeds Office on this _____ day of _____ 2022 at _____ o'clock and is duly recorded.

_____ _____
Nancy W. Burns, Register of Deeds Susie Nelson, Chief Deputy

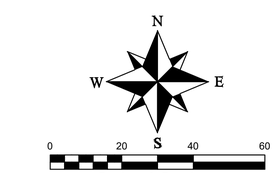
County Surveyor

This survey has been reviewed for filing, pursuant to K.S.A. 58–2003, 58–2005 and 58–2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

By: _____ Date: _____
Brent E. Thompson, KS LS 1277

Surveyor's General Notes

1. This survey is based upon the following information provided by the client or researched by this surveyor.
   1.1. First American Title Insurance Company File Number NCS–1138858–STLO
   1.2. Final Plat of DELAWARE HIGHLANDS 2ND PLAT, recorded in Book 42 at Page 106
2. The subject property surveyed lies within a Flood Zone designated Zone (X) per F.E.M.A. Map Panel 20209C0110E, Map Revised September 2, 2015.
   2.1. Zone (X): Areas determined to be outside the 0.2% annual chance floodplain.
3. Plat Closure Information
   3.1. Closure Error Distance: 0.010, Error Bearing: S01°45'18"E
   3.2. Closure Precision: 1 in 83,761.00
   3.3. Total Distance Traversed: 837.61 L.F.



Basis of Bearings
Bearings shown hereon are based upon the the recorded plat of "Delaware Highlands Fourth Plat" as recorded in Book 42 at Page 129

Legend

- Found survey monument (as noted)
- Set survey monument (as noted)
- Section Corner (as noted)
- Line break symbol
- Fnd Found
- (D) Deed measurement
- (M) Field measurement

Developer

Delaware Storage 2, L.L.C.
90 Edwardsville Professional Park
Edwarsville, IL 62025
Attn: Kristie L. Bailey

Certification

I hereby certify on this _____ day of _____, 2022 this survey was made by me or under my direct supervision and that said survey meets or exceeds the current "Kansas Minimum Standards for Boundary Surveys" pursuant to K.S.A. 74–7037.

_____
Ronald E. Schroer, KS LS 1328
CFS Engineers, Corporate Authority CF&S CLS–80
rschroer@cfse.com

CFS ENGINEERS
cfse.com
1421 E. 104th Street, Ste. 100 KCMO 64131
o: 816-333-4477 f: 816-333-6688

Date	Revisions
9/x/2022	Submitted for recording

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS EXECUTIVE SESSION, THURSDAY, OCTOBER 13, 2022
CITY OF KANSAS CITY, KS) 6:00 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Executive Session, Thursday, October 13, 2022, with eight members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO, presiding. Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Becky Berger, Administrative Coordinator in County Administrator's Office; Misty Brown, Chief Counsel; Casey Meyer, Senior Counsel; Monica L. Sparks, Acting County Clerk; Karl Oakman, Chief of Police; Renee Ramirez, Director of Human Resources; and Ryan Denk, Outside Counsel for Labor Negotiations.

MAYOR GARNER called the meeting to order.

ROLL CALL: Markley, Stites, Bynum, Townsend, Ramirez, Johnson, Kane, Garner.

NOTICE OF EXECUTIVE SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held on Thursday, October 13, 2022, at 6:00 p.m. in the fifth floor conference room of the Municipal Office Building for discussion regarding labor.

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.

Commissioner Markley made a motion, seconded by Commissioner Ramirez, for the Commission to go into Executive Session until 6:30 p.m. to discuss matters related to

employer-employee negotiations regarding the status and future direction of labor negotiations, as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and that we reconvene in open session at 6:30 p.m. here in the 5th floor conference room. Roll call was taken on the motion and there were seven "Ayes," Markley, Stites, Bynum, Townsend, Ramirez, Johnson, Kane.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO presiding. **Staff present:** Cheryl Harrison Lee, Interim County Administrator, Becky Berger, Administrative Coordinator in County Administrator's Office; Misty Brown, Chief Counsel, Casey Meyer, Senior Counsel, Renee Ramirez, Director of Human Resources, Karl Oakman, Chief of Police; and Ryan Denk, Outside Counsel for Labor Negotiations.

Commission Stites made a motion, seconded by Commissioner Bynum, to reconvene into Special Session. Roll call was taken on the motion and there were seven "Ayes," Markley, Stites, Bynum, Townsend, Ramirez, Johnson, Kane.

Mayor Garner reconvened the Special Session at 6:30 p.m.

Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to adjourn the meeting. Roll call was taken on the motion and there were seven "Ayes," Markley, Stites, Bynum, Townsend, Ramirez, Johnson, Kane.

MAYOR GARNER ADJOURNED

THE MEETING AT 6:31 p.m.

_____

Monica L. Sparks
Acting Unified Government Clerk

dt

Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L Sparks
Acting UG Clerk

Date: September 29, 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

tk

Weekly Business Material for September 23 - 29, 2022

1. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding a warrant cancellation:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for void
907691	Yes	7/1/2022	$137.69	212 2100015259	Harris, Richard #82766	Lost warrant
906873	Yes	6/17/2022	$419.39	160 21500015259	Enloe, Derick W #81532	Lost warrant
907553	No	7/1/2022	$ 25.50	160 18000015299	State of Colorado Judicial #32304	Other (Explain)
908930	Yes	8/5/2022	$ 39.83	790 2113	Ella, Reese West #4037A	Stale dated
911230	No	9/23/2022	$344.00	110 7600045279	PSI #25258	Wrong vendor
909129	No	7/27/2022	$ 17.63	790 2111	England, Mildred #9873P	Wrong vendor
908405	Yes	7/22/2022	$9,096.50 3,898.50	110300035238 160300035238	Delib Limited #12594	Stale dated
910749	No	9/9/2022	$5,000.00	11067200015291	Heartland Black Chamber/Comm #10664	Wrong vendor
906917	Yes	6/17/2022	$ 300.00 $ 300.00	1132200 1132118	McGinnis, Haley #R3091	Stale dated
907424	Yes	6/24/2022	$ 65.44 $ 10.00	7902113 1602125	Parks, Carmen L #3597A	Stale dated

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION DATED: SEPTEMBER 1, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Angelique Brown	DA's Office	8/18/22	Intern

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Zachary J Graham	Parks/Rec	9/1/22	Horticulturalist II	Horticulturalist IV
Marco A Sanchez-Gonzalez	PW/Fleet	9/1/22	Fleet Main Tech 1	Fleet Main Tech II
John D Schmidt	PW/Street	9/1/22	Equipment Operator II	Equipment Operator III

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Nicholas D Nielsen	Police	8/25/22	Patrol Officer

Section IV – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
MacKenzie D Gimbert	Fire	8/27/22	Firefighter/Paramedic
Marco A Mingorance	Fire	8/31/22	Sr Fire Apparatus Operator
Tyler R Romero	Fire	8/27/22	Firefighter/Paramedic

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION DATED: SEPTEMBER 13, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Justin G Crutchfield	Parks/Rec	9/15/22	Program Coordinator
James L Doyle Jr	Sheriff	9/15/22	Court Liaison Officer
Luis I Garcia III	PW/WPC	9/1/22	Sewer Maint Worker
David M Grace	DA's Office	9/7/22	ADA II
Randy L Greeves	Urban Planning	9/15/22	Planner
Emilee G Hopson	Police/Animal	9/15/22	Animal Services Officer
Andre'a E Johnson	DA's Office	9/2/22	Admin Suppt Specialist
Justin M Standard	PW/WPC	9/1/22	Sewer Maint Worker I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Eduardo Godoy Castro	PW/WPC	9/1/22	Sewer Maintenance Worker I	Sewer Maintenance Worker I
Todd M Grasmick	Parks/Rec	9/1/22	Groundskeeper III	Groundskeeper IV
Ethan D Isaacs	Parks/Rec	9/1/22	Groundskeeper I	Groundskeeper II

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Tyler W Garrison	Police	9/13/22	Sr Patrolman I
Kynard C Hylton	Police	9/22//22	Sr Master Patrolman
Ravion M Kirkland	Sheriff	8/26/22	Juv Detention Officer
Kristen N Underwood	Sheriff	9/6/22	Clerk

Section IV – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
MaDonna M Kampfer	Finance/Treasury	2/7/22	Admin Coordinator
Michelle D Wooten	Finance/Treasury	2/7/22	Admin Coordinator

Section VI – Other Requests

Name	Department/Division	Action Requested and Explanation
Katrina Brennan	Health	ACD code change efft 9/15/22
Rachel Brown	Health	ACD code change efft 10/1/22
Christina Casper	Health	ACD code change efft 10/1/22
Kyle W Creten	PW/WPC	Certification pay efft 9/1/22
Teresa E Fields	Sheriff	Amend PAC to reflect change in appointment with transfer date of 8/4/22
Jyan D Harris	Fire	Reinstatement to P8083 efft 9/1/22
Khou Herr	Health	ACD code change efft 10/1/22
Ernestine Holmes	Health	ACD code change efft 9/15/22
Natasha James	Health	ACD code change efft 9/15/22
Jennifer Jamison	Health	ACD code change efft 9/15/22
Ashley Lause	Health	ACD code change efft 9/15/22
Sonia Lopez	Health	ACD code change efft 10/1/22
Erin Nugent	Health	ACD code change efft 9/15/22

