

**MARCH 2, 2023 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 Commissioner 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/84092677495?pwd=QW5JeHhKRDQvc3FBcm9QTHhieVdqZz09>

Passcode: 761679

Or One tap mobile:

US: +17193594580,84092677495# or +12532050468,84092677495#

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

US: +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 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 +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 888 475 4499 (Toll-Free) or 877 853 5257 (Toll-Free)

Webinar ID: 840 9267 7495

International numbers available:

<https://us02web.zoom.us/j/kcBm3lxHNq>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY JARED ALTIC, WYANDOTTE CHRISTIAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MARCH 2, 2023, AGENDA**
- VI. MAYOR'S AGENDA**
- VII. REGULAR CONSENT AGENDA**
- VIII. PUBLIC HEARING AGENDA**
- IX. STANDING COMMITTEES' AGENDA**
- X. ADMINISTRATOR'S AGENDA**
- XI. COMMISSIONERS' AGENDA**
- XII. PUBLIC ANNOUNCEMENTS**
- XIII. 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.)

XIV. PLANNING AND ZONING CONSENT AGENDA

**XV. PLANNING AND ZONING NON-CONSENT
AGENDA**

XVI. LAND BANK BOARD OF TRUSTEES' AGENDA

XVII. ADJOURN

VI. MAYOR'S AGENDA

Item No. 1. - RESOLUTION: APPOINTING COUNTY ADMINISTRATOR

Synopsis: A Resolution appointing the County Administrator by Tyrone Garner, Mayor/CEO.

Tracking #: 211724

Item No. 2. - APPOINTMENT: MUNICIPAL COURT JUDGE PRO TEMPORE LIST

Synopsis: Approval of a Judge Pro Tempore list to serve in Municipal Court, submitted by Meaghan Shultz, Administrative Judge.

Tracking #: 212309

VII. REGULAR CONSENT AGENDA

Item No. 1. - NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Jane Philbrook to the Wyandotte County Park Board from 3/2/2023 to 12/31/2023, submitted by Commissioner Markley.

Rosemary Eilts to the Planning & Zoning Commission from 2/23/2023 to 12/31/2023, submitted by Commissioner McKiernan.

Carlen Davis to the Wyandotte/Leavenworth Advisory Council on Aging from 3/2/2023 to 12/31/2025, submitted by Commissioner Burroughs.

Carla Whiteside-Hicks to the Housing Authority from 3/2/2023 to 12/31/2025, submitted by Commissioner Burroughs.

Tracking #: 212310

Item No. 2. - MINUTES

Synopsis: Minutes from the Commission meeting on June 9, 2022, the Special Session meeting on February 2, and the Executive Session meeting on February 16, 2023.

Tracking #: MINUTES

Item No. 3. - WEEKLY BUSINESS

Synopsis: Weekly business materials dated February 9th and 16th, 2023.

Tracking #: WEEKLY BUSINESS

VIII. PUBLIC HEARING AGENDA

IX. STANDING COMMITTEES' AGENDA

X. ADMINISTRATOR'S AGENDA

Item No. 1. - PRESENTATION: STRATEGIC ENGAGEMENT- BUDGET PROCESS

Synopsis: Suggestions for strategic engagement in the budget process and recommendations for continued progress for the Unified Government, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Tracking #: 212308

XI. COMMISSIONERS' AGENDA

XII. PUBLIC ANNOUNCEMENTS

XIII. CLERK'S STATEMENT

(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)

XIV. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2022-047 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4601 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212288

2. COZ2022-052 - MARK WOLF WITH HOMES REHAB LLC

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District for a duplex at 4547 Melody Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212289

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2022-081 - PAULA WESTERFIELD-WALLACE

Synopsis: Special Use Permit to operate a dog kennel at 12200 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212290

2. SP2022-090 - RIAD BAGHDADI WITH RB ARCHITECTURE/ENGINEERING

Synopsis: Special Use Permit for the expansion of an automotive/heavy truck salvage yard at 919 South 26th Street, submitted by Gunnar H. Hand, AICP, Director

of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212291

3. **SP2022-116 - BILL RICHARDS WITH ROTHWELL CONSTRUCTION**

Synopsis: Special Use Permit to operate a fleet maintenance facility for Frito-Lay at 1105 South 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212292

4. **SP2022-118 - RYAN STOOPS**

Synopsis: Renewal of a Special Use Permit (SP2021-080) to operate a short-term rental at 3151 West 45th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212284

5. **SP2022-119 - ALEX ELLIOT WITH ATLAS LAND CONSULTING**

Synopsis: Special Use Permit for dirt removal from 10702 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212294

6. **SP2022-123 - AMELIA INTERIANO WITH FAMILY FIT**

Synopsis: Special Use Permit for an event space at 1957 North 63rd Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212295

C. MASTER PLAN APPLICATIONS

1. **MPL2022-029 - JOSH BEUERLEIN WITH 4J ENTERPRISES, LLC**

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) to expand the operation of a speech therapy clinic at 8247 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212298

D. PLAN REVIEW APPLICATIONS

1. **PR2022-052 - ERIC GENTRY WITH VICTORY JEEP**

Synopsis: Preliminary and Final Plan Review for Victory Jeep at 1701 North 100th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212297

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

1. AN ORDINANCE rezoning property at 1218 Kansas Avenue (COZ2022-027) from R-2(B) Two Family District to CP-1 Planned Limited Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 212273
2. AN ORDINANCE rezoning property at 1401 Merriam Lane (COZ2022-032) from C-3 Commercial and M-2 General Industrial Districts to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212274
3. AN ORDINANCE rezoning property at 4810 State Avenue (COZ2022-034) from CP-1 Planned Limited Business District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212275
4. AN ORDINANCE rezoning property at 810 North 6th Street (COZ2022-042) from C-O Non-Retail Business District to C-D Central Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212276
5. AN ORDINANCE rezoning property at 1223 Meadowlark Lane (COZ2022-043) from CP-O Planned Nonretail Business District to B-P Planned Business Park District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212277
6. AN ORDINANCE rezoning property at 11787 American Royal Way (COZ2022-049) from CP-2 Planned General Business District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212278
7. AN ORDINANCE rezoning property at 2300 North 113th Terrace and 2302 North 113th Place (COZ220-050) from RP-3 Planned Townhouse and RP-4 Planned Garden 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 #: 212280
8. AN ORDINANCE vacating a utility easement (VAC2022-006) at 324 and 328 North 64th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212279
9. AN ORDINANCE authorizing a Special Use Permit (SP2022-061) 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)**

Tracking #: 212281

10. AN ORDINANCE authorizing a Special Use Permit (SP2022-095) for a privately owned playground at 2515 North 17th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212282
11. AN ORDINANCE authorizing a Special Use Permit (SP2022-099) for the operation of an automotive body shop at 3141 and 3151 Fiberglass Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212283
12. AN ORDINANCE authorizing a Special Use Permit (SP2022-100) 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)**
Tracking #: 212285
13. AN ORDINANCE authorizing a Special Use Permit (SP2022-104) for the continuation of light auto-repair and general maintenance of commercial vehicles and a storage container for the KCK Housing Authority at 1300 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212286
14. AN ORDINANCE authorizing a Special Use Permit for the operation of a truck terminal with heavy truck maintenance and repair (SP2022-105) at 5010 Speaker Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212272
15. AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2022-109) for a chiropractic office at 5331 Miami Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212287
16. AN ORDINANCE authorizing a Special Use Permit (SP2022-111) for the continuation of a short-term rental at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212293
17. AN ORDINANCE authorizing a Special Use Permit (SP2022-114) to operate a sand dredging pit, sand processing, and future restoration along the Missouri River, at 4403 North 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212296

XV. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. SP2022-113 - LYNNE BEAVER

Synopsis: Special Use Permit to operate an event space at 2651 South 34th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 4/2 VOTE)**

Tracking #: 212219

2. UPDATE: CITY-WIDE COMPREHENSIVE PLAN

Synopsis: Update regarding housing provided by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

For information only

Tracking #:

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR MARCH 2, 2023

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.

XVI. 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. Single Family Homes – 2 Homes

1. Denis Mendoza – 1 home
811 N 83rd St – 009480
3. Ingrid Landis – 1 home
2840 S 9th St – 136561
2842 S 9th St - 136548

B. Multi Family –6 Units

2. Michael Berry – 2 units
2602 N 57th St – 036210

3. Fernando J Gomez – 4 Units
2233 S Mill St – 137258

C. Commercial – 1

2. Karen Daniels – The Boston Daniels Peace and Arts Center
708 Quindaro Blvd – 111909

Tracking #: 212236

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 – Property Transfers

1. Wendell V Mims – Yard Extension
3529 N 47th St - 913920
2. Cory Crofford – Yard Extension
3327 N 80th Ter - 036705
3. Marcus Walker – Property Transfer
8848 Georgia Ave - 184721
4. William J Mulich – Donation
801 Seminary St - 902319

Tracking #: 212237

XVII. ADJOURN



Staff Request for Commission Action

Tracking No. 211724

Full Commission Meeting Date: 03/02/23

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
02/24/2023	Ana Marin	x5010	amarin@wycokck.org	Mayor's Office

Item Description:

A Resolution appointing the County Administrator, by Tyrone Garner, Mayor/CEO.

Action Requested:

Approve Resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution authorizing appointment of CAO.FINAL.3.1.23 , UG County Administrator David W. Johnston Terms (002)

RESOLUTION NO. R-_____

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF DAVID W. JOHNSTON
AS THE COUNTY ADMINISTRATOR OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND AUTHORIZING THE
NEGOTIATION AND EXECUTION OF AN EMPLOYMENT AGREEMENT IN
CONNECTION WITH THE APPOINTMENT**

WHEREAS, on April 1, 1997, the voters of Wyandotte County approved the Consolidation Recommendations of the Wyandotte County/Kansas City, Kansas Consolidation Study Commission, (the “Charter”) consolidating the Board of Commissioners of Wyandotte County, Kansas and the City Council of Kansas City, Kansas, into the Unified Government Board of Commissioners (the “Board of Commissioners”); and

WHEREAS, the Charter provides for the appointment of a County Administrator by the Mayor/CEO with the consent of the Board of Commissioners; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the Mayor shall recruit, scree and evaluate appropriate candidates for county administrator and conduct interviews of said candidates; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the County Administrator shall be appointed on the basis of executive, managerial, and administrative qualifications, as demonstrated by a verified record of training and experience; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the terms and conditions of employment of the County Administrator shall be reduced to writing; and

WHEREAS, Resolution No. R-1-97, codified in the Unified Government Code of Ordinances in Chapter 2, Article I, provides that the County Administrator shall be a resident of the County while in office.

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

Section 1. That the Mayor, with the consent of the Unified Government Board of Commissioners, having reviewed the qualifications, training, and experience of David W. Johnston, hereby appoints David W. Johnston as County Administrator of the Unified Government for a term beginning 12:01 am on March 27, 2023.

Section 2. That an employment agreement with David W. Johnston shall be reduced in writing and shall contain the basic terms and conditions for his employment as County Administrator as set out in Exhibit A attached hereto.

Section 3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 4. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF March, 2023.**

Attest:

Unified Government Clerk

Approved as to form:

Chief Counsel

COUNTY ADMINISTRATOR AGREEMENT TERMS

PRESENTED BY MAYOR GARNER TO THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS



March 2, 2023

Term

- This agreement shall remain in full force and effect from March 27, 2023, and shall remain in effect for an initial period of five (5) years unless terminated by the Unified Government Administrator, by protocols pertinent to the Unified Government policy or Ordinances.

Duties and Authority

- The Administrator has the ultimate responsibility to ensure that the economic health of the Unified Government and Wyandotte County, Kansas to include expanding economic development, maintaining an equitable, diverse, and fiscally responsible workforce, creating a positive organizational culture, and establishing/maintaining successful community partnerships.
- It is recognized that the Administrator may devote reasonable and responsible time outside the normal business office hours on business for the Employer, and to that end Administrator shall be allowed to establish an appropriate work schedule.
- The Administrator recognizes the necessity to be present and available to the Unified Government to provide leadership, direction, accountability, support, information, resources, and assistance to the governing body, staff, and community stakeholders, is part of the essential duties required for the position of Administrator, and employee will use due diligence to avoid compromising this necessity.

Compensation

- Base Salary: Unified Government agrees to pay Administrator an annual base salary of \$250,000, payable in installments consistent with the payment schedule of other full-time employees of the Unified Government.

COMMUNICATION AND TECHNOLOGY EQUIPMENT

- The Unified Government will furnish the Administrator with a cell phone equipment, a laptop, personal computer, and printer/ scanner for his personal residence to support the performance of his duties as Administrator. In lieu of providing a data connection line to the Administrator's residence, the Unified Government will pay to the Administrator a monthly technology stipend of \$75.00. Any additional equipment at his personal residence deemed necessary for the performance of his duties must be approved by the Mayor in advance and in writing. The Administrator, at his option, may purchase such equipment upon termination of this Agreement or upon voluntary separation at an amount to be negotiated but not more than the fair market value determined by reference to standard practices in the industry.

Health, Disability and Life Insurance Benefits

- The Unified Government will purchase and pay the required premiums for the following coverage during the term of this Agreement and, except as otherwise provided in this Agreement, for any period for which compensation is paid after termination or nonrenewal of this Agreement: (1) family medical; (2) dental; and (3) vision coverage as provided to all Unified Government employees.

Vacation, Sick, and Military Leave

- Upon commencing employment, the Administrator shall have access to a bank of 180 sick hours to be used in the case of serious medical conditions. This leave can only be used to provide coverage during the waiting period between the onset of illness or disability and the point at which short- or long-term disability coverage takes effect and may be renewed after each occurrence and must be utilized only in strict compliance with the Unified Governments Human Resource Guide.
- Administrator shall accrue sick leave and vacation leave on an annual basis, at a minimum, at the highest rate provided or available to any other employees, under the same rules and provisions applicable to other employees as stipulated in the Unified Governments human resource guide. The Administrator shall be credited 160 hours of vacation leave upon hire. The Administrator will accrue and use vacation in the same manner as other Unified Government employees, with notification and approval of the Mayor.

Continuing Education and Professional Development

- The Administrator shall be credited with 80 hours of non-renewable, nontransferable, executive administrative leave annually for continuing education and professional

development. Said unused leave will not be paid to Administrator upon separation from employment with employer. The Administrator will only utilize said leave with reasonable notification and approval of the Mayor.

- The Unified Government will budget and pay for the travel and subsistence expenses of the Administrator travel, for meetings, seminars, and occasions adequate to continue the Administrator's professional development as determined by the Mayor and necessary for the Administrator's participation in such functions on behalf of the Unified Government, as only legally allowed within Unified Government ordinance and policies.

Automobile

- The Unified Government recognizes that the Employee's duties require exclusive and unrestricted use of an automobile to perform duties as outlined in said agreement. The Unified Government agrees to pay to the Administrator, during the term of this Agreement and in addition to other salary and benefits herein provided, the sum of \$700 payable monthly, as a vehicle allowance to be used to purchase, lease, or own, fuel, operate, insure, and maintain a vehicle. This amount will increase annually consistent with the Kansas City metropolitan area's annual CPI rate as approved by the commission within the annual Unified Government budget.
- The Administrator shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, fuel, damage, injury, theft, maintenance, upkeep, repair, liability, and regular replacement of said vehicle, and agrees to hold harmless the Unified Government against any acts, claims, accusations, awards, litigation, damages, theft, injury, judgements, obligations, transfers, liability, arising out of the Administrator's utilization, ownership, possession or association with said vehicle.

Retirement

- In addition to the base salary paid by the Unified Government to the Administrator, the maximum amount of \$15,000 will be paid into a designated 457 plan on the Administrator's behalf, in equal proportionate amount each pay period, and will cease upon termination or separation from employment with employer. The Unified Government and Administrator shall fully disclose to each other the financial impact of any amendment to the terms of Employee's retirement benefit.

Performance Evaluation

- Unified Government shall annually review the performance of the Administrator in January subject to a process, form, criteria, and format for the evaluation as allowed in ordinance.

The annual evaluation process, at a minimum, shall include the opportunity for both parties to:

1. When applicable conduct a formal session where the governing body (Mayor and Board of Commissioners) and the Administrator meet first to discuss goals and objectives of both the past twelve (12) month performance period as well as the upcoming twelve (12) month performance period,
2. Following that formulary discussion, prepare a written evaluation of goals and objectives for the past and upcoming year,
3. meet and discuss the written evaluation of these goals and objectives, and
4. In June of every year have an informal verbal performance evaluation with the Mayor.
5. After a complete evaluation by the governing body, present a written summary of the evaluation results to the Administrator. The final written evaluation should be completed and delivered to the Administrator within 45 days of the initial formulary evaluation meeting. With notice of annual benefit increase status being communicated to the Administrator from the Mayor.
6. The Administrator will be only be provided an increase in salary or benefits following a positive evaluation from the governing body.

Moving/Relocation Expenses and Leave

The Administrator agrees to establish residence within the corporate boundaries of the local government upon employment, and thereafter to maintain residence within the corporate boundaries of Wyandotte County Kansas.

Moving

- Unified Government shall pay directly for the expenses of moving Administrator and his/his family and personal property from Ft. Wright, KY to Wyandotte County, KS. Said moving expenses include packing, moving, storage costs, unpacking, and insurance charges. The Administrator shall provide evidence of actual moving expenses by securing quotations from three (3) companies. The Administrator shall submit these quotes to the procurement director who, in consultation with the Administrator, shall select the moving company.
- The Unified Government shall reimburse Administrator for actual lodging and meal expenses for his/his family in route from Ft. Wright, KY to Wyandotte County, KS.

Mileage costs for moving two personal automobiles shall be reimbursed at the current IRS allowable rate per mile only during the first year of employment travel takes place. As a reference, the IRS mileage reimbursement rate for calendar year 2023, starting on January 1, is \$0.655 per mile.

- The Unified Government shall also pay a sum not to exceed \$2,500 to the Administrator to cover any additional moving costs, upon receipt of said expense by the Unified Government procurement director.

Relocation

- The Unified Government shall reimburse Administrator for airfare for no more than a total of three (3) round trips (R/T) each for Administrator and his spouse at any time during the first year of service to assist with house hunting and other facets of the transition and relocation process. The Administrator and his spouse may utilize and distribute the total of three individual round trip tickets in any combination of individual members making the trips. The Administrator shall be reimbursed for actual lodging and meal expenses incurred by Administrator or his spouse on any trips conducted prior to relocation, as detailed herein.
- The Unified Government will pay directly, for the expenses of packing and relocating from temporary housing in Wyandotte County to permanent housing in Wyandotte County during the first year of this agreement. The Unified Government shall pay a lump sum of moving expenses in the amount of \$5,000.
- The Administrator shall be granted no more than ten (10) days of administrative leave to fulfill his relocation to Wyandotte County, KS requirement and responsibilities entailed in moving, within his first year of employment. The Administrator will use this time with notification and approval of the Mayor.

Severance

- In the event that the Administrator is terminated by the governing body during such time that the Administrator is willing and able to perform the duties of Administrator, the Unified Government agrees to pay the Administrator a lump sum cash payment equal to six (6) months of his base salary plus one (1) additional month of base salary for each year of service as Administrator up to a maximum of twelve (12) months of base salary.

- In the event that the Unified Government fails or refuses to extend the term of this Agreement beyond its initial term or subsequent term with or without cause, the Administrator shall not be entitled to severance.
- In the event the Administrator is terminated because of his conviction of any illegal act except a traffic infraction or due to violations of provisions of the International City/County Management Association Code of Ethics, the Administrator shall not be entitled to severance.
- In the event the Unified Government during the term of this Agreement reduces the salary or other benefits of the Administrator in a greater percentage than as applicable due to an across-the-board reduction for all Unified Government employees, or in the event the Unified Government refuses, following written notice, to comply with any other provision benefiting the Administrator required under this Agreement, or the Administrator resigns following a suggestion, whether formal or informal, by the Mayor or by six members of the Commission that he resign or due to any other conduct that constitutes constructive discharge as that term is defined by Kansas law, then the Administrator may at his option deem himself to be terminated as of the date of such event within the meaning and context of this Agreement and any amendments hereto.
- In the event the Administrator voluntarily resigns his position as County Administrator, the Administrator shall give the Mayor and the Unified Government a minimum of one month written notice in advance and will assist in good faith in transitioning his duties to another Unified Government employee, unless the parties otherwise agree, and he shall not be entitled to the severance compensation or benefits provided under this Agreement , except that he shall be entitled to compensation for any accrued vacation leave as prescribed in the Human Resources Guide.
- If the Administrator is unable to serve because he becomes medically incapacitated, he shall not be entitled to the severance compensation or benefits provided under this Agreement, except that he shall be entitled to compensation for any accrued vacation leave as prescribed in the Human Resources Guide.

Ethics

- In addition to any other applicable federal, state, or municipal laws or regulations governing the conduct of the Administrator in the performance of his duties, the Administrator will abide by the International City/County Management Association Code of Ethics.



Staff Request for Commission Action

Tracking No. 212309

Full Commission Meeting Date: 3/2/23

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 02/23/2023	<u>Contact Name:</u> Dominic Geniuk	<u>Contact Phone:</u> x5212	<u>Contact Email:</u> dgeniuk@wycokck.org	<u>Department/Division:</u> Municipal Court
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Item Description:

Approval of a Judge Pro Tempore list to serve in Municipal Court.

Action Requested:

Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Pro Tem Memo

701 N. 7th Street, 2nd Floor
Kansas City, Kansas 66101
Phone: (913) 573-5200
Fax: (913) 573-5210



Municipal Court

Meaghan E. Shultz
Administrative Judge

Karen Wittman
Municipal Court Judge

Dominic Geniuk
Court Administrator

kckmunicourt@wycokck.org

mywyco.wycokck.org

Memo – Judge Pro Tempore List

To: Mayor Tyrone Garner, Interim County Administrator Cheryl Harrison-Lee
Cc: Assistant County Administrator Bridgette Cobbins
From: Meaghan Shultz, Administrative Judge
Date: 02/23/2023

Part of the Violence Against Women Act grant (hereinafter “VAWA grant”) provides for a permanent judge pro tempore for the domestic docket. That role was filled by Dwight Alexander until he signed a temporary contract to be the public defender. At that point, Maurice Ryan stepped in to handle that docket. He has some personal commitments, and he will not be able to continue to be the judge pro tempore for that docket as of March 15, 2023. Municipal Court is unable to cover that docket with our current judge pro tempore list. I am concerned about the impact of being out of compliance with the VAWA grant even for a short amount of time. I created an updated list of judges pro tempore after soliciting interest from members of the Wyandotte County Bar Association. Under Section 23-11, the list needs to be submitted to the Administrative & Human Services standing committee annually. I attempted to have the updated list added to an agenda. However, as the list has not been updated in some years this caused some confusion and difficulty with being placed on an agenda. Now, the next Administrative & Human Services meeting is March 27, 2023. Due to the urgency of the situation, I am requesting that the updated judge pro tempore list be fast tracked and added to the full commission meeting for March 2, 2023.



County Administrator's Office

Cheryl Harrison-Lee
Interim County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/24/23

BOARD POSITION: Wyandotte County Park Board

INCUMBENT REPLACED: Vacant

ADDRESS: n/a

TERM EXPIRATION DATE: 3/31/2023

APPOINTING COMMISSIONER: Commissioner Markley

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Jane Philbrook

ADDRESS: [REDACTED]

CELL NUMBER AND EMAIL ADDRESS: [REDACTED]

TERM OF OFFICE: 3/2/23 – 12/31/23

Angela R Markley

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



Interim County Administrator's Office
Cheryl Harrison-Lee

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/21/23

BOARD POSITION: Planning & Zoning Commission

INCUMBENT REPLACED: Susannah Pauley

ADDRESS: [REDACTED]

TERM EXPIRATION DATE: 12/31/23

APPOINTING COMMISSIONER: Commissioner McKiernan

REVIEW DATE (7 business days): 2/23/23

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Rosemary Eilts

ADDRESS: [REDACTED]

CELL NUMBER AND EMAIL ADDRESS: [REDACTED]

TERM OF OFFICE: 3/2/23 TO 12/31/2023

Brian McKiernan

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



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Interim County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/24/2023

BOARD POSITION: Wyandotte/Leavenworth Advisory Council on Aging

INCUMBENT REPLACED: VACANT

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Tom Burroughs

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Carlen Davis

ADDRESS: [REDACTED] _____

CELL NUMBER AND EMAIL ADDRESS: [REDACTED]

TERM OF OFFICE: 3/2/2023 - 12/31/2025

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY

PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



County Administrator's Office

Cheryl Harrison-Lee
Interim County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/24/23

BOARD POSITION: Housing Authority

INCUMBENT REPLACED: LaDora Lattimore

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burroughs

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Carla Whiteside-Hicks

ADDRESS: [REDACTED]

CELL NUMBER AND EMAIL ADDRESS: [REDACTED]

TERM OF OFFICE: 3/2/23 – 12/31/25

SIGNATURE OF APPOINTING COMMISSION MEMBER

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

REGULAR SESSION
JUNE 9, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, June 9, 2022, with eight members present: Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following members were absent: Bynum, Commissioner At-Large First District; Ramirez, Commissioner Third District; and Markley, Commissioner Sixth District. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Patrick Waters, Deputy Chief Counsel; Casey Meyer, Senior Counsel; Bridgette Cobbins, Assistant County Administrator; LaVert Murray, Chief Economic Development Advisor; Reginald Lindsey, Budget Director; Laura Cromwell, Fiscal Officer, Police Dept.; Michael Callahan, Police Chief; Monica Sparks, Acting UG Clerk; and Terri Kimble, UG Clerk's Office.

Mayor Garner said before I call this meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or onsite. All participants joining by phone should mute their phones when not speaking to avoid background noise during the meeting.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office.

I will now call this meeting to order. Clerk, could you please give the call roll.

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

Mayor Garner said the invocation is going to be given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ, followed by the Pledge of Allegiance.

Mayor Garner said I'll ask the Clerk, are there any revisions to tonight's agenda? **Monica Sparks, Acting UG Clerk**, said yes, Mr. Mayor. A blue sheet has been issued removing Items 2, 3, and 4 from the Standing Committee Agenda. Those are all the revisions.

MAYOR'S AGENDA

Item No. 1 – 211532...COMMUNITY INPUT AND RECOMMENDATIONS

Synopsis: Public forum to allow citizens to express concerns and present solutions relating specifically and solely to the Unified Government's span of interest and control. Participants will be limited to two minutes in duration. Citizens appearing in the Municipal Office Building lobby will be given priority, followed by a limited number of participants who have registered online through the Unified Government Clerk's Office. Those who have registered online may not be given an immediate opportunity to participate due to time constraints to be determined by the Mayor/CEO. If time allows, persons listening online who wish to make comments will be recognized. All interested participants should know that Mayor/CEO Garner has also placed a maximum time limit of 45 minutes to host and conclude these discussions. In the interest of time, there should be no expectation for requested participants guaranteed inclusion to be recognized for comment and participation.

Mayor Garner said I will open the public comment and I'll ask the Clerk to provide a synopsis indicating how many comments were submitted to the Clerk's Office. **Monica Sparks, Acting UG Clerk**, said we have five individuals who signed up in the lobby here in the chambers to speak, and we have two individuals who've requested to speak online.

Mayor Garner said staff will call your name for any resident that wants to speak. You can come to the podium. Once you've been acknowledged, we ask that you provide your name and city of residency for the record. You'll be given two minutes to state your comments. Staff will announce that you have been given one minute remaining so you can wrap up your comments.

This meeting will be conducted in accordance with the Rules of Procedure. If your remarks are determined to be out of order, I shall instruct the speaker to stop making such remarks and declare them to be out of order. Derogatory and improper language or remarks that

are offensive will not be tolerated. If you persist with such derogatory statements, you may be asked to leave the commission chambers. All your comments will not be entered into record.

I'll turn it over to the Clerk at this time.

Ms. Sparks said our first speaker is Desiray Bush.

Desiray Bush, Kansas City, KS, said tonight, I would like to recommend two projects to you all. First, there's an issue with the trash. Over the past couple of years, I've noticed so much trash within Wyandotte County, particularly on the east end. As we know, trash can be a common nuisance to our urban area. I would like to propose the Community Beautification Unit. Now, this unit can potentially be housed in the SOAR or Livable Neighborhoods Program. The purpose of the unit, or the projects of the unit, would include trash pickup, flags and signage, something comparable to what we see on Minnesota Avenue, to increase community morale.

This can be a hub for a new code violation program/class, which I'll call the property of etiquette class. This class would be offered to those individuals who are ongoing code violators. If you think about it, it is additional revenue for our city...**Ms. Sparks** said one minute remaining.

Ms. Bush said also, we could partner with Livable Neighborhoods, NRC, also the Sheriff's Office and District Court for those folks who are in jail for minor issues such as like tickets or community service for folks who need to face a certain sentence.

The second recommendation I have is a lot of our folks want to see fireworks in our community. A lot of people leave the county, including myself, to go see fireworks display. Turner Recreation and Bonner Springs pay for community fireworks display. I would like to propose that Parks & Rec Department host annual fireworks displays for our public. Again, potential revenue. For example, parking permit fee, or you could purchase your ticket online, or it could be free, either/or. A theme I thought about for such a proposal would be...**Ms. Sparks** said your time has expired.

Ms. Bush asked, may I ask for another just 30 seconds, a minute? **Mayor Garner** said no, ma'am.

Ms. Sparks said our next speaker is Shirley Wainwright.

Shirley Wainwright, 408 Haskell, said I know that some people have been getting buildable lots from Land Bank approved. May I go and submit my application for approval for a yard extension? That's the question I'm asking, to apply for an application.

Mayor Garner said you can continue with your statement. This is an input and recommendation, so you would make your statement. This isn't a meeting where we answer questions during this meeting.

Ms. Wainwright said that's what I was asking about. **Mayor Garner** said what you can do is, I'll take your information, or I'll have someone from my staff, and then we'll get back with you on it, okay, to answer your question.

Ms. Sparks said our next speaker is Curtis Martin.

Curtis Martin, 3071 N. 32nd, said I've been a lifelong resident of Wyandotte County. With all due respect, this new Mayor-elect had my vote and I respect him being in the position he's in. I'd like to make a request that all you commissioners get onboard and follow his route.

Furthermore, we need a transfer station for trash in Wyandotte County. People have to drive too far out to dump their trash, that's why they're dumping on the side of the roads and in the streets. It would be good if we had some transfer stations so people can pay to dump their trash.

Another issue is the BPU situation. On our bills, since 2006, we have been paying an access charge because we're connected. Everybody gets a monthly fee, whether they use utilities or not, on the average amount of \$40 per month times the 68,000 plus customers...**Ms. Sparks** said one minute remaining.

Mr. Martin said this is over \$3M a month that they're collecting, and nobody knows where this money is going. Bill Johnson said the money was going toward renewing the electricity, maybe the telephone wires and stuff in that area, but there's nothing been done since 2006. Here and there a few spots have. This access charge needs to be taken off our light bills so people can be able to pay their bills because it's getting strenuous.

The stormwater amount they're putting on our bills started off with \$4 a month; now it's \$14 a month times 68,000 customers. That's a lot of money too they're getting and nobody

knows where it's going. So, I'd like for the commissioners to look into that situation and do something about it because it's getting ridiculous.

Ms. Sparks said our next speaker is Reginald Jones.

Reginald Jones, 1220 Cleveland, said there's a couple of things I want to say. One, I want to make the record clear to Mrs. Gayle Townsend and Brother Johnson, Mr. Johnson, Harold Johnson. I just want to apologize to you on the comments that I made last month. I know you've been working tirelessly in the community; both of you. I just want to let you know that, but I was just kind of rambunctious. I wanted to say things about you being visible; not being visible in the community. I know you are, but it's really a dire need that we see you more in the community. Gayle, Ms. Townsend, I seen you the day before yesterday and I just wanted to say thank you. You made yourself available in the community. **Ms. Sparks** said one minute remaining.

Mr. Jones said there's about three things I want to say. One is that, to the commissioners in the Fourth District and then, I think, in the Fifth District, there's a couple of things that I've noticed. I just want to be your ears and your eyes in the community. There's one—there's a couple of problems. One, there needs to be more speedbumps around Caruthers Elementary School. They have them in all the other elementary schools. They need speedbumps. They do a lot of speeding in the area.

Number two, they need to have a tree that's in the vicinity of Heathwood, over the waterpark. It's dangerous. It needs to be cut down or something is going to fall on the kids.

The last is, they need to have a track and field at Caruthers Elementary School. Just been built a year ago. They have been practicing on the street. **Ms. Sparks** said your time has expired.

Mr. Jones said on the land and then in the grass and everywhere, so I just want to make that known that these are things that need to be attended to around the community.

Ms. Sparks said our next speaker is Carolyn Wyatt.

Carolyn Wyatt, 359 Troup, said a few things I want to say about Boston Daniels Park—her name is Ms. Daniels. Anyway, she had a 3-on-3 scheduled at Kensington Park, at Kensington Recreation Center. The staff had her change her 3-on-3 after she had it all scheduled, ready to go. People come there but they said they didn't have staff. I did talk to the guy that works there and he said he would, but they're not asking anybody. They're not saying, would you mind working overtime or whatever to get it done. She had a 3-on-3. They told her to cancel it until August. So now, she had to cancel that 3-on-3 to August.

Also, I had a summer program scheduled for Beatrice Lee. After I got it all scheduled, got people, applications in, got everything scheduled, ready to go because I did a spring...**Ms. Sparks** said one minute remaining.

Ms. Wyatt said anyway, they cancelled that and they let YMCA have a summer program there. So, our youth that was scheduled to be there, they couldn't have a summer program. So, the staff, like I say, they're not working with us. They're trying to say that the gyms are empty so why are we having these gyms. They're trying to make them empty because they're working against us. We're trying to—they're charging people so much money to use the gym. If you live in Wyandotte County and you're running a basketball league there, not a league would practice. They want to charge you \$35 an hour just to come and practice. Why should our kids have to pay? The one that gets it for them pay \$35 an hour just to practice when the gym is sitting empty all the time...**Ms. Sparks** said your time has expired.

Ms. Wyatt said gyms are empty and they're trying to make them look like that, so I think you need to check into that and make sure that our kids have a safe place to go, and we should have our summer camp.

Ms. Sparks said we have Evelyn Hill online.

Dr. Evelyn Hill, Kansas City, KS, said I am here tonight as the Director of Equity and Justice at Avenue of Life. I am also a member of the Mayor's Housing Task Force and the Justice and Equity Coalition. I'm really just speaking and I have in support of the presentation that will be made by Amber Adams and the United Churches for Justice. We want to make sure that everyone knows that we support proposal one of the affordable housing and equity trust fund, increasing housing equity in the historically redlined areas in Wyandotte County. And proposal

two, hiring the national network and safety communities to provide...**Ms. Sparks** said one minute remaining.

Dr. Hill said to provide technical assistance to implement group violence intervention in Wyandotte County. So excited I went to the event. I saw the Mayor. Over 600 people in attendance. Very exciting event. Thank you to all our commissioners and Mayor for the work that you do.

Ms. Sparks said our next speaker is Maddie Waldeck.

Maddie Waldeck, Bonner Springs, KS, said at last month's public comments, several acquisitions were made against the commissioners with one of the acquisitions being the commissioners are not accessible and visible in the community. A few weeks ago, I emailed Commissioners Bynum, Burroughs, and Townsend about a concern that my parents had in their neighborhood at 57th & Leavenworth Rd. All three commissioners responded within 24 hours. Commissioner Townsend even drove by the area of concern and followed up with a phone call to my parents. This is the type of responsiveness you don't typically see in larger cities and counties. I have personally reached out to Commissioners Stites, who is my commissioner, about a concern that I had and, again, he reached back out to me in less than 24 hours.

I routinely see all commissioners at community events and see their strong social media presence and accessibility. It is important for this Commission to know that these complaints lodged against you may be the experience of some, but certainly does not represent the experience of all.

Secondly, please do not accept the...**Ms. Sparks** said one minute remaining.

Ms. Waldeck said please do not accept the revenue neutral rate. The revenue neutral rate does not take into consideration a growing community with an infrastructure that is crumbling. Factor the growth and allocate those dollars toward infrastructure.

Lastly, I would encourage this Commission, Mayor, and Administrator to take a very strong look at the cost savings this organization is realizing on the backs of the very overworked and undervalued staff. Having over 200 vacant positions is saving this organization a lot of money. At \$15 an hour, with a 30% benefit rate for 12 months for 200 positions totals \$8.1M conservatively. It's my recommendation you repurpose those dollars to recognize the

hardworking staff who work tirelessly to ensure continuity of service during an especially difficult time. You could comfortably give each employee in this organization a sizable reward and still capture cost savings.

Ms. Sparks said we have Rose online.

Rose Eilts, Strawberry Hill, said I just have a couple of things I wanted to mention and probably ask for help on. The first thing is safety. We're having a big problem, a big increase in gunfire, shots fired up on Strawberry Hill, specifically in front of St. John's Baptist Church, resulting in an almost deadly experience last night. I wanted to see what we could do, as a neighborhood association or neighbors, to help the UG curb this violence. I'd really like to try and get some traction on this problem, getting together with whoever the stakeholders are and the staff that could help get this resolved. I realize it's an uphill battle and a never-ending one. **Ms. Sparks** said one minute remaining.

Ms. Eilts said then the other problem, of course, is the 505 Central Development Project. I know they're in the process of negotiating incentives with the UG right now. I feel like these developers who come in from outside of Wyandotte County and want to try and use up our resources and get us to pay for them to do that, it's an untenable situation. The UG can't afford that, and I'd like to see any kind of incentives for that project denied. I know we need development; we need more housing. This just isn't the way to do it.

Ms. Sparks said we have Jerri Hessel online.

Jerri Moulder Hessel said my husband and I, Buck Hessel, have submitted to the Mayor and to all the commissioners, and to Pam Curtis and David Haley, our list of items that we feel are important about the funding for 505 Central Luxury Highrise, 8-story complex. We are not in support of this complex, and I can list several neighborhood groups that are not in support of this complex. The last thing we want to do is to see our public funds and public dollars going to support this project when they're not building in conformity to what the neighborhood wants. It is our sincere plea that you honor the constituents of this community and support our desire to limit the scope and size of this development. We are offering a valid compromise for the public

good of our community. It is our intention to inform all homeowners and the public surrounding this development of the financial...**Ms. Sparks** said one minute remaining.

Ms. Hessel said of the financial incentives and giveaways the UG is offering to the developers, which serve only to increase Sunflower Development, the owners, and the investors' profit and serve no public good.

Ms. Sparks said, Mayor, we have no other requests to speak.

A Woman in the audience said (inaudible). **Mayor Garner** said come to the podium and state your name and address.

Mata Townsend, 553 Freeman Ave., said I am also an AmeriCorps VISTA member currently serving as a Communications Coordinator for GroundWorks NRG, a small but mighty non-profit organization. Last week a concern was raised about trails being proposed for the Northeast corridor. I'll paraphrase the question, why do we need trails? That money would be better spent on community centers, playgrounds, parks, and other things that our children in the community so desperately need. First, I'm glad someone voiced that concern to you, our local governing body, because I completely agree that we need all of those things and a lot, lot more.

I'm originally from Flint, MI, so I know about cities in desperate need. I've lived here for 10 years now. In the 10 years I've lived here, I've not seen a lot of improvement, at least not in the lives of the everyday, ordinary citizens. Even though I think that is shameful and inexcusable...**Ms. Sparks** said one minute remaining.

Ms. Townsend said I don't have time to address the lack of progress. Just so you know, I'm doing something about it: cleanups, food drives, building playgrounds, etc., to help coordinate. I also helped coordinate two community festivals for the Northeast Kansas City, KS Heritage Trail. That trail is why I'm here tonight.

I'm here tonight to tell you and everyone who will listen with an open heart and ears what trails are good for. Build trails can be an economic engine. There are obvious physical and mental health benefits, especially when you consider that people live in the Northeast corridor die up to 20 years earlier due to lack of green infrastructure, etc. There is community pride. It attracts tourists and visitors and new residents. It helps property valuations and connects

communities. I know the UG already values this. I know because in 2018, you took the time to create the NEAMP. **Ms. Sparks** said your time has expired.

Ms. Townsend said (inaudible) is my bible. So I say to you, get that build back better money and build as a beacon of light and a jewel everyone wants to see called the historic Northeast Kansas City, KS Heritage Trail.

Mayor Garner said if you'd come forward one at a time. If you come to the front, those of you who still want to speak, if you have a desire to speak, just come to the front on the front row and we'll take you one at a time. Just please state your name and your address for the record.

Mischon Arrington, 1309 N. 79th Terr., Churches United for Justice, said we signed up online. Churches United for Justice is an ecumenical, non-profit that seeks to be a voice for Wyandotte County. We began by holding listening sessions to understand the problems of our community. From there, we came to a consensus of seeking to better understand the needs of housing and violence in Wyandotte County. We effectively researched with experts and community partners to better understand how these issues were having an impact on our community. We met with over 15 various organizations and experts to learn about the problems at hand. We asked about solutions that seem to be currently in conversation among Unified Government departments and officials as well as community partners.

We want Churches United to help be a voice among unheard voices throughout Wyandotte County. We were able to have this happen through our inaugural Nehemiah Action this past Tuesday, June 7th, at the Mt. Carmel Church of God in Christ. At the Nehemiah Action, Mayor Garner agreed to help us to bring proposals to the full Commission by September 20, 2022. Our housing proposal is the creation of an affordable housing and equity trust fund. This will not only help with the development of...**Ms. Sparks** said you have one minute remaining.

Ms. Arrington said would increase and promote homeownership in Wyandotte County with an emphasis in historically redline communities.

The violence proposal is to hire the National Network on Safe Communities to provide technical assistance to bring group violence intervention, GVI, to Kansas City, KS. GVI is an effective method for crime reduction that is recognized by the Department of Justice that has

been proven to reduce violent crime by up to 60% in cities where it has been implemented. Thank you for your time, and we look forward to working with you all.

Judy Ancel, 4014 Metropolitan Ave., said I come as a member of the Safe and Welcoming Coalition. Of course, that item is on the agenda tonight to amend the Safe and Welcoming Act in order to bring it into compliance with the preemption law that was passed by the state legislature. When the Public Works & Safety Committee met, we testified and requested that there be more time for the Coalition to be able to examine the amendments that have been proposed. They said that they were going to put it on the agenda and we could still make our points.

We have two requests. We understand that the Act needs to be amended in order to diminish any risks for the city, but there are two things that are in the amendments which we would like to change. **Ms. Sparks** said one minute remaining.

Ms. Ancel said the first is the name. The Safe and Welcoming City Act really needs to be changed because of the actions of the state government. This law is no longer safe and welcoming, especially for our immigrant community. We would like to propose that the name be changed to the Wyandotte County Community Identification Act or Community ID Act.

The second thing we ask is that in making the changes, the attorney suggested that the ID have an expiration date of two years. We think that two years is extremely short and we would propose an expiration time of five years. If it's only two years, what's going to happen is, it's going to increase the costs and the need for administration. **Ms. Sparks** said your time has expired.

Ms. Ancel said also, a number of people who expire are probably not going to renew. If we want more people to do it, then we need to have a longer time.

Ms. Sparks said we have one additional speaker online, Thomas Gordon.

Thomas Gordon, 2521 N. 7th St., said I've been listening to the concerns of the people, but I wonder how the commissioners are able to record and respond to all the concerns. I don't see anyone taking any notes and I don't know how you go—well, thank you very much. At the same time, I just wonder how everyone was going to get a response back to their concerns. Would that be publicly made? Is there a response?

Mayor Garner said, Mr. Gordon, this is input and recommendations, so your recommendation has been noted.

Mr. Gordon said I would like to see some way that the responses are made public as to the concerns of the people so that it can become a public record.

Ms. Sparks said, Mr. Mayor, we have no other requests to speak.

Mayor Garner asked, is there anyone in the audience that choses to speak before we close this segment of the Mayor's Agenda? This is a unique opportunity that I felt would be of value to this Commission to hear the concerns of our residents and constituents and those that have interest in Wyandotte County and interest of the Unified Government's span of control. We've got one. Please come to the podium and state your name and address for record.

Reece Towers, 615 N. 82nd St., said I want to address the cancellation of the meeting today at 4 p.m. with our developers. It was brought to our attention that we didn't get any type of participation from our commissioners. The community wants to know why because there's development going on all around us, but the area that needs to be developed. That's a high, high, highly concern of the people of Wyandotte County that live in that area. So, I would like to know why there was no real response to the cancellation of today's meeting at 4:00 when we brought in developers to address the issue of the desert that's going on at 635.

David Haley said I've served in this community in different capacities: precinct committeeman, state legislator, BPU Board Member. First and foremost, and I haven't addressed this Commission before. I'm a little nervous being here, believe it or not, because of the rising concern that I feel that we've seen in the abilities to address issues that affects this entire community. I've served in elected capacity, I think, longer than anyone else in Wyandotte County. The good people of this county have favored me with their votes, as they have each of you. What I've tried to do wherever I can, gentlemen, ladies, is to find consensus to address the targeted areas of concern that will make us all a stronger, better county. I'm concerned that that friction somehow, someday is deteriorating from the fabric of Wyandotte County...**Ms. Sparks** said one minute remaining.

Senator Haley said and inside of that, that we find some means by which the areas that are often neglected could somehow be lifted high. The high tide should lift all boats. I've participated indirectly the development of part of our community, that being Village West. I was key, as some of you know, in seeing some of the development go there. It is time, gentlemen, ladies, please, to find a way to bridge whatever differences that we have; to find ways for the rest of our county to see prosperity, economic development, and growth should anear to every corner. Each of you has the ability to make that happen. I, David Haley, your humble and obedient servant, ask you to please, on behalf of the people of this county, find a way to bridge those differences and to make it so.

Darrel Hall, 2314 N. 82nd Terr., said I'm just coming up before you as one of the people. Just wanting to know if you have still heard our voice. It seems like you all did. We're glad we have a good team here to represent us as our voice. We've had issues of like the PILOT program with BPU and issues with high property taxes and the things that affects us. We see that you're addressing many other things. I don't want to judge—we'll be judged by our fruit, but I don't want to judge the fruit too early before it's ripe because I know you've all come together to work as a team. I want to give you a chance for that...**Ms. Sparks** said one minute remaining.

Mr. Hall said like we would want you to give others. I'm not sure if all of you all full-time to this county, or do you all have jobs or other issues, other interests as well. Just as I've heard you against Ms. Lee, concerned about her time spent. None of us—none of you have time to spend totally just doing this. Just want to know if you still hear our voice like you did when you were running your campaigns. It seems like you did then, so we just want to address some of the issues that we have expressed to you as our voice. Thank you and we're counting on you.

Ms. Sparks said, Mayor, we have Eleanor Jefferson online with her hand raised.

Elnora Jefferson said I'm speaking tonight to let the Commission, the elected officials and staff know that the 2022 Brownfields Conference is going to be held in August in Oklahoma City, OK. Now, maybe some of you have attended, but for those who have not, it is an excellent opportunity to learn about Brownfields reclamation and climate control as well as information on the infrastructure bill. So, what I'm saying tonight is to let you know that. You can probably

find out more information from either through the Economic Development Department or by simply googling Brownfields Coalition Travel & Training there in Oklahoma City, OK.

Ms. Sparks said we have Karen Daniels online.

Karen Daniels, 3005 Oakland Ave., said since 2017, I've been trying to bring awareness to Boston Daniels Park on 8th & Quindaro. I've always been told by Parks & Rec that there was never any funds in the budget to improve his park. I just want to bring attention to his park and ask that the commissioners please help get Boston Daniels Park the much needed improvements that it needs. He was a servant of Kansas City for 25 years as the first black Chief of Police. I just want to keep his park, his memory alive. So, please consider improving Boston Daniels Park.

Mayor Garner said this will be the last call. Any other comments in the audience? Thank you for those comments. Again, those are valuable comments. One of the commitments I made to residents that know me is we value your input. That's how we get better. Let us know how we're doing; how we're measuring up. Not just who we are as a Commission and a Mayor, but who we should be to better serve you as your public servants. Thank you for all the comments that are made, and thank you for those of you that had the courage to come forward and really make your voice and the interest that you have to better Wyandotte County know.

Mayor Garner said before I close the Mayor's Agenda, I just want to send out a formal apology to all our residents and to those individuals that had signed up over a long process of probably two to three months to come forward for a meeting at 4:00 to really address some of the issues that were important, which is really east of 635. The disinvested, disenfranchised areas of our community have far too long been left out. My Community Development Liaison LaVert Murray really worked hard to try and bring a vision together of individuals that wanted to share their vision on what it would look like for redevelopment/reinvigorated east of 635.

Some say, what is that, Mayor? What we've identified is the area of 55th St., in between State and I-70, going east. Then you talk about the Northeast, which is truly one of those areas that have been left out in the minds of so many; disenfranchised. The economic segregation that

I call has been unacceptable. That's a true area that needs our attention, especially when you talk about the Land Bank properties that are there and some of probably the best land and most valuable land, I think, anywhere you can find in the metropolitan area.

Then you get into our Downtown, Armourdale, northern Rosedale, as well as Argentine. Those areas, as well, have been identified by LaVert Murray as an area of interest and then he brought these developers together.

I'm going to give LaVert, Mr. Murray, just a few minutes just to go into what we're going to see tonight, and then what you can expect moving forward. We still want to move and bring these individuals back to the public. They've worked hard with presentations. Folks from out of town had planned to come into town, as well as some key developers that have really spent a lot of time and effort to make that presentation tonight, but unfortunately, it's going to be pushed back. I'll let Mr. Murray describe what that process will look like.

LaVert Murray, Chief Economic Development Advisor, said today we had it planned at 4:00 a presentation on the part of several developers who have shown interest in developing specific neighborhoods in areas east of 55th St. It didn't just stop within the Northeast community. It included Rosedale, Armourdale, and Argentine as well. We had several developers prepared to present to you proposals and ideas for the development of these areas we've identified. I do want to say that because this meeting was cancelled, we have spoken with all of the developers. They have agreed to come back, so we are going to work with you, the community, with the Commission and reschedule these presentations.

The presentations we're going to start with a visual of what has taken place in Omaha, NE, undertaken by a community agency called Seventy Five North. We believe that they have found a way to revitalize distressed urban communities with primarily private funding; but, of course, we know that there are infrastructure needs that you, the Commission, will need to invest and make these developments happen. So, these developers are prepared to express to you what those needs are as well.

I will tell you that they did submit some exciting proposals today, and we're holding those proposals until we make that presentation again to you, the Unified Government Commission, and the public. The developers remain extremely excited. These were majority developers as well as minority developers. It was a great number of them. My concern was how

we would build-in enough time for you to hear all of those developers. Of course, we will continue to work to make that happen.

Again, the developers have committed to return. We will work with everyone to make sure there is timely planning to make that happen so that the community can hear the potential and the possibilities within those areas east of 55th St., east of 635.

Mayor Garner said, again, this vision that was brought forward from these developers is trying to bring about hope for folks that for far too long, in my opinion, really haven't had a lot of hope in these disenfranchised areas and really trying to visualize working with our Commission, working with our staff, that shared vision on how we turn those hopes into realities in these disenfranchised areas of our community.

I believe that Mr. Haley said it perfectly. We don't want to negate or overlook the development that has gone out west in our community. We want to continue to build upon that, and we want to continue to support that. But then, we also need to look east and see because we believe that those developments offer a unique opportunity for Wyandotte County to really become something great, not just in the metro area, but something of a success story throughout this country, a reinvigorated major player where this would be the first choice of anybody looking for somewhere to live, work, and raise a family. We want to anchor people right here in Wyandotte County, in all parts of Wyandotte County.

You shouldn't have to see too much of a divergence when you go east to western Wyandotte County. Some of you have heard me say that. I'm really passionate about that. We're at a crossroads and we have an opportunity working with this Commission, working with you, the community, and a really anxious staff to really find solutions to some of these real problems that we know affect the lives of real people every day. We're optimistic. We're excited. We're looking forward to bringing about those developers.

Again, I want to send a sincere apology to those developers and to Wyandotte County, and anybody that came expecting to hear that presentation because I know the word had gone out. Some were disappointed and those messages got back. It was a conflict of interest between some of the scheduling with some of our commissioners. No fault of Mr. Murray's, but we just didn't have the numbers to really have a quorum to be able to move the meeting forward according to the Unified Government Rules of Procedure.

Again, we apology. Please stay tuned; look forward. We're hopeful that good things will come of what we see as we move forward throughout the months and the days to come.

Mayor Garner said I will close the public comment at this time.

Item No. 2 – 211724...PRESENTATION: COUNTY ADMINISTRATOR SEARCH PROCESS

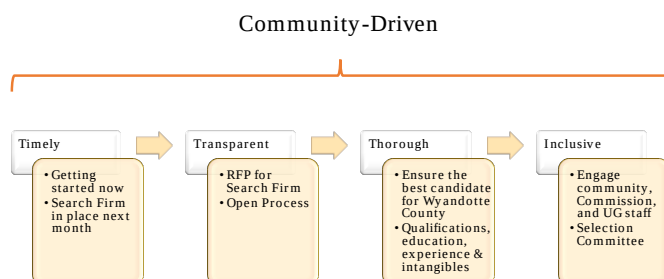
Synopsis: Presentation on County Administrator's Search Process submitted by Tyrone Garner, Mayor/CEO.



Search for next county administrator

A community-driven process

Mayor Garner said I just want to talk real briefly about that. I just want to say that I made a commitment after it was brought to my attention by the Commission that they would like me to start a search. As a result of that request, our Interim County Administrator made a decision, it was not solicited, to remove herself being in that running, and requested of me to honor the request of this Commission and to start a national search. So, I made that commitment. That commitment involved me ensuring this Commission and the community that the search would be timely, it'd be transparent, it'd be thorough, and inclusive.



What that means in a nutshell, this is going to be a community-driven process. It's going to be one that's going to involve a variety of stakeholders.

You might say, who are those stakeholders? It's going to involve number one, our Commission. They have to have a voice. I want them to have a voice. We have to build this relationship and a strong partnership to make sure that we have the right administrator that can provide the right government and the leadership in Wyandotte County to take us to the next level of where we need to be as well as our employees.

Our greatest asset within the Unified Government are our employees. We want them to have a voice. We want them to know that we really value what they think. We want their input to really resonate as well with our Commission as well as myself. What we're looking for, we want to know what they see as being a leader. What they see as being somebody that can take this organization from being just a good organization to a great organization. As well as you, the community. We're going to be seeking input from the community as well on what they would like to see in a county administrator as well.

When I talk about timely, here we are today. What you can expect is that we will select a firm. We hope to have that firm selected and in place by middle of next month, July. Transparent. There's going to be an RFP process. It's not going to be one of these things where I just pick somebody. It is going to be an RFP process to make sure that we're getting the right consultant to come forward. It's going to be an open process when you talk about the process and the search. It's going to be thorough. We just want to make sure that we have the best candidates brought forward and just beyond the minor qualifications of what type of qualifications, their education, experience, and intangibles. We want to make sure that the right fit for the Unified Government and not just for the Unified Government, but for this community in Wyandotte County. Again, it's going to be inclusive. I talked about that involving both this Commission, the community, as well as our employees here. There will be a selection committee that will aid in this process.

So, those are some of the things that you can expect as we move through trying to get to the point to where we have that candidate for consideration. I'm going to continue to update this community, this Commission, and all our staff here about the ongoing progress. That's a commitment I made. I want this to be transparent. I don't want there be any question about how we're doing things because really, I said this before in a variety of ways, I'm not your Mayor because it's about me. It never was, it never has been, and it never will be. It's about this

community and it's about what I can do to bring forward what's best for Wyandotte County in a way that's community-driven.

I've got to say it again, I've got to work and I'm committed to working with our Commission. I've got to work with our Commission, and I mean that with all sincerity. We have got to come together as a Commission and do what's right for the people. I've heard that over the months, I guess, with these open inputs. I've heard it out in the community. I can tell you; this community wants us to come together, set-aside whatever differences we may have, and do what is right for Wyandotte County because that's what's important.

Some of you heard me say, I'm not a politician. Some have asked me, what does that mean? That means I'm not here to play games. I don't want anything. I don't need anything. I'm retired. I'm here because the people asked me to be here, not because I had to be, because I wanted to be here because I, too, share in the belief that we can create a great Wyandotte County together, not by myself. I can't do this by myself and I've said that over and over again. We have to come together and do what's best for Wyandotte County.

I haven't said a lot about some of these inputs, but I'm going to say it tonight. I share, whatever differences, we have got to set it aside. Politics, as usual, has to stop. We've got people's lives in our hands and the livelihood of Wyandotte County is at stake. It's not a game for me and it's not politics for me in a sense that some people would think it is. I'm here because I truly care about this community.

When I hear people and the desperation in their voices when they talk about high taxes, when they talk about their utilities, when they talk about the disinvestment, when they talk about the bureaucracy, when they talk about politics being played, I ran because I joined this community in saying, enough of the buffoonery that we've seen over the years. We have got to move Wyandotte County forward. I'm not here to say that in a disrespectful way, but it hurts me to see what is going on and what has been going on. Some people forget I worked here for 32 years. I know and I've seen things that have been disturbing just working out in this community.

I want a better Wyandotte County and we have a real opportunity. So, I challenge this community to support not just this Mayor, but this Commission and our Administrator and our staff. I ask you to please get engaged and realize and wakeup to what is going on in this Unified Government and the decisions that are being made because they shouldn't be being made for you. They should be being made with you.

I ask this Commission to please work with me because I'm willing to work with you. I have to. The community, the success of every person that calls Wyandotte County home or that wants to call Wyandotte County home, depends on what we can do together. I'm not asking you to go to any of my family reunions, but as professionals, the elected officials that are supposed to be moving this county forward in a direction that can lift, as Senator Haley said, all boats for everybody that wants to have an opportunity to work hard because they want better, not just for themselves, but for this community. They want to have an opportunity for success. Let's work to give it to them.

As you've heard me say, let's work together to make Wyandotte County a great and safe place to live, work, and raise a family. Finding an administrator is just the first step. We've got a lot of work to do because there are a lot of problems. As we go into the coming months and our administrator begins to reveal some of the audit results, this community, this Commission, and this Kansas City region is going to see the hard work that Wyandotte County has ahead of it. We've really got to dig-in, work hard to overcome some of these major challenges and issues that really affect us all. People's lives depend on it. So, enough of that, but thank you.

Action: For information only.

CONSENT AGENDA

Mayor Garner asked, does any member of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If any item is set-aside, all items on the Regular Consent Agenda will be voted on by one vote. I'll entertain a motion for approval of the Regular Consent Agenda if there's nothing set-aside. Clerk, were there any set-asides that you're aware of? **Ms. Sparks** said no, Mayor. **Mayor Garner** said I'll entertain a motion for approval of the Regular Consent Agenda.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.

Mayor Garner said I have a motion and a second. Is there discussion?

Commissioner Townsend said I just wanted to clarify. I believe earlier in the meeting there was a notice that several items were removed. So, before the vote is taken, just wanted to make sure we know what is now still on the agenda. **Mayor Garner** asked, Clerk, can you read those items, please?

Ms. Sparks said the items that were removed this evening were from the Standing Committed Agenda. That was Item No. 2 – Ordinance adopting the Building and Safety Code I. Item No. 3 – Ordinance adopting the 2018 Life Safety Code and International Fire Code. And Item No. 4 – Ordinance adopting the 2018 International Residential Code. Again, those were on the Standing Committee Agenda.

Mayor Garner said I have a motion and a second. Is there any further discussion? Seeing none, roll call, please.

Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 1 – 211597...FY22 LOCAL LAW ENFORCEMENT CRIME GUN INTELLIGENCE CENTER INTEGRATION INITIATIVE

Synopsis: The Police Department is seeking approval to apply for and accept the FY22 Law Enforcement Crime Gun Intelligence Center grant award in the amount of \$700,000, submitted by Laura Cromwell, Fiscal Officer, KCK Police Department. There is no match required from the UG. On May 23, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 2 – 211598...GRANT: FY 22 COPS HIRING PROGRAM

Synopsis: The Police Department is seeking approval to apply for and accept funding through the FY22 COPS Hiring Program to fund twelve patrol officer positions for a three-year period.

We are requesting a match waiver to cover these positions at 100%. Should we not receive the match waiver, we are estimating the total cost to the UG would be \$173,355 per position over the three-year period, which would equate to \$2,080,267 per twelve patrol officer positions over the three-year period, submitted by Laura Cromwell, Fiscal Officer, KCK Police Department. On May 23, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 3 – 211426...PROPOSAL: DRAFT REMOTE WORKER POLICY

Synopsis: Policy for remote work to be included in the Human Resources Guide, Section 2, Policy 2.20, submitted by J. Renee Ramirez, Director of Human Resources. On May 23, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 4 – 211731...PLAT: PIERSON PARK FIRE STATION

Synopsis: Plat of Pierson Park Fire Station located at 55th and Douglas, being developed by the Unified Government of Kansas City, Wyandotte County, Kansas, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted and authorize the Mayor to sign said plat.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 5 – 211732...PLAT: PARALLEL APARTMENTS

Synopsis: Plat of Parallel Apartments located at 112th and Parallel Parkway, being developed by North Point Development, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted and authorize the Mayor to sign said plat. Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 6 – 211733...PLAT: HOMEFIELD PERFECT GAME

Synopsis: Plat of Homefield Perfect Game located at 90th Street and Walker, being developed by HFPG KCK, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted and authorize the Mayor to sign said plat. Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 7 – 211734...PLAT: HOMEFIELD SPORTS TRAINING

Synopsis: Plat of Homefield Sports Training located at 94th and State Avenue, being developed by HFPG KCK, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted and authorize the Mayor to sign said plat. Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 8 – 211726...MINUTES

Synopsis: Minutes from Planning & Zoning and Regular Session of January 6, 2022; and Special Sessions of April 7 (4 p.m.) and May 3, 2022.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

STANDING COMMITTEES' AGENDA

Item No. 1 – 211720...PRESENTATION: BUDGET REVISION IN EXCESS OF \$50,000 FOR CONSTRUCTION OF NEW TURNER FIRE STATION

Synopsis: Presentation of budget revisions approved under Section IV.B.7(a) of the UG Operating and Capital Budget Policy related to the revised construction cost of the new Turner Fire Station, submitted by Reginald Lindsey, Budget Manager. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on June 6, 2022. It was requested, and approved by the Mayor, to fast-track this item to the June 9, 2022, full commission meeting.

Mayor Garner said I'll ask Commissioner Burroughs to make some opening remarks.

Commissioner Burroughs said the subcommittee chose to advance this to the full Commission with unanimous support. Approval of this project will allow a transfer to the city cash funded Capital Projects Fund and allow the Turner—it affects the quartermaster's budget, but it will also allow the Turner Fire Station to move forward because of the hit on inflation and building materials. I would ask that the Commission give this strong support.

Mayor Garner asked, do any commissioners have any comments?

Action: **Commissioner Stites made a motion, seconded by Commissioner McKiernan, to approve as submitted.**

Mayor Garner said there's a motion and a second. Is there any further discussion? Seeing none, roll call, please.

Roll call was taken and there were seven "Ayes," McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Mayor Garner said just for a note of information, Items 2, 3, and 4, per the blue sheet, will be added on our June 30th Commission Agenda.

Item No. 2 – 211727...ORDINANCE: ADOPTING BUILDING AND SAFETY CODE 1

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS, occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS, has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle. Item submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The following codes will be adopted under a single ordinance:

- 2018 International Building Code (IBC)
- 2017 NFPA 70 - National Electrical Code (NEC)
- 2018 International Mechanical Code (IMC)
- 2018 Uniform Plumbing Code (UPC)
- 2018 International Property Maintenance Code
- 2018 International Energy Conservation Code (IECC)
- 2018 International Existing Building Code (IEBC)

This item was previously before the full Commission on May 26, 2022.

Action: **This item was previously removed from tonight's agenda, per the blue sheet, and will be added to the June 30, 2022, agenda.**

Item No. 3 – 211728...ORDINANCE: ADOPTING THE 2018 LIFE SAFETY CODE AND INTERNATIONAL FIRE CODE

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS, occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council

(ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS, has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle. Item submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The following codes will be adopted under a single ordinance:

- 2018 Life Safety Code
- 2018 International Fire Code

This item was previously before the full Commission on May 26, 2022.

Action: This item was previously removed from tonight's agenda, per the blue sheet, and will be added to the June 30, 2022, agenda.

Item No. 4 – 211729...ORDINANCE: ADOPTING THE 2018 INTERNATIONAL RESIDENTIAL CODE

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS, occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS, has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle. Item submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The International Residential Code for One- and Two-Family Dwellings is presented with three options from which the Commission may choose and will be adopted under a single ordinance:

- 2018 International Residential Code for One- and Two-Family Dwellings (IRC), Option A (staff recommendation)
- 2018 IRC, Option B
- 2018 IRC, Option C (unamended energy provisions)

This item was previously before the full Commission on May 26, 2022.

Action: This item was previously removed from tonight's agenda, per the blue sheet, and will be added to the June 30, 2022, agenda.

Item No. 5 – 211582...AMENDMENTS: SAFE AND WELCOMING ACT TO COMPLY WITH HB 2717

Synopsis: Amendments reflecting changes necessary to comply with HB 2717, submitted by Casey Meyer, Senior Attorney. On May 23, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Mayor Garner said I'll ask Ms. Meyer, with our Legal staff, to make some opening comments.

HB 2717 and Safe and Welcoming Act

IMPACT

- HB 2717 prohibits municipalities from restricting local government employee and law enforcement cooperation with federal authorities and limits the use of municipal IDs.
- Passed by State legislature and signed into law by Governor Kelly, April 11, 2022.
- Any conflicts between HB 2717 and Safe and Welcoming Act are void.
- Several sections in our current ordinance conflict with HB 2717.

PROPOSED DRAFT

- To comply with State law, Unified Government ordinance sections 18162 through 18168 will need to be repealed in part or amended.
- Resolves conflicts between HB 2717 and Safe and Welcoming Act and amends sections related to issues raised during Full Commission meeting.
- Also changes "Municipal ID" to "Community ID".

Casey Meyer, Senior Attorney, said as you know, House Bill 2717 was passed by the state legislature and approved by Laura Kelly in April of this year. Because of that, any conflicts between that House Bill and the Safe and Welcoming Act are void. Several sections in our current ordinance conflicts with the House Bill. So, what you have in front of you is a proposed draft with red lines, which comply with state law. Additionally, I included some changes that I wanted to address based on some commission comments at the last full commission.

In addition, I believe there's some public comments, or at least some people that called in and requested that the municipal ID be changed to community ID. So, the name of it was changed throughout the Act as well.

Proposed Draft

The redlined sections were deleted/added to comply with HB 2717. The highlighted sections represent changes in accordance with issues raised at the last Full Commission meeting. "Municipal ID" was changed to "Community ID" throughout.

1. Sec. 18-165(a)(5). Added expiration term of 2 years from date of issuance or when the person no longer resides in Wyandotte County.
2. Sec. 18-165(b). Reorganized section layout.
3. Sec. 18-165(c). Added cardholder responsibilities to include notification of change of name or address and ability to suspend or revoke card for violations of article.
4. Sec. 18-165(d). Added requirement for Program Administrator to provide annual report or upon request and the option for UG to conduct audits of program as needed.

Really, all I want to focus on here is, and what you guys have, the draft you have, you see the red lines. The red lines are what address the conflicts in the Bill. The yellow highlights address the additional optional changes based on some of your full commission comments.

I believe there is a request to add an expiration term, which I included. When I researched this, the cities that have municipal IDs really ranges anywhere from two to five years. Several cities have expiration terms of two years, three years, four years. It kind of varies.

Most of the cities that had a two-year expiration term were similar. If you recall, the documents that we require to prove residency or identity, it was similar in length so that's why I chose the two-year expiration term. Legally, that's kind of a policy issue and that's up to you.

I also reorganized the section layouts just to clean it up a little bit so that it was easier to understand what sections addressed what. I also added Section 18-165(c) which include some cardholder responsibilities, which will include a notification if their name changes or if their address changes they need to get a new card so that the information on the card is accurate. Also, the ability to suspend or revoke the card if there are any violations of the article.

Additionally in 18-165(d,) we added the requirement for the program administrator to provide an annual report to the Commission or upon request, and also added the option for the Unified Government to conduct audits of the program as needed. I do remember at full commission there was a request for an audit process, which is now in the ordinance.

My presentation is very short. That is the proposed draft you have in front of you. I understand Ms. Ancel's request from the Safe and Welcoming Coalition regarding the name change. There's nothing illegal about that, obviously. If the Commission wanted to approve a name change, we would just need a motion to amend and then we can address that.

Commissioner Johnson said, Casey, I want to thank you along with the remainder of our staff, also Misty Brown, for the work that you all have put into this for quite some time. I want to say to the community and certainly to the Coalition, that has worked so hard with this Commission, how disappointed I am in the actions that have taken place down the highway in our legislature. But here we are. We've got to make, by law, we have to make some revisions.

I thank you for making the first adjustment to the naming of this to the community idea. I think I saw that's already been taken place throughout the document. **Ms. Meyer** said that's right. **Commissioner Johnson** said so the only issue at hand is whether or not we want to have an expiration date that is either two years or up to five years, as the Coalition has requested. **Ms. Meyer** said that's correct, for the name change.

Commissioner Johnson said I have a notation from Commissioner Bynum that I think she's good with extending it. As a matter of fact, before this, for the record, I want to make sure—take that off the record because I don't see that for sure. She's open to a concept longer than two years. I agree with that. If the Commission would so approve it, I don't mind going out as long as five years, as requested by the Coalition.

Mayor Garner asked, are there any comments, questions?

Commissioner Kane asked, did staff recommend two years? **Ms. Meyer** said based on my research, it was anywhere between two and five years. If you recall in the ID, the section which includes the list of ways to prove your residency and identity, our list is fairly broad. The cities in which they kind of had the broader list, they usually had an expiration term of two years. That is why I made that recommendation.

Commissioner Davis said just a quick question. When do we have to make a final decision on this, or is this just kind of Legal trying to make sure that we're being on top of it? **Ms. Meyer** said July 1st is the date that the statute comes into action. So, July 1st would be our deadline.

Commissioner Stites said one other question. What other cities have that broad list, and I mean cities within Kansas, have that broad list that you're talking about that would limit it or the

minimum of two years? **Ms. Meyer** said no other cities in Kansas have a community ID program. **Commissioner Stites** said nobody in Kansas. **Ms. Meyer** said nobody in Kansas.

