

**UPDATED AGENDA
DECEMBER 1, 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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83789007035?pwd=Z01zcUZnaUVYVi92QityL3NnOUJ3dz09>

Passcode: 720635

Or One tap mobile:

US: +12532158782,83789007035# or +13462487799,83789007035#

Or Telephone:

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

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 253 205 0468 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or 888 475 4499Toll-Free) or 877 853 5257Toll-Free)

Webinar ID: 837 8900 7035

International numbers available: <https://us02web.zoom.us/j/kdq4Gk18fF>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND Chaplin Ken Nettling, Faith Lutheran Church**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, DECEMBER 1, 2022 AGENDA**
 - BLUE SHEET – NEW ITEM**

VII. PLANNING AND ZONING CONSENT AGENDA

B. SPECIAL USE PERMIT APPLICATIONS

Item No. 6 – SP2022-088 – JOE DELLOIACOVO WITH 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 #: 212180

IX. MAYOR’S AGENDA

Item No. 1. – ANNOUNCEMENT: GINGERBREAD HOUSE WINNERS

Synopsis: Announcement of the UG Gingerbread house competition held in conjunction with Downtown Christmas Tree Lighting, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212183

REMOVING ITEM

XIII. STANDING COMMITTEES' AGENDA

Item No. 1. - APPROVAL: DOWNTOWN KCK COMMERCIAL HISTORIC DISTRICT NOMINATION SUBMISSION

Synopsis: Approval of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

*On November 7, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 212083

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

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

For information only.

Tracking #: 211735

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. **COZ2022-040 - DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS**
Synopsis: Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District for Water Pollution Control offices and vehicle storage and Police CSI crime lab and parking for storage of vehicles at 822 and 825 North 49th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212144
2. **COZ2022-041 - CURTIS PETERSON WITH POLSINELLI**
Synopsis: Change of Zone from CP-2 Planned General Business Distract to CP-2 Planned General Business District to amend conditions of prior approval for a convenience store and fueling station at 9001 North 90th Street and 936 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212147

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-086 - DAVID CUNNINGHAM WITH PARKWAY LIQUOR**
Synopsis: Special Use Permit to expand the operation of a current liquor store at 8222 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212136
2. **SP2022-094 - CALAWAY MCQUEENY WITH MCQUEENY MANAGEMENT LLC**
Synopsis: Special Use Permit for a Short-Term Rental at 4904 Edgehill Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**
Tracking #: 212149
3. **SP2022-095 - MEGAN PAINTER WITH CHWC**
Synopsis: Special Use Permit to operate a neighborhood playground at 2515 North 17th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212150
4. **SP2022-099 - CHUCK CUDA WITH AVENUE PARTNERS LLC**
Synopsis: Special Use Permit to operate an automotive body repair shop at 3151 Fiberglass Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212151

5. **SP2022-100 - JOHN GAAR WITH FINKLE WILLIAMS ARCHITECTURE**

Synopsis: Special Use Permit to keep a storage container to store construction materials at 5841 Swartz Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212153

6. **SP2022-088 - JOE DELLOIACOVO WITH CYNTOX LLC (ADDED PER BLUE SHEET)**

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 #: 212180

C. PLAN REVIEW APPLICATIONS

1. **PR2022-042 - CHUCK CUDA WITH AVENUE PARTNERS LLC**

Synopsis: Preliminary and Final Plan Review for an automotive body shop at 3151 Fiberglass Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212152

2. **PR2022-043 - CURTIS PETERSON WITH POLSINELLI**

Synopsis: Preliminary and Final Plan Review for a convenience store and fueling station at 9001 North 90th Street and 936 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212148

D. MASTER PLAN AMENDMENT APPLICATIONS

1. **MPL2022-018 - DAVID CUNNINGHAM WITH PARKWAY LIQUOR**

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212145

2. **MPL2022-025 - DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS**

Synopsis: Master Plan Amendment from Mixed-Use Commercial (City-Wide Master Plan) to Industrial (City-Wide Master Plan) at 822 and 825 North 49th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212146

E. VACATION APPLICATION

1. VAC2022-007 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Vacation of a utility easement at 12821 and 12827 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212154

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

1. **AN ORDINANCE** rezoning property at approximately 800 North 5th Street, (COZ2022-012) from RP-1 Planned Single Family and RP-5 Planned Apartment Districts to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212155

2. **AN ORDINANCE** rezoning property at approximately 3015 and 3020 North Baltimore Street, (COZ2022-017) from RP-5 Planned Apartment District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212156

3. **AN ORDINANCE** rezoning property at approximately 2615 Espenlaub Lane, (COZ2022-025) 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 #: 212157

4. **AN ORDINANCE** rezoning property at approximately 4500 Dover Street and 4414 Gibbs Road, (COZ2022-028) from MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212158

5. **AN ORDINANCE** rezoning property at approximately 2443 South 88th Street, (COZ2022-031) from R-1 Single Family and MP-2 Planned General Industrial District to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212159

6. **AN ORDINANCE** rezoning property at approximately 1921 North 118th Street, (COZ2022-033) from A-G Agriculture District to RP-4 Planned Garden Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212160

7. **AN ORDINANCE** authorizing a Home Occupation Special Use Permit (SP2022-017) for a beauty salon at 5044 Powell Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212161
8. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-037) for the Temporary Use of Land to store landscape materials at 230 South 65th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212162
9. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-039) for chickens at 13024 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212163
10. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-052) to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden at 1900 North 1st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212165
11. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-054) to operate an indoor soccer facility at 520 South 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212166
12. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-065) for a short-term rental at 2023 North 85th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212167
13. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-067) for a short-term rental at 733 Ohio Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212168
14. **AN ORDINANCE** authorizing a Home Occupation Special Use Permit (SP2022-075) for a short-term rental at 2824 North 99th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212169
15. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-077) for heavy automotive/truck, service, repair and mechanic at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212170

16. **AN ORDINANCE** authorizing a Special Use Permit (SP2022-080) for live entertainment in conjunction with drinking at an assembly hall at 404 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212171
17. **AN ORDINANCE** authorizing a Home Occupation Special Use Permit (SP2022-083) for a single-chair hair salon at 2947 North 83rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212172

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 #: 212164
2. **COZ2022-036 - MARTINA CHAVEZ-JAQUEZ**
Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District to operate an automotive repair business at 1403 North 7th Street. Submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212138
3. **SP2022-091 - MARTINA CHAVEZ-JAQUEZ**
Synopsis: Special Use Permit to operate an automotive repair business at 1403 North 7th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 4/2 VOTE)**
Tracking #: 212141
4. **MPL2022-022 - MARTINA CHAVEZ-JAQUEZ**
Synopsis: Master Plan Amendment from Neighborhood Mixed Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan) at 1403 North 7th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**
Tracking #: 212139

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2022-061 - TOM GIEFER WITH G & G HOLDINGS LLC.

Synopsis: Renewal of a Special Use Permit (SP-2019-111) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive. submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 5/1 VOTE)

Tracking #: 212137

2. COZ2022-039 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Change of Zone from AG Agriculture and C-O Non-Retail Business Districts to CP-2 Planned General Business District for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212142

3. SP2022-097 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212143

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR DECEMBER 1, 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. - ANNOUNCEMENT: GINGERBREAD HOUSE WINNERS (ADDED PER BLUE SHEET)

Synopsis: Announcement of the UG Gingerbread house competition held in conjunction with Downtown Christmas Tree Lighting, submitted by Tyrone A. Garner, Mayor/CEO.

For Information Only

Tracking #: 212183

Item No. 2. - UPDATE: MAYOR'S VERBAL UPDATE TO COMMISSION AND CITIZENS

Synopsis: Per Unified Government Code of Ordinances, Chapter 2-81, Division 4(12), Mayor Garner will provide a verbal update to the commission and citizens detailing the needs of the Unified Government, submitted by Tyrone A. Garner, Mayor/CEO.

For Information Only

Tracking #: 212176

X. REGULAR CONSENT AGENDA

Item No. 1. - GRANT: RECONNECTING COMMUNITIES PLANNING GRANT

Synopsis: Retroactive approval to pursue the Federal Reconnecting Communities Planning Grant for the areas between Kaw Point and Armourdale along the Kansas River, submitted by Gunnar Hand, Director of Planning & Urban Design.

*On November 14, 2022, the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.*

Tracking #: 212035

Item No. 2. - COMMUNICATION: PROPOSED 2023 HOLIDAY SCHEDULE

Synopsis: A communication submitting a proposed 2023 holiday schedule, submitted by Brett A. Deichler, Unified Government Clerk.

Tracking #: 212175

Item No. 3. - PLAT: STIMAC ADDITION

Synopsis: Plat of Replat of Stimac Addition, located at North 134th Street and Parallel Parkway, and being developed by Robert J. Stimac, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212173

Item No. 4. - MINUTES

Synopsis: Minutes from the Planning & Zoning and Regular Session meeting on May, 26, 2022 and from the Special Session meeting on November, 3, 2022.

Tracking #: MINUTES

Item No. 5. - WEEKLY BUSINESS

Synopsis: Weekly business materials dated November 3, and November 10, 2022.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - APPROVAL: DOWNTOWN KCK COMMERCIAL HISTORIC DISTRICT NOMINATION SUBMISSION (REMOVED PER BLUE SHEET)

Synopsis: Approval of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

*On November 7, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 212083

XIII. ADMINISTRATOR'S AGENDA

Item No. 1. - UPDATE: GRANTS AND GRANT PROCESS (REMOVED PER BLUE SHEET)

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

For information only.

Tracking #: 211735

Item No. 2. - RESOLUTION: ASSIGNMENT AND DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENT III

Synopsis: Authorizing and approving resolution and Collateral Assignment Development Agreement for Village West Apartments Phase III, submitted by Patrick Waters, Deputy Chief Counsel.

Tracking #: 212129

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.

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

A. New Construction - Single Family Homes – 23 Homes

1. Angela Wright-Jones – 1 home
7648 Roswell Ave – 012317
2. Sergio Salas – 1 home
2921 S 53rd St – 028397
3. Brenda Davis – 1 home
2575 Espenlaub Ln – 908623
5. David Rowe c/o Folks Capital, LLC – 2 homes
10 N Mill St – 069011
8H N Mill St – 069012
6. David Rowe c/o Folks Capital, LLC – 7 homes
74 N 9th St – 093517
70 N 9th St – 093519
68 N 9th St – 093520
64 N 9th St – 093521
60 N 9th St – 093523
56 N 9th St – 093524
52 N 9th St – 093525
7. David Rowe c/o Folks Capital, LLC – 3 homes
846 Reynolds Ave – 120122
8. David Rowe c/o Folks Capital, LLC – 3 homes
654 Simpson Ave – 120989
650 Simpson Ave – 121082
648 Simpson Ave – 120990
11. Giovanna Frame – 1 home
1318 Greeley Ave – 157786
12. Giovanna Frame – 1 home
1326 Greeley Ave – 157784
13. La'Pourchea McConico – 1 home
4208 N 79th St – 931504
14. John and Laurie Tomelleri – 1 home
2792 Linden Dr – 149816
15. Kim Vaughn – 1 home
1936 N 4th St – 109825

B. Multi Family – 10 units total

1. Michael Berry – 4 Units
2518 N 57th St – 036208
2610 N 57th St – 036211
3. Raj Bhatia – 2 units

- 1325 N 48th St – 047593
4. Raj Bhatia – 2 units
1231 N 48th Ter – 047572
5. Raj Bhatia – 2 units
1338 N 48th St - 047500

C. Commercial – 3

1. Gus Martin - Auto shop
1234 Minnesota Ave - 80865
1239 Minnesota Ave - 080884

D. Garages – 3

1. Evelyn Janeth Amador Portillo
327 Franklin Ave - 110504
2. Jamie Marquez
6126 Parkview Ave – 031739
3. Jessica Moreno
1953 N 17th St – 102028

E. Multiple Applications for the same parcels - 2

1. Sumey Rabie – Multi Family – 2 Units
923 Kansas Ave – 073042
5. Tynetta Howard – 1 home
3501 Lust Dr – 079409

Tracking #: 212084

Item No. 2. - LAND BANK PROPERTY TRANSFERS

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

Please visit the new site to review the applications below.

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

PT A Property Transfers - 3

1. Kansas City, Kansas Housing Authority – Property Transfer
1257 Ray Ave – 067550
2. Toma's Silua – Property Transfer
1960 H N 4th St – 109899
3. Unified Government – Property Transfer
4600 Orville Ave – 420000

PT B Yard Extensions - 2

1. Jose Antonio Navas Hernandez – Yard Extension
1919 S 40th St – 168323
2. Kayla Eagles – Yard Extension
850 Douglas Ave – 155035

PT C Donations – 3

2. John L. Peterson
729 S 8th St – 073672
3. John L. Peterson

914 S Mill St – 072727
4. Matt Schulte
1263 Shawnee Ave - 072286
Tracking #: 212085

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, DECEMBER 1, 2022**

NEW ITEM

VII. PLANNING AND ZONING CONSENT AGENDA

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Tracking #: 212180

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Tracking #: 212183

REMOVING ITEM

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - APPROVAL: DOWNTOWN KCK COMMERCIAL HISTORIC DISTRICT NOMINATION SUBMISSION

Synopsis: Approval of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

*On November 7, 2022, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

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XIII. ADMINISTRATOR'S AGENDA

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

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

For information only.

Tracking #: 211735



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: December 1, 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:

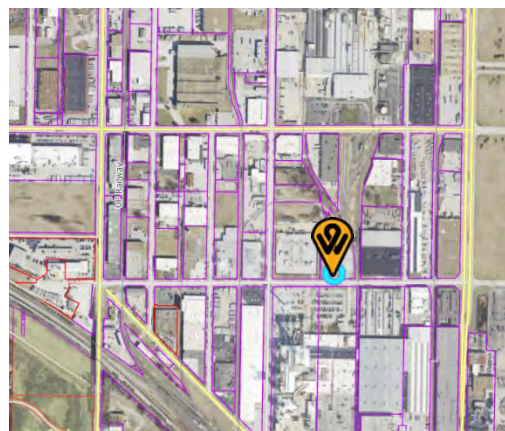
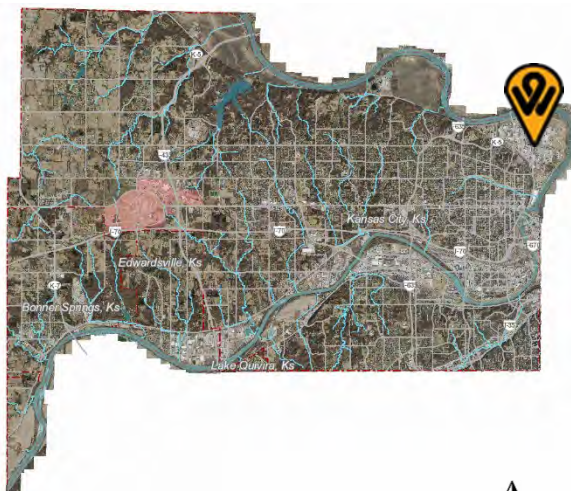
To continue operations as a Medical Waste
Transfer Station.

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:	<u>The Wyandotte Echo</u> – September 15, 2022 Letters to Property Owner – September 16, 2022
Public Hearings:	October 10, 2022, October 27, 2022 and December 1, 2022
Public Support:	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.

APPLICATION UPDATE

The Board of Commissioners continued this application from the October 27, 2022 meeting to the December 1, 2022 meeting for the applicant to meet with the Fairfax Industrial Association and the Fairfax Drainage District. That meeting took place on November 9, 2022 and the minutes are attached. According to the minutes, there is no opposition to this application or the timeframe.

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
Minutes from the meeting with FIA and Fairfax Drainage District
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 Held Over December 1, 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**

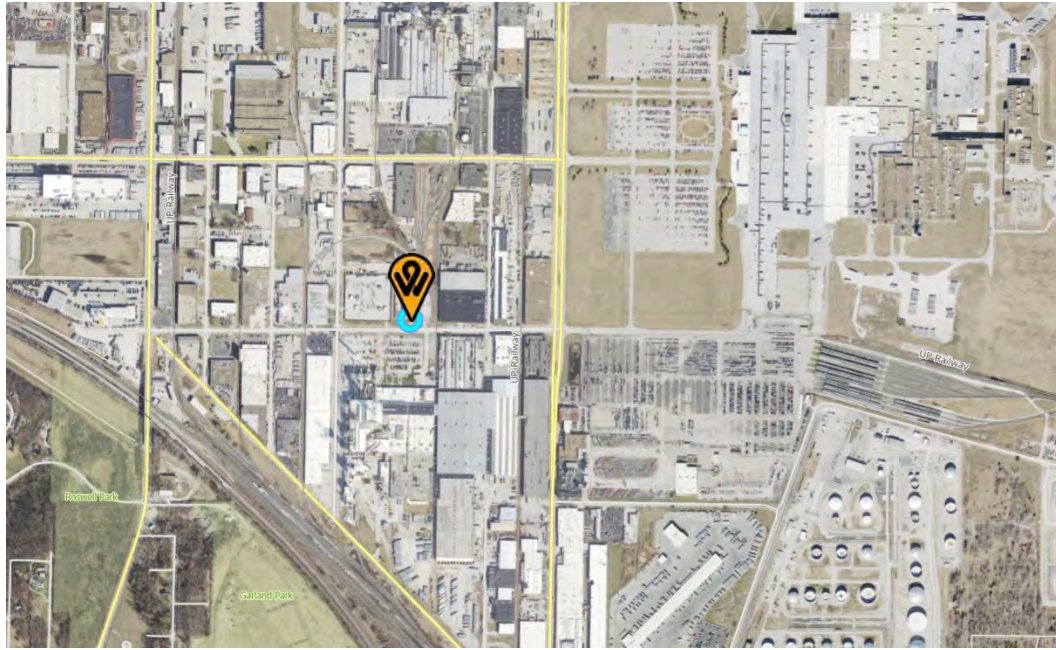
ordinance requirements:

- 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.**
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 - 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**

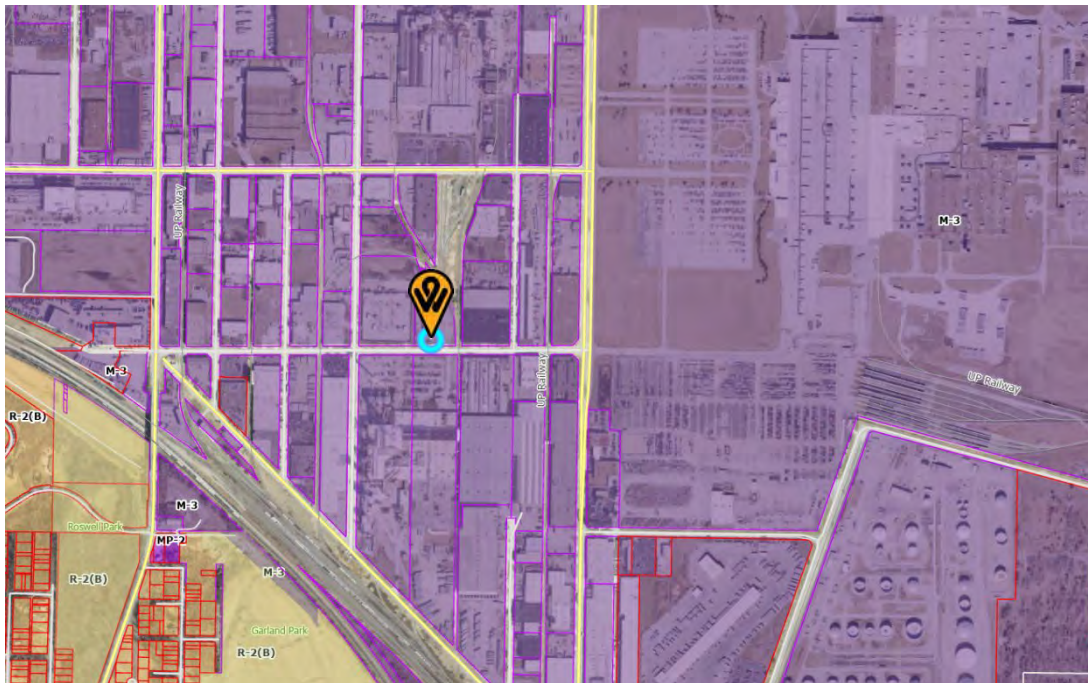
- Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit. This may result in additional building, plan, or site changes as required.
- 7) Per Section 27-723(a), no sign (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.
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 - 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.**

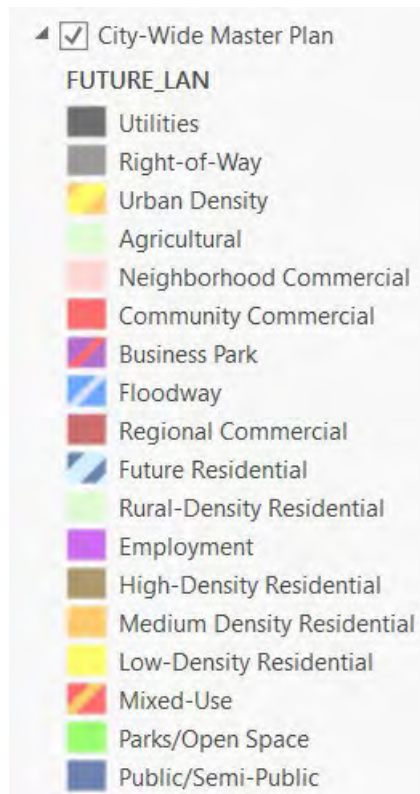
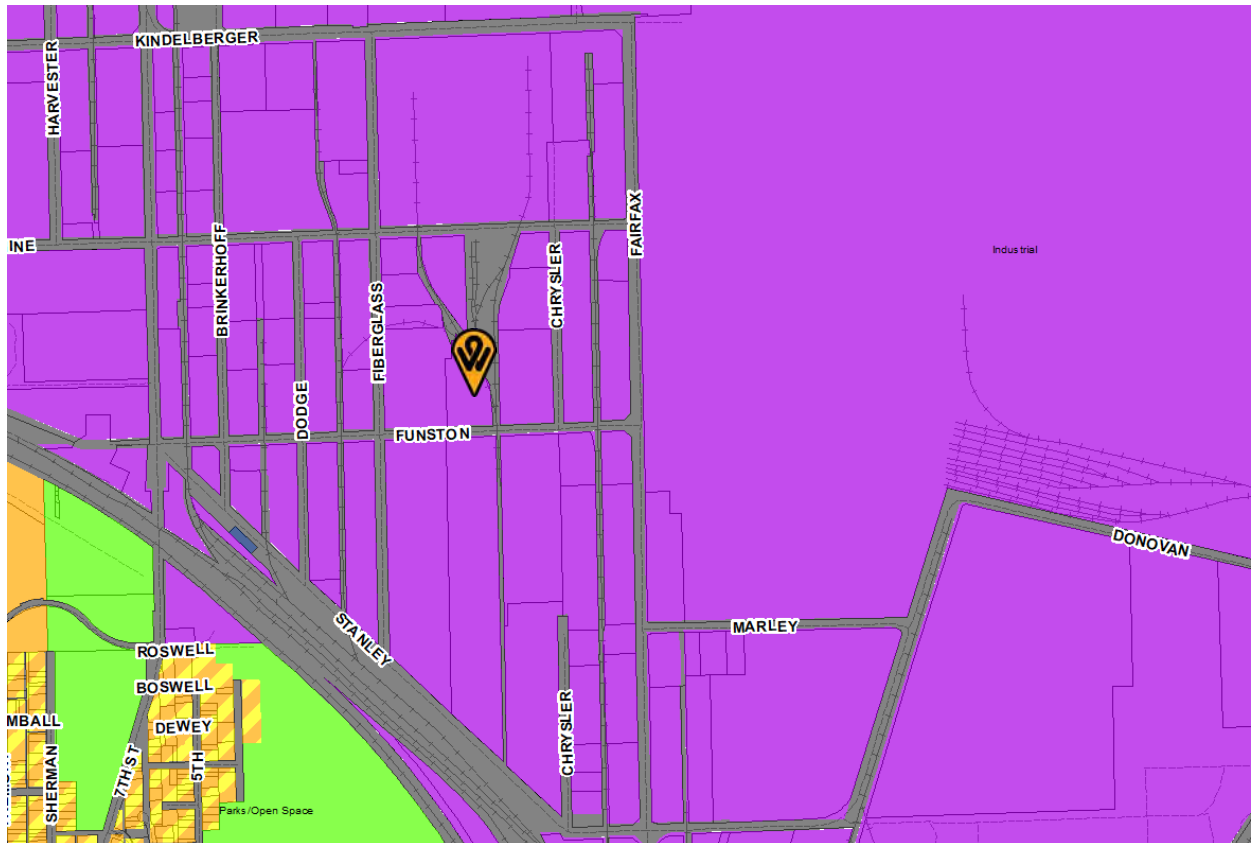
AERIAL MAP



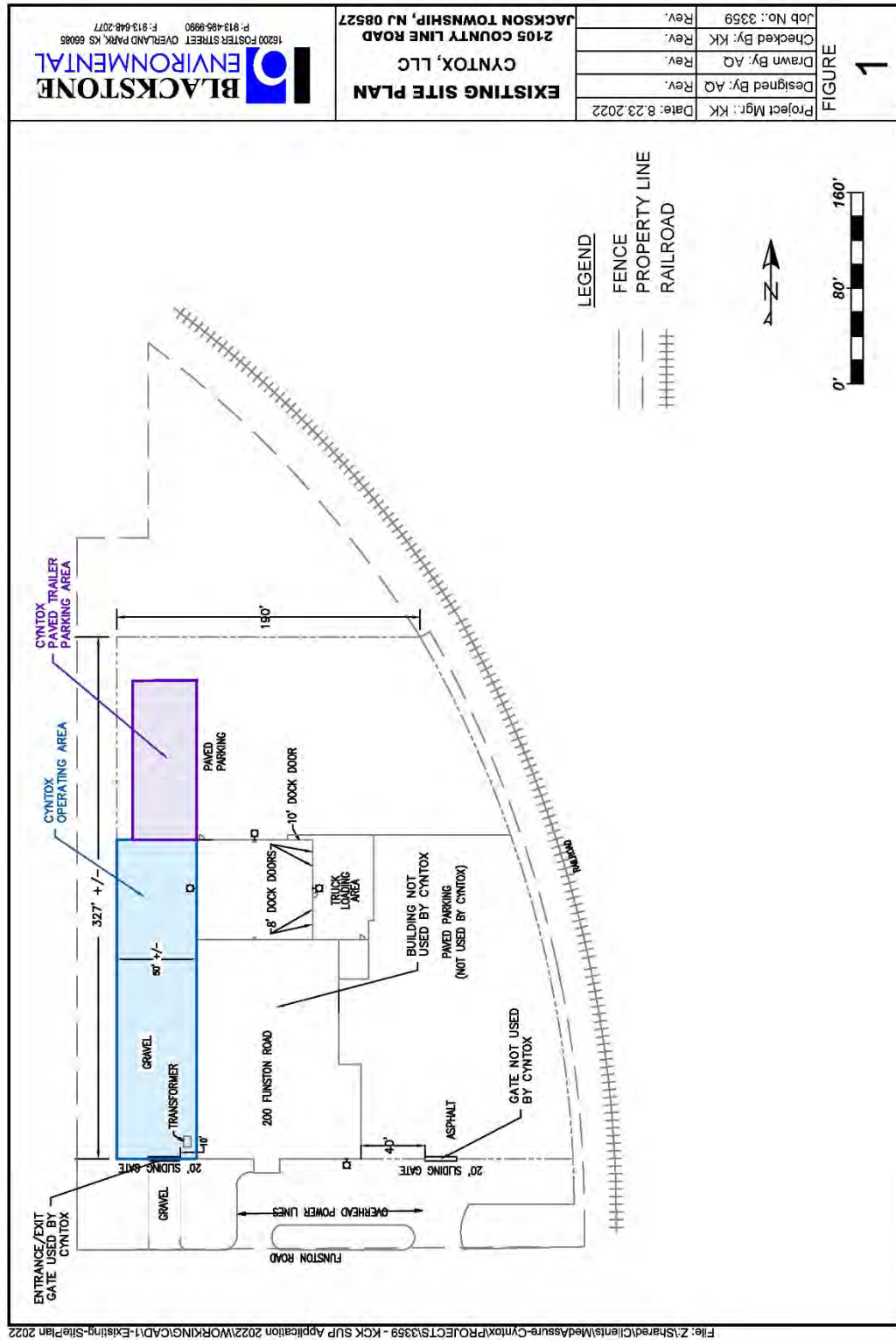
ZONING MAP



LAND USE MAP



APPLICANT'S SITE PLAN



NEIGHBORHOOD MEETING INFORMATION

September 13, 2022

Adrienne 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



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

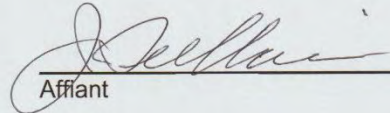
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

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.

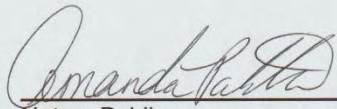
Further affiant saith not.

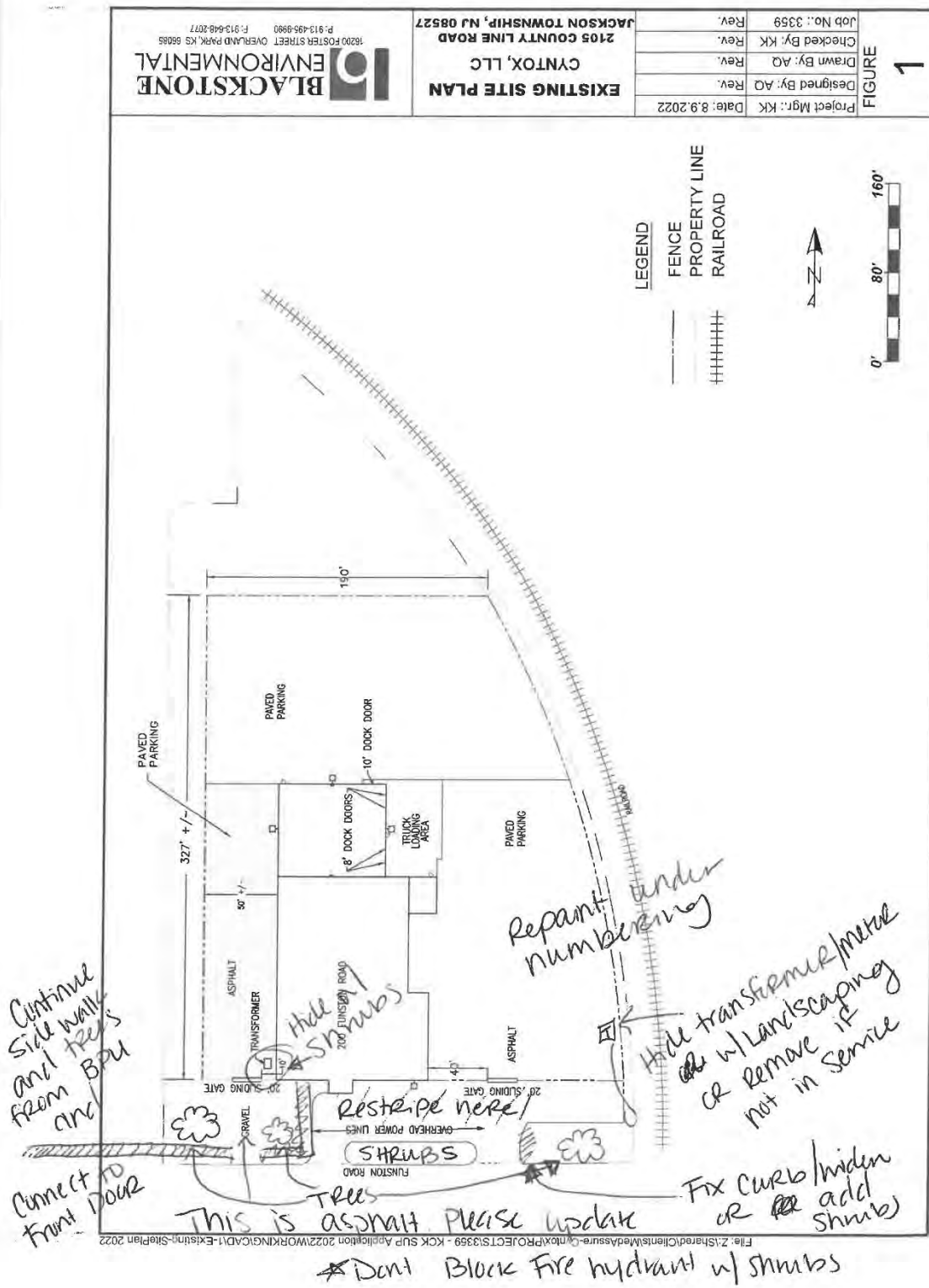

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of September, 20022

My commission expires 3rd of November, 20026.




Notary Public



STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022



STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022



STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022



Meeting Minutes

Application Number__SP2022-088

Date and Location:___11/09/22 virtually via Microsoft Teams___

Meeting called to order at: _2:00 PM___

Names of people in attendance:

- Joe Delloiacovo, Cyntox (applicant)
- Austin Quick, Blackstone Environmental
- Steve Dailey, Fairfax Drainage District
- Andrew Dailey, Fairfax Drainage District
- Melissa Clark, Fairfax Industrial Association Executive Director

While awaiting all parties to join the meeting, Steve Dailey provided background on the Fairfax Drainage District's original concern with the SUP term of 10 years. Another business in Fairfax which is involved in the disposal of liquid waste has caused noxious odors to sewers and downstream areas. This has led to neighborhood complaints, headaches/nausea, and reports to UG Air Quality. Steve mentioned that after reviewing the Cyntox SUP application, he no longer has concerns because the operation does not involve any non-containerized waste which would lead to environmental concerns.

Joe D. confirmed that waste is not exposed/opened at the facility

Steve said that he no longer has reserves about the 10-year SUP term

Melissa mentioned there has not been complaints from any neighbors about the existing medical waste transfer operation.

Steve asked how many truck loads per day?

Joe D. replied with 5-26' straight trucks that leave and return each day, and trailers are pulled every 2-3 days.

Andrew asked if there would be any change in personnel with the change of ownership.

Joe D. replied that all personnel at the facility are former MedAssure personnel, and all personnel remain the same with the Cyntox acquisition.

Melissa provided a short history on the Fairfax Industrial District.

Meeting adjourned at: 2:20 PM

Minutes taken by: ___Austin Quick_____

STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022





Staff Request for Commission Action

Tracking No. 212183

Full Commission Meeting Date:

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 11/30/2022	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> Announcement of the UG Gingerbread house competition held in conjunction with Downtown Christmas Tree Lighting, submitted by Tyrone A. Garner, Mayor/CEO.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



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: December 1, 2022

Re: Petitions COZ2022-040 and MPL2022-025

GENERAL INFORMATION

Applicant:

David S. Lotz, P.E.

Status of Applicant:

Representative
Continental Consulting Engineers, Inc.
11006 Parallel Parkway
Kansas City, KS 66109

Requested Actions:

Change of Zone from
A-G Agriculture and R-1 Single Family
Districts to MP-3 Planned Heavy
Industrial District.

Master Plan Amendment from Mixed Use
to Industrial (City-Wide Master Plan).

Date of Application(s):

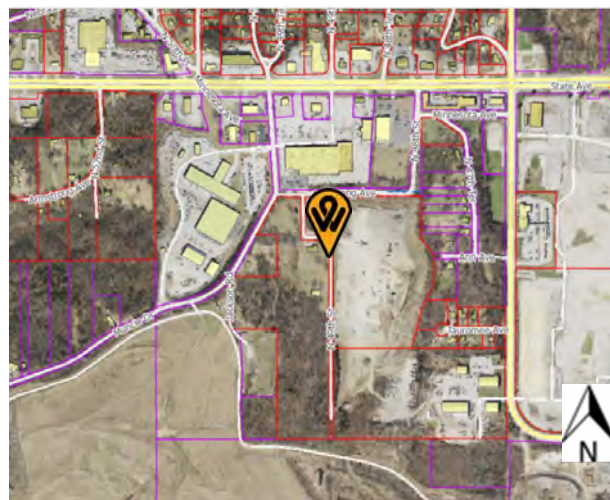
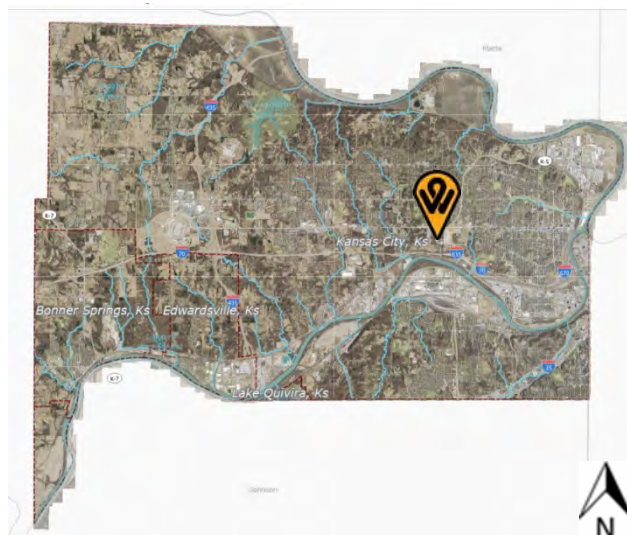
September 30, 2022

Purpose:

To build a KCKPD CSI building and tow
lot, offices and service center for Water
Pollution Control and associated parking
for guests and employees.

Property Location:

822 and 825 North 49th Street



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #8 Commissioner: Andrew Davis		
Existing Zoning:	A-G Agriculture and R-1 Single Family Districts		
Adjacent Zoning:	North:	R-1 Single Family, C-1 Limited Business and CP-2 Planned General Business Districts	
	South:	R-1 Single Family and MP-1 Planned Light Industrial and Industrial Park Districts	
	East:	R-1 Single Family District	
	West:	R-1 Single Family and C-1 Limited Business Districts	
Adjacent Uses:	North:	Grace Temple Baptist Church, Neighborhood Resource Center, and Aldi's grocery store	
	South:	Forest View Landfill (closed) and Twin Traffic	
	East:	Single family homes and undeveloped lots	
	West:	UG Fleet Services, Hilltop Saddle Club, and a single-family home	
Total Tract Size:	36.80 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates this property as Mixed-Use, which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, etc., parks, plaza, open space, and mixed-density residential uses. A Master Plan Amendment has been filed to Industrial, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, mining/mineral extraction, and limited related commercial and services uses such as truck stops, service stations, convenience stores, etc.		
Major Street Plan:	The Major Street Plan classifies Muncie as a Collector Street and North 50 th Street and Armstrong Avenue as Local Streets.		
Required Parking:	Sec. 27-4670(f) In no case, however, shall less than one (1) space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet parking required for increments over 50,000 square feet will be		

determined by the Director of Planning. 143 visitor and employee parking spaces are provided.

Advertisement: The Wyandotte Echo – Change of Zone - October 20, 2022; Master Plan Amendment – October 20, 2022
Letters to Property Owners – Change of Zone – October 21, 2022; Plat – October 21, 2022; Master Plan Amendment – October 21, 2022

Public Hearings: November 14, 2022 and December 1, 2022

Public Support: None to date.

Public Opposition: None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Lotz on behalf of the Unified Government Water Pollution Control and KCKPD, is seeking a Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, Preliminary Plat three (3) lots and build two (2) buildings totaling 77,314 square feet, and a Master Plan Amendment to the City-Wide Master Plan from Mixed-Use to Industrial to allow evidence and tow lots on the property on 36.80 acres.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The area is predominately rural in nature, however there are various UG offices and buildings in the surrounding area, specifically to the north and west. This

area is shifting to more industrial uses with Twin Traffic expanding to the southeast and existing industrial zoning further to the southeast.

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 office functions are compatible with the surrounding properties; however, the proposed evidence lot and tow lot are not compatible with the residential properties to the east.

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

Under the current zoning, the properties are suitable for single family homes and low impact uses. The removal of the restrictions with the rezoning may affect nearby residential properties if the specific performance standards are not strictly followed. While this site was formerly a dirt fill site and dust was an on-going problem during that operation, the addition of KCKPD and Water Pollution Control office buildings and tow lots will eliminate those issues because the existing impervious surfaces will be landscaped or paved instead of its current condition of gravel and broken pavement.

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

The length of time the properties have been vacant range from decades to a few months.

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 this property will be used to support public safety by supporting the KCKPD and Public Works Department – Water Pollution Control Division. If the existing tree stands can be preserved, the outside storage lots and buildings are properly screened from public view and the surrounding residences, and the overall development can blend in with the existing topography, then it may not injure the visual quality or marketability of nearby property and the rural character of the area.

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 will increase traffic on Armstrong Avenue and Muncie Drive because employees will occupy the CSI laboratory building and Water Pollution Control Office and Service Center to provide office and administrative space, maintain equipment and vehicles.

Pedestrian circulation to State Avenue transit corridor and across the site is imperative.

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

The proposed uses do not conform to the Master Plan, therefore a Master Plan Amendment from Mixed Use to Industrial has been filed, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, mining/mineral extraction, and limited related commercial and services uses such as truck stops, service stations, convenience stores, etc.

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

The proposed use should not cause environmental harm because a detention pond is proposed to the south, which will capture runoff before it is discharged into the storm sewer system. The tow lot will need stormwater quality enhancements to ensure that fluids are not released into the storm sewer prior to being treated. If the site is developed to preserve the eastern tree stands, maintain grading, and implement stormwater best management practices, replace trees removed, the new uses could enhance the existing environment.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Fire Station #2 located at 62nd Street and State Avenue.

f. Transit

Kansas City ATA provides service along State Avenue, Route #101 with a transit stop proposed at the intersection of 50th Street and State Avenue, approximately 750 feet to the north.

g. Schools

Public education is provided by Kansas City, Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a minimal economic impact on the community as these properties will be tax exempt.

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

The proposed use is capable of meeting applicable ordinance and other requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they are currently proposing.

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 development can be used safely without danger to health, flood, or erosion. Excessive noise, parking lot and building lighting, and headlights will be further mitigated by landscaping and using the existing site topography to hide the site from Muncie Drive and Armstrong Avenue.

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

The Major Street Plan classifies Muncie Drive as a Collector Street and Armstrong Avenue as a Local Street. Internal circulation will be designed 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. A direct pedestrian access to Armstrong Avenue is required.

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

The building and streets will be arranged as to afford adequate light and open space to facilitate fire protection because substantial screening vegetation will be planted and kept, and existing ridgelines and trees stands preserved along Muncie Drive, Armstrong Avenue, and the eastern and southern property lines.

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

Staff had previous conversations with the Applicant to shield and screen the overall development from Muncie Drive, Armstrong Avenue, and the residences to the east by using the existing topography and vegetation on site.

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

This development is for Unified Government and KCKPD personnel. There are no facilities for schools, parks, playgrounds, and other community services due to the perimeter security fencing on site to enclose vehicles, equipment and KCKPD evidence.

PREVIOUS ACTIONS

1. SP-2017-74 was approved by the Unified Government Board of Commissioners on March 1, 2018 for site remediation from the dirt fill operation.
2. SP-2015-52 was approved by the Unified Government Board of Commissioners for dirt fill and recyclable materials site on October 1, 2015.
3. SP-2013-10 was approved by the Unified Government Board of Commissioners for dirt fill and recyclable materials site on March 1, 2013.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Preservation of Ridge Lines, Vegetation and Natural Features
Noise, Smell, and Visual Impacts
Compliance with the Sidewalk and Trails Master Plan
Landscaping and Screening
Traffic
Lighting and Glare
Construction Traffic, Noise, Glare and Staging
Future Industrial Use Conflicts
Pedestrian Circulation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-040** and Master Plan Amendment **MPL2022-025**, subject to:

1. If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code;
2. By instrument of the final plat, North 49th Street, south of Armstrong Avenue, and Ann Avenue shall be vacated, so the Unified Government does not have to maintain the street;
3. Continue the public sidewalk along the north side of Armstrong Avenue, to the east entrance/exit in front of the CSI Lab building and connect to the internal sidewalk;
4. Truck traffic on Muncie Drive should be controlled. Additional signage shall be posted. Coordination with truck drivers to the facility is required;
5. The laydown area, south of the Water Pollution Control building shall have paved (concrete or asphalt) drive aisles and the storage pads for equipment or materials may be asphalt millings;
6. Staff recommends retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three (3) feet above the highest point of the roof;
7. Per Building Inspection Department:
 - a. Caution is advised as part of this property may have been a prior fill site;
8. Downspouts shall be consolidated and painted to match the building or a compatible color to the adjacent wall color;
9. Barbed wire fencing shall be oriented inwards toward the property rather than out towards the public right-of-way or adjacent residential uses;
10. The automatic gate shall be similar to the proposed fencing that it connects into;
11. Protect existing ridge lines and vegetation within the development to further assist in screening the development from Muncie Drive, Armstrong Avenue, and the residents to the east, in addition to preserving existing trees stands and underlying vegetation on site. The vegetation that runs

- along Armstrong Avenue shall screen the evidence lot from public view. The tree stand along the east property line shall be preserved to screen the residences from the KCKPD evidence and tow lots. This will help save money on future landscaping by not having to plant, irrigate and maintain new trees due to the removal of existing old growth trees during the land disturbance and grading process;
12. The areas around detention basin A and B shall be redesigned to include reforesting areas that were lost due to grubbing and grading, minimize grading, and preserve existing tree stands;
 13. The open area west of Lot 1 (Water Pollution Control Service Center) between Hilltop Saddle Club and the single-family home, preserve in perpetuity as open space. Reforest the area, minimize the grading and redesign to preserve the tree stand and record an open space deed, or at the very least note on the plat as to be preserved in perpetuity;
 14. The tree stands east of the CSI building preserve in perpetuity as open space;
 15. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every 32 feet running;
The site for the proposed development is 36.80 acres, 160 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-3 Planned Heavy Industrial District;
 16. 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;
 17. All landscaping shall be irrigated;
 18. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 19. 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 or an opaque enclosure (wood pickets or metal paneling). Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building where possible or by architectural screens such as opaque, textured, or perforated panels. Exhaust fans/hoods and vents should be screened and

- located in the rear and sides of the roofs, so these penetrations do not project above the roofline and are not visible from public view (North 50th Street, Armstrong Avenue and Muncie Drive);
21. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. All utilities mounted on the wall must be painted to match the building. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
 22. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
 23. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
 24. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 25. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations;
 26. No heavy, construction truck traffic other than employee parking traffic (i.e., restrict) off Muncie Drive;
 27. Dust/dirt, trash, noise, vibration, glare must be minimized to not be intrusive to the single-family residences that border the site to the east and west;
 28. 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;
 29. All existing and future driveways must feature curb cuts that are constructed to UG standards;

30. 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;
31. 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;
32. 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,
33. 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 **COZ2022-040** and **MPL2022-025**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Plat/Site Plan
Grading Plan
Landscape Plan

Sight Line Cross Section
Photometric Plan
Floor Plan
Building Elevations
Site Photography provided by Staff Dated May 20, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	
Public Hearing	November 14, 2022	Not Required
Preliminary Plat	Approved	
Public Hearing	November 14, 2022	December 1, 2022
Master Plan Amendment	Approval	

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

MOTIONS

Master Plan Amendment Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-025**, as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-025** 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 **COZ2022-040** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to

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

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-040** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 3:13:40:

MASTER PLAN AMENDMENT APPLICATION MPL2022-025 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS – SYNOPSIS: Master Plan Amendment from Mixed-Use Commercial (City-Wide Master Plan) to Industrial (City-Wide Master Plan) at 822 and 825 North 49th Street.

CHANGE OF ZONE APPLICATION COZ2022-040– DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS - SYNOPSIS: Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District for Water Pollution Control offices and vehicle storage and Police CSI crime lab and parking for storage of vehicles at 822 and 825 North 49th Street.

PLAT2022-036 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS – SYNOPSIS: Preliminary Plat to combine three (3) residential parcels and create one (1) industrial parcel at 822 and 825 North 49th Street.

Detailed Outline of Requested Action: The applicant, David Lotz on behalf of the Unified Government Water Pollution Control and KCKPD, is seeking a Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, Preliminary Plat three (3) lots and build two (2) buildings totaling 77,314 square feet, and a Master Plan Amendment to the City-Wide Master Plan from Mixed-Use to Industrial to allow evidence and tow lots on the property on 36.80 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- David Lotz, applicant, Continental Consulting Engineers, Inc., 11006 Parallel Parkway, Kansas City, Kansas 66109
- Peter Ho

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:26:25: Planning Director Hand stated that Staff has received no letters in support nor in opposition. There are no Notices of Violation. The property is located in the City-Wide Master Plan in the Midtown area. The request is for the more intensive industrial district as it is for a tow lot. If the property is sold in the future, a deed restriction shall be placed on the property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code. Director Hand stated he will address the proposed deviations by the applicant:

#3 – Sidewalk is identified in the goDotte Mobility Plan strategy. Other developers are required to follow this requirement. Staff does not recommend approval of the deviation.

#6 – Does not require any action by the applicant. This is something to think about for the future.

#8 – This is a requirement that downspouts are internalized, but the condition can be modified to state that the external downspouts painted to match is acceptable.

#20 – This can be changed to just require screening.

Motion starts at 3:30:35:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-025:**

#3 – Deviation is denied

#6 – Deviation is denied

#8 – Deviation for external downspouts painted to match the building is approved.

#20 – Modification for the parapet alternative is approved.

Carson	Chairman
Pauley	Not Present

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

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

Subject to:

1. If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code;
2. By instrument of the final plat, North 49th Street, south of Armstrong Avenue, and Ann Avenue shall be vacated, so the Unified Government does not have to maintain the street;
3. Continue the public sidewalk along the north side of Armstrong Avenue, to the east entrance/exit in front of the CSI Lab building and connect to the internal sidewalk;
4. Truck traffic on Muncie Drive should be controlled. Additional signage shall be posted. Coordination with truck drivers to the facility is required;
5. The laydown area, south of the Water Pollution Control building shall have paved (concrete or asphalt) drive aisles and the storage pads for equipment or materials may be asphalt millings;
6. Staff recommends retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three (3) feet above the highest point of the roof;
7. Per Building Inspection Department:
 - a. Caution is advised as part of this property may have been a prior fill site;
8. Downspouts shall be consolidated and painted to match the building or a compatible color to the adjacent wall color;
9. Barbed wire fencing shall be oriented inwards toward the property rather than out towards the public right-of-way or adjacent residential uses;
10. The automatic gate shall be similar to the proposed fencing that it connects into;
11. Protect existing ridge lines and vegetation within the development to further assist in screening the development from Muncie Drive, Armstrong Avenue, and the residents to the east, in addition to preserving existing trees stands and underlying vegetation on site. The vegetation that runs along Armstrong Avenue shall screen the evidence lot from public view. The tree stand along the east property line shall be preserved to screen the residences from the KCKPD evidence and tow lots. This will help save money on future landscaping by not having to plant, irrigate and maintain new trees due to the removal of existing old growth trees during the land disturbance and grading process;

12. The areas around detention basin A and B shall be redesigned to include reforestation areas that were lost due to grubbing and grading, minimize grading, and preserve existing tree stands;
13. The open area west of Lot 1 (Water Pollution Control Service Center) between Hilltop Saddle Club and the single-family home, preserve in perpetuity as open space. Reforest the area, minimize the grading and redesign to preserve the tree stand and record an open space deed, or at the very least note on the plat as to be preserved in perpetuity;
14. The tree stands east of the CSI building preserve in perpetuity as open space;
15. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every 32 feet running;
The site for the proposed development is 36.80 acres, 160 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-3 Planned Heavy Industrial District;
34. 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;
35. All landscaping shall be irrigated;
36. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - b. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
37. 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 or an opaque enclosure (wood pickets or metal paneling). 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;
38. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building where possible or by architectural screens such as opaque, textured, or perforated panels. Exhaust fans/hoods and vents should be screened and located in the rear and sides of the roofs, so these penetrations do not project above the roofline and are not visible from public view (North 50th Street, Armstrong Avenue and Muncie Drive);
39. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. All utilities mounted on the wall must be painted to match the building. 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;
40. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
 41. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
 42. 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;
 43. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations;
 44. No heavy, construction truck traffic other than employee parking traffic (i.e., restrict) off Muncie Drive;
 45. Dust/dirt, trash, noise, vibration, glare must be minimized to not be intrusive to the single-family residences that border the site to the east and west;
 46. 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;
 47. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 48. 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;
 49. 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;

50. 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,

51. 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 Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-040:**

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

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

Subject to the above conditions

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2022-036:**

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

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

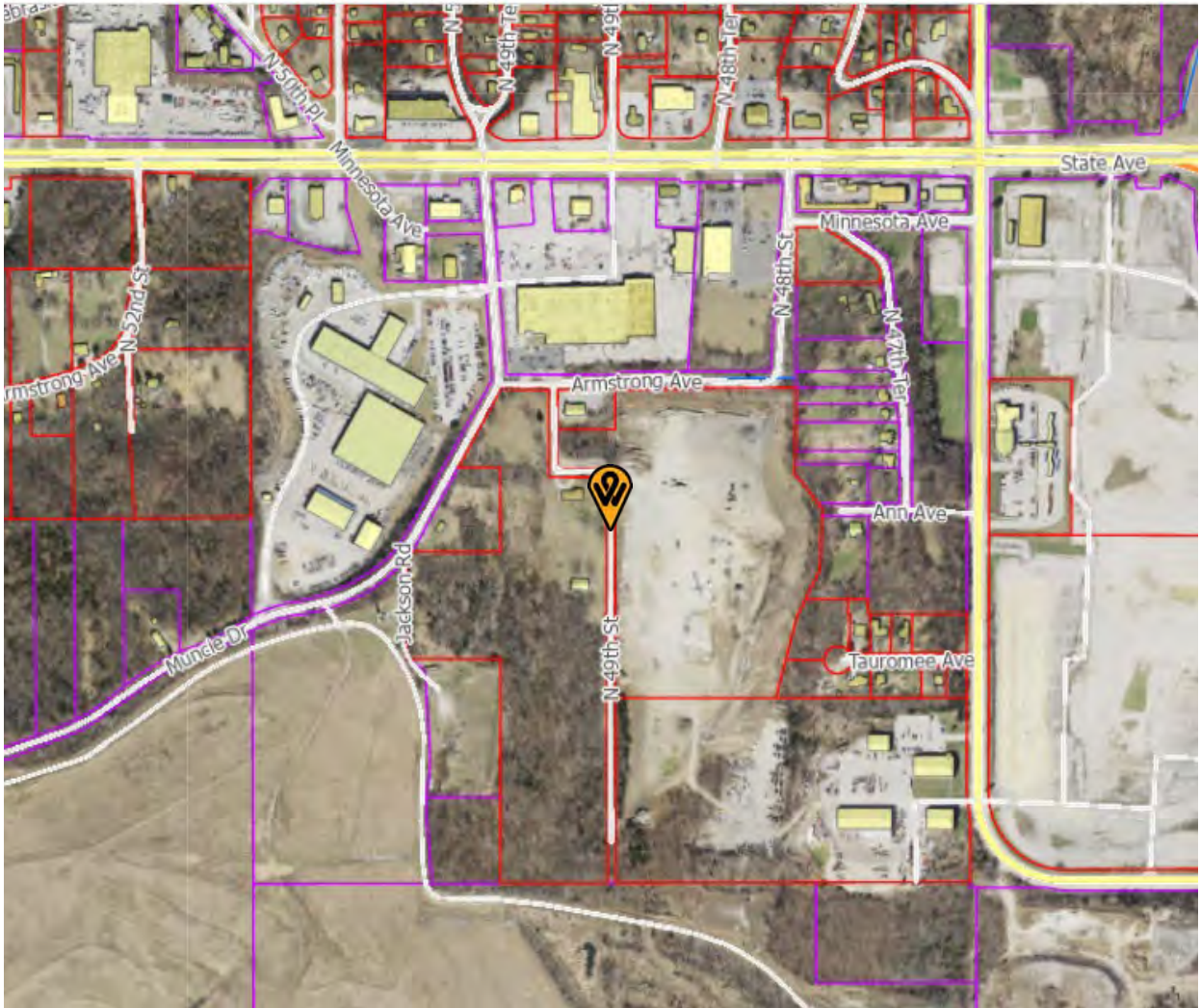


Figure 1. Aerial Map of 828 proposed development site (provided by UG Maps).

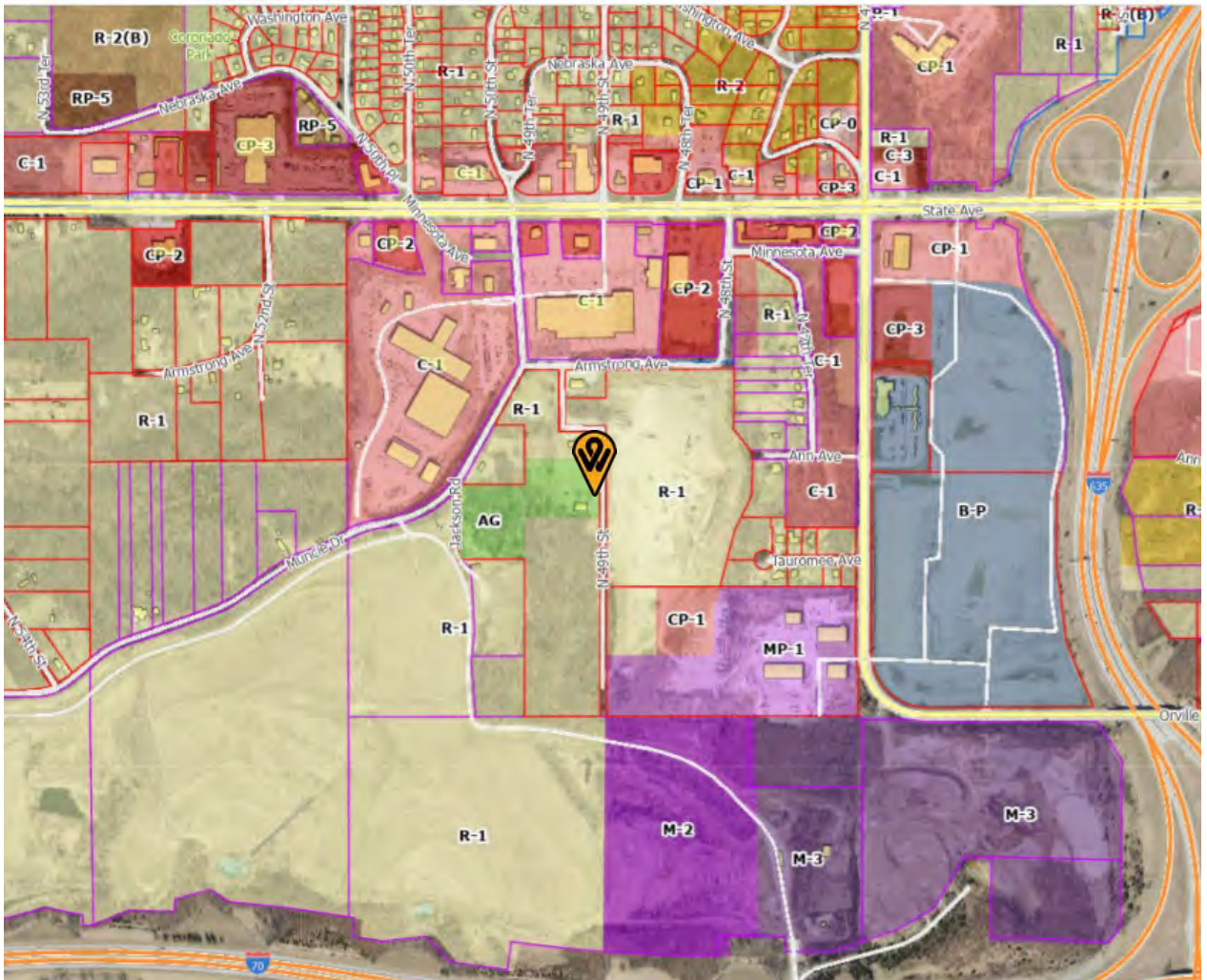


Figure 2. Zoning Map of proposed development site (provided by UG Maps).



Figure 3. City-Wide Master Plan Land Use Map of proposed development site (provided by ArcMap).

Draft Staff Report

Factors to be considered:

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

The Major Street Plan classifies Muncie Drive and Armstrong Avenue as Local Streets. Internal circulation will be designed 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. A direct pedestrian access to State Avenue is required. *The Building and Logistics Department staff will review and discuss with the Planning Department on how best to secure funds to complete the request.*

Planning and Urban Design Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. *Understood.*
2. If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code. *Understood.*
3. By instrument of the plat, North 49th Street, south of Armstrong Avenue, and Ann Avenue shall be vacated, so the Unified Government does not have to maintain the street. *Understood.*
4. Continue the public sidewalk along the north side of Armstrong Avenue, to the east entrance/exit in front of the CSI Lab building and connect to the internal sidewalk. *The Building and Logistics Department staff will review and discuss with the Planning Department on how best to secure funds to complete the request.*
5. Truck traffic on Muncie Drive should be restricted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required. *The existing Muncie*

drive experiences little traffic; the primary user of this route is the U.G. Fleet Center, which includes all types and sizes of vehicles. Likewise, this facility is conveniently located with ease of access to I-70 via Muncie Drive so that both towed vehicles and Water Pollution Control vehicles can use Muncie Drive. We request the truck traffic restriction be removed from the Staff Report.

6. The laydown area, south of the Water Pollution Control building shall have paved (Concrete or asphalt) drive aisles and the storage pad for equipment or materials may be asphalt millings. **Understood.**
7. Staff recommends retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three (3) feet above the highest point of the roof. **The Project Budget does not include additional funds to support solar arrays. The Building and Logistics Department staff will review and discuss with the Planning Department on how best to secure funds to complete the request.**
8. Per Building Inspection Department:
 - a. Caution is advised as part of this property may have been a prior fillsite. **Acknowledged and note that geotechnical investigation has been completed and has specified recommendations unique to the site conditions.**

Building Architecture:

1. Downspouts shall be internalized.

CSI Building: Due to the functions of the CSI Building, the most cost-efficient structural system is a pre-engineered metal building system. With this type of system, the roof is sloped to the eaves where the water is collected and drained by exterior gutters and downspouts. In order to make them less obtrusive, they will be finished to match the building/roof.

Water Pollution Control Building: Due to the function of the Water Pollution Control Building, the most cost efficient structural system for large bay spacing is a pre-engineered metal building system. With this type of system, the roof is sloped to the eaves where the water is collected and drained by exterior gutters and downspouts. In order to make them less obtrusive, they will be finished to match the building/roof.

Landscaping and Screening:

1. Barbed wire fencing shall be oriented inwards toward the property rather than out towards the public right-of-way or adjacent residential uses. **Understood.**
2. The automatic gate shall match the proposed fencing. **We will evaluate this design with Final Plans.**
3. Protect existing ridge lines and vegetation within the development to further assist in screening the development from Muncie Drive, Armstrong Avenue, and the residents to the

east, in addition to preserving existing trees stands and underlying vegetation on site. The vegetation that runs along Armstrong Avenue shall screen the evidence lot from public view. The tree stand along the east property line shall be preserved to screen the residences from the KCKPD evidence and tow lots. This will help save money on future landscaping by not having to plant, irrigate and maintain new trees due to the removal of existing old growth trees during the land disturbance and grading process. **It is always our goal to preserve as many trees as possible, especially those adjacent to residential properties or the traveling public. Additional trees will be incorporated where necessary to supplement existing trees to remain.**

4. The areas around detention basin A and B shall be redesigned to include reforestation areas that were lost due to grubbing and grading, minimize grading, and preserve existing tree stands. **It is always our goal to preserve as many trees as possible. The only trees to be removed with Detention Basin "A" are those required for construction of the basin. A significant number of trees will remain around the basin following this construction. The trees around Detention Basin B were wiped out by a prior landowner. We have added significant trees around the perimeter of Detention Basin B where adjacent to other landowners.**
5. The open area west of Lot 1 (Water Pollution Control Service Center) between Hilltop Saddle Club and the single-family home, preserve in perpetuity as open space. Reforest the area, minimize the grading and redesign to preserve the tree stand and record an open space deed, or at the very least note on the plat as to be preserved in perpetuity. **The area in question is not being altered with the current plan, no grading or removal of vegetation.**
6. The tree stands east of the CSI building preserve in perpetuity as open space. **Many of the trees east of the proposed CSI building were wiped out by a prior landowner. We will attempt to preserve as many trees as possible while maintaining a slope that is safe and maintainable. New trees have been added with the proposed landscape plan.**
7. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. **This has been provided as detailed on the landscape plan. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. We have provided a combination of trees and screening fence to comply with this requirement. Where fencing is significantly separated from adjacent residential, we have provided a screen fence but have excluded masonry pilaster. We request the fencing plan submitted be approved as submitted.**
The site for the proposed development is 37.25 acres, 162 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-3 Planned Heavy Industrial District. **Understood.**
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. **Understood.**
9. All landscaping shall be irrigated. **Understood.**
10. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times. **Understood. The trash receptacles for the both facilities will be located inside the screen fenced area and additional screening should not be required. Details for all**

trash enclosures are included in the original submission package.

11. 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. **Understood. Many of the above-ground utility items will be located behind the screen fence in lieu of having adjacent landscape screening.**
12. 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 does not meet this standard. **The only rooftop equipment will be exhaust fans/hoods and vents. There are not RTU's or other large mechanical equipment on the roof. We request approval on the exhaust fans/hoods and vents without the addition of a building parapet.**
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. **Understood.**
14. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. **Understood. The lighting specified and photometrics shown on the documents show how this stipulation will be met.**
15. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. **Understood. The lighting specified and shown on the documents are 90-degree cutoff fixtures.**

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. **Understood.**

Construction:

1. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or

asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations. **Understood.**

2. No heavy, construction truck traffic other than employee parking traffic (i.e., restrict) off Muncie Drive. **The UG Buildings & Logistic Department will work with the contractor to limit the use of construction vehicles on Muncie Drive during the construction phase of the project.**
3. Dust/dirt, trash, noise, vibration, glare must be minimized to not be intrusive to the single-family residences that border the site to the east and west. **Understood.**

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None. **No response required.**
- B) Items that are conditions of approval:
 - 1) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition. **Understood.**
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None. **No response required.**

If any further information is required at this time, please let us know.

Sincerely,

Continental Consulting Engineers, Inc.



David S. Lotz, P.E.
Senior Civil Engineer

dl@ccengineers.com

Enclosures: Sight-line Sections from Perimeter of the Site
Alternate Building Elevation Drawings for Water Pollution Control Facility

Cc: John Kelly, Unified Government, Building and Logistics
Kevin Swearengen, Unified Government, Water Pollution Control Division
Peter Ho, CBC Real Estate Group

Neighborhood Meeting Minutes

Petition # COZ2022-040/MPL2022-025/PLAT2022-036

Date: October 31, 2022

Location: Via Zoom

Meeting called to order at: 5:00 p.m.

Names of people in attendance:

Project Team

1. David Lotz, P.E., Continental Consulting Engineers
2. Phil Gibbs, Jr., P.E., Continental Consulting Engineers
3. Andrew Talkin, Continental Consulting Engineers
4. Peter Ho, (CBC Real Estate Group)
5. John Kelly, Unified Government (Director Buildings and Logistics)
6. Laura Landis, Unified Government (Buildings and Logistics, Architect Manager)
7. Ken Plautz, Wellner Architects, Inc. (Architect Police CSI Building)
8. Dave Hendrikse, AIA, Rosemann & Associates AIA (Architect Water Pollution Control Bldg.)

Other Attendees

9. Roy L. Jackson, Pastor Grace Church, 4900 Armstrong Avenue, Kansas City, Kansas 66102
Phone Numbers: 913-413-0043 (Church), 913-645-7919 (Cell)
Email: revroygtbc@gmail.com

We received calls from the following individuals prior to the Neighborhood zoom Meeting

10/24 Brigitte Foster, 4733 Tauromee Avenue, Kansas City Kansas, 66102

1. Why did I receive this notice? **Your home is within 200' of improvements proposed by the Unified Government on Property to the west of you.**
2. I don't have zoom, can you tell me a little bit about the project? **The Unified Government is planning on building 2 buildings, one for the Water Pollution Control Department and one for a Police CSI building. The buildings are some distance from your home and will generally be shielded with an 8' high opaque fence to be located interior to the project. Landscaping will be provided around the perimeter of the fence. Two detention basins will be created to treat stormwater before it is released into the adjacent streams. One is located to the south of the Water Pollution Control building and one south of the CSI building along the southern property line. Access to the project will be off Armstrong to the north.**
3. She was instructed that the Planning Commission meeting would on Monday, November 14, 2022 and a subsequent Board of Commissioners meeting would be on Thursday, December 2, 2022.

10/27 Made Lourdes Contreras-Garcia, 4744 Tauromee Avenue, Kansas City, Kansas

1. I was contacted by the husband of the property owner (Gerarvo Salvazor).
2. He was interested in help with a Special use permit on the property. He had been approached by Robert Morgan from the Unified Government Codes department and was told to cease filling on his property, obtain an engineer, provide plans and seek a special use permit if was going to operate a business from the property.

3. At the request of the property owner, I have placed a call to Robert Morgan to see if I can understand his perspective on the owner's property and how we can help facilitate the Special Use permit for the owner.

Presentation by David Lotz:

We have filed an application for Rezoning, Master Plan Amendment and a Preliminary Development Plan/Plat to construct two buildings for the Unified Government, one for Police CSI operations within the City/County, and one for Water Pollution Control.

This is a Neighborhood Meeting for the Unified Government Water and Pollution Control Building and Police CSI building.

At this point, we have one individual in the meeting who is not part of the design team.

Introduction of Project Team Members

John Kelly, Director of Buildings and Logistics

Peter Ho, CBC Real Estate/Land Acquisition & Project Manager

Dave Hendrikse, Rosemann Architects

Julie Wellner and Ken Plautz, Wellner Architects.

David Lotz, Phil Gibbs Jr., and Andrew Talkin, Continental Consulting Engineers, Inc.

The site plan was placed on the screen for discussion purposes.

Presentation was started.

Peter Ho confirmed that Pastor Jackson was on the zoom meeting.

John Kelly asked Continental to confirm that no other attendees were waiting to get into the meeting. This was confirmed.

Dave Lotz confirmed that Pastor Jackson could see the screen. He confirmed.

John Kelly asked David Lotz to have individuals who join the meeting provide their name and address.

Laura Landis, Unified Government joined the zoom meeting by phone

Water Pollution Control building is due south of the church. It is the upside down F.

To the east of the Church is the Police Crime Scene Investigation Building.

We will go over each building separately.

Water and Pollution Control Building

The water pollution control building to the south of you is approximately 62,000 SF in size.

The use for the building is to house 40 to 45 people from the water pollution control department in offices located on the north side of the building

Parking for office staff will be due west of the office area. There are approximately 80 spaces to the west of the building

The remainder of the building will be utilized for the interior storage of water and pollution control vehicles. During the winter months, some of the fluids stored in the vehicles need to be stored in a warm environment.

There is a laydown area to the south of the building, approximately 2 acres in size. This will be used for the storage of materials and potentially some equipment.

To the east of the water pollution control building up along Armstrong is the police CSI Lot.

Armstrong is the greyed out paving to the north of the church. As part of this project we are going to improve Armstrong to like new conditions. Both buildings will have access of Armstrong either via Muncie/50th Street to the west or 48th Street to the east.

Police Crime Scene Building

Police CSI building is approximately 15,500 SF in size.

There will be 4 parking spaces to the north of the building for visitors and cleaning staff.

The remainder of the parking will be south of the building. There will be 10 parking spaces for the building staff and another 80 spaces for vehicles towed to the crime scene lab.

The crime scene lab is a 24-hour operation. Little to no staffing in the evening. The building is generally open from 8:00 a.m. to 5:00 p.m. with a maximum staff of around 8 employees during the day time.

The reason it is a 24-hour operation is that crimes can happen at any point during the day and the vehicles must be secured.

The water and pollution control building will generally be open from around 6:30 a.m. to 5:00 p.m. Field personnel will arrive around 6:30 a.m. and depart by 3:30 p.m. Office personnel will arrive around 8:00 a.m. and depart by 5:00 p.m.

This project was originally going to be a tow lot for entirety of the City but that aspect has been removed from the project.

There is a secured fence located around the perimeter of both buildings. Some portions of the fence will be opaque. The only portion of the fence being contemplated otherwise is just south of the laydown area where a chain link fence is being considered. The fence will have barbed wire located at the top of the fence with the barbed wire pointed inward.

It was reiterated that all access to the property is via a singular drive off Armstrong to the north.

49th Street to the west of the Church is currently a public street but that will be vacated with ½ the road right-of-way going back to the Church and ½ of the road right-of-way going back to the City. The church access will continue to be off Armstrong.

Detention basins A and B will be constructed to the south and southeast of the project to control storm water runoff and treat storm water before it is release into adjacent water ways.

Construction Start around January 2023 with a 14/15 month construction time frame ending likely in April/May 2024.

Building Elevations

Building elevations for Police CSI building were shown.
It was identified to have some brick coursing.
Entry located on the northwest corner of the building.
Enclosed bays for processing

Open bays for vehicles waiting to be processed.

All function of the CSI operation located behind opaque fence other than office area. Opaque fence is 8' in height and other areas of the building only visible above this elevation.

Building elevations for Police Water Pollution Control building were shown.

Identified this building as being generally south of the church.

Office area at the north end of the building closest to the church.

Bays for vehicles to park inside the building both on the east/west side of the building.

Elevation for both buildings to be made to appear similar, i.e., materials and colors.

The site plan was placed back on the screen.

The presentation was completed and the floor was opened to questions/comments.

Pastor Jackson Questions:

1. Will the project no longer to have a city tow lot for general towing? Dave Lotz confirmed that to be the case.
2. What is the purposed of Lot 1? Will it be used as City Truck Storage? Dave Lotz indicated that Lot 1 is the Water Pollution Control building, associated paving, and laydown area. City vehicles will generally park inside the building with the exception of the laydown area to the south. Potentially, equipment and materials will be stored on the laydown area. Lot 1 wraps the church area. At this point, we are not planning on doing anything outside what is shown on this drawing other than grading. We will try to leave as many trees as possible.
3. What will be the setback for the fencing on Lot 1 to the west of the church? Dave Lotz indicated the north was to the right on the drawing and that the pastor was likely asking about the fencing south of the church. Phil Gibbs Jr. indicated that the fencing adjacent to the church was shown in red on the drawing and the fence is tighter to the paved area.
4. What is represented by the lines with R/W going through them? Dave Lotz indicated that was the road right-of-way. Dave Lotz further indicated the fencing was shown in red south of the church to indicate a particular fence type but other colors were used to indicate other fence types. The fence behind the church would have pilaster located every 32'. Pilasters are an approximate 2' x 2' column to provide definition to the fence and make it somewhat attractive.
5. Will there be a phase 2. Dave Lotz indicated the answer to the question was no but something in the future could happen. This would require the City to go back through the Planning approval process.
6. Will the church be required to implement anything as a result of the zoning change since we are within 200' of the new zoning? The answer is no as the church is not being rezoned. Dave Lotz indicated that as part of the plan we were going to improve Armstrong. This would include paving but no curb and gutter. The proposed improvements will impact site access to the church and we would like to further sit down with you and discuss this aspect of the project.
7. Will there be any signage on lot 1 to direct people down Muncie on where they need to go? Dave Lotz indicated that at this point in time, we are not planning on installing any monument or wayfinding signage. These two facilities as a general rule are not open to the public other than two truck drivers or invited guests. Peter Ho indicated that some generic signage may be needed at Muncie and Armstrong. Dave Lotz asked the Pastor why he was concerned about signage. The Pastor wanted to know if there was going to be a neon sign located at the intersection of Muncie and Armstrong? Dave Lotz indicated that there was nothing like that planned.
8. What is the distance was from the church property to the proposed fence south of the church? Peter Ho asked to share his screen. The red fence is located approximately 50' south of the churches south property line. Way finding signage may be needed for the fire department and police department as to be determined. A low monument sign may be contemplated with an elevation approximately 4 to 5 foot above the ground. Dave Lotz indicated that any signage will require a sign permit and will need to be approved by the City.
9. During construction will there be a Sunday quiet zone for a few hours such as between 8:00 a.m. to 12:00 p.m.? Peter Ho indicate that no construction was contemplated on Sunday. Dave Lotz asked if

there were others days of the week that were a concern to the Pastor. He indicated that Wednesday evenings between 7:00 p.m. and 8:30 p.m. would also be nice for a quiet zone. Peter Ho indicated that it was unlikely anyone would be working that late into evenings or on Sunday.

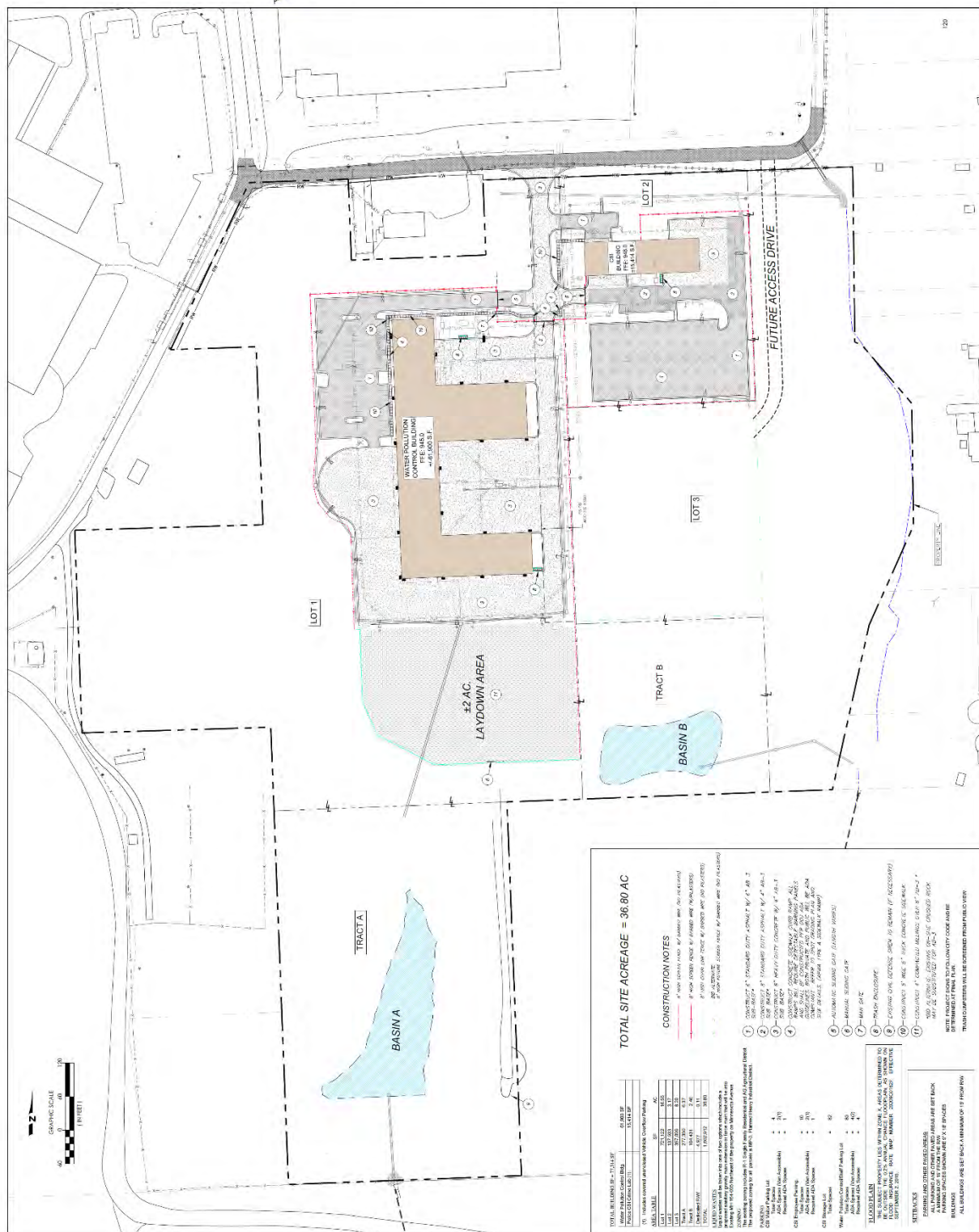
10. The current electricity to the church comes off the pole that is south of the church, who will be responsible for reconnecting power? Peter Ho indicated that our team will work with BPU electric to re-connect your services.
11. Will there be sidewalk added on Armstrong and if so, north or south side of Armstrong? Peter Ho indicated that no sidewalks were being contemplated at this time but we are working through this issue with City Planning.
12. Peter Ho indicated that we have tried to reach out to the church via the phone number on their website but it was no longer working. Could he provide updated contact information? Both a church number, cell number, and email were provided and are listed above.
13. What will be done with the creek that runs behind the church? Dave Lotz indicated that we are not planning on touching the swale running behind the church. We will provide a means to drain this area via a storm sewer pipe located under the main drive entrance to the project.
14. Will there be impact as far as underground utilities? How will they come into the new facilities? A utility plan was shared and Dave Lotz pointed out that new utilities would generally be extended to the project on the east side of the new access drive.
15. Peter Ho asked how sanitary sewer was handled for the church, i.e. a septic field? The pastor indicated that there is an existing septic field located southeast of the church in the grass area and is contained within their property limits. It is in close proximity to the gas meter.
16. Dave Lotz asked if the church had restrooms in the basement? The pastor indicated that they did and it feeds into the septic field.
17. The pastor asked if vacated 49th Street could be improved with new asphalt as a good will gesture to the church? John Kelly confirmed that that Pastor was asking for a new asphalt surface. John indicated that we want to visit in more detail with the Pastor and would explore what the City might be able to accomplish. John Kelly provided 913-573-5330 and that the Pastor could reach out to John or Laura Landis with the City.

Dave Lotz indicated that the Change of Zone/Master Plan Amendment/Preliminary Plat-Plan will be heard at the Planning Commission on Monday, November 14, 2022. If approved, project will be heard before the Board of Commissioners on Thursday, December 1, 2022.

Peter Ho indicated that he should be contacted concerning any additional comments. The Pastor provide his e-mail for Peter to provide his contact information.

Meeting adjourned at: 5:50 p.m.

Minutes taken by: David S. Lotz, P.E.



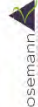
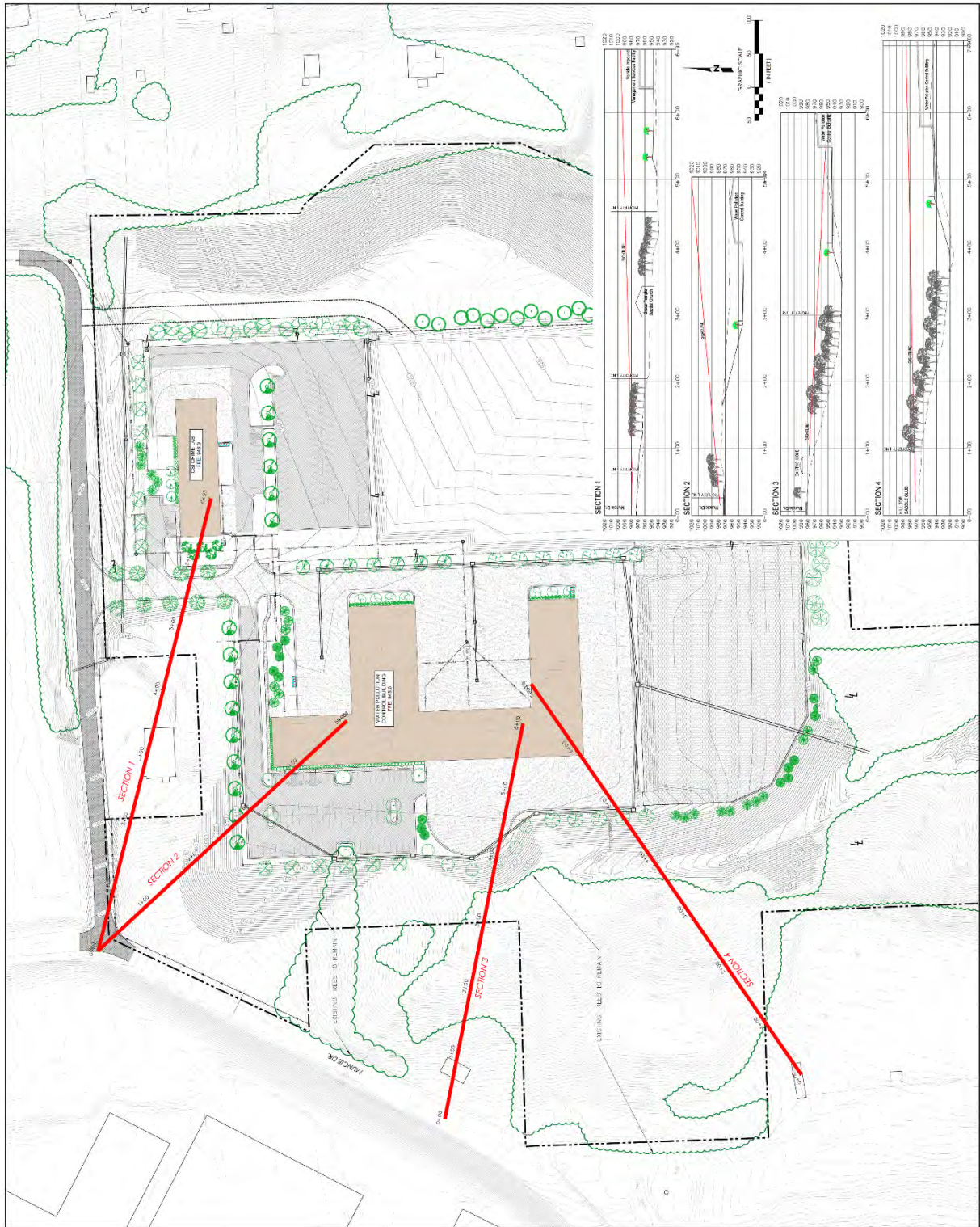


Unified Government Public Facilities #1
 Preliminary Development Plan
 SEPTEMBER 30, 2022



C3.01
 PRELIMINARY
 GRADING PLAN





Unified Government Public Facilities #1
Preliminary Development Plan
SEPTEMBER 30, 2022



L2.01
PRELIMINARY
SECTION SECTIONS



Unified Government Public Facilities #1
Preliminary Development Plan
SEPTEMBER 30, 2022



L2.02
PRELIMINARY
SECTION LINE SECTION





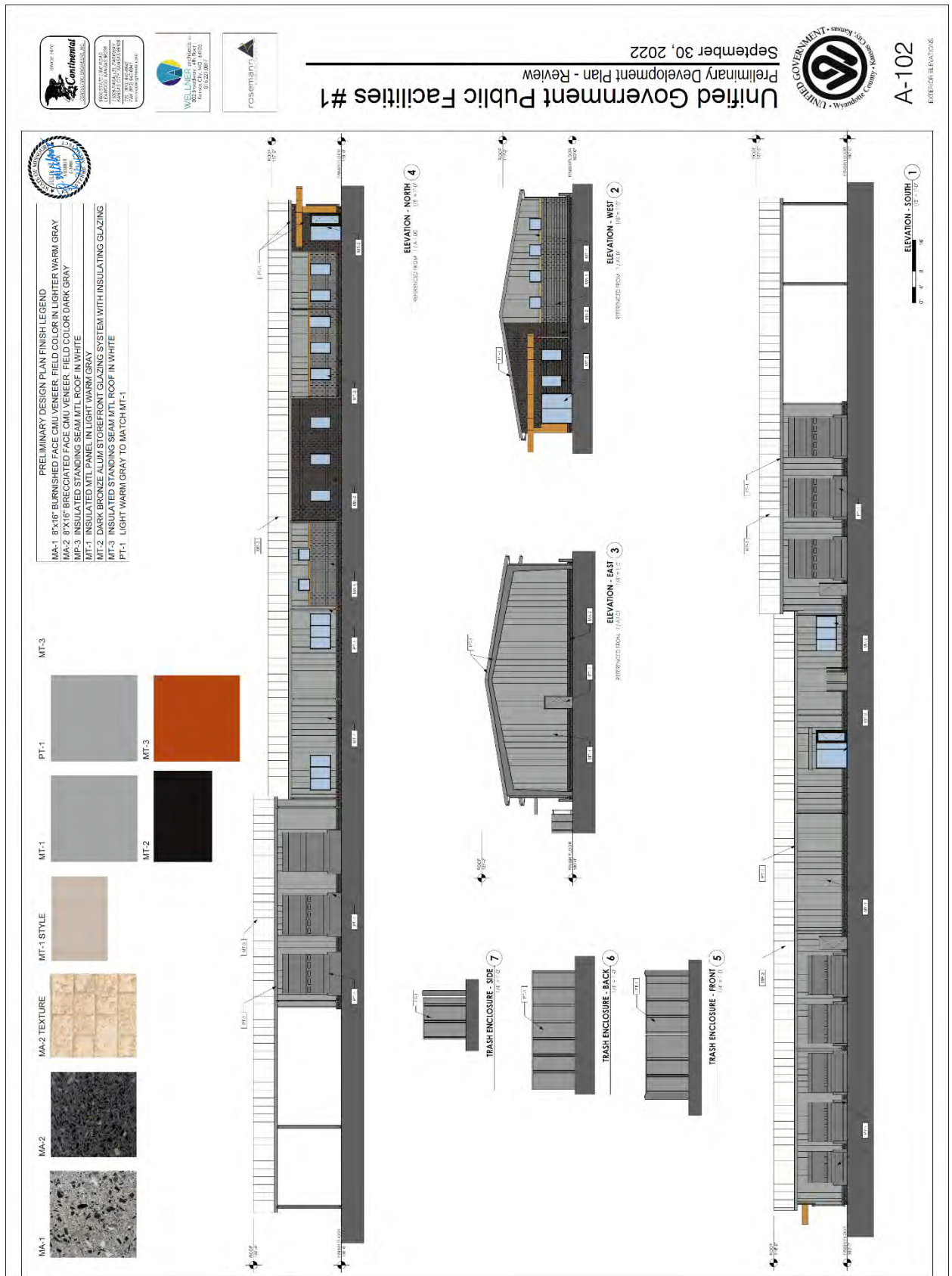
Unified Government Public Facilities #1
Preliminary Development Plan - Review
September 30, 2022

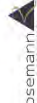


A-101
FLOOR PLAN

FLOOR PLAN
1 OF 12







Unified Government Public Facilities #1
Preliminary Development Plan
SEPTEMBER 30, 2022

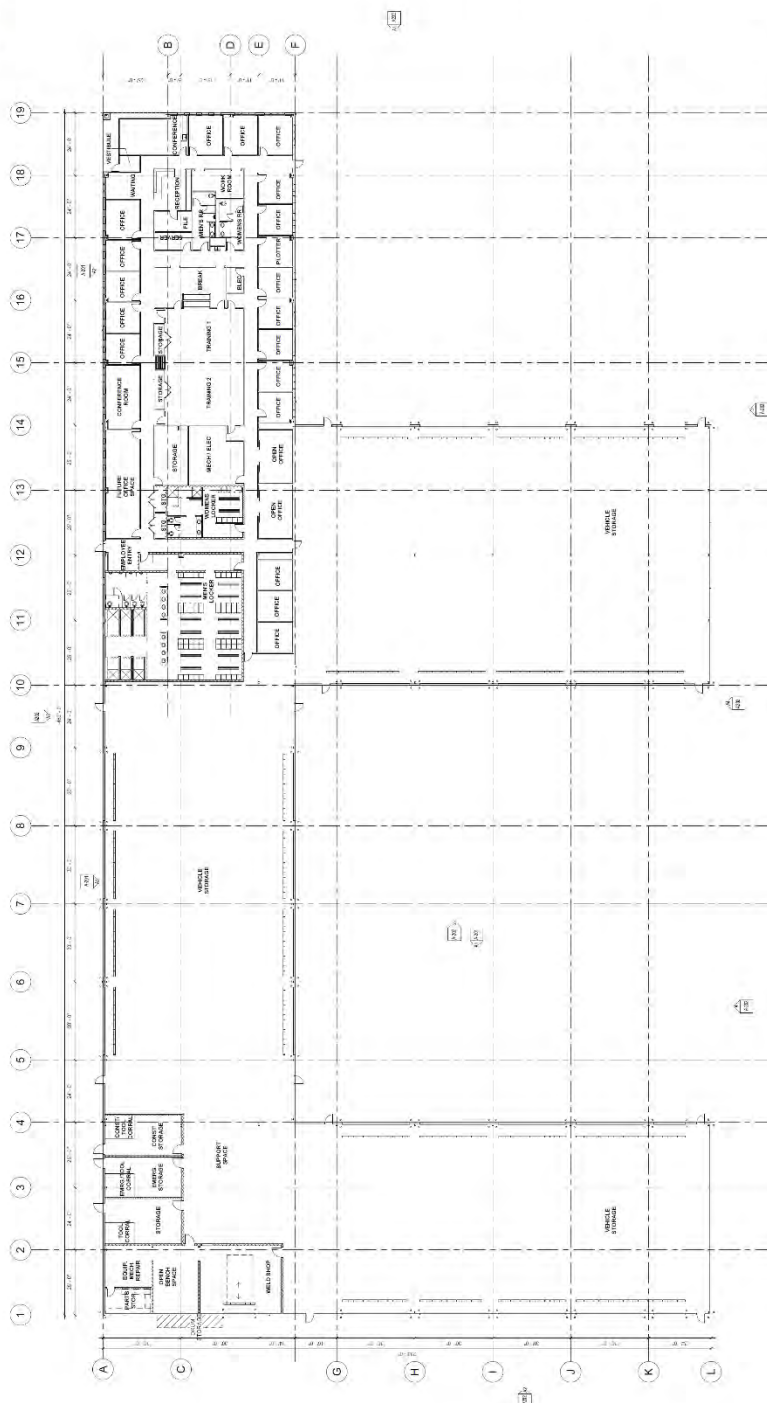


A201

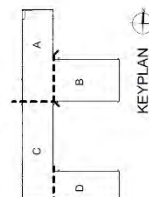
10/20/2022



9/30/22



1 FLOOR PLAN
10/20/22



MATERIAL LEGEND				
AL-2	THERMALLY BROKEN, GALVANIZED, ALUMINUM STOREFRONT WINDOWS WITH INSULATING GLAZING			
MA-2	8" X 16" BRECCIATED FACE CMU VENEER, FIELD COLOR IN DARKER GREY.			
MT-3	PRE-FINISHED SHEET METAL IN DARK BRONZE			
MT-4	PRE-FINISHED SNAP-ON BATTEN SHEET METAL "CRAFTSMAN" IN TUNDRA			
MT-5	PRE-FINISHED CONCEALED FASTENER SHEET METAL "MASTERLINE 16" IN SLATE GRAY			
MT-6	PRE-FINISHED CONCEALED FASTENER SHEET METAL "FW-20" IN CHARCOAL GRAY			
PT-3	HEAVY-DUTY TERIAL SECTIONAL OVERHEAD DOOR AND HOLLOW METAL DOOR AND FRAME IN MEDIUM GREY			



9/30/22

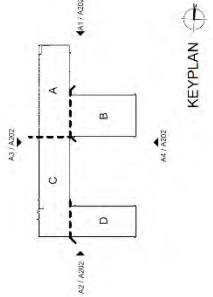
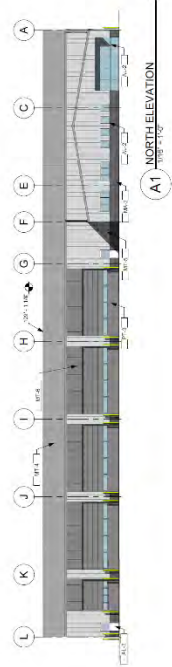
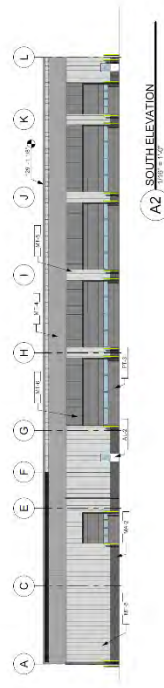
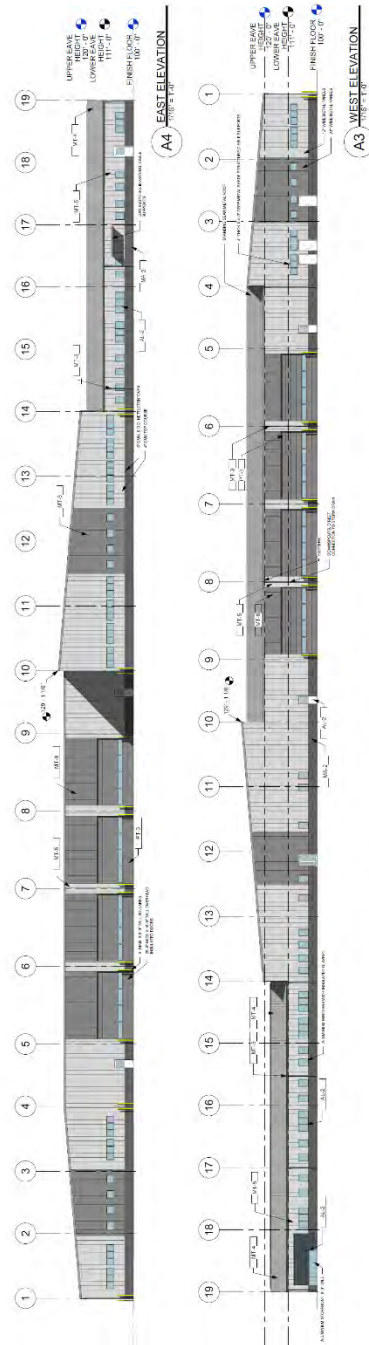


Unified Government Public Facilities #1
Preliminary Development Plan
SEPTEMBER 30, 2022



A202

ELEVATIONS

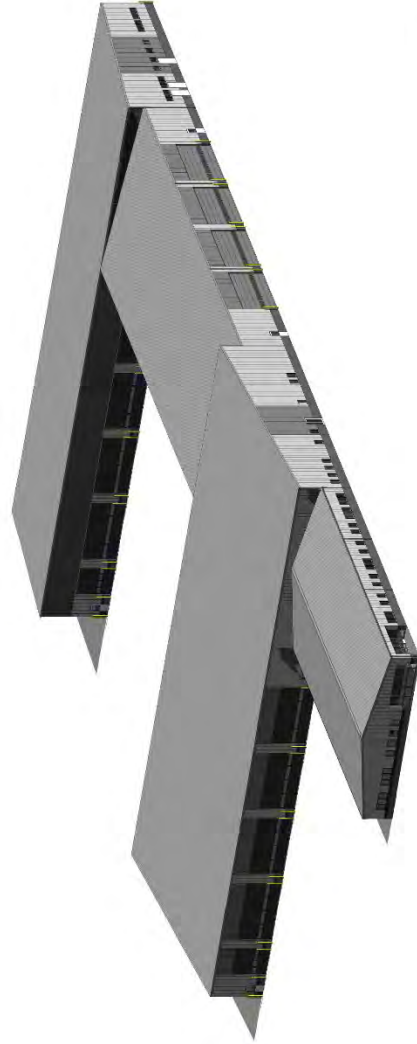




9/30/22



B1 3D VIEW ENTRY



3 3D VIEW (NW CORNER)

Unified Government Public Facilities #1
Preliminary Development Plan
SEPTEMBER 30, 2022



A203

30-00000000



Figure 4. Site Photograph of North 49th Terrace looking south (provided by Staff).



Figure 5. Site Photograph of the development site looking southeast (provided by Staff).



Figure 6. Site Photograph of the development site looking south (provided by Staff).



Figure 7. Site Photograph of the development site looking southwest (provided by 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: December 1, 2022

Re: Petitions COZ2022-041 and PR2022-043

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Actions:

Approval of a Change of Zone from
CP-2 Planned General Business District
to CP-2 Planned General Business
District.

Approval of a Preliminary and Final
Development Plan.

Date of Application:

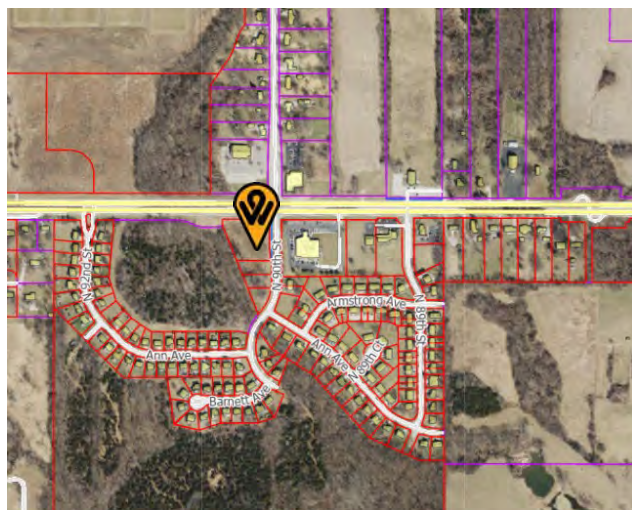
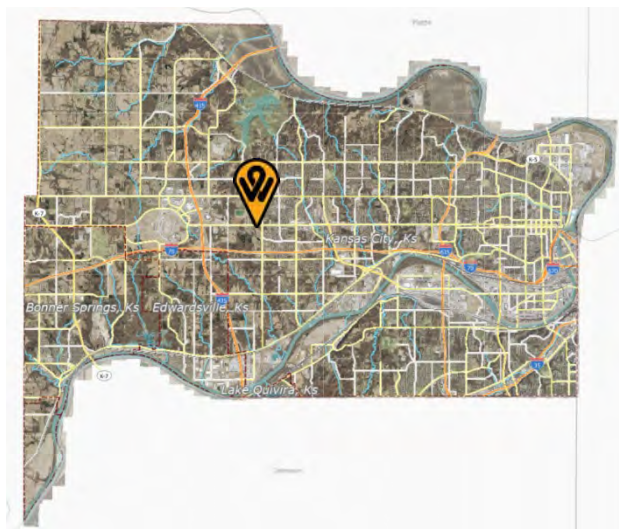
Change of Zone: September 30, 2022
Plan Review: September 30, 2022

Purpose:

To amend a 2013 Change of Zone (COZ
3051) condition of approval and build a
gas station / convenience store.

Property Location:

9001 State Avenue and 936 North 90th
Street



Existing Zoning: CP-2 Planned General Business District

Adjacent Zoning:	North: CP-1 Planned Limited Business District (across State Avenue) South: R-2 Two Family District East: CP-1 Planned Limited Business and R-2 Two Family Districts (across North 90 th Street) West: A-G Agriculture District
Adjacent Uses:	North: Dental office (across State Avenue) South: Undeveloped land and duplexes East: Medical office building (across North 90 th Street) West: Undeveloped land
Total Tract Size:	2.29 acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Commercial, which allows retail and establishments, including restaurants, and hotels.
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare and 90 th Street as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – October 20, 2022 Letters to Property Owners – Change of Zone – October 21, 2022; Plan Review – October 21, 2022
Public Hearings:	November 14, 2022 and December 1, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, is seeking for a Change of Zone from CP-2 Planned General Business District to CP-2 Planned General Business District to amend a condition of approval from COZ #3051 requiring the developer to set aside the southern 15,000 square feet (936 North 90th Street) and establish a Memorandum of Understanding (MOU) with the Foxmoor Neighborhood Association and a Preliminary and Final Development Plan to build a 4,048 square foot gas station/convenience store with six (6) gas pumps on 2.29 acres at 9001 State Avenue and 936 North 90th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. COZ 3051 – Rezoning from CP-1 Planned Limited Business District to CP-2 Planned General Business District to build a gas station and convenience store in 2013.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of duplexes southeast of the subject property. There is an existing commercial business, medical office building across the street, east on 90th Street and a dental office north across State Avenue. State Avenue is a Class A Thoroughfare.

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 will provide a service and is relatively compatible with the surrounding properties, 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?

Removing the rezoning MOU agreement condition from COZ #3051 will affect the Foxmoor Neighborhood Association because the Unified Government Board of Commissioners explicitly added the condition of approval to set aside an area for the neighborhood to use as a park or park-like amenity.

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

The property has been vacant for 9 years as zoned, and at least 25 years in total.

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 use is not reasonably necessary as there are already gas stations, convenience stores along State Avenue, mainly east of the subject property. That said, if constructed and managed properly, it could benefit the community without negative impacts to adjacent property owners.

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

The proposed use will increase traffic to the site, but not in ways that will adversely affect road capacity, or create parking problems provided the applicant follows Public Works direction.

A Traffic Impact Study has been submitted and is being reviewed by Planning Engineering, Public Works Department, and the Unified Government's third-party reviewer. Additional comments may come directly from the reviewer.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan, which allows retail and establishments, including restaurants, and hotels.

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

The proposed use will not cause environmental harm if the business is properly managed – daily site trash pickup and accident spills are cleaned up as soon they occur. Trees around the southwest should be preserved and street trees will be planted along State Avenue and 90th Street.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #221.

e. Fire

Fire service is provided by Station #6 located near 94th and State Avenue.

f. Transit

Kansas City ATA provides transit service at the intersection of 90th and State Avenue, Route #101.

g. Schools

Public education is provided by Kansas City, Kansas USD 500

h. Streets

See item #6 above

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

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

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

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

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed by the landowners is immeasurable, as the COZ 3051 condition added by the Board of Commissioners requires an MOU between the developer and the Foxmoor Neighborhood Association to set aside 15,000 square feet of the southern parcel to build a park or park-like amenity for the neighborhood.

If the Change of Zone is denied, the property owner, with the assistance of the applicant, Polsinelli PC, will need to enter and execute a MOU with the Foxmoor Neighborhood Association.

PREVIOUS ACTIONS

- COZ 3051 – Rezoning from CP-1 Planned Limited Business District to CP-2 Planned General Business District to build a gas station and convenience store in 2013.
- R/W-2013-7 – Vacation of State Avenue right-of-way in 2013.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Removing the 2013 condition establishing the MOU agreement
Pedestrian Connectivity
Commercial Design Guidelines
Landscaping and Screening
Neighborhood Amenity

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-041** and Plan Review Application **PR2022-043**, subject to:

1. The applicant's hours of operation will be 24 hours per day;
2. 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;
3. A five (5) foot sidewalk shall extend along the entire west side of the subject parcel along North 90th Street and connect to the new 10-foot State Avenue sidewalk (previously change of zone condition);
4. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians;
5. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store;
6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. 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;
9. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue;

10. Applicant shall resubmit updated elevation drawings showing accurate materiality packages;
11. Downspouts shall be internalized;
12. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store;
13. Note on the site plan and Preliminary Plat, which will be carried forward with the Final Plat that existing tree stands will be preserved on the property. They are to be protected as they provide a natural buffer to the west and south;
14. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement;
15. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
16. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets;

17. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. 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);
19. All landscaping shall be irrigated;
20. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the

- applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
21. 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;
22. The following requirements have been provided by the Board of Public Utilities (BPU) as installation and screening requirements for transformers and electrical equipment on the ground:
- a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10-foot clearance from pad when gate doors open;
 - c. Posts for gate doors must be installed a minimum distance of 10-feet apart in the front;
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10-feet on the front when gate doors open;
23. 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;
24. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
25. Gasoline pump canopies shall have masonry wrapped columns that match the main building;
26. Exterior lighting cannot exceed one (1) footcandle at the property line;

27. 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;
28. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;
29. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running;
30. 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;
31. 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;
32. 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;
33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
34. 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;
35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and

- issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
36. 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,
37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 Change of Zone Petition **COZ2022-041** and Plan Review Petition **PR-2022-043** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Prairie Delaware Piper Master Plan Land Use Designation Map
2013 COZ Stipulation
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plan/Site Plan
Grading Plan
Utility Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photograph taken by Staff on October 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	
Public Hearing	November 14, 2022	December 1, 2022
Plan Review	Approval	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-041** 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 **COZ2022-041**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-043**, 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 **PR2022-043** 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 3:35:30:

CHANGE OF ZONE APPLICATION COZ2022-041 – CURTIS PETERSON WITH POLSINELLI PC - SYNOPSIS: Change of Zone from CP-2 Planned General Business District to CP-2 Planned General Business District to amend conditions of prior approval for a convenience store and fueling station at 9001 North 90th Street and 936 North 90th Street.

PLAN REVIEW APPLICATION PR2022-043 – CURTIS PETERSON WITH POLSINELLI PC - SYNOPSIS: Preliminary and Final Plan Review for a convenience store and fueling station at 9001 North 90th Street and 936 North 90th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, is seeking for a Change of Zone from CP-2 Planned General Business District to CP-2 Planned General Business District to amend a condition of approval from COZ #3051 requiring the developer to set aside the southern 15,000 square feet (936 North 90th Street) and establish a Memorandum of Understanding (MOU) with the Foxmoor Neighborhood Association and a Preliminary and Final Development Plan to build a 4,048 square foot gas station/convenience store with six (6) gas pumps on 2.29 acres at 9001 State Avenue and 936 North 90th 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Kathryn Meyer, 2136 South 18th Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:51:20: Planning Director Hand stated that the requested Change of Zone is for amendment of previously approved conditions for this proposed use. He stated that he will address the proposed changes by the applicant:

Condition #1 – Delete agreement with neighborhood on use of 15,000 square foot parcel. He stated that Staff felt it important to honor the original intent of the condition. Staff has also had difficulty connecting with the neighborhood association and the one (1) meeting that was held, it was evident that an agreement was not going to be reached. Staff felt a walking trail around the detention pond would be a good compromise, but the neighborhood wanted a park. They did not want to contribute any monetary assistance and the Unified Government cannot pay for a park. Mr. Petersen stated that the detention pond is not on this parcel; it has been revised and is on their northernmost property. Even though they own that parcel, they do not have any plans at this time. Director Hand stated this condition was from 10 years ago and no one showed up at the meeting tonight so he will leave it to the Commission's discretion.

Condition #2 – Staff does not have an issue with the facility being open 24-hours a day.

Condition #4 – Staff would only require the south portion of the second parcel on which the development is located.

Conditions #9 and #10 – These are standards conditions, and require no modification.

Condition #11 – Staff will correct as this is an error and the plans were read incorrectly.

Condition #21 – Add at final plan review.

Staff has received no letters in support nor in violation. There are no Notices of Violation. Staff recommends approval, subject to the conditions.

Motions starts at 3:59:12:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-041 and the following requested deviations:**

Delete Condition #1

#2 – Approve deviation for the operation to be open 24/7

#4 – Approve sidewalk modification
Keep #9 and #10 as in the staff report
Delete #11

#21 – address at final

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

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

Subject to:

1. The applicant's hours of operation will be 24 hours per day;
2. 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;
3. A five (5) foot sidewalk shall extend along the entire west side of the subject parcel along North 90th Street and connect to the new 10-foot State Avenue sidewalk (previously change of zone condition);
4. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians;
5. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store;
6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. 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;
9. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue;
10. Applicant shall resubmit updated elevation drawings showing accurate materiality packages;
11. Downspouts shall be internalized;

12. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store;
13. Note on the site plan and Preliminary Plat, which will be carried forward with the Final Plat that existing tree stands will be preserved on the property. They are to be protected as they provide a natural buffer to the west and south;
14. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement;
15. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
16. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets;

17. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. 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);
19. All landscaping shall be irrigated;
20. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of

- Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
21. 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;
 22. The following requirements have been provided by the Board of Public Utilities (BPU) as installation and screening requirements for transformers and electrical equipment on the ground:
 - c. Gate doors are required for all types of screening that are placed in front of the transformers;
 - d. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10-foot clearance from pad when gate doors open;
 - e. Posts for gate doors must be installed a minimum distance of 10-feet apart in the front;
 - f. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;
 - g. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - h. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10-feet on the front when gate doors open;
 23. 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;
 24. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 25. Gasoline pump canopies shall have masonry wrapped columns that match the main building;
 26. Exterior lighting cannot exceed one (1) footcandle at the property line;

27. 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;
28. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;
29. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running;
30. 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;
31. 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;
32. 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;
33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
34. 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;
35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land

Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

36. 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,
37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application**

PR2022-043:

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

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

Subject to the above conditions.

Chairman Carson left at 10:05 p.m.

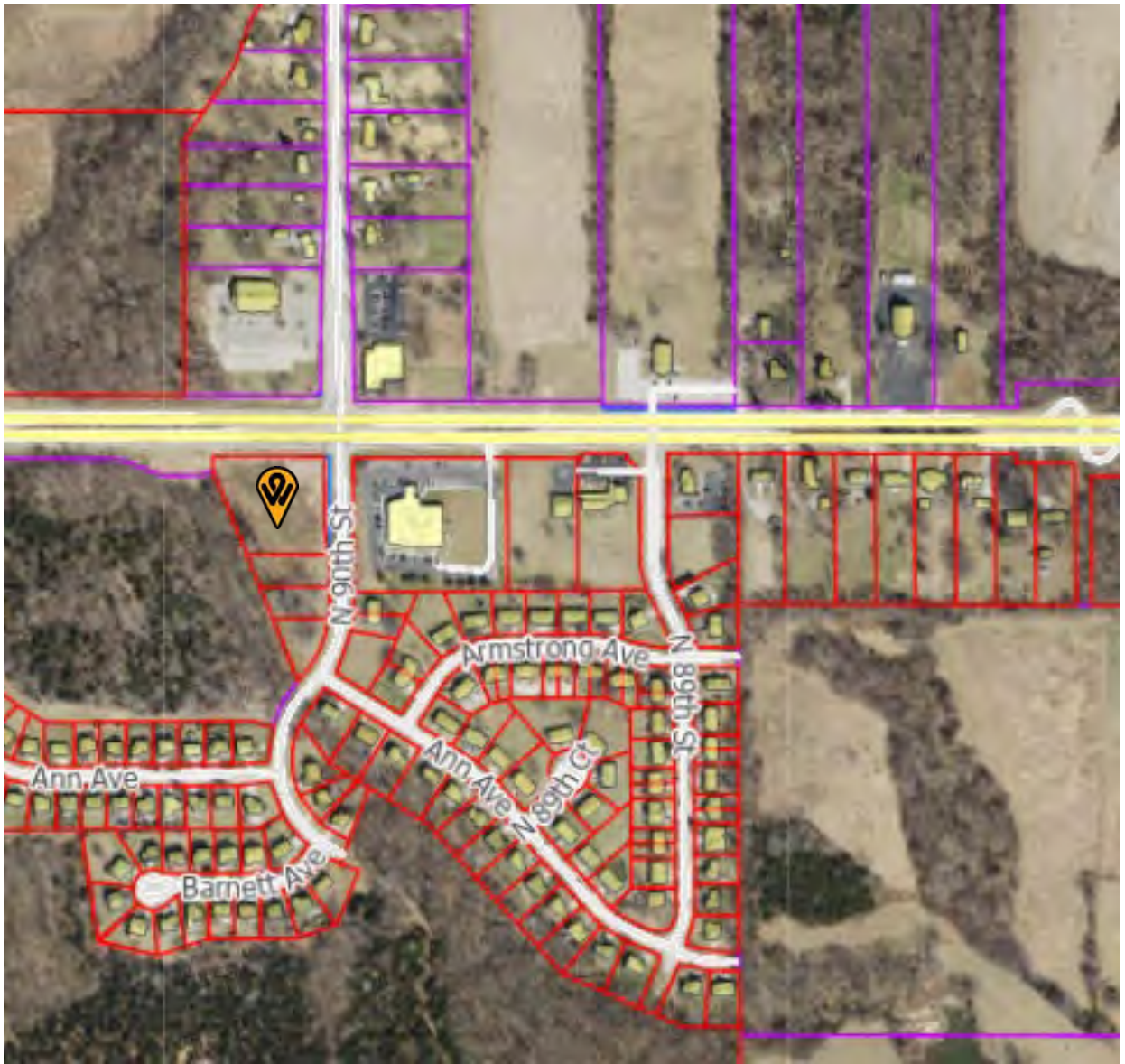


Figure 1. Aerial Map of 9001 State Avenue (provided by UG Maps).

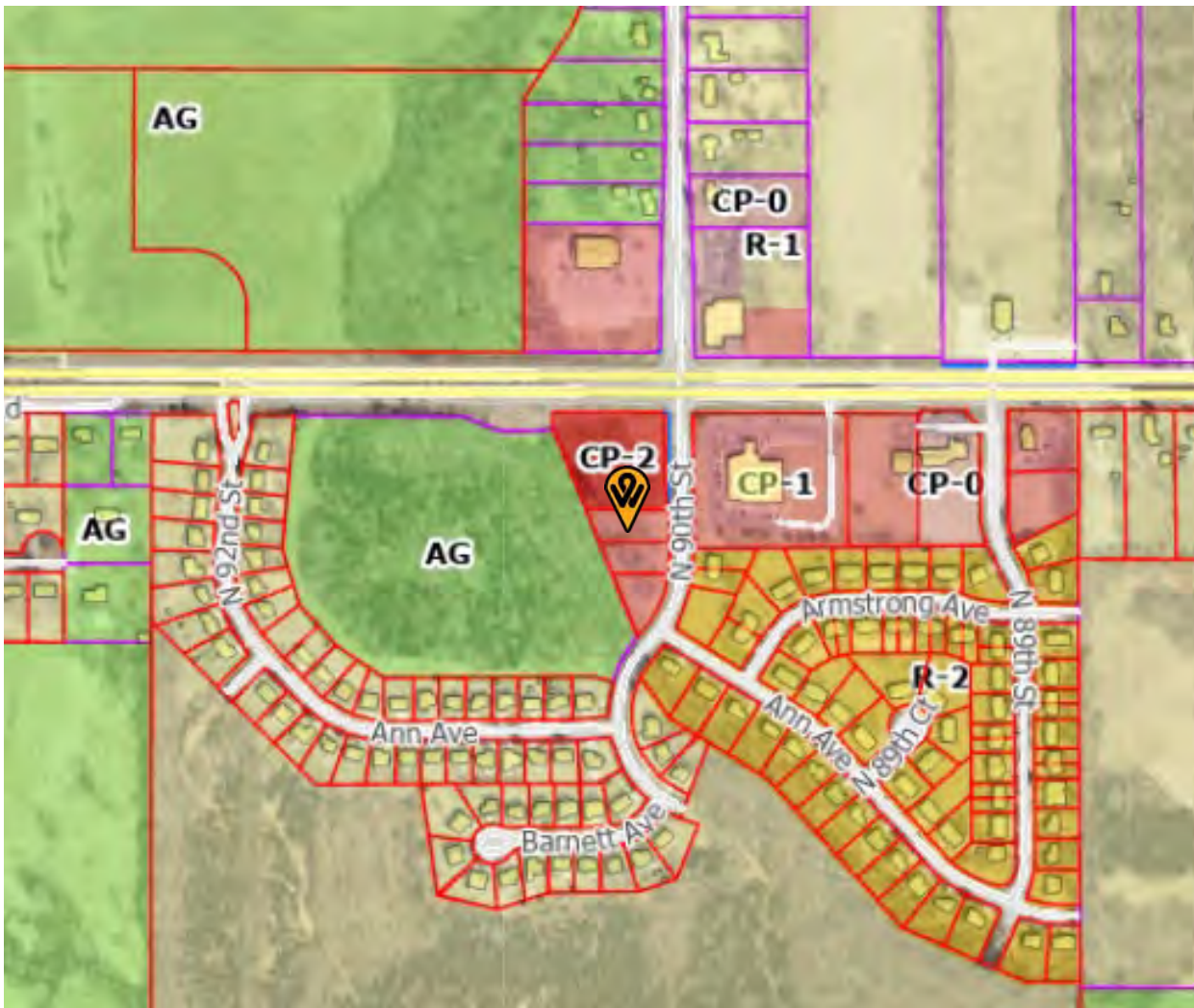


Figure 2. Zoning Map of 9001 State Avenue (provided by UG Maps).



Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map (provided by ArcGIS Pro).

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17. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage or other view blocking techniques are not permitted.

Applicant Response: Clear glass will be used for the storefront windows and doors.

18. No vending machines can be located on the exterior of the building.
19. Downspouts shall be internalized and will be depicted on the building elevations during the final plan review.
20. Any fencing in the future on the property shall be wrought iron or for screening purposes, 6' privacy fence with masonry columns every 32' on center.
21. Proposed detached signage shall be a monument sign only.
22. The applicant has noted that the convenience store will not be open 24 hours, however the gas pumps are accessible even though the building is closed. Hours of operation not beyond 4:00 a.m. to 12:00 Midnight except the canopy can be open 24 hours
23. A 5' sidewalk along 90th Street extending from Ann Avenue north to connect with the new State Avenue sidewalk, placed within and generally along the west edge of the new right-of-way, details to be determined at final plan. Applicant will also create an ADA compliant pedestrian path to connect this sidewalk to the building.
24. Rezoning is contingent upon the applicant and the Foxmoor Neighborhood Association entering into an agreement for the use of the southerly most 15,000 square feet of the site for neighborhood park purposes.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) Public Works is willing to discuss vacation of right-of-way along State Avenue to 70 ft from centerline.
- 2) The applicant must dedicate a 13-ft strip (approx.) of right-of-way along the west side of 90th Street sufficient to line up with the right-of-way on 90th Street north of State Ave. Such right-of-way would need to a minimum of 250' south of the intersection, then taper to existing width in a manner approved by Engineering. The site plan shall be modified to respect the new setbacks along 90th Street.

Applicant Response: The drawings were revised to accommodate a 13 foot strip.

- 3) Public Works will support vacation of all or part of the permanent drainage easement across their State Avenue frontage (recently purchased) if the applicant provides an easement for acceptable alternate access for crews and trucks to reach the channel and box culvert to the west of their site.

Applicant Response: Thank you for your consideration.

- 4) Public Works will support an engineering waiver of the access management guidelines on State Avenue so as to allow the requested driveway off State Avenue, but only due to unique factors of site layout caused by truck delivery needs of the gas station and the narrow width between 90th Street and the creek. Such access shall only be Right-in/Right-out with no break in median.

Applicant Response: Thank you for your consideration.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

Change of Zone:

1. The applicant is seeking amend a 2013 Change of Zone (COZ #3051) condition by the Unified Government Board of Commissioners that the original rezoning is contingent upon the applicant and the Foxmoor Neighborhood Association entering into an agreement for the use of the southerly most 15,000 square feet of the site for neighborhood park purposes.

The applicant discussed with Planning Staff that they have attempted to enter into an agreement in good faith and had signed an agreement with the Foxmoor Neighborhood Association President, but that agreement was not fully executed.

The detention basin is now located in the southern 15,000 square foot area of the site. If the basin is to remain, it should be turned into an amenity with other features, such as a trail loop, but that needs to be collaboratively discussed between the Applicant and neighborhood association.

Preliminary and Final Development Plan:

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. 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
3. A five (5) foot sidewalk shall extend from the west side of the North 90th Street and Ann Avenue intersection north and connect to the new 10-foot State Avenue sidewalk (previously change of zone condition). **RESPONSE:** The Developer acknowledges that it will construct a new 5' sidewalk adjacent to its property along 90th Street.
4. Hours of operation may not be beyond 4:00 AM to 12:00 Midnight, except the canopy may be open 24 hours (previously change of zone condition). **RESPONSE:** The applicant would like to discuss this further with planning staff as we believe a 24-hour operation is better.
5. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians. **RESPONSE:** Acknowledged.
6. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store. **RESPONSE:** Acknowledged.
7. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either

side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat. **RESPONSE: Acknowledged.**

8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. **RESPONSE: Acknowledged**
9. 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**
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. **RESPONSE: Acknowledged**
11. 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. **RESPONSE: Acknowledged**
12. All existing and future driveways must feature curb cuts that are constructed to UG standards. **RESPONSE: Acknowledged**
13. 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**

Building Architecture:

1. Provide color elevations. **RESPONSE: Acknowledged**
2. 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. **RESPONSE: All four sides of the building use multiple materials and color. Each side utilizes two forms of masonry block and stucco finishes. This is shown in the submitted drawings and the added color renderings. The south façade adds the additional color of red block. This is the same aesthetic as the materials and design utilized on buildings completed in 2021 at 3801 Leavenworth Road.**
3. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue. **RESPONSE: All four sides of the building use multiple materials and color. Each side utilizes two forms of masonry block and stucco finishes. This is shown in the submitted drawings and**

- the added color renderings. The south façade adds the additional color of red block. This is the same aesthetic as the materials and design utilized on buildings completed in 2021 at 3801 Leavenworth Road.
4. The EIFS on the east façade is greater than the 15 percent permitted per the Commercial Design Guidelines. Please revise and resubmit. **RESPONSE:** This material is not technically EIFS. It is a cementitious (stucco) material over an exterior foam and well above the grade level. However, 3F30 and Xpress Mart will continue to work with staff on material selections.
 5. Downspouts shall be internalized. **RESPONSE:** There are not any downspouts shown on the building and the intention is that they will be internal to the building and then route underground to the pond.
 6. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store. **RESPONSE:** The submitted drawings show the canopy columns as masonry to match the main building.

Landscaping and Screening:

1. Note on the site plan and Preliminary Plat, which will be carried forward with the Final Plat that existing tree stands will be preserved on the property. They are to be protected as they provide a natural buffer to the west and south. **RESPONSE: Acknowledged.**
2. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement. **RESPONSE: Acknowledged**
3. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. **RESPONSE: Acknowledged**
4. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets.

RESPONSE: Acknowledged.

4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. **RESPONSE: Acknowledged**

5. 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: Acknowledged**
6. All landscaping shall be irrigated. **RESPONSE: All new landscaping will be irrigated.**
7. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials. **RESPONSE: Acknowledged**
8. All rooftop mechanical equipment shall be screened from public view by the parapet of the building. The public view extends to the boundary of the property line and public right-of-way. **RESPONSE: Acknowledged**
9. The BPU transformer pad depicted on civil sheets 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. If this cannot be accomplished, relocation of the transformer may be necessary. **RESPONSE: Acknowledged.**
10. All roof mounted units must be screened from public view by a parapet. This includes satellite dishes and venting stacks as well. **RESPONSE: Acknowledged**
11. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times. **RESPONSE: Acknowledged**
12. Gasoline pump canopies shall have masonry wrapped columns that match the main building. **RESPONSE: Acknowledged**
13. Exterior lighting cannot exceed one (1) footcandle at the property line. **RESPONSE: Acknowledged**
14. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **RESPONSE: Acknowledged**
15. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed. **RESPONSE: Acknowledged**
16. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running. **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
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) No



7505 NW Tiffany Springs Parkway, Suite 320, Kansas City, MO 64153 – (p) 816-801-7070

Byron Toy, AICP
Principal Planner
Unified Government
701 N 7th St, Room 423
Kansas City, KS 66101
66102

10.31.22

COZ2022-041/PR2022-043 - 9001 STATE AVENUE
Response Letter to Draft Staff Comments received 10.24.22

Mr. Toy,

Urban Planning and Land Use Comments

1. Provide color elevations. Color Elevations have been added to the plan set.
2. 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. All four sides of the building use multiple materials and color. Each side utilizes two forms of masonry block and stucco finishes. This is shown in the submitted drawings and the added color renderings. The South façade adds the additional color of red block. This is the same aesthetic as the materials and design utilized on the building completed in 2021 at 3801 Leavenworth Rd.
3. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue. All four sides of the building use multiple materials and color. Each side utilizes two forms of masonry block and stucco finishes. This is shown in the submitted drawings and the added color renderings. The South façade adds the additional color of red block. This is the same aesthetic as the materials and design utilized on the building completed in 2021 at 3801 Leavenworth Rd.
4. The EIFS on the east façade is greater than the 15 percent permitted per the Commercial Design Guidelines. Please revise and resubmit. This material is not technically EIFS. It is a Cementitious (stucco) material over an exterior foam and well above the grade level. However, 3F30 and Xpress Marts will continue to work with staff on materials selections.
5. Downspouts shall be internalized. There are not any downspouts shown on the building and the intention is that they will be internal to the building and then route underground to the pond.
6. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store. The submitted drawings show the canopy columns as masonry to match main building.

Landscaping

Landscaping will meet ordinance. See Civil.

Bryan Ruoff
AIA, CSI, LEED AP, CDT
President
3F30 Architects

10/31/2022 Neighborhood Meeting
9001 State Avenue (COZ2022-041/PR2022-043)

Attendance:

Curtis Petersen/Amy Grant, Polsinelli PC
Jay Jamal, Developer
Bryan Ruoff, 3F30 Architects

The meeting was held virtually, via Zoom format, and began at 5:00 p.m. The development team waiting until 5:30 p.m. and then ended the meeting as no one had logged into that meeting at that time.

86619332.1

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

Comes now Amy Grant, of lawful age, sound mind and upon her oath states as follows:

1. That I am an agent for the petitioner for Petition #COZ2022-041/PR2022-043.
2. That Developer conducted a neighborhood meeting on October 28, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

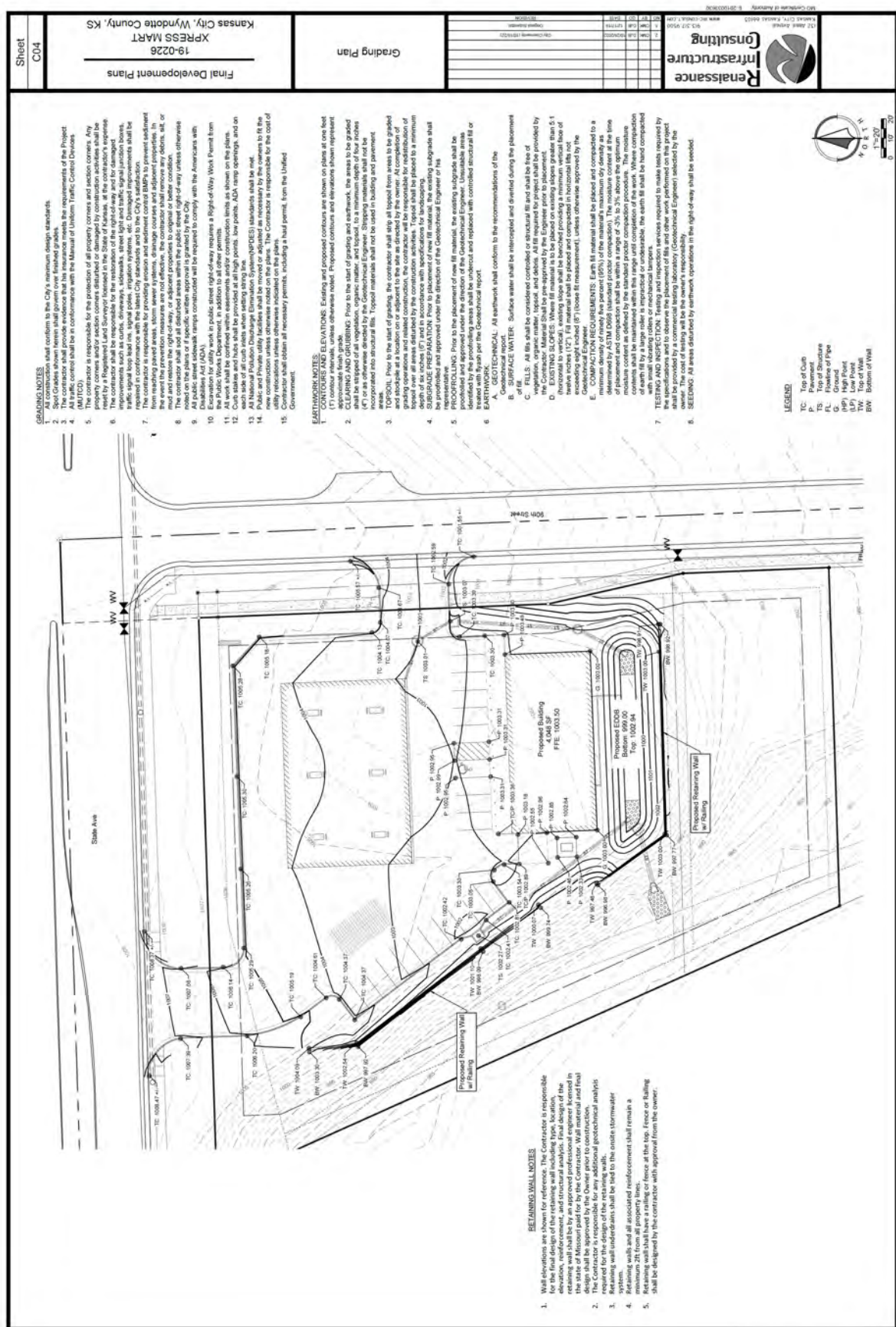
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of November, 2022.

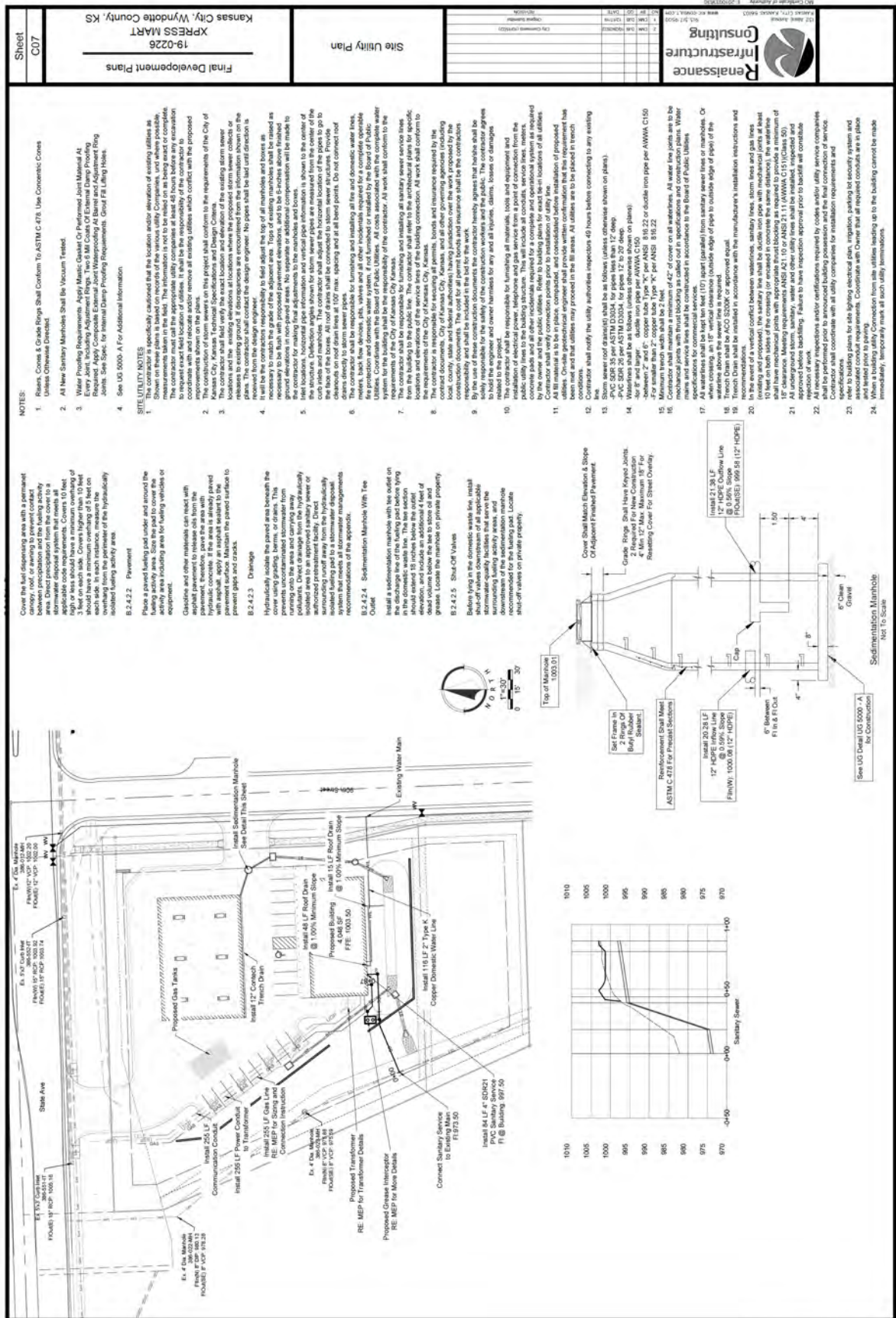
My commission expires 1 of November 2022.

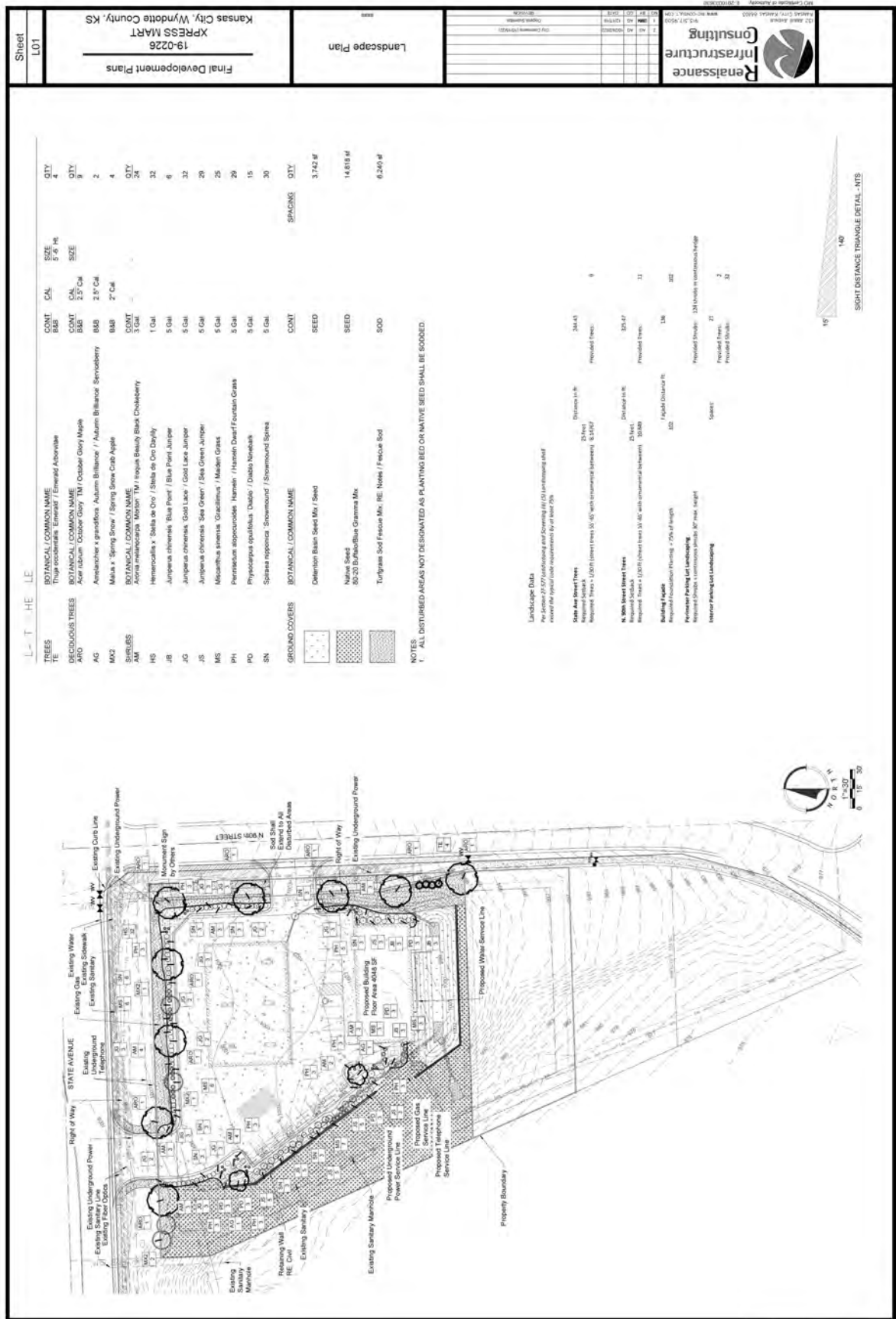
JULIE ANN LOWREY
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 7/29/2024
COMMISSION # 20401259

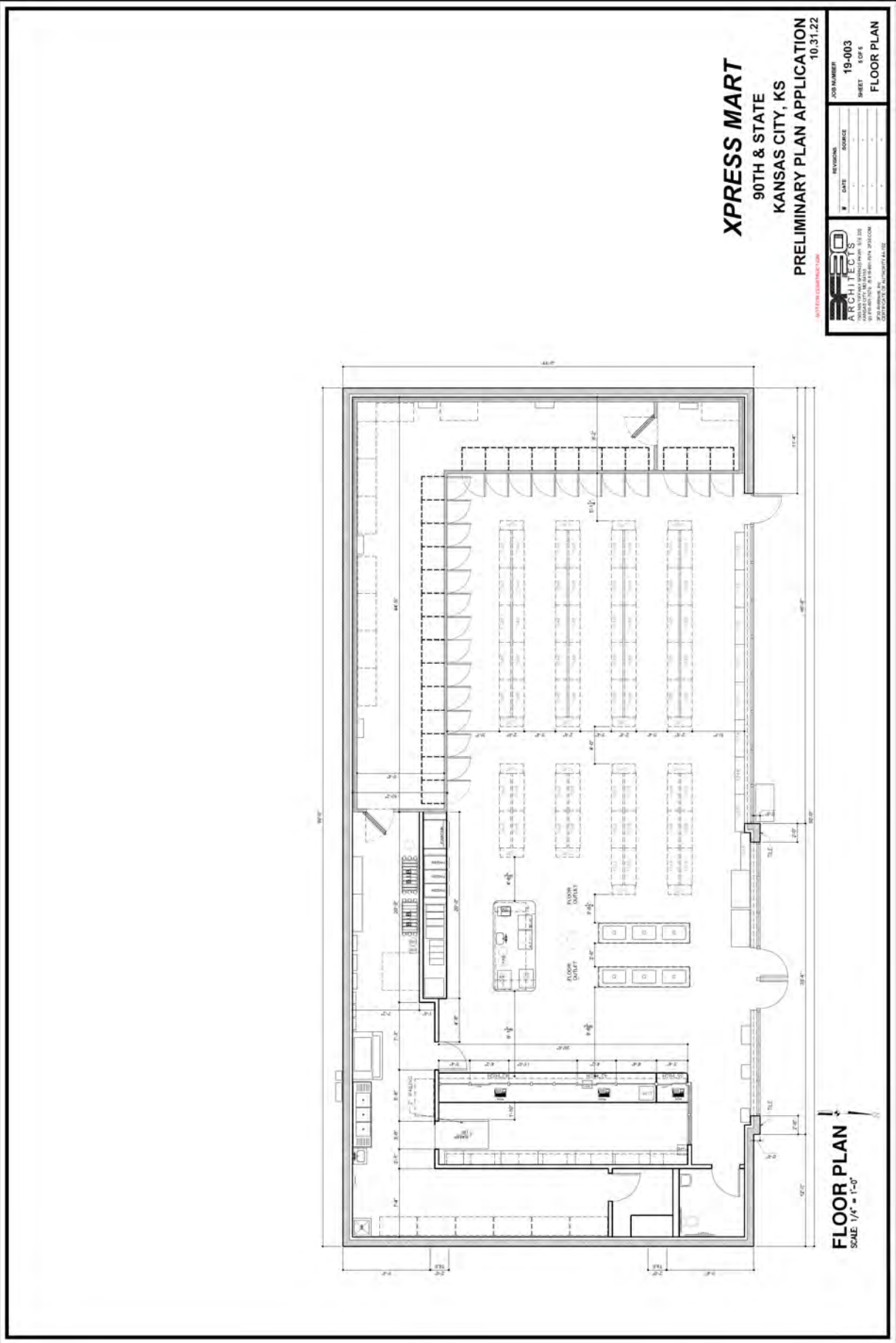


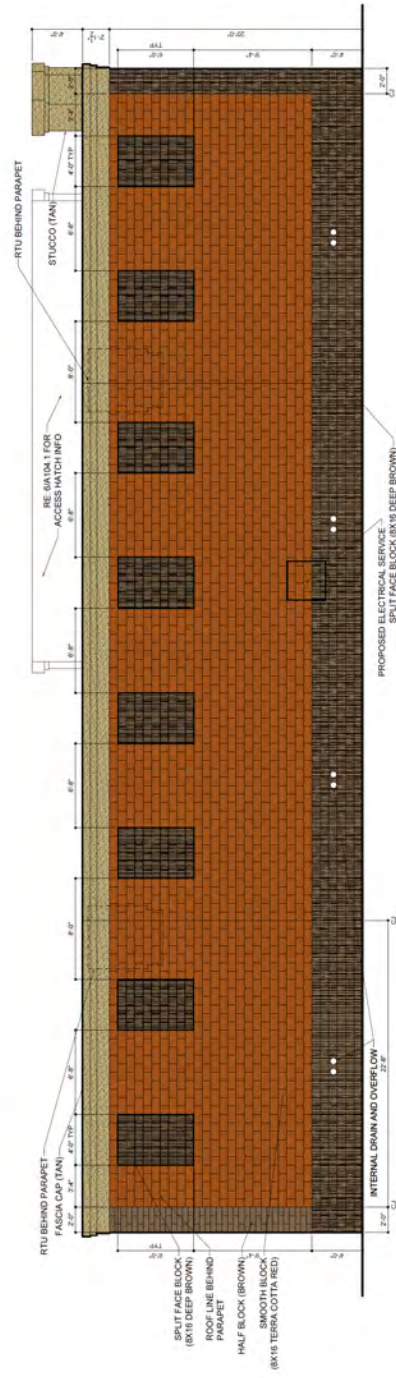
Notary Public



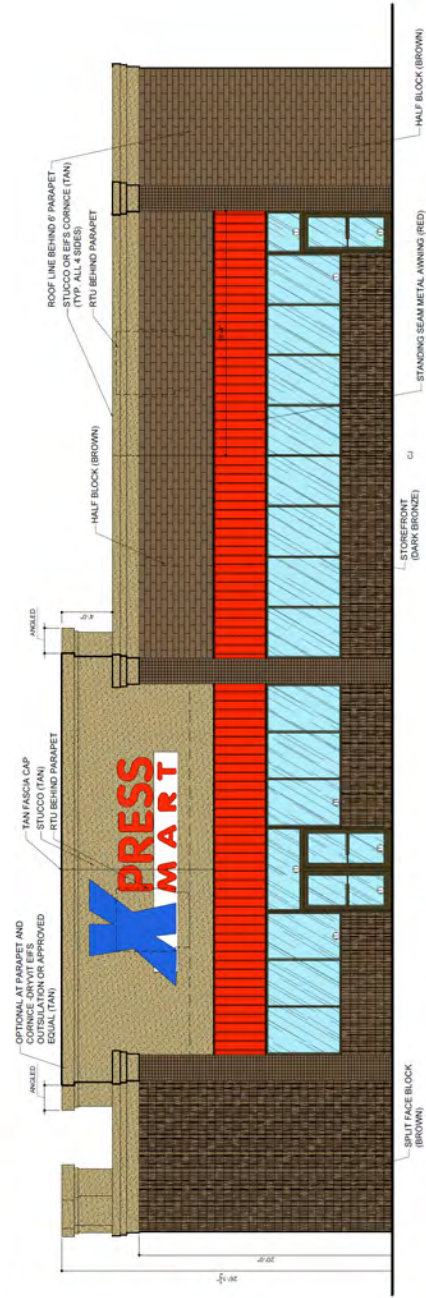








SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

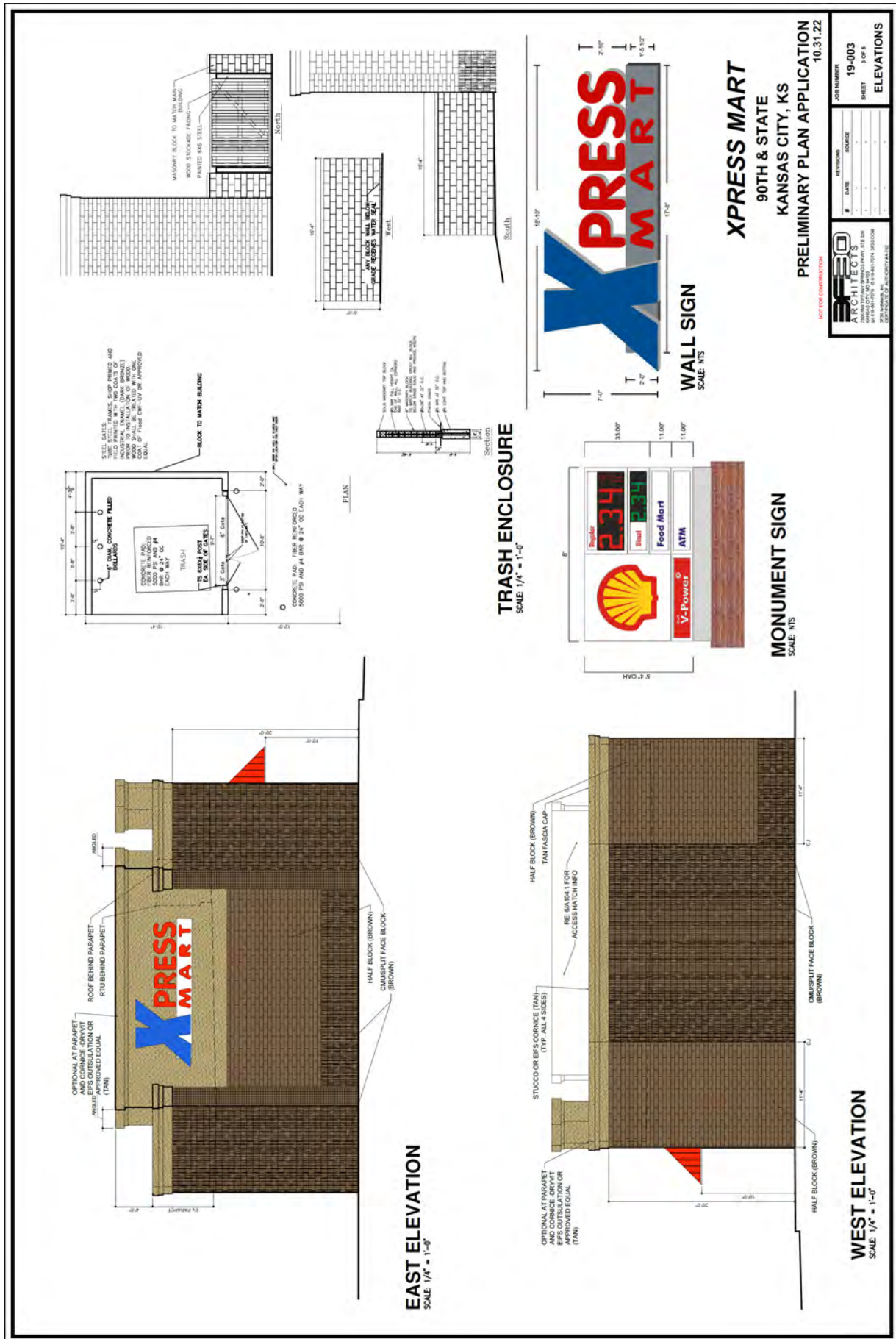


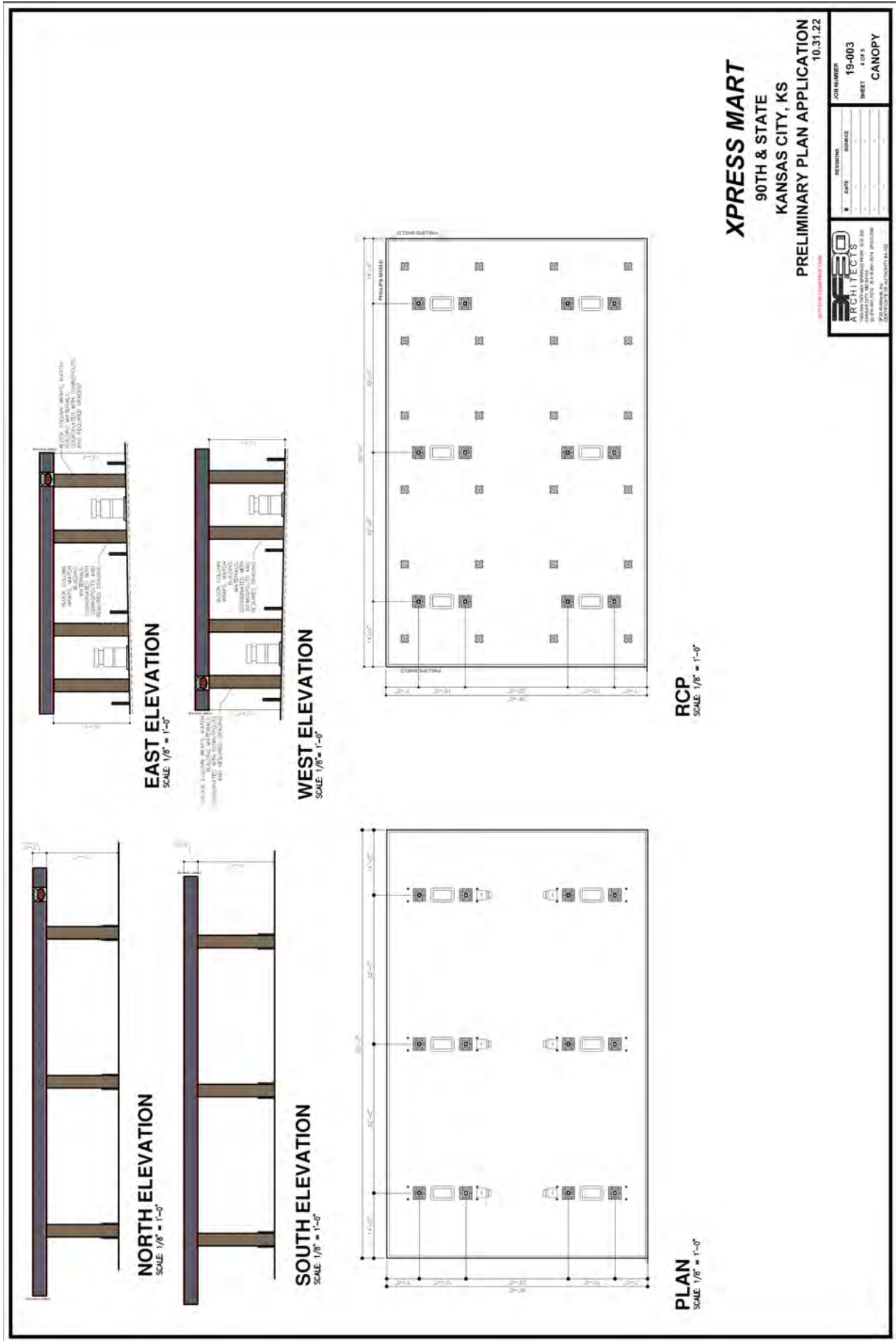
NORTH ELEVATION
SCALE: 1/8" = 1'-0"

XPRESS MART
90TH & STATE
KANSAS CITY, KS

PRELIMINARY PLAN APPLICATION
10.31.22

NOTES		JOB NUMBER	
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Xpress Mart 90TH & STATE KANSAS CITY, KS

PRELIMINARY PLAN APPLICATION
10.31.22

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ARCHITECTS
ARCHITECTS
 19-003
 SHEET
 CANOPY



Figure 4. Site photograph of 9001 State Avenue looking north, taken from Ann Avenue (provided by Planning Staff).