Wesley McKain	Health	ACD code change efft 9/1/22
Sarah Morris	Health	ACD code change efft 9/15/22
Maria Mota	Health	ACD code change efft 9/15/22
Gaolee Moua	Health	ACD code change efft 9/15/22
Monica Palomeque-Murillo	Health	ACD code change efft 9/15/22
Terri L Rankin	PW/WPC	Certification pay efft 9/1/22
Alison Schutz	Health	ACD code change efft 9/15/22
Kay Sharp	Health	ACD code change efft 9/1/22
Edith Valenzuela	Health	ACD code change efft 9/15/22
Willie Williams	Health	ACD code change efft 9/15/22

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION DATED: SEPTEMBER 15, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Cassandra N Hardy	Municipal Court	9/15/22	Court Clerk I
John E Lindsey	Parks & Rec	9/15/22	Groundskeeper I
James B White	Parks & Rec	9/15/22	Building & Grounds Specialist

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Luke O Folscroft	Legislative Auditor's Office	9/15/22	Administrative Coordinator	Program Supervisor

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Alexis B Quijas	Sheriff's Office	9/7/22	Juvenile Detention Officer

Section IV – Leaves of Absence

Name	Department/Division	Eff. Date
Ryan E Haydok	Police/Operations	9/2/22

Section V – Other Requests

Name	Department/Division

Lori Wilson	NRC/Administration

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION DATED: SEPTEMBER 20, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Mary C Aaker	Comm Corr	9/15/22	Prof Programs Asst
Kevin E Fotovich	PW/Street	9/15/22	General Laborer
Geraldo V Watson	Parks/Rec	9/15/22	Horticulturalist I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
James E Eickhoff	Sheriff	9/15/22	Security Office Armed	Admin Coordinator
Eduardo Godoy Castro	Transit	9/15/22	Sewer Maint Worker I	Transit Operator
Angela A Gutierrez-Suares	Sheriff	9/15/22	Prog Specialist	Prog Specialist
Janelle E Smith	Clerk's Office	9/15/22	Prof Fiscal Asst	Admin Coordinator

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Alexis B Quijas	Sheriff's Office	9/7/22	Juvenile Detention Officer
Wade D Smith	Police	9/6/22	Sergeant

Section IV – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Stephanie R Baer	Finance/Treasury	10/14/22	Fiscal Supt Supervisor
JoEllen Garcia	Finance/Treasury	10/14/22	Fiscal Supt Supervisor
Alexandria M Goode	Finance/Treasury	10/14/22	Fiscal Supt Supervisor
Meghan M Peterson	Finance/Treasury	10/14/22	Fiscal Supt Supervisor

Section V – Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	CAO	8/29/22	Executive Director (190)	Executive Director (21)

Section V – Other Requests

Name	Department/Division	Action Requested and Explanation
Maya Banks	Police	ACD code change efft. 10/3/22
Katrina Brennan	Health	ACD code change efft. 9/15/22
Rachel Brown	Health	ACD code change efft. 10/1/22
Christina Casper	Health	ACD code change efft. 10/1/22
Matilde Espino	Police	ACD code change efft. 10/3/22
Luke Folscroft	Legislative Auditor	Amend PACD to reflect correction efft. 9/15/22
Khou Herr	Health	ACD code change efft. 10/1/22
Ernestine Holmes	Health	ACD code change efft. 9/15/22
Natasha James	Health	ACD code change efft. 9/15/22
Jennifer Jamison	Health	ACD code change efft. 9/15/22
Monica Kennedy	Police	ACD code change efft. 10/3/22
Ashley Lause	Health	ACD code change efft. 9/15/22
Sonia Lopez	Health	ACD code change efft. 10/1/22
Wesley McKain	Health	ACD code change efft. 9/1/22
Wendy Medina	Police	ACD code change efft. 10/3/22
Sarah Morris	Health	ACD code change efft. 9/15/22
Maria Mota	Health	ACD code change efft. 9/15/22
Gaolee Moua	Health	ACD code change efft. 9/15/22
Erin Nugent	Health	ACD code change efft. 9/15/22
Racheal Ontiveros	Police	ACD code change efft. 10/3/22
Monica Palomeque-Murillo	Health	ACD code change efft. 9/15/22
Alison Schutz	Health	ACD code change efft. 9/15/22
Kay Sharp	Health	ACD code change efft. 9/1/22
Edith Valenzuela	Health	ACD code change efft. 9/15/22
Willie Williams	Health	ACD code change efft. 9/15/22

Action: Received and filed. Copy previously forwarded to Payroll.

6. PERSONNEL ACTION COMMUNICATION DATED: SEPTEMBER 22, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Chanelle L Ballard	Police/Internal Affairs	9/29/22	Administrative Support Specialist
Jeffrey S Prather-Robson	Parks and Recreation	9/29/22	Groundskeeper I
Jash'a L Reed	Police/Communications	9/29/22	Public Safety Dispatcher
Joshua M Willcutt	PW/Streets	9/29/22	General Laborer
Keith A Woolridge Jr	PW/Streets	9/29/22	General Laborer

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Jacqueline O Balir	Police/Communications	9/8/22	Part-Time 911 Call Taker	Part-Time 911 Call Operator

Action: Received and filed. Copy previously forwarded to Payroll.

7. PERSONNEL ACTION COMMUNICATION DATED: SEPTEMBER 27, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Manuel Ramirez	PW/Street	9/29/22	General Laborer
Evan N Rice	PW/Fleet	9/15/22	Fleet Maint Tech I

Section II – Separations

Name	Department/Division	Eff. Date	Job Title
Eric E Behrman	Police/Animal Services	9/7/22	Animal Services Officer
Richard C Braun	Fire	9/21/22	Master Captain
Jaleesha R Hall	Health	9/16/22	Environmental Scientist
Paul J Hernandez II	Fire	9/15/22	Senior Firefighter
Taylor L Lawson	Police/Comm	3/14/22	Public Safety Dispatcher
Steven G Littlefield	Fire	9/21/22	Master Firefighter
Roy K Myer	PW/WPC	9/20/22	Environmental Scientist
Eugene H Vigil	Fire	9/21/22	Senior Captain
Jeffery C Zimmerman	Fire	9/21/22	Senior Fire Driver

Section III – Leaves of Absence

Name	Department/Division	Leave Begins	Leave Ends
Keri L Christian	Fire	8/1/22	9/30/22
Marisela Hernandez	Finance/Treasury	9/12/22	10/12/22

Valerie E Nelson	NRC	9/12/22	10/12/22
Shakila R Stewart	Comm Corr/Juv	9/9/22	9/9/22

Section IV – Other Requests

Name	Department/Division	Action Requested and Explanation
Stephanie M Enriquez	Finance/Treasury	Out of class pay efft. 9/9/22

Action: Received and filed. Copy previously forwarded to Payroll.

8. PERSONNEL ACTION COMMUNICATION DATED: SEPTEMBER 29, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job TitleJer
Shauna R Fogarty	Police	9/29/22	Auxiliary Officer
Jeron M Moore	Parks/Rec	9/29/22	Rec Specialist
Maite A Rios-Chavarria	Police	9/29/22	Office Asst III
Robert A Rocha	Parks/Rec	9/29/22	Park Maint Tech I
Alexadra Valin	Legal	9/22/22	Legal Intern

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Amel Prgo	Parks/Rec	9/29/22	Program Aide	Rec Specialist

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Mireya A Alvarado	Municipal Court	9/12/22	Court Clerk I
Brian K Huey	PW/B&L	9/23/22	Facilities Maint Spec
Wilba J Miller	Comm Development	9/28/22	Director

Action: Received and filed. Copy previously forwarded to Payroll.

9. NOTICE:

Diana Davila, 1520 S. 8th St., KCK, by and through attorney Brian T. Goldstein, Acho and Associates, 800 E. 101st Terr, Suite 101, Kansas City, MO, alleging damage due to property by the Unified Government.

Adela Conde Rodriguez, 364 S. 9th St., KCK, by and through attorney Tarak Alexander Devotka, Devotka Law Firm, 4010 Washington St., Suite 350, Kansas City, MO, alleging damage property due to police chase on September 26, 2020.

Action: Received and filed. Copy previously forwarded to Legal.

10. MOTION TO SET ASIDE:

Unified Government vs. Bahjat Alithomas, Case No. 2022-CV-000046, COA 202.

Action: Received and filed. Copy previously forwarded to Legal.

11. SUBPOENA:

Christine Murphy vs. Curtis Murphy attn: Unified Government of Wyandotte County and Kansas, Case No. 2021DM1350.

Action: Received and filed. Copy previously forwarded to Legal.

12. CLAIM FOR DAMAGES:

Heather Burnam, 433 Freeman Ave, KCK 66101, alleging property taken while she was detained.

Action: Received and filed. Copy previously forwarded to Legal

13. TRAVEL REQUESTS:

Kreesa Anderson, Laboratory/Public Works/Water Pollution Control, travel to Indianapolis, IN, November 7 – 11, 2022, to attend ACIL Quality Assurance Program, Sewer Fund.

Amy Loch, Historical Museum, travel to Tulsa, OK, October 3 – 7, 2022, Mountain Plains Museum Association Conference, Special Grants: Employee Training & Travel.

Karl Oakman, KCK Police Department, travel to Dallas, TX, October 15 – 19, 2022, to attend the International Association of Chiefs of Police National Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

14. CERTIFICATE OF INSURANCE:

Aerial FX, Inc.
Highlands Sips + Events
Swayzer's Sweets LLC

Action: Referred to License.

15. BUSINESS BONDS:

Electrical Bonds:
Mark One Electric Co, Inc. (2)
Penn Tech Inc.

Mechanical/HVAC Bonds:
Comprehensive HVAC
Penn Tech Inc.

Plumber's Bonds:
Baldwin Plumbing Company, LLC
Ridgeway Plumbing, LLC

Action: Referred to License.