Commissioner Stites said if you could go back to the presentation, I had a question about No. 3 where it said, ability to suspend or revoke card for violations of article. **Ms. Meyer** said of the Act, correct. **Commissioner Stites** asked, what exactly is that? **Ms. Meyer** said it's just another way to safeguard and make the card more reliable. If a cardholder violates any part of the Act, then it provides an avenue to revoke their ability to hold a municipal ID card.

Commissioner Stites asked, could you give me an example of a cardholder violating the Act? **Ms. Meyer** said, for example, if they were found to use a false or fraudulent document in order to obtain the card in the first place, or if they—if you see in the redline section, I added all the language for which the actual crimes are, which are included in House Bill 2717. Of course, any violation of that would be a violation of the Act so then we could revoke or suspend your ability to ever obtain a municipal ID card.

Commissioner Stites said so it doesn't have anything to do with a violation like out on the streets, I mean a traffic stop, any type of violation like that. **Ms. Meyer** said correct.

Commissioner Stites said I am in support of this, if we're going to do this, which two years would be where I'm at. But, again, there's no other city in Kansas that is doing this, correct? **Ms. Meyer** said correct.

Mayor Garner asked, any other discussion or comments? Okay. Again, I share in the sentiments of Commissioner Johnson, along with the Coalition that I worked with, just the disappointment that we're even here today having this discussion after so long, so much work, so much time put in by so many people in our community.

Commissioner Townsend said I just wanted to ask Counsel or maybe one of my other colleagues who was shepherding this through some of the standing committee. It's already been stated that no one else in the state of Kansas has anything like this. How difficult would it be if we went forward with two years, to come back at the end of the two-year period to see how this actually works and come back and adjust it to like three years, five years? **Ms. Meyer** said that would be very easy. That would not be hard at all.

Commissioner Townsend asked, if we went with the two years just to see how things worked, because that's a system, we could come back and amend that. **Ms. Meyer** said yes.

Commissioner Kane said we've done this with other projects where we let them go for two years then they come back and revisit. A lot of things we've done to do that. Then give them three or five years if they've done everything the way they're supposed to. I think if this matches—we're the only ones doing it. We don't know if it's going to work or not, so I would think that we would go with two years, have them come back and give us another presentation, and adjust accordingly. I guess that's a motion.

Action: **Commissioner Kane made a motion to approve setting a two-year expiration term for the municipal ID card.**

Mayor Garner said we have a motion to stick at two years, as has been presented from the recommendation of staff, I take it. Is that the recommendation? **Ms. Meyer** said yes.

Commissioner Stites asked, is this just a motion on the time or all the changes?

Commissioner Kane asked, everything that you've done puts us in line with the state, right? **Ms. Meyer** said that's correct. **Commissioner Kane** said right. The only thing that we've added was the two-year adjustment, correct? **Ms. Meyer** said we added the expiration term, which is the two-year adjustment, the ability to audit, and then additional cardholder responsibilities just to update their card if they change name, change address. Those are all optional things that I included based on comments at full commission. Those were not required, obviously. **Commissioner Kane** said no, but I like—could you repeat the last part about audit and then the rest of it? **Ms. Meyer** said the three sections that I audit were the two-year expiration term, the ability to audit the program administrator to make sure that they're following the rules, and then the third thing is the cardholder responsibilities where they have to update. If they change name, change address, they have to report that and get a new card.

Commissioner Stites said changing the name—tell me the name again, please. **Ms. Meyer** said I believe Ms. Ancel suggested Wyandotte County Community ID Act. I don't know if you would want it Unified Government Community ID Act, whatever. **Commissioner Stites** said I think we probably need to decide that before we vote. I'm not okay with it being Wyandotte County because Bonner Springs and Edwardsville have not been consulted on this and they are part of Wyandotte County. If it was going to be anything, it would be Kansas City, Kansas Community ID; not Bonner Springs and not Edwardsville.

Commissioner Johnson said I think what I see in the documentation is it just says community ID versus Wyandotte County. Clarify that. **Ms. Meyer** said Community ID Act. **Commissioner Johnson** said it just says community; it does not refer to Wyandotte County, it just says community ID.

Patrick Waters, Deputy Chief Counsel, said I think there's a little confusion between the use of the term community ID card that was changed and the actual name of the Act, which is in the heading. I think there was a request from some members of the public to simply change the name of the Act. The community ID card has been changed in the version that you're looking at here. Changing the name of the Act itself will have no legal purpose, no legal change. It won't have any affect; it's just simply how we refer to it. **Ms. Meyer** said the name of the card is the community ID Card. **Commissioner Stites** said I'm saying, I would like for it to say the Kansas City, Kansas Identification Card.

Commissioner Johnson said to the name of the Act itself it says that it's a Safe and Welcoming City Act. What has been asked is that would be changed to the Wyandotte Community ID Act. There's some pushback on this Commission with regard to the Wyandotte County portion of that. Would it make sense to call it then the Kansas City, Kansas Community ID Act? Would that be acceptable? **Mayor Garner** said I'll bring that up here shortly.

Commissioner Burroughs said I think there has been just a little confusion in what we're looking at. The municipal ID was not to be utilized by state law. It now has become the community ID. That's the change there. The Act itself, as stated by Commissioner Johnson,

does need a name change if the community wants that name change to be representative of the word community. Then it was mentioned by Commissioner Stites that it be the Kansas City, Kansas Community ID Act.

I think the main issue that we're struggling with here is, and I think we've almost come to terms, that is the timeframe, the two-year timeframe. I think that really puts into play the community that has been asking for this to come forward in a hurried process to get this ID up and running instead of waiting over a period of five years. I do strongly support the fact that they can come back before us and give us a chance to streamline and/or modify the Act. We'll find some bumps in it somewhere, I'm sure, because no ordinance, no resolution, no law is perfect. We'll have a chance to come back in two years and address this.

This reads pretty simply and I commend you for making the changes that you've made and getting us in line with the state requirements of 2717.

Mayor Garner said, again, to wrap up my comments, it looks like we have a motion from Commissioner Kane for the two years, or just the amendment and what's been brought forward by Legal staff as a recommendation to this Commission for the two years, as its been presented from Legal for consideration. I couple that with the name change as well. I believe that there was a motion to have the name changed at the request from a stakeholder in the community from what was presented and away from the suggestion of Wyandotte County Community ID Act to KCK Community ID Act. There was also an initial indication from Commissioner Johnson for five years. Then there was also mention of a staggered from the two years to get up to the five years, which might be mute, depending.

So, I think the issue is at hand, I've got a motion for the two years and what's presented from Counsel to this Commission, as it has been presented for consideration, which I have a motion from Commissioner Kane without the name change. We'll go through that motion first.

Commissioner Burroughs said actually, I think, if we just voted for the Act initially, what Legal has presented, and then the second motion can be the name change to the Act because it was presented to us with the two years and everything else was acceptable except for the name of the Act. We can handle that with a second motion, unless you want to combine them all in one motion, Mayor. At least we'll know what we're voting for if we vote for the two years, as

presented by Counsel for the entire Act, and then turnaround and vote for the name change of the Act, if that's acceptable.

Mayor Garner said I'll take you up on that, Commissioner Burroughs. Here's what we'll do. Commissioner Kane, would you like to amend that two years with the name change to Kansas City, Kansas Community ID Act? Would you like to amend that? **Commissioner Kane** said yes.

Action: **Commissioner Kane amended his previous motion setting a two-year expiration term for the municipal ID card to also include changing the name to the Kansas City, Kansas Community ID Act.**

Mayor Garner asked, is that your motion? **Commissioner Kane** said yes, sir. **Mayor Garner** said I've got a motion to amend his original motion to two years, as been presented, with the name change of the Kansas City, Kansas Community ID Act.

Commissioner Davis said just a question and then a comment. For this item, will there be public comment? **Mayor Garner** said there was no public comment. It's been through the standing committee. This is just for Commission action.

Commissioner Davis said okay. My comment will be this. Commissioner Bynum and Commissioner Ramirez were also part of the group of commissioners that were a part of bringing this forward. I think it would be fair for us to delay this until our next full commission meeting. That way, for Public Safety & Public Works, they can come up with some sort of compromise, work with the Coalition, and then we can fast track it from that standing committee meeting to that June 30th full commission meeting.

Commissioner Townsend said I just want to send the motion. This has gone through the standing committee process. What we're doing tonight, we recognize the desire to change the name. I think that's been accounted for. It's already been—in the version, we're voting on the two year. I think the only question I would have, would we—well, it expires in two years, but we can take this up again. If you want to make it a longer period of time, that can be done at that time.

Action: **Commissioner Townsend seconded Commissioner Kane’s motion.**

Commissioner Johnson asked, how many votes does it take to approve this as it stands? Legal, can you give us some guidance on that? **Mr. Waters** said yes, Commissioner, six votes.

Mayor Garner said I do have a motion that needs to be resolved. Is there a second? Commissioner Townsend did second that, so we have a motion and a second. Clerk, roll call, please.

Roll call was taken and there were four “Ayes,” McKiernan, Kane, Burroughs, Townsend; and three “Nos,” Johnson, Stites, Davis. (Motion failed.)

Mayor Garner said next we have two items under the Administrator’s Agenda. Standby just for a second. I’ve got one more question from Commissioner Townsend.

Commissioner Townsend said I just want clarity on where we go from here with this now. **Mayor Garner** said if someone would like to make a motion to bring it back to the next meeting or take it back to standing committee, I believe we can do that. I’m going to go refer to Legal and some of the legal implications of this vote and just bring us up to speed on our obligation. This is more in line, basically, bringing the Unified Government in compliance with state law as a result of the vote.

Mr. Waters said first of all, procedurally, we had a motion to approve with certain modifications that failed, but this is still an active item because there’s not been a finding either approval or denial of the item before us.

Second of all, in terms of the timing, I just want to remind the Commission the state law goes into effect July 1st. If we were to hold this over until the next meeting, June 30th, it takes a week to publish an ordinance so we would have a week where we potentially are out of compliance. It would be preferable to resolve the matter tonight if the Commission sees fit.

Action: **Commissioner Johnson said with that being said, I’d like to make a motion for all the changes that we would have made thus far with regard to the**

name or the Act, the name of the card, as well as I'd like to go back to the five-year expiration date. Commissioner Stites seconded the motion.

Mayor Garner said I have a motion and a second. Is there any discussion?

Commissioner Burroughs said, Mayor, this has been a point of concern for this community for a number of years. I know the results of what happened at the capital was due to, I think, a lot of miscommunications in the community. There are some that want to say differently, but you just heard that Bonner Springs and Edwardsville had some concerns but yet, there are those deniers that say that's not the case.

You have commissioners that are really trying to find a way to help here. It took Topeka to guide us. We weren't the only county in the state that had legislation repealed on the local level. There's Roeland Park that was impacted from this. We didn't learn from Roeland Park to come forward with the same language they had to move our ordinance forward.

Now, I understand this is a very important issue, but we want to get this right so we don't have to have the state interfere once again. That is what we are trying to do. I would ask the members of this community to understand that there is not a difference of opinion on the municipal ID, but now all of a sudden we're getting into the criteria of the municipal ID again. That's the name change. Then we're going to talk about the years. We have come a long way. I would ask your patience.

You have three commissioners that are not here this evening that were strong advocates of your safe and welcoming. I agree, they should probably have an opportunity to speak to this this evening. However, they knew this was on the agenda. I can't explain to you why they chose not to be here or what caused their absence this evening. I will state that this issue is important to a number of people in our community. We want to get it right. So, please, by all means, be patient enough. You found out that others are watching.

We just came through a process that divided this community straight down the middle and it is going to be 12 years possibly that we're going to be dealing with a divided community due to redistricting. This issue played into that issue, whether you want to believe it or not. As a public servant and as an advocate for this community, I would ask, please be patient and understanding that we are trying to get this right.

Commissioner Johnson said I'll tell you what, in the interest of trying to bring about an interest to bring this to a close with my commissioners, how about we meet somewhere in the middle and go with three years on the expiration date? It's not what everybody is wanting, but I think if we can get it over the hump.

Action: Commissioner Johnson made a motion, seconded by Commissioner Davis, to approve an expiration term of three years.

Commissioner Townsend said I commend Commissioner Johnson for the Solomon move because that was going to be my recommendation. I think two years was reasonable given this is the first statute or ordinance like it in the city. I thought five years the first time would be a bit much. I think this three is fair and I think we should just move on so that we are in compliance with the state by the time this goes into effect and not leave that opportunity.

Mayor Garner asked, any further discussion? Just for clarity for those watching. We had an original motion to deny an amendment request to what was presented by our staff for consideration but the matter still persist on the original proposal that has been brought forward. Now, to hopefully resolve this issue, a motion has been made by Commissioner Johnson and seconded, I believe, by Commissioner Davis, for three years and to move the item that has been presented as recommended. Is there any discussion? Seeing none, roll call.

Commissioner Townsend said for clarity, does this include the name change proposed?

Mayor Garner asked, any discussion? I believe your comment was, it does include the name change. **Commissioner Johnson** said right. **Mayor Garner** said okay. I just want to be sure for that. I don't want to speak for Commissioner Johnson or Davis. If you could just clarify your motion, again, Commissioner Johnson.

Action: Commissioner Johnson made a motion, seconded by Commissioner Davis, that the Act be changed to the Kansas City, Kansas Community ID Act, and

that the ID be called the community ID instead of municipal ID, and that we have an expiration date of three years, versus two years.

Commissioner Stites asked, again, what's the ID called? **Commissioner Johnson** said the community ID. **Commissioner Stites** asked, it's not called the Kansas City, Kansas Community ID? **Commissioner Johnson** said the Act is called the Kansas City, Kansas Community ID Act.

Mayor Garner said important discussion, as Commissioner Burroughs noted. Is there any further questions or discussions by this body? I have a motion and a second. No further discussion. Clerk, roll call, please.

Action: **Ordinance No. O-77-22**, "An ordinance relating to the Safe and Welcoming City Act Chapter 18, Sections 18-162 through 18-168, amending Sections 18-162 through 18-168 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Johnson made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were six "Ayes," McKiernan, Johnson, Kane, Davis, Burroughs, Townsend; and one "No," Stites.

ADMINISTRATOR'S AGENDA

Item No. 1 – 211725...PRESENTATION: FIRE STATION 15

Synopsis: Presentation on Fire Station #15 by IAFF and KCKFD, submitted by Chief Callahan.

Mayor Garner said our KCK Fire Department is providing options for Fire Station #15. This was something that was brought forward at the request of the Fairfax Industrial District and a lot of the businesses that they represent, as well as some of those residents that live in the Northeast.

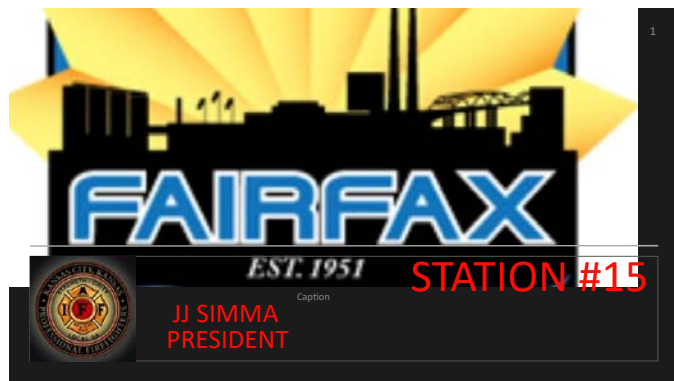
Just some context. Myself, Commissioner Kane, Commissioner Bynum, members from the Firefighters Union, as well as command, took a tour of that facility, which appears to be in really good shape. They were tasked and given a call to action to bring forth options on how, if at all, this Commission to consider to either open, maintain it as it is, or to not open that facility. We're looking forward to seeing what has been considered.

I'd like to turn this over to our Administrator and lead us into this presentation.

Cheryl Harrison-Lee, Interim County Administrator, said as the Mayor indicated, the discussion tonight is on the potential reopening of the fire station. We have KCK Fire Department staff here as well as IAFF, who will make presentation. They will give you some insight on options for your feedback.

At today's ribbon cutting for the Fairfax Tower, business community also expressed some interest in seeing the reopening of the fire station. We're seeking your direction tonight as we continue to advance through the budget process.

With that, I'll call forward the representative from the IAFF.

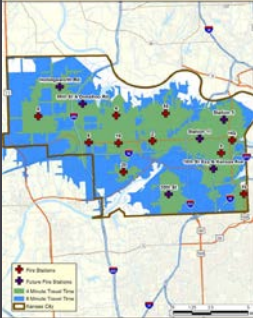


JJ Simma, President, International Association of Firefighters Local 64, said I have with me as well tonight Bob Wing, Secretary/Treasurer of Tri-County Labor Council, to present with me. I want to thank you for the opportunity to meet with you tonight and discuss the possible reopening of Fire Station 15 in the Fairfax District.

We have a short presentation for you which we'll give you a brief history, where we are currently, the need we see to restore service in the district, and a joint recommendation from our two organizations as to how to accomplish this.

HOW WE GOT HERE

- ▶ FACETS
- ▶ IAFF GIS ANALYSIS
- ▶ 2012 ISO ANALYSIS
- ▶ POLYGON VS. GIS
- ▶ "BEST GUESS"
- ▶ CRITERIA USED VS AGREED TO



Fairfax District Master Plan

- **Police & Fire Protection:** Dedicate an on-going full-time police officer to the Fairfax District. Preserve and maintain the Fire Station currently located in Fairfax, which is critical to many businesses with special fire protection needs such as pipelines and storage tanks.

Over the last 30 years, Kansas City, KS, and Wyandotte County has experienced significant growth, both residential and commercial throughout our community. There's an ongoing and ever evolving need for fire and EMS service in multiple areas of our community. This has resulted in a number of conversations and studies brought forth in an effort to address future fire service in Kansas City, KS. Named are a few on this slide. The facets, independent consultant study was brought in, the IAFF GIS response analysis requested by Local 64 through our international offices, in addition to an independent ISO/GIS analysis in 2011/2012. Each of these studies identified areas of deficiency in Piper and other areas in our community. Approximately six years ago, the new Piper Fire Station #12 was approved by the Unified Government Commission.

TEXT

THE PROCESS

- ▶ JULY 23, 2020
- ▶ CRITERIA FOR EMS19 VS P15
- ▶ APPARATUS REMOVED FROM FAIRFAX
- ▶ FAIRFAX FIRE PROTECTION REDUCED
- ▶ PIPER STATION #12 RECEIVED APPARATUS #15



Around 1980, General Motors (GM) purchased the North American Aviation Company. This building burned in the early 1980s, and after this GM purchased all the land that the airport occupied, including the fire station. GM tore down all the buildings and built the factory they work out of today. In 1985, in return for the company purchasing the land that the fire station was located, GM built the current station #15 located on Kindelberger Road."

As Station 12 neared completion, the conversation began about how to accomplish staffing of the fire station. The intent for opening of Station 12 was never to be at the expense of another area in the community. Ultimately, Pumper 15 in the Fairfax area was identified as the existing apparatus to relocate. The criteria used to identify Pumper 15 was it had the lowest call volume, lowest annual call volume apparatus in our fleet. We do not believe call volume is a valid criterion to utilize to identify need for fire service.

At the same time, EMS 19 in the Midtown area was also identified for relocation to the new Piper fire station. The same criteria was not used as it was the third busiest EMS unit in the city at the time. Appropriate criteria with regards to apparatus and station locations and deployment of resources would be hazard risk analysis, response time analysis, and consideration of safety standards. IAFF and independent ISO analysis with consideration of these criteria not only identified the Piper area as a need for coverage, but made no recommendation of closure or relocation in the Fairfax area.



Station 5 at 910 Quindaro was identified by the Fire Department to provide Fairfax coverage. Housed at Station 5 is Pumper 5 and EMS 5.

FAIRFAX INDUSTRIAL AREA COVERAGE



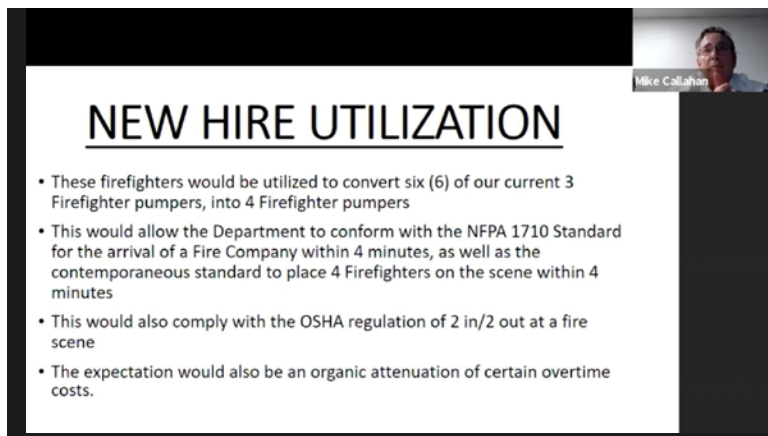
- ~Same or faster response times
 - Station 5 can access Fairfax from three directions – 10th St, 7th St, Quindaro Blvd
 - Fairfax remains covered by 4 minute response time in accordance with NFPA standards
- ~Same speed of medical response
 - Fairfax EMS transports will continue be run by EMS 5 (910 Quindaro Blvd) – as they are now
- ~More “weight” to fire response
 - Enhancing Station 5 (Quindaro) pumper to 4 Firefighters – allowing faster attack on interior structure fires
 - Converting Pumper 9 and Pumper 11 (Fairfax Responding Companies) to 4 Firefighter pumpers – increasing the weight of responding crews
 - KCKFD recently increased number of personnel responding to “General Alarm” fires in Fairfax to 33 – up from previous standard of 25 – with plans increase to 36-37
 - Fairfax Fire calls will be run by P5 (910 Quindaro Blvd), P1 (815 North 6th St), P9 (1100 Central Ave), & P11 (3100 State Ave) and Aerials T1 (815 North 6th St), Q3 (420 Kansas Ave), & T14 (2615 North 27th St)

In the next two slides, and a presentation provided by the Fire Department in April of 2020, the case was made for the same or faster response times as you can see. We do not believe response time data will reflect such. Fairfax has limited access points and numerous rail crossings creating a number of response challenges for fire apparatus to enter the district. It was also stated at that time that the Fire Department monitors rail crossings for trains, preventing the

blocking of access by fire apparatus. We are not aware at this time, or at any time, of any KCKFD apparatus which monitors train activity.

As you'll see, it was stated that the weight of the response would become greater. Fire Station 5 with Pumper 5 would be enhanced to four firefighters. Pumper 9 and Pumper 11 responding Fairfax companies would be enhanced to four firefighters. To this day, Pumper 5 was increased from three firefighter staffing to four with the removal of the four firefighters from the Pumper 8 old Piper fire station which, to our knowledge, was never discussed. The firefighter was transferred, not physically the individual, but the staffing position was transferred.

Pumper 9 and Pumper 11 are still running to this day with three firefighters regularly.

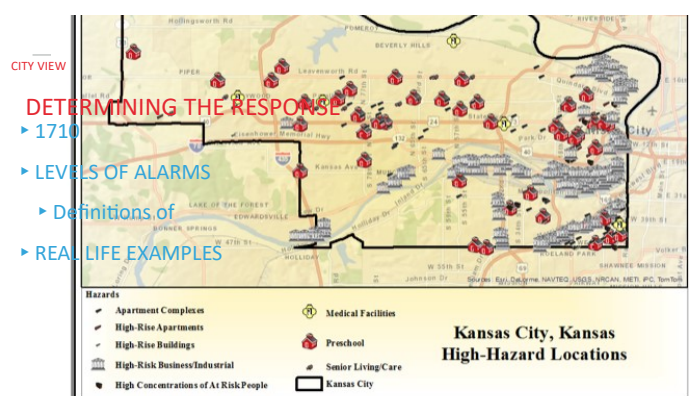


NEW HIRE UTILIZATION

- These firefighters would be utilized to convert six (6) of our current 3 Firefighter pumpers, into 4 Firefighter pumpers
- This would allow the Department to conform with the NFPA 1710 Standard for the arrival of a Fire Company within 4 minutes, as well as the contemporaneous standard to place 4 Firefighters on the scene within 4 minutes
- This would also comply with the OSHA regulation of 2 in/2 out at a fire scene
- The expectation would also be an organic attenuation of certain overtime costs.

Mike Callahan

In this slide, during the discussion for the SAFER application in an effort to convert six of our three firefighter pumpers to four firefighter pumpers, the grant was awarded and received; however, this has not been accomplished. The proposal of the Fire Department in April of 2020 was to increase from one four-firefighter pumper to seven four-firefighter pumpers. Today, we still have one four-firefighter pumper.



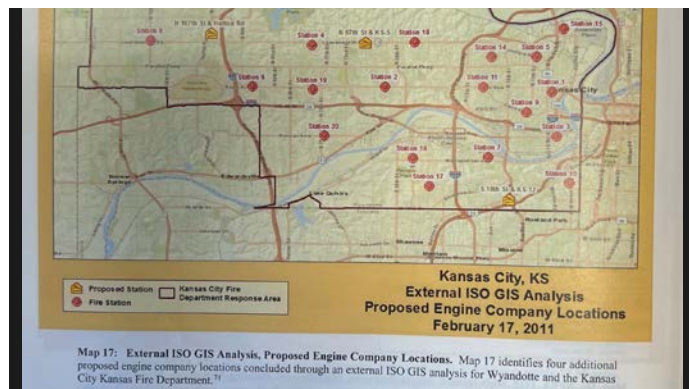
The proposed closure of Station 15 was opposed by Local 64 Tri-County Labor Council, the Fairfax Industrial Association, and numerous other interested parties. The need in the Fairfax District is high. There are 10,000 people who go to work down there, \$20M tax dollars are generated from the district, and \$5B in property value is in the district. The volatility and risk is high.

As you'll see from this map from the IAFF GIS study, the high-risk business industrial concentration in the Northeast, which is high-hazard occupancies as defined by the NFPA, is large. NFPA 1710 identifies three levels of alarms: low, medium, and high. Low being residential; primarily medium being standalone commercial, strip malls, garden style apartments; high being explosive plants, refineries, high-rises, schools, and hospitals. As you can see, the majority of Fairfax, it's blocked by the camera view, but the majority of Fairfax is high-hazard occupancies. The response requirement by NFPA 1710 for a high-hazard occupancy is 43 firefighters in 10 minutes and 10 seconds. Currently, we cannot meet that standard nor could we meet that standard to even prior to the closure of Fairfax Fire Station #15.

Ultimately, the decision was made to close Fairfax Fire Station 15 on the opening of Station 12 in the new Piper area on July 23, 2020. In addition to this, there were other additional relocations and reallocation of resources. As we discussed, the four firefighters who had staffed

Pumper 8 in old Piper for 30 years was moved to Pumper 5 at Quindaro. The ladder at 94th & State became cross-staffed as a secondary apparatus. Cross-staffed versus fully-staffed means firefighters staff two apparatus. The apparatus of need, they move back and forth from one to the other.

Currently, Rescue 6 at 94th & State is staffed full-time. Quint 6, the ladder, is staffed part-time leaving a decrease in the ladder coverage in the western portion of KCK. The closest dedicated ladder, after this reallocation and recommissioning, was 62nd & State Ave. This has created extended response times with regards to structure fires as aerial apparatus responding to the western portion of Kansas City, KS, have to come from east of 27th St., either north of I-70 or south of I-70.



As you'll see in this map, this is the ISO GIS analysis from 2011. Consistent with the Local 64 GIS analysis, it identified 107th & Hutton Rd. as the area of need for an additional firehouse while maintaining the firehouse at Station 15 in the Fairfax District.



We understand there is a cost to everything. Going forward, we would encourage the Unified Government and Fire Department to apply for SAFER grants for staffing purposes beginning in

2023 and beyond. The 2022 SAFER grant was not applied for. The federal government was providing 100% costs for the first three years. It is unknown if the local match will remain suspended in 2023 and beyond. We also would encourage the application for assistance for firefighter grants, which are equipment and apparatus grants for future purchases of fire apparatus in our community.

RECOMMENDATIONS. QUESTIONS?

We bring forth a joint recommendation, which is a short-term proposal, to staff the fire station in Fairfax in the very near future while further analysis is done for a long-term plan of the fire service in KCK and Wyandotte County. Our proposal will move no firefighters from their current assignment. Our recommendation will be apparatus reallocation/relocation only. Currently at headquarters, Truck 1 cross-staffs Rescue 1. Truck 1 would recommission to Station 14 and become Truck 14. Rescue 1 would become fully staffed with four members currently assigned, which would meet the national standard. Truck 14's apparatus would recommission to Station 15 and become Truck 15. Truck 15 would be staffed with four firefighters, provide water capability to carry and flow water in the area, which meets the national standard, and ladder coverage of two 100' aerial apparatus would be maintained in the northeast portion of the city. Truck 14's crew would remain assigned to 14's fire station and staff the newly commissioned Truck 14.

To address issues in western Kansas City, KS, we propose moving the platform aerial from Station 6 to Station 12 and staffing with four firefighters. It will provide water capability in its territory and provide a dedicated aerial apparatus to the Piper area, which right now we do not have.

We would then recommission Pumper 12 to Station 6, which would become Pumper 6. We would staff Pumper 6 with three, and Rescue 6 currently assigned there with two, which

would run in tandem both apparatuses. The national standard would be met and water availability would be maintained in the area.

The fourth suggestion we would make would be that the four firefighters that were sent to Pumper 5 would be moved back to Pumper 8 to restore the service as it was prior to the closure of the Fairfax fire station.

This, again, is a short-term recommendation. We have a written proposal we would like to submit to you that has narrative to go along with it, and we'd be happy to forward that to you in the near future.

At that, I would give this to Bob Wing of Tri-County Labor Council.

Bob Wing, Secretary/Treasurer, Tri-County Labor Council, said I appreciate the opportunity to address this issue with you all this evening. My presentation, as a representative of the Central Labor Council, will be brief and to the point. Several commissioners, I don't know—I'm not only an elected member of the Labor Council, I serve as President of Emeritus of the Firefighters Local here in Kansas City. At the State Firefighters Union, I was a firefighter here in Kansas City, employed for 42 years.

I tell you that tenure of being a firefighter here for that amount of time because every joint committee that had ever been formed by the former City Council and the present County Commission, I have served on. That initiated with the former Mayor Steineger in the late 1980s. At no time did the committees that I served on ever not consider the term potential when we developed response times and station assignments for apparatus and personnel.

Here, in the Northeast, and, Mayor, it's ironic, we're talking about the Northeast again being abandoned. The Northeast had a firehouse closed. The first firehouse closed in this city for several decades, and that should be corrected.

Potential was used in the analysis for Piper here, Commissioner Kane, when you proposed to build that station out there, it was based on potential. It was based on the potential of Piper that the existing station wasn't adequate to perform what is needed in the community of Piper. More is needed, but the potential was identified that Piper needed more. As President Simma said, it was never envisioned that it would impact any other part of the city, specifically the Northeast.

When it was considered to staff Station 12, the Rosedale community was considered. Station 10 was considered, but that was proven to be not viable based on its potential, let alone the saber rattling of the business community, the community itself, and the potential of KU Med Center.

Here we have two pieces of a puzzle that were identified as the potential being too great, fire apparatus could not be moved, but Fairfax was identified as not having the potential to support a full-time fire company in Fairfax such that it has since 1966 when Fairfax was annexed into the city.

I'm confused by the Fire Department's lack of coming forward and identifying the potential publicly and the former Commission to keep Fairfax open. That should have been done. I find it even more interesting, Mayor, Madam Administrator, and Commissioners, that an application for a fire grant for radios—and these are the Fire Department's words—I give you these because a fire department knows you have to identify potential. This is their grant application. It's on file here at City Hall. I'll provide you copies if you need them. Here's part of what the text of their grant application reads.

Kansas City, KS, encompasses many uniquely different urban, industrial, and suburban communities. The varying communities amplify the vastly different fire and EMS challenges encountered by the Kansas City, KS Fire Department, including a wide variety of commercial and industrial hazards, high-rise structures, and obstacles related to a densely populated city. Wyandotte County has a population of 161,000 people. It covers 156 square miles. Kansas City, KS, population is over 152,000 and is the third largest city in the state of Kansas.

I underscore, this is the Fire Department's words. We have a vibrant industrial area with over 120 businesses employing 10,000 people, including General Motors, Kellogg's, Owens Corning, and CertainTeed. Three pipeline companies in the Fairfax District provide 95% of the Kansas City metro area supply of unleaded gasoline, diesel, and 100% of the jet fuel that supplies KCI.

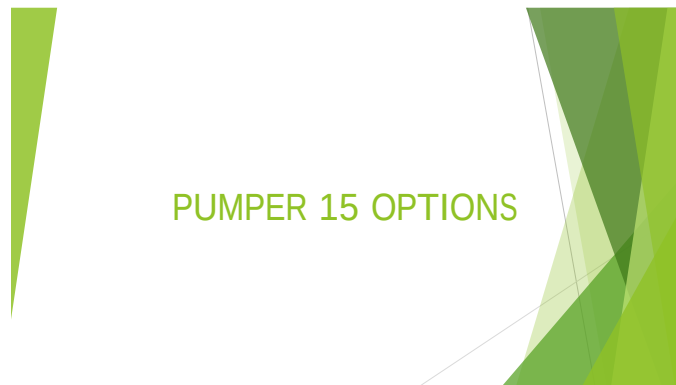
That area was abandoned based on a fire department that did not come forward to use elected officials. Those 10,000 employees that are working in Fairfax, we represent. They have enjoyed full-time fire/EMS coverage in that district based on potential since 1966. I am asking this Commission to right the wrong. Take care of the 10,000 employees, the 120 businesses that

the Fire Department identified and abandoned and publicly said that fire station is not needed in this community. I find that astounding.

Mayor, I could go on, but once again, I appreciate the time. I wanted to make some very poignant remarks. These people that work down there deserve better. Not only do they work in Fairfax, a lot of them live in this community. A lot of them live in the Northeast. I've heard tonight how the Northeast has been abandoned. I think this would be the greatest piece of the puzzle in the Northeast that we can start by reopening that fire station. Not only giving Fairfax back their coverage, Fairfax covers the northeast part of this city with respect to the neighborhoods.

Mr. Simma said in conclusion, we would be happy to provide you with any documentation you wish. That PowerPoint presentation was a brief synopsis of the studies that have been done over the last 10-12 years and the numerous conversations and committee work over the last 10-12 years. We would be happy to have detailed conversation with you any time you would request. We will make ourselves available. We would stand for questions.

Ms. Harrison-Lee said maybe we'll hear from the Fire Chief at this time, and then we'll get all the questions at once.



Michael Callahan, Fire Chief, said the Fire Department was given a task to come up with some options for the Commission to consider in terms of reoccupying Station 15. We presented five options and they range in price from a lot of money to no money.

OPTION 1 STAFFING

- ▶ Build new Fire Station on 7th Street Trafficway to house a pumper (15) and an aerial (currently pumper 5) and an EMS Unit (currently EMS 5) and complete the contemplated station consolidation.
- ▶ This will require 17 additional employees apportioned as follows:
 - ▶ 4 member Truck -17 personnel -3 captains, 3 drivers, 11 firefighters
 - ▶ 4 member Pumper -17 personnel -3 captains, 3 drivers, 11 firefighters (already employed by KCKFD)
 - ▶ 2 member EMS Unit - 9 personnel (already employed by KCKFD)

These are going to get repetitive after a while, but this one won't be repetitive. Option 1 is to build a new fire station on 7th St. Tfr. to house a pumper, 15; an aerial, currently Pumper 5; and an EMS unit, currently EMS 5; and complete the contemplated station consolidation. This will require 17 additional employees apportioned as follows: a 4 member truck which has 17 personnel (3 captains, 3 drivers, 11 firefighters); a 4 member pumper, 17 personnel, same breakdown, already employed by the KCKFD; a 2 member EMS unit with 9 personnel, which are already employed by the KCKFD.

OPTION 1 COSTS

- ▶ Recurrent annual personnel costs (including fringe benefits) = **\$1,918,387.00**
- ▶ One-time cost for a new aerial apparatus = \$1,400,000.00
(Pumper 5 can be utilized in its current form)
- ▶ Total Apparatus cost = \$1,400,000.00
- ▶ One-time cost for a new fire station = \$11,000,000.00
- ▶ **Total upfront costs = \$14,318,387.00**

The recurrent annual personnel costs at today's dollars, including fringe benefits, are \$1.9M. The one-time cost of new aerial apparatus is \$1.4M. Pumper 5 would be used in its current form. Total apparatus cost is \$1.4M. One-time cost for a new fire station is \$11M today. Total upfront costs, \$14.3M.

OPTION 1 ADVANTAGES & LIMITATIONS

- ▶ Meets the NFPA Staffing Standard
- ▶ Immediate addition to the overall weight of response
- ▶ Resolves repair and refurbishment issues in 2 stations simultaneously
- ▶ Significantly optimized location; can respond equilaterally in 4 directions (**Area of Response (AOR) is 100%**)
- ▶ Adds an additional truck/aerial company (8)
- ▶ Will take additional time to complete
- ▶ Most costly

This meets the NFPA staffing standard. It's an immediate addition to the overall weight of the response. It resolves, repair, and refurbishment issues in two stations simultaneously. It's in a significantly optimized location. It can respond equilaterally in four different directions, which we don't have right now. The area of response is 100%. It also adds an additional truck or aerial company to our fleet bringing us to eight. The limitations are it takes additional time to complete it and it costs a lot of money.

The recommendation of the Fire Department would be Option 1. That would be the recommendation of the department.

OPTION 2 STAFFING

- ▶ Reoccupy the current Station 15 with a 4 member pumper and an EMS Unit.
- ▶ This will require 26 additional employees apportioned as follows:
- ▶ 4 member Pumper-17 personnel-3 captains, 3 drivers, 11 firefighters
- ▶ 2 member EMS Unit- 9 personnel

Option 2 is to reoccupy the current Station 15 with a 4 member pumper and an EMS unit. It will require 26 additional employees apportioned as follows: 4 member pumper with 17 personnel (3 captains, 3 drivers, 11 firefighters), and a 2 member EMS unit with 9 personnel.

OPTION 2 COSTS

- ▶ Recurrent annual personnel costs (including fringe benefits) = **\$2,833,805.00**
- ▶ One-time cost for a new pumper = \$700,000.00
- ▶ One-time cost for a new EMS Unit = \$350,000.00
- ▶ Total Apparatus cost = \$1,050,000.00
- ▶ **Total upfront costs = \$3,883,805.00**

The recurrent annual personnel costs at today's dollars, including fringe benefits, are \$2.8M. One-time cost for a new pumper is \$700K. One-time cost for a new EMS unit is \$350K. Total apparatus cost is a little over \$1M. Total upfront cost is \$3.88M.

OPTION 2 ADVANTAGES & LIMITATIONS

- ▶ Meets the NFPA Staffing Standard
- ▶ Will be completed faster
- ▶ Adds an additional pumper company (16)
- ▶ Adds an additional EMS Company (10)
- ▶ Does not contemplate new construction
- ▶ Suboptimal location (**Area of Response (AOR) is truncated by 50%**)
- ▶ Does not resolve repair and refurbishment issues in 2 stations simultaneously
- ▶ No immediate addition to the overall weight of response

Advantages and limitations. It meets the NFPA staffing standard. It will be completed faster. It adds an additional pumper bringing us to 16 instead of 15. It adds an additional EMS company bringing us to 10 instead of 9. It does not contemplate new construction. The limitations are: it's a suboptimal location. The area of response is truncated by 50%. That fire station cannot go anywhere north or east of the current station. It does not resolve, repair, refurbishment issues in two stations simultaneously. There is no immediate addition to the overall weight of the response in that area.

OPTION 3 STAFFING

- ▶ Reoccupy the current Station 15 with a 4 member pumper.
- ▶ 4 member Pumper-17 personnel-3 captains, 3 drivers, 11 firefighters

The third option is to reoccupy the current Station 15 with a 4 member pumper, 17 personnel, again, 3 captains, 3 drivers, 11 firefighters.

OPTION 3 COSTS

- ▶ Recurrent annual personnel costs (including fringe benefits) = **\$1,918,387.00**
- ▶ One-time cost for a new pumper = \$700,000.00
- ▶ Total Apparatus cost = \$700,000.00
- ▶ **Total upfront costs = \$2,618,387.00**

Recurrent personnel costs are \$1.9M. One-time cost for a new pumper, this is where it gets redundant, \$700K. Total apparatus cost is \$700K. Total upfront cost is \$2.6M.

OPTION 3 ADVANTAGES & LIMITATIONS

- ▶ Meets the NFPA Staffing Standard
- ▶ Attenuated costs
- ▶ Will be completed faster
- ▶ Does not contemplate new construction
- ▶ Suboptimal location (**Area of Response (AOR) is truncated by 50%**)
- ▶ No immediate addition to the overall weight of response
- ▶ Does not resolve repair and refurbishment issues in 2 stations simultaneously

The advantages and limitations of this action. Again, it meets the advantages. It meets the NFPA staffing standard. It has attenuated costs. It will be completed faster. It does not contemplate new construction. Disadvantages or limitations. Suboptimal location, again. Area

of response is truncated by 50%. No immediate addition to the overall weight of the response. It does not resolve, repair, refurbishment issues in two stations simultaneously.

OPTION 4 STAFFING

- Reoccupy the current Station 15 with a 4 member pumper Overtime.

Option 4. Reoccupy the current Station 15 with a 4 member pumper on overtime.

OPTION 4 COSTS

- 4 members per day on overtime.
- Annual OT costs = **\$1,358,325.00**
- One-time cost for a new pumper = \$700,000.00
- **Total upfront costs = \$2,058,325.00**

Four members per day on overtime. Annual OT costs in today's dollars, \$1.35M. One-time cost for a pumper, \$700K. Total upfront costs, a little over \$2M.

OPTION 4 ADVANTAGES & LIMITATIONS

- Meets the NFPA Staffing Standard
- Attenuated costs
- Will be completed faster
- Does not contemplate new construction
- Suboptimal location (**Area of Response (AOR) is truncated by 50%**)
- No immediate addition to the overall weight of response
- Does not resolve repair and refurbishment issues in 2 stations simultaneously

The advantages and limitations. It meets the NFPA staffing standard. Attenuated costs. It will be completed faster. It does not contemplate new construction. Limitations. Suboptimal

location. AOR is truncated by 50%. No immediate addition to the overall weight of response. Does not resolve, repair, refurbishment issues in two stations simultaneously.

OPTION 5 STAFFING

- Relocate an existing pumper to Station 15.

Option 5. Relocate an existing pumper to Station 15.

OPTION 5 COSTS

- No additional costs

No additional costs.

OPTION 5 ADVANTAGES & LIMITATIONS

- Lowest cost
- Most straightforward to facilitate
- Does not contemplate new construction
- Suboptimal location (*Area of Response (AOR)* is truncated by 50%)
- Does not resolve repair and refurbishment issues in 2 stations simultaneously
- No immediate addition to the overall weight of response

It's the lowest cost. These are the advantages. Most straightforward to facilitate. It does not contemplate new construction. Disadvantages or limitations. It's still a suboptimal location. It

doesn't resolve and take care of the issues in two stations simultaneously. No immediate addition to the overall weight of response.

That's the end of this presentation.

Ms. Harrison-Lee said, Mayor and commissioners, that completes our presentation. Questions at this time from either IAFF or the Chief or his staff?

Commissioner Kane said I want to make a couple of comments because it's the history of why we're here today. In July of 2016 on the last day of the budget, we voted to build the fire station out in Piper. There's been multiple excuses of why that fire station took forever to build. It was almost five years. They couldn't buy the property. The ground was wet. They had to do this. They had to do that. We had the ribbon cutting ceremony—had the groundbreaking ceremony in April 2019 and we cut the ribbon in August 2020.

Before we moved out there, there was supposed to be a meeting on the phone with the former Mayor and the Administrator to talk about the SAFER grants and the things that they could get. I talked to the lady prior to and she said yep. They'll supply the manpower and there's another grant; you can get equipment. It was supposed to be at 2:00. Doug Bach called at 5 til 2. When I got on at 2:00, he said the lady didn't know what she was talking about. They didn't want to build the fire station out west in the first place. It actually requires an additional one being built.

We were at the ribbon cutting ceremony today in Fairfax, Mayor, correct? There's 123 businesses down there; 120; 10,000 people and their request was to open up their fire station. We have some UAW people here tonight and one of their employees got hurt about a year or so ago and had to drive themselves to the hospital because it took that long to get there. How much does a life cost? What are we going to do when the most volatile area in all of Kansas City, KS, is left empty?

Now we did the tour down there, right, Mayor? Andrade said we don't need one truck, we need two. Now if he says that and we're asking to man it, what led up to that? This whole thing was political. Two mayors ago, he didn't like the Fire Department. He didn't want that fire station built so he drug his feet. Then the Administrator drug his feet. The next Mayor drug his feet. That's why we're at here right now. It's not necessarily about money. Those 10,000

people deserve to have the same coverage the rest of us have. As Bob said, the Northeast area, they took it from there. They don't live there, but they took it from there. Then we worry about money and we buy all these fancy vehicles that they have over there. There's two car seats in the back seat of one of them.

We need to get this solved. We need to make the entire community safe and I think we need to do it as soon as possible.

Commissioner Stites said I think it was Mr. Simma that was saying—would you explain what you were talking about when you said there was a grant applied for and received that I think said that we would go from four to seven, but that was never implemented. Is that right?

Mr. Simma said correct. Under FEMA, there is something called a SAFER grant. A SAFER grant is a staffing for adequate response grant from the federal government. In 2020, the Fire Department requested permission to apply for the SAFER grant. The purpose of the SAFER grant was to permanently make six additional pumpers, four firefighter staff pumpers. We, at the time, had one. That met the national standard of four. The grant would have increased that number to seven. At this time, the grant was applied for, awarded and received, and at this time, we still have one 4-firefighter staff pumper. That was at the old Piper Station #8, which is still in service, but the staffing of that, not the actual individual, but the seat, the firefighter in the seat was relocated from Pumper 8 in Piper to Pumper 5 at 910 Quindaro upon the closure of Station 15.

Commissioner Stites asked, what was that grant amount, do you remember? **Mr. Simma** said I don't know what the number was. It was for 18 firefighters. I don't know what the dollar amount was, but it was for 18 firefighters.

Commissioner Stites said through all those numbers that you were just saying, tell me how many did we get out of that? If it was for 18, how many did we get? **Mr. Simma** said we got 18. **Commissioner Stites** said we got the full 18.

Commissioner Stites said my other question that I had was, so, currently—and I was at that ribbon cutting this afternoon too and heard loud and clear Fairfax, I believe it was the president, she spoke and said she wanted to see that fire station reopened. If there is a train that is blocking at Quindaro right now, there's not service that can get down there in a hurry. Is that correct?

Mr. Simma said not from that direction. There are limited access points, as most everyone here knows, and there are numerous rail crossings at those access points and throughout the district. So, if there is a train in any of those locations, and I can speak from personal experience when I worked right down here at fire headquarters for almost eight years, and when we'd run north up Fairfax Tfry., the trains that would cross there at the south—I forget the name of the company, but the southern tank field, there's a rail crossing there. We would get stopped at those tracks in our response. There's nothing you can do about it. It's not very easy to turn a firetruck around, especially if there's other traffic. Generally, you're locked into place. By the time you turn it around and try to go all the way back and around, the train would be gone. You're just delayed.

Commissioner Stites said I, too, agree that this is a start in that Northeast, if this is part of the revitalization program of the Northeast. This can definitely be something that will help start that. I'm in favor of getting this back opened up.

Commissioner Townsend said I want to say that I appreciate seeing members of the union here tonight. Mr. Simma, Mr. Wing, good to see you all again. I appreciate our Chief and Deputy Chief here. I want to say that it's always hard to lose something that you already had. It was a tough decision but we want to remember that two years ago, there was a unanimous vote by us then, the Commission, based on what was presented to them with wanting to staff, Commissioner Kane—I'm thinking Commissioner Kane, I mean that district. I agree with that. It was a tough vote. Money is always an issue.

When I evaluate both of these plans, I'll be looking at money because a lot has been talked about the Northeast tonight. But, we're talking about millions of dollars here that could go elsewhere or maybe it should go there. So, that will be the analysis because that's what was determined two years ago when every commissioner then decided at that time that based on the resources available, this was what needed to be done. I look forward to speaking with representatives of the union and, again, our Police Chief and his Deputy to get a better detailed understanding of this.

When we talk about grants, I want to make sure that I understand that grants are going to fund someone from the date of hiring to the date presumably of retirement. That's the kicker

with the grants. A lot of times it's for a limited amount of time. So, it will have to come from other funding sources and watching what's in our budget.

I don't believe that the Northeast was abandoned. One of the decisions and guidelines was, how rapidly other fire stations could get to the Fairfax area. So, that needs to be revisited. My understanding is we've been tracing this. Is that—and I'll ask the Chief to talk more to this, that 90% of the time, the standards were being met. So, it's not abandonment.

I'd also like to see, I think it was made mentioned earlier tonight, the survey that was done some years ago of recommendations made. Part of that was the redo and improvement of House 5 and House 18, which are also in District 1. I want to see a lot of improvements to that as well.

I'm going to ask Chief, if you can tell me if 15s goes out of the Fairfax area. Does it serve anywhere else in the Northeast community outside of Fairfax? **Chief Callahan** said excuse me, Commissioner. I don't understand what you mean. **Commissioner Townsend** said if there was—do they answer calls outside of Fairfax? **Chief Callahan** asked, right now? **Commissioner Townsend** said when they were active. **Chief Callahan** said they answer calls wherever they're dispatched to. They can go anywhere in the city.

Commissioner Townsend said I look forward to more detailed instructions and review of these proposals from the union and from our own Chief.

Commissioner Kane said, Commissioner Townsend, I did not, would not, and will never vote to close a fire station. It was not a unanimous decision. We had the UAW guys right here. Judy Timmerman was the one who kept stats on how long it took to get to General Motors. I believe Melissa Clark, the President of the Fairfax District, has those exact same numbers. They failed those numbers twice as much as they met them. In fact, I don't know if they ever met them. I suggest we get ahold of them again and ask, what are the numbers. I don't want the numbers from either side, union or management. I want the numbers of the people that it's affected. I want you to think if you had a family member down there.

Several years ago, there was an explosion. The Phillips 66 caught on fire. They damn near had to close the General Motors plant. To watch what's going on—we were in Ohio at a conference, and to see the video, what they sent us back, the longer you wait, we all know the bigger the fire gets. There's more volatile stuff down there than anywhere else in all of

Wyandotte County. I don't think they'd want to live within a mile or so. It's frustrating because I've been dealing with this for a long time.

When we voted on it, not one time did we ever talk about taking one station, closing it, and going out to the other one. That's why I called FEMA and FEMA said, we'll pay for the new one and the equipment. The former staff and the two former mayors didn't want anything to do with it. We're here because of that reason. We have to mop up their mess.

Commissioner Townsend said that's the good thing about having these tapped so if I, if my recollection is faulty, I apologize, but I'm going to roll the tape because that was my recollection. The main point I want to make is looking at what the situation is now, how it's going to affect the budget, and how we would pay for what's being proposed on either side. That is the bottom line because there are a lot of things that the Northeast needs, so we have to look at all of those.

Mayor Garner asked, any other discussion, questions?

Commissioner Kane said, Mayor, I appreciate you bringing the two parties together. It's always better to see two sides. Now I think we have a task at hand to get into the weeds with it.

Mayor Garner said I've got a question for the Chief as well. If you could pull up Option 5, I believe it was you showed, Chief. If you could hold that. Commissioner Kane has a question.

Commissioner Kane said I was wondering if Bob or JJ had something they wanted to say. You want to wait until he's over?

Mr. Wing said when we talk about Station 15 and Station 10 and their locations being truncated, if you look at them on a map, they're identical. Those two stations are identical geographically. The only difference is Station 10 is loaded with equipment and personnel and it should be because of the potential in Rosedale, as I spoke to it. That potential exists in Fairfax also. So, the discussion of that fire station being truncated, so is Station 10, but it's not closed. Those people in Fairfax, those people in the north end, that Station 15 does respond to the neighborhoods in the north end normally in a residential response, a structure response, the same

way Station 10 does in Rosedale. Look at them on a map. For some reason, we kept Rosedale open. Not only open, it's flushed with equipment and personnel and Fairfax is empty. That's the difference.

Mayor Garner said, Chief, the question I had was on that, there's not much with that. Can you expound on that, maybe cost? Does that coincide with the recommendation that we got from the local union.

Chief Callahan said not exactly. That option is a zero dollar cost. That's literally telling one fire engine that's parked in a fire station today with another unit to drive over there and serve that particular location. The union, the presentation they made, it was a little bit hard to keep up with, but if you look at the totality of what they're suggesting, they're not suggesting any new apparatus. That's true. That is accurate. But, they're suggesting hiring about six additional firefighters, which with the staffing factor of 4.1 per seated position is 25 new hires. That's about \$2.732M at today's cost. That's absent a contractual pay raise.

I do take issue with one thing Bob said. Station 10 does have a truncated response area. It can't go east, but it can go south, it can go north, and it can go west. It's not as truncated as 15's current location. But, yes, he's right. It does have a lot of equipment and it does—there is a direction it can't travel, which is east because they're in Missouri.

Mayor Garner said I guess the question is, you gave a lot of data as far as cost, personnel. That option right there, what does that look like in terms of dollar amount, personnel? You talk about relocating positions. What does that look like? Where would you relocate a pumper from to 15? Then, is there any diminishing service that would be as a result or does the union's option that they gave on kind of that list of how this could probably work, is that an option that you've considered in your talks with the union or just that option alone? Can you be more specific as to how, if you were given direction today to make that happen, what would that look like as far as service for one for Kansas City, KS?

Chief Callahan said well, the determination would have to be made as to which—this is what got us where we're at in the first place. We took a company out of a station. That was the direction the Fire Department was given. I know Commissioner Kane knows this well. I don't know what went on before I got here in terms of who was going to be there and how it was going to be paid for, but when Station 12 opened, the Fire Department was given direction to determine

an existing apparatus and ambulance that would be relocated to that station. That's exactly what we're talking about here. That's why the Fire Department is recommending Option 1 if there's a recommendation from us. If we're tasked with providing a recommendation, that would be our recommendation.

Mayor Garner said I understand that, but if you were given that task right now to implement Option 5, as the Chief, what would that look like and where would you be pulling a pumper and personnel from? How is that even an option?

Chief Callahan said it would have to come out of a double house, so we have four double houses. One of the units in those double houses would have to come out to staff that company, which would leave the double house would become a single house. I'm not a proponent of that, but I was tasked with coming up with some options and that's one of them. I don't favor that option, but that's an option for the Commission to consider. It's cost-free. It cost nothing.

Mayor Garner said with that, I guess the biggest thing, would it diminish safety which translates, I mean, service which could translate into a diminishment of safety with that type of transfer? **Chief Callahan** said anytime you move an apparatus from anywhere, the people co-located around that area are going to suffer a decline in service. That's absolutely true.

Mayor Garner said I guess that bodes well to the argument that we need to pass something in Fairfax. Would you agree? **Chief Callahan** said yea, but I'd put it on 7th St. Trfy. around Sherman.

Mayor Garner said short of having a new fire station, I think it was what, \$14M, short of that, just where we're at today to provide optimal service with the resources that you've been given, and I know that's no fault of your own, but if you had to make a command decision and say the best way to provide services across the board in all four corners of Kansas City, KS, in all available fire stations, to do that effectively at minimal cost, would this be that option? **Chief Callahan** asked, that particular option there? Yes, of course it's an option if that's the direction the Commission gives.

Mayor Garner said and then I've got another. The SAFER grant. Can you describe that, do you support that, and is there any reason as to why that wasn't brought forward this year? **Chief Callahan** asked, are we talking about the previous SAFER grant with the 18 firefighters or are

we talking about a different grant? **Mayor Garner** said it doesn't matter where—I'm talking about today. The SAFER grant, can you describe that? Do you see value when we're short staffed in our Fire Department as that being an option to shore up monetarily those personnel shortages in a way that could benefit the great folks here in Kansas Cit, KS?

Chief Callahan said yes, sir. The SAFER grant will pick up the cost for usually three years. They'll sometimes pay 100%. During COVID, they were paying 100% for three years. But other times, it's 75, 75, 35%, and then the municipality, the UG, is on their own after that.

Mayor Garner said that makes sense, but how does that impact if we're just replacing folks? When you talk about attrition, because me coming from the Police Department, I can kind of understand that concept. With attrition, doesn't that somewhat have an effect of balancing?

Chief Callahan said let me give you these numbers and maybe I can clear that up. Our total strength is 482 employees. Total sworn, that's people who are sworn to put out a fire, is 440. Total current strength is 416, it means we're 24 short. We've got 13 recruits, COEs going out. That would leave us 11 short if those COEs are all accepted and they get through the process. But that's a dynamic number. It ebbs and flows so I couldn't say it's not the perpetual answer, a grant, because they're finite.

Mr. Simma said I just have a couple of comments I'd like to add if I could. We didn't bring forth any cost analysis because we don't have access to those numbers to provide an accurate estimate for this Commission and would not want to bring something forward inaccurately.

As far as the cost estimated of our proposal, I'm not sure if we would agree. We would have to see, obviously, those numbers and evaluate that. Our proposal would be essentially a net gain of six firefighters per day. That's 18 across three shifts. Approximately, the same as the SAFER grant, which we had which, at this time, does not accomplish the purpose of that SAFER grant. We believe, potentially, those 18 positions are existing within the Fire Department that came in two years ago that could be rather than those six 4-man pumpers, while we support that, utilized to move towards NFPA 1710 compliance in other areas.

Additionally, I want to comment on the relocation of an apparatus. As I stated during our presentation, the ISO independent study and the IAFF GIS analysis did not identify any relocation or closure to open Station 12. I'll agree with the Chief in that doing so now to reopen Station 15 would be simply shifting the gaps in coverage around once again.

During the 2020 process in the Fire Department's analysis, identifying 15s as the relocating apparatus, it was also established by the mapping utilized in their study that any other relocation would be a breach of service.

I would also invite at this time for another brief comment because it was 20 years ago and he would certainly have the history. When Fire Station 6 at 94th & State was opened 20 years ago, that was accomplished by relocation of existing apparatus. I believe at that time it was identified that any further relocation, 20 years ago it was identified that any further relocation of apparatus in Kansas City, KS, would be a reduction in service. I would ask Bob to comment to that because he was involved in that process 20 years ago.

Commissioner Johnson said, Mr. Wing, Mr. Simma, I'm not sure if you all had a chance to see those numbers that were presented by the Chief before the meeting. I'm curious as you all were able to observe those and analyze those, did you seem to lean towards any of the recommendations or any of the options that were presented by the Chief? I don't want to put you on the spot. Just kind of give me a sense here.

Mr. Wing said I'll respond. It's my understanding that the parties did not come together and make a joint recommendation. As I said, historically, we always came forward with a joint recommendation. My history has been with other administrations. I'm not active in the day-to-day operations of the Fire Department or the Fire Union anymore. Our belief was, and I think, Mayor, you can attest to this being a former Deputy Police Chief; Commissioner Stites, you could being a former police officer. The chiefs I worked for in the Fire Department, we concluded that when we come over here for the things that we could, we come hand in hand. We did our compromising over there. We never had a mayor and a council or commission question us, as professional firefighters, on the recommendations we made.

What I believe should be done is one thing this Commission can do is instruct the Fire Department and the Fire Union to bring us something jointly that you all can live with. Let's take this discussion to the Fire Department and give them a deadline. Nothing open-ended. We're not going to be having this discussion again two and a-half years from now at election time. As you said, Mayor, the politics in this city is worn out. It's time we move on and we make some decisions based on the good of the community.

Commissioner Johnson, to answer your question, I'm uncomfortable answering that because I haven't had access to those numbers. President Simma already said he didn't. I would make a suggestion that the instruction come from the Mayor and the Commission and the Administrator, get back over there and do your job and bring us something, as professional firefighters, you all can live with and that we can take to the community and be proud of. We've done it before and it can be done again. Is it going to cost some bucks? Probably, but we're not going to do it on the cheap because the Commissioner said, put a price on a life or a price on an injury. It can't be done, but it will exceed any price, hard dollar cost that is being discussed here in public before this Commission. That's what needs to be done in my estimation.

Commissioner Johnson said it makes a whole lot of sense to me. I'm always one that believes that there is power in compromise. That means that everybody won't get what they want, but if we can get to a point where all parties can be satisfied at a certain place, then that serves as a marker from which we can move forward. I'm always one, Mayor and to my colleagues, that we continue to encourage this as we talked about the earlier issue with regard to safe and welcoming. We made some compromise on the spot, but we made some compromise. I'd like to be able to encourage us to be able to do that in the same spirit between the union and our Fire Department.

Commissioner Stites asked, would somebody be able to tell me in the past 10 years, what the number, how many chiefs we had 10 years ago versus how many we have today with no additional—with the closure of a fire station, but how many chiefs we had 10 years ago versus today, and what that would look like if we were to transfer some of those positions and the savings to the street level.

Mr. Simma said I can't at this time give you an exact number. We definitely can put something together. We would have to do the research on it. My belief, as an estimate, as we're probably in the neighborhood of approximately five more chiefs now than there were 10 years ago. That's a very broad estimate. I do know our command staff has grown over the last several years. I will say this, too, it does date back 25 years. But 25 years ago, we were in the neighborhood of 17 or 18 chiefs. I believe right now we're at about 30.

Commissioner Stites said I guess that kind of goes back to what I'm getting at. If we're needing boots on the ground, I mean maybe they need to not have so many Yukons and Suburbans running around and people in firefighter uniforms.

Mr. Simma said I would certainly be very honest with you. We feel the priority of this government, of this Fire Department, and I can certainly tell you the priority of this local union is for the safety of the firefighters and the public that we serve. As a priority, our resources should be allocated there first. I would suggest that an analysis of the budget be done to determine if there are areas in which we could make some savings to further increase our staffing and our response capabilities to provide the service where it belongs.

Commissioner Stites said I would agree. It's very easy for us to get top heavy. It seems like that in the private sector and in the public arena also. What ends up suffering are the people that needs those services for the most part. The people in the north end, the people in the south end, it doesn't matter where we're talking about, but you overload. This is kind of ironic because it's chiefs, but too many chiefs and not enough Indians.

Commissioner Kane said I worked at General Motors for 35 years. In 21 of those years, I worked in safety. If there was a safety situation, we would go out and address it together, both management and union. Sometimes those discussions got pretty heated and sometimes you had to take them up front where nobody could hear you. But, by the end of the day, we did exactly what Bob said. We came out unified, told them good, bad, or indifferent. Whatever that answer was, was the answer and that's it. I think that's what we need to task the union and management. You guys need to work what's best for the community. Each of you need to give a little bit because you have to. I don't want you to come back here and say they said you guys need to come back and tell us exactly what both sides need and then we need to make that decision, Mayor.

Mayor Garner asked, did you have some numbers just on the dollar amount that Fairfax brings in? Did you bring that for us? **Mr. Simma** said yes, \$20M in tax revenue is the estimate that we pulled from a report from a couple of years ago. **Commissioner Kane** said and that doesn't count the BPU power usage either.

Mayor Garner said just to wrap this up, I just want to thank the UAW for being here as well. They've been a strong advocate for that fire station and supporting 15s. They also noted they would like to see that fire station open along with the Fairfax Industrial Association, so we're glad to see them here as well.

That call to action that has gone out from Commissioner Johnson, that was the original call to action from myself, from Commissioner Kane, and Commissioner Bynum, as well as our Administrator for you all to work together in a way, collaboratively to bring something to this Commission that was actionable that you both could agree upon as opposed to maybe a diverging option. It seems like, this is my opinion, the options that the Chief brought forward might coincide with some of the recommendations from the union. So, it doesn't seem like a really long bridge to cross.

I can say that public safety, just me coming from that background, is one of those things that I support. I support our Police Department. I support our Fire Department., our EMS workers. My belief, just from my experience, and I'll just use myself, people will put up with raggedy politicians so they'll vote their mayor out. They'll put up with bad streets. They'll deal with schools that may not be completely adequate, parks where swings don't work, but when they pick up the phone and they dial 911, that's where they draw the line.

When you talk about the taxes, the fees, and the PILOT that goes on our bills, I've had people tell me that they've had enough. Then they start asking, what are we getting for our dollar? What are we getting for our money? I can tell you, when you talk about the amount of money that Fairfax brings in and then the crossover service that that station provides to an area that has been disinvested and disenfranchised, and you've heard me say it for far too long, I think that's an area that we need not overlook any further.

I think that this Commission, and I ask that not only this call to action not go out to our command and our union to come together to work, but this Commission get behind this effort to support public safety because to have a great Kansas City, KS, you've got to have a safe Kansas City, KS, and that means supporting the men and women in uniform that keeps our community safe, the good men and women.

I just want to let the command and the union know; we support you. I think that's a shared message from this Commission that I think I feel comfortable saying, we support all our men and women that wear the uniform to keep this community safe.

I'd just like maybe just a show of hands, because this is not an actionable item, I just want to get some sense that our Administrator, our Fire Chief and his staff, as well as the union to just kind of give a direction, would we or are we saying we support them working together to at least bring back a proposal that would give something actionable to responsibly open up Station 15 in Fairfax.

Commissioner Stites asked, could we put a time limit on that of when we would like to see a proposal brought back? I don't know how long that takes. Is 30 days adequate? It is; 30 days then.

Commissioner Davis said just for clarity, we are going to go through the normal processes of putting this through the standing committee before bringing this back to full Commission because there are a lot of details that need to be vetted and things that just need to be ironed out before it comes back to this body. So, as long as there's clarity on that, I absolutely.

Commissioner Kane said I'd like to have on 3s so both groups know what's going on and then come to the standing committee. **Mayor Garner** said don't know if we can commit to that just to the timeframe. Administrator, you want to weigh in?

Ms. Harrison-Lee said what I'd like to know is if we can get the proposal together and you want to do an on 3s, if you want to extend the time just a little bit to make sure that we can get all the Commission members together for the on 3s and then we can get it through standing committee as well.

Commissioner Stites said I'm fine with that. Do you want me to put 45 days on it? **Ms. Harrison-Lee** said, President Simma, Chief? Okay.

Mayor Garner said if we—time limits are sometimes hard to keep. I just think that if you all can get this done in short order, expeditiously, as you bring your teams together and really talk and then move that forward. I'm really going to lean on our Administrator to facilitate that and she's going to move this thing forward, hopefully, in a manner that hopefully meets everybody's expectations.

Commissioner Burroughs said this isn't an issue that has not been out here for a while. It's been going on for quite a while. Many of us are aware of the needs and what happened with the Fairfax issue. There were a number of us that were very supportive of keeping Fairfax open. I believe we lease more vehicles. We're getting to the point where we're leasing more vehicles. When I see the cost of these vehicles come through and proposals, I want to take that back to my budget subcommittee and review those contracts to ensure that we're getting the proper equipment. I think, honestly, we've got intelligent individuals on both sides of this issue. I believe they've heard our, basically, our walking orders tonight to get together and come forward with a plan that we believe that the Commission can get behind.

I don't think there's a commissioner up here that doesn't support public safety. I just think it's a matter of being able to put to rest the division in our community between our Fire Department and administration. I want to be clear that I don't believe it's this administration at all that has had an issue with the Fire Department. What others did is behind us. Let's build it together, collectively, and put this issue to rest so that when we talk about public safety in Wyandotte County, it's not in a negative way; it's in a way that's respected and deserved for each and every one of the people that serve in public safety and in uniform.

Mayor Garner asked, any more discussion? That's concludes this.

Action: **For information only.**

Item No. 2 – 211735...UPDATE: GRANTS AND GRANT PROCESS

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

Mayor Garner said I'll ask our Administrator Ms. Harrison-Lee to make some remarks and turn it over to staff for presentation.

Cheryl Harrison-Lee, Interim County Administrator, said the Commission established the Infrastructure Committee of staff from Public Works and other staff have been working with Secretary Lorenz and Commissioner Kane to look at potential grant opportunities for

infrastructure. Commissioner Kane, would you like to provide some insight on some of the work that staff's been doing with you on the grant process with the Secretary of Transportation?

Commissioner Kane said several of us met from staff along with some folks from BPU, WYEDC and the Chamber. This is probably my fifth meeting with Secretary Lorenz. One of the things that she talked about is you had to have a shovel-ready project. Let's say it's \$10M. Then there's a way to apply for a grant. I guess we had a grant lady who was there with us and she can apply for a grant and even cover some of that. So, if we have a \$10M project and they pay \$7M, we can take that \$7M and put another project.

One of the things we have to remember is you've got to have one project, so the Commission's going to have to decide what project that is as a whole. Once you get this one going, then you go after another one. She made a comment the other day that one municipality applied for three major projects, and she said they're not going to get any of them. So, whatever project we apply for, we better make sure it's the one we get the most bang for our buck. Jeff and his staff, they have—and Finance was there—they've got several already set up. So, we need to sit down with some of those folks and say what is it, bring it to the Commission and say here's your five options, and let's make a decision.

Ms. Harrison-Lee said we will continue to have this item on the agenda for updates. We'll be continuing to work to see if we can get some options in front of the Commission for a decision. Also, just FYI, the portal is open for non-profits for ARPA funding and that closes on June 24th.

Mayor Garner said just to reiterate, Commissioner Kane has been tasked and he's accepted to chair an Infrastructure Task Force. This is directly related to the funds that were approved last year that should be coming through the state to be distributed for infrastructure needs. Commission Stites also agreed to co-chair this task force. We're anxiously awaiting to see what portion of that Wyandotte County can receive. We do know that is forthcoming. Like our Administrator indicated, we're going to keep you all posted as things progress and move forward. That is just probably just an update as we move along with continuous updates because infrastructure is a huge need here in Kansas City, KS, and Wyandotte County.

Action: For information only.

ADJOURN

Mayor Garner said that concludes. We have no further business from this governing body. I'll entertain a motion to adjourn.