Figure 5. Site photograph of 9001 State Avenue looking northwest, taken from North 90th Street (provided by Planning Staff).



Figure 6. Site photograph of 9001 State Avenue looking south, taken from North 90th Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 1, 2022

Re: Petitions SP2022-086 and MPL2022-018

GENERAL INFORMATION

Applicant:

David Cunningham

Status of Applicant:

Owner

Parkway Liquors

8222 Parallel Parkway

Kansas City, Kansas 66112

Requested Action:

Approval of a Special Use Permit.

Approval of a Master Plan Amendment.

Date of Application:

August 26, 2022

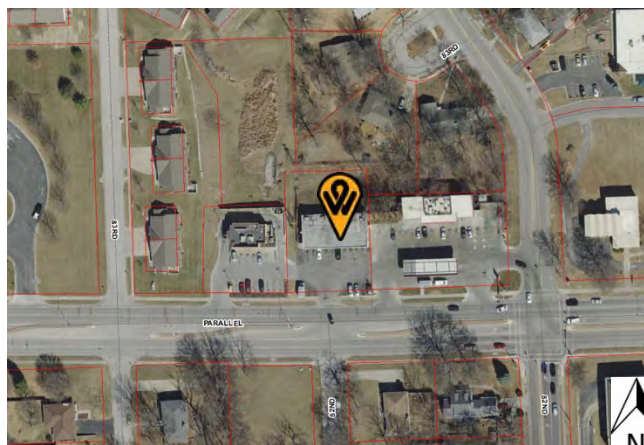
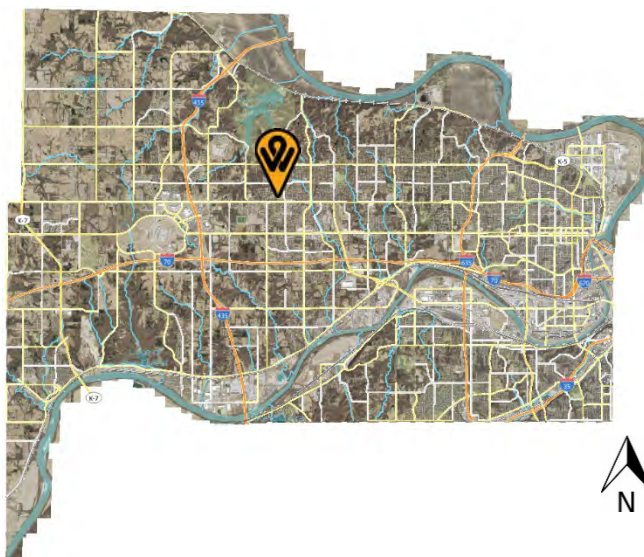
Purpose:

Approval of a Special Use Permit and Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store.

Property Location:

8222 Parallel Parkway

Kansas City, Kansas 66112



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: R-1 Single-Family District and R-2 Two-Family District South: R-1 Single-Family District East: C-1 Limited Business District West: C-1 Limited Business District
Adjacent Uses:	North: Single-Family Residence and Two-Family Residence South: Single-Family Residence East: Fueling Station and Convenience Store West: Drive-Thru Restaurant
Total Tract Size:	0.46 Acre
Master Plan Designation:	The City-Wide Master Plan Designates this property as Low-Density Residential, which allows for single-family homes. The applicant proposes to amend the City-Wide Master Plan designation to Community Commercial, which allows for retail such as grocery stores, convenience stores, auto shops, and commercial centers.
Major Street Plan:	The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare.
Parking Requirement:	Section 27-464(e) states “uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building”. 17 parking spaces are required. The applicant is providing 17 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – September 15, 2022; Master Plan Amendment – September 15, 2022 Letters to Property Owner – Special Use Permit – September 16, 2022; Master Plan Amendment – September 16, 2022
Public Hearings:	November 14, 2022 and December 1, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Cunningham, is requesting a Special Use Permit and Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There has been a history of calls for police service, most of which resulting from theft or burglary, an issue common with uses of this nature.
 - a. 2020 – 2020-107528 – Theft and Criminal Damage
 - b. 2019 – 2019-46804 – Theft
 - c. 2018 – 2018-46466 – Battery and Theft
 - d. 2018 – 2018-38402 – Theft
 - e. 2017 – 2017-121682 – Burglary and Criminal Damage

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional permits or cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Victory Hills Statistical Neighborhood and is not within a neighborhood group. The neighborhood is a mixed-use neighborhood, including small-scale retail centers, small lot single-family and multi-family residences, as well as institutions, such as churches, schools, and libraries. The subject property is located in one of several commercial nodes along Parallel Parkway, most of which are located at or near major intersections. The subject property is smaller than some of the surrounding commercial properties, which feature much larger lots, with an abundance of parking; The property does,

however, match the character of the single-family residences that are adjacent to it.

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

The zoning and uses are set out above. The proposed use is expected to be compatible with the commercial uses that surround it, however, may not be compatible with the residences adjacent to it.

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 has historically been used as a retail center and part of a larger commercial node, containing a liquor store; The use is expanding and should not be detrimental to nearby property, so long as it is managed properly.

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

The property is not vacant and has been used as a liquor store, with other tenant spaces.

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

There is minimal public gain as the proposed business is for private enjoyment, however, there is some benefit from expanding an existing business within the same building. The subject property already exists, and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring property if managed appropriately.

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

The proposed use is an existing use, which plans to expand into the adjacent tenant space. This may result in additional traffic as the business may have more products to offer, however, this is not expected to exceed the capacity of Parallel Parkway, a Class A Thoroughfare.

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

The applicant is requesting a Master Plan Amendment, from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan). Community Commercial allows for retail such as grocery stores, convenience stores, auto shops, and commercial centers, which the proposed

use is. The Master Plan Amendment will correct the City-Wide Master Plan to properly reflect the use of the property.

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

A liquor store is not reasonably necessary for the convenience and welfare of the public. The proposed liquor store building and site, however, is preferable to the current state and design of the subject property; Therefore, expanding the same use inside the existing building would not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property, but at most continue to have the same effects on the adjoining properties as it currently does

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*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

Police service is provided by Midtown Patrol, District #225.

e. *Fire*

Fire service is provided by Station #4, which is one (1) mile away from the subject property.

f. *Transit*

Transit service is provided by KCATA, along route #116 – West Parallel, which stops at 82nd and Parallel, less than 1000 feet from the subject property.

g. *Schools*

Public Education is provided by White Church Elementary School, Claude Huyck Elementary School, Arrowhead Middle School, and Washington High School with Kansas City, Kansas USD 500.

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

The economic impact of the proposed use on the community will be minimal. This is an existing use, which is expanding into an existing tenant space, rather than providing a new service or good for the community.

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

Since the applicant is expanding their business beyond their legacy use, they are required to obtain a Special Use Permit and obtain a variance from the minimum allowed distance between a new liquor store and any existing or proposed liquor store location, church, school, or public park. Section 27-593(b)(18) states that there must be a minimum separation distance of 1,300 feet between any new liquor store location and any existing or proposed liquor store location, church, school, or public park. The nearest distance between the parcel with the new liquor store and a church is 274 feet, a violation of 1,026 feet.

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

While there is little relative gain in having a liquor store at the subject property, there is also little hardship imposed on individual landowners. Due to the fact that the liquor store currently exists, any relative negative effects would already exist and can be brought to Staff's attention via public input and the neighborhood meeting.

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.

Idling vehicles in the parking lot create heightened levels of noise, and outdoor lighting on site—for advertising, convenience, and security—can spill over onto nearby properties. These potential issues can be addressed through mitigation techniques such as landscape screening, architectural fencing, and downward-facing lighting.

14. 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 use, in an existing, permitted structure.

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

The proposed use will not damage or destroy an irreplaceable natural resource,

as it is an existing use, in a built-out, mixed-use neighborhood

16. 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 cause undue concentrations of population as long as the applicant adheres to the conditions of approval. This is an existing use, expanding within an existing building, which would improve the conditions of the tenant space and reduce any overcrowding and undue concentrations of population.

PREVIOUS ACTIONS

No previous planning actions have been taken.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at the West Wyandotte Library on October 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Variance
Trash Enclosure
Signage
Landscaping and Screening
Pedestrian Connectivity

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-086** and Master Plan Amendment **MPL2022-018**, subject to:

1. The applicant shall install pedestrian markings and restripe the parking lot;
2. The applicant shall repair the trash enclosure;
3. The applicant shall plant three (3) trees along the southern edge of the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2022-055. 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 BOZA2022-055 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total

- gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
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. The applicant has filed and maintained a current business occupation tax application;
 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. 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 21,000 square feet, requiring three (3) trees be provided on the site plan;
 12. Section 27-699(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. 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 two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **SP2022-086** and **MPL2022-018** and subject to all comments and suggestions outlined in the staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Neighborhood Meeting Materials
Site Photos, Taken by the Applicant, Dated September 1, 2022
Site Photos, provided by Staff, Dated September 9, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	
Master Plan	November 14, 2022	December 1, 2022
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-018**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-018**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-086** 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 **SP2022-086**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:02:52:

MASTER PLAN AMENDMENT APPLICATION MPL2022-018 – DAVID

CUNNINGHAM WITH PARKWAY LIQUOR – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway.

SPECIAL USE PERMIT APPLICATION SP2022-086 – DAVID CUNNINGHAM WITH

PARKWAY LIQUOR - SYNOPSIS: Special Use Permit to expand the operation of a current liquor store at 8222 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, David Cunningham, is requesting a Special Use Permit and Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,

8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- David Cunningham, applicant, 8222 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:06: Planning Director Hand stated that the corresponding variance was approved by the Board of Zoning Appeals earlier this evening. Staff has received no letters in support nor in opposition. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 4:06:55:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-018:**

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

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

Subject to:

1. **The applicant shall install pedestrian markings and restripe the parking lot;**
2. **The applicant shall repair the trash enclosure;**
3. **The applicant shall plant three (3) trees along the southern edge of the property;**
4. **This City Planning Commission case is being heard in conjunction with BOZA2022-055. 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**

- BOZA2022-055 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
 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. The applicant has filed and maintained a current business occupation tax application;
 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. 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 21,000 square feet, requiring three (3) trees be provided on the site plan;
 12. Section 27-699(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. 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 two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

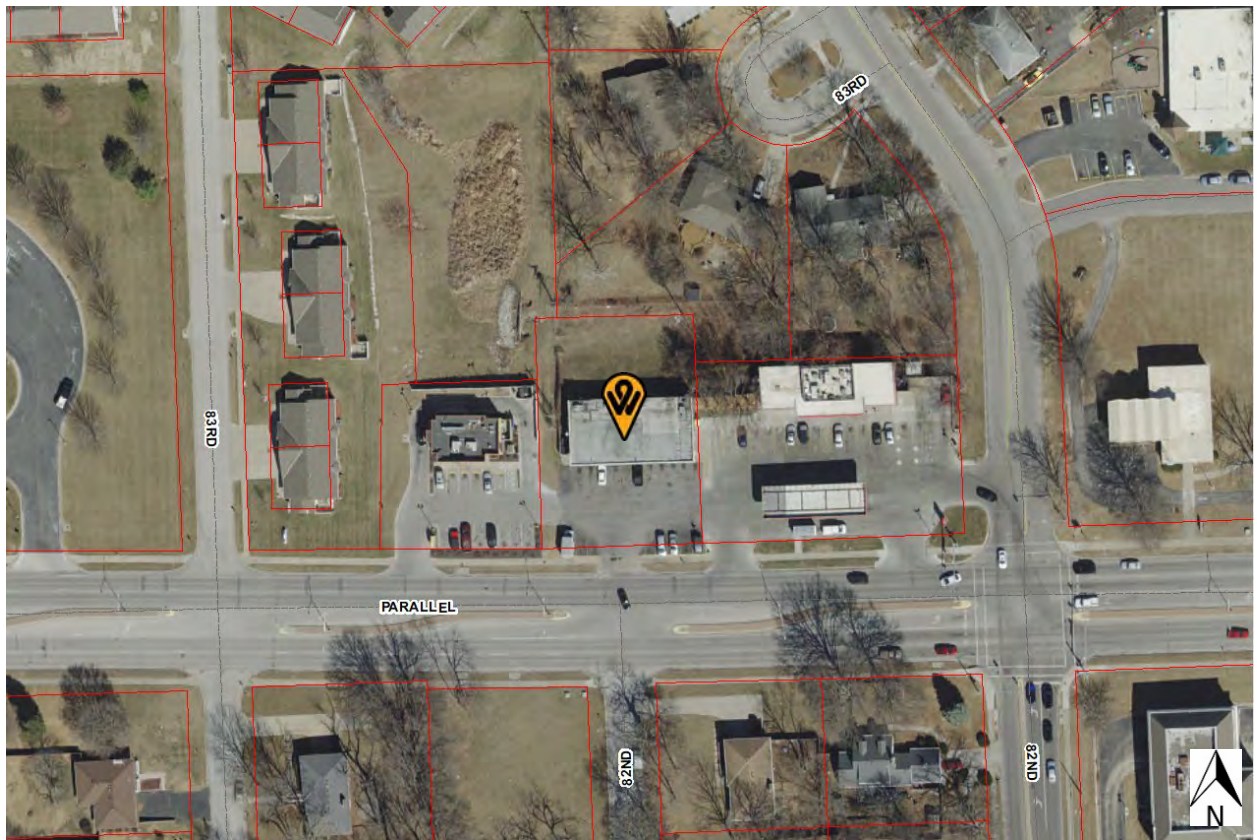
On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2022-086:**

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

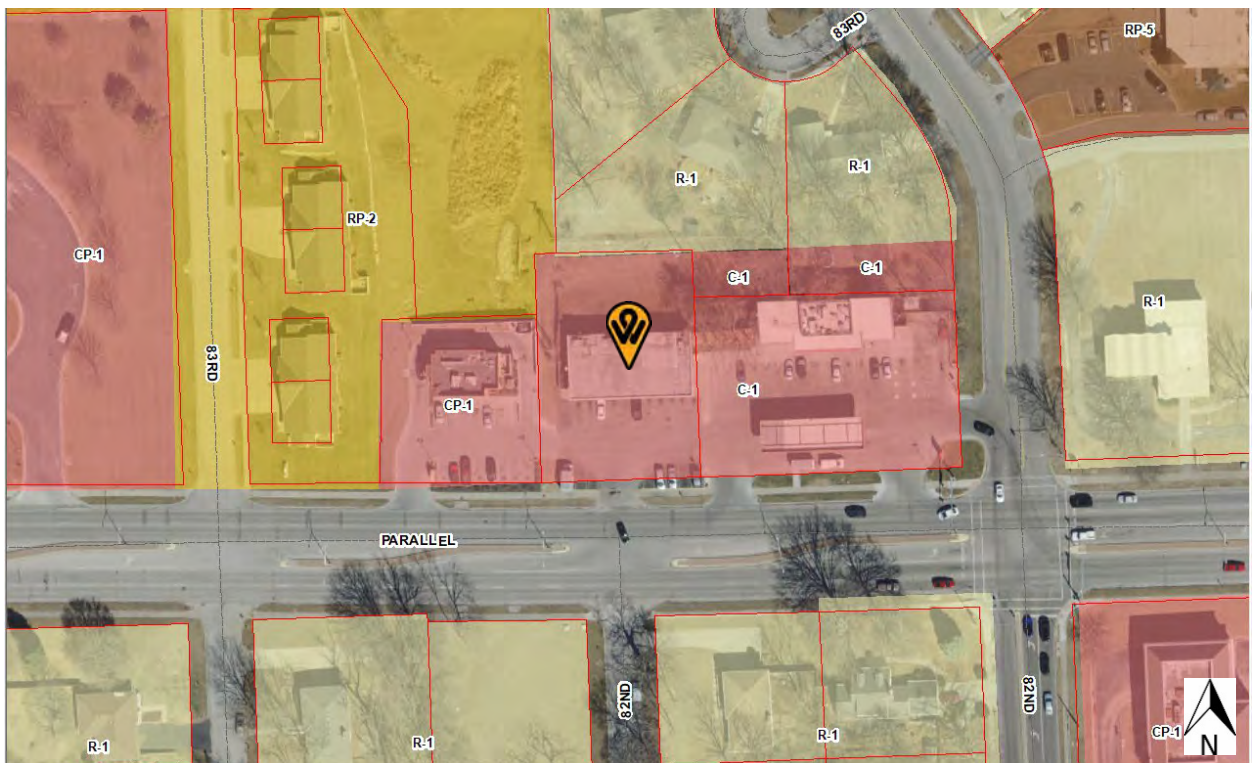
Motion to recommend **APPROVAL** Passed: 5 to 0
Subject to the above conditions.

ATTACHMENTS

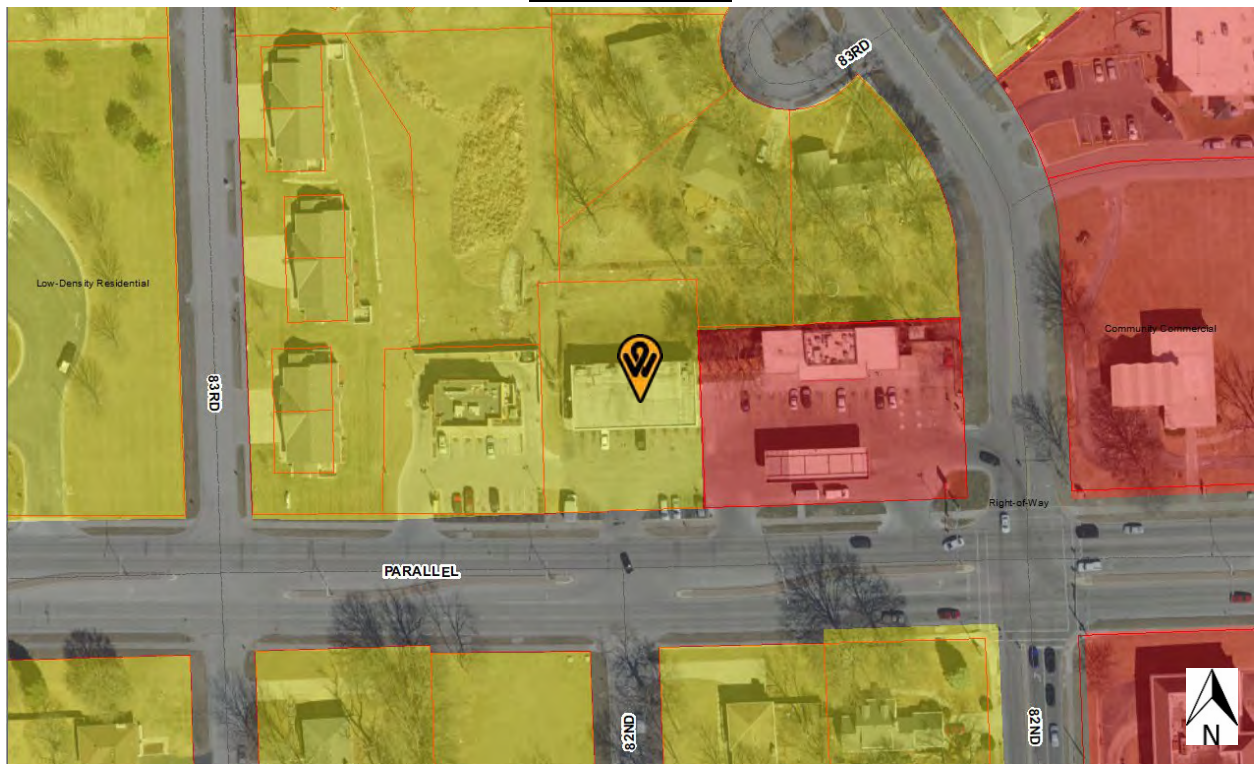
AERIAL IMAGERY



ZONING MAP



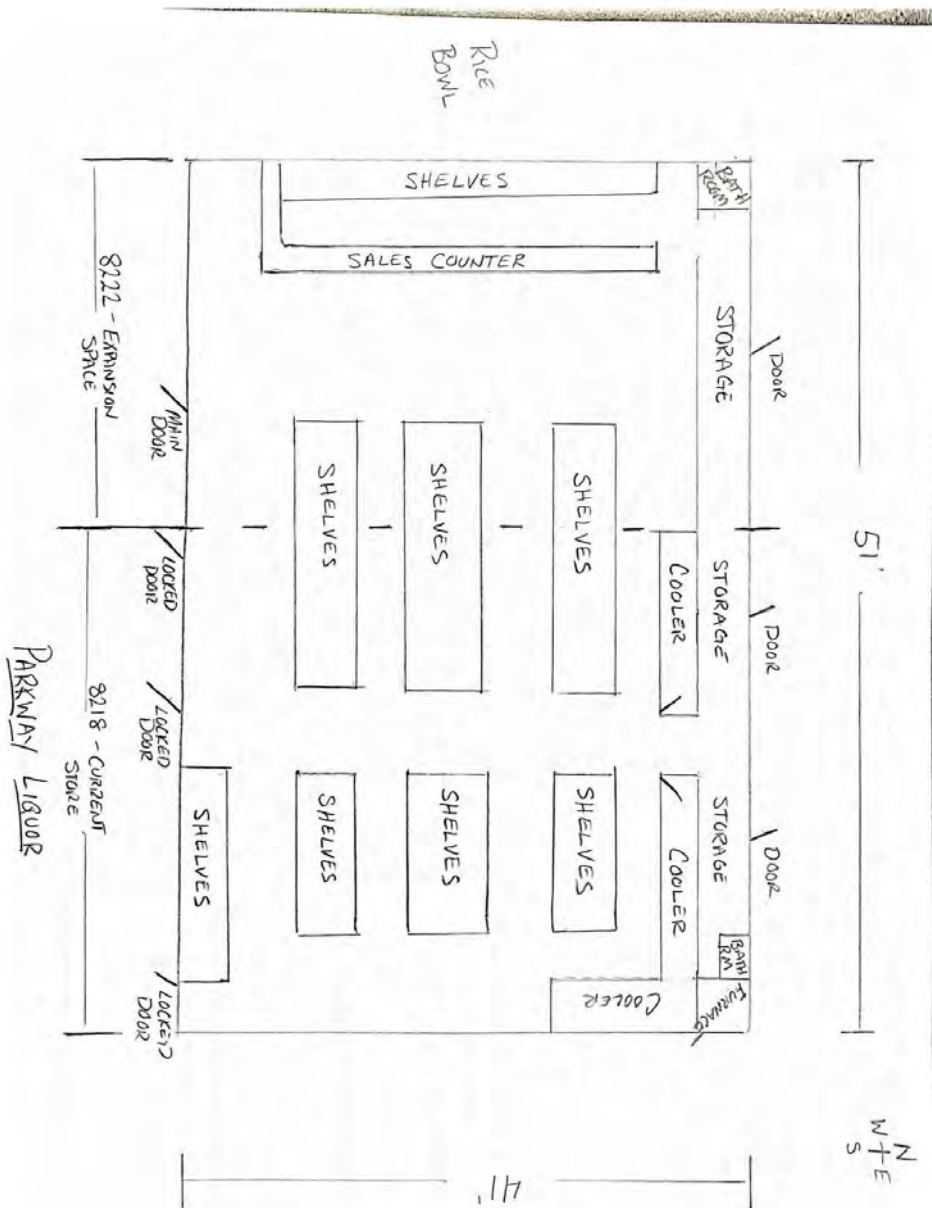
LAND USE MAP



MURCH'S
HICKEN



FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

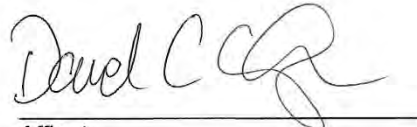
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas) SS:
COUNTY OF Wyandotte)

Comes now David C. Cunningham, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-086 & MPL2022-018.
2. That I conducted a neighborhood meeting on October 31, 2022, 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.

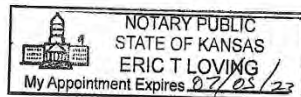
Further affiant saith not.

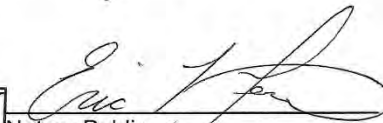


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of
Nov, 2002
2022

My commission expires 5 of July, 2003
2023





Notary Public

Neighborhood Meeting MINUTES:

Application Number: SP2022-086 & MPL2022-018

Date and Location: Oct. 31, 2022, at Wyandotte Library West

Meeting called to order at: 4:00pm

Names of people in attendance: 0 – No one showed up for the meeting

Introductions:

Along with holding the neighborhood meeting in person, I provided my personal phone number and business email address in the letter that was sent out to those on the contact list.

I received no phone calls or emails from anyone on the list.

Questions and answers (include the following):

Since no one showed up at the public meeting, no presentation was given.

Meeting adjourned at: 4:34pm

Minutes taken by: David C. Cunningham, presenter of the meeting

9/15/2022

Burnett H. Ambler
2007 N 83rd Place
Kansas City, KS 66109

SUBJECT: Neighborhood Notice

I have filed an application with the Department of Urban Planning and Land Use #MPL2022-018. The purpose of this:

- Master Plan Amendment
- Special Use Permit

is for an 800 sq/ft expansion into the adjacent space(formally Boost Mobile) of Parkway Liquor at the following address: 8222 Parallel, Parkway Kansas City, KS. The expansion will only require the removal of a non-weight bearing wall inside the building. There will be no changes to the outside of the building.

To respect everyone's COVID 19 concerns I am having the neighborhood meeting to answer any questions, comments, or concerns of the proposed expansion by email or phone call.

Email – parkwayliquorkck@gmail.com
Phone – 913-999-8011

All correspondence must be received by September 25, 2022, by 5pm.

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

I look forward to hearing from you and providing any additional information that you may require.

Sincerely,

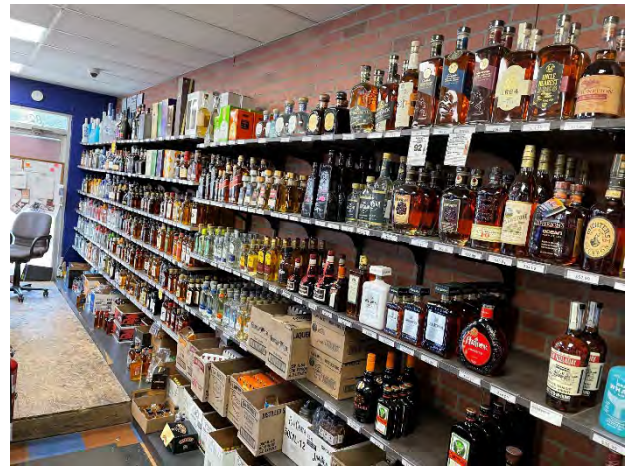
David C. Cunningham
913-999-8011
parkwayliquorkck@gmail.com

October 31, 2022

Sign in Sheet

Name Printed	Signature	Address
1. _____	NO ONE SHOWED UP FOR MEETING - DC	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____

SITE PHOTOS, TAKEN BY APPLICANT, DATED SEPTEMBER 1, 2022



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: December 1, 2022

Re: **Petition SP2022-094**

GENERAL INFORMATION

Applicant:

Calaway McQueeney
DBA McQueeney Management

Status of Applicant:

Property Owner
114 South East Douglas Street
Lees Summit, MO 64063

Requested Actions:

Approval of a Special Use Permit for a
Short-Term Rental.

Date of Application:

September 30, 2022

Purpose:

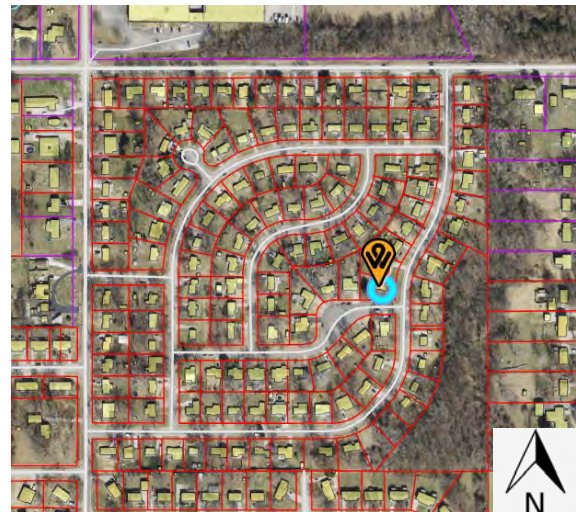
To begin the operation of a Short-Term
Rental. This is not the applicant's primary
address.

Property Location:

4904 Edgehill Drive
Kansas City, Kansas 66106

Commission Districts:

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single family residences South: Single family residences East: Single family residences West: Single family residences
Total Tract Size:	0.20 Acre
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates the property's land use as Low-Density Residential, in which uses include single-family homes, Institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries and parks and open space.
Major Street Plan:	The City-Wide Master Plan designates Edgehill Drive as a Local Street.
Parking Requirement:	R-1 District: Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one (1) of which must be in a garage or carport. The property currently has a single car garage and off-street parking, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2022 Letters to Property Owners – October 21, 2022
Public Hearings:	November 14, 2022 and December 1, 2022
Public Support:	Three (3) people appeared in support at the November 14, 2022 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Calaway McQueeney, is seeking the approval to operate a short-term rental at 4904 Edgehill Drive. The subject property is in a residential block near the intersection of Swartz and South 51st Street. The owner

has recently purchased the property as a fire damaged, unfit structure and is completing renovations.

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 were several calls at the property before the owner purchased the property. Available data went back as far as 2017:
 - a. Welfare Checks & Domestic Disturbances: 15 Reports
 - b. Animal Complaints: 11 Reports
 - c. Criminal Damage: 1 Report

Building or Code Enforcement Complaints:

1. The subject property has received several complaints under prior ownership. The current property owner has received no complaints. There are thirteen (13) enforcement complaints prior to what is listed below:
 - a. 2022: FIRE22-0089 – Fire Damage
 - b. 2022: VPR22-0402 – Vacant Property Compliance
 - c. 2022: ABT22-1827 – Abatement
 - d. 2022: FIRE22-0063 – Fire Damage
 - e. 2022: VPR22-0227 – Vacant Property Compliance
 - f. 2022: ABT22-0868 – Abatement
 - g. 2021: VPC21-0637 – Vacant Property Compliance
 - h. 2021: CMP21-2932 – Dumpster in Yard
 - i. 2021: CAC21-2961 – Failure to Register Vacant Property
 - j. 2021: CMP21-2915 – Dumpster in Yard
 - k. 2021: UNF21-0125 – Unfit Structure
 - l. 2021: VPC21-0465 – Vacant Property Compliance
 - m. 2021: CAC21-2005 – Abatement
 - n. 2021: CMP21-1861 – Trash and Grass

Outstanding or Related Permits and Cases:

1. The subject property has one (1) outstanding building permit:
 - a. PLM22-064 – Plumbing – Gas Pressure Test
2. The subject property has completed building permits related to the property's renovation:
 - a. 2021: RES21-0673 – Interior Residential Remodel (Completed)
 - b. 2021: PLM21-1128 – Plumbing – Interior (Closed)
 - c. 2021: ELE21-1439 – Electrical – Interior Rewire (Completed)
3. The current property owner has no outstanding Code Inspection Cases.

4. The subject property has no related or recent Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is suburban in character. Lots are average for residential suburban densities and are approximately 70 feet in width. Streets are asphalt and driveways are often concrete approaches with concrete, asphalt, or gravel driveways. This block of the Edgehill Drive is comprised of all residential houses, but two (2) blocks adjacent north on Swartz is a plastics manufacturing company which was formerly warehousing.

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 Districts. The property has a history of rental licensing and periodic vacancy. Continuing use as a rental, either short or long term, is consistent with other nearby properties in the nearby residential district. 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 City-Wide Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential, which allows primarily for single-family residences, parks and open space, and institutional uses. 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 Local Street to accommodate it if managed properly

while it functions as a short-term rental, as traffic patterns would follow those of typical residential uses. 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 two (2) 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 and in person on October 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Parking
Zoning
Land Use
Noise
Traffic
Occupancy Limits
Dwelling Condition

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-094**, for one **(1)** year, subject to:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is four (4);**
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. 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 is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 14. The Special Use Permit shall be valid for 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** Case **SP2022-094** subject to all comments and suggestions outlined in this staff report, and the conditions

of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Information
Insurance Information
Floor Plan
Site Plan
Applicant Photos Dated October 31, 2022
Staff Site Visit Photos Dated October 22, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Special Use Permit	November 14, 2022 Approval	December 1, 2022

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-094** 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 **SP2022-094**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:08:45:

SPECIAL USE PERMIT APPLICATION SP2022-094 – CALAWAY MCQUEENY WITH MCQUEENY MANAGEMENT LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 4904 Edgehill Drive.

Detailed Outline of Requested Action: The Applicant, Calaway McQueeney, is seeking the approval to operate a short-term rental at 4904 Edgehill Drive. The subject property is in a residential block near the intersection of Swartz and South 51st Street. The owner has recently purchased the property as a fire damaged, unfit structure and is completing renovations.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Calaway McQueeney, applicant, 4904 Edgehill Drive, Kansas City, Kansas 66106
- Allen Tillman, property manager
- Kathryn Meyer, 2136 South 18th Street, Kansas City, Kansas
- Barb Kill, Turner Community Connection, 5548 Pawnee Drive, Kansas City, Kansas 66106
- Shanda Ward, Turner Community Connection

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:16:45: Planning Director Hand stated that this is a request for a short-term rental for a renovated fire-damaged house. The applicant does not live on-site. Staff has received no letters in support nor in opposition. The property is in the Turner area. The Notices of Violation will be addressed in the rehab of the property. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 4:17:45:

On motion by Mr. Ward, seconded by Ms. Armstrong , the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-094 for one (1) year:**

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

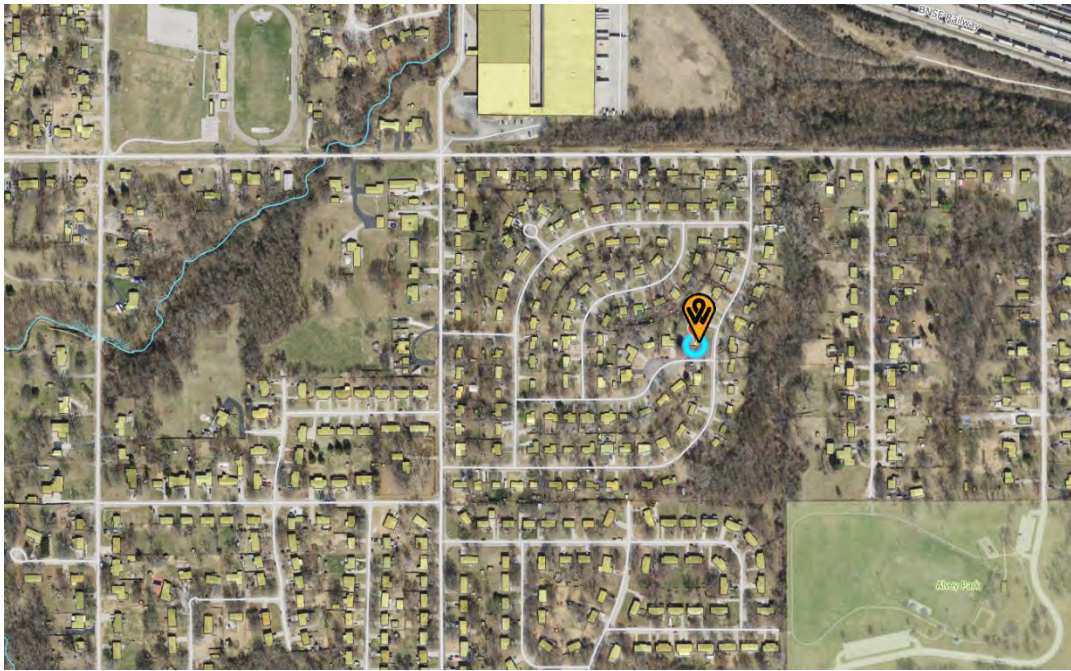
Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

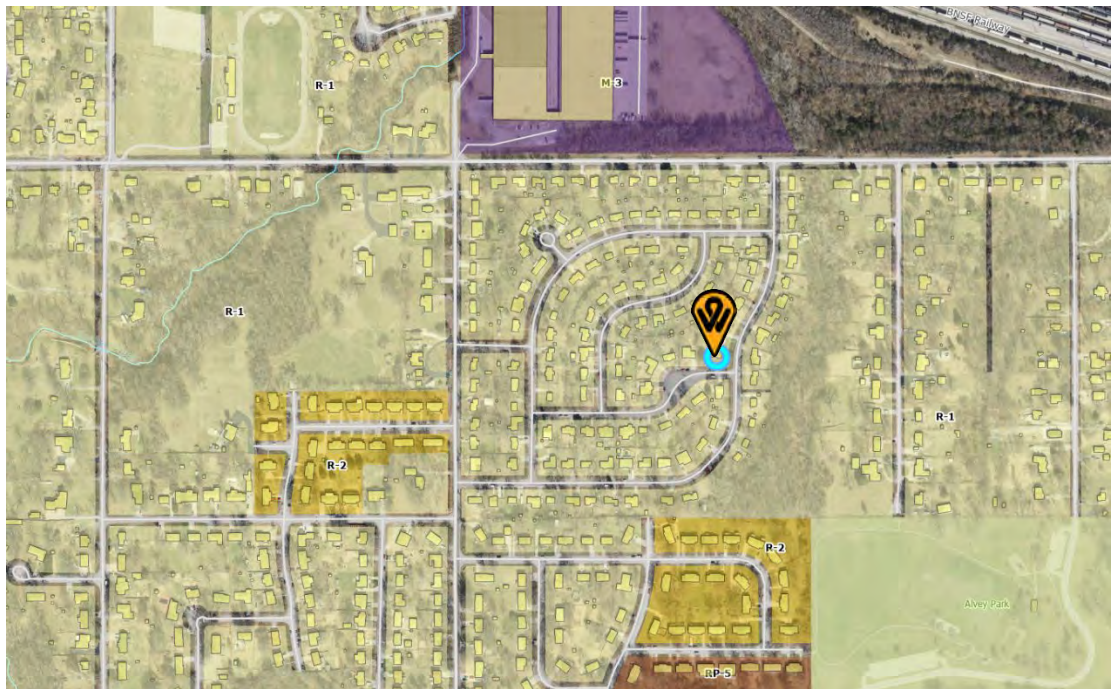
1. Maximum number of guests shall be 7;
2. All parking must be off-street, maximum number of vehicles is four (4);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must maintain liability insurance;
5. Applicant must maintain 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. 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 is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 14. The Special Use Permit shall be valid for 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.**

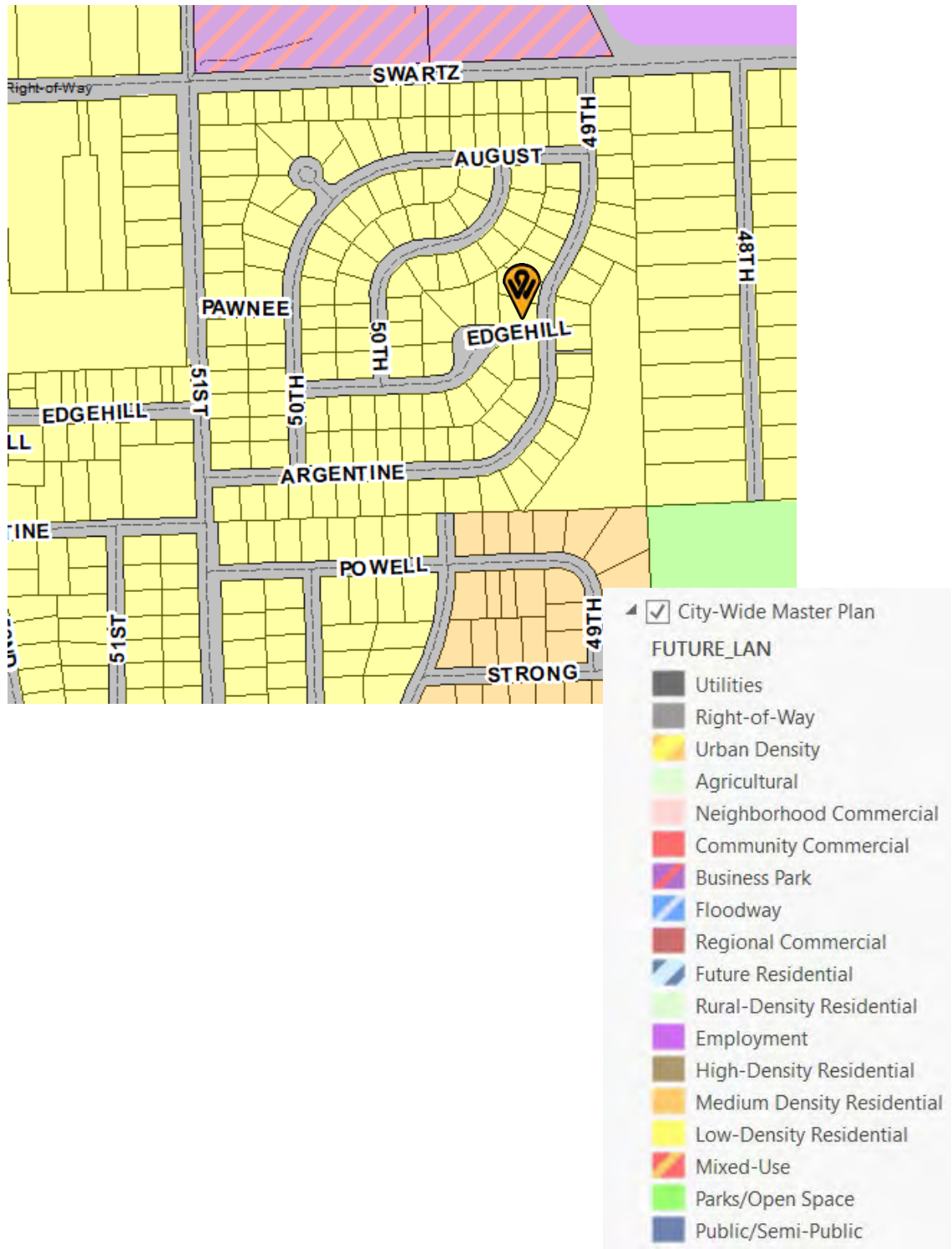
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING INFORMATION

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use. The purpose of this: Special Use Permit is for a short term rental at the following address: 4904 Edgehill Rd, Kansas City, KS 66106.

I/We are having a neighborhood meeting via Zoom on 10/31/2022 @ 12 PM. The details to this zoom invitation are listed at the end of this letter.

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,

Calaway McQueeney
913-593-5006

Zoom:
Calaway McQueeney is inviting you to a scheduled Zoom meeting.

Topic: Neighborhood Meeting - Turner STR
Time: Oct 31, 2022 12:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://zoom.us/j/96206403922?pwd=UEpNeW1HWTFiTIRQa2EwQ3JwNmpHZz09>

Meeting ID: 962 0640 3922
Passcode: Me0sXt

NEIGHBORHOOD MEETING INFORMATION

Application Number: SP2022-094 - 4904 EDGEHILL DRIVE

Date and Location: 10/31/2022 via Zoom at Noon

Meeting called to order at: Zoom

Names of people in attendance: 5

Calaway McQueeney - Owner

Alan - Property Manager

Barbara

Chandra

Heather

Introductions:

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

A complete breakdown of what has been done to the home safety and security wise to ensure that the home will be monitored, what the intentions of the property are, and information on how it will be professionally managed 24/7 with both me and my property manager Alan available to handle any event that were to come up.

Questions and answers:

1. What happens if there is a party?
 - a. The police will immediately be notified and the tenants will be immediately asked to vacate the premises.
2. What will it be listed on?
 - a. Several different medium and short terms sites with the bulk of the traffic coming from Airbnb, VRBO, and Booking.com
3. Why this neighborhood?
 - a. Chose to invest in this up and coming neighborhood based on the long term outlook I have for the community and the proximity to downtown KC.
4. What has been done to ensure this rental won't cause problems?
 - a. Cameras, noise monitors, and smart locks have all been installed for the property manager to have complete control and knowledge of whats going on in the property at all times.

Meeting adjourned at: 12:30

Minutes taken by: Calaway McQueeney

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2022-094
2. That I conducted a neighborhood meeting on 10/31/2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

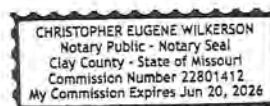
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of November, 2022
CW

My commission expires 20th of June, 2026
CW

 Christopher Wilkerson
Notary Public



INSURANCE INFORMATION



State Farm Fire and Casualty Company
A Stock Company With Home Offices in Bloomington, Illinois

Po Box 2356
Bloomington IL 61702-2356

Named Insured

H-26-9407-FAF5 R F

MCQUEENY MANAGEMENT LLC
114 SE DOUGLAS ST UNIT 459
LEES SUMMIT MO 64063-3271

DECLARATIONS PAGE

Policy Number 91-CB-P523-3

Policy Period	Effective Date	Expiration Date
12 Months	AUG 23 2022	AUG 23 2023

The policy period begins and ends at 12:01 am standard time at the residence premises.

Loan [REDACTED]
Mortgagee

EQUITY BANK

[REDACTED]
[REDACTED]
[REDACTED]

RENTAL DWELLING POLICY- SPECIAL FORM 3

Automatic Renewal - If the policy period is shown as 12 months, this policy will be renewed automatically subject to the premiums, rules and forms in effect for each succeeding policy period. If this policy is terminated, we will give you and the Mortgagee/Lienholder written notice in compliance with the policy provisions or as required by law.

Location of Premises
4904 EDGEHILL ST
KANSAS CITY KS 66106-1750

Named Insured: Limited Liability Company

Coverages & Property		Limits of Liability	Inflation Coverage Index: 326.8
Section I			Deductibles - Section I
A Dwelling		\$ 185,000	Basic 1% \$ 1,850
Dwelling Extension		\$ 18,500	
B Personal Property		\$ 9,250	
C Loss of Rents		Actual Loss	
Section II			In case of loss under this policy, the deductibles will be applied per occurrence and will be deducted from the amount of the loss. Other deductibles may apply - refer to policy.
L Business Liability		\$ 300,000	
(Each Occurrence)		\$ 600,000	
M Medical Payments		\$ 1,000	
(Each Person)			
Forms, Options, & Endorsements			Policy Premium \$ 1,022.00
Special Form 3		FP-8103.3	
Rental Dwelling Endorsement		FE-5610	
Amendatory Endorsement		FE-8216.3	
Extra Replacement Cost Cov		FE-8702	
Fungus (Including Mold) Excl		FE-5722	
Actual Cash Value Roof Cov		FE-5612	
Terrorism Insurance Cov Notice		FE-6999.3	
Debris Removal Endorsement		FE-7540	
Actual Cash Value Endorsement		FE-3650	
Mandatory Reporting Endorsement		FE-5801	

Other limits and exclusions may apply - refer to your policy

Your policy consists of this page, any endorsements and the policy form. Please keep these together.

FP-8001.3C

MARK BERQUIST
913-492-0505

20 N 1S

Prepared AUG 25 2022

655-70/20.1 Rev 10-2002 (a10098)

AUG 25 2022 26 PPO

PROPERTY REHAB ESTIMATE

IMPROVEMENT BUDGET		
4904 Edgehill Drive		
	SOFT COSTS	
8000	permits	\$1,000.00
	SUBTOTAL	\$1,000.00
	YARD	
8010	landscape	\$3,500.00
8012	concrete	\$10,000.00
8014	grading	\$3,000.00
	SUBTOTAL	\$16,500.00
	EXTERIOR	
8020	doors	\$750.00
8021	windows	\$3,000.00
8022	siding	\$5,000.00
8023	gutters/downspouts	\$2,000.00
8024	roof	\$7,000.00
8025	trim	\$1,000.00
8027	paint	\$3,000.00
8029	garage doors	\$1,500.00
	SUBTOTAL	\$23,250.00
	SYSTEMS	
8040	electrical rewire	\$5,000.00
8041	electrical fixtures	\$1,500.00
8042	plumbing	\$1,500.00
8043	plumbing fixtures	\$2,000.00
8044	furnace/AC	\$3,500.00
8045	hot water heater	\$800.00
	SUBTOTAL	\$14,300.00
	Unit \$	

	INTERIOR	
8060	demo	\$2,500.00
8061	insulation	\$1,500.00
8077	drywall materials & labor	\$10,000.00
8064	paint	\$2,500.00
8069	doors	\$1,000.00
8071	blinds	\$750.00
	SUBTOTAL	\$18,250.00
	KITCHEN	
8084	kitchen total	\$7,600.00
	SUBTOTAL	\$7,600.00
	BATHROOMS	
8098	bathroom total	\$6,000.00
	SUBTOTAL	\$6,000.00
	FLOORS	
8111	vinyl	\$4,400.00
8112	carpet	\$2,000.00
	SUBTOTAL	\$6,400.00
	Unit \$	
	TOTAL	\$93,300.00

FLOOR PLAN

Floor Plan – 4904 Edgehill Dr.



SITE PLAN

4904 Edgehill - Site Plan



APPLICANT PHOTOS DATED OCTOBER 31, 2022



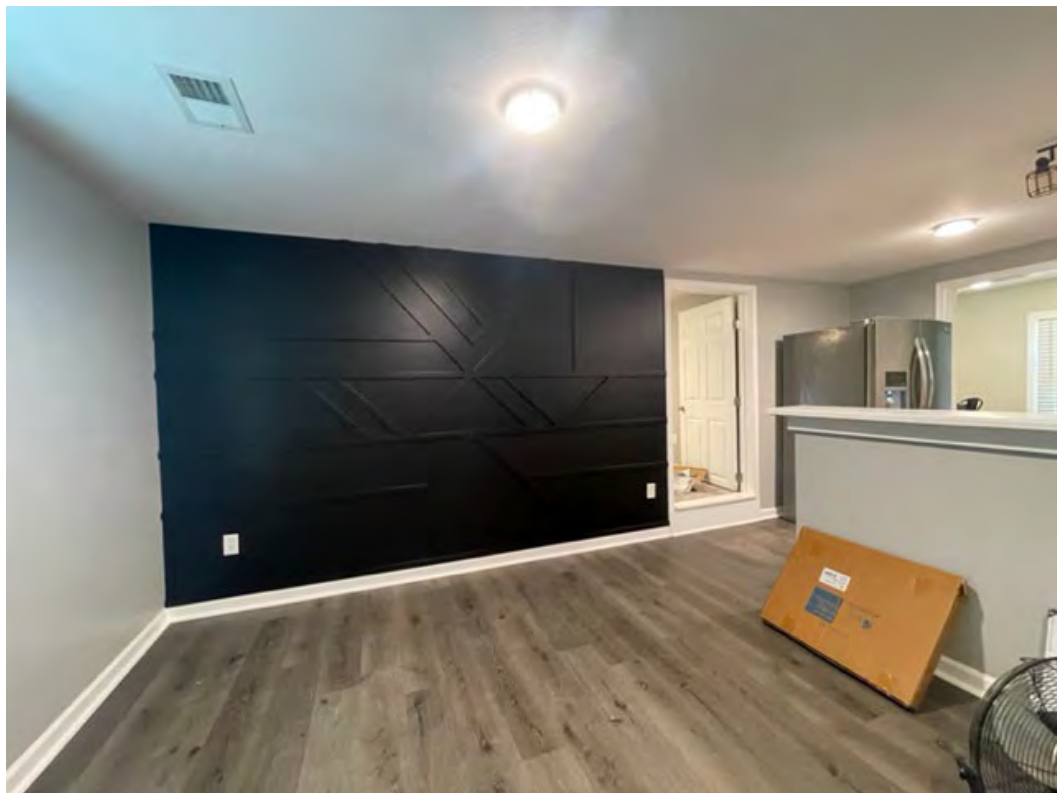
APPLICANT PHOTOS DATED OCTOBER 31, 2022



APPLICANT PHOTOS DATED OCTOBER 31, 2022



APPLICANT PHOTOS DATED OCTOBER 31, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 22, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 22, 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: December 1, 2022

Re: Petition SP2022-095

GENERAL INFORMATION

Applicant:

Megan Painter

Status of Applicant:

Representative

Community Housing of Wyandotte County

2 South 14th Street

Kansas City, Kansas 66102

Requested Action:

Approval of a Special Use Permit.

Date of Application:

September 30, 2022

Purpose:

Special Use Permit for a privately owned playground.

Property Location:

2515 North 17th Street

Kansas City, Kansas 66104

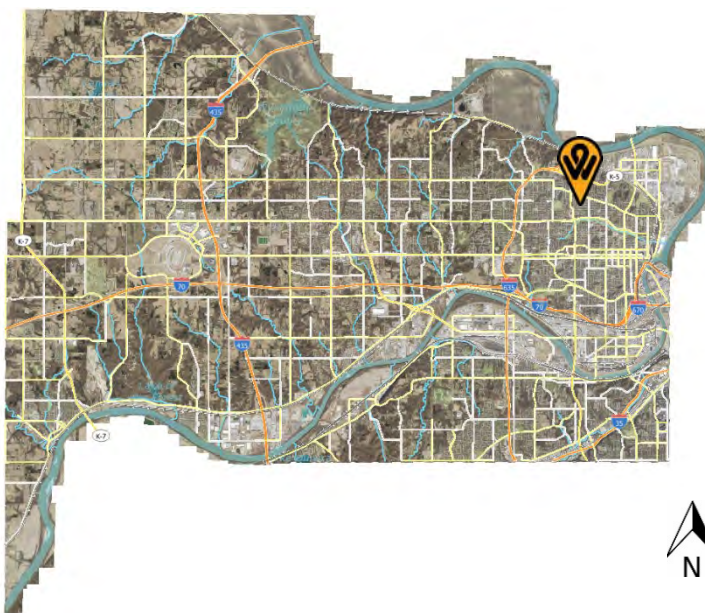
Commission Districts:

Commissioner At-Large, District #1

Melissa Bynum

District #1 Commissioner:

Gayle Townsend



Existing Zoning:	R-1(B) Single-Family District
Adjacent Zoning:	North: R-1(B) Single-Family District South: R-1(B) Single-Family District East: R-1(B) Single-Family District West: R-1(B) Single-Family District
Adjacent Uses:	North: Vacant residential lot South: Single family residence East: Vacant residential lot and public right-of-way West: Vacant residential lot
Total Tract Size:	0.42 Acre
Master Plan Designation:	The Northeast Area Master Plan designates this property as Lower-Medium Density, which is intended to promote infill development and investment by allowing additional units compared to the single-family district, while preserving the overall character of existing neighborhoods.
Major Street Plan:	The Major Street Plan designates Rowland Avenue and 17 th Street as Local/Neighborhood Streets.
Parking Requirement:	Sec 27-455(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The proposed use is a playground with no structures, and therefore would not require parking to be provided.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2022 Letters to Property Owner – October 21, 2022
Public Hearings:	November 14, 2022 and December 1, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Megan Painter, with Community Housing of Wyandotte County, is requesting a Special Use Permit for properties at 2513, 2515, and 2517 North 17th Street to operate a privately owned playground. The subject property consists of three (3) separate but adjacent parcels, currently owned by the Wyandotte County Land Bank. The athletic park would be owned and maintained by Community Housing of Wyandotte County.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no Noise or Disturbance Complaints.

Building, Zoning, or Code Enforcement Complaints:

1. There has been a history of Notices of Violations on the subject property for weeds, brush, and trash since its acquisition by the Wyandotte County Land Bank

Outstanding or Related Permits and Cases:

1. There are no additional outstanding permits or cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Northeast Statistical Neighborhood and within the Organization for Community Neighborhood Group. The neighborhood features narrow lots and a grid street layout. A significant amount of the parcels is vacant, while the other parcels feature single-family residences. The large number of vacant parcels is part of the reason that the playground is being constructed.

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

The zoning and uses of properties are set out above. A playground is a common use within a single-family neighborhood and would serve both current and future development in the neighborhood.

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 currently three (3) vacant parcels. A park will maintain the undeveloped nature, however, will also provide a new amenity to the neighborhood, which would have a positive effect on nearby properties and the neighborhood as a whole.

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

Aerial photos indicate the property has been vacant since at least 1997.

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

The proposed use conforms to the Northeast Area Master Plan, which designates this property as Lower-Medium Density, which is intended to promote infill development and investment by allowing additional units compared to the Single-Family district, while preserving the overall character of existing neighborhoods. A playground is compatible with the intent of the Lower-Medium Density designation, which seeks to promote infill development and investment while preserving the character of the neighborhood. The proposed playground would not alter the character of the neighborhood and would serve a need in the community.

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 would result in the increase in traffic, as patrons may drive to the park, however, the location of the park is intended to serve the immediate community within walking distance of the park. Additionally, since there is no on-site parking, parking will occur on the Street. Traffic, however, should not increase to the point where it exceeds the capacity of Rowland Avenue or North 17th Street, both Local Streets.

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 necessary for the welfare of the public, as it provides a safe space for the community to gather and can be a catalyst for future investment within the neighborhood. The proposed use will improve the condition of the property, which will improve the quality and marketability of adjoining properties.

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

Noise and illumination are a typical concern of a playground. A successful playground will attract families and children who will inherently create noise. This could become an issue for nearby properties. There are no hours of operation or lighting plan provided currently, therefore Staff cannot accurately assess the impact. These impacts may be minimal if the space is managed properly. Dust and vibration would also not be a concern as long as the park and it's landscaping is managed properly.

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

The proposed use is not expected to pollute the air, land, or water. Staff encourages the applicant to design the park for water run-off and stormwater collection and infiltration, as well as incorporate native plants and grasses into the landscaping plan. The applicant should provide a detailed landscape plan, demonstrating the types of plants and grasses used.

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

The site plan shows landscaping for the proposed park. This will actually enhance and promote natural resources. The applicant should submit a detailed landscape plan demonstrating the location and species of the vegetation. Staff encourages the applicant to incorporate native plants and grasses into the landscape plan.

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

The proposed use will provide a substantial gain to public health, safety, and welfare, as open space can promote healthy activities and lifestyles, increase community interaction, and increase mental wellbeing, as well as provide a safe gathering space that is easily accessible to nearby residents. Additionally, the reuse of current vacant parcels will have a net positive for local property values and landowners.

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

There is the potential for increased traffic and increased on-street parking, as patrons may drive to the park. While there is currently space for on-street parking along North 17th Street and Rowland Avenue, consideration must be made to the existing residents, who will see increased traffic and may utilize on-street parking. The increased traffic should be encouraged, however, as it would be as sign of use of the space, as well as provide more “eyes on the street”, which increases safety. Staff contends, however, that most patrons will more than likely walk or bike to the playground rather than drive, therefore, Staff does not believe it is likely that the proposed use will result in the overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

None to date.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Alley Access
Hours of Operation
Illumination
Landscape Plan
Lighting Plan
Noise
Sidewalks
Site Design
Stormwater Runoff and Retention

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-095**, for **two (2) years**, subject to:

1. The applicant shall preserve all existing trees on the property. Where it is not possible to preserve an existing tree, due to health or safety, a new tree shall be planted;
2. A sidewalk shall be constructed along North 17th Street and Rowland Avenue. The sidewalk along Rowland Avenue shall be four (4) feet wide to conform with the goDotte County-Wide Mobility Plan;
3. In the event that storm water manage issues arise, the applicant shall work to address those issues;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. 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. 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;
 8. 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;
 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. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2022-095** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Neighborhood Meeting Minutes
Site Photos, Taken by Staff, Dated October 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	

STAFF CONTACT: **James Molloy, Planner**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-095** 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 **SP2022-095**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:18:35:

SPECIAL USE PERMIT APPLICATION SP2022-095 – MEGAN PAINTER WITH CHWC - SYNOPSIS: Special Use Permit to operate a neighborhood playground at 2515 North 17th Street.

Detailed Outline of Requested Action: The applicant, Megan Painter, with Community Housing of Wyandotte County, is requesting a Special Use Permit for properties at 2513, 2515, and 2517 North 17th Street to operate a privately owned playground. The subject property consists of three (3) separate but adjacent parcels, currently owned by the Wyandotte County Land Bank. The athletic park would be owned and maintained by Community Housing of Wyandotte County.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Megan Painter, applicant, CHWC
- Candie Leonard-Caldwell

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:22:08: Planning Director Hand stated that this request is for a private playground. The applicant sought to build this project at another location earlier this year. Due to neighborhood opposition, the applicant found a new site. This property is in the Northeast Area Master Plan. Staff has received no letters in

support nor opposition. There are multiple Notices of Violation due to it being a vacant lot and all would be addressed through this project. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:23:25:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-095 for two (2) years:**

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

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

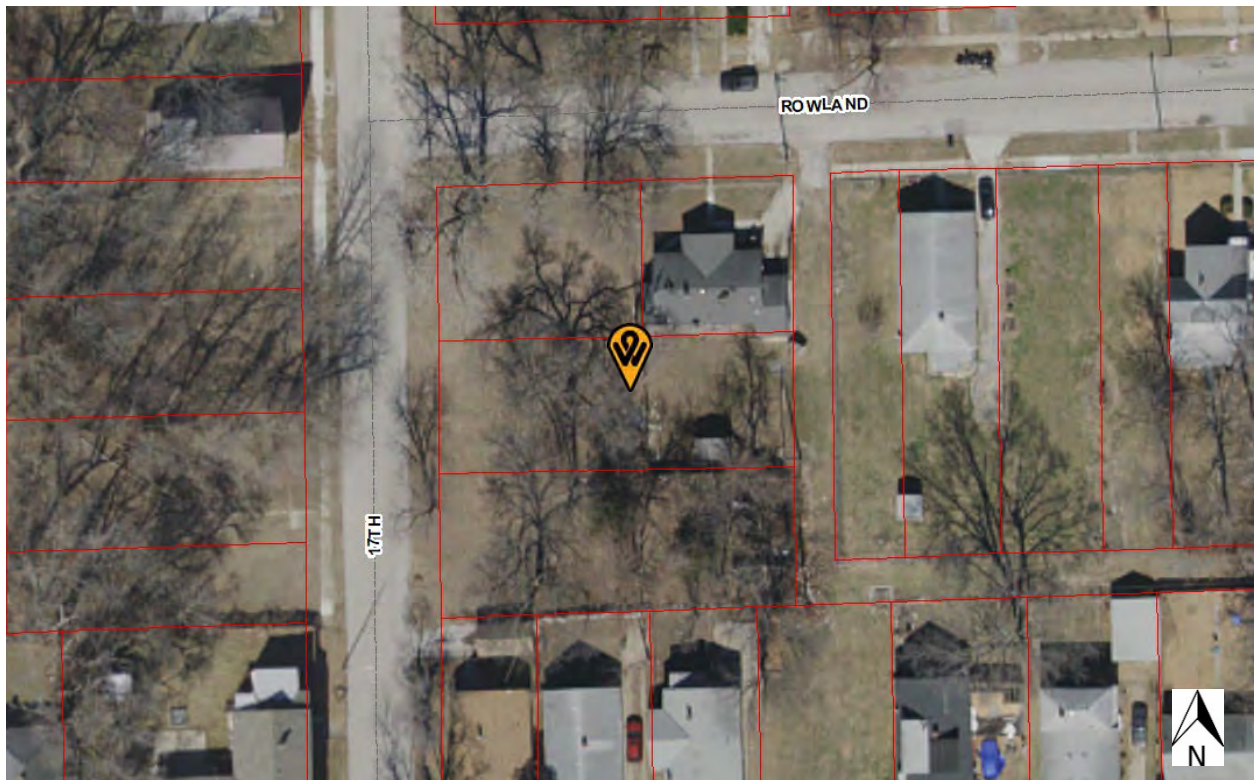
Subject to:

1. The applicant shall preserve all existing trees on the property. Where it is not possible to preserve an existing tree, due to health or safety, a new tree shall be planted;
2. A sidewalk shall be constructed along North 17th Street and Rowland Avenue. The sidewalk along Rowland Avenue shall be four (4) feet wide to conform with the goDotte County-Wide Mobility Plan;
3. In the event that storm water manage issues arise, the applicant shall work to address those issues;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. 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. 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;
 8. 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;
 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. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

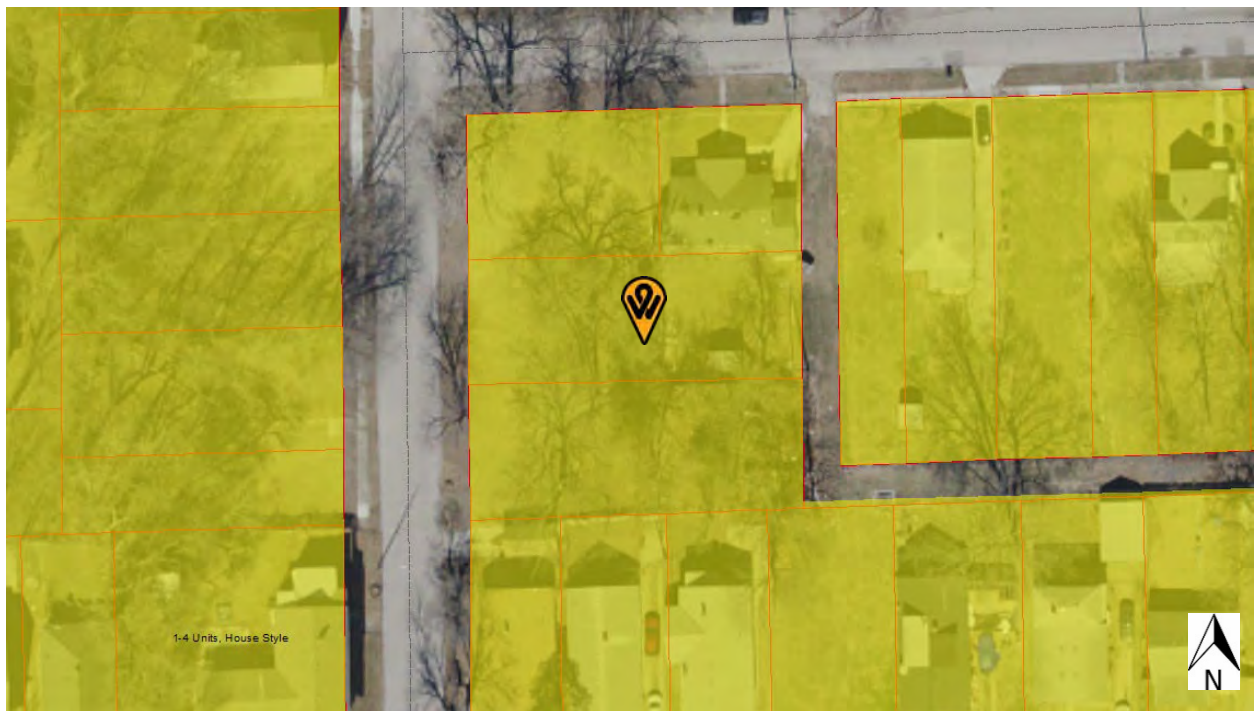
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PLAN

OCP Playground Landscape Plan

2515 N 17th Street



Swinging Bench

- Solar Light Post (3-4)

New 5' Sidewalk



Hill with Slide and Tunnels



Play Structure - Phase 2

Actual equipment piece will be chosen by neighborhood kids



SwingSet



Spinning Equipment



Zip Line

NEIGHBORHOOD MEETING MATERIALS

SPECIAL USE PERMIT MEETING MINTUES
DEPARTMENT OF URBAN PLANNING AND LAND USE #SP2022-095
ORGANIZATION FOR COMMUNITY PRESERVATION
OCTOBER 31, 2022
VIA TELEPHONE CONFERENCE 6:00-7:00pm

Meeting was called to Order at 6:05 pm by President, Candie Leonard-Caldwell.

President stated the purpose of meeting and announced the conference call line would be open for an hour to allow anyone notified 200 feet of 2515 North 17th Street Kansas City, KS 66104.

Lorena Moore 1527 Rowland Ave. Kansas City, KS 66104, on October 25, 2022, via telephone call with President, Candie Leonard-Caldwell, voiced her opinion of "she does not care if, the playground goes in or she does not care if the playground doesn't."

PARTICIPANTS ON COFERENCE CALL:

Candie Leonard-Caldwell, President

Vernell Bates, OCP Member

Doris L. Jenkins, OCP Member

Marchita Butler, OCP Member

Meeting was adjourned by President, Caie Leonard- Caldwell at 6:50pm with no other participants on the conference call.

Respectfully submitted:

Candie Leonard-Caldwell, President

October 20, 2022

KIMBROUGH, SHERRI A
2515 ALDEN ST.
KANSAS CITY, KS 66104

SUBJECT: ORGANIZATION FOR COMMUNITY PRESERVATION INC. (OCP)
NEIGHBORHOOD MEETING

I/We have filed an application with the Department of Urban Planning and Land
Use # SP2022-095.

The purpose of this: Special Use Permit
It is for a Neighborhood playground at the following address: 2515 North 17th
Street Kansas City, KS 66104.

I/We are having a neighborhood meeting on Monday, October 31, 2022 at
6:00p.m. Via telephone conference/Dial (516) 893-5151 Access Code:
3103651#

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

I look forward to you joining in on our neighborhood meeting telephone
conference call. If you are unable to attend, please contact me at the
address/phone number listed below.

Sincerely,
Candie Leonard-Caldwell, President (913) 951-7147
Organization for Community Preservation, Inc. (OCP)
P.O. Box 171692 Kansas City, KS 66117
ocpcommunityorganization@gmail.com

Camille L. Caldwell, Vice President
Organization for Community Preservation, Inc. (OCP)
P.O. Box 171692 Kansas City, KS 66117
ocpcommunityorganization@gmail.com

*Call & Order
6:05 pm
by President*

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Megan Painter, of lawful age, sound mind and up
his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-095
2. That I conducted a neighborhood meeting on 10/31/2022.
3. Attached are the minutes/summary of the meeting and a copy of the
notice mailed to the property owners on the list provided by the Urban
Planning and Land Use Department.

SP2022-095

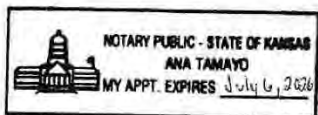
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2 day of
Nov, 2022.

My commission expires 6th of July, 2026



Ana Tamayo
Notary Public

AFFIDAVIT – NEIGHBORHOOD MEETING

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COUNTY OF Wyandotte) SS:

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SP2022-095

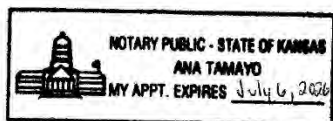
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2 day of
Nov, 2022.

My commission expires 6th of July, 2026.





Notary Public

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 14, 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: December 1, 2022

Re: Petitions SP2022-099 and PR2022-042

GENERAL INFORMATION

Applicant:

Chuck Cuda DBA Avenue Partners, LLC

Status of Applicant:

Property Owner
1804 Swift Street
North Kansas City, Missouri, 64116

Requested Action:

Approval of a Special Use Permit.

Approval of a Preliminary and Final
Development Plan.

Date of Application:

September 22, 2022

Purpose:

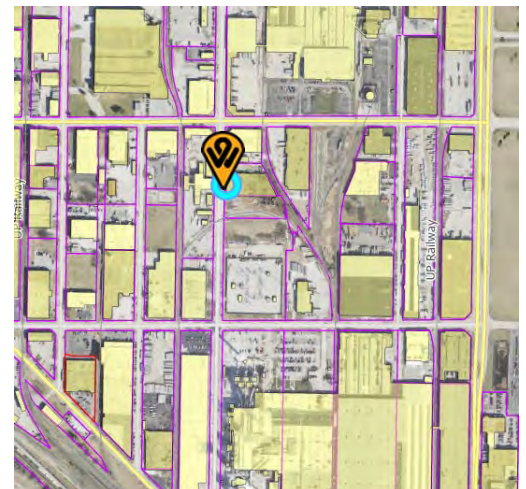
The approval of a Special Use Permit and
Development Plan for the operation of an
automotive body shop.

Property Location:

3141 and 3151 Fiberglass Avenue
Kansas City, Kansas 66115

Commission District:

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: Concrete Coring & Cutting Construction Business South: BPU Substation East: Papermill West: Trucking Company
Total Tract Size:	2.76 Acres
Master Plan Area:	Northeast Area Master Plan
Master Plan Designation:	The Northeast Area Master Plan designates the property's land use as Industrial, in which uses include light and heavy industrial buildings as well as supportive commercial uses such as convenience stores, restaurants, and gas stations.
Major Street Plan:	The City-Wide Master Plan designates this tract of Fiberglass Road as a Collector Street.
Required Parking:	Section 27-470(f) states that parking requirements for this district are required at one (1) off-street parking space for every 500 square feet of building area up to 20,000 square feet, and one (1) additional space for every 1,000 square feet beyond 20,000 square feet up to 50,000 square feet. The building has a floor area of 3,728 square feet, requiring a minimum of 15 parking spaces. The subject property has 44,257 square feet requiring 45 parking spaces although only 40 are required, in which a variance in being requested in conjunction with this application.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2022 Letters to Property Owners – October 21, 2022
Public Hearings:	November 14, 2022 and December 1, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Chuck Cuda with Avenue Partners LLC, is requesting a Special Use Permit and Preliminary and Final Development Plan for the operation of an automotive repair facility at the subject properties of 3141 and 3151 Fiberglass Road. The applicant is the landlord, with the proposed tenant being Dent Wizard International. The property at 3141 Fiberglass has a small parking lot on the North side, although it does not provide all the required parking. The applicant also owns the parcel to the South at 3151 Fiberglass, which is a parking lot with a railroad right of way easement. The two (2) parcels are both leased by the applicant to Dent Wizard International as part of their tenant agreement and are seeking the approval for the agreement as part of their review.

This application is being heard in conjunction with Variance BOZA2022-026 for variances related to minimum parking requirements and parking lot pavement setbacks.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject properties have had a combined 12 disturbance cases related to business checks and one abandoned vehicle left on the property.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has not had any code enforcement cases in the past 10 years.

Outstanding or Related Permits and Cases:

1. The subject property has four (4) outstanding building permits related to recent renovations of the property:
 - a. 2022: COM22-0066 – Commercial Tenant Improvement
 - b. 2022: ELE22-0648 – Electrical – Tenant Improvements
 - c. 2022: MEC22-0391 – Mechanical – Tenant Improvements
 - d. 2022: PLM22-0645 – Plumbing – Tenant Improvements

FACTORS TO BE CONSIDERED

Special Use Permit

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 a papermill, trucking company, 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. The use of an automotive body repair shop is consistent with other nearby properties in close proximity as it is primarily an industrial district. The proposed use is compatible if properly managed. Beginning operations at this facility has the potential to create issues related to noise, parking, chemical 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 currently vacant and has been vacant for the previous 15 years. The applicant has recently renovated the front offices for Dent Wizard to use as part of their operations, with more improvements planned for the rear of the building for the autobody equipment.

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 patterns are designed to handle large vehicles and regular traffic. The subject property is an automotive

body repair facility but does not see foot traffic from retail customers. 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 is not reasonably necessary for the welfare of the public, as it is a private business operation, however, it does provide a convenience in the form of automotive body repair. If managed properly, the 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 vehicle and truck traffic, however, vehicle 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 an automotive body repair shop, as the repair work will occur inside the facility. Dust is not foreseen to be an issue, as the existing parking lot is paved with the adjacent parking lot planned to be paved as part of the tenant improvement.

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 performing autobody work, the applicant has extensive control measures to limit environmental hazards related to oil and chemical disposal and tires. 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 contamination of the waterway with autobody materials or chemicals in 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 negligible, as this is a private business. If denied, the applicant would need to relocate their business and the building would continue to be vacant.

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.

Development Plan

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

This proposed project is within an existing, permitted building in an industrial district. The site can meet all applicable ordinances with the exception of the number of required parking and pavement extension, which was considered legal non-conforming prior to the property's prolonged vacancy. A variance has been applied for to address these non-conformities, however there is still ample parking and open space at the adjacent parking lot, which is part of this proposed project.

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

The subject properties have some non-conformities, as the property was built before zoning codes were in place or enforced. The non-conformities are related to parking and parking lot setbacks, in which a variance has been applied. If the proposed use is properly managed, the operation of an auto body shop is highly capable of meeting applicable ordinance requirements.

3. The Character of the Neighborhood.

See Special Use Permit #1 above.

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

Automotive uses are not addressed in the Northeast Master Plan. The City-Wide Master Plan restricts automotive uses to Community Commercial Land Uses or higher, in which the Industrial Land Use of the subject property conforms.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on October 27, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Parking Lot Access
Landscaping and Screening
Dust and Noxious Uses
Automotive Uses
Automotive Chemicals
Building Materials
Fencing
Flood Plain Hazards
Cross Access Agreement/Shared Parking Agreement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-099**, for two (2) years and Plan Review Application **PR2022-042**, subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2022-056**. 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 **BOZA2022-056** by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The following improvements shall be made to the property:
 - a. The parking lot shall be restriped.
 - b. The barbed-wire fencing shall be tilted inward
 - c. The trash enclosure shall follow commercial design guidelines if visible from the public street.
 - d. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards.
 - e. Any entrance gates shall slide parallel to the fence or shall open inward as to not interfere with the right-of-way;
3. Vehicle repairs shall not be done in any right-of-way easement or roadway. Vehicles shall be repaired within an enclosed building;
4. A cross-access agreement shall be maintained between the separate parcels;
5. Hours of operation shall be from 7:00 AM to 6:00 PM;
6. Landscaping shall be installed per plan and continuously maintained;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

9. If approved, Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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;
11. 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;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. 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;
15. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
17. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final

Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

18. 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;
19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **SP2022-099** and **PR2022-042** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Plan Set
Neighborhood Meeting Information
Planning Engineering Comment Letters
Staff Site Visit Photos dated November 3, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Special Use	November 14, 2022 Approval	December 1, 2022
Preliminary and Final Plan	November 14, 2022 Approval	December 1, 2022

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

MOTIONS

Special Use Permit:

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-099** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-099**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review:

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-042** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-042**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:24:11:

SPECIAL USE PERMIT APPLICATION SP2022-099 – CHUCK CUDAS WITH AVENUE PARTNERS LLC - SYNOPSIS: Special Use Permit to operate an automotive body repair shop at 3151 Fiberglass Road.

PLAN REVIEW APPLICATION PR2022-042 – CHUCK CUDAS WITH AVENUE PARTNERS LLC - SYNOPSIS: Preliminary and Final Plan Review for an automotive body shop at 3151 Fiberglass Road.

Detailed Outline of Requested Action: The applicant, Chuck Cudas with Avenue Partners LLC, is requesting a Special Use Permit and Preliminary and Final Development Plan for the operation of an automotive repair facility at the subject properties of 3141 and 3151 Fiberglass Road. The applicant is the landlord, with the proposed tenant being Dent Wizard International. The property at 3141 Fiberglass has a small parking lot on the North side, although it does not provide all the required parking. The applicant also owns the parcel to the South at 3151 Fiberglass, which is a parking lot with a railroad right of way easement. The two (2) parcels are both leased by the applicant to Dent Wizard International as part of their tenant agreement and are seeking the approval for the agreement as part of their review. This application is being heard in conjunction with Variance BOZA2022-026 for variances related to minimum parking requirements and parking lot pavement setbacks.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Aaron Moore, Kaw Valley Engineering, representing the applicant, 8040 North Oak Trafficway, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:26:40: Planning Director Hand stated that the request is for an automotive operation. The variance for parking, BOZA2022-056, was approved by the Board of Zoning Appeals earlier this evening. This property is located in the Northeast Area Master Plan. Staff has received no letters in support nor opposition. There are numerous Notices of Violation that will be addressed during construction. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 4:27:60:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-099 for two (2) years:**

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

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

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-056. 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 BOZA2022-056 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The following improvements shall be made to the property:
 - f. The parking lot shall be restriped.
 - g. The barbed-wire fencing shall be tilted inward
 - h. The trash enclosure shall follow commercial design guidelines if visible from the public street.
 - i. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards.
 - j. Any entrance gates shall slide parallel to the fence or shall open inward as to not interfere with the right-of-way;
3. Vehicle repairs shall not be done in any right-of-way easement or roadway. Vehicles shall be repaired within an enclosed building;

4. A cross-access agreement shall be maintained between the separate parcels;
5. Hours of operation shall be from 7:00 AM to 6:00 PM;
6. Landscaping shall be installed per plan and continuously maintained;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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;
11. 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;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. 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;
15. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676].

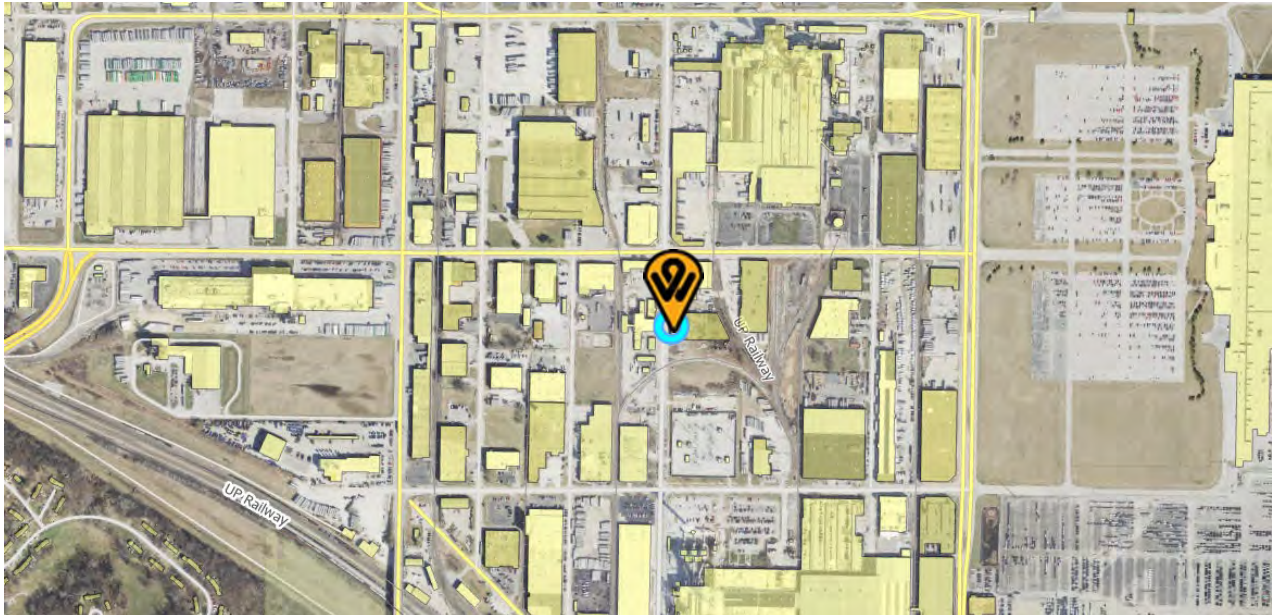
- Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
17. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
 18. 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;
 19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2022-042:**

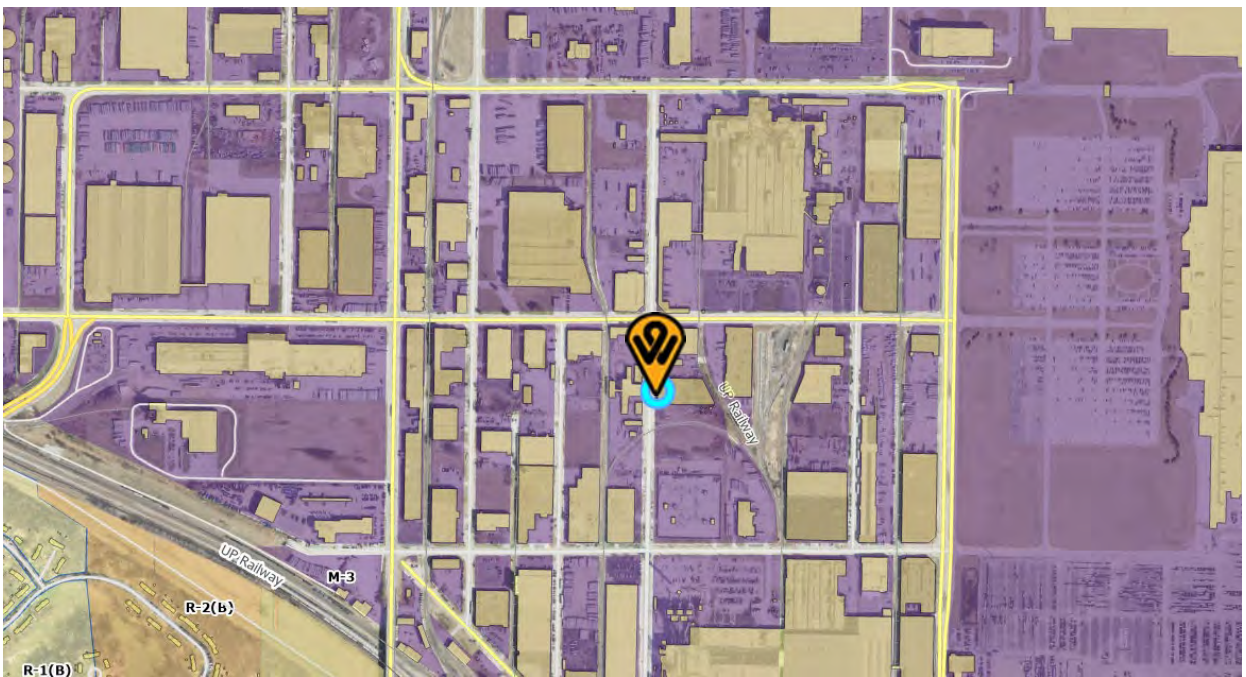
Carson	Not Present
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Chairman
Miller	Not Present
Mohler	Aye

Motion to **APPROVE** Passed: 5 to 0
Subject to the above conditions.

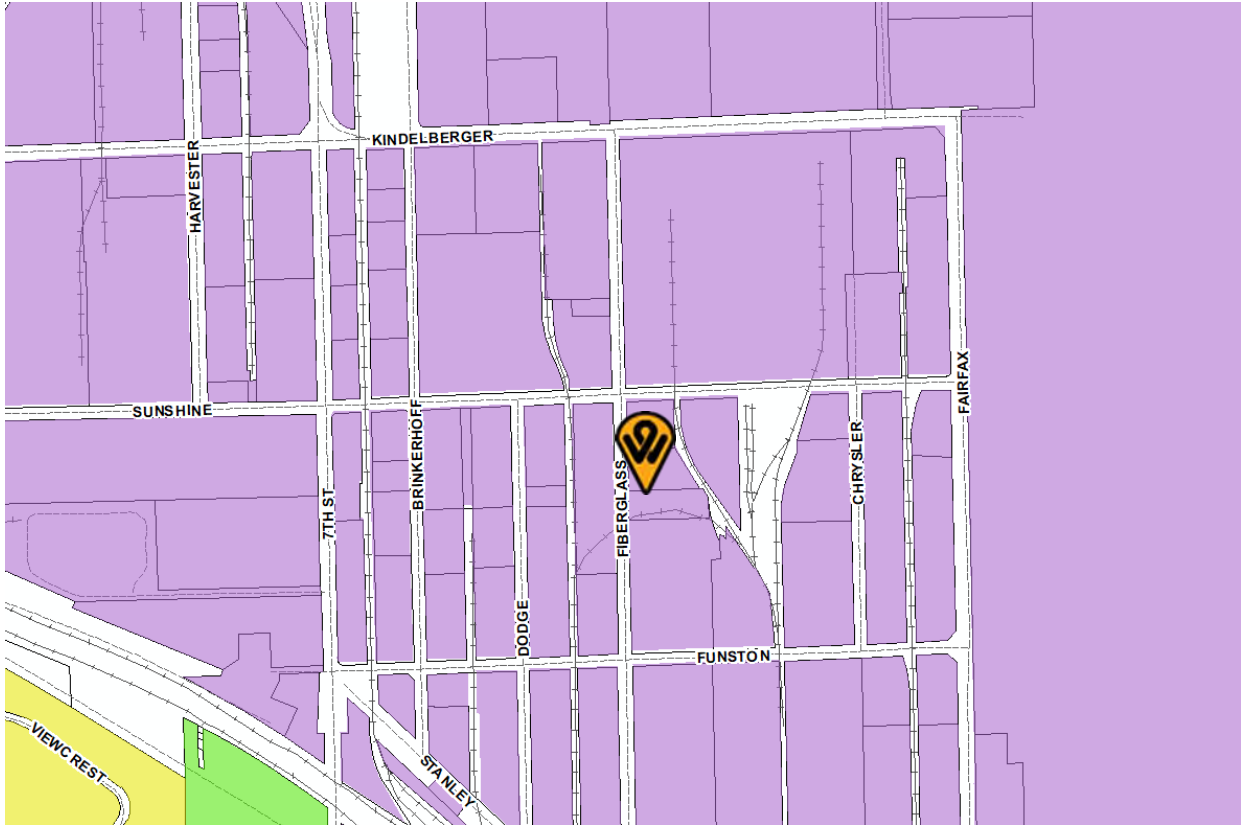
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

NEAMP Future Land Use

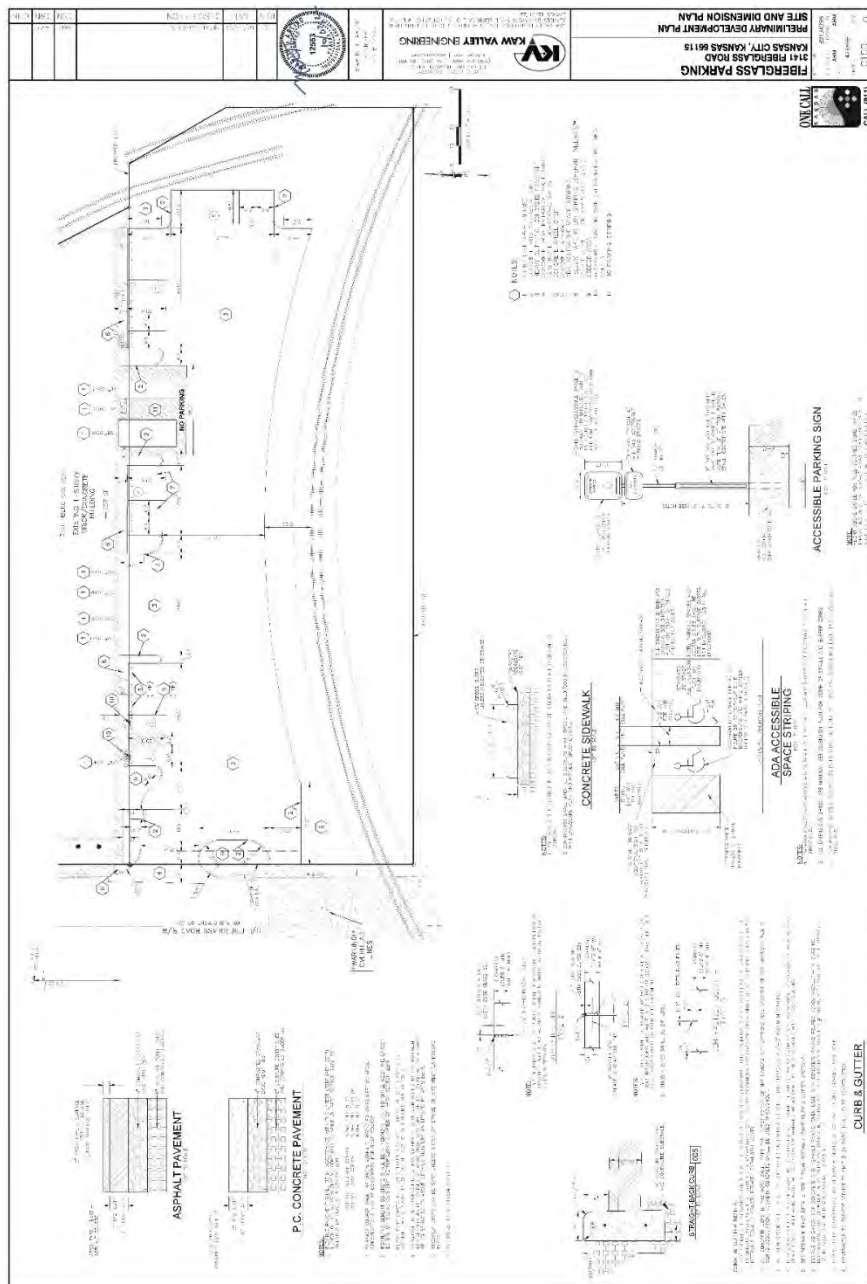
Districts

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

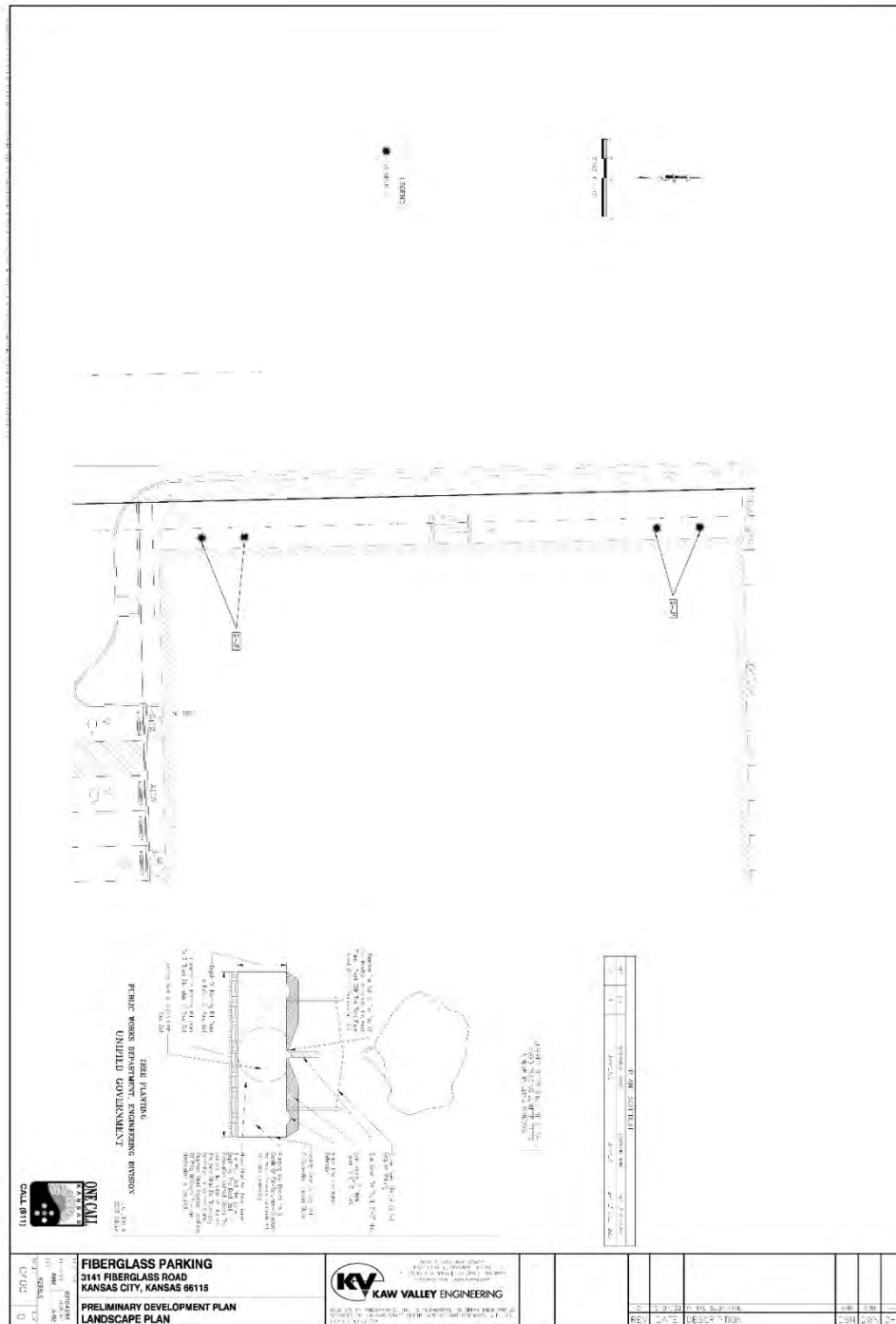
SP2022-099 & PR2022-042



20



PLAN SET



NEIGHBORHOOD MEETING INFORMATION



KAW VALLEY ENGINEERING, INC.

Office: 816-468-5553
Fax: 816-468-6651
Web: www.kvenig.com
Address: 8040 N. Oak Trafficway
Kansas City, MO 64112

Meeting Minutes for: Neighborhood Meeting

Application Number: SP2022-099, PR2022-042, & BOZA2022-056

Date and Location: 10/27/2022 via Zoom

Meeting called to order at: 5:35pm

Names of people in attendance: Aaron Moore, Stanley Amelkovich, Chris Richardson, Luis Ramirez, Chris Brewer, Robert Levy

Introductions:

Introductions were given by the project team: Aaron Moore- Kaw Valley Engineering/Civil Engineer, Stanley Amelkovich- DesignHaus/Architect, Chris Richardson-Dent Wizard International, Luis Ramirez-Dent Wizard International, Chris Brewer- Dent Wizard International. An overview of the business was given by representatives from Dent Wizard International

Q&A:

Question 1: Asked by Robert Levy- What kind of autobody work does the business do?

Answer 1: Answered by Chris Richardson- Dent Wizard primarily works with rental agencies, dealerships, and leasing companies to provide paintless dent repair and other minor cosmetic repair.

Question 2: Asked by Robert Levy- What stage is the project in?

Answer 2: Answered by Aaron Moore- The property consists of two different parcels. The parcel at 3151 Fiberglass Rd is undergoing a SUP and Variance application. The parcel at 3141 Fiberglass Rd is undergoing a Preliminary Development Plan and Final Development Plan Application.

Meeting adjourned at: 6:00pm

Minutes taken by: Aaron Moore

Office Locations: Joplin, MO / Kansas City, MO / Lenexa, KS / Sarita, KS / Emporia, KS / Wichita, KS

NEIGHBORHOOD MEETING INFORMATION

Sign-In Sheet for: Neighborhood Meeting

Application Number: SP2022-099, PR2022-042, & BOZA2022-056

Date and Location: 10/27/2022 @5:30pm CST via Zoom

Aaron Moore	Kaw Valley Engineering
Luis Ramirez	Dent Wizard International
Chris Brewer	Dent Wizard International
Chris Richardson	Dent Wizard International
Stanley Amelkovich	DesignHaus
Robert Levy	400 Funston Road, Kansas City KS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) ss:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP2022-099, PR2022-042, & BOZA2022-056
2. That I conducted a neighborhood meeting on October 27, 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

ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: October 19, 2022

SUBJECT: Chuck Cuda – (SP2022-099, PR2022-042, & BOZA2022-056)
3151 Fiberglass Road
General Engineering Review No. 1 (of the site plan not sealed, received 9/30/2022)

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) Provide information regarding the type and condition of vehicles that will be parked and repaired at this site. Will there be maintenance services, i.e., changing oil and fluids? How do the oil changing areas drain, i.e., are there floor drains? Are there any car service bays? Will wrecked vehicles that potentially are leaking hazardous fluid be stored on this site prior to being repaired? In work areas where there will be oil or other fluid changes, there will need to be an oil-water separator, meeting UG standards and criteria. Please indicate if there are existing oil-water separators and connections to the sanitary sewer system. If new oil-water separators and connections(s) to the sanitary sewer system shall be proposed in the building, provide details, as applicable.
- 3) Will there be painting services, i.e., paint booths? With paint spill etc. on vehicles within the existing building, provide staff with information regarding the condition of the service bay (paint booth / spray booth) areas i.e., oil-water separator pit. In this regard, please continue with Spill Prevention and Response Plan, as applicable.
- 4) Depending on the condition of the vehicles being serviced and repaired and stored, stormwater quality hotspots may be applicable. **See Stormwater Quality for additional comments.**

ENGINEERING COMMENT LETTERS

- 5) Please confirm if there are proposed site improvements e.g., mill and overlay of the parking area. If so, the erosion control plans shall be required.
- 6) The proposed driveway entrance within right of way of Fiberglass Road shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.
- 7) The proposed access gate shall not encroach on the public right-of-way easement. In this regard, the gate shall not open to the right of way.
- 8) Vehicle repairs shall not be done on the right of way of Fiberglass Road.
- 9) Will there be a trash enclosure? If new trash enclosure shall be proposed on the site, provide details i.e., location, dimensions, etc., as applicable. And explain how will dump truck get in and out of site to pick up the trash.
- 10) Please note that ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.
- 11) Coordinate with Tony Sabljak (913-573-8664) of UG Planning and Zoning, regarding the floodplain special requirements, as applicable.
- 12) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.
- 13) See Sanitary Sewer review for additional comments.
- 14) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Travis Trumble
Reviewer: Digitally signed by Travis
Trumble
Date: 2022.10.19 20:12:36 -05'00'
Travis Trumble, Project Engineer

ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: October 19, 2022

SUBJECT: Chuck Cuda – (SP2022-099, PR2022-042, & BOZA2022-056)
3151 Fiberglass Road
Sanitary Sewer Review No. 1 (of the site plan not sealed, received 9/30/2022)

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.wycokek.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

- 1) As mentioned in the general engineering review, provide more information and/or detail on the oil-water separator(s) and connection(s) to the sanitary sewer system of floor drains. In this regard, indicate the pipe connection of the floor drains to the sanitary sewer system, also verify oil-water separators are installed or are proposed with the service bay / paint booth.
- 2) 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: 2022.10.19 20:13:02 -0500
Travis Trumble, Project Engineer

ENGINEERING COMMENT LETTERS



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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: October 19, 2022

SUBJECT: Chuck Cuda – (SP2022-099, PR2022-042, & BOZA2022-056)
3151 Fiberglass Road
Stormwater Quality Review No. 1 (of the site plan not sealed, received 9/30/2022)

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

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

Reviewer: Travis Trumble Digitally signed by Travis Trumble
Date: 2022.10.19 20:13:27 -05'00'
Travis Trumble, Project Engineer

STAFF SITE VISIT PHOTOS DATED NOVEMBER 3, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 3, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 3, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 3, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 1, 2022

Re: Petition SP2022-100

GENERAL INFORMATION

Applicant:
Bent Bitikofer

Status of Applicant:
Property Owner
5841 Swartz Road
Kansas City, Kansas 66106

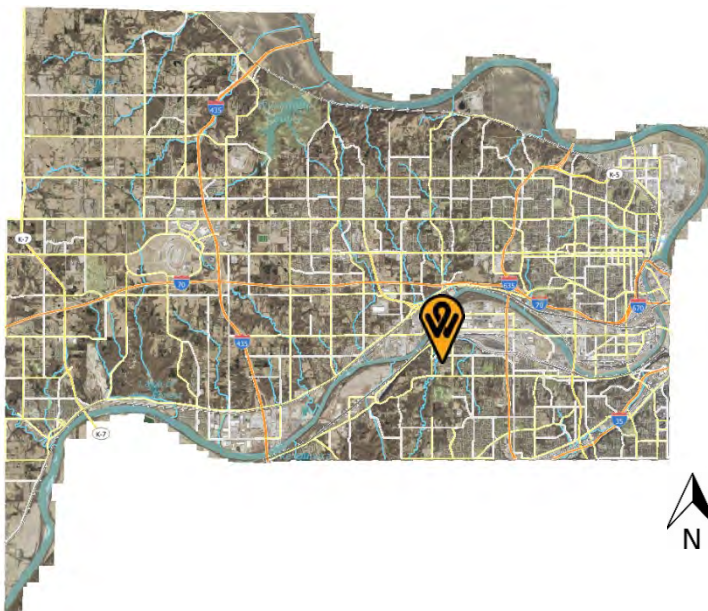
Requested Action:
Approval of a Temporary Use of
Land Special Use Permit.

Date of Application:
September 30, 2022

Purpose:
Special Use Permit to keep a
storage container on the property.

Property Location:
5841 Swartz Road
Kansas City, Kansas 66106

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



Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: R-1 Single-Family District West: R-1 Single-Family District and A-G Agriculture District
Adjacent Uses:	North: Single family residence South: Single family residence East: Single family residence West: Single family residence
Total Tract Size:	2.28 Acres
Master Plan Designation:	The City-Wide Master Plan designates the subject property as Rural-Density Residential, which allows agriculture, ranches and large lot residential development.
Major Street Plan:	The Major Street Plan designates Swartz Road as a Local Street and 59 th Street as a Class C Thoroughfare.
Parking Requirement:	Sec 27-455(e) states two (2) 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 meets all parking requirements, between the three (3) detached garages and the driveway space.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2022 Letters to Property Owner – October 21, 2022
Public Hearings:	November 14, 2022 and December 1, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bent Bitikofer is requesting a Special Use Permit to keep a storage container to store building materials, airplane parts, and tools on the property at 5841 Swartz Road.

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 complains at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are two (2) active Notices of Violation on the subject property, both regarding the storage container.

Outstanding or Related Permits and Cases:

1. 2022 – CMP22-0390 – Code Enforcement Complaint – Storage Container
2. 2022 – PMZ22-0029 – Zoning Enforcement Complaint – Storage Container

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is located in the Turner Statistical Neighborhood, within the Neighbors on Watch neighborhood group. The neighborhood consists of primarily large-lot single-family residences and agricultural uses. The neighborhood is located along 59th Street, a residential Class C Thoroughfare, which runs North to the Kansas River and South to Johnson County.

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

The zoning and uses are set out above. The proposed use is not compatible with surrounding uses, as most uses that surround the property may utilize their accessory building(s) for storage, rather than a storage container. As staff noted during a site visit, the storage container is being used for the storage of airplane parts and building materials, a use which is out of character for the neighborhood, and not allowed per code.

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

Special Use Permits for storage containers are not uncommon. The context of the property, however, is important when determining the effects that a storage container will have on the nearby properties. In this instance, the residential nature of the neighborhood tends to make garages and sheds suitable and generally acceptable, while storage containers in such neighborhoods are less appropriate. While a storage container may not be the most suitable use on the property, the property is large enough to where it may conceal the container from the surrounding properties, which would limit the potential impacts.

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

The property is currently occupied.

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

Special Use Permits are not addressed in the City-Wide Master Plan. The Rural-Density Residential land use designation does not address the storage of commercial tools, airplane parts, or building materials but does discourage all industrial uses. The applicant is currently using the storage container to store airplane parts, as well as tools, and other building materials, while the storage of tools and residential building materials isn't necessarily out of character, the storage of airplane parts is a heavy commercial or industrial use, which does not conform to the Master Plan.

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

The applicant has given no indication that customers will be coming to the property. Therefore, the proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of Swartz Road a Local/Neighborhood Street, or 59th Street, a Class C Thoroughfare to accommodate it.

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

The proposed use of the storage container is to hold tools, airplane parts, and building materials for the applicant's personal use and can be considered reasonably necessary for the convenience and welfare of the public and may improve the visual quality and marketability of adjoining property, as it may help prevent, airplane parts, building materials and tools from being left out in the open in a manner which may be unsightly to surrounding property owners. The use, however, may still injure the visual quality and marketability of adjoining property, as it does not match the character of the neighborhood. While the proposed storage container may be used for building materials and tools, it may not be used for airplane parts.

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

The storage container is already on the property, so no additional impacts from noise, dust, or vibration would occur.

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

The proposed use of the storage container is to store tools, airplane parts, and building materials. This use should not pollute the air, land, or water, so long as it is stored on an improved surface.

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 located in an existing rural-residential property.

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

The relative gain to public health, safety, and welfare is minimal, as the proposed use serves the property owner for their private use. If denied, the applicant would have to find somewhere else to keep the containers, or utilize an existing a public storage facility, rather than keep the containers on their property.

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

The subject property is currently used for the storage of the container, as well as parking for the applicant's personal vehicles, and storage of other equipment in an unorganized manner which inherently already creates an atmosphere of overcrowding of the land. These additional uses must be addressed before a Special Use Permit is issued.

PREVIOUS ACTIONS

There have been no previous planning entitlements received at the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 27, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Additional Uses on the Property
Accessory Structures
Alternative Storage Solutions
Building Materials
Length of time for the Container
Screening and Landscaping
Unpermitted Use of Land

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-100**, for **two (2) years**, 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 permit process accordingly;
2. All existing and future driveways must feature curb cuts that are constructed to UG standards;
3. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
4. The 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;
5. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
6. 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;
7. The property shall be cleared of all code violations and all accessory structures, with the exception of the primary accessory garage shall be removed.

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-100** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Plot Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated October 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy, Planner
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-100** 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 **SP2022-100**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:29:45:

SPECIAL USE PERMIT APPLICATION SP2022-100 – JOHN GAAR WITH FINKLE WILLIAMS ARCHITECTURE - SYNOPSIS: Special Use Permit to keep a storage container to store construction materials at 5841 Swartz Road.

Detailed Outline of Requested Action: The applicant, Bent Bitikofer is requesting a Special Use Permit to keep a storage container to store building materials, airplane parts, and tools on the property at 5841 Swartz Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- John Gaar, Finkle Williams Architecture, applicant, 8787 Renner Avenue, Lenexa, Kansas
- Bent Bitikofer, 2024 South 54th Terrace, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:39:48: Planning Director Hand stated that the request is for a temporary use of land for the storage container. There are multiple accessory buildings on the site. This property is in the City-Wide Master Plan in the Turner area. Staff received no letters in support nor opposition. This case was brought forth through an enforcement action. He understands that the applicant did not know that he needed a Special Use Permit. Staff recommends denial of this application. If the Commission moves forward with a recommendation of approval, Staff has conditions in the staff report that they would like to add. Staff would recommend that the site be cleaned up and all the accessory structures, except the main one (barn) are removed and a building permit is acquired for the building.

The Planning Commission directed questions to Staff.

Motion starts at 4:43:25:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application**

SP2022-100 for two (2) years:

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

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

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;**

2. All existing and future driveways must feature curb cuts that are constructed to UG standards;
3. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
4. The 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;
5. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
6. 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;
7. The property shall be cleared of all code violations and all accessory structures, with the exception of the primary accessory garage shall be removed.
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

AERIAL IMAGERY



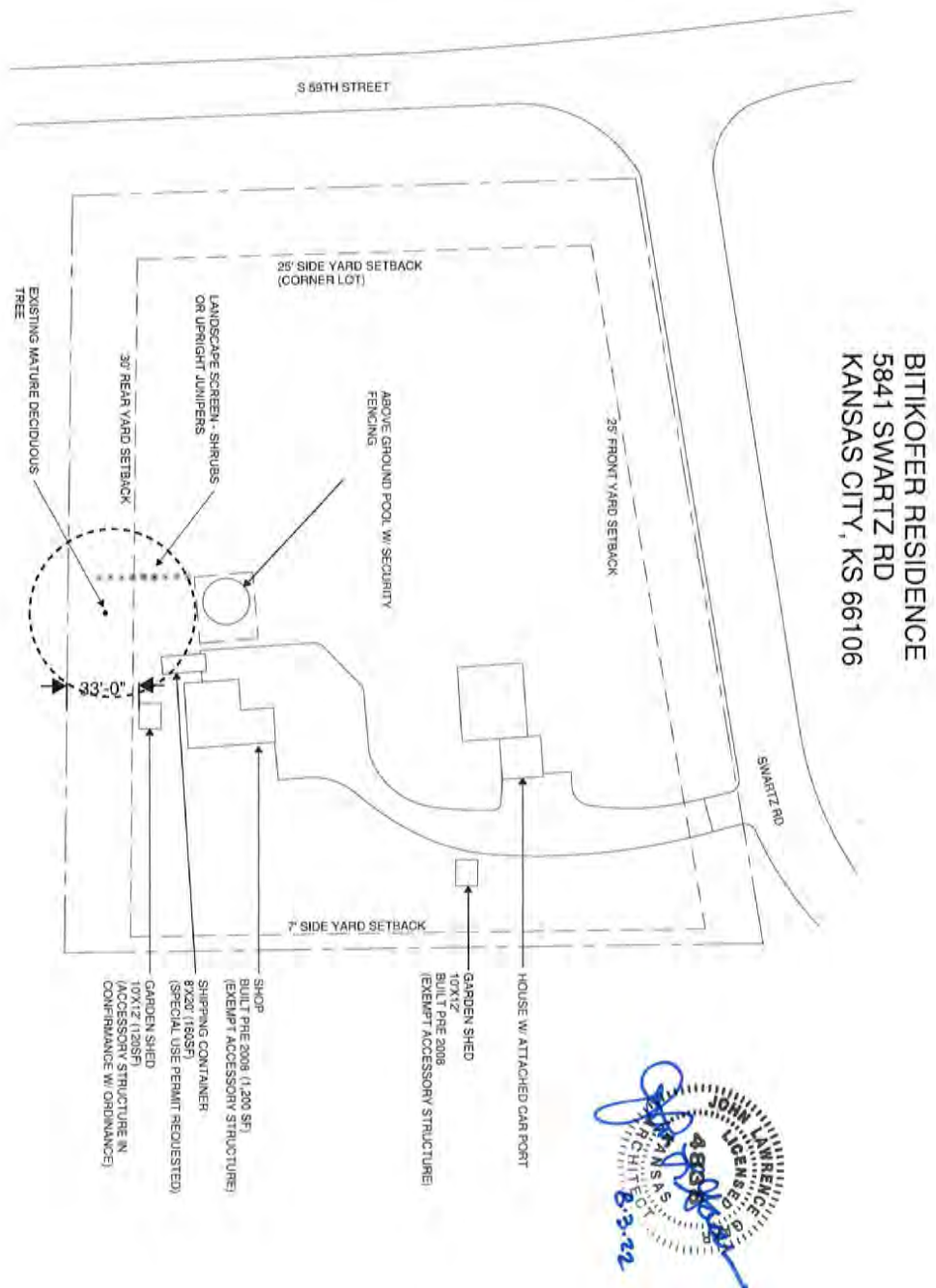
ZONING MAP



LAND USE MAP



PLOT PLAN



NEIGHBORHOOD MEETING MINUTES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Brent E Bitikuber, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-100
2. That I conducted a neighborhood meeting on 10/27/2022.
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.

Brent E Bitikuber
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of November 2022

My commission expires July of 7th, 2022



Tammy Davidson
Notary Public

Application Number SP2022-100

Date and Location: 10-27 6PM

SOUTH BRANCH LIBRARY 3104 STRONG AVE.

A sign posted at entry door advising meeting location in main entry to library where conference room is open to main entry and visually checked for anyone who might have been looking for meeting. No one came.

Meeting called to order at: 6PM

Names of people in attendance: None

Introductions: None

Presentation by applicant and/or team Printed land use provided by John Garr. to those in attendance. 20 printed none distributed

Questions and answers (include the following): none

There were 2 to prior contacts by phone

On October 25, 2022 18:26

MARTINEZ, KATE M 1026 S 59TH ST KANSAS CITY, KS 66106

She said she was unable to attend but had no objection to proposal.

On October 26, 2022 17:30

BUTCHER, LISA 1115 S 59TH ST KANSAS CITY, KS 66106

She stated they have no objection to the container by text

Meeting adjourned at: 7PM

Minutes taken by: Brent Bitikofer

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 14, 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: December 1, 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:

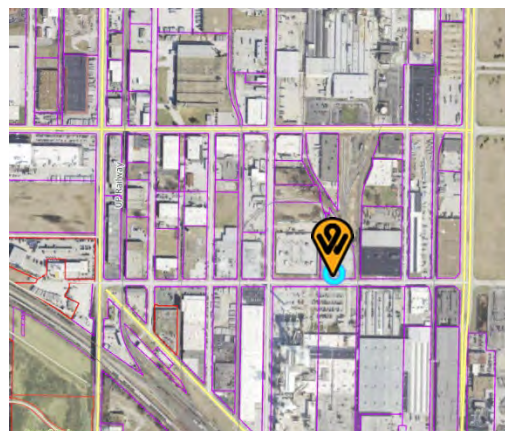
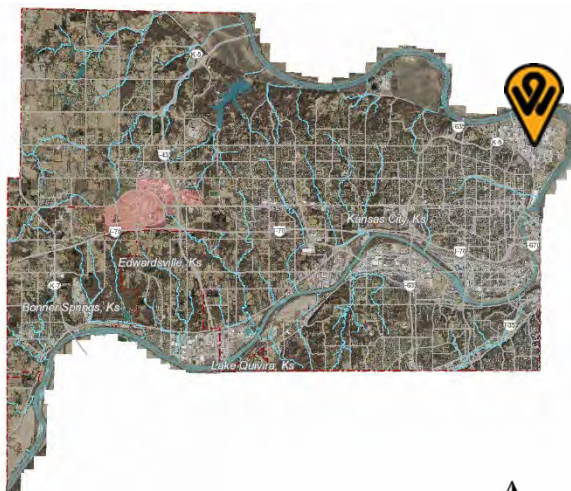
To continue operations as a Medical Waste
Transfer Station.

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:	<u>The Wyandotte Echo</u> – September 15, 2022 Letters to Property Owner – September 16, 2022
Public Hearings:	October 10, 2022, October 27, 2022 and December 1, 2022
Public Support:	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.

APPLICATION UPDATE

The Board of Commissioners continued this application from the October 27, 2022 meeting to the December 1, 2022 meeting for the applicant to meet with the Fairfax Industrial Association and the Fairfax Drainage District. That meeting took place on November 9, 2022 and the minutes are attached. According to the minutes, there is no opposition to this application or the timeframe.

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
Minutes from the meeting with FIA and Fairfax Drainage District
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 Held Over December 1, 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**

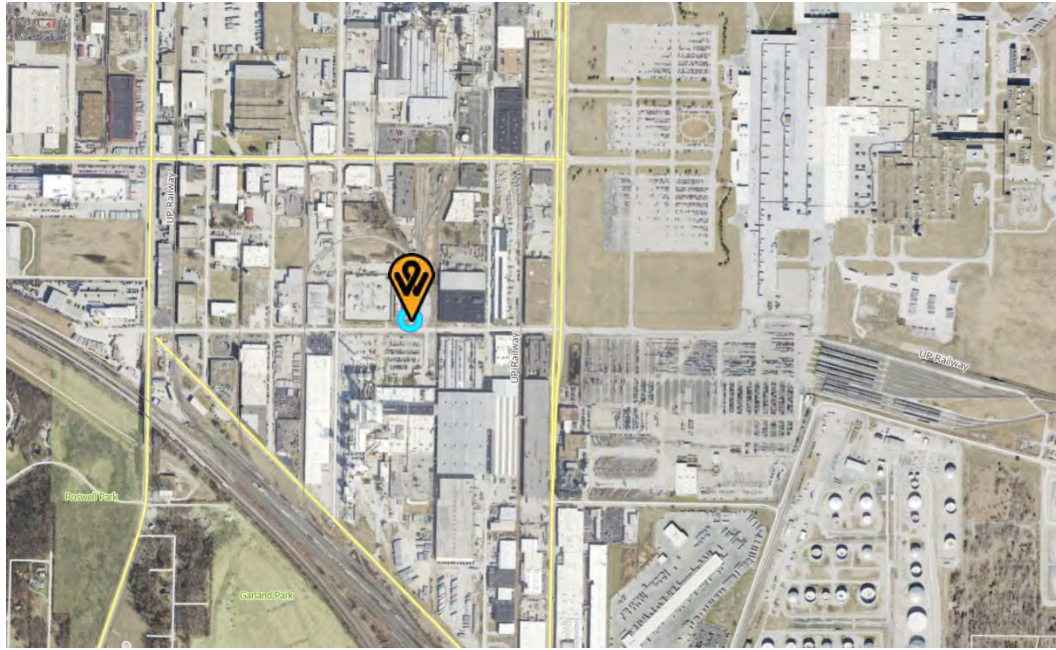
ordinance requirements:

- 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**

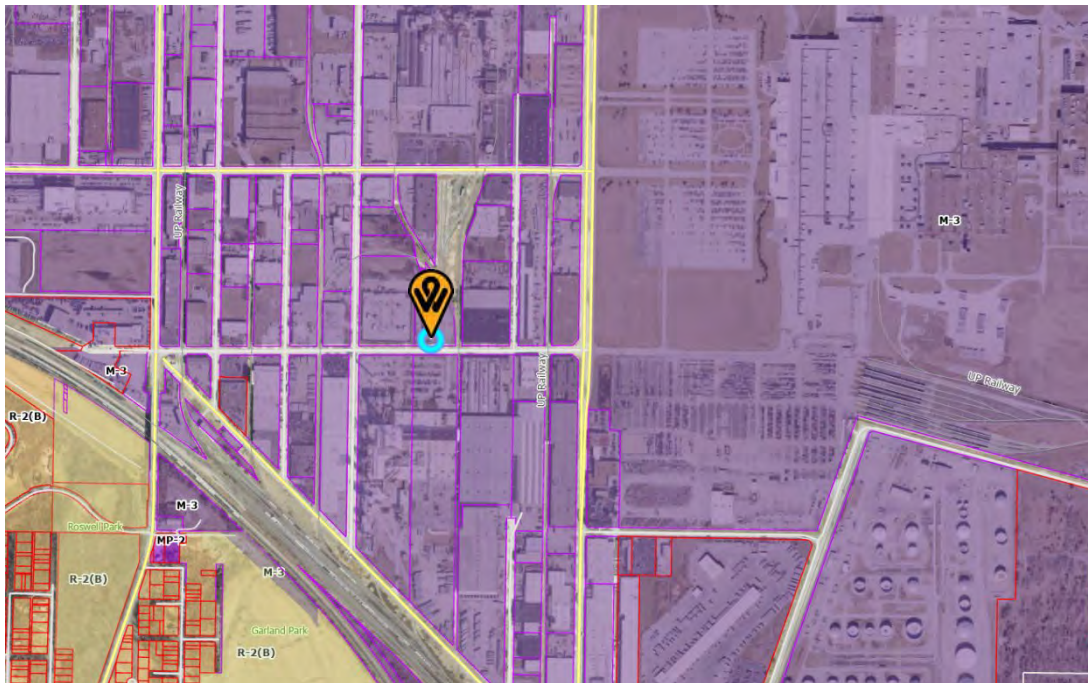
- Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit. This may result in additional building, plan, or site changes as required.
- 7) Per Section 27-723(a), no sign (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.
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- 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.**

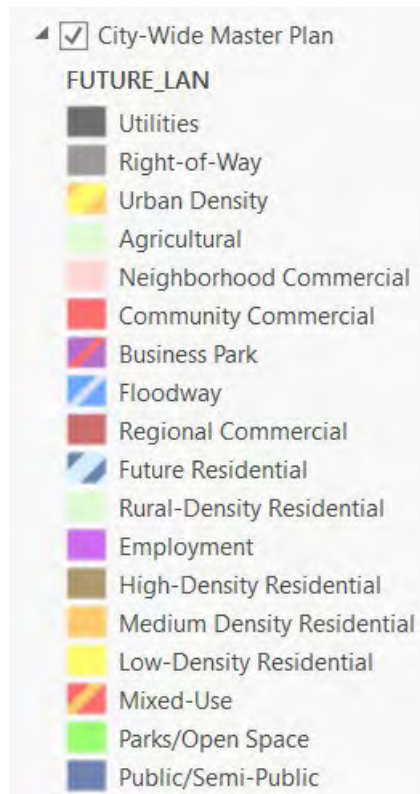
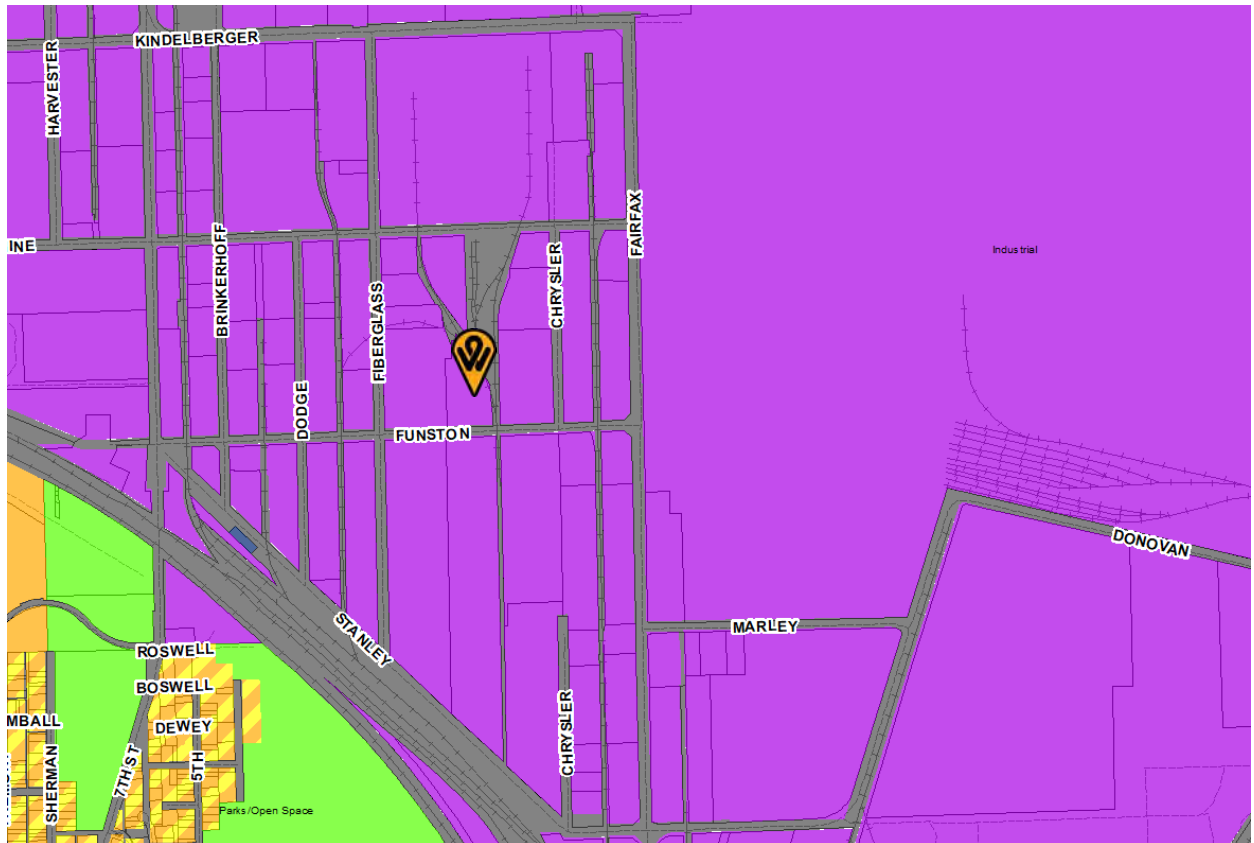
AERIAL MAP



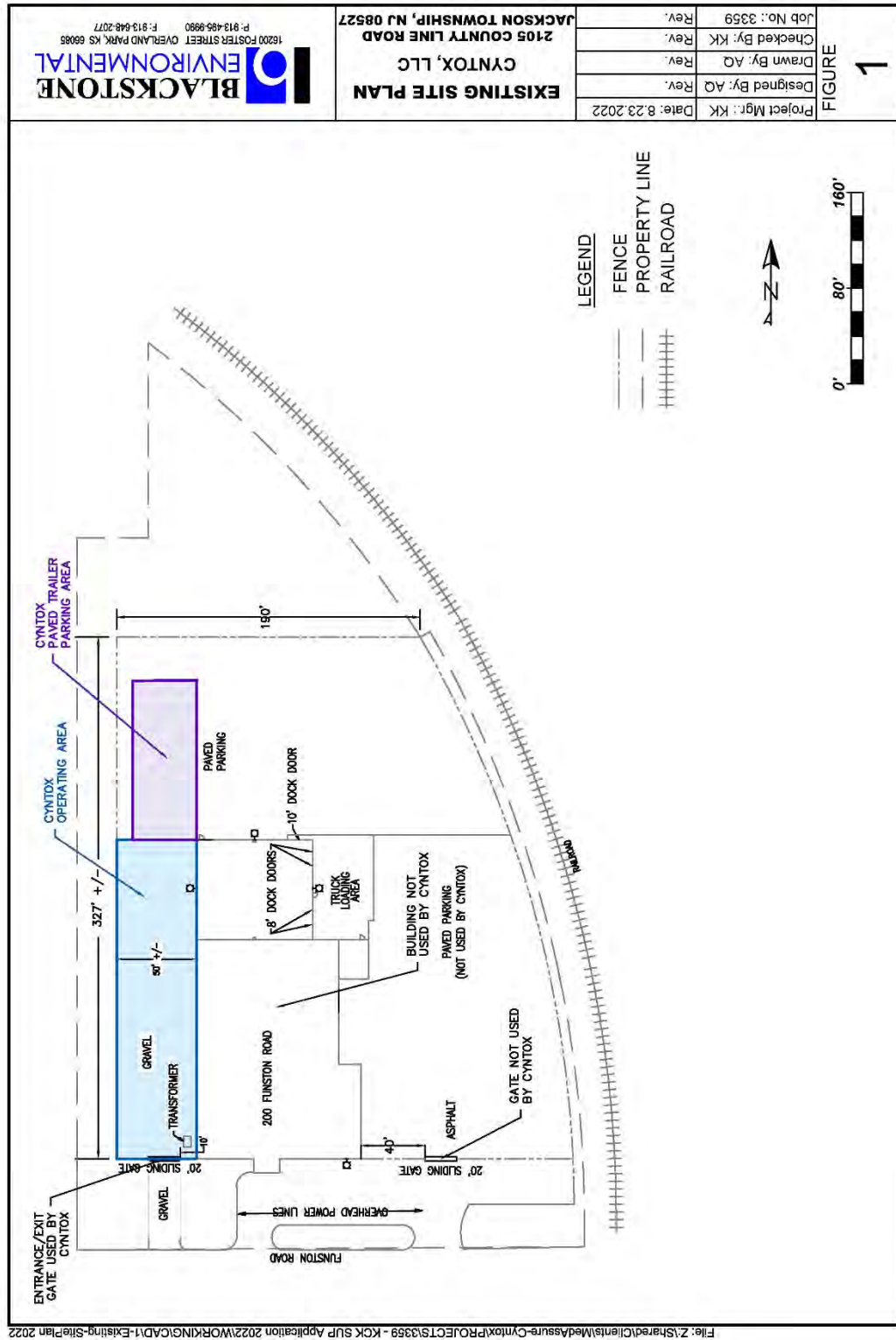
ZONING MAP



LAND USE MAP



APPLICANT'S SITE PLAN



NEIGHBORHOOD MEETING INFORMATION

September 13, 2022

Adrienne 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



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

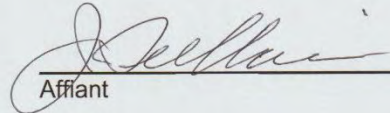
AFFIDAVIT – NEIGHBORHOOD MEETING

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.

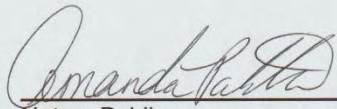


Affiant

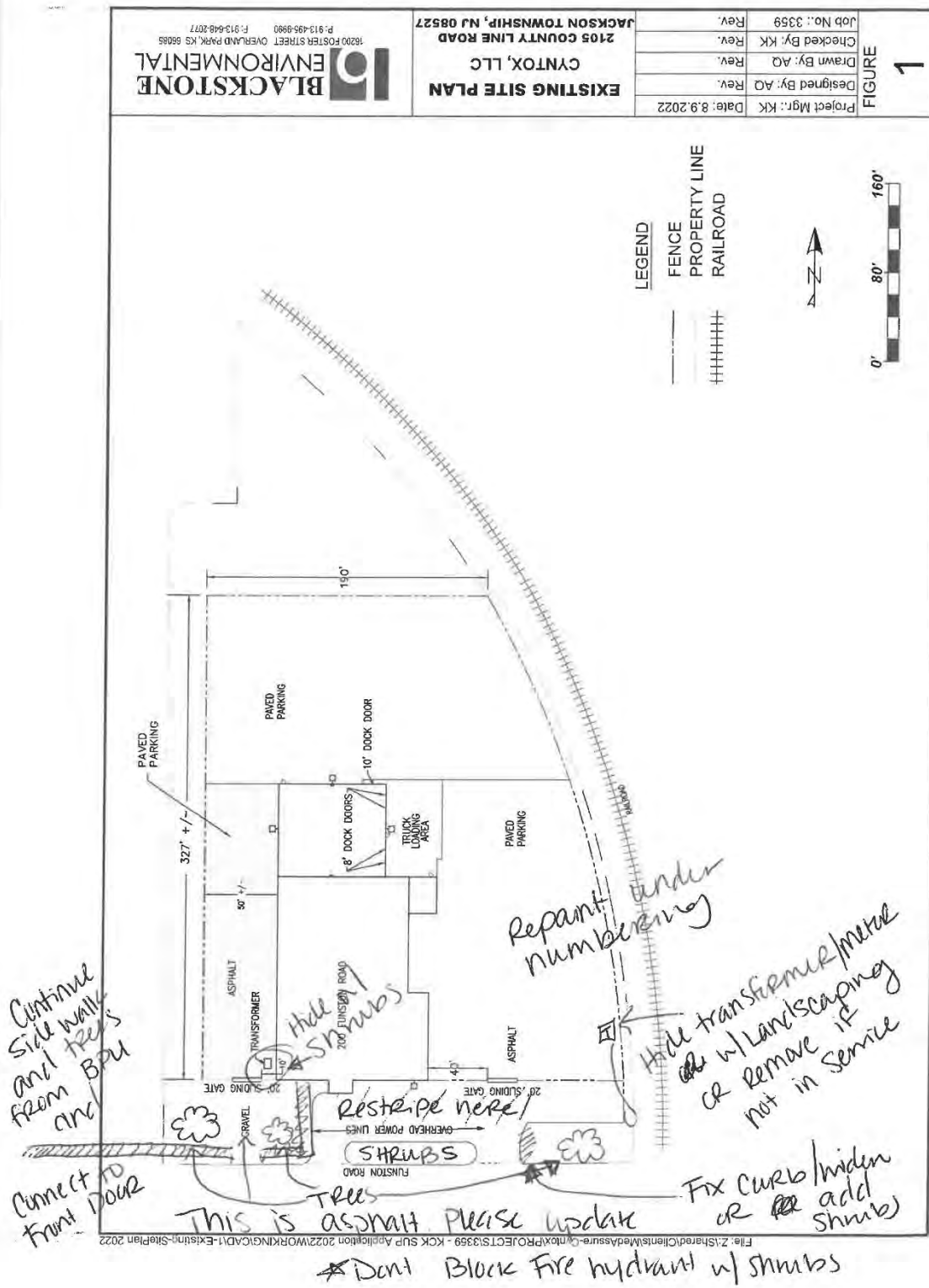
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of September, 20022

My commission expires 3rd of November, 20026.





Notary Public



STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022



STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022



STAFF SITE VISIT PHOTOS DATED SEPTEMBER 7, 2022



Meeting Minutes

Application Number__SP2022-088

Date and Location:___11/09/22 virtually via Microsoft Teams___

Meeting called to order at: _2:00 PM___

Names of people in attendance:

- Joe Delloiacovo, Cyntox (applicant)
- Austin Quick, Blackstone Environmental
- Steve Dailey, Fairfax Drainage District
- Andrew Dailey, Fairfax Drainage District
- Melissa Clark, Fairfax Industrial Association Executive Director

While awaiting all parties to join the meeting, Steve Dailey provided background on the Fairfax Drainage District's original concern with the SUP term of 10 years. Another business in Fairfax which is involved in the disposal of liquid waste has caused noxious odors to sewers and downstream areas. This has led to neighborhood complaints, headaches/nausea, and reports to UG Air Quality. Steve mentioned that after reviewing the Cyntox SUP application, he no longer has concerns because the operation does not involve any non-containerized waste which would lead to environmental concerns.

Joe D. confirmed that waste is not exposed/opened at the facility

Steve said that he no longer has reserves about the 10-year SUP term

Melissa mentioned there has not been complaints from any neighbors about the existing medical waste transfer operation.

Steve asked how many truck loads per day?

Joe D. replied with 5-26' straight trucks that leave and return each day, and trailers are pulled every 2-3 days.

Andrew asked if there would be any change in personnel with the change of ownership.

Joe D. replied that all personnel at the facility are former MedAssure personnel, and all personnel remain the same with the Cyntox acquisition.

Melissa provided a short history on the Fairfax Industrial District.

Meeting adjourned at: 2:20 PM

Minutes taken by: ___Austin Quick_____

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: December 1, 2022

Re: Petitions SP2022-099 and PR2022-042

GENERAL INFORMATION

Applicant:
Chuck Cuda DBA Avenue Partners, LLC

Status of Applicant:
Property Owner
1804 Swift Street
North Kansas City, Missouri, 64116

Requested Action:
Approval of a Special Use Permit.

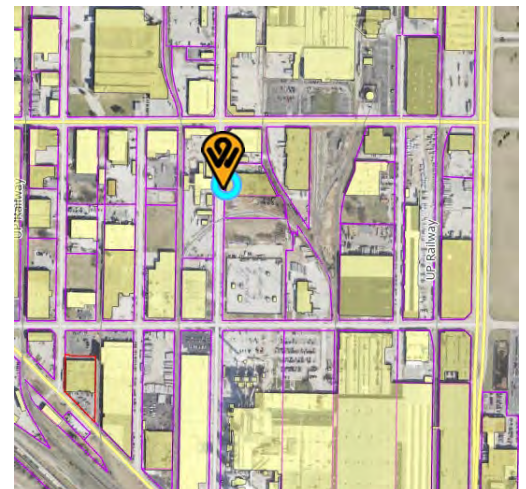
Approval of a Preliminary and Final
Development Plan.

Date of Application:
September 22, 2022

Purpose:
The approval of a Special Use Permit and
Development Plan for the operation of an
automotive body shop.

Property Location:
3141 and 3151 Fiberglass Avenue
Kansas City, Kansas 66115

Commission District:
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: Concrete Coring & Cutting Construction Business South: BPU Substation East: Papermill West: Trucking Company
Total Tract Size:	2.76 Acres
Master Plan Area:	Northeast Area Master Plan
Master Plan Designation:	The Northeast Area Master Plan designates the property's land use as Industrial, in which uses include light and heavy industrial buildings as well as supportive commercial uses such as convenience stores, restaurants, and gas stations.
Major Street Plan:	The City-Wide Master Plan designates this tract of Fiberglass Road as a Collector Street.
Required Parking:	Section 27-470(f) states that parking requirements for this district are required at one (1) off-street parking space for every 500 square feet of building area up to 20,000 square feet, and one (1) additional space for every 1,000 square feet beyond 20,000 square feet up to 50,000 square feet. The building has a floor area of 3,728 square feet, requiring a minimum of 15 parking spaces. The subject property has 44,257 square feet requiring 45 parking spaces although only 40 are required, in which a variance in being requested in conjunction with this application.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2022 Letters to Property Owners – October 21, 2022
Public Hearings:	November 14, 2022 and December 1, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Chuck Cuda with Avenue Partners LLC, is requesting a Special Use Permit and Preliminary and Final Development Plan for the operation of an automotive repair facility at the subject properties of 3141 and 3151 Fiberglass Road. The applicant is the landlord, with the proposed tenant being Dent Wizard International. The property at 3141 Fiberglass has a small parking lot on the North side, although it does not provide all the required parking. The applicant also owns the parcel to the South at 3151 Fiberglass, which is a parking lot with a railroad right of way easement. The two (2) parcels are both leased by the applicant to Dent Wizard International as part of their tenant agreement and are seeking the approval for the agreement as part of their review.

This application is being heard in conjunction with Variance BOZA2022-026 for variances related to minimum parking requirements and parking lot pavement setbacks.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject properties have had a combined 12 disturbance cases related to business checks and one abandoned vehicle left on the property.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has not had any code enforcement cases in the past 10 years.

Outstanding or Related Permits and Cases:

1. The subject property has four (4) outstanding building permits related to recent renovations of the property:
 - a. 2022: COM22-0066 – Commercial Tenant Improvement
 - b. 2022: ELE22-0648 – Electrical – Tenant Improvements
 - c. 2022: MEC22-0391 – Mechanical – Tenant Improvements
 - d. 2022: PLM22-0645 – Plumbing – Tenant Improvements

FACTORS TO BE CONSIDERED

Special Use Permit

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 a papermill, trucking company, 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. The use of an automotive body repair shop is consistent with other nearby properties in close proximity as it is primarily an industrial district. The proposed use is compatible if properly managed. Beginning operations at this facility has the potential to create issues related to noise, parking, chemical 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 currently vacant and has been vacant for the previous 15 years. The applicant has recently renovated the front offices for Dent Wizard to use as part of their operations, with more improvements planned for the rear of the building for the autobody equipment.

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 patterns are designed to handle large vehicles and regular traffic. The subject property is an automotive

body repair facility but does not see foot traffic from retail customers. 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 is not reasonably necessary for the welfare of the public, as it is a private business operation, however, it does provide a convenience in the form of automotive body repair. If managed properly, the 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 vehicle and truck traffic, however, vehicle 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 an automotive body repair shop, as the repair work will occur inside the facility. Dust is not foreseen to be an issue, as the existing parking lot is paved with the adjacent parking lot planned to be paved as part of the tenant improvement.

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 performing autobody work, the applicant has extensive control measures to limit environmental hazards related to oil and chemical disposal and tires. 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 contamination of the waterway with autobody materials or chemicals in 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 negligible, as this is a private business. If denied, the applicant would need to relocate their business and the building would continue to be vacant.

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.

Development Plan

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

This proposed project is within an existing, permitted building in an industrial district. The site can meet all applicable ordinances with the exception of the number of required parking and pavement extension, which was considered legal non-conforming prior to the property's prolonged vacancy. A variance has been applied for to address these non-conformities, however there is still ample parking and open space at the adjacent parking lot, which is part of this proposed project.

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

The subject properties have some non-conformities, as the property was built before zoning codes were in place or enforced. The non-conformities are related to parking and parking lot setbacks, in which a variance has been applied. If the proposed use is properly managed, the operation of an auto body shop is highly capable of meeting applicable ordinance requirements.

3. The Character of the Neighborhood.

See Special Use Permit #1 above.

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

Automotive uses are not addressed in the Northeast Master Plan. The City-Wide Master Plan restricts automotive uses to Community Commercial Land Uses or higher, in which the Industrial Land Use of the subject property conforms.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on October 27, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Parking Lot Access
Landscaping and Screening
Dust and Noxious Uses
Automotive Uses
Automotive Chemicals
Building Materials
Fencing
Flood Plain Hazards
Cross Access Agreement/Shared Parking Agreement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-099**, for two (2) years and Plan Review Application **PR2022-042**, subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2022-056**. 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 **BOZA2022-056** by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The following improvements shall be made to the property:
 - a. The parking lot shall be restriped.
 - b. The barbed-wire fencing shall be tilted inward
 - c. The trash enclosure shall follow commercial design guidelines if visible from the public street.
 - d. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards.
 - e. Any entrance gates shall slide parallel to the fence or shall open inward as to not interfere with the right-of-way;
3. Vehicle repairs shall not be done in any right-of-way easement or roadway. Vehicles shall be repaired within an enclosed building;
4. A cross-access agreement shall be maintained between the separate parcels;
5. Hours of operation shall be from 7:00 AM to 6:00 PM;
6. Landscaping shall be installed per plan and continuously maintained;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

9. If approved, Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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;
11. 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;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. 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;
15. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
17. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final

- Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
18. 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;
 19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **SP2022-099** and **PR2022-042** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Plan Set
Neighborhood Meeting Information
Planning Engineering Comment Letters
Staff Site Visit Photos dated November 3, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Special Use	November 14, 2022 Approval	December 1, 2022
Preliminary and Final Plan	November 14, 2022 Approval	December 1, 2022

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

MOTIONS

Special Use Permit:

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-099** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-099**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review:

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-042** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-042**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:24:11:

SPECIAL USE PERMIT APPLICATION SP2022-099 – CHUCK CUDA WITH AVENUE PARTNERS LLC - SYNOPSIS: Special Use Permit to operate an automotive body repair shop at 3151 Fiberglass Road.

PLAN REVIEW APPLICATION PR2022-042 – CHUCK CUDA WITH AVENUE PARTNERS LLC - SYNOPSIS: Preliminary and Final Plan Review for an automotive body shop at 3151 Fiberglass Road.

Detailed Outline of Requested Action: The applicant, Chuck Cuda with Avenue Partners LLC, is requesting a Special Use Permit and Preliminary and Final Development Plan for the operation of an automotive repair facility at the subject properties of 3141 and 3151 Fiberglass Road. The applicant is the landlord, with the proposed tenant being Dent Wizard International. The property at 3141 Fiberglass has a small parking lot on the North side, although it does not provide all the required parking. The applicant also owns the parcel to the South at 3151 Fiberglass, which is a parking lot with a railroad right of way easement. The two (2) parcels are both leased by the applicant to Dent Wizard International as part of their tenant agreement and are seeking the approval for the agreement as part of their review. This application is being heard in conjunction with Variance BOZA2022-026 for variances related to minimum parking requirements and parking lot pavement setbacks.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Aaron Moore, Kaw Valley Engineering, representing the applicant, 8040 North Oak Trafficway, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:26:40: Planning Director Hand stated that the request is for an automotive operation. The variance for parking, BOZA2022-056, was approved by the Board of Zoning Appeals earlier this evening. This property is located in the Northeast Area Master Plan. Staff has received no letters in support nor opposition. There are numerous Notices of Violation that will be addressed during construction. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 4:27:60:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-099 for two (2) years:**

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

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

Subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-056. 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 BOZA2022-056 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The following improvements shall be made to the property:
 - f. The parking lot shall be restriped.
 - g. The barbed-wire fencing shall be tilted inward
 - h. The trash enclosure shall follow commercial design guidelines if visible from the public street.
 - i. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards.
 - j. Any entrance gates shall slide parallel to the fence or shall open inward as to not interfere with the right-of-way;
3. Vehicle repairs shall not be done in any right-of-way easement or roadway. Vehicles shall be repaired within an enclosed building;

4. A cross-access agreement shall be maintained between the separate parcels;
5. Hours of operation shall be from 7:00 AM to 6:00 PM;
6. Landscaping shall be installed per plan and continuously maintained;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. 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;
11. 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;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
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16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676].

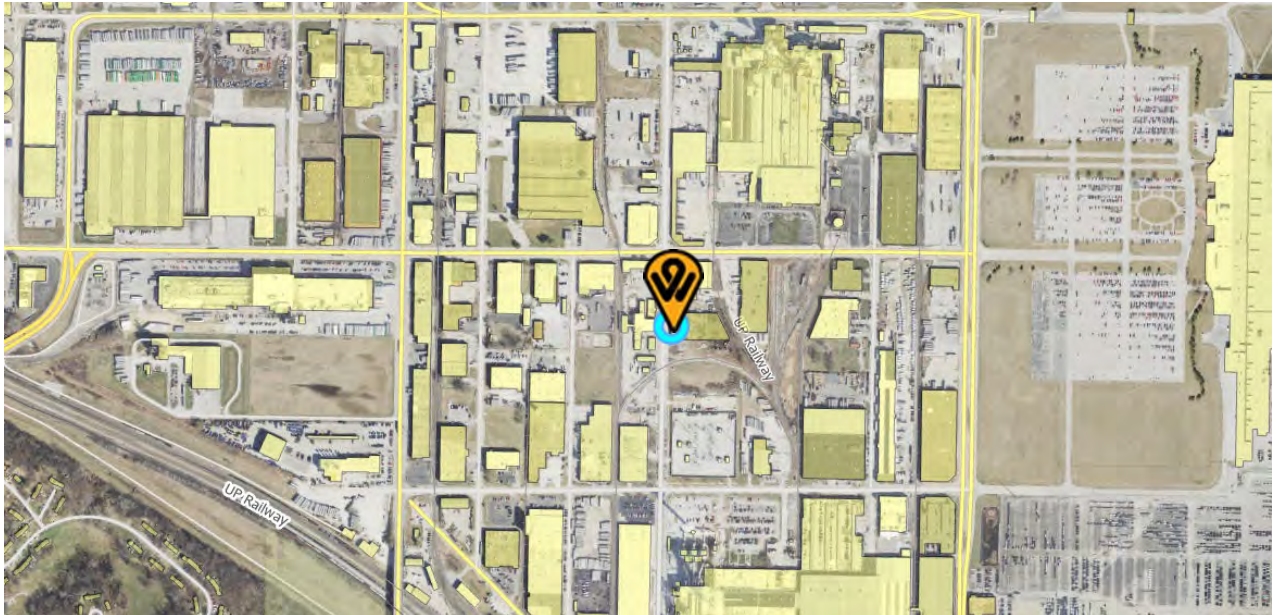
- Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
17. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
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 19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2022-042:**

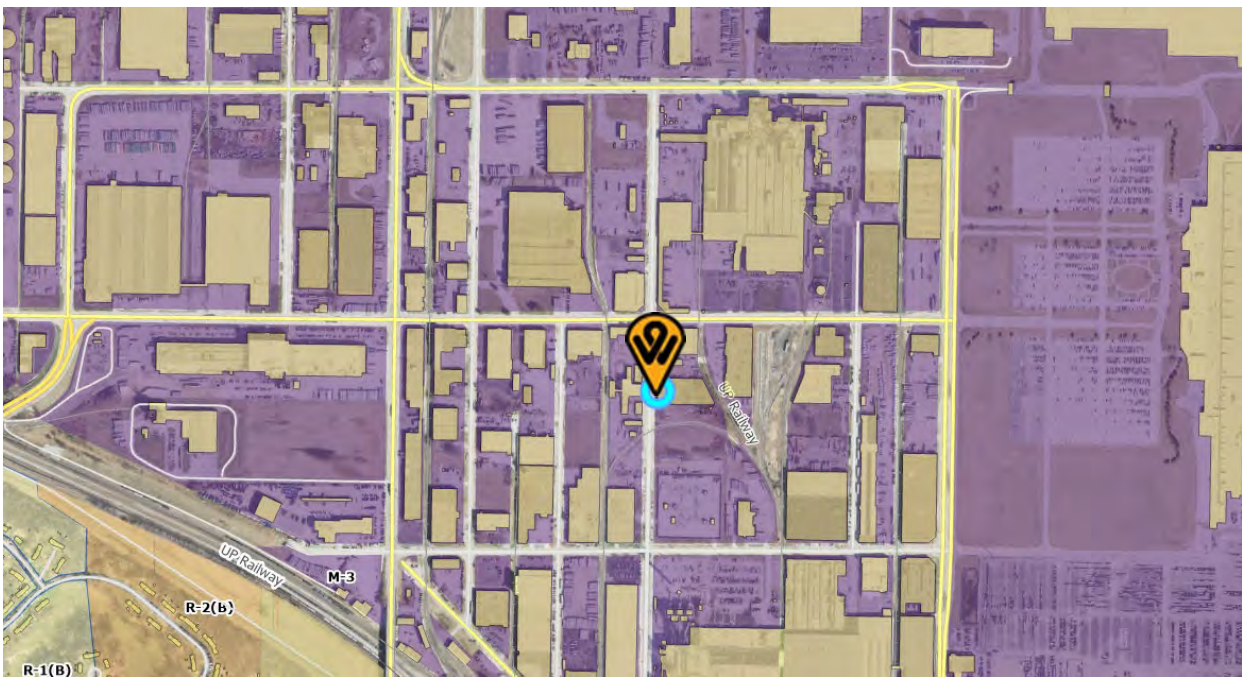
Carson	Not Present
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Chairman
Miller	Not Present
Mohler	Aye

Motion to **APPROVE** Passed: 5 to 0
Subject to the above conditions.