16. CANCELLATION NOTICE:

Electrical Contractor's Bond:
Dwight DePriest DBA Dadon

Action: Referred to License.

17. CONTINUATION CERTIFICATE:

Electrical Bond:
Greenway Electric, Inc.

License and Permit Bond:
RW Electrical and Construction Inc.

Action: Referred to License.

18. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Vickie A. Lowe dba Dad's Hole in the Wall, 1111 N. 50th Terrace
Andrea Behrman dba Jerry's Sports Pub, 8048 Leavenworth Road

Action: Referred to License.

19. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

KC Smashers LLC/Desiree C. Ross dba The Dotte Spot Bar and Grill, 8123 Parallel
Mason Jar LLC/Clifford Dale dba Mason Jar, 941 N. 74th Drive

Action: Referred to License.

Unified Government Clerk's Office

Monica L. Sparks
Acting Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L Sparks
Acting UG Clerk

Date: October 6, 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

tk

Weekly Business Material for September 30 – October 6, 2022

1. PERSONNEL ACTION COMMUNICATION DATED: OCTOBER 4, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Latifa Hassanjan	Health	9/29/22	Health Outreach Worker

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Thomas L Williams Jr	Sheriff	9/22/22	Deputy	Deputy

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Robert C Anderson	PW	10/4/22	Manager
Leah N Brady	Police/comm	9/14/22	Public Safety Dispatcher
Jalynda P Cervantes	Pretrial Services	9/28/22	Pre Trial Coordinator
Jarred A Donnelson	Police	10/10/22	Patrolman I
Kristy L Edwards	Sheriff	10/3/22	Classification Tech
Jared S Gambrel	Sheriff	10/6/22	Deputy
Zackary Knetter	Parks/Rec	7/26/22	Seasonal Laborer
Emmanuel Salazar-Villagomez	Police	10/4/22	Patrolman I
Vanessa Tovar	Appraiser	9/30/22	Appraiser

Section IV – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Alyssa A Dessert	Police	10/8/22	Patrolman I
Tyrone A Hooks	Fire	9/27/22	Firefighter I
Zachary Hunt	Election	9/22/22	Deputy Election Commissioner
Harry Keith Jr	Sheriff	10/9/22	Deputy
Arturo D Mora	Fire	9/27/22	Firefighter I
John R Simma	Fire	9/27/22	Firefighter I
Blake E Swan	Fire	9/27/22	Firefighter I

Section V – Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	Fire	7/1/22	Fire Captain	Training Instructor
Vacant	Fire	7/1/22	Fire Captain	Training Instructor
Vacant	Fire	7/1/22	Fire Captain	Training Instructor

Section VI – Other Requests

Name	Department/Division	Action Requested and Explanation
Lesly Alonso	Comm Corr	Amend PAC 8/16/22 to reflect change in rg/stp efft. 3/31/22
Mario Babic	District Court	Range change and status change from part time to full time efft 6/12/22
Linda Bergman	Health	ACD code change efft. 10/3/22
Ryan Bowles	Health	ACD code change efft. 10/3/22

Adam Collins	District Court	Range change and status change from part time to full time efft 6/12/22
Diana L Jimenez	PW	Out of grade pay from oc code efft. 9/14/22
Marika Logan	Health	ACD code change efft. 10/3/22
Omar Quintero	311	Out of grade pay efft. 9/23/22
Rene Rodriguez	Comm Corr	Amend PAC 8/16/22 to reflect change in rg/stp efft. 3/31/22
Jennifer Stewart	Health	ACD code change efft. 10/3/22
Vacant PIN 6341	Health	ACD code change to efft. 10/3/22
Mark Weckwerth	Health	ACD code change to efft. 10/3/22

Action: Received and filed. Copy previously forwarded to Payroll.

2. PERSONNEL ACTION COMMUNICATION DATED: OCTOBER 6, 2022

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Tiffany A Butler	PW/WPC	10/13/22	Lab Tech
Elvia McIntyre	PW/Health	10/13/22	Admin Supt Specialist

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
James E Neath	NRC	10/13/22	Inspections Supervisor	Manager
Pangntoo Xiong	Comm Development	9/29/22	Prof Fis Asst	Fiscal Officer

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Christopher A Arana Lemus	Sheriff	10/18/22	Security Officer, Armed
Katelyn A Blann	NRC	10/12/22	Inspector
Robin H Richardson	County Admin	10/3/22	Director
Fareeda A Washington	Comm Corr	10/12/22	ISO Supervisor

Section IV – Other Requests

Name	Department/Division	Action Requested and Explanation
Joseph Monslow	Community Development	Out of class pay efft 10/31/22

Action: Received and filed. Copy previously forwarded to Payroll.

3. MOTION TO SET ASIDE:

Unified Government vs. James and Carol Hoover, Case No. 2022-CV-000046, COA 079.
Unified Government vs. Reymundo O. Mares, Case No. 2022-CV-000046, COA 316.
Unified Government vs. Rosa Martinez, Case No. 2021-CV-0625, COA 335.

Action: Received and filed. Copy previously forwarded to Legal.

4. SUMMONS:

Capitol Federal Savings Bank vs. Jyan Harris, et. al, Case No. 2022-CV-000569.

Action: Received and filed. Copy previously forwarded to Legal.

5. TRAVEL REQUESTS:

Vincent William Kingston, Kansas City, Kansas Police Department, travel to Washington, DC, October 10 – 12, 2022, to interview with subject of the investigation and his attorney, FBI.

Lois Malin and Njeri Mwangi, Wyandotte County District Attorney, travel to Wichita, KS, October 19 – 21, 2022, to attend the KCDAA 2022 Fall Conference, Employee Training & Travel.

Karl A. Oakman, KCK Police Department, travel to Washington, DC, November 2 – 4, 2022, to attend Police Executive Research Forum Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

6. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Edward Gieselman/William W. Hutton dba Jose Pepper's, 1851 Village West Pkwy, Suite K-131
Lori L. Gomez dba Tequilla KC Bar, 1013 Central

Action: Referred to License.

7. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

Israel Mendez/Anthony R. Russo dba Latin Quarters, 508 Kansas Avenue
Royalty Enterprises LLC/Tashey M. Ford dba Royalty Enterprises, 1121 N. 5th St., Suite 7

Action: Referred to License.

8. MASSAGE THERAPIST LICENSE:

Ishaq Noor dbw Chateau Avalon, 701 Village West Parkway

Action: Referred to License.

9. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Homeland Security Protective Service/Brian Deaver dba Homeland Security Protective Service LLC, 287 E 69 Hwy, Kansas City, MO.

Landmark Event Staffing Services, Inc./National Registered Agents, Inc. of Kansas dba Landmark Event Staffing Services, Inc., One Arrowhead Dr., Kansas City, MO

VetForce/Zackary Rogers dba VetForce, 6120 East Connecticut Ave, Kansas City, MO.

Action: Referred to License.

Staff Request for Commission Action

Tracking No. 212069

Full Commission Meeting Date: October 27, 2022
Committee: Full Commission

Date of Standing Committee Action: N/A
(If none, please explain): The Planning Commission found that the Project Plan was consistent with the UG's comprehensive plan on September 12, 2022. On September 15, 2022 the Board of Commissioners set a date for the public hearing to consider the Project Plan on October 27, 2022.

Publication Required: Yes 11/3/2022

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/20/2022	Patrick Waters	x5079	patrickwaters@wycokck.org	Economic Development

Item Description:
Approval of an Ordinance adopting a Redevelopment Project Plan for the 505 Central Redevelopment District, submitted by Stephanie Bell, Economic Development Management Analyst.

The Planning Commission found that the Project Plan was consistent with the UG's comprehensive plan on September 12, 2022. On September 15, 2022 the Board of Commissioners set a date for the public hearing to consider the Project Plan on October 27, 2022.

Action Requested:
Approve

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Ordinance Adopting Redevelopment Project Plan 505 Central - final, 505 Central Redevelopment Project Plan - final with ordinance

(Published in ***The Wyandotte Echo*** on October __, 2022)

ORDINANCE NO. O- _____-22

AN ORDINANCE OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ADOPTING A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO (505 CENTRAL)

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized to adopt redevelopment project plans within established redevelopment districts, as said terms are defined in the Act, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the Unified Government or special obligation tax increment bonds of the Unified Government payable from such described revenues; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), by the passage of Ordinance No. O-109-22 on August 25, 2022, created a redevelopment district (the "Redevelopment District") consisting of one redevelopment project area (the "Project Area"), all pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act"); and

WHEREAS, the Redevelopment Project Plan for 505 Central Redevelopment District (the "Project Plan") was filed with the Unified Government Clerk which provides for the redevelopment of the Project Area within the Redevelopment District; and

WHEREAS, on September 12, 2022 the Planning Commission of the Unified Government made a finding that the Project Plan was consistent with the intent of the Unified Government's comprehensive plan for the development; and

WHEREAS, a copy of the Project Plan was delivered by the Unified Government to the Board of Commissioners of the Unified Government and to the Board of Education of Unified School District No. 500; and

WHEREAS, the Governing Body adopted Resolution No. R-52-22 on September 15, 2022 calling for a public hearing considering the adoption of the Project Plan to be held by the Governing Body on October 27, 2022; and

WHEREAS, notice of the public hearing was given as required by the Act, and the public hearing was held and closed on October 27, 2022.

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

Section 1. **Approval of Project Plan**. The Governing Body finds and determines that all required notice of the public hearing and the Project Plan were properly given in accordance with the Act. The Governing Body hereby adopts the Project Plan pursuant to the Act for the Project Area within the

Redevelopment District, which is depicted on **Exhibit A** and legally described on **Exhibit B** attached hereto.