Action: On motion of Commissioner Johnson, seconded by Commissioner Kane, the meeting was adjourned. Roll call was taken and there were seven "Ayes," McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

**MAYOR GARNER
ADJOURNED THE MEETING AT 9:53 P.M.
June 9, 2022**

Monica Sparks
Acting Unified Government Clerk

cg

June 9, 2022

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

SPECIAL MEETING, THURSDAY, FEBRUARY 2, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Meeting, Thursday, February 2, 2023, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District via online; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrator's; Misty Brown, Chief Legal Counsel; Jeff Conway, Assistant Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Dr. Mildred Edwards, Chief of Staff in Mayor's Office; Jeff Fisher, Executive Director of Public Works; LaVert Murray, Economic Development Advisor in Mayor's Office; and Alley Porter, Commission Liaison.

Mayor Garner said before I call this meeting to order, I want to announce that some commissioners, staff and public are attending remotely via Zoom, by phone, or on-site. All participants joining by phone should mute their phones when not speaking to avoid any 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 observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General Office.

MAYOR GARNER called the meeting to order.

ROLL CALL: Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Garner.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format in the Commission Chambers, lobby level, of the Municipal Office Building on Thursday, February 2, 2023, at 6:00 p.m. regarding Unified Government Rules and Procedures.

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.

COMMISSIONERS' AGENDA

Item No. 1 – 212253...DISCUSSION: PROPOSED CHANGES TO RULES AND PROCEDURES

Synopsis: A discussion of proposed changes to the Unified Government Commission Rules and Procedures, submitted by Commissioners Ramirez, Markley, Davis, Johnson, and Stites.

Mayor Garner said this evening we have one item on the agenda. The item is under the Commissioner's Agenda and is discussion of a proposed change to the Unified Government Commission's Rules and Procedures. I'll open the floor to the Commission for discussion.

Commissioner Markley said before us, in the packet, are red lines of the Rules and Procedures we've been discussing since December and then, additionally, in light of changes to the standing committees during the past week or as of last Friday, some additional changes for consideration related to standing committee formatting and the changes allowed in the membership of those groups. They are in the packet. You can pull them up on your screen certainly and I am available for any questions as are Commissioner Davis and Commission Ramirez.

Commissioner Bynum said I just wanted to state to the full commission that the item voted on last week to send back to standing committee for review and recommendation should be brought to Administration & Human Services on February 13th. That was the direction the Commission gave at the meeting last week and I believe that full agenda should be published tomorrow. I just

wanted to let the Commission know that item should be taken up as an agenda item at Administration & Human Services on the 13th.

Commissioner Davis said can we put the language on the screen just so the public and those that are watching are aware? Thank you all so much. I want to ask Chief Counsel just to provide some guidance here. Section 205 in this proposal does strike out H and H states that the Neighborhood & Community Development Committee shall include at least one voting member from each of the other three standing committees. It is my understanding, Chief Counsel, that is in the Charter and, therefore, we would have to let that stand. Could you just provide some counsel on that?

Misty Brown, Chief Counsel, said yes, Commissioner, that's true. When I received these red lines yesterday, I took a look at them. I did note that H is in the Charter and that would not be something that could be amended in this way. That would require a Charter amendment if one was going to specify those differences to Neighborhood & Community Development.

Commissioner Davis said awesome. I would be perfectly fine with leaving that—or taking away that strikeout and leaving that language in there for resolution for staff to bring back to us for the 7:00 commission meeting, but those are my comments.

Commissioner Bynum said 205-h is not the one that's showing on the screen right now. Section 205-h, that you're referencing, right Commissioner, states currently the Neighborhood & Community Development Standing Committee shall include at least one voting member from each of the other three standing committees and so you are saying—does that language also exist in the Charter somewhere? **Commissioner Davis** was inaudible. **Commissioner Bynum** said okay and, therefore, you wouldn't recommend this change. You would send that to the Charter Review Committee or wherever you think we agree it should go. So, meanwhile, because it creates a dilemma for us the way it stands, I had offered to the Mayor to solve the current problem that we have by serving on Public Works & Safety, Administration & Human Services, which meet on the same night as well as also becoming a member of Neighborhood & Community Development that meets on a different night. That would put us in compliance with 205-h just for the record.

Mayor Garner said in that regard I'm going to have Dr. Edwards come to the podium. I believe there was some questions that may have arisen out of how my office moved to get to the point of

reassigning individuals, commissioners, to standing committees this year and that really arose out of—and the Dr. did a good job of recognizing that actually we were operating out of compliance with our ordinance. So, that action was taken and recommended to me to take a corrective action and I'll let Dr. Edwards speak to that.

Dr. Mildred Edwards, Chief of Staff in Mayor's Office, said we did take a look at the ordinance to make certain that we were following the placement and the appointments to the standing committees as designated. So, given that, and realizing that we weren't in compliance with regard to Item H, the Mayor then made the decision to take a look at reassigning those committees to make sure that we can bring them into order. We had conversations with both of our at-large commissioners to talk about the positives and negatives of doing that and as Commissioner Bynum has noted, she did recommend that she take the bulk of the responsibility rather than shifting all of the commissioners to having more meetings per month, that she be the representative that fulfills all of those.

We proposed a recommendation to you all that would impact everyone equally and I guess tonight we're here to discuss that or what else would you need me to report on? How we arrived at that and now that we are there we know that needs to be addressed. The Mayor has spoken with me and is willing to let this be an item that is taken up by the Chairs, not only the Chairs of the committees that are designated by the ordinance, being the at-large commissioners, but their appointees who were not addressed in this decision-making. So, thinking about the four of them getting together and working with the remainder of the Board to make recommendations through the Administration Committee, that is the recommendation.

Mayor Garner said that came about in speaking with Commissioner Burroughs and Commissioner Bynum. Part of that was that we spoke to Chief Counsel about the actual Chairs that had been appointed by the standing—the actual at-large commissioners who are the actual Chairs. Our concern was, and the concern with Legal Counsel, is that we may have erred in not involving both Commissioner Markley and Commissioner McKiernan in that discussion. Our belief was that because the policy was not being followed and that we were operating out of compliance, that our only obligation was to talk to the actual Chairs of the standing committee.

In speaking with Legal, that question was raised and so in speaking with Ms. Bynum and Mr. Burroughs, the commissioners, we agreed to allow them to bring us in compliance with ordinance by talking to the full commission and allowing the full commission to choose who they would like to serve on the standing committees in a way that would bring the standing committees into full compliance with the current ordinance as it is written. So, that was my concession to the Commission. Commissioner Bynum agreed to take that on and take that item and that action and so that's how we arrived at this point and I would sign off on that and bless it, as I'm supposed to do as the Mayor, once the Commission arrived at who they decided they would like to have on the various four standing committees.

Commissioner Davis said the point of—or at least it was my intention in working with the other commissioners to call this meeting is to give staff direction to come back to full commission at 7:00 with legislation that we could adopt tonight. Ms. Harrison-Lee, what direction would you need and how would you like to go about getting consensus from the governing body so that you can direct staff to put something before us. Then, I do have a question about the Administrator's Agenda as well, but I want to first give you that question.

Cheryl Harrison-Lee, Interim County Administrator, said as Counsel has indicated, we have the red line that was provided yesterday with the agenda so I would want to know of the items you have here which items you'd like us to look at and prepare for you for 7:00 p.m. **Commissioner Davis** said should we do a straw vote or what would be helpful just so we can get things going? **Ms. Harrison-Lee** said let me make sure I understand what you have. With the items you have here that are red line, with the exception of item H, which I understand from Counsel needs a Charter amendment, is the proposal to have this prepared—**Commissioner Davis** said for 7:00 p.m. **Ms. Harrison-Lee** said so, yeah, I would say much like we've done with the budget presentations, when you've directed staff, kind of a straw—**Commissioner Davis** said just a straw poll, so should we—**Ms. Harrison-Lee** said so I understand what the will of the governing body is. **Commissioner Davis** said okay, would you like to just—should we do that now or what would we—okay, all of us that are in favor can raise our hands if we want this to go to full commission or...

Ms. Brown said my understanding, from what I'm hearing, is that you're going to ask for a straw poll to direct the changes to the Rules and Procedure be brought forward tonight. I have previously opined that, yes, the Rules and Procedures can be suspended and various—you know these are the Rules and Procedure for the Commission, they can be suspended and actions can be taken. I've also previously opined and recommended that changes to the Rules and Procedures be done in a way to allow a meaningful review and drafting by the Legal Department. So, if directed to do this tonight, I will do it, but I am going to say, on the record, what my previous recommendation was.

Commissioner Markley said can I first—I just want to clarify what Dr. Edwards and what the Mayor brought forward tonight because we're all sort of in standing committee limbo right now and what I think I'm hearing is that the standing committee Chairs, all four of us, are supposed to sit down and come up with a plan. I guess my question is, where does that put us? I think on Monday there's a standing committee that I might have been assigned to, but maybe now I'm not. I guess what I'm hoping is that we're all going to stay on our same standing committees until that recommendation comes forward.

Mayor Garner said that is correct and apologies that information gets out to you in a timely manner, but yes, there's nothing that has changed at this point until the Chairs, all four of you, get together and you make a determination on how best to assign individual commissioners to the standing committees at your choosing. The only ask that I have in helping me with that is to make sure that we are in compliance with the current ordinance that we were out of compliance with for the entirety of 2022, as Dr. Edwards has stated, in moving forward and then I will sign off on that and codify that to make it official.

Commissioner Markley said then in light of that, because we had an immediate problem we were trying to deal with that has been alleviated and in light of Commissioner Bynum letting us know that the rule that we were discussing previously from December is going on the Administration & Human Services Standing Committee agenda. In light of Ms. Brown's comments, I guess I'm thinking perhaps we just send this whole package to that standing committee since there's a timeliness issue to deal with the standing committee item tonight. That gives staff time to review and we'll put it all through the same process at one time through that standing committee agenda item. That would be my recommendation.

Commissioner Townsend asked, is that a motion? **Commissioner Markley** said we can't make a motion here.

Ms. Brown said I would just like to add one other piece and that is this is something that we have talked about I think up here and privately as well. Mayor, when I say privately, I want to be very clear for KOMA purposes, me, the Mayor, and the Administrator, that there are numerous provisions in our Rules and Procedures that are conflicting, confusing and need review. It's been 25 years since they've been looked at and my assurances that I received is that this is going to be a process that's going to be looked at. I would formally encourage a complete review of our Rules and Procedures to ensure that these conflicts and confusing points are addressed. I just wanted to note that and I think that's it.

Mayor Garner said I believe that Commissioner Burroughs has taken up that task with a task force that is comprised of him Chairing it and numerous commissioners to look at the charter ordinances and all its resolutions to make sure they reflect the values of our community today and that they are in alliance without—or as many conflicts that we begin to identify and so Commissioner Burroughs has expressed here, and to me personally, that he is doing that in a very thoughtful and intentional manner. That work continues to be ongoing with several of the commissioners that are with us here tonight.

Commissioner Davis said let me ask this question. Chief Counsel, currently under our Rules and Procedures the Mayor has the ultimate authority over the agenda meaning he can basically—this is true for both the Commission and for standing committees, if the Mayor changes his mind and says I don't want any changes to the Rules and Procedures, I will not put it on the agenda for AHS, what does that mean for the resolution that was passed on January 26th? **Ms. Brown** asked, what resolution? Could you—I'm sorry, I'm drawing a blank. **Commissioner Davis** said yeah, the resolution that we all voted—the motion that we all made to direct conversations about the Rules and Procedures to Administration & Human Services. If the Mayor changes his mind and just says I don't want to do that, what does that do to that resolution? **Ms. Brown** said because this matter was in front of the Commission on the 26th and because the Commission as a whole voted to send this item back to Administration & Human Services, that matter must go to Administration

& Human Services and be discussed. After that, there is a question that, yes, the Mayor does control the agenda at the full commission meeting and without a suspension to a rule of procedure at that time, it could be blocked from coming forward. It could come forward and it could also be vetoed.

Commissioner Davis said okay, so I want my colleagues again to think about what we are doing. If we try to go through that process, number one going through the charter review process, there's been a whole year to get one item before us that just hasn't happened, but do we want to try, with a search for a County Administrator happening as well, do we want to try and go through that process as well in addition to reviewing our Rules and Procedures or should we, as I proposed earlier, direct staff to draw up this language formalizing in a resolution and vote on it tonight so we have some assurance going forward that this will not happen again?

I would plead with my colleagues to take this language and let's formalize it tonight so that we can get some leverage here. Right now, all we have is the word and words have been broken multiple times in the dais. Mayor, Mayor—**Mayor Garner** said if we could call order. **Commissioner Davis** said so, as I'm saying, I plead with my colleagues, let's not—there's a possibility that the Mayor changes his mind which means nothing progresses forward.

Mayor Garner said let me speak to that. If we could just control our signs. It's okay if you put them on the seats. That's at the request of our Chief Counsel.

For those of you that don't know me, I've worked on the Housing Authority Board, the Community College Board, the Ad-Hoc Group Against Crime, 32 years as a Police Officer rising through the ranks to Deputy Chief, so I was an employee here at the Unified Government. I was also appointed by the Governor of Kansas as a community organizer, KAAAC Commissioner. I've had a lot of interactions with people in this community. My resume, my background speaks for itself.

Let me speak frankly about the insinuation that I won't keep my word. That is a challenge to my integrity. If I say I'm going to do something, I do it. Just like I have promised many of the people in this community that voted for me that said they wanted change and I've kept my word. I have not backed down and that's where I'm at. I've kept my word, so if I say it, I mean it. I said what I said and I mean it and that's a commitment, not to you Commissioner Davis, but to this

entire Commission, to the staff, and to this community. My word has always been bond and that's why people trust me.

I just want to make it clear, Commissioner Davis, to you tonight in front of everybody for the record, there's a lot of rhetoric that has been going on and I would like to say for the record, if you read what was put out that Dr. Edwards talked about, there was an option there for you to contact me, my office, to call if there were any questions or concerns from any commissioners. I did get a response from Commissioner Johnson who had some concerns and last year when we were making these standing committee assignments several commissioners asked for changes and for preference on certain standing committees, including you Commissioner Davis, and I honored that.

As the Mayor/CEO of this town, I cannot ignore the fact that we have got, and I can't say this enough and I've said it all year, I started out this campaign with an olive branch to every commissioner, to staff, and to this community; this has never been about me, it will never be about me, I'm not here for me because I don't have to be here. I'm here for the people. I'm here because I care about this community and I want better. I'm sure this is all of you and it hurts me to hear these types of things going on that continues to create a cloud over our community with misinformation, sometimes lies, not just about me, but several of us. So, Commissioner Davis, you could have called and gotten clarity and, yes, I did set your Commission committee assignments to the side because I expected, and that was my fault, I assumed you would call just like you did last year and say, Mayor, I'd like to know what's going on with the community assignments.

But, what you've proved to me and what you've proven to me for most of the year is that you do not want to work or meet with me and so that proved that once again and instead of calling me and being a professional and showing some level of professional maturity, what I got was a media blitz that caused a chaotic cloud to continue over this county. That was unnecessary, it was uncalled for and accusations were thrown at me that are totally not true that do not reflect the person I've been, who I am, or who I ever will be. I have always been somebody that is a collaborator and I say that respectfully to you because throughout the year I've offered you plenty of opportunities to meet with me. You have chosen not to.

I've heard that you felt like your constituents, 20,000 of them, didn't have a voice. Well, some of those constituents voted for me too and if you're not working with me, you're depriving

those constituents that we both have of leadership that is failing to work together in a way that can get the job of the people done.

Throughout the year, you've admittedly scrutinized me. I don't know why. That's between you and God. **Someone** said point of order. **Mayor Garner** said, Commissioner, I'm running this meeting. Commissioner, I'm going to ask for order from everyone. Please be respectful. So, I say that respectfully, is that from day one I have done nothing to you but show you love, offer you help, assistance, in every way possible. So, what I did was to try and get you back to the table to say let's talk and let's find out how we can work together because people have told me, Mayor, go above and beyond again because enough is enough.

This is African American History Month. You've got two black men that are giving the perception to a majority of minority community that we can't work together and that is not true. We can, we must. I don't care who gets the win in this. It doesn't matter to me because if we succeed, this community succeeds. We have to work together. Please hold your applause. We have to work together for the good of Wyandotte County.

So, we've met before and we've gotten nowhere and so I say to you again, those standing committee assignments were not deprived of you. You are not going to be kept off any standing committees. That's not the goal and the intention. The goal and intention was to say, hey, what do I do to get Commissioner Davis back to the table so we can have a conversation, so we can have a real conversation, not about throwing shade or hate or scrutinizing each other openly, but how do we have a conversation to do the things that this community wants us to do. Lower their taxes, work on BPU, find affordable housing, economic development, do things for the disenfranchised, look at diversity and racism within this organization, women and minority businesses, infrastructure, youth programs, homelessness, poverty, food deserts; those are the things they want us to work on. I have not met one resident that has said their top priority was for anybody in this Unified Government to find a way to curtail the powers of the Mayor unlike has never happened before.

So, my challenge, again to you and I dare you, please come to the table, and any of you, we've sent out invitations again. I've sent them all out through the (inaudible). Please work with me. We have to do this. Whatever differences we have, we have to put them aside. Our success is going to be the success of this community and they want us to work together. I don't know any other way that I can say that.

I have the utmost respect for you, I know you're capable, I know we can get a lot done together and I challenge you to come to the table and work with me on the things that matter. Are we going to agree on everything, no, I don't expect us to. I know you care, I care, let's show this community that we care enough to put whatever differences that we may have—I don't have any, because I've been asking you to meet with me. But if there are differences there, let's work them out as men, as professionals, as elected leaders of this town and let's put the work and the needs of this community above ourselves. I'm willing to do it and if I wronged you in any way, please let me know so we can have that discussion and move forward in a way that's positive and so there's no more shade, there's no more undermining, there's no more obstructing, there's no more accusations or any insinuations in those things. I don't do that to you.

From the first day I met you I was impressed with you. For those who don't know, he started on my campaign and I supported you and I stood by you and I wanted you to be successful. That desire for you has not changed. I want you to be successful because your success is going to be the all of our success. I don't want any more confusion, any more divisiveness because it is unhealthy to getting the work done for the people of Wyandotte County and they've told me, Mayor, you all have got to do better and this community deserves better than what they've been seeing and I don't want Wyandotte County to become the mockery of the metro because we cannot get along and work for the common good of this community. So, I say that respectfully.

I know that Commissioner Markley has mentioned about moving some things forward. I share in that along with Commissioner Bynum and Commissioner Burroughs who also agreed, please make sure that Commissioner Davis is assigned a committee of his choosing and then, Commissioner Davis, I challenge you to work with me in those standing committees and in this full commission and outside these walls on behalf of the people so we can get good things done. Wyandotte County has so much potential to be great. Let's make that happen.

Commissioner Townsend said I made the motion to have this issue sent to the standing committee, so I believe when I made the motion and it was approved by my colleagues, I did so with the understanding that the Mayor would bring it back. I had that same confidence. Let me also say that working with all of us, we will have different opinions about things so it is not working against the Mayor if each of us has a different opinion. We all were sworn to uphold the Constitution. No one person has all right or all wrong, so in working together there will be

differences in the vote. I just hope people realize that. So I would endorse, if we can't make a motion, to send this back, have the AHS committee look at it. I'm glad Commissioner Davis will be put on committees of his choosing and to move on in that way. So, I ask Counsel, Mayor, what's the best way to move on with this?

Mayor Garner said, Commissioner, we will take a straw poll. I believe we have a few other commissioners who want to make comments. In the interest of time, I'm going to allow for that. I would like to say that I do agree with you and I'd like for the public to know, none of us are perfect. All of us are human. We make mistakes, we do, hopefully we learn from those and we get better. Failure is how you learn and that's how you get better. I believe that when one of us falls or when one of us don't make mistakes, it's our opportunity and not just your elected leaders, but even you, the community, tell us if we're wrong, tell us if we're not measuring up. The open mic is an opportunity for that. That's how I get better. I've told people before that if I'm not measuring up, please let me know. You're not going to hurt my feelings. I want to get better in the services in the community and if my fellow elected officials are falling short, I'm not going to step on them while they're down. I want to help pull them up as well because to get things done for this community, we have to get it right and failure is not an option with what we're looking at here in Wyandotte County as far as our fiscal situation.

We've got too many other issues on the table than to be worrying about minor matters that don't really reflect the interests of anybody, the hard-working people in Wyandotte County, what they really want done. They don't care about this infighting and who likes who, they just want us to get the work done for this community and that's what I want. So, I just ask all of us, I can get better, I'm a young new Mayor finishing my first year. Have I made mistakes, of course. That's life. Is it intentional, no my heart is pure. I care about people. I care about this community. I'm not here to hurt anyone. Do I need anything, no. I'm not here for any personal gain. I'm not trying to move up. I'm not looking for higher office or book deals. I retired. God blessed me to be able to do that.

I'm here because I just want to make a difference because people ask me to do and be that difference and I'm willing to work with all of you and this is a new year for all of us. Let's work to do better and let's start working on the things that really matter for Wyandotte County and I can tell you over the course of three days before Christmas and since then, we've really been working and miring ourselves down in things that really are irrelevant in the big scope of things

that matter to every day hard-working people. It's stressful for our employees. I've talked to several of them, they're caught in the middle, our community is dissatisfied, we all look like shady politicians that can't get along and we are a mockery from here to Topeka and I've heard it. Let's do better, please.

Commissioner Ramirez said I have a request and hopefully it's not a big request. The complete review of Commission Rules should be followed—should go under the jurisdiction of the Administration & Human Services committee. The document you gave us of committees and their jurisdiction completely states Commission Rules. It's not under the jurisdiction of the Charter Committee. The Charter Committee and the Commission Rules are completely different documents and with all due respect, I believe it will do more good under Administration & Human Services than the Charter Committee. So, I ask Commissioner Bynum, as the Chair of AHS that the full review of Commission Rules become under your jurisdiction of that committee as it clearly states of the document that the Mayor gave to us.

Commissioner Davis said oh boy, okay. Mayor, I think that one of the things that you have done, and this is why I still believe we need some assurance as commissioners is because there have been times that you've broken your word. When LaVert Murray brought the developers before us and we all spoke about Willie Lanier and made it—and by the way it's Black History Month. Willie Lanier, many of you do not know, is the son of a former Kansas City Chiefs player. He is—Mayor, are you going to—I'm going to wait for you to be the presiding officer and get decorum. **Mayor Garner** said, Commissioner, if you would please. **Commissioner Davis** said no, it's the gallery. **Mayor Garner** said, Commissioner, please let's—it's called emotional intelligence. Let's utilize that. **Commissioner Davis** said emotional intelligence—it's a point of order. It's the gallery that is speaking and they're not authorized to do so. Can I speak, can I get a ruling?

Mayor Garner said, Commissioner, we will take a two minute recess for everybody to cool their heels and come back. Before we come back, I'm going to ask the crowd again whether you like any comments of anybody, and this is going into the full commission meeting, please be respectful of people's viewpoints whether you like it or not. Be respectful. **Commissioner Davis** said and I would like my time when we come back. That's all I'm asking for. **Mayor Garner**

said, Commissioner, I've never taken time from you. All I ask is, let me do my job. I don't need you to tell me how to do it, okay? We'll take two minutes.

(Two minute recess)

Mayor Garner said thank you, thank you so much. I think we needed a little timeout. I know there are a lot of emotions here. Again, I'm going to ask you, please respectfully, if you can just maintain your composure, allow people to speak so they can get their remarks out, keep your comments to a minimum. There's a time and a place for that. I just ask that we be respectful of one another. We all are neighbors, we all know each other, we all live here and we all have the same goals and objectives which is, we all want a better Wyandotte County. Commissioner Davis, you can continue.

Commissioner Davis said I think there's been some—well, there's been a lot of misconceptions about me and my issues with Mayor Garner. Mayor Garner, my issues with you have not been personal, they have been policy-based. You stopped a black developer from developing in downtown Kansas City, Kansas. That's what happened. That is a fact. If you do not know who Willie Lanier, Jr. is or what happened to his project or how it could have been a catalytic project for development in downtown Kansas City, Kansas, it's Black History Month, let's talk about how black people have been mistreated. Are you going to—I mean—**Mayor Garner** asked, are you done? **Commissioner Davis** said no, I'm just seeing if you wanted to make sure that there's decorum. **Mayor Garner** said yes, please...

Commissioner Davis said the other issue has been, yes Mayor Garner, I did work on your campaign. I left because of the very disagreements that we're having right now. You have ruled with an iron fist. You have tried to run City Hall like the Police Department. We do not work for you. I do not work for you. I want to work with you. There are things that you have proposed that I agree with. We talk about the sales tax. I agree there should be some option there. We can talk about other issues when it comes to development. I agree, but the way in which this has happened has not been fair.

I am glad that I'm getting my assignments back. I'm glad that we have your word and I will absolutely hold you to it. However, I would like to see better and I would like to see it consistently.

I will yield on my request for us to vote on these changes for the Rules and Procedures tonight. I understand I don't have the votes. I don't have the support from my colleagues and I'll follow their guidance and their wisdom in working this through the standing committee of Administration & Human Services. But this should have never been personal. It shouldn't and the fact that it was, you know, it's under your leadership Mayor Garner, is a blackeye for Wyandotte County and that's unfortunate.

Mayor Garner said well, you had a lot there Commissioner. It's not personal for me and, again, I've never said anything bad about you and I challenge you to look on any of my social medias or anybody in this community, and you know who they are, that have tried to get me and you to sit down, so that is totally not true. There's nothing personal. I have no personal—I'm going to say it again, I want you to be successful. I love you as a brother. I've said that privately and I'm saying it openly and I'm telling you now we have to work together. You don't know me, so don't speak to my career as a police officer because I had the nomenclature of being called officer friendly by many people in the community. People trusted me and if I was anything less than that, I would not be Mayor today.

I'm going to ask—you made another statement about black developers. I would agree with you on Mr. Lanier, but if I did, we would both be wrong, so I'm going to ask LaVert Murray to bring clarity to that for the public and, hopefully, this misconception about what occurred can finally be put to rest in your mind.

LaVert Murray, Economic Development Advisor in Mayor's Office, said Mr. Lanier had a project before this committee some time ago and, in fact, as I tracked this development—and let me say for the public that, yes, I am LaVert Murray, currently Chief Economic Development Advisor to Mayor Garner. Before I came back after my retirement I was—and before I retired I was the Director of Development, Director of Economic Development, for close to 40 years and you will see my handprint on many major developments throughout this community including General Motors, including the Hilton Garden Inn, including the Reardon Convention Center. I

must say that because I've heard that there have been some members of the Commission telling others that I have a personal grudge against Mr. Lanier and that certainly is not even close to the truth and that I have something personal in support of the convention center, the Reardon Convention Center. I will tell you, those that don't know me, during my past nearly 40 years, yes, I managed the construction of the convention center; yes, I managed the construction of the Hilton Garden Inn and the BPU Office Building. Yes, I secured the grants for those developments. Yes, I secured the grants for the parking structure behind the convention center and the BPU, but I have no personal or emotional attachments. If you give me something better, I wouldn't have a problem tearing it down and building that something better and that's how I am on all projects.

I will tell you that as I pursue development deals throughout our community, and that's always been the case for me, I think developers deserve an opportunity to better their proposals and typically when I work, a deal a developer might get two opportunities for an extension of their contracts to do what they have committed to do.

I never had a situation where there are four extensions to a project. That was the case for the Indian Springs Scavuzzo Project. I recommended we end the nonsense, if you will, and we did that on Scavuzzo. When I learned of four extensions for the Reardon Project, it had nothing to do with Mr. Lanier. I've known Mr. Lanier a great number of years, I like him, I think we get along, but it's business and I could not recommend to you to provide extension number five for a project that's taken years to develop and I've still not seen the financing commitments for the project, but that's beside the point. My recommendation was, it's not time to do extension number five. That project was not withdrawn by the Mayor or anyone else. That project had a drop-dead date that expired on December 31st. When that project reached December 31, its contract was null and void and that is what happened to the Lanier Project for the Reardon Center.

I have personally spoken with Mr. Lanier and Mr. Lanier has come back with a proposal that will allow the Unified Government to keep its only convention center in our community and also build what he proposes in an apartment building attached to the convention center as opposed to tearing it down. When that project was taken before the standing committee last month or so, Mr. Lanier presented a third project, if you will, on the UMB Bank site. I was surprised that he didn't mention the alternative of attaching his building to the convention center and I know maybe some of you have seen the plans for that. I know when I learned of it, I took it to Commissioner McKiernan. Why, because it's in his district and Mr. McKiernan viewed that and I thought when

he came before the standing committee that would be presented. It wasn't, but I want you to know that the Mayor has said to Mr. Lanier, I have said to Mr. Lanier, we want to work with you but we need a convention center too and there was an option to accommodate Mr. Lanier and also have a first-rate convention center.

I just wanted to point out that no one killed that project. It had a drop-dead date of December 31 and it didn't meet the requirements by that date. Mr. Lanier will tell you that, but we are still communicating with him and we're trying to bring that project forward.

Mayor Garner said I can say just for the record, I have spoken to Mr. Lanier and he wants to accommodate a redevelopment project at the Reardon Center and beyond. I've talked to our Administrator on several occasions. For the record, nobody is trying to keep an African American developer out of Wyandotte County, me of all people, right, would try and do that. We want a good quality project. People have said they want a first-class convention center to get some of the residual flow over from Kansas City, Missouri. I support Mr. Lanier in his efforts, I support his new proposal that he brought back, I encourage staff to work with him because he is the only developer that we know of that is willing to do something in that area. I don't care who it is, if they are shovel-ready and they can bring the types of good services and resources that Wyandotte County deserves, my thing is, let's make it happen and I've given staff that option.

I'll go a step further, back in, I believe it was August, Mr. Murray brought developers to this dais as well. Over half of them were minorities that had historically been shut out from this Unified Government. They couldn't even get a seat at the table and to this day, for whatever reason, because that meeting turned very chaotic, in which it shouldn't have, and you can go back and roll the tape and decide for yourself who caused the chaos. Some of those developers said they will never come back to Wyandotte County again. Shameful. None of them needed money. They had the financing, they were ready to go and they were ready to do the things that Mr. Murray and myself asked them to do and that was develop east of 635 in the disenfranchised, disinvested areas in the most poorest zip codes anywhere that you can find in the state of Kansas from areas where people have been begging for development, redline areas, and these people have historically not had a seat at the table. We offered them to at least bring forth their vision and they still haven't had that opportunity. We got to do better.

Commissioner Johnson said I think I would say relative to Mr. Lanier, I just ask that to all parties that are involved, let's get us something to the Commission that we can vote on, up or down. I know we have procedures in place to go through standing committees, they have timelines and they've gone over some timelines with some amendments, but I'm saying, whatever it takes. This has drug on for far too long. Just get something to the Commission that we can vote on, up or down, up or down, that's my only request.

Relative to the document that is before us tonight, I think Commissioner Bynum mentioned that we could come to her committee, the Administration & Human Services Standing Committee. It looks to me that the next meeting would be on the 13th of this month. Is that correct? (Inaudible). **Commissioner Johnson** said so I ask that—my ask would be that if we can get that through standing committee, can it be fast-tracked to the full commission meeting on the 16th? That is my request. If we can get through that document, can it be fast-tracked and get some assurance that it can be fast-tracked to the full commission meeting because it appears to me the next full commission meeting won't be until March the 9th. At least that's what my calendar shows. That the request that I would have that if we get it approved in standing committee, can it be moved—fast-tracked to the full commission meeting.

Mayor Garner said just to clarify, I have worked with our Administrator and she is actively working, her and staff, with Mr. Lanier and they are trying to get something before this body and they have made that commitment to continue working with him.

Commissioner Bynum said I seek two things, to clarify what Commissioner Markley had brought forward earlier, returning this or sending this to what I'm hearing is Administration & Human Services for work and proposed action that would come as a fast-tracked item to the next full commission meeting. I want to make sure that I'm hearing what you heard for one thing and what the Commission seems to be having consensus around and then just secondarily, the technical pieces of getting all of this onto a February 13 agenda, which we just had agenda review for this morning and we were proposing to have an agenda ready to publish tomorrow. So, I'll look to Administrator and Chief Counsel and you Mayor for the direction on that, but I think that's what I'm seeing consensus around here tonight.

Mayor Garner said I will make a commitment that, you know, I want to work with you all as well on the standing committee to make sure that we—you know the language is something that we all can live with that, and that yes, if we can get the work done, we'll do everything we can. That's a pledge and a commitment from me. I'll make sure that I give clear direction to the Administrator to fast-track as soon as you all get the language completed and you vote to move it forward. I have no reason to obstruct, withhold, hold it back, stop it. I want you all to review it, get it to this full body and you vote on it so we can move to the things that are really more important than that, so yes, you have my commitment.

Commissioner Ramirez said I thank our Administrator for working with all parties to bring something forward and this will be the last thing I say on it until it comes before us. Again, we wouldn't have these issues if we had a fully staffed Economic Development Department and with all due respect, Mr. Murray is an advisor to the Mayor's Office, not to the Commission Office. He does not recommend to us, that is staff. He's a staff of the Mayor's Office, not of the Commission, so that as department—Economic Development Director's duty is to be our advisor on economic development projects.

Mayor Garner said that is true, Mr. Murray is an advisor out of my office. I ask that you please respect his years of experience and his knowledge and the connections that he has in this community. He does not advise to this Commission, he advises to me. He does help citizens, bridge them to staff to try and get them the help that they sometimes otherwise can't get in a very timely manner and that's his role. He's a bridge, he's a great source of information and a lot of people in this community come to him looking for knowledge and looking to how best to move things forward through the Unified Government especially this time, as you mentioned Commissioner Ramirez, where we do have staffing shortage.

Commissioner Davis said I'll just say very, very quickly, when Mr. Lanier came before us for Economic Development and Finance, the overwhelming response and direction to staff was get the original project to the standing committee so that we, as Commissioner Johnson had referenced, can finally put this to bed. I would hope that is what we do. Myself, Commissioner Townsend, Commissioner Stites—Commissioner Burroughs didn't say much, I would assume so,

but I know for a fact Commissioner McKiernan and even BPU member Senator Haley, we all agreed, at least no one said anything other than agreeing, that Mr. Lanier's original project is the desire of at least half of us sitting up here close to it. So, that would be my comment on that, that we wouldn't just get a project, but the specific project that we gave staff guidance on.

Mayor Garner said I want to remind you, you do have a Mayor, I do have a role, I do have a voice, I do represent the majority of the people in this town that voted for me throughout county-wide and part of my job duty is to project the vision, leadership, direction, financial security of this town. You can look it up yourself to include economic development and so I need to be at the table. The original plan you talked about is a plan that happened before I became Mayor. Because I do compromise, we embrace that plan, but we also embrace, not because I want it, but because we went out and actually talked to people in this community, which are the stakeholders, that said we want a first-class convention center to coincide with the Lanier Project. So, Mr. Lanier brought forth a compromise. It really brought past project and future vision together that could be even a bigger project and so that's just something that you need to think about and that is the power of collaboration, communication and meeting each other halfway to get things done for Wyandotte County that, hopefully, can at least meet the regional by expectations that everyone has when it comes to these types of projects.

There was a request on the floor to give direction. I guess we did talk about a straw poll. For those that coincide with Commissioner Markley's, Commissioner Bynum, I believe Commissioner Johnson, Commissioner Davis, Commissioner Ramirez—if I'm wrong; I guess a show of hands in support and I believe our Administrator will have clear direction on how to move in that regard. Okay, I think we have a majority there.

So, with that direction moving forward, we do have to move into our commission meeting. Thank you all. I'm going to entertain a motion to adjourn.

Commissioner Markley made a motion, seconded by Commissioner Ramirez, to adjourn.

Mayor Garner said I will say that prior to the vote, our commissioners need about 10 minutes to take a break, so we will start sharp, and I do mean sharp, at exactly 7:15.

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

MAYOR GARNER ADJOURNED
THE MEETING AT 7:06 p.m.

Brett Deichler
Unified Government Clerk

dt

February 2, 2023

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

EXECUTIVE SESSION, THURSDAY, FEBRUARY 21, 2023
4:00 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Executive Session, Thursday, February 21, 2023, 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Johnson, Commissioner Fourth District; was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; and Misty Brown, Chief Counsel.

MAYOR GARNER called the meeting to order.

ROLL CALL: Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum, Garner.

NOTICE OF EXECUTIVE SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held on Thursday, February 21, 2023, at 4:00 p.m. in the fifth floor conference room of the Municipal Office Building for discussion regarding a private personnel matter as permitted under the Kansas Open Meetings Act.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, for the Commission to go into Executive Session until 5:30 p.m. to allow the Commission to discuss a candidate for employment, a private personnel matter related to specific individuals(s), as

permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and that we reconvene in open session at 5:30 p.m. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO presiding. **Staff present:** Cheryl Harrison Lee, Interim County Administrator, and Misty Brown, Chief Counsel. **Others present:** David Johnson (arrived at 4:13 p.m. and departed at 6:00 p.m.)

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to extend the Executive Session until 6:00 p.m. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to extend the Executive Session until 6:30 p.m. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to extend the Executive Session until 6:45 p.m. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

Commissioner Burroughs made a motion, seconded by Commissioner Ramirez, to adjourn the meeting. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

MAYOR GARNER ADJOURNED
THE MEETING AT 6:45 p.m.

Brett Deichler
Unified Government Clerk

dt

February 16, 2023



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: February 9, 2023

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

tk

Weekly Business Material for February 2, 2023 - February 9, 2023

1. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Avenue, KCK 66111, held a public auto auction on January 12, 2023, at Alandon Tow Service.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED February 8, 2023:

Section I -Appointments

Name	Department/Division	Eff. Date	Job Title
Denise Hammond	DA's Office	2/2/23	ADA I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Leslielisa Lopez	Health	1/19/23	Program Specialist	Program Specialist

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIM FOR DAMAGES:

Araceli Alvarado, 8001 N. Stoddard Ave., KCMO, alleging damage from hitting a hole on 7th St. right off I-70 exit, on January 29, 2022.

Action: Received and filed. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

Jakob Blackman, KCK Police Department, travel to Davenport, IA, February 5 – 7, 2023, to testify as a witness, ATF Funded.

Monica Macias-Leyva, NRC/Administration Division, travel to Las Vegas, NV, February 26 – March 1, 2023, to attend Educate 2023, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

5. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Deep Roots Restaurant and Bar LLC/Jeremy Love dba Deep Roots Restaurant and Bar, 4801 Shawnee Dr.

Rosedale Barbeque, Inc/Heather Tuttle dba Rosedale Barbeque, 600 Southwest Blvd.

Action: Referred to License.

6. PRIVATE SECURITY BUSINESS:

Whelan Event Staffing Services DBA Garda World Security Services /James Schwartz dba Whelan Event Staffing Services DBA Garda Work Security Services, 9613 W. 149th St., Overland Park, KS.

Whelan Event Staffing Services DBA Garda World Security Services /Joseph Smith dba Whelan Event Staffing Services DBA Garda Work Security Services, 1699 S. Hansley Rd., Ste. 350, St. Louis, MO 63144

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

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Kansas City, Kansas 66101-3070

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Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: February 16, 2023

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

BM

Weekly Business Material for February 10, 2023 – February 16, 2023

1. COMMUNICATION:

- Republic Services 2022 Annual Compliance Report for the Forest View Landfill, SUP No. 2002-42

Action: Received and filed.

2. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Avenue, KCK 66111, held a public auto auction on February 7, 2023, at Alandon Tow Service.

Action: Received and filed.

3. CLAIM FOR DAMAGES:

Shannon French, 409 NE 101st St., alleging damage to the vehicle tires on 12/23/22, Barnett St., between 6th & 7th St.

Action: Received and filed. Copy previously forwarded to Legal.

4. SUMMONS:

- Unified Government vs Celiz Carreon, Case No:18 PT 03
- Unified Government vs Gloria Abarca, ETAL., Case No: 2022-CV-000758

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUESTS:

Tony Burks, KCKPD, travel to Broomfield, CO, May 8 – 12, 2023, to attend Faro Scene Laser Scanner certification & training, Employee training, and travel.

Timothy Fowler, KCKPD, travel to Louisville, KY, April 9 – 14, 2023, to attend Basic Homicide Investigations Course, employee training and travel.

Jeffery Gardner, KCKPD, travel to Florence, AL, March 6 – 10, 2023, to attend NIEF Training, FBI funding.

Monica Kennedy, KCKPD, travel to New Orleans, LA, July 30 – August 3, 2023, to attend NOVA (Nat'l Org Victim Assistance), VOCA travel and training.

Wendy Medina, KCKPD, travel to San Francisco, CA, August 21 – 24, 2023, to attend National Sexual Assault Conference, 100% VOCA training and travel.

Cotarino Mendez, KCKPD, travel to Charlotte, NC, April 2 – 6, 2023, to attend Leads Online Leadership Conference, employee training and travel.

Karl A. Oakman, KCKPD, travel to Grapevine, TX, to attend the 2023 IACP Policy Council Midyear Meeting, April 13 – 16, 2023, employee training and travel.

Racheal Ontiveros, KCKPD, travel to Orlando, FL, to attend Nat'l Institute of Crime Prevention DV & SA Training, May 7 – 11, 2023, 100% VOCA training and travel.

John Russell, Sheriff's Dept., travel to Fayetteville, AR, to attend Supervising & Managing the FTO Unit, March 12 – 16, 2023, employee training and travel.

George Sims, KCKPD, travel to Columbia, IL, to attend Ground Control/Knife Defense Instructor Trainer, March 19 – 24, 2023, employee training and travel.

Action: Approved by Administrator's Office and received and filed.

6. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- Crowd Systems, Inc.
- Twin City Security, Inc.
- Andy Frain Services, Inc.
- Maderos Lawn & Landscaping LLC
- PBM Securities, LLC

Action: Referred to License.

7. BUSINESS BONDS:

- Electrical Bonds:
 - Global Rock Enterprise LLC d/b/a GRE Electric
 - Sitelogiq, Inc
 - General Dynamics Information Technology Inc.
 - Facility Solutions Group, Inc.
 - Electrical Corporation of America, Inc.
 - KC1 Service Co.
 - Superior Electrical Construction, Inc.
 - A.B. May Company
 - Empire Electric Services & Technologies LLC
 - Indiana Industrial Services LLC
 - Phillip Lopez d/b/a Pleasant Hill Electric

- Mechanical/HVAC Bonds:
 - MJC Electric Company, LLC
 - Automated Control Systems Corp.
 - Shawnee Heating & Cooling, Inc.
 - P&L Mechanical, LLC
 - Balance Point H&C Inc., d/b/a Balance Point Heating & Cooling
 - A.B. May Company
 - Prairie Center Plumbing, Heating & A/C Inc
 - B.L. Air, Inc
 - PS Property Services LLC
 - Summit Heating & Cooling, LLC

- Plumber's Bonds:
 - Neil Inscore Plumbing
 - Axiom Plumbing LLC
 - Kris Tressin, d/b/a KMZC Plumbing, Inc.
 - Best Plumbing LLC
 - Full Nelson Plumbing, Inc
 - Anthony Ficara, d/b/a Quick Relief Plumbing
 - Cates Service Company, d/b/a Cates Heating and A/C Service
 - Action Plumbing, Inc
 - TD Plumbing, Inc
 - Ladd Service Company LLC
 - N & E Plumbing LLC
 - A.B. May Company
 - Homemeister, LLC
 - K Jett Services, LLC
 - Prairie Center Plumbing, Heating & A/C Inc
 - PS Property Services LLC
 - P1 Service, LLC

Action: Referred to License.

8. CONTINUATION CERTIFICATE:

- Miscellaneous Bonds:
 - Septic Tank and Cesspool Installer and Cleaner's Bond, Liquid Environmental Solutions
 - Septic Tank and Cesspool Installer and Cleaner's Bond, Honey Bee Septic Service LLC
 - Septic Tank and Cesspool Installer and Cleaner's Bond, Koontz Construction LLC d/b/a Koontz Septic
 - Septic Tank and Cesspool Installer and Cleaner's Bond, Deffenbaugh Industries, Inc., d/b/a Johnny on the Spot
 - Velex Inc
 - Madden Rentals LLC
 - Metro Pawn, Inc.
 - H & H Septic Service, Inc.
 - James Manderscheid d/b/a Digger Jim
 - Apex Underground LLC

- Plumbing Bond:
 - Age Mechanical Inc
 - Climate Control Heating & Cooling, Inc.
 - Summit Heating & Cooling LLC
 - Taylor Mechanical Inc.
 - Deer Creek Plumbing Inc.
 - IPLUMBKC LLC
 - Jim Glover d/b/a Jim Glover Plumbing
 - B & D Contracting LLC
 - Adam N Leon Sr. d/b/a Lion's Plumbing
 - DGO Plumbing Co. d/b/a DGO Plumbing Co.
 - J-Hawk Plumbing Inc.
- Electrical Bond:
 - Sachs Electric Company
 - Advanced Services DS, LLC
 - Mag-Tronics Industrial, Inc.
 - JMC Services Inc
 - Kansas City Community Electric
 - Gerald Reinhold
- Mechanical/HVAC Bond:
 - Romved, Inc. d/b/a Al-Ham Heating & Cooling
 - Steve Chontos d/b/a Chontos Heating & Cooling
 - Pro Metals, LLC
 - Alejandro Ledesma d/b/a Alex Heating and Cooling

Action: Referred to License.

9. CANCELLATION NOTICE OF INSURANCE/BOND:

- Plumbing Bond:
 - Ameripure Water Company Inc
 - American Residential Services, LLC. d/b/a Roger The Plumber
- Mechanical/HVAC Bond:
 - Alex HVAC Services LLC

Action: Referred to License.

10. REINSTATEMENT NOTICE:

- Electrical Contractor's Bond:
 - A.B. May Company
 - Power Up Electric LLC
 - Lynch Electrical, Inc.
 - TDR Electrical Services LLC

- Plumbing Bond:
A.B. May Company
- Mechanical/HVAC Bond:
River City Heating & Cooling Inc
All About Comfort Heating & Co. (2)
Comfort Engineering LLC
P&L Mechanical LLC
- Miscellaneous Bonds:
Green Rocket Services LLC

Action: Referred to License.

11. RIDER:

- Miscellaneous Bonds:
Boyce Industries LLC d/b/a Missouri Neon Company, SIGNLINK

Action: Referred to License.

12. APPLICATIONS FOR CMB LICENSE (PKG):

Himalayan Grocery LLC, Robin Ghimire, d/b/a Himalayan Grocery LLC, 1406 Minnesota Ave.
Family Dollar, Inc, Teri L Wilson, d/b/a Family Dollar Store #31247, 800 Kansas Ave.
Family Dollar, Inc, Teri L Wilson, d/b/a Family Dollar Store #30758, 8049 Leavenworth Rd.
Family Dollar, Inc, Teri L Wilson, d/b/a Family Dollar Store #30647, 1999 N 63rd Dr.
Family Dollar, Inc, Teri L Wilson, d/b/a Family Dollar Store #31511, 4601 Parallel Pkwy.
Express Stop KS LLC, Andrew Talge, d/b/a Fresco Express, 2104 Metropolitan Ave.

Action: Referred to License.

13. APPLICATIONS FOR CMB LICENSE (OP):

Burritos La Chiquita LLC, Viridiana Hernandez, d/b/a Burritos La Chiquita, 1328 Minnesota Ave.

Action: Referred to License.

14. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Naree Cuisine LLC, Nareerat Lekphaijit, d/b/a Naree Kitchen Thai & Sushi, 7933 State Ave - Suite 105.
Tina Alonge, Christine Bergen, d/b/a The 913, 6102 State Ave.

Matt Brentano/Tan 39 Rain LLC, James Hendricks, d/b/a Tanner's Bar & Grill, 3900 Rainbow Blvd.

Dave & Buster's of Kansas, Inc., Kimberly A. Groves, d/b/a Dave & Buster's, 1843 Village West Pkwy - Suite 201.

Action: Referred to License.

15. APPLICATION FOR CATERER/DRINK EST/HOTEL LICENSE:

Jose R. Romo, Lilia F. Torres, d/b/a Taqueria Mexica #4, 3300 Rainbow Blvd.

Action: Referred to License.

16. APPLICATION FOR LIQUOR TEMPORARY LICENSE:

Teamsters Hispanic Caucus, Manuel Abarca, Valentine's Day Fundraiser at Memorial Hall, 600 N 7th St. for 2/11/23, 5:00 p.m. – 11:00 p.m.

Action: Referred to License.

17. APPLICATION FOR PRECIOUS METAL DEALERS:

Sean Boyd, d/b/a Little Joe's Pawn & Gun, 5101 Leavenworth Rd.

Gold Rush LLC, Paul Boyd, d/b/a Gold Rush Pawn, 1809 Minnesota Ave.

Boyd Inc, Paul Boyd, d/b/a Little Joes Pawn & Gun, 7907 State Ave.

Action: Referred to License.

18. APPLICATION FOR PAWN:

Gold Rush LLC, Paul Boyd, d/b/a Gold Rush Pawn, 1809 Minnesota Ave.

Boyd Inc, Paul Boyd, d/b/a Little Joes Pawn & Gun, 7907 State Ave.

Sean Boyd, d/b/a Little Joe's Pawn & Gun, 5101 Leavenworth Rd.

Action: Referred to License.

19. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Andy Frain Services, Inc., d/b/a Andry Frain Services, Inc., 761 Shoreline Dr. Aurora, IL 60504.

Twin City Security, d/b/a Twin City Security, 6340 Glenwood St. #109, Overland Park, KS 66202.

PBM Security LLC, d/b/a PBM Security LLC, 10707 Augusta Dr. Kansas City, KS 66109.

Daniels Security Service Inc., d/b/a Daniels Security Service Inc., 4105 N 112th St. Kansas City, KS 66109.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 212308

Full Commission Meeting Date: 3/2/23

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 02/23/2023	<u>Contact Name:</u> Tayler Wash	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> twash@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

Suggestions for strategic engagement in the budget process and recommendations for continued progress for the Unified Government.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 2, 2023

Re: Petition COZ2022-047

GENERAL INFORMATION

Applicant:

Austin Thompson with Atlas Land Consulting

Status of Applicant:

Surveyor
14500 Parallel Road, Unit R
Basehor, Kansas 66007

Requested Action:

Approval of a Change of Zone.

Date of Application:

November 28, 2022

Purpose:

To change the zoning from R-1 Single Family District to A-G Agriculture District to build accessory structures to maintain the property.

Property Location:

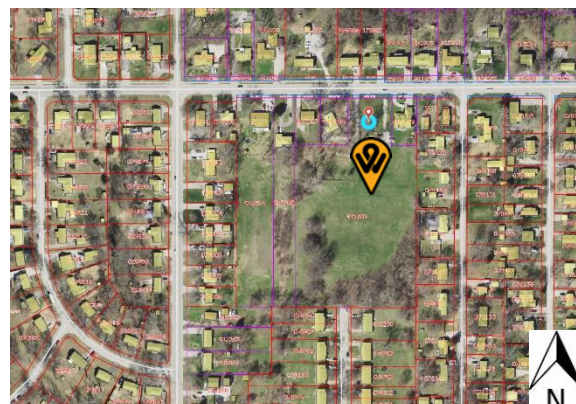
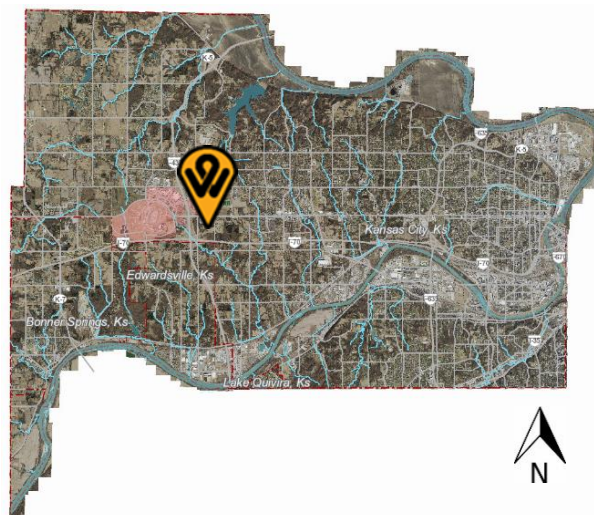
4601 Gibbs Road
Kansas City, Kansas 66102

Commission Districts:

Commissioner At-Large, District #1:

Melissa Bynum

District #8 Commissioner: Andrew Davis



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single family residences South: Two family residences East: Single family residences West: Single family residences
Total Tract Size:	5.11 Acres
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this Property as Low Density Residential. Low Density Residential allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, etc., parks and open space.
Major Street Plan:	The Major Street Plan designates this segment of Gibbs Road as a Collector Street.
Parking Requirement:	R-1 District (current zoning): Section 27-454(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one of which should be a garage or carport. AG District (proposed zoning): Section 27-452(4)(e) requires two (2) off-street parking spaces shall be provided for each dwelling unit. The current property is vacant open space with no dwellings proposed, meeting this requirement. Should a dwelling be proposed, off-street parking shall be required.
Advertisement:	<u>The Wyandotte Echo</u> – December 15, 2022 Letters to Property Owners – December 14, 2022, and January 3, 2023
Public Hearings:	February 13, 2023, and March 2, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Austin Thompson with Atlas Land Consultants, is seeking the approval of a variance related to a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 4601 Gibbs Road. The subject property was formerly agricultural homestead however the home was demolished, and the parcel was split for a new home construction for the adjacent property approximately 1993. The Change of Zone has been requested so that the Property Owner can construct structures for the maintenance of the property without the requirement to build a dwelling, as the Property Owner lives in the adjacent parcel and has already reached their limit of one (1) accessory structure as allowed by zoning ordinance.

This application is being heard in conjunction with BOZA2022-069 for a variance related to lot width to depth ratio.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There was one complaint listed from the prior ownership:
 - a. 2020: 2020-00121083 – Abandoned Vehicle
 - b. 2016: 2016-00017966 – New Call (no other information available)

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints. The prior owner had a few complaints:
 - a. 2021: STR21-0329 – Structural – Neighbor built sheds on their property without permission.
 - b. 2019: 19225-05163 – Weeds/Grass
 - c. 2014: 14208-00382 – Vehicles with no tag (belonging to neighbors)

Outstanding or Related Permits and Cases:

1. The current property has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.
3. The owner has no previous Planning and Zoning Cases. This case is being heard in conjunction with BOZA2022-067 for a variance related to lot width to depth ratio.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential and rural in character. Lots range in size from one third (1/3) acre to 25 acres, with the average lot size being approximately one (1) acre. The streets are mostly asphalt and driveways are often asphalt or gravel. Residential lots are average for suburban neighborhoods with agricultural large lots adjacent to smaller subdivisions.

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

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

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

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

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

The property was an agricultural homestead with a single-family home until approximately 1993, in which the single family home was demolished and the property was split into two separate parcels. A new home was constructed on the smaller adjacent parcel, leaving the subject property vacant with the exception of the former driveway and shared drive with the neighbor. The Applicant purchased both properties in 2022 and has begun to make improvements.

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

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

visual quality, or marketability of nearby property substantially or permanently. Historic aerials indicate that the

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

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

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

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

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

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

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

a. Water service

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

b. Sanitary sewer service

Sanitary service is provided at the street's frontage although the property is not directly connected, as it is vacant agricultural land.

c. Storm water control

Storm water control points are at the property's frontage.

d. Police

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

e. Fire

Fire service is provided by Station #17.

f. Transit

The subject property is not reasonably accessible by mass transit or bus route. The nearest bus stop is 28 minutes away and is east of I-635, at the intersection of South 40th Street and Lawrence Avenue.

g. Schools

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

h. Streets

See item #6 above.

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

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

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

The subject property currently conforms as it is a vacant treed lot. The change of zone allows for the subject property to remain conforming with the construction of the accessory structures.

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

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

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

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

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

There is no substantial potential for the pollution of the air, land, or soil as the proposed building is proposed to store equipment necessary for the keeping and maintenance of the property. Structures on the property greater than 120 square feet are subject building code and enforcement practices which that include stormwater, grading, and erosion control.

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

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

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

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

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

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting by accepting correspondence through December 26, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Access Easement
Neighborhood Character
Agricultural Activity
Property Maintenance
Buffering
Site Restoration
Zoning
Vacant Lot

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-047**, subject to:

1. The City Planning Commission case is being heard in conjunction with BOZA2022-069 (Approved). 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 BOZA2022-069 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. 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;
3. An access agreement must be filed to maintain the drive access between the subject property and the adjacent property at 4611 Gibbs Road;
4. The abandoned driveway and any remaining equipment and debris must be removed. The sod or grass shall be repaired;
5. All parking must be on an improved surface;
6. A timber stand buffer shall be maintained around the perimeter of the property;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. 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;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-047** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Information
Conservation District Letter
Staff Site Visit Photos Dated December 9, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Rezoning	February 13, 2023	March 2, 2023
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-047** 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 **COZ2022-047**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023, City Planning Commission Minutes:

Hearing starts at 1:44:11:

CHANGE OF ZONE APPLICATION COZ2022-047 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4601 Gibbs Road.

Detailed Outline of Requested Action: The Applicant, Austin Thompson with Atlas Land Consultants, is seeking the approval of a variance related to a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 4601 Gibbs Road. The subject property was formerly agricultural homestead however the home was demolished, and the parcel was split for a new home construction for the adjacent property approximately 1993. The Change of Zone has been requested so that the Property Owner can construct structures for the maintenance of the property without the requirement to build a dwelling, as the Property Owner lives in the adjacent parcel and has already reached their limit of one (1) accessory structure as allowed by zoning ordinance. This application is being heard in conjunction with BOZA2022-069 for a variance related to lot width to depth ratio.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 13, 2023;

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

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

Present in Support:

- No one appeared.

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:45:41: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-069, which was approved earlier this evening by the Board of Zoning Appeals. The property is in the City-Wide Master Plan area in the Turner neighborhood, just south of Gibbs Road. Staff has received no letters in support nor in opposition. There are some old Notices of Violation as it relates to the property before sale to the current owner. Staff recommends approval with some conditions including, recording an access agreement for the adjacent single-family home uses the curb cut on this property to access their property, restoring an old driveway that no longer has a curb cut back to open space, and maintaining the existing tree stands on it to the south, east and west property lines to maintain some level of screening of those agricultural lands from adjacent single-family homes. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:47:24:

On motion by Ms. Armstrong, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-047:**

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

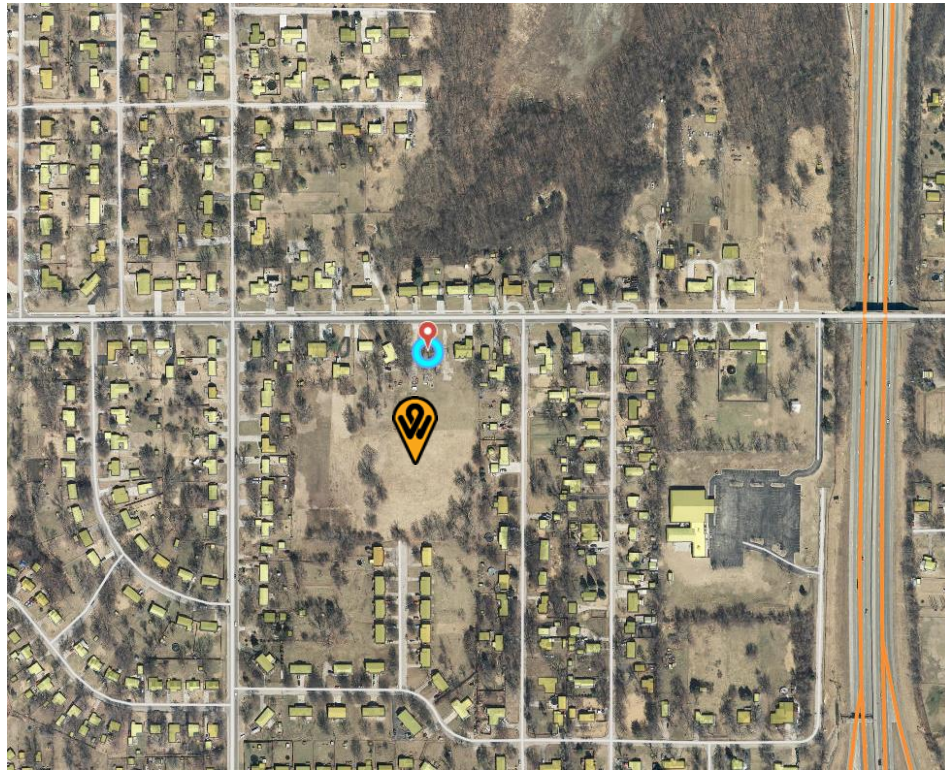
Motion to recommend **APPROVAL** Passed: 6 to 0

Subject to:

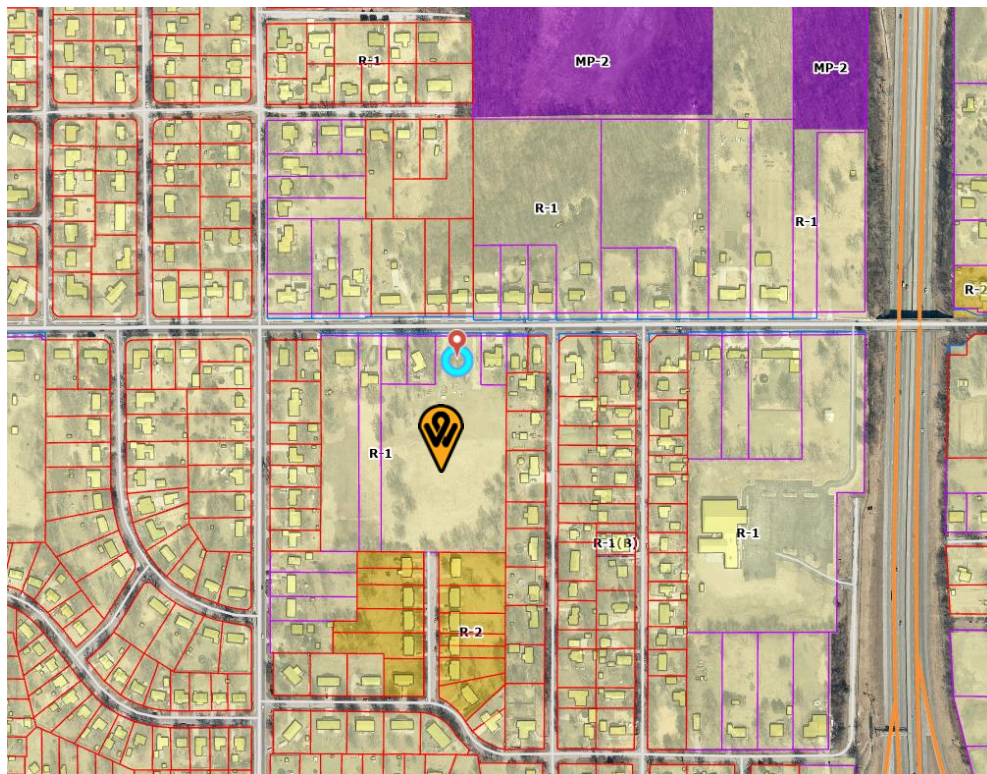
1. The City Planning Commission case is being heard in conjunction with BOZA2022-069 (Approved). Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-069 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. 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;
3. An access agreement must be filed to maintain the drive access between the subject property and the adjacent property at 4611 Gibbs Road;
4. The abandoned driveway and any remaining equipment and debris must be removed. The sod or grass shall be repaired;
5. All parking must be on an improved surface;
6. A timber stand buffer shall be maintained around the perimeter of the property;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. 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;
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; and,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the

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

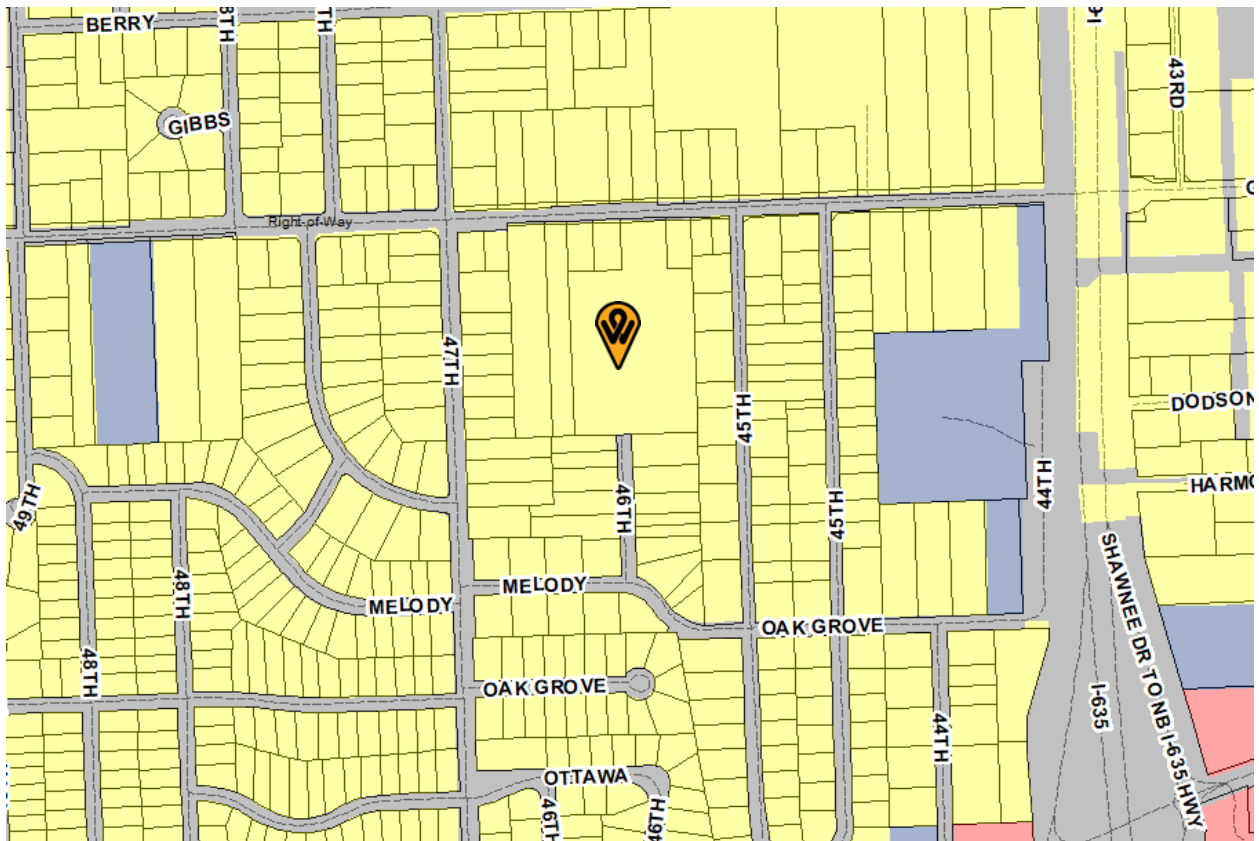
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING INFORMATION

December 6, 2022
Atlas Land Consulting
14500 Parallel Road Unit R
Basehor, KS 66007

We have filed an application with the Department of Urban Planning and Land Use

COZ2022-047

The purpose of this Change of Zone is at the following address:
4601 Gibbs Rd Kansas City, KS 66106

The purpose of this letter is to explain the change of zone application at the address above. The owner is wanted to change the zone from R-1 residential zoning to AG agricultural zoning. The owner is looking to build a shed on the property for storage.

If you have any comments or concerns, please feel free to contact me with the information below. We will be accepting calls, text, emails etc.. The last day to contact us for this project is December 26, 2022.

I look forward to hearing from you, if you have any questions.

Please Contact:

Austin Thompson
austin@alconsult-llc.com
(913)-702-8916
14500 Parallel Rd Unit R, Basehor, KS 66007

Sincerely,



NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

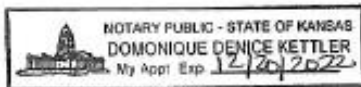
1. That I am the petitioner for Petition # COZ2022-047.
2. That I conducted a neighborhood meeting on via phone & email.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19th day of December, 2022.

My commission expires 20th of December, 2022.




Notary Public

EXHIBIT B

4601 GIBBS ROAD KANSAS CITY, KS 66106
COZ2022-047

VIA CALLS, TEXT, OR EMAIL.

No comments.

CONSERVATION DISTRICT COMMENT LETTER



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

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

December 13, 2022

RE: COZ-2022-047 Austin Thompson with Atlas Land Consulting R-1 to A-G for at
4601 Gibbs Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ-2022-047 Austin Thompson with Atlas Land Consulting R-1 to A-G for at
4601 Gibbs Road.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- We did not receive any additional information on what the farming operation is going to be. It appears that some of the cleared areas were farmed.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

CONSERVATION DISTRICT COMMENT LETTER

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

STAFF SITE VISIT PHOTOS DATED DECEMBER 9, 2022



STAFF SITE VISIT PHOTOS DATED DECEMBER 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: March 2, 2023

Re: Petition COZ2022-052

GENERAL INFORMATION

Applicant:

Mark Wolf with Home Rehab, LLC

Status of Applicant:

Property Owner
8300 College Boulevard, Suite 100
Overland Park, Kansas, 66210

Requested Action:

Approval of a Change of Zone.

Date of Application:

December 28, 2022

Purpose:

To change the zoning from R-1 Single Family District to R-2 Two Family District to convert the residence back to a duplex.