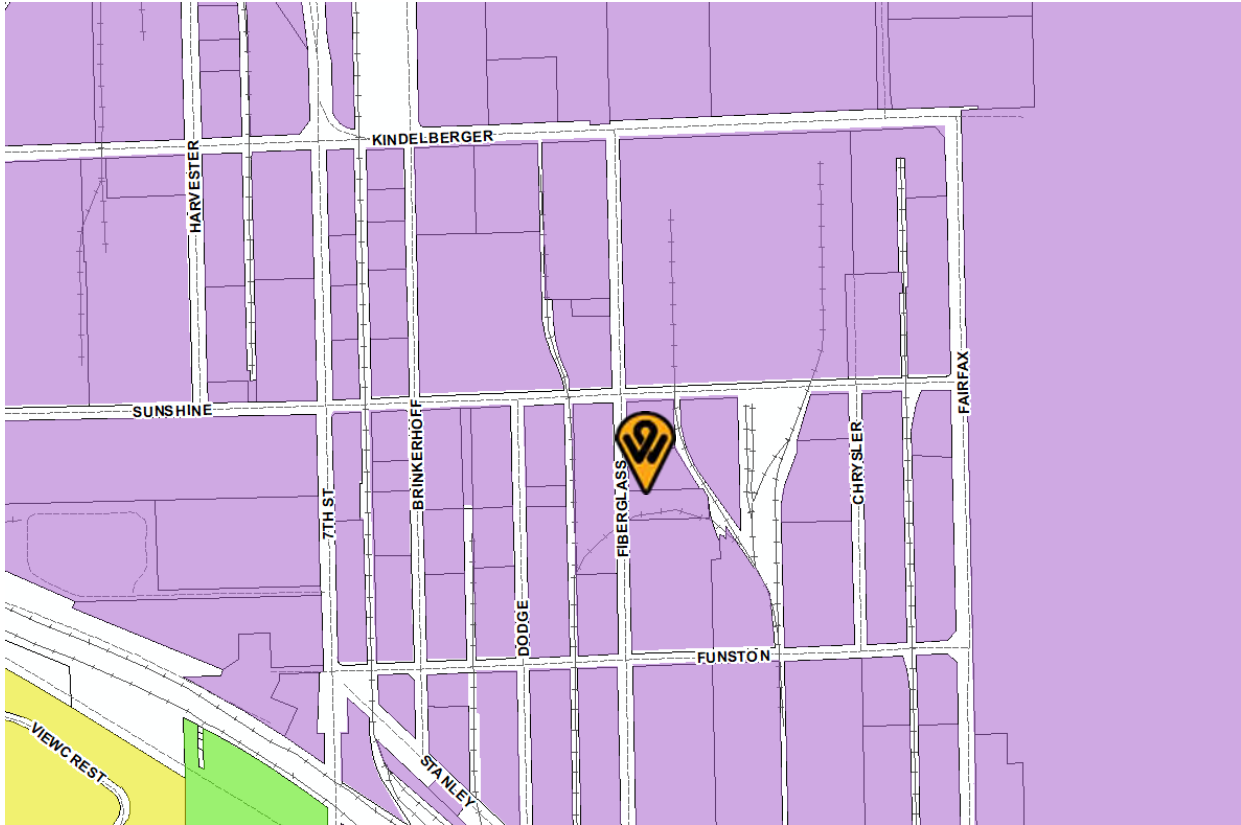
AERIAL MAP



ZONING MAP



LAND USE MAP



Legend

NEAMP Future Land Use

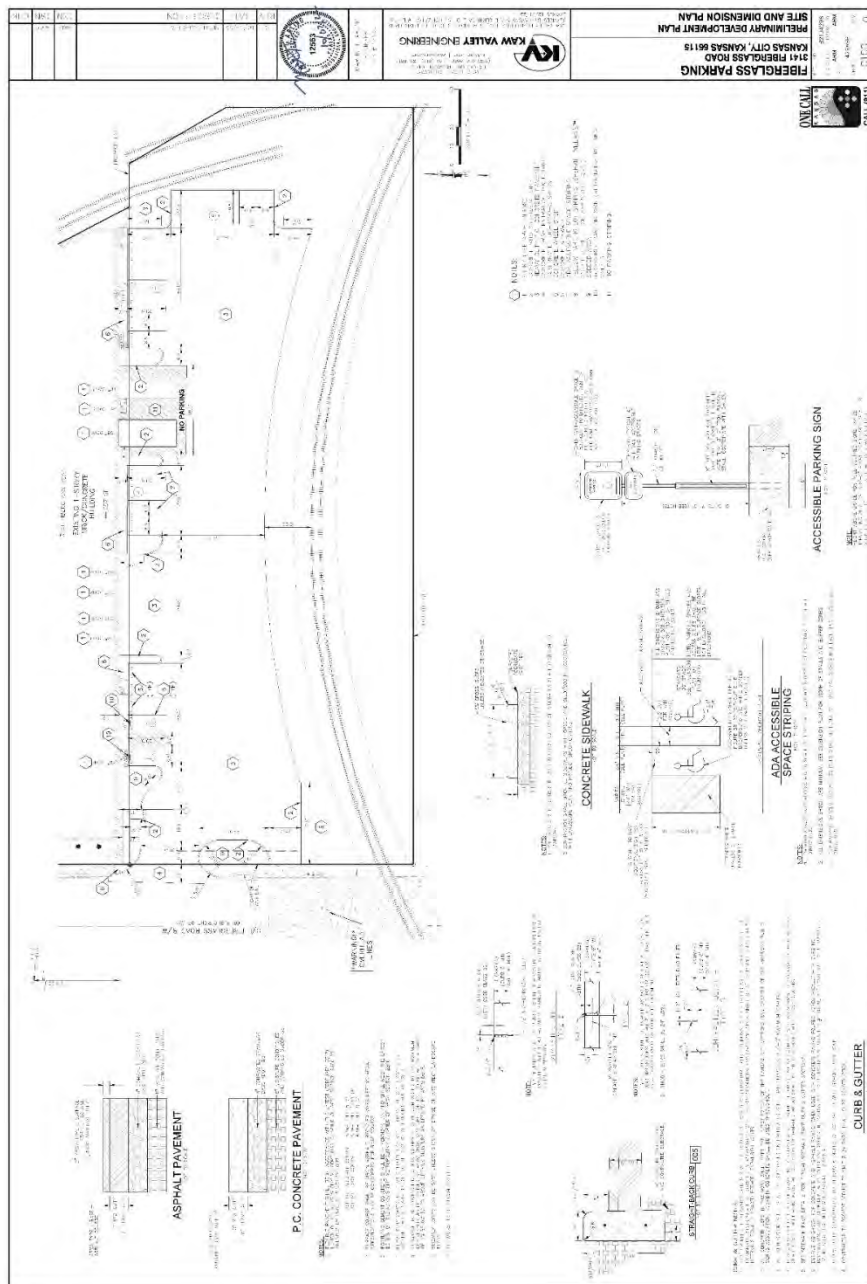
Districts

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

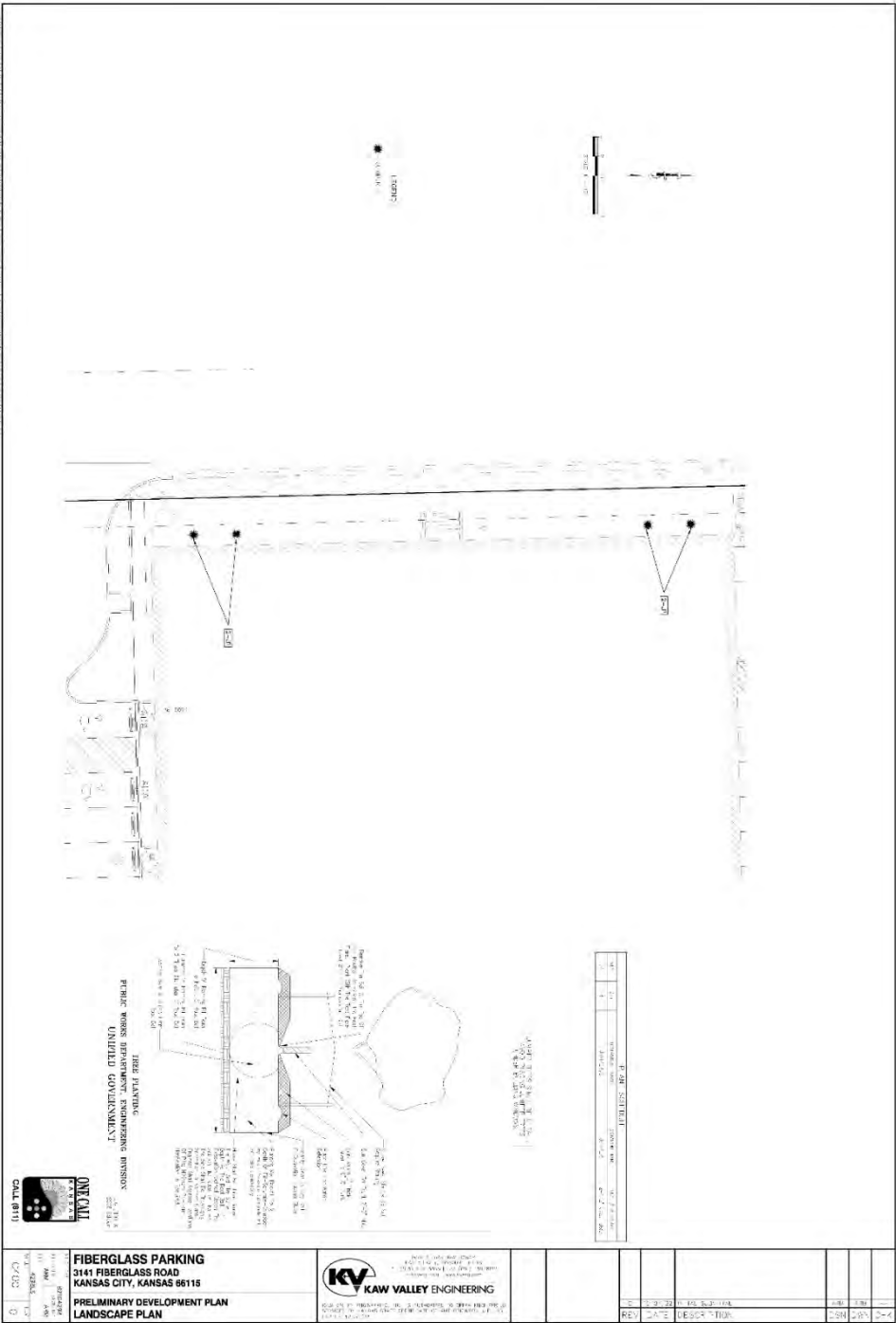
SP2022-099 & PR2022-042



20



PLAN SET



NEIGHBORHOOD MEETING INFORMATION



KAW VALLEY ENGINEERING, INC.

Office: 816-468-5553
Fax: 816-468-6651
Web: www.kvenig.com
Address: 8040 N. Oak Trafficway
Kansas City, MO 64112

Meeting Minutes for: Neighborhood Meeting

Application Number: SP2022-099, PR2022-042, & BOZA2022-056

Date and Location: 10/27/2022 via Zoom

Meeting called to order at: 5:35pm

Names of people in attendance: Aaron Moore, Stanley Amelkovich, Chris Richardson, Luis Ramirez, Chris Brewer, Robert Levy

Introductions:

Introductions were given by the project team: Aaron Moore- Kaw Valley Engineering/Civil Engineer, Stanley Amelkovich- DesignHaus/Architect, Chris Richardson-Dent Wizard International, Luis Ramirez-Dent Wizard International, Chris Brewer- Dent Wizard International. An overview of the business was given by representatives from Dent Wizard International

Q&A:

Question 1: Asked by Robert Levy- What kind of autobody work does the business do?

Answer 1: Answered by Chris Richardson- Dent Wizard primarily works with rental agencies, dealerships, and leasing companies to provide paintless dent repair and other minor cosmetic repair.

Question 2: Asked by Robert Levy- What stage is the project in?

Answer 2: Answered by Aaron Moore- The property consists of two different parcels. The parcel at 3151 Fiberglass Rd is undergoing a SUP and Variance application. The parcel at 3141 Fiberglass Rd is undergoing a Preliminary Development Plan and Final Development Plan Application.

Meeting adjourned at: 6:00pm

Minutes taken by: Aaron Moore

Office Locations: Joplin, MO / Kansas City, MO / Lenexa, KS / Sarita, KS / Emporia, KS / Wichita, KS

NEIGHBORHOOD MEETING INFORMATION

Sign-In Sheet for: Neighborhood Meeting

Application Number: SP2022-099, PR2022-042, & BOZA2022-056

Date and Location: 10/27/2022 @5:30pm CST via Zoom

Aaron Moore	Kaw Valley Engineering
Luis Ramirez	Dent Wizard International
Chris Brewer	Dent Wizard International
Chris Richardson	Dent Wizard International
Stanley Amelkovich	DesignHaus
Robert Levy	400 Funston Road, Kansas City KS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) ss:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP2022-099, PR2022-042, & BOZA2022-056
2. That I conducted a neighborhood meeting on October 27, 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

ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: October 19, 2022

SUBJECT: Chuck Cuda – (SP2022-099, PR2022-042, & BOZA2022-056)
3151 Fiberglass Road
General Engineering Review No. 1 (of the site plan not sealed, received 9/30/2022)

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) Provide information regarding the type and condition of vehicles that will be parked and repaired at this site. Will there be maintenance services, i.e., changing oil and fluids? How do the oil changing areas drain, i.e., are there floor drains? Are there any car service bays? Will wrecked vehicles that potentially are leaking hazardous fluid be stored on this site prior to being repaired? In work areas where there will be oil or other fluid changes, there will need to be an oil-water separator, meeting UG standards and criteria. Please indicate if there are existing oil-water separators and connections to the sanitary sewer system. If new oil-water separators and connections(s) to the sanitary sewer system shall be proposed in the building, provide details, as applicable.
- 3) Will there be painting services, i.e., paint booths? With paint spill etc. on vehicles within the existing building, provide staff with information regarding the condition of the service bay (paint booth / spray booth) areas i.e., oil-water separator pit. In this regard, please continue with Spill Prevention and Response Plan, as applicable.
- 4) Depending on the condition of the vehicles being serviced and repaired and stored, stormwater quality hotspots may be applicable. **See Stormwater Quality for additional comments.**

ENGINEERING COMMENT LETTERS

- 5) Please confirm if there are proposed site improvements e.g., mill and overlay of the parking area. If so, the erosion control plans shall be required.
- 6) The proposed driveway entrance within right of way of Fiberglass Road shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.
- 7) The proposed access gate shall not encroach on the public right-of-way easement. In this regard, the gate shall not open to the right of way.
- 8) Vehicle repairs shall not be done on the right of way of Fiberglass Road.
- 9) Will there be a trash enclosure? If new trash enclosure shall be proposed on the site, provide details i.e., location, dimensions, etc., as applicable. And explain how will dump truck get in and out of site to pick up the trash.
- 10) Please note that ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.
- 11) Coordinate with Tony Sabljak (913-573-8664) of UG Planning and Zoning, regarding the floodplain special requirements, as applicable.
- 12) Please coordinate with Kallie McLaughlin, (913-573-5762), for additional Urban Planning and Zoning requirements and comments.
- 13) See Sanitary Sewer review for additional comments.
- 14) 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: 2022.10.19 20:12:36 -05'00'
Travis Trumble, Project Engineer

ENGINEERING COMMENT LETTERS



Planning and Urban Design

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

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

MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator/ Planner

FROM: Travis Trumble
Project Engineer

DATE: October 19, 2022

SUBJECT: Chuck Cuda - (SP2022-099, PR2022-042, & BOZA2022-056)
3151 Fiberglass Road
Sanitary Sewer Review No. 1 (of the site plan not sealed, received 9/30/2022)

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.wycokeck.org/Planning.** Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.

- 1) As mentioned in the general engineering review, provide more information and/or detail on the oil-water separator(s) and connection(s) to the sanitary sewer system of floor drains. In this regard, indicate the pipe connection of the floor drains to the sanitary sewer system, also verify oil-water separators are installed or are proposed with the service bay / paint booth.
- 2) 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: 2022.10.19 20:13:02 -0500
Travis Trumble, Project Engineer

ENGINEERING COMMENT LETTERS



Planning and Urban Design

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MEMORANDUM

TO: Tony Sabljak / Kallie McLaughlin
DRC Coordinator / Planner

FROM: Travis Trumble
Project Engineer

DATE: October 19, 2022

SUBJECT: Chuck Cuda – (SP2022-099, PR2022-042, & BOZA2022-056)
3151 Fiberglass Road
Stormwater Quality Review No. 1 (of the site plan not sealed, received 9/30/2022)

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

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

Reviewer: Travis Trumble Digitally signed by Travis Trumble
Date: 2022.10.19 20:13:27 -05'00'
Travis Trumble, Project Engineer

STAFF SITE VISIT PHOTOS DATED NOVEMBER 3, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 3, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 3, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 3, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: December 1, 2022
Re: Petitions COZ2022-041 and PR2022-043

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Actions:

Approval of a Change of Zone from
CP-2 Planned General Business District
to CP-2 Planned General Business
District.

Approval of a Preliminary and Final
Development Plan.

Date of Application:

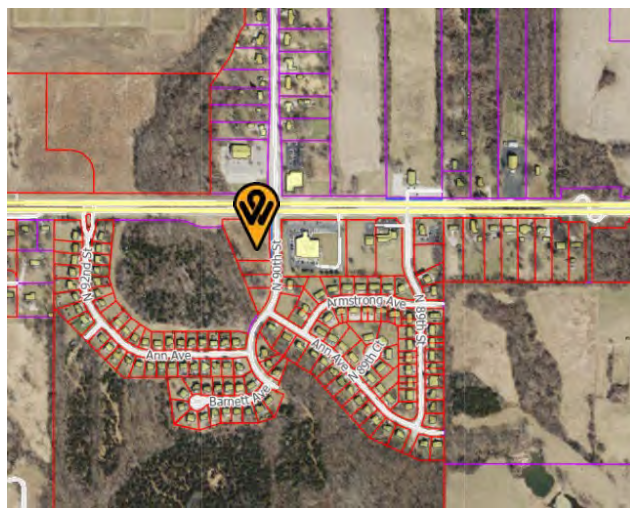
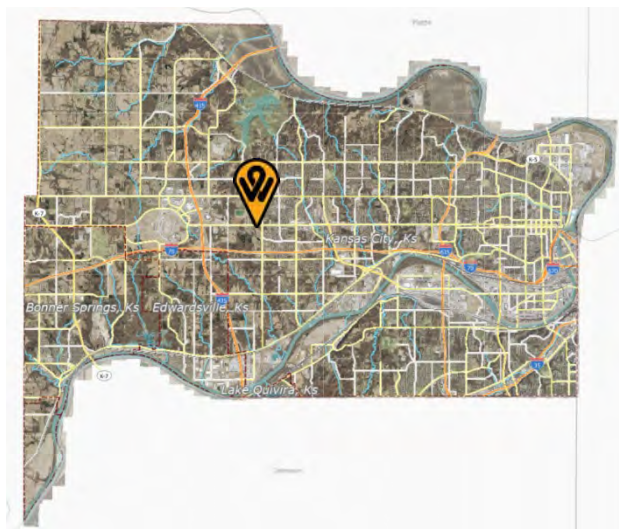
Change of Zone: September 30, 2022
Plan Review: September 30, 2022

Purpose:

To amend a 2013 Change of Zone (COZ
3051) condition of approval and build a
gas station / convenience store.

Property Location:

9001 State Avenue and 936 North 90th
Street



Existing Zoning: CP-2 Planned General Business District

Adjacent Zoning:	North: CP-1 Planned Limited Business District (across State Avenue) South: R-2 Two Family District East: CP-1 Planned Limited Business and R-2 Two Family Districts (across North 90 th Street) West: A-G Agriculture District
Adjacent Uses:	North: Dental office (across State Avenue) South: Undeveloped land and duplexes East: Medical office building (across North 90 th Street) West: Undeveloped land
Total Tract Size:	2.29 acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Commercial, which allows retail and establishments, including restaurants, and hotels.
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare and 90 th Street as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – October 20, 2022 Letters to Property Owners – Change of Zone – October 21, 2022; Plan Review – October 21, 2022
Public Hearings:	November 14, 2022 and December 1, 2022
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, is seeking for a Change of Zone from CP-2 Planned General Business District to CP-2 Planned General Business District to amend a condition of approval from COZ #3051 requiring the developer to set aside the southern 15,000 square feet (936 North 90th Street) and establish a Memorandum of Understanding (MOU) with the Foxmoor Neighborhood Association and a Preliminary and Final Development Plan to build a 4,048 square foot gas station/convenience store with six (6) gas pumps on 2.29 acres at 9001 State Avenue and 936 North 90th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. COZ 3051 – Rezoning from CP-1 Planned Limited Business District to CP-2 Planned General Business District to build a gas station and convenience store in 2013.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of duplexes southeast of the subject property. There is an existing commercial business, medical office building across the street, east on 90th Street and a dental office north across State Avenue. State Avenue is a Class A Thoroughfare.

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 will provide a service and is relatively compatible with the surrounding properties, 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?

Removing the rezoning MOU agreement condition from COZ #3051 will affect the Foxmoor Neighborhood Association because the Unified Government Board of Commissioners explicitly added the condition of approval to set aside an area for the neighborhood to use as a park or park-like amenity.

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

The property has been vacant for 9 years as zoned, and at least 25 years in total.

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 use is not reasonably necessary as there are already gas stations, convenience stores along State Avenue, mainly east of the subject property. That said, if constructed and managed properly, it could benefit the community without negative impacts to adjacent property owners.

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

The proposed use will increase traffic to the site, but not in ways that will adversely affect road capacity, or create parking problems provided the applicant follows Public Works direction.

A Traffic Impact Study has been submitted and is being reviewed by Planning Engineering, Public Works Department, and the Unified Government's third-party reviewer. Additional comments may come directly from the reviewer.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan, which allows retail and establishments, including restaurants, and hotels.

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

The proposed use will not cause environmental harm if the business is properly managed – daily site trash pickup and accident spills are cleaned up as soon they occur. Trees around the southwest should be preserved and street trees will be planted along State Avenue and 90th Street.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #221.

e. Fire

Fire service is provided by Station #6 located near 94th and State Avenue.

f. Transit

Kansas City ATA provides transit service at the intersection of 90th and State Avenue, Route #101.

g. Schools

Public education is provided by Kansas City, Kansas USD 500

h. Streets

See item #6 above

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

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

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

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

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed by the landowners is immeasurable, as the COZ 3051 condition added by the Board of Commissioners requires an MOU between the developer and the Foxmoor Neighborhood Association to set aside 15,000 square feet of the southern parcel to build a park or park-like amenity for the neighborhood.

If the Change of Zone is denied, the property owner, with the assistance of the applicant, Polsinelli PC, will need to enter and execute a MOU with the Foxmoor Neighborhood Association.

PREVIOUS ACTIONS

- COZ 3051 – Rezoning from CP-1 Planned Limited Business District to CP-2 Planned General Business District to build a gas station and convenience store in 2013.
- R/W-2013-7 – Vacation of State Avenue right-of-way in 2013.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Removing the 2013 condition establishing the MOU agreement
Pedestrian Connectivity
Commercial Design Guidelines
Landscaping and Screening
Neighborhood Amenity

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-041** and Plan Review Application **PR2022-043**, subject to:

1. The applicant's hours of operation will be 24 hours per day;
2. 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;
3. A five (5) foot sidewalk shall extend along the entire west side of the subject parcel along North 90th Street and connect to the new 10-foot State Avenue sidewalk (previously change of zone condition);
4. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians;
5. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store;
6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. 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;
9. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue;

10. Applicant shall resubmit updated elevation drawings showing accurate materiality packages;
11. Downspouts shall be internalized;
12. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store;
13. Note on the site plan and Preliminary Plat, which will be carried forward with the Final Plat that existing tree stands will be preserved on the property. They are to be protected as they provide a natural buffer to the west and south;
14. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement;
15. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
16. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets;

17. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. 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);
19. All landscaping shall be irrigated;
20. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the

- applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
21. 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;
22. The following requirements have been provided by the Board of Public Utilities (BPU) as installation and screening requirements for transformers and electrical equipment on the ground:
- a. Gate doors are required for all types of screening that are placed in front of the transformers;
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10-foot clearance from pad when gate doors open;
 - c. Posts for gate doors must be installed a minimum distance of 10-feet apart in the front;
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10-feet on the front when gate doors open;
23. 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;
24. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
25. Gasoline pump canopies shall have masonry wrapped columns that match the main building;
26. Exterior lighting cannot exceed one (1) footcandle at the property line;

27. 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;
28. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;
29. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running;
30. 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;
31. 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;
32. 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;
33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
34. 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;
35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and

- issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
36. 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,
37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 Change of Zone Petition **COZ2022-041** and Plan Review Petition **PR-2022-043** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Prairie Delaware Piper Master Plan Land Use Designation Map
2013 COZ Stipulation
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plan/Site Plan
Grading Plan
Utility Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photograph taken by Staff on October 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	
Public Hearing	November 14, 2022	December 1, 2022
Plan Review	Approval	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-041** 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 **COZ2022-041**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-043**, 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 **PR2022-043** 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 3:35:30:

CHANGE OF ZONE APPLICATION COZ2022-041 – CURTIS PETERSON WITH POLSINELLI PC - SYNOPSIS: Change of Zone from CP-2 Planned General Business District to CP-2 Planned General Business District to amend conditions of prior approval for a convenience store and fueling station at 9001 North 90th Street and 936 North 90th Street.

PLAN REVIEW APPLICATION PR2022-043 – CURTIS PETERSON WITH POLSINELLI PC - SYNOPSIS: Preliminary and Final Plan Review for a convenience store and fueling station at 9001 North 90th Street and 936 North 90th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, is seeking for a Change of Zone from CP-2 Planned General Business District to CP-2 Planned General Business District to amend a condition of approval from COZ #3051 requiring the developer to set aside the southern 15,000 square feet (936 North 90th Street) and establish a Memorandum of Understanding (MOU) with the Foxmoor Neighborhood Association and a Preliminary and Final Development Plan to build a 4,048 square foot gas station/convenience store with six (6) gas pumps on 2.29 acres at 9001 State Avenue and 936 North 90th 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112
- Kathryn Meyer, 2136 South 18th Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:51:20: Planning Director Hand stated that the requested Change of Zone is for amendment of previously approved conditions for this proposed use. He stated that he will address the proposed changes by the applicant:

Condition #1 – Delete agreement with neighborhood on use of 15,000 square foot parcel. He stated that Staff felt it important to honor the original intent of the condition. Staff has also had difficulty connecting with the neighborhood association and the one (1) meeting that was held, it was evident that an agreement was not going to be reached. Staff felt a walking trail around the detention pond would be a good compromise, but the neighborhood wanted a park. They did not want to contribute any monetary assistance and the Unified Government cannot pay for a park. Mr. Petersen stated that the detention pond is not on this parcel; it has been revised and is on their northernmost property. Even though they own that parcel, they do not have any plans at this time. Director Hand stated this condition was from 10 years ago and no one showed up at the meeting tonight so he will leave it to the Commission's discretion.

Condition #2 – Staff does not have an issue with the facility being open 24-hours a day.

Condition #4 – Staff would only require the south portion of the second parcel on which the development is located.

Conditions #9 and #10 – These are standards conditions, and require no modification.

Condition #11 – Staff will correct as this is an error and the plans were read incorrectly.

Condition #21 – Add at final plan review.

Staff has received no letters in support nor in violation. There are no Notices of Violation. Staff recommends approval, subject to the conditions.

Motions starts at 3:59:12:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-041 and the following requested deviations:**

Delete Condition #1

#2 – Approve deviation for the operation to be open 24/7

#4 – Approve sidewalk modification
Keep #9 and #10 as in the staff report
Delete #11

#21 – address at final

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

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

Subject to:

1. The applicant's hours of operation will be 24 hours per day;
2. 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;
3. A five (5) foot sidewalk shall extend along the entire west side of the subject parcel along North 90th Street and connect to the new 10-foot State Avenue sidewalk (previously change of zone condition);
4. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians;
5. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store;
6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. 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;
9. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue;
10. Applicant shall resubmit updated elevation drawings showing accurate materiality packages;
11. Downspouts shall be internalized;

12. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store;
13. Note on the site plan and Preliminary Plat, which will be carried forward with the Final Plat that existing tree stands will be preserved on the property. They are to be protected as they provide a natural buffer to the west and south;
14. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement;
15. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
16. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets;

17. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. 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);
19. All landscaping shall be irrigated;
20. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of

- Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
21. 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;
 22. The following requirements have been provided by the Board of Public Utilities (BPU) as installation and screening requirements for transformers and electrical equipment on the ground:
 - c. Gate doors are required for all types of screening that are placed in front of the transformers;
 - d. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10-foot clearance from pad when gate doors open;
 - e. Posts for gate doors must be installed a minimum distance of 10-feet apart in the front;
 - f. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;
 - g. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
 - h. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10-feet on the front when gate doors open;
 23. 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;
 24. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 25. Gasoline pump canopies shall have masonry wrapped columns that match the main building;
 26. Exterior lighting cannot exceed one (1) footcandle at the property line;

27. 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;
28. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;
29. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running;
30. 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;
31. 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;
32. 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;
33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
34. 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;
35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land

Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

36. 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,
37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application**

PR2022-043:

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

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

Chairman Carson left at 10:05 p.m.

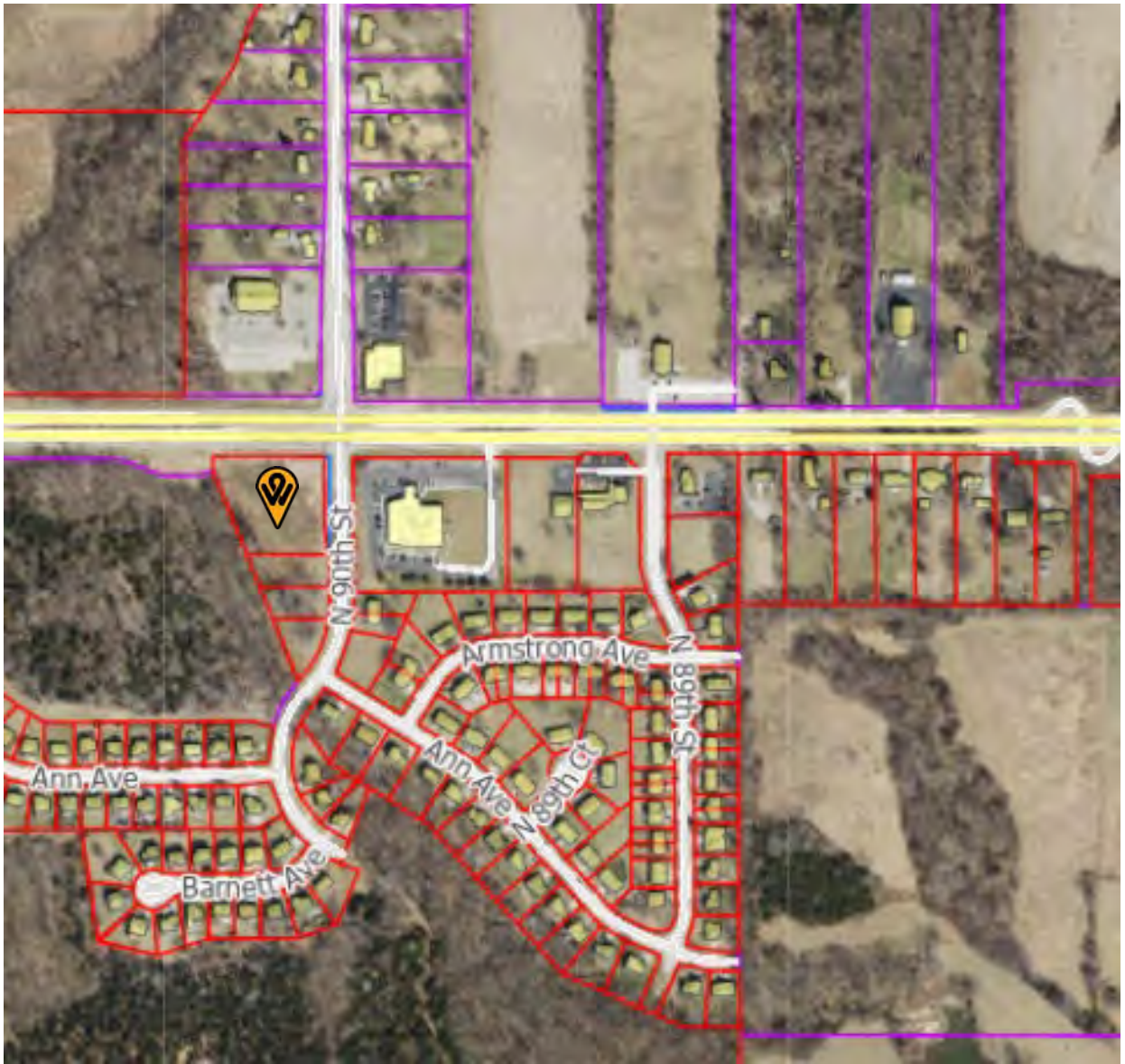


Figure 1. Aerial Map of 9001 State Avenue (provided by UG Maps).

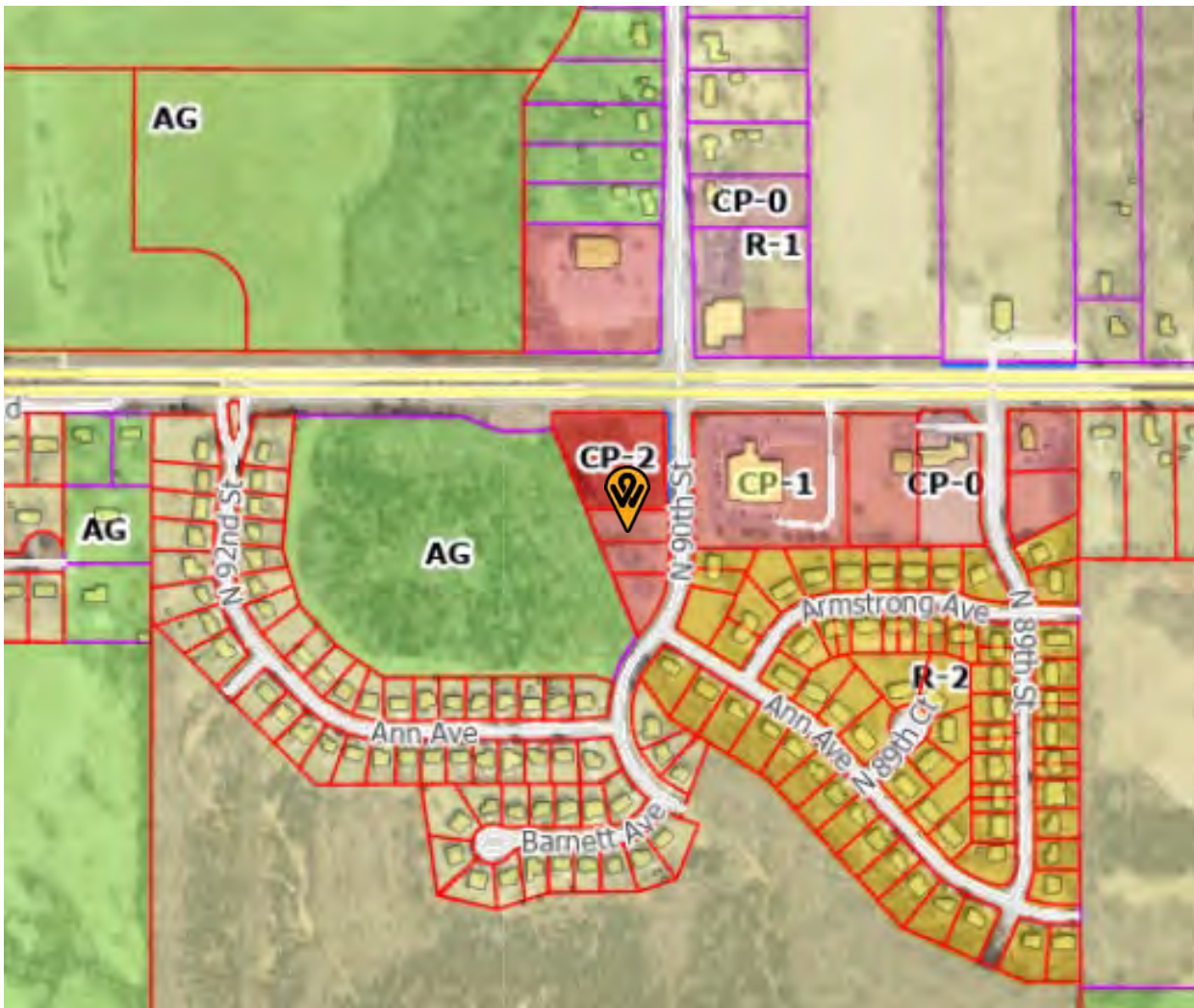


Figure 2. Zoning Map of 9001 State Avenue (provided by UG Maps).



Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map (provided by ArcGIS Pro).

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17. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage or other view blocking techniques are not permitted.

Applicant Response: Clear glass will be used for the storefront windows and doors.

18. No vending machines can be located on the exterior of the building.
19. Downspouts shall be internalized and will be depicted on the building elevations during the final plan review.
20. Any fencing in the future on the property shall be wrought iron or for screening purposes, 6' privacy fence with masonry columns every 32' on center.
21. Proposed detached signage shall be a monument sign only.
22. The applicant has noted that the convenience store will not be open 24 hours, however the gas pumps are accessible even though the building is closed. Hours of operation not beyond 4:00 a.m. to 12:00 Midnight except the canopy can be open 24 hours
23. A 5' sidewalk along 90th Street extending from Ann Avenue north to connect with the new State Avenue sidewalk, placed within and generally along the west edge of the new right-of-way, details to be determined at final plan. Applicant will also create an ADA compliant pedestrian path to connect this sidewalk to the building.
24. Rezoning is contingent upon the applicant and the Foxmoor Neighborhood Association entering into an agreement for the use of the southerly most 15,000 square feet of the site for neighborhood park purposes.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) Public Works is willing to discuss vacation of right-of-way along State Avenue to 70 ft from centerline.
- 2) The applicant must dedicate a 13-ft strip (approx.) of right-of-way along the west side of 90th Street sufficient to line up with the right-of-way on 90th Street north of State Ave. Such right-of-way would need to a minimum of 250' south of the intersection, then taper to existing width in a manner approved by Engineering. The site plan shall be modified to respect the new setbacks along 90th Street.

Applicant Response: The drawings were revised to accommodate a 13 foot strip.

- 3) Public Works will support vacation of all or part of the permanent drainage easement across their State Avenue frontage (recently purchased) if the applicant provides an easement for acceptable alternate access for crews and trucks to reach the channel and box culvert to the west of their site.

Applicant Response: Thank you for your consideration.

- 4) Public Works will support an engineering waiver of the access management guidelines on State Avenue so as to allow the requested driveway off State Avenue, but only due to unique factors of site layout caused by truck delivery needs of the gas station and the narrow width between 90th Street and the creek. Such access shall only be Right-in/Right-out with no break in median.

Applicant Response: Thank you for your consideration.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

Change of Zone:

1. The applicant is seeking amend a 2013 Change of Zone (COZ #3051) condition by the Unified Government Board of Commissioners that the original rezoning is contingent upon the applicant and the Foxmoor Neighborhood Association entering into an agreement for the use of the southerly most 15,000 square feet of the site for neighborhood park purposes.

The applicant discussed with Planning Staff that they have attempted to enter into an agreement in good faith and had signed an agreement with the Foxmoor Neighborhood Association President, but that agreement was not fully executed.

The detention basin is now located in the southern 15,000 square foot area of the site. If the basin is to remain, it should be turned into an amenity with other features, such as a trail loop, but that needs to be collaboratively discussed between the Applicant and neighborhood association.

Preliminary and Final Development Plan:

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. 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**
3. A five (5) foot sidewalk shall extend from the west side of the North 90th Street and Ann Avenue intersection north and connect to the new 10-foot State Avenue sidewalk (previously change of zone condition). **RESPONSE: The Developer acknowledges that it will construct a new 5' sidewalk adjacent to its property along 90th Street.**
4. Hours of operation may not be beyond 4:00 AM to 12:00 Midnight, except the canopy may be open 24 hours (previously change of zone condition). **RESPONSE: The applicant would like to discuss this further with planning staff as we believe a 24-hour operation is better.**
5. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians. **RESPONSE: Acknowledged.**
6. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store. **RESPONSE: Acknowledged.**
7. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either

side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat. **RESPONSE: Acknowledged.**

8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. **RESPONSE: Acknowledged**
9. 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**
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. **RESPONSE: Acknowledged**
11. 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. **RESPONSE: Acknowledged**
12. All existing and future driveways must feature curb cuts that are constructed to UG standards. **RESPONSE: Acknowledged**
13. 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**

Building Architecture:

1. Provide color elevations. **RESPONSE: Acknowledged**
2. 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. **RESPONSE: All four sides of the building use multiple materials and color. Each side utilizes two forms of masonry block and stucco finishes. This is shown in the submitted drawings and the added color renderings. The south façade adds the additional color of red block. This is the same aesthetic as the materials and design utilized on buildings completed in 2021 at 3801 Leavenworth Road.**
3. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue. **RESPONSE: All four sides of the building use multiple materials and color. Each side utilizes two forms of masonry block and stucco finishes. This is shown in the submitted drawings and**

- the added color renderings. The south façade adds the additional color of red block. This is the same aesthetic as the materials and design utilized on buildings completed in 2021 at 3801 Leavenworth Road.
4. The EIFS on the east façade is greater than the 15 percent permitted per the Commercial Design Guidelines. Please revise and resubmit. **RESPONSE:** This material is not technically EIFS. It is a cementitious (stucco) material over an exterior foam and well above the grade level. However, 3F30 and Xpress Mart will continue to work with staff on material selections.
 5. Downspouts shall be internalized. **RESPONSE:** There are not any downspouts shown on the building and the intention is that they will be internal to the building and then route underground to the pond.
 6. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store. **RESPONSE:** The submitted drawings show the canopy columns as masonry to match the main building.

Landscaping and Screening:

1. Note on the site plan and Preliminary Plat, which will be carried forward with the Final Plat that existing tree stands will be preserved on the property. They are to be protected as they provide a natural buffer to the west and south. **RESPONSE: Acknowledged.**
2. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement. **RESPONSE: Acknowledged**
3. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. **RESPONSE: Acknowledged**
4. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets.

RESPONSE: Acknowledged.

4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. **RESPONSE: Acknowledged**

5. 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: Acknowledged**
6. All landscaping shall be irrigated. **RESPONSE: All new landscaping will be irrigated.**
7. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials. **RESPONSE: Acknowledged**
8. All rooftop mechanical equipment shall be screened from public view by the parapet of the building. The public view extends to the boundary of the property line and public right-of-way. **RESPONSE: Acknowledged**
9. The BPU transformer pad depicted on civil sheets 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. If this cannot be accomplished, relocation of the transformer may be necessary. **RESPONSE: Acknowledged.**
10. All roof mounted units must be screened from public view by a parapet. This includes satellite dishes and venting stacks as well. **RESPONSE: Acknowledged**
11. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times. **RESPONSE: Acknowledged**
12. Gasoline pump canopies shall have masonry wrapped columns that match the main building. **RESPONSE: Acknowledged**
13. Exterior lighting cannot exceed one (1) footcandle at the property line. **RESPONSE: Acknowledged**
14. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **RESPONSE: Acknowledged**
15. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed. **RESPONSE: Acknowledged**
16. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running. **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
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) No



7505 NW Tiffany Springs Parkway, Suite 320, Kansas City, MO 64153 – (p) 816-801-7070

Byron Toy, AICP
Principal Planner
Unified Government
701 N 7th St, Room 423
Kansas City, KS 66101
66102

10.31.22

COZ2022-041/PR2022-043 - 9001 STATE AVENUE
Response Letter to Draft Staff Comments received 10.24.22

Mr. Toy,

Urban Planning and Land Use Comments

1. Provide color elevations. Color Elevations have been added to the plan set.
2. 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. All four sides of the building use multiple materials and color. Each side utilizes two forms of masonry block and stucco finishes. This is shown in the submitted drawings and the added color renderings. The South façade adds the additional color of red block. This is the same aesthetic as the materials and design utilized on the building completed in 2021 at 3801 Leavenworth Rd.
3. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue. All four sides of the building use multiple materials and color. Each side utilizes two forms of masonry block and stucco finishes. This is shown in the submitted drawings and the added color renderings. The South façade adds the additional color of red block. This is the same aesthetic as the materials and design utilized on the building completed in 2021 at 3801 Leavenworth Rd.
4. The EIFS on the east façade is greater than the 15 percent permitted per the Commercial Design Guidelines. Please revise and resubmit. This material is not technically EIFS. It is a Cementitious (stucco) material over an exterior foam and well above the grade level. However, 3F30 and Xpress Marts will continue to work with staff on materials selections.
5. Downspouts shall be internalized. There are not any downspouts shown on the building and the intention is that they will be internal to the building and then route underground to the pond.
6. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store. The submitted drawings show the canopy columns as masonry to match main building.

Landscaping

Landscaping will meet ordinance. See Civil.

Bryan Ruoff
AIA, CSI, LEED AP, CDT
President
3F30 Architects

10/31/2022 Neighborhood Meeting
9001 State Avenue (COZ2022-041/PR2022-043)

Attendance:

Curtis Petersen/Amy Grant, Polsinelli PC
Jay Jamal, Developer
Bryan Ruoff, 3F30 Architects

The meeting was held virtually, via Zoom format, and began at 5:00 p.m. The development team waiting until 5:30 p.m. and then ended the meeting as no one had logged into that meeting at that time.

86619332.1

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

Comes now Amy Grant, of lawful age, sound mind and upon her oath states as follows:

1. That I am an agent for the petitioner for Petition #COZ2022-041/PR2022-043.
2. That Developer conducted a neighborhood meeting on October 28, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

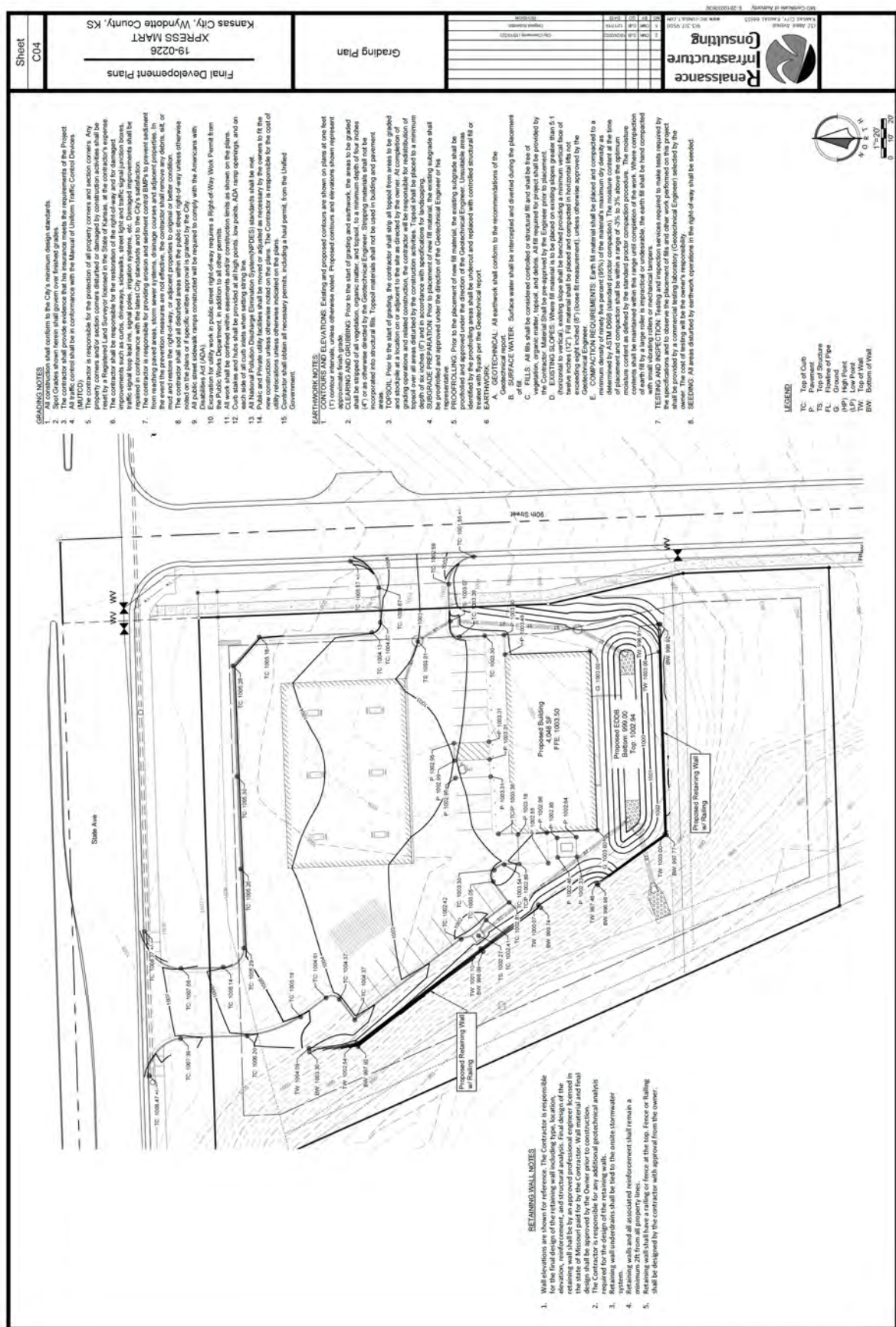
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of November, 2022.

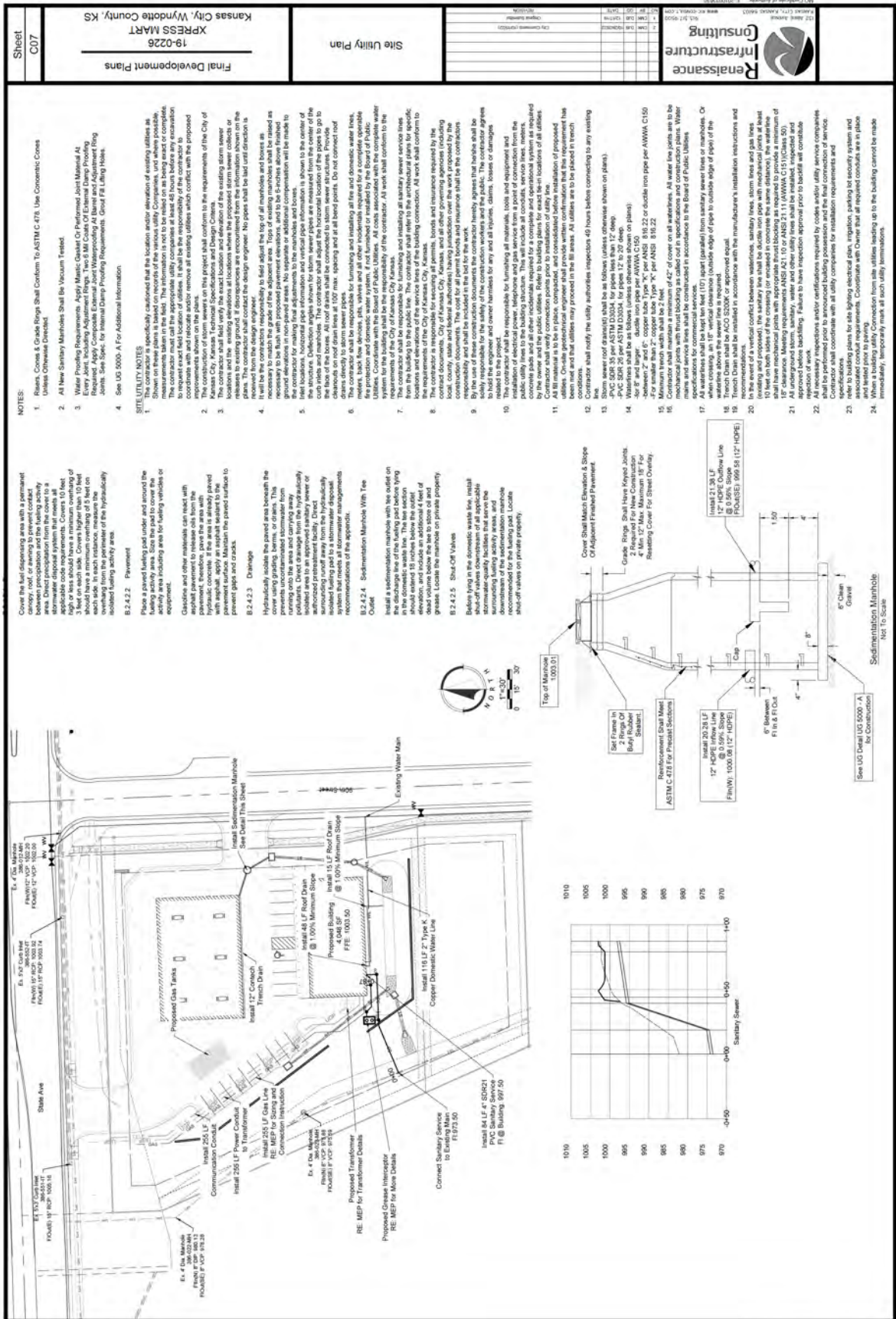
My commission expires 1 of November 2022.

JULIE ANN LOWREY
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 7/29/2024
COMMISSION # 20401259

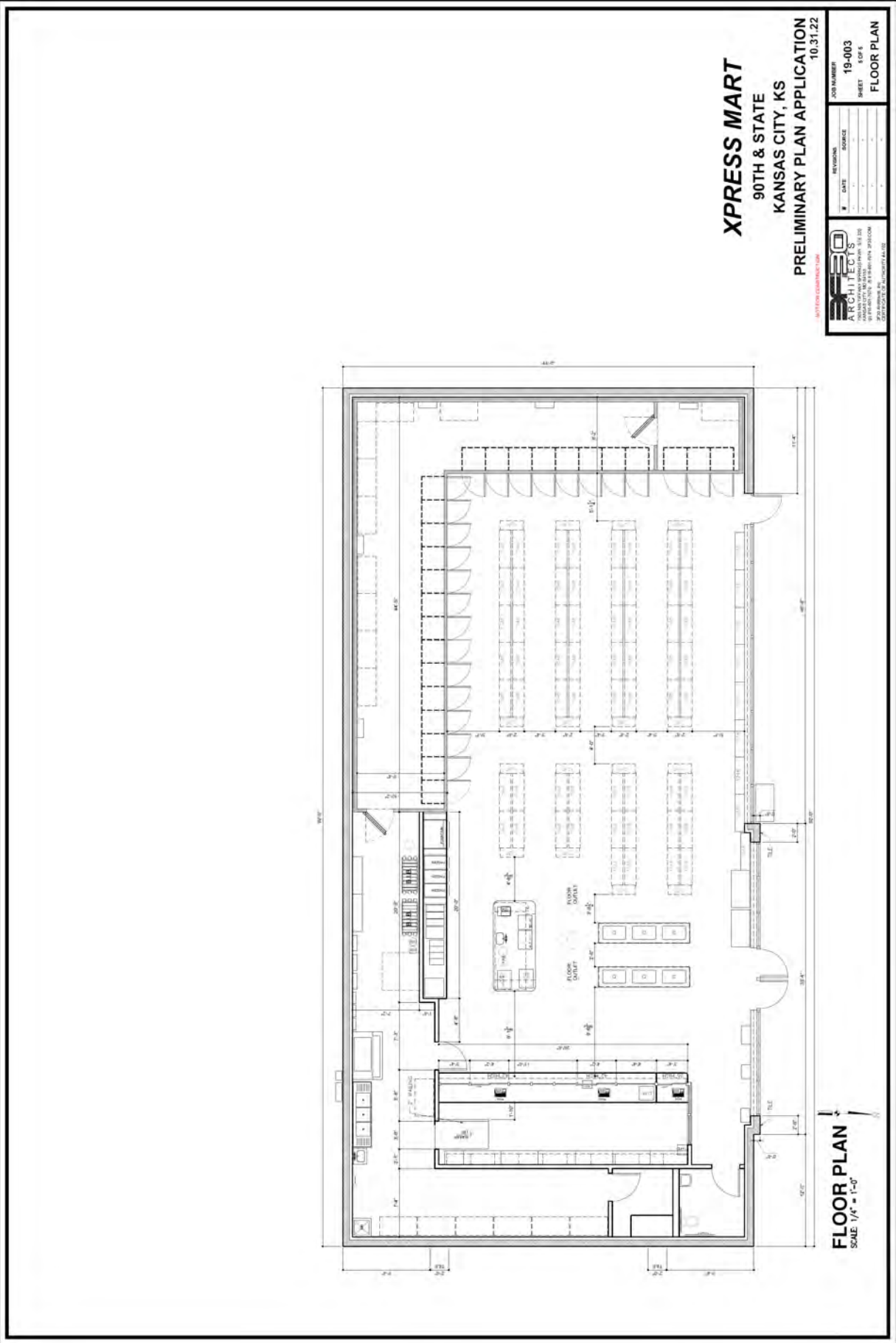


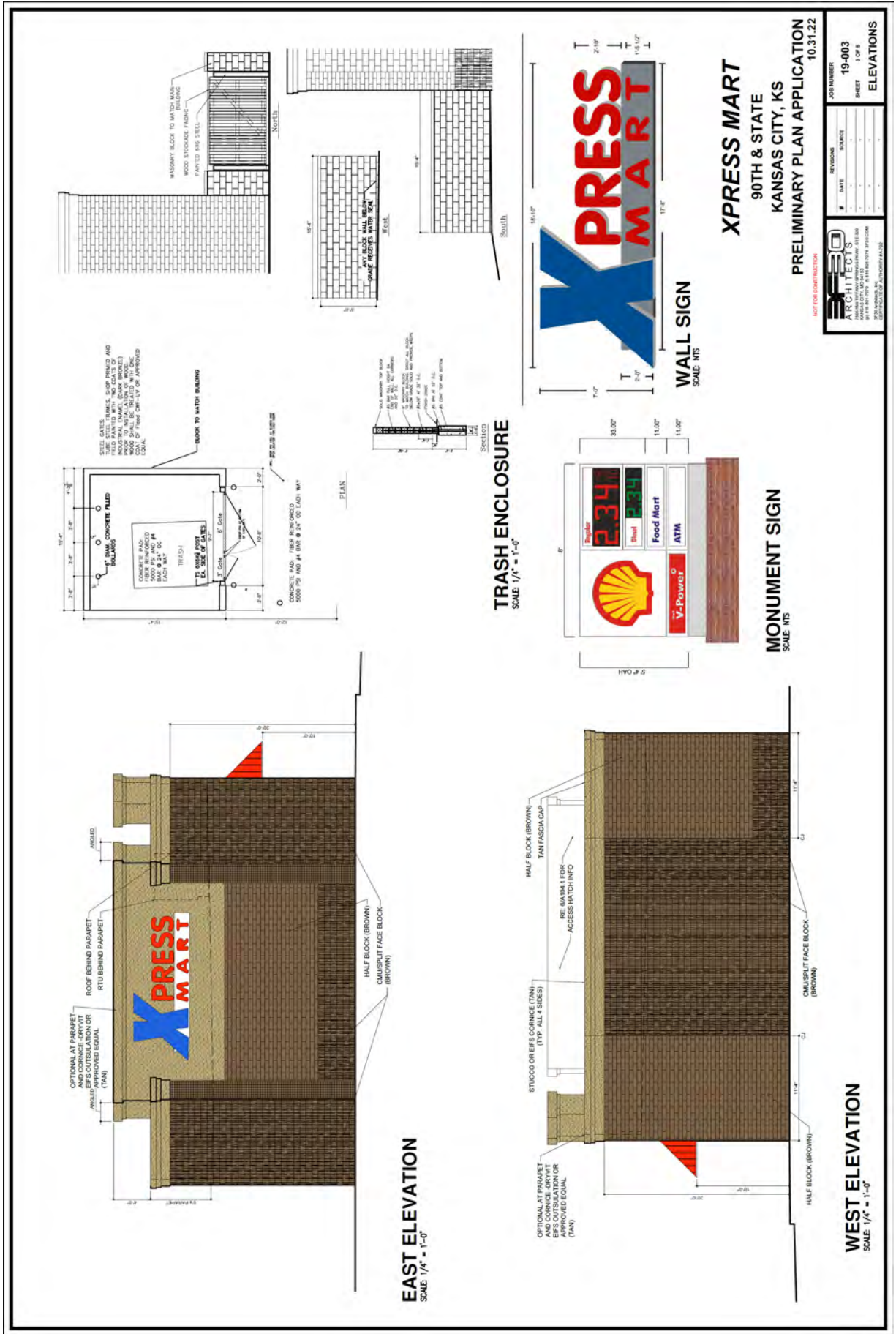
Notary Public

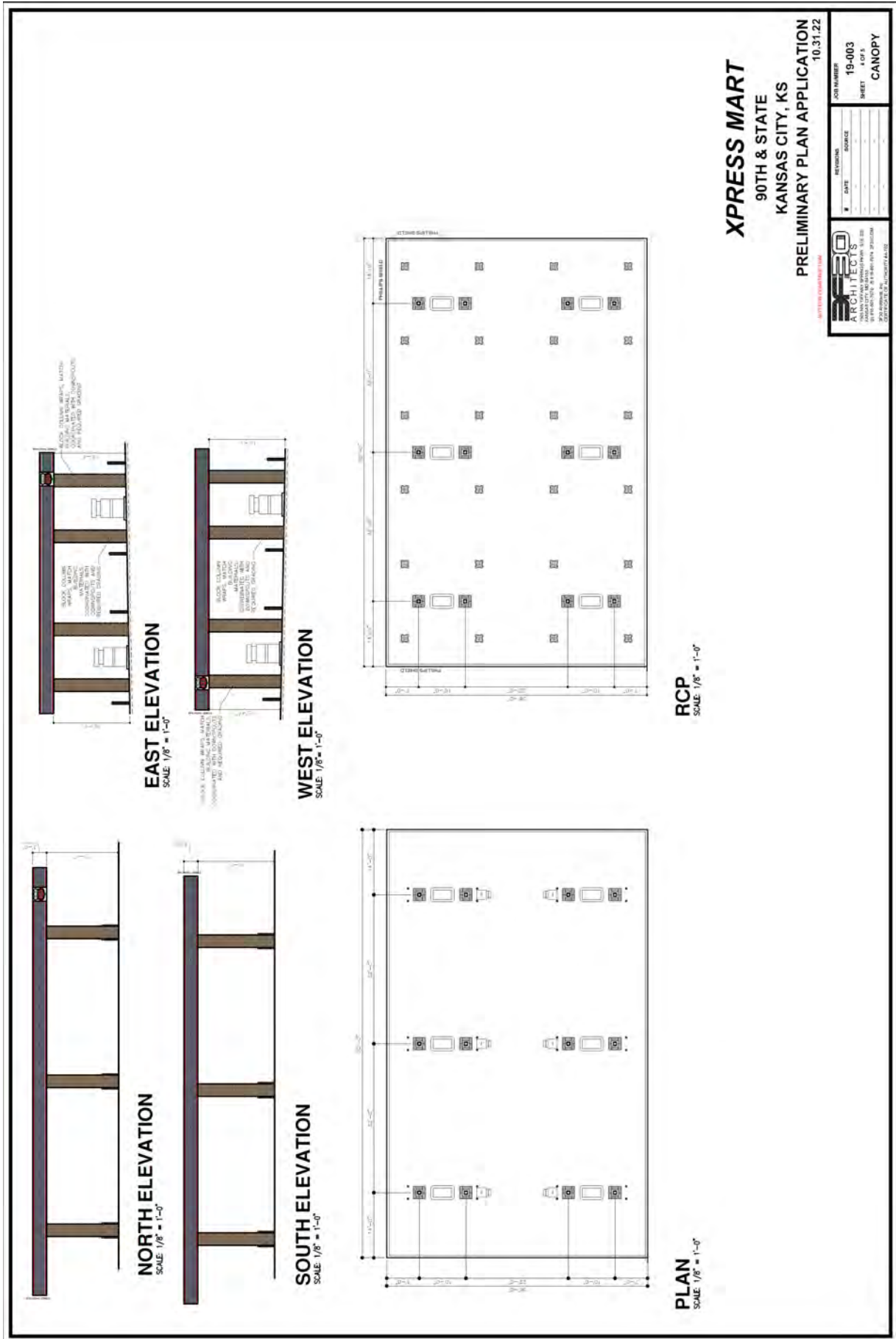












XPRESS MART
90TH & STATE
KANSAS CITY, KS

PRELIMINARY PLAN APPLICATION
10.31.22

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Figure 4. Site photograph of 9001 State Avenue looking north, taken from Ann Avenue (provided by Planning Staff).



Figure 5. Site photograph of 9001 State Avenue looking northwest, taken from North 90th Street (provided by Planning Staff).



Figure 6. Site photograph of 9001 State Avenue looking south, taken from North 90th Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 1, 2022

Re: Petitions SP2022-086 and MPL2022-018

GENERAL INFORMATION

Applicant:

David Cunningham

Status of Applicant:

Owner

Parkway Liquors

8222 Parallel Parkway

Kansas City, Kansas 66112

Requested Action:

Approval of a Special Use Permit.

Approval of a Master Plan Amendment.

Date of Application:

August 26, 2022

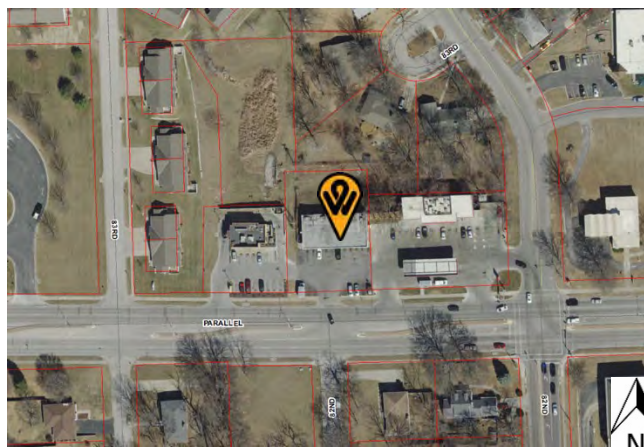
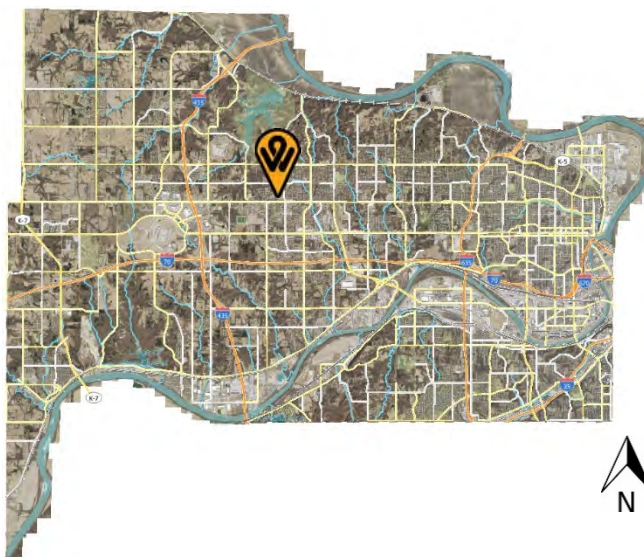
Purpose:

Approval of a Special Use Permit and Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store.

Property Location:

8222 Parallel Parkway

Kansas City, Kansas 66112



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: R-1 Single-Family District and R-2 Two-Family District South: R-1 Single-Family District East: C-1 Limited Business District West: C-1 Limited Business District
Adjacent Uses:	North: Single-Family Residence and Two-Family Residence South: Single-Family Residence East: Fueling Station and Convenience Store West: Drive-Thru Restaurant
Total Tract Size:	0.46 Acre
Master Plan Designation:	The City-Wide Master Plan Designates this property as Low-Density Residential, which allows for single-family homes. The applicant proposes to amend the City-Wide Master Plan designation to Community Commercial, which allows for retail such as grocery stores, convenience stores, auto shops, and commercial centers.
Major Street Plan:	The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare.
Parking Requirement:	Section 27-464(e) states “uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building”. 17 parking spaces are required. The applicant is providing 17 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – Special Use Permit – September 15, 2022; Master Plan Amendment – September 15, 2022 Letters to Property Owner – Special Use Permit – September 16, 2022; Master Plan Amendment – September 16, 2022
Public Hearings:	November 14, 2022 and December 1, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Cunningham, is requesting a Special Use Permit and Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There has been a history of calls for police service, most of which resulting from theft or burglary, an issue common with uses of this nature.
 - a. 2020 – 2020-107528 – Theft and Criminal Damage
 - b. 2019 – 2019-46804 – Theft
 - c. 2018 – 2018-46466 – Battery and Theft
 - d. 2018 – 2018-38402 – Theft
 - e. 2017 – 2017-121682 – Burglary and Criminal Damage

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional permits or cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Victory Hills Statistical Neighborhood and is not within a neighborhood group. The neighborhood is a mixed-use neighborhood, including small-scale retail centers, small lot single-family and multi-family residences, as well as institutions, such as churches, schools, and libraries. The subject property is located in one of several commercial nodes along Parallel Parkway, most of which are located at or near major intersections. The subject property is smaller than some of the surrounding commercial properties, which feature much larger lots, with an abundance of parking; The property does,

however, match the character of the single-family residences that are adjacent to it.

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

The zoning and uses are set out above. The proposed use is expected to be compatible with the commercial uses that surround it, however, may not be compatible with the residences adjacent to it.

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 has historically been used as a retail center and part of a larger commercial node, containing a liquor store; The use is expanding and should not be detrimental to nearby property, so long as it is managed properly.

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

The property is not vacant and has been used as a liquor store, with other tenant spaces.

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

There is minimal public gain as the proposed business is for private enjoyment, however, there is some benefit from expanding an existing business within the same building. The subject property already exists, and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring property if managed appropriately.

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

The proposed use is an existing use, which plans to expand into the adjacent tenant space. This may result in additional traffic as the business may have more products to offer, however, this is not expected to exceed the capacity of Parallel Parkway, a Class A Thoroughfare.

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

The applicant is requesting a Master Plan Amendment, from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan). Community Commercial allows for retail such as grocery stores, convenience stores, auto shops, and commercial centers, which the proposed

use is. The Master Plan Amendment will correct the City-Wide Master Plan to properly reflect the use of the property.

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

A liquor store is not reasonably necessary for the convenience and welfare of the public. The proposed liquor store building and site, however, is preferable to the current state and design of the subject property; Therefore, expanding the same use inside the existing building would not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property, but at most continue to have the same effects on the adjoining properties as it currently does

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*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

Police service is provided by Midtown Patrol, District #225.

e. *Fire*

Fire service is provided by Station #4, which is one (1) mile away from the subject property.

f. *Transit*

Transit service is provided by KCATA, along route #116 – West Parallel, which stops at 82nd and Parallel, less than 1000 feet from the subject property.

g. *Schools*

Public Education is provided by White Church Elementary School, Claude Huyck Elementary School, Arrowhead Middle School, and Washington High School with Kansas City, Kansas USD 500.

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

The economic impact of the proposed use on the community will be minimal. This is an existing use, which is expanding into an existing tenant space, rather than providing a new service or good for the community.

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

Since the applicant is expanding their business beyond their legacy use, they are required to obtain a Special Use Permit and obtain a variance from the minimum allowed distance between a new liquor store and any existing or proposed liquor store location, church, school, or public park. Section 27-593(b)(18) states that there must be a minimum separation distance of 1,300 feet between any new liquor store location and any existing or proposed liquor store location, church, school, or public park. The nearest distance between the parcel with the new liquor store and a church is 274 feet, a violation of 1,026 feet.

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

While there is little relative gain in having a liquor store at the subject property, there is also little hardship imposed on individual landowners. Due to the fact that the liquor store currently exists, any relative negative effects would already exist and can be brought to Staff's attention via public input and the neighborhood meeting.

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.

Idling vehicles in the parking lot create heightened levels of noise, and outdoor lighting on site—for advertising, convenience, and security—can spill over onto nearby properties. These potential issues can be addressed through mitigation techniques such as landscape screening, architectural fencing, and downward-facing lighting.

14. 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 use, in an existing, permitted structure.

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

The proposed use will not damage or destroy an irreplaceable natural resource,

as it is an existing use, in a built-out, mixed-use neighborhood

16. 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 cause undue concentrations of population as long as the applicant adheres to the conditions of approval. This is an existing use, expanding within an existing building, which would improve the conditions of the tenant space and reduce any overcrowding and undue concentrations of population.

PREVIOUS ACTIONS

No previous planning actions have been taken.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at the West Wyandotte Library on October 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Variance
Trash Enclosure
Signage
Landscaping and Screening
Pedestrian Connectivity

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-086** and Master Plan Amendment **MPL2022-018**, subject to:

1. The applicant shall install pedestrian markings and restripe the parking lot;
2. The applicant shall repair the trash enclosure;
3. The applicant shall plant three (3) trees along the southern edge of the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2022-055. 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 BOZA2022-055 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total

- gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
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. The applicant has filed and maintained a current business occupation tax application;
 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. 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 21,000 square feet, requiring three (3) trees be provided on the site plan;
 12. Section 27-699(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. 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 two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **SP2022-086** and **MPL2022-018** and subject to all comments and suggestions outlined in the staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Neighborhood Meeting Materials
Site Photos, Taken by the Applicant, Dated September 1, 2022
Site Photos, provided by Staff, Dated September 9, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	
Master Plan	November 14, 2022	December 1, 2022
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-018**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-018**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-086** 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 **SP2022-086**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:02:52:

MASTER PLAN AMENDMENT APPLICATION MPL2022-018 – DAVID

CUNNINGHAM WITH PARKWAY LIQUOR – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway.

SPECIAL USE PERMIT APPLICATION SP2022-086 – DAVID CUNNINGHAM WITH

PARKWAY LIQUOR - SYNOPSIS: Special Use Permit to expand the operation of a current liquor store at 8222 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, David Cunningham, is requesting a Special Use Permit and Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,

8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- David Cunningham, applicant, 8222 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:06: Planning Director Hand stated that the corresponding variance was approved by the Board of Zoning Appeals earlier this evening. Staff has received no letters in support nor in opposition. Staff recommends approval subject to the conditions in the staff report.

Motions starts at 4:06:55:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2022-018:**

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

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

Subject to:

1. The applicant shall install pedestrian markings and restripe the parking lot;
2. The applicant shall repair the trash enclosure;
3. The applicant shall plant three (3) trees along the southern edge of the property;
4. This City Planning Commission case is being heard in conjunction with **BOZA2022-055**. 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

- BOZA2022-055 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
 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. The applicant has filed and maintained a current business occupation tax application;
 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. 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 21,000 square feet, requiring three (3) trees be provided on the site plan;
 12. Section 27-699(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. 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 two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

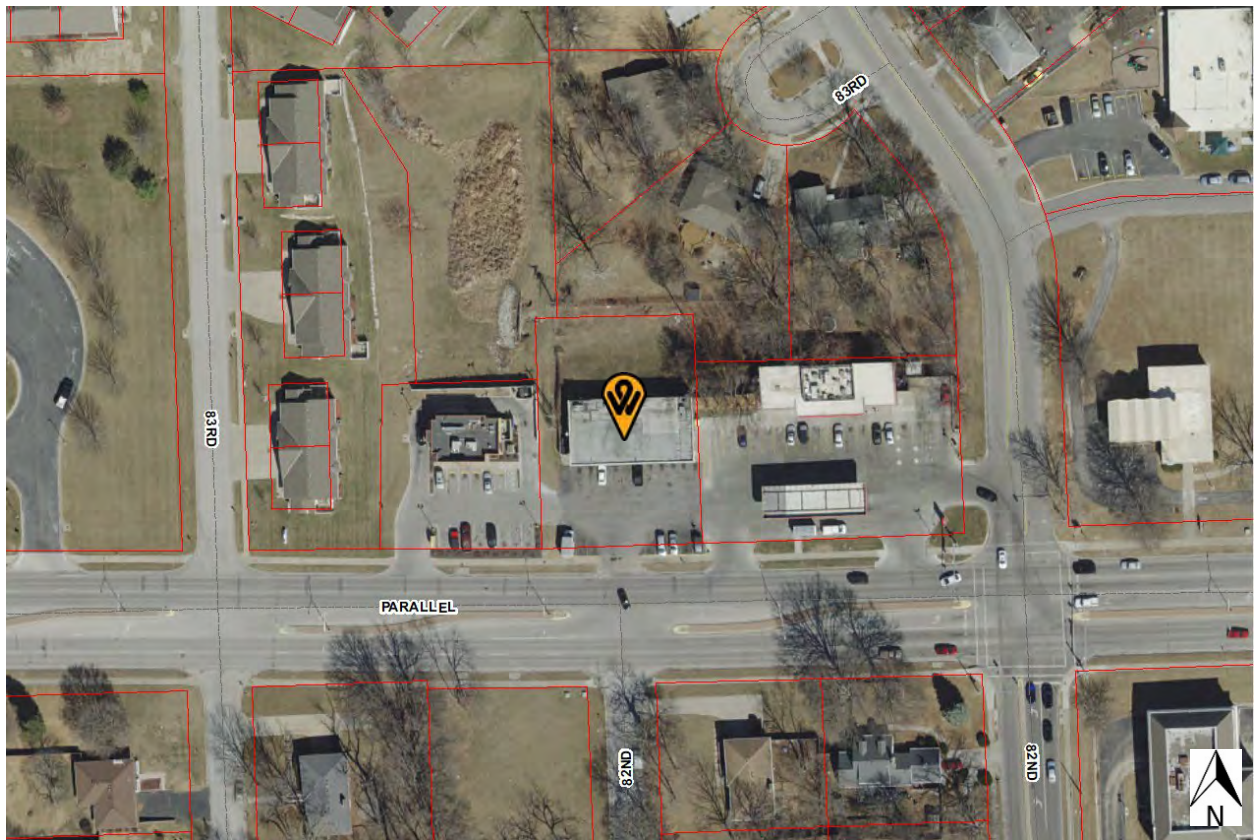
On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2022-086:**

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

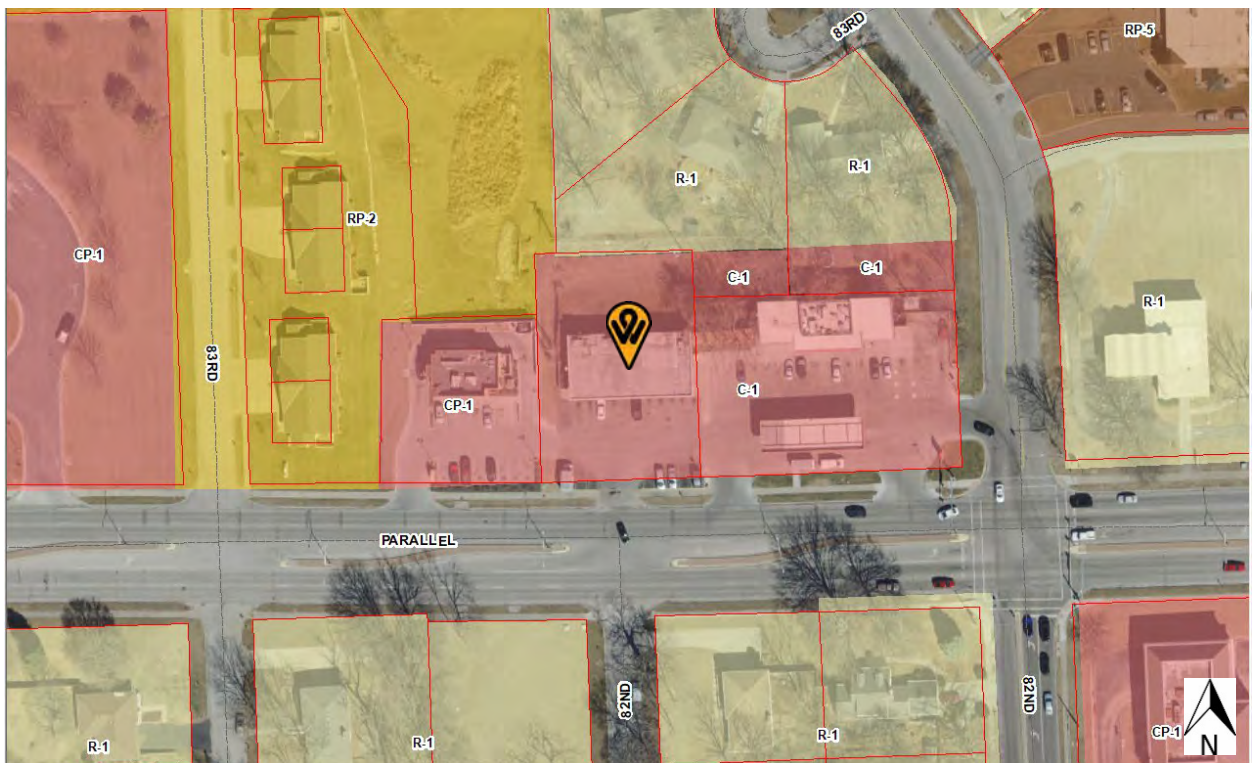
Motion to recommend **APPROVAL** Passed: 5 to 0
Subject to the above conditions.

ATTACHMENTS

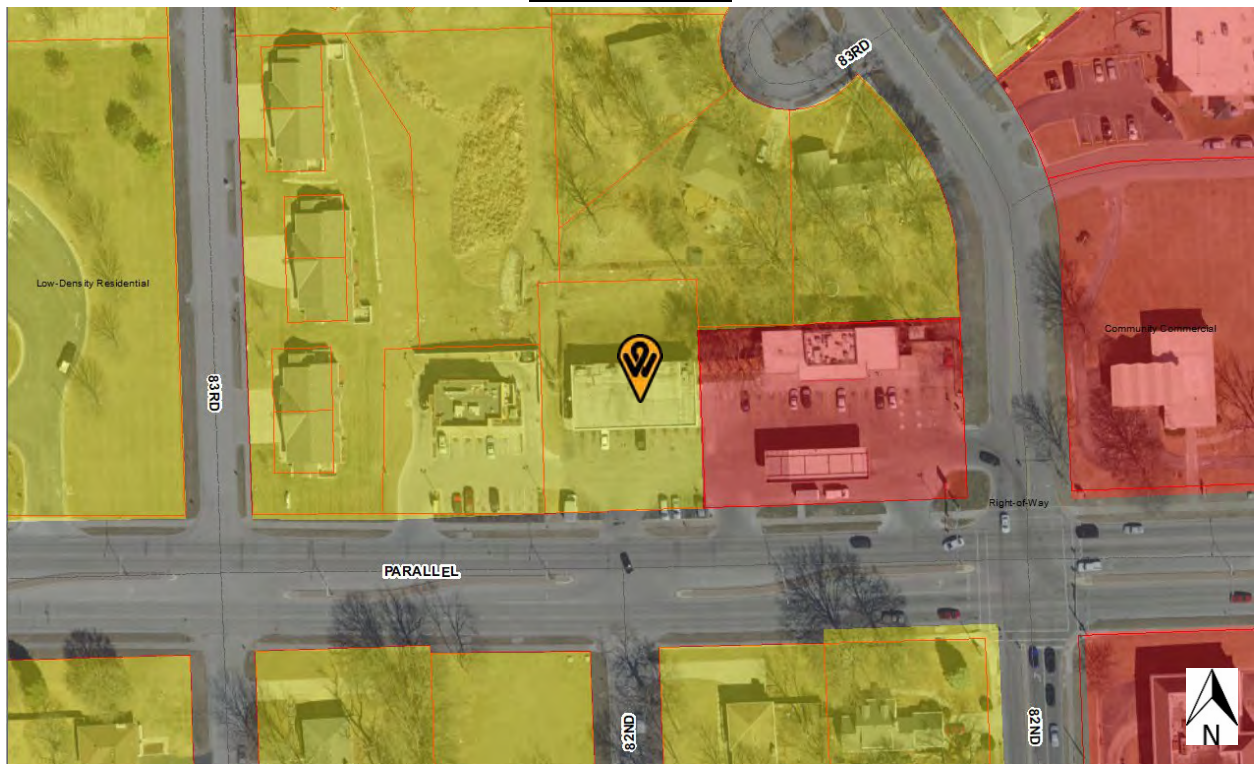
AERIAL IMAGERY



ZONING MAP



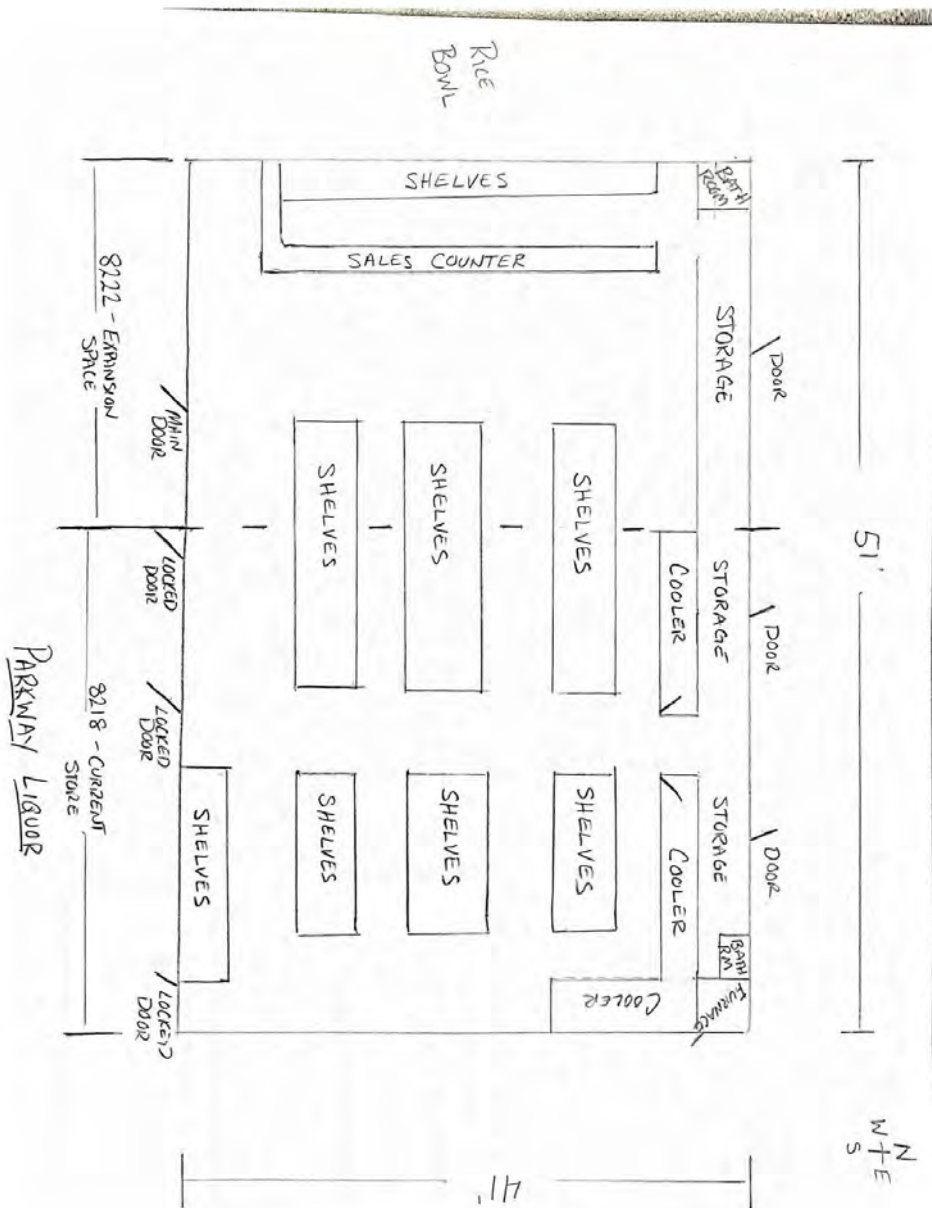
LAND USE MAP



MURCH'S
HICKEN



FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

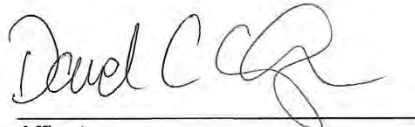
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas) SS:
COUNTY OF Wyandotte)

Comes now David C. Cunningham, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-086 & MPL2022-018.
2. That I conducted a neighborhood meeting on October 31, 2022, 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.

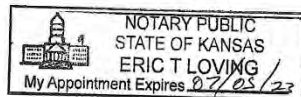
Further affiant saith not.

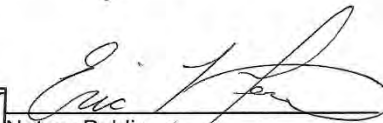


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of
Nov, 2002
2022

My commission expires 5 of July, 2003
2023





Notary Public

Neighborhood Meeting MINUTES:

Application Number: SP2022-086 & MPL2022-018

Date and Location: Oct. 31, 2022, at Wyandotte Library West

Meeting called to order at: 4:00pm

Names of people in attendance: 0 – No one showed up for the meeting

Introductions:

Along with holding the neighborhood meeting in person, I provided my personal phone number and business email address in the letter that was sent out to those on the contact list.

I received no phone calls or emails from anyone on the list.

Questions and answers (include the following):

Since no one showed up at the public meeting, no presentation was given.

Meeting adjourned at: 4:34pm

Minutes taken by: David C. Cunningham, presenter of the meeting

9/15/2022

Burnett H. Ambler
2007 N 83rd Place
Kansas City, KS 66109

SUBJECT: Neighborhood Notice

I have filed an application with the Department of Urban Planning and Land Use #MPL2022-018. The purpose of this:

- Master Plan Amendment
- Special Use Permit

is for an 800 sq/ft expansion into the adjacent space(formally Boost Mobile) of Parkway Liquor at the following address: 8222 Parallel, Parkway Kansas City, KS. The expansion will only require the removal of a non-weight bearing wall inside the building. There will be no changes to the outside of the building.

To respect everyone's COVID 19 concerns I am having the neighborhood meeting to answer any questions, comments, or concerns of the proposed expansion by email or phone call.

Email – parkwayliquorkck@gmail.com
Phone – 913-999-8011

All correspondence must be received by September 25, 2022, by 5pm.

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

I look forward to hearing from you and providing any additional information that you may require.

Sincerely,

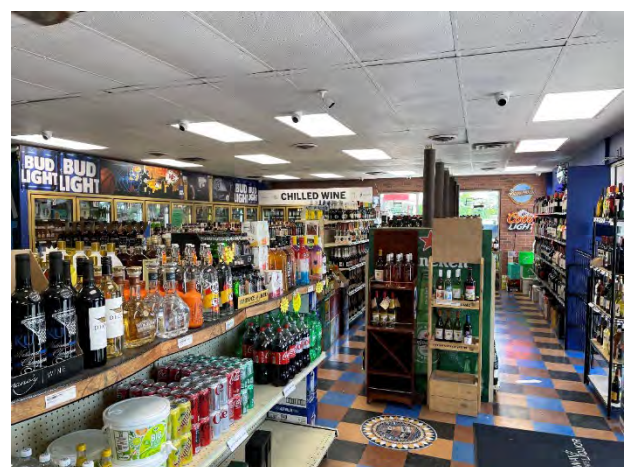
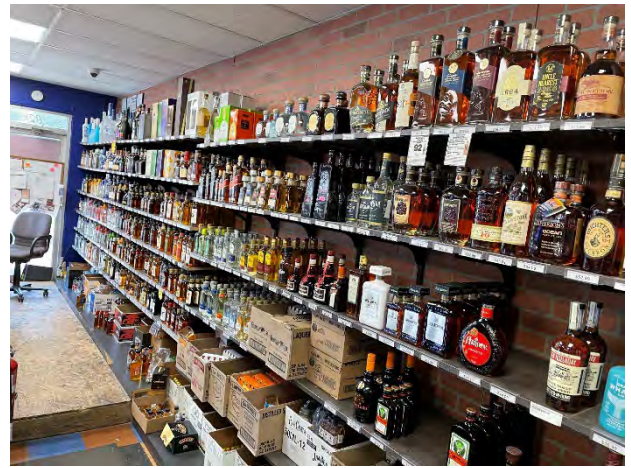
David C. Cunningham
913-999-8011
parkwayliquorkck@gmail.com

October 31, 2022

Sign in Sheet

Name Printed	Signature	Address
1. _____	NO ONE SHOWED UP FOR MEETING - DC	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____

SITE PHOTOS, TAKEN BY APPLICANT, DATED SEPTEMBER 1, 2022



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: December 1, 2022

Re: Petition VAC2022-007

GENERAL INFORMATION

Applicant:
Austin Thompson

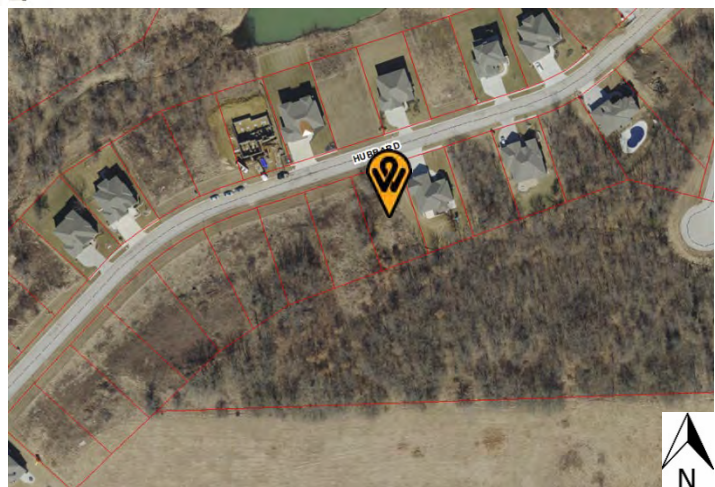
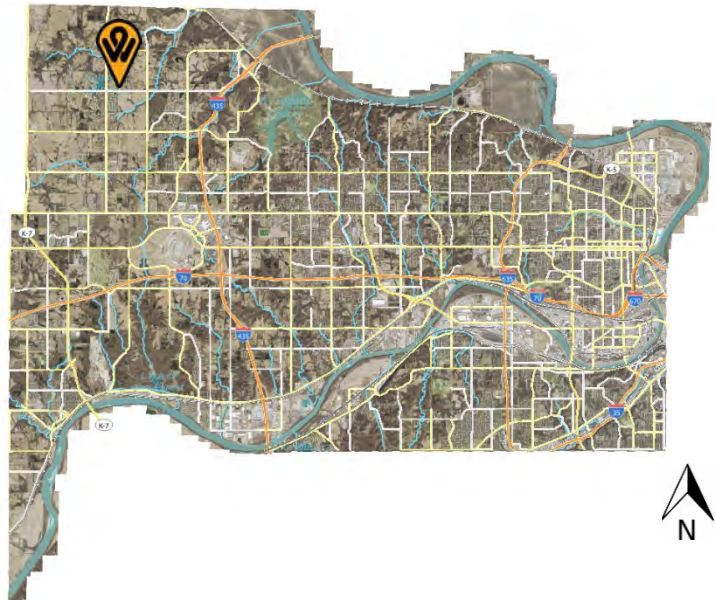
Status of Applicant:
Representative
Atlas Land Surveyor
2300 Hutton Road, Suite 108
Kansas City, Kansas 66109

Requested Action:
To approve a utility easement
vacation.

Date of Application:
September 30, 2022

Purpose:
To vacate a utility easement on the
subject properties for the lot
combination and construction of a
single-family residence.

Property Location:
12821 and 12827 Hubbard Road
Kansas City, Kansas 66109



Commission Districts:	Commissioner At-Large District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: R-1 Single-Family District West: R-1 Single-Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Vacant residential lot
Neighborhood Characteristics:	The neighborhood consists of only single-family residences on medium-sized lots with generous setbacks, along Hubbard Road, a local/neighborhood street that dead-ends to the east of the property.
Total Tract Size:	0.60 Acre
Master Plan Area:	Prairie-Delaware-Piper Master Plan
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Low-Density Residential, which allows for single family detached residential units and should appear to be less dense with generous amounts of open areas.
Major Street Plan:	The Major Street Plan defines Hubbard Road as a Local/Neighborhood Street.
Parking Requirement:	Sec 27-454(e) states that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The proposed single-family residence provides three (3) covered spaces, and three (3) spaces in the driveway.
Advertisement:	<u>Wyandotte Echo</u> – October 20, 2022 Letters to Property Owners – October 21, 2022
Public Hearings:	November 14, 2022 and December 1, 2022

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson, is requesting the Vacation of a utility easement at 12821 and 12827 Hubbard Road, with the intention to combine lots 37 and 38 into one (1) parcel and construct a single-family residence.

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 Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no related or outstanding permits or cases on the subject property.

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.***

The lot has been platted in a manner in which development of a single-family house can occur without danger to health or peril from fire, flood, erosion, noise, or other adversity.

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 the West Patrol, District #228

e. Fire

Fire service provided by Station #8.

f. Transit

There is no transit service provided to the area.

g. Schools

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

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.

Hubbard Road 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. The proposed single-family residence will be developed in the same manner as the existing surrounding single-family residences, except that the proposed residence will take up two (2) lots, instead of one (1) lot.

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

The requested vacation will remove the utility easement between Lot 37 (addressed as 12721 Hubbard Road) and Lot 38 (addressed as Lot 38). The vacation of these easement will allow the perspective property owner to combine these two (2) lots and construct one (1) single-family residence on the lots, rather than two (2).

Conditions of approval for The Acres at Freeman Farms North, Phase One, the Final Plat approved in 2006 in which the subject property lies, require that a connecting collector street to Polfer Road be constructed after 60 lots are constructed. If similar lot combinations were to occur five (5) more times within the subdivision, the developer could avoid the trigger that requires the collector street to be constructed. Even a single lot combination may reduce the number of lots that are required to be left undeveloped as an incentive for the developer to construct said collector street. If a collector street is never constructed, then the residents of the subdivision are deprived convenient access to local community services. Although vacating the utility easement does not automatically trigger a lot combination, failure to vacate the utility easement prevents the lot combination and subsequent garage construction from occurring. Thus, the proposed vacation would have an effect on the degree to which convenient access to community services and facilities is provided.

7. ***Vacation will not create utility conflicts.***

This vacation will eliminate the utility easement and will not create any utility conflicts, as the vacated portion resides on an undeveloped property. The Public Works Department is reviewing if there are utility conflicts.

KEY ISSUES

Conditions, Covenants, and Restrictions
Prairie-Delaware-Piper Master Plan
Proposed Single-Family Residence
Screening
Sidewalks

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Vacation Application **VAC2022-007**, subject to:

1. The applicant will be required to construct a four (4) foot wide, four (4) foot thick sidewalk;
2. Landscaping shall be installed along the western edge of the driveway as to screen the driveway and proposed garage doors from the adjacent property. The landscaping must meet the standards, set out by the Freeman Farms Homeowners association;
3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
7. 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.

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 **VAC2022-007** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Plot Plan
Elevations
Prairie-Delaware-Piper Master Plan Design Guidelines
Site Photos, Taken by Staff, Dated October 14, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Vacation	Approval	

STAFF CONTACT:

James Molloy, Planner
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2022-007**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2022-007**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 4:44:18:

VACATION APPLICATION VAC2022-007 – AUSTIN THOMPSON WITH ATLAS

LAND CONSULTING - SYNOPSIS: Vacation of a utility easement at 12821 and 12827 Hubbard Road.

Detailed Outline of Requested Action: The applicant, Austin Thompson, is requesting the Vacation of a utility easement at 12821 and 12827 Hubbard Road, with the intention to combine lots 37 and 38 into one (1) parcel and construct a single-family residence.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, applicant, Atlas Consulting

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:46:36: Planning Director Hand stated that a vacation application was approved across the street several months ago. The property is located in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report. Staff would note for the record that this subdivision has a trigger for amenities once 100 building permits have been issued. He stated that if this trend of combining lots continues, Staff is going to recommend denial at permit 99 for any combination that reaches the overall amenity trigger below the threshold. This is the second combination of lots considered the last several months. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:48:20:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2022-007:**

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

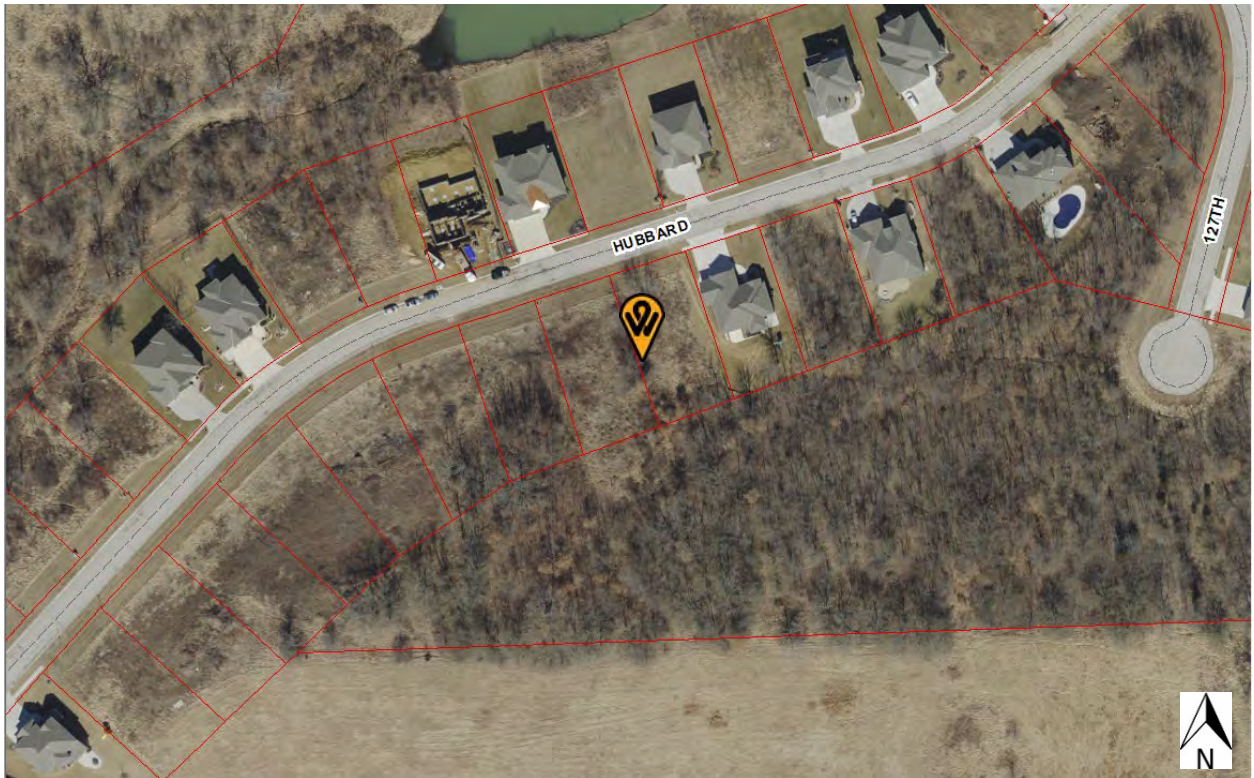
Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

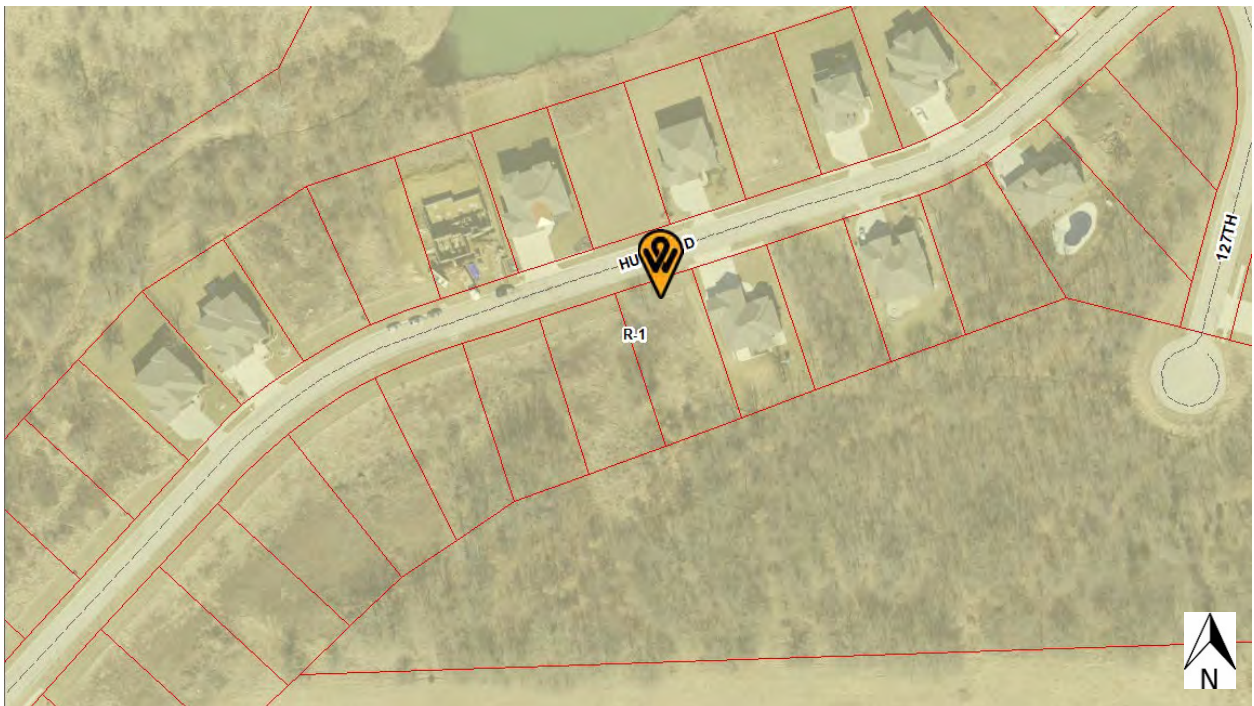
1. The applicant will be required to construct a four (4) foot wide, four (4) foot thick sidewalk;
2. Landscaping shall be installed along the western edge of the driveway as to screen the driveway and proposed garage doors from the adjacent property. The landscaping must meet the standards, set out by the Freeman Farms Homeowners association;
3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
7. 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.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP

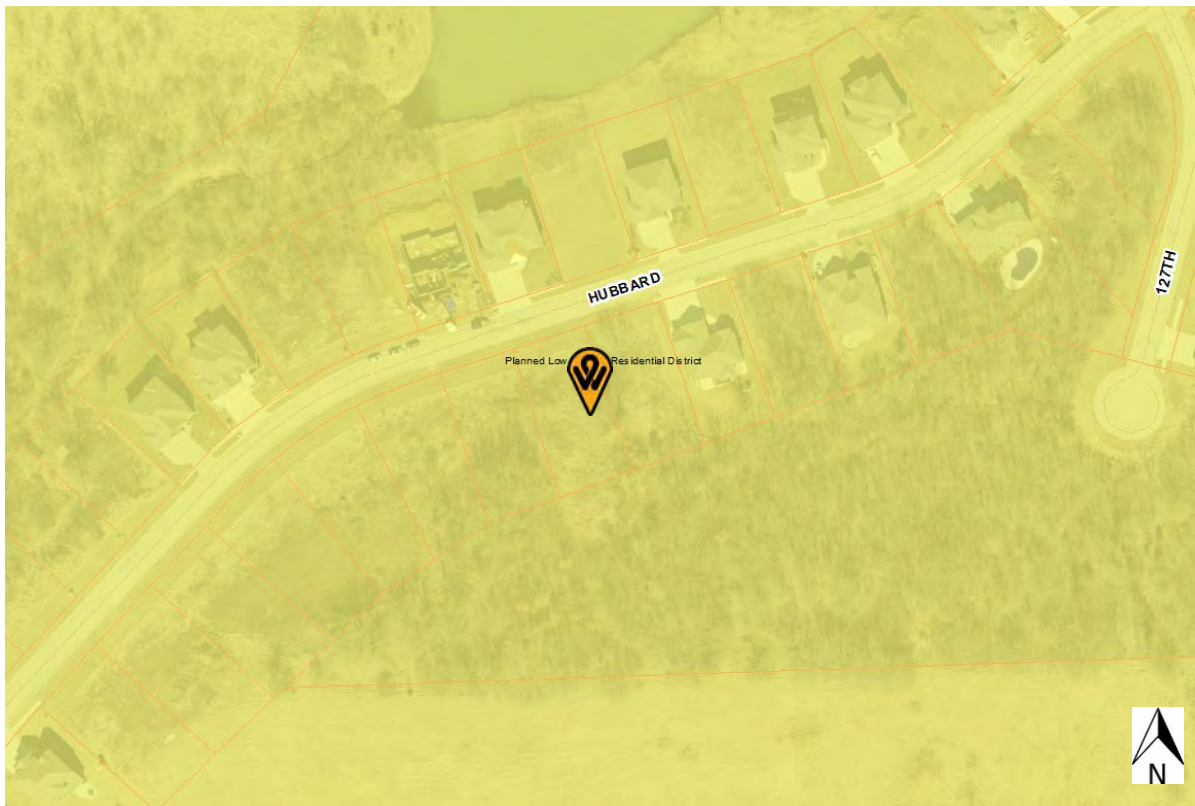
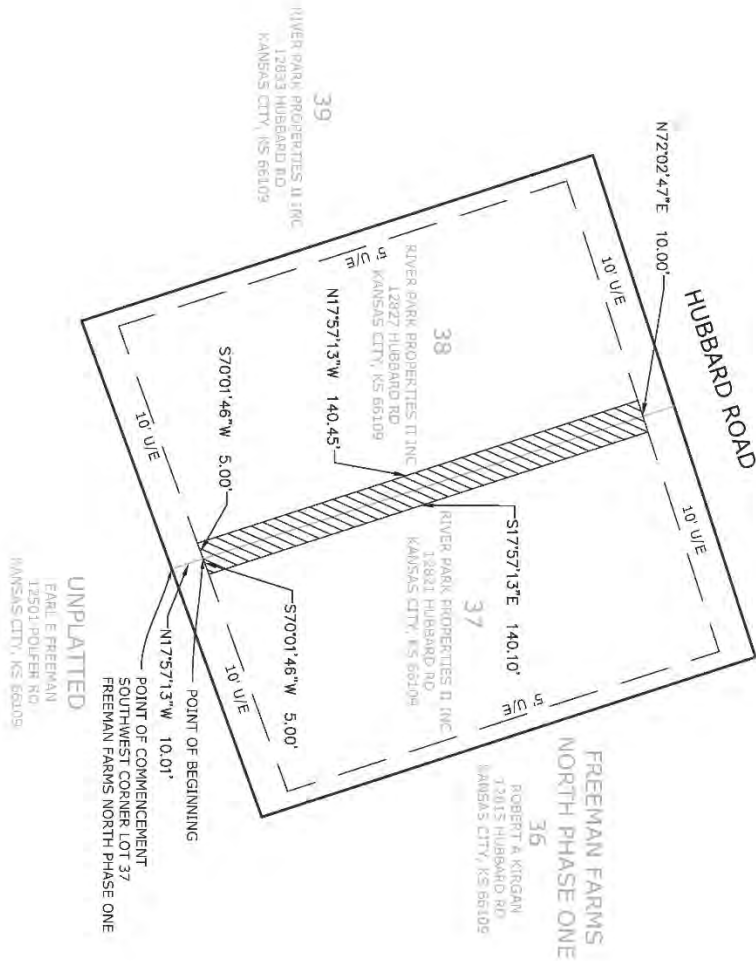


EXHIBIT A



DESCRIPTION

THE EAST 5 FEET OF LOT 37 AND THE WEST 5 FEET OF LOT 38 FREEMAN FARMS NORTH PHASE ONE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, EXCEPT THE NORTH 10 FEET OF SAID LOTS 37 AND 38 AND THE SOUTH 10 FEET OF SAID LOTS 37 AND 38.

LEGEND

LIFE UTILITY EASEMENT

EASEMENT TO BE VACATED



30 15 0 30
SCALE IN FEET

JOB NO: 22-1127

EXHIBIT A



ALC
ATLAS LAND CONSULTING
SURVEYING • ENGINEERING • DESIGN • CAD
415 362 3672
608 Jefferson Life Court, Livermore, Kansas 66350
ATLASLANDCONSULTING.COM

PREPARED FOR:
FARL FRITMAN

ADDRESS:
1282, #12827
HUBBARD ROAD
KANSAS CITY, KS 66109

09/19/2022

ROGER B. DILL

STATE OF TENNESSEE

DEPARTMENT OF TRANSPORTATION

LS-408

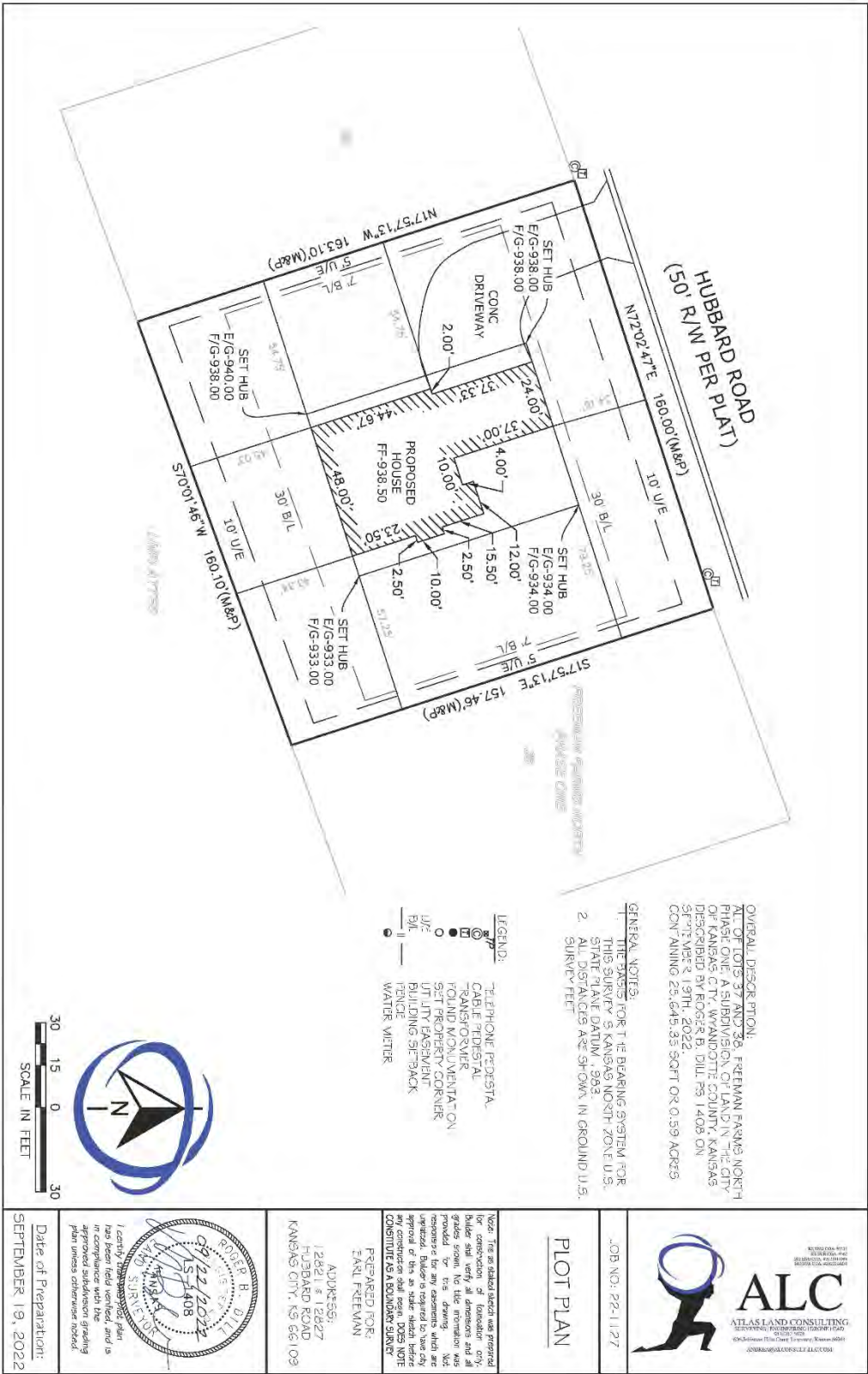
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AND SURETY

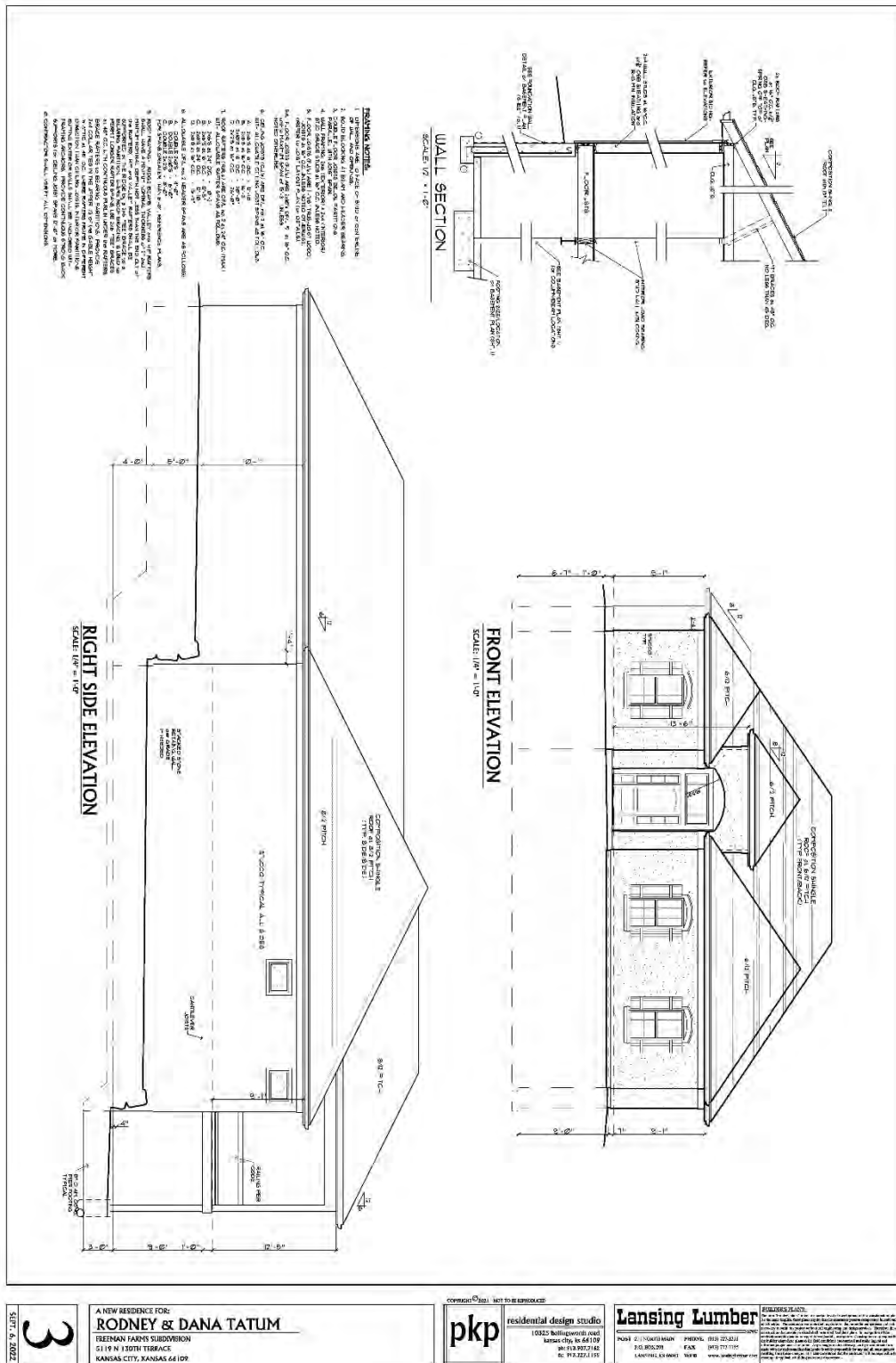
I certify that the above plan has been field verified, and is in compliance with the approved subdivision grading plan unless otherwise noted.

Date of Preparation:
SEPTEMBER 19, 2022

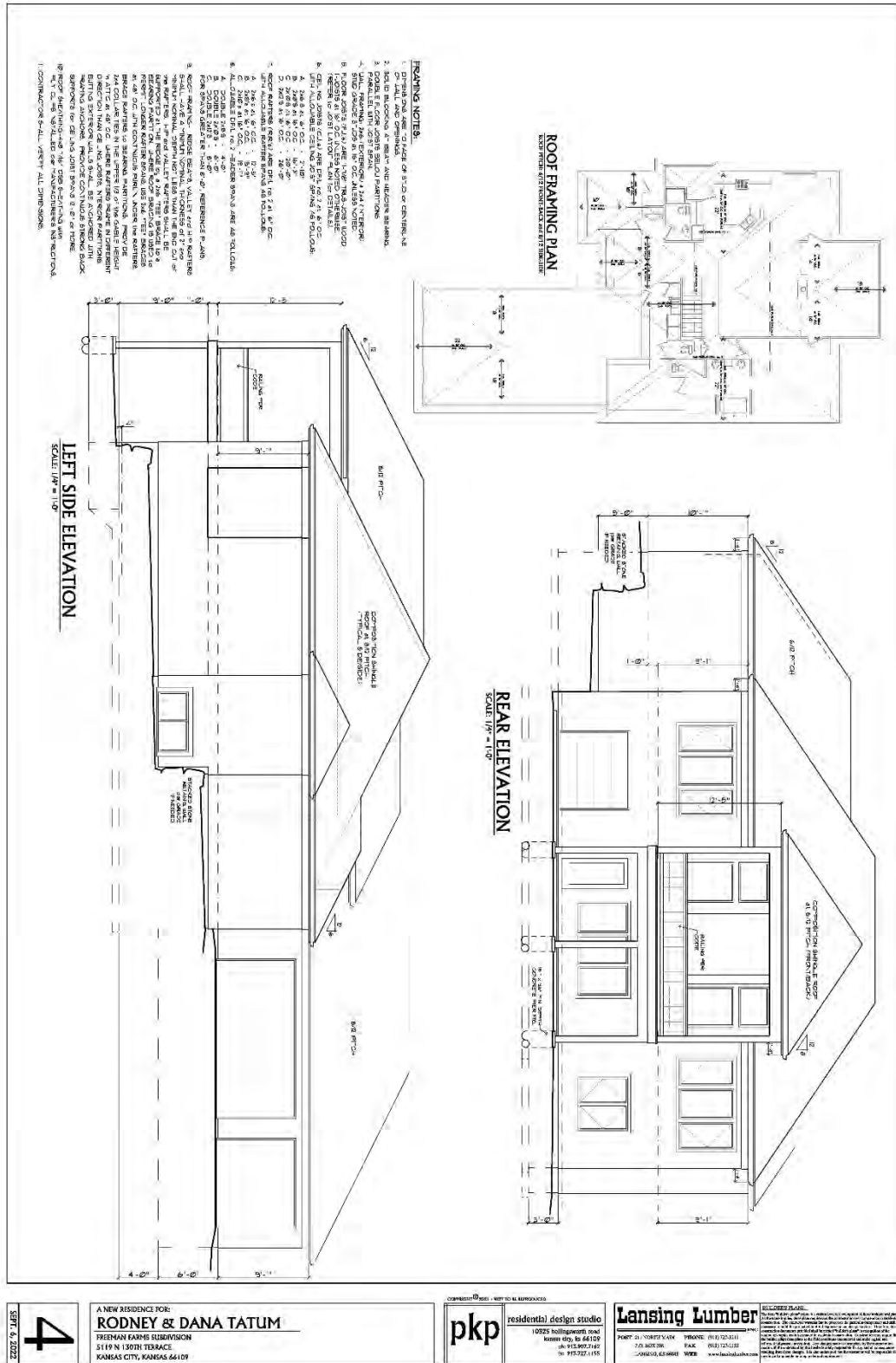
PLOT PLAN



ELEVATIONS



ELEVATIONS



SEPT. 5, 2022

4

A NEW RESIDENCE FOR:
RODNEY & DANA TATUM
FREEMAN FARMS SUBDIVISION
5119 N. 130TH TERRACE
KANSAS CITY, KANSAS 64119

pkp
residential design studio
10225 hollingsworth road
kansas city, mo 64119
tel: 913.867.1410
fax: 913.867.1155

Lansing Lumber
1000 N. 130TH ST. SUITE 100
KANSAS CITY, MO 64119
TEL: 913.867.1410
FAX: 913.867.1155
WWW.LANSINGLUMBER.COM

ILLUSTRATED PLAN:
This plan is a preliminary drawing and is not to be used for construction. It is subject to change without notice. The owner is responsible for obtaining all necessary permits and for ensuring that the construction complies with all applicable codes and regulations. The architect is not responsible for the accuracy of the information provided by the owner or for the results of the construction.



VAC2022-007 DRAFT

Planning and Urban Design Comments:

1. Provide the covenants, conditions, and restrictions for The Acres at Freeman Farms North, Phase One Plat, in order to ensure that the proposed vacation does not violate any CC&R. **See attached CC&R**
2. Provide the homeowners association by-laws in order to ensure that the proposed vacation does not violate any HOA rules or regulations. **See attached By-Laws**
3. Provide an official statement from the homeowners association regarding the permissibility of combining two (2) platted parcels within the The Acres at Freeman Farms North, Phase One. **See attached**
4. The Prairie-Delaware-Piper Master Plan's design guidelines aim to limit the impact of garages and carports. Staff recommends that the proposed single-family residence be redesigned to make the proposed entrance more prominent, rather than the proposed three (3) car garage. **Client plans to redesign layout to make garage less prominent. Client is working with Architect to complete a redesign but will not be able to complete before submission date.**
5. If the applicant does not wish to redesign the house, Staff recommends screening along the western edge of the parcel to limit the impact that the proposed garage placement may have on future residential development to the west. **Client plans to add screening if staff still recommends after redesign**
6. The applicant must construct a sidewalk along the south side Hubbard Road. **Acknowledge**
7. What is the intent of the rear-yard garage door? Will that be used for yard equipment, or additional parking? **This garage door will be used for yard equipment.**

606 Jefferson Hills Court, Lawrence, Kansas 66044

Additional Planning Staff Notes:

In The Acres at Freeman Farms subdivision, 96 building permits parcels have been issued. The applicant has attested that three (3) platted parcels have been previously combined, resulting in three (3) fewer parcels than collectively demonstrated on The Acres at Freeman Farms South Final Plat, The Acres at Freeman Farms South Second Addition Final Plat, and Freeman Farms North Phase One Final Plat. There are a total of 16 parcels remaining without building permits. The conditions of approval of The Acres at Freeman Farms South Final Plat states that the 101st building permit may not be issued until a pool and pool house is constructed. Therefore, no more than four (4) additional building permits may be issued before the pool and pool house has been constructed. As the applicant has pointed out in response to the draft staff report, lot combinations have occurred within the subdivision in the past. Therefore, there is a possibility that more parcels, including the remaining 16 undeveloped parcels, could also be combined with each other or with existing developed parcels. If enough of lot combinations occur, this may result in no greater than 100 building permits being issued for the entire subdivision. **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. 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**
5. 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. **Acknowledge**

606 Jefferson Hills Court, Lawrence, Kansas 66044

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 14, 2022



(First published _____)

COZ2022-012

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 800 North 5th Street, in Kansas City, Kansas, by changing the same from its present zoning of RP-1 Planned Single Family and RP-5 Planned Apartment Districts to RP-5 Planned Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on February 25, 2022, by the owners of property to have the zoning of said property changed from its present zoning of RP-1 Planned Single Family and RP-5 Planned Apartment Districts to RP-5 Planned Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

MIEGES ADD, S10, T11, R25, ACRES 1.080000, B136 L36 TO L48,
Located at approximately 800 North 5th Street, Kansas City, Kansas,

be changed from its present zoning of RP-1 Planned Single Family and RP-5 Planned Apartment Districts to RP-5 Planned Apartment District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-460, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-5 Planned Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-017

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3015 and 3020 North Baltimore Street, in Kansas City, Kansas, by changing the same from its present zoning of RP-5 Planned Apartment 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 RP-5 Planned Apartment 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:

3015 N. Baltimore:

PARKWOOD B6-11 & 2101, S33, T10, R25, ACRES 1.71, B11 L22 TO L36

3020 N. Baltimore:

PARKWOOD B6-11 & 2101, S33, T10, R25, ACRES 1.67, B10 L42 TO L61

be changed from its present zoning of RP-5 Planned Apartment 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

(First published _____)

COZ2022-025

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2615 Espenlaub Lane, 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 June 24, 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:

9261, S34, T11, R24, Acres 18.18, BEG SW COR NW ¼; E 684.8 FT, N 200 FT, E 714.53FT, N14W-89.21FT, N76E-180FT, N14W-170FT, W 639.39FT, N14W-180FT, W 810.08FT, S660FT TO POB CONTG 16.2 AC M/L, A tract of land in the West One-half of the Southeast Quarter of the Northeast Quarter of Section 32, in Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning at the Northeast corner of the West One-half of the Southeast Quarter of the Northeast Quarter of said section 32: thence South 375.3 feet, along the East line of the West One-half of the Southeast Quarter of the Northeast Quarter of the said Section 32, to a point on the South line of a tract of land described in Book 1878 at Page 157 in the Register of Deeds Office of Wyandotte County; thence West 485.5 feet, along said South line, to the East line of a tract of land described in Book 2719 at Page 136 in the Register of Deeds Office; thence North 73.6 feet, along said East line of Espenlaub Lane, as now established; thence North 50.0 feet along said

East line, to a point on the South line of a tract of land described in Book 2557 at Page 603; thence East 200 feet, along said South line, to the East line of said tract; thence North 61.8 feet, along said East line, to the North line of said tract, thence West 200 feet along said North line, to a point on the East line of Espenlaub Lane; thence North 61.8 feet, along said East line, to the South line of a tract of land described in Book 2957 at Page 626; thence East 200 feet along said South line of a tract of land, to the West line of a tract of land described in Book 1856 at Page 28; thence North 124.05 feet along said West line, to a point on the North line of the Southeast Quarter of the Northeast Quarter; thence East 460.4 feet along said North line to the point of beginning of the tract herein described. Located at approximately 2615 Espenlaub Lane, 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

(First published _____)

COZ2022-028

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4500 Dover Street and 4414 Gibbs Road, in Kansas City, Kansas, by changing the same from its present zoning of MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 29, 2022, by the owners of property to have the zoning of said property changed from its present zoning of MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A tract of land in part of the Southwest Quarter and Southeast Quarter of the Southwest Quarter of Section 30, Township 11 South, Range 25 East of the Sixth Principal Meridian in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows:
Commencing at the Southwest corner of said Section 30 thence North 87 degrees 39 minutes 18 seconds East, along the South line of the Southwest Quarter of said Section 30, a distance of 663.20 feet, to the southerly prolongation of the East line of "Domville Subdivision", a subdivision in the City of Kansas City, Wyandotte County, Kansas, recorded in Book 27 at Page 22 at the Wyandotte County Register of Deeds Office; thence North 02 degrees 11 minutes 27 seconds West, along said southerly prolongation and said East line of "Domville Subdivision", a distance of 638.18 feet, to a point on the South right-of-way line of Berry Road, as now established, said point also being the POINT OF BEGINNING; thence North 02 degrees 18 minutes 35 seconds West, along the East line of "Dicksligh Addition", a subdivision in the City

of Kansas City, Wyandotte County, Kansas, recorded in Book 23 at Page 50 at the Wyandotte County Register of Deeds Office, a distance of 350.00 feet to a point on the North right-of-way line of Dover Street, as now established; thence North 02 degrees 19 minutes 27 seconds West, continuing along the East line of "Dicksligh Addition", a distance of 331.76 feet to the Northwest corner of a tract of land conveyed by warranty deed recorded in Book 4028 at Page 603, at the Wyandotte County Register of Deeds, said point being on the North line of the Southwest Quarter of the Southwest Quarter of said Section 30, said point also being on the South line of Lot 3, "Melrose Business Park Phase 2", a subdivision in the City of Kansas City, Wyandotte County, Kansas, recorded in Book 40 at Page 69 at the Wyandotte County Register of Deeds Office; thence North 87 degrees 40 minutes 36 seconds East, along said North line of the Southwest Quarter of the Southwest Quarter of said Section 30 and said South line of Lot 3, "Melrose Business Park Phase 2" and the South line of Lot 2, "Melrose Business Park", a subdivision in the City of Kansas City, Wyandotte County, Kansas, recorded in Book 39 at Page 91 at the Wyandotte County Register of Deeds Office, a distance of 663.48 feet to the Southwest Sixteenth corner of said Section 30; thence North 87 degrees 22 minutes 49 seconds East, along the North line of the Southeast Quarter of the Southwest Quarter of said Section 30 and said South line of Lot 2, "Melrose Business Park", a distance of 447.61 feet to the Southeast corner of said Lot 2, said point also being the Northwest corner of a tract of land conveyed by deed for highway purposes recorded in Book 2038 at Page 463, at the Wyandotte County Register of Deeds Office, said point being on the Westerly right-of-way line of Interstate 635, as now established; thence South 22 degrees 52 minutes 37 seconds East, along the Westerly right-of-way line of said Interstate 635, a distance of 317.49 feet, to the Westerly corner of a tract of land conveyed by deed for highway purposes recorded in Book 1948 at Page 468, at the Wyandotte County Register of Deeds Office; thence South 01 degree 31 minutes 30 seconds East, along the Westerly right-of-way line of said Interstate 635, a distance of 431.03 feet, to the Southwest corner of the said tract of land conveyed for highway purposes recorded in Book 1948 at Page 468, said point also being the Northeast corner of the East 2 acres of the West 3 acres of the South 5 acres of the West 11 acres of the East 15 acres of the West 25 acres of the Southeast Quarter of the Southwest Quarter of said Section 30; thence South 87 degrees 39 minutes 18 seconds West, a distance of 223.51 feet, to the Northwest corner of the West 1 acre of the South 5 acres of the West 11 acres of the East 15 acres of the West 25 acres of the Southeast Quarter of the Southwest Quarter of said Section 30, said point being on the East line of a certain tract of land conveyed by warranty deed recorded in Book 4188 at Page 688, at the Wyandotte County Register of Deeds Office; thence North 02 degrees 10 minutes 27 seconds West, along said East line, a distance of 44.65 feet to the Northeast Corner of said tract of land; thence

South 87 degrees 39 minutes 18 seconds West, along a line parallel with the South line of the Southwest Quarter of said Section 30, a distance of 993.22 feet to the POINT OF BEGINNING. The above described tract of land contains 826,368.89 square feet of 18.97 acres of land more or less. Located at approximately 4500 Dover Street, Kansas City, Kansas,

be changed from its present zoning of MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, 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 MP-2 Planned General Industrial 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 _____)

COZ2022-031

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2443 South 88th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family and MP-2 Planned General Industrial District to MP-3 Planned Heavy Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 29, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family and MP-2 Planned General Industrial Districts to MP-3 Planned Heavy Industrial 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 Lots 1 through 30, Block 2, and all of Lots 1 through 30, Block 3, and all of the public alleys adjacent thereto, and all that part of Muncie Street, Miami Street, Oak Street, and Hickory Street, as shown on the recorded plat of CONNER CITY, and all of Lots 2 and 3 and all that part of Lot 4, as shown on the recorded plat of WOLCOTT PARK, and all that part of Section 12, Township 10 South, Range 23 East, all being in the City of Kansas City, Wyandotte County, Kansas, and being more particularly described as follows: beginning at the westerly most corner of Lot 15, Block 30, said point being the intersection of the northwesterly right-of-way line of N. 95th Street (platted as Wyandotte Street) and the southeasterly right-of-way line of Main Street, as shown on the recorded plat of Conner City, thence North 43 degrees 10 minutes 57 seconds East, with the southeasterly right-of-way line of Main Street, as it now exists, and with

the northwesterly line of Blocks 3 and 2, CONNER CITY, a distance of 653.68 feet to the northwesterly corner of Block 2, CONNER CITY; thence North 47 degrees 01 minute 36 seconds West, with the northerly right-of-way line of Miami Street, as it now exists, and with the southerly line of Lot 2, WOLCOTT PARK, a distance of 07.04 feet to the southwesterly corner of said Lot 2; thence North 44 degrees 13 minutes 24 seconds East, with the westerly line of Lots 2, 3 and 4, WOLCOTT PARK, a distance of 816.00 feet; thence South 47 degrees 01 minutes 36 seconds East, a distance of 677.05 feet; thence South 46 degrees 50 minutes 15 seconds East, a distance of 794.98 feet to a point in Conner Creek; the following three courses are calculated straight lines along the meanders of Conner Creek; thence South 29 degrees 24 minutes 21 seconds West, a distance of 836.53 feet; thence South 33 degrees 08 minutes 57 seconds West, a distance of 242.97 feet; thence South 62 degrees 41 minutes 02 seconds West, a distance of 440.05 feet to a point on the southerly extension of the northerly right-of-way line of Wyandotte Street, as shown on the recorded plat of CONNER CITY; thence North 47 degrees 01 minute 36 seconds West, with the northerly right-of-way line of Wyandotte Street, and its southeasterly prolongation, a distance of 874.46 feet to the point of beginning. The above described tract contains 1,919,036 square feet or 44.05 acres, Located at approximately 2443 South 88th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family and MP-2 Planned General Industrial District to MP-3 Planned Heavy Industrial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-470, 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 MP-3 Planned Heavy Industrial 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 _____)

COZ2022-033

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1921 North 118th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to RP-4 Planned Garden Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 26, 2022, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to RP-4 Planned Garden Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All that part of the Northeast Fractional Quarter of Section 3, Township 11 South, Range 23 East, of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, more particularly described by Roger B. Dill, Kansas LS# 1408, on August 2, 2022, as follows:
Commencing at the Southwest corner of Lot 1, VILLAGE WEST APARTMENTS, a platted subdivision in the City of said Kansas City, Kansas; thence easterly along the South line of said Lot 1, along a curve to the right having an initial tangent bearing of North 87°00'55" East, a radius of 1050.00 feet, and a central angle of 0°42'04", an arc length of 12.85 feet; thence North 87°42'59" East, continuing along said South line, a distance of 394.98 feet to the Northwest corner of Delaware Parkway right-of-way, as it now exists; thence South 02°17'01" East, along the West right-of-way line of said Delaware Parkway, a distance of 100.00 feet to the Southwest corner of said Delaware Parkway right-of-way and the Point of Beginning; thence North 87°42'59" East, along the South right-of-way line of said Delaware Parkway, a distance of 49.64 feet; thence South

02°17'01" East a distance of 824.57 feet; thence South 25°59'02" East a distance of 104.99 feet to a point on the Northerly right-of-way line of State Avenue, as it now exists; thence southwesterly along said Northerly right-of-way line, on a non-tangent curve to the left having an initial tangent bearing of South 64°47'19" West, a radius of 2939.79 feet, and a central angle of 20°54'47", an arc distance of 1073.02 feet; thence departing said Northerly right-of-way line, North 46°07'28" West a distance of 120.56 feet; thence North 32°17'32" West a distance of 385.43 feet; thence North 16°07'49" West a distance of 802.80 feet; thence northeasterly on a non-tangent curve to the left having an initial tangent bearing of North 67°48'35" East, a radius of 1050.00 feet, and a central angle of 05°32'09", an arc distance of 101.45 feet; thence North 62°16'25" East a distance of 410.71 feet; thence easterly on a curve to the right having a radius of 950.00 feet, and a central angle of 25°26'34", an arc distance of 421.86 feet; thence North 87°42'59" East, parallel with the South line of said Lot 1, a distance of 394.98 feet to the Point of Beginning, containing 1,402,115 square feet, or 32.188 acres, more or less. Located at approximately 1921 North 118th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture District to RP-4 Planned Garden Apartment District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-459, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-4 Planned Garden Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2022.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-017

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 SP2022-017, commonly known as 5044 Powell Avenue, Kansas City, Kansas, legally described as:

Lot 2, Owen View Estates, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 5044 Powell Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for a beauty salon.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. The applicant may not serve more than two (2) clients at a time;
2. The applicant shall not operate after 10:00 a.m. to 6:00 PM on any day;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this

division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

4. 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;
5. The applicant has filed and maintained a current business occupation tax application;
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. 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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit shall be valid for ten (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; and,

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-037

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 SP2022-037, commonly known as 230 South 65th Street, Kansas City, Kansas, legally described as:

Beginning at a point 1185 feet east and 20 feet south of the northwest corner of the southeast quarter of section 15, township 11, range 24: thence south 70 feet: thence west 322 feet: thence north 70 feet: thence east 322 feet to the point of beginning in Wyandotte County Kansas , Also, Beginning at a point 90 poles east and 90 feet south of the northwest corner of the southeast corner of section 15 township 11 range 24, in Wyandotte County Kansas thence south 350 feet thence west 622 feet thence north 350 feet thence east 622 feet to the point of beginning, except that part thereof taken or used for public roadway. Also, except the following: Beginning at 873 ft east of the Northwest corner of the southwest quarter of section 15 township 11 south, range 24 east in Kansas City Wyandotte County Kansas thence south 1 degree 02 minutes 33 seconds west, 90 ft thence east 190 feet thence north 1 degree 02 minutes 33 seconds east 90 feet, thence west 190 feet to the point of beginning, except the north 20 feet in Speaker Road. Also, except the following: Beginning at the northwest corner of the southeast quarter of section 15, township 11 south, range 24 east of the sixth PM in Kansas City Wyandotte County, Kansas, thence north 88 degrees 42 minutes 20 seconds east, 1485.00 feet along the north line of said southeast quarter, thence south 290.00 feet to the true point of the beginning of the tract of land hereinafter described thence containing south 125 feet thence south 88 degrees 42 minutes 20 seconds east, 225.00 feet parallel to said north line, thence north 125 feet thence north 88 degrees 42 minutes 20 seconds east, 225 ft parallel to said north line to the true point of beginning. Tract 2 - Beginning at a point 873.90 feet east of the northwest corner of the southeast quarter of section 15, township 11 south , range 24 east in Kansas City Wyandotte County Kansas thence south 1 degree 02 minutes 33 seconds west 90 feet thence east 190.00 feet thence north 1 degree 02 minutes 33 seconds east 90 feet thence west 190

feet to the point of beginning except the north 20.00 feet in Speaker Road. Located at approximately 230 South 65th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for the Temporary Use of Land to store landscape materials.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Per Section 27-467(c)(6), the allowed outside storage or keeping is limited to parts, equipment, inoperable vehicles or for residual materials which is necessary, normally related and accessory to the principal use of the premises is allowed. As landscaping materials are not normally related to a skate park, and as the applicant has stated that the storage area is leased by a party separate from the owner of the skate park business, such storage does not satisfy Section 27-467(c)(6) and is therefore not an allowed accessory uses. The use of the subject property for storage of landscaping materials may continue only under a Special Use Permit for temporary use of land for commercial or industrial use, per Section 27-593(a)(28). A Special Use Permit under Section 27-593(a)(28) shall not be approved for more than two (2) years, and such a Special Use Permit cannot be renewed or reapplied for. Upon the date of expiration or revocation of any approved Section 27-593(a)(28) Special Use Permit, all equipment or material stored under said Special Use Permit must be removed from the premises;**
2. **The driveway and parking lot must be repaired and/or repaved to UG standards;**
3. **The area of the subject property used for landscaping material storage may not expand beyond the current boundaries of use;**
4. **The diesel tank located within the outdoor storage area must be removed by August 17, 2022;**
5. **All vehicles, such as pickups trucks and snowplows, must be stored within the accessory building (garage) located within the boundaries of the landscaping materials storage area;**
6. **Per the submitted site/parking plan, ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**

7. Per Section 27-702(1)(a-d), 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;
8. After the allowed term of the Special Use Permit has expired, the subject property will be better suited to comply with Section 27-575(e)(1) and therefore striped parking must be relocated to the side and rear of the primary building, in the area currently used for landscaping materials storage;
9. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
10. Any expansion of buildings, structures, or uses in a manner that cannot be properly screened from the adjacent residential properties by the landscaping—to be installed as per the submitted site plan—will require an expansion of the landscape buffering, per Section 27-577(c)(4);
11. Per Section 27-577(f)(1), 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;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. A retroactive building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
14. 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;
15. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored

outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance, and shall not be renewed or reapplied for; and,
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____,
2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-039

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 SP2022-039, commonly known as 13024 Leavenworth Road, Kansas City, Kansas, legally described as:

9576, S29, T10, R23, ACRES 1.2, BEG 230FT E & SOFT N OF SW CCR; N 311.23FT, E 162FT, S 311.23FT, W 162FT TO PCB CONTG 1.16AC M/L, located at approximately 13024 Leavenworth Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for forty (40) chickens.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Building modifications over 120 square feet require a building permit. The modified chicken coop is proposed to be 144 square feet, therefore, the chicken coop must be modified to be 120 square feet or less or a building permit must be acquired. Staff does not conclude the run is an accessory;**

2. No roosters of crowing age shall be kept on the property. Once a male chicken (cockerel) gains the ability to crow, it must be culled, harvested, or relocated;
3. The applicant must continue to communicate with code enforcement on property progress and if materials on-site have a homesteading purpose;
4. Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
5. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27- 593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions

- and administrative citations;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 10. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-052

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 SP2022-52, commonly known as 1900 North 1st Street, Kansas City, Kansas, legally described as:

The South undeveloped portion of Juniper Gardens Complex, Section 3, Township 11, Range 25, bounded by Richmond Avenue, 3rd Street, Stewart Avenue and area bounded on East by City of Kansas City, Kansas, located at approximately 1900 North 1st Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden.

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 granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 2) **The applicant must keep a current annual Business License/Occupation Tax Receipt;**

- 3) Should additional shipping containers be needed beyond seven (7), a modification to the Special Use Permit is required;
- 4) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 5) 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;
- 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 that process;
- 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) Any business in Kansas City, Kansas that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 9) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-054

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 SP2022-054, commonly known as 520 South 55th Street, Kansas City, Kansas, legally described as:

A tract of land in the Southeast Quarter of Section 14, Township 11 South, Range 24 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 14: Thence North 0 degrees 00'00" east 573.17 feet along the East line of the Southeast Quarter of said Section 14 and the center line of 55th Street, as now established; Thence South 90 degrees 00'00" West 49.21 feet to a point on the West right-of-way line of said 55th Street and the true point of beginning; Thence South 90 degrees 00'00" West 450.81 feet; Thence North 0 degrees 00'00" East 708.79 feet to the Easterly line of a certain tract of land deeded to the Atchison, Topeka and Santa Fe Railway Company; Thence North 14 degrees 33'39" West 87.20 feet, along said Easterly line, to a point of the Southerly right-of-way line of K-132 Highway; Thence South 30 degrees 00'00" East 500.00 feet, along said Southerly right-of-way line, to a point of the East line of the Southeast Quarter of said Section 14 and the center line of said 55th Street. Thence South 0 degrees 00'00" West 66.67 feet along said East line and said center line; Thence South 90 degrees 0'00" West 39.00 feet to a point on the West right-of-way line of said 55th Street; Thence South 3 degrees 56'37" West 148.47 feet, along said West right-of-way line, to the true point of beginning of the tract herein described containing 282,084 square feet or 6.4758 acres, more or less. Except that portion being used from public road purposes, subject to all easements and restrictions of record, located at approximately 520 South 55th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate an indoor soccer facility.

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 Sidewalk and Trails Master Plan designates South 55th Street as a Regional Trail, which requires a ten (10) foot sidewalk on one (1) side of the street and a five (5) foot sidewalk on the other side of the street. Staff will give the applicant five (5) years to install a five (5) foot sidewalk from curb cut on the west side of South 55th Street, north and connect the existing sidewalk on Turner Diagonal. This will allow the applicant to recoup losses due to COVID-19 and the closure of the facility;**
- 2. Hours of operation are as follows:**
 - a. Spring, Summer, and Fall:**
 - i. Monday through Thursday – 6:00 PM to 11:30 PM.**
 - ii. Friday – 6:00 PM to 1:30 AM.**
 - b. Winter:**
 - i. Monday through Thursday – 6:00 PM to 11:30 PM.**
 - ii. Friday – 6:00 PM to 1:30 AM.**
 - iii. Saturday and Sunday – 8:00 AM to 11:00 PM;**
- 3. Paint a four (4) foot wide hatched, pedestrian pathway between the front door of the building (on the east side of the building) through the parking lot to the curb cut and sidewalk connection;**
- 4. An ADA ramp and parking needs to be added to the east side of the parking lot if the south side of the building is not accessible due to the fencing and box truck parking, otherwise remove the box trucks, so the south side of the building is ADA accessible;**
- 5. Install three (3) trees in the green space, south of the driveway apron along South 55th Street. The applicant has one (1) year from the date of approval to install three (3) trees along South 55th Street;**
- 6. Restripe of the parking lot associated with Soccer Nation;**
- 7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning**

and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

8. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
9. A Right-of-Way Permit is required for the sidewalk extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-065

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 SP2022-065, commonly known as 2023 North 85th Street, Kansas City, Kansas, legally described as:

Section 31, Township 10, Range 24, beginning 355.6 feet North and 30 feet East of the Southwest Corner; thence East $\frac{1}{2}$, Southeast $\frac{1}{4}$, North 85 feet; East 298.55 feet, South 06 West 85.56 feet, West 289.93 feet to the point of beginning, containing 0.58 acres, more or less, located at approximately 2023 North 85th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a short-term rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
2. Applicant shall complete the remaining repairs prior to ordinance publication;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is four (4);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. 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;
11. 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);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations;
13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

property may also be subject to enforcement actions and administrative citations;

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-067

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 SP2022-067, commonly known as 733 Ohio Avenue, Kansas City, Kansas, legally described as:

WINTER PARK ANNEX, S10, T11, R25, ACRES 0.09, B2 W 29FT L1, located at approximately 733 Ohio Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a short-term rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **Applicant must return and apply for a variance from the Board of Zoning Appeals for a reduction in the required rear yard percentage;**
- 2) **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that 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;

- 3) Maximum number of guests shall be six (6);
- 4) All parking must be off-street, maximum number of vehicles is two (2);
- 5) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) Applicant is to maintain liability insurance;
- 8) The property must remain in proper main entrance and free of hazards, pests, or infestations;
- 9) The following repairs must be made as a result of the home inspection:
 - a) Any mold found on the air ducts in the basement shall be remedied
 - b) Repair the T&P Valve on the Hot Water Heater
 - c) Cap off abandoned waste piping
 - d) Re-slope drainage pipe to appropriate pitch
 - e) Replace Air Filter to HVAC Unit;
- 10) Per Planning Engineering Comments, UG staff require the alley to the south side of the house from N. 8th street to be paved i.e., concrete or asphalt. If so, a site plan and an erosion control plan will be required. A site plan shall be sealed, signed and dated by a design professional i.e., professional engineer or architect and include all applicable construction notes, details, and final engineering design to show all dimensions, proposed work, distance from property lines, existing utilities, right-of-way widths, alley widths, contact information, etc., in accordance with UG standards and criteria. Further discussion with staff may be required;
- 11) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 12) 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);

- 13) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 15) The Special Use Permit shall be valid for 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;**
- 16) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,**
- 17) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-075

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 SP2022-075, commonly known as 2824 North 99th Terrace, Kansas City, Kansas, legally described as:

Lot 42, NORALEE ESTATES, a subdivision in Kansas City, Kansas, Wyandotte County, Kansas, Parcel No.286641, located at approximately 2824 North 99th Terrace, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation 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. **Maximum number of guests shall be three (3);**
2. **All parking must be off-street, maximum number of vehicles is two (2);**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

4. 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;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper main entrance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. 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);
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. 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;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this

permit. The property may also be subject to enforcement actions and administrative citations;

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____,
2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-077

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-077, commonly known as 700 Kindelberger Road, Kansas City, Kansas, legally described as:

A tract of land in the Northeast Quarter of Section 28, Township 10 South, Range 25 East of the 6th Principal Meridian, in Kansas City, Wyandotte County, Kansas, said tract being more particularly described by Steven C. Shafer, PS 852, with BHC, CLS 175, by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on the South line of the Northeast Quarter of Section 28 having a bearing of South 87° 49' 19" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) Commencing at the Southeast corner of the Northeast Quarter of said Section 28, monumented by an existing 3/4 inch reinforcing rod; Thence South 87° 49' 19" West 99.45 feet, on the South line of said Northeast Quarter of Section 28; Thence North 02° 10' 41" West 40.00 feet, to a point on the North Right of Way line of Kindelberger Road as now established, and the Point of Beginning of the tract herein described; Thence South 87° 49' 19" West 240.03 feet, on said North Right-of-Way line, 40.00 feet North of and parallel with the South Line of said Northeast Quarter Section 28, to a point 21.5 feet East of the center line of Spur Track No. V-460; Thence North 01° 23' 40" West 595.35 feet, parallel with and 21.5 feet East of said Spur Track, to the beginning of a tangent curve, concave to the Southwest, having a radius of 477.15 feet. Thence Northerly and Northwesterly 154.89 feet on said curve to the left, having a chord bearing of North 10° 41' 39" West and a chord distance of 154.21 feet, to a point on the existing Right-of Way line established and described in Document 2015R-01016, Report of Appraisers Tract 1A; Thence North 77° 03' 36" East 101.93 feet, on said existing Right of Way line; Thence South 34° 18' 45" East 337.15 feet, on said existing Right of Way line, to a point on the East line of the property as described in

a Warranty Deed recorded in Book 1248 at Page 169; Thence South 02° 36' 11" East 332.83 feet, on said deed line; Thence South 28° 30' 45" East 76.42 feet, on said deed line, to a point 40.00 feet West of the East line of said Northeast Quarter of Section 28 and the West Right of Way line of 7th Street Trafficway; Thence South 01° 22' 48" East 10.74 feet, on said West Right of Way line, 40.00 feet West of and Parallel with the East line of said Northeast Quarter of Section 28; Thence South 39° 09' 49" West 92.29 feet, on the Northwestern Right of Way line as established in Book 983 at Page 384, to the point of beginning of the tract herein described. Containing 176,726 square feet or 4.057 acres more or less. Subject to all easements and restrictions of record, located at approximately 700 Kindelberger Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for heavy automotive/truck, service, repair and mechanic.

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 **for two (2) years:**

1. **A five (5)-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;**
2. **So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);**
3. **In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;**
4. **Per Section 8-249(b), any fence not otherwise prohibited and no more than eight (8) feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;**
5. **Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;**

6. The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report;
7. The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the *Staff Comments and Suggestions* section of this report. Any additional deviations from the CDGOD not listed under this subsection must be made by oral amendment before the City Planning Commission;
8. There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated August 16, 2022” in the *Attachments* section of this report;
9. If approved, the applicant must file and maintain a current business occupation tax application with this office;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and

issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

15. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
16. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
17. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
18. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only

allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit; and,

21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-080

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 SP2022-080, commonly known as 404 North 5th Street, Kansas City, Kansas, legally described as:

Lots 1, 2, &4, Block 2, Morris and Early's Addition to Wyandotte City NOW a part of Kansas City, Kansas, located at approximately 404 North 5th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment in conjunction with drinking at an assembly hall.

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 both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all**

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

- 2) If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.
- 3) Renters of the facility must be made aware of trash policies in advance of rental. Trash receptacles must be made available for tenants to properly clean up the property. Building management shall be responsible for any trash not picked up by tenants.
- 4) The property's clean up shall include the sidewalks, walkways, and fence lines of the property.
- 5) The occupancy levels for the establishment shall be re-evaluated by the fire department upon full inspection. No events shall be held until the facility has met the guidelines of the Fire Department.
- 6) The hours of operation for this establishment's lower hall are limited to Friday and Saturday until 1:00 AM and Sunday 7 P.M. The additional hour past entertainment hours is to allow for cleanup of the facility and public grounds only.
- 7) Entertainment hours are limited to Friday and Saturday evenings, 6 pm to 12 am, Sundays 10 a.m. to 6 p.m.
- 8) All entertainment must cease by at least 12:00 AM on Friday and Saturday and 6 pm on Sundays.
- 9) Doors and windows must stay closed during any entertainment performance.
- 10) Must comply with the Unified Government Security Ordinance, Section Sec 4-104f.
- 11) All other applicable noise ordinance standards must be followed per Section 22-128.
- 12) Additional security measures include:
 - a) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity per Section 4-104f;
 - b) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c) An I.D. scanner will be used at all times;
 - d) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
- 13) No amplified speakers or entertainment is allowed in outdoor spaces.
- 14) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.

15) The Special Use Permit shall be valid for 2 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2022.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-083

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 SP2022-083, commonly known as 2947 North 83rd Street, Kansas City, Kansas, legally described as:

Lot 4, Westdale, now in and part of Kansas City, Wyandotte County, Kansas, located at approximately 2947 North 83rd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for a single-chair hair salon.

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. **Hours of operation shall remain from 8:00am to 5:00pm daily;**
2. **All parking is to be parked in the six (6) spaces on the driveway, no on-street parking is allowed;**
3. **Materials stored on site must be done safely, such as in approved, original containers, away from food, and out of reach of both children and pets;**

4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed

with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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: December 1, 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

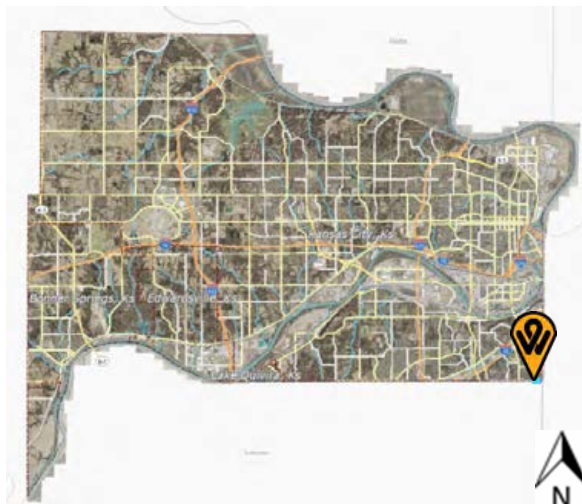
Requested Actions:
To approved Change of Zone from
C-1 Limited Business and R-1(B) Single
Family Districts to RP-6 Planned High-Rise
Apartment District.

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 46 th Avenue as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – 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, October 27, 2022, November 18, 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.

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 is a Local Street. The traffic study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between studio, one, two and three bedrooms) within the complex will promote a diverse population to make use of the nearby employment center, shopping, and entertainment, and transit.

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

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.

This application was held over from the October 27, 2022 Board of Commissioners meeting.

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	Held Over
		December 1, 2022

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.