Section 2. Relocation Assistance Plan. The Governing Body finds and determines that the Project Plan does not require a relocation assistance plan under the Act.

Section 3. Transmittal of Project Plan. Copies of the Project Plan and this Ordinance shall be filed with the Clerk and also transmitted by the Clerk to the County Appraiser, County Treasurer, and the governing boards of the County and the school district in which the Redevelopment District is located.

Section 4. Further Action. The Mayor/CEO, County Manager, Unified Government Clerk and other officials and employees of the Unified Government, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 5. Effective Date. This ordinance shall be in full force and take effect from and after its passage by 2/3 vote of the Governing Body and publication once in ***The Wyandotte Echo***.

[Balance of page intentionally left blank]

PASSED BY NO LESS THAN TWO-THIRDS OF THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 27TH DAY OF OCTOBER, 2022.

[SEAL]

_____
Mayor/CEO

Attest:

_____
Unified Government Clerk

Approved as to form:

_____
Office of Chief Counsel

EXHIBIT A

MAP OF REDEVELOPMENT DISTRICT AND PROJECT AREA

1 Chicago's
2 Slap's BBQ
3 Spitlog Coffee

EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT AND PROJECT AREA

All that part of Lots 9, 10, and 11, Block 21, RIVERVIEW ADDITION, a subdivision in the City of Kansas City, Wyandotte County Kansas, more particularly described as following: Beginning at the Southeast corner of the North 40 feet of Lot 9, thence North 06 degrees 39 minutes 38 seconds East, 91.37 feet; thence South 87 degrees 13 minutes 30 seconds East, 45.07 feet to the Northwest Corner of Lot 2, Block 21; thence South 32 degrees 07 minutes 20 seconds West, along the East line of Lots 11, 10 & 9, 104.59 feet, to the Point of Beginning, according to the recorded plat thereof.

And

Lots 2, 3, 4 and the North 1/2 of the East 130 Feet of Lot 5, Block 21, RIVERVIEW ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

And all adjacent right-of-way, all as depicted on the map on **Exhibit A.**

REDEVELOPMENT PROJECT PLAN

FOR 505 CENTRAL REDEVELOPMENT DISTRICT

SUBMITTED PURSUANT TO

K.S.A. 12-1770 *et seq.*, as amended

Submitted: September 2, 2022

This Redevelopment Project Plan was prepared in consultation with the Unified Government of Wyandotte County/Kansas City, Kansas and the Planning Commission thereof.

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A. Redevelopment District Ordinance No. O-109-22
B-1. Map of Redevelopment District/Project Area
B-2. Legal Description of Redevelopment District/Project Area
C. Proposed Site Plan
D. TIF Revenue Projections

I. INTRODUCTION

A) Redevelopment District

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 *et seq.*, as amended ("**TIF Act**"), Kansas municipalities are authorized to establish a redevelopment district and Tax Increment Financing ("**TIF**") redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including that property is located within a "blighted area" (as defined by the TIF Act).

On August 25, 2022, the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**"), passed Ordinance No. O-109-22 (a copy of which is attached hereto as **Exhibit A**), which made certain findings regarding the subject property being a "blighted area" and created the 505 Central Redevelopment District within Kansas City, Kansas, the boundaries of which were defined in said Ordinance and are generally shown on the map attached hereto as **Exhibit B-1** and legally described on (the "**District**"). The District consists of one (1) redevelopment project area, which is identical with the boundaries of the District (the "**Project Area**") as generally depicted on **Exhibit B-1** and legally described on **Exhibit B-2**.

B) Redevelopment Project

If approved, this Redevelopment Project Plan for the 505 Central Redevelopment District (the "**Redevelopment Plan**") shall not exceed twenty (20) years and shall commence upon the effective date of the ordinance passed by the UG's governing body approving the same (the "**TIF Collection Period**").

The Redevelopment Plan contemplates the redevelopment of the District, which is comprised of approximately 0.82 acres of real property generally located at 505 Central Avenue in Kansas City, Kansas. The redevelopment project contemplates the redevelopment of the District to become a first-class, market-rate apartment complex which will include the following: an eight-story market rate apartment building (the "**Building**"), consisting of more than 120 units (including studio, one-bedroom and two-bedroom apartments), structured parking, street parking, site amenities and related infrastructure (collectively, the "**Project**"). A site plan depicting the general development concept of the Project is attached hereto as **Exhibit C**.

It is important to note, however, that this description of uses is not intended to be inflexible. This Redevelopment Plan contemplates reasonable variations from the descriptions above, but generally allows for the construction of the Project and redevelopment of the District to include the Building, along with landscaping, lighting, utilities, and other infrastructure. The intent is to develop the District to promote the general and economic welfare of the UG. This Redevelopment Plan is premised on the need for a combination of public and private financing to reach the mutual goals of the UG and the Developer (as defined in Section II below) in developing the Project.

This Redevelopment Plan proposes to reimburse the Developer for TIF Eligible Expenses (as defined in Section III.D.2 below) by capturing 90% of the allowable ad valorem tax increment[1] generated within the District (the "**TIF Revenues**"). As shown on **Exhibit D**, based on projections of real property values within the Project Area over the TIF Collection Period, it is estimated that the Project Area will generate gross TIF Revenues of approximately $4,073,456.[2] As permitted by the TIF Act, such TIF Revenues may be utilized to pay for TIF Eligible Expenses (including interest on TIF Eligible Expenses).

II. PROJECT DEVELOPMENT TEAM

- The UG
- Sunflower Development Group, LLC (the "**Developer**")
- Spencer Fane, LLP (Developer's counsel)

III. REDEVELOPMENT PROJECT PLAN

A) The Property

The Project Area and the District are comprised of approximately 0.82 acres of real property generally located at 505 Central Avenue in Kansas City, Kansas, the boundaries of which are generally shown on the map attached hereto as **Exhibit B-1** and legally described on **Exhibit B-2**.

B) Established Redevelopment District

The Project Area is entirely within an established District approved by the UG on August 25, 2022 pursuant to Ordinance No. O-109-22. The proposed Redevelopment Plan is consistent with the stated purpose and intent of the approved District.

C) Description of the Proposed Project

The Redevelopment Plan provides for the redevelopment of the District/Project Area to become a first-class, market-rate apartment complex which will include the following: an eight-story market rate apartment building (the "**Building**"), consisting of more than 120 units (including studio, one-bedroom and two-bedroom apartments), structured parking, street parking, site amenities and related infrastructure, all as set forth in Section I.B and generally depicted on **Exhibit C**.

---

[1] The Developer and UG acknowledge that, under Kansas law, the following mills may not be captured by TIF financing: (a) the State of Kansas's 1.5 mills, (b) the school district's base 20 mills, and (c) the school district's capital outlay levy, which may not exceed 8 mills.

[2] The UG's Agreement with the Developer may also limit Developer's access to TIF Revenues, with a TIF Cap of $6,000,000. TIF Revenues exceeding the projections set forth herein may be used for reimbursements to Developer up to any cap established in the Agreement.

D) Feasibility Study

As required by the TIF Act, a study has been prepared to determine whether the Project's estimated benefits and tax increment revenues are expected to exceed or be sufficient to pay for the Project's estimated costs. This effort involved utilization of consultants with experience and expertise in the actual design, development, financing, management, and leasing of projects of similar scope and nature. Further, outside resources were consulted to compare and verify cost and revenue projections including outside industry sources and actual taxing jurisdiction data where available. The results of this study are as follows:

1. Project Costs

The total estimated cost to complete the Project, including land acquisition, site development, building construction and soft costs (not including financing costs), is approximately $39,000,000.

2. Eligible Costs

"**TIF Eligible Expenses**" shall consist of all costs eligible for TIF financing and reimbursement under the TIF Act, including the costs of public infrastructure within the District. The Redevelopment Plan contemplates that, to the full extent permissible under the TIF Act and as further set forth in the Development Agreement dated as of August 25, 2022 between the UG and the Developer (as may be amended, the "**Agreement**"), 90% of available TIF Revenues will be made available to reimburse TIF Eligible Expenses previously paid by the Developer.

3. Financing Method

It is anticipated that TIF Eligible Expenses will be reimbursed to the Developer under this Redevelopment Plan on a "pay-as-you-go" method. There will be no bonds or other obligations issued by the UG in order to reimburse any TIF Eligible Expenses or other costs of the Project.

4. Project Revenues

a) Ad Valorem Property Tax Increment Captured

Ninety percent (90%) of the incremental increase in TIF eligible ad valorem property taxes will be captured to pay TIF Eligible Expenses. The base assessed value for the District is currently estimated at approximately $53,000. The actual base year assessed value serves as the base value against which future assessed values of the District will be compared in order to determine the amount of incremental property tax revenues that will be generated. The incremental property tax revenues allocable to increases in valuation within the District will be used to fund TIF Eligible Expenses under this Redevelopment Plan. No sales taxes or other fees/revenues will be captured.

b) Estimated Total TIF Revenues

TIF Eligible Expenses will be funded with ad valorem tax increment generated by the Project Area, *i.e.,* the TIF Revenues. The TIF Revenues generated over the TIF Collection Period

are estimated to be $4,073,456, based on the assumptions described in **Exhibit D**.[3]

5. **Significant Contribution to Economic Development of the City**

The development contemplated in this Redevelopment Plan will provide significant economic development for the UG by, among other things, providing increased tax revenues to the UG, creating a development that will draw additional consumers from both inside and outside the UG, bringing in additional residents to the UG, and increasing employment opportunities and general commerce for area residents. The feasibility study demonstrates that the benefits and tax increment revenue and other available revenues derived from the development contemplated in this Redevelopment Plan will exceed the costs and be sufficient to pay the costs of the Project.