Property Location:

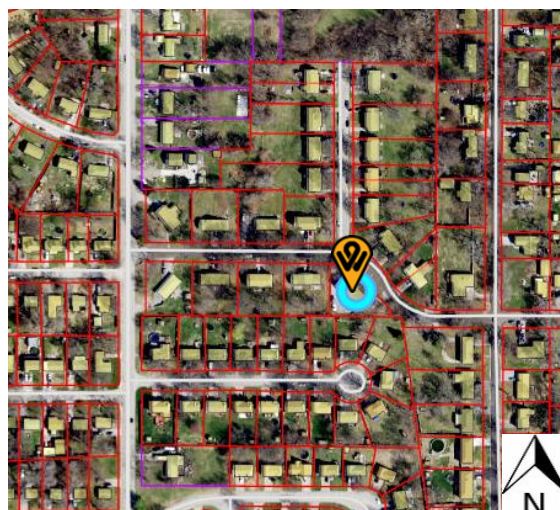
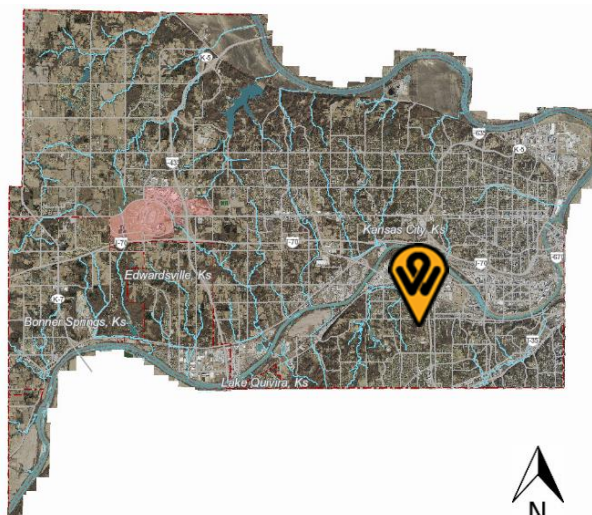
4547 Melody Lane
Kansas City, Kansas 66106

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-2 Two Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Two family residences South: Single family residences East: Single family residences West: Two family residences
Total Tract Size:	0.31 Acre
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this Property as Low Density Residential. Low Density Residential uses include single-family residences, institutional uses such as libraries and elementary schools, parks, and open spaces. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.
Major Street Plan:	The Major Street Plan designates this segment of Melody Lane as a Local Street.
Parking Requirement:	R-1 District (current zoning): Section 27-454(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one of which should be a garage or carport. R-2 District (proposed zoning): Section 27-456 states that two (2) off-street parking spaces must be provided for each dwelling unit, one (1) of which must be a garage or carport. The subject property has one (1) garage and one (1) off-street parking space for each dwelling, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owners – January 20, 2023
Public Hearings:	February 13, 2023, and March 2, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Mark Wolf with Home Rehab LLC, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two-Family District for the subject property at 4547 Melody Lane. The Change of Zone has been requested so that the Applicant can revert the home into a duplex, which is its original use. The subdivision restrictions require homes in the neighborhood to be built as two-family or duplex homes, however the area was previously downzoned to R-1 without regard to the building's original construction. The home was converted to a single-family home and has fallen into disrepair. The Applicant is the new owner of the property and would like to revert the property to a two-family dwelling to be compliant with the deed requirements.

This application is being heard in conjunction with BOZA2022-071 for variances related to setbacks and required rear yard open space.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There were complaints listed from the prior ownership:
 - a. 2019: 2019-00130264 – Burglary
 - b. 2018: 2018-00088491 – Burglary

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received one violation in relation to inspection with this case. The prior owner also had a few complaints:
 - a. 2023: STR23-0004 – Structural – Various Exterior Repairs Needed (open)
 - b. 2022: ENV22-0015 – Junk in backyard (closed)
 - c. 2022: ABT22-2270 – Weeds and Grass (closed)
 - d. 2017: 17205-00150 – Weeds and Grass (closed)
 - e. 2017: 17208-00510 – Vehicle with Expired Tag (closed)
 - f. 2017: 17200-00048 – Vehicle with Expired Tag (closed)

Outstanding or Related Permits and Cases:

1. The current property has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.
3. The owner has no previous Planning and Zoning Cases. This case is being heard in conjunction with BOZA2022-071 for a variance related to setbacks and required rear yard.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is suburban in character. Lots range in size 0.15 acres for a single-family dwelling to 0.35 acres for two-family dwellings. The streets and sidewalks are mostly concrete with mature trees. Residential lots are average in size and character for suburban neighborhoods with no sidewalks and minimal lighting. This tract of Melody Lane is just north of the 47th Street and Shawnee Drive commercial corridor.

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

Nearby properties are both R-1 Single Family District and R-2 Two Family Districts. Some adjacent properties in the subdivision have also been downzoned although they are two-family dwellings. The subdivision was designed for two-family dwellings and the proposed use is compatible with the nearby properties.

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

The property is suitable as a two-family home as the subdivision was designed as such. Removal of the restrictions is not determined to detrimentally affect nearby property.

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

The property has been vacant for an undetermined number of years prior to the applicant's recent purchase. Property inspection records indicate the property may have experienced vacancy for approximately 10 years.

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

There is minimal public gain as this is private property and is not necessarily for the convenience or welfare of the public. There is some gain in that the house can be restored to its original two-family configuration, adding an additional housing unit. Additionally, the change of zone would allow the Applicant to complete renovations that would eliminate the property's disrepair from prolonged vacancy. The proposed change of zone to a two-family residence has not been found to injure the appropriate use, visual quality, or marketability of nearby property substantially or permanently.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property will continue to remain private property. Should the Change of Zone be approved, the proposed zoning district would allow for the renovation of the property, requiring a building permit. The renovations may create an inconvenience, although it would be considered temporary.

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

The City-Wide Master Plan designates this property as Low Density Residential. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences. A master plan designation change to Medium Density Residential would better fit this individual property as it is a two-family dwelling, however, the surrounding properties are not classified as medium-density residential and the development pattern is not changing, therefore a Master Plan Amendment is not required at this time. A future area plan or comprehensive plan update would reflect the changes in the neighborhood composition more accurately than amending the subject property individually.

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

The Applicant is proposing a renovation of the property, as it is in disrepair. There should be little to no long-term negative environmental impact. Any new, altered, or renovated structures on the property would be subject to a building permit if over 120 square feet in size.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary service is provided at the street's frontage.

c. Storm water control

Storm water control points are not located near the property. The closest stormwater control point is located on South 47th Street.

d. Police

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

e. Fire

Fire service is provided by Station #17.

f. Transit

The subject property is not reasonably accessible by mass transit or bus route. The nearest bus stop is 28 minutes away at the intersection of South 40th Street and Lawrence Avenue.

g. Schools

Education is provided by Turner USD #202.

h. Streets

See item #6 above.

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

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

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

The subject property currently conforms as it is a single-family residence. The change of zone allows for the subject property to remain conforming with the deed requirements to be a two-family dwelling and allows for the renovation of the property to meet this requirement.

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

There is negligible impact or gain to public health, safety, or welfare, however, neighbors may benefit from a renovated property that has experienced prolonged vacancy and there would be an additional housing unit added to the property. There is ostensibly no hardship imposed on adjacent property owners.

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

There is little propensity for noise, vibration, and/or illumination to be a problem at this location, as it is a residential dwelling unit. There may be some noise,

vibration, or dust from property renovations, although it would be temporary. Adjacent property owners are also one (1) or two (2) family dwellings of a similar composition.

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

There is no substantial potential for the pollution of the air, land, or soil as the proposed renovations will occur on a property in which a home already exists. Structures on the property greater than 120 square feet are subject building code and enforcement practices that may include stormwater, grading, and erosion control.

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

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

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

The relative gain to the public health, safety, and welfare will be minimal as this is a private investment. The public gains from the property being renovated and continuously maintained. There is some hardship on the landowner as they would not be able to renovate the building or comply with their deed restrictions.

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

The proposed use will not result in overcrowding or undue concentrations of population as this is a large, suburban parcel designed for a two-family dwelling.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on January 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Deed Restrictions
Property Maintenance
Residential Use
Downzoning
Vacant Property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-052**, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-071 (Approved). 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 BOZA2022-071 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The parking pad at the front of the property that does not enter the rear yard shall be removed and replaced with sod or landscaping with the curb restored;
3. All driveway surfaces shall be upgraded or repaired to asphalt or concrete;
4. Any units rented to tenants shall obtain a rental license through the rental licensing department. Please contact Rental Licensing at 913-573-8649 for more information;
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. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. The sidewalk from the front door entrance to the Melody Lane curb shall be repaired and replaced; 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 **COZ2022-052** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Plat Map
Neighborhood Meeting Information
Staff Site Visit Photos Dated January 23, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Rezoning	February 13, 2023	March 2, 2023
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-052** 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 **COZ2022-052**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023, City Planning Commission Minutes:

Planning Commissioner Ernst joined the Commission at 7:45 p.m.

Hearing starts at 1:49:40:

CHANGE OF ZONE APPLICATION COZ2022-052 – MARK WOLFE WITH HOMES REHAB LLC - SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District for a duplex at 4547 Melody Lane. Detailed Outline of Requested Action: The Applicant, Mark Wolf with Home Rehab LLC, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two-Family District for the subject property at 4547 Melody Lane. The Change of Zone has been requested so that the Applicant can revert the home into a duplex, which is its original use. The subdivision restrictions require homes in the neighborhood to be built as two-family or duplex homes, however the area was previously downzoned to R-1 without regard to the building's original construction. The home was converted to a single-family home and has fallen into disrepair. The Applicant is the new owner of the property and would like to revert the property to a two-family dwelling to be compliant with the deed requirements. This application is being heard in conjunction with BOZA2022-071 for variances related to setbacks and required rear yard open space.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 13, 2023;
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:

- Mark Wolfe, applicant, 8300 College Boulevard, Suite 100, Overland Park, Kansas 66210

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:52:20: Planning Director Hand stated that this case was heard in conjunction with Board of Zoning Appeals case BOZA2022-071 which was approved earlier this evening. The request is to change the zoning from R-1 Single Family District to R-2 Two Family District for a legal non-conforming duplex that was blanket rezoned a couple of decades ago to R-1. Staff has received no letters in support nor in opposition. Staff recommends approval with two (2) additional conditions:

1. **All existing and future driveways must feature curb cuts that are constructed to UG standards; and,**
2. **The sidewalk from the front door entrance to the Melody Lane curb shall be repaired and replaced.**

Motion starts at 1:53:50:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-052:**

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

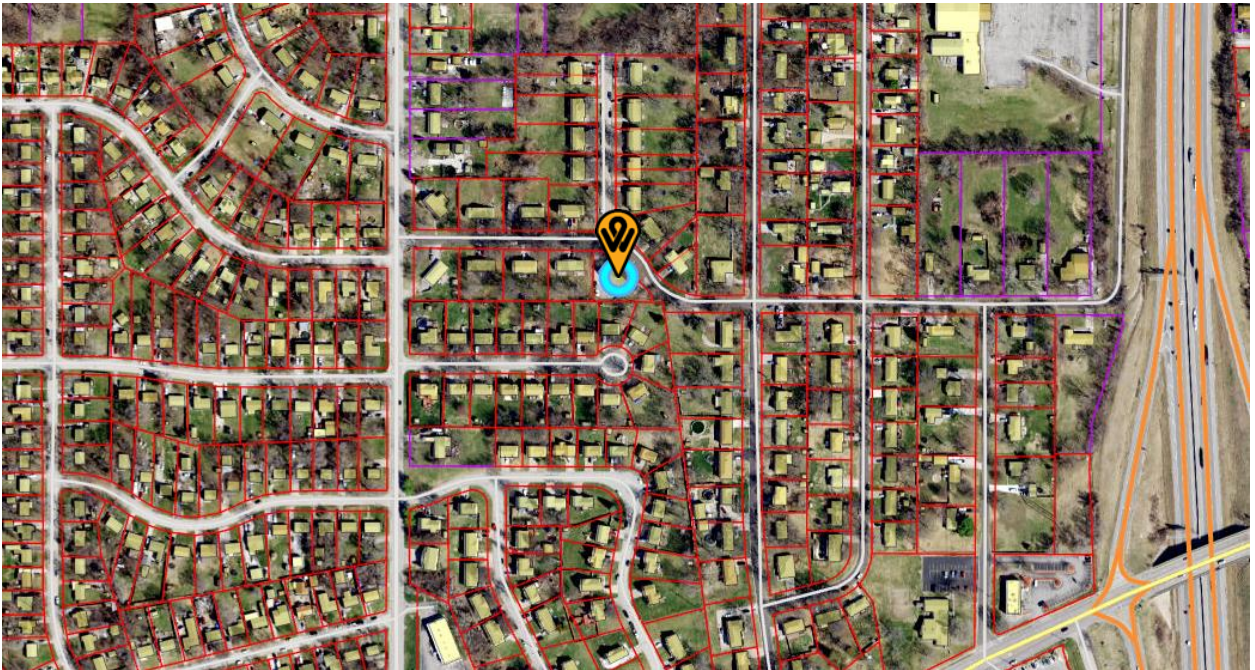
Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

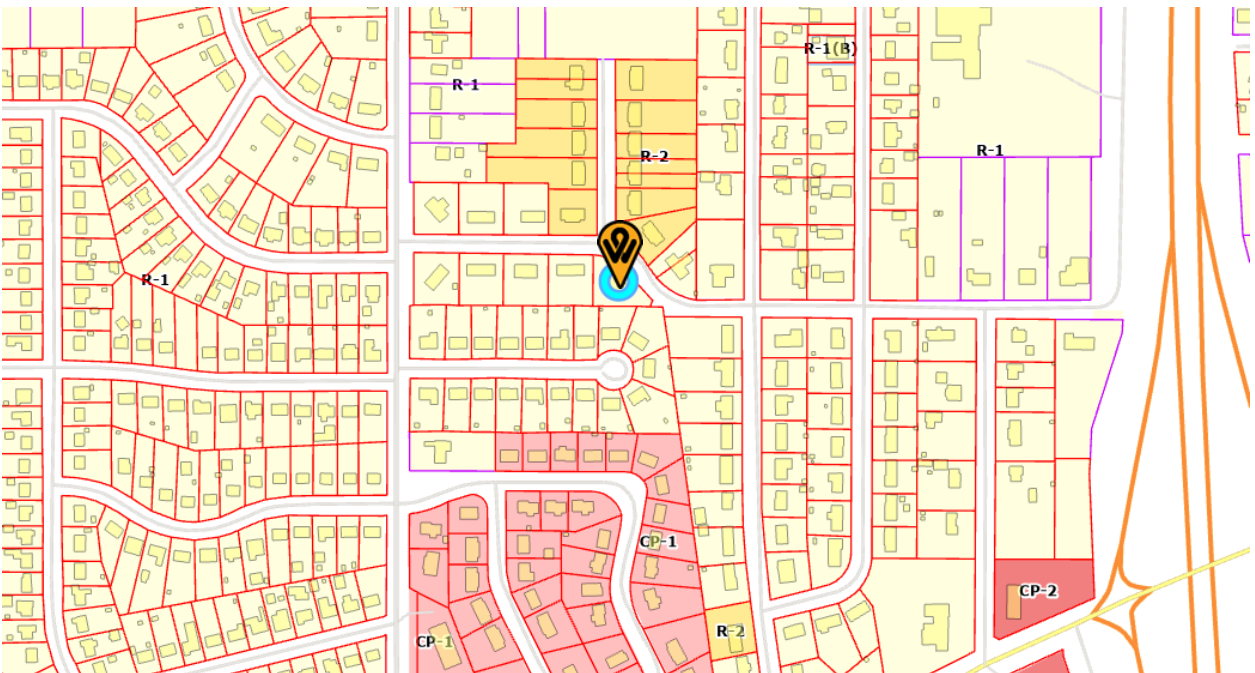
1. **This City Planning Commission case is being heard in conjunction with BOZA2022-071 (Approved). Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-071 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
2. **The parking pad at the front of the property that does not enter the rear yard shall be removed and replaced with sod or landscaping with the curb restored;**
3. **All driveway surfaces shall be upgraded or repaired to asphalt or concrete;**

4. Any units rented to tenants shall obtain a rental license through the rental licensing department. Please contact Rental Licensing at 913-573-8649 for more information;
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. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. The sidewalk from the front door entrance to the Melody Lane curb shall be repaired and replaced; and,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

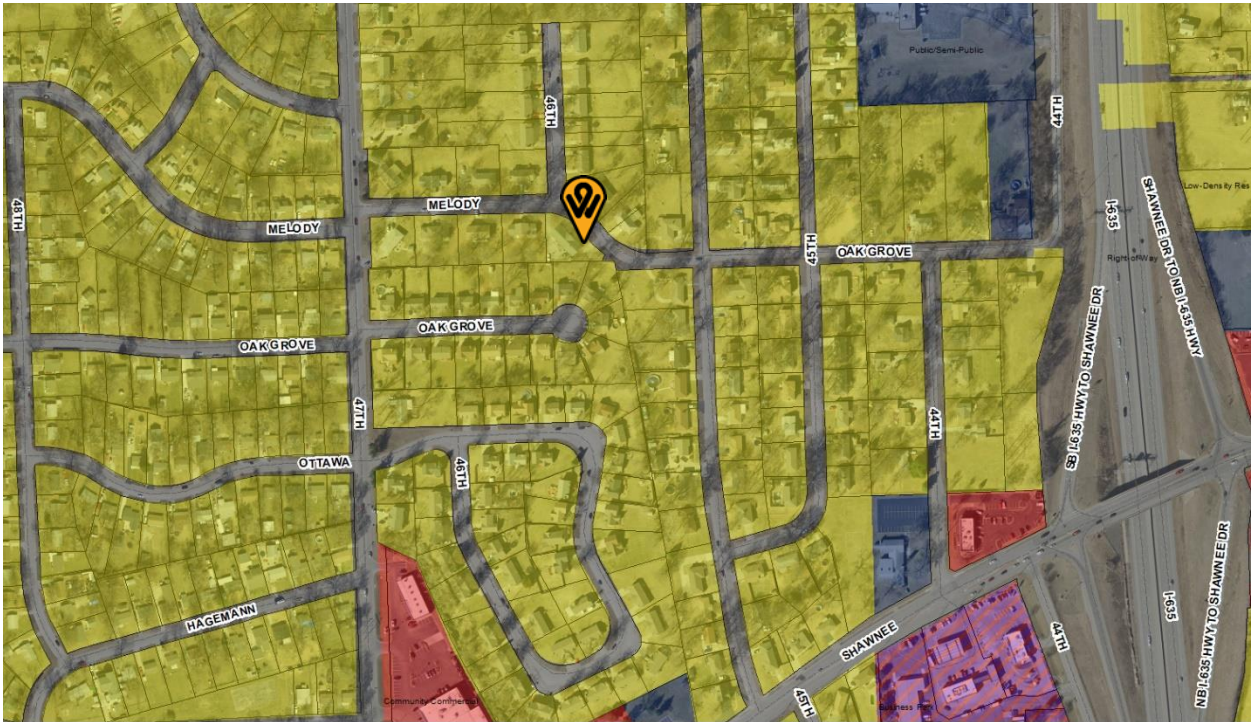
AERIAL MAP



ZONING MAP

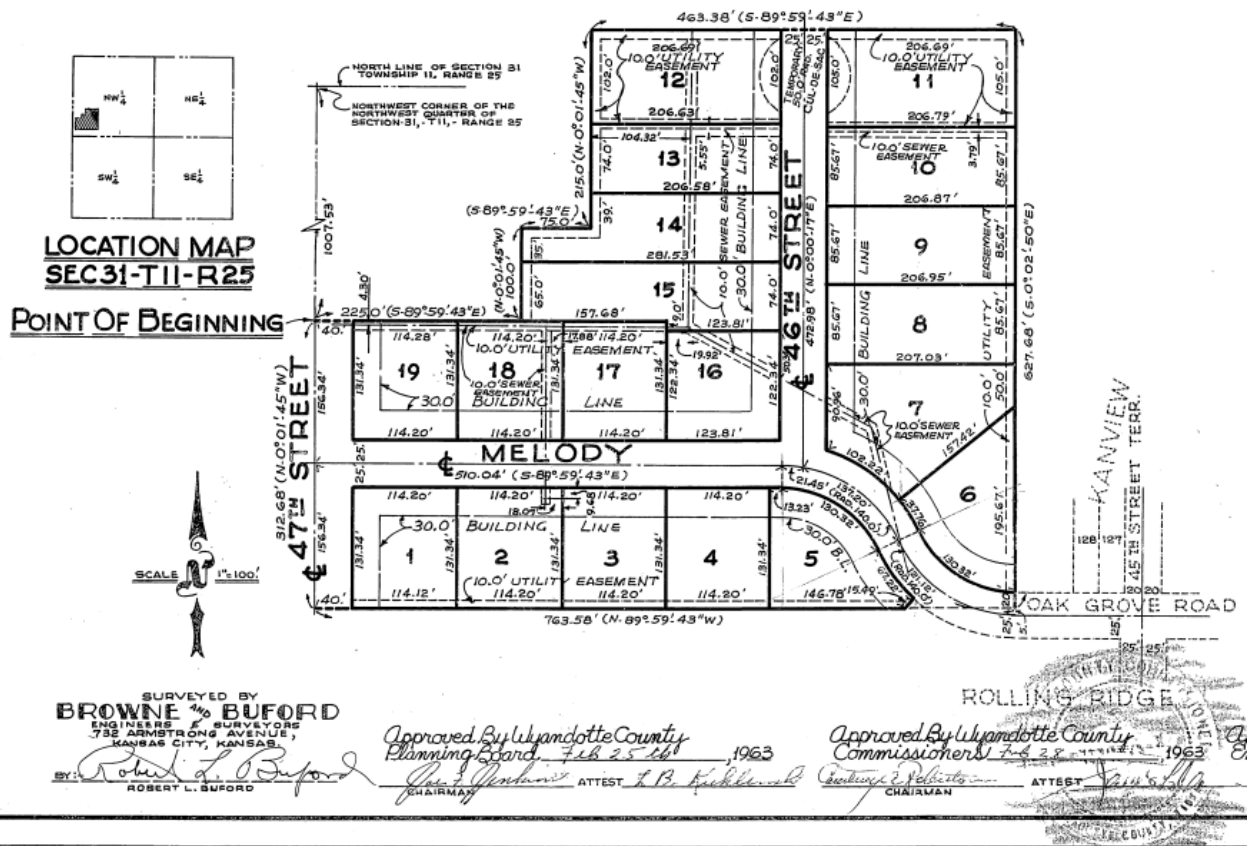


LAND USE MAP



[illegible]

PLAT MAP



Restrictions

n) The following restrictions shall apply to each and every lot in the proposed subdivision of **RESURVEY OF "SOUTHSIDE MANOR"**

- (1.) All lots in this subdivision shall be known and described as residential lots and no structure shall be erected on any residential lot other than one detached duplex family dwelling not to exceed two stories in height and the usual accessory buildings, including a private garage. No commercial enterprise shall be permitted whatsoever.
- (2.) No structure shall be erected on any residential lot nearer than 30.0 feet to the front lot line nor nearer than 10 feet to any side lot line.

NEIGHBORHOOD MEETING INFORMATION

Neighborhood Meeting Notes

BOZA2022-071/COZ2022052

RE: PROPERTY 4547 MELODY LN

HELD AT 2943 S 47 ST KANSAS CITY KS

1/31/23 2:00 P.M.

Meeting started at exactly 2:00. We had three people at that time with a 4th joining us shortly after.

Mark Wolf explained his plans for the home to be converted back to a duplex with 2 3 bedroom, 2 bath units with 2 car garages requiring the R1 zoning to be changed to R2.

In attendance were Mark Wolf, Marsha Miller, Carol DeChant, Wanda Dahnke, Ashly Gamon and Troy Wittman.

Troy owns one of the duplexes on the same street, he wanted to know if the other duplexes would automatically be changed to R2 also. Mark said it was his understanding that it would only be his duplex that would have the zoning change.

Ashley, Carol and Wanda were concerned about the poor parking on the street as they all live close. Carol and Wanda live across the street and Ashley lives in the home directly behind this duplex. She has had problems in the past with tenants backing out of the driveway and hitting her fence.

Mark let them know that he plans to spend around \$120,000 bringing the home back to superb condition by totally remodeling the home with new kitchens, bathrooms, flooring, exterior house and yard work. Hoping for rents in the neighborhood of \$1400-1500 per month per unit. He will be responsible for the lawn maintenance when we get it leased. The yard is treated 4 times a year by a lawn Service. Gutters are checked at least 2 times per year. Carol and Wanda were concerned about that as past tenants did not take care of the yard and allowed trash to accumulate and they took it on themselves to clean up trash.

Also a concern was how many people would be allowed to live in the duplexes. It was explained that Home Rehab has a screening process we use to vet tenants by checking credit, employment and tenant history. Mark's goal is to get tenants that will be long term and will be proud of the home they live in.

Ashley asked if the deck would be replaced and Mark replied that he had that on his scope of work.

Mark passed out business cards and told those in attendance to please call him if they have any concerns.

Information packets were handed out to those in attendance.

The meeting lasted approximately 52 minutes.

Notes were taken by Marsha Miller, office manager Home Rehab

Neighborhood Meeting Zoning and Variance

4547 MELODY LN
BOZA 2022-071/COZ2022052

1/31/23

NAME	ADDRESS	PHONE NUMBER
MARK A. WOLF	824 W. SATC.	913-226-7775
Marsha Miller	14013 170 ST. Boringham	913-485-9033
CAROL DECHNALT	4542 MELBOURNE	(913) 384-5849
WANDA DAHNE	4540 MELODY LN NW	913-432-3765
Ashley Gamon	4615 Oak Grove Ct. NW	913-787-1713
BOB WILSON	5016 Perry Ln	913-522-0002

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

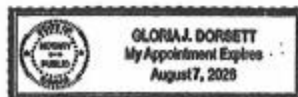
1. That I am the petitioner for Petition # COZ A2022-071 COZ2022-052
2. That I conducted a neighborhood meeting on 1-31-23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Mark Wolf
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of January 2023.
My commission expires 7th of August, 2026.

Gloria J. Dorsett
Notary Public



STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2023



STAFF SITE VISIT PHOTOS DATED JANUARY 23, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 2, 2023

Re: Special Use Petition SP2022-081

GENERAL INFORMATION

Applicant:

Paula Westerfield-Wallace

Status of Applicant:

Property Owner
12200 Donahoo Road
Kansas City, Kansas 66103

Requested Action:

Approval of a Special Use Permit.

Date of Application:

July 29, 2022

Purpose:

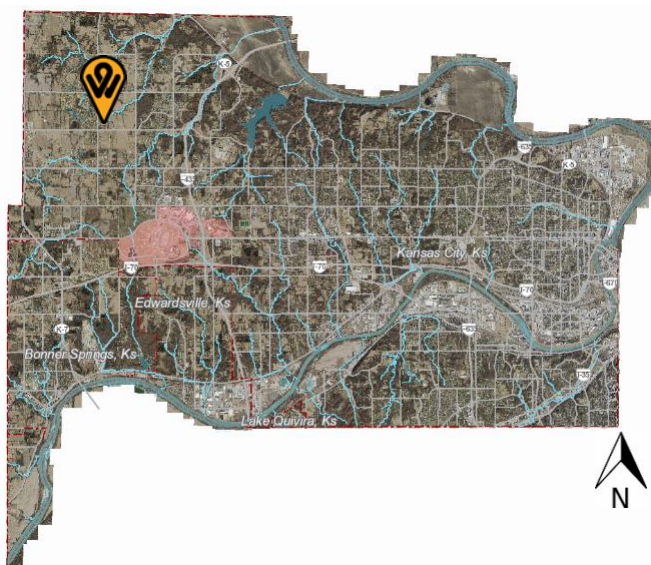
To approve a Special Use Permits to keep a dog kennel for six (6) dogs on the property.

Property Location:

12200 Donahoo 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 (WyCo)
Adjacent Zoning:	North: R Rural Residential District (WyCo) South: A-G Agriculture District East: A-G Agriculture District (WyCo) West: R-1 Single Family District (WyCo)
Adjacent Uses:	North: Single-family residence South: Agricultural lot East: Large lot single-family residence West: Single-family residence
Total Tract Size:	1.28 Acres
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Planned Suburban Residential District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots.
Major Street Plan:	The Major Street Plan designates Donahoo Road as a Boulevard/Parkway.
Parking Requirement:	Article 5, Section 4 (f) of the Piper Area Annex Zoning 1992, differ parking requirements in the R-1 Single-Family (WyCo) to that of the A-G Agriculture District (WyCo). The A-G Agriculture District requires two (2) spaces per dwelling unit, plus two (2) spaces for any accessory house occupation or principal agriculture use.
Advertisement:	<u>The Wyandotte Echo</u> – August 18, 2022 Letters to Property Owner – August 19, 2022, September 15, 2022, October 4, 2022, December 7, 2022, and January 3, 2023
Public Hearings:	February 13, 2023, and March 2, 2023
Public Support:	There were two (2) persons present at the February 13, 2023, City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Paula Westerfield-Wallace, is requesting a Special Use Permit to keep a dog kennel with six (6) dogs on 1.28 acres at 12200 Donahoo Road.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional permits or related cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood consists of mostly large agricultural lots, mixed in with rural, large lot single-family residences with large lots and generous setbacks. Most lots and uses in this neighborhood are zoned with the Wyandotte County zoning, rather than the current city zoning.

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, as it is surrounded by agricultural uses and rural, large single-family lots.

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 a large-lot, single-family residence, which is surrounded by agricultural uses. The property is suitable for the dog kennel and six (6) dogs, and the removal of restrictions will not detrimentally affect nearby property.

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

The property is not vacant and has been utilized as a single-family residence.

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

The Prairie-Delaware-Piper Master Plan does not address Special Use Permit. The Prairie-Delaware-Piper Master Plan designates this property as Planned Suburban Residential District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. The proposed plan will maintain a residence, but also include a dog kennel with six (6) dogs, which does conform 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 proposed use will not increase traffic to the point of exceed the capacity of Donahoo Road, a parkway/boulevard, as the proposed use is for private use by the occupants of the residence, rather than for public use.

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, nor is it intended to be, as the dog kennel are for the owners' own dogs, rather than public or client animals. The proposed use could impact nearby property if the dogs and kennel aren't managed properly.

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

Noise, and dust as well as smell are typically issues with this type of use, as multiple dogs parking and running around can create a lot of noise and dust. Additionally, smell, particularly of animal waste can become a concern if it is not managed properly.

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

The proposed use has the potential to pollute water, as animal waste has the potential to contaminate water run-off. This will not be an issue as long as the animal waste is managed properly.

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 the proposed use is located in an existing, built-out residential and agricultural neighborhood.

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

The relative gain to the public health, safety, and welfare is relatively small. There could be impacts to safety if the dogs got loose from the property, and impacts to health in the form of contaminated water run-off. If the application is denied, the applicant would only be allowed to have three (3) dogs.

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

The proposed use should not result in the overcrowding of land or undue concentrations of population, as the subject property is over an acre and would provide ample space for the dogs to run around and exercise.

PREVIOUS ACTIONS

None to date.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 19, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Dust
Smell
Screening
Setbacks

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-081**, for **two (2) years**, subject to:

- 1. A Change of Zone to R-1 must be applied for within six (6) months of approval of the Special Use Permit;**
- 2. The applicant shall ensure that animal waste is regularly cleared;**
- 3. Per Section 27-609(2)a., the exterior walls of accessory structures 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;
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;
 7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 8. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 9. 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 shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-081** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Site Photos, Provided by Staff, Dated August 11, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 13, 2023	March 2, 2022
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-081** 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 **SP2022-081**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023, City Planning Commission Minutes:

Hearing starts at 1:54:55:

SPECIAL USE PERMIT APPLICATION SP2022-081 – PAULA WESTFIELD-WALLACE - SYNOPSIS: Special Use Permit to operate a dog kennel at 12200 Donahoo Road. *Detailed Outline of Requested Action:* The applicant, Paula Westerfield-Wallace, is requesting a Special Use Permit to keep a dog kennel with six (6) dogs on 1.28 acres at 12200 Donahoo 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 February 13, 2023;
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:

- Paula Westfield-Wallace, applicant, 12200 Donahoo Road, Kansas City, Kansas

66109

- Jamie Cochran, 12220 Donahoo Road, Kansas City, Kansas 66109
- Marvis Hutchings, 12141 Donahoo Road, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 2:04:42: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-075, which was denied earlier this evening by the Board of Zoning Appeals. This Special Use Permit is to keep six (6) dogs and the ordinance limits dogs to three (3). The property is in the Prairie-Delaware-Piper Master Plan area. Before this evening, Staff received no letters in support nor in opposition. Staff recommends approval for two (2) years subject to the conditions in the staff report. One (1) of the conditions of approval is for the applicants to apply for a Change of Zone to R-1 Single Family District so they can have the kennels without the setback requirements.

Motion starts at 2:05:38:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-081 for two (2) years:**

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

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

Subject to:

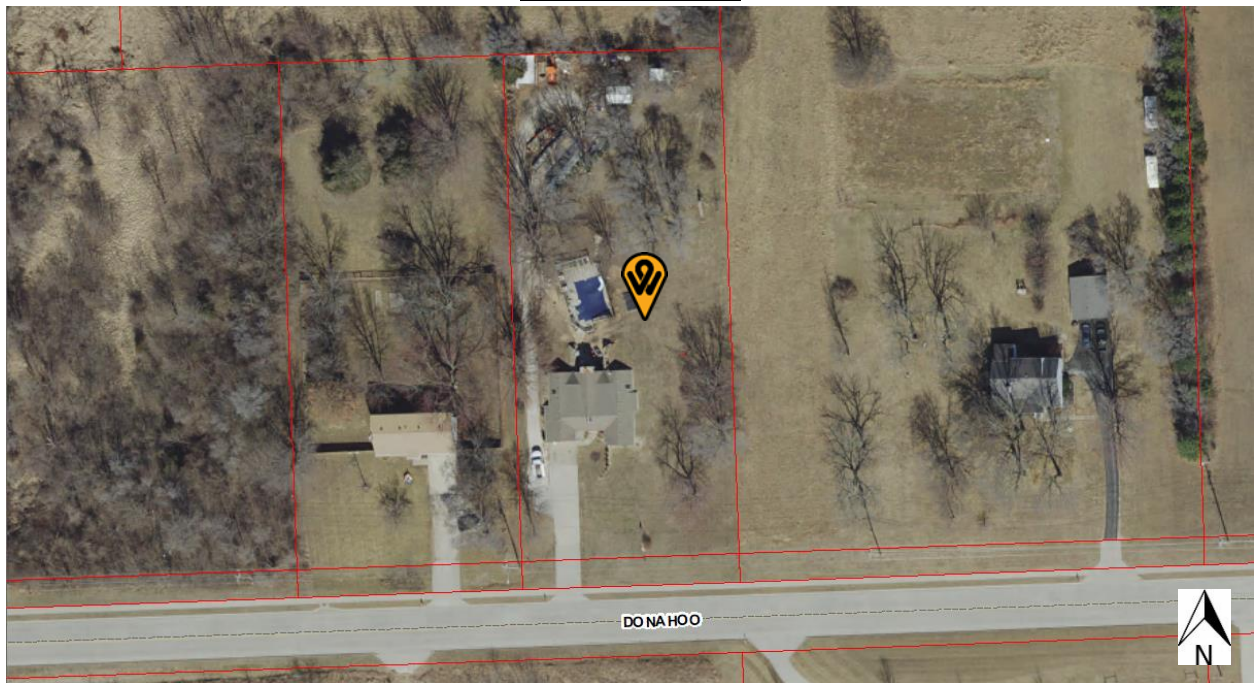
1. A Change of Zone to R-1 must be applied for within six (6) months of approval of the Special Use Permit;
2. The applicant shall ensure that animal waste is regularly cleared;
3. Per Section 27-609(2)a., the exterior walls of accessory structures shall be made of either horizontal clapboard, wood, 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;

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;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
9. 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 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

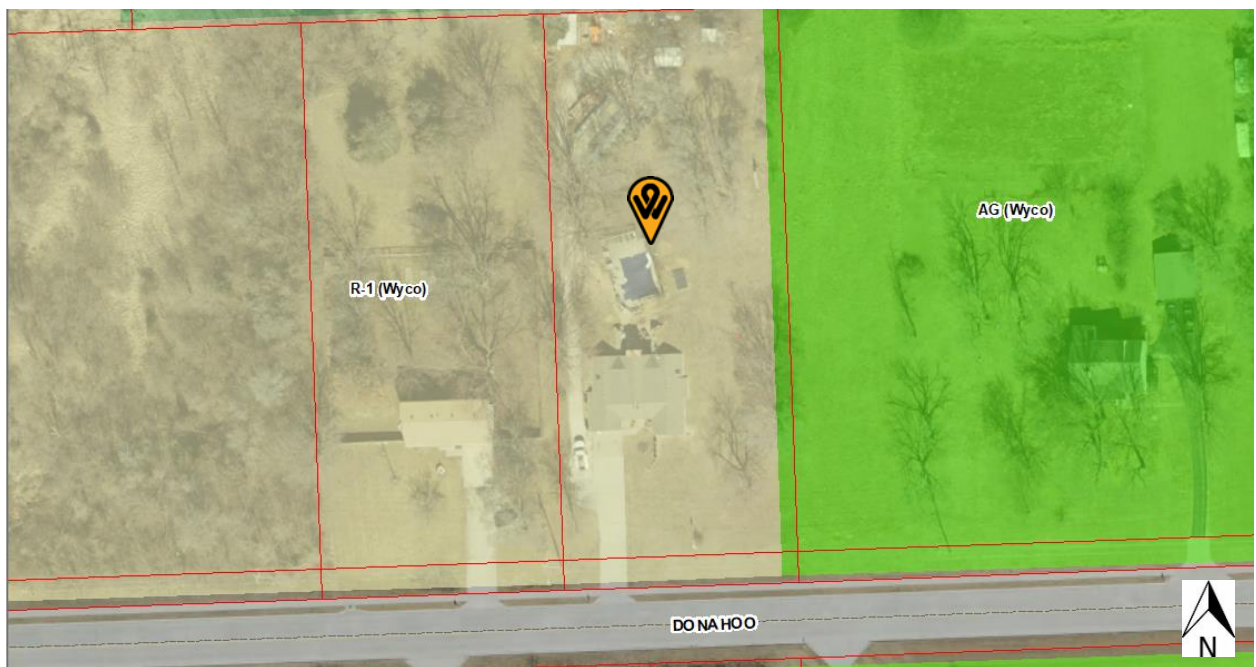
- considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning 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.

ATTACHMENTS

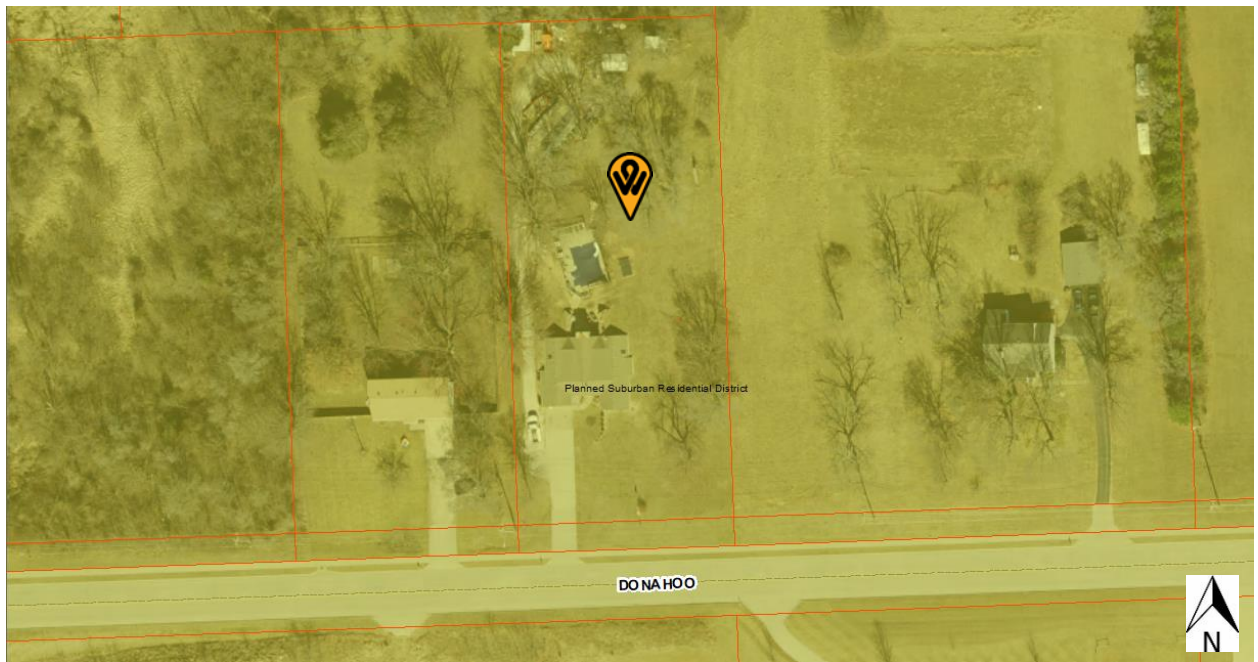
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



APPLICANT RESPONSE LETTER

Responses back from Staff Comments and Suggestions - SUP2022-081

Planning and Urban Design Comments

1. Application for the variance for the kennel has been submitted to the Unified Government on July 20th, 2022.
2. Site plan has been submitted to the Unified Government - Surveyed by Richard D. Moore
3. Currently, we have no plans to acquire any additional dogs.
4. Animal waste is picked up daily or every other day if there is bad weather. The waste is put into containers and removed from the property on a regular basis. Dogs are always monitored when outside in case of barking. We have anti barking devises to put on the dogs as needed.

Comments submitted to Travis Trumble- SUP2022-081

1. Site plan/survey sent to the Unified Government and is attached to the e-mail sent by Michael Farley on 12/23/2023
2. This is a free-standing structure that was ordered from an off site location and delivered to us. It is not a permanent structure that we constructed on site using a set of plans.

Conservation District Comments- SUP2022-81

1. We plan to upgrade the kennel airing area to contain pea gravel in the spring of 2023. This will help secure the area and prevent run off.
2. Animal waste is picked up on a regular basis and put into containers to be disposed of in an environmentally safe manner.

NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting Minutes

Applicant Name: Paula Westerfield-Wallace

Application numbers:

BOZA 2022-075

SUP2022-081

Meeting Date:

January 19th, 2023, via Zoom

Meeting called to order at 6:30pm CST

Name of Attendees: Paula Westerfield-Wallace, Michael Wallace, Jamie Cochran, Ryan Cochran, William Hutchings IV, Mavis Hutchings and Clinton Wattier

- Paula asked Clinton if Stacey would be joining the meeting and he said no, she was busy and couldn't join.

Introductions by Paula Westerfield-Wallace

Presentation was conducted by Paula Westerfield-Wallace in which she covered:

- The reason they are applying for the Variance and a SUP (kennel permit) is because they have 6 dogs on premises. The kennel can not be located 200 feet from each property line because their property isn't 200 feet wide, in which a variance would be needed.
- The kennel is for personal use only.
- Confirmed that we have reached out to each neighbor multiple times in regard to if the dogs were barking or disturbing anyone, please reach out to them (Mike or Paula) and it would be correct.
- They compete professionally with the dogs in hunting trials and use them to guide hunts at many surrounding hunting preserves
- The dogs are house dogs and are only kept in the kennel when needing to leave for a long period of time. Bark collars are used on 3 of the 5 dogs. They have a Rat Terrier that never is put in the kennel and stays in the house or either goes with them when they travel. Their son stays with the dogs when they are gone overnight and has the dogs inside. However, when its nice outside, the 5 hunting dogs will go out in the airing yard for fresh air. IF they bark, the situation is immediately taken care of.
- The house was upgraded from 100amps to 200amp. 100amps goes back to the kennel and camper. A mini split was installed for the kennel so the dogs can have both heat and air-conditioning.
- Dog waste is picked up either every night and/or every other night and disposed of properly.

Questions/Answers/Concerns/Comments:

Paula was unable to share photos of the kennel on Zoom, but the group agreed it was okay since they have all seen it.

- Comment by William Hutchings: He doesn't have a 200 feet variance either on his property which is a lot larger than ours.
- Comment by William Hutchings: He observed that the kennel was built very professionally and looks immaculate. Professional subcontractors were brought in, and it was done correctly. I.e.:

Electrical, Fencing, New gravel for the side road leading to the back of the property, Cement truck for the slab, etc.

- Comment from Jamie Cochran: The dogs are not an issue at all. The only time she had to call Paula is when the dogs were barking because she thought they had something trapped under the kennel. When Paula and Jamie went out to investigate, indeed there was a cat hiding and it was able to be lured out and ran off.
- Comment by Mavis Hutchings: She doesn't hear our dogs bark at all. However, she does hear the dogs on both sides of her property and the multiple coyotes on her property. The coyotes are a big issue and have attacked her neighbor's little dog.
- Concern by Clinton Wattier: His concern isn't really about the barking because it's taken care of by Mike and/or Paula when it happens, it's about when they let the dogs out to transfer them to the kennel from the house, they sometimes get on his property and walk on the mowed track. He also has found waste. He's concern that this might happen when his kids are outside.
- Comment from Jamie Cochran: Everyone should always take caution with other people's dogs. However, Paula and Mike's dogs are all amazing with their kids. The kids love going over to see them. They (Jamie and Ryan) have never witnessed the dogs being aggressive in any way, they are very friendly and are happy to see them (Cochran family) when they go over to the Wallace house.
- Answered by Paula Westerfield-Wallace: Paula asked Clinton when did he see this happen. Clinton stated it was a couple of weeks ago. Paula stated: When transferring the dogs from the house to the kennel, 3 are leashed and the other 2 follow. I asked Clinton which dog he saw, and he described the brown head and white body dog. Paula asked if it had a long tail or short tail and he said he thought, long. That dog described was not on a lead at that time. Paula stated she would defiantly put a lead on all the dogs to make sure they didn't enter his property.
- Comment by William Hutchings: He sees coyotes all the time and has coyote waste all over his yard. This is what he (Clinton) might be seeing as waste.
- Comment by Michael Wallace: He noticed a few weeks ago, a coyote on the back part of Clintons property. He wanted to make sure he (Clinton) knew that because the coyotes aren't afraid of anything and concerned about the kids and their (Wattier) dogs. He also stated that we (Mike and Paula) would do anything to make our kennel/dogs work. We (Mike and Paula) moved out here because we fell in love with the property and wants everything to work out and wants everyone to be happy. He would like for us all to get along and enjoy living next to each other.
- Comment by Paula Westerfield-Wallace: Asked if there were any more questions or concerns. Asked each person individually and the reply was no.

Paula thanked everyone for joining the meeting and their time.

Meeting adjourned at: 7:02pm CST

Minutes taken by Paula Westerfield-Wallace

January 5, 2023

Subject: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP2022-081 and BOZA2022-075. The purpose of this:

- Special Use Permit
- Variance from the Zoning Ordinance – Agricultural/Residential

is for a dog kennel being used for our personal dogs at the following address: 12200 Donahoo Road Kansas City, KS 66109.

We are having a neighborhood meeting on January 19th, 2023, at 6:30PM via Zoom.

Meeting ID: 831 4640 6158

Passcode: 8qBW4F

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

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

Sincerely,

Paula Westerfield-Wallace
12200 Donahoo Road Kanas City, KS 66109
913-558-~~1745~~ 1745

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte) SS:

Comes now Paula Winterfield-Wallace of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-081 and BOZA2022-075
2. That I conducted a neighborhood meeting on January 19th, 2023 via Zoom @ 6:30pm CST
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.

Paula Winterfield-Wallace
Affiant

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

My commission expires ____ of ____, 20__.

Notary Public

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





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: City Planning Commission

From: Planning and Urban Design Staff

Date: March 2, 2023

Re: Special Use Permit SP2022-090

GENERAL INFORMATION

Applicant:
Riad Baghdadi

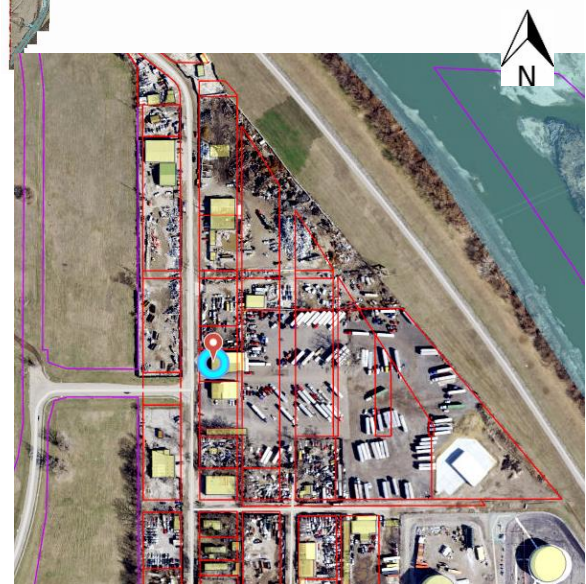
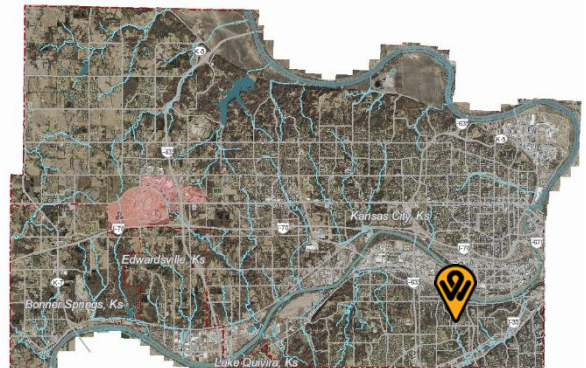
Status of Applicant:
Architect
11611 College Boulevard
Overland Park, KS 66210

Requested Action:
Approval of a Special Use Permit

Date of Application:
November 28, 2022

Purpose:
The approval of a Special Use Permit for heavy truck and automotive repair and body shop and plat one (1) industrial lot.

Property Location:
919 South 26th Street, 919 and 926 South 25th Street, and 946 South 24th Street
Kansas City, Kansas 66106



Commission District:	Commissioner At Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Auto salvage company South: Auto scrap & parts company East: BPU sanitary station West: Metal scrap & salvage yard
Total Tract Size:	7.26 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates the property's land use as Industrial, in which uses include processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses are the least compatible with residential developments and should be encouraged to locate where such uses already occur.
Major Street Plan:	The City-Wide Master Plan both South 26 th Street and the adjacent portion of Cheyenne as local streets.
Required Parking:	M-3 Zone: Section 27-470(f) states that parking requirements for this district are required at a ratio of one (1) space for every 500 square feet of building area up to 20,000 square feet. The existing building to remain has 6,916 square feet and the proposed building has 8,064 for a combined square footage of 14,980, requiring 30 parking spaces. The total number of proposed parking spaces is 149, exceeding this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2022; Letters to Property Owners – November 18, 2022 and December 15, 2022, and January 3, 2023
Public Hearings:	February 13, 2023, and March 2, 2023
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Riad Baghdadi, is requesting a Special Use Permit and Final Plat for the operation of a heavy truck and semitruck repair facility that includes body work, outdoor storage, and parking. The proposal includes an existing repair shop that will remain, the demolition of an existing building, and the construction of a newer body repair building. The property includes several parcels and Right of Way areas that have been historically used for the proposed use and are being combined with the multiple parcels as part of the Plat.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has no noise or disturbance complaints. There were a few cases with the prior owner who reported stolen autos brought to them by customers.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has had some enforcement complaints:
 - a. 2019: 19200-05181: damaged fence, weeds, missing address numbers.

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding or related building permits.
2. The subject property has no prior planning cases.

FACTORS TO BE CONSIDERED

Special Use Permit

1. The Character of the Neighborhood

The neighborhood is industrial. Properties are of various size and are often outbuildings composed of metal or CMU block, with minimal improvements to alleyways, gutters, stormwater, or sidewalks. Other nearby uses are similar in nature and include scrap yards, salvage yards, auto part picking, and waste-water processing. The subject property is surrounded by uses of a similar nature whose development began in the early 1940s.

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

The zoning uses of the nearby properties are set out above. The surrounding properties are of a similar industrial nature and have been used as such for several decades.

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

The property is suitable for automotive repair if managed properly. It has historically been used as various different repair and salvage facilities for automobiles or heavy trucks as early as 1940.

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

The property is not vacant but was previously used as small auto repair, parts distribution, and salvage.

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 the property's land use as Industrial. The Industrial land use designation features industrial processing, manufacturing, heavy truck traffic, excessive noise, noxious uses, and outdoor storage. Allowed uses include manufacturing, processing, warehousing, distribution, salvage, mining or mineral extraction, and limited commercial service usages. Discouraged uses include any residential use. The subject property is currently a heavy industrial use, and its land use is not changing with this plans review, therefore the subject property maintains a high degree of conformance to the Master Plan.

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 is not expected to increase traffic or parking beyond the capacity of the local street network to accommodate it, as it has been historically an industrial area with frequent heavy truck traffic of a similar nature.

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

The proposed use is not reasonably necessary for the public, as it proposes no direct benefit to the health, safety, or welfare of the community. It is not expected that it will affect the visual quality and marketability of nearby property, as

surrounding properties are of similar industrial use and character.

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

There is a potential for noise, vibration, and illumination to be a problem at this location, as its purpose is to service heavy trucks, however this is not foreseen to be a problem for nearby properties as it is an industrial area in which adverse uses are designated.

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

There is some potential to pollute the air, land, or water, as the truck pollutants and exhaust into the air is greater than other uses. Land or water sources could be polluted if chemicals and oils are not maintained or disposed of in a proper mannerism. If the applicant properly maintains the property, pollution and environmental concerns should be average for the expected use.

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 lot that has been historically used for this purpose. The construction of the new building is replacing an existing building and no expansion onto undeveloped property is proposed.

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

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

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

Overcrowding of buildings or automobiles should not be a problem if the use is managed appropriately, however, staff has requested a slight modification to some parking to enhance traffic flow and pedestrian accessibility. The subject property has ample parking at 149 spaces, with 17 dedicated to staff and passenger cars.

Final Plat (Approved)

- 1. Whether the final plat is consistent with the comprehensive plan, the major street plan, and any other adopted plans.***

The City-Wide Master Plan designates the subject properties as industrial and its use as a heavy truck repair and body shop is consistent with uses found in this land use designation. The proposed plat formalizes the usages of numerous Right-of-Way into a cohesive larger parcel.

- 2. Whether the final plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations.***

The proposed use has been historically utilized over several separate parcels and right-of-way areas, and the granting of the Plat creates a larger parcel that formally recognizes the uses and allows it to better conform to existing policy and regulation.

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

Sanitary sewer is provided at the property's frontage on South 26th Street. There are no stormwater control points directly in front of the property, but stormwater control is at the south of the property on South 25th Street and one (1) block west on Miami Street. The subject properties are protected from flooding by the Levy Trail, and public utilities and services are adequate for the proposed use.

- 4. Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment.***

The proposed subdivision formalizes uses already in existence and should not cause any adverse or negative impacts on the natural or social environment. Any structure proposed over 120 square feet requires a building permit which contains measures to control environmental impact such as erosion control.

- 5. Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.***

The area has a multitude of piecemeal developments of various size and proportion, although various buildings of similar usage exist in the area. Nearby buildings are composed of similar materials, especially metal and CMU blocking, with metal screening fencing. The proposed design of the new building is highly compatible with the existing developments in the surrounding neighborhood.

6. *Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.*

The proposed subdivision does not encourage premature extension of public utilities, as it is an existing and established neighborhood.

7. *Whether the subdivision will not cause an undue burden on the Unified Government for maintenance of land and/or facilities.*

The subdivision proposed will not require an undue burden on the Unified Government for the maintenance of land or facilities, as it is an existing development in an industrial neighborhood and no proposed public utility upgrades.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Neighborhood Compatibility
Stormwater Control
Building Materials
Fencing
Parking Design
Automobile Chemicals

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-090, for two (2) years**, subject to:

- 1. Gravel is not an approved surface. All parking and outdoor storage must be upgraded to concrete or asphalt;**
- 2. Ground equipment must meet both the UG Commercial Design Guidelines Standards and BPU equipment standards;**
- 3. The Applicant shall make additional changes prior to the approval by the Board of Commissioners:**
 - a. The parking lot shall be revised to reflect the updated diagonal parking.**
 - b. The employee parking shall be revised to eliminate the tight corner.**

- c. Additional parking shall be formally striped at the front of the existing building and added to the new building.
 - d. The lighting shall be noted to be downward facing.
 - e. A sawcut detail for landscape installation shall be provided.
 - f. The note regarding ground equipment shall be modified to reflect that BPU equipment requirements have been changed.
 - g. All applicable comments from GSS and the County Surveyor regarding the Plat shall be revised prior to final posting;
4. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
 5. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
 6. 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;
 7. Per Director's Interpretation of Section 27-699(e), the following architectural standards have been identified as being good design practices and should be included in the design plans:
 - a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.
 - b. Lighting shall be installed to have a 90-degree cutoff fixtures.
 - c. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
 8. Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
 9. Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
 10. Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;
 11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
 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. Applicant shall comply with all Geospatial Services and County Surveyor Comments prior to the filing of the Plat;**
- 15. 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;**
- 16. 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;**
- 17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 18. If approved, the Applicant may need additional licenses or permits for safe and proper operation. 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 this office;**
- 20. 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;

21. The approved use is not authorized 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;
22. 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;
23. 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;
24. Any business in Wyandotte County that shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

25. 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;
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;
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 Petitions **SP2022-090** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Plan Set
Neighborhood Meeting Information
Site Staff Visit Photos Dated October 19, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action
Special Use Permit

Planning Commission
February 13, 2023
Approval

Unified Government Board of Commissioners
March 2, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-090** 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 **SP2022-090**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:06:41:

SPECIAL USE PERMIT APPLICATION SP2022-090 – RIAD BAGHDADI WITH RB ARCHITECTURE ENGINEERING - SYNOPSIS: Special Use Permit for the expansion of an automotive/heavy truck salvage yard at 919 South 26th Street, 919 and 926 South 25th Street and 946 South 24th Street.

PLAT2022-041 – RIAD BAGHDADI WITH RB ARCHITECTURE ENGINEERING – SYNOPSIS: Final Plat to vacate undeveloped alleyways and streets to create one (1) industrial lot at 919 South 26th Street, 919 and 926 South 25th Street and 946 South 24th Street.

Detailed Outline of Requested Action: The applicant, Riad Baghdadi, is requesting a Special Use Permit and Final Plat for the operation of a heavy truck and semitruck repair facility that includes body work, outdoor storage, and parking. The proposal includes an existing repair shop that will remain, the demolition of an existing building, and the construction of a newer body repair building. The property includes several parcels and Right of Way areas that have been historically used for the proposed use and are being combined with the multiple parcels as part of the Plat.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Special Use Permit; and,
7. The Notices to property owners.

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

Present in Support:

- Riad Baghdadi, applicant, RB Architecture Engineering, 11611 College Boulevard, Overland Park, Kansas 66210

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:09:56: Planning Director Hand stated that this is a Special Use Permit being heard in conjunction with PLAT2022-041 for a heavy truck/auto repair facility in the Argentine neighborhood. Multiple properties will be consolidated and

upgraded for this operation. There have been a couple of projects that have improved this part of the Argentine area with sidewalks and landscaping. This project will add sidewalk on 26th Street, architectural screen walls, and landscaping. Staff has received no letters in support nor in opposition. There are quite a few old Notices of Violation on this property which will be rectified by this project. Staff recommends approval of the Special Use Permit for two (2) years. The biggest issue on this project is compliance with the Commercial Design Guidelines and Staff has been working with the applicant accordingly. Director Hand stated that the time limit for the Special Use Permit was omitted, and it should be recommended for two (2) years.

Motion starts at 2:11:35:

On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-090 for two (2) years:**

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

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

Subject to:

1. Gravel is not an approved surface. All parking and outdoor storage must be upgraded to concrete or asphalt;
2. Ground equipment must meet both the UG Commercial Design Guidelines Standards and BPU equipment standards;
3. The Applicant shall make additional changes prior to the approval by the Board of Commissioners:
 - a. The parking lot shall be revised to reflect the updated diagonal parking.
 - b. The employee parking shall be revised to eliminate the tight corner.
 - c. Additional parking shall be formally striped at the front of the existing building and added to the new building.
 - d. The lighting shall be noted to be downward facing.
 - e. A sawcut detail for landscape installation shall be provided.
 - f. The note regarding ground equipment shall be modified to reflect that BPU equipment requirements have been changed.
 - g. All applicable comments from GSS and the County Surveyor regarding the Plat shall be revised prior to final posting;

4. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
5. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
6. 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;
7. Per Director's Interpretation of Section 27-699(e), the following architectural standards have been identified as being good design practices and should be included in the design plans:
 - a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.
 - b. Lighting shall be installed to have a 90-degree cutoff fixtures.
 - c. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
8. Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;
9. Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development;
10. Section 27-577(f)(1) states that plants that die must be replaced no longer than four (4) months from the date of its death;
11. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
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. Applicant shall comply with all Geospatial Services and County Surveyor Comments prior to the filing of the Plat;
15. 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;
16. 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;
 17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 18. If approved, the Applicant may need additional licenses or permits for safe and proper operation. 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 this office;
 20. 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;
 21. The approved use is not authorized 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;
22. 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;
23. 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;
24. Any business in Wyandotte County that shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
25. 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;

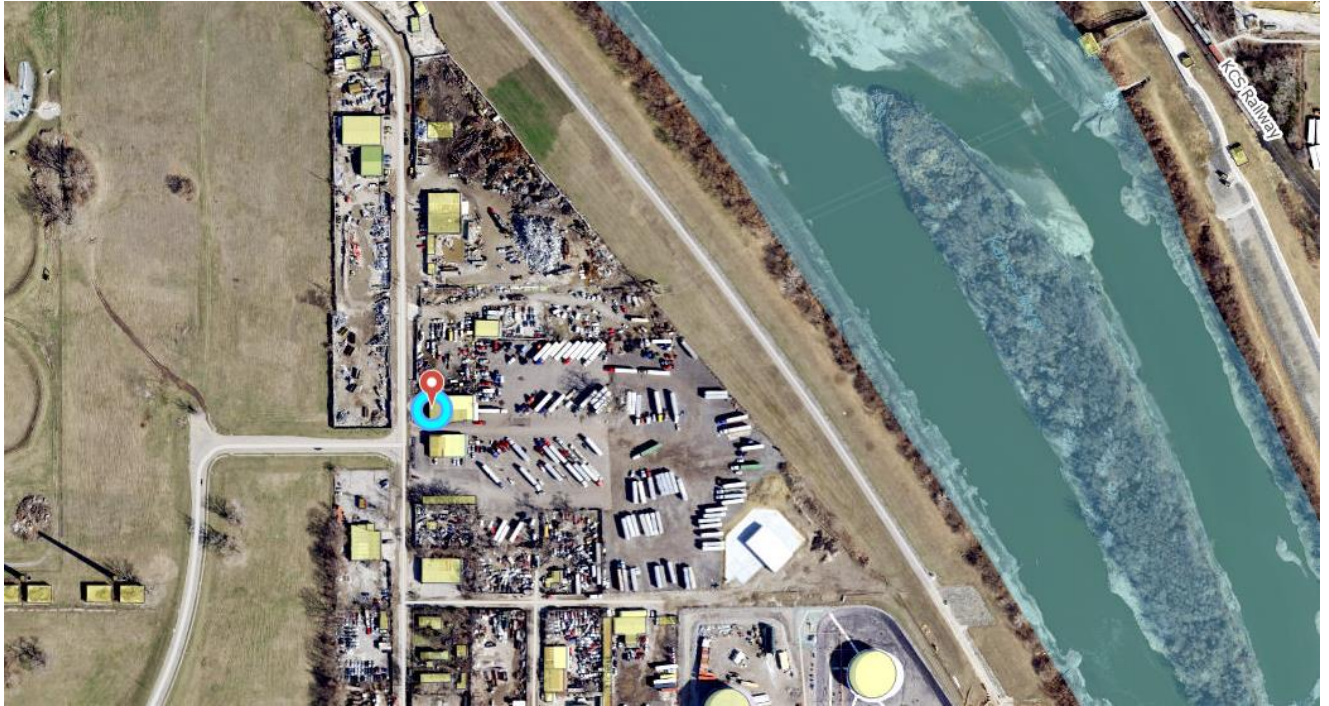
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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;
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 Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE PLAT2022-041**:

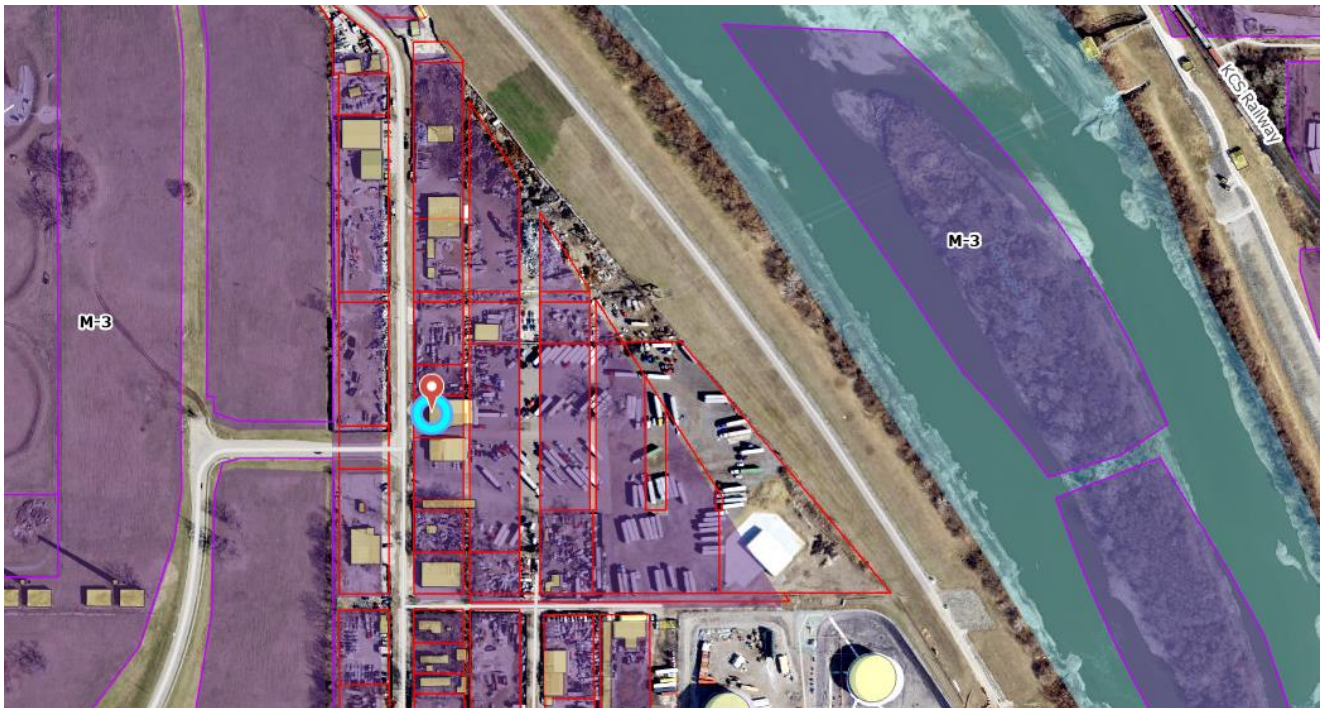
Carson	Chairman
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Not Present
Miller	Aye
Mohler	Not Present
Pauley	Not Present
Straws	Aye

Motion to **APPROVE** Passed: 7 to 0
Subject to the above conditions

AERIAL MAP



ZONING MAP



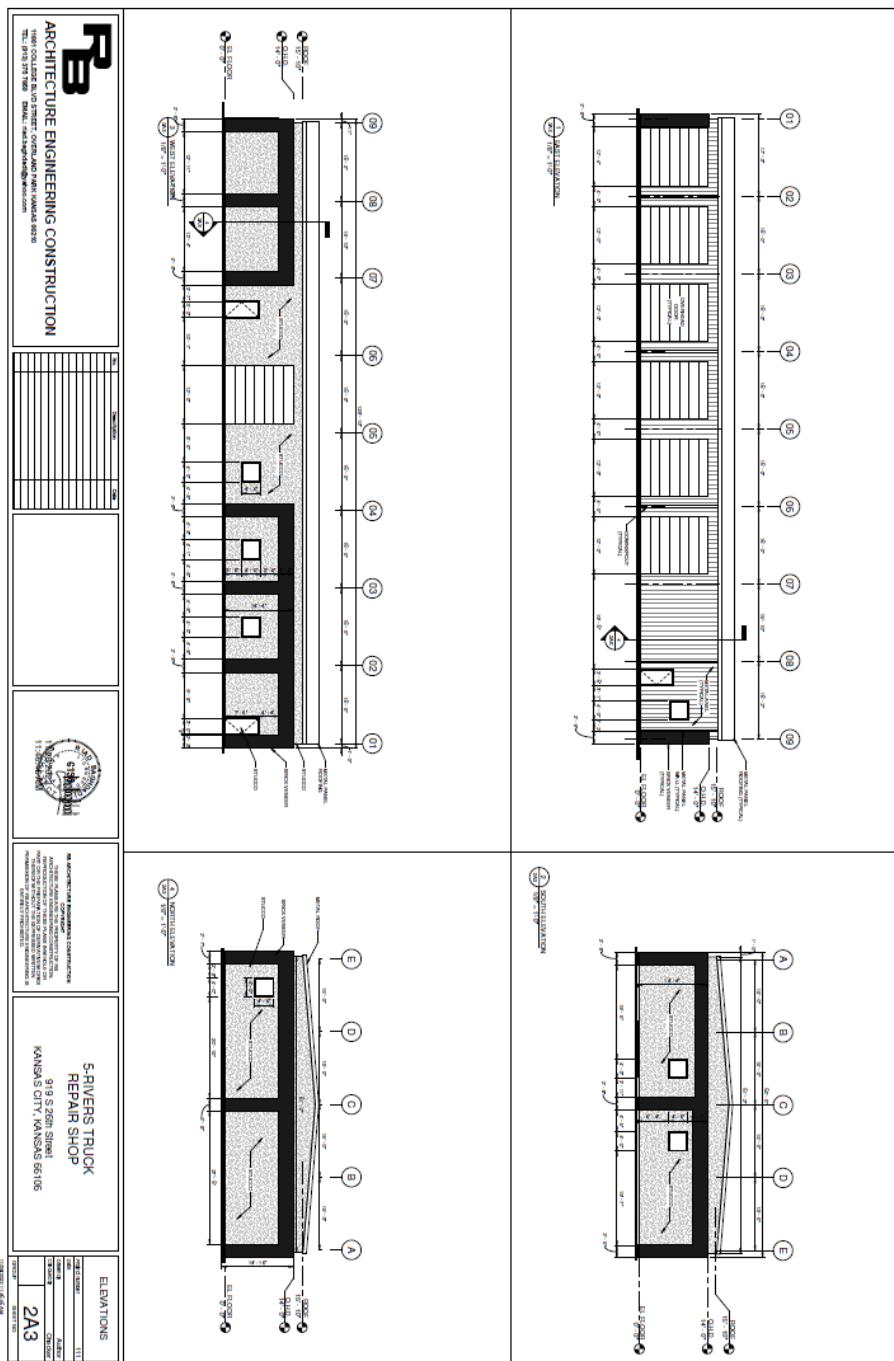
LAND USE MAP



PLAN SET



[illegible]



					
					
					
5. RIVERS TRUCK REPAIR SHOP 819 S 25th Street Kansas City, Kansas 66106		5. RIVERS TRUCK REPAIR SHOP 819 S 25th Street Kansas City, Kansas 66106		5. RIVERS TRUCK REPAIR SHOP 819 S 25th Street Kansas City, Kansas 66106	
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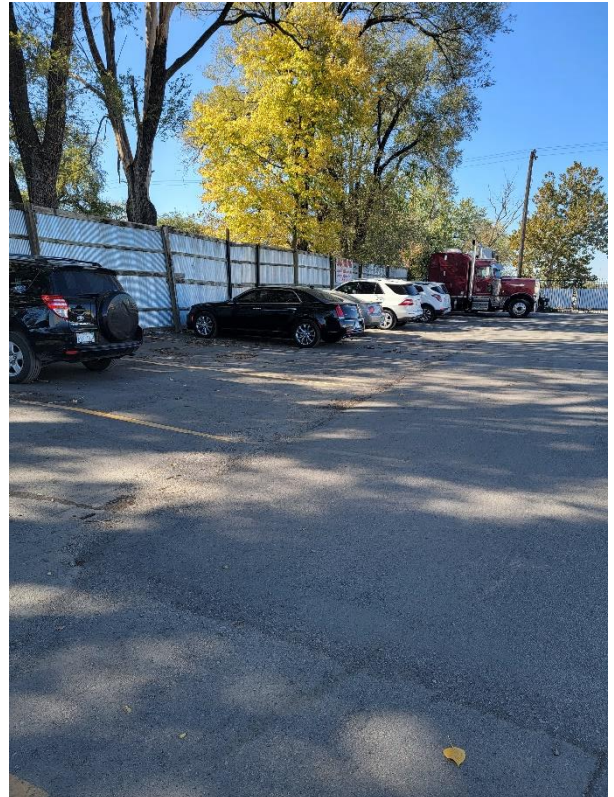
STAFF SITE VISIT PHOTOS DATED OCTOBER 19, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 19, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 19, 2022





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 2, 2023

Re: Petition SP2022-116

GENERAL INFORMATION

Applicant:
Bob Richards

Status of Applicant:
Representative
Alex Callow with Finkle + Williams
8787 Renner Boulevard, Suite 100
Lenexa, KS 66219

Requested Action:
Approval of a Special Use Permit.