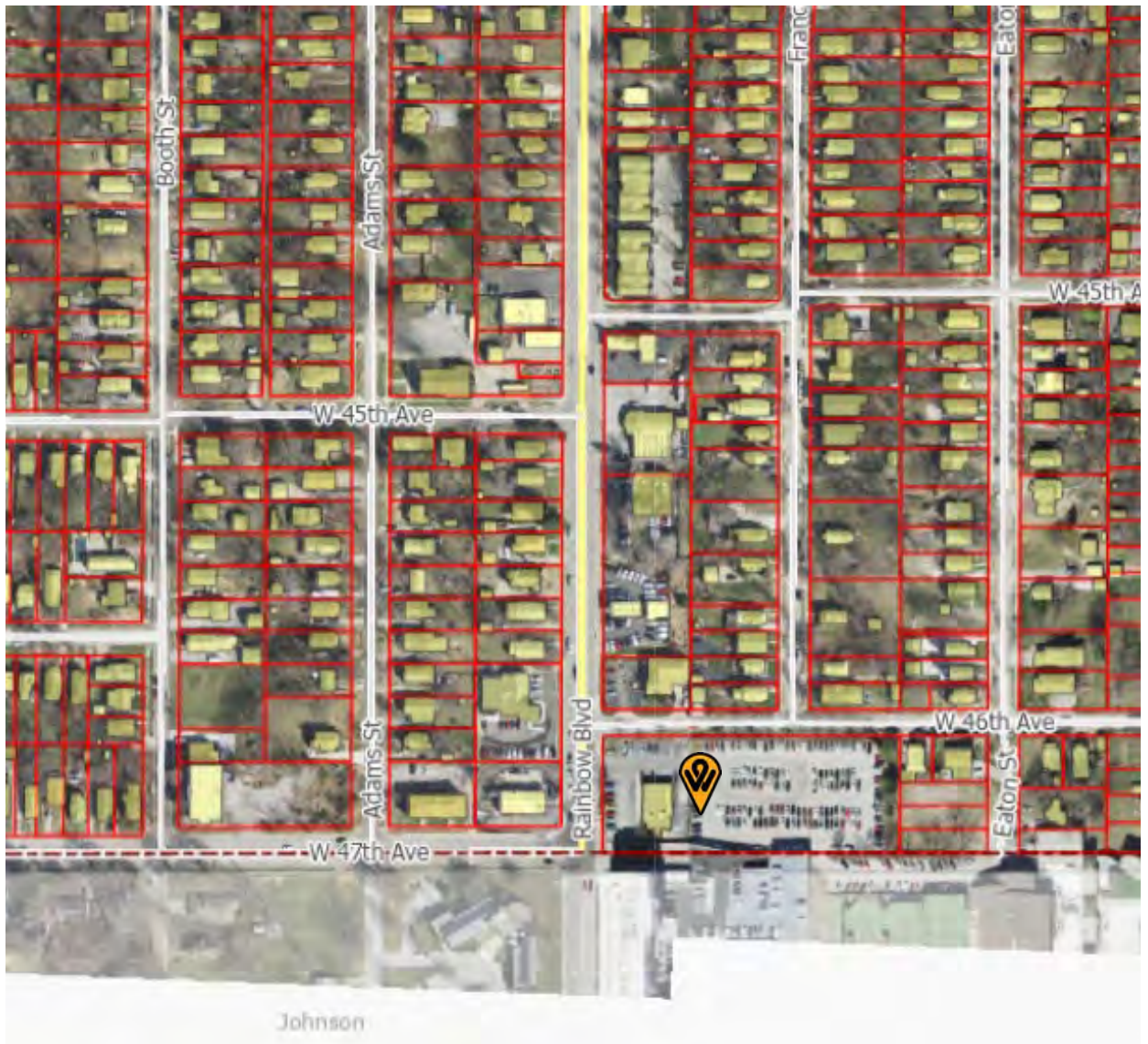


Figure 1. Aerial Map of 4601 Rainbow Boulevard (provided by UG Maps).

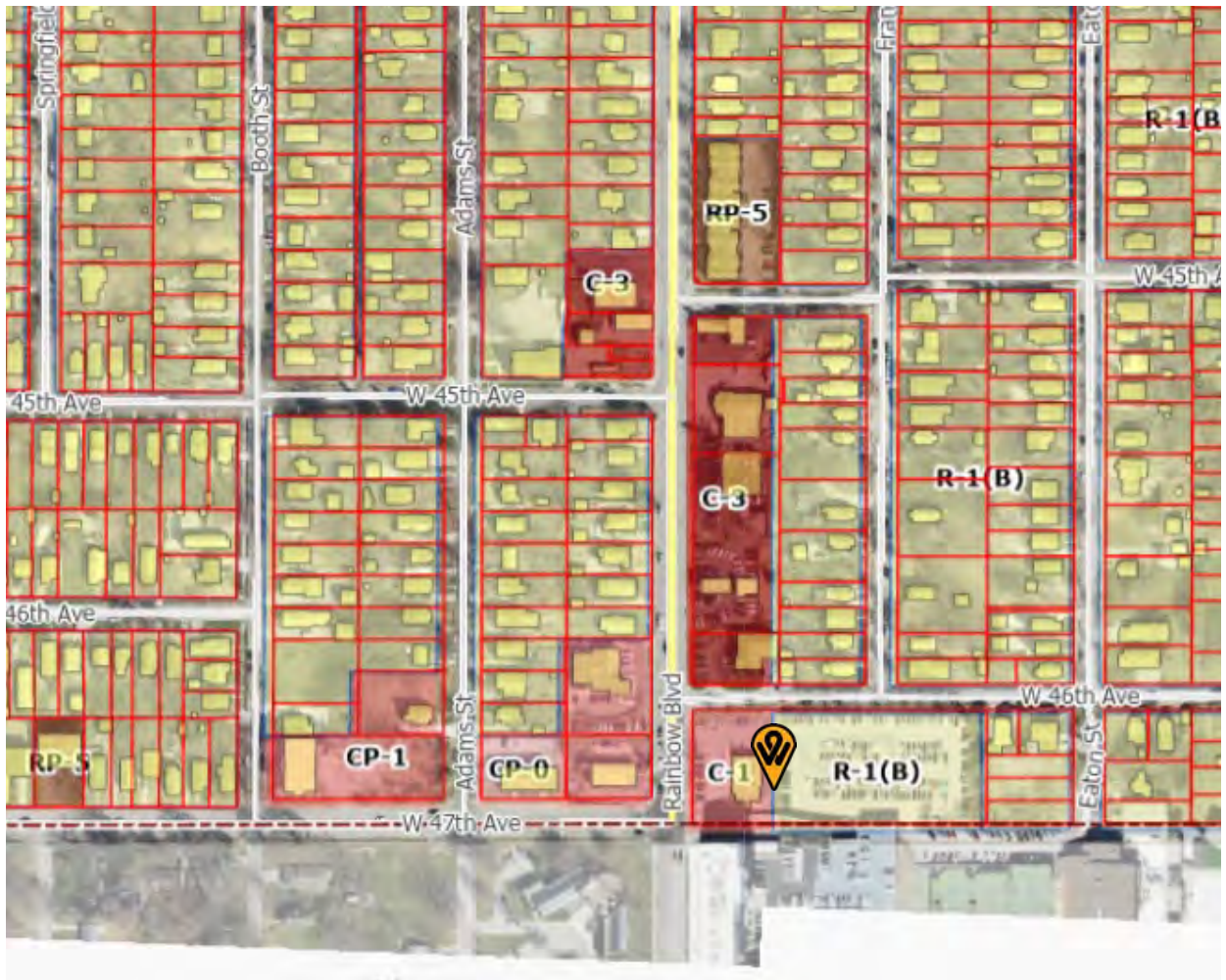


Figure 2. Zoning Map of 4601 Rainbow Boulevard (provided by UG Maps).

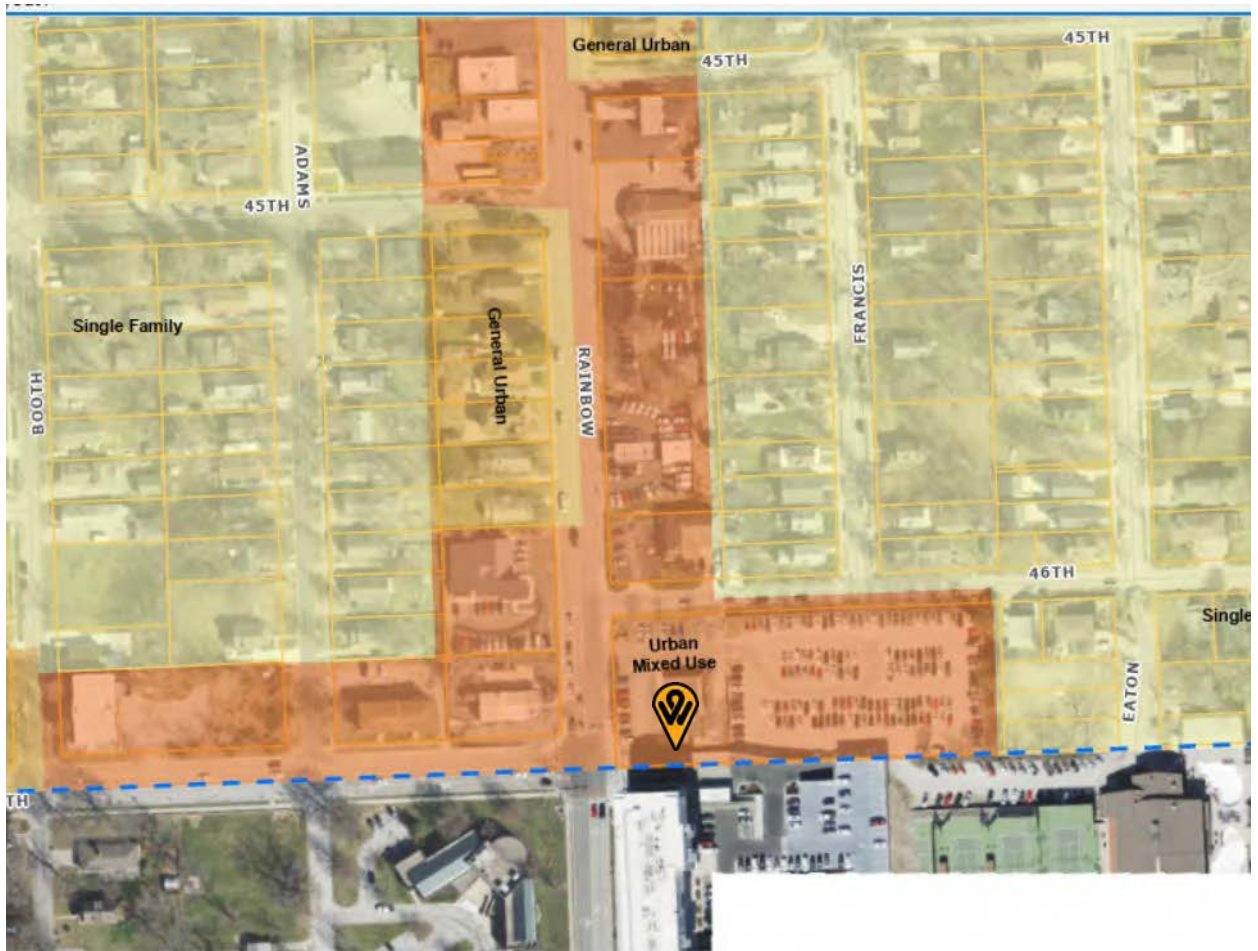


Figure 3. Rosedale Master Plan Land Use Designation Map of 4601 Rainbow Boulevard (provided by ArcGIS Pro).

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.



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 about 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.**

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11. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
RESPONSE: BPU transformer will be screened as required.
- Siting the transformer in the right-of-way along West 46th Avenue is not the best location and is impossible to screen from public view as required. The transformer must be relocated. **RESPONSE: The design team placed it here due to accessibility for power company as well as economy of project.**
12. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb. **RESPONSE: The 2' min green strip is factored in the current design. Along Rainbow, this green strip is 11'-13' wide.**
13. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building. **RESPONSE: Acknowledged.**
14. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public. **RESPONSE: Acknowledged.**

Signage:

15. Shall comply with the sign ordinance. **RESPONSE: Acknowledged.**

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- B) Items that are conditions of approval:
- 1) None

MEETING SIGN-IN SHEET

Project: Woodside Village Rosedale Meet Date: November 16, 2021

Facilitator: Tanner White Properties Place/Room: Westwood City Hall,
and Polsinelli PC Community Room

Application #: COZ2021-048

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Marissa Botter	"	"

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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?

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A: All deliveries will utilize the dedicated delivery drop-off area at the northwest corner of the project - area was shown on the site plan. This will also include moving trucks. The trash containers will be located within the building and will be rolled out to the trash trucks when they arrive.

Comment: Have you ever lived in a neighborhood where trash trucks pick up dumpsters for large buildings like this? They are very loud between the dumpsters hitting the truck when they are overturned and the beeping noise when they back up. This will be a negative impact on our residential neighborhood. Your tenants will be shielded from this due to the location you chose. Please rethink and address this to lessen the impact.

Q: Why does there need to be entrance and exit on W. 46th Avenue? We are concerned about the traffic impact.

A: This secondary entrance/exit was suggested by our parking consultant with a focus on the residents of the building. We hear what you are saying and are taking this seriously. I am hearing what you say. We are taking this seriously and will look at this again to see if anything can be done to address this concern.

Q: I recently installed solar panels on my home and am worried that maybe shadows of the new building will impact my home. Do you have shadow study? I will be upset if my house and yard end up being shaded more than it already is and do not want my solar panels to be affected.

A: Yes, we will study shadows and will provide that information at our next meeting.

Q: What are you doing to address drainage? I moved here before the dentist office was built. After it was built, we have had flooding in my home that has caused thousands of dollars in repairs to my basement.

A: The proposed project is actually adding more green space than what exists today. The project will not alter the existing drainage patterns.

Q: Do you have plan for native plants to help absorb storm water.

A: Yes.

Q: How many parking spaces per unit?

A: We are providing one stall per bedroom for the one-bedroom units and two stalls for the two bedroom units.

Q: What happens if two or three people live in a unit, where do they park?

A: We are utilizing the same parking ratio for the project that we have at Woodside South and will have a similar ratio of units. We have found that it tends to average out and works that all residents can park in garage. They do have to register their vehicles with us and park in garage.

Q: This product is for rent?

A: Yes.

Q: Have you done a traffic study yet? What does it cover? Have you done studied Rainbow traffic?

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A: Yes, we did a trip generation study at the City's request. The report looks at the trips generated by this project and how those trips are distributed. The report reflects that 65% of trips will use Rainbow Boulevard.

Q: The intersection of 47th and Rainbow is already challenging – what will this traffic do to the intersection?

A: The UG staff will review and study. It is our understanding that the City has acknowledged that Rainbow Boulevard has capacity to handle this additional traffic generated by this project.

Q: When will the shadow study be submitted?

A: It should be done within the next month.

Q: Will you be asking for incentives for this project?

A: We have not yet decided that. It is still being considered.

Q: Why aren't you building this on the Johnson County side of line? Why here?

A: Woodside Village south does have a Phase 2 that is slated to be built but it is tied to the renovation of the Club facilities. The Club is still financially recovering from the effects of COVID, and the expansion work cannot be done now.

Q: I understand that the price range of these units will be \$2,100 and up. Is there any negotiation room to allow for some affordability of apartments?

A: These will be market rate apartment and will not provide median income designations. There will be units in this project with a rent less than \$2,100.

Comment: You will also need a deviation for the length of building as it can't be more than 200 feet in length.

A: That is correct. The approximate length of this being is 400+ feet.

Q: Have you considered environmentally sustainable aspects for the project?

A: Yes, we plan to do as much as we can in that regard. We are looking at LEED accreditations. We are working to find the balance of this being a for-profit development with sustainable practices.

Q: Is it possible to do green roof?

A: No. We have learned from prior experiences that it is too expensive.

Q: If you have 167 units, how many toilets does that require? Have you studied sewage?

A: We need to follow certain laws and City regulations regarding sewage. We will submit those plans to the City, and they will review and enforce those regulations.

Comment: So, to confirm, you will need deviations from the Rosedale Master Plan for building height and building length? Any other deviations? Do you need a variance for the traffic?

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A: Those are the departures from the Master Plan and Code that we are aware of. City staff is in the process of reviewing our application and will let us know if there are others needed. No, we do not need a variance for the traffic.

Comment: I have not heard how you will try to make this project more compatible with the existing neighborhood. It does not look like you have made accommodations here. The McDonald's and CVS projects made accommodations on their building heights and provided pocket parks.

A: We will take a look at those to better understand what they did and see if we can apply anything for this project. We do believe that our approach to the streetscape and landscape design is an accommodation that has been made for this project.

Q: It is possible that your delivery area may allow people to do a quick turn-around to head west on W. 46th Avenue. This could impact the dentist office and us. I believe you are making this area even more dangerous.

A: We respectfully disagree. The designated drop off area is being provided off of the street and the street is being widened.

Q: You are still adding a greater amount of people to the area that will use W. 46th Avenue. Can you relocate the drop off location to the south side of the building?

A: W. 47th Avenue is existing in its current configuration and cannot be modified to accommodate a delivery area. There are also grade issues on that side of the property.

Q: Have you asked the City if you can close W. 46th Avenue? We want it closed.

A: This is a public street and not within our control. We are not aware of City contemplating the closing of the street.

Comment: This has happened with other projects. It happened with the McDonald's and CVS projects.

A: We will evaluate those to better understand those situations. We encourage you to contact the City directly if you want the street closed.

Q: The entrance to the garage is directly across from an existing single-family home. Can it be moved toward Francis street?

A: We will take a look at that.

Q: When you widen street do you widen from south?

A: Yes, all additional property needs for the widening will come from our property.

Q: is it possible to extend W. 47th avenue to the east?

A: No.

Q: We are well-aware of problems with construction and mold issues that you had with Woodside Village North. What lessons were learned and how will you avoid those issues with this project.

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A: We are still in active litigation over that issue so we cannot comment much in that regard. We finished that site in 2016 and in 2017 realized we had some construction defects in the building. As the owner we corrected those issues as quickly as possible.

Q: What is occupancy rate now at Woodside Village North?

A: We are 100% leased.

Q: Is Uncorked going to open soon?

A: Yes, they should be done with their improvements soon and hope to open January/February.

Q: Can Eaton Street be closed?

A: No. Eaton Street is an important service entry to the Club. We did address some issues a while back and now have our larger deliveries on 47th Place and have deliveries come through the front door.

Comment: I am concerned about light and noise pollution. The lighting should not be a big deal but the noise from pool in summer is bad. The acoustics from the hill are incredible. We are hearing everything, and it is annoying. Please think about the acoustics for your events.

Q: What is your next step in the process?

A: The project is currently scheduled to be heard by the City Planning Commission on 12/13.

Q: Where will your construction staging be located? We do not want trucks using W. 46th Avenue.

A: We are still analyzing that. We will share our construction logistics plan with you when it is ready. we are looking at that now and will park on site.

Commissioner Ramirez: The concern over traffic has been brought up several times tonight and appears to be an issue. The intersection is currently heavy with traffic, especially during the rush hour, and now you are proposing to add these units and more traffic. I am also concerned about the project needing variances from the master plan. I have been vocal on other projects not being allowed to deviate from master plans. The plans were created for a reason and I generally do not support deviations unless they make sense. The two variances need for this project heavily deviate from the goals of the master plan. We are also seeing high rents on both this project and the Hudson project. Some have mentioned that we are creating a precedent of high-priced multi-family developments when we also need affordable housing all throughout the County. I personally feel that there is enough vocal opposition tonight regarding traffic and the need for a shadow study that I would ask you to consider delaying the project to allow more time to communicate with the community. As of right now, I am unable to support the project based on what I have heard tonight.

A: We have been listening tonight and have heard some good ideas. Our job is to now take all of this information and discuss it with our design team and see what, if anything, can be done to address the comments we heard tonight. The presentation we showed tonight is not the final version.

Q: I live behind the Rainbow Car Wash property. Has there been any discussion about putting a traffic light at W. 47th Avenue and Rainbow to get better address traffic?

A: Our study does not show that the proposed project would require a new signal at this location.

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Q: I know that you had drillers out in the parking lot doing core samples recently. I spoke with them about the depth of the bedrock. How much do you intend to excavate from this site – how much deeper will you go?

A: The project has not been fully engineered yet and we have not received a full report from on the core samples that were taken. Our goal is to follow the existing grade as much as much as possible.

Q: I believe Phase I has 91 units and now you are wanting another 167 units on this site. Why so big? Why so many units? It seems excessive.

A: A project needs a certain amount of scale in order to provide the quality being proposed.

Comment: My gut tells me you were not aware that this neighborhood has been looking at traffic control issues well before you constructed Phase I. We want traffic calming measures and have done our own traffic studies to address that. This traffic issue goes back at least 7-8 years and is the biggest problem in this area. I took a tape measure and show that there is only 20-feet of pavement on W. 46 Avenue in front of my home so the pavement width might vary. We have semitrucks, dump trucks and other large vehicles use W. 46th Avenue that should not be so that is also a problem. We do not want you to improve the street so that traffic is a “free flow”. We want traffic calming measures installed and/or we want W. 46th Avenue closed. I believe that Eaton Street access is still an issue with truck deliveries and employee parking.

Comment: I spoke with Gunnar Hand about his interpretation of the master plan and that adjacent property only applies to east and not to homes across the street. The size of this building is just too big.

Comment: You should have all of your traffic use W. 47th Avenue and not have access to W. 46th Avenue. You can't destroy our neighborhood by trying to make this project work. We do not want the dumpster/trash pick-up along 46th Avenue either.

Commissioner Ramirez: We do need to look at calming efforts as there is a continued effort between the UG and the City of Westwood to make Rainbow Boulevard more pedestrian friendly. Has your team spoken with the City of Westwood about how the proposed project might impact this issue?

A: We actively work with the City of Westwood on their plans for Rainbow Boulevard and support those plans. We will need to visit with City staff about potential traffic calming measures.

Next, there was a bit of discussion about comments related to financial viability of the Club, why Phase II of Woodside Village cannot be built right now, and whether or not the proposed project will seek incentives. Blair Tanner explained that Phase II cannot begin until the Club improvements are made and that the Club improvements cannot be made right now because the Club is still recovering from the effects of COVID and is not in a financial position to make those improvements right now. Blair Tanner offered to meet and discuss the issue further for those who are interested in doing so.

Q: Will people who rent units in this new project get to be a part of the Club?

A: Yes, every unit comes with one free membership to the club.

Q: If approved, how long will construction take?

A: Approximately 16-18 month from the time we break ground to finishing the project.

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Commissioner Ramirez: Are you able to share what incentives you may be seeking? I agree with comments made by others that I do not like the idea of the UG giving incentives to build this project so that the Club can benefit by having additional members.

Comment: Please explore options so that some of the units have rents that can be subsidized, especially if you are asking for incentive. We want diversity in our neighborhood.

Comment: The Rosedale master plan speaks to height, length, and affordability. These are all part of master plan that must be addressed.

Comment: Having a bus stop is also an important part of Rosedale plan. You also need to provide bike racks for the public and not just for tenants.

A: We will work with KC bike exchange on this project and have incorporate public bike racks on the patio at the northwest corner.

Q: If this project does not get approved, is there a possibility that you would reign things in and take care of Club issues first and then do apartments later?

A: No.

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MEETING SIGN-IN SHEET	
Project: Woodside Village Rosedale	Meet Date: April 25, 2022
Facilitator: Tanner White Properties 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 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.

<u>Name</u>	<u>Address</u>	<u>Email</u>
Patricia King Stone	4537 Adams St	pandb321@gmail.com
Robert T Stone	4537 Adams St	pandb321@gmail.com
Dan Thompson	4514 Francis St	Danthompsonkc.com
Nephele Fero	4525 Barber St	
Robert Graham	4125 Eaton St	graham.robert@gmail
Gil Pinter	4173 Cambridge	geebeerkc@gmail.com
Matt Shorf	2103 W 46th Ave	matthewsshorf@gmail.com
Heaven White	4410 Francis, R.C.K.	Kwija2@hotmail.com
Eric Shuf	1105 SW Blvd	en@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?

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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?

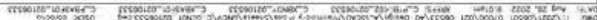
A: The structured parking is extremely expensive and a project like this can't be built without structured parking.

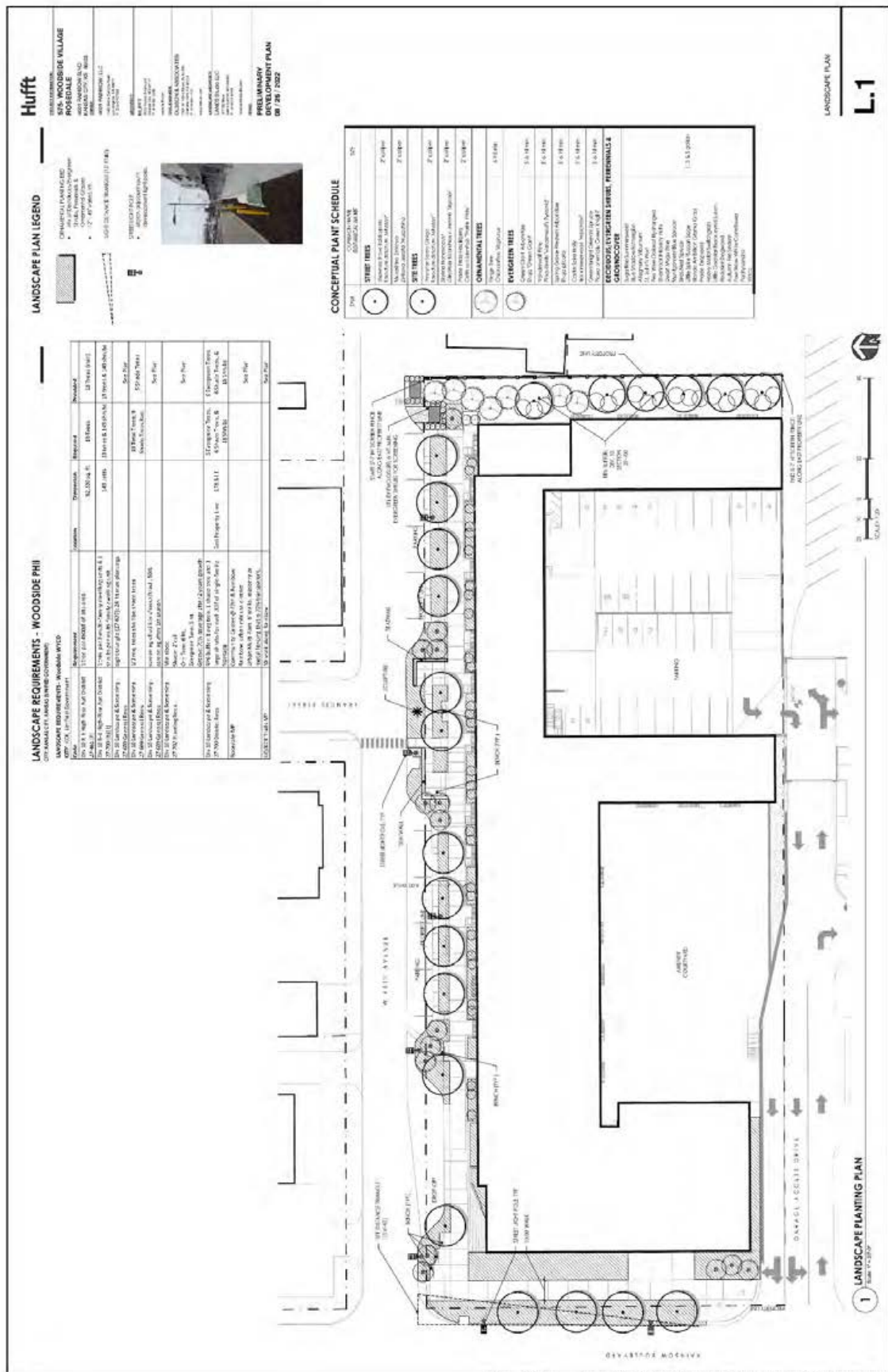
Q: Why can't you eliminate your amenity green space and put more units in that area to decrease the height of the building?

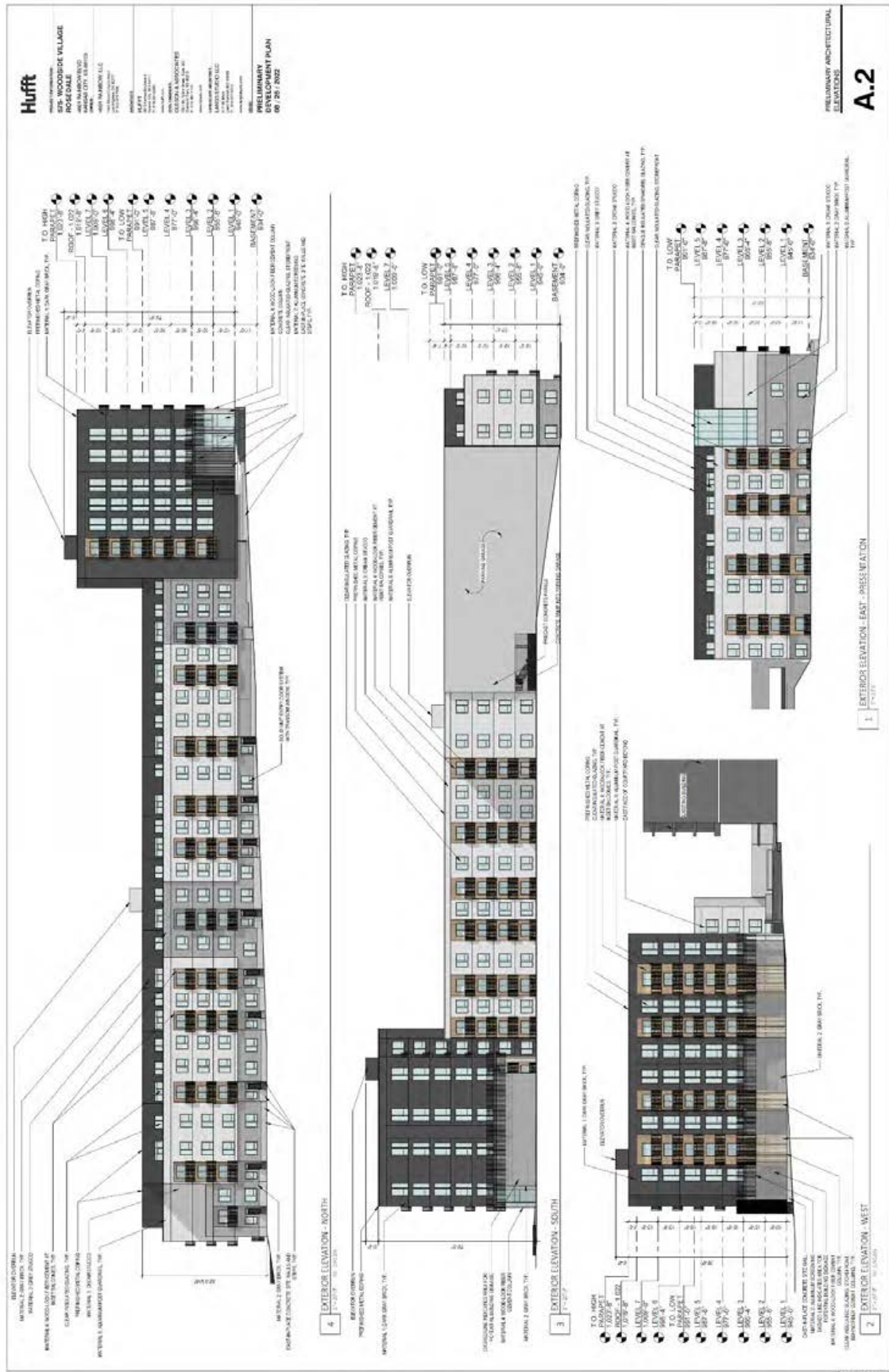
A: That simply does not work. Very thoughtful design was planned for this project and the amenity area is a key piece to the success of this project.

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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Hufft

375 WOODSIDE VILLAGE
375 WOODSIDE VILLAGE
400 N. WOODSIDE BLVD
ANN ARBOR, MI 48106
ANN ARBOR, MI 48106

PROJECT
375 WOODSIDE VILLAGE

ARCHITECT
HUFFT
375 WOODSIDE VILLAGE
ANN ARBOR, MI 48106

DESIGNER
HUFFT
375 WOODSIDE VILLAGE
ANN ARBOR, MI 48106

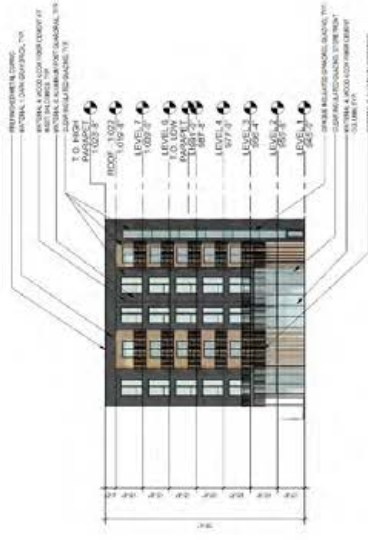
ENGINEER
HUFFT
375 WOODSIDE VILLAGE
ANN ARBOR, MI 48106

CONTRACTOR
HUFFT
375 WOODSIDE VILLAGE
ANN ARBOR, MI 48106

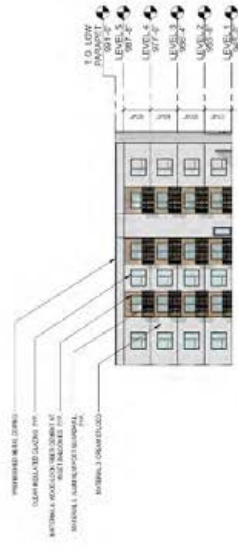
DATE
08/18/2022

PRELIMINARY ARCHITECTURAL
ELEVATIONS

A.3



1 EXTERIOR ELEVATION - COURTYARD WEST
1/4" = 1'-0" 10'-0" = 10'-0"



2 EXTERIOR ELEVATION - COURTYARD EAST
1/4" = 1'-0" 10'-0" = 10'-0"



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).



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.



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.

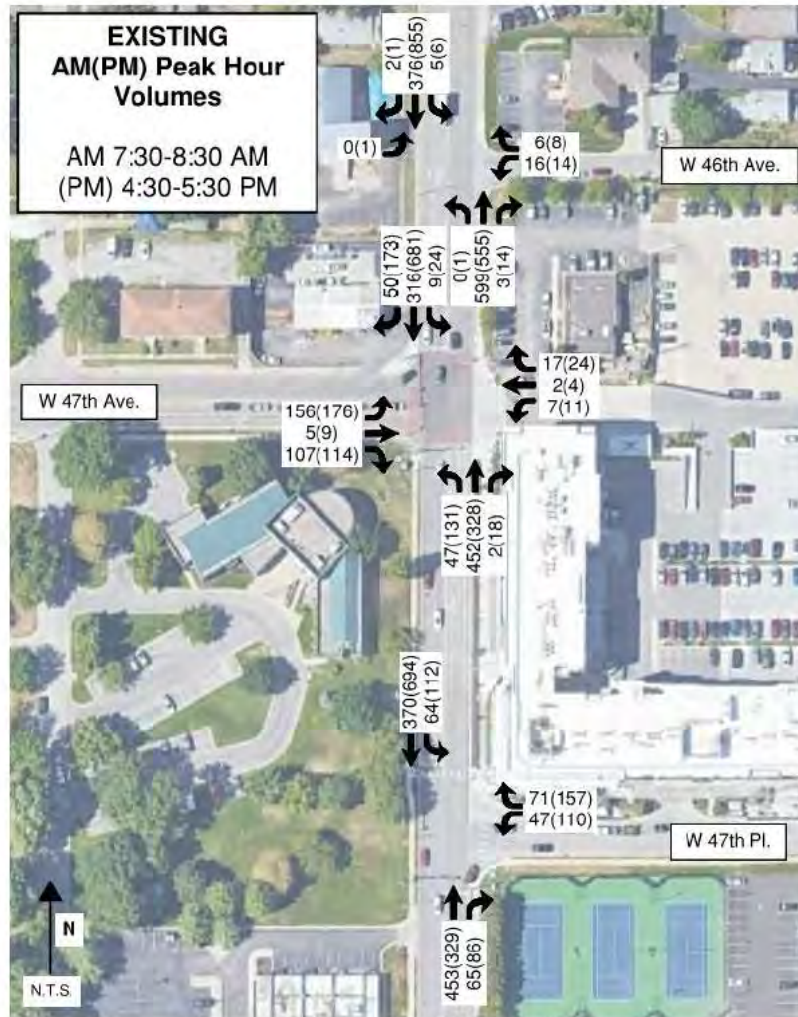


Figure 3: Existing AM(PM) Traffic Volumes

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.

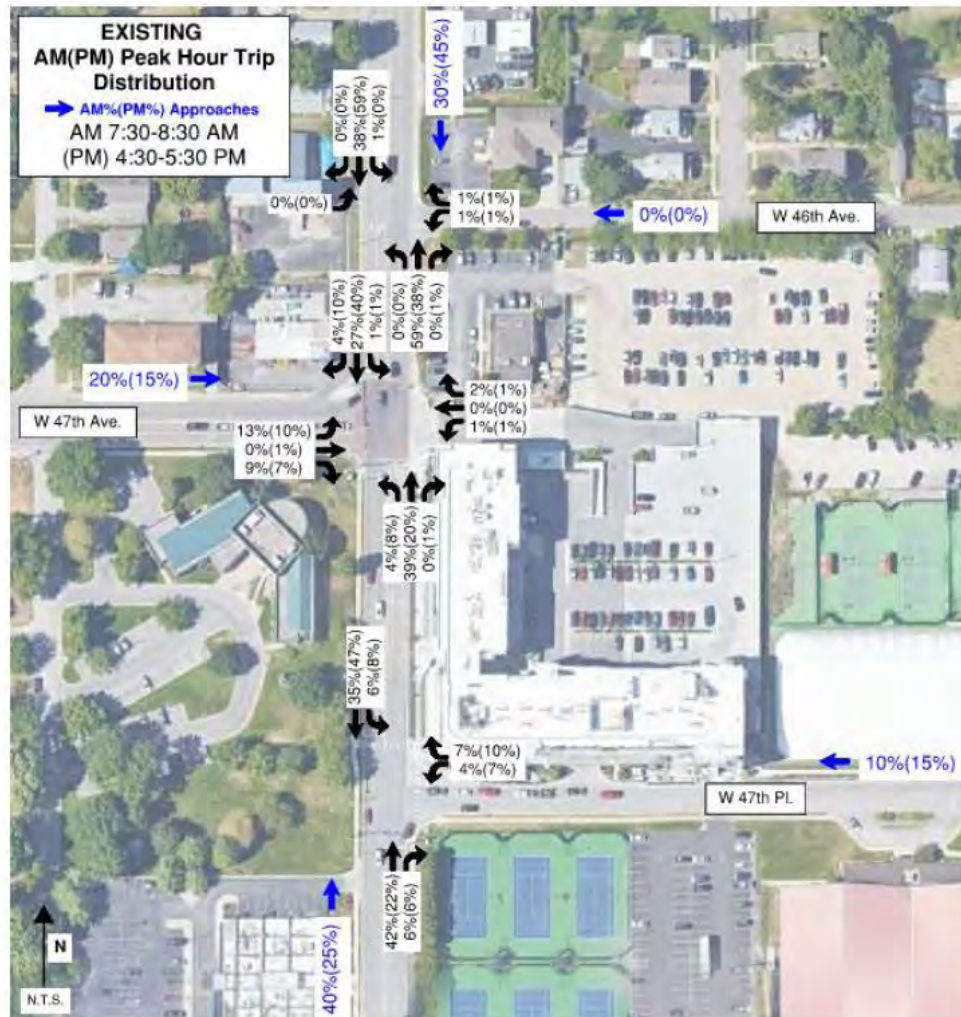


Figure 4: Existing AM(PM) Traffic Distribution

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

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.

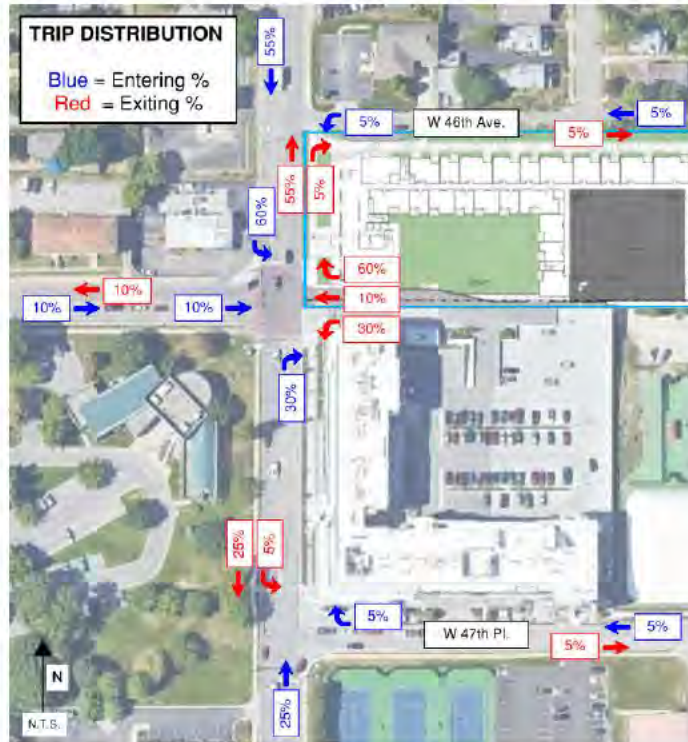


Figure 6: Trip Distribution Percentages

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.

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.

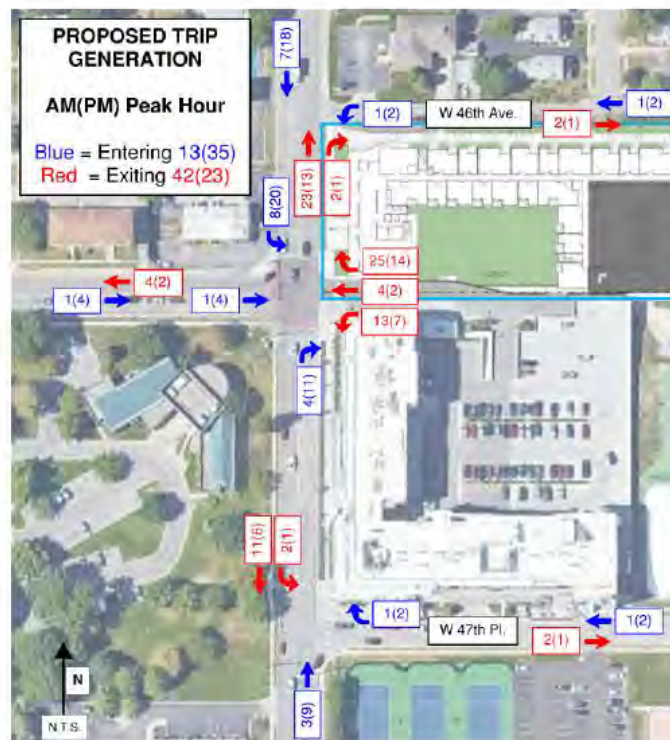


Figure 7: Proposed Trip Generation

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

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.

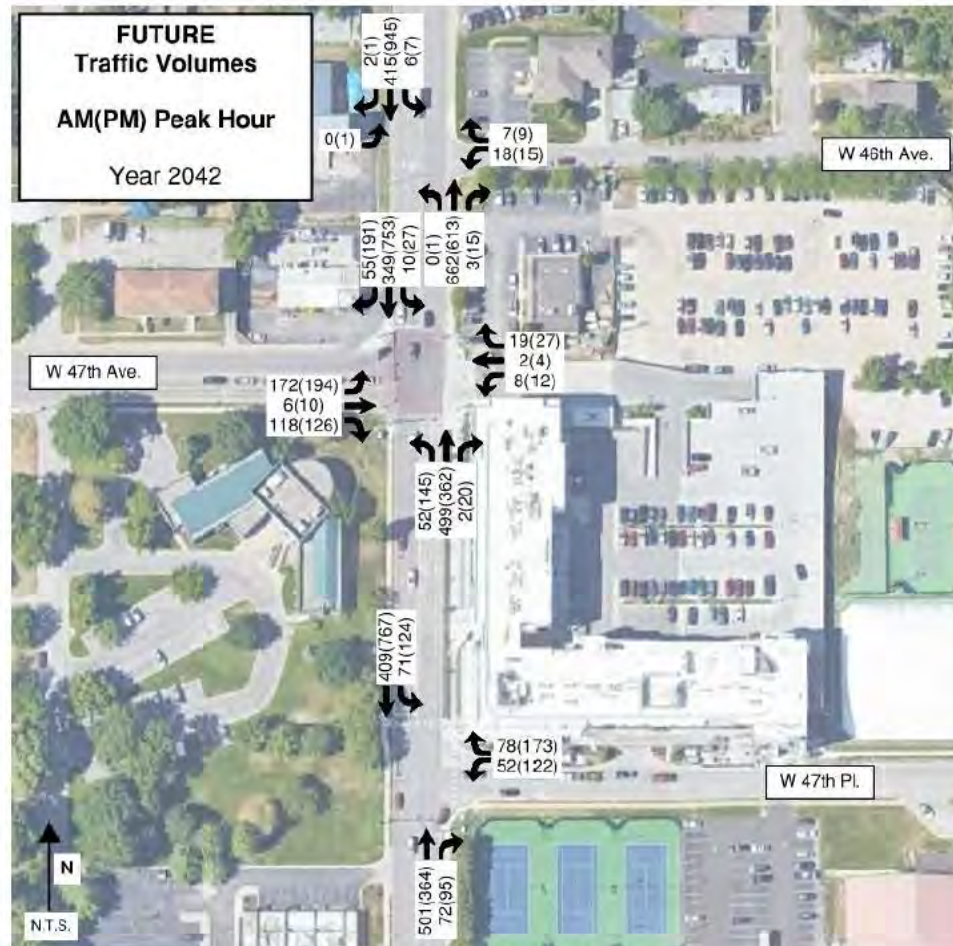


Figure 9: Future Traffic Volumes

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.

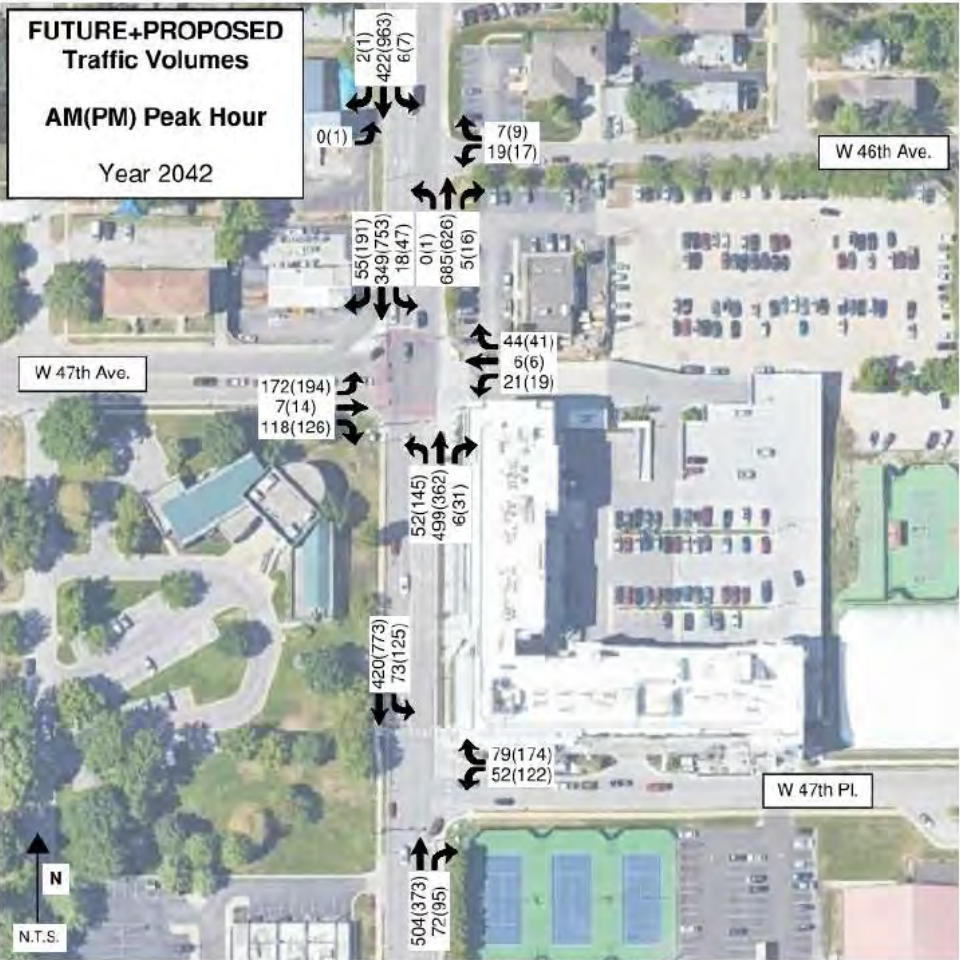


Figure 10: Future + Proposed Traffic Volumes

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.

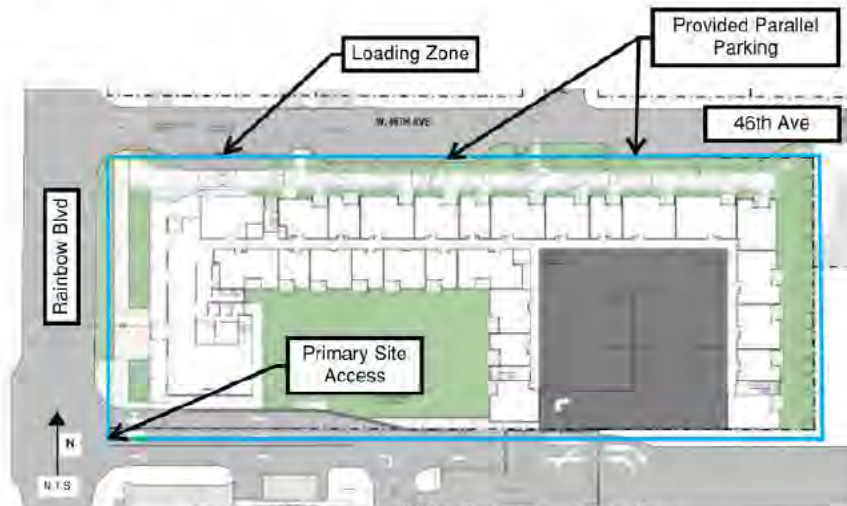


Figure 11: Proposed Site Access and Parking

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: ADT's 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 FHWA Access Management Manual, 2003, Table B-4, p. 133

² Source: d2: Modified version of FHWA Access Management Manual, 2003, Table D-2, p. 172

³ Source: d4: Modified versions of AKDOT's A Policy on Geometric Design of Highways and Streets, Table 3-3 (2011)

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".

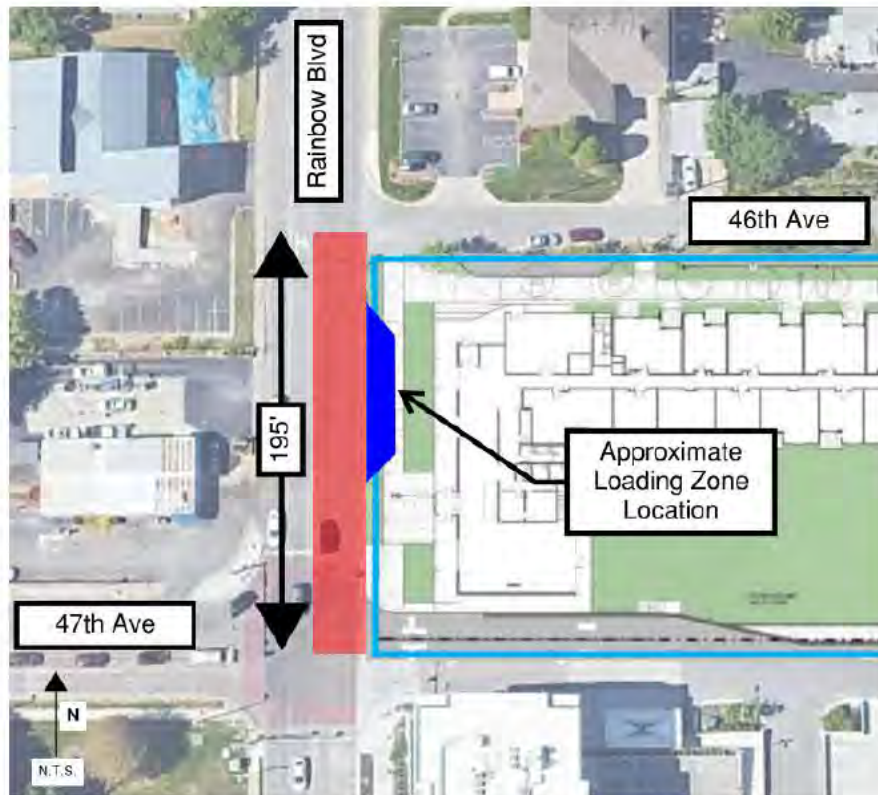


Figure 12: 47th Ave Downstream Functional Area

A lower speed, lower volume road such as 46th Avenue is a better loading zone location.

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.

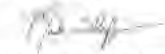
Intersection capacity analyses were completed for existing and existing + proposed conditions for the intersections of Rainbow Boulevard with: 47th Avenue, 47th Place, and 46th Avenue. As can be viewed in Table 4 (Page 12), there was minimal increase in intersection delays and no decreases in overall 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

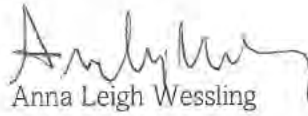
Dated: October 2, 2022

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

4320 439
John Golway
139 Lloyd, KC, KS 66103
09-29-2022

Dear local commissioners,

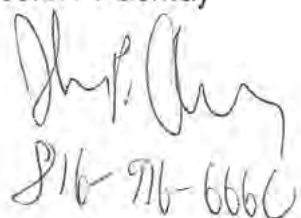
I fully support the expansion proposal to extend Woodside Village. I have heard many good things about how they run the club and apartments.

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



816-716-6666

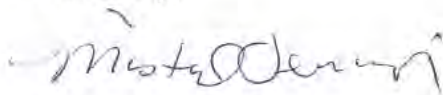
September 29, 2022

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,

A handwritten signature in dark ink, appearing to read "Misty Jennings". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Misty Jennings

816-214-8846

Date: 10/3/22

Name: Jackson Royle

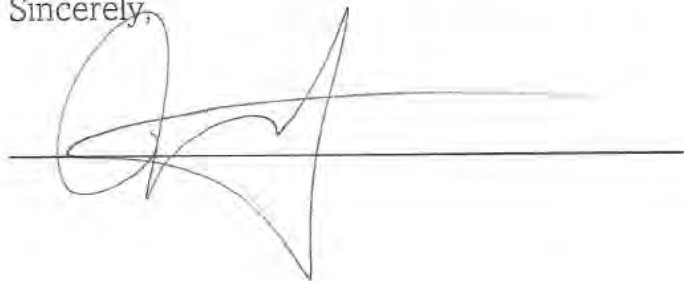
Address: 4506 Francis St Kansas City, KS, 66103

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,

A handwritten signature in black ink, appearing to read 'Jackson Royle', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke.

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: 10/2/22

Name: STURM FRITZ

Address: 4203 Booth St KCR

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,

A handwritten signature in dark ink, appearing to read "Gerald Greer", is written over a horizontal line.

Date: 10/3/22

Name: Anthony Null

Address: 4520 Francis Street KCKSleaw3

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

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From: Dan Thompson <det66207@gmail.com>
Sent: Sunday, April 3, 2022 7:20 PM
To: PlanningInfo <Planninginfo@wycokck.org>; Board of Commissioner's Office <Commissioner@wycokck.org>; Ramirez, Christian <cramirez@wycokck.org>
Subject: Woodside Village Rosedale Project

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. I live down the street at 4514 Francis St, Kansas City, KS 66103. I can see the new development area from my front porch. I believe this project will benefit the neighborhood in several ways. Woodside development/improvements over the last years has helped Spring Valley property values increase and help keep the neighborhood moving upwards in the quality of our living/housing.

Blair Tanner and his team listened to the neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in our area.

Please let me know if you have any questions about my view on the project..

Sincerely,
Dan thompson

Dan Thompson
Owner- Thompson Enterprise Group, LLC
913-579-2263
DanThompsonKC@gmail.com

Toy, Byron

From: Jason Sadler <jasonlsadler@gmail.com>
Sent: Friday, April 29, 2022 9:21 AM
To: Parker, Janet; Toy, Byron
Subject: Support of COZ2021-048 - 4601 Rainbow Blvd.

Dear Planning Committee and Commissioners,

I am writing you today in support of the new Woodside Village Rosedale Project. This area is greatly in need of more housing, which this project will bring.

I live at 4507 Francis St. and also own 4506 Francis St., which is currently being totally renovated, and own 4523 Francis also, which will be torn down, and 2 new houses will be constructed. When we decided to tear down the blighted house and build 4507 Francis and 4509 Francis, one of the biggest things that drew us to this area was the development and future development of the Woodside Village properties.

I think the design of the new Woodside Village Rosedale project is the best in the City, and does a tremendous job providing a buffer transitioning from single family to multifamily. I would much rather see the beautifully landscaped buffer zone, and then the building, than a large parking lot, and then a building. It will help give the neighborhood a more intimate feeling when entering on 46th Ave. I do not see a problem with the angle in parking or loading zones, because overall that street will become much wider and be able to accept the current amount of traffic much easier. All the on street parking that is there now is a major safety hazard. During emergencies (which unfortunately we have had) firetrucks were not able to enter on 46th ave and make the turn onto Francis.

Perhaps the best part of this design that excites me the most, is finally being able to have a safe path to the woodside village shops and restaurants, and all of the other restaurants down 47th street. Currently there is no sidewalk on 46th ave. so making the turn onto Rainbow in the street, is extremely dangerous, because cars turning onto 46th ave. can not see us pushing a stroller in the street.

I can not think of a better use of that corner property, and I hope that you too support and vote YES for the Woodside Village Rosedale project. It is essential for this wonderful area of KCK to keep expanding and growing!

Thanks!
Jason Sadler
816-309-0945

Toy, Byron

From: PlanningInfo
Sent: Thursday, April 28, 2022 9:25 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Woodside Village Rosedale Project

Janet L. Parker, CSC/APC 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

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 project's plan, which I oppose is:

- Dumpster/Trash pick up for the entire 171 apartments on 46th street. This means the garbage truck will come several times a week with a lot of noise, possibly early in the morning several times a week to pick up trash.

- Drop off Zone for deliveries to this apartment complex. This means FedEx/UPS etc. trucks will be using 46th street multiple times a day to drop off and pick up packages using our neighborhood to enter and exit for apartments.

- Angle in parking for residents and overflow from workers, patrons, etc. This is terrible parking and dangerous in terms of being able to see. The road is currently not very wide and this increases traffic and hazards. This is born out by my experiences with the angle in parking at Woodside Village (on a much wider road) It is very hard to see to back out. I often have my passenger stand outside the vehicle and help me back out b/c of the sightlines. In addition, vehicles that

are too large (pickup trucks & large SUVs) consistently park at the angle in parking and their rear ends stick out into the road. This causes drivers to have to veer into the oncoming traffic lane to get around them. The road is much wider than 46th and it is a problem there.

- There is not enough parking slotted for this project its tenants, employees, and visitors to Woodside village. For example, the employees at Woodside Tennis and Racquet currently park in the gravel lot at the top of the Eaton St. Hill which will no longer be available once construction starts. Already, these workers park in our neighborhood when they are unable to ascend the Eaton st hill to park during inclement weather. Where will they park once construction starts?

Second, the mass and height of the structure will cause several houses in our neighborhood to be in a permanent shadow in the winter months. There is no need to create this in our neighborhood when the solution is to scale the building back to a reasonable size much like the original apartments (91 units as opposed to the proposed 171). Blair Tanner has the ability to build a bigger more massive building on property he owns to the south of the current Woodside village which is a much more appropriate place for something of that size. Not only do I oppose the mass and height of this project because it is detrimental to our neighborhood and the quality of the neighborhood, but it also goes against the Rosedale master plan.

Solutions:

- Completely close 46th street after the Dentist's offices driveway (like Hanover Heights by McDonald's)
- Permanently close the Eaton St. Hill beyond Shanda and Matthew Shoaf's driveway
- Eliminate apartments front doors on 46th street - thus eliminating any need for parking on 46th street
- All traffic using the new apartments must access from Rainbow using the existing large driveway which aligns with 47th. This would include delivery trucks, garbage trucks, etc.
- Eliminate the trash door, trash pick up and deliveries from 46th street altogether.
- All parking for employees, patrons, and tenants would be in any of the already established and owned by Blair Tanner parking lots on either side of 47th Place.
- Scale the building size to fit the Rosedale Masterplan and be an addition to our neighborhood and not a detriment.

One additional note, I want the UG to insist that when and if construction begins that no construction workers, their vehicles, construction equipment, etc. be parked in our neighborhood or used as a "storage place". We must insist that the Spring Valley Neighborhood and its residents be respected.

Finally, I am not opposed to this developer and the development of this area. However, we the Spring Valley neighborhood residents and homeowners must be partnered with and listened to. I hope the planning commission supports us and helps us partner with this developer in a way that supports our established, growing, and active neighborhood.

Sincerely,
Natalie L Fox
4525 Eaton St
KC KS 66103

Toy, Byron

From: Parker, Janet
Sent: Thursday, April 28, 2022 7:50 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Woodside Rosedale Project

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

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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: qramirez@wycokck.org
Cc: Erin Stryka <erin@rosedale.org>, mbynum@wycokck.org, Kelly White <kwjco@hotmail.com>
Subject: Woodside Rosedale Project

Dear Commissioner Ramirez,

Please accept this message as our protest against the Tanner & White proposal to build the Woodside Rosedale Project in Wyandotte County.

Our concerns are:

16 diagonal parking spots on 46th Ave...where there is currently No Parking.

Code variances to Rosedale Master Plan specific to height, length and neighborhood integrity

TIF allowances for building in Wyandotte County to fund expansion in Johnson County

And worst of all, all these "allowances" will only provide housing for people who can afford an average of \$2,400./month in Wyandotte County

None of this is in keeping with the Rosedale Master Plan which our neighbors worked on for a long time.

We agree that multi-family housing is needed in Rosedale and, as you pointed out at the meeting, we need to provide affordable housing, as well as luxury apartments.

We would like to see a new proposal to build a two or three story complex in the same area with a more equitable mixed use.

If Tanner & White will not modify their proposal, we ask that the UG Planning Commission deny their requested code variances and certainly do not allow them a TIF.

Kenneth & Valorie Fenton

Toy, Byron

From: Kelly White <kwjco@hotmail.com>
Sent: Friday, April 29, 2022 1:23 PM
To: Parker, Janet; Toy, Byron
Subject: Comments for COZ2021-048

Below is my statement of opposition to the change of zone request, COZ2021-048, located at 4601 Rainbow Blvd. Please include my comments to the file for staff review for the May meeting.

It is evident when you read the 2016 Rosedale Master Plan an extensive amount of research, planning, and community engagement was put into creating a blueprint for Rosedale. It clearly defines why planning is necessary for a city, what is important to Rosedale residents, where our weaknesses are, and where we have opportunities to improve. The project being proposed by developer, Tanner & White Properties, is in many ways a complete contrast to the Rosedale Master Plan.

The developer has submitted an "update" to a traffic study that was completed in **2011**. It cannot be overstated how much the surrounding area of 47th and Rainbow has changed in the past 11 years. For example, the developer's current apartment complex and retail units located at 47th and Rainbow was not even constructed until 2015. There are three neighborhoods that will be directly impacted by an increase in traffic these apartments will create. They are Spring Valley, Westwood, and Frank Rushton. For the sake of safety to these residents and others passing through here, a new and complete traffic analysis should be conducted before 171 units and over 200 parking spots should ever be considered.

Not only does the Master Plan provide us with information on our weaknesses and opportunities, it also defines areas of threat to our community. One of those threats is decreasing affordability in housing. The developer is planning an apartment building with an average rent around \$2,100.00 per month for studio and 1-bedroom apartments and 2 or 3 bedrooms going as high as \$2,400.00 per month. That is by no means affordable housing.

It was stated on their change of zone application "the complex will promote a diverse population to make use of the nearby employment center, shopping, entertainment and transit." The cost of rent at this complex will promote the opposite of a diverse population. What the complex will do is "indirectly drive business to their club and retail area so they can then build the third apartment complex next to the club." What makes that statement, made by their representative, even more egregious is the developer can request, and most likely receive, incentives to create unaffordable housing. While this is of course is the current policy and they have every right to request some sort of abatement, there are areas throughout Wyandotte County where incentive money could be put to much better use than to be given to Tanner & White Properties to build luxury apartments.

Another threat to the adjacent neighborhood, Spring Valley, is the encroachment of parking along 46th ave. The addition of 16-20 parking spaces along there will add to cars pulling in and out throughout the day. There will be more traffic along 46th Ave. even if the garage access to the complex is removed from this street. This street will be a popular shortcut for residents and visitors of the complex to use to avoid the already heavily congested Rainbow Blvd.

Finally, the height and length of this project is just too large and allowing it to be constructed will set a precedent that may not be in the best interest of the neighborhoods directly impacted by such density.

It is safe to say most Spring Valley residents are strongly opposed to this project as are some residents of nearby neighborhoods. I respectfully request this project be denied for all the reasons I have outlined and for reasons other residents will bring to your attention.

Sincerely,

Kelly White
President, Spring Valley Neighborhood



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.

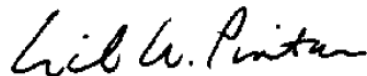
While we understand that this topic is for the UG governing body's purview, incentives need to be closely weighed to ensure there is direct benefit to the Community. Additional public school students generated with this proposal will place a burden on the current Rosedale and School District funding. 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, deliveries, dumpsters, etc. And, No further access via **Eaton st.** No apartment front doors onto 46th !

2.) 47th Place in Westwood can be widened to accommodate parking 47th Place already is MUCH WIDER than 46th, AND has double the amount width of right of way, AND and Blair Tanner controls all the property along both sides. 47th Place. We suggest he increase parking on the Westwood side of the development. City of Westwood is currently considering to redo 47th, so timing is appropriate.

MASS/ HEIGHT:

Its too large. The existing Woodside phase one is only 91 units and on a smaller parcel.

Phase two at 173 units, stacked six or even four stories creates a canyon effect for the homes along 46th. Developer acknowledged in our neighborhood meeting that several homes will be in permanent shadow during winter months, when we need the sun the most !

The 4601 Rainbow parcel is much larger, the size of Chiefs football field ! Developer could easily reduce number of units to 91 and build without needing any variances ! Developers design is premised upon a clumsy, inefficient multi-level parking garage which wastes space. If they would

use the ground level of their site as a “basement” parking garage, it would hold 180 cars, and also allow the building to be several stories shorter.

Developer owns three tiny vacant lots 4604, 4606, 4608 Eaton St at top of hill and directly adjacent to project site. This area is currently used for unimproved parking for employees of Woodside Club, in fact there is an “impromptu” gravel driveway from Phase 2 site into this parking area. This parking area must be included in the redevelopment project and needs landscaping and fencing which screens it from the neighborhood.

Chris Steiniger
4529 Francis St
KCKS 66103

Date: 10.14.22

Name: CARRIE MATHEWS

Address: ~~606103~~ RAINBOW BLVD. KC, KS.
4509 606103

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

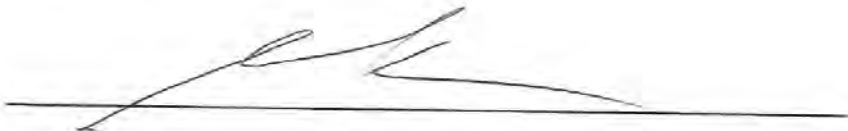
Address: 4516 Francis Kansas City KS 66103

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,

A handwritten signature in dark ink, appearing to be 'Matt Hayden', written over a horizontal line.



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. Pinter, 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,



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



Subject: Support Our Community & Woodside Village Rosedale Project
To: planninginfo@wycokck.org; Commissioner@wycokck.org

Dear Planning Commission and Commissioners:

I currently own 4512 Rainbow Blvd as a rental property. I bought in the Rosedale area because of its proximity to KU Medical Center, the Plaza, and Downtown. Rosedale is an unknown gem in our city as a safe great place to live and raise a family. This new development will take a blighted, unsightly property that is currently devaluing the Rainbow Blvd. corridor and turn it into a first-class, livable community that will pull the value of all the surrounding properties higher. As an investor, I very much support this.

As someone who has been engaged in our area for many years on many fronts, I understand the importance of connectivity, relationships, strong community, and growing property values. I'm writing you today to support the next multi-family apartment development in Woodside.

I've known the developers for many years and have seen the commitment they have to designing and bringing to fruition a first-class product and experience. They listen to others, they engage with the community and they do what they say they are going to do. Blair Tanner and the Woodside team are trustworthy and put tremendous effort into their developments.

By progressing the Woodside Village Rosedale project forward, the city would show that they appreciate high-quality housing solutions in our area. KCK would demonstrate that smart growth, diverse housing options and reducing the negative impact of exclusionary zoning practices are important to them.

A strong multi-family component in Rosedale and Spring Valley is so critical to the future of our neighborhood and city.

For these reasons, I urge you to support and progress the Woodside Village Rosedale project in front of you throughout the approval process.

Thank you for your service to our community and its future.

Sincerely,

Topher Philgreen
President/Owner



3409 West 222nd Street
Bucyrus, KS 66013
(913) 915-6677

Amy Grant

Subject:

FW: FW: Support- Woodside Village Rosedale Project

From: Kimberly Coates/USA

Sent: Friday, May 6, 2022 3:50 PM

To: planninginfo@wycokck.org; commissioner@wycokck.org; cramirez@wycokck.org

Subject: Support- Woodside Village Rosedale Project

Good afternoon:

I'm writing you today in support of the Woodside Village Rosedale project. KCK needs many more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I have represented and been involved with Multifamily Development in the Kansas City market for many years. These high-end developments are very beneficial for the community as a whole and promote a sense of pride in the community as well as bring an increase in value to the City and overall area.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping will be an amazing addition to the area!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Kim Coates, CAM, CAPS, LEAD

Regional Property Manager, Multifamily

Asset Services – Multifamily, Americas

Direct: +1 952 563 1006

kimberly.coates@cushwake.com



5975 South Quebec Street, Suite 135

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 <btov@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 | 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; gand@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@wycokek.org; Commissioner@wycokek.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>
to PlanningInfo, commissioner, bcc: Blair, bcc: Amy, bcc: Bob ▾
Dear Planning Commission and Commissioners:

Mon, May 9, 12:44 PM ☆ ↶

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 x



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 Noll

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 Noll

Date: 10/6/2022

Name: GRIS 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

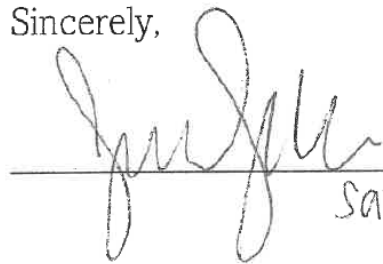
Address: 4509 Francis St. KC, KS

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,

A handwritten signature in cursive script, appearing to read 'Sarah Sadler', written over a horizontal line.

Sarah Sadler, home owner in KC, KS.

Date: 10/3/22

Name: Jackson Roepc

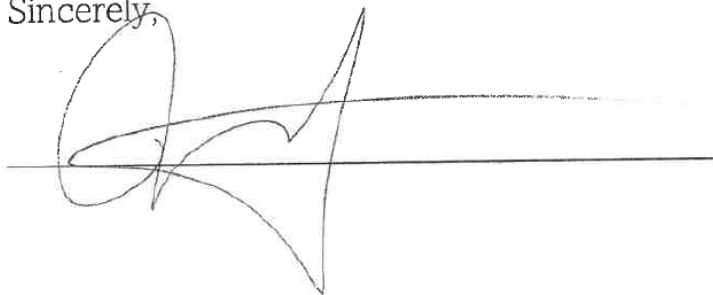
Address: 4506 Francis St Kansas City, KS, 66103

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,

A handwritten signature in black ink, appearing to be 'Jackson Roepc', written over a horizontal line.

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

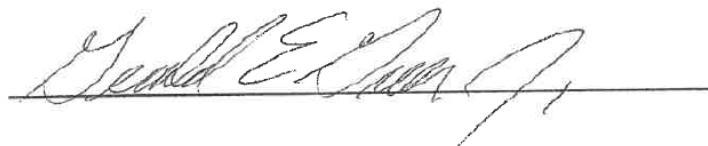
Address: 4503 FRANCIS ST.

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,

A handwritten signature in cursive script, appearing to read "Gerald Greer", is written over a horizontal line.

Date: 10/6/22

Name: Mark Dickenson

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,



juliannvanlien@4@gmail.com

Date: 10/5/22

Name: Julianne VanLien

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,

Julianne VanLien

Date: 10/6/22

Name: BETH CIPERSON

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,

Beth Ciperson

Date: 10/2/22

Name: STORM FRITZ

Address: 4203 Booth St KCR

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,

A handwritten signature in dark ink, appearing to read "Storm Fritz", is written over a horizontal line.

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

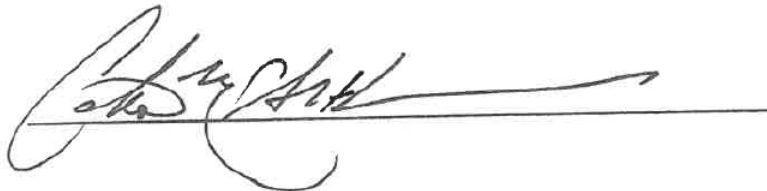
Address: 4836 Booth

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,

A handwritten signature in cursive script, appearing to read "Colt McArthur", is written over a horizontal line.

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,

Jeff Wells

Date: 6 October 2022

Name: Pascale Simunich

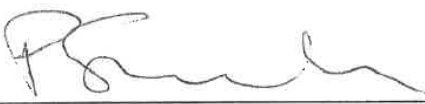
Address: 4505 EATON ST

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

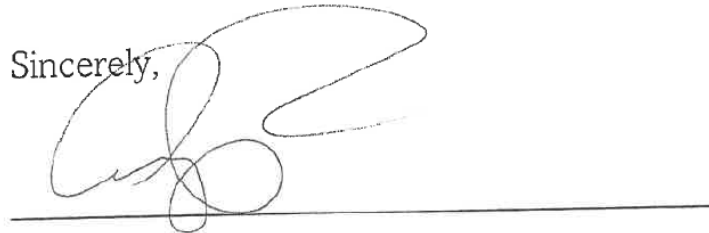
Address: 4501 EATON ST KC KS 66103

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,



A handwritten signature in dark ink, appearing to be 'Amy Reardon', is written over a horizontal line.

summer meditation market

Date: 10/6/22

Name: Mohamed Almojmed

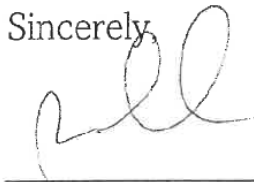
Address: 1404 Westport Rd kc mo 64111

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,



Owens: Rainbow Cleaners & KC Car
Gallery

Date: 10-6-22

Name: John Young Ji Hyun

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,



Date: 10/5/22

Name: Tim Akhmedov

Address: 1903 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

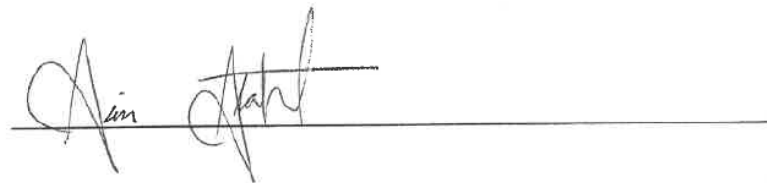
Address: 1903 W. 43rd Place, Kansas City, KS, 66103

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,

A handwritten signature in cursive script, appearing to read "Siara Stahl", is written over a horizontal line.

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,

A handwritten signature in black ink, appearing to read "Misty Jennings", with a stylized flourish at the end.

Misty Jennings

816-214-8846

John Golway
4320 439 Lloyd, KC, KS 66103
09-29-2022

Dear local commissioners,

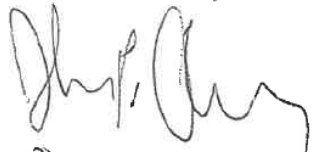
I fully support the expansion proposal to extend Woodside Village. I have heard many good things about how they run the club and apartments.

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 predicated 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 our kids to the nearby school, walk our dogs before/after work, jog and garden just like any suburban neighborhood. We let our dogs greet and sniff while we chat. We stop to compliment the efforts of our neighbors' veggie and flowerbeds even on the smallest city lots. We keep up with who's on vacation or in hospital and watch the house for them. We know our 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 at 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 choose to make Spring Valley their home. Affordable, reasonable, proportionate and complementary developments, such as 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



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 Rose Dale.

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



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.

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

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Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
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Phone: (913) 573-5750
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Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 1, 2022

Re: Petitions COZ2022-036, SP2022-091, and MPL2022-018

GENERAL INFORMATION

Applicant:

Martina Chavez-Jaquez

Status of Applicant:

Property Owner
1403 North 7th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Special Use Permit,
Change of Zone, and Master Plan
Amendment.

Date of Application:

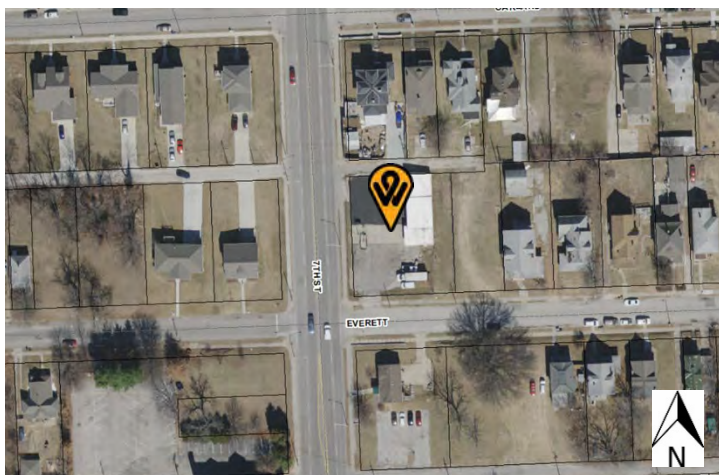
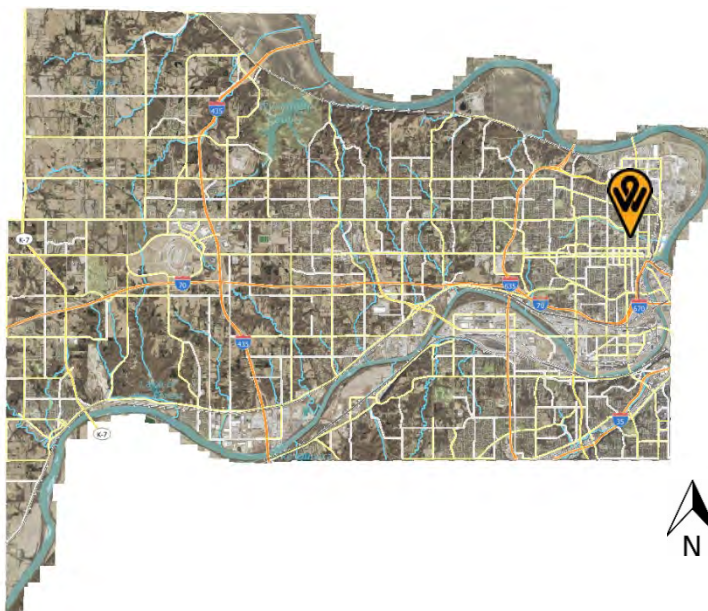
September 30, 2022

Purpose:

Special Use Permit to operate a
light auto repair shop.

Change of Zone from CP-1
Planned Limited Business District
to CP-3 Planned Commercial
District to operate a light auto
repair shop.

Master Plan Amendment from
Neighborhood Mixed-Use
(Northeast Area Master Plan) to



Purpose (Continued):	Neighborhood Commercial (Northeast Area Master Plan).	
Property Location:	1403 North 7 th Street, Kansas City, Kansas 66101	
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #4 Commissioner: Harold Johnson	
Existing Zoning:	CP-1 Planned Limited Business District	
Adjacent Zoning:	North:	RP-2 Planned Two-Family District
	South:	C-0 Non-Retail Business District
	East:	RP-1 Planned Single-Family District
	West:	C-3 Commercial District
Adjacent Uses:	North:	Single-family residence
	South:	Office space
	East:	Vacant residential parcel
	West:	Single-family residence
Total Tract Size:	0.35 Acre	
Master Plan Designation:	The Northeast Area Master Plan designates this property as Neighborhood Mixed-Use, which allows shopping centers and major commercial buildings that serve the wider community and region.	
Major Street Plan:	The Major Street Plan Designates 7 th Street Trafficway as a Class A Thoroughfare.	
Parking Requirement:	Sec 27-464(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.” The applicant is proposing to change the zoning to CP-3 Planned Commercial District. Sec 27-467(e) also 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.” There is 2,464 square feet of floor space. 10 parking spaces will be required on-site, with being an ADA compliant space. The business will also need to create and designate spaces for each type of service they provide and sales inventory. The applicant currently only shows 8 parking spaces provided. 10 parking spaces are required. The applicant is providing 8 parking spaces.	

Parking Required: 10 Spaces

Parking Provided: 8 Spaces

Advertisement:

The Wyandotte Echo – October 20, 2022
Letters to Property Owner – October 21, 2022

Public Hearings:

November 14, 2022 and December 1, 2022

Public Support:

None to date.

Public Opposition:

Staff has received three (3) letters and one (1) phone call in opposition. Two (2) people appeared at the November 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Martina Chavez-Jaquez is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, a Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan), and a Special Use Permit to operate an auto-repair business at 1403 North 7th Street Trafficway.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There is one (1) call for police service, in March of 2020, for theft.

Building, Zoning, or Code Enforcement Complaints:

1. This property has three (3) open Notices of Violation, as well as an extensive history of code enforcement actions.
 - a. 2022 – STR22-0900 – Structural – Damaged Fence
 - b. 2022 – ABT22-2913 – Abatement – Weeds and Trash
 - c. 2022 – ENV22-2890 – Code-Environment – Weeds and Trash
 - d. 2020 – 20299-00384 – Code Admin Citation – Multiple Violations
 - e. 2019 – 19299-04063 – Code Admin Citation – Multiple Violations
 - f. 2019 – 19208-02590 – Vehicle – Box truck without tags
 - g. 2019 – 19200-05701 – Code Admin Citation – Multiple Violations

Outstanding or Related Permits and Cases:

1. The property was listed on the vacant property registration
 - a. 2021 – VPC21-0513 – Vacant property compliance

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is mixed-use in nature, consisting of single-family residences, multi-family residences, non-retail businesses, and several types of commercial businesses. The neighborhood is located along 7th Street Trafficway a Class A Thoroughfare which runs north-south.

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

The zoning and uses are set out above. The proposed use is not compatible with the surrounding residential uses if not managed properly, however, is compatible with the surrounding commercial uses.

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

The removal of the restrictions will not detrimentally affect nearby properties if the proposed use is managed properly, and the conditions are adhered to. 7th Street Trafficway is a mixed-use corridor, and an auto-repair dealership is allowed with a Special Use Permit, Change of Zone, and Master Plan Amendment. The proposed use will be required to conform to the Commercial Design Guidelines.

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

The property has been vacant since 2004. The property was added to the vacant property registry 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 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 7th Street Trafficway, a Class A Thoroughfare.

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

The Northeast Area Master Plan does not address Special Use Permits. The proposed use does not conform to the existing Master Plan designation of Neighborhood Mixed-Use. While this use would require a Master Plan Amendment of the Northeast Area Master Plan to Neighborhood Commercial, staff argues that maintaining the existing the Master Plan designation, combined with the proposed change of zone will allow the property to be used for the intended use in the future.

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. 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*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

Police service is provided by East Patrol, District #117

e. *Fire*

Fire service is provided by Fire Headquarters.

f. *Transit*

The KCATA provides transit service along Route #106 – Quindaro, with a stop located at 7th and Oakland, approximately 200 feet away from the property.

g. Schools

Public Education is provided by Grant Elementary, Rosedale Middle School, and JC Harmon High School of the Kansas City, Kansas USD 500.

h. Streets

The subject property currently accesses 7th Street Trafficway, a Class A 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, as it has historically been used as an automotive repair and detailing business.

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. A denial of this application would cause the business owner to have to find a new location for their business.

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.

Noise, vibration, dust, and illumination are typical issues for this type of use, which could become a nuisance to nearby residences. All service of automobiles must be done inside the building with the doors closed. Additionally, the applicant will be required to install additional landscaping and screening, including an opaque, six (6) foot tall screening fence on the North and East sides of the property.

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

Environmental concerns include fluid leakage from automotive parts and the repair process, as well as gases from the detailing process. If properly managed and maintained, however, the impact should be minimal.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out urban area along an established commercial corridor.

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

The proposed use is not expected to result in undue concentrations of population as there are daily operating hours and will be required to only service a certain number of vehicles. The proposed use, however, may result in the overcrowding of land, as there might not be enough space for vehicles to park and/or maneuver safely throughout the property.

PREVIOUS ACTIONS

There have been no prior planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of October 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Code Enforcement Violations
Landscaping
Screening
Parking
Commercial Design Guidelines
Noise
Dust
Vibration
Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **DENIAL** of Master Plan Amendment **MPL2022-022** due to incompatibility with the Northeast Area Master Plan.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-036**, subject to:

1. The applicant is requesting a Special Use Permit for a property zoned CP-3 Planned Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-091, COZ2022-036, and MPL2022-022. 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;
2. The following requirements of the Commercial Design Guidelines Overlay District have been met:
 - a. Section 27-464(g) 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;
 - b. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
 - c. 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;
 - d. 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;
 - e. Section 27-699(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;
- f. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
3. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and a deviation was denied by the City Planning Commission.
- a. 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;
- b. 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.
4. The applicant shall coordinate with the Kansas Department of Health and Education and the Unified Government Health Department to ensure that any undergrounds storage tanks are properly inspected;
5. Given the proximity to nearby residences, the business will be limited to only work on passenger vehicles; The business shall not work on heavy commercial vehicles, semi-trucks or trailers, or any other heavy equipment;
6. The applicant shall keep the property under to Property Maintenance Standards;
7. The applicant shall install a six (6) foot tall wooden fence with masonry columns every 32 feet running along the eastern and northern property lines;
8. The applicant shall install an ornamental wrought-iron fence with masonry columns every 32 feet along the Western and Southern property boundaries;
9. The applicant shall install one (1) ornamental tree every 30 feet along North 7th Street and Everett Avenue, as well as a combination of hedges, bushes, and shrubs in between each tree;
10. 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;
11. 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;
12. 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;
 13. 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. 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;
 18. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 19. 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;
 20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle

- storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
22. 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;
23. 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,
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

The Planning Commission voted 4 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2022-091**, subject to the above conditions.

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 **COZ2022-036** and **SP2022-091** and **DENIAL** of Petition **MPL2022-022** subject to all comments and suggestions outlined in this staff report and the reasons and conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Photos, Taken by Staff, Dated October 14, 2022
Letters in opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	
Master Plan	November 14, 2022	December 1, 2022
	Denial	
Special Use Permit	November 14, 2022	December 1, 2022
	Approval	

STAFF CONTACT:

James Molloy, Planner
jmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-022**, 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 **MPL2022-022** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-036** 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 **COZ2022-036**, 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-091** 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 **SP2022-091**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:11:00:

MASTER PLAN AMENDMENT MPL2022-022 – MARTINA CHAVEZ-JAQUEZ –

SYNOPSIS: Master Plan amendment from Neighborhood Mixed Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan) at 1403 North 7th Street.

CHANGE OF ZONE APPLICATION COZ2022-036 – MARTINA CHAVEZ-JAQUEZ -

SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District to operate an automotive repair business at 1403 North 7th Street.

SPECIAL USE PERMIT APPLICATION SP2022-091 – MARTINA CHAVEZ-JAQUEZ

- SYNOPSIS: Special Use Permit to operate an automotive repair business at 1403 North 7th Street.

Detailed Outline of Requested Action: The applicant, Martina Chavez-Jaquez is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, a Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan), and a Special Use Permit to operate an auto-repair business at 1403 North 7th Street Trafficway.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The email in opposition submitted by Scott Murray representing a group of homeowners in the immediate vicinity.

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

Present in Support:

- Joselyn, daughter representing the applicant, 1216 South 81st Street, Kansas City, Kansas 66111

Present in Opposition:

- Scott Murray, 625 Everett Avenue, Kansas City, Kansas 66101
- Sylvia King, 617 Freeman Avenue, Kansas City, Kansas 66101

Staff Recommendation starts at 2:23:00: Planning Director Hand stated that this property is in the Northeast Area Master Plan. He stated that no letters in support and three (3) letters in opposition were submitted prior to tonight's meeting. There are Notices of Violation on the property which will be addressed during the redevelopment of this property. Staff recommends denial of the Master Plan Amendment as it is not necessary for this business and should be retained for future development. The applicant only needs the Change of Zone and Special Use Permit to operate the proposed business. Staff has worked diligently with the applicant on this proposal. The applicant is requesting a deviation regarding the circular drive and Staff recommends denial of the deviation. This issue can be resolved during the building permit stage. Staff has conditioned enhanced landscaping for this project and is conditioning service of only passenger vehicles. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 2:27:19:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of MPL2022-022 due to incompatibility with the Northeast Area Master Plan:**

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present

Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

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

On motion by Mr. Ernst, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-036**:

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

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

Subject to:

1. The applicant is requesting a Special Use Permit for a property zoned CP-3 Planned Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-091, COZ2022-036, and MPL2022-022. 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;
2. The following requirements of the Commercial Design Guidelines Overlay District have been met:
 - a. Section 27-464(g) 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;
 - b. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
 - c. 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;
 - d. 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;
- e. Section 27-699(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;
- f. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- 3. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and a deviation was denied by the City Planning Commission.
 - a. 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;
 - b. 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.
- 4. The applicant shall coordinate with the Kansas Department of Health and Education and the Unified Government Health Department to ensure that any undergrounds storage tanks are properly inspected;
- 5. Given the proximity to nearby residences, the business will be limited to only work on passenger vehicles; The business shall not work on heavy commercial vehicles, semi-trucks or trailers, or any other heavy equipment;
- 6. The applicant shall keep the property under to Property Maintenance Standards;
- 7. The applicant shall install a six (6) foot tall wooden fence with masonry columns every 32 feet running along the eastern and northern property lines;
- 8. The applicant shall install an ornamental wrought-iron fence with masonry columns every 32 feet along the Western and Southern property boundaries;
- 9. The applicant shall install one (1) ornamental tree every 30 feet along North 7th Street and Everett Avenue, as well as a combination of hedges, bushes, and shrubs in between each tree;
- 10. 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;
11. 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;
 12. 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;
 13. 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. 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;
 18. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 19. 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;

20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
22. 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:
 - g. 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;
 - h. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - i. 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;
 - j. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - k. 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

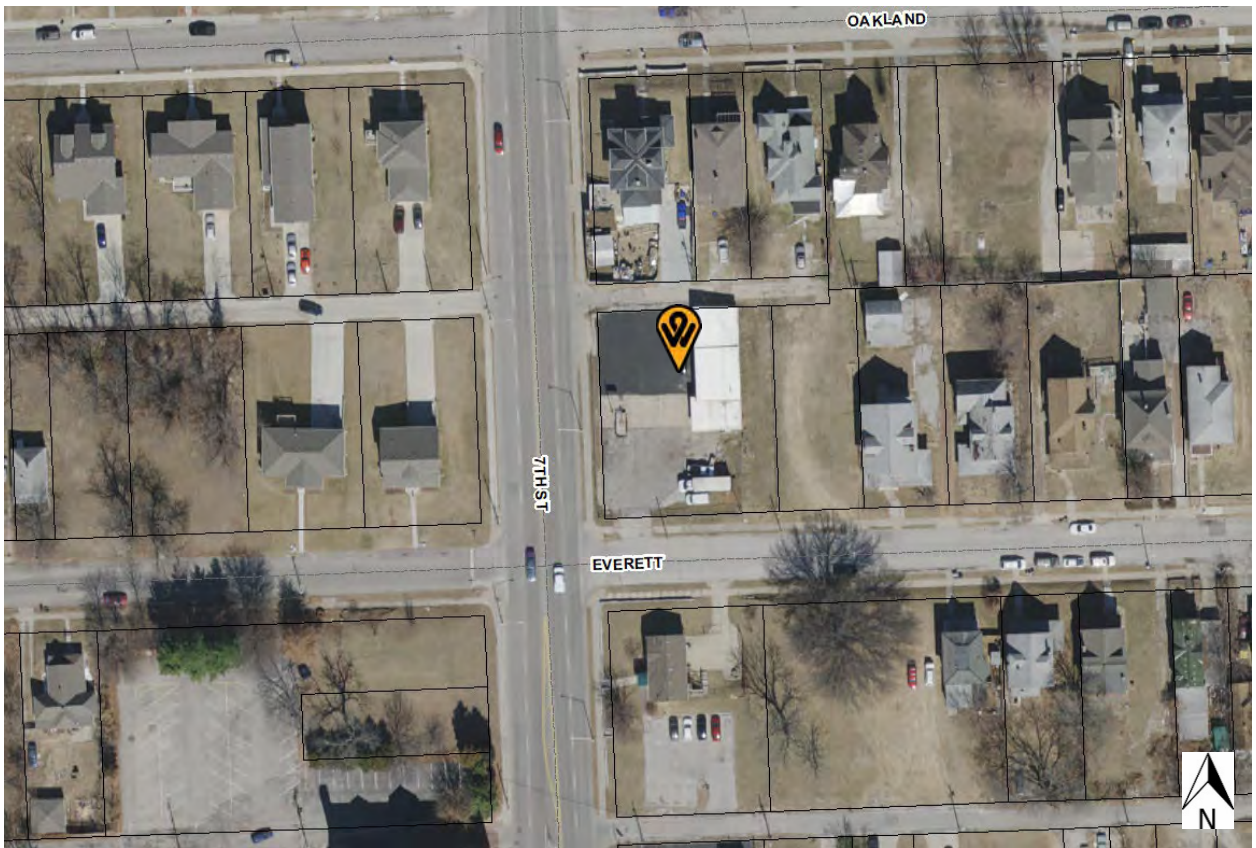
- I. The impacts of the potential costs and benefits derived by the community or area by the proposed change;
23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant 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,
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-91 and denial of the requested deviation from the Commercial Design Guideline request:**

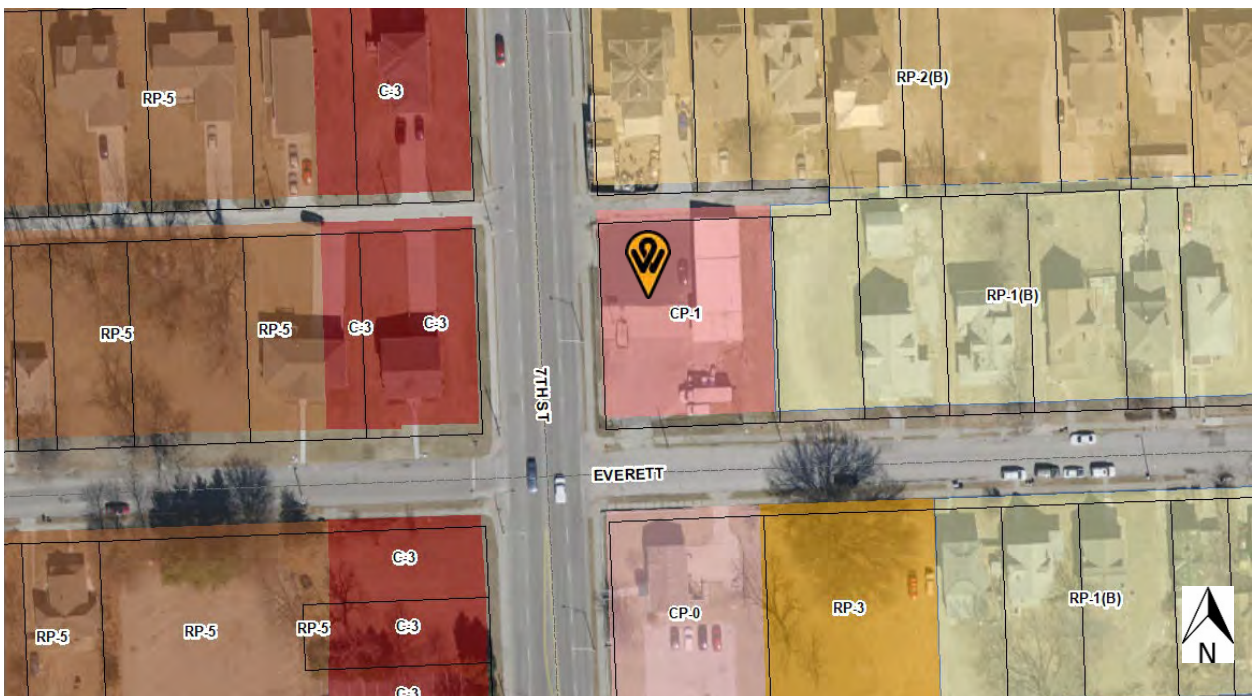
Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	No
Miller	Not Present
Mohler	Aye

Motion to recommend **APPROVAL** Passed: 4 to 2
Subject to the above conditions

AERIAL IMAGERY



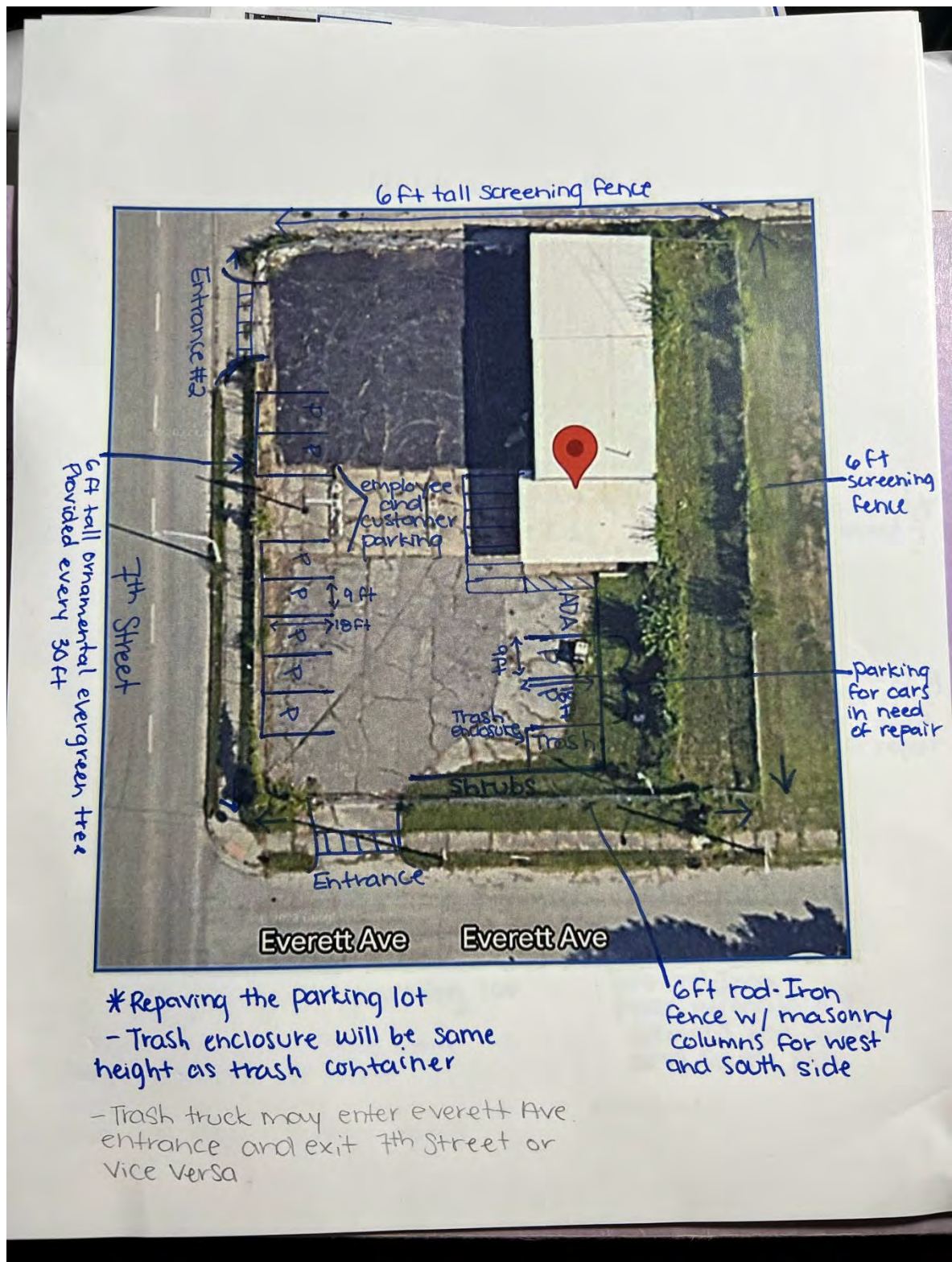
ZONING MAP



LAND USE MAP



SITE PLAN

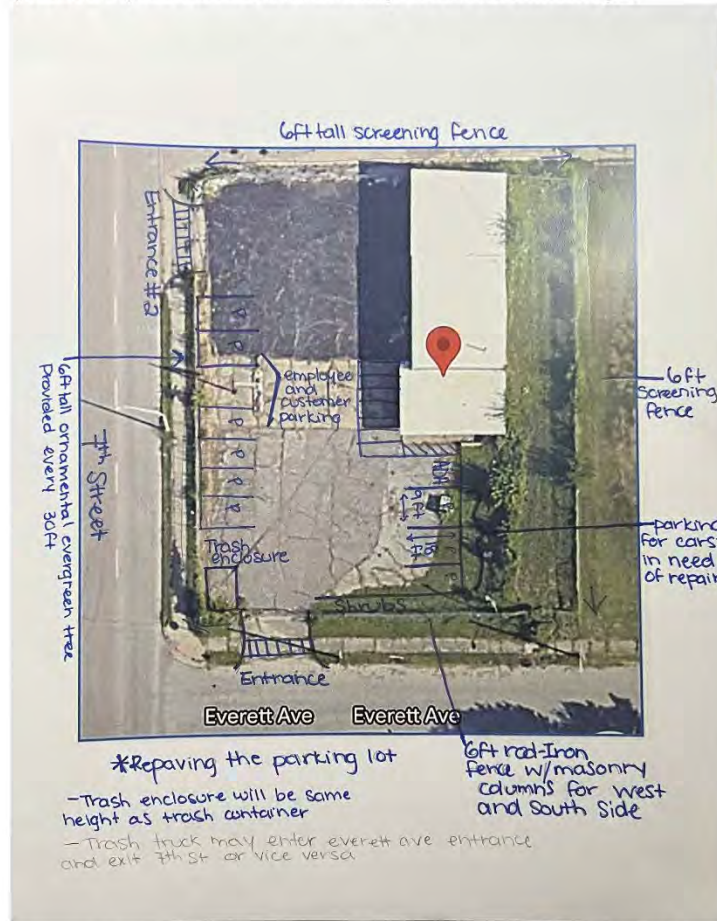


NEIGHBORHOOD MEETING MATERIALS

Regarding the staff comments and suggestion:

General

1. We are actively working on the Code Enforcement cases on the property and will speak to Code Enforcement on Monday, October 31st.
2. I have sent the revised site plan via email to Travis Trumble on Thursday Morning (October 27) and have not received any feedback/comments yet.



3. Purposed hours of operation: Monday- Friday 8am-6pm and Saturday 8am-4pm
4. No more than four cars being worked on at the same time (because there are four car garage door spaces) and possibly up to seven cars waiting.
5. General mechanic such as maintenance, etc
6. No car sales
7. Business will possibly have up to three employees

8. I/We intend to repave the parking lot.

Planning Engineering Comments:

1. On the site there will be cars waiting to be repaired mechanically as well as employee cars. We will be doing maintenance work on vehicles and currently have not had the chance to see if the property has an oil-water separator but we do understand that if the location does not have one we are required to place one. We also understand you need this information and will be in contact.

3. It is planned to repave the parking lot

5. Driveway entrance on 7th street will be opened back up

6. There will be a total of ten parking spaces including an ADA parking spot; all measuring 9 feet wide and 18 feet deep.

7. There will be a screened trash enclosure, the same height as the trash container and a little wider than the trash container. Dump truck will have a clear pathway entrance from either 7th street or Everett ave to come in and out of.

Copy of Neighborhood Meeting Letter

October 17, 2022

Martina Chavez
1403 N 7th Street
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #COZ2022-036/MPL2022-022/SP2022-091. The purpose of this:

- Change of Zone
 - CP-1 (Planned Limited Business District) to CP-3 (Planned Commercial District)
- Special Use Permit
- Master Plan Amendment
 - From Neighborhood Mixed-Use to Commercial

is to operate an automotive repair business at the following address: 1403 N 7th Street
Kansas City, KS 66101.

I/We can be contacted with any comments and/or concerns you may have upon the proposal. At the following email address:

- Joselinelegarreta@yahoo.com
- (913)291-3491

Please do so before the date of October 31, 2022.

Sincerely,
Martina Chavez

Out of the 32 contacts that were contacted, I received one email from Clyde S. Williams Sr. and Victoria Williams from the address 641 Everett Avenue Kansas City Kansas 66101. The email stated:

In regard to application # COZ2022-036/MPL2022-022/SP2022-091

As the owners of 641 Everett Ave, Kansas City, Ks 66101 we do NOT want the automotive business at 1403 N 7th Street Kansas City Kansas approved.

We are concerned about several issues with this proposed business being across the street from our home.

1. Noise pollution from vehicle engines being revved.
2. The emissions from vehicles would destroy our air quality due to a heavy increase of exhaust from cars being repaired and the extra traffic it would bring.
3. The extra traffic and street parking on Everett Avenue. This is a 2 way section of Everett Ave. with parking on both sides. Many of the neighborhood homes do not have driveways so it essentially become a one lane street.
4. It will cause the value of our home to decrease.
5. The possibility of our property taxes being raised.
6. An increase of crime against our neighborhood and property due to the business itself attracting theft in this neighborhood. Crime watch statistics show this to be the case.
7. Our neighborhood has many children that walk to school and play on the block. Their safety is a concern with the added traffic from customers and test driving repaired vehicles.

We have lived here since 2011 and have rehabbed our home, bought the 2 lots to the west of our house, fenced the entire property so that we could have a peaceful area for our family gatherings. We have 8 adult children and their families in this area. What we have worked hard for and went to great expense for will be destroyed on a daily basis if the automotive shop is allowed to open across the street from us.

I would like to know if our names and comments are going to be shared with the people that want to open the business? Also, when and where is a city council meeting being held so that we can attend to protest the opening of this automotive shop? Were the letters about this opening sent to the property owners OR to the people that are renting homes on this block? I ask due to the fact that the opening of a business in this location may have less of an impact on the owner that lives elsewhere and may not be as concerned about our neighborhood.

I hope to receive an answer to my questions soon. Have a nice day.

Williams

Clyde S. Williams Sr. and Victoria

641 Everett Avenue
Kansas City Kansas 66101

As a reply, I/We stated:

Good evening,

As the owners of 1403 N 7th Street, we understand your concerns and hope to bring some sort of comfort from our answers.

- As for the noise pollution, we have been told by city planning that all automobile service must be done indoors with the doors closed. We are also required to place a screening fence on the North and East sides of the property.
- We plan on keeping everything properly managed and maintained where the impact would be minimal.
- As for traffic, this is going to be a small business that will be working on four cars at the same time, and we are required to only park any cars waiting to be serviced on the property lot and do not intend on parking any cars on the street.
- As for crime, we intend to place security cameras once the business is up and running which will hopefully prevent any theft or crime from occurring.

As for questions regarding home value and property taxes can be discussed with city planning much further. As for a meeting, you can contact PlanningInfo@wycokck.org for the official time and date details. Thank you! Have a great day.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Martina Chavez Jaquez, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2022-036/MPL2022-022/SP2022-091.
2. That I conducted a neighborhood meeting on October 21-31, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Martina Chavez Jaquez
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this November day of 1, 2022.

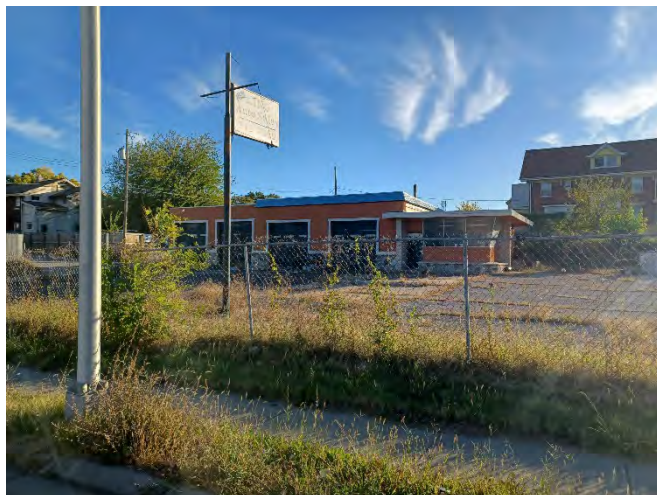
My commission expires November of 1, 2022.

Notary Public

SITE PHOTOS, TAKEN BY STAFF. DATED OCTOBER 14, 2022



SITE PHOTOS, TAKEN BY STAFF. DATED OCTOBER 14, 2022. CONTINUED



This letter is regarding the application for COZ 2022-036/ SP2022-091 / MPL2022-022 at 1403 N 7th street.

We are writing as a group of homeowners in this immediate vicinity. Some of us are next door neighbors to the property in question.

We were **stunned** to see that the UG Planning Department has recommended approval of this application.

Allow us to go the logic and the applicant's information and the UG's position:

1. The applicant is required by UG Law to have 10 off-street parking spots. The applicant can only provide 8 parking spots
2. As stated this property has a history of violating codes. As a resident of this area for almost 20 years this building is a constant eyesore and should have been demolished
3. Under "Factors..." the document clearly states that the proposed use is NOT compatible with the neighborhood
4. #3 under "Factors" states that the proposed use will not be detrimental IF the property is "Managed Properly. What if it is NOT managed properly?
5. Under #5 the document states 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. This is simply not accurate.
6. The nearest auto repair is on N 10th st. They operate ENTIRELY within a building and screened lot. The nearest uses that are similar to this use is layout of the property is at the intersection of N13th St and Washing Blvd (please see attached pictures)
7. #6 states 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
8. How is this possible? As stated earlier the applicant is SHORT of the requirements for on-site parking?
9. #8 states The extent to which the proposed use could cause environmental harm or enhance the environment This is odd as the head of Storage Tanks at KDHE virtually assured that there are gas tanks in the ground currently (see pic of air vents)
10. The economic impact of the proposed use on the community This proposed use brings NO added value to neighborhood in any conceivable way. In fact it has a strong possibility of hurting property values to some properties
11. # 12 states in its entirety The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners. The gain to the public health, safety and welfare would be minimal. **This use could pose a negative impact** to public health if the aforementioned environmental issues are not managed properly, and the property is not properly maintained. A denial of this application would cause the business owner to have to find a new location for their business

12. #13 states 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 This point is dramatically undervalued in the Staff Opinion. Tow trucks and delivery trucks are loud and unconcerned about immediate neighbors
13. Under the section for "Neighborhood Meeting" this is simply hard to believe. We have met with property owners literally next door to this property and directly across the street and NONE of them reported getting a message to neighbors

We, the neighbors and tax payers in this IMMEDIATE area would like to make it abundantly clear that we are **NOT** in favor of granting any part of this application. The reasons are as such:

1. The proposed use is simply incongruous with this quiet residential neighborhood of single-family homes
2. The proposed application will most likely have a negative affect on the street traffic, noise, parking, vehicles and appearance/property values
3. We are justifiably concerned that a lack of enforcement could cause negative aspects of this use to spill over and affect the safety of this busy street and the children and people who live here
4. We are also highly concerned that this section of N 7th street contains about 800 linear feet of C-3 Zoning which could transform this part of N 7th St into an auto/truck focused area.
5. As a neighborhood leader I have spoken face to face with numerous owners in the area who did NOT get a notification from the applicants. Some of these people have adjoining property. The application should be tabled until they fulfill their obligation re notification and subsequent meeting
6. We are exceptionally concerned that the UG and/or KCKPD will not enforce off street parking requirements for this proposed use
7. We have not seen any drawings of what this property will look like
8. We are concerned about traffic and noise increases\
9. According to KDHE, there are still gas tanks in the ground

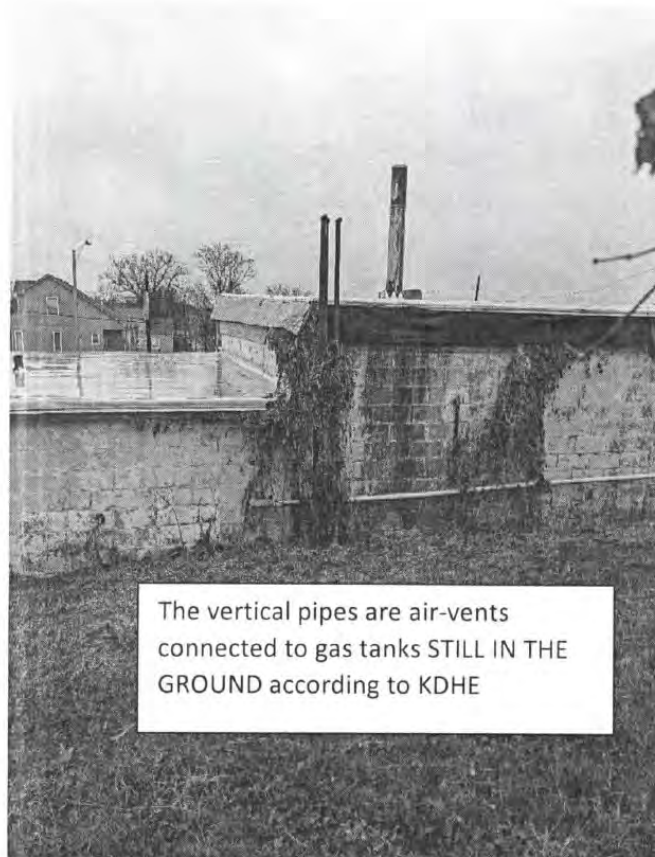
I know from, professional planning experience, experience that whatever the applicants "say" or "intend" may or may not be upheld or enforced. Therefore, we would like this application **denied**.

We would like to ask, would YOU want this in YOUR neighborhood?

Thank you,

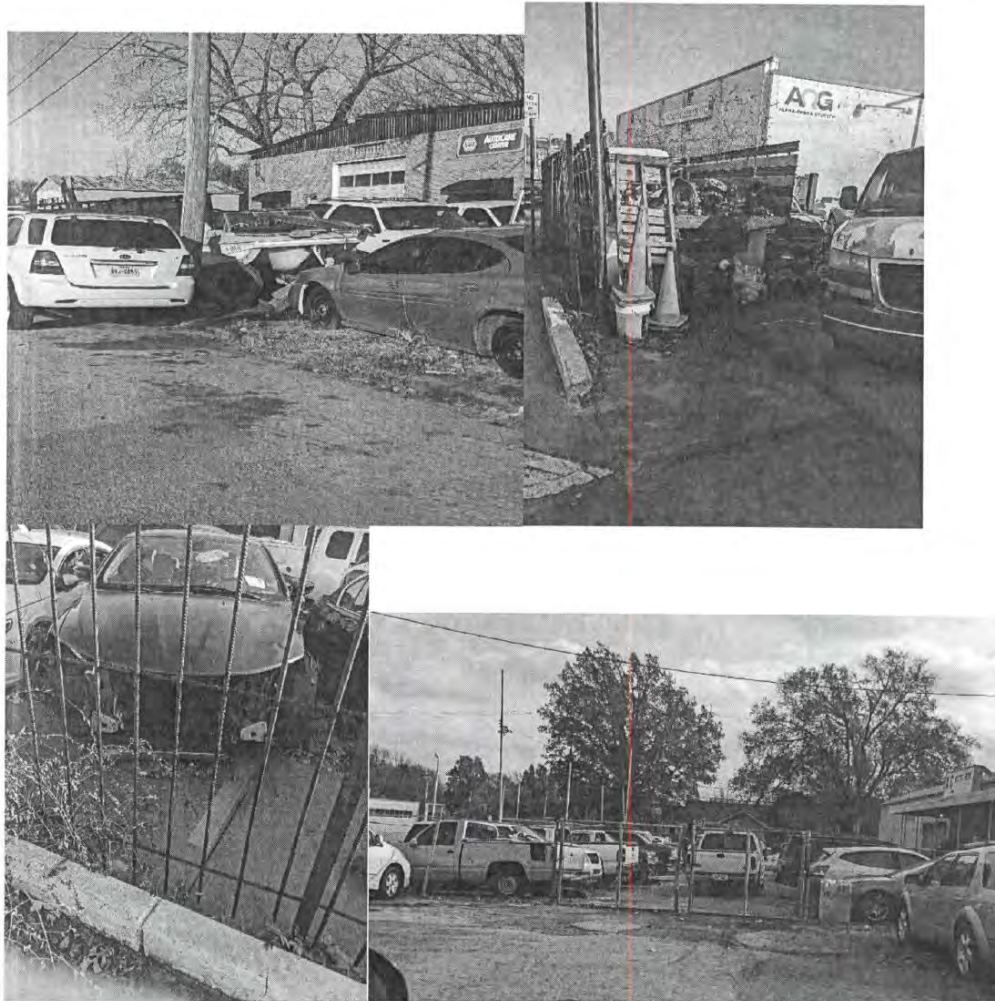
Scott Murray

The following pictures are of nearby C-3 car-lots



The vertical pipes are air-vents
connected to gas tanks STILL IN THE
GROUND according to KDHE









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: December 1, 2022

Re: Petitions COZ2022-036, SP2022-091, and MPL2022-018

GENERAL INFORMATION

Applicant:

Martina Chavez-Jaquez

Status of Applicant:

Property Owner
1403 North 7th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Special Use Permit,
Change of Zone, and Master Plan
Amendment.

Date of Application:

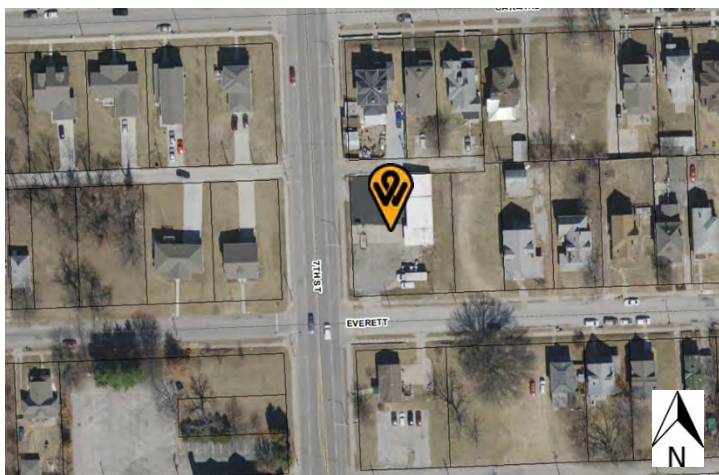
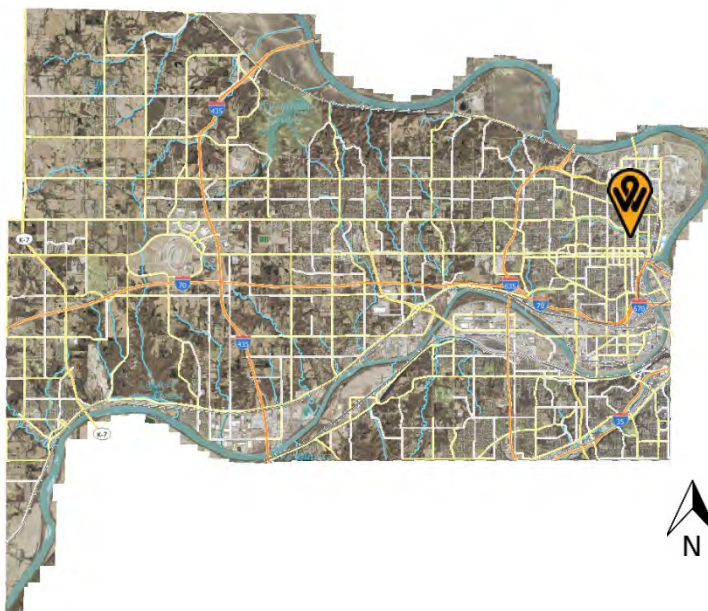
September 30, 2022

Purpose:

Special Use Permit to operate a
light auto repair shop.

Change of Zone from CP-1
Planned Limited Business District
to CP-3 Planned Commercial
District to operate a light auto
repair shop.

Master Plan Amendment from
Neighborhood Mixed-Use
(Northeast Area Master Plan) to



Purpose (Continued):	Neighborhood Commercial (Northeast Area Master Plan).	
Property Location:	1403 North 7 th Street, Kansas City, Kansas 66101	
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #4 Commissioner: Harold Johnson	
Existing Zoning:	CP-1 Planned Limited Business District	
Adjacent Zoning:	North:	RP-2 Planned Two-Family District
	South:	C-0 Non-Retail Business District
	East:	RP-1 Planned Single-Family District
	West:	C-3 Commercial District
Adjacent Uses:	North:	Single-family residence
	South:	Office space
	East:	Vacant residential parcel
	West:	Single-family residence
Total Tract Size:	0.35 Acre	
Master Plan Designation:	The Northeast Area Master Plan designates this property as Neighborhood Mixed-Use, which allows shopping centers and major commercial buildings that serve the wider community and region.	
Major Street Plan:	The Major Street Plan Designates 7 th Street Trafficway as a Class A Thoroughfare.	
Parking Requirement:	Sec 27-464(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.” The applicant is proposing to change the zoning to CP-3 Planned Commercial District. Sec 27-467(e) also 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.” There is 2,464 square feet of floor space. 10 parking spaces will be required on-site, with being an ADA compliant space. The business will also need to create and designate spaces for each type of service they provide and sales inventory. The applicant currently only shows 8 parking spaces provided. 10 parking spaces are required. The applicant is providing 8 parking spaces.	

Parking Required: 10 Spaces

Parking Provided: 8 Spaces

Advertisement:

The Wyandotte Echo – October 20, 2022
Letters to Property Owner – October 21, 2022

Public Hearings:

November 14, 2022 and December 1, 2022

Public Support:

None to date.

Public Opposition:

Staff has received three (3) letters and one (1) phone call in opposition. Two (2) people appeared at the November 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Martina Chavez-Jaquez is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, a Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan), and a Special Use Permit to operate an auto-repair business at 1403 North 7th Street Trafficway.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There is one (1) call for police service, in March of 2020, for theft.

Building, Zoning, or Code Enforcement Complaints:

1. This property has three (3) open Notices of Violation, as well as an extensive history of code enforcement actions.
 - a. 2022 – STR22-0900 – Structural – Damaged Fence
 - b. 2022 – ABT22-2913 – Abatement – Weeds and Trash
 - c. 2022 – ENV22-2890 – Code-Environment – Weeds and Trash
 - d. 2020 – 20299-00384 – Code Admin Citation – Multiple Violations
 - e. 2019 – 19299-04063 – Code Admin Citation – Multiple Violations
 - f. 2019 – 19208-02590 – Vehicle – Box truck without tags
 - g. 2019 – 19200-05701 – Code Admin Citation – Multiple Violations

Outstanding or Related Permits and Cases:

1. The property was listed on the vacant property registration
 - a. 2021 – VPC21-0513 – Vacant property compliance

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is mixed-use in nature, consisting of single-family residences, multi-family residences, non-retail businesses, and several types of commercial businesses. The neighborhood is located along 7th Street Trafficway a Class A Thoroughfare which runs north-south.

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

The zoning and uses are set out above. The proposed use is not compatible with the surrounding residential uses if not managed properly, however, is compatible with the surrounding commercial uses.

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

The removal of the restrictions will not detrimentally affect nearby properties if the proposed use is managed properly, and the conditions are adhered to. 7th Street Trafficway is a mixed-use corridor, and an auto-repair dealership is allowed with a Special Use Permit, Change of Zone, and Master Plan Amendment. The proposed use will be required to conform to the Commercial Design Guidelines.

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

The property has been vacant since 2004. The property was added to the vacant property registry 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 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 7th Street Trafficway, a Class A Thoroughfare.

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

The Northeast Area Master Plan does not address Special Use Permits. The proposed use does not conform to the existing Master Plan designation of Neighborhood Mixed-Use. While this use would require a Master Plan Amendment of the Northeast Area Master Plan to Neighborhood Commercial, staff argues that maintaining the existing the Master Plan designation, combined with the proposed change of zone will allow the property to be used for the intended use in the future.

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. 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*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

Police service is provided by East Patrol, District #117

e. *Fire*

Fire service is provided by Fire Headquarters.

f. *Transit*

The KCATA provides transit service along Route #106 – Quindaro, with a stop located at 7th and Oakland, approximately 200 feet away from the property.

g. Schools

Public Education is provided by Grant Elementary, Rosedale Middle School, and JC Harmon High School of the Kansas City, Kansas USD 500.

h. Streets

The subject property currently accesses 7th Street Trafficway, a Class A 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, as it has historically been used as an automotive repair and detailing business.

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. A denial of this application would cause the business owner to have to find a new location for their business.

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.

Noise, vibration, dust, and illumination are typical issues for this type of use, which could become a nuisance to nearby residences. All service of automobiles must be done inside the building with the doors closed. Additionally, the applicant will be required to install additional landscaping and screening, including an opaque, six (6) foot tall screening fence on the North and East sides of the property.

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

Environmental concerns include fluid leakage from automotive parts and the repair process, as well as gases from the detailing process. If properly managed and maintained, however, the impact should be minimal.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out urban area along an established commercial corridor.

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

The proposed use is not expected to result in undue concentrations of population as there are daily operating hours and will be required to only service a certain number of vehicles. The proposed use, however, may result in the overcrowding of land, as there might not be enough space for vehicles to park and/or maneuver safely throughout the property.

PREVIOUS ACTIONS

There have been no prior planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of October 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Code Enforcement Violations
Landscaping
Screening
Parking
Commercial Design Guidelines
Noise
Dust
Vibration
Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **DENIAL** of Master Plan Amendment **MPL2022-022** due to incompatibility with the Northeast Area Master Plan.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-036**, subject to:

1. The applicant is requesting a Special Use Permit for a property zoned CP-3 Planned Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-091, COZ2022-036, and MPL2022-022. 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;
2. The following requirements of the Commercial Design Guidelines Overlay District have been met:
 - a. Section 27-464(g) 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;
 - b. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
 - c. 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;
 - d. 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;
 - e. Section 27-699(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;
- f. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
3. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and a deviation was denied by the City Planning Commission.
- a. 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;
- b. 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.
4. The applicant shall coordinate with the Kansas Department of Health and Education and the Unified Government Health Department to ensure that any undergrounds storage tanks are properly inspected;
5. Given the proximity to nearby residences, the business will be limited to only work on passenger vehicles; The business shall not work on heavy commercial vehicles, semi-trucks or trailers, or any other heavy equipment;
6. The applicant shall keep the property under to Property Maintenance Standards;
7. The applicant shall install a six (6) foot tall wooden fence with masonry columns every 32 feet running along the eastern and northern property lines;
8. The applicant shall install an ornamental wrought-iron fence with masonry columns every 32 feet along the Western and Southern property boundaries;
9. The applicant shall install one (1) ornamental tree every 30 feet along North 7th Street and Everett Avenue, as well as a combination of hedges, bushes, and shrubs in between each tree;
10. 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;
11. 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;
12. 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;
 13. 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. 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;
 18. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 19. 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;
 20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle

- storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
22. 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;
23. 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,
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

The Planning Commission voted 4 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2022-091**, subject to the above conditions.

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 **COZ2022-036** and **SP2022-091** and **DENIAL** of Petition **MPL2022-022** subject to all comments and suggestions outlined in this staff report and the reasons and conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Photos, Taken by Staff, Dated October 14, 2022
Letters in opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	
Master Plan	November 14, 2022	December 1, 2022
	Denial	
Special Use Permit	November 14, 2022	December 1, 2022
	Approval	

STAFF CONTACT:

James Molloy, Planner
jmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-022**, 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 **MPL2022-022** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-036** 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 **COZ2022-036**, 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-091** 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 **SP2022-091**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:11:00:

MASTER PLAN AMENDMENT MPL2022-022 – MARTINA CHAVEZ-JAQUEZ –

SYNOPSIS: Master Plan amendment from Neighborhood Mixed Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan) at 1403 North 7th Street.

CHANGE OF ZONE APPLICATION COZ2022-036 – MARTINA CHAVEZ-JAQUEZ -

SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District to operate an automotive repair business at 1403 North 7th Street.

SPECIAL USE PERMIT APPLICATION SP2022-091 – MARTINA CHAVEZ-JAQUEZ

- SYNOPSIS: Special Use Permit to operate an automotive repair business at 1403 North 7th Street.

Detailed Outline of Requested Action: The applicant, Martina Chavez-Jaquez is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, a Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan), and a Special Use Permit to operate an auto-repair business at 1403 North 7th Street Trafficway.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The email in opposition submitted by Scott Murray representing a group of homeowners in the immediate vicinity.

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

Present in Support:

- Joselyn, daughter representing the applicant, 1216 South 81st Street, Kansas City, Kansas 66111

Present in Opposition:

- Scott Murray, 625 Everett Avenue, Kansas City, Kansas 66101
- Sylvia King, 617 Freeman Avenue, Kansas City, Kansas 66101

Staff Recommendation starts at 2:23:00: Planning Director Hand stated that this property is in the Northeast Area Master Plan. He stated that no letters in support and three (3) letters in opposition were submitted prior to tonight's meeting. There are Notices of Violation on the property which will be addressed during the redevelopment of this property. Staff recommends denial of the Master Plan Amendment as it is not necessary for this business and should be retained for future development. The applicant only needs the Change of Zone and Special Use Permit to operate the proposed business. Staff has worked diligently with the applicant on this proposal. The applicant is requesting a deviation regarding the circular drive and Staff recommends denial of the deviation. This issue can be resolved during the building permit stage. Staff has conditioned enhanced landscaping for this project and is conditioning service of only passenger vehicles. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 2:27:19:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of MPL2022-022 due to incompatibility with the Northeast Area Master Plan:**

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present

Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

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

On motion by Mr. Ernst, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-036**:

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

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

Subject to:

1. The applicant is requesting a Special Use Permit for a property zoned CP-3 Planned Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-091, COZ2022-036, and MPL2022-022. 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;
2. The following requirements of the Commercial Design Guidelines Overlay District have been met:
 - a. Section 27-464(g) 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;
 - b. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
 - c. 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;
 - d. 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;
- e. Section 27-699(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;
- f. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- 3. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and a deviation was denied by the City Planning Commission.
 - a. 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;
 - b. 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.
- 4. The applicant shall coordinate with the Kansas Department of Health and Education and the Unified Government Health Department to ensure that any undergrounds storage tanks are properly inspected;
- 5. Given the proximity to nearby residences, the business will be limited to only work on passenger vehicles; The business shall not work on heavy commercial vehicles, semi-trucks or trailers, or any other heavy equipment;
- 6. The applicant shall keep the property under to Property Maintenance Standards;
- 7. The applicant shall install a six (6) foot tall wooden fence with masonry columns every 32 feet running along the eastern and northern property lines;
- 8. The applicant shall install an ornamental wrought-iron fence with masonry columns every 32 feet along the Western and Southern property boundaries;
- 9. The applicant shall install one (1) ornamental tree every 30 feet along North 7th Street and Everett Avenue, as well as a combination of hedges, bushes, and shrubs in between each tree;
- 10. 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;
11. 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;
 12. 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;
 13. 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. 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;
 18. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 19. 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;

20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
22. 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:
 - g. 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;
 - h. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - i. 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;
 - j. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - k. 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

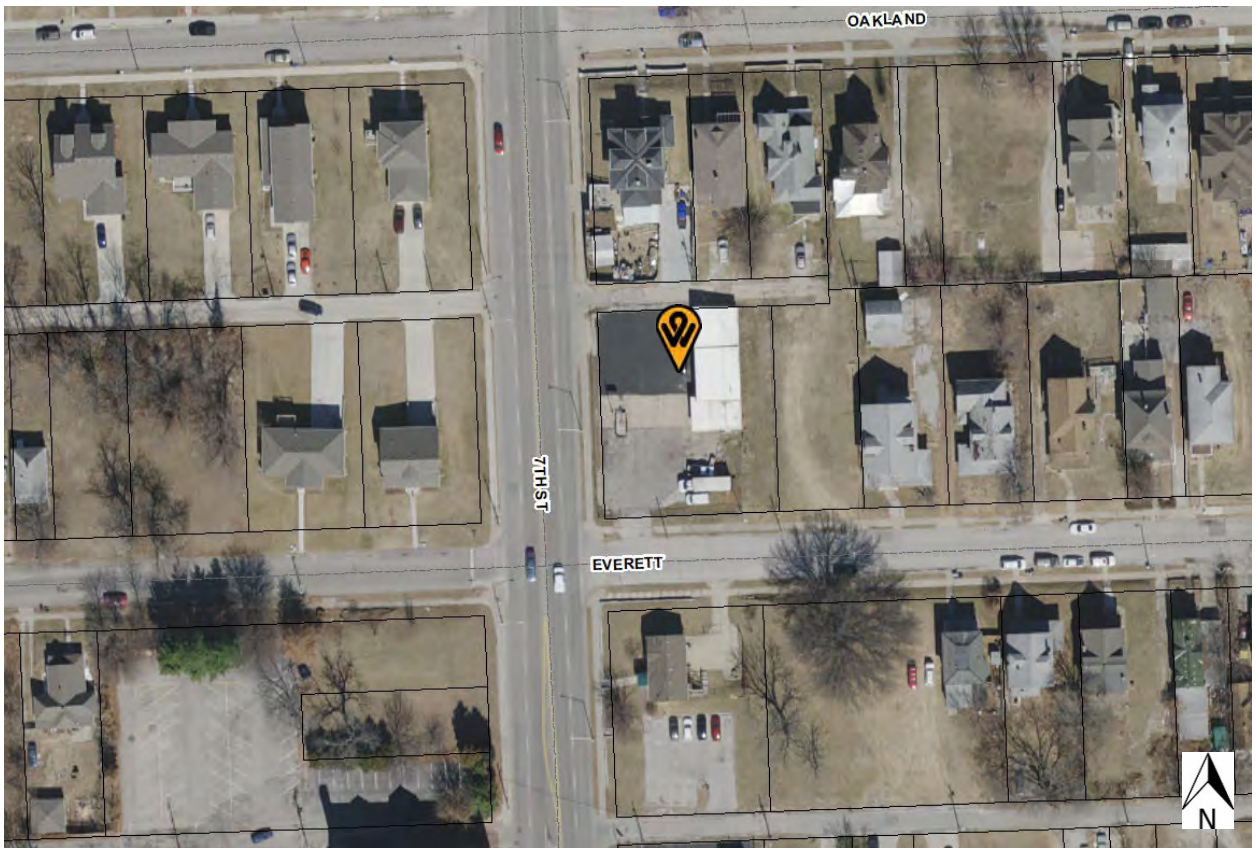
- I. The impacts of the potential costs and benefits derived by the community or area by the proposed change;
23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant 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,
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-91 and denial of the requested deviation from the Commercial Design Guideline request:**

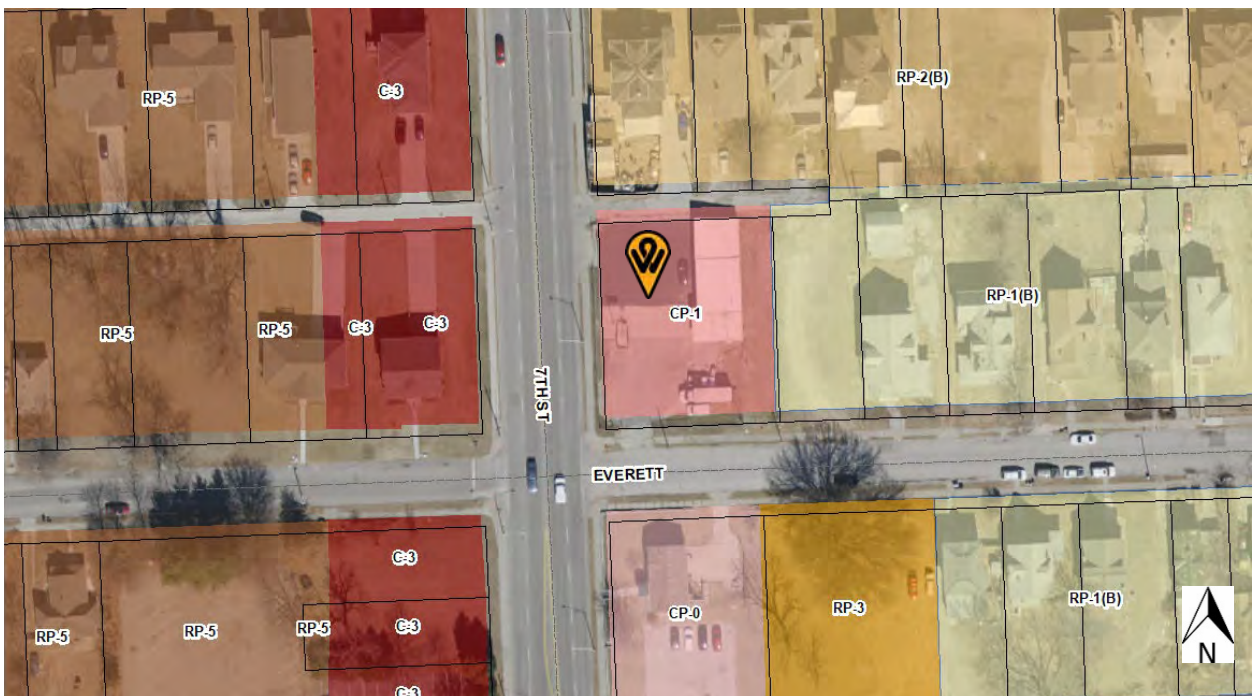
Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	No
Miller	Not Present
Mohler	Aye

Motion to recommend **APPROVAL** Passed: 4 to 2
Subject to the above conditions

AERIAL IMAGERY



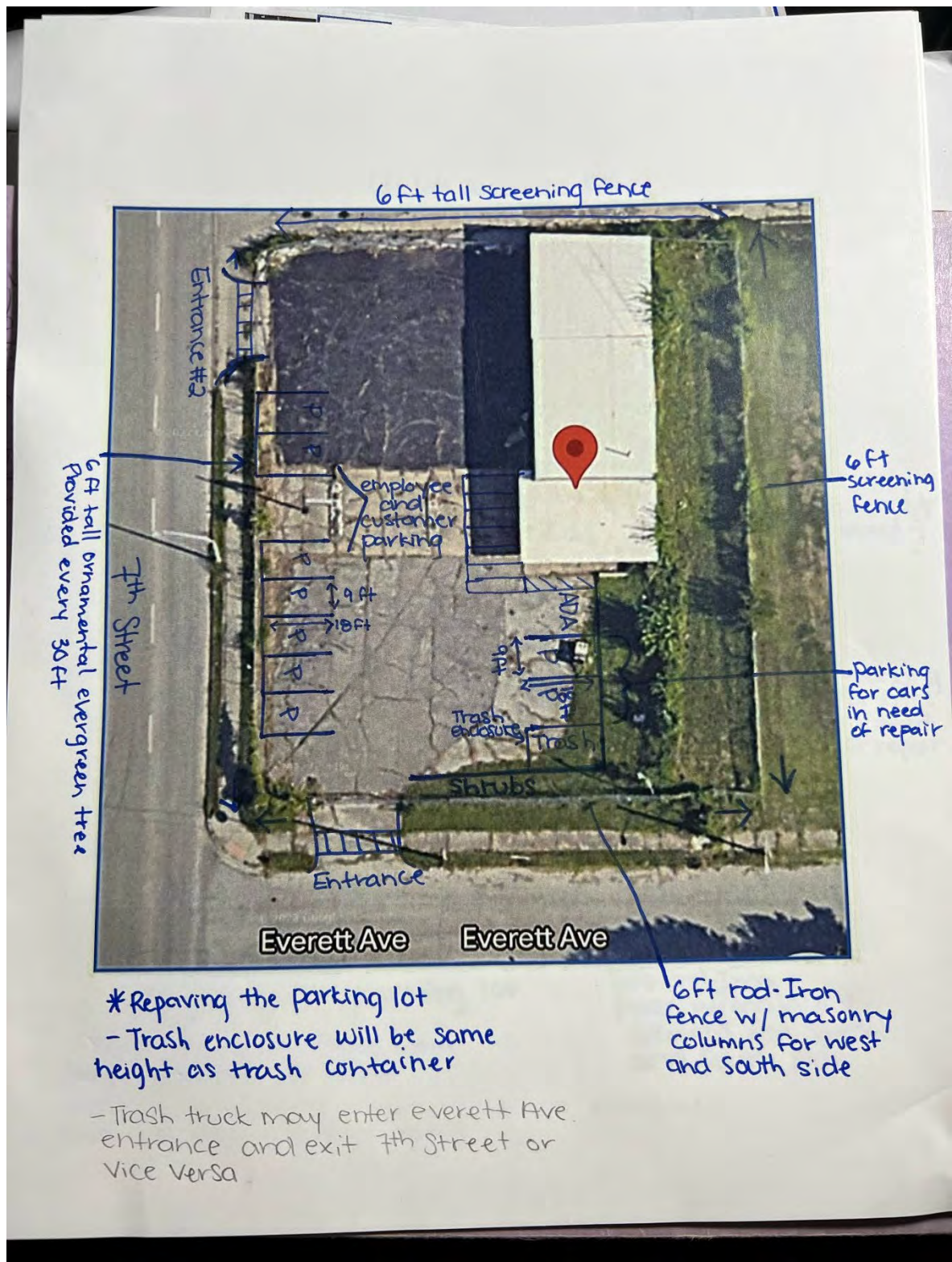
ZONING MAP



LAND USE MAP



SITE PLAN

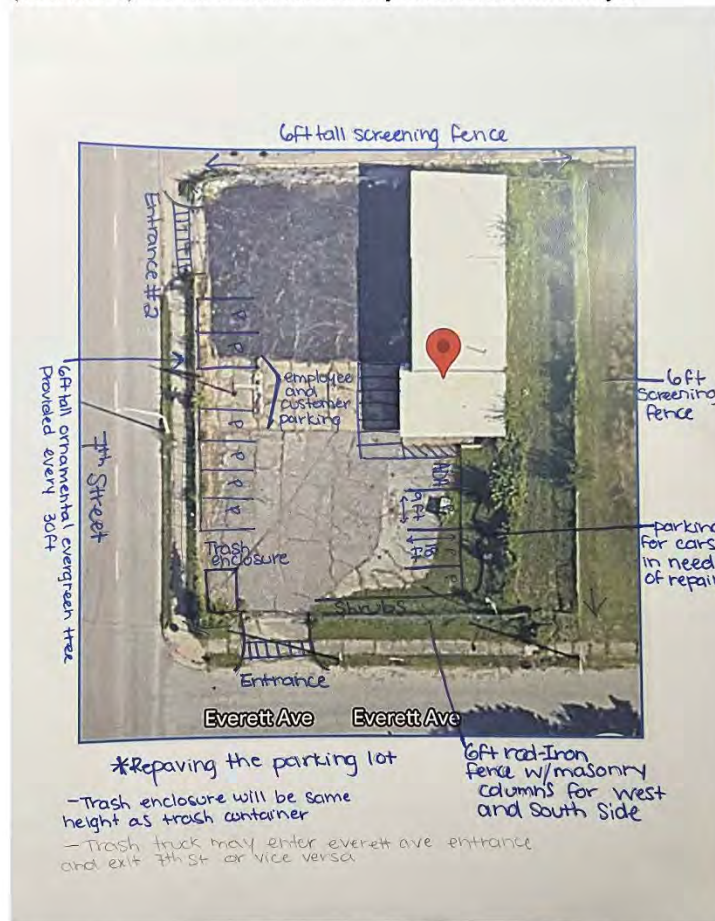


NEIGHBORHOOD MEETING MATERIALS

Regarding the staff comments and suggestion:

General

1. We are actively working on the Code Enforcement cases on the property and will speak to Code Enforcement on Monday, October 31st.
2. I have sent the revised site plan via email to Travis Trumble on Thursday Morning (October 27) and have not received any feedback/comments yet.



3. Purposed hours of operation: Monday- Friday 8am-6pm and Saturday 8am-4pm
4. No more than four cars being worked on at the same time (because there are four car garage door spaces) and possibly up to seven cars waiting.
5. General mechanic such as maintenance, etc
6. No car sales
7. Business will possibly have up to three employees

8. I/We intend to repave the parking lot.

Planning Engineering Comments:

1. On the site there will be cars waiting to be repaired mechanically as well as employee cars. We will be doing maintenance work on vehicles and currently have not had the chance to see if the property has an oil-water separator but we do understand that if the location does not have one we are required to place one. We also understand you need this information and will be in contact.

3. It is planned to repave the parking lot

5. Driveway entrance on 7th street will be opened back up

6. There will be a total of ten parking spaces including an ADA parking spot; all measuring 9 feet wide and 18 feet deep.

7. There will be a screened trash enclosure, the same height as the trash container and a little wider than the trash container. Dump truck will have a clear pathway entrance from either 7th street or Everett ave to come in and out of.

Copy of Neighborhood Meeting Letter

October 17, 2022

Martina Chavez
1403 N 7th Street
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #COZ2022-036/MPL2022-022/SP2022-091. The purpose of this:

- Change of Zone
 - CP-1 (Planned Limited Business District) to CP-3 (Planned Commercial District)
- Special Use Permit
- Master Plan Amendment
 - From Neighborhood Mixed-Use to Commercial

is to operate an automotive repair business at the following address: 1403 N 7th Street
Kansas City, KS 66101.

I/We can be contacted with any comments and/or concerns you may have upon the proposal. At the following email address:

- Joselinelegarreta@yahoo.com
- (913)291-3491

Please do so before the date of October 31, 2022.

Sincerely,
Martina Chavez

Out of the 32 contacts that were contacted, I received one email from Clyde S. Williams Sr. and Victoria Williams from the address 641 Everett Avenue Kansas City Kansas 66101. The email stated:

In regard to application # COZ2022-036/MPL2022-022/SP2022-091

As the owners of 641 Everett Ave, Kansas City, Ks 66101 we do NOT want the automotive business at 1403 N 7th Street Kansas City Kansas approved.

We are concerned about several issues with this proposed business being across the street from our home.

1. Noise pollution from vehicle engines being revved.
2. The emissions from vehicles would destroy our air quality due to a heavy increase of exhaust from cars being repaired and the extra traffic it would bring.
3. The extra traffic and street parking on Everett Avenue. This is a 2 way section of Everett Ave. with parking on both sides. Many of the neighborhood homes do not have driveways so it essentially become a one lane street.
4. It will cause the value of our home to decrease.
5. The possibility of our property taxes being raised.
6. An increase of crime against our neighborhood and property due to the business itself attracting theft in this neighborhood. Crime watch statistics show this to be the case.
7. Our neighborhood has many children that walk to school and play on the block. Their safety is a concern with the added traffic from customers and test driving repaired vehicles.

We have lived here since 2011 and have rehabbed our home, bought the 2 lots to the west of our house, fenced the entire property so that we could have a peaceful area for our family gatherings. We have 8 adult children and their families in this area. What we have worked hard for and went to great expense for will be destroyed on a daily basis if the automotive shop is allowed to open across the street from us.

I would like to know if our names and comments are going to be shared with the people that want to open the business? Also, when and where is a city council meeting being held so that we can attend to protest the opening of this automotive shop? Were the letters about this opening sent to the property owners OR to the people that are renting homes on this block? I ask due to the fact that the opening of a business in this location may have less of an impact on the owner that lives elsewhere and may not be as concerned about our neighborhood.

I hope to receive an answer to my questions soon. Have a nice day.

Williams

Clyde S. Williams Sr. and Victoria

641 Everett Avenue
Kansas City Kansas 66101

As a reply, I/We stated:

Good evening,

As the owners of 1403 N 7th Street, we understand your concerns and hope to bring some sort of comfort from our answers.

- As for the noise pollution, we have been told by city planning that all automobile service must be done indoors with the doors closed. We are also required to place a screening fence on the North and East sides of the property.
- We plan on keeping everything properly managed and maintained where the impact would be minimal.
- As for traffic, this is going to be a small business that will be working on four cars at the same time, and we are required to only park any cars waiting to be serviced on the property lot and do not intend on parking any cars on the street.
- As for crime, we intend to place security cameras once the business is up and running which will hopefully prevent any theft or crime from occurring.

As for questions regarding home value and property taxes can be discussed with city planning much further. As for a meeting, you can contact PlanningInfo@wycokck.org for the official time and date details. Thank you! Have a great day.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Martina Chavez Jaquez, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2022-036/MPL2022-022/SP2022-091.
2. That I conducted a neighborhood meeting on October 21-31, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Martina Chavez Jaquez
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this November day of 1, 2022.

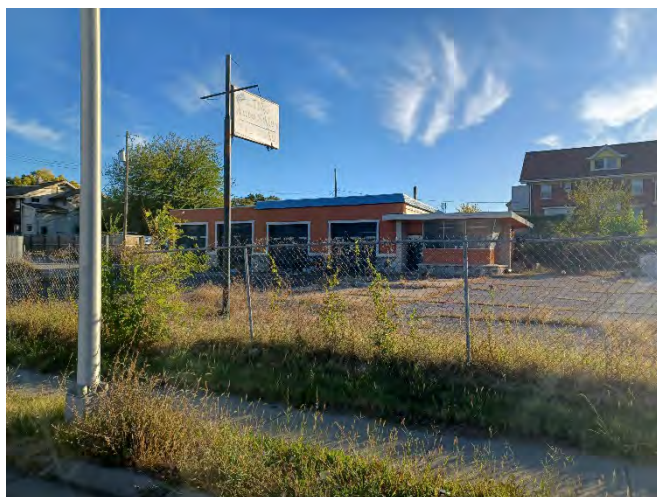
My commission expires November of 1, 2022.

Notary Public

SITE PHOTOS, TAKEN BY STAFF. DATED OCTOBER 14, 2022



SITE PHOTOS, TAKEN BY STAFF. DATED OCTOBER 14, 2022. CONTINUED



This letter is regarding the application for COZ 2022-036/ SP2022-091 / MPL2022-022 at 1403 N 7th street.

We are writing as a group of homeowners in this immediate vicinity. Some of us are next door neighbors to the property in question.

We were **stunned** to see that the UG Planning Department has recommended approval of this application.

Allow us to go the logic and the applicant's information and the UG's position:

1. The applicant is required by UG Law to have 10 off-street parking spots. The applicant can only provide 8 parking spots
2. As stated this property has a history of violating codes. As a resident of this area for almost 20 years this building is a constant eyesore and should have been demolished
3. Under "Factors..." the document clearly states that the proposed use is NOT compatible with the neighborhood
4. #3 under "Factors" states that the proposed use will not be detrimental IF the property is "Managed Properly. What if it is NOT managed properly?
5. Under #5 the document states 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. This is simply not accurate.
6. The nearest auto repair is on N 10th st. They operate ENTIRELY within a building and screened lot. The nearest uses that are similar to this use is layout of the property is at the intersection of N13th St and Washing Blvd (please see attached pictures)
7. #6 states 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
8. How is this possible? As stated earlier the applicant is SHORT of the requirements for on-site parking?
9. #8 states The extent to which the proposed use could cause environmental harm or enhance the environment This is odd as the head of Storage Tanks at KDHE virtually assured that there are gas tanks in the ground currently (see pic of air vents)
10. The economic impact of the proposed use on the community This proposed use brings NO added value to neighborhood in any conceivable way. In fact it has a strong possibility of hurting property values to some properties
11. # 12 states in its entirety The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners. The gain to the public health, safety and welfare would be minimal. **This use could pose a negative impact** to public health if the aforementioned environmental issues are not managed properly, and the property is not properly maintained. A denial of this application would cause the business owner to have to find a new location for their business

12. #13 states 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 This point is dramatically undervalued in the Staff Opinion. Tow trucks and delivery trucks are loud and unconcerned about immediate neighbors
13. Under the section for "Neighborhood Meeting" this is simply hard to believe. We have met with property owners literally next door to this property and directly across the street and NONE of them reported getting a message to neighbors

We, the neighbors and tax payers in this IMMEDIATE area would like to make it abundantly clear that we are **NOT** in favor of granting any part of this application. The reasons are as such:

1. The proposed use is simply incongruous with this quiet residential neighborhood of single-family homes
2. The proposed application will most likely have a negative affect on the street traffic, noise, parking, vehicles and appearance/property values
3. We are justifiably concerned that a lack of enforcement could cause negative aspects of this use to spill over and affect the safety of this busy street and the children and people who live here
4. We are also highly concerned that this section of N 7th street contains about 800 linear feet of C-3 Zoning which could transform this part of N 7th St into an auto/truck focused area.
5. As a neighborhood leader I have spoken face to face with numerous owners in the area who did NOT get a notification from the applicants. Some of these people have adjoining property. The application should be tabled until they fulfill their obligation re notification and subsequent meeting
6. We are exceptionally concerned that the UG and/or KCKPD will not enforce off street parking requirements for this proposed use
7. We have not seen any drawings of what this property will look like
8. We are concerned about traffic and noise increases\
9. According to KDHE, there are still gas tanks in the ground

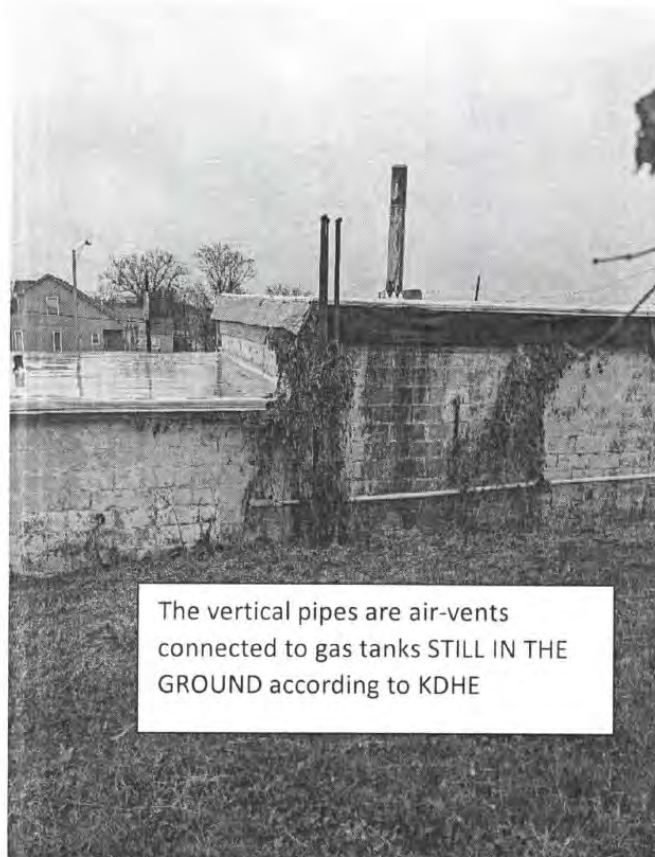
I know from, professional planning experience, experience that whatever the applicants "say" or "intend" may or may not be upheld or enforced. Therefore, we would like this application **denied**.