6. **Sufficiency of TIF Revenues Compared to Projects Costs**

The total TIF Eligible Expenses that can be financed under the TIF Act are limited by the amount of TIF Revenues actually generated. Based on the Redevelopment Plan's estimates of (1) TIF Eligible Expenses and (2) TIF Revenues, the TIF Revenues are expected to be sufficient to pay for the TIF Eligible Expenses as contemplated under the TIF Act. Other funds needed to construct the Project will be provided by private debt and equity.

Sources of Funds	Amount
TIF Revenues	$4,073,456
Private Debt/Equity	$34,926,544
ESTIMATED PROJECT COSTS	**$39,000,000***

*Does not include interest or finance costs.

There is no anticipated effect on special obligation bonds payable from revenues described in K.S.A. 12-1774(a)(1)(D) because no such special obligation bonds are outstanding or planned to be issued to finance the Project.

E) Relocation Assistance Plan

The UG and Developer have determined pursuant to K.S.A. 12-1777 that no relocation assistance plan is required for the Project.

IV. CONCLUSION

Based on the foregoing, this Redevelopment Plan proposes to utilize portions of the ad valorem tax increment, and certain other funds described herein to finance the costs of the Project. The UG hereby submits this Redevelopment Plan for public hearing and due consideration.

[3] The UG's Agreement with the Developer may also include a cap on TIF Revenues of $6,000,000. TIF Revenues exceeding the projections set forth herein may be used for reimbursements to Developer up to any cap established in the Agreement.

V. EXHIBITS

[Exhibits Follow]

Exhibit A

Redevelopment District Ordinance No. O-109-22

(Published in ***The Wyandotte Echo*** on September 1, 2022)

ORDINANCE NO. O-109-22

AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized to establish redevelopment districts within a defined area that is an "eligible area" as said term is defined in the Act, including areas determined to be "blighted areas;" and

WHEREAS, the Board of Commissioners of the Unified Government (the "Governing Body") adopted Resolution No. R-37-22 on July 14, 2022, calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on August 25, 2022; and

WHEREAS, notice of the public hearing was given as required by the Act; and

WHEREAS, at the public hearing the Governing Body reviewed a blight analysis report (the "Report", attached as **Exhibit C**) delineating certain factors set forth in the Act to be considered by the Governing Body in order to determine whether the area in the proposed redevelopment district would constitute a "blighted area," as defined in the Act; and

WHEREAS, the public hearing was held on August 25, 2022 and closed on the same day.

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

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the "Redevelopment District") attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because, based on the information contained in the Report, the real property is an area within the Unified Government that is found to be a "blighted area," as defined in the Act, based on the presence of the following factors set forth in K.S.A. 12-1770a(c): (i) predominance of defective or inadequate street layout; (ii) unsanitary or unsafe conditions; (iii) deterioration of site improvements; (iv) defective or unusual conditions of title including, but not limited to, cloudy or defective titles, multiple or unknown ownership interests to the property; (v) improper subdivision or obsolete platting or land uses; (vi) existence of conditions which endanger life or property by fire or other causes; and (vii) conditions which create economic obsolescence.

SECTION 2. The Governing Body hereby finds that the real property described in **Exhibits A and B** includes only areas designated in the notice of public hearing given as required by the Act and Resolution No. R-37-22, and that all required notices under the Act were properly and timely given.

SECTION 3. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the Unified Government.

SECTION 4. The Governing Body hereby establishes the Redevelopment District, which shall consist of one (1) project area, as depicted on the map attached hereto as **Exhibit A**. The district plan is hereby approved, described in a general manner as consisting of some or all of the following uses, without

limitation: multifamily residential uses, general commercial uses, mixed use commercial retail, restaurant uses, and any other commercial structure or use (including but not limited to, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), courtyards, other associated and appurtenant structures and facilities, and any other items allowable under the Act.

SECTION 5. The Mayor/CEO, County Administrator, and other officers, agents and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS THIS 25TH DAY OF AUGUST, 2022.

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

EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

All that part of Lots 9, 10, and 11, Block 21, RIVERVIEW ADDITION, a subdivision in the City of Kansas City, Wyandotte County Kansas, more particularly described as following: Beginning at the Southeast corner of the North 40 feet of Lot 9, thence North 06 degrees 39 minutes 38 seconds East, 91.37 feet; thence South 87 degrees 13 minutes 30 seconds East, 45.07 feet to the Northwest Corner of Lot 2, Block 21; thence South 32 degrees 07 minutes 20 seconds West, along the East line of Lots 11, 10 & 9, 104.59 feet, to the Point of Beginning, according to the recorded plat thereof.

And

Lots 2, 3, 4 and the North 1/2 of the East 130 Feet of Lot 5, Block 21, RIVERVIEW ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

And all adjacent right-of-way, all as depicted on the map on Exhibit A.

PUBLIC HEARING AGENDA ITEM NO. 1
APPROVED BY
UNIFIED BOARD OF COMMISSIONERS
AUG 25 2022

Staff Request for Commission Action

Tracking No. 211796

Full Commission Meeting Date: 8/25/2022
Committee: Economic Development & Finance

Date of Standing Committee Action: 7/11
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
08/18/2022	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:

- An Ordinance establishing a redevelopment district,
- A resolution adopting the 505 Central Development Agreement, submitted by Katherine Carttar, Director of Economic Development.

*On July 11, 2022, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

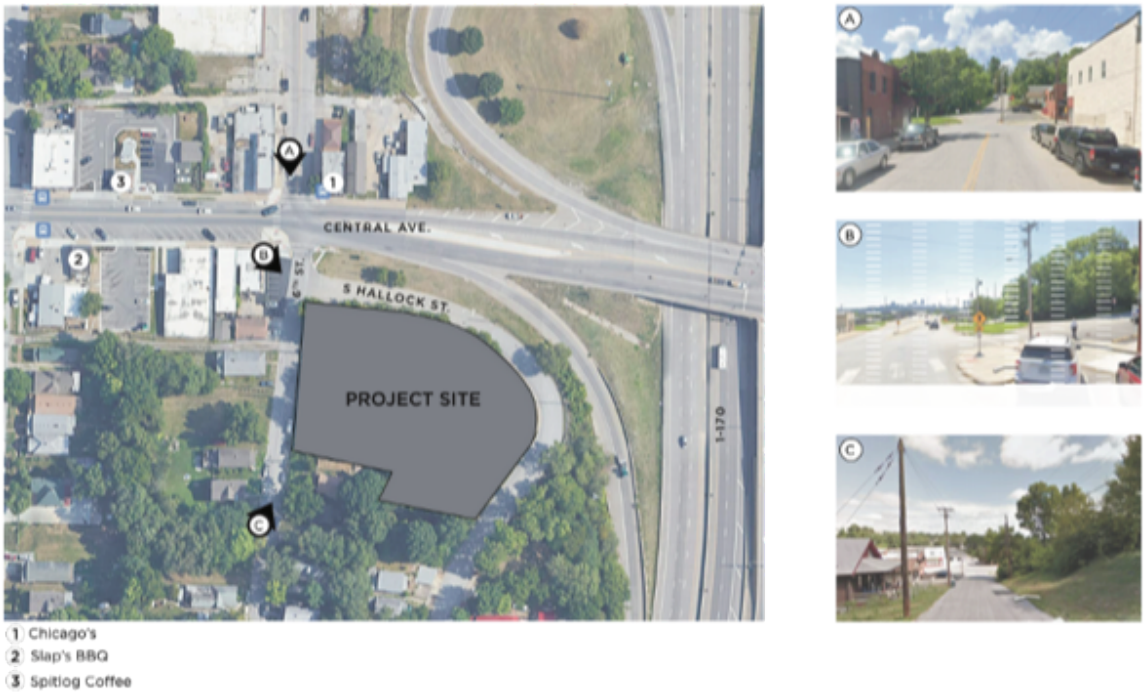
Action Requested:
Approve and move to FC Aug 25, 2022

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Ordinance Establishing District - 505 Central TIF - final, Skyline Blight Analysis(17564567.5), Resolution Approving 505 Central Development Agreement, Executive Summary with Spanish Translation - 505 Central, 505 Central Development Agreement

Exhibit B-1

Map of Redevelopment District/Project Area



1 Chicago's
2 Slap's BBQ
3 Spitlog Coffee

Exhibit B-2

Legal Description of Redevelopment District/Project Area

All that part of Lots 9, 10, and 11, Block 21, RIVERVIEW ADDITION, a subdivision in the City of Kansas City, Wyandotte County Kansas, more particularly described as following: Beginning at the Southeast corner of the North 40 feet of Lot 9, thence North 06 degrees 39 minutes 38 seconds East, 91.37 feet; thence South 87 degrees 13 minutes 30 seconds East, 45.07 feet to the Northwest Corner of Lot 2, Block 21; thence South 32 degrees 07 minutes 20 seconds West, along the East line of Lots 11, 10 & 9, 104.59 feet, to the Point of Beginning, according to the recorded plat thereof.

and

Lots 2, 3, 4 and the North 1/2 of the East 130 Feet of Lot 5, Block 21, RIVERVIEW ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