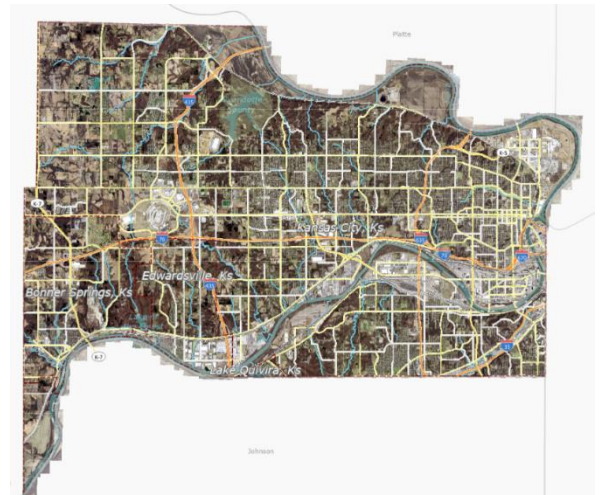
Date of Application:
December 30, 2022

Purpose:
To operate a truck maintenance repair facility.

Property Location:
1105 South 5th Street
Kansas City, KS 66105

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

Existing Zoning:
M-3 Heavy Industrial District



Adjacent Zoning:	North: M-3 Heavy Industrial District (across Kansas City Southern Railroad right-of-way) South: None (Kansas River) East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Industrial businesses/warehouse South: Kansas River East: Industrial business (truck trailer storage) West: Industrial businesses (warehousing and scrap metal recycling)
Total Tract Size:	11.05 Acres
Master Plan Area:	Armourdale Master Plan
Master Plan Designation:	The Armourdale Master Plan designates this property as Industrial, which allows manufacturing, processing, warehousing, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stops, service stations, convenience stores, etc., and mining/mineral extraction.
Major Street Plan:	The Major Street Plan classifies Cheyenne Avenue and Armourdale Boulevard as a Collector and 5 th Street as a Local Street.
Required Parking:	Section 27-470(f) requires one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the Director of Planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission. The Unified Government Board of Commissioners set the parking for the site. Employees who work at the Frito Lay distribution facility will perform the truck maintenance, therefore no additional parking is required.

Advertisement:	The Wyandotte Echo – January 19, 2023 Letters to Property Owner – January 20, 2023
Public Hearings:	February 13, 2023, and March 2, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bob Richards with Rothwell Construction, wants to operate a truck maintenance repair facility at the Frito Lay distribution center on 11.05 acres located at 1105 South 5th Street.

City Ordinance Requirements: 27-592 through 27-606

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. Replat of Lot 1 Prime Industrial Development II Final Plat was approved by the City Planning Commission on September 14, 2020.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Armourdale Statistical Neighborhood and is not within a neighborhood group. The entire local neighborhood consists of industrial uses and railroad rights-of-way.

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

The zoning and uses of nearby property are set out above. All adjacent uses are industrial and similar to the subject property. The adjacent properties to the north and west both have paved parking and storage areas for vehicles as well.

Therefore, the zoning and uses of properties nearby and the proposed used are expected to be compatible.

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

Seeing as this is an industrial area and given the projected level of business, the proposed use is not expected to detrimentally affect nearby properties. The removal of the restrictions will not have detrimental effects on the nearby properties.

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

The property is not vacant; it is currently a distribution center.

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

Special Use Permits are not addressed in the Master Plan. The Armourdale Master Plan Industrial designation allows manufacturing, processing, warehousing, distribution, outdoor salvage, industrial-related office and limited related commercial and service uses, mining/mineral extraction.

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

Cheyenne Avenue, Armourdale Boulevard and South 5th Street are designed to accommodate industrial uses that produce more and heavier traffic than the proposed truck maintenance and repair facility. The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the Collector Streets and Local Street.

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

Heavy truck repair is a necessary part of operating a vehicle-based business, distribution center, but its effects on the surrounding property can and should be mitigated by measures such as landscape and architecture screening, proper disposal of fluids and waste, making repairs indoors, and keeping lights directed downward at the property, not off-site.

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

Heavy vehicle repair is prone to generate noise, vibration, dust, and illumination. All repairs must be conducted inside the proposed building. Furthermore, the exterior lights proposed on the submitted photometric plan

must be fitted with 90-degree cutoff fixtures. All inoperable vehicles must be stored inside the building unless they are completely screened from view in accordance with all applicable ordinances.

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

The amount of impervious surface will not increase, as the area is currently paved and installing a building on top of the pavement will not increase the flow of stormwater runoff through the site. As the proposed use includes repairing vehicles, all fluids and parts must be properly disposed of, such as in an oil-water separator and through off-site disposal, respectively.

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

The proposed use will not damage or destroy an irreplaceable natural resource because no work is occurring on the property that results in physically changing the characteristics or features of the property.

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

The proposed use will not have an adverse impact on the points listed above. If the application is denied, the applicant will need to find a new location to perform truck repair and maintenance.

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

As this area is designed for industrial uses, the proposed use is a less intense use than the majority of uses it surrounds and will not cause overcrowding of land or cause undue concentrations of population as mechanics and technicians will be employees of Frito Lay and park within the existing employee parking lot west of the distribution center.

PREVIOUS ACTIONS

- Replat of Lot 1 Prime Industrial Development II Final Plat was approved by the City Planning Commission on September 14, 2020.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Microsoft Teams on January 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Lighting
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-116**, for two (2) years, subject to:

1. Per Sec. 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.

The exterior building material is 100 percent metal panel, which does not comply with the Commercial Design Guidelines as required by Sec. 27-573(b)(20). Install a 4-foot wainscot masonry band (stone or brick) around the perimeter of the building;

2. The design team discussed with Planning the landscape requirements of the overall site construction from 2020. The owner agrees to replace any existing dead trees on site associated with previous project;
3. Per Section 27-576(g)(1), buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs;
4. Per Section 27-576(g)(2), three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings;
5. Per Section 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;
6. Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted;
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. 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. 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. 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. 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;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

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 **SP2022-116** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Building Elevations
Site Photograph Provided by Staff on January 11, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing Special Use	February 13, 2023 Approval	March 2, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-116** 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 **SP2022-116** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023, City Planning Commission Minutes:

Hearing starts at 2:13:33:

SPECIAL USE PERMIT APPLICATION SP2022-116 – BILL RICHARDS WITH ROTHWELL CONSTRUCTION - SYNOPSIS: Special Use Permit to operate a fleet maintenance facility for Frito-Lay at 1105 South 5th Street. Detailed Outline of Requested Action: The applicant, Bob Richards with Rothwell Construction, wants to operate a truck maintenance repair facility at the Frito Lay distribution center on 11.05 acres located at 1105 South 5th 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 February 13, 2023;
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:

- Alex Callow, representing the applicant, Finkle & Williams Architecture, 8787 Renner Boulevard, Suite 100, Lenexa, Kansas

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:16:11: Planning Director Hand stated the request is for a Special Use Permit to operate a truck maintenance repair facility at the Frito Lay distribution center on 11.05 acres. The property is in the Armourdale Area Master Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval of this application for two (2) years with the conditions in the staff report. Specifically, Staff wanted to note that the building must meet the Commercial Design Guidelines and match the materials of the existing distribution center. Staff is also requesting additional enhanced landscaping.

Motion starts at 2:17:10:

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

SP2022-116 for two (2) years:

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

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

Subject to:

1. **Per Sec. 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.**

The exterior building material is 100 percent metal panel, which does not comply with the Commercial Design Guidelines as required by Sec. 27-573(b)(20). Install a 4-foot wainscot masonry band (stone or brick) around the perimeter of the building;

2. **The design team discussed with Planning the landscape requirements of the overall site construction from 2020. The owner agrees to replace any existing dead trees on site associated with previous project;**
3. **Per Section 27-576(g)(1), buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs;**

4. Per Section 27-576(g)(2), three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings;
5. Per Section 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;
6. Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted;
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. 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. 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. 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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



Figure 1. Aerial photograph of 1105 South 5th Street (provided by UG Maps).

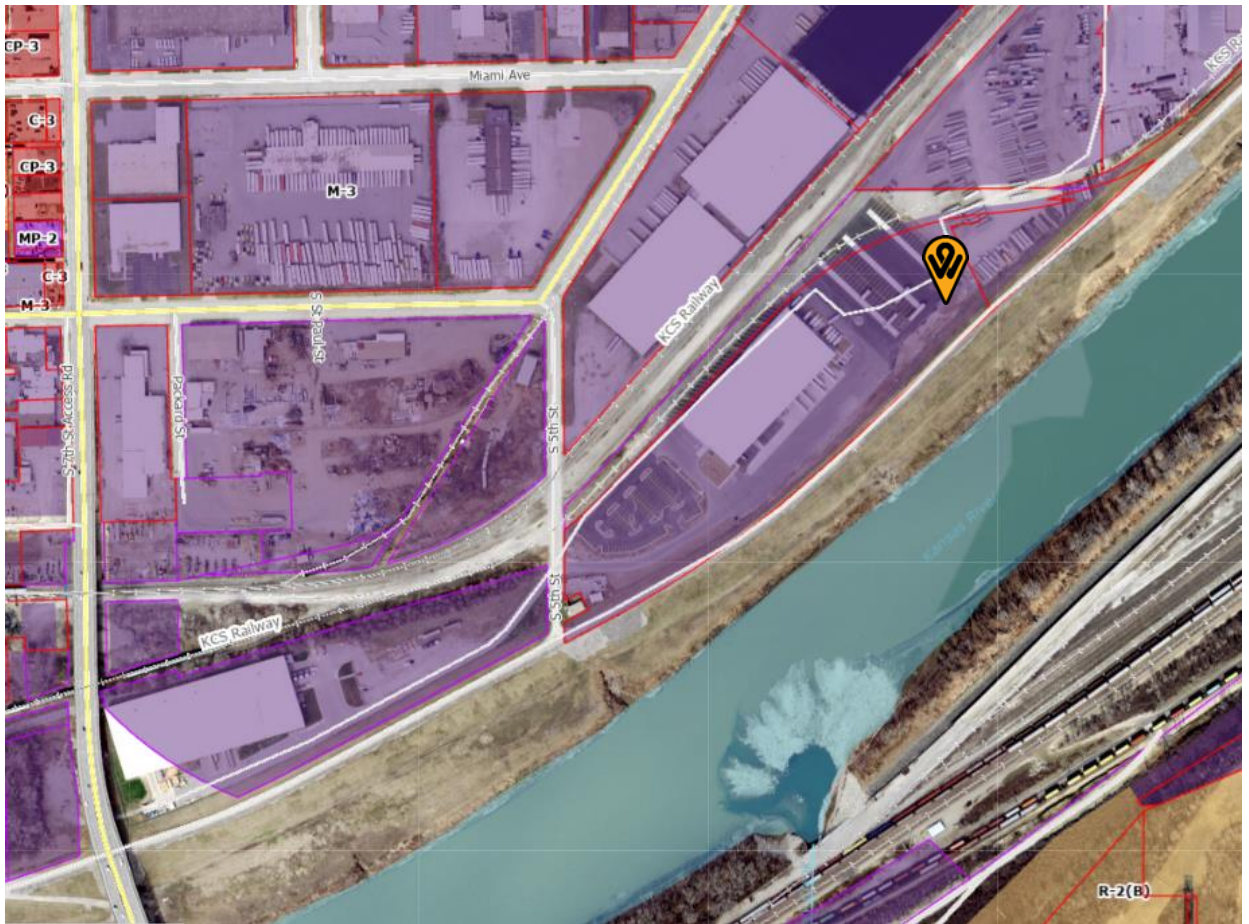


Figure 2. Zoning Map of 1105 South 5th Street (provided by UG Maps).

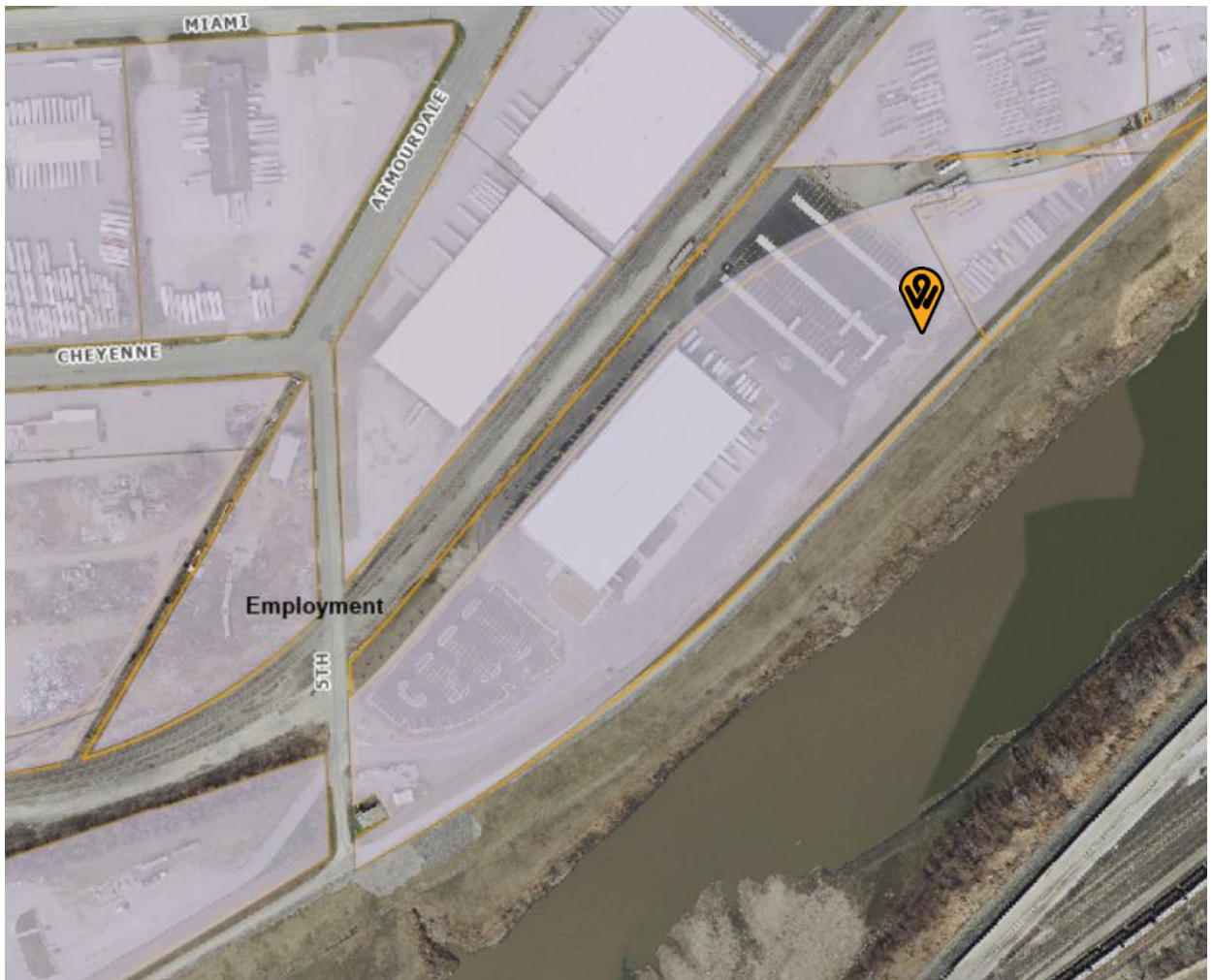


Figure 3. Armourdale Master Plan Land Use Map of 1105 South 5th Street (provided by ArcMap).



FINKLE +
WILLIAMS
ARCHITECTURE

8787 Renner Blvd. Suite 100
Lenexa, KS 66219

913 + 498 - 1550
finklewilliams.com

January 27th, 2023

Byron Toy, AICP
Planning + Urban Design
Unified Government of Wyandotte County, KCK
701 N. 7th Street
Kansas City, KS 66101

Re: SP2022-116 – 1101 S. 5th Street (Frito Lay Maintenance Facility) – Draft Comments

Dear Mr. Toy,

Please see the following responses to the plan review comments, dated January 20, 2023, for the above referenced project.

General Planning Comments:

1. The applicant is requesting a Special Use Permit for heavy vehicle/truck repair. Any additional uses not listed in this Special Use Permit SP2022-116 and not otherwise allowed by the Zoning Code in the M-3 Heavy Industrial District must receive a separate Special Use Permit.

RESPONSE: Acknowledged.

2. Per Section 27-593(b)(20), parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by Sections 27-466 through 27-470; parking shall be upgraded to current standards and regulations including medians, landscaping, and screening; and each automobile shall be in a striped, designated parking space.

RESPONSE: Acknowledged.

3. 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.

4. 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

1

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.

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

RESPONSE: Acknowledged.

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.

RESPONSE: Acknowledged.

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

RESPONSE: Acknowledged.

Building Architecture Comments:

1. Per Sec. 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.

The exterior building material is 100 percent metal panel, which does not comply with the Commercial Design Guidelines as required by Sec. 27-573(b)(20). Install a 4-foot wainscot masonry band (stone or brick) around the perimeter of the building.

RESPONSE: See revised building elevations.

2. Per Section 27-576(g)(1), buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs.

RESPONSE: Acknowledged.

3. Per Section 27-576(g)(2), three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings.

RESPONSE: Acknowledged.

4. Per Section 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.

RESPONSE: Acknowledged.

5. Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted.

RESPONSE: Acknowledged.

Landscape and Screening Comments:

1. Per Section 27-577(a)(5) landscaping shall exceed the typical code requirements by at least 75 percent. The M-3 requirement is one (1) tree per 10,000 square feet of site area. The site is 11.05 acres; therefore 48 trees are district requirement. The multiplier is 1.75, so 84 trees are required to be planted. The total number of trees existing on site can account towards this total. A deviation from the Commercial Design Guidelines must be asked for by the applicant and approved by the City Planning Commission.

RESPONSE: The design team discussed with Planning the landscape requirements of the overall site construction from 2020. The owner agrees to replace any existing dead trees on site associated with the previous project.

2. The Board of Public Utilities (BPU) has recently revised their requirements for transformer screening. Please verify the transformer meets these requirements or revise:
 - 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 feet 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) on the front allowing for 10 feet on the front when gate doors open.

RESPONSE: The entire site is enclosed within an 8' chain link fence and public access and security around the transformer is not a concern. The transformer would not be seen from 5th Street to the west due to the location behind the proposed building and would not be seen from Armourdale to the north due to the train tracks and series of buildings. The owner of this parcel also owns the trailer parking to the

northeast, and the levee is to the south and east. The pad will be fully fenced and visually screened from the public in all directions by the existing conditions.

Signage Comments:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

RESPONSE: Acknowledged.

Planning Engineering Comments:

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

- 1) None

RESPONSE: Acknowledged.

2. Items that are conditions of approval:

- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

RESPONSE: Acknowledged.

3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents.

- 1) None

RESPONSE: Acknowledged.

Sincerely,

Alexander Callow, AIA

913.498.1550

acallow@finklewilliams.com

Finkle + Williams Architecture



FINKLE +
WILLIAMS
ARCHITECTURE

8787 RENNER BOULEVARD SUITE
100 LENEXA, KANSAS 66219

P 913 + 498 - 1550
F 913 + 498 - 1042

January 30, 2023

Application Number: #SP2022-116
Date and Location: January 27, 2023
Virtual Teams Meeting

Meeting called to order at: 4:00 pm

Names of people in attendance:

Alex Callow – Finkle Williams

Questions and answers (include the following):

Who asked question or gave comment - None

What was the question or comment - None

Who answered the question/comment - None

What was the answer given - None

Meeting adjourned at: 4:30 pm

Minutes taken by: Alex Callow

FINKLEWILLIAMS.COM

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:
~~Wyandotte~~

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

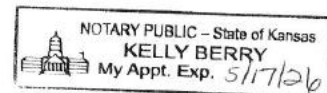
1. That I am the petitioner for Petition # SP-2022-116.
2. That I conducted a neighborhood meeting on 01-27-23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

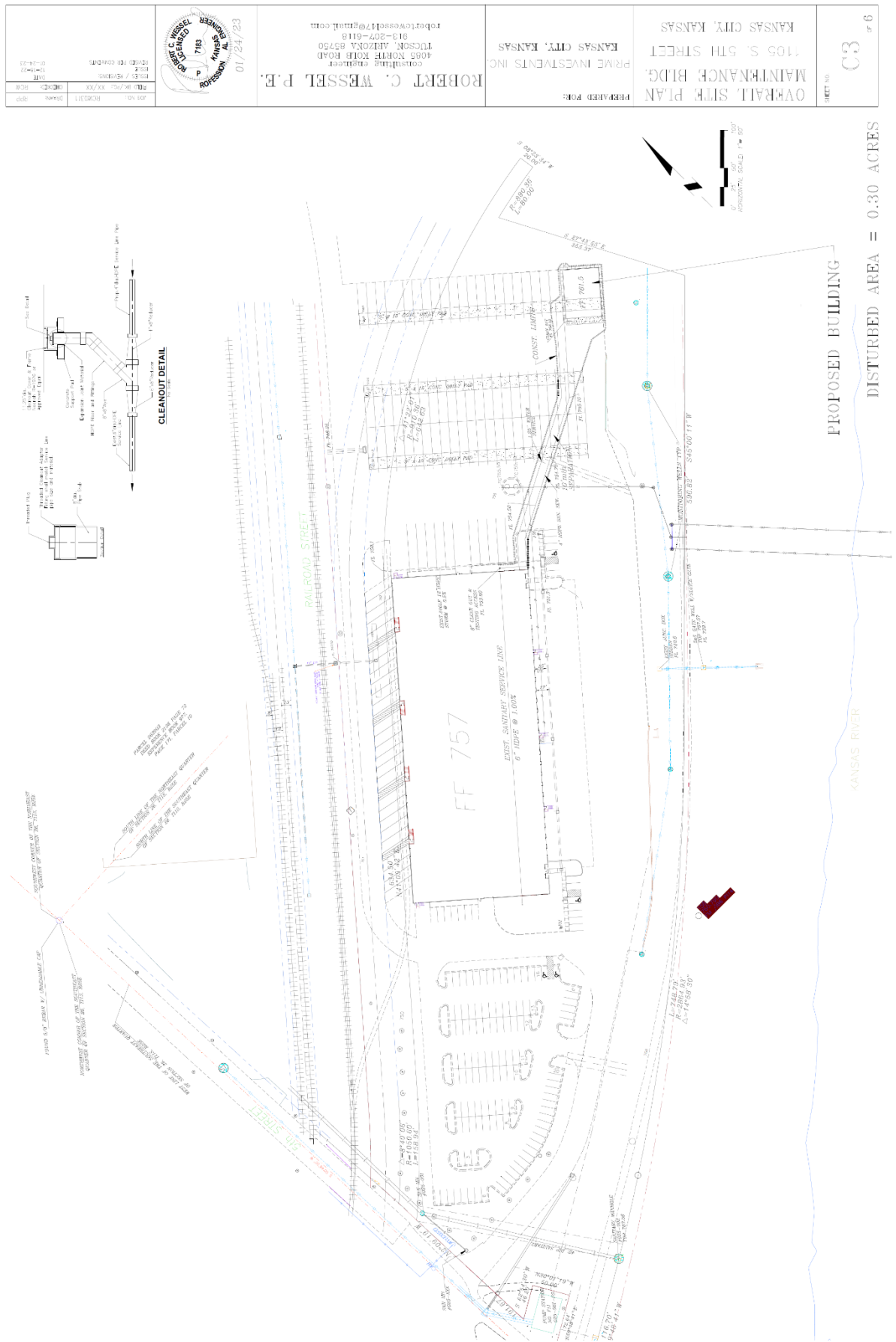
Further affiant saith not.

Alex Callow
Affiant

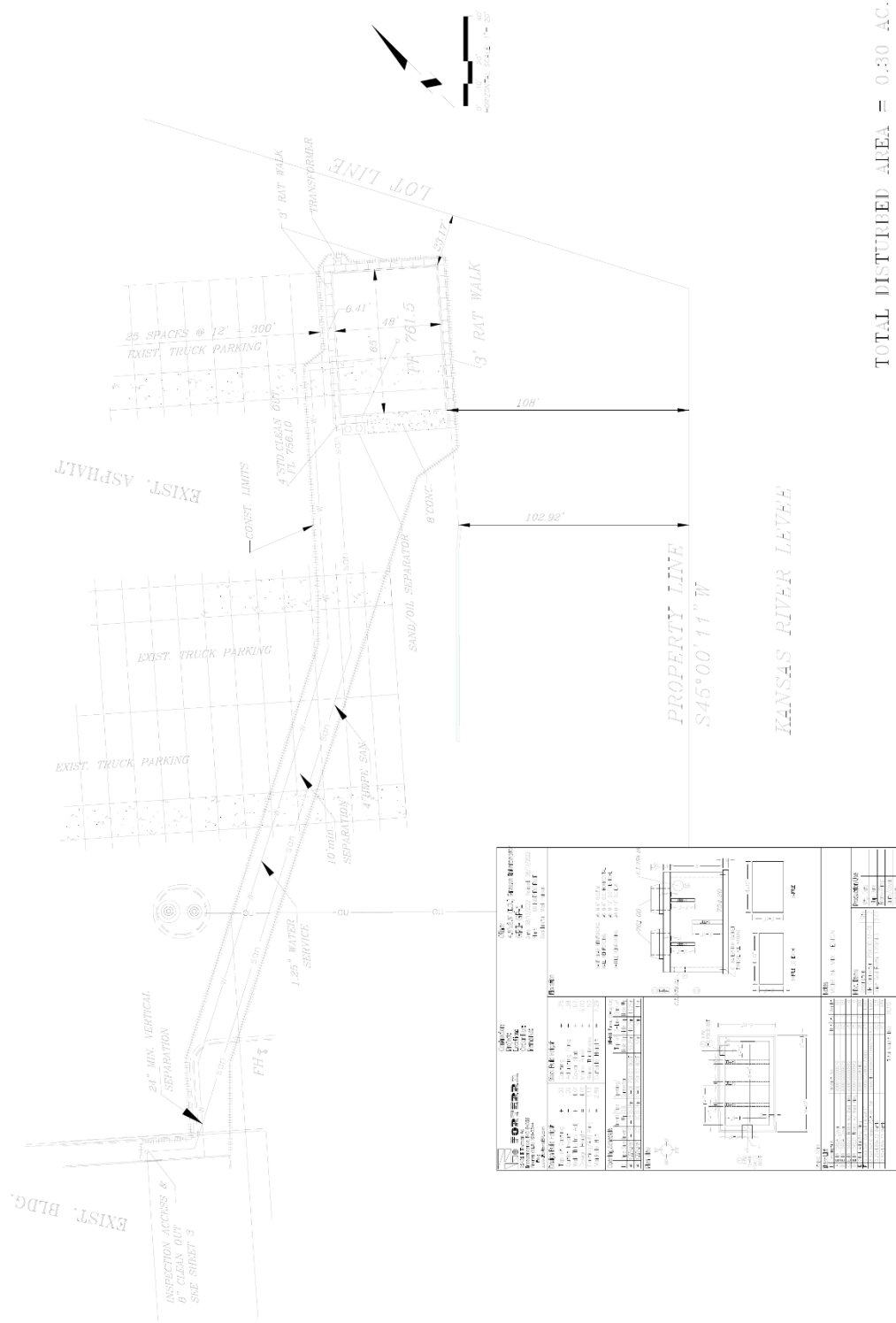
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of January, 2002023.
My commission expires 1st of May, 2002026

Kelly Berry
Notary Public





SHEET NO. 1 SHEET OF 6		SITE PLAN MAINTENANCE BLDG. 1105 S. 5TH STREET KANSAS CITY, KANSAS		PREPARED FOR: PRIME INVESTMENTS INC. KANSAS CITY, KANSAS		PROJECT NO. 2022-116 DATE 01/24/23	
DESIGNED BY: ROBERT C. WESSEL, P.E. PROFESSIONAL ENGINEER KANSAS LICENSE NO. 7183		CHECKED BY: ROBERT C. WESSEL, P.E. PROFESSIONAL ENGINEER KANSAS LICENSE NO. 7183		PROJECT NO. 2022-116 DATE 01/24/23		PROJECT NO. 2022-116 DATE 01/24/23	



TOTAL DISTURBED AREA = 0.30 AC.

SAND/OIL SEPARATOR

Architectural drawing showing exterior elevations (West, East, North, South) and material legend for the Frito Lay Maintenance Facility. The drawing includes dimensions, material callouts (e.g., MP-1, MP-2, CM-1), and a project information block.

FRITO LAY MAINTENANCE FACILITY
1105 S. 9th Street
Kansas City, Kansas

PROJECT TEAM
ARCHITECT: FINKLE + WILLIAMS ARCHITECTS
OWNER: Frito Lay
DESIGNER: C. J. JENSEN
STRUCTURAL: METTMEYER ENGINEERING
MECHANICAL: JAMES INDUSTRIAL INC.
ELECTRICAL: ELUSON INC.
CONTRACTOR: ROTHWELL CONSTRUCTION

EXTERIOR MATERIAL LEGEND
MP-1: PREFABRICATED METAL WALL PANELS PER YOUR MANUFACTURER
MP-2: PREFABRICATED METAL ROOF PANELS PER YOUR MANUFACTURER
CM-1: SPOT-FACE CONCRETE BLOCK

1 WEST ELEVATION
SCALE: 3/8" = 1'-0"

2 NORTH ELEVATION
SCALE: 3/8" = 1'-0"

3 EAST ELEVATION
SCALE: 3/8" = 1'-0"

4 SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



Figure 4. Site photograph looking east at 1105 South 5th Street taken on January 11, 2023.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 2, 2023

Re: Special Use Petition SP2022-118

GENERAL INFORMATION

Applicant:
Ryan Stoops

Status of Applicant:
Property Owner
Jamestown Properties
140 West Lanesfield Street
Gardner, KS 66030

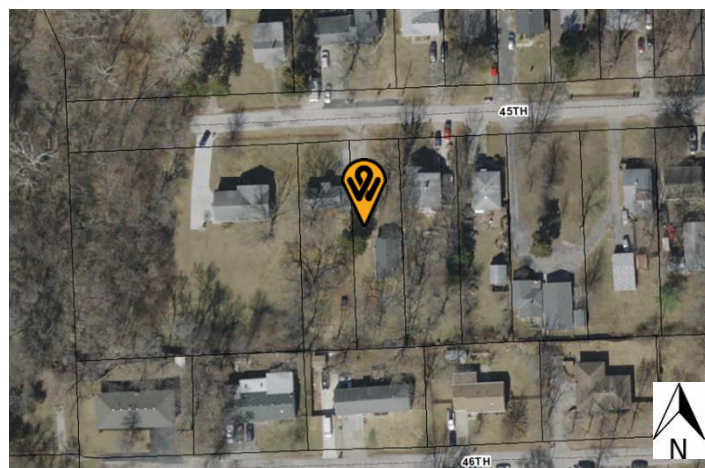
Requested Action:
Renewal of a Special Use Permit.

Date of Application:
December 30, 2022

Purpose:
To renew a Special Use Permit (which expires 3/10/2023) to operate a short-term rental. This is not the owner's primary address.

Property Location:
3151 West 45th Avenue
Kansas City, Kansas 66103

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: 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: Single family residence South: Single family residence East: Single family residence West: Single family residence
Total Tract Size:	0.24 Acre
Master Plan Designation:	The Rosedale Master Plan designates this Property as Single Family Residential. Single Family Residential is designed for single family, detached houses.
Major Street Plan:	The Major Street Plan designates West 45 th Avenue as a Local Street.
Parking Requirement:	Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. The current property has a single attached carport and a driveway providing two (2) off-street parking spaces, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owner – January 20, 2023
Public Hearings:	February 13, 2023, and March 2, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Ryan Stoops, is seeking to renew their Special Use Permit (which expires on March 10, 2023) to continue the operation of a short-term rental at 3151 West 45th Avenue. The subject property is a single-family residence and was recently purchased by the Applicant.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints since the current owner purchased the property in 2020.

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood. The neighborhood is residential in character, consisting of small to medium-sized lots with single-family residences. This block of West 45th Avenue is a dead-end street and flanks off Mission Road, a major throughfare that leads North to Interstate 35 and south into Johnson County, Kansas.

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. Continuing use as a rental, either short or long term, is consistent with the nearby hospital district and neighborhood corridor. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

This property is suitable for use as a single-family home or two-family home (duplex). The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The property is not vacant and has been utilized as a short-term rental since February 2022.

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

Special Use Permits are not addressed in the Rosedale Area Master Plan. The Rosedale Area Master Plan designates this property as Single-Family Residential. Single Family Residential allows a short-term rental but requires a Special Use Permit to operate.

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. 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 for this property while it has operated as a short-term rental.

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 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 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. The maximum number of guests allowed in the unit is seven (7) adults at a time and the max number of vehicles is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

Approval of a Special Use Permit for (SP2021-080) one (1) year in 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Traffic
Noise Parking
Building Maintenance
Safety

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-118, for two (2) years**, subject to:

1. **Maximum number of guests shall be seven (7);**
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 maintenance 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. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
 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. The applicant has filed and maintained a current business occupation tax application;
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-118** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Plan
Granicus Host Compliance Map
Site Plan
Floor Plan
Neighborhood Meeting Minutes
Site Photos, Taken by Staff, Dated January 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	February 13, 2023	March 2, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-118** 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 **SP2022-118**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023, City Planning Commission Minutes:

Recording Secretary Parker stated that the Commission will consider the one (1) item removed from the Consent Agenda.

SPECIAL USE PERMIT APPLICATION SP2022-118 – RYAN STOOPS – SYNOPSIS:

Renewal of a Special Use Permit (SP-2021-80 – expires 3/10/2023) to operate a short-term rental at 3151 West 45th Avenue. Detailed Outline of Requested Action: The Applicant, Ryan Stoops, is seeking to renew their Special Use Permit (which expires on March 10, 2023) to continue the operation of a short-term rental at 3151 West 45th Avenue. The subject property is a single-family residence and was recently purchased by the Applicant.

Present in Support:

- No one appeared.

Present in Opposition:

- Rose Eilts stated that she would not have a problem with this renewal but would like a moratorium on new Short-Term Rental cases.

Staff Recommendation: Planning Director Hand stated that this is the second approval, first renewal, for the Short-Term Rental located in the Rosedale Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of

Violation on the property. The previous approval was for one (1) year, as per non-owner occupied or on-site manager Short-Term Rental protocol. Staff recommends approval for two (2) years, with a maximum of seven (7) people and two (2) off-street parking spaces.

On motion by Mr. Ward, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE SP2022-118**, for two (2) years:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

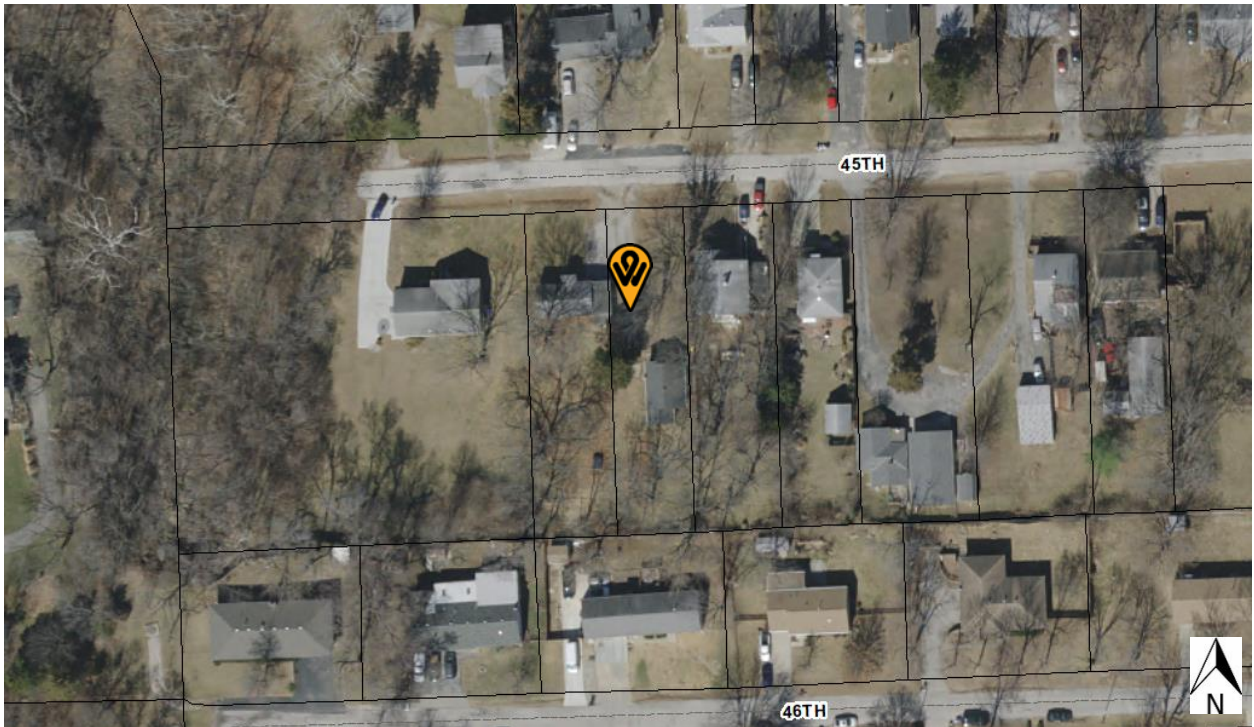
1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is two (2);**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting 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 maintenance 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. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
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. **The applicant has filed and maintained a current business occupation tax application;**
11. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
12. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively**

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

13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

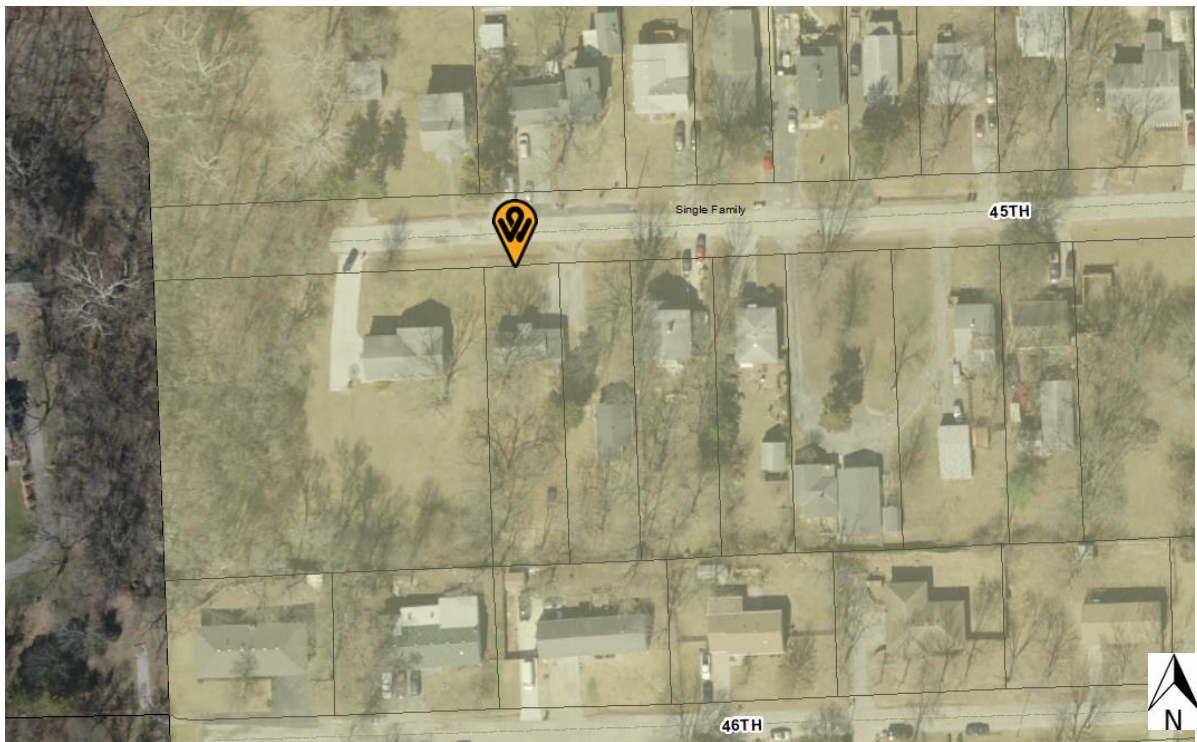
AERIAL IMAGERY



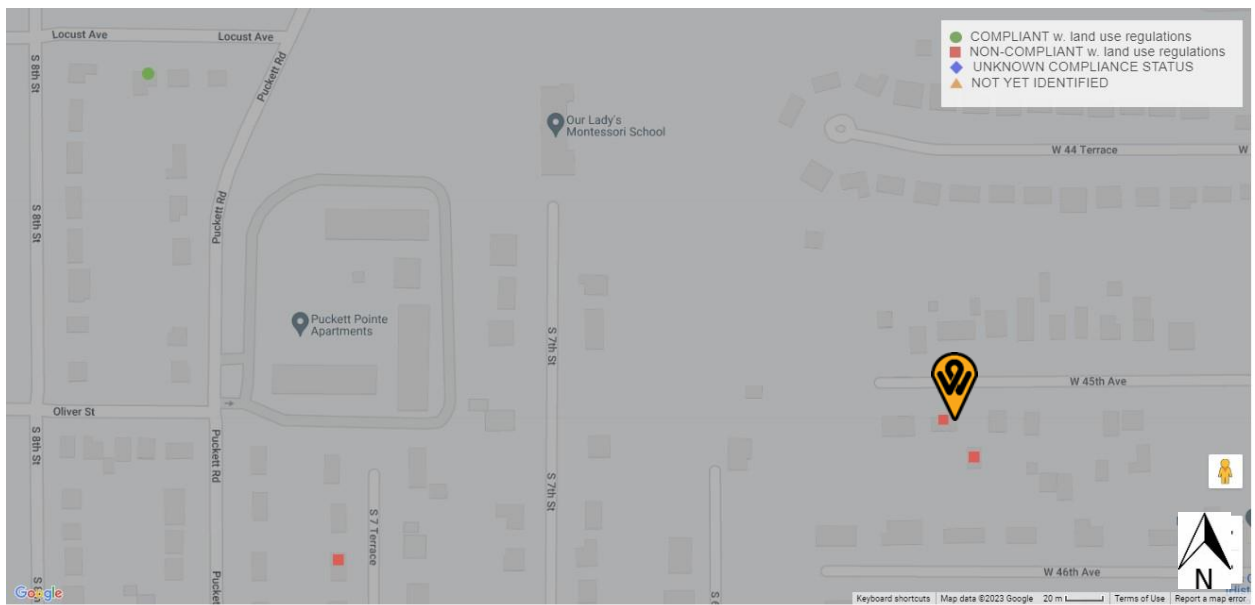
9ZONING MAP



LAND USE MAP – ROSEDALE AREA MASTER PLAN

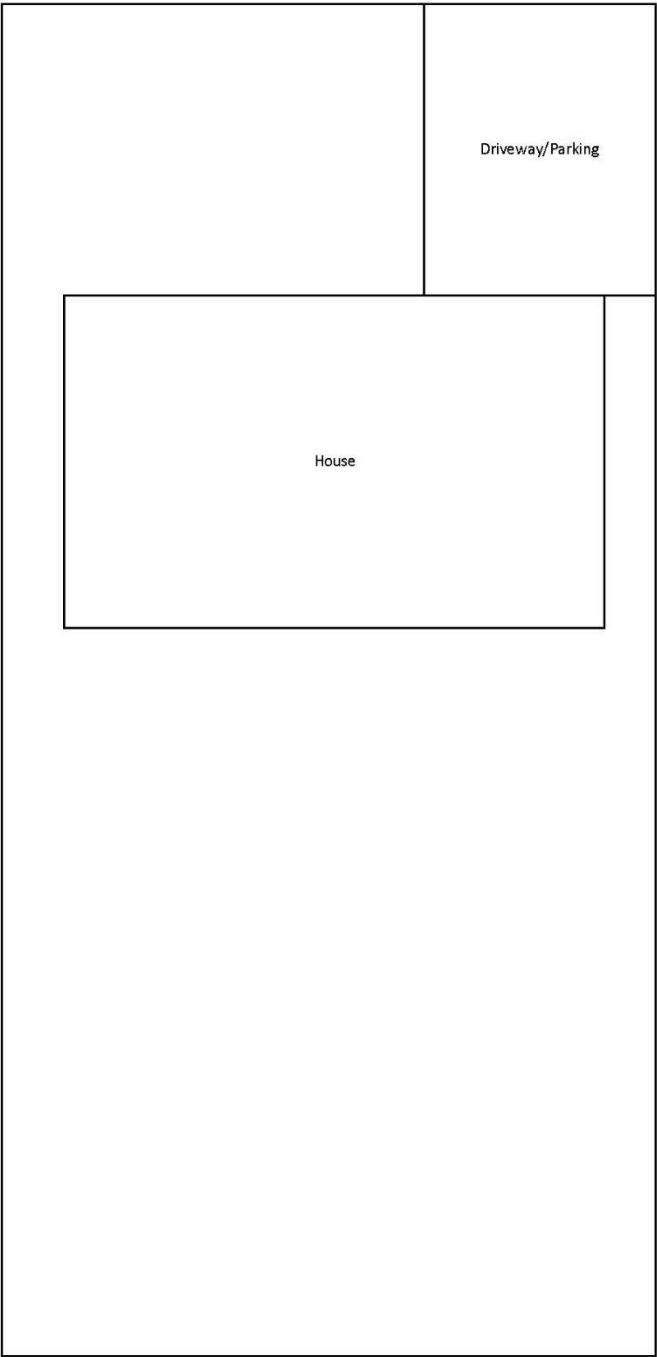


GRANICUS HOST COMPLIANCE MAP

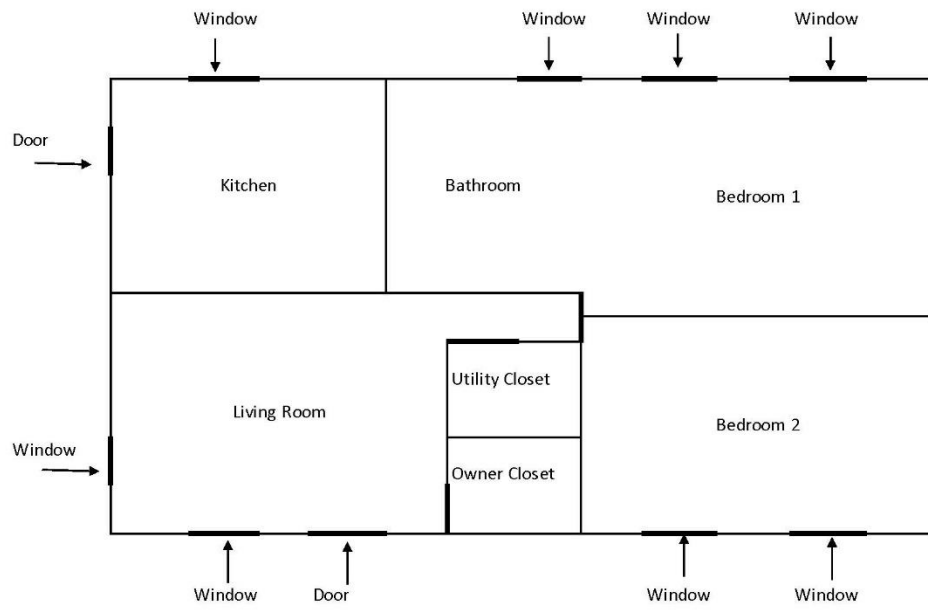


SITE PLAN

Lot layout



FLOOR PLAN



NEIGHBORHOOD MEETING MINUTES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2022-118.
2. That I conducted a neighborhood meeting on Jan 25, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

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

My commission expires _____ of _____, 200__.

Notary Public

Application Number SP2022-118

Date and Location: Jan 25th, 2023

<https://us05web.zoom.us/j/87123147171?pwd=RkFkNVd6bmdwZGtPc3N3bCtwb0NJUT09>

Meeting called to order at: 5 pm

Names of people in attendance: none

Introductions:

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

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 5:30pm

Minutes taken by: Ryan Stoops

SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 2, 2023

Re: Special Use Petition SP2022-119

GENERAL INFORMATION

Applicant:

Michael Rhodes

Status of Applicant:

Property Owner
10702 Donahoo Road
Kansas City, Kansas 66109

Requested Action:

Approval of a Special Use Permit

Date of Application:

December 30, 2022

Purpose:

To grade and level the property and utilize it as a borrow site of earthen material for off-site fill.

Property Location:

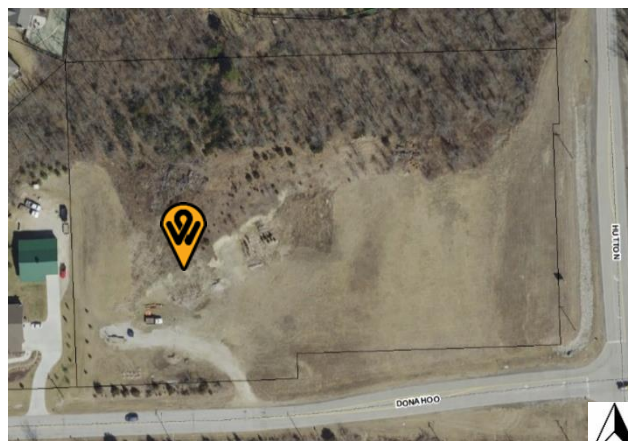
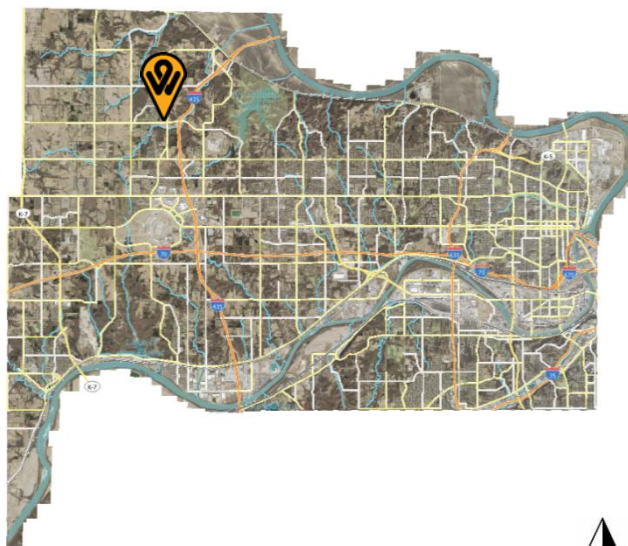
10702 Donahoo Road
Kansas City, Kansas 66109

Commission Districts:

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

Existing Zoning:

CP-1 Planned Limited Business District



Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: R-1 Single-Family District West: CP-1 Planned Limited Business District
Adjacent Uses:	North: Single family residences South: Undeveloped, agricultural lot East: Large agricultural lot West: Single family residence
Total Tract Size:	5.82 Acres
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Planned Small Commercial District, which allows for Commercial retail and limited commercial services at major arterials near low density residential areas of the community.
Major Street Plan:	The Major Street Plan designates Donahoo Road as a Boulevard/Parkway.
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”.
Advertisement:	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owner – January 20, 2023
Public Hearings:	February 13, 2023, and March 2, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Rhodes, is requesting a Special Use Permit to grade and level the property and utilize it as a borrow site of earthen material for off-site fill at 10702 Donahoo Road.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

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 outstanding or related permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The neighborhood is residential in nature, consisting mostly of large lot single-family residences as well as large agricultural lots.

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

The zoning and uses of nearby property are identified above. A dirt removal operation at this scale would not normally be considered to be compatible with established residential uses.

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

The property owner intends to use the site as a borrow site for a separate project, which is not a part of this entitlement process. Removal of restrictions may detrimentally affect nearby property as this could lead to erosion and run-off problems for nearby properties if not managed properly.

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

The property has been vacant since its creation as it has never been developed.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Master Plan. The property is currently designated as Planned Small Commercial District, which allows for Commercial retail and limited commercial services at major arterials near low density residential areas of the community. The current

proposal is to use the property as a borrow site for earthen fill off-site. Any proposed development on the site will have to conform to the Planned Small Commercial District designation or seek a Master Plan Amendment.

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

The proposed use will inherently lead to the increase of traffic along Donahoo Road, as an earthen removal operation will involve heavy truck trips in and out of the subject property during the day as well as other equipment moving in and out of the subject property. The applicant shall provide the number of trips expected, so that staff can determine if the use will exceed the capacity of Donahoo Road.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as there are currently no known issues with the current grade of the site and the operation is being used to bring earthen fill onto another site, rather than correct any potential issues on the existing site. The proposed use may also substantially or permanently injure nearby property if issues such as erosion, storm-water control, dust, traffic, landscaping, screening, and buffering are not adequately addressed.

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.*

Given the scale of the dirt balancing on site, it is possible that noise, vibration, and dust could be of such duration and intensity as to create problems for nearby property.

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

There is potential for air pollution if the dust generated by the moving of earthen material is not adequately monitored and mitigated.

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

Erosion control is required to minimize erosion on the property. Tree lines and ridges adjacent to the single-family homes should be preserved for screening, buffering, and dust mitigation.

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

Provided that adequate controls and reasonable time limits are placed on the operation, the hardship imposed by denial would likely exceed the gain to the public health, safety, and welfare.

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

Depending on the approximate location of the staging areas and concentration of construction activities, there is a potential for overcrowding of land that will need be mitigated through the duration of this permit.

PREVIOUS ACTIONS

Plan Review (PR-2005-2) withdrawn in 2005.

Approval of a Home Occupation Special Use Permit (SP-2015-61) for two (2) years in 2015.

Approval of a Variance (BOZA 2176) in 2015.

Approval of a Plat (Piper Commons) in 2015.

Change of Zone (COZ 3192) withdrawn in 2019.

APPROVAL Special Use Permit (SP-2019-58) withdrawn in 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with Land Disturbance Ordinance

Duration and Size of Project

Mitigation Techniques

Landscaping

Dust

Noise

Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-119**, for two (2) years, subject to:

1. **If the scale of the proposed operation changes from what is improved by this Special Use Permit, the applicant shall amend their Special Use Permit;**
2. **Due to the proposed duration of this project, the applicant shall provide a paved construction entrance apron at the current property entrance as**

- well as provide rumble strips along the remainder of the driveway, where there is only gravel or dirt;
3. Any trees or other landscaping that is removed shall be replaced on site;
 4. To mitigate dust, the site and construction entrance shall be watered with a watering truck on days when trucks are leaving the site;
 5. The applicant shall maintain a 100-foot buffer, protecting the tree stands from the single-family homes and trees replaced where needed for conformance along the west and north property line;
 6. The site shall be seeded and mulched until groundcover is established in areas where work will not occur for more than two (2) weeks and after work is completed on the site;
 7. Topsoil needs to be saved and spread over the borrow area when complete. Seed and mulch the area within one week of completion;
 8. Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;
 9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 12. 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;
 13. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 14. 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;
 15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 16. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance

permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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;

17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. 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,
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2022-119** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Site Details
KDHE Notice of Intent
Soil Test Results
Stockpile Location
Site Photos, Taken by Staff, Dated January 12, 2023
Applicant Response to Draft Comments, Dated January 25, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 13, 2023	March 2, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-119** 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 **SP2022-119**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:18:10:

SPECIAL USE PERMIT APPLICATION SP2022-119 – ALEX ELLIOT WITH ATLAS LAND CONSULTING - SYNOPSIS: Special Use Permit for dirt removal from 10702 Donahoo Road. Detailed Outline of Requested Action: The applicant, Michael Rhodes, is requesting a Special Use Permit to grade and level the property and utilize it as a borrow site of earthen material for off-site fill at 10702 Donahoo 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 February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Mike Rhodes, applicant, 10800 Donahoo Road, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:27:36: Planning Director Hand stated that this Special Use Permit will effectively make this property a borrow site future earthen fill activities. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval for two (2) years subject to the conditions in the staff report. Director Hand stated that the conditions are the standard dust mitigation measures that are attached to any operation that could potentially have a dust or debris issue. The current public right-of-way off Donahoo currently tracks debris and gravel onto the right-of-way. The requirement is that they improve the surface for that driveway, as per Unified Government standards like all driveways meet. He stated that there is no curb on this stretch of Donahoo Road so what would be allowed is an asphalt driveway apron up to the end of the public right-of-way, and then add a rumble strip behind it so as people come to the site ad hoc there is some maintenance to prevent dirt and gravel from being tracked onto the street. Director Hand stated that it is

also a condition of approval that the 100 feet from the northern property line be preserved as a tree stand and not be graded as a part of this project. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Planning Commissioner Ward asked what will occur if the applicant does not comply with the conditions of approval. Director Hand stated that when it comes back for renewal, if the conditions are not met, Staff will recommend denial of the renewal.

Motion starts at 2:32:25:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-119 for two (2) years:**

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

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

Subject to:

1. If the scale of the proposed operation changes from what is improved by this Special Use Permit, the applicant shall amend their Special Use Permit;
2. Due to the proposed duration of this project, the applicant shall provide a paved construction entrance apron at the current property entrance as well as provide rumble strips along the remainder of the driveway, where there is only gravel or dirt;
3. Any trees or other landscaping that is removed shall be replaced on site;
4. To mitigate dust, the site and construction entrance shall be watered with a watering truck on days when trucks are leaving the site;
5. The applicant shall maintain a 100-foot buffer, protecting the tree stands from the single-family homes and trees replaced where needed for conformance along the west and north property line;
6. The site shall be seeded and mulched until groundcover is established in areas where work will not occur for more than two (2) weeks and after work is completed on the site;
7. Topsoil needs to be saved and spread over the borrow area when complete. Seed and mulch the area within one week of completion;
8. Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;

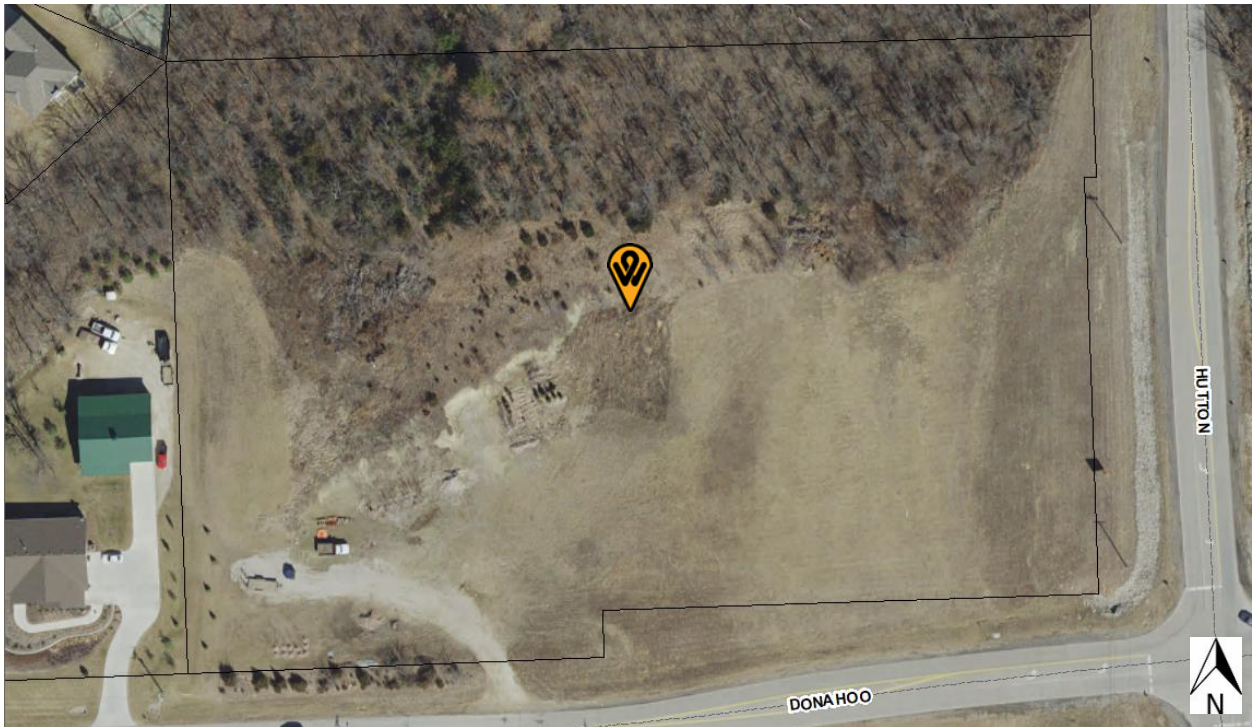
9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
12. 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;
13. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
14. 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;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of

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

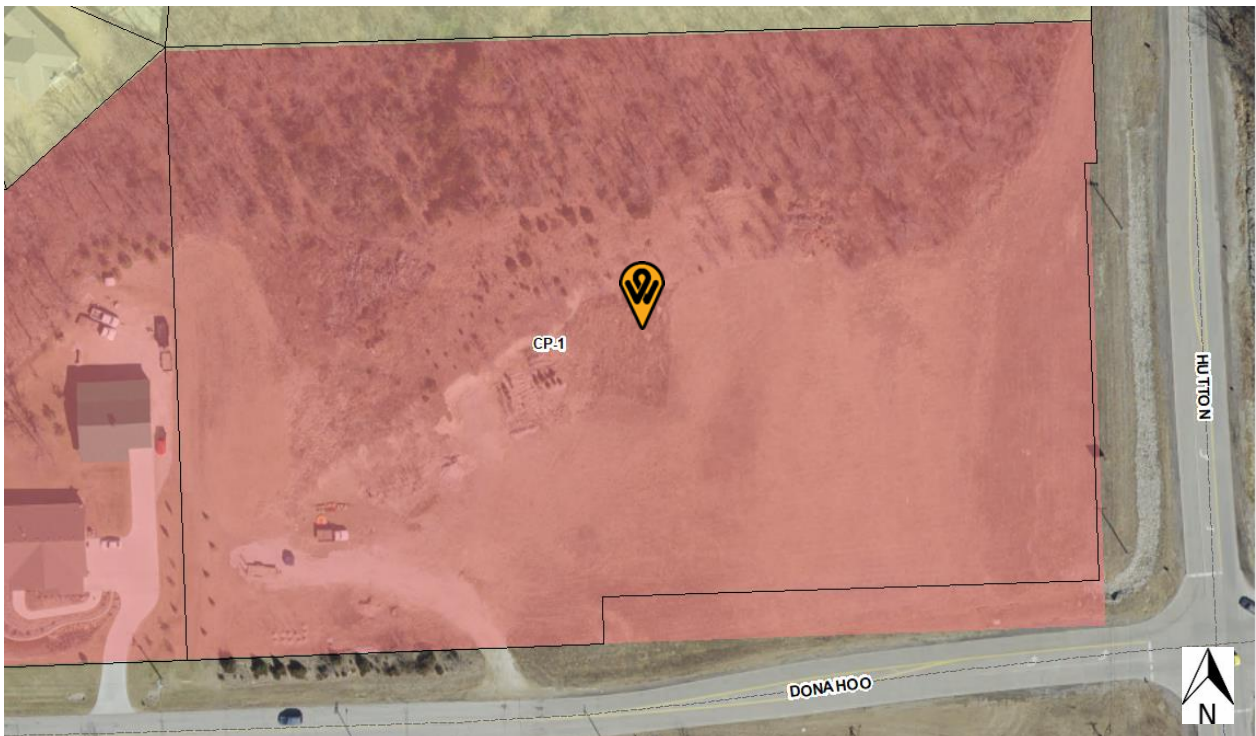
- 18. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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,**
- 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

ATTACHMENTS

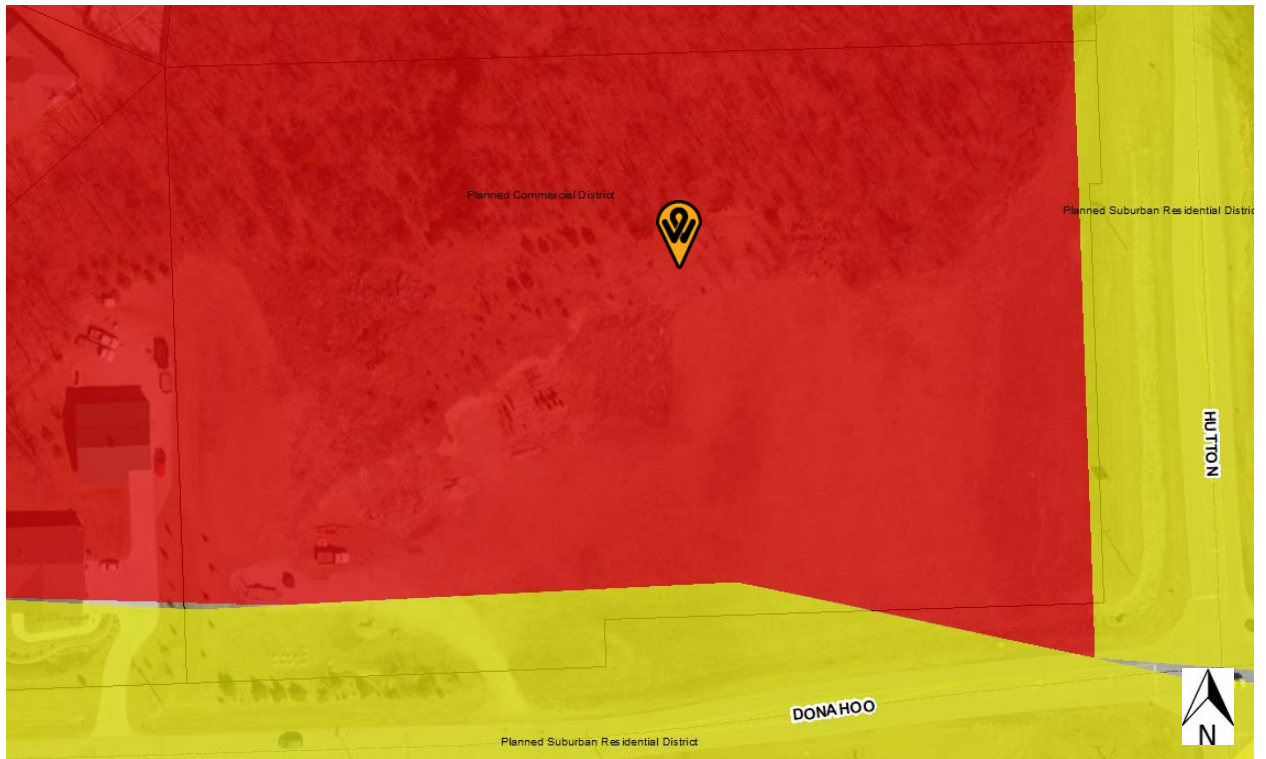
AERIAL IMAGERY



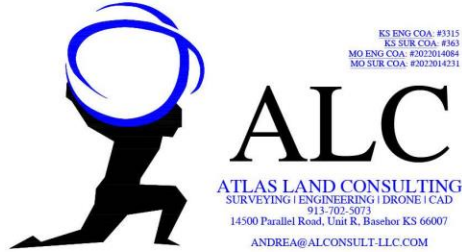
ZONING MAP



LAND USE MAP



RESPONSE TO DRAFT COMMENTS, DATED JANUARY 25, 2023



Comment Response Letter

To: James Malloy – Unified Government Planner
Address: 701 North 7th Street
Kansas City, Ks 66101
Phone: 913-573-4771
Email: jlmolloy@wycokck.org
Date: January 30th, 2023
Project: (SP2022-119) SWPPP 10702 Donahoo Rd, KCK

Planning and Urban Design:

- 1) Provide all applicable engineering drawings, including grading, run-off calculations, and erosion control.

Provided.

- 2) Provide a landscaping plan.

If extent of the landscaping will be temporary and permanent seeding as shown on the engineering drawings.

- 3) Provide a dust mitigation plan.

If we have a large area of exposed dirt, it will be brought to grade and seeded with either temporary seeding or permanent seeding depending on the time of year. In addition to those measures, a water truck will be required to be on site to mitigate the threat of dust.