We would like to ask, would YOU want this in YOUR neighborhood?

Thank you,

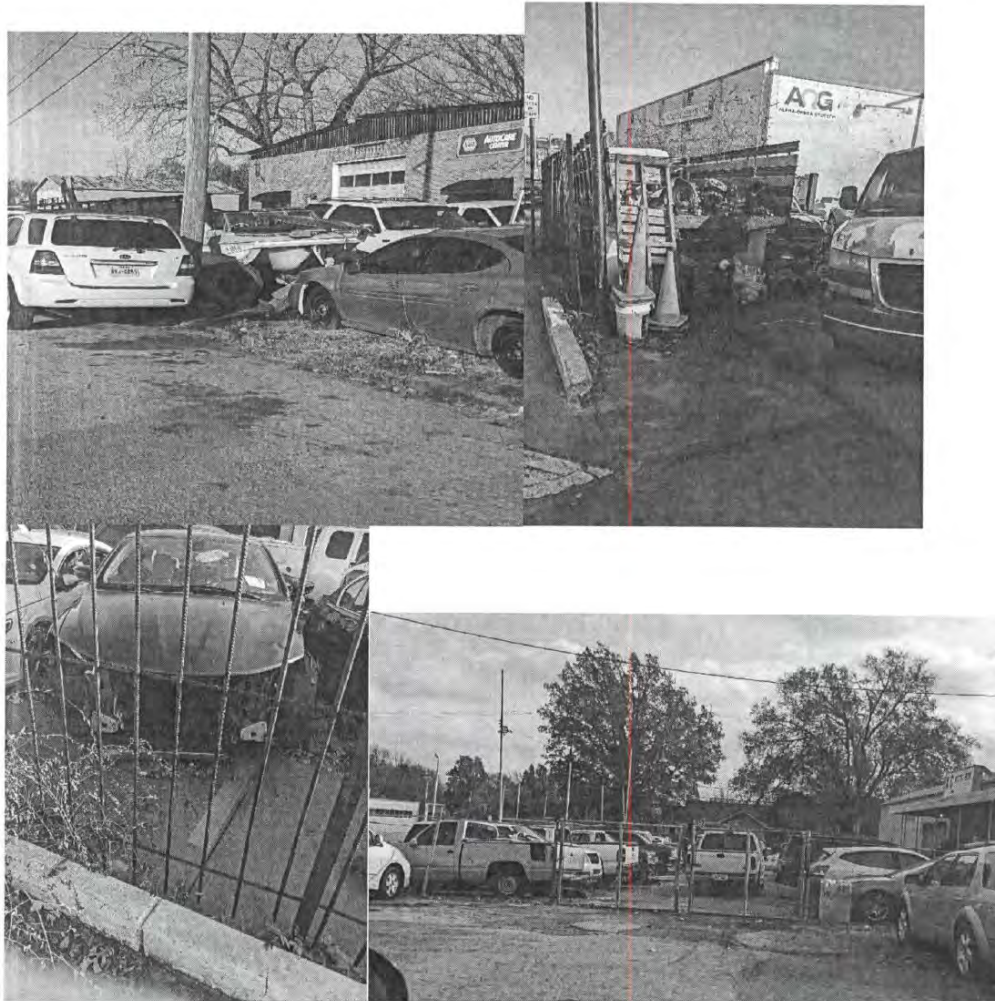
Scott Murray

The following pictures are of nearby C-3 car-lots



The vertical pipes are air-vents
connected to gas tanks STILL IN THE
GROUND according to KDHE









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: December 1, 2022

Re: Petitions COZ2022-036, SP2022-091, and MPL2022-018

GENERAL INFORMATION

Applicant:

Martina Chavez-Jaquez

Status of Applicant:

Property Owner
1403 North 7th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Special Use Permit,
Change of Zone, and Master Plan
Amendment.

Date of Application:

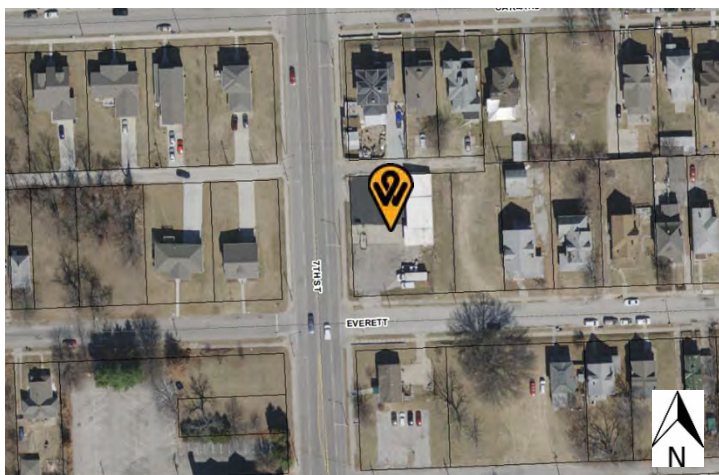
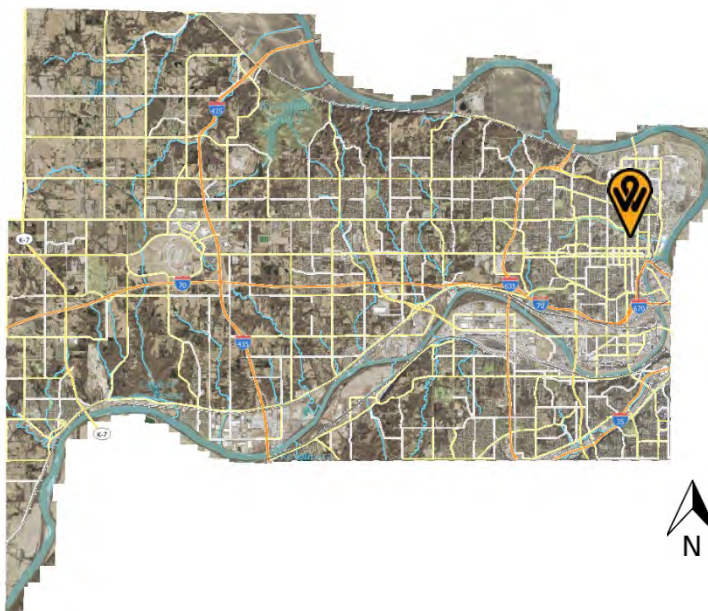
September 30, 2022

Purpose:

Special Use Permit to operate a
light auto repair shop.

Change of Zone from CP-1
Planned Limited Business District
to CP-3 Planned Commercial
District to operate a light auto
repair shop.

Master Plan Amendment from
Neighborhood Mixed-Use
(Northeast Area Master Plan) to



Purpose (Continued):	Neighborhood Commercial (Northeast Area Master Plan).	
Property Location:	1403 North 7 th Street, Kansas City, Kansas 66101	
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #4 Commissioner: Harold Johnson	
Existing Zoning:	CP-1 Planned Limited Business District	
Adjacent Zoning:	North:	RP-2 Planned Two-Family District
	South:	C-0 Non-Retail Business District
	East:	RP-1 Planned Single-Family District
	West:	C-3 Commercial District
Adjacent Uses:	North:	Single-family residence
	South:	Office space
	East:	Vacant residential parcel
	West:	Single-family residence
Total Tract Size:	0.35 Acre	
Master Plan Designation:	The Northeast Area Master Plan designates this property as Neighborhood Mixed-Use, which allows shopping centers and major commercial buildings that serve the wider community and region.	
Major Street Plan:	The Major Street Plan Designates 7 th Street Trafficway as a Class A Thoroughfare.	
Parking Requirement:	Sec 27-464(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.” The applicant is proposing to change the zoning to CP-3 Planned Commercial District. Sec 27-467(e) also 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.” There is 2,464 square feet of floor space. 10 parking spaces will be required on-site, with being an ADA compliant space. The business will also need to create and designate spaces for each type of service they provide and sales inventory. The applicant currently only shows 8 parking spaces provided. 10 parking spaces are required. The applicant is providing 8 parking spaces.	

Parking Required: 10 Spaces

Parking Provided: 8 Spaces

Advertisement:

The Wyandotte Echo – October 20, 2022
Letters to Property Owner – October 21, 2022

Public Hearings:

November 14, 2022 and December 1, 2022

Public Support:

None to date.

Public Opposition:

Staff has received three (3) letters and one (1) phone call in opposition. Two (2) people appeared at the November 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Martina Chavez-Jaquez is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, a Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan), and a Special Use Permit to operate an auto-repair business at 1403 North 7th Street Trafficway.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There is one (1) call for police service, in March of 2020, for theft.

Building, Zoning, or Code Enforcement Complaints:

1. This property has three (3) open Notices of Violation, as well as an extensive history of code enforcement actions.
 - a. 2022 – STR22-0900 – Structural – Damaged Fence
 - b. 2022 – ABT22-2913 – Abatement – Weeds and Trash
 - c. 2022 – ENV22-2890 – Code-Environment – Weeds and Trash
 - d. 2020 – 20299-00384 – Code Admin Citation – Multiple Violations
 - e. 2019 – 19299-04063 – Code Admin Citation – Multiple Violations
 - f. 2019 – 19208-02590 – Vehicle – Box truck without tags
 - g. 2019 – 19200-05701 – Code Admin Citation – Multiple Violations

Outstanding or Related Permits and Cases:

1. The property was listed on the vacant property registration
 - a. 2021 – VPC21-0513 – Vacant property compliance

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is mixed-use in nature, consisting of single-family residences, multi-family residences, non-retail businesses, and several types of commercial businesses. The neighborhood is located along 7th Street Trafficway a Class A Thoroughfare which runs north-south.

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

The zoning and uses are set out above. The proposed use is not compatible with the surrounding residential uses if not managed properly, however, is compatible with the surrounding commercial uses.

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

The removal of the restrictions will not detrimentally affect nearby properties if the proposed use is managed properly, and the conditions are adhered to. 7th Street Trafficway is a mixed-use corridor, and an auto-repair dealership is allowed with a Special Use Permit, Change of Zone, and Master Plan Amendment. The proposed use will be required to conform to the Commercial Design Guidelines.

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

The property has been vacant since 2004. The property was added to the vacant property registry 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 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 7th Street Trafficway, a Class A Thoroughfare.

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

The Northeast Area Master Plan does not address Special Use Permits. The proposed use does not conform to the existing Master Plan designation of Neighborhood Mixed-Use. While this use would require a Master Plan Amendment of the Northeast Area Master Plan to Neighborhood Commercial, staff argues that maintaining the existing the Master Plan designation, combined with the proposed change of zone will allow the property to be used for the intended use in the future.

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. 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*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

Police service is provided by East Patrol, District #117

e. *Fire*

Fire service is provided by Fire Headquarters.

f. *Transit*

The KCATA provides transit service along Route #106 – Quindaro, with a stop located at 7th and Oakland, approximately 200 feet away from the property.

g. Schools

Public Education is provided by Grant Elementary, Rosedale Middle School, and JC Harmon High School of the Kansas City, Kansas USD 500.

h. Streets

The subject property currently accesses 7th Street Trafficway, a Class A 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, as it has historically been used as an automotive repair and detailing business.

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. A denial of this application would cause the business owner to have to find a new location for their business.

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.

Noise, vibration, dust, and illumination are typical issues for this type of use, which could become a nuisance to nearby residences. All service of automobiles must be done inside the building with the doors closed. Additionally, the applicant will be required to install additional landscaping and screening, including an opaque, six (6) foot tall screening fence on the North and East sides of the property.

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

Environmental concerns include fluid leakage from automotive parts and the repair process, as well as gases from the detailing process. If properly managed and maintained, however, the impact should be minimal.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out urban area along an established commercial corridor.

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

The proposed use is not expected to result in undue concentrations of population as there are daily operating hours and will be required to only service a certain number of vehicles. The proposed use, however, may result in the overcrowding of land, as there might not be enough space for vehicles to park and/or maneuver safely throughout the property.

PREVIOUS ACTIONS

There have been no prior planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of October 31, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Code Enforcement Violations
Landscaping
Screening
Parking
Commercial Design Guidelines
Noise
Dust
Vibration
Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **DENIAL** of Master Plan Amendment **MPL2022-022** due to incompatibility with the Northeast Area Master Plan.

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-036**, subject to:

1. The applicant is requesting a Special Use Permit for a property zoned CP-3 Planned Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-091, COZ2022-036, and MPL2022-022. 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;
2. The following requirements of the Commercial Design Guidelines Overlay District have been met:
 - a. Section 27-464(g) 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;
 - b. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
 - c. 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;
 - d. 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;
 - e. Section 27-699(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;
- f. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
3. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and a deviation was denied by the City Planning Commission.
- a. 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;
- b. 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.
4. The applicant shall coordinate with the Kansas Department of Health and Education and the Unified Government Health Department to ensure that any undergrounds storage tanks are properly inspected;
5. Given the proximity to nearby residences, the business will be limited to only work on passenger vehicles; The business shall not work on heavy commercial vehicles, semi-trucks or trailers, or any other heavy equipment;
6. The applicant shall keep the property under to Property Maintenance Standards;
7. The applicant shall install a six (6) foot tall wooden fence with masonry columns every 32 feet running along the eastern and northern property lines;
8. The applicant shall install an ornamental wrought-iron fence with masonry columns every 32 feet along the Western and Southern property boundaries;
9. The applicant shall install one (1) ornamental tree every 30 feet along North 7th Street and Everett Avenue, as well as a combination of hedges, bushes, and shrubs in between each tree;
10. 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;
11. 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;
12. 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;
 13. 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. 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;
 18. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 19. 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;
 20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle

- storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
22. 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;
23. 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,
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

The Planning Commission voted 4 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2022-091**, subject to the above conditions.

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 **COZ2022-036** and **SP2022-091** and **DENIAL** of Petition **MPL2022-022** subject to all comments and suggestions outlined in this staff report and the reasons and conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Photos, Taken by Staff, Dated October 14, 2022
Letters in opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	
Master Plan	November 14, 2022	December 1, 2022
	Denial	
Special Use Permit	November 14, 2022	December 1, 2022
	Approval	

STAFF CONTACT:

James Molloy, Planner
jmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-022**, 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 **MPL2022-022** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-036** 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 **COZ2022-036**, 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-091** 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 **SP2022-091**, 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:11:00:

MASTER PLAN AMENDMENT MPL2022-022 – MARTINA CHAVEZ-JAQUEZ –

SYNOPSIS: Master Plan amendment from Neighborhood Mixed Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan) at 1403 North 7th Street.

CHANGE OF ZONE APPLICATION COZ2022-036 – MARTINA CHAVEZ-JAQUEZ -

SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District to operate an automotive repair business at 1403 North 7th Street.

SPECIAL USE PERMIT APPLICATION SP2022-091 – MARTINA CHAVEZ-JAQUEZ

- SYNOPSIS: Special Use Permit to operate an automotive repair business at 1403 North 7th Street.

Detailed Outline of Requested Action: The applicant, Martina Chavez-Jaquez is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, a Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan), and a Special Use Permit to operate an auto-repair business at 1403 North 7th Street Trafficway.

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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The email in opposition submitted by Scott Murray representing a group of homeowners in the immediate vicinity.

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

Present in Support:

- Joselyn, daughter representing the applicant, 1216 South 81st Street, Kansas City, Kansas 66111

Present in Opposition:

- Scott Murray, 625 Everett Avenue, Kansas City, Kansas 66101
- Sylvia King, 617 Freeman Avenue, Kansas City, Kansas 66101

Staff Recommendation starts at 2:23:00: Planning Director Hand stated that this property is in the Northeast Area Master Plan. He stated that no letters in support and three (3) letters in opposition were submitted prior to tonight's meeting. There are Notices of Violation on the property which will be addressed during the redevelopment of this property. Staff recommends denial of the Master Plan Amendment as it is not necessary for this business and should be retained for future development. The applicant only needs the Change of Zone and Special Use Permit to operate the proposed business. Staff has worked diligently with the applicant on this proposal. The applicant is requesting a deviation regarding the circular drive and Staff recommends denial of the deviation. This issue can be resolved during the building permit stage. Staff has conditioned enhanced landscaping for this project and is conditioning service of only passenger vehicles. Staff recommends approval, subject to the conditions in the staff report.

Motion starts at 2:27:19:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of MPL2022-022 due to incompatibility with the Northeast Area Master Plan:**

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present

Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

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

On motion by Mr. Ernst, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of COZ2022-036**:

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

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

Subject to:

1. The applicant is requesting a Special Use Permit for a property zoned CP-3 Planned Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-091, COZ2022-036, and MPL2022-022. 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;
2. The following requirements of the Commercial Design Guidelines Overlay District have been met:
 - a. Section 27-464(g) 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;
 - b. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
 - c. 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;
 - d. 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;
- e. Section 27-699(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;
- f. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- 3. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and a deviation was denied by the City Planning Commission.
 - a. 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;
 - b. 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.
- 4. The applicant shall coordinate with the Kansas Department of Health and Education and the Unified Government Health Department to ensure that any undergrounds storage tanks are properly inspected;
- 5. Given the proximity to nearby residences, the business will be limited to only work on passenger vehicles; The business shall not work on heavy commercial vehicles, semi-trucks or trailers, or any other heavy equipment;
- 6. The applicant shall keep the property under to Property Maintenance Standards;
- 7. The applicant shall install a six (6) foot tall wooden fence with masonry columns every 32 feet running along the eastern and northern property lines;
- 8. The applicant shall install an ornamental wrought-iron fence with masonry columns every 32 feet along the Western and Southern property boundaries;
- 9. The applicant shall install one (1) ornamental tree every 30 feet along North 7th Street and Everett Avenue, as well as a combination of hedges, bushes, and shrubs in between each tree;
- 10. 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;
11. 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;
 12. 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;
 13. 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 15. 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;
 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. 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;
 18. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 19. 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;

20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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;
22. 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:
 - g. 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;
 - h. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - i. 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;
 - j. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - k. 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

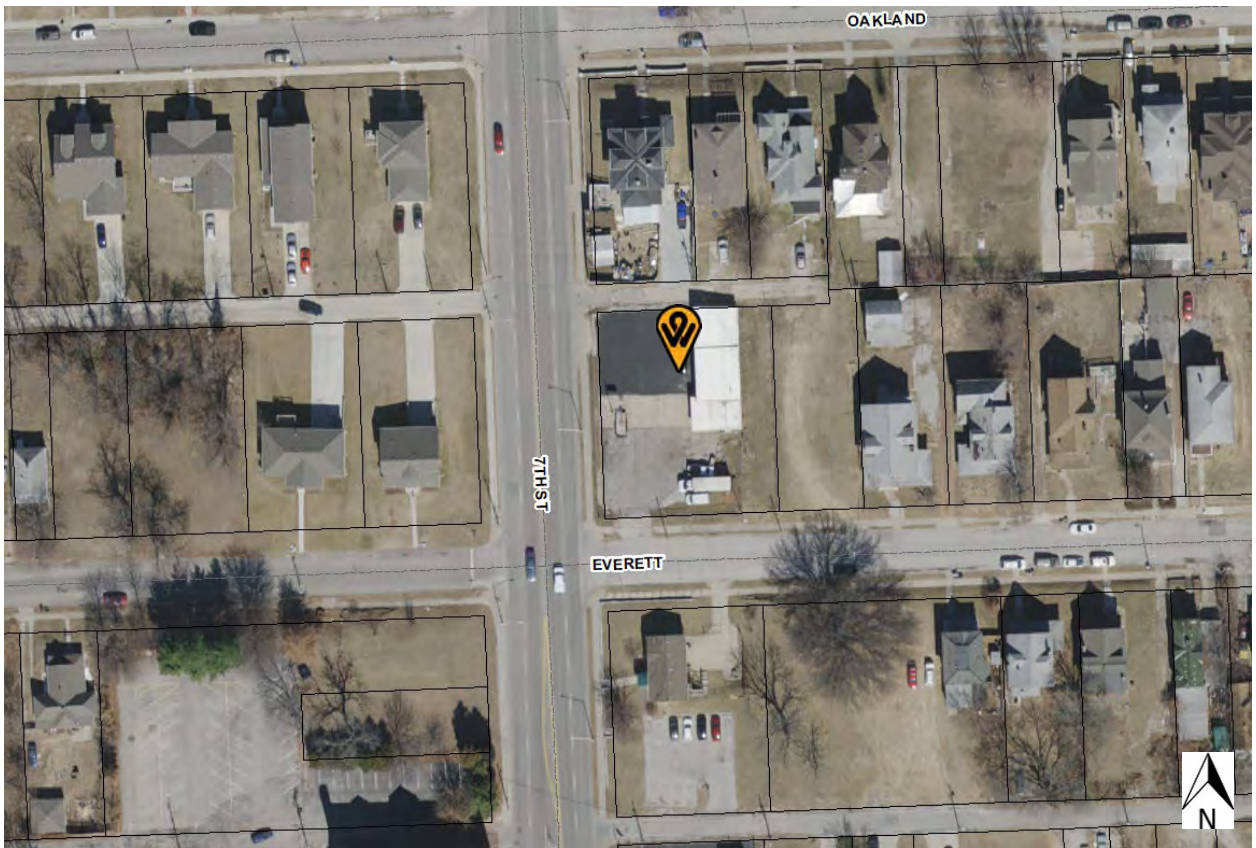
- I. The impacts of the potential costs and benefits derived by the community or area by the proposed change;
23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant 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,
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-91 and denial of the requested deviation from the Commercial Design Guideline request:**

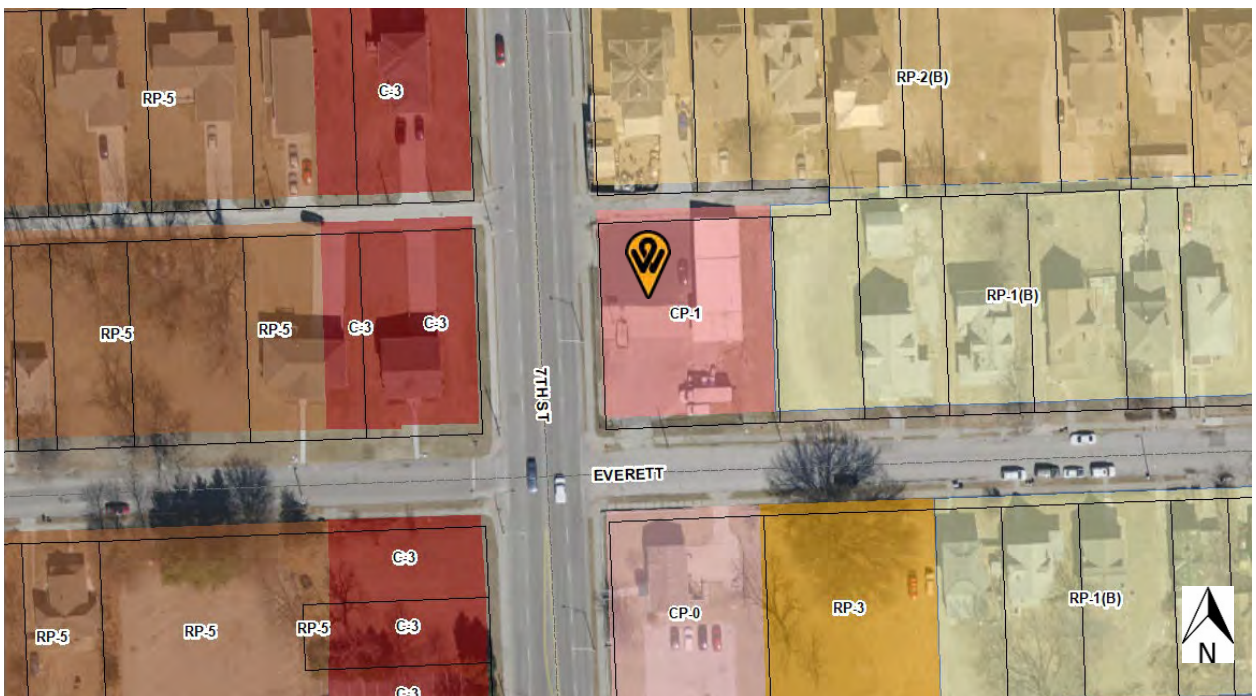
Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	No
Miller	Not Present
Mohler	Aye

Motion to recommend **APPROVAL** Passed: 4 to 2
Subject to the above conditions

AERIAL IMAGERY



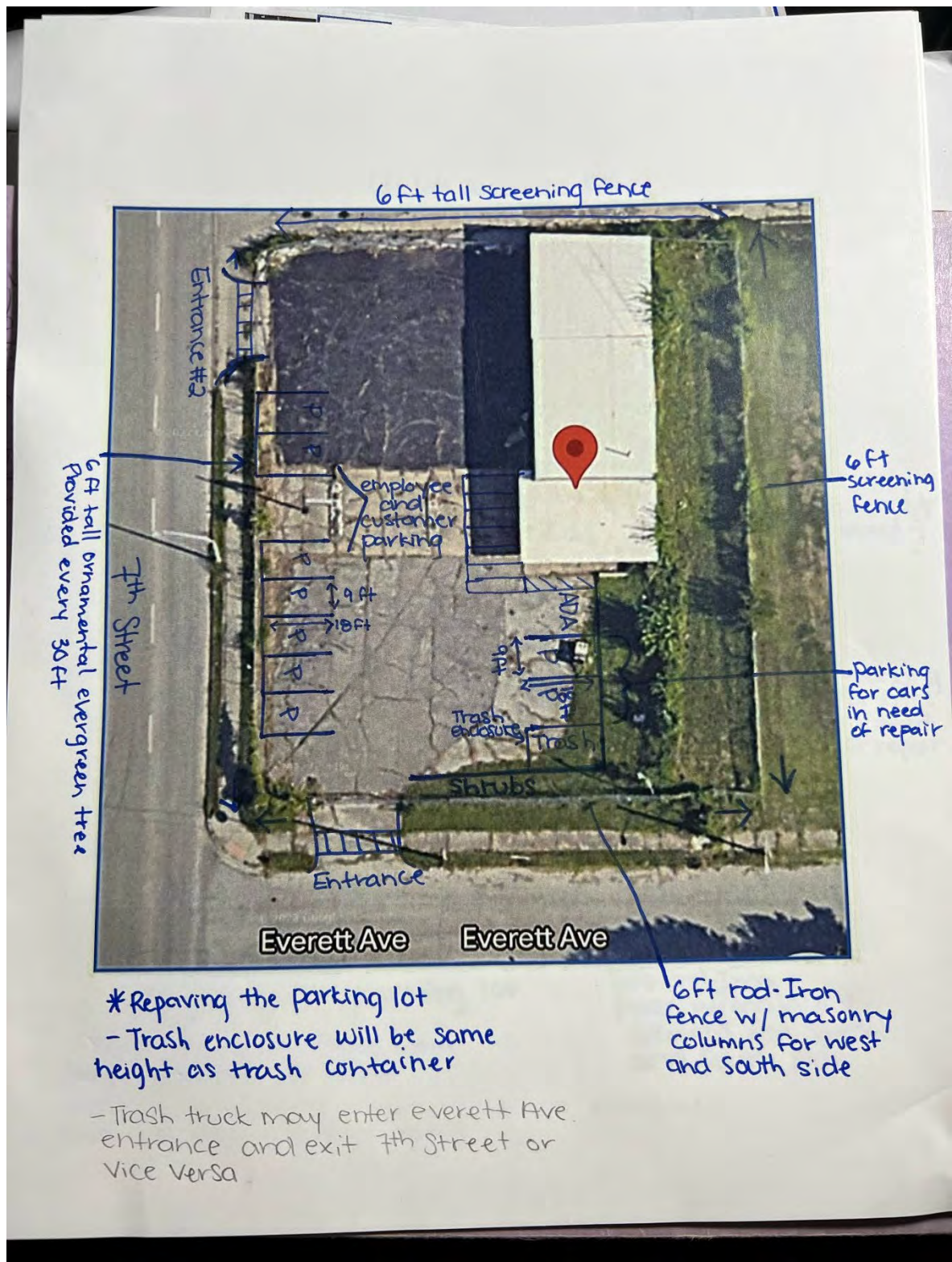
ZONING MAP



LAND USE MAP



SITE PLAN

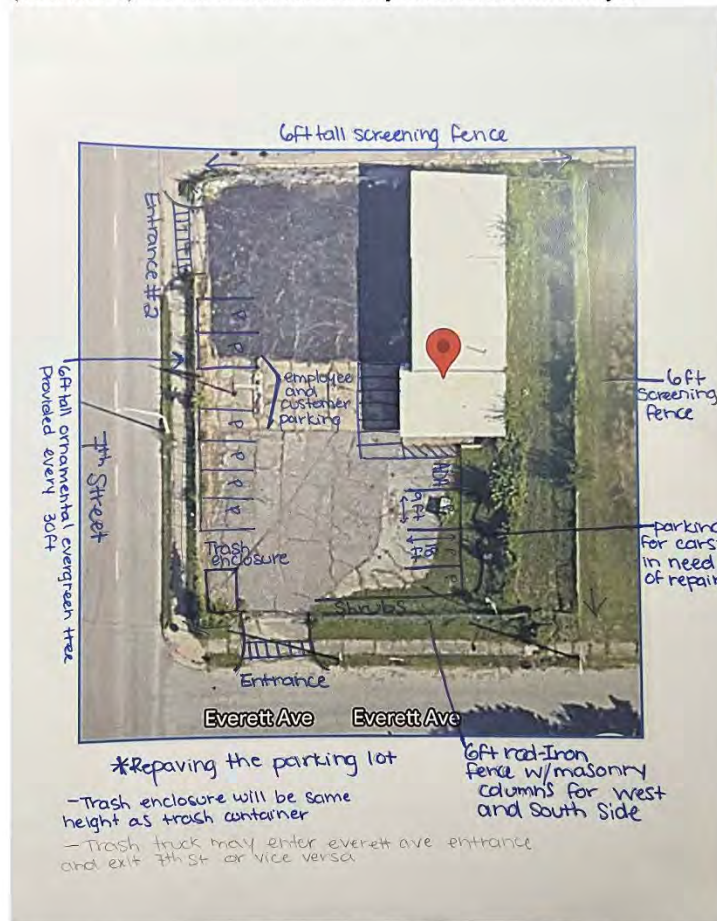


NEIGHBORHOOD MEETING MATERIALS

Regarding the staff comments and suggestion:

General

1. We are actively working on the Code Enforcement cases on the property and will speak to Code Enforcement on Monday, October 31st.
2. I have sent the revised site plan via email to Travis Trumble on Thursday Morning (October 27) and have not received any feedback/comments yet.



3. Purposed hours of operation: Monday- Friday 8am-6pm and Saturday 8am-4pm
4. No more than four cars being worked on at the same time (because there are four car garage door spaces) and possibly up to seven cars waiting.
5. General mechanic such as maintenance, etc
6. No car sales
7. Business will possibly have up to three employees

8. I/We intend to repave the parking lot.

Planning Engineering Comments:

1. On the site there will be cars waiting to be repaired mechanically as well as employee cars. We will be doing maintenance work on vehicles and currently have not had the chance to see if the property has an oil-water separator but we do understand that if the location does not have one we are required to place one. We also understand you need this information and will be in contact.

3. It is planned to repave the parking lot

5. Driveway entrance on 7th street will be opened back up

6. There will be a total of ten parking spaces including an ADA parking spot; all measuring 9 feet wide and 18 feet deep.

7. There will be a screened trash enclosure, the same height as the trash container and a little wider than the trash container. Dump truck will have a clear pathway entrance from either 7th street or Everett ave to come in and out of.

Copy of Neighborhood Meeting Letter

October 17, 2022

Martina Chavez
1403 N 7th Street
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #COZ2022-036/MPL2022-022/SP2022-091. The purpose of this:

- Change of Zone
 - CP-1 (Planned Limited Business District) to CP-3 (Planned Commercial District)
- Special Use Permit
- Master Plan Amendment
 - From Neighborhood Mixed-Use to Commercial

is to operate an automotive repair business at the following address: 1403 N 7th Street
Kansas City, KS 66101.

I/We can be contacted with any comments and/or concerns you may have upon the proposal. At the following email address:

- Joselinelegarreta@yahoo.com
- (913)291-3491

Please do so before the date of October 31, 2022.

Sincerely,
Martina Chavez

Out of the 32 contacts that were contacted, I received one email from Clyde S. Williams Sr. and Victoria Williams from the address 641 Everett Avenue Kansas City Kansas 66101. The email stated:

In regard to application # COZ2022-036/MPL2022-022/SP2022-091

As the owners of 641 Everett Ave, Kansas City, Ks 66101 we do NOT want the automotive business at 1403 N 7th Street Kansas City Kansas approved.

We are concerned about several issues with this proposed business being across the street from our home.

1. Noise pollution from vehicle engines being revved.
2. The emissions from vehicles would destroy our air quality due to a heavy increase of exhaust from cars being repaired and the extra traffic it would bring.
3. The extra traffic and street parking on Everett Avenue. This is a 2 way section of Everett Ave. with parking on both sides. Many of the neighborhood homes do not have driveways so it essentially become a one lane street.
4. It will cause the value of our home to decrease.
5. The possibility of our property taxes being raised.
6. An increase of crime against our neighborhood and property due to the business itself attracting theft in this neighborhood. Crime watch statistics show this to be the case.
7. Our neighborhood has many children that walk to school and play on the block. Their safety is a concern with the added traffic from customers and test driving repaired vehicles.

We have lived here since 2011 and have rehabbed our home, bought the 2 lots to the west of our house, fenced the entire property so that we could have a peaceful area for our family gatherings. We have 8 adult children and their families in this area. What we have worked hard for and went to great expense for will be destroyed on a daily basis if the automotive shop is allowed to open across the street from us.

I would like to know if our names and comments are going to be shared with the people that want to open the business? Also, when and where is a city council meeting being held so that we can attend to protest the opening of this automotive shop? Were the letters about this opening sent to the property owners OR to the people that are renting homes on this block? I ask due to the fact that the opening of a business in this location may have less of an impact on the owner that lives elsewhere and may not be as concerned about our neighborhood.

I hope to receive an answer to my questions soon. Have a nice day.

Williams

Clyde S. Williams Sr. and Victoria

641 Everett Avenue
Kansas City Kansas 66101

As a reply, I/We stated:

Good evening,

As the owners of 1403 N 7th Street, we understand your concerns and hope to bring some sort of comfort from our answers.

- As for the noise pollution, we have been told by city planning that all automobile service must be done indoors with the doors closed. We are also required to place a screening fence on the North and East sides of the property.
- We plan on keeping everything properly managed and maintained where the impact would be minimal.
- As for traffic, this is going to be a small business that will be working on four cars at the same time, and we are required to only park any cars waiting to be serviced on the property lot and do not intend on parking any cars on the street.
- As for crime, we intend to place security cameras once the business is up and running which will hopefully prevent any theft or crime from occurring.

As for questions regarding home value and property taxes can be discussed with city planning much further. As for a meeting, you can contact PlanningInfo@wycokck.org for the official time and date details. Thank you! Have a great day.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

) SS:

COUNTY OF Wyandotte)

Comes now Martina Chavez Jaquez, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2022-036/MPL2022-022/SP2022-091.
2. That I conducted a neighborhood meeting on October 21-31, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Martina Chavez Jaquez
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this November day of 1, 2022.

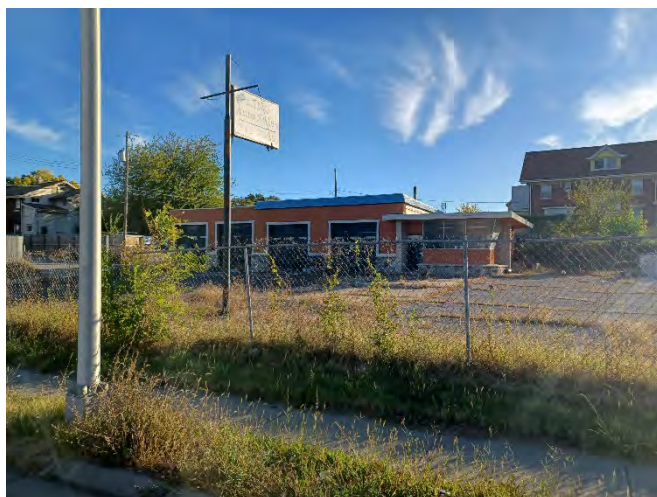
My commission expires November of 1, 2022.

Notary Public

SITE PHOTOS, TAKEN BY STAFF. DATED OCTOBER 14, 2022



SITE PHOTOS, TAKEN BY STAFF. DATED OCTOBER 14, 2022. CONTINUED



This letter is regarding the application for COZ 2022-036/ SP2022-091 / MPL2022-022 at 1403 N 7th street.

We are writing as a group of homeowners in this immediate vicinity. Some of us are next door neighbors to the property in question.

We were **stunned** to see that the UG Planning Department has recommended approval of this application.

Allow us to go the logic and the applicant's information and the UG's position:

1. The applicant is required by UG Law to have 10 off-street parking spots. The applicant can only provide 8 parking spots
2. As stated this property has a history of violating codes. As a resident of this area for almost 20 years this building is a constant eyesore and should have been demolished
3. Under "Factors..." the document clearly states that the proposed use is NOT compatible with the neighborhood
4. #3 under "Factors" states that the proposed use will not be detrimental IF the property is "Managed Properly. What if it is NOT managed properly?
5. Under #5 the document states 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. This is simply not accurate.
6. The nearest auto repair is on N 10th st. They operate ENTIRELY within a building and screened lot. The nearest uses that are similar to this use is layout of the property is at the intersection of N13th St and Washing Blvd (please see attached pictures)
7. #6 states 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
8. How is this possible? As stated earlier the applicant is SHORT of the requirements for on-site parking?
9. #8 states The extent to which the proposed use could cause environmental harm or enhance the environment This is odd as the head of Storage Tanks at KDHE virtually assured that there are gas tanks in the ground currently (see pic of air vents)
10. The economic impact of the proposed use on the community This proposed use brings NO added value to neighborhood in any conceivable way. In fact it has a strong possibility of hurting property values to some properties
11. # 12 states in its entirety The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners. The gain to the public health, safety and welfare would be minimal. **This use could pose a negative impact** to public health if the aforementioned environmental issues are not managed properly, and the property is not properly maintained. A denial of this application would cause the business owner to have to find a new location for their business

12. #13 states 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 This point is dramatically undervalued in the Staff Opinion. Tow trucks and delivery trucks are loud and unconcerned about immediate neighbors
13. Under the section for "Neighborhood Meeting" this is simply hard to believe. We have met with property owners literally next door to this property and directly across the street and NONE of them reported getting a message to neighbors

We, the neighbors and tax payers in this IMMEDIATE area would like to make it abundantly clear that we are **NOT** in favor of granting any part of this application. The reasons are as such:

1. The proposed use is simply incongruous with this quiet residential neighborhood of single-family homes
2. The proposed application will most likely have a negative affect on the street traffic, noise, parking, vehicles and appearance/property values
3. We are justifiably concerned that a lack of enforcement could cause negative aspects of this use to spill over and affect the safety of this busy street and the children and people who live here
4. We are also highly concerned that this section of N 7th street contains about 800 linear feet of C-3 Zoning which could transform this part of N 7th St into an auto/truck focused area.
5. As a neighborhood leader I have spoken face to face with numerous owners in the area who did NOT get a notification from the applicants. Some of these people have adjoining property. The application should be tabled until they fulfill their obligation re notification and subsequent meeting
6. We are exceptionally concerned that the UG and/or KCKPD will not enforce off street parking requirements for this proposed use
7. We have not seen any drawings of what this property will look like
8. We are concerned about traffic and noise increases\
9. According to KDHE, there are still gas tanks in the ground

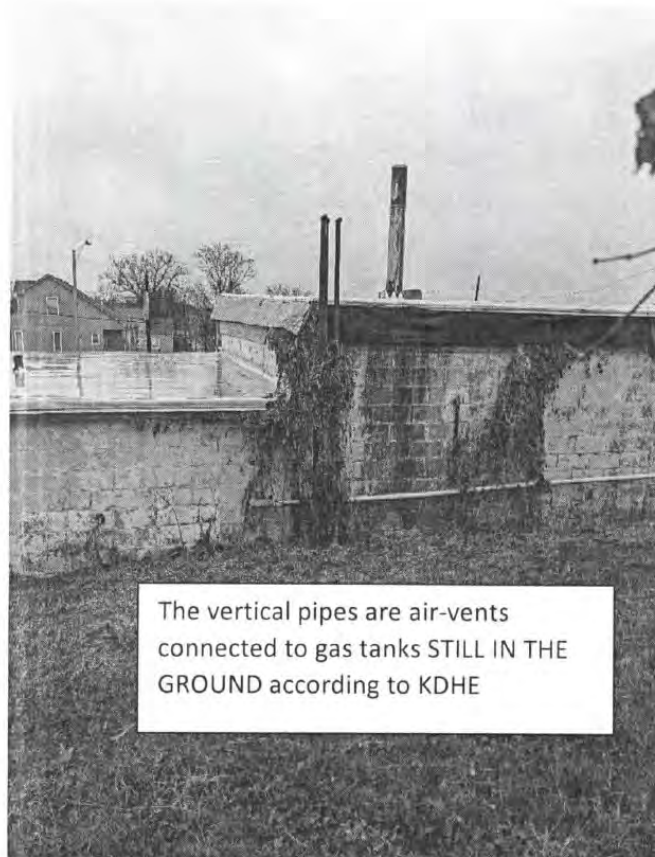
I know from, professional planning experience, experience that whatever the applicants "say" or "intend" may or may not be upheld or enforced. Therefore, we would like this application **denied**.

We would like to ask, would YOU want this in YOUR neighborhood?

Thank you,

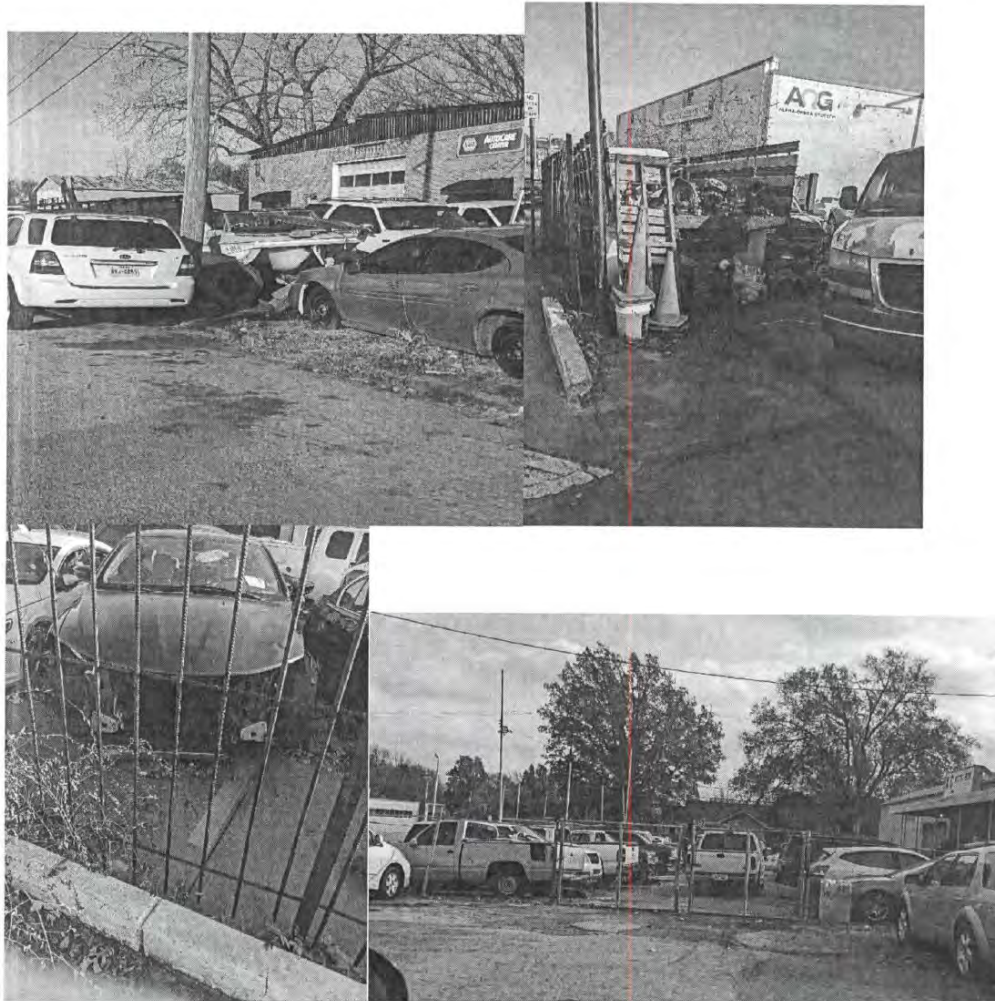
Scott Murray

The following pictures are of nearby C-3 car-lots



The vertical pipes are air-vents
connected to gas tanks STILL IN THE
GROUND according to KDHE









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: December 1, 2022

Re: Special Use Petition SP2022-061

GENERAL INFORMATION

Applicant:
Tom Griefer

Status of Applicant:
Business Representative
with G + G Holdings LLC,
19501 State Avenue
Kansas City, KS 66086

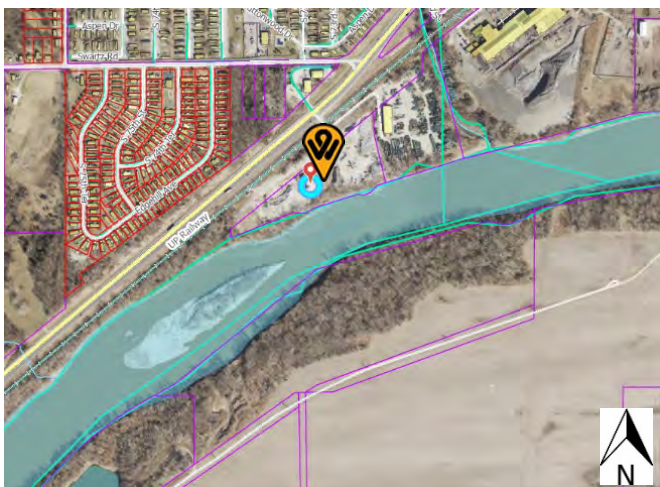
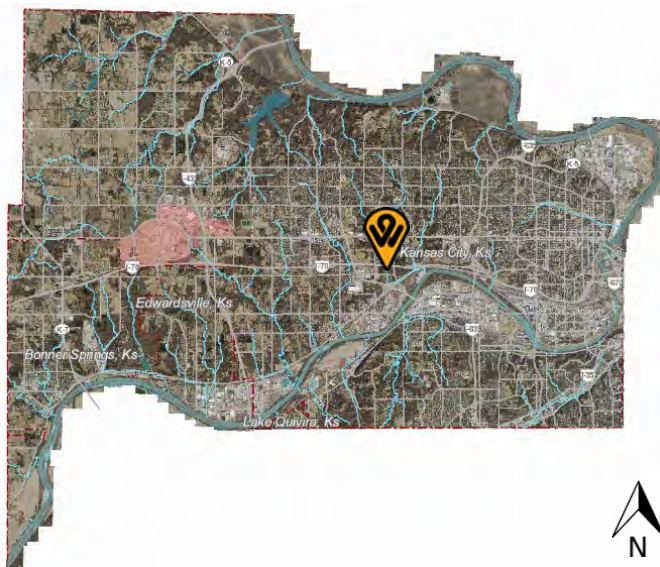
Requested Action:
Renewal of Special Use Permit for
Temporary Use of Land to stockpile
and process concrete materials
(expires August 8, 2022).

Date of Application:
July 11, 2022

Purpose:
To keep stockpiles and process
(crushing and sorting) concrete
materials.

Property Location:
7241 Kaw Drive
Kansas City, KS 66111

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



Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-2 General Industrial District South: R-1 Single Family District (across the river) East: M-3 Heavy Industrial District West: RP-M Planned Mobile Home Park
Adjacent Uses:	North: Industrial sandblasting company and undeveloped land South: Undeveloped Land (across the river) East: Industrial Business Parks West: Mobile Home Park
Total Tract Size:	8.20 Acres
Master Plan Designation:	The City-Wide Master Plan designates this area as Industrial and Floodway which allows industries featuring processing, manufacturing, heavy truck traffic, excessive noise, potentially, noxious uses and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such already occur. Allowed uses include manufacturing, processing, warehousing, distribution, outdoor storage, salvage, industrial related commercial and service uses such as truck stops, services stations, convenience stores, etc. In addition to mining, and mineral extraction.
Major Street Plan:	The Major Street Plan Designates Kaw Drive as a Class A Thoroughfare.
Parking Requirement:	Sec.27-470(f) Parking Standards ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building area be provided. If the site is unable to meet the parking requirement, the applicant will need to obtain a variance.
Advertisement:	<u>The Wyandotte Echo</u> – June 16, 2022 Letters to Property Owner – June 16, 2022, August 1, and October 4, 2022
Public Hearings:	July 11, 2022, July 28, 2022 (Board of Commissioners), August 8, 2022, November 14, 2022 and December 1, 2022.

Public Support: None to date.

Public Opposition: Attached is a letter in opposition and one (1) person appeared in opposition at the November 14, 2022 meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tom Griefer with G + G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2022 – Accident with minor injuries
2. 2020 – (110521) – Accident with Injuries
3. 2019 – Deadly Accident

Building, Zoning, or Code Enforcement Complaints:

1. 2016 - (16396-00107) - Stop Work Order - Completed.
2. 2013 – (12225-00952) - Abatement - Completed.
3. 2013 – (12200-03574) - Code Environment - Completed.

Outstanding or Related Permits and Cases:

1. 2019 – (19410-00025) - Administrative Appeal - Completed.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

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

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

The zoning and uses of properties nearby are set out above. Concrete crushing is not necessarily compatible with the mobile home park across Kaw Drive, but it is a heavy industrial use in an industrial zoning district.

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

A portion of the property has been appropriately mapped and removed from the regulatory floodway and floodplain (Zone AE), which is more suitable for development. The removal of the restrictions will not detrimentally affect nearby property, as this Special Use Permit is temporary in nature.

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

The property is not vacant as it is a currently operating business.

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 Citywide Master Plan designates this property as Industrial and Floodway, which allows industries featuring processing, manufacturing, heavy truck traffic, excessive noise, potentially, noxious uses and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such already occur.

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 increase traffic to the site, but not to the point where it exceeds the capacity of Class A Thoroughfare to accommodate it. While the number of cars is not a concern, there are concerns regarding trucks and vehicles entering and exiting the subject property, which have to cross a railroad track as well as two (2) lanes of K-32. There have been three (3) accidents involving vehicle and trucks entering and exiting the property, being struck by a train. These were determined to be driver error. Additionally, the attached traffic study shows that vehicles during peak hours have on average three (3) seconds to cross the intersection when entering and exiting, well short of the recommended six (6) seconds, creating another potential safety hazard.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality or marketability of adjoining property if the property is raised out by elevation of the floodplain and dust mitigation measures are followed.

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.*

Dust is a significant concern with these types of operations, especially for the residences who live north of the proposed use. Noise and dust that is normally associated with this use could create problems for nearby property. Additionally, landscape screening may be necessary.

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

If mitigation measures are implemented, the proposed use will not pollute the air.

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

The parcel has been raised out of the regulatory floodway by a letter of Map Revision (LOMAR) in 2020 at an elevation of 765.5 feet. If properly operated and maintained, the proposed use will not damage or destroy an irreplaceable natural resource. If mitigation measures are not adhered to, and/or stockpiles are not removed from the floodway, earthen material in the floodway will damage an irreplaceable natural resource. Additionally buffering from the Kansas River may be necessary.

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

The relative gain to the public health, safety, and welfare is minimal compared to the hardship imposed on the landowners. There is potential that if there was a flood, that materials from this site could be washed into the Kansas River, polluting the river. There are also traffic safety issues involving the adjacent railroad track, as there have been three (3) instances of vehicles, including trucks entering/exiting the property being involved in accidents with trains, as well as concerns at the intersection, with speeding vehicles and short gaps for vehicles to clear the intersection. A denial of this application would cause the applicant to have to find another location for their operation.

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

As long as the conditions of approval are met, the proposed use should not result in the overcrowding of land or undue concentrations of population. The proposed use will not cause undue concentrations of population as it is industrial in nature. The proposed use may cause overcrowding of land if stockpiles are not managed properly.

PREVIOUS ACTIONS

SP2019-111 for Temporary Use of Land which expires August 8, 2022

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of May 26, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Dust
Landscaping/Screening/Buffering
Floodway
Traffic
Railroad Crossing
Irreplaceable Natural Resource

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2022-061**, for two (2) years, subject to:

1. The applicant must add a “Right Turn Must Turn” sign (R3-3R) for traffic traveling eastbound along Kaw Drive.
2. Modify the existing signage and add a larger stop sign, signage showing the number of tracks, and larger railroad crossbucks to add more visibility and to comply with MUTCD.
3. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
4. The natural flow of the floodway and floodplain cannot be altered;
5. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
6. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:
 - a) Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - b) Vibration or concussion perceptible without instruments at the property line.
 - c) Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d) Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;

7. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
8. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
9. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
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. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
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. 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;
16. 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

17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid.
18. Install dust mitigation monitoring devices and coordinate with the Public Health Department and all relevant State agencies for its ongoing monitoring.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments: Prior to the July 28, 2022 Board of Commissioners hearing, District 8 Commissioner Chuck Stites brought to attention of staff that there had been three (3) accidents involving trains and trucks that were entering the subject property, as well as one (1) accident involving two (2) passenger vehicles. It should be noted that the accidents were from trucks entering from Kaw Drive, not exiting the subject property.

The case was remanded back to the City Planning Commission to develop a plan to increase safety measures at the railroad crossing from the subject property. Additionally, staff recommends reducing the renewal from five (5) years down to two (2) years to monitor safety and ensure the stipulations of this renewal will be met.

In the “attachments” section of this report are two (2) news articles, regarding the accidents at this crossing.

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 **SP2022-061** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floodplain Map
Site Plan
Boundary Survey
Employee Parking Plan
Traffic Impact Study, Dated October 7, 2022
Letter of Map Amendment (LOMA-R) provided by FEMA
Response to Staff Comments by Applicant June 27, 2022
Neighborhood Meeting Minutes & Affidavit on Dated May 26, 2022
KSHB 41 News Report, October 2019
WIBW 13 News Report, February 2020
Site Photographs taken on June 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-061** 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 **SP2022-061**, 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.

November 14, 2022 City Planning Commission Minutes:

SPECIAL USE PERMIT SP2022-061 – TOM GIEFER WITH G & G HOLDINGS LLC – SYNOPSIS: **SYNOPSIS:** Renewal of a Special Use Permit (SP-2019-111) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive. Detailed Outline of Requested Action: The applicant, Tom Griefer with G + G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive.

Present in Support:

- No one appeared

Present in Opposition:

- Mark Jones, 1038 South 74th Street, Kansas City, Kansas.

Staff Comments: Planning Director Hand stated that this application was heard by the City Planning Commission and Board of Commissioners earlier this year. The Board of Commissioners remanded the application back to the Planning Commission. The Planning Commission requested a traffic study. The trucks leaving this facility have to cross the railroad tracks south of Kaw Drive and there had been accidents in the past which caused concern. One of the accidents resulted in a fatality. Staff has received a traffic study which was reviewed by the County Engineer and he agrees with the conditions of approval for this case. One of the conditions was to replace the existing signage and add additional signage at the railroad crossing entrance. The term of approval has been changed from five (5) years to two (2) years. This is the first renewal. Staff received a letter in opposition today and the testimony this evening. Comments were received by the public today. He further stated that Staff has included dust mitigation conditions of approval. Staff has worked with the applicant on traffic and safety issues and dust mitigation. There have been some old Notices of Violation that have been addressed. He stated that Staff recommends approval subject to the conditions in the staff report. The Commission could hold over this application for the petition in opposition to be filed. Chairman Carson stated that this application has been active for months and there has been sufficient time for the petition to be submitted. Director Hand stated that one of the conditions is that the site will be watered down as needed to control dust mitigation. Chairman Carson stated that if there are violations of the conditions, the Special Use Permit can be brought before the Board of Commissioners for revocation.

The Planning Commission directed questions to Staff regarding environmental issues. Director Hand stated that a condition could be added requiring the applicant to work with the Health Department to install dust mitigation devices.

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of SP2022-061:**

Carson	Chairman
Pauley	Not Present

Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Aye

Motion to recommend APPROVE Passed: 5 to 1

Subject to:

1. The applicant must add a “Right Turn Must Turn” sign (R3-3R) for traffic traveling eastbound along Kaw Drive.
2. Modify the existing signage and add a larger stop sign, signage showing the number of tracks, and larger railroad crossbucks to add more visibility and to comply with MUTCD.
3. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
4. The natural flow of the floodway and floodplain cannot be altered;
5. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
6. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:
 - e) Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
 - f) Vibration or concussion perceptible without instruments at the property line.
 - g) Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - h) Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
7. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
8. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
9. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;

10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
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. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
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. 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;
16. 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
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid.

18. Install dust mitigation monitoring devices and coordinate with the Public Health Department and all relevant State agencies for its ongoing monitoring.

ATTACHMENTS

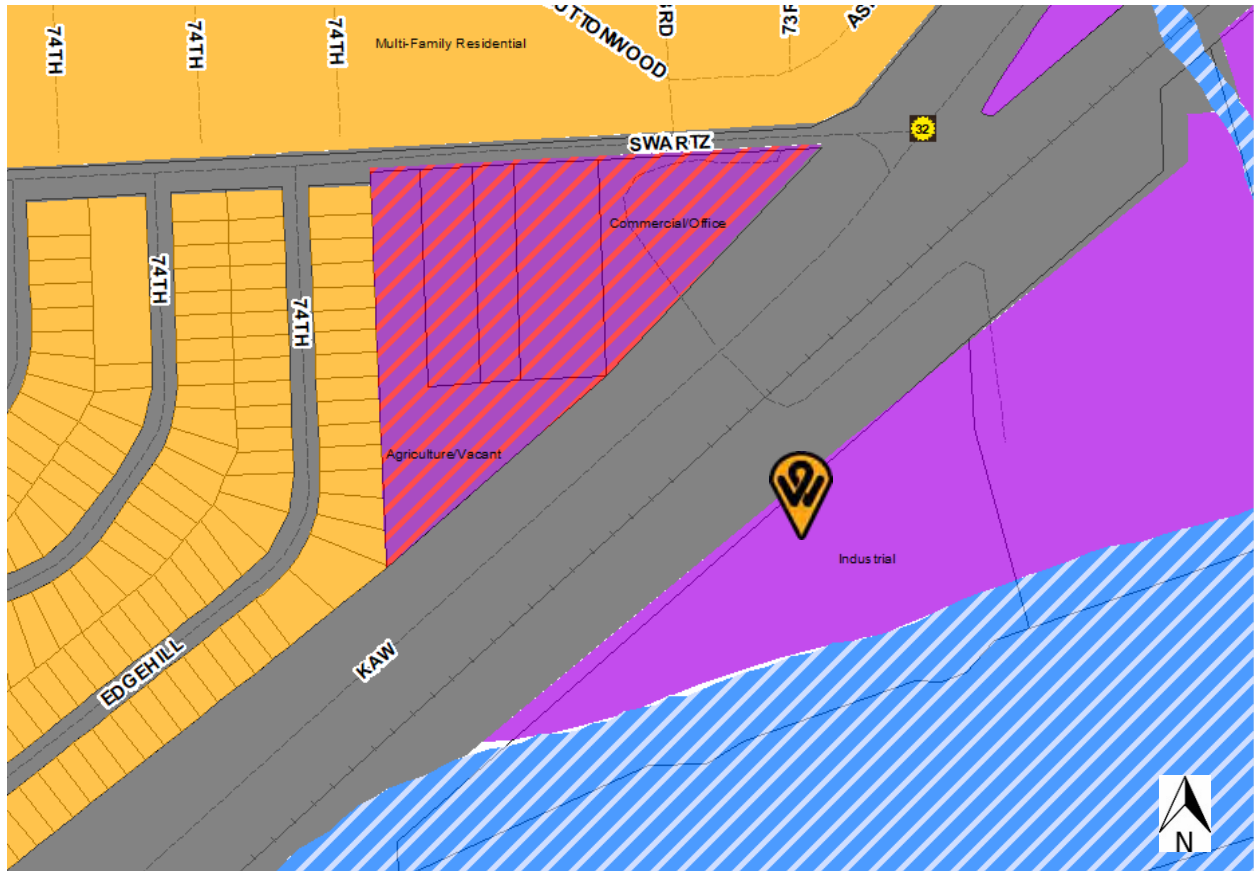
AERIAL IMAGERY



ZONING MAP



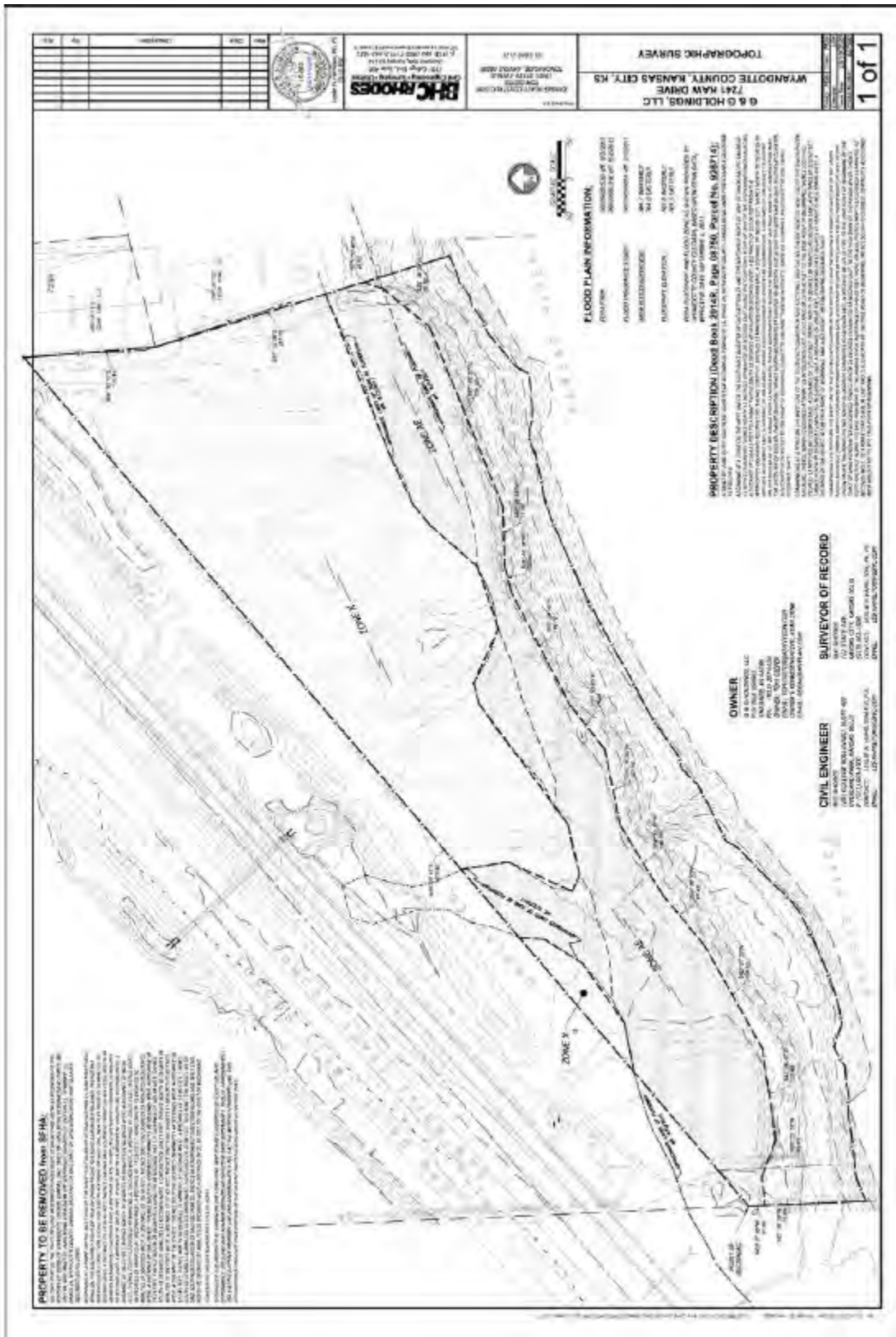
LAND USE MAP



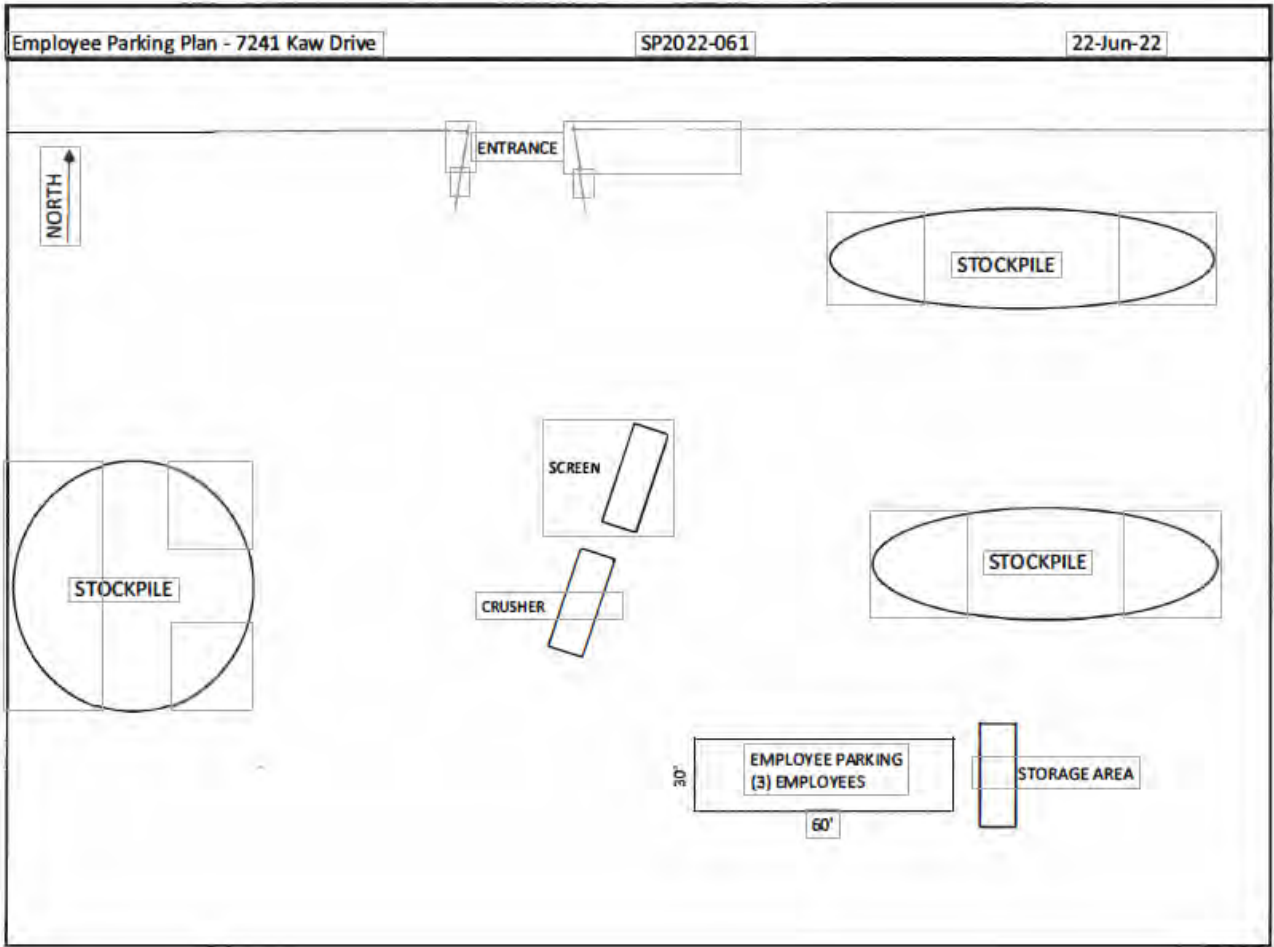
FLOODPLAIN MAP



BOUNDARY SURVEY



EMPLOYEE PARKING PLAN



Introduction

Kansas Heavy applied for a Special Use permit with the Unified Government for their existing operations (rock and concrete crushing) at 7241 Kaw Drive in Wyandotte County, Kansas City, Kansas. These same operations have been ongoing since around 2015.

A public hearing for a Special Use Permit was held by the Unified Government Planning Commission on July 28th, 2022. During the public hearing, one of the Planning Commission members requested that a Traffic Study be completed for the subject property. The basis of the request was the fact that there had been two somewhat recent accidents at the RR track crossing leading to the subject property.

Continental Consulting Engineers, Inc. (CCEI) has been retained by Kansas Heavy to review the intersection for safety in association with the Unified Government request and to provide recommendations for any improvements that can be made. The intersection in question is a private access drive to the south of Kaw Drive (K-32) and serves two properties, Kansas Heavy (7241 Kaw Drive) and a dumpster repair operation for Deffenbaugh Disposal (7259 Kaw Drive). A second private drive to the north serves a separate business. Refer to **Appendix "A", Figure 1**.

Existing Conditions

Kaw Drive (K-32) is a four lane divided highway with turn bays provided for the east bound right (50') and the west bound left (80') turn movements at the location of the private access drive. Railroad Ahead Advance warning signage is provided along Kaw Drive in both the eastbound/westbound direction in advance of the private drive/rail crossing indicating a rail crossing to the south of Kaw Drive. Kaw Drive has a posted speed limit of 55 mph. Refer to **Appendix "A", Figure 1**.

The private access drive serving the subject property to the south is a two lane undivided road with 50' curb radii at its intersection with Kaw Drive. There is approximately 45' of throat distance between the EB thru lanes and the Stop Sign/Rail Crossing sign located to the north of the tracks. A secondary drive (serving Deffenbaugh) intersects the private access drive in a T configuration just south of the rail crossing. There is no posted speed limit for the private drive but vehicles would generally approach from the north/south at a speed of approximately 10mph to 15 mph. Refer to **Appendix "A" Figure 1/Figure 2**.

The Union Pacific Railroad (dual lines) runs parallel to Kaw Drive and is approximately 65' south of the highway west of the intersection and starts diverging from a distance of 65' just east of the intersection to approximately 140' just south of the intersection of Kaw Drive with Swartz Road. The railroad track is

generally elevated above the adjacent grade and visibility of the Rail from Kaw Drive would be considered good to excellent.

Existing Intersection Signage:

In addition to the signage identified in the existing conditions section, refer to **Appendix "A" Figure 2** for intersection signage at the intersection of Kaw Drive with the private access drive.

As it pertains to existing signage, Railroads generally maintain active warning signals and crossbuck, multiple track, whistle and emergency notification signs.

Public road authorities generally maintain all other signage including stop signs, yield signs, advance warning signs and pavement markings.

Existing Background Traffic (Passenger Vehicles):

Intersection movement data was collected over a 24 hour period on 9/20/22 thru 9/21/22 at the intersection of Kaw Drive with the private access drive serving the subject properties. Traffic Data was collected for both Trains and Passenger Vehicles during these hours.

The weekday A.M. peak hour for passenger vehicles was found to occur between the hours of 7:00 A.M. and 8:00 A.M. with approximately 943 vehicles moving through the intersection. Of these vehicles, 9 are entering and 16 are exiting from the private access drive.

The weekday P.M. peak hour for passenger vehicles was found to occur between the hours of 3:30 P.M. and 4:30 P.M. with approximately 1040 vehicles moving through the intersection. Of these vehicles, 4 are entering and 12 are exiting from the private access drive.

The hours of operation for Kansas Heavy are between 7:30 A.M. to 5:00 P.M., Monday through Friday. As we can see from the data outlined above, the private access drive has a fairly low volume of traffic.

The traffic volumes collected mirror the workday for Kansas Heavy and Deffenbaugh. Of the total daily traffic leaving the private access drive, 45 vehicles (37%) make left turns and 76 vehicles (63%) make Right Turns. Refer to **Appendix C** for a full summary of data.

Existing Background Traffic (Trains):

There are two tracks for the Unified Pacific Railroad that parallel Kaw Drive (K-32). A Total of 39 trains moved through the rail crossing at the private access drive with 14 trains (36%) westbound and 25 trains (64%) Eastbound. A cursory review of the train video indicates that trains can move approximately 200 rail

cars at one time blocking the track for approximately 4 minutes. 24 hour video is available if additional information is required.

For purposes of this Study, we are only concerned with the number of trains during the typical work day for Kansas Heavy between the hours of 7:00 A.M. and 6:00 P.M. During this time of day, a total of 22 trains moved through the rail crossing at the private access drive with 8 trains (36%) westbound and 14 trains (64%) Eastbound. Refer to **Appendix C** for a full summary of data.

Existing Speed Study:

A 24 hour speed study was conducted on 9/20/22 thru 9/21/22 at the intersection of Kaw Drive with the private access drive serving 7241 Kaw Drive. This information was collected to determine if there were available gaps for left turning vehicles and to determine if speed limits were being observed. The total recorded volume for the 24-hour period was 10,980 vehicles. Refer to **Appendix B** for a full summary of data.

The number of passenger vehicles in the study was 9246 or 85% of total vehicles classified, Vans and Pickups were 715 or 7% of total vehicles classified, and Busses and Trucks were 909 or 8% of the total vehicles classified.

The posted speed limit along this section of highway is 55 MPH. The mode speed for this traffic study was 50 MPH and the 85th percentile speed was 62.42 MPH. Forty-six (46%) of the total vehicles were traveling in excess of 55 MPH.

During the peak traffic period (3:30 PM - 3:45 PM), the average headway between vehicles was 3.061 seconds.

Generally, left turning vehicles crossing two lanes of traffic require an approximate gap of between 6 seconds and 8 seconds depending on the type of vehicle. What this means is that during peak hours, vehicles may need to wait longer to find an available gap.

A review of the speed data would indicate that there is a significant number of vehicles exceeding the speed limit reducing the available gaps. From the data, it is apparent that additional police surveillance may be required to bring vehicles more in line with the posted speed limit.

Accident Information:

Accident information was requested for the last five years through the Kansas Open Records Act (KORA) and received from both the KDOT Bureau of Transportation Safety and the Unified Government Police Department. There have been a total of four accidents at the subject intersection over the last five years. Refer to **Appendix "A" Table 1** for a summary of Accident Information.

Accident reports available upon request. A review of the accidents yields the following:

- Three (3) of the four (4) accidents have been between vehicle and train.
- One (1) accident resulted in significant damage and a fatality.
- All accidents appear to be driver error as is typically the case.
- All accidents have occurred during the daytime hours when visibility would generally be considered good.

There is nothing significant to be gained from the accident information other than it appears that all vehicles involved in vehicle/train collisions should have reasonably been able to observe the oncoming train and either failed to yield/stop or failed to correctly judge the speed of the oncoming train.

Proposed Signage:

Based on a review of existing conditions, it is proposed that additional signage be considered. Refer to **Appendix "A", Figure 2** for a summary of existing and proposed signage. There are a total of three existing sign posts (2 with multiple signs) and one proposed sign at the intersection of Kaw Drive with the Private Access Drive to the south.

At this point in time, the only recommended sign is the addition a right-turn must turn right sign (R3-3R) for the EB Right. This sign will provide a measure of safety for a vehicle making a left/right from the private access drive.

There is some concern about the storage distance between the north side of the railroad tracks and the south side of the Kaw Drive EB right. Approximately 45 vehicles make a NB Left at this intersection during a 24 hour period. Not allowing this movement will cause some adjustment to traffic flow but a NB No left turn sign (R3-2) should be considered as this will help alleviate the rear end of vehicles from encroaching into the tracks.

In addition to the above, the existing sign structures labeled Existing Sign 1 and Existing Sign 2 in **Appendix "A", Figure 2** should be further evaluated by the Unified Government and the Union Pacific Railroad to bring more in line with **Appendix A, Figure 8B-2**, Crossbuck Assembly with a Stop Sign on the Crossbuck Sign Support from the (MUTCD). As a minimum, a larger Stop Sign (R1-1) and the addition of the number of tracks (R15-2p) sign should be evaluated.

Recommendations:

Based on my review of field conditions and the Traffic Data, the following items should be taken under consideration:

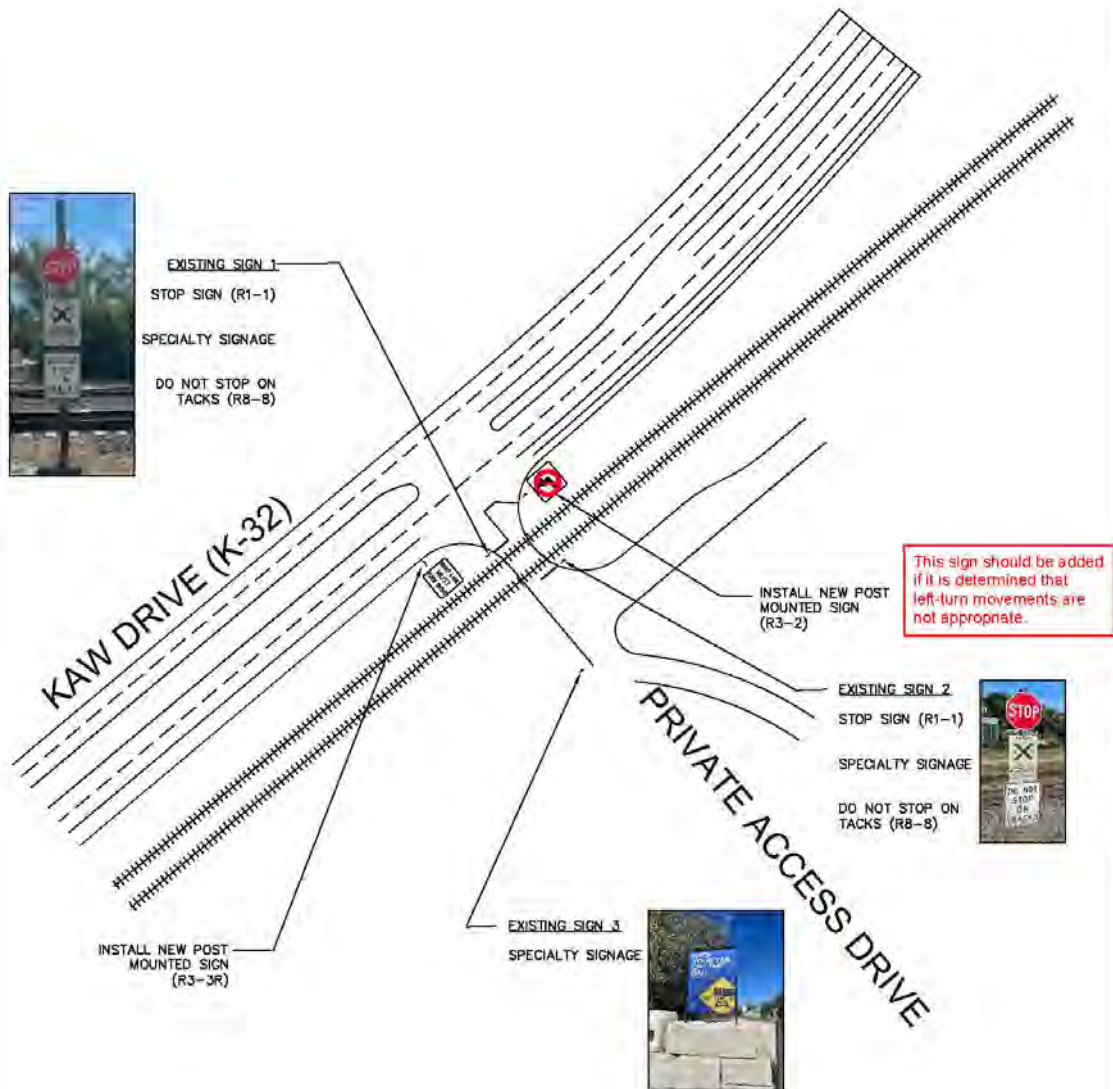
- Add a Right-turn must turn right sign (R3-3R) for the Kaw Drive EB Right.
- Consider Adding a No Left Turn Sign at the intersection of Kaw Drive (K-32) and the Private Drive to the South restricting NB Lefts.
- Consider Modifying Existing Sign #1 and Sign #2 to add a larger Stop Sign, # of tracks Sign (2), and larger Crossbucks making the rail crossing more evident.

The above recommendations/considerations should be discussed with both the Unified Government, KDOT, and the Union Pacific Railroad in an effort to make this a safer intersection.

Appendix A
Figures and Tables

Figure 1	Project Location Map
Figure 2	Existing/Proposed Traffic Signage
Figure 8B-1	Regulatory Signs and Plaques for Grade Crossings
Figure 8B-2	Crossbuck Assembly with a YIELD or STOP Sign on the Crossbuck Sign Support
Table 1	Summary of Accident Information





**FIGURE 2
EXISTING/PROPOSED
SIGNAGE**



9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL. (913) 642-6642
FAX (913) 642-6941
www.ccengineers.com

Figure 8B-1. Regulatory Signs and Plaques for Grade Crossings

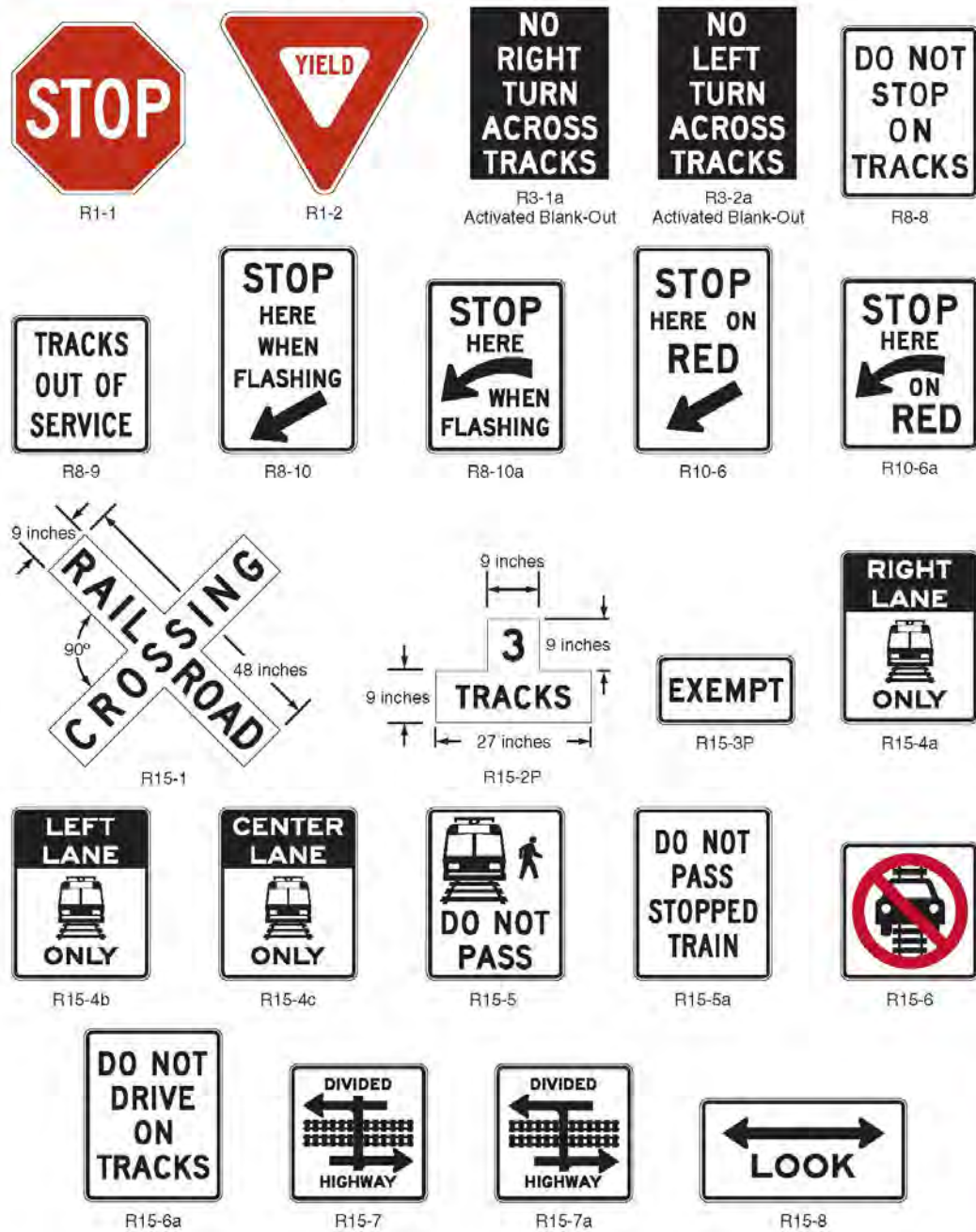
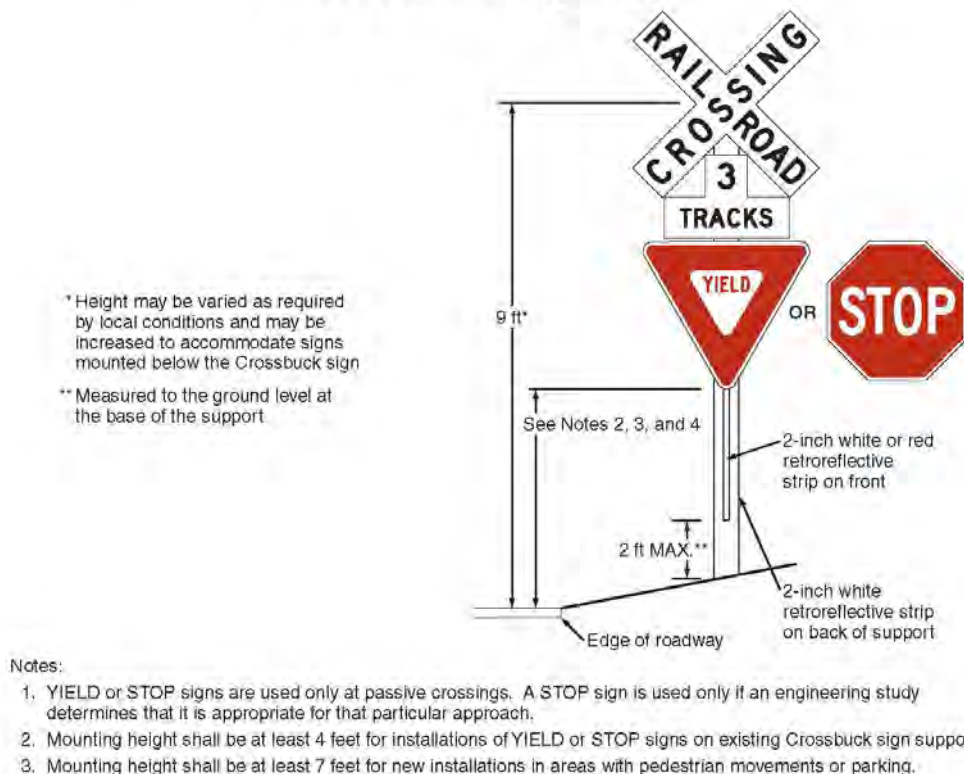


Figure 8B-2. Crossbuck Assembly with a YIELD or STOP Sign on the Crossbuck Sign Support



10 Where unusual conditions make variations in location and lateral offset appropriate, engineering judgment should be used to provide the best practical combination of view and safety clearances.

Section 8B.04 Crossbuck Assemblies with YIELD or STOP Signs at Passive Grade Crossings

Standard:

- 01 A grade crossing Crossbuck Assembly shall consist of a Crossbuck (R15-1) sign, and a Number of Tracks (R15-2P) plaque if two or more tracks are present, that complies with the provisions of Section 8B.03, and either a YIELD (R1-2) or STOP (R1-1) sign installed on the same support, except as provided in Paragraph 8. If used at a passive grade crossing, a YIELD or STOP sign shall be installed in compliance with the provisions of Part 2, Section 2B.10, and Figures 8B-2 and 8B-3.
- 02 At all public highway-rail grade crossings that are not equipped with the active traffic control systems that are described in Chapter 8C, except crossings where road users are directed by an authorized person on the ground to not enter the crossing at all times that an approaching train is about to occupy the crossing, a Crossbuck Assembly shall be installed on the right-hand side of the highway on each approach to the highway-rail grade crossing.
- 03 If a Crossbuck sign is used on a highway approach to a public highway-LRT grade crossing that is not equipped with the active traffic control systems that are described in Chapter 8C, a Crossbuck Assembly shall be installed on the right-hand side of the highway on each approach to the highway-LRT grade crossing.

Seet 8B.03 to 8B.04

December 2009

Table 1 - Summary of Accident Information

Kaw Drive (K-32) and Private Access Drive Summary of Accident Information							
Date	Local Report #	KDOT Report #	Apparent Cause	Injuries	Citation	Weather Conditions	Time of Day
10/15/2019	2019014826	20190095176	SB Vehicle crossing track was in driver side door panel by WB train.	Fatality	None Reported	No Adverse Conditions	9:59 A.M.
9/17/2020	2020-00105610	20200015713	NB Driver failing to observe vehicle backing behind them and backed into them.	None Reported	None Reported	No Adverse Conditions	12:50 P.M.
9/28/2020	2020-00110521		SB Vehicle crossing track hit in rear quarter panel by WB train. No apparent cause/reason for crash.	Minor	None Reported	No Adverse Conditions	1:31 P.M.
2/23/2022	2022022219		SB Vehicle Failure to Stop. Struck by Train.	None Apparent	Issued	No Adverse Conditions	11:11 A.M.

ORDINANCE 0-39-20, SPECIAL USE PERMIT SP-2019-111

ORDINANCE NO. 0-39-20

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 #SP-2019-111, commonly known as 7241 Kaw Drive, Kansas City, Kansas, legally described as:

A tract of land in the Southeast Quarter of Section 21, Township 11, Range 24, Wyandotte County, Kansas, being more particularly described as follows: Beginning at a point on the West line of the Southeast Quarter of said Section 21 and the Southerly Right-of-Way of Union Pacific Railroad as now established; thence North 52 Degrees 47 Minutes 00 Seconds East along the Southerly Right-of-Way of the aforementioned Railroad 1864.81 feet to a point that is South 52 Degrees 47 Minutes 00 Seconds West 315.00 feet from the Wyandotte-Delaware Reserve Line; thence South 01 Degrees 13 Minutes 00 Seconds East 260.0 feet; thence North 79 Degrees 38 Minutes 40 Seconds East 494.65 feet; thence South 13 Degrees 53 Minutes 43 Seconds East 300.93 feet to a point on the High Bank of the Kansas River as now exists; thence Southwesterly along the meandering of said High Bank to its intersection with the West line of said Southeast Quarter; thence North 00 Degrees 57 Minutes 00 Seconds East along the West line of said Southeast Quarter 26.45 feet to the Point of Beginning, subject to any part thereof in streets, roads, or highways, and EXCEPT the following described tract: Commencing at a point on the West line of the Southeast 1/4 of said Section 21 and the Southerly Right-of-Way line of the Union Pacific Railroad, thence North 52 Degrees 47 Minutes East 1479.40 feet to the TRUE POINT OF BEGINNING; thence South 01 Degrees 13 Minutes East 175.15 feet; thence North 79 Degrees 38 Minutes 40 Seconds East 151.92 feet; thence North 01 Degrees 13 Minutes West 260 feet; thence South 52 Degrees 47 Minutes West 185.41 feet to the TRUE POINT OF BEGINNING, and also EXCEPT the following described tract: Commencing at a point on the West line of the Southeast 1/4 of said Section 21 and the Southerly Right-of-Way of the Union Pacific Railroad; thence North 52 Degrees 47 Minutes East 1479.40 feet along the Southerly Right-of-Way of the Union Pacific Railroad; thence South 01 degrees 13 Minutes East 175.15 feet to the TRUE POINT OF BEGINNING of the tract of land hereinafter described; thence South 13

Degrees 53 Minutes 43 Seconds East to the High Bank of the Kansas River; thence Northeasterly along the said High Bank of the Kansas River 646 feet, more or less; thence North 13 Degrees 53 Minutes 43 Seconds West to a point that is 836.04 feet East and 118.22 feet North of the TRUE POINT OF BEGINNING; thence South 79 Degrees 38 Minutes 40 Seconds West 646.57 feet to the TRUE POINT OF BEGINNING, PARCEL #926714, located at approximately 7241 Kaw Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use permit to stockpile and process concrete materials.

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

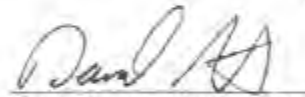
Conditions of Approval:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check or the petition becomes invalid;
2. The special use permit shall be valid for two (2) years;
3. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM.;
4. Rumble strips shall be installed at the exits to remove any debris from accumulating on the roadways;
5. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
6. All stockpiles shall be removed from the regulatory floodway and Zone AE within 60 days from the Board of Commissioners meeting date. Planning Staff will inspect the property, and if it finds the stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
7. All materials (stockpiles, equipment or any other accessory) shall be stored in Zoned X based on the boundary survey sealed March 11, 2020.
8. Stockpiles shall be corralled by to prevent them from shifting south into Zone AE the regulatory floodway.

9. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
11. Obtain any permits, as necessary with the Building Inspection Department;
12. Shall comply with Planning Engineering Comments; and,
13. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation.

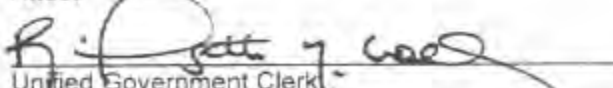
Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 30 DAY OF July 2020.



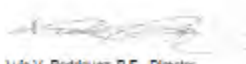
David Alvey, Mayor/CEO

Attest:



Unified Government Clerk

LETTER OF MAP AMENDMENT REVISION (LOMA-R) PROVIDED BY FEMA

Page 1 of 3		Date: April 26, 2020		Case No.: 20-07-0529A		LOMR-FW		
		Federal Emergency Management Agency Washington, D.C. 20472						
		LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)						
COMMUNITY AND MAP PANEL INFORMATION				LEGAL PROPERTY DESCRIPTION				
COMMUNITY	CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS			A portion of Section 21, Township 11, Range 24, as described in the Trustee's Deed recorded as Document No. 2014R-08750, in the Office of the Register of Deeds, Wyandotte County, Kansas. The portion of property is more particularly described by the following metes and bounds:				
	COMMUNITY NO.: 200363							
AFFECTED MAP PANEL	NUMBER: 20209C0134E; 20209C0153D DATE: 9/2/2015; 9/2/2011							
FLOODING SOURCE: KANSAS RIVER				APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 39.677856, -94.748469 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83				
DETERMINATION								
LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
—	—	—	7241 Kaw Drive	Portion of Property	X (shaded)	—	—	765.5 feet
Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).								
ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)								
LEGAL PROPERTY DESCRIPTION INADVERTENT INCLUSION FLOODWAY 1 PORTIONS REMAIN IN THE SFHA								
This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the NFIP regulatory floodway or the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the NFIP regulatory floodway and the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.								
This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA-MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.								
 Luis V. Rodriguez, P.E., Director Engineering and Modeling Division Federal Insurance and Mitigation Administration								



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

Beginning at a Point on the West Line of the Southeast Quarter of said Section 21, said Point also being on the Southerly Right-of-Way of Union Pacific Railroad as now established; thence in a Northeasterly direction along said Southerly Right-of-Way Line, North 49 degrees 26 minutes 47 seconds East, a distance of 1479.40 feet; thence leaving said Southerly Right-of-Way Line, South 04 degrees 33 minutes 13 seconds East, a distance of 175.15 feet; thence South 17 degrees 13 minutes 56 seconds East, a distance of 287.75 feet; thence South 15 degrees 50 minutes 46 seconds West, a distance of 28.53 feet; thence South 39 degrees 39 minutes 31 seconds West, a distance of 80.68 feet; thence South 67 degrees 49 minutes 31 seconds West, a distance of 256.55 feet; thence South 88 degrees 29 minutes 34 seconds West, a distance of 77.15 feet; thence South 75 degrees 50 minutes 24 seconds West, a distance of 36.76 feet; thence South 62 degrees 29 minutes 16 seconds West, a distance of 168.78 feet; thence South 51 degrees 53 minutes 06 seconds West, a distance of 74.24 feet; thence South 78 degrees 16 minutes 58 seconds West, a distance of 103.68 feet; thence South 58 degrees 31 minutes 32 seconds West, a distance of 106.75 feet; thence South 50 degrees 26 minutes 33 seconds West, a distance of 87.49 feet; thence South 60 degrees 37 minutes 29 seconds West, a distance of 156.55 feet; thence South 81 degrees 28 minutes 47 seconds West, a distance of 122.49 feet; thence North 68 degrees 55 minutes 37 seconds West, a distance of 52.89 feet; thence South 82 degrees 58 minutes 59 seconds West, a distance of 37.89 feet to a point on the West Line of said Southeast Quarter of said Section 21; thence in a Northerly direction along said West Line, North 02 degrees 27 minutes 05 seconds West a distance of 21.88 feet to the Point of Beginning

INADVERTENT INCLUSION IN THE FLOODWAY 1 (PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY) (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination Document, while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Therefore, the NFIP regulatory floodway modification described in the Determination Document, while acceptable to the Federal Emergency Management Agency (FEMA), must also be acceptable to the community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-8426.


Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION FLOODWAY
DETERMINATION DOCUMENT (REMOVAL)**

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-FW DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.


Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Kansas Heavy Construction, LLC

19425 State Ave.
Tonganoxie, Kansas 66086
(913) 845-2121
Fax: (913) 845-2813

Urban Planning and Land Use
701 North 7th Street – Room 423
Kansas City, Kansas 66101

RE: Special Permit #SP2022-061
Business Operation Plan

Per your request, we have the following description of the business operations associated with the above referenced Special Permit.

Concrete rubble, demolished concrete and concrete materials will be received and stockpiled on site. These materials will then be recycled using a mobile crusher and mobile screen. The crushed and/or screened materials will then be stockpiled. These processed materials will then be used on local projects, by Kansas Heavy Construction or other companies. There will be not permanent structures, and all equipment will be self-propelled or mobile.

Tom Giefer
Managing Member
G & G Holdings, LLC
Kansas Heavy Construction, LLC



Kansas Heavy Construction, LLC

19425 State Ave.
Tonganoxie, Kansas 66086
(913) 845-2121
Fax: (913) 845-2813

Urban Planning and Land Use
701 North 7th Street – Room 423
Kansas City, Kansas 66101

RE: Special Permit #SP2022-061
Dust Mitigation Plan

Per your request, we have the following description of our dust mitigation plan with respect to the above referenced Special Permit.

Dust is usually a problem when dry conditions occur, therefore the use of water by spreading and/or spraying is commonly used as an industry standard. The crushing equipment, currently being used, is fitted with a water spray bar system that will be used if dust is leaving the discharge belt. A water truck, with a 4,000 gallon tank, remains on site at all times and will be used to spread water on drivable surfaces to mitigate dust as needed.

Tom Giefer
Managing Member
G & G Holdings, LLC
Kansas Heavy Construction, LLC

Marlene,

In response to the comments we have received from Planning and Urban Design, see attached Business Operation Plan, Dust Mitigation Plan and Employee Parking Plan.

We currently do not have rumble strips at the entrance to the property, but can have them installed at your request.

Let me know if you need additional information.

Thank you,

Tom Giefer
G & G Holdings, LLC
Kansas Heavy Construction, LLC

NEIGHBORHOOD MEETING MINUTES & AFFIDAVIT – DATED MAY 26, 2022

G & G Holdings, LLC

19501 State Ave., Tonganoxie, KS 66086

May 26, 2022

Urban Planning and Land Use
4953 State Ave
Kansas City, KS 66102

SP2022-061

RE: Special Use Permit – 7241 Kaw Drive
G & G Holdings, LLC

Please accept the attached Development Application, for G & G Holdings, LLC, at the property located at 7241 Kaw Drive. Enclosed is the completed application, check for the application fee and a zip drive containing pictures and a legal description of the property, per your request.

G & G Holdings, LLC would like to request that the Special Use Permit duration be extended to a five-year renewal instead of two years.

The requested action is justified, in our opinion, for the following reasons:

We have complied with all the requests outlined in the original Special Use Permit.
We have continued operations at the property with no complaints of adjacent property owners.

If you have questions or need additional information, please call me at 913-207-6638.

Regards,

Tom Giefer
Managing Member
G & G Holdings, LLC

NEWS REPORTS OF ACCIDENTS AT THE RAILROAD CROSSING
KSHB-TV 41 – REPORT OCTOBER 5, 2019



⚡ 2 weather alerts



Watch Now

Posted at 12:14 PM, Oct 05, 2019 and last updated 9:17 PM, Oct 05, 2019

KANSAS CITY, Mo. — A concrete truck driver was killed in a crash with a train on K-32 Saturday morning.

Emergency crews were called to the scene just before 10:30 a.m. near 73rd street and Kaw Drive (K-32).

The Kansas Highway Patrol said a male driver in a concrete truck was hit by a Union Pacific train hauling empty coal cars.

The train did not derail, but the intersection was closed for a time while the investigation was underway.

Shortly before noon, the westbound lanes of K-32 were opened to traffic.

ADVERTISEMENT

CLOSE

ADVERTISEMENT

Man escapes serious injury when cement mixer and train collide in Wyandotte County



A 27-year-old Leavenworth man escaped serious injury Wednesday morning when the cement mixer he was driving and a train collided in Kansas City, Kan., authorities said.

By Phil Anderson

Published: Feb. 24, 2022 at 6:16 AM CST



KANSAS CITY, Kan. (WIBW) - A man escaped serious injury Wednesday morning when the cement mixer he was driving and a train collided in Wyandotte County, authorities said.

The collision was reported at 11:11 a.m. Wednesday at 7241 Kaw Drive, which is K-32 highway at that location.

According to the Kansas Highway patrol, a 2009 Kenworth cement mixer was eastbound on Kaw Drive and attempted to make a right-hand turn to go south on a frontage road.

While turning south onto the frontage road, the cement mixer failed to stop at the stop sign for the railroad tracks and was struck by a train, the patrol said.

ADVERTISEMENT

CON



SITE PHOTOS, TAKEN BY APPLICANT – DATED JUNE 27, 2022



SITE PHOTOS, TAKEN BY STAFF – DATED JUNE 6, 2022



From: Riverview Estates Manager <manager@riverviewestatesmh.com>

Sent: Monday, November 14, 2022 1:22 PM

To: Hand, Gunnar <ghand@wycokck.org>

Subject: Kansas Heavy Contractors - Permit Renewal Petition

You don't often get email from manager@riverviewestatesmh.com. [Learn why this is important](#)

Good afternoon,

1

I have attached a letter outlining an issue that my community as well as the surrounding area is having due to the operation of a concrete recycling business along K32. I respectfully ask that you please look into this matter as there are some serious safety and health concerns in regards to how this company operates as well as the location of the operation itself.

Thank you for your time.

Sincerely,

Chris Swisher

Community Manager

River View Estates

1010 S 74th Terrace

Kansas City, KS 66111

913.299.0354 (office)

913.671.0707 (cell)

913.299.0357 (fax)

Manager@riverviewestatesmh.com



SITE PHOTOS, TAKEN BY STAFF – DATED JUNE 6, 2022 CONTINUED





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 1, 2022

Re: Petitions COZ2022-039 and SP2022-097

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Actions:

Change of Zone from A-G Agriculture and C-0 Nonretail Business Districts and CP-2 Planned General Business District.

Special Use Permit for ancillary uses associated with the hotel resort such as live entertainment, convention space and drinking establishments.

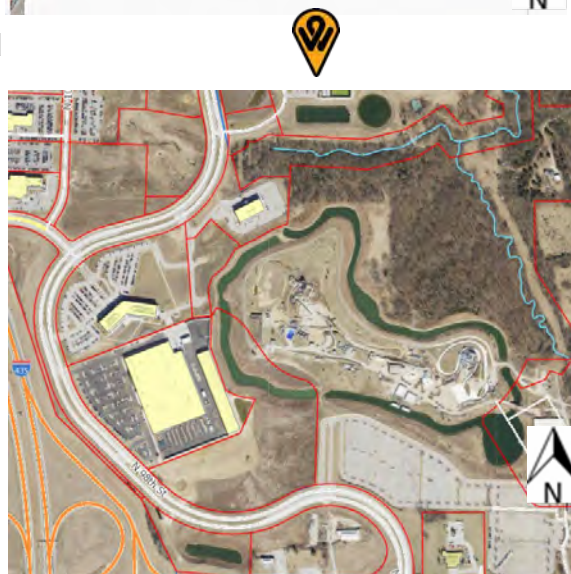
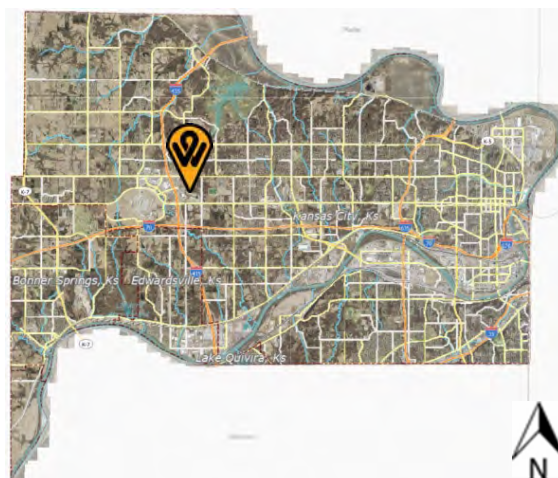
Date of Application:

September 30, 2022

Purpose:

To rezone and create one (1) commercial lot to build a 203,900 square foot hotel resort with indoor/outdoor bars, convention space and a stand-alone restaurant.

Property Location: 9400 State Avenue



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
Existing Zoning:	A-G Agriculture and C-0 Nonretail Business Districts		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	A-G Agriculture District	
	East:	A-G Agriculture, R-1 Single Family and RP-5 Planned Apartment Districts	
	West:	A-G Agriculture and CP-3 Planned Commercial Districts	
Adjacent Uses:	North:	A creek and USMNT Training Facility	
	South:	KCKFD Station #6	
	East:	Multi-family apartments, single family homes and undeveloped land	
	West:	Camping World	
Total Tract Size:	26.62 Acres		
Master Plan Area:	Prairie Delaware Piper Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Entertainment / 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 North 98 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building, however, there are specific parking ratios for hotel, restaurants, and conference centers/convention space. 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. 80 spaces are required. Sec. 27-668(a)(8) One (1) space for each guest room, plus one (1) space for each two (2) employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants, and lounge areas. 325 spaces are required.		

Sec. 27-668(a)(11) One (1) space for each four (4) seats. 100 spaces are required.

505 parking spaces are required. 315 parking spaces are provided. (BOZA2022-054 is a parking reduction to be heard in conjunction with these petitions).

Advertisement: The Wyandotte Echo – Change of Zone – October 20, 2022; Special Use Permit – October 20, 2022
Letters to Property Owners – Change of Zone – October 21, 2022; Plat – October 21, 2022; Special Use Permit – October 21, 2022

Public Hearings: November 14, 2022 and December 1, 2022

Public Support: None to date.

Public Opposition: One person appeared at the Board of Zoning Appeals hearing but could not stay for the Planning Commission meeting.

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 acres.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. This site is formerly a portion of the Schlitterbahn Vacation Village waterpark. The neighborhood is defined by large commercial buildings, business campuses, sports and entertainment facilities and multi-family apartments and close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

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

As presently zoned, the subject property is incompatible with the uses and proposed uses of neighboring parcels. By rezoning to CP-2 Planned General Business District and by operating out of the large building on a large lot, the subject property will be compatible with the retail businesses to the west and the commercial office buildings to the northwest. Without a full master plan for adjacent parcels controlled by the owner, Staff cannot plan for future sidewalk, trails, interconnectedness between the overall site. Proper screening, accomplished through both landscaping, fencing and berming, will continue to greatly to ensure the continued compatibility between the uses on the neighboring parcels, in particular residential uses to the east.

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

The subject property is over 26 acres and will site a building that is approximately 198,400 square foot resort hotel and 5,500 square foot stand-alone restaurant. The size of the parcel compared to the building will allow the building centrally located on the parcel without encroaching on the rear and side property setbacks, where the neighboring uses and buildings are and will be located. Beyond the mere distance between buildings on neighboring parcels, screening will reduce any adverse effects from detrimentally affecting nearby property.

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

The property has been vacant as zoned since 2018. It is the former Schlitterbahn site.

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

The proposed use does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street. To address and mitigate these issues, signage must be in compliance with the Side Code, and best practices must be employed for stormwater runoff retention. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements, then the proposed use may not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

There will be additional traffic due to the on-site redevelopment. The entry-exit access point to the property from the public right-of-way may be redesigned after reviewed by Planning Engineering and Public Works in a manner that reduces potential traffic issues such as backups and crashes, as well as minimize pedestrian conflicts.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan Planned Commercial / Entertainment designation, 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.

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

Redevelopment of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times and stormwater runoff. Best practices must be employed for stormwater runoff retention and more trees need to be planted around the detention basins and within the parking lot islands.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

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

e. Fire

Fire service is provided by Fire Station #6.

f. Transit

Kansas City ATA does provide transit service along State Avenue, Route #101, approximately one-half (½) mile away at the intersection of 94th Street and State Avenue. The bus stop is not currently accessible by pedestrians due to the gap in the sidewalk connection along a portion of State Avenue and 98th Street.

g. Schools

Public education service 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 of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. The resort hotel will include full- and part-time jobs, so there will be a positive impact.

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

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

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

If properly constructed and managed, the proposed use will not pollute the land or water because trash/litter will be picked up and disposed appropriately, and the detention basin requires annual maintenance.

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

The property is currently vacant and pervious. The proposed development will reduce the natural vegetation and terrain, even though the former Schlitterbahn Vacation Village waterpark accelerated these issues. Proper mitigation measures and best practices must be employed to ensure development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

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

The proposed use should not result in overcrowding of land or cause undue concentrations of population because there is ample space for maneuvering through the site, numerous amenities for guests and patrons and open space in the rear of the property, however, if there is a large event overflow parking may occur on the former Schlitterbahn parking lot to the south, adjacent to North 98th Street.

Staff must have a full master plan to address potential parking issues.

Sidewalk needs to be installed around the super block. There is a previous agreement/condition in Camping World that deferred said public improvements to this project.

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

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

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

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

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

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

Staff must have a full master plan to help with site design, infrastructure, sidewalk and trail connectivity per the goDotte Mobility Plan.

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

Development patterns have been designed with minimal regard to topography in the center of the development site, whereas most of grades around the perimeter of the site should be retained. Most of existing tree stands around the perimeter along the northern and eastern edge of the property should be preserved.

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

The proposed development is commercial in nature. The plat is planned to be one (1) commercial lot and this site is critical to the continued connection, extension, and implementation of the Greenway Trail and goDotte Mobility Plan trail network along Marshall Creek.

As previously stated, Staff needs a full master plan of the overall development site to address this factor.

PREVIOUS ACTIONS

- This site was previously Schlitterbahn Vacation Village, which operated from 2009 – 2018.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Stormwater Management
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
goDotte Mobility Strategies
Greenway Trail Connections

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-039** and Special Use Permit Application **SP2022-097**, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.
2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;

6. For future live entertainment:
 - a. All entertainment must cease by at least 1:00AM;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. 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;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
8. Sec. 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;
9. Sec. 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;
10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design

- comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
 14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
 15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
 16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
 18. 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;
 19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 20. 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;
 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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- 24. 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;**
- 25. 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;**
- 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 Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-039** and **SP2022-097**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Building Elevations
Site Photographs taken by Staff on October 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	
Public Hearing	November 14, 2022	TBD
Preliminary Plat	Approved	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-039** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-039** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-097** 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 **SP2022-097** 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:34:00:

CHANGE OF ZONE APPLICATION COZ2022-039 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Change of Zone from AG Agriculture and C-O Non-Retail Business Districts to CP-2 Planned General Business District for the Margaritaville Resort Hotel at 9400 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-097 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue.

PLAT APPLICATION PLAT2022-035 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Preliminary Plat to create three (3) lots for the Margaritaville Resort Hotel at 9400 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:44:22: Planning Director Hand stated that this case is for a Change of Zone, Special Use Permit and Preliminary Plat. He stated that the parking variance was approved by the Board of Zoning Appeals earlier this evening.

The request is for the new Margaritaville Hotel Resort located on the former Schlitterbahn site. Staff has received no letters in support and one (1) person spoke in opposition at the Board of Zoning Appeals meeting, but could not stay for this meeting. She stated that she will submit a letter in opposition. There are no Notices of Violation on this property. Staff has worked closely with the applicant on this project and will address the requested deviations/changes:

Condition 1(a) – Staff has worked with the applicant on reduction of the use of EIFS and believes that it is still too high. He does not believe they will ever obtain the design guidelines to 15% per facade. Staff seeks improvement and would request approval of the deviation with improvement.

Condition 1(b) – Staff recommends approval of the deviation as it relates to the parapet screening.

Condition 5 – Staff would always require an applicant to construct a trail. The trail is being constructed by Homefield south of this property. The policy has always been to have an applicant build the trail and not just donate the right-of-way or easement.

Condition 14 – Staff is in agreement with the amendment of this condition.

Condition 15 – Staff does not recommend the deviation, but modify the wording as submitted.

Condition 23 – Staff is in favor of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – Staff is not in favor of the modification for an indefinite period for the Special Use Permit. This Special Use Permit is for live entertainment here and event space. Indefinite Special Use Permits are for projects with a significant investment. For this project, the significant project is for the hotel and resort. After a successful two-year permit for the live entertainment and bar, the period could be extended. The applicant's financing is not a relevant factor to be considered.

The Planning Commission directed questions to Staff and Mr. Petersen.

Chairman Carson requested that if available, the proposed deviations are provided to the Commission prior to the meeting so they have the information in front of them.

Chairman Carson allowed Mr. Petersen further to address the Commission to clarify some of his statements.

Director Hand stated that Staff has requested an overall master development plan for this property and has not received it to their satisfaction. Staff has requested the same conditions for Homefield Multi-Family (Milhaus) and Camping World and the deviations were removed.

Chairman Carson directed questions to Staff regarding the length of the trail. Director Hand stated that it would be approximately two (2) miles as this is a large site.

Motion starts at 306:40::

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-039, with the following deviations/modifications:**

Condition 1(a) – Approval with deviation with improvement.

Condition 1(b) – Approval of the deviation as it relates to the parapet screening.

Condition 5 – No change – denial of the requested deviation.

Condition 14 – Amended condition.

Condition 15 – Approval to modify the wording as submitted.

Condition 23 – Approval of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – No change – denial of the requested deviation.

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

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

Subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.

2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;
6. For future live entertainment:
 - a. All entertainment must cease by at least 1:00AM;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. 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;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
8. Sec. 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;
9. Sec. 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;
10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

11. **Sec. 27-700(b)(9)** Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. 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;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 20. 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;
- 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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection.** As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
- 24. 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;**
- 25. 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;

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 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 Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-097 for two (2) years:**

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

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

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE of Plat Application PLAT2022-035:**

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye

Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

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



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

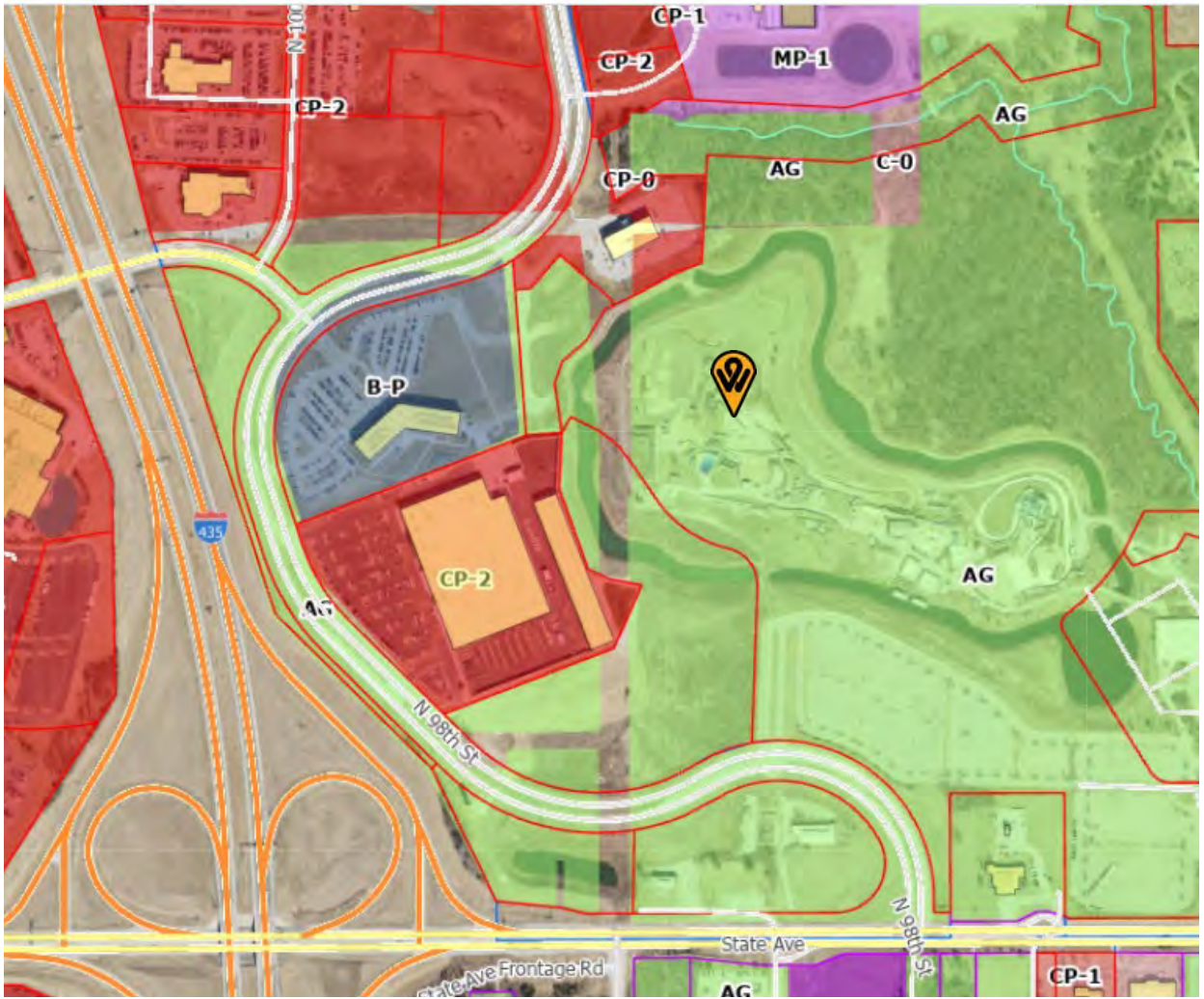


Figure 2. Zoning Map of 9400 State Avenue (provided by UG Maps).

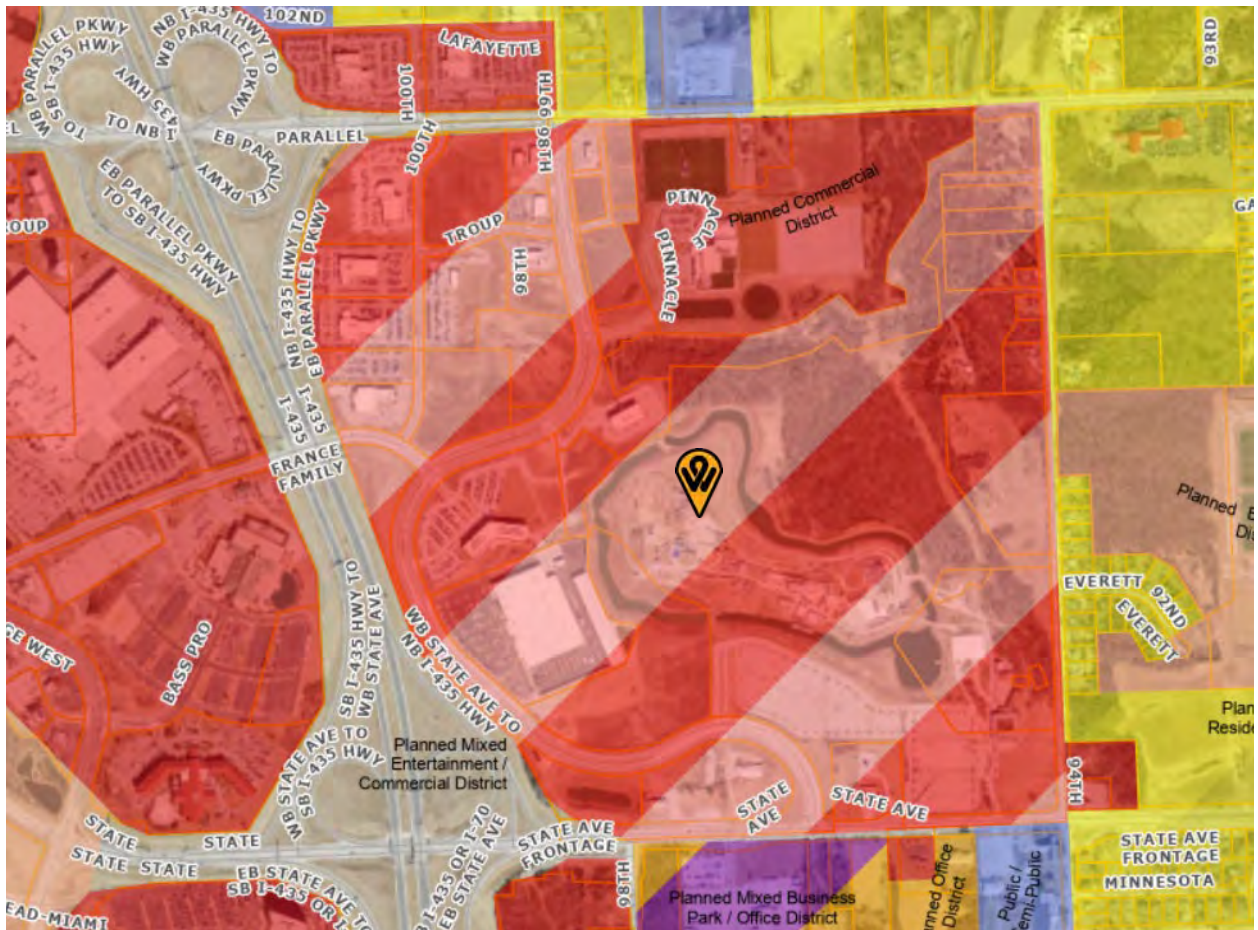


Figure 3. Prairie Delaware Plan Master Plan Land Use Designation Map of 9400 State Avenue (provided by ArcGIS Pro).

- This site was previously Schlitterbahn Vacation Village, which operated from 2009 – 2018.

NEIGHBORHOOD MEETING

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

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

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

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

KEY ISSUES

Stormwater Management
 Overall Development Master Plan
 Building Materials
 Internal/External Pedestrian Connectivity
 Access to Trails
 Parking
 Commercial Design Guidelines
 Site Topography
 goDotte Mobility Strategies
 Greenway Trail Connections

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. These City Planning Commission cases are being heard in conjunction with BOZA2022-054, which is seeking a variance for parking reduction of 190 parking spaces for a hotel resort (Margaritaville), convention center, restaurants, drinking pools, drinking establishments and live entertainment. **RESPONSE:**

COZ2022-039, SP2022-097 and PLAT2022-035 (Margaritaville Resort Hotel Preliminary Plat)
 November 14, 2022

9

Acknowledged

2. Provide a master plan for the full development. Piecemealing this larger parcel makes it difficult to link sidewalks, trails, and future street connections without knowing the full scope. Staff will not move this petition forward until we receive a master plan for review. **RESPONSE: See attached masterplan**
 - a. Is Tract A going to curve through Lot 1 and split the medical office building and Tract C, Schlitterbahn Vacation Village Second Plat and connect to North 98th Street? **RESPONSE: No, Tract A will continue clockwise around the east portion of Margaritaville and tie to the access drive west and south of the Milhaus Multifamily development and back to 94th Street. See revised Site Plan C1-2 which shows the future alignment of the Tract A road as a temporary fire access drive.**
3. What is the intent of the of the Schlitterbahn parking lot between this site and North 98th Street? **RESPONSE: At the current time it will remain a parking lot; potential commercial development in the future.**
4. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. **RESPONSE: Acknowledged**
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. **RESPONSE: Acknowledged**
4. Utility easements shall connect with easements established in adjoining properties. **RESPONSE: Acknowledged**
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. **RESPONSE: Acknowledged**
6. What amenities are going to be provided within and around the detention basin? **RESPONSE: The intent is for non-motorized water sports such as kayaking and paddleboarding**
7. Interconnect the detention basin sidewalks to the internal sidewalk network throughout this development. **RESPONSE: See attached sidewalk plan, detention basin sidewalk connects to hotel sidewalk.**
8. The five (5) foot sidewalk along the west side of the entrance drive from 98th Street shall continue north and connect to the internal sidewalk network within the development. **RESPONSE: See attached sidewalk plan, route from hotel to 98th Street is along the east of the drive.**
9. Add sidewalks along the southern right-of-way of external ring road. **RESPONSE: See attached sidewalk plan, these have been added.**
10. Add sidewalks through the parking lot to the front door of the hotel and stand-along restaurant. **RESPONSE: See attached sidewalk plan, these are shown on the plan.**
11. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building. **RESPONSE: Acknowledged, these will be shown on FDP and construction drawings.**

Install a 10-foot sidewalk along Parallel Parkway, North 98th Street and North 94th Street as these are identified as trail connections in the goDotte Mobility Plan. There are existing sidewalk gaps on State Avenue and 98th Street that were agreed upon previously to close doing this entitlement. **RESPONSE: See attached sidewalk plan. Regarding the gap at State Avenue, it was agreed to during the Preliminary Plan Process for the Camping World Project, that section of sidewalk will be completed as part of the Unified Government's signalization of 98th Street and State Avenue intersection. Remaining gaps may be closed with projects that develop lots with street frontage adjacent to these gaps.**

12. Install a sidewalk/trail through this development and connect to the Homefield Apartments via the Greenway Trail, as the Marshall creek flows into Margaritaville and the apartments. The trail should follow the trail north into Tract C, Schlitterbahn Vacation Village Second Plat and split to northeast to connect to 94th Street and Parallel Parkway. **RESPONSE: See attached sidewalk plan, that trail would be on a future project across the creek from the Margaritaville Resort (Lot 2). The trail can be addressed when that property develops.**

13. For future live entertainment:

- a. All entertainment must cease by at least 1:00AM **RESPONSE: Acknowledged**
- b. Doors and windows must stay closed during any entertainment performance; **RESPONSE: Acknowledged**
- c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including: **RESPONSE: Acknowledged**
 - i. 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; **RESPONSE: Acknowledged**
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave; **RESPONSE: Acknowledged**
 - iii. An I.D. scanner will be used at all times; **RESPONSE: Acknowledged**
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles. **RESPONSE: Acknowledged**
- d. No amplified speakers or entertainment is allowed in outdoor spaces; and, **RESPONSE: Acknowledged**
- e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses. **RESPONSE: Acknowledged**

14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result

in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **RESPONSE: Acknowledged**

15. 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. **RESPONSE: Acknowledged**
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. **RESPONSE: Acknowledged**

Building Architecture:

1. 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. **RESPONSE: acknowledged**
2. 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: **RESPONSE: Acknowledged. The building design utilizes divisions/breaks in materials, window bays, entrance expressions including varying canopy materials and heights, balconies, and varying roof heights to break monotonous appearance and create visual interest.**
 - 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.
3. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - a. EIFS at the ground level or comprising more than 15 percent of any façade.The building elevations for both the hotel/resort and the stand-alone restaurant depict more than 15 percent of EIFS per façade. Increase the masonry materials of each façade and provide a percentage breakdown of each material type per façade. **RESPONSE: See attached building elevations for exterior material calculations**
4. Downspouts shall be internalized. **RESPONSE: Downspouts shall be painted to**

architecturally blend into the building and/or recessed into the corners of buildings as not be in plain view of the public.

5. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building. **RESPONSE: acknowledged**

Landscaping and Screening:

1. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The subject property 26.62 acres, requiring 299 trees be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands. **RESPONSE: acknowledged, see revised landscape plan.**
2. Provide a landscape plan for the detention basins. **RESPONSE: See revised landscape plan**
3. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage. **RESPONSE: acknowledged, see revised landscape plan.**
4. Sec. 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. **RESPONSE: No public street is being constructed with these plans.**
5. Sec. 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. **RESPONSE: acknowledged, see revised landscape plan.**
6. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. **RESPONSE: acknowledged, see revised landscape plan with shrubs between Tract A drive and parking.**
7. How will lighting be mitigated?
 - a. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **RESPONSE: Site lighting will meet the code, see site lighting photometric plan**
8. All parking lot islands shall be curbed and landscaped. Painted, hatched islands

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

RESPONSE: Acknowledged

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

Acknowledged

10. All landscaping shall be irrigated. **RESPONSE: See attached irrigation plan**
11. 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. **RESPONSE: The intent is for rooftop mechanical equipment to be shielded from public view by a roof-mounted system that reads as a monolithic design element in keeping with and an accentuation of the overall building design. See attached building elevations**

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
B) Items that are conditions of approval:
1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1) None
-

MEETING MINUTES

Application Number:

COZ2022-039/PLAT2022-035/SP2022-097/BOZA2022-054

Monday, October 31, 2022 held virtually via Zoom

Meeting called to order at: 3:02pm CST

Names of people in attendance:

Mark Moberly

Richard Napper

Amy Grant – Polsinelli

Tom Proebstle

Peter Baird

Brian Lavery

Chris Doyle

Barbara Verbenec

Michael Verbenec

Steve Smith

Bryon Carmoney

Linda Houston

Dan Himmelberg

Welcome and introductions by Mark Moberly. Turned the meeting over to Richard Napper for presentation.

Screenshare of the Overall Development Site Plan (attached as Exhibit A)

Richard provided an overview of the Margaritaville brand, where there are current locations, and how the project in Kansas City would compare to a few of the Margaritaville properties with which people in the area might already be familiar, saying this project will blow you away when compared to, for example, the Lake of the Ozarks location.

Richard provided an overview of the different elements that are included in the Margaritaville project, including guest rooms, meeting/convention space, restaurants, an indoor pool, outdoor pool(s), and a family entertainment center.

It is anticipated that construction will begin with site work in January 2023, pending weather. The project will be completed and opened in late 2024 or early 2025.

Mark Moberly then provided a walk-through of the Overall Development Site Plan that was shared on the screen, followed by a walk-through of an Enlarged Site Plan (attached as Exhibit B) showing just the Margaritaville development site.

Elevations of the Margaritaville building (attached as Exhibit C) were then shared, including the proposed materials palette.

Elevations of the Landshark restaurant (attached as Exhibit D) were then shared, including the proposed materials palette.

Richard Napper asked that the Overall Development Site Plan be put back on the screen and highlighted that the areas labeled as "POND" would be used for detention, but also for outdoor recreation like kayaking and paddle boarding.

Richard went on to say that the design of the overall project is meant to involve the entire community. The general public will have the ability to acquire day passes for the amenities inside the resort as it's important for the immediate area as well as the overall KCK and KCMO residents to benefit from this project.

The floor was then opened for questions from those in attendance.

Question from Steve Smith: Has there been a discussion with UG regarding the speed of the traffic on State Avenue? Will that be slowed down at all because of the multifamily and MV project?

Answer from Richard Napper: We have performed traffic studies as a requirement of the project. Traffic has been considered for all the parts of the overall Homefield development. There will be a signal installed in the future at 98th and State. Beyond that, we are not aware of any other changes, but can put you in touch with folks at UG who can provide additional information.

Question from Barbara Verbenec: On the comment about day passes to the amenities, what amenities are included?

Answer from Richard Napper: pools and family entertainment center, which is a new-age arcade.

Answer from Mark Moberly: the Landshark restaurant will be open to the general public as well.

Question from Barbara Verbenec: Is there any adult-oriented entertainment included, like you would see at Las Vegas resort?

Answer from Richard Napper: There will be / could be entertainment aspects by the pool. We're not to that level of detail and programming yet. The demographic is not for kids in diapers, but it is a family friendly resort that also caters to an adult population.

Question from Barbara Verbenec: How much meeting/convention space is there?

Answer from Richard Napper: There will be approximately 12,000 total square feet of meeting space that is divisible into many different sizes for different types of groups.

Answer from Mark Moberly: Confirm what Richard said, and further said that the meeting spaces could be divided up into a range of sizes that could include as many as 350 people at one event or broken up into several separate smaller spaces for multiple events at the same time.

Question from Barbara Verbenec: Plans for other uses between Margaritaville and Milhaus multifamily project?

Answer from Richard Napper: On the Overall Development Site Plan, it was shown how there is a lot of vacant area between the Margaritaville and Milhaus multifamily project, and while there are no plans to present today, there are some exciting ideas in the works for those areas, but it is too early to disclose any additional information.

Question from Michael Verbenec via chat: Will there be any type of showroom for live shows, like music?

Answer from Mark Moberly via chat: No, the Margaritaville project will not have a showroom for live shows.

Question from Linda Houston: A notification was sent that 315 parking spaces are being provided, which is 190 space short of code...please explain.

Answer from Richard Napper: The code in Wyandotte County looks at the project as if they are each aspect is standalone, which results in 505 parking spaces required. In this project, everything is integrated together, so each use will be patronized by the same users. In large resort developments, many don't drive to the hotel. Hotel guests are those that also visit the food outlets and attend events in the meeting/convention space. The 315 parking spaces being provided was done by calculating what other large hotel developments of similar size and capacity and use provide and are successful with. Based on the use of this large resort, we feel the number of spaces being provided is adequate. The ownership group is investing \$140 million, so are very incentivized to make sure the correct number of parking spaces are being provided, and we feel 315 spaces is a sufficient number.

Mark Moberly asked for any closing questions or comments. There were no further questions or comments.

Richard Napper stated we welcome comments or input from any of the area stakeholders, even in an unofficial capacity and they are welcome to email himself or Mark Moberly directly.

The Planning Commission will consider this application at their November 14, 2022 meeting.

The Board of County Commissioners will consider this application at their December 1, 2022 meeting.

A separate letter from the UG with the above dates, times and locations will be forthcoming.

Meeting adjourned at 3:30pm CST

Minutes taken by Mark Moberly

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Mo)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition # COZ2022-039, PLAT2022-035 SP2022-097 802A2022-054
2. That I conducted a neighborhood meeting on October 31, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

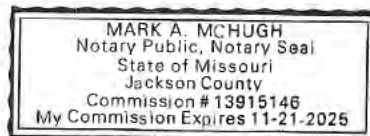
Further affiant saith not.

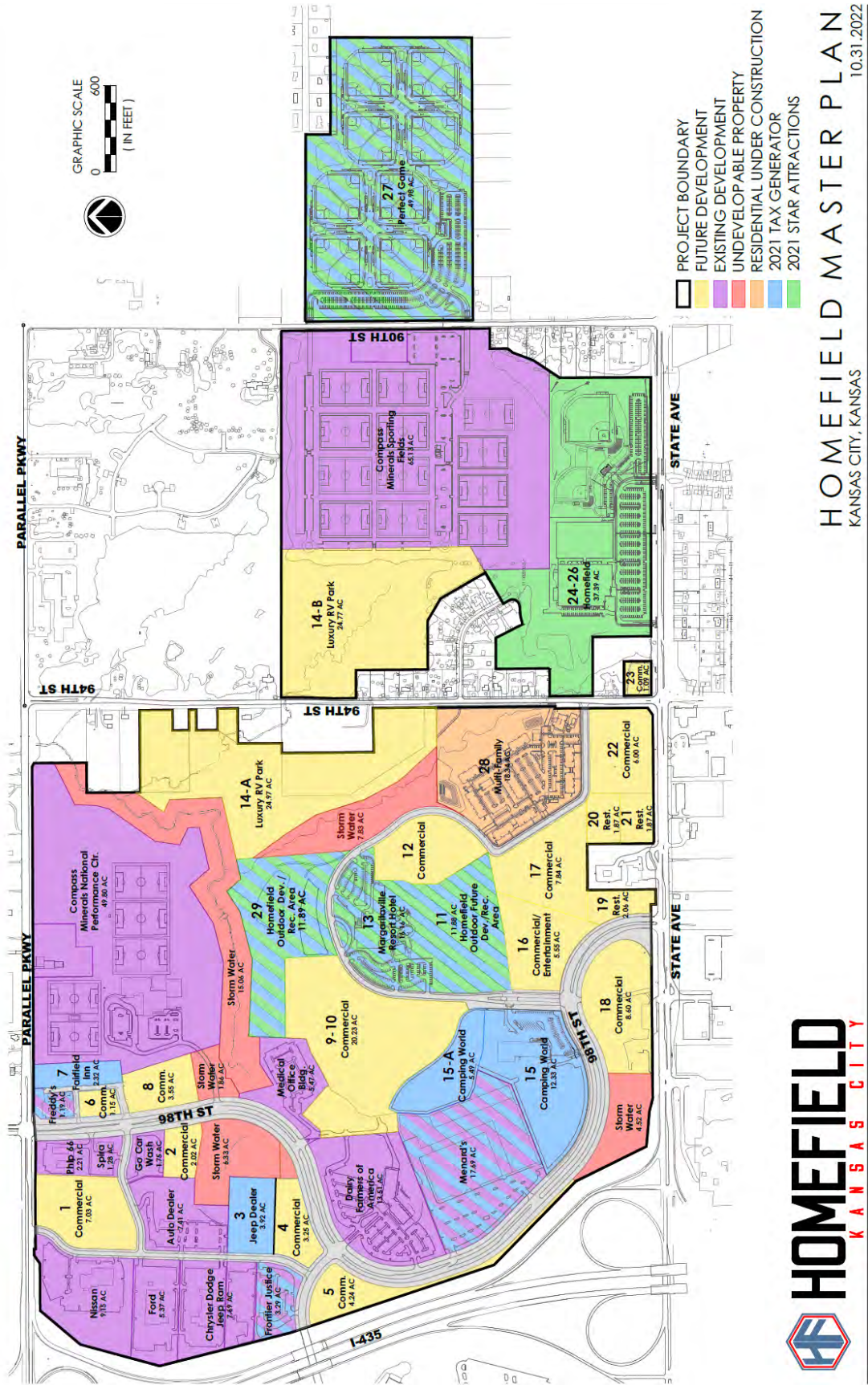
Mark Moberly
Affiant

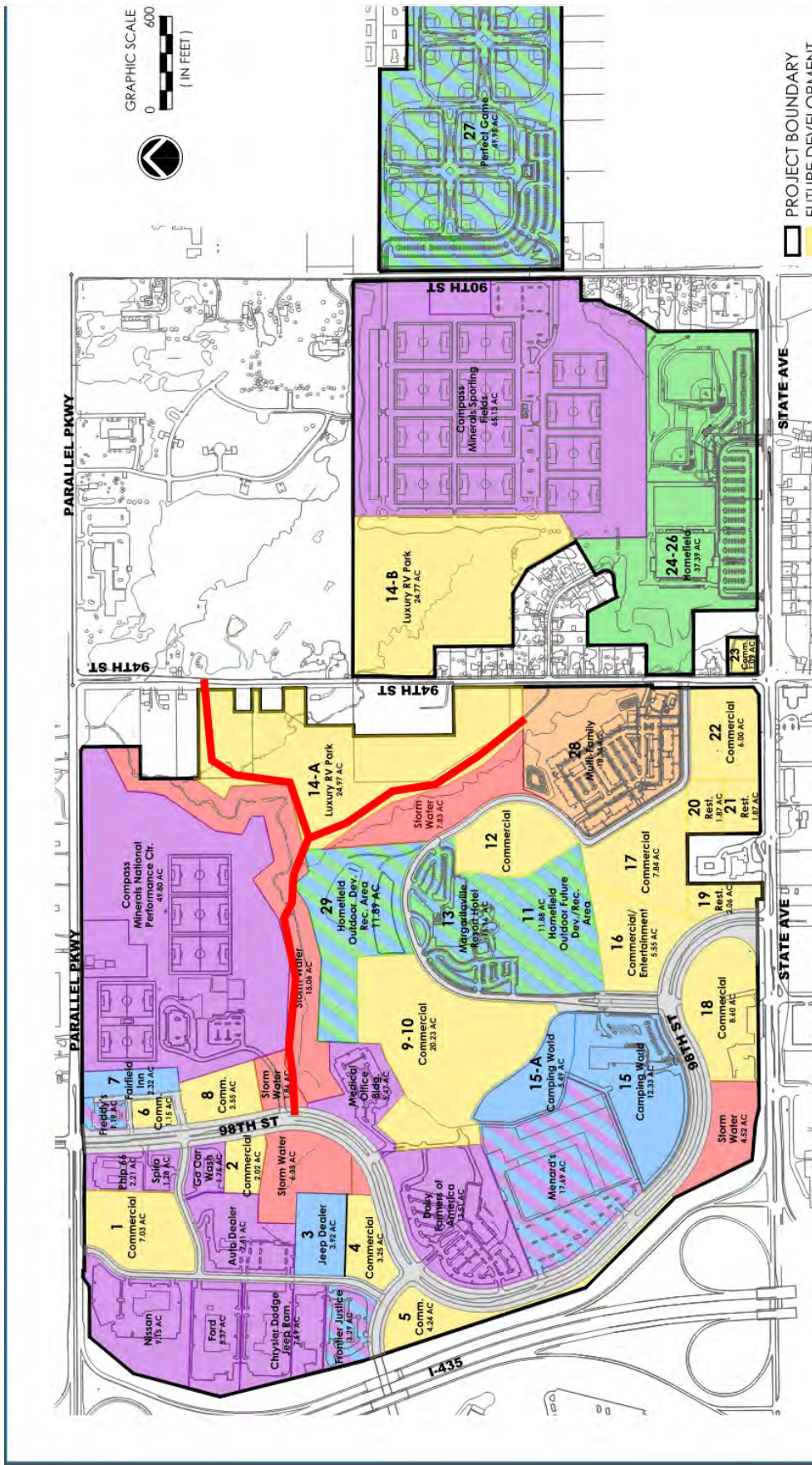
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of November, 2022

My commission expires 21 of November, 2025

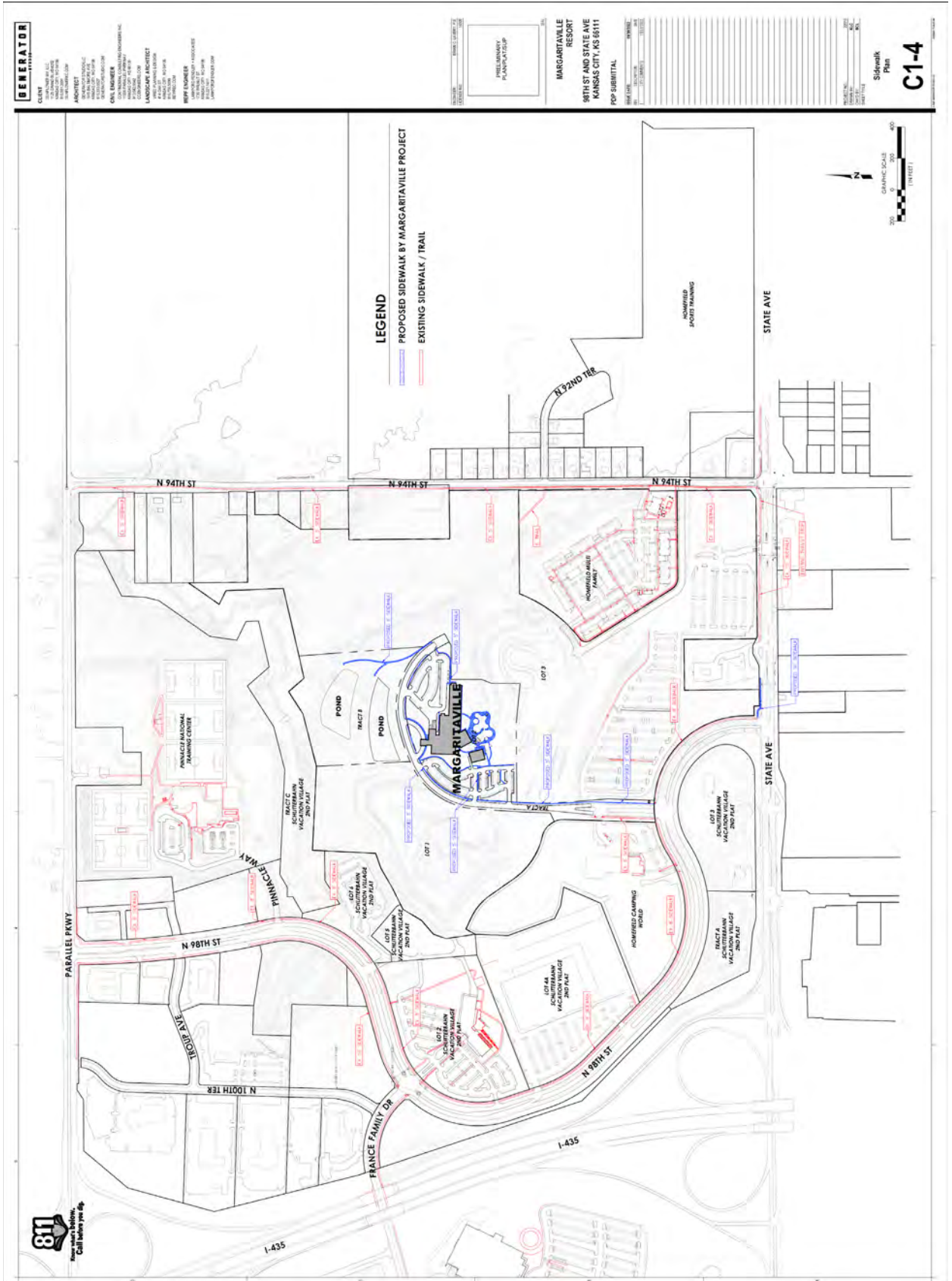
[Signature]
Notary Public



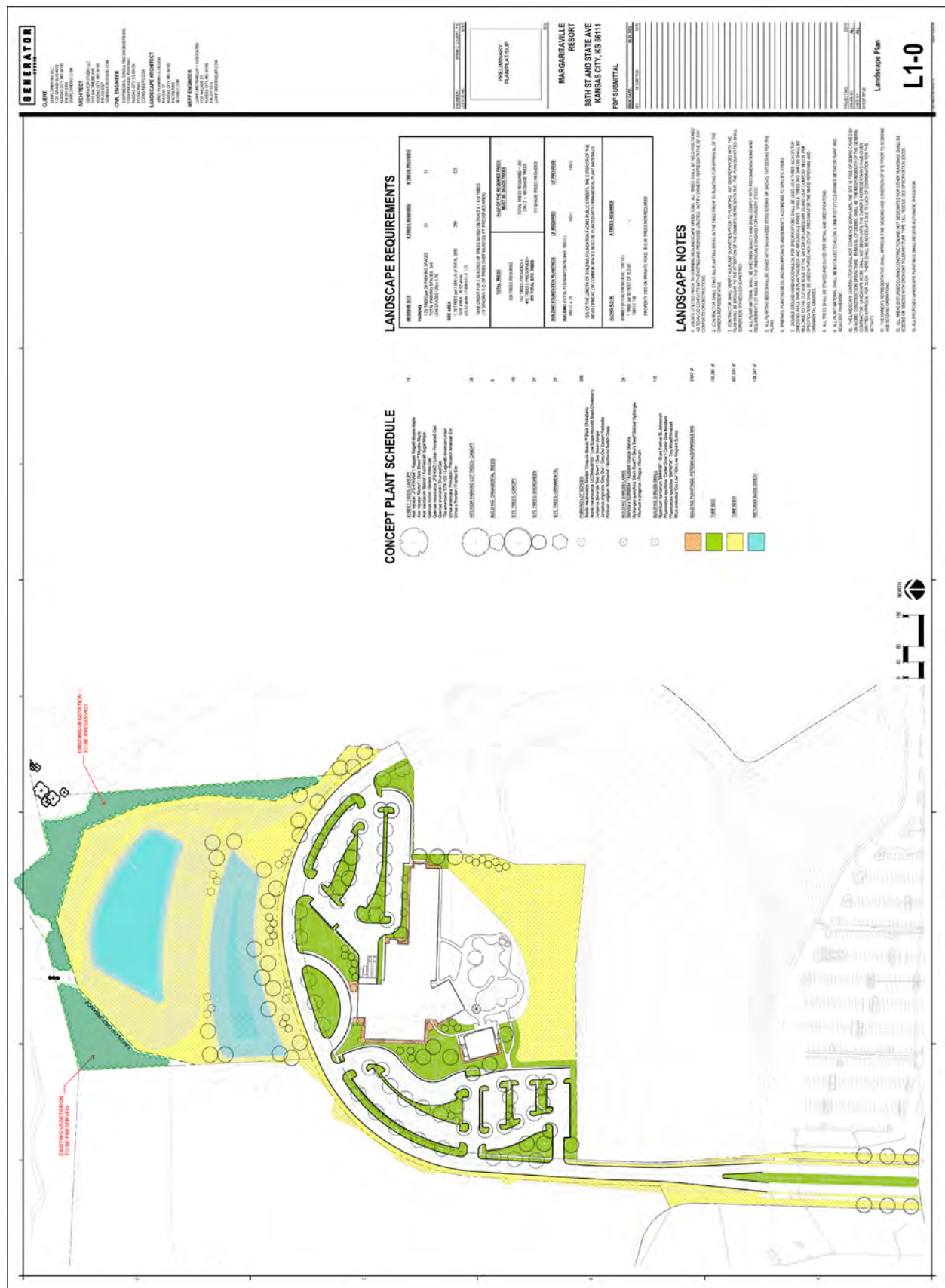












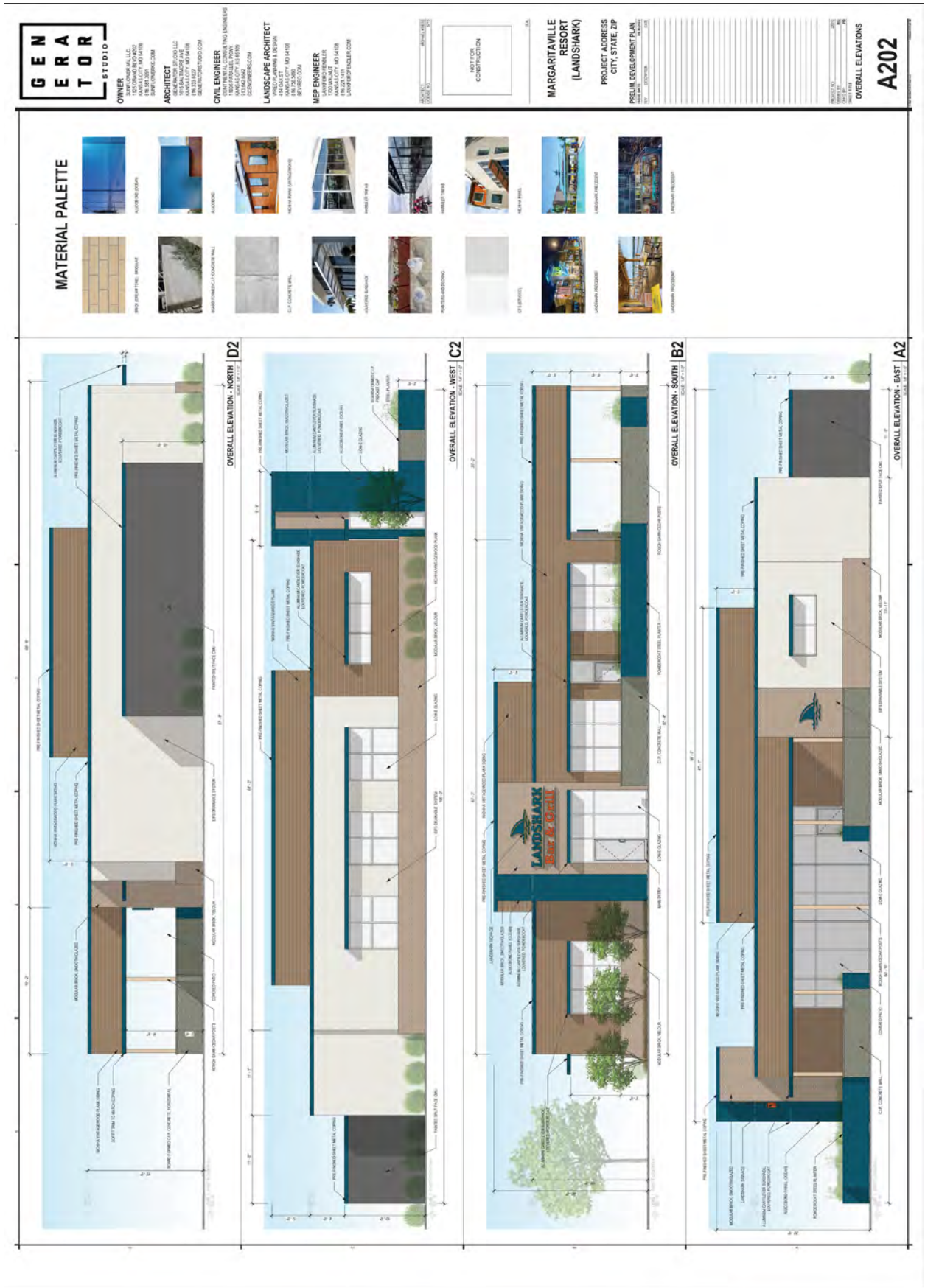




Figure 4. Site photograph of 9400 State Avenue looking northwest (provided by Planning Staff).



Figure 5. Site photograph of 9400 State Avenue looking north (provided by Planning Staff).



Figure 6. Site Photograph of 9400 State Avenue looking north (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: December 1, 2022
Re: Petitions COZ2022-039 and SP2022-097

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Actions:

Change of Zone from A-G Agriculture and C-0 Nonretail Business Districts and CP-2 Planned General Business District.

Special Use Permit for ancillary uses associated with the hotel resort such as live entertainment, convention space and drinking establishments.