Exhibit C

Proposed Site Plan

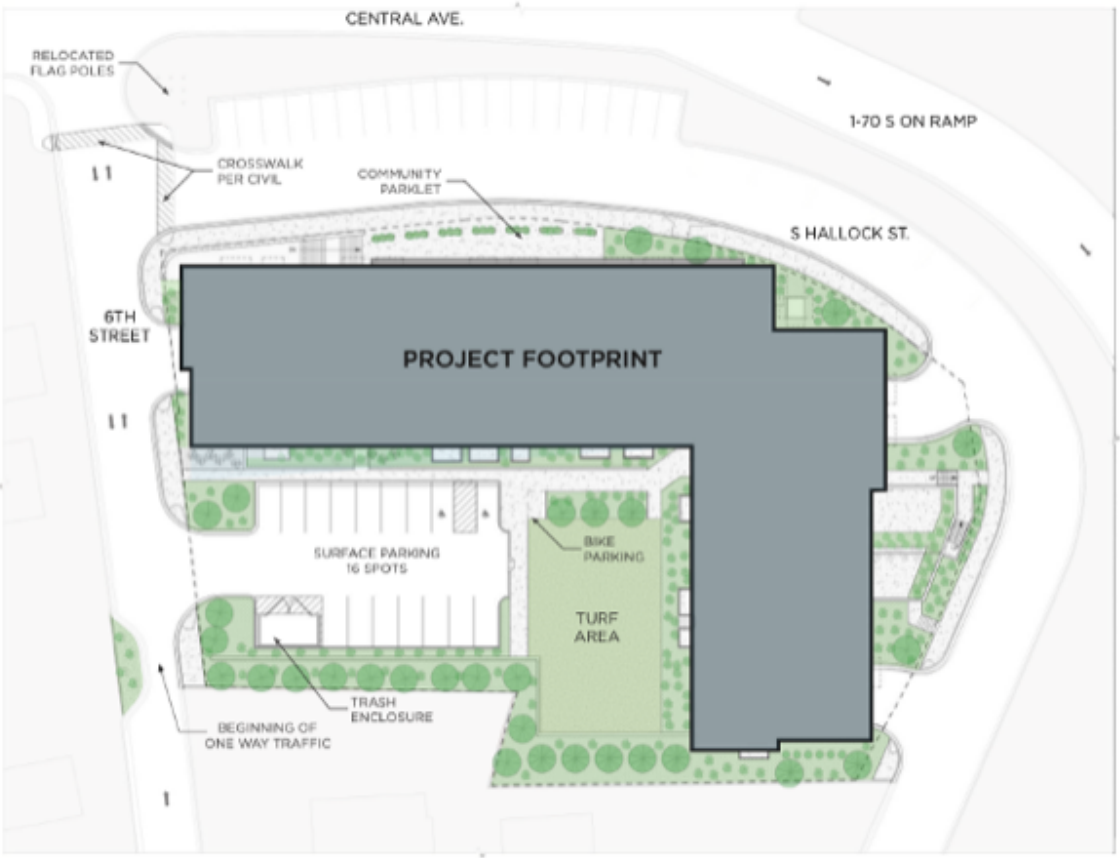


Exhibit D

TIF Revenue Projections

TIF Worksheet

Year	Base R/E Tax	City Tax	County Tax	Total U.G. Tax	New Total R/E Tax	New City Tax	New County Tax	New Total U.G. Tax	City Increment	County Increment	Total U.G. Increment	Developer 90.00% Increment
1	$4,107	$943	$964	$1,908	$161,500	$37,095	$37,920	$75,014	$36,151	$36,955	$73,106	$65,796
2	$4,107	$943	$964	$1,908	$312,498	$71,777	$73,374	$145,151	$70,834	$72,409	$143,243	$128,919
3	$4,107	$943	$964	$1,908	$463,497	$106,460	$108,828	$215,288	$105,516	$107,863	$213,380	$192,042
4	$4,107	$943	$964	$1,908	$469,639	$107,870	$110,270	$218,140	$106,927	$109,305	$216,232	$194,609
5	$4,107	$943	$964	$1,908	$475,861	$109,300	$111,731	$221,030	$108,356	$110,766	$219,123	$197,211
6	$4,107	$943	$964	$1,908	$482,167	$110,748	$113,211	$223,959	$109,805	$112,247	$222,051	$199,846
7	$4,107	$943	$964	$1,908	$488,555	$112,215	$114,711	$226,927	$111,272	$113,747	$225,019	$202,517
8	$4,107	$943	$964	$1,908	$495,029	$113,702	$116,231	$229,933	$112,759	$115,267	$228,026	$205,223
9	$4,107	$943	$964	$1,908	$501,588	$115,209	$117,771	$232,980	$114,265	$116,807	$231,072	$207,965
10	$4,107	$943	$964	$1,908	$508,234	$116,735	$119,332	$236,067	$115,792	$118,367	$234,159	$210,743
11	$4,107	$943	$964	$1,908	$514,968	$118,282	$120,913	$239,195	$117,339	$119,949	$237,287	$213,558
12	$4,107	$943	$964	$1,908	$521,791	$119,849	$122,515	$242,364	$118,906	$121,551	$240,457	$216,411
13	$4,107	$943	$964	$1,908	$528,705	$121,437	$124,138	$245,575	$120,494	$123,174	$243,668	$219,301
14	$4,107	$943	$964	$1,908	$535,710	$123,046	$125,783	$248,829	$122,103	$124,819	$246,922	$222,230
15	$4,107	$943	$964	$1,908	$542,808	$124,677	$127,450	$252,126	$123,733	$126,485	$250,219	$225,197
16	$4,107	$943	$964	$1,908	$550,001	$126,329	$129,138	$255,467	$125,385	$128,174	$253,559	$228,203
17	$4,107	$943	$964	$1,908	$557,288	$128,002	$130,849	$258,852	$127,059	$129,885	$256,944	$231,250
18	$4,107	$943	$964	$1,908	$564,672	$129,698	$132,583	$262,282	$128,755	$131,619	$260,374	$234,337
19	$4,107	$943	$964	$1,908	$572,154	$131,417	$134,340	$265,757	$130,474	$133,376	$263,849	$237,464
20	$4,107	$943	$964	$1,908	$579,735	$133,158	$136,120	$269,278	$132,215	$135,156	$267,371	$240,634
TOTALS					**$9,826,401**	**$2,257,007**	**$2,307,208**	**$4,564,215**	**$2,238,141**	**$2,287,921**	**$4,526,062**	**$4,073,456**

Assumed Inflation Rate: 1.325%

Staff Request for Commission Action

Tracking No. 212030

Full Commission Meeting Date:
Committee: Administration & Human Services

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/14/2022	Juliann VanLiew	x6707	jvanliew@wycokck.org	Health Department

Item Description:
The Health Department has been awarded a $300,000 grant from the National Association for City and County Health Officials (NACCHO) for Implementing Overdose Prevention Strategies at the Local Level (IOPSLL). This grant will be used to hire a community-based peer support specialist to directly connect people seeking recovery to local resources. It will fund a communication campaign focusing on substance-use education and resources for Wyandotte County. Lastly, it will provide funding for a Wyandotte County Recovery website that will be a one-stop shop for all things someone seeking recovery from substance-use disorder and their loved ones needs to find resources effectively. There is no match required for the grant. We are one of only 12 municipalities being awarded this grant nationally. A brief overview of the grant and its purpose can be found here.

Action Requested:
It is requested that this item be fast-tracked to the October 27, 2022, full commission meeting.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
IOPSLL grant reso

RESOLUTION NO. _____

A RESOLUTION FOR THE ACCEPTANCE OF THE IMPLEMENTING OVERDOSE PREVENTION STRATEGIES AT THE LOCAL LEVEL GRANT

WHEREAS, the National Association of County and City Health Officials (NACCHO) awarded 12 grants to counties for the implementation of activities to address challenges related to drug overdose; and

WHEREAS, the drug overdose challenges will be addressed through an interdisciplinary, comprehensive, and cohesive public health approach; and

WHEREAS, project activities will focus on establishing linkages to care, supporting providers and health systems, developing and/or enhancing partnerships with public safety and first responders, empowering individuals to make safer choices, and implementing prevention and innovation projects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Unified Government Board of Commissioners hereby approves the acceptance of the Implementing Overdose Prevention Strategies at the Local Level grant from NACCHO totaling $300,000.00.

SECTION 2. The Mayor/CEO, County Administrator, and other officials and employees of the Unified Government are hereby further authorized and directed to take such actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 3rd DAY OF NOVEMBER, 2022.

_____

Tyron Garner, Mayor/CEO

Attest:

_____

Unified Government Clerk

Approved as to Form:

_____

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

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/10/2022	Cheryl Harrison-Lee	x5027	charrison-lee@wycokck.org	Administrator's Office

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

For information only.

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Staff Request for Commission Action

Tracking No. 212063

Full Commission Meeting Date: October 27, 2022
Committee: Full Commission

Date of Standing Committee Action: N/A
(If none, please explain): Resolution of Intent approved June 13, 2019.

Publication Required: Yes 11/3/2022

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/20/2022	Patrick Waters	x5079	patrickwaters@wycokck.org	Economic Development

Item Description:
An ordinance authorizing the issuance of Taxable Industrial Revenue Bonds not to exceed $21,386,844 for the NP Turner Industrial 3, LLC- Building 4 Project, submitted by Patrick Waters, Deputy Chief Counsel.