- 4) Provide a conservation plan.

All turf areas will be maintained by owner including any overseeding, mowing and general maintenance for a healthy stand of turf to alleviate erosion.

- 5) What mitigation measures are being used on site to prevent dirt and mud from tracking onto Donahoo Road? Staff suggests that the applicant provide a driveway

14500 Parallel Rd. Unit R, Basehor, KS 66007

apron paved with asphalt and provide rumble strips along the remainder of the proposed driveway to mitigate dirt and mud from being tracked onto Donahoo Road

As seen on the engineering plans we have stipulated a construction entrance for this purpose. This is a dirt removal process and not a construction project, we are not under a deadline, therefore no vehicles or equipment will be allowed on premise during inclement weather or wet conditions.

6) What will be the hours of operation of the proposed grading operation?

7:30am to 4:30pm Monday-Friday.

7) How many truck trips per day will the site generate?

This could be a 10-year project, i.e., if we remove 10,000 cubic yards per year, at 10 yards per truck that is 1000 truckloads over 300 working days one can assume 4 trucks per day on average.

8) The properties to the north of the subject property shall be protected from erosion, ensuring the relocation of earthen material does not remove the existing trees stands that buffer the single-family homes from the open undeveloped land. Maintain a 100-foot buffer, protecting the tree stands from the single-family homes.

The nearest houses to the property are already 100' from the property line with trees filling the space between. Grading and tree removal will not extend past the north property line, thus this buffer will be maintained.

9) The site shall be seeded until groundcover is established.

Acknowledged. Seeding notes added to the erosion control plan.

10) How long do you believe it will take to achieve the final grades necessary to close the permit

Up to 10 years.

11) What dust mitigation measures are being used on site to reduce plumes of dust that will inevitably arise during warm and windy days.

See answer to #3 above.

12) The berm and buffer must be maintained, and trees replaced where needed for conformance along the west and north property line.

Acknowledged.

13) Any development beyond the proposed dirt removal operation must submit an amended Special Use Permit.

Acknowledged.

14500 Parallel Rd. Unit R, Basehor, KS 66007

- 14) Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval.

Acknowledged.

Please let me know if you have any questions.

Alex Elliott
alex@alconsult-llc.com
913.702.2936

14500 Parallel Rd. Unit R, Basehor, KS 66007

NEIGHBORHOOD MEETING MATERIALS

MEETING SIGN-IN SHEET

Project:	10702 Donahoo Rd - SP2022-119	Meeting Date:	January 27, 2023
Facilitator:	Michael Rhodes	Place/Room:	Yard House

[illegible]

Page 1 of 1

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2022-119.
2. That I conducted a neighborhood meeting on January 27, 2023.
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.

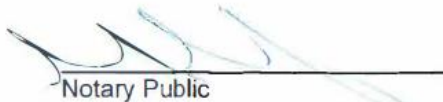
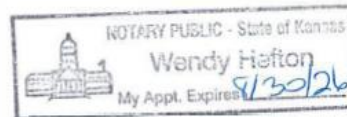
Further affiant saith not.



Affiant - Michael A Rhodes

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of
January, 2023.

My commission expires 30 of Sept, ²⁰²⁶~~200~~.


Notary Public

MINUTES:

Application Number SP2022-119

Date and Location:

Via email – January 25, 2023 – Mr. Darrell Holland

Yard House – January 27, 2023, Mr. Wizer

Additional Information emailed to M. Holl and Mr. Wizer on January 28, 2023.

Meeting called to order at: 12:00pm @ Yard House

Names of people in attendance:

Phil Wizer – President HOA, Heritage at Piper Estates

Introductions:

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

Questions and answers (include the following):

- Mr. Phil Wizer and Mr. Darrell Holland asked all questions.
- Please see all questions and comments attached.
- Mike Rhodes answered all questions in person and via email – see attached.
- See attached sheets.

Meeting adjourned at: 1:40pm @ Yard House

Minutes taken by: Michael Rhodes

Neighborhood Meeting Questions and Answers for SP2022-119
January 28, 2023

Mr. Wizer's Questions

1. When do you plan to begin the changes up to your north property line?
Not in the near future unless as we discussed someone wants all of the soil. Then it would take several months to remove enough soil to get that far north.
 2. Do the plans involve only your property south of the most westerly point of Heritage Tract E (to the north and east of your shed/office? Or will they extend behind your office and house to the far westerly line of your property? This would also impact Lots 53, 54, and 55 of Heritage which are immediately adjacent to your property.
Only my property south of the most westerly point of Heritage Tract E
 3. Would all trees up to your north property line be removed?
At some point yes, but as it stands right now that could be years.
 4. What is the maximum number of days involved in each phase of your lot modification (clearing trees, trash debris and removing dirt)?
My best guess at this point is 3,650 or 10 years.
 5. How can we be assured that there will be "no significant impact" on Donahoo and Hutton Roads?
Not sure what you mean by that, if you mean additional traffic, my family makes more trips out of here onto Donahoo Rd than I expect this operation will. I am only offering soil to those who want or need it, I am not going to be involved in moving soil myself. Someone must have a desire for the soil and at this point there is zero demand.
 6. Explain the following, how obtained, and how they will prevent erosion: compost sock and silt fence.
Temporary erosion control measures will be as needed with silt fence, erosion control blanket, temporary seeding, compost socks, etc., permanent erosion control will be done with permanent seeding procedures.
 7. Will the sloped area consist of only bare earth? Be planted with grass? And how will you maintain this sloped area? (weeds, trash, and junky volunteer trees)?
What is growing on the north end of my property now are weeds, and junky volunteer trees. The finished grade will provide a very nice vista to the south overlooking the timbered hills south of Donahoo Rd. The ground cover will be permanent seeding (K31 Fescue) the slope will be as shown on the plan. I live next to this and will maintain the area the same as I have the rest of our property over the last eight years.
 8. Will this be cost effective for you, considering the cost of clearing trees and debris, having this hauled to a landfill area, removing the needed dirt, and installation of slope erosion controls?
Yes
- *My concern, and likely that of other adjacent property owners:
- a. Noise and dust pollution Addressed in the city's questions and comments.
 - b. Impact on traffic flow (especially school traffic) No impact is foreseen.
 - c. Erosion from Heritage Tract E (north of your property) As long as you maintain Tract E there should be no impact to my property.

Mr. Holland's Questions

Can any allowance be made for those personally owned properties that are immediately adjacent to your property line, i.e., perhaps leave the trees within 15 feet of these properties?

We will not disturb any trees on tract E, that is why it is there.

9. When School is starting and ending creates traffic flow problems on Donahoo already, won't additional trucks add to that congestion? You mention you'd expect 4 trucks a day per year, but isn't it likely that the majority of activity more in Spring and Summer? I will not be involved in the loading and hauling operations, but have agreed to limit the hours from 8:00am to 4:30pm. There is very little daytime traffic on Donahoo 4 vehicles won't cause an issue.

10. Where on the lot will you be starting from?

About the center where one can see the existing exposed soil, it will be a long time before any operations come close to my north property line.

11. Your reply from comments states that 100' will be maintained between your property and the northern properties. But your map seems to indicate that several properties are less than 60 feet. Could you explain that?

Yes, it is the distance from my property line to the homes. This is what it states:

"The nearest houses to the property are already 100' from the property line with trees filling the space between. Grading and tree removal will not extend past the north property line, thus this buffer will be maintained."

I did notice that some homeowners have cut trees down on my property, as well as used it for storage, camping, trails, and sheds, if they want screening, they will need to replace those trees.

12. You mention a 40ft drop in 123 ft. Do you know how much of a grade that creates?

3 to 1 or 33%, although I may request from the excavator if I ever have one that they leave a 3.5 or 4 to 1 slope for ease of mowing.

13. Could you explain how far north towards your property line you plan to go? I'm afraid I can't tell from the maps.

To the property line, but I may not live long enough to see that!

14. What's involved in the clearing of the trees, will that happen all at once?

It is called grubbing and stock piling until they are hauled off, the stockpile areas are shown on the plans. It will not happen all at once.

15. How often will the area be graded? After each removal of dirt?

That depends on the operation, if they remove enough dirt to establish grades it will be graded. Understand this may be an occasional landscaper needing a pick up full of dirt, I do not know how long this may take to get to my north property line, but I assume it will be some time in the future.

16. How does the brush pile work? Do you have any plans for its removal?

Yes, it is my property and the excavator that grubs the trees will be responsible for their removal.

17. What equipment is involved in this process, do you plan on having a caterpillar or something similar on premise for dirt removal?

I will not be involved in the removal and hauling process, so I cannot speak to the type of equipment that will ultimately be used.

Michael Rhodes

From: Michael Rhodes
Sent: Wednesday, January 25, 2023 1:45 PM
To: pwizer3@yahoo.com
Subject: RE: SP2022-119 10702 Donahoo Special Use Permit
Attachments: SP2022-119 10702 Donahoo SWPPP.pdf; SP2022-119 Comment Response (Erosion Control).pdf; SP2022-119 Comment Response (General Engineering Review).pdf; SP2022-119 Comment Response (Planning and Urban Design).pdf; SP2022-119 Comment Response (Storm Drainage).pdf

Here you go sir, you will need to blow the plans up to read the notes.

Michael A Rhodes
Managing Member
10800 Donahoo Rd
Kansas City, KS 66109-3320
913-915-2011

MCR INVESTMENTS LLC

From: pwizer3@yahoo.com <pwizer3@yahoo.com>
Sent: Wednesday, January 25, 2023 1:42 PM
To: Michael Rhodes <mrhodes@mcrinvestmentsllc.com>
Subject: RE: SP2022-119 10702 Donahoo Special Use Permit

That would be great! You can use this email instead of gmail.

From: Michael Rhodes <mrhodes@mcrinvestmentsllc.com>
Sent: Wednesday, January 25, 2023 1:31 PM
To: pwizer3@yahoo.com
Subject: RE: SP2022-119 10702 Donahoo Special Use Permit

Phil,

Would like a copy of our plans and all questions by the UG with our responses?

Can I email them to this email, or do you prefer another email?

Thanks,

Michael A Rhodes
Managing Member
10800 Donahoo Rd
Kansas City, KS 66109-3320
913-915-2011

MCR INVESTMENTS LLC

From: pwizer3@yahoo.com <pwizer3@yahoo.com>
Sent: Wednesday, January 25, 2023 12:52 PM
To: Michael Rhodes <mrrhodes@mcrinvestmentsllc.com>
Subject: SP2022-119 10702 Donahoo Special Use Permit

Hi Mike,

I'm President of the Heritage at Piper Estates Homeowners Association and happen to be one of the houses in close proximity to your lot.
I would love to meet with you sometime this week not only to get more information on your plans and how you see it going, but also to talk about mowing options on the west side of your property.

I'm sure you're very busy, but I'm available except for Thursday and Saturday Afternoons this week.

Any chance you have some time available to meet, maybe for lunch/dinner?

Let me know,

Phil Wizer
913-220-0674
pwizer3@gmail.com

Michael Rhodes

From: Michael Rhodes
Sent: Wednesday, January 25, 2023 2:05 PM
To: pwizer3@yahoo.com
Subject: Re: SP2022-119 10702 Donahoo Special Use Permit

On my calendar!

Michael Rhodes
MCR Investments, LLC
10800 Donahoo Rd
Kansas City, KS 66109-3320
913-915-2011

On Jan 25, 2023, at 2:03 PM, pwizer3@yahoo.com wrote:

Sounds like a plan, I'll see you there!

From: Michael Rhodes <mrhodes@mcrinvestmentsllc.com>
Sent: Wednesday, January 25, 2023 1:44 PM
To: pwizer3@yahoo.com
Subject: RE: SP2022-119 10702 Donahoo Special Use Permit

Why don't we meet at Yard House, they have a good menu and beer! Does noon work?

Michael A Rhodes
Managing Member
10800 Donahoo Rd
Kansas City, KS 66109-3320
913-915-2011

<image001.jpg>

From: pwizer3@yahoo.com <pwizer3@yahoo.com>
Sent: Wednesday, January 25, 2023 1:41 PM
To: Michael Rhodes <mrhodes@mcrinvestmentsllc.com>
Subject: RE: SP2022-119 10702 Donahoo Special Use Permit

Friday works for me, what time and where?
I'm open all day.

From: Michael Rhodes <mrhodes@mcrinvestmentsllc.com>
Sent: Wednesday, January 25, 2023 1:00 PM
To: pwizer3@yahoo.com
Subject: Re: SP2022-119 10702 Donahoo Special Use Permit

Hi Phil,

Can you meet Friday for lunch?

Michael Rhodes
MCR Investments, LLC
10800 Donahoo Rd
Kansas City, KS 66109-3320
913-915-2011

On Jan 25, 2023, at 12:51 PM, pwizer3@yahoo.com wrote:

Hi Mike,

I'm President of the Heritage at Piper Estates Homeowners Association and happen to be one of the houses in close proximity to your lot.
I would love to meet with you sometime this week not only to get more information on your plans and how you see it going, but also to talk about mowing options on the west side of your property.

I'm sure you're very busy, but I'm available except for Thursday and Saturday Afternoons this week.

Any chance you have some time available to meet, maybe for lunch/dinner?

Let me know,

Phil Wizer
913-220-0674
Pwizer3@gmail.com

Michael Rhodes

From: Michael Rhodes
Sent: Wednesday, January 25, 2023 6:46 PM
To: hollandmd16@gmail.com
Cc: pwizer3@gmail.com
Subject: RE: Rhodes Property Plans
Attachments: SP2022-119 10702 Donahoo SWPPP.pdf; SP2022-119 Comment Response (Erosion Control).pdf; SP2022-119 Comment Response (General Engineering Review).pdf; SP2022-119 Comment Response (Planning and Urban Design).pdf; SP2022-119 Comment Response (Storm Drainage).pdf

Hi Mr. Holland,

Please see the attached plans, questions/answers, and comments from the UG concerning the same as yours.

Once you have looked over the attached, please feel free to contact me via phone, email or text I can also meet on site with any effected neighbors that have questions or concerns beyond the scope of this project.

This is a long-term operation as I do not have any contracts in place with companies or individuals that want soil from this site. This could very well be a 10-year project.

I believe the attached will answer most of your concerns and I would be more than happy to discuss the ones not addressed.

Thank you for reaching out.

Sincerely,

Michael A Rhodes
Managing Member
10800 Donahoo Rd
Kansas City, KS 66109-3320
913-915-2011

MCR INVESTMENTS LLC

From: hollandmd16@gmail.com <hollandmd16@gmail.com>
Sent: Wednesday, January 25, 2023 4:31 PM
To: Michael Rhodes <mrhodes@mcrinvestmentsllc.com>
Cc: pwizer3@gmail.com
Subject: Rhodes Property Plans

Dear Mr. Rhodes, r.e. your Special Use Permit:

As owner of a property close to yours, I have a few concerns over your plans to modify your property. You, of course, have every right to make changes to your property if those plans do not significantly have a negative effect on adjacent properties. Perhaps I, and other adjacent property owners, do not fully understand your modification plans. Request that you provide a better understanding of them.

Specifically, please answer the following questions;

1. When do you plan to begin the changes up to your north property line?
2. Do the plans involve only your property south of the most westerly point of Heritage Tract E (to the north and east of your shed/office? Or will they extend behind your office and house to the far westerly line of your property? This would also impact Lots 53, 54, and 55 of Heritage which are immediately adjacent to your property.
3. Would all trees up to your north property line be removed?
4. What is the maximum number of days involved in each phase of your lot modification (clearing trees, trash debris and removing dirt)?
5. How can we be assured that there will be "no significant impact" on Donahoo and Hutton Roads?
6. Explain the following, how obtained, and how they will prevent erosion: compost sock and silt fence.
7. Will the sloped area consist of only bare earth? Be planted with grass? And how will you maintain this sloped area? (weeds, trash, and junky volunteer trees)?
8. Will this be cost effective for you, considering the cost of clearing trees and debris, having this hauled to a landfill area, removing the needed dirt, and installation of slope erosion controls?

My concern, and likely that of other adjacent property owners:

- a. Noise and dust pollution
- b. Impact on traffic flow (especially school traffic)
- c. Erosion from Heritage Tract E (north of your property)

Can any allowance be made for those personally owned properties that are immediately adjacent to your property line, i.e., perhaps leave the trees within 15 feet of these properties?

Thank you for your early response by e-mail. It will be much appreciated and may be shared with other affected neighbors.

Darrell Holland

January 17, 2023

NAME
ADDRESS
CITY, STATE, ZIP

Copy of Letter sent on January 17, 2023

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # **SP2022-119** for the purposes of obtaining a Special Use Permit to remove excess soil at the property know as 10702 Donahoo Road, Kansas City, KS 66109.

This work is not in conjunction with any other applications for change of zoning, construction plans, or any other type of development for this property.

I have had several contractors contact me for developments near Village West/East asking if I could provide them fill dirt. Hence the need for this permit.

I have enclosed a grading plan showing the cut on our property and the slope that remains (125 foot long with a drop of 40 feet) when complete.

There is also an aerial enclosed showing our north property line and the buffer of trees remaining between your subdivision and our property line.

Full set of grading plans available for email and/or on site.

THIS WILL NOT BE AN ONGOING OPERATION AND WILL TAKE SEVERAL YEARS TO REMOVE THIS SOIL.

That said, I do not expect this activity to disrupt traffic on Donahoo or Hutton Roads and all activity will be after 7:30am and cease at 5:00pm.

I/We am inviting you to contact me with all questions and concerns either by phone or email as indicated below. Everyone is also invited to meet me on site to further explain the details of the operation.

If you are wanting to meet, please call or email me with your available days and times, I live on site and I am very flexible.

I look forward to speaking or meeting with you at the at the site.

All my contact information is listed below.

Please contact me on or before January 30, 2023, so that I have time to submit your comments to the Planning Department by February 1, 2023.

I will not accept any comment after January 30th as my intention is to mail this notice no later than January 16th.

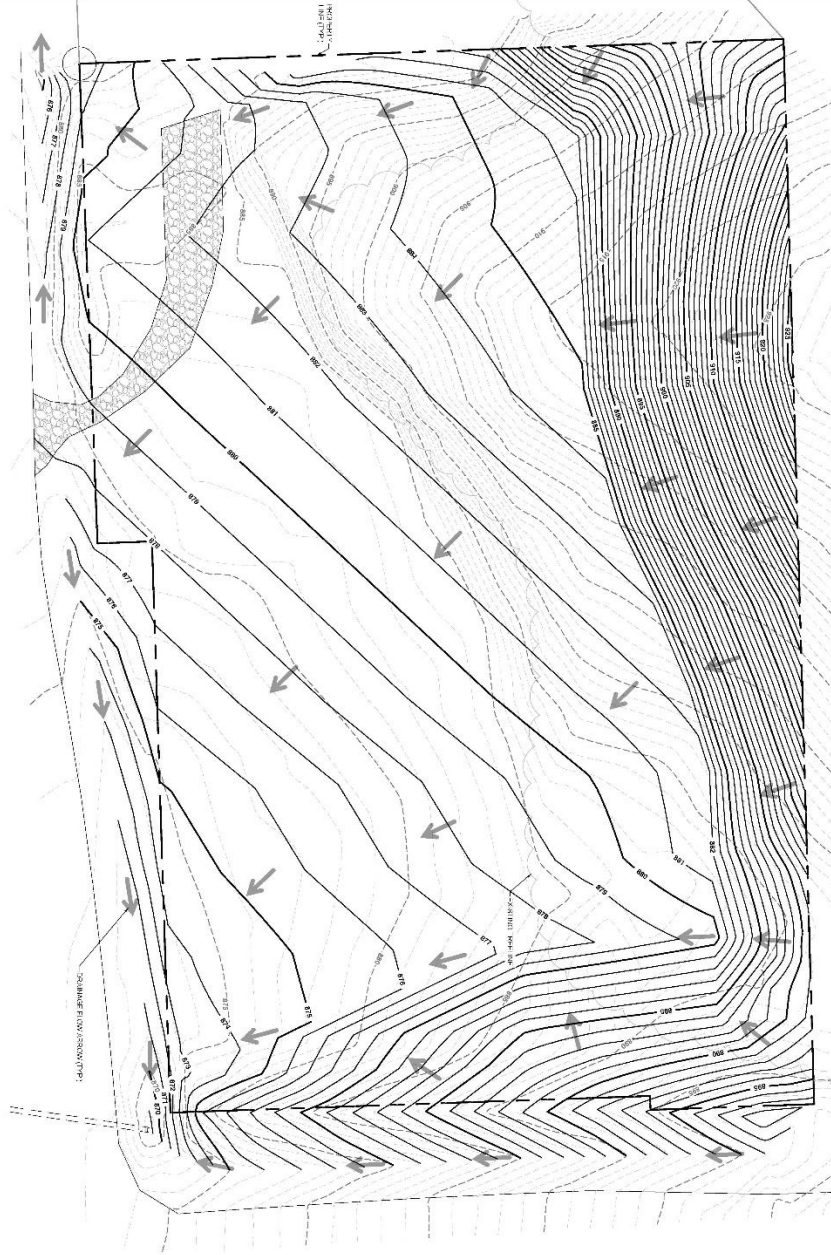
Sincerely,

Mike Rhodes
10800 Donahoo Rd
Kansas City, KS 66109
mrhodes@mcrinvestmentsllc.com
913-915-2011

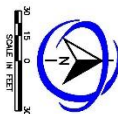
SITE PLAN - CURRENT

TORONTO: 10/10/10 11:41 AM
 C:\D:\TLC\Users\m\p\Drawings\10702\107022 Donahoo Site Plan.dwg

NOTE:
 PROPOSED FLOW PATTERNS ARE TO MATCH EXISTING TO ENSURE THE DRAINAGE AREAS
 REMAIN THE SAME AS PRE-DEVELOPMENT
 THE PROPOSED FLOW PATTERNS ARE TO MATCH EXISTING TO ENSURE THE DRAINAGE AREAS
 REMAIN THE SAME AS PRE-DEVELOPMENT
 THE PROPOSED FLOW PATTERNS ARE TO MATCH EXISTING TO ENSURE THE DRAINAGE AREAS
 REMAIN THE SAME AS PRE-DEVELOPMENT



PREPARED FOR:
 MCKINSTRUMENTS LTD.
 10702 DONAHOO RD, KCK
 PROJECT NO. 10702-2011



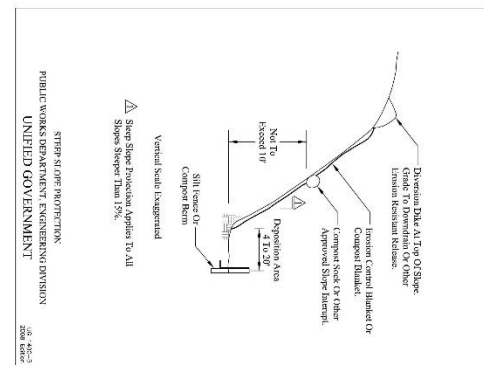
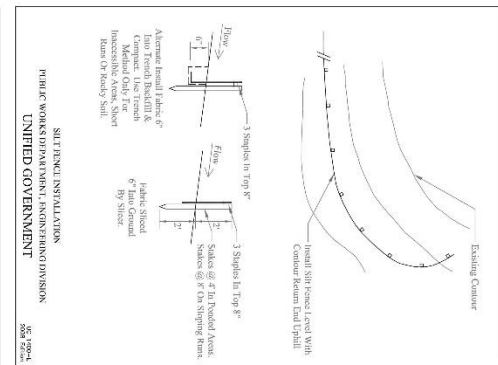
C-100	OVERALL FINAL GRADING PLAN	PROJECT # 22-0064 ISSUE DATE 01/26/2023	PREPARED FOR: MCKINSTRUMENTS LTD. 10702 DONAHOO RD, KCK PROJECT NO. 10702-2011	CITY REVIEW 1 CHECKED SUBMITTED REVISION: NO. BY DATE	10702 DONAHOO SITE GRADING GRADING & EROSION CONTROL 10702 DONAHOO RD, KCK	STEVE WARDER, P.E. 	 ALC ATLAS LAND CONSULTING 100 VICTORIA PARK, TORONTO, ONTARIO M2H 3B7 416-291-1000 100 VICTORIA PARK, TORONTO, ONTARIO M2H 3B7

SP2022-119

March 2, 2023

SP2022-119

March 2, 2023

[illegible]

KDHE NOTICE OF INTENT



NOTICE OF INTENT (NOI)

For Authorization to Discharge Stormwater Runoff from Construction Activities
In accordance with the Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System (NPDES)

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under the Kansas Water Pollution Control general permit, or KDHE issued successor permits, issued for stormwater runoff from construction activities in the State of Kansas. Becoming a permittee obligates the discharger to comply with the terms and conditions of the general permit. **Completion of this NOI does not provide automatic coverage under the general permit. Coverage is provided and discharge permitted when the Kansas Department of Health and Environment (KDHE) authorizes the discharge of stormwater runoff from the construction activities identified on the NOI and supporting documentation. A signed and dated copy of the first page of the NOI indicating the Authorization will be provided to the owner or operator, or all three pages for Conditional Authorizations. Upon authorization of the construction activity discharge, a Kansas permit number and a Federal permit number will be assigned to the construction project. A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed (see listing on Page 3 of this NOI). KDHE will notify owners or operators whose Notice of Intent (NOI) and supporting documentation for Authorization of stormwater runoff associated with construction activities are incomplete, deficient, or denied.**

Please Print or Type.

I. OWNER OR OPERATOR ADDRESS, BILLING, CONTACT & RECORDS LOCATION INFORMATION

A. Owner or Operator's Name: Michael Rhodes
Company Name: MCR Investments, LLC
Owner or Operator's Phone: 913.915.2011
Mailing Address: 10800 Donahoo Rd.
City: Kansas City State: KS Zip: 66109
E-mail Address (optional): _____

B. Billing Contact Name: Michael Rhodes
Billing Contact Phone: _____
Billing Address (if different): _____
City: _____ State: _____ Zip: _____
E-mail Address (optional): _____

C. Contact Name: Alex Elliott
Company Name: Atlas Land Consulting
Contact Phone: 913.702.2936
Mailing Address: 14500 Parallel Rd. Ste R
City: Basehor State: KS Zip: 66007
E-mail Address (optional): alex@alconsult-llc.com

D. Address where records will be kept (if not on-site):
Records Address: _____
City: _____ State: _____ Zip: _____

II. SITE INFORMATION, Type of Request: ☒ New Permit Authorization ☐ Modification of Existing Permit Authorization

A. Project Name: 10702 Donahoo Site Grading
Site Address: 10702 Donahoo Rd
City: Kansas City State: KS Zip: 66109
(Nearest City to Project) County: _____

B. LEGAL SITE DESCRIPTION:
SE QTR of SE QTR of SE QTR Section: 22
Township: 10 South: Range: 23 ☒ E ☐ W
Latitude: 39.15814 Longitude: - 94.82783
Deg. Min. Sec. Deg. Min. Sec.

For Official Use Only:

Received	Amount Paid:	Reviewer Authorized: ☐ Y: ☐ N Is Authorization Conditional? ☐ Y: ☐ N (if yes, see page 3 of NOI for conditions)
	Date:	
	Initials:	
	Check No.:	
Authorized by:		
Secretary, Kansas Department of Health and Environment		Date
KS Permit No.:		Federal Permit No.:

Send completed 3 page NOI form with original signature and all appropriate submittals (see page 3 of NOI) to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

Note: A copy of the permit can be obtained at: www.kdheks.gov/stormwater or by submitting a written request to KDHE.

KDHE Contact Information:
Phone: (785) 296-5545
E-mail: kdhe.stormwater@ks.gov

C. EXISTING CONDITIONS/USES

- 1) Is any part of the project located on Indian Country land? ☐ Y; ☒ N
If yes: Contact EPA regarding discharging stormwater runoff from industrial activities on Indian Country land.
- 2) If stormwater runoff drains to or through a Municipal Separate Storm Sewer System (MS4): MS4 Name: n/a
- 3) Name of the first receiving water, stream, or lake: Connor Creek, River Basin: Missouri
- 4) Are contaminated soils present on the site or is there groundwater contamination located within the site boundary? ☐ Y; ☒ N
If yes: On separate paper describe in detail the locations and concentrations of the contaminants.
- 5) Are there any contaminated soils that will be disturbed or any contaminated groundwater that will be pumped by the proposed construction activity? ☐ Y; ☒ N
If yes: On separate paper describe the special procedures and erosion and sediment control measures to be implemented to eliminate or minimize the potential to discharge the soil and/or groundwater contaminants.
- 6) Are there any surface water intakes for public drinking water supplies located within 1/2 mile of the site discharge points? ☐ Y; ☒ N
- 7) Are there any known historical or archeological sites present within the site boundary or any historic structures located within 1000 feet of the project site? ☐ Y; ☒ N
Note: Include documentation of project-specific coordination with the Kansas Historical Society in making this determination.
- 8) Is any threatened or endangered species habitat located within the site boundary or in the receiving water body? ☐ Y; ☒ N
Note: Include documentation of project-specific coordination with the Kansas Department of Wildlife, Parks & Tourism in making this determination.
- 9) Will the project impact the line or grade of a stream or does it include dredge or fill of a potential jurisdictional water body or wetlands? ☐ Y; ☒ N
If yes: Include documentation of project-specific coordination with the US Army Corps of Engineers and/or the Kansas Department of Agriculture, Division of Water Resources in making this determination.
- 10) Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding National Resource Waters located within 1/2 mile of the facility boundary? ☐ Y; ☒ N
If yes: List the names of all such areas and waters: _____

D. PROJECT DESCRIPTION

- 1) Project Description: The existing, hilly site is to be leveled and the excess dirt will be taken off-site.
- 2) Does this NOI include all proposed soil disturbing activities associated with the entire common plan of development? ☒ Y; ☐ N
If no: Explain what development areas of the site are not included in this NOI and provide contact information, if available, for the party or parties that own or have operational control of these areas:

- 3) Anticipated project Start Date: May 2023 and Completion Date: May 2024
- 4) Estimated total area to be disturbed: 5.93 Acres Total area of the site: 5.83 Acres
- 5) Do you plan to disturb ten or more acres that are within a common drainage area? ☐ Y; ☒ N
If yes: Will a sedimentation basin be installed in that drainage area? (Attach design calculations for each sedimentation basin.) ☐ Y; ☒ N
If a sediment basin is not feasible, on a separate sheet describe similarly effective erosion and sediment control measures to be implemented in lieu of a sedimentation basin.

E. Maps

Include an area map showing the outline of the construction site and the topographic features of the area at least one mile beyond the project site.

F. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES

- 1) Provide a summary of the sequence of major soil disturbing activities including installation of the corresponding stormwater management and pollution control features.
- 2) Provide one or more site plans covering the anticipated soil disturbing activities showing the limits of disturbance, the existing and proposed elevation contours, the types and locations of erosion/sediment control measures and stormwater management/pollution control features during each phase of construction and the locations where stormwater runoff leaves the construction site.

Project Name: 10702 Donahoo Site Grading

Notice of Intent (NOI)

- 3) Provide a description of the best management practices to be utilized to control erosion and the discharge of sediment and other pollutants in stormwater runoff throughout construction and the design calculations for each sediment basin including total drainage area and storage capacity below the elevation of the mass volume flow outlet device.
- 4) Provide the name and License or Certification Number of the engineer, geologist, architect, landscape architect, or Certified Professional in Erosion and Sediment Control (CPESC) under which the construction stormwater pollution prevention plan has been developed.

Steven M Warger	KS PE 10269	Engineer
Name	License or Certification Number	Profession or Field (Engineer, Architect, etc.)

III. ANNUAL FEE

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An invoice for the annual permit fee will be sent to the contact person requesting a permit until such time as the permittee submits a Notice of Termination (NOT).

Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

IV. OWNER OR OPERATOR CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan (SWP2 Plan) will be or has been developed for the construction site described in this NOI and supporting documentation. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activities is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit, and paying the annual fee.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

	
Signature (owner or operator)	Date

Name and Official Title (Please print or type. Form with original signature must be sent to KDHE.)

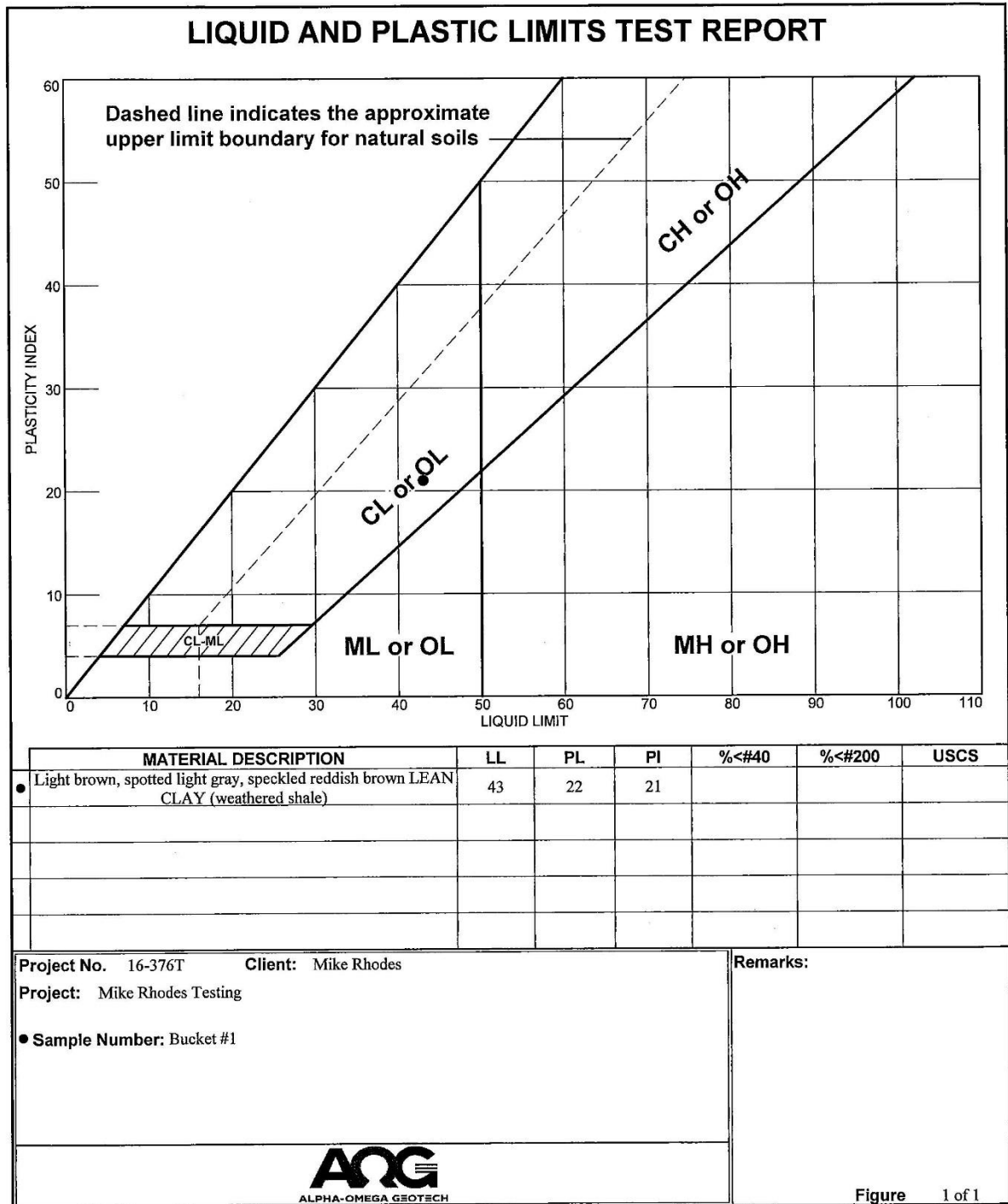
Conditions of Authorization - For Official Use Only:

When indicated, Conditions of Authorization are as follows:

A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with an original authorized signature;
- The annual permit fee for the first year; (\$60.)
- An area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary;
- Sequence of major soil disturbing activities including installation of stormwater management and pollution control features;
- A detailed site plan/plans showing the limits of disturbance, existing and proposed contours, erosion and sediment control features, locations where stormwater runoff leaves the construction site;
- A narrative summary of the additional erosion and sediment control and other best management practices that will be utilized to prevent or reduce contamination of stormwater runoff from the construction activities;
- Total drainage area, storage capacity and design calculations for each sedimentation basin; and
- Copies of letters or e-mails documenting coordination with appropriate local, state or federal agencies.

SOIL TEST RESULTS



Tested By: DB Checked By: TB

PROCTOR TEST REPORT

Curve No.: 1 of 1

Project No.: 16-376T

Date: 11/9/2016

Project: Mike Rhodes Testing

Client: Mike Rhodes

Sample Number: Bucket #1

Remarks:

MATERIAL DESCRIPTION

Description: Light brown, spotted light gray, speckled reddish brown LEAN CLAY (weathered shale)

Classifications -

USCS:

AASHTO:

Nat. Moist. =

Sp.G. =

Liquid Limit = 43

Plasticity Index = 21

% < No.200 =

ROCK CORRECTED TEST RESULTS	UNCORRECTED
Maximum dry density = 116.1 pcf	112.0 pcf
Optimum moisture = 13.2 %	14.8 %

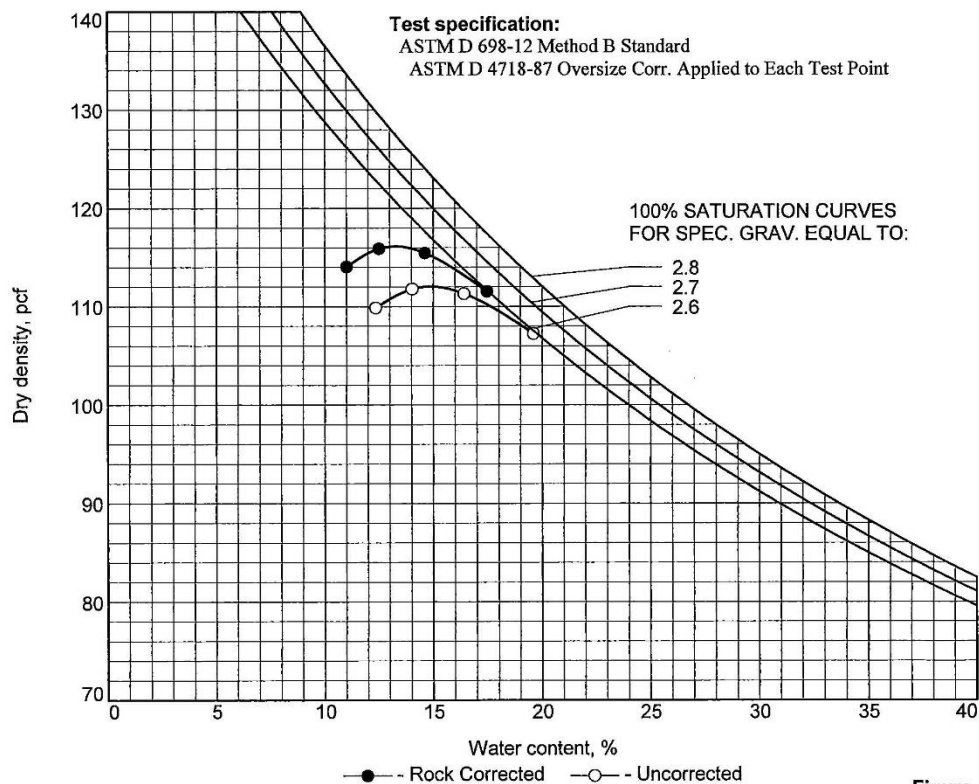


Figure 1 of 1

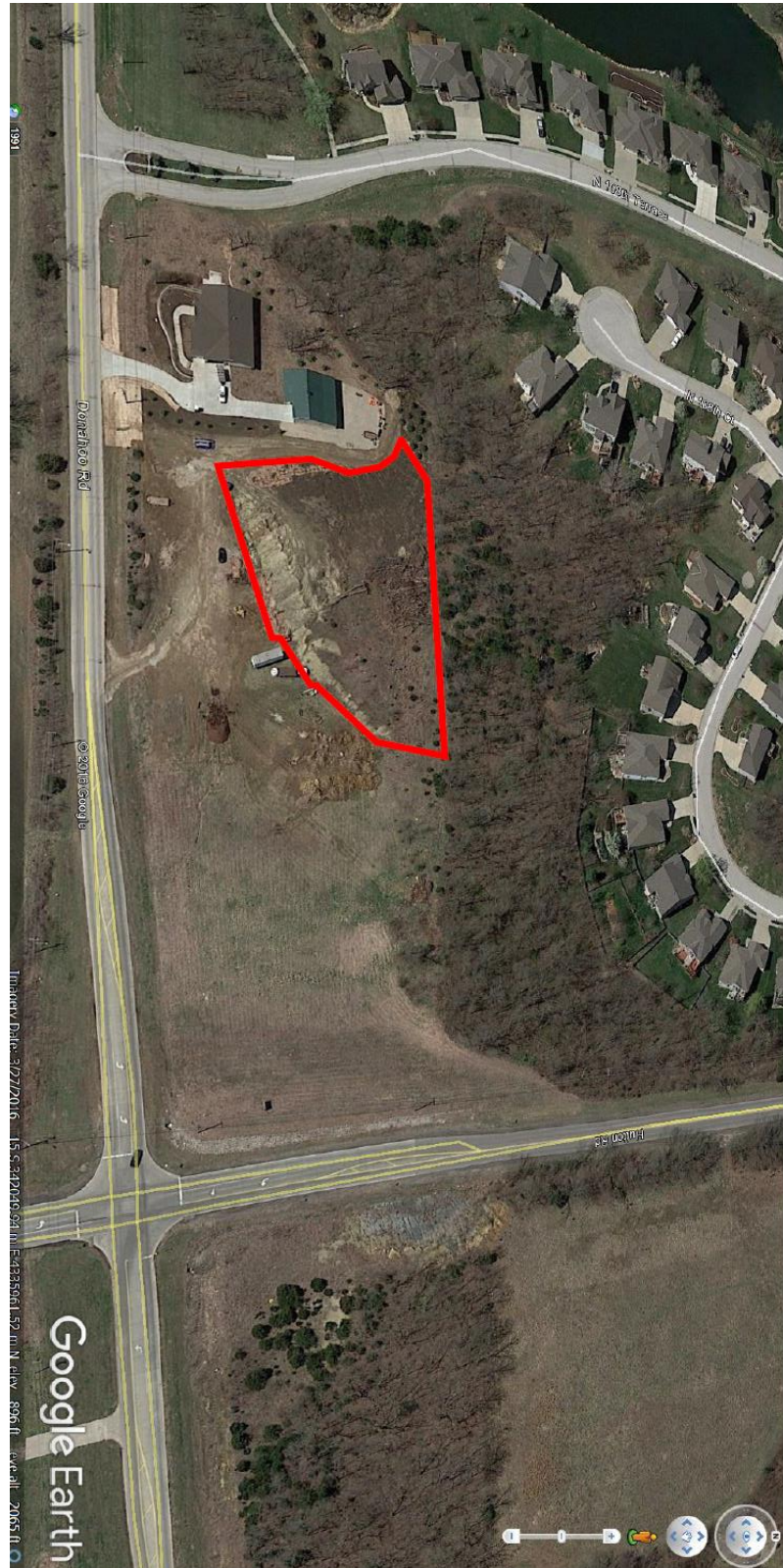
Alpha-Omega Geotech, Inc.

Tested By: DB

Checked By: TB

1/4

PROPOSED STOCKPILE SITE



SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 2, 2023

Re: Special Use Petition SP2022-123

GENERAL INFORMATION

Applicant:

Amelia Interiano

Status of Applicant:

Tenant

1957 North 63rd Drive
Kansas City, KS 66102

Requested Action:

Approval of a Special Use Permit.

Date of Application:

December 2, 2022

Purpose:

To approve a Special Use Permit
to operate an event center.

Property Location:

1957 North 63rd Drive
Kansas City, KS 66102

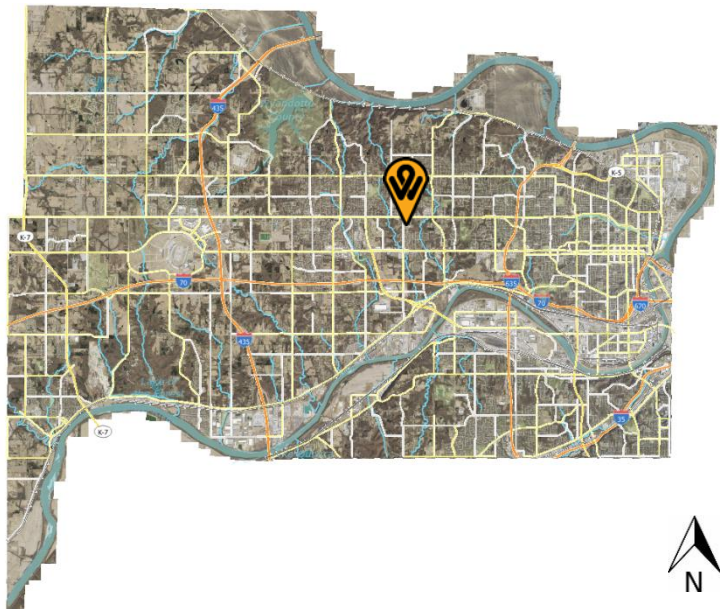
Commission Districts:

Commissioner At-Large, District #1:

Melissa Bynum

District #8 Commissioner:

Andrew Davis



Existing Zoning:	CP-1 Planned Limited Business District
Adjacent Zoning:	North: CP-2 Planned General Business District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Commercial building South: Gloria Willis Middle School East: Vacant, wooded lot West: Children's daycare facility
Total Tract Size:	6.57 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial, which is intended to provide goods and services to adjacent districts and neighborhoods.
Major Street Plan:	The Major Street Plan designates North 63 rd Drive as a Local Street.
Parking Requirement:	Sec 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. The tenant space is 2,100 square feet, which requires nine (9) parking spaces with one (1) ADA space. The parking lot provides 72 parking spaces with three (3) ADA spaces.
Advertisement:	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owner – January 20, 2023
Public Hearings:	February 13, 2023 and March 2, 2023
Public Support:	One (1) person appeared in support at the February 13, 2023 City Planning Commission meeting.
Public Opposition:	Staff has received one (1) letter of opposition.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amelia Interiano, is requesting a Special Use Permit to operate an event space at 1957 North 63rd Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no active Notices of Violation on the subject property. The property has received several Notices of Violation of the years, however, none related to the applicant or their proposed business.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits or cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within Coronado Statistical Neighborhood the Getty Grove Neighborhood Group. The neighborhood features a mix of single-family residential, as well as light commercial businesses. The property is located in a commercial node along Parallel Parkway to the north, which is a major mixed-use corridor that runs west to Tonganoxie and east to Fairfax.

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

The zoning and uses of nearby properties are set out above. The proposed use could create compatibility issues with nearby single-family residences, as noise and illumination are common with event spaces, however, if managed properly, the proposed use should be compatible with nearby properties.

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

The property is suitable for an event space, as it is located within a currently underutilized commercial strip mall with multiple tenants and multiple uses, with an extensive amount of parking provided. There is the possibility for increased traffic and parking demand, as well as potential impacts from noise and illumination, however, if managed properly, these impacts should not be an issue.

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

The property is not vacant and has several active tenant spaces.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Community Commercial, which is intended to provide goods and services to adjacent districts and neighborhoods. The proposed use conforms 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 proposed use will inherently lead to an increase in traffic and parking demand, as the space currently serves a lower intensity use. The proposed use, however, isn't expected to lead to an increase in traffic to the point where it will exceed the capacity of North 63rd Drive, a Local Street.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, although it could be seen as desirable to have as a neighborhood feature. The proposed use could affect the use, quality, or marketability of adjoining property if common issues, such as noise and illumination are not managed properly.

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

Noise, vibration, and illumination are typical issues with this type of use, however, these are not expected to be an issues as long as it is managed properly.

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, pollution or trash from patrons should be minimal and temporary.

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

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

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

The relative gain to the public health, safety, and welfare is minimal. A denial of the application will result in the applicant having to find a new location for the business and may result in the property owner having to find a new tenant for this tenant space.

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

The proposed use would not result in overcrowding as the establishment operates within an existing building with adequate parking. There is a propensity for an event space to cause crowds, however, a certificate of occupancy would provide a limit on undue concentrations of populations.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 29, 2023, Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Illumination
Noise
Vibration
Parking
Hours of Operation
Occupancy Levels
Trash and Waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-123**, for one **(1)** year, subject to:

- 1. The applicant or a manager must be on site any time the venue is rented out for an event;**
- 2. All trash shall be disposed of properly after every event. Applicant/Manager shall walk around the tenant space and through the parking lot to pick up litter and trash debris after each event. The applicant is responsible for managing waste on the property;**

3. The applicant will be limited to holding events on Friday, Saturday, and Sunday, with the exception of holidays;
4. Hours of operation shall be from 4:00 PM to 12:00 AM;
5. All entertainment must cease at 12:00 AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2022-123** subject to all comments and suggestions in this report and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Materials
Site Plan
Floor Plan
Parking Agreement
Site Photos, taken by Staff, Dated January 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 13, 2023	March 2, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-123** 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 **SP2022-123**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023, City Planning Commission Minutes:

Hearing starts at 2:33:35:

SPECIAL USE PERMIT APPLICATION SP2022-123 – AMELIA INTERIANO WITH FAMILY FIT - SYNOPSIS: Special Use Permit for an event space at 1957 North 63rd Drive. *Detailed Outline of Requested Action:* The applicant, Amelia Interiano, is requesting a Special Use Permit to operate an event space at 1957 North 63rd 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 February 13, 2023;
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:

- Amelia Interiano, applicant, Family Fit
- Pauly Lee, 2100 North 57th Street, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:37:06: Planning Director Hand stated that the request is for a Special Use Permit for an event space. The property is in the City-Wide Master Plan area in the north Mid-Town area. This is an existing commercial strip center. Staff has received no letters in support and one (1) letter in opposition from an adjacent tenant. There have been no Notices of Violation. Staff recommends approval for one (1) year due to the complaints by the adjacent tenant who stated that the applicant is already using the facility as an event space and the last event trashed the area, subject to the conditions in the staff report.

The Planning Commission directed questions to Staff regarding requirement for a scanner. Director Hand stated that this is a small-scale operation and a scanner is one (1) of the standard conditions required. He further explained the different event space standard conditions and Planning Commissioner Connelly asked for a copy of the written standards.

Motion starts at 2:42:57:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-123 for one (1) year:**

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

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

Subject to:

1. The applicant or a manager must be on site any time the venue is rented out for an event;
2. All trash shall be disposed of properly after every event. Applicant/Manager shall walk around the tenant space and through the parking lot to pick up litter and trash debris after each event. The applicant is responsible for managing waste on the property;
3. The applicant will be limited to holding events on Friday, Saturday, and Sunday, with the exception of holidays;
4. Hours of operation shall be from 4:00 PM to 12:00 AM;
5. All entertainment must cease at 12:00 AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and

Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

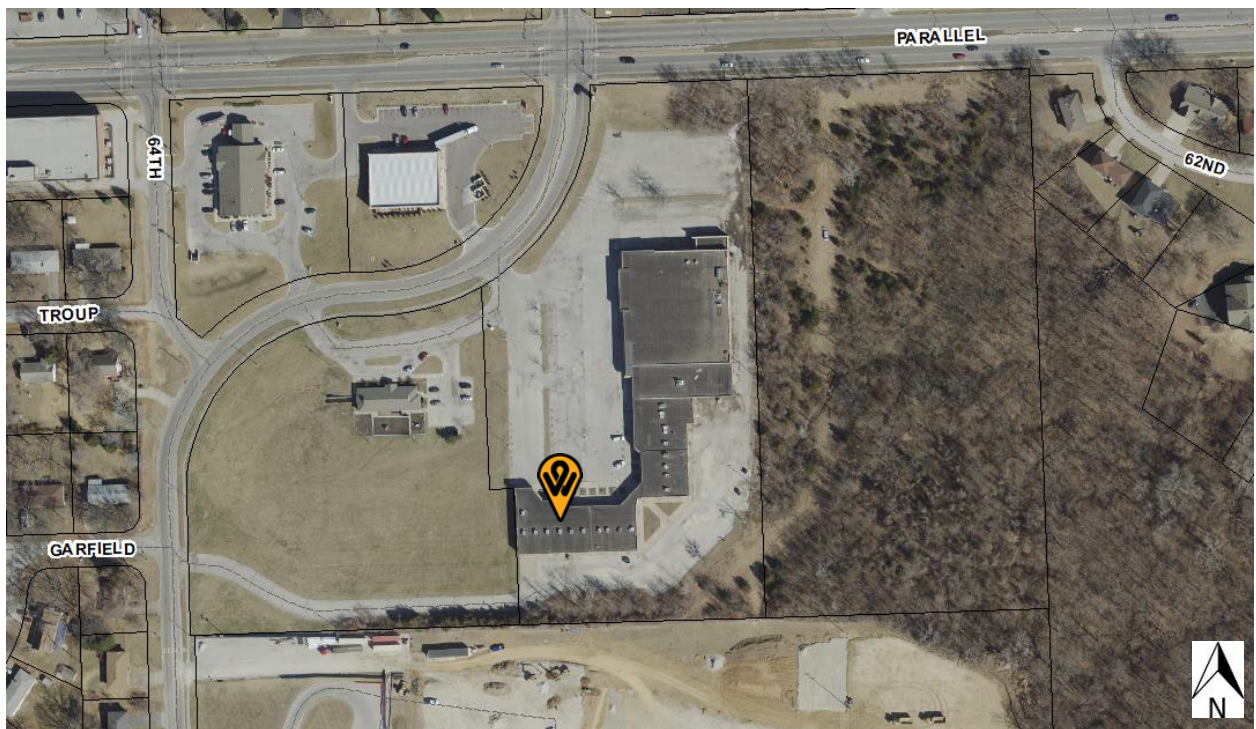
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
14. 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;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the

renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

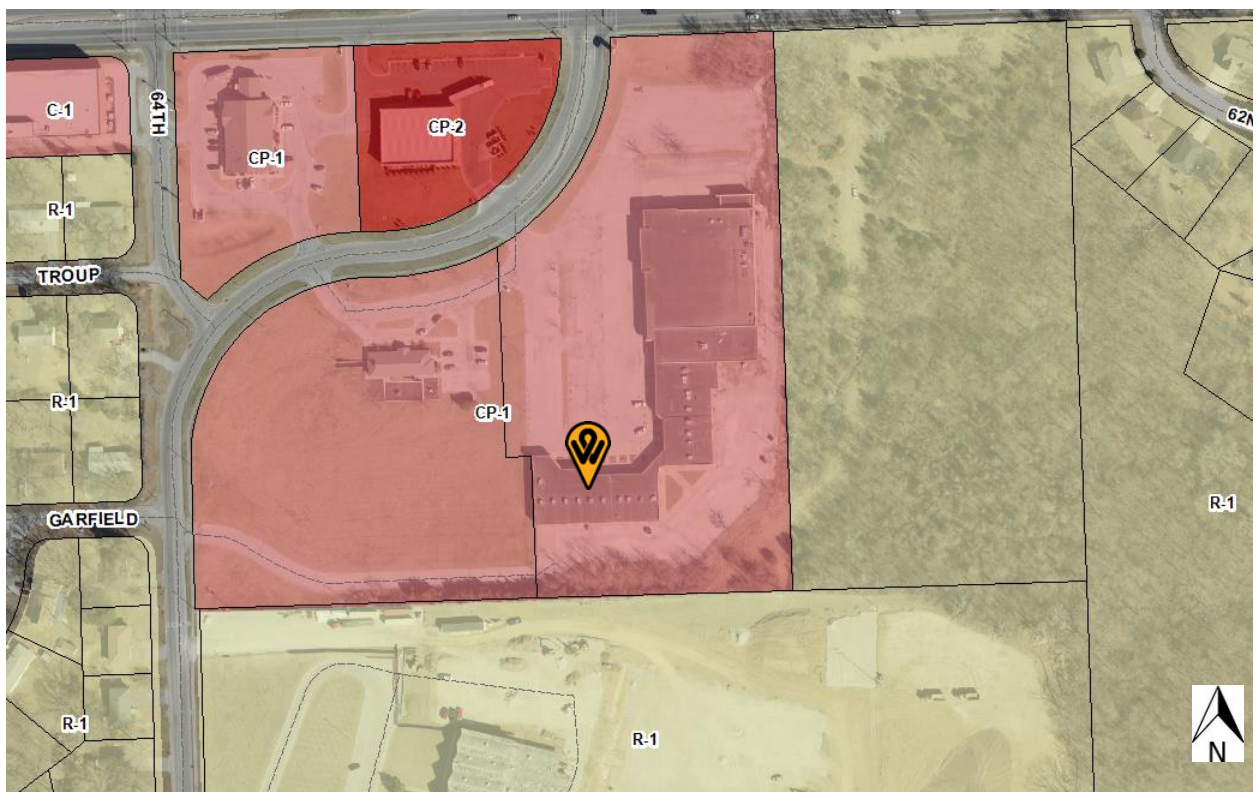
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition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

ATTACHMENTS

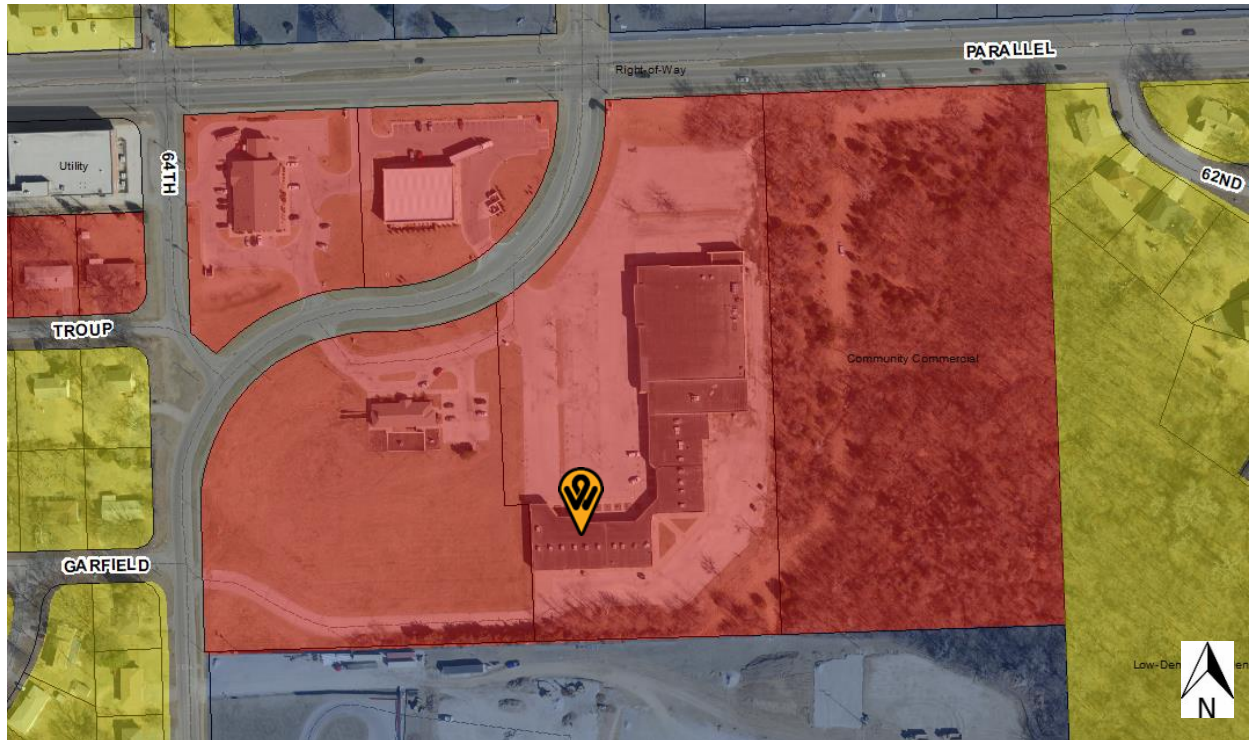
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



1. Submit a floor plan of the tenant space.
2. Submit a site plan of the property.
No modification are being planned for this site.
3. Provide the parking agreement between the property owner and the tenant space, showing how many parking spaces are allowed for the proposed use.
4. What are the hours of the proposed event space?
The planned hours of operation are from 4pm to 12am
5. The tenant and/or property owner needs to add two (2) additional ADA compliant parking spaces on the property. We have spoken to the owner and they have agreed to add 2 additional ADA compliant parking spaces.
6. What days will the event space be used?
The event space will be used on Saturday and Sundays for events during the week it will be used as a zumba class and to sell energy drinks and shakes.
7. What type of events will be held at the event space?
Small birthday party's or receptions.
8. What other uses will occur within the tenant space?
Currently there is zumba classes and spinning classes during the day and afternoon from Monday to Thursday as well as the sale of energy drinks and shakes.
9. How do you plan to manage waste on the property?
Currently there is a dumpster and if need be another
10. Will alcohol be served as part of any events?
We will not be serving alcohol ourselves at the events but we are planning on allowing the people who book to bring their own alcohol.

NEIGHBORHOOD MEETING MATERIALS

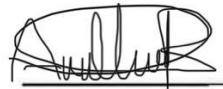
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP2022-123.
2. That I conducted a neighborhood meeting on
01/29/2023 at 6:00pm.
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.



1/30/2022

Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

01/16/2023

Amelia Interiano
5022 Harmony Drive
Kansas City Kansas 66106

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning
and Land Use # SP2022-123

The purpose of this: special use permit is for a event space
at the following address 1957 north 63rd drive Kansas City Kansas
66102

I am having a neighborhood meeting on 1/29/2023
at 6 p.m. at the following

address 1957 north 63rd drive Kansas City Kansas 66102

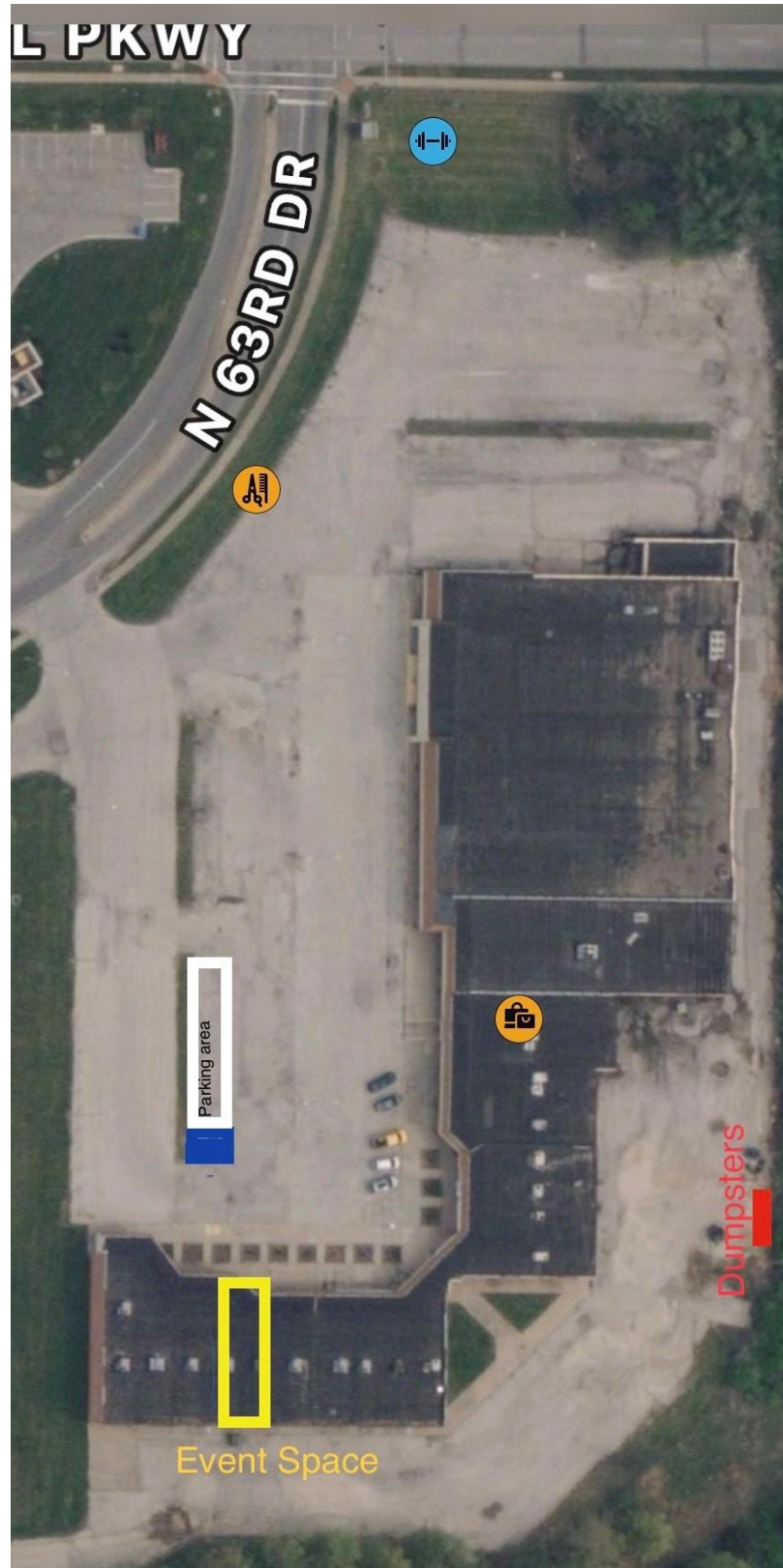
The purpose of this meeting is to explain the proposal and to
answer any questions/concerns you may have.

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

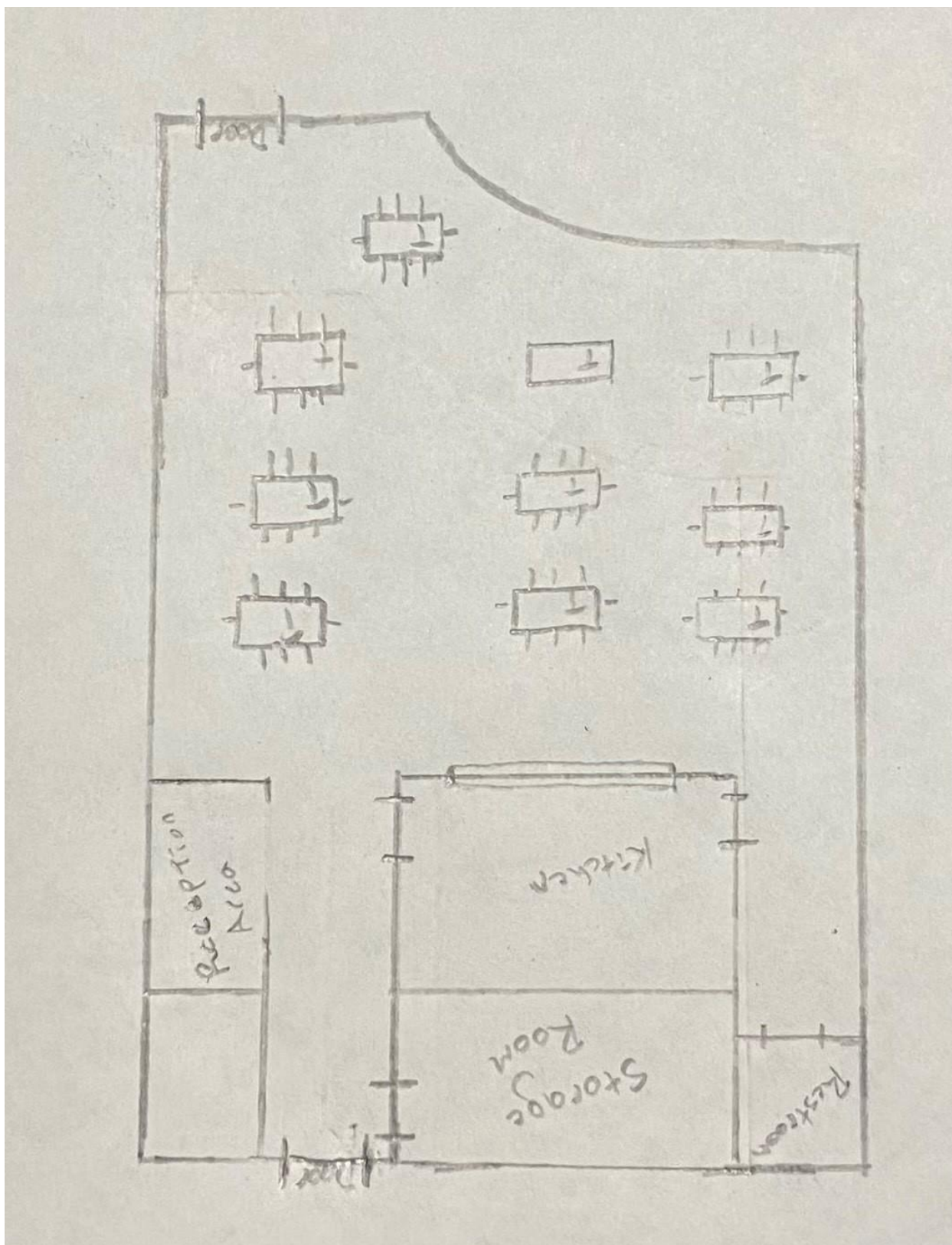
913 325 1946
5022 harmony drive Kansas City Kansas 66106

Sincerely, Amelia Interiano

On 1/29/2023 at 6:00pm the neighborhood meeting was held and no one showed up.



FLOOR PLAN



PARKING AGREEMENT

Parking Lot Agreement

This Agreement is made as of January 29, 2023, between Jiang Chen c/o LJ Mainstreet Holdings LLC, ("Landlord") With an address of PO Box 20174 Mesa AZ 85277, and Amelia Interiano ("Tenant") with an address 5022 Harmony Dr Kansas KS 66106 for 9 parking spaces located at 1957 N 63rd Dr, Kansas City, KS 66102

PARKING SPACE TERM AND TERMINATION

The Formal Agreement will become effective on (the "Effective Date") January 29, 2023 and shall remain in effect until 11/30/2024 (the "Termination Date").