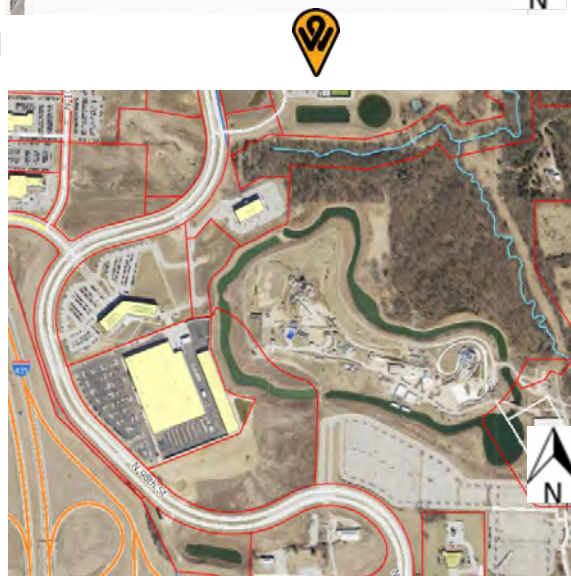
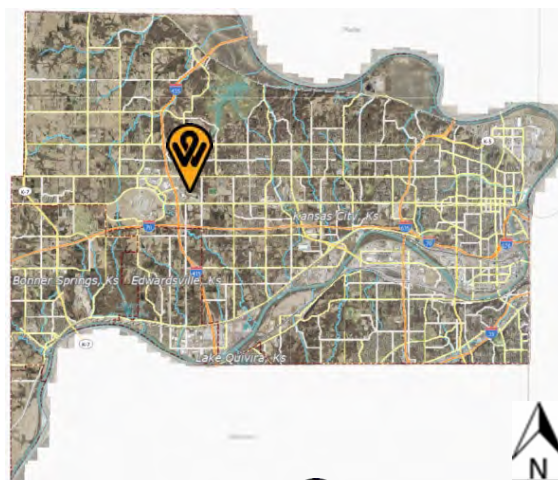
Date of Application:

September 30, 2022

Purpose:

To rezone and create one (1) commercial lot to build a 203,900 square foot hotel resort with indoor/outdoor bars, convention space and a stand-alone restaurant.

Property Location: 9400 State Avenue



Commission Districts:	Commissioner At Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites		
Existing Zoning:	A-G Agriculture and C-0 Nonretail Business Districts		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	A-G Agriculture District	
	East:	A-G Agriculture, R-1 Single Family and RP-5 Planned Apartment Districts	
	West:	A-G Agriculture and CP-3 Planned Commercial Districts	
Adjacent Uses:	North:	A creek and USMNT Training Facility	
	South:	KCKFD Station #6	
	East:	Multi-family apartments, single family homes and undeveloped land	
	West:	Camping World	
Total Tract Size:	26.62 Acres		
Master Plan Area:	Prairie Delaware Piper Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed Entertainment / 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 North 98 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building, however, there are specific parking ratios for hotel, restaurants, and conference centers/convention space. 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. 80 spaces are required. Sec. 27-668(a)(8) One (1) space for each guest room, plus one (1) space for each two (2) employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants, and lounge areas. 325 spaces are required.		

Sec. 27-668(a)(11) One (1) space for each four (4) seats. 100 spaces are required.

505 parking spaces are required. 315 parking spaces are provided. (BOZA2022-054 is a parking reduction to be heard in conjunction with these petitions).

Advertisement: The Wyandotte Echo – Change of Zone – October 20, 2022; Special Use Permit – October 20, 2022
Letters to Property Owners – Change of Zone – October 21, 2022; Plat – October 21, 2022; Special Use Permit – October 21, 2022

Public Hearings: November 14, 2022 and December 1, 2022

Public Support: None to date.

Public Opposition: One person appeared at the Board of Zoning Appeals hearing but could not stay for the Planning Commission meeting.

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 acres.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. This site is formerly a portion of the Schlitterbahn Vacation Village waterpark. The neighborhood is defined by large commercial buildings, business campuses, sports and entertainment facilities and multi-family apartments and close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

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

As presently zoned, the subject property is incompatible with the uses and proposed uses of neighboring parcels. By rezoning to CP-2 Planned General Business District and by operating out of the large building on a large lot, the subject property will be compatible with the retail businesses to the west and the commercial office buildings to the northwest. Without a full master plan for adjacent parcels controlled by the owner, Staff cannot plan for future sidewalk, trails, interconnectedness between the overall site. Proper screening, accomplished through both landscaping, fencing and berming, will continue to greatly to ensure the continued compatibility between the uses on the neighboring parcels, in particular residential uses to the east.

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

The subject property is over 26 acres and will site a building that is approximately 198,400 square foot resort hotel and 5,500 square foot stand-alone restaurant. The size of the parcel compared to the building will allow the building centrally located on the parcel without encroaching on the rear and side property setbacks, where the neighboring uses and buildings are and will be located. Beyond the mere distance between buildings on neighboring parcels, screening will reduce any adverse effects from detrimentally affecting nearby property.

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

The property has been vacant as zoned since 2018. It is the former Schlitterbahn site.

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

The proposed use does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street. To address and mitigate these issues, signage must be in compliance with the Side Code, and best practices must be employed for stormwater runoff retention. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements, then the proposed use may not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

There will be additional traffic due to the on-site redevelopment. The entry-exit access point to the property from the public right-of-way may be redesigned after reviewed by Planning Engineering and Public Works in a manner that reduces potential traffic issues such as backups and crashes, as well as minimize pedestrian conflicts.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan Planned Commercial / Entertainment designation, 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.

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

Redevelopment of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times and stormwater runoff. Best practices must be employed for stormwater runoff retention and more trees need to be planted around the detention basins and within the parking lot islands.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

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

e. Fire

Fire service is provided by Fire Station #6.

f. Transit

Kansas City ATA does provide transit service along State Avenue, Route #101, approximately one-half (½) mile away at the intersection of 94th Street and State Avenue. The bus stop is not currently accessible by pedestrians due to the gap in the sidewalk connection along a portion of State Avenue and 98th Street.

g. Schools

Public education service 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 of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. The resort hotel will include full- and part-time jobs, so there will be a positive impact.

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

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

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

If properly constructed and managed, the proposed use will not pollute the land or water because trash/litter will be picked up and disposed appropriately, and the detention basin requires annual maintenance.

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

The property is currently vacant and pervious. The proposed development will reduce the natural vegetation and terrain, even though the former Schlitterbahn Vacation Village waterpark accelerated these issues. Proper mitigation measures and best practices must be employed to ensure development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

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

The proposed use should not result in overcrowding of land or cause undue concentrations of population because there is ample space for maneuvering through the site, numerous amenities for guests and patrons and open space in the rear of the property, however, if there is a large event overflow parking may occur on the former Schlitterbahn parking lot to the south, adjacent to North 98th Street.

Staff must have a full master plan to address potential parking issues.

Sidewalk needs to be installed around the super block. There is a previous agreement/condition in Camping World that deferred said public improvements to this project.

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

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

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

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

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

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

Staff must have a full master plan to help with site design, infrastructure, sidewalk and trail connectivity per the goDotte Mobility Plan.

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

Development patterns have been designed with minimal regard to topography in the center of the development site, whereas most of grades around the perimeter of the site should be retained. Most of existing tree stands around the perimeter along the northern and eastern edge of the property should be preserved.

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

The proposed development is commercial in nature. The plat is planned to be one (1) commercial lot and this site is critical to the continued connection, extension, and implementation of the Greenway Trail and goDotte Mobility Plan trail network along Marshall Creek.

As previously stated, Staff needs a full master plan of the overall development site to address this factor.

PREVIOUS ACTIONS

- This site was previously Schlitterbahn Vacation Village, which operated from 2009 – 2018.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Stormwater Management
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
goDotte Mobility Strategies
Greenway Trail Connections

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-039** and Special Use Permit Application **SP2022-097**, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.
2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;

6. For future live entertainment:
 - a. All entertainment must cease by at least 1:00AM;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. 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;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
8. Sec. 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;
9. Sec. 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;
10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design

- comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
 14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
 15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
 16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
 18. 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;
 19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 20. 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;
 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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- 24. 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;**
- 25. 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;**
- 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 Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-039** and **SP2022-097**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 14, 2022 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Building Elevations
Site Photographs taken by Staff on October 17, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 14, 2022	December 1, 2022
Rezoning	Approval	
Public Hearing	November 14, 2022	December 1, 2022
Special Use	Approval	
Public Hearing	November 14, 2022	TBD
Preliminary Plat	Approved	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-039** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-039** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-097** 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 **SP2022-097** 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.

November 14, 2022 City Planning Commission Minutes:

Hearing starts at 2:34:00:

CHANGE OF ZONE APPLICATION COZ2022-039 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Change of Zone from AG Agriculture and C-O Non-Retail Business Districts to CP-2 Planned General Business District for the Margaritaville Resort Hotel at 9400 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-097 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue.

PLAT APPLICATION PLAT2022-035 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Preliminary Plat to create three (3) lots for the Margaritaville Resort Hotel at 9400 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 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 November 14, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:44:22: Planning Director Hand stated that this case is for a Change of Zone, Special Use Permit and Preliminary Plat. He stated that the parking variance was approved by the Board of Zoning Appeals earlier this evening.

The request is for the new Margaritaville Hotel Resort located on the former Schlitterbahn site. Staff has received no letters in support and one (1) person spoke in opposition at the Board of Zoning Appeals meeting, but could not stay for this meeting. She stated that she will submit a letter in opposition. There are no Notices of Violation on this property. Staff has worked closely with the applicant on this project and will address the requested deviations/changes:

Condition 1(a) – Staff has worked with the applicant on reduction of the use of EIFS and believes that it is still too high. He does not believe they will ever obtain the design guidelines to 15% per facade. Staff seeks improvement and would request approval of the deviation with improvement.

Condition 1(b) – Staff recommends approval of the deviation as it relates to the parapet screening.

Condition 5 – Staff would always require an applicant to construct a trail. The trail is being constructed by Homefield south of this property. The policy has always been to have an applicant build the trail and not just donate the right-of-way or easement.

Condition 14 – Staff is in agreement with the amendment of this condition.

Condition 15 – Staff does not recommend the deviation, but modify the wording as submitted.

Condition 23 – Staff is in favor of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – Staff is not in favor of the modification for an indefinite period for the Special Use Permit. This Special Use Permit is for live entertainment here and event space. Indefinite Special Use Permits are for projects with a significant investment. For this project, the significant project is for the hotel and resort. After a successful two-year permit for the live entertainment and bar, the period could be extended. The applicant's financing is not a relevant factor to be considered.

The Planning Commission directed questions to Staff and Mr. Petersen.

Chairman Carson requested that if available, the proposed deviations are provided to the Commission prior to the meeting so they have the information in front of them.

Chairman Carson allowed Mr. Petersen further to address the Commission to clarify some of his statements.

Director Hand stated that Staff has requested an overall master development plan for this property and has not received it to their satisfaction. Staff has requested the same conditions for Homefield Multi-Family (Milhaus) and Camping World and the deviations were removed.

Chairman Carson directed questions to Staff regarding the length of the trail. Director Hand stated that it would be approximately two (2) miles as this is a large site.

Motion starts at 306:40::

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-039, with the following deviations/modifications:**

Condition 1(a) – Approval with deviation with improvement.

Condition 1(b) – Approval of the deviation as it relates to the parapet screening.

Condition 5 – No change – denial of the requested deviation.

Condition 14 – Amended condition.

Condition 15 – Approval to modify the wording as submitted.

Condition 23 – Approval of the modification by adding the word **final** before Certificate of Occupancy.

Condition 26 – No change – denial of the requested deviation.

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

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

Subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.
The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.

2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;
6. For future live entertainment:
 - a. All entertainment must cease by at least 1:00AM;
 - b. Doors and windows must stay closed during any entertainment performance;
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - i. 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;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
8. Sec. 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;
9. Sec. 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;
10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. 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;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 20. 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;
- 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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection.** As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
- 24. 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;**
- 25. 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;

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 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 Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-097 for two (2) years:**

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

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

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE of Plat Application PLAT2022-035:**

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye

Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

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



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

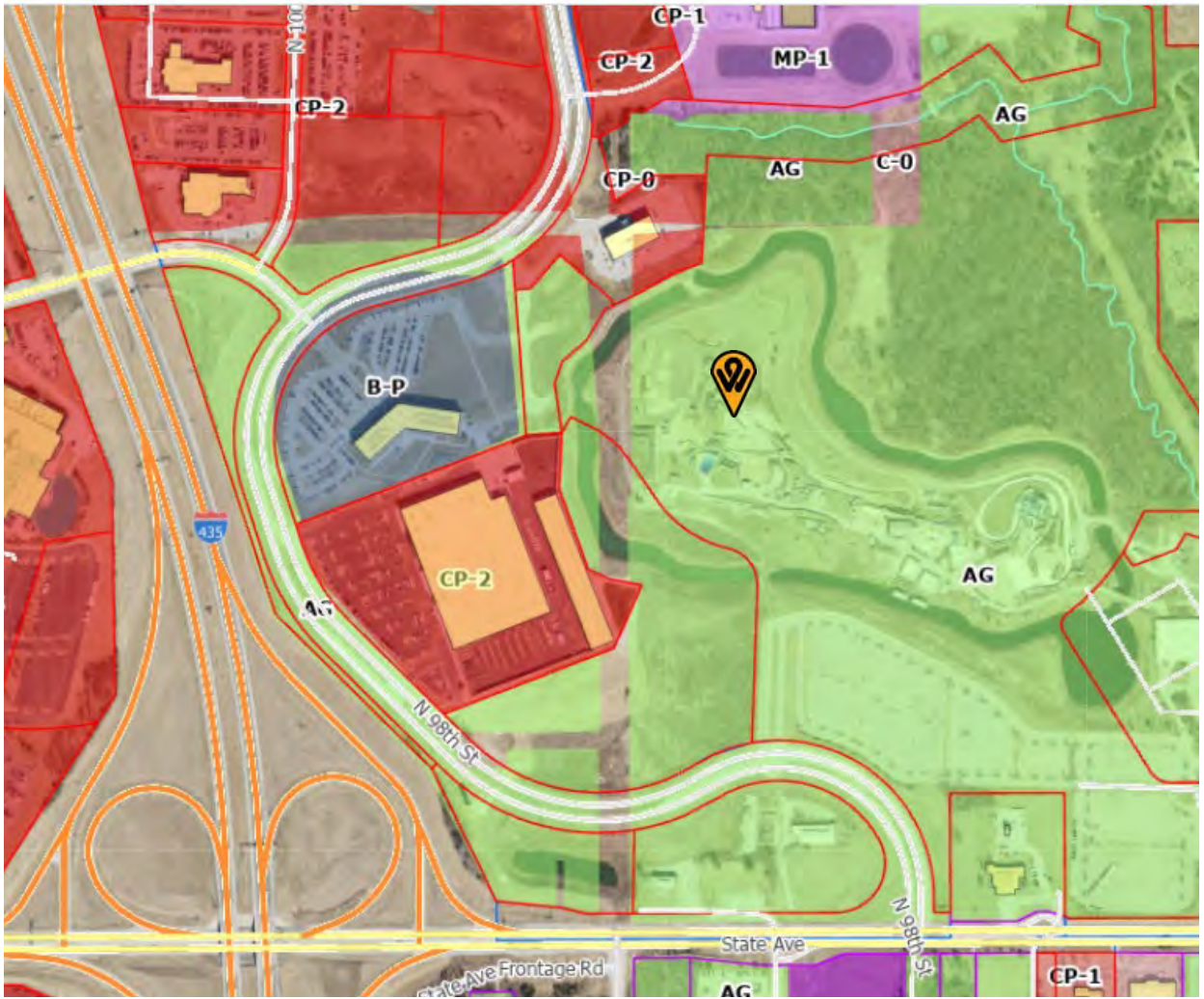


Figure 2. Zoning Map of 9400 State Avenue (provided by UG Maps).

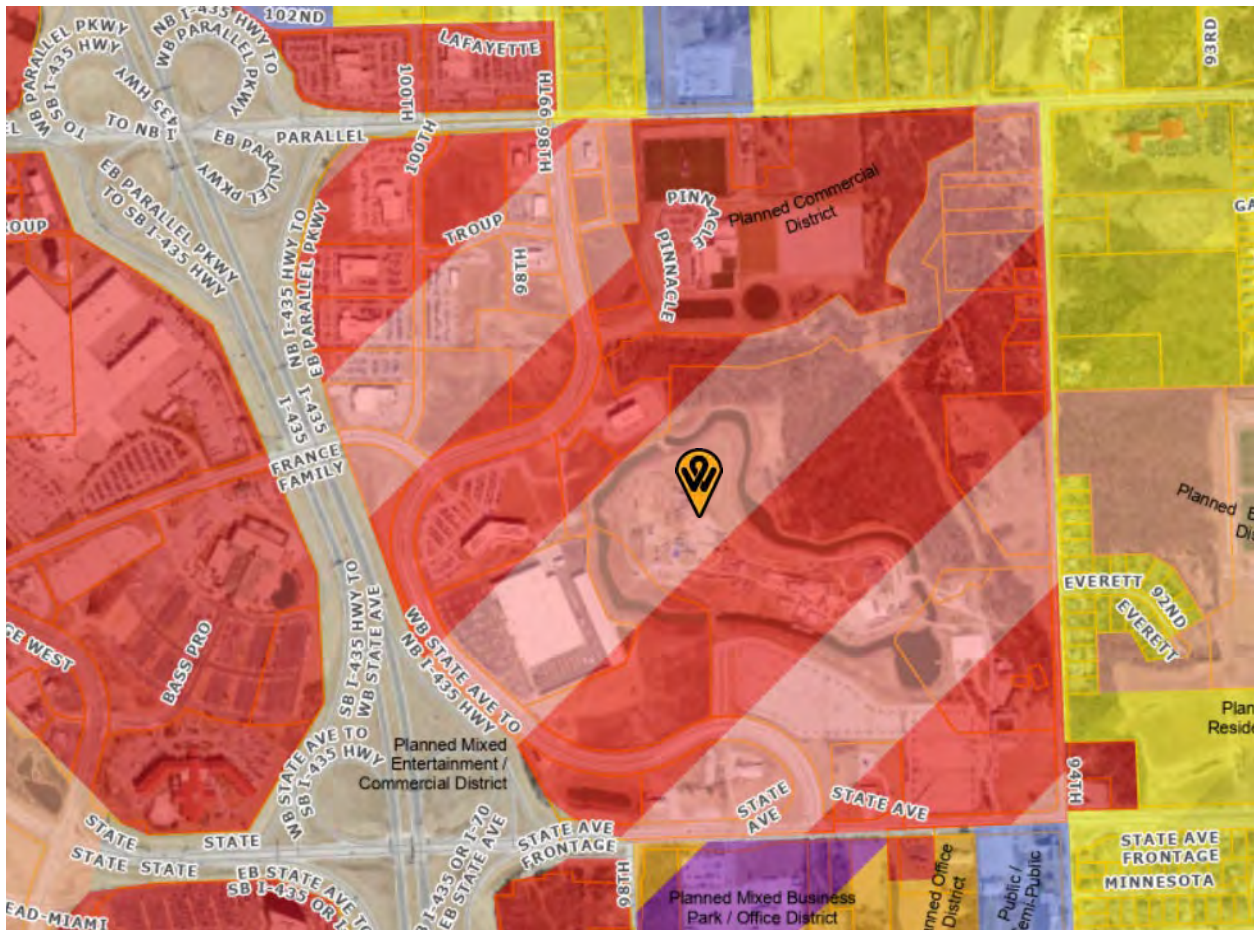


Figure 3. Prairie Delaware Plan Master Plan Land Use Designation Map of 9400 State Avenue (provided by ArcGIS Pro).

- This site was previously Schlitterbahn Vacation Village, which operated from 2009 – 2018.

NEIGHBORHOOD MEETING

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

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

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

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

KEY ISSUES

Stormwater Management
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
goDotte Mobility Strategies
Greenway Trail Connections

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. These City Planning Commission cases are being heard in conjunction with BOZA2022-054, which is seeking a variance for parking reduction of 190 parking spaces for a hotel resort (Margaritaville), convention center, restaurants, drinking pools, drinking establishments and live entertainment. **RESPONSE:**

COZ2022-039, SP2022-097 and PLAT2022-035 (Margaritaville Resort Hotel Preliminary Plat)
November 14, 2022

9

Acknowledged

2. Provide a master plan for the full development. Piecemealing this larger parcel makes it difficult to link sidewalks, trails, and future street connections without knowing the full scope. Staff will not move this petition forward until we receive a master plan for review. **RESPONSE: See attached masterplan**
 - a. Is Tract A going to curve through Lot 1 and split the medical office building and Tract C, Schlitterbahn Vacation Village Second Plat and connect to North 98th Street? **RESPONSE: No, Tract A will continue clockwise around the east portion of Margaritaville and tie to the access drive west and south of the Milhaus Multifamily development and back to 94th Street. See revised Site Plan C1-2 which shows the future alignment of the Tract A road as a temporary fire access drive.**
3. What is the intent of the of the Schlitterbahn parking lot between this site and North 98th Street? **RESPONSE: At the current time it will remain a parking lot; potential commercial development in the future.**
4. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. **RESPONSE: Acknowledged**
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. **RESPONSE: Acknowledged**
4. Utility easements shall connect with easements established in adjoining properties. **RESPONSE: Acknowledged**
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. **RESPONSE: Acknowledged**
6. What amenities are going to be provided within and around the detention basin? **RESPONSE: The intent is for non-motorized water sports such as kayaking and paddleboarding**
7. Interconnect the detention basin sidewalks to the internal sidewalk network throughout this development. **RESPONSE: See attached sidewalk plan, detention basin sidewalk connects to hotel sidewalk.**
8. The five (5) foot sidewalk along the west side of the entrance drive from 98th Street shall continue north and connect to the internal sidewalk network within the development. **RESPONSE: See attached sidewalk plan, route from hotel to 98th Street is along the east of the drive.**
9. Add sidewalks along the southern right-of-way of external ring road. **RESPONSE: See attached sidewalk plan, these have been added.**
10. Add sidewalks through the parking lot to the front door of the hotel and stand-along restaurant. **RESPONSE: See attached sidewalk plan, these are shown on the plan.**
11. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building. **RESPONSE: Acknowledged, these will be shown on FDP and construction drawings.**

Install a 10-foot sidewalk along Parallel Parkway, North 98th Street and North 94th Street as these are identified as trail connections in the goDotte Mobility Plan. There are existing sidewalk gaps on State Avenue and 98th Street that were agreed upon previously to close doing this entitlement. **RESPONSE: See attached sidewalk plan. Regarding the gap at State Avenue, it was agreed to during the Preliminary Plan Process for the Camping World Project, that section of sidewalk will be completed as part of the Unified Government's signalization of 98th Street and State Avenue intersection. Remaining gaps may be closed with projects that develop lots with street frontage adjacent to these gaps.**

12. Install a sidewalk/trail through this development and connect to the Homefield Apartments via the Greenway Trail, as the Marshall creek flows into Margaritaville and the apartments. The trail should follow the trail north into Tract C, Schlitterbahn Vacation Village Second Plat and split to northeast to connect to 94th Street and Parallel Parkway. **RESPONSE: See attached sidewalk plan, that trail would be on a future project across the creek from the Margaritaville Resort (Lot 2). The trail can be addressed when that property develops.**

13. For future live entertainment:

- a. All entertainment must cease by at least 1:00AM **RESPONSE: Acknowledged**
- b. Doors and windows must stay closed during any entertainment performance; **RESPONSE: Acknowledged**
- c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including: **RESPONSE: Acknowledged**
 - i. 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; **RESPONSE: Acknowledged**
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave; **RESPONSE: Acknowledged**
 - iii. An I.D. scanner will be used at all times; **RESPONSE: Acknowledged**
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles. **RESPONSE: Acknowledged**
- d. No amplified speakers or entertainment is allowed in outdoor spaces; and, **RESPONSE: Acknowledged**
- e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses. **RESPONSE: Acknowledged**

14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result

in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **RESPONSE: Acknowledged**

15. 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. **RESPONSE: Acknowledged**
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. **RESPONSE: Acknowledged**

Building Architecture:

1. 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. **RESPONSE: acknowledged**
2. 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: **RESPONSE: Acknowledged. The building design utilizes divisions/breaks in materials, window bays, entrance expressions including varying canopy materials and heights, balconies, and varying roof heights to break monotonous appearance and create visual interest.**
 - 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.
3. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
 - a. EIFS at the ground level or comprising more than 15 percent of any façade.The building elevations for both the hotel/resort and the stand-alone restaurant depict more than 15 percent of EIFS per façade. Increase the masonry materials of each façade and provide a percentage breakdown of each material type per façade. **RESPONSE: See attached building elevations for exterior material calculations**
4. Downspouts shall be internalized. **RESPONSE: Downspouts shall be painted to**

architecturally blend into the building and/or recessed into the corners of buildings as not be in plain view of the public.

5. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building. **RESPONSE: acknowledged**

Landscaping and Screening:

1. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The subject property 26.62 acres, requiring 299 trees be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands. **RESPONSE: acknowledged, see revised landscape plan.**
2. Provide a landscape plan for the detention basins. **RESPONSE: See revised landscape plan**
3. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage. **RESPONSE: acknowledged, see revised landscape plan.**
4. Sec. 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. **RESPONSE: No public street is being constructed with these plans.**
5. Sec. 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. **RESPONSE: acknowledged, see revised landscape plan.**
6. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. **RESPONSE: acknowledged, see revised landscape plan with shrubs between Tract A drive and parking.**
7. How will lighting be mitigated?
 - a. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **RESPONSE: Site lighting will meet the code, see site lighting photometric plan**
8. All parking lot islands shall be curbed and landscaped. Painted, hatched islands

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

RESPONSE: Acknowledged

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

Acknowledged

10. All landscaping shall be irrigated. **RESPONSE: See attached irrigation plan**
11. 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. **RESPONSE: The intent is for rooftop mechanical equipment to be shielded from public view by a roof-mounted system that reads as a monolithic design element in keeping with and an accentuation of the overall building design. See attached building elevations**

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
B) Items that are conditions of approval:
1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1) None
-

MEETING MINUTES

Application Number:

COZ2022-039/PLAT2022-035/SP2022-097/BOZA2022-054

Monday, October 31, 2022 held virtually via Zoom

Meeting called to order at: 3:02pm CST

Names of people in attendance:

Mark Moberly

Richard Napper

Amy Grant – Polsinelli

Tom Proebstle

Peter Baird

Brian Lavery

Chris Doyle

Barbara Verbenec

Michael Verbenec

Steve Smith

Bryon Carmoney

Linda Houston

Dan Himmelberg

Welcome and introductions by Mark Moberly. Turned the meeting over to Richard Napper for presentation.

Screenshare of the Overall Development Site Plan (attached as Exhibit A)

Richard provided an overview of the Margaritaville brand, where there are current locations, and how the project in Kansas City would compare to a few of the Margaritaville properties with which people in the area might already be familiar, saying this project will blow you away when compared to, for example, the Lake of the Ozarks location.

Richard provided an overview of the different elements that are included in the Margaritaville project, including guest rooms, meeting/convention space, restaurants, an indoor pool, outdoor pool(s), and a family entertainment center.

It is anticipated that construction will begin with site work in January 2023, pending weather. The project will be completed and opened in late 2024 or early 2025.

Mark Moberly then provided a walk-through of the Overall Development Site Plan that was shared on the screen, followed by a walk-through of an Enlarged Site Plan (attached as Exhibit B) showing just the Margaritaville development site.

Elevations of the Margaritaville building (attached as Exhibit C) were then shared, including the proposed materials palette.

Elevations of the Landshark restaurant (attached as Exhibit D) were then shared, including the proposed materials palette.

Richard Napper asked that the Overall Development Site Plan be put back on the screen and highlighted that the areas labeled as "POND" would be used for detention, but also for outdoor recreation like kayaking and paddle boarding.

Richard went on to say that the design of the overall project is meant to involve the entire community. The general public will have the ability to acquire day passes for the amenities inside the resort as it's important for the immediate area as well as the overall KCK and KCMO residents to benefit from this project.

The floor was then opened for questions from those in attendance.

Question from Steve Smith: Has there been a discussion with UG regarding the speed of the traffic on State Avenue? Will that be slowed down at all because of the multifamily and MV project?

Answer from Richard Napper: We have performed traffic studies as a requirement of the project. Traffic has been considered for all the parts of the overall Homefield development. There will be a signal installed in the future at 98th and State. Beyond that, we are not aware of any other changes, but can put you in touch with folks at UG who can provide additional information.

Question from Barbara Verbenec: On the comment about day passes to the amenities, what amenities are included?

Answer from Richard Napper: pools and family entertainment center, which is a new-age arcade.

Answer from Mark Moberly: the Landshark restaurant will be open to the general public as well.

Question from Barbara Verbenec: Is there any adult-oriented entertainment included, like you would see at Las Vegas resort?

Answer from Richard Napper: There will be / could be entertainment aspects by the pool. We're not to that level of detail and programming yet. The demographic is not for kids in diapers, but it is a family friendly resort that also caters to an adult population.

Question from Barbara Verbenec: How much meeting/convention space is there?

Answer from Richard Napper: There will be approximately 12,000 total square feet of meeting space that is divisible into many different sizes for different types of groups.

Answer from Mark Moberly: Confirm what Richard said, and further said that the meeting spaces could be divided up into a range of sizes that could include as many as 350 people at one event or broken up into several separate smaller spaces for multiple events at the same time.

Question from Barbara Verbenec: Plans for other uses between Margaritaville and Milhaus multifamily project?

Answer from Richard Napper: On the Overall Development Site Plan, it was shown how there is a lot of vacant area between the Margaritaville and Milhaus multifamily project, and while there are no plans to present today, there are some exciting ideas in the works for those areas, but it is too early to disclose any additional information.

Question from Michael Verbenec via chat: Will there be any type of showroom for live shows, like music?

Answer from Mark Moberly via chat: No, the Margaritaville project will not have a showroom for live shows.

Question from Linda Houston: A notification was sent that 315 parking spaces are being provided, which is 190 space short of code...please explain.

Answer from Richard Napper: The code in Wyandotte County looks at the project as if they are each aspect is standalone, which results in 505 parking spaces required. In this project, everything is integrated together, so each use will be patronized by the same users. In large resort developments, many don't drive to the hotel. Hotel guests are those that also visit the food outlets and attend events in the meeting/convention space. The 315 parking spaces being provided was done by calculating what other large hotel developments of similar size and capacity and use provide and are successful with. Based on the use of this large resort, we feel the number of spaces being provided is adequate. The ownership group is investing \$140 million, so are very incentivized to make sure the correct number of parking spaces are being provided, and we feel 315 spaces is a sufficient number.

Mark Moberly asked for any closing questions or comments. There were no further questions or comments.

Richard Napper stated we welcome comments or input from any of the area stakeholders, even in an unofficial capacity and they are welcome to email himself or Mark Moberly directly.

The Planning Commission will consider this application at their November 14, 2022 meeting.

The Board of County Commissioners will consider this application at their December 1, 2022 meeting.

A separate letter from the UG with the above dates, times and locations will be forthcoming.

Meeting adjourned at 3:30pm CST

Minutes taken by Mark Moberly

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Mo)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition # COZ2022-039, PLAT2022-035 SP2022-097 802A2022-054
2. That I conducted a neighborhood meeting on October 31, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

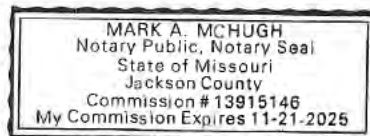
Further affiant saith not.

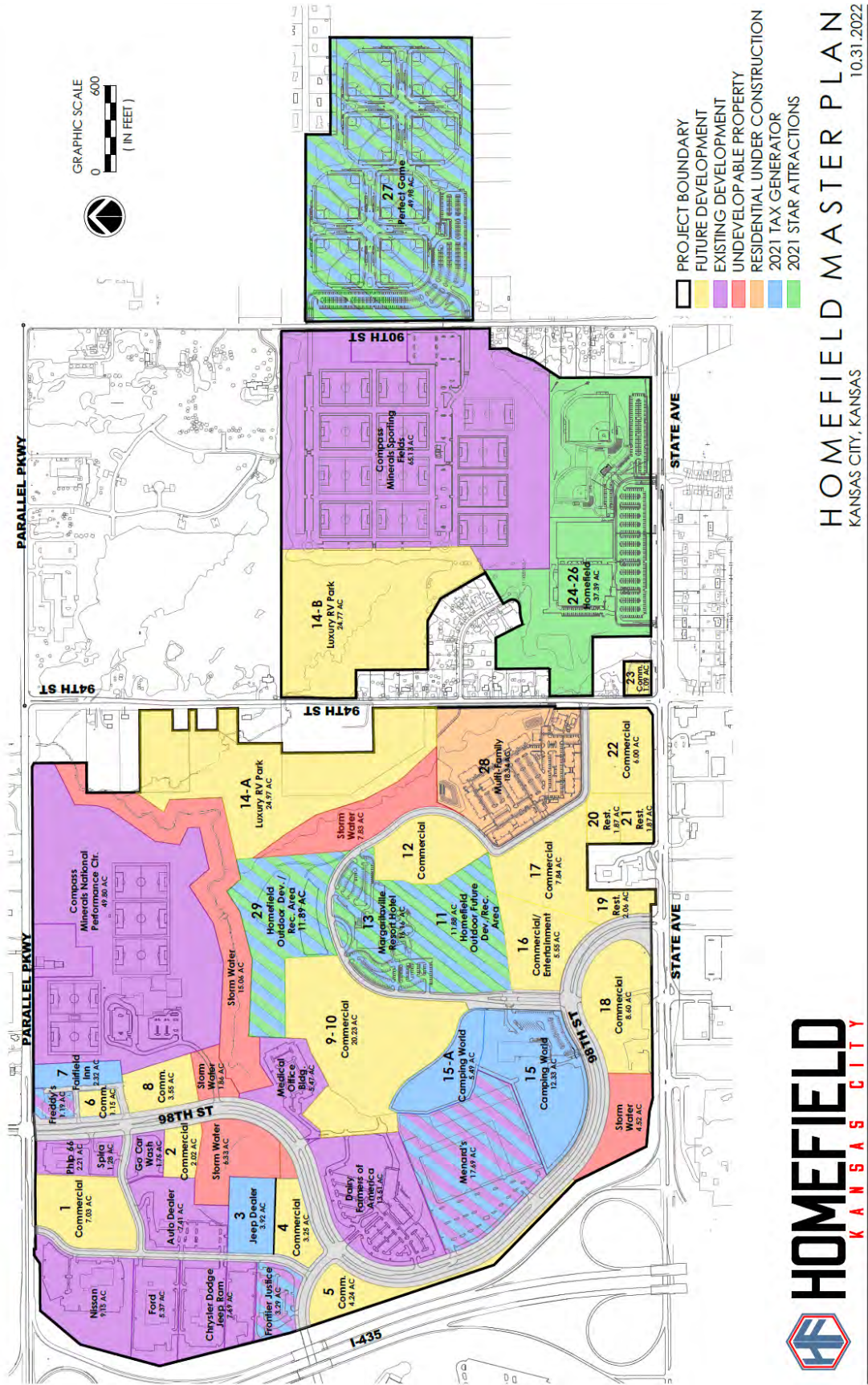
Mark Moberly
Affiant

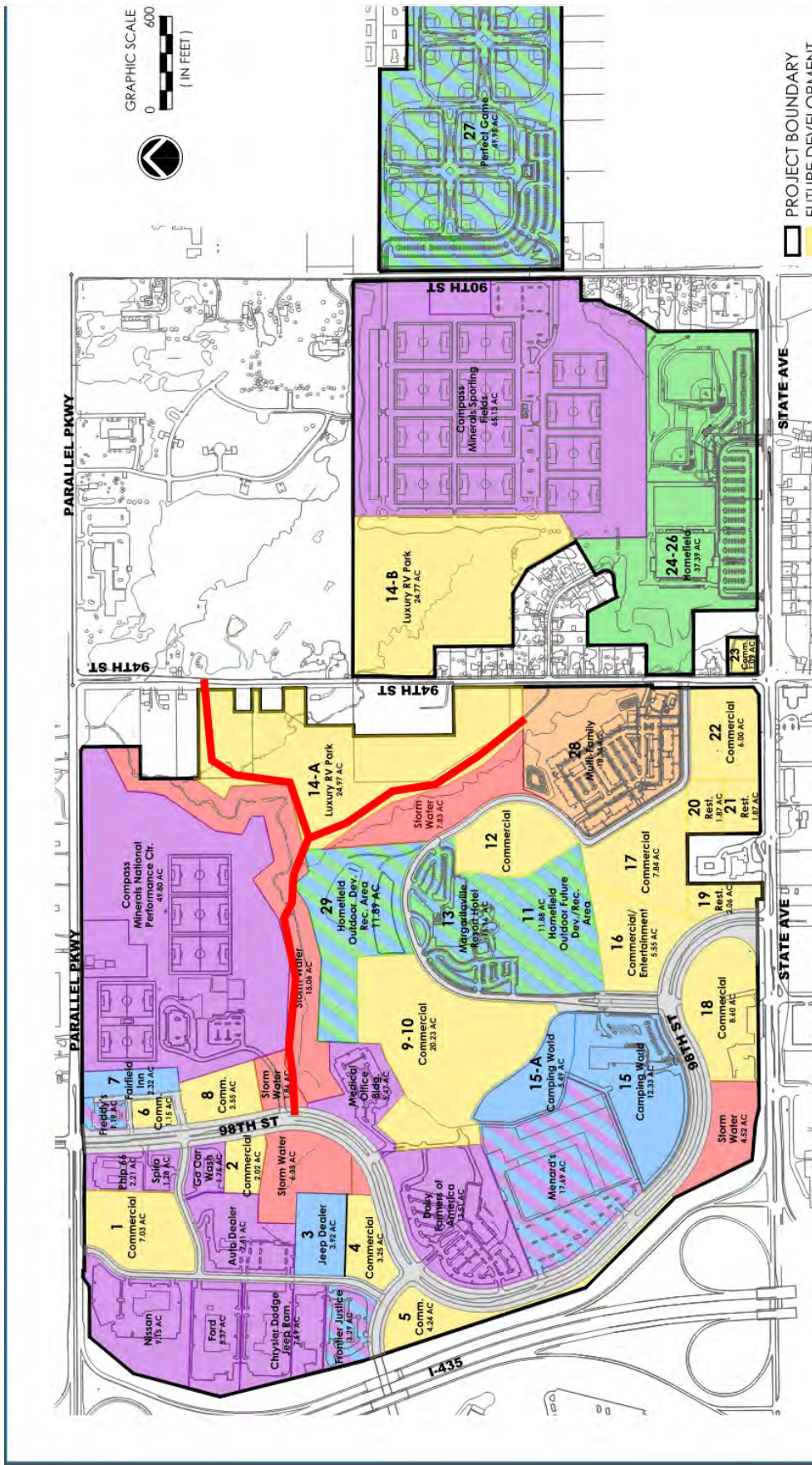
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of November, 2022

My commission expires 21 of November, 2025

[Signature]
Notary Public

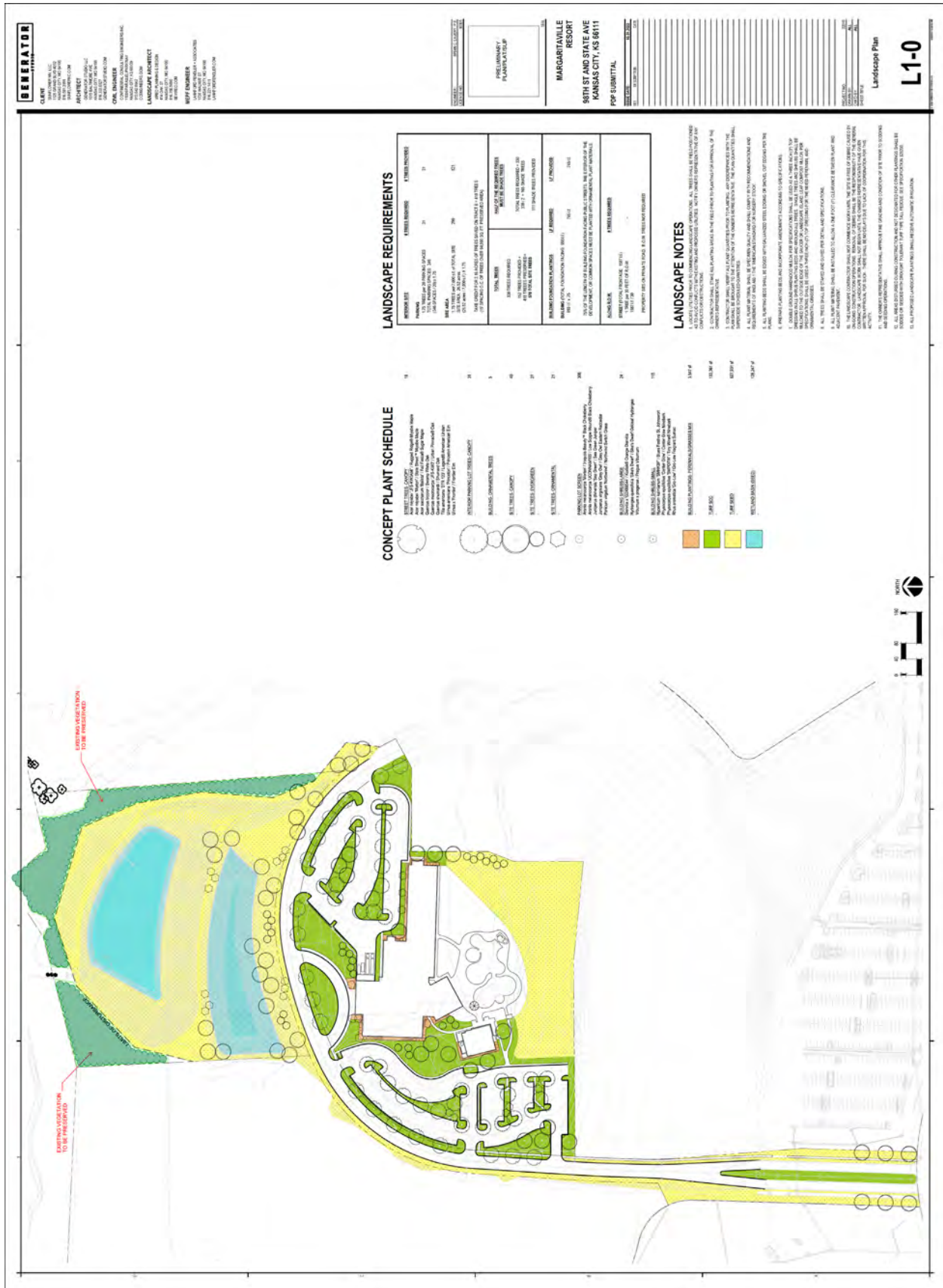












GENERATOR

50th ST AND STATE AVE
KANSAS CITY, KS 66111
MARGARETVILLE RESORT
POP SUBMITTAL

PRELIMINARY
PLANTING PLAN

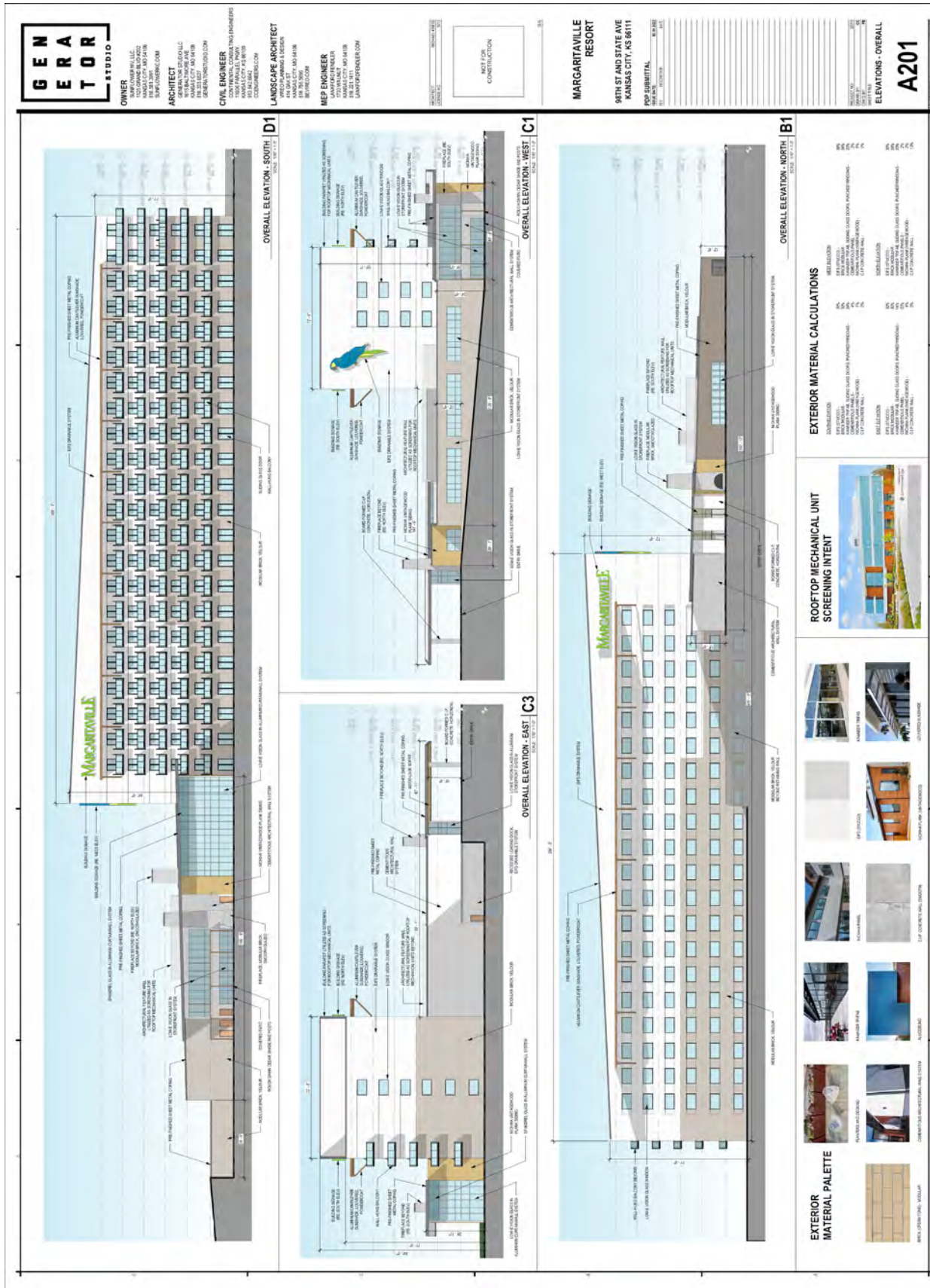
MARGARETVILLE
RESORT

50th ST AND STATE AVE
KANSAS CITY, KS 66111

POP SUBMITTAL

Landscape Plan

L10



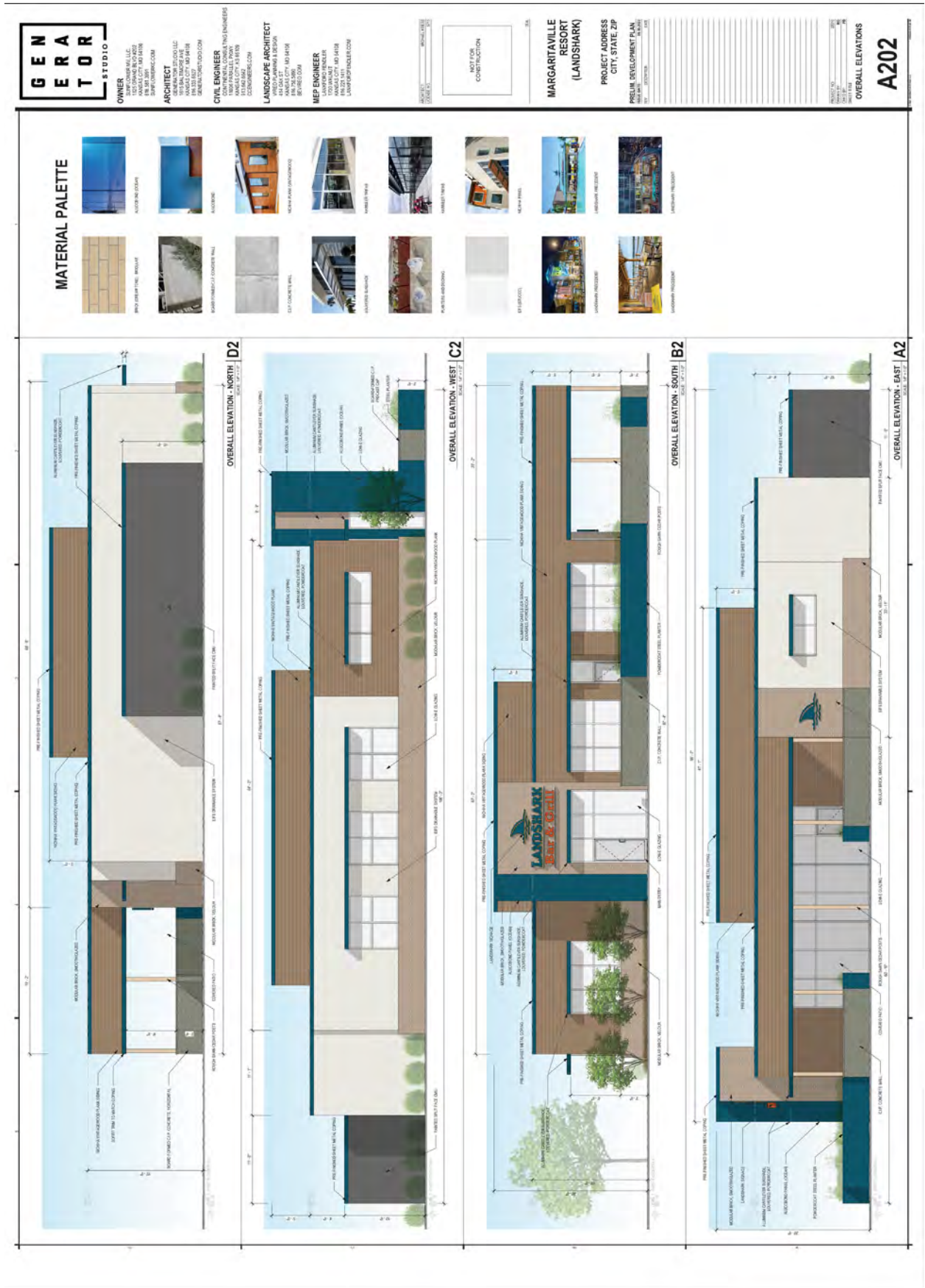




Figure 4. Site photograph of 9400 State Avenue looking northwest (provided by Planning Staff).



Figure 5. Site photograph of 9400 State Avenue looking north (provided by Planning Staff).



Figure 6. Site Photograph of 9400 State Avenue looking north (provided by Planning Staff).



Staff Request for Commission Action

Tracking No. 212183

Full Commission Meeting Date:

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 11/30/2022	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> Announcement of the UG Gingerbread house competition held in conjunction with Downtown Christmas Tree Lighting, submitted by Tyrone A. Garner, Mayor/CEO.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 212176

Full Commission Meeting Date: 12/01/22

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 11/28/2022	<u>Contact Name:</u> Ana Marin	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> amarin@wycokck.org	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> Per Unified Government Code of Ordinances, Chapter 2-81, Division 4(12), Mayor Garner will provide a verbal update to the commission and citizens detailing the needs of the Unified Government.				
<u>Action Requested:</u> For Information Only				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 212035

Full Commission Meeting Date: 12/1/2022

Committee: Administration & Human Services

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

Publication Required: No

<u>Date:</u> 11/22/2022	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> Retroactive approval to pursue the Federal Reconnecting Communities Planning Grant for the areas between Kaw Point and Armourdale along the Kansas River, submitted by Gunnar Hand, Director of Planning & Urban Design.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Reconnecting Communities Pilot_Narrative_UG_FINAL				

Reconnecting Communities Pilot (RCP) Program

The Unified Government of Wyandotte County and Kansas City, Kansas
Planning Program Grant Application | The Green Loop

Overview

The Unified Government of Wyandotte County and Kansas City, Kansas (UG) seeks a Reconnecting Communities Pilot (RCP) Program Planning grant to reconnect our community back to the River that was the genesis of our founding, and thereby to our history, culture, and future economic prospects. This planning program will leverage multiple previously adopted plans that all point to the opportunity to revitalize the Kansas River waterfront for significant economic reinvestment. These plans included initial, ongoing enhancements, but never developed a true master plan and strategy to not only execute this vision of a regional recreation and lifestyle destination. It is the UG's goal to address the realignment and reconstruction of current infrastructure that has created physical and psychological barriers to and across the Kansas River.

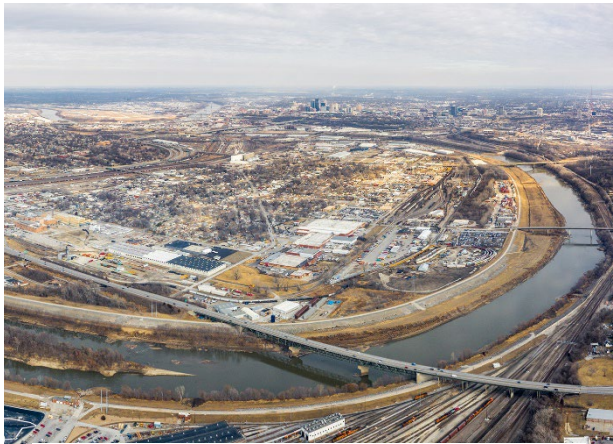


Figure 1: Armourdale Aerial View

This planning initiative, named **The Green Loop**, will create a better juxtaposition of the contesting systems of highways, railroads, multi-modal pathways, and levees, as well as the topography and River itself. The Green Loop will connect, extend, and reclaim this underutilized industrial area to a functional, sustainable, and resilient public realm from the confluence of the Kansas River upstream to westernmost Kansas Avenue crossing. This planning program will build off the foundation of the UG's approved [Armourdale Area Plan](#), [Central Area Plan](#), [Downtown Plan](#), [Northeast Area Plan](#), [Northeast KCK Heritage Trail Plan](#), and the [“goDotte” Countywide Strategic Mobility Plan](#) to connect the KCK community back to and across the Kansas River. With the goal of creating community assets along the river and enhancing regional connections between KCK and the adjacent historic West Bottom and Central Business District of Kansas City, Missouri (KCMO). This connection will redress the legacy of harm caused by transportation infrastructure, including barriers to opportunity, displacement, damage to the environment and public health, limited access, and other hardships.

A Cycle of Disinvestment

The Armourdale community has endured a cycle of disinvestment for over a century. For the last 70 years, Armourdale further persisted under the looming possibility that one day the entire residential neighborhood would be erased—not by flood, but by government decree. Armourdale is not destined to endlessly repeat the cycles of isolation and disinvestment that have defined its history until now. Armourdale and its still predominantly industrial riverfront now deserves the investment, equity and stability that has been withheld from it for over 100 years. The Green Loop planning program is intended to be a transformative step in the direction of empowerment of not just Armourdale, but the many other neighborhoods (and their associated Area Plans) that are also cut off by infrastructure for the Kansas River to create a healthier, more prosperous, and more equitable community.

We understand that the Armourdale community must become more connected to the rest of Kansas City and to the Kansas River, overcoming the historical, physical and psychological challenges caused by **infrastructure and social isolation**. The Armourdale community must also become empowered to advocate for what it needs to the Unified Government, and to continuously organize itself to make sure it has access to those resources and investments. This is not, however, just the responsibility of Armourdale residents. The Unified Government must ensure that Armourdale residents and community leaders are included and that their interests are represented fully when major decisions that impact the future of the district are made. The Green Loop will continue the Unified Government's commitment to a **Community Based Participatory Planning** approach with all the relevant stakeholders within and adjacent to this project area.

A Site of Environmental and Health Inequalities

Originally incorporated as a company town, Armourdale has always been home to both industry and the residences of the workers that live there. Armourdale is also home to a diverse array of light and heavy industrial firms, from manufacturing to logistics and distribution to small-scale firms like auto body shops, storage yards, and equipment rental. It also includes a number of scrap yards, rendering plants, and other heavy industry that should not be located close to residential neighborhoods because of the effects of their byproducts or pollution on resident quality of life.

Armourdale is reduced to a site of environmental inequality, where people who live and/or work there are disproportionately subject to industrial pollution and environmental hazards. The fact that a significant number of Armourdale's population are recent immigrants and lack access to environmental policy making, leaves this community especially vulnerable to environmental racism. In recent years, and especially after the 1951 flood, people who work in Armourdale have become increasingly isolated from people who live there.

According to the most recent American Community Survey, only 1% of people who work in Armourdale also live in Armourdale. Further, driven by "market dynamics," industry has continued to expand towards the residential core of Armourdale during the past century—risking its community's health and contaminating its live, work, and play spaces.

A close examination of public health indicators by the UG showed that **Armourdale residents suffer worse health outcomes** by almost every measure than both Kansas and the United States as a whole. These indicators point to both a lack of access to care and a broader picture that reinforces the effect of poverty and economic instability as a social determinant of health outcomes. The UG Public Health Department's analysis points to access to quality care, access to health insurance, and the overall built environment and its safety concerns as some of the most important health issues facing Armourdale residents today.

Planning for a Connected Community to Reduce Inequity

Armourdale is a residential community of more than 2,500 people surrounded by a large industrial district that extends to the east side of the Kansas River. Since a large influx of Mexican immigrants began to arrive in 1910 and accelerated through the 1920's, the area has been a mixed neighborhood of white and Latino residents, although since the 1954 flood the neighborhood's population has steadily declined while the proportion of Latino residents has steadily increased.

The planning program will support and engage both the economically disadvantaged communities within Armourdale and the many communities that must move through this Plan area to reach the

Kansas River by increasing affordable, accessible, and multimodal access to daily destinations like jobs, healthcare, grocery stores, schools, places of worship, recreation, and park space. This engagement will be done through the creation of formal partnerships with local entities, substantiated through signed commitment letters, that have geographic ties to communities adjacent to the facility. Partners may include community-based organizations, anchor institutions, community development financial institutions, philanthropic and civic organizations, private sector entities, and State and local government.

As part of this application our team has received a signed letter of support from the Mid-America Regional Council (MARC), the local Metropolitan Planning Organization (MPO) that coordinates regional, interjurisdictional planning and transportation studies and projects. The Green Loop planning program will build on and align with actions identified in the recently adopted goDotte Countywide Strategic Mobility Plan that collectively emphasizes increasing access to opportunity through investment in multi-modal transportation and reconnecting residents to the Kansas River. The goDotte Countywide Strategic Mobility Plan was funded in part through MARC's Planning Sustainable Places program and its recommendations for the use of mobility enhancements and connectivity to support larger community goals such as **equity, sustainability, and economic development** align with the regional vision.

The Green Loop planning project will be based on thorough consideration and integration of the standing city plans and initiative that directly bear on the project study area and its related context. Our team will ensure all community engagement outcomes from these plans are integrated and considered in our planning process.

The Green Loop Planning Program

Above all, the redevelopment and reinvestment along the Kansas Riverfront from Kaw Point to the westernmost Kansas Avenue River crossing cannot create a new neighborhood along the waterfront that further disconnects our existing residents from the River. The intent is to create an intentional, mixed-income community along the River whose development is tied to recreational and other enhancements along the Kansas River that promote the connectivity of existing neighborhoods to the River. The existing community must directly benefit from this proposed Kansas River reinvestment, and so a more intentional, comprehensive development master plan and implementation strategy is needed.

Additionally, this development master plan must coordinate the many on-going efforts along the Riverfront and fully leverage these projects into a more cohesive vision, strategy and action by both the Unified Government, its community partners, and the private development community. Of particular note is the on-going levee raise project of the US Army Corps of Engineers, who is improving the entire levee system within this project area; the levee betterments that are partially funded by the Unified Government to create new open spaces and trails that close gaps in the regional multi-modal system; the Rock Island Bridge redevelopment, a private development with UG investment, taking an abandoned railroad bridge and transforming it into a regional destination, event space, food hall, and public trail connection over the Kansas River; the implementation of the Northeast KCK Heritage Trail Plan, which will connect Kaw Point to the Quindaro Townsite National Commemorative Site via the existing Riverfront Heritage Trail that connects Downtown KCK to Downtown KCMO; and most importantly both the Central Avenue and Kansas Avenue (Cesar Chavez bridge) bridges that have both been recently closed due to structural failures. This development master plan will include the studies necessary to determine

the viability of rebuilding both bridges from a traffic and fiscal perspective. The proposed outline of such a Work Plan is outlined below:

1. *Defined Work Plan and Project Schedule.* A step-by-step work plan that aligns on-going projects, coordinates diverse stakeholders, and builds momentum through successive tasks. The work plan is understood to be iterative throughout the planning process, but is expected to be a 12-month schedule.
2. *Public Involvement Plan (PIP).* Separate, but complimentary to the work plan, the PIP should build on UG outreach standards to develop a 12-month strategy for a multi-cultural and multi-generational engagement schedule that is, at a minimum, bilingual (e.g., English and Spanish). It is the expectation that UG Staff will be utilized for a majority of the outreach, facilitation and other communications efforts, but the plan program will assist with providing general oversight, coordination, and content creation.
3. *Market Analysis and Strategy Report.* This is not necessarily a prototypical market analysis, but a broader strategy that defines a clear path to increasing market demand across all segments in the plan area, including the identification of new funding strategies. This part of the scope will work closely with the UG's Economic Development Department, which will create a baseline market analysis to start the process. A supplemental to this baseline market analysis that is specifically tailored to a diverse and disadvantaged community, this market analysis will define existing market size, market segments and the economic environment. This will support the development of market strategies that support business growth and reduce barriers of entry. It will specifically target the amount of projected housing units and typologies, as well as commercial office, retail, and even industrial square feet expected in the plan area over a 10-year plan horizon. Existing and previous market analyses, including a broader analysis as a part of the ongoing Citywide Comprehensive Plan process conducted by the UG will be used as additional background for this effort.
4. *Existing Conditions Analysis and Synthesis.* The Planning and Urban Design Department, in collaboration with the Public Works and other UG Departments will leverage a significant amount of "in-house" support with the expectation that the proposed plan program will identify and provide any missing data sets and provide additional, unique insights throughout. This is not a "data dump," but a review of collected UG and regional data with new expertise assisting with the synthesis and development of an illustrative narrative thereof. As previously noted, insights from the recently adopted goDotte Countywide Mobility Strategy and the ongoing Citywide Comprehensive Plan process (expected adoption in Fall 2023) will also support this effort, as well as those gleaned from other adopted plan documents noted in this application.

The UG Public Works Department's Engineering Division has gathered data related to critical public assets including, but not limited to sidewalk, curb and road condition, location, material, and length. Impervious surface data, overland flow paths, and storm and sanitary work orders are all readily available to identify priority improvement areas. This and other relevant data should be used to drive future needs and considerations for right-of-way, utilities and stormwater, building types, transportation modes, **impervious surface reduction, green infrastructure**, flooding and drainage, and the needs of transportation in relation to surrounding industry.

In coordination with the UG Public Works Department, the proposed plan program will conduct an in-depth analysis of infrastructure and development opportunities surrounding Public Works assets. The analysis should address assets, tree canopy, and stormwater capacity to support economic development, quality of life, and the ever increasing amount and cost of deferred maintenance. Additionally, investigation into innovative solutions such as **green banks/mitigation banks, urban nature** through stormwater infrastructure, and regional stormwater opportunities to support economic development should be incorporated.

In coordination with the UG Public Health Department (UGPHD), the plan program will conduct an in-depth analysis of the social and health-related indicators for this portion of the KCK riverfront. This analysis should bring a “Health in All Policies” approach that explores the impacts of all parts of the ongoing Citywide Comprehensive Plan update on the health and wellbeing of the community. This analysis should have a focus on health inequity and the social determinants of health, but should also include clinical indicators and mobility and mortality data. The UGPHD will support efforts to identify and access the most appropriate data, analyze the data, and craft a narrative of the public health situation along the Kansas River for the population as a whole and for the **populations experiencing disproportionately poor health outcomes**.

The portion of the existing conditions analysis that is focused on health must prioritize health inequities and strive to provide a robust understanding of the current health situation in the community and the ways in which this is impacted by the built environment. The analysis should prioritize the four (4) pillars of the Wyandotte County Community Health Improvement Plan: access to medical, dental, and behavioral healthcare; violence prevention; access to education and jobs; and access to safe and affordable housing. Detailed information on the CHIP can be found on the CHIP dashboard: <https://dashboards.mysidewalk.com/wyco-chip-dashboard/our-story>.

The existing conditions analysis should also include information on: chronic disease; potential hazardous waste exposure from lead-based paint to other environmental injustices; racial and ethnic disparities in health outcomes; intentional and unintentional injury; distribution of food retailers (including fast food, farmers markets, and those that accept WIC and EBT); alcohol and tobacco retailers; natural resource utilization; distribution and maintenance of public spaces used for physical activity; distribution and access to bus routes, bike lanes, sidewalks, and other alternative methods of transportation; and, the distribution and inequitable burden of violence at the neighborhood level. The UGPHD’s Violence Prevention Dashboard can provide most significant violence-related indicators available at the city or county level: <https://dashboards.mysidewalk.com/violence-outcomes/violence-is-a-public-health-crisis>.

The Unified Government Parks and Recreation Department will provide a priority listing for park improvements based on their 2017 Parks Master Plan. The work program will support this in the identification of underutilized acres of park land and facilities, unbuildable corridors that could be repurposed as greenways and other community spaces **connecting our neighborhoods in a purposeful manner that the community will utilize**. With the ongoing levee raise and enhancement project along the Kansas River in the Armourdale Area, particular attention to potential trail-head locations and other means to connect new and existing greenways and pathways to the community is imperative as this is one of the largest new park planning efforts in KCK. The Kansas (“Kaw”) Riverfront has been identified as one of the

primary drivers of future economic growth in KCK. By transforming the Kansas River from a more industrial to recreational opportunity and considering the unsafe conditions of the much faster flowing Missouri River, this represents one of the few untapped urban riverfront redevelopment opportunities in the country and the only viable one in the Kansas City region. In addition to the Kansas River, the Missouri River to the north and all their respective tributaries and other bodies of water in KCK form a vast majority of the wild lands and open spaces in KCK. These open spaces not only provide significant and quantifiable ecological, public and mental health benefits, but they also help define the edges of our built environment and embody our distinctive community and neighborhood character.

The proposed work program is expected to integrate and expand on strategies for transit connectivity that allow higher-frequency service both within KCK, as well as Kansas City, Missouri. There should also be a focus on maximizing limited resources to satisfy needed supporting amenities such as real-time wayfinding, sidewalks, shelters, benches, lighting, trashcans, access to bike share stations and dedicated bike lanes. In coordination with various transit and trail routes across KCK, specific transit-oriented development (TOD) opportunities should be further identified and vetted. TOD is a complimentary concept to infill development for future reinvestment in KCK.

5. *Urban Form Analysis.* In coordination with the Planning and Urban Design Department, the proposed work program will support an in-depth analysis of the urban fabric and built form of the Kansas Riverfront. While the UG will support the collection and collating of existing information, as well as field verify and document any unique characteristics, the work program will expand on this in-house work to identify emerging best practices and gaps in the available information that will in turn support the synthesis of this data. Furthermore, the work program will then craft the illustration and narrative of the insights gathered from the synthesis of said information. This should include a three-dimensional analysis of the built environment, a site line study of important viewsheds, and a skyline study of Downtown KCK and its immediate historic neighborhoods and other important and/or identified landmarks within the project area.
6. *Draft Plans.* A preliminary draft plans for internal UG and public review in PDF format that include, but are not limited to the following topics and strategies: Social, Economic and Environmental Sustainability (triple-bottom line); Community Empowerment; Access to Opportunity; Equitable Investment; Urban Design; Transit-Oriented (TOD) and Infill Development; Open Space Preservation; and Infrastructure Right-Sizing. The work program will consider revenue and budgetary constraints when developing opportunities and strategies.
7. *Final Plan.* Final plan document in both English and Spanish.
8. *Public Involvement Summary.* Public Involvement Summary document, which will include a catalog of all materials, minutes of events and a per event and cumulative tabulation of citizens engaged (i.e. sign-in sheets, online, interactives, social media, etc.).
9. *Implementation Action Plan.* Develop a 10-year implementation action plan with performance measures and baselines that together create a step-by-step process for all stakeholders and elected officials to execute on this defined vision.

The proposed work program is not just a matter of hiring experts to develop the strategy for the Unified Government. It will leverage the local expertise of UG Staff in a collaborative fashion with their experience and expertise with planning and urban design best practices from outside of the Kansas City region. A selected team will then assist the UG in the facilitation of the process to create an engaging, dynamic, illustrative, and visual planning process and final deliverable that creates buy-in across KCK, amongst our many partner agencies, in coordination with the myriad of local stakeholder groups, and most importantly, the general public. The result is a **dynamic and inclusive planning** process that builds local capacity and triggers implementation actions both before and after successful adoption.

Location and Map

The proposed planning project will encompass the Armourdale community of Kansas City, Kansas, but will also include the many neighborhoods who must move through this plan area to also access the Kansas riverfront. Armourdale sits just across the Kansas River from downtown Kansas City, Missouri and is separated from downtown Kansas City, Kansas by the extensive railroad tracks of the Union Pacific Yards and Interstate 70. It is uniquely positioned within the larger Kansas City metro – a hybrid residential / industrial neighborhood that is relatively cut off from its neighboring communities. The core of Armourdale is bordered on the north by I-70 and the railroad yards, both cutting east-west and dividing Armourdale from Strawberry Hill, Riverview, and Kensington.

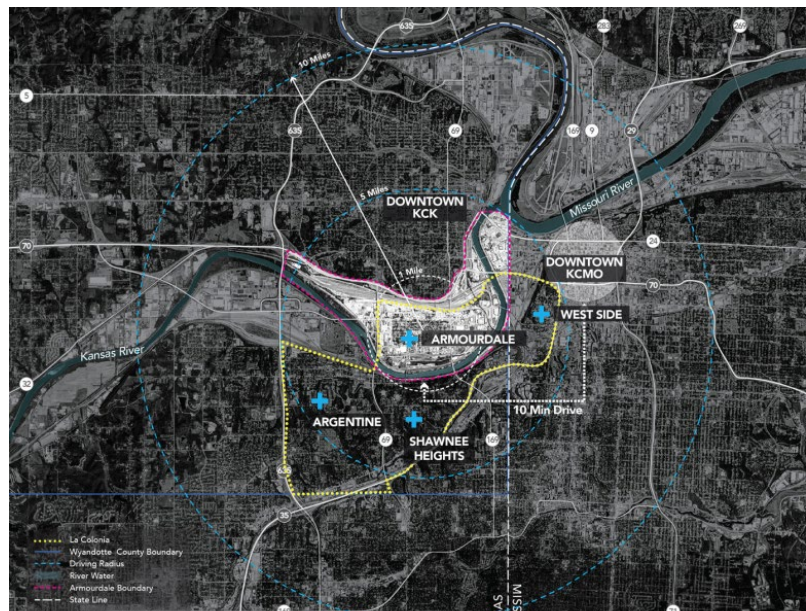


Figure 2: Armourdale Site Plan

On the west, south, and east, the core of Armourdale is bordered by the Kansas River, whose confluence with the Missouri River resides at the far northern tip of the study area. The study area also includes the Kansas portion of the Historic West Bottoms. Armourdale is distinguished by containing one of the only residential neighborhoods in the Kansas City area that lies in the historical floodplain of either the Kansas or Missouri Rivers. This, coupled with its relative isolation from other residential areas, results in an island-like quality for residents there. Armourdale is accessed from the east and west by Kansas Avenue and from the north and south by 7th Street and 18th Street Expressway. These major roads divide Armourdale and roughly bound the residential neighborhood. Kansas Avenue and Osage Avenue also have the highest concentration of commercial businesses in the district.

East of 7th Street, south of Osage Avenue, east of 14th Street, and north of Kansas Avenue is mostly industrial lots of various sizes. Many of these lots are distribution and storage facilities that take advantage of the district's proximity to I-70 and I-35, as well as downtown Kansas City, Missouri.

Armourdale is also home to a number of manufacturers, including a Sealy Mattress manufacturing facility on the east side of the district. On the east bank of the Kansas River is the Historic West Bottoms, an area of Wyandotte County that is adjacent to Kansas City, Missouri. The technical boundaries of this district include only the area within the state of Kansas, but it is contiguous with the Missouri portion of the Historic West Bottoms.

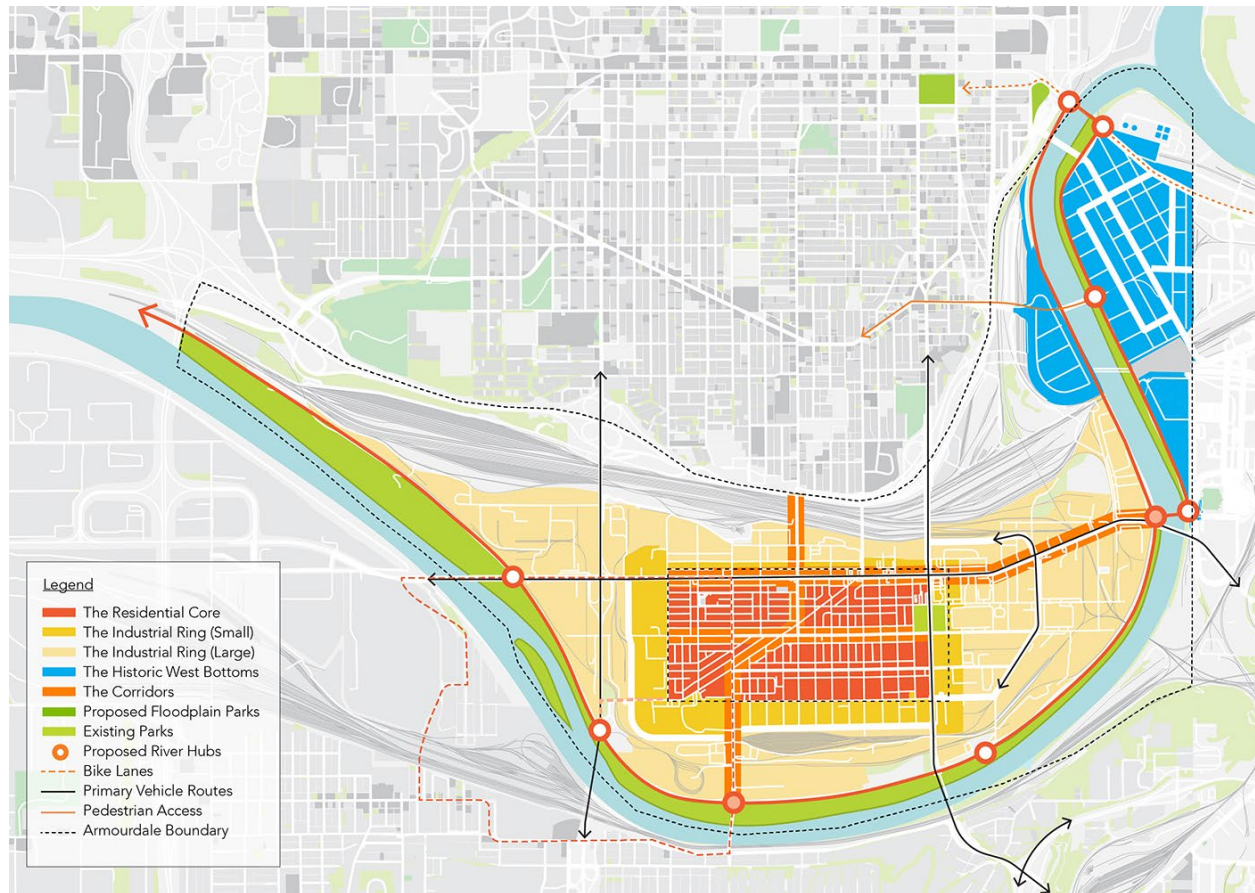


Figure 3: Armourdale Land Use map with elements of the existing transportation network

The proposed location for this planning study is comprised of census tracts that are identified as disadvantaged by the **Climate and Economic Justice Screening Tool**¹. The categories in which the census tracts meet the criteria of disadvantaged are sustainable housing, legacy pollution, health burdens, workforce development, and clean energy and efficiency.

Response to Merit Criteria

#1: Equity, Environmental Justice, and Community Engagement

The UG commits to conduct planning analyses that are informed by community engagement findings and research, cognizant of harmful historic or current policies (e.g., displacement, segregation, exclusionary zoning²), understanding of the existing socioeconomic disparities, considerate of environmental burdens and risks, and dedicated to meeting the needs of the surrounding community. Our team will address how the proposed solutions will equitably

¹ <https://screeningtool.geoplatform.gov/en/#14.19/39.10902/-94.62134>

² See *How We Grow Economic Opportunity for All* in USDOT's Beyond Traffic report for more information, https://www.transportation.gov/sites/dot.gov/files/docs/BeyondTraffic_tagged_508_final.pdf.

distribute benefits and mitigate impacts supported by geospatial tools like EPA's EJSCREEN and FHWA's Screening Tool for Equity Analysis of Projects.

The proposed planning program will include a Community Participation Plan that facilitates meaningful engagement in planning, design, construction, operations, and related land use decisions. The Plan will engage hard-to-access community members through culturally appropriate and innovative practices, which may include: surveys, interviews, focus groups, reimbursing local organizations and community members for their time and knowledge, childcare at public meetings, virtual and in-person platforms, and multi-language translation (predominately Spanish) and outreach. The Plan will establish goals and measures for effectiveness, ensuring that all community members have the opportunity to participate.

#2: Mobility and Community Connectivity



Figure 4: The Green Loop will include outdoor spaces for connection

increase safe mobility and connectivity for all, including for people with disabilities, through lower-carbon travel like walking, cycling, rolling, and transit that reduce greenhouse gas emissions and promote active travel.

The proposed Green Loop planning effort intends to significantly minimize barriers to access, mobility, and economic development. The current roadway design is poorly suited to the community, our planning effort will establish how to remove barriers, including over-reliance on automobiles, and **reconnect communities for people to live, work, play, and move freely and safely**. It is the intention of the planning team to incorporate improved affordable transportation infrastructure to

The Unified Government was recently awarded a Water Infrastructure Finance and Innovation Act (WIFIA) loan from the Environmental Protection Agency (EPA) as part of a \$152 million investment in its stormwater infrastructure. Many of the priority projects in that package serve Armourdale and its surrounding communities, including separation of combined sewer systems and incorporation of green stormwater infrastructure principals. Those projects include two (2) areas where the Unified Government plans to increase capacity of the existing stormwater infrastructure to alleviate street flooding.

The upcoming Army Corps of Engineers (USACE) Levee Enhancement project will raise the levees by four (4) feet to meet the increasing pressure and intensity of the spring and summer floods. New pump stations and repairs will further enhance Armourdale's water management infrastructure. Like the WIFIA improvements, the levee project is an opportunity to incorporate public realm improvements in and around the levees themselves. These 'betterments' include the establishment and opening of the Levee Trail, the provision of parking and other access points, amenities, benches, and wayfinding³.

³ Armourdale Master Plan: <https://www.wycokck.org/files/assets/public/planning-amp-urban-design/documents/master-plans/armourdale-area-master-plan-2021.pdf>

The Green Loop planning program will build on these efforts to provide safe accommodation for all users and seamless integration with the surrounding character, context, and land use with consideration of climate resilience, stormwater and flood risk management, public health, and the economy.

#3: Community-based Stewardship, Management, and Partnerships

The UG intends to take a community-centered approach in the planning process. The plan will envision a reconnection solution that **meaningfully redresses inequities and benefits economically disadvantaged communities**. Our team will create formal partnerships, substantiated through signed commitment letters, include entities with geographic ties to communities adjacent to the facility. Partners may include community-based organizations, anchor institutions, community development financial institutions, philanthropic and civic organizations, private sector entities, and State and local government. The Green Loop planning program will create an advisory group that is at its core representative of the Armourdale community to ensure place-based oversight, with members that spread much wider than the geographic area to represent all community members that will be effected by the outcomes of the plan.

#4: Equitable Development and Shared Prosperity

A comprehensive plan framework that outlines a community's vision, policies, and priorities to increase mobility and connectivity, create thriving and resilient communities, and redress inequities and barriers to opportunity. The UG's plan will address **community restoration, stabilization, and anti-displacement strategies**, such as value capture, assistance for renters and legacy homeowner and small businesses, preservation, rehabilitation and expansion of location-efficient affordable housing, mixed-income, mixed use development, affordable commercial spaces, and other community wealth-building activities as appropriate for the project proposed.

The UG will also incorporate elements of already approved plans such as the goDotte Countywide Strategic Mobility Plan, which has a strong emphasis on place-making, safety, and access to opportunity. The UG is surrounded and inspired by our County's past, including the ability to create quality places with lasting value. Moving forward, our goal is to operationalize "being brilliant at the basics" by creating walkable and safe streets where neighborhoods and businesses mutually support each other throughout all of our communities. Our created plan will **celebrate local history and culture** through public art, greenspace, and recreational spaces for residents and visitors. It will celebrate this history, honor past grievances, and seek to build a **united, mixed-income community** that connects our many Riverfront neighborhoods back to a revitalized River where they not just share in, but directly benefit from this reinvestment.



Figure 5: The Green Loop will stimulate shared prosperity



Staff Request for Commission Action

Tracking No. 212175

Full Commission Meeting Date: 12/01/22

Committee: Full Commission

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

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
11/28/2022	Brett Deichler	x8103	bdeichler@wycokck.org	UG Clerk

Item Description:

Below is the following proposed 2023 holiday schedule:

New Year's Day	Monday, January 2
Martin Luther King, Jr. Day	Monday, January 16
Presidents Day	Monday, February 20
Spring Holiday	Friday, April 7
Memorial Day	Monday, May 29
Juneteenth	Monday, June 19
Independence Day	Tuesday, July 4
Labor Day	Monday, September 4
Veterans Day	Friday, November 10
Thanksgiving Day	Thursday, November 23
	Friday, November 24
Christmas	Monday, December 25

Action Requested:

Please approve.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



**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

November 22, 2022

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **STIMAC ADDITION**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat for STIMAC ADDITION located at N. 134th Street and Parallel Parkway and being developed by Robert J. Stimac.

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

Digitally signed by Troy Shaw
Date: 2022.11.22 10:15:59
-06'00'

Troy Shaw, P.E.
County Engineer

Attachments

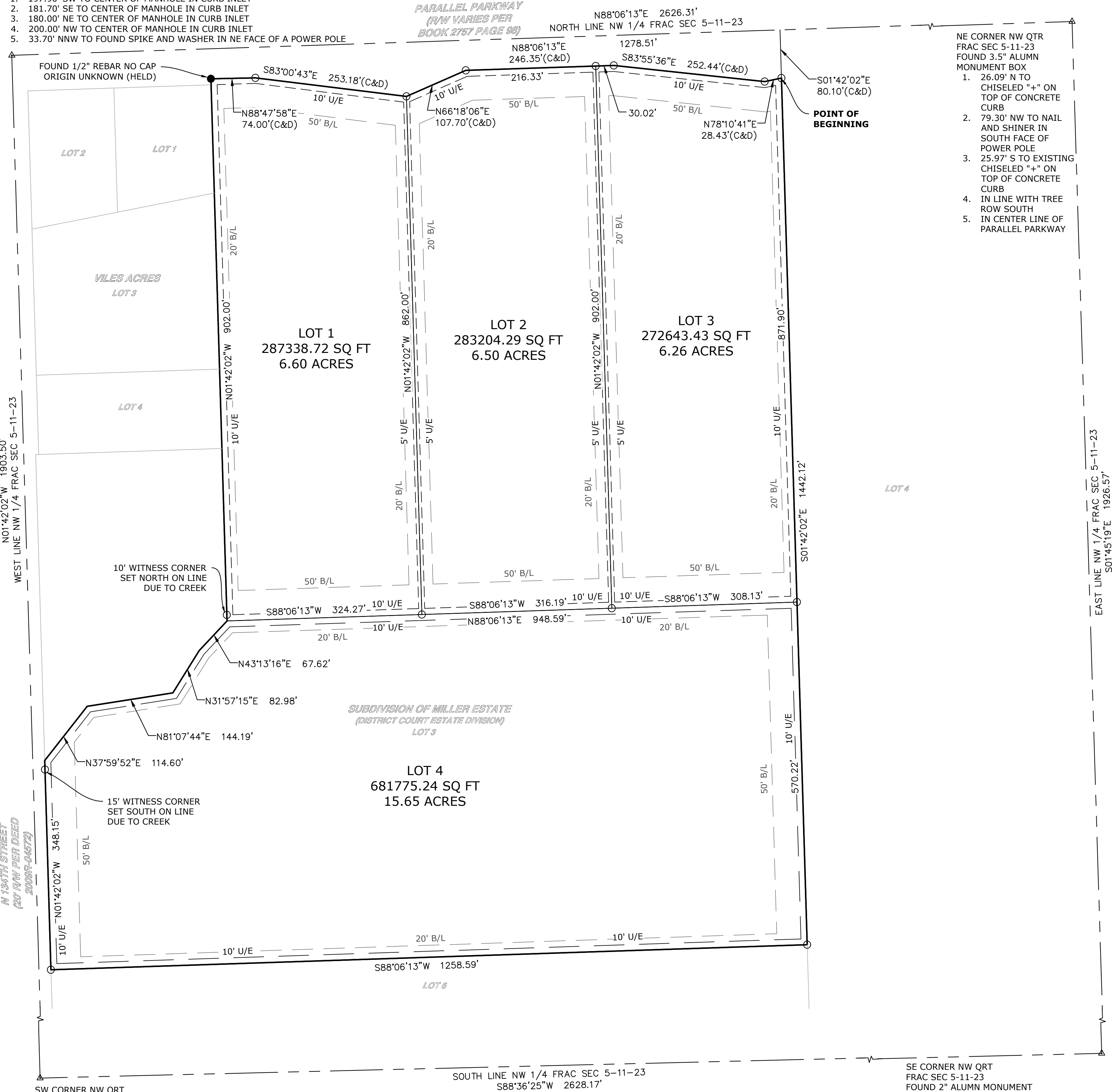
STIMAC ADDITION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF FRACTIONAL SECTION 5,
TOWNSHIP 11 SOUTH, RANGE 23 EAST, OF THE 6TH P.M., IN THE CITY OF
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

POINT OF COMMENCEMENT

- NW CORNER NW QTR
FRAC SEC 5-11-23
FOUND 3.5" ALUMN MONUMENT BOX
1. 197.90' SW TO CENTER OF MANHOLE IN CURB INLET
2. 181.70' SE TO CENTER OF MANHOLE IN CURB INLET
3. 180.00' NE TO CENTER OF MANHOLE IN CURB INLET
4. 200.00' NW TO CENTER OF MANHOLE IN CURB INLET
5. 33.70' NNW TO FOUND SPIKE AND WASHER IN NE FACE OF A POWER POLE

PARALLEL PARKWAY
(N/W VARIES PER
BOOK 2757 PAGE 98)



- NE CORNER NW QTR
FRAC SEC 5-11-23
FOUND 3.5" ALUMN
MONUMENT BOX
1. 26.09' N TO
CHISELED "+" ON
TOP OF CONCRETE
CURB
2. 79.50' NW TO NAIL
AND SHINER IN
SOUTH FACE OF
POWER POLE
3. 25.97' S TO EXISTING
CHISELED "+" ON
TOP OF CONCRETE
CURB
4. IN LINE WITH TREE
ROW SOUTH
5. IN CENTER LINE OF
PARALLEL PARKWAY

POINT OF
BEGINNING

OVERALL DESCRIPTION:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF FRACTIONAL SECTION 5, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY ROGER B. DILL PS 1408 ON JULY 21, 2022, AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE N88°06'13"E, COINCIDENT WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1278.51 FEET; THENCE S01°42'02"E, A DISTANCE OF 80.10 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF PARALLEL PARKWAY AS IT NOW EXISTS; ALSO KNOWN TO BE A POINT ON THE EAST LINE OF LOT 3 OF THE SUBDIVISION OF MILLER ESTATE AS RECORDED IN THE PROBATE COURT OF WYANDOTTE COUNTY, KANSAS, DATED AUGUST 10, 1917, AND ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE S01°42'02"E, COINCIDENT 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, COINCIDENT 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, COINCIDENT WITH SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 348.15 FEET TO A POINT ON THE CENTER LINE OF AN EXISTING CREEK; THENCE N37°59'52"E, COINCIDENT WITH SAID CREEK CENTERLINE, A DISTANCE OF 114.60 FEET; THENCE N81°07'44"E, CONTINUING COINCIDENT WITH SAID CREEK CENTERLINE, A DISTANCE OF 144.19 FEET; THENCE N43°13'16"E, CONTINUING COINCIDENT WITH SAID CREEK CENTERLINE, A DISTANCE OF 82.98 FEET; THENCE N43°13'16"E, CONTINUING COINCIDENT WITH SAID CREEK CENTERLINE, A DISTANCE OF 67.62 FEET; THENCE N01°42'02"W, A DISTANCE OF 902.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID PARALLEL PARKWAY; THENCE N88°47'58"E, COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 74.00 FEET; THENCE S83°00'43"E, CONTINUING COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 107.70 FEET; THENCE N66°18'06"E, CONTINUING COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 107.70 FEET; THENCE N88°06'13"E, CONTINUING COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 246.35 FEET; THENCE S83°55'36"E, CONTINUING COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 252.44 FEET; THENCE N78°10'41"E, CONTINUING COINCIDENT WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 28.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,525,110.15 SQUARE FEET MORE OR LESS OR 35.01 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 "STIMAC 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", 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.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest shown as vacated with this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors, and assigns, of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

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 STIMAC ADDITION have set our hands this _____ day of _____, 2022.

ROBERT J STIMAC, OWNER

STEPHANIE M STIMAC, 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 ROBERT J STIMAC, OWNER AND STEPHANIE M STIMAC, 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 STIMAC 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)
COUNTY OF (JSS)

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



ANDREA@ALCONSULT-LLC.COM

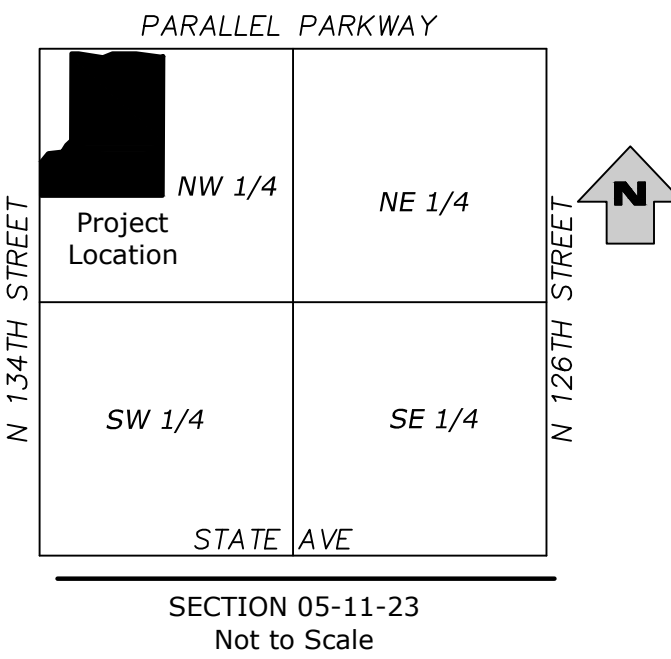
FINAL PLAT LEGEND

- △ DENOTES FOUND MONUMENT AS NOTED
○ DENOTES SET 1/2" REBAR WITH LS# 1408 CAP
● DENOTES FOUND MONUMENT AS NOTED
B/L BUILDING LINE
U/E UTILITY EASEMENT
C CALCULATED
D DEEDED
M MEASURED

GENERAL NOTES

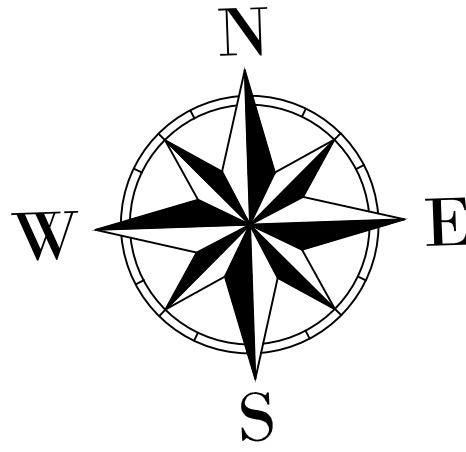
- THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
- ALL DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20209C0020E EFFECTIVE SEPTEMBER 2, 2015, AREA ZONE X " AREA OF MINIMAL FLOOD HAZARD"
- KS ONE CALL WAS NOT CALLED.
- CURRENT ZONING - R(WYCO) & AG(WYCO) / PROPOSED ZONING - AG
- CLOSURE PRECISION: 1 PART IN 4,435,405.000
- REFERENCED SURVEY:
-SUBDIVISION OF MILLER ESTATE
-VILES ACRES
-ROAD RECORD BOOK 2727 PAGE 98

VICINITY MAP



SECTION 05-11-23

Not to Scale



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. 74-1408.

LS-1408

ROGER B. DILL PS 1408

SCALE

100 100 0 50
SCALE IN FEET

SEC-TWN-RNG

5-11-23

PREPARED FOR

ROBERT J STIMAC
ADDRESS: 13205 PARALLEL PKWY
KANSAS CITY, KANSAS 66109

DATE

JULY 19, 2022

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

PLANNING & ZONING AND
REGULAR SESSION
MAY 26, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, May 26, 2022, with nine members present via Zoom or on-site: Bynum, Commissioner At-Large First District, Mayor Pro Tem; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Brett Deichler, Interim Assistant County Administrator; Misty Brown and Patrick Waters, Chief Counsels; Jon Khalil, James Bain and Zee Bishop, Assistant Counsels; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Kathleen VonAchen, Chief Financial Officer; Gunnar Hand, Director of Planning & Urban Design; Greg Talkin, Neighborhood Resource Director; Jeff Fisher, Executive Director of Public Works; Troy Shaw, County Engineer; Jonathan Gutierrez, Solids Waste Division; Joe Barnes, Water Pollution Control, Public Works; Blake Hensley, Health Department; Monica Sparks, Acting Unified Government Clerk, and Tifani Portley, UG Clerk's Office.

Mayor Pro Tem Bynum said I'm serving as Mayor Pro Tem for the evening. Mayor Tyrone Garner will be joining us very soon but, in his absence, I will serve as Mayor Pro Tem.

Before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely by Zoom, by telephone, or on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure you announce yourself by name and title every time you speak so the public that's observing knows who is speaking. This is critical given the number of remote participants. It's also current guidance from our Kansas Attorney General.

I will call the meeting to order. I'll ask the Clerk to call the roll, please.

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

Mayor Pro Tem Bynum said the Invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Pro Tem Bynum asked, Clerk, are there revisions on tonight's agenda?

Monica Spark, Acting Unified Government Clerk, said, yes, madam, we do have a blue sheet. There is a revised item on the Regular Consent Agenda. Item No. 1, Approval use of Reserve Funds for Tuberculosis Outbreak Response. There is a request for approval of \$100K instead of \$400K. The Kansas Department of Health and Environment recently amended the Health Department's existing Tuberculosis Grant with an additional \$300K. As a result, the Health Department is requesting to reduce their request from the Reserve Funds. Those are all the revisions on tonight's agenda.

Tonight, we have two distinct parts on our agenda. The Planning and Zoning part of the meeting will be handled first followed by the Regular Commission meeting before we begin the Planning and Zoning portion of the meeting.

PLANNING AND ZONING CONSENT AGENDA

Monica Sparks, Acting Unified Government Clerk, read the statement, required by law, governing the Planning & Zoning portion of the meeting.

At this time, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner Ramirez** said on Non-Consent COZ2021-048, proponents and opponents.

Mayor Pro Tem Bynum asked, are there any others? I need to disclose on Non-Consent. I've heard from opponents of Item 1- COZ2021-048, Item 2 - COZ2022-001, and Item C1 - MPL2022-001. **Commissioner Davis** said I have spoken with proponents and opponents of COZ2021-048. **Commissioner McKiernan** said on Non-Consent, proponents and opponents of COZ2021-048, proponents and opponents of COZ2022-001, proponents and opponents of SP2022-046, and proponents and opponents of MPL2022-001.

Monica Sparks, Acting Unified Government Clerk, read the items on the Consent Agenda.

Mayor Pro Tem Bynum asked, does any member of the Commission, the County Administrator, or the public wish to set aside any item on the Planning & Zoning Consent Agenda? If an item is not set-aside, all items on this Consent Agenda will be voted on by one vote to follow the recommendations of the Planning Commission. I'll ask if anyone in attendance would like to set aside any of those items, and if so, please come forward, state your name and city for the record and we will set that item aside. I'll ask the Clerk if anyone joining virtually has their hand raised to set aside an item. **Tifani Portley, UG Clerk's Office**, said there are none.

Mayor Pro Tem Bynum said if there are no set asides, I'll have a motion for approval of our Planning and Zoning Consent Agenda.

Mayor Pro Tem Bynum said if there are no set asides, I'll have a motion for approval of our Planning and Zoning Consent Agenda.

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 211609...CHANGE OF ZONE APPLICATION COZ2022-006: VERNON HOPKINS

Synopsis: Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to operate a sports bar and grill with event space at 2724 North 13th Street (in conjunction with SP2022-018), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Vernon Hopkins, is requesting a Change of Zone for the subject property at 2724 North 13th Street. The Applicant is requesting a Change of Zone from C-1 Limited Business District to C-2 General Business District. The Change of Zone has been requested so that the Applicant can begin operation of a sports bar and grill with special gathering events within a 2004 square foot masonry building.

And

SPECIAL USE PERMIT ITEM NO. 2 – 211611...SPECIAL USE PERMIT #SP2022-018 – VERNON HOPKINS

Synopsis: Special Use Permit to operate a sports bar and grill with event space at 2724 North 13th Street (in conjunction with COZ2022-006), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design, 573-5751. The Applicant is the new property owner and is in the process of renovating the building to include a small kitchen. A Special Use Permit is required for any food service Establishment in which alcohol sales is expected to surpass food sales and for live entertainment during events. This application is being heard in conjunction with BOZA2022-022 for variances pertaining to setbacks and minimum required parking. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-006 and Special Use Permit Application SP2022-018, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-022;
2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. All entertainment must cease by at least 1:00 AM;
4. No outdoor loitering in alleyways or behind the building;
5. Trash must be maintained at the rear of the building;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division 1, Sec. 4-104(f), including:
 - a. Security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times when alcohol is served;
 - d. At closing time, all security personnel will move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. If approved, the applicant must file and maintain a current business occupation tax application;

11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-006 and Special Use Permit Application SP2022-018, for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

**ITEM NO. 2 – 211612...CHANGE OF ZONE APPLICATION COZ2022-007:
MARICELA ZAMORA**

Synopsis: Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District for auto repair services at 4639 Parallel Parkway (in conjunction with SP2022-022), and SP2022-022 submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Maricela Zamora with Pardo Automotive, is requesting a Change of Zone and a subsequent Special Use Permit. The requested Change of Zone is from C-1 Limited Business District to CP-2 Planned General Business District.

And

**SPECIAL USE PERMIT ITEM NO. 4 – 211613...SPECIAL USE PERMIT #SP2022-022 –
MARICELA ZAMORA**

Synopsis: Special Use Permit for auto repair at 4639 Parallel Parkway (in conjunction with COZ2022-007), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design, 573-5751. This district is requested in order to meet the zoning district requirement for a Special Use Permit for light automotive service and maintenance. The subject property has had a light automotive service and maintenance use on the subject property since 2017; this Special Use Permit has been triggered by an expansion of uses on the subject property due to an expansion of the existing building by an additional 1,241 square feet. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-007, subject to:

- 1) Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;

- 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
- 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
- 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
- 7) Per Section all new development landscaping must be irrigated with an automatic system approved by the planning department;
- 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
- 10) The applicant has filed and maintained a current business occupation tax application;
- 11) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 12) ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 14) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design to begin this process;
- 15) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvaged vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked

within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

- 16) A right-of-way permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 17) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
- 18) Section 27-466(g) requires that a six (6) foot-high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas; and,
- 19) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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

- 1) Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
- 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
- 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
- 6) Per Section 27-576(f)(2) all building projections shall match or complement in color the permanent color of the surface from which they project;

- 7) Per Section 27-577(f)(1) all new development landscaping must be irrigated with an automatic system approved by the planning department;
- 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
- 10) The applicant has filed and maintained a current business occupation tax application;
- 11) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 12) ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 14) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design to begin this process;
- 15) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-331. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 16) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times 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 salvaged vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked

- within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 17) A right-of-way permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 - 18) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
 - 19) Section 27-466(g) requires that a six (6) foot-high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
 - 20) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 - 21) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 - 22) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 - 23) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-007 and Special Use Permit Application SP2022-022, for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 3 – 211614...CHANGE OF ZONE APPLICATION COZ2022-014: REGINA COMPERNOLLE

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4141 Joyce Drive (in conjunction with SP2022-042 - Renewal of a Special Use Permit - SP2019-23 - for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices and a farm stand), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Change of Zone has been requested so that the property’s agricultural activity can continue. It is unclear if the property was formerly zoned for Agricultural, however, the parcel size and rural nature of the properties indicate that there was a possible rezone from Agricultural in the past. The Applicant currently uses the property for a multitude of agriculturally related activities including educational classes on topics such as herbalism, edible plant identification, nature-based spirituality, nature-inspired art, self-pick orchards, the production of farm-goods such as soaps, jellies, salves, oil infusions, incenses, and personal homesteading and would like the zoning to reflect the property’s intended use. The property owner maintains a number of agricultural-related accessory structures such as high tunnels and an equipment storage barn.

And

SPECIAL USE PERMIT ITEM NO. 10 – 211612...SPECIAL USE PERMIT APPLICATION #SP2022-042 – REGINA COMPERNOLLE

Synopsis: Renewal of Special Use Permit (SP2019-023, expired 3/28/2021) for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices, and a farm stand at 4141 Joyce Drive (in conjunction with COZ2022-014), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Regina Compernelle OBA Sacred Earth Arts, is requesting a Change of Zone and a renewal of a Special Use Permit for the subject property at

4141 Joyce Drive. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Special Use Permit has been requested so that the Applicant may continue to utilize the commercial activity of the educational classes and you-pick berry sales and the industrial activity of food product production. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-014, subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall

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

13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;

4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and

restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-014 and Special Use Permit Application SP2022-042 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 4 – 211616...CHANGE OF ZONE APPLICATION COZ2022-016: SAM LORING WITH GOULD EVANS

Synopsis: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue, (557 River Park Drive; in conjunction with PR2022-019.

And

MASTER PLAN APPLICATION ITEM NO. 4 – 211616...MASTER PLAN APPLICATION #MPL2022-010 – SAM LORING WITH GOULD EVANS

And

SPECIAL USE PERMIT ITEM NO. 4 – 211616...SPECIAL USE PERMIT #SP2022-044 – SAM LORING WITH GOULD EVANS,

all submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge. The Planning Commission voted 6 to 0 to recommend approval of Master Plan Amendment Application MPL2022-010, Change of Zone Application COZ2022-016, Special Use Permit Application SP2022-044, and Plan Review Application PR2022-019, subject to:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA. The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure in the floodplain prior to obtaining a building permit;
4. Proposed hours are 8:00 AM — 1:00 AM (Friday/Saturday) and 8:00 AM — 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge including the event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the "off-season". During the open season — the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;

9. Sec. 27-576(e)(2) Exterior building materials shall not include the following f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling and may only account for 15% of the exterior building material per façade on the exterior buildings. The City Planning Commission must give deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high-quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. All shade trees shall be at least two (2) inch calipers. 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 the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
20. If approved, the applicant must file and maintain a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
21. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change

in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

22. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
23. A right-of-way permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
26. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
27. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated ordinance. Special Use Permits are non-transferable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,

29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-016, SP2022-044, PR2022-019, and MPL2022-010, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 211620...SPECIAL USE PERMIT APPLICATION SP2022-007: DEAN MICHAEL WITH SHARON LEE FAMILY HEALTH CARE, INC.

Synopsis: Special Use Permit for health clinic serving uninsured and under-insured people at 2002 South 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Dean Michael with Sharon Lee Family Healthcare LLC, is seeking approval to operate a health and dental clinic at 2002 South 51st Street. The subject property was a former church and includes a single-family residence utilized by the former pastor. The clinic intends to operate in the basement of the single-story church building and each level of the church has 2,800 square feet. The annex building is a single-family residence of 2,758 square feet. The Applicants have recently purchased the property and it has proposed plans for renovation. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-007, subject to:

1. This application is for zoning clearance only and does not replace the need for any other permits or licensing;
2. ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
3. In lieu of a renewal of the Special Use Permit, a Change of Zone and/or Master Plan amendment shall be applied to achieve higher zoning conformance, as the building is no longer a religious institution with associated accessories, but rather a medical office with storage annex;
4. Renovation work on the property must include a Change of Occupancy for the church building. When the Change of Zone is attempted, the accessory residence being used as

- storage shall also undergo a change of occupancy from a residential dwelling to a commercial use;
5. Upon the future application of the Change of Zone, the parking lot shall be improved per the plan provided;
 6. Upon the future application of the Change of Zone, the exterior parking lot lighting and landscaping shall be completed;
 7. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 8. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to the street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design to begin this process;
 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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 & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-007, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 2 – 211611...SPECIAL USE PERMIT APPLICATION SP2022-018: VERNON HOPKINS

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

Action: This item was previously heard with Change of Zone Application No. 1, COZ2022-006.

ITEM NO. 3 – 211621...SPECIAL USE PERMIT APPLICATION SP2022-021: MELISSA HERR WITH HERR HUT LLC

Synopsis: Home Occupation Special Use Permit to sell novelty toy and gift items at 2618 South 48th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Melissa Herr of Herr Hutt LLC, is seeking approval to operate a home occupation out of their property at 2618 South 48th Terrace. The applicant plans to sell toys, gifts, and similar merchandise and deliver the orders which are placed virtually. The applicant plans on keeping a small amount of inventory on the property but does not plan on having any on-site sales or visiting customers. The Applicant wishes to use the sales proceeds as an investment to fund a future restaurant business. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit SP2022-021 for two (2) years, subject to:

1. If approved, the driveway and apron shall be upgraded to an improved surface such as asphalt or concrete. The amount of improved surface in the front yard shall not exceed 30% of the open space;
2. If approved, the applicant shall perform repairs to remove the fallen rear tree and repair the rear corner office;
3. If approved, the applicant must file and maintain a current business occupation tax application with this office;
4. A right-of-way permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
7. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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 & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-021 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 4 – 211613...SPECIAL USE PERMIT APPLICATION SP2022-022: MARICELA ZAMORA

Synopsis: Special Use Permit for auto repair services at 4639 Parallel Parkway (in conjunction with COZ2022-007), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application No. 2, COZ2022-007.

ITEM NO. 5 – 211622...SPECIAL USE PERMIT APPLICATION SP2022-027: EMMANUEL IGBINOSUN

Synopsis: Special Use Permit to operate used auto sales business at 5520 Inland Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Emmanuel Igbinosun with ESI Group, LLC, is requesting a Special Use Permit. The Applicant will be using the subject property as an office for the used auto online sales business; there will be no inventory kept, stored, or maintained onsite. Additionally, there will be no automotive repair or maintenance use associated with the subject property. The Planning Commission voted 5 to 0 to recommend the denial of Special Use Permit Application SP2022-027, due to the failure of the Applicant to comply with Staff requirements.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to deny Special Use Permit Application SP2022-027 due to the failure of the Applicant to comply with Staff requirements. Roll call was taken

and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 6 – 211607...SPECIAL USE PERMIT APPLICATION SP2022-035: BRETT EPP WITH HICKORY UNION MOTO

Synopsis: Renewal of a Special Use Permit (SP2019-70 – expired 1/30/2022) for live entertainment at a community motorcycle garage at 10 South James Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Brett Epp with Hickory Union Moto, is seeking the renewal of a Special Use Permit for the subject property at 10 South James Street. The Applicant is requesting the Renewal of Special Use Permit which expired January 30, 2022, so that they may continue to have community events that feature live entertainment and alcohol consumption to continue to operate a community motorcycle repair and are provided with shared-use spaces to repair and build their personal motorcycles, similarly to a trade or craft guild. The garage’s community members gather periodically for events to showcase their work to other members of the public and have smaller, less-public events such as barbeques or watch parties throughout the year to foster the sense of community among members. The prior Special Use Permit was for two (2) years and the Applicant is seeking a five (5) year renewal term. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-035, for five (5) years, subject to:

1. Hours of operation are to remain consistent with previously stated operational use;
2. All entertainment must cease by 1:30 AM;
3. Alcohol consumption must remain on the subject property and not continue onto overflow parking;
4. Security and staffing during events must follow the ratios outlined in Section 4-104(f);
5. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
6. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27592 through 27-616] [KSA 65-3424, KAR 28-29-29 through

28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;

7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
9. The Special Use Permit shall be valid for five (5) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-035 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 7 – 211623...SPECIAL USE PERMIT APPLICATION SP2022-038: MATT BRENTANO WITH TANNERS BAR AND GRILL

Synopsis: Special Use Permit (SP2018-71– expired 9/27/2020) to continue live entertainment in conjunction with restaurant/drinking establishment at 3900 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Matt Brentano, is requesting a Special Use Permit for a drinking establishment, restaurant, and live entertainment venue at 3900 Rainbow Boulevard. This property was approved for a Special Use Permit for two (2) years in 2018 (SP-2018-71), however, did not renew upon expiration of the permit. As such, a new Special Use Permit is required. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-038, for two (2) years, subject to:

1. All entertainment must cease by at least 1:00AM;
2. Doors and windows must stay closed during any live entertainment performance;
3. Must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division 1, Sec 4-104(f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
4. No amplified speakers or entertainment is allowed in outdoor spaces;
5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval
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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. The applicant must file and maintain a current business occupation tax application;
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner

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

10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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 & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-038 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 8 – 211624...SPECIAL USE PERMIT APPLICATION SP2022-039: MOE THU

Synopsis: Special Use Permit to keep 40 chickens at 13024 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Moe Thu, is seeking approval to own 40 chickens. The Applicant currently owns six (6) chickens and four (4) ducks but wishes to expand the amount they own beyond this number, requiring a Special Use Permit. The Applicant keeps the chickens and ducks for egg and meat production and for some entertainment and education for their children. The Applicant is a graduate of the New Roots for Refugees Program through the non-profit Cultivate KC and has worked extensively with the organization to participate in agriculturally based commercial growing and urban fanning. A portion of the products may be sold at farmer's markets throughout the Kansas City metropolitan region. The applicants have extended family and wish to increase their food supply, respectfully. The applicants recently purchased the property and are making substantial agricultural improvements. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-039, for two (2) years, subject to:

1. Building modifications over 120 square feet require a building permit. The modified chicken coop is proposed to be 144 square feet, therefore, the chicken coop must be modified to be 120 square feet or less or a building permit must be acquired. Staff does not conclude the run is an accessory;
2. No roosters of crowing age shall be kept on the property. Once a male chicken (cockerel) gains the ability to crow, it must be culled, harvested, or relocated;
3. The applicant must continue to communicate with code enforcement on property progress and if materials on-site have a homesteading purpose;
4. Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
5. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal-related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal-keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;

6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory-applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-039 for two

years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 9 – 211608...SPECIAL USE PERMIT APPLICATION SP2022-040: CLIFFORD DALE JR. WITH MASON JAR, INC.

Synopsis: Renewal of a Special Use Permit (SP2020-1, expired 1/29/2022) for live entertainment in conjunction with the restaurant at 941 North 74th Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Clifford Dale Jr. with Mason Jar LLC, requests renewal of a Special Use Permit, SP2020-1 (expired on 1/29/2022), in order to continue to conduct live entertainment events, specifically outside with the fenced area on the east side of the building in conjunction with a restaurant at 941 North 74th Drive. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-040, for two (2) years, subject to:

1. All entertainment must cease by at least 1:30 a.m. As a C-1 zone, per code Section 27-464 (c)(9) "Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day";
2. Doors and windows must stay closed during any entertainment performance;
3. All entertainment must cease by at least 1:30 a.m. Doors and windows must stay closed during any entertainment performance; must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division 1, Sec 4-104(f), including:
 - 1) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - 2) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - 3) An I.D. scanner will be used at all times; and,
 - 4) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - 5) No amplified speakers or entertainment is allowed in outdoor spaces; and any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
4. Must comply with the Unified Government Security Ordinance (Chapter 4, Article III, Division 1, Sec 4-104(f), including: Number of security officers. The number of licensed security officers that shall be required are as follows:

- A. For any number of persons present within the building numbering from one to 125, none.
- B. For any number of persons present within the building numbering from 125 to 250, two security officers.
- C. For gatherings or groups of persons in excess of 250, two additional security officers for every 100 persons.

The number of security officers required may be modified by the order of the business license and occupation tax division or the Chief of Police when there are reasonable grounds to believe that a larger or smaller number of officers shall be needed to protect public health and/or safety. This subsection shall have application only to those permits issued on a per-theme basis;

- 5. No amplified speakers or entertainment is allowed in outdoor spaces except for live entertainment events;
- 6. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
- 8. If approved, the applicant must file and maintain a current business occupation tax application and entertainment license;
- 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 11. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure in the floodplain prior to obtaining a building permit;
- 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable

local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-040 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 10 – 211615...SPECIAL USE PERMIT APPLICATION SP2022-042: REGINA COMPERNOLLE

Synopsis: Renewal of Special Use Permit (SP2019-23, expired 03/28/2021) for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices, and a farm stand at 4141 Joyce Drive (in conjunction with COZ2022-014), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application No. 3, COZ2022-014.

ITEM NO. 11 – 211617...SPECIAL USE PERMIT APPLICATION SP2022-044: SAM LORING WITH GOULD EVANS

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

Action: This item was previously heard with Change of Zone Application No. 4, COZ2022-016.

VACATION APPLICATION

ITEM NO. 1 – 211626...VACATION APPLICATION VAC2022-002: JOE MCCLAUGHLIN WITH BHC RHODES

Synopsis: Vacation of right-of-way at 205 North Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Joe McLaughlin with BHC Rhodes, is seeking approval for the vacation of the right-of-way at 205 Orchard Street. The subject property is a vacant lot with a proposal for a new home site. The Vacation has been requested to increase the lot size of the future property on its frontage and side yards. The applicant represents a group of students and instructors in the KU Architecture Program, in which students undertake a development process and execute building plans for a home that will be for sale. The Planning Commission voted 5 to 0 to recommend approval of Vacation Application VAC2022-002, subject to:

1. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin this process;
2. Building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The Applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
3. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
4. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing

any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2022-002, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 211627...PLAN REVIEW APPLICATION PR2022-015: WENDELL HARKINS

Synopsis: Preliminary Plan Review for construction of a new entrance, truck scale and stormwater facilities at 2140 South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Wendell Harkins DBA Fuchs Lubricants Company, is requesting a Preliminary Plan Review for the upgrade of an industrial lubricant manufacturing site. The applicant, Wendell Harkins DBA Fuchs Lubricants Company, is requesting a Preliminary Plan Review for the upgrade of an industrial lubricant manufacturing site. The subject property is one (1) stand-alone office building with a large manufacturing and distribution facility with various outbuildings such as a maintenance shop and storage canopies. There are various shipping containers and box trucks for shipment of materials with a large flow of truck traffic to and from the site. This is a renovation of the existing gated entrance and fencing which is outdated both in function and aesthetics. The weigh scale is being upgraded for improved technology and due to overall age of equipment. The existing manufacturing plant site footprint is generally not expanding beyond the current site with the exception of an expanded fence line for greater maneuverability for trucks on site. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application PR022-015, subject to:

1. The proposed Preliminary Development Plan may require civil drawings to be submitted, which may result in submitting additional revisions as part of Final Development Plan.

2. The following items are necessary to achieve compliance on a Final Development Plan:
 - a. The square footage of all structures and buildings shall be indicated on the site plan
 - b. Parking spaces shall be added to the site plan to demonstrate an accurate number of spaces are maintained.
 - c. Traffic control striping and/or directional arrows shall be provided for increased safety on site
 - d. No additional gravel can be added to the site
 - e. All material must be stored in approved storage areas
 - f. Debris along the fence and property lines shall be remedied
 - g. Fencing on the South 88th Street Frontage shall be upgraded to match the black iron fencing near the office gate. Barbed wire shall be adjusted to be directed inward
 - h. Asphalt and Concrete surfaces, curbs, gutters, and/or drains shall be repaired in various areas on the site as necessary.
 - i. Additional landscaping and/or screening shall be required where the industrial zone is adjacent to any residential zone or where shipping containers or box trucks or similar storage faces the South 88th Street Frontage.
 - j. An updated inventory of structures and their status with flood zone or floodway exemptions shall be provided.
 - k. Please provide copies of the geotechnical reports when obtained for grading and erosion.
3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620.
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
7. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the

Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

8. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
10. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure in the floodplain prior to obtaining a building permit.
11. The Subject Property is within an IOC-year Special Flood Hazard Area (SFHA). An SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer.
12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,

- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that;
 - g. All such proposals are consistent with the need to minimize flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - j. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
14. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
- a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO).

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application PR2022-015, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 2 - 211618...PLAN REVIEW APPLICATION PR2022-019: SAM LORING WITH GOULD EVANS

Synopsis: Preliminary and Final Plan Review for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive; in conjunction with COZ2022-016, SP2022-

044, and MPL2022-010), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone No. 4, COZ2022-016.

MISCELLANEOUS

ITEM NO. 1 – 211616...CHANGE OF ZONE APPLICATION COZ2022-016: SAM LORING WITH GOULD EVANS

Synopsis: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue, (557 River Park Drive; in conjunction with PR2022-019.

Action: This item was previously heard with Change of Zone No. 4, COZ2022-016.

MISCELLANEOUS – ORDINANCES (the following ordinances formalize previous Commission approval.)

ITEM NO. 1 – 211628...AN ORDINANCE rezoning property at approximately 9400 State Avenue, (COZ2022-005) from A-G Agriculture District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-60-22**, “An ordinance rezoning property hereinafter described located at approximately 9400 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to CP-3 Planned Commercial District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 2 – 211635...AN ORDINANCE authorizing a Special Use Permit (SP2022-036) for an automotive dealership at 401 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-61-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for an automotive dealership at 401 Kansas Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 3 – 211636...AN ORDINANCE authorizing a Special Use Permit (SP2021-084) to keep horses at 5124 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-62-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to keep horses at 5124 Sloan Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 4 – 211637...AN ORDINANCE authorizing a Special Use Permit (SP2022-001) for heavy automotive/truck repair and used auto sales at 452 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-63-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for heavy

automotive/truck repair and used auto sales.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 5 – 211638...AN ORDINANCE authorizing a Special Use Permit (SP2022-006) for continuation of a childcare facility on the KCKCC campus at 7250 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-64-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for construction at 7250 State Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 6 – 211639...AN ORDINANCE authorizing a Special Use Permit (SP2022-009) for a liquor store/convenience store at 901 Minnesota Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-65-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a liquor store/convenience store at 901 Minnesota Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 7 – 211640...AN ORDINANCE authorizing a Special Use Permit (SP2022-011) for a sports bar/drinking establishment at 403 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-66-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a sports bar/drinking establishment at 403 North 5th Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 8 - 211641...AN ORDINANCE authorizing a Special Use Permit (SP2022-020) for a Short-Term Rental at 4309 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-67-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental at 4309 Rainbow Boulevard.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 9 – 211643...AN ORDINANCE authorizing a Special Use Permit (SP2022-023) for transitional housing for youth/young people at 3535 Wood Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-68-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for transitional

housing for youth/young people at 3535 Wood Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 10 – 211643...AN ORDINANCE authorizing a Special Use Permit (SP2022-026) to keep a maximum of 25 fowl at 3030 South 63rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-69-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to keep a maximum of 25 fowl at 3030 South 63rd Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 11 – 211644...AN ORDINANCE authorizing a Special Use Permit (SP2022-031) for heavy automotive/truck service, repair and mechanics at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-70-22**, “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, at 700 Kindelberger Road, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 12 – 211645...AN ORDINANCE authorizing a Special Use Permit (SP2022-025) for an outdoor multi-use baseball/softball field complex at 9020 State Avenue, Kansas City, Kansas, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-71-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for outdoor multi-use baseball/softball field complex at 9020 State Avenue, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 13 – 211646...AN ORDINANCE authorizing a Special Use Permit (SP2022-024) for an outdoor multi-field baseball/softball complex and concession sales at 1501 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-72-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for an outdoor multi-field baseball/softball complex and concession sales at 1501 North 90th Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 14 – 211647...AN ORDINANCE authorizing a Special Use Permit (SP2022-015) for site grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-73-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for site grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 15 – 211649...AN ORDINANCE authorizing a Special Use Permit (SP2202-014) for an indoor and outdoor multi-use sports complex at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-74-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for an indoor and outdoor multi-use sports complex at 9020 State Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 211619...CHANGE OF ZONE APPLICATION COZ2021-048: BLAIR TANNER

Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single-Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 171-unit apartment

building on 1.89 acres located at 4601 Rainbow Boulevard. The Planning Commission voted 4 to 2 to recommend denial of Change of Zone Application COZ2021-048, due to the factors to be considered 1 through 6 and 12 (pages 3 through 6 of this report):

1. Neighborhood character.

The character of the neighborhood is comprised of commercial business along Rainbow Boulevard, Westwood City Hall is located southwest of the subject property and to the north and east is an established single-family neighborhood. Immediately to the south is a mixed-use development in the City of Westwood connected to Woodside Racquet Club. Rainbow Boulevard corridor is one of the major commercial corridors in Rosedale.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the existing development to the south, along Rainbow Boulevard, but the scale and size of this project is imposing to the single-family neighborhood north of West 46th Avenue.

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

The removal of the restrictions might detrimentally affect nearby property the majority of the development fronts West 46th Avenue, which is across the street from three (3) single-family homes in addition to the Spring Valley residential neighborhood. The portion of the development that is sited along Rainbow Boulevard will not detrimentally affect nearby property because there is a mixed-use development abutting this development to the south and commercial to the west.

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

The property is not vacant. The parking lot is used for overflow parking for Woodside Racquet Club and a commercial business.

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

The proposed development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. Furthermore, with the University of Kansas Medical Center offices and campus to the north, those employees may be seeking a place to live that is in close proximity to their school and/or employer. The proposed use may substantially injure the visual quality or marketability of nearby property because the longest portion of the building will be oriented on West 46th Avenue, which is adjacent to an established single-family neighborhood.

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

The proposed development with 167 units will increase traffic along West 46th Avenue. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding

road capacity, but the proposed parking total exceeds the district requirement. A primary entrance and exit to the parking garage on West 46th Avenue and additional on-street parking could create additional traffic and safety issues.

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

The proposed use conforms to the Rosedale Master Plan, which is Urban Mixed Use which allows townhomes, small apartment buildings (1-3 stories), multifamily apartments (taller than 3 stories), public/institutional uses, offices and services, and retail and entertainment use, so long as it complies with the multifamily design guidelines.

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

The proposed use should not cause environmental harm through runoff because the proposed development is covering the footprint of an existing commercial building, asphalt paving and concrete parking lot, and stormwater 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

BPLJ provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Stormwater control

To be designed to meet City Code.

d. Police

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

e. Fire

Fire service is provided by Fire Station #10 located off West 36th Avenue.

f. Transit

Kansas City ATA provides transit service along Rainbow Boulevard, Route #107. The stop is in front of the development at West 46th Avenue and Rainbow Boulevard.

g. Schools

Public education is provided by Kansas City, Kansas USD 500.

h. Streets

Rainbow Boulevard is a Class A Thoroughfare and West 46th Avenue is a Local Street. The traffic study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between studio, one, two and three bedrooms) within the complex will promote a diverse population to make use of the nearby employment center, shopping, and entertainment, and transit.

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

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

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

The relative gain to 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.

Case	
COZ2021-048	
Petitioner	Address
Blair Tanner	4601 Rainbow Boulevard Kansas City, KS 66103
Synopsis	
A Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 171-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.	

Gunnar Hand, Director of Planning & Urban Design, said instead of giving a presentation tonight, I just wanted to let everybody know that the applicant is here tonight to request that this project be remanded back down to the City Planning Commission. Staff's recommendation, if the Board of Commissioners decides to move forward with that remand, would be to do so in accordance with the redesign associated with the fact that this case did not receive its variance. Therefore, the project that's in your packet cannot be built without said variance.

So, they have a significant amount of redesign work to do. As we do that redesign, staff will recommend that they focus on some of the issues that were addressed at the Planning Commission which is one of the reasons why they moved forward with denial. Mainly said redesign, but specifically that it meets all of the Rosedale Master Plan Design Guidelines. There are design guidelines specific in the Master Plan as it relates to multi-family apartments adjacent to and abutting single-family homes.

Secondly, staff will recommend that remand also include something specific related to addressing the Sunshade Study that was conducted by the Applicant, which found that in the low winter sun there would be shade cast across 46th Avenue on the single-family homes right there at Francis and 46th. With that, that concludes staff's comments unless you have any questions.

Mayor Pro Tem Bynum said so we have a request from the Applicant to send this back to Planning and Zoning for a redesign of the project. Since it's an item on our agenda, we do still need to allow the Applicant to speak, if so desired, and also have the Public Hearing. A request is certainly that any member of the public here that would like to speak on the item is welcomed to do that. We would just ask that tonight, those comments be part of the request to return.

Bob Johnson, Polsinelli Law Firm, said I really don't have much to add to what Gunnar ran through. Here, tonight, we are requesting a remand to the August Planning Commission meeting for time sufficient to address the considerations that Gunnar raised and that we heard at Planning Commission and BZA. Also, in our two community meetings that we held, we also received substantial feedback. Did one redesign, but we obviously need to go back and do a second, and a significant one at that. We anticipate going to the August Planning Commission with that redesign plan and request the remand to that date.

Mayor Pro Tem Bynum said I will now open the public hearing and ask the Clerk if we've had notifications received from the public who wish to express their comments in favor of the item. **Ms. Sparks** said we have received no comments in favor.

Mayor Pro Tem Bynum asked, is there anyone present who would like to speak in favor of the item? If so, come to the podium, state your name and address for the record, and you will be given up to three minutes for your comments. I will ask the Clerk if there is anyone joining us virtually who would like to speak in favor. **Ms. Sparks** said there is no one virtually.

Mayor Pro Tem Bynum said I'll ask the Clerk if notifications were received from the public who wish to express their comments in opposition to the item. **Ms. Sparks** said we have received six notifications from individuals who wish to speak in opposition. I can read those comments if you prefer.

Our first one is from Valerie Fenton. This letter represents the concerns of my husband and I, residents of the neighborhood of Spring Valley, which will be immediately impacted by the proposed Woodside Village/Rosedale development. This high-rise luxury apartment complex will also have consequences for the adjacent neighborhoods of Frank Rushton and Hanover Heights.

On November 16, 2021, we joined a packed meeting room at the Westwood Police Department with many of the citizens and commissioners of Spring Valley, Frank Rushton, and Hanover Heights neighborhoods for the public information presentations of Tanner & White Properties. We have attended all subsequent meetings regarding this development either in person or via Zoom.

Over the last six months, a large percentage of resident voters of Spring Valley, Frank Rushton, Hanover Heights, and even Strawberry Hill neighbor have made their voices heard to Tanner & White and all involved communities. We insisted that this proposed development is too large, too costly, and in direct opposition to the specifics of the Rosedale Master Plan. Yet our request for modifications have been met with only glossy smiles and a few accurate details to address the needs of current, as well as future Rosedale residents.

After a careful review of the Rosedale Master Plan and the artist's rendering, we must conclude that this construction will present the following serious concerns, height. RMP clearly stipulates that with even a 50-foot setback, there should be a maximum height of one floor above the adjacent structure. This proposal's been altered many times but may include a total of six or seven floors on Rainbow Boulevard, and four or five floors on 46th Avenue. The sheer density of such a structure will dominate the character and flavor of Spring Valley, a highly desirable quaint and family-oriented neighborhood of single-family homes.

Additionally, the developer admitted that the behemoth of a building will create a serious shadow issue for three months of winter to existing houses directly across 46th on both Francis and Eaton streets. This, in turn, sets up a financial hardship for the existing neighborhood, specifically to residents who have invested in solar panels.

Suggested solution: reduce the height of the West 46th Avenue side of the proposed development to more than three floors to maintain the RMP intention.

2) Width. RMP seeks to regulate the mass of new buildings, specifically as it relates to maintaining the integrity and livability of existing Rosedale neighborhoods. When asked at the

public forum, the exact proportions of the proposal were not made available. However, the depictions provided indicate a significantly wider, longer, and taller structure than any building in the Spring Valley neighborhood.

3) Sewer/Water Management. When asked for specifics on studies regarding the infrastructure impact of 161 additional households on existing Rosedale sewer and water lines, the developer had no answers. The UG Public Works Department can attest to the hazards of the natural flow of water into Spring Valley from Tanner & White's existing developments affecting both 46th Avenue/Rainbow Boulevard. Suggested solution: assist on update infrastructure studies to determine impacts and resolutions to Spring Valley neighborhood.

4) Parking/Traffic Noise Abatements. The current width of 46th Avenue, between Rainbow and State Line, measures 20 to 22 feet. Recently, 46th Avenue was posted with no parking signs on both sides of the street for this reason. Tanner & White's proposal to add 4 feet and create 12-16 diagonal parking spaces was touted as eliminating the problem of on-street parking. When asked if the 12 diagonal parking slots would be reserved for occupants at street-level Brownstone Apartments, Tanner & White would not commit. Additionally, as those parkers on the southside of 46th Avenue back out of the diagonal parking spaces, they create even more hazards for the SFN residential garages/driveways on the northside of 46th Avenue.

5) Mixed Income/Diversity Housing. Per Tanner & White, the proposed Woodside Village Rosedale project will contain approximately 161 units. Sixty percent of which are studio and 1-bedroom luxury apartments. There is no allowance for middle, much less lower income housing in this plan. With the remaining 40% of occupancy being 2- or 3-bedroom units, there is likely no opportunity to provide housing for middle, or low-income families.

I respectfully submit these comments as both a long-time homeowner of Spring Valley and a Board of Directors member of the Rosedale Development Association.

Mayor Pro Tem Bynum said, Madam Clerk, before you read more of the comments, our Legal Counsel is agreeing with our suggestion that we're only giving three minutes to those who have come in person, then we'll allow up to three minutes worth of written comments. If you could have help timing three minutes, thanks. **Ms. Sparks** said we will time.

Chris Steineger. The two main problems are traffic and mass height. Traffic. Oppose any usage of 46th Street by the project, no parking, no dumpster. 46th Street is a narrow, 22-foot

wide and already is used as a commuter connector street with lots of cars passing through during rush hour and also dump trucks, cement trucks and occasional semi-trucks.

The developer wants to add angle-in parking which is the worst form as it is difficult to see when a car is coming. Developer wants a drop-off zone on 46th, which means all the UPS, FedEx trucks, when using our neighborhood as their exit. Developer wants the main dumpster site for 171 apartments to be on 46th Street, which means the garbage dumpster truck comes several times a week with lots of noise. The dental office at 46th and Rainbow currently uses 46th for guests and employee parking. Woodside project would use up all their parking. Developer has made no improvement to existing and adequate delivery, access, and employee parking. The Eaton Street hill access to north side loading dock, gravel parking 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 developments. 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 Street hill is notoriously steep and unusable in snow/ice conditions. Owner needs access to backside of club and there is room for limited employee parking. Eaton Street hill must be closed permanently.

Summary, 46th Street is too small to handle increased parking, delivery trucks, etc. The neighborhood gathered signatures and prefers that 46th Street be closed permanently at Rainbow.

Solution. All traffic using the new apartments must access from Rainbow using the existing big driveway which aligns with 47th. This is to include delivery trucks, dumpster trucks. The existing big driveway is more than adequate to handle the traffic. No use of 46th Street at all for parking, deliveries, dumpsters, etc., and no further access via Eaton Street, no apartment front doors onto 46th. 47th Place and Westwood can be widened to accommodate parking. 47th Place already is much wider than 46th, and has doubled the amount with right-of-way. Blair & Tanner controls all the property along both sides of 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. It's too large. The existing Woodside phase, 1) is only 91 units and on a smaller parcel. Phase 2 at 173 units stacks six or seven floor stories creates a canyon effect for the homes along 46th.

Bill Siggins. The November 16th meeting with Spring Valley, it was stated three times by Mr. Blair Tanner, he was driving all tenant money from this complex towards financially propping up his Woodside Racket Ball Club as it was in dire straits. This was confirmed by Westwood City Council as why the second phase of Woodside Village was not constructed on 47th Street. Stage 2 required maintaining Phase 1 at 90+% occupancy. Sound financials and building the south phase within three years of Phase 1. If Tanner had, he would be given the 4.8 acres free and clear that's currently owned by Westwood.

Westwood canceled Blair's contract for Stage 2 as he failed to meet the set requirements, which also meant he did not qualify for the full \$22K+ in TIF/CID funds. Since they denied him those TIF/CID funds, he partnered with Block to come begging the UG for those funds. This issue and Blair's 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 his request to build.

After his third admission and being questioned about the use of all funds to enhance Woodside projects, Tanner noticed UG Councilmember Christian Ramirez was in the room. Blair then rushed to walk back and cover up those comments. Blair would not answer why SVN should make all these concessions. The length exceeding Master Plan by 100 feet, height 3 stories over plan, parking hurting the dental business in the neighborhood, only to financially support Woodside, Westwood and Johnson County.

Blair was asked how he planned UG to provide in TIF/CID funds, he got very upset and defensive. He knew he had already outed his intentions, at which point the UG Councilmember stated this gave him major reservations. Again, this whole meeting was audio recorded and is available for request.

The follow-up meeting held April 25, 2022, confirmed he expected the UG to provide this project with both TIF/CID funds to offset construction costs, yet refused to state an amount. Tanner did say we should feel happy to have 1,000 square foot, 2-bedroom units going for \$2,400 in our neighborhood as it would only benefit us. When questioned how it would be a benefit, as

it would cause long-term residents on fixed incomes to be forced out, he simply moved on to another person who had their hand raised with a question.

Conclusion. We cannot hand Blair Tanner TIF/CID funding to build luxury apartments that go against the Master Plan and provide no benefit to the neighborhood nor Unified Government. This would simply be bilking taxpayers for the operators already failed construction project in Phase 2. The UG must look at how Westwood canceled their deal with Blair Tanner as a notice not to provide them any funds and block his project as he failed to meet Master Plan requirements and the financial stability viability of the owner is in serious doubt.

Patricia King Stone. As a 33-year resident and proud property owner of an 83-year single-family home, I respectfully oppose the request for zoning change COZ2021-048 at 4601 Rainbow Boulevard which will face my property. This project is too large in scope for the Frank Rushton and Spring Valley neighborhoods of Rosedale. The seven-story structure would completely eliminate the much-needed morning sunlight to our home for more than 10 months of the year. The increase in traffic and congestion on Rainbow Boulevard and 47th Street will negatively affect the flow and efficiency of commuters, buses and emergency services to the neighborhood, KU Medical Center, and its surrounding clinics. The additional congestion of trucks and other commercial vehicles will negatively affect the quality of life and safety of our children, exercise walkers, bicyclist, and dog walkers. This large project isn't a good fit for our neighborhood, and I ask you to deny the request.

Robert Stone. I have loved living in my home since 1985, and I am in opposition to the proposal. It is too dense and far too tall. It's seven-story height would block sunrises on our property for all but a couple of weeks in the spring. The added traffic caused by 164 more apartment units will seriously add to the already congested intersection of 47th Avenue and Rainbow. The north side of the development abuts West 46th Avenue, which is one of the narrowest streets in the area. There already is no room for public parking on West 46th. This project needs to be scaled back in size and height and narrowed to allow for normal traffic and public parking on 46th. Again, I am opposed to this project as it currently is proposed.

Natalie Fox. After attending the meetings with Woodside and the developer, I find two main areas completely objectionable. First, use of 46th Street and Eaton Street hill. We, the neighborhood, have consistently expressed our opposition to the use of 46th Street as well as Eaton Street for use by this project. The most current iteration of this project plan, which I oppose,

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 borne 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 passengers stand outside of the vehicle and help me back out because of the sight line. In addition, vehicles that are too large, pick-up trucks and large SUVs, consistently park at the angle-in parking and their rearends stick out into the road. This causes drivers to have to veer into the oncoming traffic lanes 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, it's tenants, employees, and visitors to Woodside Village. For example, the employees at Woodside Tennis and Racket currently park in the gravel lot at the top of the Eaton Street hill, which will no longer be available once construction starts. Already these workers park in our neighborhood and when they are unable to ascend the Eaton Street hill to park during inclement weather. Where will they park once construction starts?

Second, the mass and height of the structure will cause several houses in our neighborhood to be in a permanent shadow in the winter months. There's 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.

Ms. Sparks said your time has expired. Those are all the comments we have received.

Mayor Pro Tem Bynum asked, is there anyone present who would like to speak in opposition to the item? If so, please come to the podium, state your name and city of residence for the record, and you will be given three minutes.

Gilbert Pintar, 4178 Cambridge, Hanover Heights, said I was wondering if the Clerk could read the statement from the applicant in terms of the request to remand. I didn't quite catch that it's to permit adjustments to their plan and compliance with the City Master Plan.

Mayor Pro Tem Bynum asked, Mr. Hand, could you address that for us? **Mr. Hand** said staff recommended that the remand be directed to focus on a redesign that would meet all the Rosedale Area Master Plan design guidelines as well as address the sunshade issue for the low winter sun.

Mr. Pintar said in that case, I really need to kind of summarize where we're at tonight, because what you have before you is a rezoning application from Commercial and R-1(B) without a companion plan. The plan that was submitted to the staff, and that you have copies of, does not comply. Without an understanding with the applicant that even though the staff is recommending or supporting the project, we've pointed out things that in their plan they would have to adjust to comply with the master plan. Including, and I want this really clear to the applicant, and to you all if you do remand it, in that the master plan calls for a maximum of four stories along 46th Street. That's not the case with their present submittal. They are going to have to do substantial changes, and I don't think a remand of whether it's two or three weeks... **Ms. Sparks** said one minute remaining.

Mr. Pintar said to change the plan is enough time to do that. I would encourage this Board to follow the recommendation of the Planning Commission. They recommended denial. You should deny the rezoning that protects the neighborhood in R-1. The neighborhood's protected in R-1, if you don't change it, and wait for a companion plan, a new plan that comes up and complies with the intent of the master plan. Because all the things that you heard tonight, being read, states why it does not comply with the master plan. It's very clear. If they don't intend to comply with the master plan, I don't see how they can do it in two or three weeks. **Ms. Sparks** said your time has expired. **Mr. Pintar** said thank you so much for your consideration.

Mayor Pro Tem Bynum said thank you sir. Is there anyone else who would like to speak in opposition? Come to the microphone. Name and city for the record, and you will be given up to three minutes.

Chris Steineger, 4529 Francis Street, said I'm in opposition to this apartment project as it's been proposed, thus far. You had my remarks read in already but I would just like to speak. Woodside, Phase 1, is actually a very nice property. I'm actually a member of the Woodside Club. It's clean, it's very nicely done. It's a good property. I would like to see these owners, someday, somehow, build a project in our community. We need upscale, nice apartments. But this project is too darn big, 5 or 6 stories at the top of a hill, which cast shades in the neighborhood. It's too many units. 171, the number seems to float whether it's 160 or 170 units. It's too many. It's too many apartments on that size of the property, and it dumps too much traffic onto little 46th Street, which is only 20 feet wide.

Commissioners, I was here about a month ago. I spoke in favor of the apartment building at 5th and Central. That building is 129 units, much smaller, and it's at the bottom of a hill. It doesn't really shade the neighborhood at 5th and Central.

I personally think the developers can find a way. They've said thus far they can only build this thing if they've got 160 or 170 units. Honestly, I just think it's a bluff. It's one thing I learned in Topeka, there's a lot of lobbyists that wanted stuff from the legislators and they always ask for this much, but they usually settle for a lot less. It reminds me of a line from a Rolling Stone's song, you can always get what you want, but sometimes you find what you need.

What the neighborhood needs and what the developer needs is a smaller project, maybe 3 stories tall, maybe 90, 100, 120 units, something like it. It can be done. They just have to agree and compromise with the neighborhood. That's my comments and I appreciate your time.

Mayor Pro Tem Bynum asked, are there any other people here? Come to the microphone. Name and city for the record, and up to three minutes, please.

Kelly White, Kansas City, Kansas, said I am going to deviate from the—what I plan to say based on the fact that they want to go back and change this. But there are a few points I would like to make on behalf of the neighborhood. I would like to begin by saying that to my knowledge no one is opposed to development on Rainbow Boulevard, however, any development along Rainbow must fit in with the adjacent residential neighborhoods and comply with the master plan guidelines and the overall city zoning code. This is what the neighborhood has consistently

communicated to the developers from the very first meeting, and their answer has consistently been they have to build to this size to provide luxury amenities.

When reviewing the packet for tonight's meeting, I noticed a discrepancy of the November 16, 2021, meeting minutes that was provided to staff. I think it's worth mentioning tonight. The minutes read that they were asked if they were requesting incentives and the answer was they hadn't decided. That is not accurate, and I know this because I posed the question. Bob Johnson was quite clear that they are planning to request them. They just did not know yet which incentives.

I also specifically asked why they do not build the apartments next to their club where they already have space. Their answer was that phase of the apartments is tied to the club project, and the club is still recovering financially.

As of last Friday, Tanner & White Properties had 13, obviously, scripted letters of support submitted for your review. Only five of those letters came from the people that live in our neighborhood. The remaining eight letters, I presume, are letters of support submitted at the influence of an assumed wealthy developer. However, I can confirm that more than 20% of the residents that live within 200 feet of this project are opposed to this. I know this because I presented, along with Chris Steineger, a protest petition. The residents were able to speak to us when we signed it and they had no hesitation in signing it. Many of the letters of support were statements that made of the need for first-class luxury apartments in Kansas City, if that is in fact true, I would think... **Ms. Sparks** said one minute remaining.

Ms. White said if that is in fact the case, I would assume that Woodside would have no problem attaining funding to build the large-scale luxury complex next to their club, and then build one that's more scaled to our neighborhood.

My opposition to Woodside, and I know the opposition to many of the people in our neighborhood, is not about the past. It's about preserving our neighborhood and keeping it affordable. That's what has made our neighborhood diverse is the fact that it's been affordable, and this project will prevent that. I ask that, I don't if it matter, that we vote no to Woodside.

Mayor Pro Tem Bynum said I'll ask the Clerk if there is anyone virtual that would like to speak in opposition to the item. **Ms. Portley** said, Commissioner, we have two online. We have Moto D, and then Pat and Bob Stone.

Mayor Pro Tem Bynum said I'm going to ask our Administrator, we had written remarks from Pat and Bob Stone. Do we allow them to also now appear in opposition? Administrator's response was inaudible. **Mayor Pro Tem Bynum** said we can go ahead with our first virtual speaker in opposition.

Ms. Sparks said Mr. D, you're allowed to speak, would you unmute please? Mr. D seems to be having technical difficulties. We'll move to the next speaker. We have Bob and Pat Stone.

Patricia King Stone said I appreciate you reading the letter that was submitted. My only additional comment was that I also signed the protest petition that was submitted. I signed that when it was brought around to our neighborhood as another example of, I am in opposition to this very large project. Thank you for your time and consideration.

Rebecca Paulsen, 4418 Francis, Spring Valley, said in addition to the comments already made about not being in compliance with the master plan, specifically the mixed urban use allowing a max of four stories and that affects, that's what that is in the master plan on 46th Street. I don't think the project adequately addresses the traffic impact, not only on 46th Street, but throughout the neighborhood of Spring Valley as cars will go all over the neighborhood. They did try to address by lighting street putting in parking spaces along the park where the project would be built, along 46th, but I think it's going to require a much more extensive traffic study to see the impact in the neighborhood and along Rainbow as this many more people begin living in that area. That is my additional comment. Thank you.

Sarah Wagner, Rosedale Development Association, said we agree with the remand and look forward to a redesign that follows the master plan guidelines, especially on height transition guidelines. Also, hope that any new project will honor the overall housing goals set out in the master plan, which is to protect historic and single-family neighborhoods with strong homeownership, just like Spring Valley, while increasing housing options in the city. Thank you.

Jill Paulsen, 4446 Francis, said I am completely against the project. Mainly for what Gil said, I don't see any reason to approve this until they have a plan in place. It seems like it makes the neighborhood amazingly vulnerable to anything that they might propose later. That's all I have.

Shari Wilson, 4529 Francis, KCK, said I agree with the previous speaker about approving this or sending it back to Planning without a real plan in place. I am concerned about the zoning issue because I agree, it kind of leaves things somewhat open in terms of what they could bring back. In addition to that, and I will just say that I live at 4529 Francis Street in KCK, directly across the street from the proposed development. I totally oppose the current rendition for basically all of the reasons that other speakers have said. I have also given my comments to the commissioners in writing via email last week. I appreciate your time and thank you very much.

Brandon Cooper, 4526 Francis, said I've been a resident here for 37 years. My property would be directly across the street from the development. Where my garage would sit would be the dumpster area and the delivery area, which would be certainly an invasion of my own personal privacy. I think that the development, as it stands now, would be incredibly impactful to not only my privacy, but just the livability of my house at this point in time. I agree with all the other points that were made. I was one of the original signers to the petition that was presented to the Chamber. The overall development, again, I'm concerned that if it went back to Planning, it would just be another plan that would interfere with the serenity of our neighborhood as it stands now. Thank you for your time.

Ms. Sparks said those are all the hands we have raised online.

Mayor Pro Tem Bynum said I'll close our public hearing and ask if the petitioner has any closing remarks. Response was inaudible.

Do any members of our Commission have questions or comments?

Commissioner Ramirez said well, first, I do want to thank Bob and Blair from the very first rendition that was presented to what is currently in our packets. You did listen the first time and I am appreciative of that, of what you did your best. From what I've heard from the Planning

Commission staff and the community, there seems to be, there needs to be more conversation. More compromise. I understand Gilbert, I understand where you want us to follow the recommendations of the Planning Commission. Some community members are afraid of leaving the door open. I am going to make a motion to remand, but with the specific instructions that Gunnar gave. Because that will set the stage that they have to follow the master plan, they have to follow the recommendations and conditions that the staff provide, and the conditions that the Planning Commission, themselves, provide as well. It's not going to be an open door where they can do what they want. They'll have specific instructions and a roadmap to get there. With that, I'm going to try to do my best, Gunnar.

Action: Commissioner Ramirez made a motion to remand the item to, and follow the conditions given by staff and the City Planning Commission.

Commissioner Ramirez asked, does that suffice, Misty?

Misty Brown, Chief Counsel, said I think your motion would suffice. The only thing I would ask, Gunnar, is if you feel like that's captured the recommendations that you listed further when you began this conversation.

Mr. Hand said you want me to list them again? **Ms. Brown** said I think that would be great for clarity on the Commission.

Mr. Hand said, again, as mentioned previously, we're seeking a remand, focus on a redesign of the project to meet all the Rosedale Area Master Plan guidelines and specifically address the sunshade issue related to casting shadows across 46th Avenue based on the height of the structure.

Action: Commissioner Ramirez said I make that motion to remand. Commissioner Davis seconded the motion.

Mayor Pro Tem Bynum said I do have a question before we vote. I thought I heard a date in your earlier comments of August. **Mr. Hand** said I believe the applicant requested this be remanded back to the August meeting. They need a sufficient time to do the redesign. I think that's appropriate.

Mayor Pro Team Bynum asked, Commissioner Ramirez, is that congruent with your motion?
Commissioner Ramirez said yes.

Ms. Brown said I would just ask that our second, if they're also in agreement with the amendment of the motion. **Commissioner Davis** said yes, I am.

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

Commissioner Bynum said our Mayor has arrived, I will take my place and we will turn this over to Mayor Garner.

ITEM NO. 2 – 211584...CHANGE OF ZONE APPLICATION COZ2022-001: TIM KATES WITH REMCO DEMOLITION LLC

Synopsis: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue.

And

MASTER PLAN APPLICATION ITEM NO. 2 – 211585...MASTER PLAN APPLICATION #MPL2022-001 – TIM KATES WITH REMCO DEMOLITION LLC

Synopsis: Master Plan Amendment from Planned Commercial (Prairie-Delaware-Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject Property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planned Commercial District to MP-2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The Applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the

rea of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial. The Planning Commission voted 6 to 1 to uphold its previous recommendation and recommends approval of Change of Zone Application COZ2022-001 and Master Plan Amendment MPL2022-001, subject to:

1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
2. All uses involving the storage, handling, use, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).
3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.
5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd;
6. All deciduous and shade trees shall be at least two (2) inch calipers when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
7. Any equipment visible from the public right-of-way or near fencing shall be removed or relocated to where fully concealed from public view.
8. Existing fencing and gated entrance shall be maintained.
9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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.

Case	
COZ2022-001 & MPL2022-001	
Petitioner	Address
Tim Kates	14140 State Avenue Kansas City, Kansas 66012
Synopsis	
To request a Change of Zone from C-3 Commercial District to M-2 General Industrial District for the ability to have a lay-down lot and staging area for equipment and contracting materials. To amend the Master Plan Land Use Designation from Planned Commercial to Industrial.	

Gunnar Hand, Director of Planning & Urban Design, said, again, in lieu of a presentation tonight I'm going to defer to the applicant, who I believe is here to request a further extension. We have been in communication with him related to the traffic study that was requested. They're seeking additional bids for said study and they're going to request some additional time. So, I defer to the applicant.

Mayor Garner said I'll ask the applicant or representative to present his application. **Mr. Hand** said, Mr. Mayor, I don't see him online.

Mayor Garner said it sounds like he deferred. I'll open a public hearing ask the Clerk is there any received notifications from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium and state your name and address for the record. You will be given up to three minutes to state your comments.

Is there anyone joining virtually who would like to speak in favor of this item? If so, please raise your hand to be acknowledged. Once acknowledged you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to state your comments. Anyone joining us virtually who would like to speak in opposition to this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to make your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make any closing comments? **Mr. Hand** said, Mr. Mayor, if I may, we gave ample notification that the applicant needed to be here to make that request themselves. This would be the third time they've showed up or been a no-show to ask for their own request. I never received an official request in writing. Staff recommends denial due to an unresponsive applicant.

Mayor Garner asked, to any members of the Commission have any questions or comments? Seeing none, I'll entertain a motion.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to deny the application.

Misty Brown, Chief Counsel, said Mayor, may I ask for the mover to state the specifics of the reason for the denial?

Commissioner Ramirez asked, Gunnar, can you restate the reasons? **Mr. Hand** said I'd state staff's recommendation for denial is based on the unresponsiveness. We had supported this application through Planning Commission. Planning Commission and the public had some issues, even though it ended up moving forward to the Board of Commissioners, specifically related to the traffic impact as well as the simple fact that this is a change of zone and master plan amendment in a location they don't think it is appropriate to master plan zone to industrial. So, I think you can deny based on the fact that you don't think it's appropriate to change the zone or the land use category at this location.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to deny due to insufficient evidence to traffic.**

Mayor Garner said and just for clarity from our Counsel. I believe that's for the motion A2, Change of Zone Application COZ2022-001. Is that correct? **Ms. Brown** said that's correct, Mayor.

Mayor Garner said I have a motion and a second. Any discussion? Seeing none, roll call.

Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Davis, Bynum, Burroughs; and one "Abstained," Stites.

Mayor Garner said I'll entertain a motion for C1, MPL2202-001.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to deny due to insufficient evidence for traffic.**

Mayor Garner said I have a motion and a second. Is there any discussion? Seeing none, roll call.

Roll call was taken and there were eight “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Davis, Bynum, Burroughs; and one “Abstained,” Stites.

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 211625...SPECIAL USE PERMIT APPLICATION SP2022-046: BLAKE LOSTAL

Synopsis: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 322 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Blake Lostal with the Easy Inn, has applied for a new Special Use Permit for live entertainment at 322 North 6th Street. The subject property is a single-level row-style with approximately 1,260 square feet of building space with an additional outdoor patio and was formerly known as the Colonial Club. The Applicant has operated the subject property since 2018. The Planning Commission voted 4 to 1 to recommend approval of Special Use Permit Application SP022-046, subject to:

1. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;
3. All entertainment must cease by 1:00 a.m.;
4. Doors and windows must remain closed during any entertainment performance;
5. Must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division 1, Sec 4-104(0), including:
 - a. Must have at least one (1) security personnel or staff member available at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An ID scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
6. No amplified speakers or entertainment is allowed in outdoor spaces;
7. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
8. Any proposed signage requires a sign permit. Please contact the Department of Planning & Urban Design to begin that process;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact

the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

10. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation,
11. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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.

Case	
SP2022-046	
Petitioner	Address
Blake Lostal with Easy Inn	322 North 6 th Street Kansas City, KS 66109
Synopsis	
The operate an existing drinking establishment with live entertainment. The subject property is a single level row-style store with approximately 1,260 square feet of building space with an additional outdoor patio.	

Gunnar Hand, Director of Planning & Urban Design, said this case is, again, a Special Use Permit for live entertainment in an existing drinking establishment. To be clear, this is not an SUP for the drinking establishment itself. That is a legal, non-conforming use at this location. This is in a central area master plan in the Strawberry Hill neighborhood. We've received multiple

letters of support, primarily patrons to the drinking establishment. We did receive one letter in opposition. There are some old notices of violation related on this property, but they were cleaned up during a previous rehab of the property a few years ago.

The conditions of approval which remains of this application or of note specifically to this application, we're asking that all live entertainment cease at 1:00 a.m. We're also asking that all ambient music or amplified sound be eliminated from the rear back patio for the entire hours of operation of that business. With that, we have other standard conditions related to security and other things typical for live entertainment such as illumination. Staff recommends approval for two years.

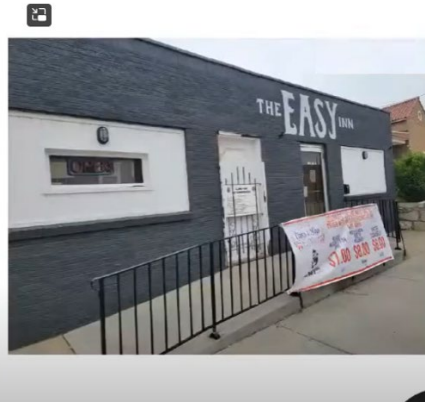
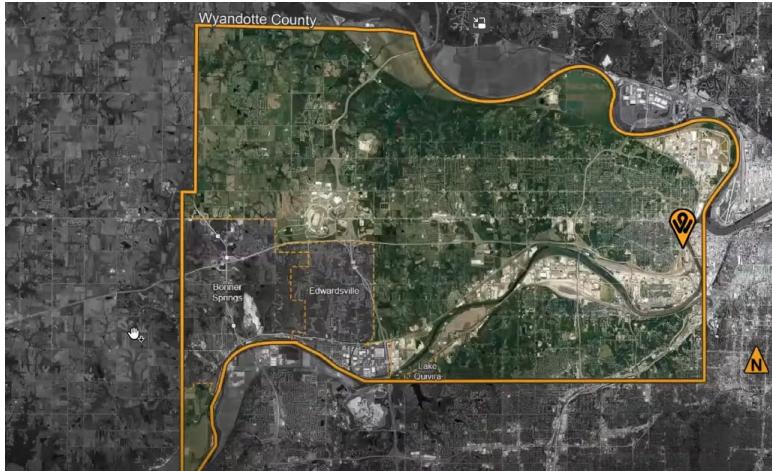
Mayor Garner said I'll ask the applicant or representative to present the application, and please state your name for the record.