The documents can be found at this link:
https://xfer.wycokck.org/public/folder/1CRKZPlF4UKToe5lCkfeXQ/North%20Point%20Tuner%20Building%204

Action Requested:
Approve

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Ordinance - NP Turner Building 4 (UG)

ORDINANCE NO. O-___-22

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (NP TURNER INDUSTRIAL 3, LLC – BUILDING 4 PROJECT), SERIES 2022, IN A PRINCIPAL AMOUNT NOT TO EXCEED $21,386,844, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Issuer"), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (NP Turner Industrial 3, LLC – Building 4 Project), Series 2022 (the "Bonds"), in a principal amount not to exceed $21,386,844, for the purpose of acquiring, purchasing, constructing, installing, furnishing, and equipping an approximately 248,998 square foot industrial facility for NP Turner Industrial 3, LLC, a Delaware limited liability company (the "Company"), including land, buildings, structures, improvements, fixtures, machinery and equipment (the "Project"); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the "Indenture"), by and between the Issuer and BOKF, N.A., as Trustee (the "Trustee"); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the "Base Lease Agreement") between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the "Lease Agreement"), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project; Assignment of Resolution. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing, and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized. The governing body of the Issuer hereby grants the request of NorthPoint Development, LLC, a Missouri limited liability company (the "Assignor") to assign to the Company a portion of the Assignor's interest in Resolution No. R-36-19 in the amount of $21,386,844.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed $21,386,844 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such material changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Trust Indenture, between the Issuer and the Trustee;

(b) Base Lease Agreement, between the Company and the Issuer.

(c) Lease Agreement, between the Issuer and the Company;

(d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and

(e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO's absence, the acting Mayor/CEO) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

[Balance of page intentionally left blank]

PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on October 27, 2022 and **APPROVED AND SIGNED** by the Mayor/CEO.

_____
Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

_____
Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

_____
Office of Chief Counsel

(Published in ***The Wyandotte Echo*** on _____ __, 2022)

SUMMARY OF ORDINANCE NO. O-___-22

On October 27, 2022, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (NP TURNER INDUSTRIAL 3, LLC – BUILDING 4 PROJECT), SERIES 2022, IN A PRINCIPAL AMOUNT NOT TO EXCEED $21,386,844, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of $21,386,844, for the purpose of acquiring, constructing, furnishing, and equipping an industrial facility for NP Turner Industrial 3, LLC, a Delaware limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2022 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: October 27, 2022.

_____
Office of Chief Counsel

Staff Request for Commission Action

Tracking No. 212066

Full Commission Meeting Date: October 27, 2022
Committee: Full Commission

Date of Standing Committee Action: N/A
(If none, please explain): Resolution of Intent approved June 13, 2019.

Publication Required: Yes 11/3/2022

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/20/2022	Patrick Waters	x5079	patrickwaters@wycokck.org	Economic Development

Item Description:
An ordinance authorizing the issuance of Taxable Industrial Revenue Bonds not to exceed $21,386,844 for the NP Turner Industrial 5, LLC- Building 4 Project, submitted by Patrick Waters, Deputy Chief Counsel.

The documents can be found at this link:
https://xfer.wycokck.org/public/folder/EG-PdnNAJkmziNFCJykFKg/North%20Point%20Tuner%20Building%205

Action Requested:
Approve

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Ordinance - NP Turner Building 5 (UG)

ORDINANCE NO. O-___-22

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (NP TURNER INDUSTRIAL 3, LLC – BUILDING 5 PROJECT), SERIES 2022, IN A PRINCIPAL AMOUNT NOT TO EXCEED $23,616,507, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Issuer"), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (NP Turner Industrial 3, LLC – Building 5 Project), Series 2022 (the "Bonds"), in a principal amount not to exceed $23,616,507, for the purpose of acquiring, purchasing, constructing, installing, furnishing, and equipping an approximately 346,826 square foot industrial facility for NP Turner Industrial 3, LLC, a Delaware limited liability company (the "Company"), including land, buildings, structures, improvements, fixtures, machinery and equipment (the "Project"); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the "Indenture"), by and between the Issuer and BOKF, N.A., as Trustee (the "Trustee"); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the "Base Lease Agreement") between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the "Lease Agreement"), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project; Assignment of Resolution. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing, and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized. The governing body of the Issuer hereby grants the request of NorthPoint Development, LLC, a Missouri limited liability company (the "Assignor") to assign to the Company a portion of the Assignor's interest in Resolution No. R-36-19 in the amount of $23,616,507.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed $23,616,507 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such material changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Trust Indenture, between the Issuer and the Trustee;

(b) Base Lease Agreement, between the Company and the Issuer.

(c) Lease Agreement, between the Issuer and the Company;

(d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and

(e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO's absence, the acting Mayor/CEO) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

[Balance of page intentionally left blank]

PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on October 27, 2022 and **APPROVED AND SIGNED** by the Mayor/CEO.

_____
Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

_____
Monica Sparks, Unified Government Clerk

APPROVED AS TO FORM:

_____
Office of Chief Counsel

(Published in ***The Wyandotte Echo*** on _____ __, 2022)

SUMMARY OF ORDINANCE NO. O-___-22

On October 27, 2022, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (NP TURNER INDUSTRIAL 3, LLC – BUILDING 5 PROJECT), SERIES 2022, IN A PRINCIPAL AMOUNT NOT TO EXCEED $23,616,507, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of $23,616,507, for the purpose of acquiring, constructing, furnishing, and equipping an industrial facility for NP Turner Industrial 3, LLC, a Delaware limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2022 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: October 27, 2022.

_____
Office of Chief Counsel

SECOND AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, OCTOBER 27, 2022

XIII. ADMINISTRATOR'S AGENDA

NEW ITEM:

Item No. 4 – RESOLUTIONS/ORDINANCE: SHERIFF DEPARTMENT STAFF FUNDING

Synopsis: Approval of resolutions and ordinance increasing Sheriff's Department salaries, submitted by Misty Brown, Chief Legal Counsel.

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the salaries of the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials

Attachments

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials

Staff Request for Commission Action

Tracking No. 212089

Full Commission Meeting Date:
Committee: Full Commission

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/27/2022	Misty Brown	x5067	mbrown@wycokck.org	Sheriff

Item Description:

Approval of resolutions and ordinance increasing Sheriff's Department salaries, submitted by Misty Brown, Chief Legal Counsel.

- Resolution of support for increasing the base salary of the sworn Sheriff's office employees.
- Ordinance/Resolution providing for the salaries of the Sheriff, Register of Deeds, Election Commissioner, and their appointed deputy officials.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

(Published _____)

RESOLUTION NO. R - _____-22

A RESOLUTION OF SUPPORT FOR INCREASING THE BASE SALARY OF SWORN SHERIFF'S OFFICE EMPLOYEES.

WHEREAS, on October 1, 1997 pursuant to an Act of the Kansas Legislature, hereinafter referred to as the "Act", the voters of Kansas City, Kansas and Wyandotte County, by a majority vote, approved and adopted the consolidation of the Board of County Commissioners of Wyandotte County and the City Council of Kansas City, Kansas into one (1) governing body known as the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as the "Unified Government"; and

WHEREAS, pursuant to this Act, the Board of Commissioners of the Unified Government serve and have all powers under the statutes of the State of Kansas to operate concurrently as the governing body of a county in the State of Kansas and as a city of the first class under the laws of the State of Kansas; and

WHEREAS, by approving the consolidation of the City and County governments, the elected offices of the Sheriff and the Register of Deeds and the position of the Election Commissioner appointed by the Kansas Secretary of State are authorized by and pursuant to the statutes of the State of Kansas, were preserved and continued as provided under the same statutes and additionally, the ordinances and resolutions of the Unified Government; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas Board of Commissioners is committed to maintaining a strong and diverse workforce with equitable and competitive pay across all its departments; and

WHEREAS, the Sheriff has the authority under state law to set the salaries of his deputies within the approved budgetary authority; and

WHEREAS, a significant disparity in pay exists between Sheriff's sworn employees and other sworn law enforcement positions of the Unified Government.

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 understands and agrees that the Sheriff has certain statutory duties that are required to be undertaken by sworn law enforcement officers.

2. That the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas, notwithstanding any collective bargaining unit agreements to which the Sheriff and the Unified Government are a signatory, supports increasing the base salary of sworn Sheriff's Office employees to achieve up to 100% parity in pay with other equivalent sworn positions within the Unified Government.

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.

PASSED BY THE UNIFIED BOARD OF COMMISSIONERS OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2022.

_____
Tyrone Garner, Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

_____
Misty Brown, Chief Counsel

(Published _____)

ORDINANCE NO. _____

RESOLUTION NO. _____

.

AN ORDINANCE AND RESOLUTION PROVIDING FOR THE SALARIES OF THE SHERIFF, THE REGISTER OF DEEDS, THE ELECTION COMMISSIONER, AND THEIR APPOINTED DEPUTY OFFICIALS BY REPEALING AND REPLACING RESOLUTION NOS. R-83-00 AND R-115-02, ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, ON AUGUST 3, 2000 AND DECEMBER 19, 2002, BY REVISING AND RESTATING ALL THE SECTIONS CONTAINED THEREIN AND BY AMENDING SECTION 2-142 OF THE UNIFIED GOVENRMENT CODE OF ORDINANCES:

WHEREAS, on October 1, 1997 pursuant to an Act of the Kansas Legislature, hereinafter referred to as the "Act", the voters of Kansas City, Kansas and Wyandotte County, by a majority vote, approved and adopted the consolidation of the Board of County Commissioners of Wyandotte County and the City Council of Kansas City, Kansas into one (1) governing body known as the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as the "Unified Government"; and

WHEREAS, pursuant to this Act, the Board of Commissioners of the Unified Government serve and have all powers under the statutes of the State of Kansas to operate concurrently as the governing body of a county in the State of Kansas and as a city of the first class under the laws of the State of Kansas; and

WHEREAS, by approving the consolidation of the City and County governments, the elected offices of the Sheriff and the Register of Deeds and the position of the Election Commissioner appointed by the Kansas Secretary of State are authorized by and pursuant to the statutes of the State of Kansas, were preserved and continued as provided under the same statutes and additionally, the ordinances and resolutions of the Unified Government; and

WHEREAS, the Sheriff, Register of Deeds and Election Commissioner are each authorized to have a deputy position as provided by statute, resolution, and ordinance, hereinafter referred to as the "Undersheriff", the "Deputy Register of Deeds" and the "Deputy Election Commissioner"; and

WHEREAS, pursuant to State statute, the salary for each of the elected and appointed officers and their deputies are set by resolution of the Board of Commissioners of the county in which the position exits; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas Board of Commissioners is committed to maintaining a strong and diverse workforce with equitable and competitive pay across all its departments.