Tenant will have 9 parking spots. The 9 parking spots are not have to be at the store front. 9 Parking spots are not assigned. It can be any open spaces at parking lot at 1957 N 63rd dr Kansas City KS 66102

Tenant is required to keep the vehicle in good repair and free of hazardous leaks of oils or liquids. No repairs of any type are allowed on the parking space and, if needed, must be towed to a location that allows such activities.

The use of the space may only be used for parking of a vehicle that is belonged to the tenant's customer. No storage of personal property may be allowed in space. Landlord is not liable for any damage done to the vehicle or personal property take from it. All liability to the vehicle and personal property will be the responsibility of the tenant.

This agreement shall be governed under the laws in the State of Kansas.

This agreement was signed on January 29, 2023.

Landlord's signature:



Jiang Chen 01/29/2023

Tenant's signature



Amelia Interiano 01/29/2023

SITE PHOTOS, TAKEN BY STAFF, JANUARY 12, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 2, 2023

Re: Master Plan Amendment Petition MPL2022-029

GENERAL INFORMATION

Applicant:

Josh Beuerlein

Status of Applicant:

Owner
4J Enterprises LLC
8247 Leavenworth Road
Kansas City, Kansas 66109

Requested Action:

Approval of a Master Plan
Amendment.

Date of Application:

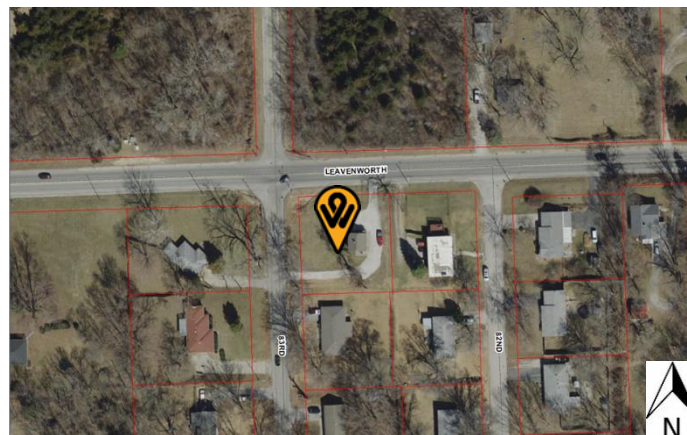
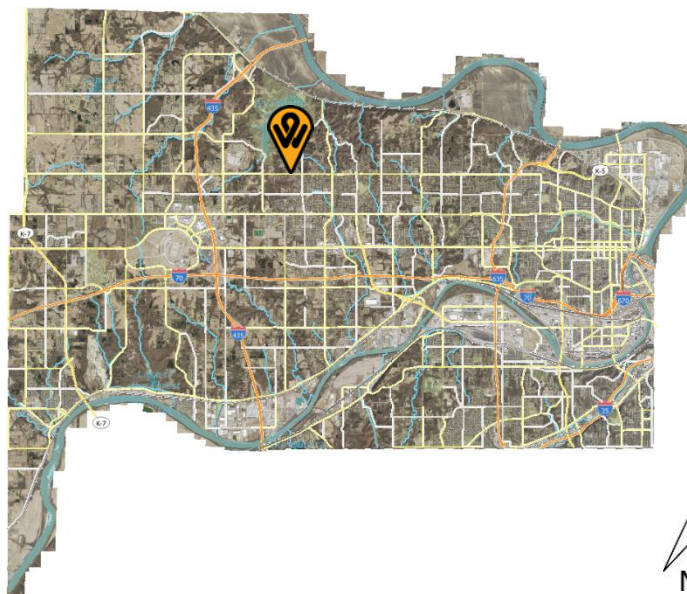
August 26, 2022

Purpose:

To approve a Master Plan
Amendment from Low-Density
Residential (City-Wide Master Plan)
to Neighborhood Commercial (City-
Wide Master Plan).

Property Location:

8247 Leavenworth Road
Kansas City, Kansas 66109



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	CP-0 Planned Non-Retail Business District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Existing Uses:	North: Single-family residences and Undeveloped land South: Single-family residences East: Single-family residences West: Single-family residences
Total Tract Size:	0.38 Acres
Master Plan Area:	The subject property is within the City-Wide Master Plan area.
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential, which allows single-family homes. This use will require a Master Plan Amendment.
Major Street Plan:	The Major Street Plan designates Leavenworth Road as Class A Thoroughfare.
Parking Requirement:	Section 27-463(e) states “uses in this district, except those situated in the area herein described as the central business district, require 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”. Parking Provided: 15 Spaces, One (1) ADA compliant space. Parking Required: Five (5) Spaces, One (1) ADA compliant space.
Advertisement:	Property Owner Letters – January 20, 2023 <u>Wyandotte Echo</u> – January 19, 2023
Public Hearings:	February 13, 2023 and March 2, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Josh Beuerlein, is requesting a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan), to construct one (1) new structure and expand the parking lot to accommodate an expansion of a speech therapy business at 8247 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no Noise or Disturbance Complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. 2022 – DRC22-0052 – Development Review Committee
2. 2022 – PR2022-032 – Preliminary/Final Plan Review

FACTORS TO BE CONSIDERED

- 1. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable.***

The current master plan designation for this property is Low-Density Residential which is intended for residential uses such as single-family residences. The subject property is zoned CP-0 Nonretail Business District, which allows for non-retail uses such as medical offices, clinics, or other non-retail uses. The Master Plan Amendment to Neighborhood Commercial would match the land use to the zoning and allow for the existing business to expand, or a future, non-retail use to utilize the property.

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

This portion of Leavenworth Road is primarily residential, although commercial uses are increasingly present heading West and located at various nodes to the east. The current use is consistent with and allowed by right the CP-0 zoning district; The use can be seen as a small-scale amenity for neighborhood convenience as it provides a clinical service to the neighborhood and larger

community. The character of this segment of Leavenworth Road includes small-scale neighborhood commercial already, centered mostly at intersections.

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

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 West Patrol, District #225.

e. *Fire*

Fire service is provided by Station #4, which is three (3) blocks east from the subject property.

f. *Transit*

Transit service is provided by KCATA along route #113 – Leavenworth Road, which stops in front of the subject property.

g. *Schools*

Public Education is provided by Bethel Elementary, Eisenhower Middle School, and Washington High School, under Kansas City, Kansas USD 500.

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

The proposed Master Plan Amendment would bring the land use designation in congruence with the existing zoning designation of CP-0 Planned Non-Retail Business District, eliminating any future regulatory conflicts.

- 5. *Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses or creating inconsistencies with applicable future land use map patterns.***

While this portion of the Leavenworth Road corridor is primarily single-family residential, there are several small nodes along the Leavenworth Road Corridor, primarily at intersections, where small-scale commercial development is encouraged. Additionally, the surrounding land is already developed, whose development potential would not be negatively affected by this change.

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

The impacts and costs of the potential changes would be minimal in comparison to the benefits derived by the community. This is an expansion of a small-scale speech therapy clinic, which provides a beneficial clinical service to the neighborhood and larger community.

PREVIOUS ACTIONS

Approval of a Preliminary and Final Development Plan (PR2022-032) in January 2023.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Commercial Design Guidelines
Parking
Access
Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2022-029**, subject to:

- 1. The applicant shall demonstrate compliance with the Commercial Design Guidelines, aside from any approved deviations as part of PR2022-032 in their DRC Building Permit submittal;**
- 2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning**

- and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. 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;
 4. The applicant has filed and maintained a current business occupation tax application;
 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 7. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 8. 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; and,
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **MPL2022-029** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Site Plan
Elevations
Neighborhood Meeting Minutes
Site Photos, Taken by Staff, Dated, September 15, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	February 13, 2023	March 2, 2023
Master Plan	Approval	
Amendment		

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-029** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-029**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023 City Planning Commission Minutes:

Hearing starts at 3:01:10:

MASTER PLAN AMENDMENT APPLICATION MPL2022-29 – JOSH BEUERLEIN -

SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) to expand the operation of a speech therapy clinic at 8247 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Josh Beuerlein, is requesting a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan), to construct one (1) new structure and expand the parking lot to accommodate an expansion of a speech therapy business at 8247 Leavenworth Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 13, 2023;
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:

- Josh Beuerlein, applicant, 4J Enterprises, LLC

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:03:54: Planning Director Hand stated that this application is the result of a condition of approval for a Change of Zone. This property is in the City-Wide Master Plan area in North Mid-Town adjacent to the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:04:40:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2022-029:**

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

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

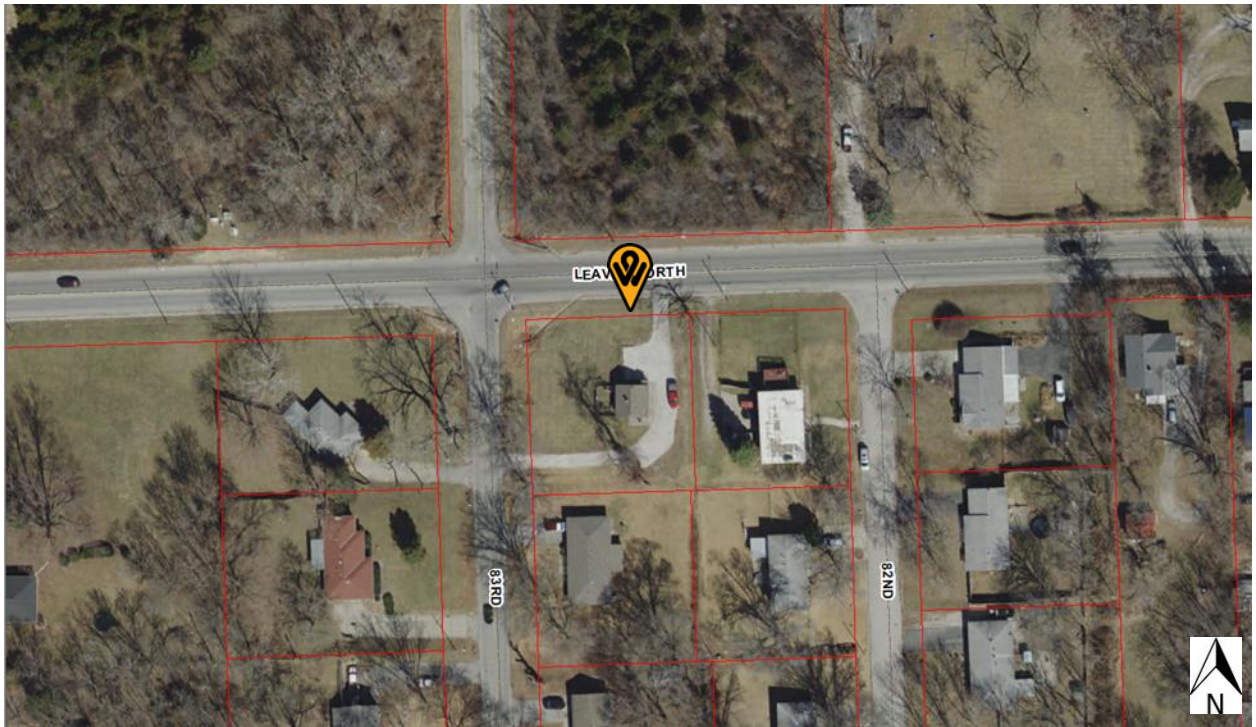
Subject to:

1. The applicant shall demonstrate compliance with the Commercial Design Guidelines, aside from any approved deviations as part of PR2022-032 in their DRC Building Permit submittal;
2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. 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;
4. The applicant has filed and maintained a current business occupation tax application;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;

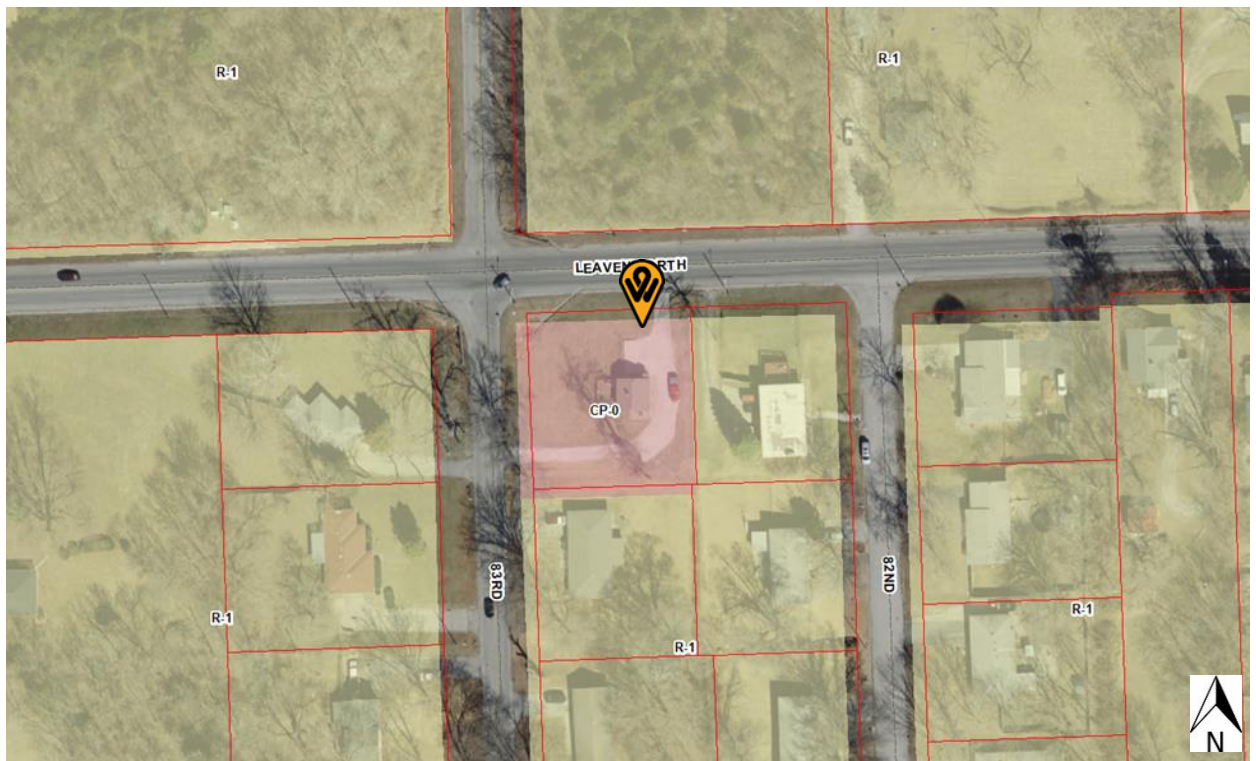
- 8. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and 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; and,**
- 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**

ATTACHMENTS

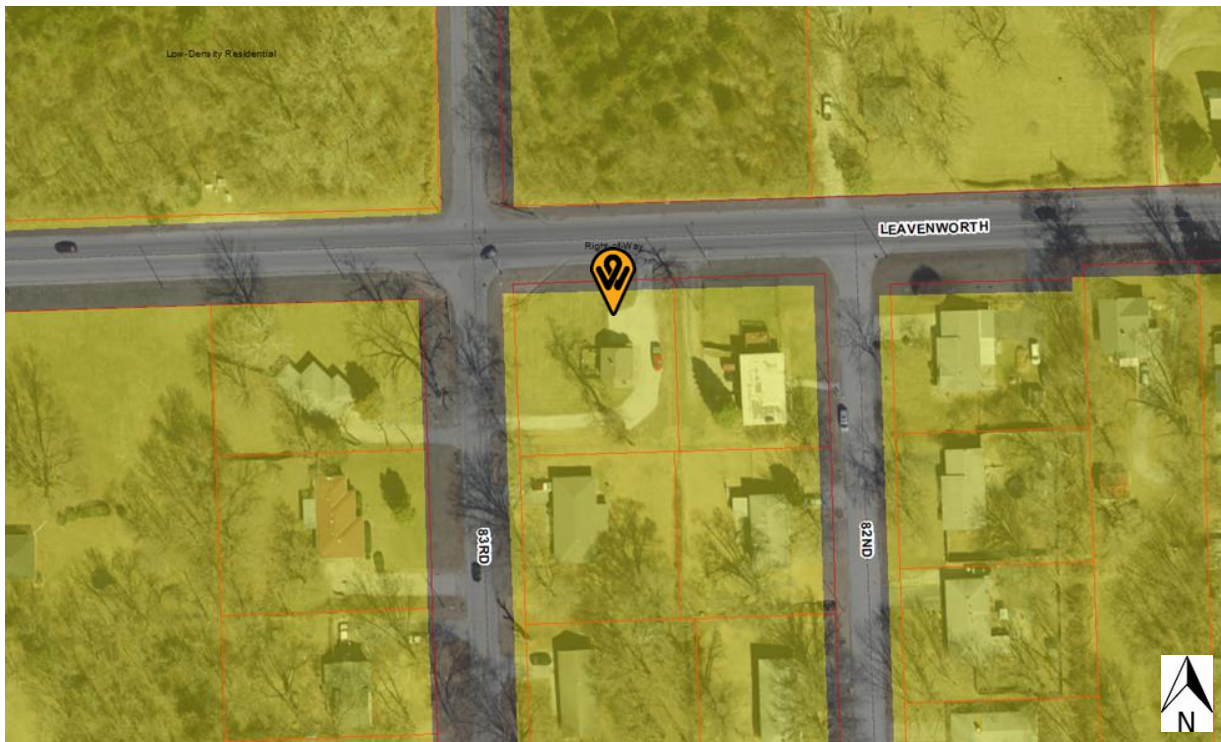
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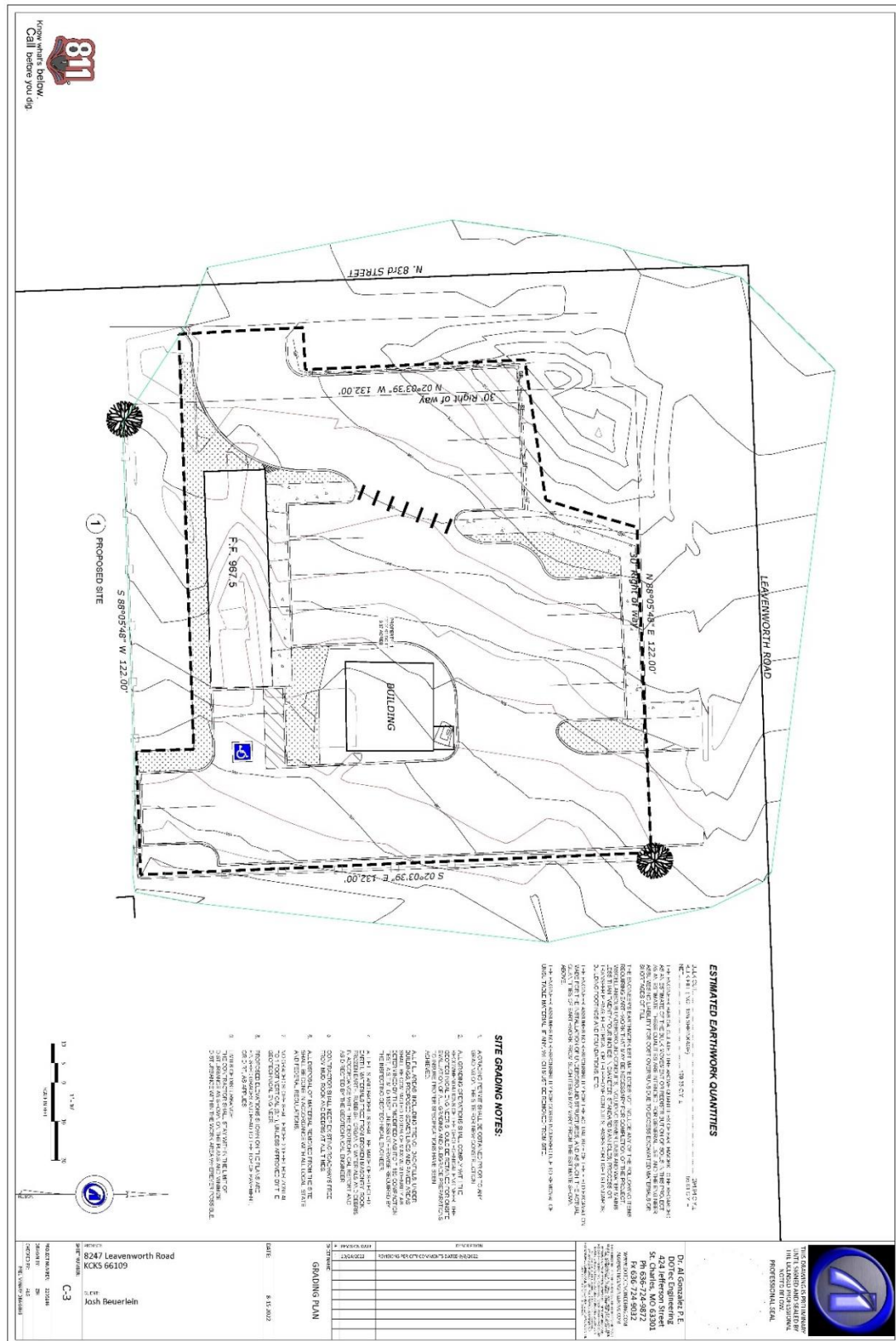
ZONING MAP



LAND USE MAP

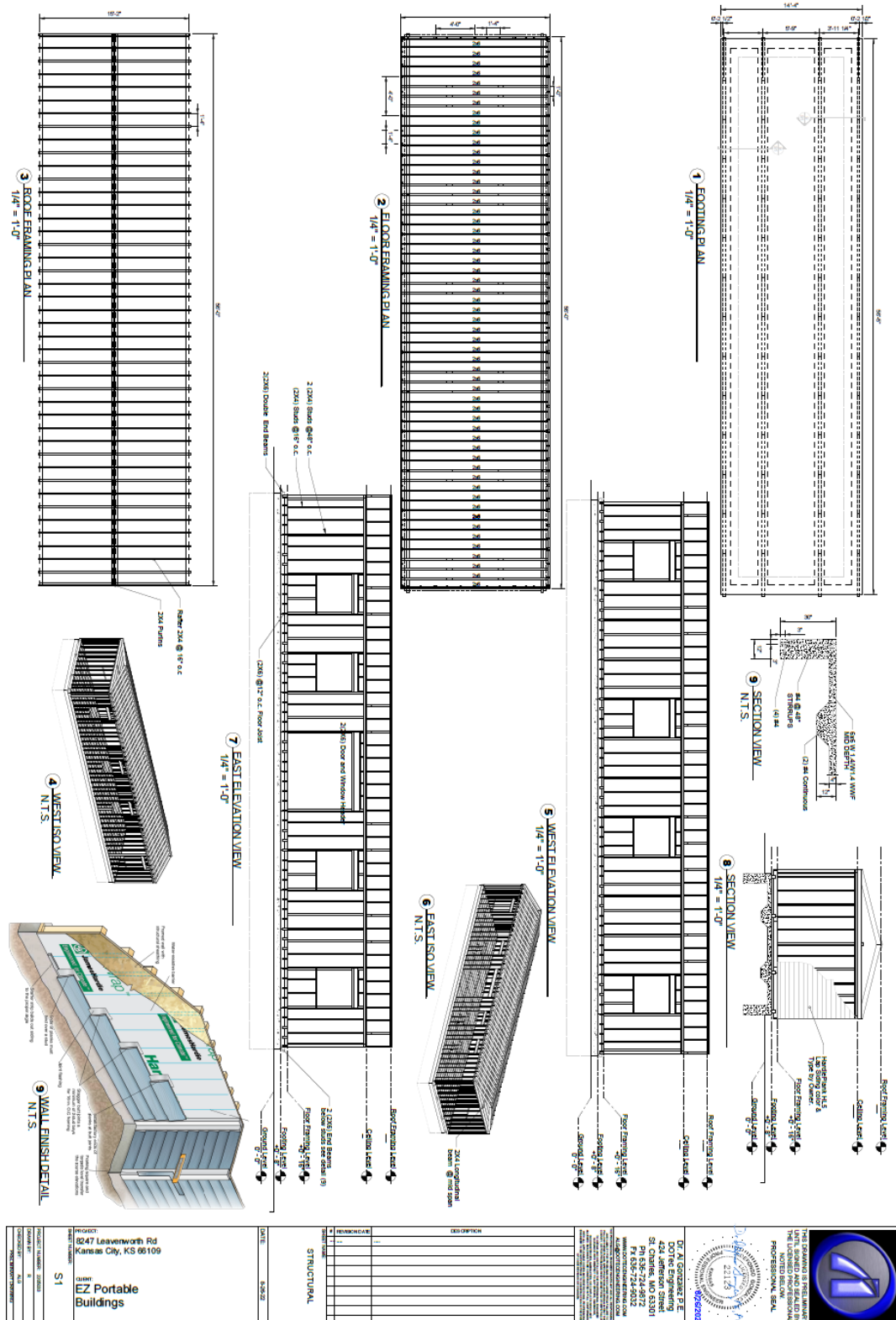


MPL2022-029



MPL2022-029

15



NEIGHBORHOOD MEETING MATERIALS

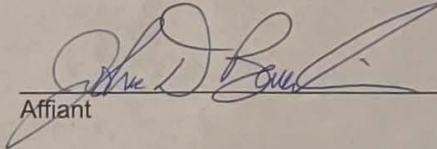
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

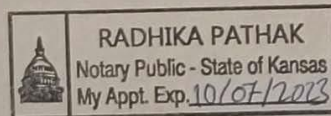
Comes now Josh Beuerlein, of lawful age, sound mind and upon his/her oath states as follows:

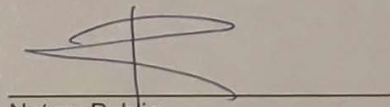
1. That I am the petitioner for Petition # MPL 2022-029
2. That I conducted a neighborhood meeting on 1-30-23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of Feb, 2003 2023
R.P.
My commission expires 10 of 07, 2003 2023 R.P.




Notary Public

1/19/23

SUBJECT: Follow Up Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use, MPL2022-029. The purpose of this:

➤ Master Plan Amendment

Is to change the Master Plan for the property at 8247 Leavenworth Road, Kansas City, KS 66109 from Low-Density Residential to Community Commercial. This amendment will support the expansion of the Communication Station Speech Therapy office located there in order to allow the clinic to serve more of the community.

We have already had our preliminary and final plans reviewed and approved following our neighborhood meeting last September. The location has operated as a Speech Therapy Clinic for 6 years and previously was an insurance office, so we believe this amendment simply brings the master plan into alignment.

We are hosting a virtual neighborhood meeting on Monday, January 30th, 2023, at 6:00 p.m. to answer any questions that the community has about the proposed changes.

The meeting will be hosted via Zoom. You can join the meeting by going to

<https://us06web.zoom.us/j/2224675781?pwd=RE5Rd1p5U0k5NFZ6dDhXYmZYcFE5dz09>

or by calling 312-626-6799 and entering Meeting ID 222 467 5781 and Passcode 897308.

If you are unable to attend, you can contact us at any point between when you receive this notification and January 30th, 2023, via:

Email: [jdbbeuerlein@gmail.com](mailto:jdbeuerlein@gmail.com)
Phone: 816-588-0347

Sincerely,

Josh & Jenna Beuerlein
4J Enterprises LLC

NEIGHBORHOOD MEETING MINUTES:

Application Number: MPL2022-029

Date and Location: 1/30/23, Virtual Meeting (Zoom)

Meeting called to order at: 6:05 PM

Names of people in attendance: No community members joined online or via the phone.

Meeting adjourned at: 6:10 PM

Minutes taken by: Josh Beuerlein

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 15, 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: March 2, 2023

Re: Preliminary and Final Plan Review Petition PR2022-052

GENERAL INFORMATION

Applicant:
Eric Gentry

Status of Applicant:
Victory Jeep
1720 North 100th Terrace
Kansas City, Kansas 66111

Requested Action:
To approve an amended Preliminary and Final Plan Review.

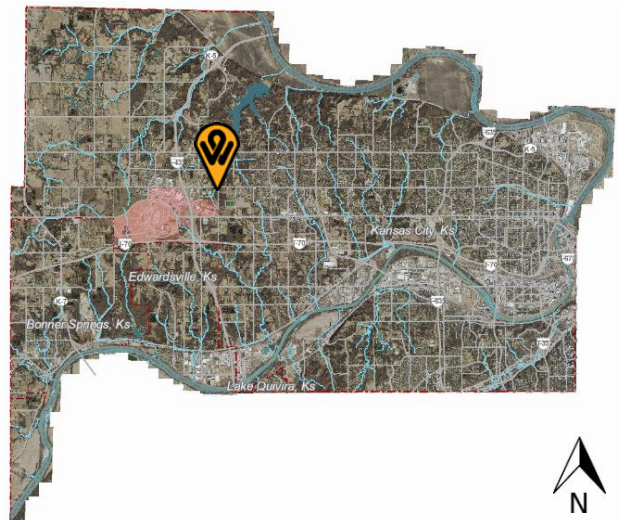
Date of Application:
December 30, 2022

Purpose:
To build a new car dealership (Victory Jeep) with light auto repair.

Property Location:
1701 North 100th Terrace
Kansas City, Kansas 66111

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

Existing Zoning:
CP-2 Planned General Business District



Adjacent Zoning:	North:	CP-2 Planned General Business District
	South:	B-P Business Park District
	East:	CP-2 Planned General Business District
	West:	CP-2 Planned General Business District
Existing Uses:	North:	Used car dealership (Enterprise)
	South:	Office building (Dairy Farmers of America)
	East:	Vacant commercial tract (regional stormwater drainage)
	West:	Car dealership (Victory Chrysler Dodge Ram)
Total Tract Size:	3.43 Acres	
Master Plan Area:	Prairie-Delaware-Piper Master Plan	
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Planned Commercial and Mixed-Use Entertainment, which allows for allows major retail uses, including restaurants and hotels. This would include centers for large discount stores currently called big box centers and have stores that serve large populations as well as areas that have significant capital investment in infrastructure that entertains visitors.	
Major Street Plan:	The Major Street Plan designates North 100 th Terrace as a Local Street.	
Parking Requirement:	Sec 27-466(e) states that 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.	
	Sec 27-668(b) states that “any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission”.	
Advertisement:	Property Owner Letters – January 19, 2023 <u>Wyandotte Echo</u> – Not Required	
Public Hearings:	February 13, 2023 and March 2, 2023	
Public Support:	None to date.	

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Gentry with Victory Jeep, is seeking approval of an amended Preliminary Development Plan to increase the total square footage by 24 percent (from 18,446 square feet to 22,922 square feet) and Final Development Plan and Final Plat to construct a new automotive dealership (Victory Jeep) at 1701 North 100th Terrace.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The property is located in a primarily commercial node of Wyandotte County along a corridor that features several car dealerships, retail and an office park.

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

The proposed use will increase traffic and parking demand along North 100th Terrace, however, this increase should not exceed or adversely affect roadway capacity, safety, or create parking problems, as long as all conditions are adhered to.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan, which designates the property as Commercial and Business Park, which allows for both

this category allows major retail uses, including restaurants and hotels as well as areas that are for manufacturing, light industrial uses, distribution-warehouse, trucking, and other employment activity.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to city code.

d. *Police*

Police service is provided by the West Patrol, District #227.

e. *Fire*

Fire service is provided by Station #12, one (1) mile away from the subject property.

f. *Transit*

Kansas City ATA provides transit service, along Parallel Parkway, Route #116, which is approximately one-half (½) mile from the property.

g. *Schools*

Public Education is provided by Kansas City Kansas USD 500

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

The applicant received a deviation with their original Preliminary Development Plan to exceed the 15 percent allowance for metal paneling on the front façade. Throughout the remainder of the development, the Applicant will comply with the Commercial Design Guidelines and Legends Auto Plaza Design Criteria.

6. *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 if it adheres to the conditions of approval. The Applicant has provided adequate areas for potential run-off as well as features that address any potential erosion as part of the grading that will be required for this development.

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

Buildings will be arranged as to afford adequate light and open space to facilitate fire protection. This is a large parcel, with generous setbacks and extensive landscaping, and will be required to provide amenities such as benches, pedestrian access, and a detention pond.

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

The proposed site is currently relatively flat. The proposed plan will involve further grading to flatten the site to be suitable for a vehicle dealership. The proposed plan seeks to construct a retaining wall and detention pond in the rear of the property, which will be shared by future development on the newly

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

The proposed use is for a new auto-sales and light repair facility, which therefore would not reasonably be expected to provide access to these facilities. There is a sidewalk provided along the subject property, as well as a detention basin in the rear of the subject property.

PREVIOUS ACTIONS

- PR2022-021 and PLAT2022-022 were approved by the City Planning Commission and Unified Government Board of Commissioners on July 11, 2022 and June 28, 2022, respectively.
- COZ 3074 – rezoning in 2015 from A-G Agriculture and R-1 Single Family and CP-2 Planned General Business Districts to CP-2 Planned General Business District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with the Legends Auto Plaza Design Criteria
Compliance with the Commercial Design Guidelines
Pedestrian Circulation
Landscaping and Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review Application **PR2022-052**, subject to:

1. **Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.**
 - a. **Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas;**
 - b. **There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible;**
 - c. **Circulation patterns within parking areas shall be defined by curbs and landscaped islands;**
 - d. **Where possible, groups of buildings should be serviced by dedicated service access lanes;**
2. **Sec. 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users” while Sec. 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems”;**
3. **Construct a sidewalk on North 100th Terrace and connect into the sidewalk network of the development to the front door;**
4. **Sec. 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;**
5. **Sec. 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:**
 - a. **Six-inch vertical curb;**
 - b. **Trellis;**
 - c. **Special railing;**
 - d. **Bollards;**
 - e. **Special paving;**
 - f. **Low seat wall or other architectural features;**

- g. Pedestrian scale lighting; or
 - h. Traffic calming devices.
- 6. Sec. 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision;
- 7. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior;
- 8. The elevations demonstrate a continuous facade along the South and North elevations. 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 of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation of rooflines
- 9. Downspouts on the south elevation shall be internalized;
- 10. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43-acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances;
 - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons;
- 11. Landscaping shall be irrigated;
- 12. The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met;
- 13. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
- 14. 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 (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage;
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
- 15. 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;

16. The master plant palette for this development is as follows:
 - a. Autumn Blaze Maple
 - b. Armstrong Columnar Maple
 - c. Imperial Honey Locust
 - d. Autumn Brilliance Serviceberry
 - e. Eastern Redbud
 - f. Summer Snow Japanese Tree Lilac
 - g. Eastern White Pine
17. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
18. 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;
19. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties;
21. Regarding BPU transformer screening, the following applies:
 - 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 feet 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, three (3) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
22. Per Sec. 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;
23. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
 - a. All wall mounted signage shall be individual letters;
 24. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 25. 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;
 26. Any automotive-related business in Wyandotte County 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;
 27. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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; and,

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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2022-052** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

February 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Final Plat
Site Plan
Grading Plan
Landscape Plan
Lighting Plan
Site Line Cross Section
Building Elevations
Site Photograph taken by Planning Staff on June 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 13, 2023	March 2, 2023
Preliminary and Final Plan	Approval	

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-052** 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 **PR2022-052**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

February 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:49:25:

PLAT2022-044 – ERIC GENTRY WITH VICTORY JEEP - SYNOPSIS: Final Plat (Legends Auto Plaza Fourth Plat) for one (1) commercial lot at 1701 North 100th Street.

PLAN REVIEW APPLICATION PR2022-052 – ERIC GENTRY WITH VICTORY JEEP - SYNOPSIS: Preliminary and Final Plan Review for Victory Jeep at 1701 North 100th Street.

Detailed Outline of Requested Action: The applicant, Eric Gentry with Victory Jeep, is seeking approval of an amended Preliminary Development Plan to increase the total square footage by 24 percent (from 18,446 square feet to 22,922 square feet) and Final Development Plan and Final Plat to construct a new automotive dealership (Victory Jeep) at 1701 North 100th Terrace.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:50:51: Planning Director Hand stated that these applications are for a new Victory Jeep dealership as a stand-alone dealership at the Legends Auto Mall. The Planning Commission heard and approved the Preliminary Plan Review several months ago for this same dealership. Since that time, it has grown to the point that it came back as a Preliminary and Final Plan Review. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:52:20:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-044:**

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

Motion to **APPROVE** Passed: 7 to 0

Subject to:

1. **Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.**
 - a. **Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas;**
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 - a. Six-inch vertical curb;
 - b. Trellis;
 - c. Special railing;
 - d. Bollards;
 - e. Special paving;
 - f. Low seat wall or other architectural features;
 - g. Pedestrian scale lighting; or
 - h. Traffic calming devices.
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7. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior;
8. The elevations demonstrate a continuous facade along the South and North elevations. 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 of the following techniques:
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 - b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons;
11. Landscaping shall be irrigated;

12. The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met;
13. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
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16. The master plant palette for this development is as follows:
 - a. Autumn Blaze Maple
 - b. Armstrong Columnar Maple
 - c. Imperial Honey Locust
 - d. Autumn Brilliance Serviceberry
 - e. Eastern Redbud
 - f. Summer Snow Japanese Tree Lilac
 - g. Eastern White Pine
17. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
18. 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;
19. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties;
21. Regarding BPU transformer screening, the following applies:
 - 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 feet 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, three (3) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
22. Per Sec. 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;
23. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
- a. All wall mounted signage shall be individual letters;
24. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
25. 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;
26. Any automotive-related business in Wyandotte County 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;
27. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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; and,
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.

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-052:**

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

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

Subject to the above conditions

The architect on the project requested a deviation from the conditions. After discussion, it was determined that the requested deviation could be made at the Board of Commissioners meeting on March 2, 2023 and the Planning Commission did not vote to reconsider the decision made on these applications.

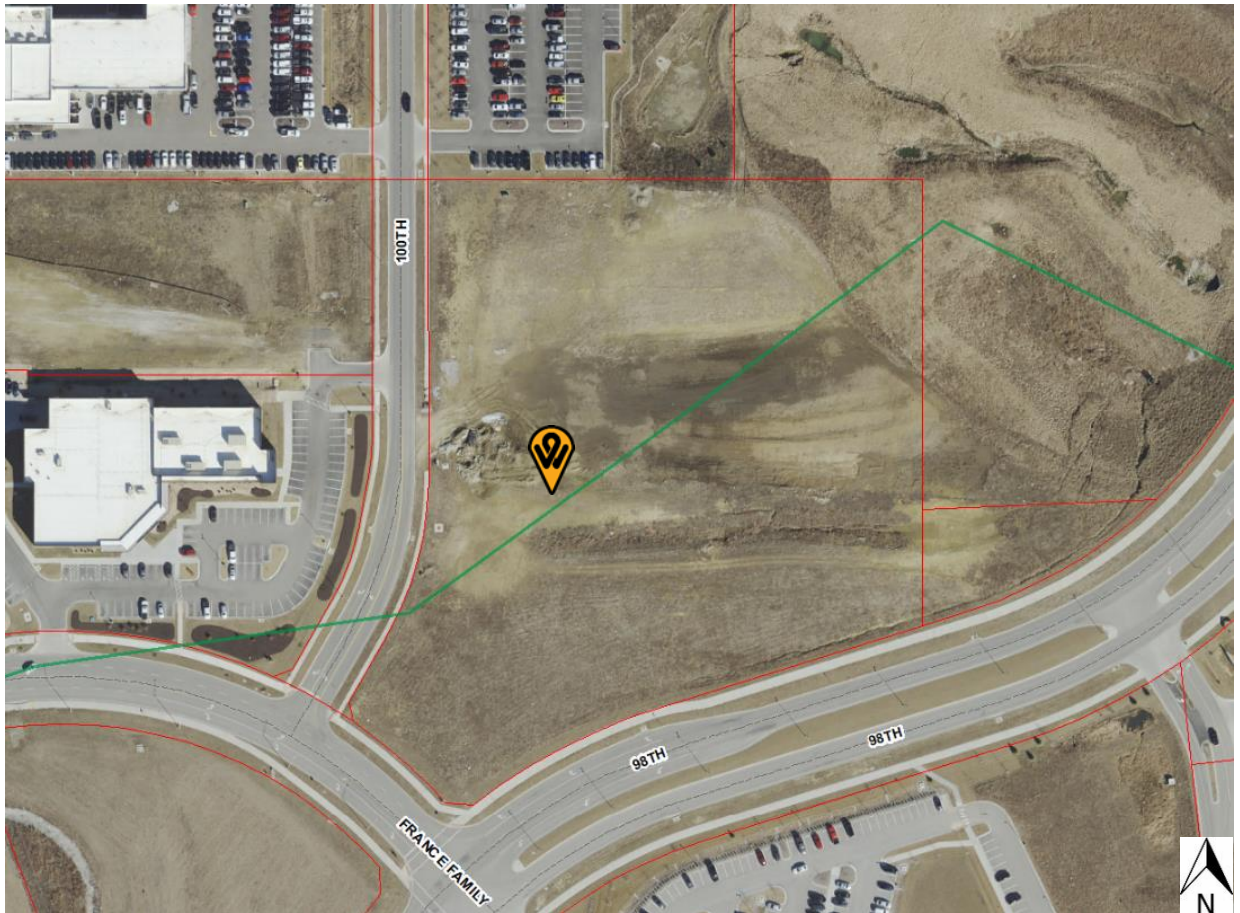


Figure 1. Aerial Photograph of 1701 North 100th Terrace (provided by ArcGIS Pro).

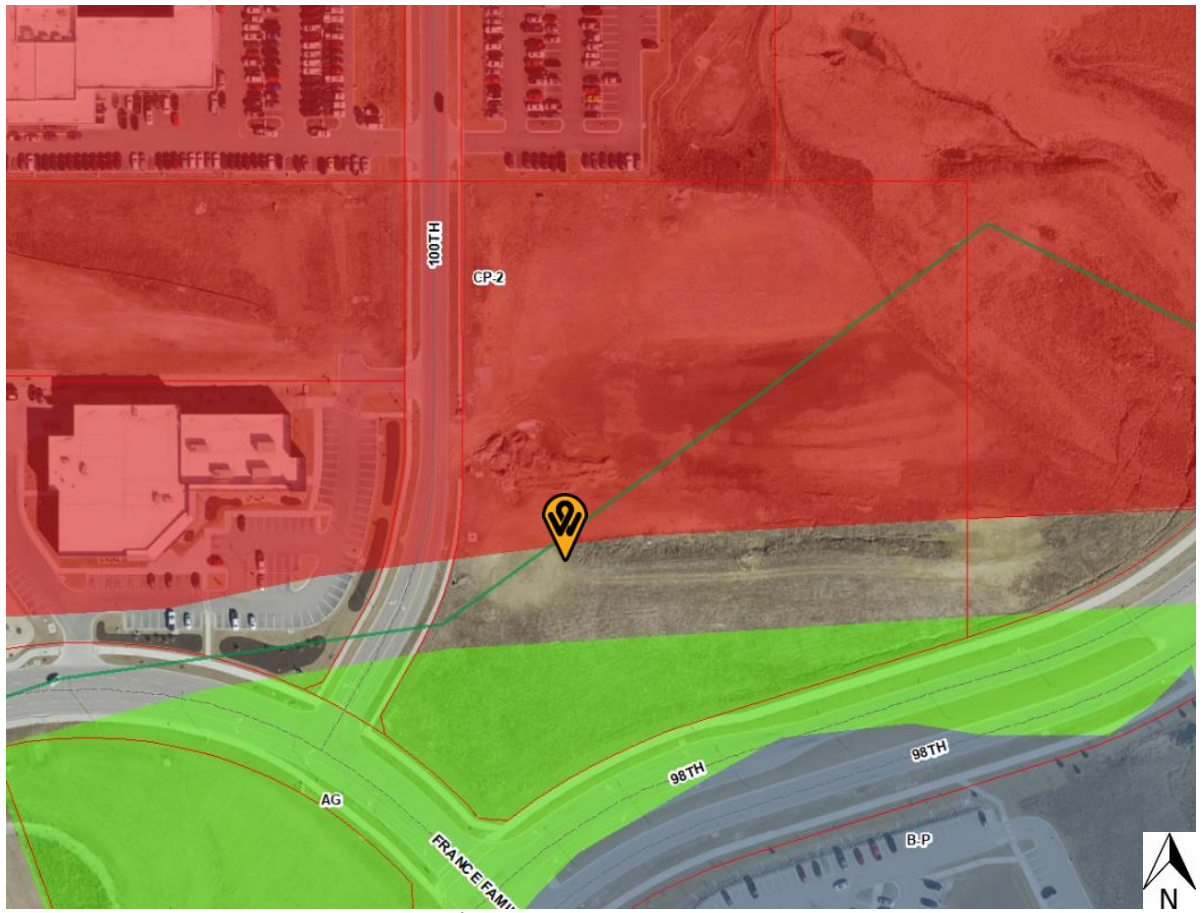


Figure 2. Zoning Map of 1701 North 100th Terrace (provided by ArcGIS Pro).

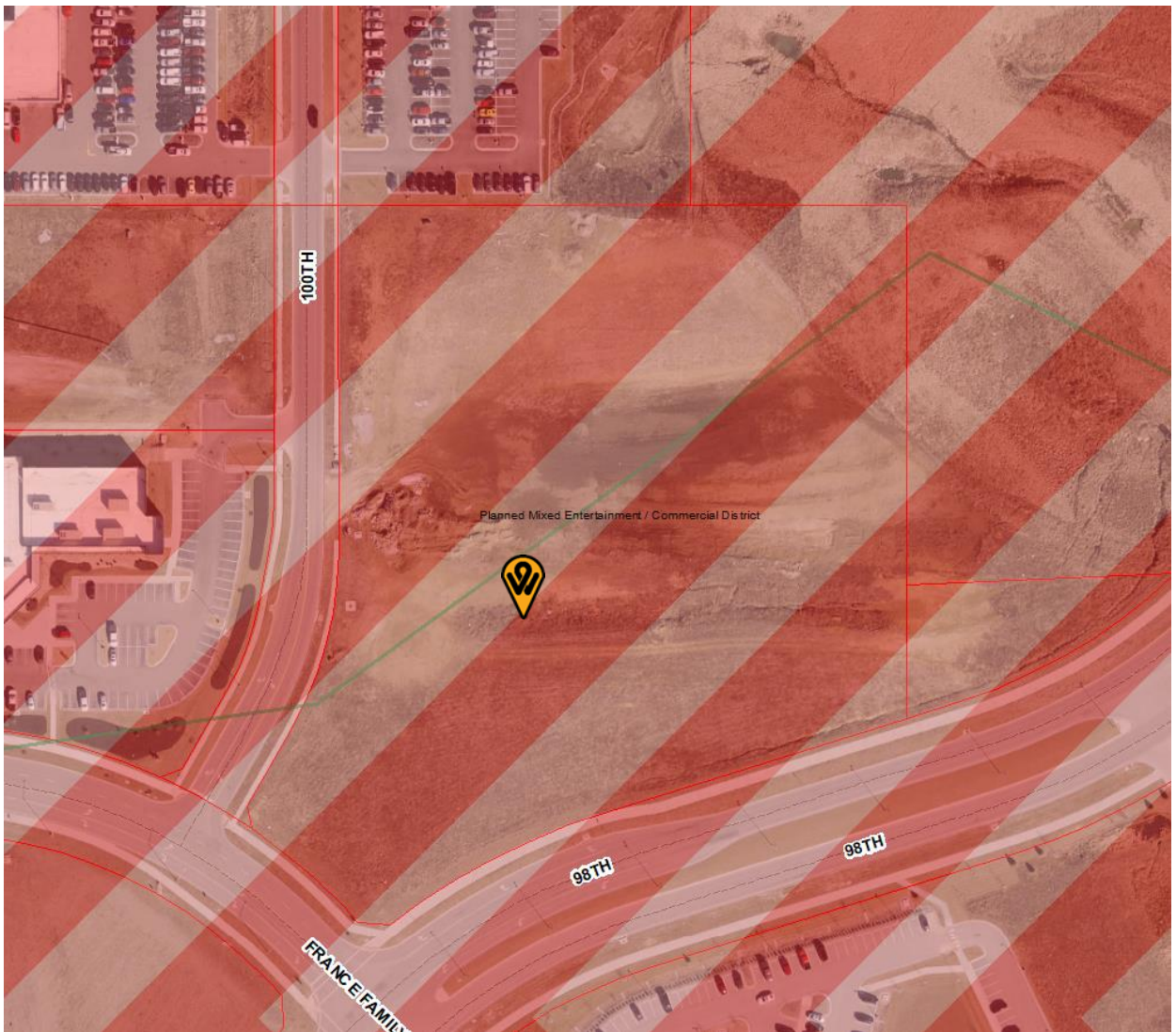


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 1701 North 100th Terrace (provided by UG Maps).

KEY ISSUES

Compliance with the Legends Auto Plaza Design Criteria
Compliance with the Commercial Design Guidelines
Pedestrian Circulation
Landscaping and Screening

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments: There are several revisions that need to be made to the plan to conform to the Commercial Design Guidelines and the Legends Auto Plaza Design Criteria, including additional emphasis on pedestrian flow within the site, architectural materials, and additions to the landscape plan.

General Planning:

1. Please demonstrate on a site plan where parking for customers, employees, cars that will be repaired, and sale inventory will be located. These spaces are noted on the site plan *(19 customer spaces in front noted, 10 employee spaces on south noted, 16 in-service spaces on east noted, remainder are inventory)*
2. Does the Applicant intend to provide any site furnishings? If so, where? The Legends Auto Plaza Design Criteria requires site furnishings, including benches and trash receptacle. *A bench and trash receptacle will be placed at the front of the building per the note on the revised site plan.*
3. Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street. *Understood, see site plan.*
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas.
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.
 - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands.
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes.
4. The site plan does not demonstrate circulation, pathways, etc. for pedestrian and bicycle traffic. Sec. 27-575(d)(8) states that "Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users" while Sec. 27-575(d)(9) states that "to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems". *The pedestrian path is clearly marked by curbed sidewalk and crosswalks on the site. There is also an existing public sidewalk on N. 100th Ter (see photo below). Bicycle traffic uses the same route as automobiles.*



5. Construct a sidewalk on North 100th Terrace and connect into the sidewalk network of the development to the front door. **The pedestrian path is clearly marked by curbed sidewalk and crosswalks on the site. There is also an existing public sidewalk on N. 100th Ter., see photo above.**
6. Sec. 27-575(d)(11) Internal pedestrian walkways within parking lot or drivearea must be distinguished from other surfaces. **The pedestrian path is clearly marked by curbed sidewalk, concrete pavement adjacent to asphalt and crosswalks on the site.** Sec. 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - a. Six-inch vertical curb;
 - b. Trellis;
 - c. Special railing;
 - d. Bollards;
 - e. Special paving;
 - f. Low seat wall or other architectural features;
 - g. Pedestrian scale lighting; or
 - h. Traffic calming devices.**The pedestrian path is clearly marked by curbed sidewalk and crosswalks on the site.**
7. Sec. 27-575(e)(2) Pedestrian walkways through the parking area tobuilding entrances should be clearly marked pursuant to this subdivision. **The pedestrian path is clearly marked by curbed sidewalk and crosswalks on the site.**
8. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06. **Acknowledged.**
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.

- Acknowledged.**
10. Any automotive-related business in Wyandotte County 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. **Acknowledged.**
 11. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org. **Acknowledged.**
 12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The Applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. **Acknowledged.**
 13. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledged, see note on site plan to build commercial drive per UG Std. 4100-G.**
 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. 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. **Acknowledged.**
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable. **Acknowledged.**

Building Architecture:

1. The proposed elevations demonstrate a continuous, primarily EIFS façade. 27-576(e)(2)(f) prohibits EIFS at the ground level or comprising more than 15 percent of any façade. While deviations to the Commercial Design Guidelines have been granted and allowed up to 18% of a façade to feature the metal paneling, however, a deviation of up to 85% has not been granted. Staff encourages the Applicant to revise the façade and include other materials in the

façade, such as stucco, natural or synthetic stone, brick, colored, textured, or glazed concrete masonry, hardy board, or glass. **Architect response: refer to updated elevations. Facades are masonry, metal panel and glass. EIFS is no longer being used. Front facade is being shown with high end ACM metal panels and glass with no masonry. We are asking for a deviation to meet this design similar to how the City granted a deviation for the Dairy Farmer's building and some of the other nearby dealerships. The metal panels being used on this facade are of the same quality and durability as most masonry metals. We will follow up with the planning department regarding the exact % of materials and the % of deviation requested.**

2. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior. **Architect response: we are meeting this criteria per City note from Byron Toy.**
3. The elevations demonstrate a continuous facade along the South and North elevations. 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 of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation of rooflines

Please revise and resubmit elevations that demonstrate articulation of the façade. Staff suggests that window bays be added along the south and north elevation of the structure. **Architect response: refer to updated elevations we are providing vertical bands in the masonry to break the facade into sections less than 45' in length.**

Landscaping and Screening:

1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43 acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances.
 - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons.
 - c. Landscaping shall be irrigated.

The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met. **Acknowledged.**

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets.

Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The Applicant will need to revise the plan to include the screening shrubs. **See landscape plan L100, shrubs are shown along N. 100th Ter.**

3. 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 (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees. **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. **Groundcover has been added along front.**
5. The master plant palette for this development is as follows: **Acknowledged.**
 - a. Autumn Blaze Maple
 - b. Armstrong Columnar Maple
 - c. Imperial Honey Locust
 - d. Autumn Brilliance Serviceberry
 - e. Eastern Redbud
 - f. Summer Snow Japanese Tree Lilac
 - g. Eastern White Pine
6. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Acknowledged.**
7. 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. **Architect response: refer to updated sections showing that all mechanical units on the roof are setback enough to not be visible from the edge of the property line.**
8. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times. **Acknowledged, see trash enclosure detail.**
9. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties. **Acknowledged.**
10. Regarding BPU transformer screening, the following applies:
 - 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 feet 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) on the front allowing for 10 feet on the front when gate doors open. **Acknowledged, see trash enclosure detail, this will be used once transformer is sized with exception of clearance of 2' from bottom doors at front.**
11. 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. **Acknowledged.**

Signage:

- 1. Per Sec. 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. **Signage will be submitted under a separate permit and application.**
- 2. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
 - a. All wall mounted signage shall be individual letters. **Signage will be submitted under a separate permit and application.**

Victory Neighborhood Meeting

Attendees

Jeff Briggs – Host

Eric Gentry

Brian Lavery

Recap-

No questions were asked. We just went through the plan and process and waited until 11:30 to ensure no one else would show up with questions.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

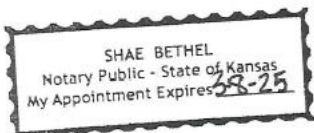
1. That I am the petitioner for Petition # PR 2022-052
2. That I conducted a neighborhood meeting on 1/30/23 @ 9:00 am
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Jeffrey P. Briggs
Affiant

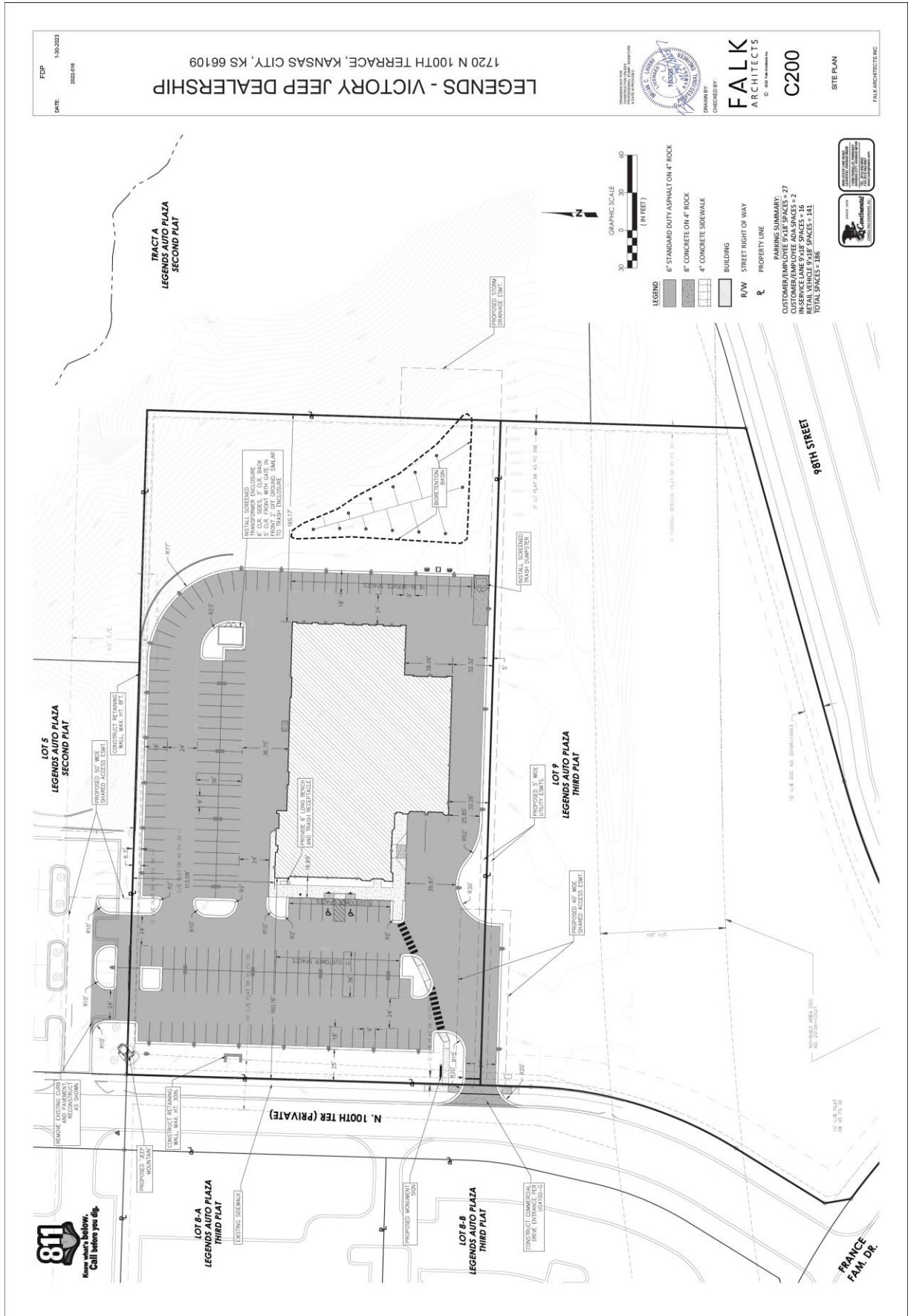
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of January, 2023

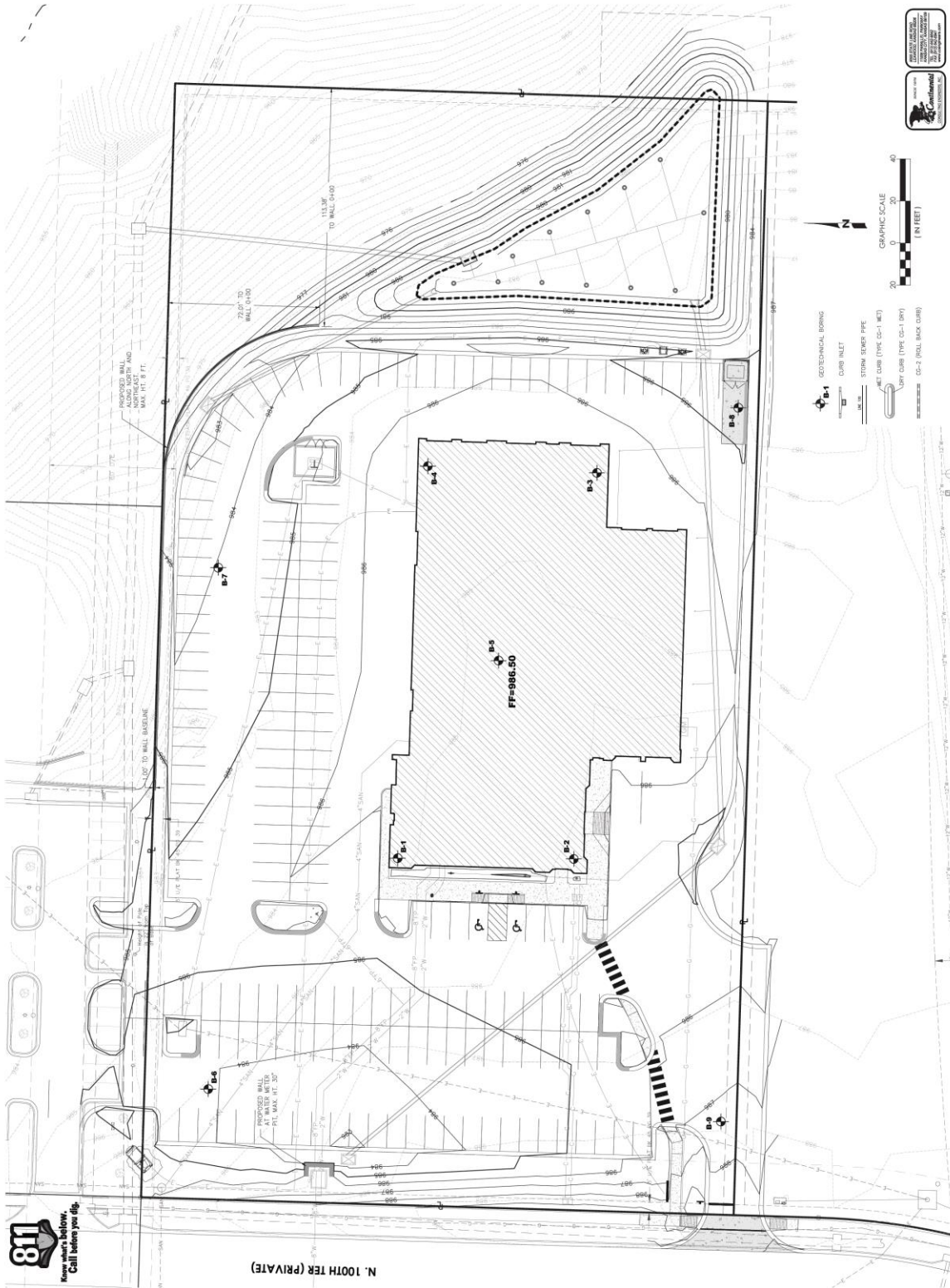
My commission expires 8th of March, 2025

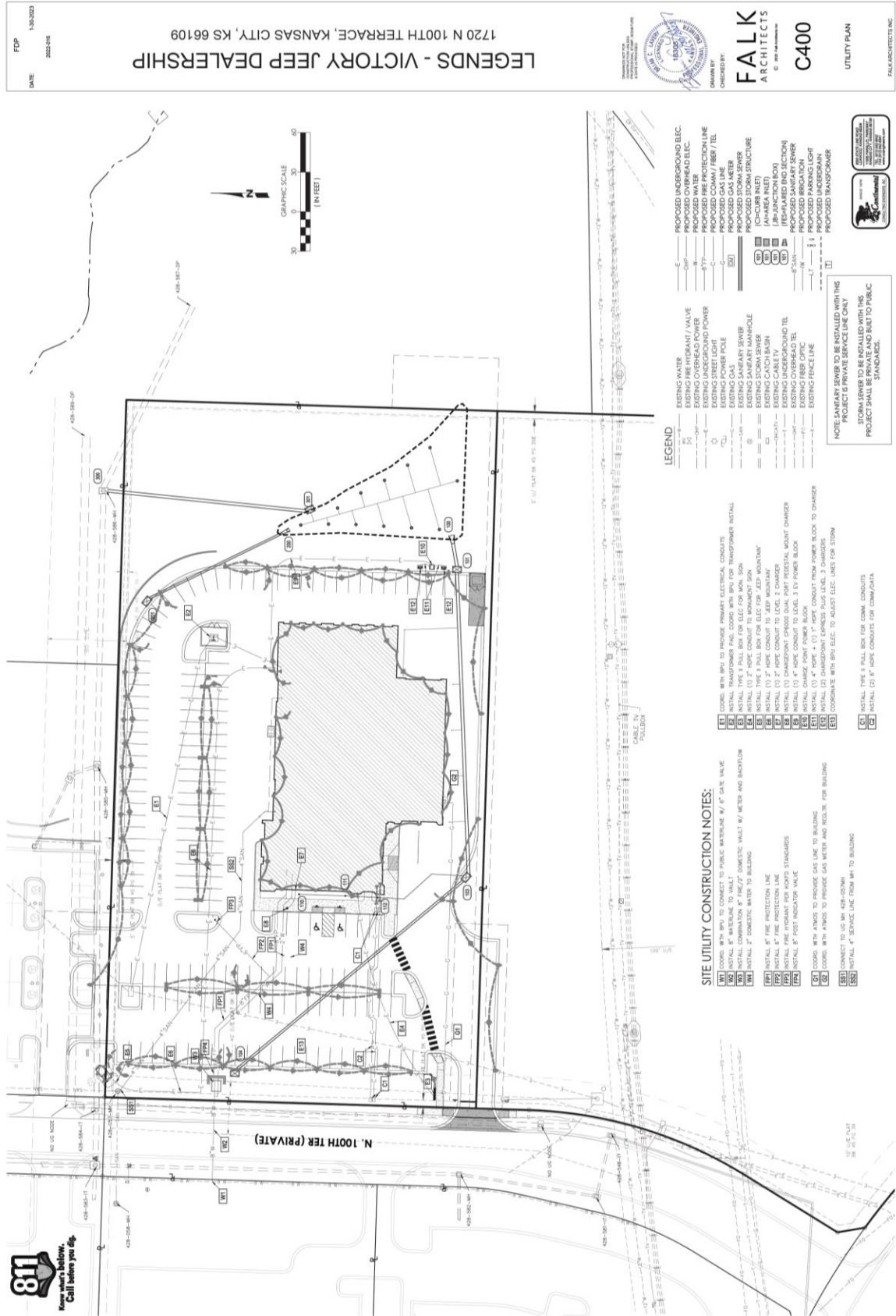


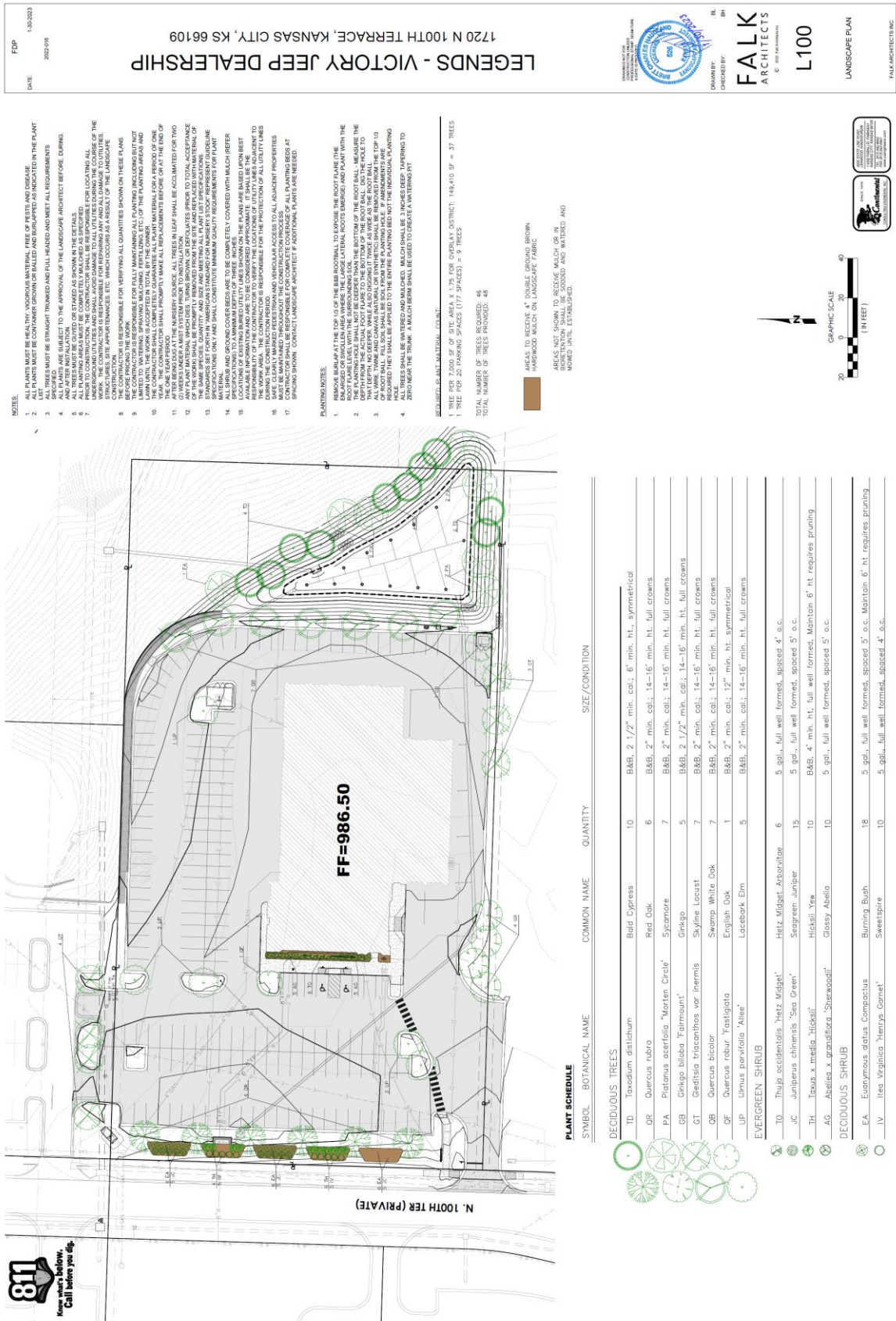
Shae Bethel
Notary Public

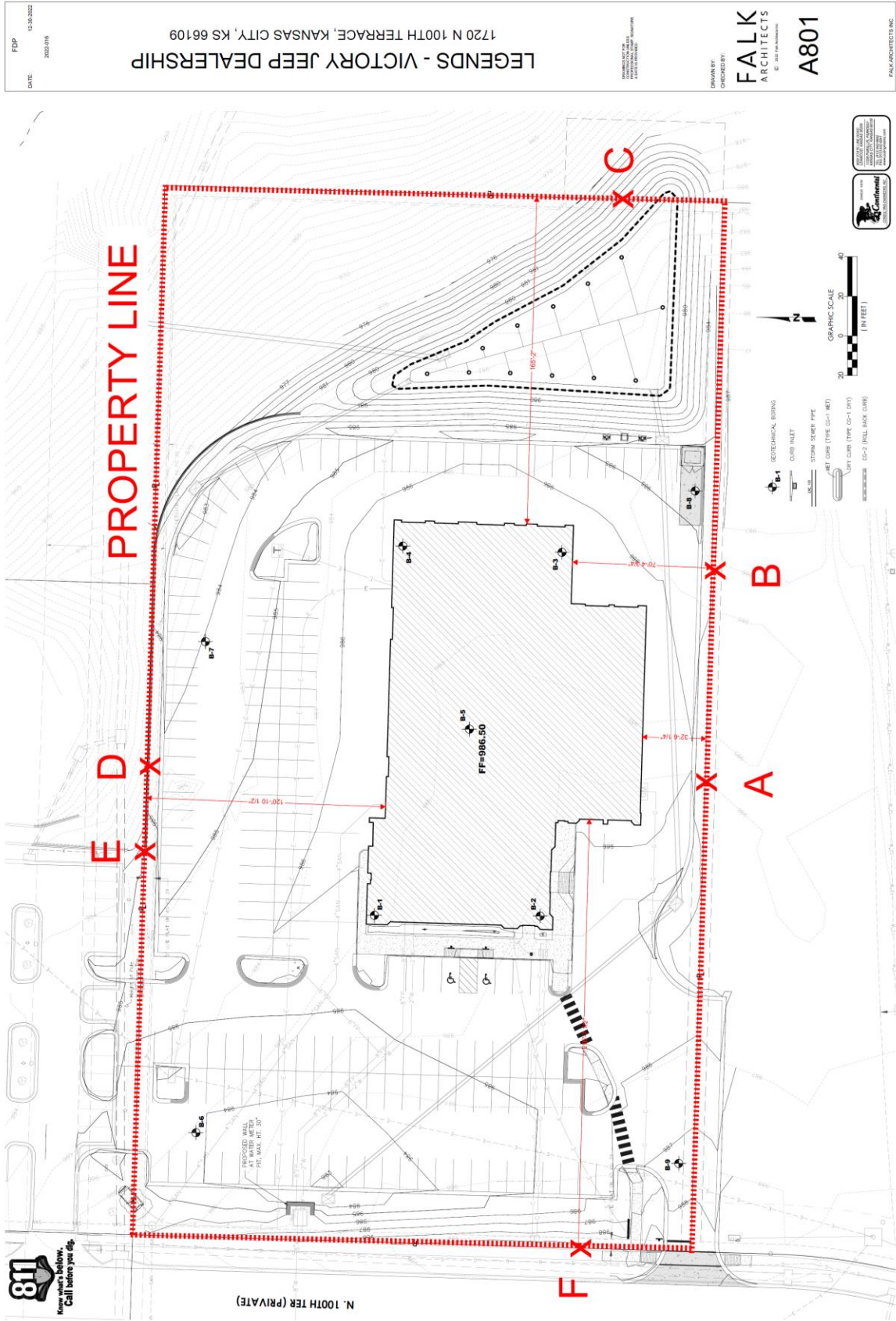


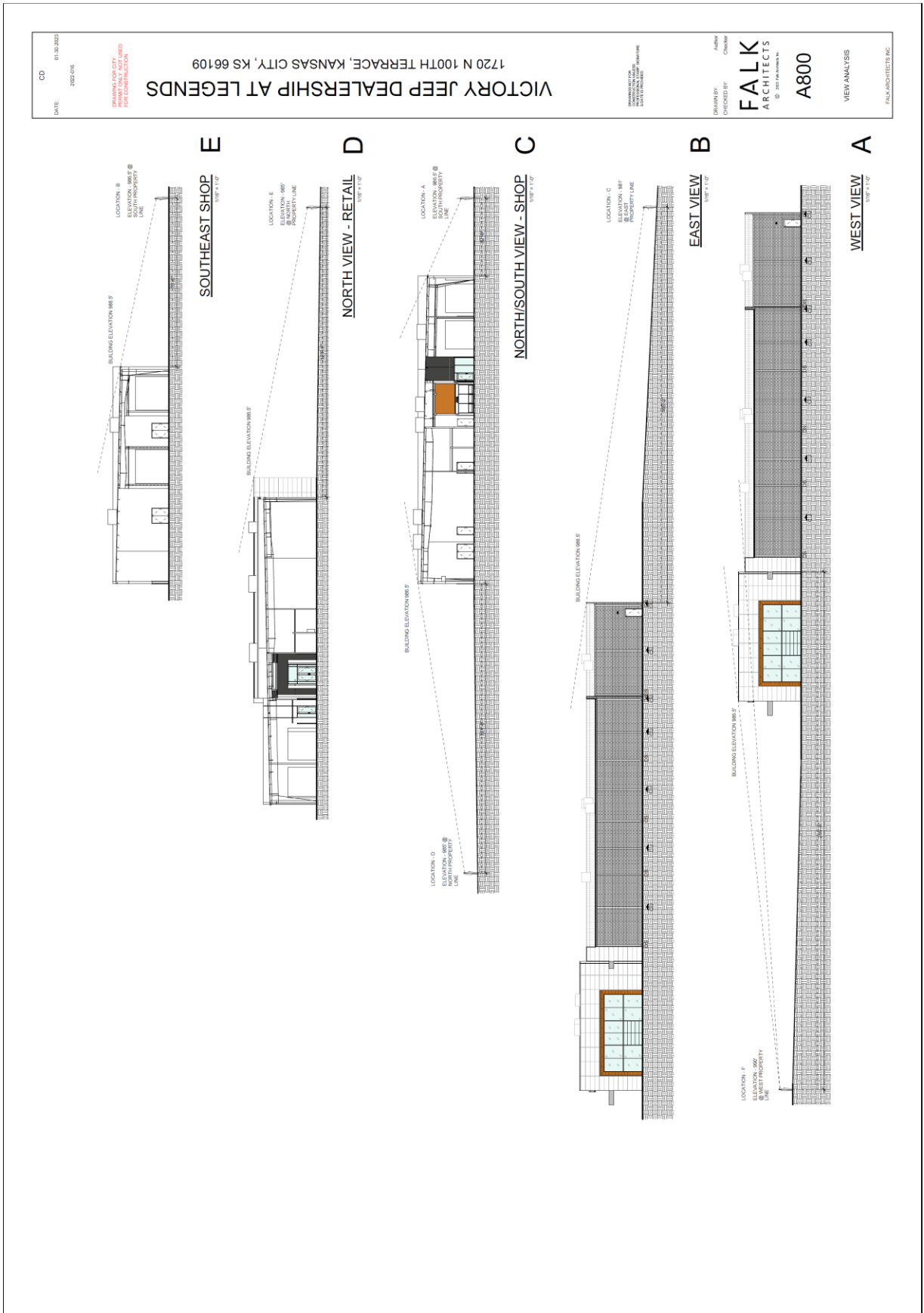












GENERAL NOTES

CANALS TO MATCH SHOWN WILLIAM BLACK BALCO

ALL SCAFFER OR OTHERS. CONTRACTOR PROVIDE BACKING AND POWER

CONTRACTOR TO INSTALL LED LIGHTS AT PORTALS

INSTALL SHEET METAL CORRUGATED GALV. VENEER FRAMING

FRAMING TO BE INSTALLED BY FABRICATOR/INSTALLER

APR CONSULTANTS

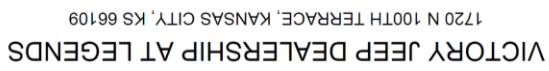
APR CONSULTANTS
10000 16th Ave S
PO Box 877788
Dallas, TX 75287
Tel: 214-342-3210
Fax: 214-342-3210

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Fax: 214-342-3210

PRINCIPLE GLOBAL

PRINCIPLE GLOBAL
10000 16th Ave S
PO Box 877788
Dallas, TX 75287
Tel: 214-342-3210
Fax: 214-342-3210



SITE PHOTOS, PROVIDED BY STAFF, DATED JUNE 6, 2022





(First published _____)

COZ2022-027

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1218 Kansas Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-2(B) Two Family District to CP-1 Planned Limited Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-2(B) Two Family District to CP-1 Planned Limited Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

THE EAST 1/2 OF LOT 39, ALL OF LOTS 40, 41, 42, 43 AND THE WEST 12.5 FEET OF LOT 44, BLOCK 129, ARMOURDALE, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, Located at approximately 1218 Kansas Avenue, Kansas City, Kansas,

be changed from its present zoning of R-2(B) Two Family District to CP-1 Planned Limited Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-464, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-1 Planned Limited Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

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 _____)

COZ2022-032

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1401 Merriam Lane, in Kansas City, Kansas, by changing the same from its present zoning of C-3 Commercial and M-2 General Industrial Districts to CP-3 Planned Commercial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 26, 2022, by the owners of property to have the zoning of said property changed from its present zoning of C-3 Commercial and M-2 General Industrial Districts to CP-3 Planned Commercial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

WILLIE JONES SUBDIVISION, L1 LESS FOLL: BEG NE COR L1; SELY 30 FT, NWLY 31.75 FT, LELY 20FT TO POB, Located at approximately 1401 Merriam Lane, Kansas City, Kansas,

be changed from its present zoning of C-3 Commercial and M-2 General Industrial Districts to CP-3 Planned Commercial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-474, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial 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 _____, 2023.