I'll open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Ms. Sparks** said we've received no comments.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to make your comments.

Is there anyone joining us virtually who would like to speak in favor of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to make your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I'll ask the Clerk if there's any notifications received from the public who wish to express their comments in opposition of this item. **Ms. Sparks** said no comments were received.



May 26, 2022



Public Opposition	Public Support
There was one (1) letter of opposition.	The applicant gathered several letters in support.
Staff Recommendation	
Approval	

Mayor Garner asked, again, is there anyone present who would like to speak in opposition of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to make your comments.

Is there anyone joining us virtually who would like to speak in opposition of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you'll be given up to three minutes to make your comments, and please state your name and address for the record. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I will close the public hearing. Would the petitioner like to make any comments if present? Do any members of the Commission have any questions or comments?

Commissioner McKiernan said I'm in a little bit of a quandary right here. I'm very disappointed that the applicant isn't here to present this application. But I have to say that it would appear to

me that with all of the stipulations placed on this application at Planning Commission, that those stipulations, if abided by, would address the concerns raised about this Special Use Permit. I'm very conflicted. I see that there are other commissioners that wish to speak. I will just say that right now, to my eye, it appears that the stipulations included in the Planning Commission Report would address the potential concerns that I have heard.

Commissioner Burroughs asked, Gunnar, do we know if there will be a building inspection completed or assigned to that facility once it's ready to open, an occupancy license? **Mr. Hand** said it's already open and in business. **Commissioner Burroughs** asked, it's already open? **Mr. Hand** said yeah. It's been open for...

Commissioner Burroughs said the question I have is the lighting on the back of the facility. On outside patios, you want to make sure that we put guidelines on light, on where they shine into properties. We want to assure that's not occurring at this property.

Mr. Hand said that's a good point. This property did a rehab. Sort of back to the Easy Inn. If you remember the original Easy Inn and the Colonial Club, and now Easy Inn again. About two years ago, they did receive building permits for that activity including the back patio. We did not add a standard condition that we do on other projects related to downward lighting. If you wanted to add that by motion and then vote on it for a super majority, we could do that and make that—I mean, it's enforceable no matter what but I think it's good, it's good coverage. I think we'd be amenable to that. I'd also note for the record that Mr. Lostal is now online, and you can ask him questions if you want.

Commissioner Burroughs said I agree with Commissioner McKiernan in reference to if they're going to commit to the requirements, then it gives me a higher comfort level. But I, too, have had some concerns from the residents around there in reference to the noise going past hours and things like that. I appreciate that. Thank you.

Ms. Sparks said, Mayor, if I may, the applicant has now raised his hand online.

Mayor Garner asked, Counsel, can you approach real quick. Unfortunately, we have closed that opportunity and we are now in the part of this procedure for comments and questions by our commissioners.

Commissioner McKiernan said and to Commissioner Burroughs' point, stipulation number 7 in the Planning Report says that any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses. If I were going to make a motion to approve this, I would stipulate that condition number 7 say that any outdoor illumination shall not be seen or otherwise impact adjacent residential uses. So, that would be my suggestion for an amendment to stipulation number 7 that would cover all outdoor illumination and its impact on residents.

Mr. Hand said if I may, we do have a standard condition specifically related to downward lighting of outdoor lights. The one that you're referring to, number 7, is specifically like you got a band playing and they have lights or whatever.

Commissioner McKiernan said oh, so you're saying that number 11, all exterior lighting must be hooded or controlled. And that stipulation 11 would cover this condition? **Mr. Hand** said correct. And I apologize I didn't realize we didn't have it in there.

Commissioner McKiernan said so, in that case, I am okay with 7 for entertainment and 11 for general lighting. **Mr. Hand** said yes, correct. Sorry about the confusion.

Commissioner Stites said that addressed my question. Indirect lighting versus direct lighting.

Commissioner McKiernan said ping pong ball, back to me. I am confident, having talked to Mr. Lostal, that he will endeavor to be a good neighbor to all those who are around him at this location. And so, with that, what I would do is move to approve as submitted with the stipulations that we have noted and discussed.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-046 for two years as submitted, subject to the stipulations and the stipulations that were noted and discussed.**

Mayor Garner said we have a motion and a second. Is there any further discussions? I do have one question, Mr. Hand. We talk about lighting and illumination. What about noise? How would

that impact the surrounding neighborhoods, residents, in your opinion as far as that potential noise pollution or is that even a point of consideration.

Mr. Hand said it's absolutely a point of consideration for these types of uses, specifically, ones like this that are adjacent to residential neighborhoods. There's a condition in the approval to keep all doors closed during event hours, during live entertainment. So, that one. And then secondly, it's not explicitly in our conditions, but it is implied in the Code Ordinances that all properties have to meet the noise ordinance, which is at your property line. That one is hard to enforce, I might add, though, because that's enforced by the Police Department.

Mayor Garner asked, do you know if the petitioner met with any of the local residents or the representing neighborhood groups? **Mr. Hand** said I do not believe he met with the neighborhood group, although he is an active member of the neighborhood. He owns several businesses and properties in Strawberry Hill, and he's moving there right now, I believe.

Mayor Garner said there's a motion and a second on the floor. Is there any further discussion? Seeing none, roll call.

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

MASTER PLAN AMENDMENT

ITEM NO. 1 – 211585...MASTER PLAN AMENDMENT APPLICATION MPL2022-001: TIM KATES WITH REMCO DEMOLITION LLC

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

Action: This item was previously heard with Change of Zone Application No. 2, COZ2022-001, under Planning and Zoning Non-Consent Agenda.

FLOOD PLAIN ANNUAL REPORT

ITEM NO. 1 – 211583...2022 CRS COMMUNITY CERTIFICATION REPORT

Synopsis: Notification of Federal Emergency Management Agency (FEMA) acceptance of the Unified Government's 2022 Community Rating System (CRS) recertification, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Gunnar Hand, Director of Planning & Urban Design, said this is a for information only item. Every year the Federal Emergency Management Agency requires the Unified Government to provide an annual report related to the community rating system. This is the part of the notification requirements. We've gone through the rigmarole with FEMA and their consultants related to this. We've provided all the information which was included in your packet. The summary document. There's a lot of appendices underneath that summary document that was not included in your packet. Happy to provide that if anybody wants to get into the details of it. But again, as per FEMA requirements for notification, we have to put this on the agenda, so it's noticed, and you hear it, and we talk about it if there's any questions explicitly. We're also now posting these on our website online, our annual reports, so we're trying to go above and beyond. But, again, specifically the CRS, the community rating system is basically what, through our mitigation efforts, allows us to have a reduced flood insurance across the Unified Government. Happy to take any questions.

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

Action: For information only.

PRESENTATIONS

ITEM NO. 1 – 211508...COMPLETE STREETS ORDINANCE ANNUAL REPORT

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



Gunnar Hand, Director of Planning & Urban Design, said in 2020, the Board of Commissioners adopted the Complete Streets Ordinance. In that ordinance, it required a couple of things. One, that a lot of the projects and work that happened through the Public Works Department and other agencies, Planning included, run all Complete Streets-related policies and projects through the Public Health's Infrastructure Action Team. The second thing that it required among other things, a bit of note tonight, is that it required us to do an annual report. For a bunch of different reasons, we didn't get that first annual report done because we were doing our homework. So, one year late, but two years online. And four, bike/walk month, we have Blake Hensley who runs the IAT, the Infrastructure Action Team with Public Health, who will take us through the annual report and the presentation thereof. So, I will defer to Mr. Hensley.

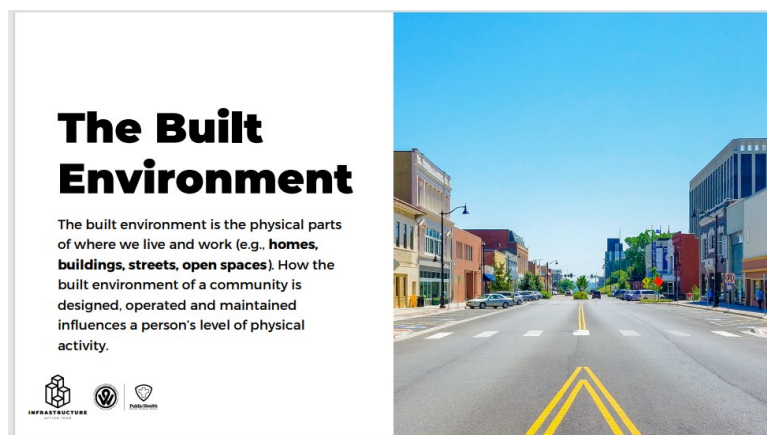
Blake Hensley, Public Health Department, said as Gunnar mentioned, I helped coordinate our Infrastructure Action Team, which is a team supported by the Public Health Department to improve the built environment, to improve the health and wellness of our residents. Also, as was mentioned, Complete Streets was a very big part of that.



The IAT

Since 2010, the Infrastructure Action Team (IAT) has convened community leaders, residents, organizations, and other UG Departments, such as Urban Design & Planning, Public Works, and Parks & Rec, to advocate building, redesigning, and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities.

The Infrastructure Action Team is a community coalition, made up of internal UG departments, such as Urban Planning, Public Works, also Parks and Rec. We also have community organizations that also advocate for that redesigning and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities.



I want to start out with a definition of the built environment. It's the physical parts of where we live and work, like our homes, buildings, streets, and even open spaces. How the built environment of a community is designed, operated and maintained influences a person's level of physical activity. We'll talk about that later in the presentation, some of the affects that it has on health, both on factors and outcomes and some other things.

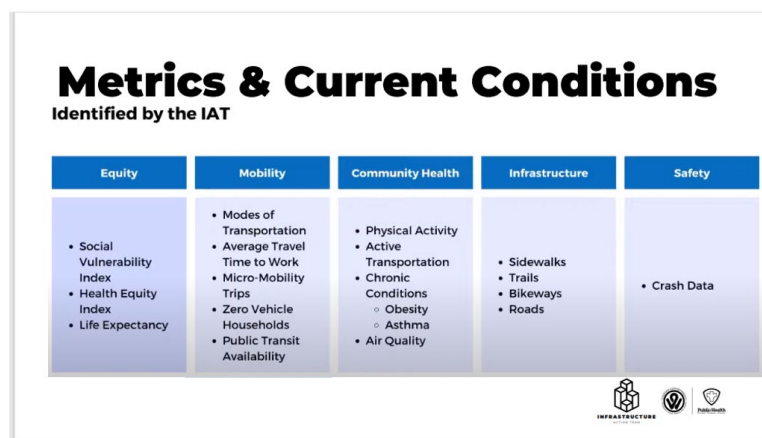


So, what exactly are Complete Streets? We broke it down into these four categories. Safe, prioritizing safety for all of the users. Flexible, accommodating context and community values. Being inclusive, again, coming back to the idea of all users, no matter their ability, age, or whatever they're using to get around our community. Then equitable, reduce household costs by

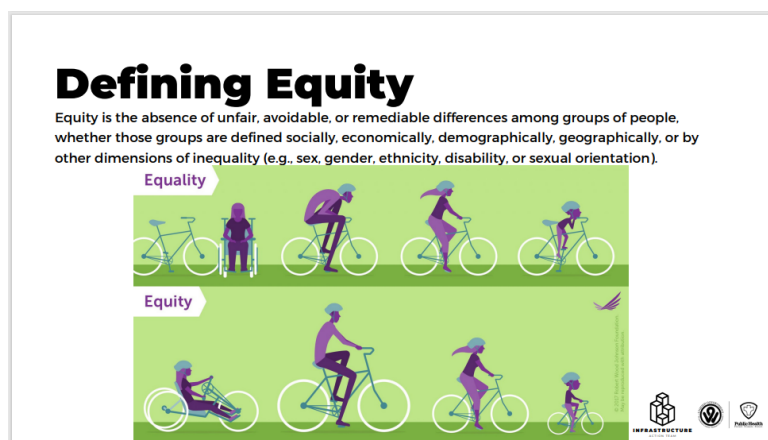
expanding transportation options, specifically active transportation options to connect people to everyday destinations.



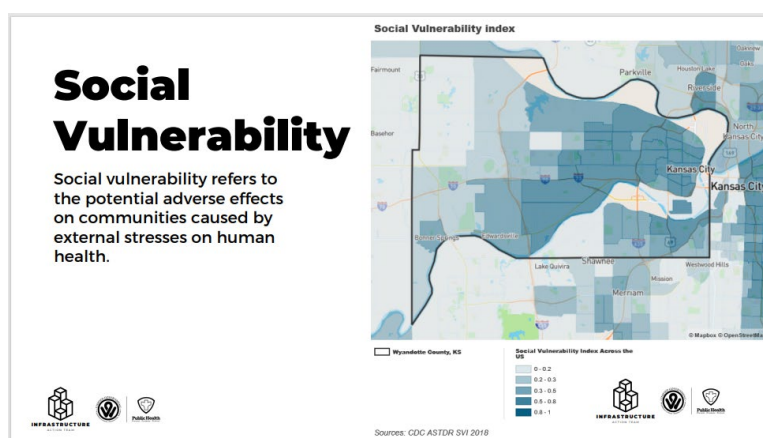
Some benefits. Some very, general benefits would be addressing chronic disease, increasing rates of physical activity, improving community safety, reducing exposure to emissions and air pollution by providing those other active transportation options, and reducing, hopefully, like vehicle trips and things like that. Then also preventing motor vehicle-related injuries and fatalities.



Metrics and current conditions. Based on our team, we came up with all of these, to include in this initial report to you all. We'll walk through some of these and then also the report was in the packet that was sent to you as well.



At the beginning, we want to talk about equity. The definition of equity that we're using for this report is equity is the absence of unfair, avoidable or remediable differences among groups of people, whether those groups are defined socially, economically, demographically, geographically, or by other dimensions of any quality, like sex, gender, ethnicity, disability, or sexual orientation.

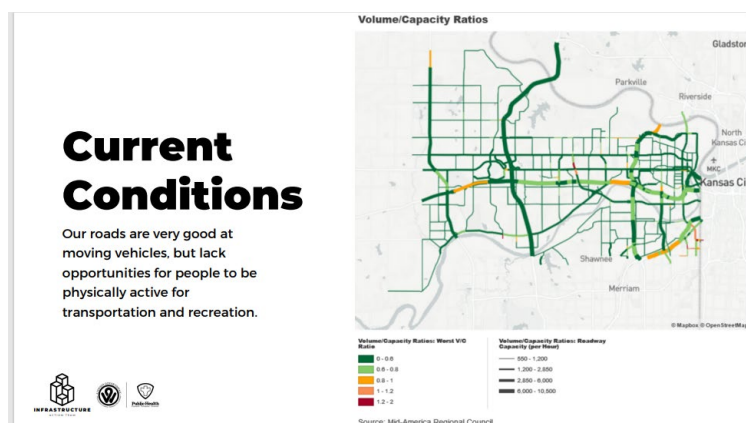


Social vulnerability. I want you all to kind of take a look at this map and keep in mind the places that are darker blue. We'll come back to this throughout the presentation. Social vulnerability refers to the potential adverse effects of communities, caused by external stresses on human health.

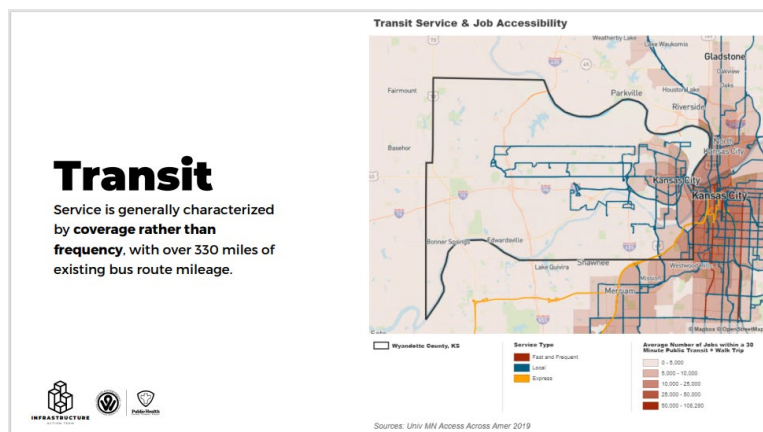
Social Factors

Socioeconomic Status	Household Composition & Disability
- Below Poverty - Unemployed - Income - No High School Diploma	- Aged 65 or Older - Aged 17 or Younger - Older than age 5 with a Disability - Single-Parent Households
Minority Status & Language	Housing & Transportation
- Racial or Ethnic Minority - Speak English "Less than well"	- Multi-Unit Structures - Mobile Homes - Crowding - No Vehicle - Group Quarters

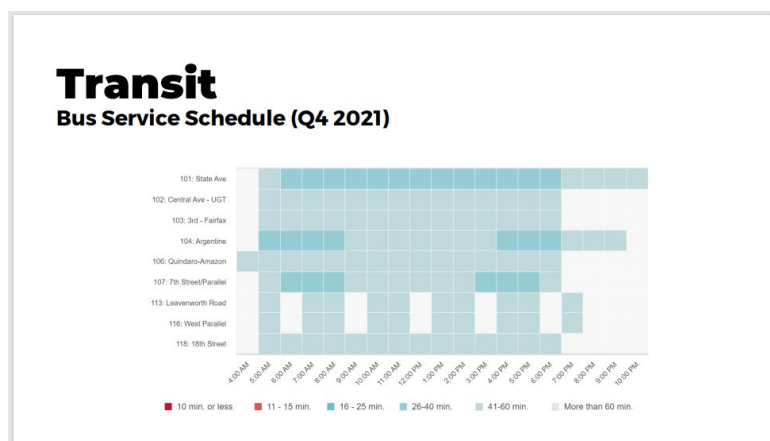
This is a metric that's come up with by the CDC, and here are the factors that create that map for you.



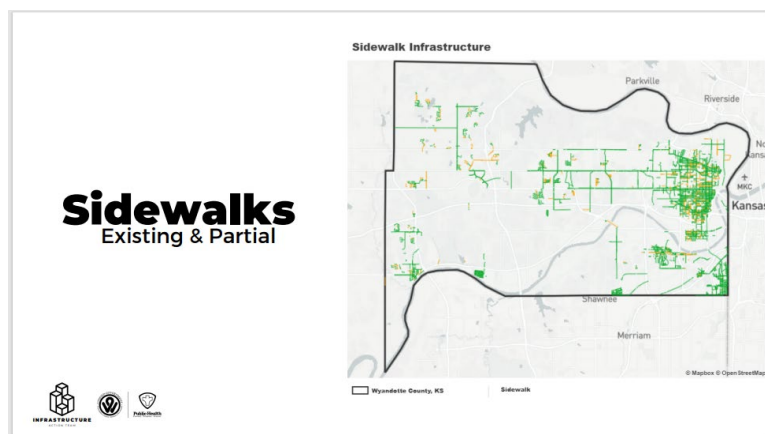
Now, we're going to talk about current conditions of our current built infrastructure. Our roads are very good at getting vehicles around. We know that only 4% of our roadways have a vehicle ratio of .8, at least one hour per day. This is a very, very low number. All the green on the map really shows that vehicles are able to move without congestion.



We want to talk about transit as well. In addition to providing those active transportation options, like biking or just being able to walk somewhere, we also need to be able to use public transit effectively. In Wyandotte County, our service is generally characterized by coverage. We have a lot of miles, but we do not have a lot of frequency, which we'll kind of show on the next slide. This map shows that we have limited access, or it does show jobs within 30 minutes of public transit trip of walking.

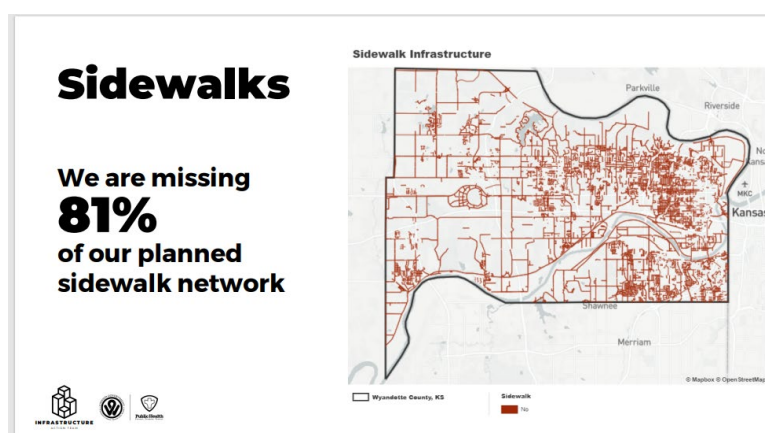


Here's a snapshot of our bus schedule. Only a select few routes are currently ran 30 minutes during weekday operations, while most routes run about 60 minutes or greater. Then, in addition, we do have some on-demand transit services in Edwardsville and Bonner Springs. In the county, we do not technically have any high frequency routes. Those are defined by the Mid-America Regional Council as routes that have a frequency of at least 15 minutes or at most.



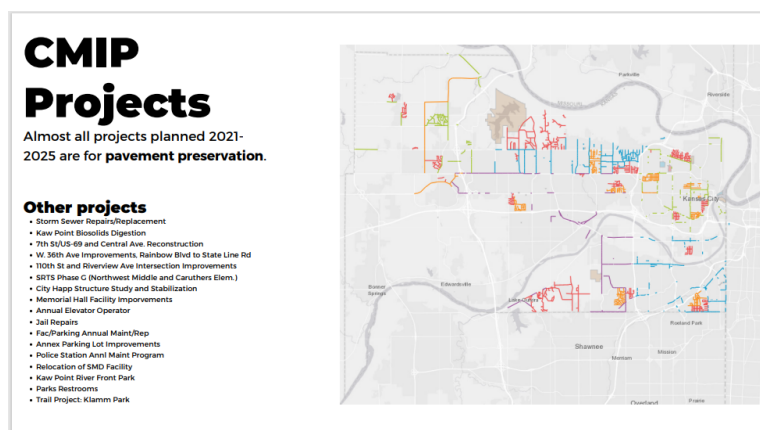
Talking about transportation in our built environment, that brings us to sidewalks. Sidewalks play a very vital role in city life as conduits to pedestrian movement and how people can access everyday destinations. As public spaces, sidewalks can serve as the front steps to the city, activating streets socially and economically. Also, safe, accessible, and well-maintained sidewalks are a fundamental and necessary investment for cities and have been found to enhance the general health and maximize social capital in the community.

In this map, this is the sidewalk network that we currently have. The yellow portions are partial segments. But, while the sidewalks do appear prevalent in our historic core, they're often in disrepair or overgrown or have fall hazards. They do not connect our neighborhoods together. It does make it appear and feel, and it is dangerous, and almost impossible to do anything other than drive a car to get to other neighborhoods in our community.



As we were talking about, sidewalks are an essential component of the urban environment, and we are missing about 81% of our planned sidewalk network. This network would provide access to people to get to everyday destinations, it would connect communities and improved safety and

have overall effect on our public health and wellness as a community. Just to kind of illustrate some of that effect, we'll talk more about the specific health impacts later. We did have one study that finds that 43% of people that report a place to walk were significantly more likely to meet the current regular physical activity recommendations than those who didn't report a place to walk at all.

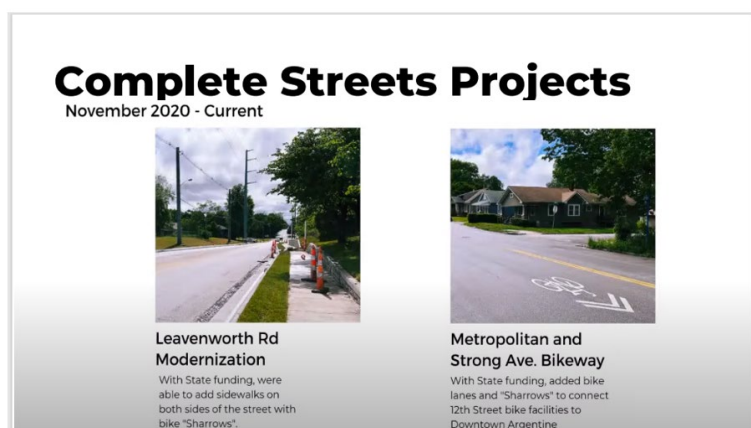


I did just want to touch on the capital maintenance improvements projects. Basically, a lot of those projects are just done to maintain what we already have, and most of them are focused on pavement preservation. So, I just wanted to bring up a map of that. We are doing some projects, and, as we mentioned, this ordinance was just passed in 2020.



We are working our way to more and more projects. Some successes that we have had in the last couple of years. We were able to launch the RideKC BikeShare Program, which is 50 e-bikes in the Rosedale and downtown area of Kansas City, Kansas. Also, we did begin the goDotte

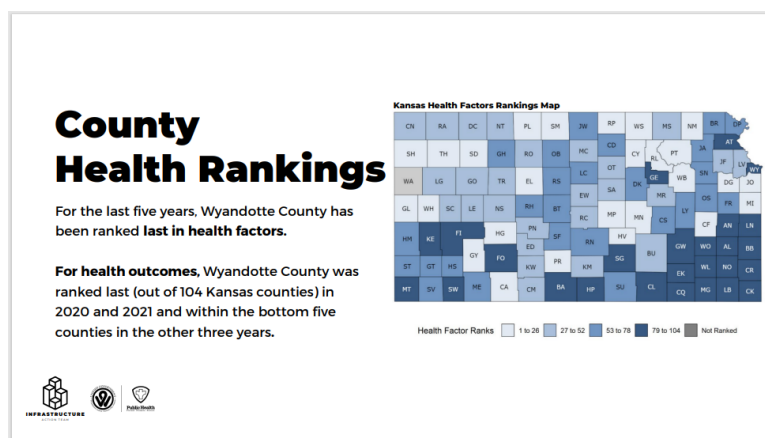
Mobility Plan, which is a strategic plan that I think we'll have more information on in the summer. That's looking at the entire county of how people get around in our community.



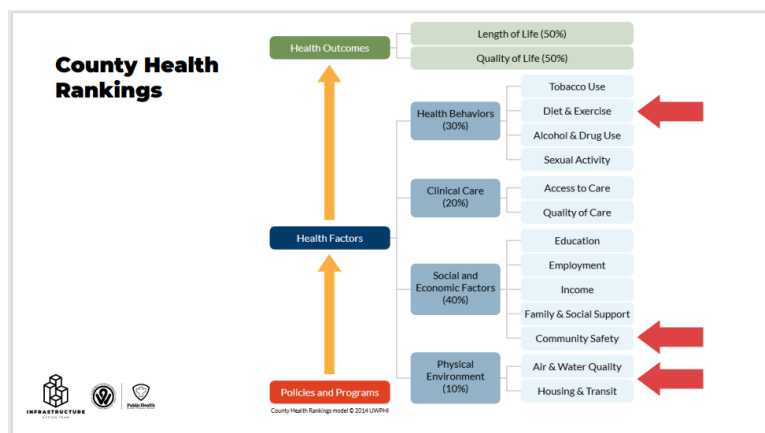
Some other recent roadway projects, like the Leavenworth Road modernization, adding sidewalks and other amenities on both sides and then also incorporating those sharrows, so those arrows that allow bikers or bicyclists to use the lanes on the road as well. Then also the Metropolitan and Strong Avenue bikeway.



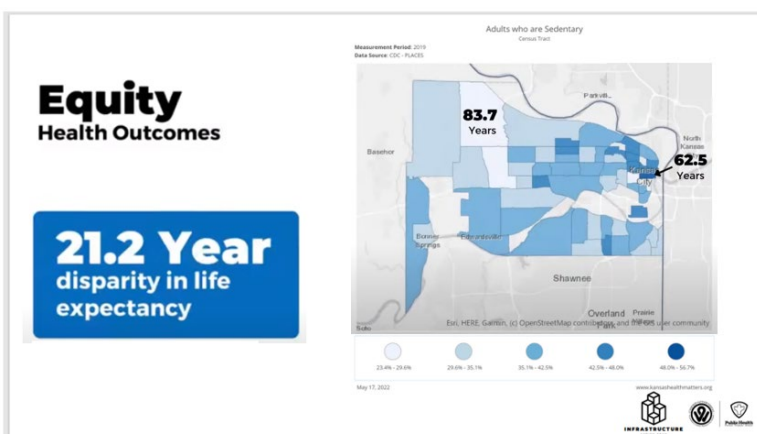
Now we're going to kind of dig into the community health portion and talk about some of those health factors and the outcomes. I just want to put into everyone's mind, we want to change the context, make the healthy choice, the easy choice.



County health rankings. They were just released for 2022. Compared to all the other counties in the state of Kansas, we are ranked last in health factors for the last five years. Then for health outcomes, we were ranked last for two out of those last five years. We were at least within the bottom five of all those counties.



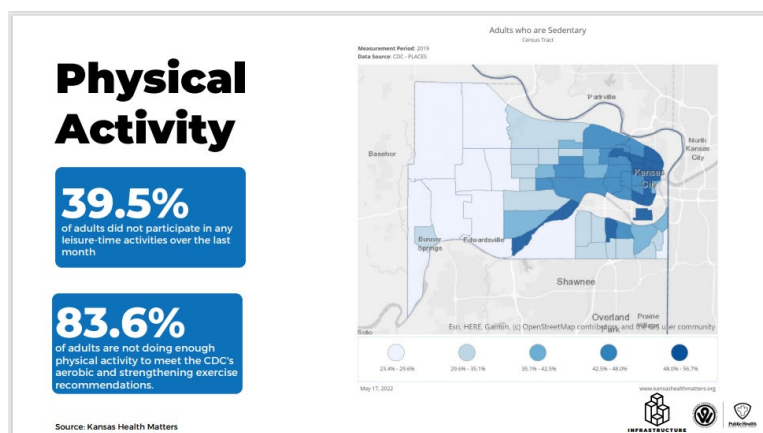
Here's a diagram of the county health rankings. These are some of the things that we use as some inspiration for some of the things that we pulled for our report. It's just very important as well to show that upstream effect of those policies and programs that affect those health factors, and then also go to affect those health outcomes, which are mainly length of life and quality of life.



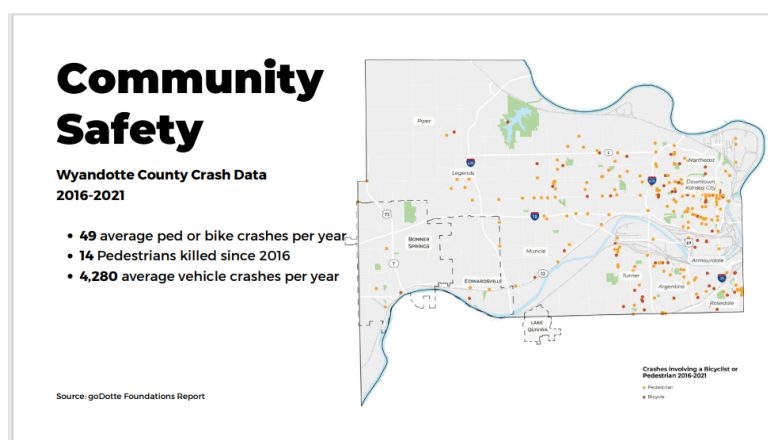
So, thinking about equity that we defined at the beginning here, there is a 21.2-year disparity in life expectancy in our county and then also that 62.5% year life expectancy census tract that is the lowest census tract in the state of Kansas. These variations are mostly caused by differences in social and economic factors, differences in public health infrastructure, medical care, and personal health behaviors like diet and exercise. Based on data collected for the goDotte Mobility Plan and that social vulnerability index, our most vulnerable communities are those that will lack those affordable, safe, and reliable transportation to access locations affecting the quality of life like grocery stores, schools, churches, jobs, shopping, health care, parks, public transit, and any other locations that someone might use every day.



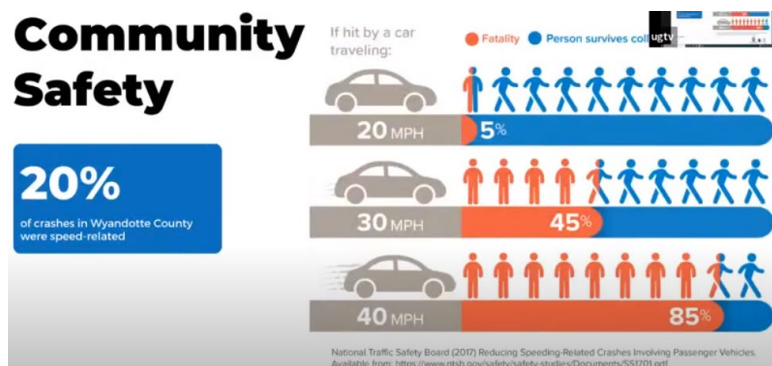
Community health, as we mentioned, those life expectancy is a health outcome. Some of those behaviors are things that lead to that are physical activity, access to active transportation, and then also looking at rates of chronic conditions specifically obesity and asthma. Also taking a look at air quality, as well. We do have a diagram of the social determinants of health, which is a CDC model of everything that comes together to affect our health every day.



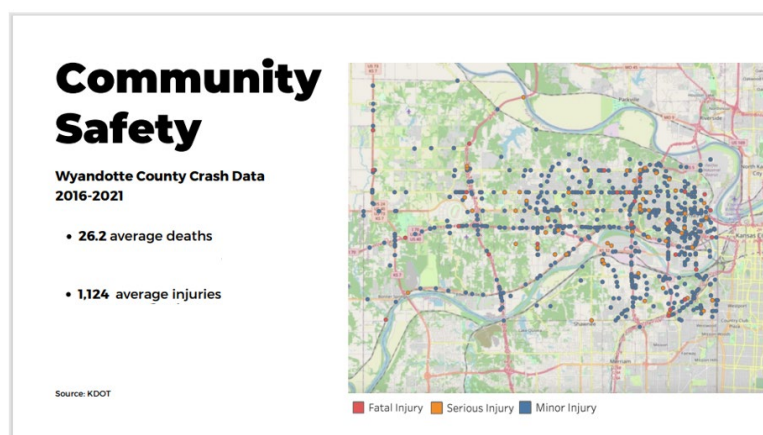
Physical activity rates. 39.5% of adults, when asked, said that they have not participated in any leisure time activities over the last month. Then also 83.6% of adults in Wyandotte County are not meeting the physical activity requirements put forward by the CDC with their exercise recommendations. That's why it's important to change that built environment to make the healthy choice, the easy choice.



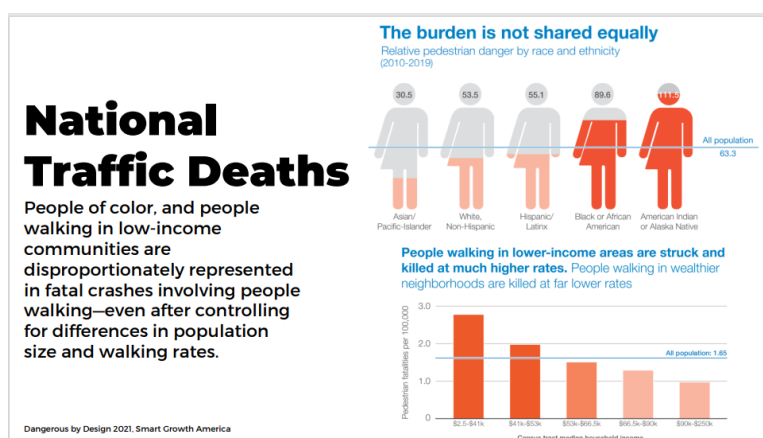
Community safety. This map on the slide here shows specifically pedestrian bicycle crashes that happened from 2016 to 2021. There were 49 average pedestrian or bike crashes per year. There have been 14 pedestrians killed since 2016. Looking at all vehicle crashes, there is an average of 4,280 per year that happened in that time.



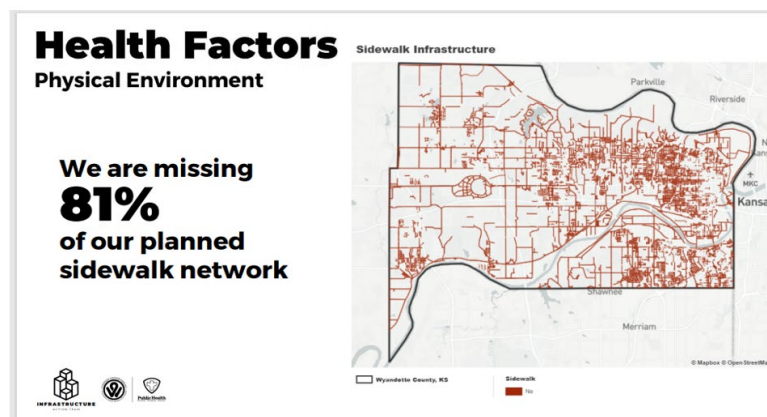
So, when we talk about Complete Streets and kind of redesigning our roads and adding sidewalks and things like that, when it does come to crashes, especially pedestrian crashes, the faster a car is moving, the more likely the pedestrian is to die from that. 20% of crashes in Wyandotte County were speed related, and that's just all crashes overall.



Looking at all the crashes overall, based on that data, and this includes people that were in vehicles as well, is 26.2 average deaths per year, and about 1,124 injuries each year due to crashes.



Then, again, coming back to equity. Based on national data, people of color and people walking in low-income communities are disproportionately represented in fatal crashes involving people walking, even after controlling for differences in population size and walking rates. Then, although people of all ages, races, ethnicities, and income levels suffer the consequences of dangerous street design, some neighborhood groups of people bear a larger share of the burden than others, which may contribute to the indifference of many policymakers to this increase. From 2010 to 2019, black people were struck and killed by drivers at an 82% higher rate than white, non-Hispanic Americans. For American Indian and Alaskan native people, the disparity climbs to 221%. Again, that comes back to that social vulnerability index map. Looking at the built infrastructure that we do have and some things that have proven effective are providing crosswalks at intersections and some other things like that.



Because more than 40% of pedestrian fatalities occur where there is no available crosswalk. Since we were just talking about those crashes and people moving throughout the community, I just wanted to bring this back up again. We do have a plan for sidewalks. This is something we could implement.

Moving Forward

The IAT will continue to convene community leaders, residents, organizations, and UG Staff to advocate for building, redesigning, and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities.

Next Steps

- Engage with the community.
- goDotte Countywide Mobility Strategy assisted with the development of this report and has provided a means to further engage the public and UG family in this important conversation to make our community safer and healthier.
- goDotte Draft Plan will be presented at the next quarterly IAT meeting (July 2022).
- The upcoming Citywide Master Plan update is another opportunity to discuss the built environment's impact on public safety and health, define new policies, and further align priorities within the UG
- Develop additional measures of complete streets implementation for future reports
 - This includes adding metrics like access to healthy foods, land use, housing displacement, the environmental impact, and the social environment.
- Provide additional information regarding relevant complete street projects
- Create a process to collaborate with UG's Public Works Department to provide input on CMIP projects
- Include data from the upcoming Community Health Assessment (CHA)



So, moving forward, we're going to continue to collaborate with Public Works. We would, as the Infrastructure Action Team, we would be engaging with the community to assist with the development of the report. Then also we'll be collaborating with goDotte, which should be released probably around July 2022. Also, we'll be participating in the upcoming Citywide Master Plan update. We are also looking into developing additional measures that would be included in this annual report that would be presented to you. Then we will just continue providing information regarding Complete Streets projects. We are excited to include more local data from our upcoming community health assessment. That brings us to the end.

Acknowledgements

Infrastructure Action Team Members and Organizations

Members	Organizations
Gayle Bergman Kendra Burgess Susan Caman Andrea Clark Hannah Connor Cunna Hand Blake Hensley Michael Kelley Jake Kooyer Monica Propst-Medeiros Andrew Robertson Troy Shaw Erin Stryka Michael Farley David Disney Matthew Kleinmann Wesley McKain Adri Showalter Matlock Brien Darby Monica Mendez Rick Behrens	BikeWalkKC Cultivate KC Groundwork Northeast Revitalization Group KC Healthy Kids Mid-America Regional Council (MARC) Rosedale Development Association (RDA) The Whole Person UG Planning & Urban Design UG Public Health Department UG Public Works

Here's an acknowledgement slide of all the members that have participated in our meetings over the last several months, and then some of the organizations that were represented in our Infrastructure Action Team as well.



That concludes our presentation for you all.

Commissioner Burroughs said I just want to thank Blake Hensley. I was the one that won the scholarship to attend the certification for Complete Streets represent. I was the only commissioner in Kansas that was selected. It was a year-long program, and some of it was done virtually due to COVID. Blake was a very valuable resource to learn and look at what other communities have done in reference to walkability and connectivity. Some of those issues that I ran on, when I was running for commissioner, was about bringing our communities together to address a healthy living. It was important and it was a tremendous learning session.

To have graduated from that program, I bring those thought processes to when we talk about economic development within our subcommittee. So, some of these infrastructure questions I ask, there's a reason why, that we have projects before us, that I would ask that we give consideration to especially when it comes to the equity portion of our community.

There's been a proposal about Quindaro Boulevard renovation. We may want to look at what we can do to enhance the safety as well as the walkability and connectivity of those neighborhoods. The Merriam Lane corridor is another wing that we're presently looking at. Those issues, we needed to submit a plan of what we were going to do in Wyandotte County with this knowledge. Blake and I have worked collectively in putting forward the Rock Island Bridge and the river dike and the levee because of some of the members that were on there and it was received very well.

Blake, I can't thank you enough for taking my call, sometimes at the last minute. This was part of my project while I was also in legislative session and serving here. So, it was a challenge at times, but, Blake, kudos to you, and thank you for your assistance. It's absolutely

my pleasure to be the only commissioner in Kansas certified as a Complete Streets ambassador. I appreciate your assistance.

Commissioner Ramirez said thank you, Blake, for your presentation and for all that you're helping with coordinating this. The one number—I'm sure I'm not the only commissioner that looked at and saw that number—the one number that stood out the most is missing 81% of our planned sidewalks. When I read that, it took me aback because when I'm walking and talking to my constituents in my district, sidewalks is always number one, right at the top; streets and sidewalks, and to know that we're missing 81%. We can barely keep up the inventory we currently have but we need more.

We just came from CMIP and our infrastructure talks, and we're starting to get into the budget. I'm happy that we have this and that you brought this presentation to us. I'm happy that we're now with the Complete Streets is something that we, as a Unified Government, are committed into doing and committed moving forward. That took me aback, that number. That surprised me.

But just overall, I want to thank you for your help in coordinating all of this, and all of the community members and stakeholders who are all part of this who continue to be part of this conversation. I know in my district, Complete Streets is something that is very needed. They want Complete Streets. I know when I was talking in Rosedale, as Aaron can tell you, we've had many conversations about Complete Streets and how that's something that a lot of my constituents like to see. Clearly it shows that there are major, major benefits to it.

So, I'm happy that we keep going forward. And, again, thank you for all you do and hope to see more presentations and more reports and to hopefully see this 81% get lower.

Commissioner Davis said this is an amazing presentation. So, thank you. Please don't take our lack of enthusiasm for the content, it's just been a long, long night. This is really, really good information, and I do want to recognize that. The one thing that I will say, and it's kind of repeating what I said in our special session, with all of this development and all of this interest, I think there's a potential for us to put some of the onus on building sidewalks on developers and people that are looking for tax incentives. I'm big on community benefits and making sure that

we are getting the best out of these development agreements. I think this presentation is just another piece of evidence for us to pursue those options. Thank you for presenting this.

Commissioner Stites said thank you for the presentation. Well, one thing that you had mentioned was the on-demand transit. You said that you have in Edwardsville—and I understand that you wouldn't, and Bonner necessarily have that because they have the Tiblow Transit that works out there—but Edwardsville on that on-demand. When I was running and I spoke with folks in our senior center down there who do not have access to a car, a vehicle, can't get to the Legends, are basically trapped within the confines of the Senior Center that are looking for an escape, a place just to get out so they can go maybe once a week, once every two weeks, go up to the Legends go somewhere, go to the park, go to shop, just to get out. What would it take for us to get a scheduled stop? I know that you wouldn't want to run that every day at 11:00, we're going to make this run, but I think if our citizens out there at that senior center knew that they had at Wednesday at 11:00 they were going to get picked up, they were going to be dropped off at the Legends, and two hours later they could get a ride back. Would that be something that we could work on that they might get some sort of a scheduled stop?

Mr. Hensley said that may be something more suited for Transit, for UG Transit. I don't know if that's something. That is probably something that our Infrastructure Action Team or myself could look into. I know that we are working on some other transportation projects through our CHIP, our Community Health Improvement Plan.

Mr. Hand asked, which senior center was that again?

Commissioner Stites said the one in Edwardsville, the only one in Edwardsville. I think if there could be, I mean there may be folks that would utilize that, that aren't necessarily in the senior center, that do not have access to a vehicle or whatever the needs may be or the price of gas now, they may not be able to just afford to be able to drive to the... **Mr. Hand** said both Tiblow Transit and UG Transit do have a paratransit service. So, you can basically dial-a-ride to anywhere. But that's distinctly different from what you're asking.

Commissioner Stites said that's correct, that's correct. **Mr. Hand** said UG Transit also just received a grant to expand their bus route through Edwardsville specifically to connect employers with employees, regionally. That's not it either, but there is growth in and around

Edwardsville would be my point. So, we can, like Mr. Hensley said, we can reach out to Mr. Welker and discuss it with him for sure.

Commissioner Stites said okay, I appreciate that. Thank you very much.

Mr. Hand asked, Mr. Mayor, may I make a quick comment? Mr. Hensley, can you go back to the slide where it's the miles per hour ratio of death rates? I just wanted to make a quick point on this one. I think this one gets often overlooked. When roads and lanes are wider, cars go faster. When cars go faster, more people die. When lanes are wider, they cost us more money to maintain. That's all I want to say.

Commissioner Stites asked, so you're saying you're an advocate? **Mr. Hand** said yep.

Mayor Garner said I got a quick question. This goes back to, I guess, the Complete Streets projects. If you can pull that slide up. How do we prioritize those on, and then, how are those funded once they're prioritized when you talk about the projects cause I'm looking at them. You've got the bike sharing. All this is good stuff as part of this plan, but I'm looking at bikes, I'm looking at more bikeways, some street and sidewalk modernization on Leavenworth Road. How do we arrive to those being the priorities? What are the future priorities because it says from November 2020 to current. So, what were the priorities, what are the current priorities, and what are we looking forward to in the future?

Mr. Hand said it's a great question, Mr. Mayor. The ordinance says that every project, maintenance and new construction should plan, design, operate, and maintain as a Complete Street. Not every Complete Street requires a bike lane. Not every Complete Street requires a sidewalk on either side of the road. We don't necessarily want to put sidewalks on every street, in say, our more rural areas; but it does make sense to do it, in say, our more urban areas. It is a contextual matter.

We are supposed to be looking at every single project as per the policy adopted by this Board through a lens of Complete Streets. Whether we choose to invest in each of our roadways in a Complete Streets matter, is not necessarily beholden to that policy. We just have to consider every single one and look at it accordingly.

This is not an add-on cost. This is the cost to invest in our community, I think is the point that Mr. Hensley and the IAT have been trying to make about Complete Streets, as a concept in general. It is green streets. It is vision zero. It is safe streets. It is better for stormwater

management. It is better for placemaking. It is better for economic development. It is safer, and quite frankly, it's more enjoyable.

Mayor Garner said so, basically, you're saying it coincides with every economic and infrastructure plan. This is all, it's part of that. **Mr. Hand** said it should be, correct. The CMIP should look at every single one of their projects through this lens.

Mayor Garner asked, is that being done? **Mr. Hand** said yes, with the County Engineer. That doesn't mean they're resulting in it because we have a—I mean, I don't want to speak for the County Engineer, Public Works, which contains most of this. But in our conversations with them, they look at the lens, they don't do it because they're trying to do everything they can with every dollar.

Mayor Garner said okay. I guess where I'm going with this, just looking at these projects, and I think you've explained it, but the concern was for me, is that when you talk about the disenfranchised and disinvested areas of our city, and what you've listed really don't, really hit on that. But part of your presentation was recognizing that minorities are disproportionately impacted by the lack of, and so how does that play into the future planning when you talk about? I think Commissioner Burroughs mentioned Quindaro Avenue as being one of those areas that we are looking at for reinvestment at some point. How does this Complete Streets project, and I think you mentioned it moving forward, this all coincides with all the planning. Is that correct?

Mr. Hand said sure. I guess I would go back to all the projects that we're pursuing as far as federal grants right now. One, all of our CMIP projects, as noted by Mr. Hensley in his representation, are mostly maintenance projects because we don't have money to invest in our communities the way that we should be investing. We're trying to spread out so much and spread the wealth across so many geographies that sometimes all we can do is re-asphalt, mill and overlay some things. In the eight projects that we ran through this Board of Commissioners to define the prioritized projects for roadway investments as it relates to federal projects, those all started with CMIP. They all got filtered through the master plan lens, they all went through different standing committees, and we came up with that list. Every single project that we have pursued federal dollars for have been in these more disadvantaged communities than the rest of our communities. They've all basically been east of I-635, for that very reason.

Mayor Garner said then my last question is, and that's good, that's real good information, because I'm going to go into Argentine and Armourdale as well as downtown as well and how that plays in. But, I think you've answered that. How does this relate to when we're talking about a Unified Government and then the Wyandotte County side, kind of in line with Commissioner Stites, what he mentioned, and what we may be responsible for, the Unified Government, for projects in Bonner and Edwardsville? What I'm looking for, is there any collaboration or conversation with those sister cities as to this project?

Mr. Hand said sure. We didn't seek the input of Edwardsville, Bonner, and the City of Lake Quivira on the ordinance for Complete Streets because it's a city-wide ordinance, not a county-wide ordinance. We have been collaborating with them specifically as it relates to the county-wide mobility strategy. GoDotte has brought all of the incorporated cities to the table to have that conversation and because of that, I would point out that one of our top priority projects or investments in a corridor is K-32, and the bike infrastructure, all the way which would ideally start on the levee trails, hop up onto Kaw Drive, and take us all the way into downtown Bonner Springs. A plan that's been in place for almost a decade right now and has seen no investment. So, that is elevating as a part of our collaboration with our other incorporated cities. That is a Complete Streets project.

Commissioner Davis said I just had a quick question. Gunnar, is there any conversation on how to keep this in front of the Commission? For example, throughout the CMIP, projects that are proposed—for me, I don't want to speak for everybody else, it would be helpful if we're knowing whether or not what we are approving funding for is in line with Complete Streets or not. Has there been some conversation of some sort of notification or something that says Commission, on a rank of one to three? This is a two on Complete Streets and here's the reason why.

Mr. Hand said as it relates to the rubric, no, there is not a Complete Streets column, if you will. But I would say if for all of you who were here when we adopted the Complete Streets ordinance originally, I sat here with our county engineer and did it in tandem. So, having worked with many public works departments and County Engineers in other places, they're totally bought into Complete Streets. They are doing it as a lens.

I will admit, though, it always helps to hear direction, input, requests from the Commission in order to set a straightened jar loose. Your feedback is needed, welcomed. But, again, I think

part of it is we need to get—we're a year late. So, this annual report is a big part of it and, quite frankly, I'm happy at the response, the conversation we've had because of it. I think we'll definitely; we will come back because the ordinance requires us to. But I think we can work with the County Engineer and the Public Works Department more specifically on said rubric for CMIP.

Commissioner Burroughs said, Bobby, the reason why I chose the bridge project, the Rock Island Bridge is, because it encompassed a lot of what we have talked about here, what Complete Streets brought to the table. It was an innovative way for us to invest in an economic development project, look at the walkability/connectivity to basically two states, but it completed our levee trail. It also addresses how the access and the biking and the healthy lifestyles of the swimming as well as the boating on the river. I think those are a learning opportunity for us on a project that we've already approved. I would hope that we could utilize that as our litmus test moving forward as to why it's important to utilize Complete Streets concerns and guidance when we put these projects together.

I will state the Champions Institute does notify me, quite regularly, that there are funds available. There are projects that can be completed through federal grants and other activities. I have made a list of those, over a period of time, that has grown quite daunting when we start talking about the infrastructure needs we have in our community. But I commit to you that I will continue to monitor those. I would ask that as we work through the Rock Island Bridge Project, there will be an opportunity for, I would hope, tremendous input and support for the Complete Streets Projects. It's a great learning opportunity for us.

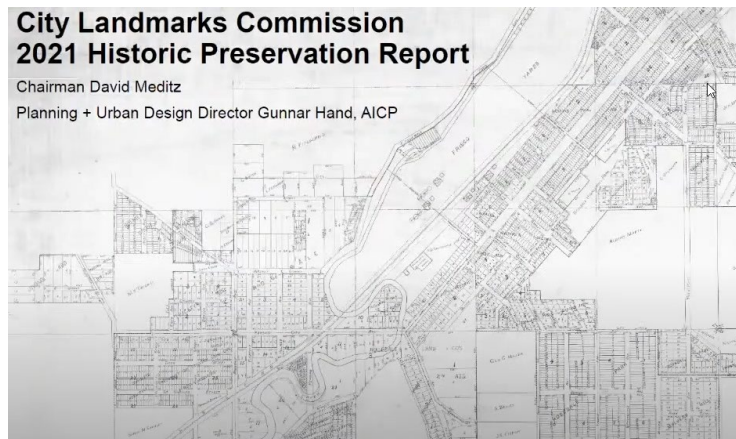
Mr. Hand said and just to add on, Commissioner Burroughs, the Kansas Department of Transportation for the first time ever, hopefully this summer, will be adopting their own alternative transportation plan. Simply by adopting that plan, it will open up new avenues for revenue for these types of projects where currently you basically can only do that on Leavenworth Road, which is a state highway, for instance.

Mayor Garner asked, are there any more questions and comments? Seeing none, this is for information only.

Action: **For information only.**

ITEM NO. 2 – 211509...KANSAS CITY, KANSAS LANDMARKS COMMISSION 2021 ANNUAL REPORT

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

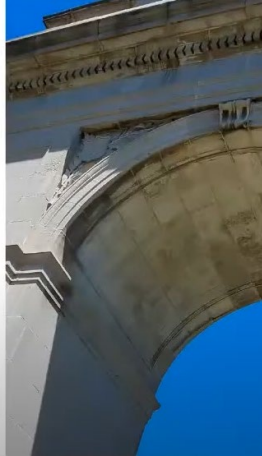


Gunnar Hand, Director of Planning & Urban Design, said it is also Historic Preservation Month. We've heard quite a few proclamations about all the different things that May is, but it is also Historic Preservation Month. As such, I wanted to introduce the Chairman of the Landmarks Commission, Mr. David Meditz. We've prepared a quick presentation for you about our 2021 Annual Report and all things going on in the Landmarks Commission. With that, I defer to Mr. Meditz, and then I'll jump in and take up some of this presentation, and he'll close it for us. So, without further ado.

Landmarks Commission Purpose

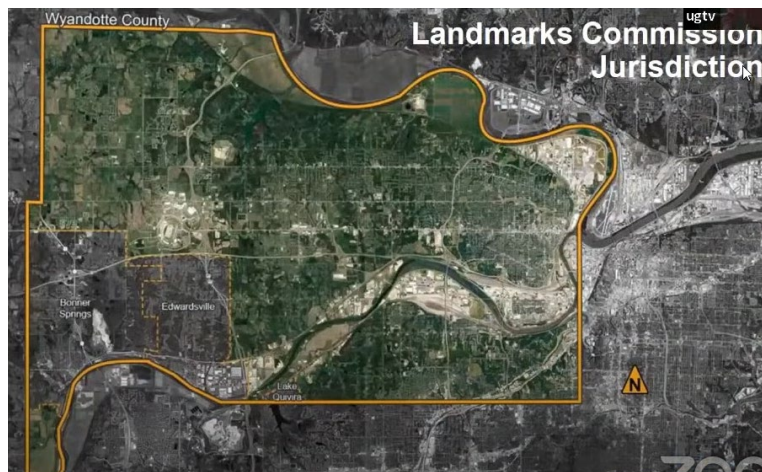
Sec.27-82-Purpose

- ❖ To identify, protect, enhance and perpetuate districts, sites, buildings, structures and objects that represent or reflect distinctive and important elements of the city's **historic, cultural and architectural heritage**
- ❖ To **safeguard** the city's historic, cultural and architectural heritage as embodied and reflected in such districts, sites, buildings, structures and objects
- ❖ To stabilize and **improve property values** in such locations
- ❖ To encourage the **conservation and preservation of neighborhoods** having distinct historic, cultural or architectural characteristics
- ❖ To **foster civic pride** in the beauty and noble accomplishments of the past
- ❖ To **protect and enhance** the city's attractions for tourists and visitors and provide incidental support and stimulus to business and industry
- ❖ To **strengthen the economy** of the city
- ❖ To promote the use of historic landmarks and historic districts for the culture, economy, education and **welfare of the people** of the city
- ❖ To **promote** the safety, health, morals and general welfare of the city as a whole



David Meditz, Chairman of the Landmarks Commission, said, as Gunnar said, May is Historic Preservation Month. The words historic and the words preservation denote history. They note the past. Yes, the Landmarks Commission does have that as the heritage that we have to deal with. But the Landmarks Commission is far more than the past. The Landmarks Commission has to deal with the past, it has to preserve it because that is the fabric of this community. A diverse fabric all along racial, cultural, urban, rural, economic, it's there. That fabric is worn, it's tattered, it's got some holes, but it is still what made us the city and the county that we are.

It is the job of this Commission, the Landmarks Commission, to lead for the past, the present, and the future. Within our presentation today, I think you may find, or be able to see, where we have been, where we are going because this Commission—and I am proud to say, in my tenure on this Commission, which is not as long as some—but during my time as Chairman, this Landmarks Commission has evolved. It's in transition, because yes, we used to deal with the past almost like it was the past.



We were reactive, sometimes too late. We have now talked and discussed for many years how we can be proactive, and that transition is happening. Tonight is evidence of it because this is the inaugural. This is the first time that we have ever presented to you an annual report so that you can see how we gauge ourselves, and you can see where we have been and have a glimpse for the future.

Our transition has been stymied a little the past two years by the challenges that's been presented, COVID, IT problems etc., but it also presented us with a multitude of opportunities. Where meetings were closed, the world opened up for us. We managed to, as screens will show, attend, learn, be knowledgeable, conferences across the nation that didn't cost us a dime. They were free. A conference such as Preservation Justice, making your local government program more equitable. It dealt with such mundane things as doorways, and windows, and yards, and this. We learned, and that is an important part of what we've tried to do, what we are doing, and our initiatives, especially with the establishment of a subcommittee, that I appointed, and that is outreach.

The one thing that has really been lacking is communication. I don't know if you know who we are. We're kind of under the table. Probably, maybe, each one of you appointed one of us, but you may not. Everybody may not know who we are. The general public doesn't. At times, they think we are a gestapo, but that's not the case. We are a land of opportunity because there are purposes that we were established with.

The Landmarks Commission was established with purposes. Some of these are highlighted up here, but what is important to know is maybe what's in the small print: to identify, protect, enhance, perpetuate districts, sites, buildings, structures, and objects that represent, reflect, distinctive important elements of the city's history, cultural, architectural, heritage.

Now you think that just deals with buildings. Take a good thought of that. Buildings are buildings, but buildings are built for what? People. That is your culture. We were to safeguard it, and that's where our discussions came in. How do you safeguard if you're reacting? Sometimes it was too late. We shed tears, but we had no choice. It was demolition by neglect.

It's also to stabilize and improve property values. You go well, what's that got to do with historic preservation? Well, when you're reactive, you end up with holes in the ground next door to your house, and that is a sure way for property values to start going down. If we can enhance it, we can educate people. We can keep the neighborhood such as Strawberry Hill where a lot of

people want to live in a smaller home, smaller lot, in that type of house. There are a lot of tax incentives, grants, etc., economic benefits that relate to that. That's why we need to encourage the conservation and preservation of neighborhoods because of that, but also because of our families. Take pride in your neighborhood. Grandma and Grandpa grew up there. You have to have a pride in your community for it be viable. That's where foster civic pride comes in. Be proud of what we've got. Be proud of where we came from. Be proud of our successes. Yes, we have had disappointments. Yes, we have had failures, but sometimes even those disappointments and failures need to be recognized and marked because people tried. Maybe they didn't succeed or maybe it took longer or maybe mother nature figured into it and dealt them the blow like they dealt us the last couple of years. It's to protect and enhance. Later on, you will see those words are very important.

Strengthen the economy. How do you do that? Well, if you are rehabbing, you're doing that. You're providing jobs. If it's by grant money, and Kansas has one of the strongest, if not strongest preservation grant and tax incentive programs in the nation. That is a hidden secret that a lot of people don't know that's available not only for multi-dollar projects but they are available and can be enhanced and used through the individual home or neighborhood network. That is an economical benefit.

Then we go down to the welfare of the people. The welfare is knowing where you come from, the pride that you can have and everyone in your community across all lines, economics, etc.

The last is to promote the safety, health, morals, and general welfare of this city as a whole. What does that got to do with history? Well, it has a whole lot to do with it because if we can help preserve the neighborhoods, they are a whole lot safer, they're a whole lot healthier. Our people will be better off with their general welfare, knowledge, education, and benefits.

Again, there is much to be said for the past, the present, and the future. But just where does our jurisdiction lie? I'm a proud member of Wyandotte County. This is a Unified Government. The Landmarks Commission was established way beforehand. Ordinance was adopted as we became the Unified Government. The Landmarks Commission itself has no jurisdiction over Bonner, Edwardsville, or Lake Quivira. Our jurisdiction rides with Kansas City, Kansas. That does not mean that we cannot cooperate. If someone would ask one of our

commissioners representing those areas, ask for my expertise or what I learned at a training session, I am more than happy to provide that.

Landmarks Commissioners

Sec.27-113-115-Membership; Officers and meetings; Powers and duties

❖ 11 Landmarks Commissioners

- ❖ 1 Architect
- ❖ 1 Real estate broker (or appraiser)
- ❖ 1 Officer of a mortgage lending institution
- ❖ 1 Person with training or experience in the fields of history, architectural history and/or historic preservation

❖ Required duties include:

- ❖ Attend meetings
- ❖ Review cases and agendas
- ❖ Recommend new designations to BOC
- ❖ Seek funding for preservation efforts
- ❖ Advocate and educate about historic preservation



The commissioners themselves, the Landmarks Commission is composed of 11 commissioners. That's each one of you have an appointment and, Mr. Mayor, you also—should be an architect, real estate broker, an officer of a mortgage institution, one person with training, expertise in the fields of history, architectural history and/or historic preservation. The duties are we attend meetings. We review cases, the agendas. We recommend designations to you, but we also seek funding. We watch for the grants. We keep your ear to the ground to try to find the grants and outside monies so that we, again, can help our economy and the financial status of our community.

We advocate and educate about historic preservation. That is another purpose of the subcommittee that I established that's in its infancy. Now to do that, so the challenges over the past two years have been great. We've overcome, my fellow commissioners, which for everyone, I'm David Meditz, Chairman; Karen French is my Vice Chairman; Jim Schraeder is the Chairman of my Subcommittee; Charles Van Middlesworth, Beverly Easterwood, Hank Chamberlain, John Altevogt, Loren Taylor, Murrel Bland, Micki Hill, and Stephen Craddock are your commissioners. Those are the names to remember if you didn't know who they are for everyone to know.

At this point in time, let's take a look at what we have tried to accomplish or what we did accomplish this last year.

Landmarks Commission Decisions

(January 1 – December 31, 2021)

❖ Historic Designation applications: **0**

❖ Number of Certificate of Appropriateness applications: **31**

❖ Landmarks Commission: **15**

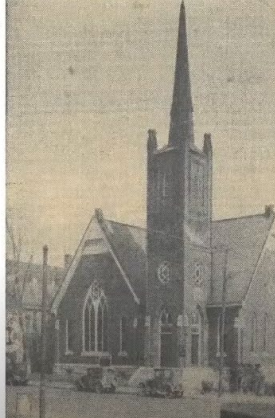
❖ Approved: **14**

❖ Denied: **1**

❖ Demolition: **1**

❖ Number of Environs Reviews: **30**

❖ Number of Exemption Letters: **7**



Mr. Hand said so, again, this is our first inaugural annual report for the Landmarks Commission. This is our baseline year. Unfortunately, we were starting this presentation and work on this report right when the cyberattack happened, so, we didn't do as much background information as we had hoped. We'd hope to do some research back into 2020, 2019, 2018, so we can create a trend. But this is basically what we did in 2021. We will do this homework as we move forward with these annual reports as it happens.

So, in 2021, it's very simple, we had no historic designations. Again, these are all local designations, not state or federal. We had 31 applications. Of that, we approved 14-1, denied 1. One of those was a demolition.

There are three types of, let's call them, entitlements from the Landmarks Commission that can happen. A historic designation i.e., a landmark or district, one of which was approved earlier this evening by you all, the historic district of Westheight Manor.

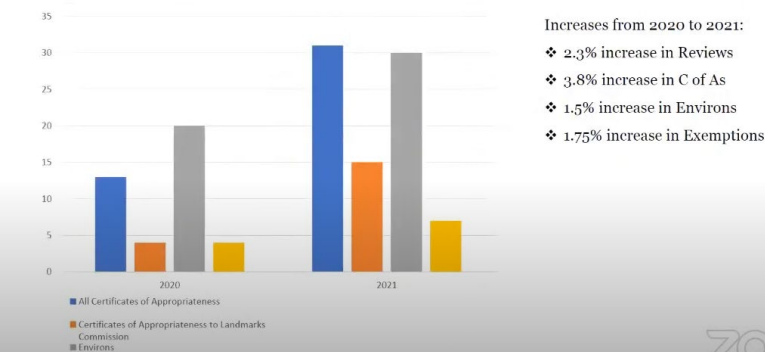
You can do a Certificate of Appropriateness in the City of Kansas City, Kansas. The landmarks and districts recognitions Certificate of Appropriateness only apply to anything on the exterior of a building. So, no interiors. If it is a state or a federal designation, those do cover interiors. Anytime you pull a permit, any action you do on the outside of your building that requires a permit, and if you're a district or a landmark, you have to basically go through the Landmarks Commission for the Certificate of Appropriateness.

Then, we also have what's called environs reviews. We updated the Landmarks ordinance just this past year in 2021, which we'll go over in a little more detail. After that, we reduced the environs buffer from 500 feet to 200 feet. So, anything within 200 feet of a historic district or landmark has to do an administrative review. They are all held to the same standards, which is the National Park Services, Secretary of the Interior's Standards for Historic Preservation.

Then we do a determination at staff level depending on what comes in. Some think they might need a C of A, environs review, or others. Sometimes they don't, so we also write a couple of exemption letters accordingly. We can go over any of those details as you see fit.

Landmarks Decisions

January 1 – December 31, 2021



So, again, we weren't able to go back too much deeper in history, but you can see a slight increase from 2020 to 2021.

Landmarks Commission & Meetings

❖ Landmarks Commissioner vacancies (if any):

1 vacancy through 2021

❖ Meetings in 2020: **4**

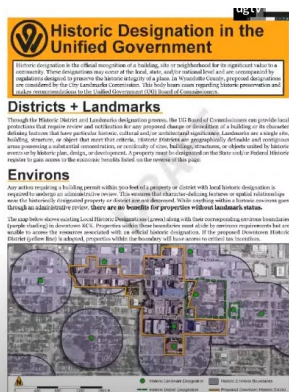
❖ Meetings in 2021: **11 (63% increase)**



I think this is above more note as it relates to the Chairman's comments. We went from 4 meetings in 2020 to 11 meetings in 2021. It looks like we're probably going to hit 11 meetings in 2022. Basically, we're getting back to our monthly schedule like we have historically; but have not done, I'd say, probably as regularly in the last decade.

Landmarks Commission Outreach Sub-Committee

- ❖ Chaired by Commissioner Jim Schraeder (*Established 2020*)
- ❖ Initially created to aid outreach efforts for the Downtown KCC Historic Commercial District designation project
- ❖ Meetings in 2020: **1**
- ❖ Meetings in 2021: **1**
- ❖ **More meetings planned for 2022**



The Outreach Committee, also mentioned by the Chairman, hasn't had too many meetings. They've been established and are part of our outreach efforts in the Downtown Historic Commercial District formation project that we're working on right now. Again, more meetings are planned for 2022. I believe they've already had one in 2022, so we should surpass those numbers in our next annual report.

Landmarks Commission Training & Conferences

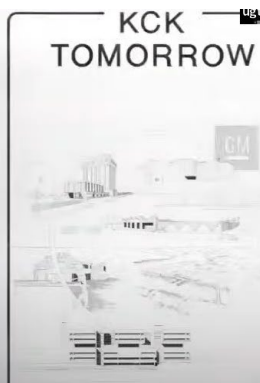
- ❖ List of conferences attended:
 - ❖ *Missouri Preservation Commission Conference (5/2021)*
 - ❖ *Preserving the 1970s and 1980s: Why we care about brutalist and postmodernist architecture (5/2021)*
 - ❖ *National Association of Preservation Commissioners (NAPC) Summer Short Course (8/2021)*
 - ❖ *Kansas Preservation Conference (9/2021)*
 - ❖ *PastForward National Historic Trust Conference (11/2021)*
- ❖ Total number of Commissioner/Staff training hours: **102 total hours**

The Chairman also mentioned trainings that we've done in 2021. Over 100 hours between Landmarks commissioners and staff alone, as it relates specifically to the issue of historic preservation.

Districts/Landmarks Designations

January 1 – December 31, 2021

- ❖ Local District/Landmark designations: 0
- ❖ Local Districts/Landmarks applied: 0
- ❖ Local Districts/Landmarks removed: 0
- ❖ State or Federally Designated Districts/Landmarks: 1
 - ❖ Old City Hall Parking Garage (November 13, 2021)
 - ❖ Landmarks Commission provided comment accordingly



And, again, not any landmarks locally designated in 2021, but there was one state and federally designated, that's the old City Hall Park. Typically, when something happens within a certified local government of which the Landmarks Commission is, any state or federal designation is requested, they'll usually run it by the Landmarks Commission and ask for their comments. We did support the designation, the state and federal designation of the old City Hall parking garage, which is the garage right behind the old City Hall across the street.

Historic Landmarks & Districts Ordinance Update

- ❖ 2021 Comprehensive Update included:
 - ❖ Reduction of the Environs buffer to 200 feet
 - ❖ Added Landmark and Environs suffix to zoning map
 - ❖ Matched notification requirements for Certificates of Appropriateness (C of A) to all other entitlements
 - ❖ Further defined procedures, and what constitutes a C of A, Environs and Exemption



I did mention that the ordinance update also occurred in 2021. We've gone over some of the details of that ordinance, so I'm not going to go through all of these right now. But basically, we cleaned it up, made it a lot easier to use, made it a lot more clear about what is or is not a project, and that's a great benefit I think in 2021. The reduction of the environs. We've already seen fewer environs on trend between 2021 and 2022. These are all things that we think are a benefit, removing red tape, so on and so forth.

Most Recent State/National Historic Landmark Designations

- ❖ 2019: Kansas City, Kansas YMCA
 - ❖ 900 N 8th Street
- ❖ 2019: Brotherhood Block
 - ❖ 745-755 State Avenue
- ❖ 2020: No designations
- ❖ 2021: Police Garage of KCK
 - ❖ 745-755 State Avenue



Just to kind of go over a couple of other things as it relates to other designations. For instance, the last time we did a state or federal landmark didn't happen until 2019. You've seen some movement on these projects in the last couple of months.

Most Recent State/National Historic District Designation

- ❖ 2015: Westheight Apartments Historic District
 - ❖ 1601 – 1637 Washington Boulevard
 - ❖ Register of Historic Kansas Places & National Register of Historic Places



In particular, the last local historic district that was created was in 2015. Just a quick side note. If you drove by this on Washington Boulevard, you probably wouldn't look twice at it. This district is a single property. It's four buildings. What's neat about it is, we had a presentation about this in April, and just to geek out for just one second on this one. After World War II, what was that version of the Housing and Urban Development Department did a competition for veterans' housing, multi-family veterans housing. That competition was specifically focused on energy conservation. This is the only built project of that design competition winner in the country. So, that's how it got its state and federal designation. Kind of unique.

Most Recent Local Historic Designations

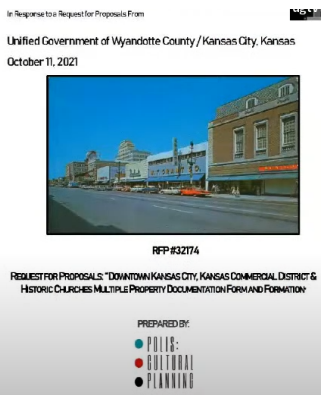
- ❖ Mathias Splitlog Residence (251 North Orchard Street)
 - ❖ Listed on June 30, 2005
 - ❖ Demolished September 20, 2013
- ❖ Parkwood Historic District (Approximately Quindaro Boulevard to Brown Avenue and North 10th Street to North 11th Street)
 - ❖ Listed on August 25, 1988



Then the last time we designated a local district, at least when this was reported in 2021, again, we've had two now in 2022. But before that, we hadn't done a local designation since 2005. So, again, speaking to this idea of us trying to become more proactive and understanding what our resources are, what our needs are, and how we're going to move forward for a higher quality of life as it relates to historic preservation and how that contributes to our community.

2021 Historic Preservation Fund Grant Awards

- ❖ HPF Grants Awards: **2**
- ❖ One (1) **\$21,000** grant for the creation of a Downtown KCK Historic Commercial District
- ❖ One (1) **\$30,000** grant for the creation of a multiple-listings nomination for Downtown KCK historic churches
- ❖ Both grants were combined into single Request for Proposals (RFP), which will be completed by August 2022



In 2021, we received two grants. We combined that into one request for proposals, one project. We're simultaneously currently working on the formation of a downtown historic commercial district and the formation of a downtown historic churches multiple listing designation.

Downtown KCK Historic District

- ❖ DRAFT Downtown KCK Historic Commercial survey concluding
- ❖ Downtown KCK Historic Churches Survey beginning
- ❖ Outreach efforts to launch when DRAFT district boundaries and landmarks finalized



This is a very preliminary map of where we're thinking the current survey area, district area is for downtown. The churches are both inside and outside of that. Again, we didn't want to have a fully expansive commercial district, so we shortened the commercial district into something very much around Minnesota Avenue. And then, wanted to look secondarily across all of downtown at some of the historic churches that are in need, some in disrepair.

2022 Historic Preservation Fund Grant Submission

- ❖ A grant application for a Citywide Historic Preservation Plan was submitted March 31, 2022
 - ❖ Guide future surveys
 - ❖ Identify sites for new or expanded historic designations
 - ❖ Prioritize future grant funding
 - ❖ Launch a renewed outreach and education campaign
- ❖ SHPO will announce HPF Grant Awardees Summer 2022



Just a note to the future, we are also later in this evening, going to request that we pursue another grant from the State Historic Preservation Office to do a historic preservation plan. We'll talk about that a little bit more this later this evening when that comes up.

Next Steps in KCK Historic Preservation

- ❖ Sauer Castle Observation
- ❖ CLG Status
- ❖ SHPO Agreement
- ❖ GIS Mapping Updates
- ❖ Increase Outreach Efforts
 - ❖ Citywide Engagement
 - ❖ Zoning Suffix Updates
 - ❖ Downtown KCK Designations



May 26, 2022

So, just in conclusion, the Landmarks Commission has been tracking every move of Sauer Castle. We do that every month with Legal counsel's help.

We are in the process of working with the State Historic Preservation Office of updating what's called our certified local government status. That local status is still assigned, or still goes all the way back to before unification, so we're cleaning up some of that language. When we clean up that language and renew our CLG status, we will then be able to open up another conversation with the State Historic Preservation Office.

This is an important one. Certain CLGs have been given the right to do their own review of state and federal permitting processes that relate to historic preservation. They are going to sort of let us do—we mentioned a little bit before—the State of Kansas has the most strict historic preservation laws in the country. Any permit, any permit, i.e., any permit we issue from the Neighborhood Resource Center in a historic district has to go through SHPO. That could be like an electrical permit to turn on your electricity has to go through a 30-day review of SHPO right now. Those types of permitting, we're going to try to clear the books and keep, again, moving forward with red tape to make sure that this is as least onerous as possible.

We're also updating all of our GIS mapping. This is a very complicated issue going from 500 to 200. You wouldn't think about it, but the ordinance also requires us to read, not designate, but redefine and rename any parcel that is zoned in a historic district or is a historic landmark. That's a little more complicated with a GIS move. That again, is another opportunity for us to increase our outreach and knowledge about what is and is not a historic district in the Unified Government.

And, again, that goes along with our big—we believe if we were able to pursue and then are awarded the City-wide Historic Preservation Plan, that'll give us a great platform to really communicate all the pros and cons, because there are sticks and carrots related to historic preservation. But also, the benefit and importance of preserving our history culture and architecture of the built environment.

So with that, I'm going to pass on the closing remarks to our Chairman and then go from there.

Mr. Meditz said just a quick couple of comments at the end. Importance, education. Yes, education. If we can educate our people, let them know what is needed for these permits, let them

know the importance of a historical district, it opens worlds of opportunities to them. It also saves us time. Saves the government time, if they are prepared. It's not meeting after meeting if they know what's required, what they need, and how to present it. So that is important. That is part of what the center is.

My final comment is to remember what I started out with, the fabric of the community. We deal with history. That is the heritage that our families, our forefathers left us with. We have to deal with it. It's not going to change for good or bad. We got to deal with it.

But we also owe an obligation to my fellow citizens, my elected officials, that we do our duty to preserve this history for the benefit of everyone in this community. That they can use it, they can enjoy it, and they can have a viable community that is safe, friendly, lovable, enjoyable, pleasant, etc., etc. But the final component is probably the most important of all, and that is the word legacy. What we do today, the successes, the disappointments, or our failures is the legacy that we will leave to our children, our grandchildren. A word that I heard recently, our newer implants, the ones that want to move in and stay. And lastly, those that are yet to come. Who they are, we have no idea but they will come and live here, and we owe that legacy to them to provide them a viable community to live in.

Thank you, one and all, for your time. I would be happy to answer any questions or listen to any comments.

Commissioner Bynum said my comments are kind of to Gunnar and maybe to Jim Schraeder. One of the conferences that you said you attended was why should we care about brutalist architecture. I would like to have a conversation about that offline someday because it's really quite awful and we really shouldn't care about it at all. I guess the reason why I care about it is because when I drive by it and look at it, I go, whose idea was that? I'm just saying, someday, I would appreciate that conversation. But the Westheight Apartments, we're gonna want to talk about that as well. That is a very sad situation right now. Both of those things are for another day because it is 9:30 at night. The first one's a joke, the second one's not.

Commissioner Ramirez said thank you, Mr. Meditz. Thank you, Gunnar. Thank you, Chairman. I feel like being Mexican. I was raised to cherish our history and our heritage of who we are. Unfortunately, I lost a historic monument in my district, the church. I wasn't here long

enough to be able to save it, but I have another one. I have Sauer Castle. I know I've been working with Erin Stryka and other community members in Rosedale to try and save it. I'm of the mind of, we need to save as much as we can, preserve as much as we can. Yeah, we can see it in pictures, see it in a museum, but it's even better if you can see it in person and experience it in person. So, I am 100% going to do what I can on this Board to continue to preserve and cherish the history that we have throughout our county and city.

Mayor Garner said I'll just make one last comment. I think I got a question for—I kind of fall in line with Commissioner Bynum. I believe in preservation, but I believe in preserving things that are preservable. It's one thing to preserve things that are preservable, but you're preserving things that's a question, that are in disrepair. You made a lot of good sounding points and they're really good and I'll go over them. You want to be safe and friendly, and you want people to move here. You want to anchor people that are already here, but preservation without a plan or strategy for investment, for rehabilitation.

I'm looking at Sauer Castle. That's not something I would want to live next to. I'm just being honest with you. The Washington, I mean to me it doesn't do any justice for the veterans that that was designed for, in its current condition. When you talk about preserving these things in those states of condition, I think it's deplorable.

So, the Commission, and I know, we all appointed people there—it's just, I think, a thought process ought to go in working with staff on how do we find investors to really bring these properties back to something that Wyandotte County can be proud of, as opposed to preserving something. I think it was mentioned earlier, and I got this, a demolition by neglect. I mean, literally, we preserve these things and then time, age and the environment literally demolish them. So, that's a concern for me when you talk about trying to create, get rid of blight, and try and create a Wyandotte County that everybody can be proud of.

You mention, try and get people to move to Wyandotte County. That's a huge concern for me when you talk about how does that happen and what does that look like? When we talk about preservation, making sure that these items are preservable in a way that's connected to some type of investor or reinvestment plan to bring them back to something that people would want to live next to and that the people of Wyandotte County can be proud of.

Mr. Meditz said, Mr. Mayor, if I could respond, just quickly. Very much that is one of the reasons that we do want to be proactive. There have been mistakes, disappointments, and failures in the past because we were too late. We couldn't do it. It was too late to try to bring it back at that point. We don't want to do that. We want to stay ahead of the game so we don't have the Sauer Castles there, that we've got something that people can work with, get some support to do it, and the only way to do that is to be proactive and try to get the word out there. I appreciate your comments and let you know we've got that in the target and that's in our focus. It's how we do it and how quick can we get it done.

Mayor Garner said okay. Any other comments, questions?

Action: **For information only.**

Mayor Garner said okay. This ends the Planning and Zoning portion of the agenda. We will now move to the regular portion of our agenda.

MAYOR'S AGENDA

ITEM NO. 1 – 211633...PROCLAMATION: WYANDOTTE COUNTY SHERIFF DEPARTMENT DAY

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

Mayor Garner asked the Clerk to read the proclamation.

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



Action: The proclamation was read.

ITEM NO. 2 – 211630...PROCLAMATION: THE FIRST BAPTIST CHURCH OF QUINDARO EDUCATIONAL SCHOLARSHIP DAY

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

Mayor Garner asked the Clerk to read the proclamation.

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



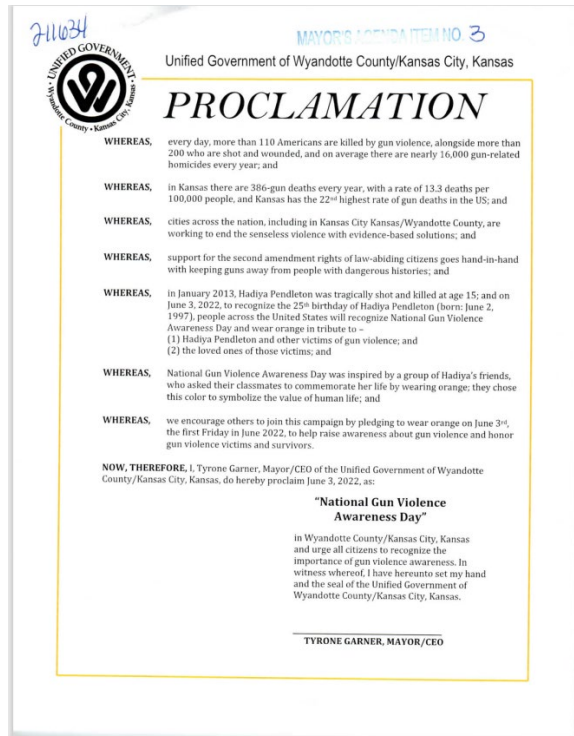
Action: The proclamation was read.

ITEM NO. 3 – 211634...PROCLAMATION: NATIONAL GUN VIOLENCE AWARENESS DAY

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

Mayor Garner asked the Clerk to read the proclamation.

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



Action: The proclamation was read.

Mayor Garner said I'd also like to take this moment on behalf of the Commission and the great people of Wyandotte County, we'd like to send formally our thoughts and prayers with our fellow citizens in Uvalde, Texas, that are dealing with that massacre and tragedy by the terrorists that took the lives of these of innocents. Let's keep those people and that community in our prayers and uplift them in any way that we can support and help them. I know that the great residents of Wyandotte County are prepared to do so.

ITEM NO. 4 – 211631...PROCLAMATION: MARC 50-FORWARD DAY

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

Mayor Garner said we've got Mr. David Worm, who is the leader of MARC. If you could come forward, please, and I'd ask the Chair, who happens to be one of our commissioners, Commissioner Harold Johnson, if you could approach as well during this proclamation. It's an

honor to have both leaderships in the house here in Wyandotte County of MARC, the Mid-America Regional Council, and the great work that they provide, not just to Wyandotte County, but a lot of communities throughout the Kansas City metropolitan area. I can say that David Worm, he's also the 2022 Kansas Citian of the Year Award recipient. He's got 30-plus years of public service. We're honored to have him here. We're really proud that Commissioner Harold Johnson is the Chair of the Board for MARC as well. Clerk, could you read that proclamation?

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



Mayor Garner said I'll allow our Commissioner and Mr. Worm to have words.

Commissioner Johnson said first of all, I want to thank David for riding with us here. He was more than willing to stay and be a part of our conversations. I also want to acknowledge my fellow commissioners, Commissioner Markley, Commissioner Kane, our own Mayor, and Commissioner McKiernan who are also Board members of Mid-America Regional Council. I'm just excited about celebrating and being in this position to help celebrate and lead the celebration of 50 years that Mid-America Regional Council has been a part of the Kansas City Tapestry, the

Regional Tapestry of Kansas City. When you travel around the country, one of the things I've learned very quickly is that David Worm is a rock star as it relates to urban planning, as it relates to regional collaboration, and dialogue. They look to David to set the pace, and so we're glad to have Mr. David Worm here and allow him to have a few words here.

David Worm said thank you, members of the Commission. I know you've had a full agenda. I have to tell you after decades of working with, and for local governments, I find your agenda endlessly interesting. I hate to admit that but, in fact, many of the things that you have discussed tonight are, in fact, things that we address at a regional scale and help to blow into the sails, provide a context, and give some support to what you're trying to do here locally. Everything from public safety to Complete Streets are all part of the work that we do. Thank you for the time you give, not only to our organization, but to many other regional enterprises that help us pull together as a metropolitan community and be stronger. This is a terrific part of the infrastructure that we need civically to do the things that we're all trying to do for our communities. Thank you, Mr. Mayor, for your proclamation.

Mayor Garner said thank you so much, Mr. Worm, and thank you so much, Commissioner Johnson, for those words.

Action: **The proclamation was read.**

ITEM NO. 5 –211632...PROCLAMATION: ROSEDALE FAMILY AND FRIENDS DAY

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

Mayor Garner asked the Clerk to read the proclamation.

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



Action: The proclamation was read.

REGULAR CONSENT AGENDA

Mayor Garner said that takes us to our Regular Consent Agenda. Does any member of the Commission or County Administrator wish to set aside any items on the Regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve all items on the Regular Consent Agenda.

Mayor Garner said okay, I've got a motion and second to approve the Consent Agenda. Is there any discussion? Seeing none, roll call, please.

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

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

Synopsis: The Health Department requires the use of \$400,000 of its reserves in order to appropriately respond to the Tuberculosis outbreak that is ongoing in Wyandotte County. This will be used for personnel, resources, equipment, and communication needs related to the outbreak response, submitted by Juliann VanLiew, Director of Health. On May 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

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

ITEM NO. 2 – 211506...APPROVAL: MID-AMERICA REGIONAL COUNCIL PLANNING SUSTAINABLE PLACES GRANT REQUEST

Synopsis: Staff is seeking approval to pursue a MARC PSP Grant for a Traffic Management Plan, High Accident Intersection Study, and Implementation Strategy for a Complete, Green Rainbow Boulevard Corridor between I-35 and Shawnee Mission Parkway in partnership with the cities of Westwood, Westwood Hills, and Fairway, submitted by Gunnar Hand, AICP, Director of Urban Planning & Design. On May 9, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

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

ITEM NO. 3 – 211507...REQUEST: STATE HISTORIC PRESERVATION OFFICE (SHPO) HISTORIC PRESERVATION FUND (HPF) GRANT REQUEST

Synopsis: Staff requests approval for authorization to pursue a Historic Preservation Fund Grant for the creation of a City-Wide Historic Preservation Plan with a local match, submitted by Gunnar Hand, AICP, Director of Planning & Zoning & Urban Design. No matching funds are expected. On May 9, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

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

ITEM NO. 4 – MINUTES

Synopsis: Minutes from regular session of December 6, 2021; and the special session of March 24, 2022.

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

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 17, 2022.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 211548...AMENDMENT: CREATION OF NEW BPU PILOT CLASSIFICATIONS

Synopsis: Amending charter ordinances to create a residential BPU PILOT classification, submitted by Kathleen VonAchen, Chief Financial Officer. On May 9, 2022, the Economic

Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission with stipulation that item is to be heard on the Standing Committee Agenda.

Mayor Garner said I'll ask Commissioner Burroughs to make some opening remarks before the presentation by Kathleen VonAchen, who is our Chief Financial Officer.

Commissioner Burroughs said we wanted to forward this on to the full committee for discussion. We felt it was an important item; and, Mayor, therefore, we look forward to having full commission discuss this evening.

Proposals to Add Classifications:
BPU Electric & Water PILOT

Board of Commissioners
May 26, 2022

Kathleen VonAchen, Chief Financial Officer, said we've gone over this presentation in the past so I'm happy to forego that, and answer any questions. This is a great opportunity for all of you to do some policymaking and to restructure the way we actually administer this revenue source. The BPU PILOT's been in place for a number of years. For a while now, it's been assessed at 11.9% of the gross revenues, of the BPU revenues.

This would be an opportunity to provide some flexibility by creating separate classifications, one for commercial one for non-commercial or residential. Then during the budget process, we would be able to have further discussions as to whether we want to create some different levels of rates at that time. This is just to provide some flexibility.

The agenda item that you have with you is a resolution that would create the two classes. I'm happy to answer any questions. I can go over the presentation. Do you want me to go over the presentation? I think Patrick would like to make some comments.

Patrick Waters, Deputy Chief Counsel, said really quick, since we don't amend chartered ordinances very often, I thought this would be a good chance to clean up any outstanding issues that we saw. There are a couple of other amendments that we just wanted to bring to your

attention. For example, currently the ordinance states that the Unified Government must provide notice of the PILOT rate by September 1st. Given the extended budget season that we now typically deal with, that's pretty tight timing and so we've extended that to October 1st.

As it currently reads, it also says that the UG and BPU should have a joint meeting if the PILOT is going to be raised, but as I currently read it, if for some reason the two Boards just couldn't agree on a date, we'd basically be left unable to take action. So, I changed that. I didn't think that was the intent. That's obviously for you to decide, but I assume the intent was that we make a good faith attempt to meet as two Boards. But as long as that notice is provided, if for some reason we just can't agree on a date, the Unified Government could still take action.

The final change was two sentences requested by the BPU related to the Regional Transmission Organization. This just clarifies how you define gross operating revenue. We have Lori Austin from the BPU if you have questions about that in terms of what exactly that means. I'm told that this is how we currently define it, and this just basically codifies current practice.

One minor amendment to the wording on the last sentence of Subsection A, where it says regional transmission owner, I would request if the Commission decides to pass this ordinance, I would request that the word owner be changed to organization, and that's all I have.

Mayor Garner asked, Ms. VonAchen, anything further? **Ms. VonAchen** said no, nothing at all.

Commissioner Bynum said I'm interested in providing some relief on the PILOT rate. I'm not sure why we wouldn't consider providing relief to both the businesses and the residents, so that's my first issue. My second issue is I'm not much inclined to change the charter of the Unified Government at 10:00 p.m. at night. This looks to me like a voting item that you're asking for. Is that correct? **Mr. Waters** said yes.

Commissioner Bynum said so I would tell you right now that I'm not going to vote in favor of this item tonight, three hours into our meeting.

Commissioner McKiernan said as I said in our standing committee meeting, I am not in favor of splitting the PILOT residential versus commercial. As I have pointed out in our stormwater discussions, I want to avoid situations where there is inequity in the application of, in this case, a rate of payment. On the stormwater side, I've been concerned that the tiered structure sets up an

inequity that favors larger property owners. In this case, I worry that splitting these apart could set up a situation where one class gets a rate adjustment, and another class doesn't. I do not want that inequity. I will not vote for, nor am I in favor of, anything that splits the PILOT from being broadly applied across all utility customers.

Now having said that, I'm open to considering the possibility of a reduction in the PILOT across the board, as we go through the budget process. That's the most important thing is we've got to go through the budget process to decide if a rate reduction is in order and what the magnitude of that rate reduction should be. But I do believe if we decide there needs to be a reduction, it be applied equally to both residential and commercial utility users.

I am open to the other changes to this ordinance that Mr. Waters suggested, in terms of just cleaning up the application without changing the relative percentage charge to both sides. But I will not vote for this if it includes the splitting apart of residential versus commercial with the possibility of uneven payment.

Commissioner Ramirez said my comments mirror exactly Commissioner Bynum's and Commissioner McKiernan's. I think we are putting the cart before the horse. We're talking about not just an ordinance, but a charter ordinance that is going to have a budgetary impact. We haven't even had a budget workshop yet. If we're going to propose this, I would like the Administrator to build a budget scenario that includes this so that we can see the financial impact. We are here to be fiscally responsible with our taxpayers' money. Yes, we want to provide relief. I am in support of lowering the PILOT across the board, but it's going to be said that we don't want tax relief and that we don't listen to our community. We do, but we need to be strategic and fiscally responsible about it, and make sure that all of these budget proposals come through the budget process, not before we even have the conversation.

Commissioner Kane said this is a budget item, and it is 10 o'clock at night. I like bouncing stuff off my constituents, asking hey, what about this? What do you think about this particular thing? I'm not going to be able to talk to any of them. It's frustrating that we load these commission meetings up and here at the tail end of it, we got something that's this big. This is huge, and yes, do I think we can do something with the PILOT? Absolutely, but I don't know why we would have to do anything to it other than what we currently have. This belongs with the budget process

so we can all actually process this. Go through the entire thing because we don't know how that—can anybody tell me exactly how much that's going to affect us? Are we going to get sued from the businesses that have to pay a different rate now? There's more questions than there's answers and this doesn't work for me.

Commissioner Johnson said I have great unreadiness in having this discussion. This deserves a full-throated dialogue from this commission. My colleagues have already made all of the relative points, so I'd ask that we would have some time to be able to come back to address this. I do agree with what is said. We need to figure out a way to deal with the PILOT in Wyandotte County. Our constituents have asked for years, and so we are responsible to address those concerns. I just don't think that I'm ready to do that at 10:00 p.m., after a very full meeting tonight. I want to be able to give this the amount of time, debate, and dialogue that this issue deserves. So, thank you.

Commissioner Stites said so I guess I was going to ask a question and then get into more of a discussion, but it sounds like the direction that we're going is we're going to have a further discussion about this at a later date. I'm not going to prolong this 10:00 p.m. meeting. One of the questions that I am going to ask is, what was the original intent of why this would be split? You don't have to get up because I'm not asking it. I'm going to ask it so we don't prolong this meeting. But that's so you guys, whoever, can formulate that answer. You may already have it, but when we have our full discussion, that is going to be something that I would like to know. I'm not ready to move forward on it tonight either.

Commissioner Bynum said I did want to at least state appreciation for Commissioner Burroughs' committee because what you said when you introduced it was that you wanted to have this discussion. So, I do appreciate that. I watched your committee meeting and I know some of the conversation that was held there and the desire to bring it forward. I'm very interested in finding relief for the PILOT, and I don't want to be misunderstood. I just want to be able to have the fuller extent of the conversation. Mayor, maybe that's in a special session, I don't know, but maybe just some more conversation. I would really be interested in some business side relief as well. That's all I want to say. Thanks very much.

Commissioner Burroughs said this does impact our budget. As chair of the committee, there were many questions. I felt as chair of the committee, the best service I could provide the entire Commission and the community, Mayor, was to ensure that everyone had a fair opportunity to speak and look at the impact it would have on the budget. That's why we chose to bring it forward to the full Commission, not on the consent calendar or have somebody pull it off. It was important that we have this discussion so that you see the financial impact as we go into the budget process. I would hope that—and I really appreciate your comments, Commissioner Bynum. I believe that's how we build trust with one another. That's how we move forward in identifying what's important to us as a budget. I know many of us ran on reducing the PILOT, but if we would have taken a vote in the committee, it would have been a disservice to all of you because if you voted no on it, you were voting against the PILOT reduction. If you voted for it, you were voting for a financial impact on the budget. That's why we chose, as your chair, to take the action that we didn't bring it forward.

Commissioner Davis said I've been doing a lot of listening on this, and I do want to make it clear that I do want utility relief. I do not think that, and I've said this before, that utility relief should just be a UG conversation because we do have the Board of Public Utilities that controls the electric and water rates, which is the bulk of the BPU bill. So, if we are going to have a conversation on providing overall utility relief, I think we should involve everyone that's involved in making that decision. The same goes for taxes and for engaging all taxing jurisdictions so that the overall impact for our residents comes out to overall relief.

After hearing these comments from the standing committee and from tonight, my mind immediately goes to the small business owners in my district, who have told me that one of them, they've had to take out from their life insurance just to pay their BPU bill. I could not vote for this, not because, again, relief is not necessarily what we're talking about, but it opens the gateway for us to leave businesses and particularly small businesses behind.

It's for that reason that I would want an overall relief responsibly. I want to echo that we do it responsibly. Not just for the sake of saying that we've given relief, but in a way that we're still able to deliver on the services that our community desires.

Mayor Garner said I have a question, and I hate to prolong this, and I won't. But, Ms. VonAchen, can you, at least, educate all of us on what is the value of splitting this the way in its current iteration?

Ms. VonAchen said the idea came to me because there is a sentiment to provide tax relief to those homeowners that are of low income. The majority, roughly 70% of the BPU PILOT revenue comes from industrial and commercial properties. Obviously, from the Commission, from what we've been listening to, there's a desire to reduce the tax burden on our residents. So, if we were to create this difference or the classification, that would give us the opportunity. So, I feel like we should explore every opportunity or avenue to perhaps carving a different public policy or at least to have a conversation about it and explore the fiscal impact or the potential and see what everyone thinks about it and talk with the community about it too. So, I'm not necessarily, myself, advocating absolutely this or that, it's just the opportunity for all of us to have a conversation and to have options to talk about. Providing tax relief to our residents would be beneficial.

Commissioner Stites said I appreciate what you're saying, but you were bringing something to us tonight to vote on, but yet you say that there's other avenues and look at different ways of doing this. We were presented this tonight to vote on it and move it forward. Are there other options? Is there A, B, C that were going to be presented? I mean if those other options are out there, I'd like to see them before we—and I think that's what we talk about whenever we say that we want to see that in a full budget discussion.

Ms. VonAchen said the other options are to just lower the rate across the board. That's always available to us as part of the budget process. This would only create—it does open up the opportunity, but it only creates the classifications as part of the budget process. You would have to make a decision about what that rate would be. You could keep it the same or universally reduce it all the same.

Commissioner Stites said but there's no hurry for us to do this before we have our budget workshop, our discussions, and see where we're at in our budget, correct? I mean we're not on a timeline. We don't have to make a move at all, right? **Ms. VonAchen** said that's right.

Commissioner Stites said so, there's not a reason to vote on this tonight. **Ms. VonAchen** said no, there isn't. **Commissioner Stites** said okay, thank you.

Commissioner Ramirez said you know we've been talking about budgetary impact. I cannot remember which of my colleagues mentioned it, but the legality of it. So, Misty is our Chief Counsel. If we did this, how much are we opening ourselves up to? If we were to make the classifications, divide between commercial and industrial and residential, what would that look like? What is our, how much can we be open up to for litigation at that point?

Misty Brown, Chief Counsel, said that is a good question, Mr. Ramirez. When it comes to actually giving specific legal advice, I'd prefer to do that in an executive session. What I can tell you, though, is we've approved this ordinance as to form, which means that we believe that the ordinance does comply with the law and that there's nothing in there that would be in violation of the law and put the Unified Government at a large risk. But as far as in the specifics, again, I'd rather have that discussion in an executive session. **Commissioner Ramirez** said understood.

Commissioner Kane said well, I don't know what I'm doing here, but I think I want a motion for denial for further discussion during the budget.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to deny for further discussion during the budget.**

Mayor Garner said okay, we've got a motion and a second, but we're still in discussion.

Cheryl Harrison-Lee, Interim County Administrator Mayor, said I would recommend that we take Items 1 and 2, move those to our budget discussion and allow staff to look at some options for you. That would be my recommendation for a motion to you tonight.

Commissioner Bynum said I would propose an amended motion to move Items 1 and 2 under this portion of our agenda to a budget workshop.

Action: **Commissioner Bynum made an amended motion, seconded by Commissioner Johnson, to move Items 1 and 2 to a budget workshop.**

Mayor Garner said okay, so we've got another motion on the floor but I've got to go back.

Commissioner Bynum said I'm making an amendment to the original motion. Make it a substitute motion.

Mayor Garner said okay. Is there any further discussion at this point? **Ms. Brown** said I know we'd like to get this done, but Patrick had something he wanted to mention. I believe it's just about the timing, and everyone should be aware of the timing aspects to this.

Mr. Waters said in amending a chartered ordinance, there is a 60-day period where you have to wait and see if anyone files a protest petition. So, I just wanted to clarify in terms of asking about the timing.

Mayor Garner said okay. I believe that the Commission has made it pretty clear. We're all in support. We've heard the community loud and clear. I don't think there's anybody up here that I've heard that is not wanting to have a conversation about bringing the type of relief to the community of Wyandotte, at least in Kansas City, Kansas. Those BPU customers have made it loud and clear that they want relief on their PILOT. We're going through a budget process. I can reassure the community that this Commission is committed to having that conversation. I believe that's what you heard tonight. So, I just want to reiterate that it is my belief, with the motion that's been presented, that this conversation is going to continue, and this Commission will arrive at a decision that I hope, and that I will be continually supporting, that will bring the type of relief that this community not only has demanded but they deserve. So, we have a motion for amendment. Can you repeat that?

Commissioner Bynum said it was a substitute motion to hold Items 1 and 2 on the Standing Committee's Agenda for a budget workshop discussion.

Mayor Garner asked, is there a second? **Commissioner Johnson** said second.

Mayor Garner said okay, I have a motion and a second. Can I have a roll call, Clerk.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Mayor Garner said we remind all those watching that does cover Item 1, which was the amendment proposal for the creation of the new BPU PILOT classification, as well as Item 2, if you’re following, the amended ordinance for Senior Utility Tax Rebate Program, as well.

ITEM NO. 2 – 211559...AMENDMENT: AMENDING ORDINANCE FOR SENIOR UTILITY TAX REBATE PROGRAM

Synopsis: Amending ordinances applicable to Senior Utility Tax Rebate Program, submitted by Kathleen VonAchen, Chief Financial Officer. On May 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission with the stipulation that the item be heard on the Standing Committee Agenda before a presentation by our Chief Financial Officer Kathleen VonAchen.

Action: This item was previously held over for a budget workshop discussion, as noted in Standing Committee Agenda Item No. 1.

ITEM NO. 3 – 211557...ORDINANCE/RESOLUTION: ARPA CAPITAL PROJECTS AND OTHER NEEDS ALLOCATIONS

Synopsis: Approval of ordinance and resolution to allocate ARPA funds for various capital, facilities, and park improvements as recommended by the ARPA Subcommittee, submitted by Kathleen VonAchen, Chief Financial Officer. On May 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 4:2 to approve and forward to full commission.

Mayor Garner said I’ll ask Commissioner Burroughs to make some remarks.

Mayor Garner said while Commissioner Burroughs is trying to get that in order, Kathleen, could you proceed?

Kathleen VonAchen, Chief Financial Officer, said we do have a presentation that talks about the various projects that have been included in this proposal.



This is actually an item that has been brought forward on behalf of the ARPA Subcommittee, chaired by Commissioner Markley. If she would like to make some introductory comments, that would be great.

Commissioner Markley said sure. Just to give a little background, I don't know, it may be in this presentation as well, but just to give a little background, staff came before the ARPA Subcommittee to make a proposal based on infrastructure projects that would meet the federal requirements for ARPA, and that were also obviously of great need for our Unified Government. The committee went through a process of analyzing that very long list and deciding which ones would be appropriate for us to fund. This is separate from the activity that you're hearing about from the ARPA Committee where non-profits and departments can apply for other purposes. This is sort of a different wing of that whole discussion. Kathleen's going to present what came out of those community discussions as far as what we recommend funding out of ARPA.

Committee Members
 Com. Angela Markley, Chair
 Com. Melissa Bynum
 Com. Andrew Davis
 Com. Brian McKiernan
 Com. Gayle Townsend

UG Staff
 Ashley Z. Hand
 Alan Howze
 LaVert Murray
 Kathleen VonAchen

ARPA Subcommittee Members

Ms. VonAchen said our commissioners on the subcommittee are Commissioners Markley, Bynum, Davis, McKiernan, and Townsend. They have been staffed by Ashley Hand, Alan Howze, LaVert, and myself.



We've had lots of meetings to discuss the various guidelines that the U.S. Treasury has what they call the final rule, and they're really restrictive when it comes to capital uses. For example, you really can only make improvements to air handling of public facilities to improve their handling in order to mitigate the COVID spread. There are some park-related trail improvements that are allowed, as an eligible use, as long as it's tied to offering more outdoor activities in disproportionately impacted communities. Then, of course, there is the wastewater, stormwater and broadband. Water is also included as well, but the Unified Government, while the BPU offers water, we don't. So, I don't have water listed here.

ARPA Local Fiscal Recovery Funds – By BoC Action

	KCK	WYCO	TOTAL
US Treasury Allocation	\$ 55,383,872	\$ 32,132,644	\$ 87,516,516
Immediate Need (adopted 8/26/21)	(1,516,634)	(8,298,342)	(9,814,976)
Housing Assistance (adopted 8/26/21)	--	(1,850,000)	(1,850,000)
Revenue Replacement (adopted 8/26/21)	(31,085,244)	(11,020,975)	(42,106,219)
Employee Incentive (adopted 9/30/21)	(660,000)	(340,000)	(1,000,000)
Additional Needs (UGPHD) (UG BoC meeting 2/10/22)	--	(3,435,934)	(3,435,934)
Allocation Remaining	\$ 22,121,994	\$ 7,187,393	\$ 29,309,387

- Estimated as of 12/14/21.
- City General Fund amount of revenue replacement remaining in reserves assuming reserves at the end of 2022 are at 20.1% of total appropriations which was the reserve level at the end of 2019 prior to the pandemic.
- County General Fund reserves at the end of 2022 are below 17.7% of total appropriations which was the reserve level at the end of 2019 prior to the pandemic. As a result, there are no revenue replacement funds remaining in the County General Fund.

Just so you are all aware of how much money we've collected and then how much has been allocated, I thought I'd give you a kind of overview here for yourself and the public. We've received in total \$87.5M. It's split up between Kansas City, Kansas, and Wyandotte County. \$55M for Kansas City, Kansas, and \$32M for Wyandotte County. That allocation was approved back in May of last year.

So, since then, the committee and the Commission have adopted a lot of allocations to address COVID and all the other functions or objectives of the American Rescue Plan Act. For example, back in August last year, you approved \$9.8M in immediate needs. You also approved, which much of it was for Public Health and other immediate needs at the time during the middle of the COVID spread.

The other approval was \$1.8M for housing assistance. Those are direct payments that the United Way assisted us in allocating to individuals.

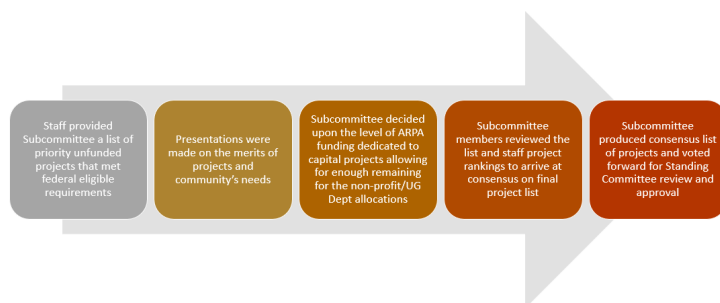
We also estimated a revenue replacement amount of \$42M, which was to be spent during 2021 and 2022. Of course, those figures are going to be changing as the revenue estimates change. You'll learn about those changes in the coming, well, probably at the next workshop, so next Thursday.

There was also an employee incentive to actually get vaccinated and boosted that was approved. That was \$1M.

Then in February earlier this year, another \$3.4M was approved specifically for the Unified Government's Public Health Department.

As a result, after all of those allocations, the amount that's available now is \$22M on the city side and \$7M on the county side.

Selection Process – February-March 2022 Meetings



So, now that \$22M and \$7M is available to be allocated by the subcommittee. What they wanted to do was to take a look at what kind of investments could we make to mitigate COVID to our facilities, to Parks and Recreation, and to address or improve the childhood environment. We had a selection process that is kind of five-part here. This is kind of small.

First off, the meetings we had between February and March of 2022 were pretty extensive. Staff provided the subcommittee with a long list of priority, unfunded projects that are specifically eligible for through ARPA, which is pretty restrictive as I mentioned. It totaled about \$90M, so a lot of projects. Presentations were made by the departments on the merits of the projects and the community needs.

Then the subcommittee went on and decided upon the level of ARPA funding. How much do we want to dedicate for capital and also allow enough money remaining for that non-profit and UG department allocation web portal application process that is ongoing right now.

And, by the way, that application process is great. It's on our website and we've extended the deadline to the end of June. So, we're now really in the middle of doing a lot of community outreach with the non-profits in order to assist them with submitting their applications, so that's ongoing.

Lastly, the subcommittee members reviewed the list and staff project rankings, and then they all arrived with a consensus on this final project list.

We did bring in representatives from Edwardsville and Bonner Springs in this process. The capital ideas they had were not eligible under the federal guidelines, so what we encourage them to do—we're working with them directly right now—is to submit applications through that non-profit UG department web portal.

Then lastly, the subcommittee produced a consensus list and pared it down based on the amount they wanted to spend on the projects, and they voted to move forward to the standing committee.

Exhibit A – ARPA Capital Projects and Other Needs

ARPA Project	City or County	Amount
Combined Sewer Separation 15 & 18, Jersey Creek Basin (Wastewater)	Kansas City, Kansas	\$ 2,000,000
Wyandotte High Lombardy Drive Area (Stormwater)	Kansas City, Kansas	3,365,907
Green Infrastructure - 8th Street Park (Stormwater)	Kansas City, Kansas	6,201,492
City Hall - Air Handling Systems	Kansas City, Kansas	4,733,563
Armourdale Recreation Facility-Air Handling	Kansas City, Kansas	219,916
B. Lee Recreation Facility-Air Handling	Kansas City, Kansas	18,165
Kensington Recreation Facility-Air Handling	Kansas City, Kansas	731,994
Parkwood Facility Recreation Facility-Air Handling	Kansas City, Kansas	203,491
SUBTOTAL: KANSAS CITY, KANSAS		\$17,474,528
Courthouse - Air Handling Systems	Wyandotte County, Kansas	2,500,000
Public Health Center - Air Handling Systems	Wyandotte County, Kansas	154,834
Jail - Air Handling Systems	Wyandotte County, Kansas	2,323,474
Wyandotte County Parks Trail	Wyandotte County, Kansas	700,000
Pierson Park Trail	Wyandotte County, Kansas	700,000
SUBTOTAL: WYANDOTTE COUNTY, KANSAS		\$6,378,308

Here's the long list of the projects that got pared down from the \$90M down to, in total, down to \$17.4M and then the \$6.3M. \$17.4M in city projects and \$6.3M in county projects. The categories here, the first one is the wastewater project. It's the combined sewer separation number 15 and 18 on the Jersey Creek Basin. That's \$2M.

There are two stormwater projects, one along the Wyandotte High, Lombardy Drive area, and then secondly the green infrastructure on 8th Street Park. Those two combined costs about \$10M.

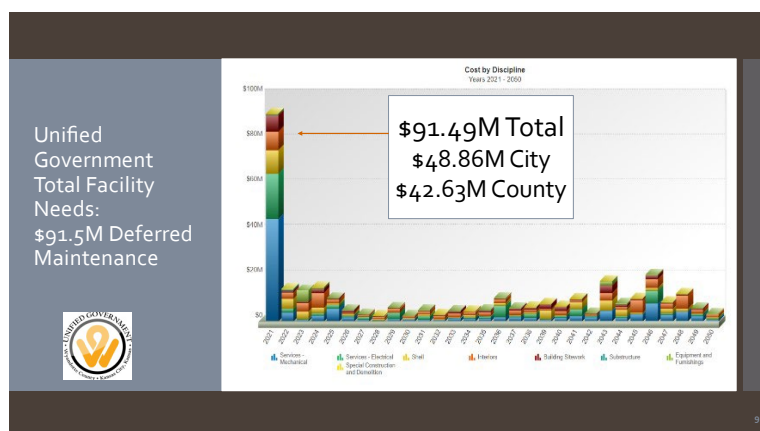
There's a series of air handling systems. Our UG facilities are in dire need of a lot of deferred maintenance. How we can utilize these dollars is to help with their HVAC system, of our aging facilities at City Hall and at three of our recreation centers. The recreation centers at B. Lee, Kensington, and Parkwood facilities will all get funding through this money. On the county side, our Courthouse is significantly in need of a lot of deferred maintenance. It's an old building, it's a wonderful historic building, but it does need at least \$2.5M. It probably needs more like \$4 or \$5M, but in this proposal here, the committee is submitting \$2.5M for air handling systems to improve that aging facility's HVAC system. Then some more air handling at the Public Health Department, just a little bit there. And then \$2.3M to improve the air handling system in our jail system in order to improve the lives of our inmates or the offenders that are housed there.

The last thing is we have two \$700,000 amounts to improve park trails in Wyandotte County Park and then Pierson Park.

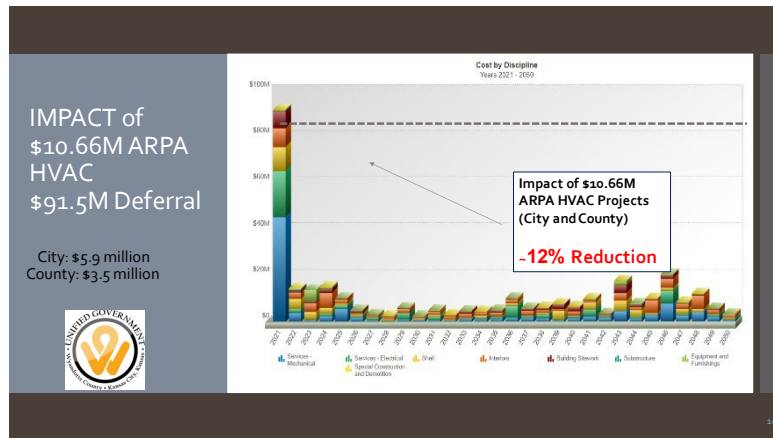
Wastewater



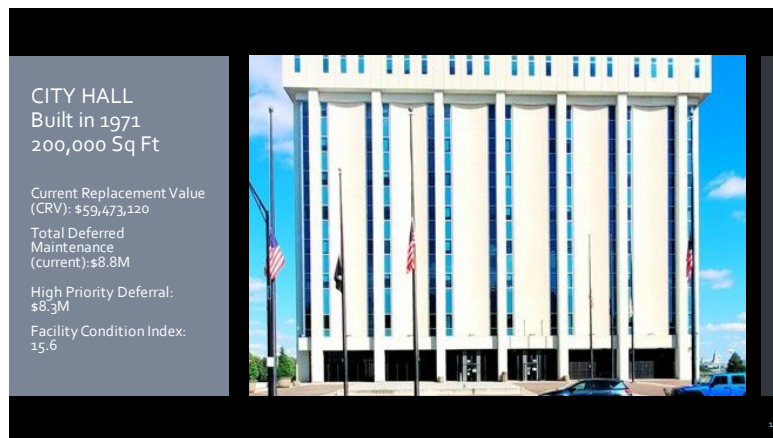
At the subcommittee, we actually had a variety of departments come up and talk about each of these projects. I'm not sure we can do that tonight since it's so late, but we did email you this. The following slides have more detail about all of these projects. I'm happy to answer any questions or perhaps someone in the audience, another staff member from Public Works can assist.



One thing I did want to point out is about a year and a half ago, the Public Works Department brought in consultants from the company Ameresco and they did a complete assessment of all of our facilities that the UG owns. It's a very detailed assessment. What they found was that overall the facilities at the UG, there's a \$91M deferred maintenance. Of course, there's all that road maintenance that you heard about earlier tonight. Well, there's also a facility liability as well. Now it's not as bad as it sounds, though, because we have been eating away at this maintenance. Certainly this recommendation from the ARPA funds to assist with the HVAC improvements will really go a long way toward lowering that number.



In fact, it will reduce it by 12%. This is going to be a big help toward reducing our long-term liability on our deferred maintenance for our facilities.



I think I'm just going to leave it there. I'm happy to answer any questions.

Commissioner Markley said I just wanted to comment. Obviously, these funds are limited. We can't spend them on whatever we want. We can only spend them on what they're allowed to be spent on. I realize when you're looking at this list, it doesn't look particularly sexy. Air handling doesn't seem like a very exciting thing to be spending this funding on, but it is something that we have been deferring year over year because it's not sexy, and because this Commission hasn't otherwise funded it. It is something that our facilities desperately need. It is something that has been prioritized by our Facilities Department. It was prioritized by this committee as something we desperately need and that we could fund in this way. I know it's not really exciting. We're not building ivory towers here, but it's stuff that we have to get done and that we can get done without taking the money out of our pockets. I just wanted to acknowledge the fact that this isn't

the kind of pretty stuff that maybe we would like to be funding, but it is what is required under the federal guidelines and something that we are in dire need of.

Ms. VonAchen said actually that's a really good point. I just want to add to that a little bit. The issue is that these projects will have to be done at some point. We can either pay for them with free federal dollars or we have to pay them from cash or debt, but they have to be done at some point.

Commissioner Burroughs said, Kathleen, I remember in the Commission or in our subcommittee we had a couple of questions. I believe you talked about a potential reimbursement or to the funds due to, I can't remember if it was FEMA or whoever you were working with, to get a \$2M infusion of what would be our reserves after these expenses were set. Could you share with the Commission what that is?

Ms. VonAchen said way back on August 26, 2021, you all approved the immediate needs package. But since then, we identified a variety of items that were funded with those immediate needs that actually qualified as 100% FEMA reimbursable. The Public Health Department put together, and we're working on application number two, but we've already put together application number one and number two, and we're waiting, which has submitted that reimbursement request. We're waiting to get back to hear a word on application number two. We're anticipating that about, if I remember right, it's between \$1M and \$1.5B in funding that if FEMA reimburses us, would free up that portion of the immediate needs allocation that was approved in August of last year. In which case then, and that's all on the county side. **Commissioner Burroughs** said I do remember that and thank you for that.

Commissioner Burroughs said the next discussion we had was in reference to the cyberbreach that we had that maybe these funds could be utilized to pay for that cyberbreach because it does deal with the health and safety of our community. Your health records were out there, they were lost, and it dealt with the safety of our community. I did ask that we would look into that to see if that was a qualified use. I don't want to stretch it too far, but in the middle of a crisis when we lose our health information to and it's potentially utilized by outside entities, I believe that may warrant at least investigating to see if funds can be used for that expense. Have we looked into that at all?

Ms. VonAchen said actually we're submitting, I worked with Kevin Bibbs, Director of Technology, and they are submitting an application through that web portal we just mentioned earlier, under those guidelines. We have been studying the final role requirements, and I'm not sure it does qualify, but we're still working on it.

Commissioner Burroughs said great. I believe if there's any chance that we can get any additional funding reimbursement from that, we should try while we still have the opportunity to do so.

I would just like to say, Mayor, this goes back to the prior administration. I know that there were representatives from Bonner Springs and Edwardsville that had a chance to communicate, but they weren't an elected body. The elected bodies from Bonner Springs and Edwardsville, you have commissioners here that represent them. This is the second go around, second tranche. I'm not condemning the committee or my personal colleagues. I'm just stating that under the prior administration, I had personally requested that we have an elected representative that represents those two districts be on the ARPA funding process.

I truly believe there were voices on the Wyandotte County side of this expense that should have been heard, and not saying they weren't by those that were appointed, but it is a different environment when you're going against a city that's made up of all electeds and you're an administrator or public official that's appointed to the position. I know that's very important to Commissioner Stites and myself because we do represent both of those cities.

Ms. VonAchen said I had a wonderful conversation with the City Manager of Bonner Springs. He and I identified about four or five things that I'm working on. One of them is just to have the Public Health Department go out there and talk about all the programs that they are putting together that were funded by ARPA and how their community can benefit. There's one area that had to do with a broadband and a grant that and—so anyway, there's a couple of things in the works that we're trying to help them with.

Commissioner Stites said and I appreciate that. I was on the Edwardsville Council at the time that we asked, and asked, and asked, and asked to have somebody represent Edwardsville and Bonner. An elected official represent Edwardsville at the time, because that's where I was a city councilman. Multiple times we reached out and we weren't granted that spot. I'm glad to hear

now that we're reaching out to Bonner and Edwardsville to include them kind of after the fact, but I'm glad that we're reaching out now to include them. When we're talking about a city allocation and a county allocation, Bonner Springs and Edwardsville are in the county and they should have a seat at the table.

Mayor Garner asked, any more discussion? I'm going to entertain a motion. This is in regard to an ordinance and resolution to allocate ARPA funds for various capital facilities and park improvements as recommended by the ARPA Subcommittee. I got a motion, and I got a second. Any further discussion? Seeing none, roll call.

Action: **ORDINANCE NO. O-75-22 AND RESOLUTION NO. R-23-22**, “An ordinance and resolution for the approval of federal local fiscal recovery funds to be used for capital projects and other needs by the Unified Government to continue the fight against the spread of COVID-19 and other eligible uses as part of the American Rescue Plan Act.” **Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve the ordinance/adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 4 – 211346...ORDINANCES: ADOPTION OF PROPOSED BUILDING AND FIRE CODE UPDATES

Synopsis: A proposal for the adoption of “The 2018 Suite of Codes and Amendments to Chapter 8-Building and Building Regulations/Chapter 15-Fire Prevention and Protection”, submitted by Greg Talkin, Director of Neighborhood Resource Center. On May 9, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted 4:1 to approve and forward to full commission.

Mayor Garner said I'll ask Commissioner McKiernan to make some remarks before the presentation by Greg Talkin, who is the Director of the Neighborhood Resource Center.

Building, Fire & Property Maintenance Code Adoption and Amendments

May 26, 2022

Unified Government Board of Commissioners Meeting

Presented/Prepared by:

Greg Talkin, NRC Director

Anthony Hutchingson, Chief Building Official

Patrick Holton, Property Maintenance Compliance Manager

John Doppelman, Fire Marshal

Commissioner McKiernan said for the benefit of those who aren't on our committee, and Greg what I'm going to do is just kind of give a really brief background at a very high level. If I make any mistakes, immediately say no. But basically, for my fellow commissioners, our building inspectors are guided by a set of regulations that are written and established by a national organization and then applied locally to structures that are built or renovated within our city. The most recent publication of those regulations occurred in 2018, but we are still using the 2012 Code of Regulations.

Greg Talkin, Director of Neighborhood Resource Center, said the only correction there, Commissioner, is there is a 2021 version, but we're not proposing those. We're still 2018 to stay consistent with most of...

Commissioner McKiernan said well, we'll say that it in the metro area, the most recent adoption for the high majority of the jurisdictions has been the 2018 Code. We're still using the 2012 regulations and we desire to catch up with the metro. The complicating factor in all of this is that most, if not all, local jurisdictions amend or modify some part of the original code, very often softening a standard or two as they see fit in their local jurisdiction. That's what's happened in our metro area. My understanding is that very few of the jurisdictions in the metro area are using the unamended 2018 Code. Most of them have made some sort of amendments.

So, that then leads us to what you brought to our committee and you brought us three options. One is, that we could adopt the 2018 regulations with amendments that are proposed by your staff. Two is, we could adopt the 2018 regulations and then stay consistent with the most stringent of all the amendments across all the jurisdictions in the metro area. Or third, we could adopt the unamended 2018 Code. There was much spirited discussion and passion on all sides during that, and you can get into some of the pros and cons of amendment versus no amendment

here. But basically, for the purpose of the Commission, that's the task that came before us is to decide how we are going to apply the 2018 version of the building codes.

Mr. Talkin said the only other thing, Commissioner, I just need to note is that we're in the 2012 codes except we're currently under the 2009 Energy Code still, so we stayed with that with complications last time.

Current Codes /Codes being Proposed:

Our most recent building code adoption occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. We have tried in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 Suite of Building Codes is in line with the 6-year cycle. These codes are identified as follows:

-
- 2018 International Building Code (IBC)
 - 2018 International Residential Code (IRC)
 - 2018 International Existing Building Code (IEBC)
 - 2018 International Mechanical Code (IMC)
 - 2018 International Energy Conservation Code (IECC)
 - 2018 Uniform Plumbing Code (UPC)
 - 2017 NFPA 70 - National Electrical Code (NEC)
 - 2018 International Property Maintenance Code
 - 2018 International Fire Code (IFC)
 - 2018 Life Safety Code NFPA 101

Trying to give a little high level on this. Going back, these new codes are produced every three years by ICC and then, of course, there's a couple of National Fire Protection Codes that we adopt. We've kind of tried to get on a six-year rotation, so every second cycle, that's kind of where the metropolitan area has been the last few years. It used to be that Overland Park would lead everybody, every year, and do everything; but everybody in the metro has kind of gotten on that six-year cycle and this is the next cycle for us anyway.

So what we're proposing is the 2018 International Building Code, the International Residential Code, Existing Building Code, Mechanical Code, Energy Conservation Code, which is where we've had kind of some differences in the approach of that, the Uniform Plumbing Code, NFPA 70-National Electrical Code, International Property Maintenance Code, National Fire Code, and Life Safety Code, also produced by NFPA.

Background:

- A model building code is developed and maintained by a standards organization independent of the jurisdiction responsible for enacting the building code
- A local government can choose to adopt a model building code as their own
 - This saves them the expense and trouble of developing their own codes.
 - Jurisdictions can amend the code in the process to reflect local practices and laws
- Local codes are diverse in the extent to which the base model code is amended
 - Most local amendments are limited to administrative provisions
 - Engineering provisions are among the least amended
 - The International Building Code and International Residential Code are considered more comprehensive codes while the rest are considered specialty codes

-
- The *International Building Code (IBC)* is adopted in all 50 states and the District of Columbia
 - The *International Fire Code (IFC)* is in use in 41 states and the District of Columbia
 - The *International Residential Code (IRC)* is in use in 49 states and the District of Columbia
 - The International Codes are in use in Puerto Rico, Guam, U.S. Virgin Islands, American Samoa and the Northern Mariana Islands

A model code is developed and maintained by standards and organizations independent of the jurisdictions, Commissioner McKiernan stated. We choose to adopt a model code as our own. This saves us the expense and trouble of developing our own code. We can amend those codes to produce and process to reflect local practices and laws. Local codes are diverse in the extent to which the base model code is amended. Most local amendments are limited to administrative provisions. Engineering provisions are among the least amended.

Just commenting on all the set of codes and keep the energy separate, really there was never any discussion with any of the other codes. Most of the amendments that are in those codes were driven by administrative changes that pretty much are governed by state law. For example, we can't require fire sprinklers in single-family residential. The state exempts it, so we have to amend that out and have to amend some other stuff back in for some additional protections that used to be in the code.

The International Building Code and the International Registered Code are the biggest in the set and are considered more comprehensive codes, while the rest are considered special codes. You'll notice the notes on the bottom of that. Most of these ICC codes are adopted in almost every state but different year versions.

Community Benefits and Considerations:

- Updated codes promote safe, resilient, efficient, and cost-effective construction
- Current codes protect the building owner's investment, enhance safety and foster innovation in the marketplace
- For consumers, updated codes mean lower maintenance costs such as lower energy and water bills, less mechanical noise, and an overall higher quality of life
- Current building codes spur innovation and are an incentive for American manufacturers to invest in product development
- Contribute to the well-being of the community
- Help control or lower cost of insurance premiums (providing the insurance industry with a baseline for mitigating risk)

Note: The City of Kansas City, KS is currently under an audit with the Insurance Service Office (ISO) to determine its current Building Code Effectiveness Rating Schedule. The current building codes adopted affect this rating.

Community benefits and considerations. Updated codes promote safe, resilient, efficient, and cost-effective construction. Current codes protect the building owner's investment, enhance safety, and foster innovation in the marketplace. Consumers, updated codes mean lower maintenance costs such as lower energy and water bills, less mechanical noise, and overall higher quality of life. Current building codes spur innovation and are an incentive for American manufacturers to invest in product development and contribute to the well-being of our community and help control or lower the cost of insurance premiums, providing the insurance industry with a baseline for mitigation risk.

The note on the bottom of this is something we've been working through with ISO, with our insurance service offices. We get rated every so often, and we are up for our audit actually at the end of last year. They have held off on that audit. They know we're working through the process because we're out of compliance now because we're out of six years within having a model code that's outdated currently. So, they're holding off.

We're currently rated as a four, which is fairly decent. Eight is the average in Kansas. If you have five or lower, you're eligible for FEMA grants when they're available. Without that, you aren't eligible. Also this plays into the fact that we get insurance discounts for those that have to have flood insurance in our community with our rating. If we don't move forward with adoption, there's a chance that our rating could drop a little bit, which may make changes to people's ratings or their insurance premium for flood insurance.

Community Outreach:



Posted on the UG website 90 days, May-July 2021, and comments were received during that period.



The target audience for public outreach included the design community, contractors, property owners and community members.



Topic was discussed in Livable Neighborhoods Task Force meetings on at least three occasions



Correspondence was sent to neighborhood groups, designers, and contractors we had in our records asking for comments.



Reached out to those that had questions or concerns associate with the proposed adoption

Met with the Kansas City Home Builders Association
Meeting with Metropolitan Energy

How this all started, real quick. We kind of started this during the pandemic. We were about a year behind from where we wanted to be, but an effort for community outreach at the time we did this—we posted on the UG website for 90 days, May through July of 2021, asking for comments during that period. In order to make everybody aware that that was out there, we had several conversations and sent notices out to different individuals. Our target audience for public outreach included the design community, contractors, property owners, and community members. It was discussed in Livable Neighborhoods on several occasions. Correspondence was sent out to neighborhood groups, designers, and contractors. We had on our records asking for comments.

Everybody that provided comments we reached out to, for the most part. There were some comments that were provided that really, there were quite a few that were irrelevant to the code. A lot of them had to do with workplace safety and things like OSHA deals with and that's not what the code's about. There were two main entities that had an interest in this, and we did sit down and meet with both of those, and one was the Kansas City Homebuilders Association and the other one was Metropolitan Energy, which both I think are here tonight and will have their comments.

Items we Heard/Learned about from Community Outreach:

- International Residential Codes
 - Concerns with increased cost vs. benefits on some of the changes (Energy Provision)
- Design professionals prefer new updated standards
 - Provides them more options
 - Assists when working in multiple jurisdictions
- Energy Conservation Provisions
 - Concerns of adopting Energy codes with amendments reducing some of the requirements
 - There is a growing push for increases in energy conservation
 - Can be a significant upfront construction cost for many of the new Energy Codes
 - Proposing some amendments in line with other jurisdictions in the metro area to balance construction cost vs. energy conservation

So, as Commissioner McKiernan stated, it came down to the International Residential Code, concerns with increased costs versus benefits on some of the changes (Energy Code provisions). Also, a lot of the driving force for the update, I would need to mention here, is that design professionals commented quite frequently, in our request for information, to update our standards because they wanted us in line with the other jurisdictions. Also, they want to use new technologies that are introduced in the code. They don't want to have to go backwards. So, this assists when working in multiple jurisdictions.

So, back to the energy conservation provisions, concerns of adopting Energy Code with amendments reducing some of the requirements. There's a growing push for increase in energy conservation throughout the world or throughout the U.S. Can be a significant upfront construction cost for many of the new Energy Codes. Proposing some amendments in line with other jurisdictions in the metro area to balance construction costs versus energy conservation.

Local-Regional Adoptions:

Efforts to be similar/consistent with surrounding jurisdictions

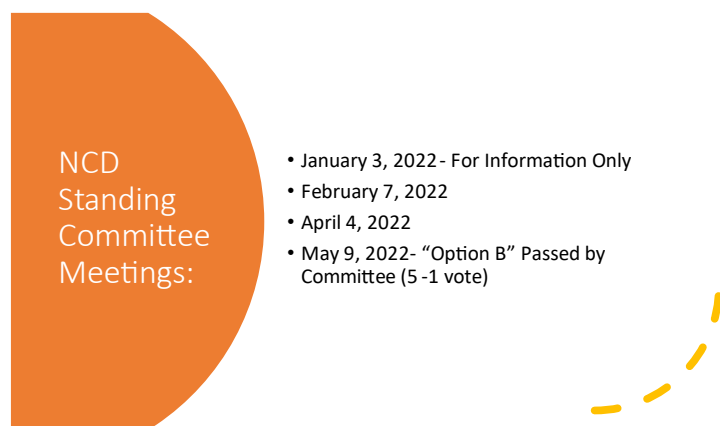
- Easier for designers and contractors to design and build
- Easier to educate contractors
- Easier to educate/train our staff
- Easier to enforce

City/County	Codes Adopted	IECC	City/County	Codes Adopted	IECC
	International Building Code	International Energy Conservation Code		International Building Code	Energy Conservation
KCK - current	2012	2009	Leawood	2018	2018
KCK - proposed	2018	2018	Olathe	2018	2018
Bonner Springs	2015	n/a	Gardner	2018	n/a
Edwardsville	2012	n/a	Fairway	2012	2012
De Soto	2018	2018	Spring Hill	2006	n/a
Mission Hills	2018	2018	Johnson County	2018	2018
Shawnee	2018	2018	Douglas County	2012	n/a
Lenexa	2018	2012	Lees Summit Mo	2018	n/a
Overland Park	2018	2018	Kansas City Mo	2018	2012
Prairie Village	2018	2018	Gladstone Mo	2021	2021

Our whole approach in all of this was trying to be as consistent as we could across the metropolitan area. It's easier to enforce. It's easier for designers and contractors to design and build if were similar. It's easier to educate our contractors. It's easy to educate our own staff,

mainly because education is available across the metro, because we're all under the same standard. Example, Johnson County contractor licensing provides two trainings each year. We're able to send our staff to those because we're all kind of consistent on these codes. It's also easier to enforce because you have contractors working between different jurisdictions that come from all over from other cities around here, and if you're similar in nature, it's much easier to enforce because they already know what they need to do, for the most part.

As you see here, as it was stated earlier, a majority of the metro area, they're under the 2018. That says International Building Code, but also the 2018 International Residential Code. I did also put a column for the Energy Conservation Code because you will see a few of those jurisdictions like Lenexa, they stayed with the 2012 Energy Code in their adoption, and so did Kansas City, Missouri. Now I'll talk a little bit about Kansas City, Missouri, in a second; but for now, I'll bypass that. The only jurisdictions in the metro area that have adopted the 2021 is Gladstone, Missouri. I will comment for their community. They have little to no residential permits, so their adoption doesn't affect part of what we're concerned about.



I met with the Neighborhood and Community Development Standing Committee on four different occasions. The first one was for information only. Each sequential one was to help provide additional information that come up in those meetings. Then on May 9th, the Neighborhood and Community Development Standing Committee approved Option B. Passed on a vote, 5 – 1.

Concerns from Standing Committee Meetings:

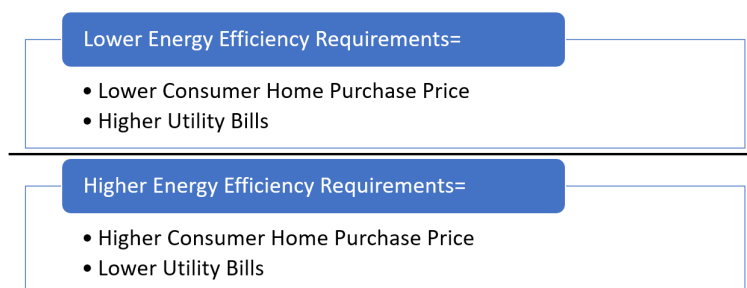
- The item(s) of concern were around the amendments in the IRC-Energy amendments affecting the construction 1 and 2 family dwellings (3 stories or less)
- Original proposal from staff was an effort to be in line with majority of metropolitan jurisdictions
 - Concerns were that the proposed amendments weakened the energy provisions - in turn would result in higher energy costs for new owners vs. less restrictive energy requirements providing the benefit of lower cost of home purchase.
 - No options for Standing Committee/Commission to consider outside of staff recommendations - Three options were provided for consideration
 - Requested to provide an estimate of increase costs in meeting energy code requirements - Cost estimate information was provided by HBA and Metropolitan Energy Center
 - Concerns we will fall behind – We are currently trying to adopt similar requirements of a majority of the jurisdictions
 - Comparisons to other jurisdictions like Columbia MO. - Staffs effort was to be similar to majority of the KC Metro area jurisdictions

The concerns that came out of the standing committee, was all around amendments in the IRC, the energy provisions there in the IRC. It affects the construction of one- and two-family dwellings, three stories or less. The original proposal from staff was an effort to be in line with majority of metro jurisdictions. Concerns were that the proposed amendments weaken the energy provisions, in turn, would result in higher energy costs for new owners versus less restrictive energy requirements providing the benefit of lower cost of home purchase. No options for Standing Committee/Commission to consider outside of staff's original recommendation.

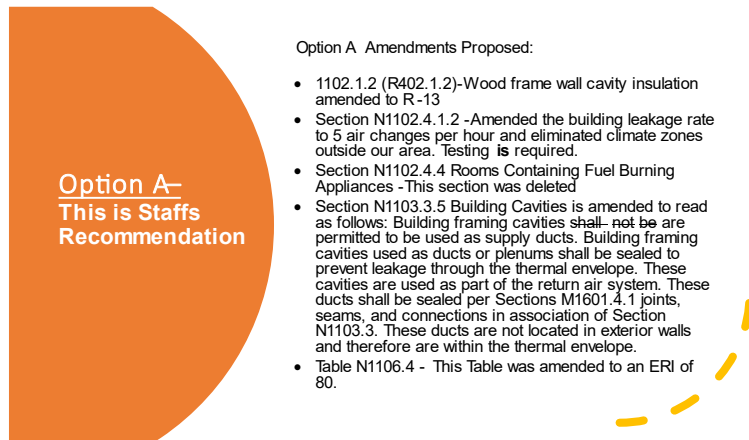
So, three options were provided for consideration. Requested to provide an estimate of increased costs in meeting Energy Code requirements. Cost estimate information was provided by HBA and Metropolitan Energy Center.

Concerns, we will fall behind. We are currently trying to adopt similar requirements of a majority of the jurisdictions, so we do not feel like we are falling behind. Comparison to other jurisdictions like Colombia, Missouri, occurred. Staff efforts here, once again, are similar to the majority of the KC metro area jurisdictions. The other note is that Columbia, Missouri, is a full-fledged college town, so their market is completely different.

Pros and Cons:



Pros and cons between more energy efficiency and less. Lower energy efficiency requirements—lower consumer home purchase price, but higher utility bills. Higher energy efficiency requirements gives you higher consumer home purchase price, but lower utility bills.



The graphic consists of an orange semi-circle on the left containing the text "Option A- This is Staffs Recommendation". To its right, under the heading "Option A Amendments Proposed:", is a bulleted list of five amendments. A dashed orange line curves around the bottom right of the list.

Option A- This is Staffs Recommendation

Option A Amendments Proposed:

- 1102.1.2 (R402.1.2)-Wood frame wall cavity insulation amended to R-13
- Section N1102.4.1.2 -Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing is required.
- Section N1102.4.4 Rooms Containing Fuel Burning Appliances -This section was deleted
- Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.
- Table N1106.4 - This Table was amended to an ERI of 80.

Here's where it gets a little bit technical, but this is where the three options come into play. This was staff's recommendation originally, and still is basically staff's recommendation. We understand this is not our decision, this is yours. Option A is similar to what Option B is. Option A had—we amended to allow R-13 into the wall cavities for insulation. We amended the building leakage rate to five air changes. There was always a question of whether we required blower door testing and duct testing. We didn't amend any of those sections in the code, except we did put a provision in there, under the building official's authority on a couple of reasons for that, but we didn't amend basically the intent of the code. We did delete a section out requiring rooms to be constructed around contained fuel-burning appliances. Once again, we deleted that, and then we did amend the allowance of building cavities to be used for basically return air. These are within the thermal envelope and they're not exterior walls. They are required to be sealed, and it does not bring any of the environmental air outside of those ducts. Then we also amended the table for the energy rating index to 80.

Option B NCD Committee Approved

Option B Amendments Proposed:

- **Table 1102.1.2 (R402.1.2) -Wood frame wall cavity insulation amended to R-15**
- Section N1102.4.1.2 - Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing **is** required.
- Section N1102.4.4 Rooms Containing Fuel Burning Appliances - This section was deleted
- Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.
- **Table N1106.4 -This Table was amended to an ERI of 75.**

Option B is the same as Option A, once again, except we amended the insulation in the cavity to R-15. R-15, I believe, is kind of new to the market, but it still allows you to construct a 2x4 wall. You don't have to do major construction changes. The same with R-13, different from what you have to do if you do with the full code. The only other change here is, we amended the ERI to 75.

Option C

Option C-2018 Energy and IRC (Energy section) code as written – no amendments

Option C was to basically have no amendments; adopt the code as written. I want to note that on the commercial side of the energy provisions, we adopted as it was written. We only did these smaller amendments on the residential because we felt it was a drastic change, and we're concerned that it could have impacts on our building community on the residential side.

Additional Construction Costs Per Option:

Information provided by KCHBA

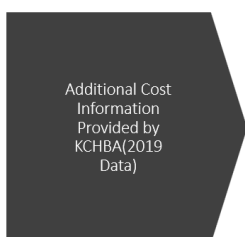
	Option A	Option B	Option C
Table 1102.1.2			
Option A (R402.1.2) Wood frame wall cavity insulation amended to R-15	No Additional Cost		
Option B (R402.1.2) Wood frame wall cavity insulation amended to R-15		\$1,600.00	
Option C (R402.1.2) Wood frame wall cavity insulation is R13 + 5 (Addition of R-5 Foam = \$4000-\$6000)			\$5,000.00
Section N1102.4.1.2			
Option A- Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing is required. (Additional \$ perform testing + \$75.00 for ventilation fan)	\$675.00		
Option B Same as option A		\$675.00	
Option C No amendments wrote (\$600.00 for test + \$2500 for air exchanger)			\$3,100.00
Section N1102.4.4 Rooms Containing Fuel Burning Appliances			
Options A This section was deleted	No Additional Cost		
Option B Same as Option A section deleted		No Additional Cost	
Option C No Amendments wrote			\$2,500.00

So, on the cost, Commissioner Burroughs requested if we could come up with some information that provided from Kansas City Homebuilders Association through one of their local builders. This is two slides that will have to be continued but you can see Options A, B, and C and it's all of those provisions we talked about, where A has very little costs, B has more costs and C.

	Option A	Option B	Option C
Section N1103.3.5 Building Cavities.			
Options A - Amended this section-Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.	No Additional Cost		
Option B- Same as Option A		No Additional Cost	
Option C- No Amendment-as wrote			\$750.00
Table N1106.4			
Option A- This Table was amended to an ERI of 80	No Additional Cost		
Option B - This Table was amended to an ERI of 75 (Furnace and Heat Pump- To get to the rating a 2 stage furnace and AC would be needed-96% furnace/16 SEER AC)		\$4,530.00	
Option C - No Amendments-as wrote- ERI of 62 (Furnace and Heat Pump- To get to the rating a 2 stage furnace and AC would be needed-96% furnace/16 SEER AC)			\$4,530.00
Real Estate Commission, Builder overhead and profit	\$225.00	\$3,795.00	\$4,120.00
TOTAL ADDITIONAL ESTIMATED COST TO CONSUMER TO MEET ENERGY CODE OPTION	\$900.00	\$9,000.00	\$20,000.00
Note: Info (\$16,000-\$20,000)			

Source: This information has been provided by the KCHBA and a local builder

I'm going to jump right to the next slide if we could. You can see at the end, Option A, we are increasing some requirements, the energy bill from what we currently have. It does have, by builder, an additional \$900 cost for some testing. Option B, where we changed the insulation from R-13 to R-15 and changing the energy rating index, they're stating that there's an impact of \$9K for Option B. I'm going to say this builder builds about a 2,100 square foot home, usually a ranch style, but does have a finished basement usually. Then Option C, which is just the full-fledged standard, they've estimated \$16K to \$20K for those additional costs.



Item	House: 2444 Sq Ft 2 story
Ext Wall 2X6, jam extensions	\$4,250
Mechanical Ventilation	\$780
Sealed combustion furnace & Calculations	\$1,300
R49 ceiling & raised heel	\$770
Basement Insulation	\$1,500
Return air in metal	\$1,800
Sealed Water Heater	\$390
Blower Door Testing	\$750
TOTAL	\$11,540

This is another one from HBA. This was put out in 2019 when most of the other jurisdictions were going through the process of getting started of the adoption. It's about a 2,400 square foot home, and for the adoption of the 2018 without amendments, they estimated about \$11.5K. Now, that's 2019 data. We all know what's happened to the market, the supply chain, and everything else, what happens to pricing. This was not adjusted for any of that, so we might consider that value is probably higher.

Information Provided by Metropolitan Energy Efficiency Alliance

Comparison of Current Kansas City Code against the 2018 IECC

If the unamended 2018 IECC were adopted, a future homeowner could expect to reduce energy use by 29% and save ~\$267 per year on energy bills.

	Annual Energy Savings Per Home	Annual Energy Cost Savings Per Home	Estimated Incremental Costs ²	Simple Payback Period ²	Net Positive Cash Flow ²	Life-Cycle Cost Savings ²
Climate Zone 4	42.2 MMBTU	\$267	\$4013	15 years	4 years	\$1501

Information received from Metropolitan Energy Center. Their estimated incremental costs, that's circled there, is what they've estimated the additional costs are. The true cost of all of this lies somewhere in between all of those values.

	Fenestration U-factor Footnote b lower is better	Skylight U-factor Footnote b lower is better	Glazed Fenestration SHGC Footnote b lower is better	Ceiling R-Value Footnote b higher is better	Wood Frame Wall R-value higher is better	Mass Wall R-value higher is better	Floor R-Value higher is better	Basement Wall R-Value Footnote c higher is better	Slab R-Value & Depth higher is better	Crawl Space Wall R-value Footnote c higher is better	Energy Rating Index lower is better
2018 IRC/IECC	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
UG Current (2009)	.35	.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13	baseline
UG Option A	.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	80
UG Option B	.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	75
UG Option C	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
Shawnee	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Overland Park	0.34	0.55	0.31	49	13	8/13	30	10/11, 3 ft	10, 2 ft	10/13	68
Prairie Village	0.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	68
Lenexa	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Leawood	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Olathe	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gardner	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Kansas City, Missouri	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	75
Johnson County	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gladstone (2021)	0.32	0.55	0.40	38	13	8/13	19	10/13	10, 2 ft	5/13	56
	doesn't meet 2018		meets 2018		doesn't meet 2018, but closer than majority of metro		outliers/requires explanation		doesn't meet 2018, but closer than all others in the metro		

This is a chart that actually you don't get to enjoy the pretty color coding that Commissioner McKiernan did on this. He took my chart and he really made it usable to somebody that could look at the colors immediately. The top line is what the 2018 Energy Provisions are without any amendments. You can see where the wood framing wall of that is either R-20 or R-13 plus 5, which is basically an R-13 constructed wall as it was. Then you have to add some type of thermal insulation on the outside, underneath the siding to meet that requirement. If you're doing the R-20, you basically have to reconstruct, use different practices, two to six walls for the walls making major changes and expense. Also then, you can look at what we're currently under.

You can see that we're making major changes even in Option A for—so the R-13 is the only thing that stays the same, as well. Then there's the new ERI, but ERI never come into play with what we're currently under, and that's just an ability to do another method by using a consultant.

Option B, as Commissioner McKiernan alluded to, is a little bit more stringent, putting the R-15 in the wall, still getting some efficiency, and then moving the baseline to 75 on the ERI.

Option C is full-fledged across the board. If you look at all the colors, you see the green. You see the consistencies across the metro and that was [inaudible].

Clarification on Adoptions Locally:					
City/County	Considering 2021 I-Codes?	Current I-Code Versions Adopted	City/County	Considering 2021 I-Codes?	Current I-Code Versions Adopted
KCK - current	2018	2012	Prairie Village	No	2018
Bonner Springs	No	2015	Leawood	No	2018
Edwardsville	2018	2012	Olathe	No	2018
Fairway	No	2012	Spring Hill	No	2006
De Soto	No	2018	Gardner	No	2018
Mission Hills	No	2018	Johnson County	No	2018
Edgerton	No	2006	Douglas County	2018	2012
Shawnee	No	2018	Lees Summit Mo	No	2018
Lenexa	No	2018	Kansas City Mo	IECC Only	2018
Overland Park	No	2018	Gladstone Mo	Adopted	2021

Also, through this process, the statement that we're going to fall behind from concerns from the community, once again, most of the other jurisdictions that are 2018, other than Kansas City, Missouri, that is currently looking at adopting the 2021 Energy Code only, they're not going to adopt their other codes. There's supposedly something proposed to their governing body or one of their committees right now, that they're going through that. Gladstone, Missouri—no other jurisdiction up there is considering going to the 2021. At one point, Prairie Village and Overland Park, I believe, were two that were looking at it, but they're waiting for the 2024, which will be something we will look at too, trying to stay consistent.

Wrap up Comments:

- All options provide additional efficiencies over what we currently have adopted
- Cost Estimates requested by Commissioner Burroughs were provided
 - Reached out to both KCHBA and MEC
- Options A, B and C provided to Standing Committee/Governing Body
- Columbia, Missouri example referenced –Not in our metropolitan area/College Town
- Staffing and ability to implement and enforce major energy provision changes

	Fenestration U-factor	Skylight U-factor Footnote b	Glazed Fenestration SHGC Footnote b	Ceiling R-Value Footnote g	Wood Frame Wall R-value	Mass Wall R-value	Floor R-Value	Basement Wall R-Value Footnote c	Slab R-Value & Depth	Crawl Space Wall R-value Footnote c	Energy Rating Index
	lower is better	lower is better	lower is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	lower is better
UG Current (2009)	.35	.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13	
UG Option A	.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	80
UG Option B	.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	75
UG Option C	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62

To wrap up comments. All options provided additional efficiencies, over what we currently have adopted. Cost estimates requested by Commissioner Burroughs were provided. Once again, we reached out to the Homebuilders Association and Metropolitan Energy Center. Options A, B, and C provided to the standing committee and the governing body. Once again, 5 – 1 they chose Option B. Columbia, Missouri, we didn't feel like it was a good reference to compare to. One other concern that we have, at least at this point, is the staffing ability to implement and enforce,

a major energy provision change might be of concern, just as the items I stated earlier, harder to enforce. Our staffing levels are kind of low right now, but we've got them posted and hopefully we'll get them filled, but it just would put additional burden on staff. Then those are the same options that are in the previous slide.

**Upon Approval
by Governing
Body –Proposed
Timeline of
Implementation:**

New Codes or Old Codes will be allowed to be used for a period of 180 days after the approval of the governing body and required publications are met.

If a project has already been submitted for review it will be allowed to stay with the code set originally submitted under.

If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under the codes in place at the time of resubmittal.

If we are able to move this forward, upon approval by the governing body, and the proposed timeline of implementation, our thoughts are that the new codes or old codes would be allowed to be used for a period of 180 days after the approval of the governing body and the required publications are met. If a project has already been submitted for review, it will be allowed to stay with the code set originally submitted under. If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under the new codes in place at the time of resubmittal. Here is we're going to allow both codes for about six months to be submitted under, because some people are in the process of design. We also have those architects and engineers that are asking us every day to use the new standards, so they would have that option for six months. That's all I have.

End of Presentation

Additional Information below for Full Commission - not included in Presentation

Mayor Garner asked, any comments or questions?

Commissioner Kane asked, so staff is recommending C? **Mr. Talkin** said staff has actually recommended Option A. **Commissioner Kane** asked, how did I miss that?

May 26, 2022

Mr. Talkin said Option C has no amendments. We're not recommending that. We're concerned that would put a burden and may have an impact on the number of houses that are being built in our community. Also, we think it's too big of a jump from where we're at right now. We don't disagree that over time, we've got to get there because we know energy is an issue. I know a lot of the issues that the Commission hears about people's energy bills, and you've talked about BPU bills tonight. I think you're probably hearing the majority from those people that own houses downtown where they're 80 years old and have no insulation in the walls and ceilings. Their bill is only the small portion of the electric bill that goes towards heating and cooling, but staff recommends Option A. We think Option B is the next best option.

Commissioner Kane said I must have missed some of your presentation.

Commissioner McKiernan said as I said during our standing committee meeting, I understand both sides. I understand the trade-off between the higher upfront costs and the lower energy costs over time, but the lower upfront costs and potentially higher energy costs over time, I get the trade-off and I choose to meet in the middle. So, I voted for, and I am still in favor of Option B so that we meet the most stringent requirements currently in place across the metro area, and to try to strike an uneasy balance between not putting too much burden upfront, but also not realizing as much energy savings on the back side.

I would agree with you, that from my perception, the issues that we're hearing about are not coming from homes that have been newly constructed in the past several years. Where we're really hearing from is people who are living in homes that are the age of the home I'm living in, or older than that. I think if we really want to do something, it'll be outside of this process. It'll be coming up with a plan and coming up with the funding to help make incremental energy saving improvements to those older homes so that those homeowners and renters and occupants will really recognize a significant difference in their utility bills compared to what they've been paying with an older home that didn't meet any of these standards, even remotely. So, I'm going to be in favor of Option B, as I was at standing committee.

Commissioner Stites said I, at standing committee, also voted B. But I will tell you, after a lot more research and really thinking about this, and I knew it was going to come before us again, I am leaning towards C, and I will tell you why. Greg, you said that eventually we got to get to C,

I mean we got to get there, right? Let's get there. I mean if we are, if we're going to try to impact—it's going to be tougher for folks to get in the front end of a house. Houses are high right now already, and we don't have houses in our community right now that are that are up for sale. When they go up for sale, they're sold. If we're going to make that change and we're going to be the quality housing that sets us apart from others, I think we just do it and get there now and not string it out over the next however long it takes us to get there. So, I am in favor of Option C.

Commissioner Davis said I voted against this, which brought it before the body. Commissioner Stites succinctly put it, codes do not determine the prices of homes, the market does. Under the 2012 codes, we saw the market bear out ridiculous prices even with outdated codes available. So, the question becomes, who is benefiting here? I see where developers and where builders are benefiting, and I think that's great; however, I'm concerned for our residents.

We just all sat up here and said we want to provide some sort of utility relief. In my eyes, this is being preventative. It's building in a way that is more energy efficient. It's not just energy efficiency that's my concern, it's my concern for health. It's my concern for the environment. It's my concern for us being consistent in our values.