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

Section 1. That Section 2-142 of Article I, Division & of Chapter 2 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Sec. 2-142. Salaries of the sheriff, register of deed, elections commissioner and their deputy positions.

(a) *Elected officials and election commissioner.*

(1) The sheriff~~, register of deeds and the election commissioner~~ shall be paid pursuant to and consistent with the ~~compensation and classification plan ("plan" heretofore adopted and approved by the board of commissioners of the unified government) a salary equal to the amount set forth on range 17, step 1 of said plan which equals $54,152.00 per year~~, the Compensation Plan heretofore established for elected and appointed officials and designated as a newly established Range 10, an annual salary equal to the amount of $190,550.10 or an amount equal to the Kansas City, Kansas Chief of Police, whichever is higher paid in periodic amounts the same as all other governmental employees are paid. The sheriff~~, register of deeds and election commissioner~~ shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.

~~(2) The salary provided in subsection (a)(1) of this section shall be retroactive to October 1, 1999, and shall thereafter be compounded with an additional three percent cost of living increase retroactive from the date of Resolution No. R-83-00 [enacted August 3, 2000] to January 1, 2000.~~

(2) The register of deeds shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials and designated as a Range 4, an annual salary equal to the amount of $96,803.20 paid in periodic amounts the same as all other governmental employees are paid. The register of deed shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.

(3) The election commissioner shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials and designated as a Range 4, an annual salary equal to the amount of $108,326.40 paid in periodic amounts the same as all other governmental employees are paid. The election

commissioner shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.

(b) *Appointed deputy officials.*

(1) The register of deeds deputy ~~and the election commissioner's deputy~~ shall ~~receive a salary equal to the salary provided under the plan of the unified government at range 14. This salary shall be retroactive to October 1, 1999. .~~ shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials, within Range 3, an annual salary equal to the amount of $79,081.60, paid in biweekly amounts in the same manner as all other Unified Government employees are paid.

(2) The undersheriff shall ~~receive a salary equal to the salary provided under the plan of the unified government at range 18. This salary shall be retroactive to July 1, 2002.~~ shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials, within Range 6, an annual salary equal to the amount of $130,522.70, paid in biweekly amounts in the same manner as all other Unified Government employees are paid.

(3) The election commissioner's deputy shall be paid pursuant to and consistent with the Compensation Plan heretofore established for elected and appointed officials, within Range 3, an annual salary equal to the amount of $89,440.00, paid in biweekly amounts in the same manner as all other Unified Government employees are paid.

(4) ~~(3)~~ Annual increases to the salary shall be based upon performance measures established pursuant to the plan with their evaluation performed by the supervising elected or appointed official.

(5) ~~(4)~~ The undersheriff, register of deeds deputy and election commissioner deputy shall be treated in the same manner as the unified government employees under the plan.

(Code 1988, § 2-602; Res. No. R-83-00, §§ 1, 2, 8-3-2000; Res. No. R-115-02, § 1, 12-19-2002)

Section 2. That Resolution No. R-83-00 and R-115-02 of the Unified Government of Wyandotte County/Kansas City, Kansas are hereby repealed and replaced, and any other provisions of Resolution No. R-83-00 and R-115-02 of the Unified Government of Wyandotte County/Kansas City, Kansas, that are not contained or restated herein, are otherwise repealed.

Section 3. This resolution and ordinance shall take effect and be in fully force after its passage, approval and publication in the official Unified Government Newspaper.

Section 4. The Unified Government, the Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

PASSED AND ADOPTED BY THE UNIFIED BOARD OF COMMISSIONERS OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND APPROVED AND SIGEND BY THE MAYOR/CEO ON THIS _____ DAY OF _____, 2022.

_____
Tyrone Garner, Mayor/CEO

ATTEST:

_____
Unified Government Clerk

Approved as to Form:

_____
Misty Brown, Chief Counsel

Staff Request for Commission Action

Tracking No. 212036

Full Commission Meeting Date: 10/27/2022
Committee: Neighborhood & Community Development

Date of Standing Committee Action: 10/10/2022
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/19/2022	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:
The Land Bank Manager respectfully requests that the Full Commission review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager.

24 Single Family Homes
18 Multi Family Units
2 Commercial

Action Requested:
Approve

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
FC Memo Land Bank Options 10.27.22

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

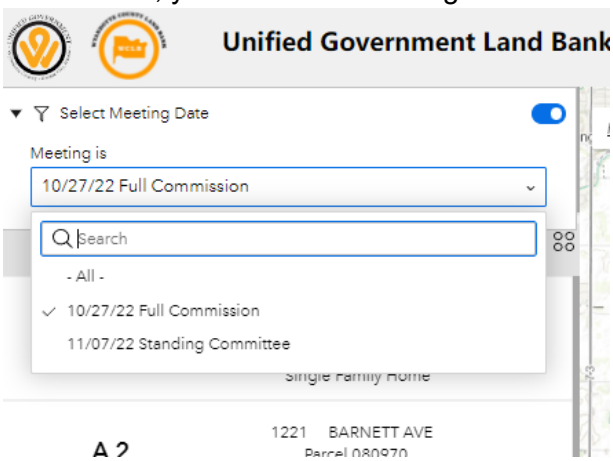
TO: Neighborhood & Community Development Standing Committee

FROM: Jud Knapp, Land Bank Manager

DATE: October 24, 2022

SUBJECT: Option applications for consideration

The following **option application(s)** were presented at the 10/10/2022 Standing Committee meeting:
Please visit the new site to review the applications below
https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddcb8/?draft=true
This new site will have all the history of Land Bank applications starting this month. When you visit the link, you will have to change the date filter to 10/27/22 Full Commission



A. New Construction - Single Family Homes – 24 Homes

1. CHWC – 1 Home
   i. 1035 OHIO AVE – 093702
2. CHWC – 1 Home
   i. 1221 BARNETT AVE - 080970
3. CHWC – 1 Home
   i. 1236 BARNETT AVE – 081064
   ii. 1234 BARNETT AVE - 080956
4. CHWC – 3 Homes

i. 618 N 11TH ST – 080519
ii. 1137 ANN AVE - 080823
iii. 1135 ANN AVE - 080822
iv. 907 N 12TH ST - 080790

5. CHWC – 1 Home
i. 741 EVERETT AVE – 081979

6. Damon Downs Jr – 1 home
i. 3001 N 48TH TER – 178024

7. Damon Downs Jr – 1 home
i. 3557 N 56TH TER – 920628

10. Sarita Stephenson – 1 home
i. 1068 KIMBALL AVE – 106116

11. Sarita Stephenson – 1 home
i. 2802 PARKWOOD BLVD – 106187

12. Sarita Stephenson – 1 home
i. 2904 PARKWOOD BLVD – 106126

13. Nosaze Enoma Ighodaro – 1 home
i. 2829 N BETHANY ST – 106304

15. Gisela Medina – 1 home
i. 2736 N 39TH ST – 105625

16. Jaime Fernandez – 1 home
i. 336 WALKER AVE – 254322

17. Kenneth Nelson – 1 home
i. 5705 TAUROMEE AVE – 204401

18. LAURIE TOMELLERI – 1 home
i. 37 N BROADVIEW AVE – 120320

19. Mt. Carmel Redevelopment – 1 home
i. 1144 GARFIELD AVE – 097959
ii. 1144 GARFIELD AVE - 097901

20. Robert Ottens – 1 home
i. 6153 PARKVIEW AVE – 31828

21. Steven Kinney – 1 home
i. 3601 LOCUST AVE – 79642

22. Vlad Nicolae Geana – 1 home
i. 2214 S FERREE ST – 126611
ii. 2220 S FERREE ST - 126612

23. Beryah Butts – 1 home
i. 3936 MISSION RD – 209006

25. Jay Trib – 1 home
i. 2831 GLENROSE LN – 130504
ii. 2823 GLENROSE LN - 130503
iii. 2817 GLENROSE LN - 130502
iv. 2811 GLENROSE LN – 130501

26. Stephen Russell – 1 home
i. 2314 S 71ST ST – 225613

B. Multi Family – 18 units total

1. CHWC – 4 units
i. 1118 ARMSTRONG AVE – 80802

ii. 1116 ARMSTRONG AVE - 080803
iii. 1114 ARMSTRONG AVE - 080804
iv. 1112 ARMSTRONG AVE - 080805

2. CHWC – 6 units
i. 816 N 12TH ST – 80900
ii. 818 N 12TH ST - 080899
iii. 814 N 12TH ST - 080901
iv. 812 N 12TH ST - 080902

3. Maricela Zamora – 4 units
i. 1925 N 47TH ST – 061709
ii. 061701

5. Justen Waters – 2 Units
iii. 2101 N 77TH ST – 928610

6. Amit Bhakta – 2 units
iv. 516 H N 9TH ST - 090304

C. Commercial – 2

1. Diana Navarro – Mobile Car Wash
i. 1100 MINNESOTA AVE – 80776
ii. 1102 MINNESOTA AVE - 080754
iii. 1104 MINNESOTA AVE - 080775

4. Librado Ruiz Ayala – Garage
iv. 821 S 12TH ST - 072547