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 _____)

COZ2022-034

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4810 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 26, 2022, by the owners of property to have the zoning of said property changed from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Part of Lots 18, 19 and 37, COMBS PARK SUBDIVISION, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, and all that part of vacated Robinson Drive, lying within the boundaries of the following described tract: Beginning at the Northeast corner of said Lot 37, COMBS PARK SUBDIVISION; thence East 50.00 feet, thence South 141.83 feet (measured) 140.00 feet more or less (deeded) to a point on the existing North Right-of-Way line of U.S. Highway No. 40, said point being 43.17 feet North of the original South line of said Lot 18, COMBS PARK SUBDIVISION, thence South 89 Degrees 37 Minutes 58 Seconds West along the present Right-of-Way line of U.S. Highway No. 40 a distance of 250.36 feet (measured) 252.00 feet (deeded) to a point that is 41.56 feet (measured) 41.02 feet (deeded) North of the original Southwest corner of said Lot 18, COMBS PARK SUBDIVISION, thence North 47.49 feet (measured) 51.08 feet (deeded) to a point in the West line of said Lot 37,

COMBS PARK SUBDIVISION, thence North 10 Degrees 49 Minutes 48 Seconds East along the West line of said Lot 37, a distance of 96.05 feet more or less to the Northwest corner of Lot 37, COMBS PARK SUBDIVISION, thence East along the North line of said Lot 37 a distance of 182 feet to the point of beginning, EXCEPTING THEREFROM that part conveyed to James T. Morris and Wanda D. Morris, as joint tenants with Rights of Survivorship and not as tenants in common, by that certain Kansas Special Warranty Deed recorded in [Book 3099 at Page 316](#). TRACT II: Lots 35 and 36, COMBS PARK SUBDIVISION, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, LESS AND EXCEPT any portions of Tract I and II conveyed or taken for Rights of Way for public streets or roads, AND further EXCEPT from Tracts I and II above, that part thereof conveyed to the City of Kansas City, Kansas by that certain Dedication of Right-of-Way filed as [Document No. 999475](#) in Book 3111 at Page 215-217. Located at approximately 4810 State Avenue, Kansas City, Kansas,

be changed from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-466, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-2 Planned General Business District. Said District Map, previously incorporated by reference by Section 27-466 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 _____, 2023.

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 _____)

COZ2022-42

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 810 North 6th Street, in Kansas City, Kansas, by changing the same from its present zoning of C-O Non-Retail Business District to C-D Central Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of C-O Non-Retail Business District to C-D Central Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

TRACT 4: A tract of land in the Northwest Quarter of Section 10, Township 11, Range 25 in Kansas City, Wyandotte County, Kansas, described as follows: Commencing at the Southeast corner of Huron Place, as shown on the recorded plat of Wyandotte City, in Kansas City, Kansas, thence North 150 feet thence West 150 feet, thence South 150 feet, thence East 150 feet to the place of beginning, meaning and intending to describe the Southeast corner of Huron Place, as shown on the recorded plat of Wyandotte City, together with the North 5 feet of Ann Avenue, as vacated by City Ordinance No. 238. Located at approximately 810 North 6th Street, Kansas City, Kansas,

be changed from its present zoning of C-O Non-Retail Business District to C-D Central Business 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 C-D Central Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 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 _____, 2023.

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 _____)

COZ2022-043

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1223 Meadowlark Lane, in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Nonretail Business District to B-P Planned Business Park 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 October 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of CP-O Planned Nonretail Business District to B-P Planned Business Park 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:

9201, SR, T11, R24, ACRES 2.11, BEG 421.04FT S & 40FT E OF NW
COR SE1/4 SE1/4; E 305.03FT, S 286.31FT, S76W-68.76FT, W
238.33FT, N 303FT TO POB CONTG 2.11 AC M/L, Located at
approximately 1223 Meadowlark Lane, Kansas City, Kansas,

be changed from its present zoning of CP-O Planned Nonretail Business District to B-P Planned Business Park District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-472, 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 B-P Planned Business Park 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 _____, 2023.

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 _____)

COZ2022-049

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 11787 American Royal Way, in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business 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 November 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of CP-2 Planned General Business 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:

All that part of the Southwest Quarter of Section 3, Township 11 South, Range 23 East, in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: commencing at the southwest corner of the Southwest Quarter of said Section 3, thence North 02 degrees 09 minutes 06 seconds West, with the west line of the Southwest Quarter of said Section 3, a distance of 284.34 feet; thence North 87 degrees 50 minutes 54 seconds East, a distance of 50.00 feet to the point of beginning; thence North 02 degrees 09 minutes 06 seconds West, a distance of 108.90 feet to a point of curvature; thence on a curve to the left having a radius of 1550.00 feet, a central angle of 05 degrees 02 minutes 50 seconds, an arc distance of 136.54 feet; thence North 07 degrees 11 minutes 56 seconds West, a distance of 208.77 feet to a point of curvature; thence on a curve to the right having a radius of 1450.00

feet, a central angle of 05 degrees 02 minutes 50 seconds, an arc distance of 127.73 feet; thence North 02 degrees 09 minutes 06 seconds West, a distance of 506.71 feet; thence North 42 degrees 53 minutes 35 seconds East, a distance of 21.20 feet; thence North 87 degrees 56 minutes 16 seconds East, a distance of 147.49 feet to a point of curvature; thence on a curve to the left having a radius of 550.00 feet, a central angle of 32 degrees 58 minutes 02 seconds, an arc distance of 316.46 feet; thence North 54 degrees 58 minutes 01 second East, a distance of 37.22 feet; thence South 14 degrees 45 minutes 58 seconds East, a distance of 334.41 feet; thence South 24 degrees 10 minutes 09 seconds East, a distance of 205.23 feet; thence South 12 degrees 48 minutes 43 seconds West, a distance of 274.19 feet; thence South 12 degrees 48 minutes 05 seconds West, a distance of 15.00 feet; thence North 77 degrees 12 minutes 50 seconds West, a distance of 170.66 feet; thence South 12 degrees 38 minutes 47 seconds West, a distance of 225.91 feet; thence South 02 degrees 11 minutes 17 seconds East, a distance of 50.91 feet; thence South 87 degrees 48 minutes 43 seconds West, a distance of 9.15 feet to a point of curvature; thence on a curve to the left having a radius of 108.00 feet, a central angle of 63 degrees 39 minutes 43 seconds, an arc distance of 120.00 feet to a point of reverse curvature; thence on a curve to the right having a radius of 300.00 feet, a central angle of 13 degrees 46 minutes 30 seconds, an arc distance of 72.13 feet; thence South 37 degrees 55 minutes 30 seconds West, a distance of 38.81 feet to a point of curvature; thence on a curve to the right having a radius of 110.00 feet, a central angle of 49 degrees 55 minutes 24 seconds, an arc distance of 95.85 feet; thence South 87 degrees 50 minutes 54 seconds West, a distance of 61.45 feet to the point of beginning. The above described tract contains 523,774 square feet, or 12.02 acres. NOW KNOWN AND DESCRIBED AS FOLLOWS: Lot 2 American Royal, a subdivision of land in Kansas City, Wyandotte County, Kansas. Located at approximately 11787 American Royal Way, Kansas City, Kansas,

be changed from its present zoning of CP-2 Planned General Business 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 _____, 2023.

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 _____)

COZ2022-050

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2300 North 113th Terrace and 2302 North 113th Place, in Kansas City, Kansas, by changing the same from its present zoning of RP-3 Planned Townhouse and RP-4 Planned Garden 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 November 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of RP-3 Planned Townhouse and RP-4 Planned Garden 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:

All of Lot 1, Block 1 and all of Lots 1 through 9 and Common Area, and all of N. 113th Place (to be vacated), Block 2, of Hazelwood Assisted Living, a subdivision of record in the City of Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 10th day of November, 2022, as follows: Beginning at the Northwest corner of said Block 2; thence South 82 degrees 44 minutes 31 seconds East, with the north line of said Block 2, a distance of 137.79 feet to a point of curvature; thence easterly, southeasterly and southerly with said north line of Block 2, on a curve to the right, having a radius of 275.00 feet, a central angle of 81 degrees 02 minutes 42 seconds, an arc distance of 388.99 feet; thence South 01 degree 41 minutes 50 seconds East with the east line of said Block 2 and said Block 1, a distance of 455.40 feet to a point of curvature; thence southerly with said east line of

said Block 1, on a curve to the right, having a radius of 275.00 feet, a central angle of 07 degrees 26 minutes 17 seconds, an arc distance of 35.70 feet; thence South 88 degrees 18 minutes 10 seconds West with the south line of said Block 1, a distance of 249.66 feet; thence North 34 degrees 56 minutes 59 seconds West with the westerly line of said Block 1, a distance of 122.56 feet; thence North 47 degrees 36 minutes 59 seconds West continuing with said westerly line of Block 1, a distance of 111.15 feet to a point of curvature; thence northwesterly and northerly with said westerly line of Block 1, on a curve to the right, having a radius of 150.00 feet, a central angle of 54 degrees 52 minutes 17 seconds, an arc distance of 143.65 feet; thence North 07 degrees 15 minutes 19 seconds East continuing with said west line of Block 1 and the west line of said Block 2, a distance of 479.02 feet to the Point of Beginning. The above described tract contains 283,830 square feet, or 6.52 acres. The basis of bearings for the above described property is Kansas State Plane, North Zone, NAD 83. Located at approximately 2300 North 113th Terrace and 2302 North 113th Place, Kansas City, Kansas,

be changed from its present zoning of RP-3 Planned Townhouse and RP-4 Planned Garden 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 _____, 2023.

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_____)

VAC2022-006

ORDINANCE NO. _____

AN ORDINANCE vacating a utility easement described as RECORD DESCRIPTION: DOCUMENT NO. 2017R-08547, THE WEST 15 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 11, RANGE 24, IN WYANDOTTE COUNTY, KANSAS, LESS AND EXCEPT THAT PART CONDEMNED BY THE KANSAS TURNPIKE AUTHORITY IN CONDEMNATION PROCEEDINGS IN THE DISTRICT COURT OF WYANDOTTE COUNTY, RECORDED OCTOBER 22, 1955, IN CASE NO. 93021A, AND FURTHER EXCEPT ANY OTHER PART THEREOF IN STREETS, ROADS OR PUBLIC RIGHTS OF WAY, LOCATED AT 324 AND 328 NORTH 64TH TERRACE, KANSAS CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

RECORD DESCRIPTION: DOCUMENT NO. 2017R-08547
THE WEST 15 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 11, RANGE 24, IN WYANDOTTE COUNTY, KANSAS, LESS AND EXCEPT THAT PART CONDEMNED BY THE KANSAS TURNPIKE AUTHORITY IN CONDEMNATION PROCEEDINGS IN THE DISTRICT COURT OF WYANDOTTE COUNTY, RECORDED OCTOBER 22, 1955, IN CASE NO. 93021A, AND FURTHER EXCEPT ANY OTHER PART THEREOF IN STREETS, ROADS OR PUBLIC RIGHTS OF WAY, LOCATED AT 324 AND 328 NORTH 64TH TERRACE, KANSAS CITY, KANSAS.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits,

electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2023.

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 _____)

SP2022-061

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 SP2022-061, 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 1664.81 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 636.04 feet East and 116.22 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 for the **Temporary Use of Land 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:

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.

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 _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-095

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 SP2022-095, commonly known as 2515 North 17th Street, Kansas City, Kansas, legally described as:

The West 77 feet of Lots 83 and 84, GLENWOOD, an addition now in and a part of Kansas City, Wyandotte County, Kansas. (Approx. Add. 2517 North 17th Street – Parcel No. 115853). Lots 85 and 86, GLENWOOD, a subdivision of land in Kansas City, Wyandotte County, Kansas. (Approx. Add. 2515 North 17th Street – Parcel No. 115851). Lots 87 and 88, GLENWOOD, an addition in Kansas City, Wyandotte County, Kansas. (Approx. Add. 2513 North 17th Street) Parcel 115850, located at approximately 2515 North 17th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a privately owned playground.

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 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) 573-8620I
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.orgto 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.

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 _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-099

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 SP2022-099, commonly known as 3141 and 3151 Fiberglass Road, Kansas City, Kansas, legally described as:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WYANDOTTE, STATE OF KANSAS, AND IS DESCRIBED AS FOLLOWS: ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF FIBERGLASS ROAD AS ORIGINALLY ESTABLISHED 66 FEET WIDE THAT IS 800 FEET DISTANT NORTH FROM THE NORTH LINE OF FUNSTON ROAD MEASURED ALONG SAID EAST LINE OF FIBERGLASS ROAD; THENCE NORTH ALONG SAID EAST LINE OF FIBERGLASS ROAD 222.19 FEET; THENCE EAST ALONG A STRAIGHT LINE AT RIGHT ANGLES TO SAID EAST LINE OF FIBERGLASS ROAD A DISTANCE OF 238.56 FEET; THENCE SOUTH ALONG A LINE PARALLEL TO SAID EAST LINE OF FIBERGLASS ROAD A DISTANCE OF 8.96 FEET; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 239.88 FEET, MORE OR LESS, TO A POINT 348.86 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID EAST LINE OF FIBERGLASS ROAD, THE POINT OF BEGINNING; THENCE WEST ALONG A STRAIGHT LINE 348.86 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART THEREOF IN PUBLIC ROADS, LOCATED AT APPROXIMATELY 3141 AND 3151 FIBERGLASS ROAD.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for the operation of an automotive body shop.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. This 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.

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 _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-100

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 SP2022-100, commonly known as 5841 Swartz Road, Kansas City, Kansas, legally described as:

Beginning at the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, Township 11, Range 24, thence East 398.6 feet, thence North 343 feet to the center line of James O'Hara Road (or Swartz Road), thence Southwesterly along the center line of James O'Hara Road (or Swartz Road) to a point due North of the point of beginning, thence south 263 Feet to the point of beginning and containing 2-78/100 acres more or less, in Wyandotte County, Kansas, located at approximately 5841 Swartz Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit **to keep a storage container to store construction 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. 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.

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 _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-104

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 SP2022-104, commonly known as 1300 Meadowlark Lane, Kansas City, Kansas, legally described as:

Parcel Number: 920111, BEG 40FT W & 299.1FT S OF NE COR SW1/4 SE1/4; S 427.62FT, S07W-65.76FT, W 611.97FT, N 492.9FT, E 620.01FT TO POB CONTG, Located at approximately 1300 Meadowlark Lane, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of light auto-repair and general maintenance of commercial vehicles and a storage container for the KCK Housing Authority.

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 shall dedicate the proposed landscape easement with the Register of Deeds;
2. Additional landscaping shall be installed along Meadowlark in the form of trees, bushes, hedges, or shrubs;
3. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 302,988 square feet, requiring 44 trees be provided on the site plan. The applicant must maintain all existing trees or landscaping and replace any landscaping that dies;
4. The storage container must be moved to the southwest corner of the parking lot;
5. Any miscellaneous materials must be stored either in the storage container or inside. Miscellaneous materials shall not be stored outdoors in an unorganized manner;
6. 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;
7. 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;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and

issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

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

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 _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-105

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 SP2022-105, commonly known as 5010 Speaker Road, Kansas City, Kansas, legally described as:

All of Lot 2, HARCROS 2ND PLAT, A Replat of Lot 1, HARCROS, a Subdivision of Land and a Tract of Land in part of the Northwest Quarter and Northeast Quarter of Section 13, Township 11 South, Range 24 East, in the City of Kansas City, Wyandotte County, Kansas; said Lot containing 827,648 square feet or 19.0002 acres, located at approximately 5010 Speaker Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for the operation of a truck terminal with heavy truck maintenance and repair.

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. Trash shall be disposed of in a trash enclosure complying with the Sec. 27-699(b)(5). Tire, oil and other chemical disposal shall be disposed of in accordance local, State and Federal regulations;
2. The timber stand on the north and northeast of the property shall be preserved as much as possible. The graded area in the northeast corner shall have additional trees planted where disturbed, damaged, or dead to better control long-term erosion and maintain aesthetics along the Levy Trail;
3. No gravel shall be introduced to the property;
4. No parking or idling shall be allowed along the driveway stretch from Speaker Road to the main part of the property;
5. Access Agreements must be preserved and maintained (or created if non-existent) between all parties who utilize the gate for adequate traffic flow;
6. Additional comments by staff during the building permitting process may result in additional revisions prior to the issuance of a building or site permit. All comments by Planning Engineering shall be completed as required and detailed in the separate letters to the applicant;
7. The Board of Public Utilities (BPU) has recently revised their requirements for transformer screening. Please verify the transformer meets these requirements or revise:
 - 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' clearance from pad when gate doors open;
 - c) Posts for gate doors must be installed a minimum distance of 10' apart in the front;
 - d) For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inch 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 6' on each side, 6' on the back and five (5) feet on the front allowing for 10' on the front when gate doors open;
8. Staff accommodations in the maintenance shop shall include appropriate and adequate restrooms and changing facilities for all persons who are legally allowed to work regardless of gender identity or orientation;
9. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;

- 10. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;**
- 11. 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;**
- 12. 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;**
- 13. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [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;**
- 14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 15. 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;

- 16. 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;**
- 17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____,
2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-109

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 SP2022-109, commonly known as 5331 Miami Avenue, Kansas City, Kansas, legally described as:

The West 82.5 feet of Lot 8, Panorama Heights, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 5331 Miami Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit to operate a chiropractic office.

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 will see patients four (4) times a week, generally between 9:00 AM – 6:00 PM (Tuesday, Wednesday and Friday), and 10:00 AM – 1:30 PM (Saturday);**

2. The driveway apron must be paved with asphalt and brought up to the code standard, set by Section 27-673;
3. The business will be limited to having one (1) client on-site at a time, due to the limited on-site parking provided;
4. All parking must be off-street in the driveway;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. The applicant must file and maintain a current business occupation tax application;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e. change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only

allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

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 _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-111

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 SP2022-111, commonly known as 4112 Booth Street, Kansas City, Kansas, legally described as:

The South 30 feet of Lot 4 and the North 10 feet of Lot 5, Bonaventure, a subdivision in Kansas City, Wyandotte County, Kansas, according to the recorded Plat thereof. Located at approximately 4112 Booth Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant**

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

2. All remaining required repairs must be completed within 60 days of approval;
3. Maximum number of guests shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper main entrance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-114

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 SP2022-114, commonly known as 4403 North 42nd Street, Kansas City, Kansas, legally described as:

A Tract of land lying and situated in Sections 18 and 19, Township 10 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by William C. Anderson, PLS-1527, with BHC, CLS 175, by metes and bounds as follows: (Note: For course orientation the bearings in the description are based on the South line of the Northwest Quarter of said Section 19, as determined by Global Positioning System observations and referenced to the Kansas State Planes Coordinate System, North Zone (NAD83).) Beginning at the West Quarter Corner of said Section 19, being monumented by a 1-inch pipe, Thence North 01° 40' 14" West, 2643.17 feet, on the West line of the Northwest Quarter of Section 19, to the Northwest corner of said Section 19, monumented by a 1/2-inch reinforcing rod; Thence continuing North 01° 40' 14" West, 1600.50 feet; Thence North 87° 55' 23" East, a distance of 2639.56 feet, to a point on the East line of the Southwest Quarter of Section 18; Thence continuing North 87° 55' 23" East, a distance of 1683.79 feet, to a point on the high bank of the West bank of the Missouri River, monumented by a 1/2-inch reinforcing rod with KS CLS 175 cap on the property line and 50.00 feet West of the property corner, and said high bank; Thence Southerly along said high bank the following 33 courses and distances: South 22° 25' 43" East, 64.92 feet; Thence South 27° 03' 27" East, 94.34 feet; Thence South 30° 06' 59" East, 114.62 feet; Thence South 29° 36' 32" East, 170.11 feet; Thence South 09° 30' 36" East, 63.85 feet; Thence South 32°

35' 53" East, 222.94 feet; Thence South 09° 23' 11" West, 55.61 feet; Thence South 21° 12' 00" East, 96.20 feet; Thence South 26° 28' 18" East, 130.05 feet; Thence South 13° 48' 48" East, 169.63 feet; Thence South 03° 00' 38" East, 178.12 feet; Thence South 01° 54' 00" West, 230.04 feet; Thence South 01° 26' 55" West, 109.40 feet, to its intersection with the North line of the Northeast Quarter of said Section 19; Thence continuing South 01° 26' 55" West, 62.93 feet; Thence South 02° 41' 12" East, 208.51 feet; Thence South 06° 14' 34" West, 209.41 feet; Thence South 11° 22' 44" West, 185.66 feet; Thence South 16° 44' 41" West, 440.31 feet; Thence South 18° 59' 51" West, 153.11 feet; Thence South 14° 35' 19" West, 173.20 feet; Thence South 13° 36' 17" West, 110.06 feet; Thence South 12° 21' 55" West, 253.11 feet; Thence South 17° 48' 48" West, 142.74 feet; Thence South 13° 50' 34" West, 153.10 feet; Thence South 11° 39' 30" West, 133.53 feet; Thence South 05° 56' 57" West, 278.44 feet; Thence South 01° 58' 04" West, 187.81 feet; Thence South 05° 54' 45" East, 37.58 feet, to the intersection of said high bank with the South line of the Northeast Quarter of said Section 19, monumented by a 1/2-inch reinforcing rod with KS CLS 175 cap on said South line, 50.00 feet West of the property corner, and said high bank; Thence South 02° 08' 23" East, 233.22 feet; Thence South 00° 44' 24" East, 165.36 feet; Thence South 00° 36' 13" West, 206.09 feet; Thence South 11° 26' 41" East, 352.98 feet; Thence South 15° 05' 35" East, 202.63 feet; Thence departing said high bank South 87° 58' 57" West, 770.00 feet; Thence North 01° 54' 36" East, 1152.71 feet, to a point on the South line of the Northeast Quarter of said Section 19; Thence, on said South line, S87° 58' 57" West, 934.57 feet, to the Southwest corner of said Northeast Quarter, monumented by a 1-inch pipe; Thence, continuing on the South line of the Northwest Quarter of said Section 19, South 87° 58' 57" West, 2637.52 feet, to the Point of Beginning, said Tract containing 19,948,246 square feet, or 457.9487 acres. Located at approximately 4403 North 42nd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a sand dredging pit, sand processing and future restoration along the Missouri River.

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. No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning + Urban Design Department at 913-573-5750 and/or planninginfo@wycokck.org for assistance. If archeological resources are found refer to the National Park Service National Register Bulletin 36 for more information https://www.nps.gov/subjects/nationalregister/upload/NR_B36-Complete.pdf;
2. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
3. Continue to coordinate with the US Army Corps of Engineers (USACE) and obtain the necessary permits with the Department of the Army;
4. Existing trees and vegetation along the shoreline shall be preserved with the exception of the area specific to the dock access, loading stockpile and conveyor/access road line;
5. Site restoration and reclamation shall commence immediately following the removal of the barge loading dock/access road;
6. Normal operating hours: Earthmoving for stripping and reclamation – 7:00 AM to 5:00 PM weekdays and dredging, processing and barge loading – 10 to 24 hours per day. Operations would typically be Monday through Friday or Saturday as outlined in our submitted project operation plan.
 - a. Hours of operation for earthmoving for stripping and reclamation shall be during daylight hours. Exceptions shall be made for occasional large-scale earthmoving operations occurring on Saturdays and/or Sundays, due to imminent weather conditions (i.e. flooding) and unusual peak demand. Contractor/Operator shall provide 24-hour advance notice to the Unified Government Planning + Urban Design office of any large scale after hours and/or weekend operations;
7. Restrooms shall be provided in a manner that is approved by the Building Inspection Department;
8. Dust has the potential to be a problem. The site (disturbed ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 47th Street;
9. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
10. 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;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 12. A Right-of-Way Permit is required for the driveway 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;**
- 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;**
- 14. 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;**
- 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 16. 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;**
- 17. Subject to approval, 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,**
- 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.**

Board of Public Utilities Conditions:

1. During the term of this permit, Holliday will procure and continuously maintain, at its' sole expense, a location-specific Pollution Legal Liability (PLL) insurance policy which meets the requirements in Exhibit B of the September 1, 2022 letter from BPU General Manager Bill Johnson.
2. Holliday shall adopt all assurances set out in the Project Development Plan and obtain all such other permits as identified therein.
3. Holliday shall provide BPU all final governmental permits and updates of those permits.
4. Holliday shall provide for reasonable future reimbursements for BPU's future outside experts necessary to review project related environmental reports or changes in project conditions.
5. Holliday will timely share its water quality monitoring results with BPU.

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 _____, 2023.

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: March 2, 2023

Re: Special Use Petition SP2022-113

GENERAL INFORMATION

Applicant:

Lynne Beaver

Status of Applicant:

Owner

2951 South 34th Street
Kansas City, Kansas 66106

Requested Action:

Approval of a Special Use Permit.

Date of Application:

November 28, 2022

Purpose:

To approve a Special Use Permit
to operate an event space.

Property Location:

2951 South 34th Street
Kansas City, Kansas 66106

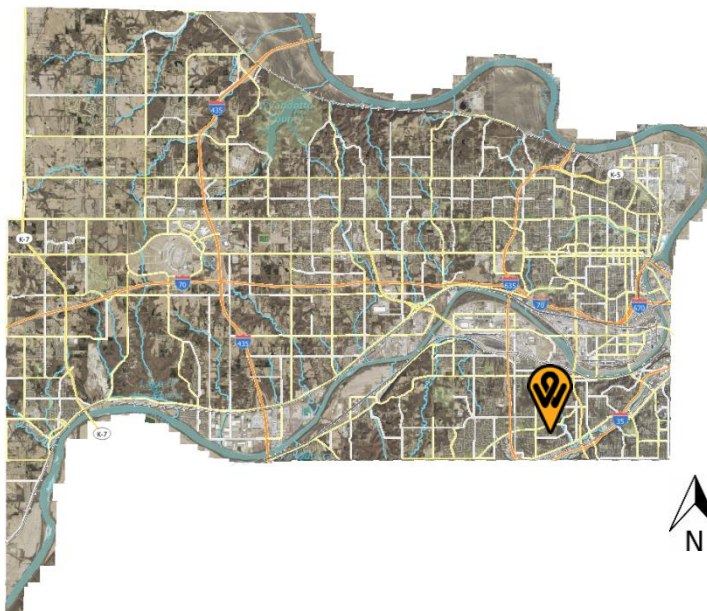
Commission Districts:

Commissioner At-Large, District #2:

Tom Burroughs

District #6 Commissioner:

Angela Markley



Existing Zoning:	A-G Agriculture 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 residences West: Single family residences
Total Tract Size:	9.59 Acres
Master Plan Designation:	The City-Wide Master Plan designates the subject property as Low-Density Residential, which allows for single-family homes.
Major Street Plan:	The Major Street Plan designates 34 th Street Class C Thoroughfare.
Parking Requirement:	Section 27-668(a)(11) requires one (1) space for each four (4) seats in a place of assembly, auditoriums, theatres, and concert halls. There are approximately 120 seats, which requires 30 parking spaces to be provided. The applicants site plan provides 60 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – December 15, 2022 Letters to Property Owner – December 16, 2022
Public Hearings:	January 9, 2023, January 26, 2023 and March 2, 2023
Public Support:	None to date.
Public Opposition:	There were eight (8) people present in opposition at the January 9, 2023 City Planning Commission meeting. A 34.76% valid protest petition has been submitted.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lynne Beaver, is requesting a Special Use Permit to operate an agriculturally oriented event space at 2951 South 34th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no Noise or Disturbance complaints at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Argentine Statistical Neighborhood. The neighborhood consists of primarily single-family residences, most of which are on wide and shallow medium-sized lots with generous setbacks. The property is located along 34th Street, which runs north to Argentine and south to Turkey Creek.

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

The zoning and uses of nearby property are set out above. The proposed use may not be compatible with nearby uses, as an agriculturally oriented event center may create issues such as noise, illumination, and dust that would impact adjacent residences. If managed properly, however, the issues should not create a compatibility concern.

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 a large lot, agriculturally zoned property with multiple accessory structures, which had been utilized for agricultural purposes. The property may be suitable to be used for an agriculturally oriented event center, as long as the event center elements are managed properly and impacts on nearby property are limited.

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

The property is not vacant and has been utilized as a residence for the property owner and their family.

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

The City-Wide Master Plan does not address Special Use Permits. The City-Wide Master Plan designates the subject property as Low-Density Residential, which allows for single-family homes. While the proposed use does not conform to the Master Plan designation, Staff contends that the designation should be kept in place to address future uses and maintain conformance to the existing character of the neighborhood.

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

The proposed use will inherently result in an increase of traffic, as it is a new, more intense use on the subject property. The increase in traffic could be a concern depending on the number of guests, or the mode of transportation the guests utilize.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as the proposed use is for the convenience of the property owner, rather than use for the public. The proposed use may injure the use, quality, and marketability of adjoining properties if the proposed use is not managed properly. The proposed use, however, also has the potential to enhance the use, quality, or marketability of nearby property as it could enhance the rural character of the neighborhood.

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

Noise, vibration, dust, and illumination are typical issues with this kind of use, however, the property provides ample screening, which mitigates the impact of dust and illumination. If the applicant takes steps to mitigate impacts, these issues should be a problem.

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

The proposed use will not pollute the air, land, or water, as it is located within an existing, built-out single-family neighborhood.

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, built-out single-family neighborhood.

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

The relative gain to public health, safety, and welfare is minimal. If the application is denied, the applicant would have to find a new location for the proposed use and an alternative use for the property.

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

The proposed use should not result in the overcrowding of land or cause undue concentrations of population as the property is 9.59 acres, much of which is open space.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP-2013-46) for two (2) years in 2014 to operate an event space.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 21, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Illumination
Vibration
Dust
Parking
Driveway
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 4 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2022-113, for one (1) year**, subject to:

- 1. All entertainment must cease by at least 1:00AM;**
- 2. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;**
- 3. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**

4. All trash and debris from any event shall be picked up the day/night of the event and disposed of properly;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. The applicant shall file a Final Development Plan within 60 days of approval of the Special Use Permit, otherwise this petition is null and void;
7. The proposed parking lot must be paved according to Section 27-675(a);
8. The two (2) shipping containers on the property shall be removed or must receive a Special Use Permit;
9. The applicant must maintain all existing trees, as well as add trees as demonstrated in their site concept;
10. 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;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. 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;
15. 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;
16. 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;

- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and**
- 21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**
- 22. No fireworks shall be shot off or displayed unless it is in compliance with the fireworks ordinance.**
- 23. This permit could be brought before the Board of Commissioners if there are violations of any of the conditions of approval for revocation.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

The Board of Commissioners granted the Applicant's request at the January 26, 2023, meeting to hold over this application until the March 2, 2023, meeting.

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 **SP2022-113** subject to all comments and suggestions outlined in this staff report, summarized by the following conditions:

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Circulation
Site Renderings
Site Photos, Taken by Staff, Dated December 8, 2022
Neighborhood Meeting Materials
Protest Petition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 9, 2023	January 26, 2023
Special Use	Approval	Held Over March 2, 2023

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-113** to the 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 **SP2022-113**, 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 2:54:00:

SPECIAL USE PERMIT APPLICATION SP2022-113 – LYNNE BEAVER -

SYNOPSIS: Special Use Permit to operate an event space at 2651 South 34th Street.

Detailed Outline of Requested Action: The applicant, Lynne Beaver, is requesting a Special Use Permit to operate an agriculturally oriented event space at 2951 South 34th 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 January 9, 2023;
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:

- Bill Hutton, attorney representing the applicant, 509 Armstrong Avenue, Kansas City, Kansas 66101

Present in Opposition:

- Fred Harmon, 3303 Forest Avenue, Kansas City, Kansas 66106
- Jason Winfrey, 2905 South 34th Street, Kansas City, Kansas 66106 (appeared with questions)
- Mark Monnington, 3211 Forest Avenue, Kansas City, Kansas 66106
- Mary Dickerson, 3035 North 33rd Street, Kansas City, Kansas 66106
- Hannah Monnington, 3211 Forest Avenue, Kansas City, Kansas 66106
- Joshua Monnington, 1935 High Drive, Leavenworth, Kansas and until recently at

- 3211 Forest Avenue, Kansas City, Kansas 66106
- Daciela Andradee, 3010 South 32nd Street, Kansas City, Kansas 66106
 - Cindy Fuller, 3307 Forest Avenue, Kansas City, Kansas 66106

The Commission and Staff directed questions to the applicant's representative.

Staff Recommendation starts at 3:30: Planner Toy stated that he understands the concerns by the neighbors with the commercial type use of this property and how it is being used now and how it could be used in the future. The agricultural use of the property such as classes, etc. needs to be separated from the event space itself, which will have events such as weddings, birthday parties, and bridal showers. Staff would add a Condition 22 that no fireworks shall be shot off or displayed unless it is in compliance with the fireworks ordinance. Condition 23 would state that this permit could be brought before the Board of Commissioners for revocation if there are violations of any of the conditions of approval. Staff would also like to amend Condition 20 from approval for two (2) years to one (1) year. Staff recommends approval subject to the revised conditions in the staff report.

The Planning Commission directed questions regarding noise and past applications for live entertainment that have been approved previously to Staff.

Motion starts at 3:37:25:

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-113 for one (1) year:**

Carson	Aye
Straws	No
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Not Present
Pauley	Not Present

Motion to recommend **APPROVAL** Passed: 4 to 2
Subject to:

1. **All entertainment must cease by at least 1:00AM;**
2. **No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;**
3. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
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11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
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16. 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;
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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;

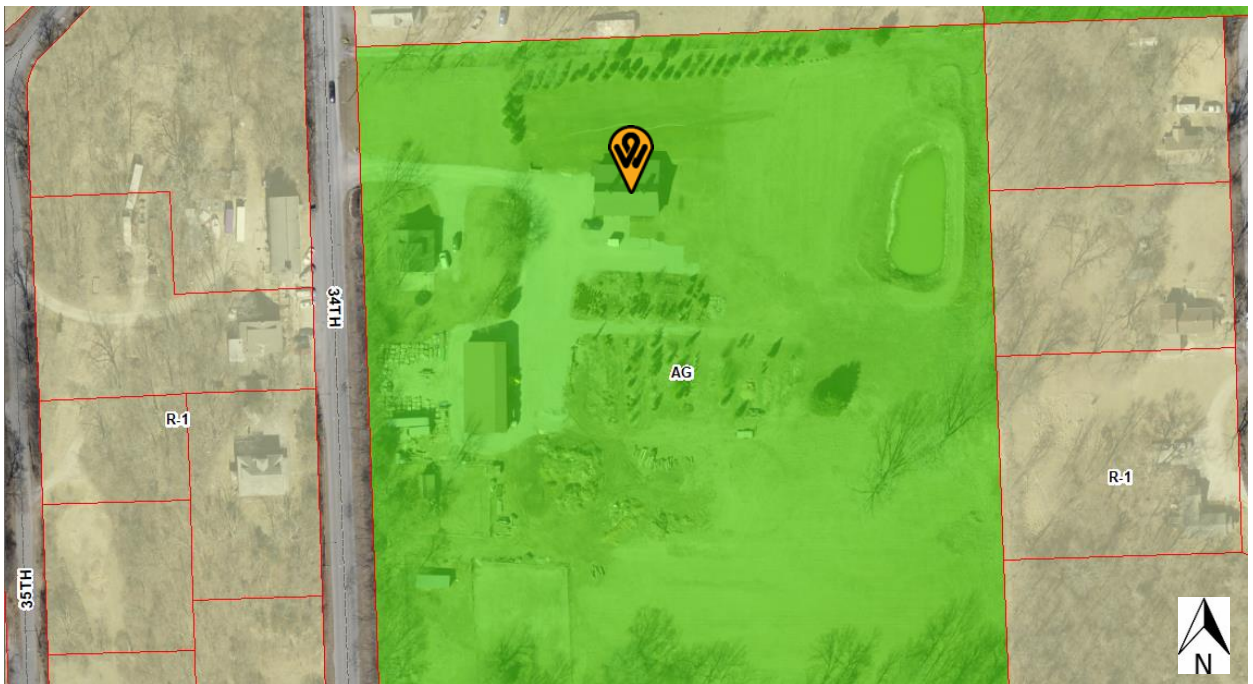
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19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
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ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP

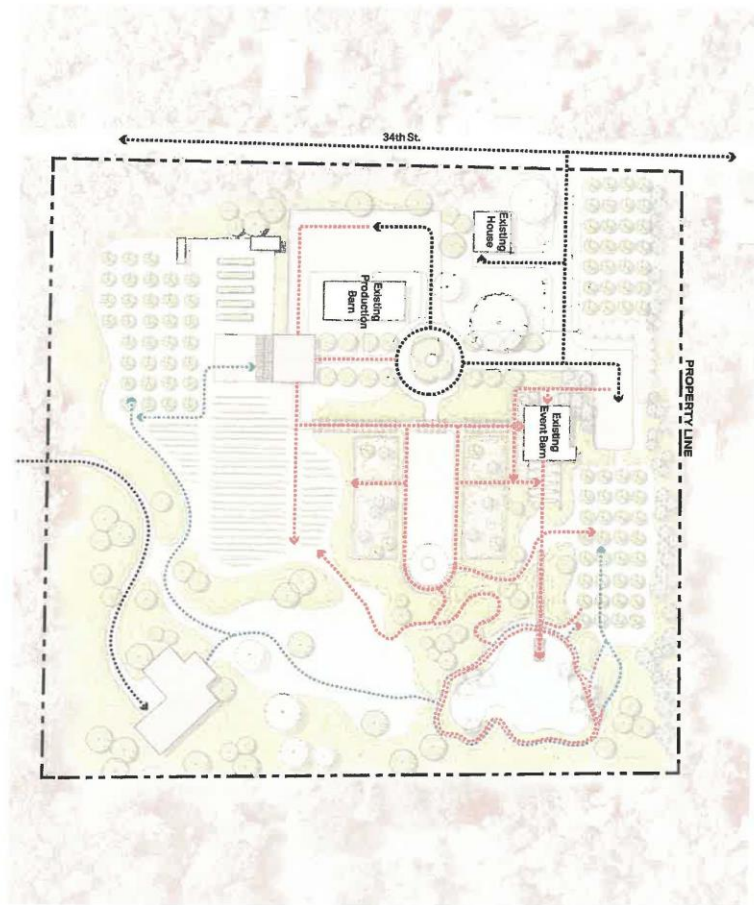


Hoerl Schaudt Stone Cliff Barn 28 May 2022

5



Connectivity Diagram

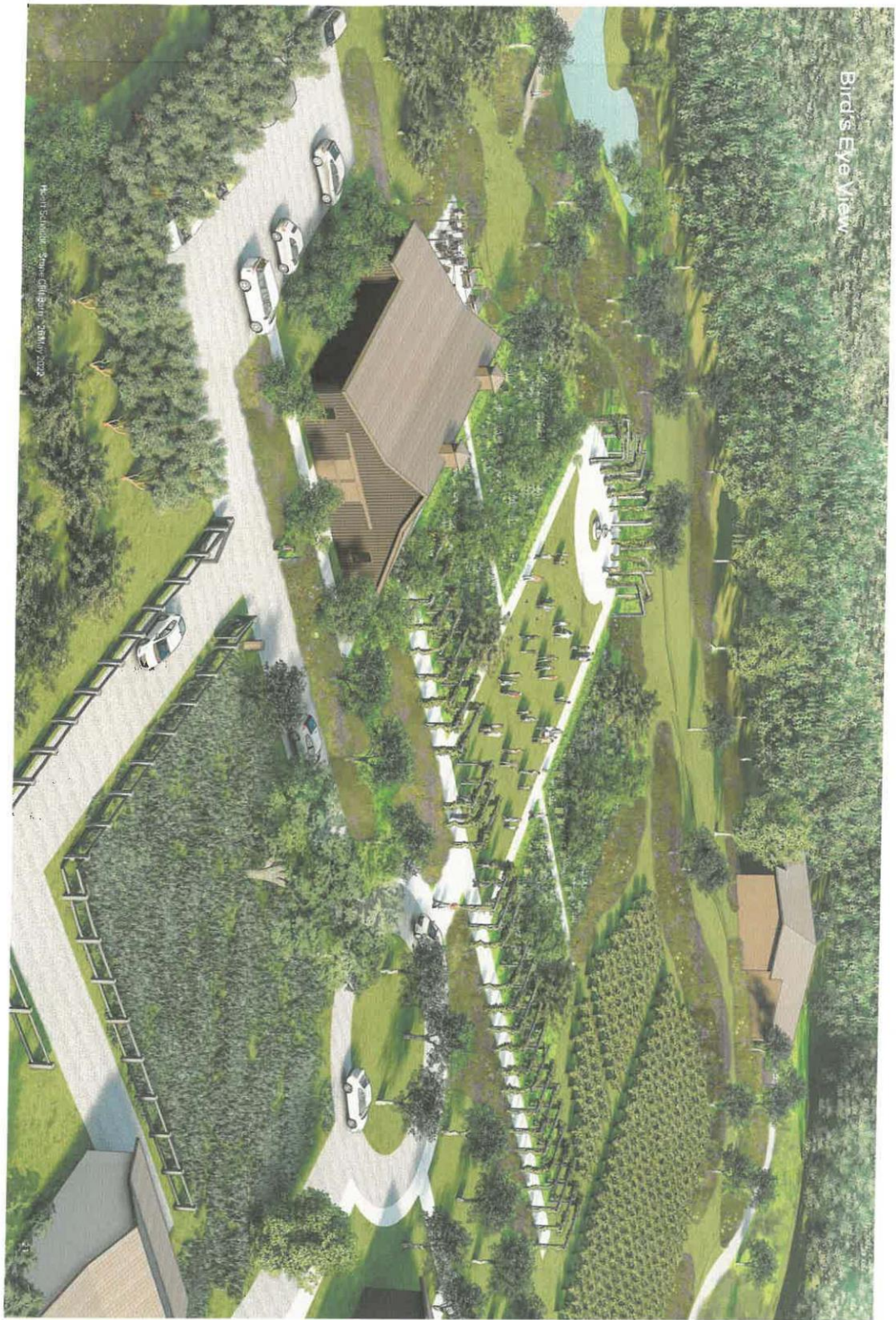


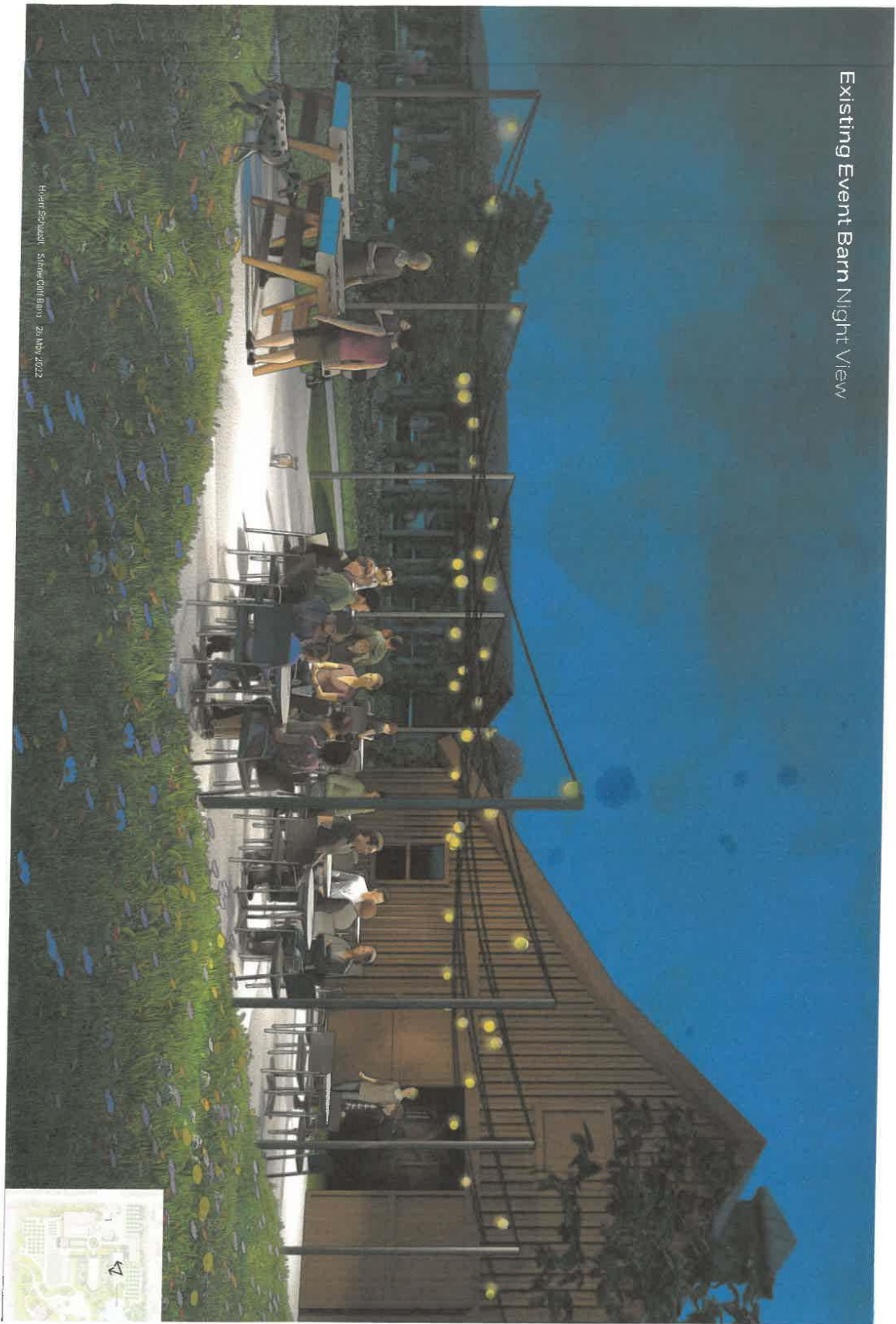
LEGEND:

- GUEST CIRCULATION
- VEHICULAR CIRCULATION
- PRIVATE/RESIDENTIAL CIRCULATION

Hebert Schaudt Stone Cliff Barn 28 May 2022







SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 8, 2022







NEIGHBORHOOD MEETING MATERIALS

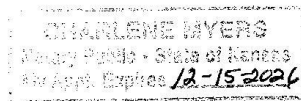
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Thomas W. Stibal, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am an attorney for petitioner for Petition #2022-113.
2. That I conducted a neighborhood meeting on December 21, 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.



Thomas W. Stibal
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of December, 2022.

My commission expires 15 of December, 2026.

Charlene Myers
Notary Public

MINUTES OF NEIGHBORHOOD MEETING

2951 s. 34TH St. Kansas City, Ks.

December 21, 2022

Meeting Called to order at 5:01pm

Names of Applicant and Representatives: Lynne Beaver, Thomas W. Stibal

William Hutton, five members of the neighborhood, the State Senator Pat Pettey, Alicia Ellingsworth, an urban agriculturalist, and Jon Beaver, the husband of the applicant. Eleven persons came to the meeting. None of the 11 neighbors who own property with a common border to the subject property attended. Mr. Breve does own a piece of property that has a corner of his property meet a corner of the subject property.

Mr. Hutton and Ms. Beaver made a brief opening statement about the proposed use of the property. The meeting was then open to questions. Nearly all of the comments and questions were made by Fred Harmon, Mark Monnington, and Cindy Fuller. Mr. Breve and Mr. DeWitt listened and attended the entire meeting but let the other three carry the bulk of the conversation.

Those three seemed to be opposed to the proposed use from the beginning. They initially commented about the property owner's daughter who had a wedding on the family property three years ago. There were no complaints about anything since.

And they indicated that they were opposed to a special use permit application which was submitted to the city in 2013 (and withdrawn by the petitioner) and are opposed to this one. They indicated that they did not believe that any "commercial use" was compatible with the neighborhood.

They voiced concerns about noise. The applicant indicated that no amplified music would be allowed outside, and that evening events would end earlier during the week than on weekends-and that weekend events would end at midnight, and that agritourism events would usually be daytime events. They, never the less, thought

that noise would be a problem. Their reasoning was that they had noise pollution from the NASCAR track, the railroad, and a neighbor that had a garage band.

They asked about alcohol consumption and expressed concern about impeded drivers leaving the venue. The applicant explained that this was not intended to be a party venue, but an event center for family, corporate, and an agritourism site that had an educational purpose. Despite explanations that many of the events are expected to be during the workday hours, the concern remained alcohol abuse. The applicant stated that she had no intent to apply for a liquor license. But if caterers that are hired for events have liquor licenses alcohol may be served.

The question was raised about the number of attendees at events. The applicant stated that she thought the event barn could only accommodate one hundred. They then asked about parking and expressed a belief that this many persons attending an event would create traffic issues for the neighborhood. They said that S. 34th St. already had issues with traffic and an additional 50 to 100 cars on event days would be problematic.

The discussion turned to the agritourism use of the property, specifically the use as a native grassland educational experience. The residents complained that the native grassland use would endanger air quality and indicated that the burning of pastures in the Flint Hills west of Emporia was impacting their quality of life, and that if the native grasses planted on the property were burned, as is done on tens of thousands of acres in central and western Kansas, their quality of life would be negatively impacted.

There was a brief discussion regarding the time it would take to stabilize the event business, about three years according to the business plan. The applicant stated that she believed that it would take three years to reach two events per week, the number needed to be reached to justify the financial commitment. The neighbors then complained that the business would grow over the three year period.

Meeting adjourned at _6:00p.m.

Minutes taken by Thomas W. Stibal

December 7, 2022

Name

Address

Kansas City, Ks, 6610

SUBJECT: Neighborhood meeting

We have filed an application, number SP2022-113, with the Department of Urban Planning and Land Use. The purpose of the Special Use Permit Application is for an agricultural based tourist event center at the following address: 2951 South 34th Street, Kansas City, Kansas.

We are having a neighborhood meeting at the proposed event barn at:
2951 S. 34th St. Kansas City, Ks. on December 21, 2022 at 5:00 pm.

The purpose of the meeting is to explain the proposal and to address any questions or concerns that you may have. The proposed use will be for a corporate event center, wedding destination, and a combination of various agricultural uses such as natural grassland prairie, vineyard, orchard, and farm to table vegetable gardening.

We look forward to seeing you at the meeting. If you are unable to attend, please send written questions or comments to the address, email address, or fax number listed below by December 21, 2022, and your questions or comments will be responded to in writing. Phone calls will also be responded to verbally in that time frame.

Kindest Regards,

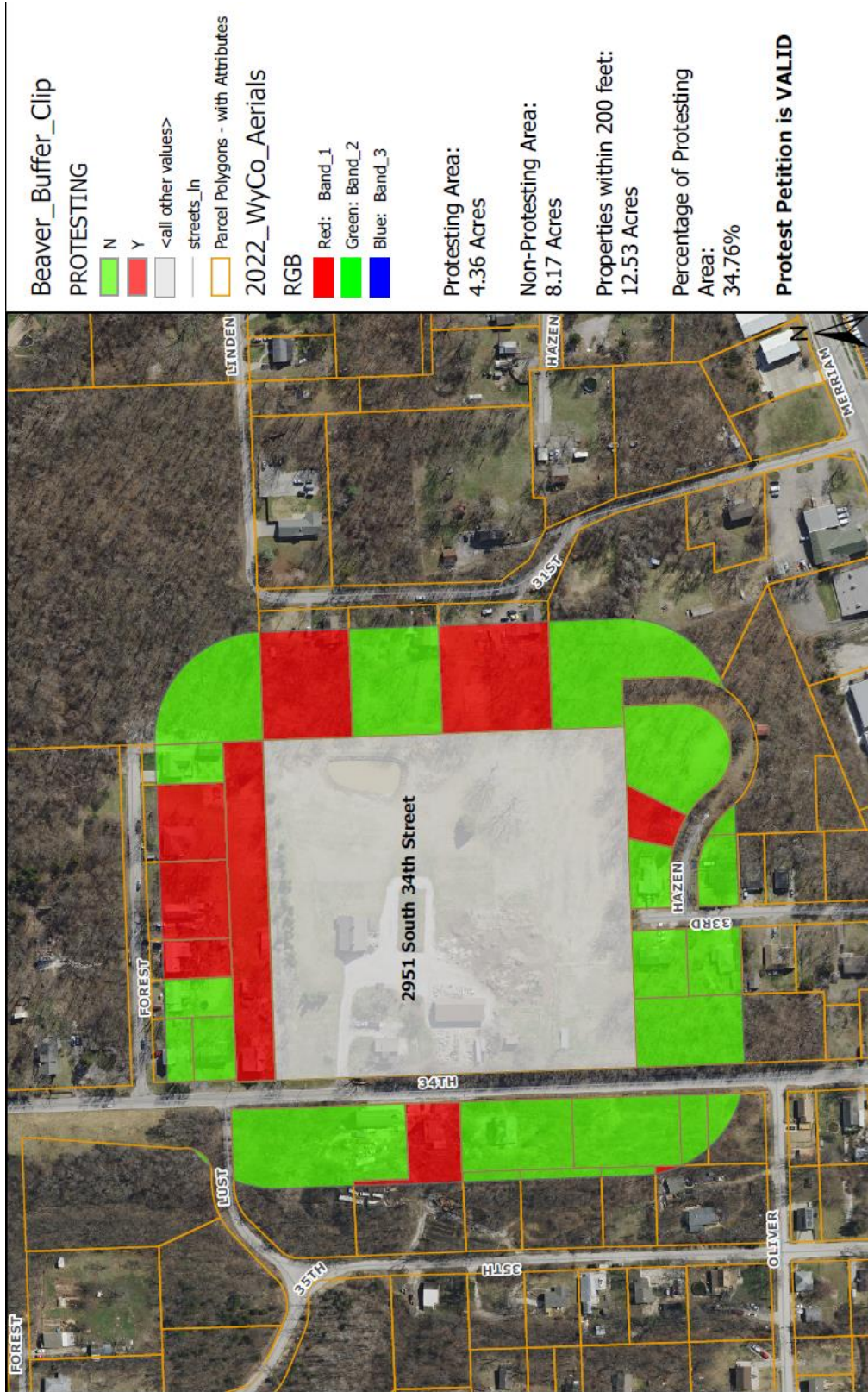
Thomas W. Stibal

stibalthomas@gmail.com

509 Armstrong Ave.

Kansas City, Kansas 66101

913.449.2189, fax 913,281.1320



Protest Petition Map of SP2022-113

Acknowledgement and Verification

(Please carefully read the verification statement before signing)

STATE OF KANSAS)
) SS
COUNTY OF WYANDOTTE)

UG CLERKS OFFICE

23 JAN 18 PM 12:00:59

I, FRED E. HARMON, 3303 FOREST AVE. K.C. KS. 66106
(Name) (Address)

3 being first duly sworn, under oath, depose and state that I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines provided by the Unified Government of Wyandotte County/Kansas City, Kansas, and the signatures and addresses placed on the Protest Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Protest Petition and own property within the statutory area of notification related to the area for which a REZONING/SPECIAL USE PERMIT is sought, and that
(Circle One)
to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this REZONING/SPECIAL USE PERMIT application. The
(Circle One)
statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought; or, if the
(Circle One)
area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT
(Circle One)
is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought.
(Circle One)

Fred E. Harmon
(Signature)

Subscribed and sworn to before me this 18th day of January, 2023,
by Fred E. Harmon, who is personally known to me to be the same person whose
name is subscribed to in the foregoing instrument.

Notary Public Chris Joseph

CHRIS JOSEPH
Notary Public-State of Kansas
My Appt. Expires 1/5/27

My Commission Expires: 1/5/27

4	Petitioner's Contact Information The Protest Petition process frequently requires dialouge between Unified Government Staff and the petitioner. In order to facilitate this dialouge, please provide the following contact information: Name <u>FRED E. HARMON</u> Phone Number <u>913-208-1828</u> Address <u>3303 FOREST AVE. K.S.KS. 66106</u> E-mail <u>papa da da 3303 @att.net</u>
	Protest Petition Protest Petition Against Rezoning or Special Use Permit No. <u>#SP2022-113</u> We, the undersigned property owners, do hereby protest the above referenced application at the following address: <u>2951 S. 34TH ST. KANSAS CITY, KS. 64116</u> We, the undersigned, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within fourteen (14) days from the date of the conclusion of the Planning Commission public hearing regarding this rezomng or special use permit (SUP) application. Further, we realize that this Petition is in opposition to the rezoning or SUP application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition. This Petition may be filed pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas Sec 27-1049(d) and shall be subject to the rules contained therein. We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which a rezoning or SUP is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Protest Petition as true and correct signatures in order for this Protest Petition to be valid. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning or SUP is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning or SUP is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning or SUP is sought.

Protest Petition Guidelines

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Petition Number:

Legal Signature of Property Owner (All owners of property must sign)	Printed Name of Property Owner (Please take care to print legibly)	Property Description (Address and/or lot and block number)	Date
<i>Robert S. Anderson</i>	2930 S 31		
<i>Dacielia L. Lundy</i>	Dacielia Anderson Andrad	3010 S. 31 st Street KKS	1-11-23
<i>Sherry Anderson</i>	Sherry Andrad	3027 So. 33 rd St. KKS	1-11-23
<i>Sherry Anderson</i>	RODNEY DICKERSON	3035 S 33 rd St KKS	1-11-23
<i>Ng de'vara Escuero</i>	Ma de Lourdes Escuero	3035 S 33 rd St KKS	1-11-23
<i>Robert S. Latham</i>	Robert S. Latham	3006 S. 34 th St KKS	1-11-23
<i>Robert S. Latham</i>	Robert S. Latham	3006 S. 34 th St KKS	1-11-23
<i>Sheryl Dewitt</i>	Sheryl Dewitt	2931 S 34 th St KKS	1-11-23
<i>Sue Regaert</i>	Sue Regaert	2925 S 34 th St KKS	1-11-23
<i>Laural A. Davis</i>	Laural A. Davis	3025 S. 35 th St. KKS	1-11-23
<i>GARTH J. DAVIS</i>	GARTH J. DAVIS	3025 S. 35 th St. KKS	1-11-23
<i>Joi C. Monnington</i>	Joi C. Monnington	3211 Forest Ave KC KS4006	1-11-23
<i>Juan Andrade</i>	Juan Andrade	3010 S. 31 st KKS	1-14-23
<i>FRED E. HARMON</i>	FRED E. HARMON	3303 FOREST AVE. K.C. KS.	1-14-23
<i>Deborah S Harmon</i>	Deborah S Harmon	3303 Forest Ave	1-14-23
<i>Kevin Lee Lindsey</i>	Kevin Lee Lindsey	2921 South 34 th St	1-14-23
<i>Bradley W Berve</i>	Bradley W Berve	3203 Forest Ave	1-14-23
<i>Bradley Berve</i>	Bradley Berve	3203 Forest Ave	1-14-23
<i>Mark E Monnington</i>	Mark E Monnington	3211 Forest Ave	1-14-23
<i>Andrew Sadosivian</i>	Andrew Sadosivian	3212 H2zen Ave	1-14-23
<i>THOMAS HATCH JR.</i>	THOMAS HATCH JR.	1456 So. 30 th K.C. K.	1-17-23
<i>Jacqueline Hatch</i>	Jacqueline Hatch	1456 S 30 th KKS	1-17-23
<i>ROSAL L. SIERA</i>	ROSAL L. SIERA	3112 Merriam Lane	1-17-23
		RLS and Associates, LC	

Protest Petition Guidelines

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Protest Petition Guidelines

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Staff Request for Commission Action

Tracking No. 212312

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 02/27/2023	<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
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Item Description:

Update regarding housing strategies provided by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 212236

Full Commission Meeting Date: 02/16/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 02/06/2023

(If none, please explain):

Publication Required: No

<u>Date:</u> 02/24/2023	<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 2 Single Family Homes 6 Multi Family Units 1 Commercial				
<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 03.02.23				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: February 24, 2023
SUBJECT: Option applications for consideration

The following **option application(s)** were presented at the 02/06/2023 meeting:
Please visit the new site to review the applications below

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

A. Single Family Homes – 2 Homes

1. Denis Mendoza – 1 home
 - i. 811 N 83rd St – 009480
3. Ingrid Landis – 1 home
 - ii. 2840 S 9th St – 136561
 - iii. 2842 S 9th St - 136548

B. Multi Family –6 Units

2. Michael Berry – 2 units
 - i. 2602 N 57th St – 036210
3. Fernando J Gomez – 4 Units
 - ii. 2233 S Mill St – 137258

C. Commercial – 1

2. Karen Daniels – The Boston Daniels Peace and Arts Center
 - i. 708 Quindaro Blvd – 111909
 - ii. 1120 Sandusky Ave - 090230



Staff Request for Commission Action

Tracking No. 212237

Full Commission Meeting Date: 02/16/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 02/06/2023

(If none, please explain):

Publication Required: No

<u>Date:</u> 02/24/2023	<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 2 Yard Extensions 1 Property Transfer 1 Donation				
<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 03.02.23				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: February 24, 2023
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** were presented at the 06/06/2023 meeting:
Please visit the new site to review the applications below

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

PT – Property Transfers

1. Wendell V Mims – Yard Extension
 - i. 3529 N 47th St - 913920
2. Cory Crofford – Yard Extension
 - i. 3327 N 80th Ter - 036705
3. Marcus Walker – Property Transfer
 - i. 8848 Georgia Ave - 184721
4. William J Mulich – Donation
 - i. 801 Seminary St - 902319