What's to say that three years from now the new code comes out and we say let's adopt it but let's keep amending it; let's adopt it but let's keep amending it. At what point do we make the decision to lead in the metro as opposed to following in the metro? Builders will build where it's profitable. They won't just build where the codes are. If they can sell the home, they will build it and they will recoup the costs through what the market bears. Codes do not determine that, the market does.

Commissioner Ramirez said I'm the same with Commissioner Davis. Commissioner Stites succinctly said it. This is energy efficiency all around. Our sister cities and municipalities around us are leaps ahead of us in that area of energy efficiency, clean energy, and we're just chugging along as slowly as we can. I think we should just do Option C, get the codes where it should be, and I hope developers don't leave. That shouldn't be a turn off for you to be a part of this community and to build in this community. That should be more an incentive because that means we cherish our constituents who want energy efficiency, who want lower utility bills. We keep

talking about BPU PILOT and whatnot. Commissioner Davis said it perfectly, preventive is also being proactive for our community, and so I support Option C.

Commissioner Burroughs said I had staff run the size of a home with the options that we heard in committee, just to give the opportunity for us to see the additional costs of adding more energy efficiency. I too, am supportive of more energy efficiency. I mean my home's 20 years old, and I'm looking at new appliances now because just 20 years ago, the efficiency of the appliances are so much greater today than they were even back then. That's the only reason why I think Option B is even there is because of the discussion we had in committee. I wanted those dollars to be reflected in what it would take to move on up to the higher efficiency if we couldn't agree on A or C, which was B at the time, I think. So now, C is B and B is A. Anyway, that's just more confusion for my body and friends.

Commissioner Bynum said, Greg, I have a question on the chart. It says total additional estimated costs to consumer. Do we mean total additional costs to build, or do we mean total additional costs the consumer will pay? **Mr. Talkin** said total additional costs the consumer will pay because in that chart, the builder put on profit and overhead, at the bottom.

Commissioner Bynum said this chart includes the profit and the overhead. What I'm concerned about with the \$20K higher amount for Option C is all of our non-profit builders here that are trying to provide an affordable housing product that is so desperately needed in this community. As much as we hear about energy efficiency and high utility bills, I would say we equally, or more, hear from this community that—and I'm not directing my comments at you, I'm directing them at everyone. But as much as we hear that, my guess is we hear that plus around the topic of affordable housing.

It concerns me that we would adopt a building code that potentially adds \$20K to the price of a house. I'm hearing my fellow commissioners say it's the market that drives that, but my community is asking for affordable housing. So, how does a CHWC or a Habitat or any of the other CHDOs or Community Housing builders offer that when they have to add \$20K to the price tag? So, I don't know. I'm just asking for clarity really, and I'm just bringing up a concern in this community, which is lack of affordable product.

Mr. Talkin said, Commissioner, if I may state something to that fact. CHWC did speak at the last meeting, and they did have concerns. Community Housing did speak. They testified last time, and they had concerns of the increased energy requirements.

Commissioner Markley said I have these feelings because, obviously, everybody wants to be, everybody wants to be more energy efficient, but I think we need to be clear about the impact that could have. One thing Commissioner Stites mentioned, which I think we're seeing across all of our districts, is that we don't have the housing stock for the number of people that would like to live here. They're going out to find a house and there's not a house for them.

If you're Bob, the small-time homebuilder, which is what most of the homebuilders are that are building houses in our area, you've gone to an architect and you've had them draw up your sort of template plan. You're going around the metro area building your template house and you don't really want to go back to the architect and your engineer and have them redraw your plans over and over. You're just taking that template and you're building in every jurisdiction, and our jurisdiction is an outlier. Guess what? Bob's not going to build his house here because he's going to have to spend more money, not just on the house, but on the architect and engineer to redo his template. He's just going to build three houses in another jurisdiction where the template house fits without making any changes.

I should mention my architecture firm does not do single-family housing, so there's no conflict here. No single-family housing. I could see the same thing happening to a business, but we don't do that kind of work at all, no single family.

I'm just saying that that's the attitude that these builders are going to have because it's not only going to cost them more to build the house, it's going to cost them more to make their little prototype house fit what we're doing in our jurisdiction. Is that a terrible thing? I mean maybe it's not. Maybe we would just rather have fewer houses that are of higher quality, but it is going to have an impact in how many people come here to build, particularly when the majority of our builders are probably in that smaller time category where they're building onesies, twosies. They're not building 20 houses at a time.

Commissioner Kane said, Mr. Talkin, sir, we realize this. We need to get to C, is that what you're saying? **Mr. Talkin** said we need to continue to work towards increasing our idea.

Commissioner Kane said this is like a yes or no question. I know. Boy, God love you, brother. Here's the deal. I would rather buy a more energy efficient house, pay a little more, because in the long run, you're going to save money. My house is 17 years old and I had the biggest A/C unit you ever saw in your life. The one I got now is half the size. I would think that we want to get to C now and move on. We don't have as many houses on the market as we should. You buy cheap windows; you get cheap windows. You buy cheap carpet; you get cheap carpet. That's why when you're building a house, you're going to upgrade anyway, so I think more people that were going to build a house would be more apt to upgrade right out of the gate. So, I like C.

Commissioner Stites said I look at it now a little bit differently. Maybe it attracts people to come to our community because they say look, they're building energy-efficient homes. They're on the cutting edge. They're moving forward. They're not stuck in the old code. If Bob goes and builds over in whatever community you were talking about, we'll let Bob go build subpar housing. Let's continue to build. Let's be the trendsetters. Let's do something that we ultimately have to get to Option C. Let's just get to Option C and pull the band-aid off right off the bat and be done with it.

Action: **Commissioner Stites made a motion, seconded by Commissioner Kane to adopt Option C.**

Mayor Garner said well, unfortunately, I hear all these options that are floating around there, but looking at what has been proposed, correct me if I'm wrong, Mr. Talkin, I believe that you brought this forward proposing your recommendation for consideration by this Commission, correct? **Mr. Talkin** said staff's recommendation was Option A all along. They passed Option B in the standing committee meeting.

Mayor Garner said I'm just looking at the ordinance itself. Maybe Chief of Legal can weigh-in on this. I'm just not seeing anything that really predicates allowing for all these different options. That's where I'm going.

Mr. Talkin said in the attachments that's in the agenda item in Clerk Management, there's three different ordinances draft up for three different options on the IRC. They're all in there. Whatever options chosen would be the one that would be pulled out.

Mayor Garner said I had a motion on the floor. What was that motion for? C? Okay just for clarity, before we proceed, can you pull those options back up for us.

Zee Bishop, Assistant Counsel, said I hope to provide a little bit of clarity here. The codes that Mr. Talkin has brought forward, there are actually ten separate codes. Can we get to the list of those codes? I believe it's right at the very beginning. These are the codes that we are actually talking about. Now, the vast majority of these codes were proposed by staff and received very little, if any, commentary. Did you get any commentary on anything except for the Energy Code?

(Mr. Talkin's response was inaudible.)

Ms. Bishop said so, all of the issues that were brought to the standing committee for conversation were coming out of the Energy Code. So, what staff is proposing here is adoption of all of the codes except for the Energy Code, as they have been proposed. I believe you should have those in your packet. The only code that we are talking about Options A, B, and C is the Energy Code, and you do have all three of those options in your packet. If we can get to the slide that shows the three different Options A, B, and C, I think that that will help. Keep going.

Mr. Talkin said if I can clarify one point. The energy portion that we're talking about here is in the IRC. It's not actually an Energy Code that we're adopting. The IRC is a standalone document that you can build a single-family home, and not have to go through any of the other codes. It puts the electrical/plumbing/mechanical all trying to simplify. We didn't make any amendments in the regular Energy Code on the commercial side. It's the IRC that we gave the options on.

Ms. Bishop said okay, thank you. Sorry about that. Let's keep going because this is actually just the costs. Is this a good slide to show the three options?

Mr. Talkin said yes. Option A, basically what we're changing here is allowing the R-13 to be in the walls instead of R-15 + 3 or R-20, and we're changing the energy rating index to 80. The rest of the requirements are pretty much the same as the standard we're adopting. Options A and B also deleted a requirement for a separate room for combustion burning appliances. It changed the

air exchange rate to 5. I'm trying to remember. There was one other—and allow us to use the internal cavities of walls on the internal walls for return air ducts.

Commissioner Johnson said I feel the same way I felt a little earlier, in terms of capacity, to make a very informed decision on a matter that has been thoroughly explained. I'm not sure, Greg, that I'm in a position to make the best decision that I could feel comfortable with. Now I know we have a motion and a second, but I just have to say it's very difficult to make—these are very important decisions when the agenda drags on so late. I would prefer to vote on this some other time, but I just feel the need to put that on the record and I'll vote accordingly if it's put before us.

Commissioner Ramirez said point of clarification. What are we voting on right now?

Mayor Garner said well, just let me weigh-in on this. There is some confusion especially talking with our Chief Legal Counsel. We're going to take a five-minute recess (at 11:20 p.m.) and come back to get some clarity. So, five minutes, we will readjourn in five minutes.

Mayor Garner said I'm going to bring us back to order (at 11:30 p.m.), and we're going to reconvene. I know Commissioner Johnson has a question, but before we do that, I believe Commissioner Sites had a question.

(Commissioner Stites' response was inaudible.)

Mayor Garner said okay, there's a motion. I'm going to turn this over to Legal for a response.

Misty Brown, Chief Counsel, said I realize we do have a motion and a second on the floor to approve Option C. But when this motion was made, and I'm going through my packet here, I see we have 10 separate ordinances within here amending 10 sections of the code. I can't specifically see what is Option C is being approved. In order to—this item would require 10 separate votes on each individual ordinance. Also, in order for the Commission to approve it, you would need to have before you the proposed ordinance showing the proposed changes. I don't have that and

I don't believe the Commission does. It's my understanding it is in Civic Clerk, Greg, but I don't have that before me and I'm not sure that the Commission does either. So, because of that, and the 10 separate individual actions, my recommendation would be to table the matter for now and bring it back in 30 days for the vote. I know nobody wants to hear that, but that would be my recommendation, because it's very unclear as to what we're passing at this time.

Action: **Commissioner Johnson made a substitute motion to table and defer for 30 days.**

Mayor Garner said I've got a motion and a second for, I believe C, but now I have a substitute motion to table this vote. So, I've got a motion to basically table this for 30 days. Do I have a second?

Action: **Commissioner Markley seconded the motion.**

Mayor Garner said all right I got a motion and a second to table this for 30 days. Any discussion? Seeing none, roll call.

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

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 211581...ORDINANCE: AUTHORIZING SURVEY & DESCRIPTION OF LANDS TO BE CONDEMNED/ORDINANCE

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for the project, submitted by James Bain, Assistant Legal Counsel. On December 2, 2021, the Full Commission voted unanimously to adopt Resolution No. R-88-21, authorizing a survey of lands.

James Bain, Assistant Counsel, said the ordinance before you allows the Legal Department to begin imminent domain proceedings on the Armourdale Industrial District Pump Station Project.

We are down to two properties that need to be acquired potentially through imminent domain. They are owned by Kansas City Southern Railroad and 402 Central Avenue. Of course, we will continue to be in negotiation to acquire the properties without court involvement, but this starts the clock 45 to 60 days before we can acquire the property, if we do need to go to court, and so this action begins that clock. Joe Barnes is here with Water Pollution Control to answer any questions you have about the specific project. But the ordinance will allow us to file a petition in court and begin that property acquisition process.

Action: **Commissioner Bynum made a motion seconded by Commissioner Markley, to approve the ordinance directing Counsel to commence legal proceedings.**

Mayor Garner said just for clarity for the public that may not know, we're talking imminent domain. Can you just briefly, quickly, what is the value and the importance of this for the Unified Government?

Mr. Bain said imminent domain brings independent appraisers in which appraise the property that the government needs for Public Works' projects, and necessary Public Works' projects, which a pump station would fall into that category. Three independent appraisers come forward and value the property that we are acquiring. The property owner still has ability to appeal that valuation, but the important thing for us, and for the public, is a fair value is determined that the government must pay to acquire the property that is needed for critical Public Works' projects like this.

Mayor Garner said I get that. Just for the everyday folks it might—we need a pump station in Armourdale?

Mr. Bain said yeah, and I don't know. Joe if you want to, I don't know all the ins and outs of what a pump station does.

Joe Barnes, Water Pollution Control, said we've got an existing about a 60-year-old pump station down by Central Avenue Bridge and I-70 in the Kansas River. We've had two recent failures on it over the past 18 months. It's time to rehab the station. Consent decree requires us to expand the pump station to further capacity to eliminate overflows. We've got it started to

design. We've got a contractor on board. We're trying to fast-track this so that we don't have an additional failure of the pump station and we've retained Orrick & Erskine, LLP to help us negotiate with those property owners. We're working with those people now. We're making them offers, but we're starting the proceedings so that if we can't reach a good valuation with them and they don't like it that we can keep the project moving so we're not delayed years then we have a failing pump station that's just discharging sewer into the river.

Mayor Garner said all right. I have a motion and a second. Is there any more discussion? Seeing none, roll call.

Action: **ORDINANCE NO. O-76-22**, “An ordinance condemning lands and interests in lands for the location, laying-out, reconstruction, installation, expansion, repair, maintenance, operation and use of a sanitary sewer pump station located north of Central Avenue on N. 4th Street in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in herein.”
Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

COMMISSIONERS' AGENDA

No items

Mayor Garner said this concludes the regular portion of our meeting. I’m going to adjourn this meeting in that particular capacity and I’m going to call us back to the Land Bank Board of Trustees, which this Unified Government consists of all the commissioners and myself.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner said do any members of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda that's before you?

Mayor Garner said I got a motion and a second. There's nothing that has been brought to be set aside. With this motion and the second, is there any discussion? Seeing none, roll call.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.**

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 1 – 211552...LAND BANK OPTION APPLICATIONS

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

A. New Construction - Single Family Homes

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

B. New Construction – Multi-Family – 34 Units Total

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

C. New Construction – Commercial – 4 Total

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

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

ITEM NO. 2 – 211553...LAND BANK PROPERTY TRANSFERS

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

A. Yard Extension – 1 Total

1. Robert Needham
2105R McDowell Lane – 905541
Currently owns 2105 McDowell Lane – 905542

B. Property Transfers – 2 Total

1. OCP Neighborhood Association – Park
2517 N. 17th St. – 115853
2515 N. 17th St. – 115851
2213 N. 17th St. – 115850
2. CABA – Pocket Park
727 Central Ave. – 120800

C. Vacation of Right-of-Way

1. Rachel Bichara
731H Tenny Ave. – 119926

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

PUBLIC ANNOUNCEMENTS

No items.

ADJOURN

Mayor Garner said that concludes this meeting. I will entertain a motion to adjourn.

Action: **Commissioner Davis made a motion, seconded by Commissioner Markley, to adjourn.** Roll call was taken and there were eight “Ayes,” McKiernan, Ramirez, Johnson, Markley, Stites, Davis, Bynum, Burroughs; and one “No,” Kane.

Mayor Garner said thank you. That concludes our meeting. We are officially adjourned.

MAYOR GARNER

ADJOURNED THE MEETING AT 11:39 P.M.

May 26, 2022

Monica L. Sparks
Acting Unified Government Clerk

am

May 26, 2022

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

SPECIAL SESSION, THURSDAY, NOVEMBER 3, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, November 3, 2022, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Markley, Commissioner Sixth District; was absent. The following officials were also in attendance: Alan Howze, Assistant County Administrator; Becky Berger, Administrative Coordinator in County Administrator's Office; Misty Brown, Chief Legal Counsel; Monica L. Sparks, Acting Unified Government Clerk; John Kelly, Director of Buildings & Logistics; Greg Wooton, Building & Logistics Manager; Angel Obert, Director of Parks & Recreation; Jeff Fisher, Executive Director of Public Works; Dave Reno, Public Works Community Engagement Officer; Reginald Lindsey, Budget Director; Shaya Lockett, Recreation Division Manager; and Alley Porter, Commission Liaison.

Mayor Garner said before I call this meeting to order, I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

MAYOR GARNER called the meeting to order.

ROLL CALL: Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, November 3, 2022, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for updates related to the Facilities Tiering Study and Recreation Study.

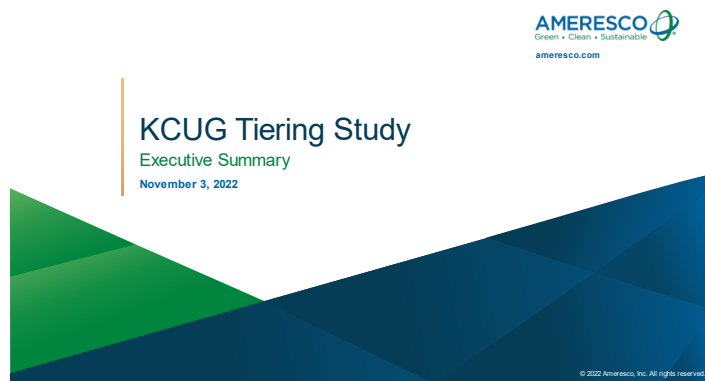
CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said tonight we have one item on our agenda, a presentation regarding Facilities Tiering and Recreation Study. I'll recognize John Kelly who is our leader of the Buildings & Logistics Department and ask him to start off with the presentation.

John Kelly, Director of Buildings & Logistics, said I'm actually going to be turning this over to Greg Wooten for a little introductory and then we'll get started with our first presentation and then following our presentation we're going to lead into our second presentation, then we'll take questions after that.

Greg Wooten, Buildings & Logistics Manager, said thank you Mayor, elected body, and on behalf of the Public Works Department, their Executive Director Jeff Fisher, and along with the Division of Buildings & Logistics, the Director then, of course, being John Kelly and I'm Greg Wooten, Manager in the Division of Buildings & Logistics.

As John mentioned, there will be two presentations. We will start out first with a presentation from Ameresco and they will be speaking on behalf of a study that's been worked in correspondence with work that Buildings & Logistics has been doing for the better part of last year. After that, then there will be the presentation by the Parks Department and I believe that both of these presentations will be quite informative for you and it is our pleasure to be here tonight and have these interactions with you. So, without further ado, it is my pleasure to present to you Ameresco. We have three representatives here tonight with Ameresco.



They are a buildings solutions group and their long awaited, much talked about Tiering Study is upon us and finished, completed, and ready to be presented to you here tonight. Mark Reddish, who is directly to my left, is the driver and lead researcher for this Tiering Study and he is also accompanied by Dan Walsh and Dana Dunn. As I said, there will be answers following the presentation that Angel and her team will give. This Tiering Study is a very data rich environment and, therefore, is very data-driven.

Background

KCUG engaged Ameresco to perform a tiering study to quantitatively and qualitatively assess the current performance of their building assets in alignment to its core values. The tiering framework will be used to inform strategic direction around asset management, capital improvements, and urban planning.



Some key words we've been hearing about and I think is very important to the elected body here of recent use and it uses key performance indicators to help develop a set of fact patterns. These specifics can be very useful in helping this elected body how to best determine the future of the Unified Government's facility inventory and the best method of rightsizing this inventory to best suit our needs now and in the future to come. It is not our intention to lead the discussion or the outcomes, but to provide the tools necessary for you to make the decisions that seem wise and best to you to bring about this rightsizing that is so desired with us and the Unified Government body as a whole. So, without further commentary, I'd like to hand this over to Mark Reddish. I think you'll be very pleased with his presentation.

Mark Reddish, Ameresco, said I'm happy to be here. This is one of my first forays into a live meeting. It's been a while for me, so I'll do my best and see if I can work out some of my old habits here. Thank you for the background. If you'll recall, Ameresco—we've delivered results for you before on using our facilities condition assessment process and our asset planner tool. We've helped you understand how much deferred maintenance you have, the life cycle of buildings, some of your current and future capital needs. It's been an important planning tool and I'm quite impressed by how well the offices have adopted the data and how enthusiastic they've been about the data.

What we'll be looking at tonight is sort of a second phase of that data, how to apply it a little bit further into what we call a Tiering Study. Greg called me the lead researcher. I actually have a partner on this. If you remember anybody that was on the subcommittee, Graham Maxwell, he was the data scientist, and Graham's actually in the UK right now, so I think I can get us from top to bottom, but if there are any questions, we can always refer them to Graham and get him to come back and get an answer there for us.

Tiering Study Scope

1. Establish Key Performance Indicators (KPIs)
2. Develop Tiering Framework
3. Apply Framework / Establish Building Tiers
4. Executive Summary

*The scope of work includes 60 buildings covering over 1.9 MSF of real estate

Essentially what we're doing with this Tiering Study, as Greg mentioned, we're trying to rightsize the portfolio.

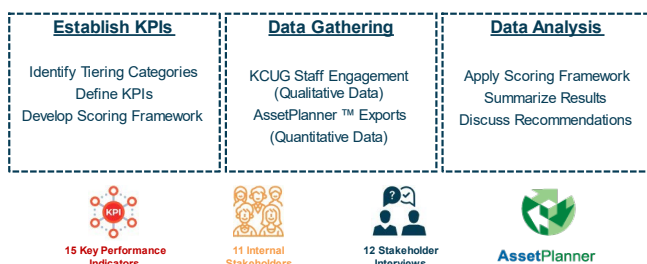
Why Tiering?

- Tiering is a specialized **portfolio segmentation analysis** designed to organize building assets into groups for **planned strategic and tactical actions**
- A tiering framework can help portfolio managers with short -term and long -term decision making geared towards **portfolio optimization**
- Building assets are categorized as Tier 1, Tier 2, and Tier 3
 - **Tier 1:** Long term strategic assets which satisfy organizational mission, vision, and values
 - **Tier 2:** Buildings prime for action, typically with an opportunity to strategical invest or divest per alignment to mission and vision
 - **Tier 3:** Poor performing assets, typically beyond useful life, compromising the quality of community and living within your portfolio

AMERESCO

We're trying to segment the portfolio. We're trying to get it into what we call different tiers so you can understand different actions for those buildings based on the tiers that they're in. I'll get the methodology here. People will call this portfolio optimization, oftentimes short-term, long-term decision-making.

Methodology



AMERESCO

Essentially we built you a model. We have a massive spreadsheet. We asked you a lot of questions. We sat with you when we tried to understand what are the Key Performance Indicators for the UG, and then we went out and exhaustively interviewed those people in the departments that know and understand their buildings. I'll go through the methodology a little bit and we added up those scores and based on those final scores, buildings landed in either a one, two or a three. We came up with 15 Key Performance Indicators. I'll go through those in a second. We did 12 different interviews with 11 different stakeholders. We captured everything, and again, we have a complicated, but pretty efficient spreadsheet that is the modeler and that is something that is a deliverable out of this project. So know that as we go through and we say—and we define the KPIs, if you wanted to add KPIs as your needs change, you can. If you want to change some of

the weighing and scoring based on news or events or because culturally there's changes, you can do that.

Tiering Categories and KPIs

Tiering Topics were reviewed and finalized with KCUG Stakeholders. Each topic consists of several underlying KPIs underpinning KPI values and priorities.



The Key Performance Indicators that we looked at, there were six buckets if you will, Economical, Sustainable, Disaster Preparedness, Accessible & Equitable, Functional, and Experiential. On the packet that you have there is an explanation of all of these in detail, but let me just step through them and kind of highlight them as best as I can. Economical was the biggest driver. That was the determination at the front that got 50% of all the weight and that borrowed from the study that we did with you starting in 2018. In 2019 we did the condition assessment so we were understanding for each of these buildings how much deferred maintenance do they have, what's the facilities condition index for them, how much high and urgent priority needs are at each of those buildings that really need to be addressed because they represent a risk to the UG.

We looked at the sustainability for the KPI, we looked at the energy performance of that particular building. We also looked at the MEP, Mechanical Electrical and Plumbing backlog because if you do improvements on those MEP, you actually can get in addition to having new systems, you can also realize some operational and energy savings out of it and has a double benefit if you will.

We looked at Disaster Preparedness. We wanted to know building by building could it suffice as a shelter, was it set up to serve the community in case of any sort of weather event or whatever you might have, did it have a generator, did it have a basement, did it have a place for people to shelter in place, etc.

Accessibility and Equitability, we looked at code, ADA compliance, we looked at ease of transport, how close was the building to transport, could somebody use public transportation to

get there, was there parking, was there bike parking, and was the building easy to navigate around. The signage; was it a good experience for a visitor.

We thought about the Functionality. We're interested in the adaptability of buildings. Could you go in and take a building and reformat it if you will. Change it up, change up locations so that what was once offices could now be conference rooms or open spaces, could now be individual offices, etc. We also looked at how many people were in the buildings and we measured those against some common IFMA-based standards.

Lastly, the Experiential. We asked the folks that were working in those buildings is it a good building to work in, do you look forward to coming to work here. We asked questions about is there a cultural or historical value to this building for the community and, lastly, we asked about proximity to amenities. Is there shopping nearby, are there restaurants nearby, are there parks nearby, are there walking trails; those sort of things, so every one of those—you have six KPIs and you have 15 sub-KPIs if you will. We interviewed every department. Again, somebody at each department that knows about facilities and we went by building, asked them about each one of those and we said please grade it on a one to five. Grade whether it is a cultural or historical value building, one to five, five being an absolute, you know, that would be City Hall, that would be the Courthouse, that would be something that has been sort of a tenant and part of your culture foundation versus something that wasn't would get a one and all the great variations in between.

Tiering Topics: Key Performance Indicators

KPI #	Category	Description	Definition
1	Economical	Average Capital Needs per Gross Floor Area (\$/SF)	A measure of deferred maintenance and forecasted capital needs per gross floor area at a facility over the next 5 years
2	Economical	Facility Condition Index (%)	An industry standard risk metric comparing the amount of deferral relative to the current replacement value of an asset
3	Economical	High Priority Needs (%)	The proportional capital needs in the tactical window that are classified as High or Urgent Priority
4	Sustainable	Energy Performance	A measure of building efficiency and/or energy efficiency potential. Where available, the EUI of the building is compared to industry standards. Where unavailable, recent energy efficiency upgrades completed in the past decade are used to determine current energy performance
5	Sustainable	Backlog Segmentation: MEP (%)	The proportion of year capital needs forecast that can be attributed to mechanical, electrical, and plumbing disciplines within a facility. This is a good indicator of energy efficiency potential within a building
6	Disaster Preparedness	Disaster Response Readiness	Is the facility disaster response ready or does it require further study and/or investment?
7	Disaster Preparedness	Essential Building / Critical Infrastructure	Has the facility been identified as an "essential" building? Can the building serve as a community shelter in an emergency?

Tiering Topics: Key Performance Indicators

KPI #	Category	Description	Definition
8	Accessible & Equitable	ADA Compliance	A measure of ADA compliance in alignment with today's construction standards.
9	Accessible & Equitable	Accessibility by Transport	A measure of whether a facility can be accessed by <i>multimodal</i> means. Considers options available for travel to and from work (i.e., public transport, walking, bike storage, car parking)
10	Accessible & Equitable	Building Navigability / Accessibility	A measure of how the facility serves "all people", is "inclusive and welcoming", and can be navigated without discrimination
11	Functional	Building Adaptability	An indicator of how easily a building can be adapted from its current form, considering the costs and functional challenges associated with adaptive renewal
12	Functional	OSF per Occupant vs. Industry Benchmark	A measure of the how much space staff members have, on average, in comparison to industry standards and peers
13	Experiential	Building Experience	A measure indicating how the building, in its current state, is experienced by its staff and the community it serves
14	Experiential	Cultural Value	A measure of the building's cultural, or historical, value to the people who live and work in nearby
15	Experiential	Building Location	A measure indicating how convenient a building's location is for the staff and community its serve (i.e., proximity to amenities)

AMERESCO

I'm not going to go through these, but you have these for reference.



Scoring

- An independent score was assigned to each KPI from 1 (Worst) to 5 (Best) to allow for comparative analysis between buildings and departments
- Each core value was assigned a weighted score relative to its importance to KCUG decision makers (Sum Total = 100%) [Core Value Score]
- Each KPI was assigned a weighted value relative to its importance within each core value (Sum Total = 100%) [Value Weighting]
- Multiplying the [Core Value Score] by the [Value Weighting] gave each KPI a % Score relative to the whole [KPI Score]
- The overall "Weighted Score" is calculated using the logic above and provides each building a score from 0-100%
- The "Tier" or "Letter" value for each building is then calculated from the "Weighted Score" based on values defined during the study

Prioritization by Core Value

Value #	Core Value Score	Core Values
1	50%	Economical
2	10%	Sustainable
3	10%	Disaster Preparedness
4	10%	Accessible & Equitable
5	10%	Functional
6	10%	Experiential

Tiering Bands

Tier	% Score	Notes
Tier 1	70%	>=
Tier 2	50%	>=
Tier 3	50%	<

Letter Grade Bands

Tier	% Score	Notes
A	70%	>=
B	60%	>=
C	50%	>=
D	40%	>=
F	40%	<

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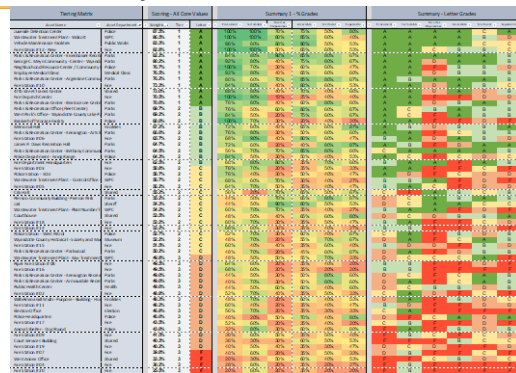
Some of the results, as I mentioned, at the top you can see in the upper right-hand, those are those six buckets and you can put weighting—different weighting on each of those buckets. In this rendition we elected to put 50% of the weight on the economical, so that has to do with the deferred maintenance in the FCI and the high priority items and then 10% for each of the other categories. The math was such that we—again, we added up those one through fives per building, applied

November 3, 2022

some weighting to it and then whatever the final score was that building ended up in either Tier 1, Tier 2, or Tier 3. Tier 1, 70% or higher, Tier 2 between 50 and 70%, Tier 3 or 50% and below. We also did gradations inside there so you can understand what are kind of high and low performers inside those tiers and we did that in the American Scoring System, A, B, C, D, F.

Graham Maxwell who was my partner on this is British and he kept on doing it A, B, C, D, E and I said we don't do E's. It's got to be an F and he fought me on that a couple of times. I'm like no, it's really—it's got to be an F. Yeah, that's true.

KCUG Summary Table



This is just at a glance. Again, you have this information if you want to deep dive on this, but I want to show you sort of, here's the entirety of it and just for reference to say this study encompassed 60 buildings and 1.9M square feet of your portfolio as represented here.

Tier One Buildings

Tiering Matrix		Scoring - All Core Values				Summary - Letter Grades				
Asset Name	Asset Department	Weight	Score	Letter	Overall	Structure	Systems	Envelope	Interior	Operability
Amesbury Senior Center	Senior	87.5%	1	A	A	A	A	A	B	D
Woodward or Woodward Plaza - Woodport	WPC	86.5%	1	A	A	A	A	A	C	D
Victory Transportation Center	Public Works	85.3%	1	A	A	A	A	C	B	C
1000 Salem St. - New	Real	82.8%	1	A	A	A	A	A	B	C
Park & Recreation Center - Grandview North	Parks	82.2%	1	A	A	A	A	A	A	B
Orange C. Allen Community Center - Orange	Parks	80.2%	1	A	A	A	A	D	A	B
Neighborhood Business Center - Cambridge	Real	79.7%	1	A	A	A	B	B	B	C
Employee Medical Clinic	Medical Clinic	76.5%	1	A	A	A	D	B	B	B
Park & Recreation Center - Amherst Center	Parks	76.2%	1	A	A	A	B	D	A	B
1000 Salem St. - New	Real	75.3%	1	A	A	A	D	A	B	C
4th Street Transit Center	Sharon	70.9%	1	A	A	A	D	A	D	B
1000 Salem Center	Real	70.5%	1	A	A	A	D	B	D	B
Park & Recreation Center - Grandview North	Parks	70.0%	1	A	A	A	D	B	A	B

Scoring Criteria for Tier 1: Greater or equal than 70%
Scoring Criteria "A": Greater or equal than 70%

Insights

- Tier 1 buildings are in good shape, performing well economically (Low FCI, Low DM, etc.) and are above average across other KPIs
- Primarily, these buildings are made up of new construction or have received recent capital investment

Strategic Action

Targeted Improvements

- Focus on the "bottom assets"
- Ensure no KPI / Core value is weighing the building down
- Maintain a 10% FCI

Tier 1, I'm going to go through Tier 1, Tier 2, Tier 3. We'll list out those buildings and then on the right side we'll say sort of incomes, some insights and sort of strategic actions you might want

I think it's interesting to take these Tier 2 buildings and almost break them into sort of a top half and a bottom half. So, the ones in the top half are in better economical shape, obviously, than the ones on the bottom. With the focus here of, you know, if you see some buildings in the top half that are critical to your mission, and Greg and John have all the data in asset planner that you can dream of, if you ask the question what would it take to make one of these move from a B to an A or a C to a B or a C to an A, they've got that information at their fingertips. That's where we would say on that top half, be targeted with any improvements you might put on those. You do want to maintain those, but you have an opportunity to push those up through some targeted investment. It's the bottom half that I think deserves a pretty long look for you because those buildings, if they are part of your mission, if they are critical, if this is critical infrastructure, these might represent a good area for you to invest, take hard looks in what we call deep retrofits for infrastructural improvement projects to kind of get those from the C to the B to understand based on their mission. Do they need to be—is that ready for disaster preparedness or for community sheltering, do they need accessibility, etc.

If those in the bottom half, what we're calling C's there, if those aren't on your mission, if they don't represent high priority, critical buildings for you, then you might want to start looking at them in a different light whether it's disposition or whether it's kind of letting things run to fail and re-prioritizing your limited funds elsewhere.

Tier Three Buildings

Tiering Matrix		Scoring - All Core Values		Summary - Letter Grades									
Asset Name	Asset Department	Health	Use	Condition	Environment	Access	Energy	Water	Security	Resilience	Equity	Overall	Notes
City Hall - 1000 Main Street - 1000	City	40.0%	3	D	D	D	D	D	D	D	D	D	
Police Fire Station # 100	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 101	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
Public & Recreation Center - Kensington Branch	Public	40.0%	3	D	D	D	D	D	D	D	D	D	
City & County Office - 1000 Main Street	City	40.0%	3	D	D	D	D	D	D	D	D	D	
Public Library Center	Public	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 102	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
Metropolitan Police Station - Building	Police	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 103	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
Police Station # 104	Police	40.0%	3	D	D	D	D	D	D	D	D	D	
City & County Office - 1000 Main Street	City	40.0%	3	D	D	D	D	D	D	D	D	D	
Public Library Center	Public	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 105	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
City & County Office - 1000 Main Street	City	40.0%	3	D	D	D	D	D	D	D	D	D	
Public Library Center	Public	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 106	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
City & County Office - 1000 Main Street	City	40.0%	3	D	D	D	D	D	D	D	D	D	
Public Library Center	Public	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 107	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
City & County Office - 1000 Main Street	City	40.0%	3	D	D	D	D	D	D	D	D	D	
Public Library Center	Public	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 108	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
City & County Office - 1000 Main Street	City	40.0%	3	D	D	D	D	D	D	D	D	D	
Public Library Center	Public	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 109	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	
City & County Office - 1000 Main Street	City	40.0%	3	D	D	D	D	D	D	D	D	D	
Public Library Center	Public	40.0%	3	D	D	D	D	D	D	D	D	D	
Fire Station # 110	Fire	40.0%	3	D	D	D	D	D	D	D	D	D	

Scoring Criteria for Tier 3: Less than 50%
 Scoring Criteria "D": Greater or equal than 40%
 Scoring Criteria "F": Less than 40%

Insights

- These buildings represent the worst performing buildings by the KPIs defined in this tiering study
- Typically, these buildings carry high levels of deferred maintenance, have high FCIs, and hard decisions need to be made.

Strategic Action(s)

Deep Retrofits or Disposition + Redevelop

- Consider whether these buildings are part of your long term vision (disaster response plan, culturally significant, centrally located)
- If yes → Deep Retrofit
- If no → Disposition + Redevelop (i.e., build new, consolidate)

Tier 3 here, you'll see D's and you'll see a handful of F's in there. These are the worst performing buildings. These typically carry high levels of deferral. They have high FCI. These are where you've got to make some hard decisions, of course. It's a similar sort of approach, which of these buildings belong in your portfolio. If they belong in your portfolio, it's an (inaudible). These

deserve some investment. If they don't, if you're not sure, it's worth the study. If you know that they're not an important piece of your portfolio, that holds that old saying don't throw good money at bad. You might want to think about whether these or not should belong in your portfolio. I know that some of these are already slated for disposition, so that's the tiering. That's the 1, 2 and 3.

Again, you can see how we took the assessment data that we did in the first couple years of our engagement with you. We applied it in that economical concept. We developed some of these other auxiliary key performance indicator areas and just developed a model for you. As I said earlier, you can tweak some of the values. You can even add different KPIs in here if you want to introduce new streams of consideration. It's a model that you now own.



Part of our task was also to do a bit of a space analysis.

How much space do we need? (Traditional)

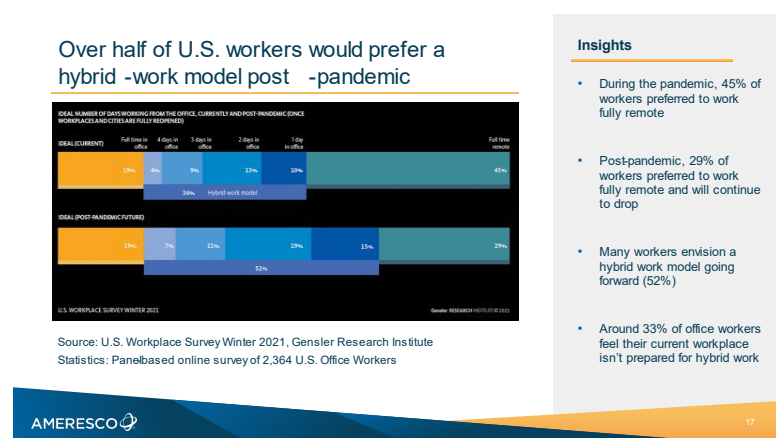
Based on 1,500 Staff (Tiering Study Scope)	Current	Industry standards (IFMA, City/County)	Potential Savings
	1,913,000 SF	1,686,000 SF	227,000 SF
	1,267 GSF/Staff	1,083 GSF/Staff	184 GSF/Staff
	\$8.6M/Year	\$7.6M/Year (\$4.50/SF excl. utilities)	\$1M/Year

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We did 60 buildings in 1.9M square feet. With the 1,500 staff there we have some IFMA fellows so that's the International Facilities Managers Association. We have some IFMA fellows on staff who have access to some benchmarks and industry standards and the industry standard for 1,500

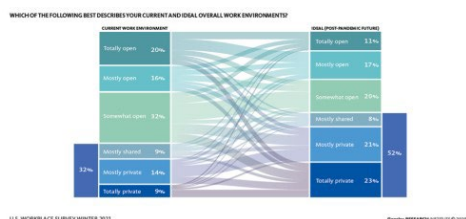
people would be about 1.686M square feet, so you have more square footage in play here than what the industry suggests you would need, you would need to the tune of about a quarter million square foot. Likewise for that staff, for that level of space, and the staffing that you have. According to the standard, there's more—you have more staff in this—or the space could accommodate less staff. There's some potential savings. You have a very unique position because you don't pay the utilities because of the relationship with BPU. That's usually a big part of this consideration is how much energy savings would you have if you didn't have people and you didn't have the lights and you weren't conditioning all the spaces, but there is still considerable savings and there's other areas that you will be spending money on, on whether it's renovation or insurance or whatever it might be on that space.

So, part of the interest of the Tiering Study is rightsizing and there's some interesting data points here about perhaps you have more square footage and perhaps there's some savings if you make some of these moves.



Interesting study that Graham was reading through and I've actually been thinking about this for the last six months because I find it fascinating. During the pandemic 45% of workers that were interviewed preferred to work fully remote. That's not a surprise, 45%, about half wanted to work fully remote. Post-pandemic about a third of workers preferred to still maintain fully remote. Going forward, half the workforce is envisioning a hybrid model and then about a third of the people think that their current workplace isn't prepared for hybrid work.

Employees seeking more private workspaces post -pandemic



Insights

- Pre-pandemic, 68% of US workers worked in an open office environment
- Post-pandemic, only 48% consider open offices ideal, preferring more private office spaces
- Nationally, 75% of employees ranked access to private spaces in the office as a top priority (outranked only by enhanced air filtration and cleaning protocols)

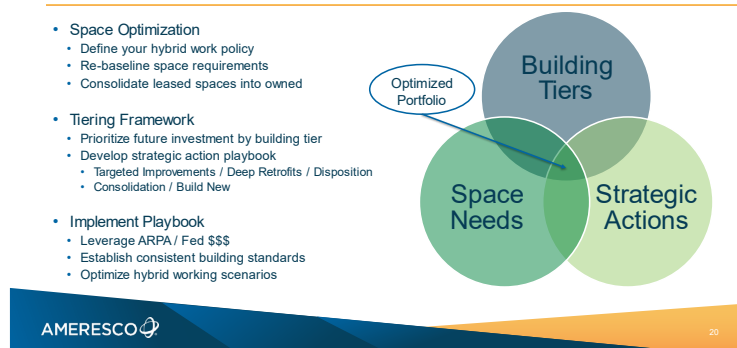
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18

These insights about the open office environment I thought were interesting. Pre-pandemic 70% of workers worked in an open office environment. I was constantly in open office environments, super loud, everybody working all over each other. Post-pandemic only 50% of workers considered open offices ideal. They're preferring more private spaces and nationally, 75% of employees ranked access to private spaces as a top priority. We're in such an interesting time right now with the paucity of workers and you guys have particular issues with trying to hire people when you're competing wage-wise with the private sector who can offer more money typically. Inside here you might find some opportunity depending on whatever sort of work model—hybrid work model you put together. You maybe can offer something that's attractive enough to the right worker where they'll say, instead of the delta in the money, I like the work environment that I can get access to, it meets my preferences.

Summary

What does this mean for KCUG?



To summarize, putting together a hybrid work policy that is a product of rightsizing your portfolio, understanding what spaces you're going to have opened up or more consolidated and then also understanding what do you want to do in terms of do you want to have open models or do you want to have private spaces, do you want to have that hoteling atmosphere for offices. You put together that policy and that makes some of those decisions.

Re-baseline your space requirements, I think it would be an interesting study to look at those IFMA numbers that we came up with and try to understand why you're a little bit higher than what the baseline is. We're making a recommendation to look at your leased spaces. Obviously, if you have an excess of space, I don't know that having lease spaces makes all the sense in the world. You might be able to lose some leases and bring that functional space into something that you own.

The tiering framework that we've provided for you that we showed you results from is going to allow you to build sort of a decision-making framework against. So, we'll take the next steps of getting folks familiarized with how to use this tool in case you want to reconfigure it in the future to kind of use it as the oracle where you ask the questions and come up with some of the answers. From that work with that tiering model, put together a playbook. It's an interesting time right now with some of the incentives that are coming out of the federal government, you may or may not have access to money to actualize some of that playbook and optimize your hybrid work scenarios. That was what we wanted to get through.

So, again, it's just a recommendation that's kind of third-party data that we're bringing in to say we could take those dollars that you have currently in budgets and make them more impactful as opposed to drawing out that process and going through classic, what we call, plan and specification work where it's a longer drawn out process. It just makes the UG more agile and makes those dollars go further in the current environment that we have right now.

Mr. Kelly said thank you guys and like I said we'll have questions after we go through the parks piece, so if you guys can hold those questions and then we'll circle back if there's questions.



Angel Obert, Director of Parks and Recreation, said Parks and Recreation, we've been a part of the infrastructure subcommittee as well working alongside Building & Logistics and part of what we've been doing through the subcommittee that's been really focused on the Parks & Recreation side as it pertains to facilities is working with Ballard*King. Ballard*King, they're a consulting firm and they specialize in recreation and sport feasibility studies. I have Darin Barr with me tonight and I also have Shaya Lockett who is our Recreation Division Manager.

Before I hand it off to Darin, I just want to talk a little bit about why this study is so important and just at a high level and really what we're trying to achieve with it. It's not completed and so we're still working through that. I know we've met with some of you on on-threes and so some of this information might not be new to you, but I think it's a really important study that we're doing especially alongside the information you've just seen with Ameresco. Coming out of COVID and even before that, Parks and Recreation services have always been very important. Our community has definitely, through community surveys, have come out and said how important it is that we're able in our community to offer services for young people, seniors, adults and everyone in our community.

This study, what we're hoping to achieve through it, is that we will be able to formulate a better plan, a strategic plan for recreation and what that looks like for Wyandotte County. So, a lot of the work that Darin and his team has been doing, which aligns with the Ameresco Study as it pertains to infrastructure, is taking a look at our six community centers in its current state of infrastructure utilizing also some of that data and how does it relate to programming. It really takes a look at what are some of our challenges with programming in our current community centers with infrastructure, but also what are some of our opportunities. It's some really good information.

you go ahead and you see as that average on the left hand column for a variety of activities that could take place both indoors and we actually looked at outdoors as well. We then took that percentage and then applied it to your population predictions. At the time when we initially did this, we weren't able to go ahead and grab ahold of 2020 Census or 2022 projections. As we go ahead and as we move into the final report, we'll go ahead and do that.

The activities that are in green, Aerobic Exercising, Cheerleading, Pickleball, Volleyball, Yoga; those are areas that you guys could go ahead and be in the business of or already are in the business of. Now, I'm not going to sit in front of you and tell you that if you go ahead and if you build indoor pickleball courts or accommodate that, that you can expect a thousand participants. That's not the point of these data points. The point of them is to go ahead and talk about the market for services so that if you go ahead and look at something like aerobic exercising and basketball and cheerleading and gymnastics and pickleball and some of these volleyball, all of those could take place in a gymnasium space. So, building a purpose-built gymnasium for volleyball might not make a lot of sense given the population, but when you start compounding some of those together and looking at the multi-use, multi-purpose amenities and talk about how those can stack together, that makes a lot of sense.

I was with a client earlier this week. I think the other thing that we want to be careful as you move into the future is not making something so multi-purpose that it becomes purposeless, trying to do everything in one location. In order to do that, sometimes you end up shrinking areas of a facility down so small that you really get to the point where you probably shouldn't consider doing that. So, you're really at kind of a crossroads with some of these programs and program opportunities to talk about whether you move forward or whether you don't move forward.

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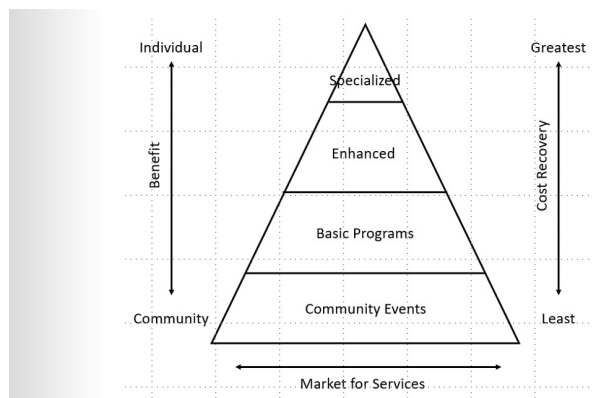
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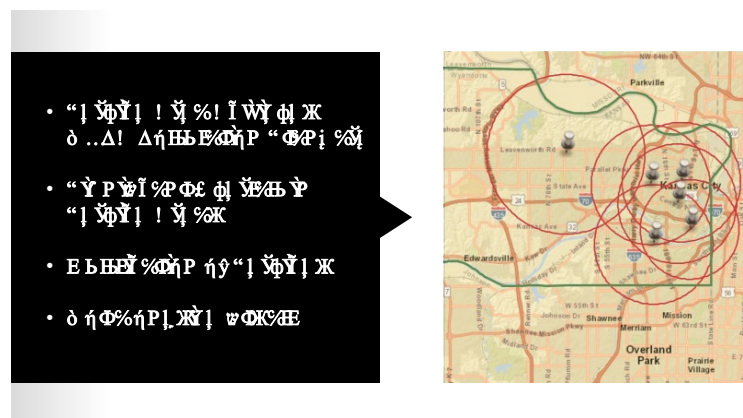
We also provided some information on outdoor activities; things like Baseball, Lacrosse, Running/Jogging, Soccer, Softball. One of the trends that we’re seeing as an industry is sort of the inside out approach. So, whatever I can do inside, I want to be able to do outside and vice versa. You guys have already started to do that with including batting cages and other things. We did go ahead and look at swimming as an activity and kind of broke that out by itself and then the other important talking point is many clients that we work with say we want to be something to everyone. We want to go ahead and we want to offer something for everybody in our indoor facilities.

The NSGA, National Sporting Goods Association, collects this data annually and they also talk about Did Not Participate. So when you start to look at your population of the county, there’s approximately 22-23% of the population that just don’t participate in a variety of 65 different activities. That’s not good, bad, right or wrong, but it goes ahead and it helps set the expectations for market usage.



admission. Community centers on the other hand are typically more drop-in focused, less fee focused, more program focused, higher rate of cost recovery, typically it comes with a recreation center, it becomes a little bit lower with the community center and cost recovery is pretty much non-existent when you start talking about a teen center or a senior center.

One of the things that we are seeing as it relates to senior centers is that those facilities are beginning to trend out. There's a certain segment of the population of the senior population that simply does not want to go to a senior center. I always use my parents as that example. They'd much rather go to a community center or recreation center, but they're not interested in going to a senior center because, of course, they're not seniors. Their age might suggest differently. This is just something that as you go ahead and as you begin to move forward something to keep in mind.



As I mentioned, when you go ahead and you bump those service areas out to achieve the recommended populations, this is what the overlap begins to look like in terms of a service area. It becomes sort of a can of worms, spaghetti, whatever you want to call it. I'm not suggesting that you absolutely should get rid of facilities, but there needs to be cuts. If you continue to maintain this number of facilities, there becomes the need for some very, very, very significant differentiation from facility to facility and location to location.

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We've gone ahead and we've taken a pretty close look at the finances of the department and this was best information that was available at the time. Total expenditures for Parks & Recreation is the amount \$13.5M. Of that about 14.3% or \$1.9M is allocated for recreation. Of that \$195K is dedicated to aquatics and \$817,500 is dedicated to community centers. If you go ahead and if you just do the simple divide that amongst the six community centers, we're at about \$136K to operate a community center on an annual basis.

I'm going to go ahead and we're going to go through a couple different scenarios that helps illustrate the challenges associated with that dollar amount.

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If we go ahead and we talk about a community center, again, more of a facility that is program-based and not necessarily membership-based, a typical community center could have one to two gymnasiums, meeting rooms, a warming kitchen, a group exercise or dance spaces, senior center/program space, front desk/admin, restrooms.

Hours of operation, and again, this is if we were doing this from scratch as a feasibility study process, would have approximately 84 hours a week. Again, it's not membership-based, it's typically programs and rentals. If you just look at full-time staffing associated to go ahead and run

that building, you're at approximately \$175K. That's the full-time staff that you would need. That doesn't include any commodities, contractual obligations or part-time staff to go ahead and bridge those hours when full-time staff is not present.

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If you look at it from a recreation center perspective, the recreation center grows in size. It still has a gymnasium, indoor walking track, has a tot-drop or a babysitting area, it still has your meeting room, warming kitchens, senior programs, GroupX has a significant fitness area for free weights and cardio equipment. Typically, there's a pool associated that could be indoor or outdoor and then your front desk/admin, locker rooms/restrooms.

Hours of operation jump up, jump up to about 98 hours a week. Again, you're more membership-based in this model, you're going ahead and dealing with a lot of programs and also rental of those spaces. If you're looking at full-time staffing, to go ahead and accomplish that particular operation, just the full-time staffing and using county pay rates, you're at about \$360K, so now you're more than double what you're allocating on an annual basis to a full community center just into your staffing model.

don't have one, I'd sure like everyone else to have one, so I think it would be a bad idea to close any of them.

Mr. Barr said everyone obviously has their own opinions when we come to that. We've not really made any recommendations yet in terms of going ahead and closing or contracting or any of that. We still have a series of focus groups and stakeholder meetings we're going to do this next week before we begin to get to the point of making some of those recommendations, but I completely understand your point.

Commissioner Kane said while I'm here, I sure would like to have a park out west and then after I get my park, then we can put a community center in the park. Right, Jeff?

Commissioner Stites said any discussion about—just talking about 78th Street west, south—north Parallel, what (inaudible) what about 78th Street south of Parallel in that whole big area that's known as Bonner Springs and Edwardsville, is there discussion—will there be recommendations and collaboration with those two cities also? **Mr. Barr** said I think as we go through this, some of the next steps that we have—or, obviously, after we do this next set of meetings, we need to go ahead and we need to begin to talk about what we see as the future goals of Parks & Recreation, in particular, the community centers and how they want to deliver those services.

If you go ahead and if you go strictly off the benchmarks that we went ahead and showed you, you would want to try and expand those services or spread those services so that they can touch other communities and other portions of the county. One other layer that we still have to include in this is who are some of the other providers that are in those areas if there are other community centers or other municipalities that are providing some of those services. Same thing with private providers. It really is going to become a decision that the county is going to have to make in terms of, you know, their role in providing those services to the full population.



That was good timing, so we were at the question point.

Commissioner Kane said you do have a community center. The George Meyn Community Center. Don't you have a community center down in Edwardsville? **Ms. Obert** said yeah, it's functioning more as a reservation hall, but labeled as a community center.

Mr. Barr said I think that's the other side of it, is that this focused on discussion of the community centers. We also did go ahead and take a look at the three different halls that the county operates plus the pool. We tried to make it as comprehensive as possible, but in some of those, yes, you're starting to talk about some crossover and do we treat a hall like a community center and vice versa.

Commissioner Townsend said since you've taken into account in the process a pool, was part of this to look at, and this has come up several times in the last couple of years, what a new pool might look like. We have our one pool at 10th & Quindaro and several years ago, more than several, questions were asked about adding slides and this thing and that thing, but it was prohibitive because of the massive upgrades that would have to be done for reasonable accommodations, which, you know, it should be. So, is there any plan afoot as part of this, what you're doing now or later, as a separate item just to look at where a new pool might go or using the same location to totally redo that pool? I'll take this time, again, to commend Parks & Rec for all that they did this past summer with getting it up. That was the main thing and for the public, this week we'll do kind of what happened, how many we had and all of that.

It's also another plug early on for people at the high school level where you can take swimming classes, do it. We need lifeguards. I've said it before, Kelce and Mahomes great as

they are, can't do a doggone thing without a football. We can't do anything with a swimming pool without qualified lifeguards, so take it away.

Ms. Obert said I'm going to go ahead and start with that and if Darin wants to pick up on that, he can. I know the 2017 Master Plan actually did not address Parkwood pool, so going into this it was really important that we had Darin and his team take a look at that. It does touch a little bit, but what they really recommend, and you'll see in the final review, is that they recommend its own aquatic study for Wyandotte County and also taking a look at Parkwood pool. I do believe we've got funding for that and are operating to do that next year, so that is exactly what we'll be doing is taking a look at Parkwood pool and getting those recommendations and also what does the future of aquatics look like in Wyandotte County. If I've missed anything, Darin, you can cover that, but definitely on our radar. We wanted to include a piece of that in this study as well. **Commissioner Townsend** said great to hear.

Mayor Garner said just to piggyback off the Commissioner's questions, can you update us on Learn to Swim. I believe there's some updates and announcement. Can you let everyone know where we're at with the Learn to Swim Program and how that ties into Parkwood pool because I know a lot of work went into that. **Ms. Obert** said absolutely, Mayor, I would love to. Earlier this week GEHA made an announcement in partnership with the YMCA and then also the Hunt Family Foundation is that they are continuing their Learn to Swim Program, which I know that there's kind of two different ones that started last year, but Warner Media funded the swim program that took place with USD 500, which is very exciting. I know that we've covered a lot of the statistics from that and how many kids have went through that program, but last summer GEHA stepped up as a community partner and provided the funding to be able to run two weeks of free swim lessons out of Parkwood pool.

We were able to get 200 kids through that program last summer and I think what's really important to note there is that we were able to meet kids in our community where they were at. So instead of them having to travel to the Providence YMCA, we were able to bring that program right to their community and so that's something that's really important for us as we move forward in our partnerships is, you know, we need to meet our kids in our community where we're at. So, earlier this week GEHA made that announcement that they're continuing that and they're expanding it, so they'll be doing various locations in partnership with the YMCA, but continuing

their partnership for Parkwood for 2023. We'll be working with them on what that looks like and how many weeks and how many kiddos we anticipate to get through, so very exciting, positive news going into 2023. It's never too early to start talking about a pool season. **Commissioner Townsend** said yes, yes.

Commissioner Ramirez said thank you everybody for the presentation, for the Tiering Study. I know this was something that Commissioner Bynum and my subcommittees talked about a lot and we focused on this and so I thank staff for having and wanting to have that open and unfiltered conversation of what we need to do. I'm happy that it's finally come to us as a Tiering Study so that we can start using it for moving forward and also for our parks. You know Parks & Recreation has a special place in my heart. I used to work for Johnson County Parks & Rec, so I'm very excited that we have this and we're going forward and I'm happy that we're using the NRPA benchmarks to help us figure it out.

I will say I wouldn't agree or wouldn't be for closing community centers, but like Darin had mentioned, maybe it's not per se closing facilities, but specializing and looking at what we can turn them into rather than closing them down and also expanding where we need to go. But I would agree that I wouldn't support anything of closing, but if there was something that had to be done, you know my ask will always be to do a heavy, heavy, heavy duty of working with the community of explaining and talking and doing a lot of community engagement. Not just if there's a closure, but in general. If we go through this process of reimagining our recreation centers and our community centers I should say, we don't have a recreation center in Wyandotte County based on standards. I just ask, continue that community engagement. I know Parks & Rec will. You guys do an amazing job of going out to the community, listening to them, and doing the best that you can, provide what you can with what you're given.

I'm hoping this next budget cycle that we've given you a little bit more money that a lot—little more can be done. Thank you to everyone for this. This is necessary information that we need as we move forward since our Interim Administrator, you know, reimagining our UG, reimagining our county; these are good pieces of information we'll need to get there.

Commissioner Davis said thank you all again for presenting this to us. Myself, Commissioner Ramirez, he's the Chair, and then Commissioner Markley, we all serve on a subcommittee and we

look at our parks and our buildings and this was presented to us and had a great kind of session of breakouts and conversations that I think can really push our community forward.

To our consultant, I want to ask some questions. There's a lot of expansion out west, which both of my colleagues alluded to, and the furthest community center we have is in my district, Eisenhower. When controlling for that, controlling for the population expansion out west, what is your recommendation or what have you seen other cities do where at one time, and this is what we kind of see on that map, the population was kind of centered around east KCK. Now the population is shifting further west. What have you seen other communities do when they have those changes? **Mr. Barr** said there's a multiple of different options that the county could go ahead and take. As you move forward going ahead and making sure that you have it clearly defined as to what role you think the county should take in providing those services becomes important. That's the first step.

The second step is to go ahead and look and see what the other opportunities are provided in those areas whether that's through private, municipal, HOA; those types of things. As we're seeing some communities expand and they're having purpose-built subdivisions or HOA Associations and they're providing a pool or they're providing a meeting room space or they're providing a workout room, in some cases communities have decided that need is being met there and maybe we don't need to go ahead and build a whole new facility.

In the case of a county, in some cases it's the municipalities within the county and how they're going ahead addressing those needs and how that interfaces with what it is that you're doing. So, I think that the best recommendation I can give you is to go ahead and kind of approach it from a 30K foot view and then come down to ground level and make sure that it's just a consistent approach across the board. But, I think that first statement that I made of really understanding or agreeing on what the role of those services are, baseline services, that you want to make sure are provided and then determining if there's others that are providing them is the first step. **Commissioner Davis** said yeah, I appreciate that.

My second question for you is you talk about, you know, so hey, the fact that we do not have a rec center in Wyandotte County or at least kind of under the purview of the Unified Government, which is telling that was something that was pretty jarring for me. You talk about community centers and the potential to provide some differentiation. In your experience, can you talk about examples of other jurisdictions, where again similar situation, what would be an

example of differentiating between one community center to another? **Mr. Barr** said sure. There's a group that we worked with in the greater Chicago area, and this is just an example, and it's already been said that there's not a big support in contracting the facilities, but some groups have gone ahead in this particular organization, looked at contracting. When they did that, two of the existing facilities that they had pre-existing, one became a teen center, one became a senior center and that differentiated those two and then they moved to a larger recreation center. I think it's important when you go ahead and you look at those NRPA statistics and benchmarks to understand that that's what they are. They're not telling you what you have to do. The county could go ahead and make the decision that, look, we're not in the business of providing recreation centers. We're in the business of providing community centers that we can offer programming, we can provide gathering places, we can provide opportunities for senior programming and to that end maybe we don't go ahead and get into the recreation center business. We leave that for some of the things that are included in those to the private sector or other municipalities within our jurisdiction.

For those groups that do have a number of facilities that are there, it really becomes how they change their identity is through their program focus. You have some that become very sports centric, you have some that become very wellness focused, you have others that become senior focused without calling it a senior center. You know if someone had a whole lot more foresight than we did when we were working in Lee's Summit, the City Administrator at the time, and when they built their senior center right next to their community center and recreation center, he said it will not be called a senior center. That was in the early 2000s and it was sort of reading the tea leaves. I think that's part of what you have to go ahead and do is just really understand what your role is in providing these things and then going ahead and figuring out what areas we want to duplicate from facility to facility and what areas we need to have some differentiation.

Commissioner Davis said my last question, Angel, is it possible for us to put a slide back up, particularly slide 10 because this was also very, very important. I just want to hit on this and it's where we break down the allocation of the \$13.5M that goes to parks. So, \$13.5M for your total department, Angel, out of that only 1.9 or 14.3% for recreation. Can you talk about the other—my math may be off, 86%, where does that money go? **Ms. Obert** said I know that is a little bit of the discussion that we had kind of throughout our discussion groups. I think it's really good

conversation and really happy to be in this position to kind of bring more awareness back to recreation and kind of retell our story and what that looks like for the future, but we spent, I think, it's about \$7.5 or \$8M of that as our parks budget. So, obviously, that's the largest program in our budget and then you have our recreation budget which is also that 1.9 you see there is very comparable to our mowing program as well. So the mowing program and the recreation program are very close with our park program being the largest. Those two are close second and third. That I know was a little bit of the discussion we had and I thought it was really good discussion because when we're working in these groups Darin asked the question what are your values for recreation.

Some of the things I found interesting is a lot of what first came to mind to the participants in this group, it was a lot of values that were more tailored to parks, not so much recreation. So this process, I think is just going to be really beneficial for all of us to work together to figure out where are we at in recreation and serving our community. What do we want that to look like going forward and how do we do that with the current inventory of infrastructure facilities that we have. Does that kind of answer your question? **Commissioner Davis** said in other words, we need to put more money in your department dedicated to community centers. I mean you're very diplomatic in that approach, but that's really what it is. If we want to deliver for our citizens, we need to put in the investment.

Commissioner Townsend said can we go back to slide 4 and 5. I just wanted to get a better understanding with what the average column means here. **Mr. Barr** said sorry I didn't do a better job explaining this, so again, the percentage is based on statistics from the National Sporting Goods Association. Every year they collect data on how Americans spend their time and so they have a national average of participation. They also take that data and slice it based on income level, based on age distribution, and based on region of the country. So we take those three data points, the age distribution of Wyandotte County, the median household income, the location which you're west north central across the U.S. and the national number and average those together so that percentage is impacted by those factors so you could go ahead say it's unique to the demographic characteristics of the county. **Commissioner Townsend** said so we're saying aerobic exercise, that 16.6% of Wyandotte County participates in that type of activity? **Mr. Barr** said correct. **Commissioner Townsend** said but not because there was a survey done necessarily of Wyandotte

County people. This is national average, national statistics. **Mr. Barr** said yes, that's an accurate statement. There could be variances based upon presence of facilities, presence of other providers, personal preferences. There can be fluctuations to these numbers, but in our years of consulting experience, this is the method that we have found that gets you the closest, but I'm not saying it's perfect. **Commissioner Townsend** said okay. That answered the question.

Commissioner Townsend said Ms. Obert just mentioned something too as part of Parks & Recreation, the mowing aspect. So many times we're focused on what the activity is, but I have to take this opportunity to commend all those people working in Parks & Rec doing that mowing. Parkwood is a beautiful park. We've got some challenges, sometimes on the west side, but that's improving. Quindaro Park, Garland, so I just have to take this opportunity to recognize those people who are all a part of that. People will not want to go to recreation sites that look a mess and so it's a very important part of it and I would like to recognize those people who do that for us week in, week out.

Mr. Barr said, Commissioner, you bring up a really good point that I probably didn't make, is that parks, recreation, community centers, all of those facilities; there's a program that nobody talks about and that's drop-in recreation. So, whether I'm going with my son and going to a park and playing basket—shooting baskets at a basketball court, that's drop-in recreation. Going ahead and being able to go to a community center and meet up with a group of people and use a gymnasium, that's drop-in recreation. That's a Hallmark program of municipal recreation, government recreation, and that's one thing an area with your parks and with your community centers where you're probably exceeding expectations as it relates to the availability of those spaces. So, again, it kind of piggybacks on what you're saying of doing a good job. That is an area where the county is doing an excellent job of making those spaces available to their residents.

Commissioner Stites said I think first off it's kind of important to make sure that we distinguish between the two of a Edwardsville community rental space where people just merely rent it to have events inside versus a true community center. I also look at the multiple locations kind of like restaurants. You know you have pizza, you have—and maybe that's that identification now that we may need to be looking at. One of them is focused on health, one of them focused on

swimming or sports or the senior aspect and just like restaurants, you know, you have all in the same area, but there's multiple choices on which one you can patronize.

Mayor Garner said when you look at programming and maybe this is for you Director, I've gotten a few complaints from various people in the community, mostly those that are on the lower (inaudible) spectrum of the social economic ladder as to accessibility due to fees. Is that something you all have looked at as well as maybe making the fees as such to be more affordable? Those that just can't afford, especially some of these youth teams and leagues and things of that nature where you have a lot of inner city kids that their family just don't have the financial means to be able to afford uniforms, let alone, sometimes exorbitant fees that are associated with utilizing these facilities for whatever programs or activities or resources that may be involved. That's just something to think about, not a topic for discussion.

Maybe I missed it, but if you could help me out and going back to the slide, I think we listed some of the facilities. Did we actually rank or tier the most utilized rec center with those that aren't as utilized? Was that part of this? **Mr. Barr** said we've not gone through a utilization analysis where we've gone ahead and talked about number of programs or number of visitors or those types of things. The visitors might be challenging to get into, but no is the quick response to that. From our perspective we've not done that.

Mayor Garner said I think that would be key because I know Commissioner Bynum and McKiernan are looking at the health aspect, which is great on the committees that they're on. When you talk about our health rankings and then Commissioner Ramirez is also looking for efficiencies and I think that would be a good item to capture when you talk about who's using the facilities, where at, how often, and to what degree. I know you came out with the last statistics about nationally on what types of activities. Have we done anything to really break down what those activities look like for Wyandotte County and Kansas City, Kansas? That would be an interesting picture to go along with which facilities are being used and for what purpose to kind of help give the commissioners as they do their work moving forward and look at making some informed decisions, that information would really be, in my opinion, useful to our Commission as well as recommendations on—I apologize if maybe I overlooked it, but I just didn't see any recommendations to the Commission on rightsizing and what that looks like.

When you talk about rightsizing, I'm a big believer in doing things that are community-driven. I've seen the national statistics. I believe that the work that you've done, and again, I apologize if that went over my head, but I didn't hear anything or maybe I missed community input in this regard as far as the needs assessment and the rightsizing in that regard. I think the Parks Board could be instrumental in that to some degree, maybe not totally, but I would be curious for this Commission and myself to hear from the Parks Board from time to time on the work that they're doing as well as their view and vision for parks as it pertains to all of Wyandotte County because all the commissioners have appointed individuals to those Park Boards and I think their voice should be relevant to coincide with our community and keeping with being community-driven.

I think the Youth Study, which would really be great, and going on with this and then I heard something about mowing. It's just my thought, I believe that one of the commissioners brought that up here and it just kind of jogged my memory. I think it would be great for administration to look at how we can consolidate the mowing aspect for efficiency and better application of that resource because right now you've got Public Works, Parks, and I believe a portion of SOAR that all do mowing. From my understanding, just the little inquiry that I've done, these three entities aren't really talking to each other in a way that I think that really calls for the most effective and efficient way to perform that function. That's something that I think would be really great for administration and staff to look at as well, is how do we streamline that process to better align with the needs that we know exists in our community when it comes to those types of services.

Mr. Barr said you mentioned rightsizing and input and parks sport. We're not finished with our study so you didn't miss it. We didn't talk about it. This next week we've got a series of stakeholder groups and focus meetings that we're going to do that also includes the Park Board, so that will be instrumental in going ahead and then from there we'll begin to make some recommendations as it relates to rightsizing and that will allow our partner, Clark Anderson, to talk about, okay, if you're going to do some of the rightsizing, what does that mean in terms of investment for existing facilities and future facilities. On the other side of the coin, we'll begin to talk about what that means in terms of operations and additional programming opportunities and those types of things, but your message is loud and clear in terms of making sure we engage those groups to be community focused.

Mr. Kelly said, Mayor, I just want to add on to that, the whole thing about rightsizing is still all part of Ameresco's approach looking at all facilities. We just had this second component to go more in to talk about this, but they are also when we're talking rightsizing and we're looking at all UG properties as a whole. It is part of our thought process going forward to get you guys involved to see what that looks like for the future.

Commissioner Bynum said I have some questions about the Tiering Study and they're kind of just technical questions for me to understand better the document. On slide 12 of this one, 12 gets into the Tier One Buildings, and again, these are just questions to make sure I know what we're talking about. At least on my sheet it's number 12, Tier One Buildings.

So, Fire Station 12 is where? These are all by number and I don't know my fire stations by number. That's Piper. Okay, Station 12 is Piper, Hutton Road. **Mr. Kelly** said yep. **Commissioner Bynum** said Station 10, where is that? **Mr. Kelly** said Station 10 is West 36th Street, KU Med off Bell. **Commissioner Bynum** said the Fire Dispatch Center, where is that located? **Mr. Kelly** said 911 Dispatch, Commissioner, I'm sorry I can barely see, but if you said Dispatch, Police and Fire Dispatch are together over off of Riverview by BPU. **Commissioner Bynum** said got it.

Next page is Tier Two. Fire Station 6 is where? **Mr. Kelly** said it is 9548 State Ave. **Commissioner Bynum** said 9548 State Ave. **Mr. Kelly** said yes, right next to the old Annex. **Commissioner Bynum** said Fire Station 3. **Mr. Kelly** said that's off Kansas Avenue going towards Kemper to the East. **Commissioner Bynum** said okay, right below it, it says Police Station SOU. Are we talking about our brand new South Patrol Building? **Mr. Kelly** said no, it's the old existing—**Commissioner Bynum** said it makes me wonder about the date of the study because this is—oh, Special Operations. **Mr. Kelly** said yeah, that's true. **Commissioner Bynum** said that doesn't mean south. **Mr. Kelly** said no. **Commissioner Bynum** said Special Operations. **Mr. Kelly** said Score Units. **Commissioner Bynum** said Fire Station 5 is where? **Mr. Kelly** said 910 Quindaro Blvd. **Commissioner Bynum** said 10th & Quindaro. **Mr. Kelly** said yep, at the park. **Commissioner Bynum** said sorry, the reason that the police station wouldn't upset me was because I was like it's all F's and it's brand new, but it's not that, okay. That was disturbing me. Fire Station 18 is where? **Mr. Kelly** said 5429 Leavenworth Road. **Commissioner Bynum** said

and 14 is where? **Mr. Kelly** said 2615 No. 27th St., Klamm Park. **Commissioner Bynum** said and then 15 is Fairfax, correct? **Mr. Kelly** said yes, off Kindleberger.

Commissioner Bynum said on Tier 3, Piper Fire Station 8 is at 123rd & Leavenworth Road. **Mr. Kelly** said correct. **Commissioner Bynum** said and 16 is—**Mr. Kelly** said the one in Turner off 55th Street, 1437—that's one that's going to be replaced with the new one in Turner. **Commissioner Bynum** said it's a replacement plan, yay. **Mr. Kelly** said we're taking two of those bad to go to a new, so those will be dropping off. **Commissioner Bynum** said Fire Station 2 is where? **Mr. Kelly** said 6241 State Ave. **Commissioner Bynum** said and 11? **Mr. Kelley** said 3100 State Ave. **Commissioner Bynum** said 17 is where? **Mr. Kelly** said 2416 So. 51st St., the other Turner location. **Commissioner Bynum** said those are the two Turner—**Mr. Kelly** said that will be going into the new 16s. **Commissioner Bynum** said I know where the dog pound is. Fire Station 9 is where? **Mr. Kelly** said 11th & Central. **Commissioner Bynum** said 19 is where? **Mr. Kelly** said North 80th Terr., 1011 No. 80th. That's the West Patrol complex. **Commissioner Bynum** said oh, that's West Patrol. That was 19, 7 is where? **Mr. Kelly** said Strong Ave., 2717 Strong. **Commissioner Bynum** said 4, is that 81st & Leavenworth Road? **Mr. Kelly** said yes, 3044. **Commissioner Bynum** said and then 20? **Mr. Kelly** said 20 is off 77th & Kansas roughly.

Commissioner Bynum asked, do you happen to know, there's a plan within our Fire Division for replacement. Does this happen to match their plan? **Mr. Kelly** said yes. **Commissioner Bynum** said that's good. **Mr. Kelly** said some of them and I think as the Fire Department has showed that further west where we don't have a lot of coverage where we just recently did 12s to start covering that area, but there's a couple on part of theirs that they want to hit further west and north, northwest out there, but yes, this kind of coincides. The Fire Department's worked with Ameresco on this, getting information and going out to those stations, so it does align. Some of the things as we've put this information together we've gone back and looked at some of these maybe that you have questions like why is that in that D category or F because we think this holds some historical value to us as a community or something. I think just when we get to some of those locations if we feel those are sacred facilities, we can have those discussions, otherwise we are going to use this to drive budgets going forward.

I know you talked today a lot about fire stations, but yes, to answer the overall question, that is part of moving forward with getting out of the most deteriorated ones that you see on D's and F's that are going to be part of that replacement program.

Mr. Wooten said also, Commissioner, I would like to layer on top of that. I think that speaks well to the validity of the Ameresco Study. Here we have two separate studies conducted without any type of interaction, years apart, in different settings, but the methodology is solid and it's proven out in the data that it's produced over years, you know, by different organizations. I think that tells—well not just for the Fire Department, but the global view of that study overall.

Commissioner Bynum said, Mayor, one thing I wanted to mention is that we have had the information that you mentioned before in the past pre-COVID, it's several years ago, but we had the data from Parks as to like the most used rec center and the second. I don't know how much trouble that is for you to get that, but I know you've brought that to us in the past because I remember very clearly Eisenhower was most used followed pretty closely by Argentine. I don't know with COVID what those numbers look like. I know in the past you've brought those to us. It would be interesting to see them. **Someone** said it would probably be just as valuable to use the pre-COVID numbers as opposed to post. **Commissioner Bynum** said yeah.

Commissioner Bynum said just another question on the Tiering Study and then I have two more questions. When we use disaster preparedness as a key performance indicator I'm curious—my Red Cross days are clicking. When we looked for locations that could be Red Cross shelters, we were looking for things like showers, ways for people to get clean and food prep, so I wonder what are you looking at when you rank—don't get me wrong, I love our brand new Wolcott Wastewater Treatment Plant, but when you rank that an A for disaster, what are you factoring into that? **Mr. Reddish** said we have to look up specifically for that building, but we were looking at things like generation, is there a generator on site. **Commissioner Bynum** said probably. **Mr. Reddish** said does it have a basement, so you could shelter in place. **Mr. Kelly** said square footage that could be easily utilized. Something that we can move into quickly if there would be something within an area of our community that that building could act as some form to regroup us as an organization and keep functions going throughout the community.

Commissioner Bynum asked, so are you saying maybe more so for the government to use than the public? **Mr. Kelly** said well, yeah, that's my interpretation of it. I think it could be twofold, like Memorial Hall for example. You know it was considered and classified as an old fallout shelter. It still kind of has that thing if something bad were to happen here or at the Courthouse, could we jump in and get operations moving or if a school something bad happened.

We had something in the past where the Police Department reached out to me that at one of the schools that there was a threat and how do we get a bunch of kids out of the school and get them somewhere, so I think we're kind of looking and I know you bring mention of showers and cooking facilities, I just think we're looking at holistic where we can move a bigger operation, get them into a location and try to function as quickly as we could to get operations. **Commissioner Bynum** said that makes sense. **Mr. Wooten** said open square footage that can be easily utilized.

Mr. Reddish said one of the other sub KPIs was for criticality, so is it deemed a critical infrastructure. **Commissioner Bynum** said that makes sense too. Okay, I appreciate that.

Commissioner Bynum said the only other question I really have is just kind of what's next for all of us together based on this analysis that you've provided for us? What's our next steps? **Mr. Kelly** said I think for us or me as Director of Facilities, as we go through the process, through the budget processes going forward that we communicate with what you guys saw here tonight. That when we have recommendations potentially from other departments that are advocating to try to get CMIP dollars and such, but we're going to keep moving forward with this rightsizing approach looking so we help you guys make better decisions. There's multiple things going on here at City Hall. You see that we're working here on the Plaza Project that will allow us to have space coming back into the basement here at City Hall that—you know this is just John thinking outside, that if I was able to have that space and move some of the folks from the Courthouse or certain functions that aren't really court related. You know, just an example, I think we talked about our lease spaces, NRC is a lease location, that we can bring some of those type of departments into our own assets where it's rightsized when we get the people in the right square footage and such and that we just keep bringing that information to you through the budget process and having you guys help us with those informed decisions on what buildings might start coming off.

Like I said, we know some of the fire stations, those are newer facilities, we've got the new Juvenile Center that we've put up. We still have a couple criminal courts that are in the old Court Service Building and that building is not getting any better. We're not investing dollars into that building, so my goal is if we can make some of those movements with just what we did here at City Hall or maybe looking at kind of a one-stop shop type facility. That we do an investment within the community, get rid of some of these smaller buildings where I don't have four or five

different budgets. That we have just one building kind of a campus place that's kind of in the midtown location.

I think we're going to, commissioners and Mayor, we're just going to keep informing you guys as we move through the budget process on our thoughts is the best approach moving forward and get you guy's input on those decisions.

Commissioner Bynum said, Mayor, I've been kicking around some of this stuff just in my head with no expertise and you know some notions of some ways we could do exactly some of that rightsizing. It's interesting to me that two of the buildings I have been thinking about that we could potentially say goodbye to or reuse in a different way are in your Tier 3 category. You know I'd really like to maybe sit down with you and talk about that soon and then see if it's something that could be pursued further with savings and consolidation and things like that. **Mayor Garner** said I'm open for that, Commissioner, and then not to take away from Commissioner Ramirez and his leadership position with the Efficiencies Committee, that's some of the work they've been tasked with, working with the community. So I think between those three entities, all of us working together, I think that's a good step forward especially when you talk about what's necessary and needed along with potential cost savings moving forward for our residents.

Commissioner Stites said so there will be some discussion or you guys have had discussion about a combined location, for example, Indian Springs. That's very centralized, I-70 and 635, that could maybe take this list of obviously some of them can not come up the list. You can't take fire stations off, yeah, I get that, you're going to have to have them out there, but I don't know that there wouldn't be any reason that we couldn't have—and I know I'm saying this and I don't really mean it, one air-conditioner to take care of, one water heater, one roof system, one infrastructure. **Mr. Kelly** said yes, it makes sense. **Commissioner Stites** said and that we can house whether it be the NRC, we could have the police training facility, the fire training facility, police and fire dispatch all under one roof and that they can easily—then once you have that you can also look at some restaurant facilities that go inside there and really turn that 635—I'm just throwing that location because I like it, 635 and I-70 into a combined Unified Government center. So, you are discussing that.

Mr. Kelly said, yes Commissioner. Mr. Fisher and myself just had a discussion here this last week and as we're talking essentially kind of right in that area. You know talking on that site, what that potentially would look like to a developer doing some type of joint, so it is in our wheelhouse and we're thinking what that looks like and ways we can leverage for our community. Like I said, it would be much nicer for me and my role instead of having all these little outline small buildings that we keep throwing money at to have kind of a one-stop shop where we can—you know it's also better for our community. Some of these facilities that they're going to, and I'll just use 82nd, for example, as far as the Treasury's Office, we got a small little parking lot. People on the western end are going out there to take care of their business and they get there to the lobby that's just congested and everybody, so I think there's a lot of strategies that we're going to be looking at going forward, but we will make sure that we're circling back to make sure that you guys are thinking we're going down the right path. It's definitely—everything you said is what we're thinking. **Commissioner Stites** said I'm glad to hear that. To me that seems to make a lot of sense. Parking is always an issue, this eliminates the parking issue, so great to hear that.

Commissioner Townsend said just following up on the question that Commissioner Bynum raised, before you make or as you continue to make right size kind of recommendations, does our consultant have yet to do some other work. Is that process still ongoing? **Mr. Kelly** said yes, Commissioner, just because we're looking at this at this point, knowing that we have to consolidate some, there's going to be us coming back to you knowing that there's money involved. Some of the facilities that you see that might be in the categories of C's or D's that might be getting close to that F, we still might have to make some type of an investment before we can transition out of that particular area before we get into a new facility. But at the same time, we know that if we want to try to get a return on investment, some of these buildings that we might want to try to liquidate, the best bang for our buck is to make sure that we can sell that real estate.

There are improvements that we'll probably have to make in some of those to make sure that we can get the most for our assets that we turn around and sell, so there is still work to be done with working with Ameresco to help us. We have some dollars within the budget over the next couple of years to get us—like I said, there's a lot of work happening over at the Courthouse within this next year with a lot of mechanical equipment, air-conditioning, heating, and that's also going to allow us to look at other areas of that building that haven't been used in the old jail, so this isn't

something that's going to happen overnight. It is going to be something four to five years out that we start getting and if we keep on path with this rightsizing, I think we'll get to a place where our tax base and our people will be pleased with the things that we're doing. **Commissioner Townsend** said so the consultant will continue to work with us over several years. **Mr. Kelly** said yes.

Mr. Wooten said I would like to layer just a little bit on top of that as well. In this study, if you noticed, Ameresco's goal has a great reputation for efficiencies in energy savings; however, they also have a great reputation for operational savings and they alluded to that in the study by talking about the utilization of space and what does the workforce and its environment look like in the near future. So, how much is the hybrid model going to apply to us, I don't know, I know we just had come to some sort of conclusion, but I don't know if we've baked that into the cake of what our future outlook might look like and then start to realize how that applies to the utilization of the space that we have. Currently, we've probably got 10% we could save just by reallocation and rightsizing, so what does that look like for the Unified Government. That's where the collaboration comes along with you and us as policy is set, then the production follows that and they will help us align all these thoughts into a cohesive plan that works efficiently.

Commissioner Davis said I'm just kind of questioning a statement. I see on here Wastewater Treatment Plant, Kaw Treatment. Is that the potential facility for the Biosolids Project or is that another—**Mr. Kelly** said yes. **Commissioner Davis** said that is, so that also was a Tier 3 building that got a letter D. **Mr. Kelly** said but, Commissioner, too that is a project that where the maintenance facility—where the majority of the guys that are working at Water Pollution on the maintenance team, that is the building that we're getting ready to construct there out by the Fleet Center. That's a joint project with the CSI Lab, so that's another one that you're looking at right now as the study was being unfolded that they're just looking at, it's like this is not in good shape, so those guys will be moving into a new environment. The system within the facility of the treatment plant are different than what they were really talking about, the work experience for the people working there. **Commissioner Davis** said gotcha. Thank you for the clarification.

The last thing I'll say for staff, I think we are in a transformative moment in our community where we need the best and brightest ideas, so you all, please do not allow us to make

stupid decisions. Give us your expertise, give us your expert opinion, and if we see any other cities that are thriving the cities, that we model ourselves after. They trust the people that they hire, they trust the consultants that are coming in and they go with those guided decisions, so thank you so much for the work that you all are doing and the work that you will do to push our community forward.

Commissioner Burroughs said I appreciate the return on investment. I would be remiss if I didn't bring up our Memorial right across from City Hall that is in—it was mentioned earlier that it could be a place that we have to go in case of an emergency downtown, but if we were to have to utilize that facility for a long period of time, the ability to provide services such as food and other opportunities would be abysmal. That there is an opportunity for us to increase the usage of Memorial Hall with a newer more sanitary condition in the kitchen that is below a level that is not seen by the public, but could be utilized to enhance not only the concessions, but serve the hall up at the very top of the Memorial Hall so that those that want to have parties catered in, could utilize that kitchen.

I too do believe that the Memorial in Missouri is a respectful Memorial to those that gave all and our hall should be considered the same and it's not nice to see it on a higher level of being a graded, but at the same time we could get a return on investment if we made some investments in that facility. I would encourage us to give strong consideration to doing that. It is our downtown venue that could provide tremendous services for this community. **Mr. Kelly** said thank you Commissioner. I agree and I know we've had conversations on a recent, you know, in the last few months of a walk through you did and the areas that you noted are definitely ones that we—you know there's not a big budget thrown there, but that is something that we definitely need that we bring back to you guys as the elected body to see because you're right. I mean the facility is used a lot. Greg could spout off how many events we've had this year, but there are areas within the facility that definitely needs some updating that would make that facility function even at a better capacity, so I appreciate that. **Mr. Wooten** said we're approaching 170 events this year.

Mayor Garner said thank you all. I'll close out in the interest of time. Just from me if I had a request and ask, the centerpiece for me of all of this is people and I'm really big on being community-driven, especially when you're talking about the quality of life that these types of

venues and resources and good services provide to our residents, so I just want to remember that. Make sure that we try the best we can to make sure everything we do has a basis on what is best to enhance the livelihood and the lives of people and the quality of life that they've come to expect from this Unified Government when we provide these types of good services and resources.

Another thing is rightsizing and I've talked about that, but I think that especially when you look a huge percentage of our population, specifically in specific zip codes, a lot east of 55th Street are well below the poverty line and especially when you talk about 20% on average in Wyandotte County/Kansas City, Kansas live at or below poverty. So, right pricing should also be considered when you talk about these facilities because we can build all the facilities, we can right size all we want, but at the end of the day if people don't have the ability to access these facilities and these resources and these venues and these activities, there's no point in having the facility.

On the other side of that equation, we ask our taxpayers to fund, to build these facilities and to support them. I just—my own personal belief is I think it's a heavy ask and then to come back and ask our residents to also pay to use the very facilities that they built with their hard-earned tax dollars. So, right pricing for me has to be part of that equation.

Then, looking at the types of activities going back to that, especially when we talk about what we do decide upon as this Commission and not overlooking the cultural aspect and the cultural integrity of our neighborhoods and the cultural needs that some in our neighborhoods might have. I mean I can put a tennis court in certain neighborhoods and I can tell you they wouldn't get used whereas I can put a basketball court in another part of our community and you wouldn't have enough space because it would always be used. So just really connecting with the community in a way to find out what they want as opposed to what we may want sometimes and really pushing the needs of this community forward with the foundation where people are always put first.

Thank you so much. I apologize, our staff and our IT team is going to need probably about an extra 15 minutes to get set up to transition from this special session to full commission meeting, so expect the full commission meeting to start promptly at no later than 7:15. It should be more than enough time and thank you all for your presentation, thank you for your work. I appreciate everything you all do. You guys are awesome. Staff, thank you so much for your time and effort. I'm going to adjourn this meeting and I'm just going to ask for a motion.

Commissioner McKiernan made a motion, seconded by Commissioner Davis, to adjourn the meeting. Roll call was taken and there were seven “Ayes,” Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MAYOR GARNER ADJOURNED

THE MEETING AT 6:45 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: November 3, 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

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Weekly Business Material for October 27 - November 3, 2022

1. PROTEST PETITION:

Against Special Use Permit Application COZ-2021-048, 4529 Francis St., KCK, submitted by Chris Steineger.

Action: Received and filed. Original previously forwarded to Planning

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for Void
912497	No	10/21/2022	\$4.74 \$7.13 \$7.17	110 3400015359 110 3400015359 110 3400015359	Strasser Hardware Co Inc #28035	Duplicate Payment Duplicate Payment Duplicate Payment
906605	Yes	6/10/2022	\$559.99	790 2118	Myah Enterprises Inc #9774P	Stale dated
912756	No	10/28/2022	\$500.00 \$1595.00	1105400015238 1105400015238	Civic Plus, LLC Civic Plus, LLC	Other Other (Did not use the correct invoice number)

Action: Received and filed.

3. CLAIMS FOR DAMAGES:

May Akins, through House, Packard, and McElderry, demanding supporting documents from the claim.

Deirdre Coones, C/O Loevy & Loevy, 311 N. Aberdeen St., Chicago, IL, 60611, alleging wrongful conviction of Olin Coones on April 7, 2008.

Angela Elias, C/O Evans & Mullinex, 7225 Renner Rd., Suite, 200, Shawnee, KS, 66217, 1318 N. 51st St., alleging damage due to the sewer trap being backed up in March 2022.

Myles Jackson, 2113 N. 7th St., alleging damage to the house from a contractor repairing a new roof on September 2, 2022.

Wilber & Associates O/B/O American Family Insurance, 210 Landmark Dr., Normal, IL 61761, alleging damage due to the KCK Fire Department's failure to exercise due care when fighting a fire at the insured neighbor's home with Fredrick House on September 28, 2022.

Action: Received and filed. Copies previously forwarded to Legal.

4. SUMMONS:

Nationstar Mortgage vs. Daoheuang Tantiyakoun and Unified Government of Wyandotte County, et al. Case No. 2022-CV-000705.

Action: Received and filed. Copy previously forwarded to Legal.

5. MOTION TO SET ASIDE:

Unified Government vs. Ronald Jess Richardson, Case No. 2021-CV-100379.
Unified Government vs. Rosa Martinez, Case No. 2021-CV-0625, COA 335.

Action: Received and filed. Copy previously forwarded to Legal.

6. INITIAL ORDER:

Akosua A. Akhan vs. United States et al, Case No. 2022-CA-004874 B.

Action: Received and filed. Copy previously forwarded to Legal.

7. TRAVEL REQUEST:

Casie Befort-Varriano, KCKPD/Services, Online, December 19 – 23, 2022, to attend CompTIA., Employee Training & Travel.

Matt Cross, Police Department/Training Academy, travel to Jefferson City, MO, November 6 – 11, 2022, to attend Emergency Vehicle Operations Instructor Course, Employee Training & Travel.

John Droppelman, Fire Prevention/Investigations, travel to Springfield, MO, November 1, 2022, to attend MOIC-Real World-De-Escalation.

Coleby Grammer and David Hartman, Museum, travel to Topeka, KS, November 8 – 9, 2022, to attend KMA, Special Grants Training/Travel.

Yvette Miller, Community Development, travel to Oakland, CA, February 28 – March 3, 2023, to attend Innovations & Solution for Ending Homelessness, CDBG/ESG.

Jennifer Morris, Sheriff, travel to Dallas, TX, November 3 – 6, 2022, to attend C.O.P.S. National Conference on Law Enforcement Wellness & Trauma, Employee Training & Travel.

Mike Searcy, Fire-Suppression, travel to San Ramon, CA, December 1 – 8, 2022, to attend SuperFit K9 Training.

Daniel Soptic, Emmett Lockridge, James Wooten, and Deputy Amy Coon Sheriff's-Operations, travel to Mulvane, KS, November 14 – 18, 2022, to attend Kansas Sheriff's Association 2022 Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

8. CANCELLATION NOTICES:

Bailey HVAC, LLC
That Solar Company LLC
Vazquez Commercial Contracting, LLC (2)

Action: Referred to License.

9. BUSINESS BONDS:

Electrical Bond:
DG Electric

Plumber's Bond:
Noone Plumbing & Excavating, LLC

Action: Referred to License.

10. CERTIFICATES OF INSURANCE:

CHWC, Inc.

Action: Referred to License.

11. RIDER:

Mark One Electric Co. Inc. (2)

Action: Referred to License.

12. APPLICATION FOR CMB LICENSE (PKG):

Walmart Inc./Keith Pappert dba Sam's Club #4870, 10510 Parallel Pkwy.
Walmart Inc./Kenneth Richardson dba Walmart #6172, 2300 Metropolitan Ave.

Action: Referred to License.

13. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Willie Kanippie, LLC/William W. Hutton dba Johnnie's on 7th, 55 S. 7th St.

Action: Referred to License.

14. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Brosnan Risk Consultants, LTD/Rhonda Mathies dba Brosnan Risk Consultants, LTD, One Blue Hill Plaza Ste. 1538, Pear River, WY 10965.

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM
Unified Government Clerk

701 N. 7th Street Trafficway, Suite 323
Kansas City, Kansas 66101-3070

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Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Monica L. Sparks
Deputy UG Clerk

Date: November 10, 2022

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

/am

1. COMMUNICATION:

- Jason Norbury, Executive Director, Downtown Shareholders, submitting the financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of September 2022.

Action: Received and filed.

2. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Avenue, KCK 66111, held a public auto auction on November 1, 2022, at Alandon Tow Service.

Action: Received and filed.

3. ADMINISTRATIVE ORDER:

- KDHE issued an Administrative Order to Suspend Laboratory Accreditation to the Unified Government of Wyandotte County. Case number 22-E-002 LABS.

4. CLAIMS FOR DAMAGES:

- Deirdre Coones, c/o Loevy & Loevy, 311 N. Aberdeen Street, Chicago, IL 60611, alleging wrongful conviction on behalf of Olin Coones in April 2008.

Action: Received and filed. Copy previously forwarded to Legal.

5. TRAVEL REQUESTS:

- Keith Falkner, KCKPD, travel to Pittsfield, MA, November 8 – November 9, 2022, to attend BearCat training at the Lenco Inspection and Acceptance Conference, Training Fund.
- Matt May, Emergency Management, travel to Salina, KS, November 1 – November 2, 2022, to attend the KEMA Board meeting, Travel Fund.
- Joel Thornton, KCKPD, virtual software training by VMware Technologies (VMware vSphere: Install, Configure, Manage), Training Fund.

Action: Approved by County Administrator's Office and received and filed.

6. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- Daniels Security Service, Inc.
- Brosnan Risk Consultants LTD
- Thomas Protective Service, Inc.

Action: Referred to License.

7. BUSINESS BONDS:

- Electrical Bond
 - Astrawatt Solar, LLC
 - Chairel Electrical LLC
 - Designed Electrical Integrator Inc.
 - Big Electric, Inc.
 - SunSmart Technologies, LLC
 - Vazquez Commercial Contracting, LLC
- Mechanical/HVAC Bond
 - Cool Heat KC
 - TMS, Inc.
 - Vazquez Commercial Contracting, LLC
- Plumber's Bond
 - Mr. Plumber LLC
 - Neil Inscore Plumbing
 - TMS Inc.

Action: Referred to License.

8. CANCELLATION NOTICE OF INSURANCE/BOND:

- Electrical Bonds:
 - Choptime Realty and Property Maintenance LLC
 - Krystal Companies LLC, d/b/a Welker Heating and Cooling
 - Platinum Electric LLC

Action: Referred to License.

9. APPLICATIONS FOR CMB LICENSE (PKG):

- Bonito Michoacan #3 LLC, d/b/a Bonito Michoacan #3 LLC, 1150 Minnesota Ave., Kansas City, KS 66102.
- Shikra 786 LLC, d/b/a Fill N Shop, 756 County Line Road, Kansas City, KS 66103.

Action: Referred to License.

10. APPLICATIONS FOR CMB LICENSE (CATERER/DRINK EST/HOTEL):

- M2 Kansas City Tenant LLC, d/b/a Homewood Suites by Hilton Kansas City Speedway, 10922 Parallel Pkwy, Kansas City, KS 66109.

Action: Referred to License.

11. APPLICATIONS FOR CMB LICENSE (LIQ, TEMP, LLC):

- Frank Lopez Jr., d/b/a LJ Conciertos, Memorial Hall, 600 N. 7th Street, Kansas City, KS 66101.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 212083

Full Commission Meeting Date: 12/1/2022

Committee: Neighborhood & Community Development

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/26/2022	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> Downtown KCK Commercial Historic District Nomination				
<u>Action Requested:</u> Recommend submission of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> KCKCC 10.19.2022 DowntownKCK HD & Economic Benefits				

Downtown KCK Commercial Historic District Economic Benefits

Presented by Cynthia Ammerman, 2022



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Looking South at 7th & Minnesota 1955

Overview

— — —

- ❑ Downtown Kansas City, KS Historic Preservation Projects
 - ❑ Survey Update & Historic District
- ❑ Financial Benefits to Historic Preservation
 - ❑ Potential for grant funding
 - ❑ Historic Tax Credits
- ❑ Conclusions



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Cynthia Ammerman, Historic Preservation Consultant

— — —

- ❑ Historic Preservation Consultant since 2013
- ❑ Consultant in Real Estate & Development since 2005
- ❑ Project Experience includes California, Kansas, Missouri, Nevada, Eastern United States
- ❑ Board of Directors KC Modern and former Friends of Sacred Structures
- ❑ Advocacy Committee for Advisory Council for Historic Preservation, Govt. Affairs American Cultural Resources Association (Past) & NTHP (Past)
- ❑ Research areas of expertise in community development, jazz history, modernism, and sacred structure repurposing



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Recent Kansas Projects



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Timeline for the Proposed Commercial Historic District

- Continuation of 30 years of Urban Planning Process in the UG (1993 & 2016)
- May 2021-Board of Commissioners Approved Application Submittal for SHPO HPF Grants
- Fall 2021-UG Award Announced, RFP Process Initiated
- Early 2022-Department of Planning & Urban Design Hired Polis: Cultural Planning
- May 2022- Landmarks Commission Update
- August 2022-Landmarks Commission Update
- September 2022 First Draft Submitted to State Historic Preservation Office
- September 2022- Historic Preservation Open House & Project Update
- September 2022- Presented district to the Chamber of Commerce and set date for more in-depth discussion.
- November 2022- Planned submittal to SHPO based on recommendation/comments
- February 2023-Anticipated National Park Service Determination



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Historic Designation

— — —

National Register of Historic Places (Federal)

Kansas Register of Historic Places (State)

Kansas City, Kansas Historic Landmarks & Districts (Local)

- ❑ Register including buildings, sites, structures, districts, and objects.
- ❑ Integrity, Design, Materials



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Criteria for Listing

- **Criterion A**, "Event", the property must make a contribution to the major pattern of **American history**
- **Criterion B**, "Person", is associated with significant people of the American past.
- **Criterion C**, "Design/Construction", concerns the distinctive characteristics of the building by its architecture and construction, including having great artistic value or being the work of a master.
- **Criterion D**, "Information potential", is satisfied if the property has yielded or may be likely to yield information important to prehistory or history



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Downtown KCK Commercial Historic District Project Area

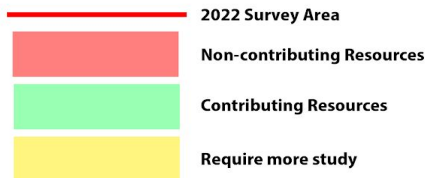
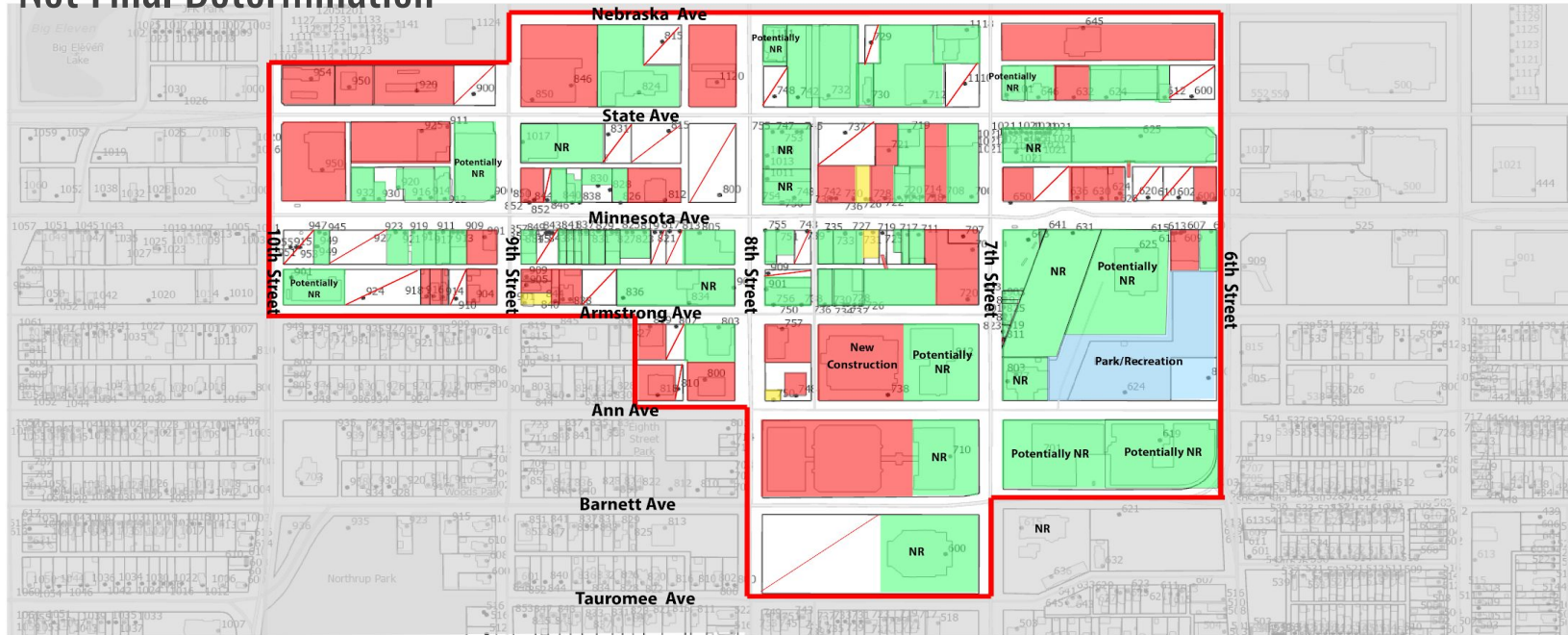
Recommendation in 2016 Survey Report



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Proposed Downtown KCK Commercial Historic District (as submitted to SHPO)

Not Final Determination



121

Total Buildings/Sites

65

Contributing

11

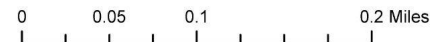
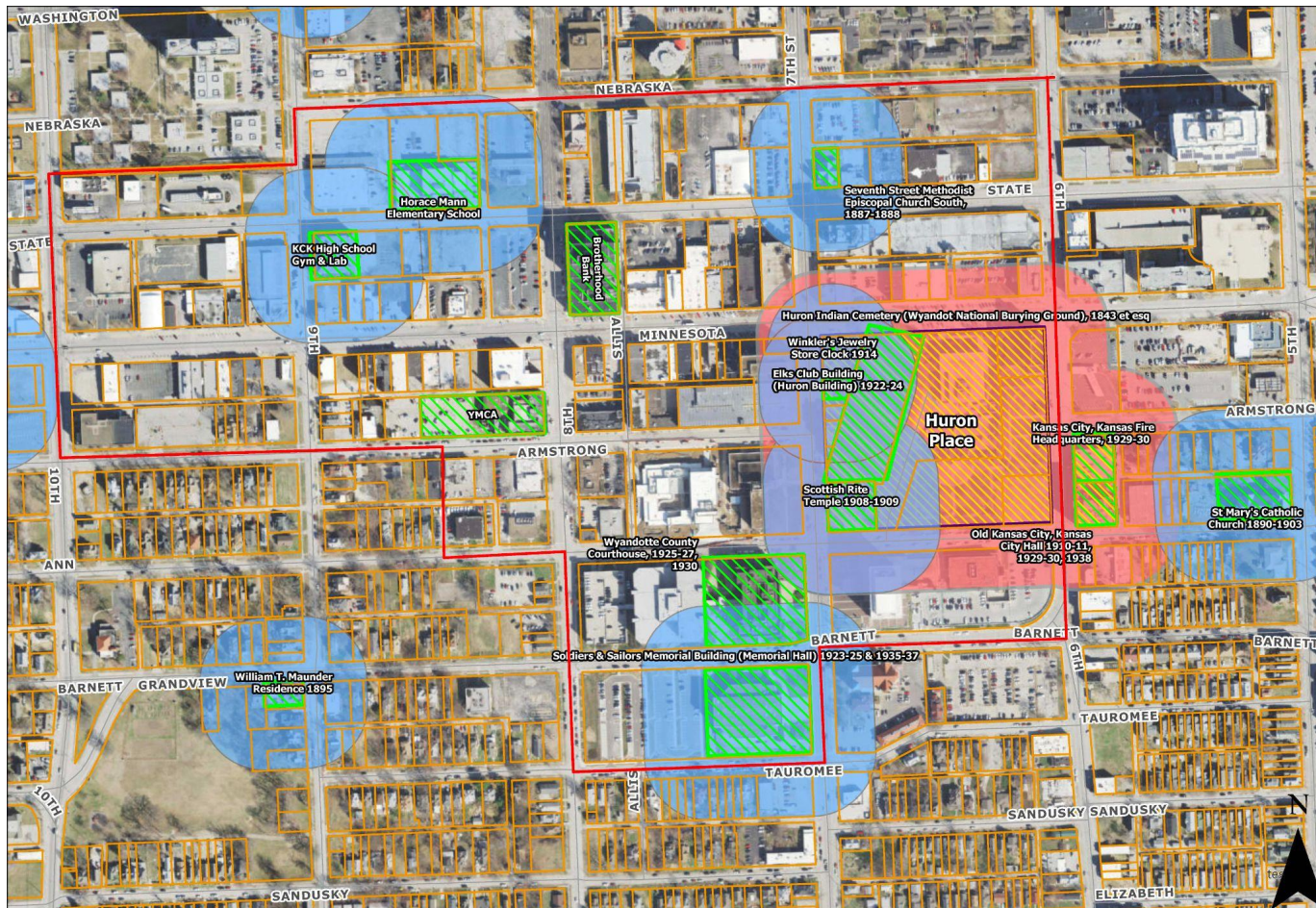
Existing Historic
Designations

45

Non-Contributing



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Summary

The Downtown Kansas City, Kansas Commercial District is eligible for listing in the National Register of Historic Places under Criteria A for COMMERCE and COMMUNITY PLANNING AND DEVELOPMENT. The district is locally significant for its association with as the center of commerce, religious, and government functions that are essential to a metropolitan area. Within the national context of COMMERCE and COMMUNITY PLANNING AND DEVELOPMENT the Downtown Kansas City, Kansas Commercial District exemplifies the evolution of the American city in the Midwest. The period of significance for the Downtown Kansas City, Kansas Commercial District begins in 1882, with the date of construction of the earliest building in the district and ends in 1973 with the fifty-year cut off, as determined by the National Park Service. The district and its contributing resources have evolved with the ebbs and flows of the American economy and the district is representative of the evolutionary architectural and urban planning policies that have sought to address changes over time due to technological, sociological, or economic advances.



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Circa 1951
Town House Hotel
Contributing and
Individually
Listed



MVSC, Kansas City Public Library, Kansas City, Missouri



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YWCA Central
Branch Building
900 W. 8th Street
Current HTC Project



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Expanded Economic Opportunity

National Level Funding Opportunities

- Federal
 - National Park Service, National Endowment for the Humanities, FEMA, HUD, Tax Credits

Philanthropic

- National Trust for Historic Preservation, Corporate Philanthropy
- State of Kansas
 - Heritage Trust Fund, Historic Preservation Fund, State Tax Credits



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Economic Benefits of Heritage Tourism-Tourism is Local Too!

- Spend \$62 more per day
- 90% come with families
- 55% spend night away from home
- 58% are employed full time
- 64% are visiting the site for the first time
- 84% will return to visit the site again to bring others or will take more time
- Data comes from “Profiting from the past: the impact of historic preservation on the north Carolina economy”
- Heritage tourists in Florida in 2007 spent an estimated \$4.13 billion, and 46.7% of all U.S. visitors to Florida reported visiting a historical site during their stay.



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Heritage Trust Fund

A State grant program that helps to offset the costs of preservation related projects. Only properties that are listed on the state or National Register of Historic Places are eligible. These grants are highly competitive, but the Kansas State Historical Society hosts workshops to support applicants in the submission of their applications. More information can be found at <https://www.kshs.org/14617>

Tax Credits

More readily available are Historic Rehabilitation Tax Credits that can reduce your federal and state income tax bills. Twenty percent (20%) of qualifying expenditures can be returned to you through federal tax credits. An additional 25% of a project's qualifying expenditures is offered through the State. For example, if you spend \$100,000 on a rehabilitation project, you can have \$20,000 reduced from your federal income tax bill and \$25,000 reduced from your state income tax bill. Non-profit entities have the ability to sell certain tax credits to tax-paying enterprises, and thereby take advantage of the tax credit program as well. More information for both programs can be found at <https://www.kshs.org/14666>

Matching funds up to
\$100,000
for professional and
construction expenses

Source: Kansas Historical Society

25% of project cost
reduced from
state income tax

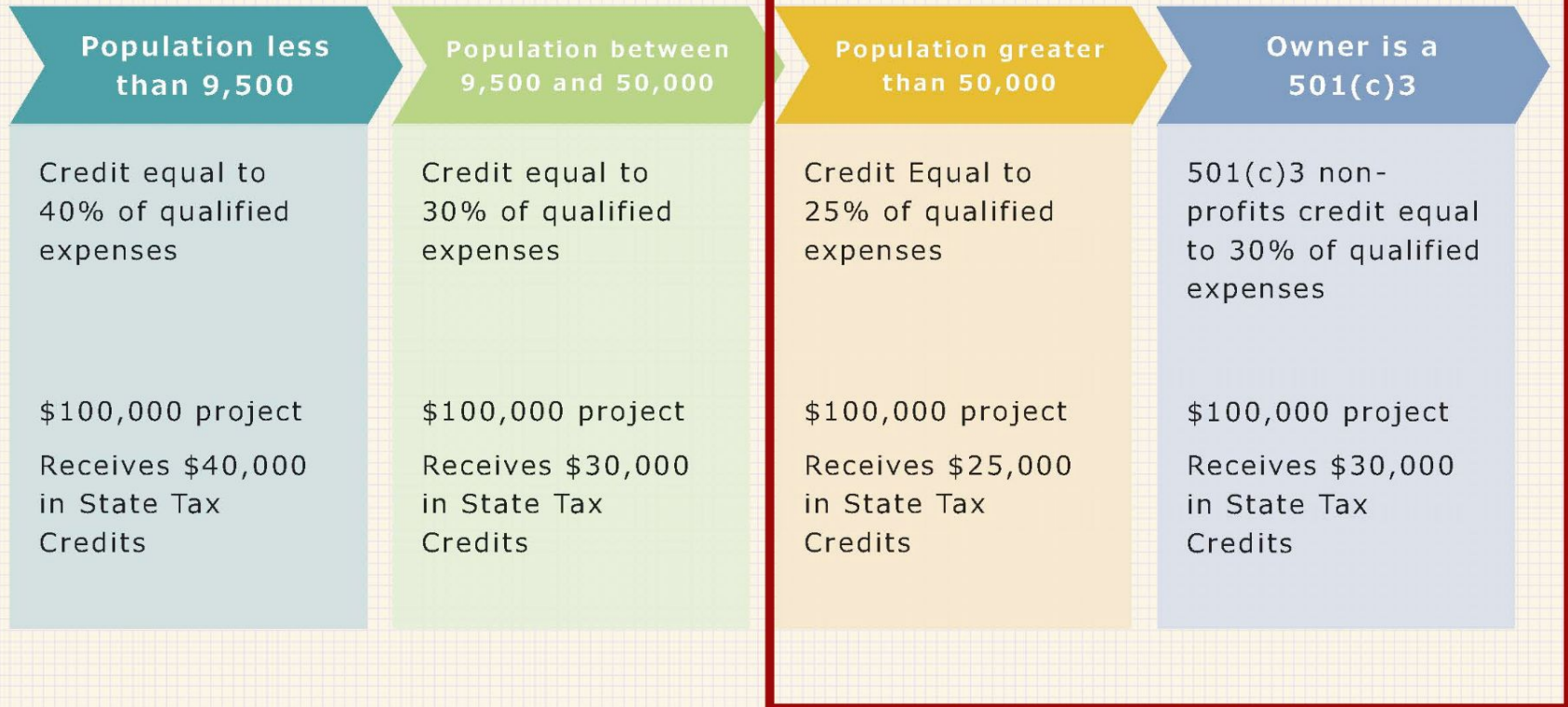
20% of project cost
reduced from
federal income tax

Source: Kansas Historical Society



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New State Tax Credit Structure (as of July 1, 2022)



Most Recent Data

Department of
the Interior
September 2022



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Fiscal Year 2021 Highlights

\$8.0 billion

Total in rehabilitation investment

2021 POSITIVE IMPACTS
on the national economy:

\$15.0 billion in output,

\$7.7 billion in GDP,

\$5.6 billion in income, and

\$2.1 billion in taxes, including

\$1.3 billion in Federal tax receipts.

135,000

NEW JOBS created and billions
of dollars in total (direct and
secondary) economic gains

44%

Projects in low- and moderate-
income census tracts*

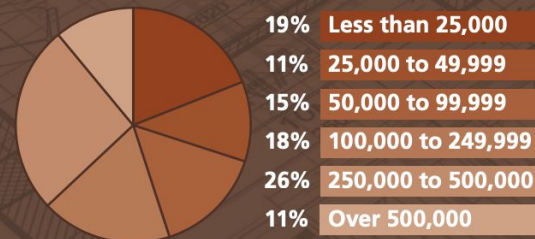
78%

Projects in economically
distressed areas*

30%

Projects in communities of
less than 50,000 people*

Projects by Community Size (Population)*



*Courtesy of PolicyMap (Count of Population, 2020. United States Census Bureau Decennial Redistricting File (PL 94-171). New Markets Tax Credit (NMTC) Eligibility Status for 2019 using 2011-2015 eligibility data. United States Department of the Treasury, CDFI Fund)

Economic Success

Studies of historic districts across the country have shown that protecting historic resources is good for business. Measures such as property value, tenant demand, and resident populations have seen sustained, positive growth within historic districts. Additionally, historic districts have shown greater resiliency when faced with tough economic times; often retaining more value and recovering more quickly than non-historically designated areas. A Downtown Historic District could help drive prosperity to the UG's central business area.

Chesnut Street Historic District - Hays, Kansas

Number of Projects	11 commercial rehabs
Appraised Values	+122.5%
New Investments	+\$5 million (since 2002)
New Businesses	+25 (net)
New Jobs	+130 full time, 186 part time
Sale Tax Collection	+135%



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

Source: Kansas Preservation Alliance, 2010

https://www.kshs.org/preserve/pdfs/kansas_40_page_report.pdf



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2020 Project Office Upgrades
Square Footage: 8,593
Project QRE Costs: \$455K
HTC Benefit: \$113,750
\$52/sq.ft after HTC \$39/sq.ft.



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Preliminary Schedule
to K-36
Historic Preservation Credit

KANSAS DEPARTMENT OF REVENUE
Schedule of Detailed Historic Preservation Costs
Schedule II

Project Number: [Redacted]
Property Name: [Redacted]
Property Address: [Redacted]
SS # or EIN #: [Redacted]
Project Start Date: Aug-21

Name of Taxpayer(s): [Redacted]
Project Completion Date: Dec-21

45,300 Sq.Ft.
Project

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Enter Box Number from Part 2 Application	Enter Item # from Schedule of Project Development Costs (Schedule I)	Invoice Date	Invoice #	Vendor Name	Description of Items Purchased	Check #	Date Paid	Total Costs	Ineligible Development Costs or Paid for with Grant or Other Nontaxable Income
4	8	9/30/2021	R21062A		Roof	12919	11/18/2021	\$187,130.56	
4	8	10/31/2021	R21062B		Roof	12919	11/18/2021	\$80,196.81	
4	8	11/24/2021	R21087A		Roof	12973	12/27/2021	\$91,997.07	\$60,696.70
4	8	9/13/2021	20215518		Roof, move AC units	12917	11/18/2021	\$4,180.00	
2 & 3	8	4/11/2021			Drone for Reapir Assesment	12532	4/26/2021	\$3,830.00	
8	8	9/23/2021	5867		Windows	12918	11/23/2021	\$21,700.00	
8	8	10/29/2021	5868		Windows	12918	11/23/2021	\$87,030.00	
2 & 3	8	9/23/2021	1427		Tuckpointing (Work)	12810	10/4/2021	\$113,300.00	
2 & 3	8	9/23/2021	1449		Tuckpointing (Work)	12974	12/23/2021	\$19,700.00	
2 & 3	53	8/2/2021	F38551-01		Tuckpointing (Boom Lift)	12816	10/1/2021	\$5,290.19	
2 & 3	53	8/6/2021	F39402-01		Tuckpointing (Scissor Lift)	12816	10/1/2021	\$1,056.08	
2 & 3	53	8/9/2021	R09740-01		Tuckpointing (Equipment)	12816	10/1/2021	\$3,223.50	
2 & 3	53	8/30/2021	F38551-02		Tuckpointing (Lift)	12816	10/1/2021	\$5,171.94	
2 & 3	53	8/30/2021	F38551-03		Tuckpointing (Lift)	12816	10/1/2021	\$119.25	
7	8	9/28/2021	1432		Storefront	13012	1/3/2022	\$20,000.00	
7	8	9/13/2021	10/24/1929		Awning	12886	11/6/2021	\$2,089.26	
7	8	9/13/2021	10/24/1929		Awning	12788	9/7/2021	\$2,089.27	
5, 6 & Amendment	8	8/19/2021	2/22/2145		Electrical/Lobby sconces	12812	10/1/2021	\$2,653.64	
5, 6 & Amendment	8	8/19/2021	11/15/2144		Electrical/Lobby sconces	12812	10/1/2021	\$2,687.50	
6	8	7/23/2021	K025454		Lobby Lighting	12752	8/24/2021	\$13,257.98	
5, 6 & Amendment	8	6/29/2021	49772		Halfway painting (floor 2,3,4,5)	12570	8/31/2021	\$25,000.00	
5, 6 & Amendment	8	8/27/2021	47152		Lobby Carpet & Install	12814	10/8/2021	\$31,820.20	\$15,000.00
5, 6 & Amendment	8	8/25/2021	1293229		Paint	12650	7/6/2021	\$197.05	
5, 6 & Amendment	8	8/23/2021	522542		Paint	12650	7/6/2021	\$1,093.71	
5, 6 & Amendment	8	JUL-21	4819-0		Paint	12650	7/6/2021	\$297.56	
Soft Cost	63	11/17/2021	M58159			12972	12/17/2021	\$50,000.00	
Soft Cost	54	6/10/2021	21517-1			2202	6/14/2021	\$2,500.00	
Soft Cost	54	7/1/2021	21517-2			2218	7/26/2021	\$10,000.00	
Soft Cost	54	12/13/2021	21517-3			2275	12/17/2021	\$5,000.00	
Soft Cost	19	6/29/2021	262-00A			2209	07/06/2021	\$1,684.90	
Soft Cost	19	7/12/2021	DS21530.1			12714	7/16/2021	\$2,585.00	
Soft Cost	52	7/16/2021			KS HTC Application Fee	2214	7/16/2021	\$1,500.00	
Interest	28		Statements		Interest			\$4,323.13	
TOTAL AMOUNT PAID								\$802,705.60	\$75,696.70
I declare under the penalties of perjury that to the best of my knowledge the above information is true and correct.									
Signature of Officer / Owner				Title				Date	

Subtract headings (h) and (i) for total in heading (j).
The Kansas Department of Revenue will allow only those qualified expenditures that have been paid. The total amount paid in heading (h) should equal the amount entered on Schedule I heading (c) Total Costs.

\$16.00/sq.ft.

HTC \$12.00/sq.ft

\$181K Credits

MOST RECENT DATA: Economic Studies



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“The Political Economy of Historic Districts: The Private, the Public, and the Collective”
Academic Study Yang Zhou, 2019, West Virginia University

- ‘Public’ initiated historic districts with publicly accessible buildings located within the district tend to have greater economic ‘spillover’ benefits than private districts with only private assets [Public & Private is Essential]
 - Multi-family Housing (Town House Senior Apartments)
 - City Halls, Libraries, Court Buildings, Banks

Source: “The Political Economy of Historic Districts: The Private, the Public, and the Collective” Academic Study Yang Zhou, 2019, West Virginia University

Typical Cost per Square Foot Range: New Build vs Historic Adaptive Reuse

(for a >50,000 SF building in the US Mid-Atlantic Region)

Building Type	New Build	Historic Adaptive Reuse*
Higher Education Classroom	\$425 - \$550 SF	\$325 - \$475 SF
High School Classroom	\$300 - \$500 SF	\$275 - \$375 SF
Commercial Office	\$250 - \$300 SF	\$225 - \$300 SF
Museum	\$700 - \$1,300 SF	\$600 - \$900 SF

*Assuming significant updates



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Source: MGAC Architects, American Institute of Architects 2020.

CONSTRUCTION COST PER SQUARE FOOT (PSF)

AVERAGE COST PER SQUARE FOOT IN THE UNITED STATES

Commercial Office Space	Hospitality	Warehouse & Manufacturing Facilities	Healthcare	Schools	Universities	Public & Community Facilities	Parking Structures
 Single story \$313 psf	 3-star hotel \$478 psf	 Regional distribution center \$214 psf	 Medical office \$498 psf	 Elementary - \$295 psf Middle school - \$325 psf High school - \$359 psf	 Dormitory \$322 psf	 Gymnasium \$403 psf	 Above-ground /multi-level parking \$71 psf
 Mid-rise \$562 psf	 5-star hotel \$691 psf	 Light industrial warehouse \$238 psf	 Specialty clinic \$619 psf	 Primary/Secondary \$327 psf	 Standard classroom building \$580 psf	 Police station \$580 psf	 Below-ground /multi-level parking \$143 psf
 High-rise \$660 psf		 Tech lab factory \$635 psf	 Acute care facility \$888 psf		 Admin building \$596 psf	 Government admin building \$591 psf	
					 Laboratory \$756 psf	 Museum/Performing arts center \$892 psf	

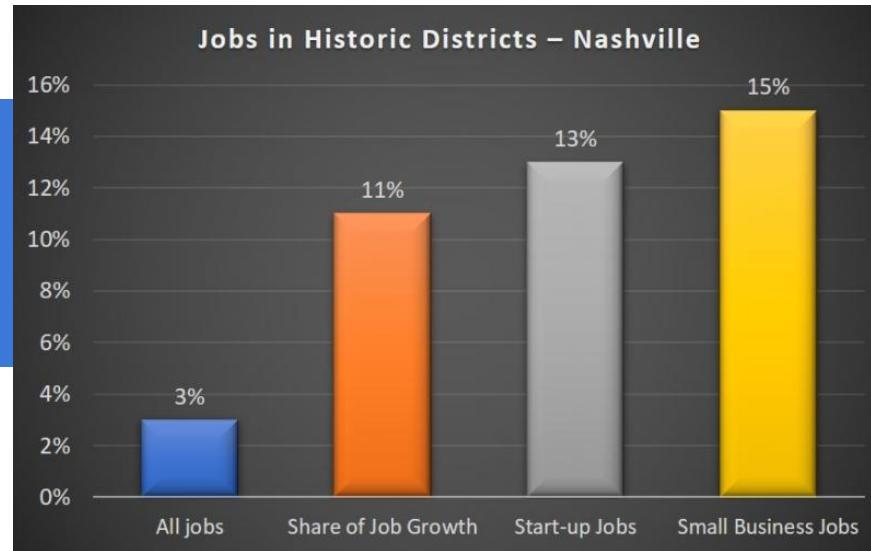


Emerging Issues

November 20, 2020

Historic Preservation: Good for Your Business, Good for Your Community

Donovan Rypkema



Source: U.S. Chamber of Commerce Foundation. Historic Preservation: Good for Your Business, Good for Your Community. November 20, 2022.



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Case Study: Everyone's Heritage: Buffalo, NY

August 2022

Buffalo, NY

Land Area 52.51 mi²

276K- declining population

Industry

**Indigenous & African American
Heritage**

Olmstead Parks & Parkways

**Unified Government of
Kansas City, KS**

Land Area 128.30 mi²

156K declining population projected

Industry

**Indigenous & African American
Heritage**

Kessler Parks & Boulevard

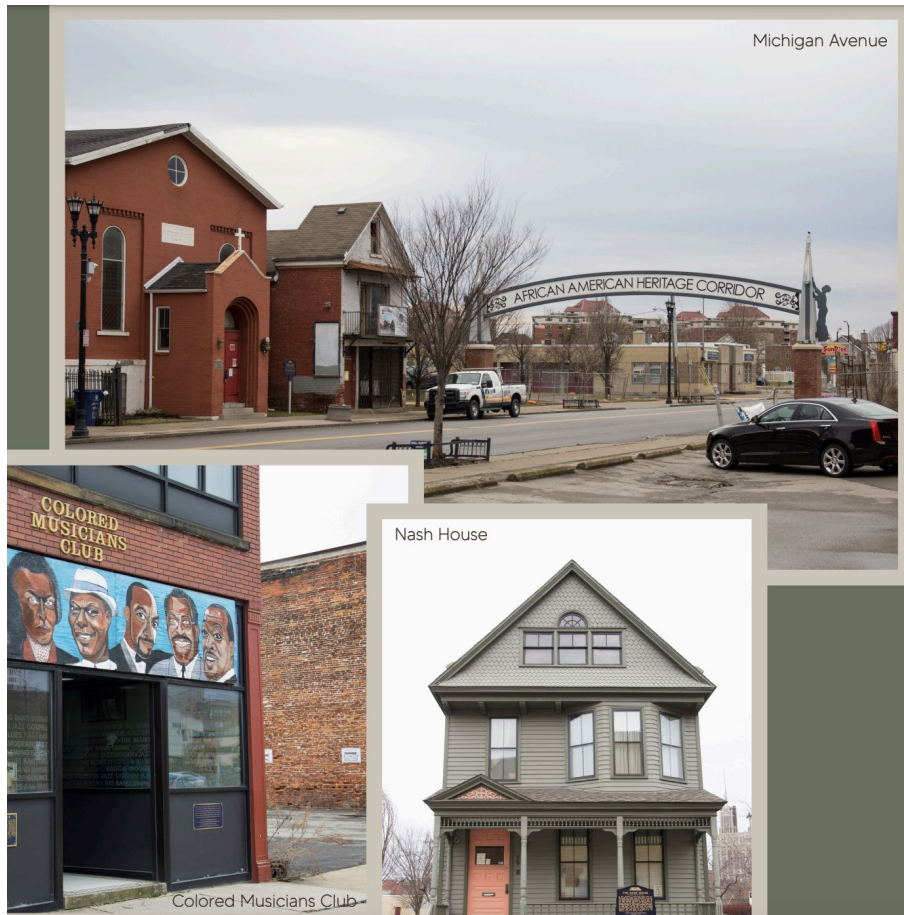


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“Overall, between 2010 and 2020, the population in local historic districts increased by 11 percent, and in National Register historic districts by 4 percent.”



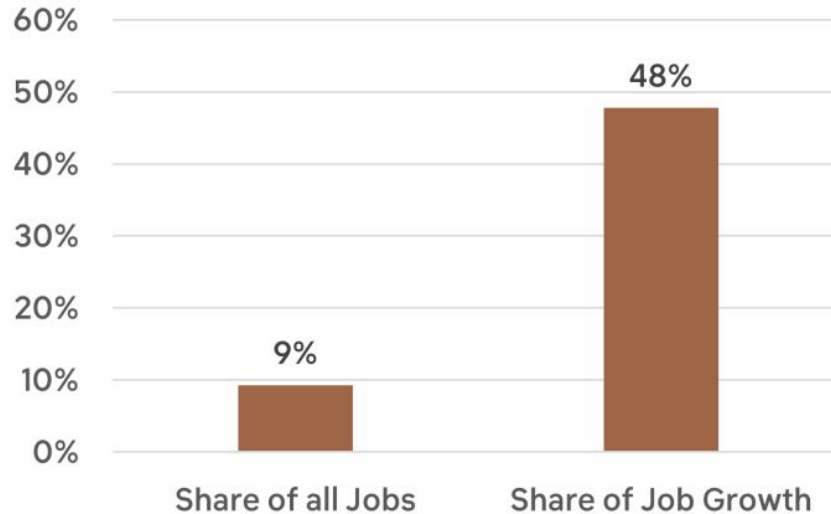
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Source: “Everyone’s Heritage: The Impact of Historic Preservation in Buffalo.” PlaceEconomics. August 2022.

Historic districts are responsible for almost half of Buffalo's job growth over the last 10 years.

JOBS IN HISTORIC DISTRICTS (2010-2019)



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Source: "Everyone's Heritage: The Impact of Historic Preservation in Buffalo." PlaceEconomics. August 2022.



Sustainability
is the nexus of society,
the environment and
the economy.

MARC
MID-AMERICA REGIONAL COUNCIL

**CLIMATE
ACTIONKC**



Regional CLIMATE ACTION PLAN

**Creating equitable and just climate resilience
in the Kansas City region**

NET ZERO BY 2050



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Conclusions: Economic Benefits of Historic Preservation

- Historic preservation IS multi-tiered economic development
- Nationwide: Historic districts are both economically and racially diverse—neighborhoods in local historic districts were found to be more fully integrated and less segregated than neighborhoods
- Nationwide: Historic districts generate jobs, sales tax, reduced crime areas
- Nationwide: Decrease in Vacancies and Reduction in Blight
- Property owners will expand their economic incentive base, especially for small projects under \$1million and as small as \$5,000.000
- *Perceived* increase in costs, or “increased review” is most often offset by the previous investment of time in the planning process, tax credits, and complimentary local urban development programs for small business and economically disadvantaged populations
- Voting *against* historic designation is further creating a funding gap for large and small projects



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Downtown KCK Commercial Historic District & Economic Benefits

Cynthia Ammerman, Principal



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Staff Request for Commission Action

Tracking No. 211735

Full Commission Meeting Date: 06/09/22

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 11/23/2022	<u>Contact Name:</u> Cheryl Harrison-Lee	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> charrison-lee@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator. <i>For information only.</i>				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 212129

Full Commission Meeting Date: 12/1/22

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 11/22/2022	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Authorizing and approving resolution and Collateral Assignment Development Agreement for Village West Apartments Phase III, submitted by Patrick Waters, Deputy Chief Counsel.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Collateral Assignment of Development Agreement (Village West Phase III), Resolution Approving Collateral Assignment of Village West Apartments III DA				

**COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT FOR
VILLAGE WEST APARTMENTS III**

THIS COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III (this “Assignment”) is effective as of _____, 2022, by NP VILLAGE WEST III, LLC, a Delaware limited liability company (“Borrower”), in favor of OLD NATIONAL BANK (“Lender”). Capitalized terms used herein, but not otherwise defined shall have the meaning ascribed to such terms in the Loan Agreement (as defined herein).

RECITALS

The following recitals are a part of this Assignment:

A. Lender and Borrower are parties to a Construction Loan Agreement of even date herewith (the “Loan Agreement”), pursuant to which Lender has agreed to make a loan to Borrower (the “Loan”), on the terms and conditions set forth in the Loan Agreement and for the purposes set forth therein.

B. The Unified Government of Wyandotte County/Kansas City, Kansas (the “UG”) and Borrower are parties to that certain Development Agreement for Village West Apartments III dated as of February 27, 2020, as amended by that certain First Amendment to Development Agreement for Village West Apartments III dated as of September 30, 2021, and as assigned to Borrower by that certain Assignment and Assumption of Development Agreement for Village West Apartments III dated as of October 5, 2022 (together with all amendments, assignments, modifications, replacements and restatements thereof, collectively, the “Development Agreement”).

C. As a condition to the making of the Loan, Lender has required that Borrower pledge, assign, transfer and set over to Lender, and Borrower has agreed to assign, transfer and set over to Lender, all right, title and interest of Borrower in, to and under the Development Agreement, as additional security and collateral for the payment and performance by Borrower of the Loan.

D. Borrower desires to pledge and assign the Development Agreement to Lender, and grant a security interest in the Development Agreement, pursuant to the terms of this Assignment, as security for the Borrower’s obligations under the Loan Agreement (the “Obligations”).

NOW, THEREFORE, in consideration of the recitals set forth above and incorporated herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Borrower hereby agrees as follows:

AGREEMENT

1. **Recitals; Defined Terms.** The foregoing recitals including, without limitation, all defined terms contained in the recitals, are incorporated into this Assignment as if fully set forth

herein. Except as specifically defined herein, all capitalized terms used in the recitals and in the body of this Assignment shall have the definitions ascribed thereto in the Loan Agreement.

2. **Assignment.** Borrower hereby pledges, grants, transfers and assigns to Lender all of its right, title and interest in, to and under the Development Agreement. This Assignment is given for the purpose of securing the Obligations. Lender hereby grants to Borrower a revocable license to enjoy the benefits of and to enforce the Development Agreement. So long as no Event of Default exists beyond any applicable cure period, Borrower will have the right under the license hereby granted to so enjoy the benefits of and enforce the Development Agreement. Upon and after the occurrence of an uncured Event of Default, such license shall automatically become property of the Lender and exercisable by Lender.

3. **Obligations; Defaults; Liability; Further Assignment.** Borrower agrees:

(a) That, to the extent applicable, Borrower shall faithfully abide by, perform and discharge each and every obligation, covenant, condition and agreement of the Development Agreement to be performed by Borrower, and, to the extent applicable, it shall enforce performance by the parties thereto of each and every obligation, covenant, condition and agreement to be performed by the parties thereto.

(b) That the occurrence and continuance of any of the following, beyond any applicable notice and cure period, shall constitute an “Event of Default” hereunder:

(i) any default by Borrower in the observance or performance of any obligation, covenant, condition or agreement hereof, including failure to comply with Section 3(a) hereof;

(ii) any representation or warranty made by Borrower herein which is not true, correct and complete in any respect as of the date hereof; or

(iii) the occurrence and continuance of any Event of Default under the Loan Agreement.

(c) That any Event of Default hereunder, as provided above, shall be deemed to be an Event of Default under each of the Loan Documents. Upon the occurrence and continuance of any Event of Default hereunder, beyond any applicable notice and cure period, Lender shall have the right (but not the obligation), without notice to or demand on Borrower: (i) to declare all amounts outstanding under the Loan Documents, to be immediately due and payable; (ii) to exercise any and all rights and remedies provided under the Loan Documents, or hereunder as well as such remedies as may be available at law or in equity; and (iii) to correct any such default in such manner and to such extent as Lender may deem necessary to protect the security hereof, including, without limitation, the right (but not the obligation) to appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Lender, and also the right (but not the obligation) to perform and discharge each and every right, obligation, covenant, condition, privilege or option of Borrower under the Development Agreement

as if Lender were the “Developer” under the Development Agreement, and, in exercising any such powers, to timely and fully pay necessary costs and expenses, employ counsel and incur and pay reasonable attorneys’ fees and reasonable expenses as may be due and owing under the Development Agreement, and otherwise. Lender shall not be obligated to perform or discharge, nor does it hereby undertake to perform or discharge, any obligation, duty or liability under the assigned Development Agreement by reason of this Assignment, and shall not be responsible for any failure to do so or delay in so doing.

(d) That at any time after the occurrence and continuance of an Event of Default, beyond any applicable notice and cure period, Lender may, at its option, without notice, and without regard to the adequacy of security for the indebtedness hereby secured, either in person or by agent, with or without bringing any action or proceeding, or by a receiver to be appointed by a court at any time hereafter, enforce for the benefit of Lender the assigned Development Agreement. The exercise of any rights under this Assignment shall not be deemed to cure or waive any default under any of the Loan Documents, or waive, modify or affect any notice of default under any of the Loan Documents, or invalidate any act done pursuant to such notice.

(e) That the parties to the Development Agreement (the “Parties”), if and to the extent assigned and upon written notice from Lender of the occurrence and continuance of an Event of Default, shall be, and each hereby is, authorized by Borrower to perform the assigned Development Agreement for the benefit of Lender and the Parties, in accordance with the terms and conditions thereof, without any obligation to determine whether or not such an Event of Default has in fact occurred.

(f) That in the exercise of the powers herein granted to Lender, no liability shall be asserted or enforced against Lender, all such liability being hereby expressly waived and released by Borrower. Borrower hereby agrees to indemnify and hold Lender free and harmless from and against any and all liability, expense, cost, loss or damage which Lender may incur by reason of any act or omission of Borrower under the assigned Development Agreement, or under or by reason of this Assignment and of and from any and all claims and demands whatsoever which may be asserted against it by reason of any alleged obligations or undertakings on Lender’s part to perform or discharge any of the terms, covenants or agreements contained in the assigned Development Agreement except to the extent caused by the gross negligence or willful misconduct of Lender. Should Lender incur any liability, expense, cost, loss or damage (1) under the assigned Development Agreement for which it is to be indemnified by Borrower as aforesaid, or (2) by reason of the exercise of Lender’s rights hereunder, then the amount thereof, including, but not limited to, all costs and expenses (including without limitation, all reasonable litigation costs and reasonable attorneys’ fees and disbursements), damages, obligations and liabilities of any nature whatsoever, shall be added to the indebtedness evidenced by the Related Documents, and shall (a) be due and payable immediately upon demand by Lender, and (b) bear interest at the Default Rate.

(g) That this Assignment shall be assignable by Lender to any assignee of Lender under the Loan Agreement and all representations, warranties, covenants, powers

and rights herein contained shall be binding upon, and shall inure to the benefit of, Borrower, Lender and their respective legal representatives, successors and assigns, including, in the case of Lender, all holders, from time to time, of the Loan Documents.

4. **Additional Covenants, Representations.** Borrower further hereby covenants and represents to Lender that (i) Borrower has not previously assigned, sold, pledged, transferred, mortgaged, hypothecated or otherwise encumbered the Development Agreement or Borrower's right, title and interest therein, and shall not do so; (ii) Borrower has not performed any act which might prevent Borrower from performing its undertakings hereunder or which might prevent Lender from operating under or enforcing any of the terms and conditions hereof or which would limit Lender in such operation or enforcement; and (iii) Borrower is not in default under the Development Agreement, and to the best knowledge of Borrower, none of the Parties is in default under the Development Agreement.

5. **Release of Security.** This Assignment is made for collateral purposes only and the duties and obligations of Borrower under this Assignment shall immediately terminate and be released only when all Obligations are paid and performed in full.

6. **Security Agreement.** Borrower agrees:

(a) (1) That this Assignment shall constitute a "Security Agreement" within the meaning of the Uniform Commercial Code of the State of Kansas (the "Code") with respect to all of Borrower's right, title and interest, whether now existing or hereafter arising or acquired, in, to and under the assigned Development Agreement, and all replacements, substitutions and additions thereto, and the proceeds thereof and all replacements, substitutions, additions and the proceeds thereof, all of which is collectively referred to in this Section 6 as the "Collateral"; (2) that Borrower hereby grants to Lender a security interest in and to the Collateral for the benefit of Lender; and (3) that all of Borrower's right, title and interest in the Collateral hereby assigned to Lender is to secure payment of the Obligations, and to secure performance by Borrower of the terms, covenants and provisions of, the Development Agreement and the Loan Documents.

(b) This Assignment shall be self-operative with respect to the security interest granted in the Collateral, but Borrower, upon request by Lender from time to time, agrees to execute, acknowledge and deliver to Lender a separate security agreement, financing statement or other similar security instruments, in form reasonably satisfactory to Lender, covering the Collateral, whenever in the sole opinion of Lender there may be any doubt whether the title to same has been conveyed by or security interest perfected by this Assignment under the laws of the State of Kansas or any other jurisdiction, and will further execute, acknowledge and deliver or cause to be executed, acknowledged and delivered, any financing statement, affidavit, continuation statement or certificate or other document as Lender may request in order to perfect, preserve, maintain, continue and extend the security interest under and the priority of this Assignment and such security instrument. Borrower further agrees to pay to Lender on demand all costs, fees and expenses incurred by Lender in connection with the preparation, execution, recording, filing and refile of any such document. To the extent permitted by the provisions of the Code, now or hereafter

in effect, Borrower hereby authorizes Lender, without the signature of Borrower, to execute and file any of the documents described in this Section 6 if Lender shall determine that such are necessary or advisable in order to perfect Lender's security interest in the Collateral.

7. **Further Assurances.** Borrower agrees that at any time and from time to time upon the written request of the Lender, Borrower will execute and deliver such further documents and do such further acts and things as the Lender may reasonably request, in order to effect the purposes of this Assignment. Borrower will from time to time at the request of Lender, execute and deliver or endorse any and all instruments, documents, conveyances, assignments, security agreements and other agreements and writings that Lender may determine are necessary or advisable in order to secure, protect, perfect or enforce Borrower's rights provided under this Assignment.

8. **Notices.** All notices, demands, requests and other communications which are required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given when delivered or mailed in the manner set forth in the Development Agreement and the Loan Agreement.

9. **Governing Law.** This Assignment shall be governed by, enforced and construed under the internal substantive laws of the State of Kansas (without regard to its conflicts-of-interest principles) applicable to the contract made and performed in such state and any applicable laws of the United States of America. To the greatest extent permitted by law, Borrower hereby waives any and all rights to require marshaling of assets by Lender.

10. **Captions.** The captions of this Assignment are for purposes of convenience only and are not intended to be a part of this Assignment and shall not be deemed to modify, explain, enlarge or restrict any of the provisions hereof.

11. **No Third Party Rights.** It is expressly intended, understood and agreed that this Assignment, and the other Related Documents, are made and entered into for the sole protection and benefit of Borrower, Lender, and their respective successors and assigns; that no other person shall have any right at any time to action hereon or rights to the proceeds of the Loan; that the Loan proceeds do not constitute a trust fund for the benefit of any third party; that no third party shall under any circumstances be entitled to any equitable lien on any undisbursed Loan proceeds at any time.

12. **No Joint Venture.** The relationship between Lender and Borrower is solely that of a lender and borrowers, and nothing contained herein or in any of the Related Documents shall in any manner be construed as making the parties hereto partners, joint venturers or any other relationship other than Lender and Borrower.

13. **Severability.** Borrower, and Lender intend and believe that each provision in this Assignment comports with all applicable local, state or federal laws and judicial decisions. However, if any provision or provisions, or if any portion of any provision or provisions, in this Assignment is found by a court of law to be in violation of any applicable local, state or federal ordinance, statute, law, administrative or judicial decision or public policy, and if such court should

declare such portion, provision or provisions of this Assignment to be illegal, invalid, unlawful, void or unenforceable as written, then it is the intent both of Borrower and Lender that such portion, provision or provisions shall be given force to the fullest possible extent that they are legal, valid and enforceable, that the remainder of this Assignment shall be construed as if such illegal, invalid, unlawful, void or unenforceable portion, provision or provisions were not contained therein and that the rights, obligations and interests of Borrower and Lender under the remainder of this Assignment shall continue in full force and effect.

14. **WAIVER OF JURY TRIAL.** BORROWER HEREBY WAIVES ANY RIGHT TO A TRIAL BY JURY (WHICH LENDER ALSO WAIVES) IN ANY ACTION OR PROCEEDING TO ENFORCE OR DEFEND ANY RIGHTS UNDER THIS ASSIGNMENT OR ANY OTHER LOAN DOCUMENT OR RELATING THERETO OR ARISING FROM THE LENDING RELATIONSHIP WHICH IS THE SUBJECT OF THIS ASSIGNMENT AND AGREE THAT ANY SUCH ACTION OR PROCEEDING SHALL BE TRIED BEFORE A COURT AND NOT BEFORE A JURY.

15. **No Oral Amendments.** Neither this Assignment nor any provision hereof may be changed, waived, discharged or terminated orally, but only by an instrument in writing signed by the party against whom enforcement of the change, waiver, discharge or termination is sought (which shall, in the case of Lender, be an officer of Lender) and designated expressly as a change, waiver, discharge, termination or amendment of this Assignment.

[Balance of Page Intentionally Left Blank – Signature Page Follows]

IN WITNESS WHEREOF, this Assignment is executed as of the date first written above.

LENDER:

OLD NATIONAL BANK

By: _____
Name: _____
Title: _____

BORROWER:

NP Village West III, LLC

a Delaware limited liability company

By: NP Village West Venture, LLC, a Delaware limited liability company
Its Sole Member

By: NPD Management, LLC, a Missouri limited liability company
Its Manager

By: _____
Nathaniel Hagedorn, Manager

ACKNOWLEDGEMENT BY UG

The undersigned hereby acknowledges receipt of the foregoing Collateral Assignment of Development Agreement for Village West Apartments III executed by NP VILLAGE WEST III, LLC, a Delaware limited liability company (“**Borrower**”), as Developer under the Development Agreement by assignment from VILLAGE WEST APARTMENTS III, LLC, a Kansas limited liability company, in favor of OLD NATIONAL BANK (“**Lender**”) (the “**Assignment**”) and accepts and consents to the terms thereof. All capitalized terms used in this Acknowledgement which are not otherwise defined herein shall have the meanings ascribed thereto in the Assignment.

It is expressly understood by the undersigned, that Lender neither assumes nor has any obligation to the undersigned to exercise its rights under the Assignment or to declare a default under the Loan Agreement, but that such option to exercise such rights or declare a default rests in the sole and absolute discretion of Lender. The undersigned hereby agrees to look solely to Borrower for the performance of all of the terms and provisions of the Development Agreement until such time as Lender shall exercise the rights and privileges conferred upon it by the Assignment.

This Acknowledgement is executed and effective as of _____, 2022.

**THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
Tyrone Garner, Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This record was acknowledged before me on _____, 2022 by Tyrone Garner as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: _____
 Notary Public in and for said State
 Commissioned in Wyandotte County

My commission expires:

RESOLUTION NO. R-____-22

**A RESOLUTION AUTHORIZING THE COLLATERAL ASSIGNMENT
OF DEVELOPMENT AGREEMENT FOR VILLAGE WEST
APARTMENTS III.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and NP Village West III, LLC, a Delaware limited liability company ("Developer") are parties to that certain Development Agreement for Village West Apartments III dated as of February 27, 2020, as amended by that certain First Amendment to Development Agreement for Village West Apartments III dated as of September 30, 2021, and as assigned to Developer by that certain Assignment and Assumption of Development Agreement for Village West Apartments III dated as of October 5, 2022 (collectively, as amended and assigned, the "Development Agreement"), whereby Developer proposed to design, develop, and construct a luxury apartment complex and related amenities (the "Project") on certain real property generally located north of Delaware Parkway, west of 110th Street and south of Parallel Parkway in Kansas City, Wyandotte County, Kansas;

WHEREAS, Developer desires to secure a construction loan for the Project from Old National Bank ("Lender"), and as a condition to the loan, Lender requires Developer to assign and transfer to Lender all of Developer's right, title and interest in and to the Development Agreement;

WHEREAS, the Development Agreement requires the UG's prior written consent to assignment thereof; and

WHEREAS, the Governing Body has determined that it is advisable to consent to the Collateral Assignment of Development Agreement for Village West Apartments III, attached hereto as **Exhibit A** (the "Collateral Assignment").

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

Section 1. The Governing Body hereby approves the Collateral Assignment in substantially the form attached hereto.

Section 2. The Mayor/CEO is hereby authorized to execute in the name of the UG, the Acknowledgment by UG attached to the Collateral Assignment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page and exhibit follow.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS 15TH DAY OF DECEMBER, 2022.**

Tyrone Garner, Mayor/CEO

ATTEST:

UG Clerk

(Seal)

EXHIBIT A

Collateral Assignment

[Attached.]



Staff Request for Commission Action

Tracking No. 212084

Full Commission Meeting Date: 12/01/22

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 11/07/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/22/2022	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Land Bank Manager 23 Single Family Homes 10 Multi-Family Units 1 Commercial 3 Garages 2 Multiple Applications for the same parcel				
<u>Action Requested:</u> Approve and forward to Land Bank Board of Trustees				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FC Memo Land Bank Options 12.01.22				



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

MEMORANDUM

TO: Neighborhood & Community Development Standing Committee

FROM: Jud Knapp, Land Bank Manager

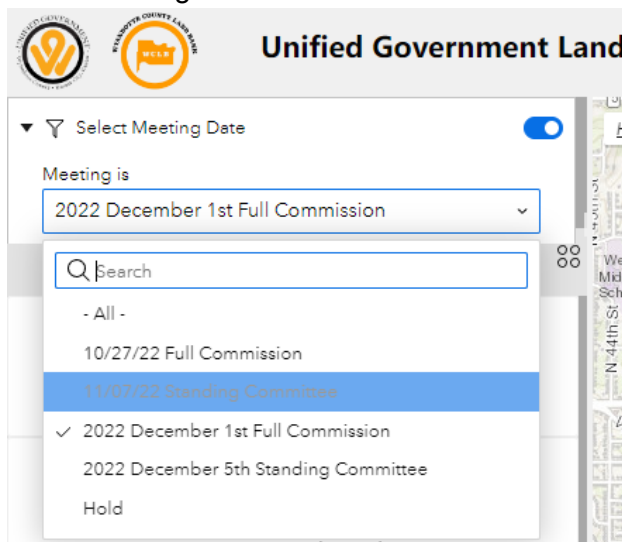
DATE: November 23, 2022

SUBJECT: Option applications for consideration

The following **option application(s)** are being presented at the 11/07/2022 meeting:
Please visit the new site to review the applications below

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

The new site will have the history of Land Bank applications. When you visit the link, you will have to change the date filter to **2022 December 1st Full Commission**



A. New Construction - Single Family Homes – 23 Homes

1. Angela Wright-Jones – 1 home
 - i. 7648 Roswell Ave – 012317
2. Sergio Salas – 1 home
 - i. 2921 S 53rd St – 028397
3. Brenda Davis – 1 home

- i. 2575 Espenlaub Ln – 908623
- 5. David Rowe c/o folks Capital, LLC – 2 homes
 - ii. 10 N Mill St – 069011
 - iii. 8 H N Mill St – 069012
- 6. David Rowe c/o folks Capital, LLC – 7 homes
 - iv. 74 N 9th St – 093517
 - v. 70 N 9th St – 093519
 - vi. 68 N 9th St – 093520
 - vii. 64 N 9th St – 093521
 - viii. 60 N 9th St – 093523
 - ix. 56 N 9th ST – 093524
 - x. 52 N 9th St – 093525
- 7. David Rowe c/o folks Capital, LLC – 3 homes
 - xi. 846 Reynolds Ave – 120122
- 8. David Rowe c/o folks Capital, LLC – 3 homes
 - xii. 654 Simpson Ave – 120989
 - xiii. 650 Simpson Ave – 121082
 - xiv. 648 Simpson Ave – 120990
- 11. Giovanna Frame – 1 home
 - xv. 1318 GREELEY AVE – 157786
- 12. Giovanna Frame – 1 home
 - xvi. 1326 GREELEY AVE – 157784
- 13. La'Pourchea McConico – 1 home
 - xvii. 4208 N 79TH ST – 931504
- 14. John and Laurie Tomelleri – 1 home
 - xviii. 2792 Linden Dr – 149816
- 15. Kim Vaughn – 1 home
 - xix. 1936 N 4th St – 109825

B. Multi Family – 10 units total

- 1. Michael Berry – 4 Units
 - i. 2518 N 57th St – 036208
 - ii. 2610 N 57th St – 036211
- 3. Raj Bhatia – 2 units
 - iii. 1325 N 48th ST – 047593
- 4. Raj Bhatia – 2 units
 - iv. 1231 N 48th Ter – 047572
- 5. Raj Bhatia – 2 units
 - v. 1338 N 48th St - 047500

C. Commercial – 1

- 1. Gus Martin – Auto shop
 - i. 1234 MINNESOTA AVE – 80865
 - ii. 1239 MINNESOTA AVE - 080884

D. Garages – 3

- 1. Evelyn Janeth Amador Portillo

- i. 327 Franklin Ave - 110504
- 2. Jamie Marquez
 - i. 6126 Parkview Ave – 031739
- 3. Jessica Moreno
 - i. 1953 N 17th ST – 102028

E. Multiple Applications for the same parcels -2

- 1. Sumey Rabie – Multi Family – 2 Units
 - i. 923 KANSAS AVE – 073042
- 5. Tynetta Howard – 1 home
 - ii. 3501 LUST DR – 079409



Staff Request for Commission Action

Tracking No. 212085

Full Commission Meeting Date: 12/01/22

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 11/07/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/22/2022	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Land Bank Manager 3 Property transfer requests 2 Yard Extensions 3 Donations				
<u>Action Requested:</u> Approve and forward to Land Bank Board of Trustees				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FC Memo Land Bank Property Transfers 12.01.22				



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

MEMORANDUM

TO: Neighborhood & Community Development Standing Committee

FROM: Jud Knapp, Land Bank Manager

DATE: November 23, 2022

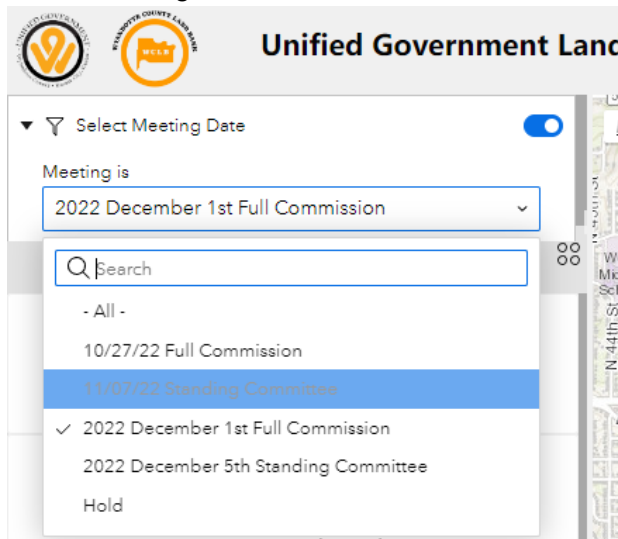
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 12/01/2022 meeting:

Please visit the new site to review the applications below

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

The new site will have the history of Land Bank applications. When you visit the link, you will have to change the date filter to **2022 December 1st Full Commission**



PT A Property Transfers - 3

1. Kansas City, Kansas Housing Authority – Property Transfer
 - i. 1257 RAY AVE – 067550
2. Toma's Silua – Property Transfer
 - i. 1960 H N 4TH ST – 109899
3. Unified Government – Property Transfer
 - i. 4600 ORVILLE AVE – 420000

PT B Yard Extensions - 2

1. Jose Antonio Navas Hernandez – Yard extension
 - i. 1919 S 40TH ST – 168323
2. Kayla Eagles – Yard Extension
 - ii. 850 DOUGLAS AVE – 155035

PT C Donations – 3

2. John L. Peterson
 - i. 729 S 8TH ST – 073672
3. John L. Peterson
 - ii. 914 S MILL ST – 072727
4. Matt Schulte
 - iii. 1263 SHAWNEE AVE - 072286

